



**Bitou Local Municipality**  
**Bitou Plaaslike Munisipaliteit**  
**Umasipala WeBitou**

# **Agenda**

## **SPECIAL MUNICIPAL COUNCIL MEETING**

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

**DATE: 5 APRIL 2024**

**Time: 09h00**

# **BITOU LOCAL MUNICIPALITY**

## **NOTICE**

3 April 2024

The Executive Mayor  
Councillors  
Acting Municipal Manager and Directors

### **SPECIAL COUNCIL MEETING: FRIDAY, 5 APRIL 2024 AT 09H00**

**NOTICE** is hereby given that a Special Council Meeting will be held in the Council Chambers, Municipal Offices, Plettenberg Bay on **FRIDAY, 5 APRIL 2024 AT 09H00** to discuss the business set forth in the Agenda.

Yours faithfully



**S E GCABAYI**  
**SPEAKER OF COUNCIL**

### **Constitution of the Council**

The Speaker, Councillor S E Gcabayi  
The Executive Mayor, Councillor C N J Terblanche

Councillor M P Busakwe  
Councillor J N Kamkam  
Councillor N P Kolwapi  
Councillor S A Mangxaba  
Councillor H Mitchell  
Councillor T Mhlana  
Councillor N Ndayi  
Councillor W J Nel  
Councillor A R Olivier  
Councillor N T Seti  
Councillor D J Swart



# **Bitou Local Municipality**

## **Special Council Agenda:**

**5 April 2024**

**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 (OPEN)**

None

**6. STATEMENTS AND COMMUNICATIONS BY:**

6.1. The Executive Mayor

6.2. The Speaker

**7. PRESENTATIONS**

Presentation by Mr. Ysuf Ganief from African Indigenous Renaissance Project

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

To be considered at the Ordinary Council Meeting of April 2024



**9. NOTING OF OUTSTANDING / PARTIALLY IMPLEMENTED COUNCIL RESOLUTIONS**

To be considered at the Ordinary Council Meeting of April 2024

**10. CONSIDERATION OF REPORTS (NON- DELEGATED MATTERS)**

Circulated herewith

**11. URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER**

None received

**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**

No In-Committee matters for consideration.

**16. RECORDING OF COUNCILLORS PRESENT**

**17. CLOSURE**

## **10. CONSIDERATION OF REPORTS (NON-DELEGATED MATTERS)**

**PORTFOLIO INDEX**  
**CONSIDERATION OF REPORTS**  
**SPECIAL COUNCIL MEETING**  
**5 APRIL 2024**

**SECTION 1: OFFICE OF THE MUNICIPAL MANAGER**

ITEM NO	SUBJECT	FILE REF	PAGE NO
C/1/218/04/24	APPOINTMENT OF ACTING DIRECTOR CORPORATE SERVICES FOR THE PERIOD 08 APRIL 2024 UNTIL 07 MAY 2024 (ONE MONTH)	4/3/5/1/3	8

**SECTION 2: FINANCE**

ITEM NO	SUBJECT	FILE REF	PAGE NO
	No Items for information		

**SECTION 3: CORPORATE SERVICES**

ITEM NO	SUBJECT	FILE REF	PAGE NO
C/3/178/04/24	MUNICIPAL COUNCIL RECESS AND DELEGATION TO EXECUTIVE MAYOR PRIOR TO THE 2024 GENERAL NATIONAL AND PROVINCIAL ELECTIONS	2/2/2/1	12

**SECTION 4: COMMUNITY SERVICES**

ITEM NO	SUBJECT	FILE REF	PAGE NO
	No Items for information		

**SECTION 5: ENGINEERING SERVICES**

ITEM NO	SUBJECT	FILE REF	PAGE NO
	No Items for information		

**SECTION 6: ECONOMIC DEVELOPMENT & PLANNING**

ITEM NO	SUBJECT	FILE REF	PAGE NO
	No Items for information		

**SECTION 1**

**OFFICE OF THE MUNICIPAL  
MANAGER**

## Section 1: Office of the Municipal Manager

ITEM C/1/218/04/24

### APPOINTMENT OF ACTING DIRECTOR CORPORATE SERVICES FOR THE PERIOD 08 APRIL 2024 UNTIL 07 MAY 2024 (ONE MONTH)

**Portfolio Comm:** Strategic Services & Office of the MM      **Demarcation:** All Wards  
**File Ref:** 4/3/5/1/3      **Delegation:** Council

**Attachments:** Annexure “A”: - Extract of the Unconfirmed Minutes - Council Resolution C/1/207/03/24 dated 07 March 2024 (Appointment of an Acting Director Corporate Services for the period 08 March 2024 until 07 April 2024)

**Report by:** Acting Municipal Manager

**Author:** Senior Manager Human Resources Management

**Date:** 18 March 2024

#### **PURPOSE**

The purpose of this report is;

To seek Council’s approval to appoint a Senior Official within the Directorate Corporate Services to act as Director Corporate Services for the period 08 April 2024 until 07 May 2024.

#### **BACKGROUND**

Council at its Special Council meeting of Thursday, 07 March 2024, resolved to appoint Mr. Andile Namntu in an acting capacity in the position of Director Corporate Services for the period 08 March 2024 until 07 April 2024 (*Annexure “A”*).

Furthermore, Council at its meeting of Wednesday, 28 February 2024, resolved to re-advertise the position of Director Corporate Services under Council Resolution C/1/203/02/24. The position was advertised under notice number 87 of 2024 and the closing date for applications is 09 April 2024.

Section 56 (1)(a)(ii) of the Local Government Municipal Systems Act, 32 of 2000 states that a Municipal Council, after consultation with the Municipal Manager, must appoint an acting manager directly accountable to the Municipal Manager under circumstances and for a period as prescribed.

Section 56 (1)(b) states that a person appointed in terms of 56(1)(a)(ii) must at least have the skills, expertise, competencies and qualifications as prescribed.

Section 56 (1)(c) states that a person appointed in terms of paragraph (a) (ii) may not be appointed to act for a period that exceeds three months: Provided that a Municipal Council may, in special circumstances and on good cause shown, apply in writing to the MEC for local government to extend the period of appointment contemplated in paragraph (a), for a further period that does not exceed three months.



## **Section 1: Office of the Municipal Manager**

In terms of the Local Government: Municipal Systems Act: Regulations: Appointment and conditions of employment of senior managers, and in this instance for the Director Corporate Services, an employee must meet the following criteria,

<b>Higher Education Qualifications:</b>	Bachelor Degree in Public Administration / Management Science / Law; or equivalent (i.e. a NQF 7 and higher)
<b>Years and type of Experience:</b>	5 years' experience at middle management level Have proven successful management experience in administration.
<b>MMCL</b>	15 unit standards or attain it within 18 months from date of appointment

### **LEGISLATIVE REQUIREMENTS**

Municipal Systems Act, Act 32 of 2000  
Labour Relations Act, Act 85 of 1993  
Regulations 15(6) and 17 of the Regulations on the Appointment and Conditions of Employment of Senior Managers  
Employment Equity Act, Act

### **RECOMMENDED BY THE MUNICIPAL MANAGER**

That Council appoints Mr/Mrs. \_\_\_\_\_ as acting Director Corporate Services for the period 08 April 2024 until 07 May 2024.

**EXTRACT FROM THE UNCONFIRMED MINUTES OF THE SPECIAL COUNCIL MEETING OF BITOU LOCAL MUNICIPALITY HELD IN THE COUNCIL CHAMBER, MUNICIPAL OFFICES, SEWELL STREET, PLETTENBERG BAY ON THURSDAY, 07 MARCH 2024 AT 09H00**

“

**Resolution C/1/207/03/24**

**APPOINTMENT OF ACTING DIRECTOR CORPORATE SERVICES FOR THE PERIOD 08 MARCH 2024 UNTIL 07 JUNE 2024**

**Portfolio Comm:** Strategic Services & Office of the MM      **Demarcation:** All Wards  
**File Ref:** 4/3/5/1/3      **Delegation:** Council

**Resolved**

1. That Council appoints **Mr. A Namntu** to act as Director Corporate Services for a period of one month (8 March 2024 until 07 April 2024).
2. That the Acting Municipal Manager apply in writing to the Minister to waive the requirements for Mr. A Namntu to act in the position of Director Corporate Services as mentioned in 1. above.

**Proposed:** Councillor T Mhlana  
**Seconded:** Councillor H Mitchell

**EXECUTION:** Senior Manager Human Resources Management  
**Cc** Municipal Manager”

**SECTION 3**  
**CORPORATE SERVICES**

### Section 3: Corporate Services

ITEM C/3/178/04/24

#### MUNICIPAL COUNCIL RECESS AND DELEGATION TO EXECUTIVE MAYOR PRIOR TO THE 2024 GENERAL NATIONAL AND PROVINCIAL ELECTIONS

**Portfolio Comm:** Finance and Corporate Services

**File Ref:** 2/2/2/1

**Demarcation:** All Wards

**Delegation:** Council

**Attachment:** None

**Report from:** Acting Director Corporate Services

**Author:** Principal Administration Officer

**Date:** 4 April 2024

#### **PURPOSE OF THE REPORT**

To obtain a resolution for Council to go into recess during as it is customary for the Municipal Council to go into recess prior to the elections.

#### **BACKGROUND / DISCUSSION**

President Cyril Ramaphosa has, in accordance with Section 49(2) of the Constitution of the Republic of South Africa, read with Section 17 of the Electoral Act of 1998, determined 29 May 2024 as the date for the 2024 General National and Provincial Elections.

It is therefore suggested that the Municipal Council resolve to go into recess prior to the 2024 General national and provincial elections for pre-election preparations.

#### **RECOMMENDED BY THE ACTING MUNICIPAL MANAGER**

1. That the Municipal Council resolves to go into recess from \_\_\_\_\_ till \_\_\_\_\_ for the pre-election preparations.
2. That, in view of [1] above, the Executive Mayor, Cllr C N-J Terblanche or the person acting in his position, be delegated and authorised to perform all the official Municipal Council duties, functions and responsibilities during the periods Saturday, 25<sup>th</sup> May 2024 until Sunday, 2<sup>nd</sup> June 2024, with the exception of those powers as set out 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; as well as;*

### **Section 3: Corporate Services**

- (e) *disposal of council properties;*
- (f) *approval of Integrated Development Plan;*
- (g) *the appointment of managers directly accountable to the Municipal Manager in terms of Section 56 of the Municipal Systems Act; and*
- (h) *the appointment of the Municipal Manager and Acting Municipal Managers in terms of Section 54A of the Municipal Systems Act.*