

**Date: 21 April 2023**

**File Reference: 4/4/1**

**Author: Adv N Mpangane**

**Report Number:**

**Designation: HOD (acting)**

## **NOTING**

- 1<sup>st</sup> Level: EMT (Not Applicable)
- 2<sup>nd</sup> Level: Section 80 Committee (Not Applicable)
- 3<sup>rd</sup> Level: MAYCO (Not Applicable)
- 4<sup>th</sup> Level: Council (25 April 2023)

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## **SUBJECT: EXPULSION AND REPLACEMENT OF COUNCILLORS**

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### **1. PURPOSE**

The purpose of this report is to appraise the Mangaung Council on the expulsion and replacement of councillors.

### **2. BACKGROUND**

The Municipal Structures Act (Act No. 117 of 1998) allow for changes of representation of parties within the Council term. This provision of the legislation is aimed at maximizing commitment and adherence by members to party policy and program. This provision also allow individual members to exercise their right to resign their positions in the event of unseen circumstances.

As it has been proven in the past Council terms, election of members to Municipal Council is not cast in iron, and it does not mean members may complete their term of office, some members are recalled and some resign due to different reasons. And in the interest of good governance and continuity, amicable changes will always result to improved relations and good handover, and the opposite in some instances brings hostility and distrust. A noble and universal suffrage, if called upon, members should always and at all the time do it with honour and integrity.

The ANC has replaced 7 councillors due to their expulsion by the party. The aforesaid councillors were 3 PR councillors and 4 ward councillors. The MEC responsible for local government declared vacancies due to the absence of the acting City Manager since 01 April 2023.

### **3. DISCUSSION**

The Independent Electoral Commission processed declarations of vacancies in line with the provision of item 18 of schedule 1 of the Municipal Structures Act. The following, namely:

- Sibongile Pearm Tsoleli;
- Vusumzi Simon Soqaga; and
- Manthuse Maria Letawana

have been declared elected to Mangaung Metropolitan Municipality, as prescribed in Item 18 of Scheduled 1 of the Municipal Structures Act, 1998 (Act No. 117 of 1998).

These councillors replace the following outgoing councillors who ceased to hold office in the municipality:

- Maria Mapaseka Mothibi-Nkoane;
- Ntwa Patrick Monyakoana; and
- Puseletso Leticia Seleke.

### **4. IMPLICATIONS**

#### **4.1. FINANCIAL**

The Mangaung Metro is classified as a Category A Municipality and the municipal council of the metro is classified as Grade 6 as set out in Government Notice No. R 243 of March 25, 2015. The existing administrative resources and infrastructure is available to provide support to the councillors and further the benefits of councillors is prescribed as per the provisions of the Determination of Upper Limits of salaries and benefits for councillors.

#### **4.2. LEGAL**

**None**

#### **4.3. COMMUNICATION**

**None**

#### **4.4. COMMUNITY & SERVICE DELIVERY**

**None**

**5. RECOMMENDATION**

- a) That Council take note of the report and
- b) That Council notes replacement by the ANC of 3 (three) PR Councillors with Ms Sibongile Pearm Tsoleli, Mr Vusumzi Simon Soqaga and Mr Manthuse Maria Letawana becomes Councillor representing the ANC effective from 21 April 2023.

**6. WRITTEN BY:**

  
**Adv N Mpangane**  
**ACTING HOD: CORPORATE SERVICES**

21/04/2023  
.....  
**DATE**

**7. RATIFIED BY:**

  
**Ms Gugu Malaza**  
**NATIONAL CABINET REPRESENTATIVE**

21/04/2023  
.....  
**DATE**

**8. ANNEXURES**

**8.1. ANNEXURE A : DECLARATION OF VACANCIES BY THE MEC AND IEC**

Enquiries: Mr STR Ramakarane  
Head of Department  
Tel: (051) 405  
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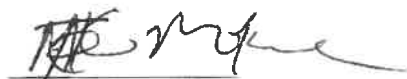
Independent Electoral Commission  
Free State

**DECLARATION OF VACANCY IN MANGAUNG METROPOLITAN MUNICIPALITY IN TERMS OF SECTION 25(4) READ TOGETHER WITH SCHEDULE 1(18) OF THE MUNICIPAL STRUCTURES ACT AS AMENDED HEREIN REFERRED AS LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT (117 OF 1998)**

1. I refer to my previous correspondence regarding the subject matter.
2. The abovementioned correspondence alerted your office about the expulsion of 7 councilors (3 PR and 4 Ward) by the African National Congress which you were given correspondence from the latter.
3. I have further amplified the overwhelming situation by indicating that the Municipality has been operating without the City Manager for some time and who is the legislatively authorized official in the municipality to inform your office about the vacancies.
4. It is on the basis of the above that informed me to write to your office about the state of affairs in the Mangaung Metropolitan Municipality
5. As the MEC responsible for Local Government in the Province I am legally bound to play my legislative role to see that the municipality discharge both its Constitutional and legislative mandate of providing proper service delivery optimally amongst others, to ensure that there is both political and administrative stability in the municipality.
6. It is on the strength of what is enumerated above that I hereby request in terms of **Section 25(4)** read together with **Schedule 1(18)** of the **Local Government :Municipal Structures Act (117 of 1998)**, that your office declare vacancies and make proper arrangements as per your legislative mandate to have by-elections.

Your positive cooperation in this regard will be highly appreciated.

Sincerely,



**Mr MK Makume (MPL)**

**MEC: Department of Cooperative Governance and Traditional Affairs**

18/04/2023

**Date**