

**ITEM : C 30/01/18****MOTION IN TERMS OF RULE 18 OF THE RULES OF ORDER FOR COUNCIL FOR THE SCHEDULED COUNCIL MEETING ON 31 JANUARY 2018****Motion of No-Confidence in Ald Patricia De Lille as Mayor of the City of Cape town to be tabled at the Full Council Meeting on 31<sup>th</sup> January 2018**

1. The Executive Mayor deliberately withheld information and Forensic Reports meant to be submitted to Council for consideration as far back as 2015
2. The Executive Mayor acted *ultra vires* (beyond her authority or powers) in an attempt to protect and defend the City Manager.
3. The Executive Mayor deliberately misled Council by participating in a conduct which would cause or contribute to maladministration in the Council (Brought Council into disrepute).
4. The Executive Mayor deliberately tried to coerce Council on 21 November to agree to suspend the ED. DOM (Mr. C Kesson) but continue to protect the City Manager and Commissioner on TDA not to be suspended.
5. In a Statement in response to Mr. Kesson's Affidavit on 29/11/17 it was clear that it is all about herself and Cllr Herron political career. On page 17 of the statement she says "As I informed Mr. Kesson at the time, I also intended recommending the precautionary suspension of the City Manager and Ms. Whitehead pending any investigation into them".

In the light of the above the ANC believe the actions of the Executive Mayor, did not only cover up possible maladministration, but was the cause of delayed service delivery to the Citizens of the municipality. We further believe that the Executive Mayor are in bridge of the Local Government Municipal Systems Act No.32 of 2000 and Regulations. Chapter 1 (2) General Conduct of Councilors.

"A Councilor must perform the functions of office in good faith, honestly and a transparent manner; and at all times act in the interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised."

As the African National Congress, we believe that keeping Ald Patricia De Lille in the position as Executive Mayor (number 1 citizen in the COCT) could prejudiced the council in its operations and the Municipality may continue to suffer embarrassment and lack of transparency.

**We therefore call for the immediate removal of Alderman Patricia De Lille as Executive Mayor and Council to follow due process in replacing her.**

**Proposed by Cllr C Heynes (ANC)      Seconded by Cllr D Cottee (ANC)**

**4 January 2018**

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**MOSIE INGEVOLGE REËL 18 VAN DIE RAAD SE ORDEREËLS VIR DIE RAADSVERGADERING WAT VIR 31 JANUARIE 2018 GESKEDULEER IS**

**Mosie van wantroue in rdh. Patricia de Lille as burgemeester van die Stad Kaapstad vir tertafellegging by die volle Raadsvergadering op 31 Januarie 2018**

1. Die uitvoerende burgemeester het doelbewus inligting en forensiese verslae weerhou wat so lank terug as 2015 bedoel was vir voorlegging aan die Raad vir oorweging.
2. Die uitvoerende burgemeester het *ultra vires* (buite haar gesag of bevoegdheid) opgetree in 'n poging om die stadsbestuurder te beskerm en te verdedig.
3. Die uitvoerende burgemeester het doelbewus die Raad mislei deur optrede wat wanadministrasie in die Raad sou veroorsaak of daartoe sou bydra (het die Raad in oneer gebring).
4. Die uitvoerende burgemeester het doelbewus gepoog om die Raad op 21 November te dwing om in te stem om die uitvoerende direkteur: direktoraat van die uitvoerende burgemeester (mnr. C Kesson) te skors en gaan voort om die stadsbestuurder en kommissaris van TDA te beskerm om nie geskors te word nie.
5. In 'n verklaring in reaksie op mnr. Kesson se beëdigde verklaring op 29 November 2017 was dit duidelik dat dit alles oor haarself en rdl. Herron se politieke loopbaan gaan. Op bladsy 17 van die verklaring noem sy "Soos ek mnr. Kesson toe ingelig het, was ek ook van voorneme om die stadsbestuurder en me. Whitehead se skorsing as voorsorgmaatreël aan te beveel hangende enige ondersoek na hulle". (vertaal uit Engels)

In die lig van bogenoemde meen die ANC dat die optrede van die uitvoerende burgemeester nie net moontlike wanadministrasie toegesmeer het nie, maar dat dit 'n vertraging in dienslewering aan die inwoners van die munisipaliteit veroorsaak het. Ons is verder van mening dat die uitvoerende burgemeester die Wet op Plaaslike Regering: Munisipale Stelsels, Wet no. 32 van 2000 en Regulasies, Bylae 1(2) Algemene gedrag van raadslede verbreek het.

"'n Raadslid moet sy ampsfunksies in goeie trou, eerlik en op 'n deursigtige wyse verrig, en te alle tye in die beste belang van die munisipaliteit optree en op so 'n wyse dat die geloofwaardigheid en integriteit van die munisipaliteit nie gekompromitteer word nie."

As die African National Congress is ons van mening dat om rdh. Patricia de Lille in die pos van uitvoerende burgemeester aan te hou (nommer 1-inwoner in die Stad Kaapstad), die Raad se bedrywighede in gedrang kan bring en dat die verleentheid vir die munisipaliteit en 'n gebrek aan deursigtigheid kan voortduur.

**Ons versoek dus die onmiddellike verwydering van rdh. Patricia de Lille as uitvoerende burgemeester en dat die Raad die behoorlike proses volg om haar te vervang.**

**Voorgestel deur rdl. C Heynes  
4 Januarie 2018**

**Gesekondeer deur rdl. D Cottee**

**ISIPHAKAMISO NGOKOMGAQO-18 ONGEMIGAQO YOLAWULO LOCWANGCO YEBHUNGA ESILUNGISELELWE INTLANGANISO YEBHUNGA YOWAMA-31 KWEYOMQUNGU 2018**

**Isiphakamiso sokungamthembi uCebakhulu u-Patricia De Lille njengoSodolophu weSixeko saseKapa apho siyakuthi sidandalaziswe kwiNtlanganiso ephelileyo yeBhunga ngowama-31 kweyoMqungu 2018**

1. USodolophu uye wagcina ingcaciso ngabom neeNgxelo zoPhando-nzulu apho bekumelwe zifakwe/zingeniswe kwiBhunga ukuze liziqwalasele, ukususela emva ngo-2015.
2. USodolophu weSigqeba uye wenza ngokugqithisileyo (wagqithisa kugunyaziso lwakhe okanye kumagunya akhe) ngelinge lakhe lokukhusela uMphathi weSixeko.
3. USodolophu weSigqeba uye walahlekisa iBhunga ngabom ngokuthi athabathe inxaxheba kwindlela yokuziphatha apho angathi ibangele okanye yenze igalelo kulawulo olugwenxa kwiBhunga (lubangele ukuba iBhunga libekwingxwaba-ngxwaba).
4. USodolophu uzame ngabom ukuba anyanzelise iBhunga ngowama-21 kweyeNkanga ukuba livumele ukurhoxisa u-ED. DOM (uMnu C Kesson) kodwa waqhubekeka nokubonakalisa msulwa uMphathi weSixeko noMkhomishinala we-TDA ukuba bangarhoxiswa.
5. KwiNgxelo ephandula i-Afidavithi kaMnu Kesson ngowama-29/11/17 kwaye kwacaca ukuba konke oku kujoliswe kuye Sodolophu nakwikamva lezoPolitiko likaCeba Herron. Kwiphepha 17 lengxelo uSodolophu uthe, "Njengoko ndimazisile uMnu Kesson ngexesha elo, kwakhona ndinenjongo yokundulula ukurhoxisa ngokomqathango uMphathi weSixeko noNksz Whitehead ukokuxhomekeke nakulo naluphina uphando olujoliswe kubo".

Ngokwezi zizathu zingentla apha, iANC ikholelwa ukuba izenzo zikaSodolophu weSigqeba, khange zifake kuphela isigqubuthelo kulawulo olugwenxa olunokwenzeka, kodwa zaye zangunobangela wolibaziseko kunikezelo lwenkonzo kubaHlali bakamasipala. Kwakhona sikholelwa ekubeni ukuba uSodolophu weSigqeba wophule uMthetho wobuRhulumente boMmandla ongeeNkqubo zikaMasipala ongunomb.32 wango-2000 neMigaqo. ISahluko 1 (2) esingendlela ephangaleleyo yokuziphatha kooCeba:

Isahluko 1 (2) esingokuZiphatha kooCeba ngokuphangaleleyo.

"UCeba kufuneka aqhube imisebenzi ye-ofisi ngokulungileyo, ngokunyanisekileyo nangendlela engeyomfihlo; kwakhona ngamaxesho onke asebenze ngokusemdleni kamasipala apho kungendlela yokuba kungasengelwa phantsi isidima nesithozela sikamasipala".

Njenge-African National Congress, sikholelwa ukuba ngokugcina uCebakhulu Patricia De Lille kwisikhundla njengoSodolophu weSigqeba (umhlali ongowokuqala kwi-COCT) oko kungathi kuphazamisane neBhunga kwimisebenzi yalo kwaye uMasipala uyakuthi aqhubekeke ngokuthwaxa lihlobo nokusilela kwakhe ekudandalaziseni izinto.

COUNCIL OF THE CITY OF CAPE TOWN

31 JANUARY 2018

Ke ngoko sihlaba ikhwelo lokuba kususwe ngokukhawulezileyo uCebakhulu u-Patricia De Lille njengoSodolophu weSigqeba kwaye iBhunga lilandele inkqubo efanelekileyo yokuba kufakwe omnye umntu endaweni yakhe.

Siphakanyiswe nguCeba C Heynes (ANC) Sasekelwa nguCeba D Cottee (ANC)

4 eyoMqungu 2018

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Submitted by:



Councillor Charlotte Heyens

04 January 2018

Seconded by:



Councillor Delmaine Cottee

04 January 2018