



**TSWELOPELE**  
LOCAL MUNICIPALITY  
A MUNICIPALITY IN PROGRESS

**MINUTES**

**FOR THE**

**SPECIAL COUNCIL**

**MEETING**

**30 JUNE 2020**

# **TSWELOPELE LOCAL MUNICIPALITY**

## **MINUTES OF A SPECIAL COUNCIL MEETING HELD ON TUESDAY, 30 JUNE 2020 AT 10:00 IN THE MUNICIPAL OFFICES, BULTFONTEIN AND HOOPSTAD**

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**PRESENT** : Cllr MW Raseu [Speaker], Cllr FT Matsholo [Mayor], Cllr MS Baleni, Cllr MS Bonokwane, Cllr BP Eseu, Cllr C Horn, Cllr MJ Mgciya, Cllr MA Monei, Cllr MB Mohlabakoe, Cllr DA Njodina, Cllr MH Segopolo, Cllr TA Soaisa, Cllr TT Taedi.

**OFFICIALS** : MRE Mogopodi [Municipal Manager], NL Moletsane [Chief Financial Officer], BP Dikoko [Director Infrastructure Services], MT Moepi [Acting Director Community Services], I van Aardt [Manager Admin & Support], TJ Matyesini [Strategic Manager].

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### **MINUTES**

**THE MEETING WAS VIRTUAL AND WAS HELD WITH ZOOM.**

#### **1. OPENING AND WELCOME**

The Speaker declared the meeting open.

#### **2. SIGNING OF ATTENDANCE REGISTER**

Signed as present.

#### **3. APPLICATION FOR LEAVE OF ABSENCE AND APOLOGIES**

With Apology: Cllr EC Joubert.

MN Makwetla [Acting Director Corporate Services].

Without Apology: Cllr MM Snyer [Absent for the 3<sup>rd</sup> consecutive meeting].

#### **4. OFFICIAL ANNOUNCEMENTS**

The Mayor wished all people with Covid-19 a speedy recovery and indicated that Hoopstad has three positive cases and Bultfontein has four positive cases.

#### **5. DECLARATION OF PERSONAL INTEREST IN DISCUSSION POINTS IN TERMS OF RULE 47 [1] OF THE STANDARD RULES & ORDERS**

Cllr BP Eseu and Cllr TT Taedi – Item 6 / 06 and Item 7 / 06..

#### **6. MOTIONS OF SYMPATHY AND CONGRATULATIONS**

- ♦ **Motions of Sympathy**

- ♦ The Mayor proposed a motion of sympathy to the family of Mr Mike Mokoena who passed and was the owner of FS Stars.

- ♦ **Motions of Congratulations**

- ♦ The Mayor proposed motions of congratulations for the 65<sup>th</sup> anniversary of the Freedom Charter and to the Youth during Youth Month remembering June 1976.

**7. DEPUTATIONS & INTERVIEWS**

None.

**8. MATTERS FOR DISCUSSION**

1 / 06 – 7 / 06.

**9. CLOSURE**

The meeting adjourned at 11:55.

**CLLR MW RASEU  
SPEAKER**

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30 JUNE 2020

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**1. PURPOSE**

This item is submitted to Council for consideration of the reviewed Integrated Development Plan for 2020 / 2021 in terms of Section 34 [a] of the Municipal Systems Act, 2000.

**2. BACKGROUND**

The Municipal Systems Act of 2000, section 34 [a] [i], [ii] requires that the IDP be reviewed annually, taking into account changing needs of communities and the shift priorities of the community in the IDP.

The Council of Tswelopele Local Municipality adopted the IDP and Budget Process Plan for reviewing the IDP and budget for 2020 / 2021 financial year in August 2019.

In compiling this IDP 2020 / 2021 the municipality ensured the compliance with the Revised IDP Framework Methodology, the framework assisted in packaging the IDP document in a standard and uniform manner. The framework also ensured that the municipality develops an IDP that integrates and coordinates all government efforts towards achieving a floor of critical services in the three spheres of government.

The revised IDP framework methodology consisted of the following sections:

- [a] Vision
- [b] Demographic Profile
- [c] Powers and Functions of the municipality
- [d] Process followed to develop the IDP
- [e] Spatial Economy and Development Rationale
- [f] Status quo assessment
- [g] Objectives
- [h] Sector Plans
- [i] Development strategies, programmes and projects
- [j] Alignment with national and provincial objectives and programmes
- [k] Projects and programmes of other spheres.

The revision process as required by legislation is not aimed at replacing or re-compiling the five year IDP, but serves to take into account experience gained thus far and performance trends as set out against their respective five year targets. The municipality also takes into account the changing needs of communities and the shift priorities of the community in the IDP. It is important for the council to take note that the recommendations made by CoGTA and Provincial Treasury in their assessments of the IDP were considered and implemented accordingly to ensure that the IDP is credible.

The reviewed IDP 2020 / 2021 serves as a tool to re-asses and re-evaluate the Municipality's development priorities, challenges and to accommodate new comments from stakeholders. The review of the IDP will empower the community and give them greater control over their own development. The implementation of community needs and issues will improve the lives of communities around Tswelopele Local Municipality.

It facilitates the creation of short, medium and long term job opportunities through the implementation of the IDP.

**3. STAKEHOLDERS CONSULTED**

- ◆ Provincial Department of Corporate Governance and Traditional Affairs;
- ◆ Free State Provincial Treasury;
- ◆ Department of Water and Sanitation;
- ◆ Department of Roads and Transport;
- ◆ Department of Human Settlement; and
- ◆ Department of Premier.

#### **4. LEGAL IMPLICATIONS**

- ◆ Local Government: Municipal Systems Act, 2000 [Act 32 of 2000].
- ◆ Municipal Finance Management Act, 2003 [Act 56 of 2003].
- ◆ Municipal Planning and Performance Management Regulations, 2001.

#### **5. STAFF IMPLICATIONS**

- ◆ None.

#### **6. FINANCIAL IMPLICATIONS**

- ◆ The financial implications for the reviewed IDP and included in the 2020 / 2021 annual budget.

#### **7. RISKS**

- ◆ Non-compliance to section 34 (a) of the Municipal Systems Act.
- ◆ Non-alignment between the IDP and the Budget.
- ◆ No direction for service delivery in the municipality.

#### **8. ANNEXURE [MEMORY STICK]**

- ◆ 2020 / 2021 Reviewed Integrated Development.
- ◆ 2020 / 2021 Financial Plan.

#### **9. RECOMMENDATION**

1. That Council approves the 2020 / 2021 Reviewed IDP and financial plan in terms of section 25 [1] of MSA.
2. That the 2020 / 2021 Reviewed IDP and financial plan be placed on the municipal website, made available for the public scrutiny and submitted to all relevant provincial and national departments;
3. A municipality must give effect to the approved integrated development plan and conduct its affairs in a manner which is consistent with integrated development plan.

[FOR RESOLUTION]

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**The Honourable Mayor delivered the 2020 / 2021 budget speech and it was well accepted.**

**The budget speech is attached as an annexure to the minutes.**

**Items 1 / 06 – 3 / 06 were coupled and discussed.**

**Minutes: Special Council Meeting: 30 June 2020**

The Mayor proposed that the matter be resolved as follows and was seconded by Cllr Baleni.

**RESOLVED:**

1. That Council approved the 2020 / 2021 Reviewed IDP and financial plan in terms of section 25 [1] of MSA.
2. That the 2020 / 2021 Reviewed IDP and financial plan be placed on the municipal website, made available for the public scrutiny and submitted to all relevant provincial and national departments.
3. That the municipality must give effect to the approved integrated development plan and conduct its affairs in a manner which is consistent with integrated development plan.

**1. PURPOSE**

This item is submitted to Council for consideration of the revised municipal sector plans for 2020 / 2021 by Council and in line with integrated development plan and annual budget processes:

1. Human Settlement Sector Plan
2. Integrated Waste Management Plan
3. Environmental Management Plan
4. Performance Management Policy

**2. BACKGROUND**

The above mentioned sector plans form part of the Integrated Development Plan and are reviewed yearly as they contain action plans that outlines the implementation of the plan administratively with the aim of improving service delivery and lives of the community members.

The above mentioned sector plan were placed on the municipal website subsequent to the adoption of the IDP and Budget in March 2020 in line with the provisions of section 21 of Municipal Systems Act of 2000.

Sector plans are critical in a municipality as they ensure that regulations and acts are implemented fully and that community members are provided with adequate information and knowledge on legislation and acts that govern local government. For proper management in order to accelerate service delivery, it is essential that local government have adequate local legislation that is beneficial for the community and better the lives of communities at large.

**3. STAKEHOLDERS CONSULTED**

- ♦ None.

**4. LEGAL IMPLICATIONS**

- ♦ Local Government: Municipal Systems Act, 2000 [Act 32 of 2000].
- ♦ Spatial Planning and Land Use Management Act, 2003 [Act 16 of 2003].
- ♦ National Housing Code, 2009.

**5. STAFF IMPLICATIONS**

- ♦ None.

**6. FINANCIAL IMPLICATIONS**

- ♦ None.

**7. RISKS**

- ♦ If communities are not informed on issues of municipal legislation, residents might be at risk of misusing resources. It is the responsibility of the Municipality to ensure that communities are informed and empowered.



**8. ANNEXURE [MEMORY STICK]**

- ◆ Human Settlement Sector Plan.
- ◆ Integrated Waste Management Plan.
- ◆ Environmental Management Plan.
- ◆ Performance Management Policy.

**9. RECOMMENDATION**

1. That Council approves the above mentioned sector plans which form part of the Municipal Integrated Development Plan 2020 / 2021 financial year.
2. That the approved sector plans be made available on the municipal website.

[FOR RESOLUTION]

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**Minutes: Special Council Meeting: 30 June 2020**

The Mayor proposed that the matter be resolved as follows and was seconded by Cllr Baleni.

**RESOLVED:**

1. That Council approved the above mentioned sector plans which form part of the Municipal Integrated Development Plan 2020 / 2021 financial year.
2. That the approved sector plans be made available on the municipal website.

**1. PURPOSE**

This item is submitted to Council for consideration of the Annual Budget for the 2020 / 2021 financial year as required by the Municipal Finance Management Act, 2003 [Act 56 of 2003].

**2. BACKGROUND**

In terms of the Municipal Finance Management Act, 2003, Act 56 of 2003, section 24 (2)(a), the annual budget of the Municipality must be approved before the start of the new financial year, section 24 (2)(b), annual budget is approved by the adoption by the council of a resolution referred to in section 17(3)(a)(i) and section 24 (2)(c) annual budget of the Municipality must be approved together with the adoption of resolutions as may be necessary.

It is crucial that the Council approves the annual budget before the start of the financial year [i.e. approval must be done by the latest 30 June 2019]. Failure by Council to approve the annual budget before the beginning of the financial year would mean that the Mayor must report to the member of the executive council responsible for local government in the province, highlighting the reasons why the budget could not be approved.

**3. STAKEHOLDERS CONSULTED**

- ◆ None.

**4. LEGAL IMPLICATIONS**

- ◆ Compliance with Municipal Finance Management, 2003 [Act 56 of 2003].
- ◆ Compliance with Municipal Budget and Reporting Regulations.

**5. STAFF IMPLICATIONS**

- ◆ None.

**6. FINANCIAL IMPLICATIONS**

- ◆ Approval of the item as submitted will constitute the approved annual operating revenue budget; operating expenditure budget, annual capital expenditure budget and funding sources for the annual capital expenditure budget for the 2020 / 2021 financial year.
- ◆ The following are the proposed tariff increases for 2020 / 2021 financial year:
  - Property Rates for all other properties : 5.00%
  - Property Rates for agricultural properties : 5.00%
  - Water : 5.00%
  - Refuse : 5.00%
  - Sanitation : 5.00%
  - Electricity : 6.22%
- ◆ All other tariff increases are per the Tariff List of the Municipality.
- ◆ The tariff for electricity is as approved / recommended by NERSA.

## 7. RISKS

- ♦ The municipality maybe unable to render services to the community due to non-availability of financial resources if the budget is not approved.
- ♦ Section 139 of the Constitution may be imposed on the Council of the Municipality.

## 8. ANNEXURE [MEMORY STICK]

- ♦ Budget with table A1 – A10 in terms of the Municipal Budget and Reporting Regulations.
- ♦ Budget related policies.
- ♦ 2020 / 2021 Tariff List.

## 9. RECOMMENDATION

1. That the annual budget of the Municipality for the financial year 2020 / 2021, 2021 / 2022 and 2022 / 2023 be approved as set out in:
  - [a] Table A1: Budgeted Summary.
  - [b] Table A2: Budgeted financial performance [revenue & expenditure by standard classification].
  - [c] Table A3: Budgeted financial performance [revenue & expenditure municipal vote].
  - [d] Table A4: Budgeted Financial performance [revenue & expenditure].
  - [e] Table A5: Budgeted capital Expenditure by vote, standard classification and funding.
  - [f] Table A6: Budgeted financial position.
  - [g] Table A7: Budgeted cash flow.
  - [h] Table A8: Cash backed reserves / accumulated surplus reconciliation.
  - [i] Table A9: Asset Management.
  - [j] Table A10: Basic Services Delivery Measurement.
2. That the operating budget as set out in Table A1 – A4 and Capital budget as set out in Table A5 be implemented with effect from 1 July 2020.
3. That property rates tariffs be approved in terms of section 14 of Municipal Property Rates Act, 2004 [Act 6 of 2004].
4. That tariffs for services charges as reflected in the tariff list be approved and implemented with effect from 1 July 2020.
5. That Council implements the electricity tariff as approved by NERSA with effect from 1 July 2020.
6. That the following budget related policies be approved and implemented with effect from 1 July 2020.
  - (a) Budget policy
  - (b) Virement policy
  - (c) Funding and reserves policy
  - (d) Banking / cash and investment policy
  - (e) Credit Control and debt collection policy
  - (f) Indigent support policy
  - (g) Bad debt write-off policy
  - (h) Property rates policy
  - (i) Tariffs policy
  - (j) Supply chain management policy
  - (k) Unallocated deposit policy
  - (l) Customer deposit policy
  - (m) Petty cash management policy
  - (n) Customer care policy

[FOR RESOLUTION]

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**Minutes: Special Council Meeting: 30 June 2020**

The Mayor proposed that the matter be resolved as follows and was seconded by Cllr Baleni.

**RESOLVED:**

1. That the annual budget of the Municipality for the financial year 2020 / 2021, 2021 / 2022 and 2022 / 2023 was approved as set out in:
  - [a] Table A1: Budgeted Summary.
  - [b] Table A2: Budgeted financial performance [revenue & expenditure by standard classification].
  - [c] Table A3: Budgeted financial performance [revenue & expenditure municipal vote].
  - [d] Table A4: Budgeted Financial performance [revenue & expenditure].
  - [e] Table A5: Budgeted capital Expenditure by vote, standard classification and funding.
  - [f] Table A6: Budgeted financial position.
  - [g] Table A7: Budgeted cash flow.
  - [h] Table A8: Cash backed reserves / accumulated surplus reconciliation.
  - [i] Table A9: Asset Management.
  - [j] Table A10: Basic Services Delivery Measurement.
2. That the operating budget as set out in Table A1 – A4 and Capital budget as set out in Table A5 be implemented with effect from 1 July 2020.
3. That property rates tariffs be approved in terms of section 14 of Municipal Property Rates Act, 2004 [Act 6 of 2004].
4. That tariffs for services charges as reflected in the tariff list was approved and implemented with effect from 1 July 2020.
5. That Council implements the electricity tariff as approved by NERSA with effect from 1 July 2020.
6. That the following budget related policies be approved and implemented with effect from 1 July 2020.
  - (a) Budget policy
  - (b) Virement policy
  - (c) Funding and reserves policy
  - (d) Banking / cash and investment policy
  - (e) Credit Control and debt collection policy
  - (f) Indigent support policy
  - (g) Bad debt write-off policy
  - (h) Property rates policy
  - (i) Tariffs policy
  - (j) Supply chain management policy
  - (k) Unallocated deposit policy
  - (l) Customer deposit policy
  - (m) Petty cash management policy
  - (n) Customer care policy.
7. That the Municipality must develop a turn-around strategy before the end of August 2020 in which Covid-19, debt of Eskom and Sandvet Water must be addressed and send to Provincial- and National Treasury.

**4 / 06 APPOINTMENT OF AUDIT, RISK AND PERFORMANCE COMMITTEE  
MEMBER**

**MINUTES:** SPECIAL COUNCIL MEETING

**DATE :** 30 JUNE 2020

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**1. PURPOSE**

The purpose of this item is for the Municipal Council to appoint an additional Audit, Risk and Performance Committee member for the period of three years starting from 1 July 2020.

**2. BACKGROUND**

In terms of the Municipal Finance Management Act, 2003, Act 56 of 2003, section 166 (2)(a), an audit committee is an independent advisory body which must:

(a) advise the municipal council, the political office-bearers, the accounting officer and the management staff of the municipality, or the board of directors, the accounting officer and the management staff of the municipal entity, on matters relating to:

- (i) internal financial control and internal audits;
- (ii) risk management;
- (iii) accounting policies;
- (iv) the adequacy, reliability and accuracy of financial reporting and information;
- (v) Performance management;
- (vi) effective governance;
- (vii) compliance with this Act, the annual Division of Revenue Act and any other applicable legislation;
- (viii) performance evaluation; and
- (ix) any other issues referred to it by the municipality or municipal entity.

Furthermore in terms of section 166 (5) of the MFMA, the members of an audit committee must be appointed by the Council of the municipality.

In August 2014 Council has appointed Mr Ronny Lubisi as part of the Audit and Performance Committee for a three-year period which ended in July 2017. The Audit, Risk and Performance Committee Charter as adopted by Council states that the contract of a member can be extended for a further three years, and members should not be contracted continuously for a period exceeding six years in any capacity. Therefore, it is imperative for Council to replace Mr Lubisi as his term is lapsing on 30 June 2020.

**3. STAKEHOLDERS CONSULTED**

- ◆ The Audit, Performance, and Risk Committee.
- ◆ Chief Financial Officer.
- ◆ Director Technical Services.
- ◆ Director Corporate Service.
- ◆ Director Community Services.
- ◆ Internal Audit.

- ♦ Strategic Manager.

**4. LEGAL IMPLICATIONS**

- ♦ Compliance with Municipal Finance Management, 2003 [Act 56 of 2003] and other relevant legislation.

**5. STAFF IMPLICATIONS**

- ♦ None.

**6. FINANCIAL IMPLICATIONS**

- ♦ None.

**7. RISKS**

- ♦ Non-compliance with the MFMA.

**8. ANNEXURE**

- ♦ Curriculum Vitae and qualifications of Mrs MM Mototo.

**9. RECOMMENDATION**

1. That Council appoint Mrs MM Mototo as an additional member of the Audit, Risk and Performance Committee.

[FOR RESOLUTION]

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**Minutes: Special Council Meeting: 30 June 2020**

**Item 4 / 06 and 5 /06 coupled and discussed.**

The Mayor proposed that the matter be resolved as follows and was seconded by Cllr Taedi.

**RESOLVED:**

1. That Council appointed Mrs MM Mototo as an additional member of the Audit, Risk and Performance Committee for a period of one year, ending June 2021.
2. That the Municipal Manager requests Mrs Mototo to furnish the Municipality with recently certified copies of qualifications as the copies in the annexure have been certified in 2019.

**5 / 06 CONTRACT EXTENSIONS FOR MEMBERS OF THE AUDIT, RISK AND PERFORMANCE COMMITTEE**

**MINUTES:** SPECIAL COUNCIL MEETING

**DATE :** 30 JUNE 2020

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**1. PURPOSE**

The purpose of this item is to request the Municipal Council to extend the contracts of the three remaining Audit, Risk and Performance Committee members for the period of three years starting from 1 July 2020 ending 30 June 2023.

**2. BACKGROUND**

The Municipal Finance Management Act states under section 166 (1), that each municipality and each municipal entity must have an audit committee.

Furthermore in terms of section 166 (5) of the act, the members of an audit committee must be appointed by the Council of the municipality.

The Council approved Audit, Risk and Performance Committee charter also states that it is at the discretion of Council that the contract of Audit, Performance and Risk Committee Members may be extended up to a maximum of three additional years and Committee Members should not be contracted continuously for a period exceeding six years in any capacity.

The following members were appointed by Municipal Council in February 2017 as such their term of office ends in 30 June 2020:

1. Desiree Nage.
2. Ivan Mpatlanyane.
3. Obed Thenga.
4. Ronny Lubisi.

Mr Lubisi was initially appointed in August 2014 and Council further extended his contract for the second term in 2017, as such he is the only member not eligible for a contract extension.

**3. STAKEHOLDERS CONSULTED**

- ♦ None.

**4. LEGAL IMPLICATIONS**

- ♦ Compliance with Municipal Finance Management, 2003 [Act 56 of 2003].

**5. STAFF IMPLICATIONS**

- ♦ None.

**6. FINANCIAL IMPLICATIONS**

- ♦ None.

**7. RISKS**

- ◆ Non-compliance with the MFMA.

**8. ANNEXURE**

- ◆ None.

**9. RECOMMENDATION**

1. That Council extend the contracts of the following Audit, Risk and Performance Committee members for the second term [three years]:

- 1.1 Desiree Simphiwe Nage.
- 1.2 Ivan Mpatlanyane.
- 1.3 Obed Thenga.

[FOR RESOLUTION]

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**Minutes: Special Council Meeting: 30 June 2020**

The Mayor proposed that the matter be resolved as follows and was seconded by Cllr Taedi.

**RESOLVED:**

1. That Council extended the contracts of the following Audit, Risk and Performance Committee members till June 2021:
  - 1.1 Desiree Simphiwe Nage.
  - 1.2 Ivan Mpatlanyane.
  - 1.3 Obed Thenga.



**6 / 06 ELECTION OF REPRESENTATIVE TO THE LEJWELEPUTSWA DISTRICT MUNICIPALITY IN TERMS OF SECTION 23(4) AND SECTION 16 OF SCHEDULE 2 OF LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 [ACT 117 OF 1998]**

**MINUTES:** SPECIAL COUNCIL MEETING

**DATE :** 30 JUNE 2020

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**1. PURPOSE**

The purpose of this item is for Council to elect a new representative to the Lejweleputswa District Municipality [LDM].

**2. BACKGROUND**

In its first Council meeting of 17 August 2016 the Municipal Council of Tswelopele Local Municipality resolved in terms of Item 12 to elect the following three Councillors as representatives in the District Municipality:

- ◆ That the ANC will be represented by Cllrs BP Eseu and DA Njodina.
- ◆ That the DA will be represented by Cllr MM Snyer.

The elections were done in terms of various pieces of legislation as explained below.

In terms of Provincial Notice 176 of 13 July 2009, as corrected in Provincial Gazette No. 3 of 8 April 2011, the municipality is represented by two councillors in the Lejweleputswa District Municipality. The appointment of the council representatives must, in terms of section 23(1)(b) of the Local Government: Municipal Structures Act, 1998 [Act 117 of 1998], take place in terms of the following procedures:

1. The Chief Electoral Officer must manage the election of representatives of a local council to the district council – [Section 16(1) of Schedule 2 of the Local Government: Municipal Structures, 1998].
2. The council has been awarded three seats in the district municipality. The council must elect its representatives in accordance with the procedures set out in items 3 - 8 as follows:
3.
  - (a) Every party or independent ward councillor may submit a candidates list containing the names of councillors, accompanied by a written acceptance by each listed candidate. A list should ideally contain a number of names equal to, or more than, the number of seats reflected in 2 above.
  - (b) A party or independent ward councillor may not submit more than one list.
  - (c) The names of the candidates must appear on the list in order of preference, starting with the first in order of preference and ending with the last.
  - (d) The name of a councillor may appear on one list only.
  - (e) Every party or independent ward councillor must seek to ensure that 50 % of the candidates on the candidates list are women and that women and men candidates are evenly distributed through the list.
4. Each councillor may cast one vote for one list only.
5. The quota of votes for a seat to the district council must be determined in accordance with the following formula [fractions to be disregarded]:

$$\frac{A + 1}{B}$$

Where-

A represents the number of members of the local council; and

B represents the number of seats that the local council has been awarded on the district council.

6.
  - (a) The number of votes cast in favour of each list must be divided by the quota of votes for a seat and the result is the number of seats allocated to that list.
  - (b) If the calculation in (a) above gives a surplus, that surplus must compete with other similar surpluses of any other lists, and any seat or seats not allocated under (a) must be awarded in sequence of the highest surplus.
  - (c) If the surplus on one list is equal to the surplus on any other list, the seat or seats must be awarded in sequence of the highest number of votes cast for those lists.
7. The Chief Electoral Officer, in accordance with the order of preference on a list, must select the number of candidates from the list that is equal to the number of seats allocated to that list.
8. In the case of a list containing fewer names than the number of seats allocated to that list, the following applies:
  - (a) The Chief Electoral Officer must, in writing, immediately notify the party or councillor concerned of the exact shortfall and request that party or councillor to deliver a list supplemented by the name or names of one or more eligible candidates.
  - (b) Immediately upon receipt of the list referred to in (a), the Chief Electoral Officer must allocate the number of representatives, in the order of preference on the list.
  - (c) Subject to (d) below-
    - i) if the party concerned has ceased to exist or the councillor concerned is no longer a councillor, the seat or seats must remain unfilled;
    - ii) if the party or councillor concerned does not deliver a supplemented list, the seat or seats remain unfilled until the party or the councillor delivers a list;
    - iii) if the party or councillor concerned delivers a supplemented list containing fewer names than the number of seats to be filled from that list, the seat or seats remain unfilled to the extent of the shortfall until party or councillor delivers a further list.
  - (d) Where seats are unfilled In terms of (c) i) above, and the vacancies render a quorum for the district municipal council impossible, the council forfeits the unfilled seats, and the seats must be filled within 14 days in accordance with the provisions of the Local Government: Municipal Structures Act, 1998.

**NB:** It is important for Council to note that the power to send Councillors to the District Municipality is vested with the Political Party neither the Mayor nor the Speaker of Council.

### 3. STAKEHOLDERS CONSULTED

- ♦ Office of the Premier.
- ♦ COGTA.
- ♦ SALGA.

### 4. LEGAL IMPLICATIONS

- ♦ Local Government: Municipal Systems Act, 2000 [Act 32 of 2000].
- ♦ Local Government: Municipal Structures Act, 1998 [Act 117 of 1998].

### 5. STAFF IMPLICATIONS

- ♦ None.

### 6. FINANCIAL IMPLICATIONS

- ♦ Councillor allowances as per the Upper Limits Gazette.

### 7. RISKS

- ♦ None.

### 8. ANNEXURE

- ♦ None.

### 9. RECOMMENDATION

1. For discussion.

[FOR RESOLUTION]

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**Minutes: Special Council Meeting: 30 June 2020**

Cllr Eseu and Cllr Taedi were not online during the discussions.

Cllr Baleni proposed that the matter be resolved as follows and was seconded by the Mayor.

#### **RESOLVED:**

1. That the ANC removed Cllr Eseu as council representative at the LDM and replaces him with Cllr Taedi as representative at the LDM.

**1. PURPOSE**

The purpose of this item is for Council to elect a new chairperson for the MPAC.

**2. BACKGROUND**

The executive committee appoints a chairperson for each committee from the executive committee.

Section 80(1) and 80(2) of the above-mentioned Act determines as follows:

“80(1) If a municipal council has an executive committee or executive mayor, it may appoint in terms of section 79, committees of councillors to assist the executive committee or the executive mayor.

80(2) such committees may not in number exceed the number of members of the executive committee or mayoral committee.”

In Tswelopele Local Municipality, the MPAC was established during the Council meeting of 31 August 2016 consisting of the following Councillors:

CHAIRPERSON: Cllr TT Taedi [ANC]  
MEMBER: Cllr MB Mohlabakoe [ANC]  
MEMBER: Cllr MM Snyer [DA]  
MEMBER: Cllr TA Soaisa [EFF]  
MEMBER: Cllr BP Eseu [ANC]

**3. STAKEHOLDERS CONSULTED**

- ◆ None.

**4. LEGAL IMPLICATIONS**

- ◆ Section 79 and 80 of the Local Government: Municipal Structures Act, 1998 [Act 117 of 1998].
- ◆ Section 79 and 80 of the Local Government: Municipal Structures Act, 1998 [Act 117 of 1998].

**3. STAFF IMPLICATIONS**

- ◆ None.

**4. FINANCIAL IMPLICATIONS**

- ◆ Councillor allowances as per the Upper Limits Gazette.

**5. RISKS**

- ◆ None.

**6. ANNEXURE**

- ◆ None.

**7. RECOMMENDATION**

1. For discussion.

[FOR RESOLUTION]

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**Minutes: Special Council Meeting: 30 June 2020**

Cllr Eseu and Cllr Taedi were not online during the discussions.

The Mayor proposed that the matter be resolved as follows and was seconded by Cllr Njodina.

**RESOLVED:**

1. That the ANC removed Cllr TT Taedi as Chairperson of the MPAC and elected him as Council representative at the LDM.