



NOTULES VAN DIE / MINUTES OF THE

RAADSVERGADERING VAN DIE CEDERBERG MUNISIPALITEIT SOOS GEHOU OP

28 NOVEMBER 2024

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COUNCIL MEETING OF THE CEDERBERG MUNICIPALITY, HELD ON

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**MINUTES OF THE COUNCIL MEETING OF THE CEDERBERG MUNICIPALITY HELD ON
28 NOVEMBER 2024**

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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 and opened the meeting with a moment of silence

2. ELECTION OF (ACTING) SPEAKER, IF NECESSARY

N/A

3. APPLICATIONS FOR LEAVE OF ABSENCE

- - Geen / None

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4. 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

5. CONFIRMATION OF MINUTES

RESOLVED:

a) That Council approved the following Minutes:

1. Council Meeting held on 26 August 2024;
2. Urgent Special Council Meeting held on 05 September 2024;
3. Urgent Special Council Meeting held on 29 October 2024; and
4. Urgent Special Council Meeting held on 11 November 2024.

Proposed: Cllr. Y Blaauw

Seconded: Cllr. L Venter

6 STATEMENTS AND COMMUNICATON BY THE CHAIRPERSON

- The Speaker communicated that a Clackson Power item is will be due for January 2025 and the matter will not be handled today.

RB06A/28-11-2024 RECESS PERIOD FOR COUNCIL

RESOLVED:

1. The Speaker ruled:

- a) That the Council recess period is from 13 December 2024 until 13 January 2025; and
- b) That Councillors be available should any urgent matters arise.

* *It be noted that the above ruling was made at the end of the meeting.*

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 took note and accepted the following reports from the Executive Mayoral Committee:
 - 1. MayCo Minutes of 02 September 2024, inclusive of the Portfolio Minutes for Support Services Meetings held on 17 April 2024 and 19 June 2024, Financial Services Meeting held on 19 June 2024 and the Technical Services Meeting held on 19 June 2024;
 - 2. MayCo Minutes of 25 September 2024; and
 - 3. MayCo Minutes of 29 October 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 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-
 - 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 to 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

RB9.1.1/28-11-2024 DEVELOPMENT CHARGE POLICY

RESOLVED:

- a) That Council noted the report.
- b) That Council accepted, approved, and adopted the proposed Development Charge Policy and subsequently repeals the BICL Policy 2019.

Proposed: Cllr. M Heins

Seconded: Cllr. L Venter

No Counter Proposals: None

RB9.1.2/28-11-2024 DWS HOUSING PROPOSAL ON ERF 357 CLANWILLIAM

RESOLVED

- a) That Council noted this report.
- b) Council approved to dispose of Council property for the proposed DWS housing opportunity in exchange for the construction of the Bypass Road in Clanwilliam.
- c) Council resolved that the assets on reasonable grounds are not needed to provide the minimum level of basic municipal services.
- d) The administration is mandated to commence with the disposal process, i.e. enter into an agreement with the Department of Water Affairs for the fair exchange of Council owned property.
- e) Council approved the commencement of the necessary processes to obtain development rights and subsequent approvals for the portions of Remainder Erf 357 Clanwilliam.

- f) Council approved the alienation of the identified portions of immovable land in terms of section 14 of the MFMA and the Asset Transfer Regulations as well as the Supply Chain Management Policy and any other related legislative requirements.
- g) Council considered the fair market value of the asset and the economic and community value to be received in exchange for the asset.
- h) That the administration be mandated to go ahead with the alienation of the identified portions of immovable land as per the determined fair market value.

Proposed: Cllr. L Venter

Seconded: Cllr. J Van Heerden

No Counter Proposals: None

**RB9.1.3/28-11-2024 MEMORANDUM OF AGREEMENT (MOA)
BETWEEN DEPARTMENT WATER AND SANITATION AND CEDERBERG
MUNICIPALITY**

RESOLVED:

- a) Cederberg Municipality declines the MOA arrangement with DWS; and
- b) That Cederberg Municipality retains control and ownership of the resort and access to the water.

Proposed: Cllr. L Venter

Seconded: Cllr. J Van Heerden

No Counter Proposals: None

RB9.1.4/28-11-2024 CLIMATE CHANGE PLAN 2024

RESOLVED:

- a) That Council noted the draft Climate Change Plan for Cederberg Municipality as part of the Municipal policy, procedures and documents.
- b) That Council approved of administrative procedures required for the public participation process to be followed including advertisements in the local newspaper.

Proposed: Cllr. Y Blaauw

Seconded: Cllr. L Venter

No Counter Proposals: None

RB9.1.5/28-11-2024 AIR QUALITY MANAGEMENT BY-LAW AMENDMENT

RESOLVED:

1. The Council noted the Amended Air Quality Management By-law for Cederberg Municipality;
2. That Council approved of administrative procedures required for the advertising and publication of the Amended Cederberg Municipality Air Quality Management By-law.

Proposed: Cllr. M Heins

Seconded: Cllr. L Venter

No Counter Proposals: None

RB9.1.6/28-11-2024 CLANWILLIAM UISP: GOLF COURSE PROJECT

RESOLVED:

1. Speaker ruled that the item be retracted.

RB9.1.7/28-11-2024 HOUSE SHOPS POLICY AND BY-LAW

RESOLVED:

1. Item was referred back to the Portfolio Committee, taking into account the National State of Disaster, announced by the President.

Proposed: Cllr. L Venter

Seconded: Cllr. Y Blaauw

Counter Proposals: None

**RB9.1.8/28-11-2024 QUARTERLY BUDGET INCLUSIVE OF TOP
LAYER SERVICE DELIVERY IMPLEMENTATION PLAN (SDBIP) AND SUPPLY
CHAIN MANAGEMENT REPORTS: JULY 2024 – SEPTEMBER 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 first quarter, and
 - c) Supply Chain Management Report for the first quarter.
- 2 That Council noted that the Service Delivery Budget Implementation Plan will be amended in line with these adjustments.

RB9.1.9/28-11-2024 DEVIATIONS FROM AND RATIFICATION OF MINOR BREACHES OF PROCUREMENT PROCESSES

RESOLVED:

1. Council, in terms of Section 36 of the Supply Chain Management regulations, took cognizance of the transactions for the months of August 2024, September 2024 and October 2024.

RB9.1.10/28-11-2024 AMENDED LANGUAGE POLICY REPORT TO COUNCIL

RESOLVED:

- 1 That Council notes and support the Constitution and laws relating to Language Policy;
- 2 That due to budgetary- and manpower constraints, Council will ensure that all policies are properly done in English;
- 3 That Council will advertise and promulgate all policies in English; and
- 4 That any required translation service should be done inhouse.

Proposed: Cllr. L Venter

Seconded: Cllr. Y Blaauw

No Counter Proposals: None

RB9.1.11/28-11-2024 CUSTOMER CARE POLICY AND RELATED DOCUMENTS

RESOLVED:

- a. That Council approved the Customer Care Policy for implementation.

Proposed: Cllr. L Venter

Seconded: Cllr. M Heins

No Counter Proposals: None

**RB9.1.12/28-11-2024
COUNCILLORS**

DECLARATION OF INTEREST OF

RESOLVED:

1. Council noted the Financial interests to be disclosed even if they incurred for only part of the year as per the Annual Report directive from National Treasury;
2. Council approved the code on the following basis:
 - a. The Disclosures Financial Interests Register to have a confidential part and a public part;
 - b. Confidential part –
 - i. The value of financial interests in a private or public company;
 - ii. The amount of any remuneration for any employment outside Council;
 - iii. The amount of any remuneration for any directorate or partnership;
 - iv. Address of private residence;
 - v. The value of any pension and any amount paid;
 - vi. Details of all financial interests of a member's spouse, dependents, child or permanent companion to the extent that a members is aware of.
 - vii. No person who has access to the confidential part of the Register, may disclose particulars of any entry in the confidential part except to the Speaker and the Municipal Manager, and also as part of a report in respect of an alleged irregularity or when a court so orders.
 - c. Public part –
 - i. All relevant details other than those in b (i-vii) above, of the registrable interests as for the public interest for disclosure;
 - Councillor name
 - Councillor status

- Political Party
 - Interests in shares and security company
 - Membership of any closed corporation
 - Interest in any trust
 - Directorships
 - Partnerships
 - Other financial interests in any business undertaking
 - Employment other than Cederberg Municipality
 - Interests in property
 - Pension
 - Subsidies, Grants and Sponsorships by any organisation
 - Interest in municipal contracts / suppliers
 - Gifts received above prescribed amount of R 350.00 for Municipal Manager and Directors
 - Gifts received above prescribed amount of R 1 000.00 for Councillors
- ii. Any person has access to the public part of the Register on a working day during office hours at the office of the Municipal Manager in terms of the application procedure as required by the provisions of the Promotion of Access of Information Act.
- d. Councillors, Municipal Manager and Directors to disclose the financial interests annually between 01 July and 30 June; and
- e. Any time when a material change occurs.

Proposed: Cllr. R Richards

Seconded: Cllr. L Venter

No Counter Proposals: None

**RB9.1.13/28-11-2024
TRUST**

ERF 357 CLANWILLIAM: TWEE RIVIERE

- *It be noted that a 5minute cuacus break was permitted before the resolution as taken.*

RESOLVED:

1. In terms of Portion 1,

A That Council acknowledged an oversight that occurred;

B That the Administration is mandated to handle the oversight and report back through the necessary platforms in this regard.

Proposed: Cllr. M Bergh

Seconded: Cllr. M Heins

And;

2 In terms of Portion 2,

A That Council declined the unsolicited bid to rent or hire the ±11.29ha (i.e. ±14ha - ±2.71ha).

Proposed: Cllr. M Bergh

Seconded: Cllr. M Heins

VOTE

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

RB9.1.17/28-11-2024 PORTFOLIO MEETINGS SCHEDULED FOR DECEMBER 2024

RESOLVED:

- a) That the scheduled Portfolio Meetings for 10 December 2024 be moved until further notice.

Proposed: Cllr. R Richards

Seconded: Cllr. L Venter

RB9.2 URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER

RB9.2.1/28-11-2024 APPOINTMENT OF ACTING MUNICIPAL MANAGER

RESOLVED:

1. Council approved the extension of the period for Mr. R De Ridder to act in the position of Municipal Manager from 16 December 2024 until the return of the Municipal Manager, Mr, GF Matthyse, or 31 January 2025, which ever occurs first.

Proposed: Cllr. M Bergh

Seconded: Cllr. L Venter

No Counter Proposals: None

**RB9.3/28-11-2024 MATTERS FOR NOTIFICATION – IN COMMITTEE
FOLLOWED**

**RB9.1.14/28-11-2024 IN-COMMITTEE – ERF 1349. LAMBERTS BAY –
ATLANTIC CAFÈ**

RESOLVED:

- i. That Council confirmed that Cederberg Municipality is the owner of Erf 1349.
- ii. That the Administration is mandated to take action to evict the current tenants and collect all outstanding monies; and
- iii. That legal and criminal action be taken against any person(s) purporting to collect rent money generated from this building on behalf of the Municipality
- iv. It further be resolved:
 - A: The Administration be mandated to provide a proposal to Council for 2 project teams which will be able to provide the following services to Cederberg Municipality:
 - o Debt Collection
 - o Contract Management

Proposed: Cllr. M Bergh

Seconded: Cllr. Y Blaauw

Counter Proposals: Cllr. P Strauss

**RB9.1.15/28-11-2024 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: CLLR.
MAXWELL HEINS**

RESOLVED:

- a) That Council appointed a Special Investigating Committee to study the merits of the complaint; and
- b) That the Special Investigating Committee comprise of the following Councillors:
 - Cllr. M Bergh
 - Cllr. W Farmer; and
 - Cllr. Y Blaauw

Proposed: Cllr. R Richards

Seconded: Cllr. Y Blaauw

Counter Proposals: None

**RB9.1.16/28-11-2024 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: CLLR.
LEONE VENTER**

RESOLVED:

- c) That Council appointed a Special Investigating Committee to study the merits of the complaint; and
- d) That the Special Investigating Committee comprise of the following Councillors:
 - Cllr. M Bergh
 - Cllr. W Farmer; and
 - Cllr. Y Blaauw

Proposed: Cllr. R Richards

Seconded: Cllr. Y Blaauw

Counter Proposals: None

RB9.4/26-08-2024 CONSIDERATION OF MOTIONS OF EXIGENCY

- Geen / None

10. CLOSURE

- Meeting adjourned.

VOORSITTER / CHAIRPERSON

DATUM / DATE