



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2018-03-28

## MINUTES

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

**2018-03-28 AT 10:00**

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

**MINUTES**  
**16<sup>TH</sup> MEETING OF THE COUNCIL**  
**OF STELLENBOSCH MUNICIPALITY**  
**2018-03-28**  
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**MINUTES OF THE 16<sup>TH</sup> MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY HELD ON 2018-03-28 AT 10:00 IN THE COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET, STELLENBOSCH**

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<b>PRESENT</b>	The Speaker, Cllr DD Joubert [Chairperson] The Executive Mayor, Ald G Van Deventer (Ms) The Deputy Executive Mayor, Cllr N Jindela	
<b>ALDERWOMAN</b>	JP Serdyn (Ms)	
<b>COUNCILLORS</b>	DS Arends FJ Badenhorst GN Bakubaku-Vos (Ms) FT Bangani-Menziwa (Ms) PW Biscombe PR Crawley (Ms) A Crombie (Ms) JN De Villiers MB De Wet R Du Toit (Ms) A Florence AR Frazenburg E Fredericks (Ms) E Groenewald (Ms) AJ Hanekom JK Hendriks MC Johnson NS Louw	N Mananga-Gugushe (Ms) C Manuel (until 14:30) LM Mqeqeba NE McOmbring (Ms) XL Mdemka (Ms) RS Nalumango (Ms) N Olayi MD Oliphant SA Peters WC Petersen (Ms) MM Pietersen WF Pietersen SR Schäfer N Sinkinya (Ms) P Sitshoti (Ms) Q Smit E Vermeulen (Ms)

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<b>Officials:</b>	Municipal Manager (Ms G Mettler) Chief Financial Officer (M Wüst) Director: Community and Protection Services (G Esau) Director: Human Settlements (T Mfeya) Director: Strategic and Corporate Services (Ms A De Beer) Acting Director: Infrastructure Services (D Van Taak) Acting Director: Planning and Economic Development (B de la Bat) Chief Audit Executive (F Hoosain) Senior Manager: Governance (Ms S De Visser) Head: Committee Services (EJ Potts) Committee Clerk (T Samuels (Ms)) Committee Clerk (N Mbali (Ms)) Interpreter (J Tyatyeka)
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1.	<b>OPENING AND WELCOME</b>
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The Speaker, Councillor DD Joubert, welcomed all present. A moment of silent reflection was observed.

2.	<b>COMMUNICATIONS</b>
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2.1	<b>MAYORAL ADDRESS</b>
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“Goeie dag, good day, molweni, as-salaam alaikum.

- Dit was ‘n uiters besige eerste kwartaal
- Die werk van ons amptenare kan gesien word in hierdie maand se Raadsagenda
- Verskeie hoogtepunte wat hierdie maand voor die Raad dien, wat verskeie voordele vir dienslewering en die algemene funksionering van ons munisipaliteit sal verbeter, wat ons inwoners sal bevoordeel:
  - **PROPOSED POLICY ON THE MANAGEMENT OF STELLENBOSCH MUNICIPALITY’S IMMOVABLE PROPERTY** – Goal is to create a clear guideline on how we manage property in our possession.
  - **KAYAMANDI TOWN CENTRE REDEVELOPMENT PROJECT: FEASIBILITY REPORT**
  - **SECTION 78(2) REPORT ON THE PROVIDING OF SUFFICIENT PUBLIC PARKING** – Major step forward in addressing our parking challenge by beginning the next step of Section 78 process.
  - **SECTION 78(2) REPORT FOR THE EXPANSION OF THE SOLID WASTE LANDFILL SITE** – To start with the process of expanding our current landfill site
  - **PNIEL ELECTRICITY NETWORK TAKEOVER FROM DRAKENSTEIN MUNICIPALITY: PROJECT TIMELINE AND MOU** – Finally managing the Pniel Electricity Network, and incorporating this system as part of our permanent infrastructure.
  - **EARLY CHILDHOOD DEVELOPMENT (ECD) POLICY** - The policy aims to provide a framework through which Stellenbosch Municipality can realize its mandate to deliver on Early Childhood Facilities as stipulated in Schedule 4B of the Constitution of South Africa.
  - **STELLENBOSCH MUNICIPALITY NOISE CONTROL POLICY** - The need for such a policy is borne from the fact that various municipal departments deal with different aspects of noise control. The policy will clearly direct all relevant departments as to its function in dealing with the issue of noise and noise complaints.
  - **STELLENBOSCH MUNICIPALITY AIR QUALITY BY-LAW**
- Al die bogenoemde gaan ‘n positiewe impak hê op inwoners en hoe hulle dienslewering ervaar by die Stellenbosch Munisipaliteit.

- 
- Dan voltooi ons vandag ook drie sake waaroor daar baie gepraat is die afgelope jaar:
    - Brummerpark
    - Die Meulslot
    - Klein Libertas Teater
  - Ek hoop die raadslede en inwoners het al die feestelikhede van die afgelope maand geniet.
  - Die Stellenbosch Wynfees, UCI Wêreldbeker, Woordfees, die Oesfees
  - Ons het gasheer gespeel vir al hierdie geleenthede en dit met groot sukses gedoen.
  - Hierdie feeste het weer nuwe geleenthede geskep vir inwoners en help om volhoubare werksgeleenthede te skep.
  - Wil graag dankie sê aan ons Verkeersdienste wat gedurende die uiters besige Maand Maand baie mooi gehelp het om die uitdagende verkeersituasie in ons dorp te help bestuur.
  - Ongelukkig is ons gemeenskappe ook geraak deur verlies.
  - Onlangse brande in Klappmuts en Cloetesville Twee mense in Klappmuts oorlede
  - Ons innige meegevoel en simpatie met die inwoners en naasbestaandes vir die verlies.
  - Dank gaan uit na die brandweerdienste wat so vinnig op die toneel was.
  - Last week we celebrated National Water Week.
  - Stellenbosch municipality has moved to level 6B restrictions and we will remain on this level for the foreseeable future.
  - Forecasts show that Day Zero has moved to 2019.
  - I want to assure our residents and this council that this Municipality is doing everything possible to encourage residents to save water and to implement alternative water sources
  - We recently activated one of several mobile water purification units installed at boreholes across
  - The most recent one was delivered on the Braak on Monday.
  - The first station was installed at the Van Der Stel Sports Grounds
  - This unit purifies the water from the borehole where it is installed,
  - Brings the water up to legally required standard and then pumps it back into our system for the use of our residents.
  - These stations can be moved and installed at any other borehole as and when needed.
  - As deel van ons Waterweek aktiwiteite het ek gaan emmers uitdeel in drie areas wat bietjie meer water kan spaar. Die Klappmuts en Dwarsrivier areas (insluitend Pniel Kylemore en Lynquedoc)
  - 300 emmers is uitgedeel en ek het inwoners aangemoedig om aan te hou water spaar.
  - Uitsers belangrik dat inwoners nie laat slap lê met besparing nou nie.
  - Die reënvoorsig vir die winter is onseker en ons bronne bly uitsers beperk.
  - Ons moet steeds uitsers spaarsamig werk met ons water.
  - As Munisipaliteit streef ons om ons inwoners se lewens te verbeter
  - Ons het reeds vir die twee keer hierdie jaar 'n groot aantal titel aktes aan inwoners oorhandig.

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- Verlede Donderdag, 22 Maart, het ek die voorreg gehad op 183 titel aktes aan inwoners van die Erf 342 behuisingsprojek in Klappmuts te oorhandig.
  - Ons het in Januarie ook 117 aktes aan inwoners van regoor ons munisipale area oorhandig.
  - Titel aktes is belangrik omdat dit inwoners sekuriteit en geleentheid bied
  - Deur vir inwoners eienaarskap te gee van hul huise, help dit ook om waardigheid aan inwoners terug te gee.
  - Dit skep ook 'n nalatenskap wat help om armoede aan te spreek.
  - Die laaste fase van die projek waarmee ons nou besig is, sorg vir die opgradering en installering van dienste in Mandela City.
  - Ons is daartoe verbind dat inwoners hul eie huise kan besit en die voordele daarvan sal kan benut.
  - Ek het die groot voorreg gehad om die Universiteit van Stellenbosch se Eeufeesviering by te woon!
  - In 1918 is die Universiteit amptelik verklaar en hierdie jaar vier die instelling sy 100ste bestaansjaar!
  - Die Universiteit en die dorp het 'n baie noue verbintenis wat uniek is in Suid-Afrika.
  - Die dorp van Stellenbosch en die Universiteit van Stellenbosch is so verweef met mekaar, die een se bestaan dryf die ander.
  - Wil die geleentheid gebruik om dankie te sê vir die Universiteit vir sy bydrae tot ons dorpe en ons gemeenskap die laaste 100 jaar!
  - Julle teenwoordigheid is van onskatbare waarde en het 'n unieke bydrae gemaak tot ons ontwikkeling en bestaan.
  - Baie geluk en ek sien dat ons deel sal wees van die volgende 100 jaar!
  - I want to remind councillors and officials that the Stellenbosch CAN project is underway. You will note collection boxes in at various offices and in the Eikestad Mall.
  - Please donate CANS! These cans are all donated to Stellenbosch Feeding in action who prepares meals for residents in need every day.
  - Die skole sluit vandag en die naweek is dit Paasfees.
  - Ek wil graag vir al die inwoners en raadslede wat die geleentheid vier, 'n geseënde tyd toewens.
  - Met die lang naweek en skoolvakansie is daar baie inwoners wat die geleentheid gebruik om weg te gaan.
  - Almal wat op die pad is gedurende die tyd, wees asseblief versigtig.
  - Bestuur veilig en kom veilig terug.

Baie dankie, Thank you.”



<b>2.2</b>	<b>COMMUNICATION BY THE SPEAKER</b>
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- The Speaker congratulated all Councillors who celebrated and will celebrate their birthdays during February and March.
- The Speaker **RULED** that the following items be withdrawn/postponed from this Council meeting:
  - Item 7.2.1 Adoption of revised System of Delegations (**postponed until a next Council meeting**)
  - Item 8.1 Recruitment and Selection Process of the Director: Planning and Economic Development and Chief Financial Officer (**withdrawn for further refinement**)
  - Item 8.4.1 Extention of contract period: Temporary Project Manager in Directorate: Human Settlements tasked with forestry villages (**withdrawn, to allow the Municipal Manager to deal with the process**)
- The Speaker emphasized the following rules in the Rules of Order By-law:
  - Rule 16 (Debate Management)
  - Rule 27 (Irrelevance, tedious repetition, unbecoming language or behavior and breach of order)
  - Rule 28 (Removal Or Exclusion Of Councillor)
  - Rule 30 (Points of Order and Personal Explanation)

<b>2.3</b>	<b>COMMUNICATION BY THE MUNICIPAL MANAGER</b>
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- The Municipal Manager announced that the municipality will launch its Easter Traffic Safety Program. She requested those who will be travelling to travel safely, adhere to the rules on the roads and to pull off if they feel tired, in order to reduce the fatalities over the Easter period.
- The Municipal Manager requested the community to be vigilant in terms of the water usage.

<b>3.</b>	<b>OFFICIAL NOTICES</b>
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<b>3.1</b>	<b>DISCLOSURE OF INTERESTS</b>	<b>(3/6/2/2)</b>
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The following Councillors disclosed their interests and requested to be recused:

- |                       |  |
|-----------------------|--|
| Cllr AR Frazenburg    | - (Item 13.1.1, implicated in the matter)                |
| Cllr P Sitshoti (Ms)  | - (Item 13.1.3, implicated in the matter)                |
| Cllr R Du Toit (Ms)   | - (Item 13.1.5, implicated in the matter)                |
| Cllr WC Petersen (Ms) | - (Item 13.1.6, implicated in the matter)                |
| Cllr MB De Wet        | - (Item 13.1.1 - 13.1.6, member: Disciplinary Committee) |
| Cllr LM Maqeba;       | - (Item 13.1.1 - 13.1.6, member: Disciplinary Committee) |
| Cllr WC Petersen      | - (Item 13.1.1 - 13.1.6, member: Disciplinary Committee) |
| Cllr Q Smit           | - (Item 13.1.1 - 13.1.6, member: Disciplinary Committee) |

<b>3.2</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE</b>	<b>(3/4/1/6)</b>
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- (1) The following applications for leave of absence were approved in terms of the Rules of Order By-law of Council:-
- |                       |                 |
|-----------------------|-----------------|
| Cllr F Adams          | – 28 March 2018 |
| Cllr JG Hamilton      | – 28 March 2018 |
| Cllr DA Hendrickse    | – 28 March 2018 |
| Cllr LK Horsband (Ms) | – 28 March 2018 |
- (2) that permission be granted to Councillor C Manuel to leave the meeting earlier (at 14:30).

<b>4.</b>	<b>CONFIRMATION OF MINUTES</b>	<b>(3/4/1/5)</b>
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- 4.1 The minutes of the 15<sup>th</sup> Council meeting dated 2018-01-24 were **confirmed as correct.**

<b>5.</b>	<b>STATUTORY MATTERS</b>	<b>(3/4/1/4)</b>
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NONE

<b>6.</b>	<b>REPORT/S BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS COUNCIL MEETINGS</b>	
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ITEM	Pg	INPUT	RESPONSE
<p><u>Cllr DS Arends: Item 7.3.1</u></p> <p>The future use and maintenance of council heritage buildings 8th council meeting: 2017-04-26: item 7.3.1</p>	4	<p>Are there any reports available regarding heritage buildings in Stellenbosch?</p>	<p>The Municipal Manager responded that there are various reports regarding heritage buildings. Part of the SDF study is also a heritage study. In terms of the building itself, it is with properties, and this item was around the maintenance of heritage buildings. That is in process.</p>

NOTED

The feedback report on Outstanding Resolutions.

7.	<b>CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: (ALD G VAN DEVENTER (MS))</b>
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7.1	<b>COMMUNITY DEVELOPMENT AND COMMUNITY SERVICES: (PC: CLLR AR FRAZENBURG)</b>
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NONE

7.2	<b>CORPORATE AND STRATEGIC SERVICES: (PC: CLLR E GROENEWALD (MS))</b>
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NONE

7.3	<b>ECONOMIC DEVELOPMENT AND PLANNING: (PC: ALD JP SERDYN (MS))</b>
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7.3.1	<b>IDENTIFICATION OF LAND FOR EMERGENCY HOUSING</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

D496

Mayco Meeting - 2018-02-14

**1. SUBJECT: IDENTIFICATION OF LAND FOR EMERGENCY HOUSING**

**2. PURPOSE**

A report identifying land for emergency housing served before Council on 2017-10-25: ITEM 7.3.2. The item is attached for reference purposes as **APPENDIX 1**.

At the meeting it was resolved to arrange for a special workshop to discuss the issues contained in the report.

The purpose of this report is to provide feedback of the workshop, to resubmit the agenda item as per paragraph (c) of the decision and to propose a way forward.

**3. DELEGATED AUTHORITY**

Municipal Council.

**4. EXECUTIVE SUMMARY:**

**WORKSHOP RE EMERGENCY HOUSING**

Council resolved at the meeting of 2017-10-25: ITEM 7.3.2

- (a) that in order to understand and agree on the uncertainties (as listed in paragraph 7 of the report), it is proposed that a workshop be held amongst the relevant municipal directorates and Ward Councillors, to:

- 
- (i) discuss, agree and formulate a response to the questions listed in paragraph 7;
  - (ii) determine criteria for the selection of suitable emergency housing sites;
  - (b) That the Director: Planning & Economic Development be mandated to coordinate the aforementioned workshop; and
  - (c) That after the workshop envisaged in (a) above, the item be resubmitted to Council for consideration.

Subsequent to the above resolution a workshop was held on Monday 13 November 2017 in Council Chambers. At the workshop it was agreed that councillors, and particularly ward councillors, will identify suitable land for emergency housing within their wards and that the land so identified will be brought under the attention in writing to the Speaker within 14 days of the workshop.

No proposal was received during this period or since the workshop. Hence no new land for emergency housing was included in this report.

#### 16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 7.3.1

##### **RESOLVED** (majority vote)

- (a) that the land identified in the report attached as **APPENDIX 1** be included for emergency housing purposes in the Municipal Spatial Development Framework (MSDF);
- (b) that the Directorate: Planning and Economic Development continues with the process to determine the magnitude of, and need for, emergency housing and subsequently the extent of land required to provide an adequate response to emergency housing;
- (c) that other possible appropriate sites also be included in the Municipal Spatial Development Framework (MSDF); and
- (d) that Klapmuts and any other possible areas be investigated as to its suitability and availability for emergency housing, and that zoning be prepared if found suitable and available for the above purposes.

<b>7.4</b>	<b>FINANCIAL SERVICES: (PC: CLLR S PETERS)</b>
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<b>7.4.1</b>	<b>MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JANUARY 2018</b>
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## 1. PURPOSE OF REPORT

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 4.36.2 of the Supply Chain Management Policy 2017/2018 to report the deviations to Council.

## 2. DISCUSSION

Reporting the deviation as approved by the Accounting Officer January 2018. The following deviations were approved with the reasons as indicated below:

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	TOTAL CONTRACT PRICE R
D/SM 29/18	15/01/2018	WREV Construction	Repairs to electrical fence at Klappmuts 1 pump station	1. Emergency 2. Exceptional case and it is impractical or impossible to follow the official procurement process	R 12 000.00
D/SM 27/18	19/01/2018	Mindspring	Additional software licences for managed engine active directory self-service desk plus	Exceptional case and it is impractical to follow the official procurement processes	R 491 601.00 (VAT INCL)

### 16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 7.4.1

**RESOLVED** (majority vote)

that Council notes the deviations as listed above.

7.5	HUMAN SETTLEMENTS: (PC: CLLR PW BISCOUBE)
7.5.1	PROPOSED POLICY ON THE MANAGEMENT OF STELLENBOSCH MUNICIPALITY'S IMMOVABLE PROPERTY

## 1. PURPOSE OF REPORT

To consider the Draft Policy on the Management of Stellenbosch Municipality's Immovable Property.

## 2. BACKGROUND

### 2.1 Approval of Draft Policy

On 2016-06-15 Council considered the Draft Policy on the Management of Stellenbosch Municipality. Having considered the report, Council resolved as follows:

**RESOLVED** (nem con)

*“(a) that Council approves the attached updated Draft Policy on the Management of Stellenbosch Municipality's Immovable Property as a draft policy; and*

*(b) that the Draft Policy be advertised for a further round of public participation”.*

### 2.2 Notice calling for inputs/objections

Following the above resolution, an official notice was published in the Eikestad News of 15 June 2017, a copy of which is attached as **APPENDIX 1**. In terms hereof the public had until 6 July 2017 to submit written communication, objections or representative in connection with the proposed policy.

At the closing date **no such comments, objections or representation were received.**

## 3 DISCUSSIONS

### 3.1 Inputs received from Webber Wentzel

During this period, however, a so-called Memorandum/Discussion document was received from Webber Wentzel, as a follow-up on their previous legal inputs received during June 2016, a copy of which is attached as **APPENDIX 2**.

Most of the comments and/or remarks are of a **technical nature**. As far as possible these comments and or remarks were incorporated into the draft Policy, shown as track changes on **APPENDIX 3**.

## 16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 7.5.1

**RESOLVED** (nem con)

that the Draft Policy on the Management of Stellenbosch Municipality's Immovable Property, hereto attached as **APPENDIX 3** as amended, be approved with immediate effect.

<b>7.5.2</b>	<b>STELLENBOSCH MUNICIPALITY: HOUSING PIPELINE (ANNUAL REVIEW 2018-2021)</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

*28 March 2018*

**1. SUBJECT: STELLENBOSCH MUNICIPALITY: HOUSING PIPELINE (ANNUAL REVIEW 2018-2021)**

**2. PURPOSE**

To request Council to approve the Stellenbosch Municipality's Housing Pipeline (projects) for the next 3 financial years, for submission to the Provincial Department of Human Settlements (PDoHS).

**3. DELEGATED AUTHORITY**

**FOR DECISION BY MUNICIPAL COUNCIL**

In terms of system of delegations which reads as follows:

- Item 515 (Section 2 of the Housing Act) (Page 115) – Apply the general principals set out in Section 2, when deciding on housing projects.

**4. EXECUTIVE SUMMARY**

The report relates to the annual review of the Stellenbosch Municipality Housing Pipeline. This particular review relates to the period 2018 to 2021.

The report requests the support of Council for the following housing projects and initiatives:

- (a) Those projects with appropriate funding and relevant provincial approvals as well as available bulk infrastructure capacity;
- (b) Those projects that require Council's support in principle in order to allow these to be submitted to the Provincial Department of Human Settlements for funding to initiate pre-feasibility studies; and
- (c) A report to be compiled and submitted to Council for consideration following the completion of pre-feasibility studies as envisaged in b) above.

**16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 7.5.2**

**RESOLVED** (nem con)

- (a) that the projects as reflected in the table below be supported in accordance with the appropriate funding and relevant provincial approvals (see attached **ANNEXURE 1**) as well as available bulk infrastructure capacity:

	PROJECT NAME	HOUSING PROGRAM	PROJECT PHASE	NO OF SITES	NO OF UNITS
1.	Stellenbosch Ida's Valley (±166/±265 services)	IRDP/FLISP	Await planning approval (LUPA)	265	
2.	Klapmuts (Phase 4 of 2053:15) ±298 services & TRA	IRDP	Construction	298	
3.	La Rochelle, Klapmuts (±80 sites)	IRDP/FLISP	Planning		
4.	Longlands, Vlotenburg (±144 Services and units)	IRDP	Contractual matters to be finalised	144	
5.	Stellenbosch Jamestown (Phases 2) (±133 sites)	IRDP	Planning Phase 2		
6.	Erf 7001 and other possible sites for mix-used development in Cloetesville	IRDP/FLISP	Proposal Call		
7.	Kayamandi: Zone O (±711 services) & Watergang (±277 services)	UISP / ISSP	Planning		
8.	Kayamandi Enkanini Enhanced Services (±1 300 sites)	UISP / ISSP	Planning (LUPA & EIA)		
9.	Kayamandi Enkanini (Pilot project)	UISP / ISSP	Construction (Electricity and upgrading of toilets) 300 electricity connections and 20 additional communal toilets		
10.	Kayamandi Town Centre Regeneration (±700 units)	UISP/ Institutional	Planning		
11.	Northern Extension (Phase 1), Stellenbosch	IRDP/FLISP	Land acquisition and planning		
12.	Kylemore (±171 services & ±171 units)	IRDP	Await transfer of land		
13.	Franschhoek Langrug Enhanced Services (±1 200 services)	UISP	Planning and feasibility study for decanting site		
14.	Stellenbosch La Motte Old Forest Station (±430 services & ±430 units)	IRDP/FLISP	Await planning approval		
15.	Meerlust, Franschhoek (±200 services & ±200 units)	IRDP	Planning		
16.	De Novo (±374 sites) Project managed by PDoHS	IRDP / Institutional	Planning		
<b>TOTAL</b>				707	

**Note:** IRDP – Integrated Residential Development Programme  
 FLISP – Finance Linked Individual Subsidy Programme  
 UISP – Upgrading of Informal Settlement Programme  
 ISSP – Informal Settlements Support Programme  
 LUPA – Land Use Planning Act  
 EIA – Environmental Impact Assessment

- (b) that the projects in the table below, be supported in principle and submitted to Provincial Department of Human Settlements for funding to commence with pre-feasibility studies;

	PROJECT NAME	HOUSING PROGRAM	PROJECT PHASE	NO OF SITES	NO OF UNITS
1.	La Motte, Franschhoek	IRDP/FLISP	Pre-planning phase		
2.	Erf 2, La Motte (±70 services)	IRDP	Pre-planning phase		
3.	Drodyke	IRDP	Pre-planning phase		
4.	Botmaskop (±1 500 opportunities)	Social Housing / IRDP	Pre-planning phase		
5.	Stellenbosch Transit Orientated Development complex precinct (±3 500 opportunities)	IRDP	Pre-planning phase		



- (c) that after the completion of the pre-feasibility studies of these projects as listed in (b) above, a report be submitted to Council for consideration; and
- (d) that the housing pipeline be reviewed on an annual basis to align the project readiness with the DORA allocation.

7.5.3	<b>KAYAMANDI TOWN CENTRE REDEVELOPMENT PROJECT: FEASIBILITY REPORT</b>
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Collaborator No: **572529**  
 IDP KPA Ref No:  
 Meeting Date: **14 March 2018**

**1. SUBJECT: KAYAMANDI TOWN CENTRE REDEVELOPMENT PROJECT: FEASIBILITY REPORT**

**2 PURPOSE**

To report on the feasibility of the redevelopment of Kayamandi Town Centre.

**3. DELEGATED AUTHORITY**

In terms of system of delegations which reads as follows:

- Item 516 (Section 9 of the Housing Act) (Page 115) –  
Take all reasonable and necessary steps, within the framework of national and provincial housing legislation and policy to ensure –
  - (a) that the inhabitants of its area of jurisdiction have access to adequate housing on a progressive basis;
  - (b) services in respect of water, sanitation, electricity, roads, stormwater drainage and transport are provided in a manner which is economical/efficient; and
  - (c) that appropriate housing development is initiated, planned and co-ordinated.

**4. EXECUTIVE SUMMARY**

The objective of this project is to:

- (a) Submit a planning application for the Town Centre of Kayamandi;
- (b) conduct geotechnical investigation;
- (c) compile engineering design and submit for approval; and
- (d) apply for funding approval to install services and build multi-storey top structures.

**16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 7.5.3**

**RESOLVED** (nem con)

- (a) that the recommendations of the feasibility report be implemented with regard to the:
  - detailed planning and land use rights;
  - detailed engineering designs;
  - installation of civil and electrical engineering;
  - high density residential development layout; and
- (b) that funding be sourced from the Provincial Department of Human Settlements (PDoHS) to implement the project.

7.6	INFRASTRUCTURE: [CLLR J DE VILLIERS]
7.6.1	SECTION 78(2) REPORT FOR THE EXPANSION OF THE SOLID WASTE LANDFILL SITE

Collaborator No:

IDP KPA Ref No:

Meeting Date:

14 March 2018

**1. SUBJECT**

**SECTION 78(2) REPORT FOR THE EXPANSION OF THE SOLID WASTE LANDFILL SITE**

**2. PURPOSE**

To report via a Section 78(2) Report on the Section 78(1) investigation in to expansion of the Solid Waste Landfill site at the Stellenbosch Devon Valley Landfill Site

**3. DELEGATED AUTHORITY**

Municipal Council.

Schedule 5B of the Constitution of SA, determines that “Refuse removal, refuse dumps and solid waste disposal” (“refuse dump” and “landfilling” being synonymous) is a Local Government competence and Section 77 of the Municipal Systems Act .

**4. EXECUTIVE SUMMARY**

The current landfill site for solid waste within the Devon Valley site of Stellenbosch Municipality is rapidly nearing the end of its licensed capacity. It is estimated that only a further 18 months of capacity remain. Stellenbosch has two options to proceed and that is the transporting of Waste to the Vissershok facility of City of Cape Town or to develop a neighbouring portion of ground upon which High Voltage lines of Eskom are running. In order to consider this option, which entails that Stellenbosch will significantly expand its landfill site, it was determined to conduct a MSA Section 78(1) assessment. Council resolved that this may be done and this process has now been completed.

The two internal options were assessed and it was found that the extension of the site and moving of Eskom lines and equipment as well as the operation of the site, would cost the Municipality an amount of transporting of waste to Vissershok would cost the Municipality an estimated amount of R115 000 000 over the expected useful life of 10 years for this site. On the other hand, the transporting of waste to Vissershok, would cost the Municipality R1 074 000 000 over the period of 10 years. It is therefore much more economically advantageous to opt to expand the current site and also to continue with the business as usual. Council is requested to approve this scenario as the way forward.

**16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 7.6.1****RESOLVED** (nem con)

- (a) that this report be noted;
- (b) that Council notes the report on the Devon Valley Solid Waste Landfill site and the plans to expand this site through the request to Eskom to move high voltage circuitry in order to open space for the expansion of the current Landfill site;
- (c) that Council accepts that all the requirements of Section 78(1) in terms of investigating the feasibility of expanding the current landfill site have been satisfactorily attended to;
- (d) that Council, in terms of the Municipal Systems Act, Act 32 of 200, as amended, Section 78(2), accepts the scenario to continue with the planning and implementation of the internal mechanism of expanding the current landfill site to the area south west of the current site;
- (e) that the Director: Infrastructure Services be tasked to negotiate a process of moving the Eskom 66kV lines to a position away from the current landfill site and expansion site thereof;
- (f) that any Town Planning-, Environmental-, licensing and any other legislative requirement be adhered to; and
- (g) that a report indicating accurate costing, licensing and other related matters be submitted to Council once they are known, at which time Council will consider a final approval of the expansion of this landfill site.

<b>7.6.2</b>	<b>SECTION 78(2) REPORT ON THE PROVIDING OF SUFFICIENT PUBLIC PARKING</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

*14 March 2018*

**1. SUBJECT: SECTION 78(2) REPORT ON THE PROVIDING OF SUFFICIENT PUBLIC PARKING**

**2. PURPOSE**

To report in terms of a Section 78(2) Report on the Section 78(1) investigation on the providing of sufficient parking in the Greater Stellenbosch Municipal Area.

**3. FOR DISCUSSION**

Municipal Council.

Schedule 5B of the Constitution determines that Traffic and Parking is a Local Government competence. Section 77 of the MSA determines

“77. Occasions when municipalities must review and decide on mechanisms to provide municipal services.—A municipality must review and decide on the appropriate mechanism to provide a municipal service in the municipality or a part of the municipality—

(a) in the case of a municipal service provided through an internal mechanism contemplated in section 76, when—

(i) an existing municipal service is to be significantly upgraded, extended or improved;

(ii) .....

**4. EXECUTIVE SUMMARY**

Due to a high number of external persons visiting Stellenbosch on a daily basis as well as the historical nature of Stellenbosch, a huge back log parking exists. It is calculated that currently a shortage of 2200 bays of parking exist within the Greater Stellenbosch Area.

Council decided that a study and an assessment be done on how such parking should be provided. Council resolved on 27 September 2017 that a Municipal Systems Act (MSA) Section 78 process be commenced.

A Section 78(1) process has been conducted to determine what manners of internal processes can be utilised to expand the current parking situation. It has very soon become clear that additional parking will have to be provided through parking garages with several floors. It became clear that this would be a highly capital intensive project at a cost of nearly R300 million.

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It is therefore proposed that Council opts to also look at the provision of such a parking service through an external means. It is recommended that Council follows the Section 78(3) process to find appropriate external service provision scenarios. Council could then take a fully advised decision on the best appropriate way forward once an external assessment has also been done.

**16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 7.6.2****RESOLVED** (nem con)

- (a) that this report be noted;
- (b) that Council notes the attached report on the providing of sufficient public parking;
- (c) that Council accepts that all the requirements of Section 78(1) in terms of investigating the feasibility of the provision of sufficient parking have been complied with;
- (d) that Council, in terms of the Municipal Systems Act, Act 32 of 200, as amended, Section 78(2), accepts the scenario to “after having applied subsection (1), a municipality may, before it takes a decision on an appropriate mechanism, explore the possibility of providing the service through an external mechanism mentioned in section 76 (b).”;
- (e) that Council formally proceeds to the Municipal Systems Act, Section 78(3) process of exploring the possibility of providing the municipal service of parking through an external mechanism; and
- (f) that a report on the outcome of this investigation be provided to Council, upon the completion of a Section 78(3) exercise in order for Council to take a Section 78(4) decision.

7.6.3	<b>PNIEL ELECTRICITY NETWORK TAKEOVER FROM DRAKENSTEIN MUNICIPALITY: PROJECT TIMELINE AND MOU</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

*14 March 2018*

**1. SUBJECT: PNIEL ELECTRICITY NETWORK TAKEOVER FROM DRAKENSTEIN MUNICIPALITY: PROJECT TIMELINE AND MOU**

**2. PURPOSE**

To report on the proposed timeline for the taking over of the Pniel Electricity Takeover from Drakenstein as well as the updated Memorandum of Understanding (MOU).

**3. DELEGATED AUTHORITY**

Municipal Council.

In terms of the Constitutional Act 108 of 1994 Chapter 7, S151(3) and Schedule 4B

**4. EXECUTIVE SUMMARY**

It has the wish of Stellenbosch Municipality to include the Pniel/Hollandsche Molen electricity network into its fold since 2008. This matter has now culminated in a joint Memorandum of Understanding (MOU) between the Municipalities of Drakenstein and Stellenbosch. After an independent assessment of the network to be taken over by Stellenbosch from Drakenstein, the electricity network cost of R16 236 253 has been arrived at.

It is now the intention to conduct a formal public participation process in order to formally apply to NERSA for an extension of the electricity supply licence of Stellenbosch Municipality. It is endeavoured to take over the network, customer and metering systems on the evening of 30 June 2018 and to operate the electricity network beyond that date. Council is requested to provide approval for the signing of the MOU plus the performing of all the processes necessary to complete a successful takeover.

**16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 7.6.3**

**RESOLVED** (nem con)

- (a) that this report be noted;
- (b) that the Final MOU be accepted;
- (c) that the Municipal Manager be authorised to sign the MOU on behalf of the Municipality;
- (d) that the amount of R16 236 253 for the purchase of the Pniel/Hollandsche Molen Electricity Network from Drakenstein be considered at the setting up of the 2018/2019 Capital Budget;

- (e) that an application be forwarded to NERSA to incorporate the Priel/Hollandsche Molen Electricity Network into the license of Stellenbosch Municipality; and
- (f) that an application be forwarded to Drakenstein Municipality to supply bulk electricity to the Priel/Hollandsche Molen upon a successful response from NERSA and the appropriate capital amount be placed on the 2018/2019 capital budget.



<b>7.6.4</b>	<b>UPDATE REPORT ON THE DROUGHT SITUATION AS WELL AS THE COSTING THEREOF</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

*14 March 2018*

1. **SUBJECT: UPDATE REPORT ON THE DROUGHT SITUATION AS WELL AS THE COSTING THEREOF**
2. **PURPOSE**  
  
To provide an update on the Drought Situation and the Preparation of augmenting the supply of water as well as the costing thereof.
3. **FOR DISCUSSION**
4. **EXECUTIVE SUMMARY**

**16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 7.6.4**

**RESOLVED** (nem con)

- (a) that this report be noted;
- (b) that Council notes the total required funding to complete the full project at R77 980 756.94 rounded off to R78 000 000;
- (c) that Council notes that a total of R67 071 468.66 must be spent this year to complete a workable borehole water networked system;
- (d) that an amount of R10 400 000.00 be considered in the 2018/19 budget to formally complete all borehole augmentation work;
- (e) that the 2017/18 budget be adjusted to accommodate the R67 071 468.66 intended expenditure and that the shortfall be found from other projects; and
- (f) that an updated report be brought to Council in May 2018.

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7.7	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: CLLR N JINDELA)
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NONE

7.8	PROTECTION SERVICES: [PC: CLLR Q SMIT]
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NONE

7.9	YOUTH, SPORTS AND CULTURE: [PC: XL MDEMKA (MS)]
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NONE

8.	<b>CONSIDERATION OF ITEMS, REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED VIA THE OFFICE OF THE MUNICIPAL MANAGER</b>
8.1	<b>MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN]</b>
8.1.1	<b>CONSIDERATION OF UNFORESEEN EXPENDITURE FOR THE REPAIRS AT CLOETESVILLE SPORTS GROUNDS</b>

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Strategic Focus Area 2

20 March 2018

**1. SUBJECT: CONSIDERATION OF UNFORESEEN EXPENDITURE FOR THE REPAIRS AT CLOETESVILLE SPORTS GROUNDS**

**2. PURPOSE**

To provide Council with information regarding unforeseen expenditure for oversight by MPAC. Council needs to consider and approve that the expenditure is deemed irrecoverable and be written off in terms of the MFMA Section 32 (2).

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

A break-in occurred at the storeroom of Cloetesville Sports grounds during the night of 29 August 2017. Specialized equipment to the value of R 40 000-00 was stolen. This incident was reported on 30 August 2017. Repair works was done on 30 August 2017 due to the matter being handled as an emergency. No order has been generated by Supply Chain to date. The department is currently in the process of compiling a deviation that will be submitted to the Municipal Manager. These repairs had to be done immediately in order to prevent any enormous financial losses for Stellenbosch Municipality.

**16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 8.1.1**

**RESOLVED** (nem con)

- (a) that Council takes note of the emergency security measures that were put in place to protect council property, ensure efficient project flow and process to prevent suffering major financial losses by actions taken at Cloetesville Sports ground; and
- (b) that Council certifies the expenditure amount of R 21 587.00 (Ukey: 20170706020904) for work done.

8.1.2	<b>REPEAL OF COUNCIL RESOLUTION IN REGARD TO ADDITIONAL DAY'S LEAVE TO STAFF</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

20 March 2018

**1. SUBJECT: REPEAL OF COUNCIL RESOLUTION IN REGARD TO ADDITIONAL DAY'S LEAVE TO STAFF**

**2. PURPOSE**

To inform Council that the implementation of the Executive Committee decision dated 10/12/2002 was in contravention of the SALGBC Main Collective Agreement and the Western Cape Conditions of Service, and request condonation of the irregular expenditure on salaries for the years since 2006 till 2017. The rights provided for in the Executive Committee resolution lapsed on 31 December 2005 already.

**3. DELEGATED AUTHORITY**

The provision of leave and Special leave forms part of the Conditions of Service negotiated on National and Provincial level within the SALGBC and where the employer is represented by SALGA. Section 71 of the Municipal Systems Act binds Council to the provisions of the Collective Agreements reached in the SALGBC unless the Municipality has requested and received exemption from a specific provision in the Collective Agreement. MPAC may condone any irregular expenditure on the salary budget.

**4. EXECUTIVE SUMMARY**

The Executive Committee resolved on 10 December 2012 to *"approve over and above the statutory holidays depicted in Schedule one(1) of the Act additional day leave for every employee in its service to be taken with the approval of his/her Departmental Manager"*. This provision was applicable within a calendar year.

The Act proclaiming public holiday does not provide any authority to a Municipality to proclaim any additional public holiday. Conditions of Service for staff members are regulated through various pieces of legislation. The Basic Conditions of Employment Act, the Local Government Systems Act, 32/2000 and the SALGBC collective agreements reached.

The main Collective Agreement provides for the amount of annual leave, sick leave and family responsibility leave employees may/must get and the Collective Agreement on Conditions of Service for the Western Cape Division deals with Special leave. Special leave has been divided in various sections, none of which refers to an additional leave day for Religious leave.

The current Main Collective Agreement came into operation on 1 July 2015 and the Western Cape Division agreement on 1 April 2016. The first Main Collective Agreement came into operation on 1 January 2004 and provided in clause 5 of the agreement – " all existing conditions of service referred to herein that are more favourable .....shall continue in force until 31 December 2005. The decision taken in 2002 therefore ended in 2005 and from the 2006 calendar year employees should not have been allowed to take the additional day's leave as annual leave was one of the aspects addressed in the 2004 agreement. The additional day was nothing else than

an additional day's leave as the reference to religious holiday was taken away and as such the "better condition" has lapsed on 31 December 2005.

Council repealed the decision on 29 December 2017 and acknowledged that expenditure by granting the leave despite the fact that the rights have lapsed in 2005 already.

Any payment for the leave day could be regarded as irregular expenditure. The employees however did apply and were granted the paid leave over the years. The irregular expenditure should be considered and it is recommended that it be condoned and not be recovered from the employees who took the leave. To rectify the situation will mean that the leave will have to be changed into normal leave and a lot of employees that have enjoyed this benefit do not work for the municipality anymore. To try and recover the day's leave costs from each and every employee would be impractical and not cost-effective.

#### **16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 8.1.2**

##### **RESOLVED** (nem con)

- (a) that Council considers the irregular expenditure and to Council to write off the expenditure as it would not be cost-effective to recover it from all the employees who worked here from 2006 to 2017;
- (b) that Council condones the irregular expenditure from 2006 to 2017 on the salary budget; and
- (c) that it be noted that the employees were informed that the day's leave is terminated at the end of December 2017 and that the decision of the Executive Committee was repealed.

8.1.3	<b>RATIFICATION OF THE APPOINTMENT OF ROYAL HASKONING DHV FOR THE MULTI-DISCIPLINARY CONSULTANCY SERVICES FOR THE EXTENSION OF WEMMERSHOEK WWTW</b>
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**Collaborator No:**

**IDP KPA Ref No:**

**Meeting Date:**

**Good Governance**

**20 March 2018**

**1. SUBJECT: RATIFICATION OF THE APPOINTMENT OF ROYAL HASKONING DHV FOR THE MULTI-DISCIPLINARY CONSULTANCY SERVICES FOR THE EXTENSION OF WEMMERSHOEK WWTW**

**2. PURPOSE**

To provide information regarding the history and current situation pertaining to the appointment of a service provider in terms of Supply Chain Management Policy, 4.36.1(b) to ratify a minor breaches of the procurement processes for the appointment of Royal Haskoning DHV to render consultancy services for the extension of the Wemmershoek Waste Water Treatment Works (WWWTW) and to request the Committee to recommend to Council for approval.

**3. DELEGATED AUTHORITY**

COUNCIL.

Council to decide on the ratification of the the expenditure to the amount of R1 900 000 excl VAT relating to the extension of the appointment of Royal Haskoning DHV as a suitable service provider for the multi-disciplinary consultancy services for the extension of Wemmershoek WWTW, the associated transfer outfall sewer and the closure of the Franschoek WWTW.

**4. EXECUTIVE SUMMARY**

This report covers the process followed to extend the appointment of Royal Haskoning DHV as a suitable service provider for the multi-disciplinary consultancy services for the extension of Wemmershoek WWTW.

The tender was awarded on 05 December 2008 to Royal Haskoning DHV as a multi-disciplinary consultancy firm in relation to B/SM 172/08. It was envisaged that the extension of Wemmershoek WWTW would be completed in late 2015. Due to constant mechanical failures, the Contractor could not achieve commissioning of the plant and no completion certificate could be issued to date. The Municipality has decided to terminate contract B/SM 343/11 with mechanical Contractor, Bateman/Tenova and a new contractor was employed after an adjudication process to complete all operating deficiencies at Wemmershoek WWTW in order for the plant's effluent to comply with regulations.

Consequent management is being implemented against Bateman/Tenova through a legal process to recover contractor's guarantees and retention money. A deviation was compiled in early 2017/18 financial year for continuity of Royal Haskoning DHV's appointment due to their knowledge and involvement in the design and construction monitoring in the original extension of Wemmershoek WWTW. Royal Haskoning DHV was the recommended consulting firm to complete this project due to the fact that it would be impractical to appoint another consultant to complete this work.

This deviation was however changed by the previous Manager: Supply Chain Management to a Natural Continuation of appointment which the end user department did not agree with but the Natural Continuation was approved though. Royal Haskoning DHV was then appointed to complete the work as stipulated.

**16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 8.1.3****RESOLVED** (nem con)

- (a) that Council takes note of the circumstances as provided in the report and approves the ratification of the expenditure to the amount of R1 900 000 (excl. VAT); and
- (b) that Council certifies the expenditure as irrecoverable and that it be written off in terms of the MFMA Section 32 (2).

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8.2	<b>OFFICE OF THE MUNICIPAL MANAGER</b>
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8.2.1	<b>INTERNAL AUDIT CHARTER</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date: 2018-03-28

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**1. INTERNAL AUDIT CHARTER**

**2. PURPOSE**

To obtain Council's approval of the Internal Audit Charter attached as **APPENDIX 1**.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

Section 62 of the MFMA requires amongst others, that the accounting officer of a municipality must take all reasonable steps to ensure that the municipality has and maintains effective, efficient and transparent systems of internal audit operating in accordance with any prescribed norms and standards. The Terms of reference for Internal Audit is updated as when required taking into consideration legislative changes if any and best practice guidance in line with the IIA Standards. The Internal Audit Charter was reviewed by Management and the Audit and Performance Audit Committee and recommended to Council for approval at a meeting of the committee dated 29 August 2017.

**16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 8.2.1**

**RESOLVED** (nem con)

that Council approves the Internal Audit Charter.



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8.2.2	AUDIT AND PERFORMANCE AUDIT COMMITTEE CHARTER
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

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**1. AUDIT AND PERFORMANCE AUDIT COMMITTEE CHARTER**

**2. PURPOSE**

To obtain Council's approval of the Audit and Performance Audit Committee Charter attached as **APPENDIX 1**.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

The Audit & Performance Audit Committee review its Charter as and when required based on legislative changes or to implement new best practice principles in line with the IIA standards.

**16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 8.2.2**

**RESOLVED** (nem con)

that Council approves the Audit and Performance Audit Committee Charter.

<b>8.3</b>	<b>ECONOMIC DEVELOPMENT &amp; PLANNING SERVICES: [PC: J CLLR SERDYN]</b>
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<b>8.3.1</b>	<b>EARLY CHILDHOOD DEVELOPMENT (ECD) POLICY</b>
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**Collaborator No:** 542950

**IDP KPA Ref No:** Dignified Living: Municipal Focus Area 21

**Meeting Date:** 28 March 2018

**File Plan:** 17/P/24

**1. SUBJECT: EARLY CHILDHOOD DEVELOPMENT (ECD) POLICY**

**2. PURPOSE**

To obtain Council's approval for the Early Childhood Development (ECD) Policy.

**3. DELEGATED AUTHORITY**

**FOR DECISION BY MUNICIPAL COUNCIL**

**4. EXECUTIVE SUMMARY**

The application for the approval of an ECD Policy stems from the fact that Child Care Facilities are listed among the responsibilities of local municipalities in Schedule 4 Part B of the Constitution. The registration of these facilities however rests with the Provincial Department Social Development. Monitoring of health requirements for these facilities is the responsibility of the District Municipality and ensuring appropriate land use and fire safety resides with the local authority. It is understandable that persons wanting to establish an ECD become confused in the process of trying to toe the line of compliance. Many applicants find the process so daunting that they give up. This policy on early childhood development centres is premised on a distinction between registered and unregistered facilities as a means of reflecting and providing for the variations in demand for ECD facilities and services

The policy aims to provide a framework through which Stellenbosch Municipality can realize its mandate to deliver on Early Childhood Facilities as stipulated in Schedule 4B of the Constitution of South Africa.

**16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 8.3.1**

**RESOLVED** (nem con)

that the draft Early Childhood Development Policy be approved.

<b>8.3.2</b>	<b>STELLENBOSCH MUNICIPALITY NOISE CONTROL POLICY</b>
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Collaborator No: 575367  
KPA Ref No: D 437  
Meeting Date: 11 April 2018

**1. SUBJECT: STELLENBOSCH MUNICIPALITY NOISE CONTROL POLICY**

**2 PURPOSE**

A Draft Stellenbosch Municipality Noise Control Policy (June 2017) (Annexure A) relating to the implementation of the Provincial Noise Control Regulations PN 200/2013 (Annexure B) has been prepared. The purpose of this item is to acquire Council's approval to advertise and request public and the relevant provincial government department's comment on the above draft noise control policy.

**3. DELEGATED AUTHORITY**

**(FOR DECISION BY MUNICIPAL COUNCIL AND EXECUTIVE MANAGEMENT)**

There is no clear delegation in the current System of Delegations dated 2015/05/01. However, Section C (e) Environmental Management, of the above System of Delegations, Item 392, makes provision for certain aspects (Noise Impact Assessments and Exemptions) as contained in the Provincial Cape Noise Control Regulations.

**4. EXECUTIVE SUMMARY**

A Draft Stellenbosch Municipality Noise Control Policy (June 2017) has been prepared to regulate the internal implementation of the Provincial Noise Control Regulations PN 200/2013.

The need for such a policy is borne from the fact that various municipal departments deal with different aspects of noise control. The policy will clearly direct all relevant departments as to its function in dealing with the issue of noise and noise complaints.

**16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 8.3.2**

**RESOLVED** (majority vote with abstention)

- (a) that Council approves the advertisement of the Draft Stellenbosch Municipality Noise Control Policy (June 2017) for public input and the distribution of same to the relevant provincial government departments for comment; and
- (b) that the inputs received during the above public participation process be worked into a final Draft Stellenbosch Municipality Noise Control Policy to be presented to Council for approval.

<b>8.3.3</b>	<b>STELLENBOSCH MUNICIPALITY AIR QUALITY BY-LAW</b>
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**Collaborator No:** 575338

**KPA Ref No:** D 435

**Meeting Date:** 11 April 2018

**1. SUBJECT: STELLENBOSCH MUNICIPALITY AIR QUALITY BY-LAW**

**2. PURPOSE**

A Draft Stellenbosch Municipality Air Quality By-Law (June 2017) (Annexure A) has been prepared to give effect to the right contained in Section 24 of the Constitution of the Republic of South Africa, 1996, by controlling air pollution within the area of the municipality's jurisdiction as well as to ensure that air pollution is avoided, or where it cannot be altogether avoided, minimized and remedied. The purpose of this item is to acquire Council's approval to advertise and request public and the relevant provincial government department's comment on the above draft by-law.

**3. DELEGATED AUTHORITY**

**(FOR DECISION BY MUNICIPAL COUNCIL AND EXECUTIVE MANAGEMENT)**

There is no clear delegation in the current System of Delegations dated 2015/05/01 for this item.

Stellenbosch Municipality has, however, defined obligations as contained in the National Environmental Management: Air Quality Act, 39 of 2004, to:

- a) Compile an Air Quality Management Plan (AQMP)
- b) Designate an Air Quality Officer (AQO)
- c) Report on the implementation of the AQMP

In terms of the Constitution of the Republic of South Africa, 1996, Section 156, a municipality has executive authority in respect of, and has the right to administer -

- (i) the local government matters listed in Part B of Schedule 4 and Part B of Schedule 5; and
- (ii) any other matter assigned to it by national or provincial legislation.

Schedule 4, Part B, referred to above include air pollution.

**4. EXECUTIVE SUMMARY**

A Draft Stellenbosch Municipality Air Quality By-Law (June 2017) has been prepared to give effect to the right contained in Section 24 of the Constitution of the Republic of South Africa, 1996 by controlling air pollution within the area of the municipality's jurisdiction as well as to ensure that air pollution is avoided, or where it cannot be altogether avoided, minimized and remedied.

The need for the proposed by-law (regulatory framework) has been identified in the Air Quality Management Plan for Stellenbosch Municipality.

**16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 8.3.3****RESOLVED** (majority vote with abstentions)

- (a) that Council approves the advertisement of the Draft Stellenbosch Municipality Air Quality Control Policy (June 2017) for public input and the distribution of same to the relevant provincial government departments for comment; and
- (b) that the inputs received during the above public participation process be worked into a final Draft Stellenbosch Municipality Air Quality Control Policy to be presented to Council for approval.

8.4	HUMAN SETTLEMENTS: [PC: CLLR PW BISCOMBE]
8.4.1	EXTENTION OF CONTRACT PERIOD: TEMPORARY PROJECT MANAGER IN DIRECTORATE: HUMAN SETTLEMENTS TASKED WITH FORESTRY VILLAGES

Collaborator No: 575454

IDP KPA Ref No:

Meeting Date: 28 March 2018

**1. SUBJECT: EXTENTION OF CONTRACT PERIOD: TEMPORARY PROJECT MANAGER IN DIRECTORATE: HUMAN SETTLEMENTS TASKED WITH FORESTRY VILLAGES**

**2. PURPOSE**

To motivate for the further extension of the contract of the temporary Project Manager in the Directorate: Human Settlements and Project Management tasked with Forestry Villages and change the Council resolution of 25 November 2015.

**3. DELEGATED AUTHORITY**

Council approved the appointment of the Project Manager tasked with Forest Villages on 25 November 2015 and has since then extended the contract until 28 February 2018. The appointment of employees that does not fall within the section 56 and 54A ambit is the responsibility of the Municipal Manager in terms of section 55(1)€ of the Municipal Systems Act. Due to the Council resolutions dealing with this matter however the matter is placed before Council.

**4. EXECUTIVE SUMMARY**

On 25 November 2015 Council approved the appointment of various temporary Project Managers *inter alia* one to focus on the ex-Forest Villages.

Following on advertisement and an interview process, Mr W. W. Johnstone was appointed as temporary Project Manager for the Forest Villages in the Directorate: Human Settlements & Property Management from 1 August 2016 for a period of six (6) months. His appointment was subsequently extended on two (2) occasions. His contract has come to an end at the end of February 2018. The purpose of this report is to request a further contract for a period of twelve (12) months to enable us to complete the projects he was working on.

**16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 8.3.4**

**RESOLVED** (nem con)

that this matter be withdrawn, to allow the Municipal Manager to deal with the process.

<b>8.4.2</b>	<b>FUTURE UTILIZATION OF EX-KLEINE LIBERTAS THEATRE SITE: CONSIDERATION OF INPUTS RECEIVED</b>
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**Collaborator No:** 575014

**IDP KPA Ref No:**

**Meeting Date:** 28 March 2018

**1. SUBJECT: FUTURE UTILIZATION OF EX-KLEINE LIBERTAS THEATRE SITE:  
CONSIDERATION OF INPUTS RECEIVED**

**2. PURPOSE**

To consider the inputs received, following a public participation process, on the future utilization of the ex-Kleine Libertas Theatre site.

**3. DELEGATED AUTHORITY**

Seeing that Council has requested a public participation process, it would make sense that Council consider the inputs received.

**4. EXECUTIVE SUMMARY**

During June 2015 the (then) Kleine Libertas Theatre building was partially destroyed in a fire.

The Municipality and our Insurance Company subsequently concluded a Settlement Agreement in terms whereof they would pay out an amount of R3.5M as full and final settlement of the claim.

In terms hereof the Municipality would attend to the rebuild of the facility.

A team of consultants were subsequently appointed to:

- a) Obtain the necessary approvals from Heritage Western Cape; and
- b) To compile a tender document/building plans for the rebuild of the facility.

At a Council meeting held on 2017-09-13, the Municipal Council however, decided to invite public inputs on the future use of the site, before making a final decision on whether to proceed with the rebuilding of the facility or to plan/develop an alternative facility/usage on the site.

All interested and effected community's role-players, and/or stake holders were subsequently invited to submit comments/input on/or before 08 December 2017.

The majority of inputs that was received were for the rebuild of the theatre.

**16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 8.4.2**

**RESOLVED** (nem con)

- a) that Council takes note of the large number of inputs/comment received; and
- b) that a multi-purpose building be planned and after erection of building council call for proposals from the Stellenbosch Community for its utilization in line with our strategic objectives.



<b>8.4.3</b>	<b><i>QUO VADIS: MILLSTREAM CORRIDOR</i></b>
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**Collaborator No:**

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

**Meeting Date:** 24 January 2017

**1. SUBJECT: *QUO VADIS: MILLSTREAM CORRIDOR***

**2. PURPOSE**

The purpose of this report is two-fold:

- a) to provide Council with some background/*status quo* report; and
- b) to decide on the future use of the millstream area.

**3. DELEGATED AUTHORITY**

**(FOR DECISION BY MUNICIPAL COUNCIL, EXECUTIVE MAYOR AND MAYORAL COMMITTEE, PORTFOLIO COMMITTEE, EXECUTIVE MANAGEMENT, ETCETERA)**

Although the Executive Mayor, Municipal Manager and the Director: HS&PM, respectively, have certain delegated powers insofar as it relates to encroachments onto Council owned land (see delegation 530) the Executive Mayor has requested that this specific matter be referred to full Council to make a decision on the future of the Millstream Corridor.

**4. EXECUTIVE SUMMARY**

Stellenbosch Municipality is the owner of Erf 1771, which include the historic Millstream, which was (in part) declared as a National Monument.

Over the past 30 plus years all the adjacent landowners (with or without permission) has started to encroach onto erf 1771 and has erected boundary walls on Council-owned land.

During 1999 Council appointed Chittenden Nicks De Villiers (CNdeV) to advise on a way forward, but none of their recommendations were ever acted upon.

Following various complaints by surrounding land owners and interested parties, notices were served on those land owners who have encroached onto Council owned land, to remove such encroachments.

This was followed up with further notices in 2016, but to date no such encroaching structured were removed.

Council is to make a final decision, or at least decide on a process that will lead to a final decision in this regard.

**16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 8.4.3****RESOLVED** (majority vote)

- (a) that Stellenbosch Municipality commences with a public participation process, requesting the public to give their input on the future use of Erf 1771, in particular what the public would like to see with regard to the use thereof;
- (b) that the Municipality obtains a legal opinion on its rights and obligations in terms of Erf 1771, if and when it is deemed necessary; and
- (c) that the Municipal Manager be authorised to submit a plan on the best public use and aesthetics, and if necessary, to appoint a specialist(s) to assist in this regard.

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

*Cllrs GN-Bakubaku-Vos (Ms); FT Bangani-Menziwa (Ms); N Mananga-Gugushe (Ms); LM Maqeba; MD Oliphant; RS Nalumango (Ms); N Sinkinya (Ms) and P Sitshoti (Ms).*

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9.	MATTERS FOR NOTIFICATION
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9.1	REPORT BY THE EXECUTIVE MAYOR
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NONE

9.2	REPORT BY THE SPEAKER
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NONE

9.3	REPORT BY THE MUNICIPAL MANAGER
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NONE

<b>10.</b>	<b>CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER</b>
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<b>10.1</b>	<b>MOTION BY COUNCILLOR DA HENDRICKSE: EARLY TERMINATION OF LEASE AGREEMENT: KWV (PTY) LTD: LEASE FARM 369P, STELLENBOSCH</b>
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Councillor DA Hendrickse was not present in the meeting, but had requested via email dated 2018-03-27, that his Motion be withdrawn.

The Speaker **RULED** that the Motion be withdrawn, as per Councillor DA Hendrickse's request, in terms of Rule 4 of Council's Rules of Order By-law.

<b>Meeting:</b>	16 <sup>th</sup> Council meeting: 2018-03-28	<b>Submitted by Directorate:</b>	Office of the Municipal Manager
<b>Ref No:</b>	3/4/1/4	<b>Author:</b>	Municipal Manager: (Ms G Mettler)
<b>Collab:</b>		<b>Referred from:</b>	Mayco meeting: 2018-03-14

10.2	<b>QUESTION 1 BY COUNCILLOR F ADAMS: A BREAKDOWN OF STAFF EXITING THE INSTITUTION SINCE 01 MARCH 2017, AS WELL AS THE T-LEVELS, GENDER, RACE, DESIGNATION AND DEPARTMENTS</b>
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In view of the absence of the member,

the Speaker **RULED**

that this matter has lapsed.

<b>Meeting:</b>	16 <sup>th</sup> Council meeting: 2018-03-28	<b>Submitted by Directorate:</b>	Office of the Municipal Manager
<b>Ref No:</b>	3/4/1/4	<b>Author:</b>	Municipal Manager: (Ms G Mettler)
<b>Collab:</b>		<b>Referred from:</b>	

10.3	<b>QUESTION 2 BY COUNCILLOR F ADAMS: BREAKDOWN OF ALL DISCIPLINARY CASES OF COUNCILLORS HANDLED BY ADV. ETIENNE VERMAAK AND SUBSEQUENT COST TO THE MUNICIPALITY</b>
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In view of the absence of the member,

the Speaker **RULED**

that this matter has lapsed.

<b>Meeting:</b>	16 <sup>th</sup> Council meeting: 2018-03-28	<b>Submitted by Directorate:</b>	Office of the Municipal Manager
<b>Ref No:</b>	3/4/1/4	<b>Author:</b>	Municipal Manager: (Ms G Mettler)
<b>Collab:</b>		<b>Referred from:</b>	

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10.4	<b>QUESTION 1 BY COUNCILLOR DA HENDRICKSE: THE AMOUNT OF PEOPLE PER DEPARTMENT THAT LEFT THE SERVICES OF STELLENBOSCH MUNICIPALITY SINCE AUGUST 2016</b>
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In view of the absence of the member,

the Speaker **RULED**

that this matter has lapsed.

<b>Meeting:</b>	16 <sup>th</sup> Council meeting: 2018-03-28	<b>Submitted by Directorate:</b>	Office of the Municipal Manager
<b>Ref No:</b>	3/4/1/4	<b>Author:</b>	Municipal Manager: (Ms G Mettler)
<b>Collab:</b>		<b>Referred from:</b>	

10.5	<b>QUESTION 2 BY COUNCILLOR DA HENDRICKSE: THE STATUS OF THE CONTRACTS CONCLUDED WITH THE VARIOUS SPORTS COUNCILS AND VAN DER STEL SPORTS CLUB</b>
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In view of the absence of the member,

the Speaker **RULED**

that this matter has lapsed.

<b>Meeting:</b>	16 <sup>th</sup> Council meeting: 2018-03-28	<b>Submitted by Directorate:</b>	Office of the Municipal Manager
<b>Ref No:</b>	3/4/1/4	<b>Author:</b>	Municipal Manager: (Ms G Mettler)
<b>Collab:</b>		<b>Referred from:</b>	



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

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

13.	<b>CONSIDERATION OF REPORTS</b>
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13.1	<b>REPORTS SUBMITTED BY THE SPEAKER</b>
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13.1.1	<b>REPORT BACK TO COUNCIL REGARDING INVESTIGATION INTO AN ALLEGATION OF MISCONDUCT BY COUNCILLOR A FRAZENBURG</b>
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**Collaborator No:**  
**IDP KPA Ref No:**

**Good governance and Compliance**

**Meeting Date:**

**16<sup>th</sup> Council Meeting, 28 March 2018**

**1. SUBJECT: REPORT BACK TO COUNCIL REGARDING INVESTIGATION INTO AN ALLEGATION OF MISCONDUCT BY COUNCILLOR A FRAZENBURG**

**2. PURPOSE**

To obtain Council recommendation for the alleged allegation of misconduct against Councillor AR Frazenburg.

**3. DELEGATED AUTHORITY**

Municipal Council for referral to the Section 79 Committee: Disciplinary Committee for Councillors.

**4. EXECUTIVE SUMMARY**

The Office of the Speaker received a formal complaint from Mr G Herman from the Community Care and Rehabilitation Centre in Franschoek regarding the conduct of Councillor AR Frazenburg.

Mr Ettiene Vermaak was appointed to assist the Office of the Speaker with the investigation into this allegation.

**16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 13.1.1**

Before deliberations on the matter, the DA requested a caucus, which the Speaker allowed.

When the meeting resumed, the following Councillors recused themselves for the duration of the matter:

Cllr AR Frazenburg (implicated in the matter)  
Cllr MB De Wet (member of the Disciplinary Committee)  
Cllr LM Maqeba (member of the Disciplinary Committee)  
Cllr WC Petersen (Ms) (member of the Disciplinary Committee);  
Cllr Q Smit (member of the Disciplinary Committee)

**RESOLVED** (majority vote with abstentions)

- (a) that Council decides that no action be taken against Cllr AR Frazenburg in terms of the Code of Conduct for Councillors; and
- (b) that Pastor Herman be informed that an independent investigation had shown that Cllr Frazenburg had not given permission to any soccer club to use or to rent the Opstal for the period 14 – 18 April 2017.

13.1.2	<b>REPORT BACK TO COUNCIL REGARDING INVESTIGATION INTO AN ALLEGATION OF MISCONDUCT BY COUNCILLOR F ADAMS</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good governance and Compliance

16<sup>th</sup> Council Meeting, 28 *March 2018*

**1. SUBJECT: REPORT BACK TO COUNCIL REGARDING INVESTIGATION INTO AN ALLEGATION OF MISCONDUCT BY COUNCILLOR F ADAMS**

**2. PURPOSE**

To obtain Council recommendation for the alleged allegation of misconduct against Councillor F Adams.

**3. DELEGATED AUTHORITY**

Municipal Council for referral to the Section 79 Committee: Disciplinary Committee for Councillors.

**4. EXECUTIVE SUMMARY**

The Office of the Speaker received a formal complaint against Cllr Adams, dated 3 March 2017.

Mr Ettiene Vermaak was appointed to assist the Office of the Speaker with the investigation into this allegation.

**16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 13.1.2**

Before deliberations on the matter, the following Councillors recused themselves for the duration of the matter:

Cllr MB De Wet (member of the Disciplinary Committee)

Cllr LM Maqeba (member of the Disciplinary Committee)

Cllr WC Petersen (Ms) (member of the Disciplinary Committee);

Cllr Q Smit (member of the Disciplinary Committee)

**RESOLVED** (majority vote with abstentions)

- (a) that the item be referred to the Disciplinary Committee of Stellenbosch Municipality to investigate and make a finding on the alleged breach of the Code of Conduct for Councillors as stipulated in Schedule 1 of the Systems Act, Act 32 of 2000; and
- (b) that the Disciplinary Committee then make appropriate recommendations to Council.

13.1.3	<b>REPORT BACK TO COUNCIL REGARDING INVESTIGATION INTO AN ALLEGATION OF MISCONDUCT BY COUNCILLOR P SITSHOTI (Ms)</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good governance and Compliance

16<sup>th</sup> Council Meeting, 28 March 2018

**1. SUBJECT: REPORT BACK TO COUNCIL REGARDING INVESTIGATION INTO AN ALLEGATION OF MISCONDUCT BY COUNCILLOR P SITSHOTI (MS)**

**2. PURPOSE**

To obtain Council recommendation for the alleged allegation of misconduct against Councillor P Sitshoti (Ms).

**3. DELEGATED AUTHORITY**

Municipal Council for referral to the Section 79 Committee: Disciplinary Committee for Councillors.

**4. EXECUTIVE SUMMARY**

Various allegations of misconduct have been made against Cllr Sitshoti in a letter from Zamile Mayataza and Sila Kataza to the Speaker, dated 1 March 2017.

**16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 13.1.3**

Before deliberations on the matter, the following Councillors recused themselves for the duration of the matter:

Cllr P Sitshoti (Ms) (implicated in the matter)

Cllr MB De Wet (member of the Disciplinary Committee)

Cllr LM Maqeba (member of the Disciplinary Committee)

Cllr WC Petersen (Ms) (member of the Disciplinary Committee);

Cllr Q Smit (member of the Disciplinary Committee))

**RESOLVED** (majority vote with abstentions)

- (a) that the item be referred to the Disciplinary Committee of Stellenbosch Municipality to investigate and make a finding on the alleged breach of the Code of Conduct for Councillors as stipulated in Schedule 1 of the Systems Act, Act 32 of 2000; and
- (b) that the Disciplinary Committee then make appropriate recommendations to Council.

13.1.4	<b>REPORT BACK TO COUNCIL REGARDING INVESTIGATION INTO AN ALLEGATION OF MISCONDUCT BY COUNCILLOR DA HENDRICKSE</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good governance and Compliance

16<sup>th</sup> Council Meeting, 28 *March* 2018

**1. SUBJECT: REPORT BACK TO COUNCIL REGARDING INVESTIGATION INTO AN ALLEGATION OF MISCONDUCT BY COUNCILLOR DA HENDRICKSE**

**2. PURPOSE**

To obtain Council recommendation for the alleged allegation of misconduct against Councillor D Hendrickse.

**3. DELEGATED AUTHORITY**

Municipal Council for referral to the Section 79 Committee Disciplinary Committee for Councillors.

**4. EXECUTIVE SUMMARY**

The Office of the Speaker received documentation containing allegations of misconduct made against Cllr D A Hendrickse, which included print outs of Facebook postings by Cllr Hendrickse on the Facebook page of the Speaker on 21 June 2017.

**16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 13.1.4**

Before deliberations on the matter, the following Councillors recused themselves for the duration of the matter:

Cllr MB De Wet (member of the Disciplinary Committee)

Cllr LM Maqeba (member of the Disciplinary Committee)

Cllr WC Petersen (Ms) (member of the Disciplinary Committee);

Cllr Q Smit (member of the Disciplinary Committee)

**RESOLVED** (majority vote with abstentions)

- (a) that the item be referred to the Disciplinary Committee of Stellenbosch Municipality to investigate and make a finding on the alleged breach of the Code of Conduct for Councillors as stipulated in Schedule 1 of the Systems Act, Act 32 of 2000; and
- (b) that the Disciplinary Committee then make appropriate recommendations to Council.

13.1.5	<b>REPORT BACK TO COUNCIL REGARDING INVESTIGATION INTO AN ALLEGATION OF MISCONDUCT BY COUNCILLOR R DU TOIT (MS)</b>
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**Collaborator No:**

**IDP KPA Ref No:**

Good governance and Compliance

**Meeting Date:**

16<sup>th</sup> Council Meeting, 28 March 2018

**1. SUBJECT: REPORT BACK TO COUNCIL REGARDING INVESTIGATION INTO AN ALLEGATION OF MISCONDUCT BY COUNCILLOR R DU TOIT**

**2. PURPOSE**

To inform Council of the outcome of an allegation of misconduct against Councillor R du Toit.

**3. DELEGATED AUTHORITY**

Municipal Council for information relating to an allegation of misconduct against Councillor R du Toit in terms of the Code of Conduct for Councillors.

**4. EXECUTIVE SUMMARY**

The Office of the Speaker received a formal complaint against Councillor R du Toit undated and received on 02 March 2017 from Mr E Moses.

The Speaker requested Councillor Du Toit to respond to the allegations lodged against her.

**16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 13.1.5**

Before deliberations on the matter, the following Councillors recused themselves for the duration of the matter:

Cllr R Du Toit (Ms) (implicated in the matter)

Cllr MB De Wet (member of the Disciplinary Committee)

Cllr LM Maqeba (member of the Disciplinary Committee)

Cllr WC Petersen (Ms) (member of the Disciplinary Committee);

Cllr Q Smit (member of the Disciplinary Committee))

**RESOLVED** (majority vote with abstentions)

- (a) that it be noted that the Speaker considered all information relating to the alleged breach in respect of the Code of Conduct for Councillors and decided that there is not sufficient evidence to proceed with an investigation against Councillor R du Toit (Ms);
- (b) that the matter therefore be deemed concluded; and
- (c) that the letter from the Speaker to Mr E Moses relating to the institution of no further action against Councillor R du Toit (Ms), be noted.

13.1.6	<b>REPORT BACK TO COUNCIL REGARDING INVESTIGATION INTO AN ALLEGATION OF MISCONDUCT BY COUNCILLOR WC PETERSEN (MS)</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good governance and Compliance

16<sup>th</sup> Council Meeting, 28 March 2018

**1. SUBJECT: REPORT BACK TO COUNCIL REGARDING INVESTIGATION INTO AN ALLEGATION OF MISCONDUCT BY COUNCILLOR WC PETERSEN**

**2. PURPOSE**

To inform Council of the outcome of an allegation of misconduct against Councillor WC Petersen incorrectly addressed as M Pietersen.

**3. DELEGATED AUTHORITY**

Municipal Council for information relating to an allegation of misconduct against Councillor WC Petersen in terms of the Code of Conduct for Councillors.

**4. EXECUTIVE SUMMARY**

The Office of the Speaker received a e-mail addressed to the Municipal Manager, CFO, Speaker and Director Planning and Economic Development complaint against Cllr WC Petersen from Mr Saliem Haider, Manager: Solid Waste Management, dated 02 March 2017. This e-mail relates to, inter alia, a complaint of interfering with the administration.

The Speaker in a letter dated, 08 March 2017 requested Councillor WC Petersen to respond to the complaint lodged.

**16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 13.1.6**

Before deliberations on the matter, the following Councillors recused themselves for the duration of the matter:

Cllr WC Petersen (Ms) (implicated in the matter)

Cllr MB De Wet (member of the Disciplinary Committee)

Cllr LM Maqeba (member of the Disciplinary Committee)

Cllr Q Smit (member of the Disciplinary Committee)

**RESOLVED** (majority vote with abstentions)

- (a) that it be noted that the Speaker considered all information relating to the alleged breach in respect of the Code of Conduct for Councillors and decided that there is not sufficient evidence to proceed with an investigation against Councillor WC Petersen;
- (b) that the matter therefore be deemed concluded; and
- (c) that the letter of the Speaker to Mr S Haider informing him of the outcome of the complaint, be noted.

<b>ITEMS FROM SPECIAL MAYCO MEETING: 2018:03-22</b>
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<b>7.</b>	<b>CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: (ALD G VAN DEVENTER (MS))</b>
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<b>7.1</b>	<b>COMMUNITY DEVELOPMENT AND COMMUNITY SERVICES: (PC: CLLR AR FRAZENBURG)</b>
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NONE

<b>7.2</b>	<b>CORPORATE AND STRATEGIC SERVICES: (PC: CLLR E GROENEWALD (MS))</b>
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<b>7.2.1</b>	<b>ADOPTION OF REVISED SYSTEM OF DELEGATIONS</b>
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**Collaborator No:**

**File No**

**3/P/7**

**IDP KPA Ref No:**

**Good Governance**

**Meeting Date:**

**22 March 2018 and 28 March 2018**

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

**2. PURPOSE**

To submit a proposed amended System of Delegations for adoption by Council which will replace the out-dated existing System of Delegations.

**3. DELEGATED AUTHORITY**

Council to approve.

**4. EXECUTIVE SUMMARY**

In terms of section 59 of the Local Government: Municipal Systems Act, 32/2000, a Municipal Council must develop a System of Delegations that will maximize administrative and operational efficiency and provide for adequate checks and balances, and, in accordance with such system, may:

- (a) delegate appropriate powers excluding the powers referred to in section 160(2) of the Constitution, the power to set tariffs, to decide to enter into a service delivery agreement in terms of section 76(b), to approve or amend the Municipality's IDP, and any other provision in legislation conferring the powers to Council alone. The delegations may be made to any of the Municipality's political structures, political office bearers, councillors or staff members;
- (b) instruct any such political structure, political office bearer, councillor, or staff member to perform any of the Municipality's duties; and
- (c) withdraw any delegation or instruction.



The current system of delegations was approved by the previously elected Council. The current Council did not adopt the System of delegations – the Speaker ruled on 15 August 2016 to Note the existing System of Delegations.

The Delegations has now been revised and a new format was used in an attempt to link legislation and the different authorities to whom delegation are made. A workshop with Councillors took place on 13 February 2018. The changes as discussed at the workshop are included in the attached document.

**16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 7.2.1**

The Speaker **RULED** that this matter stand over until a next meeting of Council.

<b>7.2.2</b>	<b>MFMA SECTION 116(3) – PROPOSAL TO AMEND THE CURRENT ICT CONTRACTS FOR SOFTWARE LICENCE AND SUPPORT AGREEMENTS FOR A PERIOD OF THIRTY SIX MONTHS, EFFECTIVE FROM 01 JULY 2018 TO 30 JUNE 2021</b>
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**Collaborator No:**

**File number**

**Files 13/5 and 6/4/1**

**IDP KPA Ref No:**

**Good Governance**

**Meeting Date:**

**22 March 2018 and 28 March 2018**

**1. SUBJECT: MFMA SECTION 116(3) – PROPOSAL TO AMEND THE CURRENT ICT CONTRACTS FOR SOFTWARE LICENCE AND SUPPORT AGREEMENTS FOR A PERIOD OF THIRTY SIX MONTHS, EFFECTIVE FROM 01 JULY 2018 TO 30 JUNE 2021**

**2. PURPOSE**

To obtain Council's approval on the proposed amendment of all the ICT contracts terminating on the 30 June 2018 for a period of 3 years (36 Months) effective 1 July 2018 – 30 June 2021. Council may terminate any of the contracts on a 6 months' notice period during this period. The changes may be affected in terms of the enabling provisions of Section 116(3) of the Local Government: Municipal Finance Management Act, Act No. 56 of 2003 (MFMA). To inform Council that the investigation in regard to research and assess alternative ERP solutions has not been conducted in this financial year as a decision first needs to be taken in regard to the financial system. The assessment will be done and the outcome reported to Council as soon as the decision about the financial system has been taken.

**3. DELEGATED AUTHORITY**

Municipal Council.

**4. EXECUTIVE SUMMARY**

This report aims to provide the necessary information and motivation on the proposed amendment of the current ICT Contracts as listed in paragraph 6, ending 30 JUNE 2018, in terms of the enabling provisions of section 116(3) of the Local Government: Municipal Finance Management Act, Act No. 56 of 2003 (MFMA). The intention will be published in newspapers and the public invited to make input before Council make a decision whether to consent to the amendment of the contracts.

All the current ICT contracts were previously amended in 2016 through a Section 116 (3) process in order to accommodate the mSCOA implementation and the investigation in regard to an assessment on ERP solutions for the Municipality. The Finance department is in constant contact with the owners of the Financial System (SAMRAS) to ensure that the system developments are of such a nature that it can deal with mSCOA in full before a final decision is made on the continuation with SAMRAS as the financial system or not.

When an information system is bought the long term impact is that the Municipality will be using that system for a period longer than the normal 3 of 5 years that is set for new tender processes. An information system is the intellectual property of a company and no other company can provide the support or licencing for that information system. The dynamic nature of Information and Communications Technology, as well as investments made in business systems warrant a continuous

re-assessment of investments and system functionalities to ensure that value for money is achieved at all times. The long term impact of investments made in business systems and services warrants that the Stellenbosch Municipality continually re-assess its investment strategies to ensure on-going alignment with the deployment of business systems in line with mSCOA business processes. A final decision on whether the Municipality will replace the current financial system needs to be made first to enable the Municipality to determine the starting point for the ERP assessment.

If there is a decision that the financial system should be changed a comprehensive process will have to follow to tender and adjudicate the acquisition of a new system and Treasury plays a watchdog role in this process to ensure that the system that is procured is of the standard required. Should the Municipality decide to buy a new financial system it would make sense to assess the costs of one comprehensive system to replace the current systems listed in paragraph 6. Should the Municipality decide not to acquire a new financial system the assessment would be how do we ensure integration of existing systems with SAMRAS where integration is an issue or what new systems should be acquired to integrate with SAMRAS.

Various improvements have been made to ensure that systems integrate and where new support contracts are negotiated that the interests of the Municipality is protected. No new systems may be acquired by directorates unless it was debated at the ICT steering committee to ensure integration with current systems. Specifications are written to ensure that systems can integrate and that functionality is not duplicated.

#### **16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 7.2.2**

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

- (a) that Council takes note of the reasons tabled for the proposed amendments of all the current ICT contracts for ICT-related systems and services for a period of thirty six (36) months, effective from 1 July 2018 to 30 June 2021 with the proviso that the Municipality may cancel any of the systems with a six month notice period during this time;
- (b) that Council takes note that the municipality will advertise its intention to amend all ICT system related contracts that end on 30 June 2018 to extend such contracts for a period of thirty six months (36), for public input and that any public comment will be considered before a final decision is made; and
- (c) that Council approves that sufficient funding on the operational budget vote for the Software Licensing UKey: 20170608982691 is approved, to finance the extension and renewal of all the current ICT systems and services for the financial year of 2018/2019. Budget provisions will be made on a yearly basis depending on the process going forward.

<b>7.2.3</b>	<b>TABLING OF DRAFT REVIEW OF THE FOURTH GENERATION IDP (2017/18 – 2021/2022)</b>
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Collaborator No:

File No

9/1/2/4/2017-2018 – 2021-2022

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

22/03/2018

**1. SUBJECT:**

**TABLING OF DRAFT REVIEW OF THE FOURTH GENERATION IDP (2017/18 – 2021/2022)**

**2 PURPOSE**

To provide an opportunity to consider the first Draft Review of the Fourth Generation IDP (2017 – 2022).

**3. DELEGATED AUTHORITY**

**FOR DECISION BY MUNICIPAL COUNCIL.**

In terms of Section 34 of the Local Government: Municipal Systems Act 32 of 2000 prescribes that the municipal council:–

*“(a) must review its integrated development plan-*

*(i) annually in accordance with an assessment of its performance measurements in terms of section 41; and*

*(ii) to the extent that changing circumstances so demand”.*

**16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 7.2.3**

**RESOLVED** (nem con)

- (a) that the draft First Review of the Fourth Generation IDP (2017/18 – 2021/2022) for Stellenbosch Municipality be tabled in terms of section 34 of the Municipal Systems Act No 32 of 2000 for the purposes of obtaining public inputs and comments;
- (b) that the draft First Review of the Fourth Generation IDP (2017/18 – 2021/2022) be advertised for public inputs and comments during April 2018;
- (c) that the draft First Review of the Fourth Generation IDP (2017/18 – 2021/2022) be submitted to the Department of Local Government, Provincial Treasury, National Treasury and the Cape Winelands District Municipality;
- (d) that the draft First Review of the Fourth Generation IDP (2017/18 – 2021/2022) be submitted to Council before the end of May 2018 for final approval; and
- (e) that the proposed SDF amendments in the IDP be taken through an intensive public participation process.

7.2.4	<b>MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) OVERSIGHT REPORT ON THE ANNUAL REPORT 2016/17</b>
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Collaborator No:

**File No**

**3/5/3/5**

IDP KPA Ref No:

**Good Governance and Compliance**

Meeting Date:

**22 March 2018**

**1. SUBJECT:  
MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) OVERSIGHT REPORT  
ON THE ANNUAL REPORT 2016/17**

**2. PURPOSE**

The purpose of the report is:

- (i) to enable the MPAC/Oversight Committee to execute its oversight responsibility in considering the Stellenbosch Municipality's Annual Report for 2016/17 as required in terms of Section 129(1) of the MFMA, Act 56 of 2003; and
- (ii) to recommend to Council on the approval of the Annual Report 2016/17 **(distributed under separate cover as APPENDIX 1)**.

**3. DELEGATED AUTHORITY**

**FOR DECISION BY MUNICIPAL COUNCIL.**

In terms of Section 129 (1) of the Municipal Finance Management Act (MFMA), (Act No 56 of 2003) *"The council of a municipality must consider the annual report of the municipality and of any municipal entity under the municipality's sole or shared control, and by no later than two months from the date on which the annual report was tabled in the council in terms of section 127, adopt an oversight report containing the council's comments on the annual report, which must include a statement whether the council-*

- (a) *has approved the annual report with or without reservations;*
- (b) *has rejected the annual report; or*
- (c) *has referred the annual report back for revision of those components that can be revised."*

**4. EXECUTIVE SUMMARY**

The draft Annual Report for the 2016/17 financial year was referred by Council to the MPAC which will fulfil the functions of the Oversight Committee. The appointment and mandate of the MPAC/Oversight Committee were informed by the MFMA Circular 32 of 2006.

A high level of objectivity was displayed with the contributions of committee members as well as the two co-opted members of the Committee. The Committee was required to read through the entire document prior to the sitting. At the sitting the entire Draft Annual Report was scrutinised, per chapter, over a period of 7 days of scheduled meetings.

**16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 7.2.4**

During the debate, the following questions were posed, to which the Administration will respond in writing by 04 April 2018:

- (i) (Annual Report pg. 40). A tender was awarded for 17 top structures in Kayamandi, whilst a total of 20 houses were constructed. Why the discrepancy?
- (ii) (Annual Report pg. 93). What contingency plans are in place to curb water leakages?
- (iii) (Annual Report pg. 110). The inference is made that the SDF and the IDP were considered together, whilst the SDF was not ready for consideration when the IDP was submitted. What is the correct understanding?
- (iv) (Annual Report pg. 104). What led to the increase in the number of procurement process deviations from 26 in 2015/16 to 54 in 2016/17?

**RESOLVED** (majority vote with abstentions)

- (a) that the Council, having fully considered the Annual Report of the Municipality and representations thereon, adopts the Oversight Report 2016/17; and
- (b) that Council approves the Annual Report 2016/17 without reservations.

7.3	<b>ECONOMIC DEVELOPMENT AND PLANNING: (PC: ALD JP SERDYN (MS))</b>
7.3.1	<b>APPOINTMENT OF A STRATEGIC ADVISORY COMMITTEE: POLICY ON THE MANAGEMENT OF MUNICIPAL AGRICULTURAL LAND</b>

Collaborator No:

IDP KPA Ref No:

Meeting Date:

NKPA 4

22 March 2018

**1. SUBJECT:**

**APPOINTMENT OF A STRATEGIC ADVISORY COMMITTEE: POLICY ON THE MANAGEMENT OF MUNICIPAL AGRICULTURAL LAND**

**2. PURPOSE**

To obtain Council's approval to appoint an Advisory Committee as a requirement of the approved Policy for the Management of Agricultural Land as published in the Western Cape Provincial Gazette, 27 March 2017.

**3. DELEGATED AUTHORITY**

Municipal Council.

**4. EXECUTIVE SUMMARY**

The item seeks council approval for the proposed members (government departments and relevant stakeholders) of the Strategic Advisory Committee as contained in the Policy for the Management of Agricultural Land which was published in the Provincial Gazette on 27 March 2017. The aforementioned approval will be the final step in the process to establish a mechanism to make vacant municipal agricultural land through leasing available to prospective small farmers.

**16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 7.3.1**

**RESOLVED** (nem con)

- (a) that Council confirms the positions from the respective organisations to be members of the Strategic Advisory Committee and Operational Committee as proposed in the table below and that the Manager LED initiate the process of convening the first committee meeting before end of May 2018;

**Strategic Advisory Committee**

Organisation	Position	Contact Details
Stellenbosch Municipality	Chairperson: Director: Community and Protection Services	021 808 8437
Stellenbosch Municipality	Director: Planning and Economic Development	021 808 8667
Stellenbosch Municipality	Director: Integrated Human Settlements and Property	021 808 8493
Stellenbosch Municipality	Director: Strategic and Corporate Services	021 808 8018
Stellenbosch Municipality	Legal Services	021 808 8018
Stellenbosch Municipality	Manager: LED	021 808 8179
Stellenbosch Municipality	Snr LED Officer: Rural Development	021 808 8173
Stellenbosch Agricultural Society	General Manager	021 886 4867
Department of Agriculture	Acting Chief Director: Farmer Support and Development	021-8085103
Department of Rural Development and Land Reform	Deputy Director	079 880 9320
Land Bank	Provincial Manager Commercial Development Banking Division Western Cape	021 974 2200 / 082 33 9 1626
Stellenbosch University	Professor and Chairman of the Department Agricultural Economics	021 808 4899
Department of Water Affairs	Deputy Director	021 941 6000
Winelands Water Board	CEO	021 887 6487
CASIDRA	CEO	021 863 5000

**Operational Committee**

Organisation	Position
Stellenbosch Municipality	Manager: LED
Stellenbosch Municipality	Manager: Municipal Property
Stellenbosch Municipality	Senior Legal Advisor
Stellenbosch Municipality	Environmental Manager
Stellenbosch Municipality	Senior LED Officer: Rural Development

- (b) that the following vacant municipal agricultural land be advertised to be utilised by farmers in line with the policy on the Management of Municipal Agricultural Land as advertised in the Government Gazette on 27 March 2017 (**ANNEXURE B**).

	PROPERTY DESCRIPTION	SIZE	TOTAL (HA)	WATER
1	165/1A	10.5 ha no water	10.5	
2	279BN	25.3 ha no water	25.3	
3	502 AM	8.56 ha 3 ha water	8.56	3
4	502 AP	7 ha 2 ha water	7	2
5	502 AU	8.9 ha no water	8.9	
6	502 AW	6 ha no water	6	
7	502 BFN	15.5 ha 6 ha c/water	15.5	6
8	502 V	21.6 ha 8 ha water	21.6	8
9	619/1	26 ha no water	26	
10	502 BH PORTION 17&18	5 ha 3 ha water	5	3
11	502M	5.1 ha 3 ha water	5.1	3
12	502V	21.6 ha 8 ha water	21.6	8
13	502W	9 ha 3 ha water	9	3
	<b>TOTAL</b>		<b>175,41 ha</b>	



7.3.2	<b>TABLING OF DRAFT REVIEW OF THE SPATIAL DEVELOPMENT FRAMEWORK 2018</b>
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Collaborator No: *9/1/2/4/2017-2018 – 2021-2022*  
 IDP KPA Ref No: *Valley of Possibility*  
 Meeting Date: *22/03/2018*

**1. SUBJECT:**

**TABLING OF DRAFT REVIEW OF THE SPATIAL DEVELOPMENT FRAMEWORK 2018**

**2. PURPOSE**

To provide an opportunity to consider this document (**ANNEXURE under separate cover**) as the annual review of the Stellenbosch Municipality's Spatial Development Framework (SDF) and the spatial planning input to the 2018/19 review of the municipal Integrated Development Plan review (IDP).

**3. DELEGATED AUTHORITY**

**FOR DECISION BY MUNICIPAL COUNCIL.**

Section 20(2) of SPLUMA and section 26 of the Municipal Systems Act require that the MSDF must be prepared as part of the IDP.

The Sec 12(1) sets out the general provisions that are applicable to the preparation of the SDF including (amongst other considerations):

- Contribute to a coherent, planned approach to spatial development in the national, provincial and municipal spheres.
- Provide clear and accessible information to the public and private sector and provide direction for investment purposes.
- Include previously disadvantaged areas, areas under traditional leadership, rural areas, informal settlements, slums and land holdings of state-owned enterprises and government agencies and address their inclusion and integration into the spatial, economic, social and environmental objectives of the relevant sphere.
- Address historical spatial imbalances in development.
- Identify the long-term risks of spatial patterns of growth and development and the policies and strategies necessary to mitigate those risks.
- Provide direction for strategic developments, infrastructure investment, promote efficient, sustainable and planned investments by all sectors and indicate priority areas for investment in land development.
- Promote a rational and predictable land development environment to create trust and stimulate investment.
- Take cognizance of any environmental management instrument adopted by the relevant environmental management authority.

Chapter 2 of SPLUMA further sets out the development principles that must guide the preparation, adoption and implementation of any SDF, policy or by-law concerning spatial planning and the development or use of land, to which municipality are also required to adhere. These principles include spatial justice, spatial sustainability, efficiency, spatial resilience and good administration.

**16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 7.3.2****RESOLVED** (nem con)

- (a) that Council considers and accepts this document (**ANNEXURE under separate cover**) as the first review of the Spatial Development Framework, as prescribed by SPLUMA;
- (b) that Council notes this as the strategic component of the SDF and as the focus of work to be completed during the 2018/19 business year to complete a full five-year review of the SDF; and
- (c) that Council note that legal prescripts in Chapter 4 of the Systems Act, including public participation, will be adhered to.

7.4	FINANCIAL SERVICES: (PC: CLLR S PETERS)
7.4.1	MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK (MTREF) 2018/19-2020/21

Collaborator No: 8/1  
 BUDGET KPA Ref No: Good Governance and Compliance  
 Meeting Date: 28 March 2018

**1. SUBJECT:**

**MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK 2018/2019-2020/2021**

**2. PURPOSE**

The purpose of this report is as follows:

- a) The Executive Mayor to table the Medium Term Revenue and Expenditure Framework (inclusive of property rates charges and taxes, tariffs and service charges), annexures and proposed amendments to the budget related policies and other policies to Council for approval in terms of Section 16(2) of the Municipal Finance Management Act, (Act 56 of 2003).
- b) That Council specifically note and consider the need to take up external loans to fund critically needed refurbishment of infrastructure to the tune of R 340 million of which over the MTREF R160 million will be required in year 1, R100 million in year 2 and R80 million in year 3 (refer to Section G: High Level Budget Overview and Table A1 Budget Summary) and confirms draft approval of same in order for the Chief Financial Officer to attend to the necessary legislative requirements.

**3. DELEGATED AUTHORITY**

**FOR APPROVAL BY MUNICIPAL COUNCIL**

**4. EXECUTIVE SUMMARY**

Attached as **APPENDIX 1** is an executive summary by the Accounting Officer.

**16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 7.4.1**

The Speaker allowed the Executive Mayor to deliver her Budget Speech (attached as an **APPENDIX**).

The following replacement pages with regard to the water tariffs on pages 15 and 16 of Appendix 3 were handed out in the meeting:

## Addendum to Item 7.4.1

1. That the water tariffs on page 15 and 16 of Appendix 3 be replaced with the following tariffs:

Monthly consumption	2018/2019							
	Normal consumption periods		20% Water restriction periods		30% Water restriction periods		40% Water restriction periods	
	Amount Excl VAT		Amount Excl VAT		Amount Excl VAT		Amount Excl VAT	
<b>DOMESTIC</b> Includes single residential erven as well as single residential erven managed by body corporates.								
0 kiloliters to 6 kiloliters	R 5.37	per kl.	R 5.37	per kl.	R 5.37	per kl.	R 5.37	per kl.
> 6 kiloliters to 12 kiloliters	R 8.12	per kl.	R 8.91	per kl.	R 9.71	per kl.	R 10.50	per kl.
> 12 kiloliters to 18 kiloliters	R 13.74	per kl.	R 22.46	per kl.	R 31.18	per kl.	R 39.90	per kl.
> 18 kiloliters to 25 kiloliters	R 23.54	per kl.	R 39.03	per kl.	R 54.51	per kl.	R 70.00	per kl.
> 25 kiloliters to 40 kilolitres	R 31.99	per kl.	R 53.58	per kl.	R 75.16	per kl.	R 96.75	per kl.
> 40 kiloliters to 70 kilolitres	R 50.00	per kl.	R 108.33	per kl.	R 166.67	per kl.	R 225.00	per kl.
70 kiloliters and above	R 75.00	per kl.	R 155.00	per kl.	R 235.00	per kl.	R 315.00	per kl.
<b>DOMESTIC CLUSTER</b> Refers to a cluster (block of flats) served by a single water connections								
0 kiloliters to 6 kiloliters	R 5.37	per kl.	R 5.37	per kl.	R 5.37	per kl.	R 5.37	per kl.
> 6 kiloliters to 12 kiloliters	R 8.12	per kl.	R 8.91	per kl.	R 9.71	per kl.	R 10.50	per kl.
> 12 kiloliters to 18 kiloliters	R 13.74	per kl.	R 22.46	per kl.	R 31.18	per kl.	R 39.90	per kl.
> 18 kiloliters to 25 kiloliters	R 23.54	per kl.	R 39.03	per kl.	R 54.51	per kl.	R 70.00	per kl.
Above 25 kiloliters	R 31.99	per kl.	R 53.58	per kl.	R 75.16	per kl.	R 96.75	per kl.
<b>BUSINESS, COMMERCIAL AND INDUSTRIAL (Include University)</b>	R 19.55	per kl.	R 31.28	per kl.	R 43.02	per kl.	R 54.75	per kl.
<b>MUNICIPAL TARIFF FOR MUNICIPAL BUILDINGS AND ALL LEAKAGES</b>								
0 kiloliters to 20 kiloliters	R 8.58	per kl.	R 11.19	per kl.	R 13.81	per kl.	R 16.43	per kl.
21 kiloliters to 50 kiloliters	R 9.01	per kl.	R 11.48	per kl.	R 13.95	per kl.	R 16.43	per kl.
Above 50kl	R 9.79	per kl.	R 12.00	per kl.	R 14.21	per kl.	R 16.43	per kl.
<b>MISCELLANEOUS AND ALL OTHER USERS (Schools, Sportbodies, Churches and Charity Organisations)</b>	R 18.34	per kl.	R 20.26	per kl.	R 22.17	per kl.	R 24.09	per kl.
<b>BASIC CHARGE</b>								
Domestic (per erven)	R 61.87		n/a		n/a		n/a	
Domestic cluster (per flat)	R 7.52		n/a		n/a		n/a	
All other (per erven)	R 70.87		n/a		n/a		n/a	
<b>MASO</b>								
0 kiloliters to 24 kiloliters per household	R 1.21	per kl.	R 6.28	per kl.	R 11.35	per kl.	R 16.43	per kl.
25 kiloliters to 40 kiloliters per household	R 16.72	per kl.	R 25.75	per kl.	R 34.77	per kl.	R 43.80	per kl.
Above 40 kiloliters per household	R 18.17	per kl.	R 38.39	per kl.	R 58.62	per kl.	R 78.84	per kl.

	2018/2019							
	Normal consumption periods		20% Water restriction periods		30% Water restriction periods		40% Water restriction periods	
	Amount Excl VAT	UNIT	Amount Excl VAT	UNIT	Amount Excl VAT	UNIT	Amount Excl VAT	UNIT
<b>TREATED EFFLUENT WATER :</b>								
<b>Infrastructure provided by Council:</b>								
Irrigation	R 4.00	per kl.	n/a	n/a	n/a	n/a	n/a	n/a
Commercial / Industrial users / Domestic	R 4.50	per kl.	n/a	n/a	n/a	n/a	n/a	n/a
Schools	R 4.00	per kl.	n/a	n/a	n/a	n/a	n/a	n/a
Departmental	R 4.00	per kl.	n/a	n/a	n/a	n/a	n/a	n/a
Golf Clubs	R 4.00	per kl.	n/a	n/a	n/a	n/a	n/a	n/a
<b>Infrastructure provided by User:</b>								
Irrigation	R 1.10	per kl.	n/a	n/a	n/a	n/a	n/a	n/a
Commercial / Industrial users / Domestic	R 1.50	per kl.	n/a	n/a	n/a	n/a	n/a	n/a
Schools	R 1.10	per kl.	n/a	n/a	n/a	n/a	n/a	n/a
Departmental	R 1.10	per kl.	n/a	n/a	n/a	n/a	n/a	n/a
Golf Clubs	R 1.10	per kl.	n/a	n/a	n/a	n/a	n/a	n/a
<b>Current Agreements:</b>								
Special Users	As per agreement	per kl.	n/a	n/a	n/a	n/a	n/a	n/a
<b>BULK USERS</b>								
Water consumption for irrigation of sportsgrounds of schools, irrigation of Council property by sports clubs, as well as irrigation of parks and other grounds by Council's Dept's. of Parks and Recreation:								
To 2000 kiloliters	R 10.39	per kl	R 25.18	per kl	R 39.96	per kl	R 54.75	per kl
Above 2000 kiloliters	R 13.54	per kl	R 45.53	per kl	R 77.51	per kl	R 109.50	per kl
<b>WATER AVAILABILITY FEE</b>	R 1,334.17	per annum						

2. That Appendix 2 (Monthly Household and Business Accounts Scenarios) be updated.

It was

**RESOLVED** (nem con)

- (a) that the Draft High Level Budget Summary, as set out in **APPENDIX 1 – PART 1 – SECTION C**; be approved for public release;
- (b) that the Draft Annual Budget Tables as prescribed by the Budgeting and Reporting Regulations, as set out in **APPENDIX 1 – PART 1 – SECTION D**, be approved for public release;
- (c) that the proposed Grants-In-Aid allocations as set out in **APPENDIX 1 – PART 2 – SECTION J**, be approved for public release;
- (d) that the three year Capital Budget for 2018/2019, 2019/2020 and 2020/2021, as set out in **APPENDIX 1 – PART 2 – SECTION N**, be approved for public release;
- (e) that the proposed draft rates on properties in WCO24, tariffs, tariff structures and service charges for water, electricity, refuse, sewerage and other municipal services, as set out in **APPENDIX 3**, be approved for public release;
- (f) that the proposed amendments to existing budget related policies and other policies as set out in **APPENDICES 4 - 29**, be approved for public release;

- 
- (g) that Council specifically note and consider the need to take up an external loan, needed for investment in income generating infrastructure to the tune of R340 million of which R160 million will be required in year 1, R100 million in year 2 and R80 million in year 3 (refer to Section G: High Level Budget Overview and Table A1 Budget Summary) and confirm approval of same;
- (h) that Council specifically take note of the fact that the proposed electricity charges and tariff structure is subject to NERSA approval that could change materially; and
- (i) that Council takes note of MFMA circulars 89 and 91 that was published to guide the MTREF for 2018/2019 to 2020/2021 as well as the Draft Cost Containment Regulations as set out in APPENDICES 30 – 32.

<b>7.4.2</b>	<b>PROPOSED WRITE-OFF OF DISPUTED DEBT OF THE STELLENBOSCH GOLF CLUB</b>
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Collaborator No: 575458  
 IDP KPA Ref No:  
 Meeting Date: 22 March 2018 and 28 March 2018

**1. SUBJECT: PROPOSED WRITE-OFF OF DISPUTED DEBT OF THE STELLENBOSCH GOLF CLUB**

**2. PURPOSE**

To request Council's approval for the writing-off of disputed debt which amounts to R1 357 464.41, and any interest/journals that may be levied after the date of this report.

**3. DELEGATED AUTHORITY**

Council to approve.

**4. EXECUTIVE SUMMARY**

The Stellenbosch Golf Club raised a dispute on property rates being charged.

The Notarial Lease Agreement ("NLA") specify the parties to Arbitration proceedings, but the parties agreed that a less formal approach be considered and approached in an attempt to resolve the matter as specified in the NLA under dispute resolution.

As a result, both parties opted for Mediation as first instance, failing where after the formal Arbitration route is to be followed.

A full arbitration process may hold various cost and loss in revenue risks and lost opportunity.

Such Mediation was then held on the 12<sup>th</sup> of March 2018. During the Mediation, a proposed Agreement was drafted, attached and marked **ANNEXURE "1"**, for Councils' perusal and resolution.

**16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 7.4.2**

**RESOLVED** (nem con)

that Council resolves to continue with Arbitration proceedings, despite having considered all risk factors, implications and potential adverse effect it accompanies and that the Mediation proposal be submitted as part of the arbitration process.

7.4.3	<b>AMENDMENT TO THE CURRENT CONTRACT OF HCB PROPERTY VALUATIONS FOR THE RENDERING OF ALL INTERIM VALUATIONS TILL THE END OF THE GENERAL VALUATION CYCLE PERIOD ENDING 30 JUNE 2021</b>
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**Collaborator No:** 575589  
**File no** 6/1/4  
**IDP KPA Ref No:** Good Governance  
**Meeting Date:** 22 March 2018 and 28 March 2018

**1. SUBJECT: AMENDMENT TO THE CURRENT CONTRACT OF HCB PROPERTY VALUATIONS FOR THE RENDERING OF ALL INTERIM VALUATIONS TILL THE END OF THE GENERAL VALUATION CYCLE PERIOD ENDING 30 JUNE 2021**

**2. PURPOSE**

To obtain approval from Council to follow the process stipulated in Section 116(3) of the MFMA in order to amend the current contract of HCB Property Valuations till the end of the General Valuation Cycle period ending 30 June 2021, for the rendering of all interim valuations.

**3. DELEGATED AUTHORITY**

Municipal Council.

**4. EXECUTIVE SUMMARY**

This report aims to provide the necessary information and motivation on the proposed amendment of the current valuation contract as listed in paragraph 6, ending 30 JUNE 2018, in terms of the enabling provisions of section 116(3) of the Local Government: Municipal Finance Management Act, Act No. 56 of 2003 (MFMA), to enable Council to make an informed decision whether to consent to the amendment of the contracts.

The valuation contract was previously amended in 2016 through a Section 116 (3) process in order to accommodate the mSCOA implementation and the investigation in regard to an assessment on ERP solutions for the Municipality. The dynamic nature of valuations, as well as investments made in business systems warrant a continuous re-assessment of investments and system functionalities to ensure that value for money is achieved at all times. The long term impact of investments made in business systems and services warrants that the Stellenbosch Municipality continually re-assess its investment strategies to ensure on-going alignment with the deployment of business systems in line with mSCOA business processes. A final decision on whether the Municipality will replace the current financial system needs to be made first to enable the Municipality to determine the starting point for the assessment.



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**16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 7.4.3**

The following replacement page was distributed during the meeting:

**No 4 Executive Summary to replace the Executive Summary above:**

This report aims to provide the necessary information and motivation on the proposed amendment of the current valuation contract as listed in paragraph 6, ending 30 JUNE 2018, in terms of the enabling provisions of section 116(3) of the Local Government: Municipal Finance Management Act, Act No. 56 of 2003 (MFMA), to enable Council to make an informed decision whether to consent to the amendment of the contracts.

HCB Property Valuations is the currently appointed Valuator of the municipality and was appointed under Tender B/SM 68/15, following a competitive bidding process.

This tender included the General Valuation of 2017 – 2021, as well as the Interim/Supplementary Valuations which are performed twice per year for the duration of the General Valuation.

The actual appointment was done initially for a period of three years, ending 30 June 2018.

As was done in the case with the previous Municipal Valuer, Henri Badenhorst Eiendomswaardeerders, it is recommended that the appointment of HCB Property Valuations be extended in terms of S116(3) of the MFMA in order for the Valuer to complete the interim/supplementary valuations for the duration of the validity of the current General Valuation Roll.

The tasks conducted by the contractor represent a natural continuation of previous work carried out by the contractor.

Given the proposed extension, the fees as included in the current Tender B/SM 68/15 (as already requested during the bid process) will remain unchanged for the interim valuations. This will result in a non-increase in tariffs for the proposed rendering of the applicable service to Stellenbosch Municipality. The Council will benefit as follows :

- Simplifying Budgetary process
- Non-interruption in the continuous process which will ensure quality and level of service currently being rendered as well as consistent valuation processes
- Mitigating Risks (Cost, Time, etc.)

The appointment will be in line with the period of validity of the General Valuation undertaken by municipalities, being 4 years for Stellenbosch Municipality, before implementing the next General Valuation Roll.

For the next Valuation Roll process the Municipality will follow a MFMA s33 process to appoint the service provider for longer than 3 years to administer the whole life cycle of a Valuation Roll to prevent the s116(3) appointment process to utilize one service provider for the whole life cycle of a Valuation Roll.

**No 6.2 Conclusion to be replaced as follows:**

Extending the current service provider's contract through the s116(3) process will be beneficial.

**RESOLVED** (majority vote)

that Council approves the extension of the current contract for HCB Property Valuations, to complete all supplementary valuations after 30 June 2018 till 30 June 2021, for the current General Valuation period, after duly following the process as stipulated in Section 116(3) of the MFMA.

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

*Cllrs GN-Bakubaku-Vos (Ms); FT Bangani-Menziwa (Ms); N Mananga-Gugushe (Ms); LM Maqeba; MD Oliphant; RS Nalumango (Ms); N Sinkinya (Ms) and P Sitshoti (Ms).*

7.5	<b>HUMAN SETTLEMENTS: (PC: CLLR PW BISCOBE)</b>
7.5.1	<b>PROPOSED EXCHANGE OF LAND A PORTION OF FARM 183 (CLOSED STREET) FOR A PORTION OF FARM 183/7: WOODMILL DEVELOPMENT PROJECT</b>

Collaborator No: **566798**  
 IDP KPA Ref No:  
 Meeting Date: **22 March 2018**

**1. SUBJECT:**

**PROPOSED EXCHANGE OF LAND A PORTION OF FARM 183 (CLOSED STREET) FOR A PORTION OF FARM 183/7: WOODMILL DEVELOPMENT PROJECT**

**2. PURPOSE**

To obtain Council's approval for the exchange of certain portions of land, each measuring  $\pm 5560\text{m}^2$  in size, to allow for the re-alignment of the Devon Valley Road, following the recent approval of the proposed Woodmill Development.

**3. DELEGATED AUTHORITY**

As there are no delegations in place authorising the exchange of land, the Municipal Council must decide on the matter.

**4. EXECUTIVE SUMMARY**

At the commencement of the planning process for the redevelopment of the Woodmill Area, the Provincial Roads Engineer insisted that the Devon Valley Road (located on Farm 183) be realigned as to ensure an intersection with the current access road to Distell. When the land-use application was approved, it was made subject to the successful exchange of land. The Director: Planning and Economic Development, however, did not have the delegated authority to approve the actual exchange of land.

**16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 7.5.1**

**RESOLVED** (nem con)

- (a) that the portion of land, indicated as Portion A on Fig 4, measuring  $\pm 5560\text{m}^2$ , being a portion of Farm 183, be identified as land not needed to provide the minimum level of basic municipal service;
- (b) that Council approves, in principle, the exchange of Portion A for a portion of Farm 183/17, indicated as Portion B on Fig 4, measuring  $\pm 5560\text{m}^2$ , in order to meet the requirements of the Provincial Roads Engineer, i.e. that the Devon Valley Road be aligned as to ensure an intersection with the current access road to Distell, on condition that:-

- (i) the Developer be responsible for all associated costs, such as the rezoning and subdivision, transfer cost, etc.; and
- (ii) Portion A be consolidated with Farm 183/57
- (c) that seeing that a public competitive process is not being followed, Council's intention to enter into an exchange of land agreement, be advertised for public comments/inputs;
- (d) that, in the meantime, a valuer be appointed to determine the fair market value of the two portions of land; and
- (e) that, following the public participation process, the matter be considered by Council.

7.6	<b>INFRASTRUCTURE: (PC: CLLR J DE VILLIERS)</b>
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NONE

7.7	<b>PARKS, OPEN SPACES AND ENVIRONMENT: (PC: CLLR N JINDELA)</b>
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7.7.1	<b>FUTURE USAGE OF BRÜMMER PARK</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Strategic Focus Area 2

22 March 2018

**1. SUBJECT:**

**FUTURE USAGE OF BRÜMMER PARK**

**2. PURPOSE**

To Inform Council regarding the comments received from the public after a public participation process was followed and to seek permission to go ahead with the upgrading of Brümmer Park, as recommended by the majority of the comments received.

**3. DELEGATED AUTHORITY**

FOR DECISION BY MUNICIPAL COUNCIL

**4. EXECUTIVE SUMMARY**

As per council resolution of the Council Meeting dated 25 October 2017, a public participation process needs to determine the future use of Brümmer Park. All comments were due 20 January 2018. Comments received from the public were summarized and a decision will then be taken by Council to determine the future use of the aforementioned park.

**16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 7.7.1**

**RESOLVED** (nem con)

- (a) that Brümmer Park be upgraded to such an extent that cyclists and hikers can use the entire park;
- (b) that the Stellenbosch Trail Fund be requested to upgrade the footpath by widening it at certain sections so that it can be used by both cyclists and hikers;
- (c) that the picnic area be upgraded to the satisfaction of the Senior Manager Community Services (Parks);

- (d) that the existing sign boards be replaced with sign boards indicating all the new rules applicable to the park;
- (e) that welcoming sign boards be erected at both entrances; and
- (f) that security be improved to the standards prescribed by the Director Community Services.

7.8	<b>PROTECTION SERVICES: (PC: CLLR Q SMIT)</b>
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7.8.1	<b>DISASTER SECTOR PLAN</b>
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Collaborator No:  
IDP KPA Ref No:  
Meeting Date: 22 March 2018

**1. SUBJECT:**

**DISASTER SECTOR PLAN**

**2. PURPOSE**

To gain Council approval for the Disaster Sector Plan (**ANNEXURE A**) which will be included into the Integrated Development Plan (IDP) of the Greater Stellenbosch.

**3. DELEGATED AUTHORITY**

**FOR DECISION BY MUNICIPAL COUNCIL.**

**4. EXECUTIVE SUMMARY**

The Disaster Act 57 of 2002 lays down institutional and coordination mechanism for effective Disaster Management at the provincial, district and local levels. As mandated by this Act, the municipality of Stellenbosch created a platform for institutional arrangements which includes all Directorates headed by the Municipal Manager.

All directorates must design plans in the execution of their duties to provide basic services in such a manner that it mitigates risk, strengthens disaster preparedness and emergency response.

The Disaster Sector Plan provides a framework and direction to Council to:

- a) Understand the local disasters in the WC024
- b) Strengthen disaster risk governance and to manage the associate risk in all wards.
- c) Investing in disaster risk reduction for resilience
- d) Enhancing disaster preparedness for effective response and to “Build Back Better” in recover, rehabilitation and reconstruction.

The intent of the Disaster Sector Plan is to identify, minimise, eliminate and direct responses with the necessary resources to address the known risks identified in the Greater Stellenbosch.

**16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 7.8.1**

During deliberations on the matter, the Speaker RULED that this matter stand down to allow the Municipal Manager to obtain clarity on the institutional capacity referred to on page 255 of the Agenda.

When Council reverted to the matter, the Municipal Manager confirmed that the information regarding the institutional capacity on page 255, is correct.

**RESOLVED** (nem con)

that the draft Disaster Sector Plan be approved.



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7.8.2	<b>PROGRESS REPORT ON THE INSTALLATION OF SMOKE ALARM DETECTORS PROJECT</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

22 March 2018

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**1. SUBJECT**

**PROGRESS REPORT ON THE INSTALLATION OF SMOKE ALARM DETECTORS PROJECT**

**2. PURPOSE**

To provide feedback with the progress made on the installation of the smoke alarms.

**3. DELEGATED AUTHORITY**

**For information.**

**4. EXECUTIVE SUMMARY**

The main functions of a fire service is reflected in Schedule 1 of the Fire Services act, act 99 of 1987. With the inception of the smoke alarm project the department wanted to show intent to provide the best possible fire protection under the same act to those living in informal structures with the aim of preventing the outbreak or spread of a fire and protecting lives and property against fire. It is believe and proven that early detection of a fire can minimise losses, minimise damages to property and operational costs of responding units. At the 14<sup>th</sup> Council meeting held on 29 November, Council did note the proposed implementation outline of Disaster management and Informal Housing and our aim with this follow up is to further keep Council abreast of the continuous strides made by the department with the installation project.

**16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 7.8.2**

**RESOLVED** (nem con)

that the feedback report be noted.

8.	<b>REPORTS SUBMITTED BY THE MUNICIPAL MANAGER</b>
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8.1	<b>RECRUITMENT AND SELECTION PROCESS OF THE DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT AND CHIEF FINANCIAL OFFICER</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good governance and Compliance

28 March 2018

**1. RECRUITMENT AND SELECTION PROCESS OF THE DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT AND CHIEF FINANCIAL OFFICER**

**2. PURPOSE OF REPORT**

To obtain Council approval for the commencement of the recruitment and selection process of the Director: Planning and Economic Development as well as the Chief Financial Officer.

**3. DELEGATED AUTHORITY**

Municipal Council.

**4. EXECUTIVE SUMMARY**

The position of Director Planning and Economic Development became vacant on 24 January 2018 when the Council approved the voluntary resignation of Mr Dupre Lombaard. The contract period of Mr Marius Wüst, Chief Financial Officer, comes to an end 30 September 2018.

**16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 8.1**

the Speaker **RULED** this matter be withdrawn for further refinement.

<b>8.2</b>	<b>DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY: JANUARY 2018 – FEBRUARY 2018</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good governance and Compliance

28 March 2018

**1. DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY: JANUARY 2018 – FEBRUARY 2018**

**2. PURPOSE OF REPORT**

To report to Council on the decisions taken by the Municipal Manager and Directors in terms of Council's System of Delegations for the period 3 January 2018 until 28 February 2018, in compliance with Section 63 of the Local Government: Municipal Systems Act read in conjunction with the System of Delegations as approved by Council.

**3. DELEGATED AUTHORITY**

Municipal Council.

**4. EXECUTIVE SUMMARY**

To report to Council on the decisions taken by the Municipal Manager and Directors in terms of Council's System of Delegations for the period 3 January 2018 until 28 February 2018, in compliance with Section 63 of the Local Government: Municipal Systems Act read in conjunction with the System of Delegations as approved by Council.

**16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 8.2**

**RESOLVED** (majority vote with abstentions)

that Council takes note of the decisions taken, for the period 02 January 201 until 28 February 2018, by the following Section 56 Managers:

- Municipal Manager – Ms G Mettler
- Director Strategic and Corporate Services – Ms A de Beer
- Director Engineering Services – Mr Deon Louw
- Director Community and Protection Services – Mr G Esau
- Chief Financial Officer – Mr M Wüst
- Director Integrated Human Settlements and Property Management – Mr T Mfeya
- Director Planning and Economic Development – Mr B de la Bat

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14.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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SEE PINK DOCUMENTATION

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The meeting adjourned at 17:00.

**CHAIRPERSON:** .....

**DATE:** .....

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