



**NOTULES VAN DIE / MINUTES OF THE**

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

**20 JULIE / JULY 2022**

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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 20 JULY 2022.**

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**PRESENT AND IN ATTENDANCE:**

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

- Cllr. M Heins
- Cllr. W Farmer
- Cllr. W Van Neel
- Cllr. F Kamfer
- Cllr. P Strauss
- Cllr. A Scheepers
- Cllr. R Richards
- Cllr. T Waldeck
- Cllr. J Van Heerden
- Cllr. R Witbooi
  
- Mr. D Adonis
- Mr. A Titus
- Mr. C Appel
- Mr. A Allison
- Mr. C Sheldon
- Mr. N Mercuur
- Mr. J Goeieman
- Miss J Cloete

**ABSENT WITHOUT APOLOGY:**

- Geen / None

**1. OPENING**

- The Chairperson welcomed all present and opened the meeting with a prayer.

***Sequence of events***

Cllr. J Van Heerden: "I would like to raise a point of order please.

Cllrs, Municipal Manager, Administration,

everybody present at this meeting, I would like to state categorically at the start of this meeting that the Freedom Font Plus want to put it on record that we object to the procedures of the previous Council Meeting. In regard of the motion of no confidence against the Speaker, the Mayor and the Deputy Mayor, with reference to the Municipal Structures Act as well as Rules of Order. I would like to point out that Rules of Order indicate the Speaker, with Executive Mayor or the Deputy Executive Mayor to whom the motion relates has the right and must be allowed the opportunity during a Special Council Meeting, to respond on every allegation made. In the motion to remove the Speaker, Mayor or Executive Mayor during the Meeting and I would like to point out seven points

The Speaker Called upon Cllr, Van Heerden, twice and for the fourth time asked Cllr. Van Heerden again to stop, respectfully.

Cllr. Van Heerden interrupts the Speaker and says that he raised a point of order and would like to finish because he is allowed five minutes,

The Speaker asked Cllr. Van Heerden to be allowed to talk because he wants to make a ruling.

Speaker: "U punt van orde is nie nou relevant op hierdie items of vergadering, nou nie. Aan die einde van die vergadering is daar spasie waar u dit kan 'state' wat u nou sê. So.."

Cllr. Van Heerden interrupted again and told the Speaker that he respectfully disagree and he would like to ..

Speaker called upon Cllr. Van Heerden again to stop and Cllr. Van Heerden proceeded with his point of order.

Speaker: “Cllr. Van Heerden ek vra u asb. weer om te stop. Raadslid Van Heerden respekteer die stoel van die Speaker asb.”

While the Speaker addressed Cllr. Van Heerden; he continued speaking.

Speaker: “Raadslid Van Heerden, Raadslid Van Heerden, Raadslid Van Heerden ek gaan u nie weer vra om stil te bly nie. Raadslid Van Heerden ek gaan nie toelaat dat u die stoel van die Speaker disrespect nie. Jy mors nie in my mond nie, want ek mors nie in jou mond nie. Ek het aan u gesê daar is ‘n tyd in die Agenda waar ons die goed kan bespreek.  
  
Ons gaan voort.”

<b>02. ELECTION OF (ACTING) SPEAKER, IF NECESSARY</b>
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- N/A

<b>3. APPLICATIONS FOR LEAVE OF ABSENCE</b>
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- Cllr. M Bergh

#### **04. STATEMENTS AND COMMUNICATIONS BY THE SPEAKER**

- Speaker addressed Council pertaining disrespectfulness and asked Council to respect his position as the Chairperson and Speaker of Council and he will do the same.
- If any Councillor's behaviour is indeed disrespectful, the Speaker will proceed to request that those persons leave the chambers. He emphasised that disrespect will not be allowed.

### ***Sequence of events***

Cllr. Van Heerden: "Point of order"

Speaker: "Wat is u punt van orde, Cllr. Van Heerden"

Cllr. Van Heerden: With all due respect. The point that I made was that the process of election was also illegal. Therefore I cannot respect your position.

Speaker: Councillor Van Heerden, dan vra ek u om die Raadsaal te verlaat as jy dan nie my stoel wil respekteer nie. Gaan u, u stelling terug trek?; want ek vra u om dit terug te trek.

Cllr. Van Heerden: Councillor, I will not reframe from the statement that I made, because I also ask that it be noted and minuted.

The Deputy Mayor, Cllr. Van Neel and Executive Mayor, Cllr. Farmer raises their hands to be recognised by the Speaker.

Speaker: Deputy Mayor en dan Mayor.

Cllr. W Van Neel:

Ek wil graag hê dat die Raadslid u op u amp address as die Speaker binne hierdie chamber. Dit is net uit respek. Ek wil vir u (Rdl. Van Heerden) dan ook sê, toe u in u amp gesit het in hierdie Raadsaal, het ons geluister. Hoekom is hy disrespectful teenoor u Speaker. Hy interrupt nou aanmekaar vir u. Ek wil voorstel dat u vir Raadslid Van Heerden vra om hierdie Raadsaal te verlaat.

Cllr. W Farmer:

Speaker, daars een ding wat ek verstaan. Ek verstaan dat ons is in Council Chambers ek verstaan dat elke meeting van Council moet geskied binne die Reglement van Orde. So ek wil net vra, op die Agenda is plek gemaak vir motions. Ek wil vra Speaker, dat ons die dag se take afhandel en dat die goed so gehanteer word soos wat daar plek gemaak is op die Agenda. Dankie Speaker.

Speaker:

Raadslid Van Heerden, ek vra u weer op rekord, gaan u terugtrek dat u die stoel van die Speaker, disrespect.

Cllr. Van Heerden:

Raadslid ek disrespekteer nie die stoel van die Speaker nie, maar ek erken nie die persone wat huidiglik dien in die stoele van Burgemeester, Onderburgemeester en Speaker nie, want die proses is twyfelagtig. Ek het versoek dat 'n eksterne regsopinie ingewin word oor die korrektheid van die proses voor daar voortgegaan word.

Speaker: Raadslid dan gaan ek nie verder na u luister nie, want u respekteer my nie. Verlaat die Raadsaal. Baie dankie.

Cllr. W Farmer: Speaker, ek wil dit weer emphasise dat as jy voel dat die prosesse was nie reg nie, het elke persoon die reg om te gaan.. maar nie om die Raad te dwing om te gaan eksterne prosedures en goed te doen. As jy voel daar was verkeerd gehandel, gaan hof toe; maar moenie die Raad se resources gebruik om jou persoonlike ding te baklei nie.

Speaker: Dankie Mayor. Raadslid Van Heerden ek het u gevra om die Raadsaal te verlaat asb.

Cllr. Van Heerden remains seated in his chair.

Speaker: MM (Municipal Manager) kan ons die Law Enforcement inkry asb.

Cllr. Van Heerden: Raadslid...

Speaker: Raadslid Van Heerden, nee, nee. Ek gaan u nie toelaat om verder te gaan nie.

Cllr. Van Heerden proceed to speak, even though the Speaker repeatedly asked him not to. He says the following:

*“Ek is verkies as ‘n Raadslid van ‘n vergadering wat wettig was van die munisipaliteit.”*

Speaker: Nee, nee, ek gaan ook nie ‘n debat met jou voer nie.

Cllr. Van Heerden: 'n Mosie is ingebring om my te verwyder wat nie prosedurieël korrek was nie"

Speaker: Raadslid Van Heerden verlaat die Raadsaal. Verlaat die Raadsaal. Verlaat die Raadsaal asseblief.

Cllr. Van Heerden: Ek het die reg om hier te sit as Raadslid.

Speaker: " en ek het die reg om jou te verwyder. Gaan lees u Rules of Order."

Cllr. J Van Heerden: Ek sal my stoel as Raadslid ontruim vir hierdie vergadering op aandrang van die stoel, maar ek sal nogsteeds as lid van die publiek hierdie vergadering bywoon. Dit is my reg.

Speaker: Ek vra jou om die Raadsaal te verlaat.

Cllr. W Farmer: Speaker, kan ek vra, aangesien Raadslid Van Heerden adamant is om hierdie ding te debate, kan ons dit tog debate, wanneer ons by daardie punt op die Agenda kom?; want sekere mense se integriteit word in twyfel getrek en as ons gaan kyk na die Raadsvergadering vanaf die 13de Julie waar die Executive verwyder was, was dit deurentyd verwys na die wetgewing en die Reglement van Orde; en dit vat vir Raadslid Van Heerden 'n paar dae om terug te kom om die legitimacy van daardie vergadering the question.

Municipal Manager: Speaker, deur u. Raadslid Van Heerden die Speaker het 'n ruling gemaak en u sal daardie



ruling moet respekteer. Die Speaker se ruling is dat u as 'n Raadslid, die Raadsvergadering moet verlaat. So my versoek aan u is om die ruling te respekteer want anders moet die Administrasie, prosesse in plek sit om uit die Raadsaal te verwyder.

Cllr. Richards asked the Speaker for a caucus break.

The Speaker informed the meeting that he will grant a 5 minute caucus break, but that his ruling will remain.

The Meeting convened after a 5 minute caucus break.

Cllr. R Richards:

On a point of order I would just like to enquire. My understanding in terms of the Rules of Order, when a point of order is raised, it must be dealt with immediately. That's my limited understanding. I would defer to yourself and the experts on that matter, and that may explain the persistence of Cllr. Van Heerden. That is the first one. Second, we all need to respect your ruling as the Speaker, we won't second-guess that. Third, so your ruling is that Cllr. Van Heerden is removed as a Councillor from the meeting, but if he is... seems to me that he cannot be removed from the meeting as an ordinary citizen. He has the right as any ordinary citizen to sit in as an ordinary citizen at any council meeting. I would just like to you to apply your mind. Thank you very much.

Speaker:

On the issue of the point of order, I would give that to Craig (Manager Legal Services) to conclude, but my understanding is that it must be in line with the current topic on the table. According to me there

wasn't a topic on the table at that stage and that is why I said to Cllr. Van Heerden. We will get to that point we you can state whatever issue you or a Councillor may have.

Manager Legal Services:

Chairperson and Councillors, the Speaker is well within his rights in terms of the Rules. It is the prerogative of the Speaker to determine whether he is going to entertain whether that is a point of order. The Speaker made a determination at that stage that there is no point of order. The ruling of the Speaker, in terms of the Rules stand. The Councillor, in terms of the Rues, should respect the ruling of the Speaker and he was requested to vacate the Council Chambers. Now this is serious business that we are busy with here in the Council and we shouldn't play games and it is in terms of the Rules and the Law the people are entitled to sit in on this meeting or to be here, but now the rules are being bend by the Councillor: I will vacate the Council Chambers, and when I step outside then I'm an ordinary member again. So that is by implication also disrespectful towards the Chair by doing something like that. If this meeting is being postponed to another meeting and e doesn't want to come as a Councillor, attend the meeting as a member of the public. The Ruling stands Councillors, that the Councillor should vacate or remove himself from this meeting.

The Municipal Manager reads out 3.2 to the Meeting and informed all, that the issue that the Councillor raised is not on the agenda and it's a matter that should be dealt with, in terms of a motion. He also emphasised that he ruling of the Speaker stands,

and advised Cllr. Van Heerden to leave the Council Chambers as a Councillor.

Cllr. Van Heerden who took a seat as a member of public, after the last caucus break, now leaves the Council Chambers.

Cllr. F Kamfer proposed a disciplinary process should take place given the incident that just happened and the fact that Cllr. Van Heerden says that he does not recognise the Speaker, Mayor and Deputy Mayor.

<b>05. STATEMENTS AND COMMUNICATION BY THE EXECUTIVE MAYOR</b>
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- Geen / None

<b>6. 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</b>
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- Geen / None

## 07. MATTERS FOR CONSIDERATION

### Rules of Order for Internal Arrangement

#### Part Four:

#### 2. DECISIONS AND VOTING

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

#### Part 5

#### 4. Councillor to address chair

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

#### Part 5

#### 16. Order of priority

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

#### Part 5

#### 3. Precedence of the Speaker

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

#### 13. Relevance

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

#### Part 5

#### 5. Right to speak

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

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

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

#### 6. Length of speeches

- 6.1 A member may (unless authorised otherwise by the Speaker) only speak once to the matter and any amendments to that matter that is before the council;
- 6.1.1 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 to 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.

## **7.1 RESOLUTIONS TAKEN BY COUNCIL**

**RB7.1.1/20-07-2022**

### **ADOPTION OF THE DRAFT PROCESS PLAN FOR THE PERIOD 2023-2027**

#### **RESOLVED:**

- a)** That council approve the draft process plan for the period 2023-2027.
- b)** That the draft process plan for the period 2023-2027 be advertised for public comment
- c)** That a copy of the draft process plan 2023/27 be submitted to Provincial Government

**Proposed:** Cllr. F Kamfer

**Seconded:** Cllr. A Scheepers

**RB7.1.2/20-07-2022**

### **REPORT TO COUNCIL: SPECIAL COMMITTEE: R RICHARDS INVESTIGATION**

#### **RESOLVED:**

That:

- a) Council Resolution RB7.1.1/13-07-2022 be amended as follows:
  - (i) Councillor M Heins be replaced by Councillor W Farmer

- (ii) Councillor W Farmer be appointed as chairperson of the Special Committee.

**Proposed:** Cllr. F Kamfer

**Seconded:** Cllr. P Strauss

**RB7.1.3/20-07-2022**

## **STRUCTURING OF COUNCIL: APPOINTMENT OF COMMITTEES**

### **RESOLVED:**

1. The Chairpersons and members of the following three committees be appointed as follows:

**A: SUPPORT SERVICES PORTFOLIO COMMITTEE**

- Cllr. F Kamfer (Chairperson)
- Cllr. P Strauss
- Cllr. T Waldeck

**B: FINANCIAL SERVICES PORTFOLIO COMMITTEE**

- Cllr. W Van Neel (Chairperson)
- Cllr. A Scheepers
- Cllr. M Bergh

**C: TECHNICAL SERVICES PORTFOLIO COMMITTEE**

- Cllr. P Strauss (Chairperson)
- Cllr. F Kamfer
- Cllr. R Richards

2. That Council appointed the following members for the Municipal Public Accounts Committee (MPAC)::

- Cllr. A Scheepers (Chairperson)

- Cllr. R Witbooi
- Cllr. T Waldeck

3. That Council appointed the following members to serve on the Local Labour Forum (Consultative Forum):

- Cllr. W Farmer
- Cllr. P Strauss

4. 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.

5. That Council takes cognisance of section 62(4) of the Local Government Systems Act pertaining to the Appeals Authority.

**Proposed:** Cllr. W Van Neel

**Seconded:** Cllr. F Kamfer

**RB7.1.4/20-07-2022**

**RESPRESENTATIVES TO SALGA STRUCTURE**

**RESOLVED**

1. That Council appointed the following Cllrs. as representatives to serve on the various SALGA working Groups as set out below:

a) Community Development And Social Cohesion

- Cllr. F Kamfer
- Cllr. T Waldeck (Secundi)

b) Economic Empowerment & Employment

Creation

- Cllr. A Scheepers
- Cllr. M Bergh (Secundi)

c) Environmental Planning & Climate Resilience

- Cllr. P Strauss
- Cllr. T Waldeck (Secundi)

d) Human Settlements & Municipal Planning

- Cllr. W Farmer
- Cllr R Witbooi (Secundi)

e) Public Transport And Roads

- Cllr. W Van Neel
- Cllr. R Richards (Secundi)

f) Water, Sanitation And Waste Management

- Cllr. W Van Neel
- Cllr. R Richards (Secundi)

g) Capacity Building & Institutional Resilience

- Cllr. P Strauss
- Cllr. T Waldeck (Secundi)

h) Municipal Finance And Fiscal Policy

- Cllr. W Farmer
- Cllr. M Bergh (Secundi)

i) Municipal Innovations & Information

Technology

- Cllr. A Scheepers
- Cllr. T Waldeck (Secundi)



j) Women's Commission

- Cllr. R Witbooi
- Cllr. A Scheepers (Secundi)

**Proposed:** Cllr. A Scheepers

**Seconded:** Cllr. W Van Neel

**RB7.1.5/20-07-2022**

**DESIGNATION OF COUNCILLOR TO ACT IN  
ABSENCE OR UNAVAILABILITY OF THE  
EXECUTIVE MAYOR AND DEPUTY EXECUTIVE  
MAYOR**

**RESOLVED**

1. That Councillor F Kamfer 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.

**Proposed:** Cllr. A Scheepers

**Seconded:** Cllr. P Strauss

**RB7.1.6/20-07-2022**

**REPORT TO COUNCIL: PARTNERSHIP WITH  
CEDERBERG MUNICIPALITY ON THE  
MANAGEMENT OF RAMSKOP NATURE  
GARDEN**

**RESOLVED:**

- a) Council takes note that CMH has an MOU in place with the municipality to use the Ramskop Nature Garden nursery for the Spekboom Project;
- b) That the municipal manager be mandated to enter into a 1year MOU with the Clanwilliam Wildflower Association and
- c) That the MOU be referred to the Executive Mayoral Committee for cognisance.

**Proposed:** Cllr. W Farmer

**Seconded:** Cllr. F Kamfer

**RB7.1.7/31-05-2021**

**REPORT TO COUNCIL: ROOIBOS2MUISBOS  
MOUNTAIN BIKING EVENT**

**RESOLVED**

- a) Council takes note that the agreed upon MOU is still valid where Cederberg Municipality and the event organisers work together to ensure a successful Rooibos2Muisbos MTB event;
- b) Council recognises the importance of the Rooibos2Muisbos Mountain Bike Event and as one of the key sport events on the Cederberg annual events calendar and its impact on the promotion of tourism in the region;

- c) Council supports the utilisation of the Lambert's Bay Caravan Park as the finish mark for the Rooibos2Muisbos Event, which facility will be made available to the event at **no cost**.
- d) The event is **exempted** from paying event approval, traffic and law enforcement fees.
- e) That the MOU, mentioned in point a, be referred to the Executive Mayoral Committee for cognisance.

**Proposed:** Cllr. W Farmer

**Seconded:** Cllr. W Van Neel

**RB7.1.8/20-07-2022**

**APPOINTMENT OF A SELECTION PANEL FOR THE RECRUITMENT PROCESS OF THE VACANT POSITION: DIRECTOR FINANCIAL SERVICES – CEDERBERG MUNICIPALITY**

**RESOLVED:**

1. **Council appoint a selection panel**, constituted of between 3 and 5 members, in terms of regulation 12(4), **as follows:**
  - a) The Municipal Manager, who will be the chairperson,
  - b) The Executive Mayor Cllr. W Farmer and Cllr. A Scheepers; and
  - c) At least one other person who is not a board member or employee of the municipality, and who has knowledge and experience of the advertised post.

2. Council approve the appointment of a service provider to assist Council with the recruitment process for the vacancy.

**Proposed:** Cllr. F Kamfer

**Seconded:** Cllr. P Strauss

**RB7.1.9/20-07-2022**

**APPROVAL FOR THE ADVERTISEMENT OF, - AND APPOINTMENT OF A SELECTION PANEL FOR THE RECRUITMENT PROCESS OF THE VACANT POSITION: DIRECTOR TECHNICAL SERVICES – CEDERBERG MUNICIPALIT**

**RESOLVED:**

1. Council authorised the Municipal manager to proceed with the process to advertise and fill the vacancy of Director Technical Services;
2. Council approve the placement of an advertisement for the abovementioned vacancy in a national newspaper as prescribed;
3. **Council appoint a selection panel**, constituted of between 3 and 5 members, in terms of regulation 12(4), **as follows:**
  - a. The Municipal Manager, who will be the chairperson,
  - b. Cllrs. P Strauss and F Kamfer; and
  - c. At least one other person who is not a board member or employee of the municipality, and who has knowledge and experience of the advertised post.

4. Council mandated the Municipal Manager to request assistance from province for the acting position of Director Technical Services.;
5. Council approve the appointment of a service provider to assist Council with the recruitment process for the vacancy.

**Proposed:** Cllr. W Farmer

**Seconded:** Cllr. A Scheepers

## **7.2 URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER**

- The Municipal Manager informed Council about the incident that happened at the workshop in Citrusdal. Mr. Allister Williams who was found dead at the scene, was an employee of Cederberg Municipality. The police is currently busy with an investigation and more details pertaining Allister's funeral will be communicated.

## **7.3 MATTERS FOR NOTIFICATION**

- Geen / None

## **7.4 CONSIDERATION OF NOTICES OF MOTION**

### ***Sequence of events (debate – verbatim)***

Cllr. W Farmer: In die begin vd vergadering het die VF+ iets voorgelê wat die mosie van wantroue van die vergadering van die 13de bevestigingspunt het. Ek sal graag wil hê dat ons dit moet hanteer en debatteer om seker te maak dat dit wat gesê word nie in die gange beweeg asof die reëls nie gevolg was nie. Ek wil aan u voorhou punt 4 van die Reglement van Orde.

Die Uitvoerende Burgemeester, Rdl. W Farmer, hou punt 4 voor aan die vergadering.

Ek verwys na sect 40 vd Structures – to remove a speaker

Op 4 Julie was intent gebring vir die removal van die Speaker, Mayor en die Deputy Mayor. Na dit was die mosie van wantroue gebring. So met ander woorde die gedeelte van die reëls was gevolg.

Gedeelte van die wetgewing sect. 40 was gevolg en sect. 58 wat praat vd DEM en EM sê presies dieselfde ding. Die intent was gebring op 4 Julie 2022. Dan gaan ons verder wet 4 van 1933 praat van interpretasie. 1ste dag uit en laaste dag in. Daar was saam met Council getel, die 7 dae. M.a w. die dag wat die intent getable was, was nie die 1ste dag nie, die next dag was die 1ste dag. Die laaste dag, wat die 7de dag is kom in in terme van wat die wet op interpretasie sê. Alles was binne die reëls gedoen. Ek sou graag wou weet op grond waarvan:

1. word die proses van die mosie bevraagteken?
2. Hoekom moet daar munisipale resources gebruik word om 'n mosie te fight of prosesse van die mosie te question as ek so seker van my saak is.

Ek dink in Julie 2019 was die destydse executive afgehaal op grond van 'n mosie van exigency. Dit was in die hof getoets en die hof het dit van die hand gewys.

Hiedie mosie was gedoen binne die reëls van die Reglement van Orde, binne wetgewing; en dit was gedoen gewees. So ek sou graag wou weet hoe het die VF+ gekom dat die mosie nie binne die reëls gehanteer was nie.

Baie dankie Speaker.

Cllr. F Kamfer: Die Raadslid moet aangekla word. Dis net 'n hof wat die soort raadsbesluit tersyde kan stel. Op grond van dit dat die Executive nie gerespekteer is nie moet die Raadslid aangekla word en 'n disiplinêre proses moet gevolg word. Dankie Speaker.

Manager Legal

Services: In terme van die reëls was die prosesse gevolg. Punt 4 in die Reëls, daardie proses is gevolg, die intensie was duidelik gemaak en volgens die structures wet moet daar kennis gegee word wanneer jy daardie spesifieke office bearers wil remove of verwyder. Prosedurieël was prosesse in terme van die Reëls en Strukture wet gevolg.

Municipal

Manager: Speaker, miskien moet die Raad net gaan kyk na die prosedure van die indiening van 'n mosie. Die Reglement van Orde sê dat die mosie skriftelik ingedien moet word. Dan is daar.., onder seksie 8 van die Rules, motion of exigency en daardie motion moet die Raad oor besluit of hulle daai mosie as dringend beskou. So, in hierdie geval, die aangeleentheid of voorval wat vanoggend gebeur het, kan nie hanteer word as 'n mosie nie; en as daar nie 'n mosie is nie, dan hoef die Raad nie eens te debateer daaroor nie, want daar is nie enigiets op die tafel wat die Raad oor hoef te debateer nie. Unless die Raad 'n mosie kry van Raadslid Van Heerden, kan die Raad dit debate, maar op hierdie stadium is daar niks om te debate oor nie.

Manager Legal

Services: Die Raadslid het die proses verdag gemaak en dis net reg dat dit in die Raad reggestel word, dat die prosedure was korrek

gevolg. Hier is niks anders wat wys dat die prosedure nie reg  
gevolg was nie.

#### **7.5 CONSIDERATION OF NOTICES OF QUESTIONS**

- **Geen / None**

#### **7.6 CONSIDERATION OF MOTIONS OF EXIGENCY**

- **Geen / None**

<b>7. CLOSURE</b>
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- Meeting adjourned at 11h48.

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**VOORSITTER / CHAIRPERSON**

\_\_\_\_\_  
**DATUM / DATE**