

AGENDA FOR

The first council meeting

The first meeting of the newly elected councils must take place at the seat of the municipality within 14 days of the council being declared elected. If it is a district council, the meeting must be held within 14 days of the appointment of all members who are to be appointed by local councils. At the first meeting, a number of issues must be decided and key office-bearers must be elected.

This article deals with an agenda for the first council meeting of different types of municipalities. The agendas for these municipalities differ because of the different office-bearers that will have to be elected. Because these guidelines give effect to the provisions of the Municipal Structures Act (the Act), they apply to all councils.

First meeting: the date

The municipal manager must, within three days of the council being declared elected, inform the elected councillors in writing of the venue, date and the time of the first meeting of the council.

Quorum

A majority of the elected councillors must be present at the meeting before a vote may be taken on any item of the agenda. This means that 50% plus one of the elected councillors must be present and must vote.

Voting

Schedule 3 of the Act prescribes specific voting procedures for electing office-bearers. The basic principle is that a successful candidate must have 50% plus one of the votes of the councillors present. The other items on the agenda are also decided by a majority of the votes cast. This means that 50% plus one of the elected councillors constituting a quorum at the time of voting, must vote for a motion. If there is an equal number of councillors for and against the motion, the councillor presiding must exercise a casting vote in addition to his/her vote as a councillor.

Part 1 of the agenda

This part of the agenda concerns the election of a speaker and will be presided over by the municipal manager.

1. *Reading of notice convening the first meeting:* The municipal manager must read the notice convening the first meeting of the council to formally constitute the meeting.
2. *Oath or affirmation:* Councillors should swear or affirm faithfulness to the Republic of South Africa and obedience to the Constitution. The oath or affirmation must be administered by the municipal manager.
3. *Election of speaker:* Section 36 of the Act requires a council to elect a speaker at its first meeting after the elections. If a municipality is of a type that has a plenary executive system (mentioned in sections 9(e) or (f) or 10(c) of the Act), the speaker must be called a mayor. The election must take place in accordance with Schedule 3 of the Act.

Part 2 of the agenda

This part of the meeting is presided over by the newly elected speaker. The municipal manager must inform the

meeting that the speaker will take the Chair and preside over the rest of the meeting. The speaker then takes the Chair and presides over the rest of the meeting. If a municipality is of the type that has a collective executive system, items 4, 5, and 6 below must appear on the Agenda.

4. *Election of members of executive committee:* If a council has an executive committee, the council must elect members of the executive committee in terms of section 45 of the Act. The election of members of the executive committee must be in accordance with section 43 of the Act and must result, in general, in proportionality.
5. *Election of mayor:* The council must elect a mayor from among the members of the executive committee in terms of section 48 of the Act. The election must be in accordance with Schedule 3 of the Act. If a municipality is of the type that has a mayoral executive system (mentioned in sections 8(e)-(g), 9(c)-(d) and 10(b) of the Act), item 6 below must appear on the Agenda.
6. *Election of executive mayor:* If a council has an executive mayoral system, the council must elect an executive mayor in terms of section 55 of the Act. The election must be in accordance with Schedule 3 of the Act.
7. *Election of council's representatives on district council:* A local council must elect the number of councillors as determined in the Section 12 Notice as section 23(2) councillors, to represent the local council on the district council. The election must be in accordance with Schedule 2 of the Act.
8. *Appointment of members to other committees:* If the council has other committees, section 79 of the Act provides for the appointment of councillors as members of other committees of the council. No procedure is prescribed.

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