



**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2025-02-26

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## **MINUTES**

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

**2025-02-26 AT 10:00**

**29<sup>TH</sup> MEETING OF COUNCIL  
OF STELLENBOSCH MUNICIPALITY  
2025-02-26**

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**TO**

The Speaker, Cllr Q Smit [Chairperson]  
 The Executive Mayor, Ald JS Fasser  
 The Deputy Executive Mayor, Cllr M Slabbert  
 The Council Whip, Cllr P Crawley

**COUNCILLORS**

|                         |                           |
|-------------------------|---------------------------|
| J Andrews (until 10:30) | XL Mdemka                 |
| Ald JC Anthony          | NR Ndalasi                |
| R Cupido                | L Nkamisa                 |
| MM Danana               | M Nkopane                 |
| JA Davids               | N Ntsunguzi               |
| I De Taillerfer         | N Olayi                   |
| R Du Toit               | GA Petersen               |
| A Ferns                 | WC Petersen               |
| E Groenewald            | RO Pheiffer               |
| AJ Hanekom              | WF Pietersen              |
| RB Hendrikse            | Ald JP Serdyn             |
| SC Heneke               | SR Schäfer                |
| J Joon                  | A Tomose                  |
| O Jooste                | RB Van Rooyen             |
| X Kalipa                | M Van Stade               |
| TO Kumm                 | E Vermeulen (until 12:00) |
| C Manuel                | J Williams                |
| NE Mcombring            |                           |

\*\*\*\*\*

**OFFICIALS**

Municipal Manager (G Mettler)  
 Chief Financial Officer (K Carolus)  
 Director: Corporate Services (A De Beer)  
 Director: Community and Protection Services (G Boshoff)  
 Director: Infrastructure (S Chandaka)  
 Director: Planning and Economic Development (A Barnes)  
 Acting Chief Audit Executive (M Krige)  
 Senior Administration Officer (T Samuels)

\*\*\*\*\*

|           |                            |
|-----------|----------------------------|
| <b>1.</b> | <b>OPENING AND WELCOME</b> |
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The Chairperson, Cllr Q Smit, welcomed all present at the Council meeting.

|           |                        |
|-----------|------------------------|
| <b>2.</b> | <b>MAYORAL ADDRESS</b> |
|-----------|------------------------|

- Must extend a heartfelt thank you and appreciation to our Disaster management team, especially the firefighters of both Stellenbosch and Cape Winelands District Municipality, who work tirelessly to put out the fire in the Banhoek Valley, while smaller fires were also extinguished successfully. We appreciate your support, hard work and dedication to ensure the safety and protection of lives, property, pets and other valuables.
- Ons is bewus gemaak van bedrieglike boodskappe wat op WhatsApp sirkuleer van individue wat valslik beweer dat hulle munisipale amptenare is. Hulle beweer hulle besoek huise om munisipale dienste te ontkoppel. Hierdie boodskappe word NIE deur die munisipaliteit of enige amptelike verteenwoordiger gemagtig nie. Verifieer inligting altyd direk met die munisipaliteit. Blokkeer en rapporteer onmiddellik sulke boodskappe.
- On 11 February 2025, Minister T Simmers visited Stellenbosch for a meeting with me, the Municipal Manager and various officials. The purpose of the meeting was to discuss key infrastructure projects in the area. More engagements like this must and will take place to unlock opportunities to improve the lives of all the residents.
- Op 10 Februarie 2025 is weereens bewys watter goeie samewerking kan bestaan met Nasionale Regeringsdepartemente. Die Minister van Binnelandse Sake, Min Leon Schreiber, het vining ingespring om te sorg dat inwoners die slim ID Kaart ontvang wat alle besittings in die vernioetigende brand op Nuwejaarsdag in Kayamandi verloor het. Dit is die eerste stap om te help dat die inwoners weer hulle lewens kan hervat.
- This is a call to emerging farmers. As part of the commitment of Stellenbosch Municipality to support emerging farmers, proposals are invited from individuals interested in sustainable farming opportunities. Please consult the municipal website for all the details about the exact location of the parcels of land, as well as the application forms and more detail about the types of preferred agricultural activities.
- Raadslede word gereeld oorval deur lede van die publiek oor opleidingsgeleenthede. Dit is daarom dat ek almal aanmoedig om gereeld met die Departement van Gemeenskapsontwikkeling van die munisipaliteit te skakel oor opleidingskursusse en meer. Nader ook die wykskantore gereeld om kennisgewingsborde na te gaan. Maar as lede van die publiek moet u ook weet dat toewyding en volharding getoets word indien u as suksesvolle kandidaat vir opleiding aanvaar word. Moenie geleenthede weggooi nie.
- In my first Mayco speech of 2025, I welcomed all the new first year students to our beautiful town. My plea is now that all students support our "Give Responsibly" campaign. This is a longstanding initiative encouraging residents, businesses and students to make a meaningful difference by giving responsibly. Instead of giving cash to people on the streets, we urge everyone to give a Give Responsibly Coupon - a R10 coupon that guarantees a person in need a warm bed, a shower, a hot meal and access to social services at the

Stellenbosch Night Shelter. Thank you to the residences who participated in the recent drive, and we challenge the other residences to also get involved.

- Die Afvalbestuurspan van die munisipaliteit het 'n inisiatief waar hulle met skole, veral graad 6 en 7 leerders saamwerk vir 'n skoolbewusmaking rondom skoonmaak en skoon omgewing. Hierdie inisiatief moedig jong persone aan om verantwoordelikheid vir hul omgewing te neem, die impak van vermorsing te verstaan en die belangrikheid van die minimalisering van afval te aanvaar. Kontak die Afvalbestuurspan indien u graag wil hê hulle moet 'n skool in u area besoek.
- It is great to announce that the municipality completed another 178 service sites in Kayamandi. Roads, pipelines and underground infrastructure have been installed. This means top construction can commence in the next 3 months.

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| <b>3.</b> | <b>COMMUNICATIONS BY THE SPEAKER</b> |
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- 3 Amendments were received on the following items:  
Item 10.4.1  
Item 16.1  
Item 16.2
- Congratulations to Cllrs WC Petersen and A Hanekom who celebrated their birthdays on 8 February and 21 February respectively.

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| <b>4.</b> | <b>COMMUNICATIONS BY THE MUNICIPAL MANAGER</b> |
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- The Municipal Manager acknowledged the important work done by the firefighters over the past week. She expressed appreciation on behalf of Council, the Administration and the citizens of Stellenbosch for the firefighters' tireless efforts in protecting the community and their courageous commitment to fighting fires and saving lives. Recognition was also given to the firefighters for their assistance provided to Drakenstein and other areas affected by veld and mountain fires. The community was urged to exercise caution when lighting braai fires and to be vigilant in their surroundings, as a small spark can lead to significant devastation and loss of life, especially during the dry and windy season.
- International Women's Day will be celebrated on 8 March and Human Rights Day on 21 March respectively. The National Theme for Human Rights Day is around "All humans, all equal". Stellenbosch, however, will have a Title Deed Restoration Programme and a handover.

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

|           |                                         |
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| <b>6.</b> | <b>APPLICATION FOR LEAVE OF ABSENCE</b> |
|-----------|-----------------------------------------|

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

|                        |   |                  |
|------------------------|---|------------------|
| Cllr R Adams           | - | 26 February 2025 |
| Cllr N Mananga-Gugushe | - | 26 February 2025 |
| Cllr EP Masimini       | - | 26 February 2025 |
| Cllr NM Mkhontwana     | - | 26 February 2025 |
| Cllr MG Rataza         | - | 26 February 2025 |

6.2 Permission was granted to Councillors J Andrews and E Vermeulen to leave the meeting earlier (10:30 and 12:00 respectively).

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| <b>7.</b> | <b>CONFIRMATION OF THE MINUTES OF PREVIOUS MEETING/S</b> |
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| <b>7.1</b> | <b>28<sup>TH</sup> COUNCIL MEETING: 2025-01-29</b> |
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The minutes of the 28<sup>th</sup> Council meeting: 2025-01-29 **were confirmed as correct without any changes.**

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| <b>8.1</b> | <b>STATUTORY MATTERS</b> |
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| <b>8.1</b> | <b>MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JANUARY 2025</b> |
|------------|---------------------------------------------------------------------------|

Collaborator No:

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

19 February 2025 and 26 February 2025

**1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JANUARY 2025**

**2. PURPOSE**

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2024/2025 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 (2024/2025) stipulate that SCM deviations be reported to the Council. In compliance thereto, this report presents to the Council the SCM deviations that occurred during January 2025.

**29<sup>TH</sup> COUNCIL MEETING: 2025-02-26: ITEM 8.1**

**NOTED**

that there were no deviations approved for the month of January 2025.

**FOR FURTHER DETAILS CONTACT:**

|                        |                                            |
|------------------------|--------------------------------------------|
| <b>NAME</b>            | <b>Dalleel Jacobs</b>                      |
| <b>POSITION</b>        | <b>Senior Manager SCM</b>                  |
| <b>DIRECTORATE</b>     | <b>Finance</b>                             |
| <b>CONTACT NUMBERS</b> | <b>021 808 8137</b>                        |
| <b>E-MAIL ADDRESS</b>  | <b>Dalleel.Jacobs@ Stellenbosch.gov.za</b> |
| <b>REPORT DATE</b>     | <b>03 February 2025</b>                    |

|     |                                     |
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| 8.2 | GRANTS ADJUSTMENTS BUDGET 2024/2025 |
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Collaborator No:

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

19 February 2025 and 26 February 2025

**1. SUBJECT: GRANTS ADJUSTMENTS BUDGET 2024/2025****2. PURPOSE**

To table the adjustments budget for the 2024/2025 financial year to Council for approval. The adjustments budget arises from the additional allocation, as per the letter received from the Department of Cooperative Governance for the Municipal Disaster Response Grant (MDRG), dated 12 February 2025.

**3. DELEGATED AUTHORITY****FOR APPROVAL BY MUNICIPAL COUNCIL****4. EXECUTIVE SUMMARY**

Approval was granted for additional funding for the Municipal Disaster Response Grant (MDRG) for infrastructure damages due to the impact of floods that occurred in 2024. Attached as **APPENDIX 1** is an executive summary by the Accounting Officer.

**29<sup>TH</sup> COUNCIL MEETING: 2025-02-26: ITEM 8.2**

During deliberations on the matter, the ANC requested a caucus, which the Speaker allowed.

When the meeting resumed, it was

**RESOLVED** (majority vote with 1 abstention)

- (a) that the Adjustments Budget for 2024/2025 as set out in **APPENDIX 1-5**, be approved;
- (b) that the Adjustments Budget Tables as prescribed by the Budgeting and Reporting Regulations, as set out in **APPENDIX 3**, be approved; and
- (c) that the Service Delivery and Budget Implementation Plan be adjusted accordingly inclusive of the non-financial information (performance measurement).

**FOR FURTHER DETAILS CONTACT:**

|                 |                                              |
|-----------------|----------------------------------------------|
| NAME            | MONIQUE STEYL                                |
| POSITION        | SENIOR MANAGER: FINANCIAL MANGEMENT SERVICES |
| DIRECTORATE     | FINANCIAL SERVICES                           |
| CONTACT NUMBERS | 021 808 8512                                 |
| E-MAIL ADDRESS  | Monique.Steyl@ Stellenbosch.gov.za           |
| REPORT DATE     | 17 February 2025                             |

|           |                         |
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| <b>9.</b> | <b>ITEMS FOR NOTING</b> |
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| <b>9.1</b> | <b>REPORT/S BY THE EXECUTIVE MAYOR</b> |
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NONE

|            |                                |
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| <b>9.2</b> | <b>REPORT/S BY THE SPEAKER</b> |
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NONE

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| <b>9.3</b> | <b>REPORT/S BY THE MUNICIPAL MANAGER [MS G METTLER]</b> |
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NONE

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| <b>10.</b> | <b>CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR:<br/>[ALD J FASSER]</b> |
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| <b>10.1</b> | <b>PROTECTION SERVICES: [PC: CLLR J WILLIAMS]</b> |
|-------------|---------------------------------------------------|

NONE

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|-------------|------------------------------------------------------|
| <b>10.2</b> | <b>SPORTS, YOUTH AND CULTURE: [PC: CLLR TO KUMM]</b> |
|-------------|------------------------------------------------------|

NONE

|               |                                                                                                                                                                                                                |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>10.3</b>   | <b>CORPORATE SERVICES: (PC: CLLR L NKAMISA)</b>                                                                                                                                                                |
| <b>10.3.1</b> | <b>APPLICATION TO CEDE LEASE AGREEMENT TO IHS TOWERS SOUTH AFRICA (PTY) LTD: USE OF COUNCIL-OWNED LAND FOR EXISTING TELECOMMUNICATIONS BASE STATION ON PORTION 14 OF FARM 1674, PAARL (PNIEL SPORTS FIELD)</b> |

**Collaborator No:** 770300  
**IDP KPA Ref No:** Good Governance  
**Meeting Date:** 24 July 2024 and 26 February 2025

- 1. SUBJECT: APPLICATION TO CEDE LEASE AGREEMENT TO IHS TOWERS SOUTH AFRICA (PTY) LTD: USE OF COUNCIL-OWNED LAND FOR EXISTING TELECOMMUNICATIONS BASE STATION ON PORTION 14 OF FARM 1674, PAARL (PNIEL SPORTS FIELD)**

- 2. PURPOSE**

For Council-to consider the request from IHS Towers South Africa (Pty) Ltd for the cession of the current lease agreement with MTN of portion 14 of Farm 1674, Paarl for an existing Telecommunications Base Station.

- 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 delegation to consent to the cession of a lease agreement is with Council.

- 4. EXECUTIVE SUMMARY**

A lease agreement was entered into between the Municipality and MTN on 27 September 2016 with a lease commencement date of 1 July 2015 for a period of five years with the option to renew for a further five years. The option to renew was exercised and the second five year term started on 1 July 2020. The current lease agreement does not allow for a cession of the agreement and IHS Towers South Africa (Pty) Ltd has now brought an application to lease a portion of municipal land as they have taken over the tower from MTN. There is already an existing telecommunications tower. Although the contract does not make provision for a cession the parties can agree to amend the agreement and cede the rest of the agreement to HIS towers. No public participation process was followed in 2015 or 2020. The current contract is valid until 30 June 2025. Should HIS towers want to continue with the lease beyond 30 June 2025 they will have to apply for a new lease and then the provisions of the asset transfer regulations will be followed. The amount of time left on this agreement does not trigger the provisions in the asset transfer regulations.

**29<sup>TH</sup> COUNCIL MEETING: 2025-02-26: ITEM 10.3.1****RESOLVED** (majority vote with 2 abstentions)

- (a) that Council confirms that the portion of Portion 14 of Farm 1674 Paarl (Pniel) on which the current telecommunication tower is situated is not needed for basic municipal Services;
- (b) that Council approves that the contract with MTN be ceded to IHS Towers for the duration of the current lease (30 June 2025);
- (c) that the Municipal Manager be authorized to sign an agreement with the parties to cede the lease agreement for the duration of the current agreement on the same terms as the current agreement; and
- (d) that a land use application to obtain land use rights for the free-standing base telecommunication station be submitted.

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

*Councillors RB Hendrikse G Petersen and M Van Stade.*

**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>021-8088073</b>                                                                             |
| <b>E-mail Address</b>  | <a href="mailto:annalene.debeer@ Stellenbosch.gov.za">annalene.debeer@ Stellenbosch.gov.za</a> |
| <b>Report Date</b>     | <b>11/06/2024</b>                                                                              |

|        |                                                                                                                                                                                          |
|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10.3.2 | <b>RETURN ITEM: REQUEST TO RECONSIDER COUNCIL RESOLUTION MADE REGARDING THE LEASING AND MANAGEMENT OF STELMARK PARKING AREA TO THE OWNERS OF THE CENTRE ADJACENT TO THE PARKING AREA</b> |
|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Collaborator No: 780704

IDP KPA Ref No: Good Governance

Meeting Date: 19 February 2025 and 26 February 2025

**1. SUBJECT: RETURN ITEM: REQUEST TO RECONSIDER COUNCIL RESOLUTION MADE REGARDING THE LEASING AND MANAGEMENT OF STELMARK PARKING AREA TO THE OWNERS OF THE CENTRE ADJACENT TO THE PARKING AREA**

**2. PURPOSE**

To report back to Council on the negotiations between the applicant and the Municipal Manager and for Council to consider the request from FPG Property Fund (Owners of the shopping centre) to reconsider the lease period and the lease amount as resolved by Council.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

The Municipality had previously investigated its parking strategy and had tabled several Council items that detailed the approach the municipality has taken to implement these strategies. Council completed a process in terms of Section 78 of the Municipal Systems Act to determine the most appropriate method of providing a parking service. The municipality had also previously embarked upon internal parking management models; however these were found to be less favourable and not suitable. As the Municipality is of the intention to improve on parking management Council approved as pilot projects the management of Checkers Parking Complex and the Stelmark Parking Centre by adjacent retail outlets or owners. This approval was done in terms of a resolution taken by Council on 27 July 2022.

As part of the resolution the leasing of the parking areas were approved for a period of three years at a rental price to be determined and the Municipal Manager was authorised to negotiate a rental with the retailers and report back to Council. No mention is made of the maintenance of the area or what the position will be in the event that the lessee invests capital expenditure in the upgrade of the area. As this area is used for parking the tariffs as approved by council per parking bay was used by the accounting officer to determine the lease amount. As this is a set amount the accounting officer cannot change the tariffs to negotiate a different amount. The leases for Checkers and The Stellenbosch Mall were determined in exactly the same manner and the lease periods kept as per the resolutions. A change in the resolution may impact on the other agreements, one which has been signed and the other one which is in finalisation stage.

FPG Property Fund is the owner of the Stelmark shopping centre since 2001. The anchor tenant being Pick 'n Pay. They have provided the municipality with a proposal on their suggestions on how to improve the parking area which will result in a large capital investment from their side. Due to this investment, they are

requesting that the lease term be extended from three years to nine years eleven months with an option to renew for a further period of nine years and eleven months. They further request that no rental will be payable as the capital spend will offset the monthly rental over the longer period as requested. All capital improvements will vest with the municipality on termination of the lease agreement. The capital investment includes fencing of the area and erecting a guard house, providing parking boom equipment, installing CCTV and electrical work. The lease amount is R46 710.00 per month amounting to R560 520.00 per annum on the current tariffs without taking any increases into account. As their capital investment is R1 000 000 according to their own submission this investment will be covered within two years lease period. The management fees cannot be attributed to the municipality as the company will be earning the fees from the parking that they are managing.

The matter was before Council on 17 April 2024 where Council resolved that the matter be referred back for the Municipal Manager for negotiations and whereafter it should be submitted to Council directly. The Municipal Manager has now finalised the negotiations with the applicant and has agreed to the following:

1. The lease agreement be approved for a period of 9 years 11 months;
2. The capital investment of the property can be set off against the monthly rent, which is determined by the approved tariffs;
3. All capital expenditure will first have to be approved by the Municipality in writing via the Property Management Department;
4. Any upgrades done on the premises or capital invested will become the property of the municipality;
5. Once the amount of the capital expenditure has been covered by the monthly rental then payment will be due per parking space as per the prescribed tariffs;
6. There will be no set-off for the annual operating expenses and same should be covered by the parking charges. The annual operating costs will be above and beyond the monthly rental after the capital investment has been set-off; and
7. The applicant can give three months' notice of termination of the agreement.

It should be noted that a Public Participation Process that was followed in terms of the earlier resolution whereby the lease term was only three years and did not deal with 9 years and 11 months as is now requested.

## 29<sup>TH</sup> COUNCIL MEETING: 2025-02-26: ITEM 10.3.2

**RESOLVED** (majority vote with 5 abstentions)

- (a) that the Council resolution of 27 July 2022 as it relates to the Stelmark parking area, which reads as follows Be reviewed and rescinded;
  - (i) That Council takes note that the information statement was published as part of the public participation process that was followed;
  - (ii) That Council considered the comment received;

- (iii) That Council approves the leasing of parking areas (Stelmark) to retailers/owners adjacent to the parking areas for a period of three years at a rental price to be determined;
  - (iv) That the Municipal Manager be authorised to negotiate a rental with the retailers and report back to Council; and
  - (v) That the lease agreement, with the relevant parties, be compiled and concluded.
- (b) that the Council resolution of 27 July 2022 as it relates to the Stelmark parking area, be replaced with the resolution that reads as follows:
- (i) that FPG Property Fund may lease the parking area for a period of 9 years and 11 months as per the terms agreed with by the Municipal Manager.
  - (ii) The capital investment of the property can be offset against the monthly rent, which is determined by the approved municipal tariffs;
  - (iii) All capital expenditure for the purposes of offset will first have to be approved by the Municipality in writing via the Property Management Department;
  - (iv) Any upgrades done on the premises or capital invested will become the property of the municipality;
  - (v) Once the amount of the capital expenditure has been covered by the monthly rental, then and thereafter rental payment will be due per parking space as per the prescribed municipal tariffs;
  - (vi) There will be no offset for the annual operating expenses and same should be covered by the parking charges. The annual operating costs will be above and beyond the monthly rental after the capital investment has been offset; and
  - (vii) The applicant can give three months' notice of termination of the agreement. In the event of such a termination, all capital improvements and infrastructure erected on the property will default to the municipality;
- (c) that the resolution of 27 July 2022 as it relates to the Checkers parking area remains in place.

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

*Councillors RB Hendrikse G Petersen and M Van Stade.*

**FOR FURTHER DETAILS CONTACT:**

|                        |                                                                                                    |
|------------------------|----------------------------------------------------------------------------------------------------|
| <b>NAME</b>            | Geraldine Mettler                                                                                  |
| <b>POSITION</b>        | <i>Municipal Manager</i>                                                                           |
| <b>DIRECTORATE</b>     | <i>Municipal Manager</i>                                                                           |
| <b>CONTACT NUMBERS</b> | 021-808 8025                                                                                       |
| <b>E-MAIL ADDRESS</b>  | <a href="mailto:Municipal.manager@ Stellenbosch.gov.za">Municipal.manager@ Stellenbosch.gov.za</a> |
| <b>REPORT DATE</b>     | 2025 – 02 – 03                                                                                     |

|        |                                                                                                                                |
|--------|--------------------------------------------------------------------------------------------------------------------------------|
| 10.3.3 | <b>FEEDBACK REPORT: REQUEST FOR A LONGER-TERM LEASE AGREEMENT: STELLENBOSCH FLYING CLUB AFTER PUBLIC PARTICIPATION PROCESS</b> |
|--------|--------------------------------------------------------------------------------------------------------------------------------|

Collaborator No: 780779

IDP KPA Ref No: Good Governance

Meeting Date: 19 February 2025 and 26 February 2025

**1. SUBJECT: FEEDBACK REPORT: REQUEST FOR A LONGER-TERM LEASE AGREEMENT: STELLENBOSCH FLYING CLUB AFTER PUBLIC PARTICIPATION PROCESS**

**2. PURPOSE**

To provide feedback to Council of the feedback and comments received from the public after a public participation process was followed. For Council to take an in-principle decision on the application to extend the lease agreement.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

Stellenbosch Municipality concluded a Lease Agreement with the Stellenbosch Flying Club on 10 February 1992, which agreement expired on 21 March 2021. At that stage the club applied for a 30-year lease agreement and the matter was before Council in August 2020. Council approved a lease agreement for a further 9 years 11 months with certain other requirements. A lease agreement was entered into which is valid from 1 April 2021 until 28 February 2031.

The Stellenbosch Flying Club has filed another application for a 30-year lease agreement in August 2024. The application was before Council on 30 October 2024 where it was resolved that, *inter alia*, a Public Participation Process should be followed calling on the public to provide comments, inputs or alternative proposals before Council will consider the request to extend the lease period. The Information Statement was approved by Council. The Official Notice was published in Die Burger on 13 December 2024 and Eikestad Nuus on 12 December 2024 with a closing date of 7 February 2025 and several comments were received from the public – 6.2.4 below.

If Council approves the extension of the lease for a period longer than 10 years (current contract 9 years and 11 months from date of signature) an information statement must be approved and published to indicate Council's intention to lease it, the period of the lease and the rental amount as well as the escalation that will take place. The public then again has the opportunity to comment, and the views of National and Provincial treasury will have to be solicited. After the closure of the comment period the item will return to Council to make a final decision after considering the comments.

As the application is not clear on how the 30 years will be calculated Council must pronounce on the period (30 years or less) and whether that period runs from the date of a new lease agreement, cancelling the current agreement with the signature of the new lease agreement or the period that is determined beginning on 1 March 2031 (end of current agreement) of the determined period that runs concurrent with the existing agreement.

**29<sup>TH</sup> COUNCIL MEETING: 2025-02-26: ITEM 10.3.3****RESOLVED** (majority vote)

- (a) that Council takes note of the Official Notices which were published in Die Burger on 13 December 2024 and in Eikestad Nuus on 12 December 2024;
- (b) that Council considers the inputs received from the members of the public during the public participation process; and
- (c) that Council in-principle approves that a new lease agreement be concluded for a period of thirty (30) years from the signing of the new lease agreement;
- (d) that Council approves that market related rental must be paid which quantum will be determined and reflected in the new lease agreement as soon as the valuation report is received;
- (e) that Council takes note that the valuation for the rental has been requested, and is still awaited, and that the new lease agreement will be finalised and presented for signature after a final decision has been made by Council;
- (f) that an information statement (Annexure 9) be approved for a public participation process; and
- (g) that the new lease agreement shall cancel the existing lease.

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

*Councillors MM Danana; JA Davids; RB Hendrikse; M Nkopane; N Ntsunguzi; G Petersen; A Tomose and M Van Stade.*

**FOR FURTHER DETAILS CONTACT:**

|                        |                                                                                                |
|------------------------|------------------------------------------------------------------------------------------------|
| <b>NAME</b>            | <b>Annalene de Beer</b>                                                                        |
| <b>POSITION</b>        | <b>Director</b>                                                                                |
| <b>DIRECTORATE</b>     | <b>Corporate Services</b>                                                                      |
| <b>CONTACT NUMBERS</b> | <b>021-8088189</b>                                                                             |
| <b>E-MAIL ADDRESS</b>  | <a href="mailto:annalene.debeer@ Stellenbosch.gov.za">annalene.debeer@ Stellenbosch.gov.za</a> |
| <b>REPORT DATE</b>     | <b>2025/02/12</b>                                                                              |

|        |                                                                            |
|--------|----------------------------------------------------------------------------|
| 10.4   | FINANCIAL SERVICES: (PC: CLLR JC ANTHONY)                                  |
| 10.4.1 | WRITE-OFF OF IRRECOVERABLE AND PRESCRIBED INDIGENT DEBT OLDER THAN 90 DAYS |

Collaborator No:

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 19 February 2025 and 26 February 2025

1. **SUBJECT: WRITE-OFF OF IRRECOVERABLE AND PRESCRIBED INDIGENT DEBT OLDER THAN 90 DAYS**

2. **PURPOSE**

Council to approve the write-off of irrecoverable and prescribed indigent debt as contained in this report.

3. **DELEGATED AUTHORITY**

Council to approve in terms of Paragraph 1 and 3(1)(i) of the Irrecoverable Debt Policy.

4. **EXECUTIVE SUMMARY**

The attached **APPENDIX 1** contains instances where:

- Outstanding indigent debt has prescribed due to various reasons and circumstances and is therefore, no longer recoverable and/or
- It will be no longer financially viable to continue with further litigation to recover these outstanding debt as it will be extremely costly, time consuming and ineffective.

To prevent the municipality from incurring further expenditure that may be regarded as wasteful, it is recommended that the outstanding balances as per **APPENDIX 1 (R 38 640 013.43)**, plus any costs/interest levied after date of this report, be written off as irrecoverable.

**29<sup>TH</sup> COUNCIL MEETING: 2025-02-26: ITEM 10.4.1**

**RESOLVED** (nem con)

**Amended recommendation (b)**

- that the accounts listed in **APPENDIX 1** be regarded as irrecoverable and that the total outstanding balances of R **R 38 640 013.43**, at the time of drafting the report, plus any interest or costs levied after this report, be written off;
- that the Engineering Department in conjunction with Finance will continue, where possible, with the installation of Water Management Devices as a matter of urgency for all households as per **APPENDIX 1**, that all leaks will be repaired by the Engineering Department, and that such meters be capped at a maximum of 12 kiloliters per month as per Council's Credit Control and Debt Collection Policy; and

- (c) that should for any reason the administration discovers any irregularities with the Indigent applications and such indigent status should be cancelled, the write-off of outstanding debt be invalid and immediately be recovered through the normal legal processes, including the issuing of summons against such debtor.

**FOR FURTHER DETAILS CONTACT:**

|                        |                                                   |
|------------------------|---------------------------------------------------|
| <b>NAME</b>            | <b><i>JP Wagener</i></b>                          |
| <b>POSITION</b>        | <b><i>Manager Revenue</i></b>                     |
| <b>DIRECTORATE</b>     | <b><i>Finance</i></b>                             |
| <b>CONTACT NUMBERS</b> | <b><i>021 808 8531</i></b>                        |
| <b>E-MAIL ADDRESS</b>  | <b><i>Pieter.wagener@ Stellenbosch.gov.za</i></b> |
| <b>REPORT DATE</b>     | <b><i>05 February 2025</i></b>                    |

|        |                                                                                                                                                        |
|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10.4.2 | <b>JONKERSHOEK SPECIAL RATING AREA: APPLICATION FOR THE EXTENSION OF THE TERM FOR A FURTHER PERIOD OF FIVE YEARS, FROM 1 JULY 2025 TO 30 JUNE 2030</b> |
|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------|

Collaborator No:

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 19 February 2025 and 26 February 2025

**1. SUBJECT: JONKERSHOEK SPECIAL RATING AREA: APPLICATION FOR THE EXTENSION OF THE TERM FOR A FURTHER PERIOD OF FIVE YEARS, FROM 1 JULY 2025 TO 30 JUNE 2030**

**2. PURPOSE**

That Council approve in terms of paragraph 15(a) of the Special Rating Area By-law, the extension of the Jonkershoek Special Rating Area for a further period of five years, with effect from 1 July 2025 to 30 June 2030.

**3. DELEGATED AUTHORITY**

Council to approve.

**4. EXECUTIVE SUMMARY**

- 4.1 The Jonkershoek Special Rating Area (SRA) was first established in 2015 and has been successfully operating for the past ten years. The management body has now applied for the SRA to be extended for a further period of five years, ending on 30 June 2030.
- 4.2 There are no financial implications for the municipality, SRA's are community driven initiatives and are financed by the property owners within the boundaries of the SRA. The municipality pays the approved budget over to the management body in twelve equal, monthly installments and recovers the money from property owners via the monthly consumer accounts. Normal credit control and debt collection processes are followed in instances of nonpayment and retention is also withheld from the budget to offset any potential losses of the municipality. In the first five years of the SRA being in operation, this measure was not necessary.
- 4.3 Applications for the extension of term are done in terms of paragraph 15(a) of the SRA By-law. Such Council approval can only be given in terms of Chapter 1 of the By-law. For good reason, the Council may exempt the management body of the SRA from compliance with Chapter 1, which mainly deals with the process to be followed when first establishing a SRA. Such an exemption is requested by the management body of the SRA.

**29<sup>TH</sup> COUNCIL MEETING: 2025-02-26: ITEM 10.4.2**

**RESOLVED** (majority vote with 8 abstentions)

- (a) that Council notes the Jonkershoek SRA application for the extension of the SRA for a further period of five years and exempts the management body in terms of paragraph 15(a) of the SRA By-law, from compliance with the provisions of Chapter 1 of the SRA By-Law;

- 
- (b) that Council approves the extension of the Jonkershoek SRA for a further period of five years beginning from 1 July 2025 and ending on 30 June 2030; and
- (c) that Council approves the proposed five-year budget with a combined total of R46 205 191.57 (VAT excluded) as detailed in **ANNEXURE A** of the report.

**FOR FURTHER DETAILS CONTACT:**

|                        |                                                                                              |
|------------------------|----------------------------------------------------------------------------------------------|
| <b>NAME</b>            | Henry Mitchell                                                                               |
| <b>POSITION</b>        | <b>Senior Manager: Revenue &amp; Expenditure</b>                                             |
| <b>DIRECTORATE</b>     | <b>Finance</b>                                                                               |
| <b>CONTACT NUMBERS</b> | <b>021 808 8016</b>                                                                          |
| <b>E-MAIL ADDRESS</b>  | <a href="mailto:Henry.Mitchell@ Stellenbosch.gov.za">Henry.Mitchell@ Stellenbosch.gov.za</a> |
| <b>REPORT DATE</b>     | 06 February 2025                                                                             |

|        |                                                                                                                                                     |
|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| 10.4.3 | <b>TECHSTEL SPECIAL RATING AREA: APPLICATION FOR THE EXTENSION OF THE TERM FOR A FURTHER PERIOD OF FIVE YEARS, FROM 1 JULY 2025 TO 30 JUNE 2030</b> |
|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------|

Collaborator No:

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 19 February 2025 and 26 February 2025

**1. SUBJECT: TECHSTEL SPECIAL RATING AREA: APPLICATION FOR THE EXTENSION OF THE TERM FOR A FURTHER PERIOD OF FIVE YEARS, FROM 1 JULY 2025 TO 30 JUNE 2030**

**2. PURPOSE**

That Council approve in terms of paragraph 15(a) of the Special Rating Area By-law, the extension of the Techstel Special Rating Area for a further period of five years, with effect from 1 July 2025 to 30 June 2030.

**3. DELEGATED AUTHORITY**

Council to approve.

**4. EXECUTIVE SUMMARY**

4.1 Techstel Special Rating Area (SRA) was first established in 2015 and has been successfully operating for the past ten years. The management body has now applied for the SRA to be extended for a further period of five years, ending on 30 June 2030.

4.2 There are no financial implications for the municipality, SRA's are community driven initiatives and are financed by the property owners within the boundaries of the SRA. The municipality pays the approved budget over to the management body in twelve equal, monthly installments and recovers the money from property owners via the monthly consumer accounts. Normal credit control and debt collection processes are followed in instances of nonpayment and retention is also withheld from the budget to offset any potential losses of the municipality. In the first ten years of the SRA being in operation, this measure was not necessary.

4.3 Applications for the extension of term are done in terms of paragraph 15(a) of the SRA By-law. Such Council approval can only be given in terms of Chapter 1 of the By-law. For good reason, the Council may exempt the management body of the SRA from compliance with Chapter 1, which mainly deals with the process to be followed when first establishing a SRA. Such an exemption is requested by the management body of the SRA.

**29<sup>TH</sup> COUNCIL MEETING: 2025-02-26: ITEM 10.4.3**

**RESOLVED** (majority vote with 8 abstentions)

- (a) that Council approves the extension of the Techstel SRA for a further period of five years beginning from 1 July 2025 and ending 30 June 2030; and

- 
- (b) that Council approves the proposed five-year budget with a combined total of R29 239 757.00 (VAT excluded) as detailed in **ANNEXURE A** of the report.

**FOR FURTHER DETAILS CONTACT:**

|                        |                                                                                              |
|------------------------|----------------------------------------------------------------------------------------------|
| <b>NAME</b>            | Henry Mitchell                                                                               |
| <b>POSITION</b>        | <i>Senior Manager: Revenue &amp; Expenditure</i>                                             |
| <b>DIRECTORATE</b>     | <i>Finance</i>                                                                               |
| <b>CONTACT NUMBERS</b> | <b>021 808 8016</b>                                                                          |
| <b>E-MAIL ADDRESS</b>  | <a href="mailto:Henry.Mitchell@ Stellenbosch.gov.za">Henry.Mitchell@ Stellenbosch.gov.za</a> |
| <b>REPORT DATE</b>     | 06 February 2025                                                                             |

|        |                                                                                           |
|--------|-------------------------------------------------------------------------------------------|
| 10.4.4 | <b>STELLENBOSCH IMPROVEMENT AND TRANSFORMATION INITIATIVE (SITI) SPECIAL RATINGS AREA</b> |
|--------|-------------------------------------------------------------------------------------------|

Collaborator No:

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 19 February 2025 and 26 February 2025

**1. SUBJECT: STELLENBOSCH IMPROVEMENT AND TRANSFORMATION INITIATIVE (SITI) SPECIAL RATINGS AREA**

**2. PURPOSE**

Is for the Council to consider and possibly approve the establishment of a Special Ratings Area to be known as Stellenbosch Improvement and Transformation Initiative (SITI) Special Rating Area (SRA) in terms of Council policy and section 22 of the Municipal Property Rates Act (MPRA), Act 6 of 2004.

**3. DELEGATED AUTHORITY**

**COUNCIL**

**4. BACKGROUND**

An application was received from the steering committee of the SITI Special Rating Area, to get formal approval from the municipality to establish an SRA. Section 22 of the Municipal Property Rates Act, Act 6 of 2004, as well as council policy and bylaw do make provision for the establishment of special rating areas within the boundaries of Stellenbosch Municipality.

Below is an extract of Section 22, MPRA, 2004.

**“22. Special rating areas. \_\_\_\_ (1) A municipality may by resolution of its council-**

- (a) Determine an area within that municipality as a special rating area;
- (b) Levy an additional rate on property in that area for the purpose of raising funds for improving or upgrading that area; and
- (c) Differentiate between categories of properties when levying an additional rate referred to in paragraph (b).
- (2) Before determining a special rating area, a municipality must-
  - (a) Consult the local community, including on the following matters:
    - (i) The proposed boundaries of the area; and
    - (ii) The proposed improvement or upgrading of the area; and
  - (b) Obtain the consent of the majority of the members of the local community in the proposed special rating area who will be liable for paying the additional rate.
- (3) When a municipality determines a special rating area, the municipality-
  - (a) Must determine the boundaries of the area;
  - (b) Must indicate how the area is to be improved or upgraded by funds derived from the additional rate;
  - (c) Must establish separate accounting and other record-keeping systems regarding-
    - (i) the revenue generated by the additional rate; and
    - (ii) the improvement and upgrading of the area; and

- (d) May establish a committee composed of persons representing the community in the area to act as a consultative and advisory forum for the municipality on the improvement and upgrading of the area, provided that representation, including gender representation, is taken into account when such a committee is established. Such a committee must be a subcommittee of the ward committee or committees in the area.
- (4) This section may not be used to reinforce existing inequities in the development of the municipality, and any determination of a special rating area must be consistent with the objectives of the municipality's integrated development plan.
- (5) This section must be read with section 85 of the Municipal Systems Act if this section is applied to provide funding for an internal municipal service district established in terms of that section of the Municipal Systems Act.

Further to the provisions of the MPRA, council approved a Special Ratings Area (SRA) policy and also an SRA Bylaw that was promulgated in Provincial Gazette 7015 of 20 July 2012. The policy is reviewed every year as part of the budget related policies of the municipality. The current policy was approved by council on 28 May 2014, and it is annually reviewed through the budget process.

#### 29<sup>TH</sup> COUNCIL MEETING: 2025-02-26: ITEM 10.4.4

**RESOLVED** (majority vote with 6 abstentions)

- (a) that the council approves the application, and the budget received for the establishment of the SITI Special Ratings Area in, Stellenbosch with effect from 1 July 2025 until 30 June 2030; and
- (b) that the approval of the SRA will be on condition that a Financial Agreement as envisaged in Paragraph 14.3 of the SRA policy be entered into between the Municipality and the management structure of the SITI SRA before any payments are made towards the operating of the SRA.

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

*Councillors RB Hendrikse G Petersen and M Van Stade.*

#### FOR FURTHER DETAILS CONTACT:

|                 |                                                                                              |
|-----------------|----------------------------------------------------------------------------------------------|
| NAME            | Henry Mitchell                                                                               |
| POSITION        | <b>Senior Manager: Revenue &amp; Expenditure</b>                                             |
| DIRECTORATE     | <b>Finance</b>                                                                               |
| CONTACT NUMBERS | <b>021 808 8016</b>                                                                          |
| E-MAIL ADDRESS  | <a href="mailto:Henry.Mitchell@ Stellenbosch.gov.za">Henry.Mitchell@ Stellenbosch.gov.za</a> |
| REPORT DATE     | 06 February 2025                                                                             |

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

NONE

|      |                                                 |
|------|-------------------------------------------------|
| 10.6 | INFRASTRUCTURE SERVICES : (PC: CLLR R PHEIFFER) |
|------|-------------------------------------------------|

|        |                                                                              |
|--------|------------------------------------------------------------------------------|
| 10.6.1 | STATUS REPORT ON THE ALTERNATIVE ENERGY GENERATION PROGRAMME – FEBRUARY 2025 |
|--------|------------------------------------------------------------------------------|

Collaborator No: 78022  
IDP KPA Ref No: Green & Sustainable Valley  
Meeting Date: 19 February 2025

**1. SUBJECT: STATUS REPORT ON THE ALTERNATIVE ENERGY GENERATION PROGRAMME – FEBRUARY 2025**

**2. PURPOSE**

For Council to note the progress of the Municipality's as well as Provincial Government initiatives regarding the Alternative Energy Programme projects which are underway at present.

**3. DELEGATED AUTHORITY**

Municipal Council.

**4. EXECUTIVE SUMMARY**

**4.1** The load curtailment application negotiations with Eskom are going nowhere after two years negotiations, despite WCG interventions. Proposal to suspend the Stellenbosch Municipality load curtailment application negotiations at this stage.

**4.2** A tender for the purchase of 20MW of electricity from an Independent Power Producer (IPP), was conditionally approved by the BAC on 16<sup>th</sup> September 2024. A kick-off meeting was held with Energy Partners on 25 October 2024. The draft program and Power Purchase Agreement (PPA) have been received. Consultations to conclude the PPA have commenced.

**4.3** The Supervisory Control and Data Acquisition (SCADA) project is on track with the implementation of remote viewing at six of the seven main substations completed under Phase 1 of the project in the 2023/2024 financial year. Phase 2 of the project commenced in October 2024 and will include the complete plant to master station verification/testing and implementation of remote switching at Gholf-, Jan Marais-, Markotter, Suidwal- and Cloetesville substations as well as the installation of the SCADA system and implementation of remote viewing and remote switching at Franschoek substation, which could not be completed in Phase 1.

The two remaining main substations (Main and University) can only be completed once the project to replace the 66kV switchgear at the two substations are completed. According to the project programme for implementing the 66kV switchgear at Main- and University substations, the project is planned to be completed in March 2025.

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**29<sup>TH</sup> COUNCIL MEETING: 2025-02-26: 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.

|                        |                                                                                                                                                                                                             |
|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>NAME</b>            | <b><i>Nombulelo Zwane / Rendani Makungo</i></b>                                                                                                                                                             |
| <b>POSITION</b>        | <b><i>Senior Manager: Electrical Services</i></b>                                                                                                                                                           |
| <b>DIRECTORATE</b>     | <b><i>Infrastructure Services</i></b>                                                                                                                                                                       |
| <b>CONTACT NUMBERS</b> | <b><i>021 808 8770/ 021 808 8333</i></b>                                                                                                                                                                    |
| <b>E-MAIL ADDRESS</b>  | <b><i><a href="mailto:nombulelo.zwane@ Stellenbosch.gov.za">nombulelo.zwane@ Stellenbosch.gov.za</a> / <a href="mailto:rendani.makugo@ Stellenbosch.gov.za">rendani.makugo@ Stellenbosch.gov.za</a></i></b> |
| <b>REPORT DATE</b>     | <b><i>23 January 2025</i></b>                                                                                                                                                                               |

|      |                                           |
|------|-------------------------------------------|
| 10.7 | PARKS AND OPEN SPACES: [PC: CLLR N OLAYI] |
|------|-------------------------------------------|

NONE

|      |                                                                                          |
|------|------------------------------------------------------------------------------------------|
| 10.8 | PLANNING, LOCAL ECONOMIC DEVELOPMENT AND TOURISM:<br>[PC: DEPUTY MAYOR: CLLR M SLABBERT] |
|------|------------------------------------------------------------------------------------------|

|        |                                                                                                                                         |
|--------|-----------------------------------------------------------------------------------------------------------------------------------------|
| 10.8.1 | PROPOSED AMENDMENT OF THE STELLENBOSCH MUNICIPAL CATEGORISATION MODEL FOR DECISION MAKING ON LAND USE AND LAND DEVELOPMENT APPLICATIONS |
|--------|-----------------------------------------------------------------------------------------------------------------------------------------|

Collaborator No: 780662  
 IDP KPA Ref No: Valley of Opportunity  
 Meeting Date: 19 February 2025

**1. SUBJECT: PROPOSED AMENDMENT OF THE STELLENBOSCH MUNICIPAL CATEGORISATION MODEL FOR DECISION MAKING ON LAND USE AND LAND DEVELOPMENT APPLICATIONS**

**2. PURPOSE**

Is to present to Council for consideration an amended categorisation model for the purpose of decision making on land use and land development applications in terms of Section 69(1) of the Stellenbosch Land Use Planning Bylaw, 2023 [SLUPB].

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

The report proposes the amendment of the categorisation model on decision making of land use and land development applications in order to permit that applications which, due to its deemed complexity and for the sake of sound decision making in upholding the integrity of the land use planning regime of the Stellenbosch Municipal area, be submitted for decision making to the appointed Municipal Planning Tribunal which is representative of independent professional town planning experts.

**29<sup>TH</sup> COUNCIL MEETING: 2025-02-26: ITEM 10.8.1**

**RESOLVED** (majority vote with 6 abstentions)

that the amended categorisation model of decision making on land use and land development applications in terms of Section 69(1) of the Stellenbosch Municipal Land Use Planning By-law, 2023, attached as **ANNEXURE "A"**, **BE APPROVED**.

|                 |                                               |
|-----------------|-----------------------------------------------|
| NAME            | <i>Stiaan Carstens</i>                        |
| POSITION        | <i>Senior Manager: Development Management</i> |
| DIRECTORATE     | <i>Planning and Economic Development</i>      |
| CONTACT NUMBERS | <i>021 808 8674</i>                           |
| E-MAIL ADDRESS  | <i>Stiaan.carstens@ Stellenbosch.gov.za</i>   |
| REPORT DATE     | <i>5 February 2025</i>                        |

|      |                                         |
|------|-----------------------------------------|
| 10.9 | COMMUNITY SERVICES: [PC: CLLR X KALIPA] |
|------|-----------------------------------------|

NONE

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|-------|---------------------------------------------------------|
| 10.10 | RURAL MANAGEMENT AND ENVIRONMENT: [PC: CLLR J WILLIAMS] |
|-------|---------------------------------------------------------|

NONE

|       |                                  |
|-------|----------------------------------|
| 10.11 | MUNICIPAL MANAGER (MS G METTLER) |
|-------|----------------------------------|

|         |                                   |
|---------|-----------------------------------|
| 10.11.1 | DRAFT PUBLIC PARTICIPATION POLICY |
|---------|-----------------------------------|

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

19 February 2025

# **1. SUBJECT: DRAFT PUBLIC PARTICIPATION POLICY**

## **2. PURPOSE**

To table the Council for consideration and approval:

- (a) The draft Public Participation Policy, attached as **ANNEXURE A**.

## **3. DELEGATED AUTHORITY**

Council.

## **4. EXECUTIVE SUMMARY**

The Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA) mandates a local municipality to develop a culture of community participation by creating conditions for the local community to participate in the affairs of the municipality as stipulated in Chapter 4 of Section 16 (1)(a)(i)(v).

Stellenbosch Municipality values the community's contributions in attaining its mandates by making every effort to create invited public participation spaces and platforms. The municipality is continuously evaluating methods and strategies to enhance opportunities for public participation. On the premise of this, the municipality drafted an inclusive policy on how Stellenbosch Municipality conducts public participation in municipal matters as stated in Section 16 (1)(a)(i)(v). Therefore, the Council's approval is sought to approve the draft Public Participation Policy for the purpose of soliciting public input for a period of 21 days.

**29TH COUNCIL MEETING: 2025-02-26: ITEM 10.11.1****RESOLVED** (nem con)

- (a) that the draft Public Participation Policy of Stellenbosch Municipality be considered and approved in terms of Chapter 4 of the MSA for the purpose of obtaining public input and comments, attached as **ANNEXURE A**; and
- (b) that an advertisement be placed on the official website of the municipality and in the local newspaper notifying the public that the draft Public Participation Policy is open for public input and comments for a period of 21 days.

**FOR FURTHER DETAILS CONTACT:**

|                        |                                        |
|------------------------|----------------------------------------|
| <b>NAME</b>            | <i>Geraldine Mettler</i>               |
| <b>POSITION</b>        | <i>Municipal Manager</i>               |
| <b>DIRECTORATE</b>     | <i>Office of the Municipal Manager</i> |
| <b>CONTACT NUMBERS</b> | <i>021 808 8025</i>                    |
| <b>E-MAIL ADDRESS</b>  | <i>mm@ Stellenbosch.gov.za</i>         |
| <b>REPORT DATE</b>     | <i>03 February 2025</i>                |

|         |                                                                                        |
|---------|----------------------------------------------------------------------------------------|
| 10.11.2 | <b>DRAFT INTERGOVERNMENTAL RELATIONS (IGR) AND INTERNATIONAL RELATIONS (IR) POLICY</b> |
|---------|----------------------------------------------------------------------------------------|

Collaborator No:

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

19 February 2025

**1. SUBJECT: DRAFT INTERGOVERNMENTAL RELATIONS (IGR) AND INTERNATIONAL RELATIONS (IR) POLICY**

**2. PURPOSE**

To table the Council for consideration and approval:

- (b) The draft Intergovernmental Relations (IGR) and International Relations (IR) Policy, attached as **ANNEXURE A**.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

The Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005), aims to promote cooperative governance between the national and provincial governments, including other municipalities. It stipulates mechanisms for consultation, cooperation, and coordination among the three spheres of government to ensure effective service delivery and development.

Stellenbosch Municipality drafted an Intergovernmental Relations (IGR) and International Relations (IR) Policy to facilitate effective communication and collaboration among the provincial and national governments, as well as the district and other local municipalities. The policy sets the foundation for Stellenbosch Municipality to collaborate with other government departments and municipalities to facilitate challenges, coordinate resources, and enact policies that benefit the community.

In terms of international relations, the desired outcome of the IGR and IR Policy is to promote Stellenbosch Municipality as a competitive global destination for economic, social, and cultural activity, one that values international partnerships as a means to facilitate job creation through private sector-led economic growth, actively encourages inward investment, and exchanges knowledge and best practices.

The draft IGR and IR policy stipulates the criteria and procedures to be followed when establishing formal relations with international parties to enable sufficient flexibility so that the municipality is able to capitalise on opportunities when they are deemed valuable and in the interest of service delivery.

The purpose of this item is to seek the Council's approval for the draft Intergovernmental Relations (IGR) and International Relations (IR) Policy to be released for public input for a period of not less than 21 days.

**29TH COUNCIL MEETING: 2025-02-26: ITEM 10.11.2****RESOLVED** (majority vote with 1 abstention)

- (a) that the draft Intergovernmental Relations (IGR) and International Relations (IR) Policy of Stellenbosch Municipality be considered and approved in terms of Section 21 of the MSA for the purpose of obtaining public input and comments, attached as **ANNEXURE A**; and
- (b) that an advertisement be placed on the official website of the Municipality and the local newspaper notifying the public that the draft Intergovernmental Relations (IGR) and International Relations (IR) Policy is open for public input and comments for a period of 21 days.

**FOR FURTHER DETAILS CONTACT:**

|                        |                                        |
|------------------------|----------------------------------------|
| <b>NAME</b>            | <i>Geraldine Mettler</i>               |
| <b>POSITION</b>        | <i>Municipal Manager</i>               |
| <b>DIRECTORATE</b>     | <i>Office of the Municipal Manager</i> |
| <b>CONTACT NUMBERS</b> | <i>021 808 8025</i>                    |
| <b>E-MAIL ADDRESS</b>  | <i>mm@ Stellenbosch.gov.za</i>         |
| <b>REPORT DATE</b>     | <i>03 February 2025</i>                |

|      |                                                                                                                               |
|------|-------------------------------------------------------------------------------------------------------------------------------|
| 11.  | CONSIDERATION OF ITEMS, REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED VIA THE OFFICE OF THE MUNICIPAL MANAGER |
| 11.1 | MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC):<br>[CLLR WF PIETERSEN]                                                            |

NONE

|      |                                                                                                                                                                                                                                                      |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12.  | REPORTS BY THE MUNICIPAL MANAGER (G METTLER)                                                                                                                                                                                                         |
| 12.1 | SECTION 116 (3): SCOPE AMENDMENT REQUEST AS PER SECTION 116(3) RELATING TO SERVICES RENDERED BY NEIL LYNERS AND ASSOCIATES (PTY) LTD UNDER TENDER: B/SM 13/21- ESP.6: PROFESSIONAL ELECTRICAL ENGINEERING SERVICES FOR THE STELLENBOSCH MUNICIPALITY |

Collaborator No: 770300  
 IDP KPA Ref No: Good Governance  
 Meeting Date: 24 July 2024 and 26 February 2025

**1. SUBJECT: SECTION 116 (3): SCOPE AMENDMENT REQUEST AS PER SECTION 116(3) RELATING TO SERVICES RENDERED BY NEIL LYNERS AND ASSOCIATES (PTY) LTD UNDER TENDER: B/SM 13/21- ESP.6: PROFESSIONAL ELECTRICAL ENGINEERING SERVICES FOR THE STELLENBOSCH MUNICIPALITY**

**2. PURPOSE**

To obtain permission for the amendment of the scope of work (Annexure A), of Neil Lyners and Associates (Pty) Ltd for the above contract to incorporate the additional deliverables that have emanated from the original scope outlined in Annexure D, as per Section 116(3).

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

Neil Lyners and Associates was appointed to assist the Municipality with the implementation of the Alternative Energy Generation Programme that the Municipality embarked on in 2022. The primary objective was to develop and implement a Self Loadshedding scenario for the Municipality. The challenge was the absence of a precedent or established methodology which existed in the industry, for a Municipality to follow to achieve this. It was a pioneering project and the first of its kind for a Category B Municipality.

Neil Lyners and Associates was appointed on 19 May 2023 for a three-year period ending 30 June 2026 under bid B/SM 13/21 – ESP .6. The estimated consultant fees for the bid was R 3 000 000.00, with Neil Lyners and Associates' initial estimate being R 2 932 500.00 (inclusive of VAT and a 15% discount).

The project was envisaged to be iterative, with a focus on exploring what Eskom would allow, as well as adapting and refining strategies during the process based on learnings. Some of the work initially was investigative and relied heavily on guidance from Eskom during various engagements to determine what was permissible. Some of

the work was clearly defined projects such as the project management of the Independent Power Producers project, the Supervisory Control and Data Acquisition (SCADA) project, as well as the retrofitting of solar panels, generators, inverters and batteries to critical plant, equipment and buildings.

After several engagements with Eskom, it was determined that Stellenbosch Municipality does not meet the necessary requirements for self-loadshedding. Consequently, it was then advised by Eskom that the Municipality apply for load curtailment instead. However, negotiations with Eskom regarding the load curtailment application have not progressed effectively for two years, despite interventions from the Western Cape Government to assist.

Given the above, the absence of load shedding for over 300 days, and Eskom's significant tariff increases, the Municipality proceeded with various sub-projects to address the energy crisis by reducing dependence on Eskom, ensuring business-continuity during loadshedding and creating alternative energy sources, all within the Alternative Energy Program. These projects align with the strategic focus areas of the Municipality and support net-zero and Climate Change goals.

Some sub-projects which emanated from the Alternative Energy Program, do not strictly adhere to the original scope of the consultant, as expected, and therefore this Section 116 process applies for a scope amendment as per the above. This was partially expected because this was a first time that a Category B Municipality was attempting a self-loadshedding program, as well as an Alternative Energy Program.

Therefore, an amendment is hereby requested from Council to expand the scope of work of Niel Lyners and Associates to include these critical initiatives. As per Section 116(3) protocol, a public notice was advertised to explain this and no comments or objections were received. Some of the projects which have evolved into new, separate projects, will go on a new separate tender each for the design and construction thereof and will thus fall outside the scope of this appointment.

#### 29TH COUNCIL MEETING: 2025-02-26: ITEM 12.1

**RESOLVED** (majority vote with 4 abstentions)

- (a) that Council notes the public participation process that was followed and that no comments were received (Annexure C);
- (b) that Council notes in terms of MFMA Section 116(3) the reasons for the amendment of the scope for tender B/SM 13/21- ESP.6;
- (c) that Council notes the amount of R 3 280 855.66 for engineering, project management and design services rendered as irregular expenditure, as per Annexure D; and
- (d) that Council approves the amendment for the scope above and the estimated fee for the scope of R 5 342 527.04 (inclusive of VAT and 15% discount) for the remainder of the term of the contract.

#### FOR FURTHER DETAILS CONTACT:

|                        |                                                                                                      |
|------------------------|------------------------------------------------------------------------------------------------------|
| <b>NAME</b>            | <b>Nombulelo Zwane</b>                                                                               |
| <b>POSITION</b>        | <b>Senior Manager</b>                                                                                |
| <b>DIRECTORATE</b>     | <b>Infrastructure Services</b>                                                                       |
| <b>CONTACT NUMBERS</b> | <b>021 808 8333</b>                                                                                  |
| <b>E-MAIL ADDRESS</b>  | <b><a href="mailto:Nombulelo.Zwane@ Stellenbosch.gov.za">Nombulelo.Zwane@Stellenbosch.gov.za</a></b> |
| <b>REPORT DATE</b>     | <b>20 February 2025</b>                                                                              |

|             |                                                                                   |
|-------------|-----------------------------------------------------------------------------------|
| <b>12.2</b> | <b>PROVISION OF THE NEW STELLENBOSCH BIEN DONNE 66/11kV ELECTRICAL SUBSTATION</b> |
|-------------|-----------------------------------------------------------------------------------|

Collaborator No: 770300  
IDP KPA Ref No: Good Governance  
Meeting Date: 26 February 2025

**1. SUBJECT: PROVISION OF THE NEW STELLENBOSCH BIEN DONNE 66/11kV ELECTRICAL SUBSTATION**

**2. PURPOSE**

To inform Council of the Self-Build project and its scope and to obtain approval from Council regarding specific processes required in order to successfully implement the project.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

The Municipality has been trying to build the Bien Donne substation since 2019.

The project is required to create a new 66kV bulk supply point for Stellenbosch Municipality to be established on a portion of the Remainder of Farm 1631/1 on the corner of the R45 and Bien Donne Road. See details of Servitude Route in Annexure A and the substation location details in Annexure B.

The existing bulk supply points from Drakenstein Municipality has run out of capacity and Stellenbosch Municipality must urgently establish the new 66kV bulk supply point to cater for the electricity growth in the Simondium area, Groot Drakenstein, Pniel and Kylemore areas.

The new Stellenbosch Bien Donne substation will be supplied from Eskom's Safariland substation via a new 66kV overhead powerline that must be constructed as part of the project.

The Bien Donne substation will consist of a back-to-back 66kV Eskom metering switching station (new Eskom 66kV bulk supply point) and a 66/11kV Municipal step down substation separated by a 2.4m high fence.

Two separate substation erven must therefore be created and the erf for the 66kV metering switching station must be registered in Eskom's name and the erf for the 66/11kV step down substation must be registered in the Municipality's name.

Eskom has high voltage power lines running throughout the province. When a Municipality requires to connect to these lines, as a result of growth or major development, a Municipality would normally submit a request and Eskom would provide a quotation to the Municipality to build their (Eskom's) portion of the line and substation. A Municipality could either pay Eskom to build the line, or Eskom has a "self-build" program where they allow Municipalities to build the line and substation themselves. The latter option is preferred because Eskom would only be able to build the infrastructure according to their timing and competing with their own projects and internal planning processes etc. In each instance, it is the Municipality's funding that would be utilised for the new infrastructure.

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**29<sup>TH</sup> COUNCIL MEETING: 2025-02-26: ITEM 12.2****RESOLVED** (nem con)

- (a) that Council approves the strategy of the Municipality to implement the project in the most economical manner within the shortest possible time and endorses the Municipality's decision to undertake the Self-Build option for the project;
- (b) that Council approves the Municipality to acquire the land portions, development rights and servitudes for the 66kV overhead power line, 66kV Eskom metering switching station and a 66/11kV Municipal step-down substation; and
- (c) that Council approves that two separate substation erven will be created and the erf for the 66kV metering switching station will be registered in Eskom's name and the erf for the 66/11kV step-down substation must be registered in the Municipality's name.

**FOR FURTHER DETAILS CONTACT:**

|                        |                                                                                              |
|------------------------|----------------------------------------------------------------------------------------------|
| <b>NAME</b>            | Preshane Chandaka                                                                            |
| <b>POSITION</b>        | <b>Director</b>                                                                              |
| <b>DIRECTORATE</b>     | <b>Infrastructure Services</b>                                                               |
| <b>CONTACT NUMBERS</b> | <b>021 808 8213</b>                                                                          |
| <b>E-MAIL ADDRESS</b>  | <a href="mailto:shane.chandaka@ Stellenbosch.gov.za">shane.chandaka@ Stellenbosch.gov.za</a> |
| <b>REPORT DATE</b>     | <b>19 February 2025</b>                                                                      |

|      |                                                                                                            |
|------|------------------------------------------------------------------------------------------------------------|
| 12.3 | <b>APPOINTMENT OF ONE MEMBER TO THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY</b> |
|------|------------------------------------------------------------------------------------------------------------|

Collaborator No:

File No:

IDP KPA Ref No: Good Governance

Meeting Date: 26 February 2025

**1. APPOINTMENT OF ONE MEMBER TO THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY**

**2. PURPOSE**

To obtain Council's approval for the appointment of one (1) member to the Audit and Performance Audit Committee.

**3. DELEGATED AUTHORITY**

The delegated authority for the appointment of Audit and Performance audit Committee members is Council.

**4. EXECUTIVE SUMMARY**

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

Audit and Performance Audit Committee members are recommended to serve only two (2) terms each of which is three (3) years in terms of the approved Audit and Performance Audit Committee Charter of Stellenbosch Municipality attached herewith as **APPENDIX 1**.

Ms Ruth Strydom has resigned from the Audit and Performance Audit Committee as per attached as **APPENDIX 2**. This has created a vacancy on the Audit and Performance Audit Committee. The vacancy was advertised and the closing date for this vacancy was 3 February 2025.

**29<sup>TH</sup> COUNCIL MEETING: 2025-02-26: ITEM 12.3**

**RESOLVED** (nem con)

that Council appoints Mr Mervyn Burton for a term of three years as from the 01 March 2025 concluding on 29 February 2028.

**FOR FURTHER DETAILS CONTACT:**

|                        |                                                                                              |
|------------------------|----------------------------------------------------------------------------------------------|
| <b>NAME</b>            | Mari-Lise Krige                                                                              |
| <b>POSITION</b>        | Acting Chief Audit Executive                                                                 |
| <b>DIRECTORATE</b>     | Municipal Manager's Office                                                                   |
| <b>CONTACT NUMBERS</b> | 021 808 8296                                                                                 |
| <b>E-MAIL ADDRESS</b>  | <a href="mailto:Mari-lise.krige@stellenbosch.gov.za">Mari-lise.krige@stellenbosch.gov.za</a> |
| <b>REPORT DATE</b>     | 17 February 2025                                                                             |

|      |                                                                                                       |
|------|-------------------------------------------------------------------------------------------------------|
| 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:<br>CLLR M SLABBERT - STELLENBOSCH FLYING CLUB |

A Notice of a Question, dated 2025-02-06, was received from Councillor M Van Stade.

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

#### **29<sup>TH</sup> COUNCIL MEETING: 2025-02-26: ITEM 13.1**

It is noted that Cllr Van Stade was not satisfied with the written response from the Municipal Manager and stated that he will pose follow-up questions to the Office of the Speaker. The Speaker responded that he will not entertain any more questions on this matter, as he considers this matter to be concluded.

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|------|-----------------------------------------------------------------------------------------------|
| 13.2 | NOTICE OF A QUESTION BY CLLR M VAN STADE OF GOOD PARTY:<br>HOUSING DEVELOPMENT IN IDAS VALLEY |
|------|-----------------------------------------------------------------------------------------------|

A Notice of a Question, dated 2025-02-06, was received from Councillor M Van Stade.

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

#### **29<sup>TH</sup> COUNCIL MEETING: 2025-02-26: ITEM 13.2**

It is noted that Cllr Van Stade was satisfied with the written response from the Municipal Manager.

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|------|---------------------------------------------------------------------------------------------------------------|
| 13.3 | <b>NOTICE OF A MOTION BY CLLR G PETERSEN OF GOOD PARTY: RAW SEWAGE DISCHARGE AND ENVIRONMENTAL PROTECTION</b> |
|------|---------------------------------------------------------------------------------------------------------------|

A Notice of a Motion, dated 2025-02-06, was received from Councillor G Petersen regarding raw sewage discharge and environmental protection.

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

**FOR CONSIDERATION**

**29<sup>TH</sup> COUNCIL MEETING: 2025-02-26: ITEM 13.3**

The Speaker allowed Cllr G Petersen to put his Motion, duly seconded. After the Motion was motivated, the Speaker allowed debate on the matter, whereafter he requested the Municipal Manager to respond on the inputs.

The Speaker then

**RULED**

that this Motion be withdrawn from the Agenda, because allowing Councillors to vote on this Motion constituted an illegal action.

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|-----|----------------------------------------|
| 14. | <b>CONSIDERATION OF URGENT MOTIONS</b> |
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NONE

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| 15. | <b>URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER</b> |
|-----|----------------------------------------------------------|

NONE

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|-----|----------------------------------|
| 16. | REPORTS SUBMITTED BY THE SPEAKER |
|-----|----------------------------------|

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|------|----------------------------------------------------------------------------------------------------|
| 16.1 | REPRESENTATIVE DESIGNATED BY STELLENBOSCH COUNCIL TO SERVE ON STELLENBOSCH UNIVERSITY (SU) COUNCIL |
|------|----------------------------------------------------------------------------------------------------|

Collaborator No:

IDP KPA Ref No:

Good Governance and compliance

Meeting Date:

26 February 2025

**1. SUBJECT: REPRESENTATIVE DESIGNATED BY STELLENBOSCH COUNCIL TO SERVE ON STELLENBOSCH UNIVERSITY (SU) COUNCIL**

**2. PURPOSE**

For Council to approve the representative designated by the Stellenbosch Municipal Council to serve on the Stellenbosch University Council.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

Council approved the appointment of councillors to external bodies at the Council meeting of 2022-03-30.

The previous Executive Mayor was designated by Council to serve on the SU Council. She retired on 29 November 2024 and resigned from the SU Council with immediate effect. Council must designate one person to serve on the SU Council.

The current Executive Mayor proposed that nominations for representatives be submitted for consideration by Council to be designated to the SU Council.

**29<sup>TH</sup> COUNCIL MEETING: 2025-02-26: ITEM 16.1**

**RESOLVED** (majority vote with 5 abstentions)

**Amended Recommendation**

that MP Jan Naude De Villiers be appointed as representative to the SU Council of the Stellenbosch University.

**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 8088314                                                                                |
| <b>E-MAIL ADDRESS</b>  | <a href="mailto:Donovan.Muller@stellenbosch.gov.za">Donovan.Muller@stellenbosch.gov.za</a> |
| <b>REPORT DATE</b>     | 11 February 2025                                                                           |

|      |                                                                                                                                                                                                       |
|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 16.2 | <b>ESTABLISHMENT OF A COMMITTEE TO REPORT TRANSGRESSIONS REGARDING STANDING RULES OF ORDER FOR MEETINGS OF THE COUNCIL AND ITS COMMITTEES IN TERMS OF THE APPROVED STANDING RULES OF ORDER BY-LAW</b> |
|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Collaborator No:

IDP KPA Ref No: Good Governance

Meeting Date: 26 February 2025

- 1. SUBJECT: ESTABLISHMENT OF A COMMITTEE TO REPORT TRANSGRESSIONS REGARDING STANDING RULES OF ORDER FOR MEETINGS OF THE COUNCIL AND ITS COMMITTEES IN TERMS OF THE APPROVED STANDING RULES OF ORDER BY-LAW**

- 2. PURPOSE**

To compile a Committee consisting of the Speaker, the Council Whip and two other party whips chosen on a rotational basis to investigate and report to Council any transgressions, in line with Rule 40 of the Standing Rules of Order for Meetings of the Council and its Committees By-law.

- 3. DELEGATED AUTHORITY**

Council

- 4. EXECUTIVE SUMMARY**

The Stellenbosch Municipality's Standing Rules of order for the meetings of the Council and its Committees, section 40 states that:

*40.1 Should any member of the Council or Committee of Council fail to attend three or more consecutive meetings of the relevant body without leave of absence having been granted as contemplated in rule 21 above, item 4 of the Code of Conduct (Schedule 7 of the Structures Act (117/1998)) applies and must be removed as a councillor in terms of the Code of Conduct*

*40.2 Members of Council or a committee who fail to attend a meeting of the relevant body without leave of absence having been granted as contemplated in rule 21 above may incur a fine of 10% of their monthly salary for every meeting that the member was absent from.*

*40.3 A committee consisting of the speaker, the Council whip and two other party whips chosen on a rotational basis must investigate before a fine is imposed under rule 40.2, and report to Council on the transgression contemplated by rule 40.2 read with rule 21*

The item is brought to council to determine the implementation regarding the additional two members that must be chosen on a rotational basis.

The terms of reference of this committee must also be determined based on the provisions of the rules referred to above.

**29<sup>TH</sup> COUNCIL MEETING: 2025-02-26: ITEM 16.2****RESOLVED** (majority vote with 1 abstention)**Amended Recommendations**

- (a) that Council notes the establishment of a committee consisting of the speaker, the Council whip and two other party whips chosen on a rotational as per rule 40 of the Rules of Order By-law;
- (b) that Council notes that the terms of reference for this committee is:
  - (i) to investigate the transgressions of councillors in terms of rule 40.2 read with rule 21
  - (ii) report the outcome of such investigations to Council
  - (iii) report the applicable fine to be administered to Council before a fine is imposed under rule 40.2,
- (c) Council approves the rotational basis on which whips are chosen to sit on this committee as being every six (6) months.

The Committee will therefore consist of the following Councillors:

|                             |                                |
|-----------------------------|--------------------------------|
| Cllr Quintin Smit (Speaker) | - Chairperson                  |
| Cllr Patricia Crawley       | - Chief Whip of Council        |
| 1 – Additional member       | - Cllr A Tomose (ANC Whip)     |
| 2 – Additional member       | - Cllr M Van Stade (GOOD Whip) |

**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>  | <a href="mailto:Donovan.Muller@ Stellenbosch.gov.za">Donovan.Muller@ Stellenbosch.gov.za</a> |
| <b>REPORT DATE</b>     | <b>20 February 2025</b>                                                                      |

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| 17. | REPORTS SUBMITTED BY THE EXECUTIVE MAYOR |
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NONE

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| 18. | MATTERS TO BE CONSIDERED IN-COMMITTEE |
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SEE PINK DOCUMENTATION (In-Committee minutes only)

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The meeting adjourned at 15:00.

**CHAIRPERSON:** .....

**DATE:** .....

**Confirmed on** .....