



HELEN ZILLE
Chairperson of Federal Council
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6 January 2021

RAYMOND NGCOBO
THE MUNICIPAL MANAGER
UMGUNGUNDLOVU DISTRICT MUNICIPALITY
242 Langalibalele Street
Pietermaritzburg
3201

Per e-mail: mm@umdm.gov.za / Ray.Ngcobo@umdm.gov.za

Dear Mr Ngcobo

SEAT ALLOCATION : UMGUNGUNDLOVU DISTRICT MUNICIPALITY

1. My office has been informed that the seat allocation in respect of the above district municipality has been placed in dispute.
2. The calculation of seats in a district municipality is done by the IEC after a Local Government Election on the basis of Schedule 2 to the Municipal Structures Act of 1998. Sections 6 and 7 of this schedule determines specifically that this determination is to be done also in respect of those indirectly elected to district councils as representatives of the local municipalities in the district.
3. The abovementioned determination by the IEC is applicable until either the next local government elections of a national nature or in the event of a by-election for the whole of a local government in the event that it is dissolved in between local government elections.
4. As this did not happen in respect of Msunduzi Local Municipality the determination and seat calculation as done by the IEC in August 2016 is the only valid seat calculation. As such it is an official decision of the IEC as endorsed by Council and will apply unless it is set aside by the High Court on review.

FREEDOM. FAIRNESS. OPPORTUNITY. DIVERSITY.



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5. The schedule does not give the IEC or the Council of the District Municipality and or the Local Municipality the authority to review or re-calculated the seat allocation.
6. Therefore, any attempt to do same will be ultra vires and unlawful and any refusal to remunerate our duly elected councillors will similarly be an unlawful act.
7. Unless we are provided with the court order allowing a re-calculation, along with the formal re-calculation by the IEC, as allowed by the court order, by close of business on Friday, 8 January 2020, the calculation of seats, as done in August 2016, stands. In that event our councillors should immediately receive the remuneration which has been withheld unlawfully from them.
8. Should you fail to do so, we shall approach the High Court for the appropriate relief on an urgent basis.

Kind regards

Helen Zille
Chairperson of Federal Council