



NOTULES VAN DIE / MINUTES OF THE

RAADSVERGADERING VAN DIE CEDERBERG MUNISIPALITEIT SOOS GEHOU OP

17 AUGUSTUS / AUGUST 2016

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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
17 AUGUST 2016 IN THE COUNCIL CHAMBER AT 2A VOORTREKKER STREET,
CLANWILLIAM.**

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PRESENT AND IN ATTENDANCE:

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

ABSENT WITHOUT APOLOGY:

None / Geen

1. OPENING

Rules of Order for Internal Arrangement

PART 3: MEETINGS

4. Commencement of meetings of Council

- 4.1 The meeting must commence precisely at a time it is convened for.
- 4.2 The Speaker must assume the chair provided that a quorum is constituted.
- 4.3 The business of the meeting must be outlined at the onset.

5. Quorum

- 5.1 The presence of a majority of the members constitutes a quorum.
- 5.2 In the event that no quorum is present at the time at which the meeting was convened, the commencement of the meeting may be delayed for no longer than 30 minutes on the basis that no quorum exists.
 - 5.2.1 Should a quorum exist within this period, the Speaker must assume the chair immediately upon establishing that the quorum exists.
 - 5.2.2 Should no quorum continue to exist at the end of this period, the meeting must be adjourned by the Speaker to an alternate date, time and if applicable venue at his/her discretion., In this instance, the names of members present must be recorded.
- 5.3 In the event that there is no quorum and the Speaker is absent, the commencement of the meeting must be delayed for no more than 30 minutes and if there is no quorum at the end of this period, the meeting shall be cancelled. In this instance, the municipal manager must record the names of the members present.
- 5.4 A quorum is to be sustained during the course of proceedings of a meeting. Should there be a lack of quorum subsequent to the commencement of the meeting, the Speaker must suspend the proceedings until a quorum is again present, provided that if after 10 minutes there is still no quorum the speaker must adjourn the meeting.
- 5.5 In any instance when a meeting is adjourned as a result of the absence of a quorum, the time of such adjournment, as well as the names of the members present, must be recorded in the minutes.
- 5.6 Names of absentee members are to be recorded and provided by the Speaker to the committee established in terms of section 6 for the purposes of an investigation of a breach of these rules.

The Chairperson and acting Municipal Manager called the meeting to order and welcomed all present. Cllr. J Barnard opened the meeting with a prayer.

The Horizon Brazz Band also opened this first Council Meeting with a hymn.

1.1 Introduction of Councillors

The Acting Municipal Manager introduced the newly elected Council of Cederberg Municipality to the public as per the Seat Assignment list from the IEC.

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2. APPLICATIONS FOR LEAVE OF ABSENCE

Rules of Order for Internal Arrangement

Part 3

7. Leave of absence

- 7.1 Leave of absence may be obtained from Municipal Council by a member who wishes to absent himself or herself from meetings. Should a member be prevented from obtaining leave of absence based on special circumstances, the Speaker has the discretion to on grant such leave.
- 7.2 A written application for leave of absence from a meeting of the Municipal Council or a Committee must be addressed to the Speaker by the Member applying for leave.
- 7.3 Written applications include emails sent to the Speaker.
- 7.4 In certain instances, the granting of applications for leave is deemed. These instance include:
 - 7.4.1 the Member is acting on behalf of the Municipal Council on other matters elsewhere based on instructions of Council or the Mayor.
 - 7.4.2 the Member is required to remove himself/herself from a meeting by the Municipal Council, Mayor or Committee in circumstances envisaged in item 3(b) of Schedule 1 to the Systems Act, or the member recuses him/herself.
- 7.5 The Speaker may also grant leave of absence to a member for the following reasons:
 - 7.5.1 illness or any other valid reasonable reason making it impossible for the member to attend;
 - 7.5.2 business, personal commitments, or personal circumstances of the member.
 - 7.5.3 The failure to deliver notice of a meeting or the delivery of notice less than 72 hours prior to commencement provided that this does not relate to an ordinary meeting of the Council or Committees or changes of addresses of members.
 - 7.5.4 The lack of informing the Municipal Manager of a revised address for the service of documentation at least 7 days before the relevant meeting;
 - 7.5.5 Where circumstances envisaged in item 3(b) of the Code of Conduct for Councillors in Schedule 1 to the Systems Act occur which prevent the Member from attendance;
 - 7.5.6 Other circumstances where the member is prevented from attending the meeting.

2.1 A blank Application for Leave of Absence form is enclosed

None / Geen

2.2 The Attendance Registers will be available at the meeting

Rules of Order for Internal Arrangement

Part 3

6. Attendance at meetings

- 6.1 An attendance register must be kept in relation to all meetings. Such register is to be signed by every member that attends the meeting/s.
- 6.2 Instances when a member may be absent from a meeting include the following:
 - 6.2.1 upon leave of absence being granted in terms of rule 7; and
 - 6.2.2 upon withdrawal on the basis of a legal requirement.

3. STATEMENTS AND COMMUNICATION BY THE ACTING MUNICIPAL MANAGER

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.

The Acting Municipal Manager, mr. J France informed all that refreshments will be served after the meeting at the Clanwilliam Hotel.

3.1 OATH AND SOLEMN AFFIRMATION OF COUNCILLORS

All 11 Councillors simultaneously and witnessed by the public, performed the oath and solemn affirmation.

3.2 ESTABLISHMENT NOTICE: TYPE OF MUNICIPALITY

BACKGROUND

In terms of the original consolidated Provincial Notice 482 of 22 September 2000 and amended by:

- Provincial Notice 668 dated 4 December 2000
- Provincial Notice 449 dated 19 December 2002
- Provincial Notice 177 dated 28 May 2003
- Provincial Notice 4 dated 3 January 2006
- Provincial Notice 110 dated 28 March 2008
- Provincial Notice 50 dated 25 February 2011

the Provincial Minister of Local Government then and now approved the establishment of the Cederberg Municipality (WCO12).

Cederberg Municipality is currently classified as a type of Municipality allowing for a **“Mayoral executive system combined with a Ward Participatory System”** as provided for in the Western Cape Determination of Types of Municipalities Act, 2000 (Act 9 of 2000), as amended by the Western Cape Determination of Types of Municipalities Amendment Act 2002 (Act 4 of 2002) In Afrikaans it is referred to as a **‘Burgermeesters-uitvoerende stelsel wat met ‘n Wyk Deelnemende Stelsel gekombineer is’**

A **‘Mayoral Executive System’** means a system which allows for the exercise of executive authority through **an executive mayor** in whom the **executive leadership** of the Municipality is vested and who is assisted by a **mayoral committee**. A **‘Ward Participatory System’** means a system which allows for matters of local concern to wards to be dealt with by **committees established for wards**.

When considering the structuring of the Council and its committees it is necessary to take cognisance of the type of municipality approved for the Cederberg Municipality, and to ascertain that organisational arrangements fit in with the approved type of municipality.

Resolved

That in respect of the

ESTABLISHMENT NOTICE: TYPE OF MUNICIPALITY

Discussed by Council at the Council Meeting held on 17 August 2016:

- a) That Council takes cognisance of the Establishment Notice: Type of Municipality

4. ELECTION OF SPEAKER / VERKIESING VAN SPEAKER
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Ref.:3/2/1/5

Acting Municipal Manager: J France

BACKGROUND

The selection of the Speaker is subject to the principles described in the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998), as amended.

Sections 36 to 41 of the Act read as follows:

“36. Election of speakers, – (1) Each municipal council must have a chairperson who will be called the speaker.

(2) As its first sitting after its election, or when necessary to fill a vacancy, a municipal council must elect its speaker from among the councillors.

(3) The municipal manager of the municipality or, if the municipal is not available, a person designated by the MEC for local government in the province, presides over the election of a speaker.

(4) The procedure set out in Schedule 3 applies to the election of a speaker.

(5) A councillor may not hold office as speaker and mayor or executive mayor at the same time, but in a municipality of a type mentioned in section 9 (e) or (f) or 10 (c) the speaker must be called the mayor.

37. Functions of speakers. – The speaker of a municipal council – (a) presides at meetings of the council;

(b) performs the duties and exercises the powers delegated to the speaker in terms of section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);
[Para. (b) amended by s. 14 (a) of Act No. 51 of 2002.]

(c) must ensure that the council meets at least quarterly;

(d) must maintain order during meetings;

(e) must ensure compliance in the council and committees with the Code of Conduct set out in Schedule 1 to the Local Government: Municipal Systems Act, 2000 (Act no. 32 of 2000); and [Para. (e) amended by s. 14 (b) Act No. 51 of 2002.]

(f) must ensure that council meetings are conducted in accordance with the rules and orders of the council.

38. Term of office of speakers. – The speaker of a municipal council is elected for a term ending, subject to section 39, when the next council is declared elected.

39. Vacation of office. – The speaker of a municipal council vacates office during a term if that person – (a) resigns as speaker;

(b) is removed from office; or

(c) ceases to be a councillor.

40. Removal from office. – A municipal council by resolution may remove its speaker from office. Prior notice of an intention to move a motion for the removal of the speaker must be given.

41. Acting speakers. – If the speaker of a municipal council is absent or not available to perform the functions of speaker, or during a vacancy, the council must elect another councillor to act as speaker.”

The election of the Speaker has to be conducted in terms of Schedule 3 ‘ Election of Municipal office Bearers’ of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), as amended, which reads as follows:

(Unaltered)

SCHEDULE 3

[Schedule 3 amended by s. 34 of Act No. 51 of 2002.]

ELECTION OF MUNICIPAL OFFICE-BEARERS

1. **Application.** – The procedure set out in this Schedule applies whenever a municipal council meets to elect a speaker, an executive mayor, a deputy executive mayor, a mayor or a deputy mayor.
2. **Nominations.** – The person presiding at a meeting to which this Schedule applies must call for the nomination of candidates at the meeting.
3. **Formal requirements.** – (1) A nomination must be made on the form determined by the municipal manager.

(2) The form on which a nomination is made must be signed by two members of the municipal council.

(3) A person who is nominated must indicate acceptance of the nomination by signing either the nomination form or any other form of written confirmation.
4. **Announcement of names of candidates.** – At a meeting to which this Schedule applies, the person presiding must announce the names of the persons who have been nominated as candidates, but may not permit any debate.
5. **Single candidate.** – If only one candidate is nominated, the person presiding must declare that candidate elected.
6. **Election procedure.** – If more than one candidate is nominated – (a) a vote must be taken at the meeting by secret ballot;

(b) each councillor present at the meeting may cast one vote; and

(c) the person presiding must declare elected the candidate who receives majority of the votes.
7. **Elimination procedure.** – (1) If no candidate receives a majority of the votes, the candidate who receives the lowest number of votes must be eliminated and a further vote taken on the remaining candidates in accordance with item 6. This procedure must be repeated until a candidate receives a majority of the votes.

(2) When applying sub-item (1), if two or more candidates each have the lowest number of votes, a separate vote must be taken on those candidates, and repeated as often as may be necessary to determine which candidate receives is to be eliminated.

8. Further meetings. – (1) If only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, a further meeting must be held within seven days at a time determined by the person presiding.

(2) If a further meeting is held in terms of sub-item (1), the procedure prescribed in this Schedule must be applied at that meeting as if it were the first meeting for the election in question.

(3) If at the further meeting held in terms of sub-item (1) only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, the person presiding at such meeting must determine by lot who of the two candidates will hold the office for which the election has taken place. [Sub-item (3) added by s. 34 of Act No. 51 of 2002.]

RECOMMENDATION

That in respect of the:

ELECTION OF SPEAKER / VERKIESING VAN DIE SPEAKER

discussed by Council at Council Meeting held on 17 August 2016

- a) The election of the Speaker be proceeded with;
- b) Schedule 3 utilized to guide the election process;
- c) The Municipal Manager:
 - (i) Presides over the meeting until the election of the Speaker has been finalised;
 - (ii) That the Municipal Manager conducts election and hand over chair to Speaker after the election process is concluded.

RESOLVED

That in respect of the

ELECTION OF SPEAKER / VERKIESING VAN SPEAKER

Discussed by Council at the Council Meeting held on 17 August 2016:

- a) That Cllr. WJ Farmer has been elected to be the Speaker of Council; and
- b) That the Acting Municipal Manager, mr. J France handed over chair for the newly elected Speaker to proceed in Chairing the meeting further.

4.1 ACCEPTANCE SPEECH BY THE NEWLY ELECTED SPEAKER

Ref.: 3/2/1/5

Speaker of Council

BACKGROUND

Following the election process of the Speaker, the newly elected Speaker are normally given the opportunity to present an acceptance speech.

For the speech; no formal requirements are usually necessary but the Rules of Order of Council must be adhered to in this instance.

RECOMMENDATION

That in respect of the

ACCEPTANCE SPEECH BY THE NEWLY ELECTED SPEAKER

discussed by Council at Council Meeting held on 17 August 2016:

- a) That the newly elected Speaker present Council with his/her acceptance speech; and
- b) That a copy of the speech be handed to the Municipal Manager for record purposes.

RESOLVED

That in respect of the

ACCEPTANCE SPEECH OF THE NEWLY ELECTED SPEAKER

discussed by Council at the Council Meeting held on 15 August 2016:

- a) That the newly elected Speaker, Cllr. W Farmer presented Council and the meeting with his acceptance speech.

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.

5.1 Items submitted by Officials of Council

5.1.1 RULES OF ORDER: CEDERBERG MUNICIPALITY

Ref.:3/1/2

Acting Municipal Manager: J France

PURPOSE

To submit the Rules of Order for Councillors to consider and approve.

BACKGROUND

To ensure the effective functioning of Council and its Committees.

LEGAL IMPLICATIONS

- The Constitution
- Local Government: Municipal Systems Act 32 of 2000
- Local Government: Municipal Structures Act No. 117 of 1998 and Regulations
- Local Government: Municipal Finance Management Act 56 of 2003

RECOMMENDATION

That in respect of the

RULES OF ORDER: CEDERBERG MUNICIPALITY

discussed by Council at Council Meeting held on 17 August 2016:

- a) That Council approve the Rules of Order for Councillors;
- b) That all Councillors appraise themselves with the content and various roles and responsibilities of the Rules of Order for Councillors.
- c) That these Rules of Order be workshopped with Council as soon as possible.

RESOLVED

That in respect of the

RULES OF ORDER: CEDERBERG MUNICIPALITY

discussed by Council at Council Meeting held on 17 August 2016:

- a) That Council takes cognisance of the Rules of Order for Cederberg Municipality;

- b) That all Councillors appraise themselves with the content and various roles and responsibilities of the Rules of Order for Cederberg Municipality.
- c) That these Rules of Order be workshopped with Council as soon as possible.

5.1.2 ELECTION OF EXECUTIVE MAYOR / VERKIESING VAN UITVOERENDE BURGEMEESTER

Ref.:3/2/1/5

Acting Municipal Manager: J France

BACKGROUND

Sections 55 to 59 of the Local Government: Municipal Structures Act, 1998(Act No. 117 of 1998), as amended, read as follows:

'55. Election of executive mayors.---(1) If a municipal council chooses to have an executive mayor it must elect an executive mayor and, if the MEC for local government in the province so approves, also an executive deputy mayor, from among its members as a meeting that must be held---(a) within 14 days after the council's election;

(b) If it is a district council, within 14 days after the last of the local councils has appointed its representatives to the district council.

(2) A vacancy in the office of the executive mayor or executive deputy mayor must be filled when necessary.

(3) The procedure set out in Schedule 3 applies to the election of an executive mayor and executive deputy mayor.

56. Functions and powers of executive mayors.--- (1) An executive mayor is entitled to receive reports from committees of the municipal council and to forward these reports together with recommendation to the council when the matter cannot be disposed of by the executive mayor in terms of the executive mayor's delegated powers.

(2) The executive mayor must---(a) identify the needs of the municipality;

(b) review and evaluate those needs in order of priority;

(c) recommend to the municipal council strategies, programmes and services to address priority needs through the integrated development plan, and the estimates of revenue.

and expenditure, taking into account any applicable national and provincial development plans; and

(d) recommend or determine the best way, including partnership and other approaches, to deliver those strategies, programmes and services to the maximum benefit of the community.

(3) The executive mayor in performing the duties of office, must- (a) identify and develop criteria in terms of which progress in the implementation of the strategies, programmes and services referred to in subsection (2) (c) can be evaluated, including key performance indicators which are specific to the municipality and common to local government in general;

(b) evaluate progress against the key performance indicators;

(c) review the performance of the municipality in order to improve –(i) the economy, efficiency and effectiveness of the municipality;

(ii) the efficiency of credit control and revenue and debt collection services; and

(iii) the implementation of the municipality's by-laws;

(d) monitor the management of the municipality's administration in accordance with the directors of the municipal council;

(e) oversee the provision of services to communities in the municipality in a sustainable manner;

(f) perform such duties and exercise such powers as the council may delegate to the executive mayor in terms of section 59 of the Local Government: Municipal Systems Act, 2000 (Act no.32 of 2000); [Para. (f) amended by s. 16 (a) of Act No. 51 of 2002.]

(g) annually report on the involvement of communities and community organisations in the affairs of the municipality; and

(h) ensure that regard is given to public views and report on the effect of consultation on the decisions of the council.

(4) An executive mayor must perform a ceremonial role as the municipal council may determine.

(5) An executive mayor must report to the municipal council on all decisions taken by the executive mayor.

(6) The deputy executive mayor of a municipality exercises the powers and performs the duties of the executive mayor if the executive mayor is absent or not available or if the office of the executive mayor is vacant.

(7) If the executive mayor is absent or not available and the municipality does not have a deputy executive mayor, or the deputy executive mayor is also absent or not available, the council must designate a councillor to act as executive mayor. [sub-s.(7) added by s.16 (b) of Act No. of 2002.]

57. Term of office of executive mayors. – (1) An executive mayor and a deputy executive mayor must be elected for a term ending, subject to sections 58 and 59, when – (a) the type of the municipality has been changed from any of those mentioned in section 8 (e), (f), (g) or (h), 9 (c) or (d) or 10 (b) to any of those mentioned in section 8 (a), (b), (c) or (d), 9 (a), (b), (e) or (f) or 10 (a) or (c); or

(b) the next council is declared elected.

(2) (a) No person may hold office as executive mayor or both executive mayor and mayor for more than two consecutive terms in the same council.

(b) No person may hold office as deputy executive mayor or both deputy executive mayor and deputy mayor for more than two consecutive terms in the same council.

(c) If a person is elected – (i) to fill a vacancy in the office of executive mayor or deputy executive mayor, the period between that election and the next election of an executive mayor or deputy executive mayor is not regarded as a term; or

(ii) as executive mayor or deputy executive mayor where the type of the municipality has been changed from any of those mentioned in section 8 (a), (b), (c) or (d), 9 (a), (b), (e) or (f) or 10 (a) or (c) to any of those mentioned in section 8 (e), (f), (g) or (h), 9 (c) or (d) or 10 (b)

during the term of the municipal concerned, the period between that election and the next election of an executive mayor or deputy executive mayor is not regarded as a term.

(3) An executive mayor whose two consecutive terms have expired as provided for in subsection (2) (a), may not immediately after the expiry be elected as deputy executive mayor.[S.57 substituted by s.5 of Act No.1 of 2003.]

58. Removal from office. –A municipal council, by resolution may remove its executive mayor or deputy executive mayor from office. Prior notice of an intention to move a motion for the removal of the executive mayor or deputy executive mayor must be given.

59. Vacation of office. – An executive mayor or deputy executive mayor vacates office during a term if that person – (a) resigns as executive mayor or deputy executive mayor;

(b) is removed from office as executive mayor or deputy executive mayor; or

(c) ceases to be a councillor.’

The election of the executive Mayor has to be conducted in terms of Schedule 3 ‘Election of Municipal Office Bearers’ of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), as amended, which reads as follows:

(Unaltered)

SCHEDULE 3

[Schedule 3 amended by s. 34 of Act No. 51 of 2002.]

ELECTION OF MUNICIPAL OFFICE – BEARERS

- 1. Application.** – The procedure set out in this Schedule applies whenever a municipal council meets to elect a speaker, an executive mayor, a deputy executive mayor, a mayor or deputy mayor.
- 2. Nominations.** – The person presiding at a meeting to which this Schedule applies must call for the nomination of candidates at the meeting.

3. Formal requirements. – (1) A nomination must be made on the form determined by the municipal manager.

(2) The form on which a nomination is made must be signed by two members of the municipal council.

(3) A person who is nominated must indicate acceptance of the nomination by signing either the nomination form or any other form of written confirmation.

4. Announcement of names of candidates. – At a meeting to which this Schedule applies, the person presiding must announce the names of the persons who have been nominated as candidates, but may not permit any debate.

5. Single candidate. – If only one candidate is nominated, the person presiding must declare that candidate elected.

6. Election procedure. – If more than one candidate is nominated – (a) a vote must be taken at the meeting by secret ballot;

(b) each councillor present at the meeting may cast one vote; and

(c) the person presiding must declare elected the candidate who receives majority of the votes.

7. Elimination procedure. – (1) If no candidate receives a majority of the votes, the candidate who receives the lowest number of votes must be eliminated and a further vote taken on the remaining candidates in accordance with item 6. This procedure must be repeated until a candidate receives a majority of the votes.

(2) When applying sub-item (1), if two or more candidates each have the lowest number of votes, a separate vote must be taken on those candidates, and repeated as often as may be necessary to determine which candidates is to be eliminated.

8. Further meetings. – (1) If only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, a further meeting must be held within seven days at a time determined by the person presiding.

(2) If a further meeting is held in terms of sub-item (1) only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, the person presiding at such meeting must determine by lot who of the two candidates will hold the office for which the election has taken place. [Sub-item (3) added by s. 34 of Act No. 51 of 2002.]

(3) If at the further meeting held in terms of sub-item (1) only two candidates nominated, or if only two candidates receive the same number of votes, the person presiding at such meeting must determine by lot who of the two candidates will hold the office for which the election has taken place. [Sub-item (3) added by s. of Act No. 51 of 2002.]

RECOMMENDED

That in respect of the:

**ELECTION OF EXECUTIVE MAYOR / VERKIESING VAN UITVOERENDE
BURGEMEESTER**

discussed by Council at Council Meeting held on 17 August 2016:

- a) The election of the Executive Mayor be proceeded with;
- b) Schedule 3 be utilized to guide the election process;

RESOLVED

That in respect of the

**ELECTION OF EXECUTIVE MAYOR / VERKIESING VAN UITVOERENDE
BURGEMEESTER**

discussed by Council at Council Meeting held on 17 August 2016:

- a) That Cllr. J Barnard has been elected to be the Executive Mayor of Cederberg Municipality.

5.1.3 ELECTION OF THE EXECUTIVE DEPUTY MAYOR / VERKIESING VAN UITVOERENDE ONDERBURGEMEESTER

Ref.:3/2/1/5

Acting Municipal Manager: J France

BACKGROUND

Sections 55 to 59 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), as amended, also apply to the **Executive Deputy Mayor** and read as follows:

'55. Election of executive mayors.--- (1) If a municipal council chooses to have an executive mayor it must elect an executive mayor and, if the MEC for local government in the province so approves, also an **executive deputy mayor**, from among its members at a meeting that must be held--- (a) within 14 days after the council's election;

(b) If it is a district council, within 14 days after the last of the local councils has appointed its representatives to the district council; or

(2) A vacancy in the office of the executive mayor or **executive deputy mayor** must be filled when necessary.

(3) The procedure set out in Schedule 3 applies to the election of an executive mayor and **executive deputy mayor**.

56. Functions and powers of executive mayors.---(1) An executive mayor is entitled to receive reports from committees of the municipal council and to forward these reports together with a recommendation to the council when the matter cannot be disposed of by the executive mayor in terms of the executive mayor's delegated powers.

(2) The executive mayor must---(a) identify the needs of the municipality;

(b) review and evaluate those needs in order of priority;

(c) recommended to the municipal council strategies, programmes and services to address priority needs through the integrated development plan, and the estimates of revenue and expenditure, taking into account any applicable national and provincial development plans.

(d) recommend or determine the best way, including partnership and other approaches, to deliver those strategies, programmes and services to the maximum benefit of the community.

(3) The executive mayor in performing the duties of office, must – (a) identify and develop criteria in terms of which progress in the implementation of the strategies, programmes and services referred to in subsection (2) (c) can be evaluated, including key performance indicators which are specific to the municipality and common to local government in general;

(b) evaluate progress against the key performance indicators;

(c) review the performance of the municipality in order to improve – (i) the economy, efficiency and effectiveness of the municipality;

(ii) the efficiency of credit control and revenue and debt collection services; and

(iii) the implementation of the municipality's by-laws;

(d) monitor the management of the municipality's administration in accordance with the directors of the municipal council;

(e) oversee the provision of services to communities in the municipality in a sustainable manner;

(f) perform such duties and exercise such powers as the council may delegate to the executive mayor in terms of section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); [Para. (f) amended by s. 16 (a) of Act No. 51 of 2002.]

(g) annually report on the involvement of communities and community organisations in the affairs of the municipality ; and

(h) ensure that regard is given to public views and report on the effect of consultation on the decisions of the council.

(4) An executive mayor must perform must perform a ceremonial role as the municipal council may determine.

(5) An executive mayor must report to the municipal council on all decisions taken by the executive mayor.

(6) The **deputy executive mayor** of a municipality exercises the powers and performs the duties of the executive mayor if the executive mayor is absent or not available or if the office of the executive mayor is vacant.

(7) If the executive mayor is absent or not available and the municipality does not have a deputy executive mayor, or the deputy executive mayor is also absent or not available, the council must designate a councillor to act as executive mayor. [Sub-s.(7) added by s.16 (b) of Act No.51 of 2002.]

57. Term of office of executive mayors.- (1) An executive mayor and a **deputy executive mayor** must be elected for a term ending, subject to sections 58 and 59, when – (a) the type of the municipality has been changed from any of those mentioned in section 8 (e), (f), (g) or (h), 9 (c) or (d) or 10 (b) to any of those mentioned in section 8 (a), (b), (c) or (d), 9 (a), (b), (e) or (f) or 10 (a) or (c); or

(b) the next council is declared elected.

(2) (a) No person may hold office as executive mayor or both executive mayor and mayor for more than two consecutive terms in the same council.

(b) No person may hold office as **deputy executive mayor** or both deputy executive mayor and deputy mayor for more than two consecutive terms in the same council.

(c) If a person is elected – (i) to fill a vacancy in the office of executive mayor or **deputy executive mayor**, the period between that election and the next election of an executive mayor or deputy executive mayor is not regarded as a term; or

(ii) as executive mayor or deputy executive mayor where the type of the municipality has been changed from any of those mentioned in section 8 (a), (b), (c) or (d), 9 (a), (b), (e) or (f) or 10 (a) or (c) to any of those mentioned in section 8 (e), (f), (g) or (h), 9 (c) or (d) or 10 (b) during the term of the municipal council concerned, the period between that election and the next election of an executive mayor deputy executive mayor is not regarded as a term.

(3) An executive mayor whose two consecutive terms have expired as provided for in subsection (2) (a), may not immediately after the expiry be elected as deputy executive mayor.[S.57 substituted by s. 5 of Act No. 1 of 2003.]

58. Removal from office. – A municipal council, by resolution may remove its executive mayor or deputy executive mayor from office. Prior notice of an intention to move a motion for the removal of the executive mayor or deputy executive mayor must be given.

59. Vacation of office.- An executive mayor deputy executive mayor vacates office during a term if that person – (a) resigns as executive mayor or deputy executive mayor;

(b) is removed from office as executive mayor or deputy executive mayor; or

(c) ceases to be a councillor.'

The election of the executive Deputy Mayor has to be conducted in terms of Schedule 3 'Election of Municipal Office Bearers' of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), as amended, which reads as follows:

(Unaltered)

SCHEDULE 3

[Schedule 3 amended by s.34 of Act No. 51 of 2002.]

ELECTION OF MUNICIPAL OFFICE-BEARERS

- 1. Application.-** The procedure set out in this Schedule applies whenever a municipal council meets to elect a speaker, an executive mayor, a deputy executive mayor, a mayor or deputy mayor.
- 2. Nominations.-** The person presiding at a meeting to which this Schedule applies must call for the nomination of candidates at the meeting.
- 3. Formal Requirements.-** (1) A nomination must be made on the form determined by the municipal manager.

(2) The form on which a nomination is made must be signed by two members of the municipal council.

(3) A person who is nominated must indicate acceptance of the nomination by signing either the nomination form or any other form of written confirmation.

4. Announcement of names of candidates.- At a meeting to which this Schedule applies, the person presiding must announce the names of the persons who have been nominated as candidates, but may not permit any debate.

5. Single candidate.-If only one candidate is nominated, the person presiding must declare that candidate elected.

6. Election procedure.- If more than one candidate is nominated – (a) a vote must be taken at the meeting by secret ballot;

(b) each councillor present at the meeting may cast one vote; and

(c) the person presiding must declare elected the candidate who receives majority of the votes;

7. Elimination procedure.- (1) If no candidate receives a majority of the votes, the candidate who receives the lowest number of votes must be eliminated and a further vote taken on the remaining candidate in accordance with item 6. This procedure must be repeated until a candidate receives a majority of the votes.

(2) When applying subitem (1), if two or more candidates each have the lowest number of votes, a separate vote must be taken on those candidates, and repeated as often as may be necessary to determine which candidate is to be eliminated.

8. Further meetings. – (1) if only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, a further meeting must be held within seven days at a time determined by the person presiding.

(2) If a further meeting is held in terms of sub-item (1), the procedure prescribed in the Schedule must be applied at that meeting as if it were the first meeting for the election in question.

(3) If at the further meeting held in terms of sub-item (1) only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, the person presiding at such meeting must determine by lot who of the two candidates will hold the office for which the election has taken place. [Sub-item (3) added by s.34 of Act No. 51 of 2002.]

RECOMMENDED

That in respect of the:

ELECTION OF THE DEPUTY EXECUTIVE MAYOR / VERKIESING VAN DIE ONDERBURGEMEESTER

Discussed by Council at Council Meeting held on 17 August 2016:

- a) The election of the Executive Deputy Mayor be proceeded with.
- b) Schedule 3 to be utilized to guide the election process.

RESOLVED

That in respect of the

ELECTION OF THE DEPUTY EXECUTIVE MAYOR / VERKIESING VAN DIE UITVOERENDE ONDER BURGEMEESTER

Discussed by Council at the Council Meeting held on 17 August 2016:

- a) That Councillor B Zass has been elected as the Deputy Executive Mayor.
- b) That the newly elected Deputy Executive Mayor proceed by presenting the meeting with his acceptance speech.

**5.1.4 ACCEPTANCE SPEECH BY THE EXECUTIVE MAYOR /
AANVAARDINGSTOESPRAAK VAN DIE UITVOERENDE BURGEMEESTER**

Ref: 3/2/1/5

Newly Elected Executive Mayor

BACKGROUND

Following the election process of the Executive Mayor and Executive Deputy Mayor, the newly elected Executive Mayor are normally given the opportunity to present an acceptance speech.

For the speech; no formal requirements are usually necessary but the Rules of Order of Council must be adhered to in this instance.

RECOMMENDATION

That in respect of the

ACCEPTANCE SPEECH BY THE EXECUTIVE MAYOR

discussed by Council at Council Meeting held on 17 August 2016:

- a) That the newly elected Executive Mayor present Council with his/her acceptance speech; and
- b) That a copy of the acceptance speech be handed to the Municipal Manager for record purposes.

RESOLVED

That in respect of the

ACCEPTANCE SPEECH BY THE EXECUTIVE MAYOR

discussed by Council at the Council Meeting held on 17 August 2016:

- a) That the newly elected Executive Mayor, Cllr. J Barnard present the meeting with his acceptance speech.

5.1.5 ANNOUNCEMENT OF APPOINTMENT OF MEMBERS OF THE EXECUTIVE MAYORAL COMMITTEE / AANKONDIGING VAN DIE AANSTELLING VAN LEDE VAN DIE UITVOERENDE BURGEMEESTERSKOMITEE

Ref.:3/2/1/5

Acting Municipal Manager: J France

BACKGROUND

Section 60 of the Local Government; Municipal Structures determines as follows regarding the appointment of members to the Mayoral Committee:

“(1) If a municipal council has more than nine members its executive mayor---

- (a) must appoint a mayoral committee from among the councillors to assist the executive mayor;
- (b) may delegate specific responsibilities to each member of the committee;
- (c) may delegate any of the executive mayor’s powers to the respective members; and
- (d) may dismiss a member of the mayoral committee.

(2) The mayoral committee must consist of the deputy executive mayor and as many councillors as may be necessary for effective and efficient government, provided that no more than 20% of the councillors or 10 councillors, whichever is the least, are appointed.

RECOMMENDED

That in respect of the

ANNOUNCEMENT OF APPOINTMENTS OF THE EXECUTIVE MAYORAL COMMITTEE / AANKONDIGING VAND IE AANSTELLING VAN DIE LEDE VAN DIE UITVOERENDE BURGEMEESTERSKOMITEE

discussed by Council at Council Meeting held on 17 August 2016:

1. The Executive Mayor appoints a Councillor or Councillors as third or and fourth member(s) to the Executive Mayoral Committee; and
2. The members of the Executive Mayoral Committee be announced.

RESOLVED

That in respect of the

**ANNOUNCEMENT OF APPOINTMENTS OF THE EXECUTIVE MAYORAL COMMITTEE /
AANKONDIGING VAND IE AANSTELLING VAN DIE LEDE VAN DIE UITVOERENDE
BURGEMEESTERSKOMITEE**

discussed by Council at Council Meeting held on 17 August 2016:

- a) That the item stand over.

5.1.6 AANSTELLING VAN VOLTYDSE RAADSLEDE / APPOINTMENT OF FULL-TIME COUNCILLORS

Verw.:3/2/1/5

Wnd. Munisipale Bestuurder: J France

AGTERGROND

Volgens Provinsiale Kennisgewing 482/2000 22 September 2000 wat handel oor die vyfde wysiging van die Munisipaliteit van Cederberg se instellingskennisgewing, mag hierdie Raad die volgende Raadslede as voltydse Raadslede aanwys:

- Uitvoerende Burgemeester
- Lede van die Uitvoerende Burgemeesterskomitee; en
- Die Speaker

Oor die aanstelling van voltydse Raadslede bepaal Klousule 8 van Skedule 1 (Gedragkode vir Raadslede) soos vervat in Munisipale Stelselwet van 2000, soos gewysig, dat: "A councillor who is a full-time councillor may not undertake any other paid work except with the consent of a municipal council which consent shall not unreasonably be withheld."

Dit blyk dus uit bovermelde dat die voltydse Raadslede aan die bepalings van Klousule 8 van Skedule 1 (Gedragkode vir Raadslede) soos vervat in die Plaaslike Regering: Munisipale Stelselwet van 2000 (Wet 32 van 2000), sal moet voldoen.

AANBEVELING

Dat ten opsigte van

AANSTELLING VAN VOLTYDSE RAADSLEDE / APPOINTMENT OF FULL-TIME COUNCILLORS

bespreek deur die Raad by die Raadsvergadering van 17 Augustus 2016:

1. Die Speaker, Uitvoerende Burgemeester, Uitvoerende Onderburgemeester en die derde en vierde lede van die Uitvoerende Burgemeesterskomitee se aanstelling as voltydse Raadslede deur die Raad goedgekeur word; en

The Speaker, Executive Mayor, Executive Deputy Mayor, the third and fourth Members of the Executive Mayoral Committee be appointed by Council as full-time Councillors; and

2. Die betrokke Raadslede voldoen aan die bepalinge van Klousule 8 van Skedule 1 (Gedragkode vir Raadslede) soos vervat in die Plaaslike Regering: Munisipale Stelselwet van 2000 (Wet 32 van 2000) en, waar van toepassing, by die Raad aansoek gedoen word om ander betalende werk te onderneem.

The involved Councillors comply with the conditions of Clause 8 of Schedule 1 (Code of Conduct) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), and where applicable, the respective Councillor apply for Council's approval to undertake other paid work.

RESOLVED

That in respect of the

AANSTELLING VAN VOLTYDSE RAADSLEDE / APPOINTMENT OF FULL-TIME COUNCILLORS

discussed by Council at the Council Meeting held on 17 August 2016:

1. Die Speaker, Uitvoerende Burgemeester, Uitvoerende Onderburgemeester en die derde en vierde lede van die Uitvoerende Burgemeesterskomitee se aanstelling as voltydse Raadslede deur die Raad goedgekeur word; en
2. Die betrokke Raadslede voldoen aan die bepalinge van Klousule 8 van Skedule 1 (Gedragkode vir Raadslede) soos vervat in die Plaaslike Regering: Munisipale Stelselwet van 2000 (Wet 32 van 2000) en, waar van toepassing, by die Raad aansoek gedoen word om ander betalende werk te onderneem.

**5.1.7 DESIGNATION OF COUNCILLOR TO ACT IN ABSENCE OR UNAVAILABILITY
OF THE EXECUTIVE MAYOR / AANWYS VAN RAADSLID OM NAMENS DIE
UITVOERENDE BURGEMEESTER OP TE TREE TYDENS SY/HAAR
AFWESIGHEID OF ONBESKIKBAARHEID**

Ref.:3/2/1/5

Acting Municipal Manager: J France

BACKGROUND

Section 56(7) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) determines as follows:

“(7) If the executive mayor is absent or not available and the municipality does not have a deputy mayor, or the deputy executive mayor is also absent or not available, the council must designate a councillor to act as executive mayor.”

RECOMMENDATION

That in respect of the

**DESIGNATION OF COUNCILLOR TO ACT IN ABSENCE OR UNAVAILABILITY OF THE
EXECUTIVE MAYOR / AANWYS VAN RAADSLID OM NAMENS DIE UITVOERENDE
BURGEMEESTER OP TE TREE TYDENS SY/HAAR AFWESIGHEID OF
ONBESKIKBAARHEID**

Discussed by Council at Council Meeting held on 17 August 2016:

1. A Councillor be designated by Council to act as the Executive Mayor when the Executive Mayor is absent or not available and the Deputy Executive Mayor is also absent or not available.

‘n Raadslid deur die Raad aangewys word om as Uitvoerende Burgemeester op te tree in gevalle waar die Uitvoerende Burgemeester afwesig is of nie beskikbaar is nie en die Uitvoerende Onderburgemeester ook afwesig is of nie beskikbaar is nie.

RESOLVED

That in respect of the

**DESIGNATION OF COUNCILLOR TO ACT IN ABSENCE OR UNAVAILABILITY OF THE
EXECUTIVE MAYOR / AANWYS VAN RAADSLID OM NAMENS DIE UITVOERENDE
BURGMEESTER OP TE TREE TYDENS SY/HAAR AFWESIGHEID OF
ONBESKIKBAARHEID**

discussed by Council at Council Meeting held on 17 August 2016:

- a) That the items stand over.

5.1.8 AANVAARDING VAN 'N KONSEP STELSEL VAN DELEGASIES / ACCEPTANCE OF A DRAFT SYSTEM OF DELEGATIONS

Ver.:3/1/13

Wnd. Munisipale Bestuurder: J France

AGTERGROND

In terme van **Raadsbesluit 30/2006** is alle delegasies, uitgesluit daardie bevoegdhede soos in die Grondwet en ander wetgewing vervat wat uitdruklik vir die Raad gereserveer is naamlik:

- I. Afkondiging of verandering van bywette;
- II. Goedkeuring van die jaarlikse begroting;
- III. Beheer oor die Raad se finansies inaggenome statutêre voorskrifte;
- IV. Opneem van lenings;
- V. Bepaling van tariewe;
- VI. Goedkeuring en wysiging van Geïntegreerde Ontwikkelingsplanne;
- VII. Aangaan van 'n diensleweringsooreenkoms; en
- VIII. Aanstelling van Munisipale Bestuurder en Bestuurders wat direk aan die Munisipale Bestuurder rapporteer.

aan die Uitvoerende Burgemeester, Uitvoerende Onderburgemeester en Munisipale Bestuurder gedelegeer.

Die Raad het ook per Raadsbesluit 220/31-05-2012 'n delegasieraamwerk van bevoegdhede en funksies en 'n delegasie register in werking gestel.

Artikel 59(2)(f) van die Munisipale Stelselwet, 2000 vereis egter dat bestaande delegasies met die verkiesing van 'n nuwe Raad hersien moet word.

AANBEVELING

Dat ten opsigte van

AANVAARDING VAN 'N STELSEL VAN DELEGASIES / ACCEPTANCE OF A SYSTEM OF DELEGATIONS

Discussed by Council at Council Meeting held on 17 August 2016:

1. Die bestaande delegering van bevoegdhede soos per 220/31-05-2012 goedgekeur, netso behou word totdat 'n gemotiveerde hersieningsverslag aan die Raad voorgelê word;
 2. Dat die finale dokument slegs na die Raad verwys kan word nadat dit gewerkswinkel is met die Raad.
-
1. The existing delegated powers as approved per Council Resolution 220/31-05-2012 be maintained until a motivated report is submitted to Council on the revision of the delegated powers.
 2. That the final document be tabled after it has been workshopped with Council.

BESLUIT

Dat ten opsigte van

AANVAARDING VAN 'N STELSEL VAN DELEGASIES / ACCEPTANCE OF A SYSTEM OF DELEGATIONS

Bespreek deur die Raad by die Raadsvergadering van 17 Augustus 2016:

- a) Dat die Raad kennis neem van die Stelsel van delegasies;

5.1.9 STRUCTURING OF COUNCIL: APPOINTMENT OF COMMITTEES / STRUKTURERING VAN DIE RAAD: AANSTELLING VAN DIE KOMITEES

Ref.:3/3/2/3

Acting Municipal Manager: J France

BACKGROUND

The Local Government: Municipal Structures Act, 1998, provides for the establishment section 79 and section 80 committees.

The section 79 committees are council committees, appointed by the Council for a specific purpose and accounting to the council. Section 79 must be composed in such a way as to reflect the way in which parties and interests are reflected in the council. The Council may also co-opt members not being councillors to these committees, based on their technical expertise. Such committees will include audit committees MPAC's, oversight committees, performance audit committees or rules committees.

Section 80 committees are appointed by the council to assist the Executive Mayor or Executive Committee (depending on the governance structure of the municipality) in the execution of its functions. These committees are accountable to the Executive Mayor / Executive Committee. The number of the committees may not exceed the number of Mayoral Committee or Executive Committee members.

Cederberg Municipality currently has four Executive Mayoral Committees

Being:

- Financial Services Committee
- Corporate Services Committee
- Infrastructure Services Committee
- Community Services Committee

RECOMMENDED

That in respect of the

**STRUCTURING OF COUNCIL: APPOINTMENT OF COMMITTEES / STRUKTURERING
VAN RAAD: AANSTELLING VAN KOMITEES**

discussed by Council at Council Meeting held on 17 August 2016:

1. The Chairpersons and members of the above four committees be appointed;

2. The following Committees of Council with its members be appointed as soon as possible:
 - (i) Municipal Public Accounts Committee (MPAC)
 - (ii) Council Disciplinary Committee
 - (iii) Local Labour Forum (Consultative Forum)
3. Representation on external form on behalf of the Municipality be delegated to the Executive Mayor and will be as nominated or delegated by the Executive Mayor.
4. That an Audit Committee be appointed;
5. That an Audit Performance Committee be appointed;
6. That Council takes cognisance of section 62(4) of the Local Government Systems Act pertaining to the Appeals Authority.

RESOLVED

That in respect of the

**STRUCTURING OF COUNCIL: APPOINTMENT OF COMMITTEES / STRUKTURERING
VAN RAAD: AANSTELLING VAN KOMITEES**

discussed by Council at Council Meeting held on 17 August 2016:

- a) That the item stand over.

5.1.10 ELECTION OF REPRESENTATIVES TO SALGA STRUCTURE

Ref.:3/2/1/5

Acting Municipal Manager: J France

BACKGROUND

As the SALGA constitution prescribes that the Provincial and National Conferences will be held within 60 and 90 days after elections respectively, the council must nominate representatives to attend the Provincial and National Conferences and also to serve on the various SALGA provincial working groups, which are the following:

Economic Development Working Group;
Municipal Finance and Administration Working Group;
Social Development, Health and Safety Working Group;
Municipal Services Working Group;
Human Resources Development Working Group; and
Governance, Inter-Governmental Relations and International Relations working Group.

RECOMMENDED

That in respect of the

ELECTION OF REPRESENTATIVES TO SALGA STRUCTURE

Discussed by Council at Council Meeting held on 17 August 2016:

- a) Council appoint representatives to serve on the various SALGA working Groups.
- a) Die Raad, Verteenwoordigers aanwys om te dien op die onderskeie SALGA Werksgroepe.

RECOMMENDED

That in respect of the

ELECTION OF REPRESENTATIVES TO SALGA STRUCTURE

Discussed by Council at Council Meeting held on 17 August 2016:

- a) That the item stand over.

**5.1.11 ELECTION OF TWO COUNCILLORS TO SERVE ON THE WEST COAST
DISTRICT COUNCIL / VERKIESING VAN TWEE RAADSLEDE
OM OP DIE WESKUS DISTRIKSRAAD TE DIEN**

Ref.:3/2/1/5

Acting Municipal Manager: J France

BACKGROUND

In terms of Section 23(1)(b) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) the district council consist, inter alia, of councillors elected in accordance with Schedule 2 of the Act by councils of the respective local municipalities within the district municipality, to directly represent those municipalities.

The election of representatives shall comply with the guidelines provided in Schedule 2 (Item 16 of 22) of the Act. Two members is to be elected in accordance with the guidelines contained in the above mentioned items. It is, however, important to note that the IEC must manage and execute the election of the representatives of a local council to the district council.

RECOMMENDED

That in respect of the

**ELECTION OF TWO COUNCILLORS TO SERVE ON THE WEST COAST DISTRICT
COUNCIL / VERKIESING VAN TWEE RAADSLEDE OM OP DIE WESKUS
DISTRIKSRAAD TE DIEN**

discussed by Council at Council Meeting held on 17 August 2016:

1. Two members of this Council be elected in accordance with Items 16 of 22 of Schedule 2 of the Local Government: Municipal Structures Act, 1998 to serve on the West Coast District Council; and
Twee lede van hierdie Raad ooreenkomstig Items 16 tot 22 van Skedule 2 van die Plaaslike regering: Munisipale Strukturewet, 1998 verkies word om op die Weskus Distriksraad te dien; en
2. The West Coast District Council be informed of the members elected to represent the Cederberg Municipality.

Die Weskus Distriksraad oor die lede wat verkies is om Cederberg Munisipaliteit te verteenwoordig, ingelig word.

RESOLVED

That in respect of the

ELECTION OF TWO COUNCILLORS TO SERVE ON THE WEST COAST DISTRICT COUNCIL / VERKIESING VAN TWEE RAADSLEDE OM OP DIE WESKUS DISTRIKSRAAD TE DIEN

discussed by Council at Council Meeting held on 17 August 2016:

1. That Cllrs. J Meyer and D Smith have been elected in accordance with Items 16 of 22 of Schedule 2 of the Local Government: Municipal Structures Act, 1998 to serve on the West Coast District Council; and
2. That the West Coast District Council be informed of the members elected to represent the Cederberg Municipality.

5.1.12 CODE OF CONDUCT AND DECLARATION OF INTEREST BY COUNCILLORS / GEDRAGSKODE EN VERKLARING VAN BELANGE DEUR RAADSLEDE

Ref.: 3/1/2

Acting Municipal Manager: J France

BACKGROUND / AGTERGROND

All Councillors should have a copy of the Code of Conduct for Councillors and be well-informed on the contents thereof. Section 54 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) determines that the Code of Conduct contained in **Schedule 1** To the Act applies to every member of a municipal council. All Councillors of the Cederberg Municipality should, therefore, comply with the Code of Conduct in executing their responsibilities. It is suggested that the Councillors take note of the attached Code of Conduct.

It is also important to note that, within 60 days of election or appointment, Councillors must declare in writing to the Municipal Manager the financial interests held by that Councillor in terms of **item 7 of the Code of Conduct for Councillors**. It is, therefore, important that all Councillors be requested to declare their interests as soon as possible.

RECOMMENDED

That in respect of the

**CODE OF CONDUCT AND DECLARATION ON INTEREST BY COUNCILLORS /
GEDRAGSKODE VAN RAADSLEDE EN VERKLARING VAN BELANGE DEUR
RAADSLEDE**

Discussed by Council at Council Meeting held on 17 August 2016:

1. Councillors take cognisance of the Code of Conduct and be committed to comply with the provisions thereof;
Raadslede kennis neem van dei Gedragkode vir Raadslede en verbind wees tot voldoening aan die bepalings daarin vervat;
2. Councillors be requested to, in accordance with item 7 of the Code of Conduct, declare their interests in writing; and

Raadslede ooreenkomstig item 7 van die Gedragskode versoek word om hulle belange skriftelik te verklaar;

3. That all Councillors submit completed declaration of interest forms to the Internal Audit Department, mr. J Goeieman within 30 days after this meeting.

Dat alle Raadslede teen binne 30 dae van die Raadsvergadering gevulde Verklaring van Belange vorms by die Interne Oudit Department, mnr. J Goeieman inhandig.

4. After a period of 60 days follow-up report be presented to Council on the Councillors' compliance with item 7 of the Code of Conduct.

Na 'n periode van 60 dae, 'n opvolg verslag aan die Raad voorgelê word oor die raadslede se voldoening aan item 7 van die Gedragskode.

RESOLVED

That in respect of the

CODE OF CONDUCT AND DECLARATION OF INTEREST BY COUNCILLORS / GEDRAGSKODE VAN RAADSLEDE EN VERKLARING VAN BELANGE DEUR RAADSLEDE

discussed by Council at Council Meeting held on 17 August 2016:

- a) Councillors take cognisance of the Code of Conduct and be committed to comply with the provisions thereof;

Raadslede kennis neem van die Gedragskode vir Raadslede en verbind wees tot voldoening aan die bepalings daarin vervat;

- b) Councillors be requested to, in accordance with item 7 of the Code of Conduct, declare their interests in writing; and

Raadslede ooreenkomstig item 7 van die Gedragskode versoek word om hulle belange skriftelik te verklaar;

- c) That all Councillors submit completed declaration of interest forms to the Internal Audit Department, mr. J Goeieman within 30 days after this meeting.

Dat alle Raadslede teen binne 30 dae van die Raadsvergadering gevulde

Verklaring van Belange vorms by die Interne Oudit Department, mnr. J Goeieman inhandig.

- d) After a period of 60 days follow-up report be presented to Council on the Councillors' compliance with item 7 of the Code of Conduct.

Na 'n periode van 60 dae, 'n opvolg verslag aan die Raad voorgelê word oor die raadslede se voldoening aan item 7 van die Gedragskode.

**5.1.13 DATES AND FREQUENCY OF FUTURE MEETINGS / DATUMS EN
FREKWENSIE VAN TOEKOMSTIGE VERGADERINGS**

Ref.:10/1/1

Acting Municipal Manager: J France

BACKGROUND

In terms of section 18(2) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) **a municipal council** must meet at least quarterly. Section 29(1) determines that the speaker of a municipal council decides when and where the council meets subject to section 18(2), but if a majority of councillors request the speaker in writing to convene a council meeting, the speaker must convene a meeting at a time set out in the request. In terms of section 29(2) the municipal manager of a municipality must call the first meeting of the council of that municipality within 14 days after the council has been declared elected.

In terms of section 50 of the Local Government Structures Act, 1998 (Act 117 of 1998) the Executive Mayor decides when and where the Executive Mayoral Committee meets, but if a majority of the members requests the Executive Mayor in writing to convene a committee meeting, the Executive Mayor must convene a meeting at a time set out in the request.

Proposed dates for Council Meetings and Executive Mayoral Committee meetings are attached to this item.

RECOMMENDED

That in respect of the

**DATES AND FREQUENCY OF FUTURE MEETINGS / DATUMS EN FREKWENSIE VAN
TOEKOMSTIGE VERGADERINGS**

Discussed by Council at Council Meeting held on 17 August 2016:

1. Dates be determined for Council and Executive Meetings of the Municipality; and
Datums vir Raads- en Uitvoerende Burgemeesterskomitee Vergaderings vasgestel word;
2. The public be informed accordingly of such dates.
Dat die publiek ingelig word oor sodanige datums.

RESOLVED

That in respect of the

**DATES AND FREQUENCY OF FUTURE MEETINGS / DATUMS EN FREKWENSIE VAN
TOEKOMSTIGE VERGADERINGS**

discussed by Council at Council Meeting held on 17 August 2016:

1. That Council takes cognisance of the dates and frequency of future meetings pertaining to Council's business; and
2. The public be informed accordingly of such dates.

5.1.14 REMUNERATION OF COUNCILLORS / VERGOEDING VAN RAADSLEDE

Ref.:5/12/1

Acting Municipal Manager: J France

BACKGROUND

Government Notice No. 39548 dated 21 December 2015 sets out the upper limits of salaries, allowances and benefits of the members of municipal councils. A copy of the Government Notice mentioned above is attached.

Cederberg is a Grade B municipality. The upper limits of the annual salary of a Councillor for the respective positions is therefore, as follows:

Executive Mayor	R709 765
Speaker	R567 812
Deputy Executive Mayor	R567 812
Members of the Executive Mayoral Committee	R532 323
Chairperson of Section 79 Committee	R274 555
Part-time members of Council	R213 939

The upper limits of the applicable allowances of full-time and part-time Councillors are also Comprehensively addressed in the Government Notice.

Councillors should be remunerated in accordance with the terms and conditions set out in Government Notice 39548 dated 21 December 2015.

RECOMMENDED

That in respect of the

REMUNERATION OF COUNCILLORS / VERGOEDING VAN RAADSLEDE

discussed by Council at Council Meeting held on 17 August 2016:

1. Councillors take cognisance of the determinations regarding their salaries and allowances as depicted in Government Notice 39548 dated 21 December 2015.

RESOLVED

That in respect of the

REMUNERATION OF COUNCILLORS / VERGOEDING VAN RAADSLEDE

discussed by Council at Council Meeting held on 17 August 2016:

1. Councillors take cognisance of the determinations regarding their salaries and allowances as depicted in Government Notice 39548 dated 21 December 2015.

**5.1.15 DISCONTINUATION OF CURRENT WARD COMMITTEES / AFSKAFFING VAN
HUIDIGE WYKSKOMITEES**

Ref.: 3/2/2/8

Acting Municipal Manager: J France

BACKGROUND

In terms of office of ward committees are aligned to that of the councillors, new ward committees will have to be elected as soon as possible and a report on how the election will be attended to must be submitted to the council for resolution. Once the principles relating to the election of ward committees have been agreed upon, the actual process can be initiated by the municipality.

RECOMMENDED

That in respect of the

**DISCONTINUATION OF CURRENT WARD COMMITTEES / AFSKAFFING VAN HUIDIGE
WYKSKOMITEES**

Discussed by Council at Council meeting held on 17 August 2016.

- a) The current Ward Committees be dissolved and the process of electing new Ward Committees be initiated as soon as possible.
- a) Die huidige wykskomitees ontbind word en dat die proses vir die verkiesing van nuwe Wykskomitees so spoedig moontlik mee begin word.

RESOLVED

That in respect of the

**DISCONTINUATION OF CURRENT WARD COMMITTEES / AFSKAFFING VAN HUIDIGE
WYKSKOMITEES**

discussed by Council at Council meeting held on 17 August 2016.

- a) The current Ward Committees be dissolved and the process of electing new Ward Committees be initiated as soon as possible.

6. CLOSURE

Meeting adjourned at 12h20.

VOORSITTER / CHAIRPERSON

DATUM / DATE