



NOTULES VAN DIE / MINUTES OF THE

**SPEZIALE RAADSVERGADERING VAN DIE CEDERBERG MUNISIPALITEIT SOOS
GEHOU OP**

20 DESEMBER / DECEMBER 2019

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SPECIAL COUNCIL MEETING OF THE CEDERBERG MUNICIPALITY, HELD ON

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**MINUTES OF THE SPECIAL COUNCIL MEETING OF THE CEDERBERG MUNICIPALITY
HELD ON 18 DECEMBER 2019 IN THE COUNCIL CHAMBER AT 2A VOORTREKKER
STREET, CLANWILLIAM.**

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PRESENT AND IN ATTENDANCE:

As per the attendance registers copied into the minutes after the final item:

ABSENT WITHOUT APOLOGY:

Geen / None

1. OPENING

Rules of Order for Internal Arrangement

PART 3: MEETINGS

4. Commencement of meetings of Council

- 4.1 The meeting must commence precisely at a time it is convened for.
- 4.2 The Speaker must assume the chair provided that a quorum is constituted.
- 4.3 The business of the meeting must be outlined at the onset.

5. Quorum

- 5.1 The presence of a majority of the members constitutes a quorum.
- 5.2 In the event that no quorum is present at the time at which the meeting was convened, the commencement of the meeting may be delayed for no longer than 30 minutes on the basis that no quorum exists.
 - 5.2.1 Should a quorum exist within this period, the Speaker must assume the chair immediately upon establishing that the quorum exists.
 - 5.2.2 Should no quorum continue to exist at the end of this period, the meeting must be adjourned by the Speaker to an alternate date, time and if applicable venue at his/her discretion., In this instance the names of members present must be recorded.
- 5.3 In the event that there is no quorum and the Speaker is absent, the commencement of the meeting must be delayed for no more than 30 minutes and if there is no quorum at the end of this period, the meeting shall be cancelled. In this instance, the municipal manager must record the names of the members present.
- 5.4 A quorum is to be sustained during the course of proceedings of a meeting. Should there be a lack of quorum subsequent to the commencement of the meeting, the Speaker must suspend the proceedings until a quorum is again present, provided that if after 10 minutes there is still no quorum the speaker must adjourn the meeting.
- 5.5 In any instance when a meeting is adjourned as a result of the absence of a quorum, the time of such adjournment, as well as the names of the members present, must be recorded in the minutes.
- 5.6 Names of absentee members are to be recorded and provided by the Speaker to the committee established in terms of section 6 for the purposes of an investigation of a breach of these rules.

At 14h00 the Chairperson, Cllr. P Strauss called the meeting to order and welcomed all present.

2. ELECTION OF SPEAKER IF NECESSARY

N/A

3. APPLICATIONS FOR LEAVE OF ABSENCE

Rules of Order for Internal Arrangement

Part 3

7. Leave of absence

- 7.1 Leave of absence may be obtained from Municipal Council by a member who wishes to absent himself or herself from meetings. Should a member be prevented from obtaining leave of absence based on special circumstances, the Speaker has the discretion to grant such leave.
- 7.2 A written application for leave of absence from a meeting of the Municipal Council or a Committee must be addressed to the Speaker by the Member applying for leave.
- 7.3 Written applications include emails sent to the Speaker.
- 7.4 In certain instances, the granting of applications for leave is deemed. These instances include:
 - 7.4.1 the Member is acting on behalf of the Municipal Council on other matters elsewhere based on instructions of Council or the Mayor.
 - 7.4.2 the Member is required to remove himself/herself from a meeting by the Municipal Council, Mayor or Committee in circumstances envisaged in item 3(b) of Schedule 1 to the Systems Act, or the member recuses him/herself.
- 7.5 The Speaker may also grant leave of absence to a member for the following reasons:
 - 7.5.1 illness or any other valid reasonable reason making it impossible for the member to attend;
 - 7.5.2 business, personal commitments, or personal circumstances of the member.
 - 7.5.3 The failure to deliver notice of a meeting or the delivery of notice less than 72 hours prior to commencement provided that this does not relate to an ordinary meeting of the Council or Committees or changes of addresses of members.
 - 7.5.4 The lack of informing the Municipal Manager of a revised address for the service of documentation at least 7 days before the relevant meeting;
 - 7.5.5 Where circumstances envisaged in item 3(b) of the Code of Conduct for Councillors in Schedule 1 to the Systems Act occur which prevent the Member from attendance;
 - 7.5.6 Other circumstances where the member is prevented from attending the meeting.

3.1 A blank Application for Leave of Absence form is enclosed

- Cllr. W Farmer
- Cllr. R Witbooi
- Cllr. F Sokuyeka

3.2 The Attendance Registers will be available at the meeting

Rules of Order for Internal Arrangement

Part 3

6. Attendance at meetings

- 6.1 An attendance register must be kept in relation to all meetings. Such register is to be signed by every member that attends the meeting/s.
- 6.2 Instances when a member may be absent from a meeting include the following:
 - 6.2.1 upon leave of absence being granted in terms of rule 7; and
 - 6.2.2 upon withdrawal on the basis of a legal requirement.

4. STATEMENTS AND COMMUNICATIONS BY THE SPEAKER

- Cllr. R Pretorius asked to address Council. The Speaker granted Cllr. Pretorius' request.

Cllr. Pretorius informed the Speaker and Council about:

THE ADMINISTRATOR



11423729

Raymond Pretorius
Proteasingel 74
Citrusdal
7340

Die Voorsitter van Raad
Voortrekkerstraat 2a
Clanwilliam
8135

28 November 2019

Geagte Heer

MUNISIPALITEIT CEDERBERG					
LEER NR	43R	ONTVANGS ERKEN			
VERWYS NA	KEN	KOM	ACH	BESP	BERG

Aanstelling van mnr. GW Hermanus:

Hiermee wil die Demokratiese Alliasie Cederberg ons misnoe uitspreek insake die minagting van wetgewewing wat plaasvind binne Cederberg Munisipaliteit.

Ek wil graag u aandag vestig op die aanstelling van mnr. GW Hermanus.
Die aanstelling van mnr. GW hermanus is onwettig en strydig met wetgewing.

Volgens die Stelsels Wet 32 van 2000, Regulasie 18.1 en 18.2 mag bogenoemde persoon nie binne enige munisipaliteit werk nie.

Die het onder ons aandag gekom dat mnr. GW Hermanus by sy vorige werkgewer, Overberg Distrik Munisipaliteit, aangekla was en 40 klagtes was teen hom gebring. Van die klagtes is wanadministrasie, seksuele teistering en bedrog.

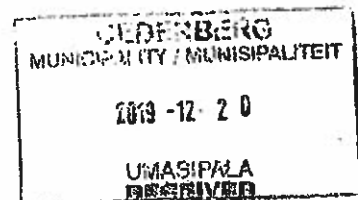
Die besluit wat geneem was tydens die Spesiale Raadsvergadering van 18 Desember 2019 moet asseblief herroep word.

Die DA komponent wil dus weereens hul teenkanting uitspreek teen die aanstelling van mnr. GW Hermanus binne Cederberg Munisipaliteit.

Ek hoop van harte dat u dit ter haarte sal neem en diensooreenkomstig sal optrede.

Die Uwe

Rdl. Raymond V. Pretorius (Chief Whip)



THE ADMINISTRATOR



11423730

Raymond Pretorius
Proteasingel 74
Citrusdal
7340

Die Voorsitter van Raad
Voortrekkerstraat 2a
Clanwilliam
8135

28 November 2019

Geagte Heer

MUNISIPALITEIT CEDERBERG						
LEER NR	3	3	1	6	ONTVANGS ERKEN	
VERWYS NA	KEN	KOM	AFH	BESP	BERG	

Vergadering van Cederberg Munisipale Raad (Gehou:20/12/2019)

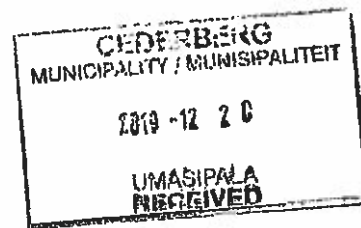
Hiermee wil die Demokratiese Alliasie Cederberg ons misnoe uitspreek en die volgende op rekord plaas, insake die minagting van wetgewewing wat plaasvind binne die Raadsaal van die Cederberg Raad.

Die vergadering is onwettig vir die volgende redes:

1. Die Raad is tydens die vergadering van 12 Desember 2019 op reses geplaas deur u as Speaker.
2. Volgens ons kennis daar geen nood toestand binne hierdie munisipaliteit nie.
3. Die doel van n NOOD Vergadering is slegs in geval van n nood situasie binne Cederberg Munisipaliteit.
4. 'n Dissiplinere prosedure is nie 'n genoegsame rede vir 'n NOOD Spesiale Vergadering nie.

Die Uwe

Rdl. Raymond V. Pretorius (Chief Whip)



Cllrs Pretorius and Meyer excused themselves from the meeting and left the Meeting.

5. STATEMENTS AND COMMUNICATION BY THE EXECUTIVE MAYOR

Geen / None

6. MATTERS FOR CONSIDERATION

Rules of Order for Internal Arrangement

Part Four:

2. DECISIONS AND VOTING

- 2.1 In the event that the Speaker enquires from the attendees at a meeting if they are in agreement with recommendation/s and there is no opposition by any member present, recommendations are adopted.
- 2.2 The Speaker must put every apposed motion to the vote by calling upon the members to indicate by a raising of hands unless otherwise prescribed by law, whether they are in favour of or against such motion. The result of the vote must thereafter be declared by the Speaker.
- 2.3 The number of members voting in favour of or against an item, is to be recorded in the minutes. Members may abstain from voting without leaving the meeting and may request that his/her abstention be recorded in the minutes of that meeting. Consequently, subsequent to the speaker's declaration of the result, a member may demand that his or her opposition or support of a decision be recorded in the minutes and the Municipal Manager must accordingly arrange for the same.
- 2.4 All decisions must be taken by a supporting vote of the majority of the members present at any meeting of the Council.
- 2.5 The Municipal Council must reconsider a decision taken if the majority of members lodge a request in writing with the Municipal Manager. This shall apply unless such reconsideration adversely affects existing rights. Motions for the reconsideration of decision must be submitted in terms of Rule 5 of the Rules of Order.
- 2.6 Notwithstanding the provision of this Rule, the Council may at any time following a recommendation by the Mayor, rescind or amend any resolution passed by it.

Part 5

4. Councillor to address chair

A member who speaks at a meeting must address the chair.

Part 5

16. Order of priority

- 16.1 The Speaker must ensure that there is maintenance of order. To this end, the Speaker may, if he / she deems it necessary, at any time in a meeting direct an office to remove or cause the removal of any person, excluding a member, from the Council Chamber. The Speaker may also direct that the public gallery be vacated.
- 16.2 The removal of any person or persons who refuse to carry out any reasonable instruction given by the Speaker or obstructs the carrying out of such instruction may be ordered by the Speaker.

Part 5

3. Precedence of the Speaker

Silence must be observed by all present in meeting when the Speaker addresses meetings in order for the Speaker to be heard without interruption. Whenever the speaker addresses the meeting, all members must be silent so that the speaker may be heard without any interruption. Council must be addressed by members through the Speaker.

13. Relevance

Speeches by members must address the subject or matter under discussion or to an explanation or to a point of order. In this regard, no discussion shall be tolerated in relation to the anticipation of any matter on the agenda or in respect of any matter in respect of which a decision by a judicial or quasi-judicial body or a commission of inquiry, whether instituted in terms of legislation or not, is pending, provided that such matter may be considered with the permission of Council.

Part 5

5. Right to speak

A member is provided with an opportunity to speak with the permission of the Speaker only once for no longer than 5 (five) minutes on a matter before the meeting unless authorised by the Chairperson.

A member is entitled to speak once on any recommendation, motion or proposal, provided that the Mayor or Member may reply to conclude a debate and shall restrict himself/herself to answering previous speakers rather than the introduction of new matters.

Prior to the consideration of any item contained in the report of the mayor in reply to a specific question or during discussion of the same, the Speaker shall permit the Mayor, MMC or Chairperson of the Committee in terms of section 79 and 80 of the Local Government Municipal Structures Act 117 of 1998 who made the proposal in terms of rule 9 or rule 14 of part 5 of these Rules to make and explanatory statement.

6. Length of speeches

- 6.1 A member may (unless authorised otherwise by the Speaker) only speak once to-
 - 6.1.1 the matter and any amendments to that matter that is before the council;
 - 6.1.2 any motion before the council;
 - 6.1.3 to a matter or an amendment proposed or be proposed by himself or herself;
 - 6.1.4 a point of order or a question of privilege, unless authorised by the speaker or as provided for in terms of these rules.
- 6.2 No new matters may be introduced by a mover that speaks to a motion and replies to previous speakers in a debate. The right of reply shall not extend to the mover of an amendment which, having been carried, has become substantive motion.

6.1 Items submitted by Officials of Council

6.1.1 REMUNERATION FOR ACTING ALLOWANCES

RESOLVED:

That in respect of the

REMUNERATION FOR ACTING ALLOWANCES

discuss by Council at the Special Council Meeting held on 20 December 2019

That:

1. Council takes note of the unfair practice for payment of acting allowances and the absence of an approved policy in this regard;
2. The Acting Municipal Manager commence with the process of compiling staff-related policies in terms of the Municipal Systems Act;
3. A draft policy regarding remuneration of acting allowances, overtime, standby and related matters be submitted to Council by the end of January 2020;
4. Council, in the interim, approve deviation from the current practice so that officials acting in higher positions may, with immediate effect, receive the acting allowance at the end of the current month in which they are acting in the higher position (depending on the pay-run cycle of the municipality).

Proposed: Cllr. L Scheepers

Seconded: Cllr. F Kamfer

6.2 URGENT ITEMS SUBMITTED BY THE MUNICIPAL MANAGER

Geen / None

6.3 Matters for notification

Geen / None

07. CLOSURE

- Meeting adjourned.

VOORSITTER / CHAIRPERSON

DATUM / DATE