



NOTULES VAN DIE / MINUTES OF THE

**VIRTUELE SPESIALE RAADSVERGADERING VAN DIE CEDERBERG MUNISIPALITEIT
SOOS GEHOU OP**

16 MAART / MARCH 2021

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**VIRTUAL SPECIAL COUNCIL MEETING OF THE CEDERBERG MUNICIPALITY, HELD
ON**

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**MINUTES OF THE VIRTUAL SPECIAL COUNCIL MEETING OF THE CEDERBERG
MUNICIPALITY HELD ON 16 MARCH 2021.**

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PRESENT AND IN ATTENDANCE:

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

- Cllr. P Strauss
- Cllr. N Qunta
- Cllr. L Scheepers
- Cllr. F Kamfer
- Cllr. M Heins
- Cllr. E Majikijela
- Cllr. W Farmer
- Cllr. R Pretorius
- Cllr. R Witbooi
- Cllr. F Sokuyeka

- Mr. H Slimmert
- Mr. A Titus
- Mr. J Kotze
- Mr. B Blaauw
- Mr. N Mercur
- Mr. A Mlata
- Mr. R Meyers
- Miss J Cloete

ABSENT WITHOUT APOLOGY:

- Geen / None

1. OPENING

- At 17h00, Cllr. P Strauss welcomed all present and opened the meeting with a prayer.

02. ELECTION OF (ACTING) 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 on 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 instance 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.

- Cllr. J Meyer

04. STATEMENTS AND COMMUNICATIONS BY THE SPEAKER

- Geen / None

05. STATEMENTS AND COMMUNICATION BY THE EXECUTIVE MAYOR

- Geen / None

06. 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 officer 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

16 MARCH 2021

ITEM: MPAC REPORT ON UNAUTHORISED_IRREGULAR_FRUILESS
AND WASTEFULL EXPENDITURE

RB6.1.1/16-03-2021

16 MAART/ MARCH 2021

REPORT FROM MANAGER: ACTING MANAGER STRATEGIC SERVICES

PURPOSE OF THE REPORT/DOEL VAN VERSLAG

The purpose of this report is to submit MPAC report for Council consideration and approval.

BACKGROUND

The Auditor general in its communication finding number 39 raised the following:

In Note 42. *Unauthorised, Irregular, Fruitless and Wasteful expenditure* of the annual financial statement for the year ended 30 June 2020, we have noted that Unauthorised, irregular or fruitless and wasteful expenditure has been presented and disclosed as having been approved by Council. **No evidence could be provided to confirm the council approval.**

Consequently; **we are unable to confirm that these expenditures have indeed been approved as required in the MFMA.**

This results to material non-compliance with sections 32(2)(a)(ii) and 32(2)(b) of the MFMA. Furthermore, the disclosure note is incorrectly presented and disclosed as management is asserting that the related expenditure has been approved by Council. The understatement is as follows;

- **Unauthorised expenditure approved by council in the amount of R 1 461 115.**
- **Irregular expenditure approved by council in the amount of R 71 359 748.**
- **Fruitless and wasteful expenditure approved by council in the amount of R 4 770.**

DISCUSSION

A report was submitted to MPAC to deal with the unauthorized, irregular, fruitless and wasteful expenditure that relates to 2017/18 and 208/19 financial year. MPAC after having considered all the relevant information at its disposal resolved and made recommendations that should have been submitted to Council for consideration and approval. (See attached Annexure).

FINANCIAL IMPLICATIONS / FINANSIËLE IMPLIKASIES

None

RELEVANT LEGISLATION / RELEVANTE WETGEWING

Section 32(2)(a) of the Local Government: Municipal Finance Management Act 56 of 2003

COMMENTS: MUNICIPAL MANAGER

Noted

COMMENTS: ACTING DIRECTOR CORPORATE AND COMMUNITY SERVICES

COMMENTS: ACTING CHIEF FINANCIAL OFFICER

Noted

COMMENTS: ACTING DIRECTOR TECHNICAL SERVICES

Noted

COMMENTS: MANAGER LEGAL SERVICES

Noted

CONCLUSION

The item served before MPAC as can be seen on the attached Annexure however the MPAC report was never submitted to Council for consideration of the recommendations and approval. As such this has led to an audit finding that must be addressed. The finding relates to consequence management to look at whether the senior management and oversight bodies have performed their legislative duties and have addressed previous audit findings.

RECOMMENDATION

That in respect of the: ***UNAUTHORISED, IRREGULAR, FRUITLESS AND WASTEFUL EXPENDITURE***

As discussed by Council at the Council meeting held on 16 March 2021:

1. That Council take note of the MPAC report;
2. That Council after considering the MPAC report resolved to approve the MPAC recommendations.

APPENDIX

ANNEXURE A

RESOLVED

That in respect of the:

UNAUTHORISED, IRREGULAR, FRUITLESS AND WASTEFUL EXPENDITURE

discussed by Council at the Virtual Special Council meeting held on 16 March 2021:

- a) That Council takes note of the report from MPAC;
- b) That Council approved the recommendations of MPAC for the write-off of:
 1. Unauthorised expenditure to the amount of R 1 461 115;
 2. Irregular expenditure to the amount of R 71 359 748; and
 3. Fruitless and wasteful expenditure to the amount of R 4 770.

Proposed: Cllr. R Pretorius

Seconded: Cllr. M Heins

6.3 Matters for notification

- Geen / None

6.4 Consideration of motions of exigency

Rules of Order for internal Arrangement
Part 4

8. Motion of exigency

- 8.1** A motion of exigency exists when the attention of Municipal Council is directed to any matter not appearing on the agenda for which no notice was provided. The subject of the matter is briefly stated as well as reference to the fact that the motion to which attention has been directed be considered a matter of exigency.
- 8.2** The attention to the matter is drawn by a member. The matter is brought under the consideration of council by way of motion or question only of the motion is seconded and carried by a majority of the members present.

- Geen / None

7. CLOSURE

- Meeting adjourned 17h58.

VOORSITTER / CHAIRPERSON

DATUM / DATE