STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2026-11-17

NOTICE OF THE FIRST MEETING OF

THE COUNCIL OF STELLENBOSCH MUNICIPALITY

TUESDAY, 2026-11-17 AT 12:00

TO **ALL COUNCILLORS**

Notice is hereby given in terms of Section 29, read with Section 18(2) of the *Local Government: Municipal Structures Act, 117 of 1998*, as amended, that the **FIRST MEETING** of the **COUNCIL** of **STELLENBOSCH MUNICIPALITY** will be held in the **TOWN HALL, PLEIN STREET, STELLENBOSCH** on **TUESDAY, 2026-11-17** at **12:00** to consider the items on the Agenda.

MUNICIPAL MANAGER
MS G METTLER

A G E N D A

FIRST MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY

2026-11-17

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
1.	**OPENING AND WELCOME: MUNICIPAL MANAGER**	
2.	**CONSTITUTING AND REPRESENTATION OF COUNCIL: INTRODUCTION OF COUNCILLORS**	2
3.	**APPLICATION FOR LEAVE OF ABSENCE BY COUNCILLORS**	3
4.	**NOTICES AND COMMUNICATIONS: MUNICIPAL MANAGER**	
4.1	**TYPE OF MUNICIPALITY: PROVISION OF FULL -TIME POLITICAL OFFICE BEARERS AS PER ESTABLISHMENT NOTICE**	8
5.	**ELECTION OF THE SPEAKER**	83
5.1	Election Process	
5.2	Acceptance Speech by the newly elected Speaker	
5.3	Political Parties' Responses	
6.	**MATTERS FOR CONSIDERATION**	88
6.1	**RULES OF ORDER**	88
6.2	**ELECTION OF THE EXECUTIVE MAYOR**	115
	6.2.1 Election Process	
	6.2.2 Acceptance Speech by the newly elected Executive Mayor	
	6.2.3 Political Parties' Responses	
6.3	**ELECTION OF THE DEPUTY EXECUTIVE MAYOR**	120
	6.3.1 Election Process	
	6.3.2 Acceptance Speech by the newly elected Deputy Executive Mayor	
	6.3.3 Political Parties' Responses	
6.4	**APPOINTMENT OF FULL-TIME COUNCILLORS**	197
6.5	**ELECTION OF COUNCIL WHIP FOR STELLENBOSCH COUNCIL**	275
6.6	**ELECTION OF REPRESENTATIVES TO CAPE WINELANDS DISTRICT COUNCIL**	283
6.7	**STRUCTURING OF COUNCIL: ESTABLISHMENT OF SECTION 80 COMMITTEES (PORTFOLIO COMMITTEES)**	298
6.8	**STRUCTURING OF COUNCIL: ESTABLISHMENT OF SECTION 79 COMMITTEES / STATUTORY COMMITTEES**	
6.8.1	**Current Status of Statutory Committee: The Audit & Performance Audit Committee**	301

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
6.8.2	Establishment of a Disciplinary Committee	323
6.8.3	Establishment of MPAC and Oversight Committee	325
6.8.4	Establishment of a Rules Committee	346
6.8.5	Establishment of a Disciplinary Board	348
6.8.6	Establishment of Appeal Committee (Section 62: Systems Act)	367
6.9	APPOINTMENT OF REPRESENTATIVES ON SALGA - WESTERN CAPE	369
6.10	APPOINTMENT OF COUNCILLORS TO SERVE ON THE LOCAL LABOUR FORUM	370
6.11	APPOINTMENT OF COUNCILLORS TO SERVE ON EXTERNAL BODIES	370
6.12	ADOPTION OF SYSTEM OF DELEGATIONS	372
6.13	ESTABLISHMENT OF WARD COMMITTEES	375
6.14	SCHEDULE OF PROPOSED DATES FOR MEETINGS OF COUNCIL, MAYORAL COMMITTEE, STANDING COMMITTEES AND OTHER COMMITTEES OF COUNCIL FOR THE 2027 CALENDAR YEAR	396
6.15	DISCLOSURE AND DECLARATION OF INTEREST	406
6.16	RECRUITMENT AND SELECTION PROCESS: MUNICIPAL MANAGER	411
6.17	AMENDED SDF / IDP / BUDGET TIME SCHEDULE / PROCESS PLAN 2027/28	465
6.18	IMPLEMENTATION OF LEVEL 1 WATER RESTRICTIONS – STELLENBOSCH MUNICIPALITY	482
6.19	EU-SA DIALOGUE FACILITY	494
6.20	INTEGRATED DEVELOPMENT PLAN (IDP) COMMUNITY INPUT AND COMMENTS SUBMITTED WITHIN THE PUBLIC PARTICIPATION PERIOD FROM 07 SEPTEMBER TO 15 OCTOBER 2026	501
7.	MATTERS FOR NOTIFICATION	
7.1	HAND-OVER REPORT TO THE NEW COUNCIL	506
7.2	CODE OF CONDUCT FOR COUNCILLORS	509
7.3	SECTION 53 ROLES AND RESPONSIBILITIES	515
7.4	REMUNERATION OF COUNCILLORS	527
8.	CLOSURE	544

1.	OPENING AND WELCOME: MUNICIPAL MANAGER

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 17 November 2026**

In terms of Section 29(2) of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998), the Municipal Manager must call the first meeting of a Council of a municipality within fourteen days after the Council has been declared elected.

The Municipal Manager will declare the meeting open and welcome all elected Councillors.

2.	CONSTITUTING OF MEETING AND REPRESENTATION ON COUNCIL: INTRODUCTION OF COUNCILLORS

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 17 November 2026**

1. SUBJECT: CONSTITUTING OF MEETING AND REPRESENTATION ON COUNCIL: INTRODUCTION OF COUNCILLORS

2. PURPOSE OF REPORT

For notification.

3. DELEGATED AUTHORITY

To formally introduce the newly elected Councillors.

4. EXECUTIVE SUMMARY

A schedule of the outcome of the elections held on 2026-11-04, received from the IEC, is attached hereto as **APPENDIX 1**.

The Municipal Manager will introduce all elected Councillors.

5. RECOMMENDATION

that cognisance be taken of the results of the election held on 2026-11-04.

APPENDICES

Appendix 1: Schedule of the outcome of the elections held on 2026-11-04 **(to be distributed under separate cover)**

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
CONTACT NUMBERS	*021 808 8025*
E-MAIL ADDRESS	*municipal.manager@stellenbosch.gov.za*
REPORT DATE	*11 November 2026*

3.	APPLICATION FOR LEAVE OF ABSENCE

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 17 November 2026**

In accordance with existing protocols, application for leave of absence from a meeting must be submitted in writing to the Council Whip/the Speaker, or in their absence, to the Office of the Municipal Manager. The appropriate form is **APPENDED.**

ITEM 3

APPLICATION FOR LEAVE OF ABSENCE

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

TO/AAN _____

FROM/VAN: Alderman/ Councillor _____ (Full name and surname)
Raadsheer/ Raadslid

RE: APPLICATION FOR LEAVE OF ABSENCE

AANSOEK OM AFWESIGHEIDSVERLOF

FROM: (DATE) ----------

TO: (DATE) ----------

REASON FOR ABSENCE / REDE VIR AFWESIGHEID

_____

_____

_____

(Item 3 & 4 of schedule 2 (Code of Conduct for Councilors) and clause 21 of the Rules of Order By-Law adopted by Council on 2019/07/24

_____ _____
SIGNATURE DATE
COUNCILLOR

Received date: ---------- Received date: ----------

---------- ----------
COUNCIL WHIP SIGNATURE SPEAKER SIGNATURE

APPROVED ☐ **DECLINED** ☐

4.	NOTICES AND COMMUNICATIONS: MUNICIPAL MANAGER

4.1	TYPE OF MUNICIPALITY: PROVISION OF FULL-TIME POLITICAL OFFICE BEARERS AS PER SECTION 12 ESTABLISHMENT NOTICE

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 17 November 2026**

1. SUBJECT: TYPE OF MUNICIPALITY: PROVISION OF FULL-TIME POLITICAL OFFICE BEARERS AS PER SECTION 12 ESTABLISHMENT NOTICE

2. PURPOSE OF REPORT

To inform Council of the Type of Municipality for Stellenbosch Municipality as per the Establishment Notice.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The MEC in the Western Cape determines the type of Municipality and who may be determined as full-time Councillors. This is published in the establishment notice. The Principal Establishment Notice dated 22 September 2000, insertion P.N. 92/2026 is attached as **APPENDIX 1.**

5. RECOMMENDATION

that cognisance be taken that in terms of the Section 12 Notice, Stellenbosch Municipality is a Type 9 municipality, namely a municipality with an Executive Mayoral System with a Ward Participatory System, it has 45 (forty-five) Councillors of which 23 (twenty-three) are Ward Councillors (in its 23 wards), and 22 (twenty-two) are proportionally elected councillors, and Stellenbosch Municipality has an Executive Mayoral Committee consisting of 9 (nine) members besides the Executive Mayor and the Deputy Executive Mayor.

6. DISCUSSION AND BACKGROUND

6.1 LEGAL FRAMEWORK

6.1.1 Types of category B Municipalities

In terms of Section 9 of the Local Government: Municipal Structures Act, 117/1998, there are the following types of category B municipalities:

(a) a municipality with a collective executive system;

(b) a municipality with a collective executive system combined with a ward participatory system;

(c) a municipality with a mayoral executive system;

(d) a municipality with a mayoral executive system; combined with a ward participatory system;

(e) a municipality with a plenary executive system; and

(f) a municipality with a plenary executive system; combined with a ward participatory system.

6.1.2 Determination of types for provinces

In terms of Section 11 of the Structures Act, provincial legislation must determine for each category of municipality the different types of municipalities that may be established in that category in the province.

In terms of the Western Cape Determination of types of municipalities Act, Act 9 of 2000, as amended by Amendment Act 4 of 2002, all the type of category B municipalities as set out in Section 9 of the Structures Act, (*supra*) may be established in the Province.

6.1.3 Establishment notice

In terms of Section 12 of the Structures Act, the MEC for Local Government in a Province, by notice in the Provincial Gazette, must establish a municipality in each municipal area which the Demarcation Board demarcates in the province in terms of the Demarcation Act.

Such establishment notice must, *inter alia*, specify:-

- the type of municipality that is established;
- the number of Councillors as determined in terms of Section 20; and
- which Councillors of the municipality (if any) may be designated as full-time in terms of Section 18.

In terms of Section 16 of the Structures Act, the MEC for Local Government in a Province, by notice in the Provincial Gazette, may amend a Section 12 notice to, *inter alia,*

- change the municipality from its existing type to another type;
- specify which Councillors of the municipality (if any) may be designated as full-time in terms of Section 18; and
- alter the number of Councillors.

In terms of the Stellenbosch Municipality (WCO24) Establishment Notice, read with the subsequent amendment notices:-

(a) Stellenbosch Municipality is a municipality with a mayoral executive system combined with a ward participatory system, as provided for in Section 9 (d) of the Municipal Structures Act;

(b) Stellenbosch Municipality has 45 Councillors; and

(c) Stellenbosch Municipality may designate the following Councillors as full-time Councillors:-

- the Executive Mayor;
- the members of the Mayoral Committee;
- the Speaker;

- Single Whip; and
- the Chairperson of MPAC (Municipal Public Accounts Committee).

6.4 The Mayoral Committee must consist of the Deputy Executive Mayor and up to 9 (nine) members. The amount of members is determined by the need for effective and efficient government. These councillors may be full-time Councillors.

6.5 The Amendment Act (117/1998 amended as on 5 November 2021) refers to a Council Whip in Section 41(A) of the said Act. This Council Whip is also an Office Bearer.

With reference to the status of the Deputy Executive Mayor, Section 60(2) of the Municipal Structures Act, 117 of 1998, states that "*the mayoral committee must consist of the deputy executive mayor (if any) and as many councillors as may be necessary for effective and efficient government, provided that no more than 20 per cent of the councillors or 10 councillors, whichever is the least, are appointed.*"

Hence, by virtue of section 60(2) of the Municipal Structures Act, a Deputy Executive Mayor must form part of the mayoral committee, if one is elected. Therefore, based on this legal provision, read with Item 9(b) of the Establishment Notice of Stellenbosch Municipality, the Deputy Executive Mayor of Stellenbosch Municipality is a full-time councillor as he/she is a member of the mayoral committee.

APPENDICES

Appendix 1: Principal Establishment Notice dated 22 September 2000

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
CONTACT NUMBERS	*021 808 8025*
E-MAIL ADDRESS	*municipal.manager@stellenbosch.gov.za*
REPORT DATE	*11 November 2026*

ITEM 4

Appendix 1

The Principal Establishment Notice dated 22 September 2000

P.N. 489/2000 22 September 2000

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

Amended by:
Provincial Notice 675 dated 4 December 2000
Provincial Notice 456 dated 19 December 2002
Provincial Notice 184 dated 28 May 2003
Provincial Notice 11 dated 3 January 2006
Provincial Notice 55 dated 25 February 2011
Provincial Notice 283 dated 24 October 2014
Provincial Notice 261 dated 31 July 2015
Provincial Notice 114 dated 8 April 2016
Provincial Notice 118 dated 15 October 2021
Provincial Notice 92 dated 6 March 2026

ESTABLISHMENT OF THE STELLENBOSCH MUNICIPALITY (WCO24)

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

Dated this 22nd day of September 2000.

P UYS, PROVINCIAL MINISTER OF LOCAL GOVERNMENT

SCHEDULE

Definitions and Interpretation

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

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

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

   (3) *(subsection (3) deleted by PN.184/2003)*

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

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

(6) **"District Municipality"** means the Boland District Municipality, established in terms of section 4 of this Schedule;

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

(subsection (6A) inserted by PN.675/2000)

(6B) **"District Municipality Notice"** means Provincial Notice 486/2000 published in Provincial Gazette Extraordinary No. 5590 dated 22 September 2000;

(subsection (6B inserted by PN.675/2000)

(7) **"District Transformation forum"** means the Breede River/Winelands District Transformation Forum established in terms of the DTF Notice;

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

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

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

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

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

(subsection (12) amended by PN.675/2000)

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

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

(subsection (13A) inserted by PN.184/2003)

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

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

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

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

(subsection (16A) inserted by PN.675/2000)

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

(subsection (16B) inserted by PN.675/2000)

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

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

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

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

(subsection (19A) inserted by PN.675/2000)

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

(subsection (19B) inserted by PN.675/2000)

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

(subsection (19C) inserted by PN.675/2000)

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

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

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

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

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

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

(d) the putting into operation of the transfer;

(subsection (21A) inserted by PN.675/2000)

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

(22A) **"ward participatory system"** means a system which allows for matters of local concern to wards to be dealt with by committees established for wards;

(subsection (22A) inserted by PN.184/2003)

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

Preamble

2.(1) On 3 March 2000 the Municipal Demarcation Board, acting in terms of section 21 of the Municipal Demarcation Act, determined the boundaries of the Municipality, as reflected in the map appearing in Provincial Notice 69/2000 published in the Provincial Gazette Extraordinary No. 5431 of 3 March 2000 (A copy of the map is republished in Annexure "1" to this Schedule) and amended by Provincial Notice 478/2000 published in the Provincial Gazette Extraordinary No. 5587 of 18 September 2000 and Provincial Notice 258/2002 published in the Provincial Gazette Extraordinary No. 5922 dated 15 August 2002 and Provincial Notice 339/2013 published in the Provincial Gazette Extraordinary No. 7185 of 15 October 2013 read with Provincial Notice 417/2013 published in the Provincial Gazette Extraordinary No. 7209 of 10 December 2013, Provincial Notice 248/2013 published in the Provincial Gazette Extraordinary No. 7156 of 8 August 2013, Provincial Notice 1/2014 published in the Provincial Gazette No. 7217 dated 10 January 2014, Provincial Notice 63/2014 published in the Provincial Gazette No. 7236 dated 7 March 2014 and Provincial Notice 159/2014 published in the Provincial Gazette No. 7277 dated 13 June 2014 and Provincial Notice 657/2018 published in the Provincial Gazette No. 7968 dated 10 August 2018 read with Provincial Notice 124/2018 published in the Provincial Gazette Extraordinary No. 7987 dated 4 October 2018, Provincial Notice 91/2018 published in the Provincial Gazette Extraordinary No. 7942 dated 15 June 2018 and Provincial Notice 166/2018 published in the Provincial Gazette No. 8024 dated 14 December 2018 and Provincial Notice 4/2023 published in the Provincial Gazette Extraordinary No. 8864 dated 12 January 2024 read with Provincial Notice 162/2024 published in the Provincial Gazette No. 8894 dated 8 March 2024, Provincial Notice 42/2024 published in the Provincial Gazette Extraordinary No. 8914 dated 26 April 2024 and Provincial Notice 76/2024 published in the Provincial Gazette No. 8954 dated 12 July 2024.

(section (1) amended by PN.11/2006, PN 114/2016, PN118/2021 and PN. 92/2026)

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

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

(b) consulted with WECLOGO and the disestablished municipalities;

(c) published particulars of this Notice in Provincial Notice 394/2000 published in Provincial Gazette Extraordinary No. 5571 dated 28 August 2000, and

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

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

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

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

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

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

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

(subsection (5) inserted by PN.675/2000)

Disestablishment of the Existing Municipalities

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

(a) Municipality for the Area of Franschhoek, established in terms of Proclamation No. 20/1995 dated 31 January 1995;

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

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

(d) Pniel Transitional Local Council, established in terms of Proclamation No. 142/1994 dated 30 December 1994;

(e) Stellenbosch Transitional Local Council, established in terms of Proclamation No. 28/1995 dated 31 January 1995, and

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

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

Establishment and Name

4. With effect from the effective date , a municipality shall be established, to be known in English as “Stellenbosch Municipality”, in Afrikaans as “Munisipaliteit Stellenbosch“ and in isiXhosa as “U Masipala waseStellenbosch”.

Category

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

Type

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

(section 6 amended by PN.184/2003)

Boundaries

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

Number of Councillors and Wards

8.(1) The Municipal Council of the Municipality has 45 (forty-five) councillors, as determined by the Provincial Minister in Provincial Notice 116/2024 published in Provincial Gazette Extraordinary No. 8999 dated 6 November 2024, of which 23 (twenty-three) are ward councillors and 22 (twenty-two) are proportionally elected councillors.

(2) The Municipality has 23 (twenty-three) wards.

(section 8 amended by PN.11/2006, PN. 55/2011, PN.118/2021 and PN. 92/2026)

Full-time Councillors

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

(a) the executive mayor;

(b) the members of the mayoral committee;

(c) the speaker;

(d) a single whip appointed for Council, and

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

(section 9 amended by PN.456/2002, PN.184/2003, PN.283/2014 and PN.261/2015)

Functions and Powers

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

Exemptions

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

Principles determining the Transfer of Staff

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

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

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

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

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

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

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

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

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

(section 12 amended by PN.675/2000)

Process for Effecting the Transfer of Staff

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

Municipality will fulfill the function or functions with which the specific staff are associated on behalf of the District Municipality.

(2) In order to:-

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

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

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

(3) On or before a date to be determined by the Provincial Minister every CEO must prepare a schedule of all staff of his or her disestablished municipality in accordance with a format prescribed by the Provincial Minister, must provisionally allocate each staff member and budgeted vacant post of his or her disestablished municipality in accordance with the principles set out in sections 12 and 16C, and must submit copies of the full schedule to the interim municipal manager and the District Municipality IMM.

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

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

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

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

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

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

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

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

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

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

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

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

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

(14) On or before a date to be determined by the Provincial Minister, to the extent that agreement has not been reached before the effective date in terms of section 13(2) of this Schedule, the Local Municipality, as a member of the Transformation Sub-Chamber of the Bargaining Council, must endeavour to

reach collective agreement in the Transformation Sub-Chamber of the Bargaining Council with the trade unions regarding the principles, procedures and criteria to be followed for making appointments to the posts flowing from the creation of a new organisational structure of the Local Municipality.

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

(section 12A inserted by PN.675/2000)

Collective Agreements

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

(a) at a national level, or

(b) at the Bargaining Council, or

(c) at a local level;

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

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

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

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

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

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

Human Resource Matters

14. Subject to any collective agreement:-

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

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

Consequences of Transition in Respect of Certain Staff Issues

15.(1) Subject to any collective agreement, an employee whose post is changed as a result of the transition will not be considered redundant for the purposes of any

term or condition of employment or any pension fund rule that gives the employee the election to terminate his or her employment with benefits.

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

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

(a) the post no longer exists;

(b) the post is disestablished;

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

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

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

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

(g) the post is described differently.

Legal Succession

16. With effect from the effective date:-

(1) the Local Municipality shall be the successor in law of the disestablished municipalities and the municipalities to be disestablished in terms of the District Municipality Notice in relation to the specific assets and liabilities allocated to the Local Municipality in terms of this Schedule.

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

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

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

(5) Notwithstanding subsection (1):-

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

(i) land which is held in trust by the Minister for Agriculture and Land Affairs in terms of section 7 of the Rural Areas

Act and which is subject to the provisions of section 3 of the Transformation of Certain Rural Areas Act will remain vested in the Minister for Agriculture and Land Affairs, and

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

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

(section 16 amended by PN.675/2000)

Principles determining the Transfer of Assets, Liabilities and Records

16A. With effect from the effective date:-

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

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

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

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

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

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

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

(5) Notwithstanding the provisions of subsection (4), the Local Municipality and the District Municipality may agree to subdivide any immovable asset referred to in subsection (4) capable of subdivision or to divide any group of assets referred to in subsections (3) and (4) on an equitable basis,

having regard to the nature and purpose served by such an asset or assets, as agreed between them, and to allocate each portion thereof in accordance with such agreement.

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

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

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

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

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

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

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

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

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

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

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

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

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

(section 16A. inserted by PN.675/2000)

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

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

(2) In order to:-

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

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

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

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

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

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

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

(c) consolidate the schedule referred to in paragraph (a) with the schedules received from the District Municipality IMM referred to in

paragraph (b) into a single schedule reflecting all assets, liabilities and records to be transferred to the Local Municipality.

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

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

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

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

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

(section 16B inserted by PN.675/2000)

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

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

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

(i) roads other than municipal roads;

(ii) ambulance services;

(iii) health services other than municipal health services;

(iv) disaster management;

(v) housing;

(vi) libraries;

(vii) museums;

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

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

(x) traffic and law enforcement;

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

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

(section 16C inserted by PN.675/2000)

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

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

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

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

(section 16D inserted by PN.675/2000)

Failure to implement certain provisions of this Schedule

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

(section 16E inserted by PN.675/2000)

Transitional Provisions Relating to By-Laws and Resolutions

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

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

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

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

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

(a) resolution taken;

(b) notice, certificate or other document issued;

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

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

(e) appointment made;

(f) employee nominated;

(g) agreement or contract entered into;

(h) delegation of powers granted to an employee;

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

(j) reservation of land made, and

(k) other action taken or thing done,

by a disestablished municipality shall, subject to the provisions of this Schedule, be deemed to have been taken, issued, given, made, nominated, entered into, granted, levied, imposed or done by the Local Municipality, pending the review and rationalisation thereof in terms of section 15 of the Municipal Structures Act.

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

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

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

Financial Matters

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

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

(a) adjust the existing budgets, or

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

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

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

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

(b) medium term expenditure;

(c) equalisation of tariff structures;

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

(e) the introduction of consolidated billing system;

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

(g) credit control, and

(h) procurement.

Transitional Administrative Arrangements

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

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

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

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

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

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

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

(i) creating or filling any new posts;

(ii) filling any vacancies;

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

(iv) promoting any member of staff;

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

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

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

(bb) implementing any increase in salaries or wages;

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

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

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

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

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

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

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

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

(vi) using:-

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

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

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

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

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

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

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

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

(section 19 amended by PN.675/2000)

Appointment of Acting Officers

20. Before the effective date the Provincial Minister, after considering any recommendations of the District Transformation Forum, shall where relevant to the Local Municipality appoint any person to any position that may be required in terms of relevant legislation, which appointment shall be in an acting capacity, and who shall assume office on the effective date and remain in office until the Local Municipality has made its own appointments in terms of the relevant legislation.

Appointment of Interim Municipal Manager

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Interim Assistant Municipal Managers

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

Senior Management Team

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

Appointments

24. Any person appointed in terms of section 20 or 21 shall, subject to the provisions of section 12 of this Schedule, be an employee of a disestablished municipality and shall fulfill his or her duties on a seconded basis.

First meeting of the Council of the Local Municipality

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

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

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

(subsection (3) amended by PN.675/2000)

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

(a) the election of the speaker;

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

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

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

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

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

Application of this Notice

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

(section 25A. inserted by PN.675/2000)

Executive Deputy Mayor

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

(section 25B. inserted by PN.184/2003)

Short title and Commencement

26. This Notice is called the Stellenbosch Municipality (WCO24) Establishment Notice and comes into operation on the date of publication.

P.N. 489/2000 22 uSeptemba 2000

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

Amended by:
neSaziso sePhondo 675 dated we-4 kuDisemba 2000
neSaziso sePhondo 456 dated we-19 kuDisemba 2002
neSaziso sePhondo 184 dated we-28 kuMeyi 2003
neSaziso sePhondo 11 dated we-3 uJanuwari 2006
neSaziso sePhondo 55 dated we-25 kuFebhuwari 2011
neSaziso sePhondo 283 dated we-24 KwyeyDwarha 2014
neSaziso sePhondo 261 dated we-31 kweyeKhala 2015
neSaziso sePhondo 114 dated we-8 kuTshazimpuzi 2016
neSaziso sePhondo 118 dated we-15 kweyeDwarha 2021
neSaziso sePhondo 61 dated we-6 KweyoKwindla 2026

UKUSEKWA KOMASIPALA WASE-STELLENBOSCH (WCO24)

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

Ngomhla wama-22 uSeptemba 2000.

P UYS, UMPHATHISWA WEPHONDO WORHULUMENTE WENGINGQI

ULUNDWE LWEENKQUBO

Inkcazo yamagama

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

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

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

   (3) *(subsection (3) deleted by PN.184/2003)*

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

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

(6) **“uMasipala weSithili”** uthetha uMasipala wesiThili saseBoland, oza kumiselwa ngomhla wokuqalisa unyulo;

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

(subsection (6A) inserted by PN.675/2000)

(6B) **“iSaziso sikaMasipala weSithili”** Sithetha iSaziso sePhondo 486/2000, esapapashwa kwiGazethi yePhondo eyoNgezelelweyo nenguNombolo 5590 yomhla wama-22 kuSeptemba 2000;

(subsection (6B) inserted by PN.675/2000)

(7) **“iQonga leNguqulelo leSithili”** lithetha iQonga leNguqulelo leSithili saseBreede River/Winelands elamiselwa ngokweSaziso seDTF;

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

(9) **“umhla wokuqala wonyulo”** uthetha umhla wokuqalisa unyulo;

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

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

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

(subsection (12) amended by PN.675/2000)

(13) **“uMasipala weNgingqi”** uthetha uMasipala waseStellenbosch, owasekwa ngokwemigaqo yocandelo le-4 elikolu ludwe lweenkqubo;

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

(subsection (13A) inserted by PN.184/2003)

(14) **“UMthetho wokuCandwa kooMasipala”** uthetha uMthetho woRhulumente waeNgingqi we- 1998 (uMthetho 27 we-1998);

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

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

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

(subsection (16A) inserted by PN.675/2000)

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

(subsection (16B) inserted by PN.675/2000)

(17) **“iPhondo”** lithetha iPhondo leNtshona-Koloni;

(18) **“uMphathiswa wePhondo”** uthetha ilungu lesiGqeba soWiso-mthetho wePhondo leNtshona-Koloni elinoxanduva lokujongana norhulumente wngingqi;

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

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

(subsection (19A) inserted by PN.675/2000)

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

(subsection (19B) inserted by PN.675/2000)

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

(subsection (19C) inserted by PN.675/2000)

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

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

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

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

(b) ukusetyenziswa kwemimiselo yokugqithiselwa njengoko ichazwe hule Shedyuli;

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

(d) ukuqaliswa kogqithiselo olo.

(subsection (21A) inserted by PN.675/2000)

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

(22A) **"inkqubo yothatho-nxaxheba yewadi"** ithetha inkqubo evumela imicimbi yezinto ezinxulumene neenqila ekuza kujonganwa nazo ziikomiti ezisekelwe ezi wadi;

(subsection (22A) inserted by PN.184/2003)

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

Intshayelelo

2.(1) Ngomhla wesi3 kweyoKwindla ka2000 iBhodi yokuCanda kaMasipala, esebenza ngokwecandelo lama21 lweMunicipal Demarcation Act, imisele imida kaMasipala, njengoko kuboniswe kwimephu ebonakala kwiSaziso sePhondo 69/2000 esipapashwe kwiGazethi yePhondo enguNombolo 5431 yomhla wesi3 kweyoKwindla ka2000 (Ikopi yemephu ipapashiwe kwakhona kwiSihlomelo "1" kule Shedyuli) nesilungiswe siSaziso sePhondo 478/2000 esipapashwe kwiGazethi yePhondo enguNombolo 5587 yomhla we18 kweyoMsintsi ka2000, kunye neSaziso sePhondo 258/2002 esipapashwe kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 5922 yomhla wesi15 kweyeThupha ka2002 neSaziso sePhondo 339/2013 esipapashwe kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 7185 somhla we15 kweyeDwarha ka2013 efundwa neSaziso sePhondo 417/2013 esipapashwe kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 7209 yomhla we10 kweyoMnga ka2013 iSaziso sePhondo 248/2013 esipapashwe kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 7156 yomhla wesi8 kweyeThupha ka2013, iSaziso sePhondo 1/2014 esipapashwe kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 7217 yomhla we10 kweyoMqungu ka2014, iSaziso sePhondo 63/2014 esipapashwe kwiGazethi yePhondo enguNombolo 7236 yomhla wesi7 kweyoKwindla ka2014 kunye neSaziso sePhondo 159/2014 esipapashwe kwiGazethi yePhondo enguNombolo 7277 yomhla we13 kweyeSilimela ka2014 kunye neSaziso sePhondo 657/2018 esipapashwe kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 7968 yomhla we10 kweyeThupha ka2018 efundwa kwiSaziso sePhondo 124/2018 esipapashwe kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 7987 yomhla wesi4 kweyeDwarha ka2018, iSaziso sePhondo 91/2018 esipapashwe kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 7942 yomhla we15 kweyeSilimela ka2018 kunye neSaziso sePhondo 166/2018 esipapashwe kwiGazethi yePhondo enguNombolo 8024 yomhla we14 kweyoMnga ka2018 kunye neSaziso sePhondo 4/2023 esipapashwe kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 8864 yomhla we12 kweyoMqungu ka2024 efundwa neSaziso sePhondo 162/2024 esipapashwe kwiGazethi yePhondo

eyoNgezelelweyo enguNombolo 8894 yomhla wesi8 kweyoKwindla ka2024, iSaziso sePhondo 42/2024 esipapashwe kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 8914 yomhla wama26 kuTshazimpuzi ka2024 kunye neSaziso sePhondo 76/2024 esipapashwe kwiGazethi yePhondo enguNombolo 8954 yomhla we12 kweyeKhala ka2024.

(section (1) amended by PN.11/2006, PN 114/2016, PN118/2021 and PN. 92/2026)

(2) UMphathiswa wePhondo, esebenza ngokwecandelo le- 12(4) loMthetho wamaSebe ooMasipala:-

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

(b) udlene indlebe neWECLOGO kunye noomasipala abathe batshitshiswa;

(c) upapashe iinkcukacha zesi Saziso kwiSaziso sePhondo 394/2000 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo engunombolo 5571, yomhla wama-28 kuAgasti 2000, kwakunye

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

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

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

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

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

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

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

(subsection (5) inserted by PN.675/2000)

Ukutshitshiswa kooMasipala abakhoyo

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

(a) uMasipal wommandla weFranschhoek, owasekwa ngokwemigaqo yoPapasho olungunombolo 20/1995 lomhla wama-30 kuJanuwari 1995;

(b) Ibhunga labaMeli leThutyana laseNuweberg elasekwa ngokwemigaqo yoPapasho olungunombolo 18/1996 ngomhla wama-26 kuEpreli 1996, ukuya kummandla ososahlulo ophantsi kolawulo lukaMasipala, njengoko kusekiwe yiBhodi yokuCandwa kwemida yooMasipala ekubhekiselelwe kuyo kwicandelo 2(1);

(c) Ibhunga labaMeli leThutyana lasePaarl elasekwa ngokwemigaqo yoPapasho olungunombolo 18/1994 ngomhla we-26 kuEpreli 1996, ukuya kummandla osisahlulo ophantsi kolawulo lukaMasipala, njengoko kusekwe yiBhodi yokuCandwa kwemida yooMasipala ekubhekiselelwe kuyo kwicandelo 2(1);

(d) Ibhunga labaMeli leThutyana lasePniel elasekwa ngokwemigaqo yoPapasho olungunombolo 142/1994 ngomhla wama-30 kuDisemba 1994;

(e) Ibhunga leNgingqi leThutyana laseStellenbosch elasekwa ngokwemigaqo yoPapasho olungunombolo 28/1995 ngomhla we-31 kuJanuwari 1995, kwakunye

(f) Ibhunga labaMeli leThutyana waseStellenbosch elasekwa ngokwemigaqo yoPapasho olungunombolo 18/1996 ngomhla wama-26 kuEpreli 1996, ukuya kummandla osoahlulo ophantsi kolawulo lukaMasipala, njengoko kusekiwe yiBhodi yokuCandwa kwemida yooMasipala ekubhekiselelwe kuyo kwicandelo 2(1).

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

Ukusekwa kunye neGama

4. Ukususela ngomhla wokuqalisa wanyulo umasipala oyokusekwa uyakwaziwa ngesiXhosa njengo “U Masipala waseStellenbosch”, ze negisiNgesi aziwe njenge “Stellenbosch Municipality” ze ngesiBhulu aziwe njenge “Munisipaliteit Stellenbosch”.

iCandelo

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

uDidi

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

(section 6 amended by PN.184/2003)

Imida

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

INani looCeba

8.(1) IBhunga likaMasipala loMasipala linooCeba abangama45 (abangamashumi amane anesihlanu), njengoko kumiselwe nguMphatshiswa wePhondo kwiSaziso sePhondo 116/2024 esipapashwe kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 8999 yomhla wesi6 kweyeNkanga ka2024, abangama23 (abangamashumi amabini anesithathu) ngooCeba beewadi ze abangama22 (abangamashumi amabini anesibini) ngooCeba abatyunjwe ngokulinganayo.

(2) UMasipala uneewadi ezngama23 (ezingamashumi amabini anesithathu).

(section 8 amended by PN.11/2006, PN.55/2011, PN118/2021 and PN. 92/2026)

OoCeba abasebenza isigxina

9. uMasipala weSithili angamisela aba ceba balandelayo njengooceba besigxina:-

(a) Usodolophu wesigqeba solawulo;

(b) Amalungu ecandelo lekomiti yosodolophu;

(c) Nosomlomo;

(d) Umbhexeshi omnye onyulelewe iBhunga, kunye

(e) Usihlalo wekomiti eyasekwa ngokwecandelo 79.

(section 9 amended by PN.456/2002, PN.184/2003, PN.283/2014 and PN. 261/2015)

IMisebenzi namaGunya

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

ukuNgachaphazeleki

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

Imimiselo emisa uGqithiselo lwaBasebenzi

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

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

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

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

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

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

(2) Phantsi kwemiqathango yezivumelwano ezihlanganyelweyo onke amalungelo nezibophelelo eziphakathi koomasipala abatshitshisiweyo naphakathi kwabaqeshwa boomasipala abo ngelixa logqithiselo aya kuhlala esebenza ngokunga ngamalungelo okanye izibophelelo eziphakathi koMasipala weNgingqi okanye uMasipala weSithili, nokuba nguwuphi kwabo masipala, nomqeshwa wakhe ngamnye, kananjalo nantoni na eyenziwa ngaphambi kogqithiselo olo ngumasipala otshitshisiweyo okanye ngokunxulumene nomasipala lowo utshitshiswayo iya kuthatyathwa njengento eyenziwayo okanye eyenziwa ngokunxulumene noMasipala weNgingqi okanye uMasipala weSithili, nokuba nguwuphi kwabo masipala.

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

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

(section 12 amended by PN.675/2000)

Inkqubo yoKugqithiselwa kwaBasebenzi

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

(2) Ukuze ku:-

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

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

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

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

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

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

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

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

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

(6) Xa kunokuvela nayiphi na impikiswano, emalunga nokwabelana ngabasebenzi, phakathi komphathi wethutyana kamasipala ne-IMM yoMasipala weSithili loo mpikiswano kuya kufuneka ukuba ibhekiswe kuMphathiswa wePhondo okanye kumtyunjwa wakhe ngokweenkqubo

ezimiselwe nguMphathiswa wePhondo, kwaye isigqibo soMphathiswa wePhondo okanye esomtyunjwa wakhe akuyi kugqithwa kuso kwaye siya kuba sesibophelelayo.

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

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

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

(10) Xa nawuphi na umsebenzi (‘umphikisi”) esithi ugqithiselo lwakhe alwenziwanga ngokwemimiselo echazwe phaya kwicandelo 12 nele 16C, ngokwaso nasiphi na isivumelwano ekubhekiswe kuso kwicandelwana (2) okanye ngokwenkqubo echazwe kweli candelo, lowo mphikisi angafaka incwadi yokuphikisa kumphathi wethutyana kamasipala womasipala lowo agqithiselwe kuye oko ekwenza kungagqithanga iintsuku ezili-14 emva kokwaziswa kwakhe ngokwemiqathango ephaya kwicandelwana (5). Loo ncwadi yokuphikisa kuya kufuneka ukuba umphathi wethutyana kamasipala ayigqithisele kuMpathiswa wePhondo okanye kumtyunjwa wakhe ukuze uMphathiswa wePhondo okanye umtyunjwa wakhe ibe nguye owenza isigqibo ngokweenkqubo ezimiselwe nguMphathiswa wePhondo, kwaye isigqibo soMphathiswa wePhondo okanye somtyunjwa wakhe akuyi kugqithwa kuso kwaye siya kuba sesibophelelayo.

(subsection (10) amended by PN 117/2008)

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

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

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

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

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

(section 12A inserted by PN.675/2000)

Izivumelwano zokusebenza ezithatyathwa kunye

13.(1) Nasiphi na isigq ibo kuso li Qumrhu lee ngxoxo:-

(a) kurhulumente kazwelonke, okanye;

(b) kwi Qumrhu leeNgxoxo, okanye

(c) kurhulumente weedolophu,

siya kuhlala simi isesi setyenzi swayo de sihlo nyelwe okanye sitshitshiswe ngokokungqineland kni miqathango yesi sirumelwano.

(2) Phambi komhla wokuqala wonyulo oomasipala abatshutshisiweyo, njengamalungu eQonga lezokusebenza kufuneka bazame befikele esigq ibeni kunye nemanyano zaba sebenzi ngo kuphathelene nale miba ilandelayo:-

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

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

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

(d) nawuphi na umcimbi obhekiselele kumiselo loMasipala weNqila.

Imicimbi yabasebenzi

14. Ngokuxhomekeke kuso naziphi na isivumelwano ezenziwe kunye:-

(a) imigaqo-nkqubo kunye namanyathelo emicimbi yabasebenzi yoMasipala weNqila iya kuba yimigaqo-nkqubo namanyathelo emicimbi

eyayisetyenziswa ngenx' engaphambi komhla wokuqala wonyulo kwaye iya kuhlala iyesetyenziswayo ngabo bonke abasebenzi ngokufanayo naleyo yayisetyenziswa yayingaphambi komhla wokuqala wonyulo, kwanegahlolwa okanye ekutshitshiswe nguMasipala weNqila;

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

IZiphumo zeNguqu ezibhekiselele kweminye imiba emalunga nabasebenzi

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

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

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

(a) isithuba eso somsebenzi asisekho;

(b) isithuba eso somsebenzi sithe satshitshiswa;

(c) umsebenzi kufuneka enze isicelo sesithuba ngokutsha;

(d) inkqubo kunye namagunya esithuba eso athe atshitshiswa;

(e) kuthe kwatshintshwa umqeshi;

(f) xa isithuba eso sithe sanaphathi abaninzi ekufuneka umsebenzi esebenze phantsi kwabo;

(g) xa kukho umahluko kwisithuba eso.

Ukuthabathelana koomasipala izikhundla ngokwaseMthethweni

16. Ukususela ngomhla wokuqalisa:-

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

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

(3) Zonke iintlawulo, ingeniso nazo zonke ezinye iimali ekufanele zihlawulwe okanye ziqokelelwe nawuphina/nabaphina ziya kuhlawulwa okanye ziqokelelwe ongunmasipala onthabathe isikhundla

ngokwasemthethweni somasipala otshitshisiweyo ngokwemiqathango yale Shedyuli.

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

(5) Lingatyeshelwanga icandelwana (1):-

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

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

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

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

(section 16 amended by PN.675/2000)

Imimiselo yoGaithiselo lweMpahla, amaTyala neeRekhodi

16A. Ukususela ngomhla wokuqalisa:

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

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

omnye wooMasipala beeNgingqi iya kugqithiselwa iya kugqithiselwa kuMasipala weSithili.

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

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

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

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

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

(5) ingatyeshelwanga imiqathango yecandelwana (4), uMasipala weNgingqi noMasipala weSithili banokuvumelana ngokuyahlula phakathi, nayiphi na impahla engenakususwa kwindawo ekuyo nekubhekiswe kuyo phaya kwincandelwana (4), nenokwahluleka phakathi, okanye bohlule naliphi na iqela lempahla ekubhekiswe kulo phaya kumacandelwana (3) no-(4) ngendlela eyanelisayo, oko kusenziwa kunikwe ingqalelo uhlobo noncedo lwaloo mpahla okanye lwezo mpahla, ngokuvumelana kwabo, ze isahlulelo ngasinye saloo mpahla sabiwe ngokwesivumelwano eso;

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

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

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

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

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

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

(ii) nayiphi na enye indlela evunywe nguMphathiswa wePhondo.

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

(a) lokuzuza imbuyekezo eyanelisayo, oko kuquka imali, ukutshintshiselwa okanye naluphi na olunye uhlobo lwembuyekezo ekunokuvunyelwana ngayo; kananjalo

(b) aqhubeke ngokuyisebenzisa loo mphahla xa athe wahlawula isabelo esithelekisekayo seendleko zokuyisebenzisa de elo lungelo lokuyisebenzisa lipheliswe ngokuvumelana.

(9) zonke iirekhodi zoomasipala abatshitshisiweyo nezayanyaniswa nomsebenzi okanye imisebenzi ekufanele yenziwe nguMasipala weNgingqi noMasipala weSithili nabangenakwahlulelana ngazo, ziya kugqithiselwa kumasipala omnye ngokokusondela kwazo kumsebenzi iirekhodi ezo ezoyamene nawo noko kunjalo nabanye oomasipala baya kubanelungelo lokuzifikelela ezo rekhodi kananjalo baya kubanelungelo lokufunyaniswa iikopi zazo.

(10) wonke amatyala oomasipala abatshitshisiweyo nayanyaniswa nomsebenzi okanye imisebenzi ekufanele yenziwe nguMasipala weNgingqi noMasipala weSithili aya kwahlulelwa uMasipala weNgingqi noMasipala weSithili ngendlela eyanelisayo, oko kusenziwa kunikwe ingqalelo uhlobo nenjongo yaloo matyala.

(11) yonke impahla namatyala oomasipala abatshitshisiweyo, ngaphandle kwalawo achazwe phaya kwicandelwana (7), nangenakwayanyaniswa nomsebenzi othile, aya kugqithiselwa kuMasipala weNgingqi.

(section 16A. inserted by PN.675/2000)

Inkqubo yokuGqithisela iMpahla, amaTyala neeRekhodi

16B.(1) Ingatyeshelwanga imiqathango yecandelo 16A necandelo 16C, kananjalo ngeli lixa kusalindelwe ukufezekiswa kwenkqubo yogqithiselo ngokweli candelo, yonke impahla, wonke amatyala nazo zonke iirekhodi zoomasipala abatshitshisiweyo, xa kukho imfuneko yoko, ziya kugqithiselwa okwethutyana kuMasipala weNgingqi, kwaye ke ngoko yonke impahla, wonke amatyala nazo zonke iirekhodi ezifanele ukugqithiselwa kuMasipala weSithili ngokwemiqathango yecandelo 16A okanye 16C lale Shedyuli ziya kuthatyathwa njengezigqithiselwe kuMasipala weNgingqi oko kusenziwa ngokwamalungiselelo aphakathi koMasipala weNgingqi noMasipala weSithili, malungiselelo lawo achaza ukuba uMasipala weSithili uya kufezekisa

umsebenzi okanye imisebenzi eyayamene nempahla, amatyala neerekhodi ezo oko ekwenza egameni loMasipala weSithili.

(2) Ukuze ku:-

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

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

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

(3) Ngomhla okanye ngaphambi komhla oya kumiselwa nguMphathiswa wePhondo iCEO nganye kuya kufuneka qulunqe uxwebhu olunoludwe layo yonke impahla, amatyala neerekhodi zomasipala wayo otshitshisiweyo ngokwendlela eyalelwe nguMphathiswa wePhondo, kufuneka abe okwethutyana zonke iimpahla, amatyala, neerekhodi zomasipala otshitshisiweyo wakhe ngokuhambelanayo nemithetho-ssiseko echaziweyo kwicandelo 16A nele 16C, kwaye kuya kufuneka ukuba inike umphathi wethutyana kamasipala ne-IMM yoMasipala weSithili iikopi eziphelelelyo zoxwebhu olunolo ludwe.

(4) Ngomhla okanye ngaphambi komhla oya kumiselwa nguMphathiswa wePhondo, kodwa ngokwemiqathango yecandelwana (2), umphathi wethutyana kamasipala, ebonisene ne-IMM zoMasipala weSithilii kuya kufuneka ukuba:-

(a) ahlanganise amaxwbehu ekubhekiswe kuwo phaya kwicandelwana (1) awenze abe luxwebhu olunye ze ekugqibeleni abe ngokwahlukeneyo impahla, amatyala neerekhodi eziza kugqithiselwa kuMasipala weSithili okanye kooMasipala beeNgingqi ngokwemiqathango yecandelo 16A nele 16C kanti nezo ekuya kufuneka ukuba zigqithiselwe ngokwesivumelwano ekubhekiswe kuso kwicandelwana (2);

(b) anike i-IMM yoMasipala weSithili ikipi yolo xwebhu kananjalo afumane kwi-IMM yoMasipala weSithili ikopi yoxwebhu oluqulungwe yi-IMM yoMasipala weSithili; kananjalo

(c) ahlanganise uxwebhu ekubhekiswe kulo phaya kumhlathi (a) noxwebhu olufunyenwe kwi-IMM yoMasipala weSithili ekubhekiswe kulo phaya kumhlathi (b) aze loo maxwebhu enziwe uxwebhu olunye olubonakalisa yonke impahla, wonke amatyala nazo zonke iirekhodi eziza kugqithiselwa kuMasipala weNgingqi.

(5) Ingatyeshelwanga imimiselo echazwe kwicandelo 16A no 16C, umphathi wethutyana kamasipala unokuthi evumelene ne-IMM yoMasipala weSithili, akuhlengahlengise ukwabiwa kwempahla, amatyala neerekhodi ngokwemiqathango yecandelwana (4) oko ekwenzela ukulungiselela ukwabelana, okufaneleke nangaphezulu, ngazo zonke ezo zinto phakathi koMasipala weNgingqi noMasipala weSithili.

(6) Xa kunokuvela impikiswano ngokubhekiselele kulwabiwo lwempathla, amatyala neerekhodi phakathi komphathi wethutyana kamasipala ne-IMM yoMasipala weSithili loo mpikiswano kuya kufuneka ukuba igqithiselwe

kuMpathiswa wePhondo ukuze uMpathiswa wePhondo okanye umtyunjwa wakhe agqibe ngayo ngokweenkqubo ezimiselwe nguMphathiswa wePhondo, kwaye isigqibo soMphathiswa wePhondo okanye somtyunjwa wakhe akuyi kugqithwa kuso kwaye siya kuba sesibophelelayo.

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

(8) Nje ngokukhawuleza kangangoko emva kokuqinisekiswa koxwebhu loludwe oluhlanganisiweyo ngokwecandelwana (7), kodwa kungagqithanga umhla oya kumiselwa nguMphathiswa wePhondo, umphathi wethutyana kamasipala kuya kufuneka ukuba aqalise ugqithiselo layo yonke impahla, amatyala neerekhodi zoomasipala abatshitshisiweyo.

(9) Umasipala weNgingqi uya kuliphicotha ugqithiselo lwempahla, amatyala neerekhodi kungagqithanga iinyanga ezili-12 emva komhla wokuqalisa, kungenjalo ngolo suku luya kumiselwa nguMphathiswa wePhondo.

(section 16B. inserted by PN.675/2000)

Ugqithiselo lwabasebenzi, impahla, namatyala ayanyaniswa nemisebenzi engeyiyo leya idweliswe kwicandelo 84 loMthetho wamaSebe ooMasipala

16C. Ingatyeshelwanga imiqathango yecandelo 12(1) necandelo 16A lale Shedyuli, ukususela ngomhla wokuqalisa:-

(a) Bonke abasebenzi, yonke impahla, onke amatyala nazo zonke iirekhodi zoomasipala abatshitshisiweyo nezayanyaniswa ngokukodwa:-

(i) Iindlela ezingezizo ezomasipala

(ii) neenkonzo zeenqwelo-zigulane;

(iii) Iinkonzo zempilo ezingezizo ezomasipala

(iv) ulawulo lweentlekelele;

(v) ulwakhiwo lwezindlu;

(vi) amathala eencwadi;

(vii) umzi wocgino lwezinto zakudala;

(viii) iinkqubo zokuzisa amanzi ingezizo ezo zamanzi alungele ukuselwa

(ix) ulondolozo lwendalo nokusingqongileyo, kubandakanywa nolawulo lwamazibuko, imfundiso ngokusingqongileyo, ulawulo lwezilwanyana nolawulo lwamanzi angaphakathi elizweni; kananjalo ubuxhakaxhaka bokubonelela ngamanzi ngaphandle kobuxhakaxhaka bokubonelela ngamanzi alungele ukuselwa;

(x) nemithetho yendlela nokuthotyelwa kwayo;

ziya kugqithiselwa kuMasipala weNgingqi ngokwenkqubo echazwe kwicandelo 12(2), (3) no (4) necandelo 12A no 16B lale Shedyuli;

(b) bonke abasebenzi, yonke impahla, onke amatyala nazo zonke iirekhodi zoomasipala abatshitshisiweyo ezingenakwayanyaniswa nemisebenzi ekubhekiswe kuyo phaya kwicandelo 84(1) loMthetho wamaSebe

ooMasipala okanye umhlathi (a) okanye (b), ziya kugqithiselwa kuMasipala weNgingqi ngokwemimiselo neenkqubo ezichazwe kwicandelo 12, 12A, 16A no- 16B lale Shedyuli.

(section 16C. inserted by PN.675/2000)

Ugqithiselo lwabasebenzi, impahla, amatyala neerekhodi ezinxulumene nezivumelwano zobonelelo ngeenkonzo zikamasipala

16D.(1) Kungatyeshelwanga nantoni na ephikisana noko kuqulethwe kuso nasiphi na isivumelwano sokubonelela ngeenkonza zoomasipala, esenziwa noomasipala abatshitshisiweyo, sivumelwano eso esithi umasipala lowo utshitshisiweyo kuya kuba nguye obonelela ngeenkonza; bonke abasebenzi, yonke impahla, onke amatyala nazo zonke iirekhodi zaloo masipala utshitshisiweyo ziya kugqithiselwa ngokwemiqathango yale Shedyuli

(2) Umphathiswa wePhondo nguye oya kugqiba ekubeni nguwuphi umasipala oya kuthabatha isikhundla somasipala otshitshisiweyo ngokubhekiselele kwisivumelwano sobonelelo ngeenkonza esenziwa ngumasipala otshitshisiweyo sivumelwano eso esithi umasipala lowo utshitshisiweyo nguye oya kubonelela ngeenkonza, kwaye unokuyalela uMasipala weNgingqi okanye uMasipala weSithili ukuba aqalise kananjalo alawule nawaphi na amalungiselelo ethutyana obonelelo ngeenkonzo ngokwemiqathango yecandelo 19 lale Shedyuli, ukuqinisekisa ukuqhubeka kubonelelo ngeenkonzo ngokubhekiselele kwisivumelwano eso.

(3) Kwithuba ukususela ngomhla wokuqalisa ukuya kumhla uMphathiswa wePhondo enze ngawo isigqibo ngokwecandelwana (3), uMasipala weNgingqi kuya kuba nguye ongena esikhundleni somasipala otshitshisiweyo ngokwasemthethweni ngokubhekiselele kuzo naziphi na izivumelwano zobonenelelo ngeenkonzo ekubhekiswe kuzo kwicandelwana (1) ngokwemiqathango yecandelo 19.

(section 16D. inserted by PN. 675/2000)

Ukusilela ekufezekiseni imiqathango ethile yale Shedyuli

16E. Xa kunokwenzeka ukuba umphathi wethutyana kamasipala okanye nabani na ongomnye akufuneka enze umsebenzi othile ochazwe kwicandelo 12A okanye 16B, asilele okanye ale ukwenza oko kwithuba elichazwe kuloo macandelo, uMphathiswa wePhondo angatyumba nabani na ukuba enze loo msebenzi, xa kunjalo ke loo Masipala weNgingqi okanye loo Masipala weSithili uchaphazelekayo kuya kufuneka asebenzisane ngokupheleleyo naloo mntu.

(section 16E. inserted by PN.675/2000)

Imithetho yeNguqu ebhekiselele kwimithetho yenqila nemimiselo

17.(1) Nayiphi na imithetho yenqila esetyenziswayo kummandla womasipala otshitshisiweyo emvan nje komhla wokuqala wonyulo iya kusebenza ukususela ngalo mhla, de kube kuthe ngexesha likugwalasewa ngokutsha nokwenziwa kohlenga-hlengiso ngokwemiqathango yecandelo le-15 loMthetho weeNgingqi kaMasipala, uhlale usebenza ngokupheleleyo kuloo mmandla umiselwe wona, ukwaxhomekeke nasekubeni uhlonyelwe okanye utshitshiswe nguMasipala.

(2) Ngaphandle kokuba le mithetho ayingqinelani neemeko ekubhekiselelwa kuzo okanye ayicaciswanga ngokufanelekileyo, isingqinisiso kuyo nayiphi na imithetho yenqila enjengale esiya kwenza ukuba:-

(a) umasipala otshitshisiweyo okanye owayengaphambili, kufuneka achazwe njengosisingqiniso kuMasipala weNqila, kwakunye

(b) indlela ami ngayo okanye umsebenzi kamasipala otshitshisiweyo, melwe kukuchazwa njengesingqinisisio kubume ahambelana naso okanye umsebenzi kaMasipala.

(3) Ngokuxhomekeke kwimiqathango yolu ludwe lweenkqubo nangokugatyanga kutshitshiswa koomasipala abatshitshiweyo, nasiphi na:-

(a) isigqibo esithe sathatyathwa;

(b) isaziso, isiqinisekiso okanye amaxwebhu athe akhutshwa;

(c) isalathiso, ukwamkeleka, imvume okanye igunya elithe lanikezelwa;

(d) isaphulelo, iphepha-mvume okanye imvume ethe yanikwa okanye yakhutshwa;

(e) ukuqeshwa ukuthe kwenziwa;

(f) umqeshwa othe watyunjwa;

(g) isivumelwano okanye isibophelelo ekuthe kwangenwa kuso;

(h) amagunya athi anikweze umsebenzi;

(i) amaxabiso, uluhlu lweentlawulo okanye iintlawulo exibekiweyo;

(j) umhlaba othe wabekelwa bucala, kwakunye

(k) amanye amanyathelo athe athatyathwa okanye izinto ezenziweyo,

ngumasipala otshitshisiweyo oya kuthi, ngokwemiqathango yolu luhlu lweenkqubo, zithathwe ezi zinto ngokwzinto abezenza ezikhutshiweyo, ekunikiswe ngazo, ezenziweyo, abaqeshwa abatyunjiweyo, izivumelwano ekungenwe kuzo amagunya anikeziweyo, okumiselweyo, okanye okuthe kwenziwa nguMasipala de kube kuphindwe kwaqwalaselwa ngokutsha kusenziwa nohlenga-hlengiso ngokwemiqathango yecandelo le-15 loMthetho wamaSebe ooMasipala.

(4) Ngokwemiqathango yesahluko sama-20, 21, 22 nese 23 ekolu luhlu lwenkqubo, nabani na ngomhla wokuqala wonyulo othe wasebenzisa amagunya okanye wenza umsebenzi wakhe kungenjalo esebenza ngokwegunya lesikhundla sakhe nokuba ligunya awayelinikwe ngumasipala otshitshisiweyo, uya kuthi gqolo ukulisebenzisa elo gunya okanye enze umsebenzi lowo kungenjalo asebenze de kufike elo xesha athe wagqiba ngandlela yimbi uMasipala omtsha.

(5) Ngokwenjongo zoludwe lweenkqubo yeMiqathango eLawula ukuMiselwa kwamaGosa oxolo njengoko kuchaziwe kwimigaqo yecandelo 334 loMthetho weNkqubo yolwaPhulo-Mthetho ka1977 (uMthetho wama-51 ka1977), naliphi na igosa eliqinisekisa ngokuthotyelwa komthetho elamiselwa ngumasipala otshitshisisweyo, liya kuthi ukususela kumhla wokuqala wonyulo lithathwe njengeliqeshwe nguMasipala weSithili eso lisebenza kuso.

(6) Nasiphi na isicwangciso esisemthethweni esisetyenziswayo okanye esilandelwayo kummandla wolawulo loomasipala abatshitshisiweyo, siya kuhlala sisetyenziswa kungenjalo kulandelwa sona kummandla lowo besilungiselelwe ukusetyenziswa kuwo de sibe sihlonyelwe, siguqulwe okanye sitshitshisiwe nguMasipala.

IMicimbi yeMali

18.(1) Ukususela kumhla wokuqala wonyulo uhlahlo-lwabiwo-mali olukhoyo loomasipala abatshitshisiweyo luya kusebenza kuhlahlo-lwabiwo-mali loMasipala de ibe ngumhla wama-30 kuJuni 2001.

(2) Ngokungayigatyanga miqathango yecandelwana (1), uMasipala:-

(a) angenza uhlenga-hlengiso kuhlahlo-lwabiwo-mali olukhoyo, okanye

(b) angagqiba ekubeni azivale iincwadi ze uhlahlo-lwabiwo-mali alwenze ngokutsha ngentsalela yemali yonyaka wohlahlo-lwabiwo-mali;

lungenziwa uhlenga-hlengiso okanye ulungiselelo nokwamkelwa kohlahlo-lwabiwo-mali olunjengolu, ukuba oko kuya kuhambelana nomthetho osetyenziwayo.

(3) Phambi kwesiqalo sonyaka-mali ka2001/2002 kuya kufuneka uMasipala ukuba alungiselele ukwamkela izicwangciso zokulawula imali kwanemigaqo-nkqubo esebenza:-

(a) nemiqathango nebandabakanya nenkqubo yoomasipala yokutshintshwa kohlahlo lwabiwo mali ukuqinisekisa uzinzo kwezezimali kwithuba lasemva konyaka mali ka2000/2001;

(b) neendleko zexesha eliphakathi;

(c) ukulinganiswa kobume boluhlu lweerhafu loLawulo loMmandla weSithili;

(d) ukwenziwa kwamalungiselelo abanzi oxwebhu olutsha loqikelelo-maxabiso kwanokuphakanyiswa kweimicimbi yeerhafu exifikeleleka nakubani kuLawulo loMmandla weSithili;

(e) ukuziswa ngaphambili kwee-akhawunti eziqukanisiweyo;

(f) ukuhlanganiswa kwenkqubo zocwangciso-mali neenkqubo zohlahlo-lwabiwo-mali;

(g) ulawulo lwamatyala, kwakunye

(h) neenkqubo zokuthenga.

Amalungiselelo eThutyana oLawulo

19.(1) Ukususela ngomhla wokuqalisa ukuya kumhla apho abasebenzi, iimpahla, amatyala neerekhodi zide ekugqibeleni zobiwa ngokwemimiselo ekule Shedyuli, okanye omnye umhla onokumiselwa nguMphathiswa wePhondo, uMasipala weNgingqi:

(a) uya kunyanzeleka ukuba asebenzisane ngeyona ntembeko inkulu nabo bonke abasebenzi, iimpahla, amatyala okanye iirekhodi

(i) abaqeshwe ngokwemiqathango yecandelo 12A(1);

(ii) abagqithiselwe ngokwemiqathango yecandelo 16B(1) kananjalo

(iii) ezobiwe okwethutyana ngokwecandelo 12A(3) nele 16B(3) imo enokuthenjwa ngokubhekiselele kuMasipala weSithili

(b) engabujongelanga phantsi ububanzi becandelwana (1) kanto nangokwecandelo 12(2), ngokubhekiselele kwimihlathi (i) no (vii) elapha ngezantsi, akayi kuthi enganikwangwa nvume ngencwadi nguMphathiswa wePhondo, mvume leyo inemiqathango ethile

ekubhekiselelwe kuyo kwimihlathi (ii), (iii), (iv), (v), (vi) nowe-(viii) elapha ngezantsi, kuthintelwa ngaphandle kwesizathu esivakalayo enze okanye aqalise naziphi na inguqu zophuhliso lwabasebenzi abaqeshwe okwethutyana ngokwemiqathango yecandelo 12A(1), okanye enze izabiwo zethutyana ngokwemiqathango yecandelo 12A(3) ngokuthi:-

(i) adale okanye avale naziphi na izikhundla ezintsha;

(ii) avale izikhundla ezingenamntu;

(iii) aphakamisa okanye aqalise ukuguqula ngokutsha nokunyusa umgangatho wazo naziphi na izikhundla ezikhoyo;

(iv) anyusele abasebenzi kwizikhundla eziphezulu;

(v) anike abasebenzi nayiphi na imisebenzi yesigxina ngaphandle kwemisebenzi esetyenzwa okwethutyana;

(vi) ngokuxhomekeke kuwo nawuphi na umthetho, izivumelwano ezihlanganisiweyo okanye ingqesho engesosigxina:-

(aa) ukunika imvume kwanokusebenzisa nayiphi na imali evunyelweyo, kungenjalo imali evunyelweyo engunobambiso;

(bb) ukuqalisa ukubonelela ngonyuso mali lwemivuzo.

(vii) aqalise naziphi na iinguqu kwimibutho yabasebenzi okanye kwiimo zokuphatha, kananjalo

(viii) angene nakwisiphi isivumelwano esihlanganyelweyo, ngaphandle kwesivumelwano esihlanganyelweyo ekubonisenwe ngaso kwavunyelwana ngaso kwiKansile yoThethwano nesiya kubophelela uMasipala weNgingqi ngokubhekiselele kuwo nawuphi na umba odweliswe kweli candelwano

(c) engabujongelanga phantsi ububanzi becandelwana (1), akayi kwenza ngaphandle kokuba kokufumana imvume yoMasipala weSithili, mvume leyo ingasayi kuthintelwa ngaphandle kwesizathu esivakalayo, okanye ukuqalisa nasiphi na isigqibo esinxulumene nayo nayiphi na impahla, amatyala, iirekhodi ngokwemiqathango yecandelo 16B(1) okanyeeyabiwe okwethutyana ngokwemiqathango yecandelo 16B(3) esiya kwenza ukuba loo masipala:-

(i) athengise okanye aqeshise ngempahla engenakususwa kwindawo ekuyo okanye enokususwa kwindawo ekuyo mpahla leyo exabiso layo lingaphezulu kwama-R20 000,00 (amawaka angamashumi amabini eerandi) ngaphandle xa oko kusenziwa ngokwemiqathango yezivumelwano ezikhoyo, nangona ke loo miqathango ingenakusebenza xa kuchithwa impahla engenakususwa kwindawo ekuyo ngokwenkqubo yolwakhiwo lwezindlu oluvunywe ngokwemiqathango yoMthetho woLwakhiwo lweZindlu, 1997 (Umthetho 107 wonyaka we-1997);

(ii) athenge impahla engenakususwa kwindawo ekuyo okanye enokususwa kwindawo ekuyo mpahla leyo exabiso layo lingaphezulu kwama-R20 000,00 (amawaka angamashumi amabini eerandi);

(iii) enze izivumelwano ezintsha zethuba elingaphezulu konyaka omnye;

(iv) avuselele izivumelwano zethuba elingaphezulu kweenyanga ezintathu;

(v) azifumanele ubuxhakaxhaka betekhnoloji obuquka oomatshini bohlobo lwekhompyuta neenkqubo abazisebenzisayo, kananjalo

(vi) asebenzise:-

(aa) iimali eziqingqwe ngokomthetho, ezisebenzisela ukuthenga impahla eyikapitali okanye enye inkcitho kungenjalo ukuhlawulela inkcitho ngokuvula amatyala angaphakathi emali-mboleko oko ekwenzela iinjongo ezingezizo ezeeprojekthi zolwakhiwo lwezinto ezisetyenziswa sisizwe eziqingqiweyo neziyimfuneko kwanezivunywe kuhlahlo-lwabiwo mali lonyaka wama-2000/2001;

(bb) iimali ezigcinwe kwithrasti (ezingaquki ii-akhawunti zeKansile) ezisebenzisela naziphi na iinjongo ngaphandle kwezo ezo mali ezigcinelwe zona;

(cc) iimali ezibekelelweyo, ikapitali ebekeleweyo okanye izibonelelo ezibekelelweyo ngenjongo engeyiyo yokulolonga izinto ezakhelwe isizwe nezifakwe kuhlahlo-lwabiwo mali, ulolongo lwezinto zonxunguphalo ezikhelwe isizwe nezingafakwanga kuhlahlo-lwabiwo mali, lolongo olo olungenakuhlawulelwa ngemali ecwangciselwe ukwenza umsebenzi okanye ngokuthi kucinywe amatyala angasenakuhlawulwa; kananjalo

(dd) nayiphi na ithrasti esekwe ngokomthetho, nasiphi na isibekelelo okanye isibonelelo esingeyo mali izinkozo exhaswa ngemali engeyiyo esisiphumo sokucinywa kwamatyala angasenakuhlawulwa.

Nangona ke eli candelwana lingenakusebenza kwiimeko zonxunguphalo; kwaye

(d) akayi kwenza okanye kuqalisa nasiphi na isigqibo esiya kwenza ukuba uMasipala weNgingqi agqithise kwikapitali yakheto evunyiweyo okanye kwimali yonyaka-mali wama-2000/2001 ecwangciselwe ukwenza umsebenzi.

(2) Xa kunokuvela impikiswano ngokubhekiselele kwimiqathango yecandelwana (1) phakathi koMasipala weNgingqi noMasipala weSithili, loo mpikiswano kuya kufuneka ibhekiswe kuMphathiswa wePhondo ukuze ibe nguMphathiswa wePhondo okanye umtyunjwa wakhe owenza isigqibo ngayo ngokweenkqubo ezimiselwe nguMphathiswa wePhondo, kwaye isigqibo so Mphathiswa wePhondo okanye umtyunjwa wakhe owenza isigqibo ngayo ngokweenkqubo ezimiselwe nguMphathiswa wePhondo, kwaye isigqibo soMphathiswa wePhondo okanye umtyunjwa wakhe akuyi kugqithwa kuso kwaye siya kuba sesibophelelayo.

(3) Nasiphi na isivumelwano esenziweyo nesiphikisana nemiqathango yecandelwana (1) okanye (2) asiyi kusebenza kwaphela.

(section 19 amended by PN.675/2000)

Ukuqeshwa kwamagosa abambeleyo

20. Phanbi komhla wokuqala wonyulo uMphathiswa wePhondo uya, kuthi akuba eziqwalasele iziphakamiso zeQonga leNgugulelo leSithili ezinxulumene noMasipala weNqila aqeshe nawuphi na umntu nokuba kukwesiphi na isikhundla uya kuqeshwa ngokwemigaqo yomthetho esetyenziswayo kwaye isikhundla eso siya kuba sesethutyana noya kuqalisa emsebenzini ngomhla wokuqala wonyulo ahlale kuwo de abe uMasipala uqesha ngokwakhe ngokwemigaqo yomthetho osetyenziswayo ekubhekiselelwe kuyo kwesi sahluko.

Ukuqeshwa koMphathi weThutyana kaMasipala

21.(1) Ngaphambi komhla wokuqala wonyulo uMphathiswa wePhondo, emva kokuqwalasela iziphakamiso zaQonga leNguqulelo leSithili, uya kutyumba umphathi wethutyana kamasipala noya kuhlala kweso sikhundla de abe uMasipala weNqila umisa owakhe umphathi okanye umphathi olibambela.

(2) Imisebenzi yomphathiswa wethutyana kamasipala iya kuba yile ilandelayo:-

(a) uya kubiza indibano yokuqala yeKansile kaMasipala weNqila ngokwesahluko sama- 29(2) soMthetho wamaSebe kaMasipala;

(b) uya kongamela indibano yokuqala yeKansile kaMasipala de kube kunyulwe isithethi;

(c) emva komhla wokuqala wonyulo, uya kusebenza njengentloko yolawulo kwananjengegosa eli loMasipala weSithili de abe uMasipala umisela owakhe umphathi nokuba

(d) emva komhla wokuqala wonyulo, uya kuyenza yonke imisebenzi efanele ukwenziwa yiCEO yomasipala ngokwemithetho wolawulo osetyenziswayo;

(e) ajongane noxanduva lwenkqubo yokutshintshwa kwabasebenzi, izixhobo zokusebenza, ingeniso, ulawulo kwanamanye amaxwebhu kuMasipala weSithili;

(f) amisele abantu abaya kufezekisa imfanelo azimiseleyo ngokwemigaqo ekule Shedyuli (g) athabathe amanyathelo afanelekileyo ukuqinisekisa ukuba inkonzo eqhutywayo isahamba ngendlela nasemva komhla wokuqala wonyulo;

(g) athabathe amanyathelo afanelekileyo ukuqinisekisa ukuba ubonelelo ngeenkonzo luya qhubeka nasemva komhla wokuqalisa ukusebenza;

(h) aseke inkqubo enobuchule yethutyana yolawulo lwemali kaMasipala weSithili (I) amisele iindawo zethutyana zeenkqubo zokwenza imgxelo;

(i) amisele uMasipala waseKhaya imigaqo yobudlelwane bolawulo namagunya bethutyana;

(j) ukunika izimvo neziphakamiso ezimalunga nenkqubo yezivumelwano, amalungiselelo eenkqubo kwanezivumelwano ngenkqubo yeenkonzo ezenziwayo;

(k) ukufezekiswa kwenkqubo yamalungiselelo enkonzo yethutyana phakathi kooMasipala beeNgingqi noMasipala weSithili;

(l) anikeze naliphi na kumagunya akhe okanye imisebenzi yakhe kuye nawuphi na umqeshwa kaMasipala weNgingqi, kwakhona arhoxise, abuyisele kuye loo magunya, kwakunye

(m) Kwisithuba esiphambi komhla wokuqala wonyulo uya kwenza amalungiselelo eenkqubo ezikankanyiweyo ku (a) ukuya ku (l).

(3) Phambi komhla wokuqala wonyulo, iiCEOs ziya kubambisana nomphathi komasipala weThutyana kuyo yonke imibandela enokwenza noku sekwa komasipala omtsha wengingqi.

(4) Ukusukela ngomhla wokuqala kumhla wonyulo, iiCEO ziya kusebenza phantsi kwemiyalelo yomphathi wethutyana kamasipala, kanti nomphathi wethuyana kamasipala uya kuba negunya kubo.

Abaphathi abancedisayo bethutyana bakamasipala

22. UMphathiswa wePhondo unokuthi, emva kokuba ezinike ingqalelo naziphi na iziphakamiso zaQonga leNguqulelo leSithili, aqeshe nokuba bangaphi abancedisi bethutyana babe ngabaphathi betyhutyana bakamasipala nabaya kuqalisa emsebenzini emva nje kokuba beqeshiwe kwaye baya kuhlala kwezo zikhundla de uMasipala abe usiqinisekisile okanye usiphelisile isikhundla eso.

IQela loLawulo elikiSikhundla esiPhezulu

23. Nabaphi na abancedisi abamiselwa ukuba ngabaphathi bethuyana bakamsipala, bekunye nomphathi wethutyana kamasipala, baya kuba yinxalenye yeqela lolawulo elikwisikhundla eziphezulu likaMasipala neliya kongamela iinkqubo zokufezikiswa ukusekwa koMasipala weNqila.

Ingqesho

24. Nawuphi na umntu oqeshwe ngokwezahluko 20, 21 okanye 22, oya kuthi, ngexesha lokuqeshwa kwakhe abe ngumsebenzi womasipala otshitshisiweyo kungenjalo uMasipala weNqila oya, kuthi ngokwemiqathamngo ekwicandelo le-12 lale skedyuli, ahlale eqeshwe ngumasipala otshitshisiweyo okanye uMasipala weNqila, eya kufezekisa iimfuna zomsebenzi njengomntu othunyelweyo.

INdibano yokuqala yeKansile kaMasipala weSithili

25.(1) uMphathi wethutyana kamasipala uya kuthi, kwiintsuku ezintathu phambi kokuhalalelwa kwendibano yeKansile kaMasipala weSithili, athumele kuceba ngamnye kwindawo ahlala kuyo nokuba kukwindawo ekhethwe nguceba lowo kubhekiselelwe kuye, isaziso esimalunga nendawo, umhla, ixesha lendibano yokuqala kwane-agenda; kuxhomekeke kumphathiswa wethutyana ukubiza indibano yokuqala ngesikhawu.

(2) Ngokungayigatyanga nje imithetho yeengingqi esebenzayo, kodwa ngokuxomekeke kwizibonelelo zaMthetho wamaSebe kaMasipala, imiqathango nemimiselo yentlanganisano yokuqala yeKansile yoMasipala weNgingqi yimimiselo nemimselo yentlanganiso yokuqala yeKansile yoMasipala weNgingqi yimimiselo nemimiselo ekhankanyiweyo kweiSaziso sePhondo esingu- 411/1988 njengongoko sichaziweyo kwiGazethi yePhondo enguNombolo 4532 yomhla wama- 20 kuMeyi 1998 eneenguqulelo ezifunekayo kwezinye iziqendu, loo mimiselo iya kuhlala iyesebenza de kusetyenziswe imiqathango nemimiselo nguMasipala weNgingqi.

(subsection (2) amended by PN.675/2000)

(3) INdawo eya kubanjelwa kuyo indibano yokuqala yeKansile kaMasipala weNqila iya kuba yiNdlu yeKansile yeBhunga leThutyana leNgingqi laseStellenbosch etshitshisiweyo eStellenbosch.

(4) I-agenda yendibano yokuqala iya kuba yile ilandelayo:-

(a) Ukunyulwa kwesithethi;

(b) ukuba ngaba uMasipala weSithili uyafuna na ukuseka ikomiti elawulayo, ukuba kunjalo, kuya kumiselwa umgaqo-nkqubo womelo lonyulo lwekomiti elawulayo;

(c) ukunyulwa kooceba abaya kusebenzela ikomiti elawulayo;

(d) ukunyulwa kukasodolophu kumalungu ekomiti elawulayo;

(e) ukunyulwa kosekela-sodolophu, kumalungu ekomiti elawulayo nothianikwe imvume nguMphathiswa wePhondo, kwakunye

(f) nayiphi na eminye imisebenzi esekwe ngumphathi wethutyana kamasipala ne-agenda emiselweyo.

Ukusetyenziswa kwesi Saziso

25A. Xa kunokuvela ukungavisisani, malunga nokufezekiswa kwemiba ekwesi Saziso, phakathi kwesi Saziso nemiqathango yaso nasiphi na isaziso secandelo 84(3) esabhengezwa nguMphathiswa wePhondo okanye nasiphi isaziso secandelo 18 esabhengeza nguMphathiswa wePhondo, nokuba sisiphi kwezo zaziso, imiqathango yesaziso ecandelo 83(3) yiyo eya kusebenza.

(section 25A inserted by PN. 675/2000)

USekela Sodolophu weSigqeba

25B Kunikezwe imvume ngokwemiqathango yecandelo 55 lomthetho, iMunicipal Structures Act, njengoko silungisiwe, kusenzelwa unyulo losekela sodolophu wesigqeba.

(section 25B inserted by PN.184/2003)

ISihloko esifutshane nokuqalisa

26. Esi Saziso sibizwa ngokuba nguMasipala waseStellenbosch (WCO24) ukuSekwa kweSaziso nesiqalise ukusebenza ngomhla esipapashwe ngawo.

P.K. 489/2000 22 September 2000

WET OP PLAASLIKE REGERING: MUNISIPALE STRUKTURE, 1998 (WET 117 VAN 1998)

Gewysig deur:
Provinsiale Kennisgewing 675 van 4 Desember 2000
Provinsiale Kennisgewing 456 van 19 Desember 2002
Provinsiale Kennisgewing 184 van 28 Mei 2003
Provinsiale Kennisgewing 11 van 3 Januarie 2006
Provinsiale Kennisgewing 55 van 25 Februarie 2011
Provinsiale Kennisgewing 283 van 24 Oktober 2014
Provinsiale Kennisgewing 261 van 31 Julie 2015
Provinsiale Kennisgewing 114 van 8 April 2016
Provinsiale Kennisgewing 118 van 15 Oktober 2021
Provinsiale Kennisgewing 92 van 6 Maart 2026

INSTELLING VAN DIE MUNISIPALITEIT STELLENBOSCH (WCO24)

Uit hoofde van die gesag aan my verleen by artikels 12 en 14 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998), gee ek hiermee kennis van die instelling van die Munisipaliteit Stellenbosch op die voorwaardes wat in die Bylaag hiervan uiteengesit is.

Gedateer op hierdie 22ste dag van September 2000.

P UYS, PROVINSIALE MINISTER VAN PLAASLIKE REGERING

BYLAAG

Woordomskrywings en Uitleg

1. In hierdie Bylaag, tensy uit die samehang anders blyk, omvat die enkelvoud die meervoud en omgekeerd, word voorkeur verleen aan die Engelse teks ingeval die verskillende tekste teenstrydig is, en het ‘n woord of uitdrukking waaraan die Munisipale Strukturewet ‘n betekenis geheg het, dieselfde betekenis, en beteken –

   (1) **“afgeskafte munisipaliteite”** daardie bestaande munisipaliteite afgeskaf ingevolge artikel 3 van hierdie Bylaag;

   (1A) **“artikel 18-kennisgewing”** ‘n kennisgewing afgekondig ingevolge artikel 18 van die Munisipale Strukture Wysigingswet;

   (subartikel (1A) ingevoeg deur PK 675/2000)

   (1B) **“artikel 84(3)-kennisgewing”** ‘n kennisgewing afgekondig ingevolge artikel 84(3) van die Munisipale Strukturewet;

   (subartikel (1B) ingevoeg deur PK.675/2000)

   (2) **“Bedingingsraad”** die Wes-Kaapse afdeling van die Suid-Afrikaanse Bedingingsraad vir Plaaslike Bestuur wat aansoek gedoen het om registrasie as ‘n bedingingsraad ingevolge Algemene Kennisgewing

1513/1999, soos gepubliseer in Staatskoerant No. 20282 van 16 Julie 1999;

(2A) **"burgemeesters-uitvoerende stelsel"** 'n stelsel wat voorsiening maak vir die uitoefening van uitvoerende gesag deur 'n uitvoerende burgemeester in wie die uitvoerende leierskap van die munisipaliteit berus en wie deur 'n burgemeesterskomitee bygestaan word;

(subartikel (2A) ingevoeg deur PK.184/2003)

(3) **"Distriksmunisipaliteit"** die Boland Distriksmunisipaliteit wat met ingang van die effektiewe datum ingestel moet word;

(3A) **"Distriksmunisipaliteit se TMB"** die tussentydse munisipale bestuurder van die Distriksmunisipaliteit;

(subartikel (3A) ingevoeg deur PK.675/2000)

(3B) **"Distriksmunisipaliteitskennisgewing"** Provinsiale Kennisgewing 486/2000, gepubliseer in Buitengewone Provinsiale Koerant No. 5590 van 22 September 2000;

(subartikel (3B) ingevoeg deur PK.675/2000)

(4) **"Distrikstransformasieforum"** die Breërivier/Wynland Distrikstransformasieforum wat ingevolge die DTF-Kennisgewing ingestel is;

(5) **"DTF-Kennisgewing"** Provinsiale Kennisgewing 78/2000 gepubliseer in Buitengewone Provinsiale Koerant No. 5435 van 10 Maart 2000;

(6) **"effektiewe datum"** die datum waarop die verkiesing 'n aanvang neem;

(7) *(subartikel (7) geskrap deur PK.184/2003)*

(8) "**Grondwet"** die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet 108 van 1996);

(9) **"HUB"** die hoof uitvoerende beampte van 'n afgeskafte munisipaliteit;

(10) **"intermunisipale begrotingsoorplasings"** die oordrag van fondse tussen munisipaliteite om inkomste stabiliteit te verkry tydens die periode van transformasie;

(11) **"Munisipale Afbakeningsraad"** die Munisipale Afbakeningsraad wat by artikel 2 van die Munisipale Afbakeningswet ingestel is;

(12) **"Munisipale Afbakeningswet"** die Wet op Plaaslike Regering: Munisipale Afbakenings, 1998 (Wet 27 van 1998);

(13) **"Munisipale Strukturewet"** die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998);

(13A) **"Munisipale Strukture Wysigingswet"** die Wysigingswet op Plaaslike Regering: Munisipale Strukture, 2000 (Wet 33 van 2000);

(subartikel (13A) ingevoeg deur PK.675/2000)

(13B) **"Nasionale Minister"** die nasionale Minister verantwoordelik vir plaaslike regering;

(subartikel (13B) ingevoeg deur PK.675/2000)

(13C) **"oordragproses"** die proses soos in hierdie Bylaag uiteengesit om die oordrag van alle personeel, bates, laste en rekords van die afgeskafte

munisipaliteite na die Distriksmunisipaliteit of die Plaaslike Munisipaliteite teweeg te bring, welke proses insluit:-

(a) die identifisering van alle personeel, bates, laste en rekords wat oorgedra moet word;
(b) die toepassing van die beginsels vir doeltreffende oordrag soos in hierdie Bylaag uiteengesit;
(c) die toewysing van elke personeellid, bate, las en rekord aan óf die Distriksmunisipaliteit óf 'n Plaaslike Munisipaliteit, en
(d) die inwerkingstelling van die oordrag;

(subartikel (13C) ingevoeg deur PK.675/2000)

(13D) **"personeel"** alle personeel, insluitende funksionele, bestuurs- en steunpersoneel, en omvat dit vakante poste waarvoor begroot is, maar nie vakante poste waarvoor nie begroot is nie;

(subartikel (13D) ingevoeg deur PK.675/2000)

(14) **"Plaaslike Munisipaliteit"** die Munisipaliteit Stellenbosch wat ingevolge artikel 4 van hierdie Bylaag ingestel word;

(15) **"Provinsiale Minister"** die lid van die Kabinet van die Provinsie Wes-Kaap verantwoordelik vir plaaslike regering;

(16) **"Provinsie"** die Provinsie Wes-Kaap;

(17) **"Statutêre plan"** 'n plan wat ingevolge enige wetgewing vereis word, insluitende, sonder om beperk te wees tot, enige struktuurplan, grondgebruikplan, soneringskema, geïntegreerde ontwikkelingsplan, waterdiensteplan, vaardigheidsontwikkelingsplan en diensbillikheidsplan;

(18) **"tussentydse munisipale bestuurder"** die tussentydse munisipale bestuurder van die Plaaslike Munisipaliteit wat ingevolge artikel 21(1) aangestel is en wat vanaf die effektiewe datum die waarnemende munisipale bestuurder van die Plaaslike Munisipaliteit sal wees, of die waarnemende munisipale bestuurder of munisipale bestuurder van die Plaaslike Munisipaliteit wat na die effektiewe datum deur die Munisipale Raad van die Plaaslike Munisipaliteit aangestel is;

(subartikel (18) gewysig deur PK.675/2000)

(19) **"vakbonde"** die Onafhanklike Munisipale en Verwante Vakbond en die Suid-Afrikaanse Munisipale Werkersvereniging;

(20) **"verkiesing"** die eerste algemene verkiesing van Munisipale Rade na die inwerkingtreding van die Grondwet;

(21) **"WEKPRO"** die Wes-Kaapse Plaaslike Regeringsorganisasie, wat die provinsiale organisasie vir die Wes-Kaap waaraan erkenning verleen word ingevolge artikel 2(1) (b) van die Wet op Georganiseerde Plaaslike Regering, 1997 (Wet 52 van 1997) is;

(22) **"Wet op Landelike Gebiede"** die Wet op Landelike Gebiede (Raad van Verteenwoordigers), 1987 (Wet 9 van 1987);

(23) **"Wet op Transformasie van Sekere Landelike Gebiede"** die Wet op Tranformasie van Sekere Landelike Gebiede, 1998 (Wet 94 van 1998).

(24) **"wyk deelnemende stelsel"** 'n stelsel wat voorsiening maak vir aangeleenthede van plaaslike belang vir wyke, om deur komitees mee gehandel te word wat vir wyke ingestel is.

(subartikel (24) ingevoer deur PK.184/2003)

Aanhef

2.(1) Op 3 Maart 2000 het die Munisipale Afbakeningsraad, ingevolge artikel 21 van die Wet op Munisipale Afbakening, die grense van die Munisipaliteit bepaal, soos weerspieël in die kaart wat verskyn in Provinsiale Kennisgewing 69/2000 gepubliseer in die Provinsiale Koerant 5431 gedateer 3 Maart 2000 (’n afskrif van die kaart is in Aanhangsel “1” van hierdie Bylae geherpubliseer) en gewysig deur Provinsiale Kennisgewing 478/2000 gepubliseer in die Provinsiale Koerant 5587 gedateer 18 September 2000 en Provinsiale Kennisgewing 258/2002 gepubliseer in die Provinsiale Koerant 5922 gedateer 15 Augustus 2002, en Provinsiale Kennisgewing 339/2013 gepubliseer in die Provinsiale Koerant 7185 gedateer 15 Oktober 2013, saamgelees met Provinsiale Kennisgewing 417/2013 gepubliseer in die Provinsiale Koerant 7209 gedateer 10 Desember 2013, Provinsiale Kennisgewing 248/2013 gepubliseer in die Provinsiale Koerant 7156 gedateer 8 Augustus 2013, Provinsiale Kennisgewing 1/2014 gepubliseer in die Provinsiale Koerant 7217 gedateer 10 Januarie 2014, Provinsiale Kennisgewing 63/2014 gepubliseer in die Provinsiale Koerant 7236 gedateer 7 Maart 2014 en Provinsiale Kennisgewing 159/2014 gepubliseer in die Provinsiale Koerant 7277 gedateer 13 Junie 2014 en Provinsiale Kennisgewing 657/2018 gepubliseer in die Provinsiale Koerant 7968 gedateer 10 Augustus 2018, saamgelees met Provinsiale Kennisgewing 124/2018 gepubliseer in die Provinsiale Koerant 7987 gedateer 4 Oktober 2018, Provinsiale Kennisgewing 91/2018 gepubliseer in die Provinsiale Koerant 7942 gedateer 15 Junie 2018 en Provinsiale Kennisgewing 166/2018 gepubliseer in die Provinsiale Koerant 8024 gedateer 14 Desember 2018 en Provinsiale Kennisgewing 4/2023 gepubliseer in die Provinsiale Koerant 8864 gedateer 12 Januarie 2024, saamgelees met Provinsiale Kennisgewing 162/2024 gepubliseer in die Provinsiale Koerant 8894 gedateer 8 Maart 2024, Provinsiale Kennisgewing 42/2024 gepubliseer in die Provinsiale Koerant 8914 gedateer 26 April 2024 en Provinsiale Kennisgewing 76/2024 gepubliseer in die Provinsiale Koerant 8954 gedateer 12 Julie 2024.

(artikel 2(1) gewysig deur PK.11/2006, PK 114/2016, PK118/2021 en PK. 92/2026)

(2) Die Provinsiale Minister, wat ingevolge artikel 12(4) van die Munisipale Strukturewet handel, het:-

(a) skriftelike kennis van die voorgenome instelling van die Plaaslike Munisipaliteit aan WEKPRO en aan die afgeskafte munisipaliteite gegee by wyse van ‘n omsendbrief gedateer 12 Julie 2000 en met verwysing AAO509/1/4;

(b) oorleg gepleeg met WEKPRO en die afgeskafte munisipaliteite;

(c) besonderhede van hierdie Kennisgewing gepubliseer in Provinsiale Kennisgewing 394/2000, wat in Buitengewone Provinsiale Koerant No. 5571 van 28 Augustus 2000 gepubliseer is, en

(d) die kommentaar wat na die publikasie van die voorgestelde Kennisgewing ontvang is, oorweeg.

(3) Die Provinsiale Minister het ook die advies van die Distrikstransformasieforum oorweeg wat ingevolge artikel 11(2) van die DTF-Kennisgewing aan hom gegee is.

(4) Die Provinsiale Minister, wat handel ingevolge artikels 12 en 14 van die Munisipale Strukturewet, soos saamgelees met die Wes-Kaapse Wet op Bepaling van Soorte Munisipaliteite, 2000 (Wet 9 van 2000), gee hiermee kennis van die instelling van die Plaaslike Munisipaliteit ingevolge die voorwaardes hierin uiteengesit.

(5) Die Provinsiale Minister, wat ingevolge Hoofstuk 2 van die Munisipale Strukture Wysigingswet, soos gelees met artikel 14(2)(b) van die Munisipale Strukturewet, handel, gee hiermee kennis van die reëling van die wetlike, praktiese en ander gevolge van die afskaffing van die afgeskafte munisipaliteite, insluitende:-

(a) die beginsels wat die oordrag van personeel na die Plaaslike Munisipaliteit bepaal, en die proses daarvan, welke proses op die datum van publikasie van hierdie kennisgewing begin en op ‘n datum wat die Provinsiale Minister bepaal sal eindig;

(b) die beginsels wat die oordrag van bates, laste, regte en verpligtinge en administratiewe en ander rekords na die Plaaslike Munisipaliteit bepaal, en die proses daarvan, welke proses op die datum van publikasie van hierdie kennisgewing begin en op ‘n datum wat die Provinsiale Minister bepaal sal eindig;

(c) die verskaffing van administratiewe oorgangsmaatreëls vir die tydperk vanaf die effektiewe datum tot op ‘n datum wat die Provinsiale Minister sal bepaal, om voortgesette dienslewering te verseker en om die integriteit en finansiële lewensvatbaarheid van die Plaaslike Munisipaliteit te verseker.

(subartikel (5) ingevoeg deur PK. 675/2000)

Afskaffing van Bestaande Munisipaliteite

3.(1) Met ingang van middernag van die dag voor die effektiewe datum, sal die volgende munisipaliteite afgeskaf word:-

(a) Munisipaliteit vir die Gebied van Franschhoek, ingestel ingevolge Proklamasie No. 20/1995 gedateer 31 Januarie 1995;

(b) Nuweberg Verteenwoordigende Oorgangsraad, ingestel ingevolge Proklamasie No. 18/1996 gedateer 26 Julie 1996, in die mate wat die gebied daarvan ingesluit is binne die grense van die Plaaslike Munisipaliteit, soos deur die Munisipale Afbakeningsraad bepaal is en in artikel 2(1) genoem word;

(c) Paarl Verteenwoordigende Oorgangsraad, ingestel ingevolge Proklamasie No. 18/1996 gedateer 26 Julie 1996, in die mate wat die gebied daarvan ingesluit is binne die grense van die Plaaslike Munisipaliteit, soos deur die Munisipale Afbakeningsraad bepaal is en in artikel 2(1) genoem word;

(d) Pniel Plaaslike Oorgangsraad, ingestel ingevolge Proklamasie No. 142/1994 gedateer 30 Desember 1994;

(e) Stellenbosch Plaaslike Oorgangsraad, ingestel ingevolge Proklamasie No. 28/1995 gedateer 31 Januarie 1995, en

(f) Stellenbosch Verteenwoordigende Oorgangsraad, ingestel ingevolge Proklamasie No. 18/1996 gedateer 26 Julie 1996, in die mate wat die gebied daarvan ingesluit is binne die grense van die Plaaslike Munisipaliteit, soos deur die Munisipale Afbakeningsraad bepaal is en in artikel 2(1) genoem word.

(2) Die raadslede van die afgeskafte munisipaliteite moet hul ampte ontruim wanneer die pas verkose Raad van die Plaaslike Munisipaliteit verkose verklaar is en moet teen middernag van dié dag enige eiendom in hul besit wat aan ‘n afgeskafte munisipaliteit behoort, aan die HUB van die betrokke afgeskafte munisipaliteit of sy benoemde terugbesorg.

Instelling en Naam

4. Met ingang van die effektiewe datum sal ‘n munisipaliteit ingestel word wat in Afrikaans as “Munisipaliteit Stellenbosch“, in Engels as “Stellenbosch Municipality“, en in isiXhosa as “U Masipala waseStellenbosch“ bekend sal staan.

Kategorie

5. Die Plaaslike Munisipaliteit is ‘n plaaslike munisipaliteit soos omskryf in artikel 1 van die Munisipale Strukturewet, naamlik ‘n munisipaliteit wat munisipale uitvoerende en wetgewende gesag in sy gebied deel met die Distriksmunisipaliteit, en wat in artikel 155(1) van die Grondwet as ‘n kategorie B – munisipaliteit beskryf word.

Soort

6. Die Plaaslike Munisipaliteit is ‘n munisipaliteit met burgemeesters-uitvoerende stelsel wat met ‘n wykdeelnemende stelsel gekombineer is, soos uiteengesit in die Wes-Kaapse Wet op Bepaling van Soorte Munisipaliteite, 2000 (Wet 9 van 2000), soos gewysig deur die Wes-Kaapse Wysigingswet op Bepaling van Soorte Munisipaliteite, 2002 (Wet 4 van 2002).

(artikel 6 gewysig deur PK.184/2003)

Grense

7. Die grense van die Plaaslike Munisipaliteit sal die grense wees wat deur die Munisipale Afbakeningsraad bepaal is en in artikel 2(1) genoem word.

Getal Raadslede en Wyke

8.(1) Die Munisipale Raad van die Munisipaliteit het 45 (vyf-en-veertig) raadslede, soos deur die Provinsiale Minister bepaal in Provinsiale Kennisgewing 116/2024 gepubliseer in die Provinsiale Koerant 8999 gedateer 6 November 2024, waarvan 23 (drie-en-twintig) wyksraadslede en 22 (twee-en-twintig) proporsioneel verkose raadslede is.

(2) Die Munisipaliteit het 23 (drie-en-twintig) wyke.

(artikel 8 gewysig deur PK.11/2006, PK. 55/2011, PK118/2021 en PK.92/2026)

Voltydse Raadslede

9. Die Plaaslike Munisipaliteit mag die volgende raadslede as voltydse raadslede aanwys:-

(a) die uitvoerende burgemeester;

(b) lede van die burgemeesterskomitee;

(c) die speaker;

(d) ‘n enkele sweep aangewys vir die Raad, en

(e) Voorsitter van Komitee ingestel ingevolge artikel 79 (‘MPAC’).

(artikel 9 gewysig deur PK.456/2002, PK.184/2003, PK.283/2014 en PK.261/2015)

Funksies en Bevoegdhede

10. Daar sal geen aanpassing van die funksies en bevoegdhede van die Plaaslike Munisipaliteit ingevolge artikel 85 van die Munisipale Strukturewet wees nie.

Vrystellings

11. Die Plaaslike Munisipaliteit is nie van enige van die bepalings van die Munisipale Strukturewet vrygestel nie.

Beginsels wat die Oorplasing van Personeel bepaal

12.(1) Met ingang van die effektiewe datum en ooreenkomstig die bepalings van artikel 197 van die Wet op Arbeidsverhoudinge, 1995 (Wet 66 van 1995), sal:-

(a) alle personeel van die afgeskafte munisipaliteite wat uitsluitlik betrokke is by funksies wat deur die Plaaslike Munisipaliteit verrig moet word, na die Plaaslike Munisipaliteit oorgeplaas word:

(b) alle personeel van die afgeskafte munisipaliteite wat uitsluitlik betrokke is by funksies wat deur die Distriksmunisipaliteit verrig moet word (insluitende funksies wat deur die Distriksmunisipaliteit in ‘n Distriksbestuursgebied verrig moet word), na die Distriksmunisipaliteit oorgeplaas word;

(c) enige personeellid van ‘n afgeskafte munisipaliteit wat betrokke is by een of meer funksies wat met ingang van die effektiewe datum deur die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verrig sal word, oorgeplaas word ooreenkomstig die funksie wat die grootste deel van so ‘n personeellid se tyd in beslag neem;

(d) alle personeel van die afgeskafte munisipaliteite wat nie betrokke is by ‘n bepaalde funksie of funksies wat deur die Plaaslike Munisipaliteit en die Distrikmunisipaliteit verrig moet word nie, oorgeplaas word na óf die Plaaslike Munisipaliteit óf die Distriksmunisipaliteit in verhoudings wat gebaseer is op die totale getal poste wat ingevolge paragrawe (a), (b) en (c) oorgeplaas word;

(e) alle vakante poste van die afgeskafte munisipaliteite waarvoor nie begroot is nie, afgeskaf word.

(2) Behoudens enige kollektiewe ooreenkoms, moet alle regte en verpligtinge tussen die afgeskafte munisipaliteite en elkeen van hul onderskeie werknemers ten tyde van die oorplasing voortgaan om van krag te bly asof dit regte en verpligtinge tussen die Plaaslike Munisipaliteit of die Distriksmunisipaliteit, na gelang van die geval, en elkeen van sy werknemers is, en enigiets wat voor die oorplasing deur of met betrekking tot die betrokke afgeskafte munisipaliteit gedoen is, sal geag word deur of met betrekking tot die Plaaslike Munisipaliteit of Distriksmunisipaliteit, na gelang van die geval, gedoen te gewees het.

(3) Die oorplasing onderbreek nie die kontinuïteit van ‘n werknemer se indiensneming nie en dit gaan voort met die Plaaslike Munisipaliteit of Distriksmunisipaliteit, na gelang van die geval, asof dit met die betrokke afgeskafte munisipaliteit is.

(4) Behoudens die menslikehulpbronbeleid en –prosedure genoem in artikel 14(a) van hierdie Bylaag, kan daar van enige werknemer wat na die Plaaslike Munisipaliteit oorgeplaas word, vereis word om by enige van die kantore van die Plaaslike Munisipaliteit aan te meld en, tensy anders ooreengekom, sal so

'n werknemer, as gevolg daarvan; nie op enige bykomende vergoeding geregtig wees nie.

(artikel 12 gewysig deur PK. 675/2000)

Proses om Oorplasing van Personeel te bewerkstellig

12A.(1) Ondanks die bepalings van artikels 12 en 16C, en hangende die voltooiing van die oorplaasproses ingevolge hierdie artikel, moet alle personeel van die afgeskafte munisipaliteite, in soverre dit nodig is, tydelik in diens van die Plaaslike Munisipaliteit geplaas word en moet alle personeel wat na die Distriksmunisipaliteit oorgeplaas staan te word ingevolge die bepalings van artikel 12 of 16C van hierdie Bylaag, dienooreenkomstig geag word na die Plaaslike Munisipaliteit gesekondeer te wees ingevolge 'n agentskapsreëling tussen die Plaaslike Munisipaliteit en die Distriksmunisipaliteit ten effekte dat die Plaaslike Munisipaliteit die funksie of funksies waarby die spesifieke personeel betrokke is, namens die Distriksmunisipaliteit sal verrig.

(2) Ten einde:-

(a) enige oorgangsbepalings ingevolge die Munisipale Strukture Wysigingswet te akkommodeer, of

(b) die Plaaslike Munisipaliteit en die Distriksmunisipaliteit toe te laat om ooreenkomste te sluit, met inbegrip van bedryfsooreenkomste,

wat die oordrag van personeel ingevolge hierdie Bylaag kan beïnvloed, sal geen personeellid finaal toegewys word, soos waarvoor voorsiening gemaak word in subartikel (4) voor 30 Junie 2001 nie, of sodanige alternatiewe datum as wat die Provinsiale Minister bepaal.

(3) Voor of op 'n datum wat deur die Provinsiale Minister bepaal word, moet elke HUB 'n skedule van alle personeel van sy of haar afgeskafte munisipaliteit opstel in ooreenstemming met 'n formaat deur die Provinsiale Minister voorgeskryf, moet elke personeellid en 'n vakante pos van sy of haar afgeskafte munisipaliteit waarvoor begroot is in ooreenstemming met die beginsels uiteengesit in artikels 12 en 16C voorlopig toewys, en moet kopieë van die volle skedule aan die tussentydse munisipale bestuurder en die Distriksmunisipaliteit se TMB voorlê.

(4) Voor of op 'n datum wat deur die Provinsiale Minister bepaal word, maar behoudens subartikel (2), moet die tussentydse munisipale bestuurder, in oorleg met die Distriksmunisipaliteit se TMB:-

(a) die skedules genoem in subartikel (1) konsolideer tot 'n enkele skedule en moet hy of sy na goeddunke elke personeellid en vakante pos waarvoor begroot is en wat in die gekonsolideerde skedule gelys is, finaal aan óf die Plaaslike Munisipaliteit óf die Distriksmunisipaliteit toewys vir oorplasing op die effektiewe datum in ooreenstemming met die beginsels in artikels 12 en 16C uiteengesit of enige ooreenkoms in subartikel (2) bedoel;

(b) 'n kopie van die skedule aan die Distriksmunisipaliteit se TMB voorlê en van die Distriksmunisipaliteit se TMB die kopie van die skedule deur daardie Distriksmunisipaliteit se TMB opgestel, verkry, en

(c) die skedule genoem in paragraaf (a) met die skedules wat ontvang is van die Distriksmunisipaliteit se TMB genoem in paragraaf (b),

konsolideer tot ‘n enkele skedule wat alle personeel wat na die Plaaslike Munisipaliteit oorgeplaas moet word, aantoon.

(5) Ondanks die beginsels wat in artikels 12 en 16C uiteengesit is, kan die tussentydse munisipale bestuurder, volgens ooreenkoms met die Distriksmunisipaliteit se TMB, die toewysing van personeel ingevolge subartikel (2) aanpas om voorsiening te maak vir ‘n meer doeltreffende algemene toewysing van personeel tussen die Plaaslike Munisipaliteit en die Distriksmunisipaliteit, met dien verstande dat geen aanpassing gedoen mag word nadat ‘n personeellid ingevolge subartikel (8) in kennis gestel is nie.

(6) Indien enige geskil met betrekking tot die toewysing van personeel tussen die tussentydse munisipale bestuurder en die Distriksmunisipaliteit se TMB ontstaan, moet sodanige geskil na die Provinsiale Minister verwys word vir beslissing deur die Provinsiale Minister of sy benoemde in ooreenstemming met prosedures wat deur die Provinsiale Minister bepaal word, en die besluit van die Provinsiale Minister of sy benoemde is finaal en bindend.

(7) Die tussentydse munisipale bestuurder moet die gekonsolideerde skedule in subartikel (4)(c) genoem, skriftelik verifieer en moet die skedule aan die Provinsiale Minister voorlê voor of op ‘n datum wat deur die Provinsiale Minister bepaal moet word.

(8) Na die opstelling van die enkele gekonsolideerde skedule genoem in subartikel (4)(c), moet die tussentydse munisipale bestuurder elke toekomstige personeellid van die Plaaslike Munisipaliteit voorsien van ‘n skriftelike kennisgewing wat sodanige personeellid meedeel dat hy of sy met ingang van die effektiewe datum in diens van die Plaaslike Munisipaliteit is.

(9) Die nie-ontvangs van die skriftelike kennisgewing genoem in subartikel (8) maak nie enige oorplasing ongeldig nie.

(10) Indien enige personeellid (“die beswaarmaker”) aanvoer dat sy of haar oorplasing nie in ooreenstemming met die beginsels uiteengesit in artikels 12 en 16C, enige ooreenkoms in subartikel (2) bedoel of die proses uiteengesit in hierdie artikel bewerkstellig is nie, kan die beswaarmaker binne 14 dae van inkennisstelling ingevolge subartikel (5) skriftelike beswaar aanteken by die tussentydse munisipale bestuurder van die munisipaliteit waarheen hy of sy oorgepaas is. Die tussentydse munisipale bestuurder moet die beswaar na die Provinsiale Minister verwys vir beslissing deur die Provinsiale Minister of sy of haar benoemde in ooreenstemming met prosedures wat deur die Provinsial Minister bepaal word en die besluit van die Provinsiale Minister of sy benoemde is finaal en bindend.

(subartikel (10) gewysig deur PK 117/2008)

(11) Hangende ‘n beslissing deur die Provinsiale Minister of sy benoemde ingevolge subartikel (10) moet die beswaarmaker oorgeplaas word na die munisipaliteit, soos in ooreenstemming met hierdie artikel beslis. Indien die Provinsiale Minister of sy benoemde beslis dat die beswaarmaker na ‘n ander munisipaliteit oorgeplaas moes word, moet die beswaarmaker na daardie munisipaliteit oorgeplaas word, en sy of haar oorplasing word geag in ooreenstemming met artikels 12 en 16C op die effektiewe datum bewerkstellig te gewees het.

(12) Indien enige personeellid nie aangetoon word in die skedule in subartikel (4)(a) genoem nie, of indien enige personeellid met ingang van die effektiewe datum aan meer as een munisipaliteit toegewys word, moet daardie

personeellid onmiddellik nadat hy of sy van enige van hierdie feite bewus word, dit aanmeld by die tussentydse munisipale bestuurder of die Distriksmunisipaliteit se TMB, wat die aangeleentheid in ooreenstemming met prosedures deur die Provinsiale Minister bepaal, na die Provinsiale Minister vir beslissing deur die Provinsiale Minister of sy benoemde moet verwys, en die besluit van die Provinsiale Minister of sy benoemde is finaal en bindend.

(13)Voor of op ‘n datum wat deur die Provinsiale Minister bepaal word, moet die Plaaslike Munisipaliteit ‘n diensstaat vir die Plaaslike Munisipaliteit goedkeur ingevolge relevante wetgewing en ‘n afskrif van die dokument waarin die diensstaat uiteengesit word, aan die Transformasiesubkamer van die Bedingingsraad voorlê; met dien verstande dat die Plaaslike Munisipaliteit nie ‘n diensstaat vir die Plaaslike Munisipaliteit finaal sal goedkeur, voordat die tussentydse munisipale bestuurder die gekonsolideerde skedule ingevolge subartikel (7) geverifieer het nie.

(14)Voor of op ‘n datum wat deur die Provinsiale Minister bepaal word, in soverre daar nie voor die effektiewe datum ingevolge artikel 13(2) van hierdie Bylae ‘n ooreenkoms bereik is nie, moet die Plaaslike Munisipaliteit, as ‘n lid van die Transformasiesubkamer van die Bedingingsraad, poog om kollektiewe ooreenkoms met die vakbonde in die Transformasiesubkamer van die Bedingingsraad te bereik betreffende die beginsels, prosedures en maatstawwe wat gevolg moet word om aanstellings te doen in die poste wat uit die skepping van ‘n nuwe organisasiestruktuur vir die Plaaslike Munisipaliteit voortspruit.

(15)Voor of op ‘n datum wat deur die Provinsiale Minister bepaal word, moet die Plaaslike Munisipaliteit aanstellings doen in die poste op die diensstaat in ooreenstemming met die beginsels, prosedures en maatstawwe waarop daar in die Transformasiesubkamer van die Bedingingsraad ooreengekom is.

(artikel 12A ingevoeg deur PK.675/2000)

Kollektiewe Ooreenkomste

13(1). Enige kollektiewe ooreenkoms aangegaan:-

(a) op ‘n nasionale vlak, of

(b) by die Bedingingsraad, of

(c) op ‘n plaaslike vlak;

voor die datum van publikasie van hierdie Bylaag, sal ten volle van krag bly totdat dit ooreenkomstig die bepalings van die betrokke ooreenkoms gewysig of beëindig word.

(2) Voor die effektiewe datum moet die afgeskafte munisipaliteite, as lede van die Transformasiesubkamer van die Bedingingsraad, daarna streef om ooreen te kom met die vakbonde ten aansien van:-

(a) die proses en kriteria vir die plasing van personeel in die nuwe organisatoriese strukture na die effektiewe datum;

(b) die proses wat gevolg sal word vir die vul van nuwe poste voortvloeiend uit die skep van ‘n nuwe organisatoriese struktuur vir die Plaaslike Munisipaliteit;

(c) die aanneem van bepalings en voorwaardes van indiensneming vir die Plaaslike Munisipaliteit na die effektiewe datum, en

(d) enige ander arbeidsaangeleenheid in verband met die instelling van die Plaaslike Munisipaliteit.

Menslikehulpbronaangeleenthede

14. Behoudens enige kollektiewe ooreenkoms:-

(a) is die menslikehulpbronbeleid en –prosedures van die Plaaslike Munisipaliteit die menslikehulpbronbeleid en –prosedures wat voor die effektiewe datum bestaan het, en dit bly op alle werknemers van toepassing op dieselfde wyse as wat dit voor die effektiewe datum die geval was, behoudens enige wysiging of herroeping deur die Plaaslike Munisipaliteit;

(b) is die bepalings en voorwaardes van indiensneming van alle werknemers van die Plaaslike Munisipaliteit, die bepalings en voorwaardes van indiensneming wat voor die effektiewe datum op elke werknemer van toepassing was; met dien verstande dat enige werknemer wat na die effektiewe datum aangestel word, aangestel sal word op die bepalings en voorwaardes van indiensneming soos vasgestel deur die Plaaslike Munisipaliteit.

Gevolge van Oorplasing ten opsigte van Sekere Personeelkwessies

15.(1) Behoudens enige kollektiewe ooreenkoms, word ‘n werknemer wie se pos as gevolg van die oorplasing verander word, nie geag oortollig te wees vir die doel van enige bepaling of voorwaarde van indiensneming of enige pensioenfondsreël wat aan die werknemer die keuse bied om sy of haar indiensneming met voordele te beëindig nie.

(2) Die bepalings van hierdie artikel is slegs van toepassing indien die werknemer onredelikerwys weier om die Plaaslike Munisipaliteit se aanbod van alternatiewe indiensneming te aanvaar.

(3) Vir die doeleindes van hierdie artikel sluit ‘n verandering van ‘n pos een of meer van die volgende in:-

(a) die pos bestaan nie meer nie;

(b) die pos is afgeskaf;

(c) die werknemer moet om die pos aansoek doen;

(d) die funksies en bevoegdhede van die pos het verander;

(e) daar is ‘n verandering in die werkgewer se identiteit;

(f) die pos word aan ander verslagdoeningskanale onderwerp;

(g) die pos word anders beskryf.

Regsopvolging

16. Met ingang van die effektiewe datum:-

(1) Sal die Plaaslike Munisipaliteit die regsopvolger van die afgeskafte munisipaliteite wees, en die munisipaliteite wat ingevolge die Distriksmunisipaliteitkennisgewings afgeskaf moet word, ten opsigte van die spesifieke bates en laste wat ingevolge hierdie Bylaag aan die Plaaslike Munisipaliteit toegewys word.

(2) Behoudens subartikel (1) en artikel 16D van hierdie Bylaag, word alle regte en verpligtinge van die afgeskafte munisipaliteite wat nie

ingevolge hierdie Bylaag toegewys word nie, toegewys aan die Plaaslike Munisipaliteit, en die Plaaslike Munisipaliteit is die regsopvolger van die afgeskafte munisipaliteite ten opsigte van sulke regte en verpligtinge.

(3) Sal alle belasting, inkomste en ander gelde betaalbaar aan enige afgeskafte munisipaliteit of deur die afgeskafte munisipaliteit verhaalbaar is, betaalbaar wees aan en verhaalbaar wees deur die regsopvolger van so ‘n afgeskafte munisipaliteit in ooreenstemming met die bepalings van hierdie Bylaag.

(4) Ondanks die bepalings van enige toepaslike wet, bly enige waardasielyste wat van krag is, of wat as gevolg van die instelling van tussentydse of bykomende waardasies ontstaan, na gelang van die van die geval, in die gebied van die Plaaslike Munisipaliteit, onderhewig andersins aan die bepalings van sodanige wet, van krag totdat ‘n algemene waardasielys vir die gebied van die Plaaslike Munisipaliteit opgestel is.

(5) Ondanks subartikel (1):-

(a) sal die Plaaslike Munisipaliteit die regsopvolger van die afgeskafte munisipaliteite met betrekking tot die sake wat uiteengesit word in die Wet op Transformasie van Sekere Landelike Gebiede en die Wet op Landelike Gebiede wees en in die mate, totdat dit oorgedra is na ‘n entiteit wat in artikel 3 van die Wet op Transformasie van Sekere Landelike Gebiede beoog word:-

(i) sal grond wat deur die Minister vir Landbou en Grondsake ingevolge artikel 7 van die Wet op Landelike Gebiede in trust gehou word en wat onderworpe is aan die bepalings van artikel 3 van die Wet op Transformasie van Sekere Landelike Gebiede, steeds berus by die Minister vir Landbou en Grondsake, en

(ii) sal grond wat ingevolge die Wet op Landelike Gebiede deur die afgeskafte munisipaliteite verkry is en wat onderworpe is aan die bepalings van artikel 3 van die Wet op Transformasie van Sekere Landelike Gebiede, met ingang van die effektiewe datum by die Plaaslike Munisipaliteit berus;

(b) grond in subartikel (2)(a) genoem sal, hangende oordrag ingevolge artikel 3 van die Wet op Transformasie van Sekere Landelike Gebiede, deur die Plaaslike Munisipaliteit ingevolge die Wet op Landelike Gebiede en die regulasies ingevolge die Wet op Landelike Gebiede gemaak, bestuur word.

(artikel 16 gewysig deur PK. 675/2000)

Beginsels wat Oorplasing van Bates, Laste en Rekords bepaal

16A. Met ingang van die effektiewe datum:-

(1) Alle bates, laste en rekords van die afgeskafte munisipaliteite wat uitsluitlik verband hou met funksies wat deur die Plaaslike Munisipaliteit verrig moet word, moet na die Plaaslike Munisipaliteit oorgeplaas word.

(2) Alle bates, laste en rekords van die afgeskafte munisipaliteite wat uitsluitlik verband hou met funksies wat deur die Distriksmunisipaliteit verrig moet word (insluitende funksies wat deur die Distriksmunisipaliteit in ‘n Distriksbestuursgebied verrig moet word), moet na die Distriksmunisipaliteit oorgeplaas word.

(3) Enige roerende bate van een van die afgeskafte munisipaliteite wat in verband staan met een of meer funksies wat met ingang van die effektiewe datum deur die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verrig sal word en wat tussen hulle verdeel kan word, moet tussen hulle verdeel word:-

(a) ooreenkomstig die persentasie werklike tyd wat die betrokke bate in elke gebied vir die funksie gebruik word;

(b) ooreenkomstig die persentasie werklike tyd wat die betrokke bate vir die funksie tot voordeel van elke party gebruik word, of

(c) op enige ander grondslag deur die Provinsiale Minister goedgekeur.

(4) Alle onroerende bates van die afgeskafte munisipaliteite wat verband hou met ‘n funksie of funksies wat deur die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verrig moet word, en alle roerende bates wat verband hou met ‘n funksie of funksies wat deur die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verrig moet en wat nie tussen hulle verdeel kan word nie, moet oorgeplaas word na die munisipaliteit wat die hoofgebruiker van daardie bate sal wees; met dien verstande dat enige ander munisipaliteit wat ‘n belang by daardie bate het, geregtig is om voort te gaan om daardie bate te gebruik teen betaling van ‘n proporsionele deel van die koste en totdat sy gebruikersreg volgens ooreenkoms beëindig word.

(5) Ondanks die bepalings van subartikel (4), kan die Plaaslike Munisipaliteit en die Distriksmunispaliteit ooreenkom om enige onroerende bate genoem in subartikel (4) wat onderverdeelbaar is, te onderverdeel of om enige groep bates genoem in subartikels (3) en (4) op ‘n billike grondslag te verdeel, met inagneming van die aard van en die doel wat gedien word deur so ‘n bate of bates, soos tussen hulle ooreengekom, en om elke deel daarvan in ooreenstemming met daardie ooreenkoms toe te wys.

(6) Alle finansiële bates van die afgeskafte munisipaliteite wat in verband staan met ‘n funksie of funksies wat deur die Plaaslike Munisipaliteit en Distriksmunisipaliteit verrig word, moet billik verdeel word tussen hulle, met inagneming van aard van en die doel wat gedien word deur daardie bate.

(7) Alle finansiële bates en laste van die afgeskafte munisipaliteite wat nie in verband staan met ‘n bepaalde funksie nie, moet tussen die Plaaslike Munisipaliteit en die Distriksmunisipaliteit op die volgende grondslag verdeel word:-

(a) opgehoopte voorsienings vir werknemersvoordele, soos opgehoopte verloffondse, moet oorgeplaas word, indien die voorsiening gekoppel kan word aan ‘n spesifieke werknemer in ooreenstemming met die oordrag van daardie werknemer ingevolge hierdie Bylaag, en in ander gevalle in verhouding tot die totale salaris- en loonvoorsiening wat na die Plaaslike Munisipaliteit en die Distriksmunisipaliteit oorgeplaas moet word;

(b) reserwes en voorsienings wat vir ‘n spesifieke doel opgehoop is, moet op ‘n billike grondslag oorgeplaas word, met inagneming van die aard van en doel wat gedien word deur elke bepaalde reserwe of voorsiening;

(c) reserwes en opgehoopte surplusse van ‘n algemene aard moet tussen die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verdeel word op die volgende grondslag:-

(i) in verhouding tot die mees onlangse gekonsolideerde finansiële state van die Distriksmunisipaliteit en Plaaslike Munisipaliteit;

(ii) enige ander grondslag deur die Provinsiale Minister goedgekeur.

(8) Alle ontasbare bates van die afgeskafte munisipaliteite wat in verband staan met ‘n funksie of funksies wat deur die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verrig moet word, moet aan een munisipaliteit toegewys word; met dien verstande dat die ander munisipaliteit met ‘n belang by daardie ontasbare bate geregtig is:-

(a) op billike kompensasie, insluitende finansiële, ruil- of ander kompensasie, soos ooreengekom, en

(b) om voort te gaan om daardie bate te gebruik teen betaling van ‘n proporsionele deel van die koste totdat sy gebruiksreg volgens ooreenkoms beëindig word.

(9) Alle rekords van die afgeskafte munisipaliteite wat in verband staan met ‘n funksie of funksies wat deur die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verrig moet word en wat nie tussen genoemde munisipaliteite verdeel kan word nie, moet toegewys word aan een munisipaliteit ooreenkomstig die funksie waarop die rekords die nouste betrekking het; met dien verstande dat die ander munisipaliteit die reg van toegang tot daardie rekords het en die reg om kopieë daarvan te verkry.

(10) Alle laste van die afgeskafte munisipaliteite wat in verband staan met ‘n funksie of funksies wat deur die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verrig moet word, moet op billike wyse gedeel word tussen die Plaaslike Munisipaliteit en die Distriksmunisipaliteit, met inagneming van die aard en doel van die las.

(11) Alle bates en laste van die afgeskafte munisipaliteite, uitgesonderd dié genoem in subklousule (7) wat nie met ‘n bepaalde funksie in verband staan nie, na die Plaaslike Munisipaliteit oorgeplaas word.

(artikel 16A ingevoeg deur PK. 675/2000)

Proses om Oorplasing van Bates, Laste en Rekords te bewerkstellig

16B.(1) Ondanks die bepalings van artikels 16A en 16C, en hangende die voltooiing van die oorplaasproses ingevolge hierdie artikel, moet alle bates, laste en rekords van die afgeskafte munisipaliteite, in soverre dit nodig is, tydelik na die Plaaslike Munisipaliteit oorgeplaas word en moet alle bates, laste en rekords wat na die Distriksmunisipaliteit oorgeplaas moet word ingevolge die bepalings van artikels 16A of 16C van hierdie Bylaag dienooreenkomstig geag word na die Plaaslike Munisipaliteit oorgeplaas te wees ingevolge ‘n agentskapsreëling tussen die Plaaslike Munisipaliteit en die Distriksmunisipaliteit ten effekte dat die Plaaslike Munisipaliteit die funksie of

funksies waarby die spesifieke bates, laste en rekords betrokke is, namens die Distriksmunisipaliteit sal verrig.

(2) Ten einde:-

(a) enige oorgangsbepalings ingevolge die Munisipale Strukture Wysigingswet te akkommodeer, of

(b) die Plaaslike Munisipaliteit en die Distriksmunisipaliteit toe te laat om ooreenkomste te sluit, met inbegrip van bedryfsooreenkomste,

wat die oordrag van bates, laste en rekords ingevolge hierdie Bylaag kan beïnvloed, sal geen bate, las of rekord finaal toegewys word, soos daarvoor voorsiening gemaak word in subartikel (4) voor 30 Junie 2001 nie, of sodanige alternatiewe datum as wat die Provinsiale Minister bepaal.

(3) Voor of op ‘n datum wat deur die Provinsiale Minister bepaal word, moet elke HUB ‘n skedule van alle bates, laste en rekords van sy of haar afgeskafte munisipaliteit opstel in ooreenstemming met ‘n formaat deur die Provinsiale Minister voorgeskryf, moet alle bates, laste en rekords van sy of haar afgeskafte munisipaliteit waarvoor begroot is in ooreenstemming met die beginsels uiteengesit in artikels 16A en 16C voorlopig toewys, en moet kopieë van die volle skedule aan die tussentydse munisipale bestuurder en die Distriksmunisipaliteit se TMB voorlê.

(4) Voor of op ‘n datum wat deur die Provinsiale Minister bepaal word, maar behoudens subartikel (2), moet die tussentydse munisipale bestuurder, in oorleg met die Distriksmunisipaliteit se TMB:-

(a) die skedules genoem in subartikel (1) konsolideer tot ‘n enkele skedule en moet finaal alle bates, laste en rekords gelys in die gekonsolideerde skedule toewys aan óf die Plaaslike Munisipaliteit óf die Distriksmunisipaliteit vir oordrag op die effektiewe datum in ooreenstemming met die beginsels uiteengesit in artikels 16A en 16C of enige ooreenkoms na verwys in subartikel (2);

(b) ‘n kopie van die skedule aan die Distriksmunisipaliteit se TMB voorlê en van die Distriksmunisipaliteit se TMB die kopie van die skedule deur die Distriksmunisipaliteit se TMB opgestel, verkry, en

(c) die skedule genoem in paragraaf (a) en die skedules wat van die Distriksmunisipaliteit se TMB ontvang is, genoem in paragraaf (b), konsolideer tot ‘n enkele skedule wat alle bates, laste en rekords wat na die Plaaslike Munisipaliteit oorgeplaas moet word, weergee.

(5) Ondanks die beginsels in artikels 16A en 16C uiteengesit, kan die tussentydse munisipale bestuurder volgens ooreenkoms met die Distriksmunisipaliteit se TMB die toewysing van bates, laste en rekords ingevolge subartikel (4) aanpas om voorsiening te maak vir ‘n doeltreffender algemene toewysing tussen die Distriksmunisipaliteit en die Plaaslike Munisipaliteit.

(6) Indien enige geskil met betrekking tot die toewysing van enige bates, laste of rekords tussen die tussentydse munisipale bestuurder en die Distriksmunisipaliteit se TMB ontstaan, moet sodanige geskil na die Provinsiale Minister verwys word vir beslissing deur die Provinsiale Minister of sy benoemde in ooreenstemming met prosedures wat deur die Provinsiale Minister bepaal word, en die besluit van die Provinsiale Minister of sy benoemde is finaal en bindend.

(7) Die tussentydse munisipale bestuurder moet die gekonsolideerde skedule genoem in subartikel (4)(c) skriftelik verifieer en dit aan die Provinsiale Minister voorlê voor of op ‘n datum wat deur die Provinsiale Minister bepaal word.

(8) So gou moontlik nadat die gekonsolideerde skedule ingevolge subartikel (7) geverifieer is, maar nie later nie as ‘n datum wat deur die Provinsiale Minister bepaal word, moet die tussentydse munisipale bestuurder die oorplasing van alle bates, laste en rekords van die afgeskafte munisipaliteite in werking stel.

(9) Die Plaaslike Munisipaliteit moet die oorplasing van bates, laste en rekords nie later nie as 12 maande na die effektiewe datum oudit, of sodanige latere datum as wat deur die Provinsiale Minister bepaal word.

(artikel 16B ingevoeg deur PK. 675/2000)

Oorplasing van personeel, bates en laste met betrekking tot funksies uitgesonderd dié gelys in artikel 84 van die Munisipale Strukturewet

16C. Ondanks die bepalings van artikels 12(1) en 16A van hierdie Bylaag en met ingang van die effektiewe datum, moet:-

(a) alle personeel, bates, laste en rekords van die afgeskafte munisipaliteite wat uitsluitlik betrokke is by of verband hou met:-

(i) paaie, behalwe munisipale paaie;

(ii) ambulansdienste;

(iii) gesondheidsdienste, behalwe munisipale gesondheidsdienste;

(iv) rampbestuur;

(v) behuising;

(vi) biblioteke;

(vii) museums;

(viii) watertoevoerstelsels, behalwe drinkbare watertoevoerstelsels;

(ix) natuur- en omgewingsbewaring, insluitende kusbeheer, omgewingsopvoeding, dierebeheer en beheer oor binnelandse waters, en

(x) verkeer en wetstoepassing,

na die Plaaslike Munisipaliteit oorgeplaas word ingevolge artikels 12(2), (3) en (4) en die proses uiteengesit in artikels 12A en 16B van hierdie Bylaag;

(b) enige personeellid, bate, las en rekord van die afgeskafte munisipaliteite wat nie verband hou met ‘n funksie genoem in artikel 84(1) van die Munisipale Strukturewet of paragraaf (a) nie, sal met inagneming van die effektiewe datum oorgedra word, ingevolge die beginsels en proses in artikels 12, 12A, 16A en 16B van hierdie Bylaag uiteengesit, na die Plaaslike Munisipaliteit wat die funksie waarby dit betrokke is sal verrig.

(artikel 16C ingevoeg by PK.675/2000)

Oorplasing van personeel, bates, laste en rekords met betrekking tot munisipale dienslewerings-ooreenkomste

16D.(1) Ondanks enige andersluidende bepaling van enige munisipale diensleweringsooreenkoms wat deur ‘n afgeskafte munisipaliteit aangegaan is en ingevolge waarvan daardie afgeskafte munisipaliteit die diensverskaffer is, moet alle personeel, bates, laste en rekords van die afgeskafte munisipaliteite in ooreenstemming met die bepalings van hierdie Bylaag oorgeplaas word.

(2) Die Provinsiale Minister moet bepaal watter munisipaliteit ingevolge enige munisipale diensleweringsooreenkoms wat ‘n afgeskafte munisipaliteit aangegaan het ingevolge waarvan daardie afgeskafte munisipaliteit die diensverskaffer is, die regsopvolger sal wees, en kan die Plaaslike Munisipaliteit of die Distriksmunisipaliteit gelas om enige tussentydse diensleweringsreëlings ingevolge artikel 19 van hierdie Bylae te implementeer en te administreer ten einde deurlopende dienslewering ingevolge so ‘n ooreenkoms te verseker.

(3) Vir die tydperk vanaf die effektiewe datum tot die datum waarop die Provinsiale Minister ‘n beslissing ingevolge subartikel (3) doen, is die Plaaslike Munisipaliteit die regsopvolger van die afgeskafte munisipaliteite met betrekking tot enige munisipale diensleweringsooreenkoms in subartikel (1) bedoel in ooreenstemming met die bepalings van artikel 19.

(artikel 16D ingevoeg deur PK. 675/2000)

Versuim om sekere bepalings van hierdie Bylaag te implementeer

16E. Indien die tussentydse munisipale bestuurder of enige ander persoon wat ‘n taak moet verrig soos in artikel 12A of artikel 16B uiteengesit, versuim of weier om dit te doen binne die tydperke in daardie artikels bepaal, kan die Provinsiale Minister enige persoon benoem om sodanige take te verrig, in welke geval die Plaaslike Munisipaliteit of die Distriksmunisipaliteit verplig is om ten volle met sodanige persoon saam te werk.

(artikel 16E ingevoeg deur PK. 675/2000)

Oorgangsbepalings met betrekking tot Verordeninge en Besluite

17.(1) Enige verordening wat onmiddellik voor die effektiewe datum in die gebied van ‘n afgeskafte munisipaliteit van krag is, sal met ingang van die effektiewe datum en hangende die hersiening en rasionalisering daarvan ingevolge artikel 15 van die Munisipale Strukturewet ten volle van krag bly in die gebied waarvoor dit afgekondig is, behoudens enige wysiging of herroeping deur die Plaaslike Munisipaliteit.

(2) Tensy onbestaanbaar met die sinsverband of duidelik ontoepaslik, moet ‘n verwysing in so ‘n verordening na:-

(a) ‘n afgeskafte munisipaliteit of sy voorganger, uitgelê word as sou dit ‘n verwysing na die Plaaslike Munisipaliteit wees, en

(b) ‘n struktuur of funksionaris van ‘n afgeskafte munisipaliteit uitgelê word as sou dit ‘n verwysing na die ooreenstemmende struktuur of funksionaris van die Plaaslike Munisipaliteit wees.

(3) Behoudens die bepalings van hierdie Bylaag en nieteenstaande die afskaffing van die afgeskafte plaaslike munisipaliteite, sal enige:-

(a) besluit geneem;

(b) kennisgewing, sertifikaat of ander dokument uitgereik;

(c) opdrag, goedkeuring, verlof of magtiging gegee of verleen;

(d) vrystelling, lisensie of permit verleen of uitgereik;

(e) aanstelling gedoen;

(f) werknemer benoem;

(g) ooreenkoms of kontrak aangegaan;

(h) delegasie van bevoegdhede aan ‘n werknemer verleen;

(i) belastings, tariewe of heffings gehef of opgelê;

(j) reservering van grond gedoen; en

(k) ander handeling verrig of ding gedoen,

deur ‘n afgeskafte munisipaliteit, behoudens die bepalings van hierdie Bylaag geag word deur die Plaaslike Munisipaliteit geneem, uitgereik, gegee, gedoen, benoem, aangegaan, verleen, geheg, opgelê of verrig te gewees het, hangende die hersiening en rasionalisering daarvan, ingevolge artikel 15 van die Munisipale Strukturewet.

(4) Behoudens artikel 20, 21, 22 en 23 van hierdie Bylaag, sal enige persoon wat op die effektiewe datum ‘n bevoegdheid uitoefen of ‘n plig of funksie verrig uit hoofde van die amp wat hy of sy beklee of uit hoofde van ‘n delegasie van bevoegdheid waarmee die afgeskafte munisipaliteit hom of haar beklee het, voortgaan om daardie bevoegdheid uit te oefen of daardie plig of funksie te verrig totdat die Plaaslike Munisipaliteit die teendeel besluit.

(5) Vir die toepassing van die Bylaag van die Regulasie aangaande die Verklaring van Vredesbeamptes wat ingevolge artikel 334 van die Strafproseswet, 1977 (Wet 51 van 1977) gemaak is, sal enige wetstoepassingsbeampte wat deur ‘n afgeskafte munisipaliteit aangestel is, na die effektiewe datum geag word deur die Plaaslike Munisipaliteit aangestel te gewees het vir die regsgebied van die Plaaslike Munisipaliteit.

(6) Enige statutêre plan wat in die regsgebied van die afgeskafte munisipaliteite van krag of in werking is, sal van krag of in werking bly ten opsigte van die gebied waarop dit bedoel was om van toepassing te wees, totdat dit deur die Plaaslike Munisipaliteit gewysig, verander of herroep word.

Finansiële Aangeleenthede

18.(1) Met ingang van die effektiewe datum sal die bestaande begrotings van die afgeskafte munisipaliteite tot 30 Junie 2001 die begroting van die Plaaslike Munisipaliteit uitmaak, en intermunisipale begrotingsoorplasings sal voorduur vir die 2000/2001 finansiële jaar.

(2) Ondanks die bepalings van subartikel (1) mag die Plaaslike Munisipaliteit:-

(a) die bestaande begrotings aanpas, of

(b) besluit om sy rekeninge te sluit en opnuut vir die res van die finansiële jaar te begroot;

mits enige so ‘n begroting ooreenkomstig tersaaklike wetgewing aangepas of opgestel en goedgekeur word, na gelang van die geval.

(3) Voor die aanvang van die 2001/2002 finansiële jaar moet die Plaaslike Munisipaliteit oorweeg om finansiële bestuursplanne en –beleide aan te neem betreffende:-

(a) maatreëls, insluitende intermunisipale begrotingsoorplasings, om inkomste stabiliteit vir die periode na die 2000/2001 finansiële jaar te verseker;

(b) mediumtermynuitgawe;

(c) gelykmaking van tariefstrukture;

(d) die opstel van ‘n nuwe algemene waardasierol vir die Plaaslike Munisipaliteit en die ingebruikneming van billike eiendomsbelatings;

(e) die ingebruikneming van gekonsolideerde rekeningleweringskemas;

(f) die konsolidasie van finansiële rekeningkundige stelsels en begrotingstelsels;

(g) kredietbeheer, en

(h) verkryging.

Administratiewe oorgangsreëlings

19.(1) Met ingang van die effektiewe datum tot die datum waarop alle personeel, bates, laste en rekords finaal toegewys is ingevolge die bepalings van hierdie Bylaag, of sodanige alternatiewe datum as wat die Provinsiale Minister bepaal, is die Plaaslike Munisipaliteit:-

(a) verplig om met alle personeel, bates, laste en rekords:-

(i) wat tydelik geplaas is ingevolge artikel 12A(1);

(ii) wat tydelik oorgedra is ingevolge artikel 16B(1), en

(iii) wat voorlopig toegewys is ingevolge artikels 12A(3) en 16B(3),

in die uiterste goeie trou te behandel met inagneming van die belange van die Distriksmunisipaliteit;

(b) sonder om afbreuk te maak aan die algemene aard van subartikel (1) en behoudens artikel 12(2), mag nie, met verwysing na paragrawe (i) en (vii) hieronder sonder die vooraf skriftelike goedkeuring van die Provinsiale Minister welke goedkeuring voorwaardelik mag wees, en met verwysing na paragrawe (ii), (iii), (iv), (v), (vi) en (viii) hieronder sonder die vooraf skriftelike goedkeuring van die Plaaslike Munisipaliteit, welke goedkeuring nie onredelik geweier mag word nie, geen verandering aan die dienstaat wat tydelik ingevolge artikel 12A(1) geplaas is, of voorlopig toegewys is ingevolge artikel 12A(3), maak of teweeg bring nie deur:-

(i) enige nuwe poste te skep of te vul;

(ii) enige vakatures te vul;

(iii) die hergradering of opskaling van enige poste te inisieer of te implementeer;

(iv) enige personeellid te bevorder;

(v) enige permanente funksies of pligte aan personeel op te dra, uitgesonderd op ‘n tydelike grondslag;

(vi) behoudens enige wet, bestaande kollektiewe ooreenkoms of dienskontrak:-

(aa) die goedkeuring en implementering van enige toelae of waarnemingstoelae;

(bb) die implementering van enige verhoging van salarisse of lone;

(vii) enige permanente verandering aan personeelstrukture en organisasiestrukture te implementeer, en

(viii) enige kollektiewe ooreenkoms aan te gaan, uitgesonderd ‘n kollektiewe ooreenkoms wat in die Bedingingsraad onderhandel en aangegaan is, wat die Distriksmunisipaliteit sal bind ten opsigte van enige aangeleentheid wat in hierdie subartikel genoem word;

(c) sonder om afbreuk te maak aan die algemene aard van subartikel (1), mag, sonder die vooraf skriftelike goedkeuring van die Distriksmunisipaliteit, welke goedkeuring nie onredelik geweier mag word nie, geen besluit neem of implementeer nie met betrekking tot enige bates, laste of rekords oorgedra ingevolge artikel 16B(1) of wat tydelik toegewys is ingevolge artikel 16B(3), wat daartoe sal lei dat sodanige munisipaliteit:-

(i) roerende of onroerende bates verkoop of verhuur ter waarde van meer as R20 000 (twintig duisend rand), uitgesonderd as ingevolge bestaande kontraktuele reëlings; met dien verstande dat hierdie bepaling nie van toepassing is nie op die beskikking oor onroerende eiendom ooreenkomstig ‘n goedgekeurde behuisingskema ingevolge die Behuisingswet, 1997 (Wet 107 van 1997);

(ii) roerende of onroerende bates koop ter waarde van meer as R20 000 (twintig duisend rand), uitgesonderd as ingevolge bestaande kontraktuele reëlings;

(iii) nuwe kontrakte met ‘n termyn van langer as een jaar sluit;

(iv) kontrakte vir ‘n termyn van langer as drie maande hernu;

(v) inligtingstegnologiestelsels, insluitende programmatuur en apparatuur, verkry, en

(vi) gebruik maak van:-

(aa) statutêre fondse, hetsy vir regstreekse kapitaal- of ander besteding of om besteding te finansier deur interne lenings aan te gaan vir ander doeleindes as vir verbonde en noodsaaklike infrastruktuurprojekte wat in die 2000/2001-begroting goedgekeur is;

(bb) trustfondse (wat nie ‘n raad se eie rekenings insluit nie) vir enige ander doel as dié waarvoor die fondse gehou word;

(cc) reserwefondse, reserwekapitaal of reserwevoorsienings vir ‘n ander doel as vir noodsaaklike begrote instandhouding van infrastruktuur, nie-begrote noodinstandhouding van infrastruktuur wat nie uit die bedryfsbegroting gefinansier kan word nie of vir die afskryf van slegte skulde, en

(dd) enige statutêre trust, reserwe of voorsiening wat nie kontant befonds word nie, uitgesonderd vir die afskryf van slegte skulde;

met dien verstande dat hierdie subartikel nie in ‘n noodgeval van toepassing is nie, en

(d) mag geen besluit neem of implementeer nie wat daartoe sal lei dat die Plaaslike Munisipaliteit sy goedgekeurde kapitaal- of bedryfsbegroting vir die 2000/2001 finansiële jaar sal oorskry.

(2) Indien enige geskil met betrekking tot die bepalings van subartikel (1) tussen die Plaaslike Munisipaliteit en die Distriksmunisipaliteit ontstaan, moet sodanige geskil na die Provinsiale Minister verwys word vir beslissing deur die Provinsiale Minister of sy benoemde in ooreenstemming met prosedures wat deur die Provinsiale Minister bepaal word, en die besluit van die Provinsiale Minister of sy benoemde is finaal en bindend.

(3) Enige kontrak wat aangegaan word in stryd met die bepalings van subartikel (1) of (2) is van nul en gener waarde.

(artikel 19 is vervang deur PK.675/2000)

Aanstelling van Waarnemende Beamptes

20. Voor die aanvang van die effektiewe datum, moet die Provinsiale Minister na die oorweging van enige aanbevelings deur die Distrikstransformasieforum, en waar toepaslik vir die Plaaslike Munisipaliteit, enige persoon in enige posisie wat ingevolge relevante wetgewing benodig word, aanstel, welke aanstelling in ‘n waarnemende hoedanigheid sal wees, en wie die amp op die effektiewe datum moet aanvaar en dit moet beklee totdat die Plaaslike Munisipaliteit sy eie aanstellings gedoen het ingevolge die relevante wetgewing.

Aanstelling van Tussentydse Munisipale Bestuurder

21.(1) Voor die aanvang van die effektiewe datum, moet die Provinsiale Minister na die oorweging van enige aanbevelings deur die Distrikstransformasieforum, ‘n tussentydse munisipale bestuurder aanstel wat die amp by aanstelling aanvaar en dit beklee totdat die Plaaslike Munisipaliteit sy eie munisipale bestuurder of waarnemende munisipale bestuurder aangestel het.

(2) Die pligte van die tussentydse munisipale bestuurder sal, onderworpe aan voorskrifte of besluite tot die teendeel wat deur die Plaaslike Munisipaliteit aangeneem is, soos volg wees:-

(a) om die eerste vergadering van die Raad van die Plaaslike Munisipaliteit ingevolge artikel 29(2) van die Munisipale Strukturewet byeen te roep;

(b) om op die eerste vergadering van die Raad van die Plaaslike Munisipaliteit voor te sit totdat die speaker verkies word;

(c) om na die effektiewe datum, as die hoof van administrasie en hoofrekenpligte beampte van die Plaaslike Munisipaliteit op te tree, totdat die Plaaslike Munisipaliteit sy eie munisipale bestuurder of waarnemende munisipale bestuurder aangestel het;

(d) om na die effektiewe datum, alle pligte wat deur die HUB van ‘n munisipaliteit ingevolge betrokke wetgewing verrig moet word, te verrig;

(e) om verantwoordelikheid te aanvaar vir die bewerkstelliging van die oorplasing van alle personeel, bates, laste en administratiewe en ander rekords na die Plaaslike Munisipaliteit;

(f) om sodanige persone aan te stel wat nodig is om sy of haar verpligtinge ingevolge hierdie Bylaag na te kom;

(g) om alle redelike stappe te doen om te verseker dat diensleweringskontinuïteit na die effektiewe datum gehandhaaf word;

(h) om tussentydse finansiële beheermeganismes vir die Plaaslike Munisipaliteit in te stel;

(i) om tussentydse verslagdoeningskanale en delegasies vir die Plaaslike Munisipaliteit in te stel;

(j) om dienskontrakte, agentskapsreëlings en diensleweringsooreenkomste te hersien en aan te beveel;

(k) om enige tussentydse diensleweringsreëlings tussen die Plaaslike Munisipaliteite en die Distriksmunisipaliteit asook tussen die Plaaslike Munisipaliteit en ander plaaslike munisipaliteite binne die gebied van die Distriksmunisipaliteit in werking te stel;

(l) delegeer enige van sy of haar magte of pligte aan enige werknemer van die Plaaslike Munisipaliteit en wysig of herroep enige sodanige delegasie, en

(m) om in die periode voor die effektiewe datum, voor te berei vir die uitvoering van die pligte uiteengesit in paragrawe (a) tot (l).

(3) Voor die effektiewe datum, moet die HUB's met die tussentydse munisipale bestuurder saamwerk ten aansien van al die aangeleenthede wat verbandhou met die instel van die Plaaslike Munisipaliteit.

(4) Met ingang van die effektiewe datum, handel die HUB's onder die leiding van, en doen hulle verantwoording aan, die tussentydse munisipale bestuurder, en het die tussentydse munisipale bestuurder al die magte van die HUB's.

Tussentydse Munisipale Assistentbestuurders

22. Die Provinsiale Minister mag, na die oorweging van enige aanbeveling deur die Distrikstransformasieforum, enige aantal tussentydse assistente, vir die tussentydse munisipale bestuurder aanstel, wat hul ampte by aanstelling aanvaar en dit beklee totdat die Plaaslike Munisipaliteit die aanstellings bevestig of beëindig het.

Senior Bestuurspan

23. Enige tussentydse assistente wat vir die tussentydse munisipale bestuurder aangestel is, sal saam met die tussentydse munisipale bestuurder die senior bestuurspan van die Plaaslike Munisipaliteit uitmaak, wat toesig moet hou oor die implementering van die instelling van die Plaaslike Munisipaliteit.

Aanstellings

24. Enige persoon ingevolge artikel 21 of 22 aangestel sal, behoudens die bepalings van artikel 12 van hierdie Bylaag, 'n werknemer van 'n afgeskafte munisipaliteit wees en sal sy of haar pligte op 'n gesekondeerde grondslag verrig.

Eerste Vergadering van die Raad van die Plaaslike Munisipaliteit

25.(1) Die tussentydse munisipale bestuurder moet minstens drie dae voor die eerste vergadering van die Raad van die Plaaslike Munisipaliteit, ‘n kennisgewing aan elke raadslid by sy of haar woonplek of ‘n ander plek wat deur die betrokke raadslid bepaal is, stuur waarin die plek, datum en tyd van die eerste vergadering gespesifiseer word en wat die agenda bevat; met dien verstande dat die tussentydse munisipale bestuurder, as dit in sy of haar opinie nodig is, die eerste vergadering met ‘n korter kennisgewing mag belê.

(2) Behoudens enige verordening wat van krag is, maar onderhewig aan die bepalings van die Munisipale Strukturewet, is die reëls en orders vir die eerste vergadering van die Raad van die Plaaslike Munisipaliteit die reëls en orders soos uiteengesit in Provinsiale Kennisgewing 411/1988, soos afgekondig in Provinsiale Koerant No. 4532 van 20 Mei 1988, met die nodige wysigings soos vereis deur die konteks, welke reels van krag sal bly totdat reëls en orders aangeneem word deur die Raad van die Plaaslike Munisipaliteit.

(subartikel (2) gewysig deur PK.675/2000 en PK. 117/2008)

(3) Die vergaderplek vir die eerste vergadering van die Raad van die Plaaslike Munisipaliteit sal in Stellenbosch wees.

(subartikel (3) gewysig deur PK.675/2000)

(4) Die agenda van die eerste vergadering sal soos volg wees:-

(a) die verkiesing van die speaker;

(b) of die Plaaslike Munisipaliteit die instelling van ‘n uitvoerende komitee verlang, en indien wel, die bepaling van ‘n stelsel van verteenwoordiging vir die verkiesing van die uitvoerende komitee;

(c) die verkiesing van raadslede om op die uitvoerende komitee te dien;

(d) die verkiesing van die burgemeester vanuit die geledere van die uitvoerende komitee;

(e) die verkiesing van die onderburgemeester, waarvoor goedkeuring deur die Provinsiale Minister verleen word, vanuit die geledere van die uitvoerende komitee, en

(f) enige ander sake deur die tussentydse munisipale bestuurder bepaal en in die agenda uiteengesit.

Toepassing van hierdie Kennisgewing

25A. Indien enige konflik rakende die aangeleenthede wat in hierdie Kennisgewing hanteer word sou ontstaan tussen hierdie kennisgewing en die bepalings van enige artikel 84(3)-kennisgewing afgekondig deur die Nasionale Minister of enige artikel 18-kennisgewing afgekondig deur die Provinsiale Minister, geniet die bepalings van die artikel 84(3)-kennisgewing of artikel 18-kennisgewing, na gelang van die geval, voorrang.

(artikel 25A ingevoeg deur PK.675/2000)

Uitvoerende Onderburgemeester

25B. Goedkeuring word verleen ingevolge artikel 55 van die Munisipale Strukture Wet, soos gewysig, vir die verkiesing van ‘n uitvoerende onderburgemeester.

(artikel 25B ingevoeg deur PK.184/2003)

Kort titel en Inwerkingstreding

26. Hierdie Kennisgewing heet die Munisipaliteit Stellenbosch (WCO24) Instellingskennisgewing en tree in werking op die datum van publikasie.

5.	ELECTION OF THE SPEAKER

5.1	ELECTION PROCESS

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 17 November 2026**

THE MUNICIPAL MANAGER CONDUCTS ELECTION AND HANDS OVER CHAIR TO SPEAKER AFTER ELECTION PROCESS IS CONCLUDED

---

1. SUBJECT: ELECTION OF THE SPEAKER

2. PURPOSE

To provide for the election process of the Speaker.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

In terms of Section 36 of the Local Government: Municipal Structures Act, 117/98:-

- Each municipal Council must have a chairperson who will be called the Speaker;
- At its first sitting after its election, a municipal Council must elect its Speaker from among the Councillors;
- The Municipal Manager of the municipality or, if the Municipal Manager is not available, a person designated by the MEC for local government in the province, presides over the election of a Speaker;
- The procedure set out in Schedule 3 of the Structures Act applies to the election of a Speaker; and
- A Councillor may not hold office as Speaker and Mayor at the same time.

In terms of Section 38 of the said Act, the Speaker is elected for a term ending when the next Council is declared elected, subject thereto that a Speaker vacates office during a term if that person, in terms of Section 39-

- resigns as Speaker;
- is removed from office by a resolution of Council; or
- ceases to be a Councillor.

5. RECOMMENDATION

that Council elects a Speaker from among the Councillors in terms of the procedure set out in Schedule 3 of the Municipal Structures Act (*supra*).

6. DISCUSSION

6.1 Election Procedure

Schedule 3 of the said Act, which deals with the election of municipal office bearers, reads as follows:

"***Application***

1. The procedure set out in this Schedule applies whenever a municipal council meets to elect a speaker.

Nominations

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

Formal requirements

3.(1) A nomination must be made on the form determined by the municipal manager.

(2) The form on which a nomination is made must be signed by two members of the municipal council.

(3) A person who is nominated must indicate acceptance of the nomination by signing either the nomination form or any other form of written confirmation.

Announcement of names of candidates

4. At a meeting to which this Schedule applies, the person presiding must announce the names of the persons who have been nominated as candidates, but may not permit any debate.

Single candidate

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

Election procedure

6. If more than one candidate is nominated-

(a) a vote must be taken at the meeting by secret ballot;

(b) each councillor present at the meeting may cast one vote; and

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

Elimination procedure

7.(1) If no candidate receives a majority of the votes, the candidate who receives the lowest number of votes must be eliminated and a further vote taken on the remaining candidates in accordance with item 6. This procedure must be repeated until a candidate receives a majority of the votes.

(2) When applying subitem (1), if two or more candidates each have the lowest number of votes, a separate vote must be taken on those candidates, and repeated as often as may be necessary to determine which candidate is to be eliminated.

Further meetings

8.(1) If only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, a further meeting must be held within seven days at a time determined by the person presiding.

(2) If a further meeting is held in terms of subitem (1), the procedure in this Schedule must be applied at that meeting as if it were the first meeting for the election in question.

(3) If at the further meeting held in terms of subitem (1) only two candidates are nominated or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, the person presiding at such meeting must determine by lot who of the two candidates will hold the office for which the election has taken place."

Hereto attached as **APPENDIX 1** is the prescribed form for the nomination of the Speaker. Copies of the form, as well as ballot papers, will be available at the meeting.

HAVING CONCLUDED THE ELECTION OF THE SPEAKER, THE MUNICIPAL MANAGER NOW HANDS OVER THE CHAIR TO THE DULY ELECTED SPEAKER OF THE STELLENBOSCH MUNICIPAL COUNCIL.

5.2	ACCEPTANCE SPEECH BY THE NEWLY ELECTED SPEAKER

5.3	POLITICAL PARTIES' RESPONSES

An opportunity is afforded the political parties to offer brief responses.

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
CONTACT NUMBERS	*021 808 8025*
E-MAIL ADDRESS	*municipal.manager@stellenbosch.gov.za*
REPORT DATE	*11 November 2026*

ITEM 5

Appendix 1

Nomination Form:

Election of the Speaker

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

NOMINATION FORM:

ELECTION OF THE SPEAKER

We, the undersigned, hereby nominate the following person:

FULL NAME OF NOMINEE: ……..

Signed at Stellenbosch this …….. day of ……2026.

Name of Mover

Nominator 1: Name: ……..

Signature: ……..

Seconder: Name: ……..

Signature: ……..

I, ……..……(full name) ……(ID number)

the undersigned, hereby accept the nomination / do not accept the nomination*

Signed at Stellenbosch this …… day of ……2026.

…….

SIGNATURE OF NOMINEE

*delete the part that is not applicable

In terms of Section 3(1) of Schedule 3 of the Structures Act

6.	MATTERS FOR CONSIDERATION

6.1	RULES OF ORDER

Collaborator No:

IDP KPA Ref No: **Good Governance and Compliance**

Meeting Date: **Council: 17 November 2026**

---

1. SUBJECT: RULES OF ORDER

2. PURPOSE OF REPORT

To inform Council of the Rules of Order that will apply at the first and subsequent meetings of Council and its Committees, until amended by Council.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

As provided for in Section 160(6) of the Constitution of The Republic of South Africa, a municipal council may make by-laws which prescribe rules and orders for –

(a) its internal arrangements;
(b) its business and proceedings; and
(c) the procedures, powers and functions of its committees.

Such a set of Rules of Order, which governs the way meetings are to be conducted within a municipality, must be formally adopted by Council.

The existing Rules of Order Regulating the Conduct of Council and Council Committee Meetings of The Stellenbosch Municipality is **distributed as APPENDIX 1**.

5. RECOMMENDATION

that the existing Rules of Order as set out in **APPENDIX 1** be used as the Rules of Order applicable to the Stellenbosch Municipality's Council and Council Committee meetings until amended.

6. DISCUSSION

Council, at its Adjourned 1st Meeting, held on 23 November 2021 resolved to adopt the then-existing Rules of Order, which would remain in force until such time that it be amended.

Subsequently, Council at its 6th Council Meeting held on 27 July 2022, approved the revised Rules of Order.

APPENDICES:

Appendix 1: Rules of Order

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
CONTACT NUMBERS	*021 808 8025*
E-MAIL ADDRESS	*municipal.manager@stellenbosch.gov.za*
REPORT DATE	*11 November 2026*

ITEM 6.1

Appendix 1

Rules of Order of
Council of Stellenbosch Municipality:
2022-07-27

Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE

Provincial Gazette Extraordinary

8646

Friday, 5 August 2022

PROVINSIE WES-KAAP

Buitengewone Provinsiale Koerant

8646

Vrydag, 5 Augustus 2022

Registered at the Post Office as a Newspaper

CONTENTS

*(*Reprints are obtainable at Room M21, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.)*

LOCAL AUTHORITY

Stellenbosch Municipality: Standing Rules of Order for the Meetings of the Council and its Committees 2

STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

STANDING RULES OF ORDER FOR THE MEETINGS OF THE COUNCIL AND ITS COMMITTEES

March 2022 review

Date approved by Council: 27 July 2022

MUNICIPAL NOTICE

The Municipal Council of Stellenbosch Municipality adopted the following bylaw at its meeting held on 27 July 2022 under section 165 (2) of the Constitution of the Republic of South Africa 1996, read with section 31 (2) of the Local Government: Municipal Structures Act 117 of 1998, and hereby publishes the bylaws under section 13 (a) of the Local Government: Municipal Systems Act 32 of 2000 to come into effect on the date of publication of this Notice in the *Provincial Gazette*.

STELLENBOSCH MUNICIPALITY STANDING RULES OF ORDER FOR THE MEETINGS OF THE COUNCIL AND ALL ITS COMMITTEES.

TABLE OF CONTENTS **PAGE**

1.	Application of the rules	4
2.	Definitions	4
3.	Council meetings open to the public	5
4.	Council meetings	6
5.	Special Council meetings	6
6.	Serving of notices	7
7.	Non-serving of notices	7
8.	Urgent matters	7
9.	Conduct at meetings	8
10.	Interpretation of the rules	8
11.	Quorum and acts of Council	9
12.	Decisions and voting	9
13.	Disclosure of interest and removals	10
14.	Walkout	11
15.	Head count	11
16.	Adjourned meetings	11
17.	Notice of adjourned meetings	11
18.	Chair at meetings	11

19.	Agenda	11
20.	Order of business at Council meetings	12
21.	Leave of absence and attendance	13
22.	Minutes to be kept and approved	13
23.	No discussion on minutes during approval stage	14
24.	Motions	14
25.	Amendments to recommendations	15
26.	Precedence of the speaker	16
27.	Relevance	16
28.	Members' right to speak	16
29.	Mayoral address	17
30.	Debate management	17
31.	Length of speeches	17
32.	Disorderly conduct by councillors and the chair's function	17
33.	Obstruction by persons other than councillors	18
34.	Points of order and personal explanations	19
35.	Questions	19
36.	Terms of reference of subcommittees	20
37.	Extension or restriction of powers by the Council	20
38.	Minutes of executive committee, Mayoral Committee, and Council committees and subcommittees	20
39.	Inspection of minutes	20
40.	Non-attendance by committee members	20
41.	Council members attending meetings of committees of which they are not members	21
42.	Information to be obtained from the Municipal Manager or heads of department	21
43.	Information to the media: in-committee discussions	21

44. Legal defence and indemnification of councillors and officers of the Council 22

45. Speaker may refer matters for legal advice 22

46. Activities prohibited within the Council chamber or meeting venue and the use of the Council chamber by other persons or institutions 22

47. Sanctions and offences 23

48. Dress code 23

1. **Application of the rules**

1.1 The rules of order contained in this Notice apply to all meetings of the Municipal Council and any committee of the Municipal Council, as well as any other committee of councillors established within the Municipality, unless the terms of reference for a specific structure explicitly exclude the application of these rules for such structure.

1.2 The aim of the rules are to allow free, open and constructive debate during meetings; to promote freedom of expression in such a manner that orderly debate is ensured within the time constraints of the time allocated to meetings.

1.3 The rules are meant to create the opportunity for councillors serving in Council structures to air their views on any matter of public importance.

1.4 The rules of order apply to:

1.4.1 all councillors;
1.4.2 all officials of the Municipality; and
1.4.3 all members of the public present in the Council chamber/ precinct/on a virtual platform.
1.4.4 The provisions under these rules also applies to all virtual meetings.

2. **Definitions**

In these rules, the following terms and phrases have the meaning assigned to them below:

Code of Conduct – the Code of Conduct for councillors as set out in Schedule 1 of the Systems Act;

Committee – any committee established in the Municipal structure, including but not limited to committees established under sections 79 and 80 of the Structures Act;

Constitution – the Constitution of the Republic of South Africa 1996;

Council – the Municipal Council of Stellenbosch Municipality;

Councillor – a member of the Municipal Council;

Council whip – the person elected as the Council whip in terms of the Local Government Structures amendment Act (3/21)

Day – a day that is not a public holiday, Saturday or Sunday; for the purposes of calculating a period of days, the first day is excluded and the last is included;

Executive Mayor – the Executive Mayor of the Municipality as elected under section 55 of the Structures Act;

In committee – the part of a meeting of the Municipal Council during which the meeting is closed to members of the public and press, and to such municipal officials as determined by the speaker – excluding the Municipal Manager – because of the nature of the business being transacted;

Local Government Municipal Structures Amendment Act – refers to Act 3/2021

Mayoral Committee – the committee appointed by the Executive Mayor under section 60 of the Structures Act;

Member – a councillor serving on the Municipal Council of the Municipality;

Motion – a matter submitted by a member in accordance with rule 24 below;

Municipality – Stellenbosch Municipality;

Urgent matter - A matter will be deemed urgent if the required decision would prejudice the Council, its operations or both should it be delayed.

Point of order – a point raised by a councillor during a Council meeting that relates to a matter of procedure only, as provided for in the rules of order;

Precinct – the area defined by the chair at the meeting concerned;

Privilege – the right to freedom of speech for councillors at Council and committee meetings, subject to the rules of order or any ruling by the speaker under such rules; as well as the right not to be held liable for civil or criminal proceedings for anything said or submitted to the Council or Committee or produced by such bodies;

Procedural motion – a matter raised by a member at a meeting in accordance with rule 34;

Report – any item included in the agenda for consideration by the Council or a committee;

Senior managers – the person appointed by the Council as the Municipal Manager as well as all managers directly accountable to the Municipal Manager, as approved under the official organisational structure of the Municipality;

Sergeant-at-arms – a person in the full-time employment of the Municipality, who is charged to assist the speaker in maintaining order at Council meetings and who may be assisted by such staff members as the speaker may direct;

Speaker – the person as elected under section 36 of the Structures Act;

Special meeting – any additional Council meeting called by the speaker by the powers vested in the speaker;

Structures Act – the Local Government: Municipal Structures Act 117 of 1998;

Systems Act – the Local Government: Municipal Systems Act 32 of 2000;

Urgent special meeting – a special meeting related to an urgent matter under rule 5.4.

Venue – the place or location where a meeting is held, including any public gallery and any virtual platform on which a meeting is conducted;

Whip – a member of the Municipal Council, one whip appointed by each political party represented on the Council, to perform the function set out in rule 9.

3. **Council meetings open to the public**

3.1 The Municipal Council must conduct its business in an open manner, and every meeting of the Council and all its committees must be open to the

public, provided that this rule will not apply when an open meeting would be unreasonable having regard to the nature of the business being transacted under section 20(1)(*a*) and (*b*) of the Systems Act.

3.2 When meetings are conducted on a virtual platform the link to such meetings will be made available on social media platforms and on the website.

3.3 The Council will convene "in committee" when discussing any of the following matters:

3.3.1 a trade secret or confidential commercial information of any supplier of the Municipality or any person rendering a service to the Municipality;

3.3.2 personal and private information of any councillor or Municipal employee;

3.3.3 the Municipality's intention to purchase or acquire land or buildings;

3.3.4 the price that the Municipality may offer for the purchase or acquisition of land or buildings;

3.3.5 any report regarding legal proceedings that the Municipality is involved in, or that it is contemplating to institute or defend;

3.3.6 disciplinary proceedings or proposed disciplinary proceedings against any Municipal employee;

3.3.7 any matter of which disclosure is forbidden by legislation;

3.3.8 the minutes of previous in-committee discussions; and

3.3.9 any matter the Speaker may rule warrants an in-committee discussion to prevent reputational damage to the municipality;

3.4 A councillor may, when an agenda item – other than a matter referred to in 3.3 above and provided that it not be a matter that is required by law to be dealt with at an open meeting – is put to order, propose (with motivation) that the matter be dealt with further in committee. The speaker's ruling in this regard is final and no further discussion will be allowed.

3.5 Councillors must switch on their cameras when they are requested to by the Speaker or the Council Whip or when speaking.

4. **Council meetings**

The Council must hold an ordinary meeting for the transaction of business at least once every three months.

5. **Special Council meetings**

5.1 The speaker may, at any time and of his/her own accord, call a special Council meeting; provided that no such special meeting may take place unless all councillors have received notice of at least 48 hours before the date and time set for the meeting.

5.2 The speaker must, upon written request of a majority of the councillors, call a special Council meeting; provided that no such special meeting may take place unless all councillors have received notice of at least 48 hours before the date and time set for the meeting.

5.3 Should the speaker fail or refuse to call a special meeting when requested in accordance with 5.2 above, the Municipal Manager must call the special meeting for the date set out in the written request, and at a venue and time determined by the Municipal Manager.

5.4 The speaker may, at any time and of his/her own accord, call an urgent Council meeting; provided that no such urgent meeting may take place unless all councillors have received notice of at least 24 hours before the date and time set for the meeting.

6. **Serving of notices**

The Municipality must distribute a notice to each councillor to attend a meeting, specifying the business proposed to be transacted (agenda) and signed by the Speaker or the Municipal Manager as contemplated in rule 5 above, by electronic mail to the official email address of each councillor. The following time frames are to be followed:

6.1 at least 72 hours before any ordinary Council meeting; or

6.2 at least 48 hours before any special meeting.

6.3 24 hours before any urgent special Council meeting,

6.4 A notice to attend the meeting, specifying the business proposed to be transacted and signed by the speaker or the Municipal Manager as contemplated in rule 5 above, must be distributed by electronic mail to the address provided to each councillor as their official email address.

6.5 when a matter related to a by-law must be considered, notice of the item must be given at least seven (7) days before the matter is to be considered.

6.6 Hard copies will be made available only upon request and with the approval of the speaker under exceptional circumstances. Councillors who make such requests must pay the printing costs and must collect the document personally.

7. **Non-serving/ non-receipt of notices**

7.1 Accidental omission to serve on any councillor a notice of a meeting does not invalidate the proceedings of that meeting.

7.2 This also applies to the non-receipt of electronic notices.

8. **Urgent matters**

8.1 No business may be transacted at a meeting of the Council or any Council committee other than that specified in the relevant agenda, except any matters that the chair concerned may consider urgent and only after the chair has ruled the matter to be urgent.

8.2 The Municipal Manager may raise matters for decision by the Council that, in the Manager's discretion, are urgent. A matter will be deemed urgent if the required decision would prejudice the Council, its operations or both should it be delayed.

8.3 The speaker or chair at a meeting must determine an appropriate time when the Municipal Manager may raise urgent matters, as well as the time available for discussing them, provided that the speaker may rule that the matter is not urgent as defined in 8.2 above.

9. **Conduct at meetings**

The speaker or the chair at a meeting must:

9.1 maintain order during the proceedings;

9.2 ensure that the Code of Conduct for Councillors be adhered to during the meeting;

9.3 ensure that the meeting be conducted in accordance with these rules;

9.4 ensure that members conduct themselves in a dignified and orderly manner during the meeting;

9.5 ensure that members of the public attending meetings be seated in areas designated for that purpose;

9.6 ensure that members of the public attending meetings conduct themselves in an orderly manner and obey any ruling made by the speaker or chair at the meeting;

9.7 ensure that any councillor or member of the public refusing to comply with the ruling of the speaker or chair leave the meeting;

9.8 ensure that the whip of each political party represented in the Municipal Council, as well as the single whip of Council, maintain discipline during the meeting. and

9.9 Ensure that where meetings are conducted on the virtual platform each councillor sit at his/her own electronic device.

9.10 Participants must also adhere to the rules in regard to any chats in the chatroom

10. **Interpretation of the rules**

10.1 The ruling of the speaker or the chair at a meeting regarding the application and interpretation of the rules, as well as other procedural matters not dealt with in these rules, is final and binding; provided that the speaker or chair may be required to furnish reasons for a ruling.

10.2 Any ruling made by the speaker or chair must be done with due regard for the provisions of the Constitution, national and provincial legislation, municipal by-laws and policies (including these rules), the rule of law and the rules of natural justice.

11. **Quorum and acts of Council**

11.1 A majority of the councillors must be present at a Council meeting before any matter may be considered or put to the vote.

11.2 Should there be no quorum for a meeting, the meeting must be suspended for no more than 20 minutes. If, at the end of the stated time, there is still no quorum, the speaker or chair may suspend the meeting for a period that they deem fit and thereafter adjourn the meeting to reconvene on another date and at another time and/or venue.

12. **Decisions and voting**

12.1 Subject to 12.3 below, all matters must be decided by a majority of councillors present at the meeting.

12.2 Before a formal vote is taken on any matter before the Council, the speaker must indicate that voting is due to take place, where after no member or other person may be allowed to enter or leave the venue or further debate the matter.

12.3 Any matter referred to in section 160(2) of the Constitution is to be decided by a majority of the councillors.

12.4 Should there be an equality of votes on any matter, the speaker of chair may exercise a casting vote in addition to that particular councillor's deliberative vote; provided that the casting of such vote fall within the ambit of the powers duly delegated to the relevant committee

12.5 For the matters listed in section 160(2) of the Constitution there is no provision for a casting vote.

12.6 Should the speaker or chair ask the meeting whether it is in agreement with the recommendations before them and should no member present raise an objection, such recommendations are adopted without being put to the vote formally.

12.7 In the event of there being opposition to a recommendation, the decision is taken by means of voting – either by show of hands or, if requested and if approved by the speaker, by way of secret ballot.

12.8 Where the meeting is held on a virtual platform the Speaker will request each political party whip to indicate their vote on the matter and all the members of that party will then be deemed to have voted as indicated by the party whip unless specifically indicated otherwise by a member.

12.9 The council whip counts the votes and declares the result of the decisions to the chair.

12.10 In the event of a secret ballot, the Municipal Manager must hand each councillor a ballot paper bearing the official mark or logo of the Municipal Council and clearly depicting the options to be voted for.

12.11 The Municipal Manager must collect all ballot papers and count them in the presence of a representative of each party represented on the Council or committee and present at such meeting.

12.12 If the meeting is held on a virtual platform and the facility for a secret ballot is available the secret voting facility will be used.

12.13 Upon receiving the results, the speaker or chair declares the motion carried or lost, which must be recorded in the minutes.

12.14 The number of votes cast must be recorded, along with the general result. The outcome of the voting will be announced by the speaker.

12.15 Members may abstain from voting.

12.16 Members may request that their support/dissent/abstention be recorded in the minutes.

13. **Disclosure of interest and removals**

A councillor or other member of a meeting:

13.1 must disclose to the meeting any direct personal or private business interest that they themselves, or their spouse, partner or business associate or close family member, may have in any matter before the Council or the committee;

13.2 must withdraw from the proceedings until the matter has been concluded; unless the meeting decides by resolution that the person's direct or indirect interest in the matter is trivial or irrelevant;

13.3 who, or whose spouse, partner or business associate or close family member, acquires or stands to acquire any direct benefit from a contract concluded with the Municipality, must disclose full particulars of the benefit of which the person is aware at the first meeting at which it is possible for them to make such disclosure.

13.4 Rule 13.3 does not apply to an interest or benefit that a councillor or other member, or their spouse, partner or business associate or close family member, has or has acquired in common with other residents and ratepayers of the Municipal area.

13.5 when a councillor or other member of a committee or a member of the public has been asked to leave a Council meeting by the Speaker or the chair, they will not be allowed to return to that meeting or any in-committee session at that meeting. This includes any adjournment of a Council meeting where the speaker and chair concerned have requested a member or committee member or member of the public to leave the meeting and precinct.

13.6 When the meeting is conducted on a virtual platform the councillor requested to leave must leave the meeting and may not take part on the meeting through any other electronic device, whether his own or some one else's.

14. **Walkout**

Should a councillor or group of councillors leave any meeting in protest, and the remaining councillors constitute a quorum, the business of the meeting proceeds as usual. It includes any virtual meeting.

15. **Head Count**

Should, during any sitting of the Council or any Council committee, the attention of the speaker or chair be called to the number of members present, he/she will request the Council Whip to count them and, should it be found that no quorum is present, the matter must be dealt with in accordance with rule 14 above.

16. **Adjourned meetings**

A council meeting or a Council committee meeting may be adjourned to any date or hour so decided by the Speaker or the chair, but may not proceed to transact any business at such adjourned meeting, except for such matters as was set out in the notice for the meeting that has so been adjourned.

17. **Notice of adjourned meetings**

When a meeting is adjourned, notice of the adjourning must be sent to each Council or committee member, specifying the time, date and place of the adjourned meeting, subject to rule 32.3 and 32.6.

18. **Chair at meetings**

18.1 The speaker – or, in the speaker's absence, the acting speaker – serves as chair at all Council meetings. An acting speaker may be elected by the majority of councillors present at any Council meeting where the speaker is not present.

18.2 The Executive Mayor chairs meetings of the Mayoral Committee and, in the Executive Mayor's absence, the Deputy Executive Mayor; and, should the Deputy Executive Mayor also be unavailable, any other councillor appointed by a majority Mayoral Committee members in attendance.

18.3 The Executive Mayor must appoint a chair to serve at meetings of the portfolio committees (section 80 of the Structures Act).

18.4 The person so appointed by Council must chair Council committee meetings (section 79), provided that, where no such person was nominated, the members present may elect their own chair.

19. **Agenda**

Subject to 19.1 and 19.2 below, all meetings must be conducted in accordance with the order in which matters appear on the relevant agenda, and only matters included in the agenda may be debated.

19.1 The speaker or chair may, after considering a duly motivated request, change the order of agenda items.

19.2 The speaker or chair may, after considering a duly motivated request, direct that a matter be moved between the "in-committee" and open-meeting sections of the agenda.

20. **Order of business at Council meetings**

The order of business of an ordinary Council meeting is as follows:

1. Opening and welcome
2. Mayoral address
3. Communications by the speaker
4. Communications by the Municipal Manager
5. Disclosure of interests
6. Applications for leave of absence (Dealt with by Council Whip)
7. Approval of the minutes of the previous meeting
8. Statutory matters
9. Report by the Municipal Manager on outstanding resolutions
10. Items for noting:
- **10.1 Report(s) by the Executive Mayor**
- **10.2 Report(s) by the speaker**
- **10.3 Report(s) by the Municipal Manager**

11. Items for consideration from the Executive Mayor in consultation with the Mayoral Committee:
- **11.1 Protection Services**
- **11.2 Youth, Sports and Culture**
- **11.3 Corporate Services**
- **11.4 Financial Services**
- **11.5 Human Settlements**
- **11.6 Infrastructure Services**
- **11.7 Parks, Open Spaces and Environment**
- **11.8 Planning**
- **11.9 Local Economic Development and Tourism**
- **11.10 Rural Management and Tourism**
- **11.11 Municipal Manager**

12. Consideration of items, reports, communications, petitions and applications submitted via the Office of the Municipal Manager
13. Municipal Public Accounts Committee (MPAC)
14. Reports by the Municipal Manager
15. Consideration of notices of questions and notices of motions received by the speaker
16. Consideration of urgent motions
17. Urgent matters submitted by the Municipal Manager

18. Reports by the speaker

19. Matters to be considered in-committee

21. **Leave of absence and attendance**

All councillors must punctually attend and remain in attendance for the full duration of each meeting of Council or one of its committees, unless leave of absence has been granted or a matter serves before the meeting in which a councillor or committee member or their spouse, partner or business associate or close family member has any direct or indirect personal or private business interest and such councillor or committee member is required to withdraw in terms of the Code of Conduct.

21.1 Applications for leave of absence from any Council or committee meeting must be submitted to the Council whip for approval by the speaker or the relevant chair. The application must be in writing and signed by the member applying for leave.

21.2 For any meeting other than an urgent special meeting, all applications for leave must be submitted at least 12 hours before the starting time of the meeting. In case of an urgent special meeting, the Council whip must receive the application an hour before the meeting. In the case of extenuating circumstances, an application must be submitted as soon as is reasonably possible.

21.3 The speaker or chair may grant leave at their sole discretion, and the speaker or chair is at liberty to reject an application for leave of absence; except when such request is accompanied by a medical certificate prescribing a member's being absent or due to an emergency. A medical certificate that is not attached to a request for absence must be submitted within three (3) working days after the meeting and must be dated at least on the date of the meeting. No medical certificate will be required for an emergency.

22. **Minutes to be kept and approved**

22.1 Minutes of the proceedings of every meeting of the Council and its committees must be recorded electronically or otherwise and kept for that purpose by the Director: Corporate Services. The Municipal Manager is responsible for the accuracy of the minutes, and every set of minutes must be approved at the next ordinary meeting.

22.2 Minutes of the proceedings of every Council or committee meeting must be recorded, put in writing and printed and, once approved, signed by the chair at the next ensuing ordinary meeting. Minutes must be bound and kept secure.

22.3 The Municipal Manager must ensure that the minutes reflect the names of the members who attended the meeting, those who were absent and those who had been granted leave of absence.

23. **No discussion on minutes at approval stage**

Any motion or discussion during the approval of the minutes is limited to its accuracy of the decisions.

24. **Motions**

24.1 No matter may be brought before a meeting by any member except upon a notice of motion, which must be submitted in writing on a form prescribed for such purpose and signed by the member giving the notice as well as a member seconding it.

24.2 All notices of motion must be submitted to the speaker or chair ten (10) days before the meeting concerned.

24.3 All notices of motion must be dated and numbered as received by the Municipal Manager, and are entered on the agenda paper in the order in which they have been received; save and except that notices of amendment to motions must be entered immediately after the notice of motion that they relate to, irrespective of the time at which the notice has been received.

24.4 Subject to rule 35.4 no member may enter more than two notices of motion on the same agenda.

24.5 Before any notice of motion may be placed on the agenda, it must be submitted to the Municipal Manager, who must obtain the written technical input from the various heads of department of the Municipality, if so required; and who, should the Manager be of the opinion that the motion would be *ultra vires* existing legislation, must ensure that the member concerned be so informed. The notice giver does have the right to appeal to a committee comprising the speaker, Executive Mayor and Council whip of the Council, who will review the matter on the papers alone and decide whether or not such notice of motion should be included in the agenda.

24.5.1 A motion lapses if the member who submitted it is absent at the meeting where the motion is to be debated. The motion concerned must be resubmitted.

24.5.2 The member who submitted a motion must introduce it at the meeting and has the right to deliver a reply.

24.5.3 No motion will be considered that that has the same purport as a motion that was rejected in the three preceding months.

24.6 When a motion is introduced, it must be read out together with the number allocated to it and the name of the mover.

24.7 The speaker or chair must ascertain which motions are unopposed; these must be passed without debate. Thereafter the opposed motions will be called in accordance with the order on the agenda.

24.8 The speaker may disallow a motion that:

24.8.1. may lead to discussion of a matter already dealt with on the agenda;

24.8.2 addresses a matter on which the Council has no jurisdiction;

24.8.3 addresses a matter on which a decision of a judicial or quasi-judicial body is pending;

24.8.4 has not been seconded;

24.8.5 if passed, would contradict existing law; or

24.8.6 is frivolous

24.9 The mover may withdraw a motion or amendment with the consent of the seconder.

24.10 The speaker or chair may call upon any mover of an amendment to a motion to reduce the same to writing and sign it, and to hand it to the Municipal Manager to read it for the meeting's adoption or rejection. Except upon the recommendation of the committee to which the Council has delegated powers or duties to deal with the particular subject matter, no resolution passed at any Council meeting may be revoked or altered at any subsequent meeting, unless notice of a motion to amend or revoke has been submitted as contemplated in section 24.

25. **Amendments to recommendations**

25.1 An amendment that is moved:

25.1.1 must be relevant to the recommendation, motion or proposal on which it is moved;

25.1.2 must be reduced to writing, signed by the mover and seconder, and handed to the speaker; and

25.1.3 may be moved by a member only while he/she is speaking on a recommendation, motion or proposal under debate.

25.1.4 in the case of minor changes the Speaker may rule that rule 25.1.2 will not apply;

25.2 A member who has moved an amendment may speak thereon for no longer than three (3) minutes, but the seconder will not be allowed to speak thereon, and all amendments that have been moved must be put to the vote once the debate upon such recommendation, motion or proposal has been closed.

25.3 More than one amendment may be moved to a recommendation, motion or proposal and, subject to rule 25.9, all amendments that have been moved must be put to the vote once the debate upon such recommendation, motion or proposal has been closed.

25.4 No member may move more than one amendment to a recommendation, motion or proposal.

25.5 If the Mayor or member of the Mayoral Committee or chair of a committee or the mover of the original motion wishes to address the

Council on any amendment moved to such recommendation, motion or proposal, they may do so only during their reply.

25.6 The debate is closed after the Mayor or member or chair has delivered their reply.

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

25.8 The speaker must state each amendment to a recommendation, motion or proposal clearly to the meeting before it is put to the vote.

25.9 If an amendment be carried, the amended recommendation, motion or proposal must take the place of the original recommendation, motion or proposal, in respect of which only further proposed amendments will be put to the vote; provided that, should the speaker be of the opinion that an amendment that has been carried renders another amendment unnecessary or pointless, may rule that such other amendment need not be put to the vote, in which case the latter amendment lapses.

25.10 Council may at any time following a recommendation by the Executive Mayor, rescind or amend any resolution passed by it, provided that no such rescission or revocation of a decision may detract from any rights that may have accrued as a result of the resolution.

26. **Precedence of the speaker**

26.1 Members at a sitting of the Council or a committee must have their heads uncovered; except for members in traditional, cultural or religious headdress.

26.2 Councillors must remain seated while speaking, addressing the speaker or chair at all times.

26.3 Councillors must put on their cameras when speaking during virtual meetings;

26.4 Whenever the speaker or chair speaks, any member speaking or offering to speak at that moment must be silent in order for the speaker to be audible and speak without interruption.

27. **Relevance**

Members who speak must confine their speech strictly to the motion or matter under discussion or to an explanation or a question of order.

28. **Members' right to speak**

Unless otherwise provided for in these rules, no member may speak more than once on any recommendation or amendment to a recommendation(s), motion or proposal; provided that the Executive Mayor or a member may reply in conclusion of a debate – even then confining their comments to previous speakers, without introducing any new matter into the debate.

29. **Mayoral address**

29.1 After the speaker has opened the meeting, but before any matters on the agenda are dealt with, the Executive Mayor may address the meeting on any matter, whether it be on the agenda or not, which he/she deems appropriate. No points of order or debate are allowed during the Mayoral address.

29.2 At the conclusion of the Mayoral address, the speaker may allow a maximum of ten (10) minutes for questions and answers arising from such address. The speaker must ensure that the time available be allocated proportionally to the political parties, and as agreed at the whips' meeting.

29.3 The Executive Mayor may reply to any questions envisaged in rule 29.2 above or, if so directed by the Executive Mayor, by any other member of the Mayoral Committee.

30. **Debate management**

30.1 The speaker determines the time allocated to each political party.

30.2 At least 24 hours before the meeting, the whip of each political party represented on the Municipal Council must provide the Council Whip with a list indicating which agenda items are to be debated.

30.3 At least 12 hours before the meeting, the Council whip must provide the speaker or chair with a list indicating which members will speak on which agenda items.

30.4 The speaker determines the time allocated per item, and informs the whips of the speaking time allowed each member included in the list, based on the principle in 29.2 above.

30.5 Each political party or interest group represented on the Municipal Council has the right to speak on each agenda item.

31. **Length of speeches**

31.1 No speech may be longer than three (3) minutes without the speaker's consent. This allotted time excludes consecutive translation time required.

31.2 The speaker or the chair will be entitled at any time to set, limit or extend reasonable time limits for discussion and/or decision-making regarding any item or group of items on the relevant agenda.

32. **Disorderly conduct by councillors and the chair's function**

32.1 Should members at any meeting conduct themselves improperly, behave unseemly or persistently obstruct business to be transacted at that meeting, challenge a ruling by the speaker or chair, or decline to withdraw an expression when required to do so by the speaker or the chair, indulge in tedious repetition or unbecoming language, or commit

any breach of these rules, the speaker or chair may rule those members to be out of order and may direct them to conduct themselves properly and, if they have been speaking, to cease such speech immediately.

32.2 Should members persistently disregard directions by the speaker or chair, the latter may declare those members to be out of order and direct them to retire from the venue for the remainder of that meeting and, if necessary, may cause them to be ejected from the venue. The speaker or chair will launch an investigation under the Code of Conduct regarding such behaviour.

32.3 Unless otherwise ruled, such members are excluded for the full duration of the meeting concerned, including the "in-committee" section of the meeting and any adjournment of that meeting.

32.4 Should members refuse to retire from the venue, the speaker or chair may request the Sergeant-at-arms to facilitate the removal of such members.

32.5 If this cannot be done in an orderly manner, the speaker or chair at the meeting may adjourn proceedings for no longer than 15 minutes to allow for the relevant members to retire or be ejected from the venue. If the members have not left or been ejected by the time that the meeting is to be resumed, it may be adjourned for another 10 minutes to resolve the situation.

32.6 After a second adjournment the speaker or chair may rule that the meeting will re-convene at another venue and time, and that any members ordered to retire or so evicted or ordered to be evicted will be refused entry to the alternative venue. The Council's Sergeant-at-arms must ensure that such members do not, indeed, enter the alternative venue.

32.7 When the meeting is conducted on a virtual platform the councillor requested to leave must leave the meeting and may not take part in the meeting through any other electronic device, whether his own or someone else's.

A councillor requested to leave will be cut from the virtual platform by the administration.

33. **Obstruction by persons other than councillors**

Any persons other than members who misconduct themselves, behave unseemly or interrupt the proceedings of the Council or any Council committee meeting must, should the speaker or chair so direct, leave the venue or be removed from it. Should such persons refuse to leave, the Sergeant-at-arms is responsible for removing them from the venue. The speaker or the chair may exclude such persons from further admittance to the venue or the meeting for a period as the speaker or chair may deem fit.

34 Points of order and personal explanations

34.1 All members, whether they have addressed the Council on the matter under debate or not, may raise a point of order at any time and must specify the rule upon which they raise it after having been acknowledged by the speaker or chair.

34.2 All members who have addressed a meeting on the matter under discussion may raise a point of personal explanation in order to only clarify any misunderstanding or incorrect interpretation of their input .

34.3 No point of order or personal explanation constitutes a speech and, therefore, will not affect any members' right to speak on a particular item; provided that they must be limited to one (1) minute speaking on the point of order or personal explanation.

34.4 Any members contemplated in rule 34.1 and 34.2 must be heard, and the member speaking at the time as well as all other members must remain silent until the speaker or chair has ruled on the matter.

34.5 The ruling by the speaker or chair on a point of order or on the admissibility of a point of personal explanation is final and will not be open to discussion.

34.6 Members who persist in raising a point of order or of personal explanation after the speaker of chair has made a ruling are subject to rule 32 above.

35. **Questions**

35.1 All members may submit a question requiring a written reply from any political office bearer, the Municipal Manager or Senior Manager of the Municipality concerning any matter related to the Municipality's effectively performing its functions and exercising its powers; provided that a written notice of such question must be submitted to the speaker or chair and the Municipal Manager at least 10 days before the Council or committee meeting, and the political office bearer and the Municipal Manager must ensure that the members concerned receive a written reply at the meeting.

35.2 If, after questions have been replied to, members should consider a reply to be unclear or satisfactory, they may request a follow-up question in writing with the permission of the speaker or chair.

35.3 All questions duly given notice of and all responses submitted must be recorded in the minutes.

35.4 Each member may raise/file/petition only two (2) motions or two (2) questions, or one (1) question and one (1) motion, per meeting.

35.5 Members may not submit a question or motion that is substantially the same as a motion or question raised in the previous three months; the speaker or chair has sole discretion to make a ruling regarding the substance of a motion or question.

36. **Terms of reference of subcommittees**

Upon the appointment of any subcommittee of Council, the Council must specify the terms of reference of such subcommittee and determine the number of members required for a quorum.

37. **Extension or restriction of powers by the Council**

The Council may at any time extend, withdraw or modify the duties and powers of a committee or subcommittee appointed under section 79 of the Structures Act.

38. **Minutes of executive committee, Mayoral Committee, and Council committees and subcommittees**

38.1 Every committee must keep minutes of its proceedings and cause the same to be duly stored by the Director: Corporate Services.

This provision applies to the Mayoral Committee too, except when it is specifically exempted from this duty by a resolution by the Council in view of the sensitivity, confidentiality or other nature of the subject matter of a particular meeting; and provided that the final resolution or recommendation be duly recorded in writing.

38.2 At every ordinary meeting of a committee, the minutes of the previous meeting will be taken as read, with a view to approving it; provided that a copy of such minutes be attached to the agenda and have been sent to each member of the committee beforehand.

38.3 No discussion will be allowed regarding the minutes, except as to its accuracy or the resolutions taken, save at portfolio committee meetings – and even then at the sole discretion of the chair.

39. **Inspection of minutes**

39.1 Once approved, the minutes of recent Council meetings must be posted on the Municipality's website for perusal.

39.2 Hard copies of minutes and historical minutes may be inspected, but access must be applied for as per the Municipality's policy regarding PAIA (Promotion of Access to Information Act 2 of 2000), and may attract an administration fee.

40. **Non-attendance by committee members**

40.1 Should any member of the Council or a committee of Council fail to attend three or more consecutive meetings of the relevant body without leave of absence having been granted as contemplated in rule 21 above, item 4 of the Code of Conduct (Schedule 1 to the Systems Act)

applies and must be removed as a councillor in terms of the Code of Conduct.

40.2 Members of Council or a committee who fail to attend a meeting of the relevant body without leave of absence having been granted as contemplated in rule 21 above may incur a fine of 10% of their monthly salary for every meeting that the member was absent from.

40.3 A committee consisting of the speaker, the Council whip and two other party whips chosen on a rotational basis must investigate before a fine is imposed under rule 40.2, and report to Council on the transgression contemplated by rule 40.2 read with rule 21.

41. **Council members attending meetings of committees of which they are not members**

41.1 Members of the Municipal Council may attend the meeting of any committee of which they are not a member. In all such instances, the Council members are granted observer status and thus may not participate or vote at such meetings.

41.2 The provisions of rule 41.1 do not apply to the Municipal Public Accounts Committee (MPAC).

41.3 Mayoral Committee members may be requested to attend MPAC meetings, and the notice must specify the matters on which the Mayoral Committee member is expected to address the MPAC.

41.4 Mayoral Committee members who have been requested to attend an MPAC meeting may request that the Municipal Manager – or a senior manager, with the Municipal Manager's permission – accompany them to such MPAC meeting; however, they may not instruct such official to appear before and address the MPAC on their behalf.

42. **Information to be obtained from the Municipal Manager or heads of department**

Subject to the provisions of rule 38 above, Council members who wish to obtain from any Municipal official information about the Municipality's administrative work – which information is not accessible to the general public – must address their enquiries firstly to the Municipal Manager in writing; in the event of the Municipal Manager refusing such request, the Council member concerned may submit a PAIA application.

43. **Information to the media including social media platforms: in-committee discussions**

43.1 The Executive Mayor or, in his/her absence, the Deputy Executive Mayor and the Municipal Manager – or their delegated representative according to their discretion – may supply, upon application to them by any registered newspaper, radio station, television service or internet

publisher, information and reports relating to the Municipality's work to such media or their representatives.

43.2 In view of the Municipal Manager or the Executive Mayor being the authorised channel through which the media may receive information and reports, Council and committee members must refrain from providing the media with documents or information that they have received for the purposes of discussion by the Council or committee; on the understanding that this clause is not be construed as abrogating councillors' individual constitutional right to make press statements that reflect their personal or political views, not those of the Council; and provided, further, that no in-committee discussion may be conveyed to the public or media except by the Executive Mayor or Municipal Manager.

43.3 Committee chairs must liaise with the Executive Mayor and Municipal Manager for the publication of any information relating to the committee concerned; if approved, the Municipal Manager will arrange for the publication of the relevant information.

44. **Legal defence and indemnification of members and officers of the Council**

The Council (as per the delegations) may determine the circumstances in which it will undertake the defence of or pay the legal costs or the total costs and the amount in respect of any legal proceedings, whether civil or criminal, that a councillor or an official may have against any person, body, organisation or institution arising from the councillor's or official's capacity as a Municipal official.

45. **Speaker may refer matters for legal advice**

The speaker may, within the framework of the Municipality's approved operational budget and subject to its supply chain management policy, refer any matter pertaining to the Council and its proceedings for legal advice.

46. **Activities prohibited within the Council chamber or meeting venue and the use of the Council chamber by other persons or institutions**

46.1 All persons and institutions who make use of the facilities must respect and adhere to the decorum of the Council chamber as the official seat of Municipal governance at all times.

46.2 The following activities, conducted by whosoever, are strictly prohibited within the confines of the Council chamber or a meeting venue of the Council or its committees:

46.2.1 being in possession of a cellular telephone that is not in silent mode;

46.2.2 speaking on a cellular phone during a meeting; and

46.2.3 consuming any food or drink, excluding water provided at the meeting or bottled water.

46.3 The use of the Council chamber by any persons or institutions other than a recognised committee, body of or person in the employ of the Municipality is subject to approval by the speaker's office, and at all times dependent on the venue's availability as regards the Council's calendar of use and the purpose for which it is requested. Applications for use must be submitted in writing to the speaker, who will confer with the Director: Corporate Services about making the venue available and send a written reply.

47. **Sanctions and offences**

Any person who wilfully contravenes any provision of these rules is guilty of an offence and subject to the following sanctions imposed by the Council:

47.1 a fine as determined by Council from time to time for the categories of offences as approved by Council by resolution from time to time;

47.2 suspension from attending Council or committee meetings as the Council may determine, for such a period as the Council may determine by resolution from time to time for the categories of offences as determined by Council.

48. **Dress code**

48.1 The Council may by resolution prescribe a dress code for councillors and traditional leaders attending meetings.

48.2 Notwithstanding the provisions of any resolution passed in accordance with rule 48.1, no councillor will be allowed to wear to any meeting any clothing or accessory that displays party-political paraphernalia or any clothing that may offend a party or person.

THIS BYLAW REPLACES ALL PREVIOUS BYLAWS IN REGARD TO STELLENBOSCH STANDING RULES OF ORDER FOR THE MEETINGS OF THE COUNCIL AND ITS COMMITTEES

6.2	ELECTION OF THE EXECUTIVE MAYOR

6.2.1	ELECTION PROCESS

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 17 November 2026**

1. SUBJECT: ELECTION OF THE EXECUTIVE MAYOR

2. PURPOSE

To elect the Executive Mayor.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

In terms of the Stellenbosch Municipality (WCO24) Establishment Notice, read with the subsequent amendment notices, Stellenbosch Municipality is a municipality with a mayoral executive system combined with a ward participatory system.

Section 55(1)(c) of the Municipal Structures Act states that:-

"If a Municipal Council chooses to have an Executive Mayor, it must elect an Executive Mayor, from among its members at a meeting that must be held within 14 days after the Council's election". The procedures set out in Schedule 3 of the Municipal Structures Act apply to the election of an Executive Mayor.

5. RECOMMENDATION

that Council elects an Executive Mayor in terms of the procedures set out in Schedule 3 of the Municipal Structures Act (*supra*).

6. DISCUSSION

6.1 ELECTION PROCEDURE

The election procedure is set out in Schedule 3 of the Structures Act.

6.2 *SCHEDULE 3*

Election of municipal office-bearers

Application

1. The procedure set out in this Schedule applies whenever a municipal Council meets to elect a Speaker, an Executive Mayor, a Deputy Executive Mayor, a Mayor or Deputy Mayor.

Nominations

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

Formal requirements

3. (1) A nomination must be made on the form determined by the Municipal Manager.

(2) The form on which a nomination is made must be signed by two members of the Municipal Council.

(3) A person who is nominated must indicate acceptance of the nomination by signing either the nomination form or any other form of written confirmation.

Announcement of names of candidates

4. At a meeting to which this Schedule applies, the person presiding must announce the names of the persons who have been nominated as candidates, but may not permit any debate

Single candidate

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

Election procedure

6. If more than one candidate is nominated –

(a) a vote must be taken at the meeting by secret ballot;

(b) each Councillor present at the meeting may cast one vote; and

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

Elimination procedure

7. (1) If no candidate receives a majority of the votes, the candidate who receives the lowest number of votes must be eliminated and a further vote taken on the remaining candidates in accordance with Item 6. This procedure must be repeated until a candidate receives a majority of the votes.

(2) When applying subitem (1), if two or more candidates each have the lowest number of votes, a separate vote must be taken on those candidates, and repeated as often as may be necessary to determine which candidate is to be eliminated.

Further meetings

8. (1) If only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, a further meeting must be held within seven days at a time determined by the person presiding.

(2) If a further meeting is held in terms of subitem (1), the procedure prescribed in this Schedule must be applied at that meeting as if it were the first meeting for the election in question.

(3) If at the further meeting held in terms of subitem (1) only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, the person presiding at such meeting must determine by lot who of the two candidates will hold the office for which the election has taken place."

In terms of Item 3(1) of Schedule 3, a nomination must be made on a form determined by the Municipal Manager. A pro-forma form for the nomination of an Executive Mayor is attached as **APPENDIX 1.** Ballot papers will be available at the meeting.

APPENDICES

Appendix 1: Pro-forma nomination form

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
CONTACT NUMBERS	*021 808 8025*
E-MAIL ADDRESS	*municipal.manager@stellenbosch.gov.za*
REPORT DATE	*11 November 2026*

6.2.2	**ACCEPTANCE SPEECH BY THE NEWLY ELECTED EXECUTIVE MAYOR**

6.2.3	**POLITICAL PARTIES' RESPONSES**

An opportunity is afforded the political parties to offer brief responses.

ITEM 6.2

Appendix 1

Nomination Form:

Election of the Executive Mayor

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

NOMINATION FORM:

ELECTION OF THE EXECUTIVE MAYOR

We, the undersigned, hereby nominate the following person:

FULL NAME OF NOMINEE: ……..

Signed at Stellenbosch this …….. day of ……2026.

Name of Mover

Nominator 1: Name: ……..

Signature: ……..

Seconder: Name: ……..

Signature: ……..

I, ……..……..……(full name) …….(ID number)

the undersigned, hereby accept the nomination / do not accept the nomination*

Signed at Stellenbosch this …… day of ……..2026.

…….

SIGNATURE OF NOMINEE

*delete the part that is not applicable

In terms of Section 3(1) of Schedule 3 of the Structures Act

6.3	ELECTION OF THE DEPUTY EXECUTIVE MAYOR

6.3.1	ELECTION PROCESS

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 17 November 2026**

1. SUBJECT: ELECTION OF THE DEPUTY EXECUTIVE MAYOR

2. PURPOSE

To elect the Executive Deputy Mayor.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

If a Municipal Council chooses to have an Executive Mayor, it must, in terms of Section 55(1)(c) of the Municipal Structures Act, elect an Executive Mayor and, if the MEC for Local Government in the province so approves, also a Deputy Executive Mayor, from among its members at a meeting that must be held within 14 days after the Council's election, or within 14 days after the date with effect from which the type of the municipality has been changed.

Attached as **APPENDIX 2** is the Stellenbosch Municipality insertion P.N 184/2003.

With reference to the status of the Deputy Executive Mayor, Section 60(2) of the Municipal Structures Act, 117 of 1998, states that "*the mayoral committee must consist of the deputy executive mayor (if any) and as many councillors as may be necessary for effective and efficient government, provided that no more than 20 per cent of the councillors or 10 councillors, whichever is the least, are appointed.*"

Hence, by virtue of section 60(2) of the Municipal Structures Act, a Deputy Executive Mayor must form part of the mayoral committee, if one is elected. Therefore, based on this legal provision, read with Item 9(b) of the Establishment Notice of Stellenbosch Municipality, the Deputy Executive Mayor of Stellenbosch Municipality is a full-time councillor as he/she is a member of the mayoral committee.

In terms of Section 4 of the Section 16 Amendment Notice, Stellenbosch Municipality is authorised to elect a Deputy Executive Mayor.

The procedures set out in Schedule 3 of the Municipal Structures Act apply to the election of a Deputy Executive Mayor.

5. RECOMMENDATION

that Council elects a Deputy Executive Mayor in terms of the procedures set out in Schedule 3 of the Municipal Structures Act (*supra*).

6. DISCUSSION

6.1 ELECTION PROCEDURE

"*SCHEDULE 3*

Election of municipal office-bearers

Application

1. The procedure set out in this Schedule applies whenever a municipal Council meets to elect a Speaker, an Executive Mayor, a Deputy Executive Mayor, a Mayor or Deputy Mayor.

Nominations

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

Formal requirements

3. (1) A nomination must be made on the form determined by the Municipal Manager.

(2) The form on which a nomination is made must be signed by two members of the Municipal Council.

(3) A person who is nominated must indicate acceptance of the nomination by signing either the nomination form or any other form of written confirmation.

Announcement of names of candidates

4. At a meeting to which this Schedule applies, the person presiding must announce the names of the persons who have been nominated as candidates, but may not permit any debate.

Single candidate

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

Election procedure

6. If more than one candidate is nominated –

(a) a vote must be taken at the meeting by secret ballot;

(b) each Councillor present at the meeting may cast one vote; and

(c) the person presiding must declare elected the candidate who receives a majority of the votes

Elimination procedure

7. (1) If no candidate receives a majority of the votes, the candidate who receives the lowest number of votes must be eliminated and a further vote taken on the remaining candidates in accordance with Item 6.

This procedure must be repeated until a candidate receives a majority of the votes.

(2) When applying subitem (1), if two or more candidates each have the lowest number of votes, a separate vote must be taken on those candidates, and repeated as often as may be necessary to determine which candidate is to be eliminated.

Further meetings

8. (1) If only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, a further meeting must be held within seven days at a time determined by the person presiding.

(2) If a further meeting is held in terms of subitem (1), the procedure prescribed in this Schedule must be applied at that meeting as if it were the first meeting for the election in question.

(3) If at the further meeting held in terms of subitem (1) only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, the person presiding at such meeting must determine by lot who of the two candidates will hold the office for which the election has taken place."

In terms of Item 3(1) of Schedule 3, a nomination must be made on a form determined by the Municipal Manager. A pro-forma form for the nomination of a Deputy Executive Mayor is attached as **APPENDIX 1.** Ballot papers will be available at the meeting.

APPENDICES

Appendix 1: Pro-forma form for the nomination

Appendix 2: Principal Establishment Notice dated 22 September 2000

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
CONTACT NUMBERS	*021 808 8025*
E-MAIL ADDRESS	*municipal.manager@stellenbosch.gov.za*
REPORT DATE	*11 November 2026*

6.3.2	**ACCEPTANCE SPEECH BY THE NEWLY ELECTED DEPUTY EXECUTIVE MAYOR**

6.3.3	**POLITICAL PARTIES' RESPONSES**

An opportunity is afforded the political parties to offer brief responses.

ITEM 6.3

Appendix 1

Nomination Form:

Election of the Deputy Executive Mayor

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

NOMINATION FORM:

ELECTION OF THE DEPUTY EXECUTIVE MAYOR

We, the undersigned, hereby nominate the following person:

FULL NAME OF NOMINEE: ……..

Signed at Stellenbosch this …….. day of ……2026.

Name of Mover

Nominator 1: Name: ……..

Signature: ……..

Seconder: Name: ……..

Signature: ……..

I, ……..……..……(full name) ……(ID number)

the undersigned, hereby accept the nomination / do not accept the nomination*

Signed at Stellenbosch this …… day of ……..2026.

…….

SIGNATURE OF NOMINEE

*delete the part that is not applicable

In terms of Section 3(1) of Schedule 3 of the Structures Act

ITEM 6.3

Appendix 2

Principal Establishment Notice
dated September 2000

P.N. 489/2000 22 September 2000

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

Amended by:
Provincial Notice 675 dated 4 December 2000
Provincial Notice 456 dated 19 December 2002
Provincial Notice 184 dated 28 May 2003
Provincial Notice 11 dated 3 January 2006
Provincial Notice 55 dated 25 February 2011
Provincial Notice 283 dated 24 October 2014
Provincial Notice 261 dated 31 July 2015
Provincial Notice 114 dated 8 April 2016
Provincial Notice 118 dated 15 October 2021
Provincial Notice 92 dated 6 March 2026

ESTABLISHMENT OF THE STELLENBOSCH MUNICIPALITY (WCO24)

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

Dated this 22nd day of September 2000.

P UYS, PROVINCIAL MINISTER OF LOCAL GOVERNMENT

SCHEDULE

Definitions and Interpretation

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

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

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

   (3) *(subsection (3) deleted by PN.184/2003)*

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

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

(6) **"District Municipality"** means the Boland District Municipality, established in terms of section 4 of this Schedule;

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

(subsection (6A) inserted by PN.675/2000)

(6B) **"District Municipality Notice"** means Provincial Notice 486/2000 published in Provincial Gazette Extraordinary No. 5590 dated 22 September 2000;

(subsection (6B inserted by PN.675/2000)

(7) **"District Transformation forum"** means the Breede River/Winelands District Transformation Forum established in terms of the DTF Notice;

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

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

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

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

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

(subsection (12) amended by PN.675/2000)

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

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

(subsection (13A) inserted by PN.184/2003)

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

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

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

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

(subsection (16A) inserted by PN.675/2000)

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

(subsection (16B) inserted by PN.675/2000)

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

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

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

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

(subsection (19A) inserted by PN.675/2000)

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

(subsection (19B) inserted by PN.675/2000)

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

(subsection (19C) inserted by PN.675/2000)

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

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

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

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

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

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

(d) the putting into operation of the transfer;

(subsection (21A) inserted by PN.675/2000)

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

(22A) **"ward participatory system"** means a system which allows for matters of local concern to wards to be dealt with by committees established for wards;

(subsection (22A) inserted by PN.184/2003)

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

Preamble

2.(1) On 3 March 2000 the Municipal Demarcation Board, acting in terms of section 21 of the Municipal Demarcation Act, determined the boundaries of the Municipality, as reflected in the map appearing in Provincial Notice 69/2000 published in the Provincial Gazette Extraordinary No. 5431 of 3 March 2000 (A copy of the map is republished in Annexure "1" to this Schedule) and amended by Provincial Notice 478/2000 published in the Provincial Gazette Extraordinary No. 5587 of 18 September 2000 and Provincial Notice 258/2002 published in the Provincial Gazette Extraordinary No. 5922 dated 15 August 2002 and Provincial Notice 339/2013 published in the Provincial Gazette Extraordinary No. 7185 of 15 October 2013 read with Provincial Notice 417/2013 published in the Provincial Gazette Extraordinary No. 7209 of 10 December 2013, Provincial Notice 248/2013 published in the Provincial Gazette Extraordinary No. 7156 of 8 August 2013, Provincial Notice 1/2014 published in the Provincial Gazette No. 7217 dated 10 January 2014, Provincial Notice 63/2014 published in the Provincial Gazette No. 7236 dated 7 March 2014 and Provincial Notice 159/2014 published in the Provincial Gazette No. 7277 dated 13 June 2014 and Provincial Notice 657/2018 published in the Provincial Gazette No. 7968 dated 10 August 2018 read with Provincial Notice 124/2018 published in the Provincial Gazette Extraordinary No. 7987 dated 4 October 2018, Provincial Notice 91/2018 published in the Provincial Gazette Extraordinary No. 7942 dated 15 June 2018 and Provincial Notice 166/2018 published in the Provincial Gazette No. 8024 dated 14 December 2018 and Provincial Notice 4/2023 published in the Provincial Gazette Extraordinary No. 8864 dated 12 January 2024 read with Provincial Notice 162/2024 published in the Provincial Gazette No. 8894 dated 8 March 2024, Provincial Notice 42/2024 published in the Provincial Gazette Extraordinary No. 8914 dated 26 April 2024 and Provincial Notice 76/2024 published in the Provincial Gazette No. 8954 dated 12 July 2024.

(section (1) amended by PN.11/2006, PN 114/2016, PN118/2021 and PN. 92/2026)

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

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

(b) consulted with WECLOGO and the disestablished municipalities;

(c) published particulars of this Notice in Provincial Notice 394/2000 published in Provincial Gazette Extraordinary No. 5571 dated 28 August 2000, and

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

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

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

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

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

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

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

(subsection (5) inserted by PN.675/2000)

Disestablishment of the Existing Municipalities

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

(a) Municipality for the Area of Franschhoek, established in terms of Proclamation No. 20/1995 dated 31 January 1995;

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

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

(d) Pniel Transitional Local Council, established in terms of Proclamation No. 142/1994 dated 30 December 1994;

(e) Stellenbosch Transitional Local Council, established in terms of Proclamation No. 28/1995 dated 31 January 1995, and

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

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

Establishment and Name

4. With effect from the effective date , a municipality shall be established, to be known in English as “Stellenbosch Municipality”, in Afrikaans as “Munisipaliteit Stellenbosch“ and in isiXhosa as “U Masipala waseStellenbosch”.

Category

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

Type

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

(section 6 amended by PN.184/2003)

Boundaries

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

Number of Councillors and Wards

8.(1) The Municipal Council of the Municipality has 45 (forty-five) councillors, as determined by the Provincial Minister in Provincial Notice 116/2024 published in Provincial Gazette Extraordinary No. 8999 dated 6 November 2024, of which 23 (twenty-three) are ward councillors and 22 (twenty-two) are proportionally elected councillors.

(2) The Municipality has 23 (twenty-three) wards.

(section 8 amended by PN.11/2006, PN. 55/2011, PN.118/2021 and PN. 92/2026)

Full-time Councillors

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

(a) the executive mayor;

(b) the members of the mayoral committee;

(c) the speaker;

(d) a single whip appointed for Council, and

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

(section 9 amended by PN.456/2002, PN.184/2003, PN.283/2014 and PN.261/2015)

Functions and Powers

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

Exemptions

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

Principles determining the Transfer of Staff

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

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

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

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

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

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

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

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

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

(section 12 amended by PN.675/2000)

Process for Effecting the Transfer of Staff

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

Municipality will fulfill the function or functions with which the specific staff are associated on behalf of the District Municipality.

(2) In order to:-

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

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

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

(3) On or before a date to be determined by the Provincial Minister every CEO must prepare a schedule of all staff of his or her disestablished municipality in accordance with a format prescribed by the Provincial Minister, must provisionally allocate each staff member and budgeted vacant post of his or her disestablished municipality in accordance with the principles set out in sections 12 and 16C, and must submit copies of the full schedule to the interim municipal manager and the District Municipality IMM.

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

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

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

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

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

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

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

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

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

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

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

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

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

(14) On or before a date to be determined by the Provincial Minister, to the extent that agreement has not been reached before the effective date in terms of section 13(2) of this Schedule, the Local Municipality, as a member of the Transformation Sub-Chamber of the Bargaining Council, must endeavour to

reach collective agreement in the Transformation Sub-Chamber of the Bargaining Council with the trade unions regarding the principles, procedures and criteria to be followed for making appointments to the posts flowing from the creation of a new organisational structure of the Local Municipality.

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

(section 12A inserted by PN.675/2000)

Collective Agreements

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

(a) at a national level, or

(b) at the Bargaining Council, or

(c) at a local level;

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

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

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

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

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

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

Human Resource Matters

14. Subject to any collective agreement:-

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

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

Consequences of Transition in Respect of Certain Staff Issues

15.(1) Subject to any collective agreement, an employee whose post is changed as a result of the transition will not be considered redundant for the purposes of any

term or condition of employment or any pension fund rule that gives the employee the election to terminate his or her employment with benefits.

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

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

(a) the post no longer exists;

(b) the post is disestablished;

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

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

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

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

(g) the post is described differently.

Legal Succession

16. With effect from the effective date:-

(1) the Local Municipality shall be the successor in law of the disestablished municipalities and the municipalities to be disestablished in terms of the District Municipality Notice in relation to the specific assets and liabilities allocated to the Local Municipality in terms of this Schedule.

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

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

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

(5) Notwithstanding subsection (1):-

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

(i) land which is held in trust by the Minister for Agriculture and Land Affairs in terms of section 7 of the Rural Areas

Act and which is subject to the provisions of section 3 of the Transformation of Certain Rural Areas Act will remain vested in the Minister for Agriculture and Land Affairs, and

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

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

(section 16 amended by PN.675/2000)

Principles determining the Transfer of Assets, Liabilities and Records

16A. With effect from the effective date:-

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

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

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

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

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

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

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

(5) Notwithstanding the provisions of subsection (4), the Local Municipality and the District Municipality may agree to subdivide any immovable asset referred to in subsection (4) capable of subdivision or to divide any group of assets referred to in subsections (3) and (4) on an equitable basis,

having regard to the nature and purpose served by such an asset or assets, as agreed between them, and to allocate each portion thereof in accordance with such agreement.

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

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

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

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

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

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

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

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

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

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

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

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

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

(section 16A. inserted by PN.675/2000)

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

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

(2) In order to:-

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

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

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

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

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

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

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

(c) consolidate the schedule referred to in paragraph (a) with the schedules received from the District Municipality IMM referred to in

paragraph (b) into a single schedule reflecting all assets, liabilities and records to be transferred to the Local Municipality.

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

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

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

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

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

(section 16B inserted by PN.675/2000)

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

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

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

(i) roads other than municipal roads;

(ii) ambulance services;

(iii) health services other than municipal health services;

(iv) disaster management;

(v) housing;

(vi) libraries;

(vii) museums;

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

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

(x) traffic and law enforcement;

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

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

(section 16C inserted by PN.675/2000)

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

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

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

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

(section 16D inserted by PN.675/2000)

Failure to implement certain provisions of this Schedule

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

(section 16E inserted by PN.675/2000)

Transitional Provisions Relating to By-Laws and Resolutions

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

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

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

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

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

(a) resolution taken;

(b) notice, certificate or other document issued;

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

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

(e) appointment made;

(f) employee nominated;

(g) agreement or contract entered into;

(h) delegation of powers granted to an employee;

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

(j) reservation of land made, and

(k) other action taken or thing done,

by a disestablished municipality shall, subject to the provisions of this Schedule, be deemed to have been taken, issued, given, made, nominated, entered into, granted, levied, imposed or done by the Local Municipality, pending the review and rationalisation thereof in terms of section 15 of the Municipal Structures Act.

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

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

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

Financial Matters

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

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

(a) adjust the existing budgets, or

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

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

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

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

(b) medium term expenditure;

(c) equalisation of tariff structures;

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

(e) the introduction of consolidated billing system;

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

(g) credit control, and

(h) procurement.

Transitional Administrative Arrangements

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

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

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

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

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

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

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

(i) creating or filling any new posts;

(ii) filling any vacancies;

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

(iv) promoting any member of staff;

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

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

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

(bb) implementing any increase in salaries or wages;

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

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

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

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

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

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

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

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

(vi) using:-

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

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

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

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

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

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

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

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

(section 19 amended by PN.675/2000)

Appointment of Acting Officers

20. Before the effective date the Provincial Minister, after considering any recommendations of the District Transformation Forum, shall where relevant to the Local Municipality appoint any person to any position that may be required in terms of relevant legislation, which appointment shall be in an acting capacity, and who shall assume office on the effective date and remain in office until the Local Municipality has made its own appointments in terms of the relevant legislation.

Appointment of Interim Municipal Manager

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Interim Assistant Municipal Managers

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

Senior Management Team

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

Appointments

24. Any person appointed in terms of section 20 or 21 shall, subject to the provisions of section 12 of this Schedule, be an employee of a disestablished municipality and shall fulfill his or her duties on a seconded basis.

First meeting of the Council of the Local Municipality

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

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

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

(subsection (3) amended by PN.675/2000)

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

(a) the election of the speaker;

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

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

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

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

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

Application of this Notice

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

(section 25A. inserted by PN.675/2000)

Executive Deputy Mayor

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

(section 25B. inserted by PN.184/2003)

Short title and Commencement

26. This Notice is called the Stellenbosch Municipality (WCO24) Establishment Notice and comes into operation on the date of publication.

P.N. 489/2000 22 uSeptemba 2000

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

Amended by:
neSaziso sePhondo 675 dated we-4 kuDisemba 2000
neSaziso sePhondo 456 dated we-19 kuDisemba 2002
neSaziso sePhondo 184 dated we-28 kuMeyi 2003
neSaziso sePhondo 11 dated we-3 uJanuwari 2006
neSaziso sePhondo 55 dated we-25 kuFebhuwari 2011
neSaziso sePhondo 283 dated we-24 KwyeyDwarha 2014
neSaziso sePhondo 261 dated we-31 kweyeKhala 2015
neSaziso sePhondo 114 dated we-8 kuTshazimpuzi 2016
neSaziso sePhondo 118 dated we-15 kweyeDwarha 2021
neSaziso sePhondo 61 dated we-6 KweyoKwindla 2026

UKUSEKWA KOMASIPALA WASE-STELLENBOSCH (WCO24)

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

Ngomhla wama-22 uSeptemba 2000.

P UYS, UMPHATHISWA WEPHONDO WORHULUMENTE WENGINGQI

ULUNDWE LWEENKQUBO

Inkcazo yamagama

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

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

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

   (3) *(subsection (3) deleted by PN.184/2003)*

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

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

(6) **“uMasipala weSithili”** uthetha uMasipala wesiThili saseBoland, oza kumiselwa ngomhla wokuqalisa unyulo;

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

(subsection (6A) inserted by PN.675/2000)

(6B) **“iSaziso sikaMasipala weSithili”** Sithetha iSaziso sePhondo 486/2000, esapapashwa kwiGazethi yePhondo eyoNgezelelweyo nenguNombolo 5590 yomhla wama-22 kuSeptemba 2000;

(subsection (6B) inserted by PN.675/2000)

(7) **“iQonga leNguqulelo leSithili”** lithetha iQonga leNguqulelo leSithili saseBreede River/Winelands elamiselwa ngokweSaziso seDTF;

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

(9) **“umhla wokuqala wonyulo”** uthetha umhla wokuqalisa unyulo;

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

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

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

(subsection (12) amended by PN.675/2000)

(13) **“uMasipala weNgingqi”** uthetha uMasipala waseStellenbosch, owasekwa ngokwemigaqo yocandelo le-4 elikolu ludwe lweenkqubo;

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

(subsection (13A) inserted by PN.184/2003)

(14) **“UMthetho wokuCandwa kooMasipala”** uthetha uMthetho woRhulumente waeNgingqi we- 1998 (uMthetho 27 we-1998);

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

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

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

(subsection (16A) inserted by PN.675/2000)

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

(subsection (16B) inserted by PN.675/2000)

(17) **“iPhondo”** lithetha iPhondo leNtshona-Koloni;

(18) **“uMphathiswa wePhondo”** uthetha ilungu lesiGqeba soWiso-mthetho wePhondo leNtshona-Koloni elinoxanduva lokujongana norhulumente wngingqi;

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

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

(subsection (19A) inserted by PN.675/2000)

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

(subsection (19B) inserted by PN.675/2000)

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

(subsection (19C) inserted by PN.675/2000)

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

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

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

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

(b) ukusetyenziswa kwemimiselo yokugqithiselwa njengoko ichazwe hule Shedyuli;

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

(d) ukuqaliswa kogqithiselo olo.

(subsection (21A) inserted by PN.675/2000)

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

(22A) **"inkqubo yothatho-nxaxheba yewadi"** ithetha inkqubo evumela imicimbi yezinto ezinxulumene neenqila ekuza kujonganwa nazo ziikomiti ezisekelwe ezi wadi;

(subsection (22A) inserted by PN.184/2003)

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

Intshayelelo

2.(1) Ngomhla wesi3 kweyoKwindla ka2000 iBhodi yokuCanda kaMasipala, esebenza ngokwecandelo lama21 lweMunicipal Demarcation Act, imisele imida kaMasipala, njengoko kuboniswe kwimephu ebonakala kwiSaziso sePhondo 69/2000 esipapashwe kwiGazethi yePhondo enguNombolo 5431 yomhla wesi3 kweyoKwindla ka2000 (Ikopi yemephu ipapashiwe kwakhona kwiSihlomelo "1" kule Shedyuli) nesilungiswe siSaziso sePhondo 478/2000 esipapashwe kwiGazethi yePhondo enguNombolo 5587 yomhla we18 kweyoMsintsi ka2000, kunye neSaziso sePhondo 258/2002 esipapashwe kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 5922 yomhla wesi15 kweyeThupha ka2002 neSaziso sePhondo 339/2013 esipapashwe kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 7185 somhla we15 kweyeDwarha ka2013 efundwa neSaziso sePhondo 417/2013 esipapashwe kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 7209 yomhla we10 kweyoMnga ka2013 iSaziso sePhondo 248/2013 esipapashwe kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 7156 yomhla wesi8 kweyeThupha ka2013, iSaziso sePhondo 1/2014 esipapashwe kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 7217 yomhla we10 kweyoMqungu ka2014, iSaziso sePhondo 63/2014 esipapashwe kwiGazethi yePhondo enguNombolo 7236 yomhla wesi7 kweyoKwindla ka2014 kunye neSaziso sePhondo 159/2014 esipapashwe kwiGazethi yePhondo enguNombolo 7277 yomhla we13 kweyeSilimela ka2014 kunye neSaziso sePhondo 657/2018 esipapashwe kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 7968 yomhla we10 kweyeThupha ka2018 efundwa kwiSaziso sePhondo 124/2018 esipapashwe kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 7987 yomhla wesi4 kweyeDwarha ka2018, iSaziso sePhondo 91/2018 esipapashwe kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 7942 yomhla we15 kweyeSilimela ka2018 kunye neSaziso sePhondo 166/2018 esipapashwe kwiGazethi yePhondo enguNombolo 8024 yomhla we14 kweyoMnga ka2018 kunye neSaziso sePhondo 4/2023 esipapashwe kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 8864 yomhla we12 kweyoMqungu ka2024 efundwa neSaziso sePhondo 162/2024 esipapashwe kwiGazethi yePhondo

eyoNgezelelweyo enguNombolo 8894 yomhla wesi8 kweyoKwindla ka2024, iSaziso sePhondo 42/2024 esipapashwe kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 8914 yomhla wama26 kuTshazimpuzi ka2024 kunye neSaziso sePhondo 76/2024 esipapashwe kwiGazethi yePhondo enguNombolo 8954 yomhla we12 kweyeKhala ka2024.

(section (1) amended by PN.11/2006, PN 114/2016, PN118/2021 and PN. 92/2026)

(2) UMphathiswa wePhondo, esebenza ngokwecandelo le- 12(4) loMthetho wamaSebe ooMasipala:-

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

(b) udlene indlebe neWECLOGO kunye noomasipala abathe batshitshiswa;

(c) upapashe iinkcukacha zesi Saziso kwiSaziso sePhondo 394/2000 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo engunombolo 5571, yomhla wama-28 kuAgasti 2000, kwakunye

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

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

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

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

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

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

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

(subsection (5) inserted by PN.675/2000)

Ukutshitshiswa kooMasipala abakhoyo

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

(a) uMasipal wommandla weFranschhoek, owasekwa ngokwemigaqo yoPapasho olungunombolo 20/1995 lomhla wama-30 kuJanuwari 1995;

(b) Ibhunga labaMeli leThutyana laseNuweberg elasekwa ngokwemigaqo yoPapasho olungunombolo 18/1996 ngomhla wama-26 kuEpreli 1996, ukuya kummandla ososahlulo ophantsi kolawulo lukaMasipala, njengoko kusekiwe yiBhodi yokuCandwa kwemida yooMasipala ekubhekiselelwe kuyo kwicandelo 2(1);

(c) Ibhunga labaMeli leThutyana lasePaarl elasekwa ngokwemigaqo yoPapasho olungunombolo 18/1994 ngomhla we-26 kuEpreli 1996, ukuya kummandla osisahlulo ophantsi kolawulo lukaMasipala, njengoko kusekwe yiBhodi yokuCandwa kwemida yooMasipala ekubhekiselelwe kuyo kwicandelo 2(1);

(d) Ibhunga labaMeli leThutyana lasePniel elasekwa ngokwemigaqo yoPapasho olungunombolo 142/1994 ngomhla wama-30 kuDisemba 1994;

(e) Ibhunga leNgingqi leThutyana laseStellenbosch elasekwa ngokwemigaqo yoPapasho olungunombolo 28/1995 ngomhla we-31 kuJanuwari 1995, kwakunye

(f) Ibhunga labaMeli leThutyana waseStellenbosch elasekwa ngokwemigaqo yoPapasho olungunombolo 18/1996 ngomhla wama-26 kuEpreli 1996, ukuya kummandla osoahlulo ophantsi kolawulo lukaMasipala, njengoko kusekiwe yiBhodi yokuCandwa kwemida yooMasipala ekubhekiselelwe kuyo kwicandelo 2(1).

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

Ukusekwa kunye neGama

4. Ukususela ngomhla wokuqalisa wanyulo umasipala oyokusekwa uyakwaziwa ngesiXhosa njengo “U Masipala waseStellenbosch”, ze negisiNgesi aziwe njenge “Stellenbosch Municipality” ze ngesiBhulu aziwe njenge “Munisipaliteit Stellenbosch”.

iCandelo

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

uDidi

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

(section 6 amended by PN.184/2003)

Imida

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

INani looCeba

8.(1) IBhunga likaMasipala loMasipala linooCeba abangama45 (abangamashumi amane anesihlanu), njengoko kumiselwe nguMphatshiswa wePhondo kwiSaziso sePhondo 116/2024 esipapashwe kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 8999 yomhla wesi6 kweyeNkanga ka2024, abangama23 (abangamashumi amabini anesithathu) ngooCeba beewadi ze abangama22 (abangamashumi amabini anesibini) ngooCeba abatyunjwe ngokulinganayo.

(2) UMasipala uneewadi ezngama23 (ezingamashumi amabini anesithathu).

(section 8 amended by PN.11/2006, PN.55/2011, PN118/2021 and PN. 92/2026)

OoCeba abasebenza isigxina

9. uMasipala weSithili angamisela aba ceba balandelayo njengooceba besigxina:-

(a) Usodolophu wesigqeba solawulo;

(b) Amalungu ecandelo lekomiti yosodolophu;

(c) Nosomlomo;

(d) Umbhexeshi omnye onyulelewe iBhunga, kunye

(e) Usihlalo wekomiti eyasekwa ngokwecandelo 79.

(section 9 amended by PN.456/2002, PN.184/2003, PN.283/2014 and PN. 261/2015)

IMisebenzi namaGunya

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

ukuNgachaphazeleki

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

Imimiselo emisa uGqithiselo lwaBasebenzi

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

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

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

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

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

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

(2) Phantsi kwemiqathango yezivumelwano ezihlanganyelweyo onke amalungelo nezibophelelo eziphakathi koomasipala abatshitshisiweyo naphakathi kwabaqeshwa boomasipala abo ngelixa logqithiselo aya kuhlala esebenza ngokunga ngamalungelo okanye izibophelelo eziphakathi koMasipala weNgingqi okanye uMasipala weSithili, nokuba nguwuphi kwabo masipala, nomqeshwa wakhe ngamnye, kananjalo nantoni na eyenziwa ngaphambi kogqithiselo olo ngumasipala otshitshisiweyo okanye ngokunxulumene nomasipala lowo utshitshiswayo iya kuthatyathwa njengento eyenziwayo okanye eyenziwa ngokunxulumene noMasipala weNgingqi okanye uMasipala weSithili, nokuba nguwuphi kwabo masipala.

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

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

(section 12 amended by PN.675/2000)

Inkqubo yoKugqithiselwa kwaBasebenzi

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

(2) Ukuze ku:-

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

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

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

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

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

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

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

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

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

(6) Xa kunokuvela nayiphi na impikiswano, emalunga nokwabelana ngabasebenzi, phakathi komphathi wethutyana kamasipala ne-IMM yoMasipala weSithili loo mpikiswano kuya kufuneka ukuba ibhekiswe kuMphathiswa wePhondo okanye kumtyunjwa wakhe ngokweenkqubo

ezimiselwe nguMphathiswa wePhondo, kwaye isigqibo soMphathiswa wePhondo okanye esomtyunjwa wakhe akuyi kugqithwa kuso kwaye siya kuba sesibophelelayo.

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

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

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

(10) Xa nawuphi na umsebenzi (‘umphikisi”) esithi ugqithiselo lwakhe alwenziwanga ngokwemimiselo echazwe phaya kwicandelo 12 nele 16C, ngokwaso nasiphi na isivumelwano ekubhekiswe kuso kwicandelwana (2) okanye ngokwenkqubo echazwe kweli candelo, lowo mphikisi angafaka incwadi yokuphikisa kumphathi wethutyana kamasipala womasipala lowo agqithiselwe kuye oko ekwenza kungagqithanga iintsuku ezili-14 emva kokwaziswa kwakhe ngokwemiqathango ephaya kwicandelwana (5). Loo ncwadi yokuphikisa kuya kufuneka ukuba umphathi wethutyana kamasipala ayigqithisele kuMpathiswa wePhondo okanye kumtyunjwa wakhe ukuze uMphathiswa wePhondo okanye umtyunjwa wakhe ibe nguye owenza isigqibo ngokweenkqubo ezimiselwe nguMphathiswa wePhondo, kwaye isigqibo soMphathiswa wePhondo okanye somtyunjwa wakhe akuyi kugqithwa kuso kwaye siya kuba sesibophelelayo.

(subsection (10) amended by PN 117/2008)

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

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

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

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

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

(section 12A inserted by PN.675/2000)

Izivumelwano zokusebenza ezithatyathwa kunye

13.(1) Nasiphi na isigq ibo kuso li Qumrhu lee ngxoxo:-

(a) kurhulumente kazwelonke, okanye;

(b) kwi Qumrhu leeNgxoxo, okanye

(c) kurhulumente weedolophu,

siya kuhlala simi isesi setyenzi swayo de sihlo nyelwe okanye sitshitshiswe ngokokungqineland kni miqathango yesi sirumelwano.

(2) Phambi komhla wokuqala wonyulo oomasipala abatshutshisiweyo, njengamalungu eQonga lezokusebenza kufuneka bazame befikele esigq ibeni kunye nemanyano zaba sebenzi ngo kuphathelene nale miba ilandelayo:-

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

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

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

(d) nawuphi na umcimbi obhekiselele kumiselo loMasipala weNqila.

Imicimbi yabasebenzi

14. Ngokuxhomekeke kuso naziphi na isivumelwano ezenziwe kunye:-

(a) imigaqo-nkqubo kunye namanyathelo emicimbi yabasebenzi yoMasipala weNqila iya kuba yimigaqo-nkqubo namanyathelo emicimbi

eyayisetyenziswa ngenx' engaphambi komhla wokuqala wonyulo kwaye iya kuhlala iyesetyenziswayo ngabo bonke abasebenzi ngokufanayo naleyo yayisetyenziswa yayingaphambi komhla wokuqala wonyulo, kwanegahlolwa okanye ekutshitshiswe nguMasipala weNqila;

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

IZiphumo zeNguqu ezibhekiselele kweminye imiba emalunga nabasebenzi

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

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

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

(a) isithuba eso somsebenzi asisekho;

(b) isithuba eso somsebenzi sithe satshitshiswa;

(c) umsebenzi kufuneka enze isicelo sesithuba ngokutsha;

(d) inkqubo kunye namagunya esithuba eso athe atshitshiswa;

(e) kuthe kwatshintshwa umqeshi;

(f) xa isithuba eso sithe sanaphathi abaninzi ekufuneka umsebenzi esebenze phantsi kwabo;

(g) xa kukho umahluko kwisithuba eso.

Ukuthabathelana koomasipala izikhundla ngokwaseMthethweni

16. Ukususela ngomhla wokuqalisa:-

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

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

(3) Zonke iintlawulo, ingeniso nazo zonke ezinye iimali ekufanele zihlawulwe okanye ziqokelelwe nawuphina/nabaphina ziya kuhlawulwa okanye ziqokelelwe ongunmasipala onthabathe isikhundla

ngokwasemthethweni somasipala otshitshisiweyo ngokwemiqathango yale Shedyuli.

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

(5) Lingatyeshelwanga icandelwana (1):-

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

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

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

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

(section 16 amended by PN.675/2000)

Imimiselo yoGaithiselo lweMpahla, amaTyala neeRekhodi

16A. Ukususela ngomhla wokuqalisa:

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

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

omnye wooMasipala beeNgingqi iya kugqithiselwa iya kugqithiselwa kuMasipala weSithili.

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

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

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

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

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

(5) ingatyeshelwanga imiqathango yecandelwana (4), uMasipala weNgingqi noMasipala weSithili banokuvumelana ngokuyahlula phakathi, nayiphi na impahla engenakususwa kwindawo ekuyo nekubhekiswe kuyo phaya kwincandelwana (4), nenokwahluleka phakathi, okanye bohlule naliphi na iqela lempahla ekubhekiswe kulo phaya kumacandelwana (3) no-(4) ngendlela eyanelisayo, oko kusenziwa kunikwe ingqalelo uhlobo noncedo lwaloo mpahla okanye lwezo mpahla, ngokuvumelana kwabo, ze isahlulelo ngasinye saloo mpahla sabiwe ngokwesivumelwano eso;

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

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

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

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

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

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

(ii) nayiphi na enye indlela evunywe nguMphathiswa wePhondo.

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

(a) lokuzuza imbuyekezo eyanelisayo, oko kuquka imali, ukutshintshiselwa okanye naluphi na olunye uhlobo lwembuyekezo ekunokuvunyelwana ngayo; kananjalo

(b) aqhubeke ngokuyisebenzisa loo mphahla xa athe wahlawula isabelo esithelekisekayo seendleko zokuyisebenzisa de elo lungelo lokuyisebenzisa lipheliswe ngokuvumelana.

(9) zonke iirekhodi zoomasipala abatshitshisiweyo nezayanyaniswa nomsebenzi okanye imisebenzi ekufanele yenziwe nguMasipala weNgingqi noMasipala weSithili nabangenakwahlulelana ngazo, ziya kugqithiselwa kumasipala omnye ngokokusondela kwazo kumsebenzi iirekhodi ezo ezoyamene nawo noko kunjalo nabanye oomasipala baya kubanelungelo lokuzifikelela ezo rekhodi kananjalo baya kubanelungelo lokufunyaniswa iikopi zazo.

(10) wonke amatyala oomasipala abatshitshisiweyo nayanyaniswa nomsebenzi okanye imisebenzi ekufanele yenziwe nguMasipala weNgingqi noMasipala weSithili aya kwahlulelwa uMasipala weNgingqi noMasipala weSithili ngendlela eyanelisayo, oko kusenziwa kunikwe ingqalelo uhlobo nenjongo yaloo matyala.

(11) yonke impahla namatyala oomasipala abatshitshisiweyo, ngaphandle kwalawo achazwe phaya kwicandelwana (7), nangenakwayanyaniswa nomsebenzi othile, aya kugqithiselwa kuMasipala weNgingqi.

(section 16A. inserted by PN.675/2000)

Inkqubo yokuGqithisela iMpahla, amaTyala neeRekhodi

16B.(1) Ingatyeshelwanga imiqathango yecandelo 16A necandelo 16C, kananjalo ngeli lixa kusalindelwe ukufezekiswa kwenkqubo yogqithiselo ngokweli candelo, yonke impahla, wonke amatyala nazo zonke iirekhodi zoomasipala abatshitshisiweyo, xa kukho imfuneko yoko, ziya kugqithiselwa okwethutyana kuMasipala weNgingqi, kwaye ke ngoko yonke impahla, wonke amatyala nazo zonke iirekhodi ezifanele ukugqithiselwa kuMasipala weSithili ngokwemiqathango yecandelo 16A okanye 16C lale Shedyuli ziya kuthatyathwa njengezigqithiselwe kuMasipala weNgingqi oko kusenziwa ngokwamalungiselelo aphakathi koMasipala weNgingqi noMasipala weSithili, malungiselelo lawo achaza ukuba uMasipala weSithili uya kufezekisa

umsebenzi okanye imisebenzi eyayamene nempahla, amatyala neerekhodi ezo oko ekwenza egameni loMasipala weSithili.

(2) Ukuze ku:-

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

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

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

(3) Ngomhla okanye ngaphambi komhla oya kumiselwa nguMphathiswa wePhondo iCEO nganye kuya kufuneka qulunqe uxwebhu olunoludwe layo yonke impahla, amatyala neerekhodi zomasipala wayo otshitshisiweyo ngokwendlela eyalelwe nguMphathiswa wePhondo, kufuneka abe okwethutyana zonke iimpahla, amatyala, neerekhodi zomasipala otshitshisiweyo wakhe ngokuhambelanayo nemithetho-ssiseko echaziweyo kwicandelo 16A nele 16C, kwaye kuya kufuneka ukuba inike umphathi wethutyana kamasipala ne-IMM yoMasipala weSithili iikopi eziphelelelyo zoxwebhu olunolo ludwe.

(4) Ngomhla okanye ngaphambi komhla oya kumiselwa nguMphathiswa wePhondo, kodwa ngokwemiqathango yecandelwana (2), umphathi wethutyana kamasipala, ebonisene ne-IMM zoMasipala weSithilii kuya kufuneka ukuba:-

(a) ahlanganise amaxwbehu ekubhekiswe kuwo phaya kwicandelwana (1) awenze abe luxwebhu olunye ze ekugqibeleni abe ngokwahlukeneyo impahla, amatyala neerekhodi eziza kugqithiselwa kuMasipala weSithili okanye kooMasipala beeNgingqi ngokwemiqathango yecandelo 16A nele 16C kanti nezo ekuya kufuneka ukuba zigqithiselwe ngokwesivumelwano ekubhekiswe kuso kwicandelwana (2);

(b) anike i-IMM yoMasipala weSithili ikipi yolo xwebhu kananjalo afumane kwi-IMM yoMasipala weSithili ikopi yoxwebhu oluqulungwe yi-IMM yoMasipala weSithili; kananjalo

(c) ahlanganise uxwebhu ekubhekiswe kulo phaya kumhlathi (a) noxwebhu olufunyenwe kwi-IMM yoMasipala weSithili ekubhekiswe kulo phaya kumhlathi (b) aze loo maxwebhu enziwe uxwebhu olunye olubonakalisa yonke impahla, wonke amatyala nazo zonke iirekhodi eziza kugqithiselwa kuMasipala weNgingqi.

(5) Ingatyeshelwanga imimiselo echazwe kwicandelo 16A no 16C, umphathi wethutyana kamasipala unokuthi evumelene ne-IMM yoMasipala weSithili, akuhlengahlengise ukwabiwa kwempahla, amatyala neerekhodi ngokwemiqathango yecandelwana (4) oko ekwenzela ukulungiselela ukwabelana, okufaneleke nangaphezulu, ngazo zonke ezo zinto phakathi koMasipala weNgingqi noMasipala weSithili.

(6) Xa kunokuvela impikiswano ngokubhekiselele kulwabiwo lwempathla, amatyala neerekhodi phakathi komphathi wethutyana kamasipala ne-IMM yoMasipala weSithili loo mpikiswano kuya kufuneka ukuba igqithiselwe

kuMpathiswa wePhondo ukuze uMpathiswa wePhondo okanye umtyunjwa wakhe agqibe ngayo ngokweenkqubo ezimiselwe nguMphathiswa wePhondo, kwaye isigqibo soMphathiswa wePhondo okanye somtyunjwa wakhe akuyi kugqithwa kuso kwaye siya kuba sesibophelelayo.

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

(8) Nje ngokukhawuleza kangangoko emva kokuqinisekiswa koxwebhu loludwe oluhlanganisiweyo ngokwecandelwana (7), kodwa kungagqithanga umhla oya kumiselwa nguMphathiswa wePhondo, umphathi wethutyana kamasipala kuya kufuneka ukuba aqalise ugqithiselo layo yonke impahla, amatyala neerekhodi zoomasipala abatshitshisiweyo.

(9) Umasipala weNgingqi uya kuliphicotha ugqithiselo lwempahla, amatyala neerekhodi kungagqithanga iinyanga ezili-12 emva komhla wokuqalisa, kungenjalo ngolo suku luya kumiselwa nguMphathiswa wePhondo.

(section 16B. inserted by PN.675/2000)

Ugqithiselo lwabasebenzi, impahla, namatyala ayanyaniswa nemisebenzi engeyiyo leya idweliswe kwicandelo 84 loMthetho wamaSebe ooMasipala

16C. Ingatyeshelwanga imiqathango yecandelo 12(1) necandelo 16A lale Shedyuli, ukususela ngomhla wokuqalisa:-

(a) Bonke abasebenzi, yonke impahla, onke amatyala nazo zonke iirekhodi zoomasipala abatshitshisiweyo nezayanyaniswa ngokukodwa:-

(i) Iindlela ezingezizo ezomasipala

(ii) neenkonzo zeenqwelo-zigulane;

(iii) Iinkonzo zempilo ezingezizo ezomasipala

(iv) ulawulo lweentlekelele;

(v) ulwakhiwo lwezindlu;

(vi) amathala eencwadi;

(vii) umzi wocgino lwezinto zakudala;

(viii) iinkqubo zokuzisa amanzi ingezizo ezo zamanzi alungele ukuselwa

(ix) ulondolozo lwendalo nokusingqongileyo, kubandakanywa nolawulo lwamazibuko, imfundiso ngokusingqongileyo, ulawulo lwezilwanyana nolawulo lwamanzi angaphakathi elizweni; kananjalo ubuxhakaxhaka bokubonelela ngamanzi ngaphandle kobuxhakaxhaka bokubonelela ngamanzi alungele ukuselwa;

(x) nemithetho yendlela nokuthotyelwa kwayo;

ziya kugqithiselwa kuMasipala weNgingqi ngokwenkqubo echazwe kwicandelo 12(2), (3) no (4) necandelo 12A no 16B lale Shedyuli;

(b) bonke abasebenzi, yonke impahla, onke amatyala nazo zonke iirekhodi zoomasipala abatshitshisiweyo ezingenakwayanyaniswa nemisebenzi ekubhekiswe kuyo phaya kwicandelo 84(1) loMthetho wamaSebe

ooMasipala okanye umhlathi (a) okanye (b), ziya kugqithiselwa kuMasipala weNgingqi ngokwemimiselo neenkqubo ezichazwe kwicandelo 12, 12A, 16A no- 16B lale Shedyuli.

(section 16C. inserted by PN.675/2000)

Ugqithiselo lwabasebenzi, impahla, amatyala neerekhodi ezinxulumene nezivumelwano zobonelelo ngeenkonzo zikamasipala

16D.(1) Kungatyeshelwanga nantoni na ephikisana noko kuqulethwe kuso nasiphi na isivumelwano sokubonelela ngeenkonza zoomasipala, esenziwa noomasipala abatshitshisiweyo, sivumelwano eso esithi umasipala lowo utshitshisiweyo kuya kuba nguye obonelela ngeenkonza; bonke abasebenzi, yonke impahla, onke amatyala nazo zonke iirekhodi zaloo masipala utshitshisiweyo ziya kugqithiselwa ngokwemiqathango yale Shedyuli

(2) Umphathiswa wePhondo nguye oya kugqiba ekubeni nguwuphi umasipala oya kuthabatha isikhundla somasipala otshitshisiweyo ngokubhekiselele kwisivumelwano sobonelelo ngeenkonza esenziwa ngumasipala otshitshisiweyo sivumelwano eso esithi umasipala lowo utshitshisiweyo nguye oya kubonelela ngeenkonza, kwaye unokuyalela uMasipala weNgingqi okanye uMasipala weSithili ukuba aqalise kananjalo alawule nawaphi na amalungiselelo ethutyana obonelelo ngeenkonzo ngokwemiqathango yecandelo 19 lale Shedyuli, ukuqinisekisa ukuqhubeka kubonelelo ngeenkonzo ngokubhekiselele kwisivumelwano eso.

(3) Kwithuba ukususela ngomhla wokuqalisa ukuya kumhla uMphathiswa wePhondo enze ngawo isigqibo ngokwecandelwana (3), uMasipala weNgingqi kuya kuba nguye ongena esikhundleni somasipala otshitshisiweyo ngokwasemthethweni ngokubhekiselele kuzo naziphi na izivumelwano zobonenelelo ngeenkonzo ekubhekiswe kuzo kwicandelwana (1) ngokwemiqathango yecandelo 19.

(section 16D. inserted by PN. 675/2000)

Ukusilela ekufezekiseni imiqathango ethile yale Shedyuli

16E. Xa kunokwenzeka ukuba umphathi wethutyana kamasipala okanye nabani na ongomnye akufuneka enze umsebenzi othile ochazwe kwicandelo 12A okanye 16B, asilele okanye ale ukwenza oko kwithuba elichazwe kuloo macandelo, uMphathiswa wePhondo angatyumba nabani na ukuba enze loo msebenzi, xa kunjalo ke loo Masipala weNgingqi okanye loo Masipala weSithili uchaphazelekayo kuya kufuneka asebenzisane ngokupheleleyo naloo mntu.

(section 16E. inserted by PN.675/2000)

Imithetho yeNguqu ebhekiselele kwimithetho yenqila nemimiselo

17.(1) Nayiphi na imithetho yenqila esetyenziswayo kummandla womasipala otshitshisiweyo emvan nje komhla wokuqala wonyulo iya kusebenza ukususela ngalo mhla, de kube kuthe ngexesha likugwalasewa ngokutsha nokwenziwa kohlenga-hlengiso ngokwemiqathango yecandelo le-15 loMthetho weeNgingqi kaMasipala, uhlale usebenza ngokupheleleyo kuloo mmandla umiselwe wona, ukwaxhomekeke nasekubeni uhlonyelwe okanye utshitshiswe nguMasipala.

(2) Ngaphandle kokuba le mithetho ayingqinelani neemeko ekubhekiselelwa kuzo okanye ayicaciswanga ngokufanelekileyo, isingqinisiso kuyo nayiphi na imithetho yenqila enjengale esiya kwenza ukuba:-

(a) umasipala otshitshisiweyo okanye owayengaphambili, kufuneka achazwe njengosisingqiniso kuMasipala weNqila, kwakunye

(b) indlela ami ngayo okanye umsebenzi kamasipala otshitshisiweyo, melwe kukuchazwa njengesingqinisisio kubume ahambelana naso okanye umsebenzi kaMasipala.

(3) Ngokuxhomekeke kwimiqathango yolu ludwe lweenkqubo nangokugatyanga kutshitshiswa koomasipala abatshitshiweyo, nasiphi na:-

(a) isigqibo esithe sathatyathwa;

(b) isaziso, isiqinisekiso okanye amaxwebhu athe akhutshwa;

(c) isalathiso, ukwamkeleka, imvume okanye igunya elithe lanikezelwa;

(d) isaphulelo, iphepha-mvume okanye imvume ethe yanikwa okanye yakhutshwa;

(e) ukuqeshwa ukuthe kwenziwa;

(f) umqeshwa othe watyunjwa;

(g) isivumelwano okanye isibophelelo ekuthe kwangenwa kuso;

(h) amagunya athi anikweze umsebenzi;

(i) amaxabiso, uluhlu lweentlawulo okanye iintlawulo exibekiweyo;

(j) umhlaba othe wabekelwa bucala, kwakunye

(k) amanye amanyathelo athe athatyathwa okanye izinto ezenziweyo,

ngumasipala otshitshisiweyo oya kuthi, ngokwemiqathango yolu luhlu lweenkqubo, zithathwe ezi zinto ngokwzinto abezenza ezikhutshiweyo, ekunikiswe ngazo, ezenziweyo, abaqeshwa abatyunjiweyo, izivumelwano ekungenwe kuzo amagunya anikeziweyo, okumiselweyo, okanye okuthe kwenziwa nguMasipala de kube kuphindwe kwaqwalaselwa ngokutsha kusenziwa nohlenga-hlengiso ngokwemiqathango yecandelo le-15 loMthetho wamaSebe ooMasipala.

(4) Ngokwemiqathango yesahluko sama-20, 21, 22 nese 23 ekolu luhlu lwenkqubo, nabani na ngomhla wokuqala wonyulo othe wasebenzisa amagunya okanye wenza umsebenzi wakhe kungenjalo esebenza ngokwegunya lesikhundla sakhe nokuba ligunya awayelinikwe ngumasipala otshitshisiweyo, uya kuthi gqolo ukulisebenzisa elo gunya okanye enze umsebenzi lowo kungenjalo asebenze de kufike elo xesha athe wagqiba ngandlela yimbi uMasipala omtsha.

(5) Ngokwenjongo zoludwe lweenkqubo yeMiqathango eLawula ukuMiselwa kwamaGosa oxolo njengoko kuchaziwe kwimigaqo yecandelo 334 loMthetho weNkqubo yolwaPhulo-Mthetho ka1977 (uMthetho wama-51 ka1977), naliphi na igosa eliqinisekisa ngokuthotyelwa komthetho elamiselwa ngumasipala otshitshisisweyo, liya kuthi ukususela kumhla wokuqala wonyulo lithathwe njengeliqeshwe nguMasipala weSithili eso lisebenza kuso.

(6) Nasiphi na isicwangciso esisemthethweni esisetyenziswayo okanye esilandelwayo kummandla wolawulo loomasipala abatshitshisiweyo, siya kuhlala sisetyenziswa kungenjalo kulandelwa sona kummandla lowo besilungiselelwe ukusetyenziswa kuwo de sibe sihlonyelwe, siguqulwe okanye sitshitshisiwe nguMasipala.

IMicimbi yeMali

18.(1) Ukususela kumhla wokuqala wonyulo uhlahlo-lwabiwo-mali olukhoyo loomasipala abatshitshisiweyo luya kusebenza kuhlahlo-lwabiwo-mali loMasipala de ibe ngumhla wama-30 kuJuni 2001.

(2) Ngokungayigatyanga miqathango yecandelwana (1), uMasipala:-

(a) angenza uhlenga-hlengiso kuhlahlo-lwabiwo-mali olukhoyo, okanye

(b) angagqiba ekubeni azivale iincwadi ze uhlahlo-lwabiwo-mali alwenze ngokutsha ngentsalela yemali yonyaka wohlahlo-lwabiwo-mali;

lungenziwa uhlenga-hlengiso okanye ulungiselelo nokwamkelwa kohlahlo-lwabiwo-mali olunjengolu, ukuba oko kuya kuhambelana nomthetho osetyenziwayo.

(3) Phambi kwesiqalo sonyaka-mali ka2001/2002 kuya kufuneka uMasipala ukuba alungiselele ukwamkela izicwangciso zokulawula imali kwanemigaqo-nkqubo esebenza:-

(a) nemiqathango nebandabakanya nenkqubo yoomasipala yokutshintshwa kohlahlo lwabiwo mali ukuqinisekisa uzinzo kwezezimali kwithuba lasemva konyaka mali ka2000/2001;

(b) neendleko zexesha eliphakathi;

(c) ukulinganiswa kobume boluhlu lweerhafu loLawulo loMmandla weSithili;

(d) ukwenziwa kwamalungiselelo abanzi oxwebhu olutsha loqikelelo-maxabiso kwanokuphakanyiswa kweimicimbi yeerhafu exifikeleleka nakubani kuLawulo loMmandla weSithili;

(e) ukuziswa ngaphambili kwee-akhawunti eziqukanisiweyo;

(f) ukuhlanganiswa kwenkqubo zocwangciso-mali neenkqubo zohlahlo-lwabiwo-mali;

(g) ulawulo lwamatyala, kwakunye

(h) neenkqubo zokuthenga.

Amalungiselelo eThutyana oLawulo

19.(1) Ukususela ngomhla wokuqalisa ukuya kumhla apho abasebenzi, iimpahla, amatyala neerekhodi zide ekugqibeleni zobiwa ngokwemimiselo ekule Shedyuli, okanye omnye umhla onokumiselwa nguMphathiswa wePhondo, uMasipala weNgingqi:

(a) uya kunyanzeleka ukuba asebenzisane ngeyona ntembeko inkulu nabo bonke abasebenzi, iimpahla, amatyala okanye iirekhodi

(i) abaqeshwe ngokwemiqathango yecandelo 12A(1);

(ii) abagqithiselwe ngokwemiqathango yecandelo 16B(1) kananjalo

(iii) ezobiwe okwethutyana ngokwecandelo 12A(3) nele 16B(3) imo enokuthenjwa ngokubhekiselele kuMasipala weSithili

(b) engabujongelanga phantsi ububanzi becandelwana (1) kanto nangokwecandelo 12(2), ngokubhekiselele kwimihlathi (i) no (vii) elapha ngezantsi, akayi kuthi enganikwangwa nvume ngencwadi nguMphathiswa wePhondo, mvume leyo inemiqathango ethile

ekubhekiselelwe kuyo kwimihlathi (ii), (iii), (iv), (v), (vi) nowe-(viii) elapha ngezantsi, kuthintelwa ngaphandle kwesizathu esivakalayo enze okanye aqalise naziphi na inguqu zophuhliso lwabasebenzi abaqeshwe okwethutyana ngokwemiqathango yecandelo 12A(1), okanye enze izabiwo zethutyana ngokwemiqathango yecandelo 12A(3) ngokuthi:-

(i) adale okanye avale naziphi na izikhundla ezintsha;

(ii) avale izikhundla ezingenamntu;

(iii) aphakamisa okanye aqalise ukuguqula ngokutsha nokunyusa umgangatho wazo naziphi na izikhundla ezikhoyo;

(iv) anyusele abasebenzi kwizikhundla eziphezulu;

(v) anike abasebenzi nayiphi na imisebenzi yesigxina ngaphandle kwemisebenzi esetyenzwa okwethutyana;

(vi) ngokuxhomekeke kuwo nawuphi na umthetho, izivumelwano ezihlanganisiweyo okanye ingqesho engesosigxina:-

(aa) ukunika imvume kwanokusebenzisa nayiphi na imali evunyelweyo, kungenjalo imali evunyelweyo engunobambiso;

(bb) ukuqalisa ukubonelela ngonyuso mali lwemivuzo.

(vii) aqalise naziphi na iinguqu kwimibutho yabasebenzi okanye kwiimo zokuphatha, kananjalo

(viii) angene nakwisiphi isivumelwano esihlanganyelweyo, ngaphandle kwesivumelwano esihlanganyelweyo ekubonisenwe ngaso kwavunyelwana ngaso kwiKansile yoThethwano nesiya kubophelela uMasipala weNgingqi ngokubhekiselele kuwo nawuphi na umba odweliswe kweli candelwano

(c) engabujongelanga phantsi ububanzi becandelwana (1), akayi kwenza ngaphandle kokuba kokufumana imvume yoMasipala weSithili, mvume leyo ingasayi kuthintelwa ngaphandle kwesizathu esivakalayo, okanye ukuqalisa nasiphi na isigqibo esinxulumene nayo nayiphi na impahla, amatyala, iirekhodi ngokwemiqathango yecandelo 16B(1) okanyeeyabiwe okwethutyana ngokwemiqathango yecandelo 16B(3) esiya kwenza ukuba loo masipala:-

(i) athengise okanye aqeshise ngempahla engenakususwa kwindawo ekuyo okanye enokususwa kwindawo ekuyo mpahla leyo exabiso layo lingaphezulu kwama-R20 000,00 (amawaka angamashumi amabini eerandi) ngaphandle xa oko kusenziwa ngokwemiqathango yezivumelwano ezikhoyo, nangona ke loo miqathango ingenakusebenza xa kuchithwa impahla engenakususwa kwindawo ekuyo ngokwenkqubo yolwakhiwo lwezindlu oluvunywe ngokwemiqathango yoMthetho woLwakhiwo lweZindlu, 1997 (Umthetho 107 wonyaka we-1997);

(ii) athenge impahla engenakususwa kwindawo ekuyo okanye enokususwa kwindawo ekuyo mpahla leyo exabiso layo lingaphezulu kwama-R20 000,00 (amawaka angamashumi amabini eerandi);

(iii) enze izivumelwano ezintsha zethuba elingaphezulu konyaka omnye;

(iv) avuselele izivumelwano zethuba elingaphezulu kweenyanga ezintathu;

(v) azifumanele ubuxhakaxhaka betekhnoloji obuquka oomatshini bohlobo lwekhompyuta neenkqubo abazisebenzisayo, kananjalo

(vi) asebenzise:-

(aa) iimali eziqingqwe ngokomthetho, ezisebenzisela ukuthenga impahla eyikapitali okanye enye inkcitho kungenjalo ukuhlawulela inkcitho ngokuvula amatyala angaphakathi emali-mboleko oko ekwenzela iinjongo ezingezizo ezeeprojekthi zolwakhiwo lwezinto ezisetyenziswa sisizwe eziqingqiweyo neziyimfuneko kwanezivunywe kuhlahlo-lwabiwo mali lonyaka wama-2000/2001;

(bb) iimali ezigcinwe kwithrasti (ezingaquki ii-akhawunti zeKansile) ezisebenzisela naziphi na iinjongo ngaphandle kwezo ezo mali ezigcinelwe zona;

(cc) iimali ezibekelelweyo, ikapitali ebekeleweyo okanye izibonelelo ezibekelelweyo ngenjongo engeyiyo yokulolonga izinto ezakhelwe isizwe nezifakwe kuhlahlo-lwabiwo mali, ulolongo lwezinto zonxunguphalo ezikhelwe isizwe nezingafakwanga kuhlahlo-lwabiwo mali, lolongo olo olungenakuhlawulelwa ngemali ecwangciselwe ukwenza umsebenzi okanye ngokuthi kucinywe amatyala angasenakuhlawulwa; kananjalo

(dd) nayiphi na ithrasti esekwe ngokomthetho, nasiphi na isibekelelo okanye isibonelelo esingeyo mali izinkozo exhaswa ngemali engeyiyo esisiphumo sokucinywa kwamatyala angasenakuhlawulwa.

Nangona ke eli candelwana lingenakusebenza kwiimeko zonxunguphalo; kwaye

(d) akayi kwenza okanye kuqalisa nasiphi na isigqibo esiya kwenza ukuba uMasipala weNgingqi agqithise kwikapitali yakheto evunyiweyo okanye kwimali yonyaka-mali wama-2000/2001 ecwangciselwe ukwenza umsebenzi.

(2) Xa kunokuvela impikiswano ngokubhekiselele kwimiqathango yecandelwana (1) phakathi koMasipala weNgingqi noMasipala weSithili, loo mpikiswano kuya kufuneka ibhekiswe kuMphathiswa wePhondo ukuze ibe nguMphathiswa wePhondo okanye umtyunjwa wakhe owenza isigqibo ngayo ngokweenkqubo ezimiselwe nguMphathiswa wePhondo, kwaye isigqibo so Mphathiswa wePhondo okanye umtyunjwa wakhe owenza isigqibo ngayo ngokweenkqubo ezimiselwe nguMphathiswa wePhondo, kwaye isigqibo soMphathiswa wePhondo okanye umtyunjwa wakhe akuyi kugqithwa kuso kwaye siya kuba sesibophelelayo.

(3) Nasiphi na isivumelwano esenziweyo nesiphikisana nemiqathango yecandelwana (1) okanye (2) asiyi kusebenza kwaphela.

(section 19 amended by PN.675/2000)

Ukuqeshwa kwamagosa abambeleyo

20. Phanbi komhla wokuqala wonyulo uMphathiswa wePhondo uya, kuthi akuba eziqwalasele iziphakamiso zeQonga leNgugulelo leSithili ezinxulumene noMasipala weNqila aqeshe nawuphi na umntu nokuba kukwesiphi na isikhundla uya kuqeshwa ngokwemigaqo yomthetho esetyenziswayo kwaye isikhundla eso siya kuba sesethutyana noya kuqalisa emsebenzini ngomhla wokuqala wonyulo ahlale kuwo de abe uMasipala uqesha ngokwakhe ngokwemigaqo yomthetho osetyenziswayo ekubhekiselelwe kuyo kwesi sahluko.

Ukuqeshwa koMphathi weThutyana kaMasipala

21.(1) Ngaphambi komhla wokuqala wonyulo uMphathiswa wePhondo, emva kokuqwalasela iziphakamiso zaQonga leNguqulelo leSithili, uya kutyumba umphathi wethutyana kamasipala noya kuhlala kweso sikhundla de abe uMasipala weNqila umisa owakhe umphathi okanye umphathi olibambela.

(2) Imisebenzi yomphathiswa wethutyana kamasipala iya kuba yile ilandelayo:-

(a) uya kubiza indibano yokuqala yeKansile kaMasipala weNqila ngokwesahluko sama- 29(2) soMthetho wamaSebe kaMasipala;

(b) uya kongamela indibano yokuqala yeKansile kaMasipala de kube kunyulwe isithethi;

(c) emva komhla wokuqala wonyulo, uya kusebenza njengentloko yolawulo kwananjengegosa eli loMasipala weSithili de abe uMasipala umisela owakhe umphathi nokuba

(d) emva komhla wokuqala wonyulo, uya kuyenza yonke imisebenzi efanele ukwenziwa yiCEO yomasipala ngokwemithetho wolawulo osetyenziswayo;

(e) ajongane noxanduva lwenkqubo yokutshintshwa kwabasebenzi, izixhobo zokusebenza, ingeniso, ulawulo kwanamanye amaxwebhu kuMasipala weSithili;

(f) amisele abantu abaya kufezekisa imfanelo azimiseleyo ngokwemigaqo ekule Shedyuli (g) athabathe amanyathelo afanelekileyo ukuqinisekisa ukuba inkonzo eqhutywayo isahamba ngendlela nasemva komhla wokuqala wonyulo;

(g) athabathe amanyathelo afanelekileyo ukuqinisekisa ukuba ubonelelo ngeenkonzo luya qhubeka nasemva komhla wokuqalisa ukusebenza;

(h) aseke inkqubo enobuchule yethutyana yolawulo lwemali kaMasipala weSithili (I) amisele iindawo zethutyana zeenkqubo zokwenza imgxelo;

(i) amisele uMasipala waseKhaya imigaqo yobudlelwane bolawulo namagunya bethutyana;

(j) ukunika izimvo neziphakamiso ezimalunga nenkqubo yezivumelwano, amalungiselelo eenkqubo kwanezivumelwano ngenkqubo yeenkonzo ezenziwayo;

(k) ukufezekiswa kwenkqubo yamalungiselelo enkonzo yethutyana phakathi kooMasipala beeNgingqi noMasipala weSithili;

(l) anikeze naliphi na kumagunya akhe okanye imisebenzi yakhe kuye nawuphi na umqeshwa kaMasipala weNgingqi, kwakhona arhoxise, abuyisele kuye loo magunya, kwakunye

(m) Kwisithuba esiphambi komhla wokuqala wonyulo uya kwenza amalungiselelo eenkqubo ezikankanyiweyo ku (a) ukuya ku (l).

(3) Phambi komhla wokuqala wonyulo, iiCEOs ziya kubambisana nomphathi komasipala weThutyana kuyo yonke imibandela enokwenza noku sekwa komasipala omtsha wengingqi.

(4) Ukusukela ngomhla wokuqala kumhla wonyulo, iiCEO ziya kusebenza phantsi kwemiyalelo yomphathi wethutyana kamasipala, kanti nomphathi wethuyana kamasipala uya kuba negunya kubo.

Abaphathi abancedisayo bethutyana bakamasipala

22. UMphathiswa wePhondo unokuthi, emva kokuba ezinike ingqalelo naziphi na iziphakamiso zaQonga leNguqulelo leSithili, aqeshe nokuba bangaphi abancedisi bethutyana babe ngabaphathi betyhutyana bakamasipala nabaya kuqalisa emsebenzini emva nje kokuba beqeshiwe kwaye baya kuhlala kwezo zikhundla de uMasipala abe usiqinisekisile okanye usiphelisile isikhundla eso.

IQela loLawulo elikiSikhundla esiPhezulu

23. Nabaphi na abancedisi abamiselwa ukuba ngabaphathi bethuyana bakamsipala, bekunye nomphathi wethutyana kamasipala, baya kuba yinxalenye yeqela lolawulo elikwisikhundla eziphezulu likaMasipala neliya kongamela iinkqubo zokufezikiswa ukusekwa koMasipala weNqila.

Ingqesho

24. Nawuphi na umntu oqeshwe ngokwezahluko 20, 21 okanye 22, oya kuthi, ngexesha lokuqeshwa kwakhe abe ngumsebenzi womasipala otshitshisiweyo kungenjalo uMasipala weNqila oya, kuthi ngokwemiqathamngo ekwicandelo le-12 lale skedyuli, ahlale eqeshwe ngumasipala otshitshisiweyo okanye uMasipala weNqila, eya kufezekisa iimfuna zomsebenzi njengomntu othunyelweyo.

INdibano yokuqala yeKansile kaMasipala weSithili

25.(1) uMphathi wethutyana kamasipala uya kuthi, kwiintsuku ezintathu phambi kokuhalalelwa kwendibano yeKansile kaMasipala weSithili, athumele kuceba ngamnye kwindawo ahlala kuyo nokuba kukwindawo ekhethwe nguceba lowo kubhekiselelwe kuye, isaziso esimalunga nendawo, umhla, ixesha lendibano yokuqala kwane-agenda; kuxhomekeke kumphathiswa wethutyana ukubiza indibano yokuqala ngesikhawu.

(2) Ngokungayigatyanga nje imithetho yeengingqi esebenzayo, kodwa ngokuxomekeke kwizibonelelo zaMthetho wamaSebe kaMasipala, imiqathango nemimiselo yentlanganisano yokuqala yeKansile yoMasipala weNgingqi yimimiselo nemimselo yentlanganiso yokuqala yeKansile yoMasipala weNgingqi yimimiselo nemimiselo ekhankanyiweyo kweiSaziso sePhondo esingu- 411/1988 njengongoko sichaziweyo kwiGazethi yePhondo enguNombolo 4532 yomhla wama- 20 kuMeyi 1998 eneenguqulelo ezifunekayo kwezinye iziqendu, loo mimiselo iya kuhlala iyesebenza de kusetyenziswe imiqathango nemimiselo nguMasipala weNgingqi.

(subsection (2) amended by PN.675/2000)

(3) INdawo eya kubanjelwa kuyo indibano yokuqala yeKansile kaMasipala weNqila iya kuba yiNdlu yeKansile yeBhunga leThutyana leNgingqi laseStellenbosch etshitshisiweyo eStellenbosch.

(4) I-agenda yendibano yokuqala iya kuba yile ilandelayo:-

(a) Ukunyulwa kwesithethi;

(b) ukuba ngaba uMasipala weSithili uyafuna na ukuseka ikomiti elawulayo, ukuba kunjalo, kuya kumiselwa umgaqo-nkqubo womelo lonyulo lwekomiti elawulayo;

(c) ukunyulwa kooceba abaya kusebenzela ikomiti elawulayo;

(d) ukunyulwa kukasodolophu kumalungu ekomiti elawulayo;

(e) ukunyulwa kosekela-sodolophu, kumalungu ekomiti elawulayo nothianikwe imvume nguMphathiswa wePhondo, kwakunye

(f) nayiphi na eminye imisebenzi esekwe ngumphathi wethutyana kamasipala ne-agenda emiselweyo.

Ukusetyenziswa kwesi Saziso

25A. Xa kunokuvela ukungavisisani, malunga nokufezekiswa kwemiba ekwesi Saziso, phakathi kwesi Saziso nemiqathango yaso nasiphi na isaziso secandelo 84(3) esabhengezwa nguMphathiswa wePhondo okanye nasiphi isaziso secandelo 18 esabhengeza nguMphathiswa wePhondo, nokuba sisiphi kwezo zaziso, imiqathango yesaziso ecandelo 83(3) yiyo eya kusebenza.

(section 25A inserted by PN. 675/2000)

USekela Sodolophu weSigqeba

25B Kunikezwe imvume ngokwemiqathango yecandelo 55 lomthetho, iMunicipal Structures Act, njengoko silungisiwe, kusenzelwa unyulo losekela sodolophu wesigqeba.

(section 25B inserted by PN.184/2003)

ISihloko esifutshane nokuqalisa

26. Esi Saziso sibizwa ngokuba nguMasipala waseStellenbosch (WCO24) ukuSekwa kweSaziso nesiqalise ukusebenza ngomhla esipapashwe ngawo.

P.K. 489/2000 22 September 2000

WET OP PLAASLIKE REGERING: MUNISIPALE STRUKTURE, 1998 (WET 117 VAN 1998)

Gewysig deur:
Provinsiale Kennisgewing 675 van 4 Desember 2000
Provinsiale Kennisgewing 456 van 19 Desember 2002
Provinsiale Kennisgewing 184 van 28 Mei 2003
Provinsiale Kennisgewing 11 van 3 Januarie 2006
Provinsiale Kennisgewing 55 van 25 Februarie 2011
Provinsiale Kennisgewing 283 van 24 Oktober 2014
Provinsiale Kennisgewing 261 van 31 Julie 2015
Provinsiale Kennisgewing 114 van 8 April 2016
Provinsiale Kennisgewing 118 van 15 Oktober 2021
Provinsiale Kennisgewing 92 van 6 Maart 2026

INSTELLING VAN DIE MUNISIPALITEIT STELLENBOSCH (WCO24)

Uit hoofde van die gesag aan my verleen by artikels 12 en 14 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998), gee ek hiermee kennis van die instelling van die Munisipaliteit Stellenbosch op die voorwaardes wat in die Bylaag hiervan uiteengesit is.

Gedateer op hierdie 22ste dag van September 2000.

P UYS, PROVINSIALE MINISTER VAN PLAASLIKE REGERING

BYLAAG

Woordomskrywings en Uitleg

1. In hierdie Bylaag, tensy uit die samehang anders blyk, omvat die enkelvoud die meervoud en omgekeerd, word voorkeur verleen aan die Engelse teks ingeval die verskillende tekste teenstrydig is, en het ‘n woord of uitdrukking waaraan die Munisipale Strukturewet ‘n betekenis geheg het, dieselfde betekenis, en beteken –

   (1) **“afgeskafte munisipaliteite”** daardie bestaande munisipaliteite afgeskaf ingevolge artikel 3 van hierdie Bylaag;

   (1A) **“artikel 18-kennisgewing”** ‘n kennisgewing afgekondig ingevolge artikel 18 van die Munisipale Strukture Wysigingswet;

   (subartikel (1A) ingevoeg deur PK 675/2000)

   (1B) **“artikel 84(3)-kennisgewing”** ‘n kennisgewing afgekondig ingevolge artikel 84(3) van die Munisipale Strukturewet;

   (subartikel (1B) ingevoeg deur PK.675/2000)

   (2) **“Bedingingsraad”** die Wes-Kaapse afdeling van die Suid-Afrikaanse Bedingingsraad vir Plaaslike Bestuur wat aansoek gedoen het om registrasie as ‘n bedingingsraad ingevolge Algemene Kennisgewing

1513/1999, soos gepubliseer in Staatskoerant No. 20282 van 16 Julie 1999;

(2A) **"burgemeesters-uitvoerende stelsel"** 'n stelsel wat voorsiening maak vir die uitoefening van uitvoerende gesag deur 'n uitvoerende burgemeester in wie die uitvoerende leierskap van die munisipaliteit berus en wie deur 'n burgemeesterskomitee bygestaan word;

(subartikel (2A) ingevoeg deur PK.184/2003)

(3) **"Distriksmunisipaliteit"** die Boland Distriksmunisipaliteit wat met ingang van die effektiewe datum ingestel moet word;

(3A) **"Distriksmunisipaliteit se TMB"** die tussentydse munisipale bestuurder van die Distriksmunisipaliteit;

(subartikel (3A) ingevoeg deur PK.675/2000)

(3B) **"Distriksmunisipaliteitskennisgewing"** Provinsiale Kennisgewing 486/2000, gepubliseer in Buitengewone Provinsiale Koerant No. 5590 van 22 September 2000;

(subartikel (3B) ingevoeg deur PK.675/2000)

(4) **"Distrikstransformasieforum"** die Breërivier/Wynland Distrikstransformasieforum wat ingevolge die DTF-Kennisgewing ingestel is;

(5) **"DTF-Kennisgewing"** Provinsiale Kennisgewing 78/2000 gepubliseer in Buitengewone Provinsiale Koerant No. 5435 van 10 Maart 2000;

(6) **"effektiewe datum"** die datum waarop die verkiesing 'n aanvang neem;

(7) *(subartikel (7) geskrap deur PK.184/2003)*

(8) "**Grondwet"** die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet 108 van 1996);

(9) **"HUB"** die hoof uitvoerende beampte van 'n afgeskafte munisipaliteit;

(10) **"intermunisipale begrotingsoorplasings"** die oordrag van fondse tussen munisipaliteite om inkomste stabiliteit te verkry tydens die periode van transformasie;

(11) **"Munisipale Afbakeningsraad"** die Munisipale Afbakeningsraad wat by artikel 2 van die Munisipale Afbakeningswet ingestel is;

(12) **"Munisipale Afbakeningswet"** die Wet op Plaaslike Regering: Munisipale Afbakenings, 1998 (Wet 27 van 1998);

(13) **"Munisipale Strukturewet"** die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998);

(13A) **"Munisipale Strukture Wysigingswet"** die Wysigingswet op Plaaslike Regering: Munisipale Strukture, 2000 (Wet 33 van 2000);

(subartikel (13A) ingevoeg deur PK.675/2000)

(13B) **"Nasionale Minister"** die nasionale Minister verantwoordelik vir plaaslike regering;

(subartikel (13B) ingevoeg deur PK.675/2000)

(13C) **"oordragproses"** die proses soos in hierdie Bylaag uiteengesit om die oordrag van alle personeel, bates, laste en rekords van die afgeskafte

munisipaliteite na die Distriksmunisipaliteit of die Plaaslike Munisipaliteite teweeg te bring, welke proses insluit:-

(a) die identifisering van alle personeel, bates, laste en rekords wat oorgedra moet word;
(b) die toepassing van die beginsels vir doeltreffende oordrag soos in hierdie Bylaag uiteengesit;
(c) die toewysing van elke personeellid, bate, las en rekord aan óf die Distriksmunisipaliteit óf 'n Plaaslike Munisipaliteit, en
(d) die inwerkingstelling van die oordrag;

(subartikel (13C) ingevoeg deur PK.675/2000)

(13D) **"personeel"** alle personeel, insluitende funksionele, bestuurs- en steunpersoneel, en omvat dit vakante poste waarvoor begroot is, maar nie vakante poste waarvoor nie begroot is nie;

(subartikel (13D) ingevoeg deur PK.675/2000)

(14) **"Plaaslike Munisipaliteit"** die Munisipaliteit Stellenbosch wat ingevolge artikel 4 van hierdie Bylaag ingestel word;

(15) **"Provinsiale Minister"** die lid van die Kabinet van die Provinsie Wes-Kaap verantwoordelik vir plaaslike regering;

(16) **"Provinsie"** die Provinsie Wes-Kaap;

(17) **"Statutêre plan"** 'n plan wat ingevolge enige wetgewing vereis word, insluitende, sonder om beperk te wees tot, enige struktuurplan, grondgebruikplan, soneringskema, geïntegreerde ontwikkelingsplan, waterdiensteplan, vaardigheidsontwikkelingsplan en diensbillikheidsplan;

(18) **"tussentydse munisipale bestuurder"** die tussentydse munisipale bestuurder van die Plaaslike Munisipaliteit wat ingevolge artikel 21(1) aangestel is en wat vanaf die effektiewe datum die waarnemende munisipale bestuurder van die Plaaslike Munisipaliteit sal wees, of die waarnemende munisipale bestuurder of munisipale bestuurder van die Plaaslike Munisipaliteit wat na die effektiewe datum deur die Munisipale Raad van die Plaaslike Munisipaliteit aangestel is;

(subartikel (18) gewysig deur PK.675/2000)

(19) **"vakbonde"** die Onafhanklike Munisipale en Verwante Vakbond en die Suid-Afrikaanse Munisipale Werkersvereniging;

(20) **"verkiesing"** die eerste algemene verkiesing van Munisipale Rade na die inwerkingtreding van die Grondwet;

(21) **"WEKPRO"** die Wes-Kaapse Plaaslike Regeringsorganisasie, wat die provinsiale organisasie vir die Wes-Kaap waaraan erkenning verleen word ingevolge artikel 2(1) (b) van die Wet op Georganiseerde Plaaslike Regering, 1997 (Wet 52 van 1997) is;

(22) **"Wet op Landelike Gebiede"** die Wet op Landelike Gebiede (Raad van Verteenwoordigers), 1987 (Wet 9 van 1987);

(23) **"Wet op Transformasie van Sekere Landelike Gebiede"** die Wet op Tranformasie van Sekere Landelike Gebiede, 1998 (Wet 94 van 1998).

(24) **"wyk deelnemende stelsel"** 'n stelsel wat voorsiening maak vir aangeleenthede van plaaslike belang vir wyke, om deur komitees mee gehandel te word wat vir wyke ingestel is.

(subartikel (24) ingevoer deur PK.184/2003)

Aanhef

2.(1) Op 3 Maart 2000 het die Munisipale Afbakeningsraad, ingevolge artikel 21 van die Wet op Munisipale Afbakening, die grense van die Munisipaliteit bepaal, soos weerspieël in die kaart wat verskyn in Provinsiale Kennisgewing 69/2000 gepubliseer in die Provinsiale Koerant 5431 gedateer 3 Maart 2000 (’n afskrif van die kaart is in Aanhangsel “1” van hierdie Bylae geherpubliseer) en gewysig deur Provinsiale Kennisgewing 478/2000 gepubliseer in die Provinsiale Koerant 5587 gedateer 18 September 2000 en Provinsiale Kennisgewing 258/2002 gepubliseer in die Provinsiale Koerant 5922 gedateer 15 Augustus 2002, en Provinsiale Kennisgewing 339/2013 gepubliseer in die Provinsiale Koerant 7185 gedateer 15 Oktober 2013, saamgelees met Provinsiale Kennisgewing 417/2013 gepubliseer in die Provinsiale Koerant 7209 gedateer 10 Desember 2013, Provinsiale Kennisgewing 248/2013 gepubliseer in die Provinsiale Koerant 7156 gedateer 8 Augustus 2013, Provinsiale Kennisgewing 1/2014 gepubliseer in die Provinsiale Koerant 7217 gedateer 10 Januarie 2014, Provinsiale Kennisgewing 63/2014 gepubliseer in die Provinsiale Koerant 7236 gedateer 7 Maart 2014 en Provinsiale Kennisgewing 159/2014 gepubliseer in die Provinsiale Koerant 7277 gedateer 13 Junie 2014 en Provinsiale Kennisgewing 657/2018 gepubliseer in die Provinsiale Koerant 7968 gedateer 10 Augustus 2018, saamgelees met Provinsiale Kennisgewing 124/2018 gepubliseer in die Provinsiale Koerant 7987 gedateer 4 Oktober 2018, Provinsiale Kennisgewing 91/2018 gepubliseer in die Provinsiale Koerant 7942 gedateer 15 Junie 2018 en Provinsiale Kennisgewing 166/2018 gepubliseer in die Provinsiale Koerant 8024 gedateer 14 Desember 2018 en Provinsiale Kennisgewing 4/2023 gepubliseer in die Provinsiale Koerant 8864 gedateer 12 Januarie 2024, saamgelees met Provinsiale Kennisgewing 162/2024 gepubliseer in die Provinsiale Koerant 8894 gedateer 8 Maart 2024, Provinsiale Kennisgewing 42/2024 gepubliseer in die Provinsiale Koerant 8914 gedateer 26 April 2024 en Provinsiale Kennisgewing 76/2024 gepubliseer in die Provinsiale Koerant 8954 gedateer 12 Julie 2024.

(artikel 2(1) gewysig deur PK.11/2006, PK 114/2016, PK118/2021 en PK. 92/2026)

(2) Die Provinsiale Minister, wat ingevolge artikel 12(4) van die Munisipale Strukturewet handel, het:-

(a) skriftelike kennis van die voorgenome instelling van die Plaaslike Munisipaliteit aan WEKPRO en aan die afgeskafte munisipaliteite gegee by wyse van ‘n omsendbrief gedateer 12 Julie 2000 en met verwysing AAO509/1/4;

(b) oorleg gepleeg met WEKPRO en die afgeskafte munisipaliteite;

(c) besonderhede van hierdie Kennisgewing gepubliseer in Provinsiale Kennisgewing 394/2000, wat in Buitengewone Provinsiale Koerant No. 5571 van 28 Augustus 2000 gepubliseer is, en

(d) die kommentaar wat na die publikasie van die voorgestelde Kennisgewing ontvang is, oorweeg.

(3) Die Provinsiale Minister het ook die advies van die Distrikstransformasieforum oorweeg wat ingevolge artikel 11(2) van die DTF-Kennisgewing aan hom gegee is.

(4) Die Provinsiale Minister, wat handel ingevolge artikels 12 en 14 van die Munisipale Strukturewet, soos saamgelees met die Wes-Kaapse Wet op Bepaling van Soorte Munisipaliteite, 2000 (Wet 9 van 2000), gee hiermee kennis van die instelling van die Plaaslike Munisipaliteit ingevolge die voorwaardes hierin uiteengesit.

(5) Die Provinsiale Minister, wat ingevolge Hoofstuk 2 van die Munisipale Strukture Wysigingswet, soos gelees met artikel 14(2)(b) van die Munisipale Strukturewet, handel, gee hiermee kennis van die reëling van die wetlike, praktiese en ander gevolge van die afskaffing van die afgeskafte munisipaliteite, insluitende:-

(a) die beginsels wat die oordrag van personeel na die Plaaslike Munisipaliteit bepaal, en die proses daarvan, welke proses op die datum van publikasie van hierdie kennisgewing begin en op ‘n datum wat die Provinsiale Minister bepaal sal eindig;

(b) die beginsels wat die oordrag van bates, laste, regte en verpligtinge en administratiewe en ander rekords na die Plaaslike Munisipaliteit bepaal, en die proses daarvan, welke proses op die datum van publikasie van hierdie kennisgewing begin en op ‘n datum wat die Provinsiale Minister bepaal sal eindig;

(c) die verskaffing van administratiewe oorgangsmaatreëls vir die tydperk vanaf die effektiewe datum tot op ‘n datum wat die Provinsiale Minister sal bepaal, om voortgesette dienslewering te verseker en om die integriteit en finansiële lewensvatbaarheid van die Plaaslike Munisipaliteit te verseker.

(subartikel (5) ingevoeg deur PK. 675/2000)

Afskaffing van Bestaande Munisipaliteite

3.(1) Met ingang van middernag van die dag voor die effektiewe datum, sal die volgende munisipaliteite afgeskaf word:-

(a) Munisipaliteit vir die Gebied van Franschhoek, ingestel ingevolge Proklamasie No. 20/1995 gedateer 31 Januarie 1995;

(b) Nuweberg Verteenwoordigende Oorgangsraad, ingestel ingevolge Proklamasie No. 18/1996 gedateer 26 Julie 1996, in die mate wat die gebied daarvan ingesluit is binne die grense van die Plaaslike Munisipaliteit, soos deur die Munisipale Afbakeningsraad bepaal is en in artikel 2(1) genoem word;

(c) Paarl Verteenwoordigende Oorgangsraad, ingestel ingevolge Proklamasie No. 18/1996 gedateer 26 Julie 1996, in die mate wat die gebied daarvan ingesluit is binne die grense van die Plaaslike Munisipaliteit, soos deur die Munisipale Afbakeningsraad bepaal is en in artikel 2(1) genoem word;

(d) Pniel Plaaslike Oorgangsraad, ingestel ingevolge Proklamasie No. 142/1994 gedateer 30 Desember 1994;

(e) Stellenbosch Plaaslike Oorgangsraad, ingestel ingevolge Proklamasie No. 28/1995 gedateer 31 Januarie 1995, en

(f) Stellenbosch Verteenwoordigende Oorgangsraad, ingestel ingevolge Proklamasie No. 18/1996 gedateer 26 Julie 1996, in die mate wat die gebied daarvan ingesluit is binne die grense van die Plaaslike Munisipaliteit, soos deur die Munisipale Afbakeningsraad bepaal is en in artikel 2(1) genoem word.

(2) Die raadslede van die afgeskafte munisipaliteite moet hul ampte ontruim wanneer die pas verkose Raad van die Plaaslike Munisipaliteit verkose verklaar is en moet teen middernag van dié dag enige eiendom in hul besit wat aan ‘n afgeskafte munisipaliteit behoort, aan die HUB van die betrokke afgeskafte munisipaliteit of sy benoemde terugbesorg.

Instelling en Naam

4. Met ingang van die effektiewe datum sal ‘n munisipaliteit ingestel word wat in Afrikaans as “Munisipaliteit Stellenbosch“, in Engels as “Stellenbosch Municipality“, en in isiXhosa as “U Masipala waseStellenbosch“ bekend sal staan.

Kategorie

5. Die Plaaslike Munisipaliteit is ‘n plaaslike munisipaliteit soos omskryf in artikel 1 van die Munisipale Strukturewet, naamlik ‘n munisipaliteit wat munisipale uitvoerende en wetgewende gesag in sy gebied deel met die Distriksmunisipaliteit, en wat in artikel 155(1) van die Grondwet as ‘n kategorie B – munisipaliteit beskryf word.

Soort

6. Die Plaaslike Munisipaliteit is ‘n munisipaliteit met burgemeesters-uitvoerende stelsel wat met ‘n wykdeelnemende stelsel gekombineer is, soos uiteengesit in die Wes-Kaapse Wet op Bepaling van Soorte Munisipaliteite, 2000 (Wet 9 van 2000), soos gewysig deur die Wes-Kaapse Wysigingswet op Bepaling van Soorte Munisipaliteite, 2002 (Wet 4 van 2002).

(artikel 6 gewysig deur PK.184/2003)

Grense

7. Die grense van die Plaaslike Munisipaliteit sal die grense wees wat deur die Munisipale Afbakeningsraad bepaal is en in artikel 2(1) genoem word.

Getal Raadslede en Wyke

8.(1) Die Munisipale Raad van die Munisipaliteit het 45 (vyf-en-veertig) raadslede, soos deur die Provinsiale Minister bepaal in Provinsiale Kennisgewing 116/2024 gepubliseer in die Provinsiale Koerant 8999 gedateer 6 November 2024, waarvan 23 (drie-en-twintig) wyksraadslede en 22 (twee-en-twintig) proporsioneel verkose raadslede is.

(2) Die Munisipaliteit het 23 (drie-en-twintig) wyke.

(artikel 8 gewysig deur PK.11/2006, PK. 55/2011, PK118/2021 en PK.92/2026)

Voltydse Raadslede

9. Die Plaaslike Munisipaliteit mag die volgende raadslede as voltydse raadslede aanwys:-

(a) die uitvoerende burgemeester;

(b) lede van die burgemeesterskomitee;

(c) die speaker;

(d) ‘n enkele sweep aangewys vir die Raad, en

(e) Voorsitter van Komitee ingestel ingevolge artikel 79 (‘MPAC’).

(artikel 9 gewysig deur PK.456/2002, PK.184/2003, PK.283/2014 en PK.261/2015)

Funksies en Bevoegdhede

10. Daar sal geen aanpassing van die funksies en bevoegdhede van die Plaaslike Munisipaliteit ingevolge artikel 85 van die Munisipale Strukturewet wees nie.

Vrystellings

11. Die Plaaslike Munisipaliteit is nie van enige van die bepalings van die Munisipale Strukturewet vrygestel nie.

Beginsels wat die Oorplasing van Personeel bepaal

12.(1) Met ingang van die effektiewe datum en ooreenkomstig die bepalings van artikel 197 van die Wet op Arbeidsverhoudinge, 1995 (Wet 66 van 1995), sal:-

(a) alle personeel van die afgeskafte munisipaliteite wat uitsluitlik betrokke is by funksies wat deur die Plaaslike Munisipaliteit verrig moet word, na die Plaaslike Munisipaliteit oorgeplaas word:

(b) alle personeel van die afgeskafte munisipaliteite wat uitsluitlik betrokke is by funksies wat deur die Distriksmunisipaliteit verrig moet word (insluitende funksies wat deur die Distriksmunisipaliteit in ‘n Distriksbestuursgebied verrig moet word), na die Distriksmunisipaliteit oorgeplaas word;

(c) enige personeellid van ‘n afgeskafte munisipaliteit wat betrokke is by een of meer funksies wat met ingang van die effektiewe datum deur die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verrig sal word, oorgeplaas word ooreenkomstig die funksie wat die grootste deel van so ‘n personeellid se tyd in beslag neem;

(d) alle personeel van die afgeskafte munisipaliteite wat nie betrokke is by ‘n bepaalde funksie of funksies wat deur die Plaaslike Munisipaliteit en die Distrikmunisipaliteit verrig moet word nie, oorgeplaas word na óf die Plaaslike Munisipaliteit óf die Distriksmunisipaliteit in verhoudings wat gebaseer is op die totale getal poste wat ingevolge paragrawe (a), (b) en (c) oorgeplaas word;

(e) alle vakante poste van die afgeskafte munisipaliteite waarvoor nie begroot is nie, afgeskaf word.

(2) Behoudens enige kollektiewe ooreenkoms, moet alle regte en verpligtinge tussen die afgeskafte munisipaliteite en elkeen van hul onderskeie werknemers ten tyde van die oorplasing voortgaan om van krag te bly asof dit regte en verpligtinge tussen die Plaaslike Munisipaliteit of die Distriksmunisipaliteit, na gelang van die geval, en elkeen van sy werknemers is, en enigiets wat voor die oorplasing deur of met betrekking tot die betrokke afgeskafte munisipaliteit gedoen is, sal geag word deur of met betrekking tot die Plaaslike Munisipaliteit of Distriksmunisipaliteit, na gelang van die geval, gedoen te gewees het.

(3) Die oorplasing onderbreek nie die kontinuïteit van ‘n werknemer se indiensneming nie en dit gaan voort met die Plaaslike Munisipaliteit of Distriksmunisipaliteit, na gelang van die geval, asof dit met die betrokke afgeskafte munisipaliteit is.

(4) Behoudens die menslikehulpbronbeleid en –prosedure genoem in artikel 14(a) van hierdie Bylaag, kan daar van enige werknemer wat na die Plaaslike Munisipaliteit oorgeplaas word, vereis word om by enige van die kantore van die Plaaslike Munisipaliteit aan te meld en, tensy anders ooreengekom, sal so

‘n werknemer, as gevolg daarvan; nie op enige bykomende vergoeding geregtig wees nie.

(artikel 12 gewysig deur PK. 675/2000)

Proses om Oorplasing van Personeel te bewerkstellig

12A.(1)Ondanks die bepalings van artikels 12 en 16C, en hangende die voltooiing van die oorplaasproses ingevolge hierdie artikel, moet alle personeel van die afgeskafte munisipaliteite, in soverre dit nodig is, tydelik in diens van die Plaaslike Munisipaliteit geplaas word en moet alle personeel wat na die Distriksmunisipaliteit oorgeplaas staan te word ingevolge die bepalings van artikel 12 of 16C van hierdie Bylaag, dienooreenkomstig geag word na die Plaaslike Munisipaliteit gesekondeer te wees ingevolge ‘n agentskapsreëling tussen die Plaaslike Munisipaliteit en die Distriksmunisipaliteit ten effekte dat die Plaaslike Munisipaliteit die funksie of funksies waarby die spesifieke personeel betrokke is, namens die Distriksmunisipaliteit sal verrig.

(2) Ten einde:-

(a) enige oorgangsbepalings ingevolge die Munisipale Strukture Wysigingswet te akkommodeer, of

(b) die Plaaslike Munisipaliteit en die Distriksmunisipaliteit toe te laat om ooreenkomste te sluit, met inbegrip van bedryfsooreenkomste,

wat die oordrag van personeel ingevolge hierdie Bylaag kan beïnvloed, sal geen personeellid finaal toegewys word, soos waarvoor voorsiening gemaak word in subartikel (4) voor 30 Junie 2001 nie, of sodanige alternatiewe datum as wat die Provinsiale Minister bepaal.

(3) Voor of op ‘n datum wat deur die Provinsiale Minister bepaal word, moet elke HUB ‘n skedule van alle personeel van sy of haar afgeskafte munisipaliteit opstel in ooreenstemming met ‘n formaat deur die Provinsiale Minister voorgeskryf, moet elke personeellid en ‘n vakante pos van sy of haar afgeskafte munisipaliteit waarvoor begroot is in ooreenstemming met die beginsels uiteengesit in artikels 12 en 16C voorlopig toewys, en moet kopieë van die volle skedule aan die tussentydse munisipale bestuurder en die Distriksmunisipaliteit se TMB voorlê.

(4) Voor of op ‘n datum wat deur die Provinsiale Minister bepaal word, maar behoudens subartikel (2), moet die tussentydse munisipale bestuurder, in oorleg met die Distriksmunisipaliteit se TMB:-

(a) die skedules genoem in subartikel (1) konsolideer tot ‘n enkele skedule en moet hy of sy na goeddunke elke personeellid en vakante pos waarvoor begroot is en wat in die gekonsolideerde skedule gelys is, finaal aan óf die Plaaslike Munisipaliteit óf die Distriksmunisipaliteit toewys vir oorplasing op die effektiewe datum in ooreenstemming met die beginsels in artikels 12 en 16C uiteengesit of enige ooreenkoms in subartikel (2) bedoel;

(b) ‘n kopie van die skedule aan die Distriksmunisipaliteit se TMB voorlê en van die Distriksmunisipaliteit se TMB die kopie van die skedule deur daardie Distriksmunisipaliteit se TMB opgestel, verkry, en

(c) die skedule genoem in paragraaf (a) met die skedules wat ontvang is van die Distriksmunisipaliteit se TMB genoem in paragraaf (b),

konsolideer tot ‘n enkele skedule wat alle personeel wat na die Plaaslike Munisipaliteit oorgeplaas moet word, aantoon.

(5) Ondanks die beginsels wat in artikels 12 en 16C uiteengesit is, kan die tussentydse munisipale bestuurder, volgens ooreenkoms met die Distriksmunisipaliteit se TMB, die toewysing van personeel ingevolge subartikel (2) aanpas om voorsiening te maak vir ‘n meer doeltreffende algemene toewysing van personeel tussen die Plaaslike Munisipaliteit en die Distriksmunisipaliteit, met dien verstande dat geen aanpassing gedoen mag word nadat ‘n personeellid ingevolge subartikel (8) in kennis gestel is nie.

(6) Indien enige geskil met betrekking tot die toewysing van personeel tussen die tussentydse munisipale bestuurder en die Distriksmunisipaliteit se TMB ontstaan, moet sodanige geskil na die Provinsiale Minister verwys word vir beslissing deur die Provinsiale Minister of sy benoemde in ooreenstemming met prosedures wat deur die Provinsiale Minister bepaal word, en die besluit van die Provinsiale Minister of sy benoemde is finaal en bindend.

(7) Die tussentydse munisipale bestuurder moet die gekonsolideerde skedule in subartikel (4)(c) genoem, skriftelik verifieer en moet die skedule aan die Provinsiale Minister voorlê voor of op ‘n datum wat deur die Provinsiale Minister bepaal moet word.

(8) Na die opstelling van die enkele gekonsolideerde skedule genoem in subartikel (4)(c), moet die tussentydse munisipale bestuurder elke toekomstige personeellid van die Plaaslike Munisipaliteit voorsien van ‘n skriftelike kennisgewing wat sodanige personeellid meedeel dat hy of sy met ingang van die effektiewe datum in diens van die Plaaslike Munisipaliteit is.

(9) Die nie-ontvangs van die skriftelike kennisgewing genoem in subartikel (8) maak nie enige oorplasing ongeldig nie.

(10) Indien enige personeellid (“die beswaarmaker”) aanvoer dat sy of haar oorplasing nie in ooreenstemming met die beginsels uiteengesit in artikels 12 en 16C, enige ooreenkoms in subartikel (2) bedoel of die proses uiteengesit in hierdie artikel bewerkstellig is nie, kan die beswaarmaker binne 14 dae van inkennisstelling ingevolge subartikel (5) skriftelike beswaar aanteken by die tussentydse munisipale bestuurder van die munisipaliteit waarheen hy of sy oorgepaas is. Die tussentydse munisipale bestuurder moet die beswaar na die Provinsiale Minister verwys vir beslissing deur die Provinsiale Minister of sy of haar benoemde in ooreenstemming met prosedures wat deur die Provinsial Minister bepaal word en die besluit van die Provinsiale Minister of sy benoemde is finaal en bindend.

(subartikel (10) gewysig deur PK 117/2008)

(11) Hangende ‘n beslissing deur die Provinsiale Minister of sy benoemde ingevolge subartikel (10) moet die beswaarmaker oorgeplaas word na die munisipaliteit, soos in ooreenstemming met hierdie artikel beslis. Indien die Provinsiale Minister of sy benoemde beslis dat die beswaarmaker na ‘n ander munisipaliteit oorgeplaas moes word, moet die beswaarmaker na daardie munisipaliteit oorgeplaas word, en sy of haar oorplasing word geag in ooreenstemming met artikels 12 en 16C op die effektiewe datum bewerkstellig te gewees het.

(12) Indien enige personeellid nie aangetoon word in die skedule in subartikel (4)(a) genoem nie, of indien enige personeellid met ingang van die effektiewe datum aan meer as een munisipaliteit toegewys word, moet daardie

personeellid onmiddellik nadat hy of sy van enige van hierdie feite bewus word, dit aanmeld by die tussentydse munisipale bestuurder of die Distriksmunisipaliteit se TMB, wat die aangeleentheid in ooreenstemming met prosedures deur die Provinsiale Minister bepaal, na die Provinsiale Minister vir beslissing deur die Provinsiale Minister of sy benoemde moet verwys, en die besluit van die Provinsiale Minister of sy benoemde is finaal en bindend.

(13)Voor of op ‘n datum wat deur die Provinsiale Minister bepaal word, moet die Plaaslike Munisipaliteit ‘n diensstaat vir die Plaaslike Munisipaliteit goedkeur ingevolge relevante wetgewing en ‘n afskrif van die dokument waarin die diensstaat uiteengesit word, aan die Transformasiesubkamer van die Bedingingsraad voorlê; met dien verstande dat die Plaaslike Munisipaliteit nie ‘n diensstaat vir die Plaaslike Munisipaliteit finaal sal goedkeur, voordat die tussentydse munisipale bestuurder die gekonsolideerde skedule ingevolge subartikel (7) geverifieer het nie.

(14)Voor of op ‘n datum wat deur die Provinsiale Minister bepaal word, in soverre daar nie voor die effektiewe datum ingevolge artikel 13(2) van hierdie Bylae ‘n ooreenkoms bereik is nie, moet die Plaaslike Munisipaliteit, as ‘n lid van die Transformasiesubkamer van die Bedingingsraad, poog om kollektiewe ooreenkoms met die vakbonde in die Transformasiesubkamer van die Bedingingsraad te bereik betreffende die beginsels, prosedures en maatstawwe wat gevolg moet word om aanstellings te doen in die poste wat uit die skepping van ‘n nuwe organisasiestruktuur vir die Plaaslike Munisipaliteit voortspruit.

(15)Voor of op ‘n datum wat deur die Provinsiale Minister bepaal word, moet die Plaaslike Munisipaliteit aanstellings doen in die poste op die diensstaat in ooreenstemming met die beginsels, prosedures en maatstawwe waarop daar in die Transformasiesubkamer van die Bedingingsraad ooreengekom is.

(artikel 12A ingevoeg deur PK.675/2000)

Kollektiewe Ooreenkomste

13(1). Enige kollektiewe ooreenkoms aangegaan:-

(a) op ‘n nasionale vlak, of

(b) by die Bedingingsraad, of

(c) op ‘n plaaslike vlak;

voor die datum van publikasie van hierdie Bylaag, sal ten volle van krag bly totdat dit ooreenkomstig die bepalings van die betrokke ooreenkoms gewysig of beëindig word.

(2) Voor die effektiewe datum moet die afgeskafte munisipaliteite, as lede van die Transformasiesubkamer van die Bedingingsraad, daarna streef om ooreen te kom met die vakbonde ten aansien van:-

(a) die proses en kriteria vir die plasing van personeel in die nuwe organisatoriese strukture na die effektiewe datum;

(b) die proses wat gevolg sal word vir die vul van nuwe poste voortvloeiend uit die skep van ‘n nuwe organisatoriese struktuur vir die Plaaslike Munisipaliteit;

(c) die aanneem van bepalings en voorwaardes van indiensneming vir die Plaaslike Munisipaliteit na die effektiewe datum, en

(d) enige ander arbeidsaangeleenheid in verband met die instelling van die Plaaslike Munisipaliteit.

Menslikehulpbronaangeleenthede

14. Behoudens enige kollektiewe ooreenkoms:-

(a) is die menslikehulpbronbeleid en –prosedures van die Plaaslike Munisipaliteit die menslikehulpbronbeleid en –prosedures wat voor die effektiewe datum bestaan het, en dit bly op alle werknemers van toepassing op dieselfde wyse as wat dit voor die effektiewe datum die geval was, behoudens enige wysiging of herroeping deur die Plaaslike Munisipaliteit;

(b) is die bepalings en voorwaardes van indiensneming van alle werknemers van die Plaaslike Munisipaliteit, die bepalings en voorwaardes van indiensneming wat voor die effektiewe datum op elke werknemer van toepassing was; met dien verstande dat enige werknemer wat na die effektiewe datum aangestel word, aangestel sal word op die bepalings en voorwaardes van indiensneming soos vasgestel deur die Plaaslike Munisipaliteit.

Gevolge van Oorplasing ten opsigte van Sekere Personeelkwessies

15.(1) Behoudens enige kollektiewe ooreenkoms, word ‘n werknemer wie se pos as gevolg van die oorplasing verander word, nie geag oortollig te wees vir die doel van enige bepaling of voorwaarde van indiensneming of enige pensioenfondsreël wat aan die werknemer die keuse bied om sy of haar indiensneming met voordele te beëindig nie.

(2) Die bepalings van hierdie artikel is slegs van toepassing indien die werknemer onredelikerwys weier om die Plaaslike Munisipaliteit se aanbod van alternatiewe indiensneming te aanvaar.

(3) Vir die doeleindes van hierdie artikel sluit ‘n verandering van ‘n pos een of meer van die volgende in:-

(a) die pos bestaan nie meer nie;

(b) die pos is afgeskaf;

(c) die werknemer moet om die pos aansoek doen;

(d) die funksies en bevoegdhede van die pos het verander;

(e) daar is ‘n verandering in die werkgewer se identiteit;

(f) die pos word aan ander verslagdoeningskanale onderwerp;

(g) die pos word anders beskryf.

Regsopvolging

16. Met ingang van die effektiewe datum:-

(1) Sal die Plaaslike Munisipaliteit die regsopvolger van die afgeskafte munisipaliteite wees, en die munisipaliteite wat ingevolge die Distriksmunisipaliteitkennisgewings afgeskaf moet word, ten opsigte van die spesifieke bates en laste wat ingevolge hierdie Bylaag aan die Plaaslike Munisipaliteit toegewys word.

(2) Behoudens subartikel (1) en artikel 16D van hierdie Bylaag, word alle regte en verpligtinge van die afgeskafte munisipaliteite wat nie

ingevolge hierdie Bylaag toegewys word nie, toegewys aan die Plaaslike Munisipaliteit, en die Plaaslike Munisipaliteit is die regsopvolger van die afgeskafte munisipaliteite ten opsigte van sulke regte en verpligtinge.

(3) Sal alle belasting, inkomste en ander gelde betaalbaar aan enige afgeskafte munisipaliteit of deur die afgeskafte munisipaliteit verhaalbaar is, betaalbaar wees aan en verhaalbaar wees deur die regsopvolger van so ‘n afgeskafte munisipaliteit in ooreenstemming met die bepalings van hierdie Bylaag.

(4) Ondanks die bepalings van enige toepaslike wet, bly enige waardasielyste wat van krag is, of wat as gevolg van die instelling van tussentydse of bykomende waardasies ontstaan, na gelang van die van die geval, in die gebied van die Plaaslike Munisipaliteit, onderhewig andersins aan die bepalings van sodanige wet, van krag totdat ‘n algemene waardasielys vir die gebied van die Plaaslike Munisipaliteit opgestel is.

(5) Ondanks subartikel (1):-

(a) sal die Plaaslike Munisipaliteit die regsopvolger van die afgeskafte munisipaliteite met betrekking tot die sake wat uiteengesit word in die Wet op Transformasie van Sekere Landelike Gebiede en die Wet op Landelike Gebiede wees en in die mate, totdat dit oorgedra is na ‘n entiteit wat in artikel 3 van die Wet op Transformasie van Sekere Landelike Gebiede beoog word:-

(i) sal grond wat deur die Minister vir Landbou en Grondsake ingevolge artikel 7 van die Wet op Landelike Gebiede in trust gehou word en wat onderworpe is aan die bepalings van artikel 3 van die Wet op Transformasie van Sekere Landelike Gebiede, steeds berus by die Minister vir Landbou en Grondsake, en

(ii) sal grond wat ingevolge die Wet op Landelike Gebiede deur die afgeskafte munisipaliteite verkry is en wat onderworpe is aan die bepalings van artikel 3 van die Wet op Transformasie van Sekere Landelike Gebiede, met ingang van die effektiewe datum by die Plaaslike Munisipaliteit berus;

(b) grond in subartikel (2)(a) genoem sal, hangende oordrag ingevolge artikel 3 van die Wet op Transformasie van Sekere Landelike Gebiede, deur die Plaaslike Munisipaliteit ingevolge die Wet op Landelike Gebiede en die regulasies ingevolge die Wet op Landelike Gebiede gemaak, bestuur word.

(artikel 16 gewysig deur PK. 675/2000)

Beginsels wat Oorplasing van Bates, Laste en Rekords bepaal

16A. Met ingang van die effektiewe datum:-

(1) Alle bates, laste en rekords van die afgeskafte munisipaliteite wat uitsluitlik verband hou met funksies wat deur die Plaaslike Munisipaliteit verrig moet word, moet na die Plaaslike Munisipaliteit oorgeplaas word.

(2) Alle bates, laste en rekords van die afgeskafte munisipaliteite wat uitsluitlik verband hou met funksies wat deur die Distriksmunisipaliteit verrig moet word (insluitende funksies wat deur die Distriksmunisipaliteit in ‘n Distriksbestuursgebied verrig moet word), moet na die Distriksmunisipaliteit oorgeplaas word.

(3) Enige roerende bate van een van die afgeskafte munisipaliteite wat in verband staan met een of meer funksies wat met ingang van die effektiewe datum deur die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verrig sal word en wat tussen hulle verdeel kan word, moet tussen hulle verdeel word:-

(a) ooreenkomstig die persentasie werklike tyd wat die betrokke bate in elke gebied vir die funksie gebruik word;

(b) ooreenkomstig die persentasie werklike tyd wat die betrokke bate vir die funksie tot voordeel van elke party gebruik word, of

(c) op enige ander grondslag deur die Provinsiale Minister goedgekeur.

(4) Alle onroerende bates van die afgeskafte munisipaliteite wat verband hou met ‘n funksie of funksies wat deur die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verrig moet word, en alle roerende bates wat verband hou met ‘n funksie of funksies wat deur die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verrig moet en wat nie tussen hulle verdeel kan word nie, moet oorgeplaas word na die munisipaliteit wat die hoofgebruiker van daardie bate sal wees; met dien verstande dat enige ander munisipaliteit wat ‘n belang by daardie bate het, geregtig is om voort te gaan om daardie bate te gebruik teen betaling van ‘n proporsionele deel van die koste en totdat sy gebruikersreg volgens ooreenkoms beëindig word.

(5) Ondanks die bepalings van subartikel (4), kan die Plaaslike Munisipaliteit en die Distriksmunispaliteit ooreenkom om enige onroerende bate genoem in subartikel (4) wat onderverdeelbaar is, te onderverdeel of om enige groep bates genoem in subartikels (3) en (4) op ‘n billike grondslag te verdeel, met inagneming van die aard van en die doel wat gedien word deur so ‘n bate of bates, soos tussen hulle ooreengekom, en om elke deel daarvan in ooreenstemming met daardie ooreenkoms toe te wys.

(6) Alle finansiële bates van die afgeskafte munisipaliteite wat in verband staan met ‘n funksie of funksies wat deur die Plaaslike Munisipaliteit en Distriksmunisipaliteit verrig word, moet billik verdeel word tussen hulle, met inagneming van aard van en die doel wat gedien word deur daardie bate.

(7) Alle finansiële bates en laste van die afgeskafte munisipaliteite wat nie in verband staan met ‘n bepaalde funksie nie, moet tussen die Plaaslike Munisipaliteit en die Distriksmunisipaliteit op die volgende grondslag verdeel word:-

(a) opgehoopte voorsienings vir werknemersvoordele, soos opgehoopte verloffondse, moet oorgeplaas word, indien die voorsiening gekoppel kan word aan ‘n spesifieke werknemer in ooreenstemming met die oordrag van daardie werknemer ingevolge hierdie Bylaag, en in ander gevalle in verhouding tot die totale salaris- en loonvoorsiening wat na die Plaaslike Munisipaliteit en die Distriksmunisipaliteit oorgeplaas moet word;

(b) reserwes en voorsienings wat vir ‘n spesifieke doel opgehoop is, moet op ‘n billike grondslag oorgeplaas word, met inagneming van die aard van en doel wat gedien word deur elke bepaalde reserwe of voorsiening;

(c) reserwes en opgehoopte surplusse van ‘n algemene aard moet tussen die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verdeel word op die volgende grondslag:-

(i) in verhouding tot die mees onlangse gekonsolideerde finansiële state van die Distriksmunisipaliteit en Plaaslike Munisipaliteit;

(ii) enige ander grondslag deur die Provinsiale Minister goedgekeur.

(8) Alle ontasbare bates van die afgeskafte munisipaliteite wat in verband staan met ‘n funksie of funksies wat deur die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verrig moet word, moet aan een munisipaliteit toegewys word; met dien verstande dat die ander munisipaliteit met ‘n belang by daardie ontasbare bate geregtig is:-

(a) op billike kompensasie, insluitende finansiële, ruil- of ander kompensasie, soos ooreengekom, en

(b) om voort te gaan om daardie bate te gebruik teen betaling van ‘n proporsionele deel van die koste totdat sy gebruiksreg volgens ooreenkoms beëindig word.

(9) Alle rekords van die afgeskafte munisipaliteite wat in verband staan met ‘n funksie of funksies wat deur die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verrig moet word en wat nie tussen genoemde munisipaliteite verdeel kan word nie, moet toegewys word aan een munisipaliteit ooreenkomstig die funksie waarop die rekords die nouste betrekking het; met dien verstande dat die ander munisipaliteit die reg van toegang tot daardie rekords het en die reg om kopieë daarvan te verkry.

(10) Alle laste van die afgeskafte munisipaliteite wat in verband staan met ‘n funksie of funksies wat deur die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verrig moet word, moet op billike wyse gedeel word tussen die Plaaslike Munisipaliteit en die Distriksmunisipaliteit, met inagneming van die aard en doel van die las.

(11) Alle bates en laste van die afgeskafte munisipaliteite, uitgesonderd dié genoem in subklousule (7) wat nie met ‘n bepaalde funksie in verband staan nie, na die Plaaslike Munisipaliteit oorgeplaas word.

(artikel 16A ingevoeg deur PK. 675/2000)

Proses om Oorplasing van Bates, Laste en Rekords te bewerkstellig

16B.(1) Ondanks die bepalings van artikels 16A en 16C, en hangende die voltooiing van die oorplaasproses ingevolge hierdie artikel, moet alle bates, laste en rekords van die afgeskafte munisipaliteite, in soverre dit nodig is, tydelik na die Plaaslike Munisipaliteit oorgeplaas word en moet alle bates, laste en rekords wat na die Distriksmunisipaliteit oorgeplaas moet word ingevolge die bepalings van artikels 16A of 16C van hierdie Bylaag dienooreenkomstig geag word na die Plaaslike Munisipaliteit oorgeplaas te wees ingevolge ‘n agentskapsreëling tussen die Plaaslike Munisipaliteit en die Distriksmunisipaliteit ten effekte dat die Plaaslike Munisipaliteit die funksie of

funksies waarby die spesifieke bates, laste en rekords betrokke is, namens die Distriksmunisipaliteit sal verrig.

(2) Ten einde:-

(a) enige oorgangsbepalings ingevolge die Munisipale Strukture Wysigingswet te akkommodeer, of

(b) die Plaaslike Munisipaliteit en die Distriksmunisipaliteit toe te laat om ooreenkomste te sluit, met inbegrip van bedryfsooreenkomste,

wat die oordrag van bates, laste en rekords ingevolge hierdie Bylaag kan beïnvloed, sal geen bate, las of rekord finaal toegewys word, soos daarvoor voorsiening gemaak word in subartikel (4) voor 30 Junie 2001 nie, of sodanige alternatiewe datum as wat die Provinsiale Minister bepaal.

(3) Voor of op ‘n datum wat deur die Provinsiale Minister bepaal word, moet elke HUB ‘n skedule van alle bates, laste en rekords van sy of haar afgeskafte munisipaliteit opstel in ooreenstemming met ‘n formaat deur die Provinsiale Minister voorgeskryf, moet alle bates, laste en rekords van sy of haar afgeskafte munisipaliteit waarvoor begroot is in ooreenstemming met die beginsels uiteengesit in artikels 16A en 16C voorlopig toewys, en moet kopieë van die volle skedule aan die tussentydse munisipale bestuurder en die Distriksmunisipaliteit se TMB voorlê.

(4) Voor of op ‘n datum wat deur die Provinsiale Minister bepaal word, maar behoudens subartikel (2), moet die tussentydse munisipale bestuurder, in oorleg met die Distriksmunisipaliteit se TMB:-

(a) die skedules genoem in subartikel (1) konsolideer tot ‘n enkele skedule en moet finaal alle bates, laste en rekords gelys in die gekonsolideerde skedule toewys aan óf die Plaaslike Munisipaliteit óf die Distriksmunisipaliteit vir oordrag op die effektiewe datum in ooreenstemming met die beginsels uiteengesit in artikels 16A en 16C of enige ooreenkoms na verwys in subartikel (2);

(b) ‘n kopie van die skedule aan die Distriksmunisipaliteit se TMB voorlê en van die Distriksmunisipaliteit se TMB die kopie van die skedule deur die Distriksmunisipaliteit se TMB opgestel, verkry, en

(c) die skedule genoem in paragraaf (a) en die skedules wat van die Distriksmunisipaliteit se TMB ontvang is, genoem in paragraaf (b), konsolideer tot ‘n enkele skedule wat alle bates, laste en rekords wat na die Plaaslike Munisipaliteit oorgeplaas moet word, weergee.

(5) Ondanks die beginsels in artikels 16A en 16C uiteengesit, kan die tussentydse munisipale bestuurder volgens ooreenkoms met die Distriksmunisipaliteit se TMB die toewysing van bates, laste en rekords ingevolge subartikel (4) aanpas om voorsiening te maak vir ‘n doeltreffender algemene toewysing tussen die Distriksmunisipaliteit en die Plaaslike Munisipaliteit.

(6) Indien enige geskil met betrekking tot die toewysing van enige bates, laste of rekords tussen die tussentydse munisipale bestuurder en die Distriksmunisipaliteit se TMB ontstaan, moet sodanige geskil na die Provinsiale Minister verwys word vir beslissing deur die Provinsiale Minister of sy benoemde in ooreenstemming met prosedures wat deur die Provinsiale Minister bepaal word, en die besluit van die Provinsiale Minister of sy benoemde is finaal en bindend.

(7) Die tussentydse munisipale bestuurder moet die gekonsolideerde skedule genoem in subartikel (4)(c) skriftelik verifieer en dit aan die Provinsiale Minister voorlê voor of op ‘n datum wat deur die Provinsiale Minister bepaal word.

(8) So gou moontlik nadat die gekonsolideerde skedule ingevolge subartikel (7) geverifieer is, maar nie later nie as ‘n datum wat deur die Provinsiale Minister bepaal word, moet die tussentydse munisipale bestuurder die oorplasing van alle bates, laste en rekords van die afgeskafte munisipaliteite in werking stel.

(9) Die Plaaslike Munisipaliteit moet die oorplasing van bates, laste en rekords nie later nie as 12 maande na die effektiewe datum oudit, of sodanige latere datum as wat deur die Provinsiale Minister bepaal word.

(artikel 16B ingevoeg deur PK. 675/2000)

Oorplasing van personeel, bates en laste met betrekking tot funksies uitgesonderd dié gelys in artikel 84 van die Munisipale Strukturewet

16C. Ondanks die bepalings van artikels 12(1) en 16A van hierdie Bylaag en met ingang van die effektiewe datum, moet:-

(a) alle personeel, bates, laste en rekords van die afgeskafte munisipaliteite wat uitsluitlik betrokke is by of verband hou met:-

(i) paaie, behalwe munisipale paaie;

(ii) ambulansdienste;

(iii) gesondheidsdienste, behalwe munisipale gesondheidsdienste;

(iv) rampbestuur;

(v) behuising;

(vi) biblioteke;

(vii) museums;

(viii) watertoevoerstelsels, behalwe drinkbare watertoevoerstelsels;

(ix) natuur- en omgewingsbewaring, insluitende kusbeheer, omgewingsopvoeding, dierebeheer en beheer oor binnelandse waters, en

(x) verkeer en wetstoepassing,

na die Plaaslike Munisipaliteit oorgeplaas word ingevolge artikels 12(2), (3) en (4) en die proses uiteengesit in artikels 12A en 16B van hierdie Bylaag;

(b) enige personeellid, bate, las en rekord van die afgeskafte munisipaliteite wat nie verband hou met ‘n funksie genoem in artikel 84(1) van die Munisipale Strukturewet of paragraaf (a) nie, sal met inagneming van die effektiewe datum oorgedra word, ingevolge die beginsels en proses in artikels 12, 12A, 16A en 16B van hierdie Bylaag uiteengesit, na die Plaaslike Munisipaliteit wat die funksie waarby dit betrokke is sal verrig.

(artikel 16C ingevoeg by PK.675/2000)

Oorplasing van personeel, bates, laste en rekords met betrekking tot munisipale dienslewerингsooreenkomste

16D.(1)Ondanks enige andersluidende bepaling van enige munisipale diensleweringsooreenkoms wat deur ‘n afgeskafte munisipaliteit aangegaan is en ingevolge waarvan daardie afgeskafte munisipaliteit die diensverskaffer is, moet alle personeel, bates, laste en rekords van die afgeskafte munisipaliteite in ooreenstemming met die bepalings van hierdie Bylaag oorgeplaas word.

(2) Die Provinsiale Minister moet bepaal watter munisipaliteit ingevolge enige munisipale diensleweringsooreenkoms wat ‘n afgeskafte munisipaliteit aangegaan het ingevolge waarvan daardie afgeskafte munisipaliteit die diensverskaffer is, die regsopvolger sal wees, en kan die Plaaslike Munisipaliteit of die Distriksmunisipaliteit gelas om enige tussentydse diensleweringsreëlings ingevolge artikel 19 van hierdie Bylae te implementeer en te administreer ten einde deurlopende dienslewering ingevolge so ‘n ooreenkoms te verseker.

(3) Vir die tydperk vanaf die effektiewe datum tot die datum waarop die Provinsiale Minister ‘n beslissing ingevolge subartikel (3) doen, is die Plaaslike Munisipaliteit die regsopvolger van die afgeskafte munisipaliteite met betrekking tot enige munisipale diensleweringsooreenkoms in subartikel (1) bedoel in ooreenstemming met die bepalings van artikel 19.

(artikel 16D ingevoeg deur PK. 675/2000)

Versuim om sekere bepalings van hierdie Bylaag te implementeer

16E. Indien die tussentydse munisipale bestuurder of enige ander persoon wat ‘n taak moet verrig soos in artikel 12A of artikel 16B uiteengesit, versuim of weier om dit te doen binne die tydperke in daardie artikels bepaal, kan die Provinsiale Minister enige persoon benoem om sodanige take te verrig, in welke geval die Plaaslike Munisipaliteit of die Distriksmunisipaliteit verplig is om ten volle met sodanige persoon saam te werk.

(artikel 16E ingevoeg deur PK. 675/2000)

Oorgangsbepalings met betrekking tot Verordeninge en Besluite

17.(1) Enige verordening wat onmiddellik voor die effektiewe datum in die gebied van ‘n afgeskafte munisipaliteit van krag is, sal met ingang van die effektiewe datum en hangende die hersiening en rasionalisering daarvan ingevolge artikel 15 van die Munisipale Strukturewet ten volle van krag bly in die gebied waarvoor dit afgekondig is, behoudens enige wysiging of herroeping deur die Plaaslike Munisipaliteit.

(2) Tensy onbestaanbaar met die sinsverband of duidelik ontoepaslik, moet ‘n verwysing in so ‘n verordening na:-

(a) ‘n afgeskafte munisipaliteit of sy voorganger, uitgelê word as sou dit ‘n verwysing na die Plaaslike Munisipaliteit wees, en

(b) ‘n struktuur of funksionaris van ‘n afgeskafte munisipaliteit uitgelê word as sou dit ‘n verwysing na die ooreenstemmende struktuur of funksionaris van die Plaaslike Munisipaliteit wees.

(3) Behoudens die bepalings van hierdie Bylaag en nieteenstaande die afskaffing van die afgeskafte plaaslike munisipaliteite, sal enige:-

(a) besluit geneem;

(b) kennisgewing, sertifikaat of ander dokument uitgereik;

(c) opdrag, goedkeuring, verlof of magtiging gegee of verleen;

(d) vrystelling, lisensie of permit verleen of uitgereik;

(e) aanstelling gedoen;

(f) werknemer benoem;

(g) ooreenkoms of kontrak aangegaan;

(h) delegasie van bevoegdhede aan ‘n werknemer verleen;

(i) belastings, tariewe of heffings gehef of opgelê;

(j) reservering van grond gedoen; en

(k) ander handeling verrig of ding gedoen,

deur ‘n afgeskafte munisipaliteit, behoudens die bepalings van hierdie Bylaag geag word deur die Plaaslike Munisipaliteit geneem, uitgereik, gegee, gedoen, benoem, aangegaan, verleen, geheg, opgelê of verrig te gewees het, hangende die hersiening en rasionalisering daarvan, ingevolge artikel 15 van die Munisipale Strukturewet.

(4) Behoudens artikel 20, 21, 22 en 23 van hierdie Bylaag, sal enige persoon wat op die effektiewe datum ‘n bevoegdheid uitoefen of ‘n plig of funksie verrig uit hoofde van die amp wat hy of sy beklee of uit hoofde van ‘n delegasie van bevoegdheid waarmee die afgeskafte munisipaliteit hom of haar beklee het, voortgaan om daardie bevoegdheid uit te oefen of daardie plig of funksie te verrig totdat die Plaaslike Munisipaliteit die teendeel besluit.

(5) Vir die toepassing van die Bylaag van die Regulasie aangaande die Verklaring van Vredesbeamptes wat ingevolge artikel 334 van die Strafproseswet, 1977 (Wet 51 van 1977) gemaak is, sal enige wetstoepassingsbeampte wat deur ‘n afgeskafte munisipaliteit aangestel is, na die effektiewe datum geag word deur die Plaaslike Munisipaliteit aangestel te gewees het vir die regsgebied van die Plaaslike Munisipaliteit.

(6) Enige statutêre plan wat in die regsgebied van die afgeskafte munisipaliteite van krag of in werking is, sal van krag of in werking bly ten opsigte van die gebied waarop dit bedoel was om van toepassing te wees, totdat dit deur die Plaaslike Munisipaliteit gewysig, verander of herroep word.

Finansiële Aangeleenthede

18.(1) Met ingang van die effektiewe datum sal die bestaande begrotings van die afgeskafte munisipaliteite tot 30 Junie 2001 die begroting van die Plaaslike Munisipaliteit uitmaak, en intermunisipale begrotingsoorplasings sal voorduur vir die 2000/2001 finansiële jaar.

(2) Ondanks die bepalings van subartikel (1) mag die Plaaslike Munisipaliteit:-

(a) die bestaande begrotings aanpas, of

(b) besluit om sy rekeninge te sluit en opnuut vir die res van die finansiële jaar te begroot;

mits enige so ‘n begroting ooreenkomstig tersaaklike wetgewing aangepas of opgestel en goedgekeur word, na gelang van die geval.

(3) Voor die aanvang van die 2001/2002 finansiële jaar moet die Plaaslike Munisipaliteit oorweeg om finansiële bestuursplanne en –beleide aan te neem betreffende:-

(a) maatreëls, insluitende intermunisipale begrotingsoorplasings, om inkomste stabiliteit vir die periode na die 2000/2001 finansiële jaar te verseker;

(b) mediumtermynuitgawe;

(c) gelykmaking van tariefstrukture;

(d) die opstel van ‘n nuwe algemene waardasierol vir die Plaaslike Munisipaliteit en die ingebruikneming van billike eiendomsbelatings;

(e) die ingebruikneming van gekonsolideerde rekeningleweringskemas;

(f) die konsolidasie van finansiële rekeningkundige stelsels en begrotingstelsels;

(g) kredietbeheer, en

(h) verkryging.

Administratiewe oorgangsreëlings

19.(1) Met ingang van die effektiewe datum tot die datum waarop alle personeel, bates, laste en rekords finaal toegewys is ingevolge die bepalings van hierdie Bylaag, of sodanige alternatiewe datum as wat die Provinsiale Minister bepaal, is die Plaaslike Munisipaliteit:-

(a) verplig om met alle personeel, bates, laste en rekords:-

(i) wat tydelik geplaas is ingevolge artikel 12A(1);

(ii) wat tydelik oorgedra is ingevolge artikel 16B(1), en

(iii) wat voorlopig toegewys is ingevolge artikels 12A(3) en 16B(3),

in die uiterste goeie trou te behandel met inagneming van die belange van die Distriksmunisipaliteit;

(b) sonder om afbreuk te maak aan die algemene aard van subartikel (1) en behoudens artikel 12(2), mag nie, met verwysing na paragrawe (i) en (vii) hieronder sonder die vooraf skriftelike goedkeuring van die Provinsiale Minister welke goedkeuring voorwaardelik mag wees, en met verwysing na paragrawe (ii), (iii), (iv), (v), (vi) en (viii) hieronder sonder die vooraf skriftelike goedkeuring van die Plaaslike Munisipaliteit, welke goedkeuring nie onredelik geweier mag word nie, geen verandering aan die dienstaat wat tydelik ingevolge artikel 12A(1) geplaas is, of voorlopig toegewys is ingevolge artikel 12A(3), maak of teweeg bring nie deur:-

(i) enige nuwe poste te skep of te vul;

(ii) enige vakatures te vul;

(iii) die hergradering of opskaling van enige poste te inisieer of te implementeer;

(iv) enige personeellid te bevorder;

(v) enige permanente funksies of pligte aan personeel op te dra, uitgesonderd op ‘n tydelike grondslag;

(vi) behoudens enige wet, bestaande kollektiewe ooreenkoms of dienskontrak:-

(aa) die goedkeuring en implementering van enige toelae of waarnemingstoelae;

(bb) die implementering van enige verhoging van salarisse of lone;

(vii) enige permanente verandering aan personeelstrukture en organisasiestrukture te implementeer, en

(viii) enige kollektiewe ooreenkoms aan te gaan, uitgesonderd ‘n kollektiewe ooreenkoms wat in die Bedingingsraad onderhandel en aangegaan is, wat die Distriksmunisipaliteit sal bind ten opsigte van enige aangeleentheid wat in hierdie subartikel genoem word;

(c) sonder om afbreuk te maak aan die algemene aard van subartikel (1), mag, sonder die vooraf skriftelike goedkeuring van die Distriksmunisipaliteit, welke goedkeuring nie onredelik geweier mag word nie, geen besluit neem of implementeer nie met betrekking tot enige bates, laste of rekords oorgedra ingevolge artikel 16B(1) of wat tydelik toegewys is ingevolge artikel 16B(3), wat daartoe sal lei dat sodanige munisipaliteit:-

(i) roerende of onroerende bates verkoop of verhuur ter waarde van meer as R20 000 (twintig duisend rand), uitgesonderd as ingevolge bestaande kontraktuele reëlings; met dien verstande dat hierdie bepaling nie van toepassing is nie op die beskikking oor onroerende eiendom ooreenkomstig ‘n goedgekeurde behuisingskema ingevolge die Behuisingswet, 1997 (Wet 107 van 1997);

(ii) roerende of onroerende bates koop ter waarde van meer as R20 000 (twintig duisend rand), uitgesonderd as ingevolge bestaande kontraktuele reëlings;

(iii) nuwe kontrakte met ‘n termyn van langer as een jaar sluit;

(iv) kontrakte vir ‘n termyn van langer as drie maande hernu;

(v) inligtingstegnologiestelsels, insluitende programmatuur en apparatuur, verkry, en

(vi) gebruik maak van:-

(aa) statutêre fondse, hetsy vir regstreekse kapitaal- of ander besteding of om besteding te finansier deur interne lenings aan te gaan vir ander doeleindes as vir verbonde en noodsaaklike infrastruktuurprojekte wat in die 2000/2001-begroting goedgekeur is;

(bb) trustfondse (wat nie ‘n raad se eie rekenings insluit nie) vir enige ander doel as dié waarvoor die fondse gehou word;

(cc) reserwefondse, reserwekapitaal of reserwevoorsienings vir ‘n ander doel as vir noodsaaklike begrote instandhouding van infrastruktuur, nie-begrote noodinstandhouding van infrastruktuur wat nie uit die bedryfsbegroting gefinansier kan word nie of vir die afskryf van slegte skulde, en

(dd) enige statutêre trust, reserwe of voorsiening wat nie kontant befonds word nie, uitgesonderd vir die afskryf van slegte skulde;

met dien verstande dat hierdie subartikel nie in ‘n noodgeval van toepassing is nie, en

(d) mag geen besluit neem of implementeer nie wat daartoe sal lei dat die Plaaslike Munisipaliteit sy goedgekeurde kapitaal- of bedryfsbegroting vir die 2000/2001 finansiële jaar sal oorskry.

(2) Indien enige geskil met betrekking tot die bepalings van subartikel (1) tussen die Plaaslike Munisipaliteit en die Distriksmunisipaliteit ontstaan, moet sodanige geskil na die Provinsiale Minister verwys word vir beslissing deur die Provinsiale Minister of sy benoemde in ooreenstemming met prosedures wat deur die Provinsiale Minister bepaal word, en die besluit van die Provinsiale Minister of sy benoemde is finaal en bindend.

(3) Enige kontrak wat aangegaan word in stryd met die bepalings van subartikel (1) of (2) is van nul en gener waarde.

(artikel 19 is vervang deur PK.675/2000)

Aanstelling van Waarnemende Beamptes

20. Voor die aanvang van die effektiewe datum, moet die Provinsiale Minister na die oorweging van enige aanbevelings deur die Distrikstransformasieforum, en waar toepaslik vir die Plaaslike Munisipaliteit, enige persoon in enige posisie wat ingevolge relevante wetgewing benodig word, aanstel, welke aanstelling in ‘n waarnemende hoedanigheid sal wees, en wie die amp op die effektiewe datum moet aanvaar en dit moet beklee totdat die Plaaslike Munisipaliteit sy eie aanstellings gedoen het ingevolge die relevante wetgewing.

Aanstelling van Tussentydse Munisipale Bestuurder

21.(1) Voor die aanvang van die effektiewe datum, moet die Provinsiale Minister na die oorweging van enige aanbevelings deur die Distrikstransformasieforum, ‘n tussentydse munisipale bestuurder aanstel wat die amp by aanstelling aanvaar en dit beklee totdat die Plaaslike Munisipaliteit sy eie munisipale bestuurder of waarnemende munisipale bestuurder aangestel het.

(2) Die pligte van die tussentydse munisipale bestuurder sal, onderworpe aan voorskrifte of besluite tot die teendeel wat deur die Plaaslike Munisipaliteit aangeneem is, soos volg wees:-

(a) om die eerste vergadering van die Raad van die Plaaslike Munisipaliteit ingevolge artikel 29(2) van die Munisipale Strukturewet byeen te roep;

(b) om op die eerste vergadering van die Raad van die Plaaslike Munisipaliteit voor te sit totdat die speaker verkies word;

(c) om na die effektiewe datum, as die hoof van administrasie en hoofrekenpligte beampte van die Plaaslike Munisipaliteit op te tree, totdat die Plaaslike Munisipaliteit sy eie munisipale bestuurder of waarnemende munisipale bestuurder aangestel het;

(d) om na die effektiewe datum, alle pligte wat deur die HUB van ‘n munisipaliteit ingevolge betrokke wetgewing verrig moet word, te verrig;

(e) om verantwoordelikheid te aanvaar vir die bewerkstelliging van die oorplasing van alle personeel, bates, laste en administratiewe en ander rekords na die Plaaslike Munisipaliteit;

(f) om sodanige persone aan te stel wat nodig is om sy of haar verpligtinge ingevolge hierdie Bylaag na te kom;

(g) om alle redelike stappe te doen om te verseker dat diensleweringskontinuïteit na die effektiewe datum gehandhaaf word;

(h) om tussentydse finansiële beheermeganismes vir die Plaaslike Munisipaliteit in te stel;

(i) om tussentydse verslagdoeningskanale en delegasies vir die Plaaslike Munisipaliteit in te stel;

(j) om dienskontrakte, agentskapsreëlings en diensleweringsooreenkomste te hersien en aan te beveel;

(k) om enige tussentydse diensleweringsreëlings tussen die Plaaslike Munisipaliteite en die Distriksmunisipaliteit asook tussen die Plaaslike Munisipaliteit en ander plaaslike munisipaliteite binne die gebied van die Distriksmunisipaliteit in werking te stel;

(l) delegeer enige van sy of haar magte of pligte aan enige werknemer van die Plaaslike Munisipaliteit en wysig of herroep enige sodanige delegasie, en

(m) om in die periode voor die effektiewe datum, voor te berei vir die uitvoering van die pligte uiteengesit in paragrawe (a) tot (l).

(3) Voor die effektiewe datum, moet die HUB's met die tussentydse munisipale bestuurder saamwerk ten aansien van al die aangeleenthede wat verbandhou met die instel van die Plaaslike Munisipaliteit.

(4) Met ingang van die effektiewe datum, handel die HUB's onder die leiding van, en doen hulle verantwoording aan, die tussentydse munisipale bestuurder, en het die tussentydse munisipale bestuurder al die magte van die HUB's.

Tussentydse Munisipale Assistentbestuurders

22. Die Provinsiale Minister mag, na die oorweging van enige aanbeveling deur die Distrikstransformasieforum, enige aantal tussentydse assistente, vir die tussentydse munisipale bestuurder aanstel, wat hul ampte by aanstelling aanvaar en dit beklee totdat die Plaaslike Munisipaliteit die aanstellings bevestig of beëindig het.

Senior Bestuurspan

23. Enige tussentydse assistente wat vir die tussentydse munisipale bestuurder aangestel is, sal saam met die tussentydse munisipale bestuurder die senior bestuurspan van die Plaaslike Munisipaliteit uitmaak, wat toesig moet hou oor die implementering van die instelling van die Plaaslike Munisipaliteit.

Aanstellings

24. Enige persoon ingevolge artikel 21 of 22 aangestel sal, behoudens die bepalings van artikel 12 van hierdie Bylaag, 'n werknemer van 'n afgeskafte munisipaliteit wees en sal sy of haar pligte op 'n gesekondeerde grondslag verrig.

Eerste Vergadering van die Raad van die Plaaslike Munisipaliteit

25.(1) Die tussentydse munisipale bestuurder moet minstens drie dae voor die eerste vergadering van die Raad van die Plaaslike Munisipaliteit, ‘n kennisgewing aan elke raadslid by sy of haar woonplek of ‘n ander plek wat deur die betrokke raadslid bepaal is, stuur waarin die plek, datum en tyd van die eerste vergadering gespesifiseer word en wat die agenda bevat; met dien verstande dat die tussentydse munisipale bestuurder, as dit in sy of haar opinie nodig is, die eerste vergadering met ‘n korter kennisgewing mag belê.

(2) Behoudens enige verordening wat van krag is, maar onderhewig aan die bepalings van die Munisipale Strukturewet, is die reëls en orders vir die eerste vergadering van die Raad van die Plaaslike Munisipaliteit die reëls en orders soos uiteengesit in Provinsiale Kennisgewing 411/1988, soos afgekondig in Provinsiale Koerant No. 4532 van 20 Mei 1988, met die nodige wysigings soos vereis deur die konteks, welke reels van krag sal bly totdat reëls en orders aangeneem word deur die Raad van die Plaaslike Munisipaliteit.

(subartikel (2) gewysig deur PK.675/2000 en PK. 117/2008)

(3) Die vergaderplek vir die eerste vergadering van die Raad van die Plaaslike Munisipaliteit sal in Stellenbosch wees.

(subartikel (3) gewysig deur PK.675/2000)

(4) Die agenda van die eerste vergadering sal soos volg wees:-

(a) die verkiesing van die speaker;

(b) of die Plaaslike Munisipaliteit die instelling van ‘n uitvoerende komitee verlang, en indien wel, die bepaling van ‘n stelsel van verteenwoordiging vir die verkiesing van die uitvoerende komitee;

(c) die verkiesing van raadslede om op die uitvoerende komitee te dien;

(d) die verkiesing van die burgemeester vanuit die geledere van die uitvoerende komitee;

(e) die verkiesing van die onderburgemeester, waarvoor goedkeuring deur die Provinsiale Minister verleen word, vanuit die geledere van die uitvoerende komitee, en

(f) enige ander sake deur die tussentydse munisipale bestuurder bepaal en in die agenda uiteengesit.

Toepassing van hierdie Kennisgewing

25A. Indien enige konflik rakende die aangeleenthede wat in hierdie Kennisgewing hanteer word sou ontstaan tussen hierdie kennisgewing en die bepalings van enige artikel 84(3)-kennisgewing afgekondig deur die Nasionale Minister of enige artikel 18-kennisgewing afgekondig deur die Provinsiale Minister, geniet die bepalings van die artikel 84(3)-kennisgewing of artikel 18-kennisgewing, na gelang van die geval, voorrang.

(artikel 25A ingevoeg deur PK.675/2000)

Uitvoerende Onderburgemeester

25B. Goedkeuring word verleen ingevolge artikel 55 van die Munisipale Strukture Wet, soos gewysig, vir die verkiesing van ‘n uitvoerende onderburgemeester.

(artikel 25B ingevoeg deur PK.184/2003)

Kort titel en Inwerkingstreding

26. Hierdie Kennisgewing heet die Munisipaliteit Stellenbosch (WCO24) Instellingskennisgewing en tree in werking op die datum van publikasie.

6.4	APPOINTMENT OF FULL-TIME COUNCILLORS

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 17 November 2026**

1. SUBJECT: APPOINTMENT OF FULL-TIME COUNCILLORS

2. PURPOSE

To designate the full-time Councillors.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

In terms of Section 12 of the Structures Act, the MEC for Local Government in a Province, by notice in the Provincial Gazette, must establish a municipality in each municipal area which the Demarcation Board demarcates in the province in terms of the Demarcation Act.

Such establishment notice must, *inter alia*, specify:-

- the type of municipality that is established;
- the number of Councillors as determined in terms of Section 20; and
- which Councillors of the municipality (if any) may be designated as full-time in terms of Section 18.

A Proclamation Notice, published by the Minister for Co-operative Governance and Traditional Affairs, on 14 December 2011, in the Government Gazette no. 34868, attached as **APPENDIX 1**, states that "The member of the Executive Council of a Province responsible for local government may determine that councillors who have been elected or appointed to any of the following offices in a municipal council, may be designated as full-time:

- The Speaker;
- The Executive Mayor;
- The Deputy Executive Mayor;
- A member of a Mayoral Committee;
- Chairperson of a committee established in terms of Section 79 in a municipality with 40 or more Councillors;
- A single Whip appointed for Council in municipalities with 40 or more councillors."[1]

In terms of Section 18(4) of the Municipal Structures Act, Act 117/1998 a municipality has the power to designate Councillors determined by the MEC for Local Government as full-time.

[1] Note selective quotation, based on applicability.

5. RECOMMENDATION

that the following Councillors as determined by the MEC be designated by Council as full-time Councillors:-

- the Executive Mayor;
- the members of the Mayoral Committee (including the Deputy Executive Mayor);
- the Speaker;
- the Single Whip; and
- the Chairperson of MPAC (Municipal Public Accounts Committee).

6. DISCUSSION

6.1 Background

In terms of Section 16 of the Structures Act, the MEC for Local Government in a Province, by notice in the Provincial Gazette, may amend a Section 12 notice to, *inter alia,*

- change the municipality from its existing type to another type;
- specify which Councillors of the municipality (if any) may be designated as full-time in terms of Section 18; and
- alter the number of Councillors.

6.2 SECTION 12 NOTICE

In terms of the Stellenbosch Municipality (WCO24) Establishment Notice, read with the subsequent amendment notices:-

(a) Stellenbosch Municipality is a municipality with a mayoral executive system combined with a ward participatory system (type of municipality), as provided for in Section 9 (d) of the Municipal Structures Act;

(b) Stellenbosch Municipality may designate the following Councillors as full-time Councillors:-

- the Executive Mayor;
- the members of the Mayoral Committee;
- the Speaker;
- the Council Whip; and
- the Chairperson of MPAC (Municipal Public Accounts Committee).

Attached as **APPENDIX 2** is the Principal Establishment Notice dated 22 September 2000 insertion PN 261/2015 confirming the designation of the above as full-time councillors.

With reference to the status of the Deputy Executive Mayor, Section 60(2) of the Municipal Structures Act, 117 of 1998, states that "*the mayoral committee must consist of the deputy executive mayor (if any) and as many councillors as may be necessary for effective and efficient government, provided that no more than 20 per cent of the councillors or 10 councillors, whichever is the least, are appointed.*"

Hence, by virtue of section 60(2) of the Municipal Structures Act, a Deputy Executive Mayor must form part of the mayoral committee, if one is elected. Therefore, based on this legal provision, read with Item 9(b) of the Establishment Notice of Stellenbosch Municipality, the Deputy Executive Mayor of Stellenbosch Municipality is a full-time councillor as he/she is a member of the mayoral committee.

6.3 CODE OF CONDUCT

In terms of Item 8 of the Code of Conduct for Councillors, a councillor who is full-time may not undertake any other paid work, except with the consent of a municipal council, which consent shall not unreasonably be withheld.

APPENDICES

Appendix 1: 14 December 2011, in the Government Gazette no. 34868

Appendix 2: Principal Establishment Notice dated 22 September 2000

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
CONTACT NUMBERS	*021 808 8025*
E-MAIL ADDRESS	*municipal.manager@stellenbosch.gov.za*
REPORT DATE	*11 November 2026*

ITEM 6.4

Appendix 1

Appointment of Full-time Councillors:

Government Gazette: no. 34868

dated 14 December 2011

GENERAL NOTICE

NOTICE 904 OF 2011

DEPARTMENT OF COOPERATIVE GOVERNANCE

POLICY FRAMEWORK FOR THE DESIGNATION OF FULL-TIME COUNCILLORS

The Minister for Cooperative Governance and Traditional Affairs has, under section 18(4) of the *Local Government: Municipal Structures Act,* 1998 (Act No. 117 of 1998), and after consulting the MEC's for local government, determined the policy framework for the designation of full-time councillors, as set out in the Schedule.

SCHEDULE

The member of the Executive Council of a province responsible for local government may determine that councillors who have been elected or appointed to any of the following offices in a municipal council, may be designated as full-time:

CATEGORY A MUNICIPALITIES

- ☐ Speaker;
- ☐ Executive Mayor;
- ☐ Mayor;
- ☐ Deputy Executive Mayor;
- ☐ Deputy Mayor;
- ☐ A member of an Executive Committee other than the Mayor and Deputy Mayor;
- ☐ A member of a Mayoral Committee;
- ☐ Chairperson of a Sub-Council;
- ☐ Chairperson of a Committee established in terms of section 79; and
- ☐ A single whip appointed for council.

CATEGORY B MUNICIPALITIES

- ☐ Speaker;
- ☐ Executive Mayor;
- ☐ Mayor;
- ☐ Deputy Executive Mayor;
- ☐ Deputy Mayor;
- ☐ A member of an Executive Committee other than the Mayor and Deputy Mayor;
- ☐ A member of a Mayoral Committee;
- ☐ Chairperson of a Committee established in terms of section 79 in municipalities with 40 or more councillors; and
- ☐ A single whip appointed for council in municipalities with 40 or more councillors.

CATEGORY C MUNICIPALITIES

- ☐ Speaker;
- ☐ Executive Mayor;
- ☐ Mayor;
- ☐ Deputy Executive Mayor;
- ☐ Deputy Mayor;
- ☐ A member of an Executive Committee other than the Mayor and Deputy Mayor;
- ☐ A member of a Mayoral Committee;
- ☐ Chairperson of a Committee established in terms of section 79 in municipalities with 40 or more councillors; and
- ☐ A single whip appointed for council in municipalities with 40 or more councillors.

ITEM 6.4

Appendix 2

Principal Establishment Notice
dated 22 September 2000

P.N. 489/2000 22 September 2000

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

Amended by:
Provincial Notice 675 dated 4 December 2000
Provincial Notice 456 dated 19 December 2002
Provincial Notice 184 dated 28 May 2003
Provincial Notice 11 dated 3 January 2006
Provincial Notice 55 dated 25 February 2011
Provincial Notice 283 dated 24 October 2014
Provincial Notice 261 dated 31 July 2015
Provincial Notice 114 dated 8 April 2016
Provincial Notice 118 dated 15 October 2021
Provincial Notice 92 dated 6 March 2026

ESTABLISHMENT OF THE STELLENBOSCH MUNICIPALITY (WCO24)

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

Dated this 22nd day of September 2000.

P UYS, PROVINCIAL MINISTER OF LOCAL GOVERNMENT

SCHEDULE

Definitions and Interpretation

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

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

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

   (3) *(subsection (3) deleted by PN.184/2003)*

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

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

(6) **"District Municipality"** means the Boland District Municipality, established in terms of section 4 of this Schedule;

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

(subsection (6A) inserted by PN.675/2000)

(6B) **"District Municipality Notice"** means Provincial Notice 486/2000 published in Provincial Gazette Extraordinary No. 5590 dated 22 September 2000;

(subsection (6B inserted by PN.675/2000)

(7) **"District Transformation forum"** means the Breede River/Winelands District Transformation Forum established in terms of the DTF Notice;

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

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

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

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

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

(subsection (12) amended by PN.675/2000)

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

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

(subsection (13A) inserted by PN.184/2003)

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

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

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

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

(subsection (16A) inserted by PN.675/2000)

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

(subsection (16B) inserted by PN.675/2000)

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

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

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

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

(subsection (19A) inserted by PN.675/2000)

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

(subsection (19B) inserted by PN.675/2000)

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

(subsection (19C) inserted by PN.675/2000)

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

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

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

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

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

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

(d) the putting into operation of the transfer;

(subsection (21A) inserted by PN.675/2000)

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

(22A) **"ward participatory system"** means a system which allows for matters of local concern to wards to be dealt with by committees established for wards;

(subsection (22A) inserted by PN.184/2003)

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

Preamble

2.(1) On 3 March 2000 the Municipal Demarcation Board, acting in terms of section 21 of the Municipal Demarcation Act, determined the boundaries of the Municipality, as reflected in the map appearing in Provincial Notice 69/2000 published in the Provincial Gazette Extraordinary No. 5431 of 3 March 2000 (A copy of the map is republished in Annexure "1" to this Schedule) and amended by Provincial Notice 478/2000 published in the Provincial Gazette Extraordinary No. 5587 of 18 September 2000 and Provincial Notice 258/2002 published in the Provincial Gazette Extraordinary No. 5922 dated 15 August 2002 and Provincial Notice 339/2013 published in the Provincial Gazette Extraordinary No. 7185 of 15 October 2013 read with Provincial Notice 417/2013 published in the Provincial Gazette Extraordinary No. 7209 of 10 December 2013, Provincial Notice 248/2013 published in the Provincial Gazette Extraordinary No. 7156 of 8 August 2013, Provincial Notice 1/2014 published in the Provincial Gazette No. 7217 dated 10 January 2014, Provincial Notice 63/2014 published in the Provincial Gazette No. 7236 dated 7 March 2014 and Provincial Notice 159/2014 published in the Provincial Gazette No. 7277 dated 13 June 2014 and Provincial Notice 657/2018 published in the Provincial Gazette No. 7968 dated 10 August 2018 read with Provincial Notice 124/2018 published in the Provincial Gazette Extraordinary No. 7987 dated 4 October 2018, Provincial Notice 91/2018 published in the Provincial Gazette Extraordinary No. 7942 dated 15 June 2018 and Provincial Notice 166/2018 published in the Provincial Gazette No. 8024 dated 14 December 2018 and Provincial Notice 4/2023 published in the Provincial Gazette Extraordinary No. 8864 dated 12 January 2024 read with Provincial Notice 162/2024 published in the Provincial Gazette No. 8894 dated 8 March 2024, Provincial Notice 42/2024 published in the Provincial Gazette Extraordinary No. 8914 dated 26 April 2024 and Provincial Notice 76/2024 published in the Provincial Gazette No. 8954 dated 12 July 2024.

(section (1) amended by PN.11/2006, PN 114/2016, PN118/2021 and PN. 92/2026)

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

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

(b) consulted with WECLOGO and the disestablished municipalities;

(c) published particulars of this Notice in Provincial Notice 394/2000 published in Provincial Gazette Extraordinary No. 5571 dated 28 August 2000, and

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

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

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

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

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

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

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

(subsection (5) inserted by PN.675/2000)

Disestablishment of the Existing Municipalities

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

(a) Municipality for the Area of Franschhoek, established in terms of Proclamation No. 20/1995 dated 31 January 1995;

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

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

(d) Pniel Transitional Local Council, established in terms of Proclamation No. 142/1994 dated 30 December 1994;

(e) Stellenbosch Transitional Local Council, established in terms of Proclamation No. 28/1995 dated 31 January 1995, and

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

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

Establishment and Name

4. With effect from the effective date , a municipality shall be established, to be known in English as “Stellenbosch Municipality”, in Afrikaans as “Munisipaliteit Stellenbosch“ and in isiXhosa as “U Masipala waseStellenbosch”.

Category

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

Type

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

(section 6 amended by PN.184/2003)

Boundaries

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

Number of Councillors and Wards

8.(1) The Municipal Council of the Municipality has 45 (forty-five) councillors, as determined by the Provincial Minister in Provincial Notice 116/2024 published in Provincial Gazette Extraordinary No. 8999 dated 6 November 2024, of which 23 (twenty-three) are ward councillors and 22 (twenty-two) are proportionally elected councillors.

(2) The Municipality has 23 (twenty-three) wards.

(section 8 amended by PN.11/2006, PN. 55/2011, PN.118/2021 and PN. 92/2026)

Full-time Councillors

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

(a) the executive mayor;

(b) the members of the mayoral committee;

(c) the speaker;

(d) a single whip appointed for Council, and

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

(section 9 amended by PN.456/2002, PN.184/2003, PN.283/2014 and PN.261/2015)

Functions and Powers

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

Exemptions

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

Principles determining the Transfer of Staff

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

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

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

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

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

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

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

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

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

(section 12 amended by PN.675/2000)

Process for Effecting the Transfer of Staff

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

Municipality will fulfill the function or functions with which the specific staff are associated on behalf of the District Municipality.

(2) In order to:-

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

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

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

(3) On or before a date to be determined by the Provincial Minister every CEO must prepare a schedule of all staff of his or her disestablished municipality in accordance with a format prescribed by the Provincial Minister, must provisionally allocate each staff member and budgeted vacant post of his or her disestablished municipality in accordance with the principles set out in sections 12 and 16C, and must submit copies of the full schedule to the interim municipal manager and the District Municipality IMM.

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

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

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

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

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

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

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

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

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

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

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

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

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

(14) On or before a date to be determined by the Provincial Minister, to the extent that agreement has not been reached before the effective date in terms of section 13(2) of this Schedule, the Local Municipality, as a member of the Transformation Sub-Chamber of the Bargaining Council, must endeavour to

reach collective agreement in the Transformation Sub-Chamber of the Bargaining Council with the trade unions regarding the principles, procedures and criteria to be followed for making appointments to the posts flowing from the creation of a new organisational structure of the Local Municipality.

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

(section 12A inserted by PN.675/2000)

Collective Agreements

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

(a) at a national level, or

(b) at the Bargaining Council, or

(c) at a local level;

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

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

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

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

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

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

Human Resource Matters

14. Subject to any collective agreement:-

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

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

Consequences of Transition in Respect of Certain Staff Issues

15.(1) Subject to any collective agreement, an employee whose post is changed as a result of the transition will not be considered redundant for the purposes of any

term or condition of employment or any pension fund rule that gives the employee the election to terminate his or her employment with benefits.

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

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

(a) the post no longer exists;

(b) the post is disestablished;

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

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

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

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

(g) the post is described differently.

Legal Succession

16. With effect from the effective date:-

(1) the Local Municipality shall be the successor in law of the disestablished municipalities and the municipalities to be disestablished in terms of the District Municipality Notice in relation to the specific assets and liabilities allocated to the Local Municipality in terms of this Schedule.

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

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

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

(5) Notwithstanding subsection (1):-

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

(i) land which is held in trust by the Minister for Agriculture and Land Affairs in terms of section 7 of the Rural Areas

Act and which is subject to the provisions of section 3 of the Transformation of Certain Rural Areas Act will remain vested in the Minister for Agriculture and Land Affairs, and

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

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

(section 16 amended by PN.675/2000)

Principles determining the Transfer of Assets, Liabilities and Records

16A. With effect from the effective date:-

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

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

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

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

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

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

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

(5) Notwithstanding the provisions of subsection (4), the Local Municipality and the District Municipality may agree to subdivide any immovable asset referred to in subsection (4) capable of subdivision or to divide any group of assets referred to in subsections (3) and (4) on an equitable basis,

having regard to the nature and purpose served by such an asset or assets, as agreed between them, and to allocate each portion thereof in accordance with such agreement.

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

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

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

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

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

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

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

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

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

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

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

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

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

(section 16A. inserted by PN.675/2000)

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

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

(2) In order to:-

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

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

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

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

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

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

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

(c) consolidate the schedule referred to in paragraph (a) with the schedules received from the District Municipality IMM referred to in

paragraph (b) into a single schedule reflecting all assets, liabilities and records to be transferred to the Local Municipality.

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

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

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

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

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

(section 16B inserted by PN.675/2000)

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

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

(a) all staff, assets, liabilities and records of the disestablished municipalities associated exclusively with:-

(i) roads other than municipal roads;

(ii) ambulance services;

(iii) health services other than municipal health services;

(iv) disaster management;

(v) housing;

(vi) libraries;

(vii) museums;

(viii) water supply systems other than potable water supply systems;

(ix) nature and environmental conservation, including coastal control, environmental education, animal control and control over inland waters, and

(x) traffic and law enforcement;

shall be transferred to the Local Municipality in terms of section 12(2), (3) and (4) and the process set out in sections 12A and 16B of this Schedule;

(b) any member of staff, assets liabilities and records of the disestablished municipalities not associated with a function referred to in section 84(1) of the Municipal Structures Act or paragraph (a) shall be transferred, in terms of the principles and process set out in sections 12, 12A, 16A and 16B of this Schedule, to the Local Municipality that will fulfill the function with which it is associated, with effect from the effective date.

(section 16C inserted by PN.675/2000)

Transfer of staff, assets, liabilities and records relating to municipal service delivery agreements

16D.(1)Notwithstanding anything to the contrary contained in any municipal service delivery agreement entered into by a disestablished municipality in terms of which such disestablished municipality is the service provider, all staff, assets, liabilities and records of the disestablished municipalities shall be transferred in accordance with the provisions of this Schedule.

(2) The Provincial Minister shall determine which municipality will be the successor in law of the disestablished municipality in terms of any municipal service delivery agreement entered into by a disestablished municipality in terms of which such disestablished municipality is the service provider, and may direct the Local Municipality or the District Municipality to implement and administer any interim service delivery arrangements in terms of section 19 of this Schedule in order to ensure continued service delivery in terms of such agreement.

(3) For the period from the effective date to the date on which the Provincial Minister has made a determination in terms of subsection (3), the Local Municipality shall be the successor in law of the disestablished municipalities with regard to any municipal service delivery agreement referred to in subsection (1) in accordance with the provisions of section 19.

(section 16D inserted by PN.675/2000)

Failure to implement certain provisions of this Schedule

16E. In the event that the interim municipal manager or any other person required to perform a task set out in section 12A or section 16B, fails or refuses to do so within the time periods specified in those sections, then the Provincial Minister may nominate any person to perform such tasks, in which event the Local Municipality or District Municipality shall be obliged to co-operate fully with such person.

(section 16E inserted by PN.675/2000)

Transitional Provisions Relating to By-Laws and Resolutions

17.(1) Any by-law in force in the area of a disestablished municipality immediately prior to the effective date shall, with effect from the effective date, and pending the review and rationalisation thereof in terms of section 15 of the Municipal Structures Act, remain of full force and effect within the area for which it was promulgated, subject to any amendment or repeal by the Local Municipality.

(2) Unless inconsistent with the context or clearly inappropriate, a reference in any such by-law to:-

(a) a disestablished municipality or its predecessor, must be construed as a reference to the Local Municipality, and

(b) a structure or functionary of a disestablished municipality, must be construed as a reference to the corresponding structure or functionary of the Local Municipality.

(3) Subject to the provisions of this Schedule, and notwithstanding the disestablishment of the disestablished local municipalities, any:-

(a) resolution taken;

(b) notice, certificate or other document issued;

(c) direction, approval, consent or authority given;

(d) exemption, license or permit granted or issued;

(e) appointment made;

(f) employee nominated;

(g) agreement or contract entered into;

(h) delegation of powers granted to an employee;

(i) rates, tariffs or charges levied or imposed;

(j) reservation of land made, and

(k) other action taken or thing done,

by a disestablished municipality shall, subject to the provisions of this Schedule, be deemed to have been taken, issued, given, made, nominated, entered into, granted, levied, imposed or done by the Local Municipality, pending the review and rationalisation thereof in terms of section 15 of the Municipal Structures Act.

(4) Subject to section 20, 21, 22 and 23 of this Schedule, any person who on the effective date exercises a power or performs a duty or function by virtue of the office held by him or her or by the virtue of a delegation of power conferred upon him or her by a disestablished municipality, shall continue to exercise that power or perform that duty or function until such time as it may be decided to the contrary by the Local Municipality.

(5) For the purposes of the Schedule to the Regulation relating to the Declaration of Peace Officers made in terms of section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977), any law enforcement officer appointed by a disestablished municipality shall, from the effective date, be deemed to have been appointed by the Local Municipality for the area of jurisdiction of the Local Municipality.

(6) Any statutory plan in force or in operation in the area of jurisdiction of the disestablished municipalities, shall remain in force or in operation in respect of the area to which it was intended to apply until amended, varied or repealed by the Local Municipality.

Financial Matters

18.(1) With effect from the effective date the existing budgets of the disestablished municipalities shall constitute the budget of the Local Municipality up to 30 June 2001, and inter-municipal budgetary transfers shall continue for the 2000/2001 financial year.

(2) Notwithstanding the provisions of subsection (1), the Local Municipality may:-

(a) adjust the existing budgets, or

(b) resolve to close its accounts and rebudget for the remainder of the financial year;

provided that any such budget is adjusted or prepared and adopted, as the case may be, in accordance with relevant legislation.

(3) Before the commencement of the 2001/2002 financial year the Local Municipality must consider the adoption of financial management plans and policies that deal with:-

(a) measures, including inter-municipal budgetary transfers, to ensure revenue stability for the period after the 2000/2001 financial year;

(b) medium term expenditure;

(c) equalisation of tariff structures;

(d) the preparation of a new general valuation roll for the Local Management area and the introduction of equitable property taxes;

(e) the introduction of consolidated billing system;

(f) the consolidation of financial accounting systems and budgetary systems;

(g) credit control, and

(h) procurement.

Transitional Administrative Arrangements

19.(1) From the effective date to the date that all staff, assets, liabilities and records have been finally allocated in terms of the provisions of this Schedule, or such alternative date as may be determined by the Provincial Minister, the Local Municipality:-

(a) shall be obliged to deal with all staff, assets, liabilities or records:-

(i) temporarily placed in terms of section 12A(1);

(ii) temporarily transferred in terms of section 16B(1), and

(iii) provisionally allocated in terms of sections 12A(3) and 16B(3),

in the utmost good faith having due regard to the interests of the District Municipality;

(b) without derogating from the generality of subsection (1) and subject to section 12(2), shall not, with reference to paragraphs (i) and (vii) hereunder without the prior written approval of the Provincial Minister, which approval may be conditional, and with reference to paragraphs (ii), (iii), (iv), (v), (vi) and (viii) hereunder without the prior written approval of the Local Municipalities, which approval shall not be unreasonably withheld, make or effect any alteration to the staff establishment temporarily placed in terms of section 12A(1) or provisionally allocated in terms of section 12A(3) by:-

(i) creating or filling any new posts;

(ii) filling any vacancies;

(iii) initiating and implementing the regrading or upscaling of any posts;

(iv) promoting any member of staff;

(v) assigning any functions or duties to personnel other than on a temporary basis;

(vi) subject to any law, existing collective agreement or contract of employment:-

(aa) approving and implementing any allowance or acting allowance;

(bb) implementing any increase in salaries or wages;

(vii) implementing any permanent alteration to staff structures and organisational structures, and

(viii) entering into any collective agreement, other than a collective agreement negotiated and agreed to in the Bargaining Council, which will bind the District municipality in respect of any matter listed in this subsection;

(c) without derogating from the generality of subsection (1), shall not, without the prior written approval of the District Municipality, which approval shall not be unreasonably withheld, make or implement any decision in relation to any assets, liabilities or records transferred in terms of section 16B(1) or provisionally allocated in terms of section 16B(3) that will result in such municipality:-

(i) selling or leasing immovable or movable assets to a value exceeding R20 000,00 (twenty thousand rand) other than in terms of existing contractual arrangements; provided that this provision shall not apply to the disposal of immovable property in terms of an approved housing scheme in terms of the Housing Act, 1997 (Act 107 of 1997);

(ii) purchasing immovable or movable assets to a value exceeding R20 000,00 (twenty thousand rand) other than in terms of existing contractual arrangements;

(iii) concluding new contracts with a duration longer than one year;

(iv) renewing contracts for a duration longer than three months;

(v) acquiring information technology systems, including hardware and software, and

(vi) using:-

(aa) statutory funds either for direct capital or other expenditure or to finance expenditure by taking up internal loans for purposes other than for committed and necessary infrastructural projects approved in the 2000/2001 budget;

(bb) trust funds (which does not include a council’s own accounts) for any purpose other than that for which the funds are held;

(cc) reserve funds, reserve capital or reserve provisions for a purpose other than for necessary budgeted infrastructural maintenance, non-budgeted emergency infrastructural maintenance which cannot be financed from the operational budget or for the writing off of bad debts, and

(dd) any statutory trust, reserve or provision which is not cash funded other than for the writing off of bad debts;

provided that this subsection shall not apply in the case of an emergency, and

(d) shall not make or implement any decision that will result in the Local Municipality exceeding its approved capital or operating budget for the 2000/2001 financial year.

(2) Should any dispute with regard to the provisions of subsection (1) arise between the Local Municipality and the District Municipality, such dispute must be referred to the Provincial Minister for determination by the Provincial Minister or his nominee in accordance with procedures determined by the Provincial Minister, and the decision of the Provincial Minister or his nominee shall be final and binding.

(3) Any contract entered into in breach of the provisions of subsections (1) or (2) shall be null and void.

(section 19 amended by PN.675/2000)

Appointment of Acting Officers

20. Before the effective date the Provincial Minister, after considering any recommendations of the District Transformation Forum, shall where relevant to the Local Municipality appoint any person to any position that may be required in terms of relevant legislation, which appointment shall be in an acting capacity, and who shall assume office on the effective date and remain in office until the Local Municipality has made its own appointments in terms of the relevant legislation.

Appointment of Interim Municipal Manager

21.(1) Before the effective date the Provincial Minister, after considering any recommendations of the District Transformation Forum , appoint an interim municipal manager, who assume office upon appointment and remain in office until the Local Municipality has appointed its own municipal manager or acting municipal manager.

(2) The duties of the interim municipal manager shall, subject to directions or resolutions to the contrary adopted by the Local Municipality, be the following:-

(a) call the first meeting of the Council of the Local Municipality in terms of section 29(2) of the Municipal Structures Act;

(b) preside over the first meeting of the Council of the Local Municipality until the election of the speaker;

(c) after the effective date, act as the head of administration and chief accounting officer of the Local Municipality until the appointment by the Local Municipality of its own municipal manager or acting municipal manager;

(d) after the effective date, fulfill all duties required to be fulfilled by the CEO of a municipality in terms of relevant legislation;

(e) assume responsibility for effecting the transfer of all staff, assets, liabilities and administrative and other records to the Local Municipality;

(f) appoint such persons as are necessary to fulfill his or her obligations in terms of this Schedule;

(g) take all reasonable steps to ensure that service delivery continuity is maintained after the effective date;

(h) establish interim financial control mechanisms for the Local Municipality;

(i) establish interim reporting lines and delegations for the Local Municipality;

(j) review and recommend service contracts, agency arrangements and service delivery agreements;

(k) implement any interim service delivery arrangements between the Local Municipality and the District Municipality as well as between the Local Municipality and other local municipalities within the area of the District Municipality;

(l) delegate any of his or her powers or duties to any employee of the Local Municipality and amend or revoke any such delegation, and

(m) in the period prior to the effective date, prepare for the performance of the functions set out in paragraphs (a) to (l).

(3) Prior to the effective date, the CEOs shall co-operate with the interim municipal manager in relation to all matters pertaining to the establishment of the Local Municipality.

(4) From the effective date the CEOs shall act under the direction of, and be responsible to the interim municipal manager, and the interim municipal manager shall have all the powers of the CEOs.

Interim Assistant Municipal Managers

22. The Provincial Minister may, after considering any recommendation of the District Transformation Forum, appoint any number of interim assistants to the interim municipal manager who assume office upon appointment and remain in office until the Local Municipality has confirmed or terminated the appointment.

Senior Management Team

23. Any interim assistants appointed to the interim municipal manager, together with the interim municipal manager, shall form the senior management team of the Local Municipality to oversee the implementation of the establishment of the Local Municipality.

Appointments

24. Any person appointed in terms of section 20 or 21 shall, subject to the provisions of section 12 of this Schedule, be an employee of a disestablished municipality and shall fulfill his or her duties on a seconded basis.

First meeting of the Council of the Local Municipality

25.(1) The interim municipal manager shall, at least three days before the first meeting of the Council of the Local Municipality, send to each councillor at his or her place of residence or other place nominated by the councillor concerned, a notice specifying the place, date and time of the first meeting and an agenda; provided that the interim municipal manager may call the first meeting on shorter notice should it in his or her opinion be necessary to do so.

(2) Notwithstanding any by-law in force, but subject to the provisions of the Municipal Structures Act, the rules of order for the first meeting of the Council of the Local Municipality are the rules of order as set out in Provincial Notice 411/1988 as promulgated in Provincial Gazette No. 4532 of 20 May 1988, which rules shall remain in force until the adoption of rules of order by the Council of the Local Municipality.

(3) The venue for the first meeting of the Council of the Local Municipality shall be in Stellenbosch.

(subsection (3) amended by PN.675/2000)

(4) The agenda of the first meeting shall be as follows:-

(a) the election of the speaker;

(b) whether the Local Municipality wishes to establish an executive committee, and if so, the determination of a system of representation for the election of the executive committee;

(c) the election of councillors to serve on the executive committee;

(d) the election of the mayor from the members of the executive committee;

(e) the election of the deputy mayor, for which approval is granted by the Provincial Minister, from the members of the executive committee, and

(f) any other business as determined by the interim municipal manager and set out in the agenda.

Application of this Notice

25A. If any conflict relating to the matters dealt with in this Notice arises between this Notice and the provisions of any section 84(3) notice promulgated by the National Minister or any section 18 notice promulgated by the Provincial Minister, the provisions of the section 84(3) notice or section 18 notice, as the case may be, shall prevail.

(section 25A. inserted by PN.675/2000)

Executive Deputy Mayor

25B. Approval is granted in terms of section 55 of the Municipal Structures Act, as amended, for the election of an executive deputy mayor.

(section 25B. inserted by PN.184/2003)

Short title and Commencement

26. This Notice is called the Stellenbosch Municipality (WCO24) Establishment Notice and comes into operation on the date of publication.

P.N. 489/2000 22 uSeptemba 2000

URHULUMENTE WENGINGQI: UMTHETHO WAMASEBE KAMASIPALA, KA1998 (UMTHETHO WE-117 KA-1998)

Amended by:
neSaziso sePhondo 675 dated we-4 kuDisemba 2000
neSaziso sePhondo 456 dated we-19 kuDisemba 2002
neSaziso sePhondo 184 dated we-28 kuMeyi 2003
neSaziso sePhondo 11 dated we-3 uJanuwari 2006
neSaziso sePhondo 55 dated we-25 kuFebhuwari 2011
neSaziso sePhondo 283 dated we-24 KwyeyDwarha 2014
neSaziso sePhondo 261 dated we-31 kweyeKhala 2015
neSaziso sePhondo 114 dated we-8 kuTshazimpuzi 2016
neSaziso sePhondo 118 dated we-15 kweyeDwarha 2021
neSaziso sePhondo 61 dated we-6 KweyoKwindla 2026

UKUSEKWA KOMASIPALA WASE-STELLENBOSCH (WCO24)

Ngamandla andigunyazisayo aqulathwe licandelo-12 ne-14 loRhulumente waseKhaya: uMthetho owasekwa ngo-1998 wamaSebe ooMasipala, (uMthetho we-117 wonyaka we-1998) ukuba ndenze isaziso sokusekwa kukaMasipala waseStellenbosch ngokwemiqathango edweliswe kolu ludwe lweenkqubo.

Ngomhla wama-22 uSeptemba 2000.

P UYS, UMPHATHISWA WEPHONDO WORHULUMENTE WENGINGQI

ULUNDWE LWEENKQUBO

Inkcazo yamagama

1. Kolu Xwebhu ngaphandle kokuba okuqulathiweyo kukuxelela enye into, isinye sibandakanya isininzi nesininzi sibandakanya isinye, isicatshulwa sesiNgesi siya kuma simi isiso esisetyenziswayo apho kuthe kwakho iyantlukwano kwizcatshulwa ezahlukeneyo okanye kwigama elinokuthi lahluke okanye isiqendwana ngentsingiselo esithe sanikwa yona kuMthetho wamaSebe ooMasipala, intsingiselo yesiNgesi-

   (1) **“iQumrhu leeNgxoxo”** lithetha iCandelo leQumrhu leeNgxoxo loRhulumente weeNqila loMzantsi Afrika elifake isicelo sobhaliso njengeQumrhu leeNgxoxo ngokweSaziso esingunombolo 1513/1999 njengoko sipapashwe kwiGazethi kaRhulumente engunombolo 20282 somhla we- 16 kaJulayi 1999;

   (2) **“uCEO”** sisishungulelo segama elingu-chief executive officer igosa eliyintloko yesigqeba solawulo lomasipala otshitshisiweyo;

   (3) *(subsection (3) deleted by PN.184/2003)*

   (4) **“uMgaqo-siseko”** uthetha uMgaqo-siseko weRiphabliki yoMzantsi Afrika, we-1996 (uMthetho we- 108 we- 1996);

(5) **“ukutshitshiswa koomasipala”** kuthetha aba masipala bakhoyo nabaza kutshitshiswa ngokwemigaqo yecandelo-3 lolu ludwe lweenkqubo;

(6) **“uMasipala weSithili”** uthetha uMasipala wesiThili saseBoland, oza kumiselwa ngomhla wokuqalisa unyulo;

(6A) **“i-MM yoMasipala weSithili”** ithetha umphathi wethutyana kaMasipala weSithili;

(subsection (6A) inserted by PN.675/2000)

(6B) **“iSaziso sikaMasipala weSithili”** Sithetha iSaziso sePhondo 486/2000, esapapashwa kwiGazethi yePhondo eyoNgezelelweyo nenguNombolo 5590 yomhla wama-22 kuSeptemba 2000;

(subsection (6B) inserted by PN.675/2000)

(7) **“iQonga leNguqulelo leSithili”** lithetha iQonga leNguqulelo leSithili saseBreede River/Winelands elamiselwa ngokweSaziso seDTF;

(8) **“iSaziso seDTF”** sithetha iSaziso sePhondo esingunombolo 78/2000 esapapashwa kwiGazethi yePhondo Eyongeselelweyo engunombolo 5435 yomhla we-10 kuMatshi 2000;

(9) **“umhla wokuqala wonyulo”** uthetha umhla wokuqalisa unyulo;

(10) **“unyulo”** luthetha unyulo lokuqala jikelele lwamaBhunga ooMasipala onyulwa emva kokusebenza koMgaqo-siseko;

(11) **“inkqubo yoomasipala yokutshintshwa kohlahlo-lwabiwo-mali”** ithetha ukutshintshwa kwezibonelelo zemali phakathi koomasipala ukufezekisa uzinzo kwingeniso ngexesha lenguqu;

(12) **“uMphathi weThutyana kaMasipala”** uthetha umphathi wethutyana kamasipala kuMasipala weNgingqi obekwe ngokwemiqathango yecandelo- 21(1) nozakuba ngumphathi obambeleyo kamasipala kuMasipala weNgingqi ukususela ngomhla wokuqalisa, okanye umphathi wethutyana obambeleyo okanye umphathi kamasipala kuMasipala weNgingqi nobekwe yiKansile yoMasipala weNgingqi emva komhla wokuqalisa;

(subsection (12) amended by PN.675/2000)

(13) **“uMasipala weNgingqi”** uthetha uMasipala waseStellenbosch, owasekwa ngokwemigaqo yocandelo le-4 elikolu ludwe lweenkqubo;

(13A) **“inkqubo yesigqeba solawulo secandelo losodolophu”** ithetha inkqubo evumela ukuba kusetyenziswe igunya lesigqeba solawulo, oko kusenziwa kudlulwe kusodolophu osemagunyeni apho inkqubo yokhokelo lwesigqeba yoMasipala igunyaziswe khona kwanocediswa yikomiti yecandelo losodolophu;

(subsection (13A) inserted by PN.184/2003)

(14) **“UMthetho wokuCandwa kooMasipala”** uthetha uMthetho woRhulumente waeNgingqi we- 1998 (uMthetho 27 we-1998);

(15) **“iBhodi yokuCandwa kooMasipala”** ithetha iBhodi yokuCandwa kooMasipala eyamiselwa phantsi kwecandelo -2 loMthetho wokuCandwa kooMasipala;

(16) **“uMthetho wamaSebe kaMasipala”** ithetha uMthetho kaMasipala woRhulumente waseKhaya we-1998 (uMthetho we-117 we-1998);

(16A) **“uMthetho-sihlomelo wamaSebe ooMasipala”** uthetha uMthetho-sihlomelo wooMasipala beeNgingqi, 2000 (uMthetho 33 wonyaka wama-2000);

(subsection (16A) inserted by PN.675/2000)

(16B) **“Umphathiswa weSizwe”** uthetha uMphathiswa wesizwe osingethe imicimbi yoorhulumente beengingqi;

(subsection (16B) inserted by PN.675/2000)

(17) **“iPhondo”** lithetha iPhondo leNtshona-Koloni;

(18) **“uMphathiswa wePhondo”** uthetha ilungu lesiGqeba soWiso-mthetho wePhondo leNtshona-Koloni elinoxanduva lokujongana norhulumente wngingqi;

(19) **“uMthetho weeNginqi zasemaPhandleni”** uthetha uMthetho weeNgingqi zasemaPhandleni (iNdlu yabaMeli), we-1987 (uMthetho we-1987);

(19A) **“Isaziso secandelo 18”** sithetha isaziso esibhengezwe ngokwemiqathango yecandelo 18 loMthetho wamaSebe ooMasipala;

(subsection (19A) inserted by PN.675/2000)

(19B) **“Isaziso secandelo 84(3)”** sithetha isaziso esibhengezwe ngokwemiqathango yecandelo 84(3) loMthetho wamaSebe ooMasipala;

(subsection (19B) inserted by PN.675/2000)

(19C) **“abasebenzi”** kuthethwa bonke abasebenzi, kuqukwa abo benza umsebenzi, abakwizikhundla zokuphatha nezincedisayo, kananjalo kubandakanywa nezikhundla ezingenamntu nezifakwe kwizicwangciso zovalo-zikhewu, kodwa zingabandakanywanga izikhundla ezingenamntu ezingafakwanga kwizicwangciso zovalo-zikhewu;

(subsection (19C) inserted by PN.675/2000)

(20) **“uYilo oluseMthethweni”** uthetha uyilo oluyimfuneko ngokwemigaqo yowiso-mthetho kubandakanya, kodwa kungaphelelanga apho naluphi na olunye uyilo lokusetyenziswa komhlaba, inkqubo yokwahlulwa, uyilo lophuhliso oluhlanganisiweyo, uyilo lweenkonzo zamanzi, uyilo lophuhliso oluhlanganisiweyo, uyilo lophuhliso lwezakhono noyilo lolungiso kumathuba engqesho;

(21) **“imanyano zabasebenzi”** zithetha ooMasipala abazimeleyo neemanyano zabasebenzi kunye nemanyano yabasebenzi bakaMasipala yoMzantsi Afrika;

(21A) **“inkqubo yogqithiselo”** ithetha inkqubo, echazwe kule Shedyuli, yokugqithisela abasebenzi, impahla, amatyala neerekhodi zoomasipala abatshitshisiweyo kuMasipala weSithili okanye kooMasipala beeNgingqi, nkqubo leyo iquka:

(a) ukuchongwa kwabo bonke abasebenzi, yonke impahla, wonke amatyala nazo zonke iirekhodi eziza kugqithiselwa;

(b) ukusetyenziswa kwemimiselo yokugqithiselwa njengoko ichazwe hule Shedyuli;

(c) ukunikezelwa kwabo bonke abasebenzi, yonke impahla, wonke amatyala nazo zonke iirekhodi kuMasipala weSithili kungenjalo kuMasipala weNgingqi, kananjalo

(d) ukuqaliswa kogqithiselo olo.

(subsection (21A) inserted by PN.675/2000)

(22) **"ukuGuqulwa kwemiThetho ethile yamaPhandle"** kuthetha ukuGuqulwa kweMithetho ethile yamaPhandle, we-1998 (uMthetho wama-94 we-1998);

(22A) **"inkqubo yothatho-nxaxheba yewadi"** ithetha inkqubo evumela imicimbi yezinto ezinxulumene neenqila ekuza kujonganwa nazo ziikomiti ezisekelwe ezi wadi;

(subsection (22A) inserted by PN.184/2003)

(23) **"uWECLOGO"** ligama elithetha uMbutho weNtshona-Koloni wooRhulumente baseKhaya, ongumbutho wephondo leNtshona-Koloni onikwa ingqalelo ngokwemigaqo yecandelo 2(1)(b) lomthetho woRhulumente weNgingqi olungiselelweyo we-1997 (uMthetho –52 we 1997).

Intshayelelo

2.(1) Ngomhla wesi3 kweyoKwindla ka2000 iBhodi yokuCanda kaMasipala, esebenza ngokwecandelo lama21 lweMunicipal Demarcation Act, imisele imida kaMasipala, njengoko kuboniswe kwimephu ebonakala kwiSaziso sePhondo 69/2000 esipapashwe kwiGazethi yePhondo enguNombolo 5431 yomhla wesi3 kweyoKwindla ka2000 (Ikopi yemephu ipapashiwe kwakhona kwiSihlomelo "1" kule Shedyuli) nesilungiswe siSaziso sePhondo 478/2000 esipapashwe kwiGazethi yePhondo enguNombolo 5587 yomhla we18 kweyoMsintsi ka2000, kunye neSaziso sePhondo 258/2002 esipapashwe kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 5922 yomhla wesi15 kweyeThupha ka2002 neSaziso sePhondo 339/2013 esipapashwe kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 7185 somhla we15 kweyeDwarha ka2013 efundwa neSaziso sePhondo 417/2013 esipapashwe kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 7209 yomhla we10 kweyoMnga ka2013 iSaziso sePhondo 248/2013 esipapashwe kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 7156 yomhla wesi8 kweyeThupha ka2013, iSaziso sePhondo 1/2014 esipapashwe kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 7217 yomhla we10 kweyoMqungu ka2014, iSaziso sePhondo 63/2014 esipapashwe kwiGazethi yePhondo enguNombolo 7236 yomhla wesi7 kweyoKwindla ka2014 kunye neSaziso sePhondo 159/2014 esipapashwe kwiGazethi yePhondo enguNombolo 7277 yomhla we13 kweyeSilimela ka2014 kunye neSaziso sePhondo 657/2018 esipapashwe kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 7968 yomhla we10 kweyeThupha ka2018 efundwa kwiSaziso sePhondo 124/2018 esipapashwe kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 7987 yomhla wesi4 kweyeDwarha ka2018, iSaziso sePhondo 91/2018 esipapashwe kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 7942 yomhla we15 kweyeSilimela ka2018 kunye neSaziso sePhondo 166/2018 esipapashwe kwiGazethi yePhondo enguNombolo 8024 yomhla we14 kweyoMnga ka2018 kunye neSaziso sePhondo 4/2023 esipapashwe kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 8864 yomhla we12 kweyoMqungu ka2024 efundwa neSaziso sePhondo 162/2024 esipapashwe kwiGazethi yePhondo

eyoNgezelelweyo enguNombolo 8894 yomhla wesi8 kweyoKwindla ka2024, iSaziso sePhondo 42/2024 esipapashwe kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 8914 yomhla wama26 kuTshazimpuzi ka2024 kunye neSaziso sePhondo 76/2024 esipapashwe kwiGazethi yePhondo enguNombolo 8954 yomhla we12 kweyeKhala ka2024.

(section (1) amended by PN.11/2006, PN 114/2016, PN118/2021 and PN. 92/2026)

(2) UMphathiswa wePhondo, esebenza ngokwecandelo le- 12(4) loMthetho wamaSebe ooMasipala:-

(a) ukhuphe isaziso esibhaliweyo sokusekwa kukaMasipala waseKhaya okusayilwayo i-WECLOGO nakoomasipala abathe batshitshiswa njengoko kumiselweyo kwisekyula yomhla we-12 kuJulayi 2000 nengqinisiswe kwiAAO 509/1/4;

(b) udlene indlebe neWECLOGO kunye noomasipala abathe batshitshiswa;

(c) upapashe iinkcukacha zesi Saziso kwiSaziso sePhondo 394/2000 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo engunombolo 5571, yomhla wama-28 kuAgasti 2000, kwakunye

(d) uziqwalasele izimvo ezithe zamkelwa emva kopapasho lweSaziso ekulindeleke ukugba samkelwe.

(3) UMphathiswa uthe waziqwalasela iingcebiso zeQonga leNguqulelo leSithili athe wazinikwa ngokwesahluko se- 11(2) seSaziso seDTF.

(4) UMphathiswa wePhondo, esebenza ngokwesahluko se- 12 nese- 14 loMthetho wamaSebe ooMasipala, njengoko ufundwa kunye noMthetho ka2000 wokuMiselwa kweeNdidi zooMasipala eNtshona-Koloni (uMthetho we-9 ka2000), nekungoku nje ukhupha isaziso sokusekwa koMasipala weSithili ngokwemigaqo edweliswe kolu xwebhu.

(5) Umphathiswa wePhondo, ngokugunyaziswa yimiqathango yesahluko 2 soMthetho-sihlomelo wamaSebe ooMasipala, xa sifundwa necandelo 14(2)(b) loMthetho wamaSebe ooMasipala kungoku nje wazisa ngeziphumo ezayamene nomthetho, ezinokwenzeka kanti nezinye iziphumo zokutshitshiswa koomasipala abatshitshisiweyo, nto leyo iquka:-

(a) imimiselo emiselwe ukugqithiselwa, nenkqubo yokugqithiselwa ngokunjalo, kwabasebenzi kuMasipala weNgingqi, nkqubo leyo iya kuqala ngomhla wokupapashwa kwesi saziso neza kugqitywa ngomhla oya kumiselwa nguMphathiswa wePhondo;

(b) imimiselo emiselwe nkugqithiselwa, nenkqubo yokugqithiselwa ngokunjalo, kwempahla, amatyala, amalungelo nezinyanzeliso neerekhodi zolawulo kanti nezinye, kuMasipala weNgingqi, nkqubo leyo iya kuqala ngomhla wokupapashwa kwesi saziso neza kugqitywa ngomhla oya kumiselwa nguMphathiswa wePhondo;

(c) ukubonelelwa ngamalungiselelo olawulo ethuba ukususela ngomhla wokuqalisa ukuya kumhla oya kumiselwa nguMphathiswa wePhondo ukuqinisekisa ukuqhubeka kobonelelo ngeenkonza nokuqinisekisa ukuthembeka nokuma kakuhle koMasipala weNgingqi ngokwezimali.

(subsection (5) inserted by PN.675/2000)

Ukutshitshiswa kooMasipala abakhoyo

3.(1) Ukususela ezinzulwini zobusuku eziphambi komhla wokuseka, aba masipala balandelayo baya kutshitshiswa:-

(a) uMasipal wommandla weFranschhoek, owasekwa ngokwemigaqo yoPapasho olungunombolo 20/1995 lomhla wama-30 kuJanuwari 1995;

(b) Ibhunga labaMeli leThutyana laseNuweberg elasekwa ngokwemigaqo yoPapasho olungunombolo 18/1996 ngomhla wama-26 kuEpreli 1996, ukuya kummandla ososahlulo ophantsi kolawulo lukaMasipala, njengoko kusekiwe yiBhodi yokuCandwa kwemida yooMasipala ekubhekiselelwe kuyo kwicandelo 2(1);

(c) Ibhunga labaMeli leThutyana lasePaarl elasekwa ngokwemigaqo yoPapasho olungunombolo 18/1994 ngomhla we-26 kuEpreli 1996, ukuya kummandla osisahlulo ophantsi kolawulo lukaMasipala, njengoko kusekwe yiBhodi yokuCandwa kwemida yooMasipala ekubhekiselelwe kuyo kwicandelo 2(1);

(d) Ibhunga labaMeli leThutyana lasePniel elasekwa ngokwemigaqo yoPapasho olungunombolo 142/1994 ngomhla wama-30 kuDisemba 1994;

(e) Ibhunga leNgingqi leThutyana laseStellenbosch elasekwa ngokwemigaqo yoPapasho olungunombolo 28/1995 ngomhla we-31 kuJanuwari 1995, kwakunye

(f) Ibhunga labaMeli leThutyana waseStellenbosch elasekwa ngokwemigaqo yoPapasho olungunombolo 18/1996 ngomhla wama-26 kuEpreli 1996, ukuya kummandla osoahlulo ophantsi kolawulo lukaMasipala, njengoko kusekiwe yiBhodi yokuCandwa kwemida yooMasipala ekubhekiselelwe kuyo kwicandelo 2(1).

(2) OoCeba abatshishiswayo kufuneka xa ibhunga lomasipala weSithili elitsha linyuliwe ze lachazwa njengelimiselweyo ezinzulwini zobusuku zalo mhla bazishiye ii-ofisi zabo babuyisele kwigosa eliyintloko elilawulayo lomasipala CEO lowo utshitshisweyo okanye umnyulwa wakhe yonke impahla ekubo eselungelweni lalo masipala utshitshisiweyo.

Ukusekwa kunye neGama

4. Ukususela ngomhla wokuqalisa wanyulo umasipala oyokusekwa uyakwaziwa ngesiXhosa njengo “U Masipala waseStellenbosch”, ze negisiNgesi aziwe njenge “Stellenbosch Municipality” ze ngesiBhulu aziwe njenge “Munisipaliteit Stellenbosch”.

iCandelo

5. UMasipala weSithili uya kuba ngumasipala weSithili njengoko kuxeliwe kwicandelo 1 loMthetho wamaSebe kaMasipala, eya kuba ngumasipala onamagunya awodwa olawulo nokuphatha kwingingqi leyo ebandakanya oomasipala abaninzi, kwanochaziweyo kwicandelo 155(1) loMgaqo-siseko njengecandelo B lomasipala.

uDidi

6. UMasipala weSithili ngumasipala oneenkqubo zesigqeba secandelo losodolophu onazo zombini ezi nkqubo zothatho-nxaxheba, icandelwana lebhunga kunye nelewadi njengoko zimiselwe ngumthetho, iWestern Cape Determination of Types of Municipalities Act, 2000 (Act 9 of 2000), njengokuba zilungisiwe ngomthetho, iWestern Cape Determination of Types of Municipalities Amendment Act, 2002 (Act 4 of 2002).

(section 6 amended by PN.184/2003)

Imida

7. Imida kaMasipala weSithili iya kuba yimida esekwe yiBhodi yokuCandwa kwemida yooMasipala nekubhekiselelwe kuyo kwicandelo 2(1).

INani looCeba

8.(1) IBhunga likaMasipala loMasipala linooCeba abangama45 (abangamashumi amane anesihlanu), njengoko kumiselwe nguMphatshiswa wePhondo kwiSaziso sePhondo 116/2024 esipapashwe kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 8999 yomhla wesi6 kweyeNkanga ka2024, abangama23 (abangamashumi amabini anesithathu) ngooCeba beewadi ze abangama22 (abangamashumi amabini anesibini) ngooCeba abatyunjwe ngokulinganayo.

(2) UMasipala uneewadi ezngama23 (ezingamashumi amabini anesithathu).

(section 8 amended by PN.11/2006, PN.55/2011, PN118/2021 and PN. 92/2026)

OoCeba abasebenza isigxina

9. uMasipala weSithili angamisela aba ceba balandelayo njengooceba besigxina:-

(a) Usodolophu wesigqeba solawulo;

(b) Amalungu ecandelo lekomiti yosodolophu;

(c) Nosomlomo;

(d) Umbhexeshi omnye onyulelewe iBhunga, kunye

(e) Usihlalo wekomiti eyasekwa ngokwecandelo 79.

(section 9 amended by PN.456/2002, PN.184/2003, PN.283/2014 and PN. 261/2015)

IMisebenzi namaGunya

10. Akuyi kubakho luhlenga-hlengiso ngokubhekiselele kwimisebenzi nakumagunya kaMasipala weSithili ngokwecandelo 85 loMthetho wamaSebe ooMasipala.

ukuNgachaphazeleki

11. Umasipala weNqila akayi kungachatshazelwa nayiyiphi na imiqathango yoMthetho wamaSebe kaMasipala.

Imimiselo emisa uGqithiselo lwaBasebenzi

12.(1) uKususela ngomhla wokuqalisa nangokwemiqathango yecandelo 197 loMthetho wezoBudlelwane eMsebenzini,1995 (uMthetho-66 wonyaka we-1995:-

(a) bonke abasebenzi boomasipala abatshitshisiweyo nabamsebenzi wabo wayanyaniswa ngokukodwa nemisebenzi efanele ukwenziwa nguMasipala weNgingqi baya kugqithiselwa kuMasipala weNgingqi;

(b) bonke abasebenzi boomasipala abatshitshisiweyo nabamsebenzi wabo wayanyaniswa ngokukodwa nemisebenzi efanele ukwenziwa nguMasipala weSithili (misebenzi leyo ibandakanya imisebenzi efanele ukwenziwa nguMasipala weSithili kuMmandla woLawulo lweSithili) siya kugqithiselwa kuMasipala weSithili;

(c) nawuphi na umntu ongomnye wabasebenzi bomasipala otshitshisiweyo owayanyaniswa nomnye okanye neminye imisebenzi eza kwenziwa nguMasipala weNgingqi noMasipala weSithili, ukususela ngomhla wokuqalisa, uya kugqithiselwa komnye wabo masipala, oko kusenziwa ngokobuninzi bexesha elidliwa ngumsebenzi lowo wenziwa nguloo mntu xa uthelekiswa nexesha elidliwa yeminye imisebenzi eyenziwa nguloo mntu;

(d) bonke abasebenzi boomasipala abatshitshisiweyo nabamsebenzi wabo ungayanyaniswayo nomsebenzi othile okanye nemisebenzi ethile efanele ukwenziwa nguMasipala weNgingqi noMasipala weSithili siya kugqithiselwa kuMasipala weNgingqi kungenjalo kuMasipala weSithili oko kusenziwa ngokwemilinganiselo esekelwe kwinani lezikhundla sezizonke ezigqithiselwe kwabo masipala ngokwemiqathango yemihlathi (a), (b) no-(c);

(e) zonke izikhundla koomasipala abatshitshisweyo ezingenamntu nezingenzelwanga zicwangiciso zovalo-zikhewu ziya kutshitshiswa.

(2) Phantsi kwemiqathango yezivumelwano ezihlanganyelweyo onke amalungelo nezibophelelo eziphakathi koomasipala abatshitshisiweyo naphakathi kwabaqeshwa boomasipala abo ngelixa logqithiselo aya kuhlala esebenza ngokunga ngamalungelo okanye izibophelelo eziphakathi koMasipala weNgingqi okanye uMasipala weSithili, nokuba nguwuphi kwabo masipala, nomqeshwa wakhe ngamnye, kananjalo nantoni na eyenziwa ngaphambi kogqithiselo olo ngumasipala otshitshisiweyo okanye ngokunxulumene nomasipala lowo utshitshiswayo iya kuthatyathwa njengento eyenziwayo okanye eyenziwa ngokunxulumene noMasipala weNgingqi okanye uMasipala weSithili, nokuba nguwuphi kwabo masipala.

(3) Ukughubeka kwengqesho yomqeshwa akuyi kuphazanyiswa lugqithiso kananjalo ingqesho leyo iya kuqhubeka kuMasipala weNgingqi okanye uMasipala weSithili, nokuba nguwuphi kwabo masipala, ngokunga iqhubeka kumasipala lowo utshitshisiweyo.

(4) Phantsi kwemigaqo-nkqubo neenkqubo zomsebenzi eziphathelele kubantu nekubhekiswe kuzo phaya kwicandelo 14(a) lale Shedyuli, kuse nokufuneka ukuba umqeshwa ogqithiselwe kuMasipala weNgingqi asebenzele nayiphi na i-ofisi kaMasipala weNgingqi kwaye, ngaphandle kokuba kuvunyelenwe ngenye indlela, akayi kuba nalungelo lakongezelwa umvuzo ngenxa yaloo nto.

(section 12 amended by PN.675/2000)

Inkqubo yoKugqithiselwa kwaBasebenzi

12A.(1) Ingatyeshelwanga imiqathango yecandelo 12 necandelo 16C, kananjalo ngeli lixa kusalindelwe ukufezekiswa kwenkqubo yogqithiselo ngokweli candelo, bonke abasebenzi boomasipala abatshitshisiweyo, xa kukho imfuneko yoko, baya kusebenzela okwethutyana uMasipala weNgingqi, kwaye ke ngoko bonke abasebenzi abafanele ukugqithiselwa kuMasipala weSithili ngokwemiqathango yecandelo 12 okanye eyecandelo 16C bona baya kuthatyathwa njengabasancedisayo kuMasipala weNgingqi oko kusenziwa ngokwamalungiselelo aphakathi koMasipala weNgingqi naloo Masipala weSithili, malungiselelo lawo achaza ukuba uMasipala weNgingqi uya kufezekisa umsebenzi okanye imisebenzi eyayamene nabo basebenzi oko ekwenza egameni loMasipala weSithili.

(2) Ukuze ku:-

(a) kube nokulungiselelwa nawaphi na amalungiselelo ngokwemigaqo yoMthetho oHlonyelweyo wamaSebe ooMasipala; okanye

(b) kube nokuvunyelwa uMasipala weNgingqi kwanoMasipala weSithili ukuba bangene kwizivumelwano, kuqukwa nezivumelwano ezimalunga nomsebenzi.

Ezinokuchaphazela utshintsho lwabasebenzi ngokwemigaqo yale Shedyuli, akukho nalinye ilungu eliya kunikezewa ngokupheleleyo ngaphambi komhla wama-30 kuJuni 2001, okanye olo suku luya kube lumiswe nguMphathiswa wePhondo.

(3) Ngomhla okanye ngaphambi komhla oya kumiselwa nguMphathiswa wePhondo i-CEO nganye kuya kufuneka iqulunqe uxwebhu olunoludwe lwamagama abo bonke abasebenzi bomasipala wayo otshitshisiweyo ngokwendlela eyalelewe nguMphathiswa wePhondo, kwaye kuya kufuneka ukuba amisele okwethutyana ilungu ngalinye labasebenzi isikhundla esobelwe imali somasipala wakhe otshitshiweyo ngokuhambelanayo nemithetho-siseko echaziweyo phaya kwicandelo 12 nele 16C, kananjalo anike umphathi wethutyana kamasipala ne-IMM yoMasipala weSithili iikopi ezipheleleyo zolo xwebhu.

(4) Ngomhla okanye ngaphambi komhla oya kumiselwa nguMphathiswa wePhondo, kodwa ngokwemiqathango yecandelo (2), umphathi wethutyana kamasipala, ebonisene ne-IMM yoMasipala weSithili kuye kufuneka ukuba:-

(a) ahlanganise amazwebhu ekudweliswe kuwo amagama nekubhekiswe kuwo phaya kwicandelwana (1) awenze abe luxwebhu olunye kananjalo ekugqibeleni abele ngokuthanda kwakhe uMasipala weNgingqi okanye uMasipala weSithili ngabasebenzi nezikhundla ezingenamntu ezikwizicwangciso nezidweliswe phaya kuxwebhu oluhlanganisiweyo, ngomhla wokuqalisa, oko kusenziwa ngokwenmimiselo echazwe phantsi kwecandelo 12 nele 16C okanye kuso nasiphi na isivumelwano ekubhekiswe kuso kwicandelwana (2);

(b) anike i-IMM kaMasipala weSithili ngamnye ikopi yolo zwebhu kananjalo afumane kwi-IMM yoMasipala weSithili nganye ikopi yoxwebhu oluqulunqwe yiloo IMM kaMasipala weSithili, kananjalo

(c) ahlanganise uxwebhu ekubhekiswe kulo phaya kumhlathi (a) noxwebhu olufunyenwe kwi-IMM yoMasipala weSithili ekubhekiswe kulo phaya kumhlathi (b) aze loo maxwebhu enziwe uxwebhu olunye olubonakalisa amagama abo bonke abasebenzi abaza kugqithiselwa kuMasipala weNgingqi.

(5) Ingatyeshelwanga imimiselo echazwe kwicandelo 12 nele 16C, umphathi wethutyana kamasipala unokuthi evumelene ne-IMM yoMasipala weSithili, akuhlengahlengise ukwabiwa kwabasebenzi ngokwecandelwana (2) oko ekwenzela ukulungiselela ukwabelana ngabasebenzi, okufaneleke nangaphezulu, phakathi koMasipala weNgingqi noMasipala weSithili, kodwa olo hlengahlengiso aluyo kwenziwa emva ukuba umsebenzi azisiwe ngokwemiqathango yecandelwana (8).

(6) Xa kunokuvela nayiphi na impikiswano, emalunga nokwabelana ngabasebenzi, phakathi komphathi wethutyana kamasipala ne-IMM yoMasipala weSithili loo mpikiswano kuya kufuneka ukuba ibhekiswe kuMphathiswa wePhondo okanye kumtyunjwa wakhe ngokweenkqubo

ezimiselwe nguMphathiswa wePhondo, kwaye isigqibo soMphathiswa wePhondo okanye esomtyunjwa wakhe akuyi kugqithwa kuso kwaye siya kuba sesibophelelayo.

(7) Umphathi wethutyana kamasipala uya kuluqinisekisa ngencwadi uxwebhu olunoludwe lwamagama oluhlanganisiweyo nekubhekiswe kulo phaya kwicandelwana (4)(c) kwaye kuya kufuneka ukuba olo xwebhu lunoludwe lwamagama alunike uMphathiswa wePhondo ngomhla okanye ngaphambi komhla oya kumiselwa nguMphathiswa wePhondo.

(8) Emva kokuqulunqwa koxwebu olunye olunoludwe lwamagama noluhlanganisiweyo ekubhekiswe kulo phaya kwicandelwana (4)(c), kodwa ngapambi komhla wokuqalisa, umphathi wethutyana kamasipala kuya kufuneka ukuba anike umntu ngamnye oza kuba ngumsebenzi kaMasipala weNgingqi isaziso esibhaliweyo esichazela loo msebenzi ukuba uqeshwe nguMasipala aweSithili ukususela ngomhla wokuqalisa.

(9) Ukungafunyanwa kwesaziso esibhaliweyo ekubhekiswe kuso phaya kwicandelwana (8) akuthethi kungasebenzi kwalo naluphi na ugqithiselo.

(10) Xa nawuphi na umsebenzi (‘umphikisi”) esithi ugqithiselo lwakhe alwenziwanga ngokwemimiselo echazwe phaya kwicandelo 12 nele 16C, ngokwaso nasiphi na isivumelwano ekubhekiswe kuso kwicandelwana (2) okanye ngokwenkqubo echazwe kweli candelo, lowo mphikisi angafaka incwadi yokuphikisa kumphathi wethutyana kamasipala womasipala lowo agqithiselwe kuye oko ekwenza kungagqithanga iintsuku ezili-14 emva kokwaziswa kwakhe ngokwemiqathango ephaya kwicandelwana (5). Loo ncwadi yokuphikisa kuya kufuneka ukuba umphathi wethutyana kamasipala ayigqithisele kuMpathiswa wePhondo okanye kumtyunjwa wakhe ukuze uMphathiswa wePhondo okanye umtyunjwa wakhe ibe nguye owenza isigqibo ngokweenkqubo ezimiselwe nguMphathiswa wePhondo, kwaye isigqibo soMphathiswa wePhondo okanye somtyunjwa wakhe akuyi kugqithwa kuso kwaye siya kuba sesibophelelayo.

(subsection (10) amended by PN 117/2008)

(11) Ngeli lixa lusalindelwe isigqibo soMphathiswa wePhondo okanye somtyunjwa wakhe ngokwecandelwana (10) umphikisi uya kugqithiselwa kumasipala, oko kunsenziwa ngokweli candelo. Ukuba uMphathiswa wePhondo okanye umtyunjwa wakhe ufumanise ukuba umphikisi bekufanele agqithiselwe komnye umasipala umphikisi uya kugqithiselwa kuloo masipala kwaye ugqithiselo lwakhe luya kuthatyathwa njengolwenzeka ngomhla wokuqalisa ngokwecandelo 12 nele 16C.

(12) Xa kunokwenzeka ukuba igama lomsebenzi lingaveli kuxwebhu olunoludwe lwamagama ekubhekisiwe kulo phaya kwicandelwana (4)(a), okanye xa kunokwenzeka ukuthi kanti umsebenzi wabelwe oomasipala abangaphezulu kwesinye ukususela ngomhla wokuqalisa, loo msebenzi kuya kufuneka, ngokukhawuleza emvane kokuva ngayo nokuba yiyiphi kwezo zinto, loo nto ayichaze kumphathi wethutyana kamasipala okanye kwi-IMM yoMisipala weSithili yena ke ekuya kufuneka ukuba loo mcimbi awugqithisele kuMphathiswa wePhondo ukuse ibe nguMphathiswa wePhondo okanye umtyunjwa wakhe oweneza isigqibo ngokweenkqubo ezimiselwe nguMphathiswa wePhondo kwaye isigqibo soMphathiswa wePhondo okanye umtyunjwaa akuyi kugqithwa kuso kwaye siya kuba sesibophelelayo.

(13)Ngomhla okanye ngaphambi komhla oya kumiselwa nguMphathiswa wePhondo uMasipala weNgingqi kuya kufuneka ukuba aluvume uphuhliso lwabasebenzi loMasipala weNgingqi ngokwemigaqo yomthetho osebenzayo kwaye kuya kufuneka ukuba ikopi yoxwebhu oluchaza olo phuhliso lwabasebenzi ayandlale phambi kweSebe leQonga leeNguqu leKansile yoThethwano; ngaphandle kokuba uMasipala weNgingqi uthe ekugqibeleni akaluvuma uphuhliso lwabasebenzi ukuba lube loloMasipala weNgingqi ngaphambi kokuba umphathiswa wethutyana kamasipala abe uye wayikhangela ishedyuli eqinisekisiweyo ngokwemigaqo yecandelwana (7).

(14)Ngomhla okanye ngaphambi komhla oya kumiselwa nguMphathiswa wePhondo, xa kungekafikelelwa kwisivumelwano phambi komhla wokuqalisa ngokwemiqathango yecandelo (13)(2) lale Shedyuli, u Masipala weNgingqi, njengelungu leSebe leQonga leeNguqu leKansile yoThethwano kuya kufuneka ukuba azame ukufikelela kwisivumelwano esiqukanisayo kwiSebe leQonga leNguqu leCandelwana leKansile yoThethathethwano neemanyano zabasebenzi ngokubhekiselele kwimimiselo, iinkqubo neendlela emazilandelwe xa kuqeshwa abantu abaya kungena kwizikhundla ezivele ngenxa yemo entsha yolawulo lukaMasipala weNgingqi.

(15)Ngomhla okanye ngaphambi komhla omiselwe nguMphathiswa wePhondo, uMasipala weNgingqi uya kuqesha abantu abayakungena kwizikhundla ezikwi uphuhliso lwabasebenzi ngokwemimiselo, iinkqubo neendlela ekuvunyelwene ngazo kwiSebe leQonga leeNguqu leKansile yoThethwano.

(section 12A inserted by PN.675/2000)

Izivumelwano zokusebenza ezithatyathwa kunye

13.(1) Nasiphi na isigq ibo kuso li Qumrhu lee ngxoxo:-

(a) kurhulumente kazwelonke, okanye;

(b) kwi Qumrhu leeNgxoxo, okanye

(c) kurhulumente weedolophu,

siya kuhlala simi isesi setyenzi swayo de sihlo nyelwe okanye sitshitshiswe ngokokungqineland kni miqathango yesi sirumelwano.

(2) Phambi komhla wokuqala wonyulo oomasipala abatshutshisiweyo, njengamalungu eQonga lezokusebenza kufuneka bazame befikele esigq ibeni kunye nemanyano zaba sebenzi ngo kuphathelene nale miba ilandelayo:-

(a) inkqubo eya kulandelwa xa kumiselwa abasebenzi ezikhundleni ngokwendlela entsha emva komhla wokuqala wonyulo;

(b) inkqubo eya kulandelwa ekuzalisweni kwezikhundla ezitsha eziya kuba zikho emva kokusekwa ngokutsha kubume bezikhundla kuMasipala weNqila;

(c) ukwamkelwa kwemimiselo nemiqathango yengqesho yoMasipala weNqila emva komhla wokuqala wonyulo, kwakunye

(d) nawuphi na umcimbi obhekiselele kumiselo loMasipala weNqila.

Imicimbi yabasebenzi

14. Ngokuxhomekeke kuso naziphi na isivumelwano ezenziwe kunye:-

(a) imigaqo-nkqubo kunye namanyathelo emicimbi yabasebenzi yoMasipala weNqila iya kuba yimigaqo-nkqubo namanyathelo emicimbi

eyayisetyenziswa ngenx' engaphambi komhla wokuqala wonyulo kwaye iya kuhlala iyesetyenziswayo ngabo bonke abasebenzi ngokufanayo naleyo yayisetyenziswa yayingaphambi komhla wokuqala wonyulo, kwanegahlolwa okanye ekutshitshiswe nguMasipala weNqila;

(b) imimiselo nemiqathango yengqesho yabasenzi bonke bakaMasipala iya kuba yimimiselo nemiqathango eya kusebenza ngaphambi komhla wokuqala wonyulo isebenza kumqeshwa ngamnye nokuba uqeshwe emva komhla wokuqala wonyulo eqeshwa ngokwemimiselo nemiqathango yengqesho egqitywe nguMasipala.

IZiphumo zeNguqu ezibhekiselele kweminye imiba emalunga nabasebenzi

15.(1) Ngokwesivumelwano esiqukanisiweyo, umsebenzi osikhundla sakhe sitshintshwe ngenxa yenguqu akayi kuthathwa njengongafunekiyo ngokweenjongo zayo nayiphi na imimiselo okanye imiqathango yengqesho kungenjalo nawuphi na umgaqo wengxowa-mali yomhlala phantsi enika umsebenzi ithuba lokuba azinyulele ngokwakhe ukuwuyeka umsebenzi neemfanelo zakhe.

(2) Imiqathango yeli candelo isebenza kuphela xa umsebenzi athe wasikhaba ngaphandle kwesizathu asinikwayo umsebenzi nguMasipala.

(3) Ngokwenjongo yeli candelo, utshintsho lwezikhundla lungaquka okunye koku kulandekayo:-

(a) isithuba eso somsebenzi asisekho;

(b) isithuba eso somsebenzi sithe satshitshiswa;

(c) umsebenzi kufuneka enze isicelo sesithuba ngokutsha;

(d) inkqubo kunye namagunya esithuba eso athe atshitshiswa;

(e) kuthe kwatshintshwa umqeshi;

(f) xa isithuba eso sithe sanaphathi abaninzi ekufuneka umsebenzi esebenze phantsi kwabo;

(g) xa kukho umahluko kwisithuba eso.

Ukuthabathelana koomasipala izikhundla ngokwaseMthethweni

16. Ukususela ngomhla wokuqalisa:-

(1) Umasipala weNgingqi uya kuba ngumasipala othabatha isikhundla ngokwasemthethweni sabo masipala batshitshiswayo kananjalo uya kuba ngumasipala oza kusekwa ngokwemiqathango yeSaziso sooMasipala beZithili ngokubhekiselele kwimpahla namatyala abelwe uMasipala weNgingqi ngokwemiqathango yale Shedyuli.

(2) Ngokwecandelwana (1) necandelo 16D lale Shedyuli wonke amalungelo nezibophelelo zoomasipala abatshitshisiweyo angabiwanga ngokwemiqathango yale Shedyuli ayakwabelwa uMasipala weNgingqi, kwaye kuya kuba nguloo Masipala weNgingqi othabatha isikhundla ngokwasemthethweni sabo masipala batshitshisiweyo, ngokubhekiselele kuloo malungelo nezibophelelo.

(3) Zonke iintlawulo, ingeniso nazo zonke ezinye iimali ekufanele zihlawulwe okanye ziqokelelwe nawuphina/nabaphina ziya kuhlawulwa okanye ziqokelelwe ongunmasipala onthabathe isikhundla

ngokwasemthethweni somasipala otshitshisiweyo ngokwemiqathango yale Shedyuli.

(4) Ingatyeshelwanga imiqathango yawo nawuphina umthetho onxulumene noku, nawaphina amaxwebhu othelekelelo-maxabiso asasebenzayo okanye abekho ngenxa yokuqulunqwa kothelekelelo-maxabiso lwethutyana okanye olongeziweyo, nokuba yiyiphi kwezo zinto, kummandla woMasipala weNgingqi aya kuhlala esebenza, ngaphandle kokuba imiqathango yaloo mthetho itsho nto yimbi, de ummandla lowo woMasipala weNgingqi uqulunqelwe uxwebhu jikelele lothelekelo-maxabiso.

(5) Lingatyeshelwanga icandelwana (1):-

(a) uMasipala uya kuthabatha iintambo ngokusemthethweni koomasipala abatshitshisisweyo ngokwezingqinisiso zemibandela ichaziweyo kuMthetho wokuGuqulwa kweMimandla ethile yasemaPhandleni kwanakuMthetho weeNgingqi zasemaPhandleni, ukuya kutsho kwizahlulo ekubhekiselelwe kuzo, de kube kutshintshelwa kwinkqubo ekubhekiselalwe kuyo kwicandelo le-3 loMthetho wokuGuqulwa kweMimandla ethile yasemaPhandleni:-

(i) umhlaba ophantsi kwegunya loMphathiswa wezoLimo neMicimbi yoMhlaba njengoko kuchaziweyo kwicandelo le-7 loMthetho weeNgingqi zasemaPhandleni noxhomekeke kwimiqathango equlathwe licandelo le- 3 loMthetho wokuGuqulwa kweMimandla ethile yasemaPhandleni uya kuhlala phantsi kwegunya loMphathiswa wezoLimo neMicimbi yoMhlaba, kwakunye

(ii) umhlaba obuphantsi kwegunya loomasipala abatshitshisiweyo ngokwemimiselo equlathwe nguMthetho weeNgingqi zasemaPhandleni noxhomekeke kwimiqathango yecandelo le- 3 loMthetho wokuGuqulwa kweMimandla ethile yasemaPhandleni uya kuhlala uphantsi kwegunya loMasipala ukususela kumhla wokuqala wonyulo;

(b) umhlaba ekubhekiselelwe kuwo kwicandelwana (2)(a) uya, kuthi ngexesha lotshintshelo ngokwemimiselo yecandelo le-3 loMthetho woluGuqulwa kweMimandla ethile yasemaPhandleni, ube phantsi kolawulo loMasipala njengoko uMthetho weeNgingqi zasemaPhandleni uchaza.

(section 16 amended by PN.675/2000)

Imimiselo yoGaithiselo lweMpahla, amaTyala neeRekhodi

16A. Ukususela ngomhla wokuqalisa:

(1) yonke impahla, amatyala neerekhodi zoomasipala abatshitshisiweyo neyayanyaniswa ngokukodwa nemisebenzi ekufanele yenziwe nguMasipala weSithili iya kugqithiselwa kuMasipala weSithili.

(2) yonke impahla, amatyala neerekhodi zoomasipala abatshitshisiweyo neyayanyaniswa ngokukodwa nemisebenzi ekufanele yenziwe nguMasipala weSithili (misebenzi leyo iquka imisebenzi efanele ukwenziwa nguMasipala weSithili kuMmandla woLawulo lweSithili) ye nawuphina

omnye wooMasipala beeNgingqi iya kugqithiselwa iya kugqithiselwa kuMasipala weSithili.

(3) nayiphi na impahla yomasipala otshitshisiweyo enako ukususwa kwindawo ekuyo neyayanyaniswa nomsebenzi omnye okanye engaphezulu ekufanele ifezekiswe, ukusuela ngomhla wokuqalisa, nguMasipala weNgingqi noMasipala weSithili, nabanako ukwahlulelana ngayo baya kuyahlulelwa:-

(a) ngokwepesenti yelona xesha loo mpahla esetyenziswe ngalo kwindawo nganye;

(b) ngokwepesenti yelona xesha loo mpahla esetyenziswe ngalo ekwenzeni umsebenzi oya kuba luncedo macala omabini; okanye

(c) ngokwayo nayiphi na enye indlela evunywe nguMphathiswa wePhondo.

(4) yonke impahla yoomasipala abatshitshisiweyo engenakususwa kwindawo ekuyo neyayanyaniswa nomsebenzi okanye imisebenzi ekufanele yenziwe nguMasipala weNgingqi noMasipala weSithili, ndawonye nayo yonke impahla enokususwa kwindawo ekuyo neyayanyaniswa nomsebenzi okanye imisebenzi ekufanele yenziwe nguMasipala weNgingqi noMasipala weSithili abangenakwahlulelana ngayo, iya kugqithiselwa kumasipala oya kuyisebenzisa kakhulu ukugqitha abanye, kodwa nawuphi na umasipala osenomnqweno wokuyisebenzisa loo mpahla unelungelo lokuqhubeka ngokuyisebenzisa oko ekwenza ehlawula inxenye yeendleko zokuyisebenzisa ngokokuyisebenzisa kwakhe de ilungelo lakhe lokuyisebenzisa lipheliswe ngesivumelwano;

(5) ingatyeshelwanga imiqathango yecandelwana (4), uMasipala weNgingqi noMasipala weSithili banokuvumelana ngokuyahlula phakathi, nayiphi na impahla engenakususwa kwindawo ekuyo nekubhekiswe kuyo phaya kwincandelwana (4), nenokwahluleka phakathi, okanye bohlule naliphi na iqela lempahla ekubhekiswe kulo phaya kumacandelwana (3) no-(4) ngendlela eyanelisayo, oko kusenziwa kunikwe ingqalelo uhlobo noncedo lwaloo mpahla okanye lwezo mpahla, ngokuvumelana kwabo, ze isahlulelo ngasinye saloo mpahla sabiwe ngokwesivumelwano eso;

(6) yonke impahla eyimali yoomasipala abatshitshisiweyo neyayanyaniswa nomsebenzi okanye imisebenzi ekufanele yenziwe nguMasipala weNgingqi noMasipala weSithili iya kwahlulelwa abo masipala ngendlela eyanelisayo, oko kusenziwa kunikwe ingqalelo uhlobo noncedo lwaloo mpahla;

(7) yonke impahla eyimali namatyala emali oomasipala abatshitshisiweyo engenakwayanyaniswa nomsebenzi othile iya kwahlulelwa uMasipala weNgingqi noMasipala weSithili ngale ndlela ilandelayo:-

(a) Izibonelelo ezingasetyenziswanga eziziimfanelo zabaqeshwa, ezifana neentsuku zekhefu ezingasetyenziswanga, ziya kugqithiselwa kwiimeko apho izibonelelo zinokunxulumaniswa nomqeshwa othile ngokuhambelanayo nenkqubo yogqithiselo lwaloo mqeshwa ngokwemiqathango yale Shedyuli kwanenezinye iimeko ngokomlinganiselo oya kuthelekiswa nezibonelelo ezilungiselelwe imivuzo seyiphelele neziza kugqithiselwa kuMasipala weNgingqi noMasipala weSithili;

(b) Izibekelelo nezibonelelo ezingasetyenziswanga ngenjongo ethile ziya kugqithiselwa ngendlela eyanelisayo, oko kusenziwa kunikwe ingqalelo uhlobo nenjongo yesibekelelo okanye yesibonelelo ngasinye;

(c) Izibekelelo nemali ezingasetyenziswanga eyintsalela yohlobo lwesiqhelo iya kwahlulelwa uMasipala weNgingqi noMasipala weSithili ngenye yezi ndlela zilandelayo:-

(i) ngokuthelekanisekayo kweengxelo-mali ezihlanganisiweyo zakutsha nje zoMasipala weNgingqi noMasipala Sithili;

(ii) nayiphi na enye indlela evunywe nguMphathiswa wePhondo.

(8) Yonke impahla engaphathekiyo yoomasipala abatshitshisiweyo neyayanyaniswa nomsebenzi okanye imisebenzi ekufanele yenziwe nguMasipala weNgingqi noMasipala weSithili iya kwabelwa umasipala omnye, noko kunjalo nawuphi na omnye umasipala onomnqweno waloo mpahla ingaphathekiyo uya kuba nelungelo:-

(a) lokuzuza imbuyekezo eyanelisayo, oko kuquka imali, ukutshintshiselwa okanye naluphi na olunye uhlobo lwembuyekezo ekunokuvunyelwana ngayo; kananjalo

(b) aqhubeke ngokuyisebenzisa loo mphahla xa athe wahlawula isabelo esithelekisekayo seendleko zokuyisebenzisa de elo lungelo lokuyisebenzisa lipheliswe ngokuvumelana.

(9) zonke iirekhodi zoomasipala abatshitshisiweyo nezayanyaniswa nomsebenzi okanye imisebenzi ekufanele yenziwe nguMasipala weNgingqi noMasipala weSithili nabangenakwahlulelana ngazo, ziya kugqithiselwa kumasipala omnye ngokokusondela kwazo kumsebenzi iirekhodi ezo ezoyamene nawo noko kunjalo nabanye oomasipala baya kubanelungelo lokuzifikelela ezo rekhodi kananjalo baya kubanelungelo lokufunyaniswa iikopi zazo.

(10) wonke amatyala oomasipala abatshitshisiweyo nayanyaniswa nomsebenzi okanye imisebenzi ekufanele yenziwe nguMasipala weNgingqi noMasipala weSithili aya kwahlulelwa uMasipala weNgingqi noMasipala weSithili ngendlela eyanelisayo, oko kusenziwa kunikwe ingqalelo uhlobo nenjongo yaloo matyala.

(11) yonke impahla namatyala oomasipala abatshitshisiweyo, ngaphandle kwalawo achazwe phaya kwicandelwana (7), nangenakwayanyaniswa nomsebenzi othile, aya kugqithiselwa kuMasipala weNgingqi.

(section 16A. inserted by PN.675/2000)

Inkqubo yokuGqithisela iMpahla, amaTyala neeRekhodi

16B.(1) Ingatyeshelwanga imiqathango yecandelo 16A necandelo 16C, kananjalo ngeli lixa kusalindelwe ukufezekiswa kwenkqubo yogqithiselo ngokweli candelo, yonke impahla, wonke amatyala nazo zonke iirekhodi zoomasipala abatshitshisiweyo, xa kukho imfuneko yoko, ziya kugqithiselwa okwethutyana kuMasipala weNgingqi, kwaye ke ngoko yonke impahla, wonke amatyala nazo zonke iirekhodi ezifanele ukugqithiselwa kuMasipala weSithili ngokwemiqathango yecandelo 16A okanye 16C lale Shedyuli ziya kuthatyathwa njengezigqithiselwe kuMasipala weNgingqi oko kusenziwa ngokwamalungiselelo aphakathi koMasipala weNgingqi noMasipala weSithili, malungiselelo lawo achaza ukuba uMasipala weSithili uya kufezekisa

umsebenzi okanye imisebenzi eyayamene nempahla, amatyala neerekhodi ezo oko ekwenza egameni loMasipala weSithili.

(2) Ukuze ku:-

(a) kube nokulungiselelwa nawaphi na amalungiselelo ngokwemigaqo yoMthetho oHlonyelweyo wamaSebe ooMasipala; okanye

(b) kube nokuvunyelwa uMasipala weNgingqi kwanoMasipala weSithili ukuba bangene kwizivumelwano, kuqukwa nezivumelwano ezimalunga nomsebenzi,

ezinokuchaphazela utshintsho lwabasebenzi ngokwemigaqo yale Shedyuli, akukho nalinye ilungu eliya kunikezelwa ngokupheleleyo ngaphambi komhla wama-30 kuJuni 2001, okanye olo suku luya kube lumiswe nguMphathiswa wePhondo.

(3) Ngomhla okanye ngaphambi komhla oya kumiselwa nguMphathiswa wePhondo iCEO nganye kuya kufuneka qulunqe uxwebhu olunoludwe layo yonke impahla, amatyala neerekhodi zomasipala wayo otshitshisiweyo ngokwendlela eyalelwe nguMphathiswa wePhondo, kufuneka abe okwethutyana zonke iimpahla, amatyala, neerekhodi zomasipala otshitshisiweyo wakhe ngokuhambelanayo nemithetho-ssiseko echaziweyo kwicandelo 16A nele 16C, kwaye kuya kufuneka ukuba inike umphathi wethutyana kamasipala ne-IMM yoMasipala weSithili iikopi eziphelelelyo zoxwebhu olunolo ludwe.

(4) Ngomhla okanye ngaphambi komhla oya kumiselwa nguMphathiswa wePhondo, kodwa ngokwemiqathango yecandelwana (2), umphathi wethutyana kamasipala, ebonisene ne-IMM zoMasipala weSithilii kuya kufuneka ukuba:-

(a) ahlanganise amaxwbehu ekubhekiswe kuwo phaya kwicandelwana (1) awenze abe luxwebhu olunye ze ekugqibeleni abe ngokwahlukeneyo impahla, amatyala neerekhodi eziza kugqithiselwa kuMasipala weSithili okanye kooMasipala beeNgingqi ngokwemiqathango yecandelo 16A nele 16C kanti nezo ekuya kufuneka ukuba zigqithiselwe ngokwesivumelwano ekubhekiswe kuso kwicandelwana (2);

(b) anike i-IMM yoMasipala weSithili ikipi yolo xwebhu kananjalo afumane kwi-IMM yoMasipala weSithili ikopi yoxwebhu oluqulungwe yi-IMM yoMasipala weSithili; kananjalo

(c) ahlanganise uxwebhu ekubhekiswe kulo phaya kumhlathi (a) noxwebhu olufunyenwe kwi-IMM yoMasipala weSithili ekubhekiswe kulo phaya kumhlathi (b) aze loo maxwebhu enziwe uxwebhu olunye olubonakalisa yonke impahla, wonke amatyala nazo zonke iirekhodi eziza kugqithiselwa kuMasipala weNgingqi.

(5) Ingatyeshelwanga imimiselo echazwe kwicandelo 16A no 16C, umphathi wethutyana kamasipala unokuthi evumelene ne-IMM yoMasipala weSithili, akuhlengahlengise ukwabiwa kwempahla, amatyala neerekhodi ngokwemiqathango yecandelwana (4) oko ekwenzela ukulungiselela ukwabelana, okufaneleke nangaphezulu, ngazo zonke ezo zinto phakathi koMasipala weNgingqi noMasipala weSithili.

(6) Xa kunokuvela impikiswano ngokubhekiselele kulwabiwo lwempathla, amatyala neerekhodi phakathi komphathi wethutyana kamasipala ne-IMM yoMasipala weSithili loo mpikiswano kuya kufuneka ukuba igqithiselwe

kuMpathiswa wePhondo ukuze uMpathiswa wePhondo okanye umtyunjwa wakhe agqibe ngayo ngokweenkqubo ezimiselwe nguMphathiswa wePhondo, kwaye isigqibo soMphathiswa wePhondo okanye somtyunjwa wakhe akuyi kugqithwa kuso kwaye siya kuba sesibophelelayo.

(7) Umphathi wethutyana kamasipala uya kuluqinisekisa ngencwadi uxwebu loludwe oluhlanganisiweyo ekubhekiswe kulo phaya kwicandelwana (4)(c) kwaye kuya kufuneka ukuba uxwebhu olo olunoludwe alunike uMphathiswa wePhondo ngomhla okanye ngaphambi komhla oya kumiselwa nguMphathiswa wePhondo.

(8) Nje ngokukhawuleza kangangoko emva kokuqinisekiswa koxwebhu loludwe oluhlanganisiweyo ngokwecandelwana (7), kodwa kungagqithanga umhla oya kumiselwa nguMphathiswa wePhondo, umphathi wethutyana kamasipala kuya kufuneka ukuba aqalise ugqithiselo layo yonke impahla, amatyala neerekhodi zoomasipala abatshitshisiweyo.

(9) Umasipala weNgingqi uya kuliphicotha ugqithiselo lwempahla, amatyala neerekhodi kungagqithanga iinyanga ezili-12 emva komhla wokuqalisa, kungenjalo ngolo suku luya kumiselwa nguMphathiswa wePhondo.

(section 16B. inserted by PN.675/2000)

Ugqithiselo lwabasebenzi, impahla, namatyala ayanyaniswa nemisebenzi engeyiyo leya idweliswe kwicandelo 84 loMthetho wamaSebe ooMasipala

16C. Ingatyeshelwanga imiqathango yecandelo 12(1) necandelo 16A lale Shedyuli, ukususela ngomhla wokuqalisa:-

(a) Bonke abasebenzi, yonke impahla, onke amatyala nazo zonke iirekhodi zoomasipala abatshitshisiweyo nezayanyaniswa ngokukodwa:-

(i) Iindlela ezingezizo ezomasipala

(ii) neenkonzo zeenqwelo-zigulane;

(iii) Iinkonzo zempilo ezingezizo ezomasipala

(iv) ulawulo lweentlekelele;

(v) ulwakhiwo lwezindlu;

(vi) amathala eencwadi;

(vii) umzi wocgino lwezinto zakudala;

(viii) iinkqubo zokuzisa amanzi ingezizo ezo zamanzi alungele ukuselwa

(ix) ulondolozo lwendalo nokusingqongileyo, kubandakanywa nolawulo lwamazibuko, imfundiso ngokusingqongileyo, ulawulo lwezilwanyana nolawulo lwamanzi angaphakathi elizweni; kananjalo ubuxhakaxhaka bokubonelela ngamanzi ngaphandle kobuxhakaxhaka bokubonelela ngamanzi alungele ukuselwa;

(x) nemithetho yendlela nokuthotyelwa kwayo;

ziya kugqithiselwa kuMasipala weNgingqi ngokwenkqubo echazwe kwicandelo 12(2), (3) no (4) necandelo 12A no 16B lale Shedyuli;

(b) bonke abasebenzi, yonke impahla, onke amatyala nazo zonke iirekhodi zoomasipala abatshitshisiweyo ezingenakwayanyaniswa nemisebenzi ekubhekiswe kuyo phaya kwicandelo 84(1) loMthetho wamaSebe

ooMasipala okanye umhlathi (a) okanye (b), ziya kugqithiselwa kuMasipala weNgingqi ngokwemimiselo neenkqubo ezichazwe kwicandelo 12, 12A, 16A no- 16B lale Shedyuli.

(section 16C. inserted by PN.675/2000)

Ugqithiselo lwabasebenzi, impahla, amatyala neerekhodi ezinxulumene nezivumelwano zobonelelo ngeenkonzo zikamasipala

16D.(1) Kungatyeshelwanga nantoni na ephikisana noko kuqulethwe kuso nasiphi na isivumelwano sokubonelela ngeenkonza zoomasipala, esenziwa noomasipala abatshitshisiweyo, sivumelwano eso esithi umasipala lowo utshitshisiweyo kuya kuba nguye obonelela ngeenkonza; bonke abasebenzi, yonke impahla, onke amatyala nazo zonke iirekhodi zaloo masipala utshitshisiweyo ziya kugqithiselwa ngokwemiqathango yale Shedyuli

(2) Umphathiswa wePhondo nguye oya kugqiba ekubeni nguwuphi umasipala oya kuthabatha isikhundla somasipala otshitshisiweyo ngokubhekiselele kwisivumelwano sobonelelo ngeenkonza esenziwa ngumasipala otshitshisiweyo sivumelwano eso esithi umasipala lowo utshitshisiweyo nguye oya kubonelela ngeenkonza, kwaye unokuyalela uMasipala weNgingqi okanye uMasipala weSithili ukuba aqalise kananjalo alawule nawaphi na amalungiselelo ethutyana obonelelo ngeenkonzo ngokwemiqathango yecandelo 19 lale Shedyuli, ukuqinisekisa ukuqhubeka kubonelelo ngeenkonzo ngokubhekiselele kwisivumelwano eso.

(3) Kwithuba ukususela ngomhla wokuqalisa ukuya kumhla uMphathiswa wePhondo enze ngawo isigqibo ngokwecandelwana (3), uMasipala weNgingqi kuya kuba nguye ongena esikhundleni somasipala otshitshisiweyo ngokwasemthethweni ngokubhekiselele kuzo naziphi na izivumelwano zobonenelelo ngeenkonzo ekubhekiswe kuzo kwicandelwana (1) ngokwemiqathango yecandelo 19.

(section 16D. inserted by PN. 675/2000)

Ukusilela ekufezekiseni imiqathango ethile yale Shedyuli

16E. Xa kunokwenzeka ukuba umphathi wethutyana kamasipala okanye nabani na ongomnye akufuneka enze umsebenzi othile ochazwe kwicandelo 12A okanye 16B, asilele okanye ale ukwenza oko kwithuba elichazwe kuloo macandelo, uMphathiswa wePhondo angatyumba nabani na ukuba enze loo msebenzi, xa kunjalo ke loo Masipala weNgingqi okanye loo Masipala weSithili uchaphazelekayo kuya kufuneka asebenzisane ngokupheleleyo naloo mntu.

(section 16E. inserted by PN.675/2000)

Imithetho yeNguqu ebhekiselele kwimithetho yenqila nemimiselo

17.(1) Nayiphi na imithetho yenqila esetyenziswayo kummandla womasipala otshitshisiweyo emvan nje komhla wokuqala wonyulo iya kusebenza ukususela ngalo mhla, de kube kuthe ngexesha likugwalasewa ngokutsha nokwenziwa kohlenga-hlengiso ngokwemiqathango yecandelo le-15 loMthetho weeNgingqi kaMasipala, uhlale usebenza ngokupheleleyo kuloo mmandla umiselwe wona, ukwaxhomekeke nasekubeni uhlonyelwe okanye utshitshiswe nguMasipala.

(2) Ngaphandle kokuba le mithetho ayingqinelani neemeko ekubhekiselelwa kuzo okanye ayicaciswanga ngokufanelekileyo, isingqinisiso kuyo nayiphi na imithetho yenqila enjengale esiya kwenza ukuba:-

(a) umasipala otshitshisiweyo okanye owayengaphambili, kufuneka achazwe njengosisingqiniso kuMasipala weNqila, kwakunye

(b) indlela ami ngayo okanye umsebenzi kamasipala otshitshisiweyo, melwe kukuchazwa njengesingqinisisio kubume ahambelana naso okanye umsebenzi kaMasipala.

(3) Ngokuxhomekeke kwimiqathango yolu ludwe lweenkqubo nangokugatyanga kutshitshiswa koomasipala abatshitshiweyo, nasiphi na:-

(a) isigqibo esithe sathatyathwa;

(b) isaziso, isiqinisekiso okanye amaxwebhu athe akhutshwa;

(c) isalathiso, ukwamkeleka, imvume okanye igunya elithe lanikezelwa;

(d) isaphulelo, iphepha-mvume okanye imvume ethe yanikwa okanye yakhutshwa;

(e) ukuqeshwa ukuthe kwenziwa;

(f) umqeshwa othe watyunjwa;

(g) isivumelwano okanye isibophelelo ekuthe kwangenwa kuso;

(h) amagunya athi anikweze umsebenzi;

(i) amaxabiso, uluhlu lweentlawulo okanye iintlawulo exibekiweyo;

(j) umhlaba othe wabekelwa bucala, kwakunye

(k) amanye amanyathelo athe athatyathwa okanye izinto ezenziweyo,

ngumasipala otshitshisiweyo oya kuthi, ngokwemiqathango yolu luhlu lweenkqubo, zithathwe ezi zinto ngokwzinto abezenza ezikhutshiweyo, ekunikiswe ngazo, ezenziweyo, abaqeshwa abatyunjiweyo, izivumelwano ekungenwe kuzo amagunya anikeziweyo, okumiselweyo, okanye okuthe kwenziwa nguMasipala de kube kuphindwe kwaqwalaselwa ngokutsha kusenziwa nohlenga-hlengiso ngokwemiqathango yecandelo le-15 loMthetho wamaSebe ooMasipala.

(4) Ngokwemiqathango yesahluko sama-20, 21, 22 nese 23 ekolu luhlu lwenkqubo, nabani na ngomhla wokuqala wonyulo othe wasebenzisa amagunya okanye wenza umsebenzi wakhe kungenjalo esebenza ngokwegunya lesikhundla sakhe nokuba ligunya awayelinikwe ngumasipala otshitshisiweyo, uya kuthi gqolo ukulisebenzisa elo gunya okanye enze umsebenzi lowo kungenjalo asebenze de kufike elo xesha athe wagqiba ngandlela yimbi uMasipala omtsha.

(5) Ngokwenjongo zoludwe lweenkqubo yeMiqathango eLawula ukuMiselwa kwamaGosa oxolo njengoko kuchaziwe kwimigaqo yecandelo 334 loMthetho weNkqubo yolwaPhulo-Mthetho ka1977 (uMthetho wama-51 ka1977), naliphi na igosa eliqinisekisa ngokuthotyelwa komthetho elamiselwa ngumasipala otshitshisisweyo, liya kuthi ukususela kumhla wokuqala wonyulo lithathwe njengeliqeshwe nguMasipala weSithili eso lisebenza kuso.

(6) Nasiphi na isicwangciso esisemthethweni esisetyenziswayo okanye esilandelwayo kummandla wolawulo loomasipala abatshitshisiweyo, siya kuhlala sisetyenziswa kungenjalo kulandelwa sona kummandla lowo besilungiselelwe ukusetyenziswa kuwo de sibe sihlonyelwe, siguqulwe okanye sitshitshisiwe nguMasipala.

IMicimbi yeMali

18.(1) Ukususela kumhla wokuqala wonyulo uhlahlo-lwabiwo-mali olukhoyo loomasipala abatshitshisiweyo luya kusebenza kuhlahlo-lwabiwo-mali loMasipala de ibe ngumhla wama-30 kuJuni 2001.

(2) Ngokungayigatyanga miqathango yecandelwana (1), uMasipala:-

(a) angenza uhlenga-hlengiso kuhlahlo-lwabiwo-mali olukhoyo, okanye

(b) angagqiba ekubeni azivale iincwadi ze uhlahlo-lwabiwo-mali alwenze ngokutsha ngentsalela yemali yonyaka wohlahlo-lwabiwo-mali;

lungenziwa uhlenga-hlengiso okanye ulungiselelo nokwamkelwa kohlahlo-lwabiwo-mali olunjengolu, ukuba oko kuya kuhambelana nomthetho osetyenziwayo.

(3) Phambi kwesiqalo sonyaka-mali ka2001/2002 kuya kufuneka uMasipala ukuba alungiselele ukwamkela izicwangciso zokulawula imali kwanemigaqo-nkqubo esebenza:-

(a) nemiqathango nebandabakanya nenkqubo yoomasipala yokutshintshwa kohlahlo lwabiwo mali ukuqinisekisa uzinzo kwezezimali kwithuba lasemva konyaka mali ka2000/2001;

(b) neendleko zexesha eliphakathi;

(c) ukulinganiswa kobume boluhlu lweerhafu loLawulo loMmandla weSithili;

(d) ukwenziwa kwamalungiselelo abanzi oxwebhu olutsha loqikelelo-maxabiso kwanokuphakanyiswa kweimicimbi yeerhafu exifikeleleka nakubani kuLawulo loMmandla weSithili;

(e) ukuziswa ngaphambili kwee-akhawunti eziqukanisiweyo;

(f) ukuhlanganiswa kwenkqubo zocwangciso-mali neenkqubo zohlahlo-lwabiwo-mali;

(g) ulawulo lwamatyala, kwakunye

(h) neenkqubo zokuthenga.

Amalungiselelo eThutyana oLawulo

19.(1) Ukususela ngomhla wokuqalisa ukuya kumhla apho abasebenzi, iimpahla, amatyala neerekhodi zide ekugqibeleni zobiwa ngokwemimiselo ekule Shedyuli, okanye omnye umhla onokumiselwa nguMphathiswa wePhondo, uMasipala weNgingqi:

(a) uya kunyanzeleka ukuba asebenzisane ngeyona ntembeko inkulu nabo bonke abasebenzi, iimpahla, amatyala okanye iirekhodi

(i) abaqeshwe ngokwemiqathango yecandelo 12A(1);

(ii) abagqithiselwe ngokwemiqathango yecandelo 16B(1) kananjalo

(iii) ezobiwe okwethutyana ngokwecandelo 12A(3) nele 16B(3) imo enokuthenjwa ngokubhekiselele kuMasipala weSithili

(b) engabujongelanga phantsi ububanzi becandelwana (1) kanto nangokwecandelo 12(2), ngokubhekiselele kwimihlathi (i) no (vii) elapha ngezantsi, akayi kuthi enganikwangwa nvume ngencwadi nguMphathiswa wePhondo, mvume leyo inemiqathango ethile

ekubhekiselelwe kuyo kwimihlathi (ii), (iii), (iv), (v), (vi) nowe-(viii) elapha ngezantsi, kuthintelwa ngaphandle kwesizathu esivakalayo enze okanye aqalise naziphi na inguqu zophuhliso lwabasebenzi abaqeshwe okwethutyana ngokwemiqathango yecandelo 12A(1), okanye enze izabiwo zethutyana ngokwemiqathango yecandelo 12A(3) ngokuthi:-

(i) adale okanye avale naziphi na izikhundla ezintsha;

(ii) avale izikhundla ezingenamntu;

(iii) aphakamisa okanye aqalise ukuguqula ngokutsha nokunyusa umgangatho wazo naziphi na izikhundla ezikhoyo;

(iv) anyusele abasebenzi kwizikhundla eziphezulu;

(v) anike abasebenzi nayiphi na imisebenzi yesigxina ngaphandle kwemisebenzi esetyenzwa okwethutyana;

(vi) ngokuxhomekeke kuwo nawuphi na umthetho, izivumelwano ezihlanganisiweyo okanye ingqesho engesosigxina:-

(aa) ukunika imvume kwanokusebenzisa nayiphi na imali evunyelweyo, kungenjalo imali evunyelweyo engunobambiso;

(bb) ukuqalisa ukubonelela ngonyuso mali lwemivuzo.

(vii) aqalise naziphi na iinguqu kwimibutho yabasebenzi okanye kwiimo zokuphatha, kananjalo

(viii) angene nakwisiphi isivumelwano esihlanganyelweyo, ngaphandle kwesivumelwano esihlanganyelweyo ekubonisenwe ngaso kwavunyelwana ngaso kwiKansile yoThethwano nesiya kubophelela uMasipala weNgingqi ngokubhekiselele kuwo nawuphi na umba odweliswe kweli candelwano

(c) engabujongelanga phantsi ububanzi becandelwana (1), akayi kwenza ngaphandle kokuba kokufumana imvume yoMasipala weSithili, mvume leyo ingasayi kuthintelwa ngaphandle kwesizathu esivakalayo, okanye ukuqalisa nasiphi na isigqibo esinxulumene nayo nayiphi na impahla, amatyala, iirekhodi ngokwemiqathango yecandelo 16B(1) okanyeeyabiwe okwethutyana ngokwemiqathango yecandelo 16B(3) esiya kwenza ukuba loo masipala:-

(i) athengise okanye aqeshise ngempahla engenakususwa kwindawo ekuyo okanye enokususwa kwindawo ekuyo mpahla leyo exabiso layo lingaphezulu kwama-R20 000,00 (amawaka angamashumi amabini eerandi) ngaphandle xa oko kusenziwa ngokwemiqathango yezivumelwano ezikhoyo, nangona ke loo miqathango ingenakusebenza xa kuchithwa impahla engenakususwa kwindawo ekuyo ngokwenkqubo yolwakhiwo lwezindlu oluvunywe ngokwemiqathango yoMthetho woLwakhiwo lweZindlu, 1997 (Umthetho 107 wonyaka we-1997);

(ii) athenge impahla engenakususwa kwindawo ekuyo okanye enokususwa kwindawo ekuyo mpahla leyo exabiso layo lingaphezulu kwama-R20 000,00 (amawaka angamashumi amabini eerandi);

(iii) enze izivumelwano ezintsha zethuba elingaphezulu konyaka omnye;

(iv) avuselele izivumelwano zethuba elingaphezulu kweenyanga ezintathu;

(v) azifumanele ubuxhakaxhaka betekhnoloji obuquka oomatshini bohlobo lwekhompyuta neenkqubo abazisebenzisayo, kananjalo

(vi) asebenzise:-

(aa) iimali eziqingqwe ngokomthetho, ezisebenzisela ukuthenga impahla eyikapitali okanye enye inkcitho kungenjalo ukuhlawulela inkcitho ngokuvula amatyala angaphakathi emali-mboleko oko ekwenzela iinjongo ezingezizo ezeeprojekthi zolwakhiwo lwezinto ezisetyenziswa sisizwe eziqingqiweyo neziyimfuneko kwanezivunywe kuhlahlo-lwabiwo mali lonyaka wama-2000/2001;

(bb) iimali ezigcinwe kwithrasti (ezingaquki ii-akhawunti zeKansile) ezisebenzisela naziphi na iinjongo ngaphandle kwezo ezo mali ezigcinelwe zona;

(cc) iimali ezibekelelweyo, ikapitali ebekeleweyo okanye izibonelelo ezibekelelweyo ngenjongo engeyiyo yokulolonga izinto ezakhelwe isizwe nezifakwe kuhlahlo-lwabiwo mali, ulolongo lwezinto zonxunguphalo ezikhelwe isizwe nezingafakwanga kuhlahlo-lwabiwo mali, lolongo olo olungenakuhlawulelwa ngemali ecwangciselwe ukwenza umsebenzi okanye ngokuthi kucinywe amatyala angasenakuhlawulwa; kananjalo

(dd) nayiphi na ithrasti esekwe ngokomthetho, nasiphi na isibekelelo okanye isibonelelo esingeyo mali izinkozo exhaswa ngemali engeyiyo esisiphumo sokucinywa kwamatyala angasenakuhlawulwa.

Nangona ke eli candelwana lingenakusebenza kwiimeko zonxunguphalo; kwaye

(d) akayi kwenza okanye kuqalisa nasiphi na isigqibo esiya kwenza ukuba uMasipala weNgingqi agqithise kwikapitali yakheto evunyiweyo okanye kwimali yonyaka-mali wama-2000/2001 ecwangciselwe ukwenza umsebenzi.

(2) Xa kunokuvela impikiswano ngokubhekiselele kwimiqathango yecandelwana (1) phakathi koMasipala weNgingqi noMasipala weSithili, loo mpikiswano kuya kufuneka ibhekiswe kuMphathiswa wePhondo ukuze ibe nguMphathiswa wePhondo okanye umtyunjwa wakhe owenza isigqibo ngayo ngokweenkqubo ezimiselwe nguMphathiswa wePhondo, kwaye isigqibo so Mphathiswa wePhondo okanye umtyunjwa wakhe owenza isigqibo ngayo ngokweenkqubo ezimiselwe nguMphathiswa wePhondo, kwaye isigqibo soMphathiswa wePhondo okanye umtyunjwa wakhe akuyi kugqithwa kuso kwaye siya kuba sesibophelelayo.

(3) Nasiphi na isivumelwano esenziweyo nesiphikisana nemiqathango yecandelwana (1) okanye (2) asiyi kusebenza kwaphela.

(section 19 amended by PN.675/2000)

Ukuqeshwa kwamagosa abambeleyo

20. Phanbi komhla wokuqala wonyulo uMphathiswa wePhondo uya, kuthi akuba eziqwalasele iziphakamiso zeQonga leNgugulelo leSithili ezinxulumene noMasipala weNqila aqeshe nawuphi na umntu nokuba kukwesiphi na isikhundla uya kuqeshwa ngokwemigaqo yomthetho esetyenziswayo kwaye isikhundla eso siya kuba sesethutyana noya kuqalisa emsebenzini ngomhla wokuqala wonyulo ahlale kuwo de abe uMasipala uqesha ngokwakhe ngokwemigaqo yomthetho osetyenziswayo ekubhekiselelwe kuyo kwesi sahluko.

Ukuqeshwa koMphathi weThutyana kaMasipala

21.(1) Ngaphambi komhla wokuqala wonyulo uMphathiswa wePhondo, emva kokuqwalasela iziphakamiso zaQonga leNguqulelo leSithili, uya kutyumba umphathi wethutyana kamasipala noya kuhlala kweso sikhundla de abe uMasipala weNqila umisa owakhe umphathi okanye umphathi olibambela.

(2) Imisebenzi yomphathiswa wethutyana kamasipala iya kuba yile ilandelayo:-

(a) uya kubiza indibano yokuqala yeKansile kaMasipala weNqila ngokwesahluko sama- 29(2) soMthetho wamaSebe kaMasipala;

(b) uya kongamela indibano yokuqala yeKansile kaMasipala de kube kunyulwe isithethi;

(c) emva komhla wokuqala wonyulo, uya kusebenza njengentloko yolawulo kwananjengegosa eli loMasipala weSithili de abe uMasipala umisela owakhe umphathi nokuba

(d) emva komhla wokuqala wonyulo, uya kuyenza yonke imisebenzi efanele ukwenziwa yiCEO yomasipala ngokwemithetho wolawulo osetyenziswayo;

(e) ajongane noxanduva lwenkqubo yokutshintshwa kwabasebenzi, izixhobo zokusebenza, ingeniso, ulawulo kwanamanye amaxwebhu kuMasipala weSithili;

(f) amisele abantu abaya kufezekisa imfanelo azimiseleyo ngokwemigaqo ekule Shedyuli (g) athabathe amanyathelo afanelekileyo ukuqinisekisa ukuba inkonzo eqhutywayo isahamba ngendlela nasemva komhla wokuqala wonyulo;

(g) athabathe amanyathelo afanelekileyo ukuqinisekisa ukuba ubonelelo ngeenkonzo luya qhubeka nasemva komhla wokuqalisa ukusebenza;

(h) aseke inkqubo enobuchule yethutyana yolawulo lwemali kaMasipala weSithili (I) amisele iindawo zethutyana zeenkqubo zokwenza imgxelo;

(i) amisele uMasipala waseKhaya imigaqo yobudlelwane bolawulo namagunya bethutyana;

(j) ukunika izimvo neziphakamiso ezimalunga nenkqubo yezivumelwano, amalungiselelo eenkqubo kwanezivumelwano ngenkqubo yeenkonzo ezenziwayo;

(k) ukufezekiswa kwenkqubo yamalungiselelo enkonzo yethutyana phakathi kooMasipala beeNgingqi noMasipala weSithili;

(l) anikeze naliphi na kumagunya akhe okanye imisebenzi yakhe kuye nawuphi na umqeshwa kaMasipala weNgingqi, kwakhona arhoxise, abuyisele kuye loo magunya, kwakunye

(m) Kwisithuba esiphambi komhla wokuqala wonyulo uya kwenza amalungiselelo eenkqubo ezikankanyiweyo ku (a) ukuya ku (l).

(3) Phambi komhla wokuqala wonyulo, iiCEOs ziya kubambisana nomphathi komasipala weThutyana kuyo yonke imibandela enokwenza noku sekwa komasipala omtsha wengingqi.

(4) Ukusukela ngomhla wokuqala kumhla wonyulo, iiCEO ziya kusebenza phantsi kwemiyalelo yomphathi wethutyana kamasipala, kanti nomphathi wethuyana kamasipala uya kuba negunya kubo.

Abaphathi abancedisayo bethutyana bakamasipala

22. UMphathiswa wePhondo unokuthi, emva kokuba ezinike ingqalelo naziphi na iziphakamiso zaQonga leNguqulelo leSithili, aqeshe nokuba bangaphi abancedisi bethutyana babe ngabaphathi betyhutyana bakamasipala nabaya kuqalisa emsebenzini emva nje kokuba beqeshiwe kwaye baya kuhlala kwezo zikhundla de uMasipala abe usiqinisekisile okanye usiphelisile isikhundla eso.

IQela loLawulo elikiSikhundla esiPhezulu

23. Nabaphi na abancedisi abamiselwa ukuba ngabaphathi bethuyana bakamsipala, bekunye nomphathi wethutyana kamasipala, baya kuba yinxalenye yeqela lolawulo elikwisikhundla eziphezulu likaMasipala neliya kongamela iinkqubo zokufezikiswa ukusekwa koMasipala weNqila.

Ingqesho

24. Nawuphi na umntu oqeshwe ngokwezahluko 20, 21 okanye 22, oya kuthi, ngexesha lokuqeshwa kwakhe abe ngumsebenzi womasipala otshitshisiweyo kungenjalo uMasipala weNqila oya, kuthi ngokwemiqathamngo ekwicandelo le-12 lale skedyuli, ahlale eqeshwe ngumasipala otshitshisiweyo okanye uMasipala weNqila, eya kufezekisa iimfuna zomsebenzi njengomntu othunyelweyo.

INdibano yokuqala yeKansile kaMasipala weSithili

25.(1) uMphathi wethutyana kamasipala uya kuthi, kwiintsuku ezintathu phambi kokuhalalelwa kwendibano yeKansile kaMasipala weSithili, athumele kuceba ngamnye kwindawo ahlala kuyo nokuba kukwindawo ekhethwe nguceba lowo kubhekiselelwe kuye, isaziso esimalunga nendawo, umhla, ixesha lendibano yokuqala kwane-agenda; kuxhomekeke kumphathiswa wethutyana ukubiza indibano yokuqala ngesikhawu.

(2) Ngokungayigatyanga nje imithetho yeengingqi esebenzayo, kodwa ngokuxomekeke kwizibonelelo zaMthetho wamaSebe kaMasipala, imiqathango nemimiselo yentlanganisano yokuqala yeKansile yoMasipala weNgingqi yimimiselo nemimselo yentlanganiso yokuqala yeKansile yoMasipala weNgingqi yimimiselo nemimiselo ekhankanyiweyo kweiSaziso sePhondo esingu- 411/1988 njengongoko sichaziweyo kwiGazethi yePhondo enguNombolo 4532 yomhla wama- 20 kuMeyi 1998 eneenguqulelo ezifunekayo kwezinye iziqendu, loo mimiselo iya kuhlala iyesebenza de kusetyenziswe imiqathango nemimiselo nguMasipala weNgingqi.

(subsection (2) amended by PN.675/2000)

(3) INdawo eya kubanjelwa kuyo indibano yokuqala yeKansile kaMasipala weNqila iya kuba yiNdlu yeKansile yeBhunga leThutyana leNgingqi laseStellenbosch etshitshisiweyo eStellenbosch.

(4) I-agenda yendibano yokuqala iya kuba yile ilandelayo:-

(a) Ukunyulwa kwesithethi;

(b) ukuba ngaba uMasipala weSithili uyafuna na ukuseka ikomiti elawulayo, ukuba kunjalo, kuya kumiselwa umgaqo-nkqubo womelo lonyulo lwekomiti elawulayo;

(c) ukunyulwa kooceba abaya kusebenzela ikomiti elawulayo;

(d) ukunyulwa kukasodolophu kumalungu ekomiti elawulayo;

(e) ukunyulwa kosekela-sodolophu, kumalungu ekomiti elawulayo nothianikwe imvume nguMphathiswa wePhondo, kwakunye

(f) nayiphi na eminye imisebenzi esekwe ngumphathi wethutyana kamasipala ne-agenda emiselweyo.

Ukusetyenziswa kwesi Saziso

25A. Xa kunokuvela ukungavisisani, malunga nokufezekiswa kwemiba ekwesi Saziso, phakathi kwesi Saziso nemiqathango yaso nasiphi na isaziso secandelo 84(3) esabhengezwa nguMphathiswa wePhondo okanye nasiphi isaziso secandelo 18 esabhengeza nguMphathiswa wePhondo, nokuba sisiphi kwezo zaziso, imiqathango yesaziso ecandelo 83(3) yiyo eya kusebenza.

(section 25A inserted by PN. 675/2000)

USekela Sodolophu weSigqeba

25B Kunikezwe imvume ngokwemiqathango yecandelo 55 lomthetho, iMunicipal Structures Act, njengoko silungisiwe, kusenzelwa unyulo losekela sodolophu wesigqeba.

(section 25B inserted by PN.184/2003)

ISihloko esifutshane nokuqalisa

26. Esi Saziso sibizwa ngokuba nguMasipala waseStellenbosch (WCO24) ukuSekwa kweSaziso nesiqalise ukusebenza ngomhla esipapashwe ngawo.

P.K. 489/2000 22 September 2000

WET OP PLAASLIKE REGERING: MUNISIPALE STRUKTURE, 1998 (WET 117 VAN 1998)

Gewysig deur:
Provinsiale Kennisgewing 675 van 4 Desember 2000
Provinsiale Kennisgewing 456 van 19 Desember 2002
Provinsiale Kennisgewing 184 van 28 Mei 2003
Provinsiale Kennisgewing 11 van 3 Januarie 2006
Provinsiale Kennisgewing 55 van 25 Februarie 2011
Provinsiale Kennisgewing 283 van 24 Oktober 2014
Provinsiale Kennisgewing 261 van 31 Julie 2015
Provinsiale Kennisgewing 114 van 8 April 2016
Provinsiale Kennisgewing 118 van 15 Oktober 2021
Provinsiale Kennisgewing 92 van 6 Maart 2026

INSTELLING VAN DIE MUNISIPALITEIT STELLENBOSCH (WCO24)

Uit hoofde van die gesag aan my verleen by artikels 12 en 14 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998), gee ek hiermee kennis van die instelling van die Munisipaliteit Stellenbosch op die voorwaardes wat in die Bylaag hiervan uiteengesit is.

Gedateer op hierdie 22ste dag van September 2000.

P UYS, PROVINSIALE MINISTER VAN PLAASLIKE REGERING

BYLAAG

Woordomskrywings en Uitleg

1. In hierdie Bylaag, tensy uit die samehang anders blyk, omvat die enkelvoud die meervoud en omgekeerd, word voorkeur verleen aan die Engelse teks ingeval die verskillende tekste teenstrydig is, en het ‘n woord of uitdrukking waaraan die Munisipale Strukturewet ‘n betekenis geheg het, dieselfde betekenis, en beteken –

   (1) **“afgeskafte munisipaliteite”** daardie bestaande munisipaliteite afgeskaf ingevolge artikel 3 van hierdie Bylaag;

   (1A) **“artikel 18-kennisgewing”** ‘n kennisgewing afgekondig ingevolge artikel 18 van die Munisipale Strukture Wysigingswet;

   (subartikel (1A) ingevoeg deur PK 675/2000)

   (1B) **“artikel 84(3)-kennisgewing”** ‘n kennisgewing afgekondig ingevolge artikel 84(3) van die Munisipale Strukturewet;

   (subartikel (1B) ingevoeg deur PK.675/2000)

   (2) **“Bedingingsraad”** die Wes-Kaapse afdeling van die Suid-Afrikaanse Bedingingsraad vir Plaaslike Bestuur wat aansoek gedoen het om registrasie as ‘n bedingingsraad ingevolge Algemene Kennisgewing

1513/1999, soos gepubliseer in Staatskoerant No. 20282 van 16 Julie 1999;

(2A) **"burgemeesters-uitvoerende stelsel"** 'n stelsel wat voorsiening maak vir die uitoefening van uitvoerende gesag deur 'n uitvoerende burgemeester in wie die uitvoerende leierskap van die munisipaliteit berus en wie deur 'n burgemeesterskomitee bygestaan word;

(subartikel (2A) ingevoeg deur PK.184/2003)

(3) **"Distriksmunisipaliteit"** die Boland Distriksmunisipaliteit wat met ingang van die effektiewe datum ingestel moet word;

(3A) **"Distriksmunisipaliteit se TMB"** die tussentydse munisipale bestuurder van die Distriksmunisipaliteit;

(subartikel (3A) ingevoeg deur PK.675/2000)

(3B) **"Distriksmunisipaliteitskennisgewing"** Provinsiale Kennisgewing 486/2000, gepubliseer in Buitengewone Provinsiale Koerant No. 5590 van 22 September 2000;

(subartikel (3B) ingevoeg deur PK.675/2000)

(4) **"Distrikstransformasieforum"** die Breërivier/Wynland Distrikstransformasieforum wat ingevolge die DTF-Kennisgewing ingestel is;

(5) **"DTF-Kennisgewing"** Provinsiale Kennisgewing 78/2000 gepubliseer in Buitengewone Provinsiale Koerant No. 5435 van 10 Maart 2000;

(6) **"effektiewe datum"** die datum waarop die verkiesing 'n aanvang neem;

(7) *(subartikel (7) geskrap deur PK.184/2003)*

(8) "**Grondwet"** die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet 108 van 1996);

(9) **"HUB"** die hoof uitvoerende beampte van 'n afgeskafte munisipaliteit;

(10) **"intermunisipale begrotingsoorplasings"** die oordrag van fondse tussen munisipaliteite om inkomste stabiliteit te verkry tydens die periode van transformasie;

(11) **"Munisipale Afbakeningsraad"** die Munisipale Afbakeningsraad wat by artikel 2 van die Munisipale Afbakeningswet ingestel is;

(12) **"Munisipale Afbakeningswet"** die Wet op Plaaslike Regering: Munisipale Afbakenings, 1998 (Wet 27 van 1998);

(13) **"Munisipale Strukturewet"** die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998);

(13A) **"Munisipale Strukture Wysigingswet"** die Wysigingswet op Plaaslike Regering: Munisipale Strukture, 2000 (Wet 33 van 2000);

(subartikel (13A) ingevoeg deur PK.675/2000)

(13B) **"Nasionale Minister"** die nasionale Minister verantwoordelik vir plaaslike regering;

(subartikel (13B) ingevoeg deur PK.675/2000)

(13C) **"oordragproses"** die proses soos in hierdie Bylaag uiteengesit om die oordrag van alle personeel, bates, laste en rekords van die afgeskafte

munisipaliteite na die Distriksmunisipaliteit of die Plaaslike Munisipaliteite teweeg te bring, welke proses insluit:-

(a) die identifisering van alle personeel, bates, laste en rekords wat oorgedra moet word;
(b) die toepassing van die beginsels vir doeltreffende oordrag soos in hierdie Bylaag uiteengesit;
(c) die toewysing van elke personeellid, bate, las en rekord aan óf die Distriksmunisipaliteit óf 'n Plaaslike Munisipaliteit, en
(d) die inwerkingstelling van die oordrag;

(subartikel (13C) ingevoeg deur PK.675/2000)

(13D) **"personeel"** alle personeel, insluitende funksionele, bestuurs- en steunpersoneel, en omvat dit vakante poste waarvoor begroot is, maar nie vakante poste waarvoor nie begroot is nie;

(subartikel (13D) ingevoeg deur PK.675/2000)

(14) **"Plaaslike Munisipaliteit"** die Munisipaliteit Stellenbosch wat ingevolge artikel 4 van hierdie Bylaag ingestel word;

(15) **"Provinsiale Minister"** die lid van die Kabinet van die Provinsie Wes-Kaap verantwoordelik vir plaaslike regering;

(16) **"Provinsie"** die Provinsie Wes-Kaap;

(17) **"Statutêre plan"** 'n plan wat ingevolge enige wetgewing vereis word, insluitende, sonder om beperk te wees tot, enige struktuurplan, grondgebruikplan, soneringskema, geïntegreerde ontwikkelingsplan, waterdiensteplan, vaardigheidsontwikkelingsplan en diensbillikheidsplan;

(18) **"tussentydse munisipale bestuurder"** die tussentydse munisipale bestuurder van die Plaaslike Munisipaliteit wat ingevolge artikel 21(1) aangestel is en wat vanaf die effektiewe datum die waarnemende munisipale bestuurder van die Plaaslike Munisipaliteit sal wees, of die waarnemende munisipale bestuurder of munisipale bestuurder van die Plaaslike Munisipaliteit wat na die effektiewe datum deur die Munisipale Raad van die Plaaslike Munisipaliteit aangestel is;

(subartikel (18) gewysig deur PK.675/2000)

(19) **"vakbonde"** die Onafhanklike Munisipale en Verwante Vakbond en die Suid-Afrikaanse Munisipale Werkersvereniging;

(20) **"verkiesing"** die eerste algemene verkiesing van Munisipale Rade na die inwerkingtreding van die Grondwet;

(21) **"WEKPRO"** die Wes-Kaapse Plaaslike Regeringsorganisasie, wat die provinsiale organisasie vir die Wes-Kaap waaraan erkenning verleen word ingevolge artikel 2(1) (b) van die Wet op Georganiseerde Plaaslike Regering, 1997 (Wet 52 van 1997) is;

(22) **"Wet op Landelike Gebiede"** die Wet op Landelike Gebiede (Raad van Verteenwoordigers), 1987 (Wet 9 van 1987);

(23) **"Wet op Transformasie van Sekere Landelike Gebiede"** die Wet op Tranformasie van Sekere Landelike Gebiede, 1998 (Wet 94 van 1998).

(24) **"wyk deelnemende stelsel"** 'n stelsel wat voorsiening maak vir aangeleenthede van plaaslike belang vir wyke, om deur komitees mee gehandel te word wat vir wyke ingestel is.

(subartikel (24) ingevoer deur PK.184/2003)

Aanhef

2.(1) Op 3 Maart 2000 het die Munisipale Afbakeningsraad, ingevolge artikel 21 van die Wet op Munisipale Afbakening, die grense van die Munisipaliteit bepaal, soos weerspieël in die kaart wat verskyn in Provinsiale Kennisgewing 69/2000 gepubliseer in die Provinsiale Koerant 5431 gedateer 3 Maart 2000 (’n afskrif van die kaart is in Aanhangsel “1” van hierdie Bylae geherpubliseer) en gewysig deur Provinsiale Kennisgewing 478/2000 gepubliseer in die Provinsiale Koerant 5587 gedateer 18 September 2000 en Provinsiale Kennisgewing 258/2002 gepubliseer in die Provinsiale Koerant 5922 gedateer 15 Augustus 2002, en Provinsiale Kennisgewing 339/2013 gepubliseer in die Provinsiale Koerant 7185 gedateer 15 Oktober 2013, saamgelees met Provinsiale Kennisgewing 417/2013 gepubliseer in die Provinsiale Koerant 7209 gedateer 10 Desember 2013, Provinsiale Kennisgewing 248/2013 gepubliseer in die Provinsiale Koerant 7156 gedateer 8 Augustus 2013, Provinsiale Kennisgewing 1/2014 gepubliseer in die Provinsiale Koerant 7217 gedateer 10 Januarie 2014, Provinsiale Kennisgewing 63/2014 gepubliseer in die Provinsiale Koerant 7236 gedateer 7 Maart 2014 en Provinsiale Kennisgewing 159/2014 gepubliseer in die Provinsiale Koerant 7277 gedateer 13 Junie 2014 en Provinsiale Kennisgewing 657/2018 gepubliseer in die Provinsiale Koerant 7968 gedateer 10 Augustus 2018, saamgelees met Provinsiale Kennisgewing 124/2018 gepubliseer in die Provinsiale Koerant 7987 gedateer 4 Oktober 2018, Provinsiale Kennisgewing 91/2018 gepubliseer in die Provinsiale Koerant 7942 gedateer 15 Junie 2018 en Provinsiale Kennisgewing 166/2018 gepubliseer in die Provinsiale Koerant 8024 gedateer 14 Desember 2018 en Provinsiale Kennisgewing 4/2023 gepubliseer in die Provinsiale Koerant 8864 gedateer 12 Januarie 2024, saamgelees met Provinsiale Kennisgewing 162/2024 gepubliseer in die Provinsiale Koerant 8894 gedateer 8 Maart 2024, Provinsiale Kennisgewing 42/2024 gepubliseer in die Provinsiale Koerant 8914 gedateer 26 April 2024 en Provinsiale Kennisgewing 76/2024 gepubliseer in die Provinsiale Koerant 8954 gedateer 12 Julie 2024.

(artikel 2(1) gewysig deur PK.11/2006, PK 114/2016, PK118/2021 en PK. 92/2026)

(2) Die Provinsiale Minister, wat ingevolge artikel 12(4) van die Munisipale Strukturewet handel, het:-

(a) skriftelike kennis van die voorgenome instelling van die Plaaslike Munisipaliteit aan WEKPRO en aan die afgeskafte munisipaliteite gegee by wyse van ‘n omsendbrief gedateer 12 Julie 2000 en met verwysing AAO509/1/4;

(b) oorleg gepleeg met WEKPRO en die afgeskafte munisipaliteite;

(c) besonderhede van hierdie Kennisgewing gepubliseer in Provinsiale Kennisgewing 394/2000, wat in Buitengewone Provinsiale Koerant No. 5571 van 28 Augustus 2000 gepubliseer is, en

(d) die kommentaar wat na die publikasie van die voorgestelde Kennisgewing ontvang is, oorweeg.

(3) Die Provinsiale Minister het ook die advies van die Distrikstransformasieforum oorweeg wat ingevolge artikel 11(2) van die DTF-Kennisgewing aan hom gegee is.

(4) Die Provinsiale Minister, wat handel ingevolge artikels 12 en 14 van die Munisipale Strukturewet, soos saamgelees met die Wes-Kaapse Wet op Bepaling van Soorte Munisipaliteite, 2000 (Wet 9 van 2000), gee hiermee kennis van die instelling van die Plaaslike Munisipaliteit ingevolge die voorwaardes hierin uiteengesit.

(5) Die Provinsiale Minister, wat ingevolge Hoofstuk 2 van die Munisipale Strukture Wysigingswet, soos gelees met artikel 14(2)(b) van die Munisipale Strukturewet, handel, gee hiermee kennis van die reëling van die wetlike, praktiese en ander gevolge van die afskaffing van die afgeskafte munisipaliteite, insluitende:-

(a) die beginsels wat die oordrag van personeel na die Plaaslike Munisipaliteit bepaal, en die proses daarvan, welke proses op die datum van publikasie van hierdie kennisgewing begin en op ‘n datum wat die Provinsiale Minister bepaal sal eindig;

(b) die beginsels wat die oordrag van bates, laste, regte en verpligtinge en administratiewe en ander rekords na die Plaaslike Munisipaliteit bepaal, en die proses daarvan, welke proses op die datum van publikasie van hierdie kennisgewing begin en op ‘n datum wat die Provinsiale Minister bepaal sal eindig;

(c) die verskaffing van administratiewe oorgangsmaatreëls vir die tydperk vanaf die effektiewe datum tot op ‘n datum wat die Provinsiale Minister sal bepaal, om voortgesette dienslewering te verseker en om die integriteit en finansiële lewensvatbaarheid van die Plaaslike Munisipaliteit te verseker.

(subartikel (5) ingevoeg deur PK. 675/2000)

Afskaffing van Bestaande Munisipaliteite

3.(1) Met ingang van middernag van die dag voor die effektiewe datum, sal die volgende munisipaliteite afgeskaf word:-

(a) Munisipaliteit vir die Gebied van Franschhoek, ingestel ingevolge Proklamasie No. 20/1995 gedateer 31 Januarie 1995;

(b) Nuweberg Verteenwoordigende Oorgangsraad, ingestel ingevolge Proklamasie No. 18/1996 gedateer 26 Julie 1996, in die mate wat die gebied daarvan ingesluit is binne die grense van die Plaaslike Munisipaliteit, soos deur die Munisipale Afbakeningsraad bepaal is en in artikel 2(1) genoem word;

(c) Paarl Verteenwoordigende Oorgangsraad, ingestel ingevolge Proklamasie No. 18/1996 gedateer 26 Julie 1996, in die mate wat die gebied daarvan ingesluit is binne die grense van die Plaaslike Munisipaliteit, soos deur die Munisipale Afbakeningsraad bepaal is en in artikel 2(1) genoem word;

(d) Pniel Plaaslike Oorgangsraad, ingestel ingevolge Proklamasie No. 142/1994 gedateer 30 Desember 1994;

(e) Stellenbosch Plaaslike Oorgangsraad, ingestel ingevolge Proklamasie No. 28/1995 gedateer 31 Januarie 1995, en

(f) Stellenbosch Verteenwoordigende Oorgangsraad, ingestel ingevolge Proklamasie No. 18/1996 gedateer 26 Julie 1996, in die mate wat die gebied daarvan ingesluit is binne die grense van die Plaaslike Munisipaliteit, soos deur die Munisipale Afbakeningsraad bepaal is en in artikel 2(1) genoem word.

(2) Die raadslede van die afgeskafte munisipaliteite moet hul ampte ontruim wanneer die pas verkose Raad van die Plaaslike Munisipaliteit verkose verklaar is en moet teen middernag van dié dag enige eiendom in hul besit wat aan ‘n afgeskafte munisipaliteit behoort, aan die HUB van die betrokke afgeskafte munisipaliteit of sy benoemde terugbesorg.

Instelling en Naam

4. Met ingang van die effektiewe datum sal ‘n munisipaliteit ingestel word wat in Afrikaans as “Munisipaliteit Stellenbosch“, in Engels as “Stellenbosch Municipality“, en in isiXhosa as “U Masipala waseStellenbosch“ bekend sal staan.

Kategorie

5. Die Plaaslike Munisipaliteit is ‘n plaaslike munisipaliteit soos omskryf in artikel 1 van die Munisipale Strukturewet, naamlik ‘n munisipaliteit wat munisipale uitvoerende en wetgewende gesag in sy gebied deel met die Distriksmunisipaliteit, en wat in artikel 155(1) van die Grondwet as ‘n kategorie B – munisipaliteit beskryf word.

Soort

6. Die Plaaslike Munisipaliteit is ‘n munisipaliteit met burgemeesters-uitvoerende stelsel wat met ‘n wykdeelnemende stelsel gekombineer is, soos uiteengesit in die Wes-Kaapse Wet op Bepaling van Soorte Munisipaliteite, 2000 (Wet 9 van 2000), soos gewysig deur die Wes-Kaapse Wysigingswet op Bepaling van Soorte Munisipaliteite, 2002 (Wet 4 van 2002).

(artikel 6 gewysig deur PK.184/2003)

Grense

7. Die grense van die Plaaslike Munisipaliteit sal die grense wees wat deur die Munisipale Afbakeningsraad bepaal is en in artikel 2(1) genoem word.

Getal Raadslede en Wyke

8.(1) Die Munisipale Raad van die Munisipaliteit het 45 (vyf-en-veertig) raadslede, soos deur die Provinsiale Minister bepaal in Provinsiale Kennisgewing 116/2024 gepubliseer in die Provinsiale Koerant 8999 gedateer 6 November 2024, waarvan 23 (drie-en-twintig) wyksraadslede en 22 (twee-en-twintig) proporsioneel verkose raadslede is.

(2) Die Munisipaliteit het 23 (drie-en-twintig) wyke.

(artikel 8 gewysig deur PK.11/2006, PK. 55/2011, PK118/2021 en PK.92/2026)

Voltydse Raadslede

9. Die Plaaslike Munisipaliteit mag die volgende raadslede as voltydse raadslede aanwys:-

(a) die uitvoerende burgemeester;

(b) lede van die burgemeesterskomitee;

(c) die speaker;

(d) ‘n enkele sweep aangewys vir die Raad, en

(e) Voorsitter van Komitee ingestel ingevolge artikel 79 (‘MPAC’).

(artikel 9 gewysig deur PK.456/2002, PK.184/2003, PK.283/2014 en PK.261/2015)

Funksies en Bevoegdhede

10. Daar sal geen aanpassing van die funksies en bevoegdhede van die Plaaslike Munisipaliteit ingevolge artikel 85 van die Munisipale Strukturewet wees nie.

Vrystellings

11. Die Plaaslike Munisipaliteit is nie van enige van die bepalings van die Munisipale Strukturewet vrygestel nie.

Beginsels wat die Oorplasing van Personeel bepaal

12.(1) Met ingang van die effektiewe datum en ooreenkomstig die bepalings van artikel 197 van die Wet op Arbeidsverhoudinge, 1995 (Wet 66 van 1995), sal:-

(a) alle personeel van die afgeskafte munisipaliteite wat uitsluitlik betrokke is by funksies wat deur die Plaaslike Munisipaliteit verrig moet word, na die Plaaslike Munisipaliteit oorgeplaas word:

(b) alle personeel van die afgeskafte munisipaliteite wat uitsluitlik betrokke is by funksies wat deur die Distriksmunisipaliteit verrig moet word (insluitende funksies wat deur die Distriksmunisipaliteit in ‘n Distriksbestuursgebied verrig moet word), na die Distriksmunisipaliteit oorgeplaas word;

(c) enige personeellid van ‘n afgeskafte munisipaliteit wat betrokke is by een of meer funksies wat met ingang van die effektiewe datum deur die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verrig sal word, oorgeplaas word ooreenkomstig die funksie wat die grootste deel van so ‘n personeellid se tyd in beslag neem;

(d) alle personeel van die afgeskafte munisipaliteite wat nie betrokke is by ‘n bepaalde funksie of funksies wat deur die Plaaslike Munisipaliteit en die Distrikmunisipaliteit verrig moet word nie, oorgeplaas word na óf die Plaaslike Munisipaliteit óf die Distriksmunisipaliteit in verhoudings wat gebaseer is op die totale getal poste wat ingevolge paragrawe (a), (b) en (c) oorgeplaas word;

(e) alle vakante poste van die afgeskafte munisipaliteite waarvoor nie begroot is nie, afgeskaf word.

(2) Behoudens enige kollektiewe ooreenkoms, moet alle regte en verpligtinge tussen die afgeskafte munisipaliteite en elkeen van hul onderskeie werknemers ten tyde van die oorplasing voortgaan om van krag te bly asof dit regte en verpligtinge tussen die Plaaslike Munisipaliteit of die Distriksmunisipaliteit, na gelang van die geval, en elkeen van sy werknemers is, en enigiets wat voor die oorplasing deur of met betrekking tot die betrokke afgeskafte munisipaliteit gedoen is, sal geag word deur of met betrekking tot die Plaaslike Munisipaliteit of Distriksmunisipaliteit, na gelang van die geval, gedoen te gewees het.

(3) Die oorplasing onderbreek nie die kontinuïteit van ‘n werknemer se indiensneming nie en dit gaan voort met die Plaaslike Munisipaliteit of Distriksmunisipaliteit, na gelang van die geval, asof dit met die betrokke afgeskafte munisipaliteit is.

(4) Behoudens die menslikehulpbronbeleid en –prosedure genoem in artikel 14(a) van hierdie Bylaag, kan daar van enige werknemer wat na die Plaaslike Munisipaliteit oorgeplaas word, vereis word om by enige van die kantore van die Plaaslike Munisipaliteit aan te meld en, tensy anders ooreengekom, sal so

'n werknemer, as gevolg daarvan; nie op enige bykomende vergoeding geregtig wees nie.

(artikel 12 gewysig deur PK. 675/2000)

Proses om Oorplasing van Personeel te bewerkstellig

12A.(1) Ondanks die bepalings van artikels 12 en 16C, en hangende die voltooiing van die oorplaasproses ingevolge hierdie artikel, moet alle personeel van die afgeskafte munisipaliteite, in soverre dit nodig is, tydelik in diens van die Plaaslike Munisipaliteit geplaas word en moet alle personeel wat na die Distriksmunisipaliteit oorgeplaas staan te word ingevolge die bepalings van artikel 12 of 16C van hierdie Bylaag, dienooreenkomstig geag word na die Plaaslike Munisipaliteit gesekondeer te wees ingevolge 'n agentskapsreëling tussen die Plaaslike Munisipaliteit en die Distriksmunisipaliteit ten effekte dat die Plaaslike Munisipaliteit die funksie of funksies waarby die spesifieke personeel betrokke is, namens die Distriksmunisipaliteit sal verrig.

(2) Ten einde:-

(a) enige oorgangsbepalings ingevolge die Munisipale Strukture Wysigingswet te akkommodeer, of

(b) die Plaaslike Munisipaliteit en die Distriksmunisipaliteit toe te laat om ooreenkomste te sluit, met inbegrip van bedryfsooreenkomste,

wat die oordrag van personeel ingevolge hierdie Bylaag kan beïnvloed, sal geen personeellid finaal toegewys word, soos waarvoor voorsiening gemaak word in subartikel (4) voor 30 Junie 2001 nie, of sodanige alternatiewe datum as wat die Provinsiale Minister bepaal.

(3) Voor of op 'n datum wat deur die Provinsiale Minister bepaal word, moet elke HUB 'n skedule van alle personeel van sy of haar afgeskafte munisipaliteit opstel in ooreenstemming met 'n formaat deur die Provinsiale Minister voorgeskryf, moet elke personeellid en 'n vakante pos van sy of haar afgeskafte munisipaliteit waarvoor begroot is in ooreenstemming met die beginsels uiteengesit in artikels 12 en 16C voorlopig toewys, en moet kopieë van die volle skedule aan die tussentydse munisipale bestuurder en die Distriksmunisipaliteit se TMB voorlê.

(4) Voor of op 'n datum wat deur die Provinsiale Minister bepaal word, maar behoudens subartikel (2), moet die tussentydse munisipale bestuurder, in oorleg met die Distriksmunisipaliteit se TMB:-

(a) die skedules genoem in subartikel (1) konsolideer tot 'n enkele skedule en moet hy of sy na goeddunke elke personeellid en vakante pos waarvoor begroot is en wat in die gekonsolideerde skedule gelys is, finaal aan óf die Plaaslike Munisipaliteit óf die Distriksmunisipaliteit toewys vir oorplasing op die effektiewe datum in ooreenstemming met die beginsels in artikels 12 en 16C uiteengesit of enige ooreenkoms in subartikel (2) bedoel;

(b) 'n kopie van die skedule aan die Distriksmunisipaliteit se TMB voorlê en van die Distriksmunisipaliteit se TMB die kopie van die skedule deur daardie Distriksmunisipaliteit se TMB opgestel, verkry, en

(c) die skedule genoem in paragraaf (a) met die skedules wat ontvang is van die Distriksmunisipaliteit se TMB genoem in paragraaf (b),

konsolideer tot ‘n enkele skedule wat alle personeel wat na die Plaaslike Munisipaliteit oorgeplaas moet word, aantoon.

(5) Ondanks die beginsels wat in artikels 12 en 16C uiteengesit is, kan die tussentydse munisipale bestuurder, volgens ooreenkoms met die Distriksmunisipaliteit se TMB, die toewysing van personeel ingevolge subartikel (2) aanpas om voorsiening te maak vir ‘n meer doeltreffende algemene toewysing van personeel tussen die Plaaslike Munisipaliteit en die Distriksmunisipaliteit, met dien verstande dat geen aanpassing gedoen mag word nadat ‘n personeellid ingevolge subartikel (8) in kennis gestel is nie.

(6) Indien enige geskil met betrekking tot die toewysing van personeel tussen die tussentydse munisipale bestuurder en die Distriksmunisipaliteit se TMB ontstaan, moet sodanige geskil na die Provinsiale Minister verwys word vir beslissing deur die Provinsiale Minister of sy benoemde in ooreenstemming met prosedures wat deur die Provinsiale Minister bepaal word, en die besluit van die Provinsiale Minister of sy benoemde is finaal en bindend.

(7) Die tussentydse munisipale bestuurder moet die gekonsolideerde skedule in subartikel (4)(c) genoem, skriftelik verifieer en moet die skedule aan die Provinsiale Minister voorlê voor of op ‘n datum wat deur die Provinsiale Minister bepaal moet word.

(8) Na die opstelling van die enkele gekonsolideerde skedule genoem in subartikel (4)(c), moet die tussentydse munisipale bestuurder elke toekomstige personeellid van die Plaaslike Munisipaliteit voorsien van ‘n skriftelike kennisgewing wat sodanige personeellid meedeel dat hy of sy met ingang van die effektiewe datum in diens van die Plaaslike Munisipaliteit is.

(9) Die nie-ontvangs van die skriftelike kennisgewing genoem in subartikel (8) maak nie enige oorplasing ongeldig nie.

(10) Indien enige personeellid (“die beswaarmaker”) aanvoer dat sy of haar oorplasing nie in ooreenstemming met die beginsels uiteengesit in artikels 12 en 16C, enige ooreenkoms in subartikel (2) bedoel of die proses uiteengesit in hierdie artikel bewerkstellig is nie, kan die beswaarmaker binne 14 dae van inkennisstelling ingevolge subartikel (5) skriftelike beswaar aanteken by die tussentydse munisipale bestuurder van die munisipaliteit waarheen hy of sy oorgepaas is. Die tussentydse munisipale bestuurder moet die beswaar na die Provinsiale Minister verwys vir beslissing deur die Provinsiale Minister of sy of haar benoemde in ooreenstemming met prosedures wat deur die Provinsial Minister bepaal word en die besluit van die Provinsiale Minister of sy benoemde is finaal en bindend.

(subartikel (10) gewysig deur PK 117/2008)

(11) Hangende ‘n beslissing deur die Provinsiale Minister of sy benoemde ingevolge subartikel (10) moet die beswaarmaker oorgeplaas word na die munisipaliteit, soos in ooreenstemming met hierdie artikel beslis. Indien die Provinsiale Minister of sy benoemde beslis dat die beswaarmaker na ‘n ander munisipaliteit oorgeplaas moes word, moet die beswaarmaker na daardie munisipaliteit oorgeplaas word, en sy of haar oorplasing word geag in ooreenstemming met artikels 12 en 16C op die effektiewe datum bewerkstellig te gewees het.

(12) Indien enige personeellid nie aangetoon word in die skedule in subartikel (4)(a) genoem nie, of indien enige personeellid met ingang van die effektiewe datum aan meer as een munisipaliteit toegewys word, moet daardie

personeellid onmiddellik nadat hy of sy van enige van hierdie feite bewus word, dit aanmeld by die tussentydse munisipale bestuurder of die Distriksmunisipaliteit se TMB, wat die aangeleentheid in ooreenstemming met prosedures deur die Provinsiale Minister bepaal, na die Provinsiale Minister vir beslissing deur die Provinsiale Minister of sy benoemde moet verwys, en die besluit van die Provinsiale Minister of sy benoemde is finaal en bindend.

(13)Voor of op ‘n datum wat deur die Provinsiale Minister bepaal word, moet die Plaaslike Munisipaliteit ‘n diensstaat vir die Plaaslike Munisipaliteit goedkeur ingevolge relevante wetgewing en ‘n afskrif van die dokument waarin die diensstaat uiteengesit word, aan die Transformasiesubkamer van die Bedingingsraad voorlê; met dien verstande dat die Plaaslike Munisipaliteit nie ‘n diensstaat vir die Plaaslike Munisipaliteit finaal sal goedkeur, voordat die tussentydse munisipale bestuurder die gekonsolideerde skedule ingevolge subartikel (7) geverifieer het nie.

(14)Voor of op ‘n datum wat deur die Provinsiale Minister bepaal word, in soverre daar nie voor die effektiewe datum ingevolge artikel 13(2) van hierdie Bylae ‘n ooreenkoms bereik is nie, moet die Plaaslike Munisipaliteit, as ‘n lid van die Transformasiesubkamer van die Bedingingsraad, poog om kollektiewe ooreenkoms met die vakbonde in die Transformasiesubkamer van die Bedingingsraad te bereik betreffende die beginsels, prosedures en maatstawwe wat gevolg moet word om aanstellings te doen in die poste wat uit die skepping van ‘n nuwe organisasiestruktuur vir die Plaaslike Munisipaliteit voortspruit.

(15)Voor of op ‘n datum wat deur die Provinsiale Minister bepaal word, moet die Plaaslike Munisipaliteit aanstellings doen in die poste op die diensstaat in ooreenstemming met die beginsels, prosedures en maatstawwe waarop daar in die Transformasiesubkamer van die Bedingingsraad ooreengekom is.

(artikel 12A ingevoeg deur PK.675/2000)

Kollektiewe Ooreenkomste

13(1). Enige kollektiewe ooreenkoms aangegaan:-

(a) op ‘n nasionale vlak, of

(b) by die Bedingingsraad, of

(c) op ‘n plaaslike vlak;

voor die datum van publikasie van hierdie Bylaag, sal ten volle van krag bly totdat dit ooreenkomstig die bepalings van die betrokke ooreenkoms gewysig of beëindig word.

(2) Voor die effektiewe datum moet die afgeskafte munisipaliteite, as lede van die Transformasiesubkamer van die Bedingingsraad, daarna streef om ooreen te kom met die vakbonde ten aansien van:-

(a) die proses en kriteria vir die plasing van personeel in die nuwe organisatoriese strukture na die effektiewe datum;

(b) die proses wat gevolg sal word vir die vul van nuwe poste voortvloeiend uit die skep van ‘n nuwe organisatoriese struktuur vir die Plaaslike Munisipaliteit;

(c) die aanneem van bepalings en voorwaardes van indiensneming vir die Plaaslike Munisipaliteit na die effektiewe datum, en

(d) enige ander arbeidsaangeleenheid in verband met die instelling van die Plaaslike Munisipaliteit.

Menslikehulpbronaangeleenthede

14. Behoudens enige kollektiewe ooreenkoms:-

(a) is die menslikehulpbronbeleid en –prosedures van die Plaaslike Munisipaliteit die menslikehulpbronbeleid en –prosedures wat voor die effektiewe datum bestaan het, en dit bly op alle werknemers van toepassing op dieselfde wyse as wat dit voor die effektiewe datum die geval was, behoudens enige wysiging of herroeping deur die Plaaslike Munisipaliteit;

(b) is die bepalings en voorwaardes van indiensneming van alle werknemers van die Plaaslike Munisipaliteit, die bepalings en voorwaardes van indiensneming wat voor die effektiewe datum op elke werknemer van toepassing was; met dien verstande dat enige werknemer wat na die effektiewe datum aangestel word, aangestel sal word op die bepalings en voorwaardes van indiensneming soos vasgestel deur die Plaaslike Munisipaliteit.

Gevolge van Oorplasing ten opsigte van Sekere Personeelkwessies

15.(1) Behoudens enige kollektiewe ooreenkoms, word ‘n werknemer wie se pos as gevolg van die oorplasing verander word, nie geag oortollig te wees vir die doel van enige bepaling of voorwaarde van indiensneming of enige pensioenfondsreël wat aan die werknemer die keuse bied om sy of haar indiensneming met voordele te beëindig nie.

(2) Die bepalings van hierdie artikel is slegs van toepassing indien die werknemer onredelikerwys weier om die Plaaslike Munisipaliteit se aanbod van alternatiewe indiensneming te aanvaar.

(3) Vir die doeleindes van hierdie artikel sluit ‘n verandering van ‘n pos een of meer van die volgende in:-

(a) die pos bestaan nie meer nie;

(b) die pos is afgeskaf;

(c) die werknemer moet om die pos aansoek doen;

(d) die funksies en bevoegdhede van die pos het verander;

(e) daar is ‘n verandering in die werkgewer se identiteit;

(f) die pos word aan ander verslagdoeningskanale onderwerp;

(g) die pos word anders beskryf.

Regsopvolging

16. Met ingang van die effektiewe datum:-

(1) Sal die Plaaslike Munisipaliteit die regsopvolger van die afgeskafte munisipaliteite wees, en die munisipaliteite wat ingevolge die Distriksmunisipaliteitkennisgewings afgeskaf moet word, ten opsigte van die spesifieke bates en laste wat ingevolge hierdie Bylaag aan die Plaaslike Munisipaliteit toegewys word.

(2) Behoudens subartikel (1) en artikel 16D van hierdie Bylaag, word alle regte en verpligtinge van die afgeskafte munisipaliteite wat nie

ingevolge hierdie Bylaag toegewys word nie, toegewys aan die Plaaslike Munisipaliteit, en die Plaaslike Munisipaliteit is die regsopvolger van die afgeskafte munisipaliteite ten opsigte van sulke regte en verpligtinge.

(3) Sal alle belasting, inkomste en ander gelde betaalbaar aan enige afgeskafte munisipaliteit of deur die afgeskafte munisipaliteit verhaalbaar is, betaalbaar wees aan en verhaalbaar wees deur die regsopvolger van so ‘n afgeskafte munisipaliteit in ooreenstemming met die bepalings van hierdie Bylaag.

(4) Ondanks die bepalings van enige toepaslike wet, bly enige waardasielyste wat van krag is, of wat as gevolg van die instelling van tussentydse of bykomende waardasies ontstaan, na gelang van die van die geval, in die gebied van die Plaaslike Munisipaliteit, onderhewig andersins aan die bepalings van sodanige wet, van krag totdat ‘n algemene waardasielys vir die gebied van die Plaaslike Munisipaliteit opgestel is.

(5) Ondanks subartikel (1):-

(a) sal die Plaaslike Munisipaliteit die regsopvolger van die afgeskafte munisipaliteite met betrekking tot die sake wat uiteengesit word in die Wet op Transformasie van Sekere Landelike Gebiede en die Wet op Landelike Gebiede wees en in die mate, totdat dit oorgedra is na ‘n entiteit wat in artikel 3 van die Wet op Transformasie van Sekere Landelike Gebiede beoog word:-

(i) sal grond wat deur die Minister vir Landbou en Grondsake ingevolge artikel 7 van die Wet op Landelike Gebiede in trust gehou word en wat onderworpe is aan die bepalings van artikel 3 van die Wet op Transformasie van Sekere Landelike Gebiede, steeds berus by die Minister vir Landbou en Grondsake, en

(ii) sal grond wat ingevolge die Wet op Landelike Gebiede deur die afgeskafte munisipaliteite verkry is en wat onderworpe is aan die bepalings van artikel 3 van die Wet op Transformasie van Sekere Landelike Gebiede, met ingang van die effektiewe datum by die Plaaslike Munisipaliteit berus;

(b) grond in subartikel (2)(a) genoem sal, hangende oordrag ingevolge artikel 3 van die Wet op Transformasie van Sekere Landelike Gebiede, deur die Plaaslike Munisipaliteit ingevolge die Wet op Landelike Gebiede en die regulasies ingevolge die Wet op Landelike Gebiede gemaak, bestuur word.

(artikel 16 gewysig deur PK. 675/2000)

Beginsels wat Oorplasing van Bates, Laste en Rekords bepaal

16A. Met ingang van die effektiewe datum:-

(1) Alle bates, laste en rekords van die afgeskafte munisipaliteite wat uitsluitlik verband hou met funksies wat deur die Plaaslike Munisipaliteit verrig moet word, moet na die Plaaslike Munisipaliteit oorgeplaas word.

(2) Alle bates, laste en rekords van die afgeskafte munisipaliteite wat uitsluitlik verband hou met funksies wat deur die Distriksmunisipaliteit verrig moet word (insluitende funksies wat deur die Distriksmunisipaliteit in ‘n Distriksbestuursgebied verrig moet word), moet na die Distriksmunisipaliteit oorgeplaas word.

(3) Enige roerende bate van een van die afgeskafte munisipaliteite wat in verband staan met een of meer funksies wat met ingang van die effektiewe datum deur die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verrig sal word en wat tussen hulle verdeel kan word, moet tussen hulle verdeel word:-

(a) ooreenkomstig die persentasie werklike tyd wat die betrokke bate in elke gebied vir die funksie gebruik word;

(b) ooreenkomstig die persentasie werklike tyd wat die betrokke bate vir die funksie tot voordeel van elke party gebruik word, of

(c) op enige ander grondslag deur die Provinsiale Minister goedgekeur.

(4) Alle onroerende bates van die afgeskafte munisipaliteite wat verband hou met ‘n funksie of funksies wat deur die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verrig moet word, en alle roerende bates wat verband hou met ‘n funksie of funksies wat deur die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verrig moet en wat nie tussen hulle verdeel kan word nie, moet oorgeplaas word na die munisipaliteit wat die hoofgebruiker van daardie bate sal wees; met dien verstande dat enige ander munisipaliteit wat ‘n belang by daardie bate het, geregtig is om voort te gaan om daardie bate te gebruik teen betaling van ‘n proporsionele deel van die koste en totdat sy gebruikersreg volgens ooreenkoms beëindig word.

(5) Ondanks die bepalings van subartikel (4), kan die Plaaslike Munisipaliteit en die Distriksmunispaliteit ooreenkom om enige onroerende bate genoem in subartikel (4) wat onderverdeelbaar is, te onderverdeel of om enige groep bates genoem in subartikels (3) en (4) op ‘n billike grondslag te verdeel, met inagneming van die aard van en die doel wat gedien word deur so ‘n bate of bates, soos tussen hulle ooreengekom, en om elke deel daarvan in ooreenstemming met daardie ooreenkoms toe te wys.

(6) Alle finansiële bates van die afgeskafte munisipaliteite wat in verband staan met ‘n funksie of funksies wat deur die Plaaslike Munisipaliteit en Distriksmunisipaliteit verrig word, moet billik verdeel word tussen hulle, met inagneming van aard van en die doel wat gedien word deur daardie bate.

(7) Alle finansiële bates en laste van die afgeskafte munisipaliteite wat nie in verband staan met ‘n bepaalde funksie nie, moet tussen die Plaaslike Munisipaliteit en die Distriksmunisipaliteit op die volgende grondslag verdeel word:-

(a) opgehoopte voorsienings vir werknemersvoordele, soos opgehoopte verloffondse, moet oorgeplaas word, indien die voorsiening gekoppel kan word aan ‘n spesifieke werknemer in ooreenstemming met die oordrag van daardie werknemer ingevolge hierdie Bylaag, en in ander gevalle in verhouding tot die totale salaris- en loonvoorsiening wat na die Plaaslike Munisipaliteit en die Distriksmunisipaliteit oorgeplaas moet word;

(b) reserwes en voorsienings wat vir ‘n spesifieke doel opgehoop is, moet op ‘n billike grondslag oorgeplaas word, met inagneming van die aard van en doel wat gedien word deur elke bepaalde reserwe of voorsiening;

(c) reserwes en opgehoopte surplusse van ‘n algemene aard moet tussen die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verdeel word op die volgende grondslag:-

(i) in verhouding tot die mees onlangse gekonsolideerde finansiële state van die Distriksmunisipaliteit en Plaaslike Munisipaliteit;

(ii) enige ander grondslag deur die Provinsiale Minister goedgekeur.

(8) Alle ontasbare bates van die afgeskafte munisipaliteite wat in verband staan met ‘n funksie of funksies wat deur die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verrig moet word, moet aan een munisipaliteit toegewys word; met dien verstande dat die ander munisipaliteit met ‘n belang by daardie ontasbare bate geregtig is:-

(a) op billike kompensasie, insluitende finansiële, ruil- of ander kompensasie, soos ooreengekom, en

(b) om voort te gaan om daardie bate te gebruik teen betaling van ‘n proporsionele deel van die koste totdat sy gebruiksreg volgens ooreenkoms beëindig word.

(9) Alle rekords van die afgeskafte munisipaliteite wat in verband staan met ‘n funksie of funksies wat deur die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verrig moet word en wat nie tussen genoemde munisipaliteite verdeel kan word nie, moet toegewys word aan een munisipaliteit ooreenkomstig die funksie waarop die rekords die nouste betrekking het; met dien verstande dat die ander munisipaliteit die reg van toegang tot daardie rekords het en die reg om kopieë daarvan te verkry.

(10) Alle laste van die afgeskafte munisipaliteite wat in verband staan met ‘n funksie of funksies wat deur die Plaaslike Munisipaliteit en die Distriksmunisipaliteit verrig moet word, moet op billike wyse gedeel word tussen die Plaaslike Munisipaliteit en die Distriksmunisipaliteit, met inagneming van die aard en doel van die las.

(11) Alle bates en laste van die afgeskafte munisipaliteite, uitgesonderd dié genoem in subklousule (7) wat nie met ‘n bepaalde funksie in verband staan nie, na die Plaaslike Munisipaliteit oorgeplaas word.

(artikel 16A ingevoeg deur PK. 675/2000)

Proses om Oorplasing van Bates, Laste en Rekords te bewerkstellig

16B.(1) Ondanks die bepalings van artikels 16A en 16C, en hangende die voltooiing van die oorplaasproses ingevolge hierdie artikel, moet alle bates, laste en rekords van die afgeskafte munisipaliteite, in soverre dit nodig is, tydelik na die Plaaslike Munisipaliteit oorgeplaas word en moet alle bates, laste en rekords wat na die Distriksmunisipaliteit oorgeplaas moet word ingevolge die bepalings van artikels 16A of 16C van hierdie Bylaag dienooreenkomstig geag word na die Plaaslike Munisipaliteit oorgeplaas te wees ingevolge ‘n agentskapsreëling tussen die Plaaslike Munisipaliteit en die Distriksmunisipaliteit ten effekte dat die Plaaslike Munisipaliteit die funksie of

funksies waarby die spesifieke bates, laste en rekords betrokke is, namens die Distriksmunisipaliteit sal verrig.

(2)Ten einde:-

(a) enige oorgangsbepalings ingevolge die Munisipale Strukture Wysigingswet te akkommodeer, of

(b) die Plaaslike Munisipaliteit en die Distriksmunisipaliteit toe te laat om ooreenkomste te sluit, met inbegrip van bedryfsooreenkomste,

wat die oordrag van bates, laste en rekords ingevolge hierdie Bylaag kan beïnvloed, sal geen bate, las of rekord finaal toegewys word, soos daarvoor voorsiening gemaak word in subartikel (4) voor 30 Junie 2001 nie, of sodanige alternatiewe datum as wat die Provinsiale Minister bepaal.

(3)Voor of op ‘n datum wat deur die Provinsiale Minister bepaal word, moet elke HUB ‘n skedule van alle bates, laste en rekords van sy of haar afgeskafte munisipaliteit opstel in ooreenstemming met ‘n formaat deur die Provinsiale Minister voorgeskryf, moet alle bates, laste en rekords van sy of haar afgeskafte munisipaliteit waarvoor begroot is in ooreenstemming met die beginsels uiteengesit in artikels 16A en 16C voorlopig toewys, en moet kopieë van die volle skedule aan die tussentydse munisipale bestuurder en die Distriksmunisipaliteit se TMB voorlê.

(4)Voor of op ‘n datum wat deur die Provinsiale Minister bepaal word, maar behoudens subartikel (2), moet die tussentydse munisipale bestuurder, in oorleg met die Distriksmunisipaliteit se TMB:-

(a) die skedules genoem in subartikel (1) konsolideer tot ‘n enkele skedule en moet finaal alle bates, laste en rekords gelys in die gekonsolideerde skedule toewys aan óf die Plaaslike Munisipaliteit óf die Distriksmunisipaliteit vir oordrag op die effektiewe datum in ooreenstemming met die beginsels uiteengesit in artikels 16A en 16C of enige ooreenkoms na verwys in subartikel (2);

(b) ‘n kopie van die skedule aan die Distriksmunisipaliteit se TMB voorlê en van die Distriksmunisipaliteit se TMB die kopie van die skedule deur die Distriksmunisipaliteit se TMB opgestel, verkry, en

(c) die skedule genoem in paragraaf (a) en die skedules wat van die Distriksmunisipaliteit se TMB ontvang is, genoem in paragraaf (b), konsolideer tot ‘n enkele skedule wat alle bates, laste en rekords wat na die Plaaslike Munisipaliteit oorgeplaas moet word, weergee.

(5)Ondanks die beginsels in artikels 16A en 16C uiteengesit, kan die tussentydse munisipale bestuurder volgens ooreenkoms met die Distriksmunisipaliteit se TMB die toewysing van bates, laste en rekords ingevolge subartikel (4) aanpas om voorsiening te maak vir ‘n doeltreffender algemene toewysing tussen die Distriksmunisipaliteit en die Plaaslike Munisipaliteit.

(6)Indien enige geskil met betrekking tot die toewysing van enige bates, laste of rekords tussen die tussentydse munisipale bestuurder en die Distriksmunisipaliteit se TMB ontstaan, moet sodanige geskil na die Provinsiale Minister verwys word vir beslissing deur die Provinsiale Minister of sy benoemde in ooreenstemming met prosedures wat deur die Provinsiale Minister bepaal word, en die besluit van die Provinsiale Minister of sy benoemde is finaal en bindend.

(7) Die tussentydse munisipale bestuurder moet die gekonsolideerde skedule genoem in subartikel (4)(c) skriftelik verifieer en dit aan die Provinsiale Minister voorlê voor of op ‘n datum wat deur die Provinsiale Minister bepaal word.

(8) So gou moontlik nadat die gekonsolideerde skedule ingevolge subartikel (7) geverifieer is, maar nie later nie as ‘n datum wat deur die Provinsiale Minister bepaal word, moet die tussentydse munisipale bestuurder die oorplasing van alle bates, laste en rekords van die afgeskafte munisipaliteite in werking stel.

(9) Die Plaaslike Munisipaliteit moet die oorplasing van bates, laste en rekords nie later nie as 12 maande na die effektiewe datum oudit, of sodanige latere datum as wat deur die Provinsiale Minister bepaal word.

(artikel 16B ingevoeg deur PK. 675/2000)

Oorplasing van personeel, bates en laste met betrekking tot funksies uitgesonderd dié gelys in artikel 84 van die Munisipale Strukturewet

16C. Ondanks die bepalings van artikels 12(1) en 16A van hierdie Bylaag en met ingang van die effektiewe datum, moet:-

(a) alle personeel, bates, laste en rekords van die afgeskafte munisipaliteite wat uitsluitlik betrokke is by of verband hou met:-

(i) paaie, behalwe munisipale paaie;

(ii) ambulansdienste;

(iii) gesondheidsdienste, behalwe munisipale gesondheidsdienste;

(iv) rampbestuur;

(v) behuising;

(vi) biblioteke;

(vii) museums;

(viii) watertoevoerstelsels, behalwe drinkbare watertoevoerstelsels;

(ix) natuur- en omgewingsbewaring, insluitende kusbeheer, omgewingsopvoeding, dierebeheer en beheer oor binnelandse waters, en

(x) verkeer en wetstoepassing,

na die Plaaslike Munisipaliteit oorgeplaas word ingevolge artikels 12(2), (3) en (4) en die proses uiteengesit in artikels 12A en 16B van hierdie Bylaag;

(b) enige personeellid, bate, las en rekord van die afgeskafte munisipaliteite wat nie verband hou met ‘n funksie genoem in artikel 84(1) van die Munisipale Strukturewet of paragraaf (a) nie, sal met inagneming van die effektiewe datum oorgedra word, ingevolge die beginsels en proses in artikels 12, 12A, 16A en 16B van hierdie Bylaag uiteengesit, na die Plaaslike Munisipaliteit wat die funksie waarby dit betrokke is sal verrig.

(artikel 16C ingevoeg by PK.675/2000)

Oorplasing van personeel, bates, laste en rekords met betrekking tot munisipale dienslewerings-ooreenkomste

16D.(1) Ondanks enige andersluidende bepaling van enige munisipale diensleweringsooreenkoms wat deur ‘n afgeskafte munisipaliteit aangegaan is en ingevolge waarvan daardie afgeskafte munisipaliteit die diensverskaffer is, moet alle personeel, bates, laste en rekords van die afgeskafte munisipaliteite in ooreenstemming met die bepalings van hierdie Bylaag oorgeplaas word.

(2) Die Provinsiale Minister moet bepaal watter munisipaliteit ingevolge enige munisipale diensleweringsooreenkoms wat ‘n afgeskafte munisipaliteit aangegaan het ingevolge waarvan daardie afgeskafte munisipaliteit die diensverskaffer is, die regsopvolger sal wees, en kan die Plaaslike Munisipaliteit of die Distriksmunisipaliteit gelas om enige tussentydse diensleweringsreëlings ingevolge artikel 19 van hierdie Bylae te implementeer en te administreer ten einde deurlopende dienslewering ingevolge so ‘n ooreenkoms te verseker.

(3) Vir die tydperk vanaf die effektiewe datum tot die datum waarop die Provinsiale Minister ‘n beslissing ingevolge subartikel (3) doen, is die Plaaslike Munisipaliteit die regsopvolger van die afgeskafte munisipaliteite met betrekking tot enige munisipale diensleweringsooreenkoms in subartikel (1) bedoel in ooreenstemming met die bepalings van artikel 19.

(artikel 16D ingevoeg deur PK. 675/2000)

Versuim om sekere bepalings van hierdie Bylaag te implementeer

16E. Indien die tussentydse munisipale bestuurder of enige ander persoon wat ‘n taak moet verrig soos in artikel 12A of artikel 16B uiteengesit, versuim of weier om dit te doen binne die tydperke in daardie artikels bepaal, kan die Provinsiale Minister enige persoon benoem om sodanige take te verrig, in welke geval die Plaaslike Munisipaliteit of die Distriksmunisipaliteit verplig is om ten volle met sodanige persoon saam te werk.

(artikel 16E ingevoeg deur PK. 675/2000)

Oorgangsbepalings met betrekking tot Verordeninge en Besluite

17.(1) Enige verordening wat onmiddellik voor die effektiewe datum in die gebied van ‘n afgeskafte munisipaliteit van krag is, sal met ingang van die effektiewe datum en hangende die hersiening en rasionalisering daarvan ingevolge artikel 15 van die Munisipale Strukturewet ten volle van krag bly in die gebied waarvoor dit afgekondig is, behoudens enige wysiging of herroeping deur die Plaaslike Munisipaliteit.

(2) Tensy onbestaanbaar met die sinsverband of duidelik ontoepaslik, moet ‘n verwysing in so ‘n verordening na:-

(a) ‘n afgeskafte munisipaliteit of sy voorganger, uitgelê word as sou dit ‘n verwysing na die Plaaslike Munisipaliteit wees, en

(b) ‘n struktuur of funksionaris van ‘n afgeskafte munisipaliteit uitgelê word as sou dit ‘n verwysing na die ooreenstemmende struktuur of funksionaris van die Plaaslike Munisipaliteit wees.

(3) Behoudens die bepalings van hierdie Bylaag en nieteenstaande die afskaffing van die afgeskafte plaaslike munisipaliteite, sal enige:-

(a) besluit geneem;

(b) kennisgewing, sertifikaat of ander dokument uitgereik;

(c) opdrag, goedkeuring, verlof of magtiging gegee of verleen;

(d) vrystelling, lisensie of permit verleen of uitgereik;

(e) aanstelling gedoen;

(f) werknemer benoem;

(g) ooreenkoms of kontrak aangegaan;

(h) delegasie van bevoegdhede aan ‘n werknemer verleen;

(i) belastings, tariewe of heffings gehef of opgelê;

(j) reservering van grond gedoen; en

(k) ander handeling verrig of ding gedoen,

deur ‘n afgeskafte munisipaliteit, behoudens die bepalings van hierdie Bylaag geag word deur die Plaaslike Munisipaliteit geneem, uitgereik, gegee, gedoen, benoem, aangegaan, verleen, geheg, opgelê of verrig te gewees het, hangende die hersiening en rasionalisering daarvan, ingevolge artikel 15 van die Munisipale Strukturewet.

(4) Behoudens artikel 20, 21, 22 en 23 van hierdie Bylaag, sal enige persoon wat op die effektiewe datum ‘n bevoegdheid uitoefen of ‘n plig of funksie verrig uit hoofde van die amp wat hy of sy beklee of uit hoofde van ‘n delegasie van bevoegdheid waarmee die afgeskafte munisipaliteit hom of haar beklee het, voortgaan om daardie bevoegdheid uit te oefen of daardie plig of funksie te verrig totdat die Plaaslike Munisipaliteit die teendeel besluit.

(5) Vir die toepassing van die Bylaag van die Regulasie aangaande die Verklaring van Vredesbeamptes wat ingevolge artikel 334 van die Strafproseswet, 1977 (Wet 51 van 1977) gemaak is, sal enige wetstoepassingsbeampte wat deur ‘n afgeskafte munisipaliteit aangestel is, na die effektiewe datum geag word deur die Plaaslike Munisipaliteit aangestel te gewees het vir die regsgebied van die Plaaslike Munisipaliteit.

(6) Enige statutêre plan wat in die regsgebied van die afgeskafte munisipaliteite van krag of in werking is, sal van krag of in werking bly ten opsigte van die gebied waarop dit bedoel was om van toepassing te wees, totdat dit deur die Plaaslike Munisipaliteit gewysig, verander of herroep word.

Finansiële Aangeleenthede

18.(1) Met ingang van die effektiewe datum sal die bestaande begrotings van die afgeskafte munisipaliteite tot 30 Junie 2001 die begroting van die Plaaslike Munisipaliteit uitmaak, en intermunisipale begrotingsoorplasings sal voorduur vir die 2000/2001 finansiële jaar.

(2) Ondanks die bepalings van subartikel (1) mag die Plaaslike Munisipaliteit:-

(a) die bestaande begrotings aanpas, of

(b) besluit om sy rekeninge te sluit en opnuut vir die res van die finansiële jaar te begroot;

mits enige so ‘n begroting ooreenkomstig tersaaklike wetgewing aangepas of opgestel en goedgekeur word, na gelang van die geval.

(3) Voor die aanvang van die 2001/2002 finansiële jaar moet die Plaaslike Munisipaliteit oorweeg om finansiële bestuursplanne en –beleide aan te neem betreffende:-

(a) maatreëls, insluitende intermunisipale begrotingsoorplasings, om inkomste stabiliteit vir die periode na die 2000/2001 finansiële jaar te verseker;

(b) mediumtermynuitgawe;

(c) gelykmaking van tariefstrukture;

(d) die opstel van ‘n nuwe algemene waardasierol vir die Plaaslike Munisipaliteit en die ingebruikneming van billike eiendomsbelatings;

(e) die ingebruikneming van gekonsolideerde rekeningleweringskemas;

(f) die konsolidasie van finansiële rekeningkundige stelsels en begrotingstelsels;

(g) kredietbeheer, en

(h) verkryging.

Administratiewe oorgangsreëlings

19.(1) Met ingang van die effektiewe datum tot die datum waarop alle personeel, bates, laste en rekords finaal toegewys is ingevolge die bepalings van hierdie Bylaag, of sodanige alternatiewe datum as wat die Provinsiale Minister bepaal, is die Plaaslike Munisipaliteit:-

(a) verplig om met alle personeel, bates, laste en rekords:-

(i) wat tydelik geplaas is ingevolge artikel 12A(1);

(ii) wat tydelik oorgedra is ingevolge artikel 16B(1), en

(iii) wat voorlopig toegewys is ingevolge artikels 12A(3) en 16B(3),

in die uiterste goeie trou te behandel met inagneming van die belange van die Distriksmunisipaliteit;

(b) sonder om afbreuk te maak aan die algemene aard van subartikel (1) en behoudens artikel 12(2), mag nie, met verwysing na paragrawe (i) en (vii) hieronder sonder die vooraf skriftelike goedkeuring van die Provinsiale Minister welke goedkeuring voorwaardelik mag wees, en met verwysing na paragrawe (ii), (iii), (iv), (v), (vi) en (viii) hieronder sonder die vooraf skriftelike goedkeuring van die Plaaslike Munisipaliteit, welke goedkeuring nie onredelik geweier mag word nie, geen verandering aan die dienstaat wat tydelik ingevolge artikel 12A(1) geplaas is, of voorlopig toegewys is ingevolge artikel 12A(3), maak of teweeg bring nie deur:-

(i) enige nuwe poste te skep of te vul;

(ii) enige vakatures te vul;

(iii) die hergradering of opskaling van enige poste te inisieer of te implementeer;

(iv) enige personeellid te bevorder;

(v) enige permanente funksies of pligte aan personeel op te dra, uitgesonderd op ‘n tydelike grondslag;

(vi) behoudens enige wet, bestaande kollektiewe ooreenkoms of dienskontrak:-

(aa) die goedkeuring en implementering van enige toelae of waarnemingstoelae;

(bb) die implementering van enige verhoging van salarisse of lone;

(vii) enige permanente verandering aan personeelstrukture en organisasiestrukture te implementeer, en

(viii) enige kollektiewe ooreenkoms aan te gaan, uitgesonderd ‘n kollektiewe ooreenkoms wat in die Bedingingsraad onderhandel en aangegaan is, wat die Distriksmunisipaliteit sal bind ten opsigte van enige aangeleentheid wat in hierdie subartikel genoem word;

(c) sonder om afbreuk te maak aan die algemene aard van subartikel (1), mag, sonder die vooraf skriftelike goedkeuring van die Distriksmunisipaliteit, welke goedkeuring nie onredelik geweier mag word nie, geen besluit neem of implementeer nie met betrekking tot enige bates, laste of rekords oorgedra ingevolge artikel 16B(1) of wat tydelik toegewys is ingevolge artikel 16B(3), wat daartoe sal lei dat sodanige munisipaliteit:-

(i) roerende of onroerende bates verkoop of verhuur ter waarde van meer as R20 000 (twintig duisend rand), uitgesonderd as ingevolge bestaande kontraktuele reëlings; met dien verstande dat hierdie bepaling nie van toepassing is nie op die beskikking oor onroerende eiendom ooreenkomstig ‘n goedgekeurde behuisingskema ingevolge die Behuisingswet, 1997 (Wet 107 van 1997);

(ii) roerende of onroerende bates koop ter waarde van meer as R20 000 (twintig duisend rand), uitgesonderd as ingevolge bestaande kontraktuele reëlings;

(iii) nuwe kontrakte met ‘n termyn van langer as een jaar sluit;

(iv) kontrakte vir ‘n termyn van langer as drie maande hernu;

(v) inligtingstegnologiestelsels, insluitende programmatuur en apparatuur, verkry, en

(vi) gebruik maak van:-

(aa) statutêre fondse, hetsy vir regstreekse kapitaal- of ander besteding of om besteding te finansier deur interne lenings aan te gaan vir ander doeleindes as vir verbonde en noodsaaklike infrastruktuurprojekte wat in die 2000/2001-begroting goedgekeur is;

(bb) trustfondse (wat nie ‘n raad se eie rekenings insluit nie) vir enige ander doel as dié waarvoor die fondse gehou word;

(cc) reserwefondse, reserwekapitaal of reserwevoorsienings vir ‘n ander doel as vir noodsaaklike begrote instandhouding van infrastruktuur, nie-begrote noodinstandhouding van infrastruktuur wat nie uit die bedryfsbegroting gefinansier kan word nie of vir die afskryf van slegte skulde, en

(dd) enige statutêre trust, reserwe of voorsiening wat nie kontant befonds word nie, uitgesonderd vir die afskryf van slegte skulde;

met dien verstande dat hierdie subartikel nie in ‘n noodgeval van toepassing is nie, en

(d) mag geen besluit neem of implementeer nie wat daartoe sal lei dat die Plaaslike Munisipaliteit sy goedgekeurde kapitaal- of bedryfsbegroting vir die 2000/2001 finansiële jaar sal oorskry.

(2) Indien enige geskil met betrekking tot die bepalings van subartikel (1) tussen die Plaaslike Munisipaliteit en die Distriksmunisipaliteit ontstaan, moet sodanige geskil na die Provinsiale Minister verwys word vir beslissing deur die Provinsiale Minister of sy benoemde in ooreenstemming met prosedures wat deur die Provinsiale Minister bepaal word, en die besluit van die Provinsiale Minister of sy benoemde is finaal en bindend.

(3) Enige kontrak wat aangegaan word in stryd met die bepalings van subartikel (1) of (2) is van nul en gener waarde.

(artikel 19 is vervang deur PK.675/2000)

Aanstelling van Waarnemende Beamptes

20. Voor die aanvang van die effektiewe datum, moet die Provinsiale Minister na die oorweging van enige aanbevelings deur die Distrikstransformasieforum, en waar toepaslik vir die Plaaslike Munisipaliteit, enige persoon in enige posisie wat ingevolge relevante wetgewing benodig word, aanstel, welke aanstelling in ‘n waarnemende hoedanigheid sal wees, en wie die amp op die effektiewe datum moet aanvaar en dit moet beklee totdat die Plaaslike Munisipaliteit sy eie aanstellings gedoen het ingevolge die relevante wetgewing.

Aanstelling van Tussentydse Munisipale Bestuurder

21.(1) Voor die aanvang van die effektiewe datum, moet die Provinsiale Minister na die oorweging van enige aanbevelings deur die Distrikstransformasieforum, ‘n tussentydse munisipale bestuurder aanstel wat die amp by aanstelling aanvaar en dit beklee totdat die Plaaslike Munisipaliteit sy eie munisipale bestuurder of waarnemende munisipale bestuurder aangestel het.

(2) Die pligte van die tussentydse munisipale bestuurder sal, onderworpe aan voorskrifte of besluite tot die teendeel wat deur die Plaaslike Munisipaliteit aangeneem is, soos volg wees:-

(a) om die eerste vergadering van die Raad van die Plaaslike Munisipaliteit ingevolge artikel 29(2) van die Munisipale Strukturewet byeen te roep;

(b) om op die eerste vergadering van die Raad van die Plaaslike Munisipaliteit voor te sit totdat die speaker verkies word;

(c) om na die effektiewe datum, as die hoof van administrasie en hoofrekenpligte beampte van die Plaaslike Munisipaliteit op te tree, totdat die Plaaslike Munisipaliteit sy eie munisipale bestuurder of waarnemende munisipale bestuurder aangestel het;

(d) om na die effektiewe datum, alle pligte wat deur die HUB van ‘n munisipaliteit ingevolge betrokke wetgewing verrig moet word, te verrig;

(e) om verantwoordelikheid te aanvaar vir die bewerkstelliging van die oorplasing van alle personeel, bates, laste en administratiewe en ander rekords na die Plaaslike Munisipaliteit;

(f) om sodanige persone aan te stel wat nodig is om sy of haar verpligtinge ingevolge hierdie Bylaag na te kom;

(g) om alle redelike stappe te doen om te verseker dat diensleweringskontinuïteit na die effektiewe datum gehandhaaf word;

(h) om tussentydse finansiële beheermeganismes vir die Plaaslike Munisipaliteit in te stel;

(i) om tussentydse verslagdoeningskanale en delegasies vir die Plaaslike Munisipaliteit in te stel;

(j) om dienskontrakte, agentskapsreëlings en diensleweringsooreenkomste te hersien en aan te beveel;

(k) om enige tussentydse diensleweringsreëlings tussen die Plaaslike Munisipaliteite en die Distriksmunisipaliteit asook tussen die Plaaslike Munisipaliteit en ander plaaslike munisipaliteite binne die gebied van die Distriksmunisipaliteit in werking te stel;

(l) delegeer enige van sy of haar magte of pligte aan enige werknemer van die Plaaslike Munisipaliteit en wysig of herroep enige sodanige delegasie, en

(m) om in die periode voor die effektiewe datum, voor te berei vir die uitvoering van die pligte uiteengesit in paragrawe (a) tot (l).

(3) Voor die effektiewe datum, moet die HUB's met die tussentydse munisipale bestuurder saamwerk ten aansien van al die aangeleenthede wat verbandhou met die instel van die Plaaslike Munisipaliteit.

(4) Met ingang van die effektiewe datum, handel die HUB's onder die leiding van, en doen hulle verantwoording aan, die tussentydse munisipale bestuurder, en het die tussentydse munisipale bestuurder al die magte van die HUB's.

Tussentydse Munisipale Assistentbestuurders

22. Die Provinsiale Minister mag, na die oorweging van enige aanbeveling deur die Distrikstransformasieforum, enige aantal tussentydse assistente, vir die tussentydse munisipale bestuurder aanstel, wat hul ampte by aanstelling aanvaar en dit beklee totdat die Plaaslike Munisipaliteit die aanstellings bevestig of beëindig het.

Senior Bestuurspan

23. Enige tussentydse assistente wat vir die tussentydse munisipale bestuurder aangestel is, sal saam met die tussentydse munisipale bestuurder die senior bestuurspan van die Plaaslike Munisipaliteit uitmaak, wat toesig moet hou oor die implementering van die instelling van die Plaaslike Munisipaliteit.

Aanstellings

24. Enige persoon ingevolge artikel 21 of 22 aangestel sal, behoudens die bepalings van artikel 12 van hierdie Bylaag, 'n werknemer van 'n afgeskafte munisipaliteit wees en sal sy of haar pligte op 'n gesekondeerde grondslag verrig.

Eerste Vergadering van die Raad van die Plaaslike Munisipaliteit

25.(1) Die tussentydse munisipale bestuurder moet minstens drie dae voor die eerste vergadering van die Raad van die Plaaslike Munisipaliteit, ‘n kennisgewing aan elke raadslid by sy of haar woonplek of ‘n ander plek wat deur die betrokke raadslid bepaal is, stuur waarin die plek, datum en tyd van die eerste vergadering gespesifiseer word en wat die agenda bevat; met dien verstande dat die tussentydse munisipale bestuurder, as dit in sy of haar opinie nodig is, die eerste vergadering met ‘n korter kennisgewing mag belê.

(2) Behoudens enige verordening wat van krag is, maar onderhewig aan die bepalings van die Munisipale Strukturewet, is die reëls en orders vir die eerste vergadering van die Raad van die Plaaslike Munisipaliteit die reëls en orders soos uiteengesit in Provinsiale Kennisgewing 411/1988, soos afgekondig in Provinsiale Koerant No. 4532 van 20 Mei 1988, met die nodige wysigings soos vereis deur die konteks, welke reels van krag sal bly totdat reëls en orders aangeneem word deur die Raad van die Plaaslike Munisipaliteit.

(subartikel (2) gewysig deur PK.675/2000 en PK. 117/2008)

(3) Die vergaderplek vir die eerste vergadering van die Raad van die Plaaslike Munisipaliteit sal in Stellenbosch wees.

(subartikel (3) gewysig deur PK.675/2000)

(4) Die agenda van die eerste vergadering sal soos volg wees:-

(a) die verkiesing van die speaker;

(b) of die Plaaslike Munisipaliteit die instelling van ‘n uitvoerende komitee verlang, en indien wel, die bepaling van ‘n stelsel van verteenwoordiging vir die verkiesing van die uitvoerende komitee;

(c) die verkiesing van raadslede om op die uitvoerende komitee te dien;

(d) die verkiesing van die burgemeester vanuit die geledere van die uitvoerende komitee;

(e) die verkiesing van die onderburgemeester, waarvoor goedkeuring deur die Provinsiale Minister verleen word, vanuit die geledere van die uitvoerende komitee, en

(f) enige ander sake deur die tussentydse munisipale bestuurder bepaal en in die agenda uiteengesit.

Toepassing van hierdie Kennisgewing

25A. Indien enige konflik rakende die aangeleenthede wat in hierdie Kennisgewing hanteer word sou ontstaan tussen hierdie kennisgewing en die bepalings van enige artikel 84(3)-kennisgewing afgekondig deur die Nasionale Minister of enige artikel 18-kennisgewing afgekondig deur die Provinsiale Minister, geniet die bepalings van die artikel 84(3)-kennisgewing of artikel 18-kennisgewing, na gelang van die geval, voorrang.

(artikel 25A ingevoeg deur PK.675/2000)

Uitvoerende Onderburgemeester

25B. Goedkeuring word verleen ingevolge artikel 55 van die Munisipale Strukture Wet, soos gewysig, vir die verkiesing van ‘n uitvoerende onderburgemeester.

(artikel 25B ingevoeg deur PK.184/2003)

Kort titel en Inwerkingstreding

26. Hierdie Kennisgewing heet die Munisipaliteit Stellenbosch (WCO24) Instellingskennisgewing en tree in werking op die datum van publikasie.

6.5	ELECTION OF COUNCIL WHIP FOR STELLENBOSCH COUNCIL

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: November 2026**

1. SUBJECT: ELECTION OF COUNCIL WHIP FOR STELLENBOSCH COUNCIL

2. PURPOSE

To elect a whip for Council as provided for in Section 41A of the Local Government Municipal Structures Act (as amended on 5 November 2021).

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Proclamation Notice was published by the Minister for Co-operative Governance and Traditional Affairs, on 14 December 2011, in the Government Gazette no. 34868. In terms of said notice "The member of the Executive Council of a Province responsible for local government may determine that councillors who have been elected or appointed to any of the following offices in a municipal council, may be designated as full-time:

- The Speaker;
- The Executive Mayor;
- The Deputy Executive Mayor;
- A member of a Mayoral Committee;
- Chairperson of a committee established in terms of Section 79 in a municipality with 40 or more Councillors;
- A single Whip appointed for Council in municipalities with 40 or more councillors."[2]

This provision has subsequently been supplemented by Section 41A in the Local Government Structures Act as amended on 4 November 2021 **(APPENDIX 1)**.

5. RECOMMENDATION

that a Council Whip for Stellenbosch Municipal Council be elected.

[2] Note selective quotation, based on applicability.

6. DISCUSSION

6.1 Background

Stellenbosch Municipal Council had sent a request to the Office of the MEC for Local Government for the appointment of a Single Whip. The MEC had responded and provided the requisite approval for the appointment of a single whip.

This provision has subsequently been supplemented by Section 41A in the Local Government Structures Act as amended from 5 November 2021.

APPENDICES

Appendix 1: 14 December 2011, in the Government Gazette no. 34868

Appendix 2: Nomination Form – Election of Council Whip

ITEM 6.5

Appendix 1

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 558 Pretoria, 14 December / Desember 2011 No. 34868

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CONTENTS • INHOUD

No.		Page No.	Gazette No.
	GENERAL NOTICE		
Cooperative Governance, Department of			
General Notice			
904	Local Government: Municipal Structures Act (117/1998): Policy framework for the designation of full-time councillors	2	34868

GENERAL NOTICE

NOTICE 904 OF 2011

DEPARTMENT OF COOPERATIVE GOVERNANCE

POLICY FRAMEWORK FOR THE DESIGNATION OF FULL-TIME COUNCILLORS

The Minister for Cooperative Governance and Traditional Affairs has, under section 18(4) of the *Local Government: Municipal Structures Act,* 1998 (Act No. 117 of 1998), and after consulting the MEC's for local government, determined the policy framework for the designation of full-time councillors, as set out in the Schedule.

SCHEDULE

The member of the Executive Council of a province responsible for local government may determine that councillors who have been elected or appointed to any of the following offices in a municipal council, may be designated as full-time:

CATEGORY A MUNICIPALITIES

- ☐ Speaker;
- ☐ Executive Mayor;
- ☐ Mayor;
- ☐ Deputy Executive Mayor;
- ☐ Deputy Mayor;
- ☐ A member of an Executive Committee other than the Mayor and Deputy Mayor;
- ☐ A member of a Mayoral Committee;
- ☐ Chairperson of a Sub-Council;
- ☐ Chairperson of a Committee established in terms of section 79; and
- ☐ A single whip appointed for council.

CATEGORY B MUNICIPALITIES

- ☐ Speaker;
- ☐ Executive Mayor;
- ☐ Mayor;
- ☐ Deputy Executive Mayor;
- ☐ Deputy Mayor;
- ☐ A member of an Executive Committee other than the Mayor and Deputy Mayor;
- ☐ A member of a Mayoral Committee;
- ☐ Chairperson of a Committee established in terms of section 79 in municipalities with 40 or more councillors; and
- ☐ A single whip appointed for council in municipalities with 40 or more councillors.

CATEGORY C MUNICIPALITIES

- ☐ Speaker;
- ☐ Executive Mayor;
- ☐ Mayor;
- ☐ Deputy Executive Mayor;
- ☐ Deputy Mayor;
- ☐ A member of an Executive Committee other than the Mayor and Deputy Mayor;
- ☐ A member of a Mayoral Committee;
- ☐ Chairperson of a Committee established in terms of section 79 in municipalities with 40 or more councillors; and
- ☐ A single whip appointed for council in municipalities with 40 or more councillors.

ITEM 6.5

Appendix 2

Nomination Form:
Election of the Council Whip

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

NOMINATION FORM:

ELECTION OF THE COUNCIL WHIP

We, the undersigned, hereby nominate the following person:

FULL NAME OF NOMINEE: ……..

Signed at Stellenbosch this …….. day of ……2026.

Name of Mover

Nominator 1: Name: ……..

Signature: ……..

Seconder: Name: ……..

Signature: ……..

I, ……..……(full name) …….(ID number)

the undersigned, hereby accept the nomination / do not accept the nomination*

Signed at Stellenbosch this …… day of ……..2026.

…….

SIGNATURE OF NOMINEE

*delete the part that is not applicable

In terms of Section 3(1) of Schedule 3 of the Structures Act

6.6	ELECTION OF REPRESENTATIVES TO CAPE WINELANDS DISTRICT COUNCIL

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 17 November 2026**

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1. SUBJECT: ELECTION OF REPRESENTATIVES TO CAPE WINELANDS DISTRICT COUNCIL

TO BE CONDUCTED BY THE INDEPENDENT ELECTORAL COMMISSION: THE MUNICIPAL ELECTORAL OFFICER (MEO)

---

2. PURPOSE

To elect the Councillors that represent Stellenbosch Municipality on the Cape Winelands District Council.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Sixty percent of the members of a District Council are representatives of local Councils and district management areas within its area of jurisdiction. District management area representatives are elected by voters from that area on voting day. Representatives from local Councils are, however, elected by the Councils themselves from amongst their members.

The election must be conducted by the Chief Electoral Officer who has delegated this task to the Municipal Electoral Officer (MEO) of every local municipality as provided for in Schedule 2 of the Local Government: Municipal Structures Act.

Every MEO for a local municipality must therefore at a meeting of the Council of that municipality (as soon as possible but within fourteen days after its election) conduct the election of that Council's representatives to the District Council in terms of Part 2 of Schedule 2 of the Local Government: Municipal Structures Act, which reads as follows:

Stellenbosch Municipality must elect 6 members to represent the Municipality on the Cape Winelands District Council as per the establishment notice.

5. RECOMMENDATION

that Council elects 6 representatives to the Cape Winelands District Council in terms of the procedure set out in Part 2 of Schedule 2 of the Municipal Structures Act (*supra*).

6. DISCUSSION

6.1 Background

"*Allocation and election of representatives of local Councils and district management areas to district Councils.*

Schedule 2 Section 16

Electing local Councils' representatives to district Councils

(1) The Chief Electoral Officer must manage the election of representatives of a local Council to the district Council.

(2) If a local Council has been awarded one seat-

(a) any Councillor may nominate a candidate;

(b) each Councillor has one vote; and

(c) the candidate who receives the most votes is elected.

(3) If the Council has been awarded more than one seat, the Council must elect that number of members according to proportional representation as set out in items 17 to 22.

17. Candidates lists

(1) Every party or independent Ward Council may submit a candidates' list containing the names of Councillors, accompanied by a written acceptance by each listed candidate.

[Subitem (1) substituted by Section 31(1) of Act 51 of 2002].

(2) A party or independent Ward Councillor may not submit more than one list.

[Subitem (2) substituted by Section 31(1) of Act 51 of 2002].

(3) The candidates' names must appear on the list in order of preference, starting with the first in order of preference and ending with the last.

(4) The name of a Councillor may appear on one list only.

(5) Every party or independent Ward Councillor must seek to ensure that fifty percent of the candidates on the candidates list are women and that women and men candidates are evenly distributed through the list.

[Subitem (5) amended by Section 31(c) of Act 51 of 2002].

18. Number of votes

Each Councillor casts one vote for one list only.

19. Determining the quota

In a local Council, the quota of votes for a seat to the district Council must be determined in accordance with the following formula (fractions to be disregarded)-

$$\frac{A}{B}+1$$

Where-

A represent the number of members of the local Council; and

B represents the number of seats that the local Council has been awarded on the district Council in accordance with Item 15.

20. Allocating seats

(1) The number of votes cast in favour of each list must be divided by the quota of votes for a seat and the result is the number of seats allocated to that list.

(2)(a) If the calculation in subitem (1) gives a surplus, that surplus must compete with other similar surpluses of any other lists, and any seat or seats not allocated under subitem (1) must be awarded in sequence of the highest surplus.

(b) If the surplus on one list is equal to the surplus on any other list, the seat or seats must be awarded in sequence of the highest number of votes cast for those lists.

[Paragraph (b) added by Section 32 of Act 51 of 2002].

21. Selecting names from the list

The Chief Electoral Officer, in accordance with the order of preference on a list, must select the number of candidates from the list that is equal to the number of seats allocated to that list.

22. Insufficient lists

In the case of a list containing fewer names than the number of seats allocated to that list, the corresponding provisions of Item 10 must be applied to the extent that that item can be applied.

23. Filling of vacancies

If a Councillor elected from a candidates' list ceases to hold office or the list has become exhausted, the corresponding provisions of Item 11 must be applied to the extent that that item can be applied.

24. Electing members representing a district management area

The Councillors representing a district management area must be elected in accordance with the proportional electoral system set out in Part 1 of the Schedule."

The MEO must arrange with the Municipal Manager of the local municipality for a meeting of the newly elected Council to be called for the purpose of the election of representatives.

6.2 NUMBER OF REPRESENTATIVES TO BE ELECTED

Section 12 of the Local Government: Municipal Structures Act 1998, requires the MEC to specify in the notice establishing the municipality the number of representatives to be elected by each local Council to serve as representatives on the District Council. The MEO works on the number of representatives specified in the section 12 notices.

A copy of the eleventh Establishment Amendment Notice (published in the Provincial Gazette No. 9204, promulgated on 2026-03-06: P.N.67/2026) pertaining to the Cape Winelands District Municipality, is attached as **APPENDIX 1**.

In terms of this amendment notice:

- Cape Winelands District Municipality has 41 Councillors, of which
  - 17 proportionally represent the parties contesting the election; and
  - 24 directly represent the Local Municipalities, of which 6 directly represent Stellenbosch Municipality.

6.3 ELECTION OF REPRESENTATIVES

Where a local Council has more than one representative in the District Council, every party or independent Ward Councillor may submit one candidates' list containing the names of Councillors in order of preference. Every list must be accompanied by a written acceptance by each listed candidate. A Councillor's name may appear on one list only.

In the election, each Councillor may cast one vote for one list only.

The number of votes cast for each list is divided by a prescribed quota of votes for a seat and the result indicates the number of seats allocated to that list. From every list to which seats have been allocated, the number of candidates in order of preference is then selected and they are the local Council's representatives on the District Council.

In the case of a list containing fewer names than the number of seats allocated to that list, the corresponding provisions of item 10 of Schedule 2 of the Municipal Structures Act must be applied to the extent that the item can be applied.

6.4 ELECTION PROCEDURE

The following procedure is suggested:

- the quota of votes for a seat is determined beforehand. (The number of Councillors on the local Council divided by the number of seats that Council has on the District Council, plus one);
- on the day prior to the meeting for the election, the venue for the meeting is visited and prepared for the election by-
    - determining a voting route for Councillors to leave their seats from one side of the venue, approach a table where their names are marked off on a list of Council members and they are given a ballot paper, then move to a next table where a pencil is available for them to mark their ballot paper and a ballot box in which they place their marked ballot papers and move back to their seats from the other side of the venue;
- on the day of the meeting, the purpose of the election and the procedures thereof are explained to the Councillors;
- the Councillors are then given adequate time to prepare their nomination documents and the meeting is adjourned for that purpose; and
- on the resumption of the meeting nominations by the submission of lists on the appropriate form are called for and received by the MEO.

The relevant nomination forms and ballot papers will be available at the meeting.

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
CONTACT NUMBERS	*021 808 8025*
E-MAIL ADDRESS	*municipal.manager@stellenbosch.gov.za*
REPORT DATE	*11 November 2026*

ITEM 6.6

Appendix 1

Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE | **PROVINSIE WES-KAAP** | **IPHONDO LENTSHONA KOLONI**

Provincial Gazette Extraordinary

Buitengewone Provinsiale Koerant

Isongezelelo kwiGazethi yePhondo

9204 | *9204* | *9204*

Friday, 6 March 2026 | *Vrydag, 6 Maart 2026* | *uLwesihlanu, 6 kweyoKwindla 2026*

Registered at the Post Office as a Newspaper | *As 'n Nuusblad by die Poskantoor Geregistreer* | *Ibhaliswe ePosini njengePhephandaba*

CONTENTS

*(*Copies are obtainable at Room M21, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.)*

PROVINCIAL NOTICE

Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), as amended: Amendment of the existing Establishment Notices for Category A, B and C municipalities in the Province.

INHOUD

*(*Afskrifte is verkrygbaar by Kamer M21, Provinsiale Wetgewer-gebou, Waalstraat 7, Kaapstad 8001.)*

PROVINSIALE KENNISGEWING

Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998), soos gewysig: Wysiging van die bestaande instellingskennisgewings vir Kategorie A, B en C-munisipaliteite in die Provinsie.

IZIQULATHO

*(*Iikopi zifumaneka kwiGumbi M21, iSakhiwo seNdlu yoWiso-mthetho yePhondo, 7 Wale Street, eKapa 8001.)*

ISAZISO SEPHONDO

URhulumente wamaKhaya: uMthetho wamaSebe wooMasipala, ka-1998 (uMthetho 117 ka-1998), njengoko ulungisiwe: Ukulungiswa kweZaziso zokuSekwa ezikhoyo zoomasipala boDidi A, B noC kwiPhondo.

PROVINCIAL NOTICE

P.N. 68/2026 **6 March 2026**

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 (ACT 117 OF 1998) THE CAPE WINELANDS DISTRICT MUNICIPALITY (DC2) ESTABLISHMENT TWELFTH AMENDMENT NOTICE

In terms of section 16 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), I hereby further amend the Cape Winelands District Municipality (DC2) Establishment Notice, Provincial Notice 486/2000 published in the Provincial Gazette Extraordinary No. 5590 dated 22 September 2000 (the principal Notice), as set out in the Schedule.

In this notice "principal Notice" means the Cape Winelands District Municipality (DC2) Establishment Notice, Provincial Notice 486/2000 published in the Provincial Gazette Extraordinary No. 5590 dated 22 September 2000, as amended by Provincial Notice 672/2000 published in the Provincial Gazette Extraordinary No. 5642 dated 4 December 2000, Provincial Notice 453/2002 published in the Provincial Gazette Extraordinary No. 5968 dated 19 December 2002, Provincial Notice 181/2003 published in the Provincial Gazette Extraordinary No. 6020 dated 28 May 2003, Provincial Notice 162/2004 published in the Provincial Gazette No. 6160 dated 20 August 2004, Provincial Notice 8/2006 published in the Provincial Gazette Extraordinary No. 6333 dated 3 January 2006, Provincial Notice 91/2006 published in the Provincial Gazette Extraordinary No. 6346 dated 28 February 2006, Provincial Notice 53/2011 published in Provincial Gazette Extraordinary No. 6852 dated 25 February 2011, Provincial Notice 287/2011 published in the Provincial Gazette No. 6918 dated 21 October 2011, Provincial Notice 111/2016 published in Provincial Gazette Extraordinary No. 7597 dated 8 April 2016 and Provincial Notice 125/2021 published in Provincial Gazette No. 8505 dated 15 October 2021.

Signed on this 4th day of March 2026.

AW BREDELL, PROVINCIAL MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

SCHEDULE

Amendment of the Schedule of the principal Notice

1. Section 2.(1) of the principal Notice is amended by the substitution for subsection (1) of the following subsection:

"2.(1) On 3 March 2000 the Municipal Demarcation Board, acting in terms of section 21 of the Municipal Demarcation Act, determined the boundaries of the Municipality, as reflected in the map appearing in Provincial Notice 69/2000 published in Provincial Gazette Extraordinary No. 5431 dated 3 March 2000 (a copy of the map is republished in Annexure ''1A'' to this Schedule) and amended by Provincial Notice 165/2000 published in the Provincial Gazette Extraordinary No. 5469 dated 5 May 2000, Provincial Notice 522/2000 published in the Provincial Gazette Extraordinary No. 5597 dated 29 September 2000, Provincial Notice 258/2002 published in the Provincial Gazette Extraordinary No. 5922 dated 15 August 2002, Provincial Notice 163/2008 published in Provincial Gazette No. 6518 dated 29 April 2008 read with Provincial Notice 263/2008

published in the Provincial Gazette No. 6547 dated 31 July 2008 and Provincial Notice 339/2013 published in the Provincial Gazette Extraordinary No. 7185 of 15 October 2013 read with Provincial Notice 417/2013 published in the Provincial Gazette Extraordinary No. 7209 of 10 December 2013, Provincial Notice 248/2013 published in the Provincial Gazette Extraordinary No. 7156 of 8 August 2013, Provincial Notice 1/2014 published in Provincial Gazette No. 7217 dated 10 January 2014, Provincial Notice 63/2014 published in the Provincial Gazette No. 7236 dated 7 March 2014, Provincial Notice 159/2014 published in the Provincial Gazette No. 7277 dated 13 June 2014 and Provincial Notice 657/2018 published in Provincial Gazette No. 7968 dated 10 August 2018 read with Provincial Notice 124/2018 published in Provincial Gazette Extraordinary No. 7987 dated 4 October 2018, Provincial Notice 91/2018 published in Provincial Gazette Extraordinary No. 7942 dated 15 June 2018 and Provincial Notice 166/2018 published in the Provincial Gazette No. 8024 dated 14 December 2018, Provincial Notice 108/2022 published in the Provincial Gazette Extraordinary No. 8660 dated 22 September 2022 read with Provincial Notice 14/2023 published in the Provincial Gazette Extraordinary No. 8714 dated 7 February 2023, Provincial Notice 35/2023 published in the Provincial Gazette Extraordinary No. 8737 dated 31 March 2023 and Provincial Notice 57/2023 published in the Provincial Gazette No. 8766 dated 2 June 2023 and Provincial Notice 4/2023 published in the Provincial Gazette Extraordinary No. 8864 dated 12 January 2024 read with Provincial Notice 162/2024 published in the Provincial Gazette No. 8894 dated 8 March 2024, Provincial Notice 42/2024 published in the Provincial Gazette Extraordinary No. 8914 dated 26 April 2024 and Provincial Notice 76/2024 published in the Provincial Gazette No. 8954 dated 12 July 2024."

2. Section 8 of the principal Notice is amended by the substitution of the following subsection:

"8. The Municipal Council of the District Municipality has 41 (forty-one) councillors, determined by the Provincial Minister in Provincial Notice 116/2024 published in Provincial Gazette Extraordinary No. 8999 dated 6 November 2024, of whom:-

(a) 17 (seventeen) proportionally represent the parties contesting the election in the District Municipality in terms of section 23(1)(a) of the Municipal Structures Act;

(b) 24 (twenty-four) directly represent the Local Municipalities in terms of section 23(1)(b) of the Municipal Structures Act, of whom:-

(i) 3 (three) directly represent the Witzenberg Municipality (WC022);

(ii) 8 (eight) directly represent the Drakenstein Municipality (WC023);

(iii) 6 (six) directly represent the Stellenbosch Municipality (WC024);

(iv) 4 (four) directly represent the Breede Valley Municipality (WC025); and

(v) 3 (three) directly represent the Langeberg Municipality (WC026)."

3. Short title and commencement

This Notice is called the Cape Winelands District Municipality (DC2) Establishment Twelfth Amendment Notice and has effect from the date of the next general election of municipal councils.

PROVINSIALE KENNISGEWING

P.K. 68/2026 **6 Maart 2026**

WET OP PLAASLIKE REGERING: MUNISIPALE STRUKTURE, 1998
(WET 117 VAN 1998)
TWAALFDE WYSIGINGSKENNISGEWING VAN DIE KAAPSE WYNLAND DISTRIKSMUNISIPALITEIT (DC2) INSTELLINGSKENNISGEWING

Ingevolge artikel 16 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998), wysig ek verder die Kaapse Wynland Distriksmunisipaliteit (DC2) Instellingskennisgewing, Provinsiale Kennisgewing 486/2000 gepubliseer in die *Provinsiale Koerant* 5590 gedateer 22 September 2000 (die Hoofkennisgewing), soos in die Bylae uiteengesit.

In hierdie kennisgewing beteken "Hoofkennisgewing" die Kaapse Wynland Distriksmunisipaliteit (DC2) Instellingskennisgewing, Provinsiale Kennisgewing 486/2000 gepubliseer in die *Provinsiale Koerant* 5590 gedateer 22 September 2000, soos gewysig deur Provinsiale Kennisgewing 672/2000 gepubliseer in die *Provinsiale Koerant* 5642 gedateer 4 Desember 2000, Provinsiale Kennisgewing 453/ gepubliseer in die *Provinsiale Koerant* 5968 gedateer 19 Desember 2002, Provinsiale Kennisgewing 181/ gepubliseer in die *Provinsiale Koerant* 6020 gedateer 28 Mei 2003, Provinsiale Kennisgewing 162/2004 gepubliseer in die *Provinsiale Koerant* 6160 gedateer 20 Augustus 2004, Provinsiale Kennisgewing 8/2006 gepubliseer in die *Provinsiale Koerant* 6333 gedateer 3 Januarie 2006, Provinsiale Kennisgewing 91/2006 gepubliseer in die *Provinsiale Koerant* 6346 gedateer 28 Februarie 2006, Provinsiale Kennisgewing 53/2011 gepubliseer in die *Provinsiale Koerant* 6852 gedateer 25 Februarie 2011, Provinsiale Kennisgewing 287/2011 gepubliseer in die *Provinsiale Koerant* 6918 gedateer 21 Oktober 2011, Provinsiale Kennisgewing 111/2016 gepubliseer in die *Provinsiale Koerant* 7597 gedateer 8 April 2016 en Provinsiale Kennisgewing 125/2021 gepubliseer in die *Provinsiale Koerant* 8505 gedateer 15 Oktober 2021.

Geteken op hierdie 4de dag Maart 2026.

A.W. BREDELL: PROVINSIALE MINISTER VAN PLAASLIKE REGERING, OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING

BYLAE

Wysiging van die Bylae van die Hoofkennisgewing

1. Artikel 2(1) van die Hoofkennisgewing is gewysig deur subartikel (1) van die volgende subartikel te vervang:

"2.(1) Op 3 Maart 2000 het die Munisipale Afbakeningsraad, ingevolge artikel 21 van die Wet op Munisipale Afbakening, die grense van die Munisipaliteit bepaal, soos weerspieël in die kaart wat verskyn in die Provinsiale Kennisgewing 69/2000 gepubliseer in die *Provinsiale Koerant* 5431 gedateer 3 Maart 2000 ('n afskrif van die kaart is in Aanhangsel "1A" van hierdie Bylae geherpubliseer) en gewysig deur Provinsiale Kennisgewing 165/2000 gepubliseer in die *Provinsiale Koerant* 5469 gedateer 5 Mei 2000, Provinsiale Kennisgewing 522/2000 gepubliseer in die *Provinsiale Koerant* 5597 gedateer 29 September 2000, Provinsiale Kennisgewing 258/2002 gepubliseer in die *Provinsiale Koerant* 5922 gedateer 15 Augustus 2002, Provinsiale Kennisgewing 163/2008 gepubliseer in

die *Provinsiale Koerant* 6518 gedateer 29 April 2008 saamgelees met Provinsiale Kennisgewing 263/2008 gepubliseer in die *Provinsiale Koerant* 6547 gedateer 31 Julie 2008 en Provinsiale Kennisgewing 339/2013 gepubliseer in die *Provinsiale Koerant* 7185 gedateer 15 Oktober 2013 saamgelees met Provinsiale Kennisgewing 417/2013 gepubliseer in die *Provinsiale Koerant* 7209 gedateer 10 Desember 2013, Provinsiale Kennisgewing 248/2013 gepubliseer in die *Provinsiale Koerant* 7156 gedateer 8 Augustus 2013, Provinsiale Kennisgewing 1/2014 gepubliseer in die *Provinsiale Koerant* 7217 gedateer 10 Januarie 2014, Provinsiale Kennisgewing 63/2014 gepubliseer in die *Provinsiale Koerant* 7236 gedateer 7 Maart 2014, Provinsiale Kennisgewing 159/2014 gepubliseer in die *Provinsiale Koerant* 7277 gedateer 13 Junie 2014 en Provinsiale Kennisgewing 657/2018 gepubliseer in die *Provinsiale Koerant* 7968 gedateer 10 Augustus 2018 saamgelees met Provinsiale Kennisgewing 124/2018 gepubliseer in die *Provinsiale Koerant* 7987 gedateer 4 Oktober 2018, Provinsiale Kennisgewing 91/2018 gepubliseer in die *Provinsiale Koerant* 7942 gedateer 15 Junie 2018 en Provinsiale Kennisgewing 166/2018 gepubliseer in die *Provinsiale Koerant* 8024 gedateer 14 Desember 2018, Provinsiale Kennisgewing 108/2022 gepubliseer in die *Provinsiale Koerant* 8660 gedateer 22 September 2022 saamgelees met Provinsiale Kennisgewing 14/2023 gepubliseer in die *Provinsiale Koerant* 8714 gedateer 7 Februarie 2023, Provinsiale Kennisgewing 35/2023 gepubliseer in die *Provinsiale Koerant* 8737 gedateer 31 Maart 2023 en Provinsiale Kennisgewing 57/2023 gepubliseer in die *Provinsiale Koerant* 8766 gedateer 2 Junie 2023 en Provinsiale Kennisgewing 4/2023 gepubliseer in die *Provinsiale Koerant* 8864 gedateer 12 Januarie 2024 saamgelees met Provinsiale Kennisgewing 162/2024 gepubliseer in die *Provinsiale Koerant* 8894 gedateer 8 Maart 2024, Provinsiale Kennisgewing 42/2024 gepubliseer in die *Provinsiale Koerant* 8914 gedateer 26 April 2024 en Provinsiale Kennisgewing 76/2024 gepubliseer in die *Provinsiale Koerant* 8954 gedateer 12 Julie 2024."

2. Artikel 8 van die Hoofkennisgewing is gewysig deur die vervanging van die volgende subartikel:

"8. Die Munisipale Raad van die Distriksmunisipaliteit het 41 (een-en-veertig) raadslede, soos bepaal deur die Provinsiale Minister in Provinsiale Kennisgewing 116/2024 wat in die *Provinsiale Koerant* 8999 gedateer 6 November 2024 gepubliseer is, waarvan:-

(a) 17 (sewentien) die partye proporsioneel verteenwoordig wat aan die verkiesing in die Distriksmunisipaliteit deelneem ingevolge artikel 23(1)(a) van die Wet op Plaaslike Regering: Munisipale Strukture;

(b) 24 (vier-en-twintig) die Plaaslike Munisipaliteite direk verteenwoordig ingevolge artikel 23(1)(b) van die Wet op Plaaslike Regering: Munisipale Strukture, waarvan:-

(i) 3 (drie) die Witzenberg Munisipaliteit (WC022) direk verteenwoordig;

(ii) 8 (agt) die Drakenstein Munisipaliteit (WC023) direk verteenwoordig;

(iii) 6 (ses) die Stellenbosch Munisipaliteit (WC024) direk verteenwoordig;

(iv) 4 (vier) die Breedevallei Munisipaliteit (WC025) direk verteenwordig; en

(v) 3 (drie) die Langeberg Munisipaliteit (WC026) direk verteenwoordig."

3. Kort titel en inwerkingtreding

Hierdie Kennisgewing is die Twaalfde Wysigingskennisgewing van die Kaapse Wynland Distriksmunisipaliteit (DC2) Instellingskennisgewing en tree in werking vanaf die datum van die volgende algemene verkiesing van munisipale rade.

ISAZISO SEPHONDO

I.S. 68/2026 **6 kweyoKwindla 2026**

URHULUMENTE WENGINGQI: IMUNICIPAL STRUCTURES ACT, KA1998 (UMTHETHO117 KA1998)
UMASIPALA WESITHILI SASECAPE WINELANDS (DC2) ISAZISO SOTSHINTSHO LWESHUMI ELINAMBINI KUMMISELO WOKUSEKA

Ngokwemiqathango yeCandelo 16 loRhulumente weeNgingqi: iMunicipal Structures Act, ka1998 (uMthetho we117 ka1998), ndiyaphinda ndihlomela kwakhona isaziso sokusekwa koMasipala weSithili saseCape Winelands (DC2), iSaziso sePhondo 486/2000 esipapashwe kwiGazethi yePhondo enguNombolo 5590 yomhla wama22 kweyoMsintsi ka2000 (iSaziso esiyintloko), njengoko kucacisiwe kwiShedyuli.

Kwesi saziso "iSaziso esiyintloko" sithetha iSaziso sokuSekwa koMasipala weSithili saseCape Winelands (DC2), iSaziso sePhondo 486/2000 esipapashwe kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 5590 yomhla wama22 kweyoMsintsi ka2000, njengoko ifakelwe izilungiso kwiSaziso sePhondo 672/2000 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 5642 yomhla we4 kweyoMnga ka2000, iSaziso sePhondo 453/2002 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 5968 yomhla we19 kweyoMnga ka2002, iSaziso sePhondo 181/2003 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 6020 yomhla wama28 kuCanzibe ka2003, iSaziso sePhondo 162/2004 esapapashwa kwiGazethi yePhondo enguNombolo 6160 yomhla wama20 kweyeThupha ka2004, iSaziso sePhondo 8/2006 esapapashwa kwiGazethi yePhondo enguNombolo. 6333 yomhla we3 kweyoMqungu ka2006, iSaziso sePhondo 91/2006 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo inombolo 6346 yomhla wama28 kweyoMdumba ka2006, iSaziso sePhondo 53/2011 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 6852 yomhla wama25 kweyoMdumba ka2011, iSaziso sePhondo 287/2011 esapapashwa kwiGazethi yePhondo enguNombolo. 6918 yomhla wama21 kweyeDwarha ka2011, iSaziso sePhondo 111/2016 epapashwe sapapashwa kwiGazethi yePhondo enguNombolo. 7597 yomhla wesi8 kuTshazimpuzi ka2016 nakwiSaziso sePhondo 125/2021 esapapashwa kwiGazethi yePhondo enguNombolo 8505 yomhla we15 kweyeDwarha ka2021.

Ityikitywe ngalo mhla 4 kweyoKwindla ka2026.

AW BREDELL, UMPHATHISWA WEPHONDO WORHULUMENTE WEENGINGQI, IMICIMBI YEZENDALO ESINGQONGILEYO NOCWANGCISO LOPHUHLISO.

ISHEDYULI

Ukwenziwa kwezilungiso kwiShedyuli yeSaziso esiyintloko

1. **ICandelo 2.(1) leSaziso esiyintloko lenziwa izilungiso ngokufakela eli candelwana lilandelayo endaweni yecandelwana (1):**

"2.(1) Ngomhla wesi3 kweyoKwindla ka2000 iBhodi yoCando kaMasipala, esebenza ngokweCandelo lama21 loMthetho wokuCandwa kooMasipala, yamisela imida kaMasipala, njengoko ibonisiwe kwimephu ebonakala kwiSaziso sePhondo 69/2000 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo yomhla wama31 kweyoKwindla ka2000 (ikopi yemephu iphinde yapapashwa kwiSihlomelo ''1A'' sale Shedyuli) yaze yalungiswa ngeSaziso sePhondo 165/2000 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo

enguNombolo 5469 yomhla we5 kuCanzibe ka2000, iSaziso sePhondo 522/2000 esapapashwa kwiGazethi enguNombolo 5597 ngomhla wama29 kweyoMsintsi ka2000 iSaziso sePhondo 258/2002 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 5922 yomhla we15 kweyeThupha ka2002, iSaziso sePhondo 163/2008 esapapashwa kwiGazethi yePhondo enguNombolo 6547 yomhla wama31 kweyeKhala ka2008 kunye neSaziso sePhondo 339/2013 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 7185 ngomhla we15 kweyeDwarha ka2013 ifundwe kunye neSaziso sePhondo 417/2013 esapapashwa kwiGazethi yePhondo yeSaziso esoNgezelelweyo esinguNnombolo 7209 yomhla we10 kweyoMnga ka2013, iSaziso sePhondo 248/2013 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 7156 yowe8 eyeThupha ka2013, iSaziso sePhondo 1/2014 esapapashwa kwiGazethi yePhondo enguNombolo 7217 yomhla we10 kweyoMqungu ka2014, iSaziso sePhondo 63/2014 esapapashwa kwiGazethi yePhondo enguNombolo 7236 yomhla we7 kweyoKwindla ka2014, iSaziso sePhondo 159/2014 esapapashwa kwiGazethi yePhondo enguNombolo 7277 yomhla we13 kweyeSilimela ka2014 kunye neSaziso sePhondo 657/2018 somhla we10 kweyeThupha ka2018 ifundwe kunye nesaziso sephondo 124/2018 epapashwe kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 7987 yomhla we4 kweyeDwarha ka2018, iSaziso sePhondo 91/2018 esipapashwe kwiGazethi yephondo eyoNgezelelweyo esinguNombolo 7942 yomhla we15 kweyeSilimela ka2018 kunye neSaziso sePhondo 166/2018 esapapashwa kwiGazethi yePhondo enguNombolo 8024 yomhla we14 kweyoMnga ka2018, iSaziso sePhondo 108/2022 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 8660 yomhla wama22 kweyoMsintsi ka2022 ifundwe kunye neSaziso sePhondo 14/2023 esipapashwe kwiGazethi yePhondo eyoNgezeleweyo enguNombolo 8714 yomhla we7 kweyoMdumba ka2023, iSaziso sePhondo 35/2023 esapapashwa kwiGazethi yephondo eyoNgezelelweyo enguNombolo 8737 yomhla wama31 kweyoKwindla ka2023 kunye neSaziso sePhondo 57/2023 esapapashwa kwiGazethi yePhondo enguNombolo 8864 yomhla we12 kweyoMqungu ka2024 ifundwe kunye neSaziso sePhondo 162/2024 esapapashwa kwiGazethi yePhondo enguNombolo 8894 yomhla wesi8 kweyeKwindla ka2024, iSaziso sePhondo 42/2024 esipapashwe kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 8914 yomhla wama26 kuTshazimpuzi ka2024 kunye neSaziso sePhondo 76/2024 esapapashwa kwiGazethi yePhondo enguNombolo 8954 yomhla we12 kweyeKhala ka2024."

2. ICandelo 8 leSaziso esiyintloko esenziwe izilungiso ngokufakela eli candelwana lilandelayo endaweni yalo:

"8. IBhunga likaMasipala weSithili linamalungu ebhunga angama41 (amashumi amane ananye), agqitywe nguMphathiswa wePhondo kwiSaziso sePhondo 116/2024 esapapashwa kwiGazethi yePhondo eyoNgezelelweyo enguNombolo 8999 yomhla we6 kweyeNkanga ka2024, apho:-

(a) 17 (abalishumi elinesixhenxe) bamele ngokulinganayo amaqela akhuphisanayo kunyulo lukaMasipala weSithili ngokweCandelo 23(1)(a) lweMunicipal Structures Act;

(b) 24 (amashumi amabini anesine) amele ooMasipala beeNgingqi ngokuthe ngqo ngokweCandelo 23(1)(b) lweMunicipal Structures Act, apho:-

(i) 3 (abathathu) bamele ngqo uMasipala waseWitzenberg (WC022);

(ii) 8 (abasibhozo) bamele uMasipala waseDrakenstein ngqo (WC023);

(iii) 6 (abathandathu) bamele uMasipala waseStellenbosch (WC024) ngqo;

(iv) 4 (abane) amele ngqo uMasipala waseBreede Valley (WC025); kwaye

(v) 3 (abathathu) bamele ngqo uMasipala waseLangeberg (WC026)."

3. Itayitile emfutshane kunye nokuqalisa

Esi saziso sibizwa ngokuba sisaziso solungiso lweshumi elinesibini loMasipala weSithili saseCape Winelands (DC2) kwaye siqalisa ukusebenza ukususela kumhla wonyulo jikelele olulandelayo lwamabhunga kamasipala.

6.7	STRUCTURING OF COUNCIL: ESTABLISHMENT OF SECTION 80 COMMITTEES (PORTFOLIO COMMITTEES)

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 17 November 2026**

1. SUBJECT: STRUCTURING OF COUNCIL: ESTABLISHMENT OF SECTION 80 COMMITTEES (PORTFOLIO COMMITTEES)

2. PURPOSE

For Council to determine which Section 80 Committees must be established and to determine the representation on these committees.

3. DELEGATED AUTHORITY

Council establish the committees and appoints the members, whilst the Executive Mayor appoints the Chairpersons.

4. EXECUTIVE SUMMARY

In terms of Section 80 of the Structures Act, if a municipality has an Executive Mayor, it may appoint Committees of Councillors to assist the Executive Mayor.

Such Committees may not in number exceed the number of members of the Executive Committee (9).

The Executive Mayor, *inter alia:-*

- appoints a Chairperson for each Committee; and
- may delegate any powers and duties of the Executive Mayor to the Committee.

Such Committee(s) must assist the Executive Mayor in accordance with the directions of the Executive Mayor and in line with the provisions as indicated in section 80.

The members are appointed by council in accordance with the principle of representation amongst the amount of members allocated to each committee.

5. RECOMMENDATIONS

(a) that the establishment of the following Section 80 portfolio committees be approved:

- Parks, Open Spaces and Environment
- Corporate Services;
- Financial Services;
- Integrated Human Settlements;
- Infrastructure Services;
- Planning, Local Economic Development and Tourism
- Community Development and Protection Services
- Rural Management
- Youth, Sport and Culture

(b) that the representation on the committees be finalised at the first Council meeting in 2027; and

(c) that the Executive Mayor, in terms of Section 80(3) of the Municipal Structures Act, appoints the Chairperson for each of the Section 80 committees.

6. BACKGROUND

6.1 Discussion

6.1.1 Composition of Committees

In terms of Section 160(8) of the Constitution of the Republic of South Africa, members of a municipal Council are entitled to participate in its proceedings and those of its Committees in a manner that, *inter alia:-*

(a) allows parties and interests reflected within the Council to be fairly represented; and

(b) is consistent with democracy.

The chairpersons of the section 80 Committees are appointed by the Executive Mayor and makes up the Mayoral Committee.

6.1.2 The Portfolio Committees operational during the 2021 – 2026 term

The following Committees were established during the 2021 – 2026 term:

- Financial Services;
- Infrastructure Services;
- Planning, Economic Development including Tourism;
- Community and Protection Services;
- Youth, Sport and Culture;
- Rural Management;
- Corporate Services;
- Human Settlements;
- Parks, Open Spaces and Environment.

The amount of members per committee were as follows (including the chairpersons):

1. Corporate Services, total 5 members of which:
   DA – 3
   Opposition – 2

2. Planning, Economic Development and Tourism total 5 members of which:
   DA – 3
   Opposition – 2

3. Financial Services, total 5 members of which:
   DA – 3
   Opposition – 2

4. Integrated Human Settlements, total 5 members of which:
   DA – 3
   Opposition – 2

5. Infrastructure Services, total 5 members of which:
   DA – 3
   Opposition – 2

6. Community Development and Protection Services, total 5 members of which:
   DA – 3
   Opposition – 2

7. Youth, Sport and Culture, total 5 members of which:
   DA – 3
   Opposition – 2

8. Parks, Open Spaces and Environment, total 4 members of which:
   DA –3
   Opposition –1

9. Rural Management total 4 members of which:
   DA – 3
   Opposition – 1

6.2 Financial Implications

As per the approved budget.

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
CONTACT NUMBERS	*021 808 8025*
E-MAIL ADDRESS	*Municipal.manager@stellenbosch.gov.za*
REPORT DATE	*11 November 2026*

6.8	**STRUCTURING OF COUNCIL: ESTABLISHMENT OF SECTION 79 COMMITTEES / STATUTORY COMMITTEES**

6.8.1	**CURRENT STATUS OF STATUTORY COMMITTEE: THE AUDIT AND PERFORMANCE AUDIT COMMITTEE**

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 17 November 2026**

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1. SUBJECT: CURRENT STATUS OF STATUTORY COMMITTEE: THE AUDIT AND PERFORMANCE AUDIT COMMITTEE

2. PURPOSE OF REPORT

To inform Council of the functions and purpose, as well as the current composition, of the Audit and Performance Audit Committee.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

In terms of Section 166 of the Municipal Finance Act (MFMA), Act No 56 of 2003, each municipality must have an Audit and Performance Audit Committee. The Audit and Performance Audit Committee is an independent advisory body which must advise Council, the political office bearers, the accounting officer, the management and staff of the municipality.

The Stellenbosch Municipality's Audit and Performance Audit Committee

The council-appointed members currently serving on the Municipality's Audit and Performance Audit Committee are:

Audit Committee Member	Term expires on:
Mr L Nene (Chairperson)	30 May 2028 (Term 2)
Dr L Mortimer	30 April 2027 (Term 1)
Ms R Gani	30 September 2029 (Term 2)
Mr M Burton	28 February 2028 (Term 1)
Ms Neo Shabalala	31 October 2029 (Term 1)

5. RECOMMENDATIONS

(a) that cognisance be taken of the current composition of the Audit and Performance Audit Committee of Stellenbosch Municipality; and

(b) that Council notes the Terms of Reference of the Audit and Performance Audit Committee as outlined in the approved Charter.

6. DISCUSSION

6.1 Background

In terms of Section 166 (2) (a) the Audit and Performance Audit Committee must provide advice on matters relating to:

- internal financial control and internal audit;
- risk management;
- accounting policies;
- the adequacy, reliability and accuracy of financial reporting and information;
- performance management;
- effective governance;
- performance evaluation;
- compliance with the MFMA; and
- any issues referred to it by the Council.

The Audit and Performance Audit Committee will also review the annual financial statements in order to advise Council whether its finances are being managed efficiently and effectively. The Audit and Performance Audit Committee may respond to Council on issues raised by the Auditor–General in the audit report and carry out investigations into the financial affairs of the municipality if requested to do so by Council.

6.2 Applicable Legislation

- Section 166 of the Local Government: Municipal Finance Management Act (MFMA) 56 of 2003;
- National Treasury MFMA Circular No 65;
- MFMA Circular No. 127 National Treasury Municipal Audit Committee Toolkit of December 2023; and
- Section 14 of the Local Government: Municipal Planning and Performance Management Regulations, 2001.

6.3 Functioning of the Audit and Performance Audit Committee

In order to execute its responsibilities effectively, the Audit and Performance Audit Committee will have access to the financial records and all other relevant information of the municipality.

The Committee must have a minimum of three and a maximum of five members who must be appointed by Council. Audit and Performance Audit Committee members may only serve for 2 x 3 year terms. Stellenbosch's Audit and Performance Audit Committee currently consists of five (5) members. The Audit and Performance Audit Committee is a politically neutral body. The terms of reference for the Audit and Performance Audit Committee is clearly outlined in the Audit and Performance Audit Committee Charter (attached as **APPENDIX 1**) as approved by Council on 29 July 2026.

The Audit and Performance Audit Committee should according to the Municipal Planning and Performance Management Regulations include at least one (1) performance management expert as the Audit and Performance Audit Committee of Stellenbosch Municipality performs the dual role of Audit and Performance Audit Committee.

APPENDICES

APPENDIX 1 – APAC Charter

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
CONTACT NUMBERS	*021 808 8025*
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REPORT DATE	*11 November 2026*

ITEM 6.8.1

Appendix 1

APAC Charter

(Terms of Reference)

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Audit and Performance Audit Committee (APAC) Charter

2026/2027

TABLE OF CONTENTS **PAGE**

1. Introduction 3
2. Authority 3
3. Composition 4
4. Appointment of Members 4
5. Attributes of Members 4
6. Skills and Experience 5
7. Membership and Independence 6
8. Term of Office 6
9. Induction of Members 7
10. Reporting 8
11. Remuneration of Members 8
12. Performance Assessments 9
13. Roles and Responsibilities 10
    13.1 Internal Audit Function 10
    13.2 External Audit 11
    13.3 Financial Performance and AFS 12
    13.4 Risk Management Activities 13
    13.5 Compliance with laws, regulations, ethics policies and procedures 14
    13.6 Control Environment 14
    13.7 Performance Management 15
    13.8 Information and Communication Technology (ICT) Governance 16
    13.9 Relationship with Stakeholders 16
    13.10 Combined Assurance Model 16
14. Meetings 17
15. Review Period 18

1. Introduction

1. The charter is used to guide the activities of the APAC on an ongoing basis. The APAC charter sets out the objectives, roles and responsibilities, composition, structure and membership requirements, relationships with other stakeholders, authority for the Committee to conduct enquiries and access Municipality records and personnel, outlines procedures for meetings, addresses the confidentiality and independence of Committee members, and provides for ethical conduct and reporting.
2. The charter should be used as a basis for:
   a) Preparing the APAC's annual work plan.
   b) Setting the agenda for meetings.
   c) Requesting skills and expertise.
   d) Making recommendations to the Municipal Manager (MM) and Municipal Council.
   e) Assessing the APAC's performance by its members, Municipal Council, management, Auditor-General Sout Africa (AGSA) and Internal auditors.
   f) Contributions and participation at meetings.

2. Authority

2.1. The APAC operates as a Committee of the Council. The APAC performs the responsibilities assigned to it by the Municipal Finance Management Act, No. 56 of 2003 (the MFMA), Municipal Systems Act, No. 32 of 2000 (the MSA), Municipal Planning and Performance Management Regulations, and the corporate governance responsibilities delegated to it under this charter by Council.

2.2. A charter is the written Terms of Reference (ToR) approved by Council which outlines the mandate and authority of the APAC. The charter becomes the ToR of the Committee which then informs the contracts of the APAC members.

2.3. The APAC shall have the authority to perform functions, and to obtain any information and advice, from within or outside the Municipality, to perform its functions as legislated. Appropriate resources will be made available to the APAC to perform its functions as agreed in its charter.

2.4. The APAC may:
   a) Communicate with the Council, MM or the internal and external auditors of the Municipality.
   b) Have access to Municipal records containing information that is needed to perform its duties or exercise its powers.
   c) Request any relevant person to attend any of its meetings, and, if necessary, to provide information requested by the Committee.
   d) Conduct investigations into the affairs of the Municipality, as requested by the Council of the Municipality.

3. Composition

3.1. Section 166 of the MFMA provides for a minimum requirement for the composition of an APAC.

3.2. The APAC shall comprise of at least three (3) independent members but not more than five (5), of which at least one person has expertise in performance management. Working knowledge of business is required i.e., financial management, legal, auditing, performance management, risk management and Information and Communication Technology (ICT).

3.3. In terms of best practice, the number and/or size of the APAC can be increased to address the requirements, characteristics and needs of the Municipality, which will also be guided by the approved charter.

3.4. These requirements apply to all Municipalities regardless of whether the APAC is established in-house or through a shared service.

4. Appointment of Members

4.1. Section 166(5) of the MFMA requires that the members of an APAC must be appointed by the Council of the Municipality. All members shall be independent non-executives, and none shall be in the employ of the Municipality. Councillors are not allowed to be members of the APAC. The appointed members should enter into a contract with the Municipality according to the approved charter.

4.2. The Council shall appoint the Chairperson from the members of the Committee. The Chairperson shall be an independent person, knowledgeable of the status of the position, has the requisite business, financial and leadership skills and must not be a political office bearer.

4.3. Except in the case of shared APAC, the Council must ensure that APAC members do not serve on more than three (3) local government APAC's simultaneously as the practice of serving on too many committees may impact negatively on the performance of the APAC compromising to their effectiveness.

5. Attributes of Members

5.1. The Chairperson of the APAC should be appointed after the following factors have been considered.

5.2. The Chairperson should:

a) Have a good standing and ability to lead discussions.
b) Create vision and provide direction at meetings.
c) Build Municipal capabilities by guiding management based on expert knowledge and skills.
d) Promote and achieve quality outcomes at meetings.
e) Can speedily and effectively advise the Council of any impending non-compliance with the legislative framework.
f) Can encourage other members to participate in APAC meetings.
g) Conduct meetings in a manner that demonstrates a desire to establish effective communication with all stakeholders.

h) Demonstrate ethical and effective leadership and act in the best interest of the Municipality.

5.3. In determining suitable candidates for an APAC and maintaining a balanced composition, the Council should seek to appoint candidates that have ability to:

a) Perform the role of advisor to management.
b) Communicate effectively with management.
c) Carefully review the information received and obtain clarification from management as and when appropriate.
d) Raise relevant questions, evaluate responses and follow up on any matter that is unclear.
e) Conduct responsibilities in the context of the Municipality's strategic objectives and overall corporate governance of the Council.
f) Act independently and be proactive in advising the MM regarding issues that require further management attention.
g) Encourage openness and transparency.
h) Build relations with management.
i) Have a professional approach to performing duties, including commitment of time and effort.
j) Each Committee member must be ethical, independent and appropriately skilled.
k) Each member must be capable of making a valuable contribution to the Committee.

6. Skills and Experience

6.1. Members should be selected from different areas of expertise to enhance the APAC's overall knowledge of the Municipality and the ability to discharge its obligations and provide appropriate recommendations to the Council.

6.2. The roles and responsibilities of an APAC can be used as a baseline to obtain relevant skills that members must possess. This will ensure that appointed members are competent to carry out their responsibilities as set out in the APAC's charter.

6.3. The appointed members should collectively possess the following skills and experience:

a) Private and public sector experience.
b) An understanding of service delivery priorities.
c) Good governance and/ or financial management experience (keep abreast of latest GRAP standards and Annual Financial Statements (AFS) requirements).
d) An understanding of the role of Council and Councillors.
e) An understanding of the operations of the Municipality.
f) Familiarity with risk management practices.
g) An understanding of roles and responsibilities of internal and external audits including internal controls.
h) An understanding of major accounting practices and public sector reporting requirements.
i) An understanding of public sector reforms.
j) Familiar with legislation applicable to Municipalities.

k) An understanding of the treatment of allegations and investigations.

l) An understanding of the performance management system.

m) ICT expertise.

7. Membership and Independence

7.1. The APAC must be independent and safeguarded from undue influence in exercising its responsibilities objectively. To enhance the APAC function, the following is required:

a) The APAC Chairperson and members should be independent of the Municipality and declare any ongoing conflict of interest.

b) The APAC Chairperson and members should not be biased but exhibit an independent mental attitude during deliberations.

c) All APAC members should declare private and business interests at every meeting.

d) Members should not conduct any business with the Municipality.

8. Term of Office

8.1. To enhance the independence of the APAC, the term of office for members must be strictly adhered to. The Chairperson should be appointed for a minimum of three (3) years to ensure that he/she contributes most effectively and provides stability to the APAC.

8.2. Other APAC members should serve at least a minimum of three (3) years with an option to renew for another three (3) years, based on performance. Recruitment of members should be staggered to prevent a loss of knowledge and skills in the Committee. The recruitment process of new members should be concluded at least three (3) months in advance of the expiry of existing members' term. The Chief Audit Executive (CAE) and the MM must maintain records of the APAC member contracts and ensure recruitment is undertaken as mentioned above.

8.3. Rotation of members is encouraged as it enhances the independence of the APAC. Members of the APAC should not be contracted continuously for a period exceeding six years. After serving consecutively for six years, a cooling-off period of three years should be provided for, before appointing the same member to the APAC.

8.4. Members should be encouraged not to end their contracts until they have shared their knowledge with new members. A Committee member should give two (2) months' notice prior to resignation.

8.5. The Committee members should have the opportunity to have an exit meeting with the Council to discuss the reason for leaving and to provide feedback on their experience on the APAC as well as any other issues. The date of resignation should be minuted by the secretariat of the APAC or Council.

8.6. Committee members can be dismissed by the Municipal Council under certain circumstances. The Municipal Council should consult the charter when dismissing members of the Committee. Reasons for dismissal, amongst other things, would normally be detailed in the letter of appointment and contract agreement, such as:

a) Where an ongoing conflict of interest exists.
b) Where a member has not performed to expectations.
c) Convicted of criminal offense involving fraud and corruption.
d) Fails to effectively execute his or her responsibilities, including failure to attend at least three (3) consecutive ordinary/planned meetings of the Committee without an apology/leave of absence.
e) Is incapable due to ill health.
f) Resigns.
g) Is in breach of the duty of confidentiality.
h) Is proven to be unethical.

8.7. The official dismissal process as it relates to the Municipality should be adhered to by the MM and Municipal Council when an APAC member is being dismissed.

8.8. Where appropriate, the dismissal process is linked to the charter and member's performance assessment process. The dismissal of a member should be performed by the Municipal Council, and the outcome of the dismissal process should be in writing. The date of dismissal should be minuted by the secretariat of the APAC and or Council.

9. Induction of Members

9.1. A formal process of induction must be facilitated by the CAE in consultation with the MM. During the induction of members, the roles and responsibilities of the APAC must be clarified. The induction process should entail sufficient briefings and information on their roles, responsibilities, accountability and management's expectations. Induction of members can also be facilitated by Provincial Treasury or National Treasury, upon request.

9.2. New members should meet and be briefed by the MM, Chief Financial Officer (CFO), Chairperson of the APAC and the CAE. New members should also be introduced to the external auditors. The information to be provided to new members should include:

a) The Municipality's governance and operational structures and how the APAC operate within this structure.
b) Copy of the APAC's charter, including any policies, recent APAC minutes, audit management letter, audit report, including details of outstanding issues, Council resolutions and recommendations presented to the Municipal Council.
c) Copies of the relevant legislation.
d) Copies of the latest Municipality's annual report, AFS, Integrated Development Plan (IDP), budgets, Service Delivery and Budget Implementation Plans (SDBIP), in-year reports, code of conduct, performance agreements, risk register and risk management plans.
e) Information from management and the Internal Audit on the risk profile, status of internal controls and system of delegation.
f) A copy of the Internal Audit charter and annual work plans, among others.

10. Reporting

10.1. The Chairperson of the APAC will report twice a year, or more frequently if required, to the Municipal Council on the operations of the APAC. The report should include:

a) A summary of the work performed by the Internal Audit Function (IAF) and the APAC against the annual work plan.
b) Effectiveness of risk management processes and internal controls and additional measures that must be implemented to address identified risks.
c) The Committee's assessment of the Municipality's performance management system.
d) A summary of key issues dealt with, such as significant internal and external audit findings, recommendations and updated status thereof.
e) Progress with any investigations and their outcomes in relation to the mandate.
f) Details of meetings and the number of meetings attended by each member.
g) Other matters requested of the IAF and APAC.

10.2. The APAC shall prepare an APAC annual report which will be incorporated into the Municipality's annual report. This includes the following:

a) The functions performed by the Committee and meetings attended.
b) Resolutions taken by Council and implementation status of recommendations made.
c) Other relevant comments that may enhance governance and accountability.

11. Remuneration of Members

11.1. Remuneration will be in accordance with a tariff as approved by the Council. Remuneration shall be based on a fixed rate per meeting. This rate will include preparation time utilised by members for meetings. The rate per meeting for ordinary members is R5 775.00 (five thousand seven hundred and seventy-five rand) per meeting and R6 825,00 (six thousand eight hundred and twenty-five rand) per meeting for the Chairperson of the Committee. The Municipality may utilize the rates provided by the National Treasury. Should the MM deem it necessary, he or she can, in consultation with the Municipal Council, determine other remuneration, provided that the APAC charter properly define the time and cost.

11.2. Remuneration of Committee members are calculated based on the various types of meetings attended, taking into consideration the tariff approved by Council. In calculating the remuneration due there is distinguished between two types of meetings:

11.2.1. APAC meetings:

a) Remuneration is calculated on a full day tariff.

11.2.2. Other meetings including but not limited to attendance of Council meetings, CAE interviews, performance evaluation sessions, meetings with AGSA, IAF and other assurance providers outside APAC meetings:

a) One to two (1-2) hours = half a day tariff.
b) More than two (2) hours = a full day tariff.

11.3. The reimbursement of all members for travel expenditure must be determined under the approved Council policy or the rate per kilometre as published and updated by the National Department of Transport.

11.4. The MM, in consultation with the CAE, is required to approve the reimbursement of all travel expenditure for members of the APAC based on the above mentioned or make alternative arrangements to pay for modes of travel to such meetings, in terms of Council policy.

11.5. The Chairperson and members of the APAC will be required to complete particulars of their respective travel to and from the venue of the APAC meetings.

12. Performance Assessments

12.1. The APAC should assess its performance and achievements against its charter and work plan on an annual basis. The assessment should be conducted within the first quarter of the new financial year. The assessment would cover the performance of the individual member as part of the overall APAC reference to the particular skills the member has brought to the APAC as a whole.

12.2. The aim of the self-assessment is to ensure that the APAC is meeting its objectives efficiently and effectively. The outcomes of the self-assessment should be presented by the Chairperson to the MM and Municipal Council.

12.3. Where the self-assessment highlights a need for enhancements to the role, operational processes or membership of the committee, the Chairperson should take action to ensure that such enhancements are implemented. The Chairperson may need to consult with the MM and Municipal Council to obtain appropriate support to ensure all enhancements are implemented.

12.4. It may be beneficial for the APAC to use an external facilitator to aid with, or to supervise the self-assessment process. It is up to the APAC to decide whether the services of an external facilitator are required.

12.5. An external facilitator can provide an impartial and objective view and can approach the evaluation process without bias or preconceived ideas. The Chairperson and external facilitator should provide feedback to the APAC members and present the results of the evaluation to the MM and Municipal Council.

12.6. Where the APAC is not performing in accordance with its charter and this has been observed by various stakeholders such as for example, Internal Audit, external audit or management, it would be appropriate for this or other issues to be brought to the attention of the MM and Municipal Council.

12.7. If an individual APAC member is not performing, then the Chairperson of APAC should be given an opportunity to address the poor performance with the member. If still not resolved, the member must be given an opportunity to address such with the Municipal Council. If it is considered necessary to terminate the services of an APAC member prior to the end of the term of appointment, proper procedures should be followed.

13. Roles and Responsibilities

The APAC responsibilities in relation to other functional areas are highlighted below.

13.1. Internal Audit Function (IAF)

13.1.1. The APAC responsibilities relating to IAF, which evaluates and contributes to the improvement of governance, risk management and control processes, are to:

a) Ensure that the IAF charter, independence and activities of the IAF are clearly understood and respond to the objectives of the Municipality and the legal framework.
b) Meet separately with the CAE to discuss any matters that the Committee or IAF believe should be discussed privately.
c) Review the annual IAF budget and final fees and recommend to Council for adoption.
d) Regularly review the functional and administrative reporting lines of the CAE to ensure that the organisational structure is consistent with the principles of independence and accountability.
e) Review and approve the IAF charter, three-year rolling plan and one-year operational Internal Audit Plan and any significant changes to the plan.
f) Confirm that the annual audit plan makes provision for critical risk areas in the Municipality.
g) Advise the Municipality on resources allocated to give effect to the work outputs of the IAF.
h) Reviewing the capacity building and training strategy within the IAF.
i) Consider and advise on the co-operation and co-ordination between IAF and the Auditor-General and other assurance providers.
j) Ensure that there is sufficient support for the IAF and external auditors from senior management.
k) Confirm with management that the IAF findings are submitted to the APAC on a quarterly basis.
l) Confirm actions taken by management in relation to the implementation of IAF recommendations to address IAF findings.
m) Consider and review reports relating to difficulties encountered during the audit engagement, including any scope limitation or access to information reported to the MM that remain unresolved.
n) Evaluate the performance of the IAF in terms of the agreed goals and objectives as captured in the internal audit plan and strategy.
o) Ensure that the CAE has unrestricted access to the Chairperson and members of the APAC.
p) Conduct a high-level review of IAF on an annual basis, to ascertain whether the IAF adheres to the mandatory elements of The Institute of Internal Auditor's International Professional Practices Framework, which are the Global Internal Audit Standards and Topical requirements.
q) Participate in the appointment, reassignment and dismissal of the CAE.

r) Is responsible for the performance evaluation of the CAE and recommends the level of appointment of the CAE.
s) Oversee the IAF Quality Assurance and Improvement Program (QAIP).
t) Monitoring the appropriateness of the Combined Assurance Framework, which will include inter alia, co-ordination and co-operation between AGSA, Internal Audit and other assurance providers to minimise duplication of effort, promote reliance on each other's work, and to ensure all significant risk areas are addressed.
u) Confirm that a Combined Assurance Framework is applied, the implementation of which is facilitated by internal audit.
v) Reviews and approves the Internal Audit Strategy.
w) Consider differences of opinion between management and the IAF, and their resolution.

13.1.2. The IAF is accountable to the APAC as follows:

a) Maintain open and effective communication with the APAC.
b) Develop a three-year rolling plan and one-year operational Internal Audit Plan using a risk-based methodology, addressing any weaknesses in risks or controls identified.
c) Implementation of Internal Audit Policies and Plans i.e. IAF Strategy, IAF Plan, IAF Methodology, Combined Assurance Framework, QAIP.
d) Annually submit the internal audit plan to the APAC for review and approval.
e) Report on the implementation and results of the annual audit plan including special tasks requested by management and the APAC.
f) Assist in drafting the agenda and documentation and facilitate the distribution thereof to the APAC in advance of meetings.
g) Meet periodically with the Chairperson of the APAC to discuss whether the material and information furnished meets the requirements of the APAC.
h) Obtain advice from the APAC whether the frequency and time allocated to the Committee is sufficient to attend effectively to all matters.
i) Cooperate with the APAC as they conduct annual reviews of the performance of the IAF.
j) Submit the Internal Audit charter to the APAC for review and approval on an annual basis and/ or as necessary.

13.2. **External Audit (AGSA)**

13.2.1. The APAC must in relation to external audit:

a) Take cognizance of the scope of work undertaken by the external auditor and the extent of co-ordination with the IAF.
b) Review annual external audit plans, audit fees and other compensation.
c) Review reports and monitor management's implementation of audit recommendations and Municipal Council resolutions with a view to ensuring satisfactory responses and corrective actions, where necessary.

d) Review the report on the financial statements and matters raised therein for reasonability and accuracy.
e) Obtain assurance from the AGSA that the annual performance information is a fair reflection of the Municipality's performance and that adequate records are being maintained.
f) Review any interim reports issued to take cognizance of the issues raised in determining the follow up work for the IAF.
g) Conduct a review of the extent to which previously reported findings by the external auditor have been addressed by the Municipal Council.
h) Provide advice to the MM on actions taken relating to significant matters raised in external audit reports.
i) Liaise with the external auditors on any matter that the APAC consider appropriate.
j) Ensure that the external auditors have reasonable access to management and the Chairperson of the APAC.
k) Address any potential restrictions or limitations with the MM and Council.
l) Address outstanding matters raised by the external auditors and ensure that findings are dealt with conclusively in an expeditious manner.

13.3. **Financial Performance and AFS**

13.3.1. The APAC shall consider the Quarterly Financial Performance Reports i.e. Section 52 (d) reports including Supply Chain Management Reports.

13.3.2. The MM must prepare AFS of the Municipality within two months after the end of the financial year to which those statements relate, submit the statements to the AGSA for auditing (This should be linked to the MFMA calendar).

13.3.3. The APAC should review the AFS at least one (1) week before submission to the AGSA. The process and timelines for APAC meetings should be changed accordingly. The AGSA and auditee should plan this process carefully to meet the determined timelines.

13.3.4. The APAC must review the AFS to provide the Council of the Municipality assurance on the financial position of the Municipality by:

a) Confirming if the Municipal audit file is prepared in line with the applicable standards and guidance contained in MFMA Circular 50, or as updated.
b) Reviewing the unaudited AFS of the Municipality to ensure that the quality, integrity and content is consistent with applicable standards and compliant with the legal framework.
c) Evaluating the AFS of the Municipality for reasonableness, completeness and accuracy, and provide comment thereon, on a timely basis.
d) Considering the AGSA's opinion on the quality and appropriateness of the Municipality's accounting policies.
e) Reviewing efficiency and effectiveness of internal controls over AFS preparation and reporting.

13.3.5. Specifically, with regards to AFS, the APAC should review and challenge where necessary:

a) Arithmetical accuracy and consistency.
b) Review the appropriateness of accounting policies applied and disclosed in the AFS. Methods used to account for significant or unusual transactions where different approaches are possible.
c) Whether the Municipality has followed appropriate accounting standards and made appropriate estimates and judgements, considering previous audit outcomes.
d) The quality of disclosure in the Municipality's financial reports and the context in which statements are made.
e) All material information presented with the AFS, such as the operating and financial review and the corporate governance statement (insofar as it relates to the audit and risk management).
f) All material issues in prior reports by the AGSA have been appropriately accounted for, resulting in fair presentation.
g) Conduct analysis of trends and other financial ratio calculations e.g., year-on-year comparisons and composition of primary group e.g., salaries as a component of operations, whether operations are undertaken on a sustainable basis, operations at surplus or deficit, efficiency and solvency ratios, etc.
h) Able to question management rationale for judgement and estimates.
i) Review the adequacy of the skills within the finance unit.
j) The APAC should annually assess the performance, including staffing and skills of the finance unit.

13.4. **Risk Management Activities**

13.4.1. The MM is responsible for the establishment of effective risk management within the Municipality.

13.4.2. The responsibilities of the APAC with respect to risk management:

a) Oversee the development, implementation and review of the Municipal risk management framework, including the risk management policy and plan, and recommend these to Council for approval.
b) Provide an independent and objective view of the effectiveness of the Municipality's risk management.
c) Review of the high-level risk register, including the report of significant changes to the Municipality's risk register.
d) Review of the report on risk management culture of the Municipality.
e) Evaluate whether risk management is carried out in a manner that benefits the Municipality.
f) Assess and contribute to the Internal Audit planning processes relating to the risks of the Municipality.
g) Review and recommend disclosures on matters of risk in the AFS.

h) Review and recommend disclosures on matters of risk and risk management in the annual report.

i) Consider Ethics, Risk and Fraud Management Committee (ERFMC) quarterly reports and recommendations made in line with the APAC Charter.

j) The APAC must advise the MM and Municipal Council on the adequacy and effectiveness of risk management in the Municipality.

13.5. **Compliance with laws, regulations, ethics policies and procedures**

13.5.1. The APAC as part of its risk management and internal control responsibilities should ensure the management of the Municipality has the necessary mechanisms in place to ensure compliance with pertinent laws and regulations and is conducting its affairs ethically. This include maintaining effective controls against conflict of interest, fraud and corrupt practices.

13.5.2. The APAC must review and monitor compliance with policy documents that should incorporate compliance with laws, regulations, ethics policies and rules regarding conflict of interest.

13.5.3. The APAC must monitor the control processes and the adequacy of internal control by viewing ERFMC documentation and internal and external audit reports.

13.5.4. The APAC should communicate with the ERFMC, internal and external auditors on:

a) Any fraudulent activities, suspected fraud or fraud investigations being conducted which they are aware of.

b) Any concerns about the nature, extent and frequency of management assessment of the accounting and control systems in place, to prevent and detect fraud.

13.5.5. Notify the Municipal Council when the MM has been implicated in fraud, corruption or gross negligence.

13.5.6. Monitor developments and changes in law relating to the responsibility and accountability of management and review the extent to which management is meeting its obligations.

13.5.7. Ensure legal counsel regarding compliance where necessary.

13.5.8. Once each year within the first month of the start of each financial year, members of the APAC must provide written declarations to the IAF Office declaring any potential or actual conflicts of interest they may have in relation to their responsibilities. The Committee members should consider past employment, consultancy arrangements and related party issues in making these declarations and the Chairperson should be satisfied that there are sufficient processes in place to manage any real or perceived conflict.

13.6. **Control Environment**

13.6.1. The APAC members need to have a good understanding of the control environment, in fulfilling this responsibility the Committee should:

a) Ensure that management follows a sound process to draw conclusions on the adequacy and effectiveness of the system of internal control.

b) Establish whether management has relevant policies and procedures in place and that these are adequate, effective and regularly updated.
c) Determine whether appropriate processes are followed and complied with on a regular basis.
d) Consider measures applied on any required changes to the design or implementation of internal controls.
e) Assess steps taken by management to encourage ethical and lawful behaviour, financial discipline and accountability for use of public resources.

13.7. **Performance Management**

13.7.1. Part of the responsibilities of the APAC includes the review of the performance management system. The Municipality has reviewed its Committees to ensure that in cases where there is an APAC, that these are combined into one Committee for effective management, oversight and reporting, as envisaged by section 166 of the MFMA.

13.7.2. The APAC members need to have a good understanding of the performance of the Municipality. These include:

a) Review and comment on compliance with statutory requirements, performance management best practices and standards.
b) Review and comment on the alignment of the IDP, the budget, SDBIP and performance agreements of Directors.
c) Review and comment on relevance of indicators to ensure they are measurable and relate to services performed by the Municipality and its entities.
d) Review compliance with in-year reporting requirements.
e) Advise on the effectiveness of the system for monitoring compliance with applicable laws and regulations.
f) Advise on the effectiveness of corporate policies relating to performance management.
g) Review the quarterly performance reports submitted by the IAF.
h) Annually review and comment on Municipality's Annual Performance Report (APR) and timely submission to the AGSA by 31 August.
i) Obtain assurance from management with respect to the accuracy, completeness and validity of the performance information.
j) Review and comment on the Municipality's annual report within the stipulated timeframes.
k) Review and comment on the Municipality's performance management system and make recommendations for its improvement to Council. In reviewing the Municipality's performance management system, the Committee must focus on economy, efficiency, effectiveness and impact in so far as the key performance indicators and performance targets set by the Municipality are concerned.

l) Review the audited annual performance information and AGSA's Audit Report, prior to submission to and approval by the Council, focusing particularly on:

i. Providing an authoritative and credible view on whether the Municipality's goals and objectives as per the IDP, by the business unit under review have been achieved.

ii. The Municipality's performance management system.

iii. Compliance with statutory requirements.

13.8. **ICT Governance**

13.8.1. The APAC need to provide advice on ICT governance, controls, access, safeguarding of information in the Municipality. Annually review the functioning of the ICT Steering Committee.

13.8.2. Consider quarterly ICT Governance Reports from the ICT Steering Committee.

13.8.3. Specific expertise may be required from within or outside the Municipality from time to time, to assist the IAF and APAC to formulate recommendations on systems and controls. The Committee may have to advise on the appropriateness of ICT security measures, Artificial Intelligence, Disaster Recovery and Business Continuity Plans supporting IT risks, regular testing and evaluation of plans, systems and processes.

13.8.4. The APAC must advise the MM and Municipal Council on adequacy and effectiveness of ICT governance, compliance and controls in the Municipality.

13.9. **Relationship with Stakeholders**

13.9.1. The APAC are required to maintain good relationships with key stakeholders, such as:

a) Municipal Council.

b) MM.

c) Management and staff.

d) Internal Auditors and External Auditors.

e) Western Cape Provincial Treasury.

f) National Treasury.

g) Western Cape Department of Local Government.

13.10. **Combined Assurance Model**

13.10.1 The Committee should ensure that a combined assurance model is developed and applied, to provide a coordinated approach towards assuring that relevant assurance activities are effective and efficient. In particular, the Committee must:

a) Ensure that the combined assurance is appropriate to address all significant risks facing the Municipality and that management is adequately mitigating these risks.

b) Monitor the relationship between all assurance providers, particularly between internal and external auditors to ensure efficiency of assurance provision.

14. **Meetings**

14.1. The APAC should meet as often as required to perform its functions, but at least four (4) times a year.

14.2. The APAC shall protect and maintain the confidentiality of all information provided to it, in accordance with applicable laws.

14.3. The responsibilities of the secretariat shall be carried out by the Council's administration department, including providing all administrative support to the APAC meetings, sending invitations and documentation to members, coordinating and compiling APAC meeting documentation, taking minutes at APAC meetings. The IAF is responsible for preparing all logistical arrangements relating to APAC meetings, including arrangement for the prompt payment of claims and fees, etc.

14.4. The CAE, in consultation with the APAC secretariat of the Municipality, must ensure that the required preparation for the meeting of the APAC is finalized at least seven (7) days before the commencement of the meeting and that substantive work would be undertaken for the duration of the meeting.

14.5. Any person attending the meeting may add items to the agenda three (3) days before the agenda is finalized. Such items should be provided to the Chairperson or the CAE.

14.6. Special meetings of the APAC may be convened with the Chairperson's approval. Any member of the APAC, the MM, the internal or external auditors may request a special meeting if they consider it necessary.

14.7. The majority of the members will form a quorum, and if the Chairperson is absent, the members that are present will elect one of the members as Chairperson for that meeting. If there is no quorum, the meeting will be adjourned to a new date and time not exceeding two (2) weeks.

14.8. The members are the only people with voting rights. Voting shall be by a show of hands unless decided by all members that it be by ballot. The Chairperson shall have a casting vote. If a member wants to dissent or protest a decision, he or she may request that it is recorded in the minutes.

14.9. Draft minutes should be distributed to the APAC members within fourteen (14) days of the meeting for inputs and comments.

14.10. The following people have a standing invitation to the APAC and attend all the Ordinary meetings:

a) The Executive Mayor.
b) The Municipal Public Accounts Committee (MPAC) Chairperson.
c) MM.
d) CAE.
e) CFO.
f) All Directors.
g) Chief Risk Officer (CRO).

h) External Auditors (AGSA).

i) Representative from Western Cape Provincial Treasury.

j) Any other person on invitation by the APAC Chairperson.

14.11. The CAE; in consultation with the Chairperson of the APAC, must determine the time frames of all meetings. Considering the financial implications, the MM in consultation with the Chairperson of the APAC must agree, if meetings go beyond a one day sitting.

15. Review Period

15.1. This charter will be reviewed annually and updated to ensure relevance and consistency with the MFMA, MSA and other related legislation, guides and best practice, and submitted to Council for approval.

15.2. Following approval, the APAC charter will be published on the municipal website to promote awareness to all stakeholders.

MM's Signature : .....

Initials and Surname : G. L. METTLER.

Date : 14 September 2026

APAC Chairperson Signature: .....

Initials and Surname : L. C. NENE

Date : 28/09/2026

Executive Mayor's Signature: .....

Initials and Surname : J. Fasser.

Date: : 23/9/26

6.8.2	ESTABLISHMENT OF A DISCIPLINARY COMMITTEE

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 17 November 2026**

1. SUBJECT: ESTABLISHMENT OF A DISCIPLINARY COMMITTEE

2. PURPOSE OF REPORT

For Council to establish a Disciplinary Committee for the Stellenbosch Council.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

By virtue of the termination of the 2021-2026 Council's term of office, the former 7-member Disciplinary Committee has also dissolved. It is prudent for the newly elected Council to establish a Disciplinary Committee to assist in the discipline of Councillors by conducting disciplinary hearings and to make recommendations to Council in terms of its findings.

5. RECOMMENDATIONS

(a) that Council appoints Councillors to serve on the Disciplinary Committee;

(b) that Council appoints a Chairperson for the Disciplinary Committee; and

(c) that it be noted that the Chairperson is not a full-time Councillor on the basis of his/her chairpersonship of this Committee.

6. DISCUSSION AND BACKGROUND

6.1 Section 79 Committees

In terms of Section 79 of the Structures Act, a municipal council may establish one or more Committees necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers and appoint the members of such Committee(s) from among its members.

If Council wishes to establish such Committees, it:-

1. must determine the functions of such Committees;
2. may delegate duties and powers to it in terms of Section 59 of the Systems Act;
3. must appoint the Chairperson(s); and
4. may authorise a Committee to co-opt advisory members who are not members of the Council, within the limits determined by Council.

The proposed Disciplinary Committee is to be a committee established in terms of Section 79 of the Structures Act. As such, the provisions of Section 79 referred to above are applicable, namely: that the municipal council determines the functions of the Disciplinary Committee and may delegate powers and duties to it, that Council appoints the members of the Disciplinary Committee, and that Council must also appoint the Disciplinary Committee's Chairperson.

Section 79(2) further provides that Council may authorise a committee to co-opt advisory members who are not members of the council within the limits determined by the council, may remove a member of a committee at any time, and may determine a committee's procedure.

6.2 Composition of Committees

Section 33 of the Structures Act stipulates that, with the establishment of committees, cognisance must be taken of the extent of the functions and powers of the municipality, as well as the need for the delegation of those functions and powers in order to ensure efficiency and effectiveness in their performance.

In terms of Section 160(8) of the Constitution of the Republic of South Africa, members of a municipal Council are entitled to participate in its proceedings and those of its Committees in a manner that, *inter alia:-*

(a) allows parties and interests reflected within the Council to be fairly represented; and

(b) is consistent with democracy.

Furthermore, attention is drawn to the fact that in terms of the Stellenbosch Municipality (WCO24) Principal Establishment Notice dated 22 September 2000 insertion P.N. 261/2015, the following office bearers are designated as full-time councillors:-

- the Executive Mayor;
- the members of the Mayoral Committee (including the Deputy Executive Mayor)
- the Speaker;
- the Council Whip; and
- the Chairperson of MPAC (Municipal Public Accounts Committee).

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
CONTACT NUMBERS	*021 808 8025*
E-MAIL ADDRESS	*municipal.manager@stellenbosch.gov.za*
REPORT DATE	*11 November 2026*

6.8.3	ESTABLISHMENT OF A MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) AND OVERSIGHT COMMITTEE

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 17 November 2026**

1. SUBJECT: ESTABLISHMENT OF A MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) AND OVERSIGHT COMMITTEE

2. PURPOSE OF REPORT

For Council to establish a Municipal Public Accounts Committee (MPAC) and Oversight Committee.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The former Council had established a 7-member Municipal Public Accounts Committee (MPAC), which was fully functional.

By virtue of the termination of the 2021-2026 Council's term of office, the former MPAC has also dissolved. Council is obliged to establish a MPAC that also acts as an oversight committee to exercise oversight over the executive obligations of council.

In terms of Section 79 of the Structures Act, a municipal council may establish one or more Committees necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers, and appoint the members of such Committee(s) from among its members.

5. RECOMMENDATIONS

(a) that Council establishes a Municipal Public Accounts Committee (MPAC) in accordance with Section 79 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), and as per the "Guideline for Establishment of Municipal Public Accounts Committees" issued by the Department of Cooperative Governance (CoGTA) and National Treasury;

(b) that the function of an oversight committee in relation to the Annual Report be incorporated into the roles and responsibilities of MPAC;

(c) that Council determines the amount of Councillors and their secundi to serve on the Municipal Public Accounts Committee (MPAC), based on the following principles:

(i) Membership of MPAC may consist of up to 11 Councillors selected from all parties represented in Council;

(ii) MPAC must be represented by a wide range of experience and expertise available in Council and should reflect the various political parties represented in Council;

(iii) The Executive Mayor, Deputy Executive Mayor, Speaker, Whip or a member of the Mayoral Committee be excluded from membership of MPAC;

(d) that Council elects a Chairperson for the Municipal Public Accounts Committee (MPAC); and

(e) that the Chairperson of this Committee be designated as a full-time Councillor.

6. DISCUSSION AND BACKGROUND

6.1 Section 79 Committees

An MPAC is generally a committee of Council established in terms of Section 79 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).

6.2 SCOPE OF MPAC OPERATIONS

The establishment, overarching purpose, function and Terms of Reference of the Municipal Public Accounts Committee are defined in the SALGA Guideline for the Establishment of MPACs (March 2012) **attached as APPENDIX 1.**

Notwithstanding what is contained in the above, the following specific Terms of Reference are highlighted:

1. MPAC shall not be responsible for policy formulation;
2. MPAC is authorised to co-opt members of the public with expertise in specific fields to assist and advise the Committee when deliberating before it, as and when necessary, taking note of the fact that such non-elected members shall enjoy no status in Council and will have no voting rights in any political structure of Council;
3. MPAC may engage directly with the public and consider public comments when received and will be entitled to request documents or evidence from the Accounting Officer;
4. MPAC shall have permanent referral of documents relating to:
   (i) In-Year reports of Stellenbosch Municipality;
   (ii) Financial statements of Stellenbosch Municipality as part of its oversight process;
   (iii) Audit opinion, reports and recommendations from the Audit Committee;
   (iv) Information relating to compliance in terms of Section 128 and Section 133 of the Local Government: Municipal Finance Management Act, 2003 (MFMA);
   (v) Information in respect of any disciplinary action taken in terms of the MFMA where it relates to an item that is currently serving or has served before it;
   (vi) Any other audit report of Stellenbosch Municipality; and
   (vii) Performance information of Stellenbosch Municipality;
5. MPAC shall consider and evaluate the content of the Annual Report and make recommendations to Council when adopting an Oversight Report on the Annual Report;

6. In order to assist with the conclusion of matters that may not have been finalized, information relating to past recommendations made on the Annual Report, information relating to current in-year reports including quarterly, mid-year and Annual Reports, shall be reviewed by MPAC;
7. MPAC shall examine the financial statements and audit reports of Stellenbosch Municipality, and in doing so, consider improvements from previous statements and reports and evaluate the extent to which the Audit Committee's and the Auditor-General's recommendations have been implemented;
8. MPAC shall promote good governance, transparency and accountability on the use of municipal resources;
9. MPAC shall recommend or undertake any investigation in its area of responsibility, after reviewing any investigation report already undertaken by Stellenbosch Municipality or the Audit Committee;
10. MPAC shall request the support of both the internal and external auditors in an advisory capacity when necessary;
11. MPAC shall conduct investigations into unauthorized, irregular and/or fruitless and wasteful expenditure in accordance with Section 32(2)(a)(ii) of the MFMA and Regulation 74 of the Municipal Budget and Reporting Regulations;
12. MPAC shall perform any other functions within its area of responsibility assigned to it through a resolution of Council; and
13. The Rules of Order of Stellenbosch Council shall be applicable to all meetings of MPAC.

6.3 PROCEDURE FOR THE APPOINTMENT OF MPAC MEMBERS AND MPAC CHAIRPERSON

6.3.1 Membership of MPAC

The previous MPAC membership (7 members) was determined along the following principles:

1. Membership of MPAC may consist of up to 11 Councillors selected from all parties represented in Council. Council must determine the amount of members;
2. MPAC must be represented by a wide range of experience and expertise available in Council and should reflect the various political parties represented in Council;
3. The Executive Mayor, Deputy Executive Mayor, Speaker, Whip or a member of the Mayoral Committee must be excluded from membership of MPAC; and
4. Secundi for the members of MPAC may be designated by Council.

6.4 Chairperson of MPAC

As per the amended Stellenbosch Municipality (WCO24) Principal Establishment Notice dated 22 September 2000 insertion P.N. 261/2015, the Chairperson of MPAC is a designated full-time Councillor.

Accordingly, at the 1st Council Meeting held on 2021-12-10, Council resolved that the position of the Chairperson of MPAC be that of a full-time Councillor.

Due to the fact that no other equivalent procedure has been promulgated in terms of relevant legislation, Council could opt to use any appropriate procedure to determine the appointment of the MPAC Chairperson, or alternatively, Council could decide to use the procedures set out in Schedule 3 of the Municipal Structures Act (see below) during the election of the Chairperson for MPAC.

The Chairperson can be from the ruling or an opposition party at the choice of the Municipal Council.

6.5 *MSA Schedule 3* Election Procedure

"SCHEDULE 3

Application

1. The procedure set out in this Schedule applies whenever a municipal Council meets to elect a Speaker, an Executive Mayor, a Deputy Executive Mayor, a Mayor or Deputy Mayor.

Nominations

2. The person presiding at a meeting to which this Schedule applies must call for the nomination of candidates at the meeting.

Formal requirements

3. (i) A nomination must be made on the form determined by the Municipal Manager.

(ii) The form on which a nomination is made must be signed by two members of the Municipal Council.

(iii) A person who is nominated must indicate acceptance of the nomination by signing either the nomination form or any other form of written confirmation.

Announcement of names of candidates

4. At a meeting to which this Schedule applies, the person presiding must announce the names of the persons who have been nominated as candidates, but may not permit any debate.

Single candidate

5. If only one candidate is nominated, the person presiding must declare that candidate elected.

Election procedure

6. If more than one candidate is nominated –

(a) a vote must be taken at the meeting by secret ballot;

(b) each Councillor present at the meeting may cast one vote; and

(c) the person presiding must declare elected the candidate who receives a majority of the votes.

Elimination procedure

7. (i) If no candidate receives a majority of the votes, the candidate who receives the lowest number of votes must be eliminated and a further vote taken on the remaining candidates in accordance with Item 6. This procedure must be repeated until a candidate receives a majority of the votes.

(ii) When applying sub item (1), if two or more candidates each have the lowest number of votes, a separate vote must be taken on those candidates, and repeated as often as may be necessary to determine which candidate is to be eliminated.

Further meetings

8. (i) If only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, a further meeting must be held within seven days at a time determined by the person presiding.

(ii) If a further meeting is held in terms of sub item (1), the procedure prescribed in this Schedule must be applied at that meeting as if it were the first meeting for the election in question.

(iii) If at the further meeting held in terms of sub item (1) only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, the person presiding at such meeting must determine by lot who of the two candidates will hold the office for which the election has taken place."

In terms of Item 3(1) of Schedule 3, a nomination must be made on a form determined by the Municipal Manager. The nomination form will be distributed in Council.

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
CONTACT NUMBERS	*021 808 8025*
E-MAIL ADDRESS	*municipal.manager@stellenbosch.gov.za*
REPORT DATE	*11 November 2026*

ITEM 6.8.3

Appendix 1

Establishment of a MPAC

SALGA
South African Local Government Association

March 2012

MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC)

Enhancing oversight in the Municipality

Practical Guide

TABLE OF CONTENT

ITEM	DESCRIPTION	PAGE NO.
1.	INTRODUCTION	3
2.	INTERNAL OVERSIGHT	4
	2.1 Internal Audit Unit	4
	2.2 Audit Committee	5
3.	EXECUTIVE OVERSIGHT	7
PART 1 GUIDELINES FOR THE ESTABLISHMENT, APPOINTMENT AND GENERAL FUNCTIONING OF MPACS		
	1. Establishment of the MPAC	8
	2. Functions and terms of reference of the committee	8
	3. Delegation of functions to the MPAC	8
	4. The procedures and rules of order of the committee	8
	5. Appoint of the members of the MPAC	8
	6. Appointment of the chairperson of the MPAC	9
	7. Co-opting of advisory members to the MPAC	9
	8. Meetings of the MPAC should be open to the public	9
	9. Availability of resources for the MPAC	9
	10. Minutes and Agendas	10
	11. Meetings of the MPAC	10
	12. Reporting	10
PART 2 TERMS OF REFERENCE FOR THE MPAC		10
PART 3 DELEGATION OF THE MPAC		14
4.	CONCLUSION	15

ENHANCING OVERSIGHT IN MUNICIPALITIES

A PRACTICAL GUIDE

1. INTRODUCTION

One of the strategic objectives of the Local Government Turnaround Strategy is to build clean, effective, efficient, responsive and accountable local government. While governance systems and structures are operational in municipalities, its quality and effectiveness is sometimes questionable.

Oversight is a concept that refers primarily to the crucial role of legislatures in reviewing and monitoring the actions of the executive organs of government. The executive in carrying out its tasks, whether by implementing legislation or policy, acquires considerable power (the ability to influence or determine a person's conduct). A condition of the exercise of that power in a constitutional democracy is that the administration or executive is checked by being held accountable to an organ distinct from it (the legislature). This notion is inherent in the concept of the separation of powers, which simultaneously provides for checks and balances on the exercise of executive power, making the executive more accountable to an elected legislature.

While our Constitution gives expression to the principle of separation of powers by recognising the functional independence of the three branches of government (executive, legislature and judiciary), at local government level, however, a municipal council is vested with both legislative and executive authority. Subsequent legislation, in particular the Local Government: Municipal Finance Management Act, 2003, requires a certain level of oversight by the municipality over the executive authority. This entails amongst others, the annual report which includes the financial statements, the SDBIP, and also the performance of the municipal manager and other section 57 employees.

Since there is no neat distinction between the 'executive' and 'legislative' arms of council as it were, effective and proper oversight of the 'executive' at local level thus requires members of Council to fully understand the justifications and rationale behind accountable government and the purpose it serves. The oversight role is often seen as that of opposition parties alone, designed to police and expose maladministration and corruption. Such a view is limited and deficient. Oversight and accountability helps to ensure that the executive implements programmes and plans in a way consistent with policy, legislation and the dictates of the Constitution.

The Local Government: Municipal Structures Act, 1998, provides that a municipality, taking into account the extent of its functions and powers, the need for delegation and the resources available, may establish committees. Clearly, a municipality has substantial discretion on how to structure its committee system. Importantly, the manner in which a municipality uses that discretion can have consequences for the capacity of the council to hold the executive to account, which directly affects the quality of the governance in the municipality and ultimately the sustainability of such a municipality. The important role of committees in assisting the Council (section 79 committees) and Executive Committee or Executive Mayor (section 80 committees) to perform their functions effectively should thus be clearly understood and utilised for that purpose, so as to ensure good governance in the municipality.

Section 129 of the Municipal Finance Management Act requires a municipality to prepare an oversight report over the annual report and to publish the same. However, no further formal oversight requirements are contained in the legislation. Section 129(4) of the MFMA only provides for the issuance of guidance on the manner in which municipal councils should consider annual reports and conduct public hearings, and the functioning and composition of any public accounts or oversight committees established by the council to assist it to consider an annual report.

Section 79 of the Municipal Structures Act provides for committees of the Council reporting directly to the council, in accordance with the terms of reference of such committees are developed by the councils. Such committees, because of its direct reporting lines to the full council, are best suited to do oversight in the municipality, not only in terms of the oversight report referred to above, but general oversight over both the administrative and executive arms of the municipality.

It is against this background that SALGA, as well as National Treasury and DCOG, are promoting the establishment and effective functioning of Municipal Public Accounts Committees (MPACs). This guide is intended to supplement the guidelines on establishment of MPACs issued jointly by National Treasury and the Department of Cooperative Governance in August 2011, after consultation with SALGA. In particular it focuses on internal oversight as well as the establishment and effective functioning of MPACs, its terms of reference and delegations.

The document was approved by the SALGA NEC in March 2012.

2. INTERNAL OVERSIGHT

Internal oversight of the municipal administration is done by the internal Audit Division and the Audit Committee.

2.1 Internal Audit Unit

Section 165 of the Local Government: Municipal Finance Management Act, 2003, (hereinafter referred to as the MFMA) requires each municipality to have an internal audit unit. As the municipal manager is the accounting officer of the municipality, the internal audit unit is best situated in the office of the municipal manager. The internal audit unit must:

2.1.1 prepare a risk-based audit plan and an internal audit program for each financial year;

2.1.2 advise the accounting officer and report to the audit committee on the implementation of the internal audit plan and matters relating to

- internal audit;
- internal controls;
- accounting procedures and practices;
- risk and risk management;
- performance management;
- loss control; and
- compliance with the MFMA, the annual Division of Revenue Act and any other applicable legislation; and

2.1.3 perform such other duties as may be assigned to it by the accounting officer.

The annual audit plan and internal audit program needs to be submitted to the municipal council for approval. As indicated, the internal audit unit reports to the audit committee on the implementation of its plan and program, but the audit committee only makes recommendations to the municipal council as there is no enforcement mechanism.

In addition to the statutory requirements set out above, internal audit should also ensure that the King III report as far as it relates to local government is implemented in the municipality. The actual implementation will be a cross cutting responsibility in the administration, but the implementation plan and monitoring thereof must rest with internal audit, as it is also interlinked with the internal controls, risk management as well as performance management.

2.2 Audit Committee

Section 166 of the MFMA requires each municipality to have an audit committee. The audit committee is an independent advisory body which must:

2.2.1 advise the municipal council, the political office-bearers, the accounting officer and the management staff of the municipality, or the board of directors, the accounting officer and the management staff of a municipal entity, on matters relating to

- internal financial control and internal audits;
- risk management;
- accounting policies;
- the adequacy, reliability and accuracy of financial reporting and information;
- performance management;
- effective governance;
- compliance with the MFMA, the annual Division of Revenue Act and any other applicable legislation;
- performance evaluation; and
- any other issues referred to it by the municipality or municipal entity.

2.2.2 review the annual financial statements to provide the council of the municipality or, in the case of a municipal entity, the council of the parent municipality and the board of directors of the entity, with an authoritative and credible view of the financial position of the municipality or municipal entity, its efficiency and effectiveness and its overall level of compliance with the MFMA, the annual Division of Revenue Act and any other applicable legislation;

2.2.3 respond to the municipal council on any issues raised by the Auditor-General in the audit report;

2.2.4 carry out such investigations into the financial affairs of the municipality or municipal entity as the council of the municipality, or in the case of a municipal entity, the council of the parent municipality or the board of directors of the entity, may request; and

2.2.5 perform such other functions as may be prescribed.

The members of an audit committee are appointed by the municipal council of the municipality (in the case of a municipal entity, by the council of the parent municipality). It consists of at least three persons with appropriate experience, of whom the majority may not be in the employ of the municipality or municipal entity, as the case may be; and one of the members who is not in the employ of the municipality or municipal entity, must be appointed as the chairperson of the committee. No councillor may be a member of an audit committee.

The committee is a committee of the municipal council, as contemplated in section 79 of the Local Government: Municipal Structures Act, 1998 (hereinafter referred to as the Structures Act), but none of its members are councilors, contrary to the normal nature of a section 79 committee. The committee also advises and makes recommendations to the municipal council, but does not have any executive functions or enforcement powers.

However, the aforesaid does not detract from the requirement of the committee to specifically interrogate the following financial and governance aspects in the municipality:

- internal financial controls in the municipality;
- identification of strategic risks in the municipality;
- the establishment and updating of a municipal risk register;
- management and mitigation of risks contained in the risk register;
- accounting policies in the municipality;
- the frequency, accuracy and reliability of financial reporting by the municipality and where applicable, municipal entities;
- the performance management system of the municipality;
- the implementation and effectiveness of the performance management system;
- evaluation of the actual performance of the municipality;
- compliance with legislation;
- effective governance in the municipality;
- review of the annual financial statements;
- financial position of the municipality;
- the municipal response to the A-G report;
- loss control; and
- implementation of the King III principles.

The view of the audit committee on these matters provides the municipality with an objective and expert view which should guide the municipal council and executive. The development of strategies to address these aspects rests with the internal audit unit. The audit committee therefore casts an expert eye on the strategies developed by the internal audit section and the implementation thereof by the municipality as a whole.

3. EXECUTIVE OVERSIGHT

Municipal Public Accounts Committee (MPAC): Appointment and Legal Framework

Within the context of this guide, it refers to oversight of the 'executive" of the municipality by council structures. The MPAC is a committee of the municipal council, appointed in accordance with section 79 of the Structures Act. It is also important to note that in metros and large category B municipalities it is, due to the number of councillors, easier to appoint section 79 oversight committees to provide oversight over the functions of the section 80 committees. Many of the smaller municipalities do not have enough councillors to appoint such section 79 committees and can only appoint one oversight committee tasked with the complete oversight role, but focusing mainly on compliance with the provisions of the Local Government: Municipal Finance Management Act, 2003.

Nevertheless, municipalities are encouraged to establish MPACs as far as is possible and practical. As a section 79 committee, the following principles will apply:

- the municipal council must resolve to establish a MPAC by way of a council resolution;
- the municipal council must determine the functions of the committee and agree on the terms of reference for the committee;
- the municipal council must delegate functions to the MPAC in accordance with the terms of reference of the committee;
- the municipal council may determine the procedure of the committee or allow it to determine its own procedure;
- the municipal council appoints the members of the MPAC from amongst the councilllors;
- section 160(8) of the Constitution applies to the committee and therefore its composition must be such that it allows parties and interests reflected within the Council to be fairly represented in the MPAC;
- the municipal council appoints the chairperson of the MPAC;
- the municipal council may dissolve the MPAC at any time;
- the municipal council may remove any member of the committee at any time;
- the municipal council may allow the MPAC to co-opt advisory members who are not members of the council, within the limits determined by the council;
- the meetings of the MPAC should, as far as is possible and practical, be open to the public in accordance with section 160(7) of the Constitution;
- the municipal administration must ensure that adequate financial and human resources are made available to support the functions of the MPAC;
- meetings of the MPAC should be provided for and included in the annual calendar of the council; and
- the MPAC reports directly to the municipal council and the chairperson of the MPAC liaise directly with the Speaker on the inclusion of reports of the MPAC in the council agenda.

What follows is a three-part guide to the establishment and effective functioning of MPACs, its terms of reference and delegations.

Part 1
Guidelines for the establishment, appointment and general functioning of MPACs:

1. Establishment of the MPAC

A report needs to be submitted to the municipal council that recommends the establishment of the MPAC. The report also needs to include all the aspects dealt with above, and which will be further unpacked below. The resolution passed by the municipal council must be clear on all powers and functions of the committee in order to prevent disputes in this regard. Disputes must be referred to the municipal council for resolution.

2. Functions and terms of reference of the committee

The main purpose of the MPAC is to exercise oversight over the executive functionaries of council and to ensure good governance in the municipality. This will include oversight over municipal entities. In order for the MPAC to fulfill this oversight role, it needs to be provided with the necessary information and documentation to interrogate the actions of the executive. Part 2 below provides generic terms of reference for the MPAC.

3. Delegation of functions to the MPAC

Functions must be formally delegated to the MPAC in accordance with the provisions of section 59 of the Local Government: Municipal Systems Act, 2000 (hereinafter referred to as the Systems Act). The delegations must be included as part of the System of Delegations of the Municipality. It should be noted that with regard to the delegations to the MPAC, the municipality should not allow for a review of the decisions of the MPAC by the Exco or Executive Mayor in accordance with section 59(3)(b) of the Systems Act, as the purpose of the MPAC is to do oversight of the executive. The delegations to the MPAC should specifically exclude the said powers to the executive of the municipality.

The requirement to report on the delegated authorities by the MPAC can be included as part of the quarterly report submitted to the council by the MPAC. The delegations required in this regard are further alluded to in Part 3 below.

4. The procedures and rules of order of the committee

Due to the nature of the committee, it is proposed that the municipal council determines the procedures of the committee with its establishment, provided that the committee may make recommendations to the council on possible amendments to be approved by the council once the activities of the MPAC commences. Such an arrangement will allow the MPAC to operate efficiently form its appointment and not having to spend time on the development of procedures.

5. Appoint of the members of the MPAC

There is no prescription on the number of members elected to serve on the MPAC committee. The municipality must determine the number of members that will be appointed, taking into account the number of councillors in the municipality and the fact that no office bearers/ executive councillors in the municipality may serve on the committee. It is ideal that the members be appointed for the term of the council, to ensure

continuity across financial years. However, this is subject to the right of the council to remove committee members by way of council resolution.

The National Treasury and DCOG guidelines propose maximum numbers of committee members but municipalities are not required to follow the guideline and a smaller number can also be appointed, provided that section 160(8) of the Constitution apply to the composition of the committee, which requires that the membership of the committee must be such that it allows parties and interests reflected within the Council to be fairly represented in the MPAC.

Once the number of MPAC members are agreed upon, the actual appointment can take place. The number of members as well as the names of the councillors appointed as members must be specified in the council resolution. The councillors appointed to the committee should have a wide range of experience and expertise in order to enable the committee to exercise it oversight function optimally.

6. Appointment of the chairperson of the MPAC

The chairperson of the MPAC must be appointed in terms of a council resolution. The chairperson may not be an office bearer/ executive councillor in the municipality. The chairperson of the MPAC should be an experienced councillor, due to the important role to be played by the MPAC in the council. The chairperson can be from the ruling or an opposition party, at the choice of the municipal council.

7. Co-opting of advisory members to the MPAC

The council must indicate whether it will allow the MPAC to co-opt advisory members, which are not councillors, but based on their expertise. This will be informed by the experience and capacity of members appointed to the MPAC. In the event where such co-option is allowed, the council has to prescribe the number of members that may be co-opted, the expertise required, the manner of co-option as well as the payment of a stipend to such co-opted members.

8. Meetings of the MPAC should be open to the public

Section 160(7) of the Constitution provides that a municipal council must conduct its business in an open manner, and may close its sittings, or those of its committees, only when it is reasonable to do so having regard to the nature of the business being transacted. As a principle, the meetings of the MPAC should be open to the public and the rules and procedures of the committee should specify in which instances the meeting can be closed to the public.

9. Availability of resources for the MPAC

The municipal administration must ensure that adequate financial and human resources are made available to support the functions of the MPAC. As the MPAC is a formal committee of the council, dedicated administrative as well as committee staff members must be made available to assist it in its functions. Formal agendas and minutes of meetings need to be prepared by committee staff under the guidance of the chairperson. Administrative staff should also assist committee members and the necessary infrastructure must to be provided to the MPAC as well as all the finances required to fulfill its obligations.

10. Minutes and Agendas

Agendas of meetings need to be delivered to members in advance in order for them ample time to prepare for the meeting. Documents produced in the municipality that need to be submitted to the MPAC in terms of its terms of reference, must be submitted to the committee staff as soon as it is finalised in order to include it in the MPAC agenda for the next meeting.

11. Meetings of the MPAC

The MPAC needs to meet at least 4 times per annum, each such meeting to be held prior to the quarterly meeting of the municipal council (where applicable) or before the council meeting schedules for the month in which the MPAC meets, to allow ample time to include the report of the MPAC in the agenda for each council meeting. Meeting dates should be set and should be included in the annual calendar of meetings.

12 Reporting

The MPAC reports directly to the municipal council and the chairperson of the MPAC must liaise directly with the speaker on the inclusion of reports of the MPAC in the council agenda. As the MAPC is a committee of the council, its reports are submitted directly to the council without being submitted to the Exco or Mayoral Committee. The chairperson of the MPAC liaises directly with the speaker on the inclusion of its report in the council agenda, and the committee staff ensures that the documentation is physically included in the agenda of the council meeting.

Part 2
Terms of reference for the MPAC

1. The MPAC must interrogate the following financial aspects addressed in the Municipal Finance Management Act:

1.1 Unforeseen and unavoidable expenditure (Section 29)

- any unforeseen and unavoidable expenditure incurred must be reported to the MPAC;
- proof of the necessary appropriation in an adjustment budget;
- the MPAC must consider the expenditure and make recommendations to the council; and
- where the necessary adjustment budget has not been prepared, the MPAC must report same to the council.

1.2 Unauthorized, irregular or fruitless and wasteful expenditure (Section 32)

- any unauthorized, irregular or fruitless and wasteful expenditure by the council, the executive mayor / mayor, executive committee or any political office bearer of the municipality must also be reported to the MPAC;
- the municipal manager must report to the MPAC on all steps taken to either authorize or certify the payment or to recover or write off the expenditure;

- the municipal manager must report on whether any criminal action was instituted in this regard; and
- the MPAC must report to the council on the appropriateness of the any criminal or civil steps taken and report where no further action was taken and why.

1.3 The quarterly report of the mayor on the implementation of the budget and the state of affairs of the municipality / SDBIP (Section 52(d))

- a copy of the quarterly report of the mayor on the implementation of the budget and the state of affairs of the municipality must be submitted to the MPAC;
- where the report is not submitted to the MPAC within 30 days after the end of the quarter, the MPAC must report this to the council;
- where the report is submitted, it must be interrogated and recommendations must be made to the council;
- the MPAC must ensure that the mayor attend to the necessary amendments to the SDBIP and submit the necessary report to the council with proposals for the adjustment budget, and where this is not done by the mayor, report it to the council;
- the MPAC must report any matter of concern regarding the report of the mayor to the council.

1.4 Monthly budget statements (Section 71)

- the monthly budget statement submitted to the mayor must be submitted to the MPAC;
- the MPAC must interrogate the statement and report any matter of concern on the statement to the council.

1.5 Mid-year budget and performance assessment (Section 72)

- the mid-year budget and performance assessment report submitted to the mayor must be submitted to the MPAC;
- the MPAC must interrogate the assessment and submit its comments on the assessment to the council.

1.6 Mid-year budget and performance assessment of municipal entities (Section 88)

- the mid-year budget and performance assessment report submitted by the municipal entity needs to be submitted to the MPAC;
- the MPAC needs to interrogate the report and report matters of concern to the council;
- where the report has not been received or not published, it must be reported to the council.

1.7 Disclosures concerning councillors, directors and officials (Section 124)

- as part of its interrogation of the annual financial statements, the MPAC must ensure that the necessary disclosures were made in the financial statements, including:

- salaries, allowances and benefits of political office bearers and councilors of the municipality;
- arrears owed by individual councilors by the municipality for more than 90 days;
- salaries, allowances and benefits of the municipal manager, CFO and senior managers;
- salaries, allowances and benefits of the board of directors of municipal entities
- the salaries, allowances and benefits of the chief executive officer and senior managers of municipal entities;

1.8 Submission and auditing of annual financial statements (Section 126)

- copies of the financial statements submitted to the A-G must be submitted to the MPAC as well as the financial statements of any municipal entity under the control of the municipality as well as proof of submission thereof to the A-G;
- where the MPAC has not been provided with the financial statements or with proof that it has been submitted to the A-G it must be reported to the council.

1.9 Submission of the annual report (Section 127)

- the annual report must be submitted to the MPAC no later than two weeks after the date required for submission to the council;
- where the annual report is not submitted to the council as required, the MPAC must be provided with a copy of the written explanations of the mayor as submitted to the council;
- where neither the annual report nor the explanation has been submitted, the MPAC must report same to the council;
- the MPAC must monitor that the annual report has been submitted to the A-G, as well as the provincial government departments required and has been published for comment; and
- the MPAC must also monitor that all municipal entities have complied with the said requirements.

1.10 Oversight report on the annual report (Section 129)

- the MPAC must consider the annual report and prepare a draft oversight report to be submitted to the council for purposes of adopting the oversight report;
- in preparing the draft oversight report, the MPAC must consider all representations in connection with the annual report received from the local community;
- the meeting of the MPAC considering the annual report must be open to the public and members of the local community must be allowed to make representations in connection with the annual report at the meeting;
- National Treasury Circular 32 provides guidance on the preparation of the oversight report and a copy is attached as Annexure “A” hereto. Reference to the oversight committee must be read as the MPAC.

1.11 Issues raised by the Auditor-General in audit reports (Section 131)

- the MPAC must be provided with the report prepared to address issues raised by the A-G;
- where the report is submitted, MPAC should interrogate same and make recommendations to the

council; and

- where the report has not been submitted, MPAC should report this to the council.

1.12 Audit Committee (Section 166)

- the MPAC must ensure that the municipality at all times have an operational audit committee;
- all reports received from the audit committee need to be submitted to the MPAC to assist it in its functions and to capacitate the MPAC;
- where no audit committee has been appointed or where the audit committee is not operative, the MPAC must report this to the council.

1.13 Disciplinary action instituted in terms of the MFMA

- all disciplinary processes instituted for the contravention of the MFMA must be reported to the MPAC;
- MPAC must monitor that all matters are brought to conclusion;
- MPAC must report to council where matters are not dealt with effectively and timeously.

2. The MPAC must interrogate the following aspects addressed in the Municipal Systems Act.

2.1 Review of the IDP post elections (Section 25)

- MPAC must monitor whether the Executive mayor / Exco initiate the review of the IDP posts elections;
- Where the review is not done, the MPAC must report same to the council.

2.2 Annual review of the IDP (Section 34)

- MPAC must monitor whether the Executive mayor / Exco initiate the annual review of the IDP;
- Where the review is not done, the MPAC must report same to the council.

2.3 Performance management plan (Section 39)

- MPAC must monitor whether the annual performance plan is being prepared;
- Where the plan is not prepared, the MPAC must report same to the council.

2.4 Monitoring that the annual budget is informed by the IDP (Regulation 6 of the Local Government: Municipal Planning and Performance Management Regulations)

- MPAC must review the draft annual budget and ensure that it is informed by the IDP adopted by the municipal council; but
- Where the draft annual budget is not aligned with the IDP, the MPAC must report same to the municipal council.

2.5 Monitoring that all declaration of interest forms are completed by councillors on an annual basis (Section 54 read with Item 7 of Schedule 1)

- MPAC must monitor whether all councillors have completed their declaration of interest forms and update it annually;
- Where declaration of interest forms have not be completed or updated same must be reported to the municipal council.

3. The MPAC must prepare an annual work plan for approval by the municipal council prior to start of the financial year.

PART 3
Delegations to the MPAC

The following responsibilities are to be delegated to the MPAC in terms of the provisions of section 59 of the Systems Act:

1. The authority to interrogate the following documents and to make recommendations to the municipal council in accordance with the terms of reference of the committee:

1.1 Unforeseen and unavoidable expenditure;
1.2 Unauthorised, irregular or fruitless and wasteful expenditure;
1.3 SDBIP;
1.4 Monthly budget statements;
1.5 Mid-year budget and performance assessment;
1.6 Mid-year budget and performance assessment of municipal entities;
1.7 Disclosures concerning councillors, directors and officials;
1.8 Annual financial statements;
1.9 Annual report;
1.10 Issues raised by the A-G in the audit reports;
1.11 The appointment of the audit committee;
1.12 Disciplinary steps instituted in terms of the MFMA;
1.13 The review of the IDP post elections;
1.14 The annual review of the IDP;
1.15 Performance management plan;
1.16 The draft annual budget with reference to the approved IDP; and
1.17 Declaration of interest forms submitted by councillors.

2 The authority to consider all presentations made by the community on the annual report and the authority to have interviews with members of the community to obtain input on the annual report, as

well as the authority to prepare the draft oversight report over the annual report.

3. The authority to instruct any member of the executive or the municipal manager to attend the meeting of the MPAC to address matters specified by the MPAC and to provide the MPAC with copies of documents to be dealt with by the committee in terms of its terms of reference.

4. The authority to instruct any member of the board or the CEO of a municipal entity to attend the meeting of the MPAC to address matters specified by the MPAC and to provide the MPAC with copies of documents to be dealt with by the committee in terms of its terms of reference.

5. The authority to obtain legal, technical and other specialised assistance required to exercise its functions and duties within the budget approved for the committee and subject to the supply chain management policy where applicable.

4. CONCLUSION

The functionality of the internal governance arrangements in a municipality is to a large extent determined by the effectiveness of its committee system and oversight in the municipality. Accountability and oversight can be most effective if recognised by those in power as promoting accountability and good governance, which in turn are there to enhance performance, effectiveness and efficiency of service delivery. Seen in this light the oversight function complements rather than hampers the effective delivery of services, which is the ultimate aim.

The establishment and effectiveness of MPACs is thus critical for this purpose. Municipalities must ensure that members of oversight committees are continually empowered with the necessary skills, knowledge and information needed to execute the oversight function effectively so as to enhance good governance and ultimately the performance of the municipality, in accordance with the constitutional vision of local government being a developmentally orientated sphere. SALGA will undertake continuous training and coordinate information-sharing sessions periodically for the benefit of our members.

6.8.4	ESTABLISHMENT OF A RULES COMMITTEE

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 17 November 2026**

1. SUBJECT: ESTABLISHMENT OF A RULES COMMITTEE

2. PURPOSE OF REPORT

For Council to establish a Rules Committee for the Stellenbosch Council.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

By virtue of the termination of the 2021-2026 Council's term of office, the former Rules Committee has also dissolved. It is prudent for the newly elected Council to establish a multi-party Rules Committee to be responsible for developing Rules of Order and amendments thereto, and to recommend same to Council for adoption.

The former Council had established an 8-member multi-party Rules Committee, with The Speaker serving as its Chairperson.

5. RECOMMENDATIONS

(a) that Council appoints Councillors to serve on the Rules Committee;

(b) that Council appoints a Chairperson for the Rules Committee; and

(c) that it be noted that the Chairperson of this Committee is not a full-time Councillor flowing from the Chairmanship of this Committee.

6. BACKGROUND

6.1 Section 79 Committees

In terms of Section 79 of the Structures Act, a municipal council may establish one or more Committees necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers, and appoint the Committee members from among its members.

If Council wishes to establish such Committees, it:-

1. must determine the functions of such Committees;

2. may delegate duties and powers to it in terms of Section 59 of the Systems Act;

3. must appoint the Chairperson(s); and

4. may authorise a Committee to co-opt advisory members who are not members of the Council, within the limits determined by Council.

The proposed Rules Committee is to be a committee established in terms of Section 79 of the Structures Act. As such, the provisions of Section 79 referred to above are applicable, namely: that the municipal council determines the functions of the Rules Committee and may delegate powers and duties to it, that Council appoints the members of the Rules Committee, and that Council must also appoint the Rules Committee's Chairperson.

Section 79(2) further provides that Council may authorise a committee to co-opt advisory members who are not members of the council within the limits determined by the council, may remove a member of a committee at any time, and may determine a committee's procedure.

6.2 Composition of Committees

Section 33 of the Structures Act stipulates that, with the establishment of committees, cognisance must be taken of the extent of the functions and powers of the municipality, as well as the need for the delegation of those functions and powers in order to ensure efficiency and effectiveness in their performance.

In terms of Section 160(8) of the Constitution of the Republic of South Africa, members of a municipal Council are entitled to participate in its proceedings and those of its Committees in a manner that, *inter alia:-*

(a) allows parties and interests reflected within the Council to be fairly represented; and

(b) is consistent with democracy.

Furthermore, attention is drawn to the fact that in terms of the Stellenbosch Municipality (WCO24) Principal Establishment Notice dated 22 September 2000 insertion P.N. 261/2015, only the following office bearers are designated as full-time councillors:-

- the Executive Mayor;
- the members of the Mayoral Committee;
- the Speaker;
- the Single Whip; and
- the Chairperson of MPAC (Municipal Public Accounts Committee).

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
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REPORT DATE	*11 November 2026*

6.8.5	ESTABLISHMENT OF THE DISCIPLINARY BOARD

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 17 November 2026**

1. SUBJECT: ESTABLISHMENT OF THE DISCIPLINARY BOARD

2. PURPOSE

For Council to establish the Disciplinary Board in line with Stellenbosch Municipality's implementation of the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings

To appoint the Disciplinary Board and the Designated Official as per regulation.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The above-mentioned regulation R430 Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings hereto attached as **APPENDIX 1** for your information and attention and has been enforceable with effect from 1 July 2014.

5. RECOMMENDATIONS

(a) that Council establishes the Disciplinary Board in line with these regulations and that the board consists of:-

(i) a member of the Audit Committee as elected by the Audit Committee;

(ii) a representative from Provincial Treasury as nominated by Province; and;

(iii) one or more person/s as determined by the Municipal Manager in line with subsection 4 of the regulations; and

(b) that Council designates the Municipal Manager as the designated official to whom reports on alleged financial offences against Councillors should go.

6. DISCUSSION / CONTENTS

6.1 Background

In order to give effect to these regulations Stellenbosch municipality needs to:

(a) Establish a disciplinary board and its functioning in terms of regulation 4 of these regulations;

(b) Identify the designated official to whom reports on alleged financial offences against councillors should go to;

(c) Ensure that any allegation of financial misconduct be reported in terms of these regulations.

6.2 Applicable Legislation

Section 4 of the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings states that:

" Establishment of disciplinary board and its functioning

4. (1) *A municipal council or board of directors of a municipal entity must establish a disciplinary board to investigate allegations of financial misconduct in the municipality or municipal entity, and to monitor the institution of disciplinary proceedings against an alleged transgressor.*

(2) *A disciplinary board is an independent advisory body that assists the council or the board of directors with the investigation of allegations of financial misconduct, and provide recommendations on further steps to be taken regarding disciplinary proceedings, or any other relevant steps to be taken.*

(3) *A disciplinary board must consist of maximum five members appointed on a part-time basis by the council or board of directors for a period not exceeding three years, in accordance with a process as determined by the municipal council or board of directors.*

(4) *A member of a disciplinary board must-*

(a) be a natural person;

(b) be a citizen or permanent resident of the Republic and resident in the province where the municipality is situated; and

(c) not be disqualified under sub-regulation (5).

(5) *The following persons are disqualified from membership of a disciplinary board:*

(a) a person who has been convicted of an offence in terms of this regulation or any other legislation;

(b) a person who, whether in the Republic or elsewhere, has been convicted of theft, fraud, forgery, the uttering of a forged document or any offence of which dishonesty is an element;

(c) a person who has at any time been removed from any office of trust on account of misconduct or dishonesty;

(d) an accounting officer of a municipality or municipal entity;

(e) a political office-bearer or a member of a board of directors; and

(f) a person who is an office-bearer in a political party.

(6) *A disciplinary board may consist of-*

(a) the head of the internal audit unit within the municipality or municipal entity or representative of an organisation performing internal audit functions for the municipality or municipal entity if the internal audit function is outsourced;

(b) one member of the Audit Committee of the municipality or municipal entity;

(c) a senior manager from the legal division in the municipality or municipal entity;

(d) a representative of the National Treasury or the provincial treasury; and

(e) any other person as may be determined by the municipal council or board of directors of a municipal entity.

(7) *If an official referred to in sub-regulation (6)(a) or (c) is implicated in the financial misconduct, the municipality or municipal entity may co-opt a senior manager in another unit, who does not have a conflict of interest.*

(8) *If a municipality or municipal entity does not have sufficient capacity to establish a disciplinary board, a disciplinary board established by a district municipality or an equivalent provincial or national structure established for a similar purpose may, with approval of the district municipality or provincial or national structure, be used as a disciplinary board for the municipality or municipal entity."*

6.3 Financial Implications

The Municipality budgets on an annual basis for the remuneration of Disciplinary Board Members

6.4 Legal Implications

MFMA R430 Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings

6.5 Staff Implications

No additional staff implications.

6.6 Previous / Relevant Council Resolutions

2017-05-08
2024-11-27

6.7 Risk Implications

Addressed in the item.

6.8 Comments from Senior Management

No comments required.

APPENDICES

Appendix 1: Regulation R430 Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings

FOR FURTHER DETAILS CONTACT:

NAME	Lunga Mvandedwa
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DIRECTORATE	***Municipal Manager***
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REPORT DATE	***10 November 2026***

ITEM 6.8.5

Appendix 1

Regulation R430 Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings



Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Regulation Gazette **No. 10204** *Regulasiekoerant*

Vol. 587 **Pretoria, 30 May / Mei 2014** **No. 37699**

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CONTENTS • INHOUD

No.		*Page No.*	*Gazette No.*
	GOVERNMENT NOTICE		
National Treasury			
Government Notice			
R. 430	Local Government: Municipal Finance Management Act (56/2003): Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings	3	37699

GOVERNMENT NOTICE

NATIONAL TREASURY

CORRECTION NOTICE

In Ordinary (National) Government Gazette No. 37682, of 30 May 2014, Government Notice No. 425 is hereby withdrawn and replaced with the following:

No. R. 430 **30 May 2014**

LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, 2003

MUNICIPAL REGULATIONS ON FINANCIAL MISCONDUCT PROCEDURES AND CRIMINAL PROCEEDINGS

The Minister of Finance has, in terms of sections 168 and 175, of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), and acting with the concurrence of the Minister of Cooperative Governance and Traditional Affairs, made the regulations as set out in the Schedule.

SCHEDULE

TABLE OF CONTENTS

CHAPTER 1
INTERPRETATION

1. Definitions

CHAPTER 2
FINANCIAL MISCONDUCT PROCEDURES

2. Application of Chapter
3. Reporting of allegations of financial misconduct
4. Establishment of Disciplinary Board and its functioning
5. Preliminary investigation of allegations of financial misconduct
6. Investigation of allegation of financial misconduct and submission of reports
7. Purpose of investigations

CHAPTER 3
CRIMINAL PROCEEDINGS

8. Application of Chapter
9. Reporting of allegations of financial offences
10. Reporting of alleged financial offences to South African Police Service
11. Allegations of financial misconduct not amounting to breach of code of conduct for councillors
12. Allegations of financial misconduct not amounting to breach of code of conduct for members of the board of directors of municipal entities

CHAPTER 4
GENERAL

13. Application of Chapter
14. Preparation of information documents on alleged financial misconduct and financial offences
15. Tabling of information documents in municipal council or board of directors of municipal entities
16. Reports on disciplinary proceedings and criminal charges
17. Procedures for confidential reporting of financial misconduct and financial offences
18. Protection of officials reporting allegations of financial misconduct and financial offences
19. Interventions by treasury
20. Transitional arrangements
21. Short title and commencement

CHAPTER 1
INTERPRETATION

Definitions

1. In these Regulations, a word or expression to which a meaning has been assigned in the Act has the same meaning as in the Act, unless the context indicates otherwise, and–

"Act" means the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003);

"designated official" means the official identified in a municipality or municipal entity to receive reports of allegations of financial offences against councillors or members of the board of directors of municipal entities;

"disciplinary board" means a disciplinary board established in terms of regulation 4(1) or a disciplinary board of a district municipality or provincial structure referred to in regulation 4(8);

"financial misconduct" means any act of financial misconduct referred to in-

(a) section 171 of the Act committed by an official of a municipality; or
(b) section 172 of the Act committed by an official of a municipal entity;

"financial offence" means any offence referred to in section 173 of the Act committed by-

(a) an official of a municipality or municipal entity;
(b) a councillor of a municipality;
(c) a member of the board of directors of a municipal entity; or
(d) any other person;

"investigator" means the board, treasury, person or team conducting a full investigation in terms of regulation 5(4).

CHAPTER 2
FINANCIAL MISCONDUCT PROCEDURES

Application of Chapter

2. This Chapter applies to alleged financial misconduct.

Reporting of allegations of financial misconduct

3. (1) Any person must report an allegation of financial misconduct against–

(a) the accounting officer, a senior manager or the chief financial officer of a municipality, to the municipal council of the municipality, the provincial treasury and the national treasury;
(b) an official of a municipality other than its accounting officer, to that accounting officer;
(c) the accounting officer of a municipal entity, to the chairperson of the board of directors, the mayor and the accounting officer of the entity's parent municipality;

(d) an official of a municipal entity other than its accounting officer, to that accounting officer.

(2) The mayor, the accounting officer or chairperson of the board of directors, as the case may be, must table an allegation referred to in sub-regulation (1) before the municipal council or, board of directors in the case of municipal entities, not later than seven days after receipt thereof or at the next sitting of the council or the board of directors.

(3) The person to whom an allegation of financial misconduct has been reported in terms of sub-regulation (1) must ensure that the report is treated in a confidential manner.

(4) This regulation must not be read as preventing a person from laying a criminal charge with the South African Police Service against any councillor, member of the board of directors of a municipal entity, or official of a municipality or municipal entity in relation to any conduct that may constitute an offence in terms of Part 2 of Chapter 15 of the Act.

(5) An official against whom an allegation of financial misconduct is made must be given an opportunity to make written representation to the municipality or municipal entity as to why he or she should not be suspended, within seven days of being notified of the allegation.

Establishment of disciplinary board and its functioning

4. (1) A municipal council or board of directors of a municipal entity must establish a disciplinary board to investigate allegations of financial misconduct in the municipality or municipal entity, and to monitor the institution of disciplinary proceedings against an alleged transgressor.

(2) A disciplinary board is an independent advisory body that assists the council or the board of directors with the investigation of allegations of financial misconduct, and provide recommendations on further steps to be taken regarding disciplinary proceedings, or any other relevant steps to be taken.

(3) A disciplinary board must consist of maximum five members appointed on a part- time basis by the council or board of directors for a period not exceeding three years, in accordance with a process as determined by the municipal council or board of directors.

(4) A member of a disciplinary board must-

(a) be a natural person;

(b) be a citizen or permanent resident of the Republic and resident in the province where the municipality is situated; and

(c) not be disqualified under sub-regulation (5).

(5) The following persons are disqualified from membership of a disciplinary board:

(a) a person who has been convicted of an offence in terms of this regulation or any other legislation;

(b) a person who, whether in the Republic or elsewhere, has been convicted of theft, fraud, forgery, the uttering of a forged document or any offence of which dishonesty is an element;
(c) a person who has at any time been removed from any office of trust on account of misconduct or dishonesty;
(d) an accounting officer of a municipality or municipal entity;
(e) a political office-bearer or a member of a board of directors; and
(f) a person who is an office-bearer in a political party.

(6) A disciplinary board may consist of-
(a) the head of the internal audit unit within the municipality or municipal entity or representative of an organisation performing internal audit functions for the municipality or municipal entity if the internal audit function is outsourced;
(b) one member of the Audit Committee of the municipality or municipal entity;
(c) a senior manager from the legal division in the municipality or municipal entity;
(d) a representative of the National Treasury or the provincial treasury; and
(e) any other person as may be determined by the municipal council or board of directors of a municipal entity.

(7) If an official referred to in sub-regulation (6)(a) or (c) is implicated in the financial misconduct, the municipality or municipal entity may co-opt a senior manager in another unit, who does not have a conflict of interest.

(8) If a municipality or municipal entity does not have sufficient capacity to establish a disciplinary board, a disciplinary board established by a district municipality or an equivalent provincial or national structure established for a similar purpose may, with approval of the district municipality or provincial or national structure, be used as a disciplinary board for the municipality or municipal entity.

Preliminary investigation of allegations of financial misconduct

5. (1) On receiving a report in terms of regulation 3(1), if the municipal council, board of directors or accounting officer of the municipality or municipal entity, is satisfied that there is reasonable cause to believe that an act of financial misconduct has been committed, it must within seven days refer the matter to the disciplinary board to conduct a preliminary investigation into the allegation as envisaged in terms of section 171(4)(a) or 172(3)(a) of the Act.

(2) A disciplinary board must conduct a preliminary investigation to determine whether or not the allegation is founded and make a recommendation to the council or board of directors as to whether sufficient grounds exists to warrant a full investigation into the allegation.

(3) If, during a preliminary investigation, the disciplinary board determines that the allegation is frivolous, vexatious, speculative or obviously unfounded, the investigation must be terminated.

(4) If the disciplinary board determines that the allegation is founded, a full investigation must be conducted by–
(a) the disciplinary board;
(b) the provincial treasury or the National Treasury, but only if the conditions specified in regulation 19 apply; or

(c) where the cost, the seniority of the alleged transgressor and the seriousness or sensitivity of investigating the alleged financial misconduct, warrants such a step, by–

(i) a person appointed by the council or board of directors who has appropriate specialist expertise and who is not an official of the municipality or municipal entity; or

(ii) an independent team of investigators appointed by the council or the board of directors;

in accordance with the applicable supply chain management prescripts.

(5) A team of investigators appointed in terms of sub-regulation (4)(c)(ii) may include–

(a) a person, other than an official of the municipality or municipal entity, with appropriate specialist expertise, designated by the municipal council or the board of directors; or

(b) an official of the department responsible for local government in the relevant province, designated by the department; or

(c) an official of the provincial treasury or the National Treasury, designated by the relevant treasury.

(6) The investigator or investigating team appointed in terms of sub-regulation (4)(c) must, within a period of 30 days of the appointment, submit a report with recommendations to the mayor or accounting officer as may be appropriate.

Investigation of allegation of financial misconduct and submission of reports

6. (1) A municipality or municipal entity must develop terms of reference for an investigation, in terms of regulation 5, within seven days of receipt of a referral from a disciplinary board for approval by the council or the board of directors.

(2) If the council or the board of directors has not acted on the recommendation by the disciplinary board that the financial misconduct is founded and sufficient grounds exist to warrant a full investigation into the allegation, the disciplinary board may request the provincial treasury or the National Treasury for assistance and a possible intervention in terms of regulation 19.

(3) After completion of a full investigation, the investigator must–

(a) compile a report on the investigation;

(b) submit its report to the mayor or the chairperson of the board of directors and the accounting officer together with its findings and recommendations, if applicable, regarding disciplinary steps that should be taken against the alleged transgressor; and

(c) immediately inform the speaker of the council of the submission of the report referred to in paragraph (b), and also submit a copy of the report to the provincial treasury and the National Treasury.

(4) The mayor, speaker, accounting officer or the chairperson of the board of directors must table the report of the investigation referred to in sub-

regulation (3)(b) in the council or the board of directors at the first sitting after the report is finalised.

(5) If the report that is tabled in the council or the board is amended, the person tabling the report must provide written reasons for the amendments to the council or the board.

(6) If the findings or recommendations of the report referred to in sub-regulation (3)(b) are rejected by the council or the board, reasons for the rejection must be provided to the investigator within five days of the rejection.

(7) Where the recommendations of the report referred to in sub-regulation (3)(b) regarding disciplinary steps against the alleged transgressor are not implemented, the investigator must notify the provincial treasury and the National Treasury for a possible intervention in terms of regulation 19.

(8) If the investigator recommends that disciplinary proceedings be instituted against the alleged transgressor the council or board of directors must by way of resolution institute the disciplinary proceedings-

(a) in the case of a senior manager, in accordance with the Local Government: Disciplinary Codes and Procedures for Senior Managers Regulations made in terms of the Municipal Systems Act; or
(b) in the case of an official who is not a senior manager, in accordance with the applicable collective bargaining agreement concluded in the bargaining council established for municipalities and municipal entities.

(9) Where the alleged transgressor is found guilty of financial misconduct after the disciplinary proceedings, he or she may not be re-employed in any municipality for a period of ten years as provided in section 57A(3) of the Municipal Systems Act.

Purpose of investigations

7. An investigation in terms of regulations 5 and 6 must establish–

(a) whether the allegation of financial misconduct has any substance; and
(b) if it has substance, whether sufficient grounds exist for instituting disciplinary proceedings against the alleged transgressor.

CHAPTER 3
CRIMINAL PROCEEDINGS

Application of Chapter

8. This Chapter applies to alleged financial offences.

Reporting of allegations of financial offences

9. (1) Any person may report an allegation of a financial offence against–

(a) a councillor of a municipality, to the designated official, the Minister of Finance and the MEC for finance;

(b) the speaker of a municipality, to the mayor of the municipality;

(c) a member of the board of directors of a municipal entity, to the designated official or, if the designated official is implicated, to the mayor and the accounting officer of the entity's parent municipality.

(2) An allegation referred to in sub-regulation (1)(a) or (b) must be dealt with in terms of the Code of Conduct for Councillors in Schedule 1 to the Municipal Systems Act.

(3) An allegation referred to in sub-regulation 1(c) must be dealt with in terms of the Code of Conduct for directors and members of staff of municipal entities in section 93L of the Municipal Systems Act.

Reporting of alleged financial offence to South African Police Service

10. (1) Where a financial offence has been committed by any person referred to in section 173 of the Act, the accounting officer or, if the accounting officer is involved, the municipal council or board of directors of the municipal entity, as the case may be, must report the alleged financial offence to the South African Police Service.

(2) If there is a likelihood of further financial loss for a municipality or municipal entity as a result of a financial offence, the accounting officer, council or board of directors must report the matter without delay to the South African Police Service and not await the completion of any investigation referred to in regulations 5 and 6 related to the financial offence.

(3) Where a financial offence is successfully prosecuted, the judgment must be reported to the National Treasury, together with full details of the convicted person, the name of the municipality where the offence was committed and the sanction that was imposed.

Allegations of financial offences not amounting to breaches of Code of Conduct for Councillors

11. (1) The designated official must, on receipt of a report of alleged financial offence referred to in section 173(4) or (5) of the Act by a councillor–

(a) authorise an investigation of the facts and circumstances of the alleged financial offence; and

(b) give that councillor an opportunity to make, within five days, a written submission with regard to the alleged financial offence.

(2) As soon as the designated official has complied with sub-regulation (1), the designated official must submit a report, within five days of completing the investigation, on the outcome of the investigation to the municipal council.

(3) The designated official must ensure that the public has access to the report referred to in sub-regulation (2).

(4) The designated official must, within five days of submitting the report to council, submit the report on the outcome of the investigation to–

(a) the MEC for finance in the province;
(b) the MEC for local government in the province;
(c) Minister of Finance, and
(d) Minister responsible for local government.

Allegations of financial offences not amounting to breaches of Code of Conduct for members of the board of directors of municipal entities

12. (1) The designated official must, on receipt of a report of alleged financial offence referred to in section 173(5) of the Act by a member of the board of directors or any other person referred to in that section–

(a) authorise an investigation of the facts and circumstances of the alleged financial offence; and
(b) give that member of the board of directors or other person the opportunity to make, within five days, a written submission with regard to the alleged financial offence.

(2) As soon as the designated official has complied with sub-regulation (1), the designated official must, within five days of completing the investigation, submit a report on the outcome of the investigation to the board of directors.

(3) The designated official must ensure that the public has access to the report referred to in sub-regulation (2).

(4) The designated official must, within five days of submission to the board of directors, furnish a report on the outcome of the investigation to–

(a) the board of directors;
(b) the municipal council of the entity's parent municipality;
(c) the MEC for finance in the province;
(d) the MEC for local government in the province;
(e) the Minister of Finance; and
(f) the Minister responsible for local government

CHAPTER 4

GENERAL

Application of Chapter

13. This Chapter applies to alleged financial misconduct and financial offences.

Preparation of information document on alleged financial misconduct and financial offences

14. (1) The municipality or municipal entity must prepare an information document on any alleged financial misconduct or financial offence stating–

(a) the name and position of the person against whom the allegation was made;
(b) a summary of the facts and circumstances of the alleged financial misconduct or financial offence, including the monetary value involved;
(c) any disciplinary steps taken or to be taken against the person concerned, or if no disciplinary steps have been or are to be taken, the reasons for that decision;
(d) in the case of a financial offence, the case number issued by the South African Police Service; and
(e) any steps taken or to be taken to recover any unauthorised, irregular or fruitless and wasteful expenditure incurred as a result of the alleged financial misconduct or financial offence in terms of section 32 of the Act.

(2) The municipality or municipal entity must within five days of finalising the information document submit it, together with any investigation report compiled in terms of regulation 5 and 6 to–

(a) the mayor of the municipality;
(b) the accounting officer of the parent municipality;
(c) the chairperson of the board of directors;
(d) the MEC for local government in the province;
(e) the national department responsible for local government;
(f) the provincial treasury;
(g) the National Treasury; and
(h) the Auditor-General;

Tabling of information document in municipal council or board of directors of municipal entities

15. (1) The mayor of a municipality or the chairperson of the board of directors must table the information document submitted in terms of regulation 14(2) in the municipal council or the board of directors at the first meeting of the council or the board of directors after receipt of the document.

(2) Any resolutions taken by the municipal council or the board of directors relating to the information document referred to in sub-regulation (1) must be reported to the provincial treasury and the national treasury.

(3) If the mayor, the accounting officer or the chairperson of the board of directors, as the case may be, is of the view that the alleged financial misconduct or financial offence may have a significant impact on the finances of the municipality, and that the funds need to be recovered from the alleged transgressor concerned, the mayor must request the speaker of the municipal council to convene a special meeting of the council to discuss the recoverability of the funds in accordance with section 32 of the Act.

Reports on disciplinary proceedings and criminal charges

16. (1) The municipality or municipal entity must report to the institutions referred to in regulation 14(2) (a) to (h)–

(a) any decision to institute or not to institute disciplinary proceedings against the person who allegedly committed a financial misconduct;
(b) the reasons for the decision;
(c) the outcome where disciplinary proceedings have been instituted; and
(d) whether a charge has been laid against the person concerned with the South African Police Service, if the alleged financial misconduct constitutes a financial offence in terms of section 173 of the Act.

(2) Municipalities and municipal entities must report on all suspensions, disciplinary or criminal proceedings instituted in cases of financial misconduct in their annual reports.

Procedures for confidential reporting financial misconduct and financial offence

17. (1) A municipality must–

(a) establish reporting procedures for persons to report allegations of financial misconduct and financial offences on a confidential basis; and
(b) make public the reporting procedures in accordance with section 21(1)(a) and (b) of the Municipal Systems Act.

(2) A parent municipality together with its municipal entity, must establish reporting procedures to allow persons to report allegations of financial misconduct and financial offence on a confidential basis and the municipal entity must make the reporting procedures public.

(3) When establishing reporting procedures in terms of sub-regulation (1) or (2), a municipality or municipal entity must take into account its financial and administrative capacity.

Protection of officials reporting allegations of financial misconduct and financial offence

18. The Protected Disclosures Act 2000 (Act No. 26 of 2000) applies to an official who makes a report or disclosure against a political office-bearer, a member of the board or an official who is alleged to have committed financial misconduct or a financial offence.

Interventions by treasury

19. If a municipality, designated official or municipal entity fails to investigate an allegation of financial misconduct or financial offence, the provincial treasury or the National Treasury may direct that the allegation be investigated.

Transitional arrangements

20. Any disciplinary process instituted before the commencement of these Regulations and not yet completed–

(a) must be finalised in terms of the prescripts applicable at the time when the process was instituted; or

(b) may, by agreement in writing between the affected official, political office-bearer or director of the municipal entity and the municipal council or board of directors, be finalised in terms of these Regulations.

Short title and commencement

21. These Regulations are called the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings and takes effect on 1 July 2014.

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6.8.6	ESTABLISHMENT OF APPEAL COMMITTEE (SECTION 62: SYSTEMS ACT)

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 17 November 2026**

1. SUBJECT: ESTABLISHMENT OF APPEAL COMMITTEE (SECTION 62: SYSTEMS ACT)

2. PURPOSE OF REPORT

For Council to establish an Appeal Committee in terms of Section 62 of the Municipal Systems Act.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

By virtue of the termination of the 2021-2026 Council's term of office, the former Council Appeal Committee has dissolved, which now necessitates the establishment of a new Appeal Committee. During the previous term, 7 (seven) Councillors were appointed to serve on the Council Appeal Committee, with the Speaker appointed as Chairperson.

5. RECOMMENDED

(a) that Council establish an Appeals Committee;

(b) that Council determines the amount of Councillors that will serve on the Appeals Committee (Section 62);

(c) that Council appoints the Councillors to serve on the Council Appeal Committee;

(d) that Council appoints a Chairperson for the Council Appeal Committee; and

(e) that the Chairperson not be a full-time Councillor.

6. LEGAL FRAMEWORK

6.1 MUNICIPAL SYSTEMS ACT, Section 62 APPEALS

In the case of Stellenbosch Municipality which comprises of more than 14 councillors, MSA Section 62(4)(c)(ii) is applicable, which states: *"when the appeal is against a decision taken by a political structure or political office bearer, a committee of councillors who were not involved in the decision and appointed by the municipal council for this purpose is the appeal authority…".*

6.2 Section 79 Committees

In terms of Section 79 of the Structures Act, a municipal council may establish one or more Committees necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers, and appoint the members of such Committee(s) from among its members.

If Council wishes to establish such Committees, it:-

1. must determine the functions of such Committees;
2. may delegate duties and powers to it in terms of Section 59 of the Systems Act;
3. must appoint the Chairperson(s); and
4. may authorise a Committee to co-opt advisory members who are not members of the Council, within the limits determined by Council.

The Council Appeal Committee is established as per the provisions of Section 79 of the Structures Act. As such, the municipal council determines the functions of the Council Appeal Committee and may delegate powers and duties to it, and Council appoints the members as well as the Chairperson of the Council Appeal Committee.

6.3 Composition of Committees

Section 33 of the Structures Act stipulates that, with the establishment of committees, cognisance must be taken of the extent of the functions and powers of the municipality, as well as the need for the delegation of those functions and powers in order to ensure efficiency and effectiveness in their performance.

In terms of Section 160(8) of the Constitution of the Republic of South Africa, members of a municipal Council are entitled to participate in its proceedings and those of its Committees in a manner that, *inter alia:-*

(a) allows parties and interests reflected within the Council to be fairly represented; and

(b) is consistent with democracy.

Furthermore, attention is drawn to the fact that in terms of the Stellenbosch Municipality (WCO24) Principal Establishment Notice dated 22 September 2000 insertion P.N. 261/2015, only the following office bearers are designated as full-time councillors:-

- the Executive Mayor;
- the members of the Mayoral Committee;
- the Speaker;
- the Single Whip; and
- the Chairperson of MPAC (Municipal Public Accounts Committee).

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
CONTACT NUMBERS	*021 808 8025*
E-MAIL ADDRESS	*municipal.manager@stellenbosch.gov.za*
REPORT DATE	*11 November 2026*

6.9	APPOINTMENT OF REPRESENTATIVES ON SALGA – WESTERN CAPE

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 17 November 2026**

1. SUBJECT: APPOINTMENT OF REPRESENTATIVES ON SALGA – WESTERN CAPE

2. PURPOSE OF REPORT

For Council to appoint representatives and secundi to serve on the various SALGA Provincial Working Groups.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

As prescribed in the SALGA Constitution, Provincial and National Conferences must be held within 60 and 90 days after elections respectively.

The Council must nominate representatives to attend the Provincial and National Conferences, as well as appoint representatives to serve on the various SALGA provincial working groups.

The following are the SALGA Working Groups on which a nominated councillor from Stellenbosch Municipality served:

SALGA Provincial Working Groups	
1	Economic Development, Planning and Environment
2	Municipal Finance
3	Community Development
4	Human Resource Development
5	Municipal Services and Infrastructure
6	Governance, Intergovernmental Relations and International Relations

5. RECOMMENDED

that Council appoints a representative and secundi for each of the various SALGA Provincial Working Groups.

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
CONTACT NUMBERS	*021 808 8025*
E-MAIL ADDRESS	*municipal.manager@stellenbosch.gov.za*
REPORT DATE	*11 November 2026*

6.10	APPOINTMENT OF COUNCILLORS TO SERVE ON THE LOCAL LABOUR FORUM

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 17 November 2026**

1. SUBJECT: APPOINTMENT OF COUNCILLORS TO SERVE ON THE LOCAL LABOUR FORUM

2. PURPOSE OF REPORT

For Council to consider the appointment of Councillors to serve on the Local Labor Forum.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The termination of the 2021-2026 Council's term of office necessitates the appointment of Councillors to represent the Employer on the Local Labour Forum.

As per the SALGBC Main Collective Agreement, the Employer representatives shall consist of at least 2 (two) Councillors and Management.

During the previous term of office, 5 (five) Councillors were appointed to serve on the Local Labour Forum.

The Local Labour Forum consists of a total number of 12 members per party (employer/employee).

Employer = 12 members
SAMWU = 4 members
IMATU = 8 members

5. RECOMMENDATION

(a) that Council determines the amount of Councillors to serve on the Local Labour Forum;

(b) that Council appoints the Councillors to serve on the Local Labour Forum.

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
CONTACT NUMBERS	*021 808 8025*
E-MAIL ADDRESS	*municipal.manager@stellenbosch.gov.za*
REPORT DATE	*11 November 2026*

6.11	APPOINTMENT OF COUNCILLORS TO SERVE ON EXTERNAL BODIES

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 17 November 2026**

1. SUBJECT: APPOINTMENT OF COUNCILLORS TO SERVE ON EXTERNAL BODIES

2. PURPOSE OF REPORT

For Council to consider the appointment of Representatives of Council to serve on external bodies.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The table below indicates the various external bodies where the former Council was represented:

BODY/INSTITUTE	Number of Council Reps
Jan Marais Nature Reserve Advisory Committee	1
Mont Rochelle Nature Reserve Advisory Committee	2
Pension Fund and Retirement Fund	1
Stellenbosch Museum Trustees	1
Franschhoek Museum	1
Community Police Forum Stellenbosch	3
Community Police Forum Kayamandi	3
Community Police Forum Franschhoek	2
Community Police Forum Klapmuts	2
Community Police Forum Cloetesville	2
Community Police Forum Groot Drakenstein	1
SWOKK (Stellenbosch Welsyns en Ontwikkelings-koordinerings Kommitee)	3
FREMCO Trust	3
Hospital Board	1
Stellenbosch University Board	1
Winelands Water Utilisation Association	1

5. RECOMMENDATION

that Council appoints representatives to serve on the external bodies.

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
CONTACT NUMBERS	*021 808 8025*
E-MAIL ADDRESS	*municipal.manager@stellenbosch.gov.za*
REPORT DATE	*11 November 2026*

6.12	ADOPTION OF SYSTEM OF DELEGATIONS

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 17 November 2026**

1. SUBJECT: ADOPTION OF SYSTEM OF DELEGATIONS

2. PURPOSE

For Council to adopt a System of Delegations in terms of Section 59 of the Local Government: Municipal Systems Act.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

In terms of Section 59 of the Local Government: Municipal Systems Act, 32/2000, a Municipal Council must develop a System of Delegations that will maximize administrative and operational efficiency and provide for adequate checks and balances, and, in accordance with such system, may:

(c) delegate appropriate powers, excluding the powers referred to in section 160(2) of the Constitution and the power to set tariffs, to decide to enter into a service delivery agreement in terms of section 76(b) and to approve or amend the municipality's integrated development plan, to any of the municipality's other political structures, political office bearers, councillors, or staff members;

(c) instruct any such political structure, political office bearer, councillor, or staff member to perform any of the Municipality's duties; and

(c) withdraw any delegation or instruction.

Section 59(2)(f) provides inter alia that the System of Delegations developed in terms of Section 59(1) by Council must be reviewed when a new council is elected.

The System of Delegations was last adopted by Council on 21 October 2026. Section 59(2)(f) of the Systems Act requires that the System of Delegations be reviewed when a new Council is elected. Following the elections on 4 November 2026, the delegations framework has been reviewed to address gaps in the operations of the Planning and Economic Development Directorate. The amendments are confined to those matters that fall within the administration's delegable authority under the Constitution and applicable legislation and do not purport to amend Council's non-delegable functions.

5. RECOMMENDATIONS

It is recommended that:

(a) Council adopts the attached amended System of Delegations as set out in APPENDIX 1.

6. DISCUSSION / CONTENTS

6.1 Background

In terms of Section 59 of the Local Government: Municipal Systems Act, 32/2000, a Municipal Council must develop a System of Delegations that will maximize administrative and operational efficiency and provide for adequate checks and balances, and, in accordance with such system.

6.2 Discussion

In terms of Section 59 of the Local Government: Municipal Systems Act, 32/2000, a Municipal Council must develop a System of Delegations that will maximize administrative and operational efficiency and provide for adequate checks and balances, and, in accordance with such system, may:

(c) delegate appropriate powers, excluding the powers referred to in section 160(2) of the Constitution and the power to set tariffs, to decide to enter into a service delivery agreement in terms of section 76(b) and to approve or amend the municipality's integrated development plan, to any of the municipality's other political structures, political office bearers, councillors, or staff members;

(c) instruct any such political structure, political office bearer, councillor, or staff member to perform any of the Municipality's duties; and

(c) withdraw any delegation or instruction.

The System of Delegations was last adopted by Council on 21 October 2026. Section 59(2)(f) of the Systems Act requires that the System of Delegations be reviewed when a new Council is elected. Following the elections on 4 November 2026, the delegations framework has been reviewed to address gaps in the operations of the Planning and Economic Development Directorate. The amendments are confined to those matters that fall within the administration's delegable authority under the Constitution and applicable legislation and do not purport to amend Council's non-delegable functions.

The System of Delegations has now been reviewed and amended.

6.3 Financial Implications

The revision of the System of Delegations has no financial implication on Council unless additional staff has to be appointed.

6.4 Legal Implications

Compliance with Section 59(1) of the Systems Act and various other legislative measures as listed in the definitions and interpretations contained in part 1 of the System of Delegations.

6.5 Staff Implications

If any additional staff has to be appointed permanently, it will only be done within the framework of a Council approved structure and with the necessary budgetary provisions.

6.6 Previous Council Resolutions

SPECIAL COUNCIL: 22 JUNE 2022: ITEM 9.2.3 RESOLVED

(a) that Council adopts the System of Delegations as amended June 2022; and
(b) that the System of Delegations be reviewed when a new Council is elected in terms of s59(2)(f) of the Systems Act.

44TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY: 21 OCTOBER 2026: ITEM 10.3.5

(a) Council adopts the attached amended System of Delegations as set out in APPENDIX 1, and

(b) Council notes the Administrative Continuity During Coalition Instability Guidelines (Dullah Omar Institute, UWC, 2026), endorsed by the Western Cape Department of Local Government, as a reference framework for the municipality's administrative continuity planning.

6.7 Risk Implications

Delegations must maximize administrative and operational efficiency and provide for adequate checks and balances.

6.8 Comments from Senior Management

The item was discussed at the Director's meeting and Directors' inputs are contained in the report.

6.9 Chief Financial Officer

Agree with the recommendations.

ANNEXURES

Appendix 1 – System of Delegations (amended November 2026) **(will be distributed under separate cover in due course)**

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
CONTACT NUMBERS	*021 808 8025*
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REPORT DATE	*11 November 2026*

6.13	ESTABLISHMENT OF WARD COMMITTEES

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 17 November 2026**

1. SUBJECT: ESTABLISHMENT OF WARD COMMITTEES

2. PURPOSE

To submit to Council a report requesting the establishment of Ward Committees.

3. DELEGATED AUTHORITY

Council is the decision-making authority.

4. EXECUTIVE SUMMARY

In terms of Stellenbosch Municipality's Establishment Notice (as amended), it is a municipality with a mayoral executive system combined with a ward participatory system.

Section 73 of the Local Government Municipal Structures Act stipulates:

"(1) A metropolitan or local council must establish a ward committee for each ward in the municipality within 120 days after the election of the municipal council, in accordance with section 22."; and

"(1A) (a) If a metropolitan or local council is unable to establish a ward committee or ward committees in accordance with subsection (1), the speaker must, prior to the expiry of the 120 days after the elections, in writing and on good cause shown, request the MEC, responsible for local government in the province concerned, for an extension.

(b) The MEC must respond to the request referred to in subsection (1)(a) within 14 days of receipt detailing the reasons for granting or refusing the extension".

Council is therefore requested to commission the Speaker to establish ward committees for all 23 wards.

5. RECOMMENDATIONS

(a) that Council notes that in terms of Section 73 of the Municipal Structures Act, Ward Committees must be established for each ward;

(b) that Council designates the Speaker to facilitate the establishment of Ward Committees in line with the provisions and stipulations of the Municipal Structures Act and Council's policy for the establishment of Ward Committees and 30(4) of the Council's Policy and Procedures for Ward Committees;

(c) that a hybrid model (geographic and sector model) be implemented;

(d) that ward councillors be commissioned to determine the geographic areas/blocks of their wards where applicable;

(e) that the Office of the Speaker be informed in respect of the geographical blocks/areas by no later than 30 November 2026;

(f) that Council consider the amendments proposed in Clauses 20 and 25 of the Policy and Procedures for Ward Committees; and

(g) that the Speaker reports back to Council on the establishment of the Ward Committees within a period of 4 (four) months.

6. DISCUSSION / CONTENTS

6.1 Background

Establishment of Ward Committees and its composition

In terms of section 73 of the Local Government Municipal Structures Act,

"(1) A metropolitan or local council must establish a ward committee for each ward in the municipality within 120 days after the election of the municipal council, in accordance with section 22."; and

"(1A) (a) If a metropolitan or local council is unable to establish a ward committee or ward committees in accordance with subsection (1), the speaker must, prior to the expiry of the 120 days after the elections, in writing and on good cause shown, request the MEC, responsible for local government in the province concerned, for an extension.

(b) The MEC must respond to the request referred to in subsection (1)(a) within 14 days of receipt detailing the reasons for granting or refusing the extension".

(2) *A ward committee consists of*

(a) the councillor representing that ward in the council who must also be the chairperson of the committee: and

(b) not more than 10 other persons.

Rules regulating election procedure, membership and frequency of meeting and term of office

(3) A metro or local council must make rules regulating—

(a) the procedure to elect the subsection (2)(b) members of a ward committee, taking into account the need—

(i) for women to be equitably represented in a ward committee; and

(ii) for a diversity of interests in the ward to be represented.

(b) the circumstances under which those members must vacate office; and

(c) the frequency of meetings of ward committees.

(4) A metro or local council may make administrative arrangements to enable ward committees to perform their functions and exercise their powers effectively.

In terms of section 75 of the Structures Act a Ward Committee is elected for a term determined by the local Council.

Stellenbosch Municipality has approved a policy dealing with the establishment of Ward Committees as well as the matters mentioned above.

During the previous term, Ward Committees were operational in all 22 wards. However, Ward Committees cease to exist at the end of each term.

Taking into account that Stellenbosch Municipality (in terms of its Establishment Notice, as amended) is a Municipality with a Mayoral Executive System combined with a Ward Participatory System and read with section 9, new Ward Committees will have to be established in all 23 wards.

Attached as **APPENDIX 1** is a Policy and Procedures for Ward Committees

6.2 Financial Implications

Provision is made in the 2026/27 Budget for the establishment of ward committees.

6.3 Legal Implications

The recommendations in this report comply with Council's policies and all applicable legislation.

6.4 Staff Implications

Council appoints a ward administrator for every ward committee as admin support to the ward committee and ward councillor. Their appointments are linked to the term of the ward councillor and they are part of the staff structure of council.

6.5 Risk Implications

The risks are addressed by the report.

6.6 Comments from Senior Management

No comments were requested.

APPENDIX

Appendix 1 : Ward Committee Policy

ITEM 6.13

Appendix 1

Establishment of Ward Committees

APPENDIX 19

STELLENBOSCH MUNICIPALITY

WARD COMMITTEE POLICY

2026/2027

Approved per Council Resolution/ Item 8.2 at 41st Council Meeting on 27 May 2026

TABLE OF CONTENTS

Preamble and Definitions		**3**
1.	**Establishment**	**4**
2.	**Status of Ward Committees**	**4**
3.	**Composition of Ward Committees**	**4**
4.	**Decision on type of Ward Committees**	**5**
5.	**Nomination**	**5**
6.	**Election Criteria**	**6**
7.	**Election Meeting**	**6**
8.	**Election Procedure**	**6**
9.	**Voting**	**7**
10.	**Term of Office**	**8**
11.	**Dissolution**	**8**
12.	**Termination of Membership**	**8**
13.	**Removal from Office**	**8**
14.	**Filling Vacancies**	**9**
15.	**Powers and Functions of the Speaker**	**9**
16.	**Powers and Functions of Ward Committees**	**9**
17.	**Subcommittees**	**11**
18.	**Conduct of Members**	**11**
19.	**Chairperson**	**12**
20.	**Purpose of Ward Committee Meetings**	**12**
21.	**Quorum and Decisions**	**12**
22.	**Procedures**	**12**
23.	**Work Programme**	**13**
24.	**Administrative Support**	**13**
25.	**Budget**	**13**
26.	**Accountability**	**14**
27.	**Dispute Resolution**	**14**
28.	**Chairperson**	**15**
29.	**Purpose of Ward/Public Meetings**	**15**
30.	**Meeting Arrangements**	**15**

Policy and Procedures for Ward Committees

Compiled in terms of the Local Government: Municipal Structures Act, 117 of 1998; Local Government: Municipal Systems Act, 32 of 2000 and 2005 DPLG Guidelines

Preamble

WHEREAS the Municipality is committed to encouraging the involvement of communities and community organisations in its affairs.

WHEREAS the Municipality is a municipality with an executive mayoral system combined with a ward participatory system as set out in section 9(d) of the Act.

WHEREAS the Council has resolved in terms of section 72(2) of the Act to adopt the ward participatory system.

IT IS THEREFORE RESOLVED by the Council as follows.

Definitions

In this Policy and Procedures, a word or expression has the meaning assigned to it in applicable national legislation; otherwise, it has the meaning set out below:

"The Act" means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

"Council" means Council of Stellenbosch Municipality or the Stellenbosch Town Council;

"election officer" means the person in charge of the election of ward committee members at an election meeting, which person must be an official of the Municipality or an impartial person appointed by the Municipality for this purpose;

"Executive Mayor" means [insert];

"geographical area" means a portion of the ward (e.g. a block of streets) to be served by a ward committee member or more than one ward committee member;

"Mayoral Committee" means [insert];

"Municipality" means Stellenbosch Municipality;

"nominee" means a person nominated in terms of clause 5 for election to a ward committee by a registered voter residing in that ward;

"out-of-pocket allowance" means out of pocket allowances to be paid to members of ward committees in respect of their participation in the activities of the ward committees as contemplated in clause 73(5)(c) of the Act; **"Policy and Procedures"** means this document;

"resident" means a resident of the ward for which the ward committee was established; and

"Speaker" means the Speaker of the Council.

CHAPTER 1
ESTABLISHMENT AND ELECTION

1. Establishment

With effect from a date set by the Municipality, ward committees will be established for all wards.

2. Status of ward committees

(1) The object of a ward committee is to enhance participatory democracy in local government.

(2) A ward committee:

(a) is an advisory body;

(b) is a representative structure of the ward;

(c) is an independent committee of the community in a ward;

(d) is impartial and performs its functions without fear, favour or prejudice;

(e) is not politically orientated;

(f) as a representative structure of the community, is accountable to the community; and

(g) is an integrative umbrella body responsible for coordination of ward developmental initiatives, promotion of accountability and social cohesion.

3. Composition of ward committees

(1) A ward committee will comprise of the ward councillor representing that ward in the Council and not more than 10 other persons elected in accordance with clauses 6 to 10. Gender equity and diversity of interests will be pursued by the election officer. This will be done by drawing the attention of the voters at the start of an election meeting to the importance of:

(a) striving for equal representation of men and women on the ward committee; and

(b) having representatives for different communities within the ward on the ward committee in the case of a geographical representation system.

(3) The Municipality must appoint ward administrators to fulfil the administrative and/or secretarial duties of a ward committee.

(4) A ward councillor may delegate in writing the chairing of a meeting in his/her absence to a proportional representation councillor or any member of the ward committee.

(5) A ward committee may extend a standing invitation to a maximum of two individuals who they feel will contribute to a better representivity of the ward committee, as observers to the ward committee.

(6) The observers mentioned in sub-clause (5) above will have no voting rights during ward committee meetings.

4. Decision on type of ward committee

(1) When a new ward committee is to be established, the Municipality must determine beforehand whether the particular ward warrants a single election following the geographical representation system, taking into account the diversity of communities as well as the geography of that ward.

(2) The administration of the Municipality, after consulting with ward councillors, must make a recommendation to the Council in respect of the type of election system to be used for each ward. The Council will decide on the type of election system to be used for each ward.

(3) In the case of a geographical representation system, the Municipality, in consultation with the ward councillors, must determine beforehand how many ward committee members will be representing each geographical area, taking into consideration the pro-rata numbers of registered voters in each voting district.

(4) The ward councillor, in consultation with residents, must determine the number of the geographical blocks for the ward taking into consideration the distribution of registered voters in the area.

5. Nomination

(1) Before the Municipality calls for nominations for a general election of ward committees, an information campaign must be undertaken to inform the public and councillors on all aspects of the election.

(2) In the case of a geographical representation system, only nominations in respect of and made by a registered individual residing in the particular geographical area will be valid.

(3) The Municipality must:

(a) publish a call for nominations for candidates for ward committee elections in one or more of the local newspapers circulating in the Stellenbosch municipal area at least 45 days before close of nominations; and

(b) advertise the call for nominations on noticeboards in municipal buildings and municipal libraries for a period of at least 30 days.

(4) A nomination must be accompanied by:

(a) a written acceptance of the nomination by the nominee in the prescribed format; and

(b) a copy of the ID document or ID card of both the proposer and nominee.

6. Election criteria

To be elected as a member of a ward committee, a person:

(a) must be a registered voter in the ward concerned;

(b) may not be a member of the Council;

(c) may not be in the full-time employment of the Municipality;

(d) may not, on and after the date of nomination, be in arrears with the Municipality for rates and service charges for a period of more than three months;

(e) may not be someone who, after February 1997, has been convicted of an offence and sentenced to imprisonment for a period of not less than 12 months without the option of a fine;

(f) may not be someone of unsound mind who has been declared so by a competent court; and

(g) may not be an insolvent or unrehabilitated insolvent.

7. Election meeting

(1) Elections will be held according to the type of election system determined by the Council for each ward in terms of clause 4 above.

(2) On determining the election meeting venue (or venues, in the case of separate meetings), the Municipality must take into account, *inter alia:*

(a) the input of the ward councillors and communities concerned;

(b) distances for voters to travel;

(c) the needs of minority or vulnerable groups to be accommodated on the ward committee; and

(d) the existence or not of separate communities within the ward with dissimilar needs.

(3) After the nominations have closed, the Municipality must:

(a) convene an election meeting for and within each ward after confirmation of the election date with the relevant ward councillor; and

(b) make public the date, time and place of a ward election meeting by way of official notice in local newspapers as well as loud hailing in the relevant wards using all the official languages of the province, as well as through other means of public communication determined by the Council.

(4) Only residents who are registered as voters in the ward concerned may attend and vote at the meeting. Municipal officials and members of the media may attend the meeting but may not vote at the meeting.

(5) The ward election meeting must be chaired by the election officer.

(6) Provision must be made for illiterate people, where applicable.

8. Election procedure

(1) The ward councillor, if present, may welcome the voters and the candidates and must then take a seat amongst those present at the meeting and refrain from any interference with the proceedings.

(2) The election officer will then take control of the voting process and explain

the procedure to be followed.

(3) The nominees:

(a) must be introduced by the election officer; and

(b) may then be allocated, on an equal basis, time to address the meeting.

(4) After the nominees for a geographical area have been introduced, the election officer will call for a vote on those nominees.

(5) If only one person was nominated, the election officer must declare that person elected.

(6) The election officer must declare elected the nominee who receives a majority of the votes (50% plus one) cast.

(7) If no nominee receives a majority of the votes cast, a second vote must be taken on the three nominees that received the highest number of votes in the first vote.

(8) If no nominee receives a majority of the votes cast in the second vote, a third vote must be taken on the two nominees that received the highest number of votes in the second vote.

(9) If the two nominees receive the same number of votes after the process in sub-clause (8) above, the election officer must determine the elected person by the draw of lots.

(10) Once all vacancies have been filled, the election officer must indicate to those present their right to appeal, as follows:

(a) any such appeal must be lodged with the office of the Speaker within seven days of the election;

(b) appeals will be dealt with by an independent person appointed for this purpose by the Speaker and agreed to by the appellant. The findings of the independent person will be binding.

(11) The ward councillor may now take control of the meeting to thank everybody present, congratulate the successful candidates and close the meeting, should he/she so wish.

9. Voting

(1) Each community member present may cast one vote for one nominee residing in his/her geographical area.

(2) Voting will be by ballot paper unless 75% or more of the voters decide to vote by show of hands. This may be determined for the meeting as a whole or for each geographical area separately.

(3) Where voting is done by show of hands, the nominees for each geographical area must leave the hall for the duration of the election with respect to that geographical area. Informed by previous experiences, the Municipality is kindly advised to use secret ballot in order to avoid any disruptions and intimidation tactics we experienced in the past.

(4) The ward councillor may vote for a nominee in his/her geographical area.

(5) The ward councillor may not, before or during the election meeting, influence or campaign for the election of ward committee members.

Election (voting) process at election venues

9.1 The elections will be conducted in accordance with the election (voting) process.

9.2 Only registered voters, whose names appear on the voters' roll of the Ward, where election of a particular Ward Committee are conducted will be eligible to participate in the elections of the particular Ward Committee.

9.3 A registered person can only vote for one organisation/sector and/ one geographical block representative during the election process of a particular Ward Committee.

9.4 A minimum of not less than 2 (two) organisations/sectors to be elected as members of a particular ward committee whilst the balance must be elected from geographical blocks.

9.5 The ratio between organisations/sectors and geographical block representation, also taking into consideration 9.4 above, will be determined by the newly elected Ward Councillor, in consultation with the appointed election officer, taking into consideration the nominations received for the particular ward, upon finalising the list of nominations.

CHAPTER 2

TERMS OF OFFICE, VACANCIES AND DISSOLUTION

10. Term of office

(1) The term of office for a ward committee will run concurrently with that of the Council up to the day of the next municipal election.

(2) Members of a ward committee will vacate office when a new Council is declared elected.

(3) The vacation of office by a ward councillor does not affect the term of office of the 10 members elected in accordance with clauses 5 to 9.

(4) A ward committee member may be re-elected, subject to the above sub-clauses.

11. Dissolution

(1) The Council may, by notice addressed to a ward committee, dissolve the ward committee when:

(a) it fails to meet three consecutive times as per schedule of meetings;

(b) a majority of members, in terms of a vote taken at a ward committee meeting, recommend to the Council that the ward committee be dissolved; or

(c) maladministration, fraud, corruption or any serious malpractice has occurred or is occurring in the ward committee.

(2) The Council must give prior notice to a ward committee of the intention to dissolve the ward committee subject to a right to reply within 14 days.

12. Termination of membership

The membership of a ward committee member will be terminated if that member:

(a) resigns in writing;

(b) is no longer qualified, in terms of clause 6 above, to be a member of a ward committee;

(c) is removed from office by the Speaker in terms of clause 13; or

(d) dies.

(e) Relocates to another ward

13. Removal from office

The Municipal Council may remove a member of a ward committee from office, after consideration of the Speakers recommendation to Council, based on an internal investigation by the office of the Speaker. Said internal investigation must be based on the "Audi Alteram Partem" rule. Grounds for removal as follows: Municipal Council, upon recommendation by the Speaker, can remove a member of a ward committee from office if that member:

(a) fails to attend three consecutive meetings without obtaining leave of absence from the ward committee;

(b) deliberately fails to adhere to meeting procedures or is guilty of gross misconduct during ward committee meetings;

(c) is involved in proven and malicious activities undertaken solely to undermine the authority of the Council or the ward councillor; or

(d) is engaged in corruption or deliberately fails to disclose a material conflict of interest.

14. Filling of vacancies

(1) The Speaker must fill the vacancy by declaring elected the person who received the second highest number of votes in the geographical area concerned during the election held in terms of clause 8.

(2) If nobody can be declared elected in terms of sub-clause (1) above, the ward committee may, by means of an information campaign in the relevant geographical area, call for qualifying nominations from that area, consider the nominations received and by a majority vote of the members of the ward committee present, fill the vacancy through a process of co-option. The process of co-opting a ward committee member is explained in Annexure A

(3) The intention to fill a vacancy through a process of co-option must be placed on the ward committee's agenda beforehand, and the agenda must be circulated to members of the ward committee at least seven days before the meeting.

(4) The geographical area representation of the member who vacated his/her position must be taken into account when filling a vacancy.

(5) A person co-opted as a ward committee member must comply with the criteria stipulated in clause 6 above.

(6) The ward committee vacant postmust be filled within a month after the vacancy has occurred.

CHAPTER 3

POWERS AND FUNCTIONS AND CONDUCT OF MEMBERS

15. The role of the Speaker

The Speaker:

1. Must ensure effectiveness and functionality of ward committees and other public participation processes in terms of section 37(k) of the Municipal Structures Amendment Act (2021);
2. Must ensure that ward committees are established within hundred and twenty (120) days after the election of municipal councils in line with the hundred and twenty (120) days are calculated from the day on which the Independent Electoral Commission (IEC) declares the results of the Local Government Elections;
3. If the Municipality fails to establish ward committees, the Speaker must write a letter to the MEC for Local Government requesting extension. The MEC is required in terms of section 73 of the amended Structures Act to reply and indicate whether the extension has been granted or not within fourteen (14) days.

(1) is the patron/custodian of ward committees;

(2) must ensure that ward participatory structures are established in line with the guidelines set and applicable legislation;

(3) must in collaboration with ward councillors regulate and monitor the frequency of ward committee and community report-back meetings;

(4) must through his/her office ensure functionality of ward committees;

(5) must ensure that the local government environment is conducive to active citizen participation in governance at local level;

(6) must ensure ongoing training and capacity building programmes; and

(7) must set deadlines for submission of ward committee reports.

16. Powers and functions of ward committees

(1) A ward committee may make recommendations on any matter affecting its ward to the ward councillor or through the ward councillor to the Council, the Mayoral Committee or the Executive Mayor.

(2) The following functions and powers are delegated to ward committees by the Council in terms of clause 59 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000):

(a) to serve as an official specialised participatory structure in the Municipality;

(b) to create formal unbiased communication channels as well as co-operative partnerships between the community and the Council. This will be achieved by:

(i) advising and making recommendations to the ward councillor on matters and policy affecting the ward;

(ii) assisting the ward councillor in identifying challenges and needs of residents;

(iii) disseminating information in the ward concerning municipal affairs such as the budget, integrated development planning, performance management system (PMS), service delivery options and municipal properties;

(iv) receiving queries and complaints from residents concerning municipal service delivery, communicating these to the appropriate municipal channels such as the Customer Care System if appropriate, escalating such to the ward councillor where necessary, and through him/her to the Council;

(v) ensuring constructive and harmonious interaction between the Municipality and community through the use and co-ordination of ward residents' meetings and other community development forums; and

(vi) interacting with other forums and organisations on matters affecting the ward; and

(c) to serve as a mobilising agent for community action within the ward. This may be achieved by:

(i) attending to all matters that affect and benefit the community;

(ii) acting in the best interest of the community; and

(iii) ensuring the active participation of the community in:

(aa) service payment campaigns;

(bb) the integrated development planning process;

(cc) the Municipality's budgetary process;

(dd) decisions about the provision of municipal services; and

(ee) decisions about by-laws.

(3) No executive powers will be delegated to ward committee members.

(4) A ward committee majority may express dissatisfaction to the Speaker in writing on the non-performance of a ward councillor.

17. Subcommittees

(1) A ward committee may establish one or more subcommittees necessary for the performance of its functions and may involve organisations more broadly.

(2) A ward committee must:

(a) appoint the members of such a sub-committee;

(b) appoint the chairperson of such a sub-committee from amongst its members; and

(c) determine the function of such a sub-committee.

(3) Meetings of the ward committee and its sub-committees may serve as a ward forum for major discussions.

(4) Stakeholders in the ward may apply to the ward committee to participate in

sub-committees that are relevant to their fields of interest and to their day-to-day functioning as a sector.

18. Conduct of members

A member of a ward committee:

(a) must perform the functions of the committee in good faith and without fear, favour or prejudice;

(b) may not use the position or privileges of a member for private gain, or to improperly benefit another person;

(c) may not act in any other way that compromises the credibility, impartiality, independence or integrity of the committee;

(d) must adopt the principle of accountability to the community and the Council regardless of political affiliation;

(e) must be accessible to the community and ensure that all role players can relate to the process and the issues at hand and are able to provide their input in respect of the processes of the ward committee;

(f) must adopt the principle of transparency to promote openness, sincerity and honesty among all the role players in a participative process and promote trust and respect for the integrity of each role player and a commitment by all to the overriding objectives of the process in the interest of the common good;

(g) must recognise diversity with empathy for the differences associated with race, gender, religion, ethnicity, language, age, economic status and sexual orientation;

(h) must consider all views and opinions in the process of community participation. Special effort should be made to include previously disadvantaged persons and groups, including women and youth in the activities of the ward committee; and

(i) must provide an apology with a valid reason to the chairperson of the committee or the ward administrator if he/she cannot attend a meeting.

CHAPTER 4

WARD COMMITTEE MEETINGS

19. Chairperson

(1) Subject to clause 3(4) above, ward committee meetings are convened and chaired by the ward councillor.

(2) Members of the ward committee must, well in advance of a ward committee meeting, not less than 72 hours prior to the meeting submit substantive items to be discussed to the chairperson.

(5) The chairperson will be responsible for preparing an agenda for ward committee meetings.

(6) The chairperson will determine when and where the ward committee meets, subject to sub-clause (5) below.

(7) A ward committee should meet on a monthly basis but must meet at least quarterly.

A ward councillor may delegate in writing the chairing of the meeting to a proportional representative or any member of the ward committee under special circumstances. Such a notification of delegation must be submitted formally in writing to the Office of the Speaker at least 24 hours before the meeting.

(8) A Chairperson may collate complaints and refer them to the Directorates responsible if not resolved via the normal municipal communication and complaint channels, or if the complaints are more strategic in nature. The Chairperson may then collate response to such complaints from the applicable Directorates and channel the responses to the Ward Committee as a further means of communicating Municipal processes and projects/initiatives.

20. Purpose of ward committee meeting

(1) The purpose of ward committee meetings is:

(a) where ward committee members raise, formulate and table matters affecting the ward or geographical area / sector / portfolio;

(b) for the ward councillor to report on:

(i) matters decided by the Council; and

(ii) initiatives, information, campaigns and programmes of the Council;

(c) to discuss complaints received by ward committee members on municipal service delivery in the ward; and to report and escalate such complaints where appropriate via the Municipal channels;

(d) to formulate views and action plans on the above matters.

(2) Number of meetings

(a) at least two ward committee meetings per quarter; and

(b) two (2) public meetings per calendar year with one meeting during the first half of the year and the other during the second half of the year.

21. Quorum and decisions

(1) 50% plus one of the serving ward committee members must be present before a vote may be taken on any matter.

(2) A ward committee must endeavor to adopt its decisions based on consensus.

(3) If consensus on any matter cannot be achieved, such matter may be determined by a supporting vote of at least the majority of the members with voting rights.

22. Procedures

(1) A ward committee with a supporting vote of the majority of its serving members may determine its own procedures subject to any directions of the chairperson.

(2) Meetings of a ward committee are normally open to the public.

23. Work programme

A ward committee must:

(a) submit a work programme with specific outputs for one year to the office of the Speaker or other designated political functionary in July of each year;

(b) perform the functions as set out to achieve and indicated in the work programme:

(i) on its own initiative;

(ii) on request by the ward councillor;

(iii) on request by the Speaker or other designated political functionary;

(iv) in accordance with priorities and reasonable timeframes determined by the Speaker or other designated political functionary.

24. Administrative support, use of ward offices and associated spaces

(1) The Municipality must make administrative and secretarial arrangements to enable ward committees to perform their functions and exercise their powers effectively.

(2) The Municipality may put in place conditions, such as periods of notice of meetings, to organise administrative and secretarial support to the ward committee.

(3) In the case where the Municipal Manager receives correspondence from a ward committee, he/she must give feedback to the ward councillor concerned (with a copy to the Executive Mayor) on the information or action required within 14 days of receipt of the correspondence.

(4) Ward committees are entitled by prior arrangement to the free use of venues in municipal buildings in order to hold official meetings.

(5) Ward offices and associated spaces are primarily for the use of the ward councillor, ward administrator and ward committee members to perform duties and municipal functions relating to the ward

(6) Any other organistions eg.non-profit organisations, provincial and/or national government institutions wanting to use ward facilities for a specific purpose must officially apply in writing to the office of the Speaker. Upon receipt of request, the office of the Speaker must make a recommendation to the office of the Municipal Manager for final approval/non approval.

(7) Programmes excluded from clause 24.(6) championed by the ward councillor with the approval of the ward committee must be approved as per delegation by the office of the Speaker in conjunction with the Municipal Manager.

(8) With reference to programmes mentioned in the above clauses, the Municipality has full indemnity in case off personal injury, loss and/or damages of personal property

25. Budget

(1) Members of ward committees will be reimbursed for out-of-pocket expenses as contemplated in clause 25(2)(a) - (e) below.

(2) The Municipality will annually budget for a stipend of R 750.00 per month per ward committee member subject to the following:

(a) attending of meetings as per the ward committee schedule of meetings;

(b) performing of functions as contemplated in clause 16 above;

(c) the maximum reimbursement of R 2 250.00 can be paid at the end of each quarter after verification (meaning in the first two weeks of the new quarter) to ward committee members in person and not to organisations that she or he represents (For e.g., this means that payment for the quarter October – December of the particular year will be made during the first two weeks of January of the next year). The amount payable depends on the attendance of ward meetings by the respective ward committee member. The payment will be made after the completion of the entire verification process.

(d) that reimbursements only be paid on verification of attendance register of meetings and that reimbursements will only be electronically transferred to the bank account of the relevant ward committee member(s);

(e) that non-attendance of ward committee meetings and/or non-performance of functions as stipulated in clause 16 above without a valid reason be reported to the Speaker;

(f) ward committee members will only be paid for attendance at meetings after the proper verification. Failure to attend the meeting will result in no payment for the respective meeting.

(g) Not attending three (3) meetings in a row (with or without apology) must be reported to the Speaker.

(h) that ward committee members may elect not to be reimbursed. This confirmation must be submitted in writing on a quarterly basis by the respective ward committee member who chooses not to be reimbursed and submitted to the ward administrator and Executive Support Officer.

26. Accountability

A ward councillor must:

(a) ensure that full and proper records are kept of the minutes of ward committee meetings;

(b) ensure that the ward committee's available resources are properly safeguarded and used in the most effective and efficient way;

(c) ensure that all statutory measures applicable to the ward committee are complied with;

(d) ensure that all recommendations and comments made by the ward committee are formalised and submitted to the office of the Speaker or other designated political functionary for presentation to the Council or conveyed timeously to the appropriate external decision-making authority;

(e) report a view adopted by the ward committee to the Council, but may indicate his/her agreement with the view in the report;

(f) ensure the production of a progress report on major achievements and areas of failure, with reasons, within two months after the end of the financial year;

(g) submit the progress report to the Speaker or other designated political functionary for a review of the performance of the ward committee; and

(h) implement any corrective measures to ensure effective and efficient performance of the ward committee as suggested by the Speaker or other designated political functionary.

27. Dispute resolution

The following mechanisms are recommended when disputes arise within ward committees:

(a) every effort should be made to deal with disputes;

(b) when a dispute arises, the ward councillor should notify the Speakers office, after which the Speaker must attempt to resolve the dispute through a process of mediation.

~~(c)~~ if the attempt at mediation fails,the Speaker may choose to arbitrate or appoint and independent arbitrator to facilitate the process.

(d) if the majority of the members of the ward committee remain aggrieved, the matter should be brought to the attention of Council via office of the Speaker whereafter Council must make final resolution This should be avoided as far as possible.

CHAPTER 5

PUBLIC MEETINGS (WARD MEETINGS)

28. Chairperson

(1) Public meetings (ward meetings) are chaired by the ward councillor. A ward councillor may delegate in writing the chairing of the meeting to a proportional representative or any member of the ward committee under special circumstances. Such a notification of delegation must be submitted formally in writing to the Office of the Speaker at least 24 hours before the meeting.

(2) A ward councillor, in consultation with the ward committee, determines when and where the meeting will be held, subject to sub-clause (3).

(3) A public meeting must be held at least twice per calendar year.

29. Purpose of ward/public meetings

Public meetings are mainly held in order to:

(a) register the concerns and inputs of the community with regard to service delivery, general development of the community, disaster management and any other municipal concern the community may have; and

(b) report back to the public on issues that affect it.

(c) The meetings of the IDP cycle do not replace the formal public meetings that

must take place as part of the ward committee meeting schedule, as per clause 20(2) above.

(d) a

(e)

30. Meeting arrangements

(1) If a ward committee decides to hold a public meeting it may publish a notice in a newspaper and/or social media platforms utilized in the ward circulating in the area concerned, stating the time, date and place of the meeting and inviting the public to attend the meeting.

(2) The scheduled date, time and place of the public meeting should be convenient so as to encourage the greatest number of people to attend. The venue must be:

(a) in a well-known place;

(b) easily accessible and, where possible, also disabled-friendly; and

(c) large enough to accommodate all people present.

(3) When the ward committee publishes a notice, it must communicate the contents of the notice, where appropriate, by electronic media or other appropriate means of communication, such as direct mail and posters or notices in key areas such as clinics, schools, bus stops and libraries in the area concerned.

(4) At the public meeting, a representative of the ward committee must:

(a) explain the meeting procedures, such as the adoption of the agenda and the time allowed for questions;

(b) explain the issues the ward committee has to consider, including any options open to the ward committee;

(c) allow members of the public attending the meeting to present their views on these issues;

(d) answer relevant questions;

(e) keep minutes of the meeting and inform the public that ward committee meeting minutes and public meeting minutes are public documents, and that the members of the community have access to these documents and may make copies at their own cost; and

(f) give feedback on previous issues, including reasons if there is a lack of progress.

****

6.14	SCHEDULE OF PROPOSED DATES FOR MEETINGS OF COUNCIL, MAYORAL COMMITTEE, STANDING COMMITTEES AND OTHER COMMITTEES OF COUNCIL FOR THE 2027 CALENDAR YEAR

Collaborator No:
IDP KPA Ref No: **Good Governance**
Meeting Date: **17 November 2026**

1. SUBJECT: SCHEDULE OF PROPOSED DATES FOR MEETINGS OF COUNCIL, MAYORAL COMMITTEE, STANDING COMMITTEES AND OTHER COMMITTEES OF COUNCIL FOR THE 2027 CALENDAR YEAR

To inform Council of the schedule of proposed dates for meetings of Council, Mayoral Committee, Standing Committees and other Committees of Council for the 2027 calendar year.

2. DELEGATED AUTHORITY

The Speaker determines the dates of Municipal Council meetings. Dates for other meetings are determined by the Speaker in consultation with the various chairpersons of the meetings. The Executive Mayor may determine dates for the Mayoral Committee.

3. EXECUTIVE SUMMARY

An annual schedule of proposed dates for meetings is compiled in the interest of good governance. Besides complying with legislated requirements, a schedule of proposed dates of meetings enables councillors to plan their events, engagements and community activities.

Section 19 of the Local Government: Municipal Systems Act, 32 of 2000, stipulates that:

"The municipal manager of a municipality must give notice to the public, in a manner determined by the municipal council, of the time, date and venue of every -

(a) ordinary meeting of the council; and

(b) special or urgent meeting of the council, except when time constraints make this impossible."

In line with legislated requirements, the publishing of such a schedule of proposed dates for meetings in the media and on the municipal website, seeks to foster a healthy culture of public involvement and participation in Council affairs.

4. RECOMMENDATIONS

(a) that the schedule with the proposed dates for Council meetings, Executive Mayoral Committee meetings, Section 79 and 80 committees and other committees for the 2027 calendar year (attached as **APPENDIX 1**), be noted;

(b) that Council determines that the notice to the public of the time, date and venue of said meetings, as provided for in Section 19 of the Local Government: Municipal Systems Act, 32 of 2000, must be given on the Municipal website and in a newspaper that circulates throughout the WC024 municipal area; and

(c) that it be noted that the Speaker, as provided for in the Standing Rules of Order By-Law and the Systems Act, determines the dates of Council meetings and may call urgent- or special Council meetings over and above the proposed scheduled meetings and may vary dates in the schedule if and when needed.

6. DISCUSSION / CONTENT

6.1 Background

A Municipality is required to enable the local community to participate in the affairs of the municipality. Sections 17 and 20 of the Local Government: Municipal Systems Act, 32 of 2000, refer to meetings of the municipal council and those of its committees as mechanisms that are open to the public to enable community participation.

As stipulated in Section 19 of the Local Government: Municipal Systems Act, 32 of 2000, *"the municipal manager of a municipality must give notice to the public, in a manner determined by the municipal council, of the time, date and venue of every -*

(a) ordinary meeting of the council; and

(b) special or urgent meeting of the council, except when time constraints make this impossible."

In line herewith, it is prudent to publish the entire year's schedule of meetings in order to facilitate effective planning and to foster community participation.

6.2 Discussion

The monthly meeting cycle is typically scheduled with the Mayoral Committee meeting taking place on the third Wednesday of the month and the Council meeting on the fourth Wednesday, where possible. Section 79 and 80 committee meetings are also scheduled monthly as required.

Section 80 committees are established to assist the Executive Mayor in the daily performance and exercise of statutory and delegated functions and powers; therefore, the Section 80 committees will only meet after a referral has been made by the Executive Mayor to the relevant member of the Mayoral Committee for advice on the matter. Meeting dates are provisionally scheduled each month for all of the Section 80 committees although these may not necessarily convene on those dates or at all.

The schedule of proposed dates for meetings, attached as **APPENDIX 1**, indicates the proposed meeting dates and times of Council, the Executive Mayoral Committee, Section 79 and 80 committees, and other Committees of Council. The bi-annual periods that Council will be in recess are also indicated on the schedule.

Notwithstanding the schedule of proposed dates for Council meetings, the Speaker may exercise the prerogative, as provided for in Rule 5 of the Standing Rules and Order By-Law, to also call urgent- or special Council meetings as and when required, which are not reflected in the schedule.

6.3 Financial Implications

Meetings are currently held on the virtual MS Teams platform or in person as determined by the Speaker. Refreshments are only arranged for meetings that will run for more than 5 hours as per the cost containment regulations.

6.4 Legal Implications

The recommendations in this report comply with Council's policies and all applicable legislation, notably the Local Government: Municipal Systems Act; and the Stellenbosch Municipality Rules and Order By-Law.

This item does not require public participation.

6.5 Staff Implications

This item has no additional staff implications for the Municipality.

6.6 Previous / Relevant Council Resolutions

The Stellenbosch Council ordinarily approves the ensuing year's meeting schedule by November of each year.

6.7 Risk Implications

Risks are addressed through the content of the item.

6.8 Comments from Senior Management

6.8.1 Municipal Manager

ANNEXURE:

Appendix 1: Schedule of proposed dates for Council & Committee Meetings for 2027

FOR FURTHER DETAILS CONTACT:

NAME	*Monique Julius*
POSITION	*Manager: Committee Services*
DIRECTORATE	*Corporate Services*
CONTACT NUMBERS	*021 808 8099*
E-MAIL ADDRESS	*Monique.julius@Stellenbosch.gov.za*
REPORT DATE	*11 November 2026*

ITEM 6.14

Appendix 1

Schedule of proposed dates for Council & Committee Meetings for 2027

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SCHEDULE OF MEETINGS
FOR COUNCIL & COMMITTEE MEETINGS FOR 2027

COUNCIL RECESS: [DATES TO BE FINALISED BY THE SPEAKER]

DATE	DAY	MEETING	TIME
		JANUARY	
20 January	**Wednesday**	**Mayoral Committee**	**10:00**
21 January	**Thursday**	**Local Labour Forum (LLF)**	**14:00**
27 January	**Wednesday**	**COUNCIL** ***Adjustments Budget; Section 52 Budget Report; Section/s 71 and 72 reporting; Draft Annual Report***	**10:00**
		FEBRUARY	
2 February	**Tuesday**	**Planning, LED & Tourism**	**14:00**
2 February	**Tuesday**	**Corporate Services**	**15:00**
3 February	**Wednesday**	**Human Settlements**	**10:00**
3 February	**Wednesday**	**Community & Protection Services**	**12:00**
3 February	**Wednesday**	**Rural Management**	**14:00**
3 February	**Wednesday**	**Parks, Open Spaces & Environment**	**15:00**
4 February	**Thursday**	**Sport, Youth & Culture**	**10:00**
4 February	**Thursday**	**Infrastructure Services**	**12:00**
4 February	**Thursday**	**Financial Services**	**14:00**
17 February	**Wednesday**	**Mayoral Committee**	**10:00**
18 February	**Thursday**	**MPAC**	**10:00**
18 February	**Thursday**	**Local Labour Forum (LLF)**	**14:00**
24 February	**Wednesday**	**COUNCIL**	**10:00**
25 February	**Thursday**	**APAC**	**14:00**
		MARCH	
9 March	**Tuesday**	**Planning, LED & Tourism**	**14:00**

9 March	**Tuesday**	**Corporate Services**	**15:00**
10 March	**Wednesday**	**Human Settlements**	**10:00**
10 March	**Wednesday**	**Community & Protection Services**	**12:00**
10 March	**Wednesday**	**Rural Management**	**14:00**
10 March	**Wednesday**	**Parks, Open Spaces & Environment**	**15:00**
11 March	**Thursday**	**Sport, Youth & Culture**	**10:00**
11 March	**Thursday**	**Infrastructure Services**	**12:00**
11 March	**Thursday**	**Financial Services**	**14:00**
17 March	**Wednesday**	**Mayoral Committee**	**10:00**
18 March	**Thursday**	**MPAC**	**10:00**
18 March	**Thursday**	**Local Labour Forum (LLF)**	**14:00**
22 March	**Monday**	**PH: Human Rights Day Observed**	
24 March	**Wednesday**	**COUNCIL**	**10:00**
26 March	**Friday**	**PH: Good Friday**	
29 March	**Monday**	**PH: Family Day**	
APRIL			
6 April	**Tuesday**	**Planning, LED & Tourism**	**14:00**
6 April	**Tuesday**	**Corporate Services**	**15:00**
7 April	**Wednesday**	**Human Settlements**	**10:00**
7 April	**Wednesday**	**Community & Protection Services**	**12:00**
7 April	**Wednesday**	**Rural Management**	**14:00**
7 April	**Wednesday**	**Parks, Open Spaces & Environment**	**15:00**
8 April	**Thursday**	**Sport, Youth & Culture**	**10:00**
8 April	**Thursday**	**Infrastructure Services**	**12:00**
8 April	**Thursday**	**Financial Services**	**14:00**
21 April	**Wednesday**	**Mayoral Committee**	**10:00**
22 April	**Thursday**	**MPAC**	**10:00**
22 April	**Thursday**	**Local Labour Forum (LLF)**	**14:00**
27 April	**Tuesday**	**PH: Freedom Day**	
29 April	**Thursday**	**COUNCIL**	**10:00**

MAY			
4 May	**Tuesday**	**Planning, LED & Tourism**	**14:00**
4 May	**Tuesday**	**Corporate Services**	**15:00**
5 May	**Wednesday**	**Human Settlements**	**10:00**
5 May	**Wednesday**	**Community & Protection Services**	**12:00**
5 May	**Wednesday**	**Rural Management**	**14:00**
5 May	**Wednesday**	**Parks, Open Spaces & Environment**	**15:00**
6 May	**Thursday**	**Sport, Youth & Culture**	**10:00**
6 May	**Thursday**	**Infrastructure Services**	**12:00**
6 May	**Thursday**	**Financial Services**	**14:00**
19 May	**Wednesday**	**Mayoral Committee**	**10:00**
20 May	**Thursday**	**MPAC**	**10:00**
20 May	**Thursday**	**Local Labour Forum (LLF)**	**14:00**
26 May	**Wednesday**	**COUNCIL**	**10:00**
28 May	**Friday**	**APAC**	**14:00**
JUNE			
1 June	**Tuesday**	**Planning, LED & Tourism**	**14:00**
1 June	**Tuesday**	**Corporate Services**	**15:00**
2 June	**Wednesday**	**Human Settlements**	**10:00**
2 June	**Wednesday**	**Community & Protection Services**	**12:00**
2 June	**Wednesday**	**Rural Management**	**14:00**
2 June	**Wednesday**	**Parks, Open Spaces & Environment**	**15:00**
3 June	**Thursday**	**Sport, Youth & Culture**	**10:00**
3 June	**Thursday**	**Infrastructure Services**	**12:00**
3 June	**Thursday**	**Financial Services**	**14:00**
16 June	**Wednesday**	**PH: Youth Day**	
17 June	**Thursday**	**Mayoral Committee**	**10:00**
17 June	**Thursday**	**MPAC**	**12:00**
24 June	**Thursday**	**Local Labour Forum (LLF)**	**14:00**
JULY			

21 July	**Wednesday**	**Mayoral Committee**	**10:00**
22 July	**Thursday**	**MPAC**	**10:00**
22 July	**Thursday**	**Local Labour Forum (LLF)**	**14:00**
28 July	**Wednesday**	**COUNCIL** **Sec 52 Report on implementation of budget**	**10:00**
AUGUST			
3 August	**Tuesday**	**Planning, LED & Tourism**	**14:00**
3 August	**Tuesday**	**Corporate Services**	**15:00**
4 August	**Wednesday**	**Human Settlements**	**10:00**
4 August	**Wednesday**	**Community & Protection Services**	**12:00**
4 August	**Wednesday**	**Rural Management**	**14:00**
4 August	**Wednesday**	**Parks, Open Spaces & Environment**	**15:00**
5 August	**Thursday**	**Sport, Youth & Culture**	**10:00**
5 August	**Thursday**	**Infrastructure Services**	**12:00**
5 August	**Thursday**	**Financial Services**	**14:00**
9 August	**Monday**	**PH: National Women's Day**	
18 August	**Wednesday**	**Mayoral Committee**	**10:00**
19 August	**Thursday**	**MPAC**	**10:00**
19 August	**Thursday**	**Local Labour Forum (LLF)**	**14:00**
25 August	**Wednesday**	**COUNCIL** ***Adjustments/Roll-over Budget and Budget/IDP time schedule (Process Plan)***	**10:00**
SEPTEMBER			
7 September	**Tuesday**	**Planning, LED & Tourism**	**14:00**
7 September	**Tuesday**	**Corporate Services**	**15:00**
8 September	**Wednesday**	**Human Settlements**	**10:00**
8 September	**Wednesday**	**Community & Protection Services**	**12:00**
8 September	**Wednesday**	**Rural Management**	**14:00**
8 September	**Wednesday**	**Parks, Open Spaces & Environment**	**15:00**
9 September	**Thursday**	**Sport, Youth & Culture**	**10:00**
9 September	**Thursday**	**Infrastructure Services**	**12:00**

9 September	**Thursday**	**Financial Services**	**14:00**
15 September	**Wednesday**	**Mayoral Committee**	**10:00**
16 September	**Thursday**	**MPAC**	**10:00**
16 September	**Thursday**	**Local Labour Forum (LLF)**	**14:00**
24 September	**Friday**	**PH: Heritage Day**	
OCTOBER			
5 October	**Tuesday**	**Planning, LED & Tourism**	**14:00**
5 October	**Tuesday**	**Corporate Services**	**15:00**
6 October	**Wednesday**	**Human Settlements**	**10:00**
6 October	**Wednesday**	**Community & Protection Services**	**12:00**
6 October	**Wednesday**	**Rural Management**	**14:00**
6 October	**Wednesday**	**Parks, Open Spaces & Environment**	**15:00**
7 October	**Thursday**	**Sport, Youth & Culture**	**10:00**
7 October	**Thursday**	**Infrastructure Services**	**12:00**
7 October	**Thursday**	**Financial Services**	**14:00**
20 October	**Wednesday**	**Mayoral Committee**	**10:00**
21 October	**Thursday**	**MPAC**	**10:00**
21 October	**Thursday**	**Local Labour Forum (LLF)**	**14:00**
27 October	**Wednesday**	**COUNCIL** ***Quarterly report: (Section 52) implementation***	**10:00**
NOVEMBER			
2 November	**Tuesday**	**Planning, LED & Tourism**	**14:00**
2 November	**Tuesday**	**Corporate Services**	**15:00**
3 November	**Wednesday**	**Human Settlements**	**10:00**
3 November	**Wednesday**	**Community & Protection Services**	**12:00**
3 November	**Wednesday**	**Rural Management**	**14:00**
3 November	**Wednesday**	**Parks, Open Spaces & Environment**	**15:00**
4 November	**Thursday**	**Sport, Youth & Culture**	**10:00**
4 November	**Thursday**	**Infrastructure Services**	**12:00**
4 November	**Thursday**	**Financial Services**	**14:00**

17 November	**Wednesday**	**Mayoral Committee**	**10:00**
18 November	**Thursday**	**MPAC**	**10:00**
18 November	**Thursday**	**Local Labour Forum (LLF)**	**14:00**
24 November	**Wednesday**	**COUNCIL**	**10:00**
DECEMBER			
Council recess — dates to be finalised by the Speaker.			

6.15	DISCLOSURE AND DECLARATION OF INTEREST

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 17 November 2026**

1. SUBJECT: DISCLOSURE AND DECLARATION OF INTEREST

2. PURPOSE

To inform Council that Councillors must submit their financial interest within 60 days of being elected

3. DELEGATED AUTHORITY

None

4. EXECUTIVE SUMMARY

In terms of Item 8 of the Code of Conduct for Councillors (Schedule 7 of the Local Government Structures Act (117/1998 as amended) Municipal Systems Act), a Councillor must:-

(a) disclose to the municipal Council, or to any Committee of which that Councillor is a member, any direct or indirect personal or private business interest that that Councillor, or any spouse, partner or business associate of that Councillor may have in any matter before the Council or the Committee; and

(b) withdraw from the proceedings of the Council or Committee when that matter is considered by the Council or Committee, unless the Council or Committee decides that the Councillor's direct or indirect interest in the matter is trivial or irrelevant.

A Councillor must also in terms of Item 6 of the Code, within 60 days after being elected as Councillor, declare in writing to the Municipal Manager the following interests held by that Councillor:-

(i) shares and securities in any company;
(ii) membership of any close corporation;
(iii) interest in any trust;
(iv) directorship;
(v) partnership;
(vi) other financial interests in any business undertaking;
(vii) employment and remuneration;
(viii) interest in property;
(ix) pension; and
(x) subsidies, grants and sponsorships by any organization.

Any change in the nature or detail of the financial interests of a Councillor must be declared in writing to the Municipal Manager annually.

Gifts received by a Councillor above a prescribed amount must also be declared.

The municipal Council must determine which of the financial interests referred to above must be made public, having regard to the need for confidentiality and the public interest for disclosure.

The Disclosure Form for Benefits and Interests is attached as **APPENDIX 1.**

5. RECOMMENDATION

(a) that cognisance be taken of the provisions, and effect be given to the requirements, as stipulated in Items 6 and 8 of the Code of Conduct for Councillors in respect of Disclosure and Declaration of Interest;

(b) that Councillors return the completed forms **(APPENDIX 1)** within 60 days from November 2026 to the Office of the Municipal Manager.

APPENDIX

Appendix 1: Declaration of financial interest form

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
CONTACT NUMBERS	*021 808 8025*
E-MAIL ADDRESS	*municipal.manager@stellenbosch.gov.za*
REPORT DATE	*11 November 2026*

ITEM 6.15

Appendix 1

Disclosure and Declaration of interest

STELLENBOSCH
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Disclosure form for benefits and interests

I, the undersigned (Surname and Initials) _____

(ID number) _____

(Postal or Residential Address) _____

(Position Held) _____

(Name of Municipality) _____DEPT:_____

Tel: _____ Fax: _____

I hereby certify that the following information is complete and correct to the best of my knowledge and that I will inform the employer if any changes occur to my current position. Failure to inform the employer timeously may lead to disciplinary steps taken against me.

1. Shares, securities and other financial interests (Not bank accounts with financial institutions.)

Number of shares/extent of financial interest	Nature	Nominal Value	Name of Company/Entity

2. Interest in a trust

Name of trust	Amount of Remuneration/Income

3. Membership, directorships and partnerships

Name of Corporate entity, partnership or firm	Type of business	Amount of Remuneration/Income

4. Remunerated work outside the Municipality (Must be sanctioned by Council)

Name of employer	Type of Work	Amount of Remuneration/Income

5. Consultancies, Retainerships and Relationships with service providers			
Name of client	**Nature**	**Type of business activity**	**Value of any benefits**

6. Subsidies, grants and sponsorships by any organisation		
Source of assistance	**Descriptions of assistance**	**Value of assistance**

7. Gifts and Hospitality from a source rather than a family member		
Description	**Value**	**Member**

8. Land and Property			
Description	**Extent**	**Area**	**Value**

9. Whether employee could be deemed as a spouse/child/parent of a service provider or of a director/manager/shareholder/stakeholder of the service provider. SCM Regulation 13 (c) & SCM policy 4.41.		
Name of Service Provider	**Name of the Owner/Director/Shareholder etc**	**Relationship**

_____

SIGNATURE OF EMPLOYEE

DATE: _____

PLACE: _____

CONFIDENTIAL

6.16	RECRUITMENT AND SELECTON PROCESS: MUNICIPAL MANAGER

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 17 November 2026**

1. RECRUITMENT AND SELECTION PROCESS: MUNICIPAL MANAGER

2. PURPOSE OF REPORT

Municipal Council to appoint a selection panel and a service provider to make recommendations for the appointment of a successful candidate for the Municipal Manager vacancy.

3. DELEGATED AUTHORITY

Municipal Council

4. EXECUTIVE SUMMARY

The employment contract period of the current Municipal Manager, Ms Geraldine Mettler will expire on 31 December 2026, necessitating the commencement of the recruitment and selection process to fill the Municipal Manager position.

In the interim, and pending the conclusion of the recruitment and selection process for the appointment of a new Municipal Manager, Ms Geraldine Mettler will serve as Acting Municipal Manager from 1 January 2027, in terms of section 54A(1)(b), and (2A)(a) of the Local Government: Municipal Systems Act, 2000 for a period not exceeding three months, or until a Municipal Manager assumes duty, whichever is earlier. The newly elected Council is further advised that, should the appointment not be finalised by 31 March 2027, it may apply to the MEC for Local Government in terms of section 54A(2A)(b) of the Municipal Systems Act for an extension of the acting appointment not exceeding three months.

5. RECOMMENDATIONS

(a) that Council approves the advertising of the post of the Municipal Manager;

(b) that a selection panel be appointed as per the Regulations on the Appointment and Conditions of Employment of Senior Managers which provides that the selection panel must consist of at least three but not more than five members comprising:

- The Executive Mayor, who will be the Chairperson, or his delegate;
- A Councillor designated by the Council;
- The Municipal Manager of Cape Winelands District Municipality, as the expert in the area, who has expertise and experience in the area of the advertised post, alternatively the Chairperson of the Municipal Managers' Forum in the Western Cape; and

- The Chairperson of the Audit and Performance Audit Committee (APAC) of Stellenbosch Municipality; and

(c) that an independent external consultant be appointed to assist with the recruitment and selection process.

6. DISCUSSION / CONTENTS

6.1 Background

The contract period for Ms Geraldine Mettler, Municipal Manager comes to an end on 31 December 2026. It is therefore prudent to commence with the recruitment and selection process for a Municipal Manager to ensure that the post is filled timeously.

6.2 Discussion

The newly elected Council is requested to note that the previous Council, at its 44th Council Meeting, resolved to appoint Ms Geraldine Mettler as Acting Municipal Manager in terms of section 54A(1)(b), and (2A)(a) of the Local Government: Municipal Systems Act, 2000 for a period not exceeding three months from 1 January 2027, or until a Municipal Manager assumes duty, whichever is earlier.

Furthermore, Council is herewith advised that, should the appointment not be finalised by 31 March 2027, it may apply to the MEC for Local Government in terms of section 54A(2A)(b) of the Municipal Systems Act for an extension of the acting appointment not exceeding three months.

The Regulations on the appointment and conditions of employment of Senior Managers was Gazetted on 17 January 2014. (Gazette No. 37245 dated 17 January 2014) attached as **Appendix 1**.

In terms of Section 7.1 when the post of a senior manager becomes vacant, or is due to become vacant, the administration must obtain approval from the municipal council for the filling of such post in its next council meeting or as soon as it is reasonably possible to do so.

In terms of Section 7.2 a vacant senior manager post may not be filled, unless:

(a) approval to fill the post has been granted by the municipal council; and

(b) the post has been budgeted for.

In terms of Section 8 no person may be appointed as a senior manager on a fixed term contract, on a permanent basis or on probation, to any post on the approved staff establishment of a municipality, unless he or she-

(a) Is a South African citizen or permanent resident; and

(b) Possesses the relevant competencies, qualifications, experience and knowledge set out in in the regulations.

An appointment may not take effect before the first day of the month following the month during which the municipal council approved the appointment.
In terms of Section 10 the municipal manager must, within 14 days of receipt of the approval referred to in regulation 7, ensure that the vacant post is advertised.

- A vacant senior manager post must be advertised in a newspaper circulating nationally and, in the province, where the municipality is located.

- An advertisement for a vacant senior manager post must specify the:
  (a) Job title;
  (b) Term of appointment;
  (c) Place to be stationed;
  (d) Annual total remuneration package;
  (e) Competency requirements of the post, including minimum qualifications and experience required;
  (f) Core functions;
  (g) Need for signing of an employment contract, a performance agreement and disclosure of financial interest;
  (h) The need to undergo security vetting;
  (i) Contact person;
  (j) Address where applications must be sent or delivered; and
  (k) Closing date which must be minimum 14 days from the date the advertisement appears in the newspaper and not more than 30 days after such date.

Cognisance must be taken of Section 12 which makes provision for the manner in which the selection panel must be constituted. Section 12(1) provides that:

"A municipal Council must appoint a selection panel to make recommendations for the appointment of candidates to vacant senior manager posts.

Section 12(2) provides that in deciding who to appoint to a selection panel, the following considerations must inform the decision:

(a) The nature of the post;
(b) The gender balance of the panel; and
(c) The skills, expertise, experience and availability of the persons to be involved.

Section 12 (3) provides that the selection panel for the appointment of a municipal manager must consist of at least three and not more than five members, constituted as follows:

(a) The mayor, who will be the chairperson, or his or her delegate;
(b) A councillor designated by the municipal council; and
(c) At least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the area of the advertised post.

Furthermore Section 12(5) provides that a panel member must disclose any interest or relationship with shortlisted candidates during the shortlisting process and that such a panel member Section 12(6) a panel member must recuse himself or herself from the selection panel if-

(a) His or her spouse, partner, close family member or close friend has been shortlisted for the post;
(b) The panel member has some form of indebtedness to a short-listed candidate or visa versa; or

(c) He or she has any other conflict of interest.

The Regulations dictates in terms of section 7 that a panel member and staff member must sign a declaration of confidentiality to avert the disclosure of information to unauthorised persons.

The Regulations provides for strict time frames which must be adhered to with regard to the advertising in terms of Section 10, the compilation of a shortlist and screening of candidates in terms of Section 13 and Section 14 as well as the Interviewing process in terms of section 15. Due regard must be given to Section 17 which deals with the Resolution of the municipal council on appointment of senior managers and reporting as well as the re-employment of dismissed persons in terms of section 18.

6.3. Financial Implications

The post is budgeted for and the salary is predetermined by legislation.

6.4 Legal Implications

Regulation on the Appointment and Conditions of Employment of Senior Manager. The recommendations comply with legislation.

6.5 Staff Implications

The filling of the post is vital for stability in the organisation.

6.6 Previous / Relevant Council Resolutions:

44th Council [In-Committee] Meeting: 2026-10-21: Item 23.1

6.7 Risk Implications

The filling of the vacancy of the Municipal Manager must be finalised as soon as reasonably possible to ensure organisational stability, effective leadership and the continuity of municipal operations and service delivery.

6.8 Comments from Senior Management:

The item was not circulated for comment.

APPENDICES:

Appendix 1: Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers: Government Gazette: 37245, No. 21: 17 January 2014

FOR FURTHER DETAILS CONTACT:

NAME	*Nomie Tshefu*
POSITION	*Manager*
DIRECTORATE	*Office of the Municipal Manager*
CONTACT NUMBERS	*021 808 8049*
E-MAIL ADDRESS	*nomie.tshefu@stellenbosch.gov.za*
REPORT DATE	*12 November 2026*

ITEM 6.16

Appendix 1

Recruitment and Selection Process

Municipal Manager

GOVERNMENT NOTICE

DEPARTMENT OF COOPERATIVE GOVERNANCE

No. 21 **17 January 2014**

LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000 (ACT NO. 32 OF 2000)

LOCAL GOVERNMENT: REGULATIONS ON APPOINTMENT AND CONDITIONS OF EMPLOYMENT OF SENIOR MANAGERS

I, Solomon Lechesa Tsenoli, Minister for Cooperative Governance and Traditional Affairs, subject to applicable labour legislation and after consultation with organised local government representing local government nationally, the bargaining council established for municipalities, the Minister for Public Service and Administration and, where applicable, the Minister of Health and the Minister of Finance, hereby, under section 120, read with section 72, of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), make the regulations in the Schedule.

SCHEDULE

ARRANGEMENT OF REGULATIONS

CHAPTER 1

INTERPRETATION AND APPLICATION

1. Definitions
2. Scope of application

CHAPTER 2

STAFF ESTABLISHMENT

3. Human resource planning
4. Staff establishment
5. Creation and filling of senior manager posts

CHAPTER 3

RECRUITMENT, SELECTION AND APPOINTMENT

6. Principles of recruitment
7. Determination of recruitment needs
8. General requirements for appointment of senior managers
9. Competence requirements for senior managers
10. Advertising of vacant posts
11. Application for vacant post
12. Selection panel
13. Compiling shortlist of applicants
14. Screening of candidates
15. Interviews
16. Selection
17. Resolution of municipal council on appointment of senior managers and reporting
18. Re-employment of dismissed persons
19. Re-advertisement of posts
20. Secondment

CHAPTER 4

CONDITIONS OF EMPLOYMENT

21. Ordinary hours of work
22. Overtime
23. Annual leave
24. Sick leave
25. Proof of sickness or injury
26. Occupational accidents and diseases
27. Reporting sickness or injury
28. Sickness or injury during leave
29. Maternity leave
30. Family responsibility leave

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31. Study leave
32. Special leave
33. Unauthorised absence from work
34. Calculation of unpaid leave
35. Upper limit of total remuneration package of senior managers
36. Disclosure of benefits and interests

CHAPTER 5

BENEFITS

37. Retirement or pension fund membership
38. Medical scheme membership
39. Motor vehicle
40. Mobile phone and data card

CHAPTER 6

TERMINATION OF SERVICE

41. Retirement
42. Notice of termination
43. Dismissal for misconduct, incapacity or operational requirements
44. Nomination of beneficiaries and payment of accruing benefits

CHAPTER 7

GENERAL

45. Transitional arrangements
46. Repeal
47. Short title

SCHEDULE 2

CATEGORIES OF MISCONDUCT AND TIME PERIODS THAT MUST EXPIRE BEFORE PERSON MAY BE RE-EMPLOYED IN MUNICIPALITY

ANNEXURES

ANNEXURE A: LOCAL GOVERNMENT: COMPETENCY FRAMEWORK FOR SENIOR MANAGERS

ANNEXURE B: MINIMUM COMPETENCY REQUIREMENTS FOR SENIOR MANAGERS

ANNEXURE C: APPLICATION FORM FOR EMPLOYMENT

ANNEXURE D: DECLARATION OF CONFIDENTIALITY FOR PARTICIPATING IN THE SELECTION PANEL

ANNEXURE E: APPLICATION FORM FOR LEAVE OF ABSENCE

ANNEXURE F: DISCLOSURE FORM FOR BENEFITS AND INTERESTS

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SCHEDULE

CHAPTER 1

INTERPRETATION AND APPLICATION

Definitions

1. In these regulations, a word or expression to which a meaning has been assigned in the Act has the same meaning as in the Act, unless the context otherwise indicates –

"**Basic Conditions of Employment Act**" means the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997);

"**chief financial officer**" means a person designated in terms of section 80(2)(a) of the Municipal Finance Management Act;

"**Compensation for Occupational Injuries and Diseases Act**" means the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No.130 of 1993);

"**competence**" means having the necessary higher education qualification, work experience and knowledge to obtain at least a competent level of achievement;

"**conditions of employment**" in relation to a senior manager have a corresponding meaning as the terms or conditions of employment as defined in section 1 of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997);

"**Constitution**" means the Constitution of the Republic of South Africa, 1996;

"**department**" in relation to a municipality means an administrative component of a municipality, headed by a manager appointed in terms of section 56 of the Act;

"the Disciplinary Regulations" means the Local Government: Disciplinary Regulations for Senior Managers, (Government Notice No. 344), as published in Government Gazette No. 34213;

"**employment contract**" means a contract as contemplated in section 57 of the Act;

"**Employment Equity Act**" means the Employment Equity Act, 1998 (Act No. 55 of 1998);

"**executive committee**" means an executive committee established in terms of section 43 of the Municipal Structures Act;

"**financial year**" means the financial year of a municipality commencing on 1 July each year and ending on 30 June of the following year;

"**Labour Relations Act**" means the Labour Relations Act, 1995 (Act No. 66 of 1995);

"**Mayor**" means the mayor or executive mayor of a municipality as elected in terms of the Municipal Structures Act;

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"**medical practitioner**" for purposes of these regulations includes a practitioner as defined by the Health Professions Council of South Africa, and who is legally certified to diagnose and treat patients;

"**Medical Schemes Act**" means the Medical Schemes Act, 1998 (Act No. 131 of 1998);

"**Municipal Finance Management Act**" means the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), and any regulations made under that Act;

"Municipal Structures Act" means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)

"**Pension Funds Act**" means the Pension Funds Act, 1956 (Act No. 24 of 1956);

"**performance agreement**" means an agreement as contemplated in section 57 of the Act;

"**post**" means a post on the approved staff establishment of a municipality which has been budgeted for;

"**senior manager**" means a municipal manager or acting municipal manager, appointed in terms of section 54A of the Act, and includes a manager directly accountable to a municipal manager appointed in terms of section 56 of the Act;

"**speaker**" has the meaning assigned to it in the Municipal Structures Act;

"**staff establishment**" means the approved posts created for the normal and regular requirements of a municipality;

"**the Act**" means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and

"**total remuneration package**" means the total cost of a senior manager's remuneration to a municipality and includes the salary, pension contributions, medical aid contributions and other forms of payment or benefit.

Scope of application

2. (1) These regulations apply to—
(a) municipalities in the Republic of South Africa;
(b) municipal entities; and
(c) senior managers.

(2) These regulations must be read in conjunction with—
(a) any regulations or guidelines issued in terms of section 120 of the Act concerning matters listed in section 54A, 56, 57A and 72; and
(b) the Local Government: Municipal Regulations on Minimum Competency Levels, 2007, issued in terms of the Municipal Finance Management Act, as published under Government Notice No. 493 in Government Gazette No. 29967 of 15 June 2007.

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CHAPTER 2

STAFF ESTABLISHMENT

Human resource planning

3. A municipal council must—

(1) assess the human resources necessary to perform its functions, with particular reference to—
  (a) the number of senior managers required; and
  (b) the competencies that a senior manager must have.

(2) assess existing human resources by race, gender and disability, and department with reference to their—
  (a) competencies;
  (b) training needs; and
  (ci) employment capacities.

(3) plan within the available budgeted funds, including funds for the remaining period of the relevant medium-term expenditure framework, for the recruitment, retention and development of human resources according to the municipality's requirements determined in terms of paragraph (a), which plan must, as a minimum, include—
  (a) realistic goals and measurable targets for achieving representativeness, taking into account paragraph (b); and
  (b) targets for the training of senior managers per occupational category and of specific senior managers, with specific plans to meet the training needs of persons historically disadvantaged.

Staff establishment

4. (1) A municipal manager must, within 12 months of the promulgation of these regulations, review the municipality's staff establishment having regard to the principles set out in these regulations, the functions and powers listed in Part B of Schedule 4 to the Constitution, Part B of Schedule 5 to the Constitution, Chapter 5 of the Municipal Structures Act, and based on—
  (a) a municipality's strategic objectives; and
  (b) a municipality's core and support functions.

(2) Notwithstanding subregulation (1), a municipality must at least provide for the following departments on the staff establishment to—
  (a) provide development and town planning services;
  (b) provide public works and basic services to communities;
  (c) provide community services;
  (d) manage the finances of a municipality; and
  (e) render corporate support services.

(3) The municipal manager must review the municipality's staff establishment within 12 months in any of the following instances:
  (a) the election of a new municipal council;
  (b) the adoption of the integrated development plan of the municipality as contemplated in section 25 of the Act;
  (c) material changes to the functions of the municipality; or
  (d) the determination of new municipal boundaries.

(4) The staff establishment must provide for—
  (a) permanent posts; and
  (b) fixed term posts.

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(5) In the case of fixed term posts, the municipal manager must have due regard to the following:

(a) the financial implications of such post to the municipality;

(b) any existing contractual obligations of the incumbent manager and the financial implications thereof on the budget of the municipality;

(c) the need of the municipality to retain institutional memory and scarce skills, and to promote stability and continuity within the municipality; and

(d) the sustainability of the municipality.

(6) The municipal manager must, within 14 days of finalising the staff establishment, submit the staff establishment, a detailed report and recommendations on the staff establishment to the municipal council for approval.

(7) The report contemplated in subregulation (6) must outline the process followed in developing the staff establishment, which must include—

(a) a summary of the mandate and service delivery priorities of the municipality and how the proposed staff establishment addresses these;

(b) a summary of the proposed posts that are envisaged to—

(i) materially change;

(ii) change to a limited or non-material degree;

(iii) be abolished; and

(iv) not be affected by the changes;

(c) a motivation of the proposed changes, including an analysis of the strengths, weaknesses and limitations of the current staff establishment;

(d) job descriptions, duties, functions, competency requirements and responsibilities according to which one or more posts of the same grade are established, including the grading or relative size and value of a job;

(e) details of the financial implications of the changes including, but not limited to, the outcomes of job evaluation processes, remuneration costs for senior managers, costs for relocation, new facilities and equipment, if any;

(f) non-financial implications of the changes, including the impact on existing staff, key stakeholders and other processes within the municipality;

(g) a project plan that specifies the timeframes within which the implementation is envisaged to take place; and

(h) the stakeholders and change management requirements.

(8) The municipal council must at its next meeting following receipt of the staff establishment, approve the staff establishment, with or without amendments, as proposed by the municipal manager.

Creation and filling of senior manager posts

5. (1) When creating or filling a post of a senior manager, the municipal council must have due regard to the staff establishment, report and recommendation contemplated in regulations 4(6) and (7) of these regulations.

(2) The municipal council must—

(a) confirm that the municipality requires the post to meet its strategic objectives;

(b) ensure that a job description has been developed for the post;

(c) attach to that post the remuneration and other conditions of employment; and

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(d) ensure that sufficient budgeted funds, including funds for the remaining period of the medium-term expenditure framework, are available for filling the post.

CHAPTER 3

RECRUITMENT, SELECTION AND APPOINTMENT

Principles of recruitment

6. (1) The recruitment, selection and appointment of senior managers must take place in accordance with the municipal systems and procedures contemplated in section 67 of the Act that are consistent with sections 54A, 56, 57A and 72 of the Act.

(2) A senior manager post must be filled through public advertising, in accordance with the procedures contemplated in regulation 10.

(3) Selection must be competence-based to enhance the quality of appointment decisions and to ensure the effective performance by municipalities of their functions.

Determination of recruitment needs

7. (1) When the post of a senior manager becomes vacant, or is due to become vacant, the mayor, in the case of a municipal manager, or the municipal manager, in the case of a manager directly accountable to the municipal manager, must, upon receipt of official notification that the post of a senior manager will become vacant, obtain approval from the municipal council for the filling of such post in its next council meeting or as soon as it is reasonably possible to do so.

(2) A vacant senior manager post may not be filled, unless—

(a) approval to fill the post has been granted by the municipal council; and

(b) the post has been budgeted for.

(3) Notwithstanding subregulation (1), the speaker may convene a special meeting to obtain municipal council approval for the filling of a senior manager post.

General requirements for appointment of senior managers

8. (1) No person may be appointed as a senior manager on a fixed term contract, on a permanent basis or on probation, to any post on the approved staff establishment of a municipality, unless he or she—

(a) is a South African citizen or permanent resident; and

(b) possesses the relevant competencies, qualifications, experience, and knowledge set out in Annexures A and B to these regulations.

(2) An appointment may not take effect before the first day of the month following the month during which the municipal council approved the appointment.

Competence requirements for senior managers

9. (1) A person appointed as a senior manager in terms of these regulations must have the competencies as set out in Annexure A.

(2) A person appointed as a senior manager in terms of these regulations must comply with the minimum requirements for higher education qualification, work experience and knowledge as set out in Annexure B.

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Advertising of vacant posts

10. (1) The municipal manager must, within 14 days of receipt of the approval referred to in regulation 7, ensure that the vacant post is advertised.

(2) A vacant senior manager post must be advertised in a newspaper circulating nationally and in the province where the municipality is located.

(3) An advertisement for a vacant senior manager post must specify the—

(a) job title;
(b) term of appointment;
(c) place to be stationed;
(d) annual total remuneration package;
(e) competency requirements of the post, including minimum qualifications and experience required;
(f) core functions;
(g) need for signing of an employment contract, a performance agreement and disclosure of financial interest;
(h) the need to undergo security vetting;
(i) contact person;
(j) address where applications must be sent or delivered; and
(k) closing date which must be a minimum of 14 days from the date the advertisement appears in the newspaper and not more than 30 days after such date.

(4) A municipality may utilise a recruitment agency to identify candidates for posts: Provided that the advertising, recruitment and selection procedures comply with these regulations.

(5) The mayor, in the case of a municipal manager, or the municipal manager, in the case of a manager directly accountable to the municipal manager, must provide monthly reports to the executive committee regarding progress on the filling of the vacant senior manager post.

Application for vacant post

11. (1) An application for the vacant post of a senior manager must be submitted on an official application form, attached as Annexure C, accompanied by a detailed curriculum vitae.

(2) Notwithstanding subregulation (1), a municipality that has on-line application procedures in place may use an on-line application form: Provided that the on-line application form substantially corresponds to the application form in Annexure C, and complies with these regulations.

(3) An application not made on the official form, as contemplated in subregulations (1) or (2) must not be considered.

(4) An applicant for a senior manager post must disclose—

(a) his or her academic qualifications, proven experience and competencies;
(b) his or her contactable references;
(c) registration with a relevant professional body;
(d) full details of any dismissal for misconduct; and
(e) any disciplinary actions, whether pending or finalised, instituted against such applicant in his or her current or previous employment.

(5) Any misrepresentation or failure to disclose information contemplated in subregulation (3) and (4) is a breach of the Code of Conduct for Municipal Staff as provided for in Schedule 2 to the Act and shall be dealt with in terms of the Disciplinary Regulations.

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(6) The municipality must compile and maintain a record of all applications received, which must contain—

(a) the applicants' biographical details and contact information;
(b) the details of the post for which the applicants were applying;
(c) the applicants' qualifications; and
(d) any other requirements outlined in the application form.

Selection panel

12. (1) A municipal council must appoint a selection panel to make recommendations for the appointment of candidates to vacant senior manager posts.

(2) In deciding who to appoint to a selection panel, the following considerations must inform the decision:

(a) the nature of the post;
(b) the gender balance of the panel; and
(c) the skills, expertise, experience and availability of the persons to be involved.

(3) The selection panel for the appointment of a municipal manager must consist of at least three and not more than five members, constituted as follows:

(a) the mayor, who will be the chairperson, or his or her delegate;
(b) a councillor designated by the municipal council; and
(c) at least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the area of the advertised post.

(4) The selection panel for the appointment of a manager directly accountable to a municipal manager must consist of at least three and not more than five members, constituted as follows:

(a) the municipal manager, who will be the chairperson;
(b) a member of the mayoral committee or councillor who is the portfolio head of the relevant portfolio; and
(c) at least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the area of the advertised post.

(5) A panel member must disclose any interest or relationship with shortlisted candidates during the shortlisting process.

(6) A panel member contemplated in subregulations (3) and (4) must recuse himself or herself from the selection panel if—

(a) his or her spouse, partner, close family member or close friend has been shortlisted for the post;
(b) the panel member has some form of indebtedness to a short-listed candidate or *vice versa*; or
(c) he or she has any other conflict of interest.

(7) A panel member and staff member must sign a declaration of confidentiality as set out in Annexure D to these regulations, to avert the disclosure of information to unauthorised persons.

(8) A staff member may provide secretarial or advisory services during the selection process, but may not form part of the selection panel.

Compiling shortlist of applicants

13. (1) A mayor, in the case of the municipal manager, or the municipal manager, in the case of the manager directly accountable to the municipal manager, in consultation with the selection panel, must compile—

(a) a list of all applicants who applied for an advertised post; and

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(b) a shortlist consisting of all applications received for a specific post, evaluated against the relevant competency requirements, as set out in Annexures A and B to these regulations.

(2) The shortlisting must be finalised within 30 days of the closing date of the advertisement.

(3) The municipality must keep a record of all the applicants who applied for vacant posts.

(4) The municipal manager must ensure that the information contained in the applications is kept confidential and stored in a secure site on the municipality's premises.

(5) The lists contemplated in subregulation (1) must be submitted, together with the shortlisted applications, to the selection panel before the interviews.

Screening of candidates

14. (1) Screening of the shortlisted candidates must take place within 21 days of the finalisation of the shortlisting by—

(a) conducting the necessary reference checks;
(b) contacting a candidate's current or previous employer;
(c) determining the validity of a candidate's qualifications; and
(d) verifying whether a candidate has been dismissed previously for misconduct or poor performance by another employer.

(2) A written report on the outcome of the screening process must be compiled by the mayor, in the case of the municipal manager, or the municipal manager, in the case of the manager directly accountable to the municipal manager, before the interviews take place.

Interviews

15. (1) The selection panel must conduct interviews within 21 days of screening the candidates.

(2) The selection panel for a specific post must remain the same throughout the screening and interviewing process.

(3) The selection panel must keep records of every panel member's individual assessment of the interviewed candidates.

(4) The determination of candidates to be recommended for appointment must be considered by way of consensus between the members of the selection panel.

(5) If consensus cannot be reached, a dissenting member may record his or her concerns in the minutes, whereafter the issue may be voted upon, with each member of the selection panel entitled to one vote.

(6) The selection panel must recommend the second and third suitable candidates to minimise delays that may arise in the filling of the post if the first choice candidate declines or does not accept the offer of employment.

Selection

16. (1) The candidates recommended for appointment to the post of a senior manager must undergo a competency assessment.

(2) The competency assessment tools must—

(a) be capable of being applied fairly; and
(b) not be biased against any person or group of persons.

(3) A municipality must provide in its medium term budget, funding for purposes of competency assessment and testing.

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(4) Notwithstanding subregulation (3) and upon good cause shown, a municipality encountering cash flow problems may apply to the Local Government Sector Education and Training Authority to make use of the discretionary grants to fund the competency assessment for purposes of filling a vacant senior manager post.

(5) The selection panel must submit a report and recommendation on the selection process to the municipal council on the suitability of candidates who comply with the relevant competency requirements of the post as set out in Annexures A and B, in order of preference.

Resolution of municipal council on appointment of senior managers and reporting

17. (1) Before making a decision on an appointment, a municipal council must satisfy itself that—

(a) the candidate meets the relevant competency requirements for the post, as set out in Annexures A and B to these regulations;

(b) screening of the candidates has been conducted in terms of regulation 14; and

(c) the candidate does not appear on the record of staff members dismissed for misconduct as set out in Schedule 2 to these regulations.

(2) A municipal council must, subject to subregulation (1), take a decision on the appointment of a suitable candidate.

(3) A municipal council must—

(a) inform all interviewed candidates, including applicants who were unsuccessful, of the outcome of the interview; and

(b) within 14 days of the decision referred to in subregulation (2), submit a written report to the MEC for local government regarding the appointment process and outcome.

(4) The report contemplated in subregulation (3)(b) must contain—

(a) details of the advertisement, including date of issue and the name of newspapers in which the advert was published, and proof of the advertisement or a copy thereof;

(b) a list of all applicants;

(c) a report contemplated in regulation 14(2) on the screening process and the outcome thereof;

(d) the municipal council's resolution approving the selection panel and the shortlisted candidates;

(e) competency assessment results;

(f) the minutes of the shortlisting meeting;

(g) the minutes of interviews, including scoring;

(h) the recommendations of the selection panel submitted to the municipal council;

(i) the details of executive committee members and recommendations, if the selection panel comprised of all members of the executive committee;

(j) the recommendation of the executive committee or executive mayor to the municipal council, if any;

(k) the municipal council resolution approving the appointment of the successful candidate;

(l) the application form, curriculum vitae, proof of qualifications and other supporting documentation of the successful candidate;

(m) a written confirmation by the successful candidate that he or she does not hold political office as contemplated in section 56A of the Act, as at the date of appointment;

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(n) the letter of appointment, outlining the term of contract, remuneration and conditions of employment of the senior manager; and
(o) any other information relevant to the appointment.

Re-employment of dismissed persons

18. (1) A person who has been dismissed for misconduct in a municipality may not be employed as a senior manager in any municipality before the expiry of a period, as set out in column 3, in respect of such category of misconduct as set out in column 2 of Schedule 2.

(2) Subregulation (1) does not apply to a senior manager who has lodged a dispute in terms of applicable legislation.

(3) If a senior manager is dismissed for more than one categories of misconduct as set out in subregulation (1), the periods set out in column 3 of the table attached as Schedule 2, run concurrently.

(4) For purposes of subregulation (1), a person dismissed for misconduct is prohibited from re-employment in any municipality for a period as set out in column 3 of Schedule 2 in respect of such category of misconduct calculated from the date of dismissal or conviction.

(5) Any senior manager who has been dismissed for any misconduct other than the categories of misconduct as set out in column 2 of the table attached as Schedule 2 may not be subjected to a waiting period before such a staff member may be re-employed in a municipality.

(6) A municipality must maintain a record of staff members dismissed for misconduct and staff members who resigned prior to the finalisation of any disciplinary proceedings.

(7) A record contemplated in subregulation (6) must be submitted within 14 days of such dismissal or resignation to the MEC for local government and the Minister.

(8) The record contemplated in subregulation (6) must include the following information:

(a) The name and surname of the staff member;
(b) the name of municipality;
(c) the post title; and
(d) the nature of the misconduct, including—
  (i) the date of suspension, if applicable;
  (ii) the conditions of suspension;
  (iii) the date of commencement of the disciplinary hearing;
  (iv) information regarding any pre-dismissal arbitration;
  (v) the finding and category of misconduct;
  (vi) the date on which the misconduct was referred for arbitration;
  (vii) costs incurred by the municipality towards the finalisation of the disciplinary case;
  (viii) the date of resignation or dismissal of the senior manager; and
  (ix) whether the dismissal has been appealed and the status of the appeal, if applicable.

Re-advertisement of posts

19. (1) If no suitable candidate has been identified, the municipal council—
(a) must inform all shortlisted candidates that their applications were unsuccessful; and
(b) may re-advertise the post.

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Secondment

20. (1) If a person is seconded to a municipality to act as a municipal manager in terms of section 54A(6) of the Act, an agreement must be entered into between the relevant seconding authority and receiving municipality.

(2) The agreement contemplated in subregulation (1) must specify—

(a) the duration of the secondment;

(b) the party responsible for the costs of the secondment; and

(c) the job description of the seconded official.

(3) Notwithstanding subregulation (4), the cost of secondment must be borne by the receiving municipality, taking into consideration the financial capacity of the municipality.

(4) A person seconded in terms of subregulation (1) must report monthly to the MEC or the Minister, in terms of section 54A(6), on the following:

(a) steps taken to fill the vacant post to which he or she is seconded;

(b) the development and implementation of any municipal institutional recovery plan for which the seconded official is responsible;

(c) monitor and assess the adherence to policy, principles and frameworks applicable to the municipality;

(d) develop a turnaround strategy for the municipality including a strategy to promote good governance;

(e) ensure implementation of municipal council resolutions by the administration;

(f) implement a system to control and approve all expenditure;

(g) implement all governance systems and procedures; and

(h) ensure implementation of financial systems, policies and procedures.

(5) A person seconded in terms of subregulation (1) must—

(a) be paid an allowance equal to the difference between the secondee's current salary and the minimum budgeted salary of the position that the secondee acts in; and

(b) be compensated for subsistence and travel incurred during the course and scope of his or her duties, in accordance with the relevant policy of the municipality.

CHAPTER 4

CONDITIONS OF EMPLOYMENT

Ordinary hours of work

21. (1) Except as otherwise provided, a senior manager's ordinary hours of work must be stipulated in the employment contract and be in accordance with the operational requirements of the municipality.

(2) Notwithstanding subregulation (1) a senior manager must work at least 40 ordinary hours per week from Monday to Friday.

Overtime

22. A senior manager may be required to work overtime without additional remuneration.

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Annual leave

23. (1) In this regulation the annual leave cycle is calculated from 1 January to 31 December.

(2) A senior manager must apply for annual leave on an official leave form attached as Annexure E to these regulations.

(3) Notwithstanding subregulation (1), a municipality that has an on-line application form may use an on-line application form: Provided that the on-line application form substantially corresponds to the application form in Annexure E and complies with these regulations.

(4) The paid annual leave to which a senior manager is entitled must be stipulated in the employment contract.

(5) A senior manager who commences employment after 1 January is entitled to paid annual leave on a *pro rata* basis.

(6) A senior manager is entitled to not more than two working days leave on full remuneration for every month which the senior manager worked in any annual leave cycle.

(7) A senior manager does not accrue leave during any period of unpaid leave or if the senior manager is absent from work without permission.

(8) The accrual of leave must be reduced on a *pro rata* basis in accordance with the number of unpaid leave days or days on which the senior manager was absent without permission.

(9) A senior manager must take at least 10 working days annual leave in each annual leave cycle: Provided that the remaining days must be taken before the end of the following annual leave cycle, failing which they are forfeited.

(10) A senior manager may only take annual leave with the prior written approval of the mayor or municipal manager, as the case may be.

(11) A senior manager's application for annual leave may not be unreasonably disapproved.

(12) A senior manager whose annual leave application is not approved as a result of operational requirements must be informed in writing of the refusal, the reasons for the disapproval and the future arrangements for rescheduling the annual leave.

(13) A senior manager who is recalled from leave due to operational requirements must be credited with the number of annual leave days forsaken.

(14) The municipality must—

(a) encourage senior managers to take their annual leave in the annual leave cycle in which they accrue; and

(b) establish a system to record accurately the leave taken by senior managers.

Sick leave

24. (1) In this regulation, "sick leave cycle" means the period of 36 months employment with the municipality, calculated from 1 January.

(2) A senior manager must apply for sick leave on an official leave form attached to these regulations as Annexure E.

(3) A senior manager is entitled to 36 working days paid sick leave during each sick leave cycle.

(4) A senior manager who is appointed after 1 January will be entitled to paid sick leave on a *pro rata* basis.

(5) Sick leave may not be carried over from one sick leave cycle to the next sick leave cycle.

(6) A senior manager whose—

(a) sick leave is depleted within a sick leave cycle may take annual leave in lieu of sick leave for the purposes of recovery;

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(b) sick leave and annual leave are depleted,

may, at the discretion of the municipality and to a maximum of 30 days, be granted unpaid leave.

(7) Notwithstanding subregulation (6), the municipality may, with the consent of the senior manager, reduce the pay to which the senior manager is entitled to in respect of any day's absence due to illness or injury if the municipality complies with the conditions set out in section 22(6) of the Basic Conditions of Employment Act.

Proof of sickness or injury

25. (1) A senior manager who takes sick leave for more than two consecutive days or on more than two occasions during an eight week period must provide an original medical certificate that complies with subregulations (2) and(3).

(2) The medical certificate contemplated in subregulation (1) must be issued and signed by a medical practitioner or any other person who is certified to diagnose and treat patients and who is registered with a professional council established by an Act of Parliament.

(3) The medical certificate contemplated in subregulation (1) must, in addition to the requirement in subregulation (2), contain the following information:

(a) A clear indication of the name, address and qualification of the medical practitioner;
(b) the name of the patient, which must correspond with the name of the senior manager;
(c) the identity number of the senior manager;
(d) the date and time of the medical evaluation;
(e) an indication of—
  (i) the medical practitioner's personal observations during an examination;
  (ii) information received from the patient during the consultation and which is based upon acceptable medical grounds;
  (iii) with the consent of the senior manager, a description of the sickness or injury in layman's terms, or, if the senior manager refuses to provide consent, specifying that the senior manager is unfit for work due to sickness or injury;
  (iv) whether the patient is totally indisposed for duty or whether the patient is able to perform less strenuous duties;
  (v) the precise period of recommended sick leave;
  (vi) the date of issue of the medical certificate; and
  (vii) in the case of a *pro forma* medical certificate, the deletion of the wording not applicable to the patient.

(4) A municipality that doubts the authenticity of a medical certificate provided by a senior manager or that claims that the medical certificate does not substantially and materially comply with subregulation (3) must furnish the senior manager with its reasons in writing.

(5) In respect of a senior manager who fails to provide an authentic medical certificate that substantially and materially complies with subregulations (2) and (3) the municipality may—

(a) debit the number of annual leave days that are due to the senior manager by the number of sick days taken; or
(b) if a senior manager has no annual leave due to him or her, grant the senior manager unpaid leave for the number of sick days taken by the senior manager.

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(6) If there is a reasonable suspicion that the senior manager is abusing sick leave, the municipality may at its own cost, require the senior manager to be examined by a medical practitioner of the municipality's choice.

Occupational accidents and diseases

26. The provisions of regulations 23(13) and 28 do not apply to an inability to work caused by an accident or occupational disease as defined in the Compensation for Occupational Injuries and Diseases Act, except in respect of any period which no compensation is payable in terms of the Compensation for Occupational Injuries and Diseases Act.

Reporting sickness or injury

27. (1) A municipal manager who is unable to report for duty due to sickness or injury must, as soon as reasonably possible, inform the mayor about his or her absence and expected duration of absence.

(2) A manager directly accountable to a municipal manager who is unable to report for duty due to sickness or injury must, as soon as reasonably possible, inform the municipal manager about his or her absence and expected duration of absence.

Sickness or injury during leave

28. A senior manager who falls sick or who is injured during any period of leave other than sick leave must complete that period of leave before sick leave may be granted.

Maternity leave

29. (1) A senior manager is entitled to at least four consecutive months maternity leave.

(2) A senior manager must apply for maternity leave on an official leave form attached as Annexure E to these regulations.

(3) A senior manager who has been employed by the municipality for one year or more is entitled to full remuneration for four months, while on maternity leave.

(4) The maternity leave must commence—

(a) at any time from four weeks before the expected date of birth, unless otherwise agreed; or

(b) on a date from which a medical practitioner or a midwife certifies that it is necessary for the senior manager's health or that of her unborn child.

(5) A senior manager who has a miscarriage during the third trimester of pregnancy or bears a stillborn child is entitled to maternity leave for at least six weeks after the miscarriage or stillbirth, whether or not the senior manager had commenced maternity leave at the time of the miscarriage or stillbirth.

(6) A senior manager who adopts a child who is younger than three months at the time of the adoption may be granted up to four consecutive months maternity leave.

(7) No senior manager may commence work for six weeks after the birth of her child, unless a medical practitioner certifies that she is fit to do so.

(8) A senior manager must notify the municipality in writing, unless the senior manager is unable to do so, of the date on which she intends to—

(a) commence maternity leave; and

(b) return to work after maternity leave.

(9) A senior manager contemplated in subregulation (8) must notify the municipality—

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(a) at least four weeks before the senior manager intends to commence maternity leave; or
(b) if it is not reasonably practicable to do so, as soon as it is reasonably practicable.

Family responsibility leave

30. (1) A senior manager is entitled to five working days family responsibility leave per annual leave cycle for utilisation if the senior manager's—
(a) spouse or life partner gives birth to the senior manager's child;
(b) child, spouse or life partner is sick; or
(c) child, spouse or life partner, or a senior manager's parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling, dies.

(2) A senior manager must apply for family responsibility leave on an official leave form attached as Annexure E to these regulations.

(3) A municipality may require reasonable proof of an incident in respect of which family responsibility leave is granted.

Study leave

31. (1) A senior manager must apply for study leave on an official leave form attached as Annexure E to these regulations.

(2) If a senior manager plans to attend a training programme that forms part of the senior manager's personal development plan, the municipality may, upon receipt of official proof of the programme, grant the senior manager up to twenty working days' leave per year, ten days of which must be for examinations linked to formal qualifications and ten days to attend classes or lectures.

(3) Notwithstanding subregulation (2), a senior manager may be granted leave to attend workshops, conferences or seminars associated with continued professional development: Provided that the mayor or municipal manager has approved the senior manager's attendance at such workshop, conference or seminar.

(4) A senior manager who is required to attend a training programme in relation to a priority skill identified by the municipality in terms of the senior manager's personal development plan must be granted paid time off to attend the training in addition to the senior manager's entitlement to leave.

(5) A municipality may grant appropriate flexible working arrangements to a senior manager who is required to complete a structured learning programme.

Special leave

32. (1) A municipality may grant special leave to a senior manager in accordance with the policies of the municipality.

(2) A senior manager must apply for special leave on an official leave form attached as Annexure E to these regulations.

(3) The municipality must adopt a special leave policy that defines—
(a) circumstances and conditions under which special leave is granted; and
(b) as far as possible, events for which senior managers may be granted special leave.

(4) The policy contemplated in subregulation (3) may provide for paid leave to a senior manager for such occasions as military service, collective bargaining or other labour relations requirements, participation in sport on provincial or national level, sabbaticals, where appropriate, or the treatment of substance abuse.

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Unauthorised absence from work

33. (1) If a senior manager is absent from work without permission—

(a) such absenteeism will be regarded as leave without pay;

(b) the senior manager will be regarded as having deserted his or her post and therefore resigned—

(i) if the period of absence exceeds fifteen (15) or more consecutive working days; and

(ii) if the municipality has taken reasonable steps to trace the senior manager without success.

(2) The provisions of subregulation (1) do not apply to a senior manager who shows good cause that he or she was unable to inform the municipality of the reasons for the absenteeism.

Calculation of unpaid leave

34. For purposes of calculating unpaid leave, the following formula applies:

$$\frac{A \times B}{365}$$

Where –

(a) "A" represents the senior manager's basic annual salary notch per annum;

(b) "B" represents the number of leave days without pay; and

(c) "365" represents the number of days in a year.

Upper limit of total remuneration package of senior managers

35. (1) The Minister must by notice in the Gazette annually determine the upper limit of the total remuneration package of senior managers according to different categories of municipalities.

(2) The upper limit of the total remuneration package of senior managers for a financial year, must be determined by the Minister before 31 March of the following financial year, after consultation with the Minister for Public Service and Administration, the Minister of Finance, the MECs for local government, and organised local government, by notice in the Gazette after taking into consideration—

(a) the classification of municipalities according to different grades;

(b) the respective duties, powers and functions and responsibilities of the municipality;

(c) the affordability of different levels of remuneration, the number of municipal employees, and the salary and wage bill of the municipality;

(d) the population, operating budget and assets of the municipality;

(e) the current principles and levels of remuneration in society in general;

(f) the need for the promotion of equality and uniformity of salaries, allowances and benefits for equal work performed;

(g) the provision of uniform norms and standards nationally to address disparities; and

(h) inflationary increases.

Disclosure of benefits and interests

36. (1) A senior manager who enters into an employment contract in terms of these regulations must—

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(a) within 60 days after his or her appointment; and
(b) annually thereafter, from the commencement of the new financial year of a municipality,

declare his or her benefits and interests.

(2) The benefits and interests contemplated in subregulation (1) may include any shares, directorships or property, which may potentially be in conflict with the senior manager's official duties.

(3) A senior manager must disclose all his or her registerable interests on the form attached as Annexure F to these regulations.

(4) If the circumstances change significantly after an initial disclosure has been made, and new or additional facts become material, the senior manager must disclose such facts as soon as reasonably possible.

(5) Failure to disclose benefits and interests is a breach of contract and must be dealt with in terms of the Code of Conduct for Municipal Staff as provided for in Schedule 2 to the Act, read in conjunction with the Disciplinary Regulations.

CHAPTER 5

BENEFITS

Retirement or pension fund membership

37. (1) A senior manager must belong to a retirement or pension fund registered in terms of the Pension Funds Act.

(2) A senior manager must annually submit proof of membership of the retirement or pension fund to the municipality.

(3) A senior manager must be afforded an opportunity to make a once-off choice in respect of a retirement or pension fund to which he or she wants to become a member, including a retirement or pension fund accredited by the bargaining council designated for municipalities: Provided that such fund must be registered in terms of the Pension Funds Act.

Medical scheme membership

38. (1) A senior manager must belong to a medical aid registered in terms of the Medical Schemes Act.

(2) A senior manager must submit annually proof of membership of the medical aid scheme to the municipal council.

(3) A senior manager must annually be afforded an opportunity to make a once-off choice in respect of a medical aid scheme to which he or she wants to become a member, including a medical scheme accredited by the bargaining council designated for municipalities: Provided that such scheme must be registered in terms of the Medical Schemes Act.

Motor vehicle

39. (1) A senior manager must have a motor vehicle available for the proper performance of his or her functions and official duties: Provided that he or she must secure his or her own financing for the vehicle.

(2) In the event that a senior manager utilises his or her private vehicle to carry out official duties, he or she must be compensated for the kilometres travelled in respect of the official trip in accordance with the relevant policy of the municipality.

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(3) Official distances travelled may be claimed in accordance with the relevant policy of the municipality, but may not exceed the applicable tariffs prescribed by the Department of Transport on a monthly basis for the use of privately-owned vehicles.

(4) For purposes of claiming motor vehicle and maintenance allowances, a senior manager must keep a logbook acceptable to the South African Revenue Service reflecting the official and private kilometres travelled per month.

Mobile phone and data card

40. A senior manager is entitled to compensation for the use of a mobile telephone and data card for official purposes in accordance with the relevant policy of the municipality.

CHAPTER 6

TERMINATION OF SERVICE

Retirement

41. (1) A senior manager has the right to retire, and must retire, on the first calendar day of the month following the day on which he or she turns 65 years of age.

(2) Notwithstanding subregulation (1), a municipal council may, after consultation with the MEC for local government, and upon good cause shown, apply in writing to the Minister, for a waiver of the requirement in subregulation (1) in the case of a person with scarce skills for effective service delivery by the municipality.

(3) Notwithstanding subregulations (1) and (2), a municipality may, at the request of a senior manager, allow the senior manager to retire after attaining the age of 55 years.

Notice of termination

42. (1) An employment contract of a senior manager may be terminated only on notice of—

(a) two weeks, if the senior manager has been employed for six months or less;

(b) four weeks, if the senior manager has been employed for 12 months or less; or

(c) one calendar month, if the senior manager has been employed for more than 12 months.

Dismissal for misconduct, incapacity or operational requirements

43. (1) A senior manager may be dismissed for misconduct, for incapacity or for operational requirements if the municipality has complied with the relevant provisions of the Labour Relations Act.

(2) If the municipality is of the opinion that a senior manager is incapable of carrying out the duties attached to the senior manager's post as a result of continuous ill-health or injury, the municipality may require the senior manager to undergo a medical examination by a registered medical practitioner nominated by the municipality and at the municipality's expense.

(3) The record of any medical examination performed must be kept confidential and may be made available only—

(a) in accordance with the ethics of medical practice;

(b) if required by law or court order; or

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(c) if the senior manager has consented in writing to the release of such record.

(4) The municipality may, on the basis of medical evidence, consider the dismissal of a senior manager on account of ill-health.

(5) A dismissal on account of ill-health or injury must be done with due regard to items 10 and 11 of Schedule 8 of the Labour Relations Act.

(6) If a senior manager applies for a discharge from service on account of continuous ill-health or injury, the provisions of subregulations (2) to (5) apply, with the necessary changes required by the context.

(7) If a senior manager refuses or fails to be subjected to a medical examination, the senior manager may be dismissed for misconduct, subject to the Labour Relations Act.

Nomination of beneficiaries and payment of accruing benefits

44. (1) A senior manager may for purposes of implementation of these regulations, designate one or more beneficiaries to whom accruing benefits to him or her may be paid in the event of the senior manager's death.

(2) A municipality must ensure that a senior manager nominates beneficiaries on appointment or as and when circumstances change to avoid any financial hardships on the pay-out of benefits to beneficiaries due to delays.

(3) The benefits of a senior manager who died before nominating beneficiaries must be dealt with in terms of the Administration of Estates Act, 1965 (Act No. 66 of 1965).

CHAPTER 7

GENERAL

Transitional arrangements

45. (1) Employment contracts for all senior managers, entered into before these regulations became operational, remain in force until the contract lapses or is terminated.

(2) When an employment contract referred to in subregulation (1) lapses or is terminated, the vacant post must be advertised in accordance with these regulations.

(3) A municipality that has reviewed its staff establishment within two years prior to the coming into operation of these regulations is exempted from the provisions of regulation 4(1) of these regulations.

Repeal

46. These regulations repeal regulations 6, 7, 9, 10, 11, 12, 13, 15, 26(8), 35, 36, 37, and 38 of the Local Government: Municipal Performance Regulations for Municipal Managers and Managers directly accountable to Municipal Managers, (Government Notice No. 805) as published in Government Gazette No. 29089 of 1 August 2006.

Short title

47. These regulations are called the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers.

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SCHEDULE 2

CATEGORIES OF MISCONDUCT AND TIME PERIODS THAT MUST EXPIRE BEFORE A PERSON MAY BE RE-EMPLOYED IN A MUNICIPALITY

No.	CATEGORY OF MISCONDUCT	PERIOD THAT MUST EXPIRE BEFORE A PERSON MAY BE RE-EMPLOYED IN A MUNICIPALITY
1.	Financial misconduct contemplated in section 171 of the Municipal Finance Management Act, corruption or fraud.	Ten (10) years
2.	Misconduct involving elements of dishonesty or negligence.	Five (5) years
3.	(a) Assault with intent to do grievous bodily harm where a senior manager has been criminally charged and convicted.	Five (5) years
	(b) Sexual harassment.	Five (5) years
4.	Colluding to or acceding to an influence of any councillor not to enforce an obligation in terms of this Act, any other legislation or by-law or a decision of the municipal council of the municipality, and who has been found guilty of an offence and convicted to a fine or to imprisonment for a period not exceeding one year.	Five (5) years
5.	Facilitating or aiding an occupier of premises in a municipality to deny an authorised representative of the municipality or a service provider access at all reasonable times to the premises in order to read, inspect, install, or repair any meter or service connection for reticulation, or to disconnect, stop or restrict the provision of any service.	Five (5) years
6.	Convicted to an offence and sentenced to more than twelve (12) months imprisonment without the option of a fine.	Five (5) years
7	(a) Use the position as a senior manager or confidential information for private gain or improperly benefit another person.	Five (5) years
	(b) Disclosure of any privileged or confidential information obtained as a senior manager of a municipality to an unauthorised person or persons.	Five (5) years
	(c) Take a decision on behalf of the municipality concerning a matter that the senior manager's spouse, partner or business associate, has a direct benefit or private business interest.	Five (5) years
8.	Being party to or beneficiary under a contract for the provision of goods and services to any municipality or any municipal entity established by a municipality.	Five (5) years
9.	Soliciting or accepting directly or indirectly any gift or favour that may influence the exercise of his or her functions, the performance of his or her duties, or judgment.	Five (5) years
10.	Discrimination against others on the basis of race, gender, disa bility, sexual orientation or other grounds prohibited by the Constitution.	Five (5) years
11.	Breach of the Code of Conduct for Municipal Staff as contained in Schedule 2 of the Act, other than misconduct referred to in item 1 to 10 in this table.	Two (2) years

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ANNEXURE A

LOCAL GOVERNMENT: COMPETENCY FRAMEWORK FOR SENIOR MANAGERS

1. Definitions

In this framework-

"**core competencies**" are competencies that cut across all levels of work in a municipality and enhance contextualised leadership that guarantees service delivery impact; and

"**leading competencies"** means competencies that are required to develop clear institutional strategy, initiate, drive and implement programs to achieve long-term sustainable and measurable service delivery performance results.

2. Competency Framework

2.1 This competency framework replaces regulation 26(8) of the Local Government: Municipal Performance Regulations for Municipal Managers and Managers directly accountable to Municipal Managers, (Government Notice No. 805) as published in Government Gazette No. 29089 of 1 August 2006.

2.2 A person appointed as a senior manager must have the competencies as set out in this framework. Focus must alse be placed on the following key factors:

(a) Critical leading competencies that drive the strategic intent and direction of local government;
(b) Core competencies which senior managers are expected to possess, and which drive the execution of the leading competencies; and
(c) The eight Batho Pele principles.

2.3 The competency framework consists of six leading competencies which comprise of twenty (20) driving competencies that communicate what is expected for effective performance in local government.

2.4 The competency framework further involves six (6) core competencies that act as drivers to ensure that the leading competencies are executed at an optimal level.

2.5 There is no hierarchical connotation to the structure and all competencies are essential to the role of a senior manager to influence high performance. All competencies must therefore be considered as measurable and critical in assessing the level of a senior manager's performance.

2.6 The competency framework is underscored by four (4) achievement levels that act as benchmark and minimum requirements for other human capital interventions, which are, recruitment and selection, learning and development, succession planning, and promotion.

3. Competency Framework Structure

The competencies that appear in the competency framework are detailed below.

LEADING COMPETENCIES	
Strategic Direction and Leadership	• Impact and Influence • Institutional Performance Management • Strategic Planning and Management • Organisational Awareness
People Management	• Human Capital Planning and Development • Diversity Management • Employee Relations Management • Negotiation and Dispute Management
Program and Project Management	• Program and Project Planning and Implementation • Service Delivery Management • Program and Project Monitoring and Evaluation
Financial Management	• Budget Planning and Execution • Financial Strategy and Delivery • Financial Reporting and Monitoring
Change Leadership	• Change Vision and Strategy • Process Design and Improvement • Change Impact Monitoring and Evaluation
Governance Leadership	• Policy Formulation • Risk and Compliance Management • Cooperative Governance
CORE COMPETENCIES	
Moral Competence	
Planning and Organising	
Analysis and Innovation	
Knowledge and Information Management	
Communication	
Results and Quality Focus	

4. Minimum Requirements

The minimum requirements that accompany the competency framework, but do not govern the selected competencies, as set out in annexure B to these regulations, refer to the level of higher education qualification, work expereince and knowledge that are needed to operate effectively in the local government environment.

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5. Competency Descriptions

Cluster	Leading Competencies		
Competency Name	Strategic Direction and Leadership		
Competency Definition	Provide and direct a vision for the institution, and inspire and deploy others to deliver on the strategic institutional mandate		
ACHIEVEMENT LEVELS			
BASIC	**COMPETENT**	**ADVANCED**	**SUPERIOR**
• Understand institutional and departmental strategic objectives, but lacks the ability to inspire others to achieve set mandate • Describe how specific tasks link to institutional strategies but has limited influence in directing strategy • Has a basic understanding of institutional performance management, but lacks the ability to integrate systems into a collective whole • Demonstrate a basic understanding of key decision-makers	• Give direction to a team in realising the institution's strategic mandate and set objectives • Has a positive impact and influence on the morale, engagement and participation of team members • Develop actions plans to execute and guide strategy implementation • Assist in defining performance measures to monitor the progress and effectiveness of the institution • Displays an awareness of institutional structures and political factors • Effectively communicate barriers to execution to relevant parties • Provide guidance to all stakeholders in the achievement of the strategic mandate • Understand the aim and objectives of the institution and relate it to own work	• Evaluate all activities to determine value and alignment to strategic intent • Display in-depth knowledge and understanding of strategic planning • Align strategy and goals across all functional areas • Actively define performance measures to monitor the progress and effectiveness of the institution • Consistently challenge strategic plans to ensure relevance • Understand institutional structures and political factors, and the consequences of actions • Empower others to follow strategic direction and deal with complex situations • Guide the institution through complex and ambiguous concern • Use understanding of power relationships and dynamic tensions among key players to frame communications and develop strategies, positions and alliances	• Structure and position the institution to local government priorities • Actively use in-depth knowledge and understanding to develop and implement a comprehensive institutional framework • Hold self accountable for strategy execution and results • Provide impact and influence through building and maintaining strategic relationships • Create an environment that facilitates loyalty and innovation Display a superior level of self-discipline and integrity in actions • Integrate various systems into a collective whole to optimise institutional performance management • Uses understanding of competing interests to manoeuvre successfully to a win/win outcome

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Cluster	Leading Competencies		
Competency Name	People Management		
Competency Definition	Effectively manage, inspire and encourage people, respect diversity, optimise talent and build and nurture relationships in order to achieve institutional objectives		
ACHIEVEMENT LEVELS			
BASIC	**COMPETENT**	**ADVANCED**	**SUPERIOR**
• Participate in team goal-setting and problem solving • Interact and collaborate with people of diverse backgrounds • Aware of guidelines for employee development, but requires support in implementing development initiatives	• Seek opportunities to increase team contribution and responsibility • Respect and support the diverse nature of others and be aware of the benefits of a diverse approach • Effectively delegate tasks and empower others to increase contribution and execute functions optimally • Apply relevant employee legislation fairly and consistently • Facilitate team goal-setting and problem-solving • Effectively identify capacity requirements to fulfill the strategic mandate	• Identify ineffective team and work processes and recommend remedial interventions • Recognise and reward effective and desired behaviour • Provide mentoring and guidance to others in order to increase personal effectiveness • Identify development and learning needs within the team • Build a work environment conducive to sharing, innovation, ethical behaviour and professionalism • Inspire a culture of performance excellence by giving positive and constructive feedback to the team • Achieve agreement or consensus in adversarial environments • Lead and unite diverse teams across divisions to achieve institutional objectives	• Develop and incorporate best practice people management processes, approaches and tools across the institution • Foster a culture of discipline, responsibility and accountability • Understand the impact of diversity in performance and actively incorporate a diversity strategy in the institution • Develop comprehensive integrated strategies and approaches to human capital development and management • Actively identify trends and predict capacity requirements to facilitate unified transition and performance management

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Cluster	Leading Competencies		
Competency Name	Program and Project Management		
Competency Definition	Able to understand program and project management methodology; plan, manage, monitor and evaluate specific activities in order to deliver on set objectives		
ACHIEVEMENT LEVELS			
BASIC	**COMPETENT**	**ADVANCED**	**SUPERIOR**
• Initiate projects after approval from higher authorities • Understand procedures of program and project management methodology, implications and stakeholder involvement • Understand the rational of projects in relation to the institution's strategic objectives • Document and communicate factors and risk associated with own work • Use results and approaches of successful project implementation as guide	• Establish broad stakeholder involvement and communicate the project status and key milestones • Define the roles and responsibilities of the project team and create clarity around expectations • Find a balance between project deadline and the quality of deliverables • Identify appropriate project resources to facilitate the effective completion of the deliverables • Comply with statutory requirements and apply policies in a consistent manner • Monitor progress and use of resources and make needed adjustments to timelines, steps, and resource allocation	• Manage multiple programs and balance priorities and conflicts according to institutional goals • Apply effective risk management strategies through impact assessment and resource requirements • Modify project scope and budget when required without compromising the quality and objectives of the project • Involve top-level authorities and relevant stakeholders in seeking project buy-in • Identify and apply contemporary project management methodology • Influence and motivate project team to deliver exceptional results • Monitor policy implementation and apply procedures to manage risks	• Understand and conceptualise the long-term implications of desired project outcomes • Direct a comprehensive strategic macro and micro analysis and scope projects accordingly to realise institutional objectives • Consider and initiate projects that focus on achievement of the long-term objectives • Influence people in positions of authority to implement outcomes of projects • Lead and direct translation of policy into workable actions plans • Ensures that programs are monitored to track progress and optimal resource utilisation, and that adjustments are made as needed

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Cluster	Leading Competencies		
Competency Name	Financial Management		
Competency Definition	Able to compile, plan and manage budgets, control cash flow, institute financial risk management and administer procurement processes in accordance with recognised financial practices. Further to ensure that all financial transactions are managed in an ethical manner		
ACHIEVEMENT LEVELS			
BASIC	**COMPETENT**	**ADVANCED**	**SUPERIOR**
• Understand basic financial concepts and methods as they relate to institutional processes and activities • Display awareness into the various sources of financial data, reporting mechanisms, financial governance, processes and systems • Understand the importance of financial accountability • Understand the importance of asset control	• Exhibit knowledge of general financial concepts, planning, budgeting, and forecasting and how they interrelate • Assess, identify and manage financial risks • Assume a cost-saving approach to financial management • Prepare financial reports based on specified formats • Consider and understand the financial implications of decisions and suggestions • Ensure that delegation and instructions as required by National Treasury guidelines are reviewed and updated • Identify and implement proper monitoring and evaluation practices to ensure appropriate spending against budget	• Take active ownership of planning, budgeting, and forecast processes and provides credible answers to queries within own responsibility • Prepare budgets that are aligned to the strategic objectives of the institution • Address complex budgeting and financial management concerns • Put systems and processes in place to enhance the quality and integrity of financial management practices • Advise on policies and procedures regarding asset control • Promote National Treasury's regulatory framework for Financial Management	• Develop planning tools to assist in evaluating and monitoring future expenditure trends • Set budget frameworks for the institution • Set strategic direction for the institution on expenditure and other financial processes • Build and nurture partnerships to improve financial management and achieve financial savings • Actively identify and implement new methods to improve asset control • Display professionalism in dealing with financial data and processes

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Cluster	Leading Competencies		
Competency Name	Change Leadership		
Competency Definition	Able to direct and initiate institutional transformation on all levels in order to successfully drive and implement new initiatives and deliver professional and quality services to the community		
ACHIEVEMENT LEVELS			
BASIC	**COMPETENT**	**ADVANCED**	**SUPERIOR**
• Display an awareness of change interventions, and the benefits of transformation initiatives • Able to identify basic needs for change • Identify gaps between the current and desired state • Identify potential risk and challenges to transformation, including resistance to change factors • Participate in change programs and piloting change interventions • Understand the impact of change interventions on the institution within the broader scope of ~~L~~local ~~G~~government.	• Perform an analysis of the change impact on the social, political and economic environment • Maintain calm and focus during change • Able to assist team members during change and keep them focused on the deliverables • Volunteer to lead change efforts outside of own work team • Able to gain buy-in and approval for change from relevant stakeholders • Identify change readiness levels and assist in resolving resistance to change factors • Design change interventions that are aligned with the institution's strategic objectives and goals	• Actively monitor change impact and results and convey progress to relevant stakeholders • Secure buy-in and sponsorship for change initiatives • Continuously evaluate change strategy and design and introduce new approaches to enhance the institution's effectiveness • Build and nurture relationships with various stakeholders to establish strategic alliance in facilitating change • Take the lead in impactful change programs • Benchmark change interventions against best change practices • Understand the impact and psychology of change, and put remedial interventions in place to facilitate effective transformation • Take calculated risk and seek new ideas from best practice scenarios, and identify the potential for implementation	• Sponsor change agents and create a network of change leaders who support the interventions • Actively adapt current structures and processes to incorporate the change interventions • Mentor and guide team members on the effects of change, resistance factors and how to integrate change • Motivate and inspire others around change initiatives

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Cluster	Leading Competencies		
Competency Name	Governance Leadership		
Competency Definition	Able to promote, direct and apply professionalism in managing risk and compliance requirements and apply a thorough understanding of governance practices and obligations. Further, able to direct the conceptualisation of relevant policies and enhance cooperative governance relationships		
ACHIEVEMENT LEVELS			
BASIC	**COMPETENT**	**ADVANCED**	**SUPERIOR**
• Display a basic awareness of risk, compliance and governance factors but require guidance and development in implementing such requirements • Understand the structure of cooperative government but requires guidance on fostering workable relationships between stakeholders • Provide input into policy formulation	• Display a thorough understanding of governance and risk and compliance factors and implement plans to address these • Demonstrate understanding of the techniques and processes for optimising risk taking decisions within the institution • Actively drive policy formulation within the institution to ensure the achievement of objectives	• Able to link risk initiatives into key institutional objectives and drivers • Identify, analyse and measure risk, create valid risk forecasts, and map risk profiles • Apply risk control methodology and approaches to prevent and reduce risk that impede on the achievement of institutional objectives • Demonstrate a thorough understanding of risk retention plans • Identify and implement comprehensive risk management systems and processes • Implement and monitor the formulation of policies, identify and analyse constraints and challenges with implementation and provide recommendations for improvement	• Demonstrate a high level of commitment in complying with governance requirements • Implement governance and compliance strategy to ensure achievement of institutional objectives within the legislative framework • Able to advise Local Government on risk management strategies, best practice interventions and compliance management • Able to forge positive relationships on cooperative governance level to enhance the effectiveness of ~~L~~local ~~g~~overnment • Able to shape, direct and drive the formulation of policies on a macro level

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Cluster	Core Competencies		
Competency Name	Moral Competence		
Competency Definition	Able to identify moral triggers, apply reasoning that promotes honesty and integrity and consistently display behaviour that reflects moral competence		
ACHIEVEMENT LEVELS			
BASIC	**COMPETENT**	**ADVANCED**	**SUPERIOR**
• Realise the impact of acting with integrity, but requires guidance and development in implementing principles • Follow the basic rules and regulations of the institution • Able to identify basic moral situations, but requires guidance and development in understanding and reasoning with moral intent	• Conduct self in alignment with the values of Local Government and the institution • Able to openly admit own mistakes and weaknesses and seek assistance from others when unable to deliver • Actively report fraudulent activity and corruption within local government • Understand and honour the confidential nature of matters without seeking personal gain • Able to deal with situations of conflict of interest promptly and in the best interest of local government	• Identify, develop, and apply measures of self-correction • Able to gain trust and respect through aligning actions with commitments • Make proposals and recommendations that are transparent and gain the approval of relevant stakeholders • Present values, beliefs and ideas that are congruent with the institution's rules and regulations • Takes an active stance against corruption and dishonesty when noted • Actively promote the value of the institution to internal and external stakeholders • Able to work in unity with a team and not seek personal gain • Apply universal moral principles consistently to achieve moral decisions	• Create an environment conducive of moral practices • Actively develop and implement measures to combat fraud and corruption • Set integrity standards and shared accountability measures across the institution to support the objectives of local government • Take responsibility for own actions and decisions, even if the consequences are unfavourable

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Cluster	Core Competencies		
Competency Name	Planning and Organising		
Competency Definition	Able to plan, prioritise and organise information and resources effectively to ensure the quality of service delivery and build efficient contingency plans to manage risk		
ACHIEVEMENT LEVELS			
BASIC	**COMPETENT**	**ADVANCED**	**SUPERIOR**
• Able to follow basic plans and organise tasks around set objectives • Understand the process of planning and organising but requires guidance and development in providing detailed and comprehensive plans • Able to follow existing plans and ensure that objectives are met • Focus on short-term objectives in developing plans and actions • Arrange information and resources required for a task, but require further structure and organisation	• Actively and appropriately organise information and resources required for a task • Recognise the urgency and importance of tasks • Balance short and long-term plans and goals and incorporate into the team's performance objectives • Schedule tasks to ensure they are performed within budget and with efficient use of time and resources • Measures progress and monitor performance results	• Able to define institutional objectives, develop comprehensive plans, integrate and coordinate activities, and assign appropriate resources for successful implementation • Identify in advance required stages and actions to complete tasks and projects • Schedule realistic timelines, objectives and milestones for tasks and projects • Produce clear, detailed and comprehensive plans to achieve institutional objectives • Identify possible risk factors and design and implement appropriate contingency plans • Adapt plans in light of changing circumstances • Prioritise tasks and projects according to their relevant urgency and importance	• Focus on broad strategies and initiatives when developing plans and actions • Able to project and forecast short, medium and long term requirements of the institution and local government • Translate policy into relevant projects to facilitate the achievement of institutional objectives

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Cluster	Core Competencies		
Competency Name	Analysis and Innovation		
Competency Definition	Able to critically analyse information, challenges and trends to establish and implement fact-based solutions that are innovative to improve institutional processes in order to achieve key strategic objectives		
ACHIEVEMENT LEVELS			
BASIC	**COMPETENT**	**ADVANCED**	**SUPERIOR**
• Understand the basic operation of analysis, but lack detail and thoroughness • Able to balance independent analysis with requesting assistance from others • Recommend new ways to perform tasks within own function • Propose simple remedial interventions that marginally challenges the status quo • Listen to the ideas and perspectives of others and explore opportunities to enhance such innovative thinking	• Demonstrate logical problem solving techniques and approaches and provide rationale for recommendations • Demonstrate objectivity, insight, and thoroughness when analysing problems • Able to break down complex problems into manageable parts and identify solutions • Consult internal and external stakeholders on opportunities to improve processes and service delivery • Clearly communicate the benefits of new opportunities and innovative solutions to stakeholders • Continuously identify opportunities to enhance internal processes • Identify and analyse opportunities conducive to innovative approaches and propose remedial intervention	• Coaches team members on analytical and innovative approaches and techniques • Engage with appropriate individuals in analysing and resolving complex problems • Identify solutions on various areas in the institution • Formulate and implement new ideas throughout the institution • Able to gain approval and buy-in for proposed interventions from relevant stakeholders • Identify trends and best practices in process and service delivery and propose institutional application • Continuously engage in research to identify client needs	• Demonstrate complex analytical and problem solving approaches and techniques • Create an environment conducive to analytical and fact-based problem-solving • Analyse, recommend solutions and monitor trends in key challenges to prevent and manage occurrence • Create an environment that fosters innovative thinking and follows a learning organisation approach • Be a thought leader on innovative customer service delivery, and process optimisation • Play an active role in sharing best practice solutions and engage in national and international local government seminars and conferences

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Cluster	Core Competencies		
Competency Name	Knowledge and Information Management		
Competency Definition	Able to promote the generation and sharing of knowledge and information through various processes and media, in order to enhance the collective knowledge base of local government		
ACHIEVEMENT LEVELS			
BASIC	**COMPETENT**	**ADVANCED**	**SUPERIOR**
• Collect, categorise and track relevant information required for specific tasks and projects • Analyse and interpret information to draw conclusions • Seek new sources of information to increase the knowledge base • Regularly share information and knowledge with internal stakeholders and team members	• Use appropriate information systems and technology to manage institutional knowledge and information sharing • Evaluate data from various sources and use information effectively to influence decisions and provide solutions • Actively create mechanisms and structures for sharing of information • Use external and internal resources to research and provide relevant and cutting-edge knowledge to enhance institutional effectiveness and efficiency	• Effectively predict future information and knowledge management requirements and systems • Develop standards and processes to meet future knowledge management needs • Share and promote best-practice knowledge management across various institutions • Establish accurate measures and monitoring systems for knowledge and information management • Create a culture conducive of learning and knowledge sharing • Hold regular knowledge and information sharing sessions to elicit new ideas and share best practice approaches	• Create and support a vision and culture where team members are empowered to seek, gain and share knowledge and information • Establish partnerships across local government to facilitate knowledge management • Demonstrate a mature approach to knowledge and information sharing with an abundance and assistance approach • Recognise and exploit knowledge points in interactions with internal and external stakeholders

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Cluster	Core Competencies		
Competency Name	Communication		
Competency Definition	Able to share information, knowledge and ideas in a clear, focused and concise manner appropriate for the audience in order to effectively convey, persuade and influence stakeholders to achieve the desired outcome		
ACHIEVEMENT LEVELS			
BASIC	**COMPETENT**	**ADVANCED**	**SUPERIOR**
• Demonstrate an understanding for communication levers and tools appropriate for the audience, but requires guidance in utilising such tools • Express ideas in a clear and focused manner, but does not always take the needs of the audience into consideration • Disseminate and convey information and knowledge adequately	• Express ideas to individuals and groups in formal and informal settings in an manner that is interesting and motivating • Able to understand, tolerate and appreciate diverse perspectives, attitudes and beliefs • Adapt communication content and style to suit the audience and facilitate optimal information transfer • Deliver content in a manner that gains support, commitment and agreement from relevant stakeholders • Compile clear, focused, concise and well-structured written documents	• Effectively communicate high-risk and sensitive matters to relevant stakeholders • Develop a well-defined communication strategy • Balance political perspectives with institutional needs when communicating viewpoints on complex issues • Able to effectively direct negotiations around complex matters and arrive at a win-win situation that promotes Batho Pele principles • Market and promote the institution to external stakeholders and seek to enhance a positive image of the institution • Able to communicate with the media with high levels of moral competence and discipline	• Regarded as a specialist in negotiations and representing the institution • Able to inspire and motivate others through positive communication that is impactful and relevant • Creates an environment conducive to transparent and productive communication and critical and appreciative conversations • Able to coordinate negotiations at different levels within local government and externally

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Cluster	Core Competencies		
Competency Name	Results and Quality Focus		
Competency Definition	Able to maintain high quality standards, focus on achieving results and objectives while consistently striving to exceed expectations and encourage others to meet quality standards. Further, to actively monitor and measure results and quality against identified objectives		
ACHIEVEMENT LEVELS			
BASIC	**COMPETENT**	**ADVANCED**	**SUPERIOR**
• Understand quality of work but requires guidance in attending to important matters • Show a basic commitment to achieving the correct results • Produce the minimum level of results required in the role • Produce outcomes that is of a good standard • Focus on the quantity of output but requires development in incorporating the quality of work • Produce quality work in general circumstances, but fails to meet expectation when under pressure	• Focus on high-priority actions and does not become distracted by lower-priority activities • Display firm commitment and pride in achieving the correct results • Set quality standards and design processes and tasks around achieving set standards • Produce output of high quality • Able to balance the quantity and quality of results in order to achieve objectives • Monitors progress, quality of work, and use of resources; provide status updates, and make adjustments as needed	• Consistently verify own standards and outcomes to ensure quality output • Focus on the end result and avoids being distracted • Demonstrate a determined and committed approach to achieving results and quality standards • Follow task and projects through to completion • Set challenging goals and objectives to self and team and display commitment to achieving expectations • Maintain a focus on quality outputs when placed under pressure • Establishing institutional systems for managing and assigning work, defining responsibilities, tracking, monitoring and measuring success, evaluating and valuing the work of the institution	• Coach and guide others to exceed quality standards and results • Develop challenging, client-focused goals and sets high standards for personal performance • Commit to exceed the results and quality standards, monitor own performance and implement remedial interventions when required • Work with team to set ambitious and challenging team goals, communicating long- and short-term expectations • Take appropriate risks to accomplish goals • Overcome setbacks and adjust action plans to realise goals • Focus people on critical activities that yield a high impact

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6. Achievement Levels

The achievement levels indicated in the table below serve as a benchmark for appointments, succession planning and development interventions.

6.1 Individuals falling within the Basic range are deemed unsuitable for the role of senior manager, and caution should be applied in promoting and appointing such persons.

6.2 Individuals that operate in the Superior range are deemed highly competent and demonstrate an exceptional level of practical knowledge, attitude and quality. These individuals should be considered for higher positions, and should be earmarked for leadership programs and succession planning.

Achievement Levels	Description
Basic	Applies basic concepts, methods, and understanding of local government operations, but requires supervision and development intervention
Competent	Develops and applies more progressive concepts, methods and understanding. Plans and guides the work of others and executes progressive analyses
Advanced	Develops and applies complex concepts, methods and understanding. Effectively directs and leads a group and executes in-depth analyses
Superior	Has a comprehensive understanding of local government operations, critical in shaping strategic direction and change, develops and applies comprehensive concepts and methods

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ANNEXURE B

MINIMUM COMPETENCY REQUIREMENTS FOR SENIOR MANAGERS

1. Definitions

The terms defined below must be used to interpret the higher education qualification, the level of experience and the work-related experience when appointing senior managers-

"middle management level" means a management level associated with persons in middle mangement positions responsible for supervising staff, and includes-

(a) An official directly accountable to a manager in the senior managment level; or
(b) A person that occupied a position in a management level substantially similar to middle management level, outside the local government sphere;

"senior management level" means a management level associated with persons in senior managment positions responsible for supervising staff in middle management positions responsible for supervising staff in middle managment positions, and includes-

(a) the municipal manager of a municipality or the chief executive officer of a municipal entity;
(b) any manager directly accountable to-
    (i) the municipal manager, in the case of a municipality; or
    (ii) the chief executive officer, in the case of a municipality; or
(c) a person that occupied a position in a management level substantially similar to senior managment level, outside the local government sphere;

"work-related experience" means the expertise of a person or skills attained by a person whether in the course of formal or informal employment.

2. MUNICIPAL MANAGER

(a) HIGHER EDUCATION QUALIFICATION	
Bachelor Degree in Public Administration / Political Sciences / Social Sciences / Law; or equivalent.	
(b) WORK-RELATED EXPERIENCE AND KNOWLEDGE	
Years of Experience	**Type of Experience**
5 years	• Relevant experience at a senior management level; and • Have proven successful institutional transformation within public or private sector.
Knowledge	**Type of Knowledge**
	• Advanced knowledge and understanding of relevant policy and legislation; • Advanced understanding of institutional governance systems and performance management; • Advanced understanding of council operations and delegation of powers; • Good governance; • Audit and risk management establishment and functionality; and • Budget and finance management.

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3. DEVELOPMENT AND TOWN PLANNING MANAGER

(a) HIGHER EDUCATION QUALIFICATION	
Bachelor of Science Degree in Building Sciences / Architect / Bachelor Degree in Town and Regional Planning or Development Studies; or equivalent.	
(b) WORK-RELATED EXPERIENCE AND KNOWLEDGE	
Years of Experience	**Type of Experience**
5 years	▪ Experience at middle management level; and • Have proven successful Professional Developmental / Town and Regional Planning experience.
Knowledge	**Type of Knowledge**
	• Good knowledge and understanding of relevant policy and legislation; • Good understanding of institutional governance systems and performance management; • Good knowledge of supply chain management regulations and the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000); • Knowledge of geographical information systems; and • Knowledge of spatial, town and development planning.
Added Advantage	• Project management certificate or diploma; or • Registration as a Professional Planner in accordance with the Planning Professions Act, 2002, (Act No. 36 of 2002).

4. PUBLIC WORKS AND BASIC SERVICES / TECHNICAL SERVICES MANAGER

(a) HIGHER EDUCATION QUALIFICATION	
Bachelor of Science Degree in Engineering / BTech: Engineering; or equivalent.	
(b) WORK-RELATED EXPERIENCE AND KNOWLEDGE	
Years of Experience	**Type of Experience**
5 years	• Experience at middle management level, or as programme/project manager; and • 3-4 years must be at professional / management level engineering management experience.
Knowledge	**Type of Knowledge**
	• Good knowledge and understanding of relevant policy and legislation; • Good knowledge and understanding of institutional governance systems and performance management; • Must have extensive knowledge of the public office environment; and • Must be able to formulate engineering master planning, project management and implementation.
Added Advantage	• Certificate of competency as required in terms of the General Machinery Regulations, 1988; or • Registration with a recognised relevant engineering professional body.

5. CHIEF FINANCIAL OFFICER

The higher education qualification, work-related experience and other requirements for the position of chief finacial officer are as prescribed under the Local Government: Municipal Regulations on Minimum Competency Levels, 2007, issued in terms of the Municipal Finance Management Act, as published under Government Notice No. 493 in Government Gazette No. 29967 of 15 June 2007.

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6. COMMUNITY SERVICES MANAGER

(a) HIGHER EDUCATION QUALIFICATION	
Bachelor Degree in Social Sciences / Public Administration / Law; or equivalent.	
(b) WORK-RELATED EXPERIENCE AND KNOWLEDGE	
Years of Experience	**Type of Experience**
5 years	• Experience at middle management level; and • Have proven successful institutional transformation within public or private sector.
Knowledge	**Type of Knowledge**

	• Good knowledge and understanding of relevant policy and legislation;
	• Good knowledge and understaning of institutional governance systems and performance management;
	• Understanding of council operations and delegation of powers, as well as –
	  • Health service management;
	  • Cemetery management;
	  • Public safety; and
	  • Parks and recreation management.

Added Advantage	Registration with the South African Council for Social Service Professionals (SACSSP), or similar recognised relevant professional body.

7. CORPORATE SUPPORT SERVICES MANAGER

(a) HIGHER EDUCATION QUALIFICATION	
Bachelor Degree in Public Administration / Management Sciences / Law; or equivalent.	
(b) WORK-RELATED EXPERIENCE AND KNOWLEDGE	
Years of Experience	**Type of Experience**
5 years	• Experience at middle management level • Have proven successful management experience in administration
Knowledge	**Type of Knowledge**

	• Good knowledge and understanding of relevant policy and legislation;
	• Good knowledge and understanding of institutional governance systems and performance management;
	• Good knowledge of corporate support services, including:
	  • Human capital management;
	  • Legal services;
	  • Facilities management;
	  • Information communication technology; and
	  • Council support;
	• Good knowledge of supply chain management regulations and the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000);
	• Good governance;
	• Labour Relations Act, and other labour-related prescripts;
	• Legal background and human capital management; and
	• Knowledge of coordination and oversight of all specialised support functions.

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8. OTHER SENIOR MANAGERS

(a) HIGHER EDUCATION QUALIFICATION	
A relevant Bachelor Degree or equivalent.	
(b) WORK-RELATED EXPERIENCE AND KNOWLEDGE	
Years of Experience	**Type of Experience**
5 years	• Good knowledge and interpretation of policy and legislation; • Good knowledge of performance management system; • Good governance; and • Good knowledge of supply chain management regulations and the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).
Added Advantage	Registration with a relevant professional body.

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ANNEXURE C

APPLICATION FORM FOR EMPLOYMENT

TERMS AND CONDITIONS

1. The purpose of this form is to assist a municipality in selecting suitable candidates for an advertised post.
2. This form must be completed in full, accurately and legibly. All substantial information relevant to a candidate must be provided in this form. Any additional information may be provided on the CV.
3. Candidates shortlisted for interviews may be requested to furnish additional information that will assist municipalities to expedite recruitment and selection processes.
4. All information received will be treated with strictly confidentiality and will not be used for any other purpose than to assess the suitability of the applicant.
5. This form is designed to assist municipality with the recruitment, selection and appointment of senior managers in terms of the *Local Government: Municipal Systems Act,* 2000 (Act No. 32 of 2000).

A. DETAILS OF THE ADVERTISED POST (as reflected in the advert)				
Advertised post applying for				
Reference number				
Name of Municipality				
Notice service period				
B. PERSONAL DETAILS				
Surname				
First Names				
ID or Passport Number				
Race	African	Coloured	Indian	White
Gender			Female	Male
Do you have a disability?			Yes	No
If yes, elaborate				
Are a South African citizen?			Yes	No
If no, what is your Nationality?				
Work Permit Number (if any):				
Do you hold any political office in a political party, whether in a permanent, temporary or acting capacity? If yes, provide information below.				No
Political Party:	Position:		Expiry date:	
Do you hold a professional membership with any professional body? If yes, provide information below Yes				No
Professional Body:	Membership Number:		Expiry date:	

C. CONTACT DETAILS			
Preferred language for correspondence?			
Telephone number during office hours			
Preferred method for correspondence (Mark with an X)	Post	E-mail	Fax
Correspondence contact details (in terms of above)			

D. **QUALIFICATIONS** (Additional information may be provided on your CV)			
Name of School / Technical College	Highest Qualification Obtained	Year Obtained	
Name of Institution	Name of Qualification	NQF Level	Year Obtained

E. **WORK EXPERIENCE** (Additional information may be provided on your CV)						
Employer (starting with the most recent)	Position	From		To		Reason for leaving
		MM	YY	MM	YY	
If you were previously employed in Local Government, indicate whether any condition exists that prevents your re-employment:				Yes		No
If yes, provide the name of the previous employing municipality:						

F. **DISCIPLINARY RECORD**		
Have you been dismissed for misconduct on or after 5 July 2011?	Yes	No
If yes, Name of Municipality/ Institution:		
Type of a Misconduct/ Transgression		
Date of Resignation/ Disciplinary case finalised		
Award/ sanction		
Did you resign from your job on or after 5 July 2011 pending finalisation of the disciplinary proceedings? If yes, provide details on a separate sheet.	Yes	No

G. **CRIMINAL RECORD**		
Were you convicted of a criminal offence involving financial misconduct, fraud or corruption on or after 5 July 2011? If yes, provide details on a separate sheet.	Yes	No
If yes, type of criminal act		
Date criminal case finalised		
Outcome/ Judgment		

H. **REFERENCE**				
Name of Referee	Relationship	Tel (office hours)	Cellphone Number	Email

I. **DECLARATION**	
I hereby declare that all the information provided in this application and any attachments in support thereof is to the best of my knowledge true and correct. I understand that any misrepresentation or failure to disclose any information may lead to my disqualification or termination of my employment contract, if appointed.	
Signature:	Date:

ANNEXURE D

DECLARATION OF CONFIDENTIALITY BY THE SELECTION PANEL MEMBER

INTERVIEWS FOR THE ADVERTISED POST OF .....
(NAME OF THE ADVERTISED POST)

Date: dd/mm/yy

I ..... hereby declare that I have read the provisions of regulation 10 of the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers ("hereinafter referred to as the Regulations").

I hereby further declare that —

(a) I have no personal interest in any of the interviewed candidates;

(b) I do not have any relationship whatsoever with the interviewed candidates;

(c) I am not indebted to any of the interviewed candidates or *vice versa*;

(d) my participation in this interviews will not in any way constitute a conflict of interest or unduly influence or attempt to influence the appointment or promotion for a spouse, partner, family member, friend or associate;

(e) I will not discuss the outcome of these interviews or inform any candidate who has been interviewed about the outcome of these interviews; and

(d) all the discussions emanating from the interview process will be kept strictly confidential and no information will be disclosed with any candidate or person who is not part of the Selection Panel until such time that the Municipal Council has approved the recommendations of the Selection Panel and the successful candidate has been duly informed about the outcome of the decision of Council.

Signed at ..... on this ..... day of ..... 2013.

.....
Signature: Selection Committee Member

.....
Signature: Chairperson

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ANNEXURE D

DECLARATION OF CONFIDENTIALITY BY THE STAFF MEMBER PROVIDING SECRETARIAL SERVICES DURING THE SELECTION PROCESS

INTERVIEWS FOR THE ADVERTISED POST OF .....
(NAME OF THE ADVERTISED POST)

Date: dd/mm/yy

I ..... hereby declare that I have read the provisions of regulation 10 of the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers ("hereinafter referred to as the Regulations").

I hereby further declare that —

(a) I have no personal interest in any of the interviewed candidates;

(b) I do not have any relationship whatsoever with the interviewed candidates;

(c) I am not indebted to any of the interviewed candidates or *vice versa*;

(d) my participation in this interviews will not in any way constitute a conflict of interest or unduly influence or attempt to influence the appointment or promotion for a spouse, partner, family member, friend or associate;

(e) I will not discuss the outcome of these interviews or inform any candidate who has been interviewed about the outcome of these interviews; and

(f) all the discussions emanating from the interview process will be kept strictly confidential and no information will be disclosed with any candidate or person who is not part of the Selection Panel until such time that the Municipal Council has approved the recommendations of the Selection Panel and the successful candidate has been duly informed about the outcome of the decision of Council.

Signed at ..... on this ..... day of ..... 2013.

.....
Signature: Secretariat

.....
Signature: Chairperson

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ANNEXURE E

APPLICATION FORM FOR LEAVE OF ABSENCE

Surname									**Initials:**						
Employee Number:									**Senior Manager**	**Yes**		**No**			
Address during leave :									**Department:**						
									Business Unit:						
Tel. No.:															
Type o f leave taken as working days									**Start date**			**End date**		**Number of working days**	
Annual leave															
Sick leave															
Leave for occupational accidents and diseases (Specify type of illness)															
Maternity leave (Attach medical certificate)															
Adoption leave															
Family responsibility leave (Provide evidence)															
Study leave (Provide evidence)															
Special leave (Specify type of special leave -Provide evidence)															
Type of leave taken as calendar days/ months									**Start date**			**End date**		**Number of calendar days**	

I hereby certify that the information provided is correct. Any falsification of information in this regard may form ground for disciplinary action. Furthermore, I fully understand that if I do not have sufficient leave credits from my annual leave to cover for my absence, the provisions of unpaid leave will be invoked.

.....

SENIOR MANAGER' SIGNATURE
DATE

Recommendation By Supervisor (Mark with X)

Recommended		**Not Recommended**		**Rescheduled**	

REMARKS (*If not recommended please state the reasons and the dates in the case of rescheduling)*:

.....

SIGNATURE OF SUPERVISOR
DATE

Approval by Municipal Manager/ Mayor (Mark with X)

Approved with full pay		**Approved without pay**		**Not approved**	

REMARKS (*If approved with a change in condition of payment or not approved, please provide motivation):*

....

SIGNATURE OF MUNICIPAL MANAGER/ MAYOR **DATE**

DATA CAPTURING

CAPTURED BY:..... CAPTURED ON:.....

CHECKED BY:..... CHECKED ON:..... .....

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ANNEXURE F

DISCLOSURE FORM FOR BENEFITS AND INTERESTS

I, the undersigned (Surname and Initials) _____
(Postal Address)_____
_____
(Residential Address)_____
(Position Held)_____

(Name of Municipality)_____
Tel: _____ Fax:_____
hereby certify that the following information is complete and correct to the best of my knowledge:

1. Shares, securities and other financial interests (Not bank accounts with financial institutions.)

Number of shares/Extent of financial interest	Nature	Nominal Value	Name of Company/Entity

2. Interest in a trust

Name of trust	Amount of Remuneration/ Income

3. Membership, directorships and partnerships

Name of corporate entity, partnership or firm	Type of business	Amount of Remuneration/ Income

4. Remunerated work outside the Municipality (Must be sanctioned by Council.)

Name of Employer	Type of Work	Amount of remuneration/ Income

CONFIDENTIAL

Council

Signature by Mayor or Designate:_____ Date: _____

5. Consultancies, Retainerships and Relationships

Name of Client	Nature	Type of business activity	Value of any benefits received

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6. Subsidies, grants and sponsorships by any organisation		
Source of assistance	**Descriptions of assistance**	**Value of assistance**

7. Gifts and Hospitality from a source rather than a family member		
Description	**Value**	**Member**

8. Land and Property			
Description	**Extent**	**Area**	**Value**

_____

SIGNATURE OF SENIOR MANAGER

DATE: _____

PLACE: _____

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6.17	REVISED SDF / IDP / BUDGET TIME SCHEDULE / PROCESS PLAN 2027/28

Collaborator No:
IDP KPA Ref No: **SFA 5: Good Governance and Compliance**
Date: **17 November 2026**

---

1. SUBJECT: REVISED SDF / IDP / BUDGET TIME SCHEDULE / PROCESS PLAN 2027/28

2. PURPOSE

To table to the Council for consideration and adoption:

(a) The revised SDF / IDP / Budget Time Schedule / Process Plan 2027/28, attached as **Annexure A.**

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

The revised Spatial Development Framework (SDF) / Integrated Development Plan (IDP) / Budget Time Schedule for 2027/28 is submitted to the Council for consideration and adoption. The time schedule is an essential planning tool for the Council to promote transparent, accountable, and effective local governance. It outlines the key strategic activities and deadlines for legislative public participation processes, strategic planning, budget preparation and reporting, spatial planning, disaster management and performance management.

The Revised SDF / IDP / Budget Time Schedule for 2027/28 includes the key public participation activities that will guide the planning, drafting, and adoption of the 6th Generation Integrated Development Plan (IDP) 2027 – 2032, as well as the drafting of the Medium-Term Revenue Expenditure Framework (the Budget) for the period 2027/28 – 2029/30.

The revised SDF / IDP / Budget Time Schedule / Process Plan 2027/28 is compiled in terms of Section 21(1)(b) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA), which states that “the mayor of a municipality must – at least 10 months before the start of the budget year, table in the municipal council a time schedule outlining key deadlines for the preparation, tabling and approval of the annual budget." Following this, Section 29 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA) specifies the process a municipality must follow to draft its integrated plan, including its consideration and adoption of the draft plan.

A revised SDF / IDP / Budget Time Schedule / Process Plan for 2027/28 has been proposed to the Council for adoption to ensure alignment with the district municipality's key activities as per its approved time schedule. These key activities include the approval and adoption of the Section 27 District Framework, as well as the adoption of the MSA Section 28 Process Plan for local and district municipalities.

5. RECOMMENDATIONS

(a) that the Council adopts the revised SDF / IDP / Budget Time Schedule / Process Plan for 2027/28 for the compilation of the annual budget in terms of Section 21(1) of the MFMA and Section 29 of the MSA to guide the planning, drafting, and adoption of the 6th Generation IDP 2027 – 2032, attached as **Annexure A**; and

(b) that an advertisement is placed on the official website of the municipality and in the local newspaper, notifying the public of the adopted revised SDF / IDP / Budget Time Schedule / Process Plan for 2027/28.

6. DISCUSSION

6.1 Background

The MFMA has formalised the inextricable link between the SDF, IDP, and the Budget. This link has been formalised through the promulgation of the MFMA, which establishes a connection between the SDF, IDP, and Budget.

The requirements for a time schedule are outlined in Section 21(1) of the MFMA and indicate:

The Mayor of a municipality must –

(a) coordinate the processes for preparing the annual budget and for reviewing the municipality's integrated development plan and budget-related policies to ensure that the tabled budget and any revisions of the integrated development plan and budget-related policies are mutually consistent and credible;

(b) at least 10 months before the start of the budget year, table in the municipal council a time schedule outlining key deadlines for–

(i) the preparation, tabling and approval of the annual budget;

(ii) the annual review of –

aa) the integrated development plan in terms of section 34 of the Municipal Systems Act; and

bb) the budget-related policies.

(iii) the tabling and adoption of any amendments to the integrated development plan and the budget-related policies; and

(iii) any consultative processes forming part of the processes referred to in subparagraphs (i), (ii) and (iii).

The SDBIP is the implementation tool to give effect to those objectives and targets as encapsulated in the IDP and Budget. The importance of synchronising the timelines for drafting the IDP and Annual Budget with those of the SDBIP is captured in Section 41 of the MSA, which states that:

Section 41:

"(1) A municipality must in terms of its performance management system and in accordance with any regulations and guidelines that may be prescribed –

(a) set appropriate key performance indicators as a yardstick for measuring performance, including outcomes and impact, with regard to the municipality's development priorities and objectives set out in its integrated development plan".

Section 26(e) of the MSA refers to the municipal SDF as a 'core component' of the municipal IDP and requires that the IDP reflect an mSDF, which must include the provision of basic guidelines for a land use management system for the municipality.

According to Section 27 of the MSA, a framework for integrated development planning must be developed by each district municipality within a prescribed period after the start of its elected term and after following a consultative process with the local municipalities within its area, must adopt a framework for integrated development planning in the area as a whole.

(a) identify the plans and planning requirements binding in terms of national and provincial legislation on the district municipality and the local municipalities or on any specific municipality;

(b) identify the matters to be included in the integrated development plans of the district municipality and the local municipalities that require alignment;

(c) specify the principles to be applied and co-ordinate the approach to be adopted in respect of those matters; and

(d) determine procedures—

The Adoption of the Process Plan, according to Section 28 of the MSA, must align with the adopted District Municipality Framework as prescribed under Section 27 of the MSA.

6.2 Financial Implications

There are no financial implications beyond that which was approved in the 2026/27 MTREF Budget.

6.3 Legal Implications

In accordance with Section 21(1)(b) of the MFMA, "the mayor of a municipality must –
at least 10 months before the start of the budget year table in the municipal council a time schedule outlining key deadlines for –

(i) the preparation, tabling and approval of the annual budget;

(ii) the annual review of-

(aa) the integrated development plan in terms of section 34 of the Municipal Systems Act; and

(bb) the budget-related policies;

(iii) the tabling and adoption of any amendments to the integrated development plan and budget-related policies; and

(iv) any consultative processes forming part of the processes referred to in subparagraphs (i), (ii) and (iii)

Section 27 (1) of the MSA states that:

Each district municipality, within a prescribed period after the start of its elected term and after following a consultative process with the local municipalities within its area, must adopt a framework for integrated development planning in the area as a whole.

(2) A framework referred to in subsection (1) binds both the district municipality and the local municipalities in the area of the district municipality, and must at least—

(e) identify the plans and planning requirements binding in terms of national and provincial legislation on the district municipality and the local municipalities or on any specific municipality;

(f) identify the matters to be included in the integrated development plans of the district municipality and the local municipalities that require alignment;

(g) specify the principles to be applied and co-ordinate the approach to be adopted in respect of those matters: and

(h) determine procedures—

Furthermore, Section 28 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA) prescribes that the Municipal Council:–

(1) Each municipal council, within a prescribed period after the start of its elected term, must adopt a process set out in writing to guide the planning, drafting, adoption and review of its integrated development plan.

(2) The municipality must, through appropriate mechanisms, processes and procedures established in terms of Chapter 4, consult the local community before adopting the process.

(3) A municipality must give notice to the local community of particulars of the process it intends to follow.

Section 29(1) of the MSA further specifies that:

The process followed by a municipality to draft its integrated development plan, including its consideration and adoption of the draft plan, must –

(a) be *in accordance with a predetermined programme specifying timeframes for the different steps;*

(b) through appropriate mechanisms, processes and procedures established in terms of Chapter 4, allow for-

(i) the local community to be consulted on its development needs and priorities;

(ii) the local community to participate in the drafting of the integrated development plan; and

(iii) organs of state, including traditional authorities and other role players to be identified and consulted on the drafting of the integrated development plan;

(c) provide for the identification of all plan and planning requirements binding on the municipality in terms of national and provincial legislation; and

(d) be consistent with any other matters that may be prescribed by regulation.

Section 41 of the MSA also states that:

(1) A municipality must in terms of its performance management system and in accordance with any regulations and guidelines that may be prescribed –

(b) set appropriate key performance indicators as a yardstick for measuring performance, including outcomes and impact, with regard to the municipality's development priorities and objectives set out in its integrated development plan".

In terms of Section 26(e) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA), it states that *"an integrated development plan must reflect- …a spatial development framework which must include the provision of basic guidelines for a land use management system for the municipality*…"

Furthermore, Section 34 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA) prescribes that the Municipal Council:–

"(*b) may amend its integrated development plan in accordance with a prescribed process.*

The process referred to in Section 34(b) of the MSA is further regulated by Regulations 3(1) – (6) of the Local Government: Municipal Planning and Performance Management Regulations, 2001, which reads as follows:

3 (1) Only a member or committee of a municipal council may introduce a proposal for amending the municipality's integrated development plan in the council.

(2) Any proposal for amending a municipality's integrated development plan must be-

(a) accompanied by a memorandum setting out the reasons for the proposal; and

(b) aligned with the framework adopted in terms of section 27 of the Act.

(3) An amendment to a municipality's integrated development plan is adopted by a decision taken by a municipal council in accordance with the rules and orders of the council.

(4) No amendment to a municipality's integrated development plan may be adopted by the municipal council unless-

(a) all the members of the council have been given reasonable notice;

(b) the proposed amendment has been published for public comment for a period of at least 21 days in a manner that allows the public an opportunity to make representations with regard to the proposed amendment;

(c) the municipality, if it is a district municipality, has complied with subregulation (5); and

(d) the municipality, if it is a local municipality, has complied with subregulation (6).

(5) A district municipality that considers an amendment to its integrated development plan must-

(a) consult all the local municipalities in the area of the district municipality on the proposed amendment; and

(b) take all comments submitted to it by the local municipalities in that area into account before it takes a final decision on the proposed amendment.

(6) A local municipality that considers an amendment to its integrated development plan must-

(a) consult the district municipality in whose area it falls on the proposed amendment; and

(b) take all comments submitted to it by the district municipality into account before it takes a final decision on the proposed amendment.

6.4 Staff Implications

This report has no additional staff implications for the municipality.

6.5 Risk Implications

This report has no direct risk implications for the municipality.

6.6 Previous / Relevant Council Resolutions

Not applicable

6.7 Comments from Senior Management

6.7.1 Director: Community and Protection Services

Supported

6.7.2 Chief Financial Officer

Supported

6.7.3 Director: Infrastructure Services

Supported

6.7.4 Director: Corporate Services

Supported

6.7.5 Director: Planning and Economic Development

Supported

6.7.6 Comments from the Municipal Manager

Supported

ANNEXURES

Annexure A: REVISED SDF / IDP / BUDGET TIME SCHEDULE / PROCESS PLAN 2027/28

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Office of the Municipal Manager*
CONTACT NUMBERS	*021 – 808 8025*
E-MAIL ADDRESS	*Municipal.manager@stellenbosch.gov.za*
REPORT DATE	*10 November 2026*

ITEM 6.17

Annexure A

REVISED SDF / IDP / BUDGET TIME SCHEDULE / PROCESS PLAN 2027/28

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
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REVISED SDF / IDP / BUDGET TIME SCHEDULE FOR 2027/28

(In accordance with Section 21(1)(b) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) and Section 29 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and the Regulations made under these Acts)

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL	PROGRESS AS AT 31 OCTOBER 2026
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING		
AUGUST 2026										
1	Publish the Quarter 4 MFMA Section 52 Quarterly Performance Assessment Report 2025/26 (Section 52) on the municipal website (**it must be placed on the municipal website not later than 5 days** after its tabling in the Council or on the date on which it must be made public, whichever occurs first)	MFMA - Section 75 (2) MSA 21(b)						03 August 2026	Manager: Financial Statements, Compliance and Reporting	Submitted
2	Executive Mayor and Mayoral Committee consider the 2026/27 Roll-Over Adjustments Budget	MFMA - Sec 28(2)(e) MBRR - Reg 23(5)				19 August 2026			Snr Manager: Financial Management Services	The roll-over adjustments budget was submitted to the Mayco for consideration as per the required due date
3	The Executive Mayor and Mayoral Committee consider and recommend that the **Spatial Development Framework (SDF) / Integrated Development Plan (IDP) / Budget Time Schedule for 2027/28** (at least 10 months before the start of the budget year) be approved by the Council	MFMA - Sec 21(1)(b)	19 August 2026	19 August 2026		19 August 2026			Manager: IDP/PMS/PP	The Spatial Development Framework (SDF) / Integrated Development Plan (IDP) / Budget Time Schedule for 2027/28 was tabled at the Mayoral Committee on 19 August 2026.
4	The Council considers the 2026/27 Roll-Over Adjustments Budget **(to be tabled before 25 August 2026)**	MFMA - Sec 28(2)(e) MBRR - Reg 23(5)				25 August 2026			Snr Manager: Financial Management Services	The roll-over adjustments budget was tabled before the Council and approved on 25 August 2026
5	Approval of the **SDF/IDP/Budget Time Schedule for 2027/28** by the Council (at least 10 months before the start of the budget year)	MFMA - Sec 21(1)(b)	25 August 2026	25 August 2026		25 August 2026			Manager: IDP/PMS/PP	The Spatial Development Framework (SDF) / Integrated Development Plan (IDP) / Budget Time Schedule for 2027/28 was approved by the Council on 25 August 2026
6	Publish an advertisement to notify the public of the approved SDF/IDP/Budget Time Schedule for 2027/28 on the municipal website and in the local newspaper	MSA - Sec 21, 21A, 28(3)	31 August 2026	31 August 2026					Manager: IDP/PMS/PP	An advertisement was published in the local newspaper on 27 August 2026, and on the municipal website on 28 August 2026 to notify the public of the approved SDF/IDP/Budget Time Schedule for 2027/28.
7	Submit the Annual Financial Statements (AFS) and the Annual Performance Report (APR) 2025/26 to the Auditor-General of South Africa (AGSA) for auditing **(the accounting officer of a municipality must prepare the annual financial statements of the municipality within 2 months after the end of the financial year to which those statements relate and submit the statements to the Auditor-General for auditing)**	MFMA Sec 126 (1)(a) MSA - Sec 46 (1) (2)					31 August 2026	31 August 2026	Chief Financial Officer Manager: IDP/PMS/PP	The 2025/26 Annual Financial Statements (AFS) and Annual Performance Report (APR) were submitted to the Auditor-General of South Africa (AGSA) for audit on 31 August 2026.

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL	PROGRESS AS AT 31 OCTOBER 2026
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING		
SEPTEMBER 2026										
8	Publish the 2026/27 Roll-Over Adjustments Budget on the municipal website **(it must be placed on the municipal website not later than 5 days after its tabling in the council or on the date on which it must be made public, whichever occurs first)**	MFMA - Sec 75(2) MSA - Sec 21(b)				01 September 2026			Manager: Budget and Costing	The roll-over adjustments budget was advertised within 5 days on the municipal website. Communication was sent to the Communications Department on 27 August 2026.
9	Submit the **2026/27 Approved Roll-Over Adjustments Budget** to the National and Provincial Treasury as prescribed by legislation	MFMA - Sec 22(b) MBRR - Reg 20				08 September 2026			Manager: Budget and Costing	The roll-over adjustments budget document and related data strings, resolutions and budget locking certificate were submitted to the Provincial Treasury (PT) and the National Treasury (NT) within the prescribed timeframes. Datastrings and documents on 25 August 2026 and budget locking certificate and resolution within the 10 day time frame after
10	**Commencement of the IDP public participation period (needs analysis)**: During this period, the community and stakeholders will be able to submit their community needs and input for the planning and drafting of the draft 6th Generation IDP 2027 - 2032	MSA Section 29(1)(b)(i)	07 September 2026 - 15 October 2026	07 September 2026 - 15 October 2026					Manager: IDP/PMS/PP	The IDP public participation period (needs analysis) commenced on 07 September 2026 and concluded on 15 October 2026 at 16:30. During this period, five IDP open days were hosted (08 - 15 September 2026), and one stakeholder engagement was held on 14 October 2026.
11	**Host the IDP Public Participation Open Days** for the planning and drafting of the draft 6th Generation IDP 2027 - 2032	MSA Section 29(1)(b)(i)	08 - 15 September 2026	08 - 15 September 2026					Manager: IDP/PMS/PP	The IDP public participation period (needs analysis) commenced on 07 September 2026 and concluded on 15 October 2026 at 16:30. During this period, five IDP open days were hosted (08 - 15 September 2026), and one stakeholder engagement was held on 14 October 2026.
12	Review of the Long-Term Financial Plan	MSA Section 26(a)				01 September 2026 - 31 March 2027			Senior Manager: Financial Management Services	This is an ongoing process as per the timeframes indicated.
OCTOBER 2026										
13	Capture and refine all community inputs from the needs analysis process and stakeholder engagement	Not Applicable	01 - 30 October 2026						Manager: IDP/PMS/PP	All the inputs received during the IDP public participation period from 07 September 2026 to 15 October 2026 have been captured and will be presented to the Council for consideration in November 2026
14	District IDP Managers Forum (DIDPMF)	MSA Section 24	08 October 2026						Manager: IDP/PMS/PP	The Cape Winelands District Municipality (CWDM) hosted the CWDM IDP Managers Forum on 06 October 2026, with the Stellenbosch Municipality in attendance

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL	PROGRESS AS AT 31 OCTOBER 2026
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING		
15	Submit the Quarter 1 MFMA Section 52 Quarterly Report Performance Assessment Report 2026/27 for the **period ending 30 September 2026** on the implementation of the budget and financial state of affairs of the municipality to the Council	MFMA - Sec 52(d) MFMA - Sec 71(1) MBRR - Reg 28					21 October 2026	21 October 2026	Manager: Financial Statements, Compliance and Reporting Manager: IDP/PMS/PP	The Quarter 1 MFMA Section 52 Quarterly Performance Assessment Report 2026/27 for the period ending 30 September 2026, on the implementation of the budget and financial state of affairs of the municipality, was submitted to the Council on 21 October 2026.
16	Publish the Quarter 1 MFMA Section 52 Quarterly Report Performance Assessment Report 2026/27 on the municipal website **(it must be placed on the website not later than 5 days after its tabling in the council or on the date on which it must be made public, whichever occurs first)**	MFMA - Sec 75(2) MSA - Sec 21(b)						28 October 2026	Manager: Financial Statements, Compliance and Reporting	Submitted
17	Submit the Quarter 1 MFMA Section 52 Quarterly Report, the Performance Assessment Report 2026/27 - SDBIP and the Finance Performance Reports to the National and Provincial Treasury	MFMA - Sec 75(2) MSA - Sec 21(b)						29 October 2026	Manager: Financial Statements, Compliance and Reporting	Submitted
NOVEMBER 2026										
18	Directorates to submit inputs for the 2026/27 Operating and Capital Mid-Year Adjustments Budget to the Manager: Budgeting and Costing	MFMA - Section 28				06 November 2026			Manager: Budget and Costing	
19	Directorates complete the template for the 2028 - 2031 Capital and Operational Budget for budget prioritisation	MFMA - Section 21 MSA Section 26(h)				20 November 2026			Manager: Budget and Costing	
20	Identify all plans and planning requirements binding on the municipality in terms of national and provincial legislation	MSA - Sect 29(1)(c)	01 - 28 November 2026						Manager: IDP/PMS/PP	
21	Approval of the **Revised SDF/IDP/Budget Time Schedule for 2027/28** by the Council (at least 10 months before the start of the budget year)	MFMA - Sec 21(1)(b)	25 November 2026	25 November 2026		25 November 2026			Manager: IDP/PMS/PP	
22	Submit to the Council a consolidated report on the **IDP public participation input and comments received during September / October** for consideration for the draft 6th Generation IDP 2027 - 2032	MSA Section 34(a)	25 November 2026						Manager: IDP/PMS/PP	
23	Publish an advertisement to notify the public of the approved **Revised SDF/IDP/Budget Time Schedule for 2027/28** on the municipal website and in the local newspaper	MSA - Sec 21, 21A, 28(3)	26 November 2026	26 November 2026					Manager: IDP/PMS/PP	
24	Distribute the consolidated community input solicited from the IDP public participation process to all municipal departments for input and to identify key deliverables	MSA Section 34	26 November 2026						Manager: IDP/PMS/PP	
25	Submission of community priority requests to the provincial sector departments and the Cape Winelands District Municipality (CWDM)	Not Applicable	26 November 2026						Manager: IDP/PMS/PP	

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL	PROGRESS AS AT 31 OCTOBER 2026
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING		
DECEMBER 2026										
26	Provincial IDP Managers Forum (PIDPMF)	MSA Section 24	03 - 04 December 2026						Manager: IDP/PMS/PP	
27	Drafting of 2027 – 2032 Ward Priorities Sessions with the newly elected ward councillors	MSA Section 34	08 - 09 December 2026						Manager: IDP/PMS/PP	
JANUARY 2027										
28	The Mayoral Committee (MayCo) considers the **2026/27 Adjustments Budget, Revised TL SDBIP 2026/27** and **Draft 2027 - 2032 IDP Process Plan**	MFMA - Sec 28 MBRR - Part 4 MSA - Sec 28				20 January 2027	20 January 2027		Snr Manager: Financial Management Services and Manager: IDP/PMS/PP	
29	Submit MFMA Section 72 Mid-Year Budget and Performance Assessment Report 2026/27 to the Executive Mayor	MFMA - Sec 72				22 January 2027	22 January 2027		Manager: IDP/PMS/PP	
30	Submit the MFMA Section 72 Mid-Year Budget and the Performance Reports 2026/27 to the Provincial and National Treasury by 25 January	MFMA - Section 72(1)(b) MBRR - Reg 35					25 January 2027	25 January 2027	Manager: IDP/PMS/PP and Manager: Financial Statements, Compliance and Reporting	
31	The Council considers for adoption the **2026/27 Adjustments Budget and Revised TL SDBIP 2026/27**	MFMA - Sec 28 MBRR - Part 4 MSA - Sec 28 and 29				25 January 2027	25 January 2027		Snr Manager: Financial Management Services and Manager: IDP/PMS/PP	
32	Submit the **Quarter 2 MFMA Section 52 Quarterly Performance Assessment Report 2026/27** for the period ending 31 December 2026 on the implementation of the budget and financial state of affairs of the municipality to the Council	MFMA - Sec 52(d) MFMA - Sec 71(1) MBRR - Reg 29					25 January 2027	25 January 2027	Manager: Financial Statements, Compliance and Reporting and Manager: IDP/PMS/PP	
33	Submit the MFMA Section 72 Mid-Year Budget and Performance Assessment Report 2026/27 to the Council	MFMA - Section 72(1)(b) MBRR - Reg 35				25 January 2027	25 January 2027	25 January 2027	Manager: Financial Statements, Compliance and Reporting and Manager: IDP/PMS/PP	
34	Submit to the Council to consider the release of the **Draft Annual Report 2025/26** for the purpose of public participation	MFMA - Sec 127					25 January 2027	25 January 2027	Manager: IDP/PMS/PP and Senior Manager: Financial Management Services	
35	Publish an advertisement in the local newspaper to notify the public and other stakeholders to submit written comments on the **Draft Annual Report 2025/26**	MFMA - Sec 127(5)(a) MSA - Sec 21A					28 January 2027		Manager: IDP/PMS/PP	
36	District IDP Managers Forum (DIDPMF)	MSA Section 24	29 January 2027						Manager: IDP/PMS/PP	
37	Publish the Quarter 2 MFMA Section 52 Quarterly Report Performance Assessment Report 2026/27 on the municipal website	MFMA - Section 75 (2) MSA - Sec 21(b)						29 January 2027	Manager: Financial Statements, Compliance and Reporting	

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL	PROGRESS AS AT 31 OCTOBER 2026
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING		
38	Submit to the Council a **consolidated report on the MSDF/CEF public participation input** and comments received during September / October 2026 for consideration for the draft 6th Generation IDP 2027 - 2032	MSA - Section 34(a)(b)		29 January 2027					Senior Manager: Development Planning	
39	Submit the **Draft Annual Report 2025/26** within **five (5) days** via e-mail and hard copy to the National Treasury, the Western Cape Department of Local Government, the Western Cape Provincial Treasury and the Auditor General	MFMA - Section 127(5)(b)					29 January 2027		Manager: IDP/PMS/PP	
40	District Municipality submit the **6th Generation** Process Plan and District Framework to Mayco and Council	MFMA - Sec 127(5)(a) MSA - Sec 21A	29 January 2027						Manager: IDP/PMS/PP	
41	**Strategy Workshop 1**: Councillors, Mayco, Municipal Manager and Directors	MSA Section 56(2)(a)(b)	29 January 2027						Municipal Manager	
42	**Strategy Workshop 2**: Mayco, Municipal Manager, Directors and Senior Managers/ Managers (prioritisation and determine and execute municipal strategy)	MSA Section 56(2)(a)(b)	29 January 2027						Municipal Manager	
FEBRUARY 2027										
43	Publish a notice on the Mid-Year Budget and Performance Report 2026/27 in the local newspaper and on the municipal website	MFMA - Section 75 (2) MSA - Sec 21(b)				04 February 2027	04 February 2027		Manager: Financial Statements, Compliance and Reporting and Manager: IDP/PMS/PP	
44	Publish and make public the approved **Adjustments Budget 2026/27** and **Revised SDBIP 2026/27** in the local newspaper and on the municipal website	MFMA - Sec 28(7) MSA - Sec 21A & S21 B MBRR - Part 4				04 February 2027			Manager: Budget and Costing	
45	Table the Draft Annual Report 2025/26 to the Municipal Public Accounts Committee (MPAC) to consider and evaluate the content of the Draft Annual Report 2025/26	MFMA 127 and 129 (1)					08 - 10 February 2027		Manager: IDP/PMS/PP	
46	Submit the budget and related documents and B schedules to the National and Provincial Treasury as required per legislation **(within 10 working days)**	MFMA - Sec 28(7) MFMA - S22 (b)(i) MSA - Sec 21A MBRR - Part 4				10 February 2027			Manager: Budget and Costing and Manager: IDP/PMS/PP	
47	**Public Hearing:** Consultation on the Draft Annual Report 2025/26 with the community and interested stakeholders	MFMA - Sec 127(5) MFMA - Sec 127(6)					11 February 2027		Manager: IDP/PMS/PP	
48	**Draft 2027 - 2032 IDP Process Plan for the new 5 Year IDP:** Submit to the newly elected Council for approval, the draft 2027 - 2032 Process Plan in terms of Section 28 of the MSA, for the purpose of public input for a period of 21 days	MFMA - Sec 21(b) MSA - Sec 28	24 February 2027	24 February 2027					Manager: IDP/PMS/PP	
49	Municipal officials provide feedback, verifying whether the content of the Draft Annual Report 2025/26 is credible, reliable, and accurate (this refers to the necessary changes that must be made to the report before presenting it to the Council)	MFMA Sec 121 and 122					24 February 2027		Manager: IDP/PMS/PP	

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL	PROGRESS AS AT 31 OCTOBER 2026
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING		
50	**Conduct the Annual (2025/26) and mid-year (2026/27) performance assessments** of the Municipal Manager and Managers directly accountable to the Municipal Manager	MPPMR - Reg 13 GN 21- 17/01/2014					26 February 2027		Manager: IDP/PMS/PP	
51	Publish the approved **Draft 2027 - 2032 IDP Process Plan** in the local newspaper and municipal website, and provide not less than **21 days** for public comments and written submissions	MSA - Sec 21A MPPMR - Reg 15(3)	25 February 2027	25 February 2027					Manager: IDP/PMS/PP	
52	Complete the tariff-setting exercise for 2027/28	MFMA Section 17				26 February 2027			Manager: Budget and Costing	
53	Review the current budget and related policies and by-law inputs and newly needed budget-related policies	MFMA - Sec 21 MBRR - Part 3				26 February 2027			Snr Manager: Financial Management Services	
MARCH 2027										
54	District IDP Managers Forum (DIDPMF)	MSA Section 24	11 March 2027						Manager: IDP/PMS/PP	
55	Submit the **Final 2027- 2032 IDP Process Plan** to the MAYCO for recommendation to the Council for adoption	MSA - Sec 28	24 March 2027	24 March 2027					Manager: IDP/PMS/PP	
56	Submit the **draft 6th Generation IDP 2027 - 2032**, draft Budget and draft SDBIP 2027/28 to MayCo for consideration and recommendation to Council	MFMA - Sec 24	24 March 2027			24 March 2027	24 March 2027		Manager: IDP/PMS/PP and Snr Manager: Financial Management Services	
57	Compilation of the Draft Reviewed Disaster Management Plan	DM Act, No 57 of 2002, Section 53 (1)(a-d) Section 53(2)(a))			30 March 2027				Manager: Fire and Disaster	
58	The Council considers the Annual Report Oversight Report and the Annual Report 2025/26 for approval	MFMA - Sec 129					31 March 2027		Manager: IDP/PMS/PP	
59	Submit the **Final 2027 - 2032 IDP Process Plan** to the Council for adoption	MSA - Sec 28	31 March 2027	31 March 2027					Manager: IDP/PMS/PP	
60	Submission of the **draft 6th Generation IDP 2027 - 2032, draft Budget, tariffs, budget-related policies and SDBIP (at least 90 days before the start of the budget year)** to the Council for approval for the purpose of obtaining public comment and inputs **(21 days)**	MFMA - Sec 16(2) MSA - Sec 25 MBRR - Part 3	31 March 2027			31 March 2027	31 March 2027		Manager: IDP/PMS/PP and Snr Manager: Financial Management Services	
61	Submit the **draft Budget** and related data strings to the National and Provincial Treasuries, as prescribed by legislation	MFMA - Sec 22(b) MBRR - Reg 20				31 March 2027			Manager: Budget and Costing	
APRIL 2027										

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL	PROGRESS AS AT 31 OCTOBER 2026
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING		
62	Place an advertisement for the Annual Report Oversight Report and the Annual Report 2025/26 to be released for information, which must be placed on the municipal website within **five (5) days** after it is approved	MFMA - Sec 129(3) MFMA - Sec 75					05 April 2027		Manager: IDP/PMS/PP	
63	Distribute the Annual Report Oversight Report and the Annual Report 2025/26 to all municipal offices and libraries for information	MFMA - Sec 129(3)					09 April 2027		Manager: IDP/PMS/PP	
64	Submit the **Draft 6th Generation IDP 2027 - 2032, Draft SDBIP 2027/28 and Final 2027 - 2032 IDP Process Plan** to the Department of Local Government, National and Provincial Treasury, prescribed national or provincial organs of state and to other municipalities affected by the IDP and budget	MFMA - Sec 22(b) MSA - Sec 29(3)(b) MSA - Sec 32(1) MBRR - Reg 20	09 April 2027	09 April 2027			09 April 2027		Manager: IDP/PMS/PP	
65	Publish the approved **Draft 6th Generation IDP 2027 - 2032 and Draft Budget** and other required documents and provide not less than **21 days** for public comments and written submissions	MFMA - Sec 22(a) MSA - Sec 21A, 42 MPPMR - Reg 15(3)	06 - 27 April 2027			06 - 27 April 2027	06 - 27 April 2027		Manager: IDP/PMS/PP and Manager: Budget and Costing	
66	Publish a notice informing the public of the adoption of the **Final 2027 - 2032 IDP Process Plan** in the local newspaper and municipal website	MSA - Sec 21A MPPMR - Reg 15(3)	09 April 2027	09 April 2027					Manager: IDP/PMS/PP	
67	**Host IDP and Budget Public Participation Open Days:** to consult on the Draft IDP, Draft SDBIP 2027/28 and Draft Budget	MFMA - Sec 22(a) MSA - Sec 21A, 42 MPPMR - Reg 15(3)	06 - 13 April 2027	06 - 13 April 2027		06 - 13 April 2027	06 - 13 April 2027		Manager: IDP/PMS/PP and Manager: Budget and Costing	
68	Submit other Draft Budget and related documents to National and Provincial Treasury, as prescribed by legislation (within 10 working days after budget approval	MFMA - Sec 22(b) MBRR - Reg 20				14 April 2027			Manager: Budget and Costing	
69	Submit the **Quarter 3 MFMA Section 52 Quarterly Report Performance Assessment Report 2026/27** for the period ending 31 March 2027 on the implementation of the budget and financial state of affairs of the municipality to the Council	MFMA - Sec 52(d) MFMA - Sec 71(1) MBRR - Reg 29					28 April 2027	28 April 2027	Manager: Financial Statements, Compliance and Reporting and Manager: IDP/PMS/PP	
70	Submit the Quarter 3 MFMA Section 52 Quarterly Performance Assessment Report 2026/27 and Performance Reports to the National and Provincial Treasury	MPPMR - Reg 13						30 April 2027	Manager: Financial Statements, Compliance and Reporting	
MAY 2027										
71	Publish the Quarter 3 MFMA Section 52 Quarterly Performance Assessment Report 2026/27 on the municipal website	MFMA - Sec 75(2) MSA - Sec 21(b)						03 May 2027	Manager: IDP/PMS/PP	
72	SIME / LG MTEC 3 IDP and Budget Assessments by Provincial Treasury and Department of Local Government	MSA Chapter 5 MFMA Section 23	14 May 2027			14 May 2027	14 May 2027		Manager: IDP/PMS/PP and Snr Manager: Financial Management Services	
73	The MAYCO meeting to consider the final draft 6th Generation IDP 2027 - 2032 and Budget **(at least 30 days before the start of the budget year)**	MFMA - Sec 24	19 May 2027			19 May 2027	19 May 2027		Manager: IDP/PMS/PP and Snr Manager: Financial Management Services	

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL	PROGRESS AS AT 31 OCTOBER 2026
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING		
74	Council meeting to **adopt the Draft 6th Generation IDP 2027 - 2032, performance management measures and targets and the final Budget** (at least 30 days before the start of the budget year)	MFMA - Sec 24	26 May 2027			26 May 2027	26 May 2027		Manager: IDP/PMS/PP and Snr Manager: Financial Management Services	
75	Submit the approved Budget to the National and Provincial Treasuries as prescribed by legislation	MFMA - Sec 24(3) MBRR - Reg 20				26 May 2027			Manager: Budget and Costing	
JUNE 2027										
76	Publish the adopted IDP, multi-year budget, all budget-related documents and all budget-related policies on the municipal website	MFMA - Sec 22 and 75 (1)(2) MSA - Sec 21A and 21B	02 June 2027			02 June 2027			Manager: IDP/PMS/PP and Manager: Budget and Costing	
77	District IDP Managers Forum (DIDPMF)	MSA Section 24	03 June 2027						Manager: IDP/PMS/PP	
78	Submit a copy of the adopted IDP to the MEC for Local Government **(within 10 days of the adoption of the plan)**	MSA - Sec 21, 21A, 28(3)	04 June 2027						Manager: IDP/PMS/PP	
79	Give notice to the public of the adoption of the IDP and Budget **(within 14 days of the adoption of the plan)** and budget **(within 10 working days)**	MBRR - Reg 18 MSA - Sec 25(4)(a)(b) MFMA - Sec 75(1)	04 June 2027			09 June 2027			Manager: IDP/PMS/PP and Manager: Budget and Costing	
80	Submit the adopted budget and related documents to the National and Provincial Treasury, as prescribed by legislation (within 10 working days after budget approval)	MFMA - Sec 24(3) MBRR - Reg 20				09 June 2027			Manager: Budget and Costing	
81	Submit to the Executive Mayor the draft TL SDBIP 2027/28 **(no later than 14 days after the approval of an annual budget)**	MFMA - Sec 69(3)(a)					09 June 2027		Manager: IDP/PMS/PP	
82	Provincial IDP Managers Forum (PIDPMF)	MSA Section 24	10 - 11 June 2027						Manager: IDP/PMS/PP	
83	The Executive Mayor takes all reasonable steps to ensure that the SDBIP is approved **(within 28 days after approval of the budget)**	MFMA - Sec 53(1)(c)(ii)					23 June 2027		Manager: IDP/PMS/PP	
84	Signing of performance agreements of the Municipal Manager and Managers directly accountable to the Municipal Manager	MFMA - Sec 53(1)(c)(ii)					23 June 2027		Manager: IDP/PMS/PP	
JULY 2027										
85	Make public the projections, targets and indicators as set out in the TL SDBIP 2027/28 **(no later than 14 days after the approval of the SDBIP)** and submit to National and Provincial Treasuries (**no later than 10 working days after the approval of the SDBIP)**	MFMA Section 53(3)(a MBRR Reg 19					01 July 2027		Manager: IDP/PMS/PP	
86	Make public the performance agreements of the Municipal Manager and Managers directly accountable to the Municipal Manager **(no later than 14 days after the approval of the SDBIP)**	MFMA Section 53(3)(b)					01 July 2027		Manager: IDP/PMS/PP	

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES						RESPONSIBLE OFFICIAL	PROGRESS AS AT 31 OCTOBER 2026
NO	DESCRIPTION		IDP/ PP	SDF	DISASTER MANAGEMENT	BUDGET	PMS	REPORTING		
87	Preparation of the SDF/IDP/Budget Time Schedule for 2028/29	MFMA - Sec 21(1)(b) MSA - Sec 29	01 - 30 July 2027						Manager: IDP/PMS/PP	
88	Operationalise disaster management in the municipality by means of identifying projects	DM Act, No 57 of 2002, Section 53(1) (a-d), Section 53(2)(a)			31 July 2027				Manager: Fire and Disaster	
89	Design and identification of disaster management projects	DM Act, No 57 of 2002, Section 53(1) (a-d), Section 53(2)(a)			31 July 2027				Manager: Fire and Disaster	
90	The formulation of disaster strategies: prevention and mitigation strategies, vulnerability reduction strategies, capacity building, contingency building, and emergency preparedness	DM Act, No 57 of 2002, Section 53(1) (a-d), Section 53(2)(a)			31 July 2027				Manager: Fire and Disaster	

6.18	IMPLEMENTATION OF LEVEL 1 WATER RESTRICTIONS – STELLENBOSCH MUNICIPALITY

Collaborator No:
IDP KPA Ref No: **Sustainable Valley**
Date: **17 November 2026**

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1. SUBJECT: IMPLEMENTATION OF LEVEL 1 WATER RESTRICTIONS – STELLENBOSCH MUNICIPALITY

2. PURPOSE

To obtain Council's approval for the implementation of Level 1 water restrictions in the WC024 area.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

The Western Cape experienced a much lower rainfall during the 2026 winter season when compared to the same period last year, which necessitates a collaborative response from all users of the Western Cape Water Supply System. This has prompted the National Department of Water and Sanitation (DWS) to engage the Western Cape Municipalities, City of Cape Town Metro and Water Users Associations on collective mitigative measures to protect the current reserves of water storage across the province.

The Department of Water and Sanitation is running model simulations of the Western Cape Water Supply system November 2026 and will feed back to the City of Cape Town and its supply Municipalities on the final deliberations of the system projections.

As a mitigation measure, Stellenbosch Municipality, as a purchaser of Bulk Water from the City of Cape Town, together with the other supply Municipalities, is intending to implement Level 1 water restrictions from 01 December 2026. It is therefore recommended to Council to implement Level 1 Water restrictions from 1st December 2026, in order to curb excessive water usage and to implore all residents of the Western Cape to assist all Municipalities in saving water to prevent a possible drought scenario next year.

Water leaks are also continuously addressed by the appointed service provider under contract BSM 105/25 which also serves as the Water Warrior initiative.

5. RECOMMENDATIONS

It is recommended:

(a) that Council notes the Western Cape Municipalities' intent to implement Level 1 water restrictions;

(b) that Council approves the Stellenbosch Municipality to implement Level 1 (10%) Water Restrictions, together with the already approved respective tariffs, from 01 December 2026, in order to effect the required potable water savings; and

(c) That the restrictions remain in force until a change of the restrictions are announced by Council.

6. DISCUSSION / CONTENTS

6.1 Discussion

The Western Cape experienced a much lower rainfall during the 2026 winter season when compared to the same period last year, which necessitates a collaborative response from all users of the Western Cape Water Supply System. This has prompted the National Department of Water and Sanitation (DWS) to engage the Western Cape Municipalities, City of Cape Town Metro and Water Users Associations on collective mitigative measures to protect the current reserves of water storage across the province.

The City of Cape Town dams, while still holding a decent amount of supply at present, are on average currently 15% lower in storage than at the same time last year. Stellenbosch Municipality currently receives approximately 40% of its total bulk water supply as treated water purchased from the City of Cape Town, with the remaining approximately 60% comprising raw water supplied by the Department of Water and Sanitation (DWS) for treatment at the Municipality's water treatment works.

In addition, the Provincial Government's Department of Local Government issued a Circular (Local Government Circular C37 of 2026), attached as ANNEXURE A, to all Western Cape Municipalities advising Municipalities to implement precautionary water restrictions before the 2026-27 summer. It further advises that Level 1 water restrictions should be in place by 15 November 2026, or Level 2 water restrictions for those municipalities which are rated as high risk. Stellenbosch Municipality is not high risk at present.

It is noted that the Municipality's Idas Valley Water Treatment Works (WTW) is supplied with raw water from the Eerste River, with approximately 7,224 ML/a supplied to Idas Valley WTW and the associated storage dams. The Paradyskloof WTW is supplied with approximately 3,000 ML/a of raw water from the Theewaterskloof Dam, which at the time of reporting, was at 77.8% of capacity.

Stellenbosch Bulk Water Supply Sources

Water Source	Supply Type	Annual Volume (ML/a)	% of Total
City of Cape Town (COCT)	Treated Water	6848	40.1%
DWS: Theewaterskloof Tunnel to Paradyskloof WTP	Raw Water	3000	17.6%
DWS: Eerste River to Idas Valley WTW & Storage Dams	Raw Water	7224	42.3%
Total	**Raw + Treated Water**	**17072**	**100%**

The Department of Water and Sanitation is running model simulations of the Western Cape Water Supply system November 2026 and will feed back to the City of Cape Town and its supply Municipalities on the final deliberations of the system projections.

As a mitigation measure, Stellenbosch Municipality, as a purchaser of Bulk Water from the City of Cape Town, together with the other supply Municipalities, is intending to implement Level 1 water restrictions from 01 December 2026. It is therefore recommended to Council to implement Level 1 Water restrictions from 1st December 2026, in order to curb excessive water usage and to implore all residents of the Western Cape to assist all Municipalities in saving water to prevent a possible drought scenario next year.

Should the City of Cape Town and Theewaterskloof dam experience above average rainfall in the coming months, the Level 1 Water Restrictions could be lifted. Similarly, should all residents assist to conserve water, the water restrictions could be lifted.

Conversely, should the rainfall be sparse over the summer months, and consumption remains high amongst residents, then the participating municipalities of the Western Cape Water Supply System may collectively choose to increase the Water Restrictions to Level 2 Restrictions during the summer months.

The Municipality has been monitoring the use of water and has been sending out communications to residents to assist in water saving measures.

Council to note that activating Water Restrictions from 01 Dec 2026, will mean that the billing of the restrictions will be implemented from the January 2027 Billing accounts. The Level 1 Restrictions will then be applicable on most of the November/December consumptions.

Residents are urged to assist the Municipality in reducing consumption within the Stellenbosch area. We would like all residents to remain calm and to assist the Western Cape in responsible water management going forward please, to avoid higher water restrictions during the summer months.

We would like to reiterate the fact that these are collective preventative measures, and that Stellenbosch Municipality is not in a water crisis, but that the Western Cape Water Supply System will be closely monitored and re-assessed by the Stellenbosch Municipality, the Department of Water and Sanitation, the City of Cape Town and affected Western Cape Municipalities.

Water leaks are also continuously addressed by the appointed service provider under contract BSM 105/25 which also serves as the Water Warrior initiative.

6.2 Financial Implications

The Municipality may implement the tariffs as already advertised and approved by Council within the 2026/27 Budget. It is recommended to implement the Level 1 Restrictions from the January 2027 Billing accounts. Should the Municipality implement the water restrictions from the January 2027 Billing accounts, the Level 1 Restrictions will then be applicable on most of the November/December consumptions.

Consumers will be informed on the November 2026 Billing accounts of the Level 1 restrictions from the January 2026 accounts and that they must reduce their water consumptions with immediate effect.

Kindly note, December 2026 Billing accounts will be for the October-November 2026 consumptions.

6.3 Staff Implications

a. More water leak inspections would need to be performed. During 2018, the Municipality employed “Water Warriers” on an EPWP basis to detect water leaks, and;

b. Excessive water use would need to be inspected and acted upon.

6.4 Previous / Relevant Council Resolutions:

None applicable to this event.

6.5 Risk Implications

a. Risk on economic impact of implementing Level 1 tariffs (Annexure A) to ensure the necessary water savings from the public.

b. Concurrent risk of inadequate water storage should rainfall patterns be sparse over the summer months.

c. Risk of a change in estimated revenue and operational expenditure projections for the Municipality, based on future water usage during the water restrictions phase.

6.6 Comments from Senior Management:

6.6.1 ***Acting Director: Corporate Services***

No comment.

6.6.2 ***Director: Community & Protection Services***

No comment

6.6.3 ***Director: Planning & Economic Development***

In support and have nothing further to add.

6.6.4 ***Chief Financial Officer***

Comments incorporated into the Item.

6.6.5 ***Municipal Manager***

Supports the Item.

ANNEXURES:

Annexure A: LG Circular C37 of 2026

Annexure B: Approved 2026/27 Tariffs page 9 of the 2026/27 Tariff Book

FOR FURTHER DETAILS CONTACT:

NAME	**Shane Chandaka**
POSITION	***Director Infrastructure Services***
DIRECTORATE	***Infrastructure Services***
CONTACT NUMBERS	***021 808 8213***
E-MAIL ADDRESS	***shane.chandaka@stellenbosch.gov.za***
REPORT DATE	***12 November 2026***

ITEM 6.18

Annexure A

LG Circular C37 of 2026

Western Cape Government

Department of Local Government
Office of the Head of Department
Mr G Paulse
Graham.Paulse@westerncape.gov.za | Tel: +27 21 483 4999

File Reference: LG21/3/28102026_1

LOCAL GOVERNMENT CIRCULAR C37 OF 2026

THE MAYOR, CITY OF CAPE TOWN: MR G HILL-LEWIS
THE MAYOR, WEST COAST DISTRICT MUNICIPALITY: MR R STRYDOM
THE MAYOR, MATZIKAMA MUNICIPALITY: MR J VAN DER HOVEN
THE MAYOR, CEDERBERG MUNICIPALITY: MR A SCHEEPERS
THE MAYOR, BERGRIVIER MUNICIPALITY: MR R VAN ROOY
THE MAYOR, SALDANHA BAY MUNICIPALITY: MR M KOEN
THE MAYOR, SWARTLAND MUNICIPALITY: MR H CLEOPHAS
THE MAYOR, CAPE WINELANDS DISTRICT MUNICIPALITY: DR H VON SCHLICHT
THE MAYOR, WITZENBERG MUNICIPALITY: MR T ABRAHAMS
THE MAYOR, DRAKENSTEIN MUNICIPALITY: MR S KORABI
THE MAYOR, STELLENBOSCH MUNICIPALITY: MR J FASSER
THE MAYOR, BREEDE VALLEY MUNICIPALITY: MS A STEYN
THE MAYOR, LANGEBERG MUNICIPALITY: MR S VAN EEDEN
THE MAYOR, OVERBERG DISTRICT MUNICIPALITY: MR A FRANKEN
THE MAYOR, THEEWATERSKLOOF MUNICIPALITY: MR L DE BRUYN
THE MAYOR, OVERSTRAND MUNICIPALITY: MR A KLAAS
THE MAYOR, CAPE AGULHAS MUNICIPALITY: MR R ROSS
THE MAYOR, SWELLENDAM MUNICIPALITY: MR F DU RAND
THE MAYOR, GARDEN ROUTE DISTRICT MUNICIPALITY: MR M KRUGER
THE MAYOR, KANNALAND MUNICIPALITY: MR J DONSON
THE MAYOR, HESSEQUA MUNICIPALITY: MR G RIDDLES
THE MAYOR, MOSSEL BAY MUNICIPALITY: MR D KOTZE
THE MAYOR, GEORGE MUNICIPALITY: MR B JOHNSON
THE MAYOR, OUDTSHOORN MUNICIPALITY: MR J VAN DER ROSS
THE MAYOR, BITOU MUNICIPALITY: MS J KAMKAM
THE DEPUTY MAYOR, KNYSNA MUNICIPALITY: MR M GERICKE
THE MAYOR, CENTRAL KAROO DISTRICT MUNICIPALITY: MS J BOTHA
THE MAYOR, LAINGSBURG MUNICIPALITY: MS A THERON
THE MAYOR, PRINCE ALBERT MUNICIPALITY: MS L JACQUET
THE MAYOR, BEAUFORT WEST MUNICIPALITY: MS G DUIMPIES

THE MUNICIPAL MANAGER, CITY OF CAPE TOWN: MR L MBANDAZAYO
THE MUNICIPAL MANAGER, WEST COAST DISTRICT MUNICIPALITY: MR D JOUBERT

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THE MUNICIPAL MANAGER, MATZIKAMA MUNICIPALITY: MR L PHILLIPS
THE MUNICIPAL MANAGER, CEDERBERG MUNICIPALITY: MR G MATTHYSE
THE MUNICIPAL MANAGER, BERGRIVIER MUNICIPALITY: ADV H LINDE
THE MUNICIPAL MANAGER, SALDANHA BAY MUNICIPALITY: MR H METTLER
THE MUNICIPAL MANAGER, SWARTLAND MUNICIPALITY: MR J SCHOLTZ
THE MUNICIPAL MANAGER, CAPE WINELANDS DISTRICT MUNICIPALITY: MR H PRINS
THE MUNICIPAL MANAGER, WITZENBERG MUNICIPALITY: MR D NASSON
THE MUNICIPAL MANAGER, DRAKENSTEIN MUNICIPALITY: DR J LEIBBRANDT
THE MUNICIPAL MANAGER, STELLENBOSCH MUNICIPALITY: MS G METTLER
THE MUNICIPAL MANAGER, BREEDE VALLEY MUNICIPALITY: MR D MCTHOMAS
THE MUNICIPAL MANAGER, LANGEBERG MUNICIPALITY: MR D LUBBE
THE MUNICIPAL MANAGER, OVERBERG DISTRICT MUNICIPALITY: MR R BOSMAN
THE MUNICIPAL MANAGER, THEEWATERSKLOOF MUNICIPALITY: MR W HENDRICKS
THE MUNICIPAL MANAGER, OVERSTRAND MUNICIPALITY: MR E JANTJIES (ACTING)
THE MUNICIPAL MANAGER, CAPE AGULHAS MUNICIPALITY: MR W RABBETS
THE MUNICIPAL MANAGER, SWELLENDAM MUNICIPALITY: MS A VORSTER
THE MUNICIPAL MANAGER, GARDEN ROUTE DISTRICT MUNICIPALITY: MS N RAISA-MLANDU (ACTING)
THE MUNICIPAL MANAGER, KANNALAND MUNICIPALITY: ADV D SEREO
THE MUNICIPAL MANAGER, HESSEQUA MUNICIPALITY: MR A DE KLERK
THE MUNICIPAL MANAGER, MOSSEL BAY MUNICIPALITY: MR C PUREN
THE MUNICIPAL MANAGER, GEORGE MUNICIPALITY: DR D O'NEILL (ACTING)
THE MUNICIPAL MANAGER, OUDTSHOORN MUNICIPALITY: MR M YEKANI
THE MUNICIPAL MANAGER, BITOU MUNICIPALITY: MR F WILLIAMS (ACTING)
THE MUNICIPAL MANAGER, KNYSNA MUNICIPALITY: DR R MARTIN (ACTING)
THE MUNICIPAL MANAGER, CENTRAL KAROO DISTRICT MUNICIPALITY: MS B KOOPMAN (ACTING)
THE MUNICIPAL MANAGER, LAINGSBURG MUNICIPALITY: MR J BOOYSEN
THE MUNICIPAL MANAGER, PRINCE ALBERT MUNICIPALITY: ADV T GILIOMEE
THE MUNICIPAL MANAGER, BEAUFORT WEST MUNICIPALITY: MR F SABBAT (ACTING)

Dear Mayors and Municipal Managers

LEVEL 1 AND LEVEL 2 WATER RESTRICTIONS AHEAD OF THE 2026/27 SUMMER SEASON

1. PURPOSE

This circular advises all municipalities to put precautionary water restrictions in place before the 2026/27 summer, at least Level 1 restrictions in every water supply system, and Level 2 restrictions where the risk to supply is high. Saving water now, while storage is still adequate, is the most effective way to avoid the far more severe restrictions, and the social and economic harm, that the Province experienced during previous occasions.

2. BACKGROUND

Through the Western Cape Water Resilience Strategy, the Department of Local Government (DLG) monitors water security across the 24 local municipalities and approximately 100 towns and supply schemes in the five non-metropolitan districts. Each town is assessed on demand against supply, peak demand, restrictions in force, the state of its infrastructure, its dependence on dams, rivers or groundwater, and technical and governance capacity.

The assessment draws on the following sources, and each municipality's current position is verified against municipal notices, provincial statements and media reports:

- Municipal Water Resilience Implementation Plans and the Department of Water and Sanitation (DWS) 5-Year Water and Sanitation Reliability Implementation Plans;
- the national Blue Drop, Green Drop and No Drop results, IRIS and MuSSA;
- the DWS weekly Western Cape dam level reports; and
- DLG reports on flood damage to water infrastructure.

3. CURRENT WATER SECURITY OUTLOOK

The Department's advice is based on the following:

- Dam storage is declining and is below last year's level. On 26 October 2026, the Western Cape's dams were 79.0% full on average, compared with 80.5% a year ago, and the dams of the Western Cape Water Supply System (WCWSS) were 73.2% full, compared with 87.8%. Voëlvlei Dam (55%) and Lower Steenbras Dam (46%) are less than last year's levels.
- Some local sources are already under strain. Klipheuwel Dam, which supplies Mossel Bay, was 7.1% full on 26 October, and Bulshoek Dam on the Olifants River fell from 98% to 63% in the first half of October.
- Dam levels do not show the full picture. Many towns in the Central Karoo, Garden Route, Overberg and West Coast depend largely on groundwater, and borehole water levels fell sharply during the 2025/26 summer. In Laingsburg, for example, they dropped from about 14 m to 30 m below ground.
- The South African Weather Service expects El Niño to strengthen and warmer, drier conditions across the country this summer, with an increased likelihood of above-normal temperatures in the Western Cape.
- Demand is ordinarily highest from December to March, when tourist numbers, irrigation and evaporation peak and river flows are lowest.
- The margin for error is small. Water losses exceed 25% in half of the municipalities that report them, much of the bulk infrastructure is past its useful life, and the May and September 2026 floods damaged water infrastructure in several municipalities.

- DWS will re-run the WCWSS model on 2 November 2026 to determine whether restrictions are required on that system, and at what level.

4. PRECAUTIONARY LEVEL 1 OR LEVEL 2

In view of the above, the Department advises each municipality that is a Water Services Authority to consider the following:

(a) implement at least Level 1 water restrictions in all its water supply systems by no later than 15 November 2026;

(b) implement Level 2 water restrictions by no later than 1 December 2026 in every supply system where one or more of the following applies:
   - the municipality has been notified by the Department that it is rated high risk;
   - the town is in a current supply deficit, or its demand already exceeds the capacity of its water treatment works;
   - the town depends on a single source, or on groundwater with falling water levels; or
   - the town is supplied by a dam outside the WCWSS that is less than 60% full;

(c) keep any restrictions already in force at a higher level, and not relax restrictions before the end of March 2027 without first considering the El Niño outlook and the Department's advice;

(d) for supply systems served by the WCWSS, align restrictions with the outcome of the DWS operating analysis, applying at least the levels advised in this circular;

(e) give effect to the restrictions in terms of its water services by-laws and approved tariff policy, including restriction tariffs where these are provided for, and publish the required notices;

(f) inform residents, businesses, the tourism and agricultural sectors and schools before the festive season, through the municipal website, social media, local radio and ward councillors;

(g) enforce the restrictions, follow up with high-consumption users, and repair leaks and burst pipes promptly, as reducing losses is the quickest and cheapest way to save water; and

(h) report to the Department by 30 November 2026 on the restriction level in force in each supply system, and monthly thereafter including bulk water use.

Municipalities must also be mindful of the economic impact of water restrictions. Agriculture, agri-processing, tourism and hospitality, and many small businesses depend on a reliable water supply, and restrictions affect their production, trade and employment, particularly during the festive season. Agri Western Cape has expressed concern that reduced water allocations to agriculture this season could cost the economy more than R1 billion.

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5. SUPPORT FROM THE DEPARTMENT

The Department appreciates the work municipalities are already doing to secure their water supply. Acting early, and together, will help protect residents, the economy and jobs through what is expected to be a hot and dry summer.

The Department is readily available to support municipalities where they require or request assistance. Should you wish to raise any matter arising from this circular, please do not hesitate to contact my office or the Water Resilience Team.

The Water Resilience Team contact person is Mr Waseem Samodien, who may be contacted at T: +27 21 483 3152 or via email: Waseem.Samodien@westerncape.gov.za.

Yours sincerely,

Mr G Paulse
HEAD OF DEPARTMENT
Date: 2026/10/28

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ITEM 6.18

Annexure B

Approved 2026/27 Tariffs page 9 of the 2026/27 Tariff Book

Annexure B

STELLENBOSCH MUNICIPALITY

WATER TARIFFS

Monthly consumption	2025/2026										2026/2027									
	Normal consumption periods		10% Water restriction periods		20% Water restriction periods		30% Water restriction periods		40% Water restriction periods		Normal consumption periods		10% Water restriction periods		20% Water restriction periods		30% Water restriction periods		40% Water restriction periods	
	Amount Excl. VAT	UNIT	Amount Excl. VAT	UNIT	Amount Excl. VAT	UNIT	Amount Excl. VAT	UNIT	Amount Excl. VAT	UNIT	Amount Excl. VAT	UNIT	Amount Excl. VAT	UNIT	Amount Excl. VAT	UNIT	Amount Excl. VAT	UNIT	Amount Excl. VAT	UNIT
DOMESTIC																				
Includes single residential erven as well as single residential erven managed by body corporate.																				
0 kilolitres to 6 kiloliters	R 8.10	per kl.	R 8.10	per kl.	R 8.10	per kl.	R 8.10	per kl.	R 8.62	per kl.	R 8.54	**per kl.**	R 8.54	**per kl.**	R 8.54	**per kl.**	R 8.54	**per kl.**	R 9.10	**per kl.**
> 6 kilolitres to 12 kiloliters	R 12.26	per kl.	R 13.25	per kl.	R 13.45	per kl.	R 14.65	per kl.	R 15.85	per kl.	R 12.93	**per kl.**	R 13.98	**per kl.**	R 14.19	**per kl.**	R 15.46	**per kl.**	R 16.72	**per kl.**
> 12 kilolitres to 20 kiloliters	R 20.73	per kl.	R 25.00	per kl.	R 27.92	per kl.	R 33.90	per kl.	R 47.06	per kl.	R 21.87	**per kl.**	R 26.38	**per kl.**	R 29.46	**per kl.**	R 35.76	**per kl.**	R 49.65	**per kl.**
> 20 kilolitres to 25 kiloliters	R 36.87	per kl.	R 42.73	per kl.	R 46.20	per kl.	R 61.13	per kl.	R 85.38	per kl.	R 38.90	**per kl.**	R 45.08	**per kl.**	R 48.74	**per kl.**	R 64.49	**per kl.**	R 90.07	**per kl.**
> 25 kilolitres to 40 kiloliters	R 51.24	per kl.	R 56.92	per kl.	R 59.27	per kl.	R 85.83	per kl.	R 120.39	per kl.	R 54.06	**per kl.**	R 60.05	**per kl.**	R 62.53	**per kl.**	R 90.55	**per kl.**	R 127.01	**per kl.**
> 40 kilolitres to 70 kiloliters	R 81.87	per kl.	R 100.91	per kl.	R 114.62	per kl.	R 177.38	per kl.	R 272.91	per kl.	R 86.37	**per kl.**	R 106.46	**per kl.**	R 120.92	**per kl.**	R 187.14	**per kl.**	R 287.92	**per kl.**
70 kilolitres and above	R 113.83	per kl.	R 178.25	per kl.	R 235.26	per kl.	R 356.68	per kl.	R 478.11	per kl.	R 113.83	**per kl.**	R 178.25	**per kl.**	R 235.26	**per kl.**	R 356.68	**per kl.**	R 478.11	**per kl.**
DOMESTIC CLUSTER																				
Refers to a cluster (block of flats) served by a single water connection																				
0 kilolitres to 6 kiloliters	R 8.10	per kl.	R 7.62	per kl.	R 8.10	per kl.	R 8.10	per kl.	R 8.10	per kl.	R 8.54	**per kl.**	R 8.04	**per kl.**	R 8.54	**per kl.**	R 8.54	**per kl.**	R 8.54	**per kl.**
> 6 kilolitres to 12 kiloliters	R 12.26	per kl.	R 13.25	per kl.	R 13.45	per kl.	R 14.65	per kl.	R 15.85	per kl.	R 12.93	**per kl.**	R 13.98	**per kl.**	R 14.19	**per kl.**	R 15.46	**per kl.**	R 16.72	**per kl.**
> 12 kilolitres to 18 kiloliters	R 20.73	per kl.	R 25.00	per kl.	R 27.92	per kl.	R 33.90	per kl.	R 47.06	per kl.	R 21.87	**per kl.**	R 26.38	**per kl.**	R 29.46	**per kl.**	R 35.76	**per kl.**	R 49.65	**per kl.**
> 18 kilolitres to 25 kiloliters	R 36.87	per kl.	R 42.73	per kl.	R 46.20	per kl.	R 61.13	per kl.	R 85.38	per kl.	R 38.90	**per kl.**	R 45.08	**per kl.**	R 48.74	**per kl.**	R 64.49	**per kl.**	R 90.07	**per kl.**
Above 25 kiloliters	R 51.24	per kl.	R 56.92	per kl.	R 59.27	per kl.	R 85.83	per kl.	R 120.39	per kl.	R 54.06	**per kl.**	R 60.05	**per kl.**	R 62.53	**per kl.**	R 90.55	**per kl.**	R 127.01	**per kl.**
BUSINESS, COMMERCIAL AND INDUSTRIAL (Include University)	R 29.51	per kl.	R 39.32	per kl.	R 47.22	per kl.	R 64.92	per kl.	R 82.63	per kl.	R 31.13	**per kl.**	R 41.48	**per kl.**	R 49.81	**per kl.**	R 68.49	**per kl.**	R 87.18	**per kl.**
MUNICIPAL TARIFF FOR MUNICIPAL BUILDINGS AND ALL LEAKAGES																				
0 kilolitres to 20 kiloliters	R 12.95	per kl.	R 15.34	per kl.	R 16.90	per kl.	R 20.84	per kl.	R 24.79	per kl.	R 13.66	**per kl.**	R 16.19	**per kl.**	R 17.83	**per kl.**	R 21.99	**per kl.**	R 26.15	**per kl.**
> 21 kilolitres to 50 kiloliters	R 13.60	per kl.	R 15.91	per kl.	R 17.33	per kl.	R 21.06	per kl.	R 24.79	per kl.	R 14.35	**per kl.**	R 16.78	**per kl.**	R 18.28	**per kl.**	R 22.22	**per kl.**	R 26.15	**per kl.**
Above 50 kiloliters	R 14.78	per kl.	R 16.93	per kl.	R 18.12	per kl.	R 21.45	per kl.	R 24.79	per kl.	R 15.59	**per kl.**	R 17.86	**per kl.**	R 19.11	**per kl.**	R 22.63	**per kl.**	R 26.15	**per kl.**
MISCELLANEOUS AND ALL OTHER USERS (Schools, Sportbodies, Churches and Charity Organisations)	R 27.68	per kl.	R 29.13	per kl.	R 30.57	per kl.	R 33.47	per kl.	R 36.36	per kl.	R 29.20	**per kl.**	R 30.73	**per kl.**	R 32.25	**per kl.**	R 35.31	**per kl.**	R 38.36	**per kl.**
BASIC CHARGE																				
Domestic (per erven)	R 93.38			n/a		n/a		n/a		n/a	R 98.98			n/a		n/a		n/a		n/a
Domestic cluster (per flat)	R 11.35	Rate needs correction over		n/a		n/a		n/a		n/a	R 12.03	**Rate needs correction over time as it isn't in line with other basic charges**		n/a		n/a		n/a		n/a
All other (per erven)	R 106.96			n/a		n/a		n/a		n/a	R 113.38			n/a		n/a		n/a		n/a
MASO																				
0 kilolitres to 24 kilolitres per household	R 1.83	per kl.	R 5.72	per kl.	R 9.48	per kl.	R 17.14	per kl	R 24.79	per kl	R 1.93	**per kl.**	R 6.03	**per kl.**	R 10.01	**per kl.**	R 18.08	**per kl**	R 26.15	**per kl**
25 kilolitres to 40 kilolitres per household	R 25.24	per kl.	R 32.87	per kl.	R 38.86	per kl.	R 52.48	per kl	R 66.11	per kl	R 26.62	**per kl.**	R 34.68	**per kl.**	R 41.00	**per kl.**	R 55.37	**per kl**	R 69.74	**per kl**
Above 40 kilolitres per household	R 27.42	per kl.	R 43.58	per kl.	R 57.95	per kl.	R 88.47	per kl	R 118.99	per kl	R 28.93	**per kl.**	R 45.97	**per kl.**	R 61.13	**per kl.**	R 93.33	**per kl**	R 125.54	**per kl**

6.19	EU-SA DIALOGUE FACILITY

Collaborator No:
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: November 2026

1. SUBJECT: EU-SA DIALOGUE FACILITY

PROJECT: BUILDING SUSTAINABLE MUNICIPAL ELECTRICITY SYSTEMS FOR AN EQUITABLE ENERGY TRANSITION

2. PURPOSE:

2.1 To inform Council that the Stellenbosch Municipality's application has been approved by the EU-SA Dialogue Facility to convene a twelve (12) month dialogue programme regarding building sustainable municipal electricity systems. See attached **ANNEXURE 1**, for the Draft Terms of Reference (DTOR).

2.2 To report to Council the progress made with the dialogue / programme to date.

2.3 To report to Council on the way forward with the dialogue/programme and role that the Stellenbosch Municipality will play in this process.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

According to the EU-SA Dialogue Facility

"*South Africa's electricity sector is moving from a vertically integrated monopoly towards a decentralised market built on embedded generation, wheeling and a wholesale electricity market This transition puts the traditional municipal electricity revenue model under direct pressure. Electricity surpluses finance municipal infrastructure investment, Free Basic Electricity (FBE) and a substantial share of broader service delivery*."

Therefore, the fundamental question that emerges from this perceived transition is that: At which point (for a municipality) in the downward spiral of declining electricity revenue, does it begin to compromise the provision of FBE and social tariffs? This is the question that the dialogue will attempt to answer.

Thus to commence the journey of answering the question, Stellenbosch Municipality has been approved on 1 September 2026 to convene a dialogue team consisting of a national partner (SALGA), an international partner (Jönköping Municipality), six (6) South African municipalities (to be identified/confirmed) and another European municipality (to be confirmed). The project also includes visits to other identified European countries.

It must be emphasised that Stellenbosch Municipality has been approved to champion this journey into building sustainable municipal electricity systems for an equitable energy transition.

5. RECOMMENDATIONS

(a) that Council takes note of the approval by the EU-SA Dialogue facility;

(b) that Council takes note of the visit by representatives of Stellenbosch Municipality to Jönköping Municipality (Sweden) and another European country in March 2027 (to be confirmed);

(c) that Council takes note of the visit by representatives of Jönköping Municipality (Sweden) and another European country to Stellenbosch Municipality in September 2027 (to be confirmed);

(d) That Council takes note of the composition of the municipal representatives as required by the EU-SA Dialogue Facility: i.e.:

(i) A maximum of eight (8) representatives
(ii) 40% must be females
(iii) 20% must be youth

(e) That Council takes note and approves the following representatives:

(i) Geraldine Mettler (Chairperson)
(ii) Johru Robyn (Project Manager and convenor)
(iii) Monique Steyl (Finance specialist)
(iv) Rendani Makungo (Alternative Energy specialist)
(v) Lesley van Gensen (LED specialist)
(vi) To be determined from youth group
(vii) To be determined from youth group
(viii) To be determined

(f) That Council takes note of the twelve-month duration of the EU-SA dialogue/ programme with an estimated time of completion being September 2027.

(g) That Council takes note of the culmination of the project in a national dialogue to be hosted by Stellenbosch Municipality and convened by SALGA on or about September / October 2027.

6. DISCUSSION / CONTENTS

6.1 Background

Stellenbosch Municipality had a formal partnership agreement with the Jönköping Municipality (Sweden) on the topic of Human Rights since 2020 and the formal agreement culminated in the beginning of 2026. The EU-SA Dialogue Facility, entailed the transition in the electricity generation, and the provision and distribution of the landscape was at the same time looking for a forward-looking South African municipality to engage with on this topic. The EU-SA Dialogue Facility was also looking for a South African (SA) municipality with existing ties to a European Municipality. Stellenbosch Municipality generously met these requirements, and it was therefore

decided to apply to the EU-SA Dialogue Facility to champion the dialogue programme. Stellenbosch Municipality was approved as the preferred municipality and the dialogue commenced on 01 September 2026.

6.2 Expected outcomes of the collaboration (abbreviated)

#	Output	Description and content
1	Inception Report	Analytical framework.
2	Regulatory and institutional review	Review of the South African framework governing embedded generation, wheeling, municipal tariffs and the wholesale market, with a comparative review.
3	Municipal fiscal database	Documented dataset for the six sampled municipalities compiled from public data, with sources, assumptions.
4	Municipal Fiscal Transition Risk Assessment	Regulatory and institutional findings
5	Study tour	Questions the visit must answer, drawn from the draft Assessment; institution-by-institution technical programme; briefing material for the delegation.
6	Comparative Study Tour Report	European arrangements examined; etc.
7	Dialogue framing paper, thematic presentations and workshop proceedings	Framing paper setting out the policy options and their trade-offs; presentation packs for the Municipal Energy Futures Dialogue.
8	Municipal Electricity Reform Policy Brief	Camera-ready policy brief for national circulation through SALGA structures, etc.
9	Collated policy resource and resource-persons listing	Electronic repository of the policy, regulatory and technical documents encountered during the assignment.
10	Capitalisation and evaluation input note	Technical input to the participant learning assessment, the monitoring and evaluation requirements of the log frame, and the continued cooperation framework between Stellenbosch and Jönköping Municipalities.

6.3 Stellenbosch Municipality visit to Jönköping Municipality

Representatives from Stellenbosch Municipality, SALGA and the EU-SA Dialogue Facility's office are required to visit Jönköping Municipality, as well as another European Municipality during March 2027.

The purpose of this comparative peer learning study tour is to gain first-hand experience on working and established sustainable energy model as used in Sweden. The study tour also includes a comparative study on a European country / municipality that has a similar GDP to South Africa.

6.4 Representatives for Stellenbosch Municipality

The proposed representatives for Stellenbosch Municipality have been identified as they best represent the skills and expertise required by the EU-SA Dialogue Facility:

(i) Geraldine Mettler (Chairperson)
(ii) Johru Robyn (Project Manager and convenor)
(iii) Monique Steyl (Finance specialist)

(iv) Rendani Makungo (Alternative Energy specialist)
(v) Lesley van Gensen (LED specialist)
(vi) To be determined from youth group
(vii) To be determined from youth group
(viii) To be determined

Three of the representatives have not been confirmed yet but should be identified imminently.

6.5 The representatives for Jönköping Municipality have been identified to represent the Jönköping Municipality as they best represent the skills and expertise required by the EU-SA Dialogue Facility by Sept / Oct 2027.

7. Financial Implications

None. The EU-SA Dialogue Facility covers all costs directly associated to the project(s), as well as the cost for accommodation and travelling as and when required.

8. Legal Implications

None

9. Staff Implications

None

10. Risk Implications

This report has no risk implications for the Municipality.

11. Comments from Senior Management

No comments required.

12. Previous / Relevant Council Resolutions

None

ANNEXURES

ANNEXURE 1 – Minutes of 19th Meeting of Council: 2024-01-24: Item 11.11.1

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
CONTACT NUMBERS	*021- 808 8025*
E-MAIL ADDRESS	*municipal.manager@stellenbosch.gov.za*
REPORT DATE	*11 November 2026*

ITEM 6.19

Appendix 1

Minutes of 19th Meeting of Council:
2024-01-24: Item 11.11.1

11.11	MUNICIPAL MANAGER

11.11.1	MUNICIPAL PARTNERSHIP FOR HUMAN RIGHTS: PROGRESS REPORT BY THE MUNICIPAL MANAGER

Collaborator No:
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 17 January 2024 & 24 January 2024

1. SUBJECT: MUNICIPAL PARTNERSHIP FOR HUMAN RIGHTS: PROGRESS REPORT BY THE MUNICIPAL MANAGER

2. PURPOSE

2.1 To report to Council in terms of Council Item 11.11.1 of the 17th Council meeting of 25 October 2023 . See attached **ANNEXURE 1**, in particular reference to resolution and resolution (g), respectively of the minutes of this meeting.

Resolution (d): *"*that Council take note of the Municipal Manager's progress report / feedback *."*

Resolution (g): *"That Council re-evaluate and confirm the delegates / representatives from Stellenbosch Municipality that will serve on the Steering Group created by the multi-year agreement, by no later than end January of every calendar year*."

To report on the procedure as suggested by ICLD on how to implement Resolution (g) See attached **ANNEXURE 2.**

2.2 To bring to Council's attention the proposed pilot project for the upgrading / re-imagining of the Upper George Blake Avenue area.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality entered into a partnership agreement with Jönköping Municipality on the topic of Human Rights on 17 December 2020, which culminated in a multi-year agreement in December 2022. Therefore, and in accordance with the reporting standards created in the preceding years, the Municipal Manager must provide an annual report and / or alternatively an interim progress report to Council (as and when required), detailing the relevant activities undertaken during the reporting period.

The feedback to Council will deal with the following:

4.1 Visit by representatives from Stellenbosch Municipality to Jönköping Municipality;

4.2 Report on Steering Group / Committee meetings and activities;

4.3 Proposals for the multi-year programme;

4.4 The conclusion of the International Training Programme of Swedish International Centre for Local Democracy;

4.5 The alignment of the municipal partnership programme with the Stellenbosch Municipality's Employee Wellness Programme; and

4.6 Pilot Project – Upper George Blake Avenue - Urban and Social Revitalisation Project

19TH COUNCIL MEETING: 2024-01-24: ITEM 11.11.1

RESOLVED (majority vote with 11 abstentions)

(a) that Council takes note of the visit by representatives of Stellenbosch Municipality to Jönköping Municipality during December 2023;

(b) that Council takes note of the Municipal Manager's progress report / feedback dated 25 October 2023;

(c) that Council takes note of the integration between the Employee Wellness Programme (EWP) and the Municipal Partnership Programme (MPP);

(d) that Council takes note of the guidelines by ICLD for changing Steering Group members;

(e) that Council replaces Cllr Z Dalling as office bearer, as representatives to the Swedish International Centre for Local Democracy with Deputy Mayor, Cllr J Fasser and secundi Cllr C van Wyk and second secundi Cllr L Nkamisa;

(f) that Council takes cognizance that the ICLD requires an annual inter-partnership visit, i.e. that Stellenbosch Municipality visits Jönköping Municipality in Sweden once a year for the duration of the multi-year programme; and

(g) that Council takes note of the proposed pilot project for upgrading / re-imagining of the Upper George Blake Avenue (RUGBA) area.

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
CONTACT NUMBERS	*021- 808 8025*
E-MAIL ADDRESS	*municipal.manager@stellenbosch.gov.za*
REPORT DATE	*2024-01-04*

6.20	INTEGRATED DEVELOPMENT PLAN (IDP) COMMUNITY INPUT AND COMMENTS SUBMITTED WITHIN THE PUBLIC PARTICIPATION PERIOD FROM 07 SEPTEMBER TO 15 OCTOBER 2026

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Date: **Council 17 November 2026**

1. SUBJECT: INTEGRATED DEVELOPMENT PLAN (IDP) COMMUNITY INPUT AND COMMENTS SUBMITTED WITHIN THE PUBLIC PARTICIPATION PERIOD FROM 07 SEPTEMBER TO 15 OCTOBER 2026

2. PURPOSE

To submit the following to the Council for notification and consideration:

(a) The IDP community input and comments submitted within the public participation period from 07 September 2026 to 15 October 2026 in preparation for the planning, drafting, and approval of the draft 6th Generation Integrated Development Plan (IDP) 2027 – 2032, attached as **Annexure A.**

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

In accordance with legislative requirements, a municipality must conduct public participation to solicit community input in preparation for the planning and drafting of the IDP and compilation of the Medium -Term Revenue Expenditure Framework (Budget). Therefore, the analysis phase of the IDP process was initiated by Stellenbosch Municipality in September 2026. This included a series of open days and one stakeholder engagement, which was held, offering the community and stakeholders the opportunity to identify their needs and engage with the municipality on sector-related challenges.

The public participation period commenced on 07 September 2026 and concluded on 15 October 2026 at 16:30. The public participation open days were hosted at designated venues from 08 to 15 September 2026, followed by a stakeholder engagement held on 14 October 2026.

The Council is hereby presented with the consolidated IDP public participation input and comments, which are enclosed as Annexure A. The deadline for submission(s) was 15 October 2026 at 16:30, as noted above. However, the municipality received one late submission, which is also presented to the Council for consideration. The table below includes details on the late submission:

No.	Surname	Initial	Organisation	Date Submission received	Description
1.	Mackintosh	J	Resident	16 -10 - 2026	Comments on Stellenbosch IDP 2027 - 2032

Following the IDP open days, the municipality is planning to conduct sessions with the ward councillors to determine their ward priorities for the period 2027 – 2032. These sessions are tentatively scheduled for 08 – 09 December 2026 to draft the 2027 – 2032 ward priorities, with the consolidated community input as source documentation.

The consolidated IDP public participation input / comments includes preliminary responses from the relevant departments. Further consultation will be facilitated with departments during January 2027, and more detailed feedback will be provided during the IDP and Budget public participation scheduled for April 2027.

5. RECOMMENDATIONS

(c) that the Council takes note of the IDP community input and comments submitted during the IDP public participation process during September 2026 – October 2026, attached as **Annexure A;** and

(d) that the Council considers the community input in the planning and drafting of the 6th Generation IDP 2027 – 2032.

6. DISCUSSION

6.8 Background

In terms of Section 17 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), a municipality must establish appropriate mechanisms, processes, and procedures to enable the local community to participate in the affairs of the municipality. To facilitate this process, the Council was presented with an IDP / SDF / Budget Process Plan / Time Schedule in August 2026, which highlighted the key activities and deadlines for the planning, drafting and adoption of the 6th Generation IDP and other key documents within the municipality. As a result of the preceding, a detailed IDP public participation schedule for September 2026 to October 2026 was presented to the All-Wards Councillors Meeting on 08 August 2025 for consideration. The IDP public participation period was subsequently approved by the Council in August 2026 as per the time schedule.

The table below outlines an overview of the progress of the IDP public participation process initiated in August 2026, as well as the subsequent internal processing of community and stakeholder input received from 07 September 2026 to 15 October 2026. This process will continue through to May 2027 for the submission of the final 6th Generation IDP 2027–2032 to the Council for consideration and adoption.

Date	Action(s)
Phase 1: Analysis Phase	
August 2026	▪ The Executive Mayor and Mayoral Committee recommend that the SDF/IDP/Budget Time Schedule / Process Plan (at least 10 months before the start of the budget year) be approved by the Council. ▪ The SDF / IDP / Budget Time Schedule was adopted by the Council on 25 August 2026. ▪ A notice was published in the local newspaper and on the municipal website informing the community and stakeholders about the adoption of the SDF / IDP / Budget Time Schedule for 2027/28. Hard copies of the time schedule were also made available in libraries and at ward offices. ▪ The period of IDP public participation was indicated on the approved SDF / IDP / Budget Time Schedule for 2027/28.
September 2026 - October 2026	▪ IDP public participation in preparation for the planning, drafting and adoption of the 6th Generation IDP 2022 – 2027 commenced on 07 September 2026. ▪ The IDP public participation period was open to the public and stakeholders to submit community needs to be considered by the departments during the project planning phase of the IDP cycle, as well as for the ward priorities by the ward councillors and ward committees. ▪ The physical area–based IDP public participation open days were held from 08 – 15 September 2026. ▪ An IDP stakeholder engagement was held on 14 October 2026, attended by various stakeholders and role-players. ▪ On the municipal website, an electronic submission form was created for the community and stakeholders to submit feedback and input on community needs. This website link (URL) was shared on Facebook, *X*, and WhatsApp. ▪ Hard copies of the "IDP Submission Form' were also made available at all libraries and ward offices.
Phase 2: Strategy Phase	
November 2026	▪ The consolidated community input and comments of September 2026 are to be tabled to Council in November 2026 for consideration in preparation for the draft IDP and draft Budget. ▪ The community input and comments captured during the IDP public participation process in September 2026 will be sent to the ward councillors by 24 November 2026, before the ward prioritisation sessions, to discuss with their ward committees in preparation for the drafting of the 2027 – 2032 ward priorities. ▪ On 08 – 09 December 2026, all-ward councillor sessions will be held for the drafting of the 2027 – 2032 ward priorities for the planning, drafting and approval of the draft 6th Generation IDP 2027 – 2032. ▪ Refinement of the ward priorities into specific, measurable, achievable, relevant and time–bound ward priorities.
Phase 3: Project Planning Phase	
December 2026 - January 2027	▪ Internal IDP sessions with the different departments to be facilitated by the Department: IDP, PMS and Public Participation, on 31 January 2027, considering the draft ward priorities as discussed with the ward councillors in December 2026, all the community input, existing projects / programmes, and sector plans. ▪ These discussions with departments entailed the details of possible key deliverables to determine what resources are needed in terms of budget, timing, identification of different role players and responsible project owners.
Phase 4: Integration Phase	
January 2027 – February 2027	▪ This phase involved the finalisation of the project planning phase and the submission of the final consolidated list of community input 2027 – 2032 ward priorities and identified key deliverables by departments to the Budget Office for capital prioritisation purposes.
Phase 5: Approval	

Date	Action(s)
March 2027 – May 2027	▪ The draft of the 6th Generation IDP 2027 – 2032 to be tabled at the Council in March 2027 for approval for public input. ▪ The provisional period set for public participation is 06 - 27 April 2027. ▪ The purpose of this round of public participation is to consult the community on the approved draft of the 6th Generation IDP 2027 – 2032 and draft Budget for 2027/28 – 2029/30. ▪ The area-based IDP and Budget Public Participation Open Days are provisionally scheduled to take place from 06 to 13 April 2027. These sessions will provide community members with the opportunity to engage in one-on-one discussions with departmental representatives and to present verbal input on the draft of the 6th Generation IDP (2027–2032) and the draft Budget. ▪ In addition, an IDP and Budget stakeholder engagement will be held in April 2027, and will be attended by councillors, senior management, stakeholders, and role-players in the Stellenbosch municipal area to discuss the projects/initiatives and programmes for the new Medium-Term Revenue and Expenditure (MTREF) period 2027/28 – 2029/30. ▪ The consolidated input and comments for April 2027 on the draft IDP and draft Budget will again be submitted to the Budget Office for consideration in the final budget (MTREF). ▪ The Council to adopt the final IDP and Budget by 30 May 2027.

6.9 Financial Implications

There are no financial implications beyond those that were approved in the 2026/27 MTREF (Budget) period.

6.10 Legal Implications

Section 16 (1) of the MSA states that:

A municipality must develop a culture of municipal governance that complements formal representative government with a system of participatory governance, and must for this purpose–

a. encourage, and create conditions for, the local community to participate in the affairs of the municipality, including in—
   i. the preparation, implementation and review of its integrated development plan in terms of Chapter 5;
   ii. the establishment, implementation and review of its performance management system in terms of Chapter 6:
   iii. the monitoring and review of its performance, including the outcomes and impact of such performance:
   iv. the preparation of its budget; and
   v. strategic decisions relating to the provision of municipal services in terms of Chapter 8;
b. contribute to building the capacity of—
   i. the local community to enable it to participate in the affairs of the municipality; and
   ii. councillors and staff to foster community participation; and
c. use its resources, and annually allocate funds in its budget, as may be appropriate for implementing paragraphs (a) and (b).

Section 17(2) of the MSA further specifies that:

A municipality must establish appropriate mechanisms, processes and procedures to enable the local community to participate in the affairs of the municipality, and must, for this purpose provide for -

(a) the receipt, processing and consideration of petitions and complaints lodged by members of the local community;

(b) notification and public comment procedures, when appropriate;

(c) public meetings and hearings by the municipal council and other political structures and political office bearers of the municipality, when appropriate;

(d) consultative sessions with locally recognised community organisations and, where appropriate, traditional authorities; and

(e) report back to the local community.

6.11 Staff Implications

This report has no additional staff implications for the municipality.

6.12 Risk Implication

This report has no direct risk implications for the municipality.

6.13 Previous / Relevant Council Resolutions

None.

6.14 Comments from Senior Management

6.14.1 Director: Community and Protection Services
Supported

6.14.2 Chief Financial Officer
Supported

6.14.3 Director: Infrastructure Services
Supported

6.14.4 Director: Corporate Services
Supported

6.14.5 Director: Planning and Economic Development
Supported

6.14.6 Municipal Manager
Supported

ANNEXURES

Annexure A: Consolidated IDP Public Participation Community Input and Comments: September 2026 to October 2026 (to be distributed under seperate cover)

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Office of the Municipal Manager*
CONTACT NUMBERS	*021 – 808 8025*
E-MAIL ADDRESS	*Geraldine.Mettler@stellenbosch.gov.za*
REPORT DATE	*26 October 2026*

7.	MATTERS FOR NOTIFICATION

7.1	HAND-OVER REPORT TO THE NEW COUNCIL

Collaborator No:
IDP KPA Ref No: **Good Governance**
Meeting Date: **17 November 2026**

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1. SUBJECT: HAND-OVER REPORT TO THE NEW COUNCIL

2. PURPOSE

To submit to Council a consolidated Hand-over Report as required in terms of the Joint Circular issued by Department of Cooperative Governance (DCoG), National Treasury (NT) and South African Local Government Association (SALGA) on 2 October 2026.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Municipal Manager in collaboration with the Chief Financial Officer and other Section 56 Managers are required to prepare a comprehensive hand-over report for submission at the first meeting of the newly elected council.

5. RECOMMENDATIONS

that cognisance be taken of the Hand-over Report as attached (**APPENDIX 1).**

6. DISCUSSION / CONTENT

6.1 Discussion

Section 5.7 of the Joint Circular issued by Department of Cooperative Governance (DCoG), National Treasury (NT) and South African Local Government Association (SALGA) on 2 October 2026, contains guidelines in terms of the hand-over report for newly elected council. The aim is to provide the new councils with important orientation information regarding the municipality, the state of its finances, service delivery and capital programme, as well as key issues that need to be addressed.

It is therefore proposed that the hand-over report should include:

- An overview of the demographic and socio-economic characteristics of the municipality;
- Approved annual institutional calendar of council, committees, and other organs of the municipality;
- An overview of the macro-organisational structure of the municipality with departmental core functions, with the names, positions and contact details of senior managers;
- Appointment of Municipal Manager and managers directly reporting to the Municipal Manager, and status of contracts of employment;
- An overview of key municipal policies that councillors need to be aware of, and where they can obtain the full text of such policies;

- An overview of issues that still need to be addressed in relation to the municipality meeting its targets for the various programmes;

- An overview of the municipality's State of finances and financial health, with specific reference to:

- Its cash and investments, and its funding of commitments;
- Cash coverage of normal operations;
- Status of budget (funded or unfunded?);
- Creditors outstanding for more than 30 days, along with reasons for delayed settlement;
- Current collection levels and debtors outstanding for more than 30 days; and
- Extent of existing loans, and associated finance and redemption payments.

- The municipality's audit outcomes for the past three financial years (FY), and its strategy to address audit issues / shortcomings;

- State of Unauthorised, Irregular, Fruitless and Wasteful Expenditure7 including progress to date in terms of processes in terms of section 32 of the MFMA, and UIFWE reduction plan / strategy;

- State of consequence management in the municipality and status report consistent with the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings, 2014;

- An overview of the:

- provision of basic services, including plans to address backlogs;
- state of the municipality's assets, with particular reference to the asset management plan, and repairs and maintenance requirements;
- national reforms that the municipality is participating in, as well as the national interventions that the municipality is part thereof;
- state of cooperative government and inter-governmental relations;
- governance system and structures (section 79 and 80 committees);

- Report on the procurement of goods and services, concessions and alienation of immovable property;

- A list of the main infrastructure projects planned for the 2026/27 budget and Medium-Term Revenue and Expenditure Framework (MTREF);

- A list of key processes requiring council input over the next six months / until the end of the FY, e.g. revision of the IDP, approval of specific policies, etcetera; and

- Any other information deemed to be important.

- Submit handover reports to Provincial CoGTAs, National Treasury, DCoG and SALGA prior to the first council meeting.

In addition to the hand-over report, each new councillor should be given the municipality's revised IDP, the adopted 2026-2029 MTREF budget, the mid-year budget and performance assessment report for 2025/26, and the latest monthly financial statement, and the annual report for 2024/25.

Given the above guidelines, a Consolidated Hand-over Report is attached, and the following key documents:

- Revised IDP 2026/27
- 2024/2025 Annual Report
- Medium Term Revenue and Expenditure Framework Budget (MTREF) 2026-2029
- Latest Annual Financial Statement 2024/25
- Mid-year Budget and Performance Assessment Report 2026/27

6.2 Financial Implications

As per approved budget.

6.3 Staff Implications

There are no additional staff implications.

6.4 Previous / Relevant Council Resolutions

None

6.5 Risk Implications

Risks are dealt with on a continuous basis.

6.6 Comments from Senior Management

The attached report contains the Senior Managers' inputs.

ANNEXURES

Appendix 1: Hand-over Report **(will be distributed under separate cover in due course)**

Appendix 2: Revised IDP 2026/27**(will be distributed under separate cover in due course)**

Appendix 3: 2024/2025 Annual Report **(will be distributed under separate cover in due course)**

Appendix 4: Medium Term Revenue and Expenditure Framework Budget (MTREF) 2026-2029 **(will be distributed under separate cover in due course)**

Appendix 5: Latest Annual Financial Statement 2024/25 **(will be distributed under separate cover in due course)**

Appendix 6: Mid-year Budget and Performance Assessment Report 2026/27 **(will be distributed under separate cover in due course)**

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler
POSITION	**Municipal Manger**
DIRECTORATE	Office of the Municipal Manager
CONTACT NUMBERS	021-8088025
E-MAIL ADDRESS	municipal.manager@stellenbosch.gov.za
REPORT DATE	11 November 2026

7.2	CODE OF CONDUCT FOR COUNCILLORS

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 17 November 2026**

1. SUBJECT: CODE OF CONDUCT FOR COUNCILLORS

2. PURPOSE OF REPORT

To bring to the attention of Councillors the Code of Conduct as contained in Schedule 1 of the Municipal Systems Act 32 of 2000.

3. DELEGATED AUTHORITY

Not applicable

4. EXECUTIVE SUMMARY

Schedule 7 of the Municipal Systems Act, 117 of 1998 contains the Code of Conduct which must be adhered to by all Councillors.

Specific attention is drawn to the provisions relating to the obligation to attend meetings, disclosure and declaration of interests, the prohibition on receiving rewards, gifts and favours, unauthorized disclosure of information, and the prohibition on intervention in the administration.

A copy of the Code of Conduct for Councillors is attached as **APPENDIX 1.**

RECOMMENDATION

that cognisance be taken of the Code of Conduct for Councillors.

APPENDICES

Appendix 1: Code of Conduct for Councillors

FOR FURTHER DETAILS CONTACT:

NAME	*Geraldine Mettler*
POSITION	*Municipal Manager*
DIRECTORATE	*Municipal Manager*
CONTACT NUMBERS	*021 808 8025*
E-MAIL ADDRESS	*municipal.manager@stellenbosch.gov.za*
REPORT DATE	*11 November 2026*

ITEM 7.2

Appendix 1

Code of Conduct for Councillors

STELLENBOSCH
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MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Local Government: Municipal Structures Act

SCHEDULE 7

CODE OF CONDUCT FOR COUNCILLORS

[Sc. 7 added by s.36 of Act No. 3 of 2021 with effect from 1 November, 2021.]

Preamble. – Councillors are elected to represent local communities on municipal councils, to ensure that municipalities have structured mechanisms of accountability to local communities, and to meet the priority needs of communities by providing services equitably, effectively and sustainably within the means of the municipality. In fulfilling this role, councillors must be accountable to local communities and report back at least quarterly to constituencies on council matters, including the performance of the municipality in terms of established indicators. In order to ensure that councillors fulfil their obligations to their communities, and support the achievement by the municipality of its objectives set out in section 19, the following Code of Conduct is established.

1. **Definitions**. – In this Schedule "partner" means a person who permanently lives with another person in a manner as if married.

2. **General conduct of councillors**. – A councillor must –
   (a) perform the functions of office in good faith, honestly and in a transparent manner; and
   (b) at all times act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised.

3. **Voting at meetings.** – A councillor may not vote in favour of **or** agree to a resolution which is before the council or a committee of the council, which conflicts with any legislation applicable to local government.

4. **Attendance at meetings.** – A councillor must attend each meeting of the municipal council and of a committee of which that councillor is a member, except when –
   (a) leave of absence is granted in terms of an applicable law or as determined by the rules and orders of the council; or
   (b) that councillor is required in terms of this Code to withdraw from the meeting.

5. **Sanctions for non-attendance of meetings.** – (1) A municipal council may impose a fine as determined by the standing rules and orders of the municipal council on a councillor for -
   (a) not attending a meeting which that councillor is required to attend in terms of item 4; or
   (b) failing to remain in attendance at such a meeting.

   (2) A councillor who is absent from three or more consecutive meetings of a municipal council, or from three or more consecutive meetings of a committee, which that councillor is required to attend in terms of item 4, must be removed from office as a councillor.

   (3) *(a)* proceedings for the imposition of a fine or the removal of a councillor must be conducted in accordance with a uniform standing procedure which each municipal council must adopt for the purposes of this item.

   (b) the uniform standing procedure must comply with the rules of natural justice.

6. **Disclosure of interests**. – (1) A councillor must –

   (a) disclose to the municipal council, or to any committee of which that councillor is a member, any direct or indirect personal or private business interest that that councillor, or any spouse, partner or business associate of that councillor may have in any matter before the council or the committee; and
   (b) withdraw from the proceedings of the council or committee when that matter is considered by the council or committee, unless the council or committee decides that the councillor's direct or indirect interest in the matter is trivial or irrelevant.

(2) A councillor who, or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose full particulars of the benefit of which the councillor is aware at the first meeting of the municipal council.

(3) This section does not apply to an interest or benefit which a councillor, or a spouse, partner, business associate or close family member, has or acquires in common with other residents of the municipality.

7. **Personal gain**. – (1) A councillor may not use the position or privileges of a councillor, or confidential information obtained as a councillor, for private gain or to improperly benefit another person.

(2) No councillor may be a party to or beneficiary under a contract for the provision of goods or services to any municipality or any municipal entity established by a municipality.

8. **Declaration of interests**. – (1) When elected or appointed, a councillor must within 60 days declare in writing to the municipal manager the following financial interests held by that councillor -

(a) shares and securities in any company;
(b) membership of any close corporation;
(c) interest in any trust;
(d) directorships;
(e) partnerships;
(f) other financial interests in any business undertaking;
(g) employment and remuneration;
(h) interest in property;
(i) pension; and
(j) subsidies, grants and sponsorships by any organisation.

(2) Any change in the nature or detail of the financial interests of a councillor must be declared in writing to the municipal manager annually.

(3) Gifts received by a councillor above a prescribed amount must also be declared in accordance with subitem (1).

(4) The municipal council must determine which of the financial interests referred to in subitem (1) must be made public having regard to the need for confidentiality and the public interest for disclosure.

9. **Full-time councillors**. – A councillor who is a full-time councillor may not undertake any other paid work except with the consent of a municipal council which consent shall not unreasonably be withheld.

10. **Rewards, gifts and favours**. – A councillor may not request, solicit or accept any reward, gift or favour for –

(a) voting or not voting in a particular manner on any matter before the municipal council or before a committee of which that councillor is a member;
(b) persuading the council or any committee in regard to the exercise of any power, function or duty;
(c) making a representation to the council or any committee of the council; or
(d) disclosing privileged or confidential information.

11. **Unauthorised disclosure of information**. – (1) A councillor may not, without the permission of the municipal council or a committee, disclose any privileged or confidential information of the council or committee to any unauthorised person.

(2) For the purpose of this item 'privileged or confidential information' includes any information –

(a) determined by the municipal council or committee to be privileged or confidential;

(b) discussed in closes session by the council or committee;
(c) disclosure of which would violate a person's right to privacy; or
(d) declared to be privileged, confidential or secret in terms of law.

(3) This item does not derogate from the right of any person to access to information in terms of national legislation.

12. **Interference in administration.** – A councillor may not, except as provided by law –

(a) interfere in the management or administration of any department of the municipal council, unless mandated by the council;
(b) give or purport to give any instruction to any employee of the council, except when authorised to do so;
(c) obstruct or attempt to obstruct the implementation of any decision of the council or a committee by an employee of the council; or
(d) encourage or participate in any conduct which would cause or contribute to maladministration in the council.

13. **Municipal property.** – A councillor may not use, take, acquire or benefit from any property or asset owned, controlled or managed by the municipality to which that councillor has no right.

14. **Councillor in arrears.** – A councillor may not be in arrears to the municipality for rates and service charges for a period longer than three months.

15. **Breaches of Code. –** (1) If the speaker of a municipal council, on reasonable suspicion, is of the opinion that a provision of this Code has been breached, the speaker must –

(a) authorise an investigation of the facts and circumstances of the alleged breach;
(b) give the councillor a reasonable opportunity to reply in writing regarding the alleged breach; and
(c) report the matter to a meeting of the municipal council after paragraphs (*a*) and (*b*) have been complied with.

(2) A report in terms of subitem (1) (*c*) is open to the public.
(3) The speaker must report the outcome of the investigation to the MEC for local government in the province concerned.
(4) The speaker must ensure that each councillor, when taking office, is given a copy of this Code and that a copy of the Code is available in every room or place where the council meets.
(5) If the speaker of council is the alleged perpetrator, or the speaker refuses to authorise an investigation, the council must establish a special committee, as contemplated in Item 16(1) (*b*), to investigate and make a finding on any alleged breach of this Code.

16. **Investigation of breach**. – (1) A municipal council may –

(a) investigate and make a finding on any alleged breach of a provision of this Code; or
(b) establish a special committee –
(i) To investigate and make a finding on any alleged breach of this Code; and
(ii) To make appropriate recommendations to the council

(2) If the council or a special committee finds that a councillor has breached a provision of this Code, the council may –

(a) issue a formal warning to the councillor;
(b) reprimand the councillor;
(c) request the MEC for local government in the province to suspend the councillor for a certain period;
(d) fine the councillor; or
(e) request the MEC to remove the councillor from office.

(3) The speaker must inform the MEC for local government in the province concerned within 14 days of the finding and sanction decided on by the council.

(4) *(a)* Any councillor who has been warned, reprimanded or fined in terms of paragraph (*a*), (b) or (d) of subitem (2) may within 14 days of having been notified of the decision of council appeal to the MEC for local government in writing setting out the reasons on which the appeal is based.

(b) A copy of the appeal must be provided to the council by the MEC.

(c) The council may within 14 days of receipt of the appeal referred to in paragraph (*b*) make any representation pertaining to the appeal to the MEC for local government in writing.

(d) The MEC for local government may, after having considered the appeal, confirm, set aside or vary the decision of the council and inform the councillor and the council of the outcome of the appeal.

(5) The MEC for local government may appoint a person or a committee to investigate any alleged breach of a provision of this Code and to make a recommendation as to the appropriate sanction in terms of subitem (2) if a municipal council does not conduct an investigation contemplated in subitem (1) and the MEC for local government considers it necessary.

(6) The Commissions Act, 1947 (Act No. 8 of 1947), or, where appropriate, applicable provincial legislation, may be applied to an investigation in terms of subitem (4).

(7) If the MEC is of the opinion that the councillor has breached a provision of this Code, and that such contravention warrants a suspension or removal from office, the MEC may –

(a) suspend the councillor for a period and on conditions determined by the MEC; or

(b) remove the councillor from office.

(8) Any investigation in terms of this item and any action by the MEC in terms of subitem (7) must be in accordance with section 3 of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

17. **Application of Code to traditional leaders.** -

(1) Items 1, 2, 6, 7, 10(*b*) to (*d*), 11, 12, 13, 15 and 16(1) apply to a traditional leader who participates or has participated in the proceedings of a municipal council in terms of section 81.

(2) These items must be applied to the traditional leader in the same way they apply to councillors.

(3) If a municipal council or a special committee in terms of item 16(1) finds that a traditional leader has breached a provision of this Code, the council may –

(a) issue a formal warning to the traditional leader; or

(b) request the MEC for local government in the province to suspend or cancel the traditional leader's right to participate in the proceedings of the council.

(4) The MEC for local government may appoint a person or a committee to investigate any alleged breach of a provision of this Code and to make a recommendation on whether the right of the traditional leader to participate in the proceedings of the municipal council should be suspended or cancelled.

(5) The Commissions Act, 1947 (Act No. 8 of 1947), may be applied to an investigation in terms of subitem (4).

(6) If the MEC is of the opinion that the traditional leader has breached a provision of this Code, and that such breach warrants a suspension or cancellation of the traditional leader's right to participate in the council's proceedings, the MEC may –

(a) Suspend that right for a period and on conditions determined by the MEC; or

(b) Cancel that right.

(7) Any investigation in terms of this item and any action by the MEC in terms of subitem (6) must be in accordance with the rules of natural justice.

(8) The suspension or cancellation of a traditional leader's right to participate in the proceedings of a council does not affect that traditional leader's right to address the council in terms of section 81 (3).

7.3	SECTION 53 ROLES AND RESPONSIBILITIES

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 17 November 2026**

1. SUBJECT: SECTION 53 ROLES AND RESPONSIBILITIES

2. PURPOSE

To bring to the attention of councillors the respective roles and areas of responsibility of each political structure, political office-bearer and the Municipal Manager.

3. DELEGATED AUTHORITY

As per Council delegations.

4. EXECUTIVE SUMMARY

Section 53 of the Systems Act requires a municipal Council to define the respective roles and areas of responsibility of each political structure, political office-bearer and the Municipal Manager.

Furthermore, as per Section 53(5) of the Systems Act, the municipality must determine-

(a) the relationships among those political structures and political office-bearers and the Municipal Manager, and the manner in which they must interact;

(b) the appropriate lines of accountability and reporting for those political structures and political office-bearers and the Municipal Manager;

(c) the mechanisms, processes and procedures for minimising cross-referrals and unnecessary overlapping of responsibilities between those political structures and political office-bearers and the Municipal Manager;

(d) the mechanisms, processes and procedures for resolving disputes between those political structures and political office-bearers and the Municipal Manager; and

(e) the mechanisms, processes and procedures for interaction, between-

(i) those political structures and political office-bearers and the Municipal Manager and other staff members of the municipality; and

(ii) Councillors and the Municipal Manager and other staff members of the municipality.

A copy of the Section 53 Roles and Responsibilities Manual is attached as **APPENDIX 1.**

5. RECOMMENDED

that cognisance be taken of the Section 53 Roles and Responsibilities Manual.

FOR FURTHER DETAILS CONTACT:

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DIRECTORATE	*Municipal Manager*
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REPORT DATE	*11 November 2026*

ITEM 7.3

Appendix 1

Section 53 Roles and Responsibilities



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GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper *As 'n Nuusblad by die Poskantoor Geregistreer*

VOL. 425 CAPE TOWN, 20 NOVEMBER 2000 KAAPSTAD, 20 NOVEMBER 2000 No. 21776

THE PRESIDENCY

No. 1187. 20 November 2000

It is hereby notified that the Acting President has assented to the following Act which is hereby published for general information:—

No. 32 of 2000: Local Government: Municipal Systems Act, 2000.

DIE PRESIDENSIE

No. 1187. 20 November 2000

Hierby word bekend gemaak dat die Waarnemende President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 32 van 2000: Wet op Plaaslike Regering: Munisipale Stelsels, 2000.

(English text signed by the Acting President.)
(Assented 1014 November 2000.)

ACT

To provide for the core principles, mechanisms **and processes that are necessary to enable municipalities to move progressively towards the social and economic upliftment of local communities, and ensure universal access to essential services that are affordable to all; to define the legal nature of a municipality as including the local community within the municipal area, working in partnership with the municipality's political and administrative structures; to provide for the manner in which municipal powers and functions are exercised and performed; to provide for community participation; to establish a simple and enabling framework for the core processes of planning, performance management, resource mobilisation and organisational change which underpin the notion of developmental local government; to provide a framework for local public administration and human resource development; to empower the poor and ensure that municipalities put in place service tariffs and credit control policies that take their needs into account by providing a framework for the provision of services, service delivery agreements and municipal service districts; to provide for credit control and debt collection; to establish a framework for support,, monitoring and standard setting by other spheres of government in order to progressively build local government into an efficient, frontline development agency capable of integrating the activities of all spheres of government for the overall social and economic upliftment of communities in harmony with their local natural environment; to provide for legal matters pertaining to local government; and to provide for matters incidental thereto.**

PREAMBLE

Whereas the system of local government under apartheid failed dismally to meet the basic needs of the majority of South Africans;

Whereas the Constitution of our non-racial democracy enjoins local government not just to seek to provide services to all our people but to be fundamentally developmental in orientation;

Whereas there is a need to set out the core principles, mechanisms and processes that give meaning to developmental local government and to empower municipalities to move progressively towards the social and economic upliftment of communities and the provision of basic services to all our people, and specifically the poor and the disadvantaged;

Whereas a fundamental aspect of the new local government system is the active engagement of communities in the affairs of municipalities of which they are an integral part, and in particular in planning, service delivery and performance management;

Whereas the new system of local government requires an efficient, effective and transparent local public administration that conforms to constitutional principles;

Whereas there is a need to ensure financially and economically viable municipalities;

Whereas there is a need to create a more harmonious relationship between municipal councils, municipal administrations and the local communities through the acknowledgement of reciprocal rights and duties;

Whereas there is a need to develop a strong system of local government capable of exercising the functions and powers assigned to it; and

Whereas this Act is an integral part of a suite of legislation that gives effect to the new system of local government;

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

TABLE OF CONTENTS

CHAPTER 1

INTERPRETATION

1. Definitions

CHAPTER 2

LEGAL NATURE AND RIGHTS AND DUTIES OF MUNICIPALITIES

2. Legal nature
3. Co-operative government
4. Rights and duties of municipal councils
5. Rights and duties of members of local community
6. Duties of municipal administrations
7. Exercise of rights and performance of duties

CHAPTER 3

MUNICIPAL FUNCTIONS AND POWERS

8. General empowerment
9. Assignments initiated by the executive to municipalities generally
10. Assignments initiated by the executive to specific municipalities
11. Executive and legislative authority
12. Legislative procedures
13. Publication of by-laws
14. Standard draft by-laws
15. Municipal code

CHAPTER 4

COMMUNITY PARTICIPATION

16. Development of culture of community participation
17. Mechanisms, processes and procedures for community participation
18. Communication of information concerning community participation
19. Public notice of meetings of municipal councils
20. Admission of public to meetings
21. Communications to local community
22. Regulations and guidelines

CHAPTER 5

INTEGRATED DEVELOPMENT PLANNING

Part 1: General

23. Municipal planning to be developmentally oriented
24. Municipal planning in co-operative government
25. Adoption of integrated development plans

part 2: Contents of integrated development plans

26. Core components of integrated development plans

Part 3: Process for planning, drafting, adopting and review of integrated development plans

27. Framework for integrated development planning
28. Adoption of process
29. Process to be followed
30. Management of drafting process
31. Provincial monitoring and support
32. Copy of integrated development plan to be submitted to MEC for local government
33. *Ad hoc* committees
34. Annual review and amendment of integrated development plan

Part 4: Miscellaneous

35. Status of integrated development plan
36. Municipality to give effect to integrated development plan
37. Regulations and guidelines

CHAPTER 6

PERFORMANCE MANAGEMENT

38. Establishment of performance management system
39. Development of performance management system
40. Monitoring and review of performance management system
41. Core components
42. Community involvement
43. General key performance indicators
44. Notification of key performance indicators and performance targets
45. Audit of performance measurements
46. Annual reports
47. Reports by MEC
48. Reports by Minister
49. Regulations and guidelines

CHAPTER 7

LOCAL PUBLIC ADNIINISTRATION AND HUMAN RESOURCES

Part 1: Basic principles

50. Basic values and principles governing local public administration
51. organisation of administration
52. Inconsistency with applicable labour legislation

Part 2: Political structures, political office bearers and roles

53. Roles and responsibilities

54. Code of' Conduct for councillors
55. Municipal managers
56. Appointment of managers directly accountable to municipal managers
57. Employment contracts for municipal managers and managers directly accountable to municipal managers
58. Remuneration of municipal managers and managers directly accountable to municipal managers

Part 3: Delegation system

59. Delegations
60. Certain delegations restricted to executive committees or executive mayors
61. Referral of matters to delegating authorities for decision
62. Appeals
63. Duty to report to delegating authorities
64. Withdrawal, amendment or lapsing of delegation or subdelegation
65. Review of delegations

Part 4: Staff matters

66. Staff establishments
67. Human resource development
68. Capacity building
69. Code of Conduct for municipal staff members
70. Code of Conduct to be provided to staff members and communicated to local community
71. Bargaining council agreement

Part 5: Miscellaneous

72. Regulations *and* guidelines

CHAPTER 8

MUNICIPAL SERVICES

73. General duty

Part 1: Service tariffs

74 Tariff policy
75. By-laws to give effect to policy

Part 2: Provision of services

76. Mechanisms for provision of services
77. Occasions when municipalities must review and decide on mechanisms to provide municipal services
78. Criteria and process for deciding on mechanisms to provide municipal services
79. Provision of services by municipality through internal mechanism
80. Provision of services through service delivery agreements with external mechanisms
81. Responsibilities of municipalities when providing services through service delivery agreements with external mechanisms
82. Municipal entities

Part 3: Service delivery agreements involving competitive bidding

83. Competitive bidding
84. Negotiation and agreement with prospective service provider

Part 4: Municipal service districts

85. Establishment of internal municipal service districts
86. Policy framework for internal municipal service districts
87. Establishment of multi-jurisdictional municipal service districts
88. Minister requesting the establishment of multi-jurisdictional municipal service districts
89. Contents of agreements establishing multi-jurisdictional municipal service districts
90. Legal status of governing bodies
91. Powers and duties of governing bodies of multi-jurisdictional municipal service districts
92. Control of governing bodies of multi-jurisdictional municipal service districts
93. Termination of multi-jurisdictional municipal service districts

Part 5: Regulations and guidelines

94. Regulations and guidelines

CHAPTER 9

CREDIT CONTROL AND DEBT COLLECTION

95. **Customer care** and management
96. Debt collection responsibility of municipalities
97. Contents of policy
98. By-laws to give effect to policy
99. Supervisory authority
100. Implementing authority
101. Municipality's right of access to premises
102. Accounts
103. Agreements with employers
104. Regulations and guidelines

CHAPTER **10** "

PROVINCIAL AND NATIONAL MONITORING AND STANDARD SETTING

Part I: Provincial monitoring

105. Provincial monitoring of municipalities
106. Non-performance and maladministration

Part 2: National monitoring and standard setting

107. Furnishing of information
108. Essential national and minimum standards

CHAPTER **11**

LEGAL MATTERS

109. Legal proceedings
110, Certain certificates to be evidence
111. Copy of *Provincial Gazette* as evidence
112. Prosecution of offences
113. Fines and bail
114. Time of notices and payments
115. Service of documents and process
116. Public servitudes
117. Custody of documents
118. Restraint on transfer of property

CHAPTER 12

MISCELLANEOUS

119. Offences and penalties
120. Regulations and guidelines
121. Amendment of legislation
122. Transitional arrangements
123. phasing in of certain provisions of this Act
124. Short title and commencement

SCHEDULE 1

CODE OF CONDUCT FOR COUNCILLORS

Preamble

1. Definitions
2. General conduct of councillors
3. Attendance at meetings
4. Sanctions for non-attendance of meetings
5. Disclosure of interest
6. Personal gain
7. Declaration of interests
8. Full-time councillors
9. Rewards, gifts and favours
10. Unauthorised disclosure of information
11. Intervention in administration
12. Council property
13. Duty of chairpersons of municipal councils
14. Breaches of Code
15. Application of Code to traditional leaders

SCHEDULE 2

CODE OF CONDUCT FOR MUNICIPAL STAFF MEMBERS

1. Definitions
2. General conduct
3. Commitment to serving the public interest
4. Personal gain
5. Disclosure of benefits
6. Unauthorised disclosure of information
7. Undue influence
8. Rewards, gifts and favours
9. Council property
10. Payment of arrears
11. Participation in elections
12. Sexual harassment
13. Reporting duty of staff members
14. Breaches of Code

SCHEDULE 3

LEGISLATION AMENDED

CHAPTER 1

INTERPRETATION

Definitions

1. In this Act, unless inconsistent with the context—

local government set out in section 15'2 (1) of the Constitution, and comply with the duties set out in sections 4(2) and 6.

Organisation of administration

51. A municipality must within its administrative and financial capacity establish and organise its administration in a manner that would enable the municipality to-

(a) be responsive to the needs of the local community;
(b) facilitate a culture of public service and accountability amongst its staff;
(c) be performance orientated and focussed on the objects of local government set out in section 152 of the Constitution and its developmental duties as required by section 153 of the Constitution;
(d) ensure that its political structures, political office bearers and managers and other staff members align their roles and responsibilities with the priorities and objectives set out in the municipality's integrated development plan;
(e) establish clear relationships, and facilitate co-operation, co-ordination and communication, between—
(i) its political structures and political office bearers and its administration;
(ii) its political structures, political office bearers and administration and the local community;
(f) organise its political structures, political office bearers and administration in a flexible way in order to respond to changing priorities and circumstances;
(g) perform its functions—
(i) through operationally effective and appropriate administrative units and mechanisms. including departments and other functional or business units; and
(ii) when necessary, on a decentralised basis:
(h) assign clear responsibilities for the management and co-ordination of these administrative units and mechanisms;
(i) hold the municipal manager accountable for the overall performance of the administration;
(j) maximise efficiency of communication and decision-making within the administration;
(k) delegate responsibility to the most effective level within the administration:
(l) involve staff in management decisions as far as is practicable: and
(m) provide an equitable, fair, open and non-discriminatory working environment.

Inconsistency with applicable labour legislation

52. In the event of any inconsistency between a provision of this Chapter, including the Code of Conduct referred to in section 69, or a regulation made for the purposes of this Chapter, and any applicable labour legislation. the labour legislation prevails.

Part 2: Political strictures, political office bearers and roles

Roles and responsibilities

53. (1) A municipality must, within the framework of andin accordance with relevant provisions of the Municipal Structures Act, this Act and other applicable legislation. define the specific role and area of responsibility of each political structure and political office bearer of the municipality and of the municipal manager.

(2) The respective roles and areas of responsibility of each political structure and political office bearer and of the municipal manager must—

(a) be defined in precise terms by way of separate terms of' reference, in writing, for each political structure or political office bearer and the municipal manager; and

(b) be acknowledged and given effect to in the rules, procedures, instructions, policy statements and other written instruments of the municipality.

(3) instruments defining, acknowledging or giving effect to the roles and areas of responsibility of these political structures and political office bearers and the municipal manager must be appropriate to the category and type in which the municipality falls.

(4) Terms of reference mentioned in subsection (2)(a) may include the delegation of powers and duties to the relevant political structure or political office bearer or the municipal manager in terms of section 59.

(5) When defining the respective roles and areas of responsibility of each political structure and political office bearer and of the municipal manager, the municipality must determine—

(a) the relationships among those political structures and political office bearers and the municipal manager, and the manner in which they must interact;

(b) appropriate lines of accountability and reporting for those political structures and political office bearers and the municipal manager;

(c) mechanisms, processes and procedures for minimising cross-referrals and unnecessary overlapping of responsibilities between those political structures and political office bearers and the municipal manager;

(d) mechanisms, processes and procedures for resolving disputes between those political structures and political office hewers and the municipal manager; and

(e) mechanisms, processes and procedures for interaction, between—

(i) those political structures and political office bearers and the municipal manager and other staff members of the municipality; and

(ii) councillors and the municipal manager and other staff members of the municipality.

(6) If a municipality has a decentralised regional administration in any part of its area, the municipality must determine mechanisms, processes and procedures for interaction between the regional management of the municipality and—

(a) the ward councillor or other councillor responsible for that part of the municipality's area:

(b) any subcouncil or ward committee, where applicable, in that part of the municipality's area; and

(c) the local community in that part of the municipality's area.

Code of Conduct for councillors

54. The Code of Conduct contained in Schedule 1 applies to every member of a municipal council.

Municipal managers

55. (1) As head of administration the municipal manager of a municipality is, subject to the policy directions of the municipal council, responsible and accountable for—

(a) the formation and development of an economical. effective, efficient and accountable administration—

(i) equipped to carry out the task of implementing the municipality's integrated development plan in accordance with Chapter 5:

(ii) operating in accordance with the municipality's performance management system in accordance with Chapter 6; and

(iii) responsive to the needs of the local community to participate in the affairs of the municipality;

(b) the management of the municipality's administration in accordance with this Act and other legislation applicable to the municipality:

(c) the implementation of the municipality's integrated development plan, and the monitoring of progress with implementation of the plan:

7.4	REMUNERATION OF COUNCILLORS

Collaborator No:
IDP KPA Ref No: **Good Governance and Compliance**
Meeting Date: **Council: 17 November 2026**

1. SUBJECT: REMUNERATION OF COUNCILLORS

2. PURPOSE

To inform Council of the applicable Upper Limits for Councillors.

3. DELEGATED AUTHORITY

Council after the determination by the Minister of Cooperative Governance and Traditional Affairs published in the Government Gazette.

4. EXECUTIVE SUMMARY

On 20 February 2026, the National Minister for Cooperative Governance and Traditional Affairs published the upper limits of salaries, allowances and benefits of different municipal councils with effect from 1 July 2025.

A copy of the said publication (**Government Notice No 54179, GG 728**) and schedule is attached as **APPENDIX 1.**

Please note that, based on the points allocated for rates income and the number of registered voters, as outlined in paragraphs 2 and 3 of the attached Schedule, Stellenbosch Municipality is reflected as a Grade 4 Municipality.

However, it should be noted that Council, at its meeting held on 25 August 2026, approved the regrading/re-categorisation of the Municipality from Grade 4 to Grade 5 (Category 5) Municipality, effective from the month following council's approval.

5. RECOMMENDATION

that cognisance be taken of the upper limits of salaries, allowances and benefits of different members of municipal councils.

FOR FURTHER DETAILS CONTACT:

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DIRECTORATE	*Municipal Manager*
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REPORT DATE	*11 November 2026*

ITEM 7.4

Appendix 1

Remuneration of Councillors



Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 728 20 February Februarie 2026 No. 54179

ISSN 1682-5845



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Contents

No.		Gazette No.	Page No.
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS			
Co-operative Governance and Traditional Affairs, Department of / Samewerkende Regering en Tradisionele Sake, Departement van			
7159	Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998): Determination of Upper Limits of Salaries, Allowances and Benefits of different members of Municipal Councils	54179	3

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

NO. 7159 **20 February 2026**

REMUNERATION OF PUBLIC OFFICE BEARERS ACT, 1998
(ACT NO. 20 OF 1998)

DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS

Under the powers vested in me by sections 7(1), 8(5)(a) and 9(5)(a) of the *Remuneration of Public Office-bearers Act,* 1998 (Act No. 20 of 1998), I, Velenkosini Hlabisa, Minister of Cooperative Governance and Traditional Affairs, hereby –

(a) after consultation with the member of the Executive Council responsible for local government in each province; and

(b) after taking into consideration the matters listed in paragraphs (a) to (i) of section 7(1) of the Act,

determine the upper limits of the salaries, allowances and benefits of the different members of municipal councils as set out in the Schedule.

VELENKOSINI HLABISA, MP
MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

SCHEDULE

PREAMBLE

The salary and allowances of a councillor is determined by that municipal council by resolution of a supporting vote of the majority of its members, in consultation with the member of the Executive Council responsible for local government in each province, having regard to the upper limits as set out hereunder, the financial year of a municipality and affordability of municipality to pay within the different grades of the remuneration of councillors, including the austerity measures as approved by national Cabinet.

For purposes of implementation of this Government Notice, "in consultation with" means that a municipal council must obtain concurrence of the MEC for local government prior to the implementation of the provisions of this Notice.

1. Definitions

In this Schedule, unless the context indicates otherwise, a word or phrase to which a meaning has been assigned in the *Remuneration of Public Office-bearers Act,* 1998 (Act No. 20 of 1998) (hereinafter referred to as "the Act") *and the Local Government: Municipal Structures Act,* 1998 (Act No. 117 of 1998) (hereinafter referred to as "the Structures Act"), has that meaning and –

"basic salary" means the salary component of a councillor that excludes a travel allowance as provided in item (9)(1), housing allowance as provided in item 9(2), the municipal contribution to a pension fund as provided in item 13(1) and municipal contribution to a medical aid scheme as provided in item 13(2);
"capacity building programmes" means training courses or programmes as provided for in the education, training and development policy of council, including training conducted by national departments, associated government agencies and SETAs, provincial departments, municipalities and organised local government through institutions of higher learning and Further Education and Training Colleges.
"full-time councillor" means a councillor who has been elected or appointed to an office which has been designated as full-time in terms of section 18(4) of the Structures Act;
"grade" in relation to this Notice means the grade of municipal council as determined in terms of item 4;
"MEC" means the member of the Executive Council of a province responsible for local government in the province;
"oversight committee" means a committee of the municipal council established in terms of section 79 or 79A of the Structures Act;
"part-time councillor" means a councillor other than a full-time councillor;
"pension fund" means any fund established and registered in terms of, and subject to, any law governing the registration and control of pension funds in the Republic of South

Africa and to which an office bearer contributes or any pension scheme approved by Parliament for such office bearers;

"SETAs" means the Sector Education and Training Authorities established in terms of section 9 of the *Skills Development Act*, 1998 (Act No. 97 of 1998);

"special risk cover" means an insurance cover, provided to a councillor by the municipality, which covers the loss of or damage to a councillor's personal immovable or moveable property and assets, excluding property used by such councillor for business purposes, as well as life and disability cover, for any loss or damage caused by riot, civil unrest, strike or public disorder;

"**tools of trade**" means the resources provided by a municipal council to a councillor to enable such councillor to discharge his or her duties in the most efficient and effective manner, and at all times remain the assets of the municipality concerned;

"total municipal income" means gross income in respect of a metropolitan, local or district municipality based on actual income received as stated in the statement of financial performance of the audited financial statements of that municipality for the 2024/ 2025 financial year. The gross income for the municipality will include the following:

- rates on property;
- fees for services rendered by the municipality, or on its behalf by a municipal entity;
- surcharges;
- other authorised taxes;
- levies and duties;
- income from fines for traffic offences and contravention of municipal by-laws or legislation assigned to the local sphere of government;
- regional services council replacement grant for district municipalities;
- interest earned on invested funds other than national and provincial conditional grants;
- rental for the use of municipal movable or immovable property; and
- amounts received as agent for other spheres of government.

The gross income excludes the following:

- transfers and / or grants from the national fiscus and provincial fiscus, with the exception of regional services council replacement grant for district municipalities; and
- all value added tax (VAT) refunds.

"total population" means the official statistics of the population residing in the area of jurisdiction of a metropolitan, district or local municipality, as determined by the Statistician-General for the 2022 Census, in terms of section 14(7) of the *Statistics Act,* 1999 (Act No. 6 of 1999)); and

"total remuneration package" means the total cost to a municipality of a basic salary component, a motor vehicle allowance as provided in item 9(1), housing allowance as provided in item 9(2), the municipal contribution to a pension, provident or retirement annuity fund as provided in item 13(1) and municipal contribution to a medical aid scheme as provided in item 13(2) to a councillor in a municipal financial year.

2. Allocation of number of points for total municipal income

The number of points allocated for the total municipal income of a municipality is as follows:

TOTAL MUNICIPAL INCOME			NUMBER OF POINTS
R0	-	R 11,407,991	8.33
R11, 407,992,	-	R57, 039,955	16.67
R57,039,956	-	R228,159,822	25.00
R228,159,823	-	R1,711,198,662	33.33
R1,711,198, 663	-	R2,281,598, 217	41.67
More than R 2,281,598,218			50.00

3. Allocation of number of points for total population

The number of points allocated for the total population within a municipality, is as follows:

TOTAL POPULATION			NUMBER OF POINTS
0	-	73 857	8.33
73 858	-	123 833	16.67
123 834	-	309 583	25.00
309 584	-	681 083	33.33
681 084	-	2 229 001	41.67
More than 2 229 001			50.00

4. Determination of grade of municipal council

(1) The sum of the number of points allocated to a municipal council in terms of items 2 and 3 of the Notice, determines the grade of such municipal council as follows:

GRADE OF MUNICIPAL COUNCIL	POINTS
1	0 to 16.66
2	16.67 to 33.33
3	33.34 to 50.00
4	50.01 to 66.67
5	66.68 to 83.35
6	83.36 and above

5. Upper limits of the annual total remuneration packages of full-time councillors

The upper limits of the annual total remuneration packages of full-time councillors are as follows:

GRADE	TOTAL REMUNERATION PACKAGE			
	EXECUTIVE MAYOR OR MAYOR	SPEAKER, DEPUTY EXECUTIVE MAYOR OR DEPUTY MAYOR	MEMBER OF THE EXECUTIVE COMMITTEE OR MAYORAL COMMITTEE, WHIP OR CHAIRPERSON OF A SUBCOUNCIL	CHAIRPERSON OF A SECTION 79 OR SECTION 79A COMMITTEE
6	R1,650,039	R1,332,597	R1,255,291	R1,218,468
5	R1,230,245	R984,192	R922,683	R895,618
4	R1,050,284	R840,233	R788,073	R764,612
3	R1,011,529	R809,224	R758,650	R743,407
2	R947,146	R757,718	R717,123	R696,089
1	R919,541	R742,644	R696,226	R675,804

6. Upper limit of annual total remuneration package or allowance in respect of appointed councillors

(1) A councillor appointed to a district council in terms of section 23(1)(b) of the Structures Act, may be paid the upper limit of the total remuneration package or allowance as follows:

(a) If a councillor is elected or appointed as speaker, mayor, executive mayor, member of a mayoral committee, member of an executive committee, chairperson of a section 79 committee or section 79A committee or part-time member of a district council, such councillor is entitled to an amount equal to the difference between the total remuneration package that a councillor receives as a member of the local council and the total remuneration package allocated to that office in the district council in terms of items 5, 6, 7, 8, 9, 10, 11 and 12, as the case may be.

(b) If the total remuneration package payable to a councillor as a member of the local council is equal to or higher than the total remuneration package that an appointed councillor to the district council receives, such a councillor is, in addition to the total remuneration package received at the local council, entitled to a sitting allowance not exceeding R1,296,31: Provided that this allowance is limited to R1,296,31 per day, regardless of the number of meetings of the district council or committees of that council that are attended by such councillor on a specific day.

(2) A district municipality is responsible for –

(a) the payment of the remuneration or the allowance referred to in sub-item (1);

(b) the reimbursement of travel expenses not exceeding the applicable tariffs prescribed by the national department responsible for transport for the use of privately-owned vehicles incurred by a councillor for the execution of official duties on behalf of that district municipality, in terms of that district council's policy; and

(c) the payment of cell phone expenses not exceeding 50% of the applicable allowances as prescribed under item 11 incurred by a part-time councillor for the execution of official duties on behalf of that district municipality, in terms of that district council's policy.

7. Upper limit of allowance in respect of councillors serving in the governance and intergovernmental structures of organised local government

(1) (a) A councillor designated by organised local government to serve in a governance structure of organised local government must, in addition to the total remuneration package applicable to that councillor, be paid an allowance not exceeding R1,296,31per sitting and actual attendance of any meeting: Provided that the allowance is limited to R1,296,31 per day, irrespective of the number of meetings attended by such councillor on a specific day.

(b) A councillor designated by organised local government to represent organised local government at any intergovernmental structure, including national and provincial executive authorities, must in addition to the total remuneration package applicable to that councillor, be paid an allowance not exceeding R1,296,31 per sitting and actual attendance of such structure: Provided that the allowance is limited to R1,296,31 per day, irrespective of the number of attendances by such councillor on a specific day.

(2) Organised local government is responsible for –

(a) the payment of the allowance referred to in sub-item (1);

(*b*) the payment of accommodation expenses incurred for attending a meeting of governance and intergovernmental structures in terms of applicable organised local government policy; and

(c) reimbursement of travel expenses, not exceeding the applicable tariffs prescribed by the national department responsible of transport for the use of privately-owned

vehicles, incurred by a councillor for attending a meeting of governance and intergovernmental structures.

8. Upper limits of the annual total remuneration packages of part-time councillors

The upper limits of the annual total remuneration packages of part-time councillors are as follows:

GRADE	TOTAL REMUNERATION PACKAGE				
	EXECUTIVE MAYOR OR MAYOR	SPEAKER, DEPUTY EXECUTIVE MAYOR OR DEPUTY MAYOR	MEMBER OF THE EXECUTIVE COMMITTEE OR MAYORAL COMMITTEE OR WHIP	CHAIRPERSON OF A SECTION 79 OR SECTION 79A COMMITTEE	OTHER PART-TIME MEMBERS
6	R924,909	R782,434	R700,289	R679,746	R617,948
5	R686,316	R549,054	R514,738	R499,635	R388,656
4	R585,927	R468,751	R439,445	R426,555	R332,380
3	R564,302	R451,403	R423,234	R410,810	R320,101
2	R528,382	R422,705	R396,289	R384,664	R299,738
1	R512,986	R410,387	R384,741	R372,678	R290,653

9. Upper limits of allowances of full-time and part-time councillors

The upper limits of allowances of full-time and part-time councillors, that constitute part of the annual total remuneration package, are as follows:

(1) Motor vehicle and travel allowance

(a) A councillor listed in item 5 and 8 of this Notice may, in line with applicable legislation, structure his or her basic salary to provide for motor vehicle allowance.

(b) If a councillor structures a vehicle allowance, the councillor must provide proof of ownership of a private vehicle to the municipality and have the vehicle available for official duties.

(c) A councillor who uses a privately-owned vehicle for execution of official duties on behalf of the municipality, may be reimbursed for official kilometres travelled, in addition to the total remuneration package of a councillor as determined in terms of items 5 and 8 of the Notice, not exceeding the applicable tariffs as prescribed by the national department responsible for transport and in terms of the municipal council's policy.

(d) A councillor who utilises a privately-owned vehicle for official purposes must, for purpose of claiming kilometres travelled, keep a travel logbook containing the following information relating to actual official and private kilometres travelled per month as may be determined from time to time by the South African Revenue Service:

(i) Date of travel;
(ii) Kilometres travelled; and
(iii) Travel details (i.e. reason for the trip, duration of trip and place from and place to).

(e) A councillor may, in exceptional circumstances and upon good cause shown, and with the approval of the Mayor or Speaker, utilise the municipal-owned vehicle for official purposes: Provided that the municipal council must, in line with applicable legislation and approved municipal council policy, exercise prudent financial management to ensure that the provision of motor vehicle does not undermine the need to prioritise service delivery and sustain a viable municipality.

(*f*) If a councillor uses a municipal-owned motor vehicle for official purposes, such councillor will not be reimbursed for kilometres travelled.

(2) Housing allowance

A councillor may structure his or her salary to provide for housing allowance as part of the total remuneration package.

10. Out of pocket expenses

A councillor may, in addition to the total remuneration package, be reimbursed for reasonable and actual out of pocket expenses incurred during the execution of official or ceremonial duties, in accordance with the applicable municipal council policy.

11. Upper limits of cell phone allowance for councillors

A councillor may, in addition to the annual total remuneration packages provided for in terms of items 5 and 8 respectively, be paid a cell phone allowance not exceeding R3600.00 per month in accordance with the applicable municipal council policy.

12. Upper limits of mobile data bundles for councillors

A councillor may, in addition to the annual total remuneration packages provided for in terms of items 5 and 8 respectively, be paid an allowance on the use of data bundles not exceeding R317 per month.

13. Upper limits of pension, provident or retirement annuity fund contributions and medical benefits of councillors

(1) Pension, provident or retirement annuity contributions

(a) A councillor may participate in a pension, provident or retirement annuity fund registered in terms of the Pension Fund Act, 1956 (Act No. 24 of 1956).

(b) If a councillor elects to participate in a pension, provident or retirement annuity fund, the municipal council must deduct from that councillor's salary, the monthly contributions and pay the contributions to a pension, provident or retirement annuity fund to which the councillor is a member in accordance with the rules of such pension, provident or retirement annuity fund. The contributions by the municipal council and the councillor are included in the total remuneration package as a total cost to the municipality.

(2) Medical Aid Scheme

(a) A councillor may participate in a medical aid scheme registered in terms of the Medical Schemes Act, 1998 (Act No. 131 of 1998).

(b) If a councillor elects to participate in a medical aid scheme, the municipal council must deduct from that councillor's salary, the monthly contributions and pay the contributions to a medical aid scheme to which the councillor is a member in accordance with the rules of such medical aid scheme. The contributions by the municipal council and the councillor are included in the total remuneration package as a total cost to the municipality.

14. Special risk cover

(1) A municipality must, in addition to the annual total remuneration packages as provided in items 5 and 8 respectively, take out risk insurance cover, to provide for an insurance cover, provided to a councillor by the municipality, which covers the loss of or damage to a councillor's personal immovable or moveable property and assets, excluding property used by such councillor for business purposes, as well as life and disability cover, for any loss or damage caused by riot, civil unrest, strike or public disorder. The special risk insurance on residential property will be limited to R1, 5 million while on vehicles it is limited to R750 000. The life and disability insurance cover is limited to 2 times the total remuneration package of a councillor.

(2) In the event where the residential property of a councillor was damaged or destroyed as a result of riot, civil unrest, strike or public disorder, the municipality may, subject to affordability, provide alternative accommodation to the affected councillor, for a period of 30 days from the date of such an incident.

(3) Notwithstanding sub-item (2), the municipal council may, on good cause shown, provide alternative accommodation for a further period not exceeding 30 days.

(4) A councillor is obliged to submit to the municipality details of property, assets and beneficiaries to be covered by the special risk insurance upon request. A councillor who fails to submit the required details referred to herein will forfeit the benefits associated with the special risk insurance cover.

(5) If a councillor already belongs to another special risk cover, such councillor must declare to the municipality the details of property, assets and beneficiaries to be covered by the special risk insurance.

15. Tools of trade

(1) A municipal council may extend the following tools of trade to a councillor:

	TOOLS OF TRADE	APPLICABLE TO:
(a)	Braille reader	All visually impaired councillors.
(b)	Office space and furniture; Parking bay; Business cards; Calculators; Letter-heads; Stationery; Toner cartridges; Diaries; Postage costs; Office telephone; and Appropriate mobile technology and multi-digital office (excluding cell phones and mobile data card as per item 11 and 12), including facsimile, printer, photocopier and scanner.	Full-time councillors, part-time executive mayors or mayor, part-time deputy executive mayors or deputy mayors, part-time speakers, part-time members of mayoral committee or members of executive committee, part-time chairpersons of section 79 committees, and whips.
(c)	Laptop or tablet	All councillors.
(d)	Official accommodation and furniture where it currently exists.	Full-time Executive Mayors or Mayors
(e)	Business cards; Calculators; Letter-heads; Stationery; and Diaries.	Part-time councillors and the usage must comply with policy directives of the municipality.
(f)	Postage costs; Office telephone; and Multi-digital office, facsimile, printer, photocopier and scanner.	Part-time councillors to have access to these tools of trade at the municipal offices.
(g)	Personal security	Executive Mayor, Mayor, Speaker, Deputy Executive Mayor, Deputy Mayor, Speaker and Whip are entitled to two bodyguards per shift of a two-shift system. Deviation from the norm may only be based on the

	TOOLS OF TRADE	APPLICABLE TO:
		recommendations of the South African Police Service. In the event that a written report is received concerning a threat and risk to the personal security of any of the office bearers referred to above, the municipal council must: (i) Determine whether such a threat and risk exist. (ii) Provide bodyguard in terms of this paragraph, if such threat and risk exist. (iii) Exercise financial prudence when providing personal security to any of the office bearers referred to above.
		All councillors, subject to a threat and risk analysis conducted by the South African Police Service.

(2) If a municipal council makes available tools of trade in terms of sub-item (1), such a municipal council must take into account accessibility, affordability and cost control, equity, flexibility, simplicity, transparency, accountability and value of tools of trade.

(3) The tools of trade must be insured by the council with the exception of sub-item (1)(g).

(4) The application of sub-item (1) is subject to concurrence by the MEC for local government in the province.

16. Capacity building

(1) Every council must develop and adopt a policy to provide for education, training and development of councillors.

(2) Council must make provision in its budget for education, training and development of councillors, which must remain valid for the tenure of office of that council.

(3) A training programme must take into consideration the capacity needs of a councillor to fulfil individual councillor's statutory obligations. Provided that the municipal council must, in line with applicable legislation and approved council policy, exercise prudent financial management to ensure that the provision of education, training and development of councillors does not undermine the need to prioritise service delivery and sustain a viable municipality.

17. Overpayment

(1) Any remuneration paid to a councillor of a municipality otherwise than in accordance with section 167(1) of the *Local Government: Municipal Finance Management Act*, 2003 (Act No. 56 of 2003) including any bonus, bursary, loan, advance or other benefit, is an irregular expenditure and a municipality –

(a) must recover that remuneration from the councillor concerned; and

(b) may not write-off any expenditure incurred by the municipality in paying or giving that remuneration.

(2) The MEC must report to the Minister –

(a) any transgression of subsection (1); and

(b) any non-compliance with this Notice.

18. Information to be submitted to the Minister

(1) A municipal council must submit to the MEC responsible for local government under whose jurisdiction it falls, within 60 days from the date of publication of this Notice on an official letterhead of the municipality, signed by the executive mayor or mayor, a report containing the following information in respect of its serving councillors for the 2025/ 26 financial year:

(a) Total number of councillors;
(b) Designation;
(c) Part-time or full-time;
(d) Name of incumbent;
(e) Gender;
(f) Total municipal income;
(g) Total population;
(h) Grading of municipal council;
(i) Date concurrence granted by the MEC;
(j) Total remuneration package;
(k) Total budget for personal security; and
(l) Any allowance(s) payable to a councillor.

(2) Upon receipt of the information referred to in sub-item 1, the MEC must analyse the information for correctness and completeness and submit a consolidated report to the Minister within 90 days from the date of publication of this Notice.

19. Transitional measures

(1) If a municipal council has no audited financial statements for 2024/ 25 financial year by the date of publication of this Notice, the audited financial statements for the 2023/ 24 financial year shall apply.

(2) If the grading of a municipal council is lower than the current grade of the municipal council as determined in terms of this Notice, a councillor –

(a) who is in office as at 30 June 2025, will be remunerated in terms of this Notice as per item 5 and 8 in accordance with the grade determined in terms of Government Notice No. 5446, Government Gazette No. 51419 of 21 October 2024, provided that the data used by the municipal council for determination of the grade of a municipal council is correct; and

(b) such councillor is entitled to the applicable cost of living adjustment: Provided that the data used by the municipal council for determination of the grade of a municipal council is correct.

(3) This Notice replaces Government Gazette No. 51419 of 21 October 2024.

20. Short title and commencement

This Notice is called the Determination of Upper Limits of Salaries, Allowances and Benefits of Different Members of Municipal Councils and takes effect from 1 July 2025.

8.	**CLOSURE**

KINDLY NOTE THAT OFFICIAL PHOTOS OF ALL COUNCILLORS WILL BE TAKEN AFTER THE MEETING.