



Notice is hereby given that an **INAUGURAL MEETING** of the **5th MUNICIPAL COUNCIL** of !Kheis Municipality will be held in the **NG Kerk Saal, Groblershoop** on **Thursday, 18 NOVEMBER 2021** at **14:00** to consider the business set forth in the attached agenda.

Kennis geskied hiermee dat 'n **INHULDIGINGS VERGADERING** van die **5de MUNISIPALE RAAD** van !Kheis Munisipaliteit in die **NG Kerk Saal, Groblershoop** op **Donderdag, 18 NOVEMBER 2021** om **14:00** gehou sal word ten einde sake soos uiteengesit in die aangehegte agenda te oorweeg.

MR JTF LEEUW
Municipal Manager
Munisipale Bestuurder
Date: 13 November 2021

ALL COVID 19 REGULATIONS
MUST BE ADHERED TO

A G E N D A

1. **OPENING AND WELCOMING**
2. **INAUGURATION OF COUNCILLORS: OATH OR SOLEMN AFFIRMATION**
3. **ESTABLISHMENT NOTICE OF !KHEIS MUNICIPALITY**
4. **CODE OF CONDUCT FOR COUNCILLORS**
5. **! KHEIS MUNICIPALITY : RULES OF ORDER FOR INTERNAL ARRANGEMENTS**
6. **ELECTION OF A SPEAKER**
7. **STATEMENTS AND COMMUNICATIONS BY THE SPEAKER**
8. **ELECTION OF AN EXECUTIVE MAYOR**
9. **STATEMENTS AND COMMUNICATIONS BY THE EXECUTIVE MAYOR**
10. **ELECTION OF THE COLLECTIVE EXECUTIVE COMMITTEE**
11. **ELECTION OF REPRESENTATIVE TO THE ZFM DISTRICT MUNICIPALITY**
12. **SYSTEM OF DELEGATIONS**
13. **STRUCTURING OF THE MUNICIPAL COUNCIL : APPOINTMENT OF MEMBERS TO COMMITTEES:**
 - 13.1 **PORTFOLIO COMMITTEES (SECTION 80)**
 - 15.1.1 FINANCIAL AND CORPORATE SERVICES COMMITTEE
 - 15.1.2 COMMUNITY SERVICES COMMITTEE
 - 15.1.3 PLANNING AND INFRASTRUCTURE DEVELOPMENT COMMITTEE
 - 13.2 **DISCIPLINARY BOARD**
 - 13.3 **MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC)**
 - 13.4 **AUDIT COMMITTEE SELECTION COMMITTEE**

FIRST MEETING OF THE MUNICIPAL COUNCIL
AGENDA
18 NOVEMBER 2021

14. **APPOINTMENT OF REPRESENTATIVES ON HUMAN RESOURCE RELATED COMMITTEES**
15. **DECLARATION OF INTEREST**
16. **INTEGRATED DEVELOPMENT PLAN (IDP)**
17. **HAND-OVER REPORT**
18. **COUNCILLOR ORIENTATION WORKSHOP**
19. **SCHEDULE OF MEETINGS**
20. **REMUNERATION OF PUBLIC OFFICE BEARERS ACT, 1998: DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS**
21. **ESTABLISHMENT OF WARD COMMITTEES**
22. **INTEGRATED DEVELOPMENT PLAN**
23. **ADJOURNMENT**

1.

C01/11/21 OPENING AND WELCOME

The Municipal Manager, Mr Tebogo Floyd Leeuw, will be the Chairperson of the meeting until a Speaker is elected in Item C06/11/21 in this Agenda.

The Chairpersonship as well as the authority to call the first meeting of a newly elected Municipal Council are enacted in Section 29(2) of the Local Government Structures Act, 1998, as amended.

2.

C02/11/21 INAUGURATION OF COUNCILLORS

REPORT FROM THE ACTING MUNICIPAL MANAGER

PURPOSE OF THE REPORT

To facilitate for the duly elected Councillors to affirm/swear faithfulness to the Republic of South Africa and obedience to the Constitution and all other laws.

BACKGROUND

The National Local Government Elections held on Monday, 1 November 2021 resulted in eleven (11) Councillors being duly elected to constitute the Municipal Council of !Kheis Municipality.

Sincere congratulations are hereby offered to all elected Councillors on behalf of the Administration.

DISCUSSION

The relevant declaration of the results of the IEC regarding the new Councillors will be tabled during the meeting.

The South African Local Government Association's (SALGA) relevant framework requires that elected Councillors swear or affirm faithfulness to the Republic of South Africa and obedience to the Constitution and other laws at their first Municipal Council meeting.

Accordingly all Councillors will be required to swear or affirm (whichever is their choice) as follows :

Oath

I (full names and surname) hereby swear that I will be faithful to the Republic of South Africa and will obey, respect and uphold the Constitution and all other laws of the Republic of South Africa; and I solemnly promise to perform my functions and duties as a Councillor of Knysna Local Municipality to the best of my ability.

or

Solemn Affirmation

I (full names and surname) hereby solemnly affirm that I will be faithful to the Republic of South Africa and will obey, respect and uphold the Constitution and all other laws of the Republic of South Africa; and I solemnly promise to perform my functions and duties as a Councillor of Knysna Local Municipality to the best of my ability.

The Magistrate or Municipal Manager will administer the Oath / Solemn Affirmation to all the Councillors.

Execution : Municipal Manager
 Magistrate

C03/11/21 ESTABLISHMENT NOTICE OF !KHEIS MUNICIPALITY

PURPOSE OF THE REPORT

DISCUSSION

“**collective executive system**” means a system of local government, which allows for the exercise of executive authority through >>>>>>>>>>

RECOMMENDATION OF THE MUNICIPAL MANAGER

- Gazette to be distriibted seperately

4.

C04/11/21 CODE OF CONDUCT FOR COUNCILLORS

REPORT FROM THE MUNICIPAL MANAGER

PURPOSE OF THE REPORT

The purpose of this report is to bring the Code of Conduct for Councillors to the attention of all Councillors.

BACKGROUND

The Code of Conduct for Councillors (Code) is established to ensure that Councillors fulfill their obligations to their communities and support the achievement by the municipality of its objectives set out in section 19 of the Local Government : Municipal Structure Act, 2000. Section 19 of the mentioned Act is attached hereto, for ease of reference. (**Annexure A**) The objects of Local Government are enacted in Section 152 of the Constitution of the RSA, 1996, which is also attached hereto, as **Annexure B**.

DISCUSSION

The Code is enacted as Schedule 7 of the Local Government Municipal Structures Act, 2000, as amended IN 2021 and is attached hereto as **Annexure C**.

The following stipulations of the said Code needs to be mentioned at this meeting:

Preamble- The second sentence place an obligation on all Councillors to be accountable to local communities and to report back, at least quarterly, to constituencies, on council matters, including the performance of the municipality in terms of established indicators. For Ward Councillors, this takes the form of quarterly ward meetings.

Item 4 – Attendance at meetings. The stipulations of this item is important specifically for the purpose of recording attendance of meetings. In this regard an Attendance Register will be circulated which all Councillors in attendance must sign.

Item 6 – Disclosure of interest. Councillors are requested to adhere to the stipulations in this regard. An item on this Agenda will address the disclosure of direct benefits in more detail.

Item 8 – Declaration of interest. See the Item in this Agenda on this matter.

Item 14 – Councillors in arrears. Any Councillors in arrears for rates and services charges (for a period longer than 3 months) should settle arrears in order not to face the dire consequences of such breach of the Code.

RECOMMENDATION OF THE MUNICIPAL MANAGER

[a] That the Code of Conduct for Councillors enacted as Schedule 7 of the Local Government : Municipal Structures Act, 2000, as amended in the Local

Government: Municipal Structures Amendment Act, 2021, as attached as Annexure C to the report, be noted; and

[b] That the Attendance Register be signed by all Councillors present.

APPENDIX / ADDENDUM

Annexure A – Section 19 of the Structures Act.

Annexure B – Section 152 of the Constitution.

Annexure C – Code of Conduct for Councillors, Schedule for Councillors, Schedule 7 of the Local Government : Municipal Structures Amendment Act, 2001.

Execution : Senior : Corporate Services
 Manager : Human Resources
 Manager : Administration

19. Municipal objectives.-(1) A municipal council must strive within its capacity to achieve the objectives set out in section 152 of the Constitution.

(2) A municipal council must annually review-

- (a) the needs of the community;
- (b) its priorities to meet those needs;
- (c) its processes for involving the community;
- (d) its organisational and delivery mechanisms for meeting the needs of the community; and
- (e) its overall performance in achieving the objectives referred to in subsection (1).

(3) A municipal council must develop mechanisms to consult the community and community organisations in performing its functions and exercising its powers.

152. Objects of local government.-(1) The objects of local government are-

- (a) to provide democratic and accountable government for local communities;
- (b) to ensure the provision of services to communities in a sustainable manner;
- (c) to promote social and economic development;
- (d) to promote a safe and healthy environment; and
- (e) to encourage the involvement of communities and community organisations in the matters of local government.

(2) A municipality must strive, within its financial and administrative capacity, to achieve the objects set out in subsection (1).

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ANNEXURE C

28 No. 44647

GOVERNMENT GAZETTE, 1 JUNE 2021

Local Government: Municipal Structures Amendment Act, 2021

Act No. 3 of 2021

28

Award of seats on district councils

15. (1) The quota of registered voters that a local council [or a district management area] must have in order to be entitled to a seat on a district council must be determined in accordance with the following formula (fractions to be disregarded):—

$$\frac{A}{B} + 1$$

Where—

A represents the total number of voters registered on the district council's segment of the national common [voters' roll] voters' roll; and

B represents the number of seats on the district council determined in terms of section 23(2)(a) for representatives of the local councils [and district management areas] but disregarding any increase in terms of section 20(5).

(2) Each local municipality [and each district management area] in the area of a district municipality is entitled to a number of seats on the district council determined by dividing the total number of voters registered on the segment of the national common voters' roll for that local municipality [or district management area] by the quota of votes for a seat on the district council determined in accordance with subitem (1).

(3) If the calculation in subitem (2) gives a figure that is a fraction of the figure 1, the council [or district management area] must be awarded one seat and must not participate in any further calculation or award.

(4) If the calculation in subitem (2) yields a surplus, that surplus must compete with similar surpluses of any other council [or district management area], and any seat or seats not awarded in terms of subitems (2) and (3) must be awarded in sequence of the highest surplus.”;

(l) by the substitution for the heading of item 23 of the following heading: “Filling of vacancies of district councils”; and

(m) by the repeal of item 24.

Amendment of Schedule 3 to Act 117 of 1998, as amended by section 34 of Act 51 of 2002

35. Schedule 3 to the principal Act is hereby amended by the substitution for item (1) of the following item:

“Application

1. The procedure set out in this Schedule applies whenever a municipal council meets to elect a speaker, an executive mayor, a deputy executive mayor, a whip, a mayor or a deputy mayor.”

Addition of Schedule 7 to Act 117 of 1998

36. The following Schedule is hereby added to the principal Act:

“SCHEDULE 7

CODE OF CONDUCT FOR COUNCILLORS

PREAMBLE

Councillors are elected to represent local communities on municipal councils, to ensure that municipalities have structured mechanisms of accountability to local communities, and to meet the priority needs of communities by providing services equitably, effectively and sustainably within the means of the municipality. In fulfilling this role, councillors must

FIRST MEETING OF THE MUNICIPAL COUNCIL

AGENDA

15 NOVEMBER 2021

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30 No. 44647

GOVERNMENT GAZETTE, 1 JUNE 2021

Act No. 3 of 2021

Local Government: Municipal Structures Amendment Act, 2021

30

be accountable to local communities and report back at least quarterly to constituencies on council matters, including the performance of the municipality in terms of established indicators. In order to ensure that councillors fulfil their obligations to their communities, and support the achievement by the municipality of its objectives set out in section 19, the following Code of Conduct is established. 5

Definitions

1. In this Schedule 'partner' means a person who permanently lives with another person in a manner as if married.

General conduct of councillors

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2. A councillor must—

- (a) perform the functions of office in good faith, honestly and in a transparent manner; and
- (b) at all times act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised. 15

Voting at meetings

3. A councillor may not vote in favour of or agree to a resolution which is before the council or a committee of the council, which conflicts with any legislation applicable to local government. 20

Attendance at meetings

4. A councillor must attend each meeting of the municipal council and of a committee of which that councillor is a member, except when—

- (a) leave of absence is granted in terms of an applicable law or as determined by the rules and orders of the council; or
- (b) that councillor is required in terms of this Code to withdraw from the meeting. 25

Sanctions for non-attendance of meetings

5. (1) A municipal council may impose a fine as determined by the standing rules and orders of the municipal council on a councillor for—
(a) not attending a meeting which that councillor is required to attend in terms of item 4; or
(b) failing to remain in attendance at such a meeting. 30

(2) A councillor who is absent from three or more consecutive meetings of a municipal council, or from three or more consecutive meetings of a committee, which that councillor is required to attend in terms of item 4, must be removed from office as a councillor. 35

(3) (a) Proceedings for the imposition of a fine or the removal of a councillor must be conducted in accordance with a uniform standing procedure which each municipal council must adopt for the purposes of this item. 40

(b) The uniform standing procedure must comply with the rules of natural justice.

Disclosure of interests

6. (1) A councillor must—

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- (a) disclose to the municipal council, or to any committee of which that councillor is a member, any direct or indirect personal or private business interest that that councillor, or any spouse, partner or business associate of that councillor may have in any matter before the council or the committee; and 50

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FIRST MEETING OF THE MUNICIPAL COUNCIL

AGENDA

15 NOVEMBER 2021

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32 No. 44647

GOVERNMENT GAZETTE, 1 JUNE 2021

Act No. 3 of 2021

Local Government: Municipal Structures Amendment Act, 2021

32

(b) withdraw from the proceedings of the council or committee when that matter is considered by the council or committee, unless the council or committee decides that the councillor's direct or indirect interest in the matter is trivial or irrelevant.

(2) A councillor who, or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose full particulars of the benefit of which the councillor is aware at the first meeting of the municipal council.

(3) This section does not apply to an interest or benefit which a councillor, or a spouse, partner, business associate or close family member, has or acquires in common with other residents of the municipality.

Personal gain

7. (1) A councillor may not use the position or privileges of a councillor, or confidential information obtained as a councillor, for private gain or to improperly benefit another person.

(2) No councillor may be a party to or beneficiary under a contract for the provision of goods or services to any municipality or any municipal entity established by a municipality.

Declaration of interests

8. (1) When elected or appointed, a councillor must within 60 days declare in writing to the municipal manager the following financial interests held by that councillor:

- (a) Shares and securities in any company;
- (b) membership of any close corporation;
- (c) interest in any trust;
- (d) directorships;
- (e) partnerships;
- (f) other financial interests in any business undertaking;
- (g) employment and remuneration;
- (h) interest in property;
- (i) pension; and
- (j) subsidies, grants and sponsorships by any organisation.

(2) Any change in the nature or detail of the financial interests of a councillor must be declared in writing to the municipal manager annually.

(3) Gifts received by a councillor above a prescribed amount must also be declared in accordance with subitem (1).

(4) The municipal council must determine which of the financial interests referred in subitem (1) must be made public having regard to the need for confidentiality and the public interest for disclosure.

Full-time councillors

9. A councillor who is a full-time councillor may not undertake any other paid work except with the consent of a municipal council which consent shall not unreasonably be withheld.

Rewards, gifts and favours

10. A councillor may not request, solicit or accept any reward, gift or favour for—

- (a) voting or not voting in a particular manner on any matter before the municipal council or before a committee of which that councillor is a member;
- (b) persuading the council or any committee in regard to the exercise of any power, function or duty;
- (c) making a representation to the council or any committee of the council; or

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AGENDA
15 NOVEMBER 2021

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34 No. 44647
Act No. 3 of 2021

GOVERNMENT GAZETTE, 1 JUNE 2021

Local Government: Municipal Structures Amendment Act, 2021

34

(d) disclosing privileged or confidential information.

Unauthorised disclosure of information

11. (1) A councillor may not, without the permission of the municipal council or a committee, disclose any privileged or confidential information of the council or committee to any unauthorised person.

(2) For the purpose of this item 'privileged or confidential information' includes any information—

(a) determined by the municipal council or committee to be privileged or confidential;

(b) discussed in closed session by the council or committee;

(c) disclosure of which would violate a person's right to privacy; or

(d) declared to be privileged, confidential or secret in terms of law.

(3) This item does not derogate from the right of any person to access to information in terms of national legislation.

Interference in administration

12. A councillor may not, except as provided by law—

(a) interfere in the management or administration of any department of the municipal council, unless mandated by the council;

(b) give or purport to give any instruction to any employee of the council, except when authorised to do so;

(c) obstruct or attempt to obstruct the implementation of any decision of the council or a committee by an employee of the council; or

(d) encourage or participate in any conduct which would cause or contribute to maladministration in the council.

Municipal property

13. A councillor may not use, take, acquire or benefit from any property or asset owned, controlled or managed by the municipality to which that councillor has no right.

Councillor in arrears

14. A councillor may not be in arrears to the municipality for rates and service charges for a period longer than three months.

Breaches of Code

15. (1) If the speaker of a municipal council, on reasonable suspicion, is of the opinion that a provision of this Code has been breached, the speaker must—

(a) authorise an investigation of the facts and circumstances of the alleged breach;

(b) give the councillor a reasonable opportunity to reply in writing regarding the alleged breach; and

(c) report the matter to a meeting of the municipal council after paragraphs (a) and (b) have been complied with.

(2) A report in terms of subitem (1)(c) is open to the public.

(3) The speaker must report the outcome of the investigation to the MEC for local government in the province concerned.

(4) The speaker must ensure that each councillor, when taking office, is given a copy of this Code and that a copy of the Code is available in every room or place where the council meets.

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FIRST MEETING OF THE MUNICIPAL COUNCIL

AGENDA

15 NOVEMBER 2021

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36 No. 44647

GOVERNMENT GAZETTE, 1 JUNE 2021

Act No. 3 of 2021

Local Government: Municipal Structures Amendment Act, 2021

36

(5) If the speaker of council is the alleged perpetrator, or the speaker refuses to authorise an investigation, the council must establish a special committee, as contemplated in Item 16(1)(b), to investigate and make a finding on any alleged breach of this Code.

Investigation of breach

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16. (1) A municipal council may—

- (a) investigate and make a finding on any alleged breach of a provision of this Code; or
 - (b) establish a special committee—
 - (i) to investigate and make a finding on any alleged breach of this Code; and
 - (ii) to make appropriate recommendations to the council.
- (2) If the council or a special committee finds that a councillor has breached a provision of this Code, the council may—
- (a) issue a formal warning to the councillor;
 - (b) reprimand the councillor;
 - (c) request the MEC for local government in the province to suspend the councillor for a certain period;
 - (d) fine the councillor; or
 - (e) request the MEC to remove the councillor from office.
- (3) The speaker must inform the MEC for local government in the province concerned within 14 days of the finding and sanction decided on by the council.
- (4) (a) Any councillor who has been warned, reprimanded or fined in terms of paragraph (a), (b) or (d) of subitem (2) may within 14 days of having been notified of the decision of council appeal to the MEC for local government in writing setting out the reasons on which the appeal is based.
- (b) A copy of the appeal must be provided to the council by the MEC.
- (c) The council may within 14 days of receipt of the appeal referred to in paragraph (b) make any representation pertaining to the appeal to the MEC for local government in writing.
- (d) The MEC for local government may, after having considered the appeal, confirm, set aside or vary the decision of the council and inform the councillor and the council of the outcome of the appeal.
- (5) The MEC for local government may appoint a person or a committee to investigate any alleged breach of a provision of this Code and to make a recommendation as to the appropriate sanction in terms of subitem (2) if a municipal council does not conduct an investigation contemplated in subitem (1) and the MEC for local government considers it necessary.
- (6) The Commissions Act, 1947 (Act No. 8 of 1947), or, where appropriate, applicable provincial legislation, may be applied to an investigation in terms of subitem (4).
- (7) If the MEC is of the opinion that the councillor has breached a provision of this Code, and that such contravention warrants a suspension or removal from office, the MEC may—
- (a) suspend the councillor for a period and on conditions determined by the MEC; or
 - (b) remove the councillor from office.
- (8) Any investigation in terms of this item and any action by the MEC in terms of subitem (7) must be in accordance with section 3 of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

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Application of Code to traditional leaders

17. (1) Items 1, 2, 6, 7, 10 (b) to (d), 11, 12, 13, 15 and 16 (1) apply to a traditional leader who participates or has participated in the proceedings of a municipal council in terms of section 81.

55

(2) These items must be applied to the traditional leader in the same way they apply to councillors.

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FIRST MEETING OF THE MUNICIPAL COUNCIL
AGENDA
15 NOVEMBER 2021

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38 No. 44647

GOVERNMENT GAZETTE, 1 JUNE 2021

Act No. 3 of 2021

Local Government: Municipal Structures Amendment Act, 2021

38

(3) If a municipal council or a special committee in terms of item 15(1) finds that a traditional leader has breached a provision of this Code, the council may—

- (a) issue a formal warning to the traditional leader; or
- (b) request the MEC for local government in the province to suspend or cancel the traditional leader's right to participate in the proceedings of the council.

(4) The MEC for local government may appoint a person or a committee to investigate any alleged breach of a provision of this Code and to make a recommendation on whether the right of the traditional leader to participate in the proceedings of the municipal council should be suspended or cancelled.

(5) The Commissions Act, 1947 (Act No. 8 of 1947), may be applied to an investigation in terms of subitem (4).

(6) If the MEC is of the opinion that the traditional leader has breached a provision of this Code, and that such breach warrants a suspension or cancellation of the traditional leader's right to participate in the council's proceedings, the MEC may—

- (a) suspend that right for a period and on conditions determined by the MEC; or
- (b) cancel that right.

(7) Any investigation in terms of this item and any action by the MEC in terms of subitem (6) must be in accordance with the rules of natural justice.

(8) The suspension or cancellation of a traditional leader's right to participate in the proceedings of a council does not affect that traditional leader's right to address the council in terms of section 81(3)."

Repeal of laws

37. Section 19, section 54 and Schedule 1 to the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), are hereby repealed.

Transitional arrangements

38. A municipality with a plenary executive system immediately before the commencement of this Act, will continue to exist as a municipality with a plenary executive system until the date of the first local government election after commencement of this Act.

Short title and commencement

39. This Act is called the Local Government: Municipal Structures Amendment Act, 2021, and comes into operation on a date to be determined by the President by proclamation in the Gazette.

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5.

<p>C05/11/21 !KHEIS MUNICIPALITY : RULES OF ORDER FOR INTERNAL ARRANGEMENTS AND RULES FOR VIRTUAL MEETINGS AND SITTINGS</p>
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REPORT FROM THE MUNICIPAL MANAGER

PURPOSE OF THE REPORT

The purpose of this report is to bring the !Kheis Municipality's Rules of Order for Internal Arrangements By-law and the Rules for Virtual Meetings and Sitzings to the attention of all Councillors.

DISCUSSION

The said Rules are self-explanatory and it is of paramount importance that Councillors familiarise themselves therewith.

RECOMMENDATION OF THE MUNICIPAL MANAGER

- [a] That the Draft Rules of Order for Internal Arrangements and the Rules for Virtual meetings and sittings, be noted;
- [b] That all Councillors familiarise themselves with the Rules mentioned in [a] above;

and that the municipal manager be mandated to develop Rules for Virtual Meetings and Sitzings and table the report in the next meeting.

APPENDIX / ADDENDUM

Annexure A – Draft Standing Rule

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18 NOVEMBER 2021

(AS APPROVED BY COUNCIL IN TERMS OF RESOLUTION OF)

RULE	TABLE OF CONTENTS SUBJECT	PAGE
	DEFINITIONS	
1	Definitions	4
	APPLICATION OF THE RULES	
2	Application of the rules	6
	GENERAL POWERS AND DUTIES OF THE CHAIRPERSONS	
3	Chairpersons of meetings	6
4	Conduct at meetings	7
5	Interpretation of the rules	8
	MEETINGS	
6	Meetings open to the public	8
7	Council meetings	9
8	Special council meetings	9
9	Notice of Meetings and Service of Notice and Agenda	9
10	Waiting period before the commencement of the meeting	10
	DECISION-MAKING	
11	Quorum for Meetings	10
12	Decisions and Voting	11
13	Count Out	12
	ATTENDANCE OF MEETINGS	
14	Disclosure of Financial Interest	13
15	Attendance at Meetings	13
16	Leave of Absence	14
17	Sanction for non-attendance	15
18	Members of Council attending Committee meetings of which they are not members	15
	BUSINESS OF COUNCIL AND COUNCIL COMMITTEES	
19	Agenda	16
20	Business of Council Meetings	15
	MOTIONS AND QUESTIONS	
21	Motions	18
22	Motions without Notice	19
23	Rescission of Resolution	20
24	Questions	21
	ADJOURNMENT OF MEETINGS	
25	Adjourned Meetings	21
26	Notice of Adjourned Meetings	21
27	Adjournment during proceedings	22

MINUTES AND RECORDS

28	Minutes to be kept and confirmation thereof	23
29	No discussion on minutes under confirmation of minutes	23
30	Inspection of minute books by Councillors	23

CONDUCT IN MEETINGS

31	Precedence of the speaker	24
32	Relevance	24
33	Councillor to speak only once	24
34	Debate Management	24
35	Disorderly Conduct	26
36	Obstruction by persons other than Councillors	27
37	Points of order and personal explanations	27
38	Petitions to be written, typed or printed	29

COUNCIL AUTHORITY

39	Reception of Deputations	29
40	Terms of Reference of Ad-Hoc Committees	29
41	Ward Committees	30
42	Council may increase or restrict powers	30

ACCESS AND DISTRIBUTION OF INFORMATION

43	Information to be obtained	30
44	Information to the press or media: In-Committee discussion	30

45	Legal defense and indemnification of Councillors and officers of the council	32
46	Speaker may refer matters for legal advice	32

DRESS CODE

47	Dress Code	32
----	------------	----

LANGUAGE POLICY

48	Determination of Language Policy	32
----	----------------------------------	----

USE OF COUNCIL CHAMBER

	Activities prohibited within the council chamber or meeting venues and the use of the council chamber by other persons or institutions	
49		34

SANCTIONS

50	Sanctions and offences	35
----	------------------------	----

1. Definitions

The following terms and phrases used in these rules shall have the meaning assigned to them hereunder:

“Ad hoc Committee” means any other Committee established for a specific purpose for a predetermined period, other than the Mayoral Committee or Committees established by the Council;

“Chairperson” means the chairperson of the Council and any Committee of the Council (refer also “Speaker”);

“Code of Conduct” means the Code of Conduct for Councillors attached as Schedule 1 to the Municipal Systems Act;

“Committee” shall mean any Committee established in the Municipality, including Committees established in terms of section 79 and 80 of the Municipal Structures Act;

“Committee of Council” shall mean any Committee appointed by the Municipal Council;

“Committee Whips” shall mean any person appointed by the Council as the Whip of a Committee of Council;

“Constitution” shall mean the Constitution of the Republic of South Africa, 1996;

“Council” or “Municipal Council” shall mean the Municipal Council of the !Kheis Municipality as envisaged in section 157 (1) of the Constitution;

“Councillor” shall mean a member of the Municipal Council;

“Day” shall mean any calendar day excluding a Public Holiday, Saturday or Sunday, and for the calculation of days the first day will be excluded and the last day included;

“Executive Mayor” shall mean the Executive Mayor of the Municipality as elected in terms of section 55 of the Municipal Structures Act;

“In Committee” shall mean the part of the meeting of the Municipal Council or its Committees, as envisaged by Section 160(7) of the Constitution, where the meeting will be closed and members of the public and press, and such municipal officials as determined by the Speaker, excluding the Municipal Manager and any other official duly delegated by the Municipal Manager, will be excluded from the meeting, based on the nature of the business being transacted;

“Mayoral Committee” means the committee appointed by the Executive Mayor in terms of section 60 of the Municipal Structures Act;

“MEC for local government” means the Member of the Executive Council responsible for local government in the province;

“Media” shall mean accredited members or employees of broadcasting, publishing, and online communication news networks whose activities are essential to the media function;

“Member” shall mean a Councillor serving in the Municipal Council of the Municipality;

“Motion” shall mean any matter or proposal submitted by a member in terms of the Rules, wherein a decision or resolution is required, and includes an urgent matter;

“Municipality” shall mean the !Kheis Local Municipality;

“Municipal Structures Act” shall mean the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“Municipal Systems Act” shall mean the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

“Municipal Public Accounts Committee” shall mean a Committee established in terms of Section 79A of the Municipal Structures Act;

“Party Whip” shall mean, for purposes of these rules, a member of the Municipal Council appointed, by a political party represented in the Council, as the whip of the party.

“Point of Order” shall mean a point raised by a Councillor during the Council meeting and shall only relate to a matter of procedure as provided for in the rules and orders;

“Report” shall mean sufficient written information prepared in the prescribed template on any item appearing on the agenda for consideration by the Council or a Committee;

“Speaker” shall mean the Chairperson of the Council who is elected in terms of sections 36 and 41 of the Municipal Structures Act;

“Traditional Leader” shall mean a Traditional Leader identified to participate in the business activities of the Municipal Council in terms of section 64 of the Traditional and Khoi-San Leadership, 2019 (Act No. 3 of 2019); “Virtual meetings or sittings” shall for purposes of the rules mean any meeting or sitting conducted on any form of online technology or virtual platform;

“Whip of the Council” shall mean the person elected in terms of Section 41A of the Municipal Structures Act as the Whip of the Council; any other word or expression shall have the meaning assigned thereto in the relevant legislation.

2. Application of the Rules

- 2.1 The rules of order contained herein apply to all physical and/or virtual meetings of the Municipal Council and any committee of the Municipal Council as well any other Committees of Councillors established within the Municipality.
- 2.2 The rules are aimed at allowing free, open and constructive debate during meetings. The rules encourage and promote freedom of expression in such a manner that orderly debate is ensured within the allocated time.
- 2.3 The rules create the opportunity for Councillors and Traditional Leaders serving in Council structures to air their views on any matter of public importance.
- 2.4 The rules of order are applicable to:
 - 2.4.1 All Councillors;
 - 2.4.2 Traditional leaders participating in Council and its Committees in terms of Section 64 of the Traditional and Khoi-San Leadership Act No. 3 of 2019, item 7 of Schedule;
 - 2.4.3 Any municipal official of the Municipality;
 - 2.4.4 Any representative from national or provincial government or Chapter 9 Institutions participating in Council or its Committees;
 - 2.4.5 The Media; and
 - 2.4.6 Any member of the public.

3. Chairpersons of Meetings

- 3.1 At every meeting of the Council the Speaker shall be the Chairperson, or if he or she is not present, an acting Speaker shall be elected by the majority of Councillors present at the meeting to act as chairperson.
- 3.2 The Chairperson(s) of section 79 committees elected by the Council, as per the Municipal Structures Act, shall chair meetings of the oversight committees of Council or if he or she is not present, an acting chairperson shall be elected by the majority of the Committee members present at the meeting to act as chairperson.
- 3.3 The Chairperson(s) or acting chairperson of section 80 Standing Committees appointed by the Executive Mayor, as per the Municipal Structures Act, shall chair meetings of the Standing Committees of Council.
- 3.4 The Executive Mayor shall chair meetings of the Mayoral Committee. If the Executive Mayor is absent or not available, the Deputy Executive Mayor exercises the powers and performs the duties of the Executive Mayor.

4. Conduct at Meetings

- 4.1 The Chairperson of the meeting shall:
 - 4.1.1 Maintain order during meetings;
 - 4.1.2 Ensure compliance with the Code of Conduct for Councillors during meetings;
 - 4.1.3 Ensure that meetings are conducted in accordance with the rules;
 - 4.1.4 Ensure that members conduct themselves in a dignified and orderly manner during meetings;
 - 4.1.5 Ensure that members of the public and the media attending meetings are seated in areas designated for that purpose;
 - 4.1.6 Ensure that members of the public and the media attending meetings conduct themselves in an orderly manner and obey any ruling made by the Chairperson of the meeting;
 - 4.1.7 Ensure that any Councillor or member of the public or the media refusing to comply with the ruling of the Chairperson leaves the meeting; and
 - 4.1.8 Ensure that, where applicable, the Whip of each political party represented in the Municipal Council as well as the Whip of Council maintains discipline during any meeting.

5. Interpretation of Rules

- 5.1 The ruling of the Chairperson with regard to the application and interpretation of the rules as well as other procedural matters not dealt with in the rules shall be final and binding; provided that the Chairperson may be required to provide reasons for a ruling not later than the next meeting.
- 5.2 Any ruling made by the Chairperson must be made having due regard to the provisions of the Constitution, national and provincial legislation, municipal by-laws and policies, the rule of law and the rules of natural justice.
- 5.3 Interpretations and rulings made by the Chairperson shall be registered by the Municipal Manager and be part of the minutes of all meetings.

6. Meetings open to the Public

- 6.1 The Municipal Council shall conduct its business in an open manner and every meeting of the Council and Committees of Council, shall be open to the public; provided that this section shall not apply when it is reasonable to do so having regard to the nature of the business being transacted in terms of section 20 (1) (a) and (b) of the Municipal Systems Act.
- 6.2 The Council or a Committee of Council will convene In-Committee when discussing any of the following matters:
 - 6.2.1 a trade secret or confidential commercial information of any supplier of the municipality or any person rendering a service to the municipality;
 - 6.2.2 personal and private information of any employee of the municipality;
 - 6.2.3 reports of a non-disclosure nature addressing legal proceedings that the municipality is involved in or contemplating instituting or defending;
 - 6.2.4 disciplinary proceedings or proposed disciplinary proceedings against any employee;
 - 6.2.5 any matter that might not be disclosed in terms of legislation;
 - 6.2.6 consideration of the minutes of previous In-Committee discussions.

7. Council Meetings

- 7.1 The Council shall hold its ordinary meetings at least once a quarter.
- 7.2 The Speaker determines the date, time and venue of the meetings of the Council.

8. Special Council Meetings

- 8.1 The Council may hold special meetings as and when required.
- 8.2 The Speaker determines the date, time and venue of the special meetings of the Council.
- 8.3 The Speaker must, upon written request of a majority of the Councillors of the Municipality, call a special meeting of the Council, at a time set out in the request, provided that no such special meeting shall take place unless all Councillors were given at least 48 hours' notice of such meeting.
- 8.4 In the event where the Speaker is unavailable, fails and/or refuses to call a special meeting when requested in accordance with Rule 8.3 above, the Municipal Manager, when requested in writing by the majority of the Councillors of the Municipality, must call the meeting.
- 8.5 In the absence or refusal by the Municipal Manager, the MEC for local government in the province may on good cause shown designate a person to call and chair the meeting.

9. Notice of Meetings and Service of Notice and Agenda

- 9.1 Whenever a meeting of the Municipal Council is called, the Municipal Manager must give notice of the meeting stipulating the time, date and venue of the meeting by placing a notice to this effect on a notice board situated at the main administrative office of the Municipality, by placing an advertisement in one (1) newspaper circulating in the Municipality and by placing it on social media platforms and the municipal website.
- 9.2 At least seven (07) days before any ordinary meeting of the Council and at least forty-eight (48) hours before any special meeting of the Council, a notice to attend the meeting, specifying the business proposed to be transacted thereat and signed by the Speaker or the Municipal Manager as contemplated in 9.1 above, or shall be sent by electronic mail or hand delivered to an address provided by the Councillor as his or her official address or mail address. Delivery to this address will constitute proper notification of the meeting.

10. Waiting period before the commencement of the meeting

- 10.1 Councillors shall be seated 15 minutes before the commencement of the meeting or the arrival of the Chairperson.
- 10.2 For virtual meetings or sittings, Councillors shall be logged onto the virtual platform 15 minutes before the commencement of the meeting.

11. Quorum for Meetings

- 11.1 A quorum of the Council or a Committee of the Council will constitute a majority (50% + 1%) of all Councillors as determined by Section 20 of the Structures Act or Councillors who are members of that Committee, as the case may be.
- 11.2 In the event of no quorum for a meeting, the meeting must be suspended for no more than 20 minutes, and if at the end of the said period there is still no quorum, the Speaker or Chairperson may suspend the meeting for a further 15 minutes and if on the expiry of that period, there is still no quorum, immediately adjourn the meeting to another date, time and/or venue.
- 11.3 In the absence of the Speaker or Chairperson of a Committee the Municipal Manager or a duly delegated person must perform the functions referred to in Rule 11.2.

12. Decisions and Voting

- 12.1 Subject to 12.3 below, all matters will be decided on by a majority vote of Councillors present at the meeting.
- 12.2 Before a formal vote is taken on any matter before the Council, the Speaker shall cause the bells to be rung for a period of one (01) minute, after which, all doors shall be closed and no member or other person shall be allowed to enter or leave the chamber.
- 12.3 Before a formal vote is taken on any matter before the Council during a virtual meeting, the Speaker shall formally announce that a matter would be subjected to a vote and no member or other person shall be allowed to enter or leave the virtual platform.
- 12.4 The following matters are determined by a decision taken by the majority of the members of the Council:-
 - 12.4.1 the passing of by-laws;
 - 12.4.2 the approval of budgets;
 - 12.4.3 the imposition of rates and other taxes;
 - 12.4.4 the raising of loans; and
 - 12.4.5 the approval of the Integrated Development Plan.
- 12.5 If on any matter, there is an equality of votes, the Speaker or the Chairperson of the Committee may exercise a casting vote in addition to his or her deliberative vote.
- 12.6 For those matters that are listed in Rule 12.3 above, there shall be no provision for a casting vote.
- 12.7 If the Speaker or Chairperson of a meeting asks the meeting if it is in agreement with the recommendations and if it is not opposed by any member present, the recommendations shall be adopted unopposed.
- 12.8 In the event that there is an opposing view from a member, the matter shall be subjected to a vote by show of hands.
- 12.9 During a virtual meeting Councillors shall be entitled to cast their votes either electronically or by voice. The Municipal Manager shall maintain a system that is capable of verifying the votes of members cast either electronically or by voice.
- 12.10 The Speaker must announce the decision of the Municipal Council taken in terms of Rules 12.6 or 12.7.
- 12.11 In the event, there is an opposing view and further seconded against the recommendation, a member may require that the matter shall be subjected to a secret ballot in line with the Municipal Structures Act, and also in conformity with rule 12.2 and rule 12.3 respectively.
- 12.12 In effecting a secret ballot, the Municipal Manager shall hand to each Councillor a ballot paper bearing the official mark or logo of the Council of the !Kheis Local Municipality, and having the alternates to be voted for clearly depicted thereon, substantially in accordance with the following:

Logo

Date.....

Proposal or motion to be voted for Councillor's vote (X) for or against

- 1.
- 2.
- 12.13 The Municipal Manager or his or her designated official shall collect all the ballot papers and count same in the presence of a representative from each party represented on the Council or Committee and present at such meeting.
- 12.14 The Municipal Manager or his or her designated official shall declare to the Chairperson, the result of the voting outcome.
- 12.15 For the purposes of a secret ballot during virtual meetings the Municipal Manager of the Council shall maintain a system or process that is capable of allowing the casting of a secret ballot and verifying such votes of members cast.
- 12.16 The Speaker or Chairperson shall thereupon declare the motion carried or lost, and it shall be entered in the minutes.
- 12.17 Only the number of members, and not the names of members voting for or against an item, is to be recorded in the minutes.

- 12.18 A member may abstain from voting without leaving the chamber.
- 12.19 A member may require that his or her dissent or abstention be recorded in the minutes of the meeting whether through an opposed vote or a secret ballot.

13. Count Out

- 13.1 If during any meeting the attention of the Speaker or Chairperson is called to the number of members present, he or she shall count them, and if found that there is no quorum present, the matter shall be dealt with in accordance with Rule 11 above.

14. Disclosure of Financial Interests

- 14.1 A Councillor is obliged to disclose any direct personal or private business interest that the Councillor, or the spouse, partner or business associate of that Councillor may have in any matter before the Council or any Committee.
- 14.2 A Councillor or municipal official may not participate in the proceedings of a meeting, if such a Councillor or municipal official is conflicted on any item/s on the Agenda.
- 14.2.1 ;
- 14.2.2
- 14.3 A Councillor who, or whose spouse, partner or business associate or close family member, acquires or stands to acquire any direct benefit from a contract concluded with the Municipality, must disclose full particulars of the benefit of which the Councillor is aware of, at the first meeting of the Council or Committee of the Council at which it is possible for the Councillor to make a disclosure.
- 14.4 This provision does not apply to an interest or benefit which a Councillor, or a spouse, partner or business associate or close family members, has or acquired in common with other residents and ratepayers of the Municipality.

15. Attendance at meetings

- 15.1 A Councillor must attend and remain in attendance until the conclusion of the business of each meeting of the Municipal Council and of a Committee of which that Councillor is a member, except when leave of absence has been granted or that Councillor is required to withdraw from the meeting.
- 15.2 If a Councillor or group of Councillors leave any meeting in protest, and the remainder of the Councillors constitute a quorum, the business of the meeting shall be proceeded with.

16. Leave of Absence

- 16.1 All applications for leave must be submitted at least 48 hours for an ordinary meeting and at least 12 hours for a special meeting, before the starting time of the meeting to the Speaker for approval. Should any other eventualities arise, it is incumbent on the individual Councillor to notify the Speaker.
- 16.2 Notwithstanding Rule 16.1 above, applications for leave of absence from meetings are deemed to have been granted if:
- 16.2.1 the Council or Executive Mayor delegated the relevant member to act elsewhere on behalf of the Council in a matter; or
- 16.2.2 if the Council or Committee of the Council requests the member to leave the relevant meeting in circumstances envisaged in rule 15 or the member recuses him/herself.
- 16.2.3 The Speaker may, subject to Rules 16.1 and 16.2 above, grant leave of absence, in writing, to a member for the following reasons:
- 16.2.3.1 Illness or any other valid reasonable reason making it impossible for the member to attend;
- 16.2.3.2 Essential business or personal commitments, or personal circumstances of the member;
- 16.2.3.3 When the member is not permitted to attend the meeting due to circumstances envisaged in Item 3(b) of the Code of Conduct for Councillors in Schedule 1 to the Structures Act;
- 16.2.3.4 Any other circumstances where the member is prevented from attending the meeting.
- 16.2.4 The Speaker may not grant leave of absence, to a member for more than three (3) consecutive meetings.

17. Sanction for non-attendance

- 17.1 A member who is absent without leave from a meeting or who fails to remain in attendance at such meeting is in breach of Rule 15.
- 17.2 The Ethics Committee or the Multi-party Investigative Committee, must investigate and report to Council on any transgression contemplated in Rule 15.1 above.
- 17.3 The Committee must conduct its work according to the fixed procedures as outlined in the Code of Conduct.

17.4 If the Committee finds that a member breached Rule 15.1, the member may be fined an amount to be determined by the Council from time to time or be sanctioned as detailed in the Code of Conduct.

18. Members of Council attending Committee meetings of which they are not members

18.1 Members of the Municipal Council may attend the meeting of any Committee that they are not a member of, but will in all instances be granted the status of an observer and will not be allowed to participate or vote at such meetings, including the In-Committee part of the meeting.

18.2 The provisions of Rule 18.1 will not be applicable to the Municipal Public Accounts Committee, the Ethics Committee, Ad hoc Committees and the Mayoral Committee where the meeting has been closed in line with Section 20 (1) and 20 (3) of the Systems Act, except where a Councillor has been specifically requested to attend the meeting and the request for attendance will specify the matters expected to be addressed in the meeting.

18.3 Any member of the Mayoral Committee requested to attend a Committee meeting may instruct the Municipal Manager or a senior manager to accompany him or her to the meeting but may not instruct such official to appear and address the meeting on his or her behalf.

19. Agenda

19.1 All meetings must be conducted in accordance with the order in which matters appear on the agenda and only matters which appear on the agenda may be debated.

19.2 The Speaker must prepare and approve the agenda for a meeting, having regard to the following:-

19.2.1 The Executive Mayor is entitled to receive reports from Section 80 Committees and to forward these reports to the council as decisions of the Executive Mayor taken with the Mayoral Committee under delegated authority and/or when matters cannot be disposed of by the Executive Mayor in terms of the Executive Mayor's delegated powers;

19.2.2 Reports from the Municipal Public Accounts Committee must be tabled in the next meeting of the Municipal Council; and

19.2.3 The specific purpose for which a Special meeting of Council has been called for or convened.

20. Business at Council Meetings

20.1 The order of business at every ordinary meeting of the Council, shall be as follows:

- (a) Opening
- (b) Moment of reflection
- (c) Notice of the meeting
- (d) Applications for leave of absence
- (e) Acceptance or adoption of the agenda
- (f) Declaration of interest
- (g) Communication by the Speaker
- (h) Communication by the Municipal Manager
- (i) Announcements
- (j) Deputations or Presentations
- (k) Confirmation of minutes from previous meetings
- (l) Outstanding matters
- (m) Reports from the Speaker
- (n) Reports of the Executive Mayor, under the sections: recommendations to the Council, decisions under delegated authority and decisions of the Executive Mayor taken with the Mayoral Committee
- (o) Reports from Municipal Public Accounts Committee
- (p) Report from the Audit Committee
- (q) Monthly Activities
- (r) Input by the Traditional Leader
- (s) Reports for noting
- (t) Reports for consideration
- (u) In-Committee Reports

- (v) Notice of Motion
- (w) Questions

20.2 The order of business at every Mayoral Committee meeting of the Council, shall be as follows:

- (a) Opening: Moment of reflection
- (b) Notice of the meeting
- (c) Applications for leave of absence
- (d) Acceptance or adoption of the agenda
- (e) Declaration of interest
- (f) Announcements
- (g) Deputation or Presentations
- (h) Confirmation of minutes from previous meetings
- (i) Outstanding matters
- (j) Reports from Portfolio Committees
- (k) Reports from Audit Committee
- (l) Reports for noting
- (m) Reports for consideration
- (n) In-Committee reports

20.3 The order of business at Committee meetings shall be as follows:

- (a) Opening: Moment of reflection
- (b) Notice of the meeting
- (c) Applications for leave of absence
- (d) Acceptance or adoption of the agenda
- (e) Declaration of interest
- (f) Announcements
- (g) Deputations or Presentations
- (h) Confirmation of minutes from previous meetings
- (i) Outstanding matters
- (j) Reports for noting
- (k) Reports for consideration
- (l) In-Committee reports
- (m) Notice of Motion

21. Motions

- 21.1 No matter shall be brought before the Council or a Committee by any member of the Council except upon a notice of motion, which shall be in writing and signed by the member giving the notice as well as the member seconding it: Provided that a person who has a personal electronic mail address from where he or she can be identified by the Municipal Manager, can submit such motion by electronic mail.
- 21.2 Any notice of motion shall be submitted to the Municipal Manager before 12:00, ten (10) days prior to the meeting of the Council or Committee.
- 21.3 A motion shall lapse if the member who submitted the motion is not present at the meeting where the motion is to be debated, except where such member authorised another member to take charge of the motion after having timeously notified the Speaker or Chairperson.
- 21.4 A member submitting a motion shall introduce such a motion and shall have the right of reply thereto.
- 21.5 When a member introduces a motion which is intended to rescind or amend a resolution passed by the Council in the preceding three months or which has the purpose as a motion that was not supported within the three preceding months shall not be entertained.
- 21.6 When dealing with motions the motion shall be read out together with the number thereof and the name of the mover.

- 21.7 The Speaker or Chairperson shall ascertain which motions are unopposed and these shall be passed without debate and thereafter the opposed motions shall be called in accordance with the order of the agenda.
- 21.8 All notices of motion shall be dated and numbered as received by the Municipal Manager, and shall be entered on the agenda paper in the order in which it was received, save and except that notices of amendment to motions shall be entered immediately after such notice of motion, irrespective of the time at which the notice shall have been received.
- 21.9 No member shall have more than one motion on the same agenda.
- 21.10 The mover may withdraw a motion or amendment.
- 21.11 The Speaker or Chairperson may call upon any mover of an amendment to a motion to reduce the same to writing, and, after signing it, to hand it to the Municipal Manager, which shall be read by the mover for the meeting to either adopt or reject such amendment.

22. Motion without Notice

- 22.1 A Councillor may direct the attention of the Council to any matter which does not appear on the Agenda and of which no previous notice has been given, by stating briefly the subject of the matter and without comment thereon, moving that notice be dispensed with and that it be considered.
- 22.2 Unless the majority of Councillors object that the notice of the motion be dispensed with, the Councillor may move the motion as if notice has been given in terms of Rule 21.

23. Rescission of resolution

- 23.1 If a member wishes to give notice of his or her intention to move the rescission or alteration of a resolution, or part thereof, then –
- 23.1.1 the member shall deliver a written notice of motion to the Municipal Manager at least 7 days before the meeting, which shall be –
- (i) signed and dated by the said member; and
 - (ii) state at which meeting of the Council it will be introduced.
- 23.1.2 In addition to the requirements of sub-rule 23.1.1 the notice of motion shall state that –
- (i) the member will move that the stated resolution be rescinded or altered, as the case may be; and
 - (ii) in the case of an intended alteration, the exact alteration desired shall be stipulated.
- 23.2 If a Committee has resolved to recommend to the Council that a resolution or part thereof be rescinded or altered, then –
- 23.2.1 notification to move such rescission or alteration shall be given by including a recommendation to this effect in a report of the Committee to Council;
- 23.2.2 the Municipal Manager shall send a copy of such report and details of the meeting at which it will be considered to each member –
- (i) at the address furnished by the member for delivery of notices and documents; and
 - (ii) at least 24 (twenty-four) hours before such meeting.

24. Questions

- 24.1 Any member may submit a question requiring a written reply from any political office bearer or the Municipal Manager, concerning any matter related to the effective performance of the functions of the municipality and the exercise of its powers, provided that a written notice of such a question has been submitted to the Speaker or Chairperson and the Municipal Manager at least 10 (ten) days prior to the meeting and the Political Office Bearer and the Municipal Manager shall ensure that the member receive a written reply at the meeting.
- 24.2 If after the question has been replied to, a member is of the opinion that the reply is not clear or satisfactory, he or she may, request a follow up question.
- 24.3 All questions duly given notice of and all responses submitted shall be recorded in the minutes of the meeting.

25. Adjourned Meetings

- 25.1 The Council or a Committee may adjourn a meeting to any date or hour, but no business shall be transacted at any adjourned meeting, except such as was set out in the notice for the meeting of which it is an adjournment.

26. Notice of Adjourned Meeting

- 26.1 When a meeting is adjourned, notice of the adjourned meeting shall be sent out to each member of the Council or Committee, specifying the time, date and place of such adjourned meeting.

27. Adjournment during proceedings

- 27.1 A Whip may at any time, except while a vote is being taken, move that the council adjourns for a caucus meeting.
- 27.2 Such motion shall be seconded but need not to be placed in writing.
- 27.3 The mover may speak to the motion for three (3) minutes but the seconder shall not speak beyond formally seconding the motion.
- 27.4 The Speaker shall decide whether or not to allow the request for a caucus meeting. In this regard-
- 27.4.1 if the request is refused by the Speaker then he/she shall give reasons for refusing such request, the set reasons shall be entered in the minutes.
 - 27.4.2 the ruling of the Speaker on the request will be final and shall not be open for discussion;
 - 27.4.3 if the request of a caucus meeting is approved by the Speaker then the Council shall adjourn immediately provided that the Speaker may direct that a meeting proceeds first to dispose of other business;
 - 27.4.4 the Speaker shall impose a time limit for the proposed caucus meeting, such time limit to include having regard to the convening of caucuses on virtual platforms;
 - 27.4.5 the caucus requesting the adjournment shall gather at another venue or an alternative virtual platform;
 - 27.4.6 if the caucus members have not taken their seats at the time when the council is required to reconvene then the Council shall proceed with its normal business, provided that a quorum of members is present; and
 - 27.4.7 if a quorum of members is not present, then the meeting shall adjourn for (10) ten minutes and where the caucus members do not return within ten minutes the meeting will be closed by the Speaker and the reasons for such closure will be stated in the minutes.

28. Minutes to be kept and confirmation thereof

- 28.1 Minutes of the proceedings of all Council and Committee meetings shall be electronically or otherwise recorded and be kept for that purpose by the Municipal Manager. The Municipal Manager shall be responsible for the correctness thereof and the minutes of every meeting shall be confirmed at the next ordinary meeting.
- 28.2 At every ordinary meeting, the minutes of the previous meeting/s shall be taken as read, having circulated in compliance with the standing rules and orders governing the duration intervals in distributing an agenda and minutes of Council and Committees of Council.
- 28.3 Minutes of the proceedings shall, once confirmed, be signed at the next ensuing ordinary meeting by the Speaker or Chairperson, and shall be bound and kept safe.
- 28.4 The Municipal Manager must ensure that the minutes reflect the names of the members that attended the meeting, those that are absent and those that have been granted leave of absence.
- 28.5 The provisions of Rule 28.1 is not applicable in matters of a particular meeting due to the sensitivity, confidentiality or otherwise of a subject matter and provided the final resolution or recommendation is duly recorded in the minutes.

29. No discussion on minutes under confirmation of minutes

- 29.1 No motion or discussion shall be allowed upon the confirmation of the minutes, except as to its accuracy.

30. Inspection of Minute Books by Councillors

- 30.1 Every member of the Council shall be granted access to the approved minutes of every Council or Committee meeting.

31. Precedence of the Speaker

- 31.1 When a Councillor is speaking other Councillors and those in attendance shall be seated but all times address their speech to the Speaker or Chairperson.
- 31.2 Whenever the Speaker or Chairperson speaks, any member then speaking or offering to speak must be silent in order for the Speaker to be audible and speak without interruption.

32. Relevance

- 32.1 A member who speaks shall confine his or her speech strictly to the motion or matter under discussion or to an explanation or a question of order.

33. Councillor to speak once only

- 33.1 Except otherwise provided for in these rules, no speaker shall speak more than once on any recommendation, motion or proposal, provided that the Executive Mayor or a member who tabled the item may reply in conclusion of a debate, but shall confine him or her to answering to previous speakers and shall not introduce any new matter into the debate.
- 33.2 The provisions of Rule 33.1 will only be applicable to the meetings of Council.

34. Debate Management

- 34.1 At least twenty-four (24) hours prior to a meeting of Council, the Party Whips, must provide to the Whip of Council a list showing:
- 34.1.1 which items on the agenda for that meeting are to be debated and for which written amendment proposals should be submitted;
 - 34.1.2 the total time to be allocated to the debate of each such item, provided that, the maximum time allocated for debate on each item on the agenda will be up to thirty (30) minutes subject to review in exceptional circumstances. The Speaker and the Whip of Council can reduce and increase the time allocated to discuss an item in accordance with the comprehensiveness and contents thereof.
- 34.2 Based on the list drawn up in terms of Rule 34.1, each party must deliver to the Whip of Council, before the close of the business on the day preceding the Council meeting, a list of the members who will speak on an item, and the time allocated to each member, provided that the total time located to all such members of a party shall not exceed the time allocated to that party in terms of Rule 34.7.
- 34.3 On receipt of the lists referred to in Rule 34.2, the Speaker must, if he/she wishes to deviate from the provisions of those lists, convey his/her decision in this regard to the Whip of Council within a reasonable time prior to the Council meeting.
- 34.4 Unless altered by resolution of the Council all matters before the Council not listed in Rule 34.2 must individually be put to the meeting for adoption without debate, before the matters listed in Rule 34.2 are considered.
- 34.5 At the discretion of the Speaker, a time of five (5) minutes of response may be allowed to the Mayor or relevant Member of the Mayoral Committee or relevant Committee, or the mover of a motion, to conclude the debate on an item debated in terms of Rule 34.2.
- 34.6 Notwithstanding any contained in Rules 34.1 to 34.5, the Speaker may not, when exercising his discretion in terms of these rules, prejudice any party in respect of time allocated this regard.
- 34.7 All parties represented in Council have a right to be allocated time to speak on each item on the agenda relative to their representation in Council, subject to the provisions of Rule 34.2.

35. Disorderly Conduct

- 35.1 If at any meeting a Councillor/s:-
- 35.1.1 conducts himself or herself in an improper fashion; or
 - 35.1.2 behaves in an unseemly manner; or
 - 35.1.3 persistently obstructs business to be carried out; or
 - 35.1.4 challenges the ruling of the Speaker or Chairperson on any point of order; or
 - 35.1.5 declines to withdraw an expression when required to do so by the Chairperson; or
 - 35.1.6 indulges in tedious repetition or unbecoming language; or
 - 35.1.7 commits any breach of these rules,
- the chairperson shall direct such Councillor/s to conduct himself or herself properly and, if speaking, to discontinue his or her speech and resume his or her seat, if, he or she was standing.
- 35.2 In the event of persistent disregard of the directions of the Chairperson, the Chairperson shall direct such Councillor/s to retire from the venue where the meeting is being held for the remainder of the meeting, and shall, if necessary, cause him or her to be ejected therefrom.
- 35.3 The Chairperson may exclude from a meeting, for such period of time during the meeting as he or she may deem fit, any member who has so committed an act of misconduct or behaved in an unseemly manner or persistently obstructed the business of the meeting or disregarded the authority of the chair, provided that a formal process will be initiated after the conclusion of the meeting.
- 35.4 Where a Councillor refuses to retire or in the event of more than one Councillor having to be ejected from the meeting, and such Councillor's refusal to leave the meeting, the Chairperson shall request the Protection Services to facilitate the removal of such Councillor(s) from the chamber. If this cannot be done orderly, the Chairperson of a meeting may adjourn proceedings for a period not exceeding 15 minutes, in order for the relevant Councillors to retire or to be ejected from the venue of the meeting. If, at the resumption of proceedings, the Councillor(s) have not left or been ejected, the meeting may be adjourned for another 10 minutes to address the

situation. The Chairperson may rule that after the second adjournment the meeting will re-convene at another venue and any Councillor(s) ordered to retire or so evicted or ordered to be evicted will be refused entry to the alternative venue. The Protection Services will ensure that such Councillor(s) do or does not enter such an alternative venue.

36. Obstruction by Person/s other than Councillors

- 36.1 Any person/s, other than a Councillor, who misconducts himself or herself, behaves in an unseemly manner or interrupts the proceedings of the Council or any Committee at any meeting shall, if the Chairperson so directs, be removed from the chamber or the venue where the meeting is being held. If the person/s refuses to leave, the Protection Services will be responsible to remove such person/s from the meeting. The Chairperson may exclude such person/s from further admittance to the Council Chamber or the meeting venue for such period as it may be deemed fit.

37. Points of Order and Personal Explanation

- 37.1 A member may raise a point of order at any time during the meeting, by stating that he or she is rising on a point of order.
- 37.2 A point of order must be confined only to a matter of procedure or practice, or a matter relating to conduct, and must be raised immediately when the alleged breach of order occurs.
- 37.3 The member raising the point of order must commence by quoting the exact rule, or at least the principle or subject matter, upon which the point of order is based.
- 37.4 If the member does not do so, the Chairperson may insist on him or her doing so, and if he or she fails or does not adequately do so, the Chairperson may summarily rule that it does not amount to a point of order or that the matter is out of order.
- 37.5 The Chairperson may allow members to address the Chairperson on a point of order that has been raised.
- 37.6 The Chairperson must give a ruling, and may give his or her ruling or decision on the point of order immediately, or defer the decision to the earliest opportunity later during the meeting by way of a considered ruling.
- 37.7 No point of order may be raised in response to a considered ruling in terms of Rule 37.5.
- 37.8 No other member may raise another point of order before the Chairperson has ruled on the first point of order.
- 37.9 No member may raise a point of order again or a similar point of order, if the Chairperson has ruled that it is not a point of order or that the matter is out of order.
- 37.10 Members may not disrupt proceedings by raising points of order that do not comply with this rule.
- 37.11 When a point of order is raised during debate, the member called to order must resume his or her seat, and after the point of order has been stated to the Chairperson by the member raising it, the member raising the point of order must likewise immediately resume his or her seat when he or she has concluded his or her submission or if the Chairperson asks him or her to do so.
- 37.12 The Chairperson's ruling on a point of order is final and binding, and may not be challenged or questioned in the meeting.
- 37.13 A member who is aggrieved by a Chairperson's ruling on a point of order may subsequently in writing to the Speaker request that the principle or subject matter of the ruling be referred to the Rules Committee.
- 37.14 The Rules Committee may deal with the referral as it deems fit, provided that it must confine itself to the principle underlying, or subject matter of, the ruling concerned.

38. Petitions to be written, typed or printed

- 38.1 Petitions, which must be clearly written, typed or printed, must be signed by the petitioner/s and must be couched in respectful language and presented to the office of the Speaker who shall, bring the matter before the Petitions Committee.

39. Reception of Deputations

- 39.1 A deputation wishing to attend a meeting shall not exceed five in number, but only one member thereof shall address the Committee (except in reply to questions from members of the Committee) and only for a period not exceeding ten minutes. The meeting shall not further consider the matter until the deputation shall have withdrawn itself from the meeting.

40. Terms of Reference of AD HOC-Committees

- 40.1 Upon the appointment of any ad hoc-committee, the Council shall specifically determine the terms of reference of such Ad hoc-committee and shall fix the membership and quorum of such Ad hoc-committee.

41. Ward Committees

- 41.1 The Municipal Council must by resolution determine the rules of procedure for the election of Ward Committees, the procedures at meetings, the reporting rules, and the rendering of secretarial services to these Committees.
- 42. Council may Increase or Restrict Powers**
- 42.1 With the exception of the Mayoral Committee whose functions are determined in terms of the Municipal Structures Act and the Committees whose functions and powers are determined in terms of Section 80 of the Municipal Structures Act by the Executive Mayor, the council may at any time extend, withdraw or modify the duties and powers of any Committee appointed in terms of Section 79 of the Municipal Structures Act.
- 43. Information to be obtained**
- 43.1 Members of the Council who desire to obtain information with regard to the administrative work of the council, which is not accessible to the general public, should address their enquiries to the Municipal Manager.
- 44. Information to the press or other media: In-Committee discussions**
- 44.1 Only the Executive Mayor, or in his or her absence the or Deputy Executive Mayor, the Speaker and the Municipal Manager are specifically authorized to, on application being made to him or her by any registered newspaper, radio station, television service or internet publisher, supply to such media or its representative, information and reports relating to the work of the municipality.
- 44.2 In view of the Municipal Manager, the Speaker or the Executive Mayor being the authorized channel through which the media may receive information and reports, members of the council are therefore expected to refrain from sending to the media, documents or information supplied to them with a view to their consideration by the council or any committee: provided that this clause shall not be construed as abrogating a Councillors individual constitutional right to make press statements which reflect his or her own personal or political view and not that of the council, further provided however, that no discussion that took place in-committee may be conveyed to the public or the press except by the or Executive Mayor, Speaker or Municipal Manager.
- 44.3 Chairpersons of Committees must liaise with the Executive Mayor, Speaker and Municipal Manager for the publication of any information relating to committee and the Municipal Manager shall arrange, if approved, the publication of the relevant information.
- 44.4 Any member who publishes or discloses or causes to be published or disclosed any document or record of the Council or the proceedings of any Committee of the Council contrary to Rules 44.1, 44.2 and 4.3 above, shall be guilty of an offence.
- 44.5 The Council may exclude for such period as it may determine, any member who in its opinion is guilty of an offence in terms of Rule 44.4. Provided that such exclusion shall not equal or exceed such period as would result in the vacation of such member's office in terms of section 4(2) of the Code of Conduct for Councillors.
- 44.6 If a member attends a meeting in contravention of a decision in terms of Rule 44.5 to exclude such member, the Speaker / Chairperson may call upon the Protection Services to remove such member and to take steps to ensure that such member does not return to the meeting.
- 45. Legal Defense and Indemnification of Councillors and Officers of the Council**
- 45.1 The Council may determine the circumstances in which it will undertake the defense of or pay the legal costs or the total costs and the amount in respect of any legal proceedings, whether civil or criminal, a Councillor or an official may have against any person, body, organization or institution arising from the Councillor's official capacity as a Councillor of the Municipality.
- 45.2 Section 109A of the Municipal Systems Act, 2000 shall be followed in granting legal representation for Councillors who are faced with litigation as a result of executing municipal functions.
- 46. Speaker May Refer Matters for Legal Advice**
- 46.1 The Speaker shall be entitled to refer any matter pertaining to the Council and its proceedings, for legal opinion to the Municipal Manager.
- 47. Dress Code**
- 47.1 All members are to dress in a manner befitting the dignity and decorum of the Council and Committees, as may further be provided for in guidelines approved by the Rules Committee; provided that no party symbols may be displayed.
- 48. Determination of language policy**
- 48.1 The Council must after the local government elections review the language policy of the municipality in terms of Rule 48.4 and, where such policy does not exist, instruct the Municipal Manager to develop a draft policy and submit it to the Council.
- 48.2 The Council may at any time review and amend its language policy.
- 48.3 The Council must review its language policy upon receipt of a written request demanding such a review signed by at least one-third of the Councillors.

49. Activities Prohibited within the Council Chamber or a Meeting Venue and the Use of the Council Chamber by Other Persons or Institutions

- 49.1 The decorum of the council chamber as the official seat of governance of the Municipality shall at all times be respected and adhered to by any person or institution using the facilities.
- 49.2 The following activities are strictly prohibited from being conducted within the confines of the council chamber or a meeting venue of the council or its Committees by any person:
- 49.2.1 Having a cellular telephone that is not on silent mode and speaking on a cellular phone during the meeting;
 - 49.2.2 Consuming any food or drink in his or her possession, excluding water provided at the meeting; and
 - 49.2.3 bring weapons of any kind nor dangerous or threatening articles or objects nor replicas of any such articles or objects into the Chamber or meeting venue, excluding cultural objects with the prior approval of the Speaker.

50. Sanctions and Offences

- 50.1 Any person who willfully contravenes any provision of these rules shall be guilty of an offence and shall be subject to the sanctions as provided for and imposed by the Council in terms of the Code of Conduct.

6.

C06/11/21 ELECTION OF A SPEAKER

REPORT FROM THE ACTING MUNICIPAL MANAGER

PURPOSE OF THE REPORT

The purpose of this report is to facilitate the election of a Speaker for the Municipal Council as contemplated in Schedule 3 of the Local Government : Municipal Structures Act, 1998, as amended in 2021.

BACKGROUND

In terms of Section 36 of the Local Government : Municipal Structures Act, 1998, as amended in 2021 (**Annexure A**), each Municipal Council must have a chairperson who will be called the Speaker. At its first sitting after its election, a Municipal Council must elect its Speaker from among the Councillors, who shall be a full time Councillor, in terms of the !Kheis Municipality Establishment Notice.

The Municipal Manager presides over the election of the Speaker, and will advise and direct the election process from the Chair.

DISCUSSION

The procedure set out in Schedule 3 of the mentioned Act (**Annexure B**), applies to the election of a Speaker. A Councillor may not hold the office as Speaker and Executive Mayor at the same time.

A relevant Nomination Form is supplied separately on which nominations must be submitted when called for by the Municipal Manager. The Nomination Form must be signed by the Nominator, Secunder and Nominee.

It must be noted that the election of a Speaker must be by secret ballot.

The functions of the Speaker are referred to in Section 37 of the said Act as amended, which states:

- “37. *Functions of speakers. – The speaker of a municipal council –*
- (a) presides at meetings of the council;*
 - (b) performs the duties and exercises the powers delegated to the speaker in terms of section 59 of the Local Government : Municipal Systems Act, 2000 (Act No. 32 of 2000);*
 - (c) must ensure that the council meets at least quarterly;*
 - (d) must maintain order during meetings;*
 - (e) must ensure compliance in the council and council committees with the Code of Conduct set out in Schedule 1 to the Local Government : Municipal Systems Act, 2000 (Act No.32 of 2000); and*
 - (f) must ensure that council meetings are conducted in accordance with the rules and orders of the council;*
 - (g) must ensure that the legislative authority of the municipality functions effectively;*

- (h) *is responsible for the effective oversight over the executive authority of the municipality;*
- (i) *must ensure the effectiveness of the committees of the municipal council established in terms of section 79;*
- (j) *is responsible for the ethics and accountability of the municipal council; and*
- (k) *must ensure the effectiveness and functionality of ward committees and the public participation processes.*

It should be noted that (g) to (k) above, are additional functions legislated in terms of the Local Government : Municipal Structures Amendment Act, 2021, which came into operation on 1 November 2021.

Furthermore, the Draft !Kheis Municipality's Rules of Order, (See Item C05/11/21 of this Agenda) confer various specific functions to the Speaker.

Lastly, once elected, the Speaker must take over from the Municipal Manager as Chairperson of the meeting (and Municipal Council) and will thus direct the meeting further as per the Agenda.

RECOMMENDATION OF THE MUNICIPAL MANAGER

That the Municipal Council elects Cllr as the Speaker of the !Kheis Municipal Council, having followed the procedure set out in Schedule 3 of the Local Government : Municipal Structures Act, 1998, as amended.

APPENDIX / ADDENDUM

Annexure A – Section 36 of the Local Government : Municipal Structures Act, 1998, as amended;

Annexure B – Schedule 3 of the Act.

Execution : Municipal Manager

36. Election of speakers.-(1) Each municipal council must have a chairperson who will be called the speaker.

(2) At its first sitting after its election, or when necessary to fill a vacancy, a municipal council must elect its speaker from among the councillors.

(3) The municipal manager of the municipality or, if the municipal manager is not available, a person designated by the MEC for local government in the province, presides over the election of a speaker.

(4) The procedure set out in Schedule 3 applies to the election of a speaker.

(5) A councillor may not hold office as speaker and mayor or executive mayor at the same time, ^{with (8)} but in a municipality of a type mentioned in ~~section 2 (c) or (f) or 10 (c)~~ the speaker must be called the mayor.

Schedule 3

(Schedule 3 amended by s. 34 of Act No. 51 of 2002.)

Wording of Sections

ELECTION OF MUNICIPAL OFFICE-BEARERS

1. Application.—The procedure set out in this Schedule applies whenever a municipal council meets to elect a speaker, an executive mayor, a deputy executive mayor, a mayor or a deputy mayor.

2. Nominations.—The person presiding at a meeting to which this Schedule applies must call for the nomination of candidates at the meeting.

3. Formal requirements.—(1) A nomination must be made on the form determined by the municipal manager.

(2) The form on which a nomination is made must be signed by two members of the municipal council.

(3) A person who is nominated must indicate acceptance of the nomination by signing either the nomination form or any other form of written confirmation.

4. Announcement of names of candidates.—At a meeting to which this Schedule applies, the person presiding must announce the names of the persons who have been nominated as candidates, but may not permit any debate.

5. Single candidate.—If only one candidate is nominated, the person presiding must declare that candidate elected.

6. Election procedure.—If more than one candidate is nominated—

(a) a vote must be taken at the meeting by secret ballot;

(b) each councillor present at the meeting may cast one vote; and

(c) the person presiding must declare elected the candidate who receives majority of the votes.

7. Elimination procedure.—(1) If no candidate receives a majority of the votes, the candidate who receives the lowest number of votes must be eliminated and a further vote taken on the remaining candidates in accordance with item 6. This procedure must be repeated until a candidate receives a majority of the votes.

(2) When applying subitem (1), if two or more candidates each have the lowest number of votes, a separate vote must be taken on those candidates, and repeated as often as may be necessary to determine which candidate is to be eliminated.

8. Further meetings.—(1) If only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, a further meeting must be held within seven days at a time determined by the person presiding.

(2) If a further meeting is held in terms of subitem (1), the procedure prescribed in this Schedule must be applied at that meeting as if it were the first meeting for the election in question.

(3) If at the further meeting held in terms of subitem (1) only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, the person presiding at such meeting must determine by lot who of the two candidates will hold the office for which the election has taken place.

[Subitem (3) added by s. 34 of Act No. 51 of 2002.]

7.

C07/11/21 STATEMENTS AND COMMUNICATION BY THE SPEAKER
--

The newly elected Speaker may address the Municipal Council under this Item.

8.

C08/11/21 ELECTION OF AN EXECUTIVE MAYOR
--

REPORT FROM THE MUNICIPAL MANAGER

PURPOSE OF THE REPORT

The purpose of this report is to facilitate the election of an Executive Mayor for the Municipal Council as enacted in Schedule 3 of the Local Government : Municipal Structures Act, 1998, as amended.

BACKGROUND

In terms of Section 54 of the Local Government: Municipal Structures Act, 1998, !Kheis Municipality qualify to have an Executive Mayor. Section 55 of the said Structures Act, indicates that the Municipal Council must choose to have an Executive Mayor before such Political Office Bearer may be elected. The opinion is herewith offered that in order to optimize service delivery to all communities through executive leadership, the option to have an Executive Mayor should be exercised.

It must also be remembered that the MEC of Local Government of the Northern Cape Province has determined that !Kheis Municipality is a “collective executive system combined with a ward participatory system” type of Municipality as was indicated in Item C03/11/21 which was dealt with earlier at this meeting.

The newly elected Speaker presides over the election of the Executive Mayor, and will advise and direct the election process from the Chair.

DISCUSSION

The procedure set out in Schedule 3 of the mentioned Act (Schedule 3 is attached to the previous item), also applies to the election of an Executive Mayor.

A relevant Nomination Form is supplied separately on which nominations must be submitted when called for by the Speaker. The Nominator, Secunder and Nominee must sign the relevant Nomination Form.

The election of the Executive Mayor is also per Secret Ballot.

The original functions and powers of an Executive Mayor are numerous and diverse as legislated in the suite of Local Government specific legislation. To name only two pieces of legislation, the Local Government : Municipal Structures Act, 1998, as amended, deals extensively with the functions and powers of an Executive Mayor in Section 56, which is attached hereto as **Annexure A**. Furthermore, a whole Chapter of the Local Government: Municipal Finance Management Act, 2003 (MFMA), is enacted with regard to the responsibilities of Mayors. (Executive Mayor as per definitions in the said Act.) For information, Chapter 7 of the MFMA is attached hereto as **Annexure B**. Apart from the original powers, the Municipal Council can also delegate extensive decisions making powers of the same to the Executive Mayor. Kindly refer to the Item in this Agenda entitled “System of Delegations” (Item C12/11/21).

RECOMMENDATION OF THE MUNICIPAL MANAGER

- [a] That the Municipal Council herewith choose to have an Executive Mayor in terms of Section 55 of the Local Government : Municipal Structures Act, 1998, as amended; and
- [b] That the Municipal Council elects Cllr as the Executive Mayor of the Knysna Municipal Council, having followed the procedure set out in Schedule 3 of the Local Government : Municipal Structures Act, 1998, as amended.

APPENDIX / ADDENDUM

Annexure A – Section 56 of the Local Government : Municipal Structures Act, 1998, as amended;

Annexure B – Chapter 7 of the Local Government : Municipal Finance Management Act, 2003.

Execution : Municipal Manager

referred to in section 80
56. Functions and powers of executive mayors.-(1) An executive mayor is entitled to receive reports from committees of the ~~municipal~~ council and to forward these reports together with a recommendation to the council when the matter cannot be disposed of by the executive mayor in terms of the executive mayor's delegated powers.

(2) The executive mayor must-

- (a) identify the needs of the municipality;
- (b) review and evaluate these needs in order of priority;
- (c) recommend to the municipal council strategies, programmes and services to address priority needs through the integrated development plan, and the estimates of revenue and expenditure, taking into account any applicable national and provincial development plans; and
- (d) recommend or determine the best way, including partnership and other approaches, to deliver those strategies, programmes and services to the maximum benefit of the community.

(3) The executive mayor in performing the duties of office, must-

- (a) identify and develop criteria in terms of which progress in the implementation of the strategies, programmes and services referred to in subsection (2) (c) can be evaluated, including key performance indicators which are specific to the municipality and common to local government in general;
- (b) evaluate progress against the key performance indicators;
- (c) review the performance of the municipality in order to improve-
 - (i) the economy, efficiency and effectiveness of the municipality;
 - (ii) the efficiency of credit control and revenue and debt collection services; and
 - (iii) the implementation of the municipality's by-laws;
- (d) monitor the management of the municipality's administration in accordance with the directions of the municipal council;
- (e) oversee the provision of services to communities in the municipality in a sustainable manner;
- (f) perform such duties and exercise such powers as the council may delegate to the executive mayor in terms of section 58 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);
[Para. (f) amended by s. 15 (a) of Act No. 51 of 2002.]
Wording of Section 5
- (g) annually report on the involvement of communities and community organisations in the affairs of the municipality; and
- (h) ensure that regard is given to public views and report on the effect of consultation on the decisions of the council.

(4) An executive mayor must perform a ceremonial role as the municipal council may determine.

(5) An executive mayor must report to the municipal council on all decisions taken by the executive mayor.

(6) The deputy executive mayor of a municipality exercises the powers and performs the duties of the executive mayor if the executive mayor is absent or not available or if the office of the executive mayor is vacant.

(7) If the executive mayor is absent or not available and the municipality does not have a deputy executive mayor, or the deputy executive mayor is also absent or not available, the council must designate a councillor to act as executive mayor.

[Sub-s. (7) added by s. 15 (a) of Act No. 51 of 2002.]

ANNEXURE A

ANNEXURE B

CHAPTER 7 RESPONSIBILITIES OF MAYORS

52. General responsibilities.—The mayor of a municipality—

- (a) must provide general political guidance over the fiscal and financial affairs of the municipality;
- (b) in providing such general political guidance, may monitor and, to the extent provided in this Act, oversee the exercise of responsibilities assigned in terms of this Act to the accounting officer and the chief financial officer, but may not interfere in the exercise of those responsibilities;
- (c) must take all reasonable steps to ensure that the municipality performs its constitutional and statutory functions within the limits of the municipality's approved budget;
- (d) must, within 30 days of the end of each quarter, submit a report to the council on the implementation of the budget and the financial state of affairs of the municipality; and
- (e) must exercise the other powers and perform the other duties assigned to the mayor in terms of this Act or delegated by the council to the mayor.

53. Budget processes and related matters.—(1) The mayor of a municipality must—

- (a) provide general political guidance over the budget process and the priorities that must guide the preparation of a budget;
 - (b) coordinate the annual revision of the integrated development plan in terms of section 34 of the Municipal Systems Act and the preparation of the annual budget, and determine how the integrated development plan is to be taken into account or revised for the purposes of the budget; and
 - (c) take all reasonable steps to ensure—
 - (i) that the municipality approves its annual budget before the start of the budget year;
 - (ii) that the municipality's service delivery and budget implementation plan is approved by the mayor within 28 days after the approval of the budget; and
 - (iii) that the annual performance agreements as required in terms of section 57 (1) (b) of the Municipal Systems Act for the municipal manager and all senior managers—
 - (aa) comply with this Act in order to promote sound financial management;
 - (bb) are linked to the measurable performance objectives approved with the budget and to the service delivery and budget implementation plan; and
 - (cc) are concluded in accordance with section 57 (2) of the Municipal Systems Act.
- (2) The mayor must promptly report to the municipal council and the MEC for finance in the province any delay in the tabling of an annual budget, the approval of the service delivery and budget implementation plan or the signing of the annual performance agreements.

54. Budgetary control and early identification of financial problems.—(1) On receipt of a statement or report submitted by the accounting officer of the municipality in terms of section 71 or 72, the mayor must—

- (a) consider the statement or report;
 - (b) check whether the municipality's approved budget is implemented in accordance with the service delivery and budget implementation plan;
 - (c) consider and, if necessary, make any revisions to the service delivery and budget implementation plan, provided that revisions to the service delivery targets and performance indicators in the plan may only be made with the approval of the council following approval of an adjustments budget;
 - (d) issue any appropriate instructions to the accounting officer to ensure—
 - (i) that the budget is implemented in accordance with the service delivery and budget implementation plan; and
 - (ii) that spending of funds and revenue collection proceed in accordance with the budget;
 - (e) identify any financial problems facing the municipality, including any emerging or impending financial problems; and
 - (f) in the case of a section 72 report, submit the report to the council by 31 January of each year.
- (2) If the municipality faces any serious financial problems, the mayor must—
- (a) promptly respond to and initiate any remedial or corrective steps proposed by the accounting officer to deal with such problems, which may include—
 - (i) steps to reduce spending when revenue is anticipated to be less than projected in the municipality's approved budget;

(ii) the tabling of an adjustments budget; or
 (iii) steps in terms of Chapter 13; and
 (b) alert the council and the MEC for local government in the province to those problems.
 (3) The mayor must ensure that any revisions of the service delivery and budget implementation plan are made public promptly.

55. Report to provincial executive if conditions for provincial intervention exist.—If a municipality has not approved an annual budget by the first day of the budget year or if the municipality encounters a serious financial problem referred to in section 136, the mayor of the municipality—
 (a) must immediately report the matter to the MEC for local government in the province; and
 (b) may recommend to the MEC an appropriate provincial intervention in terms of section 139 of the Constitution.

56. Exercise of rights and powers over municipal entities.—(1) The mayor of a municipality which has sole or shared control over a municipal entity, must guide the municipality in exercising its rights and powers over the municipal entity in a way—
 (a) that would reasonably ensure that the municipal entity complies with this Act and at all times remains accountable to the municipality; and
 (b) that would not impede the entity from performing its operational responsibilities.
 (2) In guiding the municipality in the exercise of its rights and powers over a municipal entity in accordance with subsection (1), the mayor may monitor the operational functions of the entity, but may not interfere in the performance of those functions.

57. Municipalities which do not have mayors.—(1) The council of a municipality which does not have a mayor, must designate a councillor to exercise the powers and duties assigned by this Act to a mayor.
 (2) A reference in this Act to the mayor of a municipality must, in the case of a municipality which does not have a mayor, be construed as a reference to a councillor designated by the council of the municipality in terms of subsection (1).

58. Municipalities with executive committees.—The powers and functions assigned by this Act to a mayor must, in the case of a municipality which has an executive committee referred to in section 43 of the Municipal Structures Act, be exercised by the mayor in consultation with the executive committee.

59. Delegations of mayoral powers and duties.—(1) The powers and duties assigned in terms of this Act to the mayor of a municipality, may—
 (a) in the case of a municipality which has an executive mayor referred to in section 55 of the Municipal Structures Act, be delegated by the executive mayor in terms of section 60 (1) of that Act to another member of the municipality's mayoral committee;
 (b) in the case of a municipality which has an executive committee referred to in section 43 of that Act, be delegated by the council of the municipality to another member of the executive committee; or
 (c) in the case of a municipality which has designated a councillor in terms of section 57 (1) of this Act, be delegated by the council to any other councillor.
 (2) A delegation in terms of subsection (1)—
 (a) must be in writing;
 (b) is subject to any limitations or conditions that the executive mayor or council, as the case may be, may impose; and
 (c) does not divest the mayor of the responsibility concerning the exercise of the delegated power or the performance of the delegated duty.
 (3) The mayor may confirm, vary or revoke any decision taken in consequence of a delegation in terms of this section, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

9.

C09/11/21 STATEMENTS AND COMMUNICATION BY THE EXECUTIVE MAYOR

The elected Executive Mayor can address the meeting under this Item.

10.

C10/11/21	ELECTION OF COLLECTIVE EXECUTIVE COMMITTEE
------------------	---

Formula?

11.

C11/11/21 ELECTION OF REPRESENTATIVES TO ZFM DISTRICT MUNICIPALITY
--

REPORT FROM THE MUNICIPAL MANAGER

PURPOSE OF THE REPORT

To appoint ? Councillors to the Municipal Council of the Garden Route District Municipality to directly represent Knysna Municipality in that Council.

BACKGROUND

The election and appointment of District Councils are legislated in Section 23 of the Local Government : Municipal Structures Act, 1998, as amended, which is attached hereto as Annexure A for ease of reference.

DISCUSSION

The electoral system for District Councils is enacted as Schedule 2 of the mentioned Structures Act. A copy of said Schedule 2 and the amendments thereto per the Amendments of 2021 are attached hereto for information as Annexure C

What is however of great importance is the fact that the Independent Electoral Commission (IEC) will conduct the election during the meeting in the Council Chamber.

The Speaker should allow the designated official of the Chief Electoral Officer of the IEC to advise and direct the election process.

RECOMMENDATION OF THE MUNICIPAL MANAGER

[a] That the following members namely :

Cllr;
Cllr; and

Cllr;

were duly elected, in terms of Schedule 2 of the Local Government: Municipal Structures Act, 1998, as amended, to directly represent Knysna Municipality in Garden Route District Municipality; and

- [b] That it be noted that the designated official of the chief electoral officer of the Independent Electoral Commission (IEC) conducted the election process mentioned in [a] above.

APPENDIX / ADDENDUM

Annexure A – Section 23 of the Local Government: Municipal Structures, 1998, as amended;

Annexure C – Schedule 2 of the mentioned Structures Act and the separate amendments thereto of 2021.

Execution : Municipal Manager
 Senior Manager: Human Capital &
 Client Services
 Accountant : Financial Services

12.

C12/11/21 SYSTEM OF DELEGATIONS

REPORT FROM THE MUNICIPAL MANAGER

PURPOSE OF THE REPORT

To present the Draft System of Delegations to the Municipal Council for Adoption and Approval.

BACKGROUND

The Local Government : Municipal Systems Act, 2000, states in Section 59(2)(f) that the delegation system must be reviewed when a new Municipal Council is elected.

Furthermore, Section 65 of said Systems Act reads as follows :

“65. Review of delegations – (1) Whenever it becomes necessary in terms of section 59(2)(f) to review a municipality’s delegations, the municipal manager must submit to the council-

(a) a report on the existing delegations issued in terms of section 59 by the council and other delegating authorities of the municipality; and

(b) recommendations on any changes to the existing delegations which the municipal manager may consider necessary.

(2) If the municipality has an executive committee or executive mayor, the municipal manager must submit the report and any recommendations to the municipal council through the executive committee or executive mayor.”

DISCUSSION

In order not to execute the functions and powers (delivery of services) of the Municipality in a legislative void regarding administrative and operational issues, the Delegation Register adopted by the previous Municipal Council should be reviewed. However, the Municipal Manager should, in due course, submit a report to the relevant Committees for ultimate recommendation to the Municipal Council to review the said delegations. The Draft System of Delegations distributed as a separate document.

RECOMMENDATION OF THE MUNICIPAL MANAGER

- [a] That the Delegation Register, distributed as a separate document, be confirmed and adopted;
- [b] That the Municipal Manager be instructed to submit a report to the relevant Portfolio Committee with recommendations on any changes to the Delegation Register mentioned in [a] above; and
- [c] That the relevant Committee mention in [b] above submit recommendations on the report of the Municipal Manager to the Collective Executive Committee who shall submit recommendations thereon to the Municipal Council at its meeting to be held in February 2022.

APPENDIX / ADDENDUM

Delegations Register distributed separately.

Execution : Municipal Manager

13.

C13/11/21 STRUCTURING OF THE MUNICIPAL COUNCIL : APPOINTMENT OF MEMBERS TO COMMITTEES

REPORT FROM THE MUNICIPAL MANAGER

PURPOSE OF THE REPORT

To appoint various Committees to ensure efficiency and effectiveness in performing the powers and functions of the municipality.

BACKGROUND

The powers and functions (executive authority) of a municipality are foremost enacted in Sections 156 and 229 of the Constitution of the Republic of South Africa, 1996, which is the supreme law of the Republic. The mentioned Sections 156 and 229 as well as Part B of Schedule 4 and Part B of Schedule 5 of the Constitution are attached hereto as Annexure A.

The general empowerment provision of a municipality is enacted in Section 8 of the Local Government: Municipal Systems Act, 2000, which reads as follows:

*“CHAPTER 3
MUNICIPAL FUNCTIONS AND POWERS*

8. General empowerment.-(1) *A municipality has all the functions and powers conferred by or assigned to it in terms of the Constitution, and must exercise them subject to Chapter 5 of the Municipal Structures Act.*

(2) A municipality has the right to do anything reasonably necessary for, or incidental to, the effective performance of its functions and the exercise of its powers.”

Attached hereto kindly find Chapter 5 of the Local Government : Municipal Structures Act, 1998, as Annexure B.

The Constitution also states in Section 160(1)(c) that a Municipal Council may elect committees, subject to national legislation. Said Section 160 is attached hereto as Annexure C.

DISCUSSION

In order to efficiently and effectively exercise the powers and functions of the municipality a Committee system is herewith proposed as envisaged in Section 33 of the mentioned Structures Act, which reads as follows:

“33. Criteria for establishment of committees.- A municipality may establish a committee provided for in this Act if-

- (a) the municipality is of a type that is empowered in terms of this Act to establish a committee of the desired kind;

- (b) the establishment of the committee is necessary, taking into account-
 - (i) the extent of the functions and powers of the municipality;
 - (ii) the need for the delegation of those functions and powers in order to ensure efficiency and effectiveness in their performance; and
 - (iii) the financial and administrative resources of the municipality available to support the proposed committee; and
- (c) in the case of the establishment of an executive committee, the municipality has more than nine councilors.”

It is very important to note Section 160(8) of the Constitution, which reads as follows:

“(8) Members of a Municipal Council are entitled to participate in its proceedings and those of its committees in a manner that-

- (a) allows parties and interests reflected within the Council to be fairly represented;
- (b) is consistent with democracy; and
- (c) may be regulated by national legislation.”

In terms of subsection (a) as quoted above, all Committees of the Municipal Council must thus be fairly (proportionally) representative of all (political) parties and interests.

Except if otherwise indicated below, all Committees of the Municipal Council are established in terms of Section 79 of the Structures Act and Section 79A added by the Municipal Structures Amended Act. 2021, of which a copy is attached hereto as Annexure D.

The types of Committees proposed are:

- 15.1 A Disciplinary Committee may be elected in terms of Item 16(1)(b) (read with Item 15(5)) of the Code of Conduct for Councillors which states that a Municipal Council may:

- “(b) establish a special committee-*
- (i) to investigate and make a finding on any alleged breach of this Code;*
 - and*
 - (ii) to make appropriate recommendations to the council.”*

- 15.2 A Municipal Public Accounts Committee must be established as envisaged in Section 32(2)(a)(ii) and (b) of the Local Government: Municipal Finance Management Act, 2003, where it refer to “investigation by a council committee” with regards to unauthorized, irregular or fruitless and wasteful expenditure and more specifically the new Section 79A of the Local Government : Municipal Structures Act, 1998, as amended in 2021.

In terms of Section 79A(3) of the above quoted Structures Act, as amended, the functions of MPAC are described as follows :

“(3) The municipal council must determine the functions of the municipal public accounts committee, which must include the following :

- (a) review the Auditor-General’s report and comments of the management committee and the audit committee and make recommendations;*
- (b) review internal audit reports together with comments from the management committee and the audit committee and make recommendations to the municipal council;*
- (c) initiate and develop the oversight report on annual reports contemplated in section 129 of the Local Government : Municipal Finance Management Act;*
- (d) attend to and make recommendations to the municipal council on any matter referred to it by the municipal council, executive committee, a committee of the council, a member of this committee, a councillor and the municipal manager; and*
- (e) on its own initiative, subject to the direction of the municipal council, investigate and report to the municipal council on any matter affecting the municipality.*

It must be noted that the Structures Act, as amended, furthermore prohibits the Executive Mayor, Executive Deputy Mayor, members of the Mayoral Committee, Speaker, Whip and all municipal officials from serving on MPAC as members.”

- 15.4 The Audit Committee Selection Committee is tasked to undertake the recruitment and selection of members of the Audit Committee and recommend directly to the Municipal Council on appointments.
- 15.5 The Grants-in-Aid Committee is tasked to scrutinize all applications for Grants-in-aid (in terms of the relevant Policy) from qualifying organizations and make recommendations to the Municipal Council on how much and to whom the R750 000 budgeted for this purpose must be allocated.
- 15.6 The Appeals Committee is to be established in terms of Section 62(4)(c)(ii) of the Local Government : Municipal Systems Act, 2000. The Appeals Committee proceedings is also not subject to the rules of Order for Internal Arrangements By-law, but shall determine their own rules for their proceedings subject to the Rules of Natural Justice. This Committee of Councillors will consider appeals of any person whose rights are affected by a decision taken by a Political Office Bearer or a Councillor of the Municipality in terms of duly delegated or sub-delegated authority and may confirm, vary or revoke the applicable decision, but no such variation or revocation may detract from any rights that may have accrued as a result of the decision.

It is important to note that Political Office Bearers should not be appointed to this Committee due mainly because of their roles in executive decisions in terms of delegated powers and functions.

RECOMMENDATION OF THE MUNICIPAL MANAGER

- [a] That the report regarding the appointment of members to Committees be noted;
- [b] That in terms of Section 79 of the Local Government: Municipal Structures Act, 1998, as amended, the following Portfolio Committees be appointed as envisaged in Section 80 of the Act mentioned herein :

Financial and Corporate Services Portfolio Committee

Chairperson : Cllr..... (member of the Mayoral Committee)

Cllr.....

Cllr.....

Cllr.....

Cllr.....

.

Community Services Portfolio Committee

Chairperson : Cllr..... (member of the Mayoral Committee)

Cllr.....

Cllr.....

Cllr.....

Cllr.....

Planning and Development Portfolio Committee

Chairperson : Cllr..... (member of the Mayoral Committee)

Cllr.....

Cllr.....

Cllr.....

Cllr.....

- [c] That the following Disciplinary Committee be appointed in terms of Item 16(1)(b) of the Code of Conduct for Councillors enacted as Schedule 7 of the Local Government : Municipal Structures Act, 1998, as amended :

Chairperson : Cllr.....
Cllr.....
Cllr.....

subject thereto that if a member(s) of this Committee is the subject of an investigation on any alleged breach of the Code, the following Councillors, in order of preference, will substitute such member(s):

Cllr.....
Cllr.....
Cllr.....

- [d] That the following Municipal Public Accounts Committee be appointed in terms of Section 79A of the Local Government : Municipal Structures Act, 1998, as amended, to execute the duties as indicated in Part I of the Delegation Register and Section 79A(3) of the Act quoted herein :

Chairperson : Cllr.....
Cllr.....
Cllr.....
Chairperson of the Audit Committee (ex officio a member).

- [e] That the following Audit Committee Selection Committee be appointed in terms of Section 79 of the Local Government : Municipal Structures Act, 1998, as amended, to undertake the recruitment and selection of members of the Audit Committee and recommend candidates for appointment to the Municipal Council:

Chairperson : Cllr.....
Cllr.....
Cllr.....

- [f] That the following Grant-in-aid Committee be appointed in terms of Section 79 of the Local Government : Municipal Structures Act, 1998, as amended, to consider annually the applications for grants and donations and to recommend to the Municipal Council the amounts and organizations which should benefit in terms of the Grants-in-aid Policy :

Cllr.....
Cllr.....

Cllr.....

- [g] That the following Appeals Committee be appointed in terms of Section 62 of the Local Government : Municipal Systems Act, 2000, to consider appeals against decisions taken by Political Office Bearers and Councillors in terms of delegated or sub-delegated decisions :

Chairperson : Cllr.....
Cllr.....
Cllr.....

- [h] That the Municipal Manager be requested to submit a report to the Municipal Council regarding the functions and Terms of Reference of the Municipal Public Accounts Committee taking Section 79A of the Local Government : Municipal Structures Act, 1998, as amended in 2021, into account.

APPENDIX / ADDENDUM

Annexure A – Sections 156 and 229 as well as Part B of Schedule 4 and Part B of Schedule 5 of the Constitution;

Execution : Municipal Manager
Senior Manager : Human Capital

156. Powers and functions of municipalities.-(1) A municipality has executive authority in respect of, and has the right to administer-

- (a) the local government matters listed in Part B of Schedule 4 and Part B of Schedule 5; and
- (b) any other matter assigned to it by national or provincial legislation.

(2) A municipality may make and administer by-laws for the effective administration of the matters which it has the right to administer.

(3) Subject to section 151 (4), a by-law that conflicts with national or provincial legislation is invalid. If there is a conflict between a by-law and national or provincial legislation that is inoperative because of a conflict referred to in section 149, the by-law must be regarded as valid for as long as that legislation is inoperative.

(4) The national government and provincial governments must assign to a municipality, by agreement and subject to any conditions, the administration of a matter listed in Part A of Schedule 4 or Part A of Schedule 5 which necessarily relates to local government, if-

- (a) that matter would most effectively be administered locally; and
- (b) the municipality has the capacity to administer it.

(5) A municipality has the right to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions.

ANNEXURE A

14.

C14/11/21 APPOINTMENT OF REPRESENTATIVES ON HUMAN RESOURCES RELATED COMMITTEES
--

REPORT FROM THE MUNICIPAL MANAGER

The Municipal Council needs to appoint Councillors for the following specialist HR Committees, which are established in terms of Collective Agreements and other legislation for consultative, discussion and oversight purposes.

(i) **Local Labour Forum**

The Local Labour Forum is a Forum consisting of Councillors, Management and Unions with the purpose of meeting monthly to discuss matters of mutual concern pertaining to the workplace.

2 Councillors need to be elected to serve on this Forum.

(ii) **Employment Equity Monitoring Committee**

The Employment Equity Monitoring Committee consists of Councillors, Management, Unions and representatives for designated representative groups with the purpose of meeting quarterly to monitor the implementation of Employment Equity Plan within Knysna Municipality.

2 Councillors need to be elected to serve on the Committee.

(iii) **Training Committee**

The Training Committee consists of Councillors, Management and Unions with the purpose to meeting quarterly to monitor the implementation of the Workplace Skills Plan.

2 Councillors need to be elected to serve on the Committee.

RECOMMENDATION OF THE MUNICIPAL MANAGER

That the following Councillors be elected to serve on the specialist HR related Committees namely :

- | | | |
|-------|--|------------------|
| (i) | Labour Forum : | Councillor |
| | | Councillor |
| | | Councillor |
| | | Councillor |
| (ii) | Employment Equity Monitoring Committee: | |
| | | Councillor |
| | | Councillor |
| (iii) | Training Committee: | |
| | | Councillor |
| | | Councillor |
| | Execution : Senior Manager: Human Capital | |
| | Manager : Human Resources | |

15.

C15/11/21 DECLARATION OF INTEREST OF COUNCILLORS
--

REPORT FROM THE MUNICIPAL MANAGER

PURPOSE OF THE REPORT

To facilitate the declaration of interest of Councillors as required in terms of the Code of Conduct for Councillors.

BACKGROUND

In terms of Section 6 of the Code of Conduct for Councillors as set out in Schedule 7 of the Local Government : Municipal Systems Act, 2000, as amended in 2021, a Councillor who, or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose full particulars of the benefit of which the Councillor is aware at the first meeting of the Municipal Council at which it is possible for the Councillor to make the disclosure.

Apart from the declaration by Councillors in terms of Section 6 of the said Code at this meeting, all Councillors must furthermore, in terms of Section 8 of said Code, within 60 days of being elected, declare in writing to the Municipal Manager the following financial interests :

- (a) shares and securities in any company;*
- (b) membership of any close corporation;*
- (c) interest in any trust;*
- (d) directorships;*
- (e) partnerships;*
- (f) other financial interests in any business undertaking;*
- (g) employment and remuneration;*
- (h) interest in property;*
- (i) pension; and*
- (j) subsidies, grants and sponsorships by any organization.*

In order to facilitate the submission of the above-mentioned interests by Councillors, an applicable form is attached hereto which can be completed and submitted to the Office of the Municipal Manager on or before Friday, 31 December 2021.

Furthermore, in terms of Section 8(3) of the said Code, all gifts received by Councillors with a monetary value of over R350.00, must be declared by entering the details thereof in the Gifts Register kept in the Office of the Municipal Manager.

RECOMMENDATION OF THE MUNICIPAL MANAGER

- [a] That the report regarding the Declaration of Interest by Councillors, be noted;
- [b] That Councillors declare particulars of any direct benefits acquired, or stands to be acquired from a contract concluded with Knysna Municipality by a spouse, partner, business associate or close family member at this meeting;
- [c] That all Councillors submit the applicable duly completed Declaration of Interest form to the office of the Municipal Manager before Friday, 31 December 2021; and
- [d] That it be noted that all gifts by Councillors with a monetary value of R350.00 or more, must be declared by entering the details of such gift(s) into the Gift Register kept in the Office of the Municipal Manager.

APPENDIX / ADDENDUM

Declaration of Interest form

Execution : Municipal Manager

DECLARATION OF INTEREST IN TERMS OF ITEM 8(1) OF THE CODE OF CONDUCT FOR COUNCILLORS

The following interests are hereby disclosed by
me..... in terms of the item 8(1) of the Code of
Conduct for Councillors :

- a) **Shares and other financial interests in any company.**
 - (i) Number, nature and nominal value of shares.....
 - (ii) Name of company
 - (iii) Nature and value of other financial interest held in private
or public company
- b) **Membership of a Close Corporation**
 - (i) Name.....
 - (ii) Nature and value of any financial interest
.....
- c) **Interest, if any Trust**
 - (i) Name of trust
 - (ii) Nature and the value of any financial interest
.....
- d) **Directorship**
 - (i) Name of Company
- e) **Partnership**
Detail:
- f) **Other financial interest in any other business undertaking**
The amount of any remuneration or other benefits received
.....
- g) **Remunerated employment outside Council**
 - (i) Type of employment
 - (ii) Name and type of business activity of the employer
.....
 - (iii) Amount of the remuneration received for such
employment
.....

- h) **Interest in land and property**
(i) Description and extend
(ii) Area where it is situated.....
(iii) Nature of Interest
- i) **Pensions**
(i) Source of Pension
(ii) Value of Sponsor
- j) **Subsidies, Grants and Sponsorship**
(i) Source and description
(ii) Value of Sponsorship or assistance
.....
- k) **Gifts and Hospitality**
(i) Description and value
(ii) Source
(iii) Hospitality intended as a gift in kind
.....

Councillor

Date

16.

C16/11/21 INTEGRATED DEVELOPMENT PLAN (IDP)

REPORT FROM THE MUNICIPAL MANAGER

PURPOSE OF THE REPORT

The purpose of this report is to inform Council of the 2021 – 2022 Final Review of the Integrated Development Plan (IDP) of !Kheis Municipality.

BACKGROUND

The previous Council of !Kheis Municipality has adopted its 5-year IDP at the start of its tenure in August 2016. This IDP was reviewed annually in terms of Section 34 of the Local Government : Municipal Systems Act (Act 32 of 2000) (MSA). The final 2021/22 review of this IDP was adopted by the previous Council on 31 May 2021 with resolution Nr **CM01/05/2021** and served as the basis for the annual budget of the municipality. An electronic copy of the 2021/2022 IDP final review has been circulated to all Councillors for information purposes.

This newly elected Council will have an opportunity to adopt a single, inclusive and strategic plan for the development of the municipality for the next 5 years in terms of Section 25 of the MSA. A comprehensive process plan on how this new 4th Generation IDP will be developed will be tabled to Council at the next Council meeting.

RECOMMENDATION BY THE MUNICIPAL MANAGER

- [a] That the 2021/2022 Final Review of the Integrated Development Plan (IDP) of !Kheis Municipality, be noted; and
- [b] That it be noted that a comprehensive process plan on how the 4th Generation Integrated Development Plan for the Municipal Council will be developed, will be submitted to the next Municipal Council meeting.

Execution : Municipal Manager
 Manager : Integrated Development Plan

17.

C17/11/21 HANDOVER REPORT

REPORT FROM THE MUNICIPAL MANAGER

PURPOSE OF THE REPORT

The aim of this report is to provide the members of the Municipal Council important orientation information regarding the municipality, the state of its finances, service delivery and capital programme, as well as key issues that needs to be addressed.

BACKGROUND

The South African Local Government Association (SALGA) and Coghsta provided all municipalities with guidelines on the contents of their respective Handover Reports to the incoming leadership.

The Director-Generals of the Department of Cooperative Governance (DCoG), National Treasury (NT) and the Chief Executive Officer : South African Local Government Association (SALGA) co-signed Joint Circular No 1, which issued further guidance and requirements on the contents of the Handover Report. Furthermore, the Handover Report was submitted to the Provincial Department of Local Government, Coghsta, Provincial Treasury and National Treasury On 21 October 2021.

DISCUSSION

The consolidated Handover Report will be circulated separately for ease of reference.

RECOMMENDATION OF THE ACTING MUNICIPAL MANAGER

That the separately circulated Handover Report for !Kheis Municipality, be accepted.

APPENDIX / ADDENDUM

Handover Report circulated separately.

Execution : Municipal Manager

18.

C18/11/21 COUNCILLOR ORIENTATION WORKSHOP
--

REPORT FROM THE MUNICIPAL MANAGER

PURPOSE OF THE REPORT

To inform all Councillors of a proposed Orientation Workshop to be scheduled to confirm the competencies of the !Kheis Municipality and to introduce the Municipal Manager and Senior Managers and their Managers.

DISCUSSION

It is herewith proposed that the envisaged Workshop should be conducted for a whole day, preferably on Wednesday, 24 November 2021 and that site inspections of various important Municipal projects be conducted for newly elected Councillors on Thursday, 25 November 2021.

The Speaker's Office will inform all Councillors of the arrangements for the Workshop and site visits.

RECOMMENDATION OF THE MUNICIPAL MANAGER

- [a] That the Office of the Speaker, in consultation with the Acting Municipal Manager, arrange a full-day Orientation Workshop for all Councillors, on Wednesday, 24 November 2021; and
- [b] That all newly elected Councillors attend a site visit of important Municipal installations on Thursday, 25 November 2021.

Execution : Senior Manager: Human Capital
Accountant

19.

C19/11/21 SCHEDULE OF MEETINGS : DECEMBER 2021 TO JUNE 2022

REPORT FROM THE MUNICIPAL MANAGER

PURPOSE OF THE REPORT

To deliberate on suitable dates of meetings for December 2021 to June 2022 for consideration and approval.

BACKGROUND

In terms of Section 19 of the Municipal Systems Act 32 of 2000 the Municipal Manager must give notice to the public, in a manner determined by the Municipal Council of the time, date and venue of every of Ordinary, Special or Urgent meeting of the Municipal Council.

RELEVANT LEGISLATION

Section 19 of the Municipal Systems Act 32 of 2000.

RECOMMENDATION OF THE MUNICIPAL MANAGER

- [a] Office of the Speaker with the assistance of the Council Support Unit compile a report of the Schedule of meetings to be tabled in the next Ordinary Council Sitting

20.

**C20/11/21 REMUNERATION OF PUBLIC OFFICE BEARERS ACT, 1998:
DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND
BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS**

REPORT FROM THE MUNICIPAL MANAGER

PURPOSE OF THE REPORT

To inform members of the Municipal Council of the current remuneration payable to full-time and part-time Councillors.

BACKGROUND

The remuneration of members of Municipal Council is annually determined by the National Minister for Cooperative Governance and Traditional Affairs, in consultation with all nine (9) Provincial MEC's and published per Notice in the Government Gazette in terms of the Remuneration of Public Office Bearers Act, 1998. The determination for the financial year 2020/21 (past year) was published per Notice 475 in Government Gazette No 43246, on 24 April 2020, attached hereto as **Annexure A**.

The Municipal Council of !Kheis Municipality is **Grade 2?** as determined in terms of Item 4 of the mentioned determination (Notice).

DISCUSSION

The determination of the afore-mentioned National Minister is normally published in November/December for the financial year starting on 1 July of the same year. The determination for the current financial year 2021/22 was published on 2 November 2021 per Notice 1465 in Government Gazette No. 45420. The mentioned Minister determined a zero percent (0%) adjustment (**Annexure D**).

In practical terms, the current applicable remuneration is thus as follows :

Post

Annual Package

RECOMMENDATION OF THE MUNICIPAL MANAGER

That the report on the Remuneration of Public Office Bearers Act, 1998 : Determination of Upper Limits of Salaries, Allowances and Benefits of Different Members of Municipal Councils, as well as the Annexures attached thereto, be noted.

APPENDIX / ADDENDUM

Annexure A – Notice 475 dated 24 April 2020;
Annexure B – Item SC12/05/2020 dated 14 May 2020;
Annexure C – Notice 1426 dated 21 December 2018;
Annexure D - Notice 1465 dated 2 November 2021.

File Number : 3/2/3

Execution : Acting Municipal Manager
Acting Director : Corporate Services
Acting Director : Financial Services

ANNEXURE A

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STAATSKOERANT, 24 APRIL 2020

No. 43246 3

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

NO. 475

24 APRIL 2020

REMUNERATION OF PUBLIC OFFICE BEARERS ACT, 1998 (ACT NO. 20 OF 1998)

DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS

Under the powers vested in me by sections 7(1), 8(5)(a) and 9(5)(a) of the *Remuneration of Public Office-bearers Act, 1998* (Act No. 20 of 1998), I, Nkosazana Clarice Dlamini Zuma, Minister for Cooperative Governance and Traditional Affairs, hereby –

- (a) after consultation with the member of the Executive Council responsible for local government in each province; and
- (b) after taking into consideration the matters listed in paragraphs (a) to (i) of section 7(1) of the Act,

determine the upper limits of the salaries, allowances and benefits of the different members of municipal councils as set out in the Schedule.



NKOSAZANA CLARICE DLAMINI ZUMA, MP
MINISTER FOR COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

FIRST MEETING OF THE MUNICIPAL COUNCIL
AGENDA
18 NOVEMBER 2021

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4 No. 43246

GOVERNMENT GAZETTE, 24 APRIL 2020

SCHEDULE

PREAMBLE

The salary and allowances of a councillor is determined by that municipal council by resolution of a supporting vote of the majority of its members, in consultation with the member of the Executive Council responsible for local government in each province, having regard to the upper limits as set out hereunder, the financial year of a municipality and affordability of municipality to pay within the different grades of the remuneration of councillors, including the austerity measures as approved by national Cabinet.

For purposes of implementation of this Government Notice, "in consultation with" means that a municipal council must obtain concurrence of the MEC for local government prior to the implementation of the provisions of this Notice.

1. Definitions

In this Schedule, unless the context indicates otherwise, a word or phrase to which a meaning has been assigned in the *Remuneration of Public Office-bearers Act, 1998* (Act No. 20 of 1998) (hereinafter referred to as "the Act") and the *Local Government: Municipal Structures Act, 1998* (Act No. 117 of 1998) (hereinafter referred to as "the Structures Act"), has that meaning and –

"basic salary" means the salary component of a councillor that excludes a travel allowance as provided in item 9(1), housing allowance as provided in item 9(2), the municipal contribution to a pension fund as provided in item 13(1) and municipal contribution to a medical aid scheme as provided in item 13(2);

"full-time councillor" means a councillor who has been elected or appointed to an office which has been designated as full-time in terms of section 18(4) of the Structures Act;

"grade" in relation to this Notice means the grade of municipal council as determined in terms of item 4;

"part-time councillor" means a councillor other than a full-time councillor;

"pension fund" means any pension, provident or retirement annuity fund established and registered in terms of, and subject to, any law governing the registration and control of pension funds in the Republic of South Africa and to which an office bearer contributes or any pension scheme approved by Parliament for such office bearers;

"section 79 committee" means a committee of the municipal council established in terms of section 79 of the Structures Act;

"SETAs" means the Sector Education and Training Authorities established in terms of section 9 of the *Skills Development Act, 1998* (Act No. 97 of 1998);

"special risk cover" means an insurance cover, provided to a councillor by the municipality, which covers the loss of or damage to a councillor's personal immovable or moveable property and assets, excluding property used by such councillor for business purposes, as well as life and disability cover, for any loss or damage caused by riot, civil unrest, strike or public disorder;

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FIRST MEETING OF THE MUNICIPAL COUNCIL
AGENDA
18 NOVEMBER 2021

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STAATSKOERANT, 24 APRIL 2020

No. 43246 5

"tools of trade" means the resources provided by a municipal council to a councillor to enable such councillor to discharge his or her duties in the most efficient and effective manner, and at all times remain the assets of the municipality concerned;

"total municipal income" means gross income in respect of a metropolitan, local or district municipality based on actual income received as stated in the audited financial statements of that municipality for the 2018/ 19 financial year. The gross income for the municipality will include the following:

- rates on property;
- fees for services rendered by the municipality, or on its behalf by a municipal entity;
- surcharges;
- other authorised taxes;
- levies and duties;
- income from fines for traffic offences and contravention of municipal by-laws or legislation assigned to the local sphere of government;
- regional services council replacement grant for district municipalities;
- interest earned on invested funds other than national and provincial conditional grants;
- rental for the use of municipal movable or immovable property; and
- amounts received as agent for other spheres of government.

The gross income excludes the following:

- transfers and / or grants from the national fiscus and provincial fiscus, with the exception of regional services council replacement grant for district municipalities; and
- all value added tax (VAT) refunds.

"total population" means the official statistics of the population residing in the area of jurisdiction of a metropolitan, local or district municipality, as published in the Community Survey 2016: Statistical Release No. P0301, in terms of the *Statistics Act, 1999* (Act No. 6 of 1999); and

"total remuneration package" means the annual total cost to a municipality of a basic salary component, a motor vehicle allowance as provided in items 9(1), housing allowance as provided in items 9(2), the municipal contribution to a pension, provident or retirement annuity fund as provided in item 13(1) and municipal contribution to a medical aid scheme as provided in item 13(2) to a councillor in a municipal financial year.

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FIRST MEETING OF THE MUNICIPAL COUNCIL
AGENDA
18 NOVEMBER 2021

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6 No. 43246

GOVERNMENT GAZETTE, 24 APRIL 2020

2. Allocation of number of points for total municipal income

The number of points allocated for the total municipal income of a municipality is as follows:

TOTAL MUNICIPAL INCOME			NUMBER OF POINTS
R 0	-	R 10,000,000	8.33
R 10,000,001	-	R 50,000,000	16.67
R 50,000,001	-	R 200,000,000	25.00
R 200,000,001	-	R 1,500,000,000	33.33
R 1,500,000,001	-	R 2,000,000,000	41.67
More than R2,000,000,000			50.00

3. Allocation of number of points for total population

The number of points allocated for the total population within a municipality, is as follows:

TOTAL POPULATION			NUMBER OF POINTS
0	-	50,000	8.33
50,001	-	100,000	16.67
100,001	-	250,000	25.00
250,001	-	550,000	33.33
550,001	-	1,800,000	41.67
More than 1,800,000			50.00

4. Determination of grade of municipal council

(1) The sum of the number of points allocated to a municipal council in terms of items 2 and 3 of the Notice, determines the grade of such municipal council as follows:

GRADE OF MUNICIPAL COUNCIL	POINTS
1	0 to 16.66
2	16.67 to 33.33
3	33.34 to 50.00
4	50.01 to 66.67
5	66.68 to 83.35
6	83.36 and above

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FIRST MEETING OF THE MUNICIPAL COUNCIL
AGENDA
18 NOVEMBER 2021

Reproduced by Sabinet Online in terms of Government Printer's Copyright Authority No. 10505 dated 02 February 1998

STAATSKOERANT, 24 APRIL 2020

No. 43245 7

5. Upper limits of the annual total remuneration packages of full-time councillors

The upper limits of the annual total remuneration packages of full-time councillors are as follows:

GRADE	TOTAL REMUNERATION PACKAGE			
	EXECUTIVE MAYOR OR MAYOR	SPEAKER, DEPUTY EXECUTIVE MAYOR OR DEPUTY MAYOR	MEMBER OF THE EXECUTIVE COMMITTEE OR MAYORAL COMMITTEE, WHIP OR CHAIRPERSON OF A SUBCOUNCIL	CHAIRPERSON OF A SECTION 79 COMMITTEE
6	1,404,260	1,134,108	1,068,312	1,036,974
5	1,046,997	837,597	785,247	762,214
4	893,850	715,078	670,387	650,721
3	860,859	688,688	645,646	632,674
2	806,066	644,853	610,306	592,404
1	782,582	632,025	592,521	575,141

The mayor of a plenary type municipality should be remunerated according to the total remuneration package column of executive mayor or mayor.

6. Upper limit of annual total remuneration package or allowance in respect of elected or appointed to a district council

(1) A councillor elected or appointed to a district council in terms of section 23(1)(b) of the Structures Act, may be paid the upper limit of the total remuneration package or allowance as follows:

- (a) If a councillor is elected or appointed as speaker, mayor, executive mayor, member of a mayoral committee, member of an executive committee, chairperson of a section 79 committee or part-time member of a district council, such councillor is entitled to an amount equal to the difference between the total remuneration package that a councillor receives as a member of the local council and the total remuneration package allocated to that office in the district council in terms of items 5, 6, 7, 8, 9, 10, 11, 12 and 13 as the case may be.
- (b) If the total remuneration package payable to a councillor as a member of the local council is equal to or higher than the total remuneration package that an appointed councillor to the district council receives, such a councillor is, in addition to the total remuneration package received at the local council, entitled to a sitting allowance not exceeding R1103.23: Provided that this allowance is limited to R1103.23 per day, regardless of the number of meetings of the district council or committees of that council that are attended by such councillor on a specific day.

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FIRST MEETING OF THE MUNICIPAL COUNCIL
AGENDA
18 NOVEMBER 2021

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8 No. 43246

GOVERNMENT GAZETTE, 24 APRIL 2020

- (2) A district municipality is responsible for –
- (a) the payment of the remuneration or the allowance referred to in sub-item (1);
 - (b) the reimbursement of travel expenses not exceeding the applicable tariffs prescribed by the national department responsible for transport for the use of privately-owned vehicles incurred by a councillor for the execution of official duties on behalf of that district municipality, in terms of that district council's policy; and
 - (c) the payment of cell phone expenses not exceeding 50% of the applicable allowances as prescribed under item 11 incurred by a part-time councillor for the execution of official duties on behalf of that district municipality, in terms of that district council's policy.

7. Upper limit of allowance in respect of councillors serving in the governance and intergovernmental structures of organised local government

- (1) (a) A councillor designated by organised local government to serve in a governance structure of organised local government must, in addition to the total remuneration package applicable to that councillor, be paid an allowance not exceeding R1103.23 per sitting and actual attendance of any meeting: Provided that the allowance is limited to R1103.23 per day, irrespective of the number of meetings attended by such councillor on a specific day.
- (b) A councillor designated by organised local government to represent organised local government at any intergovernmental structure, including national and provincial executive authorities, must in addition to the total remuneration package applicable to that councillor, be paid an allowance not exceeding R1103.23 per sitting and actual attendance of such structure: Provided that the allowance is limited to R1103.23 per day, irrespective of the number of attendances by such councillor on a specific day.
- (2) Organised local government is responsible for –
- (a) the payment of the allowance referred to in sub-item (1);
 - (b) the payment of accommodation expenses incurred for attending a meeting of governance and intergovernmental structures in terms of applicable organised local government policy; and
 - (c) reimbursement of travel expenses, not exceeding the applicable tariffs prescribed by the national department responsible for transport for the use of privately-owned vehicles, incurred by a councillor for attending a meeting of governance and intergovernmental structures.

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FIRST MEETING OF THE MUNICIPAL COUNCIL
AGENDA
18 NOVEMBER 2021

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STAATSKOERANT, 24 APRIL 2020

No. 43246 9

8. Upper limits of the annual total remuneration packages of part-time councillors

The upper limits of the annual total remuneration packages of part-time councillors are as follows:

GRADE	TOTAL REMUNERATION PACKAGE				
	EXECUTIVE MAYOR OR MAYOR	SPEAKER, DEPUTY EXECUTIVE MAYOR OR DEPUTY MAYOR	MEMBER OF THE EXECUTIVE COMMITTEE OR MAYORAL COMMITTEE OR WHIP	CHAIRPERSON OF SECTION 79 COMMITTEE	OTHER PART-TIME MEMBERS
6	787,141	665,889	595,978	578,497	525,904
5	584,087	467,271	438,068	425,214	331,335
4	498,651	398,920	373,988	363,017	282,870
3	480,248	384,198	360,193	349,618	272,430
2	449,679	359,743	337,261	327,367	255,091
1	436,575	349,259	327,433	317,826	247,360

The mayor of a plenary type municipality should be remunerated according to the total remuneration package column of mayor/ executive mayor.

9. Upper limits of allowances of full-time and part-time councillors

The upper limits of allowances of full-time and part-time councillors, that constitute part of the annual total remuneration package, are as follows:

- (1) Motor vehicle and travel allowance
 - (a) A councillor listed in item 5 and 8 of this Notice may, structure his or her basic salary to provide for motor vehicle allowance.
 - (b) If a councillor structures a vehicle allowance, the councillor must provide proof of ownership of a private vehicle to the municipality and have the vehicle available for official duties.
 - (c) A councillor who uses a privately-owned vehicle for execution of official duties on behalf of the municipality, may be reimbursed for official kilometres travelled, in addition to the total remuneration package of a councillor as determined in terms of items 5 and 8 of the Notice, not exceeding the applicable tariffs as prescribed by the national department responsible for transport and in terms of the municipal council's policy.

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FIRST MEETING OF THE MUNICIPAL COUNCIL
AGENDA
18 NOVEMBER 2021

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10 No. 43246

GOVERNMENT GAZETTE, 24 APRIL 2020

- (d) A councillor who utilises a privately-owned vehicle for official purposes must, for purpose of claiming kilometres travelled, keep a travel logbook containing the following information relating to actual official and private kilometres travelled per month as may be determined from time to time by the South African Revenue Service:
- (i) Date of travel;
 - (ii) Kilometres travelled; and
 - (iii) Travel details, where to and reason for the trip.
- (e) A councillor may, in exceptional circumstances and upon good cause shown, and with the approval of the Mayor or Speaker, utilise the municipal-owned vehicle for official purposes: Provided that the municipal council must, in line with applicable legislation and approved municipal council policy, exercise prudent financial management to ensure that the provision of motor vehicle does not undermine the need to prioritise service delivery and sustain viable municipalities.
- (f) If a councillor uses a municipal-owned motor vehicle for official purposes, such councillor will not be reimbursed for kilometres travelled.
- (2) Housing allowance

A councillor may structure his or her salary to provide for housing allowance as part of the total remuneration package.

10. Out of pocket expenses

A councillor may, in addition to the total remuneration package, be reimbursed for reasonable and actual out of pocket expenses incurred during the execution of official or ceremonial duties, in accordance with the applicable municipal council policy.

11. Upper limits of cell phone allowance for councillors

A councillor may, in addition to the annual total remuneration packages provided for in terms of items 5 and 8 respectively, be paid a cell phone allowance not exceeding R3400.00 per month in accordance with the applicable municipal council policy.

12. Upper limits of mobile data bundles for councillors

A councillor may, in addition to the annual total remuneration packages provided for in terms of items 5 and 8 respectively, be paid an allowance on the use of data bundles not exceeding R300 per month.

13. Upper limits of pension, provident or retirement annuity fund contributions and medical benefits of councillors

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FIRST MEETING OF THE MUNICIPAL COUNCIL
AGENDA
18 NOVEMBER 2021

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STAATSKOERANT, 24 APRIL 2020

No. 43246 11

- (1) Pension, provident or retirement annuity contributions
 - (a) A councillor may participate in a pension, provident or retirement annuity fund registered in terms of the Pension Fund Act, 1956 (Act No. 24 of 1956).
 - (b) If a councillor elects to participate in a pension, provident or retirement annuity fund, the municipality must deduct from that councillor's salary, the monthly contributions and pay the contributions to a pension, provident or retirement annuity fund to which the councillor is a member in accordance with the rules of such pension, provident or retirement annuity fund. The contributions by the municipality and the councillor are included in the total remuneration package as a total cost to the municipality.
- (2) Medical Aid Scheme
 - (a) A councillor may participate in a medical aid scheme registered in terms of the Medical Schemes Act, 1998 (Act No. 131 of 1998).
 - (b) If a councillor elects to participate in a medical aid scheme, the municipal council must deduct from that councillor's salary, the monthly contributions and pay the contributions to a medical aid scheme to which the councillor is a member in accordance with the rules of such medical aid scheme. The contributions by the municipal council and the councillor are included in the total remuneration package as a total cost to the municipality.

14. Special risk cover

- (1) A municipality must, in addition to the annual total remuneration packages as provided in items 5 and 8 respectively, take out risk insurance cover, to provide for an insurance cover, provided to a councillor by the municipality, which covers the loss of or damage to a councillor's personal immovable or moveable property and assets, excluding property used by such councillor for business purposes, as well as life and disability cover, for any loss or damage caused by riot, civil unrest, strike or public disorder. The special risk insurance on residential property will be limited to R1, 5 million while on vehicles it is limited to R750 000. The life and disability insurance cover is limited to 2 times the total remuneration package of a councillor.
- (2) In the event where the residential property of a councillor was damaged or destroyed as a result of riot, civil unrest, strike or public disorder, the municipality may, subject to affordability, provide alternative accommodation to the affected councillor, for a period of 30 days from the date of such an incident.
- (3) Notwithstanding sub-item (2), the municipality may, on good cause shown, provide alternative accommodation for a further period not exceeding 30 days.
- (4) A councillor is obliged to submit to the municipality details of property, assets and beneficiaries to be covered by the special risk insurance upon request. A

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FIRST MEETING OF THE MUNICIPAL COUNCIL
AGENDA
18 NOVEMBER 2021

Reproduced by Sabinet Online in terms of Government Printer's Copyright Authority No. 10505 dated 02 February 1998

12 No. 43246

GOVERNMENT GAZETTE, 24 APRIL 2020

councillor who fails to submit the required details referred to herein will forfeit the benefits associated with the special risk insurance cover.

(5) If a councillor already belongs to another special risk cover, such councillor must declare to the municipality the details of property, assets and beneficiaries to be covered by the special risk insurance.

15. Tools of trade

(1) A municipal council may extend the following tools of trade to a councillor:

	TOOLS OF TRADE	APPLICABLE TO:
(a)	Braille reader	All visually impaired councillors.
(b)	Office space and furniture; Parking bay; Business cards; Calculators; Letter-heads; Stationery; Toner cartridges; Diaries; Postage costs; Office telephone; and Appropriate mobile technology and multi-digital office (excluding cell phones and mobile data card as per item 10 and 11), including facsimile, printer, photocopier and scanner.	Full-time councillors, part-time executive mayors or mayor, part-time deputy executive mayors or deputy mayors, part-time speakers, part-time members of mayoral committee or members of executive committee and part-time chairpersons of section 79 committees.
(c)	Laptop or tablet	All councillors.
(d)	Official accommodation and furniture where it currently exists	Full-time Executive Mayors or Mayors
(e)	Business cards; Calculators; Letter-heads; Stationery; and Diaries.	Part-time councillors and the usage must comply with policy directives of the municipality.
(f)	Postage costs; Office telephone; and Multi-digital office, facsimile, printer, photocopier and scanner.	Part-time councillors to have access to these tools of trade at the municipal offices.
(g)	Personal security	Executives Mayors, Mayors and Speakers are entitled to two bodyguards. Deviation from the norm may only be based on the recommendations of the South African Police Service. Any other councillor, subject to a threat and risk analysis conducted by the South African Police Service.

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FIRST MEETING OF THE MUNICIPAL COUNCIL
AGENDA
18 NOVEMBER 2021

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STAATSKOERANT, 24 APRIL 2020

No. 43246 13

(2) If a municipal council makes available tools of trade in terms of sub-item (1), such a municipal council must take into account accessibility, affordability and cost control, equity, flexibility, simplicity, transparency, accountability and value of tools of trade.

(3) The tools of trade must be insured by the council with the exception of sub-item (1)(g).

16. Capacity building

(1) The municipal council must develop and adopt a skills development plan and personal development plan prior to any councillor undergoing training.

(2) A municipality must make a provision in its budget for development and implementation of capacity building programme for a councillor during the term of office of that councillor.

(3) Capacity building programme consist of short courses or programmes as provided for in the training, education and development policy and skills development plan of the municipality, including training conducted by national departments, associated government agencies and SETAs, provincial departments, municipalities and organised local government.

(4) The capacity building programme must take into consideration the capacity needs to fulfil a councillor's statutory obligations and affordability by a municipality.

17. Overpayment

(1) Any remuneration paid to a councillor of a municipality otherwise than in accordance with section 167(1) of the *Local Government: Municipal Finance Management Act, 2003* (Act No. 56 of 2003) including any bonus, bursary, loan, advance or other benefit, is an irregular expenditure and the municipality –

- (a) must recover that remuneration from the political office bearer or member; and
- (b) may not write-off any expenditure incurred by the municipality in paying or giving that remuneration.

(2) The MEC must report to the Minister –

- (a) any transgression of subsection (1); and
- (b) any non-compliance with this Notice.

18. Information to be submitted to the Minister

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FIRST MEETING OF THE MUNICIPAL COUNCIL
AGENDA
18 NOVEMBER 2021

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14 No. 43246

GOVERNMENT GAZETTE, 24 APRIL 2020

(1) A municipality must submit to the MEC responsible for local government in the province, by not later than 30 July 2020, a report containing the following information in respect of its serving councillors for the 2019/20 financial year on an official letterhead of the municipality, signed by the mayor:

- (a) Total number of councillors;
- (b) Designation;
- (c) Part-time or full-time;
- (d) Name of incumbent;
- (e) Gender;
- (f) Total municipal income;
- (g) Total population;
- (h) Grading of municipal council;
- (i) Date concurrence granted by the MEC;
- (j) Total remuneration package;
- (k) Total budget for personal security; and
- (l) Any allowance(s) payable to a councillor.

(2) Upon receipt of the data referred to in sub-item 1, the MEC must submit a consolidated report to the Minister by not later than 31 August 2020.

19. Transitional measures

(1) If a municipality has no audited financial statements for 2018/19 financial year by the date of publication of this Notice, the audited financial statements for the 2017/18 financial year will apply.

(2) If the grading of a municipality is downgraded as a result of the redetermination of the grade of municipal council as set out in item 4 of this Notice, a councillor who in office as at 30 June 2019 will retain the total remuneration package as determined in terms of Government Notice No. 1426, Government Gazette No. 42134 of 21 December 2018 and the councillor is entitled to the applicable cost of living adjustment: Provided that the data used by the municipality for determination of the grading of a municipal council is correct.

20. Short title and commencement

This Notice is called the Determination of Upper Limits of Salaries, Allowances and Benefits of Different Members of Municipal Councils and takes effect from 1 July 2019. The Notice replaces the Government Gazette No. 42134 of 21 December 2018.

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21.

C21/11/21 ESTABLISHMENT OF WARD COMMITTEES
--

REPORT FROM THE MUNICIPAL MANAGER

PURPOSE OF THE REPORT

To facilitate the establishment of Ward Committees in every ward within our area of jurisdiction.

BACKGROUND

As mentioned in Item C03/11/21 in this Agenda, !Kheis Municipality is a “collective executive system with a ward participatory system” (own underlining) type of municipality.

The Local Government : Municipal Structures Act, 1998, as amended in 2021, states in Section 73(1) as follows :

“A metropolitan or local council must establish a ward committee for each ward in the municipality within 120 days after the election of the municipal council, in accordance with section 22”

The mentioned section 22 deals with, amongst others, the number of wards which in !Kheis Municipality’s case is 6.

Chapter 4, Part 4 (Sections 72-78) of the mentioned Structures Act deals extensive with ward committees, which includes, in Section 74, the functions of ward committees, and reads as follows :

“74. Functions and powers of ward committees - A ward committee -

(a) May make recommendations on any matter affecting it ward -

(i) to the ward councillor; or

(ii) through the ward councillor, to the metro or local council, the executive committee, the executive mayor or the relevant metropolitan subcouncil; and

(b) has such duties and powers as the metro or local council may delegate to it in terms of section 59 of the Local Government : Municipal Systems Act, 2000 (Act No. 32 of 2000)”

DISCUSSION

As was pointed out in Item C06/11/21 in this Agenda, an added function of the Speaker is:

“must ensure effectiveness and functionality of ward committees and the public participation process” (Section 37(k) of the Structures Act).

The public participation department thus needs to update the Speaker on the establishment of ward committee’s whereafter the establishment of same can be conducted.

In order to adhere to the 120 days deadline mentioned above, it is proposed that the A Municipal Manager submits a comprehensive report to the next Municipal Council meeting to advise on the progress with the establishment of Ward Committees.

RECOMMENDATION OF THE MUNICIPAL MANAGER

- [a] That the report on the establishment of Ward Committees, be noted;
- [b] That the Municipal Manager submits a comprehensive report to the next Municipal Council meeting regarding the progress with the establishment of Ward Committee in all six (6) wards in the area jurisdiction of !Kheis Municipality; and
- [c] That Ward Committees be established in all six (6) wards before the end of February 2022.

Execution : Municipal Manager Manager :
IDP and Public Participation

22.

C22/11/21	INVITATION : 2021 INTEGRATED COUNCILLOR INDUCTION PROGRAMME (ICIP)
------------------	---

REPORT FROM THE MUNICIPAL MANAGER

PURPOSE OF THE REPORT

To facilitate the attendance of Councillors of the South African Local Government Association's (SALGA) Post Local Government Election Councillor Training Programme.

BACKGROUND

An invitation was extended by SALGA for attendance of all new and returning Councillors of the afore-mentioned Induction Programme. Kindly find in this regard the relevant Invitation from SALGA dated 27 October 2021

DISCUSSION

It is deemed important that all 11 Councillors of !Kheis Municipality attend said programme.

SALGA will cover the cost of the training material, facilitators and catering and !Kheis Municipality would be responsible for the travel and accommodation arrangements and related costs.

The opinion is herewith offered that the Office of the Speaker, to arrange for the attendance of Councillors of the ICIP.

RECOMMENDATION OF THE MUNICIPAL MANAGER

- [a] That the report on the Integrated Councillor Induction Programme (ICIP) be noted; and
- [b] That the Speaker, in consultation with the Whip of Council, arrange the attendance of Councillors of the Programme mentioned in [a] above.

APPENDIX / ADDENDUM

Invitation of SALGA dated 27 October 2021.

Execution : Municipal Manager
 Office of the Speaker

23. ADJOURNMENT

-oOo-