



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2020-10-30

NOTICE OF AN URGENT MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY MONDAY, 2020-11-02 AT 10:00

TO The Municipal Manager, Ms G Mettler
The Executive Mayor, Ald G Van Deventer (Ms)
The Deputy Executive Mayor, Cllr WC Petersen (Ms)

COUNCILLORS	F Adams	MC Johnson
	FJ Badenhorst	DD Joubert
	FT Bangani-Menziwa (Ms)	N Mananga-Gugushe (Ms)
	Ald PW Biscombe	C Manuel
	G Cele (Ms)	NE Mcombring (Ms)
	PR Crawley (Ms)	XL Mdemka (Ms)
	A Crombie (Ms)	C Moses (Ms)
	Z Dalling (Ms)	RS Nalumango (Ms)
	R Du Toit (Ms)	N Olayi
	J Fasser	MD Oliphant
	A Florence	SA Peters
	AR Frazenburg	MM Pietersen
	E Fredericks (Ms)	WF Pietersen
	T Gosa	SR Schafer
	E Groenewald (Ms)	Ald JP Serdyn (Ms)
	JG Hamilton	N Sinkinya (Ms)
	AJ Hanekom	P Sitshoti (Ms)
	DA Hendrickse	Q Smit
	JK Hendriks	LL Stander
	LK Horsband (Ms)	E Vermeulen (Ms)
	N Jindela	

Notice is hereby given in terms of Section 29, read with Section 18(2) of the *Local Government: Municipal Structures Act, 117 of 1998*, as amended, that an **URGENT MEETING** of the **COUNCIL** of **STELLENBOSCH MUNICIPALITY** will be held in the **STELLENBOSCH TOWN HALL, PLEIN STREET, STELLENBOSCH** on **MONDAY, 2020-11-02** at **10:00**.

**MUNICIPAL MANAGER
G METTLER (MS)**

A G E N D A
URGENT MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY
2020-11-02
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1.	OPENING AND WELCOME
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2.	APPLICATIONS FOR LEAVE OF ABSENCE
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3.	DISCLOSURE OF INTERESTS
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4.1	ELECTION OF A SPEAKER IN TERMS OF SECTION 36 OF THE LOCAL GOVERNMENT STRUCTURES ACT, ACT 117 OF 1998
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

2 November 2020

THE MUNICIPAL MANAGER CONDUCTS ELECTION AND HANDS OVER CHAIR TO SPEAKER AFTER ELECTION PROCESS IS CONCLUDED

1. SUBJECT: ELECTION OF A SPEAKER IN TERMS OF SECTION 36 OF THE LOCAL GOVERNMENT STRUCTURES ACT, ACT 117 OF 1998

2. PURPOSE

To elect a Speaker in terms of Section 36 of the Local Government Municipal Structures Act, no 117 of 1998.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Council elects a Speaker in terms of Section 36 of the Local Government Municipal Structures Act, no 117 of 1998 (further referred to as "the Act") at the first meeting after its election or when necessary to fill a vacancy, from among the councillors.

The Speaker elected at the Urgent meeting of Council on 14 November 2019, Councillor Nyaniso Jindela, resigned as Speaker effective from the 31st October 2020. The letter given to the Municipal Manager dated 30 October 2020, is attached as **APPENDIX A**.

There is therefore a vacancy in terms of Section 39 of the Act, and Council must elect a Speaker to fill the vacancy from among the councillors.

Section 36 provides for the process to elect a Speaker for Council, inter alia, when a vacancy must be filled. The Municipal Manager must preside over the election of the Speaker and the procedure for the election is set out in Schedule 3 of the Act. Schedule 3 provides, inter alia, that a secret voting process must be followed after the nomination process, if more than one person is nominated.

5. RECOMMENDATIONS

- (a) that Council elects a Speaker in terms of Section 36 of the Local Government Structures Act, 117 of 1998, and in accordance with the procedure set out in Schedule 3 of the Municipal Structures Act; and
- (b) that it be confirmed that the Speaker position is regarded as a full time office bearer and is remunerated as a full-time Speaker in accordance with the provisions of Notice 1426 dated 21 December 2018, as approved by Council on 30 January 2019.

6. DISCUSSION / CONTENTS

6.1. Background

Council elects a Speaker in terms of Section 36 of the Local Government Municipal Structures Act, no 117 of 1998 (further referred to as "the Act") at the first meeting after its election or when necessary to fill a vacancy, from among the councillors.

6.2 Discussion

The Speaker elected at the Urgent meeting of Council on 14 November 2019, Councillor Nyaniso Jindela, resigned as Speaker effective from the 31st October 2020. The letter provided to the Municipal Manager on 30 October 2020, is attached as **APPENDIX A**.

Section 36 provides for the process to elect a Speaker for Council, inter alia, when a vacancy must be filled. The Municipal Manager must preside over the election of the Speaker and the procedure for the election is set out in Schedule 3 of the Act. Schedule 3 provides, inter alia, that a secret voting process must be followed after the nomination process, if more than one person is nominated.

The filling of the vacancy will be for the duration of the current term of Council. The position of Speaker is a full-time position as per the seventh amended Establishment Notice for Stellenbosch Municipality (WC024) dated 31 July 2015, read with the Council resolution dated 15 August 2016, copies of which are attached as **APPENDICES C and D**.

Nominations must be made on a form as determined by the Municipal Manager and must be signed by two councillors and the nominee must indicate acceptance of the nomination. The prescribed form for the nomination is attached hereto as **APPENDIX E**. Ballot papers will be prepared at the council meeting.

6.3 Legal Framework

In terms of Section 36 of the Local Government: Municipal Structures Act, 117/98:-

- Each municipal Council must have a chairperson who will be called the Speaker;
- At its first sitting after its election, a municipal Council must elect its Speaker from among the Councillors;
- The Municipal Manager of the municipality or, if the Municipal Manager is not available, a person designated by the MEC for local government in the province, presides over the election of a Speaker;
- The procedure set out in Schedule 3 of the Structures Act applies to the election of a Speaker; and
- A Councillor may not hold office as Speaker and Mayor at the same time.

In terms of Section 38 of the said Act, the Speaker is elected for a term ending when the next Council is declared elected, subject thereto that a vacancy is filled during the term if the Speaker resigns during the term. A Speaker vacates office during a term if that person, in terms of Section 39 –

- resigns as Speaker;
- is removed from office by a resolution of Council; or
- ceases to be a Councillor.

6.4 Election Procedure

Schedule 3 of the said Act, which deals with the election of municipal office bearers, reads as follows:

"Application

1. *The procedure set out in this Schedule applies whenever a municipal council meets to elect a speaker.*

Nominations

2. *The person presiding at a meeting to which this Schedule applies must call for the nomination of candidates at the meeting.*

Formal requirements

3. (1) *A nomination must be made on the form determined by the municipal manager.*
- (2) *The form on which a nomination is made must be signed by two members of the municipal council.*
- (3) *A person who is nominated must indicate acceptance of the nomination by signing either the nomination form or any other form of written confirmation.*

Announcement of names of candidates

4. *At a meeting to which this Schedule applies, the person presiding must announce the names of the persons who have been nominated as candidates, but may not permit any debate.*

Single candidate

5. *If only one candidate is nominated, the person presiding must declare that candidate elected.*

Election procedure

6. *If more than one candidate is nominated-*
- (a) *a vote must be taken at the meeting by secret ballot;*
 - (b) *each councillor present at the meeting may cast one vote; and*
 - (c) *the person presiding must declare elected the candidate who receives a majority of the votes.*

Elimination procedure

7. (1) *If no candidate receives a majority of the votes, the candidate who receives the lowest number of votes must be eliminated and a further vote taken on the remaining candidates in accordance with item 6. This procedure must be repeated until a candidate receives a majority of the votes.*
- (2) *When applying sub-item (1), if two or more candidates each have the lowest number of votes, a separate vote must be taken on those candidates, and repeated as often as may be necessary to determine which candidate is to be eliminated.*

Further meetings

- 8.(1) *If only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, a further meeting must be held within seven days at a time determined by the person presiding.*
- (2) *If a further meeting is held in terms of sub-item (1), the procedure in this Schedule must be applied at that meeting as if it were the first meeting for the election in question.*
- (3) *If at the further meeting held in terms of sub-item (1) only two candidates are nominated or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, the person presiding at such meeting must determine by lot who of the two candidates will hold the office for which the election has taken place."*

6.5 Financial Implications

The Speaker position is a full-time councillor position and the newly elected Speaker will be paid according to the provisions of the Upper Limits as approved on 6 May 2020.

6.6 Legal Implications

The provisions in the legislation are discussed in par 6.3 above.

6.7 Staff Implications

The support staff is linked to the term of office of a specific office bearer. Notice will be given to the staff to terminate the contract at the end of November 2020.

6.8 Previous / Relevant Council Resolutions

Resolution 1 – election of Speaker on 14-11-2019.

Resolution 6.5 – designation of Full-time councillors dated 15-08-2016.

Resolution 7.1 – 2020-05-06: Approval by Executive Mayor under delegated authority: Implementation of Upper limits.

6.9 Risk Implications

Operations of Council can be detrimentally affected if Council does not elect a Speaker.

6.10 Comments from Senior Management

The item does not need to be circulated for comment.

APPENDICES:

- Appendix A: Letter from Councillor N Jindela, dated 30 October 2020
- Appendix B: Council Resolution, dated 14 November 2019
- Appendix C: 7th amendment Establishment Notice for Stellenbosch Municipality (WC024) dated 15 July 2015
- Appendix D: Council resolution – designation of full-time councillors dated 15 August 2016
- Appendix E: Nomination form

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler
POSITION	Municipal Manager
DIRECTORATE	Municipal Manager
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	Geraldine.Mettler@stellenbosch.gov.za
REPORT DATE	30 October 2020

APPENDIX A

Councillor N. Jindela

209 Aurora Flats

Stellenbosch

30 October 2020

The Office of the Municipal Manager

Stellenbosch Municipality

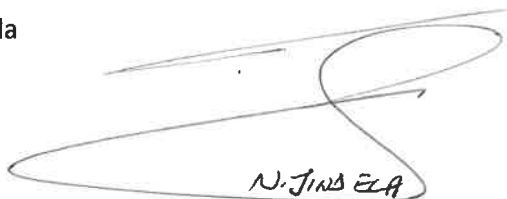
Re: Resignation as a Speaker

Good morning Ms Mettler, please find my letter as referred above.

Herewith I formally render my resignation as Speaker of the Stellenbosch municipal council, Effective as from the 31st of October 2020. I would like to thank the municipality for the opportunity And support I received from both councillors and officials during my time as a speaker.

Yours sincerely

N. Jindela

A handwritten signature in black ink, consisting of a large, stylized loop that crosses itself. Below the signature, the name "N. JINDELA" is written in a smaller, cursive script.

APPENDIX B

4.1	ELECTION OF A SPEAKER IN TERMS OF SECTION 36 OF THE LOCAL GOVERNMENT STRUCTURES ACT, ACT 117 OF 1998
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

14 November 2019

THE MUNICIPAL MANAGER CONDUCTS ELECTION AND HANDS OVER CHAIR TO SPEAKER AFTER ELECTION PROCESS IS CONCLUDED

1. SUBJECT: ELECTION OF A SPEAKER IN TERMS OF SECTION 36 OF THE LOCAL GOVERNMENT STRUCTURES ACT, ACT 117 OF 1998

2. PURPOSE

To elect a Speaker in terms of Section 36 of the Local Government Municipal Structures Act, no 117 of 1998.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Council elects a Speaker in terms of Section 36 of the Local Government Municipal Structures Act, no 117 of 1998 (further referred to as "the Act") at the first meeting after its election or when necessary to fill a vacancy, from among the councillors.

The Speaker elected at the meeting of Council on 30 July 2018, Councillor Wilhelmina Petersen (Ms), resigned as Speaker on 11 November 2019. The letter given to the Municipal Manager dated 11 November 2019, is attached as **APPENDIX A**.

At an urgent Council meeting held on 11 November 2019, Councillor Nyaniso Jindela was elected as an interim Speaker in terms of section 41 of the Structures Act (**APPENDIX B**). There is therefore a vacancy in terms of Section 39 of the Act, and Council must elect a Speaker to fill the vacancy from among the councillors.

Section 36 provides for the process to elect a Speaker for Council, inter alia, when a vacancy must be filled. The Municipal Manager must preside over the election of the Speaker and the procedure for the election is set out in Schedule 3 of the Act. Schedule 3 provides, inter alia, that a secret voting process must be followed after the nomination process, if more than one person is nominated.

SPECIAL COUNCIL: 2019-11-14: ITEM 4.1

The Municipal Manager, Ms G Mettler, officiated as Chairperson for the election of the Speaker. She called for nominations for the Office of Speaker.

In line with Clause 4 of Schedule 3, the following duly signed nominations were received:

Councillor N Jindela (form attached as **APPENDIX 1**);and

Councillor MD Oliphant (form attached as **APPENDIX 2**).

Cllr MD Oliphant announced that he declines his nomination. Since there were no other nominations (single candidate in terms of Clause 5 of Schedule 3):

the Municipal Manager then

DECLARED

Cllr N Jindela as duly elected Speaker.

HAVING CONCLUDED THE ELECTION OF THE SPEAKER, THE MUNICIPAL MANAGER HANDED OVER THE CHAIR TO THE DULY ELECTED SPEAKER OF THE STELLENBOSCH MUNICIPAL COUNCIL.

ACCEPTANCE SPEECH BY THE NEWLY ELECTED SPEAKER**3/3/2/3**

"Councillors and Officials,

Good afternoon

Before I say anything, we as the Xhosa nation received some very sad news that the King of the Xhosa Nation, **King Zwelonke Mpendulo Sigcawu** from the **Mbashe Municipality** passed away this morning. Can we please observe a moment of silence to pay our respect (moment of silence is observed). Thank you.

Thank you for the confidence that you put in me. I hope that I don't disappoint you and that you don't disappoint me – it is going to be a two-way approach. I am going to ensure that there is discipline when it comes to this Chambers. I'm also going to ensure that we stick to Rule 32 (go and read it), and that I won't be forced to use it, because when you are forced to use it, you become a nasty person and I don't want to be nasty.

It is my plea that we obey and respect Council's Rules and respect each other, as this is not a political party's rules, but Council's. As politicians we will always play politics, but let us play them to our limits and not try to hurt each other, because the moment you hurt each other, you are no longer playing politics, but you are playing the man and no longer the ball. Let us respect each other and make sure we stick to and apply the rules. The community out there is waiting for service delivery and we all are here to ensure that service delivery is taking place instead of playing internal politics. My focus would be to assist the Executive Mayor to ensure that service delivery is taking place. I'm appealing to Ward Councillors to do what is expected of them, the Ward Committees as well.

It is my role to ensure the oversight, accountability, integrity and efficiency with regard to our day-to-day functioning of this Council and Council meeting. Partiality and fairness must guide every decision without any bias. It is a position of respect and demand to be treated as such by all in this Chambers. Speaker is in charge of legislative arm of Council, this is just a reminder and it is response for guide and guiding it making sure that the system of cheques and balances are in place to ensure the efficient working of our democracy. The Speaker therefore stands as a guardian of the Democratic processes within Local Government, and I think that will be my role to ensure that all practices are free, fair and to the benefit of the Resident of Stellenbosch Municipality, because at the end to the day I must make sure that the winner is the Community of Stellenbosch not any other party here in the Chambers. That is why I'm saying we will play the ball not the man.

On those words, Madam Mayor, allow me to say thank you to everyone here, thank you to the ANC, I know it was going to be tough to compete against the candidate from the ANC, but you made it very easy, you saw it coming that this is the battle you were not going to win, so thank you for that and also the Councillors, everybody that is here. Councillor WF Pietersen, you could have nominated someone else instead of my name, but you decided to keep quiet and support my name. Thank you for that. Councillor from the ACDP, you had a choice but you decided not to use your choice, it was your democracy. Thank you to everybody here who supported this occasion.

Thank you!"

POLITICAL PARTIES' RESPONSES

3/3/23

An opportunity is afforded to the political parties to offer brief responses.

SPECIAL COUNCIL: 2019-11-14: ITEM 4.1

RESOLVED (nem con)

- (a) that it be noted that Council elects **Cllr N Jindela** as duly elected Speaker in terms of Section 36 of the Local Government Structures Act, 117 of 1998, and in accordance with the procedure set out in Schedule 3 of the Municipal Structures Act; and
- (b) that it be confirmed that the Speaker position is regarded as a full time office bearer and is remunerated as a full-time Speaker in accordance with the provisions of Notice 1426 dated 21 December 2018, as approved by Council on 30 January 2019.

APPENDIX C



Western Cape Government • Wes-Kaapse Regering

PROVINCE OF WESTERN CAPE

PROVINSIE WES-KAAP

Provincial Gazette

Provinsiale Koerant

7460

7460

Friday, 31 July 2015

Vrydag, 31 Julie 2015

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

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(*Reprints are obtainable at 16th Floor, Atterbury House, 9 Riebeeck Street, Cape Town 8001.)

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(Vervolg op bladsy 1672)

PROVINCIAL NOTICES

The following Provincial Notices are published for general information.

ADV. B. GERBER,
DIRECTOR-GENERAL

Provincial Legislature Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWINGS

Die volgende Provinsiale Kennisgewings word vir algemene inligting gepubliseer.

ADV. B. GERBER,
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,
Waalstraat,
Kaapstad.

ISAZISO SEPHONDO

Ezi zaziso zilandelayo zipapashelwe ukunika ulwazi ngokubanzi.

ADV. B.GERBER,
UMLAWULI-JIKELELE

iSakhiwo sePhondo,
Wale Street,
eKapa.

P.N. 261/2015

31 July 2015

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 (ACT 117 OF 1998)**THE STELLENBOSCH MUNICIPALITY (WCO24) ESTABLISHMENT SEVENTH AMENDMENT NOTICE**

In terms of section 16 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), I hereby further amend the Stellenbosch Municipality (WCO24) Establishment Notice, Provincial Notice 489/2000 published in Provincial Gazette 5590 dated 22 September 2000 (the principal Notice) as set out in the Schedule.

In this notice “principal Notice” means the Stellenbosch Municipality (WCO24) Establishment Notice, Provincial Notice 489/2000 published in Provincial Gazette 5590 dated 22 September 2000, as amended by Provincial Notice 675/2000 published in the Provincial Gazette Extraordinary No. 5642 dated 4 December 2000, Provincial Notice 456/2002 published in the Provincial Gazette Extraordinary No. 5968 dated 19 December 2002, Provincial Notice 184/2003 published in the Provincial Gazette Extraordinary No. 6020 dated 28 May 2003, Provincial Notice 11/2006 published in the Provincial Gazette Extraordinary No.6333 dated 3 January 2006, Provincial Notice 117/2008 published in the Provincial Gazette 6511 dated 28 March 2008, Provincial Notice 55/2011 published in the Provincial Gazette No. 6852 dated 25 February 2011 and Provincial Notice 283/2014 published in the Provincial Gazette No. 7320 dated 24 October 2014.

Dated this 21st day of July 2015.

AW BREDELL, PROVINCIAL MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

SCHEDULE**Amendment of the Schedule of the principal Notice****1. Section 9 of the principal Notice is amended by the substitution of the following subsection:**

“Full-time Councillors

9. The Local Municipality may designate the following councillors as full-time councillors:—

- (a) the executive mayor;
- (b) the members of the mayoral committee;
- (c) the speaker;
- (d) a single whip appointed for Council, and
- (e) Chairperson of Committee established in terms of section 79 (MPAC).”

2. Short title and commencement

This Notice is called the Stellenbosch Municipality (WCO24) Establishment Seventh Amendment Notice and comes into operation on the date of publication.

P.K. 261/2015

31 Julie 2015

WET OP PLAASLIKE REGERING: MUNISIPALE STRUKTURE, 1998 (WET 117 VAN 1998)**DIE MUNISIPALITEIT STELLENBOSCH (WCO24) INSTELLINGSKENNIGGEWING SEWENDE WYSIGINGSKENNIGGEWING**

In terme van artikel 16 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998), wysig ek hierby verder die Munisipaliteit Stellenbosch (WCO24) Instellingskennigging, Provinsiale Kennigging 489/2000 gepubliseer in Provinsiale Koerant 5590 van 22 September 2000 (die hoofkennigging) soos uiteengesit in die Bylaag.

In hierdie kennigging beteken "hoofkennigging" die Munisipaliteit Stellenbosch (WCO24) Instellingskennigging, Provinsiale Kennigging 489/2000 gepubliseer in Provinsiale Koerant 5590 van 22 September 2000, soos gewysig deur Provinsiale Kennigging 675/2000 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 5642 van 4 Desember 2000, Provinsiale Kennigging 456/2002 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 5968 van 19 Desember 2002, Provinsiale Kennigging 184/2003 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 6020 van 28 Mei 2003, Provinsiale Kennigging 11/2006 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 6333 van 3 Januarie 2006, Provinsiale Kennigging 117/2008 gepubliseer in die Provinsiale Koerant Nr. 6511 van 28 Maart 2008, Provinsiale Kennigging 55/2011 gepubliseer in die Provinsiale Koerant Nr. 6852 van 25 Februarie 2011 en Provinsiale Kennigging 283/2014 gepubliseer in die Provinsiale Koerant Nr.7320 van 24 Oktober 2014.

Gedateer op hierdie 21ste dag van Julie 2015.

AW BREDELL, PROVINISALE MINISTER VAN PLAASLIKE REGERING, OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING**BYLAAG****Wysiging van die Bylaag tot die hoofkennigging.****1. Artikel 9 van die hoofkennigging word gewysig deur die vervanging deur die volgende subartikel:**

“Voltydse Raadslede

9. Die Plaaslike Munisipaliteit mag die volgende raadslede as voltydse raadslede aanwys:
- die uitvoerende burgermeester;
 - lede van die burgermeesterskomitee;
 - die speaker;
 - 'n enkele sweep aangewys vir die Raad, en
 - Voorsitter van Komitee ingestel ingevolge artikel 79 ('MPAC').”

2. Korttitel en inwerkingtreding

Hierdie Kennigging word die Munisipaliteit Stellenbosch (WCO24) Instellingskennigging Sewende Wysigingskennigging genoem en tree in werking op die datum van publikasie.

I.S. 261/2015

31 kweyeKhala 2015

UMTHETHO OYILOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 (UMTHETHO 117 KA-1998)**ISAZISO SESIXHENXE SOLUNGISO SEZICWANGCISO-ZIKHUNDLA U MASIPALA WASESTELLENBOSCH (WCO24)**

Ngokwemiqathango yecandelo 16 loMthetho oyiLocal Government: Municipal Structures Act, 1998 (uMthetho 117 ka-1998), apha ke ndenza ezinye izilungiso kwiSaziso esiyiStellenbosch Municipality (WCO24) Establishment Notice, iSaziso sePhondo esinguNomb. 489/2000 esapapashwa kwiGazethi yePhondo enguNomb. 5590 yomhla wama-22 Septemba 2000 (iSaziso satanci) njengoko kucaciswa kwiShedyuli.

Kwesi saziso "iSaziso satanci" sibhekisele kwiSaziso esiyiStellenbosch Municipality (WCO24) Establishment Notice, iSaziso sePhondo esinguNomb. 489/2000 esapapashwa kwiGazethi yePhondo enguNomb. 5590 yomhla wama-22 Septemba 2000, njengoko senziwa izilungiso ngeSaziso sePhondo esinguNomb. 675/2000 esapapashwa kwiGazethi yePhondo yeSikhawu enguNomb. 5642 yomhla we-4 Disemba 2000, iSaziso sePhondo esinguNomb. 456/2002 esapapashwa kwiGazethi yePhondo yeSikhawu enguNomb. 5968 yomhla we-19 Disemba 2002, iSaziso sePhondo esinguNomb. 184/2003 esapapashwa kwiGazethi yePhondo yeSikhawu enguNomb. 6020 yomhla wama- 28 Meyi 2003, iSaziso sePhondo esinguNomb. 11/2006 esapapashwa kwiGazethi yePhondo yeSikhawu enguNomb. 6333 yomhla we-3 Januwari 2006 neSaziso sePhondo esinguNomb. 117/2008 esapapashwa kwiGazethi yePhondo enguNomb. 6511 yomhla wama-28 Matshi 2008 yePhondo esinguNomb. 55/2011 esapapashwa kwiGazethi yePhondo enguNomb 6852 yomhla wama-25 kuFebhuwari 2011 neSaziso sePhondo esinguNomb. 283/2014 esapapashwa kwiGazethi yePhondo enguNomb 7320 yomhla wama-24 kuOktobha 2014.

Ngalo mhla wama-21 ku uJulayi 2015.

AW BREDELL, UMPHATHISWA WEPHONDO WOLAWULO LWEEDOLOPHU NEZITHILI, IMICIMBI YOKUSINGQONGILEYO NOCWANGCISO LOPHUHLISO**ISHEDULI****Izilungiso kwiShedyuli yeSaziso satanci****1. ICandelo 9 leShedyuli leSaziso esiyintloko siyalungiswa ngokufakela eli candelo lilandelayo endaweni yecandelo 9:**

“OoCeba abasebenza isigxina

9. Umasipala weSithili angamisela aba ceba balandelayo njengooceba besigxina
- Usodolophu wesigqeba solawulo;
 - Amalungu ecandelo lekomiti yosodolophu;
 - nosomlomo;
 - Umbhexeshi omnye onyulelewe iBhunga, kunye
 - Usihlalo wekomiti eyasekwa ngokwecandelo 79.”

2. Isihloko esifutshane nomhla wokuqalisa

Saziso sibizwa ngokuba nguMasipala waseStellenbosch (WCO24) esisekiweyo ngokwesilungiso seSixhenxe kwaye siya kuqalisa ukusebenza ngomhla esiya kupapashwa ngaso.

APPENDIX D

6.5 DESIGNATION OF FULL-TIME COUNCILLORS

File number : 3/3/3/2

Report by : Acting Municipal Manager

Compiled by : Director: Strategic & Corporate Services

Delegated Authority : Council

1. LEGAL FRAMEWORK

In terms of Section 12 of the Structures Act, the MEC for Local Government in a Province, by notice in the Provincial Gazette, must establish a municipality in each municipal area which the Demarcation Board demarcates in the province in terms of the Demarcation Act.

Such establishment notice must, *inter alia*, specify:-

- the type of municipality that is established;
- the number of Councillors as determined in terms of Section 20; and
- which Councillors of the municipality (if any) may be designated as full-time in terms of Section 18.

In terms of Section 16 of the Structures Act, the MEC for Local Government in a Province, by notice in the Provincial Gazette, may amend a Section 12 notice to, *inter alia*,

- change the municipality from its existing type to another type;
- specify which Councillors of the municipality (if any) may be designated as full-time in terms of Section 18; and
- alter the number of Councillors.

A Proclamation Notice, published by the Minister for Co-operative Governance and Traditional Affairs, on 14 December 2011, in the Government Gazette no. 34868, attached as **APPENDIX 1**, states that "The member of the Executive Council of a Province responsible for local government may determine that councillors who have been elected or appointed to any of the following offices in a municipal council, may be designated as full-time:

- The Speaker;
- The Executive Mayor;
- The Deputy Executive Mayor;
- A member of a Mayoral Committee;
- Chairperson of a committee established in terms of Section 79 in a municipality with 40 or more Councillors;
- A single Whip appointed for Council in municipalities with 40 or more councillors."¹

¹ Note selective quotation, based on applicability.

In terms of Section 18(4) of the Municipal Structures Act, Act 117/1998 a municipality has the power to designate Councillors determined by the MEC for Local Government as full-time.

2. SECTION 12 NOTICE

In terms of the Stellenbosch Municipality (WCO24) Establishment Notice, read with the subsequent amendment notices:-

- (a) Stellenbosch Municipality is a municipality with a mayoral executive system combined with a ward participatory system (type of municipality), as provided for in Section 9 (d) of the Municipal Structures Act;
- (b) Stellenbosch Municipality may designate the following Councillors as full-time Councillors:-
 - the Executive Mayor;
 - the members of the Mayoral Committee;
 - the Speaker;
 - the Single Whip; and
 - the Chairperson of MPAC (Municipal Public Accounts Committee).

Attached as **APPENDIX 2** is the Provincial Gazette: no. 7460, dated 31 July 2015, confirming the designation of the above as full-time councillors.

With reference to the status of the Deputy Executive Mayor, Section 60(2) of the Municipal Structures Act, 117 of 1998, states that *“the mayoral committee must consist of the deputy executive mayor (if any) and as many councillors as may be necessary for effective and efficient government, provided that no more than 20 per cent of the councillors or 10 councillors, whichever is the least, are appointed.”*

Hence, by virtue of section 60(2) of the Municipal Structures Act, a Deputy Executive Mayor must form part of the mayoral committee, if one is elected. Therefore, based on this legal provision, read with Item 9(b) of the Establishment Notice of Stellenbosch Municipality, the Deputy Executive Mayor of Stellenbosch Municipality is a full-time councillor as he/she is a member of the mayoral committee.

3. CODE OF CONDUCT

In terms of Item 8 of the Code of Conduct for Councillors, a councillor who is full-time may not undertake any other paid work, except with the consent of a municipal council, which consent shall not unreasonably be withheld.

RECOMMENDED

that the following Councillors as determined by the MEC be designated by Council as full-time Councillors:-

- the Executive Mayor;
- the members of the Mayoral Committee (including the Deputy Executive Mayor);
- the Speaker;
- the Single Whip; and
- the Chairperson of MPAC (Municipal Public Accounts Committee).

(ACTING MUNICIPAL MANAGER TO ACTION)

1st COUNCIL MEETING: 2016-08-15: ITEM 6.5**RESOLVED** (majority vote)

that the following Councillors as determined by the MEC be designated by Council as full-time Councillors:-

- the Executive Mayor;
- the members of the Mayoral Committee (including the Deputy Executive Mayor);
- the Speaker;
- the Single Whip; and
- the Chairperson of MPAC (Municipal Public Accounts Committee).

The following Councillors requested that their votes of dissent be minuted:

Councillors F Adams; DA Hendrickse; and LK Horsband (Ms)

(ACTING MUNICIPAL MANAGER TO ACTION)

APPENDIX E



STELLENBOSCH
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MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

**NOMINATION FORM:
ELECTION OF THE SPEAKER**

We, the undersigned, hereby nominate the following person:

FULL NAME OF NOMINEE:

Signed at Stellenbosch this day of2020.

Name of Mover

Nominator 1: Name:

Signature:

Seconder: Name:

Signature:

I,(full name)(ID number)

the undersigned, hereby accept the nomination / do not accept the nomination*

Signed at Stellenbosch this day of2020.

.....

SIGNATURE OF NOMINEE

*delete the part that is not applicable

In terms of Section 3(1) of Schedule 3 of the Structures Act