

REPORT COUNCIL

1. ITEM NUMBER : C 06/11/21
2. SUBJECT

ELECTION OF THE EXECUTIVE MAYOR OF THE CITY OF CAPE TOWN

UKUCHONGWA KUKASODOLOPHU WESIGQEBA WESIXEKO SASEKAPA

VERKIESING VAN DIE UITVOERENDE BURGEMEESTER VAN DIE STAD KAAPSTAD

3. DELEGATED AUTHORITY

In terms of delegation, this report is for

- Committee name :**
- The Executive Mayor together with the Mayoral Committee (MAYCO)
- Council

4. DISCUSSION

In terms of Section 55 of the Municipal Structures Act, if a Municipal Council chooses to have an Executive Mayor, it must elect an Executive Mayor. Since such approval was granted in the City of Cape Town Third Establishment Amendment Notice dated 28 May 2003, the election of an Executive Mayor must proceed in terms of Schedule 3 of the Local Government: Municipal Structures Act, 117 of 1998.

The attached Schedule 3 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) provides the election procedure for municipal office bearers.

- 4.1. Financial Implications None Opex Capex
- Capex: New Projects
- Capex: Existing projects requiring additional funding
- Capex: Existing projects with no Additional funding requirements

- 4.2. Policy and Strategy Yes No

4.2. Legislative Vetting Yes No

4.3. Legal Implications Yes No

- Section 55 read with schedule 3 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)
- City of Cape Town Third Establishment Amendment Notice dated 28 May 2003

4.4. Staff Implications Yes No

4.5. Risk Implications Yes No

POPIA Compliance Yes It is confirmed that this report has been checked and considered for POPIA compliance.

5. RECOMMENDATIONS

It is recommended that the Council elects the Executive Mayor in terms of the process set out in Schedule 3 of the Local Government: Municipal Structures Act, 1998.

ISINDULULO

Kundululwe ukuba iBhunga malichonge uSodolophu weSigqeba ngokungqinelana neShedyuli 3 yoMthetho wobuRhulumente boMmandla i-Municipal Structures Act, 1998.

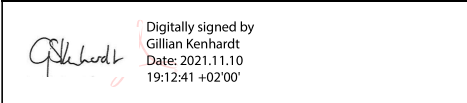
AANBEVELING

Daar word aanbeveel dat die Raad die uitvoerende burgemeester ingevolge bylae 3 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 verkies.

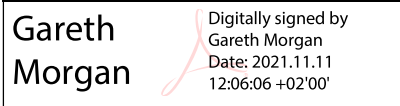
ANNEXURES

Annexure A: Schedule 3 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)

FOR FURTHER DETAILS CONTACT

NAME	R Razack	CONTACT NUMBER	021 400 1246
E-MAIL ADDRESS	Rehana.Razack@capetown.gov.za		
DIRECTORATE	Corporate Services	FILE REF No	
SIGNATURE :	 <p>Digitally signed by Gillian Kenhardt Date: 2021.11.10 19:12:41 +02'00'</p>		


ACTING EXECUTIVE DIRECTOR : CORPORATE SERVICES

NAME	Gareth Morgan	COMMENT:
DATE	11 November 2021	Supported
SIGNATURE	 <p>Gareth Morgan Digitally signed by Gareth Morgan Date: 2021.11.11 12:06:06 +02'00'</p>	

The ED's signature represents support for report content and confirms POPIA compliance.

LEGAL COMPLIANCE

- REPORT COMPLIANT WITH THE PROVISIONS OF COUNCIL'S DELEGATIONS, POLICIES, BY-LAWS AND ALL LEGISLATION RELATING TO THE MATTER UNDER CONSIDERATION.
- NON-COMPLIANT

NAME		COMMENT:
DATE		Certified as legally compliant based on the contents of the report.
SIGNATURE	 <p>Sarah Sanders Digitally signed by Sarah Sanders Date: 2021.11.11 21:47:02 +02'00'</p>	



Digitally signed by Lungelo
Mbandazayo
Date: 2021.11.12 10:57:28 +02'00'

CITY MANAGER

NAME	<u>L MBANDAZAYO</u>	Comment:
TEL	<u></u>	<u></u>
DATE	<u></u>	<u></u>

LOCAL GOVERNMENT STRUCTURES ACT 117 OF 1998**Schedule 3****ELECTION OF MUNICIPAL OFFICE-BEARERS**
[Schedule 3 amended by s. 34 of Act 51 of 2002.]**1 Application**

The procedure set out in this Schedule applies whenever a municipal council meets to elect a speaker, an executive mayor, a deputy executive mayor, a mayor or a deputy mayor.

2 Nominations

The person presiding at a meeting to which this Schedule applies must call for the nomination of candidates at the meeting.

3 Formal requirements

- (1) A nomination must be made on the form determined by the municipal manager.
- (2) The form on which a nomination is made must be signed by two members of the municipal council.
- (3) A person who is nominated must indicate acceptance of the nomination by signing either the nomination form or any other form of written confirmation.

4 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 any debate.

5 Single candidate

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

6 Election procedure

If more than one candidate is nominated:

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

7 Elimination procedure

- (1) If no candidate receives a majority of the votes, the candidate 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 a majority of the votes.
- (2) When applying subitem (1), if two or more candidates each have the lowest number of votes, a separate vote must be taken on those candidates, and repeated as often as may be necessary to determine which candidate is to be eliminated.

8 Further meetings

- (1) If only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, a further meeting must be held within seven days at a time determined by the person presiding.
- (2) If a further meeting is held in terms of subitem (1), the procedure prescribed in this Schedule must be applied at that meeting as if it were the first meeting for the election in question.
- (3) If at the further meeting held in terms of subitem (1) only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, the person presiding at such meeting must determine by lot who of the two candidates will hold the office for which the election has taken place.

[Subitem (3) added by s. 34 of Act 51 of 2002.]
