

MINUTES OF A SPECIAL COUNCIL MEETING HELD ON 03 SEPTEMBER 2007

PRESENT : Cllr J.C.Msibi
Cllr B.C.Mabaso
Cllr L.J.Vundla
Cllr V.S.Ntshangase
Cllr N.P.Stannard
Cllr A.Nene

OFFICIALS: Mr T.Tubane Acting Municipal Manager
Mrs M.Brown Director Corporate Services
Mrs P.H.Z.Kubheka Chief Financial Officer
Mr N.M.Dekker Director Engineering Services
Mr S.B.Sikhakhane Senior Manager Corporate Services
Ms B.J.W.Kiewiets Committee Officer

Also present : Mr L.Pienaar, (Chairman) Mrs C.Gunter and Mr Le Roux and Mr L.Mabaso from the Department of Local Government and Traditional Affairs,
Mr D.O.Shabalala and Mr D. Mabuyakhulu from the public.

1. OPENING

The meeting was opened at 8: 10.

2. APPLICATION FOR LEAVE OF ABSENCE

None

3. ABSENCE WITHOUT LEAVE

None

4. CONFIRMATION OF MINUTES

The Chairman informed the meeting that the minutes of the meeting held on 31 August 2007 were not yet available and requested that the item be dealt with once the meeting is concluded and will be confirmed at the next meeting.

5. PURPOSE OF MEETING AND PROCEDURE TO BE FOLLOWED

The Chairman wanted to know from the Councillors whether it was necessary for him to explain the purpose and procedure of the meeting to be followed again, or whether there was no need to do so.

Cllr V.S.Ntshangase proposed that the meeting proceeds to item 6. This was supported by Cllr A.Nene.

Cllr B.C.Mabaso requested to have a short caucus of ten minutes with all Whips.

The meeting was then adjourned for a short caucus.

After the caucus Cllr B.C.Mabaso informed the meeting that Council could proceed with the meeting.

6. **ELECTION OF ACTING SPEAKER (WHO SHALL BE CALLED THE MAYOR IN COMPLIANCE WITH SECTION 36 (3) OF THE LOCAL GOVERNMENT MUNICIPAL STRUCTURES ACT,1998)**

The Chairman informed the meeting that he would now request nomination of candidates and requested Mrs Gunter to hand out the nomination forms to all Councillors. The Chairman informed the meeting that the same process as Friday will be followed.

The Chairman informed Mrs Gunter to hand out the nomination forms and informed the meeting that the nomination form must be signed by two Councillors and also signed by the Councillor accepting the nomination.

The Chairman informed the meeting that the meeting will adjourn to allow the process of completing the nomination forms.

After the meeting was resumed the Chairman requested Mrs Gunter or Mr Le Roux to collect the forms.

The Chairman informed the meeting that he had four nomination forms and requested the Acting Municipal Manager to read the people's names who had been nominated.

The Acting Municipal Manager informed the meeting that the first nomination form was for Cllr N.P.Stannard and the second nomination form was for Cllr J.C.Msibi.

The Chairman informed the meeting that the nomination form for Cllr J.C.Msibi was signed by two Councillors and the nomination form was further signed by Cllr J.C.Msibi as acceptance of the nomination.

The Chairman informed the meeting that the nomination form for Cllr N.P.Stannard was signed by two Councillors and the nomination form was further signed by Cllr N.P.Stannard as acceptance of the nomination.

The Chairman informed the meeting that the two remaining forms were also voted nominations for Cllr J.C.Msibi and are also completed. In essence there are three forms signed for Cllr J.C.Msibi and one form signed for Cllr N.P.Stannard.

The Chairman informed the meeting that the meeting would now be moving to a question of a vote and requested the voting forms to be handed out to the Councillors. The Chairman informed the meeting that there would be one vote per Councillor and requested that the two names be correctly indicated on the voting forms.

The Chairman informed Mr Le Roux to ensure that all the slips are correctly filled in and that there are no wasted ballot papers.

Mr Le Roux informed the meeting that there were three voting slips for Cllr J.C.Msibi and three voting slips for Cllr N.P.Stannard.

The Chairman wanted to know whether the representatives of all parties were happy with the results on the ballot slips or whether they wanted to check the ballot slips.

Cllr B.C.Mabaso requested Mr Le Roux to re check the ballot slips.
Mr Le Roux then confirmed the ballot slips to be correct.

The Chairman informed the meeting that there was an equality of votes and requested the ballot papers to be kept in safe keeping by the Acting Municipal Manager.

The Chairman informed the meeting that item 8 of schedule 3 states clearly that "If only two candidates are nominated, or if only two candidates remain after an elimination procedure had 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" 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. " 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 received the same number of votes, the person presiding at such meeting must determine by lot which of the two candidates will hold the office for which the election has taken place".

The Chairman then informed the meeting that the meeting would now proceed to the question of lot.

The Chairman requested each caucus group to nominate one representative to ensure that the two names of the Councillors nominated are correctly written.

Cllr N.P.Stannard nominated Cllr B.C.Mabasoto represent them and Cllr A.Nene nominated Cllr V.S.Ntsangase to represent them.

The names of Cllr N.P.Stannard and Cllr J.C.Msibi were put into the voting box and shaken.

The Chairman informed the meeting that Mr Le Roux will pick a paper with one name out of the box and that person will be eliminated and not be the Acting Speaker but the name remaining in the box would be declared elected or appointed as the Acting Speaker of Council.

The Chairman requested Mr Le Roux as an impartial person to draw a name from the box. The Chairman then requested Mrs Gunter to open the box and Mr Le Roux to draw out one paper with a name from the box and then requested Mrs Gunter to close the box. Mr Le Roux read the name of Cllr N.P.Stannard which was drawn out of the box. The Chairman then requested Mrs Gunter to open the box and read the name of the person remaining in the box, and also to show the meeting that the box was then empty. The name of Cllr J.C.Msibi was read as the name that remained in the box.

The Chairman then declared Cllr J.C.Msibi as the new elected Acting Speaker following the process laid out in Schedule 3 of the Municipal Structures Act.

The Chairman congratulated Cllr J.C.Msibi as the newly elected Speaker. The Chairman then took the opportunity to remind Councillors that they had been elected to serve the community and made an appeal to allow the Council to function smoothly, effectively and allow service delivery to operate the way it should. The Chairman also made an appeal to all parties to give Cllr J.C.Msibi the support to take the Council forward and trusted that all the efforts of the Council would result in the delivery of services as required by the mandate and the community.

The Chairman also thanked the meeting for the spirit in which the processes and negotiations had unfolded and for their patience.

The Chairman informed the meeting that there will be minutes of the meeting held on Friday as well as today's minutes and wanted to know if it was in order for those minutes to be formally confirmed at the first meeting to be held by the newly elected Speaker.

This was confirmed to be in order by Cllr V.S.Ntshangase.

Cllr B.C.Mabaso informed the meeting that it was important to them as Councillors that service is provided to the community but had felt uncomfortable when he approached the Acting Municipal Manager to assist in providing a family with water for a funeral on Saturday and was informed that the family could not be provided with assistance and hoped that the Council will be able to provide services to the community.

7. CLOSURE AND FORMAL HANDOVER TO THE ACTING SPEAKER

The Chairman then requested Cllr J.C.Msibi to officially come forward to take over the chair as the newly elected Speaker of the municipality as the issues now raised were issues that the newly elected Speaker should deal with. The Chairman informed the meeting that there were means now of fast tracking service delivery as required by Cllr B.C.Mabaso.

The elected Speaker then took over the chair as the chairperson.

The new Speaker thanked Mr Pienaar, Acting Municipal Manager, Mrs Brown, all officials, all Councillors and thanked especially the ANC Councillors for trusting him to elect him as Speaker. The chairperson informed the meeting that he calls upon all Councillors to work together and provide the community with service delivery during the short time that he has been elected as Acting Mayor as his position is not permanent.

Cllr N.P.Stannard congratulated Cllr Msibi on his newly elected position as acting Speaker and was happy that the election was handled in the spirit that it should have been handled in. Cllr N.P.Stannard informed the meeting that he would be handing a letter in to the Acting Municipal Manager asking for leave of absence to enjoy what is left of his holiday hoping that it would be granted. Cllr N.P.Stannard informed the meeting that there were a couple of issues that should have been dealt with which were pointed out by Mr Pienaar in the agenda for 27 August 2007 and he only noted five issues that were very urgent. Cllr N.P.Stannard requested with the permission of the Acting Mayor that Council deals with them after this meeting as he would like to be part of the discussions and would not be present for the next week and a half.

The Chairperson informed the meeting that he will call a meeting to discuss all urgent issues but it could not be today.

8. CLOSURE

The meeting was terminated at 9 : 05.

CONFIRMATION

DATE.

CHAIRPERSON