

SPECIAL MUNICIPAL COUNCIL MEETING
AGENDA
10 FEBRUARY 2022



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Notice is hereby given, in terms of Section 19(b) of the Local Government: Municipal Systems Act, 32 of 2000 as amended, that a **SPECIAL MEETING** of the **MUNICIPAL COUNCIL** of Knysna Municipality will be held in the Municipal Council Chamber on **THURSDAY, 10 FEBRUARY 2022** at **09:00** to consider the business set forth in the attached agenda.

Kennis geskied hiermee as gevolg van Artikel 19(b) van die Plaaslike Regering : Munisipale Stelsels Wet, 32 van 2000, dat 'n **SPESIALE VERGADERING** van die **MUNISIPALE RAAD** van Knysna Munisipaliteit in die Munisipale Raadsaal op **DONDERDAG, 10 FEBRUARIE 2022** om **09:00** gehou sal word ten einde sake soos uiteengesit in die aangehegte agenda te oorweeg.

Ibhunga lika**MASIPALA** waseKnysna lazisa ngomthetho okwisolotya 19(b) wenkqubo mgaqo olawula oMasipala, 32 of 2000, njengoko utshintshiwe, **NGENTLANGANISO EKHETHEKILEYO** ye**BHUNGA** lika**MASIPALA** waseKnysna eyakubanjelwa **NGOLWESINE, NGOMHLA WE 10 EYOMDUMBA 2022** ngentsimbi ye **09:00** umba iyakuba lushishino oluchazwe kwi-agenda.

CLLR J LOPES
The Speaker
Die Speaker
Usomlomo

MR D J ADONIS
Acting Municipal Manager
Waarnemende Munisipale Bestuurder
uManejala kaMasipala

Date : 7 February 2022

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1. **OPENING AND WELCOMING**
2. **SILENT PRAYER**
3. **ATTENDANCE OF MEMBERS**
 - 3.1 **COUNCILLORS PRESENT**
 - 3.2 **COUNCILLORS WITH LEAVE**
 - 3.3 **COUNCILLORS WITHOUT LEAVE**
4. **NOTING THE PROVISIONS OF SCHEDULE 1 (CODE OF CONDUCT FOR COUNCILLORS) OF THE LOCAL GOVERNMENT MUNICIPAL SYSTEMS ACT, 2000**
5. **DISCLOSURE OF INTERESTS BY COUNCILLORS**

6. **NEW MATTERS SUBMITTED BY THE ACTING MUNICIPAL MANAGER**

6.1

SC01/02/2022

RESTRUCTURING OF SECTION 80 COMMITTEES

REPORT FROM THE ACTING MUNICIPAL MANAGER

PURPOSE OF THE REPORT

To restructure the composition of Section 80 Committees as a result of the appointment of Cllr Waleed Grootboom (PA) as member of the Mayoral Committee.

BACKGROUND

Section 60 of the Local Government Municipal Structures Act 117 of 1998, provides for the appointed of a Mayoral Committee by the Executive Mayor from amongst members of Council to assist the Executive Mayor.

Section 80 of the Local Government Municipal Structures Act 117 of 1998 provides for the appointment of committees to assist the Executive Mayor.

Section 80(3) provides that the chairperson(s) of such committees are appointed by the Executive Mayor from the Mayoral Committee.

On the 2nd of February 2022 the Executive Mayor appointed Cllr Waleed Grootboom (PR Cllr Patriotic Alliance) as a member of the Mayoral Committee responsible for Community Services and chairperson of that committee.

Cllr Grootboom was appointed as a member of the Section 80 Committees for Corporate and Infrastructure Services. The appointment of Cllr Grootboom to the Mayoral Committee now necessitates the reconstitution of the Section 80 Committees appointed by Council.

RECOMMENDATION OF THE ACTING MUNICIPAL MANAGER

- [a] That the report regarding the reconstitution of Section 80 Committees be noted;
- [b] That in terms of Section 80 of the Local Government : Municipal Structures Act, 1998, as amended, the following Section 80 Portfolio Committees be reconstituted as follows:

Corporate Services Portfolio Committee

Chairperson : Cllr MS Campbell (member of the Mayoral Committee)

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

Community Services Portfolio Committee

Chairperson : Cllr W Grootboom (member of the Mayoral Committee)

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

Integrated Human Settlements & Planning Portfolio Committee

Chairperson : Cllr MS Willemse (member of the Mayoral Committee)

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

Infrastructure Services Portfolio Committee

Chairperson : Cllr PJ Bester (member of the Mayoral Committee)

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

Finance and Economy Portfolio Committee

Chairperson : Cllr ST Sabbagh (member of the Mayoral Committee)

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

- [c] That Cllr Grootboom replace Cllr E Maxim on the SALGA working group for Community Development and Social Cohesion

APPENDIX / ADDENDUM

Annexure A – Composition of Section 80 Portfolio Committees – 29 November 2021

File Number :

Execution : Acting Municipal Manager

Acting Director : Corporate Services

SC02/11/21 STRUCTURING OF THE MUNICIPAL COUNCIL : APPOINTMENT OF MEMBERS TO COMMITTEES

ANC Caucus from 09:12 until 09:26

DA Caucus from 09:46 until 10:06

Cllr T Matika proposed, seconded by Cllr N Tsengwa, that the members to the Section 80 Committees be changed from 5 members to 6 members.

Cllr H Stroebel proposed, seconded by Cllr J White, that the members to the Section 80 Committees remain at 5 members.

The Speaker called the matter to a vote.

10 Votes were recorded for the proposal of Cllr T Matika while 11 votes were recorded for the proposal of Cllr H Stroebel.

The proposal of Cllr H Stroebel was carried

Cllr H Stroebel proposed, seconded by Cllr N Louw, that his previous proposal be rescinded.

Cllr H Stroebel proposed, seconded by Cllr M Willemse, that the members to the Section 80 Committees be changed from 5 members to 6 members.

Cllr Skosana stepped out at 10:22

Cllr Skosana returned at 10:24

Cllr Andrews stepped out at 10:27

Cllr Grootboom stepped out at 10:29

Cllr Andrews returned at 10:29

Cllr Grootboom returned at 10:31

Cllr Tsengwa stepped out at 10:37

Cllr Marbi stepped out at 10:37

Cllr Marbi returned at 10:39

Cllr Tsengwa returned at 10:39

Whip Caucus from 10:45 until 11:27

KIM Caucus from 11:27 until 11:39

Cllr Andrews stepped out at 11:50

Cllr Andrews returned at 11:51

UNANIMOUSLY RESOLVED

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

Corporate Services Portfolio Committee

Chairperson : Cllr MS Campbell (member of the Mayoral Committee)
Cllr ST Sabbagh
Cllr JG White
Cllr W Grootboom
Cllr T Matika
Cllr R Arends

Community Services Portfolio Committee

Chairperson : Cllr E Maxim (member of the Mayoral Committee)
Cllr C Vanston
Cllr M Willemse
Cllr A Marbi
Cllr B Charlie
Cllr P Petros

Integrated Human Settlements & Planning Portfolio Committee

Chairperson : Cllr MS Willemse (member of the Mayoral Committee)
Cllr H Stroebel
Cllr N Louw
Cllr B Charlie
Cllr M Skosana
Cllr A Marbi

Infrastructure Services Portfolio Committee

Chairperson : Cllr PJ Bester (member of the Mayoral Committee)
Cllr JG White
Cllr N Louw
Cllr W Grootboom
Cllr N Tsengwa
Cllr M Khumelwana

Finance and Economy Portfolio Committee

Chairperson : Cllr ST Sabbagh (member of the Mayoral Committee)
Cllr PJ Bester
Cllr MS Campbell
Cllr AR Marbi
Cllr LB Charlie
Cllr K Andrews

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

Cllr AR Marbi proposed, seconded by Cllr P Petros, that Cllr NA Tsengwa be appointed as Chairperson.

Cllr C Vanston proposed, seconded by Cllr ST Sabbagh, that Cllr JG White be appointed as Chairperson.

The Speaker called the matter to a vote.

*10 Votes were recorded for Cllr JG White
11 votes were recorded for Cllr NA Tsengwa.*

Chairperson : Cllr N Tsengwa
Cllr W Grootboom
Cllr M Willemse
Cllr J G White

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

Cllr ST Sabbagh
Cllr MS Campbell
Cllr T Matika
Cllr LB Charlie

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

Chairperson : Cllr AR Marbi
Cllr JG White
Cllr N Louw
Cllr R Arends
Chairperson of the Audit Committee (ex officio a member)

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

Cllr LV Davis proposed, seconded by Cllr C Vanston, that Cllr ST Sabbagh be appointed as Chairperson.

Cllr M Skosana proposed, seconded by Cllr T Matika, that Cllr K Andrews be appointed as Chairperson.

The Speaker called the matter to a vote.

*11 Votes were recorded for Cllr ST Sabbagh
10 votes were recorded for Cllr K Andrews.*

Chairperson : Cllr ST Sabbagh

Cllr MS Campbell
Cllr LB Charlie
Cllr K Andrews

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

Chairperson : Cllr LV Davis
Cllr E Maxim
Cllr M Willemse
Cllr N Louw
Cllr M Khumelwana
Cllr A Marbi
Cllr W Grootboom

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

Cllr M Willemse proposed, seconded by Cllr JG White, that Cllr MS Campbell be appointed as Chairperson.

Cllr T Matika proposed, seconded by Cllr M Khumelwana, that Cllr M Skosana be appointed as Chairperson.

The Speaker called the matter to a vote.

*11 Votes were recorded for Cllr MS Campbell
10 votes were recorded for M Skosana.*

Chairperson : Cllr MS Campbell
Cllr H Stroebe
Cllr M Skosana
Cllr T Matika

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

File Number : 9/1/2/14
Execution : Acting Municipal Manager
Acting Director : Corporate Services

6.2

SC02/02/22 SALGA NATIONAL CONFERENCE: 22 TO 24 FEBRUARY 2022 IN CAPE TOWN

REPORT FROM THE ACTING DIRECTOR: CORPORATE SERVICES

PURPOSE OF THE REPORT

To inform the Municipal Council of the SALGA National Conference, that will be held at the Cape Town International Convention Center, Cape Town from 22 to 24 February 2022 and to request to mandate a voting delegate to the said National Conference.

BACKGROUND

SALGA issued Circular 01/2022, Notification of the Next Sitting of the SALGA National Conference. Each Municipality shall be entitled to up to three (3) delegates but will only have one (1) delegate with voting powers at the Conference. It is customary that the Executive Mayor and Municipal Manager are delegated to attend the SALGA National Conference and that the Executive Mayor be the voting delegate.

FINANCIAL IMPLICATIONS

Funds are available to cover the cost of the delegates to the SALGA National Conference.

RECOMMENDATION OF THE ACTING MUNICIPAL MANAGER

- [a] That the report on the SALGA National Conference to be held from 22 to 24 February 2022 at the Cape Town International Convention Center, Cape Town, be noted;
- [b] That Cllr _____ be appointed the voting representative of Knysna Municipality to the SALGA National Conference as mentioned in [a] above;
- [c] That SALGA be informed of the resolution in [b] above; and
- [d] That the Acting Municipal Manager and _____ also be delegated to attend the SALGA National Conference as mentioned in [a] above.

APPENDIX

SALGA Notification of the Next Sitting of the SALGA National Conference

File Number: 9/1/2/9
Execution: Acting Director: Corporate Services
 Manager: Administration

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CIRCULAR 01/2022

FROM : CLLR DEON DE VOS
SALGA ACTING PRESIDENT

TO : MAYORS/EXECUTIVE MAYORS
SPEAKERS
MUNICIPAL MANAGERS

DATE : 26 JANUARY 2021

NOTIFICATION OF THE NEXT SITTING OF THE SALGA NATIONAL CONFERENCE

Notice is hereby given that the SALGA National Conference, a meeting of member municipalities, will be held as follows:

Date : 22 – 24 February 2022

Venue : Cape Town International Convention Centre, Cape Town

Kindly note that in complying with SALGA's Constitutional Provisions, the National Conference will, *inter alia*, accord consideration to the following matters:

1. Review SALGA's Organisational performance since the 2016 National Conference;
2. Approve the programme of action and Strategy for the term 2022 - 2027;
3. Approve amendments to the SALGA Constitution (attached hereto for ease of reference); and
4. Elect the members of the National Executive Committee (NEC).

Due to COVID-19 regulations and to minimize the risk of infection, the NEC has resolved that the National Conference be held on a **Hybrid Model**, with only **three (3) delegates per municipality** attending physically at the venue and all other councillors and municipal officials would be able to attend on the virtual meetings platform. In this regard, municipalities are reminded of the following requirements:-

- i. Each municipality shall be entitled to up to **three (3) delegates** but will only have **one (1)** vote at the Conference;

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SPECIAL MUNICIPAL COUNCIL MEETING
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- ii. Each municipality to provide a **Council resolution** as written confirmation of its up to three (3) person delegation to the Conference including identifying the **voting member** of the delegation who shall exercise the right to vote;
- iii. The delegation from each municipality should **register on the ONLINE REGISTRATION system prior to the Conference**. Access to the **ONLINE REGISTRATION** portal is from the SALGA website on www.salga.org.za. **NO MANUAL REGISTRATION FORMS WILL BE ACCEPTED**;
- iv. Prior to the commencement of the Conference at **12h00 on Tuesday, 22 February 2022**, the delegation from each municipality shall present themselves for accreditation at the **Registration Desk** at the Conference venue from **14h00 on Monday 21 February 2022 until 11h00 on Tuesday 22 February 2022**. Kindly note that no access will be allowed to the Conference Venue without accreditation;
- v. A registration fee of **R8000 for each municipal delegate attending physically** is payable towards the costs of the conference. Banking details shall be received automatically from the **ONLINE REGISTRATION** system upon ONLINE registration of delegates;
- vi. Municipal councillors and officials who wish to attend and participate in the Conference via the **virtual platform**, can access the virtual platform from the SALGA website on www.salga.org.za;
- vii. A municipality who fails to pay levies shall remain a member **not in good standing with lesser rights, surrender voting rights and the right to have any of its councillors in executive positions of SALGA**, until all due membership levies have been paid. Members who failed to pay their membership levies or have not entered into payment agreements and duly adhered thereto will have limited rights and/or limited participation. All disputes related to members in good standing should be resolved prior to convening the Conference; and
- viii. The **Rules and Procedures** that will regulate all proceedings at the Conference are attached hereto for ease of reference.

On behalf of the National Executive Committee and the collective leadership of SALGA, we look forward to welcoming delegates to the 2022 SALGA National Conference.

Yours faithfully



CLLR D DE VOS
ACTING SALGA PRESIDENT

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NATIONAL CONFERENCE RULES AND PROCEDURES

1. *National Conference Notice and Timeframes*

The SALGA Constitution stipulates that “every National Conference shall be called by **21 (twenty one) days’ notice** in writing”. The Notice for the National Conference was issued on **26 January 2022** to all member municipalities.

The SALGA constitution further makes provision in **Article 10.2** that “SALGA shall within a period of **120 (hundred and twenty) days** after every general local government election hold a meeting of members to be known and described in the notice calling such meeting as the National Conference”. The 120 (hundred and twenty) day period ends on **1 March 2022**.

2. *Record of the 2016 National Conference*

Following the last National Conference held after the local government elections in November 2016, this National Conference is required to approve the records of the 2016 Conference. The approval of record of previous SALGA Conferences by delegates has been questioned in the past. A legal opinion on the regularity or otherwise of delegates to the National Conference approving the record of a previous National Conference confirms that a delegate attending a Conference represents a municipality and not him or herself. As such for purposes of the record and consideration thereof, if a municipality was represented in the previous Conference, irrespective of the nature and form of its delegation, the municipality is competent (as represented by its current delegates) to move for the adoption or consideration of those records to the extent that the record so reflects.

3. *Attendance, Participation, Quorum and Voting*

3.1 Attendance

In terms of **Annexure “A”** to the SALGA Constitution, “Each member shall be entitled to so many delegates at the National Conference as determined by the National Executive Committee”. The National Executive Committee (NEC) at its meeting

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held on 11 January 2022 resolved that three (3) delegates per municipality may physically attend the Conference. Other municipal councillors and officials could attend and participate in the Conference via the virtual platform.

3.2 Participation

The participation of municipal delegates in the Conference is regulated by the SALGA Constitution, which stipulates in **Article 8.1** that “Each member shall be represented in the National Conference by a number of delegates and who shall present their credentials as such to the Secretariat at the commencement of the session, including identifying the voting member(s) of the delegation who shall exercise the right to vote”.

The Constitution further provides in **Article 8.5** that “Each member shall be entitled, through its representatives, to participate in sessions of the National Conference by speaking, expressing its opinions and submitting proposals”.

The SALGA Constitution also provides for instances where the participation of members may be limited in certain circumstance. Article 7.1 places an obligation that “Each member shall be liable to pay an annual membership fee and/or levies and shall be due and payable by members on 1 April but before 31 July of that calendar year”. “A member who fails to pay levies shall remain a member with lesser rights, surrender voting rights and the right to have any of its councillors in executive positions of SALGA, until all due membership levies have been paid”.

Members who failed to pay their membership levies or alternative have not entered into settlement arrangement agreements and duly adhered thereto will have limited rights and/or limited participation in line with Article 8.7 of the SALGA Constitution.

3.3 Voting delegates and Quorum

Article 8.3 of the SALGA Constitution provides that “Each member shall be entitled to at least one vote in the National Conference”. The SALGA Constitution further provides that “the quorum at the Conference shall be a majority of delegates entitled to attend and vote at the meeting”. A quorum at the National Conference would therefore be **134 voting delegates**. The Credentials will be tabled for adoption during the members only Closed Session scheduled for 24 February 2022.

In preparation for any voting that may take place at the National Conference; municipalities were duly informed of the “one vote per municipality” constitutional imperative and requested to indicate the delegate mandated to vote on behalf of that

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municipality. A registration list is available at the registration desks specifically for those councillors so mandated, to duly complete, which would assist in ascertaining attendance and quorum for any elections.

4. VOTING AT THE CONFERENCE

4.1 Ordinary Voting

In terms of the SALGA Constitution “a resolution put to the vote of the meeting shall be decided on a show of hands”.

4.2 Requirements for a secret ballot

In the unlikely event that a motion is moved for a secret ballot, duly seconded and passed by a majority vote, the following procedure would be followed:-

- The NEC to appoint 2 scrutineers to supervise any ballot;
- Ballot papers to be developed, indicating topic and voting;
- Ballot boxes to be prepared and available;
- One ballot paper should be issued to each delegate entitled to vote;
- Upon issuance of ballot paper; the delegate should complete, fold and deposit in ballot box; and
- The results of the ballot to be ascertained by scrutineers in the presence of the CEO and made known to the Conference.

4.3 Constitutional Amendments

In order to effect any amendment to the SALGA Constitution, such an amendment must follow the following process:

- a National Conference would have to be convened giving **21 days notice** of the proposed amendment/s; and
- such proposed amendment/s must be approved by **two thirds of the delegates** entitled to be present and vote at the National Conference.

Whereas the National Conference is the only authority to amend the SALGA Constitution, the proposed amendments, as approved by the SALGA National Executive Committee, were tabled at the respective Provincial Conference for consultation and processing leading up to this National Conference.

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4.4 Procedure for Elections of the new National Executive Committee

The National Conference will be electing, from amongst the 18 (eighteen) provincial nominees, the President and 3 (three) Deputy Presidents (who shall be representatives of metropolitan, district and local municipalities in the province) and confirm the 14 (fourteen) additional members of the National Executive Committee.

The following election procedure shall apply:-

1. The Chief Executive Officer (CEO), or his nominee, will preside during the Elections but shall have no vote.
2. The CEO must duly inform the Conference of all positions open for elections and conduct the elections.
3. The CEO must call for the nomination of candidates at the meeting, starting with candidates for President.
4. If so desired, a block nomination for all positions could be moved.
5. A nomination must be supported by two members at the meeting.
6. A person who is nominated must indicate acceptance of the nomination.
7. If only one candidate is nominated the CEO must declare that candidate duly elected.
8. If more than one candidate is nominated a vote must be conducted by a simple show of hands. A candidate who receives the majority of the votes must be declared elected by the CEO.
9. If no candidate received a majority of the votes, the candidate who receives the lowest number of votes (if there are more than two candidates) must be eliminated and a further vote taken on the remaining candidates in accordance with item 7 above.
10. Where only two candidates remain after the process outlined in item 8 above and receives the same number of votes the meeting should be adjourned for 30 minutes.
11. A re-vote must be conducted in terms of item 7 above. If no candidate receives a majority vote; the CEO must flip a coin to determine the winner.
12. The same process will apply for the other vacant positions.

The CEO may elect to use the services of an independent and credible election organisation such as the Independent Electoral Commission (IEC). In such instances the same elections procedure as outlined above will apply.

5. LANGUAGE

Recognising that South Africa has 11 (eleven) official languages, with the use of more than one language as the language of choice in every province, together with the constitutional provision in the Bill of Rights that everyone has the right to use a language of their choice, SALGA is progressively taking practical steps and positive measures to elevate the status and

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advance the use of all the 11 official languages.

Weighing up the constitutional right against the related practicalities to give full effect thereto, across all provinces and SALGA platforms, it has been resolved that all SALGA proceedings will be conducted in English. Attendees or participants will, however, not be precluded from making contributions, proposals and submissions in their language of choice. Where practical, efforts will be made to make translation services available.

6. ADMINISTERING THE OATH OR SOLEMN AFFIRMATION OF NEW NEC MEMBERS

During a process to be presided over by a Commissioner of Oath, each of the newly elected NEC members will be required to swear or affirm as follows:-

"In the presence of everyone assembled here, I (mention full name/s and surname), swear / solemnly affirm that I will be faithful to SALGA and will obey, respect, uphold, and maintain the Constitution of the Republic of South Africa, the constitution of SALGA and all other laws of the Republic, and I undertake to hold my office as (NEC position) with honour and dignity; to be true and faithful; not to divulge directly or indirectly any confidential information entrusted to me by virtue of my position at SALGA; and to perform the duties and functions of my office to the best of my ability"

"So Help Me God"

The oath is to be formally signed by every NEC member.

End

CONSTITUTION

RECOGNISED IN TERMS OF SECTION 2 (1) (A) OF THE ORGANISED
LOCAL GOVERNMENT ACT, 1997 (ACT NO. 52)

**As amended and adopted by the National Conference
29 November 2016**

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PREAMBLE

We, the representatives of Local Government:

- 1.1 Declare that we will respect and uphold the Constitution of the Republic of South Africa, the constitution of SALGA and all other laws of the Republic [our country];
- 1.2 Appreciate that the text of the Constitution of the Republic of South Africa, Act 108 of 1996, as amended, and in particular, section 40 thereof constitutes government as national, provincial and local spheres of government which are distinctive, independent and interrelated;
- 1.3 Commit ourselves to deepening democracy, promote racial, gender and all other forms of equality, and the empowerment of the people of our country through local government;
- 1.4 Recognise that the first local government elections held in 1995 **[during the years 1995, 1996, 2000, 2006, 2011, 2016]** represent the beginning of democratic local government which needs to be both strengthened and deepened;
- 1.5 Commit ourselves to the principles and values of inclusivity, unity, ~~–consultation~~, ~~–respect~~, mutual trust and good faith, and loyalty in our relations both with internal and external stakeholders; and
- 1.6 Consider it necessary for local government to be able to speak with a single authoritative voice.

Now therefore resolve to establish the South African Local Government Association (“SALGA”) as mandated in terms of section 163 of the Constitution of the Republic of South Africa [Act 1996, as amended].

SCHEDULE A

PART I: DEFINITIONS, INTERPRETATION AND PRELIMINARY

1. DEFINITIONS, INTERPRETATION AND PRELIMINARY

The headings to the articles in this constitution are for the purpose of convenience and reference only and shall not be used in the interpretation, nor to modify or amplify the terms of, this constitution nor any clause hereof. Unless a contrary intention clearly appears -

- 1.1 Words importing any one gender include the other genders, the singular include the plural and *vice versa*, and natural persons include created entities (corporate or unincorporated) and *vice versa*;
- 1.2 The following terms shall have the meanings assigned to them hereunder and cognate expressions shall have a corresponding meaning, namely –
 - 1.2.1 "Act" means the Organised Local Government Act, 52 of 1997;
 - 1.2.2 "administration" means the day to day administration of the affairs of SALGA from time to time;
 - 1.2.3 "Associate member" means an organisation which is not a municipality or a provincial association, but is strongly concerned with or involved in local government matters and complies with such criteria as may be determined by the National Executive Committee from time to time;
 - 1.2.4 **"criminal offence" means an offence that is not limited to mal-administration and/or corruption and is extended to include all offences outlined in Schedule 1 and 2 of the Criminal Procedure Act, 1977 (Act 51 of 1977);**
 - 1.2.5 "member" means any member of SALGA recognised in terms of article 4 of this constitution;
 - 1.2.6 "Minister" means the Minister responsible for Local Government or his or her successor in title;
 - 1.2.7 "National Conference" means a duly constituted National Conference of SALGA as provided herein;
 - 1.2.8 "National Members Assembly" means a duly constituted National Members Assembly of SALGA;
 - 1.2.9 "National Executive Committee" means a duly elected and constituted National Executive Committee of SALGA;
 - 1.2.10 "organisation" means SALGA;
 - 1.2.11 "Presidency" means the President and 3 Deputy Presidents duly elected by the National Conference in terms of article 13 hereof;

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1.2.12 "provincial association" means any provincial local government association which has constituted itself in terms of this constitution;

1.2.13 "Provincial Office Bearers" means the Chairperson and 3 Deputy Chairpersons duly elected by the Provincial Conference in terms of article 19 hereof; "provincial member" means any provincial association which is affiliated to SALGA;

1.2.14 "SALGA" means the South African Local Government Association recognised by the Minister in terms of section 2(1)(a) and (b) of the Act.

1.2.15 "Working Groups" means the governance structure established to make strategic and policy recommendations to the National Executive Committee or Provincial Executive Committee, as the case may be.

1.3 any reference to an enactment is as at the date of signature thereof and as amended or re-enacted from time to time;

1.4 if any provision in a definition is a substantive provision conferring rights or imposing obligations on any party, notwithstanding that it is only in the definition clause, effect shall be given to it as if it were a substantive provision in the body of the constitution;

1.5 when any number of days is prescribed in this constitution, same shall be reckoned exclusively of the first and inclusively of the last day unless the last day falls on a Saturday, Sunday or public holiday, in which case the last day shall be the next succeeding day which is not a Saturday, Sunday or public holiday;

1.6 where figures are referred to in numerals and in words, if there is any conflict between the two, the words shall prevail;

1.7 expressions defined in this constitution shall bear the same meaning as in the schedules or annexures to this constitution which do not themselves contain their own definitions;

1.8 where any term is defined within the context of any particular article in this constitution, the term so defined, unless it is clear from the article in question that the term so defined has limited application to the relevant clause, shall bear the meaning ascribed to it for all purposes in terms of this constitution, notwithstanding that that term has not been defined in this interpretation article.

PART II – NAME, ROLE AND MANDATE OF SALGA

2. NAME AND STATUS

- 2.1. The name of this association shall be the South African Local Government Association, hereinafter referred to as SALGA.
- 2.2. SALGA is an apolitical association not for gain. It is a juristic person recognised in terms of section 2(1) of the Act with the power to own property, sue and be sued in its own name.
- 2.3. The liability of the members, where applicable, in view of article 7.1 below, shall be limited to the payment of membership fees and levies as determined by the National Executive Committee from time to time in terms of this constitution.

3. ROLE AND MANDATE

The role and mandate of SALGA is to:

- 3.1. Represent, promote and protect, the interests of local government in the intergovernmental system;
- 3.2. Transform local government to enable it to fulfil its developmental role;
- 3.3. Enhance the role and status of its members and be a consultative body of local government;
- 3.4. Enhance the role and status of municipalities;
- 3.5. Develop common approaches for local government as a distinct sphere of government;
- 3.6. Enhance cooperation, mutual assistance and sharing of resources among members;
- 3.7. Find solutions for problems relating to local government generally;
- 3.8. Ensure the full participation of women in organised local government, including striving for parity (fifty percent) of representation in SALGA's governance structures;
- 3.9. Increase knowledge sharing and improve the communications capacity as well as vertical and horizontal connectivity of organised local government and municipalities;
- 3.10. Be the National Employers' Association representing all municipal members and, by agreement, associate members;
- 3.11. Regulate the relationship between its members and their employees within the meaning of section 213 of the Labour Relations Act 66 of 1995, as amended;
- 3.12. Encourage the settlement of disputes among its members and between them and their employees or trade unions through co-operative governance or labour law principles;

- 3.13. Affiliate with and participate in the affairs of any international organisation, that will serve the interests of the members;
- 3.14. To ensure that South African local government plays a critical role in furthering Africa's development at regional, continental and international levels; and
- 3.15. Do such lawful things as may appear to be in the interest of the organisation and its members which are not inconsistent with the objects or any matter specifically provided for in this constitution.

PART III: MEMBERSHIP

4. MEMBERSHIP

- 4.1. SALGA shall have the following categories of members:
 - 4.1.1 Municipalities established in terms of the Municipal Structures Act, Act 117 of 1998;
 - 4.1.2 Provincial associations; and
 - 4.1.3 Associate members.
- 4.2 Any application, whether for admission or readmission to membership of SALGA shall be lodged in writing with the President or a person duly delegated by the President for consideration by the National Executive Committee together with the annual membership fee, where applicable.
- 4.3 The National Executive Committee shall consider every application for membership within a period of 6 (six) weeks of receipt thereof by the President or a person duly delegated by the President and shall accordingly advise each applicant of the outcome of its application.
- 4.4 An applicant to whom admission to membership is refused shall be provided with reasons for such refusal and shall be entitled to a refund of the membership fee paid.
- 4.5 In the event of such refusal, the applicant concerned shall have a right of appeal to the next National Members Assembly or National Conference (whichever occurs first), which shall have the power to confirm or reverse the decision of the National Executive Committee.
 - 4.5.1 Such an appeal shall be in writing and shall be submitted to the President or a person duly delegated by the President 4 (four) weeks before the National Members Assembly or National Conference (whichever occurs first).
 - 4.5.2 The decision of the National Members Assembly or National Conference shall be final and binding on the applicant.
- 4.6 Every member shall notify the President or a person duly delegated by the President, in writing, of its postal address and any change thereof within 4 (four) weeks of the date on which the change occurred.
- 4.7 A member may resign by giving not less than 3 (three) months' written notice to the National Executive Committee or a person duly delegated by the National Executive Committee, provided

that no resignation shall take effect until all money due by the member concerned to SALGA has been paid in full.

- 4.8 Any member who has resigned or been expelled from SALGA may be readmitted to membership on such terms and conditions as the National Executive Committee may deem fit.

5. **MEMBERS' COMPACT**

- 5.1. Members shall, subject to this Constitution, be entitled to participate in the various activities and programmes of SALGA.
- 5.2. Members shall have equal access to information, data and documentation on local government matters, the activities and decisions of SALGA.
- 5.3. Members shall abide by this Constitution and the resolutions of its constitutional decision-making structures, and shall promptly comply with all membership obligations due in terms hereof.
- 5.4. Disputes between SALGA and any member or members must be declared in writing and set out the grounds of the dispute and proposed resolutions. Dispute resolution procedures must be provided for in the Rules of Procedure (Annexure "E") to this Constitution.

6. **CODE OF CONDUCT**

- 6.1. All members and by extension their respective representatives, including both councillors and municipal officials, without exception, must abide by the Constitution of SALGA and this Code of Conduct.
- 6.2. This Code of Conduct shall be applicable to all members and by extension their respective representatives, including both councillors and municipal officials, without exception.
- 6.3. The National Executive Committee or a Provincial Executive Committee shall establish an *ad hoc* Disciplinary Committee for the purpose of enforcing the Code of Conduct and disciplining members.
- 6.4. A member shall be entitled to appeal the decisions of a Disciplinary Committee to the National Executive Committee or Provincial Executive Committee, as the case may be. The National or Provincial Executive Committee, in such case, may establish an appeals committee to consider the appeal.
- 6.5. In exceptional situations arising out of serious breaches of this Constitution or Code of Conduct, the National Executive Committee itself may exercise jurisdiction to investigate and determine a complaint.
- 6.6. Disciplinary proceedings against a member shall be confined to violations of the SALGA Constitution or Code of Conduct, or the commission of offences.
- 6.7. All disciplinary proceedings shall be conducted in accordance with Annexure F.

- 6.8. A serious offence shall be committed by any member who prejudices the integrity or repute of the organisation, its personnel or its operational capacity.
- 6.9. The following shall also be regarded as serious offences, without prejudice to the right of the National Executive Committee to add to this category of offences:
- 6.9.1. Impeding the activities of the organisation;
- 6.9.2. Misappropriation of the funds of the organisation or destruction of its properties;
- 6.9.3. Creating division within the membership ranks of SALGA;
- 6.9.4. Deliberately disrupting meetings and interfering with the orderly functioning of the organisation.
- 6.10. If, in the opinion of the National or Provincial Executive Committee, as the case may be, in exercising its right to invoke disciplinary proceedings under this Constitution, a member is guilty of the following offences, disciplinary proceedings may follow:
- 6.10.1. Bringing the organisation into disrepute or manifesting a flagrant violation of the moral integrity expected of members or conduct unbecoming that of a member;
- 6.10.2. Sowing racism, sexism, tribal chauvinism, religious and political intolerance, regionalism or any form of discrimination;
- 6.10.3. Behaving in such a way as to provoke serious divisions or a break-down of unity in the organisation;
- 6.10.4. Undermining the respect for or impeding the functioning of the structures of the organisation.
- 6.11. Penalties for proven violations of the Constitution, principles, norms and decisions of SALGA shall include reprimand, payment of compensation and/or the performance of useful tasks, suspension and expulsion.
- 6.12. The National Executive Committee or Provincial Executive Committee, as the case may be, having regard to the nature and seriousness of an alleged violation or offence by a member, may summarily suspend the membership of any member pending the preparation of a charge against the member and the finalisation of disciplinary proceedings against such member. The member shall be informed of such suspension.
- 6.13. The temporary suspension shall lapse if no disciplinary proceedings are instituted against the member within 30 days of the date of the temporary suspension. Such disciplinary proceedings shall be attended to as quickly as possible and completed within a reasonable period.

7. **MEMBERSHIP FEES AND LEVIES**

- 7.1. Each member, except a provincial association, shall be liable to pay an annual membership fee and/or levies.
- 7.2. Membership fees and levies determined in terms of article 7.1 above shall be due and payable by members on 1 April but before 31 July of that calendar year and shall be payable to SALGA at its national office.

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7.3. A member may be exempted from the payment of the annual membership fee and/or levy subject to article 7.4 below.

7.4. The National Executive Committee, in consultation with Provincial Executive Committees, shall formulate a policy to regulate the determination of membership fees and setting the criteria for exemption from payment of membership fees and/or levies, and may amend that policy as and when the need arises.

7.5. The National Executive Committee shall further determine the fees due by each category of member (or the formula in terms of which such levies are calculated, as the case may be) on a multi-year basis, which shall be reviewed annually and which shall be circulated to all members by no later than the last day of December of the year prior to which the new levies will be applicable.

7.6. In addition to membership fee or levy payable in terms of article 7.1 above, a member shall also be liable for the payment of such other fees as may be prescribed.

7.7. All money received by SALGA from membership fees, levies and other sources shall be used in pursuance of its objectives as set out in article 3 above.

8. PARTICIPATION AND VOTING

8.1. Each member shall be represented in the National Conference or National Members Assembly by a number of delegates and who shall present their credentials as such to the Secretariat at the commencement of the session, including identifying the voting member(s) of the delegation who shall exercise the right to vote.

8.2. Each member shall be entitled to vote in the National Conference and National Members Assembly of SALGA in accordance with a formula based upon SALGA's membership fees, the member's municipal income, municipal boundaries, population and grading, to be determined by the National Executive Committee, in consultation with Provincial Executive Committees.

8.3. Notwithstanding the above, each member shall be entitled to at least one vote in the National and Provincial Conferences and Members' Assemblies of SALGA.

8.4. A member may send such additional delegates, up to a maximum determined and prescribed by the National Executive Committee, who may attend the National Conference or Members Assembly as observers, but may not vote.

8.5. Each member shall be entitled, through its representatives, to participate in sessions of the National Conference or National Members Assembly by speaking, expressing its opinions and submitting proposals.

8.6. Associate members shall enjoy no voting rights in the National Conference and the National Members Assembly.

8.7. A member who fails to pay levies shall remain a member with lesser rights, surrender voting rights and the right to have any of its councillors in executive positions of SALGA, until all due membership levies have been paid.

PART IV: GOVERNANCE STRUCTURE OF SALGA

9. NATIONAL GOVERNANCE STRUCTURES

The governance of SALGA is vested and executed by:

- 9.1 National Conference;
- 9.2 National Members Assembly;
- 9.3 National Executive Committee;
- 9.4 Presidency;
- 9.5 National Working Groups;
- 9.6 Committee on Statutory Affairs;
- 9.7 Council of Mayors; and
- 9.8 Council of Speakers.

10. NATIONAL CONFERENCE

- 10.1. The ultimate authority of SALGA shall reside in its National Conference.
- 10.2. SALGA shall within a period of 120 (hundred and twenty) days after every general local government election hold a meeting of members to be known and described in the notice calling such meeting as the National Conference.
- 10.3. The National Conference shall:
 - 10.3.1. Elect the members of the National Executive Committee in terms of article 13 below;
 - 10.3.2. Establish and review SALGA's oversight bodies as may be required by law; and
 - 10.3.3. Consider audited financial statements since the last National Members Assembly, approve the programme of action in respect of the ensuing five years and review SALGA's financial performance.
- 10.4. Every National Conference shall be held at a venue, on a rotational basis amongst the provinces, as resolved by the National Executive Committee.
- 10.5. The proceedings of the National Conference shall be regulated in terms of the procedure laid down in Annexure "A" hereto.

11. NATIONAL MEMBERS ASSEMBLY

- 11.1. SALGA shall at least twice in between National Conferences, with the first no later than 18 months after the last National Conference, hold meetings of members to be known and described in the notice calling such meeting as the National Members Assembly.
- 11.2. The National Members Assembly shall, except for the provisions in articles 10.3.1 and 10.3.2 above, exercise the authority of SALGA between National Conferences.
- 11.3. The National Members Assembly shall:-
 - 11.3.1. act in accordance with the directions of the National Conference;
 - 11.3.2. consider audited financial statements since the last National Conference or National Members Assembly;

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- 11.3.3. adopt SALGA's programme of action, business plan and the budget as approved by the National Executive Committee;
- 11.3.4. adopt positions on key policy and legislative matters impacting on local government, for implementation by the National Executive Committee;
- 11.3.5. review SALGA's financial performance;
- 11.3.6. consider reports from the National Executive Committee; and
- 11.3.7. deal with any other issues emanating from the provisions of this constitution.
- 11.4. Notwithstanding anything contained in article 10.2 above, the National Executive Committee shall call a National Members Assembly:
 - 11.4.1. at the written request of the majority of provincial associations containing the reasons for such a request and setting out the matters to be discussed at the proposed meeting; or
 - 11.4.2. if it resolves that there are special circumstances which require a National Members Assembly .
- 11.5. Every National Members Assembly shall be held at a venue, on a rotational basis amongst the provinces, as resolved by the National Executive Committee.
- 11.6. The proceedings of the National Members Assembly shall be regulated in terms of the procedure laid down in Annexure "A" hereto.

12. THE NATIONAL EXECUTIVE COMMITTEE

- 12.1. The National Executive Committee shall exercise the authority of SALGA between National Conferences and National Members Assemblies.
- 12.2. The National Executive Committee shall consist of:
 - 12.2.1. The President of SALGA;
 - 12.2.2. 3 (three) Deputy Presidents;
 - 12.2.3. 14 (fourteen) additional members;
 - 12.2.4. Provincial Chairpersons of SALGA, who shall be ex-officio members of the National Executive Committee;
 - 12.2.5. The Chairperson of the SALGA National Women's Commission, who shall be an ex-officio member of the National Executive Committee; and
 - 12.2.6. The Head of Administration, who shall have no vote.
- 12.3. The National Executive Committee may co-opt no more than 3 (three) further additional members.
- 12.4. The National Executive Committee shall:
 - 12.4.1. Meet at least once every three months and when the need arises;
 - 12.4.2. Exercise day-to-day executive authority;
 - 12.4.3. Act in accordance with the directions of the National Conference or National Members Assembly;

- 12.4.4. Submit a report of its activities during the previous financial year to the National

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Conference or National Members Assembly or Extended National Executive Committee, whichever occurs first; and

12.4.5. Develop, review and adopt SALGA's administrative policies.

- 12.5. An extended National Executive Committee, comprising of all -National Executive Committee and Provincial Executive Committee members, shall be convened annually, except in the year that the National Conference or National Members Assembly is scheduled.
- 12.6. At least fifty percent plus one (50% + 1) of the National Executive Committee members must be present to form a quorum.
- 12.7. The National Executive Committee shall have the power from time to time to:
- 12.7.1. acquire and control property;
 - 12.7.2. open any banking account and invest money;
 - 12.7.3. determine the signatories required for the operation of any banking account;
 - 12.7.4. appoint the head of administration, who will also act as a secretary in terms of section 95 of the Labour Relations Act No. 66 of 1995, as amended;
 - 12.7.5. make representations to both the provincial and national governments;
 - 12.7.6. develop the criteria for associate membership;
 - 12.7.7. recruit, appoint, promote, discharge employees and amend or determine job designations as may be required from time to time;
 - 12.7.8. take disciplinary action against any employee;
 - 12.7.9. establish and maintain any non-contributory or contributory pension, superannuation, provident and benefit funds for the benefit of employees of SALGA;
 - 12.7.10. provide for pensions, gratuities and allowances to and make payments for or towards the insurance of any persons who are employees or ex-employees of SALGA and the wives, widows, families and dependants of such persons;
 - 12.7.11. establish and review the Working Groups as deemed necessary;
 - 12.7.12. appoint the chairpersons of the National Working Groups from amongst the additional and/or co-opted members;
 - 12.7.13. stipulate that the holder of an office from amongst the office bearers shall attend exclusively to the business of SALGA, during such period, or for a minimum amount of time during a period, and on such conditions as to payment or otherwise, as may be determined by it from time to time; **[and]**
 - 12.7.14. determine, appoint or recall representation of SALGA in all national_intergovernmental structures and other national forums. Such representatives shall table reports to the National Executive Committee at least quarterly; **and**
 - 12.7.15. **in collaboration with Provincial Executive Committees ensure the successful convening of Provincial Members Assemblies and Provincial Conferences.**
- 12.8. **Representation of SALGA in National Council of Provinces**
- 12.8.1 Each provincial association shall nominate no less than six (6) councillors for designation as representatives to participate in the National Council of Provinces, in accordance with the provisions of section 3 of the Act and the provincial legislatures.

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12.8.2 The National Executive Committee shall, in accordance with section 3(2)(a) of the Act, from among the provincial nominees, designate nine (9) members (one per province), and a national office bearer, as Organised Local Government's ten (10) representatives in the National Council of Provinces, giving effect to section 163 (b)(ii) of the Constitution of the Republic of South Africa, Act 108 of 1996.

12.8.3 The Head of Administration shall, in accordance with section 3(3) of the Act, communicate the designation to the Secretary of the National Council of Provinces.

12.9 The National Executive Committee may, from time to time:

12.9.1 establish sub-committees for such time and on such terms and limitations as it may deem fit, and delegate any of its powers or functions, to such sub-committees to assist the National Executive Committee in the execution of its duties, in accordance with the delegations framework of the organisation.

12.9.2 entrust to and confer upon any of the governance structures or functionaries, including the administration, such of the powers vested in it as it may deem fit and as set out in the delegations framework of the organisation;

12.9.3 revoke or vary any or all of the powers so delegated.

12.10 The governance structures or functionaries, including the administration, granted powers pursuant to the provisions in terms hereof shall be regarded as an agent or delegate of the National Executive Committee, and after such powers have been conferred by the National Executive Committee, shall be deemed to derive such powers directly from this clause.

12.11 Save as aforesaid, the meetings and proceedings of a committee consisting of more than 1 (one) member shall be governed by the provisions of this constitution regulating the meetings and proceedings of the National Executive Committee.

12.12 Every member of the National Executive Committee shall be indemnified by SALGA against all liability incurred in his capacity as such, in defending any proceedings, whether civil or criminal, in which judgment is given in his favour, or in which he is acquitted.

12.13 The proceedings of the National Executive Committee shall be regulated in accordance with the procedure laid down in Annexure "C" hereto.

13 ELECTION OF NATIONAL EXECUTIVE COMMITTEE

13.1 Every National Conference shall, from amongst the 18 (eighteen) provincial nominees, elect the following members of the National Executive Committee, who shall be councillors:-

13.1.1 the President;

13.1.2 3 (three) Deputy Presidents; and

13.1.3 14 (fourteen) additional members.

13.2 The nomination and election procedure of the National Executive Committee is set out in annexures B and C, Schedule B of this Constitution.

13.3 The National Executive Committee members shall serve as such until the election of the ensuing National Executive Committee at the National Conference, irrespective of whether or not members are re-elected as councillor.

13.4 Before a general local government election, a National Executive Committee member will lose his or her position *ipso facto* if he or she ceases to be a councillor.

13.5 Any vacancy, which occurs in the office of any of office bearers and/or additional members between National Conferences, [shall] may be filled by the National Executive Committee as the need arises.

14 PRESIDENCY

14.1 There shall be a President and three Deputy Presidents.

14.2 Collectively they constitute the Presidency.

14.3 The Presidency must have equal gender representation.

14.4 The three Deputy Presidents must be comprised of a representative from each category of municipality; and must be from different provinces to ensure representivity.

14.5 The duties of the Presidency are to:

14.5.1 Oversee the implementation of decisions of the National Conference, National Members Assembly and the National Executive Committee by all SALGA governance structures and functionaries;

14.5.2 Present reports on the state and performance of the governance structures of the organisation;

14.5.3 Ensure the implementation and management of the Members' Compact as provided in this Constitution;

14.5.4 Present reports on enforcement of the Code of Conduct by relevant SALGA structures;

14.5.5 Ensure effective relationship building with members and resolution of disputes between SALGA and members;

14.5.6 Politically oversee the development and execution of the SALGA Strategic Plan for term of National Executive Committee;

14.5.7 Be politically responsible for communication between the organisation, its members and stakeholders;

14.5.8 Be politically responsible for overseeing fundraising and sponsorship plans for SALGA events; and

14.5.9 Perform such other functions as delegated by National Executive Committee in accordance with delegations framework of the organisation.

14.6 PRESIDENT

The President shall:

14.6.1 preside at all meetings of the National Conference, National Members Assembly and National Executive Committee;

14.6.2 be the custodian of the decisions taken by the National Conference, National Members Assembly and National Executive Committee;

- 14.6.3 Present to the National Conference, National Members Assembly and extended National Executive Committee a comprehensive report on the state and performance of the governance structures of the organisation;
- 14.6.4 sign minutes of the meetings;
- 14.6.5 delegate such other functions as are necessary to the Deputy Presidents;
- 14.6.6 perform such other duties as may be associated with this office;
- 14.6.7 represent SALGA at all formal or ceremonial occasions; and
- 14.6.8 perform such other functions as may be delegated by the National Executive Committee from time to time.

14.7 DEPUTY PRESIDENTS

The Deputy Presidents shall:

- 14.7.1 carry out such functions as are delegated to them by the President in terms of 14.5.5 above;
- 14.7.2 carry out the functions outlined in 14.4; and
- 14.7.3 act as President in the event that the President is unable to fulfil his or her obligations for a temporary period.

15 DISQUALIFICATION AND PRIVILEGES OF NATIONAL EXECUTIVE COMMITTEE MEMBERS

- 15.1 A member of the National Executive Committee shall cease to hold office as such if –
 - 15.1.1 (s)he is medically certified to be of unsound mind; or
 - 15.1.2 if (s)he infringes any of the provisions of this constitution, including the Code of Ethics for NEC members set out in Annexure D; or
 - 15.1.3 (s)he is removed from office by a resolution of the National Executive Committee; or
 - 15.1.4 (s)he resigns his or her office by not less than 30 (thirty) days' written notice to the chairperson or a person duly delegated by the chairperson; or
 - 15.1.5 (s)he ceases to be a councillor; or
 - 15.1.6 (s)he fails to attend 3 (three) consecutive meetings of the National Executive Committee without leave of absence from the National Executive Committee; or
 - 15.1.7 a notice removing him or her from office is signed by members who hold not less than 51% (fifty one per cent) of the total voting rights of all the members of the National Conference who are at that time entitled so to attend and vote and is delivered to SALGA or lodged at its registered office.
- 15.2 **A member of the National Executive Committee, who is formally charged with a criminal offence, as defined, must temporarily withdraw from all official responsibilities within and on behalf of SALGA, pending the finalisation of the related court case.**
- 15.3 No member of the National Executive Committee may be removed from office unless he or she has been afforded an opportunity to state his or her case.
- 15.4 Disciplinary proceedings concerning National Executive Committee members shall be dealt with in accordance with the provisions of Annexure "D" (Code of Ethics).

16 NATIONAL WORKING GROUPS

16.1 Composition and quorum

- 16.1.1 The Working Groups (national and provincial) are established by the National Executive Committee, with the chairperson of the Working Groups appointed from amongst the additional National Executive Committee members.
- 16.1.2 In determining the number of Working Groups, the National Executive Committee shall have due regard to the key functional areas of local government.
- 16.1.3 The National Working Groups shall comprise of the Chairperson and all provincial working group chairpersons of that portfolio.
- 16.1.4 A quorum of forty percent (40%) shall apply in National Working Group meetings.

16.2 Purpose, objectives and functions

16.2.1 The key purpose and objective of working groups is to:

- 16.2.1.1 facilitate coordination, consultation and inclusive decision-making between SALGA and its members;
- 16.2.1.2 serve as a forum through which organised local government members can consult with one another, at a political level, to contribute in so far as providing ideas, advice, political insight and support on the assigned areas of focus to SALGA's political governance structures, namely the National Executive Committee.

16.2.2 The functions of the Working Groups are to:

- 16.2.2.1 discuss and develop policies, strategies and programmes to address critical local government issues;
- 16.2.2.2 monitor the process of local government policy conceptualisation, design and implementation;
- 16.2.2.3 effect meaningful participation of Working Group members in political and intergovernmental structures as mandated by SALGA;
- 16.2.2.4 within the Strategy of SALGA, facilitate the determination of organised local government priorities, which should be pursued in the short, medium and long term; and
- 16.2.2.5 make strategic and policy recommendations to the National Executive Committee.

17. COMMITTEE ON STATUTORY AFFAIRS

- 17.1 A Committee on Statutory Affairs shall be established with the composition and responsibilities set out herein.
- 17.2 The Committee on Statutory Affairs shall comprise of the following members, as appointed by the National Executive Committee:-
 - (a) One (1) Deputy President (who shall act as Chair);
 - (b) Three (3) additional Members of the NEC; and
 - (c) Three (3) Provincial Chairpersons.

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17.3 The responsibilities of the Committee on Statutory Affairs are as follows:-

- (a) To ensure that the principles and requirements set out in this constitution for elections are complied with, and to encourage consensual working and good practice amongst members in relation to elections;
- (b) To consider proposals that reflects the requisite equitable geographical representation to determine the basis of election within each province and nationally, to ensure that the principles are met and the correct balances achieved;
- (c) To ensure the validity of the electoral process;
- (d) To report to the National Executive Committee on the validity of the electoral process and in particular the results of the elections in the provinces;
- (e) To process proposed amendments of the SALGA Constitution and Governance Framework; and
- (f) To pro-actively deal with challenges that may be experienced in the implementation of key principles and requirements of the constitution.

18. COUNCIL OF MAYORS

18.1 A Council of Mayors shall be established with the composition and responsibilities set out herein.

18.2 The Council of Mayors shall comprise:-

- (a) All Executive Mayors; and
- (b) Mayors. [; and]
- (c) [Speakers called Mayors in Plenary type municipalities.]

18.3 The Council of Mayors shall at least meet annually and shall be chaired by a member of the Presidency.

18.4 The responsibilities of the Council of Mayors are as follows:-

- (a) To serve as a forum through which Executive Mayors and Mayors [of organised local government members] can consult with one another in so far as to contribute to ideas, advice, insight and support on matters directly affecting the role and function of the Executive Mayors and Mayors.
- (b) To be consulted on an ad hoc basis should the need arise with regard to specific aspects to be addressed affecting municipalities.
- (c) As the Council of Mayors will consider a number of multi-disciplinary matters, the Council of Mayors makes recommendations to the relevant National Working Group.

19. COUNCIL OF SPEAKERS

19.1 A Council of Speakers shall be established with the composition and responsibilities set out herein.

19.2 The Council of Speakers shall comprise of all municipal Speakers.

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19.3 The Council of Speakers shall at least meet annually and shall be chaired by a member of the Presidency.

19.4 The responsibilities of the Council of Speakers are as follows:-

- (a) To serve as a forum through which Speakers **[of member municipalities]** can consult with one another in so far as to contribute to ideas, advice, insight and support on matters directly affecting the role and function of the Speakers.
- (b) To be consulted on an ad hoc basis should the need arise with regard to specific aspects to be addressed affecting municipalities.
- (c) As the Council of Speakers will consider a number of multi-disciplinary matters, the Council of Speakers makes recommendations to the relevant National Working Group.

PART VI: PROVISIONS APPLICABLE TO PROVINCIAL MEMBERS

20 MEMBERSHIP

Municipal members of SALGA shall *ipso facto* be members of the provincial association for the province in which they are situated.

21 PROVINCIAL GOVERNANCE STRUCTURE

The governance of Provincial Members is vested and executed by:

- 21.1 Provincial Conference;
- 21.2 Provincial Members Assembly;
- 21.3 Provincial Executive Committee;
- 21.4 Provincial Office Bearers;
- 21.5 Provincial Working Groups.

22 PROVINCIAL CONFERENCE

22.1 The ultimate authority of the provincial member shall reside in its Provincial Conference.

22.2 The provincial members shall within a period of 90 (ninety) days after every general local government election hold a meeting of members to be known and described in the notice calling such meeting as the Provincial Conference. Such Provincial Conference shall be held at least 30 (thirty) days before the National Conference.

22.3 The Provincial Conference shall:

- 22.3.1 Elect the members of the Provincial Executive Committee;
- 22.3.2 Nominate 2 (two) Members to the National Executive Committee;
- 22.3.3 Establish and review provincial oversight bodies as required by law; and
- 22.3.4 Approve the provincial programme of action, business plan and budget in respect of the ensuing five years.

22.4 In nominating the 2 (two) members to the National Executive Committee, the following principles shall apply:

- 19.5.1 The 2 (two) members nominated to the National Executive Committee shall be from the different categories of municipalities prevalent in the province and have equal gender representation;
- 19.5.2 The Chairperson and the 2 (two) members nominated to the National Executive Committee shall also be representative of the categories of municipalities prevalent in the province and from different districts/metros in the province.

22.5 Every Provincial Conference shall be held at a venue as resolved by the Provincial Executive Committee.

22.6 The provisions of article 8, regulating participation and voting in SALGA governance structures, shall apply mutatis mutandis to provincial members.

22.7 The proceedings of the Provincial Conference shall be regulated in terms of the procedure laid down in Annexure "A" in the Rules of Procedure, mutatis mutandis.

23 PROVINCIAL MEMBERS ASSEMBLY

- 23.1 A provincial member shall, at least once a year, hold a meeting of members to be known and described in the notice calling such meeting as the Provincial Members Assembly. In the year of a National Members Assembly, such meeting must be held at least 30 (thirty) days before the National Members Assembly.
- 23.2 The Provincial Members Assembly shall, except for the provisions of articles 20.3.1 and 20.3.2, exercise the authority of the provincial member between Provincial Conferences.
- 23.3 The Provincial Members Assembly shall:
- 23.3.1 Act in accordance with the directions of the Provincial Conference;
 - 23.3.2 Adopt the provincial member's programme of action, business plan and budget in respect of the ensuing year;
 - 23.3.3 Consider reports from the provincial working groups and oversight bodies; and
 - 23.3.4 Deal with any other issues emanating from the provisions applicable to provincial members in this Constitution.
- 23.4 Every Provincial Members Assembly shall be held at a venue as resolved by the Provincial Executive Committee.
- 23.5 The provisions of article 8, regulating participation and voting in SALGA governance structures, shall apply *mutatis mutandis* to provincial members assemblies.
- 23.6 The proceedings of the Provincial Members Assembly shall be regulated in terms of the procedure laid down in Annexure "A" in the Rules of Procedure annexed to this Constitution, *mutatis mutandis*.

24 PROVINCIAL EXECUTIVE COMMITTEE

- 24.1 The Provincial Executive Committee shall exercise the authority of the Provincial member between Provincial Conferences and Provincial Members Assemblies.
- 24.2 The Provincial Executive Committee shall consist of:
- 24.2.1 Chairperson;
 - 24.2.2 Three (3) deputy chairpersons;
 - 24.2.3 Six (6) additional members; and
 - 24.2.4 Chairperson of the SALGA Provincial Women's Commission.
- 24.3 The Provincial Executive Committee may co-opt no more than 3 (three) further additional members.
- 24.4 The Provincial Executive Committee may further co-opt the Chairperson of the Provincial House of Traditional Leadership or his/her nominee to the Provincial Executive Committee.
- 24.5 In electing Provincial Executive Committee members, the following principles shall apply:
- 24.5.1 **Equal gender representation;**
 - 24.5.2 All categories of municipalities prevalent in a province must be represented on the Provincial Executive Committee.

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- 24.5.3 The Chairperson and 3 (three) deputy chairpersons must also be representative of the categories of municipalities prevalent in the province and have equal gender representation.
- 24.5.4 The provisions of 13.3, 13.4 and 13.5 shall apply mutatis mutandis to provincial executive committees.
- 24.6 The Provincial Executive Committee shall:
- 24.6.1 Meet at least once every three months and when the need arises;
- 24.6.2 Exercise day-to-day executive authority of the provincial member;
- 24.6.3 Act in accordance with the directions of the Provincial Conference or Provincial Members Assembly;
- 24.6.4 Submit a report of its activities during the previous financial year to the Provincial Conference or Provincial Members Assembly; and
- 24.6.5 Cause reports of its activities in the province to be tabled quarterly at the National Executive Committee.
- 24.7 The Provincial Executive Committee shall have the power to:
- 24.7.1 Exercise oversight of the provincial administration, including human resource management, supply chain management, business planning and the provincial budget, to the extent set out in the delegations framework of the organisation.
- 24.7.2 Determine, appoint and recall representation of SALGA in all provincial intergovernmental structures and other provincial forums.
- 24.7.2.1 Such representatives shall table reports to the Provincial Executive Committee in accordance with the Governance Framework.
- 24.7.3 Make representations to provincial government.
- 24.7.4 Appoint the chairpersons of Provincial Working Groups from amongst additional or co-opted members.
- 24.7.5 Provincial Executive Committees may also create such other sub-committees and as may be necessary to assist it in the execution of its duties, as outlined in this Constitution, Delegations Framework and Governance Framework of SALGA.
- 24.7.6 Every member of the Provincial Executive Committee shall be indemnified by SALGA against all liability incurred in his or her capacity as such.
- 24.7.7 The proceedings of the Provincial Executive Committee shall be regulated in accordance with the procedure laid down in the Rules of Procedure annexed to this Constitution.
- 24.7.8 The provisions of articles 14 and 15 shall apply *mutatis mutandis* to provincial members.
- 24.7.9 The Provincial Executive Committee shall serve until the next ensuing Provincial Conference, irrespective of whether or not members are re-elected as councillors.
- 24.7.10 During the term of office of the Provincial Executive Committee, other than during the transition period immediately after a general local government election, any loss of the position of councillor by a Provincial Executive Committee member shall *ipso facto*, and without conditions, result in the immediate termination of membership of the Provincial Executive Committee.
- 24.7.11 Any vacancy, which occurs in the office of any of the office bearers and/or additional members, may be filled by the Provincial Executive Committee as the need arises.

22. PROVINCIAL OFFICE BEARERS

22.1 There shall be a Provincial Chairperson and three Deputy Chairpersons.

22.1.1 Collectively they constitute the provincial office bearers.

22.1.2 **[The three Deputy Chairpersons must be comprised of a representative from each category of municipality in the province].**

22.2 The duties of the **provincial office bearers** are to:

22.2.1 Oversee the implementation of decisions of the Provincial Conference, Provincial Members Assembly and the Provincial Executive Committee by all SALGA governance structures and functionaries in the province;

22.2.2 Present reports on the state and performance of the governance structures of the organisation;

22.2.3 Ensure the implementation and management of the Members' Compact as provided in this Constitution;

22.2.4 Present reports on enforcement of the Code of Conduct by relevant SALGA structures;

22.2.5 Ensure effective relationship building with members and resolution of disputes between SALGA and members in the province;

22.2.6 Politically oversee the development and execution of the SALGA Strategic Plan for term of Provincial Executive Committee;

22.2.7 Be politically responsible for communication between the organisation, its members and stakeholders in the province;

22.2.8 Be politically responsible for overseeing fundraising and sponsorship plans for SALGA events in the province; and

22.2.9 Perform such other functions as delegated by Provincial Executive Committee in accordance with delegations framework of the organisation.

22.3 CHAIRPERSON

The Chairperson shall:

22.3.1 preside at all meetings of the Provincial Conference, Provincial Members Assembly and Provincial Executive Committee;

22.3.2 be the custodian of the decisions taken by the Provincial Conference, Provincial Members Assembly and Provincial Executive Committee;

22.3.3 Present to the Provincial Conference, Provincial Members Assembly and extended Provincial Executive Committee a comprehensive report on the state and performance of the governance structures of the province;

22.3.4 sign minutes of the meetings;

22.3.5 delegate such other functions as are necessary to the Deputy Chairpersons;

22.3.6 perform such other duties as may be associated with this office;

22.3.7 represent SALGA at all formal or ceremonial occasions in the province; and

22.3.8 perform such other functions as may be delegated by the Provincial Executive Committee from time to time.

23 **PROVINCIAL WORKING GROUPS**

23.1 **Composition and quorum**

- 23.1.1 The Provincial Working Groups are established by the Provincial Executive Committee, with the chairperson of the Working Groups appointed from amongst the Provincial Executive Committee members.
- 23.1.2 Each provincial member shall be entitled to representation on Provincial Working Groups, as determined by the Provincial Executive Committee in terms of a model approved by the National Executive Committee.
- 23.1.3 The quorum for Provincial Working Groups shall be forty percent (40%) of the total number of provincial members that must be present.

23.2 **Purpose, objectives and functions**

- 23.2.1 The key purpose and objective of working groups is to:
 - 23.2.1.1 facilitate coordination, consultation and inclusive decision-making between SALGA and its provincial and municipal members;
 - 23.2.1.2 serve as a forum through which organised local government members can consult with one another, at a political level, to contribute in so far as providing ideas, advice, political insight and support on the assigned areas of focus to SALGA's political governance structures, namely the Provincial Executive Committee.
- 23.2.2 The functions of the Working Groups are to:
 - 23.2.2.1 discuss and develop policies, strategies and programmes to address critical local government issues in the province;
 - 23.2.2.2 monitor the process of local government policy conceptualisation, design and implementation in the province;
 - 23.2.2.3 effect meaningful participation of Working Group members in provincial intergovernmental structures as mandated by SALGA;
 - 23.2.2.4 within the provincial strategy of SALGA, facilitate the determination of organised local government priorities, which should be pursued in the short, medium and long term; and
 - 23.2.2.5 make strategic and policy recommendations to the Provincial Executive Committee.

SCHEDULE B

PART VII: GENERAL RULES OF PROCEDURE AND MISCELLANEOUS PROVISIONS

24 RIGHT OF MEMBERS TO INSPECT BOOKS OF SALGA

24.1 The books of account and other books and documents of SALGA shall be kept at the registered office of SALGA and, subject to the reasonableness as to the time and manner of inspecting same that may be imposed by a resolution of the National Executive Committee, shall be open to inspection of the members during the hours of business.

24.2 The audited financial statements and other books of account should be published on the SALGA website.

25 NOTICES

25.1 A notice by SALGA to any member shall be regarded as validly given, if sent by prepaid post or transmitted by telegram, telex or telefax to its registered address.

25.2 Any notice, if given by registered post, shall be deemed to have been served on the day following that to which the letter or envelope containing such notice is posted.

26 COPIES OF CONSTITUTION AND INSPECTION THEREOF

26.1 A copy of this constitution and of every amendment thereto or any amended constitution, shall at all times during normal business hours be available for inspection by SALGA members at its registered office and on its website.

26.2 Any member shall be entitled to receive from SALGA a copy of this constitution and of every amended constitution thereto on making request thereof to SALGA.

27 AMENDMENT OF CONSTITUTION

27.1 This constitution may be amended by the national conference only if:

27.1.1 21 (twenty one) days written notice of the proposed amendment or amendments is given to all members; and

27.1.2 approved by two thirds of the members entitled to be present and vote at the National Conference.

27.2 During the year of the National Conference when the SALGA Constitution is eligible for review and is amended, and such amendment has an impact on the structures or composition of the governance structures at provincial or national level, the National Executive Committee, in consultation with Provincial Executive Committees, must adopt transitional arrangements aimed at giving effect to the approved amendments.

27.3 The business of a National and Provincial Conference in such case shall be conducted in accordance with the provisions of the Constitution in effect at the time of the National or Provincial Conference.

27.4 No amendment shall be of any force or effect until certified in terms of subsection (3) of section 101 of the Labour Relations Act. 66 of 1995, as amended.

28 DISSOLUTION OR WINDING UP OF SALGA

28.1 SALGA may only be dissolved or wound up for whatever reason by a resolution passed by at least two thirds of the members entitled to be present and vote at the National Conference.

28.2 The president or a deputy president shall within 7 (seven) days from the date of the dissolution or winding up submit to the Labour Court a resolution approving the dissolution or winding up of SALGA and request the Labour Court to grant an order in terms of section 103 of the Labour Relations Act 66 of 1995, as amended.

28.3 The president or a deputy president shall within 7 (seven) days from the date of the appointment of a liquidator by the Labour Court in terms of section 103(3) of the Labour Relations Act 66 of 1995, as amended, deliver to the said liquidator:

28.3.1 all books of accounts of SALGA showing the assets and liabilities together with the register of members showing, for the 12 (twelve) months prior to the date on which the resolution for the dissolution or winding-up was passed, the membership fees paid by each member and its last known registered address; and

28.3.2 all unexpended funds, assets and all other documents of SALGA.

28.4 The liquidator may divide amongst the members the whole or any part of the assets of SALGA (whether they shall consist of property of the same kind or not) and may, for such purpose, set such values as he deems fair upon any property to be divided as aforesaid and may determine how such division shall be carried out as between the members.

28.5 After the payment of all the liabilities of SALGA any assets that cannot be disposed of in accordance with the provisions of 28.4 above shall be realised by the liquidator and the proceeds shall, in the sole discretion of the liquidator, either be paid to the Commission for Conciliation Mediation and Arbitration in accordance with section 103(5) of the Labour Relations Act 66 of 1995, as amended, or to any entity with similar objects to SALGA or to both.

28.6 The liability of each member shall be limited to the amount of subscription fees and levies due by it to SALGA in terms of this constitution as at the date of dissolution or winding up.

28.7 Notwithstanding anything contained in 28.6 above, if the assets of SALGA are on dissolution or winding up insufficient to cover all money due to its employees, each member shall be liable to contribute a proportionate share of the remaining deficit.

29 **GENERAL RULES OF PROCEDURE**

29.1 The Rules of Procedure, annexed to this Constitution, shall regulate:

- 29.1.1 Proceedings at the National Conference and National Members Assembly (Annexure A);
- 29.1.2 Conduct of elections to SALGA governance structures (Annexure B);
- 29.1.3 Proceedings of the National Executive Committee (Annexure C);
- 29.1.4 Code of Ethics for National and Provincial Executive Committee members, and employees of SALGA (Annexure D);
- 29.1.5 Dispute resolution procedures between SALGA and its members (Annexure E); and
- 29.1.6 Disciplinary Procedures (Annexure F).

29.2 The Rules of Procedure may be amended by the National Conference in accordance with article 26.

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**ANNEXURE A: PROCEEDINGS AT THE NATIONAL CONFERENCE AND NATIONAL MEMBERS
ASSEMBLY**

1. In this annexure, the "constitution" means the constitution of SALGA.
2. Every National Conference and National Members Assembly shall be called by 21 (twenty one) days' notice in writing at the least setting out the agenda for the meeting. The accidental omission to give notice of a National Conference or National Members Assembly to, or the non-receipt of notice of such a meeting by, any member entitled to receive notice shall not invalidate the proceedings of that meeting.
3. Any additional matter not appearing in the notice calling for the National Conference or National Members Assembly contemplated in 2 above may be placed on the agenda of a National Conference or National Members Assembly upon 7 (seven) days' written notice to all members on the written request of any member, which request shall have been received by the President or a the person duly delegated within a period of 14 (fourteen) days before the date of the meeting.
4. A matter which has not been placed on the agenda of the National Conference or National Members Assembly may be discussed by that meeting only if the majority of members consent thereto.
5. Each member shall be entitled to so many delegates at the National Conference and National Members Assembly as determined **and prescribed** by the National Executive Committee in accordance with article 8.
6. All delegates appointed by municipal members or provincial members to attend a National Conference or National Members Assembly shall be municipal councillors.
7. The quorum at the National Conference or National Members Assembly shall be a majority of members entitled to attend and vote at the meeting.
8. If, within the time period as may be determined by the National Executive Committee from the appointed time for the meeting, a quorum is not achieved, the meeting, in case of a National Members Assembly convened upon the requisition of members, shall be dissolved.
 - 8.1. In any other case it shall stand adjourned to the same day in the next month, or if that day be a public holiday, to the next succeeding day other than a public holiday.
 - 8.2. If, at such adjourned meeting, a quorum is not present within the time period determined by the National Executive Committee from the time appointed for the meeting then the members present shall be a quorum.
9. The President shall preside as chairperson at every National Conference or National Members Assembly. If at any National Conference or National Members Assembly the President is not present within the time period determined by the National Executive Committee after the time appointed for holding the meeting, or is unwilling or unable to act as such, a Deputy President shall act as the chairperson of the meeting, or if none of the deputy President are present within the time period determined by the National Executive Committee or is unwilling to act as chairperson, the members present shall choose any delegate present to be chairperson of the meeting.

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10. The chairperson may, with the consent of any National Conference or National Members Assembly at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time and from place to place, to deal with any business left unfinished at the meeting from which the adjournment took place. It shall not be necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.
11. At any National Conference or National Members Assembly a resolution put to the vote of the meeting shall be decided on a show of hands (or the use of assistive devices for that purpose).
12. A declaration by the chairperson that a resolution has been carried, or carried unanimously, or by a particular majority, or lost, and an entry to that effect in the minute book of SALGA, shall be conclusive evidence of the number of the votes recorded in favour of, or against, such resolution.
13. No objection shall be raised as to the admissibility of any vote except at the meeting or adjourned meeting at which the vote objected to is or may be given or tendered and every vote not disallowed at such meeting shall be valid for all purposes. Any such objection shall be referred to the chairperson of the meeting, whose decision shall be final and conclusive.
14. In the case of an equality of votes, the chairperson of the meeting shall be entitled to a second or casting vote.
15. Notwithstanding anything contained in this annexure, the head of administration shall act as the chairperson of the meeting at the National Conference during the election of the National Executive Committee but shall have no vote.
16. The election of directly elected members shall be conducted in accordance with the voting procedures outlined in Annexure "B".
[In any ballot conducted in connection with any election of office bearers, the candidates, up to the required number, receiving the highest number of votes shall be declared elected].
17. The National Executive Committee shall be bound to take action according to the decision of a majority of the members or delegates voting.

ANNEXURE B: CONDUCT OF ELECTIONS TO SALGA GOVERNANCE STRUCTURES

1. In the election of the National Executive Committee, the following process shall apply:
 - 1.1 National Conference voting delegates will, from amongst the 18 nominations from the Provincial Conferences, vote only for the directly elected National Executive Committee members, being 4 (four) candidates for the Presidency, namely the President and three (3) Deputy Presidents, and the fourteen (14) additional members.
 - 1.2 All categories of municipality must be represented among the presidency.
 - 1.3 Thus, every vote at the National Conference to elect the Deputy Presidents must include a metropolitan, district and local representative.
 - 1.4 All four (4) members of the presidency must be from different provinces.
2. In the election of the Provincial Executive Committee, the following process shall apply:
 - 2.1 Provincial Conference voting delegates will vote for the directly elected Provincial Executive Committee members, the nominations for the two (2) provincial representatives to the National Executive Committees, the nominations for the three (3) representatives to the National Council of Provinces, the three (3) representatives to the Provincial Legislature.
 - 2.2 All categories of municipality must be represented among the Provincial Executive Committee and Provincial Office Bearers.
 - 2.3 Thus, every vote at the Provincial Conference to elect the Provincial Office Bearers must include the categories of municipalities (metropolitan, district and local) prevalent in the province.
 - 2.4 All four (4) members of the Provincial Office Bearers must be from different regions in the provinces.
 - 2.5 But for Provincial Chairpersons, who are *ex officio*, no member of a Provincial Executive Committee may hold dual portfolio's i.e. be a Provincial and National Executive Committee member at the same time.
 - 2.6 If a Provincial Executive Committee member is directly elected as a member of the National Executive Committee, such member shall relinquish (automatically) his or her provincial position.
3. The elections shall be conducted in accordance with the voting procedures as outlined below:-
 - 3.1 The Head of the Administration, or his nominee, will preside during the Elections but shall have no vote.
 - 3.2 The Head of the Administration must duly inform the Conference of all positions open for elections and conduct the elections.
 - 3.3 The Head of the Administration must call for the nomination of candidates at the meeting, starting with candidates for President.
 - 3.4 If so desired, a block nomination for all positions could be moved.

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- 3.5 A nomination must be supported by two members at the meeting.
 - 3.6 A person who is nominated must indicate acceptance of the nomination.
 - 3.7 If only one candidate is nominated such candidate shall be declared duly elected.
 - 3.8 If more than one candidate is nominated a vote must be conducted by a simple show of hands. A candidate who receives the majority of the votes must be declared elected.
 - 3.9 If no candidate received a majority of the votes, the candidate who receives the lowest number of votes (if there are more than two candidates) must be eliminated and a further vote taken on the remaining candidates in accordance with item 2.7 above.
 - 3.10 Where only two candidates remain after the process outlined in item 2.8 above and receives the same number of votes the meeting should be adjourned for 30 minutes.
 - 3.11 A re-vote must be conducted in terms of item 2.7 above. If no candidate receives a majority vote; the Head of the Administration must flip a coin to determine the winner.
 - 3.12 The same process will apply for the other vacant positions.
4. The procedures outlined in item 3 above shall *mutatis mutandis* apply to provincial members.

ANNEXURE C: PROCEEDINGS OF THE NATIONAL EXECUTIVE COMMITTEE

1. In this annexure, the "Constitution" means the constitution of SALGA.
2. The President, on the requisition of any member of the National Executive Committee shall, at any time, summon a meeting of the National Executive Committee.
3. The National Executive Committee may meet together for the despatch of business, adjourn and otherwise regulate its meetings as it deems fit.
4. Unless otherwise resolved by the National Executive Committee, all its meetings shall be held at SALGA's registered office.
5. The President shall have a second or casting vote at the meeting of the National Executive Committee.
6. The head of administration shall have no vote in the proceedings or decisions of the National Executive Committee.
7. The National Executive Committee may determine what period of notice shall be given of its meetings and may determine the means of giving such notice, which may include telephone, telegram, telex or telefax. It shall not be necessary to give notice of a meeting of the National Executive Committee to any of its members for the time being absent from the Republic.
8. A quorum of the National Executive Committee shall consist of the majority of the members constituting it.
9. Subject to this Constitution-
 - 9.1. a resolution in writing, including through the medium of telefax, signed by the members of the National Executive Committee for the time being present in the Republic and, being not less than are sufficient to form a quorum, shall be as valid and effectual as if it had been passed at a meeting of the National Executive Committee duly called and constituted; and
 - 9.2. in the case of matters requiring an urgent resolution or, if for any reason it is impracticable to meet as contemplated herein or pass a resolution as contemplated in 9.1 hereof, proceedings may be conducted by utilising conference telephone facilities, provided that the required quorum is met.
 - 9.2.1. A resolution agreed to during the course of such proceedings shall be as valid and effectual as if it had been passed at a meeting of the National Executive Committee duly called and constituted.
 - 9.2.2. The President shall as soon as is reasonably possible after such meeting has been held, be notified thereof by the relevant parties to the meeting, and the President shall prepare a written minute thereof.
 - 9.3. No member unable to attend a National Executive Committee meeting shall be entitled to appoint a proxy in his stead.

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- 9.4. If at any meeting of the National Executive Committee the President is not present within the time period as may be determined by the National Executive Committee in the circumstances after the time appointed for holding it, one of the Deputy Presidents shall act as the chairperson of the meeting or, if none of them are also not present within the time period determined by the National Executive Committee, the members present may choose one of their number to be chairperson of the meeting.
- 9.5. The provisions hereof shall apply mutatis mutandis to Provincial Executive Committees.

**ANNEXURE D: CODE OF ETHICS FOR ELECTED NATIONAL AND PROVINCIAL EXECUTIVE
COMMITTEE MEMBERS AND DEPLOYED REPRESENTATIVES OF SALGA**

1. This Annexure sets out the Code of Ethics and procedures for breaches thereof for elected National and Provincial Executive Committee members and deployed representatives of SALGA.
2. Before the National and Provincial Executive Committee members begin to perform their functions, they must swear or affirm faithfulness to SALGA and obey, respect, uphold, and maintain the Constitution of the Republic of South Africa, the constitution of SALGA and all other laws of the Republic, as follows:-

"OATH OR SOLEMN AFFIRMATION"

"In the presence of everyone assembled here, I [NAME AND SURNAME], swear / solemnly affirm that I will be faithful to SALGA and will obey, respect, uphold, and maintain the Constitution of the Republic of South Africa, the constitution of SALGA and all other laws of the Republic, and I undertake to hold my office as [POSITION] with honour and dignity; to be true and faithful; not to divulge directly or indirectly any confidential information entrusted to me by virtue of my position at SALGA; and to perform the duties and functions of my office to the best of my ability"
(In the case of an Oath: "So Help Me God".)

3. Elected National and Provincial Executive Committee members and deployed representatives of SALGA must:
 - a. Be true and faithful to SALGA and uphold the highest ideals of honour and integrity in order that SALGA may merit the respect and confidence of all stakeholders and the public;
 - b. obey, respect, uphold, promote and maintain the Constitution of the Republic of South Africa, the constitution of SALGA and all other laws of the Republic,
 - c. effectively and efficiently work with governmental agencies, political subdivisions and other organizations in order to further the interest of the local government;
 - d. discharge the duties and functions as the representatives of SALGA diligently and to the best of their knowledge and ability; **[and]**
 - e. devote themselves to the wellbeing of SALGA and all of its members; **and**
 - f. **must temporarily withdraw from all official responsibilities within and on behalf of SALGA, when formally charged with a criminal offence, as defined, pending the finalisation of the related court case.**
4. Elected National and Provincial Executive Committee members and deployed representatives of SALGA may not:
 - a. divulge directly or indirectly any confidential information entrusted to them by virtue of their position at SALGA;
 - b. engage in outside interests that are not compatible with the impartial and objective performance of their duties;
 - c. improperly influence or attempt to influence other elected members or representatives from member municipalities to act in their own personal benefit; nor
 - d. accept anything of value from any source which is offered to influence their actions as representatives of SALGA.

SPECIAL MUNICIPAL COUNCIL MEETING
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5. When becoming aware of a possible violation of one or more of the obligations under 3 or 4 above, the National Executive Committee or Provincial Executive Committee, as the case may be, may institute disciplinary proceedings against the National or Provincial Executive Committee member or deployed representatives of SALGA and duly inform the municipality whom such National or Provincial Executive Committee member or deployed representative of SALGA is representing.
6. The National Executive Committee or Provincial Executive Committee shall establish *ad hoc* disciplinary committees to deal with such cases.
7. The National Executive Committee or Provincial Executive Committee, as the case may be, may suspend the relevant National or Provincial Executive Committee member or deployed representative of SALGA to allow the disciplinary proceedings to take its course.
8. National Executive Committee and/ or Provincial Executive Committee members, as the case may be, may not discuss or divulge information with anyone about pending or ongoing ethics cases. Failure to observe this may result in such National Executive Committee or Provincial Executive Committee member being in breach of this Code and liable to disciplinary action.
9. If any National or Provincial Executive Committee member or deployed representative of SALGA is found, in terms of the outcomes of the disciplinary proceedings, to be unfit to hold SALGA office or be deployed as a SALGA representative, the National or Provincial Executive Committee member or deployed representative of SALGA may appeal as follows:
 - a. In the event of a Provincial Executive Committee member found guilty of breaching this Code, such member shall be entitled to appeal to the National Executive Committee, whose decision shall be final and binding.
 - b. In the event of a National Executive Committee member or deployed representative of SALGA found guilty of breaching this Code, such member or employee shall appeal to an *ad hoc* appeals committee established by the National Executive Committee which must comprise of at least:
 - i. The President; and
 - ii. Two (2) Deputy Presidents.
 - c. If the President or a Deputy President is charged with violation of this Code, the *ad hoc* disciplinary committee and the appeals committee (if required) must comprise of at least:
 - i. Two (2) members from among the office bearers; and
 - ii. Three (3) provincial Chairpersons, excluding the provincial Chairperson representing the province where such individual's member municipality is situated.
10. The National Executive Committee or Provincial Executive Committee must inform the relevant member (Provincial Association or municipal member, as the case may be) or employee of the outcome of the disciplinary proceedings and that such individual is unfit to hold SALGA office or be deployed as a SALGA representative.

SPECIAL MUNICIPAL COUNCIL MEETING
AGENDA
10 FEBRUARY 2022

11. In such case, the National Executive Committee may invite the Provincial Association to nominate another person to fill the vacancy (if a provincial representative) or may fill the vacancy at the next sitting of the extended National Executive Committee meeting or National Members Assembly (for directly elected members), whichever comes first.
12. The Provincial Executive Committee may fill the vacancy in accordance with article 21.6.11.

ANNEXURE E: DISPUTE RESOLUTION PROCEDURES

1. This Annex sets out an internal dispute resolution procedure to resolve disputes between SALGA and its members regarding their "rights, duties, or liabilities" in terms of this Constitution. This procedure is an "internal" dispute resolution mechanism and must be distinguished from "alternative" dispute resolution.
2. Its purpose is to provide a mechanism for members to resolve disputes with the Association, and does not apply to disputes between members, save as provided for below.
3. The procedure may be invoked by a provincial member or any individual municipal member with either its provincial association or the national association directly. Parties to a dispute must attempt to resolve such dispute speedily and in good faith.
4. In accordance with the provisions of article 5 (Members Compact), disputes between SALGA and its members shall be resolved as follows:
5. Disputes between member municipalities and provincial associations
 - 5.1 In the first instance, municipal members shall have the right to approach its provincial association raising its concerns, in writing, with regard to the alleged non-fulfillment of such member's rights, or obligations imposed on the provincial association in terms of articles 19, 20 and 21 in terms of this Constitution.
 - 5.2 A copy of the letter must be submitted to the national Association for its notification.
 - 5.3 Within 30 (thirty) days of receiving the notification of concern, the provincial association must respond, in writing, to the concerns raised, including proposed steps or actions to address same.
 - 5.4 If, after a period of 60 (sixty) days, the member's concerns have not been addressed to its satisfaction, such member shall have the right to declare a formal dispute with the provincial association.
 - 5.5 Such dispute must be declared in writing and set out the grounds for the dispute, including steps taken in attempting to address the concerns so raised. A copy of the dispute declared shall be forwarded to the national association for its notification by fax, mail or email.
 - 5.6 Within 30 (thirty) days of the dispute being declared in writing and received by the provincial association, a meeting between the provincial association and municipal member to discuss the grounds for the dispute, present their responses and proposed steps to resolve same must be duly convened.
 - 5.7 The provincial association in such instance shall be represented by the provincial Chairperson or one of the Deputy Chairpersons.
 - 5.8 In the event that the grounds for the dispute are not addressed within 60 (sixty) days, the member shall have the right to appeal to the full Provincial Executive Committee.

SPECIAL MUNICIPAL COUNCIL MEETING
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5.9 In the event that the dispute is still not resolved thereafter, the member shall have recourse to the National Executive Committee, who shall be represented by one of the office bearers.

6. Disputes between municipal members and provincial associations with the National Association

6.1 In the case of either a provincial member or municipal member, both shall have the right to approach the national association raising its concerns, in writing, with regard to the alleged non-fulfilment of its rights, or obligations imposed on the national association in terms of articles 10, 11, 12 and 13 in terms of this Constitution.

6.2 In the case of a municipal member, a copy of the letter must be submitted to the provincial Association for its notification.

6.3 Within 30 (thirty) days of receiving the notification of concern, the national association must respond, in writing, to the concerns raised, including proposed steps or actions to address same.

6.4 If, after a period of 60 (sixty) days, the member's concerns have not been addressed to its satisfaction, such member shall have the right to declare a formal dispute with the national association.

6.5 Such dispute must be declared in writing and set out the grounds for the dispute, including steps taken in attempting to address the concerns so raised.

6.6 Within 30 (thirty) days of the dispute being declared in writing and received by the national association, a meeting between the national association and municipal or provincial member must be duly convened to discuss the grounds for the dispute, present their responses and proposed steps to resolve same.

6.7 The national association in such instance shall be represented by one of the office bearers.

6.8 In the event that the grounds for the dispute are not addressed within 60 (sixty) days to the member's satisfaction, the member shall have the right to appeal to the full National Executive Committee.

6.9 If the member (who has invoked the procedure) requests the participation of a mediator, the association should work with the member to select a mediator.

ANNEXURE F: DISCIPLINARY PROCEDURES

1. This Annex gives effect to article 6 and provides for disciplinary procedures to be followed in accordance with article 6.7.
2. The *ad hoc* disciplinary committees which shall be established by the National Executive Committee or Provincial Executive Committee, as the case may be, must consist of:
 - a. In the case of the National Executive Committee -
 - i. One (1) member of the Presidency;
 - ii. One (1) provincial Chairperson; and
 - iii. One (1) additional member of the National Executive Committee.
 - b. In the case of a Provincial Executive Committee -
 - i. One (1) office bearer; and
 - ii. Two (2) additional members of the Provincial Executive Committee.
3. If a member has been summarily suspended in accordance with the provisions of article 6.12, disciplinary proceedings must be instituted against such member within 30 (thirty) days of the suspension.
 - a. A notice of suspension, stating the nature of the charges as well as a date for preliminary hearing of the matter must be communicated to the member concerned within 30 (thirty) days of suspension.
 - b. A member shall be entitled to call witness(es) in support of its case when appearing before a Disciplinary Committee contemplated in article 6.3.
4. As provided for in article 6.4, a member shall be entitled to appeal the decisions of a Disciplinary Committee to the National Executive Committee or Provincial Executive Committee, as the case may be. The National or Provincial Executive Committee, as the case may be, may establish an appeals committee to consider the appeal.
5. The member concerned shall lodge notice of any such appeal, including the grounds upon which its appeal is founded, with the President or a person duly delegated by the President, or Provincial Chairperson or a person duly designated by the provincial Chairperson, as the case may be, in writing within 14 (fourteen) days of the date on which the decision of the National Executive Committee or Provincial Executive Committee was communicated to it.
6. As provided for in article 6.4, save for suspension or expulsion of a member, the decision of the National Executive Committee or Provincial Executive Committee is final and binding.
7. A member may be suspended or expelled from SALGA if it violates the Code of Conduct set out in article 6.
8. Any member, who has been suspended or expelled by the National Executive Committee, shall have a right to appeal against such suspension or expulsion to the extended National Executive Committee, National Members Assembly or National Conference (whichever occurs first).

SPECIAL MUNICIPAL COUNCIL MEETING
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9. A member shall cease to be entitled to any benefits of membership, including but not limited to the right to vote during meetings in the period in which it is under suspension in terms of this constitution.
10. The member concerned shall lodge notice of any such appeal, including the grounds upon which its appeal is founded, with the President or a person duly delegated by the President in writing within 14 (fourteen) days of the date on which the decision of the National Executive Committee was communicated to it.
11. The extended National Executive Committee meeting, National Members Assembly or National Conference (whichever occurs first) shall appoint an *ad hoc* committee to consider the appeal.
 - a. The committee so appointed shall submit a report with its recommendation(s) to the extended National Executive Committee, National Members Assembly or National Conference (whichever appointed it).
 - b. The decision of the extended National Executive Committee, National Members Assembly or National Conference (whichever deals with the matter) shall be final and binding on the member concerned.
12. Upon the expulsion of a member, all money due and owing by such member to SALGA shall become payable within a period of 30 (thirty) days of such expulsion. If a member in question fails to make such payment to SALGA within the period contemplated herein, the National Executive Committee may take such steps as it deems necessary to recover such money.

7. **CONSIDERATION OF MOTIONS**

See attached motions received.

FOR CONSIDERATION

SPECIAL MUNICIPAL COUNCIL MEETING
AGENDA
10 FEBRUARY 2022

1/3

The Speaker

Knysna Municipal Council

5% Clyde Street

Knysna

2 February 2022

**NOTICE OF INTENTION TO INTRODUCE A MOTION:
AMENDMENT TO THE MPAC TERMS OF REFERENCE**

I, Councillor Sharon Sabbagh, in terms of Rule 26 of the Standing Rules of Order adopted by the Knysna Council, hereby give notice of my intention to move the following motion at the next Special or Ordinary Council Meeting, whichever happens first:

MOTIVATION:

1. Section 2.1 of the MPAC Terms of reference provides that:
 - a. "The Municipal Council must determine the functions of the committee and approve the terms of reference for the committee."
2. Section 3.4 of the MPAC Terms of Reference provides that:
 - a. "The appointment of the Chairperson must be in terms of a Municipal Council resolution. The Chairperson may not be a political office bearer / Executive Councillor in the Municipal Council. The Chairperson must be an experienced Councillor who has the necessary skills and expertise to preside over this critical committee. The Chairperson shall be from the opposition parties represented in Council. If the Chairperson is absent from the meeting, the members present must elect a member from the meeting to preside at that particular meeting."
3. Section 3.6 of the MPAC Terms of Reference provides that:
 - a. "The Committee shall consists of five (5) Councillors with knowledge of financial and / or governance matters, three (3) of whom will be from the ruling party and two (2) shall be from the largest opposition party."

The MPAC Terms of Reference as currently constituted does not provide for coalition party led Municipal Councils. With the outcome of the Local Government Elections 2021, The Democratic Alliance secured the majority seats, being eight (8) of twenty-one (21) seats in the Knysna Municipal Council, and together with two minority parties who each hold two (2) seats in Council, being Knysna Independent Movement and the Patriotic Alliance, have entered into a Coalition agreement thereby forming a Leading Coalition totalling twelve (12) of the twenty (21) seats in Council.

As a result the MPAC Terms of Reference require the following amendments to provide for Coalition agreements such as mentioned above.

MOTION:

That the below mentioned sections of the MPAC Terms of Reference be amended to read as follows;

[Handwritten signature]

SPECIAL MUNICIPAL COUNCIL MEETING
AGENDA
10 FEBRUARY 2022

1. Section 3.4:

- a. "The appointment of the Chairperson must be in terms of a Municipal Council resolution. The Chairperson may not be a political office bearer / Executive Councillor in the Municipal Council. The Chairperson must be an experienced Councillor who has the necessary skills and expertise to preside over this critical committee. The Chairperson shall be from any party other than the majority party represented in Council. If the Chairperson is absent from the meeting, the members present must elect a member from the meeting to preside at that particular meeting."

4. Section 3.6 of the MPAC Terms of Reference provides that:

- a. "The Committee shall consist of five (5) Councillors with knowledge of financial and / or governance matters, three (3) of whom will be from the ruling coalition or ruling party and two (2) shall be from the other parties.

SIGNED ON 2nd February, 2022 AT KNYSNA



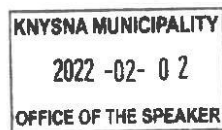
MOVER: Councillor Sharon Sabbagh



SECONDER: Councillor Peter Bester

RECEIVED ON 02 (day) FEBRUARY 2022 AT 15h37 (time)

BY Chanté Streebel (signed) 



SPECIAL MUNICIPAL COUNCIL MEETING
AGENDA
10 FEBRUARY 2022

2/3

2 February 2022.

The Speaker
Knysna Municipal Council

Cllr Lopes,

RE: Notice of Intention to Introduce a Motion – Removal of the MPAC Chairperson

In accordance with Rule 26(2) of the Knysna Municipality: Rules of Order for Internal Arrangements By-Law read with Section 58 of the Local Government: Municipal Structures Act 177 of 1998; I Cllr. Sharon Sabbagh hereby give notice of my intention to introduce the motion below at the special meeting of the Knysna Municipal Council.

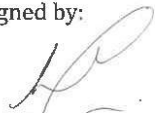
Noting:

- That the MPAC Chairperson has not in the view of council, performed his duties satisfactorily, and
- That such unsatisfactory performance of his duties has resulted in under delivery of services to the people of Knysna and has negatively affected the effective conduct of the normal operations of the Council

Motion:

1. That in terms of Section 58 of the Municipal Structures Act No 117 of 1998, the MPAC Chairperson be removed from office.

Signed by:

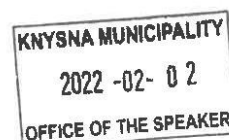


Cllr. Sharon Sabbagh

Seconded by:



Cllr. Peter Bester



SPECIAL MUNICIPAL COUNCIL MEETING
AGENDA
10 FEBRUARY 2022

3/3

The Speaker
Knysna Municipal Council
5 Clyde Street
Knysna

2 February 2022

NOTICE OF INTENTION TO INTRODUCE A MOTION:
APPOINTMENT OF MPAC CHAIR

I, Councillor Sharon Sabbagh, in terms of Rule 26 of the Standing Rules of Order adopted by the Knysna Council, hereby give notice of my intention to move the following motion at the next Special or Ordinary Council Meeting, whichever happens first:

MOTIVATION:

1. In the event that the motion to remove the MPAC Chair succeeds and the position of MPAC Chair is vacant I wish to submit the following motion.
2. Cllr Beauty Charlie meets the criteria set out in the amended terms of reference to be appointed as the Chairperson of MPAC.

MOTION:

1. That Cllr Beauty Charlie be appointed as the Chairperson of the Municipal Public Accounts Committee (MPAC).

SIGNED ON 2nd February, 2022 AT KNYSNA



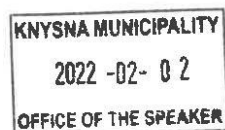
MOVER: Councillor Sharon Sabbagh



SECONDER: Councillor Peter Bester

RECEIVED ON 02 (day) FEBRUARY 2022 AT 15h37 (time)

BY Charlie Sabbagh (signed) 



8. **CONSIDERATION OF QUESTIONS**

None

9. **CONSIDERATION OF MOTIONS OF EXIGENCY**

None

10. **IN COMMITTEE ITEMS**

None.

11. **ADJOURNMENT**

-oOo-