MUNICIPALITY

Office of the Municipal Manager
Civic Centre
GEORGE
6530

17 November 2026

To All Councillors Elect / Iya kubo bonke ooceba
Aan alle verkose Raadslede /
GEORGE

INAUGURAL MEETING OF COUNCIL
INHULDIGINGSVERGADERING VAN DIE RAAD
INTLANGANISO YOKUMISELWA KWEBHUNGA

Notice is hereby given in terms of Section 29(2) of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998), that the inaugural meeting of the Council of the George Municipality will be held on **Monday, 23 November 2026 at 10:00** in the **Main Hall (Civic Centre)**, York Street, George.	Kennis geskied hiermee dat die inhuldigingsvergadering van die Raad van die Munisipaliteit van George in terme van Artikel 29(2) van die Wet op Plaaslike Regering 1998: Munisipale Strukture (Wet Nr 117 van 1998) in die **Hoofsaal (Burgersentrum)**, Yorkstraat, George op **Maandag, 23 November 2026 om 10:00** gehou sal word.	Oku kukwazisa ngokweCandelo lama-29 (2) loMthetho kaRhulumente waseKhaya: uMthetho weZakhiwo zikaMasipala, ka-1998 (uMthetho No. ye-117 ka-1998) ukuba intlanganiso yokumiselwa kweBhunga likaMasipala waseGeorge, iya kubanjwa **ngoMvulo, umhla wama-23 eyeNkanga 2026 ngeye- 10:00 kwiHolo eliKhulu (KwiZiko loLuNtu)**, York Street, eGeorge.

NB: Please bring your agenda of 18 November 2026.

DR D O' NEILL
ACTING MUNICIPAL MANAGER /
WAARNEMENDE MUNISIPALE BESTUURDER /
UMPHATHI KAMASIPALA OBAMBELEYO

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ITEM	AGENDA	PAGES
1.	**OPENING AND WELCOME: MUNICIPAL MANAGER**	-
1.1	CONSTITUTING OF MEETING AND REPRESENTATION ON COUNCIL: INTRODUCTION OF COUNCILLORS	3 - 5
1.2	APPLICATION FOR LEAVE OF ABSENCE	-
1.3	NOTICES AND COMMUNICATIONS: MUNICPAL MANAGER	-
2.	TYPE OF MUNICIPALITY	6 - 7
3.	ELECTION OF A SPEAKER	8 - 10
4.	**MATTERS FOR CONSIDERATION**	**11 - 341**
4.1	RULES OF ORDER	11 - 34
4.2	ELECTION OF AN EXECUTIVE MAYOR	35 - 37
4.3	ELECTION OF AN EXECUTIVE DEPUTY MAYOR	38 - 39
4.4	ELECTION OF CHIEF WHIP	40 - 42
4.5	ANNOUNCEMENT BY THE EXECUTIVE MAYOR: APPOINTMENT OF MEMBERS OF THE EXECUTIVE MAYORAL COMMITTEE	43 - 44
4.6	DESIGNATION OF COUNCILLOR TO ACT IN THE ABSENCE OF THE EXECUTIVE MAYOR AND EXECUTIVE DEPUTY MAYOR	45 - 45
4.7	APPOINTMENT OF FULL-TIME COUNCILLORS	46 - 124
4.8	ELECTION OF REPRESENTATIVES TO SERVE ON THE DISTRICT COUNCIL	125 - 126
4.9	ACCEPTANCE OF SYSTEM OF DELEGATIONS OF POWER	127 - 284
4.10	APPOINTMENT OF SECTION 79 COMMITTEES	285 - 294
4.11	APPOINTMENT OF SECTION 80 COMMITTEES	295 - 296
4.12	APPOINTMENT OF STATUTORY COMMITTEES	297 - 299
4.13	APPOINTMENT OF REPRESENTATIVES ON SALGA WESTERN CAPE WORKING GROUPS	300 - 300
4.14	APPOINTMENT OF COUNCILLORS AS REPRESENTATIVES ON EXTERNAL BODIES	301 - 302
4.15	CODE OF CONDUCT FOR COUNCILLORS AND DISCLOSURE OF INTERESTS BY COUNCILLORS	303 - 316
4.16	HANDOVER REPORT	317 - 318
4.17	SCHEDULE OF FUTURE COUNCIL AND COMMITTEE MEETINGS	319 - 320
4.18	REMUNERATION OF COUNCILLORS	321 - 341
4.19	**CLOSURE**	-

1.1 CONSTITUTING OF MEETING, REPRESENTATION ON COUNCIL & INTRODUCTION OF COUNCILLORS

File number / Verwysingsnommer: 3/2
Meeting date / Vergadering datum: 18 November 2026
Report by / Verslag deur: Dr Dean O'Neill

PURPOSE OF REPORT / DOEL VAN VERSLAG

To formally constitute the meeting and to attend to the following:

1. To table the election results pursuant to the Local Government Elections held on Wednesday, 4 November 2026;
2. For the duly elected Councillors to take the oath or solemn affirmation; and
3. The introduction of Councillors and senior officials.

BACKGROUND AND DISCUSSION / AGTERGROND EN BESPREKING

The Local Government: Municipal Structures Amendment Act, No. 3 of 2021, which took effect on 1 November 2021, provides for a definition for when a councillor is declared elected, as follows:

"***'declared elected'*** *means the publication of a notice in the Government Gazette reflecting the names of the councillors elected, which councillors are deemed to have been elected to office on the date of the declaration of the results of an election by the Electoral Commission;*"

The Government Gazette to declare the election results is attached hereto as **Annexure "A"** to the agenda.

The seat allocation per political party is provided in the table below:

POLITICAL PARTY	WARDS	PR SEATS	TOTAL SEATS
DA	15	13	28
PA	7	4	11
ANC	6	2	8
VF+	0	4	4
ACDP	0	1	1
EFF	0	1	1
GOOD	0	1	1
PBI	0	1	1
TOTAL	**28**	**27**	**55**

SALGA recommends that Councillors swear or affirm their faithfulness to the Republic of South Africa and *inter alia* to respect and uphold the Constitution.

Accordingly, Councillors will be required to choose to take the oath or solemn affirmation during the Inaugural Council Meeting.

The Senior Magistrate will call upon each of the Councillors to take the oath / solemn affirmation as follows:

Oath:

I swear that I will be faithful to the Republic of South Africa and will obey, respect and uphold the Consitution and all other laws of the Republic; and I solemnly promise to perform my functions as a member of the George Municipal Council to the best of my ability. So help me God.

Solemn Affirmation:

I 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; and I solemnly promise to perform my functions as a member of the George Municipal Council to the best of my ability.

Introduction:

Each councillor and senior official will be granted the opportunity to briefly introduce themselves by stating their name and the seat / position they hold.

SUMMARY/OPSOMMING

Die Staatskoerant waarin die nuutverkose raadslede deur die OVK aangekondig word, is aangeheg as **Bylae "A"** tot die agenda.

Ingevolge die aanbeveling van SALGA, Raadslede moet hul opsie uitoefen om of die eed of die plegtige bevestiging af te lê.

Elke Raadslid en senior amptenaar sal die geleentheid gegun word om hulself kortliks voor te stel, deur hul naam en die setel/posisie aan te dui.

RECOMMENDATION

(a) That the election results, as published in the Government Gazette (**Annexure "A"**), be noted; and

(b) That the oath / solemn affirmation taken by each member of the George Municipal Council be noted.

IZINDULULO

(a) Kukuba iziphumo zonyulo, njengoko zipapashwe kwiPhepha-ndaba likaRhulumente (isiHlomelo “A”), ziqatshelwe; kunye

(b) Nokuba isifungo / isibhengezo esisemthethweni esenziwe lilungu ngalinye leBhunga likaMasipala waseGeorge, siqatshelwe.

ATTACHMENTS / STAWENDE DOKUMENTE

Annexure “A”: Government Gazette – Election Results LGE 2026

2. TYPE OF MUNICIPALITY

File number / Verwysingsnommer: 3/2
Meeting date / Vergadering datum: 18 November 2026
Report by / Verslag deur: Dr Dean O'Neill

PURPOSE OF REPORT / DOEL VAN VERSLAG

To inform Council of the category, type and composition of the George Municipal Council following the Local Government Elections held on 4 November 2026.

BACKGROUND AND DISCUSSION / AGTERGROND EN BESPREKING

George Municipality was established as a Category B municipality, as contemplated in section 155(1) of the Constitution of the Republic of South Africa, in terms of the Establishment Notice published in Provincial Gazette No. 5592 on 22 September 2000.

The Municipality operates under a Mayoral Executive System combined with a Ward Participatory System.

In terms of section 8 of the Establishment Notice, there are 28 (twenty-eight) wards in the George municipal area of jurisdiction, and the Municipal Council comprises 55 (fifty-five) councillors, consisting of:

- 28 (twenty-eight) ward councillors; and
- 27 (twenty-seven) proportionally elected councillors.

Following the Local Government Elections held on 4 November 2026, the George Municipal Council is accordingly constituted in accordance with the provisions of the Establishment Notice.

SUMMARY/OPSOMMING

George Munisipaliteit is ingevolge die Instellingskennisgewing as 'n Kategorie B-munisipaliteit ingestel en funksioneer volgens 'n Burgemeestersuitvoerende Stelsel gekombineer met 'n Wykdeelname-stelsel.

Ingevolge artikel 8 van die Instellingskennisgewing is daar 28 (agt-en-twintig) wyke binne die regsgebied van George Munisipaliteit. Die Munisipale Raad bestaan uit 55 (vyf-en-vyftig) raadslede, naamlik 28 (agt-en-twintig) wyksraadslede en 27 (sewe-en-twintig) proporsioneel verkose raadslede.

Na afloop van die Plaaslike Regeringsverkiesing gehou op 4 November 2026 is die George Munisipale Raad ooreenkomstig die bepalings van die Instellingskennisgewing saamgestel.

RECOMMENDATION

That the content of the above report be noted.

ISINDULULO

Kukuba isiqulatho sengxelo engentla siqatshelwe.

ATTACHMENTS / STAWENDE DOKUMENTE

None.

3. ELECTION OF A SPEAKER

File number / Verwysingsnommer: 3/2/3
Meeting date / Vergadering datum: 18 November 2026
Report by / Verslag deur: Dr Dean O'Neill

PURPOSE OF REPORT / DOEL VAN VERSLAG

Section 36 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) requires every municipal council to elect a Speaker from among its councillors at its first sitting following an election.

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

"Election of Speakers:

(1) Each Municipal council must have a Chairperson who will be called the Speaker.

(2) At its first sitting after this 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"

The election of the Speaker must be conducted in accordance with the procedure prescribed in Schedule 3 to the Act. In terms of section 36(3), the election is presided over by the Municipal Manager or, in the absence of the Municipal Manager, a person designated by the MEC responsible for local government in the province. For ease of reference, the procedure prescribed in Schedule 3 is attached to the agenda as **Annexure "A"** to the agenda.

Upon the conclusion of the election process and the declaration of the result, the elected Speaker shall assume the chair and preside over the remainder of the Inaugural Council Meeting. The Speaker will thereafter serve as the Chairperson of the George Municipal Council and preside over meetings of the Council in accordance with the provisions of the applicable legislation and Council's Rules of Order.

RECOMMENDATION

That Council elects a Speaker in accordance with te procedure prescribed in Schedule 3 to the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).

ISINDULULO

Kukuba iBhunga lonyule uSomlomo ngokungqinelana nenkqubo emiselwe kwiShedyuli yesi- 3 yoMthetho kaRhulumente waseKhaya: uMthetho weZakhiwo zikaMasipala, ka-1998 (uMthetho we-117 ka-1998).

ATTACHMENTS / STAWENDE DOKUMENTE

Annexure "A": Schedule 3 to the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)

SCHEDULE 3

Election of municipal office-bearers

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.

Nominations

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

Formal requirements

3. (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.

Announcement of names of candidates

4. 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.

Single candidate

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

Election procedure

6. 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.

Elimination procedure

7. (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.

Further meetings

8. (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.

4.1 RULES OF ORDER

File number / Verwysingsnommer: 3/4/13
Meeting date / Vergadering datum: 18 November 2026
Report by / Verslag deur: Kurt Paulse

PURPOSE OF REPORT / DOEL VAN VERSLAG

For Council to take note of the Rules of Order Regulating the Conduct of Meetings of the Municipal Council of George.

BACKGROUND / AGTERGROND

The Rules of of Order Regulating the Conduct of Meetings of the Municipal Council of George Municipality is attached hereto as **Annexure "A"** to the agenda.

RECOMMENDATION

(a) That the Rules of of Order Regulating the Conduct of Meetings of the Municipal Council of George Municipality, attached hereto as **Annexure "A"** be noted;

(b) That the Rules of Order Regulating the Conduct of Meetings of the Municipal Council of George Municipality will be workshopped with all councillors.

ISINDULULO

(a) Kukuba IMigaqo yoCwangco eLawula indlela yokuQhutywa kweeNtlanganiso zeBhunga likaMasipala waseGeorge, eqhotyoshelwe apha njengeSihlomelo "A" iqatshelwe;

(b) Kukuba IMigaqo yoCwangco eLawula indlela yokuQhutywa kweeNtlanganiso zeBhunga likaMasipala waseGeorge iza kubanjelwa indibano yocweyo nabo bonke ooceba.

ATTACHMENTS / STAWENDE DOKUMENTE

Annexure "A": The Rules of of Order Regulating the Conduct of Meetings of the Municipal Council of George Municipality, adopted on 30 June 2022

ITEM 4.1 ANNEXURE "A"

RULES OF ORDER REGULATING THE CONDUCT OF MEETINGS OF THE MUNICIPAL COUNCIL OF THE GEORGE MUNICIPALITY

1. APPLICATION OF RULES

1.1 These Rules of Order apply to all meetings of the Municipal Council and its Committees established in terms of Sections 79 and 80 of the of the Municipal Structures Act, 117 of 1998.

1.2 These Rules shall not apply to the meetings of the Mayoral Committee or Ward Committees.

1.3 These Rules of Order are aimed to allow for a free and constructive debate during Council's meetings to promote freedom of expression in such a manner as to allow for orderly debate by as large a number of Members as is possible within reasonable time constraints.

2. DEFINITIONS

In these Rules, unless inconsistent with the context:

"Act" means Local Government Municipal Structures Act, 1998 (Act 117 of 1998);

"Chief Whip" "Chief Whip" means a councillor elected in terms of section 41A to be the whip of a municipal council;

"Committee" means a Committee of the Municipal Council of George Municipality established in terms of Section 79 or 80 of the Act;

"Code of Conduct" means the Code of Conduct for Councillors as contained in Schedule 7 to the Municipal Structures Act, 117 of 1998, as amended;

"Exigency" means an urgent matter that requires the immediate attention of Council that could not otherwise been reported;

"Mayor" means the Executive Mayor of the Council;

"Mayoral Committee" means the Mayoral Committee of the Municipality appointed in terms of Section 60 of the Structures Act;

"Meeting" includes meetings that take place in the chambers of the municipal council, any other venue, or virtual platform, and also includes meetings of the committees of the council;

"Member" means a member of the Municipal Council of George and any committee established by Council;

"MMC" means a member of the Mayoral Committee;

APPROVED 30 JUNE 2022

ITEM 4.1 ANNEXURE "A" CONTINUED

"Motion" means a matter submitted by a member in terms of Rule 19;

"Municipality" means the Municipality of George, duly established in terms of section 12 of the Act;

"Municipal Manager" means the person appointed in terms of Section 82 of the Act;

"Notice" for the purpose of Rule 6 means a written notification, either electronically, by SMS, or by delivery of such notification to the place of residence or work of a councillor;

"Number of days" Refers to calendar days, which will exclude the first day and include the last day;

"Ordinary Meeting" means a meeting in terms of Rule 7.1;

"Officer" for the purposes of Rule 29 means a member of the South African Police Services, or a Law Enforcement Officer appointed by the Municipality;

"Political Party" means a political party registered in terms of the Electoral Act, 1998;

"Opposed" or "opposition" for the purposes of Rule 16 will mean a verbal or written notice to the Speaker, acknowledged by the Speaker, by a member of his/her dissent from a recommendation before Council;

"Speaker" means the member elected in terms of Section 36 of the Act and any reference made to the Speaker will also include a Chairperson of a committee;

"Special Meeting" means a meeting in terms of Rule 7.2, 7.4 or 7.7;

"Systems Act" means the Local Government Municipal Systems Act, 2000;

"Structures Act", means the Municipal Structures Act, 117 of 1998;

"Political Whip" means, for the purposes of these Rules, a Member of Council appointed by any other political party to perform the functions referred to in Rules 4.8 and 17;

"Removal" for purpose of Rule 28 and 29, will include the cancellation and removal of a member's link in relation to a virtual meeting;

"Walkout" is an act of leaving the council meeting or failing to remain in attendance at that meeting, by a councillor or councillors, at the time that a formal vote is taken or is about to be taken on any matter before such meeting.

APPROVED 29 JUNE 2022

ITEM 4.1 ANNEXURE "A" CONTINUED

3. VIRTUAL MEETINGS.

3.1. This Rule will only be applicable in the event that a meeting must take place remotely for a reason or reasons determined by the Speaker. Save for the matters provided for in this Rule, the remainder of Rules of Order as set out hereunder, will remain in operation.

3.2. Only the Speaker may determine that a meeting must take place remotely.

3.3. If the notice of a meeting does not expressly state that the meeting will take place remotely, the meeting will be a face-to-face meeting at the venue communicated.

3.4 Members must ensure that they are connected and in attendance at least 30 minutes before the scheduled time of a meeting.

3.5 Any reference in these Rules of Order to being "present" at a meeting, includes being present through remote attendance.

3.6 A member in remote attendance attends a meeting when the Speaker certifies that such member is present at the meeting.

3.7 The presence of a member in terms of sub-rule 3.5 shall be deemed to be evidence for the attendance register.

3.8 A requirement in the Rules of Order that a meeting be open to the public, is satisfied if –

3.8.1 the meeting is streamed live online; or
3.8.2 the meeting is recorded and made available on the website of the Council as soon as practicable after the meeting.

3.9 The Municipal Manager must give notice to the public of each virtual meeting of the Municipal Council.

3.10 A public notice of the city's virtual meeting, must -

3.10.1. state that the meeting is virtual and that there is no physical meeting location;
3.10.2. describe how members of the public can observe the meeting.

3.11 Members who have accessed the meeting via the secure link sent to their email address shall be deemed present for the purposes of establishing a quorum, taking a decision or voting on a matter.

APPROVED 30 JUNE 2022

3.12 Except where voting by secret ballot is prescribed by law, members shall cast their votes electronically or by voice. As far as last-mentioned is concerned, the Speaker shall make a ruling on the method of voting to be used and his/her ruling in this regard will be final.

3.13 Only members who are present when a vote is called shall be permitted to vote.

3.14 the results of a vote are announced and the names of members and how they voted are recorded in the Minutes, and

3.15 Members must ensure that their votes are correctly recorded.

3.16 The Speaker may make a ruling that a member must switch on his/her camera on his/her device, and the member must do so promptly and without questioning the ruling of the Speaker.

4. **CONDUCT AT MEETINGS**

The Speaker must:

4.1 maintain order during meetings;

4.2 ensure compliance with the Code of Conduct for Councillors at meetings;

4.3 ensure that meetings are conducted in accordance with these Rules of Order, except if otherwise ruled by the Speaker;

4.4 ensure that any member refusing to comply with his / her ruling and upon two warnings and a final warning thereafter leaves the meeting place immediately; alternatively, ensure that disciplinary steps are instituted against such member in terms of Rule 28;

4.5 ensure that members conduct themselves in a dignified and orderly manner;

4.6 ensure that members of the public are seated during meetings of the Municipal Council in areas designated for that purpose by the Municipal Manager;

4.7 ensure that members of the public attending any meetings of the Municipal Council conduct themselves in an orderly manner and obey any ruling made by the Speaker;

4.8 ensure that the Political Whips of Council be responsible for maintaining discipline of his / her different party's members during the meeting. Failure by the Political Whips to take appropriate action must be dealt with in terms of Rule 28 of this Rules.

APPROVED 30 JUNE 2022

ITEM 4.1 ANNEXURE "A" CONTINUED

5. **INTERPRETATION OF RULES**

5.1. The ruling of the Speaker in regard to the application or interpretation of these Rules and other procedural matters not dealt with in the Rules of Order is, once he/she has given his/her reasons, final and binding.

5.2 No debate or discussion on the ruling of the Speaker in terms of Rule 5.1 shall be allowed.

6. **CHAIRING OF MEETINGS**

6.1 The Speaker is the Chairperson of meetings of the Municipal Council, and in the case of a Committee the Chairperson or Deputy Chairperson chairs the meeting.

6.2 Should the Speaker not be present at a meeting, an Acting Speaker must be elected for that meeting from the members present.

7. **NOTICE OF MEETINGS**

7.1 The Speaker must determine the date, time and venue of meetings of the Municipal Council, and must ensure that such meetings take place at least quarterly.

7.2 A separate Special Meeting of Council shall be called to approve the Annual Budget.

7.3 The Municipal Manager must give at least 72 hours notice of the meetings referred to above, to enable members to prepare adequately.

7.4 When the Municipal Council meets as a legislative body to consider By-Laws, the Municipal Manager must give seven (7) working days' notice of this meeting to all members of the Municipal Council.

7.5 The fact that any member(s) has/have not received notice of a meeting in accordance with these Rules will not affect the validity of any proceedings of that meeting.

7.6 In the case of virtual meetings, members must, at least two days before the meeting, ensure that they have the necessary internet connectivity and that they can open the agenda and annexures. The obligation is on the member to contact the Municipality's IT Section for assistance, should they experience connectivity problems or problems opening the agenda and annexures.

7.7 In the case of any urgent meeting, the notice period must be at least 24 hours.

7.8 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, as well as on the municipal

APPROVED 30 JUNE 2022

website, by placing an advertisement in Afrikaans, English and Xhosa in one (1) newspaper circulating in George and any other appropriate manner as deemed fit by the Municipal Manager. The obligation to place an advertisement in the newspapers may be dispensed with at the discretion of the Municipal Manager in cases where time constraints do not allow these advertisements to be placed.

7.9 The agenda of the confidential part of the agenda will be distributed to all members to their municipal email addresses only. A secret passcode will be submitted with the agenda in order for members to open the agenda. Members must ensure that the are able to open the agenda at least two days before the start of the meeting.

7.10 Every member of the Municipal Council must specify in writing an electronic mail address and/or a physical address within the municipal area of George, where he/she can receive an electronic notice of meetings and other official correspondence. Delivery to this address will constitute proper notice of meetings of the Municipal Council.

8. QUORUMS

8.1 The quorum for a meeting of the Municipal Council or Committee is a majority of its members, determined in terms of section 20 of the Structures Act.

8.2 Whenever there is no quorum, for the Council meeting, the meeting must be adjourned for no more than 20 minutes, and if at the end of that period there is still no quorum, the Speaker may further adjourn the Council meeting for a period he/she deems fit after which he/she may adjourn the meeting to another time, date and venue at his/her discretion.

8.3 Whenever there is no quorum for a committee meeting, the meeting must be adjourned for no more than 20 minutes, and if at the end of that period there is still no quorum, the Chairperson, may further adjourn the meeting for a period he/she deems fit after which he/she may adjourn the meeting to another time, date and venue as determined by the Speaker.

8.4 In the absence of the Speaker or Chairperson of a committee the Acting Speaker or Deputy Chairperson of a committee must perform the functions referred to in Rule 6.2. If, after the initial adjournment of 20 minutes neither the Speaker nor the Acting Speaker, the Chairperson, or Deputy Chairperson of a committee are present, the meeting must be adjourned.

9. AGENDA

9.1 Subject to rules 9.2 and 10.2, all meetings must be conducted according to the order in which the matters appear on the agenda before the Council, and only matters which are on the agenda, may be debated.

9.2 The Speaker may, after considering suitable motivation, change the order of matters appearing on the agenda.

ITEM 4.1 ANNEXURE "A" CONTINUED

9.3 The Municipal Manager in consultation with the Speaker, may direct that any matter be entered into the confidential part of the Council's agenda. Such matter must not be disclosed to any person other than those who receive it in their official capacity, and such matter must be debated in a closed meeting of the Council.

9.4 The Speaker may, after considering suitable motivation, direct that a matter be moved between the confidential and open agendas.

10. **ORDER OF BUSINESS OF AN ORDINARY MEETING**.

10.1 The order of business of an ordinary meeting convened in terms of Rule 7.1 shall be as follows:

10.1.1 Opening;
10.1.2 Mayoral address;
10.1.3 applications for leave of absence;
10.1.4 disclosure of interests by Councillors (Item 6 of the Code of Conduct for Councillors) and disclosure of benefits by Municipal staff members (Item 5 of the Code of Conduct for Municipal staff members);
10.1.5 confirmation of the minutes of the previous meeting(s);
10.1.6 questions of which notice has been given;
10.1.7 report of the mayor which includes:

10.1.7.1 recommendations to the Council;
10.1.7.2 decisions under delegated authority;
10.1.7.3 schedule of decisions of the mayor, together with the members of the mayoral Committee in terms of Section 60(3) of the Act.

10.1.8 motions or proposals deferred from previous meetings;
10.1.9 new motions;
10.1.10 any other matter not contained in the notice of the meeting at the discretion of the Speaker.
10.1.11 urgent matters raised by the Municipal Manager in terms of Rule 20.

10.2 After the matters referred to in paragraphs 10.1.1 to 10.1.4 have been considered, the Speaker may in his/her discretion bring forward any business which is on the agenda.

11. **LEAVE OF ABSENCE**

11.1 Application for leave of absence from a meeting of the Council or a Committee thereof must be addressed to the Chief Whip in writing on the prescribed form by the member who is applying for such leave, whereafter the Chief Whip will refer the application to the Speaker for approval. E-mails directed to the Chief Whip in this regard will be acceptable.

APPROVED 31 JULIE 2022

ITEM 4.1 ANNEXURE "A" CONTINUED

11.2 Leave will not be granted to a member if the leave will result in a breach of item 2 of the code of conduct for councillors.

11.3 Notwithstanding Rule 11.1 above, applications for leave of absence from a meeting are deemed to have been granted if:

11.3.1 the Council or Mayor delegated the relevant member to act elsewhere on behalf of the Council in a matter; or

11.3.2 if the Council, Mayor or Committee of the Council requests the member to withdraw from the relevant meeting:

11.3.2.1 in terms of Item 4(b) of the Code of Conduct for Councillors or;

11.3.2.2 if the member recuses him/herself in terms of Rule 11.4.

11.4 The Speaker may, subject to Rules 11.1 and 11.2 above, grant leave of absence to a member for the following reasons:

11.4.1 Illness or any other valid reasonable reason making it impossible for the member to attend.

11.4.2 Essential business or personal commitments, or personal circumstances of the member.

11.4.3 Non-delivery of the notice of a meeting, or delivery of the notice of a meeting less than 72 hours before its commencement, provided that this will not apply to an ordinary meeting of the Council or Committee or when the member has changed his/her address referred to in Rule 6.10 and failed to inform the Municipal Manager at least 7 days before the relevant meeting of the revised address for the service of documentation.

11.4.4 Any other valid circumstances as determined by the Speaker where the member is prevented from attending the meeting.

11.5 A Councillor must recuse himself from a meeting when any matter concerning that Councillor is discussed and the Councillor is requested by the Speaker to recuse him/herself. Non-adherence to this Rule will be regarded as a breach of Rule 28 of these Rules.

11.6 Sanction for non-attendance:

11.6.1 A member who is absent without leave from a meeting or who fails to be present at the beginning of a meeting or who fails to remain in attendance, or who walks out as defined in these Rules, at such meeting, is in breach of these Rules and item 2 of the Code of Conduct for Councillors.

11.6.2 A committee consisting of the Speaker, Chief Whip and a Councillor appointed by Council (the Attendance Committee), must investigate and report to Council on any transgression contemplated in rule 11.6.1.

AFGEKEUR JUNE 2022

11.6.3 The Attendance Committee must conduct its work according to the uniform standing procedures adopted by Council.

11.6.4 If the Attendance Committee finds that a member breached rule 11.6.1, the member must be fined as follows:

11.6.4.1 First meeting - 10% of a councillor's all-inclusive monthly salary;

11.6.4.2 Second meeting - 25% of a councillor's all-inclusive monthly salary;

11.6.4.3 Third meeting - Attendance committee for removal proceedings.

11.6.5 A member who is absent from three or more consecutive meetings of the council, or from three or more consecutive meetings of a committee which he or she is required to attend, must be removed from office as a councillor.

11.6.6 Proceedings for the removal of a member in terms of rule 11.6.5 or the imposition of a fine in terms of rule 11.6.4 must be conducted in accordance with the uniform standing procedure adopted by Council in terms of Rule 11.6.3.

12. MAYORAL ADDRESS

12.1 After the meeting is opened by the Speaker, but before any matters on the agenda are dealt with, the Mayor may address the meeting on any matter, whether it is on the agenda or not, which he/she deems appropriate. During the mayoral address no points of order or debate shall be allowed.

12.2 At the conclusion of the mayoral address, the Speaker must allow time for reply by every political party. as set out in the speakers list received from the Chief Whip in terms of Rule 17.1.

12.3 The mayoral address and reply is subject to the provisions of rule 19.2.

13. REPORTS

13.1 The Municipal Council may not take any decision unless it has before it sufficient information as determined by the Speaker to take an informed decision. Except in exceptional circumstances, such information must be in a written report.

13.2 It is expected of a member, at least 2 days before a meeting, to make enquiries to the relevant Portfolio councillor or Chief Whip on any matter on the agenda which is not clear or on which more information is needed.

APPROVED 30 JUNE 2022

13.3 The relevant portfolio Councillor or Chief Whip must ensure that sufficient information on the matter is provided to the member at least 24 hours before a meeting.

13.4. No questions directly to the Municipal Manager or other staff member will be allowed during a meeting on any matter in instances where there was non-compliance with Rule 13.2.

14. REPORT OF THE MAYOR

14.1 A report of the Mayor shall contain the following matters:

14.1.1 recommendations to Council (where the Mayor has no delegated authority);
14.1.2 a schedule of decisions by the Mayor under his/her delegated or statutory authority; and
14.1.3 a schedule of decisions by the Mayor together with members of the Mayoral Committee in terms of Section 60(3) of the Act.

14.2 The Speaker shall permit debate of the matters referred to in Sub-rule 14.1.1 above, in accordance with Rule 17 of these Rules.

15. LEGAL AND FINANCIAL CONSTRAINTS

The Municipal Council may only take such decisions as it is legally and financially competent to do and all reports submitted in an agenda or made orally must make reference to these aspects.

16. DECISIONS AND VOTING

16.1 Subject to the provisions of rule 16.3 all decisions must be taken by a supporting vote of the majority members present at any meeting of the Council.

16.2 Before any vote is taken on any matter before the Council no Councillor or any other person shall be allowed to enter or leave the Council Chamber, while voting is in process.

16.3 The following matters are determined by a decision taken by the majority of the members of the Council:

16.3.1 the passing of By-Laws;
16.3.2 the approval of budgets;
16.3.3 the imposition of rates and other taxes;
16.3.4 the raising of loans; and
16.3.5 the approval of the Integrated Development plan.

16.4 If the Speaker asks the meeting if it is in agreement with the recommendation(s) and the recommendation(s), is/are not opposed by any member present, the recommendation(s) is/are adopted.

APPROVED JUNE 2022

16.5 Where there is opposition to any proposal to be decided, voting must be by a show of hands.

16.6 Only the number of members, and not the names of members voting for / against an item, is to be recorded in the minutes.

16.7 A member may abstain from voting without leaving the meeting place.

16.8 Any member may request that his / her dissent, abstention or support be recorded in the minutes of that meeting.

16.9 The Speaker must announce the decision of the Municipal Council taken in terms of rules 16.4 or 16.5.

16.10 If there is an equality of votes in respect of a motion on which voting takes place in accordance with rule 16.1, the Speaker must exercise his/her casting vote, in addition to his/her deliberative vote, provided that the Speaker may not exercise a casting vote in terms of any matter set out in section 160(2) of the Constitution and in Schedule 3 of the Structures Act.

17. **DEBATE MANAGEMENT**

17.1 At least 24 hours prior to a meeting of Council, the Political Whips of the parties in Council, must provide to the Chief Whip an items list showing:

17.1.1 Which items on the agenda for that meeting are to be debated and for which written amendment proposals should be submitted.

17.1.2 Any motions of Exigency in terms of Rule 32 which a member intends to table.

17.1.3 The total time to be allocated to the debate of each such item. With the information provided in the items list, the Speaker and the Chief Whip shall determine the time allocated for each item and the total time allocated for debate during the Council meeting. This time will be divided according to the number of members of each political party, with the proviso that no party will receive less than 5% of the total time spent on debate during a Council meeting. The various party whips, in collaboration with their individual caucuses, will then decide which items on the agenda will be debated and which amount of time is needed for such debate, provided that the total time allocation is not exceeded. Political parties are not under obligation to utilize all the time allocated to them – it is the maximum allowed time for the Council meeting and is indicated as such on the Speakers list.

17.2 Based on the list drawn up in terms of rule 17.1 each party must deliver to the Chief Whip, at least 20 hours before a Council meeting, a list of the members who will speak on an item and the time allocated to each such member.

17.3 On receipt of the lists referred to in rule 17.1, the Speaker must, if he/she wishes to deviate from the provisions of those lists, convey his/her decision in this regard to the Chief Whip within a reasonable time prior to the Council meeting.

17.4 All matters before the Council not listed in rule 17.1 must individually be put to the meeting for adoption without debate, before the matters listed in rule 17.1 are considered.

17.5 At the discretion of the Speaker, a time of ten (10) minutes of response maybe 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 17.1.

17.6 Notwithstanding any contained in rules 17.1 to 17.8, the Speaker may not, when exercising any discretion in terms of these rules, prejudice any party in respect of time allocated in relation to any party. The Speaker's ruling after exercising his discretion in this regard shall be final.

17.7 The Municipal Manager shall indicate an official to assist the Speaker with timekeeping during debate.

17.8 The duration of the Mayoral address in terms of Rule 12 may not exceed the following times:

17.8.1 Speech of the Mayor: 30 minutes
17.8.2 Reply on the Mayor's Speech by all political parties: 30 minutes
17.8.3 The times for the reply will be allocated by the Chief Whip to each political party.

18. **MINUTES**

18.1 The Municipal Manager must ensure that all decisions of the Municipal Council are recorded.

18.2 If a copy of the minutes of a meeting has been served on every Councillor the minutes shall be taken as read with a view to confirmation.

18.3 No proposal or discussion shall be allowed on the minutes, except as to their accuracy.

18.4 The correctness of the minutes of the Municipal Council must be considered at its next meeting, failing which, at the following meeting.

18.5 The Municipal Manager must ensure that the names of members attending any meeting, those members who are absent, as well as the names of those who have been granted leave of absence, are recorded in the minutes.

APPROVED 30 JUNE 2026

18.6 The Municipal Manager must ensure that the names of members, who requested that their dissent, abstention or support be recorded during voting, are recorded in the minutes.

18.7 For administrative reference purposes, audio recordings of all meetings of Municipal Council must be kept for a period of three years.

19. **MOTIONS**

19.1 Subject to the provisions of any other law:

19.1.1 Every notice of motion shall be in writing and shall be submitted to the Chief Whip and such notice shall be signed by the member submitting it and by the member seconding it;

19.1.2 Subject further to Rule 19.5 below a notice of a motion shall not appear on an agenda, unless it is received by the Chief Whip at least ten (10) working days prior to such meeting and approved by the Speaker in terms of Rule 19.2;

19.1.3 a motion shall lapse if the member who submitted it is not present at the meeting when such motion is being debated.

19.2 The Chief Whip shall acknowledge receipt in writing of any motion submitted in terms of rule 19.1 and refer the motion to the Speaker for approval, whereafter it will be submitted to the Municipal Manager for placement on the agenda.

19.3 Every motion shall deal with a matter in respect of which the Council has jurisdiction.

19.4. No motions on staff related matters shall be allowed.

19.5 A member submitting a motion shall introduce such motion and shall have the right of reply thereto.

19.6 When a member introduces a motion in terms of this Rule:

19.6.1. which is intended to rescind or amend a resolution passed by the Council taken within the preceding three (3) months or;

19.6.2 which has the same purport as a motion which was not supported within the preceding three (3) months, such motion shall, subject to rule 23 hereunder, not be entertained.

19.7 When dealing with motions:

19.7.1 the motion shall be read out together with the number thereof and the name of the mover;

19.7.2 the Speaker shall ascertain which motions are unopposed and these shall be passed without debate; and thereafter the Speaker shall call the opposed motions in their order on the agenda.

APPROVED 30 JULY 2022

19.8 Debate with regards to opposed motions will be allowed, subject to the stipulations of Rule 17.

20. URGENT MATTERS

20.1 The Municipal Manager may, in his / her discretion, raise any urgent matter for decision by Council. A matter is urgent when the decision required, if delayed, could prejudice Council or its operations.

20.2 The Speaker must determine an appropriate time when the Municipal Manager may raise urgent matters, and the Speaker must determine the period of time available for discussion of any urgent matter.

21. DISALLOWED MOTIONS AND PROPOSALS

21.1 The Speaker shall disallow a motion or proposal which:

21.1.1 May lead to the discussion of a matter already dealt with in the agenda, or which has no bearing on the administration of, or conditions in the Municipality; or

21.1.2 Advances arguments, expresses an opinion or contains unnecessary, incriminating, disparaging or improper suggestions, or in respect of which:

21.1.2.1 The Council has no jurisdiction

21.1.2.2 A decision by a judicial or quasi-judicial body is pending; or

21.1.2.3 Which has not been duly seconded

21.1.3 If passed, would be contrary to the provisions of these Rules or of any other law or which Council is not financially competent to approve provided that if such motion or proposal, in the opinion of the Council, justifies further investigation it shall be referred to a relevant Committee.

21.1.4 Is in connection with a staff related matter.

22. QUESTIONS

22.1 Any member may submit a question relating to a matter in order to solicit, explanations or information which is related to and/or relevant to Council business and/or matters.

22.2 The member must ensure that the question(s) is (are) submitted to the Chief Whip at least ten (10) working days before the date of the meeting.

22.3 The Chief Whip shall acknowledge receipt in writing of any question received in terms of rule 22.1 and refer the question to the Municipal Manager for a written reply to the question. If the Municipal Manager has insufficient time to obtain the requested information for placement on the agenda of the meeting contemplated in Rule 22.2, the question shall stand over until a next meeting.

22.4 No member may re-submit a question(s) relating to any matter if that (those) question(s) was (were) considered during the previous three (3) months.

22.5 No questions relating to staff matters will be allowed.

22.6 No decision shall be taken by Council on any question which was raised at Council, in terms of this Rule.

22.7 The member who submitted the question shall have a right to reply to the answer provided, but no debate by any member of the question or answer will be allowed.

22.8 A question shall lapse if the member who submitted it is not present at the meeting where such question is being dealt with.

23. **RECONSIDERATION OF RESOLUTIONS**

The Municipal Council must reconsider any decision taken if the majority of members of the Municipal Council lodge such a request in writing with the Municipal Manager, provided that such reconsideration will not adversely affect existing rights. Motions for the reconsideration of decision must be submitted in terms of rule 19.

24. **AMENDMENTS TO RECOMMENDATIONS, MOTIONS OR PROPOSALS**

24.1 When an amendment which is moved it:

24.1.1 must be relevant to the recommendation, motion or proposal on which it is moved;
24.1.2 shall be reduced to writing, signed by the mover and seconder, and handed to the Speaker; and
24.1.3 may only be moved by a member while he / she is speaking on a recommendation, motion or proposal under debate.
24.1.4 must be posted in the chat box in the case of a virtual meeting.

24.2 A member who has moved an amendment may speak thereon for not more than five minutes, but the seconder shall not be allowed to speak thereon, and there shall be no right to reply.

24.3 More than one amendment may be moved to a recommendation, motion or proposal, and subject to rule 24.9, all amendments which have been moved shall be put to the vote at the close of the debate upon such recommendation, motion or proposal.

24.4 Except for the Executive Mayor and/or Chief Whip, no member shall move more than one amendment to a recommendation, motion or proposal.

24.5 If the Mayor or Member of the Mayoral Committee or Chairperson of a Committee or the mover of the original motion wishes to address the Council

on any amendment moved to such recommendation, motion or proposal he / she may only do so during his / her reply.

24.6 The debate shall close when the Mayor or Member or Chairperson has replied thereto.

24.7 If more than one amendment to a recommendation motion or proposal has been moved, such amendments must be put to the vote in order in which they were moved.

24.8 Each amendment to a recommendation, motion or proposal must be clearly stated to the meeting by the Speaker before it is put to the vote.

24.9 If an amendment is carried, the amended recommendation, motion or proposal shall take the place of the original recommendation, motion or proposal in respect of which only further proposed amendments shall be put to the vote, provided that the Speaker may, if he / she is of the opinion that an amendment which has been carried renders another amendment unnecessary or pointless, rule that such other amendment need not be put, after which the latter amendment shall lapse.

25. **PRECEDENT OF SPEAKER**

25.1 Whenever the Speaker speaks, any member then speaking or offering to speak must be silent and the members shall be silent so that the Speaker may be heard without interruption.

25.2 A member addressing the Council shall do so by addressing the Speaker.

26. **COUNCILLOR TO SPEAK ONLY ONCE**

26.1 Subject to a provision to the contrary contained in these Rules, no member shall speak more than once on any recommendation, motion or proposal, provided that the Mayor or MMC or member of the relevant committee may reply in conclusion of the debate, but shall confine himself / herself to answering to previous speakers and shall not introduce any new matter into the debate.

26.2 The Speaker shall permit the Mayor, MMC or Chairperson of a Section 80 Committee to make an explanatory statement prior to the consideration of any particular item contained in the report of the mayor or during the discussion of such report, in reply to a specific question.

27. **RELEVANCE**

27.1 A member who speaks shall direct his / her speech strictly to the matter under discussion or to an explanation or point of order, and no discussion shall be permitted:

27.1.1 which will anticipate any matter on the agenda; or

27.1.2 in respect of any matter in respect of which a decision by a judicial or quasi-judicial body or a commission of inquiry, whether instituted in terms of legislation or not, is pending, provided that such matter may be considered with the permission of Council.

28. **IRRELEVANCE, TEDIOUS REPETITION, UNBECOMING LANGUAGE OR BEHAVIOR AND BREACH OF ORDER**

28.1 The Speaker must call the attention of the member to irrelevant, tedious repetition, unbecoming language or behaviour or any breach of order on the part of a member, and shall direct such member, if speaking, to discontinue his / her speech until the member has come to order. Such direction shall be regarded as a warning. Upon 2 warnings and a final warning during the deliberations of a Council meeting, the provisions of rule 29 shall apply and the Speaker may decide to take disciplinary action against such member in terms of the Code of Conduct for Councillors.

28.2 The following conduct by a Councillor during a meeting is deemed contrary to the provisions of item 2(b) of the Code of Conduct for Councillors as contained in Schedule 7 to the Municipal Structures Act:

28.2.1 to make unnecessary tactless, incriminating, disparaging or improper suggestions or the expression of opinions in this regard;
28.2.2 to make unwelcome suggestions, innuendoes, remarks or hints of a sexual nature, sexual advances, comments with sexual overtones, sex-related jokes or insults or unwelcome graphic comments of another person's body;
28.2.3 to make unwelcome or obscene gestures against any member or employee, which gestures are regarded by that member or employee to be unwelcome or obscene;
28.2.4 to encourage, endanger, advocate or aggravate hatred, discrimination, ridicule, contempt or preference based on colour, descent, race, ethnicity, gender or religion which may result in harm or humiliation, or which may cause insult, humiliation or defamation of any racial, ethnic, gender or religious group through the uttering of words, whether in writing or orally, or the performance of deeds;
28.2.5 to incite imminent violence;
28.2.6 to breach this Rules of Order;
28.2.7 to disregard any instructions or rulings of the Speaker;
28.2.8 to use threatening, abusive or insulting language towards a member or an employee or to display any writing, sign or other visible presentation which is threatening, defamatory or insulting and which causes that member or employee harassment, fear or distress;
28.2.9 to make an allegation, statement or remark which injures or impairs the dignity or honour of a member or employee of the municipality;
28.2.10 to obstruct the continuation of the business of any meeting by interjecting when another member is speaking and/or in any other manner making it impossible for another member to exercise his/right to speak;

28.2.11 to challenge the ruling of the Speaker on any point of order or ruling;
28.2.12 to decline the withdrawal of any remark when ordered to do so by the Speaker;
28.2.13 to indulge in tedious repetition or inappropriate language;
28.2.14 in terms of rule 25, to interrupt the Speaker when he is speaking;
28.2.15 failure by, or refusal of a political whip to maintain discipline of his / her party members during a meeting.

28.3 The Speaker shall direct a member to apologise or withdraw an allegation if it is unbecoming or injures or impairs the dignity or honour of a member or officer of the Council.

28.4 In the event of a persistent disregard of the directions or rulings of the Speaker, the Speaker shall:

28.4.1 In the event of a face-to-face meeting, direct such Councillor to retire from the place of meeting for the remainder of the meeting and may, if necessary, cause him or her to be removed from the venue in terms of Rule 29.
28.4.2 In the event of a virtual meeting, cause the virtual link of such Councillor to be disconnected.

28.5 No member, official or other person shall be allowed to bring any food, beverages or alcohol into the Council Chamber and the use of a cellphone, reading of a newspaper or magazine while a meeting is in progress is strictly forbidden.

29. **REMOVAL OR EXCLUSION OF COUNCILLOR**

29.1 If a member refuses to comply with a direction in terms of rule 28, the Speaker may instruct the Municipal Manager to direct an officer to remove the member or to cause his / her removal and to take steps to prevent his / her return to the meeting, provided that the Speaker may, in his / her sole and absolute discretion, permit the return of the member to the meeting on the submission by the said member to the Speaker of a written expression of regret, such expression of regret must be part of the minutes of the meeting.

29.2 A proposal to exclude any person may be moved at any stage of the meeting.

30. **MAINTENANCE OF ORDER**

30.1 A member of the public or the media may not –

30.1.1 address the meeting at any time, unless he or she is a member of a deputation;
30.1.2 obstruct the business of the meeting;
30.1.3 make any interjections;
30.1.4 make unwelcome suggestions, innuendoes, remarks or hints of a sexual nature, sexual advances, comments with sexual overtones,

sex-related jokes or insults or unwelcome graphic comments of another person's body;

30.1.5 use threatening, abusive or insulting language towards a member or an employee or to display any writing, sign or other visible presentation which is threatening, defamatory or insulting and which causes that member or employee harassment, fear or distress.

30.1.6 make unwelcome or obscene gestures.

30.2 Whenever a meeting resolves to close its session or a part thereof any member of the public and the media must leave the meeting immediately and not return to that meeting until it resumes as a public meeting.

30.3 A member of the public or media attending a Council or committee meeting is subject to the authority of the Speaker.

30.4 The Speaker may, at any time during a meeting, if he /she deems it necessary for the maintenance of order, instruct the Municipal Manager to direct an officer to remove or cause the removal of any person, excluding a member, from the Council Chamber, or order that the public gallery be vacated.

30.5 The Speaker may request or order the removal of any person or persons who refuses to carry out any reasonable instruction given by him / her, or who wilfully obstructs the carrying out of such instruction.

30.6 A person who continuously makes himself/herself guilty to a breach of this Rule, can on instruction of the Speaker, be refused entrance to the Council Chambers for a period determined by the Speaker.

31. POINTS OF ORDER AND PERSONAL EXPLANATION

31.1 For the purpose of this Rule:

31.1.1 any point of order or personal explanation shall not constitute a speech and therefore not affect the right of any member to speak on a particular item, provided that a member who addresses the Speaker on a point of order or personal explanation shall not be permitted to address the Speaker for longer than two (2) minutes on such point of order or personal explanation;

31.1.2 "a point of order" means pointing out any deviation of or anything contrary to these Rules by a member. A member who wishes to address the Speaker on a Point of Order, shall quote the specific Rule, failing which the Point of Order will be refused by the Speaker. The stipulations of Rule 31.4 shall be applicable in such cases;

31.1.3 "a point of personal explanation" means the explanation of some material part of a member's speech which has been misunderstood or which needs clarity.

APPROVED 30 JUNE 2022

31.2 Any Member, whether he / she addressed the Council on the matter under debate or not, may:

31.2.1 raise his / her hand to a point of order;
31.2.2 rise his / her hand on a point of personal explanation at the end of the debate.

31.3 A member contemplated in Sub-Section 31.2, shall be entitled to be heard forthwith, and the Councillor speaking at the time shall remain silent until a ruling has been made by the Speaker.

31.4 A member who wishes to raise a "point of order" during a virtual meeting, shall quote and post the specific Rule in the chat box, failing which the "point of order" will be refused by the Speaker.

31.5 A member who wishes to raise "a point of personal explanation" during a virtual meeting, shall briefly post in the chat box the material part of a member's speech that has been misunderstood or which needs clarity, failing which the "point of personal explanation" will be refused by the Speaker.

31.6 The ruling of the Speaker on a point of order or on the admissibility of a point of personal explanation shall be final and shall not be open to discussion. Any attempt of a member to question the ruling of the Speaker shall be regarded a transgression of Rule 28.

32. PROCEDURAL MOTIONS

32.1 When a matter is under discussion at any meeting of the Municipal Council, no further debate must be allowed if any of the following procedural motions are accepted:

32.1.1 that consideration of the matter be adjourned and resumed at a time determined by the Council;
32.1.2 that the meeting of the Council be adjourned and reconvened at a time determined by the Speaker;
32.1.3 that the matter be referred back to a Committee with reasons therefore and;
32.1.4 that the matter now be decided.

33. MOTION OF EXIGENCY

33.1 A member may direct the attention of the Council to a matter, which does not appear on the agenda and of which no previous notice has been given. Such matter should be stated briefly and without comment thereon, moved, "that the motion to which attention has been directed, be considered forthwith as a matter of exigency."

33.2 Such motion is herein referred to as a motion of exigency.

33.3 If such motion is seconded and allowed by a majority of votes cast, the mover shall be permitted to bring the matter under consideration by way of motion.

33.4 The procedures as set out in Rules 19.6 and 19.7 shall apply if the motion is allowed in terms of Rule 33.3.

33.5 No motions of exigency on staff related matters or matters on which the council has no jurisdiction, may be entertained.

34. MEETINGS OPEN TO THE PUBLIC AND PRESS

34.1 The Council must conduct its business in an open manner and may close its meetings only when it is reasonable to do so, having regard to the nature of the business transacted.

34.2 Notwithstanding the provisions of rule 34.1, the Council may not exclude the public, including the media, when considering or voting on any of the following matters:

34.2.1 a draft By-Law;
34.2.2 the budget;
34.2.3 the draft Integrated Development Plan, or any amendments of the Plan; and
34.2.4 the Municipality's draft Performance Management System, or any amendments of the System;
34.2.5 disciplinary actions against a Councillor according to the Code of Conduct for Councillors;
34.2.6 any other circumstances according to which legislation cannot exclude the public and press.

35. INVITATION TO ADDRESS MUNICIPAL COUNCIL

The Speaker or Executive Mayor may, in his / her discretion, invite any person or persons to address any meeting of the Municipal Council.

36. CAUCUSES

36.1 Caucuses will be allowed by the Speaker at his/her discretion upon a request of a member, provided that no political party and its alliance partners shall collectively receive more than 30 minutes caucus time during a Council meeting.

36.2 The onus to manage the time allowed for caucuses during a meeting rests with a political party and its alliance partners and the Speaker shall not approve any application for an extended caucus time.

37. PROCESS FOR ADOPTION OF BY-LAWS

A by-law may only be introduced by a member or the Mayoral Committee.

37.1 Submission by member

37.1.1 A member introduces a by-law by submitting it to the Speaker together with a memorandum stating the objectives of the by-law.

37.1.2 Upon receipt of a draft by-law and its accompanying memorandum in terms of rule 37.1, 1 the Speaker must submit such by-law and memorandum to the Mayoral Committee for consideration.

37.1.3 The Mayoral Committee must consider the draft by-law within three months after receipt thereof and must submit a report in the form contemplated in rule 37.3.1 to council.

37.2. Submission by Mayoral Committee

37.2.1 The Mayoral Committee may submit a draft by-law to council on its own volition or after consideration of a request submitted by the Municipal Manager.

37.2.2 If the Mayoral Committee decides to submit a draft by-law on its own volition, it must obtain the comments of the Municipal Manager on the contents thereof and may request comment from any person.

37.2.3 The Mayoral Committee must submit a report to council on the proposal to submit a draft by-law in the form contemplated in rule 37.3.1.

37.3 First submission to council

37.3.1 A draft by-law submitted by a member or the Mayoral Committee, must be submitted to council in the following form –

37.3.1.1 an executive summary of the by-law;
37.3.1.2 the content of the draft by-law;
37.3.1.3 any other by-law that must be repealed or amended if the draft is adopted;
37.3.1.4 any relevant comments or proposals; and
37.3.1.5 a recommendation.

37.3.2 After consideration of the report contemplated in rule 37.3.1 council must resolve to reject the draft or to adopt it in principle.

37.3.3 If a proposed by-law is rejected by council, no by-law with the same contents may be submitted to council within a period of six months of the date of such rejection.

37.3.4 When a proposed by-law is adopted in principle, it must be advertised for public comment.

37.4 Publication

37.4.1 The Municipal Manager must, as soon as possible after a by-law has been adopted in principle, publish the draft by-law in such a way that the public will have the opportunity to make representations in connection therewith.

37.4.2 Publication must be in the official languages of the province.

37.5. Second submission to council

37.5.1 The Municipal Manager must, as soon as possible after the closing date for representations by the public, submit a report to the Council together with –

37.5.1.1 a copy of the proposed by-law;
37.5.1.2 copies of the advertisements in which the public was invited to submit representations;
37.5.1.3 any comments received from the public; and
37.5.1.4 any comments from the administration.

37.5.2 If a proposed by-law is rejected by council, no by-law with the same contents may be submitted to council within a period of six months of the date of such rejection.

37.5.3 When a by-law is adopted after consideration thereof, it must be published in the Provincial Gazette.

APPROVED 30 JUNE 2022

4.2 ELECTION OF AN EXECUTIVE MAYOR

File number / Verwysingsnommer: 3/2/3
Meeting date / Vergadering datum: 18 November 2026
Report by / Verslag deur: Dr Dean O'Neill

PURPOSE OF REPORT / DOEL VAN VERSLAG

In terms of section 55 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), a municipal council operating under an Executive Mayoral System must elect an Executive Mayor from among its members within 14 days after the election of the council.

Section 55 of the Local Government: Municipal Structures Act, 1998 provides as follows:

"(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 of the councils' election; or
(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,

(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 office of Executive Mayor is a statutory office established in terms of the Act and is responsible for exercising the powers and performing the functions assigned to the Executive Mayor in terms of applicable legislation and delegated authority.

The election of the Executive Mayor must be conducted in accordance with the procedure prescribed in Schedule 3 to the Act. For ease of reference, the procedure prescribed in Schedule 3 is attached to the agenda as **Annexure "A"** to the agenda.

Upon the conclusion of the election process and the declaration of the result, the person so elected shall assume office as Executive Mayor of the George Municipality.

RECOMMENDATION

(a) That Council elects an Executive Mayor in accordance with the procedure prescribed in Schedule 3 to the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998); and

(b) That the newly elected Executive Mayor be granted an opportunity to deliver an acceptance speech.

IZINDULULO

(a) Kukuba iBhunga lonyule uSodolophu oLawulayo ngokungqinelana nenkqubo echazwe kwiShedyuli yesi-3 kaRhulumente waseKhaya: uMthetho weZakhiwo zikaMasipala, ka-1998 (uMthetho we-117 ka-1998); kunye

(b) Nokuba uSodolophu oLawulayo osanda konyulwa anikwe ithuba lokwenza intetho yokwamkela isikhundla.

ATTACHMENTS / STAWENDE DOKUMENTE

Annexure "A": Schedule 3 to the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)

ITEM 4.2 ANNEXURE "A"

SCHEDULE 3

Election of municipal office-bearers

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.

Nominations

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

Formal requirements

3. (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.

Announcement of names of candidates

4. 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.

Single candidate

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

Election procedure

6. 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.

Elimination procedure

7. (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.

Further meetings

8. (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.

4.3 ELECTION OF AN EXECUTIVE DEPUTY MAYOR

File number / Verwysingsnommer: 3/2/3
Meeting date / Vergadering datum: 18 November 2026
Report by / Verslag deur: Dr Dean O'Neill

PURPOSE OF REPORT / DOEL VAN VERSLAG

In terms of section 55 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), a municipal council operating under an Executive Mayoral System may elect an Executive Deputy Mayor from among its members.

The Executive Deputy Mayor assists the Executive Mayor in the execution of the powers and functions assigned in terms of the applicable legislation and delegations.

In terms of section 55(3) of the Act, the election of the Executive Deputy Mayor must be conducted in accordance with the procedure prescribed in Schedule 3 to the Act. For ease of reference, the procedure prescribed in Schedule 3 is attached to the agenda as **Annexure "A"** to the agenda.

Upon the conclusion of the election process and the declaration of the result, the person so elected shall assume office as Executive Deputy Mayor of the George Municipality..

RECOMMENDATION

That Council elects an Executive Deputy Mayor in accordance with the procedure prescribed in Schedule 3 to the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).

IZINDULULO

Kukuba iBhunga lonyule uSekela-Sodolophu oLawulayo ngokungqinelana nenkqubo emiselwe kwiShedyuli yesi-3 yoMthetho kaRhulumente waseKhaya: uMthetho weZakhiwo zikaMasipala, ka-1998 (uMthetho we-117 ka-1998).

ATTACHMENTS / STAWENDE DOKUMENTE

Annexure "A": Schedule 3 to the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)

ITEM 4.3 ANNEXURE "A"

SCHEDULE 3

Election of municipal office-bearers

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.

Nominations

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

Formal requirements

3. (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.

Announcement of names of candidates

4. 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.

Single candidate

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

Election procedure

6. 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.

Elimination procedure

7. (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.

Further meetings

8. (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.

4.4 ELECTION OF CHIEF WHIP

File number / Verwysingsnommer: 3/2/3
Meeting date / Vergadering datum: 18 November 2026
Report by / Verslag deur: Dr Dean O'Neill

PURPOSE OF REPORT / DOEL VAN VERSLAG

Sections 41A to 41F of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), as inserted by the Local Government: Municipal Structures Amendment Act, 2021 (Act 3 of 2021), make provision for the election of a Chief Whip as a municipal office bearer. In terms of section 41A, a municipal council may elect a Chief Whip from amongst its councillors at its first sitting after an election, or whenever it becomes necessary to fill a vacancy.

Section 41B of the Amendment Act provides for the functions of the Chief Whip.

Section 41A of the Local Government: Municipal Structures Act, 1998 provides as follows:

"Election of whip

41A (1) Each municipal council may elect a whip for the council who is also a municipal office bearer as set out in Schedule 3.

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

(3) The speaker of the municipality presides over the election of the whip.

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

(5) A councillor may not hold office as whip, speaker, mayor or executive mayor at the same time."

The election of the Chief Whip is presided over by the Speaker and must be conducted in accordance with the procedure prescribed in Schedule 3 to the Act. For ease of reference, the procedure prescribed in Schedule 3 is attached to the agenda as **Annexure "A"**.

Upon the conclusion of the election process and the declaration of the result, the person so elected shall assume office as Chief Whip of the George Municipality.

RECOMMENDATION

That Council elects a Chief Whip in accordance with the procedure prescribed in Schedule 3 to the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).

ISINDULULO

Kukuba iBhunga lonyule uSekela-Sodolophu oLawulayo ngokungqinelana nenkqubo emiselwe kwiShedyuli yesi-3 yoMthetho kaRhulumente waseKhaya: uMthetho weZakhiwo zikaMasipala, ka-1998 (uMthetho we-117 ka-1998).

ATTACHMENTS / STAWENDE DOKUMENTE

Annexure "A": Schedule 3 to the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)

ITEM 4.4 ANNEXURE "A"

SCHEDULE 3

Election of municipal office-bearers

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.

Nominations

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

Formal requirements

3. (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.

Announcement of names of candidates

4. 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.

Single candidate

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

Election procedure

6. 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.

Elimination procedure

7. (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.

Further meetings

8. (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.

4.5 ANNOUNCEMENT BY THE EXECUTIVE MAYOR: APPOINTMENT OF MEMBERS OF THE EXECUTIVE MAYORAL COMMITTEE

File number / Verwysingsnommer: 3/3/3
Meeting date / Vergadering datum: 18 November 2026
Report by / Verslag deur: Dr Dean O'Neill

PURPOSE OF REPORT / DOEL VAN VERSLAG

For the newly elected Executive Mayor to announce the appointment of the Executive Mayoral Committee.

BACKGROUND / AGTERGRONG

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

"***60. Mayoral committees*** –

(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 the 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.

The Executive Mayor will be called upon to announce the members of the Mayoral Committee.

RECOMMENDATION

That Council takes note of the appointment of the members of the Executive Mayoral Committee as announced by the Executive Mayor.

ISINDULULO

Kukuba iBhunga lithathe ingqalelo yokutyunjwa kwamalungu eKomiti kaSodolophu oLawulayo, njengoko kubhengezwe nguSodolophu oLawulayo.

ATTACHMENTS / STAWENDE DOKUMENTE

None.

4.6 DESIGNATION OF COUNCILLOR TO ACT IN THE ABSENCE OF THE EXECUTIVE MAYOR AND EXECUTIVE DEPUTY MAYOR

File number / Verwysingsnommer: 3/2/3
Meeting date / Vergadering datum: 18 November 2026
Report by / Verslag deur: Dr Dean O'Neill

PURPOSE OF REPORT / DOEL VAN VERSLAG

To obtain approval from Council to designate a Councillor to act as Executive Mayor in the absence of the Executive Mayor and Executive Deputy Mayor.

BACKGROUND / AGTERGRONG

In terms of Section 56(7) of the Local Government Municipal Structures Act, 1998, Council must designate a Councillor to act as Executive Mayor if the Executive Mayor is absent or not available while the Executive Deputy Mayor is also absent or not available.

RECOMMENDATION

That a Councillor be designated to act as Executive Mayor during the absence of both the Executive Mayor and the Executive Deputy Mayor, with similar delegated powers as that of the Executive Mayor.

ISINDULULO

Kukuba onyulwe uCeba oza kusebenza njengoSodolophu oLawulayo xa bengekho bobabini uSodolophu oLawulayo kunye noSekela Sodolophu oLawulayo, onamagunya afanayo nalowo kaSodolophu oLawulayo.

ATTACHMENTS / STAWENDE DOKUMENTE

None.

4.7 APPOINTMENT OF FULL-TIME COUNCILLORS

File number / Verwysingsnommer: 3/2/3
Meeting date / Vergadering datum: 18 November 2026
Report by / Verslag deur: Dr Dean O'Neill

PURPOSE OF REPORT / DOEL VAN VERSLAG

To designate certain councillors of the George Municipality as full-time councillors in terms of section 18(4) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and the George Municipality Establishment Notice.

BACKGROUND / AGTERGROND

Section 18(4) of the Local Government: Municipal Structures Act, 1998, authorises a municipality to designate councillors determined by the MEC for Local Government as full-time councillors. Municipal councils must exercise this authority in accordance with the applicable legislative framework and the municipality's Establishment Notice.

In terms of section 9 of the George Municipality Establishment Notice, the Municipality may designate the following office bearers as full-time councillors:—

1. The Executive Mayor;
2. members of the Mayoral Committee;
3. the Speaker;
4. a Single Whip appointed for the Council;
5. the Chairperson of the Committee established in terms of section 79 (MPAC); and
6. the Chairperson of the Committee established in terms of section 79 (GIPTN Committee).

The Local Government Circular C27 of 2026, issued by the Western Cape Department of Local Government, confirms that municipalities may designate as full-time councillors those office bearers provided for in their respective Establishment Notices, subject to due consideration being given to the affordability thereof.

Council will elect an Executive Deputy Mayor in terms of section 55 of the Municipal Structures Act and section 25B of the Establishment Notice. The Department of Local Government has confirmed that the Executive Deputy Mayor forms part of the Mayoral Committee and is also regarded as full-time where members of the Mayoral Committee are designated as full-time councillors.

RECOMMENDATION

That Council, in terms of section 18(4) of the Local Government: Municipal Structures Act, 1998, read with section 9 of the George Municipality (WCO44) Establishment Notice, designates the following office bearers as full-time councillors with effect from 18 November 2026:

(a) The Executive Mayor;
(b) The Executive Deputy Mayor;
(c) The Speaker;
(d) The Chief Whip of Council;
(e) The Members of the Mayoral Committee;
(f) The Chairperson of the section 79 Municipal Public Accounts Committee (MPAC); and
(g) The Chairperson of the section 79 George Integrated Public Transport Network (GIPTN) Committee

IZINDULULO

Kukuba iBhunga, ngokungqinelana necandelo le-18(4) likaRhulumente waseKhaya: uMthetho weZakhiwo zikaMasipala (Local Government: Municipal Structures Act) ka-1998, elifundwa kunye necandelo le-9 leSaziso sokuSekwa kukaMasipala waseGeorge (WCO44), lichonga aba bantu bakwisikhundla balandelayo njengooceba abasebenza ixesha elipheleleyo, ukususela ngomhla we-18 kweyeNkanga 2026:

(a) USodolophu oLawulayo;
(b) ISekela likaSodolophu oLawulayo;
(c) USomlomo;
(d) UMbhexeshi oyiNtloko weBhunga;
(e) Amalungu eKomiti kaSodolophu;
(f) USihlalo weKomiti kaMasipala eyoNgamela Indlela ekuSetyenziswa ngayo iMithombo yoLuNtu (MPAC) emiselwe phantsi kwecandelo lama -79; kunye
(g) NoSihlalo weKomiti yoThungelwano oluManyiweyo lwezoThutho loLuNtu lwaseGeorge (GIPTN) emiselwe phantsi kwecandelo lama -79.

ATTACHMENTS / STAWENDE DOKUMENTE

Annexure "A" : George Municipiality Establishment Notice
Annexure "B" : LG Circular C27 of 2026

P.N. 501/2000 22 September 2000

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998
(ACT 117 OF 1998)

Amended by:
Provincial Notice 686 dated 4 December 2000
Provincial Notice 468 dated 19 December 2002
Provincial Notice 227 dated 24 June 2003
Provincial Notice 23 dated 3 January 2006
Provincial Notice 66 dated 25 February 2011
Provincial Notice 286 dated 21 October 2011
Provincial Notice 125 dated 8 April 2016
Provincial Notice 63 dated 3 March 2017
Provincial Notice 109 dated 24 August 2018
Provincial Notice 258 dated 22 March 2019
Provincial Notice 123 dated 15 October 2021
Provincial Notice 76 dated 6 March 2026

ESTABLISHMENT OF THE GEORGE MUNICIPALITY (WCO44)

By virtue of the powers vested in me by section 12 and 14 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), I hereby give notice of the establishment of the George Municipality on the terms set out in the Schedule hereto.

Dated this 22nd day of September 2000.

P UYS, PROVINCIAL MINISTER OF LOCAL GOVERNMENT

SCHEDULE

Definitions and Interpretation

1. In this Schedule, unless the context otherwise indicates, the singular includes the plural and vice versa, the English text prevails in the event of an inconsistency between the different texts and a word or expression to which a meaning has been assigned in the Municipal Structures Act has the same meaning, and –

(1) **"Bargaining Council"** means the Western Cape division of the South African Local Government Bargaining Council which has applied for registration as a bargaining council in terms of General Notice 1513/1999 as published in Government Gazette No. 20282 of 16 July 1999;

(2) **"CEO"** means the chief executive officer of a disestablished municipality;

(3) *(subsection (3) deleted by PN.227/2003)*

(4) **"Constitution"** means the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);

(5) **"disestablished municipalities"** means those existing municipalities disestablished in terms of section 3 of this Schedule;

(6) **"District Municipality"** means the Garden Route District Municipality to be established with effect from the effective date;

(subsection (6) amended by PN.109/2018)

(6A) **"District Municipality IMM"** means the interim municipal manager of the District Municipality;

(subsection (6A) inserted by PN.686/2000)

(6B) **"District Municipality Notice"** means Provincial Notice 497/2000 published in Provincial Gazette Extraordinary No. 5592 dated 22 September 2000;

(subsection (6B inserted by PN.686/2000)

(7) **"District Transformation Forum"** means the Klein Karoo/South Cape District Transformation Forum established in terms of the DTF Notice;

(8) **"DTF Notice"** means Provincial Notice 78/2000 published in Provincial Gazette Extraordinary No 5435 dated 10 March 2000;

(9) **"effective date"** means the commencement date of the election;

(10) **"election"** means the first general election of Municipal Councils after the commencement of the Constitution;

(11) **"inter-municipal budgetary transfers"** means the transfer of funds between municipalities to achieve revenue stability during the period of transition;

(12) **"interim municipal manager"** means the interim municipal manager of the Local Municipality appointed in terms of section 21(1) who from the effective date shall be the acting municipal manager of the Local Municipality, or the acting municipal manager or municipal manager of the Local Municipality appointed by the Municipal Council of the Local Municipality after the effective date;

(subsection (12) amended by PN.686/2000)

(13) **"Local Municipality"** means the George Municipality established in terms of section 4 of this Schedule;

(13A) **"mayoral executive system"** means a system which allows for the exercise of executive authority through an executive mayor in whom the executive leadership of the Municipality is vested and who is assisted by a mayoral committee;

(subsection (13A) inserted by PN.227/2003)

(14) **"Municipal Demarcation Act"** means the Local Government: Municipal Demarcation Act, 1998 (Act 27 of 1998);

(15) **"Municipal Demarcation Board"** means the Municipal Demarcation Board established by section 2 of the Municipal Demarcation Act;

(16) **"Municipal Structures Act"** means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

(16A) **"Municipal Structures Amendment Act"** means the Local Government: Municipal Structures Amendment Act, 2000 (Act 33 of 2000);

(subsection (16A) inserted by PN.686/2000)

(16B) **"National Minister"** means the national Minister responsible for local government;

(subsection (16B) inserted by PN.686/2000)

(17) **"Province"** means the Province of Western Cape;

(18) **"Provincial Minister"** means the member of the Cabinet of the Province of Western Cape responsible for local government;

(19) **"Rural Areas Act"** means the Rural Areas Act (House of Representatives), 1987 (Act 9 of 1987);

(19A) **"section 18 notice"** means a notice promulgated in terms of section 18 of the Municipal Structures Amendment Act;

(subsection (19A) inserted by PN.686/2000)

(19B) **"section 84(3) notice"** means a notice promulgated in terms of section 84(3) of the Municipal Structures Act;

(subsection (19B) inserted by PN.686/2000)

(19C) **"staff"** means all staff, including operational, managerial and support staff, and includes budgeted vacant posts but not unbudgeted vacant posts;

(subsection (19C) inserted by PN.686/2000)

(20) **"statutory plan"** means a plan required in terms of any legislation, including but not limited to, any structure plan, land use plan, zoning scheme, integrated development plan, water services plan, skills development plan and employment equity plan;

(21) **"trade unions"** means the Independent Municipal and Allied Trade Union and the South African Municipal Workers Union;

(21A) **"transfer process"** means the process as set out in this Schedule to effect the transfer of all staff, assets, liabilities and records of the disestablished municipalities to the District Municipality or the Local Municipalities, which process includes:-

(a) the identification of all staff, assets, liabilities and records to be transferred;

(b) the application of the principles for effecting transfer as set out in this Schedule;

(c) the allocation of every staff member, asset, liability and record to either the District Municipality or a Local Municipality, and

(d) the putting into operation of the transfer;

(subsection (21A) inserted by PN.686/2000)

(22) **"Transformation of Certain Rural Areas Act"** means the Transformation of Certain Rural Areas Act, 1998 (Act 94 of 1998);

(23) **"WECLOGO"** means the Western Cape Local Government Organisation, being the provincial organisation for the Western Cape recognised in terms of section 2(1)(b) of the Organised Local Government Act, 1997 (Act 52 of 1997).

Preamble

2.(1) On 3 March 2000 the Municipal Demarcation Board, acting in terms of section 21 of the Municipal Demarcation Act, determined the boundaries of the Local Municipality, as reflected in the map appearing in Provincial Notice 69/2000 published in Provincial Gazette Extraordinary No. 5431 dated 3 March 2000 (a copy of the map is republished in Annexure "1A" to this Schedule) and amended by Provincial Notice 478/2000 published in Provincial Gazette Extraordinary No. 5587 dated 19 September 2000, Provincial Notice 623/2000 published in Provincial Gazette Extraordinary No. 5627 dated 13 November 2000, Provincial Notice 368/2003 published in Provincial Gazette Extraordinary No. 6081 dated 5 November 2003, read with Provincial Notice 146/2004 published in Provincial Gazette 6153 dated 30 July 2004, Provincial Notice No. 443/2006 published in Provincial Gazette No. 6407 dated 15 December 2006, read with Provincial Notice 208/2008 published in Provincial Gazette No. 6530 dated 6 June 2008 and includes the area of the former WCDMA4 as published in Provincial Notice 1/2008 published in Provincial Gazette No. 6492 dated 17 January 2008, read with Provincial Notice 198/2008 published in Provincial Gazette No. 6528 dated 2 June 2008. (See Annexure 2 for Transitional Measures).

(subsection (1) amended by PN.686/2000, PN.23/2006 and PN.66/2011)

(2) The Provincial Minister, acting in terms of section 12(4) of the Municipal Structures Act, has:-

(a) given written notice of the proposed establishment of the Local Municipality to WECLOGO and to the disestablished municipalities by way of a circular letter dated 12 July 2000 and referenced AAO 509/1/4;

(b) consulted with WECLOGO and the disestablished municipalities;

(c) published particulars of this Notice in Provincial Notice 406/2000 published in Provincial Gazette Extraordinary No. 5571 dated 28 August 2000, and

(d) considered the comments received following the publication of the proposed Notice.

(3) The Provincial Minister has also considered the advice of the District Transformation Forum given to him in terms of section 11(2) of the DTF Notice.

(4) The Provincial Minister, acting in terms of section 12 and 14 of the Municipal Structures Act, as read with the Western Cape Determination of Types of Municipalities Act, 2000 (Act 9 of 2000), now gives notice of the establishment of the Local Municipality on the terms set out herein.

(5) The Provincial Minister, acting in terms of chapter 2 of the Municipal Structures Amendment Act as read with section 14(2)(b) of the Municipal Structures Act now gives notice of the regulation of the legal, practical and other consequences of the disestablishment of the disestablished municipalities, including:-

(a) the principles determining, and the process for, effecting the transfer of staff to the Local Municipality, which process will commence on the publication date of this notice and will end on a date to be determined by the Provincial Minister;

(b) the principles determining, and the process for, effecting the transfer of assets, liabilities, rights and obligations and administrative and other records to the Local Municipality, which process will commence on the publication date of this notice and will end on a date to be determined by the Provincial Minister;

(c) the provision of transitional administrative arrangements for the period from the effective date to a date to be determined by the Provincial Minister to ensure continued service delivery and to ensure the integrity and financial viability of the Local Municipality.

(subsection (5) inserted by PN.686/2000)

Disestablishment of the Existing Municipalities

3.(1) With effect from midnight on the day before the effective date, the following municipalities shall be disestablished:-

(a) Bo-Langkloof Transitional Representative Council, established in terms of Proclamation No. 18/1996 dated 26 April 1996 to the extend that its area is included within the boundaries of the Local Municipality as determined by the Municipal Demarcation Board and referred to in section 2(1);

(b) Municipality of George, established in terms of Proclamation No. 21/1995 dated 31 January 1995;

(c) Outeniqua Transitional Representative Council, established in terms of Proclamation No. 18/1996 dated 26 April 1996 to the extent that its area is included within the boundaries of the Local Municipality as determined by the Municipal Demarcation Board and referred to in section 2(1), and;

(d) Wilderness Municipality, established in terms of Proclamation No. 107/1994 dated 30 December 1994 and amended in terms of Proclamation No. 48/1996 dated 18 October 1996.

(subsections (a) and (b) amended by PN 129/2008)

(2) The councillors of the disestablished municipalities must vacate their offices when the newly elected Council of the Local Municipality is declared elected and by midnight on that day must return to the CEO of the relevant disestablished municipality or his nominee any property in their possession which belongs to a disestablished municipality.

Establishment and Name

4. With effect from the effective date, a municipality shall be established, to be known in English as "George Municipality", in Afrikaans as "Munisipaliteit George" and in isiXhosa as "U Masipala waseGeorge".

Category

5. The Local Municipality is a local municipality as defined in section 1 of the Municipal Structures Act, being a municipality that shares municipal executive and legislative authority in its area with the District Municipality, and which is described in section 155(1) of the Constitution as a category B municipality.

Type

6. The Local Municipality is a municipality with a mayoral executive system combined with a ward participatory system as provided for in the Western Cape Determination of Types of Municipalities Act, 2000 (Act 9 of 2000), as amended by the Western Cape Determination of Types of Municipalities Amendment Act 2002 (Act 4 of 2002).

(section 6 amended by PN.227/2003)

Boundaries

7. The boundaries of the Local Municipality shall be the boundaries determined by the Municipal Demarcation Board and referred to in section 2(1).

Number of Councillors and Wards

8.(1) The Municipal Council of the Municipality has 55 (fifty-five) councillors, as determined by the Provincial Minister in Provincial Notice 116/2024 published in Provincial Gazette Extraordinary No. 8999 dated 6 November 2024, of which 28 (twenty-eight) are ward councillors and 27 (twenty-seven) are proportionally elected councillors.

(2) The Municipality has 28 (twenty-eight) wards.

(section 8 amended by PN.23/2006, PN 66/2011, PN 125/2016, PN 123/2021 and PN 76/2026)

Full-time Councillors

9. The Local Municipality may designate the following councillors as full-time councillors:—

(a) the executive mayor;

(b) the members of the mayoral committee;

(c) the speaker;

(d) a single whip appointed for Council;

(e) Chairperson of Committee established in terms of section 79 (MPAC); and

(f) Chairperson of Committee established in terms of Section 79 ("GIPTN Committee").

(section 9 amended by PN.468/2002, PN.227/2003, PN 286/2011, PN.63/2017 & PN. 38/2019)

Functions and Powers

10. There will be no adjustment of the functions and powers of the Local Municipality in terms of section 85 of the Municipal Structures Act.

Exemptions

11. The Local Municipality is not exempted from any of the provisions of the Municipal Structures Act.

Principles determining the Transfer of Staff

12.(1) With effect from the effective date, and in accordance with the provisions of section 197 of the Labour Relations Act, 1995 (Act 66 of 1995):-

(a) all staff of the disestablished municipalities associated exclusively with functions to be carried out by the Local Municipality shall be transferred to the Local Municipality;

(b) all staff of the disestablished municipalities associated exclusively with functions to be carried out by the District Municipality (which shall include functions to be carried out by the District Municipality in a District Management Area) shall be transferred to the District Municipality;

(c) any member of staff of a disestablished municipality associated with one or more functions which, with effect from the effective date, will be fulfilled by the Local Municipality and the District Municipality, shall be transferred according to the function taking up the largest portion of such staff member's time;

(d) all staff of the disestablished municipalities not associated with a particular function of functions to be carried out by the Local Municipality and the District Municipality shall be transferred to either the Local Municipality or the District Municipality in proportions based on the total number of posts transferred in terms of paragraphs (a), (b) and (c);

(e) all un-budgeted vacant posts of the disestablished municipalities shall be abolished.

(2) Subject to any collective agreement, all the rights and obligations between the disestablished municipalities and each of their respective employees at the time of transfer shall continue in force as if they were rights and obligations between the Local Municipality or the District Municipality, as the case may be, and each of its employees, and anything done before the transfer by or in relation to the relevant disestablished municipality will be considered to have been done by or in relation to the Local Municipality or District Municipality, as the case may be.

(3) The transfer does not interrupt an employee's continuity of employment and it continues with the Local Municipality or District Municipality, as the case may be, as if with the relevant disestablished municipality.

(4) Subject to the human resource policies and procedures referred to in section 14(a) of this Schedule, any employee may be required to report to any of the offices of the Local Municipality or District Municipality, as the case may be, and, unless otherwise agreed, will not be entitled to any additional remuneration as a result thereof.

(section 12 amended by PN.686/2000)

Process for Effecting the Transfer of Staff

12A.(1)Notwithstanding the provisions of section 12 and 16C, and pending the completion of the transfer process in terms of this section, all staff of the disestablished municipalities shall, to the extent necessary, be temporarily placed in the service of the Local Municipality, and accordingly all staff to be transferred to the District Municipality in terms of the provisions of sections 12 or 16C of this Schedule shall be deemed to be seconded to the Local Municipality in terms of an agency arrangement between the Local Municipality and the District Municipality to the effect that the Local Municipality will fulfill the function or functions with which the specific staff are associated on behalf of the District Municipality.

(2) In order to:-

(a) accommodate any transitional arrangements in terms of the Municipal Structures Amendment Act, or

(b) allow the Local Municipality and the District Municipality to enter into agreements, including operational agreements,

that may affect the transfer of staff in terms of this Schedule, no member of staff shall be finally allocated as provided for in subsection (4) before 30 June 2001, or such alternative date that may be determined by the Provincial Minister.

(3) On or before a date to be determined by the Provincial Minister every CEO must prepare a schedule of all staff of his or her disestablished municipality in accordance with a format prescribed by the Provincial Minister, must provisionally allocate each staff member and budgeted vacant post of his or her disestablished municipality in accordance with the principles set out in sections

12 and 16C, and must submit copies of the full schedule to the interim municipal manager and the District Municipality IMM.

(4) On or before a date to be determined by the Provincial Minister, but subject to subsection (2), the interim municipal manager, in consultation the District Municipality IMM, must:-

(a) consolidate the schedule(s) referred to in subsection (1) into a single schedule and must finally allocate in his or her discretion each staff member and budgeted vacant post listed in the consolidated schedule to either the Local Municipality or the District Municipality for transfer on the effective date, in accordance with the principles set out in section 12 and 16C or any agreement referred to in subsection (2);

(b) submit a copy of the schedule to the District Municipality IMM and obtain from the District Municipality IMM the copy of the schedule prepared by the District Municipality IMM, and

(c) consolidate the schedule referred to in paragraph (a) with the schedule received from the District Municipality IMM referred to in paragraph (b) into a single schedule reflecting all staff to be transferred to the Local Municipality.

(5) Notwithstanding the principles set out in section 12 and 16C, the interim municipal manager may, by agreement with the District Municipality IMM, adjust the allocation of staff in terms of subsection (2) to provide for a more effective overall allocation of staff between the Local Municipality and the District Municipality, provided that no such adjustment may be made after a member of staff has been notified in terms of subsection (8).

(6) Should any dispute with regard to the allocation of staff arise between the interim municipal manager and the District Municipality IMM such dispute must be referred to the Provincial Minister for determination by the Provincial Minister or his nominee in accordance with procedures determined by the Provincial Minister, and the decision of the Provincial Minister or his nominee shall be final and binding.

(7) The interim municipal manager shall, in writing, verify the consolidated schedule referred to in subsection (4)(c) and must submit the schedule to the Provincial Minister on or before a date to be determined by the Provincial Minister.

(8) After preparation of the single consolidated schedule referred to in subsection (4)(c), the interim municipal manager must furnish each prospective member of staff of the Local Municipality with a written notice informing such staff member that he or she is employed by the Local Municipality with effect from the effective date.

(9) Failure to receive the written notice referred to in subsection (8) shall not invalidate any transfer.

(10) Should any member of staff ('the objector") contend that his or her transfer has not been effected in accordance with the principles set out in section 12 and 16C, any agreement referred to in subsection (2), or the process set out in this section, the objector may lodge a written objection with the interim municipal manager of the municipality to which he or she has been transferred within 14 days of being notified in terms of subsection (5). The interim municipal manager must refer the objection to the Provincial Minister for determination by the Provincial Minister or his nominee in accordance with procedures determined

by the Provincial Minister, and the decision of the Provincial Minister or his nominee shall be final and binding.

(11)Pending a determination by the Provincial Minister or his nominee in terms of subsection (10) the objector shall be transferred to the municipality as determined in accordance with this section. Should the Provincial Minister or his nominee determine that the objector should have been transferred to another municipality the objector will be transferred to that municipality, and his or her transfer will be deemed to have taken place on the effective date in accordance with section 12 and 16C.

(12)Should any member of staff not be reflected in the schedule referred to in subsection (4)(a), or should any member of staff be allocated to more than one municipality with effect from the effective date, such member of staff must, immediately upon becoming aware of either of these facts, report to the interim municipal manager or the District Municipality IMM who must refer the matter to the Provincial Minister for determination by the Provincial Minister or his nominee in accordance with procedures determined by the Provincial Minister, and the decision of the Provincial Minister or his nominee shall be final and binding.

(13)On or before a date to be determined by the Provincial Minister the Local Municipality must approve a staff establishment for the Local Municipality in terms of relevant legislation and must submit a copy of the document setting out the staff establishment to the Transformation Sub-Chamber of the Bargaining Council; provided that the Local Municipality shall not finally approve a staff establishment for the Local Municipality before the interim municipal manager has verified the consolidated schedule in terms of subsection (7).

(14)On or before a date to be determined by the Provincial Minister, to the extent that agreement has not been reached before the effective date in terms of section 13(2) of this Schedule, the Local Municipality, as a member of the Transformation Sub-Chamber of the Bargaining Council, must endeavour to reach collective agreement in the Transformation Sub-Chamber of the Bargaining Council with the trade unions regarding the principles, procedures and criteria to be followed for making appointments to the posts flowing from the creation of a new organisational structure of the Local Municipality.

(15)On or before a date to be determined by the Provincial Minister the Local Municipality shall make appointments to the positions on the staff establishment in accordance with the principles, procedures and criteria agreed to in the Transformation Sub-Chamber of the Bargaining Council.

(section 12A inserted by PN.686/2000)

Collective Agreements

13.(1) Any collective agreement entered into:-

(a) at a national level, or

(b) at the Bargaining Council, or

(c) at a local level;

prior to the date of publication of this Schedule, shall remain of full force and effect until amended or terminated in accordance with the provisions of the relevant agreement.

(2) Before the effective date the disestablished municipalities, as members of the Transformation Sub-Chamber of the Bargaining Council, must endeavour to reach agreement with the trade unions regarding:-

(a) the process and criteria for the placement of staff into new organisational structures after the effective date;

(b) the process to be followed for the filling of new posts flowing from the creation of a new organisational structure for the Local Municipality;

(c) the adoption of terms and conditions of employment for the Local Municipality after the effective date, and

(d) any other labour matter relating to the establishment of the Local Municipality.

Human Resource Matters

14. Subject to any collective agreement:-

(a) the human resource policies and procedures of the Local Municipality shall be the human resource policies and procedures that existed prior to the effective date and continue to be applicable to all employees in the same manner as was the case prior to the effective date, subject to any amendment or repeal by the Local Municipality;

(b) the terms and conditions of employment of all employees of the Local Municipality shall be the terms and conditions of employment that applied to each employee prior to the effective date; provided that any employee appointed after the effective date shall be appointed on the terms and conditions of employment determined by the Local Municipality.

Consequences of Transition in Respect of Certain Staff Issues

15.(1) Subject to any collective agreement, an employee whose post is changed as a result of the transition will not be considered redundant for the purposes of any term or condition of employment or any pension fund rule that gives the employee the election to terminate his or her employment with benefits.

(2) The provisions of this section apply only if the employee unreasonably refuses to accept the Local Municipality's offer of alternative employment.

(3) For the purpose of this section, a change in post includes one or more of the following:-

(a) the post no longer exists;

(b) the post is disestablished;

(c) the employee is required to apply for the post;

(d) the functions and powers of the post are changed;

(e) there is a change in the identity of the employer;

(f) the post is made subject to different reporting lines;

(g) the post is described differently.

Legal Succession

16. With effect from the effective date:-

(1) the Local Municipality shall be the successor in law of the disestablished municipalities and the municipalities to be disestablished in terms of the

District Municipality Notice in relation to the specific assets and liabilities allocated to the Local Municipality in terms of this Schedule.

(2) Subject to subsection (1) and section 16D of this Schedule, all rights and obligations of the disestablished municipalities not allocated in terms of this Schedule shall be allocated to the Local Municipality, and the Local Municipality shall be the successor in law of the disestablished municipalities in relation to such rights and obligations.

(3) All rates, revenue and other monies payable to or recoverable by any disestablished municipality shall be payable to and be recoverable by the successor in law to such disestablished municipality in accordance with the provisions of this Schedule.

(4) Notwithstanding the provisions of any applicable law, any valuation rolls in force or arising from the introduction of interim or additional valuations, as the case may be, within the area of the Local Municipality shall, subject otherwise to the provisions of such law, remain of force and effect until the introduction of a general valuation roll for the area of the Local Municipality.

(5) Notwithstanding subsection (1):-

(a) the Local Municipality shall be the successor in law of the disestablished municipalities with reference to the matters set out in the Transformation of Certain Rural Areas Act and the Rural Areas Act and, to that extent until transferred to an entity envisaged in section 3 of the Transformation of Certain Rural Areas Act:-

(i) land which is held in trust by the Minister for Agriculture and Land Affairs in terms of section 7 of the Rural Areas Act and which is subject to the provisions of section 3 of the Transformation of Certain Rural Areas Act will remain vested in the Minister for Agriculture and Land Affairs, and

(ii) land that has been acquired by the disestablished municipalities in terms of the Rural Areas Act and which is subject to the provisions of section 3 of the Transformation of Certain Rural Areas Act will vest in the Local Municipality with effect from the effective date;

(b) land referred to in paragraph (2)(a) shall, pending transfer in terms of section 3 of the Transformation of Certain Rural Areas Act, be managed by the Local Municipality in terms of the Rural Areas Act and the regulations made in terms of the Rural Areas Act.

(section 16 amended by PN.686/2000)

Principles determining the Transfer of Assets, Liabilities and Records

16A. With effect from the effective date:-

(1) All assets, liabilities and records of the disestablished municipalities associated exclusively with functions to be carried out by the Local Municipality shall be transferred to the Local Municipality.

(2) All assets, liabilities and records of the disestablished municipalities associated exclusively with functions to be carried out by the District Municipality (which shall include functions to be carried out by the District

Municipality in a District Management Area) shall be transferred to the District Municipality.

(3) Any movable asset of one of the disestablished municipalities associated with one or more functions which, with effect from the effective date, will be fulfilled by the Local Municipality and the District Municipality, and which can be divided between them, shall be divided amongst them according to:-

(a) the percentage of actual time the particular asset is utilised for the function in each area;

(b) the percentage of actual time the particular asset is utilised for the function for the benefit of each party, or

(c) on any other basis approved by the Provincial Minister.

(4) All immovable assets of the disestablished municipalities associated with a function or functions to be carried out by the Local Municipality and the District Municipality, and all movable assets associated with a function or functions to be carried out by the Local Municipality and the District Municipality and which cannot be divided between them shall be transferred to the municipality that will be the major user of such asset, provided that any other municipality having an interest in such asset shall be entitled to continue to use such asset against payment of a proportional share of the costs and until its right of use is terminated by agreement.

(5) Notwithstanding the provisions of subsection (4), the Local Municipality and the District Municipality may agree to subdivide any immovable asset referred to in subsection (4) capable of subdivision or to divide any group of assets referred to in subsections (3) and (4) on an equitable basis, having regard to the nature and purpose served by such an asset or assets, as agreed between them, and to allocate each portion thereof in accordance with such agreement.

(6) All financial assets of the disestablished municipalities associated with a function or functions to be carried out by the Local Municipality and the District Municipality shall be equitably divided between them, having regard to the nature and purpose served by such an asset.

(7) All financial assets and liabilities of the disestablished municipalities not associated with a particular function shall be divided between the Local Municipality and the District Municipality on the following basis:-

(a) accumulated provisions for employee benefits, such as accumulated leave funds, shall be transferred, in the event that the provision can be linked to a specific employee in accordance with the transfer of that employee in terms of this Schedule, and in all other instances in proportion to the total salary and wages provision to be transferred to the Local Municipality and the District Municipality;

(b) reserves and provisions accumulated for a specific purpose shall be transferred on an equitable basis having regard to the nature and purpose served by each particular reserve or provision;

(c) reserves and accumulated surpluses of a general nature shall be divided between the Local Municipality and the District Municipality on one of the following bases:-

(i) in proportion to the most recent consolidated financial statements of the Local Municipality and the District Municipality;

(ii) any other basis approved by the Provincial Minister.

(8) All incorporeal assets of the disestablished municipalities associated with a function or functions to be carried out by the Local Municipality and the District Municipality shall be allocated to one municipality, provided that the other municipality with an interest in such incorporeal asset shall be entitled to:-

(a) equitable compensation, including financial, exchange or other compensation, as may be agreed, and

(b) continue to use such asset against payment of a proportional share of the costs until its right of use if terminated by agreement.

(9) All records of the disestablished municipalities associated with a function or functions to be carried out by the Local Municipality and the District Municipality and which cannot be divided between the said municipalities shall be allocated to one municipality according to the function to which the records are the most closely connected; provided that the other municipality shall have the right of access to such records and the right to obtain copies thereof.

(10) All liabilities of the disestablished municipalities associated with a function or functions to be carried out by the Local Municipality and the District Municipality shall be shared equitably between the Local Municipality and the District Municipality, taking account of the nature and purpose of the liability.

(11) All assets and liabilities of the disestablished municipalities, other than those referred to in subsection (7) not associated with a particular function, shall be transferred to the Local Municipality.

(section 16A. inserted by PN.686/2000)

The Process for Effecting the Transfer of Assets, Liabilities and Records

16B.(1) Notwithstanding the provisions of section 16A and 16C, and pending the completion of the transfer process in terms of this section, all assets, liabilities and records of the disestablished municipalities shall, to the extent necessary, be temporarily transferred to the Local Municipality, and accordingly all assets, liabilities and records to be transferred to the District Municipality in terms of the provisions of sections 16A or 16C of this Schedule shall be deemed to be transferred to the Local Municipality in terms of an agency arrangement between the Local Municipality and the District Municipality to the effect that the Local Municipality will fulfill the function or functions with which the specific assets, liabilities and records are associated on behalf of the District Municipality.

(2) In order to:-

(a) accommodate any transitional arrangements in terms of the Municipal Structures Amendment Act, or

(b) allow the Local Municipality and the District Municipality to enter into agreements, including operational agreements,

that may affect the transfer of assets, liabilities and records in terms of this Schedule, no asset, liability or record shall be finally allocated as provided for in subsection (4) before 30 June 2001, or such alternative date that may be determined by the Provincial Minister.

(3) On or before a date to be determined by the Provincial Minister every CEO must prepare a schedule of all assets, liabilities and records of his or her disestablished municipality in accordance with a format prescribed by the Provincial Minister, must provisionally allocate all assets, liabilities and records of his or her disestablished municipality in accordance with the principles set out in sections 16A and 16C, and must submit copies of the full schedule to the interim municipal manager and the District Municipality IMM.

(4) On or before a date to be determined by the Provincial Minister, but subject to subsection (2), the interim municipal manager, in consultation with the District Municipality IMM, must:-

(a) consolidate the schedules referred to in subsection (1) into a single schedule and must finally allocate all assets, liabilities and records listed in the consolidated schedule to either the Local Municipality or the District Municipality for transfer on the effective date, in accordance with the principles set out in section 16A and 16C or any agreement referred to in subsection (2);

(b) submit a copy of the schedule to the District Municipality IMM and obtain from the District Municipality IMM the copy of the schedule prepared by the District Municipality IMM, and

(c) consolidate the schedule referred to in paragraph (a) with the schedules received from the District Municipality IMM referred to in paragraph (b) into a single schedule reflecting all assets, liabilities and records to be transferred to the Local Municipality.

(5) Notwithstanding the principles set out in sections 16A and 16C, the interim municipal manager may, by agreement with the District Municipality IMM, adjust the allocation of assets, liabilities and records in terms of subsection (4) to provide for a more effective overall allocation between the Local Municipality and the District Municipality.

(6) Should any dispute with regard to the allocation of any assets, liabilities or records arise between the interim municipal manager and the District Municipality IMM, such dispute must be referred to the Provincial Minister for determination by the Provincial Minister or his nominee in accordance with procedures determined by the Provincial Minister, and the decision of the Provincial Minister or his nominee shall be final and binding.

(7) The interim municipal manager shall, in writing, verify the consolidated schedule referred to in subsection (4)(c) and must submit the schedule to the Provincial Minister on or before a date to be determined by the Provincial Minister.

(8) As soon as possible after verifying the consolidated schedule in terms of subsection (7), but by no later than a date to be determined by the Provincial Minister, the interim municipal manager must put in operation the transfer of all assets, liabilities and records of the disestablished municipalities.

(9) The Local Municipality shall audit the transfer of assets, liabilities and records no later than 12 months after the effective date, or by such later date as may be determined by the Provincial Minister.

(section 16B inserted by PN.686/2000)

Transfer of staff, assets and liabilities relating to functions other than those listed in section 84 of the Municipal Structures Act

16C. Notwithstanding the provisions of sections 12(1) and 16A of this Schedule, with effect from the effective date:-

(a) all staff, assets, liabilities and records of the disestablished municipalities associated exclusively with:-

(i) roads other than municipal roads;

(ii) ambulance services;

(iii) health services other than municipal health services;

(iv) disaster management;

(v) housing;

(vi) libraries;

(vii) museums;

(viii) water supply systems other than potable water supply systems;

(ix) nature and environmental conservation, including coastal control, environmental education, animal control and control over inland waters, and

(x) traffic and law enforcement;

shall be transferred to the Local Municipality in terms of section 12(2), (3) and (4) and the process set out in sections 12A and 16B of this Schedule;

(b) any member of staff, assets, liabilities and records of the disestablished municipalities not associated with a function referred to in section 84(1) of the Municipal Structures Act or paragraph (a) shall be transferred, in terms of the principles and process set out in sections 12, 12A, 16A and 16B of this Schedule, to the Local Municipality that will fulfill the function with which it is associated, with effect from the effective date.

(section 16C inserted by PN.686/2000)

Transfer of staff, assets, liabilities and records relating to municipal service delivery agreements

16D.(1)Notwithstanding anything to the contrary contained in any municipal service delivery agreement entered into by a disestablished municipality in terms of which such disestablished municipality is the service provider, all staff, assets, liabilities and records of the disestablished municipalities shall be transferred in accordance with the provisions of this Schedule.

(2) The Provincial Minister shall determine which municipality will be the successor in law of the disestablished municipality in terms of any municipal service delivery agreement entered into by a disestablished municipality in terms of which such disestablished municipality is the service provider, and may direct the Local Municipality or the District Municipality to implement and administer any interim service delivery arrangements in terms of section 19 of this Schedule in order to ensure continued service delivery in terms of such agreement.

(3) For the period from the effective date to the date on which the Provincial Minister has made a determination in terms of subsection (3), the Local Municipality shall be the successor in law of the disestablished municipalities with regard to any municipal service delivery agreement referred to in subsection (1) in accordance with the provisions of section 19.

(section 16D inserted by PN.686/2000)

Failure to implement certain provisions of this Schedule

16E. In the event that the interim municipal manager or any other person required to perform a task set out in section 12A or section 16B, fails or refuses to do so within the time periods specified in those sections, then the Provincial Minister may nominate any person to perform such tasks, in which event the Local Municipality or District Municipality shall be obliged to co-operate fully with such person.

(section 16E inserted by PN.686/2000)

Transitional Provisions Relating to By-Laws and Resolutions

17.(1) Any by-law in force in the area of a disestablished municipality immediately prior to the effective date shall, with effect from the effective date, and pending the review and rationalisation thereof in terms of section 15 of the Municipal Structures Act, remain of full force and effect within the area for which it was promulgated, subject to any amendment or repeal by the Local Municipality.

(2) Unless inconsistent with the context or clearly inappropriate, a reference in any such by-law to:-

(a) a disestablished municipality or its predecessor, must be construed as a reference to the Local Municipality, and

(b) a structure or functionary of a disestablished municipality, must be construed as a reference to the corresponding structure or functionary of the Local Municipality.

(3) Subject to the provisions of this Schedule, and notwithstanding the disestablishment of the disestablished local municipalities, any:-

(a) resolution taken;

(b) notice, certificate or other document issued;

(c) direction, approval, consent or authority given;

(d) exemption, license or permit granted or issued;

(e) appointment made;

(f) employee nominated;

(g) agreement or contract entered into;

(h) delegation of powers granted to an employee;

(i) rates, tariffs or charges levied or imposed;

(j) reservation of land made, and

(k) other action taken or thing done,

by a disestablished municipality shall, subject to the provisions of this Schedule, be deemed to have been taken, issued, given, made, nominated, entered into,

granted, levied, imposed or done by the Local Municipality, pending the review and rationalisation thereof in terms of section 15 of the Municipal Structures Act.

(4) Subject to section 20, 21, 22 and 23 of this Schedule, any person who on the effective date exercises a power or performs a duty or function by virtue of the office held by him or her or by the virtue of a delegation of power conferred upon him or her by a disestablished municipality, shall continue to exercise that power or perform that duty or function until such time as it may be decided to the contrary by the Local Municipality.

(5) For the purposes of the Schedule to the Regulation relating to the Declaration of Peace Officers made in terms of section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977), any law enforcement officer appointed by a disestablished municipality shall, from the effective date, be deemed to have been appointed by the Local Municipality for the area of jurisdiction of the Local Municipality.

(6) Any statutory plan in force or in operation in the area of jurisdiction of the disestablished municipalities, shall remain in force or in operation in respect of the area to which it was intended to apply until amended, varied or repealed by the Local Municipality.

Financial Matters

18.(1) With effect from the effective date the existing budgets of the disestablished municipalities shall constitute the budget of the Local Municipality up to 30 June 2001, and inter-municipal budgetary transfers shall continue for the 2000/2001 financial year.

(2) Notwithstanding the provisions of subsection (1), the Local Municipality may:-

(a) adjust the existing budgets, or

(b) resolve to close its accounts and rebudget for the remainder of the financial year;

provided that any such budget is adjusted or prepared and adopted, as the case may be, in accordance with relevant legislation.

(3) Before the commencement of the 2001/2002 financial year the Local Municipality must consider the adoption of financial management plans and policies that deal with:-

(a) measures, including inter-municipal budgetary transfers, to ensure revenue stability for the period after the 2000/2001 financial year;

(b) medium term expenditure;

(c) equalisation of tariff structures;

(d) the preparation of a new general valuation roll for the Local Municipality's area of jurisdiction and the introduction of equitable property taxes;

(e) the introduction of consolidated billing system;

(f) the consolidation of financial accounting systems and budgetary systems;

(g) credit control, and

(h) procurement.

Transitional Administrative Arrangements

19.(1) From the effective date to the date that all staff, assets, liabilities and records have been finally allocated in terms of the provisions of this Schedule, or such alternative date as may be determined by the Provincial Minister, the Local Municipality:-

(a) shall be obliged to deal with all staff, assets, liabilities or records:-

(i) temporarily placed in terms of section 12A(1);

(ii) temporarily transferred in terms of section 16B(1), and

(iii) provisionally allocated in terms of sections 12A(3) and 16B(3),

in the utmost good faith having due regard to the interests of the District Municipality;

(b) without derogating from the generality of subsection (1) and subject to section 12(2), shall not, with reference to paragraphs (i) and (vii) hereunder without the prior written approval of the Provincial Minister, which approval may be conditional, and with reference to paragraphs (ii), (iii), (iv), (v), (vi) and (viii) hereunder without the prior written approval of the Local Municipalities, which approval shall not be unreasonably withheld, make or effect any alteration to the staff establishment temporarily placed in terms of section 12A(1) or provisionally allocated in terms of section 12A(3) by:-

(i) creating or filling any new posts;

(ii) filling any vacancies;

(iii) initiating and implementing the regrading or upscaling of any posts;

(iv) promoting any member of staff;

(v) assigning any functions or duties to personnel other than on a temporary basis;

(vi) subject to any law, existing collective agreement or contract of employment:-

(aa) approving and implementing any allowance or acting allowance;

(bb) implementing any increase in salaries or wages;

(vii) implementing any permanent alteration to staff structures and organisational structures, and

(viii) entering into any collective agreement, other than a collective agreement negotiated and agreed to in the Bargaining Council, which will bind the District municipality in respect of any matter listed in this subsection;

(c) without derogating from the generality of subsection (1), shall not, without the prior written approval of the District Municipality, which approval shall not be unreasonably withheld, make or implement any decision in relation to any assets, liabilities or records transferred in terms of section 16B(1) or provisionally allocated in terms of section 16B(3) that will result in such municipality:-

(i) selling or leasing immovable or movable assets to a value exceeding R20 000,00 (twenty thousand rand) other than in terms of existing contractual arrangements; provided that this provision shall not apply to the disposal of immovable property in terms of an approved housing scheme in terms of the Housing Act, 1997 (Act 107 of 1997);

(ii) purchasing immovable or movable assets to a value exceeding R20 000,00 (twenty thousand rand) other than in terms of existing contractual arrangements;

(iii) concluding new contracts with a duration longer than one year;

(iv) renewing contracts for a duration longer than three months;

(v) acquiring information technology systems, including hardware and software, and

(vi) using:-

(aa) statutory funds either for direct capital or other expenditure or to finance expenditure by taking up internal loans for purposes other than for committed and necessary infrastructural projects approved in the 2000/2001 budget;

(bb) trust funds (which does not include a council's own accounts) for any purpose other than that for which the funds are held;

(cc) reserve funds, reserve capital or reserve provisions for a purpose other than for necessary budgeted infrastructural maintenance, non-budgeted emergency infrastructural maintenance which cannot be financed from the operational budget or for the writing off of bad debts, and

(dd) any statutory trust, reserve or provision which is not cash funded other than for the writing off of bad debts;

provided that this subsection shall not apply in the case of an emergency, and

(d) shall not make or implement any decision that will result in the Local Municipality exceeding its approved capital or operating budget for the 2000/2001 financial year.

(2) Should any dispute with regard to the provisions of subsection (1) arise between the Local Municipality and the District Municipality, such dispute must be referred to the Provincial Minister for determination by the Provincial Minister or his nominee in accordance with procedures determined by the Provincial Minister, and the decision of the Provincial Minister or his nominee shall be final and binding.

(3) Any contract entered into in breach of the provisions of subsections (1) or (2) shall be null and void.

(section 19 amended by PN.686/2000)

Appointment of Acting Officers

20. Before the effective date the Provincial Minister, after considering any recommendations of the District Transformation Forum, shall where relevant to the Local Municipality appoint any person to any position that may be required

in terms of relevant legislation, which appointment shall be in an acting capacity, and who shall assume office on the effective date and remain in office until the Local Municipality has made its own appointments in terms of the relevant legislation.

(section 20 amended by PN 129/2008)

Appointment of Interim Municipal Manager

21.(1) Before the effective date the Provincial Minister, after considering any recommendations of the District Transformation Forum , appoint an interim municipal manager, who shall assume office upon appointment and remain in office until the Local Municipality has appointed its own municipal manager or acting municipal manager.

(2) The duties of the interim municipal manager shall, subject to directions or resolutions to the contrary adopted by the Local Municipality, be the following:-

(a) call the first meeting of the Council of the Local Municipality in terms of section 29(2) of the Municipal Structures Act;

(b) preside over the first meeting of the Council of the Local Municipality until the election of the speaker;

(c) after the effective date, act as the head of administration and chief accounting officer of the Local Municipality until the appointment by the Local Municipality of its own municipal manager or acting municipal manager;

(d) after the effective date, fulfill all duties required to be fulfilled by the CEO of a municipality in terms of relevant legislation;

(e) assume responsibility for effecting the transfer of all staff, assets, liabilities and administrative and other records to the Local Municipality;

(f) appoint such persons as are necessary to fulfill his or her obligations in terms of this Schedule;

(g) take all reasonable steps to ensure that service delivery continuity is maintained after the effective date;

(h) establish interim financial control mechanisms for the Local Municipality;

(i) establish interim reporting lines and delegations for the Local Municipality;

(j) review and recommend service contracts, agency arrangements and service delivery agreements;

(k) implement any interim service delivery arrangements between the Local Municipality and the District Municipality as well as between the Local Municipality and other local municipalities within the area of the District Municipality;

(l) delegate any of his or her powers or duties to any employee of the Local Municipality and amend or revoke any such delegation, and

(m) In the period prior to the effective date, prepare for the performance of the functions set out in paragraphs (a) to (l).

(3) Prior to the effective date, the CEOs shall co-operate with the interim municipal manager in relation to all matters pertaining to the establishment of the Local Municipality.

(4) From the effective date the CEOs shall act under the direction of, and be responsible to the interim municipal manager, and the interim municipal manager shall have all the powers of the CEOs.

Interim Assistant Municipal Managers

22. The Provincial Minister may, after considering any recommendation of the District Transformation Forum, appoint any number of interim assistants to the interim municipal manager who assume office upon appointment and remain in office until the Local Municipality has confirmed or terminated the appointment.

Senior Management Team

23. Any interim assistants appointed to the interim municipal manager, together with the interim municipal manager, shall form the senior management team of the Local Municipality to oversee the implementation of the establishment of the Local Municipality.

Appointments

24. Any person appointed in terms of section 21 or 22 shall, subject to the provisions of section 12 of this Schedule, be an employee of a disestablished municipality and shall fulfill his or her duties on a seconded basis.

First meeting of the Council of the Local Municipality

25.(1) The interim municipal manager shall, at least three days before the first meeting of the Council of the Local Municipality, send to each councillor at his or her place of residence or other place nominated by the councillor concerned, a notice specifying the place, date and time of the first meeting and an agenda; provided that the interim municipal manager may call the first meeting on shorter notice should it in his or her opinion be necessary to do so.

(2) Notwithstanding any by-law in force, but subject to the provisions of the Municipal Structures Act, the rules and orders for the first meeting of the Council of the Local Municipality are the rules and orders as set out in Provincial Notice 411/1988 as promulgated in Provincial Gazette No. 4532 of 20 May 1988 with the necessary changes required by the context, which rules shall remain in force until the adoption of rules and orders by the Council of the Local Municipality.

(subsection (2) amended by PN.686/2000)

(3) The venue for the first meeting of the Council of the Local Municipality shall be the Council Chamber of the disestablished Municipality of George in George.

(4) The agenda of the first meeting shall be as follows:-

(a) the election of the speaker;

(b) whether the Local Municipality wishes to establish an executive committee, and if so the determination of a system of representation for the election of the executive committee;

(c) the election of councillors to serve on the executive committee;

(d) the election of the mayor from the members of the executive committee;

(e) the election of the deputy mayor, for which approval is granted by the Provincial Minister, from the members of the executive committee, and

(f) any other business as determined by the interim municipal manager and set out in the agenda.

Application of this Notice

25A. If any conflict relating to the matters dealt with in this Notice arises between this Notice and the provisions of any section 84(3) notice promulgated by the National Minister or any section 18 notice promulgated by the Provincial Minister, the provisions of the section 84(3) notice or section 18 notice, as the case may be, shall prevail.

(section 25A. inserted by PN.686/2000)

Executive Deputy Mayor

25B. Approval is granted in terms of section 55 of the Municipal Structures Act, as amended, for the election of an executive deputy mayor.

(section 25B. inserted by PN.227/2003)

Short title and Commencement

26. This Notice is called the George Municipality (WCO44) Establishment Notice and comes into operation on the date of publication.

ANNEXURE 2

Transitional Measures to facilitate the disestablishment of the District Management Area (WCDMA4)

Definitions

1. In this Annexure, unless inconsistent with the context-

"**DMA**" means the District Management Area set out in section 2(1) of this Schedule; and

"**effective date**" means the date of the next general election of municipal councils.

Transitional measures

2. Subject to section 14, read with section 16, of the Municipal Structures Act, the transitional measures to regulate and facilitate the consequences of the inclusion of the DMA into the Local Municipality are as set out in the Sixth Amendment Notice of the District Municipality Notice, published together with this notice.

(Annexure 2 inserted by PN.66/2011)

23

P.N. 501/2000 22 uSeptemba 2000

URHULUMENTE WENGINGQI: UMTHETHO WAMASEBE KAMASIPALA, KA1998 (UMTHETHO WE-117 KA-1998)

Amended by:
neSaziso sePhondo 686 dated we-4 kuDisemba 2000
neSaziso sePhondo 468 dated we-19 kuDisemba 2002
neSaziso sePhondo 227 dated we-24 uJuni 2003
neSaziso sePhondo 23 dated we-3 uJanuwari 2006
neSaziso sePhondo 66 dated we-25 kuFebhuwari 2011
neSaziso sePhonco 286 dated 21 Oktobha 2011
neSaziso sePhondo 125 dated we-8 kuTshazimpuzi 2016
neSaziso sePhondo 63 dated we-3 kweyoKwindla 2017
neSaziso sePhondo 109 dated we-24 kweyeThupha 2018
neSaziso sePhondo 258 dated we-22 kweyoKwindla 2019
neSaziso sePhondo 123 dated we-15 kweyeDwarha 2021
neSaziso sePhondo 76 dated we-6 KweyoKwindla 2026

UKUSEKWA KOMASIPALA WASEGEORGE (WCO44)

Ngamandla andigunyazisayo aqulathwe licandelo-12 ne-14 loRhulumente waseKhaya: uMthetho owasekwa ngo-1998 wamaSebe ooMasipala, (uMthetho we-117 wonyaka we-1998) ukuba ndenze isaziso sokusekwa kukaMasipala waseGeorge ngokwemiqathango edweliswe kolu ludwe lweenkqubo.

Ngomhla wama-22 uSeptemba 2000.

P UYS, UMPHATHISWA WEPHONDO WORHULUMENTE WENGINGQI

ULUNDWE LWEENKQUBO

Inkcazo yamagama

1. Kolu Xwebhu ngaphandle kokuba okuqulathiweyo kukuxelela enye into, isinye sibandakanya isininzi nesininzi sibandakanya isinye, isicatshulwa sesiNgesi siya kuma simi isiso esisetyenziswayo apho kuthe kwakho iyantlukwano kwizcatshulwa ezahlukeneyo okanye kwigama elinokuthi lahluke okanye isiqendwana ngentsingiselo esithe sanikwa yona kuMthetho wamaSebe ooMasipala, intsingiselo yesiNgesi-

   (1) **"iQumrhu leeNgxoxo"** lithetha iCandelo leQumrhu leeNgxoxo loRhulumente weeNqila loMzantsi Afrika elifake isicelo sobhaliso njengeQumrhu leeNgxoxo ngokweSaziso esingunombolo 1513/1999 njengoko sipapashwe kwiGazethi kaRhulumente engunombolo 20282 somhla we- 16 kaJulayi 1999;

   (2) **"uCEO"** sisishungulelo segama elingu-chief executive officer igosa eliyintloko yesigqeba solawulo lomasipala otshitshisiweyo;

   (3) *(subsection (3) deleted by PN.227/2003)*

(4) **"uMgaqo-siseko"** uthetha uMgaqo-siseko weRiphabliki yoMzantsi Afrika, we-1996 (uMthetho we- 108 we- 1996);

(5) **"ukutshitshiswa koomasipala"** kuthetha aba masipala bakhoyo nabaza kutshitshiswa ngokwemigaqo yecandelo-3 lolu ludwe lweenkqubo;

(6) **"uMasipala weSithili"** uthetha uMasipala weSithili saseGarden Route oza kumiselwa ngmhla wokuqalisa unyulo;

(subsection (6) amended by PN.109/2018)

(6A) **"i-MM yoMasipala weSithili"** ithetha umphathi wethutyana kaMasipala weSithili;

(subsection (6A) inserted by PN.686/2000)

(6B) **"iSaziso sikaMasipala weSithili"** Sithetha iSaziso sePhondo 497/2000, esapapashwa kwiGazethi yePhondo eyoNgezelelweyo nenguNombolo 5592 yomhla wama-22 kuSeptemba 2000;

(subsection (6B) inserted by PN.686/2000)

(7) **"iQonga leNguqulelo leSithili"** lithetha iQonga leNguqulelo leSithili saseKlein Karoo/South Cape elamiselwa ngokweSaziso seDTF;

(8) **"iSaziso seDTF"** sithetha iSaziso sePhondo esingunombolo 78/2000 esapapashwa kwiGazethi yePhondo Eyongeselelweyo engunombolo 5435 yomhla we-10 kuMatshi 2000;

(9) **"umhla wokuqala wonyulo"** uthetha umhla wokuqalisa unyulo;

(10) **"unyulo"** luthetha unyulo lokuqala jikelele lwamaBhunga ooMasipala onyulwa emva kokusebenza koMgaqo-siseko;

(11) **"inkqubo yoomasipala yokutshintshwa kohlahlo-lwabiwo-mali"** ithetha ukutshintshwa kwezibonelelo zemali phakathi koomasipala ukufezekisa uzinzo kwingeniso ngexesha lenguqu;

(12) **"uMphathi weThutyana kaMasipala"** uthetha umphathi wethutyana kamasipala kuMasipala weNgingqi obekwe ngokwemiqathango yecandelo- 21(1) nozakuba ngumphathi obambeleyo kamasipala kuMasipala weNgingqi ukususela ngomhla wokuqalisa, okanye umphathi wethutyana obambeleyo okanye umphathi kamasipala kuMasipala weNgingqi nobekwe yiKansile yoMasipala weNgingqi emva komhla wokuqalisa;

(subsection (12) amended by PN.686/2000)

(13) **"uMasipala weNgingqi"** uthetha uMasipala waseGeorge, owasekwa ngokwemigaqo yocandelo le-5 elikolu ludwe lweenkqubo;

(13A) **"inkqubo yesigqeba solawulo secandelo losodolophu"** ithetha inkqubo evumela ukuba kusetyenziswe igunya lesigqeba solawulo, oko kusenziwa kudlulwe kusodolophu osemagunyeni apho inkqubo yokhokelo lwesigqeba yoMasipala igunyaziswe khona kwanoncediswa yikomiti yecandelo losodolophu;

(subsection (13A) inserted by PN.227/2003)

(14) **"UMthetho wokuCandwa kooMasipala"** uthetha uMthetho woRhulumente weNgingqi we- 1998 (uMthetho 27 we-1998);

(15) **"iBhodi yokuCandwa kooMasipala"** ithetha iBhodi yokuCandwa kooMasipala eyamiselwa phantsi kwecandelo -2 loMthetho wokuCandwa kooMasipala;

(16) **"uMthetho wamaSebe kaMasipala"** ithetha uMthetho kaMasipala woRhulumente waseKhaya we-1998 (uMthetho we-117 we-1998);

(16A) **"uMthetho-sihlomelo wamaSebe ooMasipala"** uthetha uMthetho-sihlomelo wooMasipala beeNgingqi, 2000 (uMthetho 33 wonyaka wama-2000);

(subsection (16A) inserted by PN.686/2000)

(16B) **"Umphathiswa weSizwe"** uthetha uMphathiswa wesizwe osingethe imicimbi yoorhulumente beengingqi;

(subsection (16B) inserted by PN.686/2000 and amended by PN 129/2008)

(17) **"iPhondo"** lithetha iPhondo leNtshona-Koloni;

(18) **"uMphathiswa wePhondo"** uthetha ilungu lesiGqeba soWiso-mthetho wePhondo leNtshona-Koloni elinoxanduva lokujongana norhulumente wengingqi;

(19) **"uMthetho weeNginqi zasemaPhandleni"** uthetha uMthetho weeNgingqi zasemaPhandleni (iNdlu yabaMeli), we-1987 (uMthetho we-9 we-1987);

(19A) **"Isaziso secandelo 18"** sithetha isaziso esibhengezwe ngokwemiqathango yecandelo 18 loMthetho wamaSebe ooMasipala;

(subsection (19A) inserted by PN.686/2000)

(19B) **"Isaziso secandelo 84(3)"** sithetha isaziso esibhengezwe ngokwemiqathango yecandelo 84(3) loMthetho wamaSebe ooMasipala;

(subsection (19B) inserted by PN.686/2000)

(19C) **"abasebenzi"** kuthethwa bonke abasebenzi, kuqukwa abo benza umsebenzi, abakwizikhundla zokuphatha nezincedisayo, kananjalo kubandakanywa nezikhundla ezingenamntu nezifakwe kwizicwangciso zovalo-zikhewu, kodwa zingabandakanywanga izikhundla ezingenamntu ezingafakwanga kwizicwangciso zovalo-zikhewu;

(subsection (19C) inserted by PN.686/2000)

(20) **"uYilo oluseMthethweni"** uthetha uyilo oluyimfuneko ngokwemigaqo yowiso-mthetho kubandakanya, kodwa kungaphelelanga apho naluphi na olunye uyilo lokusetyenziswa komhlaba, inkqubo yokwahlulwa, uyilo lophuhliso oluhlanganisiweyo, uyilo lweenkonzo zamanzi, uyilo lophuhliso oluhlanganisiweyo, uyilo lophuhliso lwezakhono noyilo lolungiso kumathuba engqesho;

(21) **"imanyano zabasebenzi"** zithetha ooMasipala abazimeleyo neemanyano zabasebenzi kunye nemanyano yabasebenzi bakaMasipala yoMzantsi Afrika;

(21A) **"inkqubo yogqithiselo"** ithetha inkqubo, echazwe kule Shedyuli, yokugqithisela abasebenzi, impahla, amatyala neerekhodi zoomasipala abatshitshisiweyo kuMasipala weSithili okanye kooMasipala beeNgingqi, nkqubo leyo iquka:

(a) ukuchongwa kwabo bonke abasebenzi, yonke impahla, wonke amatyala nazo zonke iirekhodi eziza kugqithiselwa;

(b) ukusetyenziswa kwemimiselo yokugqithiselwa njengoko ichazwe kule Shedyuli;

(c) ukunikezelwa kwabo bonke abasebenzi, yonke impahla, wonke amatyala nazo zonke iirekhodi kuMasipala weSithili kungenjalo kuMasipala weNgingqi, kananjalo

(d) ukuqaliswa kogqithiselo olo.

(subsection (21A) inserted by PN.686/2000)

(22) **"ukuGuqulwa kwemiThetho ethile yamaPhandle"** kuthetha ukuGuqulwa kweMithetho ethile yamaPhandle, we-1998 (uMthetho wama-94 we-1998);

(23) **"uWECLOGO"** ligama elithetha uMbutho weNtshona-Koloni wooRhulumente baseKhaya, ongumbutho wephondo leNtshona-Koloni onikwa ingqalelo ngokwemigaqo yecandelo 2(1)(b) lomthetho woRhulumente weNgingqi olungiselelweyo we-1997 (uMthetho –52 we 1997).

Intshayelelo

2.(1) Ngomhla we-3 Matshi 2000 iBhodi yeMida yooMasipala (Municipal Demarcation Board), ihamba ngokwemiqathango yecandelo 21 loMthetho oyiMunicipal Demarcation Act, yaye yabeka imida kaMasipala, njengoko iboniswa kwimephu ekwiSaziso sePhondo esinguNomb. 69/2000 esapapashwa kwiGazethi yePhondo yeSikhawu enguNomb 5431 yomhla we-19 Septemba 2000 (ikopi yale mephu iphinde yapapashwa njengeSihlomelelo "1A" sale Shedyuli) saza senziwa izilungiso ngeSaziso sePhondo esinguNomb. 478/2000 esapapashwa kwiGazethi yePhondo yeSikhawu enguNomb 5587 yomhla we-19 Septemba 2000, isaziso sePhondo esinguNomb 623/2000 esapapashwa kwiGazethi yePhondo yeSikhawu enguNomb 5627 yomhla we-13 Novemba 2000, iSaziso sePhondo esinguNomb. 368/2003 esapapashwa kwiGazethi yePhondo yeSikhawu enguNomb. 6081 yomhla we-5 Novemba 2003, xa sifundwa neSaziso sePhondo esinguNomb. 146/2004 esapapashwa kwiGazethi yePhondo enguNomb. 6153 yomhla wama-30 Julayi 2004, iSaziso sePhondo esinguNomb 443/2006 esapapashwa kwiGazethi yePhondo enguNomb. 6407 yomhla we-15 Disemba 2006, xa sifundwa neSaziso sePhondo esinguNomb. 208/2008 esapapashwa kwiGazethi yePhondo enguNomb. 6530 yomhla we-6 Juni 2008 kwaye ibandakanya nengingqi yeyayisakuba yi-WCDMA4 njengoko kwapapashwayo kwiSikhumbuzo sePhondo esinguNomb. 1/2008 esapapashwa kwiGazethi yePhondo enguNomb. 6492 yomhla we-17 Januwari 2008, xa sifundwa neSaziso sePhondo esinguNomb 198/2008 esapapashwa kwiGazethi yePhondo enguNomb. 6528 yomhla we- 2 Juni 2008. (aManyathelo eXeshana wajonge kwiSihlomelelo 2).

(subsection (1) amended by PN.23/2006 and PN. 66/2011)

(2) UMphathiswa wePhondo, esebenza ngokwesahluko se- 12(4) soMthetho wamaSebe ooMasipala:-

(a) ukhuphe isaziso esibhaliweyo sokusekwa kukaMasipala weSithili okusayilwayo ekhuphela i-WECLOGO kunye noomasipala abathe batshitshiswa njengoko kumiselweyo kwisekyula yomhla we-12 kuJulayi 2000 nengqinisiswe kwiAAO 509/1/4;

(b) udlene indlebe neWECLOGO kunye noomasipala abathe batshitshiswa;

(c) upapashe iinkcukacha zesi Saziso kwiSaziso sePhondo 395/2000 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo engunombolo 5571, yomhla wama-28 ku-Agasti 2000, kwakunye

(d) uziqwalasele izimvo ezithe zamkelwa emva kopapasho lweSaziso ekulindeleke ukuba samkelwe.

(3) UMphathiswa uthe waziqwalasela iingcebiso zeQonga leNguqulelo leSithili athe wazinikwa ngokwesahluko se- 11(2) seSaziso seDTF.

(4) UMphathiswa wePhondo, esebenza ngokwesahluko se- 12 nese- 14 soMthetho wamaSebe ooMasipala, njengoko ufundwa kunye noMthetho ka2000 wokuMiselwa kweeNdidi zooMasipala eNtshona-Koloni (uMthetho we-9 ka2000), nekungoku nje ukhupha isaziso sokusekwa koMasipala weSithili ngokwemigaqo edweliswe kolu xwebhu.

(5) Umphathiswa wePhondo, ngokugunyaziswa yimiqathango yesahluko 2 soMthetho-sihlomelo wamaSebe ooMasipala, xa sifundwa necandelo 14(2)(b) loMthetho wamaSebe ooMasipala kungoku nje wazisa ngeziphumo ezayamene nomthetho, ezinokwenzeka kanti nezinye iziphumo zokutshitshiswa koomasipala abatshitshisiweyo, nto leyo iquka:-

(a) imimiselo emiselwe ukugqithiselwa, nenkqubo yokugqithiselwa ngokunjalo, kwabasebenzi kuMasipala weNgingqi, nkqubo leyo iya kuqala ngomhla wokupapashwa kwesi saziso neza kugqitywa ngomhla oya kumiselwa nguMphathiswa wePhondo;

(b) imimiselo emiselwe nkugqithiselwa, nenkqubo yokugqithiselwa ngokunjalo, kwempahla, amatyala, amalungelo nezinyanzeliso neerekhodi zolawulo kanti nezinye, kuMasipala weNgingqi, nkqubo leyo iya kuqala ngomhla wokupapashwa kwesi saziso neza kugqitywa ngomhla oya kumiselwa nguMphathiswa wePhondo;

(c) ukubonelelwa ngamalungiselelo olawulo ethuba ukususela ngomhla wokuqalisa ukuya kumhla oya kumiselwa nguMphathiswa wePhondo ukuqinisekisa ukuqhubeka kobonelelo ngeenkonza nokuqinisekisa ukuthembeka nokuma kakuhle koMasipala weNgingqi ngokwezimali.

(subsection (5) inserted by PN.686/2000)

Ukutshitshiswa kooMasipala abakhoyo

3.(1) Ukususela ezinzulwini zobusuku eziphambi komhla wokuseka, aba masipala balandelayo baya kutshitshiswa:-

(a) Ibhunga leThutyana labaMeli laseBo-Langkloof elasekwa ngokwemigaqo yoPapasho olungunombolo 18/1996 lomhla wama-26 kuApreli 1996 ukuya kummandla osisahlulo ophantsi kolawulo lukaMasipala njengoko kusekwe yiBhodi yolkuCandwa kwemida yooMasipala ekubhekiselelwe kuyo kwicandelo 2(1);

(b) Umasipala waseGeorge owasekwa ngokwemigaqo yoPapasho olungunombolo 21/1995 ngomhla wama- 31 kuJanuwari 1995;

(c) Ibhunga leThutyana labaMeli laseOuteniqua elasekwa ngokwemigaqo yoPapasho olungunombolo 18/1996 ngomhla we-26 kuApreli 1996 nommandia ukuya kummandla osisahlulo ophantsi kolawulo lukamasipala, njengoko kusekwe yiBhodi yokuCandwa kwemida yooMasipala ekubhekiselelwe kuyo kwicandelo 2(1), kwakunye

(d) Umasipala waseWilderness, owasekwa ngokwemigaqo yoPapasho olungunombolo 107/1994 ngomhla wama-30 kuDisemba 1994, waze wahlonyelwa ngokwemigaqo yoPapasho olungunombolo 48/1996 ngomhla we 18 kuOktobha 1996.

(subsections (a) and (c) amended by PN 129/2008)

(2) OoCeba abatshitshiswayo kufuneka xa ibhunga lomasiplala wesithili elitsha linyuliwe ze lachazwa njengelimiselweyo ezinzulwini zobusuku zalo mhla bazishiye ii-ofisi zabo babuyisele kwigosa eliyintloko elilawulayo lomasipala CEO lowo utshitshisweyo okanye umnyulwa wekhe yonke impahla ekubo eselungelweni lalo masipala utshitshisiweyo.

Ukusekwa kunye neGama

4. Ukususela ngomhla wokuqalisa wanyulo umasipala oyokusekwa uyakwaziwa ngesiXhosa njenge "U Masipala waseGeorge", ze negisiNgesi aziwe njenge "George Municipality" ze ngesiBhulu aziwe njenge "Munisipaliteit George".

iCandelo

5. UMasipala weSithili uya kuba ngumasipala wesithili njengoko kuxeliwe kwicandelo 1 loMthetho wamaSebe kaMasipala, eya kuba ngumasipala onamagunya awodwa olawulo nokuphatha kwingingqi leyo ebandakanya oomasipala abaninzi, kwanochaziweyo kwicandelo 155(1) loMgaqosiseko njengecandelo B lomasipala.

uDidi

6. Umasipala weSithili ngumasipala oneenkqubo zesigqeba secandelo losodolophu onazo zombini ezi nkqubo zothatho-nxaxheba, icandelwana lebhunga kunye nelewadi njengoko zimiselwe ngumthetho, iWestern Cape Determination of Types of Municipalities Act, 2000 (Act 9 of 2000), njengokuba zilungisiwe ngomthetho, iWestern Cape Determination of Types of Municipalities Amendment Act, 2002 (Act 4 of 2002).

(section 6 substituted by PN.227/2003)

Imida

7. Imida kaMasipala weSithili iya kuba yimida esekwe yiBhodi yokuCandwa kwemida yooMasipala nekubhekiselelwe kuyo kwicandelo 2(1).

INani looCeba

8.(1) IBhunga likaMasipala likaMasipala linamalungu angama55 (amashumi amahlanu anesihlanu) ooCeba, njengoko kumiselwe nguMphathiswa wePhondo kwiSaziso sePhondo 116/2024 esipapashwe kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 8999 yomhla wesi6 kweyeNkanga ka2024, apho abangama28 (amashumi amabini anesibhozo)onyulwe ngamashumi amabini anesibhozo) ngooCeba beeWadi kwaye aba27 (amashumi amabini anesixhenxe) ngooCeba abakhethwe ngokwemilinganiselo.

(2) UMasipala uneewadi ezingama28 (amashumi amabini anesibhozo).

(section 8 amended by PN.23/2006, PN 66/2011, PN 125/2016, PN 123/2021 and PN 76/2026)

OoCeba abasebenza isigxina

9. Umasipala weSithili angamisela aba ceba balandelayo njengooceba besigxina

(a) Usodolophu wesigqeba solawulo;

(b) Amalungu ecandelo lekomiti yosodolophu;

(c) nosomlomo;

(d) Umbhexeshi omnye onyulelewe iBhunga;

(e) Usihlalo wekomiti eyasekwa ngokwecandelo 79 ('MPAC'); kunye

(f) Kunye nosihlalo wekomiti osungulwe ngemigaqo yecandelo lamashumi asixhenxe anethoba ('GIPTN Committee').

(section 9 amended by PN.468/2002, PN.227/2003, PN 286/2011, P.N. 63/2017 & P.N. 38/2019)

IMisebenzi namaGunya

10. Akuyi kubakho luhlenga-hlengiso ngokubhekiselele kwimisebenzi nakumagunya kaMasipala weSithili ngokwecandelo 85 loMthetho wamaSebe ooMasipala.

ukuNgachaphazeleki

11. Umasipala weNqila kungachatshazelwa nayiyiphi na imiqathango yoMthetho wamaSebe kaMasipala.

Imimiselo emisa uGqithiselo lwaBasebenzi

12.(1) uKususela ngomhla wokuqalisa nangokwemiqathango yecandelo 197 loMthetho wezoBudlelwane eMsebenzini,1995 (uMthetho-66 wonyaka we-1995:-

(a) bonke abasebenzi boomasipala abatshitshisiweyo nabamsebenzi wabo wayanyaniswa ngokukodwa nemisebenzi efanele ukwenziwa nguMasipala weNgingqi baya kugqithiselwa kuMasipala weNgingqi;

(b) bonke abasebenzi boomasipala abatshitshisiweyo nabamsebenzi wabo wayanyaniswa ngokukodwa nemisebenzi efanele ukwenziwa nguMasipala weSithili (misebenzi leyo ibandakanya imisebenzi efanele ukwenziwa nguMasipala weSithili kuMmandla woLawulo lweSithili) siya kugqithiselwa kuMasipala weSithili;

(c) nawuphi na umntu ongomnye wabasebenzi bomasipala otshitshisiweyo owayanyaniswa nomnye okanye neminye imisebenzi eza kwenziwa nguMasipala weNgingqi noMasipala weSithili, ukususela ngomhla wokuqalisa, uya kugqithiselwa komnye wabo masipala, oko kusenziwa ngokobuninzi bexesha elidliwa ngumsebenzi lowo wenziwa nguloo mntu xa uthelekiswa nexesha elidliwa yeminye imisebenzi eyenziwa nguloo mntu;

(d) bonke abasebenzi boomasipala abatshitshisiweyo nabamsebenzi wabo ungayanyaniswayo nomsebenzi othile okanye nemisebenzi ethile efanele ukwenziwa nguMasipala weNgingqi noMasipala weSithili siya kugqithiselwa kuMasipala weNgingqi kungenjalo kuMasipala weSithili oko kusenziwa ngokwemilinganiselo esekelwe kwinani lezikhundla sezizonke ezigqithiselwe kwabo masipala ngokwemiqathango yemihlathi (a), (b) no-(c);

(e) zonke izikhundla koomasipala abatshitshisweyo ezingenamntu nezingenzelwanga zicwangiciso zovalo-zikhewu ziya kutshitshiswa.

(2) Phantsi kwemiqathango yezivumelwano ezihlanganyelweyo onke amalungelo nezibophelelo eziphakathi koomasipala abatshitshisiweyo naphakathi kwabaqeshwa boomasipala abo ngelixa logqithiselo aya kuhlala esebenza ngokunga ngamalungelo okanye izibophelelo eziphakathi koMasipala weNgingqi okanye uMasipala weSithili, nokuba nguwuphi kwabo masipala, nomqeshwa wakhe ngamnye, kananjalo nantoni na eyenziwa ngaphambi

kogqithiselo olo ngumasipala otshitshisiweyo okanye ngokunxulumene nomasipala lowo utshitshiswayo iya kuthatyathwa njengento eyenziwayo okanye eyenziwa ngokunxulumene noMasipala weNgingqi okanye uMasipala weSithili, nokuba nguwuphi kwabo masipala.

(3) Ukughubeka kwengqesho yomqeshwa akuyi kuphazanyiswa lugqithiso kananjalo ingqesho leyo iya kuqhubeka kuMasipala weNgingqi okanye uMasipala weSithili, nokuba nguwuphi kwabo masipala, ngokunga iqhubeka kumasipala lowo utshitshisiweyo.

(4) Phantsi kwemigaqo-nkqubo neenkqubo zomsebenzi eziphathelele kubantu nekubhekiswe kuzo phaya kwicandelo 14(a) lale Shedyuli, kuse nokufuneka ukuba umqeshwa ogqithiselwe kuMasipala weNgingqi asebenzele nayiphi na i-ofisi kaMasipala weNgingqi kwaye, ngaphandle kokuba kuvunyelenwe ngenye indlela, akayi kuba nalungelo lakongezelwa umvuzo ngenxa yaloo nto.

(section 12 amended by PN.686/2000)

Inkqubo yoKugqithiselwa kwaBasebenzi

12A.(1) Ingatyeshelwanga imiqathango yecandelo 12 necandelo 16C, kananjalo ngeli lixa kusalindelwe ukufezekiswa kwenkqubo yogqithiselo ngokweli candelo, bonke abasebenzi boomasipala abatshitshisiweyo, xa kukho imfuneko yoko, baya kusebenzela okwethutyana uMasipala weNgingqi, kwaye ke ngoko bonke abasebenzi abafanele ukugqithiselwa kuMasipala weSithili ngokwemiqathango yecandelo 12 okanye eyecandelo 16C bona baya kuthatyathwa njengabasancedisayo kuMasipala weNgingqi oko kusenziwa ngokwamalungiselelo aphakathi koMasipala weNgingqi naloo Masipala weSithili, malungiselelo lawo achaza ukuba uMasipala weNgingqi uya kufezekisa umsebenzi okanye imisebenzi eyayamene nabo basebenzi oko ekwenza egameni loMasipala weSithili.

(2) Ukuze ku:-

(a) kube nokulungiselelwa nawaphi na amalungiselelo ngokwemigaqo yoMthetho oHlonyelweyo wamaSebe ooMasipala; okanye

(b) kube nokuvunyelwa uMasipala weNgingqi kwanoMasipala weSithili ukuba bangene kwizivumelwano, kuqukwa nezivumelwano ezimalunga nomsebenzi.

Ezinokuchaphazela utshintsho lwabasebenzi ngokwemigaqo yale Shedyuli, akukho nalinye ilungu eliya kunikezewa ngokupheleleyo ngaphambi komhla wama-30 kuJuni 2001, okanye olo suku luya kube lumiswe nguMphathiswa wePhondo.

(3) Ngomhla okanye ngaphambi komhla oya kumiselwa nguMphathiswa wePhondo i-CEO nganye kuya kufuneka iqulunqe uxwebhu olunoludwe lwamagama abo bonke abasebenzi bomasipala wayo otshitshisiweyo ngokwendlela eyalelewe nguMphathiswa wePhondo, kwaye kuya kufuneka ukuba amisele okwethutyana ilungu ngalinye labasebenzi isikhundla esobelwe imali somasipala wakhe otshitshiweyo ngokuhambelanayo nemithetho-siseko echaziweyo phaya kwicandelo 12 nele 16C, kananjalo anike umphathi wethutyana kamasipala ne-IMM yoMasipala weSithili iikopi eziphelelelyo zolo xwebhu.

(4) Ngomhla okanye ngaphambi komhla oya kumiselwa nguMphathiswa wePhondo, kodwa ngokwemiqathango yecandelo (2), umphathi wethutyana kamasipala, ebonisene ne-IMM yoMasipala weSithili kuye kufuneka ukuba:-

(a) ahlanganise amazwebhu ekudweliswe kuwo amagama nekubhekiswe kuwo phaya kwicandelwana (1) awenze abe luxwebhu olunye kananjalo ekugqibeleni abele ngokuthanda kwakhe uMasipala weNgingqi okanye uMasipala weSithili ngabasebenzi nezikhundla ezingenamntu ezikwizicwangciso nezidweliswe phaya kuxwebhu oluhlanganisiweyo, ngomhla wokuqalisa, oko kusenziwa ngokwenmimiselo echazwe phantsi kwecandelo 12 nele 16C okanye kuso nasiphi na isivumelwano ekubhekiswe kuso kwicandelwana (2);

(b) anike i-IMM kaMasipala weSithili ngamnye ikopi yolo zwebhu kananjalo afumane kwi-IMM yoMasipala weSithili nganye ikopi yoxwebhu oluqulunqwe yiloo IMM kaMasipala weSithili, kananjalo

(c) ahlanganise uxwebhu ekubhekiswe kulo phaya kumhlathi (a) noxwebhu olufunyenwe kwi-IMM yoMasipala weSithili ekubhekiswe kulo phaya kumhlathi (b) aze loo maxwebhu enziwe uxwebhu olunye olubonakalisa amagama abo bonke abasebenzi abaza kugqithiselwa kuMasipala weNgingqi.

(5) Ingatyeshelwanga imimiselo echazwe kwicandelo 12 nele 16C, umphathi wethutyana kamasipala unokuthi evumelene ne-IMM yoMasipala weSithili, akuhlengahlengise ukwabiwa kwabasebenzi ngokwecandelwana (2) oko ekwenzela ukulungiselela ukwabelana ngabasebenzi, okufaneleke nangaphezulu, phakathi koMasipala weNgingqi noMasipala weSithili, kodwa olo hlengahlengiso aluyo kwenziwa emva ukuba umsebenzi azisiwe ngokwemiqathango yecandelwana (8).

(6) Xa kunokuvela nayiphi na impikiswano, emalunga nokwabelana ngabasebenzi, phakathi komphathi wethutyana kamasipala ne-IMM yoMasipala weSithili loo mpikiswano kuya kufuneka ukuba ibhekiswe kuMphathiswa wePhondo okanye kumtyunjwa wakhe ngokweenkqubo ezimiselwe nguMphathiswa wePhondo, kwaye isigqibo soMphathiswa wePhondo okanye esomtyunjwa wakhe akuyi kugqithwa kuso kwaye siya kuba sesibophelelayo.

(7) Umphathi wethutyana kamasipala uya kuluqinisekisa ngencwadi uxwebhu olunoludwe lwamagama oluhlanganisiweyo nekubhekiswe kulo phaya kwicandelwana (4)(c) kwaye kuya kufuneka ukuba olo xwebhu lunoludwe lwamagama alunike uMphathiswa wePhondo ngomhla okanye ngaphambi komhla oya kumiselwa nguMphathiswa wePhondo.

(8) Emva kokuqulunqwa koxwebu olunye olunoludwe lwamagama noluhlanganisiweyo ekubhekiswe kulo phaya kwicandelwana (4)(c), kodwa ngapambi komhla wokuqalisa, umphathi wethutyana kamasipala kuya kufuneka ukuba anike umntu ngamnye oza kuba ngumsebenzi kaMasipala weNgingqi isaziso esibhaliweyo esichazela loo msebenzi ukuba uqeshwe nguMasipala aweSithili ukususela ngomhla wokuqalisa.

(9) Ukungafunyanwa kwesaziso esibhaliweyo ekubhekiswe kuso phaya kwicandelwana (8) akuthethi kungasebenzi kwalo naluphi na ugqithiselo.

(10) Xa nawuphi na umsebenzi ('umphikisi") esithi ugqithiselo lwakhe alwenziwanga ngokwemimiselo echazwe phaya kwicandelo 12 nele 16C, ngokwaso nasiphi na isivumelwano ekubhekiswe kuso kwicandelwana (2) okanye ngokwenkqubo echazwe kweli candelo, lowo mphikisi angafaka incwadi yokuphikisa kumphathi wethutyana kamasipala womasipala lowo agqithiselwe kuye oko ekwenza kungagqithanga iintsuku ezili-14 emva kokwaziswa kwakhe ngokwemiqathango ephaya kwicandelwana (5). Loo ncwadi yokuphikisa kuya kufuneka ukuba

umphathi wethutyana kamasipala ayigqithisele kuMpathiswa wePhondo okanye kumtyunjwa wakhe ukuze uMphathiswa wePhondo okanye umtyunjwa wakhe ibe nguye owenza isigqibo ngokweenkqubo ezimiselwe nguMphathiswa wePhondo, kwaye isigqibo soMphathiswa wePhondo okanye somtyunjwa wakhe akuyi kugqithwa kuso kwaye siya kuba sesibophelelayo.

(subsection (10) amended by PN 129/2008)

(11)Ngeli lixa lusalindelwe isigqibo soMphathiswa wePhondo okanye somtyunjwa wakhe ngokwecandelwana (10) umphikisi uya kugqithiselwa kumasipala, oko kunsenziwa ngokweli candelo. Ukuba uMphathiswa wePhondo okanye umtyunjwa wakhe ufumanise ukuba umphikisi bekufanele agqithiselwe komnye umasipala umphikisi uya kugqithiselwa kuloo masipala kwaye ugqithiselo lwakhe luya kuthatyathwa njengolwenzeka ngomhla wokuqalisa ngokwecandelo 12 nele 16C.

(12)Xa kunokwenzeka ukuba igama lomsebenzi lingaveli kuxwebhu olunoludwe lwamagama ekubhekisiwe kulo phaya kwicandelwana (4)(a), okanye xa kunokwenzeka ukuthi kanti umsebenzi wabelwe oomasipala abangaphezulu kwesinye ukususela ngomhla wokuqalisa, loo msebenzi kuya kufuneka, ngokukhawuleza emvane kokuva ngayo nokuba yiyiphi kwezo zinto, loo nto ayichaze kumphathi wethutyana kamasipala okanye kwi-IMM yoMisipala weSithili yena ke ekuya kufuneka ukuba loo mcimbi awugqithisele kuMphathiswa wePhondo ukuse ibe nguMphathiswa wePhondo okanye umtyunjwa wakhe oweneza isigqibo ngokweenkqubo ezimiselwe nguMphathiswa wePhondo kwaye isigqibo soMphathiswa wePhondo okanye umtyunjwaa akuyi kugqithwa kuso kwaye siya kuba sesibophelelayo.

(13)Ngomhla okanye ngaphambi komhla oya kumiselwa nguMphathiswa wePhondo uMasipala weNgingqi kuya kufuneka ukuba aluvume uphuhliso lwabasebenzi loMasipala weNgingqi ngokwemigaqo yomthetho osebenzayo kwaye kuya kufuneka ukuba ikopi yoxwebhu oluchaza olo phuhliso lwabasebenzi ayandlale phambi kweSebe leQonga leeNguqu leKansile yoThethwano; ngaphandle kokuba uMasipala weNgingqi uthe ekugqibeleni akaluvuma uphuhliso lwabasebenzi ukuba lube loloMasipala weNgingqi ngaphambi kokuba umphathiswa wethutyana kamasipala abe uye wayikhangela ishedyuli eqinisekisiweyo ngokwemigaqo yecandelwana (7).

(14)Ngomhla okanye ngaphambi komhla oya kumiselwa nguMphathiswa wePhondo, xa kungekafikelelwa kwisivumelwano phambi komhla wokuqalisa ngokwemiqathango yecandelo (13)(2) lale Shedyuli, u Masipala weNgingqi, njengelungu leSebe leQonga leeNguqu leKansile yoThethwano kuya kufuneka ukuba azame ukufikelela kwisivumelwano esiqukanisayo kwiSebe leQonga leNguqu leCandelwana leKansile yoThethathethwano neemanyano zabasebenzi ngokubhekiselele kwimimiselo, iinkqubo neendlela emazilandelwe xa kuqeshwa abantu abaya kungena kwizikhundla ezivele ngenxa yemo entsha yolawulo lukaMasipala weNgingqi.

(15)Ngomhla okanye ngaphambi komhla omiselwe nguMphathiswa wePhondo, uMasipala weNgingqi uya kuqesha abantu abayakungena kwizikhundla ezikwi uphuhliso lwabasebenzi ngokwemimiselo, iinkqubo neendlela ekuvunyelwene ngazo kwiSebe leQonga leeNguqu leKansile yoThethwano.

(section 12A inserted by PN.686/2000)

Izivumelwano zokusebenza ezithatyathwe kunye

13.(1) Nasiphi na isigqibo ekungnwe kuso li Qumrhu lee ngxoxo:-

(a) kurhulumente kazwelonke, okanye;

(b) kwi Qumrhu leeNgxoxo, okanye

(c) kurhulumente weedolophu,

siya kuhlala simi isesi setyenzi swayo de sihlo nyelwe okanye sitshitshiswe nogkokungqinelana kwi miqathango yesi sirumelwano.

(2) Phambi komhla wokuqala wonyulo oomasipala abatshutshisiweyo, njengamale eQonga lezokusebenza kufuneka bazame befikelele esigqibeni kunye nemanyano zaba zekenzi ngo kuphathelene nale miba ilandelayo:-

(a) inkqubo eya kulandelwa xa kumiselwa abasebenzi ezikhundleni ngokwendlela entsha emva komhla wokuqala wonyulo;

(b) inkqubo eya kulandelwa ekuqesheni kwezikhundla ezitsha kuba zikho emva kokusekwa ngokutsha kubume bezikhundla kuMasipala weNqila;

(c) ukwamkelwa kwemimiselo nemiqathango yengqesho yoMasipala weNqila emva komhla wokuqala wonyulo, kwakunye

(d) nawuphi na umcimbi ekubhekiselele kumiselo loMasipala weNqila.

Imicimbi yabasebenzi

14. Ngokuxhomekeke kuso nasiphi na isivumelwano ezenziwe kunye:-

(a) imigaqo-nkqubo kunye namanyathelo emicimbi yabasebenzi yoMasipala weNqila iya kuba yimigaqo-nkqubo namanyathelo emicimbi eyayisetyenziswa ngenx' engaphambi komhla wokuqala wonyulo kwaye iya kuhlala iyesetyenziswayo ngabo bonke abasebenzi ngokufanayo naleyo yayisetyenziswa yayingaphambi komhla wokuqala wonyulo, kwanegahlolwa okanye ekutshitshiswe nguMasipala weNqila;

(b) imimiselo nemiqathango yengqesho yabasenzi bonke bakaMasipala iya kuba yimimiselo nemiqathango eya kusebenza ngaphambi komhla wokuqala wonyulo isebenza kumqeshwa ngamnye nokuba uqeshwe emva komhla wokuqala wonyulo eqeshwa ngokwemimiselo nemiqathango yengqesho egqitywe nguMasipala.

IZiphumo zeNguqu ezibhekiselele kweminye imiba emalunga nabasebenzi

15.(1) Ngokwesivumelwano esiqukanisiweyo, umsebenzi osikhundla sakhe sitshintshwe ngenxa yenguqu akayi kuthathwa njengongafunekiyo ngokweenjongo zayo nayiphi na imimiselo okanye imiqathango yengqesho kungenjalo nawuphi na umgaqo wongxowa-mali yomhlala phantsi enika umsebenzi ithuba lokuba azinyulele ngokwakhe ukuwuyeka umsebenzi neemfanelo zakhe.

(2) Imiqathango yeli candelo isebenza kuphela xa umsebenzi athe wasikhaba ngaphandle kwesizathu asinikwayo nguMasipala.

(3) Ngokwenjongo yeli candelo, utshintsho lwezikhundla lungaquka okunye koku kulandelayo:-

(a) isithuba eso somsebenzi asisekho;

(b) isithuba eso somsebenzi sithe satshitshiswa;

(c) umsebenzi kufuneka enze isicelo sesithuba ngokutsha;

(d) inkqubo kunye namagunya esithuba eso athe atshitshiswa;

(e) kuthe kwatshintshwa umqeshi;

(f) xa isithuba eso sithe sanaphathi abaninzi ekufuneka umsebenzi enze ingxelo kubo;

(g) xa kukho umahluko kwisithuba eso.

Ukuthabathelana koomasipala izikhundla ngokwaseMthethweni

16. Ukususela ngomhla wokuqalisa:-

(1) Umasipala weNgingqi uya kuba ngumasipala othabatha isikhundla ngokwasemthethweni sabo masipala batshitshiswayo kananjalo uya kuba ngumasipala oza kusekwa ngokwemiqathango yeSaziso sooMasipala beZithili ngokubhekiselele kwimpahla namatyala abelwe uMasipala weNgingqi ngokwemiqathango yale Shedyuli.

(2) Ngokwecandelwana (1) necandelo 16D lale Shedyuli wonke amalungelo nezibophelelo zoomasipala abatshitshisiweyo angabiwanga ngokwemiqathango yale Shedyuli ayakwabelwa uMasipala weNgingqi, kwaye kuya kuba nguloo Masipala weNgingqi othabatha isikhundla ngokwasemthethweni sabo masipala batshitshisiweyo, ngokubhekiselele kuloo malungelo nezibophelelo.

(3) Zonke iintlawulo, ingeniso nazo zonke ezinye iimali ekufanele zihlawulwe okanye ziqokelelwe nawuphina/nabaphina ziya kuhlawulwa okanye ziqokelelwe ongunmasipala onthabathe isikhundla ngokwasemthethweni somasipala otshitshisiweyo ngokwemiqathango yale Shedyuli.

(4) Ingatyeshelwanga imiqathango yawo nawuphina umthetho onxulumene noku, nawaphina amaxwebhu othelekelelo-maxabiso asasebenzayo okanye abekho ngenxa yokuqulunqwa kothelekelelo-maxabiso lwethutyana okanye olongeziweyo, nokuba yiyiphi kwezo zinto, kummandla woMasipala weNgingqi aya kuhlala esebenza, ngaphandle kokuba imiqathango yaloo mthetho itsho nto yimbi, de ummandla lowo woMasipala weNgingqi uqulunqelwe uxwebhu jikelele lothelekelo-maxabiso.

(5) Lingatyeshelwanga icandelwana (1):-

(a) uMasipala uya kuthabatha iintambo ngokusemthethweni koomasipala abatshitshisisweyo ngokwezingqinisiso zemibandela ichaziweyo kuMthetho wokuGuqulwa kweMimandla ethile yasemaPhandleni kwanakuMthetho weeNgingqi zasemaPhandleni, ukuya kutsho kwizahlulo ekubhekiselelwe kuzo, de kube kutshintshelwa kwinkqubo ekubhekiselalwe kuyo kwicandelo le-3 loMthetho wokuGuqulwa kweMimandla ethile yasemaPhandleni:-

(i) umhlaba ophantsi kwegunya loMphathiswa wezoLimo neMicimbi yoMhlaba njengoko kuchaziweyo kwicandelo le-7 loMthetho weeNgingqi zasemaPhandleni noxhomekeke kwimiqathango equlathwe licandelo le- 3 loMthetho wokuGuqulwa kweMimandla ethile yasemaPhandleni uya kuhlala phantsi kwegunya loMphathiswa wezoLimo neMicimbi yoMhlaba, kwakunye

(ii) umhlaba obuphantsi kwegunya loomasipala abatshitshisiweyo ngokwemimiselo equlathwe nguMthetho weeNgingqi zasemaPhandleni noxhomekeke kwimiqathango yecandelo le- 3 loMthetho wokuGuqulwa kweMimandla ethile yasemaPhandleni uya kuhlala uphantsi kwegunya loMasipala ukususela kumhla wokuqala wonyulo;

(b) umhlaba ekubhekiselelwe kuwo kwicandelwana (2)(a) uya, kuthi ngexesha lotshintshelo ngokwemimiselo yecandelo le-3 loMthetho woluGuqulwa kweMimandla ethile yasemaPhandleni, ube phantsi kolawulo loMasipala njengoko uMthetho weeNgingqi zasemaPhandleni uchaza.

(section 16 amended by PN.686/2000)

Imimiselo yoGaithiselo lweMpahla, amaTyala neeRekhodi

16A. Ukususela ngomhla wokuqalisa:

(1) yonke impahla, amatyala neerekhodi zoomasipala abatshitshisiweyo neyayanyaniswa ngokukodwa nemisebenzi ekufanele yenziwe nguMasipala weSithili iya kugqithiselwa kuMasipala weSithili.

(2) yonke impahla, amatyala neerekhodi zoomasipala abatshitshisiweyo neyayanyaniswa ngokukodwa nemisebenzi ekufanele yenziwe nguMasipala weSithili (misebenzi leyo iquka imisebenzi efanele ukwenziwa nguMasipala weSithili kuMmandla woLawulo lweSithili) ye nawuphina omnye wooMasipala beeNgingqi iya kugqithiselwa iya kugqithiselwa kuMasipala weSithili.

(3) nayiphi na impahla yomasipala otshitshisiweyo enako ukususwa kwindawo ekuyo neyayanyaniswa nomsebenzi omnye okanye engaphezulu ekufanele ifezekiswe, ukusuela ngomhla wokuqalisa, nguMasipala weNgingqi noMasipala weSithili, nabanako ukwahlulelana ngayo baya kuyahlulelwa:-

(a) ngokwepesenti yelona xesha loo mpahla esetyenziswe ngalo kwindawo nganye;

(b) ngokwepesenti yelona xesha loo mpahla esetyenziswe ngalo ekwenzeni umsebenzi oya kuba luncedo macala omabini; okanye

(c) ngokwayo nayiphi na enye indlela evunywe nguMphathiswa wePhondo.

(4) yonke impahla yoomasipala abatshitshisiweyo engenakususwa kwindawo ekuyo neyayanyaniswa nomsebenzi okanye imisebenzi ekufanele yenziwe nguMasipala weNgingqi noMasipala weSithili, ndawonye nayo yonke impahla enokususwa kwindawo ekuyo neyayanyaniswa nomsebenzi okanye imisebenzi ekufanele yenziwe nguMasipala weNgingqi noMasipala weSithili abangenakwahlulelana ngayo, iya kugqithiselwa kumasipala oya kuyisebenzisa kakhulu ukugqitha abanye, kodwa nawuphi na umasipala osenomnqweno wokuyisebenzisa loo mpahla unelungelo lokuqhubeka ngokuyisebenzisa oko ekwenza ehlawula inxenye yeendleko zokuyisebenzisa ngokokuyisebenzisa kwakhe de ilungelo lakhe lokuyisebenzisa lipheliswe ngesivumelwano;

(5) ingatyeshelwanga imiqathango yecandelwana (4), uMasipala weNgingqi noMasipala weSithili banokuvumelana ngokuyahlula phakathi, nayiphi na impahla engenakususwa kwindawo ekuyo nekubhekiswe kuyo phaya

kwincandelwana (4), nenokwahluleka phakathi, okanye bohlule naliphi na iqela lempahla ekubhekiswe kulo phaya kumacandelwana (3) no-(4) ngendlela eyanelisayo, oko kusenziwa kunikwe ingqalelo uhlobo noncedo lwaloo mpahla okanye lwezo mpahla, ngokuvumelana kwabo, ze isahlulelo ngasinye saloo mpahla sabiwe ngokwesivumelwano eso;

(6) yonke impahla eyimali yoomasipala abatshitshisiweyo neyayanyaniswa nomsebenzi okanye imisebenzi ekufanele yenziwe nguMasipala weNgingqi noMasipala weSithili iya kwahlulelwa abo masipala ngendlela eyanelisayo, oko kusenziwa kunikwe ingqalelo uhlobo noncedo lwaloo mpahla;

(7) yonke impahla eyimali namatyala emali oomasipala abatshitshisiweyo engenakwayanyaniswa nomsebenzi othile iya kwahlulelwa uMasipala weNgingqi noMasipala weSithili ngale ndlela ilandelayo:-

(a) Izibonelelo ezingasetyenziswanga eziziimfanelo zabaqeshwa, ezifana neentsuku zekhefu ezingasetyenziswanga, ziya kugqithiselwa kwiimeko apho izibonelelo zinokunxulumaniswa nomqeshwa othile ngokuhambelanayo nenkqubo yogqithiselo lwaloo mqeshwa ngokwemiqathango yale Shedyuli kwanenezinye iimeko ngokomlinganiselo oya kuthelekiswa nezibonelelo ezilungiselelwe imivuzo seyiphelele neziza kugqithiselwa kuMasipala weNgingqi noMasipala weSithili;

(b) Izibekelelo nezibonelelo ezingasetyenziswanga ngenjongo ethile ziya kugqithiselwa ngendlela eyanelisayo, oko kusenziwa kunikwe ingqalelo uhlobo nenjongo yesibekelelo okanye yesibonelelo ngasinye;

(c) Izibekelelo nemali ezingasetyenziswanga eyintsalela yohlobo lwesiqhelo iya kwahlulelwa uMasipala weNgingqi noMasipala weSithili ngenye yezi ndlela zilandelayo:-

(i) ngokuthelekanisekayo kweengxelo-mali ezihlanganisiweyo zakutsha nje zoMasipala weNgingqi noMasipala Sithili;

(ii) nayiphi na enye indlela evunywe nguMphathiswa wePhondo.

(8) Yonke impahla engaphathekiyo yoomasipala abatshitshisiweyo neyayanyaniswa nomsebenzi okanye imisebenzi ekufanele yenziwe nguMasipala weNgingqi noMasipala weSithili iya kwabelwa umasipala omnye, noko kunjalo nawuphi na omnye umasipala onomnqweno waloo mpahla ingaphathekiyo uya kuba nelungelo:-

(a) lokuzuza imbuyekezo eyanelisayo, oko kuquka imali, ukutshintshiselwa okanye naluphi na olunye uhlobo lwembuyekezo ekunokuvunyelwana ngayo; kananjalo

(b) aqhubeke ngokuyisebenzisa loo mphahla xa athe wahlawula isabelo esithelekisekayo seendleko zokuyisebenzisa de elo lungelo lokuyisebenzisa lipheliswe ngokuvumelana.

(9) zonke iirekhodi zoomasipala abatshitshisiweyo nezayanyaniswa nomsebenzi okanye imisebenzi ekufanele yenziwe nguMasipala weNgingqi noMasipala weSithili nabangenakwahlulelana ngazo, ziya kugqithiselwa kumasipala omnye ngokokusondela kwazo kumsebenzi iirekhodi ezo ezoyamene nawo noko kunjalo nabanye oomasipala baya kubanelungelo lokuzifikelela ezo rekhodi kananjalo baya kubanelungelo lokufunyaniswa iikopi zazo.

(10)wonke amatyala oomasipala abatshitshisiweyo nayanyaniswa nomsebenzi okanye imisebenzi ekufanele yenziwe nguMasipala weNgingqi noMasipala weSithili aya kwahlulelwa uMasipala weNgingqi noMasipala weSithili ngendlela eyanelisayo, oko kusenziwa kunikwe ingqalelo uhlobo nenjongo yaloo matyala.

(11)yonke impahla namatyala oomasipala abatshitshisiweyo, ngaphandle kwalawo achazwe phaya kwicandelwana (7), nangenakwayanyaniswa nomsebenzi othile, aya kugqithiselwa kuMasipala weNgingqi.

(section 16A. inserted by PN.686/2000)

Inkqubo yokuGqithisela iMpahla, amaTyala neeRekhodi

16B.(1) Ingatyeshelwanga imiqathango yecandelo 16A necandelo 16C, kananjalo ngeli lixa kusalindelwe ukufezekiswa kwenkqubo yogqithiselo ngokweli candelo, yonke impahla, wonke amatyala nazo zonke iirekhodi zoomasipala abatshitshisiweyo, xa kukho imfuneko yoko, ziya kugqithiselwa okwethutyana kuMasipala weNgingqi, kwaye ke ngoko yonke impahla, wonke amatyala nazo zonke iirekhodi ezifanele ukugqithiselwa kuMasipala weSithili ngokwemiqathango yecandelo 16A okanye 16C lale Shedyuli ziya kuthatyathwa njengezigqithiselwe kuMasipala weNgingqi oko kusenziwa ngokwamalungiselelo aphakathi koMasipala weNgingqi noMasipala weSithili, malungiselelo lawo achaza ukuba uMasipala weSithili uya kufezekisa umsebenzi okanye imisebenzi eyayamene nempahla, amatyala neerekhodi ezo oko ekwenza egameni loMasipala weSithili.

(2) Ukuze ku:-

(a) kube nokulungiselelwa nawaphi na amalungiselelo ngokwemigaqo yoMthetho oHlonyelweyo wamaSebe ooMasipala; okanye

(b) kube nokuvunyelwa uMasipala weNgingqi kwanoMasipala weSithili ukuba bangene kwizivumelwano, kuqukwa nezivumelwano ezimalunga nomsebenzi,

ezinokuchaphazela utshintsho lwabasebenzi ngokwemigaqo yale Shedyuli, akukho nalinye ilungu eliya kunikezelwa ngokupheleleyo ngaphambi komhla wama-30 kuJuni 2001, okanye olo suku luya kube lumiswe nguMphathiswa wePhondo.

(3) Ngomhla okanye ngaphambi komhla oya kumiselwa nguMphathiswa wePhondo iCEO nganye kuya kufuneka qulunqe uxwebhu olunoludwe layo yonke impahla, amatyala neerekhodi zomasipala wayo otshitshisiweyo ngokwendlela eyalelwe nguMphathiswa wePhondo, kufuneka abe okwethutyana zonke iimpahla, amatyala, neerekhodi zomasipala otshitshisiweyo wakhe ngokuhambelanayo nemithetho-ssiseko echaziweyo kwicandelo 16A nele 16C, kwaye kuya kufuneka ukuba inike umphathi wethutyana kamasipala ne-IMM yoMasipala weSithili iikopi ezipheleleyo zoxwebhu olunolo ludwe.

(4) Ngomhla okanye ngaphambi komhla oya kumiselwa nguMphathiswa wePhondo, kodwa ngokwemiqathango yecandelwana (2), umphathi wethutyana kamasipala, ebonisene ne-IMM zoMasipala weSithilii kuya kufuneka ukuba:-

(a) ahlanganise amaxwbehu ekubhekiswe kuwo phaya kwicandelwana (1) awenze abe luxwebhu olunye ze ekugqibeleni abe ngokwahlukeneyo impahla, amatyala neerekhodi eziza kugqithiselwa kuMasipala weSithili

okanye kooMasipala beeNgingqi ngokwemiqathango yecandelo 16A nele 16C kanti nezo ekuya kufuneka ukuba zigqithiselwe ngokwesivumelwano ekubhekiswe kuso kwicandelwana (2);

(b) anike i-IMM yoMasipala weSithili ikipi yolo xwebhu kananjalo afumane kwi-IMM yoMasipala weSithili ikopi yoxwebhu oluqulungwe yi-IMM yoMasipala weSithili; kananjalo

(c) ahlanganise uxwebhu ekubhekiswe kulo phaya kumhlathi (a) noxwebhu olufunyenwe kwi-IMM yoMasipala weSithili ekubhekiswe kulo phaya kumhlathi (b) aze loo maxwebhu enziwe uxwebhu olunye olubonakalisa yonke impahla, wonke amatyala nazo zonke iirekhodi eziza kugqithiselwa kuMasipala weNgingqi.

(5) Ingatyeshelwanga imimiselo echazwe kwicandelo 16A no 16C, umphathi wethutyana kamasipala unokuthi evumelene ne-IMM yoMasipala weSithili, akuhlengahlengise ukwabiwa kwempahla, amatyala neerekhodi ngokwemiqathango yecandelwana (4) oko ekwenzela ukulungiselela ukwabelana, okufaneleke nangaphezulu, ngazo zonke ezo zinto phakathi koMasipala weNgingqi noMasipala weSithili.

(6) Xa kunokuvela impikiswano ngokubhekiselele kulwabiwo lwempathla, amatyala neerekhodi phakathi komphathi wethutyana kamasipala ne-IMM yoMasipala weSithili loo mpikiswano kuya kufuneka ukuba igqithiselwe kuMpathiswa wePhondo ukuze uMpathiswa wePhondo okanye umtyunjwa wakhe agqibe ngayo ngokweenkqubo ezimiselwe nguMphathiswa wePhondo, kwaye isigqibo soMphathiswa wePhondo okanye somtyunjwa wakhe akuyi kugqithwa kuso kwaye siya kuba sesibophelelayo.

(7) Umphathi wethutyana kamasipala uya kuluqinisekisa ngencwadi uxwebu loludwe oluhlanganisiweyo ekubhekiswe kulo phaya kwicandelwana (4)(c) kwaye kuya kufuneka ukuba uxwebhu olo olunoludwe alunike uMphathiswa wePhondo ngomhla okanye ngaphambi komhla oya kumiselwa nguMphathiswa wePhondo.

(8) Nje ngokukhawuleza kangangoko emva kokuqinisekiswa koxwebhu loludwe oluhlanganisiweyo ngokwecandelwana (7), kodwa kungagqithanga umhla oya kumiselwa nguMphathiswa wePhondo, umphathi wethutyana kamasipala kuya kufuneka ukuba aqalise ugqithiselo layo yonke impahla, amatyala neerekhodi zoomasipala abatshitshisiweyo.

(9) Umasipala weNgingqi uya kuliphicotha ugqithiselo lwempahla, amatyala neerekhodi kungagqithanga iinyanga ezili-12 emva komhla wokuqalisa, kungenjalo ngolo suku luya kumiselwa nguMphathiswa wePhondo.

(section 16B. inserted by PN.686/2000)

Ugqithiselo lwabasebenzi, impahla, namatyala ayanyaniswa nemisebenzi engeyiyo leya idweliswe kwicandelo 84 loMthetho wamaSebe ooMasipala

16C. Ingatyeshelwanga imiqathango yecandelo 12(1) necandelo 16A lale Shedyuli, ukususela ngomhla wokuqalisa:-

(a) Bonke abasebenzi, yonke impahla, onke amatyala nazo zonke iirekhodi zoomasipala abatshitshisiweyo nezayanyaniswa ngokukodwa:-

(i) lindlela ezingezizo ezomasipala

(ii) neenkonzo zeenqwelo-zigulane;

(iii) Iinkonzo zempilo ezingezizo ezomasipala

(iv) ulawulo lweentlekelele;

(v) ulwakhiwo lwezindlu;

(vi) amathala eencwadi;

(vii) umzi wocgino lwezinto zakudala;

(viii) iinkqubo zokuzisa amanzi ingezizo ezo zamanzi alungele ukuselwa

(ix) ulondolozo lwendalo nokusingqongileyo, kubandakanywa nolawulo lwamazibuko, imfundiso ngokusingqongileyo, ulawulo lwezilwanyana nolawulo lwamanzi angaphakathi elizweni; kananjalo ubuxhakaxhaka bokubonelela ngamanzi ngaphandle kobuxhakaxhaka bokubonelela ngamanzi alungele ukuselwa;

(x) nemithetho yendlela nokuthotyelwa kwayo;

ziya kugqithiselwa kuMasipala weNgingqi ngokwenkqubo echazwe kwicandelo 12(2), (3) no (4) necandelo 12A no 16B lale Shedyuli;

(b) bonke abasebenzi, yonke impahla, onke amatyala nazo zonke iirekhodi zoomasipala abatshitshisiweyo ezingenakwayanyaniswa nemisebenzi ekubhekiswe kuyo phaya kwicandelo 84(1) loMthetho wamaSebe ooMasipala okanye umhlathi (a) okanye (b), ziya kugqithiselwa kuMasipala weNgingqi ngokwemimiselo neenkqubo ezichazwe kwicandelo 12, 12A, 16A no- 16B lale Shedyuli.

(section 16C. inserted by PN.686/2000)

Ugqithiselo lwabasebenzi, impahla, amatyala neerekhodi ezinxulumene nezivumelwano zobonelelo ngeenkonzo zikamasipala

16D.(1) Kungatyeshelwanga nantoni na ephikisana noko kuqulethwe kuso nasiphi na isivumelwano sokubonelela ngeenkonza zoomasipala, esenziwa noomasipala abatshitshisiweyo, sivumelwano eso esithi umasipala lowo utshitshisiweyo kuya kuba nguye obonelela ngeenkonza; bonke abasebenzi, yonke impahla, onke amatyala nazo zonke iirekhodi zaloo masipala utshitshisiweyo ziya kugqithiselwa ngokwemiqathango yale Shedyuli

(2) Umphathiswa wePhondo nguye oya kugqiba ekubeni nguwuphi umasipala oya kuthabatha isikhundla somasipala otshitshisiweyo ngokubhekiselele kwisivumelwano sobonelelo ngeenkonza esenziwa ngumasipala otshitshisiweyo sivumelwano eso esithi umasipala lowo utshitshisiweyo nguye oya kubonelela ngeenkonza, kwaye unokuyalela uMasipala weNgingqi okanye uMasipala weSithili ukuba aqalise kananjalo alawule nawaphi na amalungiselelo ethutyana obonelelo ngeenkonzo ngokwemiqathango yecandelo 19 lale Shedyuli, ukuqinisekisa ukuqhubeka kubonelelo ngeenkonzo ngokubhekiselele kwisivumelwano eso.

(3) Kwithuba ukususela ngomhla wokuqalisa ukuya kumhla uMphathiswa wePhondo enze ngawo isigqibo ngokwecandelwana (3), uMasipala weNgingqi kuya kuba nguye ongena esikhundleni somasipala otshitshisiweyo ngokwasemthethweni ngokubhekiselele kuzo naziphi na izivumelwano zobonenelelo ngeenkonzo ekubhekiswe kuzo kwicandelwana (1) ngokwemiqathango yecandelo 19.

(section 16D. inserted by PN. 686/2000)

Ukusilela ekufezekiseni imiqathango ethile yale Shedyuli

16E. Xa kunokwenzeka ukuba umphathi wethutyana kamasipala okanye nabani na ongomnye akufuneka enze umsebenzi othile ochazwe kwicandelo 12A okanye 16B, asilele okanye ale ukwenza oko kwithuba elichazwe kuloo macandelo, uMphathiswa wePhondo angatyumba nabani na ukuba enze loo msebenzi, xa kunjalo ke loo Masipala weNgingqi okanye loo Masipala weSithili uchaphazelekayo kuya kufuneka asebenzisane ngokupheleleyo naloo mntu.

(section 16E. inserted by PN.686/2000)

Imithetho yeNguqu ebhekiselele kwimithetho yenqila nemimiselo

17.(1) Nayiphi na imithetho yenqila esetyenziswayo kummandla womasipala otshitshisiweyo emvan nje komhla wokuqala wonyulo iya kusebenza ukususela ngalo mhla, de kube kuthe ngexesha lokuqwalaselwa ngokutsha nokwenziwa kohlenga-hlengiso ngokwemiqathango yecandelo le-15 loMthetho weeNginqi kaMasipala, uhlale usebenza ngokupheleleyo kuloo mmandla umiselwe wona, ukwaxhomekeke nasekubeni uhlonyelwe okanye utshitshiswe nguMasipala.

(2) Ngaphandle kokuba le mithetho ayingqinelani neemeko ekubhekiselelwa kuzo okanye ayicaciswanga ngokufanelekileyo, isingqinisiso kuyo nayiphi na imithetho yenqila enjengale esiya kwenza ukuba:-

(a) umasipala otshitshisiweyo okanye owayengaphambili, kufuneka achazwe njengosisingqiniso kuMasipala weNgila, kwakunye

(b) indlela ami ngayo okanye umsebenzi kamasipala otshitshisiweyo, umelwe kukuchazwa njengesingqinisiso kubume ahambelana naso okanye umsebenzi kaMasipala.

(3) Ngokuxhomekeke kwimiqathango yolu ludwe lweenkqubo nangokugatyanga kutshitshiswa koomasipala abatshitshiweyo, nasiphi na:-

(a) isigqibo esithe sathatyathwa;

(b) isaziso, isiqinisekiso okanye amaxwebhu athe akhutshwa;

(c) isalathiso, ukwamkeleka, imvume okanye ingunya elithe lanikezelwa;

(d) isaphulelo, iphepha-mvume okanye imvume ethe yanikwa okanye yakhutshwa;

(e) ukuqeshwa ukuthe kwenziwa;

(f) umqeshwa othe watyunjwa;

(g) isivumelwano okanye isibophelelo ekuthe kwangenwa kuso;

(h) amagunya athi anikweze umsebenzi;

(i) amaxabiso, uluhlu lweerhafu/lwamaxabiso okanye iindleko ezibekiweyo;

(j) umhlaba othe wabekelwa bucala, kwakunye

(k) amanye amanyathelo athe athatyathwa okanye izinto ezenziweyo,

ngumasipala otshitshisiweyo oya kuthi, ngokwemiqathango yolu luhlu lweenkqubo, zithathwe ezi zinto ngokwezinto abezenza ezikhutshiweyo, ekunikiswe ngazo, ezenziweyo, abaqeshwa abatyunjiweyo, izivumelwano ekungenwe kuzo amagunya anikeziweyo, okumiselweyo, okanye okuthe kwenziwa nguMasipala de kube kuphindwe kwaqwalaselwa ngokutsha kusenziwa nohlenga-hlengiso ngokwemiqathango yecandelo le-15 loMthetho wamaSebe ooMasipala.

(4) Ngokwemiqathango yesahluko sama-20, 21, 22 nese 23 ekolu luhlu lwenkqubo, nabani na ngomhla wokuqala wonyulo othe wasebenzisa amagunya okanye wenza umsebenzi wakhe kungenjalo esebenza ngokwegunya lesikhundla sakhe nokuba ligunya awayelinikwe ngumasipala otshitshisiweyo, uya kuthi gqolo ukulisebenzisa elo gunya okanye enze umsebenzi lowo kungenjalo asebenze de kufike elo xesha athe wagqiba nqandlela yimbi uMasipala omtsha.

(5) Ngokwenjongo zoludwe lweenkqubo yeMiqathongo eLawula ukuMiselwa kwamaGosa oxolo njengoko kuchaziwe kwimigaqo yecandelo 334 loMthetho weNkqubo yolwaPhulo-Mthetho ka1977 (uMthetho wama-51 ka1977), nalipi na igosa eliqinisekisa ngokuthotyelwa komthetho elamiselwa ngumasipala otshitshisisweyo, liya kuthi ukususela kumhla wokuqala wonyulo lithathwe njengeliqeshwe nguMasipala weSithili eso lisebenza kuso.

(6) Nasiphi na isicwangciso esisemthethweni esisetyenziswayo okanye esilandelwayo kummandla wolawulo loomasipala abatshitshisiweyo, siya kuhlala sisetyenziswa kungenjalo kulandelwa sona kummandla lowo besilungiselelwe ukusetyenziswa kuwo de sibe sihlonyelwe, siguqulwe okanye sitshitshisiwe nguMasipala.

IMicimbi yeMali

18.(1) Ukususela kumhla wokuqala wonyulo uhlahlo-lwabiwo-mali olukhoyo loomasipala abatshitshisiweyo luya kusebenza kuhlahlo-lwabiwo-mali loMasipala de ibe ngumhla wama-30 kuJuni 2001 notshintshelo lohlahlo lwabiwo-mali lwangaphakathi loomasipala luya kuqhubeka kunyaka mali we-2000/2001.

(2) Ngokungayigatyanga miqathango yecandelwana (1), uMasipala:-

(a) angenza uhlenga-hlengiso kuhlahlo-lwabiwo-mali olukhoyo, okanye

(b) angagqiba ekubeni azivale iincwadi ze uhlahlo-lwabiwo-mali alwenze ngokutsha ngentsalela yemali yonyaka wohlahlo-lwabiwo-mali;

lungenziwa uhlenga-hlengiso okanye ulungiselelo nokwamkelwa kohlahlo-lwabiwo-mali olunjengolu, Phambi kwesiqalo sonyaka-mali ka2001/2002 kuya kufuneka uMasipala ukuba alungiselele ekwamkela izicwangciso zokulawula imali kwanemigaqo-nkqubo ehambelana.

(3) Phambi kwesiqalo sonyaka-mali ka2001/2002 kuya kufuneka uMasipala ukuba alungiselele ekwamkela izicwangciso zokulawula imali kwanemigaqo-nkqubo ehambelana:-

(a) nemiqathango, nebandakanya utshintshiselwano lohlahlo lwabiwo mali phakathi koomasipala, ukuqinisekisa uzinzo kwezezimali kwithuba lasemva konyaka mali ka2000/2001;

(b) neendleko zexesha eliphakathi;

(c) ukulinganiswa kobume boluhlu lweerhafu loLawulo loMmandla weSithili;

(d) ukwenziwa kwamalungiselelo abanzi oxwebhu olutsha loqikelelo-maxabiso kwanokuphakanyiswa kweimicimbi yeerhafu ezifikeleleka nakubani okuLawulo loMmandla weSithili;

(e) ukuziswa ngoaphambili kwee-akhawunti eziqukansiweyo;

(f) ukuhlanganiswa kwenkqubo zocwangciso-mali neenkqubo zohlahlo-lwabiwo- mali;

(g) ulawulo lwamatyala, kwakunye

(h) neenkqubo zokuthenga.

Amalungiselelo eThutyana oLawulo

19.(1) Ukususela ngomhla wokuqalisa ukuya kumhla apho abasebenzi, iimpahla, amatyala neerekhodi zide ekugqibeleni zobiwa ngokwemimiselo ekule Shedyuli, okanye omnye umhla onokumiselwa nguMphathiswa wePhondo, uMasipala weNgingqi:

(a) uya kunyanzeleka ukuba asebenzisane ngeyona ntembeko inkulu nabo bonke abasebenzi, iimpahla, amatyala okanye iirekhodi

(i) abaqeshwe ngokwemiqathango yecandelo 12A(1);

(ii) abagqithiselwe ngokwemiqathango yecandelo 16B(1) kananjalo

(iii) ezobiwe okwethutyana ngokwecandelo 12A(3) nele 16B(3) imo enokuthenjwa ngokubhekiselele kuMasipala weSithili

(b) engabujongelanga phantsi ububanzi becandelwana (1) kanto nangokwecandelo 12(2), ngokubhekiselele kwimihlathi (i) no (vii) elapha ngezantsi, akayi kuthi enganikwangwa nvume ngencwadi nguMphathiswa wePhondo, mvume leyo inemiqathango ethile ekubhekiselelwe kuyo kwimihlathi (ii), (iii), (iv), (v), (vi) nowe-(viii) elapha ngezantsi, kuthintelwa ngaphandle kwesizathu esivakalayo enze okanye aqalise naziphi na inguqu zophuhliso lwabasebenzi abaqeshwe okwethutyana ngokwemiqathango yecandelo 12A(1), okanye enze izabiwo zethutyana ngokwemiqathango yecandelo 12A(3) ngokuthi:-

(i) adale okanye avale naziphi na izikhundla ezintsha;

(ii) avale izikhundla ezingenamntu;

(iii) aphakamisa okanye aqalise ukuguqula ngokutsha nokunyusa umgangatho wazo naziphi na izikhundla ezikhoyo;

(iv) anyusele abasebenzi kwizikhundla eziphezulu;

(v) anike abasebenzi nayiphi na imisebenzi yesigxina ngaphandle kwemisebenzi esetyenzwa okwethutyana;

(vi) ngokuxhomekeke kuwo nawuphi na umthetho, izivumelwano ezihlanganisiweyo okanye ingqesho engesosigxina:-

(aa) ukunika imvume kwanokusebenzisa nayiphi na imali evunyelweyo, kungenjalo imali evunyelweyo engunobambiso;

(bb) ukuqalisa ukubonelela ngonyuso mali lwemivuzo.

(vii) aqalise naziphi na iinguqu kwimibutho yabasebenzi okanye kwiimo zokuphatha, kananjalo

(viii) angene nakwisiphi isivumelwano esihlanganyelweyo, ngaphandle kwesivumelwano esihlanganyelweyo ekubonisenwe ngaso kwavunyelwana ngaso kwiKansile yoThethwano nesiya kubophelela uMasipala weNgingqi ngokubhekiselele kuwo nawuphi na umba odweliswe kweli candelwano

(c) engabujongelanga phantsi ububanzi becandelwana (1), akayi kwenza ngaphandle kokuba kokufumana imvume yoMasipala weSithili, mvume

leyo ingasayi kuthintelwa ngaphandle kwesizathu esivakalayo, okanye ukuqalisa nasiphi na isigqibo esinxulumene nayo nayiphi na impahla, amatyala, iirekhodi ngokwemiqathango yecandelo 16B(1) okanyeeyabiwe okwethutyana ngokwemiqathango yecandelo 16B(3) esiya kwenza ukuba loo masipala:-

(i) athengise okanye aqeshise ngempahla engenakususwa kwindawo ekuyo okanye enokususwa kwindawo ekuyo mpahla leyo exabiso layo lingaphezulu kwama-R20 000,00 (amawaka angamashumi amabini eerandi) ngaphandle xa oko kusenziwa ngokwemiqathango yezivumelwano ezikhoyo, nangona ke loo miqathango ingenakusebenza xa kuchithwa impahla engenakususwa kwindawo ekuyo ngokwenkqubo yolwakhiwo lwezindlu oluvunywe ngokwemiqathango yoMthetho woLwakhiwo lweZindlu, 1997 (Umthetho 107 wonyaka we-1997);

(ii) athenge impahla engenakususwa kwindawo ekuyo okanye enokususwa kwindawo ekuyo mpahla leyo exabiso layo lingaphezulu kwama-R20 000,00 (amawaka angamashumi amabini eerandi);

(iii) enze izivumelwano ezintsha zethuba elingaphezulu konyaka omnye;

(iv) avuselele izivumelwano zethuba elingaphezulu kweenyanga ezintathu;

(v) azifumanele ubuxhakaxhaka betekhnoloji obuquka oomatshini bohlobo lwekhompyuta neenkqubo abazisebenzisayo, kananjalo

(vi) asebenzise:-

(aa) iimali eziqingqwe ngokomthetho, ezisebenzisela ukuthenga impahla eyikapitali okanye enye inkcitho kungenjalo ukuhlawulela inkcitho ngokuvula amatyala angaphakathi emali-mboleko oko ekwenzela iinjongo ezingezizo ezeeprojekthi zolwakhiwo lwezinto ezisetyenziswa sisizwe eziqingqiweyo neziyimfuneko kwanezivunywe kuhlahlo-lwabiwo mali lonyaka wama-2000/2001;

(bb) iimali ezigcinwe kwithrasti (ezingaquki ii-akhawunti zeKansile) ezisebenzisela naziphi na iinjongo ngaphandle kwezo ezo mali ezigcinelwe zona;

(cc) iimali ezibekelelwey, ikapitali ebekeleweyo okanye izibonelelo ezibekelelweyo ngenjongo engeyiyo yokululonga izinto ezakhelwe isizwe nezifakwe kuhlahlo-lwabiwo mali, ulolongo lwezinto zonxunguphalo ezikhelwe isizwe nezingafakwanga kuhlahlo-lwabiwo mali, lolongo olo olungenakuhlawulelwa ngemali ecwangciselwe ukwenza umsebenzi okanye ngokuthi kucinywe amatyala angasenakuhlawulwa; kananjalo

(dd) nayiphi na ithrasti esekwe ngokomthetho, nasiphi na isibekelelo okanye isibonelelo esingeyo mali izinkozo

exhaswa ngemali engeyiyo esisiphumo sokucinywa kwamatyala angasenakuhlawulwa.

Nangona ke eli candelwana lingenakusebenza kwiimeko zonxunguphalo; kwaye

(d) akayi kwenza okanye kuqalisa nasiphi na isigqibo esiya kwenza ukuba uMasipala weNgingqi agqithise kwikapitali yakheto evunyiweyo okanye kwimali yonyaka-mali wama-2000/2001 ecwangciselwe ukwenza umsebenzi.

(2) Xa kunokuvela impikiswano ngokubhekiselele kwimiqathango yecandelwana (1) phakathi koMasipala weNgingqi noMasipala weSithili, loo mpikiswano kuya kufuneka ibhekiswe kuMphathiswa wePhondo ukuze ibe nguMphathiswa wePhondo okanye umtyunjwa wakhe owenza isigqibo ngayo ngokweenkqubo ezimiselwe nguMphathiswa wePhondo, kwaye isigqibo so Mphathiswa wePhondo okanye umtyunjwa wakhe owenza isigqibo ngayo ngokweenkqubo ezimiselwe nguMphathiswa wePhondo, kwaye isigqibo soMphathiswa wePhondo okanye umtyunjwa wakhe akuyi kugqithwa kuso kwaye siya kuba sesibophelelayo.

(3) Nasiphi na isivumelwano esenziweyo nesiphikisana nemiqathango yecandelwana (1) okanye (2) asiyi kusebenza kwaphela.

(section 19 amended by PN.686/2000)

Ukuqeshwa kwamagosa abambeleyo

20. Phambi komhla wokuqala wonyulo uMphathiswa wePhondo, uya kuthi akuba eziqwalasele iziphakamiso zeQonga leNguqulelo leSithili ezinxulumene noMasipala weNqila aqeshe nabanina nakwisiphi na isikuhundla esiya kuthi sifuneke phantsi komthetho ochaphazelekayo, isikhundla eso esiya kuba sesethutyana, yaye ubani oya kuthabatha isikhundla ngomhla omiselweyo de uMasipala wesiThili aziqeshele phantsi kwemiqathango yomthetho ochaphazelekayo ekubhekiselelwe kuyo kwesi sakluko.

Ukuqeshwa koMphathi weThutyana kaMasipala

21.(1) Ngaphambi komhla wokuqala wonyulo uMphathiswa wePhondo, emva kokuqwalasela iziphakamiso zeQonga leNguqulelo leSithili, uya kutyumba umphathi wethutyana kamasipala noya kuhlala kweso sikhundla de abe uMasipala weNqila umisa owakhe umphathi okanye umphathi olibambela.

(2) Imisebenzi yomphathiswa wethutyana kamasipala, iya kuba yile ilandelayo:-

(a) uya kubiza indibano yokuqala yeKansile kaMasipala weNqila ngokwesahluko sama- 29(2) soMthetho wamaSebe kaMasipala;

(b) uya kongamela indibano yokuqala yeKansile kaMasipala de kube kunyulwe isithethi;

(c) emva komhla wokuqala wonyulo, uya kusebenza njengentloko yolawulo kwananjengegosa eli loMasipala weSithili de abe uMasipala umisela owakhe umphathi nokuba ngumphathi olibambela;

(d) emva komhla wokuqala wonyulo, uya kuyenza yonke imisebenzi efanele ukwenziwa yiCEO yomasipala ngokomthetho wolawulo osetyenziswayo;

(e) ajongane noxanduva lwenkqubo yokutshintshwa kwabasebenzi, izixhobo zokusebenza, ingeniso, ulawulo kwanamanye amaxwebhu kuMasipala weSithili;

(f) amisele abantu abaya kufezekisa imfanelo azimiseleyo ngokwemigaqo ekule Shedyuli;

(g) athabathe amanyathelo afanelekileyo ukuqinisekisa ukuba inkonzo eqhutywayo isahamba ngendlela nasemva komhla wokuqala wonyulo;

(h) aseke inkqubo enobuchule yethutyana yolawulo lwemali kaMasipala weSithili;

(i) amisele iindawo zethutyana zeenkqubo zokwenza imigxelo;

(j) ukunika izimvo neziphakamiso ezimalunga nenkqubo yezivumelwano, amalungiselelo eenkqubo kwanezivumelwano ngenkqubo yeenkonzo ezenziwayo;

(k) ukufezekiswa kwenkqubo yamalungiselelo enkonzo yethutyana phakathi kooMasipala beeNgingqi noMasipala weSithili, kwakunya

(l) anikeze naliphi na kumagunya akhe okanye imisebenzi yakhe kuye nawuphi na umqeshwa kaMasipala weNgingqi kwakhona arhoxise abuyisele kuye loo magunya, kwakunye

(m) Kwisithuba esiphambi komhla wokuqala wonyulo uya kwenza amalungiselelo eenkqubo ezikankanyiweyo ku (a) unkuya ku (1).

(3) Phambi komhla wokuqala wonyulo, iiCEOs ziya kubambisana nomphathi komasipala weThutyana kuyo yonke imibandela enokwenza noku sekwa komasipala omtsha wengingqi.

(4) Ukusukela kumhla wonyulo, iiCEO ziza kusebenza phantsi kwemiyalelo yomphathi wethutyana kamasipala, kanti nomphathi wethuyana kamasipala uya kuba negunya kubo.

Abaphathi abancedisayo bethutyana bakamasipala

22. UMphathiswa wePhondo unokuthi, emva kokuba ezinike ingqalelo naziphi na iziphakamiso zeQonga leNgunqulelo leSithili, aqeshe nokuba bangaphi abancedise bethutyana babe ngabaphathi betyhutyana bakamasipala, nabaya kuqalisa emsebenzini emva nje kokuba beqeshiwe kwaye baya kuhlala kwezo zikhundla de uMasipala abe usiqinisekisile okanye usiphelisile isikhundla eso.

IQela loLawulo elkikiSikhundla esiPhezulu

23. Nabaphi na abancedise abamiselwa ukuba ngabaphathi bethuyana bakamsipala, bekunye nomphathi wethutyana kamasipala, baya kuba yinxalenye yeqela lolawulo elikwisikhunda esiphezulu likaMasipala neliya kongamela iinkqubo zokufezikiswa ukusekwa koMasipala weNqila.

Ingqesho

24. Nawuphi na umntu oqeshwe ngokwezahluko 21 okanye 22 oya kuthi, ngexesha lokuqeshwa kwakhe abe ngumsebenzi womasipala otshitshisiweyo kungenjalo uMasipala weNqila oya, kuthi ngokwemiqathamngo ekwicandelo le-12 lale shedyuli, ahlale eqeshwe ngumasipala otshitshisiweyo okanye uMasipala weNqila, eya kufezekisa iimfuno zomsebenzi njengomntu othunyelweyo.

INdibano yokuqala yeKansile kaMasipala weSithili

25.(1) uMphathi wethutyana kamasipala uya kuthi, kwiintsuku ezintathu phambi kokuhalalelwa kwendibano yeKansile kaMasipala weSithili, athumele kuceba ngamnye kwindawo ahlala kuyo nokuba kukwindawo ekhethwe nguceba lowo kubhekiselelwe kuye, isaziso esimalunga nendawo, umhla, ixesha lendibano

yokuqala kwane-agenda; kuxhomekeke kumphathiswa wethutyana ukubiza indibano yokuqala ngesikhawu.

(2) Ngokungayigatyanga nje imithetho yeengingqi esebenzayo, kodwa ngokuxomekeke kwizibonelelo zaMthetho wamaSebe kaMasipala, imiqathango nemimiselo yentlanganisano yokuqala yeKansile yoMasipala weNgingqi yimimiselo nemimselo yentlanganiso yokuqala yeKansile yoMasipala weNgingqi yimimiselo nemimiselo ekhankanyiweyo kweiSaziso sePhondo esingu- 411/1988njengongoko sichaziweyo kwiGazethi yePhondo enguNombolo 4532 yomhla wama- 20 kuMeyi 1998 eneenguqulelo ezifunekayo kwezinye iziqendu, loo mimiselo iya kuhlala iyesebenza de kusetyenziswe imiqathango nemimiselo nguMasipala weNgingqi.

(subsection (2) amended by PN.686/2000)

(3) INdawo eya kubanjelwa kuyo indibano yokuqala yeKanile kaMasipala weNqila iya kuba yiNdlu yeKansile etshitshisiweyo ekummandla waseGeorge, eGeorge.

(4) I-agenda yendibano yokuqala iya kuba yile ilandelayo:-

(a) Ukunyulwa kwesithethi;

(b) ukuba ngaba uMasipala weSithili uyafuna na ukuseka ikomiti elawulayo, ukuba kunjalo, kuya kumiselwa umgaqo-nkqubo womelo lonyulo lwekomiti elawulayo;

(c) ukunyulwa kooceba abaya kusebenzela ikomiti elawulayo;

(d) ukunyulwa kukasodolophu kumalungu ekomiti elawulayo;

(e) ukunyulwa kosekela-sodolophu, kumalungu ekomiti elawulayo nothianikwe imvume nguMphathiswa wePhondo, kwakunye

(f) nayiphi na eminye imisebenzi esekwe ngumphathi wethutyana kamasipala ne-agenda emiselweyo.

Ukusetyenziswa kwesi Saziso

25A. Xa kunokuvela ukungavisisani, malunga nokufezekiswa kwemiba ekwesi Saziso, phakathi kwesi Saziso nemiqathango yaso nasiphi na isaziso secandelo 84(3) esabhengezwa nguMphathiswa wePhondo okanye nasiphi isaziso secandelo 18 esabhengeza nguMphathiswa wePhondo, nokuba sisiphi kwezo zaziso, imiqathango yesaziso ecandelo 83(3) yiyo eya kusebenza.

(section 25A. inserted by PN. 686/2000)

USekela Sodolophu weSigqeba

25B. Kunikezwe imvume ngokwemiqathango yecandelo 55 lomthetho, iMunicipal Structures Act, njengoko silungisiwe, kusenzelwa ynyulo losekela sodolophu wesigqeba.

(section 25B. inserted by PN.227/2003

ISihloko esifutshane nokuqalisa

26. Esi Saziso sibizwa ngokuba nguMasipala waseGeorge (WCO44) ukuSekwa kweSaziso nesiqalise ukusebenza ngomhla esipapashwe ngawo.

ISIHLOMELELO 2

AManyathelo eXeshana okukhawulezisa ukutshitshiswa kweNgingqi yoLawulo lweSithili (WCDMA4)

linkcazo-magama

1. Kwesi Sihlomelelo, ngaphandle kwalapho ingatshoyo indlela esisetyenziswe ngayo -

   esi sifinyezo "**DMA**" simele i*District Management Area*, iNgingqi yoLawulo lweSithili, echazwa kwicandelo 2(1) lale shedyuli; kwaye

   "**umhla wokuqalisa**" ubhekisele kumhla wonyulo-jikelele olulandelayo lweekhansile zoomasipala

Amanyathelo exeshana

2. Kuhanjwa ngokwecandelo 14, xa lifundwa necandelo 16, loMthetho oyi*Municipal Structures Act*, amanyathelo exeshana okulawula nokukhawulezisa iziphumo zokubandakanywa kwe-DMA kuMasipala weNgingqi achazwe kwiSaziso seSilungiso seSithandathu seSaziso sikaMasipala weSithili, esipapashwe kunye nesi saziso.

(Annexure 2. inserted by PN.68/2011

P.K. 501/2000 22 September 2000

WET OP PLAASLIKE REGERING: MUNISIPALE STRUKTURE, 1998 (WET 117 VAN 1998)

Gewysig deur:
Provinsiale Kennisgewing 686 van 4 Desember 2000
Provinsiale Kennisgewing 468 van 19 Desember 2002
Provinsiale Kennisgewing 227 van 24 Junie 2003
Provinsiale Kennisgewing 23 van 3 Januarie 2006
Provinsiale Kennisgewing 66 van 25 Februarie 2011
Provinsiale Kennisgewing 286 van 21 Oktober 2011
Provinsiale Kennisgewing 125 van 8 April 2016
Provinsiale Kennisgewing 63 van 3 Maart 2017
Provinsiale Kennisgewing 109 van 24 Augustus 2018
Provinsiale Kennisgewing 258 van 22 Maart 2019
Provinsiale Kennisgewing 123 van 15 Oktober 2021
Provinsiale Kennisgewing 76 van 6 Maart 2026

INSTELLING VAN DIE MUNISIPALITEIT GEORGE (WCO44)

Uit hoofde van die gesag aan my verleen by artikels 12 en 14 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998), gee ek hiermee kennis van die instelling van die Munisipaliteit George op die voorwaardes wat in die Bylaag hiervan uiteengesit is.

Gedateer op hierdie 22ste dag van September 2000.

P UYS, PROVINSIALE MINISTER VAN PLAASLIKE REGERING

BYLAAG

Woordomskrywings en Uitleg

1. In hierdie Bylaag, tensy uit die samehang anders blyk, omvat die enkelvoud die meervoud en omgekeerd, word voorkeur verleen aan die Engelse teks ingeval die verskillende tekste teenstrydig is, en het 'n woord of uitdrukking waaraan die Munisipale Strukturewet 'n betekenis geheg het, dieselfde betekenis, en beteken –

(1) **"afgeskafte munisipaliteite"** daardie bestaande munisipaliteite afgeskaf ingevolge artikel 3 van hierdie Bylaag;

(1A) **"artikel 18-kennisgewing"** 'n kennisgewing afgekondig ingevolge artikel 18 van die Munisipale Strukture Wysigingswet;

(subartikel (1A) ingevoeg deur PK 686/2000)

(1B) **"artikel 84(3)-kennisgewing"** 'n kennisgewing afgekondig ingevolge artikel 84(3) van die Munisipale Strukturewet;

(subartikel (1B) ingevoeg deur PK.686/2000)

(2) **"Bedingingsraad"** die Wes-Kaapse afdeling van die Suid-Afrikaanse Bedingingsraad vir Plaaslike Bestuur wat aansoek gedoen het om

registrasie as 'n bedingingsraad ingevolge Algemene Kennisgewing 1513/1999, soos gepubliseer in Staatskoerant No. 20282 van 16 Julie 1999;

(2A) **"burgemeesters-uitvoerende stelsel"** 'n stelsel wat voorsiening maak vir die uitoefening van uitvoerende gesag deur 'n uitvoerende burgemeester in wie die uitvoerende leierskap van die munisipaliteit berus en wie deur 'n burgemeesterskomitee bygestaan word;

(subartikel (2A) ingevoeg deur PK.227/2003)

(3) **"Distriksmunisipaliteit"** die Tuinroete Distriksmunisipaliteit wat met ingang van die effektiewe datum ingestel moet word;

(subartikel (3) gewysig deur PK.109/2018)

(3A) **"Distriksmunisipaliteit se TMB"** die tussentydse munisipale bestuurder van die Distriksmunisipaliteit;

(subartikel (3A) ingevoeg deur PK.686/2000)

(3B) **"Distriksmunisipaliteitskennisgewing"** Provinsiale Kennisgewing 497/2000, gepubliseer in Buitengewone Provinsiale Koerant No. 5592 van 22 September 2000;

(subartikel (3B) ingevoeg deur PK.686/2000)

(4) **"Distrikstransformasieforum"** die Klein Karoo/Suid-Kaap Distrikstransformasieforum wat ingevolge die DTF-Kennisgewing ingestel is;

(5) **"DTF-Kennisgewing"** Provinsiale Kennisgewing 78/2000 gepubliseer in Buitengewone Provinsiale Koerant No. 5435 van 10 Maart 2000;

(6) **"effektiewe datum"** die datum waarop die verkiesing 'n aanvang neem;

(7) *(subartikel (7) geskrap deur PK.227/2003)*

(8) "**Grondwet"** die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet 108 van 1996);

(9) **"HUB"** die hoof uitvoerende beampte van 'n afgeskafte munisipaliteit;

(10) **"intermunisipale begrotingsoorplasings"** die oordrag van fondse tussen munisipaliteite om inkomste stabiliteit te verkry tydens die periode van transformasie;

(11) **"Munisipale Afbakeningsraad"** die Munisipale Afbakeningsraad wat by artikel 2 van die Munisipale Afbakeningswet ingestel is;

(12) **"Munisipale Afbakeningswet"** die Wet op Plaaslike Regering: Munisipale Afbakenings, 1998 (Wet 27 van 1998);

(13) **"Munisipale Strukturewet"** die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998);

(13A) **"Munisipale Strukture Wysigingswet"** die Wysigingswet op Plaaslike Regering: Munisipale Strukture, 2000 (Wet 33 van 2000);

(subartikel (13A) ingevoeg deur PK.686/2000)

(13B) **"Nasionale Minister"** die nasionale Minister verantwoordelik vir plaaslike regering;

(subartikel (13B) ingevoeg deur PK.686/2000)

(13C) **"oordragproses"** die proses soos in hierdie Bylaag uiteengesit om die oordrag van alle personeel, bates, laste en rekords van die afgeskafte munisipaliteite na die Distriksmunisipaliteit of die Plaaslike Munisipaliteite teweeg te bring, welke proses insluit:-

(a) die identifisering van alle personeel, bates, laste en rekords wat oorgedra moet word;
(b) die toepassing van die beginsels vir doeltreffende oordrag soos in hierdie Bylaag uiteengesit;
(c) die toewysing van elke personeellid, bate, las en rekord aan óf die Distriksmunisipaliteit óf 'n Plaaslike Munisipaliteit, en
(d) die inwerkingstelling van die oordrag;

(subartikel (13C) ingevoeg deur PK.686/2000)

(13D) **"personeel"** alle personeel, insluitende funksionele, bestuurs- en steunpersoneel, en omvat dit vakante poste waarvoor begroot is, maar nie vakante poste waarvoor nie begroot is nie;

(subartikel (13D) ingevoeg deur PK.686/2000)

(14) **"Plaaslike Munisipaliteit"** die Munisipaliteit George wat ingevolge artikel 4 van hierdie Bylaag ingestel word;

(15) **"Provinsiale Minister"** die lid van die Kabinet van die Provinsie Wes-Kaap verantwoordelik vir plaaslike regering;

(16) **"Provinsie"** die Provinsie Wes-Kaap;

(17) **"statutêre plan"** 'n plan wat ingevolge enige wetgewing vereis word, insluitende, sonder om beperk te wees tot, enige struktuurplan, grondgebruikplan, soneringskema, geïntegreerde ontwikkelingsplan, waterdiensteplan, vaardigheidsontwikkelingsplan en diensbillikheidsplan;

(18) **"tussentydse munisipale bestuurder"** die tussentydse munisipale bestuurder van die Plaaslike Munisipaliteit wat ingevolge artikel 21(1) aangestel is en wat vanaf die effektiewe datum die waarnemende munisipale bestuurder van die Plaaslike Munisipaliteit sal wees, of die waarnemende munisipale bestuurder of munisipale bestuurder van die Plaaslike Munisipaliteit wat na die effektiewe datum deur die Munisipale Raad van die Plaaslike Munisipaliteit aangestel is;

(subartikel (18) gewysig deur PK.686/2000)

(19) **"vakbonde"** die Onafhanklike Munisipale en Verwante Vakbond en die Suid-Afrikaanse Munisipale Werkersvereniging;

(20) **"verkiesing"** die eerste algemene verkiesing van Munisipale Rade na die inwerkingtreding van die Grondwet;

(21) **"WEKPRO"** die Wes-Kaapse Plaaslike Regeringsorganisasie, wat die provinsiale organisasie vir die Wes-Kaap waaraan erkenning verleen word ingevolge artikel 2(1) (b) van die Wet op Georganiseerde Plaaslike Regering, 1997 (Wet 52 van 1997) is;

(22) **"Wet op Landelike Gebiede"** die Wet op Landelike Gebiede (Raad van Verteenwoordigers), 1987 (Wet 9 van 1987);

(23) **"Wet op Transformasie van Sekere Landelike Gebiede"** die Wet op Tranformasie van Sekere Landelike Gebiede, 1998 (Wet 94 van 1998).

Aanhef

51

2.(1) Op 3 Maart 2000 het die Munisipale Afbakeningsraad, wat ingevolge artikel 21 van die Munisipale Afbakeningswet handel, die grense van die Munisipaliteit bepaal, soos aangetoon op die kaart wat voorkom in Provinsiale Kennisgewing 69/2000 gepubliseer in Buitengewone Provinsiale Koerant Nr. 5431 van 3 Maart 2000 ('n kopie word herpubliseer in Aanhangsel "1A" tot die Bylaag) en gewysig deur Provinsiale Kennisgewing 478/2000 gepubliseer in Buitengewone Provinsiale Koerant Nr. 5587 van 19 September 2000, Provinsiale Kennisgewing 623/2000 gepubliseer in Buitengewone Provinsiale Koerant Nr. 5627 van 13 November 2000, Provinsiale Kennisgewing 368/2003 gepubliseer in Buitengewone Provinsiale Koerant Nr. 6081 van 5 November 2003, saamgelees met Provinsiale Kennisgewing 146/2004 gepubliseer in Provinsiale Koerant 6153 van 30 Julie 2004, Provinsiale Kennisgewing Nr. 443/2006 gepubliseer in Provinsiale Koerant Nr. 6407 van 15 Desember 2006, saamgelees met Provinsiale Kennisgewing 208/2008 gepubliseer in Provinsiale Koerant Nr. 6530 van 6 Junie 2008 en sluit in die area van die voormalige WCDMA4 soos gepubliseer in Provinsiale Kennisgewing 1/2008 gepubliseer in Provinsiale Koerant Nr. 6492 van 17 Januarie 2008, saamgelees met Provinsiale Kennisgewing 198/2008 gepubliseer in Provinsiale Koerant Nr. 6528 van 2 Junie 2008. (Sien Aanhangsel 2 vir Oorgangsmaatreëls).

(subartikel (1) gewysig deur PK.686/2000, PK.23/2006 en PK.66/2011)

(2) Die Provinsiale Minister, wat ingevolge artikel 12(4) van die Munisipale Strukturewet handel, het:-

(a) skriftelike kennis van die voorgenome instelling van die Plaaslike Munisipaliteit aan WEKPRO en aan die afgeskafte munisipaliteite gegee by wyse van 'n omsendbrief gedateer 12 Julie 2000 en met verwysing AAO509/1/4;

(b) oorleg gepleeg met WEKPRO en die afgeskafte munisipaliteite;

(c) besonderhede van hierdie Kennisgewing gepubliseer in Provinsiale Kennisgewing 406/2000, wat in Buitengewone Provinsiale Koerant No. 5571 van 28 Augustus 2000 gepubliseer is, en

(d) die kommentaar wat na die publikasie van die voorgestelde Kennisgewing ontvang is, oorweeg.

(3) Die Provinsiale Minister het ook die advies van die Distrikstransformasieforum oorweeg wat ingevolge artikel 11(2) van die DTF-Kennisgewing aan hom gegee is.

(4) Die Provinsiale Minister, wat handel ingevolge artikels 12 en 14 van die Munisipale Strukturewet, soos saamgelees met die Wes-Kaapse Wet op Bepaling van Soorte Munisipaliteite, 2000 (Wet 9 van 2000), gee hiermee kennis van die instelling van die Plaaslike Munisipaliteit ingevolge die voorwaardes soos hierin uiteengesit.

(5) Die Provinsiale Minister, wat ingevolge Hoofstuk 2 van die Munisipale Strukture Wysigingswet, soos gelees met artikel 14(2)(b) van die Munisipale Strukturewet, handel, gee hiermee kennis van die reëling van die wetlike, praktiese en ander gevolge van die afskaffing van die afgeskafte munisipaliteite, insluitende:-

(a) die beginsels wat die oordrag van personeel na die Plaaslike Munisipaliteit bepaal, en die proses daarvan, welke proses op die datum van publikasie

van hierdie kennisgewing begin en op 'n datum wat die Provinsiale Minister bepaal sal eindig;

(b) die beginsels wat die oordrag van bates, laste, regte en verpligtinge en administratiewe en ander rekords na die Plaaslike Munisipaliteit bepaal, en die proses daarvan, welke proses op die datum van publikasie van hierdie kennisgewing begin en op 'n datum wat die Provinsiale Minister bepaal sal eindig;

(c) die verskaffing van administratiewe oorgangsmaatreëls vir die tydperk vanaf die effektiewe datum tot op 'n datum wat die Provinsiale Minister sal bepaal, om voortgesette dienslewering te verseker en om die integriteit en finansiële lewensvatbaarheid van die Plaaslike Munisipaliteit te verseker.

(subartikel (5) ingevoeg deur PK. 686/2000)

Afskaffing van Bestaande Munisipaliteite

3.(1) Met ingang van middernag van die dag voor die effektiewe datum, sal die volgende munisipaliteite afgeskaf word:-

(a) Bo-Langkloof Verteenwoordigende Oorgangsraad, ingestel ingevolge Proklamasie No. 18/1996 gedateer 26 April 1996, in die mate wat die gebied daarvan ingelsuit is binne die grense van die Plaaslike Munisipaliteit, soos deur die Munisipale Afbakeningsraad bepaal is en in artikel 2(1) genoem word;

(b) Munisipaliteit George, ingestel ingevolge Proklamasie No. 21/1995 gedateer 31 Januarie 1995;

(c) Outeniqua Verteenwoordigende Oorgangsraad, ingestel ingevolge Proklamasie No. 18/1996 gedateer 26 April 1996, in die mate wat die gebied daarvan ingesluit is binne die grense van die Plaaslike Munisipaliteit, soos deur die Munisipale Afbakeningsraad bepaal is en in artikel 2(1) genoem word, en

(d) Munisipaliteit Wildernis, ingestel ingevolge Proklamasie No. 107/1994 gedateer 30 Desember 1994 en gewysig in terme van Proklamasie No. 48/1996 gedateer 18 Oktober 1996.

(2) Die raadslede van die afgeskafte munisipaliteite moet hul ampte ontruim wanneer die pas verkose Raad van die Plaaslike Munisipaliteit verkose verklaar is en moet teen middernag van dié dag enige eiendom in hul besit wat aan 'n afgeskafte munisipaliteit behoort, aan die HUB van die betrokke afgeskafte munisipaliteit of sy benoemde terugbesorg.

Instelling en Naam

4. Met ingang van die effektiewe datum sal 'n munisipaliteit ingestel word wat in Afrikaans as "Munisipaliteit George", in Engels as "George Municipality", en in isiXhosa as "U Masipala waseGeorge" bekend sal staan.

Kategorie

5. Die Plaaslike Munisipaliteit is 'n plaaslike munisipaliteit soos omskryf in artikel 1 van die Munisipale Strukturewet, naamlik 'n munisipaliteit wat munisipale uitvoerende en wetgewende gesag in sy gebied deel met die Distriksmunisipaliteit, en wat in artikel 155(1) van die Grondwet as 'n kategorie B – munisipaliteit beskryf word.

Soort

6. Die Plaaslike Munisipaliteit is 'n munisipaliteit met 'n burgemeesters-uitvoerende stelsel wat met 'n wyk deelnemende stelsel gekombineer is, soos uiteengesit in die Wes-Kaapse Wet op Bepaling van Soorte Munisipaliteite, 2000 (Wet 9 van 2000), soos gewysig deur die Wes-Kaapse Wysigingswet op Bepaling van Soorte Munisipaliteite, 2002 (Wet 4 van 2002).

(artikel 6 gewysig deur PK.227/2003)

Grense

7. Die grense van die Plaaslike Munisipaliteit sal die grense wees wat deur die Munisipale Afbakeningsraad bepaal is en in artikel 2(1) genoem word.

Getal Raadslede en Wyke

8.(1) Die Munisipale Raad van die Munisipaliteit het 55 (vyf-en-vyftig) raadslede, bepaal deur die Provinsiale Minister in Provinsiale Kennisgewing 116/2024 gepubliseer in die Provinsiale Koerant 8999 gedateer 6 November 2024, waarvan 28 (agt-en-twintig) wyksraadslede en 27 (sewe-en-twintig) proporsioneel verkose raadslede is.

(2) Die Munisipaliteit het 28 (agt-en-twintig) wyke.

(artikel 8 gewysig deur PK.23/2006, PK.66/2011, PK 125/2016, PK.123/2021 en PK. 76/2026)

Voltydse Raadslede

9. Die Plaaslike Munisipaliteit mag die volgende raadslede as voltydse raadslede aanwys:—

(a) die uitvoerende burgermeester;

(b) lede van die burgermeesterskomitee;

(c) die speaker;

(d) 'n enkele sweep aangewys vir die Raad;

(e) Voorsitter van Komitee ingestel ingevolge artikel 79 ('MPAC'); en

(f) Voorsitter van Komitee aangestel ingevolge artikel 79 ('GIPTN Komitee').

(artikel 9 gewysig deur PK.468/2002, PK.227/2003, PK 286/2011, P.K. 63/2017 & P.N. 38/2019)

Funksies en Bevoegdhede

10. Daar sal geen aanpassing van die funksies en bevoegdhede van die Plaaslike Munisipaliteit ingevolge artikel 85 van die Munisipale Strukturewet wees nie.

Vrystellings

11. Die Plaaslike Munisipaliteit is nie van enige van die bepalings van die Munisipale Strukturewet vrygestel nie.

Beginsels wat die Oorplasing van Personeel bepaal

12.(1) Met ingang van die effektiewe datum en ooreenkomstig die bepalings van artikel 197 van die Wet op Arbeidsverhoudinge, 1995 (Wet 66 van 1995), sal:-

(a) alle personeel van die afgeskafte munisipaliteite wat uitsluitlik betrokke is by funksies wat deur die Plaaslike Munisipaliteit verrig moet word, na die Plaaslike Munisipaliteit oorgeplaas word:

(b) alle personeel van die afgeskafte munisipaliteit wat uitsluitlik betrokke is by funksies wat deur die Distriksmunisipaliteit verrig moet word (insluitende funksies wat deur die Distriksmunisipaliteit in 'n Distriksbestuursgebied verrig moet word), na die Distriksmunisipaliteit oorgeplaas word;

(c) enige personeellid van 'n afgeskafte munisipaliteit wat betrokke is by een of meer funksies wat met ingang van die effektiewe datum deur die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verrig sal word, oorgeplaas word ooreenkomstig die funksie wat die grootste deel van so 'n personeellid se tyd in beslag neem;

(d) alle personeel van die afgeskafte munisipaliteite wat nie betrokke is by 'n bepaalde funksie of funksies wat deur die Plaaslike Munisipaliteit en die Distrikmunisipaliteit verrig moet word nie, oorgeplaas word na óf die Plaaslike Munisipaliteit óf die Distriksmunisipaliteit in verhoudings wat gebaseer is op die totale getal poste wat ingevolge paragrawe (a), (b) en (c) oorgeplaas word;

(e) alle vakante poste van die afgeskafte munisipaliteite waarvoor nie begroot is nie, afgeskaf word.

(2) Behoudens enige kollektiewe ooreenkoms, moet alle regte en verpligtinge tussen die afgeskafte munisipaliteite en elkeen van hul onderskeie werknemers ten tyde van die oorplasing voortgaan om van krag te bly asof dit regte en verpligtinge tussen die Plaaslike Munisipaliteit of die Distriksmunisipaliteit, na gelang van die geval, en elkeen van sy werknemers is, en enigiets wat voor die oorplasing deur of met betrekking tot die betrokke afgeskafte munisipaliteit gedoen is, sal geag word deur of met betrekking tot die Plaaslike Munisipaliteit of Distriksmunisipaliteit, na gelang van die geval, gedoen te gewees het.

(3) Die oorplasing onderbreek nie die kontinuïteit van 'n werknemer se indiensneming nie en dit gaan voort met die Plaaslike Munisipaliteit of Distriksmunisipaliteit, na gelang van die geval, asof dit met die betrokke afgeskafte munisipaliteit is.

(4) Behoudens die menslikehulpbronbeleid en –prosedures genoem in artikel 14(a) van hierdie Bylaag, kan daar van enige werknemer wat na die Plaaslike Munisipaliteit oorgeplaas word, vereis word om by enige van die kantore van die Plaaslike Munisipaliteit aan te meld en, tensy anders ooreengekom, sal so 'n werknemer, as gevolg daarvan, nie op enige bykomende vergoeding geregtig wees nie.

(artikel 12 gewysig deur PK. 686/2000)

Proses om Oorplasing van Personeel te bewerkstellig

12A.(1)Ondanks die bepalings van artikels 12 en 16C, en hangende die voltooiing van die oorplaasproses ingevolge hierdie artikel, moet alle personeel van die afgeskafte munisipaliteite, in soverre dit nodig is, tydelik in diens van die Plaaslike Munisipaliteit geplaas word en moet alle personeel wat na die Distriksmunisipaliteit oorgeplaas staan te word ingevolge die bepalings van artikel 12 of 16C van hierdie Bylaag, dienooreenkomstig geag word na die Plaaslike Munisipaliteit gesekondeer te wees ingevolge 'n agentskapsreëling tussen die Plaaslike Munisipaliteit en die Distriksmunisipaliteit ten effekte dat die Plaaslike Munisipaliteit die funksie of funksies waarby die spesifieke personeel betrokke is, namens die Distriksmunisipaliteit sal verrig.

(2) Ten einde:-

(a) enige oorgangsbepalings ingevolge die Munisipale Strukture Wysigingswet te akkommodeer, of

(b) die Plaaslike Munisipaliteit en die Distriksmunisipaliteit toe te laat om ooreenkomste te sluit, met inbegrip van bedryfsooreenkomste,

wat die oordrag van personeel ingevolge hierdie Bylaag kan beïnvloed, sal geen personeellid finaal toegewys word, soos waarvoor voorsiening gemaak word in subartikel (4) voor 30 Junie 2001 nie, of sodanige alternatiewe datum as wat die Provinsiale Minister bepaal.

(3) Voor of op 'n datum wat deur die Provinsiale Minister bepaal word, moet elke HUB 'n skedule van alle personeel van sy of haar afgeskafte munisipaliteit opstel in ooreenstemming met 'n formaat deur die Provinsiale Minister voorgeskryf, moet elke personeellid en 'n vakante pos van sy of haar afgeskafte munisipaliteit waarvoor begroot is in ooreenstemming met die beginsels uiteengesit in artikels 12 en 16C voorlopig toewys, en moet kopieë van die volle skedule aan die tussentydse munisipale bestuurder en die Distriksmunisipaliteit se TMB voorlê.

(4) Voor of op 'n datum wat deur die Provinsiale Minister bepaal word, maar behoudens subartikel (2), moet die tussentydse munisipale bestuurder, in oorleg met die Distriksmunisipaliteit se TMB:-

(a) die skedules genoem in subartikel (1) konsolideer tot 'n enkele skedule en moet hy of sy na goeddunke elke personeellid en vakante pos waarvoor begroot is en wat in die gekonsolideerde skedule gelys is, finaal aan óf die Plaaslike Munisipaliteit óf die Distriksmunisipaliteit toewys vir oorplasing op die effektiewe datum in ooreenstemming met die beginsels in artikels 12 en 16C uiteengesit of enige ooreenkoms in subartikel (2) bedoel;

(b) 'n kopie van die skedule aan die Distriksmunisipaliteit se TMB voorlê en van die Distriksmunisipaliteit se TMB die kopie van die skedule deur daardie Distriksmunisipaliteit se TMB opgestel, verkry, en

(c) die skedule genoem in paragraaf (a) met die skedules wat ontvang is van die Distriksmunisipaliteit se TMB genoem in paragraaf (b), konsolideer tot 'n enkele skedule wat alle personeel wat na die Plaaslike Munisipaliteit oorgeplaas moet word, aantoon.

(5) Ondanks die beginsels wat in artikels 12 en 16C uiteengesit is, kan die tussentydse munisipale bestuurder, volgens ooreenkoms met die Distriksmunisipaliteit se TMB, die toewysing van personeel ingevolge subartikel (2) aanpas om voorsiening te maak vir 'n meer doeltreffende algemene toewysing van personeel tussen die Plaaslike Munisipaliteit en die Distriksmunisipaliteit, met dien verstande dat geen aanpassing gedoen mag word nadat 'n personeellid ingevolge subartikel (8) in kennis gestel is nie.

(6) Indien enige geskil met betrekking tot die toewysing van personeel tussen die tussentydse munisipale bestuurder en die Distriksmunisipaliteit se TMB ontstaan, moet sodanige geskil na die Provinsiale Minister verwys word vir beslissing deur die Provinsiale Minister of sy benoemde in ooreenstemming met prosedures wat deur die Provinsiale Minister bepaal word, en die besluit van die Provinsiale Minister of sy benoemde is finaal en bindend.

(7) Die tussentydse munisipale bestuurder moet die gekonsolideerde skedule in subartikel (4)(c) genoem, skriftelik verifieer en moet die skedule aan die Provinsiale Minister voorlê voor of op 'n datum wat deur die Provinsiale Minister bepaal moet word.

(8) Na die opstelling van die enkele gekonsolideerde skedule genoem in subartikel (4)(c), moet die tussentydse munisipale bestuurder elke toekomstige

personeellid van die Plaaslike Munisipaliteit voorsien van 'n skriftelike kennisgewing wat sodanige personeellid meedeel dat hy of sy met ingang van die effektiewe datum in diens van die Plaaslike Munisipaliteit is.

(9) Die nie-ontvangs van die skriftelike kennisgewing genoem in subartikel (8) maak nie enige oorplasing ongeldig nie.

(10) Indien enige personeellid ("die beswaarmaker") aanvoer dat sy of haar oorplasing nie in ooreenstemming met die beginsels uiteengesit in artikels 12 en 16C, enige ooreenkoms in subartikel (2) bedoel of die proses uiteengesit in hierdie artikel bewerkstellig is nie, kan die beswaarmaker binne 14 dae van inkennisstelling ingevolge subartikel (5) skriftelike beswaar aanteken by die tussentydse munisipale bestuurder van die munisipaliteit waarheen hy of sy oorgeplaas is. Die tussentydse munisipale bestuurder moet die beswaar na die Provinsiale Minister verwys vir beslissing deur die Provinsiale Minister of sy of haar benoemde in ooreenstemming met prosedures wat deur die Provinsial Minister bepaal word en die besluit van die Provinsiale Minister of sy benoemde is finaal en bindend.

(subartikel (10) gewysig deur PK 129/2008)

(11) Hangende 'n beslissing deur die Provinsiale Minister of sy benoemde ingevolge subartikel (10) moet die beswaarmaker oorgeplaas word na die munisipaliteit, soos in ooreenstemming met hierdie artikel beslis. Indien die Provinsiale Minister of sy benoemde beslis dat die beswaarmaker na 'n ander munisipaliteit oorgeplaas moes word, moet die beswaarmaker na daardie munisipaliteit oorgeplaas word, en sy of haar oorplasing word geag in ooreenstemming met artikels 12 en 16C op die effektiewe datum bewerkstellig te gewees het.

(12) Indien enige personeellid nie aangetoon word in die skedule in subartikel (4)(a) genoem nie, of indien enige personeellid met ingang van die effektiewe datum aan meer as een munisipaliteit toegewys word, moet daardie personeellid onmiddellik nadat hy of sy van enige van hierdie feite bewus word, dit aanmeld by die tussentydse munisipale bestuurder of die Distriksmunisipaliteit se TMB, wat die aangeleentheid in ooreenstemming met prosedures deur die Provinsiale Minister bepaal, na die Provinsiale Minister vir beslissing deur die Provinsiale Minister of sy benoemde moet verwys, en die besluit van die Provinsiale Minister of sy benoemde is finaal en bindend.

(13) Voor of op 'n datum wat deur die Provinsiale Minister bepaal word, moet die Plaaslike Munisipaliteit 'n diensstaat vir die Plaaslike Munisipaliteit goedkeur ingevolge relevante wetgewing en 'n afskrif van die dokument waarin die diensstaat uiteengesit word, aan die Transformasiesubkamer van die Bedingingsraad voorlê; met dien verstande dat die Plaaslike Munisipaliteit nie 'n diensstaat vir die Plaaslike Munisipaliteit finaal sal goedkeur, voordat die tussentydse munisipale bestuurder die gekonsolideerde skedule ingevolge subartikel (7) geverifieer het nie.

(14) Voor of op 'n datum wat deur die Provinsiale Minister bepaal word, in soverre daar nie voor die effektiewe datum ingevolge artikel 13(2) van hierdie Bylae 'n ooreenkoms bereik is nie, moet die Plaaslike Munisipaliteit, as 'n lid van die Transformasiesubkamer van die Bedingingsraad, poog om kollektiewe ooreenkoms met die vakbonde in die Transformasiesubkamer van die Bedingingsraad te bereik betreffende die beginsels, prosedures en maatstawwe wat gevolg moet word om aanstellings te doen in die poste wat uit die skepping van 'n nuwe organisasiestruktuur vir die Plaaslike Munisipaliteit voortspruit.

(15)Voor of op 'n datum wat deur die Provinsiale Minister bepaal word, moet die Plaaslike Munisipaliteit aanstellings doen in die poste op die diensstaat in ooreenstemming met die beginsels, prosedures en maatstawwe waarop daar in die Transformasiesubkamer van die Bedingingsraad ooreengekom is.

(artikel 12A ingevoeg deur PK.686/2000)

Kollektiewe Ooreenkomste

13.(1) Enige kollektiewe ooreenkoms aangegaan:-

(a) op 'n nasionale vlak, of

(b) by die Bedingingsraad, of

(c) op 'n plaaslike vlak;

voor die datum van publikasie van hierdie Bylaag, sal ten volle van krag bly totdat dit ooreenkomstig die bepalings van die betrokke ooreenkoms gewysig of beëindig word.

(2) Voor die effektiewe datum moet die afgeskafte munisipaliteit, as lede van die Transformasiesubkamer van die Bedingingsraad, daarna streef om ooreen te kom met die vakbonde ten aansien van:-

(a) die proses en kriteria vir die plasing van personeel in die nuwe organisatoriese strukture na die effektiewe datum;

(b) die proses wat gevolg sal word vir die vul van nuwe poste voortvloeiend uit die skep van 'n nuwe organisatoriese struktuur vir die Plaaslike Munisipaliteit;

(c) die aanneem van bepalings en voorwaardes van indiensneming vir die Plaaslike Munisipaliteit na die effektiewe datum, en

(d) enige ander arbeidsaangeleenheid in verband met die instelling van die Plaaslike Munisipaliteit.

Menslikehulpbronaangeleenthede

14. Behoudens enige kollektiewe ooreenkoms:-

(a) is die menslikehulpbronbeleid en –prosedures van die Plaaslike Munisipaliteit die menslikehulpbronbeleid en –prosedures wat voor die effektiewe datum bestaan het, en dit bly op alle werknemers van toepassing op dieselfde wyse as wat dit voor die effektiewe datum die geval was, behoudens enige wysiging of herroeping deur die Plaaslike Munisipaliteit;

(b) is die bepalings en voorwaardes van indiensneming van alle werknemers van die Plaaslike Munisipaliteit, die bepalings en voorwaardes van indiensneming wat voor die effektiewe datum op elke werknemer van toepassing was; met dien verstande dat enige werknemer wat na die effektiewe datum aangestel word, aangestel sal word op die bepalings en voorwaardes van indiensneming soos vasgestel deur die Plaaslike Munisipaliteit.

Gevolge van Oorplasing ten opsigte van Sekere Personeelkwessies

15.(1) Behoudens enige kollektiewe ooreenkoms, word 'n werknemer wie se pos as gevolg van die oorplasing verander word, nie geag oortollig te wees vir die doel van enige bepaling of voorwaarde van indiensneming of enige

pensioenfondsreël wat aan die werknemer die keuse bied om sy of haar indiensneming met voordele te beëindig nie.

(2) Die bepalings van hierdie artikel is slegs van toepassing indien die werknemer onredelikerwys weier om die Plaaslike Munisipaliteit se aanbod van alternatiewe indiensneming te aanvaar.

(3) Vir die doeleindes van hierdie artikel sluit 'n verandering van 'n pos een of meer van die volgende in:-

(a) die pos bestaan nie meer nie;

(b) die pos is afgeskaf;

(c) die werknemer moet om die pos aansoek doen;

(d) die funksies en bevoegdhede van die pos het verander;

(e) daar is 'n verandering in die werkgewer se identiteit;

(f) die pos word aan ander verslagdoeningskanale onderwerp;

(g) die pos word anders beskryf.

Regsopvolging

16. Met ingang van die effektiewe datum:-

(1) Sal die Plaaslike Munisipaliteit die regsopvolger van die afgeskafte munisipaliteite wees, en die munisipaliteite wat ingevolge die Distriksmunisipaliteitkennisgewings afgeskaf moet word, ten opsigte van die spesifieke bates en laste wat ingevolge hierdie Bylaag aan die Plaaslike Munisipaliteit toegewys word.

(2) Behoudens subartikel (1) en artikel 16D van hierdie Bylaag, word alle regte en verpligtinge van die afgeskafte munisipaliteite wat nie ingevolge hierdie Bylaag toegewys word nie, toegewys aan die Plaaslike Munisipaliteit, en die Plaaslike Munisipaliteit is die regsopvolger van die afgeskafte munisipaliteite ten opsigte van sulke regte en verpligtinge.

(3) Sal alle belasting, inkomste en ander gelde betaalbaar aan enige afgeskafte munisipaliteit of deur die afgeskafte munisipaliteit verhaalbaar is, betaalbaar wees aan en verhaalbaar wees deur die regsopvolger van so 'n afgeskafte munisipaliteit in ooreenstemming met die bepalings van hierdie Bylaag.

(4) Ondanks die bepalings van enige toepaslike wet, bly enige waardasielyste wat van krag is, of wat as gevolg van die instelling van tussentydse of bykomende waardasies ontstaan, na gelang van die geval, in die gebied van die Plaaslike Munisipaliteit, onderhewig andersins aan die bepalings van sodanige wet, van krag totdat 'n algemene waardasielys vir die gebied van die Plaaslike Munisipaliteit opgestel is.

(5) Ondanks subartikel (1):-

(a) sal die Plaaslike Munisipaliteit die regsopvolger van die afgeskafte munisipaliteite met betrekking tot die sake wat uiteengesit word in die Wet op Transformasie van Sekere Landelike Gebiede en die Wet op Landelike Gebiede wees en in die mate, totdat dit oorgedra is na 'n entiteit wat in artikel 3 van die Wet op Transformasie van Sekere Landelike Gebiede beoog word:-

(i) sal grond wat deur die Minister vir Landbou en Grondsake ingevolge artikel 7 van die Wet op Landelike Gebiede in trust gehou word en wat onderworpe is aan die bepalings van artikel 3 van die Wet op Transformasie van Sekere Landelike Gebiede, steeds berus by die Minister vir Landbou en Grondsake, en

(ii) sal grond wat ingevolge die Wet op Landelike Gebiede deur die afgeskafte munisipaliteite verkry is en wat onderworpe is aan die bepalings van artikel 3 van die Wet op Transformasie van Sekere Landelike Gebiede, met ingang van die effektiewe datum by die Plaaslike Munisipaliteit berus;

(b) grond in subartikel (2)(a) genoem sal, hangende oordrag ingevolge artikel 3 van die Wet op Transformasie van Sekere Landelike Gebiede, deur die Plaaslike Munisipaliteit ingevolge die Wet op Landelike Gebiede en die regulasies ingevolge die Wet op Landelike Gebiede gemaak, bestuur word.

(artikel 16 gewysig deur PK. 686/2000)

Beginsels wat Oorplasing van Bates, Laste en Rekords bepaal

16A. Met ingang van die effektiewe datum:-

(1) Alle bates, laste en rekords van die afgeskafte munisipaliteite wat uitsluitlik verband hou met funksies wat deur die Plaaslike Munisipaliteit verrig moet word, moet na die Plaaslike Munisipaliteit oorgeplaas word.

(2) Alle bates, laste en rekords van die afgeskafte munisipaliteite wat uitsluitlik verband hou met funksies wat deur die Distriksmunisipaliteit verrig moet word (insluitende funksies wat deur die Distriksmunisipaliteit in 'n Distriksbestuursgebied verrig moet word), moet na die Distriksmunisipaliteit oorgeplaas word.

(3) Enige roerende bate van een van die afgeskafte munisipaliteite wat in verband staan met een of meer funksies wat met ingang van die effektiewe datum deur die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verrig sal word en wat tussen hulle verdeel kan word, moet tussen hulle verdeel word:-

(a) ooreenkomstig die persentasie werklike tyd wat die betrokke bate in elke gebied vir die funksie gebruik word;

(b) ooreenkomstig die persentasie werklike tyd wat die betrokke bate vir die funksie tot voordeel van elke party gebruik word, of

(c) op enige ander grondslag deur die Provinsiale Minister goedgekeur.

(4) Alle onroerende bates van die afgeskafte munisipaliteite wat verband hou met 'n funksie of funksies wat deur die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verrig moet word, en alle roerende bates wat verband hou met 'n funksie of funksies wat deur die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verrig moet en wat nie tussen hulle verdeel kan word nie, moet oorgeplaas word na die munisipaliteit wat die hoofgebruiker van daardie bate sal wees; met dien verstande dat enige ander munisipaliteit wat 'n belang by daardie bate het, geregtig is om voort te gaan om daardie bate te gebruik teen betaling van 'n proporsionele deel van die koste en totdat sy gebruikersreg volgens ooreenkoms beëindig word.

(5) Ondanks die bepalings van subartikel (4), kan die Plaaslike Munisipaliteit en die Distriksmunispaliteit ooreenkom om enige onroerende bate genoem in subartikel (4) wat onderverdeelbaar is, te onderverdeel of om enige groep bates genoem in subartikels (3) en (4) op 'n billike grondslag te verdeel, met inagneming van die aard van en die doel wat gedien word deur so 'n bate of bates, soos tussen hulle ooreengekom, en om elke deel daarvan in ooreenstemming met daardie ooreenkoms toe te wys.

(6) Alle finansiële bates van die afgeskafte munisipaliteite wat in verband staan met 'n funksie of funksies wat deur die Plaaslike Munisipaliteit en Distriksmunisipaliteit verrig word, moet billik verdeel word tussen hulle, met inagneming van aard van en die doel wat gedien word deur daardie bate.

(7) Alle finansiële bates en laste van die afgeskafte munisipaliteite wat nie in verband staan met 'n bepaalde funksie nie, moet tussen die Plaaslike Munisipaliteit en die Distriksmunisipaliteit op die volgende grondslag verdeel word;-

(a) opgehoopte voorsienings vir werknemersvoordele, soos opgehoopte verloffondse, moet oorgeplaas word, indien die voorsiening gekoppel kan word aan 'n spesifieke werknemer in ooreenstemming met die oordrag van daardie werknemer ingevolge hierdie Bylaag, en in ander gevalle in verhouding tot die totale salaris- en loonvoorsiening wat na die Plaaslike Munisipaliteit en die Distriksmunisipaliteit oorgeplaas moet word;

(b) reserwes en voorsienings wat vir 'n spesifieke doel opgehoop is, moet op 'n billike grondslag oorgeplaas word, met inagneming van die aard van en doel wat gedien word deur elke bepaalde reserwe of voorsiening;

(c) reserwes en opgehoopte surplusse van 'n algemene aard moet tussen die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verdeel word op die volgende grondslag:-

(i) in verhouding tot die mees onlangse gekonsolideerde finansiële state van die Distriksmunisipaliteit en Plaaslike Munisipaliteit;

(ii) enige ander grondslag deur die Provinsiale Minister goedgekeur.

(8) Alle ontasbare bates van die afgeskafte munisipaliteite wat in verband staan met 'n funksie of funksies wat deur die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verrig moet word, moet aan een munisipaliteit toegewys word; met dien verstande dat die ander munisipaliteit met 'n belang by daardie ontasbare bate geregtig is:-

(a) op billike kompensasie, insluitende finansiële, ruil- of ander kompensasie, soos ooreengekom, en

(b) om voort te gaan om daardie bate te gebruik teen betaling van 'n proporsionele deel van die koste totdat sy gebruiksreg volgens ooreenkoms beëindig word.

(9) Alle rekords van die afgeskafte munisipaliteite wat in verband staan met 'n funksie of funksies wat deur die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verrig moet word en wat nie tussen genoemde munisipaliteite verdeel kan word nie, moet toegewys word aan een munisipaliteit ooreenkomstig die funksie waarop die rekords die nouste

betrekking het; met dien verstande dat die ander munisipaliteit die reg van toegang tot daardie rekords het en die reg om kopieë daarvan te verkry.

(10)Alle laste van die afgeskafte munisipaliteite wat in verband staan met 'n funksie of funksies wat deur die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verrig moet word, moet op billike wyse gedeel word tussen die Plaaslike Munisipaliteit en die Distriksmunisipaliteit, met inagneming van die aard en doel van die las.

(11)Alle bates en laste van die afgeskafte munisipaliteite, uitgesonderd dié genoem in subklousule (7) wat nie met 'n bepaalde funksie in verband staan nie, na die Plaaslike Munisipaliteit oorgeplaas word.

(artikel 16A ingevoeg deur PK. 686/2000)

Proses om Oorplasing van Bates, Laste en Rekords te bewerkstellig

16B.(1)Ondanks die bepalings van artikels 16A en 16C, en hangende die voltooiing van die oorplaasproses ingevolge hierdie artikel, moet alle bates, laste en rekords van die afgeskafte munisipaliteite, in soverre dit nodig is, tydelik na die Plaaslike Munisipaliteit oorgeplaas word en moet alle bates, laste en rekords wat na die Distriksmunisipaliteit oorgeplaas moet word ingevolge die bepalings van artikels 16A of 16C van hierdie Bylaag dienooreenkomstig geag word na die Plaaslike Munisipaliteit oorgeplaas te wees ingevolge 'n agentskapsreëling tussen die Plaaslike Munisipaliteit en die Distriksmunisipaliteit ten effekte dat die Plaaslike Munisipaliteit die funksie of funksies waarby die spesifieke bates, laste en rekords betrokke is, namens die Distriksmunisipaliteit sal verrig.

(2)Ten einde:-

(a) enige oorgangsbepalings ingevolge die Munisipale Strukture Wysigingswet te akkommodeer, of

(b) die Plaaslike Munisipaliteit en die Distriksmunisipaliteit toe te laat om ooreenkomste te sluit, met inbegrip van bedryfsooreenkomste,

wat die oordrag van bates, laste en rekords ingevolge hierdie Bylaag kan beïnvloed, sal geen bate, las of rekord finaal toegewys word, soos daarvoor voorsiening gemaak word in subartikel (4) voor 30 Junie 2001 nie, of sodanige alternatiewe datum as wat die Provinsiale Minister bepaal.

(3)Voor of op 'n datum wat deur die Provinsiale Minister bepaal word, moet elke HUB 'n skedule van alle bates, laste en rekords van sy of haar afgeskafte munisipaliteit opstel in ooreenstemming met 'n formaat deur die Provinsiale Minister voorgeskryf, moet alle bates, laste en rekords van sy of haar afgeskafte munisipaliteit waarvoor begroot is in ooreenstemming met die beginsels uiteengesit in artikels 16A en 16C voorlopig toewys, en moet kopieë van die volle skedule aan die tussentydse munisipale bestuurder en die Distriksmunisipaliteit se TMB voorlê.

(4)Voor of op 'n datum wat deur die Provinsiale Minister bepaal word, maar behoudens subartikel (2), moet die tussentydse munisipale bestuurder, in oorleg met die Distriksmunisipaliteit se TMB:-

(a) die skedules genoem in subartikel (1) konsolideer tot 'n enkele skedule en moet finaal alle bates, laste en rekords gelys in die gekonsolideerde skedule toewys aan óf die Plaaslike Munisipaliteit óf die Distriksmunisipaliteit vir oordrag op die effektiewe datum in ooreenstemming met die beginsels

uiteengesit in artikels 16A en 16C of enige ooreenkoms na verwys in subartikel (2);

(b) 'n kopie van die skedule aan die Distriksmunisipaliteit se TMB voorlê en van die Distriksmunisipaliteit se TMB die kopie van die skedule deur die Distriksmunisipaliteit se TMB opgestel, verkry, en

(c) die skedule genoem in paragraaf (a) en die skedules wat van die Distriksmunisipaliteit se TMB ontvang is, genoem in paragraaf (b), konsolideer tot 'n enkele skedule wat alle bates, laste en rekords wat na die Plaaslike Munisipaliteit oorgeplaas moet word, weergee.

(5) Ondanks die beginsels in artikels 16A en 16C uiteengesit, kan die tussentydse munisipale bestuurder volgens ooreenkoms met die Distriksmunisipaliteit se TMB die toewysing van bates, laste en rekords ingevolge subartikel (4) aanpas om voorsiening te maak vir 'n doeltreffender algemene toewysing tussen die Distriksmunisipaliteit en die Plaaslike Munisipaliteit.

(6) Indien enige geskil met betrekking tot die toewysing van enige bates, laste of rekords tussen die tussentydse munisipale bestuurder en die Distriksmunisipaliteit se TMB ontstaan, moet sodanige geskil na die Provinsiale Minister verwys word vir beslissing deur die Provinsiale Minister of sy benoemde in ooreenstemming met prosedures wat deur die Provinsiale Minister bepaal word, en die besluit van die Provinsiale Minister of sy benoemde is finaal en bindend.

(7) Die tussentydse munisipale bestuurder moet die gekonsolideerde skedule genoem in subartikel (4)(c) skriftelik verifieer en dit aan die Provinsiale Minister voorlê voor of op 'n datum wat deur die Provinsiale Minister bepaal word.

(8) So gou moontlik nadat die gekonsolideerde skedule ingevolge subartikel (7) geverifieer is, maar nie later nie as 'n datum wat deur die Provinsiale Minister bepaal word, moet die tussentydse munisipale bestuurder die oorplasing van alle bates, laste en rekords van die afgeskafte munisipaliteite in werking stel.

(9) Die Plaaslike Munisipaliteit moet die oorplasing van bates, laste en rekords nie later nie as 12 maande na die effektiewe datum oudit, of sodanige latere datum as wat deur die Provinsiale Minister bepaal word.

(artikel 16B ingevoeg deur PK. 686/2000)

Oorplasing van personeel, bates en laste met betrekking tot funksies uitgesonderd dié gelys in artikel 84 van die Munisipale Strukturewet

16C. Ondanks die bepalings van artikels 12(1) en 16A van hierdie Bylaag en met ingang van die effektiewe datum, moet:-

(a) alle personeel, bates, laste en rekords van die afgeskafte munisipaliteite wat uitsluitlik betrokke is by of verband hou met:-

(i) paaie, behalwe munisipale paaie;

(ii) ambulansdienste;

(iii) gesondheidsdienste, behalwe munisipale gesondheidsdienste;

(iv) rampbestuur;

(v) behuising;

(vi) biblioteke;

(vii) museums;

(viii) watertoevoerstelsels, behalwe drinkbare watertoevoerstelsels;

(ix) natuur- en omgewingsbewaring, insluitende kusbeheer, omgewingsopvoeding, dierebeheer en beheer oor binnelandse waters, en

(x) verkeer en wetstoepassing,

na die Plaaslike Munisipaliteit oorgeplaas word ingevolge artikels 12(2), (3) en (4) en die proses uiteengesit in artikels 12A en 16B van hierdie Bylaag;

(b) enige personeellid, bate, las en rekord van die afgeskafte munisipaliteite wat nie verband hou met 'n funksie genoem in artikel 84(1) van die Munisipale Strukturewet of paragraaf (a) nie, sal met inagneming van die effektiewe datum oorgedra word, ingevolge die beginsels en proses in artikels 12, 12A, 16A en 16B van hierdie Bylaag uiteengesit, na die Plaaslike Munisipaliteit wat die funksie waarby dit betrokke is sal verrig.

(artikel 16C ingevoeg by PK.686/2000)

Oorplasing van personeel, bates, laste en rekords met betrekking tot munisipale diensleweringsooreenkomste

16D.(1)Ondanks enige andersluidende bepaling van enige munisipale diensleweringsooreenkoms wat deur 'n afgeskafte munisipaliteit aangegaan is en ingevolge waarvan daardie afgeskafte munisipaliteit die diensverskaffer is, moet alle personeel, bates, laste en rekords van die afgeskafte munisipaliteite in ooreenstemming met die bepalings van hierdie Bylaag oorgeplaas word.

(2) Die Provinsiale Minister moet bepaal watter munisipaliteit ingevolge enige munisipale diensleweringsooreenkoms wat 'n afgeskafte munisipaliteit aangegaan het ingevolge waarvan daardie afgeskafte munisipaliteit die diensverskaffer is, die regsopvolger sal wees, en kan die Plaaslike Munisipaliteit of die Distriksmunisipaliteit gelas om enige tussentydse diensleweringsreëlings ingevolge artikel 19 van hierdie Bylae te implementeer en te administreer ten einde deurlopende dienslewering ingevolge so 'n ooreenkoms te verseker.

(3) Vir die tydperk vanaf die effektiewe datum tot die datum waarop die Provinsiale Minister 'n beslissing ingevolge subartikel (3) doen, is die Plaaslike Munisipaliteit die regsopvolger van die afgeskafte munisipaliteite met betrekking tot enige munisipale diensleweringsooreenkoms in subartikel (1) bedoel in ooreenstemming met die bepalings van artikel 19.

(artikel 16D ingevoeg deur PK. 686/2000)

Versuim om sekere bepalings van hierdie Bylaag te implementeer

16E. Indien die tussentydse munisipale bestuurder of enige ander persoon wat 'n taak moet verrig soos in artikel 12A of artikel 16B uiteengesit, versuim of weier om dit te doen binne die tydperke in daardie artikels bepaal, kan die Provinsiale Minister enige persoon benoem om sodanige take te verrig, in welke geval die Plaaslike Munisipaliteit of die Distriksmunisipaliteit verplig is om ten volle met sodanige persoon saam te werk.

(artikel 16E ingevoeg deur PK. 686/2000)

Oorgangsbepalings met betrekking tot Verordeninge en Besluite

17.(1) Enige verordening wat onmiddellik voor die effektiewe datum in die gebied van 'n afgeskafte munisipaliteit van krag is, sal met ingang van die effektiewe datum en hangende die hersiening en rasionalisering daarvan ingevolge artikel 15 van

die Munisipale Strukturewet ten volle van krag bly in die gebied waarvoor dit afgekondig is, behoudens enige wysiging of herroeping deur die Plaaslike Munisipaliteit.

(2) Tensy onbestaanbaar met die sinsverband of duidelik ontoepaslik, moet 'n verwysing in so 'n verordening na:-

(a) 'n afgeskafte munisipaliteit of sy voorganger, uitgelê word as sou dit 'n verwysing na die Plaaslike Munisipaliteit wees, en

(b) 'n struktuur of funksionaris van 'n afgeskafte munisipaliteit uitgelê word as sou dit 'n verwysing na die ooreenstemmende struktuur of funksionaris van die Plaaslike Munisipaliteit wees.

(3) Behoudens die bepalings van hierdie Bylaag en nieteenstaande die afskaffing van die afgeskafte plaaslike munisipaliteite, sal enige:-

(a) besluit geneem;

(b) kennisgewing, sertifikaat of ander dokument uitgereik;

(c) opdrag, goedkeuring, verlof of magtiging gegee of verleen;

(d) vrystelling, lisensie of permit verleen of uitgereik;

(e) aanstelling gedoen;

(f) werknemer benoem;

(g) ooreenkoms of kontrak aangegaan;

(h) delegasie van bevoegdhede aan 'n werknemer verleen;

(i) belastings, tariewe of heffings gehef of opgelê;

(j) reservering van grond gedoen; en

(k) ander handeling verrig of ding gedoen,

deur 'n afgeskafte munisipaliteit, behoudens die bepalings van hierdie Bylaag geag word deur die Plaaslike Munisipaliteit geneem, uitgereik, gegee, gedoen, benoem, aangegaan, verleen, geheg, opgelê of verrig te gewees het, hangende die hersiening en rasionalisering daarvan, ingevolge artikel 15 van die Munisipale Strukturewet.

(4) Behoudens artikel 20, 21, 22 en 23 van hierdie Bylaag, sal enige persoon wat op die effektiewe datum 'n bevoegdheid uitoefen of 'n plig of funksie verrig uit hoofde van die amp wat hy of sy beklee of uit hoofde van 'n delegasie van bevoegdheid waarmee die afgeskafte munisipaliteit hom of haar beklee het, voortgaan om daardie bevoegdheid uit te oefen of daardie plig of funksie te verrig totdat die Plaaslike Munisipaliteit die teendeel besluit.

(5) Vir die toepassing van die Bylaag van die Regulasie aangaande die Verklaring van Vredesbeamptes wat ingevolge artikel 334 van die Strafproseswet, 1977 (Wet 51 van 1977) gemaak is, sal enige wetstoepassingsbeampte wat deur 'n afgeskafte munisipaliteit aangestel is, na die effektiewe datum geag word deur die Plaaslike Munisipaliteit aangestel te gewees het vir die regsgebied van die Plaaslike Munisipaliteit.

(6) Enige statutêre plan wat in die regsgebied van die afgeskafte munisipaliteite van krag of in werking is, sal van krag of in werking bly ten opsigte van die gebied waarop dit bedoel was om van toepassing te wees, totdat dit deur die Plaaslike Munisipaliteit gewysig, verander of herroep word.

Finansiële Aangeleenthede

18.(1) Met ingang van die effektiewe datum sal die bestaande begrotings van die afgeskafte munisipaliteite tot 30 Junie 2001 die begroting van die Plaaslike Munisipaliteit uitmaak, en intermunisipale begrotingsoorplasings sal voorduur vir die 2000/2001 finansiële jaar.

(2) Ondanks die bepalings van subartikel (1) mag die Plaaslike Munisipaliteit:-

(a) die bestaande begrotings aanpas, of

(b) besluit om sy rekeninge te sluit en opnuut vir die res van die finansiële jaar te begroot;

mits enige so 'n begroting ooreenkomstig tersaaklike wetgewing aangepas of opgestel en goedgekeur word, na gelang van die geval.

(3) Voor die aanvang van die 2001/2002 finansiële jaar moet die Plaaslike Munisipaliteit oorweeg om finansiële bestuursplanne en –beleide aan te neem betreffende:-

(a) maatreëls, insluitende intermunisipale begrotingsoorplasings, om inkomste stabiliteit vir die periode na die 2000/2001 finansiële jaar te verseker;

(b) mediumtermynuitgawe;

(c) gelykmaking van tariefstrukture;

(d) die opstel van 'n nuwe algemene waardasierol vir die Plaaslike Munisipaliteit se regsgebied en die ingebruikneming van billike eiendomsbelatings;

(e) die ingebruikneming van gekonsolideerde rekeningleweringskemas;

(f) die konsolidasie van finansiële rekeningkundige stelsels en begrotingstelsels;

(g) kredietbeheer, en

(h) verkryging.

Administratiewe oorgangsreëlings

19.(1) Met ingang van die effektiewe datum tot die datum waarop alle personeel, bates, laste en rekords finaal toegewys is ingevolge die bepalings van hierdie Bylaag, of sodanige alternatiewe datum as wat die Provinsiale Minister bepaal, is die Plaaslike Munisipaliteit:-

(a) verplig om met alle personeel, bates, laste en rekords:-

(i) wat tydelik geplaas is ingevolge artikel 12A(1);

(ii) wat tydelik oorgedra is ingevolge artikel 16B(1), en

(iii) wat voorlopig toegewys is ingevolge artikels 12A(3) en 16B(3),

in die uiterste goeie trou te behandel met inagneming van die belange van die Distriksmunisipaliteit;

(b) sonder om afbreuk te maak aan die algemene aard van subartikel (1) en behoudens artikel 12(2), mag nie, met verwysing na paragrawe (i) en (vii) hieronder sonder die vooraf skriftelike goedkeuring van die Provinsiale Minister welke goedkeuring voorwaardelik mag wees, en met verwysing na paragrawe (ii), (iii), (iv), (v), (vi) en (viii) hieronder sonder die vooraf

skriftelike goedkeuring van die Plaaslike Munisipaliteit, welke goedkeuring nie onredelik geweier mag word nie, geen verandering aan die diensstaat wat tydelik ingevolge artikel 12A(1) geplaas is, of voorlopig toegewys is ingevolge artikel 12A(3), maak of teweeg bring nie deur:-

(i) enige nuwe poste te skep of te vul;

(ii) enige vakatures te vul;

(iii) die hergradering of opskaling van enige poste te inisieer of te implementeer;

(iv) enige personeellid te bevorder;

(v) enige permanente funksies of pligte aan personeel op te dra, uitgesonderd op 'n tydelike grondslag;

(vi) behoudens enige wet, bestaande kollektiewe ooreenkoms of dienskontrak:-

(aa) die goedkeuring en implementering van enige toelae of waarnemingstoelae;

(bb) die implementering van enige verhoging van salarisse of lone;

(vii) enige permanente verandering aan personeelstrukture en organisasiestrukture te implementeer, en

(viii) enige kollektiewe ooreenkoms aan te gaan, uitgesonderd 'n kollektiewe ooreenkoms wat in die Bedingingsraad onderhandel en aangegaan is, wat die Distriksmunisipaliteit sal bind ten opsigte van enige aangeleentheid wat in hierdie subartikel genoem word;

(c) sonder om afbreuk te maak aan die algemene aard van subartikel (1), mag, sonder die vooraf skriftelike goedkeuring van die Distriksmunisipaliteit, welke goedkeuring nie onredelik geweier mag word nie, geen besluit neem of implementeer nie met betrekking tot enige bates, laste of rekords oorgedra ingevolge artikel 16B(1) of wat tydelik toegewys is ingevolge artikel 16B(3), wat daartoe sal lei dat sodanige munisipaliteit:-

(i) roerende of onroerende bates verkoop of verhuur ter waarde van meer as R20 000 (twintig duisend rand), uitgesonderd as ingevolge bestaande kontraktuele reëlings; met dien verstande dat hierdie bepaling nie van toepassing is nie op die beskikking oor onroerende eiendom ooreenkomstig 'n goedgekeurde behuisingskema ingevolge die Behuisingswet, 1997 (Wet 107 van 1997);

(ii) roerende of onroerende bates koop ter waarde van meer as R20 000 (twintig duisend rand), uitgesonderd as ingevolge bestaande kontraktuele reëlings;

(iii) nuwe kontrakte met 'n termyn van langer as een jaar sluit;

(iv) kontrakte vir 'n termyn van langer as drie maande hernu;

(v) inligtingstegnologiestelsels, insluitende programmatuur en apparatuur, verkry, en

(vi) gebruik maak van:-

(aa) statutêre fondse, hetsy vir regstreekse kapitaal- of ander besteding of om besteding te finansier deur interne lenings aan te gaan vir ander doeleindes as vir verbonde en noodsaaklike infrastruktuurprojekte wat in die 2000/2001-begroting goedgekeur is;

(bb) trustfondse (wat nie 'n raad se eie rekenings insluit nie) vir enige ander doel as dié waarvoor die fondse gehou word;

(cc) reserwefondse, reserwekapitaal of reserwevoorsienings vir 'n ander doel as vir noodsaaklike begrote instandhouding van infrastruktuur, nie-begrote noodinstandhouding van infrastruktuur wat nie uit die bedryfsbegroting gefinansier kan word nie of vir die afskryf van slegte skulde, en

(dd) enige statutêre trust, reserwe of voorsiening wat nie kontant befonds word nie, uitgesonderd vir die afskryf van slegte skulde;

met dien verstande dat hierdie subartikel nie in 'n noodgeval van toepassing is nie, en

(d) mag geen besluit neem of implementeer nie wat daartoe sal lei dat die Plaaslike Munisipaliteit sy goedgekeurde kapitaal- of bedryfsbegroting vir die 2000/2001 finansiële jaar sal oorskry.

(2) Indien enige geskil met betrekking tot die bepalings van subartikel (1) tussen die Plaaslike Munisipaliteit en die Distriksmunisipaliteit ontstaan, moet sodanige geskil na die Provinsiale Minister verwys word vir beslissing deur die Provinsiale Minister of sy benoemde in ooreenstemming met prosedures wat deur die Provinsiale Minister bepaal word, en die besluit van die Provinsiale Minister of sy benoemde is finaal en bindend.

(3) Enige kontrak wat aangegaan word in stryd met die bepalings van subartikel (1) of (2) is van nul en gener waarde.

(artikel 19 gewysig deur PK.686/2000)

Aanstelling van Waarnemende Beamptes

20. Voor die aanvang van die effektiewe datum, moet die Provinsiale Minister na die oorweging van enige aanbevelings deur die Distrikstransformasieforum, en waar toepaslik vir die Plaaslike Munisipaliteit, enige persoon in enige posisie wat ingevolge relevante wetgewing benodig word, aanstel, welke aanstelling in 'n waarnemende hoedanigheid sal wees, en wie die amp op die effektiewe datum moet aanvaar en dit moet beklee totdat die Plaaslike Munisipaliteit sy eie aanstellings gedoen het ingevolge die relevante wetgewing.

Aanstelling van Tussentydse Munisipale Bestuurder

21.(1) Voor die aanvang van die effektiewe datum, moet die Provinsiale Minister na die oorweging van enige aanbevelings deur die Distrikstransformasieforum, 'n tussentydse munisipale bestuurder aanstel wat die amp by aanstelling aanvaar en dit beklee totdat die Plaaslike Munisipaliteit sy eie munisipale bestuurder of waarnemende munisipale bestuurder aangestel het.

(2) Die pligte van die tussentydse munisipale bestuurder sal, onderworpe aan voorskrifte of besluite tot die teendeel wat deur die Plaaslike Munisipaliteit aangeneem is soos volg wees:-

(a) om die eerste vergadering van die Raad van die Plaaslike Munisipaliteit ingevolge artikel 29(2) van die Munisipale Strukturewet byeen te roep;

(b) om op die eerste vergadering van die Raad van die Plaaslike Munisipaliteit voor te sit totdat die speaker verkies word;

(c) om na die effektiewe datum, as die hoof van administrasie en hoofrekenpligte beampte van die Plaaslike Munisipaliteit op te tree, totdat die Plaaslike Munisipaliteit sy eie munisipale bestuurder of waarnemende munisipale bestuurder aangestel het;

(d) om na die effektiewe datum, alle pligte wat deur die HUB van 'n munisipaliteit ingevolge betrokke wetgewing verrig moet word, te verrig;

(e) om verantwoordelikheid te aanvaar vir die bewerkstelliging van die oorplasing van alle personeel, bates, laste en administratiewe en ander rekords na die Plaaslike Munisipaliteit;

(f) om sodanige persone aan te stel wat nodig is om sy of haar verpligtinge ingevolge hierdie Bylaag na te kom;

(g) om alle redelike stappe te doen om te verseker dat diensleweringskontinuïteit na die effektiewe datum gehandhaaf word;

(h) om tussentydse finansiële beheermeganismes vir die Plaaslike Munisipaliteit in te stel;

(i) om tussentydse verslagdoeningskanale en delegasies vir die Plaaslike Munisipaliteit in te stel;

(j) om dienskontrakte, agentskapsreëlings en diensleweringsooreenkomste te hersien en aan te beveel;

(k) om enige tussentydse diensleweringsreëlings tussen die Plaaslike Munisipaliteite en die Distriksmunisipaliteit asook tussen die Plaaslike Munisipaliteit en ander plaaslike munisipaliteite binne die gebied van die Distriksmunisipaliteit in werking te stel;

(l) delegeer enige van sy of haar magte of pligte aan enige werknemer van die Plaaslike Munisipaliteit en wysig of herroep enige sodanige delegasie, en

(m) om in die periode voor die effektiewe datum, voor te berei vir die uitvoering van die pligte uiteengesit in paragrawe (a) tot (l).

(3) Voor die effektiewe datum, moet die HUB's met die tussentydse munisipale bestuurder saamwerk ten aansien van al die aangeleenthede wat verbandhou met die instel van die Plaaslike Munisipaliteit.

(4) Met ingang van die effektiewe datum, handel die HUB's onder die leiding van, en doen hulle verantwoording aan, die tussentydse munisipale bestuurder, en het die tussentydse munisipale bestuurder al die magte van die HUB's.

Tussentydse Munisipale Assistentbestuurders

22. Die Provinsiale Minister mag, na die oorweging van enige aanbeveling deur die Distrikstransformasieforum, enige aantal tussentydse assistente, vir die tussentydse munispale bestuurder aanstel, wat hul ampte by aanstelling aanvaar en dit beklee totdat die Plaaslike Munisipaliteit die aanstellings bevestig of beëindig het.

Senior Bestuurspan

23. Enige tussentydse assistente wat vir die tussentydse munisipale bestuurder aangestel is, sal saam met die tussentydse munisipale bestuurder die senior bestuurspan van die Plaaslike Munisipaliteit uitmaak, wat toesig moet hou oor die implementering van die instelling van die Plaaslike Munisipaliteit.

Aanstellings

24. Enige persoon ingevolge artikel 21 of 22 aangestel sal, behoudens die bepalings van artikel 12 van hierdie Bylaag, 'n werknemer van 'n afgeskafte munisipaliteit wees en sal sy of haar pligte op 'n gesekondeerde grondslag verrig.

Eerste Vergadering van die Raad van die Plaaslike Munisipaliteit

25.(1) Die tussentydse munisipale bestuurder moet minstens drie dae voor die eerste vergadering van die Raad van die Plaaslike Munisipaliteit, 'n kennisgewing aan elke raadslid by sy of haar woonplek of 'n ander plek wat deur die betrokke raadslid bepaal is, stuur waarin die plek, datum en tyd van die eerste vergadering gespesifiseer word en wat die agenda bevat; met dien verstande dat die tussentydse munisipale bestuurder, as dit in sy of haar opinie nodig is, die eerste vergadering met 'n korter kennisgewing mag belê.

(2) Behoudens enige verordening wat van krag is, maar onderhewig aan die bepalings van die Munisipale Strukturewet, is die reëls en orders vir die eerste vergadering van die Raad van die Plaaslike Munisipaliteit die reëls en orders soos uiteengesit in Provinsiale Kennisgewing 411/1988, soos afgekondig in Provinsiale Koerant No. 4532 van 20 Mei 1988, met die nodige wysigings soos vereis deur die konteks, welke reëls van krag sal bly totdat reëls en orders aangeneem word deur die Raad van die Plaaslike Munisipaliteit.

(subartikel (2) gewysig deur PK.686/2000)

(3) Die vergaderplek vir die eerste vergadering van die Raad van die Plaaslike Munisipaliteit sal die Raadsaal van die afgeskafde Munisipaliteit George, in George wees.

(4) Die agenda van die eerste vergadering sal soos volg wees:-

(a) die verkiesing van die speaker;

(b) of die Plaaslike Munisipaliteit die instelling van 'n uitvoerende komitee verlang, en indien wel, die bepaling van 'n stelsel van verteenwoordiging vir die verkiesing van die uitvoerende komitee;

(c) die verkiesing van raadslede om op die uitvoerende komitee te dien;

(d) die verkiesing van die burgemeester vanuit die geledere van die uitvoerende komitee;

(e) die verkiesing van die onderburgemeester, waarvoor goedkeuring deur die Provinsiale Minister verleen word, vanuit die geledere van die uitvoerende komitee, en

(f) enige ander sake deur die HUB bepaal en in die agenda uiteengesit.

Toepassing van hierdie Kennisgewing

25A. Indien enige konflik rakende die aangeleenthede wat in hierdie Kennisgewing hanteer word sou ontstaan tussen hierdie kennisgewing en die bepalings van enige artikel 84(3)-kennisgewing afgekondig deur die Nasionale Minister of enige artikel 18-kennisgewing afgekondig deur die Provinsiale Minister, geniet

die bepalings van die artikel 84(3)-kennisgewing of artikel 18-kennisgewing, na gelang van die geval, voorrang.

(artikel 25A. ingevoeg deur PK.686/2000)

Uitvoerende Onderburgemeester

25B. Goedkeuring word verleen ingevolge artikel 55 van die Munisipale Strukture Wet, soos gewysig, vir die verkiesing van 'n uitvoerende onderburgemeester.

(artikel 25B. ingevoeg deur PK.227/2003)

Kort titel en Inwerkingstreding

26. Hierdie Kennisgewing heet die Munisipaliteit George (WCO44) Instellingskennisgewing en tree in werking op die datum van publikasie.

AANHANGSEL 2

Oorgangsmaatreëls om die afskaffing van die Distriksbestuurgebied (WCDMA4) te fasiliteer

Definisies

1. In hierdie Aanhangsel, tensy dit teenstrydig is met die konteks –

"**DBG**" beteken die Distriksbestuurgebied soos uiteengesit in artikel 2(1) van hierdie Skedule; en

"**effektiewe datum**" beteken die datum van die volgende algemene verkiesing van munisipale rade.

Oorgangsmaatreëls

2. Onderhewig aan artikel 14, gelees met artikel 16, van die Wet op Plaaslike Regering: Munisipale Strukture, is die oorgangsmaatreëls om die gevolge van die insluiting van die DBG in die plaaslike Munisipaliteite te reguleer en fasiliteer, uiteengesit in die Sesde Wysigingskennisgewing van die Distriksmunisipaliteit Kennisgewing, wat saam met hierdie kennisgewing gepubliseer is.

(Aanhangsel 2. ingevoeg deur PK.66/2011)

ITEM 4.7 ANNEXURE "B"

Western Cape Government

Department of Local Government
Office of the Head of Department
Mr G Paulse
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LOCAL GOVERNMENT CIRCULAR C27 OF 2026

THE MAYOR, CITY OF CAPE TOWN: MR G HILL-LEWIS
THE MAYOR, WEST COAST DISTRICT MUNICIPALITY: MR R STRYDOM
THE MAYOR, MATZIKAMA MUNICIPALITY: MR J VAN DER HOVEN
THE MAYOR, CEDERBERG MUNICIPALITY: MR A SCHEEPERS
THE MAYOR, BERGRIVIER MUNICIPALITY: MR R VAN ROOY
THE MAYOR, SALDANHA BAY MUNICIPALITY: MR M KOEN
THE MAYOR, SWARTLAND MUNICIPALITY: MR H CLEOPHAS
THE MAYOR, CAPE WINELANDS DISTRICT MUNICIPALITY: DR H VON SCHLICHT
THE MAYOR, WITZENBERG MUNICIPALITY: MR T ABRAHAMS
THE MAYOR, DRAKENSTEIN MUNICIPALITY: MR S KORABI
THE MAYOR, STELLENBOSCH MUNICIPALITY: MR J FASSER
THE MAYOR, BREEDE VALLEY MUNICIPALITY: MS A STEYN
THE MAYOR, LANGEBERG MUNICIPALITY: MR S VAN EEDEN
THE MAYOR, OVERBERG DISTRICT MUNICIPALITY: MR A FRANKEN
THE MAYOR, THEEWATERSKLOOF MUNICIPALITY: MR L DE BRUYN
THE MAYOR, OVERSTRAND MUNICIPALITY: MR A KLAAS
THE MAYOR, CAPE AGULHAS MUNICIPALITY: MR R ROSS
THE MAYOR, SWELLENDAM MUNICIPALITY: MR F DU RAND
THE MAYOR, GARDEN ROUTE DISTRICT MUNICIPALITY: MR M KRUGER
THE MAYOR, KANNALAND MUNICIPALITY: MR J DONSON
THE MAYOR, HESSEQUA MUNICIPALITY: MR G RIDDLES
THE MAYOR, MOSSEL BAY MUNICIPALITY: MR D KOTZE
THE MAYOR, GEORGE MUNICIPALITY: MR B JOHNSON
THE MAYOR, OUDTSHOORN MUNICIPALITY: MR J VAN DER ROSS
THE MAYOR, BITOU MUNICIPALITY: MS J KAMKAM
THE MAYOR, KNYSNA MUNICIPALITY: MR T MATIKA
THE MAYOR, CENTRAL KAROO DISTRICT MUNICIPALITY: MS J BOTHA
THE MAYOR, LAINGSBURG MUNICIPALITY: MS A THERON
THE MAYOR, PRINCE ALBERT MUNICIPALITY: MS L JACQUET
THE MAYOR, BEAUFORT WEST MUNICIPALITY: MS G DUIMPIES

THE MUNICIPAL MANAGER, CITY OF CAPE TOWN: MR L MBANDAZAYO
THE MUNICIPAL MANAGER, WEST COAST DISTRICT MUNICIPALITY: MR D JOUBERT

ITEM 4.7 ANNEXURE "B" CONTINUED

THE MUNICIPAL MANAGER, MATZIKAMA MUNICIPALITY: MR L PHILLIPS
THE MUNICIPAL MANAGER, CEDERBERG MUNICIPALITY: MR G MATTHYSE
THE MUNICIPAL MANAGER, BERGRIVIER MUNICIPALITY: ADV H LINDE
THE MUNICIPAL MANAGER, SALDANHA BAY MUNICIPALITY: MR H METTLER
THE MUNICIPAL MANAGER, SWARTLAND MUNICIPALITY: MR J SCHOLTZ
THE MUNICIPAL MANAGER, CAPE WINELANDS DISTRICT MUNICIPALITY: MR H PRINS
THE MUNICIPAL MANAGER, WITZENBERG MUNICIPALITY: MR D NASSON
THE MUNICIPAL MANAGER, DRAKENSTEIN MUNICIPALITY: DR J LEIBBRANDT
THE MUNICIPAL MANAGER, STELLENBOSCH MUNICIPALITY: MS G METTLER
THE MUNICIPAL MANAGER, BREEDE VALLEY MUNICIPALITY: MR D McTHOMAS
THE MUNICIPAL MANAGER, LANGEBERG MUNICIPALITY: MR D LUBBE
THE MUNICIPAL MANAGER, OVERBERG DISTRICT MUNICIPALITY: MR E PHILLIPS (ACTING)
THE MUNICIPAL MANAGER, THEEWATERSKLOOF MUNICIPALITY: MR W HENDRICKS
THE MUNICIPAL MANAGER, OVERSTRAND MUNICIPALITY: MR E JANTJIES (ACTING)
THE MUNICIPAL MANAGER, CAPE AGULHAS MUNICIPALITY: MR W RABBETS
THE MUNICIPAL MANAGER, SWELLENDAM MUNICIPALITY: MS A VORSTER
THE MUNICIPAL MANAGER, GARDEN ROUTE DISTRICT MUNICIPALITY: MS N RAISA-MLANDU (ACTING)
THE MUNICIPAL MANAGER, KANNALAND MUNICIPALITY: ADV. D SEREO
THE MUNICIPAL MANAGER, HESSEQUA MUNICIPALITY: MR A DE KLERK
THE MUNICIPAL MANAGER, MOSSEL BAY MUNICIPALITY: MR C PUREN
THE MUNICIPAL MANAGER, GEORGE MUNICIPALITY: DR O'NEILL (ACTING)
THE MUNICIPAL MANAGER, OUDTSHOORN MUNICIPALITY: MR M YEKANI
THE MUNICIPAL MANAGER, BITOU MUNICIPALITY: MR F WILLIAMS (ACTING)
THE MUNICIPAL MANAGER, KNYSNA MUNICIPALITY: MR B NGUBO(ACTING)
THE MUNICIPAL MANAGER, CENTRAL KAROO DISTRICT MUNICIPALITY: MS B KOOPMAN (ACTING)
THE MUNICIPAL MANAGER, LAINGSBURG MUNICIPALITY: MR J BOOYSEN
THE MUNICIPAL MANAGER, PRINCE ALBERT MUNICIPALITY: ADV. T GILIOMEE
THE MUNICIPAL MANAGER, BEAUFORT WEST MUNICIPALITY: MR F SABBAT (ACTING)

COMPOSITION OF THE MAYORAL COMMITTEE IN TERMS OF SECTION 60(2) OF THE MUNICIPAL STRUCTURES ACT, 117 OF 1998 AND DESIGNATION OF FULL-TIME COUNCILLORS

1. PURPOSE

The purpose of this circular is to: -

1.1 Guide and advise municipalities on the legal interpretation of section 60(2) of the Municipal Structures Act, No. 117 of 1998 ("the Act"), relating to the question as to whether the deputy executive mayor forms part of the maximum number of councillors as envisaged in section 60(2) of the Act;

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1.2 As set out in Part A below, provide the maximum number of councillors that may be appointed to the mayoral committee per municipality, by way of application of the method prescribed in section 60(2) of the Act;

1.3 Provide an overview of the relevant legislative provisions that relate to the designation of full-time councillors within a municipality; and

1.4 As set out in Part B below, provide a tabulation of full-time councillors as provided for in the Establishment Notices of respective municipalities.

1.5 Replace Department of Local Government Circular C34 of 2021, issued on 20 October 2021.

PART A

2. LEGAL FRAMEWORK

2.1 In terms of section 60(2) of the Act, the mayoral committee must consist of the deputy 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.

2.2 Based on a legal opinion received by the Department of Local Government (DLG) it is the Department's view that a deputy executive mayor, where elected in a municipality, is not included in the maximum number of councillors who may be appointed onto the mayoral committee as contemplated within section 60(2) of the Act.

2.3 This legal opinion is primarily based on the clear distinction that the Act draws between the election and appointment of office bearers concerned. The executive mayor and deputy executive mayor are elected by the municipal council, whereas the members of the mayoral committee (other than the deputy executive mayor) are appointed by the executive mayor.

2.4 By virtue of the fact that the deputy executive mayor is elected by the municipal council, he or she cannot be said to be "appointed" by the executive mayor to the mayoral committee. The deputy executive mayor is a member of the mayoral committee by virtue of his or her election to that post and in terms of the provisions of section 60(2) of the Act. The numeric limits set out in section 60(2) of the Act determine the maximum number of those members who may be "appointed".

ITEM 4.7 ANNEXURE "B" CONTINUED

2.5 It is therefore DLG's view that the proviso ".....that no more than 20 per cent of the councillors or 10 councillors, whichever is the least, are appointed" does not include the deputy executive mayor, who is not appointed. The proviso refers only to those councillors who are appointed by the executive mayor to the mayoral committee.

2.6 Table 1 below indicates the maximum number of councillors that may be appointed to the mayoral committee per municipality, excluding the deputy executive mayor. The executive mayor chairs the mayoral committee.

Municipality	Number of Councillors determined by the Provincial Minister of Local Government[1]	Maximum number of councillors that may be appointed to the mayoral committee in terms of section 60(2) of the Act (excluding the deputy executive mayor)
Beaufort West Municipality	13	2
Bergrivier Municipality	13	2
Bitou Municipality	13	2
Breede Valley Municipality	41	8
Cape Agulhas Municipality	11	2
Cape Winelands District Municipality	41	8
Cederberg Municipality	11	2
Central Karoo District Municipality	15	3
City of Cape Town	235	10
Drakenstein Municipality	65	10
Garden Route District Municipality	37	7
George Municipality	55	10
Hessequa Municipality	17	3
Kannaland Municipality	10	2
Knysna Municipality	21	4
Laingsburg Municipality	10	2
Langeberg Municipality	23	4
Matzikama Municipality	15	3
Mossel Bay Municipality	33	6
Oudtshoorn Municipality	25	5
Overberg District Municipality	23	4
Overstrand Municipality	29	5
Prince Albert Municipality	10	2
Saldanha Bay Municipality	31	6
Stellenbosch Municipality	45	9
Swartland Municipality	23	4

[1] PN 116/2024 published under GG 8999 dated 6 November 2024.

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Municipality	Number of Councillors determined by the Provincial Minister of Local Government[1]	Maximum number of councillors that may be appointed to the mayoral committee in terms of section 60(2) of the Act (excluding the deputy executive mayor)
Swellendam Municipality	11	2
Theewaterskloof Municipality	27	5
West Coast District Municipality	25	5
Witzenberg Municipality	23	4

Table 1: Maximum number of councillors that may be appointed on the mayoral committee per municipality.

PART B

3. DESIGNATION OF FULL-TIME COUNCILLORS

3.1 Section 18(4) of the Act authorises a municipality to designate councillors determined by the MEC for Local Government as full-time. It should be noted that the MEC's determination must be in accordance with the Policy Framework for the Designation of Full-Time Councillors[2]. The designation of councillors as full-time is stipulated in the Establishment Notice of each respective municipality.

3.2 When appointing full-time councillors, municipalities must take into consideration the affordability thereof.

3.3 As stipulated in the Establishment Notice of each respective municipality, Table 2 below sets out councillors designated as full-time. Where the Establishment Notice provides for a mayoral committee and in light of the deputy executive mayor forming part of the mayoral committee, he or she will also be determined to be full-time, if the column titled members of the mayoral committee is marked.

MUNICIPALITY	DETERMINED AS FULL-TIME COUNCILLORS				
	Executive Mayor	Members of Mayoral Committee	Speaker	Single Whip	Chairperson of sub-councils / Chairperson(s) of the S79 Committee / Chairperson of the S79A Committee
Beaufort West Municipality	x	x	x		Chairperson of the S79A Committee
Bergrivier Municipality	x	x	x		Chairperson of the S79A Committee

[2] Proclamation Notice 63 of 2022 published under GG 46457 dated 31 May 2022.

ITEM 4.7 ANNEXURE "B" CONTINUED

MUNICIPALITY	DETERMINED AS FULL-TIME COUNCILLORS				
	Executive Mayor	Members of Mayoral Committee	Speaker	Single Whip	Chairperson of sub-councils / Chairperson(s) of the S79 Committee / Chairperson of the S79A Committee
Bitou Municipality	x	x	x		Chairperson of the S79A Committee
Breede Valley Municipality	x	x	x	x	
Cape Agulhas Municipality	x	x	x		Chairperson of the S79A Committee
Cape Winelands District Municipality	x	x	x	x	
Cederberg Municipality	x	x	x		
Central Karoo District Municipality	x	x	x		Chairperson of the S79A Committee
City of Cape Town	x	x	x	x	Chairperson of sub-councils / Chairperson(s) of the S79 Committee
Drakenstein Municipality	x	x	x	x	Chairperson of the S79A Committee
Garden Route District Municipality	x	x	x		Chairperson of the S79A Committee
George Municipality	x	x	x	x	Chairperson of the S79A Committee / Chairperson(s) of the S79 Committee
Hessequa Municipality	x	x	x		Chairperson of the S79A Committee
Kannaland Municipality	x		x		
Knysna Municipality	x	x	x		Chairperson of the S79A Committee
Laingsburg Municipality	x		x		
Langeberg Municipality	x	x	x		Chairperson of the S79A Committee
Matzikama Municipality	x	x	x		
Mossel Bay Municipality	x	x	x		
Oudtshoorn Municipality	x	x	x		Chairperson of the S79A Committee

ITEM 4.7 ANNEXURE "B" CONTINUED

MUNICIPALITY	DETERMINED AS FULL-TIME COUNCILLORS				
	Executive Mayor	Members of Mayoral Committee	Speaker	Single Whip	Chairperson of sub-councils / Chairperson(s) of the S79 Committee / Chairperson of the S79A Committee
Overberg District Municipality	x	x	x		
Overstrand Municipality	x	x	x		
Prince Albert Municipality	x		x		**Chairperson of the S79A Committee / Deputy Executive Mayor**
Saldanha Bay Municipality	x	x	x		
Stellenbosch Municipality	x	x	x		**Chairperson of the S79A Committee**
Swartland Municipality	x	x	x		
Swellendam Municipality	x	x	x		
Theewaterskloof Municipality	x	x	x		**Chairperson of the S79A Committee**
West Coast District Municipality	x	x	x		**Chairperson of the S79A Committee**
Witzenberg Municipality	x	x	x		**Chairperson of the S79A Committee**

Table 2: Councillors determined as full-time.

Yours faithfully,

Mr Graham Paulse
HEAD OF DEPARTMENT
Date: 2026 / 02 / 17

4.8 ELECTION OF REPRESENTATIVES TO SERVE ON THE DISTRICT COUNCIL

File number / Verwysingsnommer: 3/2
Meeting date / Vergadering datum: 18 November 2026
Report by / Verslag deur: Dr Dean O'Neill

PURPOSE OF REPORT / DOEL VAN VERSLAG

To elect representatives of the George Municipal Council to serve on the Garden Route District Municipal Council in accordance with the provisions of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).

BACKGROUND / AGTERGROND

Section 23 of the Local Government: Municipal Structures Act, 1998 provides for the composition of District Municipal Councils, and the election and appointment of representatives of local municipalities to serve on district councils.

Section 23(1)(b) provides that a district council consists, *inter alia*, of councillors appointed by the councils of the respective local municipalities in accordance with Schedule 2 of the Act.

In terms of section 23(4) of the Act, 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 a local municipality to serve on a district council is conducted and managed by the Independent Electoral Commission (IEC).

The Chief Electoral Officer of the IEC, or his or her representative, determines the number of seats allocated to each local municipality within the district municipality, as well as the allocation of seats to political parties represented in the local council, in accordance with Schedule 2 to the Local Government: Municipal Structures Act, 1998. Where only one seat is allocated to a local municipality, the procedure prescribed in Item 16 of Schedule 2 applies. Where more than one seat is allocated to a local municipality, the seats are allocated amongst the parties represented in the council on a proportional representation basis and are filled from the party lists submitted for this purpose in accordance with Items 17 to 22 of Schedule 2.

The IEC will facilitate and oversee the election process during the Inaugural Council Meeting and will announce the allocation of seats and the successful representatives in accordance with the provisions of the Act.

RECOMMENDATION

That Council elects the representatives of George Municipality to serve on the Garden Route District Municipal Council in accordance with section 23 and Schedule 2 of the Local Government: Municipal Structures Act, 1998.

ISINDULULO

Kukuba iBhunga lonyule abameli bakaMasipala waseGeorge ukuba basebenze kwiBhunga loMasipala wesithili saseGarden Route ngokungqinelana necandelo lama-23 kunye neShedyuli yesi-2 yoMthetho kaRhulumente waseKhaya: Umthetho weZakhiwo zikaMasipala, ka-1998.

ATTACHMENTS / STAWENDE DOKUMENTE

None.

4.9 ACCEPTANCE OF SYSTEM OF DELEGATIONS OF POWER

File number / Verwysingsnommer: 2/6/2
Meeting date / Vergadering datum: 18 November 2026
Report by / Verslag deur: Kurt Paulse

PURPOSE OF REPORT / DOEL VAN VERSLAG

For Council to take note and accept the Delegations of Power attached hereteo as **Annexure "A"** to the agenda, and for the review of the Delegations of Power to be workshoped with Council.

BACKGROUND / AGTERGROND

Section 59(2)(f) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) requires that a municipality's system of delegations be reviewed whenever a new Council is elected.

The Delegations of Power which remains in force is attached hereto as **Annexure "A"** to the agenda, for Council's consideration. The Delegations of Power will be reviewed and will be workshopped with Council before being tabled to Council for adoption.

Pending the completion of the review process and the adoption of a revised System of Delegations, it is necessary that the current System of Delegations remain in force to ensure the uninterrupted and efficient functioning of the Municipality and the continued exercise of powers and performance of duties delegated by Council.

RECOMMENDATION

(a) That the Delegation of Powers attached hereto as **Annexure "A** to the agenda, be noted and accepted;

(b) That it be noted that that the reviewed Delegation of Powers will be workshopped with Council before being tabled to Council for adoption.

IZINDULULO

(a) Kukuba uGunyaziso lweGunya, oluqhotyoshelwe apha njengeSihlomelo "A", luqatshelwe kwaye lwamkelwe;

(b) Kukuba kuqatshelwe ukuba uGunyaziso lweGunya oluqwalaselwe ngokutsha luza kwenzelwa indibano yocweyo kunye neBhunga, phambi kokuba lwandlalwewe kwiBhunga ukuze lamkelwe ngokusesikweni.

ATTACHMENTS / STAWENDE DOKUMENTE

Annexure "A"Delegations of Power

ITEM 4.9 ANNEXURE "A"



ITEM 4.9 ANNEXURE "A" CONTINUED

TABLE OF CONTENTS

PARA-GRAPH			PAGE NUMBER
	DELEGATIONS OF POWER		
1.	**INTRODUCTION/BACKGROUND**		4
2.	**RULES FOR A SYSTEM OF DELEGATIONS AS DETERMINED BY THE SYSTEMS ACT**		4 - 8
	2.1	Instruction to perform duties	5
	2.2	Basis for the delegation or instruction	5
	2.3	Revision of resolutions taken by delegating authority (Section 59(3) of the Systems Act)	5 – 6
	2.4	Approval of delegations (Section 59(4) of the Systems Act)	6
	2.5	Referral of matters to delegating authorities for decision	6
	2.6	Appeals	6 - 7
	2.7	Duty to report to delegating authority	8
	2.8	Withdrawal, amendment or lapsing of delegation or sub-delegation	8
	2.9	Review of delegations	8
3.	**GENERAL PRINCIPLES AND CONDITIONS OF DELEGATION**		9 – 12
	3.1	General principles of delegation	9 – 10
	3.2	General conditions of delegation	11 – 12
4.	**DELEGATED AUTHORITIES**		12 – 155
	4.1	Powers reserved for Council	12 – 14
	4.2	Powers delegated to Political office bearers of Council	14 - 21
	4.2.1	Powers delegated to the Executive Mayor (In addition to powers in terms of the Municipal Finance Management Act)	14 – 17
	4.2.2	Powers delegated to the Executive Speaker	17 – 19
	4.2.3	Powers delegated to the Executive Chief Whip	19 – 21
	4.3	Delegations to Political Structures of Council (Section 80 Committees)	21 – 30
	4.4	Delegations to Political Structures of Council (Section 79 Committees)	30 – 33
	4.5	Powers allocated and delegated to the Municipal Manager (In addition to powers in terms of the Municipal Finance Management Act)	33 – 40
	4.6	Specific powers delegated to Heads in the Directorate: Municipal Manager (In addition to powers in terms of the Municipal Finance Management Act)	40 – 47
	4.7	General powers delegated each Director pertaining to his/her specific directorate (In addition to powers in terms of the Municipal Finance Management Act)	47 – 51
	4.8	Specific powers delegated to the Director: Corporate Services (In addition to powers in terms of the Municipal Finance Management Act)	51 – 58
	4.9	Specific powers delegated to Heads in the Directorate: Corporate Services (In addition to powers in terms of the Municipal Finance Management Act)	58 – 70

APPROVED BY COUNCIL ON 24 APRIL 2025

ITEM 4.9 ANNEXURE "A" CONTINUED

	4.10	Specific powers delegated to the Director: Financial Services (In addition to powers in terms of the Municipal Finance Management Act)	70 – 71
	4.11	Specific powers delegated to Heads in the Directorate: Financial Services (In addition to powers in terms of the Municipal Finance Management Act)	71 – 75
	4.12	Specific powers delegated to the Director: Civil Engineering Services (In addition to powers in terms of the Municipal Finance Management Act)	75 – 76
	4.13	Specific powers delegated to Heads in the Directorate: Civil Engineering Services (In addition to powers in terms of the Municipal Finance Management Act)	77 – 84
	4.14	Specific powers delegated to the Director: Community Services (In addition to powers in terms of the Municipal Finance Management Act)	84 – 88
	4.15	Specific powers delegated to Heads in the Directorate: Community Services (In addition to powers in terms of the Municipal Finance Management Act)	88 – 95
	4.16	Specific Powers delegated to the Director: Planning and Development (In addition to powers in terms of the Municipal Finance Management Act)	95 – 98
	4.17	Specific Powers delegated to Heads in the Directorate: Planning and Development (In addition to powers in terms of the Municipal Finance Management Act)	98 – 126
	4.18	Specific Powers delegated to the Director Electrical Engineering Services (In addition to powers in terms of the Municipal Finance Management Act)	126 – 127
	4.19	Specific Powers delegated to the Heads Electrical Engineering Services (In addition to powers in terms of the Municipal Finance Management Act)	127 – 129
	4.20	Specific Powers delegated to the Director Community Safety and Mobility (In addition to powers in terms of the Municipal Finance Management Act)	129 – 132
	4.21	Specific Powers delegated to the Heads Community Safety and Mobility (In addition to powers in terms of the Municipal Finance Management Act)	133 – 155
	4.22	Supply Chain Management Bid Adjudication Committee	155

APPROVED BY COUNCIL ON 24 APRIL 2025

GEORGE MUNICIPALITY
DELEGATION OF POWERS

1. INTRODUCTION/BACKGROUND

Section 53 of the Systems Act (Act No. 32 of 2000) stipulates that the roles and areas of responsibility of political structures, political office bearers and the Municipal Manager must be defined. Section 59(1) of the Systems Act and section 79 of the Local Government: Municipal Finance Management Act, Act 56 of 2003, stipulate that a system of delegation must be developed that will maximise administrative and operational efficiency of a municipality. At the same time, administrative efficiency would require that delegations be aligned with the existing political and administrative organisation.

Section 151(2) of the Constitution (Act 108 of 1996) determines that "the Executive and Legislative Authority of a municipality is vested in its municipal Council". Read in conjunction with section 59(1)(a) and (b) of the Systems Act, Council has the authority to take the decision relating to the delegation of powers to the Executive Mayor.

2. RULES FOR A SYSTEM OF DELEGATION AS DETERMINED BY THE SYSTEMS ACT

The Systems Act determines in section 59 - 65 the parameters within which a system of delegation should be developed. Some of the main elements of the legislation are the following:

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2.1 Instruction to perform duties

Council may instruct any political structure, political office bearer, Councillor or staff member to perform any of the Council's duties (section 59 (1)(b) of the Systems Act). This is also applicable to any other delegating authority regarding sub-delegations.

2.2 Basis for the delegation or instruction:

A delegation, instruction or sub-delegation and instruction in terms of par. 4.1 (section 59 (2) of the Systems Act):

2.2.1 Must not be in conflict with the Constitution, the Municipal Systems Act, the Municipal Structures Act or the Municipal Finance Management Act.
2.2.2 Must be in writing.
2.2.3 Is subject to any limitations, conditions and directions Council may impose.
2.2.4 May include the power to sub-delegate delegated powers.
2.2.5 Does not divest Council of its responsibility concerning their exercise of powers or the performance of duties.
2.2.6 Must be reviewed when a new Council is elected.

2.3 Revision of resolutions taken by delegated body (Section 59 (3) of the Systems Act) Council

2.3.1 In accordance with the procedures in its Standing Rules of Order, may, or at the request in writing of at least one quarter of its Councillors, must review any decision taken by any delegated body in consequence of a delegation or instruction and either confirm, vary or revoke the decision subject to any rights that may have accrued to a person; and

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2.3.2 may require the Executive Mayor to review any decision taken by such a delegated body in consequence of a delegation or instruction taking into account any rights that may have accrued to a person.

(The above do not apply to original power given to a political structure, political office bearer, councillor or staff member by legislation).

2.4 Approval of delegations [Section 59(4) of the Systems Act]:

Any delegation or sub-delegation to a staff member of a power conferred on the Municipal Manager, must be approved by the Council. This does not include any original powers that might have been conferred upon a Municipal Manager in terms of any legislation.

2.5 Referral of matters to delegating authorities for decision:

A delegated body to which authority has been delegated or sub-delegated to dispose of matters falling within the area of responsibility of the delegated body may, or must if instructed to do so by the relevant delegating authority, refer a matter before the delegated body to the relevant delegating authority for a decision (section 61 of the Systems Act).

2.6 Appeals:

A person whose rights are affected by a decision taken by a delegated body in terms of a power delegated or sub-delegated by a delegating authority, may appeal against that decision by giving written notice of the appeal and reasons to the Municipal Manager within 21 days of the date of the relevant decision (section 62 of the Systems Act).

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2.6.1 Process of appeals

Upon receipt of an appeal:

2.6.1.1 the Municipal Manager must submit the appeal to the appropriate appeal authority;

2.6.1.2 the appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from rights that may have accrued as a result of the decision; and

2.6.1.3 the appeal authority must commence with an appeal within 6 weeks and decide the appeal within a reasonable period.

2.6.2 Appeal authorities:

The following Appeal Authorities are appointed:

2.6.2.1 **The Municipal Manager:**
When the appeal is against a decision taken by a staff member other than the Municipal Manager.

2.6.2.2 **The Executive Mayor:**
When the appeal is against a decision taken by the Municipal Manager.

2.6.2.3 **The Appeal Committee appointed by the Council in terms of section 62(4)(c)(ii) of the Systems Act:**
When the appeal is against a decision taken by a political structure or political office bearer or a Councillor.

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2.7 Duty to report to delegating authority:

A delegated body must report to the delegating authority at such intervals and format as the delegating authority may require, on decisions taken in terms of that delegated or sub-delegated power or duties since the last report (section 63 of the Systems Act).

2.8 Withdrawal, amendment or lapsing of delegation or sub-delegation:

The Council or any other delegating authority, may at any time withdraw, qualify or amend a delegation made by it. The withdrawal, amendment, qualification or lapsing of a delegation or sub-delegation does not invalidate anything done as a consequence of a decision taken in terms of that delegation or sub-delegation (section 64 of the Systems Act).

2.9 Review of delegations:

Whenever it becomes necessary in terms of section 59 (2)(f) of the Municipal Systems Act to review a Council's delegations, the Municipal Manager must submit through the Executive Mayor to the Council a report on the existing delegations issued in terms of section 59 by the Council and other delegating authorities of Council and the recommendations on any changes to the existing delegations which the Municipal Manager may consider necessary (section 65 of the Systems Act).

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3. GENERAL PRINCIPLES AND CONDITIONS OF DELEGATION:

3.1 General principles of delegation:

3.1.1 Delegation means the granting of power to take executive decisions and to perform duties in terms of the decision as contemplated in section 59 of the Systems Act or section 79 of the Municipal Finance Management Act.

3.1.2 A delegating authority has the right to demand accountability from the delegated body without divesting the delegating authority of the responsibility concerning the exercise of a power or the performance of the duty.

3.1.3 Responsibility is the obligation by the delegated body to carry out or to ensure the carrying out of the authority entrusted to it.

3.1.4 Authority is the sum-total of all the rights and powers that the delegated body needs to exercise its responsibilities. A delegated body is always answerable to the delegating authority and the delegated authority is never divested from accountability following the exercise of powers or performance of duties delegated.

3.1.5 The only committee any executive powers can be delegated to, is an Executive Committee of Council, should such a committee exist. A matter to be decided upon in terms of a delegated authority may be referred to a committee for investigation, advice or recommendation but the ultimate decision as well as accountability for the decision remains with the person with the delegated authority and not with any committee.

3.1.6 As the delegating authority is accountable for the exercising of authority, the delegating authority may instruct the delegated body at any time not to exercise delegated authority on an unfinished task but submit it to the delegating authority for consideration.

3.1.7 The delegating authority accepts the outcome of any exercised authority by the delegated body and takes full responsibility together with the delegated body on the outcome of the action when the action has been

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implemented on condition that the delegated body duly applied his/her mind when exercising such authority and made a **bona fide** decision.

3.1.8 The exercising of any delegated authority must not deviate from an existing policy of the Council when exercising the policy. Any deviation from such a policy due to an emergency must be sanctioned by the Executive Mayor or Municipal Manager as the case may be and afterwards be submitted to Council for condonation. In this instance, "emergency" is defined as a situation where an urgent meeting of the Council cannot be convened according to the judgement of the Executive Mayor or Municipal Manager.

3.1.9 Where no authority of the Council is delegated to any political structure other than the Council, political office bearer and staff member, the Executive Mayor shall be regarded as having authority to exercise such power. Care must however be taken not to refer - trivial matters to the Executive Mayor or even the Council merely because no specific delegation exists. All matters falling under Section 55 of the Systems Act should be dealt with by the Municipal Manager and his/her nominees.

3.1.10 Authority can only be delegated to the extent that the delegating authority can call a nominee to account for a decision made in terms of a delegated power.

3.1.11 All delegations must be aimed at empowering the relevant executives to perform their functions effectively, taking into account the different levels of decision-making.

3.1.12 All delegations should be aimed at the improvement of good governance and allow for adequate checks and balances.

3.1.13 All delegations should be aimed at the enhancement of service delivery without sacrificing accountability.

3.1.14 All exercising of a delegated authority should be exercised with due diligence.

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3.2 General conditions of delegation:

All decision-making powers delegated by Council or any other delegating authority about sub-delegations are subject to the following:

3.2.1 Delegated powers are conferred upon the holder of a specific position in the municipality or to a specific individual. Care must be taken that the official to whom a power has been delegated, has the required qualifications, knowledge and skills to enable him/her to make an informed decision.

3.2.2 Delegations also apply to persons acting in positions unless otherwise stipulated. Persons acting in such positions have the same delegated powers as persons appointed permanently in a position, provided that the competent authority has duly appointed such acting persons with due consideration to authorities delegated to such a position.

3.2.3 The system of delegation does not redefine Council's powers and functions.

3.2.4 Existing policies of Council will determine the parameters of any delegation and the delegating authority is bound to comply therewith.

3.2.5 In executing delegated authority, no expenditure may be incurred unless the delegated body is satisfied that the Council has budgeted for the expenditure and that the funds are still available on the relevant budget votes.

3.2.6 The chain of authority from the Council to the Executive Mayor to the Municipal Manager to officials below must not be jeopardised by any delegations.

3.2.7 A delegation may set out special circumstances in which a delegated body is prohibited from exercising his/her delegated power.

3.2.8 All decisions by a delegated authority affecting the rights of others must be in writing and reasons must be recorded for such decisions.

3.2.9 All decisions taken by a delegated authority must be available for audit purposes.

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3.2.10 No power delegated to an official by the Council may be sub-delegated unless the conditions of section 59 of the Systems Act and section 79 of the Municipal Finance Management Act have been complied with.

3.2.11 Financial Delegations of the Municipal Manager, Directors and other officials, in terms of section 79 of the MFMA is included in a matrix, which is signed by all, to confirm their financial management responsibility and acceptance of the power delegated to him/her, in terms of section 79 of the MFMA, of which such matrix could be changed if and when required, is hereto attached and forms part of this delegation.

4. DELEGATED AUTHORITIES:

4.1 POWERS RESERVED FOR COUNCIL:

The following powers are reserved for Council only:

4.1.1 The passing and/or amendment of by-laws.

4.1.2 The approval of an annual budget on or before 30 June of each year.

4.1.3 To consider and approve an adjustments budget.

4.1.4 The imposition of rates and other taxes, levies and duties.

4.1.5 Approval to incur short- and long-term loans.

4.1.6 To decide on the disposal of capital assets subject to section 14 of the Municipal Finance Management Act.

4.1.7 To decide on leases of Municipal assets for a period longer than 3 years (long term leases) and leases where the value of the immovable property is in excess of R10 000 000.00 (high value leases).

4.1.8 The setting of tariffs, fees and charges.

4.1.9 The approval of budget related Policies.

4.1.10 The approval or amendment of the Municipality's Integrated Development Plan.

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4.1.11 The appointment of the Municipal Manager and managers directly accountable to the Municipal Manager. This includes the appointment of managers to act in a vacant post.

4.1.12 To establish and appoint committees in terms of section 79 and 80 of the Structures Act.

4.1.13 To appoint members of an appeal committee in terms of section 62(4)(c) of the Systems Act.

4.1.14 To appoint or replace the Municipality's representatives in the District Municipal Council.

4.1.15 To appoint a Building Control Officer in terms of section 5(1) of the National Building Regulations and Building Standards Act 103 of 1977.

4.1.16 To approve visits and the attendance of meetings, seminars or training of Councillors, the Municipal Manager, Directors and Municipal staff abroad, subject to the provision for such expenditure on the operating budget of the Municipality.

4.1.17 To consider any application of a full time Councillor to perform other remunerative work in terms of the Code of Conduct for Councillors.

4.1.18 The approval of a staff establishment (macro and micro structure) for the municipality.

4.1.19 To consider the annual report of the Municipality and to adopt an oversight report containing the Council's comments on the annual report.

4.1.20 To consider reports of the audit committee.

4.1.21 To appoint the members of the audit committee and to appoint the chairperson.

4.1.22 To approve settlement agreements with the Municipal Manager and Senior Managers, where necessary.

4.1.23 To approve the Municipality's Performance Management System as submitted by the Executive Mayor.

4.1.24 To consider a report on Unauthorised, Irregular or Fruitless and Wasteful expenditure received from the MPAC.

4.1.25 To fulfil any duties conferred upon it, in terms of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2017), and the respective Bylaw herein.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.1.26 To fulfil any duties conferred upon it, in terms of the Property Rates Act, 2004 (Act 6 of 2004), and the respective Bylaw herein.

4.1.27 To fulfil any duties conferred upon it, in terms of the Water Services Act, 1997 (Act 108 of 1997), and the respective Bylaw herein.

4.2 POWERS DELEGATED TO POLITICAL OFFICE BEARERS OF COUNCIL

4.2.1 POWERS DELEGATED TO THE EXECUTIVE MAYOR (IN ADDITION TO POWERS IN TERMS OF THE MUNICIPAL FINANCE MANAGEMENT ACT):

4.2.1.1 To perform ceremonial duties as may be determined by the Council.

4.2.1.2 To award civic honours including Aldermanship, and the naming of public streets, places and municipal buildings after persons subject to applicable legislation and Council's policy.

4.2.1.3 To determine the overall strategic policy applicable to the municipality as a whole, that gives macro direction to its executive and which guides the formulation of all other policies.

4.2.1.4 To supervise the implementation and enforcement of the Council's credit control and debt recovery policy and by-laws.

4.2.1.5 To evaluate and review credit control and debt recovery policy and by-laws for consideration by Council.

4.2.1.6 To conclude any agreement in terms of Sections 99, 126 or 156(4) of the Constitution.

4.2.1.7 To appoint Council representatives on public bodies and as delegates to conferences, symposiums, negotiations, annual general meetings, seminars and courses.

4.2.1.8 To approve housing schemes within the limitations of available funds and national and provincial policies.

4.2.1.9 To approve co-operation agreements and twinning of towns with other local authorities, instances and persons.

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4.2.1.10 To manage the drafting of the Municipality's Integrated Development Plan, assign responsibilities in this regard to the Municipal Manager and submit a draft plan for adoption by the Council.

4.2.1.11 To manage the development of the Municipality's Performance Management System, assign responsibilities in this regard to the Municipal Manager and submit the proposed system to the Council for approval.

4.2.1.12 To evaluate progress against key performance indicators as determined in the Municipal Performance Management System.

4.2.1.13 To delegate appropriate powers to a delegated authority within the existing legal and policy frameworks.

4.2.1.14 To approve visits and the attending of meetings, seminars or training of Councillors or the Municipal Manager within South Africa, subject to the provision for such expenditure on the operating budget of the Municipality.

4.2.1.15 To recommend visits and the attending of meetings, seminars and training of the Municipal Manager, Directors and municipal staff, outside South Africa, to Council for approval and subject to provision for such expenditure on the operating budget of the Municipality.

4.2.1.16 To deal with all leave applications of the Municipal Manager and concomitant aspects thereof.

4.2.1.17 To conclude performance agreements with the Municipal Manager in accordance with section 57(2) of the Systems Act.

4.2.1.18 To appoint an Executive Mayoral Committee.

4.2.1.19 To hear appeals on decisions made by the Municipal Manager.

4.2.1.20 The determination or alteration of the remuneration, benefits and other conditions of service of the Municipal Manager and managers directly accountable to the Municipal Manager.

4.2.1.21 To consider applications for the establishment of new extensions of the town, conditions of establishment, and endowment fees, and conditions for the provision of essential services in townships and to grant

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recommendation, in accordance with the conditions of establishment reserved for Council.

4.2.1.22 To approve/refuse the erection of cellular telephone masts in the municipal area after a record of decision was issued in cases where objections were received.

4.2.1.23 To approve/refuse relaxation / encroachment of any building lines in cases where objections were received.

4.2.1.24 To Act as Appeal Authority in terms of SPLUMA and Bylaws.

4.2.1.25 To consider a notification of the provincial government of any emerging or impending financial problems in the Municipality.

4.2.1.26 To consider a notice received from the National Treasury of its intention to stop the transfer of funds to the Municipality.

4.2.1.27 To determine the deputation that will appear before a committee of Parliament considering the approval or renewal of a decision of the National Treasury of its intention to stop the transfer of funds to the Municipality.

4.2.1.28 To determine the case that will be presented to a committee of Parliament considering the approval or renewal of a decision of the National Treasury to stop the transfer of funds to the Municipality.

4.2.1.29 To consider whether the Municipality is, or is likely to, encounter a serious financial problem in meeting its financial commitments.

4.2.1.30 To determine the manner of seeking solutions to any serious financial problem in meeting its financial commitments experienced or anticipated by the Municipality.

4.2.1.31 To inform the MEC responsible for local government and the MEC responsible for finance of any serious financial problem in meeting its financial commitments experienced or anticipated by the Municipality.

4.2.1.32 To request the audit committee to investigate the financial affairs of the Municipality.

4.2.1.33 To, subject to a policy framework, approve the expropriation of municipal immovable property or rights in, or to, immovable property.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.2.1.34 To approve the provision of legal representation to a Councillor and the Municipal Manager or managers directly accountable to the Municipal Manager, in terms of section 109A of the Systems Act where:

4.2.1.34 (i) legal proceedings have been instituted against the mentioned officials or Councillors, as a result of any act or omission by them in the exercise of their powers or the performance of their duties; or

4.2.1.34(ii) the Councillor or official have been summoned to attend any inquest or inquiry arising from the exercise of their powers or the performance of their duties.

4.2.1.35 To act as the relevant authority as defined in Section 1 of the Promotion of Access to Information Act, 2 of 2000.

4.2.1.36 Where no authority of the Council is delegated to any political structure other than the Council, political office bearer and staff member, the Executive Mayor shall be regarded as having authority to exercise such power.

4.2.1.37 To execute those matters assigned to the Mayor with regards to the development and implementation of a performance management policy.

4.2.1.38 To approve indigent applications, where special circumstances exist for writing off indigent debt.

4.2.1.39 To approve the establishment of ward committees, for each ward in the municipality.

4.2.1.40 To approve policies received from the Section 80 committees.

4.2.2 POWERS DELEGATED TO THE SPEAKER:

4.2.2.1 To decide when and where the Council meets, subject thereto that if a majority of the councillors requests the speaker in writing to convene a Council meeting, the speaker must convene a meeting at a time set out in the request.

4.2.2.2 To preside at meetings of the Council.

4.2.2.3 To ensure that the Council meets at least quarterly.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.2.2.4 To maintain order during formal meetings of the Council and any other formal or informal gatherings of the Council.

4.2.2.5 To ensure compliance in the Council and Council Committees with the Code of Conduct set out in Schedule 7 to the Local Government: Municipal Structures Act.

4.2.2.6 To ensure that all the meetings of council are conducted in accordance with the rules of orders of the council.

4.2.2.7 To authorise an investigation of the facts and circumstances of an alleged breach if the speaker, on reasonable suspicion, is of the opinion that a provision of the Code of Conduct for Councillors has been breached, provided that the speaker shall not personally conduct such an investigation.

4.2.2.8 To report an alleged breach of the Code of Conduct for Councillors to a meeting of the municipal council after due completion of the investigation.

4.2.2.9 To make a suitable recommendation to the council in respect of steps to be considered as a result of a report related to an alleged breach of the Code of Conduct for Councillors.

4.2.2.10 To report the outcome of the investigation related to an alleged breach of the Code of Conduct for Councillors to the MEC for local government in the Western Cape Province.

4.2.2.11 To 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.

4.2.2.12 To be responsible for councillor's affairs by ensuring that the members of the council are performing their legislative duties.

4.2.2.13 To fulfil an oversight role with regards to the function of ward committees, by ensuring the effectiveness and functionality of the ward committees and the public participation processes.

4.2.2.14 To ensure capacity building of Councillors.

4.2.2.15 To approve the monthly programme for Council meetings.

4.2.2.16 To approve together with the Mayor, visits and the attendance of meetings, seminars and training of Councillors within the Republic of

APPROVED BY COUNCIL ON 24 APRIL 2025

South Africa or abroad, subject to budgetary provision for such expenditure.

4.2.2.17 Considers matters pertaining to Councillors i.e. transport, leave, conferences, office equipment and stationery.

4.2.2.18 Responsible for the effective oversight over the executive authority of the Municipality.

4.2.2.19 Must ensure the effectiveness of the committees of the Council, as established in terms of section 79.

4.2.2.20 Is responsible for the ethics and accountability of the Council.

4.2.2.21 Responsible for the oversight of the Community Development Workers.

4.2.2.22 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).

4.2.2.23 Must ensure, that the legislate authority of the Municipality functions efficiently.

4.2.3 POWERS DELEGATED TO THE CHIEF WHIP:

4.2.3.1 Approves in consultation with the Speaker, the use of office and meeting space and parking areas by Councillors and political parties.

4.2.3.2 Advises the Speaker and Mayor on matters of importance on the Council agenda.

4.2.3.3 Informs Councillors on important matters on the relevant agenda.

4.2.3.4 Compiles a speakers list for meetings of Council, after consultation with other whips, in which times for speakers are allocated; to determine the order in which such speakers may be permitted to address the Council on any item which is to be debated; and submit the list of scheduled speakers to the Speaker, the Executive Mayor and all party whips.

4.2.3.5 Ensures that Councillors motions are prepared and timeously tabled in terms of the procedural rules of Council.

4.2.3.6 Assists the Speaker in the counting of votes.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.2.3.7 To ensure that party whips submit to the Chief Whip particulars of urgent motions to be introduced at least two days before a Council meeting and advising the Speaker, Mayor and Municipal Manager of the content of such urgent motions.

4.2.3.8 Advises the Speaker and Mayor on how to deal with important items not disposed of at a Council meeting.

4.2.3.9 Prepares and recommends to Council, in consultation with the Speaker, the annual calendar of meetings of Council and its committees including recommendations in regard to Council recesses.

4.2.3.10 Approves, in consultation with the relevant chairperson, any change of meeting time and/or date of meetings and ensures that the calendar of meetings is appropriately amended.

4.2.3.11 Keeps record of all relevant information with regards to Councillors and makes available to the Mayor or Speaker when requested.

4.2.3.12 Determines the development needs of Councillors after consultation with party whips.

4.2.3.13 Advises Speaker on applications received by Councillors for absence from Council meetings, committee meetings and general leave, to be approved by the Speaker.

4.2.3.14 Recommends to the Executive Mayor which Councillors should serve on outside bodies.

4.2.3.15 Liaises with the different political parties to ensure representation in Council and the Council committees and provides political oversight over all matters pertaining to the administrative functioning of Portfolio Committees.

4.2.3.16 Recommends to Council the appointment of Councillors to serve on Section 79 committees in consultation with the Mayor and party whips.

4.2.3.17 Monitors whether Councillors of the relevant political party report back to constituencies as required in the preamble to the Code of Conduct, and to report quarterly to Council on compliance therewith.

4.2.3.18 Advises the Speaker on any possible transgressions by Councillors of the Code of Conduct for Councillors.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.2.3.19 Maintain sound relations between the various political parties.

4.2.3.20 Facilitate the interaction between the executive and legislative oversight structures in the Municipality.

4.2.3.21 Resolves disputes between the Speaker, Mayor and Executive Mayor, or members of the Mayoral Committee.

4.3 DELEGATIONS TO POLITICAL STRUCTURES OF COUNCIL (SECTION 80 COMMITTEES)

4.3.1 CIVIL ENGINEERING SERVICES COMMITTEE

Roles and Responsibilities

To take responsibility for the oversight of performance and budget of the following functions of the portfolio:

- Water and Sanitation Operating Services.
- Public Works (roads, storm water etc.).
- Technical Support.
- Capital projects with regards to Water and Sanitation.
- Capital projects with regards to Public Roads and Storm Water.
- Project Management Unit (PMU) Planning and Technical Support Services.

4.3.1.1 To liaise with the Director responsible for the portfolio on matters related to the portfolio.

4.3.1.2 Considers and approves implementation of water restrictions.

4.3.1.3 Considers the provision of engineering services to the community.

4.3.1.4 Considers and approves matters regarding infrastructure.

4.3.1.5 To permanently close streets, public open spaces and other public places after the appropriate process has been followed.

4.3.1.6 Consider reports on the progress of capital projects within the portfolio.

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4.3.1.7 Consider and approves MIG and RBIG and other infrastructure grant applications according to the needs of Council.

4.3.1.8 To consider all those matters of this portfolio, which are delegated to the Executive Mayor for his/her approval, by recommending such, for approval by the Executive Mayor.

4.3.1.9 To consider and recommends policies applicable to the portfolio to the Executive Mayoral Committee for approval.

4.3.2 ELECTRO-TECHNICAL SERVICES COMMITTEE

ROLES AND RESPONSIBILITIES

To take responsibility for the oversight of performance and budget of the following functions of the portfolio:

- Distribution
- Engineering Services
- Planning and Design
- Mechanical Engineering
- Technical Support Services

4.3.2.1 To liaise with the Director responsible for the portfolio on matters related to the portfolio.

4.3.2.2 Considers and approves the provision of electrotechnical services to the community.

4.3.2.3 Considers and approves matters regarding electrotechnical infrastructure.

4.3.2.4 Considers and approves applications for DOE funds, according to the needs of the Council.

4.3.2.5 To consider all those matters of this portfolio, which are delegated to the Executive Mayor for his/her approval, by recommending such, for approval by the Executive Mayor.

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4.3.2.6 To consider and recommend policies applicable to the portfolio to the Executive Mayoral Committee for approval.

4.3.3 COMMUNITY SERVICES (REFUSE, ENVIRONMENT AND PARKS) COMMITTEE

ROLES AND RESPONSIBILITIES

To take responsibility for the oversight of performance and budget of the following functions of the portfolio:

- Refuse Management
- Parks and Recreation
- Environmental Health

4.3.3.1 To liaise with the Director responsible for the portfolio on matters related to the portfolio.

4.3.3.2 Considers and approves matters regarding parks and gardens, cleansing services, alien vegetation, cemeteries, recreation, beaches and caravan parks and public open spaces, overgrown erven and environmental health matters.

4.3.3.3 To consider all those matters of this portfolio, which are delegated to the Executive Mayor for his/her approval, by recommending such, for approval by the Executive Mayor.

4.3.3.4 To consider and recommends policies applicable to the portfolio to the Executive Mayoral Committee for approval.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.3.4 PLANNING AND DEVELOPMENT (PLANNING, BUILDING CONTROL, PROPERTY AND AGRICULTURE) COMMITTEE

ROLES AND RESPONSIBILITIES

To take responsibility for the oversight of performance and budget of the following functions of the portfolio:

- Spatial Planning
- Environmental Management
- Development Management
- Building Control
- Investment Property Management
- Property Management
- Economic Growth
- Agriculture

4.3.4.1 To liaise with the Director responsible for the portfolio on matters related to the portfolio.

4.3.4.2 Considers and recommends leasing, selling and acquisition of Council property (irrespective of use), subject to Council's immovable property policy.

4.3.4.3 Considers and approves prescriptive claims.

4.3.4.4 Considers and approves applications for utilization (not sale or lease) of municipal land, (irrespective of use).

4.3.4.5 Considers and approves encroachment applications.

4.3.4.6 Considers and approves the naming of streets and parking areas, parks and neighbourhoods where objections have been received.

4.3.4.7 Considers the demolition of municipal buildings.

4.3.4.8 Considers the undertaking of planning for municipal land.

4.3.4.9 To approve all the members of the Aesthetics and Heritage Committee.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.3.4.10 To consider all those matters of this portfolio, which are delegated to the Executive Mayor for his/her approval, by recommending such, for approval by the Executive Mayor.

4.3.4.11 To consider and recommends policies applicable to the portfolio to the Executive Mayoral Committee for approval.

4.3.5 HUMAN SETTLEMENTS COMMITTEE

ROLES AND RESPONSIBILITIES

To take responsibility for the oversight performance and budget of the following functions of the portfolio:

- Human Settlements matters

4.3.5.1 To liaise with the Director responsible for the portfolio on matters related to the portfolio.

4.3.5.2 Considers and approves applications from Ad hoc committees within existing guidelines, policies and criteria.

4.3.5.3 To consider all those matters of this portfolio, which are delegated to the Executive Mayor for his/her approval, by recommending such, for approval by the Executive Mayor.

4.3.5.4 To consider and recommends policies applicable to the portfolio to the Executive Mayoral Committee for approval.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.3.6 FINANCE AND STRATEGIC SERVICES (IDP, PERFORMANCE MANAGEMENT, ECONOMIC DEVELOPMENT, TOURISM AND EPWP) COMMITTEE

ROLES AND RESPONSIBILITIES

To take responsibility for the oversight performance and budget of the following functions of the portfolio:

- Finance – all budget and treasury matters
- Customer Care Management
- Supply Chain Management
- Capacity Building of members of this committee
- Public Participation
- Information Technology (IT)
- Strategic Services (IDP, Performance Management, Economic Development, Tourism and EPWP)

4.3.6.1 To liaise with the Director responsible for the portfolio on matters related to the portfolio.

4.3.6.2 Considers and recommends to Council credit control matters within the macro policy of Council.

4.3.6.3 Considers and recommends matters regarding property assessment.

4.3.6.4 To decide whether to grant exemptions from charging interest on any arrears owing to the Municipality in accordance with the Municipality's budget related policies.

4.3.6.5 To consider all those matters of this portfolio, which are delegated to the Executive Mayor for his approval, by recommending such, for approval by the Executive Mayor.

4.3.6.6 Considers and approves all matters with regards to Information Technology (IT).

APPROVED BY COUNCIL ON 24 APRIL 2025

4.3.6.7 To consider indigent applications, where special circumstances exist for writing off indigent debt and recommend to the Executive Mayor for his/her approval.

4.3.6.8 To consider and recommends policies applicable to the portfolio to the Executive Mayoral Committee for approval.

4.3.7 CORPORATE SERVICES COMMITTEE

ROLES AND RESPONSIBILITIES

To take responsibility for the oversight performance and budget of the following functions of the portfolio:

- Corporate Administration
- Records Management
- Committees and Councillor Support
- Halls and Thusong Centres Services
- Auxilliary Services
- Legal and Compliance Services
- Building and Facilities Maintenance

4.3.7.1 To liaise with the Director responsible for the portfolio on matters related to the portfolio.

4.3.7.2 Considers and approves requests for lower tariffs/fees for halls, records, leasing and maintenance of the Thusong Centres.

4.3.7.3 Considers and approves all matters with regards to Legal and Compliance Services, the DMA and support services to the political office.

4.3.7.4 Considers and approves the maintenance of all facilities.

4.3.7.5 To consider all those matters of this portfolio, which are delegated to the Executive Mayor for his/her approval, by recommending such, for approval by the Executive Mayor.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.3.7.6 To consider and recommends policies applicable to the portfolio to the Executive Mayoral Committee for approval.

4.3.8 HUMAN RESOURCES COMMITTEE

ROLES AND RESPONSIBILITIES

To take responsibility for the oversight performance and budget of the following functions of the portfolio:

- Human Resource Matters

4.3.8.1 To liaise with the Director responsible for the portfolio on matters related to the portfolio.

4.3.8.2 Consider human resource matters, excluding those matters with regards to performance management in terms of Performance Regulations for Municipal Managers and Managers directly accountable to Municipal Managers.

4.3.8.3 Considers matters for collective decision-making, i.e. issues that cannot be dealt with on Bargaining Council Level.

4.3.8.4 To consider all those matters of this portfolio, which are delegated to the Executive Mayor for his/her approval, by recommending such, for approval by the Executive Mayor.

4.3.8.5 To consider and recommends policies applicable to the portfolio to the Executive Mayoral Committee for approval.

4.3.9 COMMUNITY SAFETY AND MOBILITY COMMITTEE

ROLES AND RESPONSIBILITIES

To take responsibility for the oversight performance and budget of the following functions of the portfolio:

APPROVED BY COUNCIL ON 24 APRIL 2025

- Traffic Services
- Law Enforcement & Security
- Anti-Land Invasion
- Fire Services & Disaster Management
- CCTV Unit
- Fleet Management
- Public Transport

4.3.9.1 To liaise with the Director responsible for the portfolio on matters related to the portfolio.

4.3.9.2 Considers and approve matters relating to Traffic Services, Law Enforcement & Security, Anti-Land Invasion, Fire Services & Disaster Management and CCTV Unit.

4.3.9.3 To consider all those matters of this portfolio, which are delegated to the Executive Mayor for his/her approval, by recommending such, for approval by the Executive Mayor.

4.3.9.4 To consider and recommends policies applicable to the portfolio to the Executive Mayoral Committee for approval.

4.3.10 SOCIAL DEVELOPMENT (LIBRARIES AND SPORT) COMMITTEE

ROLES AND RESPONSIBILITIES

To take responsibility for the oversight performance and budget of the following functions of the portfolio:

- Social Development matters in all areas (this includes Youth development, Junior City Council, Disability, Nutritional Centres (former Soup kitchens), ECDs, HIV, GBV Unit, PLOTS (People living on the Streets), LGBTQI+++, Elderly Care Programme and Gender.
- Library Services

APPROVED BY COUNCIL ON 24 APRIL 2025

- Sport Management Services and Maintenance of Sport Facilities

4.3.10.1 Considers and approves matters regarding Social Development such as: Youth development, Junior City Council, Disability, Nutritional Centres (former Soup kitchens), ECDs, HIV, GBV Unit, PLOTS (People living on the Streets), LGBTQI+++, Elderly Care Programme and Gender.

4.3.10.2 Considers and approves matters regarding sport and swimming pools, maintenance and sport facilities, and the management and marketing of sport.

4.3.10.3 Considers and approves all matters with regards to Social Development and Library Services.

4.3.10.4 To consider all those matters of this portfolio, which are delegated to the Executive Mayor for his/her approval, by recommending such, for approval by the Executive Mayor.

4.3.10.5 To consider and recommends policies applicable to the portfolio to the Executive Mayoral Committee for approval.

4.3.10.6 To liase with the relevant Director on matters of the portfolio.

4.3.10.7 Consider reports of Capital Projects and budgets within the portfolio.

4.4 DELEGATIONS TO POLITICAL STRUCTURES OF COUNCIL (SECTION 79 COMMITTEES)

Committees established in terms of section 79 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998): These committees may take decisions in terms of the guidelines approved by Council and/or national legislation.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.4.1. MUNICIPAL PUBLIC ACOUNTS COMMITTEE (MPAC)

ROLES AND RESPONSIBILITIES

The MPAC performs an oversight function on behalf of the Council. The MPAC is a link in the accountability process by ensuring objective political oversight, in addition to other governance structures, such as Portfolio Committees, the Mayoral Committee and Council.

4.4.1.1 To take responsibility for the performance of the following functions of the portfolio:

4.4.1.2 To consider and evaluate the Annual Report as tabled to Council, and thereafter compile an Oversight Report to Council in this regard.

4.4.1.3 To recommend an investigation in its area of responsibility, after reviewing any investigation report already undertaken by the Municipality or the Audit Committee.

4.4.1.4 In the case of any irregular expenditure or any fruitless and wasteful expenditure incurred by the municipality or municipal entities, the MPAC will have the right to call upon the accounting officer of the municipality or the chairperson of the municipal entity's board of directors, to appear before it to provide information of clarity.

4.4.1.5 To report on matters referred to in 4.4.1.5, to Council.

4.4.1.6 To perform any other functions assigned to it through a resolution of council within its area of responsibility.

4.4.2 GIPTN

4.4.2.1 FUNCTIONS OF THE COMMITTEE

The Committee is to consider and make recommendations on all items relating to the GIPTN, which are normally submitted to Council for a decision.

APPROVED BY COUNCIL ON 24 APRIL 2025

Roles and Responsibilities

The GIPTN Section 79 Committee's role is to address all GIPTN matters.

4.4.3 DISCIPLINARY BOARD

4.4.3.1 FUNCTIONS OF THE BOARD

The Board is to consider, investigate and make a finding on any alleged breach of the code of conduct for Councillors, in cases where the Speaker of Council is the alleged perpetrator, or the Speaker refuses to authorise an investigation.

4.4.3.2 Roles and Responsibilities

The Disciplinary Board's role is to investigate and make a finding on any alleged breach of the Code by the Speaker.

4.4.4 DISCIPLINARY BOARD: FINANCIAL MISCONDUCT

4.4.4.1 FUNCTIONS OF THE BOARD

The Board is to act as an independent advisory body, that assists Council with the investigation of allegations of financial misconduct, and provide recommendations on the further steps to be taken regarding disciplinary proceedings, or any other relevant step to be taken in terms of Regulation 4(1) of the Local Government: Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings gazetted per Government Gazette 37699 dated 30 May 2014.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.4.4.2 Roles and Responsibilities

The Disciplinary Board's responsibility and functioning are stipulated in Regulations 5 and 6 of the Local Government: Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings gazetted per Government Gazette 37699 dated 30 May 2014.

4.5 POWERS ALLOCATED AND DELEGATED TO THE MUNICIPAL MANAGER: (IN ADDITION TO POWERS IN TERMS OF THE MUNICIPAL FINANCE MANAGEMENT ACT AND SECTION 55 OF THE SYSTEMS ACT):

4.5.1 In addition to the powers, duties and functions designated to Municipal Manager in terms of any law, regulation, policy or standing order or any resolution of the Council, the following powers are delegated to the Municipal Manager. Although the Municipal Manager may act through an employee under his/her control, he/she may not delegate his/her liability and accountability for the proper execution of such delegation.

4.5.1.1 The Municipal Manager shall have all the authority to exercise all powers that are reasonably necessary for the normal execution of his/her duties and responsibilities within the provisions of the budget.

4.5.1.2 To grant, annual, sick, special, maternity, family responsibility and unpaid leave to officials under his/her direct control in terms of the applicable service conditions, of the Council relevant legislation and council policy.

4.5.1.3 To approve and withhold notch increases for staff subject to applicable legislation and Council's policy.

4.5.1.4 To lodge objections to the relevant authority on TASK evaluations of posts.

APPROVED BY COUNCIL ON 24 APRIL 2025

ITEM 4.9 ANNEXURE "A" CONTINUED

4.5.1.5 To consider and approve applications by managers and all staff directly accountable to the Municipal Manager to do private work subject to the policy of the Council.

4.5.1.6 To appoint and dismiss employees on T-grades 14 and above in terms of section 55(1)(e) of the Municipal Systems Act subject to applicable labour legislation and Council's policy. This includes the appointment of officials to act in a vacant post, as well as settlement agreements.

4.5.1.7 To approve, enter into and sign contracts, subject to Council's Supply Chain Management Policy, for obtaining goods and services applicable to the functions of the Municipality on contracts exceeding R10 million in terms of an approved budget.

4.5.1.8 To approve, enter into and sign contracts and agreements on behalf of the Municipality pertaining to the functions of the Municipal Manager.

4.5.1.9 To approve the re-allocation of savings, or funds (in terms of the virement policy).

4.5.1.10 To institute an investigation in any directorate or section regarding the activities of such directorates or sections.

4.5.1.11 To object, on the behalf of the Council, to any valuation contained in the valuation roll.

4.5.1.12 To grant permission to a Director or his/her nominee to attend meetings of an institute or association of which the official or the Council is a member and which, in the opinion of the Municipal Manager, will lead to direct benefits to the Council, provided that funds are available to cover expenses.

4.5.1.13 To sign service agreements with applicants who wish to enter into an agreement with the Council regarding the supply of electricity, water, sewerage and sanitary services to the satisfaction of the Council.

4.5.1.14 To incur appropriate entertainment expenses within the approved budget.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.5.1.15 To appoint a person, committee or working group comprising of officials to investigate a matter and make recommendations to the Municipal Manager.

4.5.1.16 To grant permission to Directors to visit institutions where information can be obtained, or knowledge can be acquired regarding the Council's activities.

4.5.1.17 To approve staff transfers between directorates and within directorates for T-grades 14 and above, subject to relevant labour relations legislation and Council's policy.

4.5.1.18 To render, in consultation with the Executive Mayor, assistance in cases of an emergency to a neighbouring Municipality.

4.5.1.19 To take the necessary steps to dispute, defend or settle any matter, claim or case that may be instituted against the Council or any official, by any party.

4.5.1.20 To appeal, in consultation with the Executive Mayor, on the behalf of the Council against the ruling of any court.

4.5.1.21 To oppose, in consultation with the Executive Mayor, on the behalf of the Council any appeal to a Supreme Court against a verdict in favour of the Council by any other court.

4.5.1.22 To obtain, if necessary, the services of an attorney, advocate, senior advocate or applicable expert concerning any legal or other matter.

4.5.1.23 To make recommendations to the Council on the audit report.

4.5.1.24 To apply all legislation and policies applicable to the functions of the Municipal Manager.

4.5.1.25 To exercise, as may be appropriate, any of the powers delegated to any other employee.

4.5.1.26 To consider and approve travelling and subsistence claims of audit committee members.

4.5.1.27 To authorise officials under his/her direct control to undertake journeys on the business of the Council nationally.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.5.1.28 To conclude performance agreements with managers directly accountable to the Municipal Manager in accordance with section 57(2) of the Systems Act.

4.5.1.29 To settle any legal action in any competent court or forum recognised by law, in respect of the recovery of debt to Council should it be in the best interest of Council.

4.5.1.30 To provide a member of staff, other than the Municipal Manager or managers directly accountable to the Municipal Manager, with legal representation in terms of section 109A of the Systems Act where:

4.5.1.30.1 legal proceedings have been instituted against the member of staff as a result of any act or omission by the official in the exercise of his or her powers or the performance of his/her duties; or

4.5.1.30.2 the official has been summoned to attend any inquest or inquiry arising from the exercise of his/her powers or the performance of his/her duties.

4.5.1.31 To appoint Law Enforcement Officers in terms of Part 5(a) of GN R209 of 19 February 2002, Declaration of Peace Officers.

4.5.1.32 To authorise peace officers in the Municipality's employ, in terms of section 15(2)(a) of the Magistrate's Court Act, 1944, to serve court process and all other documents in respect of criminal prosecutions.

4.5.1.33 To furnish the media with information regarding the activities of the Municipality.

4.5.1.34 To appoint a director to act as Municipal Manager, in consultation with the Executive Mayor, when the Municipal Manager is on leave.

4.5.1.35 To appoint an acting director when the Director is on leave.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.5.1.36 To approve short term rights to use, control or manage capital assets (for example short terms leases), up to a period of three (3) years, not exceeding the value of R10 million.

4.5.1.37 To decide to open a bank account for the Municipality, decide at which bank/banks to open a bank account and to decide to close a bank account.

4.5.1.38 To determine into which bank account money collected or received by the Municipality must be deposited.

4.5.1.39 To designate a bank account of the Municipality as the Municipality's primary bank account and to determine the reasonable steps to be taken to ensure that the prescribed money received is paid into the Municipality's primary bank account.

4.5.1.40 To decide to open a separate bank account in the name of the Municipality for the purpose of a relief, charitable, trust or other fund.

4.5.1.41 To establish an appropriate and effective cash management and investment policy for the Municipality.

4.5.1.42 To decide whether money for capital expenditure for a period not exceeding three financial years may be appropriated in an annual budget.

4.5.1.43 To consider the sources of funding of a capital project.

4.5.1.44 To enter into an agreement with the national or provincial government to assist the Municipality to build its capacity for efficient, effective and transparent financial management.

4.5.1.45 To consider the results of the provincial government's monitoring of the Municipality and to consider the institution of any steps in this regard.

4.5.1.46 To determine the steps the Municipality must take to promote co-operative government with the national and provincial spheres of government and other municipalities in the Municipality's fiscal and financial relations.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.5.1.47 To determine the resources or opportunities to be made available for the training of officials to meet the prescribed financial management competency levels.

4.5.1.48 To decide whether to consider an unsolicited bid received outside the Municipality's normal bidding process.

4.5.1.49 To decide whether to conduct a feasibility study before a public-private partnership is concluded.

4.5.1.50 To prepare an annual report for the Municipality.

4.5.1.51 To participate in consultations with the person or body appointed to prepare a financial recovery plan or an amendment of such plan for the Municipality.

4.5.1.52 To comment on a draft financial recovery plan or an amendment to such plan for the Municipality.

4.5.1.53 To implement an approved financial recovery plan for the Municipality.

4.5.1.54 To report monthly to the MEC for local government on the implementation of the approved financial recovery plan for the Municipality.

4.5.1.55 To decide to apply to the High Court for an order to stay all legal proceedings, including the execution of legal process, by persons claiming money from the Municipality if the Municipality is unable to meet its financial commitments.

4.5.1.56 To decide to apply to the High Court for an order to stay, for a period not exceeding 90 days at a time; all legal proceedings, including the execution of legal process, by persons claiming money from the Municipality.

4.5.1.57 To decide to apply to the High Court for an order to suspend the Municipality's financial obligations to creditors, or any portion of those obligations, until the Municipality can meet those obligations.

4.5.1.58 To decide to apply to the High Court for an order to terminate the Municipality's financial obligations to creditors, and to settle

APPROVED BY COUNCIL ON 24 APRIL 2025

claims in accordance with a distribution scheme referred to in section 155 of the MFMA.

4.5.1.59 To decide whether or not to outsource the internal audit function.

4.5.1.60 To consider any guidelines issued by the Minister of Finance in terms of section 168(1) of the MFMA.

4.5.1.61 To consider the granting of a reduced tariff for services or functions of the municipality or to waive such tariff, for deserving causes.

4.5.1.62 Where a cost order was granted in favour of the Municipality, to determine whether or not to proceed with the recovery of the costs where it would be deemed as not cost effective or irrecoverable.

4.5.1.63 To approve applications for internal and external bursaries, in consultation with the Training Committee.

4.5.1.64 To agree to requests with regards to mediation and arbitration and to approve all expenses in this regard.

4.5.1.65 To approve, in conjunction with the Mayor, any application for a waiver in terms of the Outdoor Advertising By-Law.

4.5.1.66 To manage and develop the Municipal Performance Management Policy and be responsible for all related matters.

4.5.1.67 To submit the Municipal Performance Management Policy to Council for approval.

4.5.1.68 Authorisation for accommodation for a new staff member relocating to George, for a period not exceeding 6 months.

4.5.1.69 To reach settlement for all employees, subject to applicable labour legislation and Council's policy.

4.5.1.70 To approve the permanent appointment of employees on T-grades T14 and above, after the probation period is completed.

4.5.1.71 To delegate to the Manager: Communications and IGR to issue media and press releases in terms of Council's policy.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.5.1.72 To appoint all the members of the Aesthetics and Heritage Committee and submit to the Section 80 Planning and Development Committee for approval.

4.5.1.73 To sub-delegate to the Directors powers conferred on the Municipal Manager, where permitted in terms of legislation.

4.5.1.74 To exercise all powers, duties and functions conferred upon the Municipality in terms of the Municipal Bylaws and may delegate all or any of such powers, duties and functions to the relevant directorates of the Municipality.

4.5.1.75 To authorise the amendment or removal of redundant restrictive title deed conditions imposed in favour of the Municipality.

4.5.1.76 To authorise the transfer of the restrictive title deed conditions imposed in favour of George Municipality, where the provisions of said clause could not be fulfilled.

4.5.1.77 That delegations 4.5.75 and 4.5.76 do not include any removal or amendment, that could have a potential financial implication on the Municipality.

4.6. SPECIFIC POWERS DELEGATED TO THE HEADS IN THE DIRECTORATE: MUNICIPAL MANAGER AND WHERE MENTION IS MADE OF OFFICIALS / EMPLOYEES, IT BEARS THE MEANING OF OFFICIALS / EMPLOYEES UNDER HIS/HER DIRECT CONTROL (IN ADDITION TO POWERS IN TERMS OF THE MUNICIPAL FINANCE ACT):

4.6.1 SPECIFIC POWERS DELEGATED TO THE DEPUTY DIRECTOR: GOVERNANCE AND RISK MANAGEMENT AND WHERE MENTION IS MADE OF OFFICIALS / EMPLOYEES, IT BEARS THE MEANING OF OFFICIALS / EMPLOYEES UNDER HIS/HER DIRECT CONTROL (IN ADDITION TO POWERS IN TERMS OF THE MUNICIPAL FINANCE ACT):

4.6.1.1 To establish and maintain enterprise risk management (ERM).

APPROVED BY COUNCIL ON 24 APRIL 2025

4.6.1.2 To provide comprehensive communication and intergovernmental relations (IGR) services.

4.6.1.3 Provide office management services to the Municipal Manager.

4.6.1.4 To render management and line function administrative support services.

4.6.1.5 To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Municipal Manager.

4.6.1.6 To approve payments relating to amounts allocated to the votes of the Sub-directorate, up to an amount as approved by the Municipal Manager.

4.6.1.7 To sign outgoing correspondence of the Sub-directorate.

4.6.1.8 To authorise the placement of advertisements in public newspapers in accordance with council policies.

4.6.1.9 To apply bylaws, regulations, legislation and policies regarding matters than fall within the functions of the Sub-directorate and to institute disciplinary and / or legal proceedings against any person who refuses or neglects to comply with the provision of such regulations, legislation or policies.

4.6.1.10 To advise the Municipal Manager, Directors and other senior management (as a member of the Strategic Management Team (SMT)).

4.6.1.11 Responsible for the health and safety of the section.

4.6.2 SPECIFIC POWERS DELEGATED TO HEADS IN THE SECTION: GOVERNANCE AND RISK MANAGEMENT AND WHERE MENTION IS MADE OF OFFICIALS / EMPLOYEES, IT BEARS THE MEANING OF OFFICIALS / EMPLOYEES UNDER HIS/HER DIRECT CONTROL (IN ADDITION TO POWERS IN TERMS OF THE MUNICIPAL FINANCE ACT):

4.6.2.1 Manager: Communications and IGR:

4.6.2.1.1 To furnish the media with information.

4. 6.2.1.2 To issue media releases in terms of the Communications policy, in consultation with the Municipal Manager.

APPROVED BY COUNCIL ON 24 APRIL 2025

4. 6.2.1.3 To grant approval for sms's, Whatsapps, electronic boards, media releases, social media, radio and website content.

4. 6.2.1.4 To act as municipal spokesperson on administrative matters.

4. 6.2.1.5 To, in conjunction with the Municipal Manager, grant annual, sick, special, maternity, family responsibility and unpaid leave to employees in the Sub-directorate in accordance with applicable service conditions, relevant legislation and council policy.

4. 6.2.1.6 To sign outgoing correspondence of the Sub-directorate.

4. 6.2.1.7 To recommend overtime of employees in the Sub-directorate in accordance with applicable service conditions, relevant legislation and council policies, for approval by the Municipal Manager.

4. 6.2.1.8 To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Municipal Manager.

4. 6.2.1.9 To approve payments relating to amounts allocated to the votes of the Sub-directorate, up to an amount as approved by the Municipal Manager.

4. 6.2.1.10 To authorise the placement of advertisements in public newspapers in accordance with council policies.

4. 6.2.1.11 To advise the Municipal Manager, Directors and other senior management.

4.6.2.1.12 To liaise independently with personnel, political representatives and other internal and external parties in areas relevant to the function, roles and responsibilities of the Sub-Directorate.

4.6.2.1.13 Liaise independently with governmental entities including inter alia District Municipalities and other local Municipalities.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.6.2.1.14 To approve payments for media service providers. To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Municipal Manager.

4.6.2.1.15 Responsible for the health and safety of the section.

4.6.2.2 Chief Risk Officer:

4.6.2.2.1 To, in conjunction with the Municipal Manager, grant leave including inter alia annual, sick, special, maternity, family responsibility, unpaid leave to employees in the Sub-directorate in accordance with applicable service conditions, relevant legislation and council policies.

4.6.2.2.2 To recommend overtime of employees in the Sub-directorate in accordance with applicable service conditions, relevant legislation and council policies, for approval by the Municipal Manager.

4.6.2.2.3 To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Municipal Manager.

4.6.2.2.4 To approve payments relating to amounts allocated to the votes of the Sub-directorates being Risk Management and Internal Audit, up to an amount as approved by the Municipal Manager.

4.6.2.2.5 To sign outgoing correspondence of the Sub-directorate.

4.6.2.2.6 To authorise the placement of advertisements in public newspapers in accordance with council policies.

4.6.2.2.7 To apply bylaws, regulations, legislation and policies regarding matters than fall within the functions of the Sub-directorate and to institute disciplinary and / or legal proceedings against any person who refuses or neglects to

APPROVED BY COUNCIL ON 24 APRIL 2025

comply with the provision of such regulations, legislation or policies.

4.6.2.2.8 To advise the Municipal Manager, Directors and other senior management (as a member of the Strategic Management Team (SMT).

4.6.2.2.9 To have unfettered access to all documentation, information and personnel throughout the Municipality.

4.6.2.2.10 To liaise independently with personnel, political representatives and other internal and external parties in areas relevant to the function, roles and responsibilities of the Sub-Directorate.

4.6.2.2.11 Liaise independently with the external auditors, the Auditor-General, Internal Audit, Audit Committee, Risk Management Committee and other assurance role players.

4.6.2.2.12 Liaise independently with governmental entities including inter alia National Treasury, Provincial Treasury, District Municipalities and other local Municipalities.

4.6.2.2.13 Responsible for the health and safety of the section.

4.6.2.3 Manager: Executive Support Services

4.6.2.3.1 To, in conjunction with the Municipal Manager, grant leave including inter alia annual, sick, special, maternity, family responsibility, unpaid leave to employees in the Sub-directorate in accordance with applicable service conditions, relevant legislation and council policies.

4.6.2.3.2 To recommend overtime of employees in the Sub-directorate in accordance with applicable service conditions, relevant legislation and council policies, for approval by the Municipal Manager.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.6.2.3.3 To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Municipal Manager.

4.6.2.3.4 To approve payments relating to amounts allocated to the votes of the Sub-directorate.

4.6.2.3.5 To sign outgoing correspondence of the Sub-directorate.

4.6.2.3.6 To authorise the placement of advertisements in public newspapers in accordance with council policies.

4.6.2.3.7 To apply bylaws, regulations, legislation and policies regarding matters than fall within the functions of the Sub-directorate and to institute disciplinary and / or legal proceedings against any person who refuses or neglects to comply with the provision of such regulations, legislation or policies.

4.6.2.3.8 To liaise independently with personnel, political representatives and other internal and external parties in areas relevant to the function, roles and responsibilities of the Sub-Directorate.

4.6.2.3.9 Liaise independently with governmental entities including inter alia National Treasury, Provincial Treasury, District Municipalities and other local Municipalities.

4.6.2.3.10 Responsible for the health and safety of the section.

4.6.3 SPECIFIC POWERS DELEGATED TO THE CHIEF AUDIT EXECUTIVE AND WHERE MENTION IS MADE OF OFFICIALS / EMPLOYEES, IT BEARS THE MEANING OF OFFICIALS / EMPLOYEES UNDER HIS/HER DIRECT CONTROL (IN ADDITION TO POWERS IN TERMS OF THE MUNICIPAL FINANCE ACT):

4.6.3.1 To, in conjunction with the Municipal Manager, grant leave including inter alia annual, sick, special, maternity, family responsibility, unpaid leave to employees in the Sub-directorate in accordance

APPROVED BY COUNCIL ON 24 APRIL 2025

with applicable service conditions, relevant legislation and council policies.

4.6.3.2 To recommend overtime of employees in the Sub-directorate in accordance with applicable service conditions, relevant legislation and council policies, for approval by the Municipal Manager.

4.6.3.3 To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Municipal Manager.

4.6.3.4 To approve payments relating to amounts allocated to the votes of the Sub-directorate, up to an amount as approved by the Municipal Manager.

4.6.3.5 To sign outgoing correspondence of the Sub-directorate.

4.6.3.6 To authorise the placement of advertisements in public newspapers in accordance with council policies.

4.6.3.7 To apply bylaws, regulations, legislation and policies regarding matters than fall within the functions of the Sub-directorate and to institute disciplinary and / or legal proceedings against any person who refuses or neglects to comply with the provision of such regulations, legislation or policies.

4.6.3.8 To advise the Municipal Manager, Directors and other senior management (as a member of the Strategic Management Team (SMT)).

4.6.3.9 To have unfettered access to all documentation, information and personnel throughout the Municipality.

4.6.3.10 To liaise independently with personnel, political representatives and other internal and external parties in areas relevant to the function of the Sub-Directorate.

4.6.3.11 Liaise independently with the external auditors, the Auditor-General, Internal Audit, Audit Committee, Risk Management Committee and other assurance role players.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.6.3.12 Liaise independently with governmental entities including inter alia National Treasury, Provincial Treasury, District Municipalities and other local Municipalities.

4.6.3.13 Responsible for the health and safety of the section.

4.7 GENERAL POWERS DELEGATED TO EACH DIRECTOR PERTAINING TO HIS/HER SPECIFIC DIRECTORATE AND WHERE MENTION IS MADE OF OFFICIALS / EMPLOYEES, IT BEARS THE MEANING OF OFFICIALS / EMPLOYEES UNDER HIS/HER DIRECT CONTROL(IN ADDITION TO POWERS IN TERMS OF THE MUNICIPAL FINANCE MANAGEMENT ACT):

4.7.1 To grant, annual, sick, special, maternity, family responsibility and unpaid leave to officials under his/her direct control in terms of the applicable service conditions of the Council.

4.7.2 To authorise officials at his/her discretion to undertake journeys on the business of the Council, nationally.

4.7.3 To authorise the payment of the subsistence and travel expenses to officials undertaking authorised trips as well as to persons invited for interviews or other official visits to the Municipality.

4.7.4 To authorise officials who do not receive a fixed or running transport allowance to make official trips with their private vehicles, and to remunerate such officials in accordance with the transport scheme and Council's policy.

4.7.5 To authorise officials at his/her discretion to attend training courses, seminars and lectures within the limitations of allocated discretionary funds and on condition that a report on the course etc. is afterwards submitted to the relevant director and Committee.

4.7.6 To approve the use of Municipal vehicles outside the Municipal area for official purposes.

4.7.7 To approve applications received from personnel, who qualify for the essential motor scheme.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.7.8 To approve all overtime of employees, who are on standby (in terms of clause 9 of the collective agreement) and also the overtime of employees who are earning above the threshold, which is determined by the Department of Labour in terms of the Basic Conditions of Employment Act.

4.7.9 To accept a shorter period of notice for termination of service than is required by the service conditions.

4.7.10 To authorise payment for working of overtime and consequent remuneration in accordance with the regulations, applicable legislation and council's policies and provided budgeted funds are available.

4.7.11 To approve, all SCM matters applicable to the directorate, as per the SCM and Creditors signing authority, and where necessary, enter into and sign contracts subject to Council's Supply Chain Management Policy, for obtaining goods and services applicable to the functions of the Municipality on contracts from the amount as per the SCM and Creditors signing authority, up to and not exceed an amount of R10 million in terms of an approved budget; and to sign those contracts above R10 million, which have already been approved.

4.7.12 To approve any matters, and enter into and sign contracts and agreements on behalf of the Municipality pertaining to the relevant directorate of the Director and provided the expense has been budgeted for and relevant supply chain process has been followed, as well as those contracts and agreements on behalf of the Municipality pertaining to the relevant directorate, which have no budget implications and where a SCM process has not been followed.

4.7.13 To certify payments for final payment to service providers in terms of applicable legislation and policy.

4.7.14 To appoint employees up to T-grades 13 in terms of applicable legislation and Council policy.

4.7.15 To make final recommendations to the Municipal Manager on the audit report.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.7.16 To approve/reject inter-departmental staff transfers and transfers between directorates up to T-grades 13 subject to relevant labour relations legislation and Council's policy.

4.7.17 To authorise the placement of advertisements in public newspapers in accordance with the Council's policy.

4.7.18 To approve/reject the issue of cellular telephones to officials in terms of the cell phone policy in a director's directorate in terms of Council's policy and provided budgeted funds are available.

4.7.19 To approve/reject the payment of a cellular telephone allowance to officials in a director's directorate in terms of Council's policy and provided budgeted funds are available.

4.7.20 To approve/reject Internet access to officials who need such facility in the execution of their duties in accordance with Council Policy.

4.7.21 To approve/reject any legitimate claim for compensation applicable to the directorate, up to an amount of R 10 000,00, in consultation with the Municipal Manager.

4.7.22 To approve/reject a request of an official in the directorate who require Public Drivers Permits in the line of their duties, to apply for the issue and renewal of such permits and to authorise the payment of the required fees for such permits.

4.7.23 To approve/reject applications by bona fide students, undergoing practical training in the Municipality as part of a recognised course, for payment of a grant as per Council resolution.

4.7.24 To incur appropriate entertainment expenses within the approved budget.

4.7.25 To suspend any official in consultation with the Municipal Manager in his/her directorate prior or during a disciplinary hearing duly conducted in terms of the Council's disciplinary policy and Agreement of the Bargaining Council.

4.7.26 To approve the appointment of officials to act in other positions for a period as determined by the standard conditions of service.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.7.27 To appoint Land Surveyors, Architects, Engineers and other professional service providers when required by legislation, where a Supply Chain Management process was followed.

4.7.28 To exercise, as may be appropriate, any of the powers delegated to any other employee in the relevant directorate.

4.7.29 To approve the re-allocation of savings or funds (in terms of the virement policy).

4.7.30 To approve the payment of professional and other membership fees in terms of the Council's policy and resolutions.

4.7.31 To apply the conditions and to perform all applicable duties of the Occupational Health and Safety Act as a section 16(2) appointee in terms of the said Act.

4.7.32 To apply all bylaws, regulations, legislation and policies regarding matters that falls within the functions of the Directorate and to institute legal proceedings against any person who refuses or neglects to comply with the provision of such regulations, legislation or policies.

4.7.33 To request an employee back from leave in case of an emergency or for justifiable reasons.

4.7.34 To take a decision whether to institute disciplinary action and to approve the appointment of a Presiding Officer and / or municipal representative in disciplinary hearings and appeals, in terms of legislation.

4.7.35 To approve/reject the issue of portable (laptop) personal computers to officials in terms of the policies in a directorate's directorate in terms of the Council's policy and provided budgeted funds are available.

4.7.36 To approve the permanent appointment of employees up to T-grade T13, after the probation period is completed.

4.7.37 Responsible for the health and safety in the directorate.

4.7.38 To take all the necessary steps, including the signing of the required documents or appointment of an appropriate official to sign on his/her behalf, to execute the decisions of the Council or the Executive Mayor, when legal action needs to be taken or defended against an organisation or person, by the Municipality.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.7.39 To sign all legal documents, including the deposing to and the signing of affidavits and power of attorney etc., on behalf of the Municipality for matters related to the Director's respective directorate.

4.7.40 To approve all Wayleaves (where wayleaves are applicable to their relevant directorates).

4.7.41 To approve the virement of funds, in consultation with the Director: Financial Services.

4.7.42 To approve internship contracts, in consultation with the Deputy Director: Human Resources.

4.7.43 To, as advised by Legal Services, approve / reject applications for access to information in terms of both PAIA and POPIA.

4.7.44 To submit appeals to the Relevant Authority, as advised by the Deputy Director: Legal Services and Compliance.

4.7.45 To exercise all powers, duties and functions conferred upon the Municipality in terms of the Municipal Bylaws, applicable to his/her directorate and may delegate all or any of such powers, duties and functions to the relevant official in his/her directorate.

4.8 SPECIFIC POWERS DELEGATED TO THE DIRECTOR: CORPORATE SERVICES AND GENERAL DELEGATIONS FOR EACH DEPUTY DIRECTOR AND WHERE MENTION IS MADE OF OFFICIALS / EMPLOYEES, IT BEARS THE MEANING OF OFFICIALS / EMPLOYEES UNDER HIS/HER DIRECT CONTROL (IN ADDITION TO POWERS IN TERMS OF THE MUNICIPAL FINANCE MANAGEMENT ACT):

4.8.1 To apply all bylaws, regulations, legislation and policies regarding matters that falls within the function of the Directorate and, in consultation with the Legal Section, to institute legal proceedings against any person who refuses or neglects to comply with the provisions of such regulations or legislation.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.8.2 To decide to which officials' commemorative tokens should be awarded, in conjunction with the Executive Mayor, Executive Deputy Mayor or Municipal Manager depending on who will make the award.

4.8.3 To approve the payment of long service bonuses in terms of the Council's policy.

4.8.4 To approve the payment of housing subsidies to officials in terms of the Council's policy.

4.8.5 To approve an application by an employee, in consultation with the relevant Director, to attend union representative meetings.

4.8.6 To consider and approve requests from trade unions for mass meetings and training in terms of the Collective Agreement.

4.8.7 To approve mandatory training of officials as well as the payment of costs attached thereto, provided such expenses have been budgeted for.

4.8.8 To grant the rights to use municipal facilities and to conclude and sign the necessary agreements for a period not exceeding three (3) years where tariffs are determined in the annual budget and on condition that the granting of such right does not amount to sole usage of the facility, and as a public participation process precedes the determination of the tariffs, no public participation process be followed in this regard.

4.8.9 To update the Council's "Access to Information Manual" and refer any amendment to the South African Human Right Commission for approval / publication.

4.8.10 To control and regulate the leasing of all Municipal halls in accordance with the relevant Council's policy and Council's resolutions.

4.8.11 Contracts

4.8.11.1 To sign the following contracts on behalf of Council:

4.8.11.2 All contracts in respect of goods and services provided for, through the Supply Chain Management Policy.

4.8.11.3 All contracts for the leasing of printing, fax and related appliances.

4.8.11.4 Maintenance of computer software.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.8.11.5 All documents in respect of loan agreements for pension and retirement funds.

4.8.11.6 All contracts relevant to the directorate.

4.8.12 To be responsible for the drafting and circulation of the minutes of Council, MAYCO and Section 79 and 80 Committee meetings.

4.8.13 To ensure the development, monitoring, maintenance and compliance with availability requirements of a manual, as prescribed in section 14 of PAIA.

4.8.14 To ensure, that internal measures, together with adequate systems, are developed to process requests for information or access thereto.

4.8.15 To conduct personal information impact assessments, to ensure that adequate measures and standards exist, to comply with the conditions for the lawful processing of personal information, in respect of all business processes.

4.8.16 To obtain approval for disposal, transfer, destroying of archives and amendments to the municipality's Archive System from the Western Cape Archive Directorate to the Admin Officer: Archives.

4.8.17 To determine in terms of the National Archive Act, 1996, the retention period for records with a D-classification and to approve the disposal of records with these retention periods.

4.8.18 **GENERAL POWERS DELEGATED TO EACH DEPUTY DIRECTOR IN THE DIRECTORATE: CORPORATE SERVICES AND WHERE MENTION IS MADE OF OFFICIALS / EMPLOYEES, IT BEARS THE MEANING OF OFFICIALS / EMPLOYEES UNDER HIS/HER DIRECT CONTROL (IN ADDITION TO POWERS IN TERMS OF THE MUNICIPAL FINANCE ACT):**

4.8.18.1 To approve the payment of long service bonuses in terms of the Council's policy.

4.8.18.2 To approve the payment of housing subsidies to officials in terms of the Council's policy.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.8.18.3 To approve an application by an employee, in consultation with the relevant Director, to attend union representative meetings.

4.8.18.4 To approve mandatory training of officials as well as the payment of costs attached thereto, provided such expenses have been budgeted for.

4.8.18.5 Contracts

4.8.18.5.1 To sign the following contracts on behalf of Council:

4.8.18.5.2 All contracts in respect of goods and services provided for, through the Supply Chain Management Policy.

4.8.18.5.3 All contracts for the leasing of printing, fax and related appliances.

4.8.18.5.4 Maintenance of computer software.

4.8.18.5.5 All documents in respect of loan agreements for pension and retirement funds.

4.8.18.5.5 All contracts relevant to the directorate.

4.8.18.6 Responsible for the health and safety of the directorate.

4.8.18.7 To assist the Municipal Manager in the formation and development of an economical, effective, efficient and sustainable administration.

4.8.18.8 To grant, annual, sick, special, maternity, family responsibility and unpaid leave to officials under his/her direct control in terms of the applicable service conditions of the Council.

4.8.18.9 To authorise officials at his/her discretion to undertake journeys on the business of the Council.

4.8.18.10 To authorise the payment of the subsistence and travel expenses to officials undertaking authorised trips as well as to persons invited for interviews or other official visits to the Municipality.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.8.18.11 To authorise officials who do not receive a fixed or running transport allowance to make official trips with their private vehicles, and to remunerate such officials in accordance with the transport scheme and Council's policy.

4.8.18.12 To authorise officials at his/her discretion to attend training courses, seminars and lectures within the limitations of allocated discretionary funds and on condition that a report on the course etc. is afterwards submitted to the relevant director and Committee.

4.8.18.13 To approve the use of Municipal vehicles outside the Municipal area for official purposes.

4.8.18.14 To approve applications received from personnel, who qualify for the essential motor scheme.

4.8.18.15 To approve all overtime of employees, who are on standby (in terms of clause 9 of the collective agreement) and also the overtime of employees who are earning above the threshold, which is determined by the Department of Labour in terms of the Basic Conditions of Employment Act.

4.8.18.16 To accept a shorter period of notice for termination of service than is required by the service conditions.

4.8.18.17 To authorise payment for working of overtime and consequent remuneration in accordance with the regulations, applicable legislation and council's policies and provided budgeted funds are available.

4.8.18.18 To approve, all SCM matters applicable to the directorate, as per the SCM and Creditors signing authority, and where necessary, enter into and sign contracts subject to Council's Supply Chain Management Policy, for obtaining goods and services applicable to the functions of the Municipality on contracts up to the amount as per the SCM and Creditors signing authority.

APPROVED BY COUNCIL ON 24 APRIL 2025

ITEM 4.9 ANNEXURE "A" CONTINUED

4.8.18.19 To approve any matters, and enter into and sign contracts and agreements on behalf of the Municipality pertaining to the relevant directorate of the Director and provided the expense has been budgeted for and relevant supply chain process has been followed, as well as those contracts and agreements on behalf of the Municipality pertaining to the relevant directorate, which have no budget implications and where a SCM process has not been followed.

4.8.18.20 To certify payments for final payment to service providers in terms of applicable legislation and policy.

4.8.18.21 To authorise the placement of advertisements in public newspapers in accordance with the Council's policy.

4.8.18.22 To approve/reject the issue of cellular telephones to officials in terms of the cell phone policy in a director's directorate in terms of Council's policy and provided budgeted funds are available.

4.8.18.23 To approve/reject the payment of a cellular telephone allowance to officials in a director's directorate in terms of Council's policy and provided budgeted funds are available.

4.8.18.24 To approve/reject Internet access to officials who need such facility in the execution of their duties in accordance with Council Policy.

4.8.18.25 To approve/reject a request of an official in the directorate who require Public Drivers Permits in the line of their duties, to apply for the issue and renewal of such permits and to authorise the payment of the required fees for such permits.

4.8.18.26 To approve/reject applications by bona fide students, undergoing practical training in the Municipality as part of a recognised course, for payment of a grant as per Council resolution.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.8.18.27 To approve the appointment of officials to act in other positions for a period as determined by the standard conditions of service.

4.8.18.28 To appoint Land Surveyors, Architects, Engineers and other professional service providers when required by legislation and in terms of the Supply Chain Management Policy or otherwise.

4.8.18.29 To approve the re-allocation of savings or funds (in terms of the virement policy).

4.8.18.30 To approve the payment of professional and other membership fees in terms of the Council's policy and resolutions.

4.8.18.31 To apply the conditions and to perform all applicable duties of the Occupational Health and Safety Act as a section 16(2) appointee in terms of the said Act.

4.8.18.32 To request an employee back from leave in case of an emergency or for justifiable reasons.

4.8.18.33 To approve/reject the issue of portable (laptop) personal computers to officials in terms of the policies in a directorate's directorate in terms of the Council's policy and provided budgeted funds are available.

4.8.18.34 To approve the virement of funds, in consultation with the Director: Financial Services and in terms of the Virement Policy.

4.8.18.35 To approve internship contracts, in consultation with the Deputy Director: Human Resources.

4.8.18.36 To, in consultation with Legal Services, approve / reject applications for access to information in terms of both PAIA and POPIA.

4.8.18.37 To deal with and submit appeals to the Relevant Authority in consultation with the Deputy Director: Legal Services and Compliance.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.8.18.38 To exercise all powers, duties and functions conferred upon the Municipality in terms of the Municipal Bylaws, applicable to his/her directorate and may delegate all or any of such powers, duties and functions to the relevant official in his/her directorate.

4.8.18.39 To incur appropriate entertainment expenses within the approved budget.

4.8.18.40 To exercise, as may be appropriate, any of the powers delegated to any other employee in the relevant department.

4.8.18.41 To approve/reject Internet access to officials who need such facility in the execution of their duties in accordance with Council Policy.

4.9 SPECIFIC POWERS DELEGATED TO HEADS IN THE DIRECTORATE: CORPORATE SERVICES AND WHERE MENTION IS MADE OF OFFICIALS / EMPLOYEES, IT BEARS THE MEANING OF OFFICIALS / EMPLOYEES UNDER HIS/HER DIRECT CONTROL (IN ADDITION TO POWERS IN TERMS OF THE MUNICIPAL FINANCE ACT):

4.9.1 Deputy Director: Administration

4.9.1.1 To grant annual, sick, special, maternity, family responsibility and unpaid leave to employees in the Sub-directorate in accordance with applicable service conditions, relevant legislation and council policy.

4.9.1.2 To sign all agreements regarding the installation of telephones and office equipment for approved official purposes.

4.9.1.3 To approve the use of the municipal flag subject to the Council's policies.

4.9.1.4 To manage and administer the Municipality's Archives in accordance with relevant legislation.

4.9.1.5 To approve any expenditure and purchases for the Sub-directorate from the approved budget of Council, as determined by the SCM and Creditors

APPROVED BY COUNCIL ON 24 APRIL 2025

signing authority and provided that the annual expense has been budgeted for.

4.9.1.6 To sign outgoing correspondence of the Sub-directorate.

4.9.1.7 To certify Council Resolutions.

4.9.1.8 To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Municipal Manager.

4.9.1.9 To determine the transfer of ownership and to dispose of a moving asset up to the value of R 70 000 during an auction, provided that such disposal has been approved by Council.

4.9.1.10 To authorise the placement of advertisements in public newspapers in accordance with the Council's policy.

4.9.1.11 To grant permission to instances for the affixing of political and related posters (excluding event posters) on Council property, subject to the Council's policy.

4.9.1.12 Managing Communication.

4.9.1.12.1 General Administrative Communication.

4.9.1.12.2 Managing Communication

i. Managing communication between the department, political structures and office bearers.

ii. To be responsible for general administrative communication to the public.

iii. To be responsible for the communication between the Municipality's administration and its political structures and political office bearers.

4.9.1.13 Decisions of political office bearers:

To carry out the decisions taken by political structures and office bearers in consultation with the Municipal Manager.

4.9.1.14 Powers and duties:

Exercising of powers and duties delegated to Director.

4.9.1.15 Implementation of the IDP:

APPROVED BY COUNCIL ON 24 APRIL 2025

To implement the IDP in the department and monitoring the results attained.

4.9.1.16 To grant the rights to use municipal facilities and to conclude and sign the necessary agreements for a period not exceeding three (3) years where tariffs are determined in the annual budget and on condition that the granting of such right does not amount to sole usage of the facility, and as a public participation process precedes the determination of the tariffs, no public participation process be followed in this regard.

4.9.1.17 To update the Council's "Access to Information Manual" and refer any amendment to the South African Human Right Commission for approval / publication.

4.9.1.18 To control and regulate the leasing of all Municipal halls in accordance with the relevant Council's policy and Council's resolutions.

4.9.1.19 To be responsible for the drafting and circulation of the minutes of Council, MAYCO and Section 79 and 80 Committee meetings.

4.9.1.20 To obtain approval for disposal, transfer, destroying of archives and amendments to the municipality Archive System from the Western Cape Archive Directorate to the Admin Officer: Archives.

4.9.1.21 To determine in terms of the National Archive Act, 1996, the retention period for records with a D-classification and to approve the disposal of records with these retention periods.

4.9.2 Ad hoc delegations to other officials of the Sub-directorate:

4.9.2.1 To grant permission for the holding of street collections on conditions deemed necessary in accordance with the Council's Policies and Resolutions to the Admin Officer.

4.9.2.2 To sign outgoing correspondence of the sub-directorate as instructed by the Deputy Director: Administration.

4.9.2.3 Records and Telecommunication:

APPROVED BY COUNCIL ON 24 APRIL 2025

ITEM 4.9 ANNEXURE "A" CONTINUED

4.9.2.3.1 Responsible for the administration of access to information applications / appeals, which include inter alia the receival, referral for decision, collecting of information, establishing of fees (if applicable), supply of approved information and communication with applicants, etc.

4.9.2.3.2 Responsible for the health and safety of the section.

4.9.2.4 Committee Services:

4.9.2.4.1 Preparation and adoption of annual reports:
To prepare annual reports of his//her department for inclusion in the report of the municipal manager for consideration by the Executive Mayor.

4.9.2.4.2 Provision of Information:
To provide the municipal manager with the necessary information to assist the Executive Mayor to execute his/her functions and powers.

4.9.2.4.3 Assisting the Municipal Manager:
Assist the Municipal Manager in promoting municipal administration within the framework policy of the Council.

4.9.2.4.4 Establish and Maintenance the administration of the department.
To establish and maintain the administration of the department.

4.9.2.4.5 Monitoring of Policies:
To monitor the impact and the effectiveness of any services, policies, programmes and plans.

4.9.2.4.6 Minutes of Mayco and Council meetings:
To ensure the recording and circulation of all Council and Mayoral Committee and other Committee decisions.

4.9.2.4.7 Public Notice of Municipal Council Meetings:
Notice must be given to the public of the time, date and venue of every meeting.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.9.2.4.8 Fund Collection Application:
Granting or refusing applications for organizing fund collection arrangements and door-to-door collections.

4.9.2.4.9 Deposits:
To approve the refunding of deposits received for posters (excluding event posters) erected, as per Council policy in this regard.

4.9.2.4.10 Posters and Banners:
To approve political posters and banners (excluding event posters and banners) of which the wording has been confirmed by the relevant director in consultation with the MM.

4.9.2.4.11 Advertising;

4.9.2.4.12 To deal with applications to erect banners and posters (excluding event banners and posters), including the display posters in connection with elections, subject to the payment of any necessary deposits and Council's policy in this regard in consultation with the MM.

4.9.2.4.13 Responsible for the health and safety of the section.

4.9.2.5 Manager: Auxiliary Services:

4.9.2.5.1 Considers and approves all matters applicable to auxillary services.

4.9.2.5.2 Responsible for the health and safety of the section.

4.9.3 Deputy Director: Human Resources

4.9.3.1 To grant annual, sick, special, maternity, family responsibility and unpaid leave to employees in the Sub-directorate in accordance with applicable service conditions, relevant legislation and council policy.

4.9.3.2 To sign outgoing correspondence of the Sub-directorate.

APPROVED BY COUNCIL ON 24 APRIL 2025

ITEM 4.9 ANNEXURE "A" CONTINUED

4.9.3.3 To authorise the placement of advertisements in public newspapers in accordance with the Council's policy.

4.9.3.4 To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality, as per the SCM and Creditors signing authority as approved by the Municipal Manager.

4.9.3.5 Responsible for the health and safety of the directorate.

4.9.3.6 To consider and approve requests from trade unions for mass meetings and training in terms of the Collective Agreement.

4.9.4 **Ad hoc delegations to other officials of the Sub-directorate:**

To sign outgoing correspondence of the Sub-directorate as instructed by the Head: Human Resources.

4.9.4.1 Manager: Training & Development and Occupational Health and Safety:

4.9.4.1.1 Safety Officer:

4.9.4.1.1.1 To stop construction activities at a construction site which does not adhere to all the safety requirements.

4.9.4.1.1.2 To report any accidents/incidents to the Department of Labour.

4.9.4.1.1.3 To have direct access to the Municipal Manager and bring any contravention to the attention of the Municipal Manager.

4.9.4.1.1.4 To overrule the director on any safety issues.

4.9.4.1.1.5 Identify mandatory training and be able to identify training needs.

4.9.4.1.1.6 To have access to and/or visit any construction site where Council is involved either directly or indirectly.

4.9.4.1.1.7 Inspect any safety document, safety plans, etc.

4.9.4.1.1.8 To accompany the Department of Labour, in consultation with the relevant director, on-site inspections/enquiries.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.9.4.1.2 Occupational Health and Safety:

4.9.4.1.2.1 Adherence to the Occupational Health and Safety Act (OHS);

4.9.4.1.2.2 To ensure that the municipality adheres to all the provisions of the OHS, and the regulations promulgated in terms thereof, and for this purpose bestowed with overall power to execute matters to which it pertains.

4.9.4.1.3 Safety representatives:

To appoint safety representatives for departments in consultation with the relevant heads of departments.

4.9.4.1.4 Training:

Capacity building :

To ensure the development of the human resources capacity to a level that enables the municipality to perform its functions and exercise its powers in an economical, effective, efficient and accountable way in compliance with the Skills Development Levies Acts of 1998 and 1999.

4.9.4.1.5 Labour Relations:

4.9.4.1.5.1 Bargaining council agreements:

To ensure that the municipality comply with the collective agreements concluded by organised local government within its mandate on behalf of local government in the bargaining council established for municipalities.

4.9.4.1.5.2 Availability of staff systems:

To ensure that every staff member and every relevant representative trade union has easy access to a copy of staff systems and procedures, including any amendments.

4.9.4.1.5.3 To make a copy of or extract from staff systems and procedures, including any amendments, available to that staff member on written request by a staff member.

APPROVED BY COUNCIL ON 24 APRIL 2025

ITEM 4.9 ANNEXURE "A" CONTINUED

4.9.4.1.5.4 To ensure that the purpose, contents and consequences of these staff systems and procedures are explained to staff members who cannot read.

4.9.4.1.5.5 To promote sound labour relations and compliance of the applicable labour laws in all the departments of the Municipality.

4.9.4.1.5.6 Advising committees:
Advising Section 80 Committees.

4.9.4.1.5.7 Copies of Code of Conduct:

4.9.4.1.5.7.1 To provide a copy of the Code of Conduct to every member of the staff of the municipality, and

4.9.4.1.5.7.2 To provide every staff member with any amendment of the Code of Conduct.

4.9.4.1.5.7.3 To ensure that the purpose, contents and consequences of the Code of Conduct are explained to staff members who cannot read; and

4.9.4.1.5.7.4 To communicate sections of the Code of Conduct that affects the public to the local community.

4.9.4.1.6 Enforcing the Constitution:
To assist the municipal manager to ensure that the municipality gives effect to the Constitution.

4.9.4.1.7 Organisational Efficiency:

4.9.4.1.8 Staff establishments:
To provide a staff establishment for approval by the municipal manager.

4.9.4.1.9 Conditions of service:
To provide the remuneration and other conditions of service as may be determined in accordance with any applicable labour laws.

APPROVED BY COUNCIL ON 24 APRIL 2025

ITEM 4.9 ANNEXURE "A" CONTINUED

4.9.4.1.10 Employment equity and skills development:
To ensure the drafting and implementation of an Employment Equity and Skills Development Policy of the municipality.

4.9.4.1.11 Applications for leave and Travel: Staff:
To approve all applications for leave, attendance of meetings, seminars, training congresses, courses by other officials in the Corporate Directorate.

4.9.4.1.12 Overtime, advances and travel expenses:
To consider and approve overtime applications, advances; subsistence and travel claims for staff in the department.

4.9.4.1.13 Management of provision of services:
To manage the provision of services to the local community.

4.9.4.1.14 Utilisation of staff:
Management, effective utilization and training of staff in the department.

4.9.4.1.15 Job descriptions:
To assist the municipal manager in the provision of job descriptions for each staff member in the municipality.

4.9.4.1.16 Development of Human resource capacities:
To assist the municipal manager in developing the human resources capacity of the municipality.

4.9.4.1.17 Notch increases:
To approve notch increases annually in consultation with the MM.

4.9.4.1.18 Emergency overtime:
To determine the time of overtime required for emergency situations.

4.9.4.1.19 Termination:

APPROVED BY COUNCIL ON 24 APRIL 2025

To approve shorter notice periods for termination of services in consultation with the MM.

4.9.4.1.20 TASK:
To lodge objections to the relevant authority on TASK evaluations of posts, in consultation with the MM.

4.9.4.1.21 To sign outgoing correspondence of the Sub-directorate.

4.9.4.1.22 To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount, as approved by the Municipal Manager.

4.9.4.1.23 Responsible for the health and safety of the section.

4.9.5 Deputy Director: Legal and Compliance Services:

4.9.5.1 To grant annual, sick, special, maternity, family responsibility and unpaid leave to employees in the Sub-directorate in accordance with applicable service conditions, relevant legislation council policy.

4.9.5.2 To obtain, if necessary, the services of an attorney or advocate or applicable expert concerning any matter under his/her control.

4.9.5.3 To approve payments for legal accounts, as per the SCM and Creditors signing authority. To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount, as approved by the Municipal Manager.

4.9.5.4 To sign outgoing correspondence of the Sub-directorate.

4.9.5.5 To authorise the placement of advertisements in public newspapers in accordance with Council's policy.

4.9.5.6 To authorize and sign all documents needed to effect registration of transfer in the Deeds Office of properties registered in the name of this Municipality, excluding the deed of sale and to sub-delegate

APPROVED BY COUNCIL ON 24 APRIL 2025

powers in terms of this delegation to the Legal Advisor/s of the Department.

4.9.5.7 To appear before a notary to execute any document or to appoint any other person to appear before the notary on behalf of the Municipality, including the power to sign any documents relating thereto and to sub-delegate powers in terms of this delegation to the Legal Advisor/s of the Department.

4.9.5.8 To take all the necessary steps to dispute, defend or settle any matter, claim or case that may be instituted against the Council or any official, by any party, in consultation with the Municipal Manager.

4.9.5.9 To take all the necessary steps, including the signing of the required documents, to execute the decisions of Council or the Executive Mayor when legal action needs to be taken or defended against an organisation or person by the Municipality.

4.9.5.10 To authorise the signing of all servitudes or lease areas which needs to be registered in the office of the Surveyor-General and to sub-delegate powers in terms of this delegation to the Senior Manager/s of the Department.

4.9.5.11 To consider applications for liquor licences to sub-delegate powers in terms of this delegation to the Senior Manager/s of the Department.

4.9.5.12 To appoint personnel as authorized officers for the serving of process documents in terms of the provisions of the Magistrates Court Act, 1944.

4.9.5.13 Ad hoc delegations to the Senior Manager/s of the Sub-directorate:

4.9.5.13.1 To sign outgoing correspondence of the Sub-directorate as instructed by the Deputy Director: Legal and Compliance Services.

4.9.5.13.2 To recommend, administer and manage the acquisition, enhancements, alienation, leasing and utilisation of

APPROVED BY COUNCIL ON 24 APRIL 2025

Council-owned immovable property and rights in property.

4.9.5.13.3 The Senior Manager: Compliance is the appointed person in terms of SCM legislation to adjudicate SCM objections / appeals.

4.9.5.14 Ad hoc delegations to other officials of the Sub-directorate:

4.9.5.15 To sign outgoing correspondence of the Sub-Directorate as instructed by the Senior Manager/s.

4.9.5.16 Responsible for the health and safety of the directorate.

4.9.5.17 To ensure the development, implementation, monitoring and maintenance of a compliance framework in terms of POPIA.

4.9.5.18 To ensure awareness sessions are conducted regarding the provisions of POPIA and the regulations made in terms thereof, codes of conduct or information obtained from the Information Regulator.

4.9.5.19 To consider the basis for approval / rejection of applications for access to information and appeals in terms of both PAIA and POPIA, and to advise the relevant Deputy Information Officer accordingly.

4.9.6 Manager: Facilities Management, Manager: Property Management

4.9.6.1 Grant annual, sick, special, maternity, family responsibility and unpaid leave for employees in the Division in accordance with applicable service conditions, relevant legislation and council policy.

4.9.6.2 Recommend claims for travel time related to overtime and ad-hoc kilometres.

4.9.6.3 Recommend and motivate the required amount of overtime required to the Deputy Director.

4.9.6.4 Approve requests for overtime and time off for work performed relating to after hour services, subject to prior approval as per above.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.9.6.5 Manage time and attendance within the Division

4.9.6.6 Make recommendations on the permanent appointment of employees on probation in the Division.

4.9.6.7 Sign outgoing correspondence related to the functions of the Division.

4.9.6.8 Take all the necessary steps, within the Division, including the signing of the required documents, to execute the decisions of Council or the Executive Mayor when legal action needs to be taken or defended against an organisation or person by the Municipality.

4.9.6.9 Approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Director.

4.9.6.10 Monitor the impact and the effectiveness of any services, policies, programmes and plans.

4.9.6.11 Promote health and safety within the Division.

4.9.6.12 Ad hoc delegations to other officials of the Division:

4.9.6.12.1 To sign outgoing correspondence of the Sub-directorate as instructed by the Manager

4.9.6.12.2 Monitor time and attendance of teams as instructed by the Manager.

4.10 SPECIFIC POWERS DELEGATED TO THE DIRECTOR: FINANCIAL SERVICES AND WHERE MENTION IS MADE OF OFFICIALS / EMPLOYEES, IT BEARS THE MEANING OF OFFICIALS / EMPLOYEES UNDER HIS/HER DIRECT CONTROL (IN ADDITION TO POWERS IN TERMS OF THE MUNICIPAL FINANCE MANAGEMENT ACT):

4.10.1 To invest surplus cash or to call up investments subject to a ministerial framework and policy as stipulated in Section 13 of the Municipal Finance Management Act.

4.10.2 To make deposits in respect of consumer services, contracts, guarantees and indemnities and of other services when such deposits are payable.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.10.3 To take all required steps, and if necessary, legal action for the collection of outstanding amounts owed to the Council in terms of the Systems Act and Credit Control Policy.

4.10.4 To apply all bylaws, regulations, legislation and policies regarding matters that falls within the functions of the Directorate and to institute legal proceedings against any person who refuses or neglects to comply with the provision of such regulations, legislation or policies.

4.10.5 To approve electronic access to all information on the network and also those on computers of employees, in terms of the ICT policy.

4.10.6 To approve the transfer of self-insurance reserves from the main banking account to a call account, to ensure availability of reserves for insurance purposes.

4.10.7 To develop and implement Customer Relations Management (CRM).

4.11 SPECIFIC POWERS DELEGATED TO HEADS IN THE DIRECTORATE: FINANCIAL SERVICES AND WHERE MENTION IS MADE OF OFFICIALS / EMPLOYEES, IT BEARS THE MEANING OF OFFICIALS / EMPLOYEES UNDER HIS/HER DIRECT CONTROL (IN ADDITION TO POWERS IN TERMS OF THE MUNICIPAL FINANCE ACT):

4.11.1 Deputy Director: Expenditure & SCM

4.11.1.1 To grant annual, sick, special, maternity, family responsibility and unpaid leave to employees in the Sub-directorate in accordance with applicable service conditions, relevant legislation and council policy.

4.11.1.2 To apply all bylaws, regulations, legislation and policies regarding matters that falls within the functions of the Sub-directorate and to institute legal proceedings against any person who refuses or neglects to comply with the provision of such regulations, legislation or policies.

4.11.1.3 To sign outgoing correspondence of the Sub-directorate.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.11.1.4 To issue official order forms for the purchase of goods or the performance of work within the limits of Council's financial regulations.

4.11.1.5 To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Municipal Manager.

4.11.1.6 Responsible for the health and safety of the directorate.

4.11.2 Ad hoc delegations to other officials of the Sub-directorate:

To sign outgoing correspondence of the Sub-directorate as instructed by the Manager Expenditure and the Manager: Supply Chain.

4.11.3 Deputy Director: Financial Management:

4.11.3.1 To grant annual, sick, special, maternity, family responsibility and unpaid leave to employees in the Sub-directorate in accordance with applicable service conditions, relevant legislation and council policy.

4.11.3.2 To sign outgoing correspondence of the Sub-directorate.

4.11.3.3 To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Municipal Manager.

4.11.3.4 Responsible for the health and safety of the directorate.

4.11.3.5 To arrange the insurance of the municipal property, to maintain such insurance and pay the necessary premiums, to institute claims and effect amendments, if such were approved by Council, to cover risks.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.11.4 Ad hoc delegations to other officials of the Sub-directorate:

To sign outgoing correspondence of the Sub-directorate as instructed by the Manager: Budget and Financial Management and Manager: Financial Reporting, Assets & Insurance.

4.11.5 Deputy Director: Revenue Management

4.11.5.1 To grant annual, sick, special, maternity, family responsibility and unpaid leave to employees in the Sub-directorate in accordance with applicable service conditions, relevant legislation and council policy.

4.11.5.2 To authorise payment of structured and emergency overtime in cases of emergency with the approval of the relevant Director and in accordance with the legislation and policy of Council.

4.11.5.3 To apply all bylaws, regulations, legislation and policies regarding matters that falls within the functions of the Sub-directorate and to institute legal proceedings against any person who refuses or neglects to comply with the provision of such regulations, legislation or policies.

4.11.5.4 To sign outgoing correspondence of the Sub-directorate.

4.11.5.5 To sign the consumer's agreements in terms of the standard services bylaws.

4.11.5.6 To submit claims against an insolvent estate or company in liquidation for monies owed to Council.

4.11.5.7 To determine consumer deposits in terms of relevant regulations and Council policy.

4.11.5.8 To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Municipal Manager. To

APPROVED BY COUNCIL ON 24 APRIL 2025

certify payments for accounts up to an amount as approved by the Director: Financial Services.

4.11.5.9 To refund a person for faulty electricity coupons, as recommended by the Electro-technical Department.

4.11.5.10 Responsible for the health and safety of the directorate.

4.11.6 Ad hoc delegations to other officials of the Sub-directorate:

To sign outgoing correspondence of the Sub-directorate as instructed by the Manager: Billing Services, Manager: Credit Control & Indigent Management and Manager: Rates, Taxes, Valuations & Systems.

4.11.7 Chief Information Officer (ICT, Business Analyst & CRM

4.11.7.1 To grant annual, sick, special, maternity, family responsibility and unpaid leave to employees in the Sub-directorate in accordance with applicable service conditions, relevant legislation and council policy.

4.11.7.2 To authorise payment of structured and emergency overtime in cases of emergency with the approval of the relevant Director and in accordance with the legislation and policy of Council.

4.11.7.3 To apply all bylaws, regulations, legislation and policies regarding matters that falls within the functions of the Sub-directorate and to institute legal proceedings against any person who refuses or neglects to comply with the provision of such regulations, legislation or policies.

4.11.7.4 To sign outgoing correspondence of the Sub-directorate.

4.11.7.5 To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Municipal Manager. To

APPROVED BY COUNCIL ON 24 APRIL 2025

certify payments for accounts up to an amount as approved by the Director: Financial Services.

4.11.7.6 Responsible for the health and safety of the directorate.

4.11.8 Ad hoc delegations to other officials of the Sub-directorate:

To sign outgoing correspondence of the Sub-directorate as instructed by the Manager: Business Analyst, Manager: ICT Monitoring & Evaluation, Manager: Information Management Systems & Technology and Senior Manager: CRM.

4.12 SPECIFIC POWERS DELEGATED TO DIRECTOR: CIVIL ENGINEERING SERVICES AND WHERE MENTION IS MADE OF OFFICIALS / EMPLOYEES, IT BEARS THE MEANING OF OFFICIALS / EMPLOYEES UNDER HIS/HER DIRECT CONTROL (IN ADDITION TO POWERS IN TERMS OF THE MUNICIPAL FINANCE MANAGEMENT ACT):

4.12.1 To apply all bylaws, regulations, legislation and policies regarding matters that falls within the functions of the Directorate and to institute legal proceedings against any person who refuses or neglects to comply with the provision of such regulations or legislation.

4.12.2 To calculate and certify guaranteed amounts in connection with the construction of services and associated infrastructure as laid out in service agreements or contracts and authorise the deduction or payment of such guaranteed amounts.

4.12.3 To lease vehicles for official use when official vehicles are not available.

4.12.4 To sign agreements of a technical nature regarding way-leaves and contract documents in respect of construction.

4.12.5 To authorise the appointment, and required Power of Attorney, of environmental consultants for projects, studies, investigations and applications in order to obtain environmental approval in terms of the

APPROVED BY COUNCIL ON 24 APRIL 2025

National Environmental Management Act, National Water Act and National Forestry Act.

4.12.6 To authorise the expansion and variations of contracts up to a maximum of 20% of the contract value provided that the expansion or variation does not exceed the maximum amount allocated to the Director, in terms of his signing authority.

4.12.7 To authorise the submission of applications and documentation to DEADP in respect of EIA applications, and also as follows:

4.12.7.1 To authorise the submission of applications and documentation to DWS in respect of WULA applications.

4.12.7.2 To authorise the submission of applications and documentation to DFFE in respect of tree permit applications.

4.12.8 To approve contractual claims in accordance with the conditions of contract up to an amount approved by the Municipal Manager.

4.12.9 To initiate disciplinary action against employees within the department.

4.12.10 Sign/authorise Variation Orders to contracts up to an amount approved by the Municipal Manager, and that will not cause the appointed contract amount to be exceeded.

4.12.11 Authorise payment certificates/invoices to service providers up to an amount approved by the Municipal Manager.

4.12.12 Authorise all applications for grant funding, and monthly, quarterly, annual and ad-hoc reports, and reports on grant expenditure.

4.12.13 Sign all correspondence with national, provincial and sector departments as it relates to projects, studies, investigations, reports for projects and functions managed by the Directorate.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.13 SPECIFIC POWERS DELEGATED TO THE HEADS IN THE DIRECTORATE: CIVIL ENGINEERING SERVICES AND WHERE MENTION IS MADE OF OFFICIALS / EMPLOYEES, IT BEARS THE MEANING OF OFFICIALS / EMPLOYEES UNDER HIS/HER DIRECT CONTROL (IN ADDITION TO POWERS IN TERMS OF THE MUNICIPAL FINANCE MANAGEMENT ACT):

4.13.1 Deputy Director: Sanitation / Principal Engineer/ Principal Engineering Technologist: Sanitation Services:

4.13.1.1 To grant annual, sick, special, maternity, family responsibility and unpaid leave to employees in the Sub-directorate in accordance with applicable service conditions, relevant legislation and council policy.

4.13.1.2 To sign outgoing correspondence of the Sub-directorate.

4.13.1.3 To approve time off or payment for working of overtime and consequent remuneration in accordance with the regulations, applicable legislation and council's policies and provided budgeted funds are available.

4.13.1.4 To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Municipal Manager.

4.13.1.5 To approve contractual claims in accordance with the conditions of contract up to an amount approved by the Municipal Manager.

4.13.1.6 To initiate disciplinary action against employees within the Sub-directorate.

4.13.1.7 To apply all the conditions of the General Machinery Regulation 2(1) pf the Occupational Health and Safety Act as appointed Supervisor of Machinery.

4.13.1.8 As a professional registered person, to approved municipal services designs and drawings for the provision of municipal

APPROVED BY COUNCIL ON 24 APRIL 2025

infrastructure, in accordance with the guidelines as set out by the Engineering Council of South Africa (ECSA).

4.13.1.9 Responsible for the health and safety of the Sub-directorate, as follows:

4.13.1.9.1 Sign/authorise documentation in terms of the Construction Regulations 5(s) of the OHSAct (85 of 1993) as amended, as required for construction projects, including all forms and documents required by the Department of Labour, and any other department, for a Construction Permit application.

4.13.1.9.2 Sign/approve Requests for Quotations and Requests for Proposals.

4.13.1.9.3 Sign/authorise Variation Orders to contracts up to an amount approved by the Municipal Manager, and that will not cause the appointed contract amount to be exceeded.

4.13.1.9.4 Authorise payment certificates/invoices to service providers up to amounts approved by the Municipal Manager.

4.13.1.9.5 To authorise planned interruptions in respect of civil services supply for periods in excess of 6 hours.

4.13.1.10 **Ad hoc delegations to other officials of the Sub-directorate:**

To sign outgoing correspondence of the Sub-directorate as instructed by the Deputy Director: Sanitation / Principal Engineer/ Principal Engineering Technologist: Sanitation Services.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.13.2 Deputy Director: Water/ Principal Engineer/ Principal Engineering Technologist: Potable Water Services:

4.13.2.1 To grant annual, sick, special, maternity, family responsibility and unpaid leave to employees in the Sub-directorate in accordance with applicable service conditions, relevant legislation and council policy.

4.13.2.2 To sign outgoing correspondence of the Sub-directorate.

4.13.2.3 To approve time off or payment for working of overtime and consequent remuneration in accordance with the regulations, applicable legislation and council's policies and provided budgeted funds are available.

4.13.2.4 To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Municipal Manager.

4.13.2.5 To approve applications for exemptions of Water Restrictions.

4.13.2.6 To amend Water Restrictions Conditions as and when required for submission to the relevant Section 80 Committee for approval.

4.13.2.7 To approve contractual claims in accordance with the conditions of contract up to an amount approved by the Municipal Manager.

4.13.2.8 To initiate disciplinary action against employees within the Sub-directorate.

4.13.2.9 To apply all the conditions of the General Machinery Regulation 2(1) of the Occupational Health and Safety Act as appointed Supervisor of Machinery.

4.13.2.10 As a professional registered person, to approve municipal services designs and drawings for the provision of municipal infrastructure, in accordance with the guidelines as set out by the Engineering Council of South Africa (ECSA).

APPROVED BY COUNCIL ON 24 APRIL 2025

4.13.2.11 Responsible for the health and safety of the Sub-directorate, as follows:

4.13.2.11.1 Sign/authorise documentation in terms of the Construction Regulations 5(s) of the OHSAct (85 of 1993) as amended, as required for construction projects, including all forms and documents required by the Department of Labour, and any other department, for a Construction Permit application.

4.13.2.11.2 Sign Requests for Quotations and Requests for Proposals.

4.13.2.11.3 Sign/authorise Variation Orders to contracts up to an amount approved by the Municipal Manager, and will not cause the appointed contract amount to be exceeded.

4.13.1.11.4 Authorise payment certificates/invoices to service providers up to amounts approved by the Municipal Manager.

4.13.2.11.5 To authorise planned interruptions in respect of civil services supply for periods in excess of 6 hours.

4.13.2.12 Ad hoc delegations to other officials of the Sub-directorate:

To sign outgoing correspondence of the Sub-directorate as instructed by the Deputy Director: Water/ Principal Engineer/ Principal Engineering Technologist: Potable Water Services.

4.13.3 Deputy Director: PMU, Infrastructure Planning and Support Services/ Chief Engineer/ Chief Engineering Technologist: Infrastructure Planning & PM:

APPROVED BY COUNCIL ON 24 APRIL 2025

4.13.3.1 To grant annual, sick, special, maternity, family responsibility and unpaid leave to employees in the Sub-directorate in accordance with applicable service conditions, relevant legislation and council policy.

4.13.3.2 To sign outgoing correspondence of the Sub-directorate.

4.13.3.3 To approve time off or payment for working overtime and consequent remuneration in accordance with the regulations, applicable legislation and council's policies and provided budgeted funds are available.

4.13.3.4 To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Municipal Manager.

4.13.3.5 To approve municipal services designs and drawings for the provision of municipal infrastructure.

4.13.3.6 To determine Development Contribution amounts payable for bulk services provision according to Municipal guidelines and policies.

4.13.3.7 To compile master plans that guide municipal civil services provision (short, medium and long term).

4.13.3.8 To approve contractual claims in accordance with the conditions of contract up to an amount approved by the Municipal Manager.

4.13.3.9 To initiate disciplinary action against employees within the Sub-directorate.

4.13.3.10 Responsible for the health and safety of the Sub-directorate, as follows:

4.13.3.10.1 Sign/authorise documentation in terms of the Construction Regulations 5(s) of the OHSAct (85 of 1993) as amended, as required for construction projects, including all forms and documents required by the Department of

Labour, and any other department, for a Construction Permit application.

4.13.3.10.2 Sign Requests for Quotations and Requests for Proposals.

4.13.3.10.3 Sign/authorise Variation Orders to contracts up to an amount approved by the Municipal Manager, and will not cause the appointed contract amount to be exceeded.

4.13.3.10.4 Authorise payment certificates/invoices to service providers up to amounts approved by the Municipal Manager.

4.13.3.11 Ad hoc delegations to other officials of the Sub-directorate:

To sign outgoing correspondence of the Sub-directorate as instructed by the Deputy Director: PMU, Infrastructure Planning and Support Services/ Chief Engineer/ Chief Engineering Technologist: Infrastructure Planning & PM.

4.13.4 Deputy Director: Streets and Stormwater/ Principal Engineer/ Principal Engineering Technologist: Roads & Stormwater Services:

4.13.4.1 To grant annual, sick, special, maternity, family responsibility and unpaid leave to employees in the Sub-directorate in accordance with applicable service conditions, relevant legislation and council policy.

4.13.4.2 To approve time off or payment for working overtime and consequent remuneration in accordance with the regulations, applicable legislation and council's policies and provided budgeted funds are available.

4.13.4.3 To sign outgoing correspondence of the Sub-directorate.

APPROVED BY COUNCIL ON 29 APRIL 2025

4.13.4.4 To apply the bylaws, regulations and policies related to streets and stormwater.

4.13.4.5 To consider and approve erecting or display or removal of any required road traffic sign and road markings or notice deemed necessary in terms of the Road Traffic Act.

4.13.4.6 To approve and sign wayleave agreements relating to any service provider's applying for permission to conduct work within the Municipal Road Reserves.

4.13.4.7 To approve street and stormwater drawings or designs for the provision of municipal infrastructure.

4.13.4.8 To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Municipal Manager.

4.13.4.9 To approve contractual claims in accordance with the conditions of contract up to an amount approved by the Municipal Manager.

4.13.4.10 To initiate disciplinary action against employees within the Sub-directorate.

4.13.4.11 As a professional registered person, to approve municipal services designs and drawings for the provision of municipal infrastructure, in accordance with the guidelines as set out by the Engineering Council of South Africa (ECSA).

4.13.4.12 Responsible for the health and safety of the Sub-directorate, as follows:

4.13.4.12.1 Sign/authorise documentation in terms of the Construction Regulations 5(s) of the OHSAct (85 of 1993) as amended, as required for construction projects, including all forms and documents required by the Department of Labour, and any other department, for a Construction Permit application.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.13.4.12.2 Sign/approve Requests for Quotations and Requests for Proposals.

4.13.4.12.3 Sign/authorise Variation Orders to contracts up to an amount approved by the Municipal Manager, and will not cause the appointed contract amount to be exceeded.

4.13.4.12.4 Authorise payment certificates/invoices to service providers up to amounts approved by the Municipal Manager.

4.13.4.12.5 To authorise planned interruptions in respect of civil services supply for periods in excess of 6 hours.

4.13.4.13 Ad hoc delegations to other officials of the Sub-directorate:

To sign outgoing correspondence of the Sub-directorate as instructed by the Deputy Director: Streets and Stormwater/ Principal Engineer/ Principal Engineering Technologist: Roads & Stormwater Services.

4.14 SPECIFIC POWERS DELEGATED TO THE DIRECTOR: COMMUNITY SERVICES AND WHERE MENTION IS MADE OF OFFICIALS / EMPLOYEES, IT BEARS THE MEANING OF OFFICIALS / EMPLOYEES UNDER HIS/HER DIRECT CONTROL (IN ADDITION TO POWERS IN TERMS OF THE MUNICIPAL FINANCE MANAGEMENT ACT):

4.14.1 To apply all bylaws, regulations, legislation and policies regarding matters that falls within the functions of the Directorate and to institute legal proceedings against any person who refuses or neglects to comply with the provisions of such regulations or legislation.

4.14.2 To place the facilities and equipment of the Directorate at the disposal of approved associations and organisations in accordance with the Council's policy.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.14.3 To consider and approve assistance related to the functions of the Directorate outside the municipal area with consideration to local needs and circumstances in consultation with the Municipal Manager.

4.14.4 To approve chalet accommodation for guests of the Municipality, in lieu of private accommodation, when the Municipality is responsible to provide accommodation to such guests.

4.14.5 To consider and approve applications for the erection of memorial benches.

4.14.6 To grant the rights to use municipal facilities and to conclude and sign the necessary agreements for a period not exceeding three (3) years where tariffs are determined in the annual budget and on condition that the granting of such right does not amount to sole usage of the facility, and as a public participation process precedes the determination of the tariffs, no public participation process be followed in this regard.

4.14.7 To grant, annual, sick, special, maternity, family responsibility and unpaid leave to officials under his/her direct control in terms of the applicable service conditions of the Council.

4.14.8 To authorise officials at his/her discretion to undertake journeys on the business of the Council.

4.14.9 To authorise the payment of the subsistence and travel expenses to officials undertaking authorised trips as well as to persons invited for interviews or other official visits to the Municipality.

4.14.10 To authorise officials who do not receive a fixed or running transport allowance to make official trips with their private vehicles, and to remunerate such officials in accordance with the transport scheme and Council's policy.

4.14.11 To authorise officials at his/her discretion to attend training courses, seminars and lectures within the limitations of allocated discretionary funds and on condition that a report on the course etc. is afterwards submitted to the relevant director and Committee.

4.14.12 To approve the use of Municipal vehicles outside the Municipal area for official purposes.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.14.13 To accept a shorter period of notice for termination of service than is required by the service conditions.

4.14.14 To authorise payment for working of overtime and consequent remuneration in accordance with the regulations, applicable legislation and councils policies and provided budgeted funds are available.

4.14.15 To approve quotations and where necessary, enter into contracts, subject to Council's Supply Chain Management Policy, for obtaining goods and services applicable to the functions of the Directorate, provided that the annual expense has been budgeted for.

4.14.16 To enter into and sign contracts as approved by the Bid Adjudication Committee subject to Council's Supply Chain Management Policy, for obtaining goods and services applicable to the functions of the Directorate on contracts up to an amount of R10 million and provided the expense has been budgeted for.

4.14.17 To approve, enter into and sign contracts and agreements on behalf of the Municipality pertaining to the relevant directorate of the Director and provided the expense has been budgeted for.

4.14.18 To certify payments for final payment to service providers in terms of applicable legislation and policy.

4.14.19 To appoint employees on T-grades 14 - 1 in terms of applicable legislation and Council policy.

4.14.20 To make recommendations to the Municipal Manager on the audit report.

4.14.21 To approve/reject inter-departmental staff transfers on T-grades below 14, subject to relevant labour relations legislation and Council's policy.

4.14.22 To authorise the placement of advertisements in public newspapers in accordance with the Council's policy.

4.14.23 To approve/reject the issue of cellular telephones to officials in terms of the cell phone policy in a director's directorate in terms of Council's policy and provided budgeted funds are available.

4.14.24 To approve/reject the payment of a cellular phone allowance to officials in a director's directorate in terms of Council's policy and provided budgeted funds are available.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.14.25 To approve/reject Internet access to officials who need such facility in the execution of their duties in accordance with Council Policy.

4.14.26 To approve/reject any legitimate claim for compensation that occurred in a directorate, up to an amount of R 10 000,00 provided that such decisions are reported to Council as soon as possible.

4.14.27 To approve/reject that officials in a director's directorate who require Public Drivers Permits in the line of their duties apply for the issue and renewal of such permits and to authorise the payment of the required fees for such permits.

4.14.28 To approve/reject applications by bona fide students, undergoing practical training in the municipality as part of a recognised course, for payment of a grant as per Council resolution.

4.14.29 To incur appropriate entertainment expenses within the approved budget.

4.14.30 To approve the appointment of officials to act in other positions for a period as determined by the standard conditions of service.

4.14.31 To appoint Land Surveyors, Architects, Engineers and other professional service providers when required by legislation and in terms of the Supply Chain Management Policy or otherwise.

4.14.32 To exercise, as may be appropriate, any of the powers delegated to any other employee in the relevant directorate.

4.14.33 To approve the re-allocation of savings or funds (in terms of the virement policy).

4.14.34 To grant approval, in terms of the leave regulations, where an official, due to operational reasons, is unable to take his/her leave and the Director may authorise such leave payment.

4.14.35 To grant approval for the payment of leave where an official has exceeded his/her 48 days leave and such employee is unable to take such leave due to operational reasons, provided funds are available.

4.14.36 To approve the payment of professional and other membership fees in terms of the Council's policy and resolutions.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.14.37 To apply the conditions and to perform all applicable duties of the Occupational Health and Safety Act as a section 16(2) appointee in terms of the said Act.

4.14.38 To apply all bylaws, regulations, legislation and policies regarding matters that falls within the functions of the Directorate and to institute legal proceedings against any person who refuses or neglects to comply with the provision of such regulations, legislation or policies.

4.14.39 To approve the travelling of officials outside the borders of the Municipality, within South Africa.

4.15 SPECIFIC POWERS DELEGATED TO THE HEADS IN THE DIRECTORATE: COMMUNITY SERVICES AND WHERE MENTION IS MADE OF OFFICIALS / EMPLOYEES, IT BEARS THE MEANING OF OFFICIALS / EMPLOYEES UNDER HIS/HER DIRECT CONTROL (IN ADDITION TO POWERS IN TERMS OF THE MUNICIPAL FINANCE MANAGEMENT ACT):

4.15.1 Divisional Manager Waste Management and Pollution Control

4.15.1.1 To grant annual, sick, special, maternity, family responsibility and unpaid leave to employees in the Sub-directorate in accordance with applicable service conditions, relevant legislation and council policy.

4.15.1.2 To authorise payment for working overtime in cases of emergency and with the approval of the relevant Director.

4.15.1.3 To sign outgoing correspondence of the Sub-directorate.

4.15.1.4 To apply the bylaws, regulations and policies related to waste management, air quality, noise control and public nuisance..

4.15.1.5 To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Municipal Manager.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.15.1.6 To approve contractual claims in accordance with the conditions of contract up to an amount approved by the Municipal Manager.

4.15.1.7 To initiate disciplinary action against employees within the department.

4.15.1.8 Responsible for the health and safety of the directorate.

4.15.1.9 To monitor the impact and the effectiveness of any services, policies, programmes and plans.

4.15.1.10 Recommend claims for travel time related to overtime and ad-hoc kilometres.

4.15.1.11 To make recommendations on the permanent appointment of employees on probation in the Sub-directorate on T-grades 4 to 10.

4.15.1.12 Sign outgoing correspondence related to the functions of the Sub Directorate.

4.15.1.13 Approve the use of municipal vehicles in accordance with approved Council policy.

4.15.1.14 Monitor the impact and the effectiveness of any services, policies, programmes and plans.

4.15.1.15 Apply all bylaws, regulations, legislation and policies regarding matters that falls within the functions of the Sub-section and to institute legal proceedings against any person who refuses or neglects to comply with the provision of such regulations, legislation or policies.

4.15.1.16 Promote health and safety within the Sub -Section.

4.15.1.17 Assist Director with the implementation of the budget.

4.15.1.18 Assist Director in promoting municipal administration within the framework policy of the Council.

4.15.1.19 Assist Director to establish and maintain the administration of the department.

4.15.1.20 To monitor the impact and the effectiveness of any services, policies, programmes and plans.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.15.1.21 Ensure optimum utilization and training of staff within their section.

4.15.1.22 Provide input to the Director on advising Section 80 Committees.

4.15.1.23 Assist Director in the provision of job descriptions for each staff member in the Department.

4.15.1.24 Designated as Waste Management Officer for the Municipality in terms of the Waste Management Act.

4.15.1.25 Designated as Air Quality Officer for the Municipality in terms of the Air Quality Act.

4.15.2 Manager: Sport Facilities and Development:

4.15.2.1 To grant annual, sick, special, maternity, family responsibility and unpaid leave to employees in the Sub-directorate in accordance with applicable service conditions, relevant legislation and Council policy.

4.15.2.2 To grant permission at his/her discretion for the temporary use of, sport facilities for functions in accordance with Council policy.

4.15.2.3 To sign outgoing correspondence of the Sub-directorate.

4.15.2.4 To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Municipal Manager.

4.15.2.5 Responsible for the health and safety of the section.

4.15.3 Ad hoc delegations to other officials of the Sub-directorate:

To sign outgoing correspondence of the Sub-directorate as instructed by the Director: Community Services.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.15.4 Manager: Cleansing and Pollution Control

4.15.4.1 To grant annual, sick, special, maternity, family responsibility and unpaid leave to employees in the Sub-directorate in accordance with applicable service conditions, relevant legislation and council policy.

4.15.4.2 To sign outgoing correspondence of the sub-directorate.

4.15.4.3 To apply all bylaws, regulations, legislation and policies regarding matters that falls within the functions of the Directorate and to institute legal proceedings against any person who refuses or neglects to comply with the provisions of such regulations or legislation.

4.15.4.4 To ensure compliance with, and apply and enforce all waste management, noise, air quality odour legislation, bylaws, and to sub-delegate powers in terms of this delegation.

4.15.4.5 To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Municipal Manager.

4.15.4.6 Responsible for the health and safety of the section.

4.15.4.7 To assist the Senior Manager in implementing the integrated waste management plan and the air quality management plan.

4.15.5 Ad hoc delegations to other officials of the Sub-directorate:

To sign outgoing correspondence of the Sub-directorate as instructed by the Divisional Manager: Waste and Pollution Control.

4.15.6 Divisional Manager: Parks and Recreation

4.15.6.1 To grant annual, sick, special, maternity, family responsibility and unpaid leave to employees in the section in accordance

APPROVED BY COUNCIL ON 24 APRIL 2025

with applicable service conditions, relevant legislation and Council policy.

4.15.6.2 To grant permission at his/her discretion for the temporary use of municipal parks and beach areas for functions in accordance with Council policy.

4.15.6.3 To approve or reject the planting or removal of street trees, shrubs, or grass on Council property.

4.15.6.4 To sign outgoing correspondence of the Sub-directorate.

4.15.6.5 To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Municipal Manager.

4.15.6.6 Responsible for the health and safety of the section.

4.15.6.7 To chair the Adopt a Spot Committee, which will consider and approve Adopt a Spot applications, as per the relevant policy.

4.15.7 Ad hoc delegations to other officials of the Sub-directorate:

To sign outgoing correspondence of the Sub-directorate as instructed by the Director: Community Services.

4.15.8 Manager: Refuse Collection and Ablution Facilities

4.15.8.1 To grant annual, sick, special, maternity, family responsibility and unpaid leave to employees in the Sub-directorate in accordance with applicable service conditions, relevant legislation and council policy.

4.15.8.2 To sign outgoing correspondence of the sub-directorate.

4.15.8.3 To apply all bylaws, regulations, legislation and policies regarding matters that falls within the functions of the Directorate and to institute legal proceedings against any person who refuses or neglects to comply with the provisions of such regulations or legislation.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.15.8.4 To ensure compliance with, and apply and enforce all waste management, and to sub-delegate powers in terms of this delegation.

4.15.8.5 To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Municipal Manager.

4.15.8.6 Responsible for the health and safety of the section.

4.15.9 Ad hoc delegations to other officials of the Sub-directorate:

To sign outgoing correspondence of the Sub-directorate as instructed by the Divisional Manager: Waste Management and Pollution Control.

4.15.10 Manager: Solid Waste and Shared Services

4.15.10.1 To grant annual, sick, special, maternity, family responsibility and unpaid leave to employees in the Sub-directorate in accordance with applicable service conditions, relevant legislation and council policy.

4.15.10.2 To sign outgoing correspondence of the sub-directorate.

4.15.10.3 To apply all bylaws, regulations, legislation and policies regarding matters that falls within the functions of the Directorate and to institute legal proceedings against any person who refuses or neglects to comply with the provisions of such regulations or legislation.

4.15.10.4 To ensure compliance with, and apply and enforce all waste management, and to sub-delegate powers in terms of this delegation.

4.15.10.5 To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Municipal Manager.

4.15.1.6 Responsible for the health and safety of the section.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.15.11 Ad hoc delegations to other officials of the Sub-directorate:

To sign outgoing correspondence of the Sub-directorate as instructed by the Divisional Manager: Waste Management and Pollution Control.

4.15.12 Manager: Library Services:

4.15.12.1 To grant annual, sick, special, maternity, family responsibility and unpaid leave to employees in the Sub-directorate in accordance with applicable service conditions, relevant legislation and council policy.

4.15.12.2 To sign outgoing correspondence of the Sub-directorate.

4.15.12.3 To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Municipal Manager.

4.15.12.4 Responsible for the health and safety of the section.

4.15.13 Ad hoc delegations to other officials of the Sub-directorate:

To sign outgoing correspondence of the Sub-directorate as instructed by the Director: Community Services.

4.15.14 Manager: Community Development:

4.15.14.1 To grant annual, sick, special, maternity, family responsibility and unpaid leave to employees in the Sub-directorate in accordance with applicable service conditions, relevant legislation and council policy.

4.15.14.2 To sign outgoing correspondence of the Sub-directorate.

4.15.14.3 To authorise the placement of advertisements in public newspapers in accordance with the Council's policy.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.15.14.4 To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Municipal Manager.

4.15.14.5 Responsible for the health and safety of the section.

4.15.15 Ad hoc delegations to other officials of the Sub-directorate:

To sign outgoing correspondence of the Sub-directorate as instructed by the Director: Community Services.

4.16 SPECIFIC POWERS DELEGATED TO THE DIRECTOR: PLANNING AND DEVELOPMENT AND WHERE MENTION IS MADE OF OFFICIALS / EMPLOYEES, IT BEARS THE MEANING OF OFFICIALS / EMPLOYEES UNDER HIS/HER DIRECT CONTROL (IN ADDITION TO POWERS IN TERMS OF THE MUNICIPAL FINANCE MANAGEMENT ACT):

4.16.1 Authorise the temporary use of Council property, which is not covered in terms of any other policies of Council, for single or short-term events, including but not limited to, markets, entertainment or religious events and road camps, for an amount as determined by the Tariff policy and after comments have been obtained from the Manager: Building Control and Building Control Management, subject further to compliance with the Land- Use Planning By-law.

4.16.2 To grant permission for the temporary leasing of Council owned land for a period not exceeding six (6) months, in compliance with relevant policies of Council.

4.16.3 To regulate and arrange for the valuation of property within the Council's area of jurisdiction and in accordance with the provisions of the Municipal Property Rates Act, 2004.

4.16.4 To authorise the expansion and variations of contracts up to a maximum of 20% for construction related goods, services and/or infrastructure projects and 15% for all other goods and/or services, of the original value

APPROVED BY COUNCIL ON 24 APRIL 2025

of the contract, provided that the total value of the contract after expansion or variation, does not exceed R200 000.

4.16.5 Waiving of any tariff, levy or fee related to the mandate and operations of the Directorate upon reasonable motivation, in accordance with the approved Tariff Policy.

4.16.6 All authorizations and powers in terms of the **SPLUMA:** Spatial Planning and Land Use Management Act 2013 (Act 16 of 2013), including SPLUMA Regulations; **LUPA:** Western Cape Land Use Planning Act 2014 (Act 3 of 2014); and Land Use Planning, By-Law; are described in the attached Annexure 4.16(A), which forms part of this Delegation Register.

4.16.7 To submit any application for land use on behalf of Council, to the Provincial Government with such comment and recommendations as may be necessary in terms of Council's resolutions, the Municipal Spatial Development Framework and the provisions of the George Integrated Zoning Scheme By-Law.

4.16.8 Undertake and/ or initiate planning and/ or developments on Council owned land to facilitate strategic and catalytic developments, in accordance with Council resolution, approved strategy, approved KPI or approved budget.

4.16.9 To sign a Power of Attorney in respect of Development of Land and Environmental applications for Council's own land.

4.16.10 To authorize the naming of streets, parking areas, parks and neighbourhoods as per Council policy where there is no objection.

4.16.11 To authorise the appointment of environmental consultants in order to obtain environmental authorization in terms of the applicable environmental law to execute projects on Council land.

4.16.12 To sign building plan applications, submitted on Municipal properties, on behalf of the Municipality.

4.16.13 To approve building plans, except for building plans signed in terms of 4.16.12, recommended by the authorised Building Control Officer, in accordance with applicable legislation and policy.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.16.14 To calculate and certify guaranteed amounts in connection with the construction of services and associated infrastructure as laid out in service agreements and authorise the deduction of such guaranteed amounts.

4.16.15 To recommend all "out of town" travel on municipal business for the Deputy Director, Senior Managers and Managers for approval by the Municipal Manager.

4.16.16 To approve shorter notice periods for termination.

4.16.17 To approve the appointment of a Presiding Officer and/or municipal representative in Disciplinary Hearings and Appeals, in terms of legislation.

4.16.18 Ad hoc delegations to other officials of the Sub-directorate:

4.16.18.1 Delegations in terms of the Land Use Planning By-Law for George Municipality as attached hereto, marked as Annexure 14.16(A).

4.16.18.2 Delegations in terms of the George Integrated Zoning Scheme By-Law attached hereto, marked as Annexure 4.16(B).

4.16.19 Approval of Informal Trading Permits subject to the relevant policy.

4.16.20 Approve claims for travel time related to overtime and ad-hoc kilometres.

4.16.21 Approval of filming permits in accordance with policy and tariffs.

4.16.22 To approve the commencement of disciplinary processes against officials employed within the Directorate.

4.16.23 To grant permission and conclude rental agreements for the occupation of Davidson Court and Rosemoor Units, as well as give notice on termination of occupation according to Council policy.

4.16.24 To approve, enter into and sign contracts and agreements on behalf of the Municipality pertaining to the functions of the Directorate, in accordance with applicable legislation.

4.16.25 To authorise the removal or amendment of redundant conditions in a title deeds, imposed in favour of the Municipality which have no financial implications on Council.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.16.26 To sign the required documents and affidavits, when legal action needs to be taken or defended against an organisation or person by the Municipality in relation to matters of the Sub-Directorate.

4.17 SPECIFIC POWERS DELEGATED TO HEADS IN THE DIRECTORATE: PLANNING AND DEVELOPMENT AND WHERE MENTION IS MADE OF OFFICIALS / EMPLOYEES, IT BEARS THE MEANING OF OFFICIALS / EMPLOYEES UNDER HIS/HER DIRECT CONTROL (IN ADDITION TO POWERS IN TERMS OF THE MUNICIPAL FINANCE MANAGEMENT ACT):

4.17.1 Deputy Director: Development and Environmental Planning

4.17.1.1 To grant annual, sick, special, maternity, family responsibility and unpaid leave for employees in the Sub-directorate in accordance with applicable service conditions, relevant legislation and council policy.

4.17.1.2 To determine the amount of overtime related to after hour services.

4.17.1.3 Approve claims for travel time related to overtime and ad-hoc kilometres.

4.17.1.4 To make recommendations on the permanent appointment of employees on probation in the Sub-directorate on T-grades 4 to 10.

4.17.1.5 To sign outgoing correspondence of the Sub-directorate.

4.17.1.6 To apply all bylaws, regulations, legislation and policies regarding matters that falls within the functions of the Sub-directorate and to institute legal proceedings against any person who refuses or neglects to comply with the provision of such regulations, legislation or policies.

4.17.1.7 To take all the necessary steps, within the Sub-directorate, including the signing of the required documents, to execute the decisions of Council or the Executive Mayor when legal

APPROVED BY COUNCIL ON 24 APRIL 2025

action needs to be taken or defended against an organisation or person by the Municipality.

4.17.1.8 To sign the required documents and affidavits, when legal action needs to be taken or defended against an organisation or person by the Municipality in relation to matters of the Sub-Directorate.

4.17.1.9 To monitor the impact and the effectiveness of any services, policies, programmes and plans.

4.17.1.10 To approve or refuse applications for erection of billboards in the absence of the Manager: Building Control in accordance with the By-Law relating to Outdoor Advertising Management and Control , in consultation with the George Municipality Aesthetics and Heritage Committee.

4.17.1.11 To approve building plans where it concerns Town Planning matters, recommended by the authorized Building Control Officer, in accordance with applicable legislation and policy in the absence of the Manager: Building Control upon written instruction from the Director: Planning and Development.

4.17.1.12 Make determination to advertise a Building Plan, upon recommendation of the Manager: Building Control.

4.17.1.13 To sign application forms on behalf of the Municipality for submission to the Heritage authority for Heritage authorisation pertaining to municipal heritage assets.

4.17.1.14 To sign application forms for land use applications and applications for environmental authorisation, authorized by the Director, on behalf of the Municipality.

4.17.1.15 Drafting, oversight and implementation of the Integrated Zoning Scheme Bylaw.

4.17.1.16 Provide comments on any bordering land use application of a neighbouring municipality, any relevant EIA process and application, planning and or legislative processes.

APPROVED BY COUNCIL ON 24 APRIL 2025

ITEM 4.9 ANNEXURE "A" CONTINUED

4.17.1.17 Approve or refuse land use applications and grant other authorizations as described in terms of the delegations in terms of the Land Use Planning By-Law for George Municipality attached hereto, marked as Annexure 4.16(A), in accordance with the categorization of land use and land development applications.

4.17.1.18 Grant authorizations and execute actions as described in terms of the delegations in terms of the George Integrated Zoning Scheme By-Law attached hereto, marked as Annexure 4.16(B).

4.17.1.19 To issue permits in terms of the Outeniqua Sensitive Coastal Area Regulations or other applicable environmental law, whichever may apply and to which the Municipality is mandated.

4.17.1.20 Issue notice for non-compliance with the Outeniqua Sensitive Coastal Area Regulations, grant or refuse any extensions on Notices served, and take any legal action for non-compliance with such Notice(s).

4.17.1.21 Approval of environmental or heritage management plan, subject to recommendations by environmental and/or heritage officer.

4.17.1.22 To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Director in accordance with the approved Supply Chain Management Policy.

4.17.1.23 Promote health and safety within the sub-directorate.

4.17.1.24 Ad hoc delegations to other officials of the Sub-directorate:

4.17.1.24.1 To sign outgoing correspondence of the Sub-directorate as instructed by the Deputy Director: Town Planning and Environmental Management.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.17.1.24.2 Delegations in terms of the Land Use Planning By-Law for George Municipality as attached hereto, marked as Annexure 14.16(A).

4.17.1.24.3 Delegations in terms of the delegations in terms of the George Integrated Zoning Scheme By-Law attached hereto, marked as Annexure 4.16(B).

4.17.1.25 To grant consent, otherwise referred to as Administrator's consent, where a restrictive condition of title provides for a purpose / parameter with the consent or approval of the Administrator or Townships board as determined in terms of section 39(4) of LUPA.

4.17.1.26 To consider all requests for Administrators Consent or Council's Consent related to a land use or building plan application.

4.17.2 Senior Manager: Spatial & Environmental Planning

4.17.2.1 Grant annual, sick, special, maternity, family responsibility and unpaid leave for employees in the Division in accordance with applicable service conditions, relevant legislation and council policy.

4.17.2.2 Recommend claims for travel time related to overtime and ad-hoc kilometres.

4.17.2.3 Recommend and motivate the required amount of overtime required to the Deputy Director.

4.17.2.4 Approve requests for overtime and time off for work performed relating to after hour services, subject to prior approval as per above.

4.17.2.5 Manage time and attendance within the Division.

4.17.2.6 Make recommendations on the permanent appointment of employees on probation in the Division.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.17.2.7 Sign outgoing correspondence related to the functions of the Division.

4.17.2.8 Approve the use of municipal vehicle in accordance with approved Council policy.

4.17.2.9 Take all the necessary steps, within the Division, including the signing of the required documents, to execute the decisions of Council or the Executive Mayor when legal action needs to be taken or defended against an organisation or person by the Municipality.

4.17.2.10 Approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Director.

4.17.2.11 Monitor the impact and the effectiveness of any services, policies, programmes and plans.

4.17.2.12 Ad hoc delegations to other officials of the Division:

4.17.2.12.1 Sign outgoing correspondence of the Division as instructed by the Senior Manager: Spatial Planning.

4.17.2.13 To grant requests for Administrators Consent related to building plan applications for structures that comply with the approved George Integrated Zoning Scheme By-law and where no land use application in terms of Section 15(2) of the approved Land Use Planning By-law for George Municipality is required.

4.17.2.14 Approve or refuse land development applications and grant other authorizations as described in terms of the delegations in terms of the Land Use Planning By-Law for George Municipality attached hereto, marked as Annexure 4.16(A), in accordance with the categorization of land use and land development applications.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.17.2.15 Provide comments on any bordering land use application of a neighbouring municipality, any relevant EIA process and application, planning and or legislative processes.

4.17.2.16 To sign application forms for land use applications and applications for environmental authorisation, authorized by the Director, on behalf of the Municipality.

4.17.2.17 Issue notice for non-compliance with the Outeniqua Sensitive Coastal Area Regulations, grant or refuse any extensions on Notices served, and take any legal action for non-compliance with such Notice(s).

4.17.2.18 Senior Environmental Officer

4.17.2.18.1 Apply all bylaws, regulations, legislation and policies regarding matters that falls within the functions of the Sub-directorate and to institute legal proceedings against any person who refuses or neglects to comply with the provision of such regulations, legislation or policies.

4.17.2.18.2 Recommend annual, sick, special, maternity, family responsibility and unpaid leave for subordinates in accordance with applicable service conditions, relevant legislation and council policy.

4.17.2.18.3 Ad hoc delegations to other officials of the Division:

4.17.2.18.3.1 Sign outgoing correspondence of the Division as instructed by the Senior Manager: Spatial Planning.

4.17.2.18.4 Provide comments on any bordering land use application of a neighbouring municipality, any relevant EIA process and application, planning and or legislative processes.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.17.2.18.5 Issue notice for non-compliance with the Outeniqua Sensitive Coastal Area Regulations, grant or refuse any extensions on Notices served, and take any legal action for non-compliance with such Notice(s).

4.17.2.18.6 Environmental Officer

4.17.2.18.6.1 Issue Notice for non-compliance with the Outeniqua Sensitive Coastal Area Regulations, consider any extensions on Notices served, and take any legal action for non-compliance with such Notice(s).

4.17.2.18.6.2 Submit environmental management plans pertaining to municipal property to Council for approval.

4.17.2.18.6.3 Draft, consider and recommend environmental management plans, maintenance management plans and rehabilitation plans to Deputy Director for approval.

4.17.2.18.6.4 Undertake scheduled activities on an individual erf.

4.17.2.18.6.5 Ensure all corrective measures are implemented by the offender in execution of a court judgement, in conjunction with other affected Divisions and the Legal department.

4.17.2.18.6.6 Provide comments on any bordering land use application of a neighbouring municipality and any relevant EIA process.

4.17.2.18.6.7 Enforce applicable environmental law within assigned designation and municipal mandate.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.17.2.18.6.8 Monitor effectiveness of environmental policies and compliance of such policies with applicable environmental law.

4.17.2.19 Principal Technician: GIS

4.17.2.19.1 Grant authorizations and execute actions as described in terms of the delegations in terms of the George Integrated Zoning Scheme By-Law attached hereto, marked as Annexure 4.16(B).

4.17.2.19.2 Recommend claims for travel time related to overtime and ad-hoc kilometres.

4.17.2.19.3 Recommend and motivate the required amount of overtime required to the Deputy Director.

4.17.2.19.4 Manage time and attendance within the Division

4.17.2.19.5 Sign outgoing correspondence related to the functions of the Section.

4.17.2.19.6 Take all the necessary steps, within the Section, including the signing of the required documents, to execute the decisions of Council or the Executive Mayor when legal action needs to be taken or defended against an organisation or person by the Municipality.

4.17.2.19.7 Approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Director.

4.17.2.19.8 Monitor the impact and the effectiveness of any services, policies, programmes and plans.

4.17.2.19.9 Promote health and safety within the Section.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.17.2.19.10 Ad hoc delegations to other officials of the Section:

4.17.2.19.10.1 To sign outgoing correspondence of the Sub-directorate as instructed by the Manager

4.17.2.19.10.2 Monitor time and attendance of teams as instructed by the Manager.

4.17.2.19.11 Sign data sharing agreements related to data needed for updates to the GIS data layers, on behalf of the Municipality.

4.17.2.19.12 Sign, authorize and submit applications for status certificates to the Surveyor General's office.

4.17.2.19.13 Recommend annual, sick, special, maternity, family responsibility and unpaid leave for subordinates in accordance with applicable service conditions, relevant legislation and council policy.

4.17.3 Senior Manager: Town Planning

4.17.3.1 Recommend annual, sick, special, maternity, family responsibility and unpaid leave for employees in the Division in accordance with applicable service conditions, relevant legislation and council policy.

4.17.3.2 Recommend claims for travel time related to overtime and ad-hoc kilometres.

4.17.3.3 Recommend and motivate the required amount of overtime required to the Deputy Director.

APPROVED BY COUNCIL ON 24 APRIL 2025

ITEM 4.9 ANNEXURE "A" CONTINUED

4.17.3.4	Approve requests for overtime and time off for work performed relating to after hour services, subject to prior approval as per above.
4.17.3.5	Manage time and attendance within the Division
4.17.3.6	Make recommendations on the permanent appointment of employees on probation in the Division.
4.17.3.7	Sign outgoing correspondence related to the functions of the Division.
4.17.3.8	Approve the use of municipal vehicle in accordance with approved Council policy.
4.17.3.9	Approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Director.
4.17.3.10	Monitor the impact and the effectiveness of any services, policies, programmes and plans.
4.17.3.11	Take all the necessary steps, within the Division, including the signing of the required documents, to execute the decisions of Council or the Executive Mayor when legal action needs to be taken or defended against an organisation or person by the Municipality.
4.17.3.12	Issue and sign certificates in compliance with any requirements of the Registrar of Deeds and Surveyor General conditions of approval, requirements of the Land-Use Planning By-Law and the Zoning Scheme have been complied with.
4.17.3.13	Approve or refuse land development applications and grant other authorizations as described in terms of the delegations in terms of the Land Use Planning By-Law for George Municipality attached hereto, marked as Annexure 4.16(A), in accordance with categorization of land use and land development applications.

APPROVED BY COUNCIL ON 24 APRIL 2025

ITEM 4.9 ANNEXURE "A" CONTINUED

4.17.3.14 Grant authorizations and execute actions as described in terms of the delegations in terms of the George Integrated Zoning Scheme By-Law attached hereto, marked as Annexure 4.16(B).

4.17.3.15 Decide which owners of land may have an interest in a particular land use planning application and should therefore be served with a notice of such an application.

4.17.3.16 Determine in which newspaper(s) / gazette a notice regarding a particular land use planning application should be placed.

4.17.3.17 Issue Notice for non-compliance with conditions of approval, consider any extensions on Notices served, and take any legal action for non-compliance with such Notice(s).

4.17.3.18 Sign the required documents and affidavits, when legal action needs to be taken or defended against an organisation or person by the Municipality in relation to matters of the Division and provide guidance and information required to the Division for Compliance and Litigation, Legal Services department and appointed attorneys related to the functions of the sub-directorate.

4.17.3.19 Ensure all corrective measures are implemented by the offender in execution of a court judgement, in conjunction with other affected Divisions and the Legal department.

4.17.3.20 Apply all bylaws, regulations, legislation and policies regarding matters that falls within the functions of the Sub-directorate and to institute legal proceedings against any person who refuses or neglects to comply with the provision of such regulations, legislation or policies.

4.17.3.21 Promote health and safety within the Division.

4.17.3.22 Ad hoc delegations to other officials of the Division:

4.17.3.22.1 To sign outgoing correspondence of the Division.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.17.3.22.2 Monitor time and attendance of teams as instructed.

4.17.3.23 To grant requests for Administrators Consent related to building plan applications for structures that comply with the approved George Integrated Zoning Scheme By-law and where no land use application in terms of Section 15(2) of the approved Land Use Planning By-law for George Municipality is required.

4.17.3.24 Senior Land Use Officer

4.17.3.24.1 Apply all bylaws, regulations, legislation and policies regarding matters that falls within the functions of the Sub-directorate.

4.17.3.24.2 Decide which owners of land may have an interest in a particular land use planning application and should therefore be served with a notice of such an application.

4.17.3.24.3 Recommend annual, sick, special, maternity, family responsibility and unpaid leave for subordinates in accordance with applicable service conditions, relevant legislation and council policy.

4.17.4 Senior Town Planners

4.17.4.1 Grant other authorizations and execute actions as described in terms of the delegations in terms of the George Integrated Zoning Scheme By-Law attached hereto, marked as Annexure 4.16(B).

4.17.4.2 Apply all bylaws, regulations, legislation and policies regarding matters that falls within the functions of the Sub-directorate and to institute legal proceedings against any person who refuses or neglects to comply with the provision of such regulations, legislation or policies.

4.17.4.3 Decide which owners of land may have an interest in a

APPROVED BY COUNCIL ON 24 APRIL 2025

particular land use planning application and should therefore be served with a notice of such an application.

4.17.4.4 Recommend annual, sick, special, maternity, family responsibility and unpaid leave for subordinates in accordance with applicable service conditions, relevant legislation and council policy.

4.17.5 Manager: Land Development & Regulatory Compliance

4.17.5.1 Recommend annual, sick, special, maternity, family responsibility and unpaid leave for employees in the Division in accordance with applicable service conditions, relevant legislation and council policy.

4.17.5.2 Recommend claims for travel time related to overtime and ad-hoc kilometres.

4.17.5.3 Recommend and motivate the required amount of overtime required to the Deputy Director.

4.17.5.4 Approve requests for overtime and time off for work performed relating to after hour services, subject to prior approval as per above.

4.17.5.5 Manage time and attendance within the Division.

4.17.5.6 Make recommendations on the permanent appointment of employees on probation in the Division.

4.17.5.7 Sign outgoing correspondence related to the functions of the Division.

4.17.5.8 Approve the use of municipal vehicle in accordance with approved Council policy.

4.17.5.9 Approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Director.

4.17.5.10 Monitor the impact and the effectiveness of any services, policies, programmes and plans.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.17.5.11 Take all the necessary steps, within the Division, including the signing of the required documents, to execute the decisions of Council or the Executive Mayor when legal action needs to be taken or defended against an organisation or person by the Municipality.

4.17.5.12 Issue and sign certificates in compliance with any requirements of the Registrar of Deeds and Surveyor General conditions of approval, requirements of the Land-Use Planning By-Law and the George Integrated Zoning Scheme By-law have been complied with.

4.17.5.13 Grant authorizations and execute actions as described in terms of the delegations in terms of the George Integrated Zoning Scheme By-Law attached hereto, marked as Annexure 4.16(B).

4.17.5.14 Issue Notice for the removal of any unauthorised advertising signs, consider any extensions on Notices served, and take any legal action for non-compliance with such Notice(s).

4.17.5.15 Sign the required documents and affidavits, when legal action needs to be taken or defended against an organisation or person by the Municipality in relation to matters of the Division and provide guidance and information required to the Legal department and appointed attorneys related to the functions of the sub-directorate.

4.17.5.16 Ensure all corrective measures are implemented by the offender in execution of a court judgement, in conjunction with other affected Divisions and the Legal department.

4.17.5.17 Apply all bylaws, regulations, legislation and policies regarding matters that falls within the functions of the Sub-directorate and to institute legal proceedings against any person who refuses or neglects to comply with the provision of such regulations, legislation or policies.

4.17.5.18 Promote health and safety within the Division.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.17.5.19 Ad hoc delegations to other officials of the Division:

4.17.5.19.1 To sign outgoing correspondence of the Division.

4.17.5.19.2 Monitor time and attendance of teams as instructed.

4.17.5.20 Building and Town Planning inspector

4.17.5.20.1 Issue notice of illegal building works, unauthorized advertising signage or illegal land use as determined in job description.

4.17.5.20.2 Sign outgoing correspondence of the Section.

4.17.5.20.3 Sign the required documents and affidavits, when legal action needs to be taken or defended against an organisation or person by the Municipality in relation to matters of the Section.

4.17.5.20.4 Issue fines in terms of relevant legislation.

4.17.5.20.5 Confiscate temporary signage, placed illegally and in contravention of approved Outdoor Advertising By-Law.

4.17.6 Manager: Building Control

4.17.6.1 Grant annual, sick, special, maternity, family responsibility and unpaid leave for employees in the Division in accordance with applicable service conditions, relevant legislation and council policy.

4.17.6.2 Approve claims for travel time related to overtime and ad-hoc kilometres.

4.17.6.3 Recommend and motivate the required amount of overtime required to the Deputy Director.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.17.6.4 Approve requests for overtime and time off for work performed relating to after hour services, subject to prior approval as per above.

4.17.6.5 Manage time and attendance within the Division

4.17.6.6 Make recommendations on the permanent appointment of employees on probation in the Division.

4.17.6.7 Sign outgoing correspondence related to the functions of the Division.

4.17.6.8 Take all the necessary steps, within the Division, including the signing of the required documents, to execute the decisions of Council or the Executive Mayor when legal action needs to be taken or defended against an organisation or person by the Municipality.

4.17.6.9 Approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Director.

4.17.6.10 Monitor the impact and the effectiveness of any services, policies, programmes and plans.

4.17.6.11 Authorise refunds of auction and poster deposit.

4.17.6.12 Authorise refunds (full of partial) of application fees for applications administered by the division, withdrawn prior to an outcome being provided.

4.17.6.13 Monitor the impact and the effectiveness of any services, policies, programmes and plans.

4.17.6.14 Approve refunds of builders' deposits and building plan fees.

4.17.6.15 Imposition or waiving of building plan tariffs for unauthorised building works in accordance with the approved Tariffs.

4.17.6.16 Sign the required documents and affidavits, when legal action needs to be taken or defended against an organisation or person by the Municipality in relation to matters of the Division and provide guidance and information required to the Division

APPROVED BY COUNCIL ON 24 APRIL 2025

for Compliance and Litigation, Legal Services department and appointed attorneys related to the functions of the Division.

All Managers and supervisors in Building Control

4.17.6.17 Function as Building Control Officer as mandated by the National Building Regulations and Building Standards Act, Act 103 of 1977 (as amended).

4.17.6.18 Approve or refuse to grant approval for building plans in accordance with applicable legislation and policy and in consultation with service departments and George Municipality Aesthetics and Heritage Committee , where applicable.

4.17.6.19 Approve the extension of a building plan validity period beyond the twelve (12) month period as per the National Building Regulations, provided the building plan conforms to the Zoning Scheme By-law and other applicable by-laws, as may be amended and the total period of validity does not exceed 24 months.

4.17.6.20 Issue a permit / order for demolition of structures in terms of the National Building Regulations and Building Standards Act, Act 103 of 1977, subject to approval from heritage authorities, where required.

4.17.6.21 Allow a 2500l capacity rainwater harvesting tank where the property's physical characteristics do not allow for the required 5000l capacity tank.

4.17.6.22 Approve the construction of wooden frame homes in consultation with the George Municipality Aesthetics and Heritage Committee.

4.17.6.23 Approve a departure of the minimum ceiling height of buildings to a minimum of 2,1 meters.

4.17.6.24 Allow temporary structures for single events or over a short-term period, including tents for events, storage facilities like containers, temporary ablutions, etc., in consultation with other

APPROVED BY COUNCIL ON 24 APRIL 2025

affected Divisions and subject to required authorizations in terms of other relevant by-laws.

4.17.6.25 Approve/refuse applications for erection of outdoor advertising signs in accordance with the By-Law relating to Outdoor Advertising Management and Control in consultation with the George Municipality Aesthetics and Heritage Committee.

4.17.6.26 Sign applications on behalf of the Municipality for Heritage authorisation pertaining to municipal heritage assets.

4.17.6.27 Grant authorizations and execute actions as described in terms of the delegations in terms of the George Integrated Zoning Scheme By-Law attached hereto, marked as Annexure 4.16(B).

4.17.6.28 **Building Control Officer (including Chief Plans Examiner)**

4.17.6.28.1 Recommend annual, sick, special, maternity, family responsibility and unpaid leave for employees in the Section in accordance with applicable service conditions, relevant legislation and council policy.

4.17.6.28.2 Function as Building Control Officer as mandated by the National Building Regulations and Building Standards Act, Act 103 of 1977 (as amended).

4.17.6.28.3 Recommend building plans in accordance with applicable legislation and policy.

4.17.6.28.4 Sign the required documents and affidavits, when legal action needs to be taken or defended against an organisation or person by the Municipality in relation to matters of the Section.

4.17.6.28.5 Issue notice to rectify or alter unsafe and/ or unsightly and/or neglected buildings.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.17.6.28.6 Grant occupancy certificate, subject to compliance with the National Building Regulations and Building Standards Act, Act 103 of 1977 (as amended).

4.17.6.28.7 Grant exemption of buildings from the National Building Regulations and authorization for the erection thereof in terms of section 13 of the National Building Regulations and Building Standards Act, Act 103 of 1977 (as amended).

4.17.6.28.8 Ad hoc delegations to other officials of the Division.

4.17.6.28.9 **Building Inspector (Building Control) & Plans Examiner**

4.17.6.28.9.1 Apply all bylaws, regulations, legislation and policies regarding matters that falls within the functions of the Sub-directorate and to institute legal proceedings against any person who refuses or neglects to comply with the provision of such regulations, legislation or policies.

4.17.6.28.9.2 Institute legal action where non-compliance with the Building Regulations and Outdoor advertising by-Laws occurs.

4.17.6.28.9.3 Issue notice for the removal of any unauthorised advertising signs, consider any extensions on notices served, and take any legal action for non-compliance with such notice(s).

4.17.6.28.9.4 Grant extension of time for any notice of compliance re illegal or unfinished building works, or unsafe and/ or unsightly and/ or neglected buildings, subject to applicable by-laws and in consultation with other affected Divisions.

4.17.6.28.9.5 Sign the required documents and affidavits, when legal action needs to be taken or defended against an organisation or person by the Municipality in relation to matters of the Division.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.17.6.28.9.6 Ensure all corrective measures are implemented by the offender in execution of a court judgement, in conjunction with other affected Divisions and the Legal department.

4.17.6.28.9.7 Promote health and safety within the Division.

4.17.7 Manager: Development Facilitation

4.17.7.1 Recommend annual, sick, special, maternity, family responsibility and unpaid leave for employees in the Director's Secretariat in accordance with applicable service conditions, relevant legislation and council policy.

4.17.7.2 To make recommendations on the permanent appointment of employees under the Secretariat on probation on T-grades 4 to 10.

4.17.7.3 To sign outgoing correspondence of the Sub-directorate.

4.17.7.4 To apply all bylaws, regulations, legislation and policies regarding matters that falls within the functions of the Sub-directorate.

4.17.7.5 To take all the necessary steps, within the Sub-directorate, including the signing of the required documents, to execute the decisions of Council or the Executive Mayor when legal action needs to be taken or defended against an organisation or person by the Municipality.

4.17.7.6 To monitor the impact and the effectiveness of any services, policies, programmes and plans.

4.17.7.7 Provide comments on development strategies, strategic frameworks and draft integrated development plans of neighbouring municipalities, including comment on legislative processes relating to the functionality of the section.

4.17.7.8 To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Director in accordance with the approved Supply Chain Management Policy.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.17.7.9 Promote health and safety within the sub-directorate.

4.17.8 Deputy Director: Strategic Services and Economic Development

4.17.8.1 To grant annual, sick, special, maternity, family responsibility and unpaid leave for employees in the Sub-directorate in accordance with applicable service conditions, relevant legislation and council policy.

4.17.8.2 To determine the amount of overtime related to after hour services.

4.17.8.3 Recommend claims for travel time related to overtime and ad-hoc kilometres.

4.17.8.4 To make recommendations on the permanent appointment of employees on probation in the Sub-directorate on T-grades 4 to 10.

4.17.8.5 To sign outgoing correspondence of the Sub-directorate.

4.17.8.6 To apply all bylaws, regulations, legislation and policies regarding matters that falls within the functions of the Sub-directorate and to institute legal proceedings against any person who refuses or neglects to comply with the provision of such regulations, legislation or policies.

4.17.8.7 To take all the necessary steps, within the Sub-directorate, including the signing of the required documents, to execute the decisions of Council or the Executive Mayor when legal action needs to be taken or defended against an organisation or person by the Municipality.

4.17.8.8 To sign the required documents and affidavits, when legal action needs to be taken or defended against an organisation or person by the Municipality in relation to matters of the Sub-Directorate.

4.17.8.9 To monitor the impact and the effectiveness of any services, policies, programmes and plans.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.17.8.10 Provide comments on development strategies and draft integrated development plans of neighbouring municipalities, including comment on legislative processes relating to the functionality of the section.

4.17.8.11 Ad hoc delegations to other officials of the Sub-directorate:

4.17.8.11.1 To sign outgoing correspondence of the Sub-directorate as instructed by the Strategic Services and Economic Development.

4.17.8.12 Approval of Informal Trading Permits subject to the relevant policy.

4.17.8.13 To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Director in accordance with the approved Supply Chain Management Policy.

4.17.8.14 Promote health and safety within the sub-directorate.

4.17.8.15 Approve the use of municipal vehicle in accordance with approved Council policy.

4.17.8.16 Consider and approves a Contractor Development Program for small contractors, under the Expanded Public Works Programme.

4.17.9 Managers: Economic Development & Tourism

4.17.9.1 Grant annual, sick, special, maternity, family responsibility and unpaid leave for employees in the Division in accordance with applicable service conditions, relevant legislation and council policy.

4.17.9.2 Recommend claims for travel time related to overtime and ad-hoc kilometres.

4.17.9.3 Recommend and motivate the required amount of overtime required to the Deputy Director.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.17.9.4 Approve requests for overtime and time off for work performed relating to after hour services, subject to prior approval as per above.

4.17.9.5 Manage time and attendance within the Division.

4.17.9.6 Make recommendations on the permanent appointment of employees on probation in the Division.

4.17.9.7 Sign outgoing correspondence related to the functions of the Division.

4.17.9.8 Approve the use of municipal vehicle in accordance with approved Council policy.

4.17.9.9 Take all the necessary steps, within the Division, including the signing of the required documents, to execute the decisions of Council or the Executive Mayor when legal action needs to be taken or defended against an organisation or person by the Municipality.

4.17.9.10 Approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Director.

4.17.9.11 Monitor the impact and the effectiveness of any services, policies, programmes and plans.

4.17.9.12 Promote health and safety within the Division.

4.17.9.13 Ad hoc delegations to other officials of the Division:

4.17.9.13.1 To sign outgoing correspondence of the Sub-directorate as instructed by the Manager

4.17.9.13.2 Monitor time and attendance of teams as instructed by the Manager

4.17.9.14 Approve the use of municipal vehicle in accordance with approved Council policy.

4.17.9.15 EPWP Project Coordinator:

4.17.9.15.1 To grant annual, sick, special, maternity, family responsibility and unpaid leave to employees in

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the Sub-directorate in accordance with applicable service conditions, relevant legislation and Council policy.

4.17.9.15.2 To sign outgoing correspondence of the Subdirectorate.

4.17.9.15.3 To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Municipal Manager.

4.17.9.15.3 Responsible for the health and safety of the section.

4.17.10 Manager: Tourism / Manager: Investment Properties / Manager: IDP, Performance Management and SDBIP

4.17.10.1 Monitor the impact and the effectiveness of any services, policies, programmes and plans.

4.17.10.2 Grant annual, sick, special, maternity, family responsibility and unpaid leave for employees in the Division in accordance with applicable service conditions, relevant legislation and council policy.

4.17.10.3 Recommend claims for travel time related to overtime and ad-hoc kilometres.

4.17.10.4 Recommend and motivate the required amount of overtime required to the Deputy Director.

4.17.10.5 Approve requests for overtime and time off for work performed relating to after hour services, subject to prior approval as per above.

4.17.10.6 Manage time and attendance within the Division

4.17.10.7 Make recommendations on the permanent appointment of employees on probation in the Division.

4.17.10.8 Sign outgoing correspondence related to the functions of the Division.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.17.10.9 Take all the necessary steps, within the Division, including the signing of the required documents, to execute the decisions of Council or the Executive Mayor when legal action needs to be taken or defended against an organisation or person by the Municipality.

4.17.10.10 Approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Director.

4.17.10.11 Promote health and safety within the Division.

4.17.10.12 Ad hoc delegations to other officials of the Division:

4.17.10.12.1 To sign outgoing correspondence of the Sub-directorate as instructed by the Manager

4.17.10.12.2 Monitor time and attendance of teams as instructed by the Manager

4.17.10.13 To approve events posters, as per the approved policy.

4.17.10.14 Recommend the issuing of the Informal Trading Permits from the Municipal demarcated trading sites for approval by the Deputy Director.

4.17.10.15 Approve the use of municipal vehicle in accordance with approved Council policy.

4.17.11 Supervisors (middle management) in the Branch Economic Development & Tourism

4.17.11.1 Apply all bylaws, regulations, legislation and policies regarding matters that falls within the functions of the Sub-directorate and to institute legal proceedings against any person who refuses or neglects to comply with the provision of such regulations, legislation or policies.

4.17.11.2 Recommend annual, sick, special, maternity, family responsibility and unpaid leave for subordinates in accordance with applicable service conditions, relevant legislation and council policy.

APPROVED BY COUNCIL ON 24 APRIL 2025

ITEM 4.9 ANNEXURE "A" CONTINUED

4.17.12 Divisional Manager: Integrated Human Settlements:

4.17.12.1 To grant annual, sick, special, maternity, family responsibility and unpaid leave to employees in the Sub-directorate in accordance with applicable service conditions, relevant legislation and council policy.

4.17.12.2 To make recommendations on the permanent appointment of employees on probation in the Sub-directorate on T-grades 10 - 1.

4.17.12.3 To monitor the impact and the effectiveness of any services, policies, programmes and plans.

4.17.12.4 To approve/refuse applications for sites for Government Subsidy Housing Schemes.

4.17.12.5 To approve/refuse waiting lists for houses of Government Schemes.

4.17.12.6 To allocate sites and to sign Agreements of Sale for Government Subsidy Housing Schemes.

4.17.12.7 To approve/refuse the change of ownership of houses in terms of the Government Housing Policy.

4.17.12.8 To sign outgoing correspondence of the Sub-directorate.

4.17.12.9 To allocate houses in terms of Government policy for Government Housing Schemes.

4.17.12.10 To take all the necessary steps, within his or her sub-directorate, including the signing of the required documents, to execute the decisions of Council or the Executive Mayor when legal action needs to be taken or defended against an organisation or person by the Municipality.

4.17.12.11 To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Municipal Manager.

4.17.12.12 Ad hoc delegations to other officials of the Sub-directorate:

APPROVED BY COUNCIL ON 24 APRIL 2025

4.17.12.12.1 To sign outgoing correspondence of the Sub-directorate as instructed by the Sub-Directorate Human Settlements.

4.17.12.13 Approve the use of municipal vehicle in accordance with approved Council policy.

4.17.13 Project Manager: Housing Projects

4.17.13.1 Grant annual, sick, special, maternity, family responsibility and unpaid leave for employees in the Division in accordance with applicable service conditions, relevant legislation and council policy.

4.17.13.2 Recommend claims for travel time related to overtime and ad-hoc kilometres.

4.17.13.3 Recommend and motivate the required amount of overtime required to the Deputy Director.

4.17.13.4 Approve requests for overtime and time off for work performed relating to after hour services, subject to prior approval as per above.

4.17.13.5 Manage time and attendance within the Division

4.17.13.6 Make recommendations on the permanent appointment of employees on probation in the Division.

4.17.13.7 Sign outgoing correspondence related to the functions of the Division.

4.17.13.8 Take all the necessary steps, within the Division, including the signing of the required documents, to execute the decisions of Council or the Executive Mayor when legal action needs to be taken or defended against an organisation or person by the Municipality.

4.17.13.9 Monitor the impact and the effectiveness of any services, policies, programmes and plans.

4.17.13.10 Promote health and safety within the Division.

4.17.13.11 Ad hoc delegations to other officials of the Division:

APPROVED BY COUNCIL ON 24 APRIL 2025

4.17.13.11.1 To sign outgoing correspondence of the Sub-directorate as instructed by the Manager

4.17.13.11.2 Monitor time and attendance of teams as instructed by the Manager

4.17.13.12 To recommend applications for sites for Government Subsidy Housing Schemes.

4.17.13.13 To recommend waiting lists for houses of Government Schemes.

4.17.13.14 To recommend the change of ownership of houses in terms of the Government Housing Policy.

4.17.14 Manager: Housing Administration / Senior Housing Administrative officer

4.17.14.1 Grant annual, sick, special, maternity, family responsibility and unpaid leave for employees in the Division in accordance with applicable service conditions, relevant legislation and council policy.

4.17.14.2 Recommend claims for travel time related to overtime and ad-hoc kilometres.

4.17.14.3 Recommend and motivate the required amount of overtime required to the Deputy Director.

4.17.14.4 Recommend requests for overtime and time off for work performed relating to after hour services, subject to prior approval as per above.

4.17.14.5 Manage time and attendance within the Division

4.17.14.6 Make recommendations on the permanent appointment of employees on probation in the Division.

4.17.14.7 Sign outgoing correspondence related to the functions of the Division.

4.17.14.8 Take all the necessary steps, within the Division, including the signing of the required documents, to execute the decisions of Council or the Executive Mayor when legal action needs to

APPROVED BY COUNCIL ON 24 APRIL 2025

be taken or defended against an organisation or person by the Municipality.

4.17.14.9 Monitor the impact and the effectiveness of any services, policies, programmes and plans.

4.17.14.10 Promote health and safety within the Division.

4.17.14.11 Ad hoc delegations to other officials of the Division:

4.17.14.11.1 To sign outgoing correspondence of the Sub-directorate as instructed by the Manager

4.17.14.11.2 Monitor time and attendance of teams as instructed by the Manager

4.18 SPECIFIC POWERS DELEGATED TO THE DIRECTOR: ELECTRICAL ENGINEERING AND WHERE MENTION IS MADE OF OFFICIALS / EMPLOYEES, IT BEARS THE MEANING OF OFFICIALS / EMPLOYEES UNDER HIS/HER DIRECT CONTROL (IN ADDITION TO POWERS IN TERMS OF THE MUNICIPAL FINANCE MANAGEMENT ACT)

4.18.1 To consider and approve applications for the erection of streetlights in accordance with Council policy.

4.18.2 To perform all functions and exercise all powers entrusted to the Council in terms of the Electricity Supply Regulations or to delegate such functions and powers to the competent official in the municipality.

4.18.3 To apply all the conditions of the occupational Health and Safety Act in terms of section 16.2.

4.18.4 To sign agreements with Eskom regarding the increase in electricity maximum demand.

4.18.5 To sign agreements with the Department of Energy regarding electrification projects.

4.18.6 To sign agreements of technical nature regarding way-leaves and contract documents in respect of construction.

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4.18.7 To authorise the appointment of environmental consultants in order to obtain environmental approval in terms of the National Environmental Management Act.

4.18.8 To approve the cancellation of unused/redundant electrical and water servitudes.

4.18.9 To sign wayleave agreements in respect of optic fibre cables.

4.18.10 To authorise the expansion and variations of contracts up to a maximum of 20% of the contract value provided that the expansion or variation does not exceed R200 000.

4.18.11 To authorise planned interruptions in respect of water and electricity supplies for periods in excess of 6 hours.

4.18.12 To authorise the submission of documentation to DEADP in respect of EIA approvals.

4.19 SPECIFIC POWERS DELEGATED TO THE HEADS IN THE DIRECTORATE ELECTRICAL ENGINEERING AND WHERE MENTION IS MADE OF OFFICIALS / EMPLOYEES, IT BEARS THE MEANING OF OFFICIALS / EMPLOYEES UNDER HIS/HER DIRECT CONTROL (IN ADDITION TO POWERS IN TERMS OF THE MUNICIPAL FINANCE MANAGEMENT ACT)

4.19.1 Principle Engineers / Senior Engineer except Principle Engineer: Infrastructure

4.19.1.1 To grant annual, sick, special, maternity, family responsibility and unpaid leave to employees in the Sub-directorate in accordance with applicable service conditions, relevant legislation and council policy.

4.19.1.2 To sign outgoing correspondence of the Sub-directorate.

4.19.1.3 To authorise payment for working overtime in cases of emergency and with the approval of the relevant Director.

4.19.1.4 To apply all the conditions of the Occupational Health And Safety Act in terms of Section 16.2.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.19.1.5 To perform all functions and exercise all powers entrusted to the Council in terms of the Electricity Supply Regulations.

4.19.1.6 To authorise payments to Eskom on a monthly basis for the various bulk supplies which are in excess of R200 000,00 / invoice without official orders.

4.19.1.7 To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Municipal Manager.

4.19.1.8 Responsible for the health and safety of the section.

4.19.2 Principle Engineers / Senior Engineer: INFRASTRUCTURE

4.19.2.1 To grant annual, sick, special, maternity, family responsibility and unpaid leave to employees in the Sub-directorate in accordance with applicable service conditions, relevant legislation and council policy.

4.19.2.2 To sign outgoing correspondence of the Sub-directorate.

4.19.2.3 To authorise payment for working overtime in cases of emergency and with the approval of the relevant Director.

4.19.2.4 To apply all the conditions of the General Machinery Regulations 2(1) of the Occupational Health and Safety Act as appointed Supervisor of Machinery (Competent Person)

4.19.2.5 To perform all functions and exercise all powers entrusted to the Council in terms of the Electricity Supply Regulations.

4.19.2.6 To authorise payments to Eskom on a monthly basis for the various bulk supplies which are in excess of R200 000,00 / invoice without official orders.

4.19.2.7 To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Municipal Manager.

4.19.2.8 Responsible for the health and safety of the section.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.19.3. Ad hoc delegations to other officials of the Sub-directorate:

To sign outgoing correspondence of the Sub-directorate as instructed by the Principle Engineers / Senior Engineer.

4.20 SPECIFIC POWERS DELEGATED TO THE DIRECTOR: COMMUNITY SAFETY AND MOBILITY AND WHERE MENTION IS MADE OF OFFICIALS / EMPLOYEES, IT BEARS THE MEANING OF OFFICIALS / EMPLOYEES UNDER HIS/HER DIRECT CONTROL (IN ADDITION TO POWERS IN TERMS OF THE MUNICIPAL FINANCE MANAGEMENT ACT)

4.20.1 To apply all bylaws, regulations, legislation and policies regarding matters that falls within the functions of the Directorate and to institute legal proceedings against any person who refuses or neglects to comply with the provisions of such regulations or legislation.

4.20.2 To place the facilities and equipment of the Directorate at the disposal of approved associations and organisations in accordance with the Council's policy.

4.20.3 To consider and approve assistance related to the functions of the Directorate outside the municipal area with consideration to local needs and circumstances in consultation with the Municipal Manager.

4.20.4 To approve chalet accommodation for guests of the Municipality, in lieu of private accommodation, when the Municipality is responsible to provide accommodation to such guests.

4.20.5 To grant the rights to use municipal facilities and to conclude and sign the necessary agreements for a period not exceeding three (3) years where tariffs are determined in the annual budget and on condition that the granting of such right does not amount to sole usage of the facility, and as a public participation process precedes the determination of the tariffs, no public participation process be followed in this regard.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.20.6 To grant, annual, sick, special, maternity, family responsibility and unpaid leave to officials under his/her direct control in terms of the applicable service conditions of the Council.

4.20.7 To authorise officials at his/her discretion to undertake journeys on the business of the Council.

4.20.8 To authorise the payment of the subsistence and travel expenses to officials undertaking authorised trips as well as to persons invited for interviews or other official visits to the Municipality.

4.20.9 To authorise officials who do not receive a fixed or running transport allowance to make official trips with their private vehicles, and to remunerate such officials in accordance with the transport scheme and Council's policy.

4.20.10 To authorise officials at his/her discretion to attend training courses, seminars and lectures within the limitations of allocated discretionary funds and on condition that a report on the course etc. is afterwards submitted to the relevant director and Committee.

4.20.11 To approve the use of Municipal vehicles outside the Municipal area for official purposes.

4.20.12 To accept a shorter period of notice for termination of service than is required by the service conditions.

4.20.13 To authorise payment for working of overtime and consequent remuneration in accordance with the regulations, applicable legislation and councils policies and provided budgeted funds are available.

4.20.14 To approve quotations and where necessary, enter into contracts, subject to Council's Supply Chain Management Policy, for obtaining goods and services applicable to the functions of the Directorate, provided that the annual expense has been budgeted for.

4.20.15 To enter into and sign contracts as approved by the Bid Adjudication Committee subject to Council's Supply Chain Management Policy, for obtaining goods and services applicable to the functions of the Directorate on contracts up to an amount of R10 million and provided the expense has been budgeted for.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.20.16 To approve, enter into and sign contracts and agreements on behalf of the Municipality pertaining to the relevant directorate of the Director and provided the expense has been budgeted for.

4.20.17 To certify payments for final payment to service providers in terms of applicable legislation and policy.

4.20.18 To appoint employees on T-grades 14 - 1 in terms of applicable legislation and Council policy.

4.20.19 To make recommendations to the Municipal Manager on the audit report.

4.20.20 To approve/reject inter-departmental staff transfers on T-grades below 14, subject to relevant labour relations legislation and Council's policy.

4.20.21 To authorise the placement of advertisements in public newspapers in accordance with the Council's policy.

4.20.22 To approve/reject the issue of cellular telephones to officials in terms of the cell phone policy in a director's directorate in terms of Council's policy and provided budgeted funds are available.

4.20.23 To approve/reject the payment of a cellular phone allowance to officials in a director's directorate in terms of Council's policy and provided budgeted funds are available.

4.20.24 To approve/reject Internet access to officials who need such facility in the execution of their duties in accordance with Council Policy.

4.20.25 To approve/reject any legitimate claim for compensation that occurred in a directorate, up to an amount of R 10 000,00 provided that such decisions are reported to Council as soon as possible.

4.20.26 To approve/reject that officials in a director's directorate who require Public Drivers Permits in the line of their duties apply for the issue and renewal of such permits and to authorise the payment of the required fees for such permits.

4.20.27 To approve/reject applications by bona fide students, undergoing practical training in the municipality as part of a recognised course, for payment of a grant as per Council resolution.

4.20.28 To incur appropriate entertainment expenses within the approved budget.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.20.29 To approve the appointment of officials to act in other positions for a period as determined by the standard conditions of service.

4.20.30 To appoint Land Surveyors, Architects, Engineers and other professional service providers when required by legislation and in terms of the Supply Chain Management Policy or otherwise.

4.20.31 To exercise, as may be appropriate, any of the powers delegated to any other employee in the relevant directorate.

4.20.32 To approve the re-allocation of savings or funds (in terms of the virement policy).

4.20.33 To grant approval, in terms of the leave regulations, where an official, due to operational reasons, is unable to take his/her leave and the Director may authorise such leave payment.

4.20.34 To grant approval for the payment of leave where an official has exceeded his/her 48 days leave and such employee is unable to take such leave due to operational reasons, provided funds are available.

4.20.35 To approve the payment of professional and other membership fees in terms of the Council's policy and resolutions.

4.20.36 To apply the conditions and to perform all applicable duties of the Occupational Health and Safety Act as a section 16(2) appointee in terms of the said Act.

4.20.37 To apply all bylaws, regulations, legislation and policies regarding matters that falls within the functions of the Directorate and to institute legal proceedings against any person who refuses or neglects to comply with the provision of such regulations, legislation or policies.

4.20.38 To consider and approve the use of fire engines for purposes other than those associated with fire fighting.

4.20.39 To be responsible for the administration and enforcement of the bylaw relating to nuisance, or parts thereof.

4.20.40 To approve or disallow protest marches or other marches and meetings.

4.20.41 To receive petitions on behalf of the municipality.

4.20.42 To approve Gatherings in terms of the Gathering Act.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.21 SPECIFIC POWERS DELEGATED TO THE HEADS IN THE DIRECTORATE COMMUNITY SAFETY AND MOBILITY AND WHERE MENTION IS MADE OF OFFICIALS / EMPLOYEES, IT BEARS THE MEANING OF OFFICIALS / EMPLOYEES UNDER HIS/HER DIRECT CONTROL (IN ADDITION TO POWERS IN TERMS OF THE MUNICIPAL FINANCE MANAGEMENT ACT)

4.21.1 Senior Manager: Community Safety

4.21.1.1 Recommend annual, sick, special, maternity, family responsibility and unpaid leave for employees in the Sub Directorate in accordance with applicable service conditions, relevant legislation and council policy.

4.21.1.2 Recommend claims for travel time related to overtime and ad-hoc kilometres.

4.21.1.3 Approve requests for overtime and time off for work performed relating to after hour services, subject to prior approval as per above for hours exceeding 40 hours.

4.21.1.4 Manage time and attendance within the Sub Directorate.

4.21.1.5 Make recommendations on the permanent appointment of employees on probation in the Sub Directorate.

4.21.1.6 Sign outgoing correspondence related to the functions of the Sub Directorate.

4.21.1.7 Approve the use of municipal vehicles in accordance with approved Council policy.

4.21.1.8 Approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Director.

4.21.1.9 Monitor the impact and the effectiveness of any services, policies, programmes and plans.

4.21.1.10 Ensure all corrective measures are implemented by the offender in execution of a court judgement, in conjunction with other affected Directorates and the Legal department.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.21.1.11 Apply all bylaws, regulations, legislation and policies regarding matters that falls within the functions of the Sub-section and to institute legal proceedings against any person who refuses or neglects to comply with the provision of such regulations, legislation or policies.

4.21.1.12 Promote health and safety within the Sub -Section.

4.21.1.13 To co-ordinate all actions during a disaster in terms of the Disaster Management Act 57/2005, or any other actions required during an incident.

4.21.1.14 Assist Director with the implementation of the budget.

4.21.1.15 Assist Director in promoting municipal administration within the framework policy of the Council.

4.21.1.16 Assist Director to establish and maintain the administration of the department.

4.21.1.17 Responsible for implementing legislation and by-laws within their sections.

4.21.1.18 To monitor the impact and the effectiveness of any services, policies, programmes and plans.

4.21.1.19 Ensure optimum utilization and training of staff within their section.

4.21.1.20 Promote sound labour relations and compliance of applicable labour laws within their section.

4.21.1.21 Provide input to the Director on advising Section 80 Committees.

4.21.1.22 Provide input to the Directors on managing communications between administration, political structures and office bearers.

4.21.1.23 Promote the implementation of legislation within their sections.

4.21.1.24 Assist Director in the provision of job descriptions for each staff member in the Department.

4.21.1.25 Approve Emergency Overtime, overtime relating to Standby & After hour service.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.21.1.26 Travelling time relating to Overtime and Ad-hoc km to be approved by Senior Managers. Overtime and time off for work performed relating to Standby and After- hour Services to be approved by Senior Managers & Superintendents as per Collaborator delegation.

4.21.1.27 To facilitate meetings with applicants of protest marches or other marches and meetings in terms of the Gatherings Act.

4.21.2 Head: Fire Fighting and Rescue Services:

4.21.2.1 To grant annual, sick, special, maternity, family responsibility and unpaid leave to employees in the Sub-directorate in accordance with applicable service conditions, relevant legislation and council policy.

4.21.2.2 To sign outgoing correspondence of the Sub-directorate.

4.21.2.3 To co-ordinate fire and rescue related actions during a disaster in terms of the Disaster Management Act 57/2005, and/or co-ordinate the role players of other sections during a disaster.

4.21.2.4 To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Municipal Manager.

4.21.2.5 To approve travelling time relating to Overtime and Ad-hoc km in consultation with the Director of the Department.

4.21.2.6 To approve overtime and time off for work performed relating to Standby and After- hour Services.

4.21.2.7 Assist Senior Manager with the implementation of the budget.

4.21.2.8 Assist Senior Manager in promoting municipal administration within the framework policy of the Council.

4.21.2.9 Assist Senior Manager to establish and maintain the administration of the department.

4.21.2.10 Responsible for implementing legislation and by-laws within their sections.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.21.2.11 To monitor the impact and the effectiveness of any services, policies, programmes and plans.

4.21.2.12 Responsible for promotion of health and safety within their sections. Safety reps to assist.

4.21.2.13 Assist Senior Manager in annual reviewal of the IDP.

4.21.2.14 Assist Senior Manager in establishing and developing a Performance Management System.

4.21.2.15 Assist Senior Manager in the formation and development of an economical, effective, efficient and sustainable administration within their sections.

4.21.2.16 Assist Senior Manager to define role profiles for the staff in the Department.

4.21.2.17 Assist Senior Manager to implement the IDP in the department and monitoring the results attained.

4.21.2.18 Assist Senior Manager to manage the provision of services to the local community.

4.21.2.19 Ensure optimum utilization and training of staff within their section.

4.21.2.20 Promote sound labour relations and compliance of applicable labour laws within their section.

4.21.2.21 Provide input to the Director on advising Section 80 Committees.

4.21.2.22 Provide input to the Directors on managing communications between administration, political structures and office bearers.

4.21.2.23 Promote the implementation of legislation within their sections.

4.21.2.24 Assist Senior Manager in the provision of job descriptions for each staff member in the Department.

4.21.2.25 Approve Emergency Overtime, overtime relating to Standby & After hour service.

4.21.2.26 To sign the following contracts on behalf of Council:

APPROVED BY COUNCIL ON 24 APRIL 2023

4.21.2.26.1 All contracts in respect of goods and services provided for, through the Supply Chain Management Policy.

4.21.2.26.2 All contracts for the leasing of printing, fax and related appliances.

4.21.2.26.3 Maintenance of computer software.

4.21.2.27 To be responsible for general administration communication to the public.

4.21.2.28 To be responsible for the communications between the Municipality's administration and its political structures and political office bearers.

4.21.2.29 Responsible for Attendance registers and Timesheets within their sections.

4.21.2.30 Approve the use of a municipal vehicle within their sections.

4.21.2.31 Provide comments on any bordering land use application of a neighbouring municipality, any relevant EIA process and application, planning and or legislative processes.
Subject to adherence to any approved structure plan or subject precinct plan or planning policy. In the absence of a supporting approved structure plan or subject precinct plan or planning policy the delegation will vest with the Planning Committee.

4.21.2.32 Emergency & Disaster Management: Drafting of an Emergency Plan for George and a Contingency Plan.

4.21.2.33 Fire Services Act: Powers delegated to the Fire Services Chief i.e. closing of roads, demolishing of buildings etc.

4.21.2.34 Enforcement of National Building regulations in terms of the safety of buildings.

4.21.2.35 Occupational Health: Ensure that personnel wear appropriate safety clothing and ensure the safety of personnel at incidents.

4.21.2.36 Events Bill: Granting of population certificates and ensure safety of the public at gatherings.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.21.2.37 Lifesaving: Responsible for life saving services at beaches under the control of the Municipality.

4.21.2.38 Ensure the execution of fire services in terms of the South African Buro of Standards **SANS 10090**.

4.21.2.39 Approval of application to land helicopters and to utilise drones, subject to approval by aviation authorities in consultation with the Senior Manager.

4.21.2.40 To ensure that the directorate adheres to all the provisions of the OHS (Occupational Health and Safety Act), and the regulations promulgated in terms thereof.

4.21.2.41 Responsible for the health and safety of the section.

4.21.3 Ad hoc delegations to other officials of the Sub-directorate:

4.21.3.1 To grant annual, sick, special, maternity, family responsibility and unpaid leave to employees in the Sub-directorate in accordance with applicable service conditions, relevant legislation and council policy.

4.21.3.2 To sign outgoing correspondence of the Sub-directorate.

4.21.3.3 To co-ordinate all actions during a disaster in terms of the Disaster Management Act 57/2005, or any other actions required during an incident.

4.21.3.4 To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Municipal Manager.

4.21.3.5 Travelling time relating to Overtime and Ad-hoc km to be approved by Senior Managers. Overtime and time off for work performed relating to Standby and After- hour Services to be approved by Senior Managers & Superintendents as per Collaborator delegation.

4.21.3.6 Assist Senior Manager with the implementation of the budget.

4.21.3.7 Assist Senior Manager in promoting municipal administration within the framework policy of the Council.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.21.3.8 Assist Senior Manager to establish and maintain the administration of the department.

4.21.3.9 Responsible for implementing legislation and by-laws within their sections.

4.21.3.10 To monitor the impact and the effectiveness of any services, policies, programmes and plans.

4.21.3.11 Responsible for promotion of health and safety within their sections. Safety reps to assist.

4.21.3.12 Assist Senior Manager in annual reviewal of the IDP.

4.21.3.13 Assist Senior Manager in establishing and developing a Performance Management System.

4.21.3.14 Assist Senior Manager in the formation and development of an economical, effective, efficient and sustainable administration within their sections.

4.21.3.15 Assist Senior Manager to define role profiles for the staff in the Department.

4.21.3.16 Assist Senior Manager to implement the IDP in the department and monitoring the results attained.

4.21.3.17 Assist Senior Manager to manage the provision of services to the local community.

4.21.3.18 Ensure optimum utilization and training of staff within their section.

4.21.3.19 Promote sound labour relations and compliance of applicable labour laws within their section.

4.21.3.20 Provide input to the Director on advising Section 80 Committees

4.21.3.21 Provide input to the Directors on managing communications between administration, political structures and office bearers.

4.21.3.22 Promote the implementation of legislation within their sections.

4.21.3.23 Assist Senior Manager in the provision of job descriptions for each staff member in the Department

APPROVED BY COUNCIL ON 24 APRIL 2025

4.21.3.24 Approve Emergency Overtime, overtime relating to Standby & After hour service.

4.21.3.25 To sign the following contracts on behalf of Council:

4.21.3.25.1 All contracts in respect of goods and services provided for, through the Supply Chain Management Policy.

4.21.3.25.2 All contracts for the leasing of printing, fax and related appliances.

4.21.3.25.3 Maintenance of computer software.

4.21.3.26 Responsible for Attendance registers and Timesheets within their sections.

4.21.3.27 Approve the use of a municipal vehicle within their sections.

4.21.3.28 Emergency & Disaster Management: Drafting of an Emergency Plan for George and a Contingency Plan.

4.21.3.29 Fire Services Act: Powers delegated to the Fire Services Chief i.e. closing of roads, demolishing of buildings ect.

4.21.3.30 Enforcement of National Building regulations in terms of the safety of buildings.

4.21.3.31 Occupational Health: Ensure that personnel wear appropriate safety clothing and ensure the safety of personnel at incidents.

4.21.3.32 Events Bill: Granting of occupational certificates and ensure safety of the public at gatherings.

4.21.3.33 Lifesaving: Supply lifesavers to beaches.

4.21.3.34 Ensue the execution of fire services in terms of the South African Buro of Standards **SANS 10090**.

4.21.3.35 Process applications to land helicopters and to utilise drones, subject to the approval by aviation authorities in consultation with the Senior Manager.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.21.4 Head: Traffic Services:

4.21.4.1 To grant annual, sick, special, maternity, family responsibility and unpaid leave to employees in the Sub-directorate in accordance with applicable service conditions, relevant legislation and council policy.

4.21.4.2 To sign outgoing correspondence, in line with all relevant policies, of the Sub-directorate.

4.21.4.3 To co-ordinate all Traffic Services during a disaster in terms of the Disaster Management Act 57/2005, and as a role player execute duties as essential services, when required.

4.21.4.4 To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Municipal Manager.

4.21.4.5 Overtime and time off for work performed relating to Standby and After- hour Services to be approved by the relevant departmental Manager & Superintendents as per Collaborator delegation.

4.21.4.6 Assist Senior Manager with the implementation of the budget.

4.21.4.7 Assist Senior Manager in promoting municipal administration within the framework policy of the Council.

4.21.4.8 Assist Senior Manager to establish and maintain the administration of the department.

4.21.4.9 Responsible for implementing legislation and by-laws within their sections.

4.21.4.10 To monitor the impact and the effectiveness of any services, policies, programmes and plans.

4.21.4.11 Responsible for promotion of health and safety within their sections. Safety reps to assist.

4.21.4.12 Assist Senior Manager in annual reviewal of the IDP.

4.21.4.13 Assist Senior Manager in establishing and developing a Performance Management System.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.21.4.14 Assist Senior Manager in the formation and development of an economical, effective, efficient and sustainable administration within their sections.

4.21.4.15 Assist Senior Manager to define role profiles for the staff in the Department.

4.21.4.16 Assist Senior Manager to implement the IDP in the department and monitoring the results attained.

4.21.4.17 Assist Senior Manager to manage the provision of services to the local community.

4.21.4.18 Ensure optimum utilization and training of staff within their section.

4.21.4.19 Promote sound labour relations and compliance of applicable labour laws within their section.

4.21.4.20 Provide input to the Director on advising Section 80 Committees.

4.21.4.21 Provide input to the Directors on managing communications between administration, political structures and office bearers.

4.21.4.22 Promote the implementation of legislation within their sections.

4.21.4.23 Assist Senior Manager in the provision of job descriptions for each staff member in the Department.

4.21.4.24 Approve Emergency Overtime, overtime relating to Standby & After hour service.

4.21.4.25 To sign the following contracts on behalf of Council:

- 4.21.4.25.1 All contracts in respect of goods and services provided for, through the Supply Chain Management Policy.
- 4.21.4.25.2 All contracts for the leasing of printing, fax and related appliances.
- 4.21.4.25.3 Maintenance of computer software.

4.21.4.26 To be responsible for general administration communication to the public

APPROVED BY COUNCIL ON 24 APRIL 2025

4.21.4.27 Responsible for Attendance registers and Timesheets within their sections

4.21.4.28 Approve the use of a municipal vehicle within their sections

4.21.4.29 Approving the introduction of scholar patrols.

4.21.4.30 Acting as agent for the Provincial Administration of the Western Cape to deal with all matters connected with public driving permits including the issuing, refusal and cancellation thereof.

4.21.4.31 To ensure that the department adheres to all the provisions of the OHS (Occupational Health and Safety Act), and the regulations promulgated in terms thereof.

4.21.4.32 To approve or disallow protest marches or other marches and meetings in terms of the Gatherings Act.

4.21.4.33 Responsible for the health and safety of the section.

4.21.5 Ad hoc delegations to other officials of the Sub-directorate:

4.21.5.1 To grant annual, sick, special, maternity, family responsibility and unpaid leave to employees in the Sub-directorate in accordance with applicable service conditions, relevant legislation and council policy.

4.21.5.2 To sign outgoing correspondence of the Sub-directorate.

4.21.5.3 To co-ordinate all actions during a disaster in terms of the Disaster Management Act 57/2005, or any other actions required during an incident.

4.21.5.4 To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Municipal Manager.

4.21.5.5 Assist Senior Manager with the implementation of the budget.

4.21.5.6 Assist Senior Manager in promoting municipal administration within the framework policy of the Council.

4.21.5.7 Assist Senior Manager to establish and maintain the administration of the department.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.21.5.8 Responsible for implementing legislation and by-laws within their sections.

4.21.5.9 To monitor the impact and the effectiveness of any services, policies, programmes and plans.

4.21.5.10 Responsible for promotion of health and safety within their sections. Safety reps to assist.

4.21.5.11 Assist Senior Manager in annual reviewal of the IDP.

4.21.5.12 Assist Senior Manager in establishing and developing a Performance Management System.

4.21.5.13 Assist Senior Manager in the formation and development of an economical, effective, efficient and sustainable administration within their sections.

4.21.5.14 Assist Senior Manager to define role profiles for the staff in the Department.

4.21.5.15 Assist Senior Manager to implement the IDP in the department and monitoring the results attained.

4.21.5.16 Assist Senior Manager to manage the provision of services to the local community.

4.21.5.17 Ensure optimum utilization and training of staff within their section.

4.21.5.18 Promote sound labour relations and compliance of applicable labour laws within their section.

4.21.5.19 Provide input to the Director on advising Section 80 Committees

4.21.5.20 Provide input to the Directors on managing communications between administration, political structures and office bearers.

4.21.5.21 Promote the implementation of legislation within their sections.

4.21.5.22 Assist Senior Manager in the provision of job descriptions for each staff member in the Department.

4.21.5.23 Approve Emergency Overtime, overtime relating to Standby & After hour service.

4.21.5.24 To sign the following contracts on behalf of Council:

APPROVED BY COUNCIL ON 24 APRIL 2025

4.21.5.24.1 All contracts in respect of goods and services provided for, through the Supply Chain Management Policy.

4.21.5.24.2 All contracts for the leasing of printing, fax and related appliances.

4.21.5.24.3 Maintenance of computer software.

4.21.5.25 Responsible for Attendance registers and Timesheets within their sections.

4.21.5.26 Approve the use of a municipal vehicle within their sections.

4.21.5.27 Responsible for Attendance registers and Timesheets within their sections.

4.21.5.28 Approve the use of a municipal vehicle within their sections.

4.21.5.30 Approving the introduction of scholar patrols.

4.21.5.31 Acting as agent for the Provincial Administration of the Western Cape to deal with all matters connected with public driving permits including the issuing, refusal and cancellation thereof.

4.21.5.32 Driving License Test. Application and Authorization.

4.21.5.33 Professional Driving Permit. Application and Authorization.

4.21.5.34 Disability Parking Permit. Liaise with applicants and Department of Transport, SLA with National Department of Transport.

4.21.5.35 Communication with statutory bodies, applicants and stakeholders Enforcing the provisions of the Road Transportation Act and to supply comments on behalf of the Council, in cases of applications for Operating Licences.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.21.6 Head: Law Enforcement and Security:

4.21.6.1 To grant annual, sick, special, maternity, family responsibility and unpaid leave to employees in the Sub-directorate in accordance with applicable service conditions, relevant legislation and council policy.

4.21.6.2	To sign outgoing correspondence of the Sub-directorate.
4.21.6.3	To co-ordinate all actions during a disaster in terms of the Disaster Management Act 57/2005, or any other actions required during an incident.
4.21.6.4	To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Municipal Manager.
4.21.6.5	Travelling time relating to Overtime and Ad-hoc km to be approved by Senior Managers. Overtime and time off for work performed relating to Standby and After- hour Services to be approved by Senior Managers & Superintendents as per Collaborator delegation.
4.21.6.6	Assist Senior Manager with the implementation of the budget.
4.21.6.7	Assist Senior Manager in promoting municipal administration within the framework policy of the Council.
4.21.6.8	Assist Senior Manager to establish and maintain the administration of the department.
4.21.6.9	Responsible for implementing legislation and by-laws within their sections.
4.21.6.10	To monitor the impact and the effectiveness of any services, policies, programmes and plans.
4.21.6.11	Responsible for promotion of health and safety within their sections. Safety reps to assist.
4.21.6.12	Assist Senior Manager in annual reviewal of the IDP.
4.21.6.13	Assist Senior Manager in establishing and developing a Performance Management System.
4.21.6.14	Assist Senior Manager in the formation and development of an economical, effective, efficient and sustainable administration within their sections.
4.21.6.15	Assist Senior Manager to define role profiles for the staff in the Department.

APPROVED BY COUNCIL ON 24 APRIL 2025

ITEM 4.9 ANNEXURE "A" CONTINUED

4.21.6.16 Assist Senior Manager to implement the IDP in the department and monitoring the results attained.

4.21.6.17 Assist Senior Manager to manage the provision of services to the local community.

4.21.6.18 Ensure optimum utilization and training of staff within their section.

4.21.6.19 Promote sound labour relations and compliance of applicable labour laws within their section.

4.21.6.20 Provide input to the Director on advising Section 80 Committees.

4.21.6.21 Provide input to the Directors on managing communications between administration, political structures and office bearers.

4.21.6.22 Promote the implementation of legislation within their sections.

4.21.6.23 Assist Senior Manager in the provision of job descriptions for each staff member in the Department.

4.21.6.24 Approve Emergency Overtime, overtime relating to Standby & After hour service.

4.21.6.25 To sign the following contracts on behalf of Council:

4.21.6.25.1 All contracts in respect of goods and services provided for, through the Supply Chain Management Policy.

4.21.6.25.2 All contracts for the leasing of printing, fax and related appliances.

4.21.6.25.3 Maintenance of computer software.

4.21.6.26 To be responsible for general administration communication to the public.

4.21.6.27 To be responsible for the communications between the Municipality's administration and its political structures and political office bearers.

4.21.6.28 Responsible for Attendance registers and Timesheets within their sections.

4.21.6.29 Approve the use of a municipal vehicle within their sections.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.21.6.30 Exercising, all the powers relating to the control of loudspeakers in consultation with the MM.

4.21.6.31 Enforcing of the bylaws relating to informal trading.

4.21.6.32 To ensure that the directorate adheres to all the provisions of the OHS (Occupational Health and Safety Act), and the regulations promulgated in terms thereof.

4.21.6.33 Responsible for the health and safety of the section.

4.21.7 Head: Anti-Land Invasion:

4.21.7.1 To grant annual, sick, special, maternity, family responsibility and unpaid leave to employees in the Sub-directorate in accordance with applicable service conditions, relevant legislation and council policy.

4.21.7.2 To sign outgoing correspondence of the Sub-directorate.

4.21.7.3 To co-ordinate all actions during a disaster in terms of the Disaster Management Act 57/2005, or any other actions required during an incident.

4.21.7.4 To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Municipal Manager.

4.21.7.5 Travelling time relating to Overtime and Ad-hoc km to be approved by Senior Managers. Overtime and time off for work performed relating to Standby and After- hour Services to be approved by Senior Managers & Superintendents as per Collaborator delegation.

4.21.7.6 Assist Senior Manager with the implementation of the budget.

4.21.7.7 Assist Senior Manager in promoting municipal administration within the framework policy of the Council.

4.21.7.8 Assist Senior Manager to establish and maintain the administration of the department.

4.21.7.9 Responsible for implementing legislation and by-laws within their sections.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.21.7.10 To monitor the impact and the effectiveness of any services, policies, programmes and plans.

4.21.7.11 Responsible for promotion of health and safety within their sections. Safety reps to assist.

4.21.7.12 Assist Senior Manager in annual reviewal of the IDP.

4.21.7.13 Assist Senior Manager in establishing and developing a Performance Management System.

4.21.7.14 Assist Senior Manager in the formation and development of an economical, effective, efficient and sustainable administration within their sections.

4.21.7.15 Assist Senior Manager to define role profiles for the staff in the Department.

4.21.7.16 Assist Senior Manager to implement the IDP in the department and monitoring the results attained.

4.21.7.17 Assist Senior Manager to manage the provision of services to the local community.

4.21.7.18 Ensure optimum utilization and training of staff within their section.

4.21.7.19 Promote sound labour relations and compliance of applicable labour laws within their section.

4.21.7.20 Provide input to the Director on advising Section 80 Committees.

4.21.7.21 Provide input to the Directors on managing communications between administration, political structures and office bearers.

4.21.7.22 Promote the implementation of legislation within their sections.

4.21.7.23 Assist Senior Manager in the provision of job descriptions for each staff member in the Department.

4.21.7.24 Approve Emergency Overtime, overtime relating to Standby & After hour service.

4.21.7.25 To sign the following contracts on behalf of Council:

APPROVED BY COUNCIL ON 24 APRIL 2025

4.21.7.25.1 All contracts in respect of goods and services provided for, through the Supply Chain Management Policy.

4.21.7.25.2 All contracts for the leasing of printing, fax and related appliances.

4.21.7.25.3 Maintenance of computer software.

4.21.7.26 To be responsible for general administration communication to the public.

4.21.7.27 To be responsible for the communications between the Municipality's administration and its political structures and political office bearers.

4.21.7.28 Responsible for Attendance registers and Timesheets within their sections.

4.21.7.29 Approve the use of a municipal vehicle within their sections

4.21.7.30 To employ additional persons and effect expenses for the execution of a court order for the removal of all persons and illegal structures on Council property.

4.21.7.31 To ensure that the directorate adheres to all the provisions of the OHS (Occupational Health and Safety Act), and the regulations promulgated in terms thereof.

4.21.7.32 Responsible for the health and safety of the section.

4.21.8 Head: Public Transport/ Snr Manager Public Transport Oversight:

4.21.8.1 To grant annual, sick, special, maternity, family responsibility and unpaid leave to employees in the Sub-directorate in accordance with applicable service conditions, relevant legislation and council policy.

4.21.8.2 To request an employee back from leave in case of an emergency for justifiable reasons.

4.21.8.3 To initiate disciplinary action against employees within the department.

4.21.8.4 To sign outgoing correspondence of the Sub-directorate.

APPROVED BY COUNCIL ON 24 APRIL 2025

4.21.8.5 To co-ordinate all actions during a disaster in terms of the Disaster Management Act 57/2005, or any other actions required during an incident.

4.21.8.6 To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Municipal Manager.

4.21.8.7 To approve time off or payment for working of overtime and consequent remuneration in accordance with the regulations, applicable legislation and council's policies and provided budgeted funds available.

4.21.8.8 Assist Director with the implementation of the budget.

4.21.8.9 To approve the monthly, quarterly, and annual grant reporting required for submission to the National Department of Transport (DoT), the Western Cape Mobility Department (WCMD) and Provincial Treasury (PT) or any other related reporting.

4.21.8.10 To approve the annual and in year funding applications submitted to the DoT and the WCMD and other transferring departments as it relates to the GIPTN project.

4.21.8.11 Assist Director in promoting municipal administration within the framework policy of the Council.

4.21.8.12 Assist Director to establish and maintain the administration of the department.

4.21.8.13 Responsible for implementing legislation and by-laws within their sections.

4.21.8.14 To monitor the impact and the effectiveness of any services, policies, programmes and plans.

4.21.8.15 To sign the following contracts on behalf of Council:

4.21.8.15.1 All contracts in respect of goods and services provided for, through the Supply Chain Management Policy, provided that the

APPROVED BY COUNCIL ON 24 APRIL 2025

expense has been budgeted for, and pertains to the relevant directorate.

4.21.8.15.2 All contracts for the leasing of printing, fax and related appliances, provided that the expense has been budgeted for, and pertains to the relevant directorate.

4.21.8.15.3 Maintenance of computer software.

4.21.8.16 To be responsible for general administration communication to the public which includes issuing press releases and making recommendations to the Municipal Manager in consultation with the Director for Civil Engineering Services in relation to general administration communications.

4.21.8.17 To authorise the placement of advertisements in public newspapers as it relates to GIPTN compensation, asset transfer and procurement in accordance with Council's policy and the related Supply Chain Management Policy.

4.21.8.18 To be responsible for the communications between the Municipality's administration and its political structures and political office bearers.

4.21.8.19 Responsible for Attendance registers and Timesheets within their sections.

4.21.8.20 Approve the use of a municipal vehicle within their sections for use outside of the municipal area for official purposes.

4.21.8.21 To ensure that the directorate adheres to all the provisions of the OHS (Occupational Health and Safety Act), and the regulations promulgated in terms thereof.

4.21.8.22 Responsible for the health and safety of the section.

4.21.8.23 To enter into and sign agreements, power of attorney, session and certificates, consents, documents related to criminal proceedings and all other documents related to GIPTN matters, as well as making recommendations and considering same, to the Provincial Regulatory Entity (PRE) applications

APPROVED BY COUNCIL ON 24 APRIL 2025

for public transport operating licenses and applications for taxi associations, on behalf of the Municipality, in accordance with applicable legislation.

4.21.8.24 To approve contractual claims in terms of the GIPTN Operator Contract and the related auxiliary contracts up to the amounts as provided for in the Inter-governmental Agreement (IGA) in terms of reserved matters.

4.21.9 Head: Fleet Management Services:

4.21.9.1 To grant annual, sick, special, maternity, family responsibility and unpaid leave to employees in the Sub-directorate in accordance with applicable service conditions, relevant legislation and council policy.

4.21.9.2 To sign outgoing correspondence of the Sub-directorate.

4.21.9.3 To co-ordinate all actions during a disaster in terms of the Disaster Management Act 57/2005, or any other actions required during an incident.

4.21.9.4 To approve quotations and / or make final bid awards in respect of goods and services procured by the Municipality up to an amount as approved by the Municipal Manager.

4.21.9.5 Travelling time relating to Overtime and Ad-hoc km to be approved by Senior Managers. Overtime and time off for work performed relating to Standby and After- hour Services to be approved by Senior Managers & Superintendents as per Collaborator delegation.

4.21.9.6 Assist Director with the implementation of the budget.

4.21.9.7 Assist Director in promoting municipal administration within the framework policy of the Council.

4.21.9.8 Assist Director to establish and maintain the administration of the department.

4.21.9.9 Responsible for implementing legislation and by-laws within their sections.

APPROVED BY COUNCIL ON 24 APRIL 2023

4.21.9.10 To monitor the impact and the effectiveness of any services, policies, programmes and plans.

4.21.9.11 Responsible for promotion of health and safety within their sections. Safety reps to assist.

4.21.9.12 Assist Director in annual reviewal of the IDP.

4.21.9.13 Assist Director in establishing and developing a Performance Management System.

4.21.9.14 Assist Director in the formation and development of an economical, effective, efficient and sustainable administration within their sections.

4.21.9.15 Assist Director to define role profiles for the staff in the Department.

4.21.9.16 Assist Director to implement the IDP in the department and monitoring the results attained.

4.21.9.17 Assist Director to manage the provision of services to the local community.

4.21.9.18 Ensure optimum utilization and training of staff within their section.

4.21.9.19 Promote sound labour relations and compliance of applicable labour laws within their section.

4.21.9.20 Provide input to the Director on advising Section 80 Committees.

4.21.9.21 Provide input to the Directors on managing communications between administration, political structures and office bearers.

4.21.9.22 Promote the implementation of legislation within their sections.

4.21.9.23 Assist Director in the provision of job descriptions for each staff member in the Department.

4.21.9.24 Approve Emergency Overtime, overtime relating to Standby & After hour service.

4.21.9.25 To sign the following contracts on behalf of Council:

APPROVED BY COUNCIL ON 24 APRIL 2025

4.21.9.25.1 All contracts in respect of goods and services provided for, through the Supply Chain Management Policy.

4.21.9.25.2 All contracts for the leasing of printing, fax and related appliances.

4.21.9.25.3 Maintenance of computer software.

4.21.9.25.4 All documents in respect of loan agreements for pension and retirement funds.

4.21.9.26 To be responsible for general administration communication to the public.

4.21.9.27 To be responsible for the communications between the Municipality's administration and its political structures and political office bearers.

4.21.9.28 Responsible for Attendance registers and Timesheets within their sections.

4.21.9.29 Approve the use of a municipal vehicle within their sections.

4.21.9.30 To ensure that the directorate adheres to all the provisions of the OHS (Occupational Health and Safety Act), and the regulations promulgated in terms thereof.

4.22 SUPPLY CHAIN MANAGEMENT BID ADJUDICATION COMMITTEE

4.22.1 To make a final award or to refuse to make a final award in respect of the procurement of goods and services where such award exceeds R300 000,00 but is less than R10 million.

4.22.2 To cancel any bid process after consideration of a written report from the Bid Evaluation Committee concerned, provided that such report has been signed by the relevant Director and the report justifies such action.

APPROVED BY COUNCIL ON 24 APRIL 2025

ITEM 4.9 ANNEXURE "A" CONTINUED

As approved by Council at the Council meeting which was held on _____

Signed at GEORGE on the _____day of _____ 2025

.....	.....
Speaker (also on behalf of the Municipal Council) **CLLR. S SNYMAN**	Municipal Manager **MR. G LOUW**
Delegations 4.8 and 4.9	..... Director: Corporate Services **MR B ELLMAN**
Delegations 4.10, 4.11 and 4.22	..... Director: Financial Services **MR R DU PLESSIS**
Delegations 4.12 and 4.13	..... Director: Civil Engineering Services **MR J KOEGELENBERG**
Delegations 4.14 and 4.15	Acting - S Mtila ..... Director: Community Services **MR D ADONIS**

APPROVED BY COUNCIL ON 24 APRIL 2025

ITEM 4.9 ANNEXURE "A" CONTINUED

Delegations 4.16 and 4.17	Acting Director: Planning and Development **MS H KOCH**
Delegations 4.18 and 4.19	Director: Electrical Engineering **MR M RHODE**
Delegations 4.20 and 4.21	Acting Director: Community Safety and Mobility **MRS L MEIRING**

APPROVED BY COUNCIL ON 24 APRIL 2025

4.10 APPOINTMENT OF SECTION 79 COMMITTEES

File number / Verwysingsnommer: 3/3/3/3
Meeting date / Vergadering datum: 18 November 2026
Report by / Verslag deur: Dr Dean O'Neill

PURPOSE OF REPORT / DOEL VAN VERSLAG

For Council to appoint committee members to serve on the Section 79 Committees for the George Integrated Public Transport Network (GIPTN) and the Municipal Public Accounts Committee (MPAC), in accordance with Section 79(1)(b) of the Local Government: Municipal Structures Act, 117 of 1998.

BACKGROUND AND DISCUSSION / AGTERGROND EN BESPREKING

Section 79(1)(b) of the Local Government: Municipal Structures Act, 117 of 1998 provides a Municipal Council may establish one or more committees necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers.

MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC)

In terms of Section 79A of the Structures Act, the Council must establish a Municipal Public Accounts Committee (MPAC). Section 79A has been added by the Structures Amendment Act, 3 of 2021, which came into operation on 1 November 2021. Before the insertion of this section, there was no legal obligation on the Council to establish an MPAC. The Municipality of George has, however, established an MPAC years ago to fulfil an oversight role.

Section 79A reads as follows:

"(1) A municipal council must establish a committee called the municipal public accounts committee.

(2) The mayor or executive mayor, deputy mayor or executive deputy mayor, any member of the executive committee, any member of the mayoral committee, speaker, whip and municipal officials are not allowed to be members of the municipal public accounts committee.

(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 reports and comments of the management committee and the audit committee and make recommendations to the municipal council;

(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.

(4) Reports of the municipal public accounts committee must be submitted to the speaker who must table such reports in the next meeting of the municipal council.

(5) (a) For the purposes of this section 'audit committee' means the audit committee envisaged in section 166 of the Local Government Municipal Finance Management Act.

(b) Each municipality and each municipal entity must establish an audit committee in accordance with that section.".

Section 129 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), (MFMA), deals with the oversight report on the annual report and refers to an oversight committee that can assist the council in dealing with the annual report. The MPAC is the ideal oversight committee for this purpose.

The MPAC serves as an oversight committee to exercise oversight over the executive obligations of council. The MPAC assists council to hold the executive to account, and to ensure the efficient and effective use of municipal resources. The MPAC furthermore assists to increase council and public awareness of the financial and performance issues of the municipality.

Section 79A(3) stipulates that a council must determine the functions of a committee, which can be adopted as a Terms of Reference. The previous Council has already approved a Terms of Reference for the MPAC. The Terms of Reference must now include the responsibilities of the MPAC as set out in Section 79A(3)(a) to (e) as quoted above.

The MPAC will not perform any management functions or assume any management responsibilities.

Composition of the MPAC

In terms of Section 79A(2), the mayor or executive mayor, deputy mayor or executive deputy mayor, any member of the executive committee, any member of the mayoral committee, speaker, whip and municipal officials are not allowed to be members of the municipal public accounts committee.

Apart from the above, the stipulations of section 160 (8) of the Constitution which reads as follows must also be adhered to:

"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."

A Terms of Reference was previously adopted by Council for the MPAC Committee, which is attached to this report as **Annexure "A"** to the agenda. The roles and responsibilities of the MPAC are included in the Delegations of Power adopted by Council on 24 April 2025.

GIPTN COMMITTEE

the functions of the GIPTN Committee are included in the Delegations of Power adopted by Council on 24 April 2025.

The Committee is to consider and make recommendations on all items relating to the GIPTN, which are then submitted to Council for a decision.

Section 160(7) of the Constitution provides that a Municipal Council must conduct its business in an open manner, and may close its sittings, or those of its committees, only when it is reasonable to do so having regard to the nature of the business being transacted. As matters of a highly confidential nature will be discussed by the committee, meetings of the committee will be closed to the public.

APPOINTMENT OF MEMBERS OF SECTION 79 COMMITTEES

Section 79(1)(b) of the Local Government: Municipal Structures Act, 117 of 1998 provides that the Municipal Council may appoint the members of Section 79 Committees from among its members.

RELEVANT LEGISLATION / RELEVANTE WETGEWING

Local Government: Municipal Structures Act, 117 of 1998.

RECOMMENDATION

(a) That Council appoints Councillors to serve on the Municipal Public Accounts Committee (MPAC);

(b) That Council appoints a Chairperson and Deputy Chairperson for the MPAC;

(c) That Council appoints Councilors to serve as members of the GIPTN Committee;

(d) That Council appoints a Chairperson and a Deputy Chairperson for the GIPTN Committee.

IZINDULULO

(a) Kukuba iBhunga lityumbe ooCeba ukuba basebenze kwiKomiti kaMasipala eyoNgamela Indlela ekuSetyenziswa ngayo Imithombo yoLuNtu;

(b) Kukuba iBhunga lityumbe uSihlalo noSekela-Sihlalo weKomiti kaMasipala eyoNgamela Indlela ekuSetyenziswa ngayo Imithombo yoLuNtu;

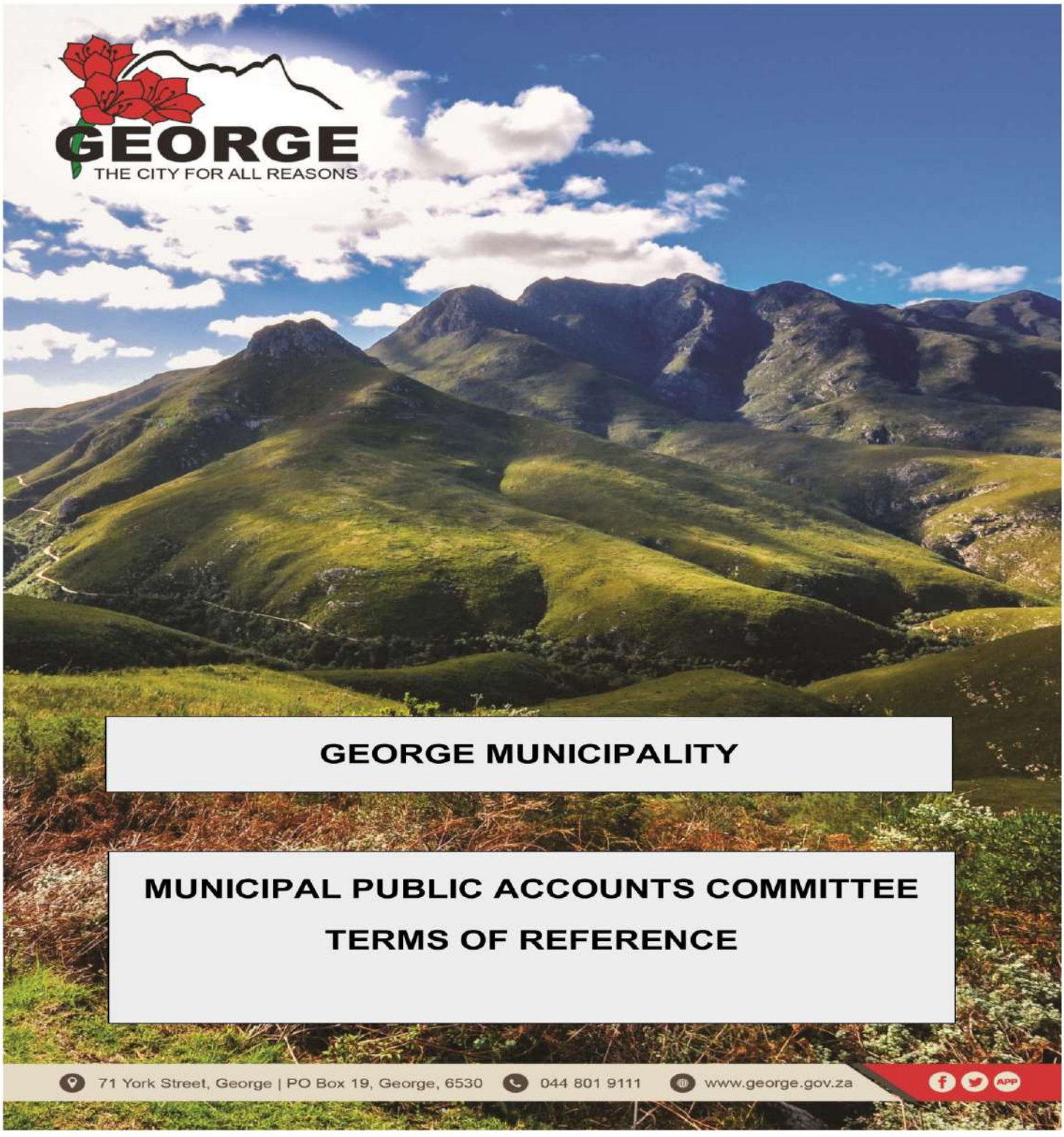
(c) Kukuba iBhunga lityumbe ooCeba ukuba basebenze njengamalungu eKomiti yeGIPTN;

(d) Kukuba iBhunga lityumba uSihlalo noSekela-Sihlalo weKomiti yeGIPTN.

ATTACHMENTS / STAWENDE DOKUMENTE

Annexure "A" : MPAC Terms of Reference (2023)

ITEM 4.10 ANNEXURE "A"



ITEM 4.10 ANNEXURE "A" CONTINUED

1. Introduction

1.1. In accordance with the provisions of Section 79 (1) (a) and (b) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) (hereinafter referred to as the Structures Act), a municipality may establish one or more committees necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers and appoint the members of such committee from among its members.

1.2. In terms of Section 79A of the Structures Act, it is compulsory for the Council to establish a Municipal Public Accounts Committee, (hereinafter referred to as the MPAC).

1.3. Section 129 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), (hereinafter referred to as the MFMA), deals with the oversight report on the annual report and refers to an oversight committee that can assist council in dealing with the annual report.

1.4. The MPAC serves as an oversight committee to exercise oversight over the executive obligations of council. The MPAC will assist council to hold the executive to account, and to ensure the efficient and effective use of municipal resources. Also, the MPAC would help to increase council and public awareness of the financial and performance issues of the municipality.

2. Purpose of the MPAC

2.1. In accordance with Section 79(2)(a) of the Municipal Structures Act, a municipal council must determine the functions of a committee.

2.2. This Terms of Reference sets out the specific responsibilities delegated by the Council to the MPAC and spells out the manner in which the MPAC will operate as the Council`s oversight committee.

3. Expectations of Council pertaining to MPAC

3.1. To exercise oversight as delegated by Council, promote transparency, public accountability and ensure good governance in the municipality as in terms of Section 53 and 59 of the Local Government: Municipal Systems Act, Act 32 of 2000.

4. Authority and powers of MPAC

4.1. In terms of section 79 of the Structure Act, the MPAC will assist Council to exercise its functions and powers effectively and efficiently.

4.2. MPAC shall function as a sub-committee of Council, and therefor adhere to the Council's Rules of Order.

4.3. MPAC will not perform any management functions or assume any management responsibilities.

4.4. MPAC will make recommendations to Council, resulting from activities carried out by the Committee in terms of its delegated authority.

5. Composition and Term

5.1. The mayor or executive mayor, deputy mayor or executive deputy mayor, any member of the executive committee, any member of the mayoral committee, speaker, chief whip and municipal officials are not allowed to be members of the municipal public accounts committee.

5.2. The chairperson of the MPAC must be appointed by council in terms of Section 79 (2)(c) of the Structures Act.

5.3. The MPAC will comprise solely of councillors appointed by resolution of a council meeting.

5.4. The chairperson of MPAC shall be elected by Council.

5.5. Councillors serving on MPAC will be appointed for a term as approved by the council.

5.6. If the chairperson of the MPAC is absent from a specific meeting of MPAC, the Deputy Chairperson will Chair the meeting.

5.7. In accordance with section 79(1) (c), of the Structures Act, council may dissolve the MPAC at any time.

5.8. In accordance with section 79(2) (e), of the Structures Act, council may remove a member of the MPAC at any time.

6. Roles and Responsibilities of the MPAC

6.1. MPAC has no executive powers.

6.2. The MPAC fulfil the role of the council committee in terms of Section 32 of the Municipal Finance Management Act (MFMA) related to Unauthorised, irregular, or fruitless and wasteful expenditure.

6.3. The MPAC review the Auditor-General's reports and comments of the management committee and the audit committee and make recommendations to the municipal council.

6.4. The MPAC review internal audit reports together with comments from the management committee and the audit committee and make recommendations to the municipal council.

6.5. The MPAC initiate and develop the oversight report on annual reports contemplated in section 129 of the Local Government: Municipal Finance Management Act.

6.6. The MPAC 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.

6.7. The MPAC 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.

6.8. Unforeseen and unavoidable expenditure:

6.8.1 Any unforeseen and unavoidable expenditure incurred must be reported to the MPAC.

6.8.2 Proof of the necessary appropriation in the adjustment budget.

6.8.3 The MPAC must consider the expenditure and make recommendations to the Council.

6.8.4 Where the necessary adjustment budget has not been prepared, the MPAC must report same to the Council.

6.9. Disclosures concerning councillors, directors and officials:

6.9.1 As part of its interrogation of the annual financial statements, the MPAC must ensure that the necessary disclosures were made in the financial statements, including:

- Salaries, allowances and benefits of political office bearers and Councillors of the municipality;
- Arrears owed by individual Councillors by the municipality for more than 90 days;
- Salaries, allowances and benefits of the Municipal Manager, CFO and Senior Managers;
- Salaries, allowances and benefits of the Board of Directors of Municipal Entities;
- The salaries, allowances and benefits of the Chief Executive Officer and Senior Managers of Municipal Entities.

6.10. Where no Audit Committee has been appointed or where the Audit Committee is not operative, the MPAC must report this to Council.

6.11. Monitoring that all declaration of interest forms are completed by Councillors on an annual basis:

6.11.1 MPAC must monitor whether all Councillors have completed their declaration of interest forms and update it annually;

6.11.2 Where declaration of interest forms have not been completed or updated, same must be reported to the Municipal Council.

7. Attendance of meetings

7.1. Council's Rules of Order will apply in terms of the functionality of the MPAC.

7.2. The MPAC must hold quarterly meetings or as may be necessary.

7.3. Special meetings can be called by the Chairperson of the MPAC when circumstances warrant it.

7.4. Senior Managers may attend the meetings of the MPAC as and when necessary.

7.5. The Municipal Manager and Chief Financial Officer (or delegated nominee) is expected to attend all meetings of the MPAC to assist the committee.

7.6. The Director Corporate Services is expected to ensure that administrative capacity is made available for the functioning of the MPAC.

7.7. A quorum shall be the majority of the members.

7.8. The meetings of MPAC will be included in the annual calendar of Council and the notice requirements should be similar to those of other committees of Council taking into consideration the timeframes in the MFMA for preparation and adoption of the Oversight Report on the Annual Report.

7.9. Notice of a MPAC meeting shall be given at least 7 days prior to the meeting.

7.10. The agenda shall be distributed at least 7 days prior to the meeting and urgent documentation can be tabled at the MPAC meeting on approval by the chairperson.

8. Reporting and Accountability

8.1. Reports of the municipal public accounts committee must be submitted to the speaker who must table such reports in the next meeting of the municipal council.

8.2. The MPAC minutes will be tabled to Council as part of the report in paragraph 8.1 above.

8.3. The full Council should deliberate on the recommendations from the MPAC.

8.4. The MPAC may be able to communicate freely with the Audit Committee, the Executive Mayor, the Mayoral Committee and the Speaker.

9. Administrative support

9.1. In order for the MPAC to be effective in executing its functions, the Council must ensure that the MPAC is supported by officials to coordinate and undertake research activities as required by the committee work programme.

10. Annual Review

10.1. The MPAC Terms of Reference may be reviewed as and when the council deem it fit.

11. MPAC Work Plan

11.1. The MPAC must prepare an annual work plan for approval by the Municipal Council prior to the start of the financial year.

12. APPROVAL, AMENDMENT, MODIFICATION OR VARIATION

11.1 These Terms of Reference must be reviewed annually or as warranted.

11.2 Amendments to the Terms of Reference are subject to approval by Council and will apply from date of approval.

13. VERSION

Version	Date
V1: Accepted by MPAC	8 August 2023
V1: Approved by the Council (Item 10.2)	31 August 2023

DRAFT

4.11. APPOINTMENT OF SECTION 80 COMMITTEES

File number / Verwysingsnommer: 3/3/3
Meeting date / Vergadering datum: 18 November 2026
Report by / Verslag deur: Dr Dean O'Neill

PURPOSE OF REPORT / DOEL VAN VERSLAG

For the appointment of Section 80 Committees.

BACKGROUND / AGTERGRONG

Section 80(1) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) provides that a municipal council which has established an Executive Mayoral System may appoint committees of councillors, in terms of section 79 of the Act, to assist the Executive Mayor in the execution of his or her powers and functions.

Section 80(2) of the Act further provides that the number of such committees may not exceed the number of members of the Mayoral Committee.

Section 80 Committees serve as portfolio committees responsible for considering matters falling within their assigned functional areas and making recommendations to the Executive Mayor and Council. The establishment of these committees promotes effective oversight, facilitates detailed consideration of matters before Council and supports the efficient functioning of the Executive Mayoral System.

In accordance with the principle of proportional representation, councillors should be appointed to serve on the respective Section 80 Committees in proportion to the representation of political parties on the Municipal Council.

RECOMMENDATION

(a) That the Section 80 Committees be established in terms of section 80 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

(b) That the Executive Mayor appoints a Chairperson for each Section 80 Committee from amongst the members of the Mayoral Committee, as contemplated in section 80(3) of the Act;

(c) That councillors be appointed to serve on the Section 80 Committees in accordance with the principle of proportional representation; and

(d) That the allocation of councillors to the respective Section 80 Committees be submitted to Council for confirmation once the necessary party nominations have been received.

IZINDULULO

(a) Kukuba kusekwe iiKomiti zeCandelo lama -80 ngokungqinelana necandelo lama-80 loMthetho kaRhulumente waseKhaya: uMthetho weZakhiwo zikaMasipala, ka-1998 (uMthetho we-117 ka-1998);

(b) Kukuba uSodolophu oLawulayo atyumbe uSihlalo weKomiti nganye yeCandelo lama -80 phakathi kwamalungu eKomiti kaSodolophu, njengoko kuchaziwe kwicandelo lama-80(3) loMthetho;

(c) Kukuba kutyunjwe ooceba ukuba basebenze kwiiKomiti zeCandelo 80 ngokungqinelana nemigqaliselo yomlinganiselo wabameli; kunye

(d) Nokuba ulwabiwo looceba kwiiKomiti zeCandelo lama -80 ezifanelekileyo lungeniswe kwiBhunga ukuze luqinisekiswe, xa sele abatyunjwa bamaqela ezopolitiko abafunekayo befunyenwe.

ATTACHMENTS / STAWENDE DOKUMENTE

None.

4.12. APPOINTMENT OF STATUTORY COMMITTEES

File number / Verwysingsnommer: 3/3/3
Meeting date / Vergadering datum: 18 November 2026
Report by / Verslag deur: Dr Dean O'Neill

PURPOSE OF REPORT / DOEL VAN VERSLAG

To appoint councillors to serve on the statutory committees and forums of Council.

BACKGROUND / AGTERGRONG

In terms of various legislative, regulatory and collective agreement requirements, Council is required to appoint Councillors to serve on a number of statutory committees and consultative forums.

These committees and forums perform important governance, oversight, labour relations, employment equity and financial planning functions and require political representation from Council.

Appointments should be made in accordance with the principle of proportional representation to ensure that political parties represented on Council are afforded equitable representation.

LOCAL LABOUR FORUM (LLF)

The Main Collective Agreement of the South African Local Government Bargaining Council (SALGBC) requires every municipality to establish a Local Labour Forum (LLF) comprising equal representation from organised labour and the employer.

Trade union representation is allocated in proportion to membership within the Municipality.

The employer component comprises councillors and management representatives, provided that at least one-third of the employer representatives are councillors.

The LLF serves as the primary consultative forum between the employer and organised labour on matters affecting employees and labour relations within the Municipality.

EMPLOYMENT EQUITY CONSULTATIVE FORUM (EECF)

The Employment Equity Consultative Forum (EECF) is established in accordance with the Municipality's Employment Equity Plan and the requirements of the Employment Equity Act, 1998 (Act 55 of 1998).

The Forum performs a consultative and monitoring role regarding the implementation of employment equity within the Municipality and considers matters relating to employment equity targets, diversity, workplace transformation and compliance with legislative requirements.

The Forum convenes on a quarterly basis and comprises councillor representatives, organised labour, management representatives and designated employee representatives in accordance with the approved Employment Equity Plan.

BUDGET STEERING COMMITTEE

Section 4 of the Municipal Budget and Reporting Regulations, 2009 requires that the Executive Mayor establishes and coordinates a Budget Steering Committee to provide technical and strategic guidance during the preparation, review and implementation of the Municipality's budget and related planning processes.

The core purpose of this committee is to provide technical assistance to the Executive Mayor in discharging the responsibilities set out in Section 53 of the Municipal Finance Management Act (MFMA).

Summary of the MFMA Section 53 Responsibilities:

1. Providing general political guidance over the budget process.
2. Determining the priorities that must guide the preparation of the budget.
3. Coordinating the annual revision of the Integrated Development Plan (IDP) and the preparation of the annual budget.
4. Overseeing the alignment of the IDP and the budget.
5. Ensuring the annual budget is approved before 1 July.
6. Overseeing the production of the Service Delivery and Budget Implementation Plan (SDBIP) and the timely submission/publication of senior managers' performance agreements.

Councillor representation on the Committee facilitates political oversight and strategic input into the municipal planning and budgeting process.

DISCIPLINARY COMMITTEE

The Code of Conduct for Councillors, as contained in Schedule 7 to the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), read with Council's Rules of Order, provides for the establishment of a Disciplinary Committee to consider alleged breaches of the Code of Conduct for Councillors and to make recommendations to Council regarding appropriate corrective measures and sanctions.

The Committee plays an important role in upholding ethical governance, accountability

and compliance with the standards expected of elected public representatives.

RECOMMENDATION

(a) That Councillors be appointed by the Executive Mayor to serve on the Budget Steering Committee;

(b) That Councillors be appointed to serve on the Disciplinary Committee;

(c) That Councillors be appointed to serve on the Local Labour Forum (LLF);and

(d) That Councillors be appointed to serve on the Employment Equity Consultation Forum (EECF).

IZINDULULO

(a) Kukuba ooCeba batyunjwe nguSodolophu oLawulayo ukuba basebenze kwiKomiti eBambe Imikhala yoHlahlo lwabiwo -mali;

(b) Kukuba ooCeba batyunjwe ukuba basebenze kwiKomiti yoLuleko;

(c) Kukuba kutyunjwe ooCeba ukuba basebenze kwiQonga leNgxoxo lezaBasebenzi laseKhaya (LLF); kunye

(d) Nokuba kutyunjwe ooCeba ukuba basebenze kwiQonga leNgxoxo lokuCebisana loLungelelwaniso kwezeNgqesho (EECF).

ATTACHMENTS / STAWENDE DOKUMENTE

None.

4.13 APPOINTMENT OF REPRESENTATIVES ON SALGA WESTERN CAPE WORKING GROUPS

File number / Verwysingsnommer: 12/2/1/21
Meeting date / Vergadering datum: 18 November 2026
Report by / Verslag deur: Dr Dean O'Neill

PURPOSE OF REPORT / DOEL VAN VERSLAG

To appoint councillor representatives to serve on the variou working groups of SALGA Western Cape.

BACKGROUND / AGTERGRONG

The South African Local Government Association (SALGA) is the recognised representative body of local government in South Africa and serves as the collective voice of municipalities in matters affecting local government policy, legislation, governance and service delivery.

Through its provincial working groups, governance structures and advisory bodies, SALGA Western Cape provides municipalities with an opportunity to contribute to policy development, share best practices, address matters of common interest and engage with provincial and national stakeholders on issues affecting local government.

It is therefore necessary for Council to appoint councillor representatives to serve on the various SALGA Western Cape working groups to ensure that the interests of the George Municipality are represented and advanced.

The names and composition of the various working groups will be communicated by SALGA Western Cape from time to time, whereafter the appointed representatives may be allocated accordingly.

RECOMMENDATION

That Councillors be appointed to represent George Municipality on each of the SALGA Western Cape working groups.

ISINDULULO

Kukuba kutyunjwe ooCeba ukuba bamele uMasipala waseGeorge kwiqela ngalinye lala maqela okusebenza e-SALGA eNtshona Koloni.

ATTACHMENTS / STAWENDE DOKUMENTE

None.

4.14 APPOINTMENT OF COUNCILLORS AS REPRESENTATIVES ON EXTERNAL BODIES

File number / Verwysingsnommer: 12/2/1/21
Meeting date / Vergadering datum: 18 November 2026
Report by / Verslag deur: Dr Dean O'Neill

PURPOSE OF REPORT / DOEL VAN VERSLAG

To appoint councillor representatives and secundis to serve on the external bodies on behalf of the George Municipality, as listed in **Annexure"A"** to the agenda.

BACKGROUND / AGTERGRONG

George Municipality is represented on a number of external bodies that deal with matters affecting local government, public safety, disaster management, economic development, transport, environmental management, sport, health and community development.

Representation on these structures enables the Municipality to contribute to decision-making processes, strengthen cooperative relationships with external stakeholders and ensure that the interests of the Municipality and its communities are appropriately represented.

A schedule of the external bodies requiring municipal representation is attached to the agenda as **Annexure "A"** to the agenda. In order to ensure continuous representation and attendance at meetings, Council should appoint both a representative and a secundi.

RECOMMENDATION

That councillor representatives and secundis be appointed to serve on the external bodies listed in **Annexure "A"**.

ISINDULULO

Kukuba kuchongwe abameli abangamabhunga kunye namabambela abo ukuze basebenze kumaqumrhu angaphandle adweliswe kwiSihlomelo "A".

ATTACHMENTS / STAWENDE DOKUMENTE

Annexure "A":List of external bodies

ITEM 4.14 ANNEXURE "A"

MUNISIPALITEIT GEORGE MUNICIPALITY

REPRESENTATIVES ON EXTERNAL BODIES

COMMITTEE / INSTITUTION	REPRESENTATIVE	SECUNDI
Community Police Forum George Pacaltsdorp Thembalethu Conville		
George Sport Club		
Informal Trading Committee		
PROFCOM		
Regional Disaster Management Committee		
Southern Cape Electricity Forum		
Garden Route Botanical Garden Trust Committee		
BADISA		
Harry Comay Santa Centre Management Committee		
Sport Council		
Board of Trustees of the George Museum		
Council of the Nelson Mandela Metropolitan University		
Wilderness Lakes Catchment Management Forum		
Management Board of Emmaüs		
Rosemoor Dienssentrum vir Bejaardes		
Public Transport Steering Committee		
Rosemoor Home for the Aged		
Outeniqua Skougenootskap		
Night Shelter		
George Hospital Board		

1

4.15 CODE OF CONDUCT FOR COUNCILLORS AND DISCLOSURE OF INTERESTS BY COUNCILLORS

File number / Verwysingsnommer: 3/4/10
Meeting date / Vergadering datum: 18 November 2026
Report by / Verslag deur: Kurt Paulse

PURPOSE OF REPORT / DOEL VAN VERSLAG

To familiarise councillors with the Code of Conduct for Councillors and to remind councillors of their statutory obligations regarding the disclosure of interests and the avoidance of conflicts of interest.

BACKGROUND / AGTERGRONG

Schedule 7 to the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) contains the Code of Conduct for Councillors, which regulates the ethical conduct, duties and responsibilities of councillors in the exercise of their public office.

The Code seeks to promote integrity, accountability, transparency and public confidence in local government and is binding on all councillors serving on the Municipal Council.

A copy of the Code of Conduct for Councillors is attached to the agenda as **Annexure "A"** to the agenda, for ease of reference.

Diclsoure of interests;

Item 6 of the Code of Conduct for Councillors as contained in Schedule 7 to the Municipal Structures Act, 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 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

(3) This section does not apply to any 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.

Compliance with these provisions is essential to ensure transparency in decision-making and to avoid actual, potential or perceived conflicts of interest.

RECOMMENDATION

(a) That Council notes the provisions of the Code of Conduct for Councillors contained in Schedule 7 to the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

(b) That all councillors familiarise themselves with the contents of the Code of Conduct attached as **Annexure "A"**; and

(c) That Councillors be instructed by the Speaker to disclose any benefit as stipulated in Item 6 (2).

IZINDULULO

(a) Kukuba iBhunga liqaphele imiqathango Mithetho neMimiselo yokuziphatha yooCeba equlethwe kwiShedyuli yesi -7 kaRhulumente waseKhaya: uMthetho weZakhiwo zikaMasipala, ka-1998 (uMthetho we -117 ka-1998);

(b) Kukuba bonke ooCeba baziqhelanise neziqulatho zeMithetho neMimiselo yokuziphatha eqhotyoshelwe njengeSihlomelo "A"; kunye

(c) Nokuba ooCeba bayalelwe nguSomlomo ukuba babhengeze nayiphi na inzuzo, njengoko kuchaziwe kuMba wesi - 6 (2).

ATTACHMENTS / STAWENDE DOKUMENTE

Annexure "A" : Code of Conduct for Councillors

"**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

"Toekenning van setels in distriksrade

15. (1) Die kwota van geregistreerde kiesers wat 'n plaaslike raad **[of distrik bestuursgebied]** moet hê om op 'n setel op 'n distriksraad geregtig te wees moet in ooreenstemming met die volgende formule bepaal word (breuke moet weggelaat word)—

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

Waar—

A die totale aantal kiesers wat op die distriksraad se segment van die nasionale gemeenskaplike kiesersrys is, verteenwoordig; en

B die aantal setels op 'n distriksraad verteenwoordig wat ingevolge artikel 23(2)*(a)* vir verteenwoordiger van die plaaslike rade **[en distrik bestuursgebiede]** bepaal is maar enige verhoging ingevolge artikel 20(5) moet buite rekening gelaat word.

(2) Elke plaaslike munisipaliteit **[en elke distrik bestuursgebied]** in die gebied van 'n distriksmunisipaliteit, is geregtig op 'n getal setels in die distriksraad wat bepaal word deur die totale getal geregistreerde kiesers op die segment van die nasionale gemeenskaplike kiesersrys vir daardie plaaslike munisipaliteit **[of distrik bestuursgebied]** te verdeel deur die kwota van kiesers vir 'n setel in die distriksraad ooreenkomstig subitem (1) bepaal.

(3) Indien die berekening in subitem (2) 'n syfer gee wat 'n breukdeel is van die syfer 1, moet die raad **[of distrik bestuursgebied,]** een setel toegeken word, en neem nie deel aan enige verdere berekening of toekenning nie.

(4) Indien die berekening in subitem (2) 'n surplus gee, moet daardie surplus meeding met 'n soortgelyke surplus van enige ander raad **[of distrik bestuursgebied]**, en enige setel of setels nie ingevolge subitems (2) en (3) toegeken nie, moet toegeken word in volgorde van die hoogste surplus.";

(l) deur die opskrif van item 23 deur die volgende opskrif te vervang:

"**Vul van vakatures in distriksrade**"; en

(m) deur item 24 te herroep.

Wysiging van Bylae 3 tot Wet 117 van 1998, soos gewysig deur artikel 34 van Wet 51 van 2002

35. Bylae 3 tot die Hoofwet word hierby gewysig deur item (1) deur die volgende item te vervang:

"Toepassing

1. Die prosedure in hierdie Bylae uiteengesit, is van toepassing wanneer 'n munisipale raad vergader om 'n speaker, 'n uitvoerende burgemeester, 'n uitvoerende onderburgemeester, 'n sweep, 'n burgemeester of 'n onderburgemeester te verkies.".

Byvoeging van Bylae 7 tot Wet 117 van 1998

36. Die volgende bylae word hierby by die Hoofwet bygevoeg:

"BYLAE 7

GEDRAGSKODE VIR RAADSLEDE

AANHEF

Raadslede word verkies om plaaslike gemeenskappe op munisipale rade te verteenwoordig, om te verseker dat munisipaliteite gestruktureerde meganismes van verantwoordbaarheid aan plaaslike gemeenskappe het en om in die prioriteitsbehoeftes van gemeenskappe te voorsien deur dienste gelyk, effektief en volhoubaar binne die vermoëns van die munisipaliteit te

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.

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

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.

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.

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.

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.

(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.

(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.

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

Disclosure of interests

6. (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

lewer. Raadslede moet by die vervulling van hierdie rol aan plaaslike gemeenskappe verantwoordbaar wees en ten minste kwartaallliks aan kiesers verslag doen oor raadsaangeleenthede, met inbegrip van die prestasie van die munisipaliteit ingevolge gestelde aanduiders. Ten einde te verseker dat raadslede hulle verpligtinge aan hulle gemeenskappe nakom en om die bereiking deur die munisipaliteit van die munisipaliteit se oogmerke soos in artikel 19 uiteengesit, te ondersteun, word die volgende Gedragskode ingestel.

Woordomskrywing

1. In hierdie Bylae beteken 'lewensmaat' 'n persoon wat permanent by 'n ander persoon woon asof hulle getroud is.

Algemene gedrag van raadslede

2. 'n Raadslid moet—

(a) die werksaamhede van die amp met goeie trou, eerlik en op 'n deursigtige wyse verrig; en

(b) te alle tye in die belang van die munisipaliteit optree en op so 'n wyse dat die geloofbaarheid en integriteit van die munisipaliteit nie in die gedrang kom nie.

Stem by vergaderings

3. 'n Raadslid mag nie stem ten gunste van of instem tot 'n besluit wat voor die raad of 'n komitee van die raad is, wat in strydd is met enige wetgewing van toepassing op plaaslike regering nie.

Bywoning van vergaderings

4. 'n Raadslid moet elke vergadering van die munisipale raad en van 'n komitee waarvan daardie raadslid 'n lid is, bywoon, behalwe wanneer—

(a) hy of sy ingevolge 'n toepaslike wetsbepaling of soos deur die reëls en orders van die raad bepaal, toestemming kry om afwesig te wees; of

(b) hierdie Kode vereis dat daardie raadslid van die vergadering onttrek.

Sanksies vir niebywoning van vergaderings

5. (1) 'n Munisipale raad kan 'n boete soos deur die staande reëls en orders van die munisipale raad bepaal, aan 'n raadslid oplê—

(a) vir niebywoning van 'n vergadering wat daardie raadslid ingevolge item 4 moet bywoon; of

(b) vir versuim om by so 'n vergadering teenwoordig te bly.

(2) 'n Raadslid wat van drie of meer opeenvolgende vergaderings van 'n munisipale raad afwesig is, of van drie of meer opeenvolgende vergaderings van 'n komitee afwesig is, wat daardie raadslid ingevolge item 4 moet bywoon, moet van die amp van raadslid onthef word.

(3) *(a)* Verrigtinge vir die oplê van 'n boete of die ontheffing van 'n raadslid uit die amp, moet ooreenkomstig 'n eenvormige staande prosedure gehou word wat elke munisipale raad vir die doeleindes van hierdie item moet aanneem.

(b) Die eenvormige staande prosedure moet aan die reëls van natuurlike geregtigheid voldoen.

Openbaarmaking van belange

6. (1) 'n Raadslid—

(a) moet aan die munisipale raad, of aan enige komitee waarvan daardie raadslid 'n lid is, enige direkte of indirekte persoonlike of private sakebelang wat daardie raadslid, of enige gade, vennoot of sakevennoot van daardie raadslid mag hê in enige aangeleentheid wat voor die raad of die komitee ter sprake is, openbaar maak; en

(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

(b) moet aan die verrigtinge van die raad of komitee onttrek wanneer daardie aangeleentheid deur die raad of komitee oorweeg word, tensy die raad of komitee besluit dat die raadslid se direkte of indirekte belang in die aangeleentheid gering of irrelevant is.

(2) 'n Raadslid wat, of wie se gade, lewensmaat, sakegenoot, nabye familielid, enige direkte voordeel trek of kan trek uit 'n kontrak wat met die munisipaliteit gesluit is, moet volle besonderhede van die voordeel waarvan die raadslid bewus is, by die eerste vergadering van die munisipale raad openbaar maak.

(3) Hierdie artikel is nie van toepassing nie op 'n belang of voordeel wat 'n raadslid, of 'n gade, lewensmaat of sakegenoot of nabye familielid, in gemeen met ander inwoners van die munisipaliteit het of verkry.

Persoonlike gewin

7. (1) 'n Raadslid mag nie die posisie of voorregte van 'n raadslid, of vertroulike inligting as 'n raadslid verkry, vir private gewin of om iemand anders onbehoorlik te bevoordeel, gebruik nie.

(2) Geen raadslid mag 'n party wees tot of begunstigde kragtens 'n kontrak vir die lewering van goedere of dienste aan enige munisipaliteit of enige munisipale entiteite deur 'n munisipaliteit in gestel nie.

Verklaring van belange

8. (1) By verkiesing of aanstelling, moet 'n raadslid binne 60 dae die volgende finansiële belange wat daardie raadslid hou, skriftelik aan die munisipale bestuurder verklaar:

(a) Aandele en effekte in enige maatskappy;
(b) lidmaatskap in enige beslote korporasie;
(c) belang in enige trust;
(d) direkteurskappe;
(e) vennootskappe;
(f) ander finansiële belange in enige sakeonderneming;
(g) werk en vergoeding;
(h) eiendomsbelang;
(i) pensioene; en
(j) subsidies, toelaes en borgskappe deur enige organisasie.

(2) Enige verandering in die aard of besonderhede van die finansiële belange van 'n raadslid moet jaarliks skriftelik aan die munisipale bestuurder verklaar word.

(3) Geskenke bo 'n voorgeskrewe bedrag deur 'n raadslid ontvang, moet ook ooreenkomstig subitem (1) verklaar word.

(4) Die munisipale raad moet bepaal watter van die finansiële belange in subitem (1) bedoel, openbaar gemaak moet word, met inagneming van die behoefte aan vertroulikheid en die openbare belang in openbaarmaking.

Voltydse raadslede

9. 'n Raadslid wat 'n voltydse raadslid is, mag nie enige ander betaalde werk aanvaar nie, behalwe met die vergunning van 'n munisipale raad, welke vergunning nie onredelik teruggehou moet word nie.

Belonings, geskenke en gunste

10. 'n Raadslid mag nie enige beloning, geskenk of guns versoek, vra of aanvaar nie in rail daarvoor—

(a) dat daardie raadslid op 'n spesifieke wyse stem of nie stem nie oor enige aangeleentheid voor die munisipale raad of voor 'n komitee waarvan daardie raadslid 'n lid is;
(b) dat daardie raadslid die raad of enige komitee oorreed in die uitoefening van enige bevoegdheid, werksaamheid of plig;
(c) dat daardie raadslid 'n vertoog aan die raad of enige komitee van die raad rig; of

(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.

(d) dat daardie raadslid geprivilegeerde of vertroulike inligting openbaar maak.

Ongemagtigde openbaarmaking van inligting

11. (1) 'n Raadslid mag nie sonder die vergunning van die munisipale raad of 'n komitee, enige geprivilegeerde of vertroulike inligting van die raad of komitee aan enige ongemagtigde persoon openbaar maak nie.

(2) By die toepassing van hierdie item sluit 'geprivilegeerde of vertroulike inligting' enige inligting in—

(a) deur die munisipale raad of komitee as geprivilegeerd of vertroulik verklaar;

(b) wat in 'n geslote sessie deur die raad of komitee bespreek is;

(c) waarvan die openbaarmaking 'n persoon se reg op privaatheid skend; of

(d) ingevolge die reg verklaar is geprivilegeer, vertroulik of geheim te wees.

(3) Hierdie item ontneem niks aan 'n persoon se reg op toegang tot inligting ingevolge nasionale wetgewing nie.

Inmenging in administrasie

12. 'n Raadslid mag nie, behalwe soos by wet bepaal—

(a) inmeng in die bestuur of administrasie van enige departement van die munisipale raad nie, tensy dit deur die raad mandateer is;

(b) sonder magtiging enige opdrag gee of voorgee om te gee aan enige werknemer van die raad nie;

(c) die implementering van enige besluit van die raad of 'n komitee deur 'n werknemer van die raad dwarsboom of poog om dit te dwarsboom nie; of

(d) enige gedrag aanmoedig of daaraan deelneem wat tot die wanadministrasie van die raad sal bydra nie.

Munisipale eiendom

13. 'n Raadslid mag nie enige eiendom of bate deur die munisipaliteit besit, beheer of bestuur waarop daardie raadslid geen reg het, gebruik, neem, verkry of daaruit voordeel trek nie.

Raadslid agterstallig

14. 'n Raadslid mag nie vir 'n tydperk van meer as drie maande by die munisipaliteit agterstallig wees met eiendomsbelasting en diensgelde nie.

Verbrekings van kode

15. (1) Indien die speaker van 'n munisipale raad, op 'n redelike vermoede, van mening is dat 'n bepaling van hierdie Kode verbreek is, moet die speaker—

(a) 'n ondersoek van die feite en omstandighede rondom die beweerde verbreking magtig;

(b) die raadslid 'n redelike geleentheid gun om skriftelik te reageer oor die beweerde verbreking; en

(c) die aangeleentheid by 'n vergadering van die munisipale raad aanmeld nadat aan paragrawe *(a)* en *(b)* voldoen is.

(2) 'n Verslag ingevolge subartikel (1)*(c)* is oop vir die publiek.

(3) Die speaker moet die resultaat van die ondersoek aan die LUR vir plaaslike regering in die betrokke provinsie rapporteer.

(4) Die voorsitter moet verseker dat elke raadslid, by die opneem van 'n amp, 'n afskrif van hierdie Kode ontvang en dat 'n afskrif van die Kode in elke vertrek of plek waar die raad vergader, beskikbaar is.

(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

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).

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.

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

(5) Indien die speaker van die raad die beweerde dader is, of die speaker weier om 'n ondersoek te magtig, moet die raad 'n spesiale komitee instel, soos in item 16(1)*(b)* beoog, om ondersoek in te stel en 'n beslissing te maak oor enige beweerde verbreking van hierdie Kode.

Ondersoek van verbreking

16. (1) 'n Munisipale raad kan—

(a) 'n beweerde verbreking van 'n bepaling van hierdie Kode ondersoek en daaroor beslis; of

(b) 'n spesiale komitee instel—

(i) om ondersoek in te stel en 'n beslissing te maak oor enige beweerde verbreking van hierdie Kode; en

(ii) om gepaste aanbevelings aan die raad te doen.

(2) Indien die raad of 'n spesiale komitee bevind dat 'n raadslid 'n bepaling van hierdie Kode verbreek het, kan die raad—

(a) 'n formele waarskuwing aan die raadslid uitreik;

(b) die raadslid teregwys;

(c) versoek dat die LUR vir plaaslike regering in die provinsie die raadslid vir 'n sekere tydperk skors;

(d) die raadslid beboet; of

(e) versoek dat die LUR die raadslid uit die amp verwyder.

(3) Die speaker moet die LUR vir plaaslike regering in die betrokke provinsie binne 14 dae inlig oor die beslissing en die sanksie waarop die raad besluit het.

(4) *(a)* Enige raadslid wat ingevolge paragraaf *(a)*, *(b)* of *(d)* van subitem (2) gewaarsku, tereggewys of beboet is, kan binne 14 dae sedert kennisgewing van die besluit van die raad, skriftelik by die LUR vir plaaslike regering appèl aanteken en die redes waarop die appèl gegrond is, uiteensit.

(b) Die LUR moet 'n afskrif van die appèl aan die raad voorsien.

(c) Die raad kan binne 14 dae van ontvangs van die appèl in paragraaf *(b)* bedoel, enige vertoog rakende die appèl skriftelik aan die LUR vir plaaslike regering rig.

(d) Die LUR vir plaaslike regering kan, na oorweging van die appèl, die besluit van die raad bevestig, tersyde stel of verander en die raadslid en die raad verwittig van die uitslag van die appèl.

(5) Die LUR vir plaaslike regering moet 'n persoon of 'n komitee aanstel om enige beweerde verbreking van 'n bepaling van hierdie Kode te ondersoek en om 'n aanbeveling aangaande die gepaste sanksie ingevolge subitem (2) te doen as 'n munisipale raad nie 'n ondersoek in subitem (1) beoog, doen nie en die LUR vir plaaslike regering dit nodig ag.

(6) Die Kommissiewet, 1947 (Wet No. 8 van 1947), of, waar van toepassing, toepaslike provinsiale wetgewing, kan op 'n ondersoek ingevolge subitem (4) toegepas word.

(7) Indien die LUR van mening is dat die raadslid 'n bepaling van hierdie Kode verbreek het en dat daardie oortreding 'n skorsing of ontheffing van amp regverdig, kan die LUR—

(a) die raadslid vir 'n tydperk en op voorwaardes deur die LUR bepaal, skors; of

(b) die raadslid uit die amp verwyder.

(8) Enige ondersoek ingevolge hierdie item en enige aksie deur die LUR ingevolge subitem (7), moet ooreenkomstig artikel 3 van die 'Promotion of Administrative Justice Act, 2000' (Wet No. 3 van 2000), wees.

Toepassing van Kode op tradisionele leiers

17. (1) Items 1, 2, 6, 7, 10*(b)* tot *(d)*, 11, 12, 13, 15 en 16(1) is van toepassing op 'n tradisionele leier wat ingevolge artikel 81 aan die verrigtinge van 'n munisipale raad deelneem.

(2) Hierdie items moet op die tradisionele leier toegepas word op dieselfde wyse as wat dit op raadslede van toepassing is.

(3) If a municipal council or a special committee in terms of item 16(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*.

(3) Indien 'n munisipale raad of 'n spesiale komitee ingevolge item 16(1) bevind dat 'n tradisionele leier 'n bepaling van hierdie Kode verbreek het, kan die Raad—

(a) 'n formele waarskuwing aan die tradisionele leier uitreik; of

(b) versoek dat die LUR vir plaaslike regering in die provinsie die tradisionele leier se reg om aan die verrigtinge van die raad deel te neem, intrek.

(4) Die LUR vir plaaslike regering kan 'n persoon of 'n komitee aanstel om enige beweerde verbreking van 'n bepaling van hierdie Kode te ondersoek en oor 'n aanbeveling te doen oor hetsy die reg van die tradisionele leier om aan die verrigtinge van die munisipale raad deel te neem, opgeskort of ingetrek moet word.

(5) Die Kommissiewet, 1947 (Wet No. 8 van 1947), kan op 'n ondersoek ingevolge subitem (4) toegepas word.

(6) Indien die LUR van mening is dat die tradisionele leier 'n bepaling van hierdie Kode verbreek het en dat daardie verbreking 'n opskorting of intrekking van die tradisionele leier se reg om aan die raad se verrigtinge deel te neem, regverdig, kan die LUR—

(a) daardie reg vir 'n tydperk en op voorwaardes deur die LUR bepaal, opskort; of

(b) daardie reg intrek.

(7) Enige ondersoek ingevolge hierdie item en enige stappe deur die LUR ingevolge subitem (6), moet ooreenkomstig die reëls van natuurlike geregtigheid wees.

(8) Die opskorting of intrekking van 'n tradisionele leier se reg om aan die verrigtinge van 'n raad deel te neem, raak nie daardie tradisionele leier se reg om die raad ingevolge artikel 81(3) toe te spreek nie.".

Herroeping van wette

37. Artikel 19, artikel 54 en Bylae 1 tot die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000), word hierby herroep.

Oorgangsmaatreëls

38. 'n Munisipaliteit wat onmiddellik voor die inwerkingtreding van hierdie Wet 'n volle raad uitvoerende stelsel het, sal voortgaan om as 'n munisipaliteit met 'n volle raad uitvoerende stelsel te bestaan tot op die datum van die eerste plaaslike regeringsverkiesing na inwerkingtreding van hierdie Wet.

Kort titel en inwerkingtreding

39. Hierdie Wet heet die Wysigingswet op Plaaslike Regering: Munisipale Strukture, 2021, en tree in werking op 'n datum deur die President by proklamasie in die *Staatskoerant* bepaal.

4.16 HANDOVER REPORT

File number / Verwysingsnommer: 9/1
Meeting date / Vergadering datum: 18 November 2026
Report by / Verslag deur: Dr Dean O'Neill and Mr R Du Plessis

PURPOSE OF REPORT / DOEL VAN VERSLAG

To submit the Administrative Handover Report to the newly elected Council and to provide Councillors with an overview of the status of the Municipality, its governance arrangements, financial position, service delivery obligations and strategic priorities at the commencement of the 2026 – 2031 term of office.

BACKGROUND / AGTERGRONG

The Department of Cooperative Governance (DCoG), National Treasury and the South African Local Government Association (SALGA) issued a joint circular to guide municipalities in managing the transition from the 2021 – 2026 municipal term to the new term of office following the Local Government Elections held on 4 November 2026.

This joint circular requires Municipal Managers, together with Chief Financial Officers and senior management teams, to prepare a comprehensive Administrative Handover Report for submission to newly elected councils. The purpose of the report is to provide incoming councils with important orientation information regarding the municipality, the state of its finances, service delivery programmes, infrastructure projects, governance arrangements, audit matters and other strategic issues requiring attention during the new term of office.

The Administrative Handover Report and supporting annexures have been made available to councillors electronically on a USB, and serves as **Annexure "A"**.

The report is intended to facilitate institutional continuity, support informed decision-making and ensure a smooth transition between the outgoing and incoming Councils.

RECOMMENDATION

That the Administrative Handover Report, attached as **Annexure "A"**, be noted

ISINDULULO

Kukuba Ingxelo yoNikezelo loLawulo, eqhotyoshelwe njengeSihlomelo “A”, iqatshelwe.

ATTACHMENTS / STAWENDE DOKUMENTE

Annexure “A”: Administrative Handover Report (*distributed separately on a memory stick*)

4.17 SCHEDULE OF FUTURE COUNCIL AND COMMITTEE MEETINGS

File number / Verwysingsnommer: 3/3/1/7
Meeting date / Vergadering datum: 18 November 2026
Report by / Verslag deur: Dr Dean O'Neill

PURPOSE OF REPORT / DOEL VAN VERSLAG

To inform Council of the statutory requirements relating to municipal councils being required to meet at least on a quarterly basis, and that a Council Programme for 2027 will be tabled for information at the next Council meeting.

BACKGROUND / AGTERGROND

Section 18(2) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) requires a municipal council to meet at least quarterly.

In terms of section 29 of the Act, the Speaker is responsible for determining the date, time and venue of meetings of the Municipal Council, subject to the provisions of the Act and Council's Rules of Order.

An Annual Council Programme for 2027 will be prepared reflecting the scheduled dates of meetings of Council and Committees of Council, and will be tabled for information at the next meeting of Council.

RECOMMENDATION

(a) That Council resolves, in accordance with section 18(2) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), to meet at least quarterly;

(b) That it be noted that, in terms of section 29 of the Act, the Speaker is responsible for determining the dates, times and venues of meetings of the Municipal Council; and

(c) That it be noted that the schedule of Council and Committee meetings for the period January 2027 to December 2027 is being finalised and will be tabled at the next Council meeting for information.

IZINDULULO

(a) Kukuba iBhunga lithatha isigqibo, ngokungqinelana necandelo le -18(2) loMthetho likaRhulumente waseKhaya: uMthetho weZakhiwo zikaMasipala, ka-1998 (uMthetho we-117 ka-1998), sokuba lidibane ubuncinane kanye kwikota nganye;

(b) Kukuba kuqatshelwe ukuba, ngokwecandelo lama -29 lalo Mthetho, uSomlomo unoxanduva lokumisela imihla, amaxesha kunye neendawo zokubanjelwa kweentlanganiso zeBhunga likaMasipala; kunye

(c) Nokuba kuqatshelwe ukuba uludwe lwenkqubo lweentlanganiso zeBhunga nezeekomiti zexesha elisusela kweyoMqungu 2027 ukuya kweyomNga 2027 luyagqityezelwa, kwaye luza kwandlalwa phambi kweBhunga kwintlanganiso elandelayo ukuze kwaziswe amalungu ngalo.

ATTACHMENTS / STAWENDE DOKUMENTE

None.

4.18 REMUNERATION OF COUNCILLORS

File number / Verwysingsnommer: 5/12
Meeting date / Vergadering datum: 18 November 2026
Report by / Verslag deur: Dr Dean O'Neill

PURPOSE OF REPORT / DOEL VAN VERSLAG

To inform Councillors of the legislative framework governing the remuneration, allowances, benefits and tools of trade applicable to members of municipal councils.

BACKGROUND / AGTERGRONG

The remuneration, allowances and benefits payable to councillors are regulated in terms of the Remuneration of Public Office Bearers Act, 1998 (Act 20 of 1998) and are determined annually by the Minister responsible for Cooperative Governance and Traditional Affairs. The current determination was published under Government Notice No. 7159 in Government Gazette No. 54179 dated 20 February 2026 and is attached hereto as **Annexure "A"** to the agenda.

George Municipality is currently classified as a Grade 5 Municipal Council for remuneration purposes.

Council is also referred to item 15 of the notice which makes provision for tools of trade for Councillors.

RECOMMENDATION

That Council takes note of the content of Government Notice No. 7159 published in Government Gazette No. 54179 on 20 February 2026 pertaining to the current determination of the Upper Limits of Salaries, Allowances and Benefits of Different Members of Municipal Councils.

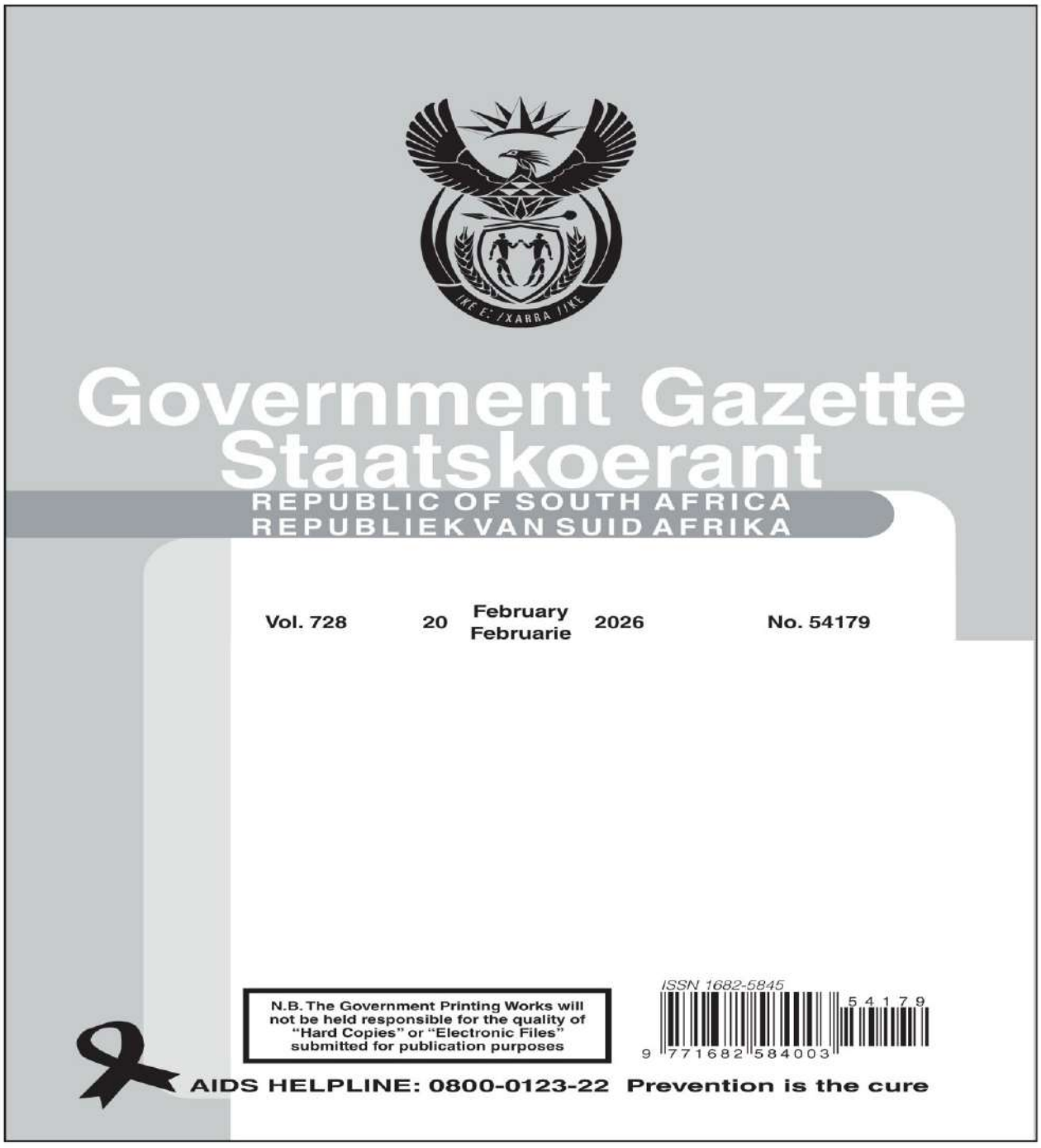
ISINDULULO

Kukuba iBhunga lithathe ingqalelo yesiqulatho seSaziso sikaRhulumente esinguNombolo yama-7159, esapapashwa kwiPhepha-ndaba likaRhulumente elinguNombolo yama - 54179 ngomhla wama-20 kweyoMdumba 2026, esimalunga nokumiselwa kweMida ePhezulu yeMivuzo, Izibonelelo eziVunyelweyo kunye neeNzuzo zaMalungu aHlukeneyo amaBhunga kaMasipala.

ATTACHMENTS / STAWENDE DOKUMENTE

Annexure "A": Government Notice No. 7159 published in Government Gazette No. 54179 on 20 February 20261: Upper Limits of Salaries, Allowances and Benefits of Different Members of Municipal Councils

ITEM 4.18 ANNEXURE "A"



ITEM 4.18 ANNEXURE "A" CONTINUED

IMPORTANT NOTICE:

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Contents

No.		Gazette No.	Page No.
	GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS		
Co-operative Governance and Traditional Affairs, Department of / Samewerkende Regering en Tradisionele Sake, Departement van			
7159	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	54179	3

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STAATSKOERANT, 20 FEBRUARIE 2026 No. 54179 3

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

NO. 7159 **20 February 2026**

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, Velenkosini Hlabisa, Minister of 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.

VELENKOSINI HLABISA, MP
MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

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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);
"capacity building programmes" means training courses or programmes as provided for in the education, training and development policy of council, including training conducted by national departments, associated government agencies and SETAs, provincial departments, municipalities and organised local government through institutions of higher learning and Further Education and Training Colleges.
"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;
"MEC" means the member of the Executive Council of a province responsible for local government in the province;
"oversight committee" means a committee of the municipal council established in terms of section 79 or 79A of the Structures Act;
"part-time councillor" means a councillor other than a full-time councillor;
"pension fund" means any 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;

"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;

"**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 statement of financial performance of the audited financial statements of that municipality for the 2024/ 2025 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, district or local municipality, as determined by the Statistician-General for the 2022 Census, in terms of section 14(7) of the *Statistics Act*, 1999 (Act No. 6 of 1999)); and

"total remuneration package" means the total cost to a municipality of a basic salary component, a motor vehicle allowance as provided in item 9(1), housing allowance as provided in item 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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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
R0	-	R 11,407,991	8.33
R11, 407,992,	-	R57, 039,955	16.67
R57,039,956	-	R228,159,822	25.00
R228,159,823	-	R1,711,198,662	33.33
R1,711,198, 663	-	R2,281,598, 217	41.67
More than R 2,281,598,218			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	-	73 857	8.33
73 858	-	123 833	16.67
123 834	-	309 583	25.00
309 584	-	681 083	33.33
681 084	-	2 229 001	41.67
More than 2 229 001			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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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 OR SECTION 79A COMMITTEE
6	R1,650,039	R1,332,597	R1,255,291	R1,218,468
5	R1,230,245	R984,192	R922,683	R895,618
4	R1,050,284	R840,233	R788,073	R764,612
3	R1,011,529	R809,224	R758,650	R743,407
2	R947,146	R757,718	R717,123	R696,089
1	R919,541	R742,644	R696,226	R675,804

6. Upper limit of annual total remuneration package or allowance in respect of appointed councillors

(1) A councillor 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 section 79A 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 and 12, 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 R1,296,31: Provided that this allowance is limited to R1,296,31 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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(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 R1,296,31per sitting and actual attendance of any meeting: Provided that the allowance is limited to R1,296,31 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 R1,296,31 per sitting and actual attendance of such structure: Provided that the allowance is limited to R1,296,31 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 of transport for the use of privately-owned

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vehicles, incurred by a councillor for attending a meeting of governance and intergovernmental structures.

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 A SECTION 79 OR SECTION 79A COMMITTEE	OTHER PART-TIME MEMBERS
6	R924,909	R782,434	R700,289	R679,746	R617,948
5	R686,316	R549,054	R514,738	R499,635	R388,656
4	R585,927	R468,751	R439,445	R426,555	R332,380
3	R564,302	R451,403	R423,234	R410,810	R320,101
2	R528,382	R422,705	R396,289	R384,664	R299,738
1	R512,986	R410,387	R384,741	R372,678	R290,653

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, in line with applicable legislation, 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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(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 (i.e. reason for the trip, duration of trip and place from and place to).

(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 a viable municipality.

(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 R3600.00 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 R317 per month.

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

(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 municipal council 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 municipal council 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 municipal council may, on good cause shown, provide alternative accommodation for a further period not exceeding 30 days.

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(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 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 11 and 12), 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, part-time chairpersons of section 79 committees, and whips.
(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	Executive Mayor, Mayor, Speaker, Deputy Executive Mayor, Deputy Mayor, Speaker and Whip are entitled to two bodyguards per shift of a two-shift system. Deviation from the norm may only be based on the

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	TOOLS OF TRADE	APPLICABLE TO:
		recommendations of the South African Police Service. In the event that a written report is received concerning a threat and risk to the personal security of any of the office bearers referred to above, the municipal council must: (i) Determine whether such a threat and risk exist. (ii) Provide bodyguard in terms of this paragraph, if such threat and risk exist. (iii) Exercise financial prudence when providing personal security to any of the office bearers referred to above.
		All councillors, subject to a threat and risk analysis conducted by the South African Police Service.

(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).

(4) The application of sub-item (1) is subject to concurrence by the MEC for local government in the province.

16. Capacity building

(1) Every council must develop and adopt a policy to provide for education, training and development of councillors.

(2) Council must make provision in its budget for education, training and development of councillors, which must remain valid for the tenure of office of that council.

(3) A training programme must take into consideration the capacity needs of a councillor to fulfil individual councillor's statutory obligations. Provided that the municipal council must, in line with applicable legislation and approved council policy, exercise prudent financial management to ensure that the provision of education, training and development of councillors does not undermine the need to prioritise service delivery and sustain a viable municipality.

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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 a municipality –

(a) must recover that remuneration from the councillor concerned; 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

(1) A municipal council must submit to the MEC responsible for local government under whose jurisdiction it falls, within 60 days from the date of publication of this Notice on an official letterhead of the municipality, signed by the executive mayor or mayor, a report containing the following information in respect of its serving councillors for the 2025/ 26 financial year:

(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 information referred to in sub-item 1, the MEC must analyse the information for correctness and completeness and submit a consolidated report to the Minister within 90 days from the date of publication of this Notice.

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19. Transitional measures

(1) If a municipal council has no audited financial statements for 2024/ 25 financial year by the date of publication of this Notice, the audited financial statements for the 2023/ 24 financial year shall apply.

(2) If the grading of a municipal council is lower than the current grade of the municipal council as determined in terms of this Notice, a councillor –

(a) who is in office as at 30 June 2025, will be remunerated in terms of this Notice as per item 5 and 8 in accordance with the grade determined in terms of Government Notice No. 5446, Government Gazette No. 51419 of 21 October 2024, provided that the data used by the municipal council for determination of the grade of a municipal council is correct; and

(b) such councillor is entitled to the applicable cost of living adjustment: Provided that the data used by the municipal council for determination of the grade of a municipal council is correct.

(3) This Notice replaces Government Gazette No. 51419 of 21 October 2024.

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 2025.

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ITEM 4.18 ANNEXURE "A" CONTINUED

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