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**REPORT TO COUNCIL**


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**1. ITEM NUMBER : C 07/11/21****2. SUBJECT**

**ELECTION OF THE EXECUTIVE DEPUTY MAYOR OF THE CITY OF CAPE TOWN**

**UKUCHONGWA KUKASEKELA SODOLOPHU WESIGQEBA WESIXEKO SASEKAPA**

**VERKIESING VAN DIE UITVOERENDE ONDERBURGEMEESTER 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 Local Government: Municipal Structures Act, Act 117 of 1998, if the MEC for local government in the Province approves, the Council must elect an Executive Deputy Mayor.

Consequently, in accordance with the City of Cape Town Third Establishment Amendment Notice of 28 May 2003, this report recommends the election of the Executive Deputy Mayor.

The election must take place in terms of the election process for municipal office bearers set out in the attached Schedule 3 of the Local Government: Municipal Structures Act, 117 of 1998.

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

4.3. Legislative Vetting  Yes  No

4.4. Legal Implications  Yes  No

- Section 55 read with schedule 3 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)
- City of Cape Town Third Establishment Amendment Notice dated 28 May 2003

4.5. Staff Implications  Yes  No

4.6. 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 Executive Deputy Mayor be elected in terms of the process set out in Schedule 3 of the Local Government: Municipal Structures Act, 1998 (Act no. 117 of 1998).

### ISINDULULO

**KUNDULULWE** ukuba iBhunga malichonge uSekela Sodolophu weSigqeba ngokungqinelana neShedyuli 3 yoMthetho wobuRhulumente boMmandla Municipal Structures Act, 1998 (uMthetho ongunombolo 117 wango-1998).

**AANBEVELING**

Daar word **AANBEVEEL** dat die Raad die uitvoerende onderburgemeester ingevolge bylae 3 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998) verkies.

**ANNEXURES**

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

**FOR FURTHER DETAILS CONTACT**

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DIRECTORATE	Corporate Services	FILE REF NO
SIGNATURE : DIRECTOR	 <p>Digitally signed by Gillian Kenhardt Date: 2021.11.10 19:11:22 +02'00'</p>	

**ACTING EXECUTIVE DIRECTOR : CORPORATE SERVICES**

NAME	Gareth Morgan	COMMENT:
DATE	11 November 2021	Supported
SIGNATURE	 <p>Digitally signed by Gareth Morgan Date: 2021.11.11 12:07:16 +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	Sarah Sanders	Digitally signed by Sarah Sanders Date: 2021.11.11 21:49:22 +02'00'	Certified as legally compliant based on the contents of the report.
DATE			

SIGNATURE

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Digitally signed by Lungelo Mbandazayo  
Date: 2021.11.12 11:00:41 +02'00'

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**CITY MANAGER**

**NAME**

**L MBANDAZAYO**

**Comment:**

**TEL**

**DATE**

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**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.]

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