

Date: 21 March 2023

File Reference: 4/4/1

Author: Adv N Mpangane

Report Number:

Designation: Head(acting) CS

NOTING

- 1st Level: EMT (Not Applicable)
- 2nd Level: Section 80 Committee (Not Applicable)
- 3rd Level: MAYCO (Not Applicable)
- 4th Level: Council

SUBJECT: ELECTION OF THE SPEAKER

1. PURPOSE

- 1.1 The purpose of this report is to, in terms of Section 36 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) as amended, elect the Speaker of the Council (City of Mangaung Metropolitan Municipality).

2. BACKGROUND AND DISCUSSIONS

- 2.1 The Speaker of Council, Cllr Ms SB Lockman-Naidoo announced her resignation with immediate effect as the Speaker of Council in a letter dated 15 March 2023 addresses to the acting City Manager.

Section 36 of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998) as amended provides as follows:

36. Election of speakers

- (1) Each municipal council must have a chairperson who will be called the speaker.
- (2) At its first sitting after its election, or when necessary to fill a vacancy, a municipal council must elect its speaker from among the councillors.
- (3) 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.

- (4) The procedure set out in Schedule 3 applies to the election of a speaker.
- (5) A councillor may not hold office as whip, speaker and mayor or executive mayor at the same time, but in a municipality of a type mentioned in section 9 (e) or (f) or 10 (c) the speaker must be called the mayor.

37. Functions of speakers

The speaker of a municipal council-

- (a) presides at meetings of the council;
- (b) performs the duties and exercises the powers delegated to the speaker in terms of section 59 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);
- (c) must ensure that the council meets at least quarterly;
- (d) must maintain order during meetings;
- (e) must ensure compliance in the council and council committees with the Code of Conduct;

- (f) must ensure that council meetings are conducted in accordance with the rules and orders of the council;
- (g) must ensure that the legislative authority of the municipality functions effectively;
- (h) is responsible for the effective oversight over the executive authority of the municipality;
- (i) must ensure the effectiveness of the committees of the municipal council established in terms of section 79;
- (j) is responsible for the ethics and accountability of the municipal council; and
- (k) must ensure the effectiveness and functionality of ward committees and the public participation process.

38. Term of office of speakers

The speaker of a municipal council is elected for a term ending, subject to section 39, when the next council is declared elected.

39. Vacation of office

The speaker of a municipal council vacates office during a term if that person-

- (a) resigns as speaker;
- (b) is removed from office; or
- (c) ceases to be a councillor.

40. Removal from office

A municipal council by resolution may remove its speaker from office. Prior notice of an intention to move a motion for the removal of the speaker must be given.

41. Acting speakers

If the speaker of a municipal council is absent or not available to perform the functions of speaker, or during a vacancy, the council must elect another councillor to act as speaker.”

3. IMPLICATIONS

3.1 Financial

Speaker is elected and appointed as full-time councillor and his or her salaries and benefits are defined and provided in Determination of Upper Limits of salaries and benefits for councillors determined annual by the Minister for CoGTA.

3.2 Legal

The election of the Speaker must be through a secret ballot.

3.3 Communication

The acting City Manager to communicate with IEC to provide technical support during the election of the Speaker.

3.4 Community & Service Delivery

Urgent filling of the vacancy of the Speaker in accordance with the legislative requirements is crucial to ensure uninterrupted service delivery by the City of Mangaung.

4 RECOMMENDATIONS

It is recommended that:

- (a) The Election of the Speaker be conducted in terms of Schedule 3 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).

5 WRITTEN BY:



Adv. NG Mpangane

ACTING HOD: CORPORATE SERVICES



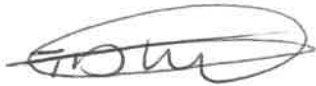
DATE

RECOMMENDATIONS

It is recommended that:

- (a) The Election of the Speaker be conducted in terms of Schedule 3 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).

6 APPROVED BY:



**T Motlashuping (Mr)
ACTING CITY MANAGER**

22/03/2023

.....
DATE

7. RATIFIED BY:



**MS Gugu Malaza
NATIONAL CABINET REPRESENTATIVE**

23/03/2023

.....
DATE

8. ANNEXURES

None