

# ..... LOCAL MUNICIPALITY

Office of the Municipal Manager

P.O. Box ...

.....

.....

(Date)

## **TO:**

All members of the ..... Municipal Council.

Messrs. & Me.

NOTICE is hereby given in terms of section 29(2) of the Local Government: Municipal Structures Act, 1998, that the first meeting (after general election of councillors) of the Municipal Council of ..... Local Municipality will be held on ....., at ..... in ..... the .....  
...in order to consider the following agenda:

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**CLOSING OF MEETING**

**1 OPENING, WELCOMING AND EXPLANATION OF PROCEEDINGS**

The Municipal Manager will preside at the meeting.

*For elucidation.*

Tabled.

**2 OATH OR SOLEMN AFFIRMATION BY MEMBERS OF THE COUNCIL (REF: 1/2/1/8/2)**

Although section 26(2) of the Local Government: Municipal Structures Act, 1998 provides that a person assumes office as a Councillor when declared elected or when appointed, the first council meeting must provide for the councillors to swear or affirm faithfulness to the republic and obedience to the Constitution. It is the choice of the councillor which of the two will be done.

**Oath**

I 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 .....  
Local Municipality to the best of my ability.

So help me God.

**Solemn Affirmation:**

I solemnly declare 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 .....  
Local Municipality to the best of my ability.

\* *For Oath or Affirmation.*

Tabled.

**3 SIGNING OF THE ATTENDANCE REGISTER AND LEAVE OF ABSENCE.**

**COMMENT MUNICIPAL MANAGER**

Rule 13 of the rules and orders requires that a councillor who is unable to attend a meeting, or to remain in attendance during a meeting, or who may arrive after the stated commencement time of a meeting, must tender an application for leave of absence from the meeting in question with the Municipal Manager at least six hours before the commencement time of the meeting. A councillor who fails to tender such an application and who is wholly or partly absent from a meeting, is deemed absent without leave from the meeting in question.

**Item 3 of the Code of Conduct provides as follows:**

*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.*

**Item 4 of the Code of Conduct deals with sanctions for non-attendance of meetings, and provides as follows:**

*(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 3; or*

*(b) failing to remain in attendance at such a meeting.*

*(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 3, must be removed from office as a councillor.*

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

Applications for leave of absence by councillors must be dealt with the Municipal Manager or the designated person and be noted in the register of the council.

**RECOMMENDATION MUNICIPAL MANAGER**

- (a) That note is taken of the above.
- (b) For recording of apologies (if any).

\* *For notification/granting of leave of absence (if any)*

Tabled.

**4 INTRODUCTION OF COUNCILLORS AND OFFICIALS**

The Municipal Manager or the designated person may allow all councillors to introduce themselves and then the Municipal Manager may introduce himself and the section 57 officials for noting by the new councillors.

\* *For introduction.*

Tabled.



**5 DISCLOSURE OF INTEREST**

**Item 5 of the Code of Conduct provides as follows:**

*(1) A councillor must-*

*(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*

*(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 at which it is possible for the councillor to make the disclosure.*

*(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.*

The provisions of **item 7 in the Code of Conduct** which provides that a councillor, once elected, must within 60 days from date of election, in writing declare his or her financial interests, as stated below, to the Municipal Manager and that all gifts received above the determined amount of R350.00 must also be declared to the Municipal Manager.

- (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.

The Municipal Manager or designated person must provide councillors with declaration forms to be completed by councillors.

\* *For notification and further compliance.*

Tabled.

**6 ELECTION OF SPEAKER**

**COMMENT MUNICIPAL MANAGER**

1. In terms of section 36(1) of the Local Government: Municipal Structures Act 117 of 1998 every municipal council must have a chairperson who will be called the Speaker. The Municipal Manager presides over the election of the Speaker.

In terms of section 36(2) a municipal council must elect its Speaker from among the councillors at its first sitting after its election.

The statutory duties of the Speaker are as follows:

- (a) Presides at meetings of the council.
- (b) Performs duties and exercises powers delegated to the Speaker by the council.
- (c) Must ensure that the council meets at least quarterly.
- (d) Must maintain order during council meetings.
- (e) Must ensure compliance in the council and council committees with the code of conduct for councillors.
- (f) Must ensure that council meetings are conducted in accordance with the rules and orders of the council.
- (g) Determines date, time and venue of council meetings.

Unless the Speaker resigns as Speaker, is removed from office or ceases to be a councillor, she or he is elected for a term ending when the next council is declared elected.

2. The following procedure applies to the election of the Speaker In terms of section 36(4) of the Local Government: Municipal Structures Act 117 of 1998:
  - (a) The person presiding (Municipal Manager) must call for the nomination of candidates at the meeting.
  - (b) A nomination must be made on the attached form (*ANNEXURE A*).
  - (c) Two councillors must sign the form.
  - (d) Nominated person must indicate acceptance by signing either the nomination form or any other form of written confirmation.
  - (e) The person presiding (Municipal Manager) must announce the names of the persons who have been nominated as candidates. No debate is allowed on the nominations.

- (f) If only one candidate is nominated, the person presiding (Municipal Manager) must declare that candidate elected.
- (g) If more than one candidate is nominated, the following will apply:
  - i) a vote must be taken at the meeting by secret ballot;
  - ii) each councillor present at the meeting may cast one vote;
  - iii) the person presiding (Municipal Manager) must declare elected the candidate who receives a majority of the votes.
- (h) 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 (g) above. This procedure must be repeated until a candidate receives a majority of the votes.

If two or more candidates 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.
- (i) 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 7 days at a time determined by the person (Municipal Manager) presiding.
- (j) If a further meeting is held In terms of (i) above the procedure prescribed above must be applied at the mentioned further meeting as if it was the first meeting for the election in question.

\* ***For election.***

Tabled.

**7 TAKING THE CHAIR BY THE SPEAKER AND ACCEPTANCE SPEECH**

**COMMENT MUNICIPAL MANAGER**

Immediately after the Speaker has been elected, the Municipal Manager must vacate the chair to the Speaker. The Speaker will then give a short acceptance speech.

\* *For further attention by the Speaker.*

Tabled.



**9 ELECTION OF MEMBERS OF THE EXECUTIVE COMMITTEE**

**COMMENT MUNICIPAL MANAGER**

In terms of chapter 4 (Part 1), section 42 (1) and section 45 of the Local Government: Municipal Structures Act 117 of 1998, the municipality may establish an Executive Committee.

Section 42 (2) stipulates that, if a municipality of a type referred to in section 42 (1), chooses to establish an Executive Committee, the provisions of this Part apply. (Chapter 4[Part 1] stipulates various legal requirements which will be elaborated on – see below)

**EXECUTIVE COMMITTEE**

**COMPOSITION IN TERMS OF AN ELECTION**

- i) If the council establishes an Executive Committee, it must elect a number of councillors necessary for effective and efficient government, provided that no more than 20 % of the councillors or 10 councillors, whichever is the least, are elected. An executive committee may not have less than 3 members (section 43 (1) of Local Government: Municipal Structures Act, 117 of 1998).
- ii) An Executive Committee must be composed in such a way that parties and interests represented in the municipal council are represented in the executive committee in substantially the same proportion they are represented in the council. (section 43 (2) of Local Government: Municipal Structures Act, 117 of 1998).
- iii) A municipal council must elect the members of its executive committee from among its members.

**FUNCTIONS AND POWERS OF EXECUTIVE COMMITTEES**

- 1. An executive committee is
  - a) the principal committee of the council of a municipality of a type that is entitled to establish an executive committee; and
  - b) the committee of a municipal council which receives reports from the other committees of the council and which must forward these reports together with its recommendations to the council when it cannot dispose of the matter in terms of its delegated powers.
- 2. The executive committee must
  - a) identify the needs of the municipality;
  - b) review and evaluate those 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 estimates of revenue and expenditure, taking into account any applicable national and provincial development plans; and

- d) recommend or determine the best methods, including partnership and other approaches, to deliver those strategies, programmes and services to the maximum benefit of the community.

3. The executive committee in performing its duties 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 policy 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 it in terms of section 32;
- 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 committee must report to the municipal council on all decisions taken by the committee.

\* ***For election.***

Tabled.



**10 ELECTION OF MAYOR**

**1. PROCEDURES FOR THE ELECTION OF MAYOR**

In terms of section 48 (1) of the Local Government: Municipal Structures Act 117 of 1998, the municipal council must elect a member of its Executive Committee as the Mayor, and, if the M.E.C. for Local Government in the Province so approves, another member of the executive committee as the deputy Mayor, of the municipality. (The election of a Mayor and deputy Mayor takes place when the executive committee is elected or when it is necessary to fill a vacancy.)

**2. FUNCTIONS AND POWERS OF MAYORS**

1. The Mayor of a municipality
  - (a) presides at meetings of the executive committee; and
  - (b) performs the duties, including any ceremonial functions, and exercises the powers delegated to the Mayor by the municipal council or the executive committee.
  
2. The deputy Mayor exercises the power and performs the duties of the Mayor if the Mayor is absent or not available or if the office of the Mayor is vacant. The Mayor may delegate duties to the deputy Mayor.
  
3. The following procedure applies to the election of the Mayor In terms of section 48(1) of the Local Government: Municipal Structures Act, 117 of 1998.
  - (a) The person presiding must call for the nomination of candidates at the meeting.
  - (b) A nomination must be made on the attached form (**ANNEXURE B**).
  - (c) Two councillors must sign the form.
  - (d) Nominated person must indicate acceptance by signing either the nomination form or any other form of written confirmation.
  - (e) The person presiding must announce the names of the persons who have been nominated as candidates. No debate is allowed on the nominations.
  - (f) If only one candidate is nominated, the person presiding must declare that candidate elected.
  - (g) If more than one candidate is nominated, the following will apply:
    - i) a vote must be taken at the meeting by secret ballot;
    - ii) each councillor present at the meeting may cast one vote;

iii) the person presiding must declare elected the candidate who receives a majority of the votes.

(h) 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 (g) above. This procedure must be repeated until a candidate receives a majority of the votes.

If two or more candidates 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.

(i) 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 7 days at a time determined by the person presiding.

(j) If a further meeting is held In terms of (i) above the procedure prescribed above must be applied at the mentioned further meeting as if it was the first meeting for the election in question.

\* ***For election.***

Tabled.

**11 DESIGNATION OF FULL TIME COUNCILLORS**

- (i) **SPEAKER**
- (ii) **MAYOR**
- (iii)
- (iv)
- (v)

**COMMENT MUNICIPAL MANAGER**

In terms of the establishment notice (as amended) the positions of ..... may be designated as full time by the council. (paragraph of Provincial Notice N<sup>o</sup> ..... of 28 September 2000 as amended by Provincial Notice N<sup>o</sup> ... of ..... ) *(The amendment notice also changed the system of the municipality from a “plenary executive system combined with a ward participatory system” to a “collective executive system combined with a ward participatory system.”)- (Optional – not to be included if system has not changed)*  
*(The municipal manger must however confirm the type of municipality established)*

- (i) **SPEAKER**

Attached as **ANNEXURE C(1)** is a report pertaining to the functions of municipal speakers.

- (ii) **MAYOR**

**FUNCTIONS AND POWERS OF MAYORS**

1. The Mayor of a municipality
  - (a) presides at meetings of the executive committee; and
  - (b) performs the duties, including any ceremonial functions, and exercises the powers delegated to the Mayor by the municipal council or the executive committee.

Attached as **ANNEXURE C(2)** is a Mayoral Handbook Guidelines indicating further extensive functions of the Mayor.

\* ***For designation.***

Tabled.

**12 ELECTION OF THE REPRESENTATIVES IN ..... MUNICIPALITY**

**COMMENT MUNICIPAL MANAGER**

In terms of Provincial Notice 176 of 13 July 2009 (as corrected in Provincial Gazette No. 3 of 8 April 2011 the municipality is represented by ..... councillors in the ..... District Municipality. The appointment of the council representatives must, In terms of section 23(1)(b) of the Local Government: Municipal Structures Act 117 of 1998, take place In terms of the following procedures:

1. The Chief Electoral Officer must manage the election of representatives of a local council to the district council. (Section 16(1) of Schedule 2 of the Local Government: Municipal Structures Act 117 of 1998). In effect the Municipal Electoral Officer (Municipal Manager) will manage the election.
2. The council has been awarded ..... seats in the district municipality. The council must elect its representatives in accordance with the procedures set out in items 3 - 8 as follows:
  3. (a) Every party or independent ward councillor may submit a candidates list containing the names of councillors, accompanied by a written acceptance by each listed candidate. A list should ideally contain a number of names equal to, or more than, the number of seats reflected in 2. above.  

(Attached as *ANNEXURE D* is a pro-forma of such a candidates list).
  - (b) A party or independent ward councillor may not submit more than one list.
  - (c) The names of the candidates must appear on the list in order of preference, starting with the first in order of preference and ending with the last.
  - (d) The name of a councillor may appear on one list only.
  - (e) Every party or independent ward councillor must seek to ensure that 50 % of the candidates on the candidates list are women and that women and men candidates are evenly distributed through the list.
4. Each councillor may cast one vote for one list only.
5. The quota of votes for a seat to the district council must be determined in accordance with the following formula (fractions to be disregarded):

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

Where-

A represents the number of members of the local council; and

B represents the number of seats that the local council has been awarded on the

- district council.
6. (a) The number of votes cast in favour of each list must be divided by the quota of votes for a seat and the result is the number of seats allocated to that list.
  - (b) If the calculation in (a) above gives a surplus, that surplus must compete with other similar surpluses of any other lists, and any seat or seats not allocated under (a) must be awarded in sequence of the highest surplus.
  - (c) If the surplus on one list is equal to the surplus on any other list, the seat or seats must be awarded in sequence of the highest number of votes cast for those lists.
7. The Chief Electoral Officer, in accordance with the order of preference on a list, must select the number of candidates from the list that is equal to the number of seats allocated to that list.
8. In the case of a list containing fewer names than the number of seats allocated to that list, the following applies:
    - (a) The Chief Electoral Officer must, in writing, immediately notify the party or councillor concerned of the exact shortfall and request that party or councillor to deliver a list supplemented by the name or names of one or more eligible candidates.
    - (b) Immediately upon receipt of the list referred to in (a), the Chief Electoral Officer must allocate the number of representatives, in the order of preference on the list.
    - (c) Subject to (d) below-
      - i) if the party concerned has ceased to exist or the councillor concerned is no longer a councillor, the seat or seats must remain unfilled;
      - ii) if the party or councillor concerned does not deliver a supplemented list, the seat or seats remain unfilled until the party or the councillor delivers a list;
      - iii) if the party or councillor concerned delivers a supplemented list containing fewer names than the number of seats to be filled from that list, the seat or seats remain unfilled to the extent of the shortfall until party or councillor delivers a further list.
    - (d) Where seats are unfilled In terms of (c) i) above, and the vacancies render a quorum for the district municipal council impossible, the council forfeits the unfilled seats, and the seats must be filled within 14 days in accordance with the provisions of the Local Government: Municipal Structures Act 117 of 1998.

\* *For election.*

Tabled.

**13 ELECTION OF OTHER COMMITTEES**

**COMMENT DIRECTOR: CORPORATE SERVICES**

The following committees were established by the previous council:

<p><b>SOCIAL DEVELOPMENT COMMITTEE</b></p> <ol style="list-style-type: none"> <li>1. <b>Human Settlement (Infrastructure Services, Housing, Sites, Land &amp; Community Services)</b></li> <li>2. <b>Planning</b></li> <li>3. <b>Rural Development</b></li> </ol>
<p><b>GOVERNANCE &amp; ADMINISTRATION COMMITTEE</b></p> <ol style="list-style-type: none"> <li>1. <b>IDP</b></li> <li>2. <b>Finance</b></li> <li>3. <b>Human Resouce</b></li> </ol>
<p><b>ECONOMIC, EMPLOYMENT &amp; INVESTMENT COMMITTEE</b></p> <ol style="list-style-type: none"> <li>1. <b>Local Economic Development</b></li> <li>2. <b>Tourism</b></li> <li>3. <b>Agriculture</b></li> <li>4. <b>Transport</b></li> <li>5. <b>Environment</b></li> </ol>
<p><b>JUSTICE, CRIME PREVENTION &amp; SECURITY COMMITTEE</b></p> <ol style="list-style-type: none"> <li>1. <b>Safety &amp; Security incorporating Community Policing Forum, Disaster management and Cross-Border crimes</b></li> </ol>
<p><b>WELFARE COMMITTEE</b></p> <ol style="list-style-type: none"> <li>1. <b>Health &amp; Social Services</b></li> </ol>
<p><b>HUMAN DEVELOPMENT COMMITTEE</b></p> <ol style="list-style-type: none"> <li>1. <b>Youth, Gender &amp; Education</b></li> </ol>
<p><b>SPORTSCOMMITTEE</b></p> <ol style="list-style-type: none"> <li>1. <b>Sports, Arts &amp; Culture</b></li> </ol>
<p><b>EXECUTIVE COMMITTEE</b></p> <ol style="list-style-type: none"> <li>1. <b>Executive Services</b></li> <li>2. <b>Policy &amp; Strategy</b></li> </ol>
<p><b>AUDIT COMMITTEE</b></p>

\*Comments pertaining to Performance Audit Committee:

- Regulation 14 (2) (a) of the Local Government: Municipal Planning and Performance

Management Regulations No. R. 796 / 24 August 2001 (Government Gazette 22605) stipulates that a municipality must annually appoint and budget for a performance audit committee consisting of at least three (3) members, the majority of which may not be involved in the municipality as a councillor or an employee.

- Regulation 14 (2) (c) of the Local Government: Municipal Planning and Performance Management Regulations No. R. 796 / 24 August 2001 (Government Gazette 22605) stipulates that a municipality may utilize any audit committee established in terms of other applicable legislation as the performance audit committee envisaged in paragraph (a), in which case the provisions of this sub-regulation, read with the necessary changes, apply to such an audit committee.

\* *For election.*

Tabled.

**14 ELECTION OF REPRESENTATIVE IN THE EXECUTIVE COMMITTEE OF THE SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION (SALGA) (FREE STATE)**

**COMMENT MUNICIPAL MANAGER**

South African Local Government Association (SALGA [Free State]) is the only recognised organisation representing municipalities in the Free State. Services rendered/tasks are as follows:

- (a) Represent municipalities in the legislative and policy processes of the national and provincial governments on matters relating to Local Government.
- (b) Is a division of the South African Local Government Association (SALGA [National]) for the purpose of labour relations and in this capacity assist municipalities with human resources management issues by providing expert advice.
- (c) South African Local Government Association (SALGA) represents municipalities in the South African Local Government Bargaining Council (SALGBC) Free State division on matters of mutual concern between employers and employees.
- (d) Assist municipalities by providing advice, facilitating workshops, strategic planning and special research.

Every municipality that is a member must pay to South African Local Government Association (SALGA) a membership fee calculated at a rate of 0,16 % of a municipality's income during the immediately preceding financial year. Because South African Local Government Association (SALGA) levies its membership fee during July of every year before the financial statements of municipalities have been drawn, it sends two invoices for membership fees each year. The first or provisional invoice is based on the latest available information. When the municipality has completed its financial statements for the immediately preceding financial year and there is an increase in the income from the previous year, an additional invoice is sent out.

Most of the services of South African Local Government Association (SALGA) are included in the municipality's annual membership fee.

The governing body of South African Local Government Association (SALGA) is its biennial conference which consists of delegates of all municipalities and which meets annually. During every year in which a conference is not held, a general council is held. The Provincial Executive Committee is empowered to deal with matters between conferences and general councils. The Provincial Executive Committee must meet at least three times a year. Between Provincial Executive Committee meetings the Provincial Management Committee exercises the powers and duties of South African Local Government Association (SALGA). The Provincial Management Committee consists of five office-bearers.

In terms of the constitution of South African Local Government Association (SALGA) every municipality is entitled to have one representative in the Provincial Executive Committee of South African Local Government Association (SALGA). As the SALGA constitution prescribes that the Provincial and National Conferences will be held with 60 and 90 days after elections respectively, the council must nominate representatives to attend the Provincial and National Conferences and also to serve on the various SALGA provincial working groups, which are the



following:

Economic Development Working Group;  
Municipal Finance and Administration Working Group;  
Social Development, Health and Safety Working Group;  
Municipal Services Working Group;  
Human Resources Development Working Group; and  
Governance, Inter-Governmental Relations and International Relations Working Group.

The council must elect said representative.

\* *For election.*

Tabled.

**15 ELECTION OF REPRESENTATIVES ON PROVINCIAL AND DISTRICT IGR STRUCTURES**

The municipality must appoint representatives to participate in and represent the municipality in district and provincial IGR structures where such structures are operational.

\* *For election.*

Tabled.

**16 CODE OF CONDUCT FOR COUNCILLORS**

**COMMENT MUNICIPAL MANAGER**

Attached as *ANNEXURE E* is the mentioned code.

Councillors are requested to take note that the code is legally binding for councillors as part of the Local Government: Municipal Systems Act 32 of 2000.

\* *For notification.*

Tabled.

**17 STANDING RULES OF ORDER**

**COMMENT MUNICIPAL MANAGER**

Attached as *ANNEXURE F* is the Standing Rules and Order.

Councillors are requested to familiarise themselves with the above attached Rules and Orders.

\* *For notification.*

Tabled.

**18 REMUNERATION OF PUBLIC OFFICE BEARERS: DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS**

Attached as *ANNEXURE G* is a copy of the notice determining the upper limits on the remuneration of public office bearers published by the Minister of COGTA on 10 December 2010.

The notice and the implementation thereof should be explained to councillors, especially the implications of item 12, being the tax allowance in terms of section 8(1)(d) of the Income Tax Act.

\* *For notification.*

Tabled.

**19 ..... LOCAL MUNICIPALITY BUDGET: 2011/2012 and INTEGRATED DEVELOPMENT PLAN (I.D.P.) 2011/2012**

The Budget: 2011/2012 and the Integrated Development Plan: 2011/2012 for ..... Local Municipality was already approved at a council meeting held on ..... The council resolution number for the Annual Budget 2011/2012 is ..... and the council resolution number for the IDP is .....

**ADAPT THIS ITEM TO BE IN LINE WITH MFMA CIRCULARS 54 AND 55 ATTACHED**

\* *For notification.*

Tabled.

**20 REVIEW OF DELEGATED POWERS**

Section 59 (2) (f) of the Local Government: Municipal Systems Act 32 of 2000 stipulates that delegated powers must be reviewed when a new council is elected.

Attached as **ANNEXURE H** are the delegated powers to be reviewed by council. These delegations will then be amended (where applicable) and will be approved at the next council meeting to be held on a date as determined by council.

\* ***For review.***

Tabled.

**21 ESTABLISHMENT OF WARD COMMITTEES  
COMMENT MUNICIPAL MANAGER**

Section 72(1) of the Local Government: Municipal Structures Act 117 of 1998 stipulates that local municipalities of certain types may have ward committees. .... Local Municipality is of such a type of municipality.

The wording of Section 72(2) infers that the municipality can choose to establish ward committees.

Section 72(3) stipulates that the object of a ward committee is to enhance participatory democracy in Local Government.

Section 73(1) & (2) stipulates as follows:

**Establishment of ward committees**

“73. (1) If a metro or local council decides to have ward committees, it must establish a ward committee for each ward of the municipality.

(2) A ward committee consists of -

- (a) the councillor representing that ward in the council, who must also be the chairperson of the committee; and
- (b) not more than 10 other persons.”

Section 74 stipulates as follows:

**Functions and powers of ward committees**

“74. A ward committee –

(a) may make recommendations on any matter affecting its 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 32.”

Section 75 stipulates as follows:

**Term of office of members**

“75. The section 73(2)(b) members of a ward committee are elected for a term determined by the metro or council.”

Section 76 stipulates as follows:

**Vacancies**



“76. If a vacancy occurs among the section 73(2)(b) members of a ward committee, the vacancy must be filled in accordance with a procedure determined by the metro or local council.”

Section 77 stipulates as follows:

**Remuneration**

“77. No remuneration is payable to the section 73(2)(b) members of a ward committee.”

Section 78 stipulates as follows:

**Dissolution of ward committees**

“78. A metro or local council may dissolve a ward committee if the committee fails to fulfil its object.”

\* *For consideration.*

Tabled.

**22 INAUGURATION OF THE MAYOR AND SPEAKER**

Will be discussed at the meeting.

\* *For discussion.*

Tabled.

**23 NOTIFICATION OF TIME, DATE AND VENUE OF FIRST ORDINARY COUNCIL MEETING TO BE HELD AS WELL AS THE DATES FOR THE NEXT ORDINARY COUNCIL MEETINGS TO BE HELD FORE THE REMAINDER OF THE YEAR.**

Will be determined at meeting.

\* *For determination.*

Tabled.