



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2020-07-29

## MINUTES

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

**2020-07-29 AT 10:00**

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

# MINUTES

## MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2020-07-29

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	NONE	
<b>19.</b>	<b>MATTERS TO BE CONSIDERED IN-COMMITTEE</b>	

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**PRESENT** The Speaker, Cllr N Jindela [Chairperson]  
The Executive Mayor, Ald G Van Deventer (Ms)  
The Deputy Executive Mayor, Cllr WC Petersen (Ms) (until 18:00)

**COUNCILLORS**

F Adams (until 15:45)	JK Hendriks
FJ Badenhorst	LK Horsband (Ms)
FT Bangani-Menziwa (Ms)	MC Johnson
Ald PW Biscombe	DD Joubert
G Cele (Ms)	C Manuel
PR Crawley (Ms)	NE Mcombring (Ms)
A Crombie (Ms)	XL Mdemka (Ms)
Z Dalling (Ms)	N Olayi
R Du Toit (Ms)	SA Peters
J Fasser	MM Pietersen
A Florence	WF Pietersen
AR Frazenburg (until 16:50)	SR Schäfer
E Fredericks (Ms) (until 16:50)	Ald JP Serdyn (Ms)
T Gosa	N Sinkinya (Ms)
E Groenewald (Ms) (from 10:45)	P Sitshoti (Ms)
JG Hamilton	Q Smit
AJ Hanekom	E Vermeulen
DA Hendrickse	

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**Officials:** Municipal Manager (Ms G Mettler)  
Chief Financial Officer (K Carolus)  
Director: Corporate Services (Ms A De Beer)  
Director: Infrastructure Services (D Louw)  
Director: Planning and Economic Development (AP Barnes)  
Director: Community and Protection Services (G Boshoff)  
Chief Audit Executive (F Hoosain)  
Manager: Secretariat (EJ Potts)  
Senior Administration Officer (T Samuels (Ms))

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<b>1.</b>	<b>OPENING AND WELCOME</b>
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The Speaker, Cllr N Jindela, welcomed everyone present to the 36<sup>th</sup> Council meeting, which is hosted and streamed via MS Teams.

<b>2.</b>	<b>MAYORAL ADDRESS</b>
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“Deputy Mayor,  
MM,  
Mayco Members  
Directors

Good Morning, Goeie more, Molweni, As salaam Alaikum

COVID 19

- Uniquely challenging time
- Own organisation has been hard hit as well and we have lost staff members
- Many staff members and officials have also lost friends and family and by now I am sure we all know someone who has the virus or have had it.
- Thoughts and prayers are with all residents and staff members who have lost loved ones because of this virus.
- To all those who are still fighting the virus, our thoughts and prayers are with you, keep fighting.
- I want to urge every resident to take ALL the necessary precautions and to follow all the health and safety guidelines
  - Wear a mask when you are in public – it is now compulsory
  - Wash your hands or sanitise it regularly
  - Adhere to social distancing
  - PLEASE do not visit friends or family – This is very difficult, but limiting social contact is absolutely necessary in limiting the spread of the virus.
- We are continuing our efforts to aid the most vulnerable people in our communities by working with Stellenbosch Unite.
  - More than 33 000 food parcels have been distributed
  - More than 95600 litre soup has been distributed in communities.
- Urge residents and business who are able to support Stellenbosch Unite, to do so.
  - All information is on their website <https://stellenboschunite.org/>
- On Thursday 23 July, we hosted our first ever webinar.
  - Purpose was to get feedback from our business community on how COVID-19 has impacted them and to gather input on what we can do to assist.
  - Very useful first session and we received positive feedback from all who participated
  - This is only the first step – will be setting up meetings with the various sectors to ascertain impact and to gather feedback
  - We will work with all sectors to put together plans on how we can make it as easy as possible to restart our local economy
  - Part of our focus will be to encourage our own residents to support local and buy local.
  - Thank you to Stellenbosch Network and the Launch Lab who aided us in facilitating this first session.

- 
- Virtual meeting with Minister Ivan Meyer and representatives from Winelands on 20 July 2020.
    - Minister Meyer is the MEC assigned by cabinet to oversee the Cape Winelands as hotspot area and the execution of the provincial hotspot strategy.
    - Discussions about the impact of COVID on local government and the agricultural industry
  
  - On 9 August we commemorate Women's Day in South Africa and the entire August is Women's Month.
    - To all the women in this Council, I want to wish you a happy and strong women's month.
    - As with most things in 2020, the COVID-19 impact can be felt here too.
    - Our news stories have been dominated by stories of gender violence even during lockdown, and the state of lockdown has resulted in many victims suffering in silence.
    - Said this on many occasions, but gender based violence is not limited to 16 days in December, it is a daily occurrence affecting especially women in every socio-economic class.
    - PLEASE speak out and help put a stop to this scourge.
    - Please break the silence and the vicious circle.
    - Takes an incredible amount of courage and bravery, and I want to assure you that when you speak out, you will not be alone anymore.
  
  - Congratulations to Delaire Graff Estate was named as the best winery in Africa and ranked number 14 internationally in the World's Best Vineyards awards.
    - The ONLY winery in South Africa that ranks in the top 20 Vineyards
  
  - Stellenbosch has become the first destination in South Africa to be awarded Safe Travels Stamp by the World Travel and Tourism Council (WTTC).
  
  - WTTC, which represents the global Travel and Tourism private sector, designed the special Safe Travels stamp to enable travellers to identify destinations and businesses around the world which adopted its health and hygiene global standardised protocols – so consumers and holidaymakers can experience 'Safe Travels'.
  
  - Among the many initiatives is Stellenbosch Ready, a unique programme that meets three critical guest needs, including WTTC validated health and safety protocols, adoption of health and safety protocols through staff training and flexible booking terms.
  
  - We are all awaiting the reopening of the tourism industry, and we are ready to welcome our visitors.



3.	<b>COMMUNICATION BY THE SPEAKER</b>
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**“Good Morning to:**

The Executive Mayor, Advocate Gesie Van Deventer

The Municipal Manager, Ms. Geraldine Mettler

All other Aldermen and Alderwomen

All Councilors

All Directors and Staff members present

Members of the Public and other dignitaries.

Allow me to welcome you all to the 36 Council Meeting and also our 3rd **Virtual Meeting during the Pandemic**

- To start the meeting - allow me to give you an Update on:  
**Covid 19 Report – Lockdown Day 126**

**Up until today the amount of people affected in Stellenbosch is 1718 people which is the third highest in the Cape Winelands District.**

Fellow Members of Council – It is important that we as the Stellenbosch Council support the National directive of **Stop the Spread** – but we should also support an initiative to bring our town back to **normality**. Currently the **economy** of our town is being challenged with the closing of so many **small business** and it is so sad to see so many of our voters sitting without a **job**, **unemployed** and with **no** food to eat.

*Allow me to thank the Executive Mayor, Councillor Groenewald the Municipal Manager and officials for all the hard work they engaged with around the Webinar held recently on the Role that Covid 19 plays within the broader town of Stellenbosch, and the impact it has in the different communities in and around us.*

Madame Mayor and Councilors herewith the following information for your disposal:

- Youth Opportunities –**  
Two Youth Training opportunities has been made possible by Stellemploy in Stellenbosch. Ward Councilors please circulate the information to our **Youth** in the fields of **Spray Painting and Chef Assistant Training** for our youth as a matter of urgency as the closing date is **12 and 17 August 2020** respectively.
- Disclosure Benefit** Forms – Councilors we are still awaiting the forms of 10 Councilors and the cutoff date is Friday 31<sup>st</sup> July 2020. Please adhere to the cut of date of Friday 31<sup>st</sup> July 2020.
- Influx to the 2<sup>nd</sup> floor** - Councilors due to the closing of the ward offices we are experiencing a very high volume of people visiting the Offices and especially the 2<sup>nd</sup> floor for proof of address. Councilors on the other hand are just visiting the offices without any prior arrangements and the administration has to also help them in their request. – In order to address this we request from Councilors to please make the necessary arrangements by making an **appointment** with the relevant official. Councilors without appointments will not be assisted without an appointment. This arrangement is to minimize the total amount of people on the floor at a time
- Ward Offices –** regarding the ward offices I have to request from the MM and Administration that we should open the **Ward Offices as soon as possible. Currently the ward administrators sit at home being paid by Council and our Ward Councilors cannot use them to do the work in their offices. I would support the MM and the Administration in looking at opening the Ward offices within the Covid 19 rules.**

- **Section 80 Committee Meetings – Please note that section 80 Committee meetings will commence from August 2020.**
- **Due to the lengthiness of the agenda, cases against certain Councillors will be serving in the next Council Meeting.**

#### Life's lost

- My deepest sympathy to the families of municipal staff and their family members who has passed on during this time. To those who are infected or affected by covid-19, we pray for your strength and a full recovery.

#### The following Councillors will celebrate their Birthdays

- Happy birthday to Cllr Lucinda Horsband (5 August)
- Cllr Ansaaf Crombie – 11 August
- Myself Speaker Jindela – 26 August; and
- Cllr Paul Biscombe – 28 August

#### In starting the meeting

**Please note:** Councillors must immediately inform the Office of the Municipal Manager and the Speaker's Office when they suspect/confirm that they are positive for COVID-19. All officials must do the same with their supervisors and Directors.

**We now move to the items on the Agenda / Ons beweeg nou na die items op die Agenda:**

<b>4.</b>	<b>COMMUNICATION BY THE MUNICIPAL MANAGER</b>
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"Good morning

Honourable Executive Mayor,

Honourable Speaker, and

Honourable Councillors and

Colleagues,

It's indeed a privilege for me to join you this morning at the 36<sup>th</sup> Council meeting.

- First and foremost I would like to acknowledge our staff members that worked tirelessly throughout the lockdown period. We lost four (4) of our staff members due to covid-19, which was very sad for all of us. Not only did we lose members in our staff complement due to covid-19, but also in our close families and in the community that we serve. Sincere condolences to the families, friends and colleagues of the staff members that passed away.
- We are aware of an illegal strike that is currently taking place and I would like to put that in context for Council, the community and everybody present at the virtual Council meeting:
  - During last month's Special Council meeting (12 June 2020), Council applied for an exemption on the increases of salaries in particular in terms of the collective agreement. In terms of the 3-year collective agreement every municipality can apply for an exemption. Council approved that exemption and we applied before the end of June as per the requirement from the Bargaining Council.

- 
- Notwithstanding that, National Treasury also issued a directive requesting all municipalities not to implement the salary increases, given the hardships that covid has brought.
  - As a municipality, we have seen the hardship that covid-19 has brought upon our community. Not only in the number of businesses that closed down, but also in terms of the number of people that lost their jobs permanently as a result of covid. We cannot, as an accountable and responsible government, not take that hardship into account. We also see it in terms of the income level that has substantially dropped in terms of municipal income, so we have to be responsible, because there is a lot of people that have taken pay-cuts because of covid-19.
  - Notwithstanding that, I do not undermine the role our staff have played. We cannot run this municipality without the staff, they are our biggest asset. It is for that reason that Council decided with the exemption application not to apply for a complete exemption, but to give some level of relief to our employees. That being said, the collective agreement is very clear on the processes that need to be followed. Our arbitration in terms of our application process are scheduled for the beginning of August 2020. The collective agreement also gives a clear indication of the dispute resolution mechanisms that are available to the Unions. The Unions were informed and are aware of our exemption application and will also be able to make representation in terms of the arbitration process. I want to reiterate that the current strike action is illegal and we will deal with it accordingly.
  - Notwithstanding that, in the celebrations of our beloved Madiba, one of the things he said and strived for is: *"It Is In Your Hands To Make Of Our World A Better One For All"*. It is for that very important reason that I am saying, as a community, as a collective, we need to take hands and make Stellenbosch great and take our town and the whole WCO24 forward.
  - We are on the verge of celebrating Women's Month, and we are very fortunate to be one of the few municipalities in the country that have the three positions in the municipality occupied by women. I would like to end off by saying: "Where there is a woman, there is magic, so let's make magic in Stellenbosch.
  - There was a request that the Council meeting for August 2020 be moved to the 24<sup>th</sup> August 2020, given that it will be a virtual Council meeting. Speaker, can you elaborate on this, please.

*(The Speaker then elaborated that he and the Municipal Manager had a discussion regarding the change of the date of the Council meeting, as per the approved schedule of meetings of Council. After listening to all the reasons the Municipal Manager and the Executive Mayor was putting forward, it was agreed that the virtual Council meeting scheduled for the 19<sup>th</sup> August 2020, will be moved to the 24<sup>th</sup> August 2020.)*

I thank you".

<b>5.</b>	<b>DISCLOSURE OF INTERESTS</b>
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Cllr WC Petersen (Ms) – Item 11.10.5  
Mr D Louw – Item 14.7

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

Cllr N Mananga-Gugushe (Ms)	– 29 July 2020
Cllr RS Nalumango (Ms)	– 29 July 2020
Cllr C Moses (Ms)	– 29 July 2020
Cllr LL Stander	– 29 July 2020

6.2 Permission was granted to Cllr E Groenewald (Ms) to join the meeting later at 10:45.

6.3 ABSENT

Cllr MD Oliphant – 29 July 2020

<b>7.</b>	<b>APPROVAL OF MINUTES OF PREVIOUS COUNCIL</b>
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<b>7.1</b>	<b>CONFIRMATION OF MINUTES OF A SPECIAL COUNCIL MEETING: 2020-06-12</b>
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The minutes of a Special Council Meeting: 2020-06-12 were **confirmed as correct.**

8.	<b>STATUTORY MATTERS</b>
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8.1	<b>REVISED PERFORMANCE MANAGEMENT POLICY 2020/21</b>
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Collaborator No: 687937  
IDP KPA Ref No: Good Governance and Compliance  
Meeting Date: 29 July 2020

**1. SUBJECT: REVISED PERFORMANCE MANAGEMENT POLICY 2020/21**

**2. PURPOSE**

To submit the Revised Performance Management Policy 2020/21 to Council to be released for public comments.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

The Executive Mayor must, in terms of section 39 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA), manage the development of a performance management system and submit it to Council for adoption.

This Performance Management Policy has been revised to be applicable for the 2020/21 financial year to ensure the effective implementation of performance management.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 8.1**

**RESOLVED** (majority vote)

- (a) that Council takes notice of the Draft Revised Performance Management Policy 2020/21; and
- (b) that the Draft Revised Performance Management Policy 2020/21 be released for public comments.

*Cllr F Adams requested that his vote of dissent be minuted.*

**FOR FURTHER DETAILS CONTACT:**

NAME	Shireen De Visser
POSITION	Senior Manager: Governance
DIRECTORATE	Municipal Manager
CONTACT NUMBERS	021 808 8035
E-MAIL ADDRESS	shireen.devisser@ Stellenbosch.gov.za
REPORT DATE	08 July 2020

8.2	<b>APPROVED TOP LAYER (TL) SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) 2020/21</b>
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Collaborator No: 687936  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 29 July 2020

**1. SUBJECT: APPROVED TOP LAYER (TL) SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) 2020/21**

**2. PURPOSE**

To inform Council that the Executive Mayor has approved the Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) 2020/21.

**3. DELEGATED AUTHORITY**

According to Section 53(1)(c)(ii) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA), the Executive Mayor must approve the TL SDBIP within 28 days after the approval of the municipal budget.

**4. EXECUTIVE SUMMARY**

Section 53(1)(c)(ii) of the MFMA compels the Mayor of a municipality to take all reasonable steps to ensure that the municipality's Service Delivery and Budget Implementation Plan (SDBIP) is approved by the mayor within 28 days after the approval of the budget.

The TL SDBIP 2020/21 was approved by the Executive Mayor on 24 June 2020, which falls within the prescribed 28 days after the approval of the Budget.

The TL SDBIP 2020/21 is herewith submitted to Council for notification.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 8.2**

**NOTED**

- (a) the approved Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) 2020/21 attached hereto as **ANNEXURE A**;
- (b) the approved TL SDBIP 2020/21 has been made public within 10 working days after the approval of the TL SDBIP 2020/21 and duly submitted to the MEC for Local Government in the Province; and
- (c) the performance indicators and targets adjustment as contained in the approved Integrated Development Plan (2017/2022) in accordance with the performance indicators and targets contained in the approved TL SDBIP 2020/21 to ensure accurate technical alignment between the IDP 2017/2022 and TL SDBIP 2020/21.

*Councillor F Adams requested that it be minuted that he does not support the item.*

8.3	<b>MFMA SECTION 52 REPORTING UP TO JUNE 2020</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

29 July 2020

**1. SUBJECT: MFMA SECTION 52 REPORTING UP TO JUNE 2020**

**2. PURPOSE**

To comply with section 52(d) of the Municipal Finance Management Act and report to Council on the budget; financial and service delivery budget implementation plan by the Municipality for quarter 4 of the 2019/20 financial year.

**3. DELEGATED AUTHORITY**

**THE EXECUTIVE MAYOR TO SUBMIT TO COUNCIL**

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

*“The mayor of a municipality—*

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

**4. EXECUTIVE SUMMARY**

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

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

This report provides the overall performance of the Municipality for the period 1 April 2020 to 30 June 2020.

**The Office of the CFO is currently, in terms of s126 (1)(a) of the MFMA, preparing the annual financial statements for the financial period ended 30 June 2020. It is important to note that the information in this report are preliminary results and may not be an accurate reflection of the financial position of the municipality as same will materially be influenced by year-end journals and processes still to be finalised which will influence the financial position. The latter process alluded to will only be finalised by the end of August 2020.**

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 8.3**

**NOTED**

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

*Councillor F Adams requested that it be minuted that he does not support the item.*

8.4	<b>OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 4 (01 APRIL 2020 - 30 JUNE 2020)</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

29 July 2020

1. **SUBJECT: OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 4 (01 APRIL 2020 - 30 JUNE 2020)**

2. **PURPOSE**

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

3. **DELEGATED AUTHORITY**

**FOR DECISION BY MUNICIPAL COUNCIL**

Section 6 (3) & 4 of the SCM Policy 2019/2020 determines that the Accounting Officer must within 10 days at the end of each quarter; submit a report on the implementation of the SCM Policy to the Executive Mayor. This report must be made public in accordance with section 21A of the Municipal Systems Act (32 of 2000).

4. **EXECUTIVE SUMMARY**

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

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 8.4**

**NOTED**

- (a) this report and **ANNEXURE A** attached to the report, and
- (b) that the report be made public in accordance with Section 21A of the Municipal Systems Act.

*Councillor F Adams requested that it be minuted that he does not support the item.*

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Dalleel Jacobs
<b>CONTACT NUMBERS</b>	021 808 8588
<b>E-MAIL ADDRESS</b>	Dalleel.Jacobs@ Stellenbosch.gov.za
<b>DIRECTORATE</b>	Financial Services
<b>REPORT DATE</b>	10 July 2020



8.5	<b>MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JUNE 2020</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

22 July 2020

**1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JUNE 2020**

**2. PURPOSE**

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2019/2020 to report the deviations to Council.

**3. DELEGATED AUTHORITY**

**Council**

FOR NOTING.

**4. EXECUTIVE SUMMARY**

Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy (2019/2020) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during June 2020.

**Further comments requested by the Mayco on deviation D/SM 23/20:**

The deviation became necessary as the applicant went to court and obtained an interim Ex Parte court order. The intention to obtain such an order was not served on the municipality to put us in a position before the order was granted to answer to the allegations of contempt of court. That is also the reason why a return date was provided for by the court for the Municipal Manager to respond to the allegations. It is unusual to cite the CEO of any organisation in person as that person is acting on behalf of the organisation and although such a person would be representing the company the person should not be cited in person unless there is proof of actions by the person him/herself of deliberate contempt that is not present in this case. After we have filed our papers IMATU has indicated they want to withdraw the contempt of court application and the only matter that will proceed is the review also filed by the Municipality. The question of the withdrawal of the contempt application and the costs involved must still be decided on.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 8.5**

**NOTED**

that Council notes the deviations as listed for the month of June 2020.

*Councillor F Adams requested that it be minuted that he does not support the item.*

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Dalleel Jacobs</i>
<b>POSITION</b>	<i>Senior Manager Supply Chain Management</i>
<b>DIRECTORATE</b>	<i>Finance</i>
<b>CONTACT NUMBERS</b>	<i>021 808 8528</i>
<b>E-MAIL ADDRESS</b>	<i>Dalleel.Jacobs@stellenbosch.gov.za</i>
<b>REPORT DATE</b>	<i>10 July 2020</i>

8.6	<b>OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY- REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: ANNUAL IMPLEMENTATION REPORT (01 JULY 2019 - 30 JUNE 2020)</b>
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Collaborator No:

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

29 July 2020

**1. SUBJECT: OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY- REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: ANNUAL IMPLEMENTATION REPORT (01 JULY 2019 - 30 JUNE 2020)**

**2. PURPOSE**

To submit to Executive Management a report for the period 01 July 2019 - 30 June 2020 on the implementation of Council's Supply Chain Management Policy. The report covers the performance of the various delegated functions and the implementation thereof.

**3. FOR DECISION BY MUNICIPAL COUNCIL**

Section 6 (2) (i) & 4 of the SCM Policy 2019/2020 determines that the Accounting Officer must within 30 days of the end of each financial year; submit a report on the implementation of the SCM Policy to the Executive Mayor. This report must be made public in accordance with section 21A of the Municipal Systems Act (32 of 2000).

**4. EXECUTIVE SUMMARY**

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

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 8.6**

Cllr DA Hendrickse requested that it be minuted that the EFF do not support the recommendation that this report simply be NOTED.

**NOTED**

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

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Dalleel Jacobs</i>
<b>CONTACT NUMBERS</b>	<i>021 808 8588</i>
<b>E-MAIL ADDRESS</b>	<i>Dalleel. Jacobs@stellenbosch.gov.za</i>
<b>DIRECTORATE</b>	<i>Financial Services</i>
<b>REPORT DATE</b>	<i>10 July 2020</i>

8.7	<b>ADJUSTMENTS BUDGET FOR 2020/2021 FOR ADDITIONAL ALLOCATIONS</b>
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Collaborator No:

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

29 July 2020

**1. SUBJECT: ADJUSTMENTS BUDGET FOR 2020/2021 FOR ADDITIONAL ALLOCATIONS**

**2. PURPOSE**

To table the adjustments budget for the 2020/2021 financial year to Council for approval. The adjustments budget emanates from additional allocations from the Division of Revenue Amendment Act 2020.

**3. DELEGATED AUTHORITY**

Council has the delegated authority to revise an approved annual budget through an adjustments budget in terms of Section 28 of the Municipal Financial Management Act 56 of 2003.

**4. EXECUTIVE SUMMARY**

**2020/21 Municipal adjustments budget allocations**

The Minister of Finance tabled the 2020/21 tabled the Division of Revenue Amendment Act to the National Assembly on 24 June 2020 and arising from this, for the 2020/21 financial year, Stellenbosch Municipality received the following additional grant allocation, as well as a reduction in grant allocation:

Grant	Type	Amount
Equitable Share	Operational	20 828 000
Integrated National Electrification Programme (Municipal) Grant	Capital	(4 200 000)
		<b>16 628 000</b>

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 8.7**

**RESOLVED** (nem con)

- (a) that an Adjustments Budget for 2020/2021 as set out in **APPENDIX 2**, be approved;
- (b) that the Service Delivery and Budget Implementation Plan be adjusted accordingly, inclusive of the non-financial information (performance measurement).

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	KEVIN CAROLUS
<b>POSITION</b>	CHIEF FINANCIAL OFFICER
<b>DIRECTORATE</b>	FINANCIAL SERVICES
<b>CONTACT NUMBERS</b>	021 808 8528
<b>E-MAIL ADDRESS</b>	Kevin.Carolus@stellenbosch.gov.za
<b>REPORT DATE</b>	16 July 2020

<b>9.</b>	<b>REPORT BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS</b>
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ITEM	Pg.	INPUT	MM'S RESPONSE
<u>CLLR P SITSHOTI (MS)</u> 7.6 INVESTIGATION WITH REGARD TO THE VARIOUS RESIDENTIAL PROPERTIES IN MONT ROCHELLE NATURE RESERVE 35TH COUNCIL MEETING: 2015-10-28: ITEM 7.6	285	This item has been long outstanding. Only on 95% since 2015.	It is not a housing development.  There has been various consultations with the people in terms of a way forward and available funding. This had an implication on the way forward, but will be brought to Council.
<u>CLLR P SITSHOTI (MS)</u> 7.6.4 THE THIRD GENERATION INTEGRATED WASTE MANAGEMENT PLAN (IWMP) FOR STELLENBOSCH MUNICIPALITY 4TH COUNCIL MEETING: 2016-11-23: ITEM 7.6.4 Green Cape has withdrawn its offer to do this free of charge and we had to appoint a Consultant to finalise.	285	How much is the consultant that is going to be appointed, going to charge in order to finalise the matter?	Don't have the amounts of the consultants, will put it on the next outstanding resolutions.
<u>CLLR DA HENDRICKSE</u> 7.6.2 SECTION 78 PROCESS FOR AN EXTERNAL SERVICE DELIVERY MECHANISM WITH REGARD TO PUBLIC TRANSPORT 4TH COUNCIL MEETING: 2016-11-23: ITEM 7.6.2 Due to the COVID-19 Lockdown, no Portfolio Committee could be held. This will serve on the next session, virtual or otherwise, of the Portfolio Committee.	286	What is the authority of the Portfolio Committee that is holding this matter back, because even on the Council Agenda there are items that did not come via the Portfolio Committee to Council.	The Executive Mayor answered, and it is her prerogative to decide on what items she want to refer to the Section 80 Committee. The Section 80 Committees are fully functional.
<u>CLLR DA HENDRICKSE</u> 7.3.1 THE FUTURE USE AND MAINTENANCE OF COUNCIL HERITAGE BUILDINGS 8TH COUNCIL MEETING: 2017-04-26: ITEM 7.3.1 Information Statement was compiled and submitted to DCS for approval, where after it must be advertised. Council must then consider inputs/objections received as a consequence of the notice (if any) before making a decision on the future use of the properties.	286	This matter has been standing on 30% for years and are now 3 years outstanding.	
<u>CLLR F ADAMS</u> PROPOSED DISPOSAL (THROUGH A LAND AVAILABILITY AGREEMENT) OF MUNICIPAL LAND, A PORTION OF PORTION 4 OF FARM NO 527 AND A PORTION OF THE REMAINDER OF FARM 527, BOTH LOCATED IN JAMESTOWN, STELLENBOSCH AND THE APPOINTMENT OF A TURNKEY DEVELOPER IN ORDER TO 14TH COUNCIL MEETING: 2017-11-29: ITEM 7.5.1 The service provider that was appointed to prepare the Bill of Quantities completed their scope of work by end of July 2020. This will enable the tenderers to complete Stage 2 of the Call for Proposals.	289	Can the MM indicate what is the envisaged timeframe in terms of implementation of the project? Will it be 1, 2 or 3 years?	
<u>CLLR DA HENDRICKSE</u> 12.2 VAN DER STEL SPORT FACILITY: REVIEW OF THE AGREEMENTS BETWEEN STELLENBOSCH MUNICIPALITY (WC024), STELLENBOSCH SPORT	296	There was a decision made that there must be a forensic investigation done and the contract was only going to	The Van der Stel item is on the Agenda.

AND RECREATION ASSOCIATION (SSRA) AND VAN DER STEL SPORT COUNCIL 29 <sup>TH</sup> COUNCIL MEETING: 2019-07-24: ITEM 12.2		be for 6-months. Nothing came back.	
<u>CLLR DA HENDRICKSE</u> 13.1 THE ALLOCATION OF VACANT MUNICIPAL AGRICULTURAL LAND TO THE SUCCESSFUL LAND APPLICANTS 30 <sup>TH</sup> COUNCIL MEETING: 2019-08-28: ITEM 13.1	298	The lease contract is also still outstanding	Most of the land has been allocated to small farmers, so there has been movement. There is additional property that is still outstanding that will go on a 2 <sup>nd</sup> process. Hence incorrect to say nothing has happened.
<u>CLLR DA HENDRICKSE</u> 11.4.2 IDENTIFICATION OF POSSIBLE INFILL HOUSING DEVELOPMENTS IN THE CLOETESVILLE AREA 32 <sup>ND</sup> COUNCIL MEETING: 2019-10-23: ITEM 11.4.2 (d) that a feasibility study report be submitted as soon as possible but not later than the end of the current financial year.	301/ 302	The feasibility study that had to be done. Nothing has been done.	
<u>CLLR DA HENDRICKSE</u> Outstanding matters not listed	305	Lots of reports outstanding that did not go through the Portfolio Committees. Very disappointed in all these outstanding resolutions that's been here for years.	The Executive Mayor answered, and it is her prerogative to decide on what items she want to refer to the Section 80 Committee. The Section 80 Committees are fully functional.

**36<sup>TH</sup> COUNCIL MEETING: 2020-07-29: ITEM 9****NOTED**

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

The Speaker RULED that all outstanding information raised by the Councillors, be answered at the next Council meeting in August 2020.

<b>10.</b>	<b>ITEMS FOR NOTING</b>
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<b>10.1</b>	<b>REPORT/S BY THE EXECUTIVE MAYOR</b>
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NONE

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

<b>10.3</b>	<b>REPORT/S BY THE MUNICIPAL MANAGER</b>
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NONE

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

<b>11.2</b>	<b>CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)</b>
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<b>11.2.1</b>	<b>RIGHT OF WAY SERVITUDE IN FAVOUR OF ERF 320, PNIEL</b>
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**Collaborator No:**

**IDP KPA Ref No:**

**Meeting Date:**

**Good Governance**

**22 July 2020**

**1. SUBJECT: RIGHT OF WAY SERVITUDE IN FAVOUR OF ERF 320, PNIEL**

**2. PURPOSE**

The purpose of this report is to obtain the necessary approval from Council to register a servitude over erf 328 in favour of erf 320, Pniel, to enable the owner of erf 320 to gain access to his property.

**3. DELEGATED AUTHORITY**

At the time when the Agreement was compiled and agreed upon, the Municipal Manager had the delegated authority to acquire rights in immovable property by way of the registration of a servitude, up to a contract value of R2 million.

This delegation fell away with the approval of a new Systems of Delegations, which do contain any property related delegations. For this reason, Council must now consider the matter.

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**4. EXECUTIVE SUMMARY**

During 2002 Stellenbosch Municipality approved building plans for a single residential unit on erf 320, Pniel. At the time the access to the property was off Main Road.

During 2009/10 the Provincial Department of Transport and Public Works undertook certain construction/upgrade work to the Main Road. During this period the access to erf 320 was closed, due to safety reasons (lack of sight lines). Following the unilateral action by the Provincial Department of Transport and Public Works, the owner tried all efforts to get this resolved, but without any success as the municipality was of the opinion that the Provincial Department of Transport and public roads, who closed the access should be responsible for providing another access or bear the costs for the servitude as the access is across the land of another private individual.

He approached the Public Protector for assistance. During 2017 representatives of Stellenbosch Municipality (including the Municipal Manager) and the Provincial Department of Transport and Public Works were summoned to the Public Protector's office, where it was agreed, *inter alia*, that Stellenbosch Municipality would take responsibility to register a servitude over erf 328 (neighbouring private property) in favour of erf 320, on condition that an agreement be reached at a later stage regarding the cost.

At the time when the Agreement was compiled and agreed upon, the Municipal Manager had the delegated authority to acquire rights in immovable property by way of the registration of a servitude, up to a contract value of R2 million.

This delegation fell away with the approval of a new Systems of Delegations, which do contain any property related delegations. It is not practical to bring every request for a servitude to council and it is proposed that council give the delegation as contained in **ANNEXURE 6**.

All the legal processes (servitude diagram, valuation of servitude, etc.) were followed and are now ready for implementation.

Council must now consider the matter.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.2.1****RESOLVED** (majority vote)

- (a) that Council approves the registration of a servitude over erf 328, Pniel, in favour of erf 320, at a cost of R67 684.00 (exclusive of VAT);
- (b) that the Municipal Manager be authorised to sign all documents necessary to effect the registration of the servitude, including the signature of the Agreement of grant of right of way, hereto attached as **APPENDIX 5**;
- (c) that the Municipal Manager be authorised to negotiate a financial contribution from the Provincial Department of Transport and Public Works towards the cost of registration of the servitude and/or construction of a servitude access; and
- (d) that the right to acquire immovable property or rights in immovable property by way of lease or registration of a servitude be delegated as per the provisions contained in appendix 6 and that the delegations be amended accordingly.

*Cllrs DA Hendrickse and LK Horsband requested that their votes of dissent be minuted.*

<b>11.2.2</b>	<b>PROPOSED RENEWAL OF LEASE AGREEMENT TO EIKESTAD MALL (PTY) LTD: BEYERSTEEG</b>
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**Collaborator No:**

**IDP KPA Ref No:**

**Meeting Date:**

**Good Governance**

**22 July 2020**

**1. SUBJECT: PROPOSED RENEWAL OF LEASE AGREEMENT TO EIKESTAD MALL (PTY) LTD: BEYERSTEEG**

**2. PURPOSE**

To make a final determination on the renewal of the Lease Agreement with Eikestad Mall (Pty) Ltd in relation to Beyersteeg, Stellenbosch.

**3. DELEGATED AUTHORITY**

For decision by Municipal Council.

**4. EXECUTIVE SUMMARY**

Stellenbosch Municipality and IPG concluded a Lease Agreement on 10 February 2000 for the use of a portion of Beyersteeg. The agreement was for a period of 10 years, with an option to renew it for a further period of 10 years.

During 2008 IPG elected to exercise their right of renewal and in 2008 this Lease Agreement was ceded and assigned to Eikestad Mall (Pty) Ltd.

They have requested a renewal for a further period of 10 years. Council considered the application on 2019-11-27 and approved it in principle a renewal of 9 years and 11 months, subject to a public input/comment/objection process. As per the council resolution on 27 November 2019 the lease agreement continued a month to month basis until a final resolution can be made on payment of the previously determined rent.

A public notice was advertised on 6 February 2020 as no public notices of the nature is dealt with from middle December to middle January. At the closing date no comment/inputs/objections were received. The matter was intended to serve in the April round of meetings, but due to the Covid could not serve before Council. Council must now make a final determination on the renewal as well as on the monthly rental payable.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.2.2**

**RESOLVED** (majority vote)

- (a) that Council takes note of the fact that no inputs/objections were received, following the public notice period;
- (b) that Council approves the renewal of the Lease Agreement for a period of 9 years and 11 months at a new, market-related rental of R6050.00 per month, with an annual escalation of 8% over the lease period; and
- (c) that the Municipal Manager be authorised to conclude the Lease Agreement on behalf of Stellenbosch Municipality.

*Cllrs F Adams; DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.*



11.2.3	<b>ENCROACHMENT APPLICATION HORIZON HOUSE ERF 3722 AND PORTIONS OF ROAD RESERVE: RETURN ITEM</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

22 July 2020

**1. SUBJECT: ENCROACHMENT APPLICATION HORIZON HOUSE ERF 3722 AND PORTIONS OF ROAD RESERVE: RETURN ITEM**

**2. PURPOSE**

To consider the encroachment application of Horizon House for taking the objection received into consideration and make a final determination. To further consider delegations to deal with encroachments.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

Horizon House, situated on the outskirts of Onder Papegaaiberg, is an NGO catering for the needs of people with disabilities. They have received a donation to put up new fencing around the facility and to develop walking trails, to be use by their residents, and also the greater public. They want to extend the area onto a portion of municipal land, situated to the south of their property for this reason, on an encroachment basis.

Council considered the matter on 2020-01-29 and approved it in principle, subject to advertising its intention so to enter into an encroachment agreement.

Following the public notice period, one (1) objection was received from the Working Centre for Adult persons with disabilities, also operating from the Horison House property. Council must consider this objection before making a final determination.

There are various types of encroachments that for which tariffs are provided in the tariff book every year a copy of which was attached to the item that served in January before Council. A copy of the extract of the new tariffs is attached as **APPENDIX 4**.

The current delegations do not make provision for the delegation of these type of applications and it is not practical to bring all these applications to council. It is therefore recommended that council approve a delegation to the Municipal Manager to deal with encroachment applications.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.2.3****RESOLVED** (majority vote)

- (a) that Council considers the objection before making a final determination;
- (b) that, should Council decide to approve the encroachment application, the Municipal Manager be authorised to conclude the Agreement; and
- (c) that consideration be given to the proposed delegation to the Municipal Manager in **APPENDIX 5**.

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

*Cllr F Adams; FT Bangani-Menziwe (Ms); G Cele (Ms); DA Hendrickse; LK Horsband (Ms); N Sinkinya (Ms); and P Sitshoti (Ms).*

<b>11.2.4</b>	<b>ENCROACHMENT PERMIT APPLICATION: LAR-SHEI INVESTMENTS (PTY) LTD: PARKING BAYS ON ERF 235, STELLENBOSCH</b>
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**Collaborator No:**

**IDP KPA Ref No:**

**Meeting Date:**

**Good Governance**

**29 July 2020**

**1. SUBJECT: ENCROACHMENT PERMIT APPLICATION: LAR-SHEI INVESTMENTS (PTY) LTD: PARKING BAYS ON ERF 235, STELLENBOSCH**

**2. PURPOSE**

To consider the application of Lar-Shei Investments (Pty) Ltd to enter into an encroachment agreement to enable them to utilise/manage 18 parking bays for exclusive use by their tenants.

**3. DELEGATED AUTHORITY**

For decision by Municipal Council.

**4. EXECUTIVE SUMMARY**

Lar-Shei Investments (Pty) Ltd, the owners of the Lar-Shei Building, housing 18 flats and 8 commercial properties, applied for 18 parking bays on the parking area on erf 235 (public parking area) to be used exclusively by their tenants/owners.

A similar arrangement was approved for the Body Corporate of erf 7551, when it was developed during 2017. Lar-Shei and the Akkerhof Body Corporate, situated next to the Lar-Shei Building concluded an Agreement, whereby Akkerhof would give their consent Lar-Shei's application, on condition that they (Akkerhof) would be allowed to use 9 of the 18 parking bays for their tenants, should the application be approved by Council. The encroachment agreement would normally be for an unlimited period and contain a 3 months' notice period. The application will be advertised for public comment should Council in principle approve the application.

The item served before Mayco in November and was referred to address two matters:

1. Amount of parking spaces available at the parking area
2. To determine if this should be seen as inside or outside the CBD.

During an inspection by Infrastructure it was reported that there is around 130 parking bays available if the parking bays allocated to the Body Corporate of erf 7551 is deducted from the parking bays available. The application process for municipal employees indicates that we will need around 60 parking bays to accommodate the overflow from Bloemhof. There are therefore 18 bays available should Council want to approve the application of Lar Shei.

The feedback from the Planning Department is that there is no hard line drawn to indicate the CBD or not. Given all the businesses around it is recommended that Council resolve that the area is for purposes of rates for parking encroachments regarded as falling within the CBD.

The application again served before Mayco on 12 February 2020 and the resolution was that this item be referred back to Administration for further refinement, where after same is to serve again at the Mayoral Committee meeting of March 2020. The item did not serve in the May round of meetings as we were awaiting input from the Director Infrastructure services given the investigation they did on parking. Director Louw has

responded to the property section as follows and has also commented on the item before that as indicated below in 6.8.1:

*“My parkering item was die Seksie 78(4) besluit. Dit het basies aanbeveel dat alle meervloerige parkering uitgegee sal word op kontrak en alle enkelvlak parkering deur die munisipaliteit self gedoen sal word. Ons is dus tans besig om Artikels 80 & 81 se proses te volg, dws die opstel van ‘n SDA (Service Delivery Agreement). Die raadsbesluit het aangedui dat daar gekyk moet word na skepping van ‘n parkeergarage by Technopark en Eikestadmall. Verder moet daar na verskeie parkeerareas binne loopafstand van die Universiteit en Stellenbosch CBD gekyk word.*

*As bogenoemde aansoek dus binne die besigheidsafstand van Technopark of Eikestadmall gaan wees dan mag dit die lewensvatbaarheid van die garages raak. Nou dat lockdown gelig is kan ons ‘n vergadering reël om die punt te bespreek en as die gevoel is dat ons dit kan toelaat dan kan ons die groenlig gee. Let daarop dat parkering ‘n munisipale funksie is ten opsigte van die Grondwet. As ‘n persoon vir sy eie besigheid parkering wil verskaf dan is dit goed, maar as hy parkering vir die breë publiek wil verskaf dan is dit nie goed nie.”*

Council must now consider this application.

#### 36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.2.4

#### RESOLVED (nem con)

that the Municipality retains this portion of land for the purposes of additional parking as per Municipal parking programmes due to the lack of parking within the Stellenbosch CBD and surrounding.

#### FOR FURTHER DETAILS CONTACT:

<b>NAME</b>	<b>PIET SMIT</b>
<b>POSITION</b>	<b>Manager: Property Management</b>
<b>DIRECTORATE</b>	<b>Corporate Services</b>
<b>CONTACT NUMBERS</b>	<b>021-8088750</b>
<b>E-MAIL ADDRESS</b>	<b><a href="mailto:Piet.smit@stellenbosch.gov.za">Piet.smit@stellenbosch.gov.za</a></b>
<b>REPORT DATE</b>	<b>2020- 07-13</b>

11.2.5	<b>APPLICATION TO CONSTRUCT PUBLIC ROADS ON MUNICIPAL LAND: STELLENBOSCH BRIDGE DEVELOPMENT KLAPMUTS</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

22 July 2020

**1. SUBJECT: APPLICATION TO CONSTRUCT PUBLIC ROADS ON MUNICIPAL LAND: STELLENBOSCH BRIDGE DEVELOPMENT KLAPMUTS**

**2. PURPOSE**

To request the permission/consent from Council to allow Stellenbosch Bridge Development (Pty) Ltd to construct public roads over municipal land.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

Anton Lotz Town and Regional Planners, on behalf of Stellenbosch Bridge Development (Pty), applied for permission to construct two (2) public roads on municipal land. As these are public roads it will be to the benefit of the Municipality, should the roads be constructed by the Developer, at their cost and it will remain the property of the Municipality. The Developer will also be required to undertake a proper subdivision and registration of the public road reserves.

They have also submitted a Land-Use application for the development of Portion 5 of Farm 742 and Portion 2 of Farm 744, Paarl (Klapmuts). Both Remainder Farm 739 and erf 342 rest with Stellenbosch Municipality by virtue of Title Deeds T5392/2009 and T42229/2000 respectively. See Windeed records attached as **APPENDIXES 3 and 4**.

The Planning Department has indicated that they cannot consider the Land-Use application until such time as the necessary consent/approval for the construction of the roads over municipal property has been dealt with. The request for consent to build the roads are therefore submitted for consideration. Whether the cost of the construction of the roads can be assigned to Development Contributions (DC) still need to be determined in terms of the DC Policy and further discussions with our Development Services Section.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.2.5**

Cllr DA Hendrickse requested that it be minuted that the matter was not advertised for public comment.

**RESOLVED** (majority vote)

- (a) that Council consents to the request by Stellenbosch Bridge (Pty) Ltd to construct public roads over Portions of Council-owned land as set out in Fig 4 and 5, at the cost of the Developer; and
- (b) that Stellenbosch Bridge (Pty) Ltd also attends to the subdivision of the respective properties to allow for the road diagrams at their cost.

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

*Cllr F Adams; FT Bangani-Menziwe (Ms); DA Hendrickse; LK Horsband (Ms); N Sinkinya (Ms); and P Sitshoti.*

11.2.6	<b>ADOPTION OF DELEGATIONS IN REGARD TO PROPERTY MATTERS NOT COVERED IN THE CURRENT APPROVED SYSTEM OF DELEGATIONS</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

22 July 2020

**1. SUBJECT: ADOPTION OF DELEGATIONS IN REGARD TO PROPERTY MATTERS NOT COVERED IN THE CURRENT APPROVED SYSTEM OF DELEGATIONS**

**2. PURPOSE**

To submit proposed delegations which will be included in the approved System of Delegations in regard to property matters not covered in the current approved 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 on 25 September 2019 and did not contain delegations around council rights on properties. These does not form part of the delegations mentioned in section 160(2) of the Constitution that may not be delegated. It is impractical to bring all these decisions to Council and especially as we enter a new era of fewer council meetings, as indicated by the Speaker, and meetings taking place in the virtual space. It is proposed that council consider delegation of the powers as indicated in **APPENDIX 1**. When approved the delegations will be included in the System of Delegations approved in 2019.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.2.6**

**RESOLVED** (majority vote)

that Council considers the attached delegations (**APPENDIX 1**) for inclusion in the System of Delegations.

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

*Cllr F Adams; G Cele (Ms); DA Hendrickse; and LK Horsband (Ms).*

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

11.4	<b>HUMAN SETTLEMENTS: (PC: CLLR N JINDELA)</b>
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11.4.1	<b>FEEDBACK ON PUBLIC PARTICIPATION PROCESS: ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING INSTITUTIONS (SHIs) AND/OR OTHER DEVELOPMENT AGENCIES (ODAs) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES</b>
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Collaborator No: 687976  
 IDP KPA Ref No: *Good Governance and Compliance*  
 Meeting Date: 22 July 2020 (Mayco)

1. **SUBJECT: FEEDBACK ON PUBLIC PARTICIPATION PROCESS: ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING INSTITUTIONS (SHIs) AND/OR OTHER DEVELOPMENT AGENCIES (ODAs) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES**

2. **PURPOSE**

To obtain Council's final approval to commence with a Public Competitive Process to give effect to the granting long-term use rights to SHIs and/or ODAs on Council-owned land in order to realise the implementation of the Social Housing Programme.

3. **DELEGATED AUTHORITY**

Council

4. **EXECUTIVE SUMMARY**

Stellenbosch Municipality was identified by the Western Cape Provincial Administration as one of "Leader Towns" in the Province that have the requisite constituents to partake in the Social Housing Programme. Consequent to this, the municipality adopted an Affordable Rental Housing Strategy and Plan in 2016. The municipality also underwent a rigorous process of identifying and approving Restructuring Zones for the development of Social Housing. Stellenbosch Restructuring Zone areas were subsequently endorsed by the National Housing Ministry and have been published as such in the Government Gazette dated 27 April 2017 (No. 40815).

Stellenbosch Municipality's Human Settlements Division needs to commence with a process of granting long-term use rights to qualifying accredited entities (SHIs and/or ODAs) on land identified and approved by the Municipality for the purpose of developing Social Housing estates.

Council approved, in principle, that Land Availability Agreements (long-term use rights) be entered into with Social Housing Institutions (SHIs) and/or Other Development Agencies (ODAs), subject to certain conditions, and subject thereto that Council's intention so to act be advertised for public inputs/objections.

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A notice to this effect was published. A considerable amount of input/comments have been received from the public and have been attached herewith as (**ANNEXURE A**).

Council must now make a final determination in this regard.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.4.1**

**RESOLVED** (majority vote)

- (a) that Council takes note of inputs/comments that were received, following the public notice advertised;
- (b) that a phased approach be adopted to implement social housing in Stellenbosch;
- (c) that the property situated to the north of the town opposite Kayamandi, erven 81/2 and 81/9, Stellenbosch, commences with the procurement process to appoint a suitable SHIs and/or ODAs;
- (d) that phase 2 commences after the successful completion of the development as mentioned in (c) above on Remainder of erf 2149 better known as Lapland;
- (e) that phase 3 commences after the successful completion of the development as mentioned in (d) above on Remainder of Farm 180 better known as Teen-die-Bult; and
- (f) that Council makes a final determination for the administration to commence with a process toward entering into **Land Availability Agreements** with SHIs and/or ODAs successful in a Public Competitive Process.

*Councillors F Adams; DA Hendrickse and LK Horsband (Ms) requested that their vote of dissent be minuted.*



11.5	<b>INFRASTRUCTURE SERVICES: (PC: CLLR Q SMIT)</b>
11.5.1	<b>BSM 13/19: APPOINT REGISTERED ELECTRICAL CONSULTANT WITH EXPERIENCE IN THE IMPLEMENTATION OF ELECTRICAL TARIFFS(INCLUDED RENEWABLE &amp; WHEELING TARIFFS) AND NERSA DISTRIBUTION FORMS, TO INVESTIGATE AND IMPLEMENT ELECTRICAL TARIFFS IN THE FINANCIAL YEARS 2018/19,2019/20 AND 2020/21</b>

Collaborator No: 688179  
IDP KPA Ref No: Good Governance and Compliance  
Meeting Date: 22 July 2020

1. **SUBJECT: BSM 13/19: APPOINT REGISTERED ELECTRICAL CONSULTANT WITH EXPERIENCE IN THE IMPLEMENTATION OF ELECTRICAL TARIFFS (INCLUDED RENEWABLE & WHEELING TARIFFS) AND NERSA DISTRIBUTION FORMS, TO INVESTIGATE AND IMPLEMENT ELECTRICAL TARIFFS IN THE FINANCIAL YEARS 2018/19,2019/20 AND 2020/21**

2. **PURPOSE**

To obtain the necessary approval to extend the scope of work of BSM 13/19 to allow for additional work required to conduct a new cost of supply study in accordance with NRS058 and National Energy Regulator of South Africa (NERSA) methodology.

3. **DELEGATED AUTHORITY**

Council.

4. **EXECUTIVE SUMMARY**

Tender number B/SM 13/19 was awarded to BBEnergy (Pty) in July 2018 for a period of three (3) years ending June 2021 to do a comprehensive analysis of existing electrical tariffs offered by Stellenbosch Municipality to their customers, including negotiated pricing agreements and gathering of statistical data for distribution forms. Part of the tariff analysis requires BBEnergy to assist Stellenbosch Municipality in motivating, during tariff application period, tariff increases based on NERSA's consultation paper (Municipal Tariff Guidelines) or Municipality's cost of supply study if available.

An additional work is required for BBEnergy to conduct a new cost of supply study that will give a true reflection for Stellenbosch Municipality of rendering a service of delivering electricity to its customers. The cost for additional service is above the variance order threshold of 15% for other services as indicated in section 54(2) in Supply Chain Management policy. Hence the department followed the route of section 116(3) of MFMA.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.5.1****RESOLVED** (majority vote)

- (a) that Council notes, in terms of MFMA Section 116(3), the reasons for the increase of tender scope and pricing;
- (b) that Council notes the public participation process that was followed and that no comments were received; and
- (c) that the additional amount of R 342 582 (VAT inclusive) which is 20% of the total tender amount in favour of BBEnergy (Pty), be approved.

*Councillors F Adams; DA Hendrickse and LK Horsband (Ms) requested that their vote of dissent be minuted.*

<b>11.5.2</b>	<b>REDUCTION OF MANAGED PARKING FEES AND ADJUSTING PAYMENT RATIO OF PARKING CONTRACTOR</b>
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**Collaborator No:**

**IDP KPA Ref No:**

**Meeting Date:**

**Good Governance and Compliance**

**22 July 2020**

**1. SUBJECT: REDUCTION OF MANAGED PARKING FEES AND ADJUSTING PAYMENT RATIO OF PARKING CONTRACTOR**

**2. PURPOSE**

To request approval from Council to:

- a. Reduce Managed Parking Fees for 2020/2021
- b. Alter the Parking Contractor's portion of the Parking Tariff within Tender Contract B/SM 04/19

**3. DELEGATED AUTHORITY**

Council may approve the reduction of tariffs as provided for in the Municipal Finance Management Act (MFMA) Section 28(6).

Council may approve the change of scope of a tender contract as per the MFMA Section 116(3).

**4. EXECUTIVE SUMMARY**

Council introduced a new Parking Management Contract in the beginning of 2018/19. This Contractor commenced with parking management in June 2019. During the start of 2019/20 budget year, parking fees were raised by 20%. Due to much more efficient operation of the Contractor and therefore the public having to pay on all parking, as well as the hike in tariffs, the parking tariff were reduced to the same as the 2018/19 budget year. The Contractor has refused to introduce.

Due to the COVID-19 Pandemic, parking management was halted and is to start again on 1 August 2020. Due to the big impact of the COVID-19 Pandemic as well as public outcry against high tariffs, it is proposed that all tariffs be reduced by 20%. This reduction is to be done in such a way that the Contractor still gets paid what he would have been paid, but that the Council reduces its portion of the income, resulting in the public paying 20% less than they paid last year (2019/20).

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.5.2**

**RESOLVED** (majority vote with abstentions)

- (a) that the Parking fees as depicted in the table above in 6.2 be referred to Council for final determination;
- (b) that the Tender Contract B/SM 04/19, conditions based on a 20% reduction of public parking tariffs, be altered to allow the Contractor to utilise up to 76.9% of the Parking Fee for own use and the balance of not less than 23.1% be paid over to the Municipality;
- (c) that the above be advertised for public comment to allow Council to make a final decision with relation to:
  - i. Reducing parking tariffs as per **ANNEXURE A**
  - ii. Altering the Tender Condition Scope as regulated by the MFMA Section 116(3); and
- (d) that, once the Public Comment has been received, a final report be brought to Council for a final decision.

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

11.7	<b>PLANNING AND ECONOMIC DEVELOPMENT: (PC:CLLR E GROENEWALD (MS))</b>
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11.7.1	<b>PROGRESS UPDATE: COMPILATION OF DRAFT ADAM TAS CORRIDOR LOCAL SPATIAL DEVELOPMENT FRAMEWORK</b>
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**Collaborator No:**

**IDP KPA Ref No:**

**Meeting Date:**

**Good Governance and Compliance**

**22 July 2020**

**1. SUBJECT: PROGRESS UPDATE: COMPILATION OF DRAFT ADAM TAS CORRIDOR LOCAL SPATIAL DEVELOPMENT FRAMEWORK**

**2. PURPOSE**

The purpose of this report is to provide the Council with an update on the progress of the Adam Tas Corridor Catalytic Initiative contained in the Stellenbosch Municipality's Integrated Development Plan 2017 – 2022, and also as stipulated in the Stellenbosch Municipality's Spatial Development Framework, 2019, which in terms of Section 26(e) of the Municipal Systems Act, Act 32 of 2000 is stipulated as a core component of the Municipal IDP.

**3. DELEGATED AUTHORITY**

Council for noting purposes.

**4. EXECUTIVE SUMMARY**

The commencement of the Compilation of the draft Adam Tas Corridor Local Spatial Development by the Municipal Manager on 20 March 2020, as delegated by Council at the 27<sup>th</sup> Council Meeting dated 29 May 2019.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.7.1**

**RESOLVED** (majority vote)

- (a) that Council takes cognizance that the process for the Compilation of the draft Adam Tas Corridor Local Spatial Development Framework has commenced;
- (b) that the Adam Tas Corridor geographic area to which the Local Spatial Development will apply, as specified in of this report, has been approved by the Municipal Manager;
- (c) that the Senior Manager: Development Planning has been assigned and appointed as the Project Leader for the formulation of the draft Adam Tas Corridor Local Spatial Development Framework;

- (d) that the process to procure a multi-disciplinary team to undertake the required professional services for the compilation of the draft Adam Tas Corridor Local Spatial Development Framework is currently underway; and
- (e) that a Project Team consisting of the following members have been identified to contract and project manage the Adam Tas Corridor Catalytic Initiative:
- Craig Alexander Pr Pln, Project Leader (Senior Manager: Development Planning
  - Stiaan Carstens Pr Pln, Senior Manager: Development Management
  - Mr Lester van Stavel, Manager: Housing Development
  - Ms Jerri-Lee Mowers, Senior Manager: Development Services

The following Western Cape Government: Department of Environmental Affairs & Development Planning (“DEA&DP”) representatives, listed below, will coordinate the input from WCG and serve as technical advisors to the Project Team:

- Ms Catherine Stone Pr Pln, Director: Spatial Planning;
- Mr Kobus Munro Pr Pln, Director: Regulatory Planning;
- Mr Jeremy Benjamin Pr Pln, Coordinator: Regional Socio-Economic Programme: Stellenbosch (“RSEP”)

*Councillors F Adams; DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.*

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Craig Alexander
<b>POSITION</b>	Senior Manager: Development Planning
<b>DIRECTORATE</b>	Planning and Economic Development
<b>CONTACT NUMBERS</b>	021 808 8196
<b>E-MAIL ADDRESS</b>	Craig.alexander@stellenbosch.gov.za
<b>REPORT DATE</b>	13 July 2020

11.7.2	<b>REPORT ON THE STATUS OF THE BACKLOG IN THE PROCESSING OF LAND USE APPLICATIONS</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

22 July 2020

**1. SUBJECT: REPORT ON THE STATUS OF THE BACKLOG IN THE PROCESSING OF LAND USE APPLICATIONS**

**2. PURPOSE**

The purpose of this report is to present an overview of the situation on the backlog in the processing of the land use applications.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

Due to a number of service delivery challenges, a backlog in the timeous processing of land use applications occurred over time. A number of interventions were made to address these service delivery challenges, and as a result, the backlog has been reduced since 1 February 2020 from 146 to 30 applications. Of the 116 planning evaluation reports, 61 decisions have already been taken and communicated with the applicants.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.7.2**

**NOTED**

the current status in addressing the backlog in the processing of land use applications.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Stiaan Carstens
<b>POSITION</b>	Senior Manager: Development Management
<b>DIRECTORATE</b>	Planning and Economic Development
<b>CONTACT NUMBERS</b>	021 808 8674
<b>E-MAIL ADDRESS</b>	Stiaan.carstens@ Stellenbosch.gov.za
<b>REPORT DATE</b>	14 July 2020

11.8	<b>RURAL MANAGEMENT AND TOURISM: (PC: CLLR S PETERS)</b>
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NONE

11.9	<b>YOUTH, SPORT AND CULTURE: (PC: CLLR M PIETERSEN)</b>
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NONE

11.10	<b>MUNICIPAL MANAGER</b>
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11.10.1	<b>SIGNED PERFORMANCE AGREEMENT 2019/20 OF THE DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT</b>
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Collaborator No: 687938  
IDP KPA Ref No: Good Governance and Compliance  
Meeting Date: 22 July 2020

**1. SUBJECT: SIGNED PERFORMANCE AGREEMENT 2019/20 OF THE DIRECTOR:  
PLANNING AND ECONOMIC DEVELOPMENT**

**2. PURPOSE**

To submit to Council, for notification, the following:

the Performance Agreement 2019/20 as concluded between the Municipal Manager and the Director: Planning and Economic Development.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

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

*“(a) be concluded within a reasonable time after a person has been appointed as the municipal manager or as a manager directly accountable to the municipal manager and thereafter within one month after the beginning of the financial year of the municipality”.*

Furthermore, Regulation 24(1) of the Local Government: Municipal Performance Regulations for Municipal Managers and Managers Directly Accountable to Municipal Managers, 2006 states that *The performance agreement must be entered into for each financial year of the municipality, or part thereof.*

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.10.1**

**NOTED**

the Performance Agreement 2019/20 as concluded between the Municipal Manager and the Director: Planning and Economic Development for the period 01 June – 30 June 2020.

<b>11.10.2</b>	<b>SIGNED PERFORMANCE AGREEMENTS 2020/21 OF THE MUNICIPAL MANAGER AND MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER</b>
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Collaborator No: 687998  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 22 July 2020

**1. SUBJECT: SIGNED PERFORMANCE AGREEMENTS 2020/21 OF THE MUNICIPAL MANAGER AND MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER**

**2. PURPOSE**

To submit to Council, for notification, the following:

Signed Performance Agreements 2020/21 of the Municipal Manager and Managers Directly Accountable to the Municipal Manager.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

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

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

The Performance Agreements 2020/21 was developed in consultation with the Municipal Manager and each Director and signed on 07 July 2020.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.10.2**

**NOTED**

the signed Performance Agreements 2020/21 of the Municipal Manager and Managers Directly Accountable to the Municipal Manager.

**FOR FURTHER DETAILS CONTACT:**

<i>NAME</i>	<i>Shireen De Visser</i>
<i>POSITION</i>	<i>Senior Manager: Governance</i>
<i>DIRECTORATE</i>	<i>Municipal Manager</i>
<i>CONTACT NUMBERS</i>	<i>021 808 8035</i>
<i>E-MAIL ADDRESS</i>	<i>shireen.devisser@stellenbosch.gov.za</i>
<i>REPORT DATE</i>	<i>08 July 2020</i>



11.10.3	<b>DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY FROM 01 APRIL 2020 UNTIL 30 JUNE 2020</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

22 July 2020

**1. SUBJECT: DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY FROM 01 APRIL 2020 UNTIL 30 JUNE 2020**

**2. PURPOSE OF REPORT**

To report to Council on the decisions taken by the Municipal Manager and Directors in terms of Council's System of Delegations for the period 01 January 2020 until 31 March 2020, in compliance with Section 63 of the Local Government: Municipal Systems Act read in conjunction with the System of Delegations as approved by Council.

**3. DELEGATED AUTHORITY**

Municipal Council

**4. EXECUTIVE SUMMARY**

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

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

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.10.3**

**NOTED**

the decisions taken, for the period 01 April 2020 until 30 June 2020, by the following Section 56 Managers:

- Municipal Manager – Ms G Mettler (01 April 2020 – 30 June 2020).
- Chief Financial Officer – Mr K Carolus (01 April 2020 – 30 June 2020).
- Director Community and Protection Services Mr G Boshoff (01 April 2020 – 30 June 2020).
- Director Corporate Services – Ms A de Beer (01 April 2020 – 30 June 2020).
- Director Infrastructure Services – Mr D Louw (01 April 2020 – 30 June 2020).
- Acting Director Planning and Economic Development – Mr C Alexander (01 – 31 May 2020).
- Director Planning and Economic Development – Mr A Barnes (01 – 30 June 2020).

**FOR FURTHER DETAILS CONTACT:**

<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Office of the Municipal Manager</i>
<b>CONTACT NUMBERS</b>	<i>021 808 8025</i>
<b>E-MAIL ADDRESS</b>	<a href="mailto:municipal.manager@stellenbosch.gov.za">municipal.manager@stellenbosch.gov.za</a>
<b>REPORT DATE</b>	<i>03 July 2020</i>

11.10.4	<b>CONSIDERATION ON APPLICATIONS RECEIVED: (Animal Welfare) FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION AS PROVIDED BY THE POLICY FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2020 / 2021</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

22 July 2020

**1. SUBJECT: CONSIDERATION ON APPLICATIONS RECEIVED: (Animal Welfare) FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION AS PROVIDED BY THE POLICY FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2020 / 2021**

**2. PURPOSE**

To discuss and consider the funding applications for the 2020 / 2021 financial year received from external bodies performing a Municipal function as provided by the Policy for the Funding of External Bodies Performing a Municipal Function, read with Section 80(2) of the Municipal Systems Act No. 32 of 2000.

**3. DELEGATED AUTHORITY**

In terms of Section 7(2) of said policy the Grants Committee is delegated to allocate funds to External Bodies Performing a Municipal Function.

**4. EXECUTIVE SUMMARY**

The Policy relating to External Bodies Performing a Municipal Function, as approved by Council, in terms of which allocations may be made to bodies performing a Municipal function, refers. In terms of Section 7(2) of said policy the Grants Committee is delegated to allocate funds to External Bodies performing a municipal function.

The notice of the applications for the funding of bodies performing a municipal function was advertised in the local newspapers on:

- Eikestadnuus 19 March 2020

The notice invited applications, in accordance with the Policy, for funding in the areas of:

- Facilities for the accommodation and burial of animals

The COVID-19 pandemic and lockdown regulations as promulgated by the President of the Republic of South Africa had the effect that the closing date for the applications of 14 April 2020 being extended to 24 April 2020. The extension notice was circulated to the external bodies, which have submitted their interest electronically, and each body which had responded to the notice in the media thus had a fair opportunity to provide the required information to be considered.

The following bodies submitted applications by the closing date for funding to perform the accommodation and burial of animals function for Council for the 2020 / 2021 financial year and this is compared with the funding granted for the 2019 / 2020 financial year:

**COMMUNITY AND PROTECTION SERVICES:**

<b>Applicant</b>	<b>2020 / 2021 Funding requested in Rand Value</b>	<b>2019 / 2020 Funding Received in Rand Value</b>
Animal Welfare Society Stellenbosch	R2 725 000.00	R941 000.00
SPCA Franschhoek	R220 000.00	R172 000.00

Currently, Council has budgeted the following amount for 2020/2021:

**Community and Protection Services:**

SPCA: R1 200 000.00

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.10.4****RESOLVED** (nem con)

- (a) that the amount of R1 012 516.00 be allocated to the Animal Welfare Society of Stellenbosch for the 2020 / 2021 financial year; and
- (b) that the amount of R187 484.00 be allocated to the SPCA Franschhoek for the 2020/2021 financial year.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Neville Langenhoven
<b>POSITION</b>	<b>CHIEF LAW ENFORCEMENT</b>
<b>DIRECTORATE</b>	<b>COMMUNITY AND PROTECTION SERVICES</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8497</b>
<b>E-MAIL ADDRESS</b>	<b>Neville.langenhoven@stellenbosch.gov.za</b>
<b>REPORT DATE</b>	<b>01 July 2020</b>

11.10.5	<b>CONSIDERATION ON APPLICATIONS RECEIVED: (Tourism) FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION AS PROVIDED BY THE POLICY FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2020 / 2021</b>
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Collaborator No:  
IDP KPA Ref No: Good Governance  
Meeting Date: 22 July 2020

- SUBJECT: CONSIDERATION ON APPLICATIONS RECEIVED: (Tourism) FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION AS PROVIDED BY THE POLICY FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2020 / 2021**

- PURPOSE**

To discuss and consider the funding applications for the 2020 / 2021 financial year received from external bodies performing a Municipal function as provided by the Policy for the Funding of External Bodies Performing a Municipal Function, read with Section 80(2) of the Municipal Systems Act No. 32 of 2000.

- DELEGATED AUTHORITY**

In terms of Section 7(2) of said policy the Grants Committee is delegated to allocate funds to External Bodies Performing a Municipal Function.

- EXECUTIVE SUMMARY**

In terms of Section 7(2) of the Policy relating to External Bodies Performing a Municipal Function of which budget allocation are delegated to the Grants Committee to make recommendations to Council, as approved by Council.

The notice of the applications for the funding of bodies performing a municipal function was advertised in the Eikestadnuus dated 19 March 2020, attached as **Appendix 1** of which the closing date to submit such applications was 14 April 2020. The requirements as published in the advertisement, clearly stipulated that “*only applications received on the prescribed application form and accompanied by the required information, documentation, financial statements, covering letter...*”

The COVID-19 pandemic and lockdown regulations as promulgated by the President of the Republic of South Africa had the effect that the closing date for the applications of 14 April 2020 being extended to 24 April 2020. This extended closing date notice was circulated through email, see **APPENDIX 2**, to the external bodies, whom have submitted their interest during the period for the initial application process, and was given an opportunity to provide Council with the required information and documentation.

The following bodies submitted applications by the closing date for funding to perform the local tourism function for Council for the 2020 / 2021 financial year and this is compared with the funding granted for the 2019 / 2020 financial year:

<b>Applicant</b>	<b>2020 / 2021 Funding requested in Rand Value</b>	<b>2019 / 2020 Funding Received in Rand Value</b>
Lokxion Foundation	445 000.00	Not applicable
Visit Stellenbosch	6 000 000.00	2 528 511.00
Franschhoek Wine Valley including Dwarsrivier Tourism	1 722 412.00 710 558.00	1 202 075.00 452 414.00

Dwarsrivier Wine Valley Tourism (Community Organization)	Amount not stated	Not applicable
Stellenbosch Entrepreneur & Enterprise Development	n/a	417 000.00
<b>Total Funding Requested</b>	<b>8 877 970.00</b>	<b>4 600 000.00</b>

Currently, Council has budgeted for R5 000 000.00 for the 2020/2021 financial year. The requested amount by all the bodies is thus R3 877 970.00 over and above the budgeted amount. The Directorate: Planning & Economic Development is in the process of finalising the draft Stellenbosch Municipality Tourism Plan, 2020. A core component of this plan is to provide guidelines and prescripts to Local Tourism Organisations (“LTO”) and Council for considering and evaluating the proposals for future funding applications for this function.

All funding applications from 2021/2022 will thus be allocated in line with the prescripts of the draft plan, when adopted by Council.

### 36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.10.5

Cllr WC Petersen (Ms) declared her interest in this matter, and recused herself from the meeting when this matter was dealt with.

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

- (a) that the amount of R1 475 000.00 be allocated to Franschhoek Wine Valley;
- (b) that the amount of R3 090 000.00 be allocated to Visit Stellenbosch;
- (c) that the funding in the amount of R430 000.00 identified to be transferred for the management and oversight of the Dwarsrivier Tourism Office be ring-fenced and held in abeyance, until such time that the Senior Manager: Development Planning & the Manager: Local Economic Development & Tourism are able to confirm the status of the LTO which will be responsible for the Tourism Office in Pniel;
- (d) that Lokxion Foundation’s application, attached as **APPENDIX 4**, not be considered and supported as a range of required documentation and information was not submitted by the required extended timeframe, as required by the advertisement attached as **APPENDIX 1**; and
- (e) that Dwarsriver Wine Valley Tourism’s application, attached as **APPENDIX 5**, not be considered and supported as a range of required documentation and information was not submitted by the required extended timeframe, as required by the advertisement attached as **APPENDIX 1**.

*Councillors DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent.*

*At 15:45 the Speaker ordered Cllr F Adams to leave the virtual meeting for disorderly conduct (Rule 32.2).*

#### **FOR FURTHER DETAILS, CONTACT:**

<b>NAME</b>	Widmark Moses
<b>POSITION</b>	<b>MANAGER: LED &amp; TOURISM</b>
<b>DIRECTORATE</b>	<b>PLANNING AND ECONOMIC DEVELOPMENT</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8974</b>
<b>E-MAIL ADDRESS</b>	<b>Widmark.Moses@stellenbosch.gov.za</b>
<b>REPORT DATE</b>	<b>13 July 2020</b>

12.	<b>CONSIDERATION OF ITEMS, REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED VIA THE OFFICE OF THE MUNICIPAL MANAGER</b>
12.1	<b>MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN]</b>
12.1.1	<b>CONSIDERATION OF IRREGULAR EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY REKHA CONSTRUCTION (PTY) LTD: THE FORMALISATION OF INFORMAL TRADERS AT FRANSCHHOEK TOWNHALL</b>

Collaborator No:

IDP KPA Ref No:

Good Governance

Meeting Date:

29 July 2020

**1. SUBJECT: CONSIDERATION OF IRREGULAR EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY REKHA CONSTRUCTION (PTY) LTD: THE FORMALISATION OF INFORMAL TRADERS AT FRANSCHHOEK TOWNHALL**

**2. PURPOSE OF REPORT**

To provide information regarding the irregular expenditure incurred for investigation by MPAC and to be recommended to and consideration by Council to write-off the irregular expenditure as irrecoverable in terms of the MFMA Section 32 (2). The irregular expenditure occurred due to additional work done by the appointed contractor because of unforeseen underground site conditions and to secure the site before occupation and during the lock-down period.

**3. DELEGATED AUTHORITY**

Council to write-off the irregular expenditure as irrecoverable as the specific nature of the breach is a breach of the procurement process, not impacting in any significant way on the essential fairness, equity, transparency, competitiveness or cost effectiveness, for the payment of Rekha Construction (Pty) Ltd.

**4. EXECUTIVE SUMMARY**

Rekha Construction was appointed on 06-03-2018 to construct the informal trading market adjacent to the municipal building in Franschhoek. Site handover took place on 04-04-2018. Due to numerous challenging site conditions additional work had to be done to ensure the successful completion of this project. Some of these additional costs were covered by the contingencies' budget allowed for on the project, but some of the additional costs were incurred without the necessary approval/authorizations in place, although these items were required and added value to the project. This resulted in an increased project value, but this value was still less than the allowable 20% variation in term of Circular number 62/2012 (National Treasury). It should be noted that the contractor had to complete the additional scope of work, to enable the actual construction of the trading site, due to the site condition, which could not have been foreseen prior to the bid being awarded, these conditions were only noticeable on site, thus in order to progress Rekha Construction had to perform the actual additional work. This was highlighted to the Department after the additional work was completed.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 12.1.1****RESOLVED** (majority vote)

- (a) that Council certifies the irregular expenditure to the amount of R 277 076.17 (including VAT) to Rekha Construction (Pty) Ltd; and
- (b) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2).

*Councillors DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.*

12.1.2	<b>CONSIDERATION OF IRREGULAR EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY LINAMANDLA ENTERPRISES: CONSTRUCTION OF THE CLOETESVILLE INFORMAL TRADING SITE</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

29 July 2020

**1. SUBJECT: CONSIDERATION OF IRREGULAR EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY LINAMANDLA ENTERPRISES: CONSTRUCTION OF THE CLOETESVILLE INFORMAL TRADING SITE**

**2. PURPOSE OF REPORT**

To provide information regarding the irregular expenditure incurred for investigation by MPAC and to be recommended to and consideration by Council to write-off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2). The irregular expenditure relates to the additional work done by the appointed contractor due to unforeseen underground site conditions and delays experienced.

**3. DELEGATED AUTHORITY**

Council to write-off the irregular expenditure as irrecoverable as the specific nature of the breach of the procurement process, not impacting in any significant way on the essential fairness, equity, transparency, competitiveness or cost effectiveness, for the payment of Linamandla Construction.

**4. EXECUTIVE SUMMARY**

Linamandla Enterprise was appointed on 02-06-2018 to construct the informal trading market adjacent to the clinic in Cloetesville. Additional work and cost were incurred due to unforeseen underground site conditions which had to be addressed in order for the project to proceed. Some of these additional costs were covered by the contingencies allowed for on the project, but some of the additional costs were incurred without the necessary approval/authorizations in place, although these items were required and added value to the project, which resulted in an increased project budget, but this additional budget was less than the allowable 20% variation in term of Circular number 62/2012 (National Treasury).

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 12.1.2**

**RESOLVED** (majority vote)

- (a) that Council certifies the irregular expenditure to the amount of R 79 587.52 (including VAT) to Linamandla Enterprises; and
- (b) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2).

*Councillors DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.*



12.1.3	<b>CONSIDERATION OF EXPENDITURE INCURRED RELATING TO THE 2018/2019 FINANCIAL YEAR</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

30 June 2020

**1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO THE 2018/2019 FINANCIAL YEAR**

**2. PURPOSE OF REPORT**

To provide information regarding the irregular expenditure incurred in the 2018/2019 financial year and, to be recommended to and considered by Council to certify the expenditure as irrecoverable and to be written off by Council in terms of Section 32 of the MFMA.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

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

Expenditure was identified in the 2018/2019 financial year by the Auditor-General which was non-compliant with Council approved policies and the Municipal Financial Management Act. All known instances of non-compliance with legislation, which the Municipality is aware of and whose effects should be considered have been recorded.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 12.1.3**

**RESOLVED** (majority vote)

- (a) that Council takes note of the circumstances as provided in the report;
- (b) that Council certifies the irregular expenditure to the amount of R 3 570 399 (excluding VAT) as irrecoverable; and
- (c) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2).

*Councillors DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.*

13.	REPORTS BY THE MUNICIPAL MANAGER
13.1	ADOPTION OF THE REVIEWED STELLENBOSCH LIQUOR TRADING HOURS BY-LAW

Collaborator No:

IDP KPA Ref No:

Meeting Date:

29 July 2020

1. **SUBJECT: ADOPTION OF THE REVIEWED STELLENBOSCH LIQUOR TRADING HOURS BY-LAW**
2. **PURPOSE**  
To request final approval of the Reviewed Stellenbosch Liquor Trading Hours By-law by Council.
3. **DELEGATED AUTHORITY**  
Council
4. **EXECUTIVE SUMMARY**  
The reviewed Stellenbosch Liquor Trading Hours By-Law corrects various deficiencies in the current Liquor Trading Hours By-Law. The aforementioned By-law has now been advertised for public comments and since no comments were received it is now submitted for final approval.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 13.1****RESOLVED** (majority vote)

- (a) that Council finally adopts the reviewed Stellenbosch Liquor Trading Hours By-Law; and
- (b) that the approved By-law be published in the Western Cape Provincial Gazette.

*Cllrs DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.*

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<b>Craig Alexander</b>
<b>POSITION</b>	<b>Acting Director</b>
<b>DIRECTORATE</b>	<b>Planning &amp; Economic Development</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8196</b>
<b>E-MAIL ADDRESS</b>	<b>Craig.Alexander@stellenbosch.gov.za</b>
<b>REPORT DATE</b>	<b>July 2020</b>

13.2	<b>DRAFT PROBLEM PROPERTY BY-LAW FOR STELLENBOSCH MUNICIPALITY</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

**Good Governance**

29 July 2020

**1. SUBJECT: DRAFT PROBLEM PROPERTY BY-LAW FOR STELLENBOSCH MUNICIPALITY**

**2. PURPOSE**

Provide the Executive Mayor and subsequently Council feedback on the outcome of the public participation process for the draft By-law on Problem Property for Stellenbosch Municipality which was advertised for a second round of public comments on 12 December 2019 till 14 February 2020 in the Paarl Post and Eikestadnuus.

**3. DELEGATED AUTHORITY**

The decision making authority for the passing of by-laws is an authority of Council in terms of delegation item C1 of the systems of delegations dated 25 September 2019, hence the item for consideration by the Executive Mayor for a recommendation to Council for a final decision.

**4. EXECUTIVE SUMMARY**

Council took these previous resolutions regarding the subject property;

**4.1 The 14<sup>th</sup> Council Meeting: 2017-11-29 Item 8.3.3**

**Resolved (nem con)**

- (a) that the draft By-law on Problem Properties for Stellenbosch Municipality, August 2017, be approved, in principle;
- (b) that the draft By-law on Problem Properties for Stellenbosch Municipality, August 2017 be advertised for public comment for 90 days where after same be resubmitted to Council for final consideration and subsequent approval; and
- (c) that the reference to the properties referred to in agenda item under point 4 be removed from the item

**4.2 The 31<sup>th</sup> Council Meeting: 2019-09-25: Item 11.7.1**

**Resolved (nem con)**

- (a) that the revised Draft By-law on Problem Properties for Stellenbosch Municipality, 17 May 2019, be advertised for public participation for 30 days and
- (b) that after the comments have been reviewed, the edited By-law be resubmitted to the Mayoral Committee and Council for final consideration and subsequent approval.

As previously mentioned the administration was instructed by the 31<sup>th</sup> Meeting of the Council of Stellenbosch Municipality to re-advertise the subject By-law for a second round. The by-law was subsequently advertised by the administration in the

Eikestadnuus and Paarl Post from 12 December till 14 February 2020 due to the recess period between 15 December 2019 and 15 January 2020.

Additionally the by-law was placed on the municipal website and at all municipal libraries available for all interested and affected parties for scrutiny.

No objections or comments were however received in this last round of advertising, hence this recommendation the Mayoral Committee and Council.

### 36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 13.2

#### RESOLVED (nem con)

- (a) that the revised draft By-law on Problem Properties for Stellenbosch Municipality (WC024) attached as **ANNEXURE 1** be recommended for approval in terms of Sections 11(3)(m) of the Local Government Municipal Systems Amendment Act 32 of 2000 and;
- (b) the administration proceed with the publication of the by-law.

#### FOR FURTHER DETAILS CONTACT:

<b>NAME</b>	Craig Alexander
<b>POSITION</b>	Acting Director
<b>DIRECTORATE</b>	Planning and Economic Development
<b>CONTACT NUMBERS</b>	021 808 8196
<b>E-MAIL ADDRESS</b>	Craig.alexander@stellenbosch.gov.za
<b>REPORT DATE</b>	May 2020

13.3	<b>QUARTERLY REPORT OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY FOR THE PERIOD 01 JANUARY 2020 TILL 31 MARCH 2020</b>
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Collaborator No:

File No:

IDP KPA Ref No:

Good Governance

Meeting Date:

29 July 2020

1. **SUBJECT: QUARTERLY REPORT OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY FOR THE PERIOD 01 JANUARY 2019 TILL 31 MAY 2019**

2. **PURPOSE**

To inform Council of the activities of the Audit Committee for the period 01 January 2020 till 31 March 2020 (3<sup>rd</sup> Quarter). The Minutes of the meeting held for this period mentioned is herewith attached as **APPENDIX 1** which outlines the activities of the Audit and Performance Audit Committee.

3. **DELEGATED AUTHORITY**

Audit and Performance Audit Committee reports to Council periodically.

4. **EXECUTIVE SUMMARY**

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

The Audit Committee has executed its duties and responsibilities during the period under review in accordance with its terms of reference as they relate to Council's accounting, internal auditing, internal control and financial reporting practices.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 13.3**

**NOTED**

the concerns and the report of the Audit Committee for the period 01 January 2020 till 31 May 2020.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Faiz Hoosain</i>
<b>POSITION</b>	<i>Chief Audit Executive</i>
<b>DIRECTORATE</b>	<i>Municipal Manager's Office</i>
<b>CONTACT NUMBERS</b>	<i>021-808 8555</i>
<b>E-MAIL ADDRESS</b>	<a href="mailto:Faiz.Hoosain@ Stellenbosch.gov.za">Faiz.Hoosain@Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	<i>09 April 2020</i>

13.4	<b>QUARTERLY REPORT OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY FOR THE PERIOD 01 APRIL 2020 TILL 30 JUNE 2020</b>
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Collaborator No:

File No:

IDP KPA Ref No:

Good Governance

Meeting Date:

29 July 2020

**1. SUBJECT: QUARTERLY REPORT OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY FOR THE PERIOD 01 APRIL 2020 TILL 30 JUNE 2020**

**2. PURPOSE**

To inform Council of the activities of the Audit Committee for the period 01 April 2020 till 30 June 2020 (4<sup>th</sup> Quarter). The Minutes of the meeting held for this period mentioned is herewith attached as **APPENDIX 1** which outlines the activities of the Audit and Performance Audit Committee.

**3. DELEGATED AUTHORITY**

Audit and Performance Audit Committee reports to Council periodically.

**4. EXECUTIVE SUMMARY**

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

The Audit Committee has executed its duties and responsibilities during the period under review in accordance with its terms of reference as they relate to Council's accounting, internal auditing, internal control and financial reporting practices.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 13.4**

**NOTED**

the concerns and the reports of the Audit Committee for the period 01 April 2012 until 30 June 2020.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Faiz Hoosain</i>
<b>POSITION</b>	<i>Chief Audit Executive</i>
<b>DIRECTORATE</b>	<i>Municipal Manager's Office</i>
<b>CONTACT NUMBERS</b>	<i>021-808 8555</i>
<b>E-MAIL ADDRESS</b>	<a href="mailto:Faiz.Hoosain@ Stellenbosch.gov.za">Faiz.Hoosain@ Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	<i>21 July 2020</i>

13.5	<b>TEMPORARY HOMELESS SHELTER: VAN DER STEL SPORT GROUND</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Safe Valley

22 July 2020

**1. SUBJECT: TEMPORARY HOMELESS SHELTER: VAN DER STEL SPORT GROUND****2. PURPOSE**

To request Council to consider the relocation of the homeless, presently housed in the temporary shelter at Van der Stel Sport Ground, to an alternative municipal venue.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

In terms of the national lockdown regulations municipalities were compelled to establish temporary homeless shelters to accommodate those individuals living on the streets of the municipality. Stellenbosch Municipality has since April (after a brief period in Klapmuts) housed the homeless at Van der Stel Sport Ground. The use of the sport complex was possible because sport facilities (were closed) and sport activities banned in terms of the lockdown regulations.

However, since the relaxing of the lockdown regulations from Level 5 to level 3, certain sport activities were allowed to take place. Sport clubs using the Van der Stel Sport Complex have appealed to the municipality to open the facility for use by their members as per the protocols approved by national government.

Upon an *in loco* inspection of potential alternative sites (i.e. La Refuge and Youth House in Franschhoek), these were found to be unsuitable to house 50 homeless people at one-time. Hence, the Community Services Department requests Council's approval to relocate the homeless to the Groendal Community Hall (Franschhoek) as a temporary measure until such time as the lockdown regulations have been suspended. (See attached photos in Annexure II).

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 13.5****RESOLVED** (majority)

- (a) that Council approves the relocation of the temporary municipal homeless shelter from Van der Stel Sport Ground to a facility in Franschhoek in consultation with the Ward Councillors of Franschhoek; and
- (b) that Council approves that the physical relocation takes place on Monday 3 August 2020.

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

*Cllr FT Bangani-Menziwe (Ms); G Cele (Ms); DA Hendrickse; LK Horsband (Ms); N Sinkinya (Ms); and P Sitshoti (Ms).*

13.6	<b>A NEW SPORT FACILITY MANAGEMENT MODEL (PLAN) FOR STELLENBOSCH MUNICIPALITY (WC024)</b>
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**Collaborator No:**

**IDP KPA Ref No:**

**Meeting Date:**

Good Governance and Compliance

Council Meeting: 29 July 2020

**1. SUBJECT: A NEW SPORT FACILITY MANAGEMENT MODEL (PLAN) FOR STELLENBOSCH MUNICIPALITY (WC024)**

**2. PURPOSE**

The purpose of this report is to seek Council approval for the proposed new Sport Facility Management Model (Plan)

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

On 24 July 2019 the Stellenbosch Municipal Council resolved to revise the current Sports Facility Management Plan in order to improve the maintenance and management of sport facilities in WC024. The Community Services Department was mandated to facilitate the review process and to advise Council on alternative models (plans) for the management of municipal sport facilities. After an extensive consultation process with the SSRA, the official representative structure of the sports fraternity, the following sport facility management models are put forward for consideration:

Option I: The current Sport Facility Management Model (Status Quo).

Option II: Stellenbosch Municipality manage and maintain all the sport facilities within Stellenbosch (WC024).

Option III: Hybrid Model: A combination of key elements of Option I and Option II.

The Community Services Department supports the implementation of the Hybrid Model for Stellenbosch Municipality. The process that was followed is discussed in detail in the attached report (Annexure 1), which elaborates on the advantages and disadvantages of each of the three models.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 13.6**

**RESOLVED** (nem con)

that this matter be referred back to the Administration for refinement and be resubmitted at a next meeting of Council for finalisation.



14.	CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER
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14.1	MOTION BY COUNCILLOR DA HENDRICKSE: OWNERSHIP OF HOSTELS IN KAYAMANDI: STELLENBOSCH FARM WORKER'S (DISTELL)
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A Notice of a Motion, dated 2020-03-10, was received from Councillor DA Hendrickse regarding the ownership of hostels in Kayamandi: Stellenbosch Farm Worker's (Distell).

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

**FOR CONSIDERATION**

**36<sup>TH</sup> COUNCIL MEETING: 2020-07-29: ITEM 14.1**

The Speaker allowed Councillor DA Hendrickse to put his Motion, duly seconded. After the Motion was motivated, the Speaker allowed debate on the matter.

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

**RESOLVED** (majority vote)

that this Motion not be accepted.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler (Ms)
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Office of the Municipal Manager</i>
<b>CONTACT NUMBERS</b>	021 808-8025
<b>E-MAIL ADDRESS</b>	<i>Municipal.Manager@stellenbosch.gov.za</i>
<b>REPORT DATE</b>	July 2020

14.2	<b>MOTION BY COUNCILLOR DA HENDRICKSE: POWERS OF COUNCIL CONFERRED ON THE MAYOR AT A SPECIAL COUNCIL MEETING: 2020-03-25</b>
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A Notice of a Motion, dated 2020-07-14, was received from Councillor DA Hendrickse regarding the powers of Council conferred on the Mayor at a Special Council Meeting on 2020-03-25.

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

#### **FOR CONSIDERATION**

#### **36<sup>TH</sup> COUNCIL MEETING: 2020-07-29: ITEM 14.2**

The Speaker allowed Councillor DA Hendrickse to put his Motion, duly seconded. After the Motion was motivated, the Speaker allowed debate on the matter.

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

**RESOLVED** (majority vote)

that this Motion not be accepted.

#### **FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler (Ms)
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Office of the Municipal Manager</i>
<b>CONTACT NUMBERS</b>	<i>021 808-8025</i>
<b>E-MAIL ADDRESS</b>	<i>Municipal.Manager@stellenbosch.gov.za</i>
<b>REPORT DATE</b>	<i>July 2020</i>

14.3	<b>MOTION BY COUNCILLOR F ADAMS: FREE PARKING TO ST MARY'S AND RHENISH CHURCHES</b>
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A Notice of a Motion, dated 2020-03-06, was received from Councillor F Adams regarding free parking to St Mary's and Rhenish Churches.

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

**FOR CONSIDERATION**

**36<sup>TH</sup> COUNCIL MEETING: 2020-07-29: ITEM 14.3**

In view of the absence of the member,

The Speaker **RULED**

that this matter has lapsed.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler (Ms)
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Office of the Municipal Manager</i>
<b>CONTACT NUMBERS</b>	021 808-8025
<b>E-MAIL ADDRESS</b>	<i>Municipal.Manager@stellenbosch.gov.za</i>
<b>REPORT DATE</b>	July 2020

14.4	<b>QUESTION BY COUNCILLOR F ADAMS: EXPLANATION BY MAYOR ON ASSAULT AND RACISM CHARGES: CLLR F ADAMS</b>
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A Notice of a Question, dated 2020-03-06, was received from Councillor F Adams regarding explanation by Mayor on assault and racism charges: Cllr F Adams.

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

**FOR CONSIDERATION**

**36<sup>TH</sup> COUNCIL MEETING: 2020-07-29: ITEM 14.4**

In view of the absence of the member,

The Speaker **RULED**

that this matter has lapsed.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler (Ms)
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Office of the Municipal Manager</i>
<b>CONTACT NUMBERS</b>	021 808-8025
<b>E-MAIL ADDRESS</b>	<i>Municipal.Manager@stellenbosch.gov.za</i>
<b>REPORT DATE</b>	2020-01-29

14.5	<b>QUESTION BY COUNCILLOR F ADAMS: MATTER BETWEEN MATUSA ON BEHALF OF R. ANTHONY AND STELLENBOSCH MUNICIPALITY</b>
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A Notice of a Question, dated 2020-07-14, was received from Councillor F Adams regarding matter between Matusa on behalf of R. Anthony and Stellenbosch Municipality.

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

**FOR CONSIDERATION**

**36<sup>TH</sup> COUNCIL MEETING: 2020-07-29: ITEM 14.5**

In view of the absence of the member,

The Speaker **RULED**

that this matter has lapsed.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler (Ms)
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Office of the Municipal Manager</i>
<b>CONTACT NUMBERS</b>	<i>021 808-8025</i>
<b>E-MAIL ADDRESS</b>	<i><a href="mailto:Municipal.Manager@stellenbosch.gov.za">Municipal.Manager@stellenbosch.gov.za</a></i>
<b>REPORT DATE</b>	<i>2020-01-29</i>

<b>14.6</b>	<b>QUESTION BY CLLR F ADAMS: IDAS VALLEY GAP HOUSING</b>
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A Notice of a Question, dated 2020-07-14, was received from Councillor F Adams regarding the Idas Valley GAP Housing.

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

**FOR CONSIDERATION**

**36<sup>TH</sup> COUNCIL MEETING: 2020-07-29: ITEM 14.6**

In view of the absence of the member,

The Speaker **RULED**

that this matter has lapsed.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler (Ms)
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Office of the Municipal Manager</i>
<b>CONTACT NUMBERS</b>	<i>021 808-8025</i>
<b>E-MAIL ADDRESS</b>	<i><u>Municipal.Manager@stellenbosch.gov.za</u></i>
<b>REPORT DATE</b>	<i>2020-01-29</i>

<b>14.7</b>	<b>QUESTION BY CLLR DA HENDRICKSE: APPOINTMENT DATE OF MR D LOUW BEYOND RETIREMENT AGE</b>
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A Notice of a Question, dated 2020-03-10, was received from Councillor DA Hendrickse regarding the appointment date of Mr D Louw beyond retirement age.

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

**FOR CONSIDERATION**

**36<sup>TH</sup> COUNCIL MEETING: 2020-07-29: ITEM 14.7**

It is noted that Cllr DA Hendrickse was not satisfied with the written response from the Municipal Manager, and responded that the information supplied was incomplete. He posed a follow-up question, nl:

“Who made the decision that Mr Louw’s contract expires after April 2022?”

The Speaker RULED that the Municipal Manager respond to Cllr DA Hendrickse’s follow-up question in writing.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler (Ms)
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Office of the Municipal Manager</i>
<b>CONTACT NUMBERS</b>	<i>021 808-8025</i>
<b>E-MAIL ADDRESS</b>	<i>Municipal.Manager@stellenbosch.gov.za</i>
<b>REPORT DATE</b>	<i>2020-01-29</i>

14.8	<b>QUESTION BY CLLR LK HORSBAND (MS): EMPLOYMENT OF STAFF ON CONTRACT BASIS LONGER THAN 3 YEARS</b>
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A Notice of a Question, dated 2020-03-10, was received from Councillor LK Horsband (Ms) regarding the employment of staff on contract basis longer than 3 years.

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

**FOR CONSIDERATION**

**36<sup>TH</sup> COUNCIL MEETING: 2020-07-29: ITEM 14.8**

In view of the absence of the member,

The Speaker **RULED**

that this matter has lapsed.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler (Ms)
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Office of the Municipal Manager</i>
<b>CONTACT NUMBERS</b>	021 808-8025
<b>E-MAIL ADDRESS</b>	<i>Municipal.Manager@stellenbosch.gov.za</i>
<b>REPORT DATE</b>	2020-01-29



14.9	<b>QUESTION BY CLLR LK HORSBAND (MS): AUTHORISATION OF REMUNERATION: MR D LOUW</b>
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A Notice of a Question, dated 2020-03-10, was received from Councillor LK Horsband (Ms) regarding authorisation of remuneration: Mr D Louw.

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

**FOR CONSIDERATION**

**36<sup>TH</sup> COUNCIL MEETING: 2020-07-29: ITEM 14.9**

In view of the absence of the member,

The Speaker **RULED**

that this matter has lapsed.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler (Ms)
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Office of the Municipal Manager</i>
<b>CONTACT NUMBERS</b>	021 808-8025
<b>E-MAIL ADDRESS</b>	<i>Municipal.Manager@stellenbosch.gov.za</i>
<b>REPORT DATE</b>	2020-01-29

<b>15.</b>	<b>CONSIDERATION OF URGENT MOTIONS</b>
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<b>16.</b>	<b>URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER</b>
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<b>17.</b>	<b>REPORTS SUBMITTED BY THE SPEAKER</b>
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NONE

<b>18.</b>	<b>REPORTS SUBMITTED BY THE EXECUTIVE MAYOR</b>
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NONE

<b>19.</b>	<b>MATTERS TO BE CONSIDERED IN-COMMITTEE</b>
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The meeting adjourned at 18:30.

**CHAIRPERSON:** .....

**DATE:** .....

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