



**DISTRICT MUNICIPALITY  
UMASIPALA WESITHILI  
DISTRKSMUNISIPALITEIT**

**Raadslede**  
  
**Eden**  
**Distriksmunisipaliteit**

**Councillors**  
  
**Eden**  
**District Municipality**

**Ooceba**  
  
**Umasipala Wesithili se**  
**Eden**

**Meneer/Dame**

**Sir/Madam**

**Mnumzana/Nkosikazi**

15 Junie/June/kuSilimela 2017

Kennis geskied hiermee ingevolge Artikel 29 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998, Wet 117 van 1998, dat 'n **Spesiale Raadsvergadering** van die 2016/2021 termyn van die Eden Distriksmunisipaliteit gehou sal word in die **CA Robertson Raadsaal, Yorkstraat 54, George, op Vrydag, 30 Junie 2017 om 14:00** ten einde oorweging aan die item soos in die agenda uiteengesit, te skenk.

*Notice is hereby given in terms of Section 29 of the Local Government: Municipal Structures Act, 1998, Act 117 of 1998, that a **Special Council meeting** of the 2016/2021 term of the Eden District Municipality will be held in the **CA Robertson Council Chambers, 54 York Street, George, on Friday, 30 June 2017 at 14:00** to consider the item as set out in the agenda.*

Kukhutshwe isaziso ngokoMhlathi 29 woRhulumente Basekhaya: Umgaqo Wesimo soMasipala, 1998, uMgaqo 117 wango 1998, sokub **intlenganiso Yamashumi Amabini yeBhunga** ka 2016/2021 yoMasipala Wesithili se Eden izakubanjwa **kwiGumbi leBhunga I CA Robertson, 54 York Street, e George ngoLwesihlanu, 30 kweyeSilimela** ngo **14:00** ukuqwalasela imiba ekuluhlu lwengxoxo

**MUNICIPAL MANAGER**

Item	Agenda	Bladsy/ Page/ Iphepha
<b>GENERIC ITEMS / <i>GENERIESE ITEMS</i> / IMIBA ENGUNDOQO</b>		
	<b>OPENING AND WELCOME / <i>OPENING EN VERWELKOMING</i> / UVULO NOLWAMKELO</b>	
DC 179/06/17	<b>APOLOGIES / <i>VERSKONINGS</i> / IZINGXENGXEZO</b>	
DC 180/06/17	<b>ELECTION OF SPEAKER / <i>VERKIESING VAN SPEAKER</i> / UKUCHONGWA KOSOMLOMO WEBHUNGA (588899)</b> <i>Refer: Report (5/2/1) dated 15 June 2017 from the Executive Manager: Corporate/Strategic Services (B Holtzhausen)</i>	1 – 5
DC 181/06/17	<b>COMMUNICATIONS BY THE SPEAKER / <i>MEDEDELINGS DEUR DIE SPEAKER</i> / UNXIBELELWANO LOSOMLOMO</b>	
DC 182/06/17	<b>COMMUNICATIONS BY THE EXECUTIVE MAYOR / <i>MEDEDELINGS DEUR DIE UITVOERENDE BURGEMEESTER</i> / UNXIBELELWANO LUKA SODOLOPHU</b>	
DC 183/06/17	<b>COMMUNICATIONS BY THE MUNICIPAL MANAGER / <i>MEDEDELINGS DEUR DIE MUNISIPALE BESTUURDER</i> / UNXIBELELWANO LUKA SODOLOPHU</b>	
DC 184/06/17	<b>DECLARATION OF INTEREST BY COUNCILLORS AND OFFICIALS / <i>VERKLARING VAN BELANGE DEUR RAADSLEDE EN AMPTENARE</i> / UKUCHAZWA KWENJONGO NGOOCEBA KUNYE NAMAGOSA</b>	

**ITEMS DIRECTLY SUBMITTED TO COUNCIL / ITEMS DIREK AAN DIE RAAD  
VOORGEHOU / IMIBA ENIKEZELWE KWIBHUNGA**

DC 185/06/17	<p><b>DELEGATIONS AND AUTHORIZATIONS DURING COUNCIL'S RECESS PERIOD / DELEGASIES EN MAGTIGINGS GEDURENDE DIE RAAD SE RESES TYDPERK / ABACHONGWA KUNYE NAMAGUNYA NGETHUBA OOCEBA BETHATHE IKHEFU</b></p> <p><i>Refer: Report (5/2/1) dated 14 June 2017 from the Municipal Manager (MG Stratu)</i></p>	6 – 8
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Rdl / Cllr CN Lichaba  
Rdl / Cllr D Xego  
Rdl / Cllr S De Vries  
Rdl / Cllr NF Kamte  
Rdl / Cllr MP Mapitiza  
Rdl / Cllr (Vacant)  
Rdl / Cllr D Saayman  
Rdl / Cllr BN Van Wyk  
Rdl / Cllr RE Spies  
Rdl / Cllr T Van Rensburg  
Rdl / Cllr M Booysen  
Rdl / Cllr AJ Rossouw  
Rdl / Cllr KS Lose  
Rdl / Cllr T Fortuin  
Rdl / Cllr JP Johnson  
Rdl / Cllr IT Mangaliso  
Rdl / Cllr SM Odendaal  
Rdl / Cllr SS Mbandezi  
Rdl / Cllr BHJ Groenewald  
Rdl / Cllr E Meyer  
Rdl / Cllr RH Ruiters  
Rdl / Cllr I Stemela  
Rdl / Cllr EH Stroebe  
Rdl / Cllr RS Figland  
Rdl / Cllr PJ Van der Hoven  
Rdl / Cllr T Teyisi  
Rdl / Cllr V Gericke  
Rdl / Cllr K Windvogel  
Rdl / Cllr JCLambaateen  
Rdl / Cllr RR Wildschut  
Rdl / Cllr NC Jacob  
Rdl / Cllr SN Ndayi  
Rdl / Cllr MV Molosi  
Rdl / Cllr MS Willemse  
Rdl / Cllr L Tyokolo

DC 180/06/17

**ELECTION OF SPEAKER / VERKIESING VAN SPEAKER /  
UKUCHONGWA KOSOMLOMO (588899)**

(5/2/1)

15 June 2017

**REPORT FROM THE EXECUTIVE MANAGER: CORPORATE/STRATEGIC  
SERVICES (B HOLTZHAUSEN)**

**PURPOSE OF THE REPORT**

The purpose of the report is to elect a Speaker for the Eden District Municipality in terms of Section 39 (a) of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998) in accordance with the procedures as stipulated in Schedule 3 of the aforementioned Act.

**BACKGROUND**

Section 39 (a) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) determines as follows:

***“Vacation of office”***

*The Speaker of a municipal council vacates office during a term if that person-*

*“39 (a) Resigns as Speaker-*

The Speaker, Cllr TA Simmers, has resigned as Speaker of Eden District Municipality on 12 June 2017. Letter attached as **Annexure “A”**.

In order to fill the vacancy, Council has to elect a new Speaker in terms of Section 36 of the said Act. Section 36 reads as follows:

- “(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, but in a municipality of a type mentioned in section 9(e) of (f) or 10(c) the speaker must be called.”*

The election of a Speaker must be conducted in accordance with the directives as set out in **Annexure “B”**. The prescribed form to be used for the nomination and secondment of a Speaker by two (2) councillors is attached as **Annexure “C”**. Nomination forms will be available at the office of the Municipal Manager and at the meeting.

## **RELEVANT LEGISLATION**

- Section 36 of the Local Government: Municipal Structures Act, Act 117 of 1998.
- Section 39 (a) of the Local Government: Municipal Structures Act, Act 117 of 1998

## **FINANCIAL IMPLICATIONS**

None

## **UITVOERENDE OPSOMMING**

*Die Speaker, Rdl TA Simmers, het op 12 Junie 2017 as Speaker van Eden Distriksraad bedank. In terme van Artikel 36 en 39 (a) van die Plaaslike Regering: Munisipale Strukturewet, Wet 117 van 1998, "moet 'n nuwe Speaker verkies word".*

## **RECOMMENDATION**

That a Speaker be elected for Eden District Municipality in terms of Section 36 of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998) in accordance with the procedures as stipulated in Schedule 3 of the aforementioned Act .

## **AANBEVELING**

*Dat 'n Speaker vir die Eden Distriksmunisipaliteit verkies word ingevolge die bepalings van Artikel 36 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998) in ooreenstemming met die prosedure soos uiteengesit in Bylae 3 van die voorgenoemde Wet.*

## **ISINDULULO**

Sesokuba kuchongwe uSomlomo woMasipala Wesithili se Eden ngokwemiqathango yomhlathi 36 Womthetho Wesimo Somasipala soRhulumente Wasekuhlaleni, 1998(uMthetho 117 wango 1998) ngokuthotyelwa inkqubo nechazwe kuMhlathi 3 womthetho ophawulweyo.

**Daphne October**

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**From:** Alvera Joseph  
**Sent:** 12 June 2017 10:27 AM  
**To:** Executive Mayor; Siphwe Dladla; mm; Daphne October  
**Subject:** Fwd: Resignation: Cllr TA Simmers as District Councillor

Honourable mayor.

For your attention.

Kind regards

Sent from my Samsung Galaxy smartphone.

----- Original message -----

**From:** Tertuis Alfred Simmers <[tertuis@edendm.gov.za](mailto:tertuis@edendm.gov.za)>  
**Date:** 2017/06/12 10:19 AM (GMT+02:00)  
**To:** mm <[mm@edendm.gov.za](mailto:mm@edendm.gov.za)>  
**Cc:** Executive Mayor <[mayor@edendm.gov.za](mailto:mayor@edendm.gov.za)>, Alvera Joseph <[alvera@edendm.gov.za](mailto:alvera@edendm.gov.za)>, MEC Donald Grant <[donaldg@kingsley.co.za](mailto:donaldg@kingsley.co.za)>, Jaco Londt MP <[jacolondt@gmail.com](mailto:jacolondt@gmail.com)>, Han-marie Marshal Van Zyl <[han-marie@dawesterncape.org.za](mailto:han-marie@dawesterncape.org.za)>  
**Subject:** Resignation: Cllr TA Simmers as District Councillor

Good Day

I, Tertuis Alfred Simmers, ID 830323 5057 080, hereby resign from my PR Councillor position at Eden District Municipality with immediate effect.

Regards

Cllr Tertuis Simmers  
 Speaker  
 (c) 082 387 4045  
 (l) 044 803 1355  
 (f) 086 560 9053  
 @tertuis23

Attention: The legal status of this communication is governed by the terms and conditions published at the following link: <http://www.edendm.co.za/maildisclaimer.pdf>

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**Schedule 3**

[Schedule 3 amended by s. 34 of Act No. 51 of 2002.]  
Wording of Sections

**ELECTION OF MUNICIPAL OFFICE-BEARERS**

**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.

**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 of 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 candidate.**—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 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 terms 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.

[Subitem (3) added by s. 34 of Act No. 51 of 2002.]



**EDEN DISTRICT MUNICIPALITY  
EDEN DISTRIKSMUNISIPALITEIT  
UMASIPALA WESITHILI**

**SPECIAL DISTRICT COUNCIL**

**30 JUNE 2017**

YORKSTRAAT 54 YORK STREET, POSBUS / P.O. BOX 12 GEORGE 6530  
E-POS/E-MAIL: admin@edendm.co.za, TEL (044) 803 1300 FAKS / FAX (044) 874 4670

**NOMINASIEVORM: VERKIESING VAN SPEAKER  
NOMINATION FORM: ELECTION OF SPEAKER**

Ons, die ondergetekendes, nomineer hiermee die volgende persoon:  
*We, the undersigned, hereby nominate the following person:*

VOLLE NAAM EN VAN VAN GENOMINEERDE  
*FULL NAME AND SURNAME OF NOMINEE* .....

NAME VAN NOMINEERDERS:  
*NAMES OF NOMINATORS:*

Nomineerder: Naam en van: ..... Handtekening  
*Nominator: Name and surname: ..... Signature* .....

Sekondant: Naam en van ..... Handtekening:  
*Seconder: Name and surname: ..... Signature:* .....

Ek, die ondergetekende, aanvaar hiermee die nominasie.  
*I, the undersigned, hereby accept the nomination.*

Geteken te GEORGE op hierdie ..... dag van ..... 20.....

*Signed at GEORGE on this ..... day of ..... 20.....*

.....  
**HANDTEKENING VAN GENOMINEERDE  
SIGNATURE OF NOMINEE**

SPECIAL DISTRICT COUNCIL

30 JUNE 2017

**DC 185/06/16**

**DELEGATIONS AND AUTHORIZATIONS DURING COUNCILS RECESS  
PERIOD / *DELEGASIES EN MAGTIGINGS GEDURENDE DIE RAAD SE  
RESESTYDPERK* / ABACHONGWA KUNYE NAMAGUNYA NGETHUBA  
OOCEBA BETHATHE IKHEFU**

(5/2/1)

14 June 2017

**REPORT FROM THE MUNICIPAL MANAGER (MG STRATU)****PURPOSE OF THE REPORT**

To delegate powers and to authorise the Executive Mayor and the Municipal Manager or their authorized replacements to exercise certain powers during Council's term of recess from 03 July 2017 until 17 July 2017.

**BACKGROUND**

The former Speaker, Cllr TA Simmers, announced during a Council meeting held on 29 May 2017, that Council will be in recess from 03 July 2017 to 17 July 2017, therefore it is required that interim measures be put in place in order to ensure that Council's activities, such as management, services and administration continue.

It is recommended that in view of the aforementioned period of recess, the Executive Mayor, Cllr M Booyesen and the Municipal Manager, Mr MG Stratu, or his successor in title, be delegated and authorised to perform all official Council duties, responsibilities and functions during the period of with the exception of those indicated in Section 160 (2) of the Constitution of the Republic of South Africa, 1996 namely:

- a) the passing of by-laws
- b) the approval of budgets
- c) the imposition of rates and other taxes, levies and duties; and
- d) the raising of loans
- e) disposal of Council properties
- f) appointment and dismissal of the municipal manager and section 56 managers in terms Section 56 of the Systems Act, Municipal Systems Act 32 of 2000 and Section 82 of the Structures Act 117 of 1998.

- f) appointment and dismissal of the municipal manager and section 56 managers in terms Section 56 of the Systems Act, Municipal Systems Act 32 of 2000 and Section 82 of the Structures Act 117 of 1998.
- g) all functions which are according to legislation reserved for Council only

### **RELEVANT LEGISLATION**

Municipal Systems Act 32 of 2000  
Municipal Structures Act 117 of 1998

### **FINANCIAL IMPLICATIONS**

None

### **UITVOERENDE OPSOMMING**

*Die voormalige Speaker, Rdl TA Simmers het tydens 'n raadsvergadering gehou op 29 Mei 2017 aangekondig dat die Raad in reses sal wees vanaf 03 Julie 2017 tot 17 Julie 2017, derhalwe is dit noodsaaklik om te verseker dat werksaamhede en statutêre verpligtinge voortgesit word. Ten einde dit te reël is dit nodig dat die Uitvoerende Burgemeester en Munisipale Bestuurder vir genoemde tydperk daartoe gemagtig word.*

### **RECOMMENDATION**

1. That in view of the aforementioned period of recess, the Executive Mayor, Cllr M Booyesen and the Municipal Manager, Mr MG Stratu, or his successor in title, be delegated and authorized to perform all official Council duties, responsibilities and functions during the period 03 July 2017 until 17 July 2017 with the exception of those indicated in Section 160 (2) of the Constitution of the Republic of South Africa, 1996 namely:
  - a) the passing of by-laws
  - b) the approval of budgets
  - c) the imposition of rates and other taxes, levies and duties; and
  - d) the raising of loans
  - e) disposal of Council properties
  - f) appointment and dismissal of the municipal manager and section 56 managers in terms Section 56 of the Systems Act, Municipal Systems Act 32 of 2000 and Section 82 of the Structures Act 117 of 1998.
  - g) all functions which are according to legislation reserved for Council only
2. That Council will be in recess for the period 03 July 2017 until 17 July 2017.

## **AANBEVELING**

1. *Dat in die lig van die voorgenome reses tydperk van die Raad, die Uitvoerende Burgemeester, Rdl M Booysen en die Munisipale Bestuurder, Mnr MG Stratu, of sy opvolger in titel, gedelegeer en gemagtig word om die Raad se amptelike verpligtinge, verantwoordelikhede en funksies vir die reses periode van 03 Julie 2017 tot 17 Julie 2017, uit te voer met die uitsondering van die ondergenoemdes soos in Artikel 160 (2) van die Grondwet van die Republiek van Suid-Afrika, 1996, vervat:*
  - a) *die aanname van verordeninge;*
  - b) *die goedkeuring van begrotings;*
  - c) *die oplegging van eiendomsbelasting en ander belastings, heffings en regte en*
  - d) *die verkryging van lenings.*
  - e) *vervreemding van raadseiendom*
  - f) *aanstelling en skorsing van die Munisipale Bestuurder en Artikel 56 bestuurders in terme van Artikel 56 van die Munisipale Stelselwet 32 van 2000 en Artikel 82 van die Munisipale Strukturewet 117 van 1998.*
  - g) *Alle funksies wat in terme van wetgewing slegs vir die Raad gereseveer is*
2. *Dat die Raad in reses sal wees vir die periode 03 Julie 2017 tot 17 Julie 2017.*

## **ISISINDULULO**

1. Sokuba ngokwexesha elihleliweyo lokuphumla kweBhunga, makunikwe uSodolophi, uCeba M Booysen kunye neBambela Mphathi Masipala uMnu, MG Stratu, igunya elipheleleyo lokwenza yonke imicimbi nemisebenzi yeBhunga esemthethweni kwixesha eliqala ngomhla wesi 03 kweyoKhala 2017 de ibengumhla we 17 kweyeKhala 2017 igunya elo alichaphazeli ezingongoma zibhalwe kwiSebe 160(2) loMgaqo Siseko woMzantsi Afrika ka 1996, ezizezi:
  - a) uKuphunyezwa kwemithethwana yedolophi
  - b) uKuphunyezwa kohlahlo lwabiwo-mali
  - c) uKummisela irhafu yezakhiwo kwakunye naluphi na uhlobo lwerhafu
  - d) uKwenza iimali-mboleko (amatyala)
  - e) ukuthengisa imihlaba nezakhiwo zeBhunga, kunye no
  - f) kuqesha nokugxotha uMphathi Masipala kunye neemanejala eziqeshwe ngokweSebe 56 loMthetho, ngokweSebe 56 loMthetho I Municipal Systems Act, uMthetho 32 ka 2000 kunye neSebe 82 loMthetho I Municipal Structures Act, uMthetho 117 ka 1998.
  - g) Lomiba ibekelwe kanye ibhunga lomasipala.
2. Sokuba iBhunga lobasekhefini ukususela ngomhla we 03 kweyoKhala 2017 de kubengumhla we 17 kweyeKhala 2017.