



Bitou Local Municipality
Bitou Plaaslike Munisipaliteit
Umasipala WeBitou

Agenda

SPECIAL MUNICIPAL COUNCIL MEETING

Venue: Council Chambers, Municipal Offices,
Sewell Street, Plettenberg Bay

DATE: 17 JUNE 2021

Time: 09h00

BITOU LOCAL MUNICIPALITY

15 June 2021

**The Executive Mayor (acting)
Councillors
Municipal Manager and Directors**

SPECIAL COUNCIL MEETING: THURSDAY, 17 JUNE 2021 AT 09H00

NOTICE is hereby given that a Special Council Meeting will be held in the Council Chambers, Municipal Offices, Plettenberg Bay on **THURSDAY, 17 JUNE 2021 AT 09H00** to discuss the business set forth in the Agenda.

Yours faithfully



**E V WILDEMAN
SPEAKER OF COUNCIL**

Constitution of the Council

The Speaker, Alderman E V Wildeman
The Acting Executive Mayor, Councillor S E Gcabayi

Councillor J N Kamkam
Councillor M P Lobese
Councillor X Matyila
Councillor M M Mbali
Councillor N Ndayi
Councillor W J Nel
Councillor A R Olivier
Councillor L M Seyisi
Councillor D J Swart
Councillor V P M van Rhyner
Councillor A S M Windvogel

Bitou Local Municipality

Special Council Agenda:

17 June 2021

Time: 09h00

Order of Business

1. OPENING

2. ATTENDANCE

The attendance registers of members of the Municipal Council, Officials will be circulated for signature.

3. APPLICATION FOR LEAVE OF ABSENCE

Application for leave of absence, if necessary, will be considered.

4. DECLARATION OF INTERESTS

Disclosure of interest by Councillors

5. CONFIRMATION OF MINUTES FOR PREVIOUS MEETINGS

None

6. STATEMENTS AND COMMUNICATIONS BY:

6.1. The Executive Mayor (acting)

6.2. The Speaker

7. PRESENTATIONS

None

8. ITEMS FOR INFORMATION, WHICH HAVE BEEN DEALT WITH BY THE EXECUTIVE MAYOR IN TERMS OF DELEGATED AUTHORITY

None

9. URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER

9.1 ITEM C/3/223/06/21: ELECTION OF THE EXECUTIVE MAYOR

Item for consideration attached hereto.

10. NOTING OF OUTSTANDING / PARTIALLY IMPLEMENTED COUNCIL RESOLUTIONS

None

11. CONSIDERATION OF REPORTS (NON- DELEGATED MATTERS)

No items for consideration

12. CONSIDERATION OF NOTICES OF MOTION

None received

13. CONSIDERATION OF NOTICES OF QUESTION

None received

14. CONSIDERATION OF MOTIONS OF EXIGENCY

None received

15. IN-COMMITTEE MATTERS

15.1 CONFIRMATION OF MINUTES: (IN-COMMITTEE)

None

15.2 CONSIDERATION OF IN-COMMITTEE REPORTS (NON- DELEGATED MATTERS)

No Items for consideration.

16. RECORDING OF COUNCILLORS PRESENT

17. CLOSURE

9.

URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER

	ITEM NO.	SUBJECT	FILE REF	PG NO.
9.1	C/3/223/06/21	ELECTION OF THE EXECUTIVE MAYOR	3/1/10/2	7-10

Section 3: Corporate Services

9.1

ITEM C/3/223/06/21

ELECTION OF THE EXECUTIVE MAYOR

<u>Department:</u>	Corporate Services	<u>Demarcation:</u>	All Wards
<u>Portfolio Comm:</u>	n/a	<u>Delegation:</u>	Council
<u>File Reference:</u>	3/1/10/2		
<u>Attachments:</u>	Annexure “A” Nomination form for Executive Mayor (Green form)		
<u>Author:</u>	Director Corporate Services		
<u>Date:</u>	15 June 2021		

PURPOSE OF THE REPORT

For the Council to elect a Councillor to the office of Executive Mayor.

BACKGROUND/DISCUSSION

A notice of motion for the removal of the Executive Mayor in terms of section 58 of the Local Government: Structures Act, Act 117 of 1998, was submitted to the Municipal Manager on 07 April 2021 by Cllr. X. Matyila. The motion was moved by Cllr. X. Matyila and seconded by Cllr. V. van Rhyner,

All the prescribed legislative procedures were followed and the Speaker, Alderman E. V. Wildeman, had as a result thereof convened a Special Council Meeting on 16 April 2021 for Council to address the matter.

Below is an extract of resolution 9.1 as per Special Council meeting of 16 April 2021;

“

1. *That the Notice of Motion for the removal of the Executive Mayor, Councillor M P Lobese as proposed by Councillor X Matyila and seconded by Councillor V P M van Rhyner in terms of Section 53 & 58 of the Local Government: Municipal Structures Act, Act 117 of 1998, carries.*
2. *That it be **NOTED** that due to (1) above, the Executive Mayor’s Office is vacant and therefore the Deputy Executive Mayor, Councillor S E Gcabayi will be Acting as the Executive Mayor in terms of section 56(6) of the Local Government: Municipal Structures Act, Act 117 of 1998.”*

Section 3: Corporate Services

The Speaker had, as a result of the vacancy, convened a Special Council meeting for the 04 May 2021. The item on the agenda was recorded as C/3/219/04/21. Two candidates were nominated, Councillor S. Gcabayi and Councillor W. Nel. The two candidates received the same number of votes and as a result thereof, another meeting had to be convened in terms of Section 8 (1), Schedule 3 of the local Government: Municipal Structures Act No. 117 of 1998.

This meeting had for various reasons not taken place and the matter was eventually included in the judgement of the Honourable Mr. Acting Justice Salie in the matter of The Speaker of the Bitou Municipality and others and Bill Nel and others that served in the High Court of South Africa (Western Cape Division Cape Town) on 02 June 2021.

The specific paragraph of the applicable judgement is hereby quoted for the convenience of Council:

“3. The First Applicant is directed to convene a Council meeting at 9h00 on Tuesday, 8 June 2021 for the purposes of considering, allowing debate and voting on the items which appeared on the agenda of the 31 May 2021 ordinary Council meeting, attached hereto as Annexure A, as well as the election of an executive mayor in accordance with the procedure set out in Item 8 of Schedule 3 of the Local Government: Municipal Structures Act, 117 of 1998 (the “Structures Act”). The election of the executive mayor shall be the first order of business after items 1-8 of that agenda.”

Section 8 (2) of Schedule 3 of the Local Government: Municipal Structures act, Act 117 of 1998 prescribes the following:

“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”.

Section 55 (2) and Section 55(3) of the Local Government: Municipal Structures Act, 1998 prescribes the following;

“55 *Election of executive Mayors*

(1)

(2) *a vacancy in the office of the executive mayor or executive deputy mayor must be filled when necessary.*

(3) *The procedure set out in Schedule 3 applies to the election of an executive mayor or executive deputy mayor.”*

As the result of the court judgment, the meeting was held on the 8 June 2021, there was again a tie, the election process has therefore to be continued with and be held on Thursday the 17 June 2021. The procedures in Schedule 3 to the Municipal Structures Act will apply. A nomination form is attached as Annexure “A”. Ballot papers will be available at the meeting.

Section 3: Corporate Services

The Speaker will accordingly invite written nominations on the attached nomination form (green) for the office of Executive Mayor at the meeting, and thereafter follow the said procedure of secret ballot if more than one nomination is received.

RELEVANT LEGISLATION

Section 55 (2) and (3) of the Local Government: Municipal Structures Act, 1998

RECOMMENDED BY THE MUNICIPAL MANAGER

That an Executive Mayor be elected in terms of Section 55 (2) and (3) read with Schedule 3 of the Local Government: Municipal Structures Act, Act 117 Of 1998.



BITOU LOCAL MUNICIPALITY

NOMINATION FORM FOR EXECUTIVE MAYOR

Special Council meeting: 17 June 2021

I, Clr.....(Full names), being the proposer, hereby nominate

Clr.....(full names),

being the nominee, as the Executive Mayor of the Bitou Local Municipality.

Proposer_____ (Signature)

I, Clr.....(Full names), hereby second the nomination as mentioned above

Seconder_____ (Signature)

I, Clr.....(Full names), hereby accept the above nomination as Executive Mayor

Nominee_____ (Signature)

Signatures verified by appointed election officer.

_____ (Signature)

_____ (Full names)

_____ (Designation)

_____ (Date)