



NOTULES VAN DIE / MINUTES OF THE

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

14 FEBRUARIE / FEBRUARY 2025 @ 10h00

.....

SPECIAL COUNCIL MEETING OF THE CEDERBERG MUNICIPALITY, HELD ON

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CIRCULATED AGAIN**

MINUTES OF THE SPECIAL COUNCIL MEETING OF THE CEDERBERG MUNICIPALITY
HELD ON 14 FEBRUARY 2025

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CIRCULATED AGAIN.**

PRESENT AND IN ATTENDANCE:

Cllrs., Hayes, Richards, Mouton, Van Heerden, Bergh, Heins; Scheepers, Strauss;
Engelbrecht.

ABSENT WITHOUT APOLOGY:

- Geen / None

1. OPENING

- The Chairperson welcomed all present and cautioned the gallery of behaving in an orderly manner for the duration of the meeting. The Speaker asked for a moment of silence

2. ELECTION OF (ACTING) SPEAKER, IF NECESSARY

- This item was not mentioned and skipped by the Chairperson.

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3. APPLICATION FOR LEAVE OF ABSENCE

- Cllr. Y Blaauw (Leave – pertaining to medical reasons)
- Mr. H Witbooi (Leave – pertaining to medical reasons)

4. NOTICES, STATEMENTS AND COMMUNICATION BY THE SPEAKER

A: The Speaker stated the following:

Firstly, it appears that there is a widespread perception that the Municipality Administration is hindered due to a conflict with the Speaker. I want to emphasise that the Speaker is not part of the Executive, which is responsible for the Administration's operations, including Mayoral Committees. I specifically inquired whether there were any issues that needed to be addressed at the general Council Meeting, and no one indicated that there were unresolved matters from the Mayoral Committee, requiring approval. The Speaker has an oversight role over the Executive and is responsible for the legislative aspects of the Council's meetings. Therefore, the Executive should be able to carry out its normal functions. However, a communication breakdown between the Mayor and the Speaker has resulted in numerous administrative problems, particularly concerning applications and requests for the Special Meeting.

I'd like to summarise the situation. The Mayor has submitted a request for a Special Meeting for the fourth time. In the first instance, the individuals on the right did not attend for their own reasons but later realised that the second motion they proposed did not adhere to the Rules of Order, as it was not submitted within the required six days notice. The second application was made on the 31st, followed by another request for an Urgent Special Council Meeting, which I denied due to a lack of supporting documentation or proof of urgency. Then, there was a motion for Council to vote on compelling the Speaker to hold today's meeting. For today's meeting, I informed the Municipal Manager, to proceed with the meeting, on Monday, after reviewing the request on Friday. If we had discussed the agenda earlier, I would have informed the Mayor that according to the Rules of Order, only motions can be considered at a Special Council Meeting, where applicable. Therefore, points 5.1.3

and 5.1.4 cannot be addressed today; the only matters that can be discussed in Council today are 5.1.1 and 5.1.2, if they are applicable.

Let me take you back to 2022, when the former Speaker, Max Heins, stated that you ruled against our current Mayor, who was then the leader of the coalition, determining that the motion did not meet the necessary criteria. Consequently, you classified the motion as defective and ruled that it could not be reintroduced within the three-month period. Is that correct? Ultimately, the DA pursued legal action against the Speaker, which was postponed on an urgent basis, but we can overlook that for now.

5. 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 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.

5.1 RESOLUTIONS TAKEN BY COUNCIL

SEQUENCE OF EVENTS - VERBATIM

Speaker J Hayes:

I would like to refer you back to the resolution. I specifically requested the secretary to provide you all with an official transcript of the Special Council Meeting that took place on January 31st, and I stated that my ruling was as follows:

I ruled: **that the motion is defective; it did not comply with our Rules of Order, and therefore it is considered defective and does not carry.**

The key difference between my ruling and that of Speaker Max Heins, is that in 2022, the motion was never presented before the Council. He made his decision without the motion being served. However, on January 31st, the motion was indeed served before the Council.

53.14 of the Rules states and as read out by the Speaker:

If the motion to remove from office is not carried, no motion forwarding the same allegations may be put before the Council until a period of three months has lapsed, unless the Council directs otherwise.

So, my ruling now, is that: the motion did serve on the 31st of January 2025 and as stated in the resolution I've signed, the motion did not carry; and the ruling today, that the motion cannot be served again until a period of three months has lapsed according to 53.14.

That concludes the matter for the day.

Executive Mayor:

Just to clarify, do I understand correctly that the business of the day is concluded based on the ruling you just provided?

Speaker: Yes.

Executive Mayor: Alright, then Speaker, with your permission, I would like to request that the Municipal Manager preside over the meeting in accordance with rule 53.5 of our Rules of Order, as well as section 29(1) of the Municipal Structures Amendment Act, which was published in Government Gazette 44647 on June 1, 2021. This is necessary since the Speaker has confirmed his unwillingness to address the Agenda as requested by the majority of Councillors.

On request of the Speaker, the Mayor repeated the following:

Executive Mayor: According to Rule 53.5 of the Rules of Order and Section 29(1) of the Municipal Structures Amendment Act, as published in Government Gazette 44647 on June 1, 2021, we are requesting that the Municipal Manager preside over this matter. To gauge support, I would like to ask the majority of Councillors to indicate, by a show of hands, whether they are in favour of what I just proposed.

53.5 of the Rules of Order

(a) If the Speaker is absent, unavailable, unwilling or unable to chair the special Council meeting, the Municipal Manager or a person designated by the Provincial Minister if the Municipal Manager is absent, unavailable, unwilling or unable, must preside at the election of an Acting Speaker in accordance with section 36(3) of the Structures Act.

(b) The Acting Speaker may only preside over the special Council meeting concerned

Section 29(1) of the Municipal Structures Amendment Act

Amendment of section 29 of Act 117 of 1998, as amended by section 3 of Act 20 of 2002, section 9 of Act 2 of 2003 and section 11 of Act 55 of 2008 14. Section 29 of the principal Act is hereby amended by the insertion of the following subsection after subsection (1):
“(1A) If the speaker or acting speaker refuses to call a meeting of the council as requested in terms of subsection (1), the municipal manager, or in the absence or refusal by the municipal manager, a person designated by the MEC for local government in the province, may call and chair the meeting.”

The following observation was made that the following Councillors raised their hands to the Mayor’s proposal:

1. Cllr. R Richards
2. Cllr. M Bergh
3. Cllr. J Van Heerden
4. Cllr. M Heins
5. Cllr. A Mouton
6. Cllr. P Strauss
7. Cllr. A Scheepers

Speaker: Mayor, as I mentioned earlier, we will only be discussing the motion. Ruling 53 states the following:

(a) If the Speaker is absent, unavailable, unwilling or unable to chair the special Council meeting...

The Speaker continued by informing the house:

“The Speaker is present, the Speaker is available, the Speaker is willing, and the Speaker is able, and the Speaker just made a declaration about the motion, and he read and the Speaker ruled. So, the Speaker is here. If I wasn’t here, then I would have shared in your reasoning.”

Verbatim on how the meeting proceeded:

Executive Mayor: "I asked you to clarify, earlier. You've made a ruling when I asked that if the meeting is now over, and you said yes. In other words, the meeting is adjourned."

Speaker: "No. I said the discussion is over. Mayor, If I had said the meeting is adjourned, I would have stood up and left."

Executive Mayor: "Could you repeat your ruling because I asked you to clarify. Are we proceeding with the motion?"

Speaker: "No, I'm clarifying your questions."

On response to the Mayor, the Speaker proceeded as follows:

"Okay Mayor. As I've ruled, according to Rule 53.14:

- Penned down as read out by the Speaker:

If the motion to remove from office is not carried, no motion forwarding the same allegations may be put before the Council until a period of three months has lapsed...

So in a previous meeting 31st of January 2025, we had a meeting, the motion did serve, the resolution was that the motion was defect and for that reason the motion did not carry.

Today I ruled: 'Because the motion did not carry on the 31st of January 2025, the ruling of 53.14 is applicable that no motion for the same allegation may be put before a Council until a period of three months has lapsed. That is my ruling.'

Summarised debate between Speaker Hayes and the Executive Mayor, Cllr. Richards:

The debate between the Executive Mayor and Speaker, discussing the rulings made at a Special Council Meeting on 31 January 2025, and 14 February 2025 and also the Agenda items, requested by the majority of Councillors.

The following statements emanated from the debate:

The Speaker asserted that:

- his ruling concerning the 'Motion against the Speaker, J Hayes, was concluded and that in terms of Rule 53.14, it cannot serve for a period of three months.
- The motion for today's (14/02/2025) meeting, is denied.

The Executive Mayor sought clarification on the ruling and whether the Speaker, at this stage – after making his ruling and stated that the business is concluded, is adjourning the meeting. On this clarification the Speaker informed the Mayor that he is not adjourning the meeting at this stage as he was allowing further discussions.

Municipal Manager's view on the definition of 'carry'

The discussions did continue whereas the Municipal Manager gave his view on the ruling made by the Speaker on 31 January 2025 which also stated that the motion did not carry. The Municipal Manager's view:

The Municipal Manager (MM) addressed the Speaker regarding the concept of an item being "carried." He explained that for an item to be considered carried, it must be served, discussed, and voted on. He argued that if a meeting is ruled to not discuss an item based on technicalities, then it cannot be deemed as having not carried, as it was not given the opportunity to serve. The three-month rule is irrelevant unless there is a discussion on the item. The MM advises the Speaker to seek legal opinion on the matter, stating that his intention is to provide impartial guidance. He has also communicated with the Minister about the ongoing situation and noted the presence of a SALGA representative for observation. Furthermore, he mentioned that if

the majority of the Council determines that the item did not carry, that decision must be respected.

He stated that he believes the meeting cannot be closed based solely on the specific clause and insists that there should be a legal basis for the decision. He expressed a desire to avoid legal disputes that would waste taxpayer money and maintain that the item did not carry, which is the reason for reconvening as directed by the majority of Councillors.

The Municipal Manager (MM) expressed confidence in his understanding and application of various legal frameworks, including the Municipal Structures Act, the Municipal Structures Amendment Act, and the Municipal Systems Act. He reiterated his comfort with specific provisions and rules of order while emphasising the role as a Speaker and Accounting Officer, stating that he must act in the public interest.

He referenced the following:

Dhlamini and Another v City Manager of The City of Ekurhuleni

The court review and set aside. emphasizing that City Manager or Municipal Manager is expected to be an enforcer of the Constitution and to resist political pressure to act unconstitutionally.

As the Accounting Officer, it is his responsibility to uphold the Rules and legal provisions of the Constitution, particularly regarding democratic principles and majority rule. Therefore, he urged the Speaker, to reconsider and reflect on this matter.

Speaker's response on the Municipal Manager's view:

The Speaker responded by stating that he already issued his ruling and is just responding to the MM's question. He then referenced Part One (2) and (3) of the Rules of Order:

2. SUPPLEMENTATION

Should any matter arise in relation to meetings that are not addressed by these rules, the Speaker may provide a ruling with no further discussion allowed in respect of the matter. Such ruling shall be minuted.

3. INTERPRETATION OF RULES

3.1 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.

The Speaker mentioned that the above referencing (Part one (2) and (3)) means that anyone can proceed in taking his ruling, on review.

The Executive Mayor addressed the Speaker and Municipal Manager:

The Mayor continued the discussion, stating, with the Speaker's permission, that the majority of Councillors requested the Speaker to step down and allow the Municipal Manager to appoint an Acting Speaker in accordance with Section 29(1). The Mayor emphasised that the Speaker cannot lead the meeting due to a prior ruling from January 31, which deemed his position illegitimate. Additionally, the Mayor expressed gratitude for the Speaker's decision to permit the discussion, highlighting it as evidence of the Speaker's refusal to follow the agenda requested by the majority. The Mayor reiterated the call for the MM to preside as per rules 53.5 and the Structures Amendment Act, citing the Speaker's clear reluctance to address the majority of Councillors request.

Final remarks by Speaker, J Hayes

Speaker John Hayes stated that he properly convened and concluded the meeting, and therefore, there is no need for the Municipal Manager or anyone else to continue. He announced the meeting's adjournment and indicated that it is within their rights to review his ruling, marking the end of the discussion.

Speaker J Hayes stood up from his chair/seat and proceeded to leave the Council Chambers, but stood still half way to the exit.

The Executive Mayor urged the Municipal Manager to appoint an Acting Speaker, as requested by the majority of Councillors, to enable the Council to move forward with its business.

The Municipal Manager proceeded by announcing that by the powers vested in him as the Accounting Officer, he would preside over the meeting and used his authority to appoint an Acting Speaker to continue the proceedings. The Municipal Manager also expressed confidence in his decision, citing clarity in the Municipal Systems Act.

At this stage Speaker J Hayes exited the Council Chambers together with Cllr. J Engelbrecht.

The Municipal Manager continued and emphasised the importance of acting in the public's interest, acknowledging potential legal challenges ahead. He expressed regret over the situation but moved to open the floor for nominations for an Acting Speaker to continue the Council's business according to the Rules of Order.

RB5.1.1A/14-02-2025 ELECTION OF AN ACTING SPEAKER

The Majority of Councillors resolved by a show of hands that the Municipal Manager must facilitate the election process for an Acting Speaker

RESOLVED:

- a) That Councillor M Bergh be elected as the acting Speaker in the absence of the Speaker, Cllr. John Hayes.

Proposed by: Cllr. A Scheepers

Seconded by: Cllr. M Heins

No Counter Proposals

The motion received unanimous approval from the majority of Cederberg Councillors, as recorded below:

- Cllr. P Strauss
- Cllr. A Scheepers

- Cllr. M Heins
- Cllr. A Mouton
- Cllr. J Van Heerden
- Cllr. M Bergh
- Cllr. R Richards

The Municipal Manager proceeded to step down as facilitator of the process of electing an Acting Speaker and the Acting Speaker, Cllr. M Bergh proceeded as the Chairperson.

RB5.1.1/14-02-2025 MOTION OF NO CONFIDENCE AGAINST SPEAKER JOHN HAYES

RESOLVED

- a) It is noted that:
1. The Motion of No Confidence (MONC) against Speaker John Hayes has been introduced by Councillor P Strauss;
 2. The Acting Speaker informed the Council that Councillor Hayes chose to leave the Council Chambers, and therefore, could not defend himself against the accusations made against him.
- b) The motion of no confidence against Speaker John Hayes is hereby accepted:
- c) It is further noted that the position of Speaker, as mentioned in point b, is now vacant:

Proposed: Cllr. P Strauss

Seconded: Cllr. M Heins

- The motion was accepted unanimously by the majority of Councillors with 7 votes in favour and no counter proposals.

RB5.1.2/14-02-2025 ELECTION OF SPEAKER

Due to the position of Speaker being declared vacant, the Acting Speaker, Cllr. M Bergh facilitated the election process for the new Speaker.

RESOLVED:

- a) It is noted that:
 - (i) Only 1 nomination for the position of Speaker was received;
 - (ii) **The nominee was Proposed** by Cllr. A Mouton and **Seconded** by Cllr. A Scheepers;
- b) Given that there was only 1 nomination and it was unopposed, Cllr. M Heins is hereby declared the newly elected Speaker of Cederberg Municipality.

Additionally, it is resolved that:

- c) That Council notes the speech delivered by the newly elected Speaker, Cllr. M Heins.

Proposed: Cllr. A Mouton


Seconded: Cllr. A Scheepers

No objections were raised.

06. CLOSURE

- The Speaker Ruled: That an additional date for a Special Meeting will be communicated to handle the additional items on the Agenda.

- Meeting adjourned.



VOORSITTER / CHAIRPERSON

DATUM / DATE

3 February 2025

Clanwilliam

Attention: John Hayes

Speaker of Cederberg Municipal Council

Copy: MM (Gerrit Matthyse); Graham Paulse (HOD – DLG, Western Cape government)

SUBJECT: MONC AND 29(1) REQUEST SUBMITTED ON 31 JANUARY 2025

Dear Speaker (John Hayes)

We as the majority of Councillors hereby confirm having submitted a request on the 31st of January 2025 in terms of the provisions of Section 29(1) of the Municipal Structures Act as amended.

The said notice calls upon you to call a meeting on the 14th of February 2025 to consider the motion attached hereto.

We hereby request confirmation from you, in terms of the time frame prescribed by the Rules of Order, that the meeting will convene on the date and time set out in the notice.

We wait to hear from you.

Sincerely



CLlr Ruben Richards (on behalf of the majority of councillors)

Annex 1 – Motion of No Confidence

Date: 31 January 2025

To: The Municipal Manager
Cederberg Municipality
Private Bag X2
Clanwilliam
8135
mm@cederbergmun.gov.za



To: Cllr John Hayes
The Speaker
Cederberg Municipality
Private Bag X2
Clanwilliam
8135
johnhayes@gmail.com admin@cedergraad.co.za

MUNISIPALITEIT CEDERBERG						
LEER OOR	DATUMS ERKEN					
VUNWE MA	ISA	WISA	HUY	WISA	WISA	WISA
<i>M.M.</i>		✓				
<i>Speaker J.H.</i>		✓				

Subject: Notice of MOTION OF NO CONFIDENCE to remove the Speaker of Cederberg Municipality in terms of Section 53 of the Rules of Order as adopted by Cederberg Council on 31 August 2023

Kindly take note that we, the undersigned councillors, hereby give notice of a motion of no confidence to remove Councillor John Hayes as Speaker of Cederberg Municipality at a special meeting of council to be held 14 February 2025 at 09h00 in Clanwilliam Council Chambers.

The motion is submitted in terms of the provisions of Section 40 of the Local Government Municipal Structures Act 117 of 1998 and regulations as well as Section 53 of the Rules of Order for Council and its Committees of Cederberg Municipality as adopted by Council on 31 August 2023.

MOTIVATION: THE MOTION OF NO CONFIDENCE IS BASED ON THE FOLLOWING:

1. The cumulative actions and decisions of the Speaker, Cllr Hayes, has caused us to lose confidence in the Speaker, including but not limited to the various disclosures made on Facebook, and the spurious and unlawful rulings made at various council meetings.
2. Therefore, the Speaker has failed to comply to fulfil his duties, obligations, and responsibilities as an elected representative of the community of the Cederberg

M.H. *[Signature]* A.M.

Municipality. He has misused his power and the resources entrusted to the leadership of the municipality and should be removed forthwith.

Duly signed on 21/01/2025 Place Clanwilliam

(Mover of the motion)
P.L. STRAUSS *P.L. Strauss*

(Seconder of the motion)
R.R. RICHARDS *R.R. Richards*
Azriaal Scheepers *Azriaal Scheepers*
Maxwell Heins *Maxwell Heins*

CEDERBERG
MUNICIPALITEIT / MUNICIPALITY
UMSIPALA
09 JAN 2025
RECEIVED
CLANWILLIAM
Signature: *Dalany*

MUNISIPALITEIT CEDERBERG					
LEER NR	DIETVAKOD ERKEN				
VERMOEDER	AG	NS	ST	GE	DOET
M.M.	✓				
Speaker J.H.	✓				

Annex 2 – 29(1) Request

Date: 31 January 2025

To: The Municipal Manager
Cederberg Municipality
Private Bag X2
Clanwilliam
8135
mm@cederbergmunicipality.gov.za

MUNISIPALITEIT CEDERBERG						
VERWYSKA	PER	WYN	MAN	ADRES	LEWES	
M.M.	✓					
Coekel JH	✓					



To: Cllr John Hayes
The Speaker
Cederberg Municipality
Private Bag X2
Clanwilliam
8135
johnhayes@gmail.com admin@cedergraad.co.za

REQUEST FOR URGENT SPECIAL COUNCIL MEETING in terms of Section 29(1) of the Structures Act

We, the majority of councillors of the Cederberg Municipality hereby request a special council meeting to be held on 14 February 2025 at 09h00 in Clanwilliam Council Chambers to address the following motion and matters:

1. Motion of No Confidence against Speaker John Hayes
2. Election of a new Speaker
3. Election of Deputy Mayor
4. Election of MPAC Chairperson

We hereby request an acknowledgement of receipt of the above request. Thank you for your prompt attention.

[Signature]
JW van Gierden

Date: 31-01-2025

[Signature] R.R. RICHARDS

Date: 31-1-25

[Signature] P.T. STRAUS

Date: 31/01/2025

[Signature] Azrial Scheepers

Date: 31/01/2025

[Signature] Marnold Heins

Date: 31/01/2025

[Signature] Andre' Mantu

Date: 31/01/2025

..... Date:

Annex 3 - Extract from Rules of Order as adopted by council on 31 August 2023

53.3 The Speaker must, upon receipt of a motion to remove from office—

(a) forthwith send a copy to the Municipal Manager and the Executive Mayor, if applicable; and

(b) if the motion complies with the requirements set out in this rule and the Structures Act—

(i) convene a special Council meeting on the date and at the time set out in the motion and at a venue or using a platform determined by the Speaker; and

(ii) inform the Municipal Manager of the date, time and venue or platform.

53.4 (a) If the Speaker, for whatever reason, fails to convene the special Council meeting in terms of sub-rule (55.3) within one working day from receipt of the motion, the Municipal Manager must convene the special Council meeting on the date and at the time set out in the motion and at a venue or using a platform determined by the Municipal Manager.

(b) If the Municipal Manager, for whatever reason, fails to convene a special Council meeting in terms of paragraph (a) within one working day of the failure by the Speaker, a person designated by the Provincial Minister must convene the special Council meeting on the date and at the time set out in the motion and at a venue or using a platform determined by such person.

OFFICIAL TRANSCRIPT: SPECIAL COUNCIL MEETING 14 FEBRUARY 2025 @ 09H00

IN THE COUNCIL CHAMBERS OF CEDERBERG MUNICIPALITY

01		OPENING AND WELCOMING RB01/14-02-2025	
1.1	Speaker: Cllr. J Hayes		A. Jessica is jy reg?
1.2	Secretariate: Miss J Cloete		A. Ja Speaker.
1.3	Speaker: Cllr. J Hayes		A. Good morning, everybody. Mōre.. Die wat in die gallery is, asb. stilte. Enige oproerigheid sal julle gevra word om die Raadsaal te verlaat. Dit was nog nooit nodig nie, en ek wil 'n rustige vergadering hê. Kan ons net die oë sluit vir 'n wyle... net vir 'n oomblik. Dankie.
03		APPLICATIONS FOR LEAVE OF ABSENCE RB03/14-02-2025	
3.1	Speaker: Cllr. J Hayes		A. Raadslid Farmer en Raadslid Blaauw, het verskoning gemaak om mediese redes. Enige ander verskonings?
3.2	Secretariate: Miss J Cloete		A. Geen Speaker.
04		NOTICES, STATEMENTS AND COMMUNICATION BY THE SPEAKER RB04/14-02-2025	
4.1	Speaker: Cllr. J Hayes		A. At today's meeting, I did gave the MM notice to proceed with the meeting... on Monday, after receiving the request on Friday.

4.2			<p>A. I need to make a statement first.</p> <p>B. 1st of all, it seems that the perception out there is that the Municipality Administration is paralysed because there is an issue with the Speaker. I would just like to put the emphasis on: that the Speaker is not part of the Executive. The Executive is responsible for the function of the Administration. The Executive is responsible for (inaudible) Mayoral Committees. I specifically asked if there is any issues that need to be discussed at the general Council Meeting. Nobody said that there was no issues from the Mayoral Committee that need to be approved by the Council Meeting. The Speaker has got an oversight role over the Executive and the Speaker do the meeting part, the legislative part of Council. So, the Executive can continue with its normal duties, but unfortunately there is a communication break between the Mayor and the Speaker that leads to a lot of administrative issues, especially regarding applications and requests for the Special Meeting.</p>
4.3			<p>A. Before I go any further, Jessica just correct the word, urgent, need to be removed from the Agenda.. uhm.. on the papers.</p>
4.4			<p>A. I just want to sum it up. The Mayor applied... This is now the 4th application, a request for a Special Meeting.</p> <p>B. The 1st one, the people on the right-hand side, they didn't arrive for it, for their own reasons; but they realised that the motion, the 2nd motion that they introduced, did not apply by the Rules of Order as it was not within the 6 days of notification.</p>

C. The 2nd one was done on the 31st, and there was another request for an Urgent Special Council Meeting which I denied on the basis that there was no letter or proof of urgency.

D. Then there was a request for Council to make a vote to compel the Speaker to have today's meeting.

E. The... if we had discussed the Agenda then I would have told the Mayor that according to the Rules of Order, it's only the motion that can serve on a Special Council Meeting, where a motion is applicable. So, point 5.1.3 and 5.1.4 is not gonna serve today, because the only matters that can serve before Council today, is 5.1.1 and 5.1.2, if it is applicable.

F. I can just take you back to 2022 when the then Speaker, Speaker Max Heins expressed then... you ruled against our current Mayor, then, the leader of the coalition, that the motion did not pass the merits and thus, the rule that the motion is defective and after that, on that basis you ruled that the motion could not be served again within the three months period. Is that correct? In the end, the DA took the decision of the Speaker to court; which was deferred on an urgent basis but let's forget about that.

G. So, lets get back to the matter of the day, its 5.1 It's the items for discussions by the majority of Councilors and I've just said the 5.1.3 and 5.1.4 will not serve.

5.1.1		<p style="text-align: center;">MOTION OF THE NO CONFIDENCE RB5.1.1/14-02-2025</p>
5.1	<p>Speaker: Cllr. J Hayes</p>	<p>A. I'll take you back to the resolution, I specifically asked the secretary, to give you all an official transcript of the Special Council Meeting that was held on the 31st of January and which states that the ruling was as follows:</p> <p>B. I ruled that the motion is defect, it didn't comply. It is not complying with our Rules of Order and on that basis it is defect and it does not carry.</p> <p>C. So the difference between my ruling and that of Speaker Max Heins was, that in 2022 the motion never served before Council. He made the decision without the motion being served.</p> <p>D. On the 31st of January the motion did serve before Council.</p> <p>E. 53.14 of the Rules of Order states:</p> <p><i>If the motion to remove from office is not carried, no motion forwarding the same allegations may be put before the Council until a period of three months has lapsed, then is says: unless the Council directs otherwise.</i></p> <p>F. So, my ruling now, is that the motion did serve on the 31st of January 2025 and as stated in the resolution I've signed, the motion did not carry; and the ruling today, is that that the motion cannot be served again until a period of three months has lapsed, according to 53.14.</p> <p>G. That concludes the matter for the day.</p>

5.2	Executive Mayor Cllr. R Richards		A. Speaker, may I?
5.3	Speaker: Cllr. J Hayes		A. Mayor, you may.
5.4	Executive Mayor Cllr. R Richards		A. Did I understand you correctly, that the business of the day is concluded based on the ruling you had just given.
5.5	Speaker: Cllr. J Hayes		A. Yes.
5.6	Executive Mayor Cllr. R Richards		A. Okay, then Speaker, with your permission, I would like to request that the MM according to rule 53.5 of our Rules of Order as well as provided for in section 29(1) of the Municipal Structures Amendment Act, as was published in the Government Gazette 44647 of 01 June 2021. The MM preside as the Speaker has now confirmed his unwillingness to handle the Agenda as requested by the majority of Councillors.
5.7	Speaker: Cllr. J Hayes		A. Sorry, just repeat the rule?
5.8	Executive Mayor Cllr. R Richards		A. Rule 53.5 of the Rules of Order and Section 29(1) of the Municipal Structures Amendment Act, as was published in the Government Gazette nr.44647 on 01 June 2021. We are then asking the MM to preside and if it helps at all I would like to ask the majority of Councillors, just by a show of hands, as to whether or not they are in favour of what I've just said.
5.9	Speaker: Cllr. J Hayes		A: Mayor as I've said, it is only the motion that is gonna be discussed. B: Ruling 53 read as follows:

				<p>If the Speaker is absent, unavailable, unwilling or unable to chair the Special Council meeting ...</p> <p>C: The Speaker is present, the Speaker is available, the Speaker is willing, and the Speaker is able and the Speaker just made a declaration about the motion and he read and the Speaker ruled. So, the Speaker is here. If I wasn't here, then I would have accepted your reasoning</p>
5.10	Executive Mayor Cllr. R Richards			A. Speaker if I may. with your permission.
5.11	Speaker: Cllr. J Hayes			A. You may.
5.12	Executive Mayor Cllr. R Richards			A. I asked you to clarify, earlier. You've made a ruling when I asked that if the meeting is now over, and you said yes. In other words, the meeting is adjourned.
5.13	Speaker: Cllr. J Hayes			A. No. I said the discussion is over. Mayor, if I've said the meeting is adjourned, I would have stood up and left.
5.14	Executive Mayor Cllr. R Richards			A. Could you repeat your ruling because I asked you to clarify. Are we proceeding with the motion?
5.15	Speaker: Cllr. J Hayes			A. No, I'm clarifying your questions.
5.16	Executive Mayor Cllr. R Richards			A. I see. Nou is ek bieffie deurmekaar. MM perhaps just help... maybe it's just a language issue. Perhaps just repeat your ruling Speaker, maybe that would help us.

5.17	Speaker: Cllr. J Hayes		<p>A. Okay Mayor. As I've ruled, according to Rule 53.14: If the motion to remove from office is not carried, no motion forwarding the same allegations may be put before the Council until a period of three months has lapsed...</p> <p>B. So, in a previous meeting, 31st of January 2025, we has a meeting, the motion did serve, the resolution was that the motion was defect and for that reason the motion did not carry.</p> <p>C. Today I ruled: 'Because the motion did not carry on the 31st of January 2025, the ruling of 53.14 is applicable that no motion for the same allegation may be put before a Council until a period of three months has lapsed.' That is my ruling.</p>
5.18	Executive Mayor Cllr. R Richards		<p>A. On the basis of that, you are declaring this meeting adjourned?</p>
5.19	Speaker: Cllr. J Hayes		<p>A. I didn't adjourn the meeting, I said: "and that is it", "that is done". The motion is done. That is my ruling. My ruling is done. I've made my ruling and my ruling is final.</p> <p>B. What part of the ruling is there, that you don't understand.</p>
5.20	Executive Mayor Cllr. R Richards		<p>A. Speaker what I don't understand is the effect of your ruling is that therefore this meeting is over, because the purpose of this meeting is to process the motion of no confidence against the Speaker.</p>

				<p>B. The Speaker is now saying that motion is not going to serve because I've made a ruling, it cannot serve for 3 months.</p>
5.21	Speaker: Cllr. J Hayes			<p>A. It's denied, yes.</p>
5.22	Executive Mayor Cllr. R Richards			<p>A. It's denied, therefore the business of Council is concluded, its ended, its finished. Is that how I understood it?</p>
5.23	Speaker: Cllr. J Hayes			<p>A. Yes and at the moment I am entertaining you as a Counter argument.</p>
5.24	Executive Mayor Cllr. R Richards			<p>A. I'm not doing a counter argument Speaker. I'm doing it for clarification. I'm on record and I want to place it on record again with you that we acknowledge that as the Speaker, it is your prerogative to make a ruling. We just want to understand clearly what the ruling is so that we are all on the same page. So my understanding is you rule that the motion cannot serve for three months, therefore this motion that we have in the pack for discussion today, is not going to serve?</p>
5.25	Speaker: Cllr. J Hayes			<p>A. The motion is denied.</p>
5.26	Executive Mayor Cllr. R Richards			<p>A. The motion is denied?</p>
5.27	Speaker: Cllr. J Hayes			<p>A. Because of rule 53.14</p>
5.28	Executive Mayor Cllr. R Richards			<p>A. So therefore, this meeting is then done according to you? Is that correct Speaker?</p>

5.29	Speaker: Cllr. J Hayes		A. No, my ruling is done and at the moment we are having a discussion to explain that you understand my ruling.
5.30	Executive Mayor Cllr. R Richards		A. So Speaker, then let me indicate that the majority of Councillors do not accept your ruling as it was illegitimate to proceed with the meeting of 31 January. I just place it on records with you. I don't want to debate it with you today. I want to understand the impact of your ruling today. If you are saying the motion cannot serve, as you've said.... dan is die vergadering mos nou klaar. Is dit nie?
5.31	Speaker: Cllr. J Hayes		A. Not yet, we are still in discussion until I've decided that I'm not going to allow any more questions from you.
			[gallery laughing]
5.32	Executive Mayor Cllr. R Richards		A. Okay, then I'm listening to you.
5.33	Speaker: Cllr. J Hayes		A. No, I'm waiting for you. I will reply. Do you want to read into the record, that?
5.34	Executive Mayor Cllr. R Richards		A. Yes. So, I understand your ruling to be, that the motion in the pack is not going to serve today. It can't serve for a period of three months, that's your ruling...
5.35	Speaker: Cllr. J Hayes		A. Because of rule 53.14
5.36	Executive Mayor Cllr. R Richards		A. Because of Rule 53.. That's your ruling. The implication of that, is that this meeting is 'mos'

			now over, because that's the item of business for this meeting ne... Am I correct?
5.37	Speaker: Cllr. J Hayes		A. Yes, I've already said that the next 2 items can not serve. In the beginning..
5.38	Executive Mayor Cllr. R Richards		A. Yes, we accept that, we accept that.
5.39	Speaker: Cllr. J Hayes		A. Is there anything that you still need for clarification?
5.40	Executive Mayor Cllr. R Richards		A. I just.... Are you going to be adjourning the meeting now?
5.41	Speaker: Cllr. J Hayes		A. That's why I'm asking you, is there anything else you need for clarification?
5.42	Executive Mayor Cllr. R Richards		A. No-no, I don't think so.
5.43	Speaker: Cllr. J Hayes		A. So Mayor, then I would say that the meeting is, that the proceedings is finished for the day and the meeting is being adjourned. Thank you.
5.44	Municipal Manager: Mr. G Matthyse		A. Ja, Speaker I think, ja... My comments about the definition of 'carried' is in question.; 1) Nr.1, because for an item to carry, the item must serve, the item must be discussed, there must be voted upon that item, then the item served. 2) If you make a ruling at the beginning of a meeting that is based on technicalities, this item is not going to be discussed, it was never served. So, in

terms of the definition that, that item did not carry, is irrelevant. It doesn't carry at all, because the item didn't serve. So, the three months doesn't apply, unless you open discussion about that item; and the democracy follows its natural cause and Council voted for that item and then Council decides, so did it carry or doesn't it carry. Then, it served. That didn't serve because you closed the meeting based on technicalities, based on a date. So, I advise you accordingly Speaker. It is not that I'm bringing it here, but my role is also to advise you. I advise you to obtain legal opinion to contradict on what I'm advising you pertaining to this matter. I'm bringing this impartially because it is also in the good order that I'm speaking. I write to the Minister himself of what is busy transpiring and that is why we have a representative from SALGA also present to observe what is transpiring here. So I am just saying to you Speaker, it didn't carry. That is number , and

3) Number.2. Also, that same clause in the rules of order says, unless Council otherwise resolve; and if this majority of Council otherwise resolved that, that thing never carried, then you have to respect the majority's decision that, that thing never carried.

4) So, I don't think that we can close this meeting based on that specific clause. There must be something else that can stand up in law and we don't want to... Like I said to the Minister when I wrote to him we don't want this process to end up in the court of law, to waste taxpayers money and all that type of stuff, but I think that

			<p>, that item never carried and that's why we are back here as instructed by the majority of Councilors.</p> <p>5) I'm comfortable in terms of the Municipal Structures Act 29(1), I'm comfortable in terms of the Municipal Structures Amendment Act 14(1). I'm comfortable with Rules of order 53. I'm comfortable in terms of the Municipal Systems Act, Schedule 1 (2) a;b. I'm comfortable in the Delegations as a Speaker, where it specifically defines what you as a Speaker must do within the confines of the schedule 1 of the (inaudible) to fulfil my duties as Accounting Officer if it is in the broader public interest and also following legal advice.</p> <p>6) I want to share with you a court case Speaker, : <i>Dhlamini and Another v City Manager of The City of Ekurhuleni</i> <i>The court review and set aside. emphasizing that Municipal Manager or the City Manager is expected to be an enforcer of the Constitution and to resist political pressure to act unconstitutionally.</i></p> <p>7) Now that is what the Courts rule, that it is my job as the Accounting Officer to enforce the Rules and the Legal prescript of the Constitution when it comes to respecting the democracy in terms of majority. So Speaker, I really would like you to re-think and perhaps re-apply your mind to this specific matter.</p> <p>A. MM, I've made my ruling. I just answered your question.</p>
5.45	Speaker: Cllr. J Hayes		

5.46	Executive Mayor Cllr. R Richards		A. Speaker
5.47	Speaker: Cllr. J Hayes		<p>A. Mayor ek gaan nou.</p> <p>B. According to the Rules of Order, go read 2 and 3:</p> <ul style="list-style-type: none"> • <u>2. SUPPLEMENTATION</u> <u>Should any matter arise in relation to meetings that are not addressed by these rules, the Speaker may provide a ruling with no further discussion allowed in respect of the matter. Such ruling shall be minuted.</u> • <u>3. INTERPRETATION OF RULES</u> <u>3.1 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.</u> <p>C. So, this means that the option is there for anyone to take my decision on review.</p>
5.48	Executive Mayor Cllr. R Richards		A. Speaker, may I?
5.49	Speaker: Cllr. J Hayes		A. Mayor, for the sake of discussion, you may.
5.50	Executive Mayor Cllr. R Richards		<p>A. Thank you very much Speaker. I would like to... use different words now:</p> <p>B. We as the majority of Councillors request that you</p>

			<p>step down and that we get the MM to proceed with appointing the Acting Speaker in terms of Section 29(1), as I've indicated, earlier.</p> <p>C. You cannot preside over this meeting as per the ruling of 31st of January to consider, and to place on record, with you as illegitimate.</p> <p>D. Then, finally Speaker, this discussion itself, that you've allowed now, thank you for it, is a demonstration of the fact of your unwillingness to proceed with the agenda as requested by the majority of Councillors. Your ruling confirms that, and on the basis of that ruling I want to repeat the request that I made earlier: the request that the MM now, preside according to rules 53.5 and the Structures Amendment Act as I've quoted before, because the Speaker has now confirmed unequivocally his unwillingness to handle the Agenda as requested by the majority of Councillors. Thank you, Speaker.</p>
<p>5.51</p>	<p>Speaker: Cllr. J Hayes</p>		<p>A. Okay. I can just say it again. The meeting was, did convene. I did convene the meeting. I did do the procedure. So there is no reason for the MM or anybody else to continue with the meeting.</p> <p>B. I concluded the meeting and I've adjourned it and it is your right to take the decision on review and saying with that, this is the end of our discussion.</p> <p>C. Thank you very much. Thank you.</p>
<p>5.52</p>	<p>Executive Mayor Cllr. R Richards</p>		<p>A. Speaker, I am (inaudible)</p> <p>B. MM, we as the majority of Councillors are asking you to preside with the appointment of an Acting</p>

			Speaker so that we can proceed with the business as requested by the majority of Councillors.
ELECTION OF ACTING SPEAKER			
RB5.1.1A/14-02-2025			
5.53	Municipal Manager: Mr. G Matthyse		<p>A. Right, Councillors. I'm gonna preside over this meeting; and by only powers vested in me is to appoint an acting Speaker to continue with the order of business.</p> <p>B. I'm comfortable doing this. I drone wat might follow after this, but I'm confident that the Municipal Systems Act is quite clear. ... It's about the public's good order. When it's about the public, we must always act in the interest of the public and wherever this thing might end up in a court of law, we have to defend it; because I know that's where its heading, but it is in the interest of the public and it is a sad day that we have to arrive at this point.</p> <p>C. Without further a due I'm gonna open the floor for the nominations for an acting Speaker to proceed as per the Rules of Order, with the order of the business of Council.</p> <p>D. Cllr. Scheepers?</p> <p>A. MM, ek stel voor dat Cllr. Martin Bergh die acting MM vir die procedures is, ..Speaker.. dankie.</p> <p style="text-align: center;">gallery laughing</p> <p>A. Speaker. Is daar 'n sekondant?</p>
5.54	Councillor A Scheepers		
5.55	Municipal Manager: Mr. G Matthyse		

5.56	Councillor M Heins		<p>A. MM, ek sekondeer die voorstel gemaak deur Raadsid Scheepers, dankie.</p>
5.57	Municipal Manager: Mr. G Matthyse		<p>A. Is daar 'n teenvoorstel?</p> <p>B. Okay, kan ons by raising of hands just give an indication of how we are in support of Cllr. Bergh as acting Speaker. You have your own right Cllr, to also vote for yourself. You still have that right to vote Cllr.</p> <p>C. So, 2, 4... Jess?</p>
5.58	Secretariate: Miss J Cloete		<p>A. 7 (seven)</p>
5.59	Municipal Manager: Mr. G Matthyse		<p>A. So, with that, I give the Chair over to the Acting Speaker to continue with the business, the order of the day.</p>
5.1.1			<p>MOTION OF THE NO CONFIDENCE AGAINST SPEAKER, CLLR. J HAYES RB5.1.1/14-02-2025</p>
5.60	Acting Speaker: Cllr. M Bergh		<p>A. MM, ladies and gentlemen, thank you. It's the second time that I'm going to be the Acting Speaker of this Council for 5 minutes, so I will enjoy my 5-minutes sitting on the throne.</p> <p>B. We have an item RB5.1.1/14-02-2025 it is the MOTION OF NO CONFIDENCE AGAINST THE SPEAKER, JOHN HAYES.</p> <p>C. The Proposer of the motion is Cllr. Paul Strauss. Cllr. Strauss can you please read your motion to the Council.</p>

<p>5.61</p>	<p>Councillor P Strauss</p>	<p>A. Thank you, Acting Speaker. It is my privilege to read this motion of no confidence as follows:</p> <p>B. the Subject is the Notice of motion of No Confidence to remove the Speaker of Cederberg Municipality in terms of Section 53 of the Rules of Order as adopted by Cederberg Council 31 August 2023.</p> <p>Kindly take note that we, the undersigned Councillors, hereby give notice of a motion of no confidence to remove Councillor John Hayes as Speaker of Cederberg Municipality at a special meeting of council to be held on the 14th of February 2025 at 09h00 in the Clanwilliam Council Chambers.</p> <p>The motion is submitted in terms of the provisions in terms of Section 40 of the Local Government Municipal Structures Act 117 of 1998 and regulations as well as Section 53 of the Rules of Order for Council and its Committees of Cederberg Municipality as adopted by Council on 31 August 2023.</p> <p>The motion of no confidence is based on the following:</p> <p>The cumulative actions and decisions of the Speaker, Cllr. Hayes, has caused us to lose confidence in the Speaker, including but not limited to the various disclosures made on Facebook, and the spurious and unlawful rulings made at various council meetings.</p> <p>Therefore, the Speaker has failed to comply to fulfill his duties, obligations and responsibilities as an elected representative of the community of the Cederberg.</p> <p>C. I thank you Speaker.</p>
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5.62	Acting Speaker: Cllr. M Bergh		<p>A. Thank you Cllr. Strauss</p> <p>B. The normal procedure would be that, the person, against who the MONC is being called, would have the opportunity to reply to the MONC. Cllr. Hayes has decided to leave the Council Chambers and thus is obviously not in a position to answer to the accusations, the charges against him. So, we will proceed straight to a vote.</p> <p>C. Could I ask those who are 'for' the MONC. In other words for the Motion of No Confidence, proposed by Cllr. Strauss, to raise their hands.</p>
5.63	Councillor M Heins		<p>A. Voor ons kom by die vote, moet ons nie eers sekondeer nie?</p>
5.64	Secretariate: Miss J Cloete		<p>A. For the acceptance of the Motion</p>
5.65	Councillor M Heins		<p>A. Vir die acceptance van die motions, ja.</p>
5.66	Municipal Manager: Mr. G Matthyse		<p>A. Yes</p>
5.67	Acting Speaker: Cllr. M Bergh		<p>A. Ek het vir julle gesê dis die 2de keer wat ek hier sit. Ek het gedink die proposal is genoeg, so kan ek dus 'n sekondant kry vir Cllr. Strauss.</p>
5.68	Executive Mayor Cllr. R Richards		<p>A. Speaker, just on a point of order. Because MONC's need three secundis, do the three secundis need to..</p>
5.69	Municipal Manager: Mr. G Matthyse		<p>A. That was for the MONC to be included in the pack.</p>

5.70	Executive Mayor Cllr. R Richards		A. So we only need 1(one) to...
5.71	Acting Speaker: Cllr. M Bergh		A. Dankie. Ons het 'n sekondant, Cllr. Heins. B. Julle kan sien hierdie is 'n onplesierige besigheid. Dis 'n besigheid waar 'n mens nie wil betrokke wees nie, en ek hoop dit gebeur nie weer nie.
5.72	Executive Mayor Cllr. R Richards		A. Let's vote. Let's put it to a vote.
5.73	Acting Speaker: Cllr. M Bergh		A. Kan ons dan oorgaan tot stemming? B. Die wat vir die MONC is, kan julle net weer stem? 7 Cllrs. Vir die MONC en enigiemand teen die MONC? Geen. So die MONC draf.
ELECTION OF SPEAKER RB5.1.2/14-02-2025			
5.1.2			
5.74	Acting Speaker: Cllr. M Bergh		A. Kan ek dan direk oorgaan tot die nominasie vir 'n nuwe Speaker.
5.75	Executive Mayor Cllr. R Richards		A. Speaker, I propose that Cllr. Maxwell Heins.
5.76	Acting Speaker: Cllr. M Bergh		A. Dankie Mayor. Enige sekondant?
5.77	Municipal Manager: Mr. G Matthyse		A. May I just comment?
5.78	Executive Mayor Cllr. R Richards		A. Yes.

5.79	Municipal Manager: Mr. G Matthyse	A. Speaker, I think that the previous Speaker relied on 53.6 in terms of only the motion to remove from office, but we arrived at this assumption, I think this is advise from the Accounting Officer, you must read that with the Municipal Structures Act, 29(1) in terms of the request of the majority of Councillors to have a meeting and nowhere does it reflect there, that the Speaker has powers to re-interpret that specific question by the majority of Councillors. That is what is supposed to serve. The Rules of Order, legislation supersedes the Rules of Order. It carries more power, similar, the Constitution carries more power than any other enabling legislation. So, I think the issue was that we mentioned earlier on, that we should continue (inaudible) the three and I think that this, Mayor, we should discuss quickly.
5.80	Executive Mayor Cllr. R Richards	A. Yes. Thank you. I propose that we...
5.81	Acting Speaker: Cllr. M Bergh	A. Mayor, I'm in charge. You speak through me.
5.82	Executive Mayor Cllr. R Richards	A. Sorry, sorry Mr. Speaker... Lyk my ons moet ontlaas raak van hierdie Speaker. B. Speaker we voted for a new Speaker to take the chair. That Speaker must now take the chair, so that we can put you back at the table and then the new Speaker can guide us on the Agenda, going forward.
5.83	Municipal Manager: Mr. G Matthyse	A. Yes
5.84	Executive Mayor Cllr. R Richards	A. I enjoyed saying that. (laughing)

5.85	Acting Speaker: Cllr. M Bergh		<p>A. Thank you MM and Mayor.</p> <p>B. Can I get a proposal for a new Speaker, please.</p> <p>A. No-no, we've done it.</p>
5.86	Executive Mayor Cllr. R Richards		<p>A. A seconder</p>
5.87	Secretariate: Miss J Cloete		<p>A. Oh-oh. I see, I see, I see, I see, I see...</p>
5.88	Executive Mayor Cllr. R Richards		<p>B. So, then Andre? Are you the proposer?</p>
5.89	Councillor A Mouton		<p>A. I propose that Maxwell Heins is the new Speaker.</p>
5.90	Acting Speaker: Cllr. M Bergh		<p>A. Cllr. Mouton proposes. A seconder?</p>
5.91	Councillor A Scheepers		<p>A. Acting Speaker, ek sekondeer die voorstel</p>
5.92	Acting Speaker: Cllr. M Bergh		<p>A. Cllr. Scheepers, thank you. We have a proposer and a seconder. Is there any counter proposal? None.</p> <p>B. Then we can take it that Cllr. Heins is being voted in unanimously. Well done Cllr. Heins (audience applaud).</p> <p>C. Whilst I have this little throne for 1 minute, Cllr. Heins we have less than 2 years left. Lets be unified and let the Speaker be the unifier. I think in democracies, the Speaker is not meant to divide, the Speaker is meant to unify.</p> <p>D. That will be my last words. Thank you.</p>

		(gallery applauded)
5.93	Newly Elected Speaker: Cllr. M Heins	<p>A. By die matriekafskied 2008, sê die hoofseun " Ek betree die podium met gemengde gevoelens". Vandag deel ek sy sentiment. Baie dankie MM, baie dankie kollegas, Raadslede, vir die vertrouwe wat julle in my gestel het om die voorsitter van hierdie Raad te wees. Ek weet daar sal baie gerugte die rondte doen; ons weet ons het die regte ding gedoen.</p> <p>B. Om aan te gaan met die order of business vir hierdie dag, is my voorstel dan, my ruling is dan soos volg:</p> <p>B1 Dat hierdie vergadering is dan verdaag en ons sal dan op 'n volgende datum kommunikeer vir die ander punte van die agenda.</p>
CLOSURE		
RB06/14-02-2025		
6.1	Newly Elected Speaker: Cllr. M Heins	A. So, ons vergadering is dan verdaag. Baie dankie.
6.2	Municipal Manager: Mr. G Matthyse	A. Thank you.

END OF OFFICIAL TRANSCRIPT: COUNCIL MEETING - 14 FEBRUARY 2025



SPEAKER: Cllr. M HEINS