

MINUTES OF THE COUNCIL MEETING OF THE WITZENBERG MUNICIPALITY, HELD IN THE TOWN HALL, 50 VOORTREKKER STREET, CERES ON WEDNESDAY, 17 AUGUST 2016 AT 10:00

PRESENT

Councillors

TT Godden (Speaker)
BC Klaasen (Executive Mayor)
K Adams (Deputy Executive Mayor)
TE Abrahams
P Daniels
P Heradien
SJ Hugo
DM Jacobs
D Kinnear
GG Laban
C Lottering
M Mdala
TP Mgoboza
N Phatsoane
JT Phungula
JW Schuurman
ZS Serunjogi
E M Sidego
RJ Simpson
HJ Smit
D Swart
HF Visagie
JJ Visagie

Officials

Mr D Nasson (Municipal Manager)
Mr J Barnard (Director: Technical Services)
Ms J Krieger (Director: Community Services)
Mr HJ Kritzingen (Director: Finance)
Mr M Mpeluza (Director: Corporate Services)
Mr A Raubenheimer (Deputy Director: Finance)
Mr CG Wessels (Manager: Administration)
Ms A Radjoo (Manager: Marketing and Communication)
Ms L Nieuwenhuis (Legal Advisor)
Ms S Gibb (Senior Public Relations Officer)
Mr R Rhode (ICT)
Mr C Titus (Committee Clerk)
Ms M Prins (Word Processor Operator)

Other representatives

Mr J Mepomie (Magistrate, Ceres)
Reverend R Simpson (Dutch Reformed Church, Tulbagh)

1. OPENING AND WELCOMING
(3/1/2)

The Municipal Manager, Mr D Nasson, presided over the first meeting of the council until the election of the Speaker.

Reverend Reginald Simpson from the Dutch Reformed Church, Tulbagh opened the meeting with scripture reading, a short sermon and prayer.

NOTED.

2. ESTABLISHMENT OF THE WITZENBERG MUNICIPALITY AND INTRODUCTION OF COUNCILLORS
(2/1/1)

The Witzenberg Municipality was established in terms of Sections 12 and 14 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) by the Provincial Minister of Local Government, Western Cape per Provincial Notice 487/2000 dated 22 September 2000, as amended on 25 February 2011. Sections 4 to 9 of the amended notice read as follows:

“Establishment and name

4. With effect from the effective date, a municipality shall be established, to be known in English as ‘Witzenberg Municipality’, in Afrikaans as ‘Munisipaliteit Witzenberg’ and in isiXhosa as ‘UMasipala waseWitzenberg’.

Category

5. The Local Municipality is a local municipality as defined in Section 1 of the Municipal Structures Act, being a municipality that shares municipal executive and legislative authority in its area with the District Municipality and which is described in Section 155(1) of the Constitution as a Category B municipality.

Type

6. The Local Municipality is a municipality with a mayoral executive system combined with a ward participatory system as provided for in the Western Cape Determination of Types of Municipalities Act, 2000 (Act 9 of 2000), as amended by the Western Cape determination of Types of Municipalities Amendment Act, 2002 (Act 4 of 2002). (Section amended by PN.182/2003)

Boundaries

7. The boundaries of the Local Municipality shall be the boundaries determined by the Municipal Demarcation Board and referred to in Section 2(1).

Number of councillors and wards

- 8.(1) The Municipal Council of the Municipality has 23 (twenty-three) councillors, as determined by the Provincial Minister in Provincial Notice 164/2000 published in Provincial Gazette Extraordinary No. 5468 dated 4 May 2000 and repealed by Provincial Notice 100/2004 published in Provincial Gazette Extraordinary no. 6137 dated 8 June 2004 and Provincial Notice 261/2009 published in Provincial Gazette Extraordinary no. 6646 dated 31 July 2009, of which 12 (twelve) are ward councillors and 11 (eleven) are proportionally elected councillors.
- (2) The Municipality has 12 (twelve) wards
(Section 8 amended by PN 54/2011)

Full-time councillors

9. The Local Municipality may designate the following councillors as full-time councillors:
- (a) The Executive Mayor
 - (b) The members of the Mayoral Committee and
 - (c) The Speaker
- (Section 9 amended by PN. 454/2002 and PN. 182/2003)"

UNANIMOUSLY RESOLVED

that notice be taken of the establishment of the Witzenberg Municipality per Provincial Notice 487/2000, dated 22 September 2000, as amended on 25 February 2011.

3. CONSTITUTING OF MEETING AND REPRESENTATION ON COUNCIL: INTRODUCTION OF COUNCILLORS
(3/R)

The outcome of the municipal elections which were held on 3 August 2016, is as follows:

Ward councillors

| Candidate surname | Candidate name | Party name | Seat type |
|--------------------------|-----------------------|---------------------------|------------------|
| Phatsoane | Nonzame | African National Congress | Ward 1 |
| Lottering | Cornelius | Democratic Alliance | Ward 2 |
| Swart | Dirk | Democratic Alliance | Ward 3 |
| Visagie | Joachim Jacobus | Democratic Alliance | Ward 4 |
| Smit | Hendrik Johannes | Democratic Alliance | Ward 5 |
| Adams | Karriem | Democratic Alliance | Ward 6 |
| Daniels | Patric | Democratic Alliance | Ward 7 |
| Visagie | Hanlie Felicia | African National Congress | Ward 8 |
| Hugo | Samiel Johannes | African National Congress | Ward 9 |
| Mgoboza | Themba Petros | African National Congress | Ward 10 |
| Sidego | Elizabeth Mary | Democratic Alliance | Ward 11 |
| Mdala | Mavis | African National Congress | Ward 12 |

Proportionally elected councillors

| Candidate surname | Candidate name | Party name | Seat type |
|-------------------|-------------------|--|-----------|
| Simpson | Richard John | African National Congress | PR 1 |
| Phungula | Joyce Thembisa | African National Congress | PR 2 |
| Schuurman | John William | African National Congress | PR 3 |
| Godden | Theodore Thomas | Congress of the People | PR 1 |
| Klaasen | Barnito Charles | Democratic Alliance | PR 1 |
| Abrahams | Trevor Etienne | Democratic Alliance | PR 2 |
| Serunjogi | Zukiswa Sharlott | Democratic Alliance | PR 3 |
| Kinnear | Deleen | Democratic Alliance | PR 4 |
| Jacobs | Douglas Mzwandile | Economic Freedom Fighters | PR 1 |
| Heradien | Petrus | Independent Civic Organisation of South Africa | PR 1 |
| Laban | Gert Gerrit | Witzenberg Aksie | PR 1 |

The representation per party is as follows:

| Party | Ward seats | PR seats | Total |
|--|------------|----------|-------|
| Democratic Alliance | 7 | 4 | 11 |
| African National Congress | 5 | 3 | 8 |
| Congress of the People | 0 | 1 | 1 |
| Economic Freedom Fighters | 0 | 1 | 1 |
| Independent Civic Organisation of South Africa | 0 | 1 | 1 |
| Witzenberg Aksie | 0 | 1 | 1 |

Councillor P Heradien (ICOSA) raised objections against the constituting of the meeting and representation of Council on grounds of the following:

- (a) that the local government elections 2016 in Ward 6, Bella Vista, Ceres were not free and fair;
- (b) that due to the above (a), the council meeting could not take place and
- (c) that the presence of the South African Police Services at the meeting are unnecessary and that they must leave the meeting.

The Chairperson ruled that the objections of ICOSA in terms of a free and fair election is a matter for the Independent Electoral Commission and they will resolve it. The council meeting cannot be delayed or affected due to that matter.

The South African Police Services were requested to leave the meeting.

RESOLVED

that notice be taken of the constituting of the meeting and the introduction of all the councillors.

The ANC component requested a caucus break from 11:00 until 11:43.

After the caucus break the ANC component requested that clarity be given on the complaints of Councillor P Heradien with regard to the matter of a free and fair election in ward 6, Bella Vista, Ceres.

Councillor Heradien requested that Council cannot be constituted due to irregularities in ward 6.

The Chairperson ruled that the matter will be dealt with by the Independent Electoral Commission and had nothing to do with the municipal council. The names of all elected councillors had been Gazetted in terms of legislation. All parties had 48 hours to lodge any complaints to the Commissioner of the IEC.

NOTED.

**4. OATH OR SOLEMN AFFIRMATION BY MEMBERS OF THE COUNCIL
(03/R)**

This matter will be dealt with at a later stage.

NOTED.

**5. INTRODUCTION OF COUNCILLORS AND OFFICIALS
(03/R)**

Councillors were duly introduced.

NOTED.

**6. ELECTION OF A SPEAKER
(03/1/1/4)**

LEGAL BACKGROUND

In terms of section 36 of the Local Government: Municipal Structures Act, 1998 (Act 117/1998):

Each municipal council must have a chairperson who will be called the Speaker.

At its first sitting after its election, a municipal council must elect its Speaker from among the councillors.

The municipal manager of the municipality or, if the municipal manager is not available, a person designated by the MEC for local government in the province, presides over the election of a speaker.

The procedure set out in Schedule 3 of the Structures Act applies to the election of a speaker.

A councillor may not hold office as speaker and mayor at the same time.

In terms of section 38 of the said act, the speaker is elected for a term ending when the next council is declared elected, subject to that in terms of Section 39 a speaker vacates office during a term if that person -

- Resigns as speaker;
- Is removed from office by a resolution of council; or
- Ceases to be a councillor

PROCEDURE

Schedule 3 of the said Act, which deals with the election of municipal office-bearers, reads as follows:

“Application

1. *The procedure set out in this Schedule applies whenever a municipal council meets to elect a speaker.*

Nominations

2. *The person presiding at a meeting to which this Schedule applies must call for the nomination of candidates at the meeting.*

Formal requirements

3.
 - (1) *A nomination must be made on the form determined by the municipal manager.*
 - (2) *The form on which a nomination is made must be signed by two members of the municipal council.*
 - (3) *A person who is nominated must indicate acceptance of the nomination by signing either the nomination form or any other form of written confirmation.*

Announcement of names of candidates

4. *At a meeting to which this Schedule applies, the person presiding must announce the names of the persons who have been nominated as candidates, but may not permit any debate.*

Single candidate

5. *If only one candidate is nominated, the person presiding must declare that candidate elected.*

Election procedure

6. *If more than one candidate is nominated -*
 - a) *a vote must be taken at the meeting by secret ballot,*
 - b) *each councillor present at the meeting may cast one vote; and*

- c) *the person presiding must declare elected the candidate who receives a majority of the votes.*

Elimination procedure

7. (1) *If no candidate receives a majority of the votes, the candidate who receives the lowest number of votes must be eliminated and a further vote taken on the remaining candidates in accordance with item 6. This procedure must be repeated until a candidate receives a majority of the votes.*
- (2) *When applying sub item (1), if two or more candidates each have the lowest number of votes, a separate vote must be taken on those candidates, and repeated as often as may be necessary to determine which candidate is to be eliminated.*

Further meetings

8. (1) *If only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, a further meeting must be held within seven days at a time determined by the person presiding.*
- (2) *If a further meeting is held in terms of sub item (1), the procedure in this Schedule must be applied at that meeting as if it were the first meeting for the election in question."*

The signed nomination form is attached as **annexure 6**.

ICOSA and Witzenberg Aksie excused themselves from the meeting and left the meeting at 12:12.

The Democratic Alliance nominated Councillor T Godden as Speaker.

The African National Congress nominated Councillor JW Schuurman as Speaker.

Both nominees accepted the nomination.

Councillor P Heradien and G Laban returned to the meeting at 12:18.

Outcomes of the election:

Number of ballots received: 23
Number of ballots issued: 21
Number of votes casted: 21
Number of councillors abstained from voting: 2
Votes in favour of Councillor T Godden: 13
Votes in favour of Councillor JW Schuurman: 8

RESOLVED

that Councillor T Godden be duly elected as Speaker of the Council of Witzenberg Municipality.

**7. HANDING OVER THE CHAIR TO THE SPEAKER
(3/1/14)**

The Speaker took the chair and addressed the Council.

The various political parties were granted the opportunity to congratulate the Speaker on his election:

- Councillor J Phungula on behalf of the ANC
- Councillor DM Jacobs on behalf of the EFF
- Councillor J Visagie on behalf of the DA

RESOLVED

that notice be taken of the handing over of the chair to the Speaker.

**8. RULES OF ORDER FOR CONDUCTING OF MEETINGS
(1/3/1/25)**

The Rules of Order regulating the conduct of meetings of the Witzenberg Municipality is attached as **annexure 8**.

RESOLVED

that the matter regarding the Rules of Order for conducting meetings of the Witzenberg Municipal Council be held in abeyance.

**9. ELECTION OF EXECUTIVE MAYOR
(03/1/1/4)**

- 9.1 If a Municipal Council chooses to have an Executive Mayor it must, in terms of Section 55(1) of the Structures Act, elect an Executive Mayor and, if the MEC for Local Government in the province so approves, also a Deputy Executive Mayor, from among its members at a meeting that must be held within 14 days of the council election.

In terms of Section 4 of the Section 16 Amendment Notice, Witzenberg Municipality is authorised to elect a Deputy Executive Mayor.

- 9.2 If a municipality chooses to have an Executive Committee System in terms of Section of the Structures Act, it must in terms of Section 48 elect a member of its Executive Committee as the Mayor and, if the MED for Local Government in the province so approves, another member of the Executive Committee as the Deputy Mayor of the municipality.

The procedures set out in Schedule 3 of the Structures Act apply to the election of an Executive Mayor and Deputy Executive Mayor and read as follows:

"Act No 117, 1998 LOCAL GOVERNMENT : MUNICIPAL STRUCTURES ACT, 1998

SCHEDULE 3

The election of a Mayor and Deputy Mayor takes place when the Executive Committee is elected or when it is necessary to fill a vacancy.

Election of municipal office-bearers

Application

1. *The procedure set out in this Schedule applies whenever a municipal Council meets to elect a Speaker, an Executive Mayor, an Executive Deputy Mayor, a Mayor or Deputy Mayor.*

LEGAL BACKGROUND

In terms of section 48(1) of the Local Government : Municipal Structures Act, 1998 (Act 117 of 1998) a municipal council must elect a member of its executive committee as the mayor of the municipality.

The election of a mayor takes place when the executive committee is elected or when it is necessary to fill a vacancy.

A mayor is elected for the duration of that person's term as a member of the executive committee, but vacates office during a term if that person-

- (a) resigns as mayor ;
- (b) is removed from office as a member of the executive committee in terms of section 53 of the Local Government : Municipal Structures Act, 1998 (Act 117 of 1998) or

Nominations

2. *The person presiding at a meeting to which this Schedule applies must call for the nomination of candidates at the meeting.*

Formal requirements

3.
 - (1) *A nomination must be made on the form determined by the Municipal Manager.*
 - (2) *The form on which a nomination is made must be signed by two members of the Municipal Council.*
 - (3) *A person who is nominated must indicate acceptance of the nomination by signing either the nomination form or any other form of written confirmation.*

Announcement of names of candidates

4. *At a meeting to which this Schedule applies, the person presiding must announce the names of the persons who have been nominated as candidates, but may not permit any debate.*

Single candidate

5. *If only one candidate is nominated, the person presiding must declare that candidate elected.*

Election procedure

6. *If more than one candidate is nominated –*
- (a) a vote must be taken at the meeting by secret ballot;*
 - (b) each Councillor present at the meeting may cast one vote; and*
 - (c) the person presiding must declare elected the candidate who receives a majority of the votes*

Elimination procedure

7. (1) *If no candidate receives a majority of the votes, the candidate who receives the lowest number of votes must be eliminated and a further vote taken on the remaining candidates in accordance with Item 6. This procedure must be repeated until a candidate receives a majority of the votes.*
- (2) *When applying sub item (1), if two or more candidates each have the lowest number of votes, a separate vote must be taken on those candidates, and repeated as often as may be necessary to determine which candidate is to be eliminated.*

Further meetings

8. (1) *If only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, a further meeting must be held within seven days at a time determined by the person presiding.*
- (2) *If a further meeting is held in terms of sub item (1), the procedure prescribed in this Schedule must be applied at that meeting as if it were the first meeting for the election in question.*
- (3) *If at the further meeting held in terms of sub item (1) only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, the person presiding at such meeting must determine by lot who of the two candidates will hold the office for which the election has taken place."*

The signed nomination form is attached as **annexure 9**.

Alderman HJ Smit, on behalf of the DA, nominated Councillor BC Klaasen as Executive Mayor.

Councillor M Phatsoane, on behalf of the ANC, nominated Councillor J Phungula as Executive Mayor.

Both nominees accepted the nominations.

Outcomes of the election:

Number of ballots received: 23

Number of ballots issued: 21

Number of votes casted: 21

Number of councillors abstained from voting: 2

Votes in favour of Councillor BC Klaasen: 13

Votes in favour of Councillor JT Phungula: 8

RESOLVED

that Councillor BC Klaasen be duly elected as the Executive Mayor of Witzenberg Municipality.

**10. ACCEPTANCE SPEECH BY THE EXECUTIVE MAYOR
(03/1/1/4)**

The Executive Mayor addressed the Council and public. The speech is attached as **annexure 10**.

The various political parties were granted the opportunity to congratulate the Executive Mayor on his election:

- Councillor J Schuurman on behalf of the ANC
- Councillor DM Jacobs on behalf of the EFF
- Councillor J Visagie on behalf of the DA

RESOLVED

that notice be taken of the congratulations conveyed from the various parties to the Executive Mayor on his election.

**11. ELECTION OF DEPUTY EXECUTIVE MAYOR
(03/1/1/4)**

The signed nomination form is attached as **annexure 11**.

Councillor P Daniels, on behalf of the DA, nominated Councillor K Adams as Deputy Executive Mayor.

Councillor T Mgoboza, on behalf of the ANC, nominated Councillor HF Visagie as Deputy Executive Mayor.

Both nominees accepted the nominations.

Outcomes of the election:

Number of ballots received: 23
Number of ballots issued: 21
Number of votes casted: 21
Number of councillors abstained from voting: 2
Votes in favour of Councillor K Adams: 13
Votes in favour of Councillor HF Visagie: 8

The various political parties were granted the opportunity to congratulate the Deputy Executive Mayor on his election:

- Councillor R Simpson on behalf of the ANC
- Councillor DM Jacobs on behalf of the EFF
- Councillor J Visagie on behalf of the DA
- Councillor P Heradien on behalf of ICOSA

RESOLVED

that Councillor K Adams be duly elected as the Deputy Executive Mayor of Witzenberg Municipality.

**12. ANNOUNCEMENT OF APPOINTMENT OF MEMBERS OF EXECUTIVE MAYORAL COMMITTEE BY THE EXECUTIVE MAYOR
(03/1/1/4)**

In terms of Section 60(1) of the Structures Act, if a Municipal Council has more than nine members, its Executive Mayor must appoint a Mayoral Committee from among the Councillors to assist him/her. Such a Mayoral Committee must consist of the Deputy Executive Mayor and as many Councillors as may be necessary for effective and efficient government, provided that no more than 20 % of the Councillors or 10 Councillors, whichever is the least, are appointed.

In terms of the aforesaid the Mayor may not appoint more than 5 (five) members (including the Deputy Executive Mayor) on his/her Mayoral Committee.

The Executive Mayor announced the members of the Executive Mayoral Committee as follows:

- Deputy Executive Mayor: Councillor K Adams: Portfolio Committee for Community Services
- Alderman HJ Smit: Portfolio Committee for Corporate and Financial Services
- Councillor EM Sidego: Portfolio Committee for Housing Services and Human Settlement
- Councillor JJ Visagie: Portfolio Committee for Technical Services
- Councillor T Abrahams: Committee for Local Economic Development and Tourism

RESOLVED

that the members of the Executive Mayoral Committee be as follows:

- (i) *Deputy Executive Mayor: Councillor K Adams: Portfolio Committee for Community Development*
- (ii) *Alderman HJ Smit: Portfolio Committee for Corporate and Financial Services*
- (iii) *Councillor EM Sidego: Portfolio Committee for Housing Services and Human Settlement*
- (iv) *Councillor JJ Visagie: Portfolio Committee for Technical Services*
- (v) *Councillor T Abrahams: Committee for Local Economic Development and Tourism*

13. STRUCTURING OF COUNCIL

**13.1 Appointment of Section 79 and 80 Committees by Council
(03/3/1/1)**

Background

In terms of Section 79 of the Structures Act, Council may establish one or more Committees necessary for the effective and efficient performance of any of Councils functions or the exercising of Councils powers.

Council appoints the members as well as the Chairpersons of the Section 79 committees and:

- Must determine the functions of a committee
- May delegate duties and powers to the committees in terms of section 32 of the said Act
- May authorise a committee to co-opt advisory members who are not members of the council within the limits determined by the Council
- May remove a member of a committee from time to time
- May determine a committees procedure

In terms of Section 80 of the Structures Act, Council may appoint Committees of Councillors to assist the Executive Committee or the Executive Mayor. Such Committees may not in number exceed the number of members of the Executive Committee or the Mayoral Committee. Therefore, 4 section 80 Committees can be established. The Executive Committee or Executive Mayor appoints a Chairperson for each Committee from the Executive Committee or Mayoral Committee and:

- May delegate any powers and duties to the committee
- Is not divested of the responsibility concerning the exercise of the power or performance of the duty.
- May revoke any decision taken by the committee, subject to any vested rights.

Council will have to decide whether both Section 79 and 80 Committees will be established or whether only section 79 or only section 80 Committees will be established. Section 79 Committees report directly to council, whilst section 80 Committees reports to the Executive Committee or the Executive Mayor.

Present Management structure

The present Management structure consist of four directorates as follows:

- Directorate Corporate Services
- Directorate Technical Services
- Directorate Financial Services
- Directorate Community Services

Committees can be established for each of the directorates or for any combination thereof.

Functions of Committees

The following functions can be considered for the committees:

Section 79 Committees

- 1) At least one meeting per month to consider reports from the directors
- 2) Deal with matters that are been referred to the committee by the council or the Executive Mayor.
- 3) Review and evaluate policies and make recommendations to council on amendments thereto and the revoking thereof.
- 4) Make recommendations to council on new policy to be implemented
- 5) Evaluate and review bylaws and make recommendations to council thereon
- 6) Oversee service delivery within the relevant portfolio
- 7) Perform such duties and perform such powers as may be delegated to them by council in terms of section 59 of the Structures Act

Section 80 Committees

- 1) At least one meeting per month to consider reports from the directors.
- 2) Deal with matters that are been referred to the committee by the council or the Executive Committee or Executive Mayor.
- 3) Review and evaluate policies and make recommendations to the Executive Committee or the Executive Mayor on amendments thereto and the revoking thereof.
- 4) Make recommendations to the Executive Committee or the Executive Mayor on new policy to be implemented.
- 5) Evaluate and review bylaws and make recommendations to the Executive Committee or the Executive Mayor thereon.
- 6) Oversee service delivery within the relevant portfolio.
- 7) Perform such duties and perform such powers as may be delegated to them by council in terms of Section 59 of the Structures Act.

Delegations to Committees:

It is recommended that committees be delegated the power to consider and approve monthly reports from the Directors and various sections within the directorates.

The following recommendation was tabled to Council:

- (a) That Council decides on whether both Section 79 and Section 80 Committees will be established as well as the exact committees to be established.
- (b) That the members of the committees be elected.
- (c) That, if applicable, the Chairpersons of the Section 79 Committees be elected.
- (d) That the functions of the committees be determined.
- (e) That, if applicable, the delegations to the Section 79 Committees be considered.
- (f) That the Executive Mayor appoints the chairpersons of the Section 80 Committees and consider the delegations of the committees.
- (g) That Council decides on the dates on which the monthly meetings of committees should take place.

RESOLVED

that the matter with regard to the appointment of Section 79 and 80 Committees of Council be held in abeyance.

**13.2 Election of representatives on the Cape Winelands District Municipality
(03/11/15)**

This is an election administered by the IEC.

LEGAL BACKGROUND

In terms of Section 23(4) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) Council must appoint its representatives on the Cape Winelands District Municipality within 14 days after the results of the election of the local Council was made known.

The appointment, however, is done in terms of Schedule 2 of the Municipal Structures Act. Section 23(1)(b) stipulates that the election must take place in terms of Schedule 2. Schedule 2 deals with the electoral system for District Councils and in terms of part 2 of Schedule 2 two the Municipal Structures Act, the Chief Electoral Officer (being the Chief Electoral Officer appointed in terms of Section 12(1) of the Electoral Commission Act, 1996 (Act 51 of 1996) and includes a person designated by the Chief Electoral Officer for the purposes of Schedule 2). The Independent Electoral Commission has appointed the local representative, Mr P Minnaar, to conduct this election.

Section 23(2) further stipulates that 60 % (fractions to be disregarded) of the number of Councillors of the District Municipality must represent local municipalities. The remainder 40 %, are representatives proportionally elected directly by the voters in the District Municipality's area.

The number of Councillors to serve on the District Council from the five local municipalities have been determined by the Provincial Minister for Local Government per PN 53/2011, dated 25 February 2011, as follows:

| Municipality | Number of Councillors |
|----------------------------|------------------------------|
| Witzenberg Municipality | 3 |
| Drakenstein Municipality | 8 |
| Stellenbosch Municipality | 5 |
| Breede Valley Municipality | 5 |
| Langeberg Municipality | 3 |

The election of the members, representing the Municipalities, must be done in accordance with Section 17 – 22 of Schedule 2 of the Municipal Structures Act , as amended, as follows:

“Candidates lists

17. (1) *Every party or independent ward Councillor may submit a candidates’ list containing the names of Councillors, accompanied by a written acceptance by each listed candidate.*
- (2) *A party or independent ward Councillor may not submit more than one list.*
- (3) *The candidates’ names must appear on the list in order of preference, starting with the first in order of preference and ending with the last.*
- (4) *The name of a Councillor may appear on one list only.*
- (5) *Every party or independent ward Councillor must seek to ensure that fifty per cent of the candidates on the candidates list are women and that women and men candidates are evenly distributed through the list.*

Number of votes

18. *Each Councillor casts one vote for one list only.*

Determining the quota

19. *In a local council, the quota of votes for a seat to the district council must be determined in accordance with the following formula (fractions to be disregarded)-*

$$\frac{A}{B} + 1$$

Where-

A represents the number of members of the local council; and
B represents the number of seats that the local council has been awarded on the district council in accordance with item 15.

$$\frac{23}{3} + 1 = 8$$

Allocating seats

20. (1) *The number of votes cast in favour of each list must be divided by quota of votes for a seat and the result is the number of seats allocated to that list.*

- (2) *If the calculation in sub item (1) gives a surplus, that surplus must compete with other similar surpluses of any other lists, and any seat or seats not allocated under sub item (1) must be awarded in sequence of the highest surplus.*

Selecting names from the list

21. *The chief electoral officer, in accordance with the order of preference on a list, must select the number of candidates from the list that is equal to the number of seats allocated to that list.*

Insufficient lists

22. *In the case of a list containing fewer names than the number of seats allocated to that list, the corresponding provisions of item 10 must be applied to the extent that that item can be applied.*

Filling of vacancies

23. *If a Councillor elected from a candidates' list ceases to hold office or the list has become exhausted, the corresponding provisions of item 11 must be applied to the extent that that item can be applied."*

Three representatives on the Cape Winelands District Municipality must be elected from Council.

The quota as determined in terms of Section 19 of the Municipal Structures Act referred to above, is 8, calculated as follows:

$$\begin{array}{ll} \frac{23}{3} & \text{(number of Councillors in Witzenberg Municipality)} \\ & \text{(number of representatives awarded to the Cape Winelands Municipality)} \\ = & 7.67 + 1 \end{array}$$

The directive for the election of representatives to the Cape Winelands District Municipality is attached as **annexure 13.2**.

Ms S Louw of the Independent Electoral Commission presided over the election of the representatives on the Cape Winelands District Municipality.

The following political parties made nominations:

African National Congress, Economic Freedom Fighters and Democratic Alliance.

The outcomes of the voting were as follows:

- (a) Two political parties abstained from voting, namely ICOSA and Witzenberg Aksie.
- (b) African National Congress: One seat allocated: Councillor JW Schuurman
- (c) Democratic Alliance: Two seats allocated: Councillors D Swart and P Daniels.
- (d) Economic Freedom Fighters: Zero seat allocated.

Ms Louw mentioned that the results of the election are provisionally and it will in due course officially be declared by the Independent Electoral Commission.

UNANIMOUSLY RESOLVED

- (a) *that Councillor JW Schuurman be duly elected as representative of the African National Congress on the Cape Winelands District Municipality.*
- (b) *that Councillors D Swart and P Daniels be duly elected as representatives of the Democratic Alliance on the Cape Winelands District Municipality.*

14. DECLARATION OF INTERESTS: DETERMINATION OF STATUS OF FINANCIAL INTEREST OF COUNCILLORS AND DETERMINATION OF PRESCRIBED AMOUNT OF GIFTS TO BE DECLARED (03/2/1)

Section 7 of the Code of Conduct as contained in Schedule 1 of the Local Government : Municipal Structures Act, 1998 (Act 117 of 1998) stipulates as follows:

“Declaration of interests

- 7. (1) When elected or appointed, a Councillor must within 60 days declare in writing to the Municipal Manager the following financial interests held by that Councillor:
 - (a) shares and securities in any company;
 - (b) membership of any close corporation;
 - (c) interest in any trust;
 - (d) directorships;
 - (e) partnerships;
 - (f) other financial interests in any business undertaking;
 - (g) employment and remuneration;
 - (h) interest in property;
 - (i) pension, and
 - (j) subsidies, grants and sponsorships by any organisation.
- (2) Any change in the nature or detail of the financial interests of a Councillor must be declared in writing to the Municipal Manager annually.
- (3) Gifts received by a Councillor above a prescribed amount must also be declared in accordance with sub item (1). The Minister of Local Government has prescribed the amount of gifts per Government Notice R459 dated 25 May 2001, as follows:

“Gifts received by a Councillor must be declared in terms of item 7(1) of Schedule 1 of the Act where- (a) The value of a gift exceeds R1000; and, (b) the value of gifts received exceeds R1000 from a single source in any calendar year”

Furthermore the Minister has prescribed that “a declaration of gifts received by a Councillor must- (1) contain a description of such gift or gifts as the case may be; and (2) indicate the value and source of such gift or gifts, as the case may be.”
- (4) The Municipal Council must determine which of the financial interests referred in sub item (1) must be made public having regard to the need for confidentiality and the public interest for disclosure.”

UNANIMOUSLY RESOLVED

that notice be taken of the Declaration of Interests: Determination of status of financial interest of councillors and determination of prescribed amount of gifts to be declared.

**15. DETERMINATION OF UPPER LIMITS OF ALLOWANCES FOR COUNCILLORS AND OFFICE BEARERS
(5/11/1)**

In terms of the stipulations of The Remuneration of Public Office Bearers Act, 1998, (Act 20 of 1998) the Minister of Provincial and Local Government must determine the upper limits of remuneration of Councillors. The final determination of the exact remuneration is been fixed by the Minister of Local Government concerned after a recommendation from the relevant Municipal Council. The latest determination of the Minister of Provincial and Local Government, is contained in Government Notice 39548 of 21 December 2015 and is attached as **annexure 15**. The Minister has already approved the remuneration in terms of the latest determination.

UNANIMOUSLY RESOLVED

that notice be taken of the determination of upper limits of allowances for councillors and office bearers.

16. ADJOURNMENT

The meeting adjourned at 14:50.

Approved on _____ with / without amendments.

**COUNCILLOR TT GODDEN
SPEAKER**

/MJ Prins