

MINUTES OF THE SPECIAL COUNCIL MEETING OF WITZENBERG MUNICIPALITY, HELD IN THE TOWN HALL, VOORTREKKER STREET, CERES ON MONDAY, 22 NOVEMBER 2021 AT 10:00

PRESENT

Councillors

Councillor JS Mouton (Speaker)
Alderman HJ Smit (Executive Mayor) (DA)
Councillor K Robyn (Deputy Executive Mayor) (GOOD)
Alderman K Adams (DA)
Councillor JJ Cloete (Patriotic Alliance)
Councillor S de Bruin (DA)
Councillor GJ Franse (DA)
Councillor JP Fredericks (VF Plus)
Councillor AL Gili (ANC)
Councillor LA Hardnek (Witzenberg Party)
Councillor P Heradien (ICOSA)
Councillor FE Klazen (GOOD)
Councillor GG Laban (Witzenberg Aksie)
Councillor C Lottering (DA)
Councillor MJ Ndaba (ANC)
Councillor N Nogcinisa (ANC)
Councillor N Phatsoane (ANC)
Councillor EM Sidego (DA)
Councillor D Swart (DA)
Councillor IL Swartz (EFF)
Alderman JJ Visagie (DA)
Councillor K Yisa (ANC)
Councillor J Zalie (ANC)

Officials

Mr D Nasson (Municipal Manager)
Mr HJ Kritzinger (Director: Corporate Services)
Mr M Mpeluzi (Director: Corporate Services)
Mr J Barnard (Director: Technical Services)
Mr A Raubenheimer (Deputy Director: Finance)
Ms L Nieuwenhuis (Manager: Legal Services)
Mr A Hofmeester (Manager: IDP)
Ms R Hendricks (Manager: Communication and Marketing)
Mr C Wessels (Manager: Administration)
Ms M Arendse-Smith (Chief Administrative Officer)
Mr C Titus (Committee Clerk)
Mr R Rhode (ICT Administrator)
Mr J Pieterse (Senior ICT Officer)
Ms M Prins (Word Processor Operator)

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Other attendees

Dr Ivan Meyer (MEC: Agriculture)
Ms Jacqueline Pandaram (Director: Department of Local Government)
Mr M Baatjes (Deputy Director: Department of Local Government)
Mr Trevor Lombard (SALGA)
Mr Flip Hendriks (Magistrate)
Reverend Tony Mtiwetafa (Methodist Church)
Mrs MS Mtiwetafa
Mr Garoam September (IEC)
Ms Griselde Kotze (IEC)
Ms Liezl Louw (IEC)
Mr Gert Röscher (IEC)

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. The Municipal Manager introduced Reverend Tony Mtiwetafa of the Methodist Church of Southern Africa, Nduli, Ceres to open the meeting with prayer, scripture reading and short inspirational message.

Reverend Mtiwetafa mentioned that Council is set and elected to run a race in accordance with Hebrew 12 in the Bible. He focused on the great cloud of witnesses and that Councillors must remember the long queues of masses standing outside to vote for them. He called on Council to always remember the great cloud of witnesses who stand behind them. They must not be disappointed in the conduct, behaviour and resolutions of Council. He blessed Council that the Lord will lead them when they begin their race and shower them with His blessings.

The Municipal Manager welcomed everyone at the first Council meeting for the 2021 to 2026 term and referred especially to:

- The newly elected Councillors
- Senior and Middle Management of the municipality
- Reverend and Ms Tony Mtiwetafa
- MEC for Agriculture: Western Cape: Dr Ivan Meyer
- Magistrate Flip Hendricks: Department of Justice
- Mr Trevor Lombard: SALGA
- Mr Mario Baatjes: Deputy Director: Local Government: Western Cape
- Representatives from the IEC
- Ms Jacqueline Pandaram: Director: Local Government: Western Cape

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- Leadership of all political parties
- Esteemed guests from the public

NOTED

2. ESTABLISHMENT OF THE WITZENBERG MUNICIPALITY AND COUNCIL MEETINGS

2.1 Establishment of the Witzenberg Municipality (2/1/1)

The Witzenberg Municipality was established in terms of Section 16, read with Sections 6(3)(b)(ii), 12, 14 and 17 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).

The Establishment Notice, Provincial Notice 487/2000 published in the Provincial Gazette Extraordinary No. 5590 dated 22 September 2000, as amended by Provincial Notice 673/2000 published in the Provincial Gazette Extraordinary No. 5642 dated 4 December 2000, Provincial Notice 454/2002 published in the Provincial Gazette Extraordinary No. 5968 dated 19 December 2002, Provincial Notice 187/2003 published in the Provincial Gazette Extraordinary No. 6020 dated 28 May 2003, Provincial Notice 9/2006 published in the Provincial Gazette Extraordinary No. 6333 dated 3 January 2006 and Provincial Notice 115/2008 published in the Provincial Gazette No. 6511 dated 28 March 2008 and Provincial Notice No. 54/2011 published in the Provincial Gazette No. 6852 dated 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.

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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)''

The Municipal Manager constituted the first Council meeting of the Witzenberg Municipality in terms of the applicable sections in the Local Government: Municipal Structures Act (No. 117 of 1998) and the relevant Provincial Gazette no. 6852 of 25 February 2011.

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**2.2 First Council meeting
(3/1/2/3)**

In terms of Section 29(2) of the Local Government Municipal Structures Act (No. 117 of 1998):

“The Municipal Manager of a municipality or, in the absence of the Municipal Manager, a person designated by the MEC for Local Government in the province, must call the first meeting of the Council of that municipality within 14 days after the Council has been declared, elected or, if it is a District Council, after all the members to be appointed by local Councils, have been appointed.”

Proper notice of the first Council meeting of the newly elected Council for Witzenberg Municipality was given in the Cape Times and Die Burger of 11 November 2021 as well as the Witzenberg Herald of 12 November 2021.

NOTED

**3. INTRODUCTION OF COUNCILLORS
(3/R)**

The outcome of the municipal elections, which were held on 1 November 2021 and Gazetted on 9 November 2021, is as follows:

Ward Councillors

Candidate surname	Candidate name	Party name	Seat type
Gili	Andile Lulamile	African National Congress	Ward 1
Lottering	Cornelius	Democratic Alliance	Ward 2
Swart	Dirk	Democratic Alliance	Ward 3
Visagie	Joachem Jacobus	Democratic Alliance	Ward 4
Smit	Hendrik Johannes	Democratic Alliance	Ward 5
Adams	Karriem	Democratic Alliance	Ward 6
Zalie	Jacob	African National Congress	Ward 7
Franse	Gwen Judith	Democratic Alliance	Ward 8
Ndaba	Mxolisi Joseph	African National Congress	Ward 9
De Bruin	Sophia	Democratic Alliance	Ward 10
Sidego	Elizabeth Mary	Democratic Alliance	Ward 11
Yisa	Khanyiso	African National Congress	Ward 12

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Proportionally elected Councillors

Candidate surname	Candidate name	Party name	Seat type
Cloete	Jan Johannes	Patriotic Alliance	PR 1
Fredericks	John Patrick	Vryheidsfront Plus	PR 1
Hardnek	Lea Anetta	Witzenberg Party	PR 1
Heradien	Petrus	Independent Civic Organisation of SA	PR 1
Klazen	Felicity Elana	GOOD	PR 1
Laban	Gert Gerrit	Witzenberg Aksie	PR 1
Mouton	Johnnerey Stephanie	African National Congress	PR 1
Nogcinisa	Noluthando	African National Congress	PR 2
Phatsoane	Nonzame	African National Congress	PR 3
Robyn	Katriena	GOOD	PR 2
Swartz	Isak Lluwellyne	Economic Freedom Fighters	PR 1

The representation per party is as follows:

Party	Ward seats	PR seats	Total
Democratic Alliance	8	0	8
African National Congress	4	3	7
Economic Freedom Fighters	0	1	1
GOOD	0	2	2
Independent Civic Organisation of South Africa	0	1	1
Patriotic Alliance	0	1	1
Vryheidsfront Plus	0	1	1
Witzenberg Aksie	0	1	1
Witzenberg Party	0	1	1
Grand total	12	11	23

The Municipal Manager introduced all Councillors by name and the political party they represent and they acknowledged standing the applaud of congratulations from the public.

UNANIMOUSLY RESOLVED

that notice is taken of the introduction of Councillors for the Witzenberg Municipality for the term 2021 until 2026.

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

All Councillors took the oath or solemn affirmation in front of Magistrate Flip Hardneck from the Department of Justice in any one of the official three languages of the Western Cape with joy and much enthusiasm and signed the applicable document.

NOTED

Councillor GG Laban (Witzenberg Action) requested a caucus break from 11:05 until 11:25.

**5. 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 Chairperson called for nominations for Speaker.

- (a) Councillor Dirk Swart proposed Alderman K Adams.
(b) Councillor GG Laban proposed Councillor JS Mouton.

The nomination forms are attached as **annexure 5**.

Both nominees accepted and the outcomes of the voting were:

- 11 Votes in favour of Councillor JS Mouton
- 10 Votes in favour of Alderman K Adams
- 2 Votes abstained

Total 23

UNANIMOUSLY RESOLVED

that Councillor JS Mouton democratically be elected as Speaker of the Witzenberg Municipal Council.

**6. HANDING OVER THE CHAIR TO THE SPEAKER
(3/1/1/4)**

The Municipal Manager vacated the chair and the Speaker took over the chair and addressed the Council.

The Speaker's speech is attached as **annexure 6**.

NOTED

The ANC requested a caucus break from 12:15 until 13:15.

The ANC requested a further break from 13:15 until 13:45.

The Patriotic Alliance requested a caucus break from 13:45 until 14:25.

ICOSA requested a caucus break from 14:25 until 15:00.

On request of Council the Speaker announced a lunch break from 15:00 until 16:35.

The Speaker announced that the following items will be held in abeyance until the next meeting:

Item 7: Rules of Order for conducting of meetings.

Item 11: Announcement of appointment of members of the Executive Mayoral Committee by the Executive Mayor.

Item 12.1: Appointment of Section 79 Committees by Council.

Item 12.2: Appointment of Section 80 Committees by Council.

Item 13: Appointment of representatives on SALGA Western Cape

Item 14: Declaration of Interests: Determination of Status of Financial Interest of Councillors and determination of prescribed amount of gifts to be declared.

Item 15: Determination of Upper Limit of allowances for Councillors and Office Bearers.

Item 16: IDP and Budget Process Plan for 2022 to 2027.

NOTED

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

UNANIMOUSLY RESOLVED

that the matter regarding the Rules of Order for Conducting of meetings be held in abeyance until the next meeting.

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

- 8.1 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.

- 8.2 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.*

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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."*

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The Speaker called for nominations for Executive Mayor.

- (a) Councillor E Sidego proposed Alderman HJ Smit.
- (b) Councillor J Cloete proposed Councillor GG Laban.

The nominations are attached as **annexure 8**.

Councillor G Laban proposed that the meeting be postponed due to the absence of the IEC.

Alderman HJ Smit proposed that the meeting not be postponed.

Before the Speaker could call for secondants the IEC returned to the meeting at 16:40.

Councillor P Heradien referred to Chapter 5 of the Rules of Order for Meetings of the Witzenberg Municipal Council and requested clarity regarding the time of Councillor Laban's proposal.

The Speaker ruled that the IEC was back in the meeting before the proposal could be resolved on.

The DA requested a caucus break from 16:45 until 16:50.

Both nominees accepted and the outcomes of the voting were:

- 13 Votes in favour of Alderman HJ Smit
- 10 Votes in favour of Councillor GG Laban

Total 23 Votes

UNANIMOUSLY RESOLVED

that Alderman HJ Smit be democratically elected as the Executive Mayor for the Witzenberg Municipal Council.

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

Alderman HJ Smit presented his Executive Mayoral speech. The speech is attached as **annexure 9**.

The following Councillors congratulated Alderman Smit on his election as Executive Mayor:

- (a) Councillor C Lottering on behalf of the DA.
- (b) Councillor LA Hardnek on behalf of the Witzenberg Party.
- (c) Councillor GG Laban on behalf of Witzenberg Action.

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- (d) Councillor FE Klazen on behalf of GOOD.
- (e) Councillor J Cloete on behalf of the Patriotic Alliance.
- (f) Councillor P Heradien on behalf of ICOSA.
- (g) Councillors MJ Ndaba and AL Gili on behalf of the ANC.

NOTED

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

The Speaker called for nominations for Deputy Executive Mayor.

- (a) Councillor D Swart proposed Councillor K Robyn.
- (b) Councillor JS Mouton proposed Councillor J Cloete.

The nominations are attached as **annexure 10(a)**.

Both Councillors accepted and the outcomes of the voting were:

- 13 Votes in favour of Councillor K Robyn
- 10 Votes in favour of Councillor J Cloete

Total 23 Votes

UNANIMOUSLY RESOLVED

that Councillor K Robyn be democratically elected as the Deputy Executive Mayor of Witzenberg Municipality.

Councillor Robyn delivered a short speech which is attached as **annexure 10(b)**.

Alderman K Adams congratulated Councillor Robyn on her election as Deputy Executive Mayor on behalf of the DA.

Councillor GG Laban congratulated Councillor Robyn on behalf of the Witzenberg Action.

Councillor J Cloete congratulated Councillor Robyn on behalf of the Patriotic Alliance.

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

UNANIMOUSLY RESOLVED

that the matter regarding the announcement of the Executive Mayoral Committee members be held in abeyance until the next meeting.

12. STRUCTURING OF COUNCIL

**12.1 Appointment of Section 79 Committees by Council
(03/3/1/1)**

UNANIMOUSLY RESOLVED

that the matter regarding the appointment of the Section 79 Committees be held in abeyance until the next meeting.

**12.2 Appointment of Section 80 Committees by Council
(03/3/1/1)**

UNANIMOUSLY RESOLVED

that the matter regarding the appointment of the Section 80 Committees be held in abeyance until the next meeting.

**12.3 Election of representatives on the Cape Winelands District Municipality
(03/1/1/5)**

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 have been declared.

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.

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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 Gert Röscher, 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
Brede 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."

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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:

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

The directive for the election of representatives to the Cape Winelands District Municipality is attached as **annexure 12.3**.

The ANC requested a caucus break from 18:03 until 18:33.

The IEC conducted the election and the outcomes of the voting were:

- DA: 2 Votes in favour of nominees Alderman K Adams and Councillor D Swart.
- ANC: 1 Vote in favour of nominee Councillor N Phatsoane.

NOTED

**13. APPOINTMENT OF REPRESENTATIVES ON SALGA WESTERN CAPE
(3/1/1/5)**

UNANIMOUSLY RESOLVED

that the matter regarding the appointment of representatives on SALGA Western Cape be held in abeyance until the next meeting.

**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)**

UNANIMOUSLY RESOLVED

that notice be taken of the matter in respect of the Declaration of Interests: Determination of status of financial interest of Councillors and determination of prescribed amount of gifts to be declared and same be approved and accepted.

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

UNANIMOUSLY RESOLVED

that the matter regarding the determination of upper limits of allowances for Councillors and Office Bearers be held in abeyance until the next meeting.

**16. IDP AND BUDGET PROCESS PLAN FOR 2022 TO 2027
(02/02/1)**

UNANIMOUSLY RESOLVED

that the matter regarding the IDP and Budget Process Plan for 2022 to 2027 be held in abeyance until the next meeting.

17. ADJOURNMENT

The meeting adjourned at 18:55.

Approved on _____ with / without amendments.

**COUNCILLOR JS MOUTON
SPEAKER**

/MJ Prins