

Submitted to Mr Ted Pillay Makana Acting Municipal Manager

Motion of No Confidence in the Mayor, the Hon Nomhle Gaga to be placed before for a Meeting of Council to be convened in terms of Makana Municipality – By-laws : Standing Rules and Orders of the Council (Prov Gazette No. 2274 dated 5 February 2010) specifically sect 82 being the last Gazetted Makana Standing Rules and Orders By-law.

82. Removal from office of the mayor

- (1) A councillor (hereafter called "the initiator") may by written motion, which must be seconded by at least three other councillors, move that the mayor be removed from office. Such a motion must be submitted to the municipal manager and may not be sent by electronic mail, telex or telegram. If such motion is transmitted by facsimile, the original must be delivered to the municipal manager within seven days.
- (2) The motion must contain sufficient reasons to substantiate the proposal contained therein.
- (3) A motion in terms of sub-rule (1) may, despite the provisions of rule 63, not be withdrawn.
- (4) The municipal manager must, upon receipt of a motion in terms of sub-rule (1), forthwith send a copy to the speaker and the mayor.
- (5) The speaker must, for the purpose of considering the said motion, forthwith upon receipt of same, determine the date, time and venue for a special council meeting in terms of rule 4. The date of such a special meeting may not be less than fourteen and not more than twenty-one days from the date the speaker received a copy of the motion concerned from the municipal manager.
- (6) Despite the provisions of rule 6 (1), at least seven days notice of a meeting in terms of sub-rule (5) must be given.
- (7) If the mayor resigns from office at any time before a meeting in terms of subrule (5) takes place, the motion lapses and the meeting does not take place. Upon the resignation of the mayor in terms of this sub-rule, the members of the mayoral committee are deemed to have resigned from the same date.
- (8) The meeting referred to in sub-rule (5) may not be closed for the public or the media before a vote had been taken on the matter.
- (9) The speaker presides over the proceedings on a motion in terms of sub-rule (1) but he or she does not have a casting vote.
- (10) The mayor has the right and must be allowed the opportunity during the proceedings to-
- (a) respond to every allegation made in the motion and during the debate;
 - (b) call witnesses and to cross-examine any witnesses called by the initiator; and
 - (c) submit documents and to examine any documents submitted by the initiator, provided that, if the mayor refuses or fails to attend the meeting, the council may, in its sole discretion, continue with the proceedings. A proposal to proceed in the absence of the mayor is carried if a majority of the councillors of the municipality votes in favour of it.
- (11) With due regard for the provisions of rules 27 and 28, the speaker must put the motion to the vote after the debate on the motion has ended.
- (12) If the mayor at any time during the debate but before the motion is put to the vote, makes a declaration in terms of rule 76 (2), the debate is discontinued immediately, the motion lapses and the council proceeds to elect a new mayor despite any provisions to the contrary in these by-laws. When such a declaration is made, the members of the mayoral committee are deemed to have resigned as such members.
- (13) If the motion is carried, the mayor is removed from office with immediate effect and the council proceeds to elect a new mayor. The mayoral committee shall be deemed to have been removed from office upon the removal of the mayor in terms of this sub-rule.
- (14) A councillor elected as mayor in terms of sub-rule (12) or (13) serves, subject to the right of the council to remove him or her from office, for the unexpired term of his or her predecessor's term of office.
- (15) If the motion is defeated, no motion containing the same allegations may be submitted within the next three months unless the council directs otherwise.
- (16) The election of a new mayor in terms of this rule, shall take place in accordance with the procedures contained in Schedule 3 to the Structures

We, the undersigned members of Council, noting :

This House, noting that the Executive Mayor, Councillor Nomhle Gaga, is the political head of the Makana Municipality, and is therefore entrusted with providing ultimate oversight of the Municipality, and ensuring that the residents of the Municipality have access to the best possible services and have sound leadership.

This House further notes the failure of service delivery in a number of occasions and the lack of sound leadership in a number of areas, to wit:

1. That she failed to ensure the implementation of a Council Resolution whereby revenue generated from the sale of electricity is ring-fenced so that the Municipality can pay its current account and service the ESKOM debt. This has not been implemented.
2. A recent Council Resolution called for the investigation of the overtime situation in the Municipality by a reputable independent body. It was decided that this organisation was to

present a report to Council and any untoward findings reported to the Hawks. This has not been implemented.

3. The most important service that a Municipality can render to its residents is the provision of reliable, safe and clean water.
4. This House notes that recently the pathogen *E Coli* was allowed to enter the Makana water system, potentially creating a danger to public health through a Gastro-Enteritis epidemic,
5. That, due to a lack of routine maintenance, sludge was not cleared from the water purification systems and the subsequently sludge came through the taps of many areas which was quite unfit for human consumption,
6. That many areas have had no water or intermittent water for considerable periods of time. The poorer areas of Makana have suffered mostly in this regard.
7. That there is a sense among the general public that the Finance Department is in disarray.

This house also notes that during this period there has been no public statement on any of these issues from the Executive Mayor.

Indeed instead of attempting to prevent a public health crisis of a potential outbreak of a disease that is known to be particularly dangerous when babies and young children are afflicted by issuing a timely warning, her administration said nothing, and attempted to keep the information buried in the reports of portfolio meetings.

Consequently, we propose that this House reflect the feelings of the residents of Makana Municipality and further propose that this House has no confidence in the Executive Mayor of Makana Municipality.

This motion is to be presented at a meeting of council, called in terms of the Standing Rules and Orders of the Council (Prov Gazette No. 2274 dated 5 February 2010), at a date between **fourteen (14) and twenty one days (21)** of the delivery by hand of this motion.

It is the feeling of the undersigned that this House has no confidence in the Mayor, and in terms of the Standing Rules and Orders of the Council (Prov Gazette No. 2274 dated 5 February 2010) Sect 45 (1), move that the motion be determined by **secret ballot.**

Cllr M Nhanha
Proposer

Cllr B W Fargher
Seconded

Cllr X Mdayo
Seconded

Cllr B P N Jackson
Seconded

Date Received by