MINUTES OF THE SPECIAL COUNCIL MEETING OF BITOU LOCAL MUNICIPALITY HELD IN THE COUNCIL CHAMBER, MUNICIPAL OFFICES, SEWELL STREET, PLETTENBERG BAY ON FRIDAY, 02 FEBRUARY 2024 AT 09H00

1. OPENING

The Speaker, Councillor C N-J Terblanche welcomed everyone present at 09h00 and requested a moment for silent prayer.

2. ATTENDANCE

As per attached attendance register.

3. APPLICATION FOR LEAVE OF ABSENCE

None received, all Councillors were present.

4. DECLARATION OF INTERESTS

None

5. CONFIRMATION OF MINUTES

None

At this point the Speaker changed the order of business appearing on the agenda and informed the Council that Point 12 will be dealt with first and then revert to point 6.

Councillor S E Gcabayi requested a 30-minute caucus, seconded by Councillor H Mitchell which was granted by the Speaker. The meeting adjourned at 9h06 and was reconvened at 9h40.

Councillor W J Nel than requested a 30-minute caucus, seconded by Councillor M P Busakwe at 9h40, which was granted by the Speaker. The meeting was reconvened at 10h10.

12. CONSIDERATION OF NOTICES OF MOTION

Councillor MP Busakwe requested a 30-minute caucus, seconded by Councillor N Ndayi at 10h10, which was granted by the Speaker. The meeting was reconvened at 10h45.

12.9 Notice of Motion received in terms of section 29 (1) and section 58 of the LG: Municipal Structures Act, No 117 of 1998 read with the rules of order dated 25 January 2024 moved by Councillor S E Gcabayi and seconded by Councillor N P Kolwapi titled: "NOTICE OF INTENTION TO MOVE A MOTION TO REMOVE THE EXECUTIVE MAYOR OF THE BITOU LOCAL MUNICIPAL COUNCIL"

Councillor S E Gcabayi addressed the Council on his notice of motion dated 25 January 2024, circulated with the agenda. The motion was submitted by Councillor S E Gcabayi and was seconded by Councillor N P Kolwapi.

02 February 2024

The Speaker, Councillor C N-J Terblanche then put the motion to remove the Executive Mayor of the Bitou Local Municipal Council to vote by show of hands.

IN FAVOUR of the motion - 7 Votes AGAINST the motion - 6 Votes

It was therefore,

Resolved

That the Notice of Motion received in terms of Section 29 (1) and Section 58 of the LG: Municipal Structures Act, no 117 of 1998 proposed by Councillor S E Gcabayi and seconded by Councillor N P Kolwapi to remove the Executive Mayor of the Bitou Local Municipality Council, Councillor D J Swart carries.

EXECUTION: Municipal Manager

12.10 Notice of Motion received in terms of section 29 (1) and section 58 of the LG: Municipal Structures Act, No. 117 of 1998 read with the rules of order dated 25 January 2024 moved by Councillor S E Gcabayi and seconded by Councillor H Mitchell titled: "NOTICE OF INTENTION TO MOVE A MOTION TO RELIQUE THE DEPUTY EXECUTIVE MAYOR OF THE BITOU LOCAL MUNICIPAL COUNCIL"

The Speaker requested that Councillor S E Gcabayi address the Council on his notice of motion dated 25 January 2024, circulated with the agenda. The motion was submitted by Councillor S E Gcabayi and was seconded by Councillor H Mitchell.

The Speaker, Councillor C N-J Terblanche then put the motion to remove the Deputy Executive Mayor of the Bitou Local Municipal Council to the vote by show of hands.

IN FAVOUR of the motion - 7 Votes AGAINST the motion - 6 Votes

It was therefore,

Resolved

That the Notice of Motion received in terms of Section 29 (1) and Section 58 of the LG: Municipal Structures Act. No. 11 of 1998 proposed by Councillor S E Gcabayi and seconded by Councillor H Mitchell to remove the Deputy Executive Mayor of the Bitou Local Municipality Council, Councillor M P Busakwe carries.

EXECUTION: Municipal Manager

For the record: a typo error on the notice of motion 12.10 as circulated with the Agenda was corrected in the meeting.

12.11 Notice of Motion received in terms of section 29 (1) and section 41(e) of the LG: Municipal Structures Act, No 117 of 1998 read with the rules of order dated 25 January 2024 moved by Councillor S E Gcabayi and seconded by Councillor H Mitchell titled: "NOTICE OF INTENTION TO MOVE A MOTION TO REMOVE THE WHIP OF THE BITOU LOCAL MUNICIPAL COUNCIL"

The Speaker requested that Councillor S E Gcabayi address Council on his notice of motion dated 25 January 2024, circulated with the agenda. The motion was submitted by Councillor S E Gcabayi and was seconded by Councillor H Mitchell.

The Speaker, Councillor C N-J Terblanche then put the motion to remove the Whip of the Bitou Local Municipal Council to the vote by show of hands.

IN FAVOUR of the motion - 7 Votes AGAINST the motion - 6 Votes

It was therefore,

Resolved

That the Notice of Motion received in terms of section 29 (1) and section 41(e) of the LG: Municipal Structures Act, No 117 of 1998 proposed by Councillor S E Gcabay and seconded by Councillor H Mitchell to remove the Whip of the Bitou Local Municipality, Councillor A R Olivier, carries.

EXECUTION: Municipal Manager

The Speaker announced that all three motions (points 12.9 to 12.11) have been dealt with and requested the Municipal Manager to take Council through the process that must be followed.

The Municipal Manager confirmed that all three (3) positions are vacant and that nominations will be called for, and elections will be held subsequently, to fill the said vacancies.

13. CONSIDERATION OF REPORTS (NON- DELEGATED MATTERS)

Please note that the following Items were verbally introduced after the motions considered under point 12 above carried and tem numbers were subsequently allocated by administration for record purposes as reflected hereunder.

Section 3: Corporate Services

Resolution C/3/157/02/24

ELECTION OF THE EXECUTIVE MAYOR

Department:

Corporate Services

Demarcation: All Wards

File Reference:

3/1/10/2

ELECTION OF THE EXECUTIVE MAYOR

The Speaker called for nominations for the elections of the Executive Mayor.

It was proposed by Councillor T Mhlana and seconded by Councillor S A Mangxaba that Councillor C N J Terblanche be elected as the Executive Mayor. Councillor C N J Terblanche signed the applicable nomination form in acceptance of the same.

A second proposal was received from Councillor W J Nel and seconded by N Nelayi that Councillor D J Swart be elected as the Executive Mayor. Councillor D J Swart signed the applicable nomination form in acceptance of the same.

The Manager: Legal Services, Mr Alan Crautz, explained the voting process. He pointed out and explained that voting will take place in terms of Schedule 3 of the Local Government Municipal Structures act (by secret ballot).

The Manager Legal Services further announced that councillor Terblanche has accepted the nomination of Executive Mayor, and that he cannot further preside over the election. He explained that as a result, an acting Speaker needs to be elected in terms of Section 41 of the Local Government Municipal Structures act to preside over the election of the Executive Mayor.

Councillor C N-J Terblanche then announced that he is stepping down as Speaker.

It was proposed by Councillor S E Gcabayi and seconded by Councillor N P Kolwapi that Councillor T Mhlana be nominated as acting Speaker.

Councillor C N J Terblanche then put the proposal of Councillor T Mhlana as acting Speaker to the vote by show of hands.

Results of Voting: -

IN FAVOUR of Councillor T Mhlana as acting Speaker - 7 votes

A counter proposal was received from Councillor W J Nel and seconded by Councillor J N Kamkam that Councillor A R Olivier be nominated as acting Speaker.

Councillor C N-J Terblanche then put the proposal of Councillor A R Olivier as acting Speaker to the vote by show of hands.

Results of Voting: -

IN FAVOUR of Councillor A R Olivier as acting Speaker - 6 votes

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The Municipal Manager then announced that the first motion stands for Councillor T Mhlana to act as Speaker, whereafter Councillor T Mhlana took the chair as acting Speaker and proceeded with the meeting.

After completion of the secret ballot paper for the Executive Mayor the counting process took place. Subsequently, the acting Speaker read the outcome of the results for the voting of the election of the position of the Executive Mayor

Results of the secret ballot:

For the first proposal in favour of Councillor C N J Terblanche: 7 Votes For the second Proposal in favour of Councillor D J Swart: 6 Votes

It was therefore;

Resolved

That Councillor C N-J Terblanche be elected as the Executive Mayor of Bitou Municipality in terms of Schedule 3 of the Local Government: Municipal Structures Act, No. 117 of 1998, as amended.

EXECUTION: Municipal Manager

cc. Acting Director Corporate Services

Resolution C/3/158/02/24

ELECTION OF THE DEPUTY EXECUTIVE MAYOR

Department: Corporate Services Demarcation: All Wards

File Reference: 3/1/10/2

The Acting Speaker, Councillor T Mhlana called for nominations for the position of the Deputy Executive Mayor

It was proposed by Councillor N T Seti and seconded by Councillor S A Mangxaba that Councillor N P Kolwapi be elected as the Deputy Executive Mayor. Councillor N P Kolwapi signed the applicable nomination form in acceptance of the same.

A second proposal was received by Councillor N Ndayi and seconded by Councillor D J Swart that Councillor M r Busakwe be nominated as Deputy Executive Mayor. Councillor M P Busakwe signed the applicable nomination form in acceptance of the same.

As two Councillors contested for the position of the Deputy Executive Mayor, voting proceeded with a secret ballot paper. There were thirteen (13) ballots papers, and each Councillor was issued with a stamped ballot paper to cast their votes.

After completion of the secret ballot paper the counting process took place and each party representative was requested to observe the counting process conducted by the Manager Legal Services, Mr. A Croutz and the Municipal Manager, Mr. M Memani.

Subsequently, the Municipal Manager announced the outcome of the results for the voting of the election of the position of the Deputy Executive Mayor.

SIE.

Results of the secret ballot:

For the first proposal in favour of Councillor N P Kolwapi: 7 Votes For the second proposal in favour of Councillor M P Busakwe: 6 Votes

It was therefore;

Resolved

That Councillor N P Kolwapi be elected as the Deputy Executive Mayor of Bitou Municipality in terms of Schedule 3 of the Local Government: Municipal Structures Act, No. 117 of 1998, as amended.

EXECUTION: Municipal Manager

cc. Acting Director Corporate Services

ELECTION OF WHIP OF COUNCIL

Resolution C/3/160/02/24

ELECTION OF A WHIP OF COUNCIL

Directorate: Corporate Services <u>Demarcation:</u> All Wards

File Reference: 3/1/10

Councillor H Mitchell requested a 10-minute caucus at 11h53, which was granted by the Municipal Manager, Mr M Memani. The meeting was reconvened at 12h06.

It was proposed by Councillor N P Kolwapi and seconded by Councillor H Mitchell that Councillor S A Mangxaba be elected as the Whip of Council. Councillor S A Mangxaba signed the applicable nomination for in acceptance of the same.

A second proposal was received from Councillor W J Nel and seconded by Councillor J N Kamkam that Councillor A R Olivier be elected as the Whip of Council. Councillor A R Olivier signed the applicable nomination form in acceptance of the same.

As two Councillors contested for the position of the Whip of Council, voting proceeded with a secret ballot. The acting Speaker pointed out that there were thirteen (13) ballots. Each Councillor was issued with a stamped ballot paper to cast their vote.

After completion of the secret ballot, the counting process took place and each party representative was requested to observe the counting process conducted by the Manager Legal Services, Mr A Croutz and the Municipal Manager, Mr M Memani.

Subsequently, the Municipal Manager read the outcome of the results for the voting of the election of the position of the Whip of Council.

Results of the secret ballot:

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For the first proposal in favour of Councillor S A Mangxaba: 7 Votes For the second proposal in favour of Councillor A R Olivier: 6 Votes

It was therefore;

Resolved

That Councillor S A Mangxaba be elected as the Whip of Council in terms of Schedule 3 of the Local Government: Municipal Structures Act, No. 117 of 1998, as amended.

EXECUTION:

Municipal Manager

cc.

Acting Director Corporate Services

At this point the Municipal Manager announced that the Council will go over to the election process of Speaker of Council. The acting Speaker Councillor T Mhlana vacated the seat whereafter the Municipal Manager presided over the process of the election of Speaker.

Resolution C/3/159/02/24

ELECTION OF THE SPEAKER

Department: Corporate Services **Demarcation:** All Wards

File Reference: 3/1/10/3

It was proposed by Councillor T Mhlana and seconded by Councillor N P Kolwapi that Councillor S E Gcabayi to be elected as the Speaker Councillor S E Gcabayi verbally accepted the nomination.

A second proposal was received from Councillor W J Nel and seconded by Councillor D J Swart that Councillor A R Olivier be elected as the Speaker Councillor A R Olivier verbally accepted the nomination.

Before the completion of nomination forms Councillor S E Gcabayi requested a 10-minute caucus at 12h31, which was granted by the Municipal Manager, Mr Memani. The meeting was reconvened at 12h37, whereafter the two nominees agned the acceptance of nomination forms.

The Municipal Manager explained that as two Councillors were contesting for the position of the Speaker, voting will proceed with a secret ballot. He pointed out that there were thirteen (13) ballots. Each Councillor was issued with a stamped ballot paper to cast their vote.

After completion of the secret ballot, the counting process took place, and each party representative was requested to observe the counting process conducted by the Manager Legal Services and the Municipal Manager.

Subsequently, the Municipal Manager read the outcome of the results for the voting of the election of the position of the Speaker.

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Results of the secret ballot:

For the first proposal in favour of Councillor S E Gcabayi: 7 Votes For the second proposal in favour of Councillor A R Olivier: 6 Votes

It was therefore;

S.E.

Resolved

That Councillor S E Gcabayi be elected as the Speaker of Council in terms of Schedule 3 of the Local Government: Municipal Structures Act, No. 117 of 1998, as amended.

EXECUTION: Municipal Manager

cc. Acting Director Corporate Services

The newly elected Speaker, Councillor S E Gcabayi took the chair as Speaker and proceeded with the meeting.

Councillor Mangxaba, at this stage referred to Rule 7 of the Rules of Order for Bitou Municipality and made further reference to the notices of motion in relation to the filling of "any other vacancy". He proposed that an Item be introduced for the nomination of Chairperson: Municipal Public Accounts Committee (MPAC), since it has become vacant, seconded by Councillor T Mhlana.

Section 1: Office of the Municipal Manager

Resolution C/1/196/02/24

APPOINTMENT OF CHAIRPERSON: MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC)

Directorate: Corporate Services <u>Demarcation:</u> All Wards

File Reference: 3/2/2/1/1

It was proposed by Councillor H Mitchell and seconded by Councillor T Mhlana that Councillor N T Seti be elected as the Chairperson of MPAC.

Resolved

That Councillor N F Seti be elected as the Chairperson of the Municipal Public Accounts Committee (MPAC).

Proposed: Councillor H Mitchell Seconded: Councillor T Mhlana

EXECUTION: Municipal Manager

6. STATEMENTS AND COMMUNICATION BY:

6.1 The Executive Mayor

"We are here today due to three motions of no confidence submitted last week Thursday 25 January 2024. The motions called for the removal and election of the current Mayor, Deputy Mayor and Whip of Council.

As you would notice the face of the Bitou Council have changed. I however am not here to talk to you about current politics, I am here to reassure the Bitou community."

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(Approved: 28 February 2024)

Councillor C N-J Terblanche announced his Mayoral Committee members as follows RESOLUTION C/3/161/02/24: ANNOUNCEMENT OF MAYORAL COMMITTEE (MAYCO): EXECUTIVE MAYOR

Executive Mayor (Chair)

Deputy Executive Mayor

Member of MayCo

Member of Mayco

Councillor C Terblanche
Councillor N P Kolwapi
Councillor H Mitchell
Councillor T Mhlana

"Reassurance is the action of removing someone's doubts or fears. Community of Bitou, today I want to remove your doubts and fears and I would like to do so by reintroducing myself.

I am Claude Terblanche, I am a fiancé to my love Ardelia, I am a father, a son, a brother, a family man, a friend. I am Claude Terblanche a man committed to his community, a man passionate about equal opportunities, a man committed to the hopes, dreams, aspirations and needs of my beloved Plettenberg Bay, from the Garden of Eden to the beautiful village of Covie

I am Claude Terblanche, a man committed to clean governance. For those who are fearful and doubtful, I am Claude whose objectives never changed from the moment I stepped in as Councillor and Speaker on 18 November 2021.

Today the faces of my partners have changed but my objectives and integrity will stay in tack. From today I will still remain the humble, hardworking and sport loving Claude, I will remain the same Claude who puts his community first, and I will remain the Same Claude who strives to outwork all of my fellow Ward Councillors in this Council Chamber today.

Service Delivery and a Budget that is inclusive of all wards to me is the backbone of why I was running for Council in 2021. Today on 21 ebruary 2024, I still have the same reasoning.

Plettenberg Bay it's vital that this Council deliver services, it is vital for this Council to ensure a clean, safe, maintained and conducive environment. These services must be budgeted for all wards. From Harkerville to Covie, no community should be left behind.

The people of Bitou deserves a government that will prioritize a budget sufficient for the needs of all wards. The days of prejudice to certain wards are over. The days where certain wards are prioritized more than others are over.

I stand here today resolute in my reasoning and objectives.

IDP's are not meant to just remain a wish list and collect dust for 2-3 decades, the IDP should become a living document. The role of this council is to ensure that the IDP becomes a living document otherwise what are we here for? The IDP is the heartbeat of the people and the people should be the heartbeat of this council.

Issues such as write off augmentation and attracting development with the aim of job creation requires clear policy direction from Council.

Today many residents have fears. Fears of the unknown. But we want to assure the people of Plettenberg Bay that we are committed to do better than we have in the past two years.

We have appointed capable and competent senior management, and we rely on them to show maturity, professionalism, drive and commitment to this town and its people and for the administration to carry on with service delivery in the same way they have done since their appointment.

02 February 2024

We will not slow down; in fact, we will accelerate and as the Executive Mayor of this town I expect faster turnaround times and even better responses to the needs of the people. I am Claude Terblanche;

I am the Executive Mayor".

<u>For the record:</u> a resolution number has been assigned administratively afterwards for the sake of recordkeeping and administrative purposes for the announcement of the Mayoral Committee members as highlighted in the speech.

6.2 The Speaker

The Speaker mentioned that he was humbled by the support that he has received from the people of Bitou.

7. PRESENTATION

None

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

None

9. NOTING OF OUTSTANDING PARTIALLY IMPLEMENTED COUNCIL RESOLUTIONS.

None

11. URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER

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

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15.2 <u>CONSIDERATION OF IN-COMMITTEE REPORTS (NON- DELEGATED MATTERS)</u>

None

16. RECORDING OF COUNCILLORS PRESENT

The Speaker, Councillor S E Gcabayi requested that Councillors verbally record their presence in the following order;

Councillor A R Olivier, Councillor M P Busakwe, Councillor W J Nel, Councillor J N Kamkam, Councillor N Ndayi, Councillor D J Swart, Councillor N T Seti, Councillor F Mitchell, Councillor T Mhlana, Councillor S A Mangxaba, Councillor N P Kolwapi, Councillor C N-J Terblanche and S E Gcabayi

17. CLOSURE

The Speaker adjourned the Ordinary Council meeting at 13h15

CONFIRMED AND SIGNED

SIGNATURE:

he Spraker, Councillor S E Gcabayi

DATE:

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NAME	SIGNATURE
COUNCILLOR M P BUSAKWE (Deputy	D (m) 20 /
Executive Mayor)	m.Blearne
COUNCILLOR S E GCABAYI	S.E. GMPN
COUNCILLOR J N KAMKAM	Kouran
COUNCILLOR N P KOLWAPI	Molmati
COUNCILLOR S A MANGXABA	
COUNCILLOR T MHLANA	Tillane
COUNCILLOR H MITCHELL	dolee
COUNCILLOR N NDAYI	100 Do
COUNCILLOR W J NEL	
COUNCILLOR A R OLIVIER	
COUNCILLOR N T SETI	N-1 SA
COUNCILLOR D J SWART (Executive Mayor)	
COUNCILLOR C N-J TERBLANCHE (Speaker)	Ctillar

BITOU LOCAL MUNICIPALITY

SPECIAL COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, MUNICIPAL OFFICES, SEWELL STREET, PLETTENBERG BAY ON FRIDAY, 02 FEBRUARY 2024 AT 9H00

OFFICIALS

DESIGNATION	NAME	SIGNATURE
Municipal Manager	Mr M Memani	bold do
DIRI	ECTORS	
Director: Financial Services	Mr F Lötter	Thurs .
Acting Director: Corporate Services & Manager Administration	Mrs. T Wildeman	That I want to the same of the
Acting Director: Economic Development and Planning	Mr. L Gericke	Le W
Director: Community Services	Ms M Paulsen	- Should
Director: Engineering Services	Mr V Felton	
MAN	NAGERS	
Principal Committee Officer	Ms J Jansen	
Committee Clerk	Ms T Mpembe	JAPONE
Manager: Executive Mayor	Mr H Nieuwoudt	Armit
Manager: Deputy Executive Mayor	Mr M James	alle
Manager: Office of the Speaker	Mr R Plaatjies	Black
Manager: Communications	Mr A Namntu	
Chief Audit Executive	Ms H Bester	On-live
Risk Management	Mrs C Van Staden	Wor



Interested members of the Public

Thank you for attending

Name	Contact number	Email address	Representing	Signature
V. Persik	08280168	arralan of	CAGA PRELE LEYES	all
	01296955/6		PATRIOTIC ACC	MEZ LUCIT-
Kim Prince	0667771747	Kimpvinro. pletage	1 cm	
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Thelma taulse	0822571498		Poe	Loalse
Marlane Jansen	0444886074	o jansanmanlan2Equa	al PDC	. A Comse
HILDA WINDVER	1 06622453	81	PDC	2/1/2
Michele Botha	082 456 5937	michele emaqueot.co.tu	PA	M



Interested members of the Public

Thank you for attending

Name	Contact number	Email address	Representing	Signature
C. U. MATAVE	073 8918496		POC	Jant
Agobile Notemel			AUF	AAA
Deboral Market	0733675303		D.A.	D.V. Marsolo
Nelson	073788428		JPM	MATE?
Kumbarca	0710614400		1PM	
Tum.	0731883618		ZPM	Magnes
Michael Pith	065715403			Em
Snyabang, Kulinai	0640978947		ANC Ly e	nor Sta
\bigcap 1	679543717		Pac.	
Mac mong IM	0584781035		P.D.C	
Ohrist8 sher Flegi			ANC	fe Telpo



Interested members of the Public

Thank you for attending

Name	Contact number	Email address	Representing	Signature
A. CARLIELZ	0826235614	HoleOlmaginet	· Co. 29. Disputch	M.
J. House H	0846744235	janlora gua.	l.com misself	de
CHRISTO YLOK	044533-3153	NA	WARD TWO	1 weg
Deli Nicholia			Plet Ratepayer	Det Widde
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Magie from	082397663		Mar Ward 2	asra.
Peles Brown	076781912		un	
hite Kantey	072628518	comail. com	MEDIA	All
HITAONY BOLLSAMIN	0832555244		WARD Z	
Amita	0623527294		WARDS	100



Interested members of the Public

Thank you for attending

Contact number	Email address	Representing	Signature
07/247545		ANC	
2 0605524752		ANC	
0763822		ALIF	WEN
0762060513		P.AC	Jules.
	number 07/247545 0605574752 0763827	number 772475458 0605574752 07638277	number 772475458 ANC 0763827 AUF