

MINUTES OF THE SPECIAL COUNCIL MEETING OF WITZENBERG MUNICIPALITY, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, 50 VOORTREKKER STREET, CERES ON FRIDAY, 28 AUGUST 2015 AT 08:30

PRESENT

Councillors

TT Godden (Speaker)
K Adams (Deputy Executive Mayor)
R Badela
P Daniëls
JJ du Plessis
MC du Toit
JP Fredericks
WJ Hanekom
BC Klaasen
S Louw
JS Mouton
SM Ndwanya
MI Saula
EM Sidego
RJ Simpson
A Smit
HJ Smit
D Swart
JJ Visagie

Officials

Mr D Nasson (Municipal Manager)
Mr J Barnard (Director: Technical Services)
Ms J Krieger (Director: Community Services)
Mr HJ Kritzingier (Director: Finance)
Mr M Mpeluza (Director: Corporate Services)
Mr G Louw (Head: Internal Audit)
Mr R Rhode (Acting Manager: Administration)
Ms M Arendse (Principal Administrative Officer)
Mr C Titus (Committee Clerk)
Ms P Nombayeka (Interpreter)

Other representatives

Mr James Vos (Member of Parliament)
Mr Archibold Figlan (Member of Parliament)

1. OPENING AND WELCOME

The Speaker requested Councillor A Smit to open the meeting with prayer, after which Councillor JJ du Plessis welcomed everyone present, especially the DA Member of Parliament and Shadow Minister of Tourism, Mr James Vos, and the DA Member of Parliament and spokesman in the National Assembly, Mr Archibold Figlan.

NOTED.

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

Applications for leave of absence from the meeting were received from Councillors BJ Chaaban, JNED Klazen and JT Phungula.

RESOLVED

That the applications for leave of absence from the meeting, received from Councillors BJ Chaaban, JNED Klazen and JT Phungula, be approved and accepted.

3. MOTIONS AND NOTICES OF PROPOSALS

**3.1 Motion of no confidence in Executive Mayor
(3/1/1/4)**

An urgent notice of motion has been submitted by the majority of councillors in terms of the Structures Act to the Speaker, requesting the convening of an urgent council meeting to consider a motion of no confidence in the Executive Mayor as contemplated by the said act. A copy of the motion is attached hereto as **annexure 3.1**. In terms of the Rules of Order Council must first consider the urgency of the notice.

Councillor J Mouton, on behalf of the ANC/NPP coalition, stated that they are not for or against the motion, but have decided to abstain from any further business on the agenda.

Councillor D Swart proposed and Councillor JJ Visagie seconded that the urgent notice of motion be accepted.

The Speaker requested councillors to vote by a show of hands. The outcomes are:

- 12 Votes in favour of the proposal
- 7 Councillors abstained from voting

RESOLVED

That the motion of no confidence in the Executive Mayor be accepted.

4. ELECTION

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

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.

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

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, a 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 Speaker called for written nominations for the position of Executive Mayor. Councillor BC Klaasen was the only nominee. The signed nomination form is attached as **annexure 4.1**.

RESOLVED

That Councillor BC Klaasen was elected as Executive Mayor of the Witzenberg Municipality.

**4.2 Acceptance speech by the Executive Mayor
(03/1/14)**

The Executive Mayor was granted the opportunity to address Council. His acceptance speech is attached as **annexure 4.2**.

The following councillors congratulated the Executive Mayor:

- Councillor D Swart on behalf of the DA
- Councillor TT Godden on behalf of COPE
- Councillor K Adams (Independent)
- Councillor J Fredericks on behalf of the VIP

NOTED.

**5. ANNOUNCEMENT OF APPOINTMENT OF MEMBERS OF EXECUTIVE MAYORAL COMMITTEE BY THE EXECUTIVE MAYOR
(03/1/14)**

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 ten 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 Executive Mayoral Committee will consist of:

- Councillor JJ Visagie (Portfolio Committee for Technical Services)*
- Councillor K Adams (Portfolio Committee for Housing Matters)*
- Councillor J Fredericks (Portfolio Committee for Community Development)*
- Councillor H Smit (Portfolio Committee for Corporate and Financial Services)*
- Councillor S Louw (Portfolio Committee for Local Economic Development and Tourism)*

6. COUNCIL-IN-COMMITTEE