

**NOTULES VAN DIE / MINUTES OF THE**

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

**16 OKTOBER / OCTOBER 2023**

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**VIRTUAL SPECIAL COUNCIL MEETING OF THE CEDERBERG MUNICIPALITY, HELD  
ON**

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CIRCULATED AGAIN**

**MINUTES OF THE VIRTUAL SPECIAL COUNCIL MEETING OF THE CEDERBERG  
MUNICIPALITY HELD ON 16 OCTOBER 2023.**

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CIRCULATED AGAIN.**

**PRESENT AND IN ATTENDANCE:**

As per the attendance register:

Cllr. J Hayes  
Cllr. R Richards  
Cllr. A Mouton  
Cllr. L Venter  
Cllr. J Van Heerden  
Cllr. M Bergh  
Cllr. F Kamfer  
Cllr. A Scheepers  
Cllr. M Heins  
Cllr. P Strauss  
Cllr. A Mouton

Mr. GF Matthyse  
Mr. N Smit  
Mr. H Witbooi  
Mr. C Sheldon  
Mrs. A Wilton  
Miss J Cloete

**APOLOGIES:**

- Geen / None

**ABSENT WITHOUT APOLOGY:**

- Geen / None

**1. OPENING AND WELCOMING**

- The Chairperson, Cllr. J Hayes welcomed all present.

**2. ELECTION OF (ACTING) SPEAKER, IF NECESSARY**

N/A

**3. APPLICATIONS FOR LEAVE OF ABSENCE**

- Geen / None

**4. OFFICIAL NOTICES AND COMMUNICATIONS BY THE SPEAKER**

**RB4A/16-10-2023**

**FEEDBACK FROM MEC BREDELL: CODE OF CONDUCT FOR COUNCILLORS – VERDICT(S)**

**(See attached)**

- Speaker also informed Council that above mentioned communication is just for notification and not up for discussion.
- The Speaker will distribute this communication to all councillors in due time.

**RB4B/16-10-2023**

The Speaker also informed the meeting that the office of the Speaker will only deal with matters inclusive of all relevant evidence and also an affidavit. No accusations will be dealt with by the office of the Speaker.

**5. STATEMENTS AND COMMUNICATION BY THE EXECUTIVE MAYOR**

MAYORAL SPEECH TO SPECIAL COUNCIL MEETING OF THE CEDERBERG MUNICIPALITY

16 October 2023 – CLANWILLIAM CHAMBERS

**SUBJECT: ROLL OVER FUNDS AND SALARY INCREASES FOR COUNCILLORS:  
Approval of Adjustment Budget**

Mr Speaker,

The business of this Special Council meeting is straightforward and uncomplicated, in my view. It is to facilitate compliance at two levels, namely, (1) the approval of Roll Over Funds and (2) Salary increases for Councillors. We also have to consider recommendations of the interview panel regarding a suitable candidate for the position of Director: Technical Services, a matter which we will deal with In-Committee.

The Roll Over of Funds requires an Adjustment Budget to be tabled by the Mayor in the prescribed format and hence the Item as per the agenda pack. A similar required is attached to the approval of the Upper Limits for Councillor Remuneration.

I will hold back my full adjustment budget speech for end of February 2024. I do however want to take advantage of this opportunity to read into the record information previously shared with councillors, namely, my reflective report on my experience of the 2023 SALGA National Conference which I attended in Johannesburg. You may recall that on 11 September 2023, I submitted such a report to the Speaker, Mayco, Fellow Councillors and the MM. The content of my SALGA report is therefore not new, but I thought it prudent to have it form part of the council records in this way. With your permission, I will not read through that full report given that all councillors will have had the report in their possession for almost a month already.

My speech to council today will therefore have distinct two parts: Part 1 dealing with the Adjustments Budget and Part 2 feedback on the 2023 SALGA National Conference.

**PART 1 – ADJUSTMENTS BUDGET**

**ROLL OVER FUNDS**

As you will see from Item 8.1.1 in our Agenda Pack, when an Adjustments Budget is tabled, it must be accompanied by, among others, an explanation how the adjustments budget affects the annual budget. In this instance, the explanation is that it is the Roll Over Funds related to the R1,6m which we received from Province to purchase generators as a way of mitigating against the risk of loadshedding. I will leave the explanation of the technical matters to the finance department and the budget office, save to say that in Annexure A of our packs and with specific reference to Table B2 Adjustments Budget Financial Performance (functional classification) – dated 16 October 2023 the amount of R1.6m is reflected under Energy Services.

I wish to place on record our appreciation to Provincial government for this grant and allowing us to roll it over. The grant is designed to mitigate our energy challenges or to use more technically sophisticated language, the grant was designed to “to help build energy resilience within the Cederberg municipality.” In plain language it will be used to buy back-up generators.

**UPPER LIMITS - INCREASE IN SALARIES FOR COUNCILLORS**

I am sure councillors will be pleased to hear that their salaries are poised to increase as soon as the MEC signs off on it. However, a necessary compliance step in that direction is that Council is required to take a decision on the implementation of the increase of councillors' salaries/allowances by means of the votes of the majority of councillors. I am sure we will not have any debate on this matter and that we will be able to get a majority vote for this Item.

On the concurrence of the Member of the Executive Council (MEC) responsible for Local Government in the Province the salary adjustments will be made, retrospective to 1 July 2022. The net effect is an increase of around 4% in the salary package of councillors.

## **AFFORDIBILITY**

Mr Speaker, after consultation with the CFO and the MM, I am pleased to report that the Cederberg Municipality can afford the envisaged increase in salaries for councillors in the same way that it can afford to pay salaries as well as December bonuses for our staff.

Our financial position remains precarious and that of an unfunded budget. You are all well aware of the 154 Budget Funding Plan and cost containment mechanisms which remain in place to ensure that we move the needle towards a funded budget as soon as possible. I wish to thank all councillors and staff for their cooperation in helping the municipality move away from its unfunded status. The containment measures are tough but as they say in the world of physical fitness, no gain without pain. I guess the same applies to financial fitness.

It is perhaps here prudent to say a word about the organogram as it is a critical component of the plan to get us to a funded budget. The MM tells me that the compulsory consultation processes with the labour unions have taken longer than anticipated. These inputs are being compiled as we speak. All this has caused a slight delay in the calling of the workshop with councillors on the organogram. As I confirmed with Cllr Kamfer more than a week ago, I will call a workshop for councillors on the organogram before the organogram reaches council for a decision. The envisaged date for implementation of a revised organogram is 1 July 2024. The MM had mapped out a preliminary and detailed plan/road map which will take us there, taking into account all consultative processes as envisaged by the new staff regulations. It's quite a journey and process. Thanks MM for your attention to detail in this regard.

### **PART 2 - REPORT BACK FROM SALGA 2023 NATIONAL MEMBERS ASSEMBLY - GAUTENG**

1. As per Cederberg Council Resolution RB9.1.31/31-08-2023, I was afforded the honour to represent the Cederberg municipality at the annual National Members Assembly (NMA) of the South African Local Government Association (SALGA) which took place at the Birchwood Hotel & Conference Centre, Ekurhuleni, from the 5th to the 6th of September 2023.
2. This National Assembly is a significant milestone in the realm of local government, and the biggest political event of the year. The NMA is designed to bring together public representatives from all three spheres of Government, including Cabinet Ministers, Municipal Leadership in the form of Executive Mayors, Speakers, MMCs, Chief Whips,

Councillors, Municipal Managers, and Chief Financial Officers from the 257 municipalities across the country. Additionally, labour unions, dignitaries and international guests were be in attendance. This year saw almost 800 delegates from across the country and the SADC region. As mentioned, there are 257 municipalities in South Africa and in theory each municipality was supposed to have at least one representative. For this conference, each municipality was allowed to send a maximum of six delegates. Our Cederberg austerity approach decided to send just the Mayor, an example not followed by many municipalities notwithstanding their economic crunch.

3. This particular assembly marked twenty-five years since the adoption of the 1998 White Paper on Local Government. Consequently, the conference theme was: "25 Years since the Advent of the 1998 White Paper on Local Government: Are We on Course and Driven in Building a Sustainable, Responsive & People-Centered Local Government."
4. The conference theme set the stage for the grand debate at the opening of the conference and subsequent twelve breakaway commission sessions covering areas such as Municipal Financial Sustainability, Data Management and Digitization, Professionalization and Compensation Benefits, Health, Community Development, Community Safety, Planning, Human Settlements, Urban and Rural Development, Sustainable Energy Models for Municipalities, and the District Development Model (DDM).
5. The current state of affairs within local government occupied the minds of all presenters and the conference itself wrestled with the uncomfortable subtext – "What has gone wrong?" Panellists of the grand debate as well as presenters of the various commissions, made the point the malfunction of local government is further exacerbated by low economic activity and the erosion of municipal revenue, which has caused many municipalities to be in financial distress. Notwithstanding that parliament, over the past three decades, has passed over 1700 new laws, the state of governance at a local level has eroded rather than improved, said one of the keynote speakers. Why?
6. The conference was an attempt to soberly assess the assumptions undergirding the 1998 White Paper and interrogate whether the 1998 assumptions are still valid. The short answer is No, the assumptions are no longer valid. A critical assumption, and the elephant in the room, concerned the competence and literacy levels of councillors. Examples were quoted, such as Chairpersons of MPAC, who are not financially

*literate and yet are given the responsibility to adjudicate on complicated financial matters.*

7. *SALGA itself questioned the "lack of return on investment" of the R12 billion that it has spent on trying to upgrade the skills, training and education of councillors. The current state of dysfunction suggests a huge red flag tantamount to fruitless and wasteful expenditure of R12bn.*
8. *One of the guest speakers made the plea that councillors not think of themselves as politicians but rather as civic leaders who should be obsessed with the delivery of basic services to the people. Judging from the response from the audience, this shift and new identity were not embraced.*
9. *A key concern, linked to the economic and financial assumptions of the 1998 White Paper, was the revenue source(s) and collection capability of a local municipality. The provision of services in exchange for cash was an assumption under serious pressure. The increasing dependence on grants for the operational functioning of a municipality was expressed as a source of deep concern and noted as being a non-sustainable situation, exacerbated by loadshedding which results in lower revenue collection. It was assumed back in 1998 that electricity revenue would be the largest and main source of revenue for a local municipality. Back in 1998, the collection of revenue via the various tariffs (e.g., electricity, garbage, water, etc) was considered radical and envisioned as a "new fiscal framework" to plug the envisioned funding gap. The idea back then was that 90% of the revenue required by a municipality would come from "own" funding. Slow economic growth has now forced the legislators back to the drawing board.*
10. *In his closing speech, the President of Salga, Bheke Stofile, said that SALGA would be lobbying government to review the fiscal framework underpinning local government, as it is clearly not working. The rising number of 139 interventions, he said, speaks for itself.*
11. *A big concern raised was the number of councillor who are being murdered. This, said some panellists, was an indication of the rising tide of political intolerance, which should concern us all. The consequential debate from the plenary floor was an appeal by some councillors for additional security. Their argument was that Ministers (local and national) do not need to face angry mobs and residents who are not receiving basic services. Therefore, councillors need bodyguards and additional protection.*



12. *I have enormous sympathy for the security sentiment expressed. However, I could not help sitting and reflecting on how we seem to solve our problems these days – Instead of fixing the potholes, we put up a sign which says "Beware of potholes."*
13. *All in all, it was a valuable experience as it was my first exposure to SALGA at a national level. If the resolutions taken at the conference are implemented as intended, all our woes will disappear. But as we all know, the proof of the pudding is in the eating. My hope is that all Mayors and other delegates who attended would actively implement the spirit and appeal of the conference namely to deliver quality basic services to our people. Can that be so difficult!*
14. *I left the NMA with a better benchmark and feeling very proud of the Cederberg Municipality and all that we have been able to achieve within a short space of time, notwithstanding the robustness of opposition politics at a local level. I believe that we are on a positive trajectory and will soon be a shining example to the other 256 municipalities as to what is possible when councillors (governing and opposition) together with the administration, join hands with a dogged determination to deliver quality basic services to our people. Thanks for the honour to attend this awesome occasion in Gauteng.*

**ends**

<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

<b>7. INTERVIEWS AND PRESENTATIONS BY DEPUTATIONS</b>
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- Geen / None

## **8. MATTERS FOR CONSIDERATION**

### **8.1 ITEMS SUBMITTED BY OFFICIALS OF COUNCIL**

#### **RB8.1.1/16-10-2023 AMENDMENTS TO INCOME, OPERATIONAL AND CAPITAL EXPENDITURE PROJECTIONS - ADJUSTMENTS BUDGET 2023/2024 OCTOBER 2023**

##### **RESOLVED:**

1. That Council approved the Adjustments Budget for 2023/24 financial year, amendments to income, operational and capital expenditure projections as set out in the following:
  - Municipal Budget tables B1 – B10
  - Municipal Budget Supporting Documentation SB1 – SB19
2. That Council noted that the Service Delivery Budget Implementation Plan be amended in line with these adjustments.

**Voorstel:** Cllr. F Kamfer

**Sekondant:** Cllr. J Van Heerden

**No Counter proposals**

#### **RB8.1.2/16-10-2023 DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF MEMBERS OF MUNICIPAL COUNCILS AS PER GOVERNMENT GAZETTE NO. 49142 OF**

**18**

**AUGUST 2023**

**RESOLVED:**

1. Council take cognizance of the content of the Government Gazette No. 49142, dated 18<sup>th</sup> of August 2023,
2. Council support the implementation of the upper limits;
3. Implementation of the increase will only take place after the MEC for Local Government in the Western Cape has agreed to it in writing and the SARS designation has been obtained.
4. The Speaker, together with the Municipal Manager be mandated to handle further communication with the MEC in this regard.

**Voorstel:** Cllr. F Kamfer

**Sekondant:** Cllr. L Venter

**No Counter proposals**

## **8.2 Urgent Matters submitted by the municipal Manager**

- Geen / None

## **8.3 MATTERS FOR NOTIFICATION**

**IN-COMMITTEE:**

**RB8.1.3/16-10-2023**

**APPOINTMENT OF DIRECTOR TECHNICAL SERVICES:**

## **8.4 CONSIDERATION OF MOTIONS OF EXIGENCY**

- Geen / None

**8.5 CONSIDERATION OF NOTICES OF QUESTIONS**

- None

**8.6 CONSIDERATIONS OF NOTICES OF EXIGENCY**

- None

**09. CLOSURE**

- Meeting adjourned.

\_\_\_\_\_  
**VOORSITTER/CHAIRPERSON**

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



Western Cape  
Government

Ministry of Local Government,  
Environmental Affairs & Development Planning

Tel: +27 21 483 3915  
Fax: +27 21 483 6081

**REFERENCE: 13/1/2/K8 (3/11/2/8 – 2022/153)**

Councillor J Van Heerden  
Cederberg Municipality  
Private Bag X2

**CLANWILLIAM**

8135

Per email: [johanyh@cederbergraad.co.za](mailto:johanyh@cederbergraad.co.za)

Dear Councillor Van Heerden

**CODE OF CONDUCT FOR COUNCILLORS: COUNCILLOR J VAN HEERDEN: CEDERBERG MUNICIPALITY**

I refer to the above and correspondence dated 23 November 2022 from the former Speaker of Cederberg Municipality, wherein undercover I was provided with the findings and recommendations of the Special Committee, the Council Resolution dated 15 November 2022 where Council resolved that a recommendation be made to me, in my capacity as MEC for Local Government that you be removed as a Councillor of Cederberg Municipality and the imposition by Council of a fine of 10% of your gross salary for failing to remain in attendance at the Council meeting of 22 September 2022, together with other supporting documentation related to the matter. In addition, on 24 March 2023 my Office received the transcripts of the Disciplinary Hearing held on 2 November 2022. Your appeal dated 28 November 2022 and your further representations dated 15 May 2023 was furthermore taken into consideration, when reaching my determination as expressed hereunder.

Item 5(3)(a) and (b) of the Code of Conduct for Councillors as contained in Schedule 7 of the Municipal Structures Act, 117 of 1998 prescribes that:

*"(a) Proceedings for the imposition of a fine or the removal of a councillor must be conducted in accordance with a uniform standing procedure which each municipal council must adopt for the purposes of this item.*

*(b) The uniform standing procedure must comply with the rules of natural justice."*

Whilst Item 16(8) provides that "any investigation in terms of this item and any action by the MEC in terms of subitem (7) must be in accordance with section 3 of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000)."

Based on the application of the above prescripts, it is reasonable to assert that the disciplinary of yourself, as one of the accused Councillors was not done in accordance with section 3 of the PAJA, nor with adherence to a Uniform Standing Procedure and the rules of natural justice.

In the circumstances, it would not be rational for me, in my capacity as MEC for Local Government to make a determination to sanction a removal based on the investigation that the special committee undertook and the conclusion that it reached. Similarly, in the case of your appeal to the fine of 10% of your gross salary for failing to remain in attendance at the Council meeting of 22 September 2022, the appeal is upheld, and the imposition of the fine is set aside.

Sincerely



A BREDELL  
**MINISTER**  
DATE: 31/08/2023

**ENDORSEMENT**

Dr John Hayes  
The Speaker  
Cederberg Municipality  
Private Bag X2  
**CLANWILLIAM**  
8135  
Per Email: [johnhay@gmail.com](mailto:johnhay@gmail.com)



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**REFERENCE: 13/1/2/K8 (3/11/2/8 – 2022/153)**

Councillor R Richards  
Cederberg Municipality  
Private Bag X2

**CLANWILLIAM**

8135

Per email: [rubenr@cederbergraad.co.za](mailto:rubenr@cederbergraad.co.za)

Dear Councillor Richards

**CODE OF CONDUCT FOR COUNCILLORS: COUNCILLOR R RICHARDS: CEDERBERG MUNICIPALITY**

I refer to the above and correspondence dated 23 November 2022 from the former Speaker of Cederberg Municipality, wherein undercover I was provided with the findings and recommendations of the Special Committee, the Council Resolution dated 15 November 2022 where Council resolved that a recommendation be made to me, in my capacity as MEC for Local Government that you be removed as a Councillor of Cederberg Municipality, together with other supporting documentation related to the matter. In addition, on 24 March 2023 my Office received the transcripts of the Disciplinary Hearing held on 2 November 2022. Your representations dated 15 May 2023 was furthermore taken into consideration, when reaching my determination as expressed hereunder.

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In the circumstances, it would not be rational for me, in my capacity as MEC for Local Government to make a determination to sanction a removal based on the investigation that the special committee undertook and the conclusion that it reached.

Sincerely



A BREDELL  
**MINISTER**  
DATE: 31/08/2023

**ENDORSEMENT**

Dr John Hayes  
The Speaker  
Cederberg Municipality  
Private Bag X2  
**CLANWILLIAM**  
8135  
Per Email: [johpathay@gmail.com](mailto:johpathay@gmail.com)





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**REFERENCE: 13/1/2/K8 (3/11/2/8 – 2022/153)**

Councillor M Bergh  
Cederberg Municipality  
Private Bag X2

**CLANWILLIAM**

8135

Per email: [martinb@cederbergraad.co.za](mailto:martinb@cederbergraad.co.za)

Dear Councillor Bergh

**CODE OF CONDUCT FOR COUNCILLORS: COUNCILLOR M BERGH: CEDERBERG MUNICIPALITY**

I refer to the above and correspondence dated 23 November 2022 from the former Speaker of Cederberg Municipality, wherein undercover I was provided with the findings and recommendations of the Special Committee, the Council Resolution dated 15 November 2022 where Council resolved that a recommendation be made to me, in my capacity as MEC for Local Government that you be removed as a Councillor of Cederberg Municipality, together with other supporting documentation related to the matter. In addition, on 24 March 2023 my Office received the transcripts of the Disciplinary Hearing held on 2 November 2022. Your representations dated 15 May 2023 was furthermore taken into consideration, when reaching my determination as expressed hereunder.

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Sincerely



A BREDELL  
**MINISTER**  
DATE: 31/08/2023

**ENDORSEMENT**

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The Speaker  
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