



**NOTULES VAN DIE / MINUTES OF THE**

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

**15 AUGUSTUS / AUGUST 2022**

.....

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

**THIS IS A PERMANENT DOCUMENT PLEASE RETAIN IT AS IT WILL NOT BE  
CIRCULATED AGAIN**

**MINUTES OF THE URGENT SPECIAL COUNCIL MEETING OF THE CEDERBERG  
MUNICIPALITY HELD ON 15 AUGUST 2022.**

**PLEASE RETAIN THIS DOCUMENT FOR RECORD PURPOSES AS IT WILL NOT BE  
CIRCULATED AGAIN.**

**PRESENT AND IN ATTENDANCE:**

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

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

- Mr. D Adonis
- Mr. C Appel
- Mr. C Sheldon
- Miss J Cloete

**ABSENT WITHOUT APOLOGY:**

- Geen / None

**1. OPENING**

- The Chairperson called the meeting to order and welcomed all present. The Municipal Manager, Mr. D Adonis opened the meeting with a prayer.

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

- N/A

### **3. APPLICATIONS FOR LEAVE OF ABSENCE**

- Geen / None

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

- a) The Speaker informed the meeting of correspondence received from the MEC of Local Government pertaining an unlawful Council Meeting held on 03 August 2022 and informed the Speaker in his correspondence, that the matter should be rectified as stipulated further in his letter of correspondence.
- b) The speaker read out the letter, attached as Annexure A, and informed Council that the letter was also circulated to all Councillors already.

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

Cllr. F Kamfer: Mōre Speaker, Munisipale Bestuurder, Administrasie en die Publiek teenwoordig. Speaker op grond van die skrywe van Mnr. Bredell dink ek dat ons as Raadslede is bereid om die proses te doen soos wat die MEC vra dat ons die office bearers dan moet elect; en ek wil voorstel dat ons oorgaan na die proses soos wat gevra word deur Mr. Bredell en ek wil dan vir Raadslid William Josef Farmer voorstel as die Burgemeester.

Speaker: Is daar 'n sekondant vir die voorstel?

Cllr. P Strauss: Ek sekondeer die voorstel Speaker.

Speaker: Enige teenvoorstel? Rdl. Ruben Richards?

## Questions raised & Answers

CLLR. NAME	QUESTIONS	ANSWER
<p>Cllr. R Richards</p>	<p>I've noticed in this particular Agenda there is no allocations of minutes of the previous meeting. In terms of our Rules of Order that would be a normal part of a Council Meeting. So my question is, where do we deal with the issue of the minutes of the previous meeting.</p> <p>Our Rules of Order says that the minutes of the previous meeting must be tabled at the next meeting of Council. It becomes particularly important given the letter of the Minister; because the Minister makes reference to a meeting that has taken place, whether this meeting was deemed to be illegal or not is a matter for debate but a meeting of Council took place where decisions were made and we do not have a record of the minutes of that meeting... and that's my question.</p>	<p><b>Municipal Manager:</b>          Speaker, this is a Special Council Meeting to deal with a specific matter; and the matter on the Agenda of Council is to discuss the letter of Minister Bredell directed to this Council. That is the reason why Council came together. It is to discuss that specific matter and that is why it is a Special Council Meeting.</p> <p><b>Manager Legal Services:</b>          Speaker with your permission and Councillors, what we need to understand Cllrs. with respect, this is not an ordinary meeting. This is a Special Council Meeting which means this is a Special type of meeting. It's an extra ordinary type of meeting a buitengewone Raadsvergadering. Die direktief is duidelik. Daar word nie gedebateer oor vorige vergaderings nie. Die MEC maan ons as Raadslede in sy skrywe aan die Raad om die direktief wat hy uitgevaardig het, dat ons dit</p>

		<p>nakom as Raadslede.</p> <p><b>Municipal Manager:</b> Miskien moet ek ook net clarify, die kwessie van die minutes waarna Raadslid Richards verwys. Die MEC maak dit duidelik dat daardie meeting onwettig was. Gevolglik kan ons nie onwettige minutes na die Raad toe bring nie. So die doel van hierdie vergadering is om die MEC se advies of se direktief te bespreek die inhoudelikheid daarvan en die issues wat hy raise op die tafel te sit. So this Council cannot adopt or consider a minute that was not a legal Council Meeting.</p>
Cllr. M Bergh	<p>Ons moet daardie brief in sy breë bespreek voor ons kan voortgaan na die voorstelle of die opdragte van die brief. Een van die feite binne in die brief is dat u as Speaker, voortgegaan het om 'n vergadering te lei wat onwettig was en waarvan u gewaarsku is dat die vergadering onwettig was en wat gelei het tot verdere optredes van hierdie Raad onder andere 'n toespraak aan die media deur te dien deur 'n onwettige Burgemeester. So, die hele</p>	<p><b>Municipal Manager</b> Speaker in terme van die Rules of Order. It's the prerogative of the Speaker to decide in terms of the order of business of Council. The issue here is that the Speaker resolved that the issue of the election of Mayor, the Deputy Mayor should be handled first where after Council can deal with</p>

	<p>brief moet bespreek word, insluitend oor u onwettige optrede; en u ageer nogal tyd as die Speaker wat dan waarskynlik onwettig is. Dis 'n verbreking van die Code of Conduct, en ons moet dit bespreek</p>	<p>9.3 of the letter from the MEC.</p>
<p>Cllr. R Richards</p>	<p>Our view is that the allegations against you as the Speaker, are of such a serious nature that it would be not correct to have you preside over a Council meeting until such time that your character and your behaviour is regularised.</p> <p>9.3 of the letter Speaker, says that your conduct as the Speaker in this regard. prima facie is a breach of item 2 of the Code of Conduct. So the MEC is telling us there is prima facie evidence that you as the Speaker are in violation of item 2 of the Code of Conduct that is what it says. I just want to get clarity.</p> <p>Should it not be that you either voluntarily step down for the purposed of this item, the house elects an interim Speaker, to deal with the matter and then we proceed.</p> <p>The allegation is that you as the Speaker is in breach There is the letter that's the allegation. Now, you are in breach but you are presiding over a meeting when the</p>	<p><b>Speaker:</b>        Cllr. Richards, volgens my kennis is te beweringe en dit is hoekom die MEC al die goed uiteensit. Ek wil graag 'n beslissing maak dat die brief ons nie moet deviate van die business of this day nie. 9.1 is duidelik wat die MEC skryf. He is giving us a chance to remedy this situation; en ek bly steeds die wettige, sittende Speaker van die Raad en dus mag ek die vergadering steeds Chair. So ek hoor wat u sê, maar ek wil u tot orde roep en ek volstaan daarby.</p> <p><b>Municipal Manager:</b>        Under 9.3 of the letter, the MEC also made a very pertinent point. That Council must establish a Special Committee to contemplate the alleged Breach. So the only way how the breach can be investigated is by virtue of this Council</p>

	<p>Minister says that you are in breach</p>	<p>appointing a Special Committee. That Special Committee should look at the facts, should bring a report to Council and Council will consider if there was indeed a breach.</p>
<p>Cllr. R Richards</p>	<p>The process of electing a Mayor and a Deputy Mayor. Can you please just help me understand that process, perhaps ask the Legal advisor or the MM. The manner in which we are proceeding now, is not my recollection of the process we should follow. Not necessarily the schedule. The timing the process and so forth. Notice periods and so on</p>	<p><b>Manager Legal Services</b></p> <p>This is not a removal in terms of the act. This is an election of the Mayor and the Deputy Mayor. When you remove a Mayor or a Deputy Mayor or Speaker then in terms of the Rules and the Act, you have to give notice. So this not a removal this is just an election. The Act stipulates in schedule 3 of the Systems Act the procedure to be followed and we have everything at hand to elect the Mayor and the Deputy Mayor in terms of Schedule 3 of the Systems Act.</p>

**Speaker granted a 5 minutes caucus break to the CE and VF+**  
**Meeting convened after the caucus break.**

## 05. 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.



## 5.1 RESOLUTIONS TAKEN BY COUNCIL

RB5.1.1/15-08-2022

### ELECTION OF EXECUTIVE MAYOR

#### RESOLVED:

a) It be noted that:

(i) After 2 nominations, Cllrs. W Farmer and F Kamfer, for the positions of Executive Mayor was received;

- Cllr. Farmer: Proposed by Cllr. F Kamfer  
Seconded by Cllr. P Strauss
- Cllr. Kamfer: Proposed by Cllr. R Richards

(ii) Cllr. F Kamfer declined the proposal;

(iii) With only 1 nomination, accepted by the nominee and unopposed;

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

RB5.1.2/15-08-2022

### ELECTION OF DEPUTY EXECUTIVE MAYOR

#### RESOLVED:

a) It be noted that:

(i) After 1 nomination, Cllrs. F Kamfer, for the position of Deputy Executive Mayor was received;

- Cllr. Kamfer: Proposed by Cllr. W Farmer  
Seconded by Cllr. A Scheepers

(ii) With only 1 nomination and accepted, by the nominee;

b) That Cllr. F Kamfer is the newly elected Deputy Executive Mayor of Cederberg Municipality.

**RB5.1.3/15-08-2022**

**SPEECH OF NEWLY ELECTED EXECUTIVE MAYOR**

**RESOLVED:**

1. Council take note of speech of the newly elected Executive Mayor of Cederberg Municipality, Cllr. W Farmer.

**RB5.1.4/15-08-2022**

**ANNOUNCEMENT OF EXECUTIVE MAYORAL COMMITTEE**

**RESOLVED:**

- a) The Executive Mayor announced the following members as the Executive Mayoral Committee:
  1. Cllr. W Farmer (Executive Mayor)
  2. Cllr. F Kamfer (Deputy Executive Mayor)
  3. Cllr. P Strauss
  4. Cllr. T Waldeck

**RB5.1.5/15-08-2022**

**SPEECH BY THE NEWLY ELECTED DEPUTY  
EXECUTIVE MAYOR**

**RESOLVED:**

- a)** That the Council take note of the speech by the newly elected Deputy Executive Mayor of Cederberg Municipality Cllr. F Kamfer.

**Speaker granted a 5 minutes caucus break to the CE and VF+  
Meeting convened after the caucus break.**

***Sequence of events:***

Cllr. R Richards addressed the Speaker and informed him that there are two procedural matters that he needs guidance on for this meeting and for future reference.

**Questions raised & Answers**

CLLR. NAME	QUESTIONS	ANSWER
Cllr. R Richards	<ul style="list-style-type: none"> <li>The Agendas that was circulated to Councillors, should it be signed by the Speaker or is it okay as was given here.</li> </ul>	<p><b>Municipal Manager:</b>          The normal procedure when an agenda had been issued is that the Municipal Manager and the Speaker signs off on it but that is not a pre-requisite that an Agenda is legal or not. The notice has been given in time, Councillors responded to that notice. There is nothing stopping us from proceeding with the meeting or in the absence of a signed agenda.</p>
Cllr. R Richards:	<p>Before the caucus break... did I hear you correctly? you were shifting to 5.2 of the Agenda? Or did I miss hear you</p>	<p><b>Speaker</b>          Yes you heard me correctly, but I'm here to rectify that.           The rectification is to comply with the letter by</p>

		<p>the MEC and that is to establish the Special Committee to investigate the alleged breach of the Code of Conduct by the sitting Speaker</p>
<p>Cllr. R Richards</p>	<p>Speaker, again, just a procedural matter. Should you not be recusing yourself and have someone else preside, given that you are the subject of the potential enquiry?</p>	<p><b>Municipal Manager:</b>          Speaker, from a procedural perspective when a person or a Speaker are implicated in an alleged breach, then it is good governance that that person recuse him or herself in order not to perceive that you are bias in terms of that.</p> <p><b>Speaker</b>          I will then recuse myself from this item. Thank you Cllrs</p>

*All Councillors are comfortable with the Municipal Manager, facilitating this process (Establishment of the Special Committee).*

Municipal Manager: I would like to ask for nominations, but maybe the first thing that Council needs to consider is the number of the members on this Committee

**Proposed:** Cllr. W Farmer (Committee to consist of 3 Cllrs.)

**Seconded:** Cllr. F Kamfer

**No Counter proposal**

**Municipal Manager:** Can I get the nominations for the Committee Members?

**Questions raised & Answers**

CLLR. NAME	QUESTIONS	ANSWER
Cllr. R Richards	Point of Order, Municipal Manager. I would like to raise a matter before we get to nominations. It is my view, and I speak on behalf of the caucus I think, that it would be unwise to elect from among the Councillors a Committee to deal with this matter. The motivation is that there is so much acrimony at the moment and a lack of trust that we are not going to get an objective view or	<p><b>Municipal Manager</b></p> <p>Cllr. Richards, I don't want to preamp the work of the MEC. The Code of Conduct is clear that a Council must appoint a Committee.</p> <p>I would like this Council to stick by the rules so</p>

	<p>assessment of the Speaker. So the proposal would be to get guidance and assistance from the minister's office to get an external group to look into the matter. I understand that the law requires that the Council needs to appoint Councillors. I understand that as a step, but I simply want to register at the interest of building trust and confidence that we do in-house might not be the wisest thing to do.</p>	<p>the Committee will look at the facts and come to a conclusion and bring a report to Council.</p>
--	---	---

:

:

RB5.1.6/15-08-2022

**APPOINTMENT OF SPECIAL COMMITTEE (ALLEGED BREACH OF THE CODE OF CONDUCT FOR COUNCILLORS – CORRESPONDENCE FROM MEC PERTAINING THE SPEAKER OF COUNCIL)**

**RESOLVED:**

a) That a Special Committee be established to investigate the alleged breach of the Code of Conduct for Councillors by the Speaker of Council, Cllr. M Heins;

b) That the Special Committee will comprise of only 3 members;

**Proposed:** Cllr. W Farmer

**Seconded:** Cllr. F Kamfer

c) That the following members will form part of the Special Committee:

Cllr. P Strauss (Chairperson)

Cllr. A Scheepers

Cllr. T Waldeck

d) That the outcome, of the investigation report by the Special Committee, be reported to Council.

**Proposed:** Cllr. F Kamfer

**Seconded:** Cllr. A Scheepers

**Counter Proposal:** Cllr. M Bergh

(That the Special Committee must comprise of the following members:



- Cllr. R Richards (Chairperson)
- Cllr. J Van Heerden
- Cllr. A Scheepers)

**Seconded:** Cllr. R Richards

**VOTE**

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTAIN</b>
<b>4 – ANC</b>	<b>3 – CE</b>	-
<b>1 – PA</b>	<b>1 – VF+</b>	

*After RB5.1.6/15-08-2022 was finalised, Cllr. M Heins resumed his duties as Presiding Officer and Speaker of Council.*

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

- Geen / None

**6.3 MATTERS FOR NOTIFICATION**

- The Speaker informed the Meeting that Council will now continue with the In-Committee.

**6.4 CONSIDERATION OF MOTIONS OF EXIGENCY**

- Geen / None

**7. CLOSURE**

- Meeting adjourned at 09h00.

---

**VOORSITTER / CHAIRPERSON**

---

**DATUM / DATE**