

No. 29

MINUTES

OF

ETHEKWINI MUNICIPAL COUNCIL

Special meeting held on Friday, 2023-02-03T14:00, streamed from
Inkosi Albert Luthuli International Conventional Centre, Durban.

PRESENT : Councillors TE Nyawose (Speaker), TM Kaunda (Mayor), ZP Myeni (Deputy Mayor), A Abdul, J Annipen, AD Beesley, A Beetge, M Billy, T Biyela, JM Black, NJ Bollman, M Brauteseth, WJD Burne, MH Buthelezi, KPM Cele, SB Cele, SP Chebure, J Chetty, GD Clarivette, R Cloete, SV De Boer, Z Dzanibe, J Essop, BA Fortein, SN Gabela, GM Gasa, DM Gcabashe, FO Gcabashe, NBC Godlwana, R Gokool, G Govender, S Govender, Y Govender, SV Govender, BR Gumede, NC Gumede, S Gumede, BM Gwala, MS Gwala, GJ Hegter, MM Hlengwa, NP Hlomuka, SD Hlongwa, MF Ismail, LBS Jali, DM James, M Johnson, MA Jokweni, K Khambule, MN Khubisa, KNN Khubone, NL Khuzwayo, ZW Khuzwayo, SNC Khwela, A Kisson, BG Kubheka, V Kunju, CJ Laing, SW Lushaba, M Lutchmen, WM Luthuli, ME Mabaso, RD Macpherson, MA Madlala, NI Madlala, SR Madlala, A Maharajh, RP Maharaj, S Maharaj, FN Majola, TG Makhanya, HS Makhathini, MW Manqele, JB Maphumulo, NJ Maphumulo, TZ Mathe, PG Mavundla, SH Mazibuko, WM Mazibuko, M Mbambo, KT Mbhele, RP Mbonambi, JL Mchunu, BA Mchunu, NP Mchunu, SW Mcineka; RL McKenzie, X Mdlazi, FW Mdletshe, SM Memela, SP Mfeka, K Mhlaba, GN Mhlongo, NM Mhlongo, SE Mhlongo, KV Mkhize, MA Mkhize, ME Mkhize, MP Mkhize, NN Mkhize, NA Mkhize, P Mkhize, SM Mkhize, TJ Mkhize, B Mkhwanazi, E Mngadi, BR Mngadi, DF Mngadi, S Mngadi, SV Mngadi, MR Mngonyama, TJ Mnguni, ZM Mncwango, BV Mngwengwe, PB Mnikathi, ZO Mnomiya, S Mnyandu; T Mohamed, T Miya, MB Mjadu, R Moses, ND Motseke, SB Mpanza, NP Msibi, LI Msomi, LG Mthembu, SSS Mthethwa, TD Mthethwa, TM Mthethwa, N Munien, OB Mvubu, SK Mzimela, BD Naidoo; J Naidoo, V Ncukana, WP Ndiweni, NB Ndlela, MF Ndlovu, NS Ndlovu, PB Ndlovu, PC Ndlovu, V Ndlovu, SG Nene, TH Nene, SB Ngcongo, DB Ngubane, LE Nkomeni, MS Nkosi, DR Nowbuth, XM Nqweniso, DM Nsundwane, SH Ntombela, PC Ntshangase, BT Ntuli, PB Ntuli, N Ntuli, NZ Ntuli, B Nxumalo, MR Nxumalo, PH Nxumalo, NN Nyanisa, MV Nzimande-Madlala, AAK Paruk, BW Phewa, DT Pillay, GDA Pullan, A Rampersad, T Sabelo, S Sewshanker, A Shaheed, LP Shange; BH Shange, MG Shange, TE Shezi, HP Shozi, IM Shinga, JN Sibisi, KS Sibisi, N Sibiya, LC Sikhakhane, BSB Sindane, EL Singh, J Singh, PS Sishange, CN Sisoka, NI Sithole, BS Sivetye, EG Smith, AD Snyman, ZA Solomon, ZR Sokhabase, I Syed, ZN Tshazela, BB Thusi, M Thusi, ME Thusi, VG Reddy, NT Tyelinzima, JC Van den Berg; HM Van Der Ryst, NB Vilakazi, NI Webster, SM Windvogel, TV Xulu, T Xuma, NY Young, M Zondi, N Zondi, ON Mthembu -Zondi and TG Zungu.

ABSENT : Councillors F Ismail (Indisposed), MH Khan (Personal Commitments), AZ Mkhize, SR Moodley, NP Msomi (Indisposed), AB Ndlovu (Personal Commitments), S Ngema, MM Ngiba, DR Pillay, P Pillay (Personal Commitments), S Singh (Personal Commitments) and GN Zondi (Indisposed).

AMAKHOSI

PRESENT : Inkosi EB Shozi.

AMAKHOSI

ABSENT : Inkosi S Mlaba and JJ Shangase.

OFFICIALS

PRESENT : Messrs/Mesdames S Mnguni (Acting City Manager), M Mhlongo (Head: Legal & Compliance), A Seheri (Head: City Administration & Secretariat); BM Mhlongo (Deputy Head: Office of the Speaker), V Mshengu (Acting Senior Manager: Secretariat), S Kunene (Manager: Council Committees) and SC Zondi (Chief Committee Officer).

(At the commencement of the meeting 168 Councillors were present, comprising ANC - 79, DA - 49, EFF - 00, IFP - 17, ASA - 04, ABC - 02, ACC - 02, ACDP - 02, AIC - 02, ADEC - 01, APF - 01, ATM - 01, AL JAMA-AH - 00, DLC - 00, JEP - 01, KZNI - 01, MF - 01, MOSA - 00, NFP - 01, PFP - 01, PRM - 01, TA- 01, UIM - 00 and VF Plus - 01).

1. NOTICE CONVENING THE MEETING

The Acting City Manager read the notice convening the meeting as per the statutory requirement.

2. OPENING

The Speaker declared the meeting open at 14h20 and extended a warm welcome to Councillors; Traditional Leaders; City Manager; Deputy City Managers; Head Legal and Compliance and other Unit Heads; Members of the Administration; Media; and Members of the Public viewing on social media live streaming.

3. AFRICAN UNION AND NATIONAL ANTHEM

At the request of the Speaker the meeting stood to sing the African Union Anthem and the National Anthem of the Republic of South Africa.

4. OPPORTUNITY FOR PRAYER/MEDITATION

The Speaker requested Council to observe a moment's silence for everyone to meditate.

At this stage of the proceedings, Councillor Reddy of ADEC submitted that this meeting was convened in line with Rule 5 (6) of the Rules of Order By-Law, 2014 as amended, which specified that "A special meeting maybe called by the Speaker to debate any special issue, or to allow special guests to address Council." It being also reported that the Speakers Committee (Party Whip) Meeting had not convened following the adjourned meeting of 2023-01-31 to deliberate on the Council Agenda.

In this regard, ADEC enquired about the *Urgent Notice of Motion: for the Removal of Mayor Councillor TM Kaunda as the Member of the Executive Committee* which was part of the agenda for the adjourned meeting of 2023-01-31, and was omitted in the agenda for this Special meeting.

Subsequently, the Speaker advised that the matter would be dealt with at another Special Council meeting.

5. OFFICIAL ANNOUNCEMENTS

5.1 The Speaker presented the following announcements for the attention of the Members of Council:

5.1.1 Councillors were requested to complete the Attendance Register circulated at the meeting.

5.1.2 Councillors were also encouraged to conduct themselves with dignity and decency during the Council proceedings, and in compliant with the expectations in terms of the Councillors' Code of Conduct.

5.1.3 Councillors were urged not to interfere with the microphones and its cables on the tables as this may result to technical glitches and further affecting the recording of the proceedings of the meeting. That any faults should be reported to the City Administration staff who would ensure that same was resolved.

5.1.4 Councillors were then reminded that this was a reconvened Special Meeting of the Municipal Council from a meeting adjourned on Thursday, 26 January 2023 to elect Office Bearers.

5.1.5 Council noted that the Speaker was still attending to the matter which pertained to the Councillors that were not in attendance at the scheduled time for the 26th of January 2023 meeting. That this matter was being addressed in line with the provision of item 15 of Schedule 7: Code of Conduct for Councillors, as advised by Legal and Compliance Unit. He mentioned that once the matter was finalised it would be reported accordingly, at the next Ordinary Council meeting.

5.1.6 The Speaker then referred Council to the following election procedure as outlined in Schedule 3 of the Local Government: Municipal Structures Act 117 of 1998, as amended, and that it would be adhered to as follows:

5.1.6.1 *The process to be handled by the City Administration Unit, supported by the Independent Electoral Commission (IEC) to achieve transparency and fairness in this regard. Therefore, the IEC provided a person to serve as Presiding Officer as well as Voting Officers.*

5.1.6.2 *The Speaker to preside over the election process in terms of calling for nominations. This then necessitated the completion of the nomination form by a Councillor nominating; nomination to be seconded accordingly in the form; and also, a Councillor being nominated to accept accordingly by completing the nomination form.*

5.1.6.3 *In the event of one nomination, then a Councillor nominated will be declared Deputy Mayor or Whip of Council respectively.*

- 5.1.6.4 *Where there is more than one nomination, then the election process will be undertaken through a secret ballot. This will be overseen by the IEC Presiding Officer who will clearly outline the process to be followed in this regard.*
- 5.1.6.5 *All Council Members have a right to participate in the election process upon producing either the South African Identity Document; Drivers Licence; Passport; and Councillor Identity Tag. This will enable the IEC Team to verify that eligible Municipal Councillors participate in the election process.*
- 5.1.6.6 *Once all nominations have been confirmed the Speaker will invite the Presiding Officer to take over the election process.*
- 5.1.6.7 *Upon completion of the voting process, the results slip will be signed off by the IEC official and handed over to the Speaker to announce the election outcome and declare the elected Deputy Mayor and Whip of Council.*
- 5.1.7 In concluding his remarks, the Speaker advised that at the end of this Special Council meeting, the Municipal Council would then reconvene an Ordinary Council from a meeting that was adjourned on Tuesday, 31 January 2023.

Following the Speakers announcements, Councillor Mncwango of Action SA requested an update on the steps taken against Councillors that had failed to attend the Council meeting on 26 January 2023, which resulted in that meeting being inquorate. Mention being made that the Councillors affected had to be held accountable for their actions. They also requested a report on reasons for the City Manager also not being present at that meeting.

In response, the Speaker advised that the report which pertained to the City Manager not being present at the Council meeting of 26 January 2023, was outlined in detail by His Worship the Mayor at the Council meeting on 31 January 2023.

Councillor Gwala of IFP also joined the discussion and emphasised that the expenditure associated with hire of the venue etc for the adjourned Council meeting had to be considered when the Speaker presents the issue of non-attendance by Councillors.

The Speaker reiterated that the matter on non-attendance of meetings by Councillors was still being attended to in line with the Councillors Code of Conduct enshrined in the Local Government: Municipal Structures Act 117 of 1998, as amended. He added that once the matter was finalised, the matter would be reported back to Council accordingly, at the next Ordinary Council meeting.

Meanwhile, Councillor Madlala of ANC noted the Speaker's input on the matter, that of instilling discipline to all Councillors and further emphasised that Councillors had to cooperate with the requests from the Office of the Speaker. As such, he referred to previous incidences where some Party Caucuses had walked out of meetings which led to meetings being inquorate. Reference also being made to all IFP Councillors who had been absent for two (02) consecutive Council meetings, with leave of absence being submitted though. It being mentioned that the Code of Conduct for Councillors had to be applied consistently.

6. APPLICATIONS FOR LEAVE OF ABSENCE

RESOLVED:

The following Councillors be granted leave of absence as indicated: -

COUNCILLORS

Councillor F Ismail	:	2023-02-03	Indisposed
Councillor MH Khan	:	2023-02-03	Personal Commitments
Councillor T Miya	:	To join the meeting at a later stage.	
Councillor NP Msomi	:	2023-02-03 to 2023-02-07	Indisposed
Councillor AB Ndlovu	:	2023-02-02 to 2023-02-06	Personal Commitments
Councillor P Pillay	:	2023-02-03	Personal Commitments
Councillor J Singh	:	To join the meeting at a later stage.	
Councillor S Singh	:	2023-02-03	Personal Commitments
Councillor GN Zondi	:	2023-02-03	Indisposed

7. DECLARATION OF INTEREST

It was noted that none of the Members had declared interest on items appearing on the Agenda.

(His Worship the Mayor, Councillor TM Kaunda presented the First Report of the Executive Committee)

Following the tabling of the report by the Mayor, Action SA submitted that the *Urgent Notice of Motion: for the Removal of Mayor Councillor TM Kaunda as the Member of the Executive Committee* had to be considered by Council Special meeting.

Thereafter, the Speaker reported that during a virtual Council meeting held on the 31st of January 2023, a proposal was made that the urgent Notice of Motion be deferred to another physical Special Council meeting to be arranged by the Speaker. Further, that the remaining items on the agenda of 31 January 2023, be deferred to the ordinary Council meeting to be convened immediately after today's Special Council meeting.

Thereafter, the Speaker reported that his office had received formal submissions from different Political Parties for today's Special Council meeting to consider the urgent Notice of Motion. In view of these submission and the above proposal from Action SA, the Speaker then requested ten (10) minutes to consult all Political Party Whips.

Prior to the Political Party Whip session, the Head: Legal and Compliance advised the Whips to bear in mind that today's meetings were distinct. He indicated that today's Special Council meeting was a continuation of the adjourned meeting of 26 January 2023 which had specific agenda items. That the second meeting was an Ordinary meeting of the adjourned meeting of 31 January 2023, also that the urgent Notice of Motion under discussion was part of that agenda.

At this stage of the proceedings, time being 15h00, the meeting was paused and later resumed at 15h29.

The Speaker reported on the outcome of the Political Party Whips engagement. He mentioned that the Whips had agreed that the *Urgent Notice of Motion: for the Removal of Mayor Councillor TM Kaunda as the Member of the Executive Committee*, be considered during today's Council Meeting.

Thereafter, a submission was made that Rule 12 (2) of the Rule of Order, By-Law 2014, as amended allowed for the order of procedure to be altered. The Rule indicated that "*The Speaker may change the order in which the matters appear on the agenda after considering suitable motivation.*" Councillor Mncwango moved for the alteration of the order of procedure for today's Special Council meeting seconded by Councillor Syed for Council to first consider the Urgent Notice of Motion: for the Removal of Mayor Councillor TM Kaunda as the Member of the Executive Committee in today's Special Council Agenda. This was agreed to.

The Speaker then altered the order of procedure for this Special meeting and requested Council to first consider an Urgent Notice of Motion.

At this stage of the proceedings, time being, 15h35, the DA requested twenty minutes (20) minutes for caucus, the Speaker granted fifteen (15) minutes.

Thereafter, the meeting resumed at 16h07 to consider the below urgent notice of motion.

**URGENT NOTICE OF MOTION
IN TERMS OF SECTION 22(1) OF THE RULES OF ORDER
BY-LAW, 2014, AS AMENDED**

1. URGENT NOTICE OF MOTION: PROPOSED BY COUNCILLOR I SYED AND SECONDED BY COUNCILLOR M MOHAMMED: REMOVAL OF MAYOR COUNCILLOR M KAUNDA AS THE MEMBER OF THE EXECUTIVE COMMITTEE OF THE COUNCIL OF ETHEKWINI MUNICIPALITY (3/2/2)
 1. Please receive this Urgent Notice of Motion in terms of Section 22(1A) of the Rules of Order By-Law (2014) to remove Councillor Mxolisi Kaunda as a Member of the Executive Committee of eThekweni Municipality
 2. In line with the provision of Section 53(1) of the Local Government: Municipal Structures Act, No. 117 of 1998, which reads:

“53 Removal from office of executive committees. – (1) a municipal council may, by resolution remove from office one or more or/the members of its executive committee. Prior notice of intention to move a motion for the removal of members must be given.”
 3. This motion is tabled as per the above provision, to give notice of the Active Citizens Coalition's (ACC) intention to remove Councillor Mxolisi Kaunda as a Member of the Executive Committee of eThekweni Municipality as well as the Mayor of the Municipality in terms of Section 48(4)(b) and (c) of the Municipal Structures Act 117 of 1998 as amended.
 4. As per provision of the Rules of Order, motivation is attached for consideration.

In view of some of the Members not being in support of the Motion, the Speaker requested the author to present a motivation.

Prior to the urgent Notice of Motion being considered by Council, the DA enquired on the reason for His Worship the Mayor Councillor TM Kaunda being part of the meeting, when a matter was being discussed and directly affect the aforesaid Councillor. It was advised that his presence during discussion was in line with the provisions of the regulations.

Councillor I Syed then presented a duly signed urgent motion and seconded by Councillor M Ismail for the Removal of Mayor Councillor TM Kaunda as the Member of the Executive Committee.

Motivation was submitted as follows:

At the commencement of the Municipal term 2021-2026, the Municipal Council established Council Committees to support its functioning as per the statutory provisions, one of which is the Executive Committee, All Council Committees are on a proportional representation basis, one of which Councillor Mxolisi was elected as the Mayor and Chairperson of the Executive Committee.

It has been noted, based on the inadequacy of the Chairperson of the Executive Committee, the Municipality today finds itself in a serious state o disaster. The Executive Committee has deteriorated, almost irrecoverably.

The Executive Committee is a strategic Committee of the Municipal Council and must be always functional to take decisions that fast-track service delivery at all levels.

The Municipal Council will note further that there are many outstanding service delivery issues that has attracted bad publicity. These include:

The current eThekweni Municipal Council, under the present leadership of Mayor Mxolisi Kaunda, has failed to keep the beaches clean. The current situation has led to beached being closed during the very busy festive season. This in turn has cost the City serious financial prejudice in lost revenue over the festive season, coupled with serious reputational damage as a chosen tourist destination, locally and internationally.

Further, while the beaches and rivers suffered untold pollution never before seen, there was serious miscommunication coming from the Office of the Mayor giving an inaccurate account of the suitability and condition of beaches for bathers. There was no reliable, and factual, reports coming from the Office of the Mayor to allay fears of visitors to the beaches. This bore untold negative media publicity that was enough to completely, and significantly, bring down the number of non-residential visitors to almost all the beaches of the eThekweni Municipality.

The eThekweni Municipality under the leadership of Mayor Kaunda has lost approximately 60% (sixty percent) in revenue from water purchased from uMngeni Water. This accounts for about R2-Billion (Two Billion Rands) in the current financial year.

In the North of the eThekweni they are faced daily with challenges of water outages and electricity outages wherein we find ordinary citizens, who have not before protested before, taking to the streets.

In the South of the eThekweni there is sewer infrastructure that has not to date been addressed nor has any plan of action been communicated to the citizens of eThekweni.

Flood victims have had to be moved to temporary accommodation at a major cost to the City without a clear projected plan of the relocation, while noting that citizens of eThekweni, who have had their homes damaged due to lack of stormwater infrastructure, have, to date, not had any response from the City.

The issues of homelessness and vagrancy have been long outstanding, however, the urgency in terms of cable theft and damage to City infrastructure has now become an issue of safety and security of the citizens of which the Mayor has to date not addressed.

It is for the above reasons contained in this motivation that this Notice of Motion is submitted on an urgent basis.

Subsequently, the Speaker gave an opportunity for Political pParties to submit their views on the matter.

Speaking on the matter, the DA mentioned that His Worship the Mayor Councillor TM Kaunda was deployed to eThekweni Municipality in the year 2019 to provide leadership through clean governance. They mentioned that the DA was committed to work with the leadership in the interest of the residents. However, they reported that the recent outcomes of the Auditor-General's Report had indicated otherwise. They were of the view that the current Municipal leadership had been a liability to the eThekweni residents. Mention being made that the sewer spillages matter had not been adequately handled, including the damaged infrastructure. Therefore, they were in support of the motion.

The EFF highlighted that the Municipality had been able to provide stability following the recent April floods and other past disastrous events which had occurred. Mention being made that the Municipality has kept its promise to relocate displaced flood victims by the end of December 2022, however they cited that it was hasty. They emphasised that proper consultation had to be undertaken by Political Parties before matters were brought to Council. As such, they mentioned that Political Parties were not entitled to obtain their votes without proper consultation process and, on this basis, they voted against the motion.

Meanwhile, the IFP supported the motion, and they were of the opinion that the Municipality had collapsed under the current leadership, also that eThekweni residents had not been provided with adequate services.

The Action SA joined the discussions and reported the recent Auditor-General's Report outcome was a symbol for Council members to vote in support of the motion. They mentioned that the Municipality required ethical leaders with integrity, who can hold officials accountable for their actions. They indicated that there had been fifty percent (50%) loss of water, huge irregular expenditure, and lack of consequence management under the current leadership.

The ABC submitted that under the current leadership, the Municipality had lost funds to the value of R5,2 Billion due to non-revenue water from the year 2019 as well as wasteful expenditure of R10 Billion annually.

While the VF Plus reported that the Auditor-General's outcome cited that there were ghost employees within the Expanded Public Works Programme even though the programme was aimed to assist in poverty alleviation. Also, that Council had approved borrowings for capital projects for the next three (03) years to be paid over a period of twenty (20) years. They were against this borrowing and mentioned that Council was ought to recall the R4,5 Billion invested by the Municipality in different financial institutions and direct same towards capital projects. On this basis, they were in support of the motion.

The NFP mentioned that they were part of the progressive movement and emphasised that this party would therefore not be tapered as stepping stones for various agendas and that stability within the Municipality was important. In this regard, they were not in support of the motion.

Thereafter, the ANC stated that eThekweni Municipality had a collective Executive Committee System where powers are vested in the Executive Committee. Therefore, decisions are taken collectively. They made reference to various community engagements and projects which the Municipality and His Worship the Mayor had recently launched and/or attended. Reference being made to the Municipal programme where His Worship had handed over bursaries to 2022 top performing matriculants; M4 Road Sod tuning, back to school campaign where uniforms were handed over to under privileged school children in various townships.

It was also indicated that under the leadership of Councillor TM Kaunda, the Municipality was able to approve a balanced Budget during the triple challenges of Covid-19, Civil unrest and the recent April floods. It was highlighted that thirty (30) beaches were fully operational during the December holidays and visitors were able to descend to the City's shores. It being mentioned that displaced communities were also relocated before the end of December 2022, as assured by the Municipality.

With regards, to the Auditor General's Report, it was emphasised that the Municipality had received an unqualified audit opinion. They mentioned that this was an indication that the Municipality was stable and capable of providing quality public services. Reference was also made to the Public Empowerment Programme where ten thousand (10 000) people had been employed in order to reduce the unemployment rate. Other economic development projects cited, included the recently opened Oceans Mall, which had also assisted with job creation. On this basis, the ANC was against the motion.

Accordingly, with some Councillors not being in support of the recommendations, the urgent notice of motion was put to the vote.

The DA then referred to Rule 17 (2) of the Rules of Order By-Law 2014, as amended, and reiterated that His Worship the Mayor had to recuse himself from this matter which was being discussed.

Thereafter, it was advised that in terms of conflict of interest, a Councillor must withdraw from the proceedings of the council or committee when that matter is considered by the council or committee. Further, that when a Councillor has a direct interest on the matter, that Councillor should be excluded from the voting process.

In this regard, His Worship the Mayor Councillor TM Kaunda did not participate during voting process.

With 208 Councillors present, 81 Councillors (DA – 52; IFP – 17; Action SA – 04; ABC – 01; ACC – 02; ACDP – 02, KZNI – 01, UIM – 01 and VF Plus – 01) voted in favour of motion to remove Councillor Kaunda from the Executive Committee and 126 Councillors (ANC - 92, EFF – 24; AIC – 02; ADEC – 01; APF – 01, ATM – 01, JEP - 01, MF- 01; NFP - 01, PRM - 01 and TA – 01) voted against the matter. 01 PFP Councillor abstained on the matter.

**Accordingly, the urgent Notice of Motion relating to the proposed removal of His Worship from the Executive Committee was, by the majority vote,
NOT CARRIED.**

FIRST REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held 2023-01-24)

PRESENT : Executive Committee Members TM Kaunda (Mayor and Chairperson), A Beetge, Y Govender, NI Madlala, T Miya, TM Mthethwa, MS Nkosi, BT Ntuli, ZR Sokhabase and there being one (01) vacancy.

1. **FILLING OF VACANCIES OF DEPUTY MAYOR, WHIP OF COUNCIL AND EXECUTIVE COMMITTEE MEMBER (4/3/2)**

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The Executive Committee received a report outlining the process to be followed when filling the existing vacancies of the office bearers, namely, Deputy Mayor and Whip of Council, as well as one (01) Member of the Executive Committee.

The Municipal Council will recall there is an existing vacancy in the Executive Committee following a Council decision of 13 December 2022 to remove Councillor PG Mavundla of the Abantu Batho Congress (ABC) from the said Committee. This also resulted in the creation of vacancy in the position of Deputy Mayor. It will also be recalled that the ABC served on the Executive Committee on the proportional representation seat of the African National Congress (ANC). Therefore, with the removal of the ABC, this then gives the ANC the opportunity to elect another Member to serve on the Executive Committee. Thereafter, the Municipal Council will have to fill the position of Deputy Mayor, amongst the Members of the Executive Committee. It is important to note that for a Member to be appointed Deputy Mayor, he/she needs to first become the Member of the Executive Committee.

The Municipal Council will also recall the resignation of Councillor BT Ntuli as Whip of Council, who was subsequently elected as the Executive Committee Member filling the vacancy created as a result of the resignation of Councillor T Sabelo from this Committee.

The vacancies existing are critical and the filling thereof is required for the proper functioning of Council and its Committees. Therefore, there is a need for these positions to be filled accordingly.

With regard to the filling of the vacancy in the Executive Committee, the ANC will have to submit the name of the Councillor to be elected to serve thereon for noting by the Municipal Council.

In so far as the office bearers is concerned, Schedule 3 of the Local Government: Municipal Structures Act 117 of 1998, as amended, sets out a procedure that the Municipal Council must follow to elect office bearers. In line with the provisions of Schedule 3, Council is therefore requested to note the process to ensue to fill the vacant positions of Deputy Mayor and Whip of Council as detailed below:

- i) The process will be handled by the City Administration Unit, supported by the Independent Electoral Commission (IEC) to achieve transparency and fairness in this regard. Therefore, the IEC will provide a person to serve as Presiding Officer as well as Voting Officers.

- ii) The Speaker will preside over the election process in terms of calling for nominations. This would then necessitate the completion of the nomination form by a Councillor nominating; nomination to be seconded accordingly in the form; and also, a Councillor being nominated to accept accordingly by completing the nomination form.
- iii) The Presiding Officer then confirms nominations, without permitting any debate.
- iv) In the event of one nomination, then a Councillor nominated will be declared Deputy Mayor or Whip of Council respectively.
- v) Where there is more than one nomination, then the election process will be undertaken through a secret ballot. This will be overseen by the IEC Presiding Officer who will clearly outline the process to be followed in this regard.
- vi) All Council Members have a right to participate in the election process upon producing either the South African Identity Document; Drivers Licence; Passport; and Councillor Identity Tag. This will enable the IEC Team to verify that eligible Municipal Councillors participate in the election process.
- vii) Once nominations have been confirmed; a ballot paper will be printed on site; secret ballot voting will take place; thereafter counting will be done in the voting venue and with interested Political Party representatives to oversee the counting process.
- viii) Upon completion of the counting process; the results slip will be signed off by the IEC official and handed over to the Speaker to announce the election outcome and declare the elected Deputy Mayor and Whip of Council.

The Executive Committee noted the process as outlined above.

The Independent Electoral Commission (IEC), conducted the process to elect Deputy Mayor of the eThekweni Municipality.

IEC invited nominations for the appointment of a Councillor as a Deputy Mayor.

Councillor VG Reddy, seconded by Councillor BT Ntuli, nominated Councillor ZP Myeni. Councillor Myeni accepted the nomination.

Councillor PG Mavundla, seconded by Councillor ZM Mncwango, nominated Councillor MS Nkosi. Councillor Nkosi accepted the nomination.

Therefore, the following Councillors were the nominees for this position:

- (i) Councillor Zandile Prudence Myeni (National Freedom Party)**
- (ii) Councillor Mduduzi Samuel Nkosi (Inkatha Freedom Party)**

With there being two (02) nominations, the election process was thereafter conducted through a secret ballot process, as overseen by the IEC. A number of 209 Councillors participated in the secret ballot process and the following were the election results:

- | | | |
|--|----------|------------|
| (i) Councillor Zandile Prudence Myeni | : | 128 |
| (ii) Councillor Mduduzi Samuel Nkosi | : | 81 |

Thereafter, the IEC invited nominations for the appointment of a Councillor as a Whip of Council.

Councillor ZR Sokhabase, seconded by Councillor TM Kaunda, nominated Councillor PS Sishange. Councillor Sishange accepted the nomination.

Councillor MF Ismail, seconded by Councillor MR Nxumalo, nominated Councillor I Syed. Councillor Syed accepted the nomination.

With there also being two (02) nominations for the Whip of Council position, the election process was conducted through a secret ballot process, as overseen by the IEC. A number of 209 Councillors participated in the secret ballot process and the following were the election results:

(i)	Councillor Patience Samukelisiwe Sishange:	128
(ii)	Councillor Imtiaz Syed :	76

It should be noted that there were 5 spoilt ballot papers.

Susequently, by the majority vote, undertaken by the Independent Electoral Commission (IEC) by a secret ballot, it was

RESOLVED:

- 1.1.1 That Council notes the existing African National Congress vacancy on the Executive Committee and that the said Party has submitted the name of Councillor Zandile Prudence Myeni to serve on this Committee in the ANC proportional representation seat.
- 1.1.2 That, in terms of Section 48 of the Local Government Municipal Structures Act No. 117 of 1998 and with the procedure set out in Schedule 3 of the aforesaid Act, as amended, having been followed Councillor Zandile Prudence Myeni of the National Freedom Party, be elected Deputy Mayor of the eThekweni Municipality as having a number of 128 votes against the 81 votes obtained by her contender, Councillor Mduduzi Samuel Nkosi.
- 1.1.3 That in accordance with Section 41A of the Local Government Municipal Structures Act, 1998; as amended, and being complied with Schedule 3 of the aforesaid Act; to elect Councillor Patience Samukelisiwe Sishange of the African National Congress, be elected Whip of the eThekweni Municipal Council as having achieved a number of 128 votes against 81 votes obtained by her contender Councillor Imtiaz Syed.

The meeting terminated at 20h33 and moved into an ordinary Council meeting.

ADOPTED AT THE MEETING OF THE ETHEKWINI COUNCIL ON 2023-02-28.

SPEAKER