



NOTULES VAN DIE / MINUTES OF THE

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

13 OKTOBER / OCTOBER 2025 @ 10h00

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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 13 OCTOBER 2025

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PRESENT AND IN ATTENDANCE:

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

MANAGEMENT PRESENT: Messrs. G Matthyse, R De Ridder, J Booysen, C Sheldon, A Titus, J Goeieman, Miss. D Joubert, 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.

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

3. APPLICATIONS FOR LEAVE OF ABSENCE

- Cllr. W Farmer (sick leave)

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4. RATIFICATION OF ROUND ROBIN RESOLUTIONS

RESOLVED:

a) That the following Round Robin resolutions are ratified by Council:

- 1) **RB5.1.1/23-09-2025** DELEGATING OF MEMBERS TO ATTEND SALGA PROVINCIAL MEMBERS ASSEMBLY AND MANDATING OF A DELEGATE TO VOTE AT SUCH CONFERENCE
- 2) **RB5.1.2/23-09-2025** DELEGATING OF MEMBERS TO ATTEND COGTA LOCAL GOVERNMENT INDABA AND MANDATING OF A DELEGATE TO VOTE AT SUCH CONFERENCE

Proposed: Cllr. A Scheepers

Seconded: Cllr. J Van Heerden

No Counter Proposals

XX5. STATEMENTS AND COMMUNICATION BY THE SPEAKER

A: The Speaker stated that the order of business would change as follows:

1. Item RB7.1.8/13-10-2025 will not be handled as In-Committee but as an open item.
2. Item RB7.1.8/13-10-2025 will be handled 1st on the Agenda of 13 October 2025.
3. Item RB7.1.6/13-10-2025 is deferred to MayCo and will not be handled as part of the Agenda of 13 October 2025.

B: Speake stated that he will also share communication which would pertain to RB7.1.8/13-10-2025 during the course of the meeting.

Councillor Hayes: Point of Order. You say there has been no communication from your side, yet I have sent you several written correspondences. Among these are disciplinary complaints and requests related to this meeting, to which I have yet to receive any response. I reiterate my previous words: you are not the Speaker of CE, nor the Speaker of the ruling coalition; you are the Speaker of the Council, and you are supposed to consider all of us equally. Councillor Farmer is not here again today; he has also submitted several written requests regarding his dialysis program, and you have not even responded to him.

Speaker: Councillor Hayes, is your point of order still based on the communication from the Speaker, or are we heading into further debate?

Hayes: The point of order is that you have received communication that you are obliged to share with us, but you have chosen not to do so. According to the law, you must share it with us. There is a letter from the MEC that has been forwarded, which I sent via the MM to you. I have sent it twice, and I have yet to receive any response. I sent you a copy—this is a copy from the Department of Local Government—and I told you I would give you five days to respond, during which I would inform the administration that you are refusing to acknowledge it. So, it is your choice how you wish to handle this.

Speaker: I will proceed based on your point of order and say that I acknowledge it. Secondly, you are 100% correct that there is a letter you sent to me, and I am still in communication with you regarding that. The clarity I requested from you concerning certain allegations is still ongoing. Thirdly, this is a Special Council Meeting, and there was communication between myself and Councillor Farmer. I believe he is capable enough to speak for himself, and I am in ongoing communication with him regarding his situation. I agree with your three points, and **I will rule the other points out of order.**

Cllr. Hayes: Speaker, that communication was sent to you over three months ago.

Speaker: That is why I am saying, Councillor Hayes, we will not open up a debate because those conversations are currently ongoing directly between you and me.

Cllr. Hayes: You have not responded at all. I don't know what conversations you are referring to. You sent me one email and asked questions about it. You did not even acknowledge receipt of the others. Please at least acknowledge receipt of my email.

Cllr. Richards: Point of Order, Speaker. I understand that you have made a ruling, and the member continues to debate.

Speaker: **My ruling stands.** Thank you.

5. STATEMENTS AND COMMUNICATION BY THE EXECUTIVE MAYOR

- Geen / none

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

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 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

RB7.1.8/13-10-2025 OUTCOME OF DISCIPLINARY MATTER: SUBJECT: INVESTIGATION REPORT AND RECOMMENDATIONS FROM THE DISCIPLINARY COMMITTEE INTO ALLEGATIONS OF BREACH OF THE CODE OF CONDUCT FOR COUNCILLORS LEVELLED AGAINST COUNCILLOR JOHN HAYES AS THE THEN SPEAKER OF THE MUNICIPALITY IN THE MATTER REFERRED TO AS THE "MONKEY MATTER"

A: Sequence of events – Discussion and debate emanating from Disciplinary Committee Report as presented by the Speaker in Council:

While the Speaker was busy presenting the DC report, **"INVESTIGATION REPORT AND RECOMMENDATIONS FROM THE DISCIPLINARY COMMITTEE INTO ALLEGATIONS OF BREACH OF THE CODE OF CONDUCT FOR COUNCILLORS LEVELLED AGAINST COUNCILLOR JOHN HAYES AS THE THEN SPEAKER OF THE MUNICIPALITY IN THE MATTER REFERRED TO AS THE "MONKEY MATTER"** to Council, Councillor Hayes raised a point of order and asked whether the Speaker could provide a copy of an item from the report to the Councillors.

The Speaker responded to Councillor Hayes as follows:

Cllr. Hayes, there is no specific item as per the Councillor. As is customary, the Speaker presents the report to the Council for the record, and it is then handed over to the Council's Secretary. Therefore, no copy is provided to any Councillor. There is also no debate; I would like to conclude the report."

Cllr. Hayes asked what is the procedure then, once the report has been read. Will be able to get an opportunity whereby the **Speaker responded** that the opportunity, as outlined in the Uniform Standing Procedures, is directly with the MEC after today, 14 days.

Cllr. Hayes said: "It's your choice how you want to handle it."

The Speaker responded: "Cllr. Hayes, I am not opening a debate, but I am only following the USP. I will proceed with the report."

After the Speaker finished presenting the Disciplinary Committee's report to Council, **Cllr. Hayes** raised another point. Point of Order. The report you just presented is not the report in my possession nor one that was obtained by my lawyer. Secondly, when does the Disciplinary Committee cease to exist—after their proceedings are concluded?

The Speaker responded: "When the report reaches Council, the Disciplinary Committee no longer exists."

Cllr. Hayes replied: "I was under the impression that the moment the decision was made, my lawyer received the final report—specifically, the report was received shortly after 3:00 p.m. on Monday, which I believe was 11 September 2025. To my knowledge, the Disciplinary Committee ceased to exist once that final report was delivered to my lawyer. I also want to mention that on Monday evening, when I received the report, I found it strange that it did not align with any committee report. I casually asked both Councillors, Mouton and Strauss, when they had their meetings. So, I did not intimidate anyone. My question was only after the Disciplinary Committee had reached its decision. I contacted them Monday evening, and my lawyer received the report from Councillor Bergh that afternoon. That report is not the same as the one you just read to us."

The Speaker asked: Cllr. Bergh, do you have any comments?

Cllr. Bergh responded: There is a report from the Disciplinary Committee after the hearing. Then, legal representatives argued in objection and mitigation. The Disciplinary Committee reconvened, and the final report was compiled. After the final report was completed, it was handed to you, and that is what you have just read. So, I am not sure what Councillor Hayes has, because I did not address any correspondence to him. I did, however, address two reports to the legal representatives, and they are contained in the bundle you have, Speaker.

Cllr. Hayes said: Help me just with the legal aspect. A Disciplinary Committee is a lawful committee of the Council. It is conducted according to the Council's procedures, which include keeping minutes and recording sound. Am I correct?

The Speaker confirmed: You are correct.

Cllr. Hayes then requested: May I kindly ask that the Disciplinary Committee provide me with the minutes and all sound recordings of its proceedings, please?

Cllr. Bergh responded: Speaker, Councillor Hayes is investigating the details of the Disciplinary Committee's proceedings. I believe he has every right to do so, but this is not the appropriate place.

Cllr. Hayes raised another point: Point of Order. I believe it is very important for the Councillors who must make a decision today regarding the suspension to be aware of the process that was followed—that is, whether the process was legally conducted or not. I believe it is my duty. My first argument from the legal team concerns the validity of the decision of the Disciplinary Committee, which is currently a matter before the court. We requested a delay until the court rules on the legality of your, the Speaker's, position; because if your position is unlawful, then the composition of the Disciplinary Committee is also unlawful. Our second concern was Councillor Bergh's bias. The USP clearly address the issue of bias.

Councillor Richards raised a point: Point of Order, Speaker. You read a report to us, asked for some reaction, and I understand the Councillor is reacting. But he is not just reacting; he is presenting his defence, which is inappropriate. You presented us with a report and are presuming we will vote on it.

Mr. Sheldon added: Chairperson, if I may be helpful, I want to remind Cllr. Hayes that this is not the end. The outcome of this report is not final. You still have the right to appeal to the MEC. What is happening here is not the end. The MEC will consider your matter. You do not need to pursue this further now."

The Speaker responded: No Point of Order is allowed. There is a process, Councillor Hayes. I prefer we do not go into further debate, and as Mr. Sheldon said, you may direct your appeals to the MEC.

Cllr. Hayes said: I acknowledge that my appeal is with the MEC, not Council. Council must decide on legal principles. Council must recognise that the USP processes were not followed. For example, the Disciplinary Committee itself admitted that they met in the Chairman's office after the Chairman was already accused of bias and was asked to recuse himself.

Cllr. Blaauw asked: I just want to know if it is unconstitutional to hold a disciplinary meeting outside the Council chambers for record purposes. I just want to know if you are comfortable with that.

Mr. Sheldon responded: Chairperson, I will not comment on the venue itself. The committee can decide on any venue for any reason, as long as it is properly constituted.

Cllr. Richards requested: Speaker, can we have a 10-minute caucus break, please?"

The Speaker agreed: I will first allow Councillor Engelbrecht, then the Municipal Manager, and then I will permit the caucus.

Cllr. Engelbrecht said: Speaker, the Committee requested a recording of that meeting—or whether the Disciplinary Committee had a recording. We have not yet received an answer on whether there was a recording. As we sit here, we believe there was no recording, and it was not recorded to be played back for us like the meetings on 14th and 12 December last year. Just give us a yes or no—was there a recording? Because there was no recording.

Mr. Matthyse: Council must adopt this finding—that's point one—and then request the MEC to suspend the Councillor for that period. This decision still needs to go through the MEC, who has the authority to suspend and remove. Only the MEC can suspend and remove. Any other action, whether a formal warning, reprimand, or finding, gives the Councillor 14 days to appeal. When it comes to suspension, Council requests that the MEC make the final decision.

The Speaker concluded: I will now allow the caucus break and would like to ask, once the break is over, that the Chairperson respond briefly to Councillor Engelbrecht's question. Thank you.

- *The 10-minute caucus break was granted.*

After the caucus break, the Speaker called on Councillor Richards.

Cllr. Richards said: I don't know what to report back except to say that you've read the report into the record. Councillor John Hayes says the report you read is not the same report his lawyers received, and I think we all deserve an explanation to reconcile the two.

The Speaker replied: With that said, I will ask Mr. Sheldon to present the two reports, and I will not allow any debate on those reports. Again, this process will be in the hands of the MEC. The accused contacts the MEC's office and handles it there. I want to emphasize that I will not open debate after reading the two reports.

Cllr. Englebrecht raised a point: Point of Order. I am still waiting for my answer. Where is the recording?

The Speaker responded: The answer is very clear, Councillor Engelbrecht. As I said—and I will repeat—these entire documents will go to the MEC. The MEC will handle it. If the MEC requests minutes, he will ask for them, but for the sake of progress, I acknowledge your question, and I am not dismissing you. I just want us to conclude the process. Again, if any questions arise, the accused has a 14-day window from today, which the MEC will handle. At that point, I will not entertain further points of order. I want to close this matter as you requested.

Cllr. Engelbrecht added: Speaker, before the caucus break, you said Councillor Bergh should give me an answer on whether there was a recording. That's what I want to know. He can just say yes or no. Based on our understanding, there was no recording. But let them continue reading, the matter will proceed.

Mr. Sheldon concluded: The hearing took place on 04 September 2025. The final report is dated 09 October 2025 and read these two reports into the record.

Cllr. Hayes asked: I just want to know why my lawyers did not receive this report.

The Speaker responded: I will say what was stated before the report was read. You can include it in your statement to the MEC. Council's duty is now completed; its work is done. From today, it is in the hands of the MEC. I reiterate, I will not entertain further debate on this. We will proceed with the meeting, and I ask if there are a motion and a seconder for this item."

Cllr. Hayes stated: Speaker, I point out that there are two reports. The first one is..."

The Speaker interrupted: Councillor Hayes, I will proceed...

Cllr. Hayes requested: May I ask that my lawyer receive all documents, including sound recordings, at the end of the day?

The Speaker replied: As the USP tell me, I will send everything to the MEC. I will send all documents to the MEC. I will not send them to a lawyer. The USP specify that I send it to the MEC, and I will do so. There are no further points of order on this matter."

Cllr. Hayes asked: Am I entitled to a copy?

The Speaker confirmed: Councillor Hayes, the USP clearly state I must hand it over to the MEC. You have the USP in front of you; you know what it says. Please do not ask unnecessary questions.

The Speaker concluded: I ask that the report be accepted as presented.

RESOLVED:

1. That Council took cognisance of the Final Report and Findings of the Disciplinary Committee regarding the "Monkey Matter" in which Cllr John Hayes is the accused, and consider the outcome thereof;
2. That Council made the following findings:
 - **Finding 1:** Cllr John Hayes is guilty of grossly inappropriate conduct with racist connotations.
 - **Finding 2:** Cllr John Hayes has failed to act in the best interest of the municipality.
 - **Finding 3:** Cllr John Hayes acted in such a way that the credibility and integrity of the municipality was compromised.
3. That Council imposed the following sanction:
 - **Cllr John Hayes is herewith suspended as a councillor for 12 months effective immediately.**
4. That Council authorised the Speaker to inform the MEC for Local Government in the Province concerned within 14 days of the finding and sanction decided on by the Council.

Proposed: Cllr. M Bergh

Seconded: Cllr. A Mouton

Counter Proposals: None

RB7.1.1/13-10-2025 DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF MEMBERS OF MUNICIPAL COUNCILS AS PER GOVERNMENT GAZETTE NO. 53168, DATED 14 AUGUST 2025

RESOLVED:

1. Council takes note of the content of the Government Gazette No. 53168, dated 14 August 2025.
2. Council take note there will be no increase in the salary bill of Councillors for the 2024/2025 municipal financial year.

RB7.1.2/13-10-2025 CEDEBERG MUNICIPALITY CLIMATE CHANGE PLAN 2025

RESOLVED:

- 5.1 That the adaption commitments as provided by the selected departments at Cederberg Municipality as part of the Implementation measures sections of the *Climate Change Plan, 2025*, form part of the Municipal policy, procedures and documents.
- 5.2 That these actions, as addressed with the adaption commitments, be maintained as effectively as possible to ensure climate change risks and mitigations thereto are addressed by the relevant Directorates.
- 5.3 The Financial implication of the plan is subject to availability of budget and that the Municipal Manager and Directors include the *Cederberg Municipality Climate Change Plan 2025* (specifically the Implementation measures section which addresses the adaptation and mitigation actions) in the planning of future budgets.

Proposed: Cllr. R Richards

Seconded: Cllr. P Strauss

No Counter Proposals

**RB7.1.3/13-10-2025 APPROVAL FOR THE RE-ADVERTISEMENT,
APPOINTMENT OF A SELECTION PANEL, APPOINTMENT OF A SERVICE
PROVIDER FOR THE RECRUITMENT PROCESS OF THE VACANT POSITION:
DIRECTOR CORPORATE AND STRATEGIC SERVICES & THE EXTENTION OF
THE ACTING PERIOD OF THE CURRENT ACTING DIRECTOR – CEDERBERG
MUNICIPALITY**

RESOLVED:

- 1) Council authorised the Municipal Manager to proceed with the process to re-advertise and fill the vacancy of the Director: Corporate & Strategic Services position.
- 2) Council approved the placement of an advertisement for the abovementioned vacancy in a national newspaper as prescribed in terms of legislation.
- 3) Council appointed a selection panel, constituted of between 3 and 5 members, in terms of regulation 12(4), as follows:
 - 3.1) The Municipal Manager, who will be Chairperson,
 - 3.2) A member of the Mayoral Committee or Councillor who is the portfolio head of the relevant portfolio; and
 - 3.3) 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 approved the appointment of an external service provider to assist Council with the recruitment process for the vacancy.

- 5) The Municipal Manager obtain permission from the MEC for the extension of Mr Craig Sheldon's acting period for a further three (3) months or until the position is filled, whichever occurs first.

Proposed: Cllr. R Richards

Seconded: Cllr. J Van Heerden

No Counter Proposals

RB7.1.4/13-10-2025 APPOINTMENT OF THE DISCIPLINARY BOARD MEMBERS FOR FINANCIAL MISCONDUCT

RESOLVED

1. Council extended the term of the previous Disciplinary Board for financial misconduct with another 3 years. Current Board consists of the following members:
- Omar Valley – Chairperson
 - Dorian van Zyl – Member
 - Craig Sheldon – Member
 - Joylyon Goeieman – Member

Proposed: Cllr. A Scheepers

Seconded: Cllr. J Hayes

No Counter Proposals

RB7.2/18-07-2024 URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER

- Geen / None

RB7.3/18-07-2024 MATTERS FOR NOTIFICATION

IN COMMITTEE

RB7.1.5/13-10-2025

PROGRESS ON LICENSING MATTER: NERSA

RESOLVED:

1. That Council noted:
 - a. There has been no progress regarding the licensing issue from NERSA concerning Clackson Power;
 - b. That the Director Technical and Planning Services is currently and actively engaging with NERSA;
 - c. That feedback will be provided to Council as soon as there is any information to share.

**RB7.1.6/13-10-2025 LETTERS: REQUEST FOR RECONCILIATORY
ENGAGEMENT AND ACKNOWLEDGEMENT OF REPUTATIONAL HARM**

RESOLVED

1. That Council deferred the matter to MayCo.

**RB7.1.7/13-10-2025 APPOINTMENT OF DIRECTOR COMMUNITY
SERVICES AND PUBLIC SAFETY**

RESOLVED:

1. The Matter ne deferred; and
2. That the item be handled within week.

Proposed: Cllr. A Scheepers

Seconded: Cllr. P Strauss

No Counter Proposals

08. CLOSURE

- Meeting adjourned.

VOORSITTER / CHAIRPERSON

DATUM / DATE