



SALGA

South African Local Government Association

GUIDELINES FOR THE FIRST COUNCIL MEETING OF NEWLY ELECTED MUNICIPAL COUNCILS TO BE HELD AFTER THE LOCAL GOVERNMENT ELECTIONS SCHEDULED FOR 18 MAY 2011.

Introduction

The guide is issued by SALGA to provide assistance and guidance to municipalities on conducting of the first council meeting for the newly elected municipal councils. The guidelines are applicable to all three types of municipalities and provides for an executive mayoral system as well as a collective executive system and in each instance indicates where each aspect finds application.

Arranging the meeting and matters to be attended to prior to the meeting

Section 29 (2) of the Local Government: Municipal Structures Act, 1998 provides as follows:

29 Meetings of municipal councils

- (2) *The municipal manager of a municipality or, in the absence of the municipal manager, a person designated by the MEC for local government in the province, must call the first meeting of the council of that municipality within 14 days after the council has been declared elected or, if it is a district council, after all the members to be appointed by local councils, have been appointed.*

From the aforesaid, it is clear that the first meeting of the council needs to take place within 14 days after the council has been declared elected, or in the case of a district municipality, after all the members to be appointed by the local councils, have been appointed.

The general rule, therefore, is that the Municipal Manager of the municipality will arrange the first meeting after the declaration of the results of the election. Where no Municipal Manager is appointed in the municipality, or where the municipal manager is absent and it is certain that the municipal manager will be absent during the election and the 14 day period allowed for the conducting of the first council meeting, the Municipality must duly inform the MEC for Local Government in the province accordingly and request the MEC to attend to the designation as contemplated in section 29, as a matter of urgency.

In the event of the amalgamation of municipalities or the incorporation of municipalities into another municipality, the notice issued by the MEC in terms of section 12 or 16 of the Local Government: Municipal Structures Act, 1998, would normally provide guidance in this regard. Where the section 12 or 16 notice does not address this matter, the Municipality must approach the MEC for Local Government in the province and request the MEC to do the designation as contemplated in section 29, as a matter of urgency.

The municipal manager must prepare the agenda for the first council meeting and deliver the agendas to all newly elected councillors timeously. Municipal managers must ensure that the period for notice of the meeting and delivery of the agenda as prescribed in the rules of order of the municipality, where such rules have been adopted, are complied with. The municipal manager will also preside at the council meeting until the Speaker has been elected, from which point the Speaker will chair the meeting.

The following preparation work should be attended to by the Municipal Manager or designated person and can be attended to even before the results of the election is declared:

- In order to ensure that agendas are timeously delivered to the physical addresses of all newly elected councillors, the Municipal Manager or designated person should ensure that the municipality, even prior to the election, is provided with the physical addresses of candidates for elections of ward councillors as well as the addresses of the candidates on the proportional representation lists, to ensure that the municipality will be able to compile a detailed address list of councillors once the results of the election are declared, and to make logistical arrangements for the delivery of agendas to councillors.
- Where there will be an increase in the number of councillors in the municipality or in the event of an incorporation or merger of municipalities, the Municipal Manager or the designated person must ensure that the venue used for the meeting has adequate space for councillors, officials as well as members of the public attending the first council meeting, and that all

required infrastructure such as a sound system and recording devices are available.

- The Municipal Manager or designated person needs to ensure that the Standing Orders of the municipality are made available to councillors prior to the meeting in order for newly elected councillors to understand the processes and rules applicable to council meetings. Where an amalgamation of municipalities took place, and either no or more than one set of rules of order was previously adopted, the Municipal Manager or designated person must at the outset make a proposal on the rules of order to be followed at the first meeting, where after the municipality can adopt rules of order.
- As the date for the first meeting of the newly elected council was probably not included in the publication of council meetings to be held during 2011, as required in terms of section 19 of the Local Government: Municipal Systems Act, 2000, the Municipal Manager or designated person must ensure that the date of the meeting, once determined, is published in accordance with the provisions of the Local Government: Municipal System Act, 2000.
- In the event of a local municipality, the Municipal Manager must arrange with the IEC to make available a representative for the first meeting of the council in order to manage the election of the representatives to the district municipality.

It might further be advisable for the Municipal Manager or the designated person to meet with the Whips of the parties represented in the council subsequent to circulation of the agenda but prior to the first meeting to agree on the conduct by members of parties in the first meeting.

Items to be included in the agenda of the first council meeting

The agenda for the meetings of all municipalities regardless of category or the type will be basically the same, with slight differences between that of municipalities with an executive mayor and municipalities with a collective executive system.

A draft agenda for an executive mayoral system is attached as Annexure “A” and a draft agenda for a collective executive system is attached as Annexure “B” hereto.

In order to guide municipal officials in attending to the items included in the agenda, all aspects covered in the agenda will be dealt with in more detail below.

The first meeting of the Council must deal with the following items:

Opening and welcome

A copy of a draft notice for the first meeting is included in the draft agenda referred to above.

The meeting is officially opened and notice of the meeting is read out in the meeting by the municipal manager.

Oath of solemn affirmation by members of the council

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 (swear or affirm) will be done. The oath and affirmation is contained in annexure "C" hereto.

Signing of attendance register and applications for leave of absence

The Code of Conduct contained in Schedule 1 of the Local Government: Municipal Systems Act, 2000, applies to every member of the council.

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 by the Municipal Manager or the designated person and be noted in the register of the council.

Introductions of councillors and officials

The Municipal Manager or the designated person can allow all councillors to introduce themselves and then the Municipal Manager can introduce himself and the senior section 56 officials for noting by the new councillors.

Disclosure of interest

Item 5 of the Code of Conduct provides as follows:

5 *Disclosure of interests*

- (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 contents of this item must specifically be brought to the attention of the councillors at the commencement of the meeting, in order to guide their actions through the meeting.

In addition, Councillors must be informed of 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 interest to the Municipal Manager and that all gifts received above the determined amount of ... must also be declared to the Municipal Manager. The Municipal Manager or designated person must provide councillors with declaration forms to be completed by councillors.

Election of the Speaker

Section 36 of the Local Government: Municipal Structures Act, 1998, provides as follows:

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, but in a municipality of a type mentioned in section 9 (e) or (f) or 10 (c) the speaker must be called the mayor.*

The Municipal Manager or designated person presides over the election process in terms of Schedule 3 as provided in the above-quoted section. The procedure set out in Schedule 3 is attached as Annexure "D" for ease of reference.

Once elected, the Speaker will preside over the remainder of the meeting and also act as Chairperson for all future meetings of the Council.

Election of the Executive Committee

This item is only applicable to municipalities with a collective executive system.

Where the MEC responsible for Local Government in the Province has determined that a municipality has a collective executive management system, the council may resolve to establish an executive committee.

Section 43 of the Local Government: Municipal Structures Act, 1998, deals with the composition of the Executive Committee and provides as follows:

Composition of executive committees

- (1) If the council of a municipality establishes an executive committee, it must elect a number of councillors necessary for effective and efficient government, provided that no more than 20 per cent of the councillors or 10 councillors, whichever is the least, are elected. An executive committee may not have less than three members.*
- (2) 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.*
- (3) A municipal council may determine any alternative mechanism for the election of an executive committee, provided it complies with section 160 (8) of the Constitution.*

The Speaker presides over the election of the Executive Committee and must ensure that the said committee is representative as set out above.

Election of the Mayor

This item is only applicable to municipalities with a collective executive system.

Once the Executive Committee is elected, one of the members of the Executive Committee must be elected as Mayor.

Section 48 of the Local Government: Municipal Structures Act, 1998, provides for the election of the Mayor:

48 Election of mayors

- (1) *The municipal council must elect a member of its executive committee as the mayor and, if the MEC for local government in the province so approves, another member of the executive committee as the deputy mayor, of the municipality.*
- (2) *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.*
- (3) *The procedure set out in Schedule 3 applies to the election of a mayor and deputy mayor.*
- (4) *A mayor and deputy mayor is elected for the duration of that person's term as a member of the executive committee, but vacates office during a term if that person-*
 - (a) resigns as mayor or deputy mayor;*
 - (b) is removed from office as a member of the executive committee in terms of section 53; or*
 - (c) ceases to be a member of the executive committee.*
- (5)
 - (a) *No person may hold office as mayor or both mayor and executive mayor for more than two consecutive terms in the same council.*
 - (b) *No person may hold office as deputy mayor or both deputy mayor and deputy executive mayor for more than two consecutive terms in the same council.*
 - (c) *If a person is elected-*
 - (i) to fill a vacancy in the office of mayor or deputy mayor, the period between that election and the next election of a mayor or deputy mayor is not regarded as a term; or*
 - (ii) as mayor or deputy mayor where the type of the municipality has been changed from any of those mentioned in section 8(e) , (f) , (g) or (h) , 9 (c) , (d) , (e) or (f) or 10 (b) or (c) to any of those mentioned in section 8 (a) , (b) , (c) or (d) , 9 (a) or (b) or 10 (a) during the term of the municipal council concerned, the period between that election and the next election of a mayor or deputy mayor is not regarded as a term.*

The Speaker will invite written nominations for the election of the Mayor and the procedure prescribed in Schedule 3 will be followed for the election of the Mayor.

Election of the Deputy Mayor

This item is only applicable to municipalities with a collective executive system.

A deputy mayor may only be elected when the MEC responsible for Local Government in the province has approved in writing that a particular municipality may appoint a deputy mayor. Where such approval has been granted, a deputy mayor will be elected after the mayor was elected and the same process and procedure as prescribed for the election of the mayor must be followed.

Election of the executive mayor

This item is only applicable to municipalities with an executive mayoral system.

Section 55 of the Local Government: Municipal Structures Act, 1998, deals with the elections of an executive mayor. The said section provides as follows:

55 *Election of executive mayors*

- (1) *If a municipal council chooses to have an executive mayor it must elect an executive mayor and, if the MEC for local government in the province so approves, also an executive deputy mayor, from among its members at a meeting that must be held-*
 - (a) *within 14 days after the council's election;*
 - (b) *if it is a district council, within 14 days after the last of the local councils has appointed its representatives to the district council; or*
 - (c) *within 14 days after the date with effect from which the type of the municipality has been changed from any of those mentioned in section 8 (a) , (b) , (c) or (d) , 9 (a) , (b) , (e) or (f) or 10 (a) or (c) to any of those mentioned in section 8 (e) , (f) , (g) or (h) , 9 (c) or (d) or 10 (b) .*
- (2) *A vacancy in the office of executive mayor or executive deputy mayor must be filled when necessary.*
- (3) *The procedure set out in Schedule 3 applies to the election of an executive mayor and executive deputy mayor.*

The Speaker will invite written nominations for the election of the mayor and the procedure prescribed in Schedule 3 will be followed for the election of the mayor.

Election of the Deputy Executive Mayor

This item is only applicable to municipalities with an executive mayoral system.

A deputy executive mayor may only be elected when the MEC responsible for Local Government in the province has approved in writing that a particular municipality may appoint a deputy mayor. Where such approval has been granted, a deputy executive mayor will be elected after the mayor was elected and the same process and procedure as prescribed for the election of the executive mayor must be followed.

Appointment of the Mayoral Committee

This item is only applicable to municipalities with an executive mayoral system.

Section 60 of the Local Government: Municipal Structures Act, 1998, deals with the appointment of the mayoral committee and provides as follows:

- (1) *If a municipal council has more than nine members, its executive mayor-*
 - (a) *must appoint a mayoral committee from among the councillors to assist the executive mayor;*
 - (b) *may delegate specific responsibilities to each member of the committee;*
 - (c) *may delegate any of the executive mayor's powers to the respective members; and*
 - (d) *may dismiss a member of the mayoral committee.*
- (2) *The mayoral committee must consist of the deputy executive mayor (if any) and as many councillors as may be necessary for effective and efficient government, provided that no more than 20 per cent of the councillors or 10 councillors, whichever is the least, are appointed.*
- (3) *Those of the executive mayor's powers and functions as may be designated by the municipal council, must be exercised and performed by the executive mayor together with the other members of the mayoral committee.*
- (4) *The members of a mayoral committee remain in office subject to subsection (5) and section 26, for the term of the executive mayor who appointed them.*
- (5) *If the executive mayor vacates office, the mayoral committee appointed by that executive mayor dissolves.*

The members of the mayoral committee are **not** elected by the Council, but appointed by the executive mayor after his or her election. Where the mayor is ready and desirous to appoint the mayoral committee at the first meeting he or she will be allowed to do so, but where the mayor is not yet in a position to do so, the executive mayor may appoint the committee at a later stage.

Appointment of a whip for the council

The appointment of the whip for the council is not dealt with in any legislation and the position as such is only dealt with in the determination of upper limits for the remuneration of political office bearers in municipalities.

It is proposed that the Whip of the Council, where the appointment of a whip is allowed by the MEC responsible for local government in the province, and implemented by the municipality as a single whip, be elected by way of written nominations made to the Speaker and that the process prescribed in Schedule 3, also be followed with regard to the election of the whip.

Full time councillors

Section 18 (4) of the Local Government: Municipal Systems Act, 1998, provides for the designation of full time councillors. The said sub-section provides as follows:

- (4) *A municipality has the power to designate councillors determined by the MEC for local government as full-time. An MEC's determination must be in accordance with a policy framework as may be determined by the Minister after consulting the MECs for local government.*

In instances where the MEC has determined that certain political office bearers may be full time councillors, the council must officially designate such councillors to be full time councillors.

Election of representatives to the district municipality

This item is only applicable to local municipalities

Section 23 of the Local Government: Municipal Structures Act, 1998, deals with the election of members of district municipalities and provides as follows:

23 Election and appointment of district councils

- (1) *The council of a district municipality consists of-*
(a) *councillors elected in accordance with Part 1 of Schedule 2 by voters registered on that municipality's segment of the national common voters*
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- roll, to proportionally represent the parties that contested the election in that district municipality;*
- (b) councillors appointed in accordance with Schedule 2 by the councils of the respective local municipalities within that district municipality, to directly represent those local municipalities; and*
- (c) if the district municipality has a district management area, councillors elected in accordance with Part 1 of Schedule 2 by voters registered on that district municipality's segment of the national common voters roll in that area, to proportionally represent the parties that contested the election in that area.*
- (2) The number of councillors representing local municipalities and district management areas in a district council referred to in subsection (1) (b) and (c) must be-*
- (a) equal to 60 per cent (fractions to be disregarded) of the number of councillors determined for the municipality in terms of section 20 before any increase in terms of section 20 (5), plus the increase; and*
- (b) allocated to the respective local councils and district management areas in accordance with Part 2 of Schedule 2.*
- (3) The number of proportionally elected councillors referred to in subsection (1) (a) is determined by subtracting the number determined in terms of subsection (2) (a) from the number of councillors determined for the municipality in terms of section 20, including any increase in terms of section 20 (5).*
- (4) A local council must appoint its representatives to the district council within 14 days after the result of the election of the local council has been declared.*

The election of representatives of the local municipality to serve on the district municipality is managed by the IEC and the Speaker must facilitate this process.

The Chief Electoral Officer of the IEC or his or her representative determines the formula for the number of seats allocated to local municipalities in the district municipality as well as the number of seats allocated to each of the local municipalities in the district municipality, in accordance with Schedule 2 of the Local Government: Municipal Structures Act, 1998.

If only one seat is allocated to a local municipality, the procedure set out in item 16 of Schedule 2 will apply, and where the municipality is allocated more than one seat, the seats will be allocated on a proportional representation basis and filled from the lists submitted by the parties in the council in accordance with items 17-22 of Schedule 2 as aforesaid. The IEC will also facilitate this process.

Election of committees of the council

The Local Government: Municipal Structures Act, 1998, provides for the establishment of section 79 and section 80 committees.

The section 79 committees are council committees, appointed by the Council for a specific purpose and accounting to the council. Section 79 must be composed in such a way as to reflect the way in which parties and interests are reflected in the council. The Council may also co-opt members not being councillors to these committees, based on their technical expertise. Such committees will include audit committees, MPACs, oversight committees, performance audit committees or rules committees.

Section 80 committees are appointed by the council to assist the Executive Mayor or Executive Committee (depending on the governance structure of the municipality) in the execution of its functions. These committees are accountable to the Executive Mayor / Executive Committee who also appoint the chairpersons of the committees from the Mayoral Committee / Executive Committee. The number of the committees may not exceed the number of Mayoral Committee or Executive Committee members.

The Council must determine the nature and number of committees it wishes to appoint. It is important for all committees and governance structures to be appointed as soon as possible after the election in order for the municipality to ensure service delivery.

Election of representatives to SALGA structures

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.

Participation in district and other IGR forums

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

Code of conduct

Section 54 of the Local Government: Municipal Systems Act, 2000, deals with the Code of Conduct for councillors, and provides as follows:

The Code of Conduct contained in Schedule 1 applies to every member of a municipal council.

The Speaker must ensure that each councillor is provided with a copy of the code of conduct and that a copy is available at every council meeting. It is advisable that each councillor receives a copy of the code of conduct at the first meeting against signature of receipt thereof.

Rules of Order

Where the rules of order as adopted by the municipality has not been provided to councillors prior to the first council meeting, a copy thereof should be made available to all councillors and the contents thereof should be explained in broad terms. A copy of the standing orders should also be available at each council meeting. Where there are no such rules adopted or due to an amalgamation more than one set of rules apply, new rules of order must be agreed upon.

The council must also resolve whether the rules of order only applied to council meetings or whether it will be applicable to all meetings of committees of the council.

Remuneration of public office bearers

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 should be distributed to all councillors, with Circular 56 of 2010 issued by SALGA, clarifying the notice. 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.

Budget and IDP

Due to the date of the elections being 18 May 2011, the new council must, where a budget was not approved by the previous council, approve the budget and IDP for the 2011/2012 financial year, and where already approved, it must at least be tabled for noting by the new council.

Interim delegations

Where there was an amalgamation of municipalities or an incorporation of a municipality into another, the section 12/16 notice will normally deal with the applicability of delegations, but where there is a conflict between delegations, in particular the Municipal Manager and Chief Financial Officer, delegations on critical matters has to be addressed at this meeting. It should be stated that a report on the review of all delegations will be submitted to the Council at a later stage.

Ward Committees

As the terms of office of ward committees are aligned to that of the councillors, new ward committees will have to be elected as soon as possible and a report on how the election will be attended to must be submitted to the council for resolution. Once the principles relating to the election of ward committees have been agreed upon, the actual process can be initiated by the municipality.

Councillor orientation and induction

The municipality must provide the councillors with information on the internal orientation that should be provided to newly elected councillors by the municipality, and councillors must also be informed of the arrangements for the induction for councillors that will be provided by SALGA. The internal municipal orientation should take place as soon as possible after the first council meeting and before the SALGA induction.

Future meetings

The dates of council meetings for the remainder of the year should be agreed upon, taking into account the requirement that a council needs to meet at least once per quarter.

ANNEXURE A

Agenda for a municipality with an executive mayoral system.

Notice is hereby given in terms of section 29(2) of the Local Government: Municipal Structures Act, 1998, that the first meeting of the (1st, 3rd) Council of Municipality will be held on (date) at (time) in the (venue) in order to consider the following agenda:

Agenda:

1. Opening and welcome
2. Oath or solemn affirmation by members of the council
3. Signing of the attendance register and leave of absence
4. Introduction of councillors and officials
5. Disclosure of interest
6. Election of the Speaker
7. Election of the Executive Mayor
8. Election of the Deputy Executive Mayor (where applicable)
9. Appointment of the Mayoral Committee
10. Appointment of the Whip of the Council
11. Full time councillors
12. Election of representatives to the district municipality (applicable to local municipalities)
13. Election of committees of the Council
14. Election of representatives on SALGA structures
15. Election of representatives on provincial and district IGR structures
16. Code of Conduct
17. Rules of order
18. Remuneration of Public Office Bearers
19. Budget and IDP
20. Interim delegations
21. Ward Committees
22. Councillor orientation and induction
23. Future meetings
24. Closure

ANNEXURE B

Agenda for a municipality with a collective executive system.

Notice is hereby given in terms of section 29(2) of the Local Government: Municipal Structures Act, 1998, that the first meeting of the (1st, 3rd) Council of Municipality will be held on (date) at (time) in the (venue) in order to consider the following agenda:

Agenda:

1. Opening and welcome
2. Oath or solemn affirmation by members of the council
3. Signing of the attendance register and leave of absence
4. Introduction of councillors and officials
5. Disclosure of interest
6. Election of the Speaker
7. Election of the Executive Committee
8. Election of the Mayor
9. Election of the Deputy Mayor (where applicable)
10. Appointment of the Whip of the Council
11. Full time councillors
12. Election of representatives to the district municipality (applicable to local municipalities)
13. Election of committees of the Council
14. Election of representatives on SALGA structures
15. Election of representatives on provincial and district IGR structures
16. Code of Conduct
17. Rules of order
18. Remuneration of Public Office Bearers
19. Budget and IDP
20. Interim delegations
21. Ward Committees
22. Councillor orientation and induction
23. Future meetings
24. Closure

ANNEXURE C

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 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 Municipality to the best of my ability.

ANNEXURE D

Schedule 3

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 a 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 sub-item (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 sub-item (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 sub-item (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.