

Date: 21 July 2023

File Reference: 4/4/1

Author: Adv N Mpangane

Report Number:

Designation: AHOD

APPROVAL

- 1st Level: EMT (Not applicable)
- 2nd Level: Section 80 Committee (Not applicable)
- 3rd Level: MAYCO (N/A)
- 4th Level: Council (27 July 2023)

SUBJECT: ELECTION OF THE EXECUTIVE MAYOR

1. PURPOSE

- 1.1 The purpose of this report is to request the Municipal Council to elect the Executive Mayor for the Mangaung Council in terms of Section 55 of the local Government Municipal Structures Act, (Act 117 of 1998) (herein after referred to as "the Structures").

2. BACKGROUND

- 2.1 The Mangaung Metro is a Category A Municipality with a Mayoral Executive combined with the Ward Participatory System as contemplated in Sections 7 and 9 of the Municipality Structures Act. The Mayoral Executive System provides for the executive authority in municipalities to be executed by the Executive Mayor in whom the executive leadership of the municipality is vested and who is assisted by a Mayoral committee.

3. DISCUSSION

- 3.1 On 25 April 2023, the municipal council in terms of council resolution 62.1 – 25/4/2023 designated Cllr Gregory Nthatsi as an acting Executive Mayor after seven (7) former councillors were expelled by their own political party triggering declaration of seven (7) vacancies on 18 April 2023 by the MEC of CoGTA in the province. Subsequent thereto, PR list of the affected party was updated, replacements made with three (3)

councillors declared elected on 20 April 2023 by the Electoral Commission. Further thereto, the Electoral Commission conducted the by elections on 19 July 2023 to fill the four (4) ward vacancies as published in the General Notice 183 of 2023 of the Electoral Commission and in Provincial Gazette No. 08 of 2023.

- 3.2 The outcome of the by election were announced and new ward councillors were then declared elected on 21 July 2023. To that end, as things stands in the municipality, there is no impediment to the Municipal Council in electing permanent Executive Mayor to ensure stable political leadership to lead the municipality in executing its legislative and constitutional obligations. The Executive Mayor is assigned legislative responsibilities that includes amongst others:

Functions and powers of Executive Mayors

- (1) An Executive Mayor is entitled to receive reports from section 80 committees, and other committees supporting the work of the executive arm of 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 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).
 - (b) can be evaluated, including key performance indicators, which are specific to the municipality and common to local government in general;
 - (c) Evaluate progress against the key performance indicators;
 - (d) 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;
 - (e) Monitor the management of the municipality's administration in accordance with the directions of the municipal council.
 - (f) Oversee the provision of services to communities in the municipality in a sustainable manner.
 - (g) 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 200);

- (h) Annually report on the involvement of communities and community organizations in the affairs of municipality; and
- (i) Ensure that regard is given to public views and report on the effect of consultation on the decisions of the Council

4. LEGISLATIVE PROVISIONS

Schedule 3 of the Municipal Structures Act, prescribe the below-mentioned procedure to be followed when electing municipal office bearers -: namely

(a) Nomination

The person presiding at the meeting must call for the nomination of candidates.

(b) Formal Requirements

- A nomination must be made on the form determined by the Municipal Manager;
- The form on which a nomination is made must be signed by two members of the Municipal Council; the proposer and seconder;
- A person who is nominated must indicate acceptance of the nomination by signing either the nomination form or any other form of written confirmation.

(c) Announcement of names of candidates

- 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 debate.

(d) Single candidates

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

(e) Election procedure

If more than one candidate is nominated –

- i) a vote must be taken at the meeting by secret ballot;
- ii) each councillor present at the meeting may cast one vote; and
- iii) the person presiding must declare elected the candidate who receives majority of the votes.

(f) Elimination procedure

If no candidates receive a majority vote, the candidates 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 most of the votes.

4. DELEGATIONS

The delegations to Executive Mayor are prescribed in legislations and also in line with the Delegations of Powers policy of the municipality.

5. IMPLICATIONS

5.1 Financial

Executive Mayor 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 annually by the Minister for CoGTA.

5.2 Legal

The election of the Executive Mayor must be through a secret ballot.

5.3 Community & Service Delivery

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

6. RECOMMENDATION

- 6.1 It is recommended that Council take note of the report and elect one councillor to serve as the Executive Mayor on a full-time basis.

7. WRITTEN BY:



Adv N Mpangane

ACTING HOD: CORPORATE SERVICES

DATE 25-07-2023

8. APPROVED BY:



Ms Ngaka Dumalisile

ACTING CITY MANAGER

DATE 25/07/2023

9. RATIFIED BY:



Ms Gugu Malaza

NATIONAL CABINET REPRESENTATIVE

DATE 25/07/2023

10. ANNEXURES

10.1 GENERAL NOTICE 183 OF 2023 BY THE ELECTORAL COMMISSION.

10.2 PROVINCIAL GAZETTE NO 08 2023 PROCLAMATION OF BY ELECTIONS.

10.3 LETTER FROM IEC CONFIRMING THE BY ELECTIONS HELD ON 19 JULY 2023



**LETTER FROM IEC
CONFIRMING THE
BY-ELECTIONS HELD ON
19 JULY 2023**



SOUTH AFRICA

Mangaung Metro Municipality

**Room 42
1st Floor BFN City Hall
Corner Press Brand & Nelson Mandela
Bloemfontein
9301**

Our Ref: 2023/July/19

Enquiries : 051 447 6783

Cell : 078 473 7848

21 July 2023

**The Acting Municipal Manager
Ms Ngaka Dumalile
Mangaung Metro Municipality
Room 201
2nd floor Bram Fischer Building
Bloemfontein
9301**

Dear AMM

BY-ELECTIONS WINNERS – 19 July 2023 Wards (7, 29, 49 & 50)



SOUTH AFRICA

In terms of Section 25(1)(d) of the Local Government : Municipal Structures Act, 1998, and following the declaration by the Acting Municipal Manager of Mangaung Metro Municipality of ward vacancies in wards 7, 29, 49 and 50 on the 9th of May 2023 the Electoral Commission conducted a ward by-election in Mangaung Metro Municipality in ward 7, 29, 49 and 50 on the 19th of July 2023.

The Following councillors were duly elected in the following wards:

1. Ward 7, Mr. Siza Clement Sehloho, ID 7501126011089 of the African National Congress.
2. Ward 29, Mr. Dikololo Elias Matsophe, ID 6767165800089 of the African National Congress.
3. Ward 49, Mrs. Mohanuwa Julia Lekhwale, ID 6867250777085 of the African National Congress.
4. Ward 50, Mr. Thabo Nicholas Monare, ID 7707075844067 of the African National Congress.

Accordingly all the above mentioned candidates are hereby declared duly elected with effect from the 20th of July 2023.

Yours Sincerely

TM Lehloka (Regional Assistant Manager)

Mangaung Metro

Municipal Electoral Officer

21/07/2023



**GENERAL NOTICE 183 OF 2023
BY THE ELECTORAL
COMMISSION**

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

ELECTORAL COMMISSION

NOTICE 1883 OF 2023

MUNICIPAL BY-ELECTIONS – 19 July 2023

OFFICIAL LIST OF VOTING STATIONS

The Electoral Commission hereby gives notice in terms of section 19(5) and 22(1) of the Local Government: Municipal Electoral Act, 2000 (Act 27 of 2000), that copies of a list containing the address of each voting station as well as the route, including the locations and estimated times of each mobile voting station, will be available for inspection during office hours at:

- The office of the relevant Municipal Electoral Officer for each municipality where a By-Election is to take place, as listed below;
- The office of the relevant Provincial Electoral Officer at the designated venues listed below;
- The Head Office of the Commission at Election House, Riverside Office Park, 1303 MacNeil Avenue, Centurion.

By-Elections will take place in the following municipal wards:

- Eastern Cape – EC142 – Saniu – Ward 11482005
- Free State – M441 – Mungwung – Wards 494000027, 494000028, 494000029 and 494000030
- KwaZulu-Natal – KZ1285 – Mthonjaneni – Ward 52805006
- KwaZulu-Natal – KZ1286 – Ikhanda – Ward 52806002
- North West – NW373 – Rustenburg – Ward 63763011
- Western Cape – WC144 – George – Wards 10404016, 10404020 and 10404027

The municipal venue(s) designated for the inspection of the lists are:

Municipality	MEO Name	Address
EC142 – Saniu	M Mosehane (Acting)	12A Brummer Street Lady Grey
M441 – Mungwung	K Kapulungwane	City Hall Building 1st Floor Room 42 President Brand Street Bloemfontein
KZ1285 – Mthonjaneni	B D Mondo	Mthonjaneni Municipality 21 Reinhold Street (next to Tsam Hall) Malmuth
KZ1286 – Ikhanda	L S Buthelesi	Ikhanda Municipality 252 Mairie Road Ikhanda



PROVINCIAL GAZETTE
No. 8 OF 2023
PROCLAMATION OF
BY-ELECTIONS

**Provincial
Gazette**

**Free State
Province**



**Provinsiale
Koerant**

Provinsie Vrystaat

Published by Authority

Uitgegee op Gesag

NO. 22 FRIDAY, 09 JUNE 2023	NR.22 VRYDAG, 09 JUNIE 2023
<p style="text-align: center;">PROVINCIAL NOTICES</p> <p>08 Free State Provincial Road Traffic Act 1998 (Act No 2 of 1998) Notice of Increase of Motor Vehicle Registration and Licensing Fee 2</p> <p>09 Application for the Subdivision of Erf 28307 Woodland Hills, Subsequent Consolidation of the Proposed Subdivision of Erf 28307 with 28306 Woodland Hills and the Amendment of the Zoning "Special Use 14" within the Bainsvlei Town Planning Scheme..... 16</p> <p>10 By-Elections in terms of Section 25(3) of the Local Government: Municipal Structures Act, 1998 as Amended: Mangaung Metropolitan Municipality Ward 07, 29, 49 and 50..... 17</p>	<p style="text-align: center;">PROVINSIALE KENNISGEWINGS</p> <p>10 Tussenverkiesing ingevolge Artikel 25(3) van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 soos Gewysig: Mangaung Metropolitaanse Munisipaliteit Wyk 07, 29, 49 and 50..... 17</p>
<p style="text-align: center;">GENERAL NOTICES</p> <p>29 Matjhabeng Municipal Land Use Planning By-Law 2015..... 18</p>	<p style="text-align: center;">ALGEMENE KENNISGEWINGS</p> <p>29 Matjhabeng Verordening op Munisipale Grongebruiksbeplanning 2015..... 18</p>
<p style="text-align: center;">NOTICES</p> <p>Applications for Public Road Carrier Permits: Advert 300..... 19</p> <p>Notices of Determination: The Conversion of Certain Rights into Leasehold or Ownership Act, 1988 (Act No. 81 of 1988)..... 68</p> <p>Notice is given, in terms of Section 49(1) of Ngwathe Planning Bylaw, 2018 Published in Provincial Notice No. 74 of 2018 and Relevant Sections of Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) for the Following.. 69</p> <p>Notice of Intention to Transfer Liquorlicense of Cd's Pub & Grill Fsp/023915 free State Gambling and Tourism Act No. 6 of 2010 As Amended..... 69</p>	<p style="text-align: center;">KENNISGEWINGS</p> <p>Kennisgewing van Bepaling: Wet op die Omskepping van Sekere Regte tot Huurpag of Eiendomsreg, 1988 (Wet No. 81 van 1988)..... 68</p>

Full Names	Position
Mr. Molwantwa Selogitwe	COGTA Spatial Planning
Mr. David Mngcolwani	DALRRD (Deeds Office)
Ms. Rosalind Mdubeki	DALRRD (Surveyor General)
Mr. N.L. Maimela	Phumelela Director Corporate Services
Mr. Ralebenya Francis	Phumelela Chief Financial Officer
Mr. Leslie Mokoena	Phumelela Director Technical Officer
Mr. Samson Mahlangu	Phumelela Auxiliary / Housing Manager

The commencement date of the Phumelela Municipal Planning Tribunal will be the date of publication of this notice. The appointment will be for a period of five (5) years and not exceeding 10 years. The *domicilium citandi et executandi* for the purpose of accepting land development applications, legal proceedings and giving or sending notices are the following addresses:

Physical Address : Municipal Spatial Planning Office
 Corner Kuhn and Prinsloo Street
 Vrede
 Enter Postal Address : Private Bag x5
 Vrede
 9835

Mr. N.L. Maimela
Acting Municipal Manager
Phumelela Local Municipality

<p>[PROVINCIAL NOTICE NO. 11 OF 2023]</p> <p>BY-ELECTIONS IN TERMS OF SECTION 25(3) OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 AS AMENDED: MANGAUNG METROPOLITAN MUNICIPALITY WARD 07, 29, 49 AND 50</p> <p>Under the powers vested in me by section 25(3) of the Local Municipal Structures Act, 1998 (Act No 117 of 1998) as amended, I, Moses Ketso Makume, Member of the Executive Council responsible for Local Government in the Free State Province, and after consultation with the Electoral Commission, hereby call a by-election and set 19 July 2023 as the date for the by-elections to be held in Ward 07, 29, 49 and 50 of Mangaung Metropolitan Municipality.</p>	<p>[PROVINSIALE KENNISGEWING NR. 11 VAN 2023]</p> <p>TUSSENVERKIESING INGEVOLGE ARTIKEL 25(3) VAN DIE WET OP PLAASLIKE REGERING: MUNISIPALE STRUKTURE, 1998 SOOS GEWYSIG: MANGAUNG METROPOLITAANSE MUNISIPALITEIT WYK 07, 29, 49 AND 50.</p> <p>Kragtens die bevoegdheid my verleen by artikel 25(3) van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998) soos gewysig, skryf ek Moses Ketso Makume, Lid van die Plaaslike Regering in die Vrystaat Provinsie 'n tussenverkiesing uit en bepaal ek, na oorteg met die Verkiesingskommissie, 19 Julie 2023 as die dag en datum waarop die tussenverkiesing in Wyk 07, 29, 49 and 50 van die Metropolitaanse Munisipaliteit van Mangaung gehou moet word.</p>												
<p>[GENERAL NOTICE NO. 29 OF 2023]</p> <p>MATJHABENG MUNICIPAL LAND USE PLANNING BY-LAW 2015</p> <p>Under the powers in terms of Section 35(1) of the Spatial Planning and Land Use Management Act, Act 16 of 2013, vested in the Municipal Planning Tribunal of the Matjhabeng Municipality, and Section 62(4) of the Matjhabeng By-law on Municipal Land Use planning, 2015, the following approvals was granted:</p> <table border="1" data-bbox="124 1803 782 2036"> <thead> <tr> <th>Reference Number</th> <th>Application description</th> <th>Approval Date</th> </tr> </thead> <tbody> <tr> <td>MPT 22/2022</td> <td>1. The Rezoning of Erf 1014, Naudeville Ext. 2, Welkom from "Residential (Special)" to "Institutional". 2. Special Consent to use</td> <td>14/12/2022</td> </tr> </tbody> </table>	Reference Number	Application description	Approval Date	MPT 22/2022	1. The Rezoning of Erf 1014, Naudeville Ext. 2, Welkom from "Residential (Special)" to "Institutional". 2. Special Consent to use	14/12/2022	<p>[ALEGEMENE KENNISGEWING NR. 29 VAN 2023]</p> <p>MATJHABENG VERORDENING OP MUNISIPALE GRONGEBRUIKSBEPLANNING 2015</p> <p>Kragtens die bevoegdheid, kragtens Artikel 35(1) van die Wet op Ruimtelike Beplanning en Grondgebruikbestuur, Wet No. 16 van 2013, verleen aan die Matjhabeng Munisipale Beplanningstribunaal, en Artikel 62(4) van die Matjhabeng Verordening op Munisipale Grondgebruiksbeplanning, 2015, was die volgende goedkeuring toegeken:</p> <table border="1" data-bbox="805 1803 1490 2036"> <thead> <tr> <th>Verwysingsnommer</th> <th>Aansoek beskrywing</th> <th>Goedkeuringsdatum</th> </tr> </thead> <tbody> <tr> <td>MPT 22/2022</td> <td>1. Die Hersonering van Erf 1014, Naudeville Uitbreiding 2, Welkom van "Residensieel (Spesiaal)" na "Institusioneel" 2. Spesiale Vergunning om</td> <td>14/12/2022</td> </tr> </tbody> </table>	Verwysingsnommer	Aansoek beskrywing	Goedkeuringsdatum	MPT 22/2022	1. Die Hersonering van Erf 1014, Naudeville Uitbreiding 2, Welkom van "Residensieel (Spesiaal)" na "Institusioneel" 2. Spesiale Vergunning om	14/12/2022
Reference Number	Application description	Approval Date											
MPT 22/2022	1. The Rezoning of Erf 1014, Naudeville Ext. 2, Welkom from "Residential (Special)" to "Institutional". 2. Special Consent to use	14/12/2022											
Verwysingsnommer	Aansoek beskrywing	Goedkeuringsdatum											
MPT 22/2022	1. Die Hersonering van Erf 1014, Naudeville Uitbreiding 2, Welkom van "Residensieel (Spesiaal)" na "Institusioneel" 2. Spesiale Vergunning om	14/12/2022											