



NOTULES VAN DIE / MINUTES OF THE

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

SPECIAL COUNCIL MEETING OF THE CEDERBERG MUNICIPALITY, HELD ON

18 NOVEMBER 2022

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**MINUTES OF THE SPECIAL COUNCIL MEETING OF THE CEDERBERG MUNICIPALITY
HELD ON 18 NOVEMBER 2022 IN THE COUNCIL CHAMBER AT 2A VOORTREKKER
STREET, CLANWILLIAM.**

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PRESENT AND IN ATTENDANCE:

As per the attendance register:

Cllr. M Heins
Cllr. W Farmer
Cllr. F Kamfer
Cllr. A Scheepers
Cllr. P Strauss
Cllr. R Richards
Cllr. T Waldeck
Cllr. J Van Heerden
Cllr. J Hayes
Cllr. L Venter

Mr. B Kannemeyer (Acting Municipal Manager)
Mr. C Appel (Acting Chief Financial Officer)
Mr. N Mercuur (Manager Administration)
Miss. J Cloete (Secretariate)

ABSENT WITHOUT APOLOGY:

Geen / None

1. OPENING AND WELCOMING

- The Chairperson, Cllr. M Heins welcomed all present and Cllr. P Strauss opened the meeting with a prayer.

2. ELECTION OF (ACTING) SPEAKER, IF NECESSARY

- N/A

3. APPLICATIONS FOR LEAVE OF ABSENCE

- Mr. C Sheldon (Manager: Legal Services)

3.1 The Attendance Registers will be available at the meeting

- Attendance register enclosed.

4. STATEMENTS AND COMMUNICATIONS BY THE SPEAKER

- a. Representatives from Department of Transport and Public Works will be engaging in the communities of Wards, 5, 4, 3 and 2 doing a Safety Home survey and will start in Ward 3 on Monday. Ward Councillors from the wards mentioned above, should expect a phone call from the representatives before they start in a specific Ward.
- b. Cllr. Waldeck request that the Speaker ask if Ward 6 can also be part of this survey.
- c. The Speaker informed the meeting that his office had received correspondence from the MEC's office and asked the Acting Municipal Manager to read the correspondence into the record and to all Councillors.

(See Annexure A)

d. COMMENTS ON CORRESPONDENCE RECEIVED FROM THE MEC OF LOCAL GOVERNMENT, MR A BREDELL

- The Mayor expressed his disappointment in how, lately, the Speaker was addressed in Council Meetings by the CE, DA and FF Plus Councillors and mentioned that after hearing the MEC's response, these Councillors doesn't deem it necessary to apologise for their behaviour.
- Cllr. Richards requested a copy of the minutes (26 October 2022) that was provided to the MEC as well all the minutes since Cllr. M Heins became Speaker.
- Cllr. Hayes shares with the Speaker that the MEC's correspondence refer to minutes of 26 October 2022 that was provided to him as evidence of some sort, by the Speaker, but it was minutes that was not yet approved, and they had objected too.
- The Mayor raised a point of order and asked if Cllr. Hayes is questioning the ability of the secretary of committees, - the integrity of the secretary of committees and - the recordings. He also stated that in Council meetings, minutes must be accepted as being correct.

- Cllr. Hayes explained to the Speaker that he is not questioning the integrity, but rather the legality of the minutes as it was being used for evidence and was not yet approved.
- Cllr. Kamfer raised a point of order and proceeded to correct Cllr, Hayes on him referring to Cllr. Farmer as Mr. and not Councillor or Mayor. It, also, is still the prerogative of the Speaker to communicate to the MEC on matters as certain Councillors took it upon themselves to communicate with the MEC without acknowledging the Speaker, in their correspondence. It should also be known that Cllr. Hayes did inform Councillors at a previous meeting that the MEC's office assisted them and that is on record, so there is no need to argue about it.
- Cllr. Hayes informed the Speaker that the Motion was never tabled on 26 October 2022, it was Cllr. Farmer's response to the motion and also what the Municipal Manager read into the record at the previous meeting from the said minutes.
- The Mayor explained that a Motion can only be tabled at Council if it complies and is accordance with the Rules of Order. He further elaborated and says that the first motion tabled on 17 October 2022 requested a meeting within 72hours whilst the Rules of Order speaks to 7 days. In te case of the motion of no confidence, it is clear in the interpretation act that the first day (of the 7 days) starts on the following day after the motion has been submitted. The request within 72hours is not in accordance with the Rules and thus it could not be tabled.

RULING BY SPEAKER:

Cllr Richards to receive copy of minutes of meeting

- In response to a request made by Cllr Richards, the Speaker ruled that permission is granted for Councillor Richards to receive a copy of the un-approved minutes, as requested.

5. STATEMENTS AND COMMUNICATION BY THE EXECUTIVE MAYOR

A. Water crisis – Lambertsbaai

Soos ons almal nou al weet, het SW Van Zyl die afloop, van die boorgat wat water voorsien aan Lambersbaai, ontkoppel. Die gevolg is dat ±7000 mense ge-afekteer is en dan dreig hy om die ander boorgate dan ook te stop. Ek, die Onderburgemeester, die Speaker en die MM het 'n prokureur aangestel om 'n dringende hof interdik aan te bring in die Hooggeregshof. Ons word ondersteun deur Minister Bredel asook sy kantore van Graham Paulse asook die Nasionale Minister van Water en Sanitasie. Die saak is vandag 16h00 in die Hooggeregshof in die Kaap. So, ons sal die Raad en publiek deurentyd op hoogte hou van hoe vêr ons met die proses kom.

Baie dankie Speaker.

6. 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

- Verwys na Punt 5 op Agenda.

8. MATTERS CONSIDERED BY COUNCIL

The Speaker informed Council that a Meeting was held on 15 November 2022 to discuss specific matters. The majority of Council requested the Speaker to convene a Special Council Meeting after the Speaker had notified all of a Meeting to be held on 15 November 2022 in order to finalise unresolved matters of meetings that could not take place. The majority's request came on the same day after the Speaker had already notified all of a meeting to be held on 15 November 2022. On the 15th, all items was discussed with all Councillors present. It also be known that the order of business was changed, but all items was discussed.

RB7.1.2/15-11-2022

Implementation of Salary and Wage Collective Agreement

Items: RB7.1.1/09-11-2022 numbered RB7.1.2/15-11-2022

- Implementation of Salary and Wage Collective Agreement

Speaker informed Council this item was discussed and Council also voted on the matter. It was then resolved that the item be deferred as there was still outstanding information to make an informed decision.

SPEAKER'S RULING: The Item was tabled and Council resolved on the matter.

The Municipal Manager, with permission of the Speaker, informed Council this item was deferred on the basis of insufficient information and when asked what the sufficient information is, in order for the Administration to provide it as such, no clarity was given. According to the Acting CFO, all relevant information was provided but he, as the Accounting Officer would like to request Council to please provide the Administration as to what the outstanding information might be in order for Council to reconsider this matter.

Cllr. Kamfer shares to Council that employees are struggling personally, keeping up with the cost of living and also requested that Cllr. Richards obtain the outstanding information from the Acting CFO in this meeting in order for Council to reconsider this matter today and let employees be remunerated.

Cllr. Richards responded and told the Speaker, they came prepared to discuss this item and should he rule to open this matter, he would be fine with that because he is in agreement with Cllr. Kamfer, that employees must be remunerated.

FINAL RULING: Matter is open for debate

On the basis that both sides of the table are in agreement, the matter is open for discussion and for reconsideration.

RB7.1.1/18-11-2022

IMPLEMENTATION OF SALARY AND WAGE COLLECTIVE AGREEMENT

RESOLVED:

1. That Council rescind Council Resolution RB7.1.1/22-09-2022 pertaining to the Review Application on the outcome of the exemption to implementation of the Salary and Wage Collective Agreement.
2. Council approve the implementation of the salary and wage collective agreement backdated from 01 July 2022 till 30 November 2022.
3. That Council approved to pay the annual bonuses with the salary run of December 2022.

Council unanimously in favour of resolution

RB7.1.3/15-11-2022

QUARTERLY BUDGET INCLUSIVE OF TOP LAYER SERVICE DELIVERY IMPLEMENTATION PLAN (SDBIP) AND SUPPLY CHAIN MANAGEMENT REPORTS: JULY 2022 – SEPTEMBER 2022

Item:

RB7.1.2/09-11-2022 numbered RB7.1.3/15-11-2022

-

RULING: The Item was tabled for cognisance.

RB7.1.4/15-11-2022

MONTHLY BUDGET STATEMENT: AUGUST 2022

Item:

RB7.1.3/09-11-2022 numbered RB7.1.4/15-11-2022

RULING: The Item was tabled for cognisance

RB7.1.5/15-11-2022

MONTHLY BUDGET STATEMENT: SEPTEMBER 2022

Item:

RB7.1.4/09-11-2022 numbered RB7.1.5/15-11-2022

- MONTHLY BUDGET STATEMENT: SEPTEMBER 2022

-

RULING: The Item was tabled for cognisance.

RB7.1.6/15-11-2022

MOTIONS OF NO CONFIDENCE

Item: RB7.1.5/09-11-2022 numbered RB7.1.6/15-11-2022

- MOTIONS OF NO CONFIDENCE IN:

-

EXCUTIVE MAYOR:

DEPUTY EXECUTIVE MAYOR:

SPEAKER:

MPAC CHAIRPERSON;

CLLR. W FARMER

CLLR. F KAMFER

CLLR. M HEINS

CLLR. T WALDECK

SPEAKER: Cllrs., Adminsitrasie, op die 17de Oktober het ek 'n mosie ontvang van die meerderheid raadslede wat dan 'n vergadering versoek het, binne 3 dae. Die mosie was verwerp op die basis dat die mosie buite die Reëls van Orde was en dit was verwerp op die 26ste Oktober 2022. Op die 7de November 2022 het ons voortgegaan met 'n Spesiale Raadsvergadering. Ons het voorgehou, by daardie Raadsvergadering, die DC (Disciplinary Committee) verslag. Raadslede wat die ruling van die Speaker defy het, moet deur die Law enforcement vergesel word uit die Raadsaal. 2 Raadslede van die DA wat oorgebly het, het dan ook die vergadering verlaat nadat hulle in die minutes geles het, hul beswaar. Die mosie was op die agenda van 07 November 2022. Die betrokke Raadslede, die meerderheid Raadslede het nie terug gekom vir hierdie vergadering nie. Dit is op die 7de November.

Op 9 November het ons weer 'n dringende Spesiale Raadsvergadering beroep, waar ons toe nie 'n kworum was nie. Ek het wel 'n epos ontvang dat Raadslede eers daardie komende Maandag, die 14de, beskikbaar sal wees. 11 November 2022 het ons weer 'n Raadsvergadering gehad met dieselfde items, geen kworum. 2 Raadslede was verskoon en het wettig aangesoek gedoen om verlof. 4 Raadslede was afwesig. Op 14 November het ons 'n kennisgewing uitgestuur van Raadsvergadering gehou, 15 November. Kennisgewing was uitgestuur die oggend van die 14de om juis die items af te handel van die vorige dag. Ek het ook op dieselfde dag 'n versoek gekry vanaf die meerderheid Raadslede vir 'n vergadering om ook die items te hanteer wat nie afgehandel gewees het nie. Alle items was afgehandel en Raadslede het deel gevorm aan elke item en ook sodoende gestem.

Ek bring dan nou die Raad na:

- bladsy 5, punt 3:

3. INTERPRETATION OF RULES

The ruling of the Speaker in regard to the application or interpretation of these Rules and other procedural matters not dealt with in the Rules of Order is, once he/she has given his/her reasons, final and binding.

- Gedeelte 5, onder motions:

5. MOTIONS

5.1. All notices of motion shall be listed on the agenda and shall lapse if the member who submitted it is not present at the meeting when such a motion is being debated.

5.6 Should a motion be introduced with the intent to rescind or amend a resolution passed by Municipal Council in the preceding 3 (three) month or a motion which was not passed in the preceding 3 (three) months, such motions will not be discussed or entertained.

5.7 No motion that was considered during the previous three months may be resubmitted.

SPEAKER: Ek neem die Raadslede terug na bladsy 5

Hierdie mosie het ons nou al drie keer behandel en ek het uitspraak daarop gegee. Ek verstaan daar is verskille van argumente, daar is verskillende interpretasies van die Rules of Order, van die Strukture Wet, ek verstaan dit. Op die dag wat die mosie in die Raadspak was, het Raadslede gekies om nie terug te kom nie. Dus hou ek by my ruling wat gemaak was:

SPEAKER'S FINAL RULING iro MOTIONS OF NO CONFIDENCE:

Dat so 'n mosie na drie maande weer ge-table moet word.

3. INTERPRETATION OF RULES

The ruling of the Speaker in regard to the application or interpretation of these Rules and other procedural matters not dealt with in the Rules of Order is, once he/she has given his/her reasons, final and binding.

CLLR. J HAYES: In respect of 5.7: Ons wantroue mosie 'was never considered'. Your ruling was done on the basis that you've received a ruling.

5.7 No motion that was considered during the previous three months may be resubmitted.

7.2 URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER

- Speaker informed all that Council will proceed in an In-Committee and asked that the members of the public excuse themselves.

7.3 MATTERS FOR NOTIFICATION

Cllr. J Hayes: Speaker, kan ek net gou terugvoer gee oor die water kwessie, asb.

Speaker: Dis reg.

Cllr. J Hayes: Die boodskap wat ek nou gekry het, die staat sê die saak is oppad en hulle is besig daarmee. Volgens al die inligting, gaan die munisipaliteit onthef word van verdere aksie en hoef dan nie verder te onderhandel met die betrokke persone nie.

7.4 CONSIDERATION OF NOTICES OF MOTION

- Geen / None

7.5 CONSIDERATION OF NOTICES OF QUESTIONS

- Geen / None

7.6 CONSIDERATIONS OF MOTIONS OF EXIGENCY

- Geen / None

09. CLOSURE

- Meeting adjourned.

VOORSITTER/CHAIRPERSON

DATUM / DATE

IN COMMITTEE SESSION

RB7.1.2/18-11-2022

APPOINTMENT OF ACTING DIRECTOR TECHNICAL SERVICES

- The Municipal Manager informed the Councillors they are aware of the recruitment process regarding the filling of the vacancy, but for a period of 1 to 2 months, Council should consider to appoint an acting person, as the position is critical and that this person can somehow also be monitored and assessed as to his performance and capabilities in this position.
- After deliberation and debate, Cllr. M Bergh requested for a 5 minute caucus break which the Speaker permitted.
- After 5 minutes the meeting convened.

Cllr. M Bergh: Speaker, ons gevoel is dat hierdie kandidaat nie eens 'n onderhoud gehad het nie, dat hier net een kandidaat op die tafel is. Ons weet nou van diè kandidaat, laat ons weer oor 'n week terug kom en ons kyk wy ons nog kan kry. Ons sal ook kyk; die subsie, om net uit hom uit te kies, is te klein.

Speaker: Baie dankie Raadslid.

VOORSITTER/CHAIRPERSON

DATUM / DATE