



MUNISIPALITEIT THEEWATERSKLOOF MUNICIPALITY

[17 OKTOBER / OCTOBER 2024]

KENNISGEWING / NOTICE

SESIALE RAADSVERGADERING / SPECIAL COUNCIL MEETING

A G E N D A

DATUM / DATE : 25 OKTOBER / OCTOBER 2024

**PLEK / VENUE : RAADSAAL, MUNISIPALE KANTORE,
CALEDON / COUNCIL CHAMBERS,
MUNICIPAL OFFICES, CALEDON**

TYD / TIME : 10:00

MUNISIPALITEIT THEEWATERSKLOOF

**Kantoor van die Munisipale
Bestuurder
Munisipale Kantore
CALEDON**

17 Oktober 2024

KENNISGEWING AAN ALLE RAADSLEDE

**SESIALE RAADSVERGADERING VAN DIE THEEWATERSKLOOF MUNISIPALE
RAAD**

**Kennis geskied hiermee dat 'n Spesiale Raadsvergadering geskeduleer is vir
Vrydag, 25 Oktober 2024 om 10:00, in die Raadsaal, Munisipale Kantore,
Caledon om die onderstaande agenda te bespreek.**

*Raadslede se aandag word gevestig op die Gedragskode vir Raadslede, Skedule 7 van die
Wysigingswet op Plaaslike Regering: Munisipale Strukture, 2021 (Wet 3 van 2021) en Munisipale
Beamptes, Skedule 2 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van
2000).*

R Stevens
WAARNEMENDE MUNISIPALE BESTUURDER

THEEWATERSKLOOF MUNICIPALITY

**Office of the Municipal
Manager
Municipal Offices
CALEDON**

17 October 2024

NOTICE TO ALL COUNCILLORS

**SPECIAL COUNCIL MEETING OF THE THEEWATERSKLOOF MUNICIPAL
COUNCIL**

**Notice is hereby given that a Special Council Meeting is scheduled for Friday,
25 October 2024 at 10:00, in the Council Chambers, Municipal Offices, Caledon
to discuss the undermentioned agenda.**

*The attention of Councillors is directed to the Code of Conduct for Councillors, Schedule 7 of the
Local Government: Municipal Structures Amendment Act, 2021 (Act 3 of 2021) and Municipal
Officials, Schedule 2 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).*

R Stevens
ACTING MUNICIPAL MANAGER

MUNISIPALITEIT THEEWATERSKLOOF MUNICIPALITY

**SPEZIALE RAADSVERGADERING /
SPECIAL COUNCIL MEETING**

AGENDA

[25 OKTOBER / OCTOBER 2024]

ITEM NR	ITEM BESKRYWING / DESCRIPTION	BLADSY / PAGE NR
A.	<u>OPENING: VERWELKOMING / OPENING: WELCOME</u>	
B.	<u>BYWONINGSREGISTER ATTENDANCE REGISTER</u>	
C.1	Teenwoordig / Present	
C.2	Aansoek(e) om verlof tot afwesigheid / Application(s) for leave of absence	
C.	<u>AGENDA ITEMS INGEDIEN VIR BESPREKING/ AGENDA ITEMS SUBMITTED FOR DISCUSSION</u>	
SC54/2024	Office of the Municipal Manager: Councillor H Linnerts; Councillor CC Clayton and Councillor WH Wells – new elected councillors to Theewaterskloof Local Municipality and replacement of the GOOD Party PR Councillors (Alderman JR Michels; Councillor J Mckenzie and Councillor S Shuma) [3/1/3]	1 – 3
SC55/2024	Corporate Services: Administration: Election of Speaker [3/1/3]	4 – 7
SC56/2024	Office of the Municipal Manager: Motion of no confidence and removal of the Mayor of Theewaterskloof Municipal Council – Councillor TB Zimmermann [3/2/1/R]	8 – 12
SC57/2024	Corporate Services: Administration: Election of Executive Deputy Mayor [3/1/3]	13 – 17
D.	<u>VERDAGING / ADJOURNMENT</u>	

ITEM TITLE

SC54/2024 OFFICE OF THE MUNICIPAL MANAGER: COUNCILLOR H LINNERTS; COUNCILLOR CC CLAYTON AND COUNCILLOR WH WELLS – NEW ELECTED COUNCILLORS TO THEEWATERSKLOOF LOCAL MUNICIPALITY AND REPLACEMENT OF THE GOOD PARTY PR COUNCILLORS (ALDERMAN JR MICHELS; COUNCILLOR J MCKENZIE AND COUNCILLOR S SHUMA)

[English version of the report is the original]

FILE NUMBER

3/1/3

PURPOSE OF THE REPORT

To inform Council of the letter received from the Electoral Commission which declared Henry Linnerts, Cynthia Cathrine Clayton and Weldon Herbert Wells from the GOOD Party as elected as Councillors to Theewaterskloof Local Municipality and the replacement of the GOOD PR Councillors JR Michels; J Mckenzie and S Shuma.

BACKGROUND

Alderman JR Michels, Councillor J Mckenzie and Councillor S Shuma ceased to hold office in the Municipality following their expulsion by the GOOD Party.

DISCUSSION

On 14 October 2024 a letter was received from the Electoral Commission indicating that Henry Linnerts; Cynthia Cathrine Clayton and Weldon Herbert Wells, being the candidates at the top of the party list for the GOOD Party, have been declared elected to Theewaterskloof Local Municipality, as prescribed in item 18 of Schedule 1 of the Municipal Structures Act, 1998 (Act No. 117 of 1998).

Councillors Linnerts, Clayton and Wells replace Alderman JR Michels, Councillor J Mckenzie and Councillor S Shuma who ceased to hold office of Councillor in Theewaterskloof Municipality.

LEGAL RESPONSIBILITIES

Municipal Structures Act 117 of 1998 (Schedule 1):

Item 18 - Filling of vacancies

(1)(a) If a councillor elected from a party list ceases to hold office, the chief electoral officer must, subject to item 20, declare in writing the person whose name is at the top of the applicable party list to be elected in the vacancy.

RISK MANAGEMENT IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Provision has been made in the 2024/25 budget for this expenditure.

RECOMMENDATION BY ITEM AUTHOR TO COUNCIL:

It is recommended that Council takes cognizance of the content of the letter received from the Electoral Commission dated 14 October 2024 and welcomes Councillor H Linnerts; Alderman CC Clayton and Councillor WH Wells as new PR Councillors in Theewaterskloof Municipality.



SOUTH AFRICA

14 October 2024

The Municipal Manager
Theewaterskloof Local Municipality
P O Box 24
Caledon
7230

Re: Replacement of 3 GOOD PR Councillors: WC031 – Theewaterskloof Local Municipality

Please be advised that:

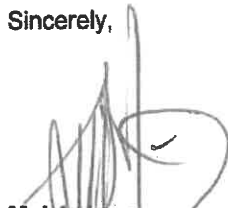
- ❖ Henry Linnerts, ID No. 690810 5119 083,
- ❖ Cynthia Cathrine Clayton, ID No. 530715 0115 081, and
- ❖ Weldon Herbert Wells, ID No. 840420 5158 088,

being the candidates at the top of the party list for the **GOOD** party, have been declared elected to **Theewaterskloof Local Municipality**, as prescribed in item 18 of Schedule 1 of the Municipal Structures Act, 1998 (Act. No. 117 of 1998).

These councillors replace the following outgoing councillors, who ceased to hold office in the municipality, following their expulsion by the party:

- ❖ Jennifer Mckenzie, ID No. 741107 0138 088,
- ❖ John Robert Michels, ID No. 641123 5773 085, and
- ❖ Stanley Shuma, ID No. 621203 5264 089.

Sincerely,



M J Appane
Manager: Electoral Registrations & Liaison

Electoral Commission

Ensuring Free and Fair Elections

Commissioners: Mr MS Moepya (Chairperson) | Ms JY Love (Vice-Chairperson) | Mr VG Mashinini | Dr NP Masuku | Judge D Pillay
National Office: Election House, Riverside Office Park, 1303 Heuwel Avenue, Centurion, 0157 | P/Bag X112, Centurion, 0046
Tel (+27) 12 622 5700 | info@elections.org.za | www.elections.org.za

ITEM TITLE

**SC55/2024 DIRECTORATE CORPORATE SERVICES: DEPARTMENT
ADMINISTRATION: ELECTION OF SPEAKER**

[English version of the report is the original]

FILE NUMBER

3/1/3

AIM/PURPOSE OF REPORT

To elect a Speaker of the Theewaterskloof Council in terms of Section 36 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and Amendment Act 3 of 2021 after Alderman JR Michels ceased to hold office in Theewaterskloof Municipality.

BACKGROUND

A Speaker needs to be elected with the functions as set out in Section 37 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and Amendment Act 3 of 2021.

The speaker of a municipal council –

- a. presides at meetings of the council;*
- b. performs the duties and exercises the powers delegated to the speaker in terms of Section 59 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);*
- c. must ensure that the council meets at least quarterly;*
- d. must maintain order during meetings;*
- e. must ensure compliance with the code of conduct in the council and council committees;*
- f. must ensure that council meetings are conducted in accordance with the rules and orders of the council;*
- g. must ensure that the legislative authority of the municipality functions effectively;*
- h. is responsible for the effective oversight over the executive authority of the municipality;*
- i. must ensure the effectiveness of the committees of the municipal council established in terms of Section 79;*
- j. is responsible for the ethics and accountability of the municipal council; and*
- k. must ensure the effectiveness and functionality of ward committees and the public participation process.*

DISCUSSION

Alderman JR Michels ceased to hold office in Theewaterskloof Municipality following his expulsion by the GOOD Party.

The Speaker needs to be elected according to the procedure set out in the attached Schedule 3 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and Amendment Act 3 of 2021.

LEGISLATIVE IMPLICATION

Section 36 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998):

Election of Speakers –

- (1) Each municipal council must have a chairperson who will be called the Speaker.
- (2) At its first sitting after its election, or when necessary to fill a vacancy, a municipal council must elect its Speaker from among the councillors.
- (3) 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.
- (4) The procedure set out in Schedule 3 applies to the election of a Speaker.
- (5) A councillor may not hold office as Speaker and Mayor or Executive Mayor at the same time. (As amended per Amendment Act 3 of 2021.)

RISK MANAGEMENT IMPLICATION

Not applicable.

FINANCIAL IMPLICATION

Remunerated in terms of the Remuneration of Public Office Bearers Act, 1998 (Act 20 of 1998). Provision has also been made in the 2024/25 budget for this expenditure.

RECOMMENDATION TO COUNCIL:

After the processes have been followed in terms of Schedule 3, that:

Alderman/Councillor be elected as Speaker of the Theewaterskloof Council in terms of Section 36 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and Amendment Act 3 of 2021.

SCHEDULE 3

ELECTION OF MUNICIPAL OFFICE-BEARERS

[Schedule 3 amended by s. 34 of Act 51 of 2002 and Amendment Act 3 of 2021]

1 Application

The procedure set out in this Schedule applies whenever a municipal council meets to elect a speaker, an executive mayor, a deputy executive mayor, a mayor or a deputy mayor, a whip, a mayor or a deputy mayor.

2. Nominations

The person presiding at a meeting to which this Schedule applies must call for the nomination of candidates at the meeting.

3. Formal requirements

- (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 written confirmation.

4. Announcement of names of candidates

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.

5. Single candidates

If only one candidate is nominated, the person presiding must declare that candidate elected.

6 Election procedure

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.

7. Elimination procedure

- (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 subitem (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.

8. Further meetings

- (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 subitem (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 term of subitem (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.

ITEM HEADING

SC56/2024 OFFICE OF THE MUNICIPAL MANAGER: MOTION OF NO CONFIDENCE AND REMOVAL OF THE MAYOR OF THEEWATERSKLOOF MUNICIPAL COUNCIL – COUNCILLOR TB ZIMMERMANN

[English version of the report is the original]

FILE NUMBER

3/2/1/R

AIM/PURPOSE OF REPORT

To submit a motion of no confidence and removal of the Mayor of the Theewaterskloof Municipal Council, to Council.

BACKGROUND

A motion no confidence and removal of the Mayor of the Theewaterskloof Municipal Council was hand delivered to the Acting Municipal Manager (Mr R Stevens) on 16 October 2024. The motion was signed by all the Democratic Alliance (DA) and GOOD Councillors as well as Councillor M Gana.

Mr Stevens signed the acknowledgement of receipt of the motion on 16 October 2024 at 15:28.

DISCUSSION

The motion of no confidence, as presented, was in writing, motivated, dated (16 October 2024) and was proposed and signed by Alderman S Fredericks and seconded and signed by Alderman C Clayton as per rule 26 of the Rules of Order for the Internal Arrangements of the Theewaterskloof Municipal Council.

It was requested that the motion be added to the Council Agenda for the scheduled meeting of 25 October 2024.

The motion is attached as annexure to the item.

LEGAL IMPLICATIONS**BY-LAW ON RULES OF ORDER FOR THE INTERNAL ARRANGEMENTS OF THE MUNICIPAL COUNCIL****“ 26. NOTICE OF MOTIONS**

- (1) A notice of a motion shall be in writing, motivated, dated and signed by the relevant councillor, and delivered to the Speaker at least ten (10) working days before the date of the council meeting at which it is to be introduced, unless otherwise provided for in this rules of order.”

FINANCIAL IMPLICATIONS

Not applicable.

RISK MANAGEMENT IMPLICATIONS

Not applicable.

RECOMMENDATION BY ITEM AUTHOR TO COUNCIL:

Not applicable.

MOTION OF NO CONFIDENCE IN THE MAYOR

Proposed by: Ald Samuel Fredericks

Theewaterskloof Municipal Council

Plein Street

Caledon

Seconded by: Ald Cynthia Clayton

Theewaterskloof Municipal Council

Plein Street

Caledon

To : THE MUNICIPAL MANAGER

Theewaterskloof Municipality

Plein Street

Caledon

We, the undersigned, hereby request that the following motion be added to the council agenda for the scheduled meeting of 25 October 2024.

Delivery: BY HAND AND BY E-MAIL

Date: 16 October 2024

*SR
16*

MOTION OF NO CONFIDENCE AND REMOVAL OF THE MAYOR OF THE THEEWATERSKLOOF MUNICIPAL COUNCIL.

Introduction

1. Theewaterskloof Municipality is committed to maintaining transparent and effective governance. However, concerns have been raised regarding the performance and conduct of the Mayor, which necessitates a motion of no confidence.

Reasons for Motion

2. **Lack of Transparency:** There have been multiple instances where important decisions were made without proper consultation with the council and the public.
3. **Ineffective Leadership:** The Mayor has failed to provide effective leadership, resulting in administrative inefficiencies and delays in critical projects.
4. **Failure to address malpractice Concerns:** The Mayor has consistently neglected to address pressing issues of improper, illegal, or negligent professional behavior within the municipality leading to dissatisfaction and legal action by residents.
5. **Failure to protect council interest:** The Mayor failed to protect council and the municipality and adhere against the interdict sought by the TWK Ratepayers association.

Impact on Municipality

5. The ongoing issues have significantly affected the municipality's ability to deliver services efficiently, undermining public trust and confidence in the local government.



Resolution

6. In light of the above, it is recommended that:

6.1 The council expresses a vote of no confidence in Mayor Theunis Zimmermann.

6.2 The Mayor shall be removed with immediate effect.

6.3 A Mayor is appointed to ensure continuity of governance and to restore effective administration within the municipality.

DATED AT CALEDON ON THIS 16th DAY OF OCTOBER 2024








SIGNATURES:







Proposer: Ald 

Date: 16/10/2024

Seconder: Ald 

Date: 16/10/2024

- 1. 
- 2. 
- 3. 
- 4. 
- 5. 
- 6.  Cllr D. Jacobs
- 7. 

- 8. 
- 9. 
- 10. 
- 11. 
- 12. 
- 13. 

Received By: R. STEVENS

Date and time: 16.10.2024
15:28

ITEM TITLE

**SC57/2024 DIRECTORATE CORPORATE SERVICES: DEPARTMENT
ADMINISTRATION: ELECTION OF EXECUTIVE DEPUTY MAYOR**

[English version of the report is the original]

FILE NUMBER

3/1/3

AIM/PURPOSE OF REPORT

To elect an Executive Deputy Mayor of Theewaterskloof Council in terms of Section 55 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) after Councillor S Shuma ceased to hold office in Theewaterskloof Municipality.

BACKGROUND

1. An Executive Mayor is entitled to receive reports from committees of the Council referred to in Section 80, and to forward these reports together with a recommendation to the Council when the matter cannot be disposed of by the Executive Mayor in terms of the Executive Mayor's delegated powers.
2. The Executive Mayor must –
 - (a) identify the needs of a municipality;
 - (b) review and evaluate those needs in order of priority;
 - (c) recommend to the municipal council strategies, programmes and services to address priority needs through the Integrated Development Plan, and the estimates of revenue and expenditure, taking into account any applicable national and provincial development plans; and
 - (d) recommend or determine the best way, including partnerships and other approaches to deliver those strategies, programmes and services to the maximum benefit of the community.
3. The Executive Mayor, in performing the duties of office, must –
 - (a) identify and develop criteria in terms of which progress with the implementation of the strategies, programmes and services referred to in subsection (2)(c) can be evaluated, including key performance indicators that are specific to the municipality and common to local government in general;
 - (b) evaluate progress against the key performance indicators;
 - (c) review the performance of the municipality in order to improve –
 - (i) the economy, efficiency and effectiveness of the municipality;
 - (ii) the efficiency of credit control and revenue and debt collection services;
 - (iii) the implementation of the municipality's by-laws;

- (d) monitor the management of the municipality's administration in accordance with the policy directives of the municipal council;
 - (e) oversee the provision of services to communities in the municipality in a sustainable manner;
 - (f) perform such duties and exercise such powers as the Council may delegate to the Executive Mayor in terms of Section 59 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);
 - (g) annually report on the involvement of communities and community organisations in the affairs of the municipality; and
 - (h) ensure that regard is given to public views, and report on the effect of consultation on the decisions of the Council.
4. An Executive Mayor must perform a ceremonial role as the municipal council may determine.
 5. An Executive Mayor must report to the municipal council on all decisions taken by the Executive Mayor.
 6. **The Executive Deputy Mayor of a municipality exercises the powers and performs the duties of the Executive Mayor if the Executive Mayor is absent or not available, or if the office of the Executive Mayor is vacant.**
 7. **When the Executive Mayor is absent or not available and the municipality does not have an Executive Deputy Mayor, or if the Executive Deputy Mayor is absent or not available, the Council must designate a Councillor to act as Executive Mayor.**

DISCUSSION

Councillor S Shuma ceased to hold office in Theewaterskloof Municipality of his expulsion by the GOOD party.

The Executive Deputy Mayor must be elected in terms of the procedure set out in the enclosed Schedule 3 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and Amendment Act 3 of 2021.

LEGISLATIVE IMPLICATION

Section 55 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998):

Election of Executive Mayors (and Executive Deputy Mayors) –

1. *A vacancy in the office of executive mayor or executive deputy mayor must be filled when necessary.*
2. *The procedure set out in Schedule 3 applies to the election of an executive mayor and executive deputy mayor.*

RISK MANAGEMENT IMPLICATION

Not applicable.

FINANCIAL IMPLICATION

Remunerated in terms of the Remuneration of Public Office Bearers Act, 1998 (Act 20 of 1998). Provision has also been made in the 2024/25 budget for this expenditure.

RECOMMENDATION TO COUNCIL:

After the processes are followed in terms of Schedule 3, that:

Alderman/ Councillor be elected as Executive Deputy Mayor of Theewaterskloof Council in terms of Section 55 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and Amendment Act 3 of 2021.

SCHEDULE 3**ELECTION OF MUNICIPAL OFFICE-BEARERS**

[Schedule 3 amended by s. 34 of Act 51 of 2002 & Amendment Act 3 of 2021]

1. Application

The procedure set out in this Schedule applies whenever a municipal council meets to elect a speaker, an executive mayor, a deputy executive mayor, a mayor or a deputy mayor, a whip, a mayor or a deputy mayor.

2. Nominations

The person presiding at a meeting to which this Schedule applies must call for the nomination of candidates at the meeting.

3. Formal requirements

- (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 written confirmation.

4. Announcement of names of candidates

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.

5. Single candidates

If only one candidate is nominated, the person presiding must declare that candidate elected.

6. Election procedure

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.

7. Elimination procedure

- (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 subitem (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.

8. Further meetings

- (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 subitem (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 term of subitem (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.