



**NOTULES VAN DIE / MINUTES OF THE**

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

**13 JULIE / JULY 2022**

.....

**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 13 JULY 2022.**

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**PRESENT AND IN ATTENDANCE:**

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

- Cllr. W Farmer
- Cllr. R Richards
- Cllr. J Van Heerden
- Cllr. M Bergh
- Cllr. T Waldeck
- Cllr. R Witbooi
- Cllr. W Van Neel
- Cllr. F Kamfer
- Cllr. P Strauss
- Cllr. M Heins
- Cllr. A Scheepers

- Mr. D Adonis
- Mr. A Allison
- Mr. C Appel
- Mr. A Titus
- Mr. C Sheldon
- Mr. N Mercuur
- Mr. J Goeieman
- Miss J Cloete

**ABSENT WITHOUT APOLOGY:**

- Geen / None

**1. OPENING**

- The Chairperson called the meeting to order and welcomed all present. Cllr. P Strauss opened the meeting with a prayer.

**02. ELECTION OF (ACTING) SPEAKER, IF NECESSARY**

- N/A

**03. APPLICATIONS FOR LEAVE OF ABSENCE**

- Geen / None

**04. STATEMENTS AND COMMUNICATIONS BY THE SPEAKER**

- The Speaker thanked the Public for their attendance and interest in Council business; and
- Informed the meeting that the agenda the In-Committee item will be handled first, when Council will start with matters for consideration.

**05. STATEMENTS AND COMMUNICATIONS BY THE EXECUTIVE MAYOR**

- Geen None

**06. REPORT BY THE EXECUTIVE MAYOR ON DECISIONS TAKEN BY THE EXECUTIVE MAYOR, THE EXECUTIVE MAYOR TOGETHER WITH THE DEPUTY EXECUTIVE MAYOR AND THE EXECUTIVE MAYOR TOGETHER WITH THE MAYORAL COMMITTEE**

- Geen / None

- *Speaker informed all that Council will now proceed with the In-Committee and asked that members of the public excused themselves for the period thereof.*
- *After In-Committee, the Special Council Meeting convened.*

## ***Sequence of events:***

Cllr. A Scheepers addressed the Speaker and informed him that the ANC component propose that the Municipal Manager excuse himself from the meeting as he interfered with the investigation of the Executive Mayor's alleged breach of the Code of Conduct and report and also that the Municipal Manager contacted Cllr. Scheepers regarding the motion tabled where is was the Speaker's prerogative to make contact.

The Municipal Manager informed the meeting that Mr. C Sheldon was absent from work due to medical reasons and he assisted to provide the Speaker with the necessary information pertaining the alleged breach. He also called Cllr Scheepers to advise him in terms of section 58 and 40, on the processes of such motion that was tabled by the PA and ANC. The Municipal Manager stated that he did not interfere, but only advised Council.

Cllr. A Scheepers proposed that the Municipal Manager excuse himself from the Meeting and this proposal was seconded by Cllr. W Van Neel.

The Executive Mayor, Cllr. R Richards made a Counter proposal that the Municipal Manger should not be excused and this counter proposal was seconded by Cllr. J Van Heerden.

### **VOTE**

<b>FOR CLLR. SCHEEPERS PROPOSAL</b>	<b>FOR CLLR. RICHARDS' PROPOSAL</b>	<b>ABSTAIN</b>
ANC – 4 PA - 1	CE – 3 DA – 2 VF+ - 1	-

## 07. 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.

- The ANC Component asked for a caucus break.
- Speaker ruled that a 10 minute caucus break will be granted after the tabling of the Mayor's Response in RB7.1.1/13-07-2022, but before the deliberation and debate of the matter.

## **7.1 RESOLUTIONS TAKEN BY COUNCIL**

### **RB7.1.1/13-07-2022      FEEDBACK ON: RB6.1.1/04-07-2022 (ALLEGED BREACH OF THE CODE OF CONDUCT FOR COUNCILLORS – RESPONSE OF EXECUTIVE MAYOR)**

#### ***Sequence of events: (Verbatim)***

Cllr. R Richards:      Let me read the letter that I wrote to you as the Speaker and if I need to read anymore, I will do so.

Dear Speaker, your email dated 4 July requesting written response to the die 'allegasies teen die Mayor' read in conjunction with resolution RB6.1.1/04-07-2022 which is the investigation report herewith refers:

I attached correspondence received from Rooibos Ltd which I have attached to the document, which should resolve the matters identified in the Cederberg Council Resolution RB6.1.1. Notwithstanding the provisions of the Systems Act, Structures Act relative to the code of conduct for Councillors, I never the less reserve my rights. Yours sincerely, Cllr. Ruben Richards.

Speaker I handed you the document, perhaps you could just show it to the audience or to the Council and then you can guide me as to how detailed you want me to..

Speaker: Cllr. Richards, we will go into detail after the caucus break and then you can defend your letter, defend your response, when we then gonna start with debate and go into the matter, further.

- The Speaker then asked the Administration to make copies of the Mayor's response (see attached) for the Councillors during the caucus break.
- *Meeting convened after the caucus break:*
- *Debate and deliberations followed*
- *The CE, DA and VF+ asked for 5minute caucus break during the debate and deliberation which was granted by the Speaker.*
- *Meeting convened after the caucus break of the CE, DA and VF+ and further debate and deliberation continued on the matter.*

**RESOLVED:**

- a) That a Special Committee be established to further the investigation of the alleged breach of the Code of Conduct for Councillors by the Executive Mayor, Cllr. R Richards;
- b) That the Special Committee shall comprise of the following members:
  - (i) Cllr. M Heins (Chairperson)
  - (ii) Cllr. M Bergh
  - (iii) Cllr. W Van Neel
  - (iv) Cllr. F Kamfer
  - (v) Cllr. T Waldeck
- c) That the outcome, of the investigation report by the Special Committee, be reported to Council by the end of August 2022

- **At 12h00 the speaker ruled for a half an hour lunch break until 12h30.**
- **Meeting convened at 12h30.**

**RB7.1.2/13-07-2022 MOTION OF NO CONFIDENCE IN:**

- **RB7.1.2A/13-07-2022: SPEAKER**
- **RB7.1.2B/13-07-2022: EXECUTIVE MAYOR**
- **RB7.1.2C/13-07-2022: DEPUTY EXECUTIVE MAYOR**

Raadslid Wentzel van Neel

Elandsbaai

Die Munisipale Bestuurder

Mnr Dawid Adonis

Cederberg Munisipaliteit

2A Voortrekker Straat

8135

04 Julie 2022

Epos: [wentzelve@cederbergraad.co.za](mailto:wentzelve@cederbergraad.co.za)

**MOSIE: MOSIE VAN WANTROUE IN DIE UITVOERENDE BURGEMEESTER, ONDER-BURGEMEESTER EN SPEAKER**

In terme van die Staande Reëls vir Raadsvergaderings soos vervat in Hoofstuk Artikel 4 lê ek Raadslid **WENTZEL VAN NEEL** hiermee die Mosie ter tafel namens die **PATRIOTIESE ALLIANSE**

Hierdie Mosie word gesekondeer deur Raadslid **AZRIAL SCHEEPERS (ANC)**

**INHOUD VAN MOSIE:**

As verkose raadslid van die Patriotiese Alliansie het ek geen keuse as om hierdie Mosie aan die Raad van Cederberg voor te hou nie. Hierdie Mosie van wantroue is gebaseer op die wyse hoe die Cederberg raad die afgelope paar maande gefunksioneer het en is vererger deur die vordering en vooruitgang van die Raad.

Die Mosie van wantroue is gebaseer op die volgende:

- 1) Die Uitvoerende Burgemeester se bestuurstyl in die hou van Burgemeesterskomitee vergaderings is loodreg teen wetgewing. Daar is slegs 1 of 2 amptelike vergaderings gehou sedert die samestelling van die Raad.



Die Burgemeester hou slegs informele vergaderings met die Onder Burgemeester sonder enige notules.

- 2) Die optrede van die Burgemeester om die Raad te mislei deurdat hy nooit verklaar het dat die Clanwilliam Water krisis R 297 000 meer gespandeer het in die vorm van deviations. Hy het egter stil gebly tydens vele vergaderings waar deur raadslede gevra was of daar enige ander uitgawes/deviations aangegaan was. Volgens inligting het die Uitvoerende Burgemeester self die kontrakteurs geskakel en die herstelwerk hanteer. Hierdie optrede toon die direkte inmenging in Voorsieningskanaal prosesse (Supply Chain processes). Die deviation vir die R 297 000 uitgawe was nie binne 30 dae aan die Raad gerapporteer nie en dus het ons as raadslede ons vertroue in die politieke leier asook die Onder-Burgemeester verloor en kan hulle nie verder die posisies beklee nie.
- 3) Die Burgemeester homself aangestel het as "Projek Bestuurder" gedurende die Clanwilliam Water krisis, en in die proses ons werkers en hul bekwaamheid totaal minag het.
- 4) Die Burgemeester en sy vennoot EKSTRA grond van die Raad bekom het sonder dat hulle die Raad prosesse gevolg het (ERF nommer 912)
- 5) Mayco lede hul mag misbruik en raadstrukture totaal minag.
- 6) Die Speaker sy oorsig rol gefaal het en dus nie beheer het oor sy Raadslede nie.
- 7) Al die aspekte laat my geen keuse as om die Mosie van Wantroue in te dien teen die Burgemeester, Onder-Burgemeester en Speaker nie.

#### **VERSOEK:**

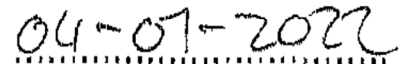
- 1) Dat die Mosie van Wantroue in die Burgemeester, Onder Burgemeester en Speaker tydens 'n Spesiale Raadsvergadering soos deur die Staande Reels en Verodeninge vir die hou van Raadsvergaderings bespreek word.

Onderteken deur



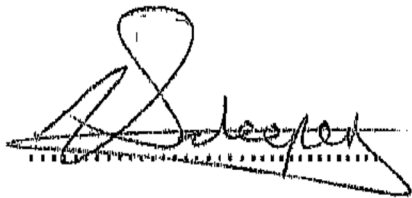
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Raadslid (Voorsteller)



.....

Datum



Raadslid (Sekondant)

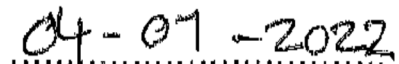


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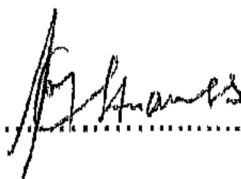


Raadslid (Sekondant)



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Raadslid (Sekondant)



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Datum

1. After debate and deliberations;
2. It be noted that:
  - (i) the Director Technical Services Informed Council that

*the Technical Department did not give an instruction for the payment of R297 000, mentioned in point 2 of the motion, and that he cannot give any comment as to who gave the instruction;*

- (ii) *The Speaker then informed Council, that if the Administration did not give an instruction of payment it must have been a political instruction, and it be made clear that he was not the one giving the instruction;*

it was

## RESOLVED

- a) That Council accepted the motion as tabled.

**Proposed:** Cllr. W Van Neel

**Seconded:** Cllr. A Scheepers

## VOTE

FOR	AGAINST	ABSTAIN
ANC – 4	CE – 3	-
PA – 1	VF+ - 1	
DA - 1	DA - 1	

- b) It be noted that the Municipal Manager declared the following seats of Council vacant:

- (i) Speaker
- (ii) Executive Mayor
- (iii) Deputy Executive Mayor

RB7.1.3/13-07-2022

## ELECTION OF SPEAKER

### RESOLVED:

a) It be noted that:

(i) After 2 nominations, Cllrs. M Heins and T Waldeck, for the position of Speaker was received;

- Cllr. Heins: Proposed by Cllr. F Kamfer  
Seconded by Cllr. A Scheepers
- Cllr. Waldeck: Proposed by Cllr. R Witbooi  
Seconded by Cllr. R Richards

(ii) An election process commenced, facilitated by the Municipal Manager which continued with the proceedings of voting by a secret ballot;

(iii) That Cllr. Bergh voted virtually and his vote for the Speaker was in favour of Cllr. T Waldeck.

b) That Cllr. M Heins is the newly elected Speaker of Cederberg Municipality.

### VOTES

CLLR. M HEINS	CLLR. T WALDECK	ABSTAIN
6	5	-

**RB7.1.4/13-07-2022**

**SPEECH OF NEWLY ELECTED SPEAKER**

**RESOLVED:**

1. Council takes note of the speech by the newly elected Speaker of Cederberg Municipality, Cllr. M Heins.

**RB7.1.5/13-07-2022**

**ELECTION OF EXECUTIVE MAYOR**

**RESOLVED:**

**a)** It be noted that:

- (i) After 2 nominations, Cllrs. W Farmer and R Richards, for the position of Executive Mayor was received;

- Cllr. Farmer: Proposed by Cllr. W Van Neel  
Seconded by Cllr. P Strauss
- Cllr. Richards: Proposed by Cllr. J Van Heerden  
Seconded by Cllr. T Waldeck

- (ii) An election process commenced, facilitated by the Municipal Manager which continued with the proceedings of voting by a secret ballot;

- (iii) That Cllr. Bergh voted virtually and his vote for the Executive Mayor was in favour of Cllr. R Richards.

- b) That Cllr. W Farmer is the newly elected Executive Mayor of Cederberg Municipality.

**VOTES**

<b>CLLR. W FARMER</b>	<b>CLLR. R RICHARDS</b>	<b>ABSTAIN</b>
7	4	-

**RB7.1.6/13-07-2022**

**SPEECH BY THE NEWLY ELECTED EXECUTIVE  
MAYOR**

**RESOLVED:**

- a) That the Council take note of the speech by the newly elected Executive Mayor of Cederberg Municipality Cllr. W Farmer.

**RB7.1.7/13-07-2022**

**ELECTION OF DEPUTY EXECUTIVE MAYOR**

**RESOLVED:**

- a) It be noted that:
- (i) After 2 nominations, Cllrs. W Van Neel and J Van Heerden, for the position of Deputy Executive Mayor was received;
- Cllr. W Van Neel: Proposed by Cllr. A Scheepers  
Seconded by Cllr. F Kamfer

- Cllr. J Van Heerden: Proposed by Cllr. R Richards  
Seconded by Cllr. T Waldeck

(ii) An election process commenced, facilitated by the Municipal Manager which continued with the proceedings of voting by a secret ballot;

(iii) That Cllr. Bergh voted virtually and his vote for the Deputy Executive Mayor was in favour of Cllr. J Van Heerden.

**b)** That Cllr. W Van Neel is the newly elected Deputy Executive Mayor of Cederberg Municipality.

#### VOTES

CLLR. W VAN NEEL	CLLR. J VAN HEERDEN	ABSTAIN
7	4	-

**RB7.1.8/13-07-2022**

#### **ANNOUNCEMENT OF EXECUTIVE MAYORAL COMMITTEE**

a) The Executive Mayor announced the following members as the Executive Mayoral Committee:

1. Cllr. W Farmer (Executive Mayor)
2. Cllr. W Van Neel (Deputy Executive Mayor)
3. Cllr. F Kamfer
4. Cllr. P Strauss

**RB7.1.9/13-07-2022**

**SPEECH BY NEWLY ELECTED DEPUTY EXECUTIVE  
MAYOR**

**RESOLVED:**

- a) That Council takes note of the speech by the newly elected Deputy Executive Mayor, Cllr. W Van Neel.
- *After the speech by the newly elected Deputy Executive Mayor, the Speaker gave a moment to Councillors to congratulate the newly elected seats of Council. Cllrs. Kamfer, Richards,, Waldeck and Van Heerden congratulated all newly elected seats (Speaker, Executive Mayor and Deputy Executive Mayor).*

**6.2 URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER**

- Geen / None

**6.3 MATTERS FOR NOTIFICATION**

- The Speaker requested that the previous office bearers please vacate the offices by the end of business as the newly elected office bearers will assume their delegated duties the following morning.

**6.4 CONSIDERATION FOR NOTICES OF MOTIONS**

- Geen / None



## **6.5 CONSIDERATION FOR NOTICES OF QUESTION**

- Geen / None

## **6.6 CONSIDERATION OF MOTIONS OF EXIGENCY**

- Geen / None

<b>7. CLOSURE</b>
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- Meeting adjourned.

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**VOORSITTER / CHAIRPERSON**

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**DATUM / DATE**