

Ref: Mr M Mothekhe
Ext: 8095/8543
Date: February 28, 2023

Madam Speaker
Council Item

RESIGNATION OF THE EXECUTIVE MAYOR: COUNCILLOR MXOLISI SIYONZANA

1. Purpose

The purpose of this report is to appraise the Municipal Council on the resignation of the Executive Mayor, Councillor Mxolisi Siyonzana.

2. Background

Councillor Mxolisi Siyonzana joined the Mangaung Municipal Council in November 2003, as proportional representative councillor of the ANC. He served as the Council whip from the period November 2003 until December 2006. And during the middle of the Council term he was elected as the Deputy Executive Mayor. Following the Municipal elections in 2006, he was elected as the Speaker of Council.

Councillor Siyonzana resigned on the 16 August 2021 as the Speaker of Council and was elected as the Executive Mayor following the removal of former executive mayor, councillors Olly Mlamleli on the 14 August 2020. After the municipal elections in November 2021, he was elected as the Executive Mayor.

On the evening of Monday, February 27, 2023, after serving as the Executive Mayor for a period of sixteen months, and noting that he served as a councillor for period of over twenty (20) years, councillor Mxolisi Siyonzana, submitted a letter of resignation. His resignation is effective from February 27, 2023, and he resigns both, as an Executive Mayor and ANC PR councillor, meaning that he cease to hold office in the Mangaung Municipal Council.

3. Deliberations

The Municipal Structures Act stipulates that should the mayor resign in the middle of his term the election for his or her successor must take place "as soon as necessary". In order to mitigate the risk of vacuum, the Deputy Executive Mayor, who was elected by the Municipal Council, resumes the responsibility of the Executive Mayor until a new Mayor is elected.

Councillor Mxolisi Siyonzana resignation meant that the mayoral committee was dissolved with effect from midnight of February 27, in terms of Section 60(5) of the Structures Act.

The only standing member of the Mayoral Committee is the Deputy Executive Mayor, who was also elected during the full seating of the Municipal Council. In terms of Section 60(5) of the Structures Act.

3.1. Resignation as the Executive Mayor

Section 59 of the Municipal Structures Act (Act No.117 of 1998) makes provision for vacation of office and stipulates as follows, namely

An Executive Mayor vacates office during a term if that person –

- a) Resigns as executive mayor;
- b) Is removed from office as an executive mayor;
- c) Ceases to be councillor

3.2. Legal Provision in the absence of the Executive Mayor

A vacuum may exist if the elected Executive Mayor vacates office in the middle of the term. However the following provision dictates how and who assumes responsibility in the absence of the Executive Mayor. In terms of the Municipal Structures Act section 56 (6) states as follows,

“ the Deputy Executive Mayor of a municipality exercises the power 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.”

3.3. Mayoral Committee

Section 60 (5) stipulates as follows, namely;

If the Executive Mayor vacates office, the mayoral committee appointed by that executive mayor dissolves.

3.4. Term of office of the Deputy Executive Mayor

The election of the Deputy Executive Mayor is similar with that of the Executive Mayor, as prescribed in section 57 of the Municipal Structures Act. Even though Mayoral Committee members are affected by the resignation of the Executive Mayor, because he/she is the appointing authority. The Deputy Executive Mayor on the other hand is directly appointed by the Municipal Council and thus remains in office to fill the vacuum which might arise and to enable the Council to fill the vacancy.

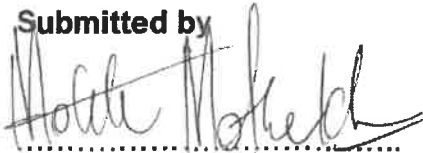
4. Recommendations

It is hereby recommended

- a) That the Municipal Council takes note of the report regarding the resignation of the Executive Mayor, Councillor Siyonzana;

- b) That Council notes that Members of the Mayoral Committee cease to hold office of being MMC's and thus becomes part-time councillors effective from the date of resignation; and;
- c) That the Deputy Executive Mayor, Councillor Mapaseka Mothibi-Nkoane assumes full responsibilities of the functions performed by the Executive Mayor, until the Municipal Council fill the vacancy.

Submitted by



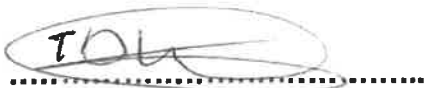
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MR. MOTETE MOTHEKHE
GENERAL MANAGER

Supported



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ADV. NKATEKO MPANGANE
ACTING HOD: CORPORATE

Recommended/ Not Recommended



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MR. TEBOGO MOTLASHUPING
ACTNG CITY MANAGER 01/03/2023

Ratification



.....
MS. GUGU MALAZA 01/03/2023
NATIONAL CABINET REP.

Approved / Not Approved



01 / 03 / 2023

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COUNCILLOR SB LOCKMAN-NAIDOO
SPEAKER OF COUNCIL



MANGAUNG
METRO MUNICIPALITY
METRO MUNISIPALITEIT
LEKG TLA LA MOTSE

OFFICE OF THE
EXECUTIVE MAYOR

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Room: 101 Bram Fischer Building

Date: 27 Feb 2023

Hon Speaker of Council

7th Floor Bram Fischer Building
Cnr Nelson Mandela & Markgraaf
Westdene
Bloemfontein
9300

27/02/2023

Dear Cllr Stefani-Naidoo Lockman

RESIGNATION LETTER OF MR MXOLISI SIYONZANA

I hereby tender my resignation as the Executive Mayor and a Public Representative Councillor of Mangaung Metro Municipality herein.

I appreciate the opportunity for growth and development you have provided during my tenure. Thank you for your guidance and support. Furthermore, I would like to express my sincerest gratitude for all the years I have served and been deployed by the African National Congress in different Capacities in the Metro municipality. It has been a great pleasure and honour to serve the ANC.

I shall continue to serve this revolutionary movement with respect and honour. Thank You.

Yours Sincerely,

Cllr Mxolisi Siyonzana

The Executive Mayor of Mangaung Metro Municipality