



MUNISIPALITEIT THEEWATERSKLOOF MUNICIPALITY

[16 APRIL 2025]

SPEZIALE RAADSVERGADERING / SPECIAL COUNCIL MEETING

NOTULE / MINUTES

16 APRIL 2025

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**G. VERSLAE VOORGELê DEUR DIE KANTOOR VAN
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FOR DISCUSSION**

**I. VERDAGING /
ADJOURNMENT**

THEEWATERSKLOOF MUNISIPALITEIT/ MUNICIPALITY

NOTULE VAN 'N SPESIALE RAADSVERGADERING GEHOU OP 16 APRIL 2025
OM 10:00 IN DIE RAADSAAL, MUNISIPALE KANTORE, CALEDON.

MINUTES OF A SPECIAL COUNCIL MEETING HELD ON 16 APRIL 2025 AT 10:00
IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, CALEDON.

A. OPENING EN VERWELKOMING

Die Voorsitter, Speaker Raadslid WH Wells, verwelkom almal teenwoordig en open die vergadering met gebed.

OPENING AND WELCOME

The Chairperson, Speaker Councillor WH Wells, welcomed all present and opened the meeting with a prayer.

The Speaker announces that in terms of the Rule 5(3) of the Rules of Order – “*The Speaker may at any time during a meeting introduce an urgent matter that does not appear on the agenda for discussion by the Municipal Council, by making an announcement or submitting an urgent report, subject thereto that the majority of the councillors present at the meeting agree to the introduction of such urgent matter.*”

The Councillors indicate that they will deal with the Agenda of the Special Council Meeting first and then discuss the matter In-Committee.

B. VERKIESING VAN WNDE SPEAKER (INDIEN NODIG)/ ELECTION OF ACTING SPEAKER (IF NECESSARY)

Nie van toepassing nie / Not applicable.

C. BYWONINGSREGISTER/ATTENDANCE REGISTER

C.1 Teenwoordig/Present Raadslede/Councillors

Raadsheer/Alderman LM de Bruyn
Raadsheer/Alderman CC Clayton
Raadslid/Councillor WH Wells
Raadsheer/Alderman DA Appel
Raadslid/Councillor CA Benjamin
Raadslid/Councillor M Botes
Raadslid/Councillor CT Cloete
Raadsheer/Alderman S Fredericks
Raadslid/Councillor M Gana
Raadslid/Councillor DA Jacobs

Raadslid/Councillor D Jooste
 Raadslid/Councillor H Linnerts
 Raadslid/Councillor JD Lekhori
 Raadslid/Councillor TP Lemina
 Raadsheer/Alderman BB Mkhwibiso
 Raadslid/Councillor M Mpambani
 Raadslid/Councillor MA Nomkoko
 Raadsheer/Alderman MR Nongxaza
 Raadslid/Councillor V Papier
 Raadsheer/Alderman M Plato-Mentoor
 Raadslid/Councillor MS Shale
 Raadslid/Councillor J Smit
 Raadslid/Councillor PJ Stander

Virtuele bywoning / Virtual Attendance

Raadslid/Councillor H Syster
 Raadslid/Councillor YM van Tonder

Amptenare / Officials

Mnr./Mr W Hendricks	(Wnde Munisipale Bestuurder) (Acting Municipal Manager)
Mnr./Mr GW Hermanus	(Direkteur: Korporatiewe Dienste) (Director: Corporate Services)
Mnr./Mr P Mabhena	(Direkteur: Finansies) (Director: Finance)
Mnr./Mr N Arendse	(Adjunk Direkteur: Publieke Veiligheid) (Deputy Director: Public Safety)
Mnr./Mr H Marthinus	(Wnde Direkteur: Tegniiese- en Infrastruktuur Implementeringsdienste) (Acting Director: Technical- and Infrastructure Implementation Services)
Mnr./Mr A Opperman	(Hoof Uitvoerende Ouditeur) (Chief Audit Executive)
Me./Ms M Faul	(Bestuurder: Korporatiewe Dienste) (Manager: Corporate Services)
Me./Ms L Kilowan	(Snr Admin Beampte: Raadslidondersteuning) (Snr Admin Officer: Councillor Support)
Me./Ms. F Ngxowa	(Assistent Vertaler) (Assistant Translator)
Me./Ms S Baron	(Sekretariaatdienste) (Secretariat Services)

C.2 Aansoek(e) om verlof tot afwesigheid: **Application(s) for leave of absence:**

Raadslid / Councillor RL Mienies	Siekverlof / Sick leave
Raadslid / Councillor TB Zimmermann	Verskoning / Apology

D. VERKLARINGS EN MEDEDELINGS DEUR DIE SPEAKER / STATEMENTS AND COMMUNICATIONS BY THE SPEAKER

Geen / None

E. VERKLARINGS EN MEDEDELINGS DEUR DIE UITVOERENDE BURGEMEESTER / STATEMENTS AND COMMUNICATIONS BY THE EXCECUTIVE MAYOR

Geen / None

F. VERSLAE VOORGELê DEUR DIE KANTOOR VAN DIE MUNISIPALE BESTUURDER / REPORTS PRESENTED BY THE OFFICE OF THE MUNICIPAL MANAGER

The Municipal Manager, Mr W Hendricks, excused himself for the discussion of this agenda-item. Mr GW Hermanus act as Municipal Manager for the discussion of this agenda-item.

ITEM TITLE

SC04/2025 OFFICE OF THE EXECUTIVE MAYOR: EXTENSION OF ACTING APPOINTMENT: MR WALTER HENDRICKS

[English version of the report is the original]

FILE NUMBER

4/4/1/11

PURPOSE / AIM OF REPORT

To obtain Council approval for the extension of the appointment of the current Acting Municipal Manager (Mr. Walter Hendricks).

BACKGROUND

On 23 January 2025 Council appointed Mr. Hendricks as Acting Municipal Manager.

“RESOLVED BY COUNCIL: 23 JANUARY 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by Alderman LM De Bruyn and seconded by Alderman MR Nongxaza it was resolved as follows:

1. *Council noted the content of the report.*
2. *That Council resolved to appoint Mr W Hendricks as Acting Municipal Manager from 1 February 2025 for a period of three months.*
3. *That Mr. W Hendricks be paid on the maximum scale of the current Upper Limits Regulations.*
4. *That the Executive Mayor be mandated to sign the contract of employment.”*

DISCUSSION

The appointment of the Acting Municipal Manager is until 30 April 2025 and given the fact that the recruitment process is currently not finalized, the need exists to extend the acting appointment.

LEGAL RESPONSIBILITIES

Upper Limits Regulations for Senior Managers.

RISK MANAGEMENT IMPLICATION (ITEM AUTHOR)

None.

FINANCIAL RESPONSIBILITIES

None.

RECOMMENDATION BY ITEM AUTHOR TO COUNCIL:

It is recommended:

- 1. That Council notes the content of the report.**
- 2. That the acting appointment of Mr W Hendricks be extended with a further three (3) months from 1 May 2025 or until the recruitment process is concluded.**

RESOLVED BY COUNCIL: 16 APRIL 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by Alderman MR Nongxaza and seconded by Alderman LM de Bruyn, it was resolved as follows:

- 1. Council noted the content of the report.**
- 2. That the acting appointment of Mr W Hendricks be extended with a further three (3) months from 1 May 2025 or until the recruitment process is concluded.**

For finalization by the Director: Corporate Services, Mr GW Hermanus.

The Municipal Manager returns to the Council Chambers.

Mr GW Hermanus and Mr P Mabhena excused themselves from the discussion of this agenda-item.

ITEM TITLE

SC05/2025 OFFICE OF THE MUNICIPAL MANAGER: APPOINTMENT OF DIRECTOR: FINANCIAL SERVICES AND DIRECTOR: CORPORATE SERVICES

[English version of the report is the original]

FILE NUMBER

4/4/1/11

PURPOSE OF REPORT

To report to Council the decision from the MEC: Local Government, Environmental Affairs & Development Planning (WC) in respect of the appointment in to the positions of Director: Financial Services and Director: Corporate Services.

BACKGROUND

The positions of Director: Corporate Services and Finance was filled through a competitive process.

The Municipal Council resolved on 13 September 2024, to appoint Mr. GW Hermanus as Director: Corporate Services and Mr. NP Mabhena as Director: Financial Services.

Regulation 17(3)(b) requires of the Municipal Council to submit a written report to the MEC for Local Government regarding the appointment process and the outcome.

DISCUSSION

A letter was subsequently addressed to the MEC to request concurrence as required by said Council resolution.

26 March 2025 a letter was received from MEC Bredell.
(Attached hereto for ease of reference)

LEGAL RESPONSIBILITIES

- MFMA / Regulations
- Municipal Systems Amendment Act 32 of 2000 as amended
- Regulation on the Appointment and Conditions of Employment for Senior Managers (GNR 583 GG 37245 on 17 January 2014)
- Upper Limit of Total Remuneration Package Payable to Municipal Managers and Managers Directly Accountable to the Municipal Manager, Government Gazette No. 40117 with effect from 01 July 2016

RISK MANAGEMENT IMPLICATION (ITEM AUTHOR)

None.

FINANCIAL RESPONSIBILITIES

The two Director positions is funded and the expenditure will be covered within the current approved budget.

RECOMMENDATION BY ITEM AUTHOR TO COUNCIL:

It is recommended:

1. That Council notes the content of the report.
2. That Council takes cognizance of the concurrence given.

RESOLVED BY COUNCIL: 16 APRIL 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by Alderman S Fredericks and seconded by Councillor H Linnerts, it was resolved as follows:

1. Council noted the content of the report.
2. Council takes cognizance of the concurrence given.
3. Council mandates the Municipal Manager to apply to the National Minister for a waiver.

For finalization by the Office of the Municipal Manager, Mr W Hendricks.

Mr GW Hermanus and Mr P Mabhena returns to the Council Chambers.

ITEM TITLE**SC06/2025 OFFICE OF THE MUNICIPAL MANAGER: APPOINTMENT OF ACTING DIRECTOR: TECHNICAL – AND INFRASTRUCTURE IMPLEMENTATION SERVICES**

[English version of the report is the original]

FILE NUMBER

4/4/1/11

PURPOSE

To obtain council approval for the appointment of an Acting Director: Technical- and Infrastructure Implementation Services.

BACKGROUND

The post of Director: Technical- and Infrastructure Implementation Services is currently still vacant and the current acting appointee, Mr H Marthinus resigned from Council's employ, effective 30 April 2025.

In terms of the Appointment and Conditions of Service for Senior Managers regulations, the appointments and acting appointments must comply with the requirements of said regulations.

DISCUSSION

In terms of relevant legislation and the collective agreement, Council may after consulting the Municipal Manager appoint an employee to a S56 position.

Municipal Systems Act S56 “(1) (a) A municipal council, after consultation with the municipal manager, must appoint –

1.

2. An acting manager directly accountable to the municipal manager under circumstances and for a period as prescribed.”

(2) “A decision to appoint a person referred to in sub section (1) (a) (ii), and any contract concluded between the municipal council and that person in consequence of the decision. Is null and void if –

- a. The person appointed does not have the prescribed skills, expertise, competencies or qualifications; or
- b. The appointment was otherwise made in contravention of this act.

Unless the minister, in terms of subsection (6) has waived any of the requirements listed in subsection (1) (b)

CONCLUSION

1. Council must make the appointment (even the acting appointment)
2. The employee / person appointed must comply with all the prescribed requirements

MINIMUM COMPETENCY LEVELS FOR SENIOR MANAGERS

Senior Managers

Description	All municipalities with annual budgets of a value of R1 billion, to be adjusted by CPIX by 1 July each year
AMENDED	
Higher Education Qualification	At least a Bachelor's degree or a relevant qualification registered on the National Qualifications Framework at a NQF level 7 with a minimum of 360 credits
AMENDED (NQF 7 Bachelors or Advanced Diploma)	
Work-Related Experience	Minimum of 5 years at middle management level
Core and Leading Competencies	As prescribed in the Annexure A – Local Government: Competency Framework for Senior Managers
AMENDED	
Financial and Supply Chain Management Competency Areas	Required Minimum Competency Level in Unit Standards
Strategic leadership and management	116358; 116361
Operational financial management	119341; 119331; 116364
Governance, ethics and values	116343
Financial and performance reporting	116363; 119350; 119348; 116341
Risk and change management	116339
Project Management	119343
Legislation, policy and implementation	119334; 116361
Stakeholder relations	116348
Supply Chain Management	116353
Audit and assurance	116351

LEGAL IMPLICATIONS

Municipal Systems Amendment Act 32 of 2000
 Regulation on the Appointment and Conditions of Employment for Senior Managers
 (GNR 583 GG 37245 on 17 January 2014)

RISK MANAGEMENT IMPLICATION (ITEM AUTHOR)

Negative effect on service delivery

FINANCIAL IMPLICATIONS

Expenditure will be covered with the current approved budget.

RECOMMENDATION BY ITEM AUTHOR TO COUNCIL:

It is recommended:

- 1. That Council notes the content of the report.**
- 2. That be appointed to act in the vacant position subject to concurrence under recommendation 3.**
- 3. That the Acting Municipal Manager seek concurrence from the MEC for Local Government (WC) in respect of this acting appointment.**

RESOLVED BY COUNCIL: 16 APRIL 2025

That the agenda-item be referred to the Council Meeting of 30 April 2025 for discussion.

ITEM TITLE**SC07/2025 OFFICE OF THE MUNICIPAL MANAGER: APPOINTMENT
OF ACTING DIRECTOR: COMMUNITY SERVICES**

[English version of the report is the original]

FILE NUMBER

4/4/1/11

PURPOSE OF REPORT

To obtain council approval for the appointment of an Acting Director: Community Services.

BACKGROUND

The current Director: Community Services is currently under suspension, pending an investigation.

In terms of the Appointment and Conditions of Service for Senior Managers regulations, the appointments and acting appointments must comply with the requirements of said regulations.

DISCUSSION

In terms of relevant legislation and the collective agreement, Council may after consulting the Municipal Manager appoint an employee to a S56 position.

Municipal Systems Act S56 “(1) (a) A municipal council, after consultation with the municipal manager, must appoint –

1.
 2. An acting manager directly accountable to the municipal manager under circumstances and for a period as prescribed.”
- (2) “A decision to appoint a person referred to in sub section (1) (a) (ii), and any contract concluded between the municipal council and that person in consequence of the decision. Is null and void if –
- a. The person appointed does not have the prescribed skills, expertise, competencies or qualifications; or
 - b. The appointment was otherwise made in contravention of this act.

Unless the minister, in terms of subsection (6) has waived any of the requirements listed in subsection (1) (b)

CONCLUSION

1. Council must make the appointment (even the acting appointment)
2. The employee / person appointed must comply with all the prescribed requirements

MINIMUM COMPETENCY LEVELS FOR SENIOR MANAGERS

Senior Managers

Description	All municipalities with annual budgets of a value of R1 billion, to be adjusted by CPIX by 1 July each year
AMENDED	
Higher Education Qualification	At least a Bachelor's degree or a relevant qualification registered on the National Qualifications Framework at a NQF level 7 with a minimum of 360 credits
AMENDED (NQF 7 Bachelors or Advanced Diploma)	
Work-Related Experience	Minimum of 5 years at middle management level
Core and Leading Competencies	As prescribed in the Annexure A – Local Government: Competency Framework for Senior Managers
AMENDED	
Financial and Supply Chain Management Competency Areas	Required Minimum Competency Level in Unit Standards
Strategic leadership and management	116358; 116361
Operational financial management	119341; 119331; 116364
Governance, ethics and values	116343
Financial and performance reporting	116363; 119350; 119348; 116341
Risk and change management	116339
Project Management	119343
Legislation, policy and implementation	119334; 116361
Stakeholder relations	116348
Supply Chain Management	116353
Audit and assurance	116351

LEGAL IMPLICATIONS

Municipal Systems Amendment Act 32 of 2000

Regulation on the Appointment and Conditions of Employment for Senior Managers (GNR 583 GG 37245 on 17 January 2014)

RISK MANAGEMENT IMPLICATION (ITEM AUTHOR)

None.

FINANCIAL IMPLICATIONS

Expenditure will be covered with the current approved budget.

RECOMMENDATION BY ITEM AUTHOR TO COUNCIL:

It is recommended:

1. That Council notes the content of the report.
2. That be appointed to act in the position for an initial period of three months or the date on when the incumbent returns, whichever happens first.
3. That the Acting Municipal Manager seek concurrence from the MEC for Local Government (WC) in respect of this acting appointment.

RESOLVED BY COUNCIL: 16 APRIL 2025

That the agenda-item be referred to the Council Meeting of 30 April 2025 for discussion.

- G. OORWEGING VAN KENNISGEWINGS VAN MOSIES
CONSIDERATION OF NOTICES OF MOTIONS
- H. OORWEGING VAN KENNISGEWINGS EN VRAE
CONSIDERATION OF NOTICES AND QUESTIONS
- I. OORWEGING VAN DRINGENDE MOSIES /
CONSIDERATION OF NOTICES AND QUESTIONS
- J. IN-KOMITEEVERGADERING AGENDA-ITEMS VIR BESPREKING
IN-COMMITTEE MEETING AGENDA-ITEMS FOR DISCUSSION

Minuted and distributed as a separate Minutes of the Meeting.

K. VERDAGING / ADJOURNMENT

Die vergadering verdaag om 10:50.
The meeting adjourned at 10:50.

NOTULE BEKRAGTIG OP DIE DAG VAN
..... AS PRIMA FACIE BEWYS VAN DIE
JUISTHEID DAARVAN.

MINUTES CONFIRMED ON THE DAY OF
..... AS PRIMA FACIE EVIDENCE OF
IT'S CORRECTNESS.

.....
SPEAKER


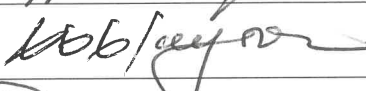
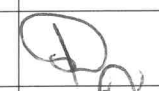




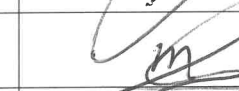

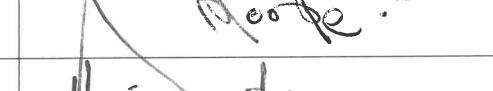


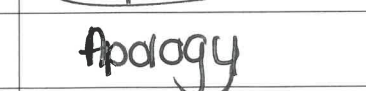

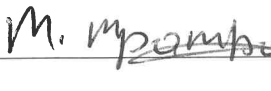
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DATUM/DATE

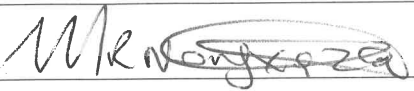
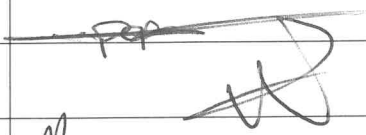

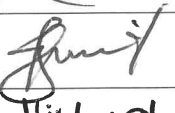
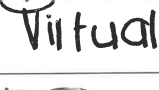


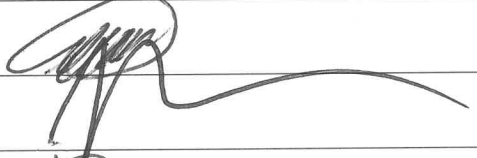

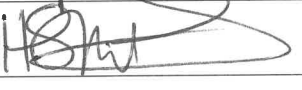
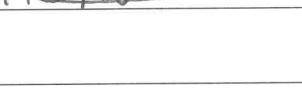





OPGESTEL EN BYGEHOU DEUR:
COMPILED AND RECORDED BY:


.....
S BARON
SEKRETARIAATDIENSTE
SECRETARIAT SERVICES

SPESIALE RAADSVERGADERING
SPECIAL COUNCIL MEETING

16 APRIL 2025

NAAM EN VAN / NAME AND SURNAME	HANDTEKENING / SIGNATURE
<u>Raadslede / Councillors :</u>	
Raadsheer/Alderman LM de Bruyn	
Raadsheer/Alderman CC Clayton	
Raadslid/Councillor WH Wells	
Raadsheer/Alderman DA Appel	
Raadslid/Councillor CA Benjamin	
Raadslid/Councillor M Botes	
Raadslid/Councillor CT Cloete	
Raadsheer/Alderman S Fredericks	
Raadslid/Councillor M Gana	
Raadslid/Councillor DA Jacobs	
Raadslid/Councillor D Jooste	
Raadslid/Councillor H Linnerts	
Raadslid/Councillor JD Lekhori	
Raadslid/Councillor TP Lemina	
Raadslid/Councillor RL Mienies	Apology
Raadsheer/Alderman BB Mkhwibiso	
Raadslid/Councillor M Mpambani	M. Mpambani
Raadslid/Councillor MA Nomkoko	M Nomkoko

Raadsheer/Alderman MR Nongxaza	
Raadslid/Councillor V Papier	
Raadsheer/Alderman M Plato-Mentoor	
Raadslid/Councillor MS Shale	
Raadslid/Councillor J Smit	
Raadslid/Councillor PJ Stander	Virtual attendance
Raadslid/Councillor H Syster	
Raadslid/Councillor YM van Tonder	
Raadslid/Councillor TB Zimmermann	Apology
<u>Amptenare/Officials:</u>	
Mnr/Mr W Hendricks	
Mnr/Mr GW Hermanus	
Mnr/Mr P Mabhena	
Mnr / Mr H Marthinus	
Mnr./Mr E Shortles	
Mnr./Mr J Barnard	
Mnr./Mr N Arendse	
Mnr./Mr A Opperman	
Mnr/Mr H Gxoyiya	
Me./Ms M Faul	
Me./Ms S Baron	
Me./Ms F Ngxowa	
Me/Ms. L. Kular	Kular (not in-Committee)