

**MINUTES OF THE SPECIAL COUNCIL MEETING OF THE WITZENBERG MUNICIPALITY, HELD IN
THE TOWN HALL, VOORTREKKER STREET, CERES ON MONDAY, 10 JUNE 2013 AT 10:00**

PRESENT

Councillors

TT Godden (Speaker)
K Adams (Deputy Executive Mayor)
R Badela
BJ Chaaban
JJ du Plessis
MC du Toit
WJ Hanekom
P Heradien
BC Klaasen
JNED Klazen
S Louw
JS Mouton
SM Ndwanya
JT Phungula
L Salmon
MI Saula
EM Sidego
RJ Simpson
HJ Smit
D Swart
JA Veschini
JJ Visagie
P Waterboer

Officials

Mr D Nasson (Municipal Manager)
Ms J Krieger (Acting Director: Community Services)
Mr HJ Kritzing (Acting Director: Finance)
Mr M Mpeluza (Director: Corporate Services)
Mr J Barnard (Director: Technical Services)
Mr CG Wessels (Principal Administrative Officer)
Ms MJ Prins (Word Processor Operator)

1. OPENING AND WELCOME

The Speaker welcomed everyone and requested Pastor P Swartz to open with a prayer.

NOTED.

**2. CONSIDERATION OF APPLICATION FOR LEAVE OF ABSENCE, IF ANY
(3/1/2/1)**

None.

NOTED.

The ANC component requested a caucus break from 10:05 until 10:20.

The meeting resumed and the DA component requested a caucus break from 10:20 until 10:30.

**3. BEDANKING AS UITVOERENDE BURGEMEESTER
(3/1/1/4)**

‘n Skrywe vanaf raadslid S Louw, gedateer 6 Junie 2013, word ingebind as **bylae 3**.

BESLUIT

Dat kennis geneem word van die bedanking van raadslid S Louw as Uitvoerende Burgemeester.

4. MAYORAL EXECUTIVE SYSTEM

**4.1 Election of an Executive Mayor
(03/1/1/4)**

Procedure

The procedures set out in Schedule 3 of the Local Government: Municipal Structures Act, 1998 (Act 117/1998) apply to the election of an Executive Mayor and read as follows:

“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).

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 nomination forms for Executive Mayor are attached as **annexure 4.1**.

The Speaker informed the meeting that Councillor P Heradien is not allowed to vote in the election of an Executive Mayor due to a court order. Councillor Heradien objected.

Councillor J Phungula enquired why the exception that Councillor Heradien cannot vote. The Speaker read from the relevant part of the court order.

Councillor Heradien requested a caucus break to consult with his legal representative. Speaker denied.

The ANC requested a caucus break. Speaker denied.

The Speaker ordered Councillor P Heradien to leave the meeting. Councillor Heradien refused.

The Speaker called for a break from 10:40 until 10:55.

The Speaker called for nominations for an Executive Mayor.

The ANC verbally nominated Councillor P Heradien as Executive Mayor. Councillor B Chaaban seconded.

Councillor D Swart nominated Councillor JNED Klazen as Executive Mayor.

The ANC component left the meeting prior to the election.

Outcomes

Ten ballot papers not used.
Twelve ballot papers used.

Twelve votes in favour of Councillor JNED Klazen.
Ten votes not casted.

Councillor P Heradien did not vote.

Councillor JNED Klazen was elected as Executive Mayor on a majority of votes.

RESOLVED

That Councillor JNED Klazen was elected as Executive Mayor of the Witzenberg Municipality.

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

The acceptance speech of the Executive Mayor is attached as **annexure 4.2**.

NOTED.

**4.3 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 percent of the Councillors or 10 Councillors, whichever is the least, are appointed.

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

RESOLVED

That the matter pertaining to the appointment of members of the Executive Mayoral Committee by the Executive Mayor, be held in abeyance until the next meeting.

5. OTHER MATTERS

The Speaker announced that the Council will be in recess from 21 June 2013 until 14 July 2013.

NOTED.

6. ADJOURNMENT

The meeting adjourned at 11:30.

Approved on _____ .

COUNCILLOR TT GODDEN
SPEAKER

/MJ Prins