

**8.
REAPPOINTMENT OF COUNCILLORS ON PORTFOLIO COMMITTEES**

3/2/3/5

**H van Tonder
12 September 2016**

(028) 313 8037

Council Support Services

1. Executive Summary

The purpose of the report is to grant Council an opportunity to reappoint Councillors on Portfolio Committees.

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

- Section 79 and 80 of the Local Government: Municipal Structures Act, No 117 of 1998 (Structures Act)
- Section 160(8) of the Constitution of the Republic of South Africa, 1996 (Constitution)

6. Discussion

Council resolved on 12 August 2016 as follows”

“RESOLVED (UNANIMOUSLY):

1. that committees in terms of section 80, read with section 79, of the Local Government : Municipal Structures Act, No 117 of 1998, **be appointed, as follows :**

Portfolio Committee :
Finance

Members :
Ald D Coetzee, Cllrs F Africa, K Brice,
S Tebele and B Molefe

Portfolio Committee :
Management Services

Members :
Ald M Sapepa, Cllrs J Kloppers-
Lourens, R de Coning, M Opperman
and N Nqinata

Portfolio Committee :
Community Services

Members :
Ald N Botha-Guthrie, Cllrs D Botha, L
Ntsabo, V Pungupungu, S Kalolo

Portfolio Committee :
Protection Services

Members :
Cllrs K Brice, A Klaas, A Komani, V
Macotha and S Kalolo

Portfolio Committee :
Infrastructure and Planning and
LED

Members :
Cllrs, G Cohen, E Gillion, F Krige, S
Tebele, C Tafu-Nwonkwo

2. that a simple majority of members of any one of the committees constitutes **a quorum.**"

Parties want to reconsider the membership of the Committees concomitant with the fact that the Executive Mayor had, with the election of Cllr A Klaas as Deputy Executive Mayor of the Overberg District Municipality, reshuffled his Mayoral Committee.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

Annexure A : Section 79 and 80 of the Structures Act

RECOMMENDATION TO THE COUNCIL:

1. that resolutions 1 and 2 under Item 9 adopted on 12 August 2016, **be revoked;**

2. that Committees (so-called Portfolio Committees), in terms of section 80, read with section 79, of the Local Government : Municipal Structures Act, No 117 of 1998, **be reappointed**; and
3. that a simple majority of members of any one of the Committees constitutes a **quorum**.

RESPONSIBLE OFFICIAL:**H VAN TONDER****TARGET DATE FOR IMPLEMENTATION:****26 SEPTEMBER 2016**

79. Establishment.—(1) A municipal council may—

- (a) establish one or more committees necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers;
- (b) appoint the members of such a committee from among its members; and
- (c) dissolve a committee at any time.

(2) The municipal council—

- (a) must determine the functions of a committee;
- (b) may delegate duties and powers to it in terms of section 32;
- (c) must appoint the chairperson;
- (d) may authorise a committee to co-opt advisory members who are not members of the council within the limits determined by the council;
- (e) may remove a member of a committee at any time; and
- (f) may determine a committee's procedure.

80. Committees to assist executive committee or executive mayor.—(1) If a municipal council has an executive committee or executive mayor, it may appoint in terms of section 79, committees of councillors to assist the executive committee or executive mayor.

(2) Such committees may not in number exceed the number of members of the executive committee or mayoral committee.

(3) The executive committee or executive mayor—

- (a) appoints a chairperson for each committee from the executive committee or mayoral committee;
- (b) may delegate any powers and duties of the executive committee or executive mayor to the committee;
- (c) is not divested of the responsibility concerning the exercise of the power or the performance of the duty; and
- (d) may vary or revoke any decision taken by a committee, subject to any vested rights.

(4) Such a committee must report to the executive committee or executive mayor in accordance with the directions of the executive committee or executive mayor.