



NOTULES VAN DIE / MINUTES OF THE

RAADSVERGADERING VAN DIE CEDERBERG MUNISIPALITEIT SOOS GEHOU OP

14 MEI / MAY 2024

.....

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 COUNCIL MEETING OF THE CEDERBERG MUNICIPALITY HELD ON
14 MAY 2024**

**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:

ABSENT WITHOUT APOLOGY:

Geen / None

1. OPENING

- The Chairperson welcomed all present opened the meeting with a moment of silence

2. ELECTION OF (ACTING) SPEAKER, IF NECESSARY

N/A

**3. OFFICIAL NOTICES, STATEMENTS AND COMMUNICATION BY THE
SPEAKER**

3.1 INAUGURATION OF CLLR. M HEINS

RESOLVED

- a) That Council noted the inauguration of Councillor
Maxwell Heins.

4. APPLICATIONS FOR LEAVE OF ABSENCE

- Cllr. W Farmer

Contents

3.	OFFICIAL NOTICES, STATEMENTS AND COMMUNICATION BY THE SPEAKER	2
3.1	INAUGURATION OF CLLR. M HEINS	2
5.	INTERVIEWS WITH OR PRESENTATIONS BY DEPUTATIONS	5
6.	CONFIRMATION OF MINUTES	5
6.2	ROUND ROBIN RESOLUTIONS TAKEN	5
7.	STATEMENTS AND COMMUNICATION BY THE EXECUTIVE MAYOR	6
8.	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	6
9.	MATTERS FOR CONSIDERATION.....	7
9.1	RESOLUTIONS TAKEN BY COUNCIL	8
RB9.1.1/14-05-2024	ADOPTION OF THE FINAL AMENDED FIFTH GENERATION INTEGRATED DEVELOPMENT PLAN FOR 2024/2025.....	8
RB9.1.2/14-05-2024	TABLING OF THE 2024/2025 FINAL ANNUAL BUDGET.....	9
RB9.1.3/14-05-2024	DRAFT TOP LAYER SERVICE DELIVERY BUDGET IMPLEMENTATION PLAN.....	12
RB9.1.4/14-05-2024	OVERSIGHT REVIEW OF THE ANNUAL REPORT 2022/2023.....	13
RB9.1.5/14-05-2024	REVIEW OF THE SYSTEMS OF ADMINISTRATIVE DELEGATIONS.....	14
RB9.1.6/14-05-2024	14
	REVIEW OF MACRO/MICRO ORGANISATIONAL STRUCTURE OF THE CEDERBERG MUNICIPALITY	14
RB9.1.7/14-05-2024	SECTION 53 ROLES AND RESPONSIBILITIES FOR CEDERBERG MUNICIPAL COUNCIL	17
RB9.1.8/14-05-2024	ERF 1090 GRAAFWATER	18
RB9.1.9/14-05-2024	ERF 1091 GRAAFWATER	18
RB9.1.10/14-05-2024	ERVEN 2445 AND 2446 CITRUSDAL	19
RB9.1.11/14-05-2024	ESTABLISHMENT OF THE CEDERBERG MUNICIPAL COMMUNITY SAFETY FORUM	20
RB9.1.12/14-05-2024	DESIGNATION /APPOINTMENT OF THE WASTE MANAGEMENT OFFICER..	20
RB9.1.13/14-05-2024	SALE OF OBSOLETE ASSETS BY PUBLIC AUCTION	21
RB9.1.14/14-05-2024	QUARTERLY BUDGET INCLUSIVE OF TOP LAYER SDBIP AND SUPPLY CHAIN MANAGEMENT REPORT: JANUARY 2024 – MARCH 2024	21
RB9.1.15/14-05-2024	FINAL REVIEWED WARD COMMITTEE POLICY & CODE OF CONDUCT 2024 - 2029	22
RB9.1.16/14-05-2024	COMMONAGE POLICY	22
RB9.1.17/14-05-2024	SECTION 154 SUPPORT PLAN	23

RB9.2	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER	23
RB9.2.1/15-04-2024	ACTING OF SENIOR MANAGEMENT	23
RB9.2.2/15-04-2024	RECESS OF COUNCIL	24
RB9.3/31-03-2024	MATTERS FOR NOTIFICATION – IN COMMITTEE FOLLOWED	25
RB9.1.18/15-04-2024	UPDATE ON CLACKSON POWER SETTLEMENT DISCUSSION	25
RB9.1.19A/15-04-2024	ELECTION OF ACTING SPEAKER FOR THE PURPOSE OF THE FOLLOWING ITEM: GAP: FOURTH SUBMISSION	28
RB9.1.19/15-04-2024	FOURTH SUBMISSION	28
RB9.1.20A/15-04-2024	ELECTION OF SPEAKER FOR THE PURPOSE OF THE FOLLOWING ITEM: ITEM 16: BREACH OF ITEM 2 OF SCHEDULE 7 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 (ACT 117 OF 1998) CODE OF CONDUCT FOR COUNCILLORS: JOHN HAYES	30
RB9.1.20/15-04-2024	16: BREACH OF ITEM 2 OF SCHEDULE 7 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 (ACT 117 OF 1998) CODE OF CONDUCT FOR COUNCILLORS: JOHN HAYES	31
RB9.4/31-03-2024	CONSIDERATION OF MOTIONS OF EXIGENCY	32
10.	CLOSURE	32

5. INTERVIEWS WITH OR PRESENTATIONS BY DEPUTATIONS

Rules of Order for Internal Arrangement

Part 6

6. Deputations

Should deputations seek an interview with council, the municipal manager must be provided with ten working days written notice of the intent of the deputation with details of the representations that are to be made as well as its source. The notice must be submitted to the Speaker by the Municipal Manager with recommendations and comments. The Speaker has the discretion to then grant the interview and instate conditions.

- Geen / None

6. CONFIRMATION OF MINUTES

RESOLVED:

- 1) That Council approved the following Minutes:
 - a) Council minutes of 28 March 2024. And
 - b) Special Council Minutes of 04 April 2024:

Proposed: Cllr. L Venter

Seconded: Cllr. M Bergh

6.2 ROUND ROBIN RESOLUTIONS TAKEN

- a) Council took cognisance of the following Round Robin resolutions taken:

RB06A/19-04-2024 APPROVAL FOR THE APPOINTMENT OF AN ACTING MUNICIPAL MANAGER – CEDERBERG MUNICIPALITY

And;

RB06B/19-04-2024 APPROVAL FOR THE ADVERTISEMENT OF – AND APPOINTMENT OF A SELECTION PANNEL FOR THE RECRUITMENT PROCESS OF THE VACANT POSITION DIRECTOR FINANCIAL SERVICES (CFO) – CEDERBERG MUNICIPALITY

And;

RB06/10-05-2024 CONSTITUTION OF COUNCIL COMMITTEES – ADDITION OF COUNCILLOR MAXWELL HEINS

7. STATEMENTS AND COMMUNICATION BY THE EXECUTIVE MAYOR

- **See attached.**

8. 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

RESOLVED:

- a) That Council takes cognizance of the following Executive Mayoral Reports:
 1. Executive Mayoral Committee Minutes of 14 March 2024.

9. 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.

9.1 RESOLUTIONS TAKEN BY COUNCIL

RB9.1.1/14-05-2024 ADOPTION OF THE FINAL AMENDED FIFTH GENERATION INTEGRATED DEVELOPMENT PLAN FOR 2024/2025

RESOLVED:

1. That Council noted the processes followed to develop the Final Amended Fifth (5th) Generation Integrated Development Plan for 2024/2025;
2. That Council adopted the Final amended fifth Generation Integrated Development Plan 2024-2025;
3. That Council noted of the changes as specified on the memorandum in terms of MSA Regulation 3;
4. That Council noted the Outstanding information i.e Executive summary and Chapter 5 has been included in the Final IDP;
5. That copies of the Final amended IDP document be made available at the following places:
 - Municipal Offices
 - Municipal Libraries
 - Municipal Website
 - Copies sent to Provincial Treasury, National Treasury and Department of Local Government.

Proposed: Cllr. L Venter

Seconded: Cllr. M Heins

Counter Proposal: Cllr. F Kamfer

Seconded: Cllr. P Strauss

VOTE

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

**RB9.1.2/14-05-2024
 BUDGET**

TABLING OF THE 2024/2025 FINAL ANNUAL

RESOLVED:

1. That Council approved the final tabled annual budget of Cederberg municipality for the financial year 2024/25 and the two outer years 2025/26 and 2026/27 as per Annexure A (Budget schedules A1 to A10 and supporting schedules SA1 to SA 38.
2. Council approved the final tabled 2024-2025 Annual Budget Report as Annexure B;
3. Council approved for the property rates and charges on properties and tariff structures for service charges (water, electricity, refuse, sewerage and other municipal services), as set out in APPENDIX C.
4. That Council adopted and approved the budget related policies listed in Annexure D;
 - a) Accounting Policy
 - b) Asset Management Policy

- c) Borrowing Policy
- d) Budget Policy
- e) Consequence Management Policy
- f) Contract Management Policy
- g) Cost Containment Policy
- h) Electricity and Water Smart Meter Installations Policy
- i) Customer Car, Credit Control, Debt Collection, Indigent and Tampering policy
- j) Finance Management Internship Policy
- k) Fleet Management Policy
- l) Funding and Reserve Policy
- m) Infrastructure Investment and Capital Project Policy
- n) Insurance Policy
- o) Liquidity Policy
- p) Petty Cash Policy
- q) Preferential Procurement Policy
- r) Property Rates Policy
- s) Revenue Enhancement Policy
- t) Supply Chain Management Policy
- u) Tariff Policy
- v) Unauthorised, Irregular, Fruitless and Wasteful Expenditure Policy
- w) Virement Policy
- x) Long Term Financial Plan

5. That Council approved the tabled Service Level Standards Framework attached as Annexure E;

6. That Council approved the 2024/25 MTREF Procurement Plan as per Annexure F;
7. Municipal Budget Circular 126 & 128 for the 2024/2025 MTREF, Provincial Gazette 8892, Dora Bill 4 of 2024 (Appendix G);
8. That Council noted the Final Long Term Financial Plan (Appendix H);
9. That Council approved the Quality Certificate signed by the Accounting Officer, as set out in Annexure I; and
10. That Council approved the Budget Locking Certificate signed by the Accounting Officer, as set out in Annexure J.

Proposed: Cllr. J Van Heerden

Seconded: Cllr. L Venter

Counter Proposal: Cllr. P Strauss

(Cederberg is in a position to buy vehicles even though the elderly and health challenged citizens of Cederberg are denied electricity or -access to electricity)

Seconded: Cllr. F Kamfer

(Ask that it also be put on record that he (Cllr. Kamfer) does not agree with all annexures, A to J, related to the tabled budget)

VOTE

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

**RB9.1.3/14-05-2024 DRAFT TOP LAYER SERVICE DELIVERY
 BUDGET IMPLEMENTATION PLAN**

RESOLVED:

1. That Council took cognisance of the content of the Draft Top Layer Service Delivery Budget Implementation Plan (SDBIP) for the 2024/2025 financial year

2. That the Draft SDBIP 2024/25 be send to Provincial Treasury and Department Local Government.

3. That the Mayor approve the Top Layer Service Delivery Budget Implementation Plan (SDBIP) for the 2024/2025 as prescribed in Chapter 7, Section 53 of the Municipal Financial Management Act of the Local Government: Municipal Finance Management Act, 56 of 2003.

4. The following objection of Cllr. F Kamfer be noted:
 - Although this is only a cognizance item, the ANC component is not in agreement with the content of the report.

RB9.1.4/14-05-2024 OVERSIGHT REVIEW OF THE ANNUAL REPORT 2022/2023

RESOLVED:

1. Council, having fully considered the MPAC Oversight Report on the Annual Report 2022/2023 of Cederberg Municipality, adopted the Oversight Report.
2. The MPAC Oversight Report 2022/2023 be made public in accordance with Section 129(3) of the MFMA, and;
3. The MPAC Oversight Report on the Annual Report 2022/2023 be submitted to the Provincial Legislature in accordance with Section 132(2) of the MFMA.

Proposed: Cllr. M Bergh

Seconded: Cllr. L Venter

Counter Proposal: Cllr. A Scheepers

Seconded: Cllr. P Strauss

VOTE

FOR	AGAINST	ABSTAIN
4 - CE 2 - DA 1 - FF+	3 - ANC	-

RB9.1.5/14-05-2024 REVIEW OF THE SYSTEMS OF ADMINISTRATIVE DELEGATIONS

RESOLVED

- a) That in respect of the revision process, Council took cognisance of the changes in **Annexure B** and approved the new Administrative System of delegations submitted for Council approval.

Proposed: Cllr. M Heins
Seconded: Cllr. M Bergh
Counter Proposal: Cllr. F Kamfer
Seconded: Cllr. P Strauss

VOTE

FOR	AGAINST	ABSTAIN
4 - CE 2 - DA 1 - FF+	3 - ANC	-

RB9.1.6/14-05-2024 REVIEW OF MACRO/MICRO ORGANISATIONAL STRUCTURE OF THE CEDERBERG MUNICIPALITY

RESOLVED:

1. Council took note of: The LLF took cognisance of the structure approved by Council on the 28th of March 2024.

2. Council took note of: That the unions were provided an opportunity to consult with members and submit written comments to the Acting Manager : Human Resources by no later than the 16th of April 2024, which are collated into this item.

3. Council took note of: That all Managers were also allowed an opportunity to provide written comments, which are collated into this item.

4. That Council finally approved the **“REVIEW OF THE MACRO/MICRO ORGANISATIONAL STRUCTURE OF THE CEDERBERG MUNICIPALITY”**; and that the Executive Mayor sign-off on each page of the said structure.

5. That Council mandates the Municipal Manager to collate the items, revisions and amendments for submission to the MEC in terms of the Municipal Staff Regulations.

6. Those comments (if any), when received from the Office of the MEC, be collated and be resubmitted to Council for

consideration, in terms of **Regulation 6(6)**¹ of the **Municipal Staff Regulations No 890** dated the **20th of September 2021**.

7. In the event that no comments are received and the structure approved by Council is accepted, un-amended by the MEC, then the implementation date for said structure be the 1st of July 2024.
8. That Council mandates the Municipal Manager to align all Council delegations, policies, Human Resources Strategy, by-laws and/or all Council related documents to reflect the new titles in terms of the approved organisational structure.
9. That there will be no new appointments other than critical statutory appointments before the new organisational structure is implemented.

Proposed: Cllr. M Bergh
Seconded: Cllr. R Richards
Counter Proposal: Cllr. F Kamfer
Seconded: Cllr. P Strauss

VOTE

FOR	AGAINST	ABSTAIN
4 - CE 2 - DA 1 - FF+	3 - ANC	-

RB9.1.7/14-05-2024 SECTION 53 ROLES AND RESPONSIBILITIES FOR CEDERBERG MUNICIPAL COUNCIL

RESOLVED

- a) That Council accepted and adopted the
"SECTION 53 ROLES AND RESPONSIBILITIES FOR
CEDERBERG MUNICIPAL COUNCIL."

Proposed: Cllr. L Venter

Seconded: Cllr. M Heins

Counter Proposal: Cllr. P Strauss

Seconded: Cllr. A Scheepers

VOTE

FOR	AGAINST	ABSTAIN
4 - CE 2 - DA 1 - FF+	3 - ANC	-

RB9.1.8/14-05-2024

ERF 1090 GRAAFWATER

RESOLVED:

1. That said municipal property is not required for the provision of basic municipal services;
2. That Council resolved that erf 1090, Graafwater may be sold at market related value;
3. That the administration be mandated to complete the prescribed tender processes after which the matter is referred back to council for final consideration before transfer.

Proposed: Cllr. F Kamfer

Seconded: Cllr. L Venter

RB9.1.9/14-05-2024

ERF 1091 GRAAFWATER

RESOLVED:

1. That said municipal property is not required for the provision of basic municipal services;

2. That Council resolved that erf 1091, Graafwater may be sold at market related value;

3. That the administration be mandated to complete the prescribed tender processes after which the matter is referred back to council for final consideration before transfer.

Proposed: Cllr. F Kamfer

Seconded: Cllr. L Venter

RB9.1.10/14-05-2024

ERVEN 2445 AND 2446 CITRUSDAL

RESOLVED:

1. That said municipal property is not required for the provision of basic municipal services;

2. That Council resolved that erven 2445 and 2446 may be sold at market related value for the establishment of recycling specific business;

3. That the administration be mandated to complete the prescribed tender processes after which the matter is referred back to council for final consideration before transfer.

Proposed: Cllr. F Kamfer

Seconded: Cllr. L Venter

RB9.1.11/14-05-2024 ESTABLISHMENT OF THE CEDERBERG MUNICIPAL COMMUNITY SAFETY FORUM

RESOLVED:

1. That Council supported the establishment of the Cederberg Municipal Community Safety Forum.
2. That Council adopted the Community Safety Policy Forum Policy as the CSF guiding document for the Cederberg Municipality.

Proposed: Cllr. L Venter

Seconded: Cllr. M Heins

RB9.1.12/14-05-2024 DESIGNATION /APPOINTMENT OF THE WASTE MANAGEMENT OFFICER

RESOLVED:

- a) That Johannes Adams be appointed as the Waste Management Officer with immediate effect in order for the Cederberg Municipality to comply with the National Environment Management Waste Act, 2008 (Act 59 of 2008);

Proposed: Cllr. R Richards

Seconded: Cllr. L Venter

**RB9.1.13/14-05-2024
AUCTION**

SALE OF OBSOLETE ASSETS BY PUBLIC

RESOLVED:

1. That Council approves the sale of obsolete assets
2. The assets are permanently removed from the asset register.
3. That council approves the item.

Proposed: Cllr. J Van Heerden

Seconded: Cllr. M Heins

**RB9.1.14/14-05-2024
LAYER SDBIP AND SUPPLY CHAIN MANAGEMENT REPORT: JANUARY
2024 – MARCH 2024**

**QUARTERLY BUDGET INCLUSIVE OF TOP
LAYER SDBIP AND SUPPLY CHAIN MANAGEMENT REPORT: JANUARY
2024 – MARCH 2024**

RESOLVED:

1. That Council noted the:
 - a) Quarterly Budget Statement inclusive of the Top Layer Service Delivery Implementation Plan (SDBIP),
 - b) Virements Report for the third quarter, and
 - c) Supply Chain Management Report for the third quarter.

2. That Council noted that the Service Delivery Budget Implementation Plan be amended in line with these adjustments.

RB9.1.15/14-05-2024 FINAL REVIEWED WARD COMMITTEE POLICY & CODE OF CONDUCT 2024 - 2029

RESOLVED:

1. That Council adopted the Final Reviewed Ward Committee Policy & Code of Conduct 2024-2029.
2. Council noted that this policy will replace the previous Reviewed Ward Committee 2021-2026 policy.

Proposed: Cllr. F Kamfer

Seconded: Cllr. A Mouton

RB9.1.16/14-05-2024 COMMONAGE POLICY

RESOLVED:

- a) That no expansion of commonage land will be allowed;
- b) No new applications for emerging farmers are accepted until further notice;
- c) That all related policies be reviewed and aligned immediately.

Proposed: Cllr. M Heins

Seconded: Cllr. L Venter

RB9.1.17/14-05-2024

SECTION 154 SUPPORT PLAN

RESOLVED

- a) That Council noted the updated section 154 support plan and changes; and
- b) That the Municipal Manager be mandated to invite the Department of Local Government to come and do a Section 154 compliance assessment at Cederberg Municipality.

Proposed: Cllr. L Venter

Seconded: Cllr. M Heins

RB9.2 URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER

RB9.2.1/15-04-2024 ACTING OF SENIOR MANAGEMENT

RESOLVED:

1. That Council:

- A. Appointed Mr Riaan de Ridder as acting Municipal Manager from 01 June 2024, until the fulltime Municipal Manager returns, but for a period not exceeding three months;
- B. In consultation with the municipal manager, appointed Mr N Smit on a contract to act in the vacant position of Chief Financial

Officer for a period not exceeding three months, or until the recruitment process for the CFO has been finalised, whichever occurs first; and,

C. Obtain approval from the MEC for Local Government in terms of the Act to extend the acting period.

Proposed: Cllr. F Kamfer

Seconded: Cllr. L Venter

RB9.2.2/15-04-2024 RECESS OF COUNCIL

RESOLVED:

- a) That RB8.1.13/04-04-2024 be rescind;
- b) That the recess period be 16 May 2024 until 05 June 2024; and
- c) Although in recess, that Councillors be available for any urgent matters that might arise.

Unanimous

RB9.3/31-03-2024 MATTERS FOR NOTIFICATION – IN COMMITTEE FOLLOWED

RB9.1.18/15-04-2024 IN-COMMITTEE UPDATE ON CLACKSON POWER SETTLEMENT DISCUSSION

RESOLVED:

- (1) Council noted that the Administration have implemented and achieved the goal of reaching a settlement as expressed in council agenda **Items RB7.1.11/24-11-2023** and **RB9.1.11/31-01-2024** re the **“CLACKSON POWER REPORT and SETTLEMENT DISCUSSIONS.”**
- (2) That Council noted and approved the proposed conditions of settlement reached as per in-principle settlement discussions between the municipality and Clackson Power as set out above in Paragraphs 2.3.1 to 2.3.10 and repeated below.
- (3) That the Administration reduce the in-principle settlement conditions to a signed settlement agreement as per conditions of settlement expressed above and repeated here for purposes of clarity:
 - CLACKSON to become an officially registered consumer on MUNICIPAL (SSEG) network – similar to other industrial clients on MUNIC network. Capacity 500kVA.

- A MUNICIPAL bi-directional meter is installed that measures power flow in both directions.
- Import power flows measured on bulk tariff from municipality - TBD
- Export power flows as per MUNICIPAL TARIFFS for industrial consumers – TBD
- MUNICIPALITY bills CLACKSON on monthly basis.
- CLACKSON account to be credited for imported power.
- The current meters installed on network between CLACKSON and MUNIC will act as check-up meter for proposed MUNIC meter that is to be installed.
- CLACKSON to produce monthly energy tables of energy distributed on its network.
- MUNICIPALITY cancels all claims against CLACKSON.
- CLACKSON cancels all claims against MUNICIPALITY.

(4) That a duly signed settlement agreement between the parties be submitted to the

Mayor and Speaker within two weeks of the adoption of this resolution by Council.

(5) That the signed settlement agreement consistent with the above conditions be formally ratified by Council at the earliest convenience.

(6) That the implementation of the conditions of the settlement agreement be monitored by the Municipal Manager who will report back to Mayco and Council on progress achieved.

Proposed: Cllr. M Bergh

Seconded: Cllr. L Venter

Counter Proposal: Cllr. F Kamfer

Seconded: Cllr. P Strauss

VOTE

FOR	AGAINST	ABSTAIN
4 - CE 2 - DA 1 - FF+	3 - ANC	-

RB9.1.19A/15-04-2024

**IN-COMMITTEE ELECTION OF ACTING SPEAKER FOR THE PURPOSE
OF THE FOLLOWING ITEM: GAP: FOURTH SUBMISSION**

RESOLVED:

- a) That Council elected Cllr. M Bergh as the acting Speaker for the purpose of the following item:

GAP: FOURTH SUBMISSION

Unanimous

RB9.1.19/15-04-2024

IN-COMMITTEE GAP FOURTH SUBMISSION

RESOLVED:

1. That an ad hoc Disciplinary Board be constituted in terms of Regulations 4(4) and 4(6) of the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings, no 430 dated the 30 May 2014.
2. That Council appoints persons to Regulation 4(6), including the following persons, to said ad hoc board:
 - 2.1. the head of the internal audit unit;
 - 2.2. one member of the Audit Committee;

- 2.3. Acting Municipal Manager/Director: Corporate and Community Services (representing the post of legal within Council);
 - 2.4. a representative of the National Treasury or the provincial treasury; and
 - 2.5. any other person as may be determined by the municipal council or board of directors, i.e. a representative from Sithole and Makomane attorneys.
3. That said ad hoc Disciplinary Board be constituted as soon as possible and provide their report to the next Council Meeting
 4. That said ad hoc Disciplinary Board investigates all allegations related to the GAP Council reports and all matters ancillary thereto, including but not limited to misrepresentations of fact during invoicing or alternative fraud.
 5. That said ad hoc Disciplinary Board makes recommendations to Council whether an act of financial misconduct has been perpetrated, as well as the persons responsible for said conduct.
 6. That said ad hoc Disciplinary Board also make recommendation whether the misconduct alleged is a breach of section 32 and 171 of the Local Government : Municipal Finance Management Act, 2003 (Act 56 of 2003).

7. That the ad-hoc Disciplinary Board constitute no later than 10 days of this Council resolution and no later than 23 May 2024, and that a report be ready by 30 May 2024.

Proposed: Cllr. J Van Heerden

Seconded: Cllr. R Richards

Counter Proposal: Cllr. F Kamfer

Seconded: Cllr. P Strauss

VOTE

FOR	AGAINST	ABSTAIN
4 - CE 2 - DA 1 - FF+	3 - ANC	-

RB9.1.20A/15-04-2024

IN-COMMITTEE ELECTION OF SPEAKER FOR THE PURPOSE OF THE FOLLOWING ITEM: ITEM 16: BREACH OF ITEM 2 OF SCHEDULE 7 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 (ACT 117 OF 1998) CODE OF CONDUCT FOR COUNCILLORS: JOHN HAYES

RESOLVED:

a) That Council elected Cllr. M Bergh as the acting Speaker for the purpose of the following item:

ITEM 16 : BREACH OF ITEM 2 OF SCHEDULE 7 OF THE LOCAL GOVERNMENT : MUNICIPAL

**STRUCTURES ACT, 1998 (ACT 117 OF 1998) CODE
OF CONDUCT FOR COUNCILLORS: JOHN HAYES**

Unanimous

RB9.1.20/15-04-2024

**IN-COMMITTEE ITEM 16: BREACH OF ITEM 2 OF SCHEDULE 7 OF
THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 (ACT
117 OF 1998) CODE OF CONDUCT FOR COUNCILLORS: JOHN HAYES**

RESOLVED:

1. That Council approved the completion of a preliminary investigation, by a suitably qualified person, in terms of the Code of Conduct for Councillors.
2. That the Municipal Manager be mandated to procure the services of a suitably qualified person in terms of the Supply Chain Management Policy of Council.
3. That the person appointed submit a complete report to Council on their findings and make recommendations to Council in terms of their findings.

Proposed: Cllr. J Van Heerden

Seconded: Cllr. M Heins

RB9.4/31-03-2024

CONSIDERATION OF MOTIONS OF EXIGENCY

- Geen / None

10. CLOSURE

- Meeting adjourned.

VOORSITTER / CHAIRPERSON

DATUM / DATE