






KOUGA
local municipality

Good Governance through Service Excellence

SPECIAL COUNCIL MEETING

AGENDA

Date : 20 APRIL 2018
Time: 15:00
Venue : Kouga Council Chamber
(Jeffreys Bay Unit)

<p>KOUGA MUNICIPALITY (EC108)</p> <p><u>NOTICE CONVENING A MEETING</u></p> <p>NOTICE IS HEREBY GIVEN that an Special Council Meeting will be held in the in the <u>Kouga Council Chambers, (Jeffreys Bay Unit)</u> on</p> <p><u>DATE:</u> 20 April 2018</p> <p><u>TIME:</u> 15:00</p>  <p><u>H.M. HENDRICKS</u> SPEAKER</p>	<p>UMASIPALA I-KOUGA (EC108)</p> <p><u>ISAZISO NGENTLANGANISO</u></p> <p>OKU KUKWAZISA OKOKUBA intlanganiso yesiquphe ye-khansile iyakube ibanjelwe <u>e-Kouga Council Chambers, (Jeffreys Bay Unit)</u></p> <p><u>UMHLA:</u> 20 UTshazimpuzi 2018</p> <p><u>IXESHA:</u> 15:00</p>  <p><u>H.M. HENDRICKS</u> USOMLOMO</p>	<p>MUNISIPALITEIT KOUGA (OK108)</p> <p><u>KENNISGEWING VAN VERGADERING</u></p> <p>KENNIS GESKIED HIERMEE dat 'n Spesiale Raadsvergadering in die <u>Kouga Raadsaal, (Jeffreys-baai Eenheid)</u> gehou sal word op</p> <p><u>DATUM:</u> 20 April 2018</p> <p><u>TYD:</u> 15:00</p>  <p><u>H.M. HENDRICKS</u> WOORDVOERDER</p>
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AGENDA

1. **NOTICE OF MEETING**
2. **OPENING AND WELCOME**
3. **LEAVE OF ABSENCE**
4. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**
5. **MATTERS DEALT WITH IN TERMS OF DELEGATED AUTHORITY BY THE EXECUTIVE MAYOR**

(The reports by the Executive Mayor, in terms of the provisions of Section 63 of the Local Government Municipal Systems Act, 32 of 2000, on matters dealt with by the Executive Mayor in terms of delegated authority as detailed in the Minutes to be noted).

6. **REPORTS BY THE ACTING EXECUTIVE MAYOR**

6.1 **CORPORATE SERVICES**

7. **REPORT BY THE PORTFOLIO COMMITTEE CHAIRPERSON**

18/04/CORP2 Resignation of Speaker

(To be tabled at the meeting)

18/04/CORP3 Election of Speaker

Pages 4-5

18/04/CORP4 Election of Executive Mayor

Pages 6-8

8. **CLOSURE**

Distribution list:

Executive Mayor

Speaker

All Councillors

Municipal Manager

All Directors

Relevant Managers

KOUGA MUNICIPALITY (EC 108)

SPECIAL COUNCIL MEETING

CORPORATE SERVICES

DATE: 20 APRIL 2018

ITEM NO: 18/04/CORP3

ELECTION OF A SPEAKER

1. Introduction

It should be noted that the Speaker of the Municipal Council has elected to vacate his office as the Speaker, in line with Section 39 of the Local Government: Municipal Structures Act No. 117 of 1998 (as amended), and hereinafter referred to as the Act, in that he resigned as Speaker. The office of the Speaker is thus vacant.

2. Applicable Legislation

Section 36 of the Act speaks to the election of Speakers, and provides that each Municipal Council must have a chairperson who will be called the Speaker. It further provides that when it becomes necessary to fill a vacancy, a Municipal Council must elect its Speaker from among the Councillors. The Municipal Manager will preside over the election of a Speaker and which election process will follow the procedure stipulated in Schedule 3 of the Act.

Schedule 3 of the Act, that provides for the election of municipal office-Bearers.

3. Election procedure

- 3.1 Person presiding over the meeting shall call for the nomination of candidates at the meeting;
- 3.2 A nomination will be made on the determined form and a person who is nominated must indicate acceptance of the nomination by signing the nomination form (or any other form of written confirmation).
- 3.3 The person presiding will announce the names of the nominated candidates;
- 3.4 If only one nomination, that candidate will be declared elected;
- 3.5 If more than one candidate is nominated that a vote will be taken by secret ballot and each Councillor present may cast one vote and the person presiding must declare elected the candidate who received the majority of votes.

4. Comments by Municipal Manger

None

5. Recommendation

- 5.1 That Councillor _____ be declared Speaker of the Kouga Municipality for a term consistent with Section 38 of Act 117 of 1998 (as amended).

Item prepared by: The Manager: Legal Services

KOUGA MUNICIPALITY (EC 108)**SPECIAL COUNCIL MEETING****CORPORATE SERVICES****DATE: 20 APRIL 2018****ITEM NO: 18/04/CORP4****ELECTION OF EXECUTIVE MAYOR**1. Introduction

The Executive Mayor for the Kouga Municipal Council, Cllr. E Van Lingen, sadly passed away on 19 April 2018 and as a result the office of the Executive Mayor is now vacant. Council is now required, in terms of Section 55 (2) of the Local Government Municipal Structures Act No.117 of 1998 (as amended), and hereinafter referred to as the Act, to fill the vacancy of the office of the Executive Mayor.

It must be noted that the Kouga Municipal Council does not have a Deputy Executive Mayor to exercise the powers and perform the duties of the Executive Mayor as provided for in Section 56(6) of the Act, whereby the deputy Executive Mayor of a municipality exercises the powers and performs the duties of the Executive Mayor if the Executive Mayor is absent or not available or if the office of the Executive Mayor is vacant.

It is important to note that in terms of Section 60(5) of the Act, the Mayoral Committee dissolves if the Executive Mayor vacates office.

1. Applicable Legislation

Section 56 (6) of the Local Government Municipal Structures Act No.117 of 1998 (as amended) provides that the deputy Executive Mayor of a municipality exercises the powers and performs the duties of the Executive Mayor if the Executive Mayor is absent or not available or if the office of the Executive Mayor is vacant.

Section 57 (1) – (5) provides for the functions and powers of the Executive Mayor.

56 Functions and powers of executive mayors

(1) An executive mayor is entitled to receive reports from committees of the municipal council and to forward these reports together with a recommendation to the council when the matter cannot be disposed of by the executive mayor in terms of the executive mayor's delegated powers.

(2) The executive mayor must-

- (a) identify the needs of the municipality;
- (b) review and evaluate those needs in order of priority;
- (c) recommend to the municipal council strategies, programmes and services to address priority needs through the integrated development plan, and the estimates of revenue and expenditure, taking into account any applicable national and provincial development plans; and
- (d) recommend or determine the best way, including partnership and other approaches, to deliver those strategies, programmes and services to the maximum benefit of the community.

(3) The executive mayor in performing the duties of office, must-

- (a) identify and develop criteria in terms of which progress in the implementation of the strategies, programmes and services referred to in subsection (2) (c) can be evaluated, including key performance indicators which are specific to the municipality and common to local government in general;
- (b) evaluate progress against the key performance indicators;
- (c) review the performance of the municipality in order to improve-
 - (i) the economy, efficiency and effectiveness of the municipality;
 - (ii) the efficiency of credit control and revenue and debt collection services; and
 - (iii) the implementation of the municipality's by-laws;
- (d) monitor the management of the municipality's administration in accordance with the directions of the municipal council;
- (e) oversee the provision of services to communities in the municipality in a sustainable manner;
- (f) perform such duties and exercise such powers as the council may delegate to the executive mayor in terms of section 59 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);
[Para. (f) amended by s. 16 (a) of Act 51 of 2002.]
- (g) annually report on the involvement of communities and community organisations in the affairs of the municipality; and
- (h) ensure that regard is given to public views and report on the effect of consultation on the decisions of the council.

(4) An executive mayor must perform a ceremonial role as the municipal council may determine.

(5) An executive mayor must report to the municipal council on all decisions taken by the executive mayor.

(6) The deputy executive mayor of a municipality exercises the powers and performs the duties of the executive mayor if the executive mayor is absent or not

Schedule 3 of the Act, that provides for the election of municipal office- Bearers.

2. Election procedure

- 3.1 Person presiding over the meeting shall call for the nomination of candidates at the meeting;
- 3.2 A nomination will be made on the determined form and a person who is nominated must indicate acceptance of the nomination by signing the nomination form (or any other form of written confirmation).
- 3.3 The person presiding will announce the names of the nominated candidates;
- 3.4 If only one nomination, that candidate will be declared elected;
- 3.5 If more than one candidate is nominated that a vote will be taken by secret ballot and each Councillor present may cast one vote and the person presiding must declare elected the candidate who received the majority of votes.

4. Comments by Municipal Manager

None.

5. Recommendation

- 5.1 That Councillor _____ be declared Executive Mayor of the Kouga Municipality for a term consistent with Section 46 of Act 117 of 1998.

Item prepared by: The Manager: Legal Services