



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

# **Agenda**

## **SPECIAL MUNICIPAL COUNCIL MEETING**

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

**DATE: 12 APRIL 2024**

**Time: 08h00**

# **BITOU LOCAL MUNICIPALITY**

## **NOTICE**

10 April 2024

The Executive Mayor  
Councillors  
Acting Municipal Manager and Directors

### **SPECIAL COUNCIL MEETING: FRIDAY, 12 APRIL 2024 AT 08H00**

**NOTICE** is hereby given that a Special Council Meeting will be held in the Council Chambers, Municipal Offices, Plettenberg Bay on **FRIDAY, 12 APRIL 2024 AT 08H00** 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:

**12 April 2024**

**Time: 08h00**

### **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**

None

**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**

**15.1 CONFIRMATION OF MINUTES: (IN-COMMITTEE)**

None

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

Circulated separately as an Addendum.

**16. RECORDING OF COUNCILLORS PRESENT**

**17. CLOSURE**

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

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

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

| ITEM NO | SUBJECT                  | FILE REF | PAGE NO |
|---------|--------------------------|----------|---------|
|         | No Items for information |          |         |

**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/3/179/04/24 | NOMINATION OF A REPRESENTATIVE TO THE GARDEN ROUTE DISTRICT MUNICIPALITY | 3/1/10/5 | 8       |

**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 3**  
**CORPORATE SERVICES**

### Section 3: Corporate Services

ITEM C/3/179/04/24

#### NOMINATION OF A REPRESENTATIVE TO THE GARDEN ROUTE DISTRICT MUNICIPALITY

**Portfolio Comm:** Finance & Corporate Services

**Demarcation:** All Wards

**File Ref:** 3/1/10/5

**Delegation:** Council

**Attachment:** Annexure A: Email communication from IEC Provincial Office.

**Report by:** Acting Director: Corporate Services

**Author:** Manager: Administration

**Date:** 8 March 2024

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

For Council to

1. Rescind resolution C/3/170/03/24 of 7 March 2024 and;
2. Declare a vacancy and nominate a representative to serve on Garden Route District Municipality as requested by the Provincial IEC Office.

#### **BACKGROUND/DISCUSSION**

Council at its Special Council meeting of 7 March 2024 resolved under resolution C/3/170/03/24 the following;

*“That Councillor S A Mangxaba be appointed in terms of Schedule 2, item 14 (b) of the Local Government: Municipal Structures Act 117 of 1998, to serve on the Garden Route District Municipality.”*

The IEC responded to the Municipality and informed the municipality that Bitou’s appointment procedure does not meet the requirements in terms of the Structures act, and therefore an amended Item is tabled before Council. They further responded that Council does not make appointment but the IEC.

The Municipality is required to withdraw the current representative i.e. Councillor N T Seti and to include the outcome from the full council.

Therefore, based on the above, Council is required to rescind resolution C/3/170/03/24.

#### **RELEVANT LEGISLATION**

Local Government: Municipal Structures Act 117 of 1998



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

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

1. That resolution C/3/170/03/24 of 7 March 2024, be rescinded.
2. That it be noted that Councillor N T Seti has been appointed as a fulltime Councillor at Bitou Municipality, and therefore be withdrawn as the local representative to the Garden Route District Municipality.
3. That Councillor S A Mangxaba be nominated in terms of the Local Government: Municipal Structures Act 117 of 1998, to serve on the Garden Route District Municipality, when the vacancy comes into effect.

**From:** Lawrence, Leonora  
**Sent:** Thursday, 28 March 2024 12:21  
**To:** Andisiwe Kelem <[Andisiwe@gardenroute.gov.za](mailto:Andisiwe@gardenroute.gov.za)>; February, Alvina <[FebruaryA@elections.org.za](mailto:FebruaryA@elections.org.za)>  
**Cc:** Brown, Lyndon [RS - Eden Region] <[BrownL@elections.org.za](mailto:BrownL@elections.org.za)>  
**Subject:** RE: Declaration of a vacancy

Dear Andisiwe

Thank you for your communication.

Please note that the supporting document, extract from Bitou, does not meet the requirements of the Structures Act. Councils do not make appointments, the IEC does. The Resolution must inform you of the decision to withdraw the representative, and also include the outcome from the full council (present at the meeting).

Kind regards

Leonora Lawrence  
DM: Electoral Operations  
Provincial Office Western Cape  
Tel. 021- 910 5702

