

Ordinary Council (OPEN) Meeting

30 June 2022

Addendum 1:

ITEM NO	SUBJECT	FIL REF	PG
SECTION 1: OFFICE OF THE MUNICIPAL MANAGER			
C/1/66/06/22	APPOINTMENT OF MUNICIPAL ELECTORAL OFFICER FOR BITOU LOCAL MUNICIPALITY	3/1/R	3-6

SECTION 1

**OFFICE OF THE MUNICIPAL
MANAGER**

Section 1: Office of the Municipal Manager

ITEM C/1/66/06/22

APPOINTMENT OF MUNICIPAL ELECTORAL OFFICER FOR BITOU LOCAL MUNICIPALITY

Department: Corporate Services
File Ref: 3/1/R

Demarcation: All Wards
Delegation: Council

Attachment: Annexure “A” Letter received from the IEC

Report from: Office of the Executive Mayor

Author: acting Senior Manager: Governance and Compliance

PURPOSE

To request Council to appoint a Municipal Electoral Officer.

BACKGROUND

The Electoral Commission requested that the Municipal Manager or a Senior Manager from the Municipality act on a part-time basis as the Municipal Electoral Officer (MEO) for the geographical area of the Bitou Local Municipality.

Section 12 of the Local Government: Municipal Electoral Act 27 of 2000, reads as follows:

“12 Appointment of local representatives

- (1) When an election has been called, the Commission must appoint, for the area of the municipality in which the election will be held, an employee or other person as its representative for the purpose of the election.*
- (2) A local representative of the Commission –
 - (a) May exercise the powers and must perform the duties conferred on or assigned to a local representative by or under this Act;*
 - (b) Performs those functions of office subject to the directions, control and disciplinary authority of the chief electoral officer; and*
 - (c) Holds office subject to section 37”**

The duties of the Municipal Electoral Officer (MEO) who will report directly to the Provincial Electoral Officer (PEO), are as follows:-

- Liaison on Electoral Commission projects between the Municipality and the Electoral Commission;
- Be available for consultation with Electoral Commission members and officials on electoral matters;
- Presiding at Local Party Liaison Committee (PLC) meetings in the Municipality;

Section 1: Office of the Municipal Manager

- Acting as the Commission's appointed representative in terms of section 12 of the Local Government: Municipal Electoral Act, 2000, in respect of all Municipal elections and by-elections called in the Bitou Municipal area;
- Acting as the Municipal Electoral Officer for the Bitou Municipal area in National, Provincial and Local elections, and
- Performance of any other election related function that may be assigned by mutual agreement.

The Electoral Commission requires a resolution from Council recommending to the Electoral Commission the official who may be appointed as the Municipal Electoral Officer, where-after the Electoral Commission will then appoint the official as the Municipal Electoral Officer.

RECOMMENDED BY THE EXECUTIVE MAYOR:

1. That Council having considered the duties and purposes of the appointment of a Municipal Electoral Officer of the Electoral Commission of South Africa, hereby supports, and recommends to the Electoral Commission that Mr. Mbulelo Memani, being the Municipal Manager, be appointed Municipal Electoral Officer of Bitou Local Municipality on the terms and conditions of the Electoral Commission.
2. That approval is granted for the appointed Municipal Electoral Officer to receive an honorarium which is payable to a Municipal Electoral Officer by the Electoral Commission.



SOUTH AFRICA

Mr Mbulelo Memani
Municipal Manager
Bitou Municipality

Per email: mmemani@plett.gov.za

Dear Mr Memani

Re: Appointment of Municipal Electoral Officer for the Bitou Municipality.

I refer to our telcon in regard to the appointment of a Municipal Electoral Officer for the Bitou Municipality.

The Electoral Commission of South Africa (IEC) has the mandate to manage all elections of legislative bodies in South Africa, and to ensure such elections are free and fair. For this purpose, it has placed various administrative processes and systems in place. The Commission realizes the critical importance Municipalities can play in assisting it in its tasks, without compromising its impartiality and independence. In this regard Section 181(3) of the Constitution calls upon organs of State such as municipalities to provide assistance through measures to uphold the independence, impartiality and effectiveness of the Commission.

The Commission has therefore developed a local delivery model that seeks, where appropriate, the appointment of the Municipal Manager or other senior municipal officer as Municipal Electoral Officer (MEO) of the IEC for a municipality. In the case of municipal officers, such appointment must be on the recommendation and support of the Municipal Council concerned.

The role, duties and conditions of appointment of the MEO is briefly as follows:

- Convene and Chair meetings of the local Party Liaison Committee (PLC) on a regular basis and where required, provide support to the Commission by assisting to manage the political processes at local level.

Electoral Commission

Ensuring Free and Fair Elections

Commissioners: Ms. J.Y. Love (Acting Chairperson) | Dr. N.P. Masuku | Mr. M. Moepya | Judge D. Pillay
Western Cape Provincial Electoral Officer: Mr. M. A. Hendrickse | The Bridge, 1st Floor, Unit 4, 304 Durban Road, Bellville, Cape Town
Tel (021) 910 5700 | infowc@elections.org.za | www.elections.org.za


- The MEO shall be the local representative of the Commission for the municipality in which he/she has been appointed, in terms of Section 12 of the Municipal Electoral Act No. 27 of 2000 and shall perform such functions and duties as assigned in terms of legislation or by the Commission.
- The MEO shall facilitate the provision of Council resources and infrastructure in support of electoral activities, where possible and practicable, in a manner which supports the Commission's objectives and which promotes optimal utilisation of such resources.
- The MEO shall perform particular roles and functions related to election delivery as determined from time to time by the Chief Electoral Officer. The MEO is not required to attend to administrative matters outside of the activities as assigned by the Commission, Chief Electoral Officer and directions of the Provincial Electoral Officer.
- The MEO is not required to manage the day-to-day matters relating to IEC business, nor to access and update the electronic systems of the IEC. The MEO is not required to monitor or supervise activities of the IEC local staff but shall liaise with the local and regional staff of the IEC where required.
- The MEO shall not be an office bearer of any political party nor have a high party political profile, and shall always perform his or her duties and functions without bringing the Commission and its mandate into disrepute.
- The MEO shall attend IEC meetings as is reasonably possible.
- The MEO will receive a monthly stipend from the IEC as determined by the Commission.
- As the Council makes a recommendation only, the appointment of MEO is within the sole prerogative of the Commission, which appointment may be cancelled/terminated by the Commission in its sole discretion and on good cause shown, which includes but is not limited to: prejudices the independence and impartiality of the IEC; ceasing to be employed or holding the same position in the Municipality; and not or failing to adequately perform the duties and functions as MEO.

I would be pleased to discuss the matter further with the Mayor and yourself, with the view to the matter being tabled at your Council meeting for consideration and decision.

In the light hereof, Council is requested to consider and approve the following Resolution:

"Council, having considered the duties and purposes of the appointment of Municipal Electoral Officer of the Electoral Commission of South Africa, hereby supports and recommends to the Electoral Commission that..... *[insert name and surname]*, being the Municipal Manager/ *[senior position if not municipal Manager]* be appointed Municipal Electoral Officer of Bitou Municipality on the terms and conditions of the Electoral Commission."

Regards


MICHAEL HENDRICKSE
PROVINCIAL ELECTORAL OFFICER: WESTERN CAPE
 Date: 28/6/2022