

<p>Kennis word hiermee gegee ingevolge Artikel 29(2) van die Plaaslike Regering: Munisipale Strukture Wet, 1998 (Wet 117 van 1998) soos gewysig, dat 'n <b>Spesiale Raadsvergadering</b> van die Munisipaliteit Witzenberg gehou sal word op <b>Donderdag, 14 Desember 2023</b> om <b>09:00</b> in die <b>Stadsaal, Voortrekkerstraat, Ceres.</b></p>	<p>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 <b>Special Council meeting</b> of the Witzenberg Municipality will be held in the <b>Town Hall, Voortrekker Street, Ceres</b> on <b>Thursday, 14 December 2023</b> at <b>09:00.</b></p>
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<b>Raadslede en amptenare / Councillors and officials</b>		
Councillor P Heradien		
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 GG Laban (Executive Deputy Mayor)	Councillor JS Mouton	Councillor MJ Ndaba
Councillor N Nogcinisa	Councillor N Phatsoane	Councillor KA Robyn (Executive Mayor)
Councillor EM Sidego	Alderman HJ Smit	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	Manager: Administration	Manager: Legal Services
Manager: Communication and Marketing	Chief Administrative Officer	Committee Clerk
Interpreter		



**DESIGNATED OFFICIAL: MR D O' NEILL**

## **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 (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 (3/2/1)**

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

## **3. MOTIONS AND NOTICE OF SUGGESTIONS**

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

A letter dated 11 December 2023, requesting the withdrawal of all motions submitted before 11 December 2023, is attached as **annexure 3.1.**

### **RECOMMENDED**

*For consideration.*

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

A request, dated 11 December 2023, for an urgent meeting to table a motion of no confidence and the removal of the Speaker from office is attached as **annexure 3.2.**

## **RECOMMENDED**

*For consideration.*

### **3.3 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 3.3**.

**RECOMMENDED**

*That the Speaker be elected.*

**3.4 Acceptance speech by the Speaker  
(03/1/1/4)**

**RECOMMENDED**

*That the Speaker be granted the opportunity to address the Council.*

**3.5 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.*

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

A request, dated 11 December 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 3.6**.

**RECOMMENDED**

*For consideration.*

### **3.7 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 ;

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**Agenda: Spesiale Raadsvergadering 14 Desember 2023**

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- (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.*

**Agenda: Special Council meeting 14 December 2023**  
**Agenda: Spesiale Raadsvergadering 14 Desember 2023**

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- (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 3.7**.

**RECOMMENDED**

*That the Executive Mayor be elected.*

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

**RECOMMENDED**

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

**4. ADJOURNMENT**



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
<b>Rede vir afwesigheid / Reason for absence:</b>	

\_\_\_\_\_  
 DATUM / DATE

\_\_\_\_\_  
 HANDTEKENING / SIGNATURE

Ref: 3/2/1



## CONFIDENTIALITY AND CONFLICT OF INTEREST DECLARATION

**Special Council meeting, held in the Town Hall, Voortrekker Street, Ceres on Thursday, 14 December 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	

<b>Surname</b>	<b>Initials</b>	<b>Signature</b>
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	

SCANNED

The Speaker  
Witzenberg Municipality  
50 Voortrekker Road  
CERES  
6835



Date : ..11.. DECEMBER 2023.

**REQUEST FOR WITHDRAWAL OF ALL MOTIONS SUBMITTED BY  
THE UNDERSIGNED MAJORITY OF COUNCILLORS TO THE  
COUNCIL BEFORE 11 DECEMBER 2023**

We the undersigned majority of Councillors of Witzenberg Municipality hereby request to withdraw all motions we submitted before 11 December 2023.

Dated and signed at CERES on the ..11.. DECEMBER 2023.....

NAME AND SURNAME	SIGNATURE
1. GERT LABAN	
2. JOHN FREDERICKS	
3. LEA HARDNEK	
4. ELIZABETH SIDEGO	
5. TREVOR ABRAHAMS	
6. HENNIE SMIT	
7. PATRIC DANIELS	
8. KARRIEM ADAMS	
9. DIRK SWART	
10. SOPHIA DE BRUIN	
11. GWEN FRANSE	
12. RONALD VISAGIE	

The Speaker

Witzenberg Municipality

50 Voortrekker Road

CERES

6835



Date : ..11... DECEMBER 2023

### **REQUEST FOR AN URGENT MEETING TO TABLE A 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 effective 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 councillors of Witzenberg Municipality hereby request you as Speaker to convene an urgent Special Council Meeting on the 14 DECEMBER 2023 at 9H00 in the Ceres Town Hall, 50 Voortrekker Road, Ceres, 6835. In terms of the said Act as well Rule 6(a) of the Witzenberg Council's Rules of Order, the majority of council can request a Special Council meetin by given 72 hours notice which is regarded as reasonable notice.

You are requested to give instructions to the Municipal Manager before 16H00 on ..11.. DECEMBER 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(1)(A) 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 :









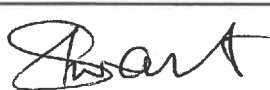
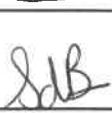

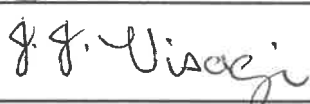
In terms of Section 40 of the Local Government Structures Act 117 of 1998, a municipal council by resolution may remove its Speaker from office. Prior notice of an intention to move a motion for the removal of the Speaker must be given.

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 his oversight and other responsibilities in terms of the said Structures Act;
3. The Speaker putting his political party interest before the interest of Council.

Dated and signed at CERES on the ...11 DECEMBER 2023.....

NAME AND SURNAME	SIGNATURE
1. GERT LABAN	
2. JOHN FREDERICKS	
3. LEA HARDNEK	
4. ELIZABETH SIDEGO	
5. TREVOR ABRAHAMS	
6. HENNIE SMIT	
7. PATRIC DANIELS	
8. KARRIEM ADAMS	
9. DIRK SWART	
10. SOPHIA DE BRUIN	
11. GWEN FRANSE	
12. RONALD VISAGIE	



**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	

The Speaker

Witzenberg Municipality

50 Voortrekker Road

CERES

6835



Date : 11 December 2023

**REQUEST FOR AN 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 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 Councillors of Witzenberg Municipality hereby request you as Speaker to convene an urgent Special Council Meeting on the 14 December 2023 at 9:40 in the Ceres Town Hall, 50 Voortrekker Road, Ceres, 6835. In terms of the said Act as well 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 16:11:00 on 11 December 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(1)(A) 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 removed;
- (b) To elect a new Executive Mayor of the Witzenberg Council

Legislative background :









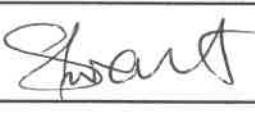


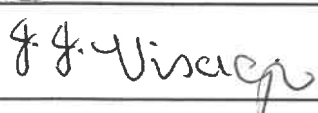
In terms of Section 58 of the Local Government Structures Act 117 of 1998, amended in terms of Act 3 of 2021 a municipal council by resolution may remove its Executive Mayor from office. Prior notice of an intention to move a motion for the removal of the Executive Mayor or the Deputy Executive Mayor 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 of Conduct set out in Schedule 7 of Act 117 of 1998 as per Local Government Structures Amendment Act, 2021;
2. The majority of Councillors 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 Katriena Robyn, has her own interest and that of her political party at heart and not the interest of the Municipality and the broader community of the Witzenberg.

Dated and signed at CERES on the ..11 DECEMBER 2023.....

NAME AND SURNAME	SIGNATURE
1. GERT LABAN	
2. JOHN FREDERICKS	
3. LEA HARDNEK	
4. ELIZABETH SIDEGO	
5. TREVOR ABRAHAMS	
6. HENNIE SMIT	
7. PATRIC DANIELS	
8. KARRIEM ADAMS	
9. DIRK SWART	
10. SOPHIA DE BRUIN	
11. GWEN FRANSE	
12. RONALD VISAGIE	



**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	