
ADDITIONAL ITEM

18.1	RECONSTITUTION OF SECTION 80 COMMITTEES
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

29 January 2020

1. SUBJECT: RECONSTITUTION OF SECTION 80 COMMITTEES

2. PURPOSE OF REPORT

To rescind the Council decision of 27 February 2019 in order to reconstitute the Section 80 Portfolio Committees.

3. DELEGATED AUTHORITY

Municipal Council

4. EXECUTIVE SUMMARY

The Municipal Structures Act provides for committees to assist the executive committee or Executive Mayor. At its meeting of 16 February 2017, and subsequently on 31 October 2018, Council approved the establishment of the portfolio committees as envisaged in Section 80 of the Municipal Structures Act.

The Executive Mayor has, in terms of Section 60 of the Municipal Structures Act 117 of 1998, reshuffled her Mayoral Committee members, effective from 1 November 2018. This led to a change in the Councillors that served as Chairpersons of the Section 80 Committees as well as the portfolios which they represent, and the introduction of two new S80 Committees.

The National and Provincial elections on 8 May 2019 led to the resignation of Cllr de Villiers, who was the Mayco member for Community Safety and Portfolio Chair for Community and Protection Services, and the position became vacant. Cllr Q Smit then also acted as Portfolio Chair of the particular committee. Cllr R Badenhorst was subsequently appointed as Mayco member for Community Safety. Cllr Bakubaku-Vos also resigned as councillor. Subsequently, councillor Fassler was appointed in the place of ex-councillor de Villiers, and councillor Moses was appointed in the place of ex-councillor Bakubaku-Vos. Councillor Dalling was also appointed in the place of ex-councillor de Wet when he resigned early in 2019.

On 11 November 2019 the Speaker and the Deputy Mayor both resigned, and the ex-Deputy Mayor was appointed as interim Speaker. On 14 November 2019 a new Deputy Mayor and Speaker were re-elected.

5. RECOMMENDATIONS

- (a) that Council rescinds the resolution of 27 February 2019, except in so far as the Terms of Reference for the various S80 Committees which remain [Appendix B]; and
- (b) that Council approves the establishment of the following Section 80 Committees and its composition, with the names of Councillors as follows:

COMMUNITY AND PROTECTION SERVICES

1. Cllr R Badenhorst (Chairperson) [DA]
2. Cllr Charles Manuel [DA]
3. Cllr J-K Hendriks [DA]
4. Cllr N Olayi [DA]
5. Cllr N Sinkinya [ANC]
6. Cllr G Cele [ACDP]

CORPORATE SERVICES

1. Cllr A Frazenburg (Chairperson) [DA]
2. Cllr R du Toit [DA]
3. Cllr Z Dalling [DA]
4. Cllr F Bangani [ANC]

ECONOMIC DEVELOPMENT AND PLANNING

1. Cllr E Groenewald (Chairperson) [DA]
2. Cllr T Gosa [DA]
3. Cllr A Hanekom [DA]
4. Cllr J Fasser [DA]
5. Cllr L Stander [ANC]

FINANCIAL SERVICES

1. Cllr P Crawley (Chairperson) [DA]
2. Cllr J Hamilton [DA]
3. Cllr A Florence [DA]
4. Cllr R Nalumango [ANC]
5. Cllr M Oliphant [ANC]

HUMAN SETTLEMENTS

1. Cllr W Petersen (Chairperson) [DA]
2. Cllr A Crombie [DA]
3. Cllr D Joubert [DA]
4. Cllr P Sitshoti [ANC]

INFRASTRUCTURE

1. Cllr Q Smit (Chairperson) [DA]
2. Cllr J Serdyn [DA]
3. Cllr N Mcombring [DA]
4. Cllr A Hanekom [DA]
5. Cllr C Moses [ANC]

PARKS, OPEN SPACES AND ENVIRONMENT

1. Cllr X Mdemka (Chairperson) [DA]
2. Cllr J Serdyn [DA]
3. Cllr E Vermeulen [DA]
4. Cllr F Adams [DNCA]

RURAL MANAGEMENT AND TOURISM

1. Cllr S Peters (Chairperson) [DA]
2. Cllr A Crombie [DA]
3. Cllr J-K Hendriks [DA]
4. Cllr N Mananga-Gugushe [ANC]
5. Cllr L Horsband [EFF]

YOUTH, SPORT AND CULTURE

1. Cllr M Pietersen (Chairperson) [DA]
2. Cllr R du Toit [DA]
3. Cllr E Vermeulen [DA]
4. Cllr N Sinkinya [ANC]
5. Cllr D Hendrickse [EFF]

6. DISCUSSION / CONTENT**6.1 Background**

Council, at an Urgent meeting held on 16 February 2017, appointed the Section 80 Committees in line with legislation. The Executive Mayor appointed her Mayoral Committee and Council noted the chairpersons of the respective committees in line with Section 80 of the Municipal Structures Act.

During October 2018, the Executive Mayor has, in terms of Section 60 of the Municipal Structures Act 117 of 1998, reshuffled her Mayoral Committee members, effective from 1 November 2018. This led to a change in the Councillors that served as Chairpersons of the Section 80 Committees as well as the portfolios which they represent, and the introduction of two new S80 Committees.

The National and Provincial elections on 8 May 2019 led to the resignation of Cllr de Villiers, who was the Mayco member for Community Safety and Portfolio Chair for Community and Protection Services, and the position became vacant. Cllr Q Smit then also acted as Portfolio Chair of the particular committee. Cllr R Badenhorst was subsequently appointed as Mayco member for Community Safety. Cllr Bakubaku-Vos also resigned as councillor. Subsequently, councillor Fassler was appointed in the place of ex-councillor de Villiers, and councillor Moses was appointed in the place of ex-councillor Bakubaku-Vos. Councillor Dalling was also appointed in the place of ex-councillor de Wet when he resigned in 2019.

On 11 November 2019 the Speaker and the Deputy Mayor both resigned, and the ex-Deputy Mayor was appointed as interim Speaker. On 14 November 2019 a new Deputy Mayor and Speaker were re-elected.

6.2 Discussion

Section 80 of the Municipal Systems Act provides for:

“Committees to assist executive committee or executive mayor

- (1) *If a municipal council has an executive committee or executive mayor, it may appoint in terms of section 79, committees of councillors to assist the executive committee or executive mayor.*
- (2) *Such committees may not in number exceed the number of members of the executive committee or mayoral committee.*
- (3) *The executive committee or executive mayor -*
 - (a) *appoints a chairperson for each committee from the executive committee or mayoral committee;*
 - (b) *may delegate any powers and duties of the executive committee or executive mayor to the committee;*

- (c) *is not divested of the responsibility concerning the exercise of the power or the performance of the duty; and*
- (d) *may vary or revoke any decision taken by a committee, subject to any vested rights.*
- (4) *Such a committee must report to the executive committee or executive mayor in accordance with the directions of the executive committee or executive mayor.”*

The resignation of councilors from this Council during 2019 necessitates the recomposing of S80 committees.

These circumstances compels the Executive Mayor to reconsider the S80 committees.

The new proposed committees will reflect the new Mayco composition, the composition of Council and the proportional representation of the political parties in Council.

The Terms of Reference, as approved on 31 October 2018 remains in place.

The Executive Mayor hereby recommend to Council the S80 committees as set out above.

6.3 Financial Implications

None

6.4 Legal Implications

The item is legally compliant (S60 and S80 of the Municipal Structures Act).

6.5 Staff Implications

None

6.6 Previous / Relevant Council Resolutions

Council meetings: 16 February 2017; 31 October 2018; 27 February 2019; 27 November 2019

6.7 Risk Implications

None

6.8 Comments from Senior Management

None required

FOR FURTHER DETAILS CONTACT:

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