



NOTULES VAN DIE / **MINUTES** OF THE

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

SPECIAL COUNCIL MEETING OF THE CEDERBERG MUNICIPALITY, HELD ON

13 MAART / MARCH 2023

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**MINUTES OF THE SPECIAL COUNCIL MEETING OF THE CEDERBERG MUNICIPALITY HELD
ON 13 MARCH 2023 IN THE COUNCIL CHAMBER AT 2A VOORTREKKER STREET,
CLANWILLIAM.**

Resolutions made at council meeting of 13 March 2023

Contents

RB05A/13-03-2023.....	4
ANNOUNCEMENT OF EXECUTIVE MAYORAL COMMITTEE AND APPOINTMENT OF CHAIRPERSONS OF PORTFOLIO COMMITTEES	4
RB05B/13-03-2023	5
APPOINTMENT OF MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) CHAIRPERSON	5
RB7.1.1/13-03-2023	6
MID-YEAR BUDGET & PERFORMANCE REPORT (SECTION 72) 2022/2023	6
RB7.1.2/13-03-2023	7
AMENDMENTS TO INCOME, OPERATIONAL AND CAPITAL EXPENDITURE PROJECTIONS – ADJUSTMENTS BUDGET 2022/2023 MARCH 2023	7
RB7.1.3/13-03-2023	8
ADJUSTED/ REVIEW OF THE TOP LAYER SERVICE DELIVERY BUDGET IMPLEMENTATION PLAN (SDBIP) 2022/2023	8
RB7.1.4/13-03-2023	9
SUBMISSION AND TABLING OF ANNUAL REPORT 2021/22.....	9
RB7.2.1/13-03-2023	10
RE-ADVERTISEMENT OF VACANT SENIOR MANAGER AND APPOINTMENT OF ACTING MUNICIPAL MANAGER AND DIRECTORS SUPPORT SERVICES; TECHNICAL SERVICES AND CHIEF FINANCIAL OFFICER.....	10
RB7.2.2/13-03-2023	12
APPOINTMENT OF THE WASTE MANAGEMENT OFFICER.....	12

PRESENT AND IN ATTENDANCE:

As per the attendance register:

Cllr. J Hayes

Cllr. R Richards

Cllr. A Mouton (Virtually logged in)

Cllr. J Van Heerden

Cllr. L Venter

Cllr. M Bergh (Virtually logged in)

Cllr. F Kamfer

Cllr. P Strauss

Cllr. A Scheepers

Cllr. M Heins

Cllr. W Farmer

Mr. A Titus

Mr. C Appel

Mr. C Sheldon

Miss E Visser

Mr. D Frantz

Mr. B Zass

Miss J Cloete

APOLOGIES:

- Geen / None

ABSENT WITHOUT APOLOGY:

- Geen / None

1. OPENING AND WELCOMING

- The Chairperson, Cllr. J Hayes welcomed all present and the Executive Mayor, Cllr. R Richards opened the meeting with a prayer.

2. ELECTION OF (ACTING) SPEAKER, IF NECESSARY

N/A

3. APPLICATIONS FOR LEAVE OF ABSENCE

- Geen / None

- The Speaker only informed Council that Cllrs. Mouton and Bergh will be attending this meeting in a virtual manner.

4. STATEMENTS AND COMMUNICATIONS BY THE SPEAKER

- The Speaker informed all pertaining the behavioural order in the Council Chambers:
 - Absolute order and silence shall be maintained by the public, if not, you will be requested to leave the chambers or law enforcement will assist with these instructions.
 - Councillors be reminded that the Speaker's ruling is final and no further order points shall be allowed thereafter.
 - The proposer of an item shall be allowed to motivate a short objection, but no further debate will be allowed.
 - Any Councillor behaving out of order, shall be warned and requested to leave the Council Chambers.
 - A Councillor's privilege has limits within this Boardroom; and therefore no sexist or racist behavior will be tolerated.
 - Threats and any attempted violence will result in immediate removal of a Councillor.
- The Speaker also informed all of the change in order of Agenda as follows:
 - That RB7.1.4/13-03-2023 will now serve as RB7.1.1/13-03-2023 and RB7.1.1/13-03-2023 will only shift down.

5. STATEMENTS AND COMMUNICATION BY THE EXECUTIVE MAYOR

RB05A/13-03-2023

ANNOUNCEMENT OF EXECUTIVE MAYORAL COMMITTEE AND APPOINTMENT OF CHAIRPERSONS OF PORTFOLIO COMMITTEES

RESOLVED:

a) That the following Councillors were announced as the Executive Mayoral Committee:

1. Cllr. R Richards (Full-time)
2. Cllr. A Mouton (Full-time)
3. Cllr. L Venter (Full-time)
4. Cllr. J Van Heerden (Full-time)

b) That the following Mayco Members will be the Chairpersons of the Portfolio Committees as stipulated here:

1. Cllr. A Mouton - Operational Services
2. Cllr. L Venter - Support Services
3. Cllr. J Van Heerden - Financial Services

RB05B/13-03-2023

**APPOINTMENT OF MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC)
CHAIRPERSON**

RESOLVED:

a) That Councillor M Bergh be appointed as the MPAC Chairperson

Proposed: Cllr. R Richards

Seconded: Cllr. J Van Heerden

<p>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</p>
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- Geen / None

7. MATTERS FOR CONSIDERATION

7.1 ITEMS SUBMITTED BY OFFICIALS OF COUNCIL

RB7.1.1/13-03-2023

MID-YEAR BUDGET & PERFORMANCE REPORT (SECTION 72) 2022/2023

RESOLVED:

1. Council take note and approve the: Section 72 Mid-Year budget and performance report for the first half of the 2022/2023 financial year;
2. That the Municipal Manager and Executive Management compile an adjustment budget for 2022/2023.
3. That the 2022/2023 Adjustment Budget be tabled to the Council by not later than 13 March 2023.
4. That copies of the Mid-Year Budget and Performance Report be made available on the Municipal Website
 - o Copies sent to Provincial Treasury, National Treasury and Department of Local Government.

Proposed: Cllr. R Richards

Seconded: Cllr. J Van Heerden

No Counter Proposals

Accepted unanimously

RB7.1.2/13-03-2023

AMENDMENTS TO INCOME, OPERATIONAL AND CAPITAL EXPENDITURE PROJECTIONS – ADJUSTMENTS BUDGET 2022/2023 MARCH 2023

RESOLVED

1. Council approves the Adjustments Budget for 2022/23 financial year, amendments to income, operational and capital expenditure projections as set out in the following:
 - Municipal Budget tables B1 – B10
 - Municipal Budget Supporting Documentation SB1 – SB19

2. Council approves the amendments to the Refuse Removal Tariffs (Annexure F)

3. Council notes that the Service Delivery Budget Implementation Plan be amended in line with these adjustments.

Proposed: Cllr. R Richards

Seconded: Cllr. J Van Heerden

No Counter Proposals

No Objections

Accepted unanimously

RB7.1.3/13-03-2023

**ADJUSTED/ REVIEW OF THE TOP LAYER SERVICE DELIVERY BUDGET
IMPLEMENTATION PLAN (SDBIP) 2022/2023**

RESOLVED:

1. That council approve the Adjustment/Review Top Layer Service Delivery Budget Implementation Plan (SDBIP) 2022/23
2. That the proposed changes be made on the Web based performance system; and
3. That copies of the Adjustment/Review Top Layer Service Delivery Budget Implementation Plan (SDBIP) 2022/23 be made available on the Municipal Website
 - o Copies sent to Provincial Treasury, National Treasury and Department of Local Government.

Proposed: Cllr. R Richards

Seconded: Cllr. J Van Heerden

No Counter Proposals

No Objections

Accepted unanimously

RB7.1.4/13-03-2023

SUBMISSION AND TABLING OF ANNUAL REPORT 2021/22

1. Council to adopt the Annual Report of Cederberg Municipality for the 2021/2022 financial year;
2. That the administration submits an OPCAR (Operation Clean Audit Reports), related and relevant to this report to correct all audit findings to the Municipal Public Accounts Committee.
3. That the Municipal Public Accounts Committee within two months from today in terms of Section 129 of the MFMA, submit an Oversight Report containing the Council's comments on the Annual Report.
4. That the administration makes the Annual Report public.
5. Invite the local community to submit representations in connection with the Annual Report.
6. Submit the annual report to the Auditor-General, the relevant provincial treasury and the provincial department responsible for local government in the province.

Proposed: Cllr. R Richards

Seconded: Cllr. J Van Heerden

No Counter Proposals

No Objections

Accepted unanimously

7.2 URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
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RB7.2.1/13-03-2023

RE-ADVERTISEMENT OF VACANT SENIOR MANAGER AND APPOINTMENT OF ACTING MUNICIPAL MANAGER AND DIRECTORS SUPPORT SERVICES; TECHNICAL SERVICES AND CHIEF FINANCIAL OFFICER

RESOLVED

1. That Council:
 - A. Re-advertise the senior manager vacancies of Municipal Manager, Director Operational (Technical) Services, Director Financial Services (CFO) and the Director Support Services; and
 - B. Request the MEC for local government to second suitable persons to act in the abovementioned vacancies; and
 - C. Whilst Council awaits the MEC's response on the request for secondment of senior managers, that council appointment suitable candidates to act in the vacant positions of Municipal Manager and Directors: Support Services, Operational (Technical) Services as well as the Chief Financial Officer for a period not exceeding three months, whilst the secondment and recruitment process is ongoing, and that such period of acting does not exceed three (3) months.
 - D. If necessary, Obtain approval from the MEC for Local Government in terms of the Act to extend the acting

period for all or some of the above senior managers;
 and

E. That Council be mandated to headhunt a municipal manager and Senior Managers reporting to the municipal manager, namely, director Technical Services, Director Financial Services and Director Support Services; and

F. The Executive Mayor be mandated to negotiate with such acting senior managers within the framework of the Upper limits regulations for senior managers.

Proposed: Cllr. R Richards

Seconded: Cllr. A Mouton

Counter Proposal: Cllr. F Kamfer

(Dit is herhaaldelike kostes wat aangegaan word vir die advertering van hierdie poste terwyl proses reeds gedoen is en dat die Uitvoerende Burgemeester gemandateer word om te 'headhunt' vir senior personeel is teenstrydig met wetgewing)

Seconded: Cllr. A Scheepers

VOTE

FOR	AGAINST	ABSTAIN
6	5	-
CE – 3	ANC – 4	
DA – 2	PA - 1	
FF+ - 1		

RB7.2.2/13-03-2023

APPOINTMENT OF THE WASTE MANAGEMENT OFFICER

RESOLVED:

- a) That Council takes cognisance of the appointment made by the Municipal Manager for the Waste Management Officer.

7.3 MATTERS FOR NOTIFICATION

- Geen / None

7.4 CONSIDERATION OF NOTICES OF MOTION

- Geen / None

7.5 CONSIDERATION OF NOTICES OF QUESTION

Rdl. A Scheepers:

“Die wysigings op Plaaslike Regering Munisipale Strukture Wet, geplubliseer 1 Junie 2021, is baie duidelik. Wat ek nie verstaan nie is hoe die Provinsiale Regering, wetgewing van Suid-Afrika ondermyn. Die wetgewing is baie duidelik: Bywoning van Vergaderings

Ons is nou al in die tiende maand en daar is nogsteeds niks gedoen ten opsigte van Raadslede wat drie of meer agtereenvolgende vergaderings bygewoon het nie. Ons is weer deur 'n proses. Ons het 3 tot 4 Vergaderings gehou. Raadslede woon eenvoudig net nie die vergaderings by nie. Die wetgewing is baie duidelik,

Sanksies van nie-bywoning van vergaderings.

Artikel 5.2 sê 'n Raadslid wat van drie of meer opeenvolgende vergaderings van 'n Munisipale Raad afwesig is of van drie of meer opeenvolgende vergaderings van komitees afwesig is, wat Raadslede ingevolge wet, item vier moet bywoon moet van die amp onthef word. So al die Raadslede wat hier vandag sit, nie almal wat hier sit nie, die regerende component, behalwe mnr. Andre Mouton, almal het al die wet verbreek. Die wet is baie, baie duidelik ten opsigte van dit. So Speaker, die laaste drie vergaderings wat u-hulle nie bygewoon het nie, daar sal definitief 'n proses begin moet word. Die wet is baie, baie duidelik”.

Speaker:

“Rdl. Scheepers u is buite orde. Dit is 'n proses wat afgehandel gaan word. Net ter inligting wil ek u mee deel dat ek het 'n skrywe ontvang van die MEC wat gevra het vir 'n transkripsie van 'n band wat die vorige Speaker aan hom gestuur het. Daardie band is nou 'missing'. So dit is terug verwys na die kantoor van die MEC so hulle gaan probeer om daardie band te transkripeer. Ek wil u ook net daarop wys dat die notules van daardie sogenaamde vergaderings is nog nie goedgekeur nie. So die notules en die hele proses sal by die volgende vergadering hanteer word.”

7.6 CONSIDERATION OF MOTIONS OF EXIGENCY

- Geen / None

08. CLOSURE

- Meeting adjourned at 16h08.

VOORSITTER/CHAIRPERSON

DATUM/DATE



Mr Andries Titus
The Acting Municipal Manager
Cederberg Municipality
24 Voortrekker Street
CLANWILLIAM
8135

By email: andriest@cederbergraad.co.za

Dear Mr Titus

RE: APPLICATION FOR EXTENSION OF TIME PROVISIONS IN TERMS OF REGULATION 23(1) OF THE MUNICIPAL BUDGET AND REPORTING REGULATIONS

I refer to the communication received by my office on 27 February and 7 March 2023 from your municipality in which a second extension is requested for the tabling of the adjustment budget required in Section 28(2)(b)(d)(f) of the Municipal Finance Management Act (Act 56 of 2003)(MFMA).

The application for an extension of time limits was assessed in terms of Regulation 63 of the Municipal Budget and Reporting Regulations (MBRR). In addition, Provincial Treasury has assessed your second application and circumstances surrounding it. Your application indicates that the reasons for this second requested extension are:

- The previous Schedule G (dated 27 February 2023) request did not make adequate provision for internal processes and the time required by the Rules of Order to call meetings.

After taking into consideration all requirements outlined in regulation 63 and 64 of the MBRR your Schedule G application for a further extension of one working day, to table your adjustment budget by **13 March 2023 is approved**.

The comments on the financial difficulties facing the Municipality, as noted in my previous response letter dated 28 February 2023, still stand.

Should you have any further queries, please do not hesitate to contact my office.

Kind regards,

MIREILLE WENGER
MINISTER OF FINANCE AND ECONOMIC OPPORTUNITIES
DATE: 08 MARCH 2023

Copied to:

Cllr. Ruben Richards, Executive Mayor, Cederberg Municipality

Mr. TV Pillay, National Treasury Chief Director: MFMA Implementation

Mr. Jan Hattingh, Chief Director: LG Budget Analysis