



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2020-11-02

## MINUTES

### URGENT MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

**2020-11-02 AT 10:00**

**Detailed account of the meeting proceedings is available on audio recording, which is obtainable from The Municipal Manager's Office per Request for Information (RFI)**

**MINUTES**  
**URGENT MEETING OF THE COUNCIL**  
**OF STELLENBOSCH MUNICIPALITY**  
**2020-11-02**  
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**MINUTES OF AN URGENT MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY HELD ON 2020-11-02 AT 10:00 IN THE TOWN HALL, PLEIN STREET, STELLENBOSCH**

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**PRESENT** The Speaker, Cllr WC Petersen (Ms) [Chairperson]  
The Executive Mayor, Ald G Van Deventer (Ms)  
The Deputy Executive Mayor, Cllr N Jindela

**COUNCILLORS**

FJ Badenhorst	DD Joubert
Ald PW Biscombe	C Manuel
G Cele (Ms)	NE Mcombring (Ms)
PR Crawley (Ms)	XL Mdemka (Ms)
A Crombie (Ms)	C Moses (Ms)
Z Dalling (Ms)	SA Peters
R Du Toit (Ms)	MM Pietersen
J Fasser	WF Pietersen
A Florence	SR Schäfer
AR Frazenburg	Ald JP Serdyn (Ms)
E Fredericks (Ms)	N Sinkinya (Ms)
E Groenewald (Ms)	Q Smit
JK Hendriks	LL Stander
MC Johnson	E Vermeulen (Ms)

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**Officials:** Municipal Manager (Ms G Mettler)  
Chief Financial Officer (K Carolus)  
Director: Corporate Services (Ms A De Beer)  
Director: Infrastructure Services (D Louw)  
Director: Planning and Economic Development (A Barnes)  
Director: Community and Protection Services (G Boshoff)  
Chief Audit Executive (F Hoosain)  
Manager: Secretariat (EJ Potts)  
Senior Administration Officer (T Samuels (Ms))

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<b>1.</b>	<b>OPENING AND WELCOME</b>
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The Municipal Manager, Ms G Mettler, welcomed all present at the Urgent Council meeting.

<b>2.</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE</b>
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2.1 The following applications for leave of absence were approved in terms of the Rules and Order By-law of Council:-

Cllr F Adams  
Cllr FT Bangani-Menziwa (Ms)  
Cllr T Gosa  
Cllr AJ Hanekom  
Cllr J Hamilton  
Cllr DA Hendrickse  
Cllr LK Horsband (Ms)  
Cllr N Mananga-Gugushe (Ms)  
Cllr N Olayi  
Cllr RS Nalumango (Ms)  
Cllr P Sitshoti (Ms)

2.2 ABSENT

Cllr MD Oliphant

<b>3.</b>	<b>DISCLOSURE OF INTERESTS</b>
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NONE

4.1	<b>ELECTION OF A SPEAKER IN TERMS OF SECTION 36 OF THE LOCAL GOVERNMENT STRUCTURES ACT, ACT 117 OF 1998</b>
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**Collaborator No:**

**IDP KPA Ref No:**

**Meeting Date:**

**Good Governance and Compliance**

**2 November 2020**

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**THE MUNICIPAL MANAGER CONDUCTS ELECTION AND HANDS OVER CHAIR TO SPEAKER AFTER ELECTION PROCESS IS CONCLUDED**

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**1. SUBJECT: ELECTION OF A SPEAKER IN TERMS OF SECTION 36 OF THE LOCAL GOVERNMENT STRUCTURES ACT, ACT 117 OF 1998**

**2. PURPOSE**

To elect a Speaker in terms of Section 36 of the Local Government Municipal Structures Act, no 117 of 1998.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

Council elects a Speaker in terms of Section 36 of the Local Government Municipal Structures Act, no 117 of 1998 (further referred to as "the Act") at the first meeting after its election or when necessary to fill a vacancy, from among the councillors.

The Speaker elected at the Urgent meeting of Council on 14 November 2019, Councillor Nyaniso Jindela, resigned as Speaker effective from the 31<sup>st</sup> October 2020. The letter given to the Municipal Manager dated 30 October 2020, is attached as **APPENDIX A**.

There is therefore a vacancy in terms of Section 39 of the Act, and Council must elect a Speaker to fill the vacancy from among the councillors.

Section 36 provides for the process to elect a Speaker for Council, inter alia, when a vacancy must be filled. The Municipal Manager must preside over the election of the Speaker and the procedure for the election is set out in Schedule 3 of the Act. Schedule 3 provides, inter alia, that a secret voting process must be followed after the nomination process, if more than one person is nominated.

**URGENT COUNCIL MEETING: 2020-11-02: ITEM 4.1**

The Municipal Manager, Ms G Mettler, officiated as Chairperson for the election of the Speaker. In line with Schedule 3(2) of the Structures Act, she called for nominations for the Office of Speaker.

Only one duly signed nomination was received, namely:

Councillor WC Petersen (form attached as **APPENDIX 1**).

The Municipal Manager asked the nominee, Cllr WC Petersen (Ms), if she accepts the nomination as Speaker of Stellenbosch Municipality, to which she announced that she accepts the nomination as Speaker, and that she resigns as Deputy Executive Mayor of Stellenbosch Municipality.

Since there were no other nominations (single candidate in terms of Clause 5 of Schedule 3):

the Municipal Manager then

**DECLARED**

Cllr WC Petersen as duly elected Speaker.

**HAVING CONCLUDED THE ELECTION OF THE SPEAKER, THE MUNICIPAL MANAGER HANDED OVER THE CHAIR TO THE DULY ELECTED SPEAKER OF THE STELLENBOSCH MUNICIPAL COUNCIL.**

**ACCEPTANCE SPEECH BY THE NEWLY ELECTED SPEAKER****3/3/2/3**

"Good morning

The Executive Mayor, Advocate Gesie Van Deventer

The Municipal Manager, Ms. Geraldine Mettler

Councillors and all Protocols observed:

Councillors, Madame Mayor & MM it is a privilege for me to be **elected** as Speaker of the Stellenbosch Council and I want to thank you for having faith in me to once again be the **responsible** person for this role. There is a lot of speculation but allow me to put it on record that:

- We all were aware of the difficult time in the life of the Speaker Jindela a year ago – at that stage he and his family's life was threatened. After careful consideration and discussions with other strategic role-players, it was decided to do the swop. Everything is now back to normal and I thank Council for electing me back into the position as Speaker.

Madame Mayor, I also want to take this opportunity to thank you for bestowing your faith in me to serve on your Mayco as Human Settlement Portfolio Chairperson. The journey has helped me to grow as a Councillor and also helped me to broaden my scope, knowledge and perspectives in life. I aim to use this newly gained competencies in my role as Speaker to serve this Council and the Community of Stellenbosch to the best of my abilities.

Once again thank you very much for this opportunity and I lastly want to notify Council that I am ready to serve in my "**New**" Position as Speaker of the Stellenbosch Municipality with the view to instill total **discipline**, **enforce respect** to each other and **monitor** total service delivery to the community out there.

I thank you

**Cllr Wilhelmina Christina Petersen"**

#### POLITICAL PARTIES' RESPONSES

3/3/2/3

An opportunity was afforded to the political parties to offer brief responses.

#### URGENT COUNCIL MEETING: 2020-11-02: ITEM 4.1

#### RESOLVED (nem con)

- (a) that it be noted that Council elects **Cllr WC Petersen (Ms)** as duly elected Speaker in terms of Section 36 of the Local Government Structures Act, 117 of 1998, and in accordance with the procedure set out in Schedule 3 of the Municipal Structures Act; and
- (b) that it be confirmed that the Speaker position is regarded as a full time office bearer and is remunerated as a full-time Speaker in accordance with the provisions of Notice 43246 dated 20 April 2020, as approved by Council on 6 May 2020.

#### FOR FURTHER DETAILS CONTACT:

<b>NAME</b>	Geraldine Mettler
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Municipal Manager</i>
<b>CONTACT NUMBERS</b>	021 808 8025
<b>E-MAIL ADDRESS</b>	<a href="mailto:Geraldine.Mettler@stellenbosch.gov.za">Geraldine.Mettler@stellenbosch.gov.za</a>
<b>REPORT DATE</b>	30 October 2020

5.	<b>OTHER URGENT MATTERS</b>
5.1	<b>ELECTION OF DEPUTY EXECUTIVE MAYOR IN TERMS OF SECTION 36 OF THE LOCAL GOVERNMENT STRUCTURES ACT, ACT 117 OF 1998</b>

The Municipal Manager, Ms G Mettler, informed Council that the resignation of the Deputy Executive Mayor, Cllr WC Petersen (Ms), in order to accept the nomination of Speaker, has created a vacancy of Deputy Executive Mayor (see **APPENDIX 1**).

The Municipal Manager requested that the matter of the filling of the post of Deputy Executive Mayor be dealt with as an Urgent matter, in terms of Rule 8.2 of Council's Rules and Order By-Law, due to the vital role that the post fulfills in terms of Section 56(6), as well as in the capacity as member of the Mayoral Committee as per the Structures Act, Section 60(2).

The newly elected Speaker, Cllr WC Petersen (Ms) responded that she accepts the Municipal Manager's request and that the meeting can proceed with the election of Deputy Executive Mayor.

The Municipal Manager, on behalf of the Speaker, called for the nominations of Deputy Executive Mayor, as set out in Schedule 3 of the Structures Act.

Only one duly signed nomination was received, namely:

Councillor N Jindela (form attached as **APPENDIX 2**).

Since there were no other nominations (single candidate in terms of Clause 5 of Schedule 3):

the Speaker then

### **DECLARED**

Cllr N Jindela as duly elected Deputy Executive Mayor.

### **ACCEPTANCE SPEECH BY THE NEWLY ELECTED DEPUTY EXECUTIVE MAYOR**

"Good morning

This is not a speech, but merely a word of thanks. It feels great to be going back as Deputy Executive Mayor. I've been there and I know what to expect in that Office and what the community is expecting of a Deputy Executive Mayor. One of my roles were to sometimes stand in as Acting Executive Mayor in the absence of the Executive Mayor. Thank you for that.

I thank you,

**Cllr Nyaniso Jindela"**



**POLITICAL PARTIES' RESPONSES**

3/3/2/3

An opportunity was afforded to the political parties to offer brief responses.

**SPECIAL COUNCIL: 2019-11-14: ITEM 5.1**

In her congratulatory remarks the Executive Mayor, Ald G Van Deventer (Ms), announced that she appoints Cllr N Jindela as the new Chairperson of the Human Settlements Portfolio Committee (replacing Cllr WC Petersen).

**RESOLVED** (nem con)

- (a) that Council elects **Cllr N Jindela** as Deputy Executive Mayor in terms of Section 55(1)(2) of the Local Government Municipal Structures Act, no 117 of 1998, and in accordance with the procedure set out in Schedule 3 of the Municipal Structures Act; and
- (b) that it be confirmed that the Deputy Executive Mayor is remunerated as a full-time Councillor in accordance with the provisions of Notice 43246 dated 20 April 2020, as approved by Council on 6 May 2020.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Municipal Manager</i>
<b>CONTACT NUMBERS</b>	021 808 8025
<b>E-MAIL ADDRESS</b>	<a href="mailto:Geraldine.Mettler@stellenbosch.gov.za">Geraldine.Mettler@stellenbosch.gov.za</a>
<b>REPORT DATE</b>	November 2020

The meeting adjourned at 10:45.

**CHAIRPERSON:** .....

**DATE:** .....

**Confirmed on** ..... **with/without amendments.**