

Kennis word hiermee gegee ingevolge Artikel 29(2) van die Plaaslike Regering: Munisipale Strukture Wet, 1998 (Wet 117 van 1998) soos gewysig, dat 'n **Spesiale Raadsvergadering** van die Munisipaliteit Witzenberg gehou sal word op **Dinsdag, 17 Oktober 2023** om **09:00** in die **Stadsaal, Voortrekkerstraat, Ceres.**

Notice is hereby given in terms of Section 29(2) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) as amended, that a **Special Council meeting** of the Witzenberg Municipality will be held in the **Town Hall, Voortrekker Street, Ceres** on **Tuesday, 17 October 2023 at 09:00.**

Raadslede en amptenare / Councillors and officials		
Councillor TE Abrahams	Alderman K Adams	Councillor WJ Alexander
Councillor P Daniels	Councillor S de Bruin	Councillor GJ Franse
Councillor JP Fredericks	Councillor AL Gili	Councillor LA Hardnek
Councillor P Heradien	Councillor GG Laban (Executive Deputy Mayor)	Councillor JS Mouton
Councillor MJ Ndaba	Councillor N Nogcinisa	Councillor N Phatsoane
Councillor KA Robyn	Alderman HJ Smit (Executive Mayor)	Councillor D Swart
Councillor IL Swartz	Alderman JJ Visagie	Councillor K Yisa
Councillor J Zalie		
Municipal Manager	Director: Finance	Director: Technical Services
Director: Corporate Services	Deputy Director: Finance	
Manager: Administration	Manager: Legal Services	Chief Administrative Officer
Committee Clerk	Interpreter	



**COUNCILLOR EM SIDEGO
SPEAKER**

10 October 2023

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A G E N D A

- 1. OPENING AND WELCOME / OPENING EN VERWELKOMING**

- 2. LEAVE OF ABSENCE AND CONFIDENTIALITY AND CONFLICT OF INTEREST DECLARATION**

- 2.1 Consideration of application for leave of absence, if any
Aansoeke om verlof tot afwesigheid, indien enige
(3/1/2/1)**

*An Application for leave of absence form is attached as **annexure 2.1.***

NOTED

- 2.2 Confidentiality and Conflict of Interest Declaration
Vertroulikheid en Botsing van Belange Verklaring
(3/2/1)**

The Confidentiality and Conflict of Interest Declaration is attached as **annexure 2.2.**

- 3. MOTIONS AND NOTICE OF SUGGESTIONS
MOSIES EN KENNISGEWING VAN VOORSTELLE**

- 3.1 Request for withdrawal of motion of no confidence in Speaker and Mayor
(3/2/2)**

A request, dated 6 October 2023, for the withdrawal of the motion of no confidence in the Speaker and Mayor, submitted on 16 August 2023, is attached as **annexure 3.1.**

RECOMMENDED

For consideration.

**3.2 Request for withdrawal of all motions submitted by majority of Councillors
(3/2/2)**

A request, dated 6 October 2023, for the withdrawal of all motions submitted by the majority of Councillors before 2 October 2023 is attached as **annexure 3.2**.

RECOMMENDED

For consideration.

**3.3 Motion: No confidence and removal of Speaker from office
(3/2/2)**

A request, dated 6 October 2023, for an urgent meeting to table a motion of no confidence and the removal of the Speaker from office is attached as **annexure 3.3**.

RECOMMENDED

For consideration.

**3.4 Motion: No confidence and removal of Executive Mayor from office
(3/2/2)**

A request, dated 6 October 2023, for an urgent meeting to table a motion of no confidence and the removal of the Executive Mayor from office is attached as **annexure 3.4**.

RECOMMENDED

For consideration.

4. RESERVED POWERS

4.1 Election of a Speaker (3/1/1/4)

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 prescribed nomination form is attached as **annexure 4.1**.

RECOMMENDED

That the Speaker be elected.

**4.2 Handing over the chair to the Speaker
(3/1/1/4)**

The Speaker takes the chair and addresses the Council.

The various political parties are granted the opportunity to congratulate the Speaker on his/her election.

RECOMMENDED

For information.

**4.3 Election of Executive Mayor
(3/1/1/4)**

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.

If a municipality chooses to have an Executive Committee System in terms of Section 48 of the Structures Act, it must 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 prescribed nomination form is attached as **annexure 4.3**.

RECOMMENDED

That the Speaker calls for nominations for the election of Executive Mayor.

**4.4 Acceptance speech by the Executive Mayor
(03/1/1/4)**

RECOMMENDED

That the Executive Mayor be granted the opportunity to address the Council.

5. ADJOURNMENT / VERDAGING

Verwysing / Reference: 3/1/2/1/

MUNISIPALITEIT WITZENBERG MUNICIPALITY

AANSOEK OM VERLOF TOT AFWESIGHEID / APPLICATION FOR LEAVE OF ABSENCE
 (Moet by kantoor van Munisipale Bestuurder ingedien word voor aanvang van vergadering / Must be handed in at office of Municipal Manager before commencement of meeting)

Naam van raadslid / Name of councillor: _____

Ek doen hiermee aansoek om verlof tot afwesigheid van / I hereby apply for leave of absence from:

VERGADERING / WERKSWINKEL / FORUM MEETING / WORKSHOP / FORUM	DATUM / DATE
Rede vir afwesigheid / Reason for absence:	

 DATUM / DATE

 HANDTEKENING / SIGNATURE



CONFIDENTIALITY AND CONFLICT OF INTEREST DECLARATION

**Special Council meeting, held in the Town Hall, Voortrekker Street, Ceres on
Tuesday, 17 October 2023 at 09:00**

I, the undersigned, hereby declare:

- That as a Councillor and a participant of this meeting, I shall maintain strict confidentiality in respect of any information of a confidential nature to which I may become privy at meetings of the Witzenberg Council and shall only disclose such information as may become necessary or required for the proper performance of my duties and functions.
- That as a Councillor and a participant of this meeting, I shall declare any conflict of interest that may arise at every meeting and remove myself from any proceedings, in relation to that matter, giving rise to that conflict.

COUNCILLORS

Surname	Initials	Signature
Abrahams	TE	
Adams	K	
Alexander	WJ	
Daniels	P	
De Bruin	S	
Franse	GJ	
Fredericks	JP	
Gili	AL	
Hardnek	LA	

Surname	Initials	Signature
Heradien	P	
Laban	GG	
Mouton	JS	
Ndaba	MJ	
Nogcinisa	N	
Phatsoane	N	
Robyn	KA	
Sidego	EM	
Smit	HJ	
Swart	D	
Swartz	IL	
Visagie	JJ	
Yisa	K	
Zalie	J	

03/2/2

The Speaker – Cllr Elizabeth Sidego
 Witzenberg Municipality
 50 Voortrekker Street
 Ceres
 6835

Date: 06 October 2023

**REQUEST FOR WITHDRAWAL OF A MOTION OF NO-CONFIDENCE IN THE
 SPEAKER AND MAYOR SUBMITTED BY THE UNDERSIGNED COUNCILLORS TO
 THE COUNCIL ON 16 AUGUST 2023**

In terms of rule 40 (1) of the Witzenberg Municipality Rules of Order of Council Meetings published 14 March 2018 in the Provincial Gazette 7898, a councillor who has moved a motion may at any time withdraw it with the permission of the Council and the councillor who seconded it. Rule 40 (2), a councillor may not speak on a motion after the Council has permitted the withdrawal of the motion.

We, the undersigned councillors of the Witzenberg Municipality hereby request to withdraw the motion of no-confidence in the Speaker and Mayor submitted by us to the Council on 16 August 2023.

Dated and signed at Ceres on the 06 October 2023

1. ANDILE Lulamile GILI
 Name & Surname

[Signature]
 Signature

2. Mxolisi Joseph Ndaba
 Name & Surname

[Signature]
 Signature



The Speaker – Cllr Elizabeth Sidego
Witzenberg Municipality
50 Voortrekker Street
Ceres
6835

Date: 06 October 2023

**REQUEST FOR WITHDRAWAL OF ALL MOTIONS SUBMITTED BY THE
UNDERSIGNED MAJORITY OF COUNCILLORS TO THE COUNCIL BEFORE 2ND OF
OCTOBER 2023**

In terms of rule 40 (1) of the Witzenberg Municipality Rules of Order of Council Meetings published 14 March 2018 in the Provincial Gazette 7898, a councillor who has moved a motion may at any time withdraw it with the permission of the Council and the councillor who seconded it. Rule 40 (2), a councillor may not speak on a motion after the Council has permitted the withdrawal of the motion.

We, the undersigned majority of councillors of the Witzenberg Municipality hereby request to withdraw all motions we submitted to the Council before 2nd of October 2023.

Dated and signed at Ceres on the 06 October 2023

1. ANDILE Lulamile GILI
Name & Surname

[Signature]
Signature

2. Mxolisi Joseph Ndaba
Name & Surname

[Signature]
Signature

3. Isak Swartje
Name & Surname

[Signature]
Signature

4. NOLUTHANDO NOGAMISA
Name & Surname

[Signature]
Signature

5. Khanyo Yisa
Name & Surname

[Signature]
Signature

6. Jacob Zolig
Name & Surname

[Signature]
Signature

7. Johnnerey Mouton
Name & Surname

[Signature]
Signature

8. REV. DR. P. HERADIEN
Name & Surname


Signature

9. KARRICA ALEXANDER
Name & Surname


Signature

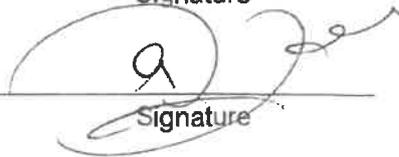
10. 
Name & Surname

H. THORSONE
Signature

11. KATRINA ROBYN
Name & Surname


Signature

12. GARY HEBER
Name & Surname


Signature

03/2/2

The Speaker
 Witzenberg Municipality
 50 Voortrekker Street
 Ceres
 6835



Date: 06. Oct 2023

REQUEST FOR URGENT MEETING TO TABLE MOTION OF NO CONFIDENCE AND TO REQUEST THE REMOVAL OF THE SPEAKER FROM OFFICE

In terms of Section 29 of the Local Government Municipal Structures Act 117/1998 as amended by act 3 of 2021 effect from November 2021 in terms of Section 18 (2) when the majority of Councillors request the Speaker in writing to convene a Council Meeting, the Speaker must convene a meeting at a time set out in the request.

We, the undersigned majority of councilors of the Witzenberg Municipality hereby request you as Speaker to convene an urgent Special Council Meeting on the 17th October 2023 at 09^h00 in the Ceres Town Hall, 50 Voortrekker Street, Ceres 6835. In terms of the said Act as well as Rule 6 (a) of the Witzenberg Council's Rules of Order, the majority of council can request a Special Council Meeting by given 72 hours' notice which is regarded as reasonable notice.

You are requested to give instructions to the Municipal Manager before 12^h00 on Friday, 06 October 2023 to prepare the Council Agenda and for you to sign off failing which the Municipal Manager will be requested to comply with his responsibility in terms of Section 29 (1A) of the amended Municipal Structures Act.

The business of the day at the urgent Special Council Meeting will be:

- (a) To table a motion of no confidence in the Speaker and have the Speaker removed.
- (b) To elect a new Speaker of the Witzenberg Council.

Legislative Background

In terms of Section 40 of the Local Government Structures Act 117 of 1998, a municipal council by resolution may remove its Speaker from office. Prior notice of an intention to move a motion for the removal of the speaker must be given.

The reason for the vote of no confidence in the Speaker is a result of:

1. The Speaker being partial in Council Meetings.
2. The majority of Councillors having a total lack of trust and confidence in the Speaker to exercise her oversight and other responsibilities in terms of the said Structures Act.
3. The Speaker putting her political party interest before the interest of Council.

Date and signed at Ceres on the 06 October 2023

1.	<u>Paul Harper</u> Name and Surname	<u>[Signature]</u> Signature
2.	<u>KATRINA ROBYN</u> Name and Surname	<u>[Signature]</u> Signature
3.	<u>MORRIS PHELSON</u> Name and Surname	<u>[Signature]</u> Signature
4.	<u>HARRICK ALEXANDER</u> Name and Surname	<u>[Signature]</u> Signature
5.	<u>ANDILE GILL</u> Name and Surname	<u>[Signature]</u> Signature

Rev. Dr. Petrus HERARDIEN

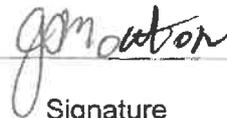
6. Name and Surname



Signature

Johnnerey Mouton

7. Name and Surname



Signature

SACOB ZALG

8. Name and Surname



Signature

NOLUTHANDO NOGGINBA

9. Name and Surname



Signature

Khanyiso Yisa

10. Name and Surname



Signature

Liza Swanez

11. Name and Surname



Signature

Mxolisi Joseph Ndaba

12. Name and Surname



Signature

03/2/2

The Speaker
 Witzenberg Municipality
 50 Voortrekker Street
 Ceres
 6835



Date: 06 October 2023

REQUEST FOR URGENT MEETING TO TABLE A MOTION OF NO CONFIDENCE AND TO REQUEST THE REMOVAL OF THE EXECUTIVE MAYOR FROM OFFICE

In terms of Section 29 of the Local Government Municipal Structures Act 117/1998, as amended, when the majority of Councilors request the Speaker in writing to convene a Council Meeting, the Speaker must convene a Meeting at a time as set out in the request.

We, the undersigned majority of councilors of the Witzenberg Municipality hereby request you as Speaker to convene an urgent Special Council Meeting on the 17th October 2023
 At 09^h00 am in the Ceres Town Hall, 50 Voortrekker Street, Ceres, 6835. In terms of the said Act as well as Rule 6 (a) of the Witzenberg Council's Rules of Order, the majority of council can request a Special Council Meeting by given 72 hours' notice which is regarded as reasonable notice.

You are requested to give instructions to Municipal Manager before 12^h00
 on Friday 06th October 2023 to prepare the Council Agenda and for you to sign off failing which the Municipal Manager will be requested to comply with his responsibility in terms of Section 29 (1A) of the amended Municipal Structures Act.

The business of the day at the urgent Special Council Meeting will be:

- (a) To table a motion of no confidence in the Executive Mayor and have the Executive Mayor Council Hendrik Johannes Smit removed.
- (b) To elect a new Executive Mayor of the Witzenberg Council.

Legislative Background

In terms of Section 58 of the Local Government Act 117 of 1998, amended in terms Act 3 of 2021 a municipal council by resolution may remove its Executive Mayor or Deputy Executive Mayor from office. Prior notice of an intention to move a motion for the removal of the Executive Mayor or Deputy Executive Mayor must be given.

The reason for the vote of no confidence in the Executive Mayor is a result of:

1. The failure of the Executive Mayor to act in good faith, honesty and transparent according to the Code Conduct set out in Schedule 7 of Act 117 of 1998 as per the Local Government Structures Amendment Act, 2021.
2. The majority of Councilors having a total lack of trust and confidence in the Executive Mayor to exercise the Functions and Powers of executive mayor in terms of section 56 of the said Structures Act.
3. The Executive Mayor Cllr Smit has his own interest and that of his political party at heart and not the interest of the Municipality and the broader community of the Witzenberg.

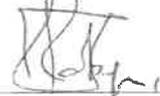
Date and signed at Ceres on the

06 October 2023.

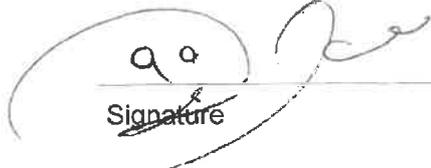
1. NORRAME PROTSORRE
Name and Surname


Signature

2. KATRINA ROBIN
Name and Surname


Signature

3. Geert Habon
Name and Surname


Signature

WARRICK ALEXANDER

4. Name and Surname

Signature

AMOILE CICI

5. Name and Surname

Signature

Rev. Doc. Petrus HERARDIAN

6. Name and Surname

Signature

Johnnerey Mouton

7. Name and Surname

Signature

Jacob Zolisi

8. Name and Surname

Signature

9. Khaviso Yisa
Name and Surname

Signature

NOLIHANDO NOGUMISA

10. Name and Surname

Signature

Zack Swartz

11. Name and Surname

Signature

Mxolisi Joseph Ndobu

12. Name and Surname

Signature



**NOMINASIEVORM VIR DIE AMP VAN SPEAKER
NOMINATION FORM FOR OFFICE OF SPEAKER**

Ek, die ondergetekende, nomineer hiermee die volgende raadslid vir die amp van Speaker:
I, the undersigned, hereby nominate the following councillor for the office of Speaker:

Naam van nomineerder / Name of nominator	
Handtekening van nomineerder / Signature of nominator	
Datum / Date	

Ek, die ondergetekende, aanvaar hiermee my nominasie as Speaker
I, the undersigned, hereby accept my nomination as Speaker

Naam van genomineerde / Name of nominee	
Handtekening van genomineerde / Signature of nominee	
Datum / Date	



**NOMINASIEVORM VIR DIE AMP VAN UITVOERENDE BURGEMEESTER
NOMINATION FORM FOR OFFICE OF EXECUTIVE MAYOR**

Ek, die ondergetekende, nomineer hiermee die volgende raadslid vir die amp van Uitvoerende Burgemeester:
I, the undersigned, hereby nominate the following councillor for the office of Executive Mayor:

Naam van nomineerder / Name of nominator	
Handtekening van nomineerder / Signature of nominator	
Datum / Date	

Ek, die ondergetekende, aanvaar hiermee my nominasie as Uitvoerende Burgemeester
I, the undersigned, hereby accept my nomination as Executive Mayor

Naam van genomineerde / Name of nominee	
Handtekening van genomineerde / Signature of nominee	
Datum / Date	