



NOTULES VAN DIE / MINUTES OF THE

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

11 JULIE / JULIE 2025 @ 10h00

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SPECIAL COUNCIL MEETING OF THE CEDERBERG MUNICIPALITY, HELD ON

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**MINUTES OF THE URGENT SPECIAL COUNCIL MEETING OF THE CEDERBERG
MUNICIPALITY HELD ON 11 JULY 2025**

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CIRCULATED AGAIN.**

PRESENT AND IN ATTENDANCE:

- Cllr. M Heins
- Cllr. A Scheepers
- Cllr. R Richards
- Cllr. A Mouton (Virtually logged in)
- Cllr. J Van Heerden
- Cllr. P Strauss
- Cllr. M Bergh (Virtually logged in)
- Cllr. J Hayes
- Cllr. Y Blaauw
- Cllr. J Engelbrecht

MANAGEMENT PRESENT: Messrs. R De Ridder, H Witbooi, J Booyen, C Sheldon, Miss.
L September, Miss J Cloete

ABSENT WITHOUT APOLOGY:

N/A

1. OPENING

- The Chairperson welcomed all present and Cllr. J Van Heerden opened the meeting with a prayer.

2. ELECTION OF (ACTING) SPEAKER, IF NECESSARY

- N/A

3. APPLICATIONS FOR LEAVE OF ABSENCE

- Cllr. W Farmer
- Mr. GF Matthyse (Sick leave)

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4. STATEMENTS AND COMMUNICATIONS BY THE SPEAKER

- The Speaker stated that there will be no In-Committee and all items will be handled in the open Council Meeting.
- It was asked that the secretariate distributed the items RB7.1.5/11-07-2025 and RB7.1.6/11-07-2025.
 - It be noted that these matters, A and B, was handled when the following items were handled:
 - RB7.1.5/11-07-2025 & RB7.1.6/11-07-2025

A: FEEDBACK REPORT BY SPEAKER WITH REFERENCE TO RB7.1.5/11-07-2025

PURPOSE OF REPORT

To present to Council my preliminary report of the investigations that were conducted in terms of Regulation 8 of the Code of Conduct for Councillors regulations read with items 15 and 16 of Schedule 7 as stipulated in the Local Government Municipal Structures Amendment Act, Act 3 of 2021 and to obtain a recommendation from Council on the outcome of the findings as contained in the report.

BACKGROUND

The Speaker have received multiple allegations of alleged misconduct that has purportedly being contravened by various Councillors.

The receipt of these allegations prompted me to invoke item 15 of the Code of Conduct for Councillors as contained in Schedule 7 in the Local Government Municipal Structures Act 117 of 1998 and the Uniform Standing Procedures adopted by Council for investigations into councillor misconduct.

I have authorised preliminary investigations to determine whether there is prima facie evidence of any breaches of the Code of Conduct by the various councillors for further proceedings under item 16 if necessary.

This has enabled the Council to authorise the Municipal Manager to procure the services of an independent legal person to conduct the investigations into the allegations of misconduct against the Councillors. This step constitutes administrative

action and is subject to the requirements of the Promotion of Administrative Justice Act, 3 of 2000 (PAJA), including the right to be heard. The investigation is in strict compliance of the USP and the Code of Conduct for Councillors to give effect to the principles of natural justice as stipulated in the Code of Conduct for Councillors in lieu of the USP.

In the above instance, item 15 (1) (b) of the Code of Conduct for Councillors is applicable and in circumstances of the Councillors' failure to respond to the allegations within the prescribed time may result in the preliminary findings being made in the absence of his version of the events.

FEEDBACK WITH FINDINGS

I. Allegations of misconduct levelled against Cllr John Hayes

I have received multiple complaints levelled against Cllr John Hayes from the previous Mayor Councillor Ruben Richards, dated 15 January 2025, 15 March 2025 and 18 May 2025. The complaints include allegations relating to inter alia:

- a) Possible interference in municipal administration.
- b) Disrespectful conduct towards fellow councillors and officials.
- c) Misuse of social media platforms in a manner that may bring Council into disrepute.
- d) Alleged harassment of fellow councillors.
- e) Conduct that may constitute a breach of the decorum expected of elected public representatives.

This investigation has been concluded, and I am of the view that there is prima facie evidence of a breach in respect of the abovementioned allegations, in that the conduct / misbehaviour of the councillor was not in the best interest of the municipality, thus my finding and request Council to investigate in terms of item 16 of the Code of Conduct

Finding:

Council may appoint a disciplinary committee to investigate in the form of a disciplinary hearing as stipulated in terms of the USP. and make a finding on any alleged breach of the Code; and to make final appropriate recommendations to Council.

B: FEEDBACK REPORT BY SPEAKER WITH REFERENCE TO RB7.1.6/11-07-2025

Councillor Hayes asked whether a verdict was being given today or if it was a request for an investigation. The Speaker clarified that he is not delivering a verdict but sharing his findings from the report. He then suggested forming a committee to review the report, as outlined by the USP, before bringing feedback back to Council. Cllr. Hayes inquired which report was being referred to, and the Speaker advised to proceed with the agenda item for clarity. Cllr. Hayes further asked if the report was from a previous investigation, specifically referencing the attorney's report.

Cllr. Richards raised a point of order, stating this was not a cross-examination of the Speaker, which the Speaker accepted. Cllr. Hayes then asked whether this was a new investigation or part of a previous one. The Speaker responded by urging Councillors to read the agenda item carefully and to refrain from asking unnecessary questions, allowing him to conclude their remarks.

PURPOSE OF REPORT

To present to Council my preliminary report of the investigations that were conducted in terms of Regulation 8 of the Code of Conduct for Councillors regulations read with items 15 and 16 of Schedule 7 as stipulated in the Local Government Municipal Structures Amendment Act, Act 3 of 2021 and to obtain a recommendation from Council on the outcome of the findings as contained in the report.

BACKGROUND

The Speaker have received multiple allegations of alleged misconduct that has purportedly being contravened by various Councillors.

The receipt of these allegations prompted me to invoke item 15 of the Code of Conduct for Councillors as contained in Schedule 7 in the Local Government Municipal Structures Act 117 of 1998 and the Uniform Standing Procedures adopted by Council for investigations into councillor misconduct.

I have authorised preliminary investigations to determine whether there is prima facie evidence of any breaches of the Code of Conduct by the various councillors for further proceedings under item 16 if necessary.

This has enabled the Council to authorise the Municipal Manager to procure the services of an independent legal person to conduct the investigations into the allegations of misconduct against the Councillors. This step constitutes administrative action and is subject to the requirements of the Promotion of Administrative Justice Act, 3 of 2000 (PAJA), including the right to be heard. The investigation is in strict compliance of the USP and the Code of Conduct for Councillors to give effect to the principles of natural justice as stipulated in the Code of Conduct for Councillors in lieu of the USP.

In the above instance, item 15 (1) (b) of the Code of Conduct for Councillors is applicable and in circumstances of the Councillors' failure to respond to the allegations within the prescribed time may result in the preliminary findings being made in the absence of his version of the events.

FEEDBACK WITH FINDINGS

1. Allegations of misconduct levelled against Cllr John Hayes, the previous Speaker of Council.

The ANC has lodged a formal written complaint on 31 March 2023 against the previous Speaker John Hayes. I have authorised a preliminary investigation to determine whether there is prima facie evidence of a breach of the Code of Conduct. The Special Committee had to investigate the posting of Cllr J Hayes on his Facebook page of a picture of monkeys removing a hubcap from the wheel of a vehicle. The following words were included in the picture: "Be careful: The EFF strike started"

The investigation has been concluded, and I am of the view that there is prima facie evidence of a breach, in that the postings of the councillor on social media was not in the best interest of the municipality, thus my finding and request Council to investigate in terms of item 16 of the Code of Conduct

Finding:

Council may appoint a disciplinary committee to investigate in the form of a disciplinary hearing as stipulated in terms of the USP and make a finding on any alleged breach of this Code; and to make final appropriate recommendations to Council.

5. STATEMENTS AND COMMUNICATION BY THE EXECUTIVE MAYOR

- Over the past two weeks, I have been settling into my new role and working to establish a clear vision for how we can best serve our communities. I am committed to ensuring that our efforts translate into meaningful benefits for our residents.
- Recently, I engaged with various initiatives: I met with the office of the Municipal Manager to explore ways to improve sports facilities in our areas, and I highlighted the urgent need to address the poor conditions of our roads.
- Additionally, I represented our Council at the Tourism Investment Summit, where discussions focused on infrastructure improvements to attract more visitors and boost local tourism.
- A significant milestone was the handover of a new drone at Westcoast District Municipality, which I attended alongside the Deputy Mayor. This technology presents exciting opportunities to enhance public safety and keep our communities informed. I am calling on our Administration to activate and utilise this drone effectively, ensuring it becomes a valuable tool rather than remaining unused.

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

- Geen / None
- At this stage Councillor Strauss requested a chance to speak on a matter close to his heart but also concerning him. Similarly, Councillor Hayes also asked to speak later in the agenda. The Speaker granted both requests and informed them he would notify them when they could address Council.

7. 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.

7.1 RESOLUTIONS TAKEN BY COUNCIL

RB7.1.1/11-07-2025 CONSTITUTION OF SECTION 80 COMMITTEES AND SALGA WORKING GROUPS

RESOLVED:

- 1) That Council rescind RB8.1.3/18-02-2025 Annexure A (Section 80 Committees A – C) and Annexure B (SALGA Working Groups A – O)
- 2) It be noted that the Chairperson appointed for the Corporate and Community Services will serve as the Chairperson for both the following Portfolio Committees:
 - a) Corporate and Strategic Services Portfolio
 - b) Community and Public Safety
- 3) That Council approved the Constitution of Section 80 Committees as recommended;
- 4) That the Section 80 Committees commence its functions with immediate effect, as tabled in **Annexure A**;
- 5) That the following SALGA Working Groups, **Annexure B** is constituted with a for each Group set-out in A – O;
- 6) That each Councillor, the representatives provide the Administration with the following documentation as soon as possible to be submitted to SALGA, if not already:
 - a) SALGA Disclosure of interest
 - b) Banking details accompanied by a certified copy of your ID.
- 7) That the Signed Council Resolution, accompanied with all relevant and necessary documentation be provided to SALGA with immediate effect.

- 8) That the SALAGA Representation commence its functions with immediate effect, as tabled in **Annexure B**.

ANNEXURES:

ANNEXURE A

PORTFOLIO COMMITTEE	CHAIRPERSON OF PORTFOLIO
Financial Services	Cllr. JOHAN VAN HEERDEN
Corporate and Strategic Services	Cllr. RUBEN RICHARDS
Community and Public Safety Services	Cllr. RUBEN RICHARDS
Technical and Planning Services	Cllr. ANDRE MOUTON

A: FINANCIAL SERVICES PORTFOLIO COMMITTEE

- Cllr. J Van Heerden (Chairperson)
- Cllr. A Mouton
- Cllr. Y Blaauw

B: CORPORATE AND STRATEGIC SERVICES PORTFOLIO COMMITTEE

- Cllr. R Richards (Chairperson)
- Cllr. J Van Heerden
- Cllr. W Farmer

C: TECHNICAL SERVICES PORTFOLIO COMMITTEE

- Cllr. A Mouton (Chairperson)
- Cllr. P Strauss
- Cllr. J Engelbrecht

D: COMMUNITY AND PUBLIC SAFETY PORTFOLIO COMMITTEE

- Cllr. R Richards (Chairperson)
- Cllr. P Strauss
- Cllr. J Engelbrecht

ANNEXURE B

SALGA PORTFOLIOS

A. COMMUNITY DEVELOPMENT AND SECURITY

- Cllr. P Strauss

B. DEVELOPMENT PLANNING AND RURAL DEVELOPMENT

- Cllr. J Van Heerden

C. ECONOMIC DEVELOPMENT AND JOB CREATION

- Cllr. J Van Heerden

D. ELECTRICITY AND ENERGY PROVISION AND PUBLIC WORKS

- Cllr. A Mouton

E. ENVIRONMENTAL MANAGEMENT AND CLIMATE RESILIENCE

- Cllr. R Richards

F. EMERGENCY SERVICES AND DISASTER MANAGEMENT

- Cllr. R Richards

G. GOVERNANCE AND INTERGOVERNMENTAL RELATIONS

- Cllr. A Scheepers

H. HEALTH

- Cllr. R Richards

I. HUMAN SETTLEMENT AND URBAN AGENDA

- Cllr. A Mouton

J. PUBLIC TRANSPORT AND ROADS

- Cllr. A Mouton

K. WATER AND SANITATION

- Cllr. A Mouton

L. MUNICIPAL CAPABILITY AND INSTITUTIONAL RESILIENCE

- Cllr. A Scheepers

M. MUNICIPAL FINANCE AND FISCAL POLICY

- Cllr. J Van Heerden

N. MUNICIPAL DIGITAL SOLUTIONS

- Cllr. J Van Heerden

O. WOMEN'S COMMISSION

- Cllr. A Scheepers

Proposed: Cllr. A Scheepers

Seconded: Cllr. P Strauss

DA Component Abstained

RB7.1.2/11-07-2025 CONSIDERATION OF OVERDRAFT FACILITY

RESOLVED:

1. Council, in terms of section 45 of the MFMA, noted the following:
 - (i) Overdraft Facility of R9 000 000.00 payable as set out as follow:
 - a. Overdraft facility of R 9 000 000.00 (Nine million Rand) effectively from 01 Augustus 2025 till 13 March 2026.
2. The Municipal Manager, Mr GF Matthyse, ID: 631006 5039 080 be mandated to sign all relevant documents with Standard Bank.

Proposed: Cllr. J Van Heerden

Seconded: Cllr. A Scheepers

DA Abstained with the following comment: Object and in their view is wasteful expenditure.

RB7.1.3/11-07-2025 APPROVAL FOR THE APPOINTMENT OF ACTING SENIOR MANAGER(S) FOR THE FINANCIAL YEAR 2025/2026

RESOLVED:

- a) That Council appointed an Acting Municipal Manager per quarter to act in periods when the municipal manager is not available due to any reason;
- b) That Council In consultation with the Municipal Manager, appointed a person to act as senior manager in periods when such senior manager is not available for any reason; and,
- c) The Administration obtain approval from the MEC for Local Government in terms of the Act to extend any of the acting periods, should same exceed three months.
- d) That the table below assign the acting candidate(s) to a position per quarter:

Municipal Manager	Chief financial officer (CFO_	Director technical services and planning (DTSP)	Director Community Services and Public Safety	Director Corporate and Strategic services (DCCS)
Mr. J Booyesen (CFO)	Ms E Visser	Mr A Neethling	Mr A Titus	Mr C Sheldon
Mr. R De Ridder (Director Technical and Planning Services)	Ms L September		Mr R Meyer	Ms M Bester

Proposed: Cllr. R Richards

Seconded: Cllr. A Scheepers

Counter Proposals: Although explained otherwise by the Administration, Cllr. Hayes representing the Democratic Alliance, mentioned that this a fruitless exercise and Council cannot take such a decision

RB7.1.4/11-07-2025 ACCEPTANCE OF ASSET: REMOTELY PILOTED AIRCRAFT SYSTEM – MAVIC 2 DRON

RESOLVED:

1. Council accepted the drone as an asset of Cederberg Municipality.
2. Council mandated the Municipal Manager to identify personnel to be trained as drone pilots.

Proposed: Cllr. A Scheepers

Seconded: Cllr. J Van Heerden

No Counter Proposals

RB7.1.5/11-07-2025 REPORT TO CEDERBERG COUNCIL: INVESTIGATION INTO ALLEGATIONS OF BREACH OF THE CODE OF CONDUCT FOR COUNCILLORS LEVELLED AGAINST COUNCILLOR JOHN HAYES

RESOLVED:

1. With reference to RB04A/11-07-2025, that Council noted the feedback report by the Speaker;

2. That Council appointed a Disciplinary Committee of 3 Councillors which is comprised as follows:
 - Cllr. P Strauss (Chairperson)
 - Cllr. M Bergh
 - Cllr. J Van Heerden

3. That the Disciplinary Committee investigate and make a finding on any alleged breach of this Code and to make final appropriate recommendations for Council to consider.

Proposed: Cllr. R Richards

Seconded: Cllr. A Scheepers

No Counter Proposals

Comment for the record from Cllr. J Hayes: That persons involved, shall be personally held liable, in his personal capacity and as Councillor, in this regard.

**RB7.1.6/11-07-2025 REPORT TO CEDERBERG MUNICIPAL COUNCIL:
INVESTIGATION INTO ALLEGATIONS OF BREACH OF THE CODE OF
CONDUCT FOR COUNCILLORS LEVELLED AGAINST COUNCILLOR JOHN
HAYES AS THE THEN SPEAKER OF THE MUNICIPALITY**

RESOLVED:

1. With reference to RB04B/11-07-2025, that Council noted the feedback report by the Speaker;

2. That Council appointed a Disciplinary Committee of 3 Councillors which is comprised as follows:
 - Cllr. M Bergh (Chairperson)
 - Cllr. P Strauss
 - Cllr. J Van Heerden

3. That the Disciplinary Committee investigate and make a finding on any alleged breach of this Code and to make final appropriate recommendations for Council to consider.
4. Additionally, it further be resolved that the this Disciplinary Committee supersedes any other Disciplinary Committee in this regard.

Proposed: Cllr. R Richards

Seconded: Cllr. A Scheepers

No Counter Proposals

Comment for the record from Cllr. J Hayes: That persons involved, shall be personally held liable, in his personal capacity and as Councillor, in this regard.

- The Speaker permitted Councillor Strauss to address Council.

A: Councillor Strauss briefed Council, highlighting the situation in his ward, especially in Elands Bay. He described the community as living in poverty, struggling to afford electricity, proper meals, and basic needs for their children and the elderly. He appealed to the Council to urgently address these issues and to consider the residents' circumstances before disconnecting their electricity, emphasising the importance of finding compassionate and sustainable solutions to improve their living conditions.

- The Speaker now permitted Councillor Hayes to address Council.

B: Councillor Hayes continued and criticised the Speaker for perceived bias and lack of impartiality, urging them to fulfil his role as an unbiased Chair of Council. Cllr. Hayes highlighted unresolved communication issues, including unanswered emails and denied speaking opportunities, and expressed frustration over ongoing disagreements and lack of fairness. The Speaker defended his position, allowing Cllr. Hayes to speak, while Cllr., Richards, objected, stating that Hayes was deviating from proper conduct.

Cllr. Hayes concluded by saying thank you and that his point has just been proven.

RB7.3/18-07-2024

MATTERS FOR NOTIFICATION

- Geen / None

08. CLOSURE

- Meeting adjourned.

VOORSITTER / CHAIRPERSON

DATUM / DATE