



NOTULES VAN DIE / MINUTES OF THE

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

23 JUNE 2022

.....

SPECIAL COUNCIL MEETING OF THE CEDERBERG MUNICIPALITY, HELD ON

**THIS IS A PERMANENT DOCUMENT PLEASE RETAIN IT AS IT WILL NOT BE
CIRCULATED AGAIN**

**MINUTES OF THE SPECIAL COUNCIL MEETING OF THE CEDERBERG MUNICIPALITY
HELD ON 23 JUNE 2022.**

**PLEASE RETAIN THIS DOCUMENT FOR RECORD PURPOSES AS IT WILL NOT BE
CIRCULATED AGAIN.**

PRESENT AND IN ATTENDANCE:

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

- Cllr. W Farmer
- Cllr. J Van Heerden
- Cllr. M Bergh
- Cllr. T Waldeck
- Cllr. R Witbooi
- Cllr. W Van Neel
- Cllr. P Strauss
- Cllr. A Scheepers
- Cllr. F Kamfer
- Cllr. M Heins

- Mr. D Adonis
- Miss. E Visser
- Mr. A Titus
- Mr. N Mercuur
- Mr. C Sheldon
- Miss. J Maarman
- Miss L September

ABSENT WITHOUT APOLOGY:

- Geen / None

1. OPENING

- The Chairperson called the meeting to order and welcomed all present. Cllr. T Waldeck opened the meeting with a prayer.

02. ELECTION OF (ACTING) SPEAKER, IF NECESSARY

- N/A

3. APPLICATIONS FOR LEAVE OF ABSENCE

- Cllr. R Richards (Executive Mayor)
- Mr. A Allison

04. STATEMENTS AND COMMUNICATIONS BY THE SPEAKER

- The Speaker informed Council about the meeting at the Kompong, Lamberts Bay.
- Also the concern of people in our communities regarding purchasing of electricity and not getting enough units.
- That a follow-up meeting will be held with the people of the Kompong and feedback will be given to Council in due time.

05. STATEMENTS AND COMMUNICATION BY THE EXECUTIVE MAYOR

- Geen / None

06. MATTERS FOR CONSIDERATION

Rules of Order for Internal Arrangement

Part Four:

2. DECISIONS AND VOTING

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

Part 5

4. Councillor to address chair

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

Part 5

16. Order of priority

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

Part 5

3. Precedence of the Speaker

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

13. Relevance

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

Part 5

5. Right to speak

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

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

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

6.1 RESOLUTIONS TAKEN BY COUNCIL

RB6.1.1/23-06-2022

CONDONATION OF ALL INCENTIVE OFFERS TO CONSUMER DEBTORS FOR PROMPT PAYMENT

RESOLVED:

1. That Council notes the report of the incentive offers for prompt payment of outstanding debt;
2. That Council condones all incentive offers amounting to R 6 107 348.56, contained in the attached annexure.

Proposed: Cllr. R Witbooi

Seconded: Cllr. M Bergh

RB6.1.2/23-06-2022

MPAC INVESTIGATION ON THE DEVIATION REPORT

RESOLVED:

- a) That Council takes cognisance of the Deviations;
- b) That Council accept the investigation report from MPAC with the following condition:
 - (i) That the deviation, DK-Wireless be referred back to MPAC for further investigation.

RB6.1.3/23-06-2022

**IMPLEMENTATION OF THE MUNICIPAL STAFF
REGULATIONS**

RESOLVED:

That Council,

1. Take note of the report and that the regulations will not be implemented by 01 July 2022;
2. Take note that full implementation is projected to be 01 July 2023, provided that funds are available to appoint service provider to assist with same; and
3. That a letter was sent to the National Department of COGTA, SALGA and Provincial department of local government, informing them that Cederberg Municipality is committed to implement the regulations, but that the deadline of 01 July 2022 is not achievable due to various challenges

Proposed: Cllr. W Van Neel

Seconded: Cllr. A Scheepers

RB6.1.4/23-06-2022

**APPLICATION FOR EXEMPTION FROM
IMPLEMENTATION OF SALARY AND WAGE
COLLECTIVE AGREEMENT**

RESOLVED

1. That Council approve the attached exemption application;

2. That Council take note of the progress with the application; and
3. That Council prepare for a scenario where the exemption from the salary and wage agreement may not be granted

Proposed: Cllr. J Van Heerden

Seconded: Cllr. M Bergh

RB6.1.5/23-06-2022

**AMENDMENT OF THE SUPPLY CHAIN
MANAGEMENT POLICY OF CEDERBERG
MUNICIPALITY**

RESOLVED

1. Council take cognisance of the report
2. Council rescind the resolution of RB 9.1.5/ 20/05/2022
3. Council adopts the amended Supply Chain Management Policy of Cederberg Municipality.

Proposed: Cllr. F Kamfer

Seconded: Cllr. M Bergh

- *The Speaker made a ruling that RB6.1.6/23-06-2022 will be handled at In-Committee.*

RB6.1.7/23-06-2022

**WRITE-OFF OF SUSPENSE DEBTORS AND
CREDITORS ACCOUNTS**

RESOLVED:

1. Council recognise the amount of (R 175 331.32) as revenue in terms of the 3 year prescribed debt principle as all entries relate to take-on balances from Promis, of which there were no movement since 2016/17.
2. Council write-off the amount of R 48 482.16 in respect of debtors raised for theft of R 163 075.81 of which R 114 593.65 was collected.
3. Council write-off the amount of (R 21 939.57) as the collection is greater than debtor created for theft.
4. Council recognise the amount of (R 28 499.60) as revenue in terms of the 3 year prescribed debt principle as receipts are older than 3 years.
5. Council recognise the amount of (R 342 137.34) as revenue in terms of the 3 year prescribed debt principle as receipts are older than 3 years.
6. Council write-off the amount of R 107 838.79 with reference to Stale cheques (PAWC) dating back to the take-on balance from Promis

7. Council write-off the amount of R 71 908.70 with reference to Stale cheques (Debtors) dating back to the take-on balance from Promis.

Proposed: Cllr. W Van Neel

Seconded: Cllr. M Bergh

RB6.1.8/23-06-2022

**WRITE-OFF OF TRAFFIC FINES AND
WITHDRAWALS IN TERMS OF UNIFORM
NATIONAL INSTRUCTIONS ISSUED BY
NATIONAL PROSECUTION SERVICES**

RESOLVED

1. Council take cognisance of the National Prosecution Services Circular 10/2/12/3 – 223/2017.
2. Council approves that unpaid traffic fines amounting to R 15 448 343.51 be written-off against the provision relating to traffic infringements older than 18 months; and
3. That the Acting Director Community Development and Protection Services and the Chief of Traffic must explain to Council as well as the Portfolio Committee regarding the poor collection rate of traffic services.

Proposed: Cllr. J Van Heerden

Seconded: Cllr. M Bergh

RB6.1.9/23-06-2022

**REPORT TO COUNCIL: LEASE AGREEMENTS
BETWEEN CEDERBERG MUNICIPALITY AND
SPORT FACILITIES/CLUBS**

RESOLVED:

- a) The item be referred:
 - 1. Back to the administration and
 - 2. Workshop on 27 June 2022.

RB6.1.10/23-06-2022

**RENTING OF OFFICE SPACE IN MAIN STREET,
CLANWILLIAM**

RESOLVED:

- 1. The Council take cognisance of the report;
- 2. The Council approve the recommendation to enter into a month-to-month agreement in respect of the rental of offices in Clanwilliam.
- 3. That the relevant SCM processes be followed;
and
- 4. That the Municipal Manager report back to Council on the options in respect of available offices in Clanwilliam.

Proposed: Cllr. J Van Heerden

Seconded: Cllr. R Witbooi

RB6.1.11/23-06-2022

PROPOSED INDUSTRIAL AREA EXTENSION.

RESOLVED:

1. The item be removed from the agenda and referred back to the administration; and
2. A more detailed report, inclusive of a better view on the identification of the street on the sketch; be brought back to Council.

RB6.1.12/23-06-2022

**EXTENSION OF EXISTING PROCURMENT
CONTRACTS IN TERMS OF SECTION 116(3) OF
THE MFMA**

RESOLVED:

1. That the council take note that the process as set out in Section 116 (3) of the Municipal Financial Management Act, Act 56 of 2003 has been followed.
2. That the existing contracts as per Annexure (A) be extended for a further three months for the tender process to be finalised and completed; and
3. That the SCM department report to Council on progress after a three month period.

Proposed: Cllr. F Kamfer

Seconded: Cllr. A Scheepers

RB6.1.13/23-06-2022

**REPORT TO COUNCIL ON APPLICATION FOR
EXTENDED TRADING HOURS/DAYS FOR
MIDNIGHT EXPRESS, CITRUSDAL**

RESOLVED TO RECOMMEND:

- a) Approval for the application on the extension of trading hours/days for Midnight Express, Citrusdal; and

- b) That Council's recommendation be communicated to the WCLA and SAPS in order to make a decision on the application.

Proposed: Cllr. F Kamfer

Seconded: Cllr. A Scheepers

Counter Proposal: Cllr. J Van Heerden

Seconded: Cllr. T Waldeck

VOTE

FOR APPROVAL	AGAINST APPROVAL	ABSTAIN
ANC – 4 DA – 1 PA - 1	CE – 1 DA – 1 VF+ - 1	CE - 1

RB6.1.14/23-06-2022

**WRITE-OFF OF OUTSTANDING DEBT
PETERSFIELD TRUST**

RESOLVED:

- a) That Council notes the report of the irrecoverable debt on Petersfield Trust;

- b) That Council approves the write-off of debt for Petersfield Trust amounting to R 229 955.24 contained in the attached annexure.

Proposed: Cllr. J Van Heerden

Seconded: Cllr. T Waldeck

RB6.1.15/23-06-2022

**WRITE-OFF OF OUTSTANDING DEBT OF
INDIGENT CUSTOMERS**

RESOLVED:

1. That Council notes the report of the irrecoverable debt on indigent households;
2. That Council approves the write-off of debt for all indigent consumers as at 15 June 2022, amounting to R 26 659 315.37 contained in the attached annexure.

Proposed: Cllr. J Van Heerden

Seconded: Cllr. W Van Neel

Counter Proposal: Cllr. M Bergh

(The MM should do an audit or investigation to determine if the report displays the correct figures)

Seconded: None

RB6.1.16/23-06-2022

**CONDONATION OF REVISED PAYMENT
ARRANGEMENT WITH ESKOM**

RESOLVED:

- a) Council condones the payment arrangement concluded with ESKOM

Proposed: Cllr. J Van Heerden

Seconded: Cllr. A Scheepers

RB6.1.17/23-06-2022

**REQUEST FOR APPOINTMENT OF
SUPPORT TEAM FROM DEPARTMENT OF
LOCAL GOVERNMENT**

RESOLVED:

That Council:

- A. approve the implementation of a support programme and the designation / appointment of a support team;
- B. Request the DLG to extend the period of three months' support to a longer, more realistic period to assist council; and
- C. Will provide the resolution together with any other relevant details of the support required, to the Department of Local Government.

Proposed: Cllr. F Kamfer

Seconded: Cllr. R Witbooi

6.2 Urgent matters submitted by the Municipal Manager

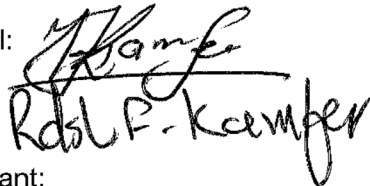
- Geen / None

6.3 Matters for Notification

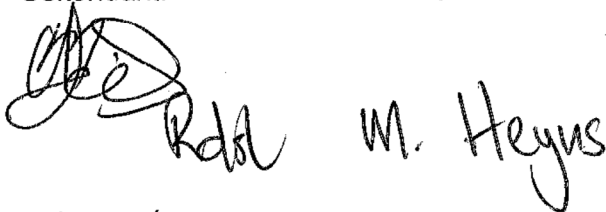
Speaker

Dit het onder my aandag gekom dat die plaas Namakwa Sitrus munisipale grond gebruik of gebruik het sonder die nodige toestemming van die raad of 'n raadsbesluit. Die ANC stel voor dat 'n ondersoek geloods word en binne 7 dae terug gekom word met 'n volledige verslag.

Voorstel:


RdsL P. Kamfer

Sekondant:


RdsL M. Heyns

23/06/2022

RESOLVED:

- a) That Council mandated the Speaker and Administration to investigate the matter and report back to Council on 04 July 2022.
 - *All Councillors present accept Cllr. J Van Heerden, approve the investigation. Proposes by Cllr. F Kamfer and Seconded by Cllr. M Heins.*

After above mentioned point, the house went into an In-Committee.

6.4 Consideration of motions of exigency

- Geen / None

7. CLOSURE

- Meeting adjourned.

VOORSITTER / CHAIRPERSON

DATUM / DATE