

AGENDA OF THE INAUGURAL MEETING OF THE COUNCIL 17 NOVEMBER 2021

7. ELECTION OF COUNCIL'S REPRESENTATIVES TO THE OVERBERG DISTRICT MUNICIPALITY

3/2/21

D O'Neill

4 November 2021

Municipal Manager

(028) 313 8003

1. Executive Summary

The purpose of the report is to provide guidance to Council with the election of Council's representatives to the Overberg District Municipality (ODM) in terms of the provisions of items 16 to 23 of Schedule 2 of the Local Government: Municipal Structures Act No 117 of 1998 and based on the determination of the number of Councillors in the District Municipality Establishment Notice.

2. Service Delivery and Budget Implementation Plan - IGNITE

Not applicable

3. Compliance with Strategic Priority

Provision of democratic, accountable and ethical governance

4. Delegated Authority

None

5. Legal Requirements

- Items 16 to 23 of Schedule 2 of the Local Government: Municipal Structures Act, Nr 117 of 1998 (Structures Act)
- Overberg District Municipality Establishment Notice, Provincial Notice 85/2019 dated 7 August 2019

6. Discussion

The Consolidated Establishment Notice for the Overberg District Municipality, Item 8 of the ODM Establishment Notice provides as follows:

"The Municipal Council of the District Municipality has 23 (twenty three) councillors as determined by the Provincial Minister in Provincial Notice 85/2019 published in the Provincial Gazette Extraordinary No 8137 dated 7 August 2019, of whom –

- (a) 10 (ten) proportionally represent the parties contesting the elections in the District Municipality in terms of Section 23(1)(a) of the Municipal Structures Act;

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(b) 13 (thirteen) directly represent the Local Municipalities in terms of Section 23(1)(b) of the Municipal Structures Act, of whom

- (i) 5 (five) directly represent the Theewaterskloof Municipality;
- (ii) 5 (five) directly represent the Overstrand Municipality;
- (iii) 2 (two) directly represent the Cape Agulhas Municipality; and
- (iv) 1 (one) directly represents the Swellendam Municipality

Item 16 of the said schedule requires the Chief Electoral Officer of the Electoral Commission to manage the election of these representatives. The Chief Electoral Officer's delegated representative, the Municipal Electoral Officer for Overstrand, Mr D O'Neill, shall manage the election.

As the Council is entitled to more than one seat, the seats will be allocated on a proportional representation basis and filled from the lists provided by parties as required in item 17 of the aforesaid Schedule 2. The Municipal Electoral Officer will provide further guidance during the meeting.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

Annexure A : Items 16 to 23 of Schedule 2 of the Structures Act

Annexure B : Nomination form to be submitted by parties

RECOMMENDATION TO THE COUNCIL:

that Council's representatives (5 councillors) to the Overberg District Municipality **be elected.**

RESPONSIBLE OFFICIAL:

D O'NEILL

TARGET DATE FOR IMPLEMENTATION:

17 NOVEMBER 2021

16. Electing local councils' representatives to district councils.—(1) The chief electoral officer must manage the election of representatives of a local council to the district council.

(2) If a local council has been awarded one seat—

- (a) any councillor may nominate a candidate;
- (b) each councillor has one vote; and
- (c) the candidate who receives the most votes is elected.

(3) If the council has been awarded more than one seat, the council must elect that number of members according to proportional representation as set out in items 17 to 22.

17. Candidates lists.—(1) Every party or independent ward councillor may submit a candidates' list containing the names of councillors, accompanied by a written acceptance by each listed candidate.

[Subitem (1) substituted by s. 31 (a) of Act No. 51 of 2002.]

(2) A party or independent ward councillor may not submit more than one list; and

[Subitem (2) substituted by s. 31 (b) of Act No. 51 of 2002.]

(3) The candidates' names must appear on the list in order of preference, starting with the first in order of preference and ending with the last.

(4) The name of a councillor may appear on one list only.

(5) Every party or independent ward councillor must seek to ensure that fifty per cent of the candidates on the candidates list are women and that women and men candidates are evenly distributed through the list.

[Subitem (5) amended by s. 31 (c) of Act No. 51 of 2002.]

18. Number of votes.—Each councillor casts one vote for one list only.

19. Determining the quota.—In a local council, the quota of votes for a seat to the district council must be determined in accordance with the following formula (fractions to be disregarded)—

$$\frac{A}{B} + 1$$

Where—

A represents the number of members of the local council; and

B represents the number of seats that the local council has been awarded on the district council in accordance with item 15.

20. Allocating seats.—(1) The number of votes cast in favour of each list must be divided by the quota of votes for a seat and the result is the number of seats allocated to that list.

(2) (a) If the calculation in subitem (1) gives a surplus, that surplus must compete with other similar surpluses of any other lists, and any seat or seats not allocated under subitem (1) must be awarded in sequence of the highest surplus.

(b) If the surplus on one list is equal to the surplus on any other list, the seat or seats must be awarded in sequence of the highest number of votes cast for those lists.

[Subitem (2) amended by s. 32 of Act No. 51 of 2002. Para. (b) added by s. 32 of Act No. 51 of 2002.]

21. Selecting names from the list.—The chief electoral officer, in accordance with the order of preference on a list, must select the number of candidates from the list that is equal to the number of seats allocated to that list.

22. Insufficient lists.—In the case of a list containing fewer names than the number of seats allocated to that list, the corresponding provisions of item 10 must be applied to the extent that that item

can be applied.

23. Filling of vacancies.—If a councillor elected from a candidates' list ceases to hold office or the list has become exhausted, the corresponding provisions of item 11 must be applied to the extent that that item can be applied.



Electoral Commission

Annexure B
11

List of Candidates

More than one Representative

Election of members of a local council to represent that council in the district council

Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)

Name of Local Council:

Name of District council:

I, (Full names), duly authorized by
 (party name)/ or In my capacity as
 a councillor of the above mentioned council, submit the following candidates' list for the election of
 representatives to the district council.

Signature

Date

Order of preference	Name of candidate	ID number	Signature: Acceptance of Nomination
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

Please note that:

- i. A party or councillor may not submit more than one list
- ii. A candidate may not appear on more than one candidates' list
- iii. Candidates' names must appear in order of preference