



NOTULES VAN DIE / MINUTES OF THE

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

05 SEPTEMBER 2024

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SPECIAL COUNCIL MEETING OF THE CEDERBERG MUNICIPALITY, HELD ON

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**MINUTES OF THE URGENT SPECIAL COUNCIL MEETING OF THE CEDERBERG
MUNICIPALITY HELD ON 05 SEPTEMBER 2024**

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CIRCULATED AGAIN.**

PRESENT AND IN ATTENDANCE:

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

ABSENT WITHOUT APOLOGY:

- Cllr. W Farmer

1. OPENING

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

2. ELECTION OF (ACTING) SPEAKER, IF NECESSARY

- N/A

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3. OFFICIAL NOTICES, STATEMENTS AND COMMUNICATION BY THE SPEAKER

The Chair welcomed all present and a special welcome to the Mr. R Van Rooyen, the Executive Mayor of Bergriver. The Speaker also introduced everyone around the table.

3.1A INAUGURATION OF COUNCILLOR Y BLAAUW

RESOLVED:

- a) That Council took cognisance of:
 - 1. The inauguration of Cllr. Y Blaauw; and
 - 2. The speech by the newly elected Ward Councillor of Ward 2, Cllr. Y Blaauw.

4. APPLICATION FOR LEAVE OF ABSENCE

- Mr. R De Ridder: Director Technical Services (Attending a meeting with WCPG regarding funding for repairs of Citrusdal roads.
- Mr. H Witbooi (sick leave)

5. INTERVIEWS WITH OR PRESENTATIONS BY DEPUTATIONS

- Geen / None

6. STATEMENTS AND COMMUNICATION BY THE EXECUTIVE MAYOR

- Geen / None

**7. 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.

8. 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 an explanatory statement.

6. Length of speeches

- 6.1 A member may (unless authorised otherwise by the Speaker) only speak once to the matter and any amendments to that matter that is before the council;
 - 6.1.1 any motion before the council;
 - 6.1.2 to a matter or an amendment proposed or to be proposed by himself or herself;
 - 6.1.3 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.

8.1 RESOLUTIONS TAKEN BY COUNCIL

RB8.1.1/05-09-2024 THE WESTERN CAPE LIBRARY SERVICES BILL 2024

RESOLVED:

1. Council took note of the Western Cape Library services bill; and
2. That Council mandated the municipal manager to compile a submission, if needed, and submit same to the Western Cape library unit on or before 30 September 2024;
3. It further be noted that all input from Councillors be submitted directly to the office of the Municipal Manager.

Unanimous

RB8.1.2/05-09-2024 REPORT FROM WSP: LAMBERTS BAY DESALINATION PLANT

RESOLVED:

- a) That Council noted the update on the SWRO Desalination Plant in Lamberts Bay, and recommend further discussion on the way forward at a workshop arranged by the Executive Mayor which will take place on 17 September 2024.

RB8.1.3/05-09-2024 SOLID WASTE OPERATIONS

RESOLVED:

1. Council approved that Cederberg Municipality joins the African Circular Economy Network; and
2. That the Municipal Manager be mandated to formalize such an agreement at no cost to Council.

Proposed: Cllr. M Bergh

Seconded: Cllr. P Strauss

No Counter Proposals

**RB8.1.4/05-09-2024 LEASE ON NON-VIABLE PROPERTY FOR
CELLPHONE TOWER USAGE**

RESOLVED:

1. That the subject property in both attached agreements is not needed for the provision of basic municipal services;
2. That after Council considered the fair market value of the asset and the economic and community value for said asset, that Council approved the lease of said property, in the form of a three-year lease agreement, as included in Annexure A and B, in terms of legislation.
3. That the administration be mandated to sign said agreements and annually report to Council on leases applicable to cell phone towers.
4. That the administration also be mandated to negotiate with any legal person who has the intention to enter into a similar agreement, that the lease amount be established at R7000.00, inclusive of vat (per month) as fair market value to said rental;

5. That the administration also be mandated to negotiate access to any cellphone towers erected on municipal land, for own use as well as use for third party purposes.
6. In cases where third parties lease access to the cellphone towers, that a pro rata amount, equal to a third of the rental charged, be negotiated as compensation for Cederberg Municipal Council.

Proposed: Cllr. J Van Heerden

Seconded: Cllr. A Scheepers

No Counter Proposals

RB8.1.5/05-09-2024 EXTENSION OF A MUNICIPAL PLANNING TRIBUNAL MEMBER'S TERM

RESOLVED:

- a. That the Council took note of this report.
- b. That Council supported and approved the extension of the term of office for Mr Johan de Jongh for two years as our Municipal Planning Tribunal member.

Proposed: Cllr. A Scheepers

Seconded: Cllr. M Heins

No Counter Proposal

RB8.1.6/27-06-2024 IN-COMMITTEE - APPLICATION FOR WAIVER – TO OFFER MIDPOINT REMUNERATION TO THE NEWLY APPOINTED DIRECTOR FINACIAL SERVICES (CFO) – CEDERBERG MUNICIPALITY

RESOLVED

1. Council did not approve the application for a waiver in terms of the remuneration offered to the newly appointed Chief Financial Officer (CFO); and
2. Council mandated the municipal manager to offer the successful candidate for the Chief Financial Officer position the following remuneration package as prescribed in the Government Gazette, published on 30 May 2024 – Upper Limits of Total Remuneration Packages Payable to Municipal Managers and Managers Directly Accountable to Municipal Managers, Regulation 10:

*"a total cost at senior manager level, of **R913 969** per annum, + 7% rural allowance, amounting to a total remuneration package of **R988 646, 83**"*

Proposed: Cllr. M Bergh
Seconded: Cllr. J Van Heerden
No Counter Proposal

RB8.1.7/05-09-2024 IN-COMMITTEE - DEPARTMENT OF LOCAL GOVERNMENT ALLEGATIONS OF MALADMINISTRATION, CORRUPTION, FRAUD AND/OR SERIOUS MALPRACTICE AT THE CEDERBERG MUNICIPALITY

RESOLVED:

1. That the correspondence from Mr.Graham Pause (HOD Department : Local Government Western Cape) regards the forensic investigation and other investigations is noted.
2. That Council Rescind RB7.1.10/24-11-2023 point 5;
3. That Council allow the Bredell process associated with this matter to continue and undertake its own internal forensic investigation and use own funds as finance for the Forensic audit.
4. That the application submitted to HOD Department : Local Government Western Cape to finance/co-finance said forensic investigation must continue.
5. That the Municipal Manager is tasked to appoint a Forensic investigator in line with relevant SCM prescriptions.
6. That the CFO ensures that future adjustment budgets reflects the above.

Proposed: Cllr. J Van Heerden

Seconded: Cllr. Y Blaauw

No Counter proposals

RB8.2/05-09-2024 URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER

- Geen / None

RB8.3/05-09-2024 MATTERS FOR NOTIFICATION

- Geen / None

RB8.4/05-09-2024 CONSIDERATION OF MOTIONS OF EXIGENCY

- Geen / None

09. CLOSURE

- Meeting adjourned.

VOORSITTER / CHAIRPERSON

DATUM / DATE



SOUTH AFRICA

29 August 2024

Mr. G.F Matthyse
Municipal Manager
Cederberg Municipality

By email: mm@cederbergraad.co.za
cc: admin@cederbergraad.co.za

Dear Mr. G.F Matthyse

RE: BY-ELECTION OF 28 August 2024 – WARD 10102002

In terms of the Local Government: Municipal Structures Act, 1998, a vacancy was declared by the Municipal Manager for **Cederberg Municipality** in **Ward 10102002** and the MEC for Local Government proclaimed a by-election for the ward. The Electoral Commission then conducted the by-election on 28 August 2024 and the ward was won by Yves De Antonio Blaauw ID number 7804095079081 of the Democratic Alliance.

Accordingly, **YDA Blaauw** is hereby declared duly elected ward councillor effective on 28 August 2024.

Yours in the service of democracy

MICHAEL HENDRICKSE (Mr)
Provincial Electoral Officer
Electoral Commission: Western Cape

Electoral Commission

Ensuring Free and Fair Elections

Commissioners: Mr MS Moepya (Chairperson) | Ms JY Love (Vice-Chairperson) | Mr VG Mashini | Dr NP Masuku | Judge D Pillay
Western Cape Provincial Electoral Officer: Mr MA Hendrickse | The Bridge, 1st Floor, Unit 4, 304 Durban Road, Bellville, Cape Town
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