



NOTULES VAN DIE / MINUTES OF THE

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

10 NOVEMBER 2016

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COUNCIL MEETING OF THE CEDERBERG MUNICIPALITY, HELD ON

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**MINUTES OF THE SPECIAL COUNCIL MEETING OF THE CEDERBERG MUNICIPALITY
HELD ON 10 NOVEMBER 2016 IN THE COUNCIL CHAMBERS OF CEDERBERG
MUNICIPALITY, 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:

- Geen / None

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 Speaker welcomed all present and Cllr. F Sokuyeka opened the meeting with a prayer.

1.1 Announcement of Councillor's birthdays

The Speaker, on behalf of Council, congratulate Cllr. R Witbooi on her birthday.

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

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9.1 MATTERS FOR CONSIDERATION

9.1.1 VERWYDERING VAN BOME TE ELANDSBAAI EN LAMBERTSBAAI WAT 'N GEVAAR INHOU VIR MENSE EN EIENDOMME

9.1.2 REPORT FROM OFFICE OF THE SPEAKER: MOTION BY THE ADC

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

- **Cllr. J Meyer**

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.

- **GEBRUIK VAN MUNISIPALE GEBOU BY SPORTGRONDE, LAMBERTSBAAI : Rohann Cronje**
- **The Speaker informed the meeting that the above mentioned presentation will be dealt with at another Council Meeting.**

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 there 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.

N/A

6. STATEMENTS AND COMMUNICATIONS BY THE SPEAKER

- Promptness at Council Meetings is a big concern and not being on time for a Council meeting will not be tolerated.

7. STATEMENTS AND COMMUNICATION BY THE EXECUTIVE MAYOR

- Geen / None

<p>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</p>
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Rules of Order for Internal Arrangement

PART 3: MEETINGS

5. Order of business

(1) The business of meetings of the Council will appear in the following order on the agenda

(h) 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;

- 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.**

N/A

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 an explanatory statement.

6. Length of speeches

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

9.1.1 VERWYDERING VAN BOME TE ELANDSBAAI EN LAMBERTSBAAI WAT `N GEVAAR INHOU VIR MENSE EN EIEDOMME

Verw.:17/6/5

Direkteur Gemeenskap Ontwikkelingsdienste: J France

Saamgestel: P Titus

DOEL

Om die Raad in te lig oor die gevaar wat die bome inhou vir die gemeenskap van Elandsbaai en Lambertsbaai.

Die bome is ook geleë op privaat eiendom en dat die eienaars eintlik verantwoordelik is vir die verwydering van die bome of die kostes vir die verwydering.

Die probleem met bome strek ook oor die hele Cederberg area en dat kollektief na die probleem gekyk moet word in die verwydering van bome wat gevaar skep.

AGTERGROND

Ons het klagtes ontvang via die Speaker se kantoor oor die bome te Elandsbaai en Lambertsbaai wat `n gevaar is vir die mense en eiendomme.

Daar was onmiddellik inspeksie gedoen deur die rampbestuur beampte op 21 September 2016 en die verkeershoof om die omvang van die probleem te bepaal.

Baie van die bome is al baie oud en is baie hoog gegroei. Daar is boom take wat oor van die wonings hang, wat `n groot risikos is.

Die wind in die area is ook geweldig sterk in sommige gevalle en voorvalle van take wat afbreek het al voorgekom.

Die verkeershoof was ook in gesprek met die gemeenskap en duidelik kon gevind word dat die mense vrees dat iets ernstigs kan gebeur. Die afmaak van die bome sal ongeveer 3 dae duur volgens rampbestuur verslag.

Die probleem met bome strek ook oor die hele Cederberg area en dat kollektief na die probleem gekyk moet word in die verwydering van bome wat gevaar skep.

Die munisipaliteit se sae kan ook nie gebruik word nie, omrede die sertifikate verval het.

Na raadpleging met spesialiste op die gebied, kan die koste enigeits tussen R15000.00 en R20000.00 beloop per boom.

Daar is omtrent, volgens rampbestuur verslag, +- 16 bome te Elandsbaai en een boom te Lambertsbaai wat verwyder moet word. Die getal kan meer word.

AANBEVELING

Dat ten opsigte van

GEVAAR VAN BOME TE ELANDSBAAI EN LAMBERTSBAAI.

bespreek deur die Raad by die Raadsvergadering van 10 November 2016:

- a) Dat die Raad kennis neem van die bome probleem en die gevare wat dit inhou.
- b) Dat die Raad leiding moet gee oor die koste implikasies wat die verwydering van die bome inhou.
- c) Dat die Raad ons leiding gee wie die kostes gaan dra vir die verwydering van die bome en of die Raad self die kostes gaan dra.
- d) Dat daar kollektief na die hele Cederberg area gekyk gaan word, waar bome gevaar inhou vir mense en eiendom.

BESLUIT

Dat ten opsigte van

GEVAAR VAN BOME TE ELANDSBAAI EN LAMBERTSBAAI.

bespreek deur die Raad by die Spesiale Raadsvergadering van 10 November 2016:

- a) Dat die verslag terug verwys word na die Administrasie;
- b) Dat 'n gedetailleerde verslag aan die Raad moet voorsien word, waar daar 'n impak studie gedoen is aangaande die finansiële-, regs- en risiko implikasies vir die Raad; en
- c) Dat die verslag by die volgende Spesiale Raadsvergadering sal voorgehou word deur die amptenary wie dit saamgestel het.

Voorstel: Rdl. J Barnard

Sekondant: Rdl. F Sokuyeka

9.1.2 REPORT FROM OFFICE OF THE SPEAKER: MOTION BY THE ADC

Ref.:3/3/1/1

The Speaker will inform Council regarding the outcome of the report.

RESOLVED

**That in respect of the
REPORT FROM OFFICE OF THE SPEAKER: MOTION BY THE ADC
discussed by Council at the Special Council Meeting held on 10 November 2016:**

- a) That Council takes cognisance of the report submitted by the Speaker;
- b) That point 2 and 3 of the report be referred to the Disciplinary Committee of Cederberg Municipality; and
- c) That Cllr. D Smith refrain himself from any interference pertaining to the witnesses and any related documentary evidence in relation to the case.

Proposed: Cllr. F Sokuyeka

Seconded: Cllr. J Barnard

Counter Proposal: Cllr. M Nel - **That point 1 and 4 of the report also be referred to the Disciplinary Committee at this stage.**

Secondant: Cllr. N Qunta

VOTE

FOR PROPOSAL OF CLLR. F SOKUYEKA	FOR COUNTER PROPOSAL OF CLLR. M NEL
6	4

9.2 Urgent matters submitted by the Municipal Manager

9.3 Matters for notification

9.4 Consideration of notices of motion

Rules of Order for internal Arrangement

Part 4

4. Notice of motion

- (1) Unless contained otherwise in these Rules, written notice of intent by a member to introduce a motion must be provided accompanied with a motivation, signature of mover and member seconding the motion as well as the date. Such notice must be delivered to the Municipal Manager at least six working days prior to the date of the meeting on which it is intended to be introduced. It shall incorporate a motivation, signature and date. The speaker may not accept any motion other than motion/s of exigency or motion/s of course unless notice has been provided.

9.5 Consideration of notices of questions

Rules of Order for internal Arrangement

Part 4

3. Notice of question

Unless contained otherwise in these Rules, written notice must be provided of intention by a member to introduce a question. Such notice shall be effected at least six working days before the date of the meeting on which it is intended to be introduced. It shall incorporate a motivation, signature and date.

9.6 Consideration of motions of exigency

Rules of Order for internal Arrangement

Part 4

8. Motion of exigency

- 8.1 A motion of exigency exists when the attention of Municipal Council is directed to any matter not appearing on the agenda for which no notice was provided. The subject of the matter is briefly stated as well as reference to the fact that the motion to which attention has been directed be considered a matter of exigency.
- 8.2 The attention to the matter is drawn by a member. The matter is brought under the consideration of council by way of motion or question only of the motion is seconded and carried by a majority of the members present.

10. CLOSURE

- Meeting adjourned at 09h30

VOORSITTER / CHAIRPERSON

DATUM / DATE