

EASTERN CAPE PROVINCIAL LEGISLATURE

HON. VICKY KNOETZE MPL



LLB Nelson Mandela Metropolitan University (NMMU/UPE)
Shadow MEC: Roads & Public Works
Deputy Shadow MEC: Finance
Deputy Shadow MEC: Health
Law Review & Woman's Caucus

Eastern Cape Provincial Legislature
Bhisho
Eastern Cape



11 December 2021

To: HON MEC Nqatha

RE: WITHDRAWING DELEGATES BY MAKANA LM AND NDLAMBE LM TO THE SARAH BAARTMAN DISTRICT MUNICIPALITY COUNCIL

It has come to my attention that both, Makana Local Municipality and Ndlambe Local Municipality are in the process of withdrawing their full lists of delegates, of all parties to the Sarah Baartman District Council.

In terms of the Makana Local Municipality, a supplementary item (SC7.7) was circulated on the 7th of December 2021 to withdraw the list of district council representatives previously elected at the inaugural meeting of the Makana Local Municipality on the 14th of November 2021, and to then re-elect all representatives from the Makana Local Municipality to the Sarah Baartman District Municipality Council. The item further alleges that the manner in which the IEC conducted such election on the 14th of November 2021 'weakened the representation' of Makana Local Municipality to the Sarah Baartman District Municipality and that the process must be reconvened to 'strengthen representation' to the district.

Firstly, there was no objection either on the day of the inaugural meeting or in the 3 weeks after the inaugural meeting to the manner in which the IEC conducted the election of representatives to the Sarah Baartman District Municipality Council. Secondly, a re-election cannot strengthen Makana Local Municipality's representation at the Sarah Baartman District Municipality Council, Makana Local Municipality had three (3) representatives and will still have only 3 representatives.

In terms of the Ndlambe Local Municipality, in the council meeting of the 9th of December 2021 a notice of motion was submitted by the ANC for the rescission of

resolution NCA 010/11/2021 for council to consider. This resolution refers to the election of representatives from the Ndlambe Local Municipality to the Sarah Baartman District Municipality Council. This motion alleges that the IEC conducted the election process in such a way that there was no scope for Council or the administration to confirm or dispute the process of the 23rd of November 2021.

Firstly, there was no objection either on the day of the inaugural meeting or in the 2 weeks after the inaugural meeting to the manner in which the IEC conducted the election of representatives to the Sarah Baartman District Municipality Council. Secondly, it is clear that councillors and party agents of the ANC failed to adequately familiarise themselves with the process and the relevant provisions of the Local Government Municipal Structures Act 27 of 1998.

In both instances, these actions to withdraw the full list to the district of all parties by Makana and Ndlambe Local Municipalities is ***Ultra Vires*** as section 12 of the Local Government: Municipal Structures Act 27 of 1998 only makes provision for a political party to withdraw a person's name by written notice. **The Act makes no provision for Local Municipalities to withdraw names from the district council.** The Act makes no provision for the re-run of such elections as according to section 23 (4) 'a local council must appoint its representatives to the district council within 14 days after the result of the election of the local council has been declared'.

The activities taking place in the Makana Local Municipality and Ndlambe Local municipality is *ultra vires* and highly irregular, these actions amount to political manipulation to correct party blunders. I therefore request your urgent investigation into this matter and that appropriate action is taken as a matter of urgency.

Kindly respond by the 17th of December 2021.

Regards,


MPL VICKY KNOETZE

MEMBER OF THE EC PROVINCIAL LEGISLATURE

PORTFOLIO COMMITTEE MEMBER: COOPERATIVE GOVERNANCE AND
TRADITIONAL AFFAIRS

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