



NOTULES VAN DIE / MINUTES OF THE

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

09 SEPTEMBER 2016

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SPECIAL COUNCIL MEETING OF THE CEDERBERG MUNICIPALITY, HELD ON

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**MINUTES OF THE SPECIAL COUNCIL MEETING OF THE CEDERBERG MUNICIPALITY
HELD ON 09 SEPTEMBER 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:

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.

At 14h00 the Chairperson, Cllr. W Farmer called the meeting to order and welcomed all present. Cllr. J Barnard opened the meeting with a prayer.

1.1 Announcement of Councillors birthdays

2. ELECTION OF (ACTING) SPEAKER, IF NECESSARY
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N/A

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3. 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.

3.1 A blank Application for Leave of Absence form is enclosed

- Mr. J France

3.2 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.

4. INTERVIEWS WITH OR PRESENTATIONS BY DEPUTATIONS

Rules of Order for Internal Arrangement

Part 6

6. Deputations

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

Geen / None

5. CONFIRMATION OF MINUTES

Rules of Order for Internal Arrangement By-Law 2013 (Provincial Gazette 7118 dated 12 April 2013)

Part Four

1. Minutes

- 1.1 Minutes of the proceedings of meetings must be recorded in writing in a minute book;
- 1.2 Such minutes shall be compiled in printed form and be confirmed by the council at the following meeting of Municipal Council and signed by the speaker.
- 1.3 The minutes shall be deemed to have been read for the purpose of confirmation provided a copy thereof was sent to each member within a reasonable period prior to the following meeting.
- 1.4 Discussions or motions in relation to the accuracy of minutes shall be entertained. No further discussion or motions in relation to any other matters forming part of the minutes shall occur.
- 1.5 Minutes shall consist of recordings of all business discussed as well as the names of members that were in attendance, absent, and granted leave of absence.
- 1.6 Should any member have requested that their dissent, abstention or support be recorded during voting, these are to be recorded in the minutes.
- 1.7 Audio recordings of all meetings of Municipal Council must be kept for a period of three years for administrative purposes.

6. STATEMENTS AND COMMUNICATIONS BY THE SPEAKER

- a) The Speaker thanked all Councillors for their presence at the Special Council Meeting.
- b) The Speaker requests that all Councillors be dressed appropriately when attending Council Meetings.

7. STATEMENTS AND COMMUNICATION BY THE EXECUTIVE MAYOR

- The Executive Mayor informed Council that the matter at the Clanwilliam Dam Resort involving the Security Company, which is a Supplier of Cederberg Municipality, will be addressed at the soonest.

8. REPORT BY THE EXECUTIVE MAYOR ON DECISIONS TAKEN BY THE EXECUTIVE MAYOR, THE EXECUTIVE MAYOR TOGETHER WITH THE DEPUTY EXECUTIVE MAYOR AND THE EXECUTIVE MAYOR TOGETHER WITH THE MAYORAL COMMITTEE

Rules of Order for Internal Arrangement

Part 5

9. REPORTS OF THE MAYOR

- 9.2 Debate must be allowed by the Speaker in accordance with the rules relating to debate contained herein. Decisions made by the Mayor by way of delegated authority and those made by the Mayor and Mayoral Committee may be debated upon should consent be granted by the Mayor to the Speaker. A member shall request in writing such debate at least 24 (twenty four) hours prior to the meeting. Such request must be issued to the Speaker. The business of meetings of the Council will appear in the following order on the agenda.

The Executive Mayoral Committee resolved on 08 December 2015 as follows:

1. The Executive Mayor reports to the municipal council on all decisions taken by the Executive Mayor (excluding Special Council Meetings).
2. The reports of the Executive Mayor shall be for information and nothing by council and no debate, question, motions, points for information, clarity or points of order on the report shall be allowed save where motions or questions are raised in compliance with the provisions of the Council's Rules of Order.

Geen / None

9. MATTERS FOR CONSIDERATION

Rules of Order for Internal Arrangement

Part Four:

2. DECISIONS AND VOTING

- 2.1 In the event that the Speaker enquires from the attendees at a meeting if they are in agreement with recommendation/s and there is no opposition by any member present, recommendations are adopted.
- 2.2 The Speaker must put every apposed motion to the vote by calling upon the members to indicate by a raising of hands unless otherwise prescribed by law, whether they are in favour of or against such motion. The result of the vote must thereafter be declared by the Speaker.
- 2.3 The number of members voting in favour of or against an item, is to be recorded in the minutes. Members may abstain from voting without leaving the meeting and may request that his/her abstention be recorded in the minutes of that meeting. Consequently, subsequent to the speaker's declaration of the result, a member may demand that his or her opposition or support of a decision be recorded in the minutes and the Municipal Manager must accordingly arrange for the same.
- 2.4 All decisions must be taken by a supporting vote of the majority of the members present at any meeting of the Council.
- 2.5 The Municipal Council must reconsider a decision taken if the majority of members lodge a request in writing with the Municipal Manager. This shall apply unless such reconsideration adversely affects existing rights. Motions for the reconsideration of decision must be submitted in terms of Rule 5 of the Rules of Order.
- 2.6 Notwithstanding the provision of this Rule, the Council may at any time following a recommendation by the Mayor, rescind or amend any resolution passed by it.

Part 5

4. Councillor to address chair

A member who speaks at a meeting must address the chair.

Part 5

16. Order of priority

- 16.1 The Speaker must ensure that there is maintenance of order. To this end, the Speaker may, if he / she deems it necessary, at any time in a meeting direct an officer to remove or cause the removal of any person, excluding a member, from the Council Chamber. The Speaker may also direct that the public gallery be vacated.
- 16.2 The removal of any person or persons who refuse to carry out any reasonable instruction given by the Speaker or obstructs the carrying out of such instruction may be ordered by the Speaker.

Part 5

3. Precedence of the Speaker

Silence must be observed by all present in meeting when the Speaker addresses meetings in order for the Speaker to be heard without interruption. Whenever the speaker addresses the meeting, all members must be silent so that the speaker may be heard without any interruption. Council must be addressed by members through the Speaker.

13. Relevance

Speeches by members must address the subject or matter under discussion or to an explanation or to a point of order. In this Regard, no discussion shall be tolerated in relation to the anticipation of any matter on the agenda or in respect of any matter in respect of which a decision by a judicial or quasi-judicial body or a commission of inquiry, whether instituted in terms of legislation or not, is pending, provided that such matter may be considered with the permission of Council.

Part 5

5. Right to speak

A member is provided with an opportunity to speak with the permission of the Speaker only once for no longer than 5 (five) minutes on a matter before the meeting unless authorised by the Chairperson.

A member is entitled to speak once on any recommendation, motion or proposal, provided that the Mayor or Member may reply to conclude a debate and shall restrict himself/herself to answering previous speakers rather than the introduction of new matters.

Prior to the consideration of any item contained in the report of the mayor in reply to a specific question or during discussion of the same, the Speaker shall permit the Mayor, MMC or Chairperson of the Committee in terms of section 79 and 80 of the Local Government Municipal Structures Act 117 of 1998 who made the proposal in terms of rule 9 or rule 14 of part 5 of these Rules to make and explanatory statement.

6. Length of speeches

- 6.1 A member may (unless authorised otherwise by the Speaker) only speak once to-

- 6.1.1 the matter and any amendments to that matter that is before the council;
 - 6.1.2 any motion before the council;
 - 6.1.3 to a matter or an amendment proposed or be proposed by himself or herself;
 - 6.1.4 a point of order or a question of privilege, unless authorised by the speaker or as provided for in terms of these rules.
- 6.2 No new matters may be introduced by a mover that speaks to a motion and replies to previous speakers in a debate. The right of reply shall not extend to the mover of an amendment which, having been carried, has become substantive motion.

9.1 Items submitted by Officials of Council

9.1.1 WERWING EN KEURING TEN OPSIGTE VAN VULLING VAN VAKATURE: MUNISIPALE BESTUURDER

Verw: (4/3/3)

UITVOERENDE BURGEMEESTER: Rdl. J Barnard

DOEL / AIM :

Om goedkeuring te verkry vir die vulling van die vakante posise van Munisipale Bestuurder.

AGTERGROND / BACKGROUND :

Die posisie van Munisipale Bestuurder posisie het vakant geword op 01 Augustus 2016, en moet eersdaags adverteer word ten einde gemelde vakature te vul. Ingevolge artikel 54 (a) van die Wet op Plaaslike Regering: Munisipale Stelselwet, 32 van 2000; moet die Raad 'n Munisipale Bestuurder aanstel as hoof van die administrasie. Verder word in Artikel 54A vermeld dat:

- (4) *"If the post of municipal manager becomes vacant, the council must-*
- (a) Advertise the post nationally to attract a pool of candidates nationwide; and*
 - (b) Select from the pool of candidates a suitable person who complies with with the prescribed requirements for appointment to the post.*
- (5) *The municipal council must re-advertise the post if there is no suitable candidate who complies with the prescribed requirements*
- (6) (a) *The Municipal Council may request the MEC for local government to second a suitable person, on such conditions as prescribed, to act in the advertised position until such time as a suitable candidate has been appointed.*
- (b) *If the MEC for local government has not seconded a suitable person within a period of 60 days after receipt of the request referred to in paragraph (a), the Municipal Council may request the Minister to second a suitable person..."*

PROSES VAN WERWING EN KEURING: VULLING VAN VAKATURE VAN MUNISIPALE BESTUURDER

Wanneer die posise van 'n Senior Bestuurder vakant word, moet kennis geneem word van die prosesse en vereistes soos uiteengesit in "Local Government: Regulations on

appointment and conditions of employment of senior Managers”, hoofstuk 2, regulasie 5 en hoofstuk 3:

- Die Uitvoerende Burgemeester (in geval van die Munisipale bestuurder) sodra sodanige posise vakant word, goedkeuring bekom van die Raad vir vulling van sodanige vakature
- Sodanige posisie gevul word deur 'n proses van publieke advertensie in 'n Nasionale koerant.
- Die vakature moet binne 14 dae van goedkeuring daarvan, adverteer word (Sien regulasie 10)
- Die posise moet vir 'n minimum tydperk van 14 dae vanaf die datum van plasing van die advertensie oop wees vir aansoeke. Die maksimum advertensie periode mag nie 30 dae oorskry nie.

FINANSIËLE IMPLIKASIE / FINANCIAL IMPLICATION :

Kwotasies moet ingewin word vir die plasing van 'n advertensie en vir 'n konsultant om die psigometriesse toetse te hanteer.

PERSONEEL IMPLIKASIE / PERSONNEL IMPLICATION :

Normale aanstellingsprosedure sal gevolg word.

REGSIMPLIKASIE / LEGISLATIVE IMPLICATION :

1. Volgens die Munisipale Stelselwet Wysigingswet, artikel 54A, berus die bevoegdheid by die Raad om die aanstelling van munisipale Bestuurder te doen.
2. Artikel 54A(2A)(a) meld dat 'n persoon wat aangestel is om waar te neem as die Munisipale Bestuurder nie vir 'n tydperk langer as drie maande mag waarneem nie, en subartikel (b) van dieselfde bovermelde artikel meld dat die Raad in spesiale omstandighede die MEC kan versoek om die waarneming te verleng vir 'n tydperk wat ook nie drie maande mag oorskry nie
3. Artikel 54A(4) plaas 'n verpligting op die Raad om sodanige vakature so spoedig moontlik te adverteer, en welke pos reeds ietwat meer as 'n maand vakant is.

4. Ingevolge Artikel 54A(6) (a) het die Raad ook die opsie om die MEC te versoek om 'n geskikte persoon te sekondeer om waar te neem tot tyd en wyl die posisie gevul word.

AANBEVELING / RECOMMENDATION:

- A. Dat die Raad kennis neem van die aangehegde regulasies, en veral regulasie 7(2) "Local Government: Regulations on appointment and Conditions of Employment of Senior Managers";
- B. Die vulling van die van Munisipale Bestuurder vakature goedgekeur word;
- C. Die Burgemeesterskomitee en die Waarnemende Munisipale Bestuurder aangewys word om die aanstellingsproses te hanteer;
- D. Dat die Burgemeesterskomitee terugrapporteer aan die Raad as aanstellingsgesag ten opsigte van die prosesse gevolg vir goedkeuring;
- E. Die MEC vir Plaaslike Regering ingelig word van die aanstelling;
- F. Dat indien die proses van vulling van die vakature langer sal neem as die huidige waarneming in die vakante pos van munisipale bestuurder, die Raad goedkeuring by die MEC verkry ingevolge die Wet, om die waarneming te verleng (artikel 54A(2A)(b)) , of alternatiewelik vra vir 'n sekondering van 'n geskikte persoon om waar te neem (artikel 54A(6) (a))
- G. Dat indien nodig, 'n Konsultant die Raad sal assisteer, of alternatiewelik die Provinsiale Regering genader word om 'n professionele persoon te sekondeer om die Raad te assisteer met die psigometriese toetsings- en onderhoudsproses.

BESLUIT:

- A. Dat die Raad kennis neem van die aangehegde regulasies, en veral regulasie 7(2) "Local Government: Regulations on appointment and Conditions of Employment of Senior Managers";

- B. Die vulling van die van Munisipale Bestuurder vakature goedgekeur word;
- C. Die Burgemeesterskomitee en die Waarnemende Munisipale Bestuurder aangewys word om die aanstellingsproses te hanteer;
- D. Dat die Burgemeesterskomitee terugrapporteer aan die volle Raad wat as aanstellingsgesag optree ten opsigte van die prosesse gevolg vir goedkeuring;
- E. Die MEC vir Plaaslike Regering ingelig word van die aanstelling;
- F. Dat indien die proses van vulling van die vakature langer sal neem as die huidige waarneming in die vakante pos van munisipale bestuurder, die Raad goedkeuring by die MEC verkry ingevolge die Wet, om die waarneming te verleng (artikel 54A(2A)(b)) , of alternatiewelik vra vir 'n sekondering van 'n geskikte persoon om waar te neem (artikel 54A(6) (a))
- G. Dat indien nodig, 'n Konsultant die Raad sal assisteer, of alternatiewelik die Provinsiale Regering genader word om 'n professionele persoon te sekondeer om die Raad te assisteer met die psigometriesse toetsings- en onderhoudsproses.

Voorstel: Rdl. B Zass
Sekondant: Rdl. R Pretorius

9.2 Matters for notification

Geen / None

9.3 Consideration of notices of motion

Geen / None

9.4 Consideration of notices of questions

Geen / None

9.5 Consideration of motions of exigency

Geen / None

10. CLOSURE

Meeting adjourned at 14h20.

VOORSITTER / CHAIRPERSON

DATUM / DATE