



*Councillor TV Matsepe*

As the wheels of transformation are groaning and arduously climbing the uphill of change in local government, the Matjhabeng Municipality has put in place most of the system that are necessary to enhancing good governance and community participation such as Ward Committee Systems.

The year under review saw several advancements made in this regard despite serious lack of capacity. The period that follows this report has however seen great improvements made.

As far as compliance with the legislation in this regard is concerned, as this report will illustrate, much has been achieved and reasons are given for non-performance in certain areas.

The report therefore concentrates on the extend to which we have complied with the legislative demands placed on Municipalities to enable them to evaluate their performance.

The ensuing year has already started to show results of the efforts as will become clear in the next report.

I wish to once again thank the office of the Mayor in its unwavering support during this period and point out that it is encouraging to work in this environment of co-operation.

The role of overseeing the executive arm of the Council becomes much easier in such an atmosphere.

My appreciation is expressed to the staff that assist in the Speakers office in their continued effort to live up to the spirit of “Batho Pele” in interacting with the public and doing their duties.

I hope every Councillor will enjoy a good festive season and a prosperous and productive New Year.

## **GOVERNANCE & COMMUNITY PARTICIPATION**

### *Review and rationalization of by-laws*

#### *Compliance with section 15 of the local government structures act, 1998, act no. 117 of 1998*

The Office of the Speaker formed a committee consisting of the following persons to comply with the above-mentioned section of the Act:-

1. Speaker
2. Manager Council Administration
3. Executive Manager Legal Services
4. Manager Administration in the Municipal Manager's Office

However, on the advice of SALGA the process was stopped, as there are plans to draft standard by-laws for Free State Municipalities as a whole.

## **MUNICIPAL COUNCIL**

### **COMPLIANCE WITH SECTION 18(2) OF THE LOCAL GOVERNMENT STRUCTURES ACT, 1998, ACT NO. 117 OF 1998**

The Matjhabeng Municipal Council is constituted as follows:-

<i>No of Councillors</i>	<i>Political Party</i>
<i>56</i>	<i>ANC</i>
<i>14</i>	<i>DA</i>
<i>1</i>	<i>PAC</i>
<i>1</i>	<i>UDM</i>
<i>Total no of Councillors</i>	<i>72</i>
<i>36</i>	<i>Proportional Councillors</i>
<i>36</i>	<i>Ward Councillors</i>

## **FLOOR CROSSING LEGISLATION**

During the period under review there were no floor crossings by any Councillor.

## **VACANCY WITHIN COUNCIL**

A vacancy existed within Council as the result of the passing away of the late Councillor KM Chao, on 9 May 2003.

## **MUNICIPAL OBJECTIVES**

### **COMPLIANCE WITH SECTION 19(1) TO (3) OF THE LOCAL GOVERNMENT STRUCTURES ACT, 1998, ACT NO. 117 OF 1998**

1. The Council strives within its capacity, to achieve the objectives set out in section 152 of the Constitution.
2. Council annually reviews the following:-
  - The needs of the community
  - Its priorities to meet those needs
  - Its processes for involving the community
  - Organisational and delivery mechanisms for meeting the needs of the community; and
  - Its overall performance in achieving the objectives referred to in section 152 of the Constitution.
3. The Council developed the following mechanisms to consult the community and community organisations in the performance of its functions and exercise of its powers

## **MEETINGS OF MUNICIPAL COUNCIL**

### **COMPLIANCE WITH SECTION 29(1) OF THE LOCAL GOVERNMENT STRUCTURES ACT, 1998, ACT NO. 117 OF 1998**

In compliance with the above section, the statistics that follow show the number of meetings held by Matjhabeng Council during this review period.

### **COUNCIL SITTINGS FROM JULY 2002 – JUNE 2003:**

Extra-ordinary Council meetings	1
Ordinary Council meetings for the year	9
Special Council sittings	3

## **AGENDA AND MINUTES**

The agendas and minutes of council were compiled and distributed to all Councillors as outlined in the Council's Rule and Orders.

## **QUORUMS AND DECISIONS**

### **COMPLIANCE WITH SECTION 30(1), (2), (4) AND (5) OF THE LOCAL GOVERNMENT STRUCTURES ACT, 1998, ACT NO. 117 OF 1998**

All decisions in council and committees are taken by the majority of Councillors and if they do not form a quorum, then the meeting is postponed.

1. There is always a majority of councillors present at every meeting of the Council where decisions are made on any matter.
2. The Speaker has never had an opportunity to cast a deciding vote in case of an equality of votes cast on any questions serving before the Council.

3. On any decision Council has taken on any of the following matters, Council required its Executive Mayor to submit to it a report and recommendation.
  - The approval of an Integrated Development Plan for the Municipality and any amendment to the plan; and
  - The appointment and conditions of service of the Municipal Manager and Heads of departments reporting directly to the Municipal Manager.

### **ATTENDANCE OF COUNCILLORS**

14	Attended all 13 Council meetings
17	Did not attend 1 of the 13 meetings
18	Did not attend 2 of the 13 meetings
10	Did not attend 3 of the 13 meetings
7	Did not attend 4 of the 13 meetings
4	Did not attend 5 of the 13 meetings
2	Did not attend 6 of the 13 meetings
0	Failed to attend 3 consecutive meetings, without an apology

### **BUSINESS OF MUNICIPAL COUNCIL**

#### **COMPLIANCE WITH SECTION 31(1) AND (2) OF THE LOCAL GOVERNMENT STRUCTURES ACT, 1998, ACT NO. 117 OF 1998**

Members of the public and other stakeholders are invited to council meetings. There are also consultative meetings and report back meetings, which are held with the community and other stakeholders on a regular basis.

#### **DELEGATION TO COMMITTEES AND OTHER INTERNAL FUNCTIONARIES**

#### **COMPLIANCE WITH SECTION 32(1) AND (2) OF THE LOCAL GOVERNMENT STRUCTURES ACT, 1998, ACT NO. 117 OF 1998**

Council has established a system of delegation whereby powers have been delegated to different functionaries within council. However, Council has not yet determined the powers which the Executive Mayor must exercise as a collective with the Mayoral Committee.

1. Council has developed a system of delegation that will maximize administrative and operational efficiency and provide for adequate checks and balances, as the Executive Mayor has also delegated powers to each Mayoral Committee member.

## MAYORAL COMMITTEE

### COMPLIANCE WITH SECTION 60(1) TO (5) OF THE LOCAL GOVERNMENT STRUCTURES ACT, 1998, ACT NO. 117 OF 1998

1. The Executive Mayor has appointed a Mayoral Committee from among the Councillors to assist him.
2. The Executive Mayor, within his discretionary powers, delegated specific responsibilities to each member of the Committee.
3. There are none of the Executive Mayor's powers and functions that have been designated by the Council as powers which must be exercised and performed by the Executive Mayor together with the other members of the Mayoral Committee.

The Mayoral Committee was constituted and consists of the following members:

<i>COUNCILLOR</i>	<i>POSITION</i>
<i>SJ Leuw</i>	<i>Executive Mayor</i>
<i>KS Menong</i>	<i>MMC Human Resources</i>
<i>KS Ramaisa</i>	<i>MMC Public Safety</i>
<i>BA Montshioa</i>	<i>MMC Economic Development and Spatial Planing</i>
<i>ZA Thuthani</i>	<i>MMC Public Works and Engineering Services</i>
<i>RE Tladi</i>	<i>MMC Corporate Services</i>
<i>SE Tshabangu</i>	<i>MMC Finance Management</i>
<i>TD Khalipha</i>	<i>MMC - Housing Development and Environmental Management</i>

### PERFORMANCE OF MAYORAL COMMITTEE

<i>ITEMS</i>	<i>NUMBER OF RESOLUTIONS TAKEN</i>	<i>RECOMMENDATIONS TO COUNCIL</i>
<b>250</b>	<b>226</b>	<b>24</b>

Items referred back:	4
Items regarding disciplinary action against councillors:	-
Items regarding policy issues:	9
Deputation:	20

### ESTABLISHMENT OF WARD COMMITTEES

### COMPLIANCE WITH SECTION 73(1) TO (3) OF THE LOCAL GOVERNMENT STRUCTURES ACT, 1998, ACT NO. 117 OF 1998

- In compliance with the above-cited legal requirements, the Office of the Speaker takes charge of the establishment and the functioning of Ward Committees within the municipality of Matjhabeng.
- The cardinal function of these ward committees is to assist the Ward Councillors to carry out their respective mandates and to promote an ongoing process of debate, dialogue and communication between the Matjhabeng municipal council and the community.

## **FUNCTIONS AND POWERS OF WARD COMMITTEES**

### **COMPLIANCE WITH SECTION 74 OF THE LOCAL GOVERNMENT STRUCTURES ACT, 1998, ACT NO. 117 OF 1998**

Various ward committee meetings were convened which discussed amongst others basic service delivery issues and business activity matters, including:

- The provision of water, health services and electricity
- Pipe leakages
- Rezoning of residential sites into business sites
- Nutrition programs
- Waste recycling
- Child support grants
- Application for Identity Documents
- Payment of services, etc.

## **REMUNERATION**

### **COMPLIANCE WITH SECTION 77 OF THE LOCAL GOVERNMENT STRUCTURES ACT, 1998, ACT NO. 117 OF 1998**

Ward members are not remunerated for their activities, Council only provides transport in certain cases.

## **REGULATIONS CONCERNING THE PUBLICATION OF PARTICULARS OF THE REMUNERATION OF CERTAIN MUNICIPAL OFFICIALS**

### **COMPLIANCE WITH GOVERNMENT GAZETTE NO.18435 DATED (14 NOVEMBER 1997) OF THE LOCAL GOVERNMENT TRANSITION ACT, 1997**

For the last financial year Council did publish the required information to the press and sent copies to the relevant authorities as required by the Act.

## **RIGHTS AND DUTIES OF MUNICIPAL COUNCILS**

### **COMPLIANCE WITH SECTION 4(1) TO (3) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 2000, ACT NO. 32 OF 2000**

1. There is no significant factor impeding the municipality in the exercise of its right to:
  - Govern at its initiative the local government affairs of the local community;
  - Exercise its executive and legislative authority, without improper interference and finance the affairs of the Municipality by charging fees for services, and
  - Imposing surcharges on fees, rates on property, and (to the extent authorized by national legislation) other taxes, levies and duties.
  
2. The Municipality within its financial and administrative capacity and having regard to practical considerations, properly fulfill the following duties:
  - Exercise the Municipality's executive and legislative authority, and use the resources of the Municipality in the best interests of the local community;
  - Provide, without favour or prejudice, democratic and accountable government;
  - Encourage the involvement of the local community in municipal affairs;
  - Strive to ensure that municipal services are provided to the local community on a financially and environmentally sustainable manner;
  - Consult the local community about:
    - the level, quality, range and impact of municipal services provided by the Municipality, either directly or through other service providers and the available options for services delivery;
  - Give members of the local community equitable access to the municipal services to which they are entitled;
  - Promote and undertake development in the municipality;
  - Promote gender equity in the exercise of the municipality's executive and legislative authority;
  - Promote a safe and healthy environment in the municipality; and
  - Contribute - together with other organs of state - to the progressive realization of the fundamental rights contained in section 24, 25, 26, 27 and 29 of the Constitution.

## **LEGISLATIVE PROCEDURES**

### **COMPLIANCE WITH SECTION 12(1) TO (4) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 2000, ACT NO. 32 OF 2000**

1. One draft by-laws are introduced in the Council only by Council members of committees of the Council.
2. All by-laws will be made by decisions taken by the Council:
  - In accordance with the rules and orders of the Council;
  - With a supporting vote of the majority of its members.
3. All the members of the Council are given reasonable notice in respect of every by-law which is to be passed.
4. All proposed by-laws will be published for public comment in a manner which allows the public an opportunity to make representations in regard to such by-laws.
5. All the above-mentioned procedures will be complied with also in respect of by-laws which incorporate by reference provisions of:
  - Legislation passed by another legislative organ of state;
  - Standard draft by-laws made in terms of section 14 of this Act.

#### **PUBLICATION OF BY-LAWS**

#### **COMPLIANCE WITH SECTION 13 OF THE LOCAL GOVERNMENT SYSTEMS ACT, 2000, ACT NO. 32 OF 2000**

1. The by-laws relating to language policy passed by the Council was published promptly in the provincial gazette and also in a local newspaper.

#### **DEVELOPMENT OF A CULTURE OF COMMUNITY PARTICIPATION**

#### **COMPLIANCE WITH SECTION 16(1) AND (2) OF THE LOCAL GOVERNMENT SYSTEM ACT, 2000, ACT NO. 32 OF 2000**

1. The Municipality developed a culture of municipal governance that complements formal representative government with a system of participatory governance.
2. The municipality has for this purpose encouraged and created conditions for the local community to participate in the affairs of the municipality including in:
  - The preparation, implementation and review of its Integrated Development Plan in terms of Chapter 5 of the present Act;
  - The preparation of its budget; and

- The strategic decision-making in relation to the provision of municipal services in terms of Chapter 8 of the present act.
3. The municipality has, also for this purpose, contributed towards building the capacity of:
    - The local community to enable it to participate in the affairs of the municipality, by training Ward Committee members.
    - Councillors and staff to foster community participation.
  4. The municipality uses its resources, and annually allocated funds in its budget, to the extent appropriate for achieving and implementing the goals set out above.
  5. The development of a culture of municipal governance, as set out above, led to any interference with the municipal Council's right to govern and to exercise its executive and legislative authority.
  6. To foster the spirit of public participation the following consultative meetings were held:

**PRELIMINARY PUBLIC HEARINGS – BUDGET 2003/2004**

<b>DATE: 17 MARCH 2003</b>		
<b>TOWN</b>	<b>WARD</b>	<b>REMARKS</b>
ALLANRIDGE	36	Meeting fairly attended ±30 people
NYAKALLONG	19,36	Meeting was fairly attended and successful Attendance: ±60
ODENDAALSRUS	35	Meeting was successful and well attended.
KUTLOANONG	18,20,21,22,10	Meeting was successful and well attended by ±300 people.
WELKOM	24,25,28,32,33,34	Meeting fairly attended by ±32 people
<b>DATE: 18 MARCH 2003</b>		
RIEBEECKSTAD	10,25	Fairly attended by ±35 people
BRONVILLE & HANI PARK	11,12	Meeting well attended by ± 60 people
THABONG EAST	12,13,14,15,16,17,25	Meeting was successful and well attended by 180 people
THABONG WEST	26,27,28,29,30,31	Meeting was successful and well attended by 300 people
<b>DATE: 19 MARCH 2003</b>		
VENTERSBURG	1	Meeting was successful and well attended by ± 100 people

<i>PHOMOLONG 26 March 2003</i>	2,3	<i>Meeting was well attended and successful</i>
<i>HENNENMAN</i>	3,10	<i>Meeting did not take place. Rescheduled.</i>
<i>MELODING</i>	4,5,6.7	<i>Meeting was well attended by 150 people</i>
<i>VIRGINIA</i>	8,9	<i>Meeting did not take place. Attendance: 19 People. Only Cllr Masienyane was present. Meeting was rescheduled.</i>

Ward Councillors held constituency meetings per ward on a monthly basis.

## **MECHANISMS, PROCESSES AND PROCEDURES FOR COMMUNITY PARTICIPATION**

### **COMPLIANCE WITH SECTION 17(1) TO (4) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 2000, ACT NO. 32 OF 2000**

1. The municipality has ensured that participation by the local community in the affairs of the municipality has taken place through:
  - Political structures, for participation in terms of the Municipal Structures Act;
  - Mechanisms, processes and procedures for participation in municipal governance established in terms of this Act;
  - Other appropriate mechanisms, processes and procedures established by the municipality itself;
  - Councillors; and
  - Generally applying the provisions for participation as provided for in the present Act.
2. The municipality has established appropriate mechanisms, processes and procedures to enable the local community to participate in the affairs of the municipality.
3. The municipality has for this purpose provided for:
  - The receipt, processing and consideration of petitions and complaints lodged by members of the local community, several were received during the period under review;
  - Notification and public comment procedures (when appropriate);
  - Public meetings and hearings by the municipal council and other political structures and political office bearers of the municipality (when appropriate);

- Consultative sessions with locally recognised community organisations, and (where appropriate) traditional authorities; and (a data base of such organizations exists)
  - Report back to the local community.
4. The municipality has established mechanisms, processes and procedures for community participation - taking into account the special needs of:
- People who cannot read or write;
  - People with disabilities;
  - Women;
  - Other disadvantaged groups.
5. The municipal council has co-opted members of the community who are not Councillors to participate in the meetings of the performance Audit Committee, and did take into account gender representation.

## **COMMUNICATION OF INFORMATION CONCERNING COMMUNITY PARTICIPATION**

### **COMPLIANCE WITH SECTION 18(1) AND (2) OF THE LOCAL GOVERNMENT SYSTEM ACT, 2000, ACT NO. 32 OF 2000**

1. The municipality does communicate to its community, information concerning:
- The available mechanisms, processes and procedures to encourage and facilitate community participation;
  - The matters with regard to which community participation is encouraged;
  - The rights and duties of members of the local community; and
  - Municipal governance, management and development.
2. The municipality, in communicating the information mentioned above, take into account;
- Language preference and usage in the municipal area; and
  - The special needs of people who cannot read or write are however catered for through verbal communication.

## **PUBLIC NOTICE OF MEETINGS MUNICIPAL COUNCILS**

### **COMPLIANCE WITH SECTION 19 OF THE LOCAL GOVERNMENT SYSTEM ACT, 2000, ACT NO. 32 OF 2000**

1. The Municipal Manager gives notice to the public, in a manner determined by the Municipal Council, of the time, date and venue of every;

- Ordinary meeting of the Council; and
- Special or urgent meetings of the Council (except when time constraints make this impossible).

In compliance with this section the municipality announces its meeting as follows:

## **NOTICES AND ANNOUNCEMENTS**

Council on a continuous basis use the following form of communication to notify the community of meetings, requests for public comments, requests for proposals, advertisement for vacancies, tenders etc:

Radio Broadcasts

Flyers at schools, shops, government buildings and other public places.

Posters

Loud Hailers

Announcement at Churches and Ward Committee meetings

Messages at Ward Committee meetings

The use of loud hailers proved to be difficult as no vehicle specifically assigned for this purpose and administered by the Speaker's office, is available. Council must make one available as a matter of urgency.

## **ADMISSION OF PUBLIC TO MEETINGS**

### **COMPLIANCE WITH SECTION 20(1) TO (4) OF THE LOCAL GOVERNMENT SYSTEM ACT, 2000, ACT NO. 32 OF 2000**

1. The meetings of the municipal council and those of its committees are open to the public, including the media.
2. The public, including the media are excluded from a meeting only when:
  - It is reasonable to do so, having regard to the nature of the business being transacted; or
  - A by-law or a resolution of the Council, specifies the circumstances in which the Council or committee may close a meeting, and which stipulates circumstances which are reasonable in the context of the nature of the business being transacted at such meeting, authorizes the Council or committee to close the meeting concerned to the public.
3. All meetings of the municipal council and its committees are open to the public, including the media, when such meeting entails consideration of or voting on any of the following matters:
  - A draft by-law tabled in the Council;
  - A budget tabled in the Council;

- The municipality's draft integrated development plan, or any amendment to such plan, tabled in the Council;
  - The municipality's draft performance management system, or any amendment to such system, tabled in the Council; and
  - The decision to enter into a service delivery agreement as referred to in section 76(b); or
  - Any other matter prescribed by regulation.
4. The mayoral committee closes all of its meetings to the public, including the media, when it is reasonable to do so, having regard to the nature of the business being transacted.
  5. The municipal council, within the financial and administrative capacity of the municipality, does provide space for the public in the chambers and places where the council and its committees meet.
  6. The municipal council take reasonable steps to regulate public access to and public conduct at meetings of the council and its committees, except that access by persons with disabilities is in some venues difficult.

## **COMMUNICATIONS TO LOCAL COMMUNITY**

### **COMPLIANCE WITH SECTION 21(1) TO (5) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 2000, ACT NO. 32 OF 2000**

1. The municipality, when notifying through the media the local community in terms of the present Act or any other applicable legislation, do so in the following manner:
  - In the local newspaper or newspapers of its area;
  - In a newspaper or newspapers circulating in its area and determined by the council as a newspaper of record; or
  - By means of radio broadcasts covering the area of the municipality.
2. Notices in the official languages determined by the council, having regard to language policy of the Council.
3. Copies of every notice that must be displayed in the provincial gazette or the media in terms of the present Act or any other applicable legislation displayed at the municipal offices.
4. The municipality, when inviting the local community to submit written comments or representations on any matter before the council, states in such invitations that any person who cannot write may come during office hours to a place where a staff member of the municipality (named in the invitation) will assist such person to transcribe the comments or presentations concerned.

5. The municipality, when requiring a form to be completed by a member of the local community, provides a staff member to give reasonable assistance to persons who cannot read or write to enable such persons to understand and complete the form concerned.
6. If the form concerned is related to the payment of money to the municipality or to the provision of any service, the assistance includes an explanation of the relevant terms and conditions.

## **GENERAL CONDUCT OF COUNCILLORS**

### **COMPLIANCE WITH SCHEDULE 1, SECTION 2 OF THE LOCAL GOVERNMENT SYSTEMS ACT, 2000, ACT NO. 32 OF 2000**

#### 1. All Councillors:

- Perform their functions of office in good faith, honestly and in a transparent manner; and
- At all times act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised. There are only two Councillors who are being investigated by the Office of the Speaker. The matters are still pending.

## **ATTENDANCE AT MEETINGS**

### **COMPLIANCE WITH SCHEDULE 1, SECTION 3 OF THE LOCAL GOVERNMENT SYSTEMS ACT, 2000, ACT NO. 32 OF 2000**

1. Most councillor attend meetings of the municipal council and of a committee of which that councillor is a member, except where:
  - Leave of absence is granted in terms of an applicable law or as determined by the rules and orders of the council; or
  - That a councillor is required in terms of the present code to withdraw from the meeting.

## **SANCTIONS FOR NON-ATTENDANCE OF MEETINGS**

### **COMPLIANCE WITH SCHEDULE 1, SECTION 4(1) TO (3) OF THE LOCAL GOVERNMENT SYSTEM ACT, 2000, ACT NO. 32 OF 2000**

1. The council within its discretionary powers, and as determined by the standing rules and orders of the council, has not imposed a fine on any councillor for:-
  - Not attending a meeting which that councillor is required to attend in terms of the foregoing; or

- Failing to remain in attendance at such a meeting.
2. The council has not removed from office as a councillor any councillor who has been absent from three or more consecutive meetings of the council, or from three or more consecutive meetings of a committee which that councillor is required to attend in terms of the forgoing.
  3. No proceedings for the imposition of a fine or the removal of a councillor from office been conducted by the council in accordance with a uniform standing procedure which the council has adopted for that purpose.
  4. This uniform standing procedure comply with the rules of natural justice.

### **DISCLOSURE OF INTERESTS**

#### **COMPLIANCE WITH SCHEDULE 1, SECTION 5(1) TO (3) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 2000, ACT NO. 32 OF 2000**

1. Every councillor disclosed to the municipal council, or to any committee of which that councillor is a member, any direct or indirect personal or private business interest which that councillor, or any spouse, partner or business associate of that councillor, had in any matter serving before the council or the committee.
2. Every councillor withdraws from the proceedings of the council or committee when such matter is considered by the council or committee, except where the council or committee has decided that the councillor's direct or indirect interest in the matter is trivial or irrelevant.
3. Councillor who - or whose spouse, partner, business associate or close family member - acquired or stands to acquire any direct benefit from a contract concluded with the municipality, disclosed full particulars of the benefit of which the councillor is aware, at the first meeting of the municipal council at which it is possible for the councillor to make such disclosure.

### **PERSONAL GAIN**

#### **COMPLIANCE WITH SCHEDULE 1, SECTION 6(1) TO (3) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 2000, ACT NO. 32 OF 2000**

1. No councillor used the position or privileges of a councillor, or confidential information obtained as a councillor, for private gain or for the improper benefit of another person.
2. No councillor has, except with the prior consent of the municipal council, been a party to or beneficiary under a contract for:
  - The provision of goods or services to the municipality; or
  - The performance of any work, other than as a councillor for the municipality.

3. No councillor has, except with the prior consent of the municipal council:
  - Obtained financial interest in any business of the municipality; or
  - For a fee or other consideration, appeared on behalf of any other person before the council or a committee.

### **RATES, TARIFFS AND RENTS PAYABLE BY COUNCILLORS**

#### **COMPLIANCE WITH SCHEDULE 1, SECTION 6A OF THE LOCAL GOVERNMENT SYSTEMS ACT, 2000, ACT NO. 32 OF 2000**

1. All councillors promptly and diligently pay all rates, tariffs, rents and other money due to the municipality.
2. The Municipal Manager notifies the speaker of the council in writing, whenever a councillor has been in arrears with any of these payments for a period of longer than 60 days. No such notice was received by the Speaker's office for the period under review.

### **DECLARATION OF INTERESTS**

#### **COMPLIANCE WITH SCHEDULE 1, SECTION 7(1) TO (4) OF THE LOCAL GOVERNMENT SYSTEM ACT, 2000, ACT NO. 32 OF 2000**

1. Every councillor has, after being elected or appointed to the council, within sixty days declared in writing to the Municipal Manager the following financial interests held by that councillor:
  - Shares and securities in any company;
  - Membership of any close corporation;
  - Interest in any trust;
  - Directorships;
  - Partnerships;
  - Other financial interests in any business undertaking;
  - Employment and remuneration;
  - Pension; and
  - Subsidies, grants and sponsorships by any organisation.
2. Every councillor has declared annually to the Municipal Manager in writing any change in the nature or detail of the financial interests previously disclosed.
3. Every councillor has also declared in accordance with the foregoing any gifts received by such councillor, where the value of such gifts exceeds a prescribed amount.
4. The municipal council determines which of the financial interests referred to in the foregoing have to be made public, having regard to the need for confidentiality and the public interest for disclosure which function is undertaken by the Speaker.

## **FULLTIME COUNCILLORS**

### **COMPLIANCE WITH SCHEDULE 1, SECTION 8 OF THE LOCAL GOVERNMENT SYSTEMS ACT, 2000, ACT NO. 32 OF 2000**

1. No councillor who is a full-time councillor undertakes any other paid work, except with the consent of the municipal council. The Speaker has been granted such consent.

## **REWARDS, GIFTS AND FAVOURS**

### **COMPLIANCE WITH SCHEDULE 1, SECTION 9 OF THE LOCAL GOVERNMENT SYSTEMS ACT, 2000, ACT NO. 32 OF 2000**

No councillor has requested, solicited or accepted any reward, gift or favour for:

- Voting or not voting in a particular manner on any matter before the municipal council or before a committee of which that councillor is a member;
- Persuaded the council or any committee in regard to the exercise of any power, function or duty;
- Made a representation to the council or any committee of the council; or
- Disclosed privileged or confidential information.

## **UNAUTHORISED DISCLOSURE OF INFORMATION**

### **COMPLIANCE WITH SCHEDULE 1, SECTION 10(1) TO (3) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 2000, ACT NO. 32 OF 2000**

1. No councillor, has been found to have disclosed any privileged or confidential information of the council or committee to an unauthorized person.

*Note: Section 10(2) describes "privileged or confidential" information. Section 19(3) provides that the right of any person to information in terms of national legislation compels the municipality to disclose such information (even if privileged or confidential).*

## **INTERVENTION IN ADMINISTRATION**

### **COMPLIANCE WITH SCHEDULE 1, SECTION 11 OF THE LOCAL GOVERNMENT SYSTEMS ACT, 2000, ACT NO. 32 OF 2000**

1. No councillor, except as provided by law has:
  - Interfered in the management or administration of any department of the municipal council, unless mandated to do so by the council;

- Given or purported to give any instruction to any employee of the council, except when authorized to do so;
- Interfered in the financial management responsibilities and functions assigned in terms of the Local Government: Municipal Finance Management Act No. of 2002 to the Municipal Manager or Chief Financial Officer of the municipality;
- Interfered in the action of the Municipal Manager relating to the appointment, promotion, discipline, transfer or dismissal of staff;
- Obstructed or attempted too obstruct the implementation of any decision of the council or a committee by an employee of the council; or
- Encouraged or participated in any conduct which could have caused or contributed to mal-administration in the council.
- The above is as far as available information is concerned.

## **COUNCIL PROPERTY**

### **COMPLIANCE WITH SCHEDULE 1, SECTION 12 OF THE LOCAL GOVERNMENT SYSTEMS ACT, 2000, ACT NO. 32 OF 2000**

1. No councillor has as far as could be ascertained used, taken, acquired or benefited from any property or asset owned, controlled or managed by the municipality to which such councillor has had no right.

## **DUTY OF MUNICIPAL MANAGER TO REPORT ALLEGED BREACHES OF CODE**

### **COMPLIANCE WITH SCHEDULE 1, SECTION 13(1) TO (4) OF THE LOCAL GOVERNMENT SYSTEM ACT, 2000, ACT NO. 32 OF 2000**

No such reports have been made by the Municipal Manager.

<p><i>Note: That in terms of section 12A(2) any Action taken against the Municipal Manager for so reporting is an unfair labour practice.</i></p>
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## **DUTY OF CHAIRPERSONS OF MUNICIPAL COUNCILS**

### **COMPLIANCE WITH SCHEDULE 1, SECTION 13(1) TO (4) OF THE LOCAL GOVERNMENT SYSTEM ACT, 2000, ACT NO. 32 OF 2000**

1. The Speaker of the municipal council, did not have to act against any councillor for breach of its code.
2. The report was submitted in terms of the foregoing open to the public.

3. The chairperson reported the outcome of the investigation to the MEC for Local Government in the province.
4. The chairperson ensure that each councillor, when taking office, is given a copy of the present code, and that a copy of the code is available in every room or place where the council meets.

### **BREACHES OF CODE**

#### **COMPLIANCE WITH SCHEDULE 1, SECTION 14(1) TO (7) OF THE LOCAL GOVERNMENT SYSTEM ACT, 2000, ACT NO. 32 OF 2000**

The council, did not have to take action against any councillor in terms of the above section.

