

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 (Not Applicable)
- 4th Level: Council (27 July 2023)

SUBJECT: ELECTION OF DEPUTY EXECUTIVE MAYOR

1. PURPOSE

- 1.1 The purpose of this report is to elect the Deputy Executive Mayor for the Mangaung Metropolitan Council in terms of Section 66 of the Local Government: Municipal Structures Act, Act 117 of 1998 (herein after referred as the "Structures Act").

2. BACKGROUND

- 2.1 The Mangaung Metro is a Category A Municipality with a Mayoral Executive System as contemplated in Sections 7 and 9 of the Structures Act, The Mayoral Executive System allows for the exercise of the executive authority through an 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 position of the acting Deputy Executive Mayor was not filled because the Structures Act does not make provision for an acting Deputy Executive Mayor, should the position of Executive Mayor be in an acting capacity. On 18 April 2023, the MEC of CoGTA in the province declared seven (7) vacancies (three (3) PR and four (4) wards)-after the expulsion of seven councillors by their own political party. The PR list of the affected political party was subsequent updated, replacements made,

and three (3) PR councillors were declared elected by the Electoral Commission on 20 April 2023.

- 3.2 Further thereto, the Electoral Commission conducted the by elections on 19 July 2023 to fill the ward vacancies published in the General Notice 183 of 2023 and Provincial Gazette 08 of 2023. The outcome of the by election in the four (4) wards were announced and new ward councillors were then declared elected on 21 July 2023. The filling of the vacancies by the Electoral Commission confirms that there is therefore no impediment to the Municipal Council electing permanent leadership, including the Deputy Executive Mayor. This will ensure the provision of the necessary support to the Executive Mayor as the Deputy Executive Mayor will perform the Mayoral duties in the absence of the Executive Mayor.
- 3.3 It is therefore recommended that council elects the Deputy Executive Mayor to allow the Executive Mayor to delegate some of his/her responsibilities to the Deputy Executive Mayor. The procedure to be followed during the election of a Deputy Executive Mayor is prescribed in the Schedule 3 of the Municipal Structure Act. The role of Deputy Executive Mayor is two fold,
- when acting in the stead of the Executive Mayor the role is identical to that of the Executive Mayor;
 - when not acting in the stead of the Executive Mayor the role is definite in relation to the extent of powers delegated to the office or as a member of the Mayoral committee.
- 3.4 Although the Deputy Executive Mayor does not have any statutory powers, he/she performs an important role as member of the Mayoral committee, namely:
- The Executive Mayor may delegate specific responsibilities to the Deputy Mayor
 - The Executive Mayor may delegate any of his/her powers to the Deputy Mayor and
 - The Deputy Executive Deputy Mayor must, as member of the Mayoral committee, together with the other members of the committee, assist the Executive Mayor in the exercise or performance of his / her powers and functions.

4. LEGISLATIVE PROVISIONS

Schedule 3 of the Municipal Structures Act, prescribes 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.

5. DELEGATIONS

- 5.1 The delegations to Deputy Executive Mayor will be defined by the Executive Mayor in line with the Delegations of Powers policy of the Municipality.

6. IMPLICATIONS

6.1 Financial

Deputy 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.

6.2 Legal

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

6.3 Community & Service Delivery

The election of the Deputy Executive Mayor in accordance with the legislative requirements is crucial to ensure that the Executive Mayor has the necessary support to ensure uninterrupted service delivery by the City of Mangaung.

7. RECOMMENDATIONS

- 7.1 It is recommended that Council elects one councillor, to serve as the Deputy Executive Mayor on a full-time basis.

8. SUBMITTED BY:



Adv N Mpangane

ACTING HOD: CORPORATE SERVICES

DATE 25 -07- 2023

9. APPROVED BY:



Ms Ngaka Dumalisile

ACTING CITY MANAGER

DATE 25/07/2023

10. RATIFIED BY:



Ms Gugu Malaza

NATIONAL CABINET REPRESENTATIVE

DATE 25/07/2023

11. ANNEXURES

- 11.1 GENERAL NOTICE 183 OF 2023 BY THE ELECTORAL COMMISSION.**
- 11.2 PROVINCIAL GAZETTE NO 08 2023 PROCLAMATION OF BY ELECTIONS.**
- 11.3 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 Dumallile
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 6707165800089 of the African National Congress.
3. Ward 49, Mrs. Mohanuwa Julia Lekhwele, ID 6807250777085 of the African National Congress.
4. Ward 50, Mr. Thabo Nicholas Monare, ID 7707075844087 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

A handwritten signature in black ink, appearing to be 'TM Lehloka', written over a horizontal line.

TM Lehloka (Regional Assistant Manager)

Mangaung Metro

A handwritten signature in black ink, appearing to be 'J. Rapulungwe', written over a large, stylized circular mark.

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 of the designated venues listed below;
- The Head Office of the Commission at Election House, Riverside Office Park, 1303 Heuwel Avenue, Centurion.

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

- Eastern Cape – EC142 – Saniou – Ward 21402005
- Free State – MAM – Mergaug – Wards 49-400007; 49-400021; 49-400049 and 49-400050
- KwaZulu-Natal – KZ-Q85 – Mhonyama – Ward 52805006
- KwaZulu-Natal – KZ-Q86 – Ikwanda – Ward 52806002
- North West – NW373 – Rustenburg – Ward 63703011
- Western Cape – WC344 – George – Wards 10404016; 10404020 and 10404027

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

Municipality	MEO Name	Address
EC142 - Saniou	M Mosehane <i>(Acting)</i>	12A Brummer Street Lady Grey
MAM - Mergaug	K Kaputunguane	City Hall Building 1st Floor Room 42 President Brand Street Bloemfontein
KZ-Q85 - Mhonyama	B D Mondo	Mhonyama Municipality 21 Kenfold Street (next to Town Hall) Malmesbury
KZ-Q86 - Ikwanda	L S Buthezi	Ikwanda Municipality 392 Maise Road Ikwanda



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

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Full Names	Position
Mr. Molwantwa Selogilwe	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 oorleg 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 2038"> <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 KENNISGEWINGNR 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 Beplanningsribunaal, 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 2038"> <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
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