MUNISIPALITEIT THEEWATERSKLOOF MUNICIPALITY

KENNISGEWING / NOTICE

INHULDIGINGSVERGADERING VAN DIE NUUTVERKOSE RAAD VAN THEEWATERSKLOOF MUNISIPALITEIT /

INAUGURAL MEETING OF THE NEWLY ELECTED COUNCIL OF THEEWATERSKLOOF MUNICIPALITY

A G E N D A

DATUM / DATE : 19 NOVEMBER 2026

PLEK / VENUE : STADSAAL / TOWN HALL
CALEDON

TYD / TIME : 10:00

MUNISIPALITEIT THEEWATERSKLOOF MUNICIPALITY

Kantoor van die Munisipale Bestuurder
Munisipale Kantore
CALEDON

12 November 2026

KENNISGEWING AAN ALLE RAADSLEDE

RAADSVERGADERING VAN DIE THEEWATERSKLOOF MUNISIPALE RAAD

Kennis geskied hiermee ingevolge artikel 29(2) van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998) dat die **INHULDIGINGS-VERGADERING** van die **NUUTVERKOSE RAAD** van die Theewaterskloof Munisipaliteit op **DONDERDAG, 19 NOVEMBER 2026** om **10:00** in die **STADSAAL, CALEDON** gehou sal word.

Raadslede se aandag word gevestig op die Gedragskode vir Raadslede, Skedule 7 van die Wysigingswet op Plaaslike Regering: Munisipale Strukture, 2021 (Wet 3 van 2021) en Munisipale Beamptes, Skedule 2 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000).

WF Hendricks
MUNISIPALE BESTUURDER

MUNISIPALITEIT THEEWATERSKLOOF MUNICIPALITY

Office of the Municipal Manager
Municipal Offices
CALEDON

12 November 2026

NOTICE TO ALL COUNCILLORS

COUNCIL MEETING OF THE THEEWATERSKLOOF MUNICIPAL COUNCIL

Notice is hereby given in terms of Section 29(2) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) that the **INAUGURAL MEETING** of the **NEWLY ELECTED COUNCIL** of the Theewaterskloof Municipality will be held in the **TOWN HALL, CALEDON** on **THURSDAY, 19 NOVEMBER 2026** at **10:00**.

The attention of Councillors is directed to the Code of Conduct for Councillors, Schedule 7 of the Local Government: Municipal Structures Amendment Act, 2021 (Act 3 of 2021) and Municipal Officials, Schedule 2 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

WF Hendricks
MUNICIPAL MANAGER

MUNISIPALITEIT THEEWATERSKLOOF MUNICIPALITY

AGENDA

INHULDIGINGSVERGADERING / INAUGURAL MEETING

19 NOVEMBER 2026

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2.	**SAMESTELLING VAN VERGADERING / COMPOSITION OF MEETING**	
	Kennisgewing van vergadering word deur die Munisipale Bestuurder aan die vergadering voorgehou / Notice of the meeting is presented to the meeting by the Municipal Manager	
2.1	Verteenwoordiging van Raad: Voorstelling van Raadslede / Representation of Council: Introduction of Councillors	
2.2	Eed of Plegtige Verklaring deur Lede van die Raad / Oath or Solemn Affirmation by Members of Council	
3.	**BYWONINGSREGISTER/ ATTENDANCE REGISTER**	
3.1	Ondertekening van die bywoningsregister / Signing of the attendance register	
3.2	Aansoek(e) om verlof tot afwesigheid Application(s) for leave of absence	
4.	**KENNISGEWINGS EN MEDEDELINGS: MUNISIPALE BESTUURDER/ NOTICES AND COMMUNICATIONS: MUNICIPAL MANAGER**	
4.1	Voorstelling van Bestuurspan / Introduction of Management Team	
4.2	Kennisgewing: Soort munisipaliteit ingevolge die Derde Wysiging van die Instellingskennisgewing (P.K.188/2003) / Notice: Type of municipality in terms of the Third Establishment Amendment Notice (P.N. 188/2003)	1 – 2

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6.3	Verkiesing van Uitvoerende Burgemeester / Election of Executive Mayor Verkiesing van Uitvoerende Onderburgemeester / Election of Executive Deputy Mayor Aanvaardingsrede deur Uitvoerende Burgemeester / Acceptance speech by Executive Mayor	74 – 80
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6.6	Benoeming van 'n Raadslid om waar te neem in die afwesigheid van die Uitvoerende Burgemeester en Uitvoerende Onderburgemeester / Designation of a Councillor to act in the absence of the Executive Mayor and Executive Deputy Mayor	101 – 102

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6.7	**Strukturering van Raad: Aanstelling van Komitees / Structuring of Council: Appointment of Committees**	
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PROVINCE OF THE WESTERN CAPE: PROVINCIAL GAZETTE 6021 OF 28 MAY 2003

P.N. 188/2003 28 May 2003

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

THE THEEWATERSKLOOF MUNICIPALITY (WCO31) THIRD ESTABLISHMENT AMENDMENT NOTICE

By virtue of the powers vested in me by section 16 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), as amended by the Local Government: Municipal Structures Amendment Act, 2000 (Act 33 of 2000), the Local Government: Municipal Structures Amendment Act, 2002 (Act 20 of 2002), the Local Government Laws Amendment Act, 2002 (Act 51 of 2002) and the Local Government: Municipal Structures Amendment Act, 2003 (Act 1 of 2003), I hereby give notice of the third amendment of Theewaterskloof Municipality (WCO31) Establishment Notice, Provincial Notice 493 published in the Provincial Gazette 5591 dated 22 September 2000, as previously amended in Provincial Notice 679 published in the Provincial Gazette Extraordinary No. 5643 dated 4 December 2000 and Provincial Notice 460 published in Provincial Gazette Extraordinary No. 5969 dated 19 December 2002, on the terms set out in the Schedule hereto.

Dated this 28th day of May 2003.

J.J. DOWRY

PROVINCIAL MINISTER OF LOCAL GOVERNMENT

GENERAL EXPLANATORY NOTE:

Words in bold type indicate omissions from existing enactments.

Words in italics indicate insertions in existing enactments.

SCHEDULE

Amendment of section 1 of the principal Notice

1. Section 1 of the Schedule to the Theewaterskloof Municipality Establishment Notice (hereinafter referred to as the principal Notice) is hereby amended:

   (1) by the deletion of the definition "collective executive system" in subsection (3), and

   (2) by the insertion of the following subsections:

   "(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;"* and

"(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;".*

Amendment of section 6 of the principal Notice

2. Section 6 of the Schedule to the principal Notice is hereby amended by the substitution for section 6 with the following section:

"Type

6. The Local Municipality is a municipality with a ~~[collective]~~ *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)."*

Amendment of section 9 of the principal Notice

3. Section 9 of the Schedule to the principal Notice is hereby amended by the substitution for section 9 with the following section:

"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; and
(c) the speaker."

Insertion of section 25B in the text of the principal Notice

4. The Schedule to the principal Notice is hereby amended by the insertion of the following section after section 25A:

"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."

Short title and commencement

5. This Notice is called the Theewaterskloof Municipality Third Establishment Amendment Notice and comes into operation on 10 June 2003.

ITEM HEADING

5.1/2026 DIRECTORATE CORPORATE SERVICES: DEPARTMENT ADMINISTRATION: ELECTION OF SPEAKER

[English version of the report is the original]

FILE NUMBER

3/1/3

AIM/PURPOSE OF REPORT

To appoint a Speaker of the Theewaterskloof Council in terms of Section 36 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and Amendment Act 3 of 2021.

BACKGROUND

The term of the current Speaker expired with the term of the previous Council that ended with the reconstitution of the new Council, and a new Speaker needs to be elected with the functions as set out in Section 37 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and Amendment Act 3 of 2021.

The speaker of a municipal council –

(a) presides at meetings of the council;
(b) performs the duties and exercises the powers delegated to the speaker in terms of Section 59 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);
(c) must ensure that the council meets at least quarterly;
(d) must maintain order during meetings;
(e) must ensure compliance with the code of conduct in the council and council committees with the Code of Conduct;
(f) must ensure that council meetings are conducted in accordance with the rules and orders of the council;
(g) must ensure that the legislative authority of the municipality functions effectively;
(h) is responsible for the effective oversight over the executive authority of the municipality;
(i) must ensure the effectiveness of the committees of the municipal council established in terms of Section 79;
(j) is responsible for the ethics and accountability of the municipal council; and
(k) must ensure the effectiveness and functionality of ward committees and the public participation process.

DISCUSSION

As the Council of Theewaterskloof Municipality is being reconstituted, the term of the Speaker has expired and then Council needs to elect a new Speaker according to the procedure set out in the attached Schedule 3 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and Amendment Act 3 of 2021.

LEGISLATIVE IMPLICATION

Section 36 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998):

Election of Speakers –

(1) Each municipal council must have a chairperson who will be called the Speaker.
(2) At its first sitting after its election, or when necessary to fill a vacancy, a municipal council must elect its Speaker from among the councillors.
(3) The municipal manager of the municipality or, if the municipal manager is not available, a person designated by the MEC for local government in the province presides over the election of a Speaker.
(4) The procedure set out in Schedule 3 applies to the election of a Speaker.
(5) A councillor may not hold office as Speaker and Mayor or Executive Mayor at the same time. (As amended per Amendment Act 3 of 2021.)

FINANCIAL IMPLICATION

Remunerated in terms of the Remuneration of Public Office Bearers Act, 1998 (Act 20 of 1998). Provision has also been made in the 2026/2027 budget for this expenditure.

RISK MANAGEMENT IMPLICATION

None

RECOMMENDATION BY ITEM AUTHOR TO COUNCIL:

After the processes have been followed in terms of Schedule 3, that:

Alderman/Councillor ..... be elected as Speaker of the Theewaterskloof Council in terms of Section 36 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and Amendment Act 3 of 2021.

SCHEDULE 3

ELECTION OF MUNICIPAL OFFICE-BEARERS

[Schedule 3 amended by s. 34 of Act 51 of 2002 and Amendment Act 3 of 2021]

1 Application

The procedure set out in this Schedule applies whenever a municipal council meets to elect a speaker, an executive mayor, a deputy executive mayor, a mayor or a deputy mayor, a whip, a mayor or a deputy mayor.

2. Nominations

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

3. Formal requirements

(1) A nomination must be made on the form determined by the municipal manager.
(2) The form on which a nomination is made must be signed by two members of the municipal council.
(3) A person who is nominated must indicate acceptance of the nomination by signing either the nomination form or any other form written confirmation.

4. Announcement of names of candidates

At a meeting to which this Schedule applies, the person presiding must announce the names of the persons who have been nominated as candidates, but may not permit any debate.

5. Single candidates

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

6 Election procedure

If more than one candidate is nominated –

(a) a vote must be taken at the meeting by secret ballot;
(b) each councillor present at the meeting may cast one vote; and
(c) the person presiding must declare elected the candidate who receives a majority of the votes.

7. Elimination procedure

(1) If no candidate receives a majority of the votes, the candidate who receives the lowest number of votes must be eliminated and a further vote taken on the remaining candidates in accordance with item 6. This procedure must be repeated until a candidate receives a majority of the votes.

(2) When applying 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.

8. Further meetings

(1) If only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, a further meeting must be held within seven days at a time determined by the person presiding.

(2) If a further meeting is held in terms of 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 term 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.

ITEM HEADING

6.1/2026 DIRECTORATE CORPORATE SERVICES: DEPARTMENT ADMINISTRATION: APPROVAL OF THE AMENDED RULES OF ORDER FOR MEETINGS OF COUNCIL AND COMMITTEES OF THEEWATERSKLOOF MUNICIPALITY

[English version of the report is the original]

FILE NUMBER

3/2/1/4

AIM/PURPOSE OF REPORT

That Council approves the Amended Rules of Order for Meetings of Council and Committees of Theewaterskloof Municipality and refers it to the Induction Session of Council for discussion.

BACKGROUND

The Rules of Order for Meetings of Council and Committees of Theewaterskloof Municipality was approved by Council on 30 April 2025 as per Council Resolution C94/2025.

DISCUSSION

Rule 15 of the approved Rules of Order for Meetings of Council and Committees of Theewaterskloof Municipality needs to be amended to accommodate Regulation 4(5)(a) – (c) of the Regulations for the Code of Conduct for Councillors, 2023.

The Rules of Order for Meetings of Council and Committees of Theewaterskloof Municipality must be applied strictly during meetings by the Speaker or Chairperson of the relevant meeting.

LEGISLATIVE IMPLICATIONS

Rules of Order for Meeting of Council and Committees of Theewaterskloof Municipality as approved by Council on 30 April 2026 per Council resolution C94/2025.

FINANCIAL IMPLICATIONS

None

RISK MANAGEMENT IMPLICATIONS

None

RECOMMENDATION BY ITEM AUTHOR TO COUNCIL:

It is recommended:

1. **That Council approves the amended Rules of Order for Meetings of Council and Committees of Theewaterskloof Municipality.**

2. **That the amended Rules of Order for Meetings of Council and Committees of Theewaterskloof Municipality be referred to the Strategic Session of Council for discussion.**

Theewaterskloof Municipality

RULES OF ORDER FOR MEETINGS OF COUNCIL AND COMMITTEES OF THEEWATERSKLOOF MUNICIPALITY

TITLE	SPECIFICATION
Document Owner	Theewaterskloof Municipality
Compiled by	Manager: Corporate Services, Ms M Faul
Date approved by Council	30 April 2025
Council Resolution Number	C94/2025
Amended as per the Code of Conduct for Councillors Regulations, 2023	Regulation 4(5)(a) – (c) regarding Quorums at meetings

RULES OF ORDER FOR MEETINGS OF COUNCIL AND COMMITTEES OF THEEWATERSKLOOF MUNICIPALITY

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CHAPTER 1
INTRODUCTION

1. Definitions

In these rules, unless the context indicates otherwise—

"**Code**" means the Code of Conduct for Councillors set out in Schedule 7 to the Structures Amendment Act;

"**committee**" means a committee established by the Council in terms of section 79 of the Structures Act, and includes a committee appointed in terms of section 80 of the Structures Act;

"**Constitution**" means the Constitution of the Republic of South Africa, 1996;

"**Council**" means the municipal council of the municipality;

"**councillor**" means a member of the Council, and includes a political office bearer as defined in section 1 of the Systems Act;

"**hybrid meeting**" means a meeting where some councillors are physically present in the meeting venue and some councillors attend the meeting virtually;

"**meeting**" means any meeting of the Council or a committee, as the case may be;

"**member of the public**" means a person who is not a councillor or a municipal employee and who attends a meeting, and includes—

(a) the media;

(b) a dignitary; and

(c) a representative of a sphere of government;

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"**municipal employee**" means an employee of the municipality;

"**Municipal Manager**" means the municipal manager of the municipality as defined in the Systems Act;

"**municipality**" means the municipality of Theewaterskloof;

"Ordinary Council meeting" means an ordinary meeting of the Council convened in accordance with rule 6;

"**party whip**" means a councillor appointed by the councillor's party to perform the duties attached to the position of a party whip as contemplated in these rules;

"**physical meeting**" means a meeting where councillors are physically present in the same venue;

"**platform**" means the virtual platform where a virtual meeting is held;

"**Provincial Minister**" means the member of the Provincial Cabinet responsible for local government matters in the Province of the Western Cape;

"**quorum**" in relation to—

(a) the Council, means a majority of the incumbent councillors; and

(b) a committee, means a majority of the incumbent members appointed to that committee by the Council;

"**rules**" means these rules;

"**Speaker**" means the Speaker of the Council elected in terms of section 36 of the Structures Act or the Acting Speaker elected in terms of section 41 of the Structures Act;

"**Special Council meeting**" means a special meeting of the Council convened in accordance with rule 7;

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

"**Structures Amendment Act**" means the Local Government: Municipal Structures Amendment Act, 2021 (Act 3 of 2021);

"**Systems Act**" means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

"**venue**" means the Council chamber or committee room where a physical meeting is held, unless otherwise determined by the Speaker or chairperson, as the case may be;

"**virtual**" means streamed live to the internet, using any or all of the following:

(a) video;

(b) text;

(c) audio;

"**virtual meeting**" means a meeting where councillors are not physically present in the same venue and the meeting is conducted utilising virtual means; and

"**working day**" means any day of the week except—

(a) a Saturday, Sunday, and public holiday; and

(b) when the Council is in recess.

2. Application and interpretation

(1)*(a)* Subject to paragraph *(b)*, these rules apply to all meetings of the Council and its committees.

(b) These rules do not apply to the following committees:

(i) A Committee established in terms of item 16(1)*(b)* of the Code;

(ii) A committee contemplated in section 62(4)*(c)*(ii) of the Systems Act (An Appeals Committee appointed by Council);

(2) Unless it is inconsistent with the context or clearly inappropriate, a reference in these rules to—

(a) the Council must be construed as a reference to a committee;

(b) the Speaker must be construed as a reference to the chairperson of a committee; and

(c) a councillor must be construed as a member of a committee.

(3) Except where it is clearly inappropriate, a rule applying to a councillor in any proceedings also applies to a municipal employee and a member of the public who takes part in those proceedings.

(4) If, in terms of these rules, a notice, motion, question, or request is required or permitted to be given in writing to any councillor or person, it is sufficient if it is transmitted electronically directly to that councillor or person in such a manner and form that it can conveniently be printed by the recipient within a reasonable time.

(5) If, in terms of these rules, a document is required to be published, provided or delivered, it is sufficient if an electronic original or reproduction thereof is published, provided or delivered by electronic communication in such a manner and form that it can conveniently be printed by the recipient within a reasonable time: Provided that this sub-rule does not apply to any publication to inform the public.

(6) If, in terms of these rules, a document is required to be signed by—

(a) a single councillor or person, signing may be effected in any manner provided for in the Electronic Communications and Transactions Act, 2002 (Act 25 of 2002); or

(b) two or more councillors or persons, it is sufficient if—

(i) all of those councillors or persons sign a single original of the document, in person or as contemplated in paragraph *(a)*; or

(ii) each of those councillors or persons signs a separate duplicate original of the document, in person or as contemplated in paragraph *(a)*, and in such a case, the signed duplicate originals, when combined, constitute the entire document.

(7)*(a)* In instances of urgency, during an emergency or where the Council considers that adherence to a rule would be unreasonable and would prejudice the operation of a meeting, the Council may, with the approval of the majority of the incumbent councillors and for the duration of that meeting, temporarily suspend or relax the provisions of that rule: Provided that the suspension or relaxation of a rule—

(i) may not be in contravention of any national or provincial legislation or any by-law of the municipality; and

(ii) must relate to an item on the agenda for the meeting.

(b) The reasons for the suspension of the rule must be recorded in the minutes.

(c) This sub-rule does not apply to a motion to remove the Speaker, Executive Mayor or Executive Deputy Mayor from office contemplated in rule 56.

3. Duty of Speaker, councillors, municipal employees and members of public

The Speaker, councillors, municipal employees and members of the public must familiarise themselves with these rules.

CHAPTER 2
MEETINGS

4. Transaction and order of business

(1) The Council transacts its business at Ordinary Council meetings and Special Council meetings, convened for that purpose in terms of these rules.

(2) The order of business in Ordinary Council meetings is as follows, unless the order has been changed in terms of sub-rule (4):

(a) Election of Acting Speaker, if necessary;
(b) Application for leave of absence;
(c) Confirmation of minutes;
(d) Statements and communications by Speaker;
(e) Statements and communications by Executive Mayor;
(f) Consideration of reports;
(g) Consideration of report on delegated powers;
(h) Urgent matters submitted by Municipal Manager;
(i) Motions;
(j) Questions;
(k) Motions of exigency;
(l) In Committee Agenda-items for discussion; and
(m) Adjournment.

(3) The order of business of a Special Council meeting is as follows, unless the order has been changed in terms of sub-rule (4):

(a) Election of Acting Speaker, if necessary;
(b) Application for leave of absence;
(c) Consideration of matters contained in the notice convening a special Council meeting or set out in the request contemplated in rule 7; and
(d) Adjournment.

(4) The Speaker may change the order of business appearing on the agenda or the Council may resolve accordingly.

(5) A councillor who wishes to have the order of business on the agenda changed, must approach the Speaker in this regard prior to the meeting.

5. Agenda

(1)*(a)* The Municipal Manager or a person designated by the Municipal Manager must prepare the agenda for a meeting in liaison with the Speaker.

(b) The Municipal Manager may at his or her own discretion and subject to the provisions of subsection 160(7) of the Constitution, identify reports on the agenda to be handled as confidential matters, not to be disclosed to the public.

(2) The Speaker may at any time during a meeting introduce an urgent matter which does not appear on the agenda, unless—

(a) a councillor indicates the councillor's opposition to the introduction of the matter;

(b) the procedure contemplated in rule 19 is followed; and

(c) the Council resolves otherwise with a supporting vote of a majority of the votes cast.

(3) Except as otherwise provided in these rules or in terms of sub-rule (2), a matter not appearing on the agenda may not be transacted at a meeting.

(4) The Speaker may refuse an item, motion or question to the agenda if such item, motion or question—

(a) falls outside the jurisdiction of the municipality;

(b) is racist in nature or advocates hate speech;

(c) is *sub judice*;

(d) does not comply with procedural requirements for submission of agenda items as provided for in these rules;

(e) lacks sufficient information;

(f) violates legislation or is contrary to the law; or

(g) is of defamatory nature,

in which event the procedure in rule 37(2) and (3) must be followed.

6. Meetings

(1) The Speaker must—

(a) at least quarterly convene Ordinary Council meetings; and

(b) ensure that the Council meets at least quarterly in accordance with section 18(2) of the Structures Act.

(2) The Speaker must decide whether a meeting should be a—

(a) physical meeting;

(b) virtual meeting; or

(c) hybrid meeting.

(3)*(a)* All physical meetings must be open to members of the public, unless members of the public are excluded as contemplated in rule 25.

(b) All virtual meetings must be livestreamed on the municipality's website, if it is possible, unless members of the public are excluded as contemplated in rule 25.

(c) All hybrid meetings must be—

(i) open to members of the public; and

(ii) livestreamed on the municipality's website, if it is possible,

unless members of the public are excluded as contemplated in rule 25.

(4) Subject to sub-rule (1) and rule 7(3), the Speaker must decide when and where the Council must meet.

(5)*(a)* At least five working days before an Ordinary Council meeting, the Municipal Manager must give written notice to each councillor of the date, time and venue or platform of that meeting.

(b) If the Municipal Manager accidentally omits to give a notice contemplated in paragraph *(a)* to any councillor, such omission does not invalidate a meeting.

(6)*(a)* At least five working days before an ordinary Council meeting, the Municipal Manager must give written notice to the public, in accordance with section 29A of the Structures Act, of the date, time and venue or platform of that meeting.

(b) The notice contemplated in paragraph *(a)*—

(i) must be posted on—

(aa) the landing page of the municipality's website; and

(bb) a notice board at the municipality's head office;

(ii) may be published in a local newspaper determined by the Municipal Manager; and

(iii) must provide the details of a contact person, to whom any queries may be addressed.

(7)*(a)* The Speaker may, during an emergency or in exceptional circumstances, change the date, time, venue or platform of an Ordinary Council meeting which has been convened.

(b) The Municipal Manager must give reasonable notice in line with this rule of any change to the date, time, venue or platform of a meeting.

7. Special Council meetings

(1)*(a)* The Speaker may call a Special Council meeting on a date, time and venue or platform determined by the Speaker.

(b) When the Speaker has determined the date, time and venue or platform of a Special Council meeting, the Speaker must inform the Municipal Manager thereof.

(2) If the position of Speaker is vacant or the Speaker is absent, unavailable, unwilling or unable to perform the Speaker's functions—

(a) the Municipal Manager; or

(b) a person designated by the Provincial Minister if the Municipal Manager is absent, unavailable, unwilling or unable,

must convene a Special Council meeting to elect a Speaker or an Acting Speaker, as the case may be, and preside over such election.

(3) The Speaker must, if a majority of the councillors requests the Speaker in writing to convene a Special Council meeting for the consideration of a specified matter or matters and if the request complies with the requirements set out in this rule and the Structures Act—

(a) convene a Special Council meeting on the date and at the time set out in the request and at a venue or using a platform determined by the Speaker; and

(b) inform the Municipal Manager of the date, time and venue or platform and supply the Municipal Manager with a copy of the request.

(4) A request to call a Special Council meeting must indicate the matter or matters, as the case may be, to be dealt with at that Special Council meeting, and indicate the date and the time of the Special Council meeting, which date may not be less than—

(a) six working days from the date the request is submitted to the Speaker; or

(b) four working days from the date the request is submitted to the Speaker if the matter is regarded as an urgent matter, in which event the reasons for urgency must be stated in the request.

(5) For the purposes of sub-rule (3), a majority of councillors must be construed as reflected in the municipality's establishment notice, notwithstanding any declared vacancies.

(6) If the Speaker, for whatever reason, fails to convene a Special Council meeting in terms of sub-rule (3) within three working days of receipt of the request, the Municipal Manager, or in the absence or refusal by the Municipal Manager, a person designated by the Provincial Minister, may convene and chair the Special Council meeting on the date and at the time set out in the request and at a venue or using a

platform determined by the Municipal Manager or person designated by the Provincial Minister, as the case may be.

(7)*(a)* If the Speaker is absent, unavailable, unwilling or unable to chair the Special Council meeting, the Municipal Manager or a person designated by the Provincial Minister if the Municipal Manager is absent, unavailable, unwilling or unable, must preside at the election of an Acting Speaker in accordance with section 36(3) of the Structures Act.

(b) The Acting Speaker may only preside over the Special Council meeting concerned.

(8) Only the matter or matters specified in the notice convening a Special Council meeting or set out in the request contemplated to in sub-rule (3), may be dealt with at a special Council meeting.

(9) Rule 56 applies to a Special Council meeting to vote on a motion to remove the Speaker, Executive Mayor or Executive Deputy Mayor from office.

(10)*(a)* The Municipal Manager must give notice of a Special Council meeting at least two working days prior to the meeting, in the manner contemplated in rule 6(5) and (6).

(b) If the Speaker determines that the Special Council meeting is an urgent meeting, the Municipal Manager must, at least one working day before the meeting, give written notice as contemplated in rule 6(5) and (6), except if time constraints make this impossible.

(c) If the Municipal Manager accidentally omits to give notice to any councillor, such omission does not invalidate a meeting.

(11)*(a)* The Speaker may, on reasonable grounds, determine that a Special Council meeting is an emergency meeting, in which event the time periods specified in this rule do not need to be complied with.

(b) The Municipal Manager must take all reasonable steps to notify each councillor and the public of a Special Council meeting that is an emergency meeting.

8. Functions of Speaker regarding meetings

(1) Subject to rule 15(2), the Speaker must take the chair at the time the meeting has been scheduled for.

(2) In addition to the functions contemplated in section 37 of the Structures Act and any other law, the Speaker—

(a) must give a ruling in respect of—

(i) a point of order raised by a councillor; and

(ii) a question in relation to the priority of business; and

(b) may, with due regard to the common law, give a ruling in respect of any procedural eventuality for which these rules do not provide.

(3) The rulings contemplated in sub-rule (2) must be recorded in the minutes and may not be debated.

9. Attendance by councillor

(1) Subject to item 4 of the Code and rule 11, a councillor must—

(a) attend each meeting;

(b) sign the councillor's name in the attendance register if the councillor is physically attending the meeting, or verbally identify the councillor when directed to do so by the Speaker if the councillor is virtually attending the meeting; and

(c) remain in attendance, unless the councillor is required in terms of the Code, sub-rule (4), rule 10, 27(4) or 34(7), or any other law to withdraw from the meeting.

(2) A councillor who attends—

(a) a virtual meeting; or

(b) a hybrid meeting virtually,

is deemed present for establishing a quorum, taking a decision, voting on a matter, and for any other purposes.

(3) For purposes of these Rules, a councillor is—

(a) present at, and attending, a virtual meeting; or

(b) virtually present at, and attending, a hybrid meeting,

if the councillor is able to hear the proceedings, and the Speaker can hear the councillor.

(4)*(a)* A councillor must disclose an interest in any matter before Council as contemplated in item 6 of the Code and withdraw from proceedings when that matter is considered, unless the Council decides that the councillor's interest is trivial or irrelevant.

(b) If a councillor withdraws from proceedings as contemplated in paragraph *(a)*, the Speaker must ensure that virtual access by the councillor to the meeting must be denied for the duration of the consideration of that matter.

10. Order for councillor to withdraw from meeting

If the Speaker is of the opinion that a—

(a) councillor is deliberately contravening a provision of these rules;

(b) councillor is in contempt of or is disregarding the authority of the Speaker; or

(c) councillor's conduct is grossly disorderly,

the Speaker may—

(i) order the councillor to withdraw immediately from the chamber or committee room for the remainder of the day's meeting if the councillor is physically attending the meeting; or

(ii) deny the councillor virtual access for the remainder of the meeting if the councillor is attending the meeting virtually.

11. Procedure for leave of absence

(1) A councillor must, before being absent from the whole or part of a meeting—

(a) apply for permission from the Speaker; and

(b) provide the Speaker with reasonable and *bona fide* reasons and show good cause for granting the application,

at least one working day before the meeting.

(2) Upon receipt of the application contemplated in sub-rule (1), the Speaker must—

(a) consider the application, taking into account the impact it may have on the meeting;

(b) approve or reject the application; and

(c) notify the councillor of the Speaker's decision as soon as possible before the meeting.

(3) If the Speaker rejects the application contemplated in sub-rule (1), the Speaker must provide a reason therefor.

(4) The Speaker, on good cause shown, may grant leave of absence to a councillor who has been prevented by special circumstances from applying for leave of absence in accordance with sub-rule (1), which may include, amongst others, illness of the councillor, or illness or death of a member of the councillor's family.

(5) The names of all councillors—

(a) present at a meeting;

(b) absent from a meeting or a part of a meeting; and

(c) to whom leave of absence from the meeting has been granted,

must be recorded in the minutes.

(6) Leave is deemed to have been granted if a councillor—

(a) has been delegated to attend a meeting or engagement on behalf of the Council; or

(b) withdraws from proceedings as contemplated in rule 9(4).

(7) Sub-rules (1) to (6) also apply with the necessary changes to leave of absence of the Speaker: Provided that a reference in this rule to the Speaker is regarded to be a reference to the Council.

12. Sanctions for non-attendance

(1) Except for the instances contemplated in rules 11(4) and 11(6), a councillor may not without leave—

(a) be absent from a meeting;

(b) fail to be in attendance at the commencement of a meeting; or

(c) fail to remain in attendance until the end of a meeting.

(2) An investigation into an alleged contravention of sub-rule (1) must be conducted in accordance with the uniform standing procedure relating to councillor discipline adopted by the Council.

(3) If the Council finds that a councillor has breached these rules as contemplated in sub-rule (1), the Council must fine the councillor a maximum of—

(a) 10 per cent of the councillor's gross monthly salary for the first breach; and

(b) 25 per cent of the councillor's gross monthly salary for every subsequent breach.

(4) If a councillor is absent from three or more meetings without permission, the Council must request the Provincial Minister to remove the councillor from office.

13. Recording of virtual meetings and hybrid meetings

The Municipal Manager must ensure that every virtual meeting and every hybrid meeting is digitally recorded and that the recording is stored for a period of not less than three years from the date of the meeting.

14. Minutes

(1) The Municipal Manager must—

(a) compile the minutes of the proceedings of a meeting in writing within 10 working days of the meeting; and

(b) provide each councillor with a copy of the minutes within a reasonable period.

(2) The minutes of a meeting must be considered by the Council at its next meeting and, if confirmed, must be signed by the Speaker.

(3) The minutes are taken as read, for the purpose of sub-rule (2), if they were provided to each councillor within a reasonable period before the meeting considering them.

(4) No motion or discussion is allowed on the confirmation of the minutes, except in connection with the correctness thereof.

(5) If a councillor is dissatisfied with the correctness of the minutes, the councillor must—

(a) state the item with which the councillor is dissatisfied; and

(b) propose a motion clearly outlining the alternative wording to amend the minutes.

(6) The minutes of a meeting must set out the date, time and venue or platform of the meeting and the decisions or other action taken at the meeting.

(7) The Municipal Manager must keep and store a record of the signed minutes.

15. Quorum

(1) A meeting may not commence until a quorum is present.

(2) If there is no quorum at the time for which the meeting is scheduled, the Speaker must take the chair as soon as a quorum is present.

(3) If there is no quorum, the start of a meeting shall be postponed by not more than twenty (20) minutes, and when at the end of that period, there is still no quorum, the Speaker, shall postponed the meeting for another twenty (20) minutes. After the expiry of the twenty (20) minutes and there is still no quorum present, the Speaker shall—

(a) adjourn the meeting to another time, date and venue or platform at the Speaker's discretion; and

(b) record the time of such adjournment and the names of those councillors present.

(4) If the Speaker is not present and there is no quorum, the start of the meeting shall be postponed by not more than twenty (20) minutes by the Municipal Manager, and when there is still no quorum at the end of that period, the Municipal Manager shall postponed the meeting for another twenty (20) minutes and if there is still no quorum present, the meeting may not take place and the Municipal Manager must record the time of such adjournment and the names of the councillors present.

(5) If during a meeting there is no quorum, the Speaker must suspend the proceedings until a quorum is again present: Provided that if after 10 minutes or such longer time as the Speaker may allow, there is still no quorum, the Speaker must—

(a) adjourn the meeting to another time, date and venue or platform at the Speaker's discretion; and

(b) record the time of such adjournment and the names of those councillors present.

(6) No technical failure on the part of a councillor or group of councillors during a virtual meeting or a hybrid meeting that leads to a break in the virtual connection for a total period of not more than five minutes invalidates any action taken by a majority of the councillors attending the meeting.

16. Adjournment of proceedings

(1) The Speaker may only adjourn a meeting—

(a) after the Council has transacted all of its business on the agenda;

(b) in the absence of a quorum as contemplated in rule 15;

(c) upon a successful motion to adjourn as contemplated in rule 45 or 46;

(d) when a meeting has fallen into disarray and has become unruly;

(e) in the event of a resignation as contemplated in rule 56(11); or

(f) in the event of *vis major*.

(2) When the Speaker adjourns a meeting, the members may leave the venue or platform.

17. Continuation of meeting if Speaker unlawfully adjourns meeting

(1) If the Speaker has adjourned a meeting in circumstances other than those contemplated in rule 16, such adjournment is improper and the remaining councillors may proceed with the remainder of the agenda: Provided that a quorum is still present.

(2) The remaining councillors must elect an Acting Speaker to preside over the proceedings to conclude the agenda.

(3) The Municipal Manager or, if the Municipal Manager is absent, unavailable, unwilling or unable, a person designated by the Provincial Minister, presides at the election of an Acting Speaker in accordance with section 36(3) of the Structures Act.

(4) The Acting Speaker may only preside over the remainder of the meeting that was improperly adjourned by the Speaker.

CHAPTER 3
DECISIONS

18. Unopposed matters

If the Council is called upon to consider a matter before it, the Speaker must ask the Council if there is any opposition to the matter from any councillor, and if there is none, a unanimous vote must be recorded in the minutes of the meeting.

19. Opposed matters

If the Council is called upon to consider a matter before it, the Speaker must ask the Council if there is any opposition to the matter from any councillor, and if there is opposition—

(a) the Speaker must put the matter to the vote as contemplated in these rules;

(b) the Speaker must announce the result of the vote; and

(c) upon the announcement of the result of the vote, a councillor may demand that the councillor's dissenting vote, abstention or supporting vote be recorded in the minutes of the meeting.

20. Decisions by voting

(1) As contemplated in section 160(3)*(a)* of the Constitution and section 30(1) of the Structures Act, a quorum must be present before a vote may be taken on any matter.

(2) A supporting vote of a majority of incumbent councillors is necessary to decide on any matter prescribed by legislation, or, in accordance with section 160(3)*(b)* of the Constitution and section 30(2) of the Structures Act, on the—

(a) passing of a by-law;

(b) approval of the budget;

(c) imposition of rates and other taxes, levies and duties; and

(d) raising of loans.

(3) A supporting vote of at least two-thirds of incumbent councillors is necessary to adopt a decision to dissolve the Council, in accordance with section 34 of the Structures Act.

(4) All other questions before the Council are decided by a majority of the votes cast, as contemplated in section 160(3)*(c)* of the Constitution.

(5) If on any question other than a matter contemplated in section 160(2) of the Constitution, there is an equality of votes, the Speaker must exercise a casting vote in addition to the Speaker's vote as a councillor as contemplated in section 30(4) of the Structures Act.

(6) The Executive Mayor, if applicable, must submit a report and recommendations before the Council takes a decision on the following matters:
(a) Any matter contemplated in sub-rule (2)(b) and *(c)*;
(b) the approval of an integrated development plan or any amendment thereof; and
(c) the appointment and conditions of service of a Municipal Manager and a Senior Manager directly reporting to a Municipal Manager.

(7) As contemplated in item 3 of the Code, a councillor may not vote in favour of, or agree to, a resolution which is before the Council and conflicts with any legislation applicable to local government.

21. Method of voting

(1) Voting must take place in the manner contemplated in rule 22(2) or (3), unless—
(a) (i) the law prescribes otherwise; or
(ii) the Speaker determines that voting must take place by a secret ballot,
in which case voting must take place in the manner contemplated in rule 22(4); or

(b) the Speaker determines that—

(i) a virtual meeting must take place, in which case voting must take place in the manner contemplated in rule 22(4); or

(ii) a hybrid meeting must take place, in which case voting must take place in the manner contemplated in rule 22(5).

(2) When the Speaker exercises the power to determine the appropriate voting procedure or method, the following factors must be taken into account:

(a) The subject and content of the matter to be voted on;

(b) the prevailing circumstances relating to the matter to be voted on;

(c) the weight to be afforded to the advancement of the principles of transparency, accountability, and good governance, and enabling councillors to vote according to their conscience and in the furtherance of the best interest of the people;

(d) which voting procedure or method would ensure that councillors exercise their powers, perform their functions, and carry out their duties most effectively;

(e) the imperative of the Speaker's impartiality;

(f) the possible consequences of the resolution on the municipality, members of the public, and councillors;

(g) the possibility of corruption if voting takes place by way of a secret ballot; and

(h) any other relevant factors.

(3) A councillor may not leave the venue or platform during the taking of a vote.

22. Casting of votes

(1) Unless any law provides otherwise, voting takes place in accordance with a manual or virtual voting system.

(2) A manual voting system must be used in accordance with a procedure predetermined by the Speaker and—

(a) the Municipal Manager or the Municipal Manager's nominee must, count the votes cast in the presence of a representative of each party represented on the Council or the committee, as the case may be, and present at such meeting and must record the result of voting;

(b) after councillors' votes have been counted, the Speaker must immediately announce the result of the division; and

(c) the names and votes of the councillors must be recorded in the minutes of the meeting.

(3) A secret ballot may be held in a physical meeting, in which case—

(a) the Municipal Manager or the Municipal Manager's nominee must hand to each councillor a ballot paper having the alternates to be voted for clearly depicted thereon;

(b) the Municipal Manager or the Municipal Manager's nominee must collect all the ballot papers and count them in the presence of a representative of each party represented on the Council, or the committee, as the case may be, and present at such meeting; and

(c) the Speaker must immediately announce the result of the division.

(4) Where a virtual meeting is held—

(a) only councillors who are in attendance when the vote is called are permitted to vote;

(b) the Speaker must give a councillor who is in attendance but experiences a technical failure that leads to a break in the virtual connection, one other opportunity to vote after a period of five minutes have lapsed since first calling such councillor to vote;

(c) councillors may vote in the order indicated by the Speaker;

(d) councillors must switch on their video function, clearly identify themselves and record their votes by stating "Yes", "No" or "Abstain" when directed by the Speaker to cast their votes;

(e) a councillor who is unable to cast the councillor's vote, must draw this to the attention of the Speaker and may in person or through the relevant party whip inform the Speaker of the councillor's vote;

(f) after all councillors have cast their votes, the Speaker must immediately announce the result of the division;

(g) the names and votes of the councillors must be recorded in the minutes of the meeting;

(h) councillors must ensure that their votes are correctly recorded;

(i) the Municipal Manager must maintain a system that is capable of verifying the votes cast.

(5) Where a hybrid meeting is held—

(a) the Speaker must direct which voting system must be utilised by the councillors who are physically attending the meeting; and

(b) the councillors who are virtually attending the meeting must vote in the manner contemplated in sub-rule (4).

CHAPTER 4

ATTENDANCE AT AND PARTICIPATION IN MEETINGS

23. Attendance of and address by municipal employee or member of public

(1) The Speaker must—

(a) take reasonable steps to regulate public access to, and public conduct at, meetings as contemplated in section 20(4)*(b)* of the Systems Act; and

(b) ensure that meetings are accessible to persons with disabilities.

(2) The Council must conduct its business in an open manner and may close its meetings as contemplated in rule 25 only when it is reasonable to do so, having regard to the nature of the business being transacted as contemplated in section 160(7) of the Constitution.

(3) `A municipal employee or member of the public who was not invited by the Speaker to address the Council, but wishes to do so, must apply in writing to the Speaker at least one working day before the meeting, stating the matter on which the municipal employee or member of the public wishes to speak.

(4)*(a)* The Speaker may allocate reasonable time to any municipal employee or member of the public to address the Council upon granting an application contemplated in sub-rule (3).

(b) If the meeting is a virtual meeting, the Speaker must ensure that the municipal employee or member of the public is granted access to the meeting using virtual means.

(c) If the meeting is a hybrid meeting, the Speaker must ensure that the municipal employee or member of the public is granted physical access to the meeting or access using virtual means.

(d) If the member of the public contemplated in paragraph *(b)* or *(c)* does not have the means to virtually attend the meeting—

(i) the member of the public must inform the Speaker and the Municipal Manager; and

(ii) the Municipal Manager must ensure that the member of the public is given access at the municipal premises, using virtual means, to the meeting.

24. Arrangements relating to attendance

A councillor, municipal employee or member of the public who virtually attends a meeting, must—

(a) switch on the video function, unless otherwise directed by the Speaker;

(b) mute the microphone when not speaking;

(c) use the chat function to ask recognition from the Speaker to speak; and

(d) wait for the Speaker to be called upon to speak or unmute the microphone.

25. Exclusion of members of public from meeting

(1) Subject to section 20(1) of the Systems Act and sub-rules (2) and (3), members of the public may be excluded from a meeting—

(a) if so directed by the Speaker;

(b) if so decided by Council upon a motion from any councillor to that effect; or

(c) where matters are marked confidential.

(2) Members of the public may not be excluded when considering or voting on a matter contemplated in section 20(2) of the Systems Act.

(3) Members of the public may be excluded when the Council, due to the nature of the business being transacted or when the disclosure of any matter may be prejudicial to the interests of the municipality, deems it reasonable and justifiable to do so, having regard to the principles of an open and democratic society.

(4) If a motion to exclude members of the public from the meeting as contemplated in sub-rule (1)*(b)* is seconded, the motion must be put to the vote, after a discussion of the reasons, but without discussion of the matter.

(5) If members of the public are excluded from—

(a) a physical meeting, the venue must be cleared of all members of the public;

(b) a virtual meeting, virtual access by the public must be denied; or

(c) a hybrid meeting, the venue must be cleared of all members of the public and virtual access by the public must be denied.

(6) The motivation for the exclusion of members of the public must be recorded in the minutes of the meeting.

26. Re-admission of members of public

(1) A councillor may during the course of a meeting from which members of the public were excluded, move a motion "that the meeting again be opened" and state the reasons for the motion.

(2) If the motion is seconded, it must be put to the vote forthwith without debate.

(3) If the motion is carried, the Speaker must ensure that members of the public are permitted—

(a) physical access to a physical meeting;

(b) virtual access to a virtual meeting; or

(c) physical and virtual access to a hybrid meeting.

CHAPTER 5
CONDUCT IN MEETINGS

27. Conduct of councillors, municipal employees and members of public

(1) Councillors, municipal employees and members of the public must preserve order at meetings, and may not—

(a) behave in an unseemly manner;

(b) obstruct the business of a meeting;

(c) commit any breach of the rules;

(d) indulge in an irrelevant argument or the tedious repetition of arguments; or

(e) use offensive or unbecoming language or remarks which are of a defamatory nature.

(2) Councillors may not challenge a ruling of the Speaker as contemplated in rule 8(2).

(3) If a councillor, municipal employee or member of the public breaches sub-rule (1), the Speaker must direct such councillor, municipal employee or member of the public to refrain from the breach.

(4) If a councillor, municipal employee or member of the public disregards the direction of the Speaker contemplated in sub-rule (3), the Speaker may—

(a) direct the councillor, municipal employee or member of the public if speaking, to discontinue the councillor, municipal employee or member of the public's speech;

(b) direct the councillor, municipal employee or member of the public to withdraw from the chamber or committee room for the remainder of the meeting if the councillor, municipal employee or member of the public is physically attending the meeting; or

(c) mute the microphone of the councillor, municipal employee or member of the public for the remainder of the meeting if the councillor, municipal employee or member of the public is virtually attending the meeting.

(5) If the Speaker fails to act under sub-rule (3) or (4), any councillor may move a motion to require the Speaker to do so.

(6) The motion contemplated in sub-rule (5) must be moved without notice, and if the motion is seconded, it must be put to the vote forthwith without debate.

CHAPTER 6
DEBATE AND MOTIONS

28. Address to Speaker

(1) A councillor, or a municipal employee or member of the public contemplated in rule 23(4)*(a)*, who is recognised to speak at a meeting, must address the Speaker.

(2) A member of the public who is recognised by the Speaker must state the member of the public's name, and if the member of the public is representing an organisation or group, identify such organisation or group.

29. Right to speak and limitation

(1) As contemplated in section 160(8)*(a)* and *(b)* of the Constitution, a councillor is entitled to participate in Council proceedings in a manner that—

(a) allows the parties and interests reflected within the Council to be fairly represented; and

(b) is consistent with democracy.

(2) A councillor has freedom of speech in any meeting of the Council and in any committee of which the councillor is a member in accordance with section 28 of the Structures Act and section 2 of the Western Cape Privileges and Immunities of Councillors Act, 2011 (Act 7 of 2011): Provided that the councillor must—

(a) confine the councillor's speech to municipal matters;

(b) avoid personal attacks on other councillors; and

(c) refrain from defaming another councillor, a person or an institution.

(3) The right to freedom of speech of a councillor contemplated in sub-rule (2)—

(a) includes participation in the deliberations and voting on any resolution, decision, report, paper or minutes adopted or approved by the Council or any of its committees; and

(b) is subject to these rules.

(4) A councillor who is not a member of a committee has the right to speak at a meeting of that committee: Provided that such councillor has been permitted by the chairperson to speak to a specific item on the agenda.

(5) A councillor may speak or proceed to speak at a meeting after being recognised by the Speaker.

(6) A councillor may speak only once to—

(a) a matter before the Council;

(b) any motion before the Council;

(c) any amendments to a motion before the Council; or

(d) a point of order or a question,

unless authorised by the Speaker or as provided for in these rules.

(7) A councillor may not be interrupted while speaking, unless called to order by the Speaker or a point of order is raised by any other councillor.

(8) The Speaker may not recognise a councillor to speak on a matter once that matter has been voted on.

(9) The Speaker may not allow a debate on a matter—

(a) which may anticipate any matter on the agenda; or

(b) in respect of which a decision by a judicial or administrative body or a commission of inquiry is pending.

30. Participation by Speaker in debate

(1) If the Speaker wishes to take part in a debate, the Speaker may do so from the floor and must—

(a) request the meeting to elect an Acting Speaker in the manner contemplated in rule 17(3) for the duration of the debate in which the Speaker wishes to take part; and

(b) in the event of a physical meeting, or a hybrid meeting where the Speaker is physically attending the meeting, vacate the chair and take up a seat amongst the other councillors.

(2) The Speaker does not have to vacate the chair if the Speaker is reporting on matters relating to the Council and its administration.

31. Tabling of documents

(1) Where any law requires any document or report to be tabled in the Council by a councillor or municipal employee, tabling is deemed to be effected—

(a) in the case of a physical meeting, or a hybrid meeting where the Speaker and the councillor or municipal employee concerned are physically attending the meeting, by presenting it to the Speaker at such meeting; or

(b) in the case of a virtual meeting, or a hybrid meeting where—

(i) either the Speaker or the councillor or municipal employee concerned is not physically attending the meeting; or

(ii) both the Speaker and the councillor or municipal employee concerned are not physically attending the meeting,

upon an announcement by the Speaker that the document or report had been presented in person or electronically to the Speaker prior to the commencement of the meeting.

(2) All documents and reports tabled in the Council must be recorded in the minutes.

(3) The Speaker must ensure that all documents and reports tabled in the Council are included in the agenda of a subsequent meeting for consideration or resolution, or both.

32. Questions

(1) A councillor may submit a question on any matter relevant to a political office bearer or municipal employee concerning any matter related to the effective performance of the functions of the municipality and the exercise of its powers and carrying out of its duties, by giving 10 working days' notice in writing to the Speaker.

(2) A question must be in writing, dated and signed by the councillor and the date of receipt must be endorsed on it.

(3) The Speaker may—

(a) refer the question back to the councillor with a reason why it cannot appear on the agenda, which reason may include, amongst others, that the Speaker is of the opinion that the question is out of order, not clearly put, irrelevant or not submitted in accordance with these rules; or

(b) accept the question and refer it to the appropriate political office bearer or municipal employee to answer.

(4) The Municipal Manager must ensure that a response is given at the next meeting: Provided that if an answer cannot be put before the meeting, it must be considered at the subsequent meeting.

(5) If a question served before the Council, a similar question may not be put before the Council until a period of three months has lapsed, unless the Council directs otherwise.

(6) A debate will not be allowed on a question, except a question of clarity from the councillor who posed the question.

(7) A question and the response thereto must be published on the municipality's website for public notification.

33. Content of debate

A councillor who speaks, must direct the councillor's speech to the matter before the Council.

34. Point of order

(1) A councillor may interject during a meeting to raise a point of order to call the attention of the Speaker to a breach of the rules, the Code or a statutory provision.

(2) A point of order may be raised in relation to—

(a) a procedural matter; or

(b) the conduct of a councillor, municipal employee, or member of the public.

(3) A councillor raising a point of order must immediately be heard, and the councillor must state the—

(a) point of order; and

(b) rule, item in the Code or statutory provision that is being breached.

(4)*(a)* A councillor who is speaking when a point of order is raised must immediately stop speaking until the point of order is ruled on by the Speaker.

(b) All other matters before the Council must be suspended until the point of order is ruled on.

(5) If ruled to be—

(a) in order, the councillor must be allowed to proceed with the councillor's speech; or

(b) out of order, the councillor must remain silent or must retract or change any remarks so as to comply with the ruling.

(6) The Speaker's ruling on a point of order—

(a) is final and not open to debate; and

(b) must be recorded in the minutes.

(7)*(a)* If a councillor persists in irrelevant, frivolous or unsubstantiated points of order, the Speaker may—

(i) rule that the councillor must withdraw immediately from the chamber or committee room for the remainder of the day's meeting if the councillor is physically attending the meeting; or

(ii) mute the microphone of the councillor if the councillor is virtually attending the meeting.

(b) If the Speaker fails to act under paragraph *(a)*, any councillor may move a motion to require the Speaker to do so.

35. Explanation

(1) The Speaker may allow a councillor to explain a previous speech, but only when and to the extent that a material part of the speech may have been misunderstood.

(2) The councillor giving the explanation may not introduce any new matter, and no debate on the explanation may be allowed.

36. Motion

A councillor may move a motion only when the councillor is recognised by the Speaker and if seconded by another councillor, unless provided otherwise in these rules.

37. Notice of motion

(1) Unless provided otherwise in these rules, a notice of motion must be—

(a) in writing, dated, motivated and signed by the relevant councillor; and

(b) delivered to the Speaker at least two working days before the date of the meeting at which it is to be moved.

(2) The Speaker may refuse to allow an item, motion or question in the circumstances contemplated in rule 5(4), in which event the Speaker must refer the item, motion or question—

(a) back to the councillor concerned, with the reason why it cannot be placed on the agenda;

(b) to the committee that is mandated by the Council to deal with the matter; or

(3) If an item, motion or question was put before, and refused by, the Council, a similar item, motion or question may not be put before the Council until a period of three months has lapsed, unless the Council directs otherwise.

(4) Sub-rule (1) does not apply to the following motions:

(a) A motion of exigency contemplated in rule 39; and

(b) A motion of course contemplated in rule 40.

38. Question for debate

(1) During a debate and—

(a) after a motion has been moved and seconded; or

(b) at the conclusion of any speech on a motion,

any councillor may ask any question relevant to the motion to another councillor.

(2) Only the councillor who asked the question may ask a supplementary question, and then only in respect of matters arising out of the reply to that question.

(3) The councillor to whom the question is directed may—

(a) reply thereto forthwith; or

(b) require that notice be given of the question, in which event the Speaker must ensure that the reply is placed on the agenda of the next meeting.

39. Motion of exigency

(1) A councillor may direct the attention of the Council to any matter which does not appear on the agenda and of which no notice has been given, by stating briefly the subject of the matter and, without comment thereon, moving a motion "that the motion to which attention has been directed be considered forthwith as a matter of exigency".

(2) If the motion in sub-rule (1) is seconded and carried, the councillor who moved the motion may be permitted without notice to have the matter considered.

(3) This rule does not apply to a motion to remove the Speaker, Executive Mayor or Executive Deputy Mayor from office as contemplated in rule 56.

40. Motion of course

(1) The following are regarded as motions of course:

(a) That precedence be given to the consideration of any particular matter appearing on the agenda;

(b) That any report referred to in the agenda be noted, adopted, acted upon or referred back;

(c) That any document before the Council be acted upon in the manner specified in the motion;

(d) That action be taken with regard to any matter submitted for consideration in the manner specified in the motion;

(e) That the Speaker must direct that a councillor, municipal employee or a member of the public withdraw from the meeting; and

(f) Any motion contemplated in rule 41.

(2) If a motion of course is seconded, it must be put to the vote forthwith without debate.

41. Precedence of debate

When a motion is under debate, no further motion may be received, except that—

(a) the motion be amended as contemplated in rule 42;

(b) the consideration of the matter be postponed to a fixed or undetermined date as contemplated in rule 43;

(c) members of the public be excluded as contemplated in rule 25;

(d) members of the public be re-admitted as contemplated in rule 26;

(e) the meeting be adjourned to another date as contemplated in rule 44;

(f) the meeting be adjourned for a specified time as contemplated in rule 45;

(g) the debate on the matter be adjourned for a specified time as contemplated in rule 46;

(h) the motion be put to the vote as contemplated in rule 47;

(i) the motion be removed from the agenda as contemplated in rule 48;

(j) the motion be referred to a committee as contemplated in rule 49; or

(k) the motion be withdrawn as contemplated in rule 50.

42. Amendment motion

(1) A councillor may move an amendment motion by stating—

(a) "that the motion be amended"; and

(b) how the original motion should be amended.

(2) Subject to sub-rule (6), the motion contemplated in sub-rule (1)—

(a) need not be in writing; and

(b) must be seconded.

(3) The amendment must be relevant to the original motion on which it is moved, and must be moved while the original motion is under consideration.

(4)*(a)* The amendment may not amend, in a material way, the principle embodied in the original motion, but may vary its terms in one or more particulars.

(b) The Speaker must decide whether or not the amendment complies with paragraph *(a)*, and must rule accordingly.

(5) The amendment must be considered before considering the original motion.

(6) If the Speaker so requires, a proposed amendment must be in writing, signed by the councillor who moved it, and—

(a) handed to the Speaker; or

(b) delivered to the Speaker by electronic communication.

(7)*(a)* If there is more than one amendment to the original motion, the last proposed amendment must be put to the vote first, and if carried, the matter must be resolved accordingly.

(b) If the last proposed amendment is rejected, the amendment proposed immediately before the last amendment must be put to the vote.

(c) When all amendments have been disposed of, the original motion must be put to the vote.

(8) No further amendment to the original motion may be moved after the Speaker has commenced to take the vote on the original motion.

43. Motion for postponement of matter

(1) A councillor may at the conclusion of a speech move "that the consideration of the matter be postponed to a fixed or undetermined date".

(2) The motion—

(a) need not be in writing; and

(b) must be seconded.

(3) The councillor who moved the motion may speak to the motion.

(4) The councillor who moved the original motion in respect of the matter under debate may reply, after which the motion contemplated in sub-rule (1) must be put to the vote without further debate.

(5) If the motion contemplated in sub-rule (1) is carried, the matter must be placed first on the agenda of matters to be considered at the meeting to which it has been postponed.

(6) If the motion contemplated in sub-rule (1) is not carried, the meeting must proceed as though no interruption occurred.

44. Motion for adjournment of meeting to another date

(1) A councillor may, at any time during the meeting, except during the course of a speech by another councillor or when a vote is being taken, move "that the meeting adjourn to another date".

(2) The motion—
(a) need not be in writing; and
(b) must be seconded.

(3) The councillor who moved the motion may speak to the motion.

(4) A debate on the motion may not be permitted: Provided that the first councillor to indicate the councillor's opposition to the motion, may speak in opposition thereof.

(5) An amendment to the motion may not be moved, except in relation to the period of adjournment.

(6) If the motion is carried, the meeting must forthwith adjourn and be reconvened on the date specified in the motion or amended motion, unless the Speaker directs that the meeting proceed first to dispose of business other than the opposed business.

(7) If the motion is not carried, the meeting must proceed as if no interruption occurred, and the Speaker may not accept a similar motion until 30 minutes has lapsed.

(8) Before the conclusion of a motion that is carried during a debate, the councillor who moved the adjournment is entitled to speak first when the matter is reopened for discussion at the adjourned meeting.

(9) No business may be transacted at an adjourned meeting other than the business that was on the agenda for the meeting of which it is an adjournment.

45. Motion for adjournment of meeting for specified time

(1) A councillor may at any time, except during the course of a speech by another councillor or when a vote is being taken, move "that the meeting adjourn for a specified time", which may not exceed 60 minutes.

(2) The motion—

(a) need not be in writing; and

(b) must be seconded.

(3) If the motion is carried, the meeting must forthwith adjourn for the specified time and reconvene on the time specified in the motion.

(4) If the motion is not carried, the meeting proceeds as though no interruption occurred, and the Speaker may not accept a similar motion until 30 minutes has lapsed.

(5) The Speaker may at any time adjourn a meeting for a specified time, on good cause shown.

46. Motion for adjournment of debate on matter for specified time

(1) A councillor may, at the conclusion of any speech on a matter, move "that the debate on the matter be adjourned for a specified time".

(2) The motion—

(a) need not be in writing; and

(b) must be seconded.

(3) The councillor who moved the motion may speak to the motion.

(4) No debate is permitted on the motion, except that the first councillor to indicate the councillor's opposition to the motion, may speak in opposition thereto.

(5) No amendment to the motion may be moved, except in relation to the period of adjournment.

(6)*(a)* If the motion is carried, the meeting proceeds to the next item on the agenda, and the adjourned debate is resumed at the time specified in the motion.

(b) On the resumption of the adjourned debate, the councillor who moved the adjournment is entitled to speak first.

(7) If the motion is not carried, the debate on the matter proceeds as though no interruption occurred, and the Speaker may not accept a similar motion until 30 minutes has lapsed.

(8) A councillor may not move or second more than one motion for the adjournment of the debate on the matter during the course of that debate.

(9) The Speaker may at any time adjourn a debate for a specified time, on good cause shown.

47. Motion that matter be put to vote

(1) A councillor may, at the conclusion of any speech on a matter, move "that the matter be put to the vote".

(2) The motion—

(a) need not be in writing; and

(b) must be seconded.

(3) Subject to sub-rule (4), a motion contemplated in sub-rule (1) is not open to debate.

(4) The councillor who moved the original motion under debate may, when a motion contemplated in sub-rule (1) has been moved, speak on that original motion, whereupon the motion contemplated in sub-rule (1) must be put to the vote without any further debate.

(5) If a motion contemplated in sub-rule (1) has been adopted, the motion must be put to the vote without any further debate.

(6) If the motion contemplated in sub-rule (1) is not carried, the meeting proceeds as though no interruption occurred, and the Speaker may not accept a similar motion on that item.

48. Motion to remove matter from agenda

(1) A councillor may move "that the matter be removed from the agenda".

(2) The motion—

(a) need not be in writing; and

(b) must be seconded.

(3) Subject to sub-rule (4), a motion contemplated in sub-rule (1) is not open to debate.

(4) The councillor who moved the original motion under debate may, when a motion contemplated in sub-rule (1) has been moved, speak on that original motion, whereupon the motion contemplated in sub-rule (1) must be put to the vote without any further debate.

(5) If the motion contemplated in sub-rule (1) is carried, the matter must be removed from the agenda of the meeting, and may not be further pursued at that meeting.

(6) If the motion contemplated in sub-rule (1) is not carried, the meeting proceeds as though no interruption occurred, and the Speaker may not accept a similar motion on that item.

49. Motion to refer matter to committee

(1) A councillor may, at the conclusion of any speech on a matter, move "that the matter be referred to a committee".

(2) The motion—

(a) need not be in writing; and

(b) must be seconded.

(3) Subject to sub-rule (4), a motion contemplated in sub-rule (1) is not open to debate.

(4) The councillor who moved the original motion under debate may, when a motion contemplated in sub-rule (1) has been moved, speak on that original motion, whereupon the motion contemplated in sub-rule (1) must be put to the vote without any further debate.

(5) If the motion contemplated in sub-rule (1) is carried, the matter under debate may not be further pursued at the meeting.

(6) If the motion contemplated in sub-rule (1) is not carried, the meeting proceeds as though no interruption occurred, and the Speaker may not accept a similar motion on that item.

50. Withdrawal of motion or question

(1)*(a)* A councillor who has moved a motion may at any time withdraw it.

(b) A councillor may not speak on a motion after the Council has permitted the withdrawal of the motion.

(c) If a motion is withdrawn, a similar motion may not be put before the Council until a period of three months has lapsed, unless the Council directs otherwise.

(2)*(a)* A councillor who has asked a question may withdraw it at any time before the question is answered.

(b) If a question is withdrawn, a similar question may not be put before the Council until a period of three months has lapsed, unless the Council directs otherwise.

51. Absence of councillor who gave notice of motion or question

(1) If the councillor who gave notice of a motion or a question is not present when called upon by the Speaker, the motion may be moved or the question may be asked by any other councillor.

(2) If the motion contemplated in sub-rule (1) is not moved, the meeting proceeds as though no interruption occurred, and the Speaker may not accept a similar motion on that item.

52. Re-introduction of motion or question

A motion which has been rejected by the Council or a question which has been answered, may not again be moved or asked within a period of three months of the meeting at which it was rejected or answered, unless the Council directs otherwise.

53. Motion or question on matter referred to committee

(1) A councillor may not give notice of a motion or question with regard to any matter that is before a committee for consideration, unless notice thereof has also been—

(a) submitted to that committee; or

(b) referred to that committee for consideration and report.

(2) A member of a committee may, if the member of the committee is of the opinion that the matter is one of urgency, give notice of a motion or question on a matter referred to the committee, despite the fact that the motion or question has not been submitted to or considered by that committee.

54. Recommendation by Executive Mayor or committee

(1) A recommendation contained in a report submitted by the Executive Mayor or a committee to the Council is considered to have been moved by the Executive Mayor or the committee, as the case may be.

(2) The motion does not need to be seconded.

(3) The Executive Mayor or any member of the Mayoral Committee or chairperson of a committee, as the case may be, may speak on the matter and reply, but the reply must be confined to the matter and may not introduce any new matter into the debate.

55. Report on delegated powers

An Executive Mayor, Speaker, committee or Municipal Manager must report to the Council on decisions taken with respect to a delegated or sub-delegated power or duty at such intervals as the Council may require.

CHAPTER 7

REMOVAL OF OFFICE-BEARER FROM OFFICE

56. Removal of Speaker, Executive Mayor or Executive Deputy Mayor from office

(1)*(a)* A councillor may, by written motion addressed to the Speaker, move that the Speaker, Executive Mayor or Executive Deputy Mayor be removed from office.

(b) A motion to remove the Speaker, Executive Mayor or Executive Deputy Mayor from office contemplated in paragraph *(a)* must be seconded by at least three other councillors.

(2) A motion to remove the Speaker, Executive Mayor or Executive Deputy Mayor from office must contain a brief summary of the reasons for the removal, and indicate the date and the time of the Special Council meeting, which date may not be less than—

(a) six working days from the date that the motion is submitted to the Speaker; or

(b) four working days from the date the request is submitted to the Speaker if the matter is regarded as an urgent matter, in which event the reasons for urgency must be stated in the request.

(3) The Speaker must, upon receipt of a motion to remove the Speaker, Executive Mayor or Executive Deputy Mayor from office—

(a) forthwith send a copy to the Municipal Manager and

(b) if the motion complies with the requirements set out in this rule and the Structures Act—

(i) convene a Special Council meeting on the date and at the time set out in the motion and at a venue or using a platform determined by the Speaker; and

(ii) inform the Municipal Manager of the date, time and venue or platform.

(4) If the Speaker, for whatever reason, fails to convene the Special Council meeting in terms of sub-rule (3) within three working days of receipt of the motion, the Municipal Manager, or in the absence or refusal by the Municipal Manager, a person designated by the Provincial Minister, may convene and chair the Special Council meeting on the date and at the time set out in the motion and at a venue or using a platform determined by the Municipal Manager or person designated by the Provincial Minister, as the case may be.

(5)*(a)* If the Speaker is absent, unavailable, unwilling or unable to chair the Special Council meeting, the Municipal Manager or a person designated by the Provincial Minister if the Municipal Manager is absent, unavailable, unwilling or unable, must preside at the election of an Acting Speaker in accordance with section 36(3) of the Structures Act.

(b) The Acting Speaker may only preside over the Special Council meeting concerned.

(6) Only the motion to remove the Speaker, Executive Mayor or Executive Deputy Mayor from office contemplated in sub-rule (1) may be dealt with at the Special Council meeting.

(7)*(a)* The Municipal Manager must give notice of the Special Council meeting at least two working days prior to the meeting, in the manner contemplated in rule 6(5) and (6).

(b) If the Speaker determines that the Special Council meeting is an urgent meeting, the Municipal Manager must, at least one working day before the meeting, give written notice as contemplated in rule 6(5) and (6), except if time constraints make this impossible.

(c) If the Municipal Manager accidentally omits to give notice to any councillor, such omission does not invalidate a meeting.

(8) If the Speaker, Executive Mayor or Executive Deputy Mayor to whom the motion relates, resigns from office at any time before the Special Council meeting takes place, the motion to remove the Speaker, Executive Mayor or Executive Deputy Mayor from office lapses and the meeting does not go ahead.

(9) The Speaker, Executive Mayor or Executive Deputy Mayor to whom the motion relates, has the right and must be allowed the opportunity during the Special Council meeting to respond to every allegation made—

(a) in the motion to remove the Speaker, Executive Mayor or Executive Deputy Mayor from office; and

(b) during the meeting.

(10) If the Speaker, Executive Mayor or Executive Deputy Mayor to whom the motion relates, is not present during the Special Council meeting, the Council may continue with the proceedings in the absence of such office-bearer.

(11) If the Speaker, Executive Mayor or Executive Deputy Mayor to whom the motion relates, at any time during the Special Council meeting, but before the motion to remove the Speaker, Executive Mayor or Executive Deputy Mayor from office is put to the vote, resigns from office, the—

(a) Special Council meeting is adjourned immediately; and

(b) motion lapses;

despite any provisions to the contrary in these rules: Provided that if the motion to remove the Speaker, Executive Mayor or Executive Deputy Mayor from office concerns the Speaker, the Council must proceed to elect a new Speaker.

(12) If the motion to remove the Speaker, Executive Mayor or Executive Deputy Mayor from office is carried, the Speaker, Executive Mayor or Executive Deputy Mayor to whom the motion relates, is removed from office with immediate effect and the Council proceeds to elect a new Speaker, Executive Mayor or Executive Deputy Mayor, as the case may be, despite any provisions to the contrary in these rules.

(13) A councillor elected as Speaker, Executive Mayor or Executive Deputy Mayor in terms of sub-rule (11) or (12), as the case may be, serves for the unexpired term of the predecessor.

(14) If the motion to remove the Speaker, Executive Mayor or Executive Deputy Mayor from office is not carried, no motion forwarding the same allegations may be put before the Council until a period of three months has lapsed, unless the Council directs otherwise.

CHAPTER 8
LEGISLATIVE PROCESS

57. Introduction of draft by-law

A draft by-law may be introduced only by a councillor or a committee, as contemplated in section 12 of the Systems Act.

58. Introduction of draft by-law by councillor

(1) A councillor may introduce a draft by-law by submitting it, together with a memorandum on its objects, to the Municipal Manager.

(2) If one or more committees deal with the subject of the draft by-law, the Municipal Manager must submit a report with the Municipal Manager's comments on the draft by-law to such committee or committees, as the case may be, for comment.

(3)*(a)* The Municipal Manager must submit a report on the draft by-law, together with any comments received from the committee or committees, as the case may be, as contemplated in sub-rule (2), if applicable, to the Executive Mayor for a report and recommendation to the Council as contemplated in section 30(5) of the Structures Act.

(b) The Executive Mayor must within three months of receipt of a draft by-law from the Municipal Manager, consider the draft by-law and decide to either support it with or without amendments, or not support it.

(4) After the Executive Mayor has made a decision as contemplated in sub-rule (3)*(b)*, the Executive Mayor must submit a report to the Council which sets out the following:

(a) An executive summary of the draft by-law;

(b) a memorandum on the objects of the draft by-law;

(c) the contents of the draft by-law;

(d) other by-laws that will have to be repealed or amended if the draft by-law is adopted;

(e) the reasons why the draft by-law is supported with or without amendments or not supported, as the case may be;

(f) any relevant comments or proposals, which may include proposals for amendments; and

(g) a recommendation or recommendations.

(5)*(a)* After considering the report contemplated in sub-rule (4), the Council must decide to either reject the draft by-law or to approve it with or without amendments.

(b) If the Council rejects the draft by-law, a by-law of the same substance may not be introduced until a period of six months from the date of rejection has lapsed, unless the Council directs otherwise.

(c) If the Council approves the draft by-law, the draft by-law must be published for public comment in accordance with rule 61.

59. Introduction of draft by-law by committee

(1) A committee may introduce a draft by-law by submitting it, together with a memorandum on its objects, to the Municipal Manager for comment.

(2) The committee must consider the comments received from the Municipal Manager as contemplated in sub-rule (1), and submit it again to the Municipal Manager.

(3)*(a)* If any other committee deals with the subject of the draft by-law, the Municipal Manager must submit a report on the need for the by-law for consideration to such committee.

(b) If the committee contemplated in paragraph *(a)* agrees that the by-law is necessary, the Municipal Manager must submit the draft by-law to that committee for comment.

(4) The Municipal Manager must submit the draft by-law with the comments contemplated in sub-rule (3)*(b)*, if applicable, to the Executive Mayor.

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(5) The process contemplated in rule 59(3)*(b)* to (5) applies to the introduction of a draft by-law by a committee.

60. Publication of draft by-law

(1)*(a)* The Municipal Manager must, as soon as possible after the Council has granted approval for a by-law contemplated in rule 59 or 60, in terms of rule 59(5)*(c)* publish the draft by-law for public comment.

(b) The comment period must be at least 30 working days from the date of publication, unless the Council has approved a shorter period.

(2) Publication for public comment must be in a manner that allows the public the opportunity to make representations with regard to the proposed by-law as contemplated in section 12(3)*(b)* of the Systems Act.

61. Consideration of draft by-law

(1) The Municipal Manager must as soon as possible after the closing date for public comment contemplated in rule 61, submit a report to the Executive Mayor together with—

(a) a copy of the draft by-law;

(b) a copy of the publication contemplated in rule 61;

(c) comments received from the public; and

(d) comments or recommendations from the Municipal Manager.

(2) The Executive Mayor must consider the report by the Municipal Manager and must—

(a) submit a report to the Council which sets out the following:

(i) An executive summary of the draft by-law; and

(ii) any relevant comments or proposals; and

(b) recommend to the Council to pass the by-law with or without amendments, to postpone the passing of the by-law, or to reject the by-law.

(3) If the Council rejects the draft by-law, a by-law of the same substance may not be introduced until a period of six months from the date of rejection has lapsed, unless the Council directs otherwise.

(4) As contemplated in rule 20(2)*(a)*, a supporting vote of a majority of incumbent councillors is necessary to decide on the passing of a by-law.

(5) The Council may not pass a by-law unless all the councillors were given reasonable notice as contemplated in section 160(4)*(c)* of the Constitution and section 12(3)*(a)* of the Systems Act.

(6) When a by-law has been passed, it must be published in accordance with section 13 of the Systems Act.

(7) These rules also apply to the adoption of standard draft by-laws as contemplated in section 14(4) of the Systems Act.

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CHAPTER 9
MISCELLANEOUS MATTERS

62. Official languages

Any person who speaks at a meeting may use any of the three official languages recognised by the Constitution of the Western Cape, 1997 (Act 1 of 1998), namely English, Afrikaans and isiXhosa.

63. Municipal employees

A municipal employee must attend a meeting if requested to do so by the Municipal Manager or the Speaker.

64. Breaches

(1) A councillor, municipal employee or member of the public who physically attends a meeting and who—

(a) refuses to withdraw from the chamber or committee room in the circumstances contemplated in rule 9(4) or when directed to do so by the Speaker in terms of rule 10, 27(4), or 34(7); or

(b) returns to a meeting from which the councillor, municipal employee or member of the public has withdrawn or was removed for the duration of the meeting in terms of these rules,

may be removed by a person designated by the Speaker.

(2) A councillor, municipal employee or member of the public may not—

(a) interfere or impede the Council when the Council is exercising its powers, performing its functions, or carrying out its duties;

(b) interfere with or impede the exercise, performance or carrying out by a councillor of the councillor's powers, functions and duties as a councillor;

(c) threaten or obstruct a councillor proceeding to or going from a meeting;

(d) assault or threaten a councillor;

(e) fail or refuse to comply with an instruction by the Speaker; or

(f) fail or refuse to comply with an instruction by a duly authorised municipal employee regarding—

(i) the presence of persons at a particular meeting; or

(ii) the possession of any article, including a firearm, on the premises where a meeting takes place or on municipal land.

(3) Sub-rules (1) and (2) do not derogate from any other criminal or civil sanctions, or, in the case of councillors, sanctions regarding a transgression of the Code.

(4) A councillor who contravenes any of these rules during a meeting compromises the integrity of the municipality and must also be dealt with in accordance with the Code.

ITEM HEADING

6.2/2026 DIRECTORATE CORPORATE SERVICES: DEPARTMENT ADMINISTRATION: IMPLEMENTATION OF THE MAYORAL EXECUTIVE SYSTEM AND WARD PARTICIPATORY SYSTEM

[English version of the report is the original]

FILE NUMBER

3/4/R

AIM/PURPOSE OF REPORT

That Council takes note and accepts the implementation of a Mayoral Executive System with a Ward Participatory System as promulgated in the Third Establishment Amendment Notice (PN 188/2003 dated 28 May 2003) and Section 54 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).

BACKGROUND

Theewaterskloof Municipality has already been established as a category 9(d) type of municipality in terms of Section 12 of the Act *supra* by means of a notice in the Provincial Gazette (PN 188/2003 Third Establishment Amendment Notice).

The Mayoral Executive System is a system that allows for the exercising of executive authority by an Executive Mayor in whom the executive leadership of the municipality is vested and who is assisted by a mayoral committee.

A Ward Participatory System makes provision for matters of local interest in wards to be dealt with by committees established for wards.

Should Council elect not to adopt a Mayoral Executive System, no other system can be instituted, which means that Council would have to take all decisions.

LEGISLATIVE IMPLICATION

Section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) gives the relevant MEC the authority to establish municipalities by means of notice in the Provincial Gazette.

Section 54 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) confers authority to a Mayoral Executive System as a category 9(d) type of municipality.

The Third Establishment Amendment Notice (PN 188/2003) attached confirms Theewaterskloof as a category 9(d) type of municipality.

RISK MANAGEMENT IMPLICATION

None

RECOMMENDATION BY ITEM AUTHOR TO COUNCIL:

It is recommended:

1. **That Council adopts and confirms Theewaterskloof Municipality as a category 9(d) type of municipality in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).**

2. **That Council confirms the implementation of a Mayoral Executive System with a Ward Participatory System as promulgated in the Third Establishment Amendment Notice (PN 188/2003) dated 28 May 2003.**

PROVINCE OF THE WESTERN CAPE: PROVINCIAL GAZETTE 6021 OF 28 MAY 2003

P.N. 188/2003 28 May 2003

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

THE THEEWATERSKLOOF MUNICIPALITY (WCO31) THIRD ESTABLISHMENT AMENDMENT NOTICE

By virtue of the powers vested in me by section 16 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), as amended by the Local Government: Municipal Structures Amendment Act, 2000 (Act 33 of 2000), the Local Government: Municipal Structures Amendment Act, 2002 (Act 20 of 2002), the Local Government Laws Amendment Act, 2002 (Act 51 of 2002) and the Local Government: Municipal Structures Amendment Act, 2003 (Act 1 of 2003), I hereby give notice of the third amendment of Theewaterskloof Municipality (WCO31) Establishment Notice, Provincial Notice 493 published in the Provincial Gazette 5591 dated 22 September 2000, as previously amended in Provincial Notice 679 published in the Provincial Gazette Extraordinary No. 5643 dated 4 December 2000 and Provincial Notice 460 published in Provincial Gazette Extraordinary No. 5969 dated 19 December 2002, on the terms set out in the Schedule hereto.

Dated this 28th day of May 2003.

J.J. DOWRY

PROVINCIAL MINISTER OF LOCAL GOVERNMENT

GENERAL EXPLANATORY NOTE:

Words in bold type indicate omissions from existing enactments.

Words in italics indicate insertions in existing enactments.

SCHEDULE

Amendment of section 1 of the principal Notice

1. Section 1 of the Schedule to the Theewaterskloof Municipality Establishment Notice (hereinafter referred to as the principal Notice) is hereby amended:

   (1) by the deletion of the definition "collective executive system" in subsection (3), and

   (2) by the insertion of the following subsections:

"(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;"* and

"(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;".*

Amendment of section 6 of the principal Notice

2. Section 6 of the Schedule to the principal Notice is hereby amended by the substitution for section 6 with the following section:

"Type

6. The Local Municipality is a municipality with a ~~**[collective]**~~ *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)."*

Amendment of section 9 of the principal Notice

3. Section 9 of the Schedule to the principal Notice is hereby amended by the substitution for section 9 with the following section:

"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; and
(c) the speaker."

Insertion of section 25B in the text of the principal Notice

4. The Schedule to the principal Notice is hereby amended by the insertion of the following section after section 25A:

"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."

Short title and commencement

5. This Notice is called the Theewaterskloof Municipality Third Establishment Amendment Notice and comes into operation on 10 June 2003.

ITEM HEADING

6.3/2026 DIRECTORATE CORPORATE SERVICES: DEPARTMENT ADMINISTRATION: ELECTION OF EXECUTIVE MAYOR AND EXECUTIVE DEPUTY MAYOR

[English version of the report is the original]

FILE NUMBER

3/1/3

AIM/PURPOSE OF REPORT

To elect an Executive Mayor and Executive Deputy Mayor of Theewaterskloof Council in terms of Section 55 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).

BACKGROUND

1. The term of the current Executive Mayor expired upon the reconstitution of Council and a new Executive Mayor with the functions as set out in Section 56 of the Local Government: Municipal Structures Act,1998 (Act 117 of 1998) and Amendment Act 3 of 2021 needs to be elected.

2. An Executive Mayor is entitled to receive reports from committees of the Council referred to in Section 80, and to forward these reports together with a recommendation to the Council when the matter cannot be disposed of by the Executive Mayor in terms of the Executive Mayor's delegated powers.

3. The Executive Mayor must –
   (a) identify the needs of a municipality;
   (b) review and evaluate those needs in order of priority;
   (c) recommend to the municipal council strategies, programmes and services to address priority needs through the Integrated Development Plan, and the estimates of revenue and expenditure, taking into account any applicable national and provincial development plans; and
   (d) recommend or determine the best way, including partnerships and other approaches to deliver those strategies, programmes and services to the maximum benefit of the community.

4. The Executive Mayor, in performing the duties of office, must –
   (a) identify and develop criteria in terms of which progress with the implementation of the strategies, programmes and services referred to in subsection (2)(c) can be evaluated, including key performance indicators that are specific to the municipality and common to local government in general;
   (b) evaluate progress against the key performance indicators;
   (c) review the performance of the municipality in order to improve –
      (i) the economy, efficiency and effectiveness of the municipality;
      (ii) the efficiency of credit control and revenue and debt collection services;
      (iii) the implementation of the municipality's by-laws;

(d) monitor the management of the municipality's administration in accordance with the policy directives of the municipal council;
(e) oversee the provision of services to communities in the municipality in a sustainable manner;
(f) perform such duties and exercise such powers as the Council may delegate to the Executive Mayor in terms of Section 59 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);
(g) annually report on the involvement of communities and community organisations in the affairs of the municipality; and
(h) ensure that regard is given to public views, and report on the effect of consultation on the decisions of the Council.

5. An Executive Mayor must perform a ceremonial role as the municipal council may determine.

6. An Executive Mayor must report to the municipal council on all decisions taken by the Executive Mayor.

7. The Executive Deputy Mayor of a municipality exercises the powers and performs the duties of the Executive Mayor if the Executive Mayor is absent or not available, or if the office of the Executive Mayor is vacant.

8. When the Executive Mayor is absent or not available and the municipality does not have an Executive Deputy Mayor, or if the Executive Deputy Mayor is absent or not available, the Council must designate a Councillor to act as Executive Mayor.

DISCUSSION

The new Executive Mayor and Executive Deputy Mayor must be elected in terms of the procedure set out in the enclosed Schedule 3 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and Amendment Act 3 of 2021.

LEGISLATIVE IMPLICATION

Section 55 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998):

Election of Executive Mayors (and Executive Deputy Mayors) –

*(1) If a municipality chooses to have an executive mayor, an **executive mayor** must be elected and, if the MEC for local government in the province approves, also an **executive deputy mayor**, from among its members, at a meeting that must be held -*

(a) within 14 days of the council's election;
(b) if it is a district council, within 14 days after the last of the local councils has appointed its representatives to the district council; or
(c) within 14 days after the date with effect from which the type of municipality has been changed.

(2) A vacancy in the office of executive mayor or executive deputy mayor must be filled when necessary.

(3) *The procedure set out in Schedule 3 applies to the election of an executive mayor and executive deputy mayor.*

FINANCIAL IMPLICATION

Remunerated in terms of the Remuneration of Public Office Bearers Act, 1998 (Act 20 of 1998). Provision has also been made in the 2026/2027 budget for this expenditure.

RISK MANAGEMENT IMPLICATION

None

RECOMMENDATION BY ITEM AUTHOR TO COUNCIL:

After the processes are followed in terms of Schedule 3, that:

1. **Alderman/Councillor ..... be elected as Executive Mayor of Theewaterskloof Council in terms of Section 55 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and Amendment Act 3 of 2021.**

2. **Alderman/Councillor ..... be elected as Executive Deputy Mayor of Theewaterskloof Council in terms of Section 55 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and Amendment Act 3 of 2021.**

Part 2
Executive mayors (ss 54-60)

54 Only municipalities of certain types may elect executive mayors

(1) Only municipalities of the types mentioned in sections 8 (e), (f), (g) and (h), 9 (c) and (d) and 10 (b) may have an executive mayor.

(2) If a municipality of a type referred to in subsection (1) chooses to have an executive mayor, the provisions of this Part apply.

9. Types of category B municipalities

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

CHAPTER 2

ESTABLISHMENT OF MUNICIPALITIES *(ss 12-17)*

12. MECs to establish municipalities

(1) 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.

(2) The establishment of a municipality –

(a) must be consistent with the provisions of this Act; and
(b) takes effect at the commencement of the first election of the council of that municipality.

(3) The notice establishing the municipality must set out –

(a) the category of municipality that is established;
(b) the type of municipality that is established;
(c) the boundaries of the municipal area;
(d) the name of the municipality;
(dA) in the case of a metropolitan or local municipality, the number of wards in the municipality;
(e) the number of councillors as determined in terms of section 20;
(eA) in the case of a district municipality, the number of councillors, determined in terms of section 23, to –

(i) proportionally represent parties; and
(ii) be appointed by each of the local councils within the district municipality to directly represent each local municipality.

(f) which councillors of the municipality (if any) may be designated as full-time in terms of section 18(4);
(g) *deleted*
(h) any provisions of this Act from which the municipality has been exempted in terms of section 91; and
(i) any other relevant detail.

(4) The MEC for local government must –

(a) at the commencement of the process to establish a municipality, give written notice of the proposed establishment to organised local government in the province and any existing municipalities that may be affected by the establishment of the municipality;

(b) before publishing a notice in terms of this section, consult –

(i) organised local government in the province; and
(ii) the existing municipalities affected by the proposed establishment; and

(c) after such consultation publish particulars of the proposed notice for public comment.

SCHEDULE 3

ELECTION OF MUNICIPAL OFFICE-BEARERS

[Schedule 3 amended by s. 34 of Act 51 of 2002 & Amendment Act 3 of 2021]

1. Application

The procedure set out in this Schedule applies whenever a municipal council meets to elect a speaker, an executive mayor, a deputy executive mayor, a mayor or a deputy mayor, a whip, a mayor or a deputy mayor.

2. Nominations

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

3. Formal requirements

(1) A nomination must be made on the form determined by the municipal manager.
(2) The form on which a nomination is made must be signed by two members of the municipal council.
(3) A person who is nominated must indicate acceptance of the nomination by signing either the nomination form or any other form written confirmation.

4. Announcement of names of candidates

At a meeting to which this Schedule applies, the person presiding must announce the names of the persons who have been nominated as candidates, but may not permit any debate.

5. Single candidates

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

6. Election procedure

If more than one candidate is nominated –

(a) a vote must be taken at the meeting by secret ballot;
(b) each councillor present at the meeting may cast one vote; and
(c) the person presiding must declare elected the candidate who receives a majority of the votes.

7. Elimination procedure

(1) If no candidate receives a majority of the votes, the candidate who receives the lowest number of votes must be eliminated and a further vote taken on the remaining candidates in accordance with item 6. This procedure must be repeated until a candidate receives a majority of the votes.

(2) When applying 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.

8. Further meetings

(1) If only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, a further meeting must be held within seven days at a time determined by the person presiding.

(2) If a further meeting is held in terms of 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 term 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.

ITEM HEADING

6.4/2026 DIRECTORATE CORPORATE SERVICES: DEPARTMENT ADMINISTRATION: ANNOUNCEMENT OF APPOINTMENT OF MEMBERS OF THE EXECUTIVE MAYORAL COMMITTEE

[English version of the report is the original]

FILE NUMBER

3/1/3

AIM/PURPOSE OF REPORT

To appoint an Executive Mayoral Committee in terms of Section 60 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).

BACKGROUND

The Ninth Establishment Amendment Notice (P.N. 96/2026 dated 06 March 2026) stipulates that Theewaterskloof Municipal Council has twenty-seven (27) councillors of which fourteen (14) are ward councillors and thirteen (13) are proportionally elected Councillors.

The Municipality has fourteen (14) wards.

DISCUSSION

The term of the current committee of the Executive Mayor expired upon expiry of the term of the current Executive Mayor due to the reconstitution of the Council, and a new committee with the functions as set out in Section 60 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) must be appointed by the Executive Mayor after his or her election.

Where the Executive Mayor is ready and desirous to appoint the Executive Mayoral Committee at the first meeting, he or she will be allowed to do so, but where the Executive Mayor is not yet in a position to do so, the Executive Mayor may appoint the committee at a later stage.

LEGISLATIVE IMPLICATION

Section 60 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998): Mayoral Committee:

(1) If a municipal council has more than nine members, its Executive Mayor –

(a) must appoint a mayoral committee from among the councillors to assist the executive mayor;
(b) may delegate specific responsibilities to each member of the committee;
(c) may delegate any of the executive mayor's powers to the respective members; and
(d) may dismiss a member of the mayoral committee.

(2) *The mayoral committee must consist of the executive deputy mayor (if any) and as many councillors as may be necessary for effective and efficient government, provided that no more than 20 per cent of the councillors or 10 councillors, whichever is the least, are appointed.*

(3) *Those of the executive mayor's powers and functions as may be designated by the municipal council, must be exercised and performed by the executive mayor together with the other members of the mayoral committee.*

(4) *The members of a mayoral committee remain in office subject to subsection (5) and section 26 for the term of the executive mayor who appointed them.*

(5) *If the executive mayor vacates office, the mayoral committee appointed by that executive mayor dissolves.*

Local Government Circular C27 of 2026 – Composition of the Mayoral Committee in terms of Section 60(2) of the Municipal Structures Act, 117 of 1998. (Maximum number of councillors that may be appointed to the Mayoral Committee (excluding the Deputy Executive Mayor = 5)

FINANCIAL IMPLICATION

Remunerated in terms of the Remuneration of Public Office Bearers Act, 1998 (Act 20 of 1998). Provision has also been made on the 2026/2027 budget for this expenditure.

RISK MANAGEMENT IMPLICATION

None

RECOMMENDATION ***(by the Executive Mayor)***

The Executive Mayor consequently designates the following Councillors as members of the Executive Mayoral Committee in terms of Section 60 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998):

Alderman/Councillor .....
Alderman/Councillor.....
Alderman/Councillor.....
Alderman/Councillor.....
Alderman/Councillor.....

PROVINCIAL NOTICE

P.N. 96/2026 **6 March 2026**

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 (ACT 117 OF 1998)
THE THEEWATERSKLOOF MUNICIPALITY (WC031) ESTABLISHMENT NINTH AMENDMENT NOTICE

In terms of section 16 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), I hereby further amend the Theewaterskloof Municipality (WC031) Establishment Notice, Provincial Notice 493/2000 published in Provincial Gazette No. 5591 dated 22 September 2000 (the principal Notice) as set out in the Schedule.

In this notice "principal Notice" means the Theewaterskloof Municipality (WC031) Establishment Notice, Provincial Notice 493/2000 published in Provincial Gazette No. 5591 dated 22 September 2000, as amended by Provincial Notice 679/2000 published in the Provincial Gazette Extraordinary No. 5643 dated 4 December 2000, Provincial Notice 460/2002 published in the Provincial Gazette Extraordinary No. 5969 dated 19 December 2002, Provincial Notice 188/2003 published in the Provincial Gazette Extraordinary No. 6021 dated 28 May 2003, Provincial Notice 15/2006 published in the Provincial Gazette Extraordinary No. 6334 dated 3 January 2006, Provincial Notice 59/2011 published in the Provincial Gazette 6853 dated 25 February 2011, Provincial Notice 118/2016 published in the Provincial Gazette Extraordinary No. 7598 dated 8 April 2016, Provincial Notice 119/2021 published in the Provincial Gazette No. 8505 dated 15 October 2021 and Provincial Notice 28/2024 published in Provincial Gazette No. 8895 dated 15 March 2024.

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 8 of the principal Notice is amended by the substitution of the following subsection:

"8.(1) The Municipal Council of the Municipality has 27 (twenty-seven) 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 14 (fourteen) are ward councillors and 13 (thirteen) are proportionally elected councillors.

(2) The Municipality has 14 (fourteen) wards."

2. Short title and commencement

This Notice is called the Theewaterskloof Municipality (WC031) Establishment Ninth Amendment Notice and has effect from the date of the next general election of municipal councils.

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

LOCAL GOVERNMENT CIRCULAR C27 OF 2026

THE MAYOR, CITY OF CAPE TOWN: MR G HILL-LEWIS
THE MAYOR, WEST COAST DISTRICT MUNICIPALITY: MR R STRYDOM
THE MAYOR, MATZIKAMA MUNICIPALITY: MR J VAN DER HOVEN
THE MAYOR, CEDERBERG MUNICIPALITY: MR A SCHEEPERS
THE MAYOR, BERGRIVIER MUNICIPALITY: MR R VAN ROOY
THE MAYOR, SALDANHA BAY MUNICIPALITY: MR M KOEN
THE MAYOR, SWARTLAND MUNICIPALITY: MR H CLEOPHAS
THE MAYOR, CAPE WINELANDS DISTRICT MUNICIPALITY: DR H VON SCHLICHT
THE MAYOR, WITZENBERG MUNICIPALITY: MR T ABRAHAMS
THE MAYOR, DRAKENSTEIN MUNICIPALITY: MR S KORABI
THE MAYOR, STELLENBOSCH MUNICIPALITY: MR J FASSER
THE MAYOR, BREEDE VALLEY MUNICIPALITY: MS A STEYN
THE MAYOR, LANGEBERG MUNICIPALITY: MR S VAN EEDEN
THE MAYOR, OVERBERG DISTRICT MUNICIPALITY: MR A FRANKEN
THE MAYOR, THEEWATERSKLOOF MUNICIPALITY: MR L DE BRUYN
THE MAYOR, OVERSTRAND MUNICIPALITY: MR A KLAAS
THE MAYOR, CAPE AGULHAS MUNICIPALITY: MR R ROSS
THE MAYOR, SWELLENDAM MUNICIPALITY: MR F DU RAND
THE MAYOR, GARDEN ROUTE DISTRICT MUNICIPALITY: MR M KRUGER
THE MAYOR, KANNALAND MUNICIPALITY: MR J DONSON
THE MAYOR, HESSEQUA MUNICIPALITY: MR G RIDDLES
THE MAYOR, MOSSEL BAY MUNICIPALITY: MR D KOTZE
THE MAYOR, GEORGE MUNICIPALITY: MR B JOHNSON
THE MAYOR, OUDTSHOORN MUNICIPALITY: MR J VAN DER ROSS
THE MAYOR, BITOU MUNICIPALITY: MS J KAMKAM
THE MAYOR, KNYSNA MUNICIPALITY: MR T MATIKA
THE MAYOR, CENTRAL KAROO DISTRICT MUNICIPALITY: MS J BOTHA
THE MAYOR, LAINGSBURG MUNICIPALITY: MS A THERON
THE MAYOR, PRINCE ALBERT MUNICIPALITY: MS L JACQUET
THE MAYOR, BEAUFORT WEST MUNICIPALITY: MS G DUIMPIES

THE MUNICIPAL MANAGER, CITY OF CAPE TOWN: MR L MBANDAZAYO
THE MUNICIPAL MANAGER, WEST COAST DISTRICT MUNICIPALITY: MR D JOUBERT

THE MUNICIPAL MANAGER, MATZIKAMA MUNICIPALITY: MR L PHILLIPS
THE MUNICIPAL MANAGER, CEDERBERG MUNICIPALITY: MR G MATTHYSE
THE MUNICIPAL MANAGER, BERGRIVIER MUNICIPALITY: ADV H LINDE
THE MUNICIPAL MANAGER, SALDANHA BAY MUNICIPALITY: MR H METTLER
THE MUNICIPAL MANAGER, SWARTLAND MUNICIPALITY: MR J SCHOLTZ
THE MUNICIPAL MANAGER, CAPE WINELANDS DISTRICT MUNICIPALITY: MR H PRINS
THE MUNICIPAL MANAGER, WITZENBERG MUNICIPALITY: MR D NASSON
THE MUNICIPAL MANAGER, DRAKENSTEIN MUNICIPALITY: DR J LEIBBRANDT
THE MUNICIPAL MANAGER, STELLENBOSCH MUNICIPALITY: MS G METTLER
THE MUNICIPAL MANAGER, BREEDE VALLEY MUNICIPALITY: MR D McTHOMAS
THE MUNICIPAL MANAGER, LANGEBERG MUNICIPALITY: MR D LUBBE
THE MUNICIPAL MANAGER, OVERBERG DISTRICT MUNICIPALITY: MR E PHILLIPS (ACTING)
THE MUNICIPAL MANAGER, THEEWATERSKLOOF MUNICIPALITY: MR W HENDRICKS
THE MUNICIPAL MANAGER, OVERSTRAND MUNICIPALITY: MR E JANTJIES (ACTING)
THE MUNICIPAL MANAGER, CAPE AGULHAS MUNICIPALITY: MR W RABBETS
THE MUNICIPAL MANAGER, SWELLENDAM MUNICIPALITY: MS A VORSTER
THE MUNICIPAL MANAGER, GARDEN ROUTE DISTRICT MUNICIPALITY: MS N RAISA-MLANDU (ACTING)
THE MUNICIPAL MANAGER, KANNALAND MUNICIPALITY: ADV. D SEREO
THE MUNICIPAL MANAGER, HESSEQUA MUNICIPALITY: MR A DE KLERK
THE MUNICIPAL MANAGER, MOSSEL BAY MUNICIPALITY: MR C PUREN
THE MUNICIPAL MANAGER, GEORGE MUNICIPALITY: DR O'NEILL (ACTING)
THE MUNICIPAL MANAGER, OUDTSHOORN MUNICIPALITY: MR M YEKANI
THE MUNICIPAL MANAGER, BITOU MUNICIPALITY: MR F WILLIAMS (ACTING)
THE MUNICIPAL MANAGER, KNYSNA MUNICIPALITY: MR B NGUBO(ACTING)
THE MUNICIPAL MANAGER, CENTRAL KAROO DISTRICT MUNICIPALITY: MS B KOOPMAN (ACTING)
THE MUNICIPAL MANAGER, LAINGSBURG MUNICIPALITY: MR J BOOYSEN
THE MUNICIPAL MANAGER, PRINCE ALBERT MUNICIPALITY: ADV. T GILIOMEE
THE MUNICIPAL MANAGER, BEAUFORT WEST MUNICIPALITY: MR F SABBAT (ACTING)

COMPOSITION OF THE MAYORAL COMMITTEE IN TERMS OF SECTION 60(2) OF THE MUNICIPAL STRUCTURES ACT, 117 OF 1998 AND DESIGNATION OF FULL-TIME COUNCILLORS

1. PURPOSE

The purpose of this circular is to: -

1.1 Guide and advise municipalities on the legal interpretation of section 60(2) of the Municipal Structures Act, No. 117 of 1998 ("the Act"), relating to the question as to whether the deputy executive mayor forms part of the maximum number of councillors as envisaged in section 60(2) of the Act;

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1.2 As set out in Part A below, provide the maximum number of councillors that may be appointed to the mayoral committee per municipality, by way of application of the method prescribed in section 60(2) of the Act;

1.3 Provide an overview of the relevant legislative provisions that relate to the designation of full-time councillors within a municipality; and

1.4 As set out in Part B below, provide a tabulation of full-time councillors as provided for in the Establishment Notices of respective municipalities.

1.5 Replace Department of Local Government Circular C34 of 2021, issued on 20 October 2021.

PART A

2. LEGAL FRAMEWORK

2.1 In terms of section 60(2) of the Act, the mayoral committee must consist of the deputy mayor (if any) and as many councillors as may be necessary for effective and efficient government, provided that no more than 20 per cent of the councillors or 10 councillors, whichever is the least are appointed.

2.2 Based on a legal opinion received by the Department of Local Government (DLG) it is the Department's view that a deputy executive mayor, where elected in a municipality, is not included in the maximum number of councillors who may be appointed onto the mayoral committee as contemplated within section 60(2) of the Act.

2.3 This legal opinion is primarily based on the clear distinction that the Act draws between the election and appointment of office bearers concerned. The executive mayor and deputy executive mayor are elected by the municipal council, whereas the members of the mayoral committee (other than the deputy executive mayor) are appointed by the executive mayor.

2.4 By virtue of the fact that the deputy executive mayor is elected by the municipal council, he or she cannot be said to be "appointed" by the executive mayor to the mayoral committee. The deputy executive mayor is a member of the mayoral committee by virtue of his or her election to that post and in terms of the provisions of section 60(2) of the Act. The numeric limits set out in section 60(2) of the Act determine the maximum number of those members who may be "appointed".

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2.5 It is therefore DLG's view that the proviso ".....that no more than 20 per cent of the councillors or 10 councillors, whichever is the least, are appointed" does not include the deputy executive mayor, who is not appointed. The proviso refers only to those councillors who are appointed by the executive mayor to the mayoral committee.

2.6 Table 1 below indicates the maximum number of councillors that may be appointed to the mayoral committee per municipality, excluding the deputy executive mayor. The executive mayor chairs the mayoral committee.

Municipality	**Number of Councillors determined by the Provincial Minister of Local Government[1]**	**Maximum number of councillors that may be appointed to the mayoral committee in terms of section 60(2) of the Act (excluding the deputy executive mayor)**
Beaufort West Municipality	13	2
Bergrivier Municipality	13	2
Bitou Municipality	13	2
Breede Valley Municipality	41	8
Cape Agulhas Municipality	11	2
Cape Winelands District Municipality	41	8
Cederberg Municipality	11	2
Central Karoo District Municipality	15	3
City of Cape Town	235	10
Drakenstein Municipality	65	10
Garden Route District Municipality	37	7
George Municipality	55	10
Hessequa Municipality	17	3
Kannaland Municipality	10	2
Knysna Municipality	21	4
Laingsburg Municipality	10	2
Langeberg Municipality	23	4
Matzikama Municipality	15	3
Mossel Bay Municipality	33	6
Oudtshoorn Municipality	25	5
Overberg District Municipality	23	4
Overstrand Municipality	29	5
Prince Albert Municipality	10	2
Saldanha Bay Municipality	31	6
Stellenbosch Municipality	45	9
Swartland Municipality	23	4

[1] PN 116/2024 published under GG 8999 dated 6 November 2024.

Municipality	Number of Councillors determined by the Provincial Minister of Local Government[1]	Maximum number of councillors that may be appointed to the mayoral committee in terms of section 60(2) of the Act (excluding the deputy executive mayor)
Swellendam Municipality	11	2
Theewaterskloof Municipality	27	5
West Coast District Municipality	25	5
Witzenberg Municipality	23	4

Table 1: Maximum number of councillors that may be appointed on the mayoral committee per municipality.

PART B

3. DESIGNATION OF FULL-TIME COUNCILLORS

3.1 Section 18(4) of the Act authorises a municipality to designate councillors determined by the MEC for Local Government as full-time. It should be noted that the MEC's determination must be in accordance with the Policy Framework for the Designation of Full-Time Councillors[2]. The designation of councillors as full-time is stipulated in the Establishment Notice of each respective municipality.

3.2 When appointing full-time councillors, municipalities must take into consideration the affordability thereof.

3.3 As stipulated in the Establishment Notice of each respective municipality, Table 2 below sets out councillors designated as full-time. Where the Establishment Notice provides for a mayoral committee and in light of the deputy executive mayor forming part of the mayoral committee, he or she will also be determined to be full-time, if the column titled members of the mayoral committee is marked.

MUNICIPALITY	DETERMINED AS FULL-TIME COUNCILLORS				
	Executive Mayor	Members of Mayoral Committee	Speaker	Single Whip	Chairperson of sub-councils / Chairperson(s) of the S79 Committee / Chairperson of the S79A Committee
Beaufort West Municipality	x	x	x		Chairperson of the S79A Committee
Bergrivier Municipality	x	x	x		Chairperson of the S79A Committee

[2] Proclamation Notice 63 of 2022 published under GG 46457 dated 31 May 2022.

MUNICIPALITY	DETERMINED AS FULL-TIME COUNCILLORS				
	Executive Mayor	Members of Mayoral Committee	Speaker	Single Whip	Chairperson of sub-councils / Chairperson(s) of the S79 Committee / Chairperson of the S79A Committee
Overberg District Municipality	x	x	x		
Overstrand Municipality	x	x	x		
Prince Albert Municipality	x		x		**Chairperson of the S79A Committee / Deputy Executive Mayor**
Saldanha Bay Municipality	x	x	x		
Stellenbosch Municipality	x	x	x		**Chairperson of the S79A Committee**
Swartland Municipality	x	x	x		
Swellendam Municipality	x	x	x		
Theewaterskloof Municipality	x	x	x		**Chairperson of the S79A Committee**
West Coast District Municipality	x	x	x		**Chairperson of the S79A Committee**
Witzenberg Municipality	x	x	x		**Chairperson of the S79A Committee**

Table 2: Councillors determined as full-time.

Yours faithfully,

Mr Graham Paulse

HEAD OF DEPARTMENT

Date: 2017 / 02 / 17

ITEM HEADING

6.5/2026 DIRECTORATE CORPORATE SERVICES: DEPARTMENT ADMINISTRATION: DESIGNATION OF FULL-TIME COUNCILLORS IN TERMS OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 AND THE ESTABLISHMENT EIGHTH AMENDMENT NOTICE (P.N. 28/2024)

[English version of the report is the original]

FILE NUMBER

3/1/3

AIM/PURPOSE OF REPORT

To designate full-time Councillors for Theewaterskloof Municipality in terms of Section 18(4) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and the Establishment Eighth Amendment Notice P.N. 28/2024.

BACKGROUND

The Theewaterskloof Council has obtained approval in terms of Section 18(4) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) from the Provincial Minister of Local Government to designate full-time Councillors and such approval was obtained by means of notice in the Provincial Gazette – Establishment Eighth Amendment Notice, P.N. 28/2024 dated 15 March 2024, with specific reference to Section 9 of the Schedule to the Principal Notice, as amended.

DISCUSSION

In instances where the Provincial Minister of Local Government has determined that certain political office bearers may be full-time Councillors, the Council must officially designate such Councillors to be full-time Councillors.

Local Government Circular C27 of 2026 dated 17 September 2026, the following positions in Council are determined as full-time Councillors for Theewaterskloof Municipality:

1. Executive Mayor
2. Members of the Mayoral Committee
3. Speake
4. Chairperson of the Section 79A Committee (Municipal Public Accounts Committee)

LEGISLATIVE IMPLICATION

Section 18(4) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) provides for the designation of full-time Councillors.

This section stipulates as follows:

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

Local Government Circular C27 of 2026 – Designation of full-time Councillors.

FINANCIAL IMPLICATION

Remunerated in terms of the Remuneration of Public Office Bearers Act, 1998 (Act 20 of 1998). Provision has also been made on the 2026/2027 budget for this expenditure.

RISK MANAGEMENT IMPLICATION

None

RECOMMENDATION BY ITEM AUTHOR TO COUNCIL:

It is recommended:

1. **That Council designates the following Councillors as full-time Councillors in terms of the approval obtained from the Provincial Minister of Local Government in terms of Section 18(4) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) by means of Establishment Eighth Amendment Notice (P.N. 28/2024) dated 15 March 2024, namely:**

   * **The Executive Mayor**
   * **The Members of the Executive Mayoral Committee**
   * **The Speaker**
   * **Chairperson of the Municipal Public Accounts Committee established in terms of Section 79A.**

2. **That the attention of Councillors be drawn to Section 9 of the Code of Conduct of Councillors, namely that "*A Councillor who is a full-time Councillor may not undertake any other paid work except with the municipal council's consent, which consent shall not be unreasonably withheld*".**

ISAZISO SEPHONDO

I.S. 27/2024 **15 kweyoKwindla 2024**

URHULUMENTE WAMAKHAYA: UMTHETHO IMUNICIPAL STRUCTURES ACT, KA1998

(UMTHETHO 117 KA1998)

ISAZISO SEENGUQU ZESITHANDATHU EKUSEKWENI KUKAMASIPALA WESITHILI SOMBINDI KAROO (iDC5)

Ngokwemigaqo yecandelo 16 loMthetho iLocal Government: Municipal Structures Act, ka1998 (uMthetho 117 ka1998), ndiyaphinda ndenza iinguqu kwiSaziso sokuSekwa kukaMasipala weSithili soMbindi Karoo (iDC5), kwiSaziso sePhondo 505/2000 esipapashwe kwiGazethi yePhondo engaQhelekanga enguNombolo 5593 eyatyikitywa ngomhla wama22 kweyoMsintsi ka2000 (iSaziso esingundoqo) njengoko kumiselwe kwiShedyuli.

Kwesi saziso "iSaziso esingundoqo" sibhekisa kwiSaziso sokuSekwa kukaMasipala weSithili soMbindi Karoo (iDC5), iSaziso sePhondo, 505/2000 esapapashwa kwiGazethi yePhondo engQhelekanga enguNombolo 5593 eyatyikitywa ngomhla wama22 kweyoMsintsi ka2000, njengoko kwenziwe izilungiso kuyo ngokweSaziso sePhondo 691/2000 esapapashwa kwiGazethi yePhondo engaQhelekanga enguNombolo 5645 eyatyikitywa ngomhla we4 kweyoMnga ka2000, iSaziso sePhondo 472/2002 esapapashwa kwiGazethi yePhondo engaQhelekanga enguNombolo 5971 eyatyikitywa ngomhla we19 kweyoMnga ku2002, iSaziso sePhondo 199/2003 esapapashwa kwiGazethi yePhondo engaQhelekanga engNombolo 6023 eyatyikitywa ngomhla wama28 kwekaCanzibe ka2003, iSaziso sePhondo 133/2008 eyapapashwa kwiGazethi yePhondo 6511 eyatyikitywa ngomhla wama29 kweyoKwindla ka2008, iGazethi yePhondo 70/2011 epapashwe kwiGazethi yePhondo 6855 eyatyikitywa ngomhla wama25 kweyoMdumba ka2011 kunye neSaziso sePhondo 127/2021 esapapashwa kwiGazethi yePhondo 8505 eyatyikitywa ngomhla we15 kweyeDwarha ku2021.

Sityikitywe ngalo mhla we-29 EyoMdumba 2024.

U-AW BREDELL, ONGUMPHATHISWA WEPHONDO WOORHULUMENTE BAMAKHAYA, IMICIMBI YENDALO KUNYE NOCWANGCISO LOPHUHLISO

ISHEDYULI

Iingqu ezikwiShedyuli yeSaziso esingundoqo

1. **ICandelo 9 leSaziso esingundoqo kwenziwa iinguqu kuso ngokuthi kufakwe endaweni yalo eli candelwana lilandelayo:**

"OoCeba abasiSigixina

9. UMasipala weSithili angathi amisele aba ceba balandelayo njengabasisigxina:
   (a) usodolophu;
   (b) ilungu lekomiti kasodolophu;
   (c) usomlomo; kunye
   (d) uSihlalo weKomiti kaMasipala yee-Akhanti zikaWonkewonke ngokwemigaqo yeCandelo 79A."

2. **Isihlomo esifutshane kwanokuqala kwaso**

Esi Saziso sibizwa iSaziso seeNguqu zeSithandathu ekuSekweni kukaMasipala weSithili soMbindi Karoo (iDC5) yaye siqalisa ukusebenza ngomhla wokupapashwa kwaso.

PROVINCIAL NOTICE

P.N. 28/2024 **15 March 2024**

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998

(ACT 117 OF 1998)

THE THEEWATERSKLOOF MUNICIPALITY (WC031) ESTABLISHMENT EIGHTH AMENDMENT NOTICE

In terms of section 16 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), I hereby further amend the Theewaterskloof Municipality (WC031) Establishment Notice, Provincial Notice 493/2000 published in Provincial Gazette 5591 dated 22 September 2000 (the principal Notice) as set out in the Schedule.

In this notice "principal Notice" means the Theewaterskloof Municipality (WCO31) Establishment Notice, Provincial Notice 493/2000 published in Provincial Gazette 5591 dated 22 September 2000, as amended by Provincial Notice 679/2000 published in the Provincial Gazette Extraordinary No. 5643 dated 4 December 2000, Provincial Notice 460/2002 published in the Provincial Gazette Extraordinary No. 5969 dated 19 December 2002, Provincial Notice 188/2003 published in the Provincial Gazette Extraordinary No. 6021 dated 28 May 2003, Provincial Notice 157/2005 published in the Provincial Gazette Extraordinary No. 6257 dated 29 April 2005, Provincial Notice 15/2006 published in the Provincial Gazette Extraordinary No. 6334 dated 3 January 2006, Provincial Notice 121/2008 published in the Provincial Gazette No. 6511 dated 28 March 2008, Provincial Notice 59/2011 published in the Provincial Gazette 6853 dated 25 February 2011 and Provincial Notice 119/2021 published in Provincial Gazette 8505 dated 15 October 2021.

Signed on this 29th day of February 2024.

AW BREDELL, PROVINCIAL MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

SCHEDULE

Amendment of the Schedule of the principal Notice

1. **Section 9 of the principal Notice is amended by the substitution of the following subsection:**

"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; and

(d) the Chairperson of the Municipal Public Accounts Committee established in terms of Section 79A."

2. Short title and commencement

This Notice is called the Theewaterskloof Municipality (WC031) Establishment Eighth Amendment Notice and comes into operation on the date of publication.

PROVINSIALE KENNISGEWING

P.K. 28/2024 **15 Maart 2024**

WET OP PLAASLIKE REGERING: MUNISIPALE STRUKTURE, 1998

(WET 117 VAN 1998)

WYSIGING VAN DIE THEEWATERSKLOOF MUNISIPALITEIT (WC031) AGTSTE INSTELLINGSKENNISGEWING

Hiermee wysig ek ingevolge artikel 16 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998) die Theewaterskloof Munisipaliteit (WC031) Instellingskennisgewing, Provinsiale Kennisgewing 493/2000 gepubliseer in die *Provinsiale Koerant 5591* gedateer 22 September 2000 (die Hoofkennisgewing) verder soos in die Bylae uiteengesit.

In hierdie kennisgewing beteken "Hoofkennisgewing" die Theewaterskloof Munisipaliteit (WC031) Instellingskennisgewing, Provinsiale Kennisgewing 493/2000 gepubliseer in die Provinsiale Koerant 5591 gedateer 22 September 2000, soos gewysig deur Provinsiale Kennisgewing 679/2000 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 5643 gedateer 4 Desember 2000, Provinsiale Kennisgewing 460/2002 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 5969 gedateer 19 Desember 2002, Provinsiale Kennisgewing 188/2003 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 6021 gedateer 28 Mei 2003, Provinsiale Kennisgewing 157/2005 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 6257 gedateer 29 April 2005, Provinsiale Kennisgewing 15/2006 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 6334 gedateer 3 Januarie 2006, Provinsiale Kennisgewing 121/2008 gepubliseer in die Provinsiale Koerant Nr. 6511 gedateer 28 Maart 2008, Provinsiale Kennisgewing 59/2011 gepubliseer in die Provinsiale Koerant 6853 gedateer 25 Februarie 2011 en Provinsiale Kennisgewing 119/2021 gepubliseer in die Provinsiale Koerant 8505 gedateer 15 Oktober 2021.

Geteken op hierdie 29ste dag van Februarie 2024.

AW BREDELL, PROVINSIALE MINISTER VAN PLAASLIKE REGERING, OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING

BYLAE

Wysiging van die Bylae van die Hoofkennisgewing

1. Artikel 9 van die Hoofkennisgewing word gewysig deur die volgende subartikel te vervang:

"Voltydse raadslede

9. Die plaaslike munisipaliteit mag die volgende raadslede as voltydse raadslede aanwys:

(a) die uitvoerende burgemeester;

(b) die lede van die burgemeesterskomitee;

(c) die speaker; en

(d) die voorsitter van die Munisipale Komitee oor Openbare Rekeninge ingestel ingevolge artikel 79A."

2. Kort titel en inwerkingtreding

Hierdie Kennisgewing word die Theewaterskloof Munisipaliteit (WC031) Agtste Wysigingskennisgewing van die Instellingskennisgewing genoem en tree in werking op die datum van publikasie.

ISAZISO SEPHONDO

I.S. 28/2024 **15 kweyoKwindla 2024**

URHULUMENTE WAMAKHAYA: UMTHETHO IMUNICIPAL STRUCTURES ACT, KA1998

(UMTHETHO 117 KA1998)

ISAZISO SEENGQU ZESIBHOZO EKUSEKWENI KUMASIPALA WASETHEEWATERSKLOOF (WC031)

Ngokwemigaqo yecandelo 16 loMthetho iLocal Government: Municipal Structures Act, ka1998 (uMthetho 117 ka1998), ndimisela ezinye iinguqu kwiSaziso sokuSekwa kukaMasipala waseTheewaterskloof (WC031), kwiSaziso sePhondo 493/2000 esapapashwa kwiGazethi yePhondo 5591 eyatyikitywa ngomhla wama22 kweyoMsintsi ka2000 (iSaziso esingundoqo) njengoko kumiselwe kwiShedyuli.

Kwesi saziso "iSaziso esingundoqo" sibhekisa kwiSaziso sokuSekwa kukaMasipala waseTheewaterskloof (WC031), kwiSaziso sePhondo 493/2000 esapapashwa kwiGazethi yePhondo 5591 eyatyikitywa ngomhla wama22 kweyoMsintsi ka2000, njengoko kwenziwa iinguqu kwiSaziso sePhondo 679/2000 esapapashwa kwiGazethi yePhondo engaQhelekanga enguNombolo 5643 eyatyikitywa ngomhla we4 kweyoMnga ka2000, iSaziso sePhondo 460/2002 esapapashwa kwiGazethi yePhondo engaQhelekanga enguNombolo 5969 eyatyikitywa ngomhla we19 kweyoMnga ka2002, iSaziso sePhondo 188/2003 esapapashwa kwiGazethi yePhondo engaQhelekanga enguNombolo 6021 eyatyikitywa ngomhla wama28 kwekaCanzibe ka2003, iSaziso sePhondo 157/2005 esapapashwa kwiGazethi yePhondo engaQhelekanga enguNombolo 6257 eyatyikitywa ngomhla wama29 kwekaTshazimpuzi ka2005, iSaziso sePhondo 15/2006 esapapashwa kwiGazethi yePhondo engaQhelekanga enguNombolo 6334 eyatyikitywa ngomhla we3 kweyoMqungu ka2006, iSaziso sePhondo 121/2008 esapapashwa kwiGazethi yePhondo enguNombolo 6511 eyatyikitywa ngomhla wama28 kweyoKwindla ka2008, iSaziso sePhondo 59/2011 esapapashwa kwiGazethi yePhondo 6853 eyatyikitywa ngomhla wama25 kweyoMdumba ka2011 kwakunye neSaziso sePhondo 119/2021 esapapashwa kwiGazethi yePhondo 8505 eyatyikitywa ngomhla we15 kweyeDwarha ka2021.

Sityikitywe ngalo mhla we-29 EyoMdumba 2024.

U-AW BREDELL, ONGUMPHATHISWA WEPHONDO WOORHULUMENTE BAMAKHAYA, IMICIMBI YENDALO KUNYE NOCWANGCISO LOPHUHLISO

ISHEDYULI

Iinguqu ezikwiShedyuli yeSaziso esingundoqo

1. ICandelo 9 leSaziso esingundoqo kwenziwa iinguqu kuso ngokuthi kufakwe endaweni yalo eli candelwana lilandelayo:

"OoCeba abasiSigixina

9. UMasipala weSithili angathi amisele aba ceba balandelayo njengabasisigxina:

(a) usodolophu;

(b) ilungu lekomiti kasodolophu;

(c) usomlomo; kunye

(d) uSihlalo weKomiti kaMasipala yee-Akhanti zikaWonkewonke ngokwemigaqo yeCandelo 79A."

2. Isihloko esifutshane kwanokuqala kwaso

Esi Saziso sibizwa iSaziso seNguqu zeSibhozo ekuSekweni kukaMasipala waseTheewaterskloof (WC301) yaye siqalisa ukusebenza ngomhla wokupapashwa kwaso.

PROVINCIAL NOTICE

P.N. 29/2024 **15 March 2024**

PROVINCE OF THE WESTERN CAPE

OUDTSHOORN MUNICIPALITY

BY-ELECTION IN WARD 9: 24 APRIL 2024

Notice is hereby given in terms of section 25(3) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) that a by-election will be held in Ward 9 of the Oudtshoorn Municipality on Wednesday, 24 April 2024, to fill the vacancy in this ward.

Furthermore, notice is hereby given in terms of section 11(1)(b) of the Local Government: Municipal Electoral Act, 2000 (Act 27 of 2000) that the timetable for the by-election will soon be published in the Provincial Gazette of the Western Cape Province by the Independent Electoral Commission.

For enquiries, please contact Mr. Reginald Smith at Tel: 044 203 3007.

Signed on this 12th day of March 2024.

AW BREDELL, PROVINCIAL MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

PROVINSIALE KENNISGEWING

P.K. 29/2024 **15 Maart 2024**

PROVINSIE WES-KAAP

OUDTSHOORN MUNISIPALITEIT

TUSSENVERKIESING IN WYK 9: 24 APRIL 2024

Kennis geskied hiermee ingevolge artikel 25(3) van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998) dat 'n tussenverkiesing in Wyk 9 van die Oudtshoorn Munisipaliteit gehou sal word op Woensdag, 24 April 2024, om die vakatuur in hierdie wyk te vul.

Kennis geskied hiermee verder ingevolge artikel 11(1)(b) van die Wet op Plaaslike Regering: Munisipale Verkiesingwet, 2000 (Wet 27 van 2000) dat die rooster vir die tussenverkiesing eersdaags deur die Onafhanklike Verkiesingskommissie in die Provinsiale Koerant van die Provinsie Wes-Kaap gepubliseer sal word.

Enige navrae kan gerig word aan Mnr. Reginald Smith by Tel: 044 203 3007.

Geteken op hierdie 12de dag van Maart 2024.

AW BREDELL, PROVINSIALE MINISTER VAN PLAASLIKE REGERING, OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING

ISAZISO SEPHONDO

I.S. 29/2024 **15 kweyoKwindla 2024**

IPHONDO LENTSHONA KOLONI

UMASIPALA WESI OUDTSHOORN

UNYULO LOVALO-SIKHEWU KUWADI 9: 24 UTSHAZ'IIMPUZI 2024

Ngolu xwebhu kwaziswa, ngokweCandelo 25(3) loMthetho wooRhulumente beNgingqi: amaSebe ooMasipala, 1998 (uMthetho 117 wonyaka we-1998), ukuba kuza kubanjwa unyulo lovalo sikhewu kuWadi 9 kummandla woMasipala Wesi Oudtshoorn ngoLwesithathu umhla we-24 uTshaz'iimpuzi 2024, ukuvala isikhewu kule wadi.

Ngokunjalo, ngolu xwebhu kwaziswa, ngokweCandelo 11(1)(b) loMthetho wooRhulumente beeNgingqi: Unyulo looMasipala, 2000 (uMthetho 27 wonyaka wama-2000), ukuba uludwe lwamaxesha okubanjwa konyulo lovalo sikhewu luya kupapashwa kuqala yiKomishoni eZimeleyo yoNyulo kwiGazethi yePhondo leNtshona Koloni.

Nayiphi na imibuzo ekhoyo ingabhekiswa KuReginald Smith, kwifoni: 044 203 3007.

Sityikityw̆e ngalo mhla we-12 EyoKwindla 2024.

AW BREDELL, UMPHATHISWA WEPHONDO LOORHULUMENTE BOMMANDLA, IMICIMBI YENDALO NOCWANGCISO LOPHUHLISO

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

LOCAL GOVERNMENT CIRCULAR C27 OF 2026

THE MAYOR, CITY OF CAPE TOWN: MR G HILL-LEWIS
THE MAYOR, WEST COAST DISTRICT MUNICIPALITY: MR R STRYDOM
THE MAYOR, MATZIKAMA MUNICIPALITY: MR J VAN DER HOVEN
THE MAYOR, CEDERBERG MUNICIPALITY: MR A SCHEEPERS
THE MAYOR, BERGRIVIER MUNICIPALITY: MR R VAN ROOY
THE MAYOR, SALDANHA BAY MUNICIPALITY: MR M KOEN
THE MAYOR, SWARTLAND MUNICIPALITY: MR H CLEOPHAS
THE MAYOR, CAPE WINELANDS DISTRICT MUNICIPALITY: DR H VON SCHLICHT
THE MAYOR, WITZENBERG MUNICIPALITY: MR T ABRAHAMS
THE MAYOR, DRAKENSTEIN MUNICIPALITY: MR S KORABI
THE MAYOR, STELLENBOSCH MUNICIPALITY: MR J FASSER
THE MAYOR, BREEDE VALLEY MUNICIPALITY: MS A STEYN
THE MAYOR, LANGEBERG MUNICIPALITY: MR S VAN EEDEN
THE MAYOR, OVERBERG DISTRICT MUNICIPALITY: MR A FRANKEN
THE MAYOR, THEEWATERSKLOOF MUNICIPALITY: MR L DE BRUYN
THE MAYOR, OVERSTRAND MUNICIPALITY: MR A KLAAS
THE MAYOR, CAPE AGULHAS MUNICIPALITY: MR R ROSS
THE MAYOR, SWELLENDAM MUNICIPALITY: MR F DU RAND
THE MAYOR, GARDEN ROUTE DISTRICT MUNICIPALITY: MR M KRUGER
THE MAYOR, KANNALAND MUNICIPALITY: MR J DONSON
THE MAYOR, HESSEQUA MUNICIPALITY: MR G RIDDLES
THE MAYOR, MOSSEL BAY MUNICIPALITY: MR D KOTZE
THE MAYOR, GEORGE MUNICIPALITY: MR B JOHNSON
THE MAYOR, OUDTSHOORN MUNICIPALITY: MR J VAN DER ROSS
THE MAYOR, BITOU MUNICIPALITY: MS J KAMKAM
THE MAYOR, KNYSNA MUNICIPALITY: MR T MATIKA
THE MAYOR, CENTRAL KAROO DISTRICT MUNICIPALITY: MS J BOTHA
THE MAYOR, LAINGSBURG MUNICIPALITY: MS A THERON
THE MAYOR, PRINCE ALBERT MUNICIPALITY: MS L JACQUET
THE MAYOR, BEAUFORT WEST MUNICIPALITY: MS G DUIMPIES

THE MUNICIPAL MANAGER, CITY OF CAPE TOWN: MR L MBANDAZAYO
THE MUNICIPAL MANAGER, WEST COAST DISTRICT MUNICIPALITY: MR D JOUBERT

THE MUNICIPAL MANAGER, MATZIKAMA MUNICIPALITY: MR L PHILLIPS
THE MUNICIPAL MANAGER, CEDERBERG MUNICIPALITY: MR G MATTHYSE
THE MUNICIPAL MANAGER, BERGRIVIER MUNICIPALITY: ADV H LINDE
THE MUNICIPAL MANAGER, SALDANHA BAY MUNICIPALITY: MR H METTLER
THE MUNICIPAL MANAGER, SWARTLAND MUNICIPALITY: MR J SCHOLTZ
THE MUNICIPAL MANAGER, CAPE WINELANDS DISTRICT MUNICIPALITY: MR H PRINS
THE MUNICIPAL MANAGER, WITZENBERG MUNICIPALITY: MR D NASSON
THE MUNICIPAL MANAGER, DRAKENSTEIN MUNICIPALITY: DR J LEIBBRANDT
THE MUNICIPAL MANAGER, STELLENBOSCH MUNICIPALITY: MS G METTLER
THE MUNICIPAL MANAGER, BREEDE VALLEY MUNICIPALITY: MR D McTHOMAS
THE MUNICIPAL MANAGER, LANGEBERG MUNICIPALITY: MR D LUBBE
THE MUNICIPAL MANAGER, OVERBERG DISTRICT MUNICIPALITY: MR E PHILLIPS (ACTING)
THE MUNICIPAL MANAGER, THEEWATERSKLOOF MUNICIPALITY: MR W HENDRICKS
THE MUNICIPAL MANAGER, OVERSTRAND MUNICIPALITY: MR E JANTJIES (ACTING)
THE MUNICIPAL MANAGER, CAPE AGULHAS MUNICIPALITY: MR W RABBETS
THE MUNICIPAL MANAGER, SWELLENDAM MUNICIPALITY: MS A VORSTER
THE MUNICIPAL MANAGER, GARDEN ROUTE DISTRICT MUNICIPALITY: MS N RAISA-MLANDU (ACTING)
THE MUNICIPAL MANAGER, KANNALAND MUNICIPALITY: ADV. D SEREO
THE MUNICIPAL MANAGER, HESSEQUA MUNICIPALITY: MR A DE KLERK
THE MUNICIPAL MANAGER, MOSSEL BAY MUNICIPALITY: MR C PUREN
THE MUNICIPAL MANAGER, GEORGE MUNICIPALITY: DR O'NEILL (ACTING)
THE MUNICIPAL MANAGER, OUDTSHOORN MUNICIPALITY: MR M YEKANI
THE MUNICIPAL MANAGER, BITOU MUNICIPALITY: MR F WILLIAMS (ACTING)
THE MUNICIPAL MANAGER, KNYSNA MUNICIPALITY: MR B NGUBO(ACTING)
THE MUNICIPAL MANAGER, CENTRAL KAROO DISTRICT MUNICIPALITY: MS B KOOPMAN (ACTING)
THE MUNICIPAL MANAGER, LAINGSBURG MUNICIPALITY: MR J BOOYSEN
THE MUNICIPAL MANAGER, PRINCE ALBERT MUNICIPALITY: ADV. T GILIOMEE
THE MUNICIPAL MANAGER, BEAUFORT WEST MUNICIPALITY: MR F SABBAT (ACTING)

COMPOSITION OF THE MAYORAL COMMITTEE IN TERMS OF SECTION 60(2) OF THE MUNICIPAL STRUCTURES ACT, 117 OF 1998 AND DESIGNATION OF FULL-TIME COUNCILLORS

1. PURPOSE

The purpose of this circular is to: -

1.1 Guide and advise municipalities on the legal interpretation of section 60(2) of the Municipal Structures Act, No. 117 of 1998 ("the Act"), relating to the question as to whether the deputy executive mayor forms part of the maximum number of councillors as envisaged in section 60(2) of the Act;

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1.2 As set out in Part A below, provide the maximum number of councillors that may be appointed to the mayoral committee per municipality, by way of application of the method prescribed in section 60(2) of the Act;

1.3 Provide an overview of the relevant legislative provisions that relate to the designation of full-time councillors within a municipality; and

1.4 As set out in Part B below, provide a tabulation of full-time councillors as provided for in the Establishment Notices of respective municipalities.

1.5 Replace Department of Local Government Circular C34 of 2021, issued on 20 October 2021.

PART A

2. LEGAL FRAMEWORK

2.1 In terms of section 60(2) of the Act, the mayoral committee must consist of the deputy mayor (if any) and as many councillors as may be necessary for effective and efficient government, provided that no more than 20 per cent of the councillors or 10 councillors, whichever is the least are appointed.

2.2 Based on a legal opinion received by the Department of Local Government (DLG) it is the Department's view that a deputy executive mayor, where elected in a municipality, is not included in the maximum number of councillors who may be appointed onto the mayoral committee as contemplated within section 60(2) of the Act.

2.3 This legal opinion is primarily based on the clear distinction that the Act draws between the election and appointment of office bearers concerned. The executive mayor and deputy executive mayor are elected by the municipal council, whereas the members of the mayoral committee (other than the deputy executive mayor) are appointed by the executive mayor.

2.4 By virtue of the fact that the deputy executive mayor is elected by the municipal council, he or she cannot be said to be "appointed" by the executive mayor to the mayoral committee. The deputy executive mayor is a member of the mayoral committee by virtue of his or her election to that post and in terms of the provisions of section 60(2) of the Act. The numeric limits set out in section 60(2) of the Act determine the maximum number of those members who may be "appointed".

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Municipality	Number of Councillors determined by the Provincial Minister of Local Government[1]	Maximum number of councillors that may be appointed to the mayoral committee in terms of section 60(2) of the Act (excluding the deputy executive mayor)
Swellendam Municipality	11	2
Theewaterskloof Municipality	27	5
West Coast District Municipality	25	5
Witzenberg Municipality	23	4

Table 1: Maximum number of councillors that may be appointed on the mayoral committee per municipality.

PART B

3. DESIGNATION OF FULL-TIME COUNCILLORS

3.1 Section 18(4) of the Act authorises a municipality to designate councillors determined by the MEC for Local Government as full-time. It should be noted that the MEC's determination must be in accordance with the Policy Framework for the Designation of Full-Time Councillors[2]. The designation of councillors as full-time is stipulated in the Establishment Notice of each respective municipality.

3.2 When appointing full-time councillors, municipalities must take into consideration the affordability thereof.

3.3 As stipulated in the Establishment Notice of each respective municipality, Table 2 below sets out councillors designated as full-time. Where the Establishment Notice provides for a mayoral committee and in light of the deputy executive mayor forming part of the mayoral committee, he or she will also be determined to be full-time, if the column titled members of the mayoral committee is marked.

MUNICIPALITY	DETERMINED AS FULL-TIME COUNCILLORS				
	Executive Mayor	Members of Mayoral Committee	Speaker	Single Whip	Chairperson of sub-councils / Chairperson(s) of the S79 Committee / Chairperson of the S79A Committee
Beaufort West Municipality	x	x	x		Chairperson of the S79A Committee
Bergrivier Municipality	x	x	x		Chairperson of the S79A Committee

[2] Proclamation Notice 63 of 2022 published under GG 46457 dated 31 May 2022.

MUNICIPALITY	DETERMINED AS FULL-TIME COUNCILLORS				
	Executive Mayor	Members of Mayoral Committee	Speaker	Single Whip	Chairperson of sub-councils / Chairperson(s) of the S79 Committee / Chairperson of the S79A Committee
Bitou Municipality	x	x	x		**Chairperson of the S79A Committee**
Breede Valley Municipality	x	x	x	x	
Cape Agulhas Municipality	x	x	x		**Chairperson of the S79A Committee**
Cape Winelands District Municipality	x	x	x	x	
Cederberg Municipality	x	x	x		
Central Karoo District Municipality	x	x	x		**Chairperson of the S79A Committee**
City of Cape Town	x	x	x	x	**Chairperson of sub-councils / Chairperson(s) of the S79 Committee**
Drakenstein Municipality	x	x	x	x	**Chairperson of the S79A Committee**
Garden Route District Municipality	x	x	x		**Chairperson of the S79A Committee**
George Municipality	x	x	x	x	**Chairperson of the S79A Committee / Chairperson(s) of the S79 Committee**
Hessequa Municipality	x	x	x		**Chairperson of the S79A Committee**
Kannaland Municipality	x		x		
Knysna Municipality	x	x	x		**Chairperson of the S79A Committee**
Laingsburg Municipality	x		x		
Langeberg Municipality	x	x	x		**Chairperson of the S79A Committee**
Matzikama Municipality	x	x	x		
Mossel Bay Municipality	x	x	x		
Oudtshoorn Municipality	x	x	x		**Chairperson of the S79A Committee**

MUNICIPALITY	DETERMINED AS FULL-TIME COUNCILLORS				
	Executive Mayor	Members of Mayoral Committee	Speaker	Single Whip	Chairperson of sub-councils / Chairperson(s) of the S79 Committee / Chairperson of the S79A Committee
Overberg District Municipality	x	x	x		
Overstrand Municipality	x	x	x		
Prince Albert Municipality	x		x		**Chairperson of the S79A Committee / Deputy Executive Mayor**
Saldanha Bay Municipality	x	x	x		
Stellenbosch Municipality	x	x	x		**Chairperson of the S79A Committee**
Swartland Municipality	x	x	x		
Swellendam Municipality	x	x	x		
Theewaterskloof Municipality	x	x	x		**Chairperson of the S79A Committee**
West Coast District Municipality	x	x	x		**Chairperson of the S79A Committee**
Witzenberg Municipality	x	x	x		**Chairperson of the S79A Committee**

Table 2: Councillors determined as full-time.

Yours faithfully,

Mr Graham Paulse

HEAD OF DEPARTMENT

Date: 2017/07/12

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ITEM HEADING

6.6/2026 DIRECTORATE CORPORATE SERVICES: DEPARTMENT ADMINISTRATION: DESIGNATION OF A COUNCILLOR TO ACT IN THE ABSENCE OF THE EXECUTIVE MAYOR AND EXECUTIVE DEPUTY MAYOR

[English version of the report is the original]

FILE NUMBER

3/1/3

AIM/PURPOSE OF REPORT

To designate a Councillor in terms of Section 56(7) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) to act in the absence of the Executive Mayor and the Executive Deputy Mayor.

BACKGROUND

Section 56(7) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) provides that –

If the Executive Mayor is absent or not available and the municipality does not have an Executive Deputy Mayor, or the Executive Deputy Mayor is also absent or not available, Council must designate a Councillor to act as Executive Mayor.

DISCUSSION

None

LEGISLATIVE IMPLICATION

Section 56 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).

FINANCIAL IMPLICATION

None

RISK MANAGEMENT IMPLICATION

None

RECOMMENDATION BY ITEM AUTHOR TO COUNCIL:

It is recommended that in the event that the Executive Mayor and Executive Deputy Mayor are not available, Alderman/Councillor ..... be designated to act as Executive Mayor in terms of Section 56(7) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).

ITEM HEADING

6.7.1/2026 DIRECTORATE CORPORATE SERVICES: DEPARTMENT ADMINISTRATION: ELECTION OF REPRESENTATIVES ON THE OVERBERG DISTRICT MUNICIPALITY

[English version of the report is the original]

LÊERNOMMER / FILE NUMBER

3/3/6

AIM/PURPOSE OF REPORT

To elect members of the Council to represent the Theewaterskloof Council on the Overberg District Municipality.

BACKGROUND

Due to the reconstitution of the Council, Council must elect Councillors of the Theewaterskloof Municipal Council to represent the Council on the Overberg District Municipality.

DISCUSSION

1. The election of local Councillors to represent Theewaterskloof Council on the Overberg District Municipality must be managed by the Chief Electoral Officer.

2. The Chief Electoral Officer determines the formula for the number of seats allocated to local municipalities in the district municipality, as well as the number of seats allocated to each local municipality in the district municipality, in terms of Schedule 2 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and Amendment Act 3 of 2021.

3. If the 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.

4. 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 articles 17 to 22 of Schedule 2 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and Amendment Act 3 of 2021.

LEGISLATIVE IMPLICATION

Section 23 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and Amendment Act 3 of 2021 deal with the election of members of district municipalities and provide as follows:

23 Election and appointment of district councils

(1) The council of a district municipality consists of –

(a) Councillors elected in accordance with Part 1 of Schedule 2 by voters registered on that municipality's segment of the national common voter's roll, to proportionally represent the parties that contested the election in that district municipality; and

(b) Councillors appointed in accordance with Schedule 2 by the councils of the respective local municipalities within that district municipality, to directly represent those local municipalities.

(2) The number of councillors representing local municipalities in a district council referred to in subsection (1)(b) must be –

(a) equal to 60 per cent (fractions to be disregarded) of the number of councillors determined for the municipality in terms of section 20 before any increase in terms of section 20(5), plus the increase; and

(b) allocated to the respective local councils in accordance with Part 2 of Schedule 2.

(3) The number of proportionally elected councillors referred to in subsection (1)(a) is determined by subtracting the number determined in terms of subsection 2(a) from the number of councillors determined for the municipality in terms of section 20, including any increase in terms of section 20(5).

(4) A local council must appoint its representatives to the district council within 14 days after the result of the election of the local council has been declared.

(5) An elected councillor is deemed to assume office on the date of the declaration of the results of an election by the Electoral Commission.

FINANCIAL IMPLICATION

None

RISK MANAGEMENT IMPLICATION

None

RECOMMENDATION BY ITEM AUTHOR TO COUNCIL:

After the election process is completed by the Chief Electoral Officer, the following Councillors be elected to represent the Theewaterskloof Council on the Overberg District Municipality:

Alderman/Councillor .....
Alderman/Councillor .....
Alderman/Councillor .....
Alderman/Councillor .....
Alderman/Councillor .....

Up

SOUTH AFRICA

Available Seats Report

105

Printed on: 2026/11/10 12:38:16

Electoral Event: 2026 Local Government Elections
Province: Western Cape
Municipality: WC031 - Theewaterskloof

Municipality	Total Seats	Ward Seats	PR Seats	DC 60% Seats	DC 40% Seats	LC's Contribution to DC 60%
WC031 - Theewaterskloof	27	14	13	-	-	5
Total	27	14	13			5

ITEM HEADING

6.8/2026 DIRECTORATE CORPORATE SERVICES: DEPARTMENT ADMINISTRATION: DECLARATION OF INTERESTS BY COUNCILLORS

[English version of the report is the original]

FILE NUMBER

3/3/7/3

AIM/PURPOSE OF REPORT

That Council takes cognisance of the declaration of interests by Councillors in terms of Section 8 of Schedule 7 of the Local Government: Municipal Structures Amendment Act, 2021 (Act 3 of 2021).

BACKGROUND

Legislation requires that when a Councillor is elected or appointed as Councillor, the Councillor must within 60 days declare in writing to the Municipal Manager the financial interests which are held by the Councillor.

DISCUSSION

None.

LEGAL IMPLICATION

Schedule 7 (Code of Conduct for Councillors) of the Local Government: Municipal Structures Amendment Act, 2021 (Act 3 of 2021) stipulates as follows:

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.

FINANCIAL IMPLICATION

None

RECOMMENDATION BY ITEM AUTHOR TO COUNCIL:

It is recommended:

1. **That Council takes cognisance of the stipulations of Section 8 of Schedule 7 of the Local Government: Municipal Structures Amendment Act (Act 3 of 2021) and acts accordingly.**

2. **That Councillors take note of paragraph 2 of Section 8 of Schedule 7 in which it is stated that if there is a change in the financial interests of Councillors, it must be submitted in writing to the Municipal Manager on an annual basis.**

Note: Please note that the form for the declaration of interest in terms of Section 8 of Schedule 7 of the Local Government: Municipal Structures Amendment Act (Act 3 of 2021) will be provided to you by the Councillor Support Section for completion.

Theewaterskloof Municipality

DECLARATION OF INTERESTS IN TERMS OF SCHEDULE 7(8) (CODE OF CONDUCT FOR COUNCILLORS) OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES AMENDMENT ACT, 2021 (ACT 3 OF 2021)

2026/ 2027 FINANCIAL YEAR DISCLOSURES

I, the undersigned (surname and initials) _____

(Postal address) _____

(Residential address) _____

_____

(Job Designation) _____

Staff number _____

Hereby certify that the following is to the best of my knowledge a complete and accurate account of my financial interests:

1. **Do you have any shares and other financial interests/securities in any business? (Not bank accounts with financial institutions.)**

Number of shares/ Extent of financial interests/Securities	Nature	Nominal Value	Name of Company/ Entity

2. **Are you a Director and / or partner in any business?**

Name of corporate entity, partnership or firm	Type of Business	Amount of Remuneration Income

3. **Are you a member of any close corporation?**

Name of close corporation	Type of Business	Amount of Remuneration Income

109

4. **Do you have interest in any trusts?**

Name of trust	Type of Interest	Amount of Remuneration Income

5. **Do you have any other financial interests in any business undertaking?**

Name of Business	Type of Interest	Amount of remuneration/ Income

6. **Are you employed in any business and receive a remuneration?**

Name of Business	Type of Business	Amount of remuneration/ Income

7. **Do you receive any subsidies, grants or sponsorships from any organization?**

Source of assistance/sponsorships	Description of assistance/sponsorships	Value of assistance/ sponsorships

8. **Are you receiving gifts and hospitality from a source other than a family member?**

Description	Value	Source

9. **List land and properties?**

Description	Extent	Area	Value

110

SUPPLY CHAIN RELATED INFORMATION

CODE OF CONDUCT FOR COUNCILLORS:

6. Disclosure of interests -
(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 in writing full particulars of the benefit of which the Councillor is aware at the first meeting of the municipal council.

I, the undersigned (surname and initials) _____,
(Councillor) hereby certify that my *(please tick appropriate block √):*

Myself		**Spouse**		**Partner**		**Business Partner**		**Close Family Member**	

acquired or stands to acquire a direct benefit from a contract concluded with the municipality, and that I as a Councillor does not benefit under a contract concluded with the municipality.

Please provide full particulars of the benefit.

Name and ID No. of Spouse / Partner / Business Partner / Close Family Member	Name and Type of Business	Details of Contract	Duration of Contract

_____

SIGNATURE OF COUNCILLOR

DATE: _____ PLACE: _____

_____ DATE: _____

SIGNATURE OF MUNICIPAL MANAGER

Note:
Section 8(2) of the Code of Conduct:
Any change in the nature or detail of the financial interests of a Councillor must be declared in writing to the Municipal Manager annually.

ITEM HEADING

6.9/2026 DIRECTORATE CORPORATE SERVICES: DEPARTMENT ADMINISTRATION: ANNUAL PLANNER OF MEETINGS FROM NOVEMBER 2026 TO 30 JUNE 2027

[English version of the report is the original]

FILE NUMBER

2/1/4

PURPOSE OF REPORT

That Council takes cognisance of the schedule, setting out the planned meeting dates for November 2026 to 30 June 2027.

BACKGROUND

A schedule is compiled annually to give an indication of the dates of the various meetings scheduled for the next financial year.

This schedule enables Councillors and officials to organise their diaries according to this schedule in order to know exactly on which dates they need to be available to attend the respective meetings.

DISCUSSION

The schedule is attached as annexure to the agenda item.

LEGISLATIVE IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

RECOMMENDATION ITEM AUTHOR TO COUNCIL:

It is recommended that the Council takes cognisance of the attached schedule setting out the dates of the respective meetings for the period November 2026 to 30 June 2027.

Theewaterskloof Municipality

THEEWATERSKLOOF MUNICIPALITY – 2026/2027 ANNUAL PLANNER

2026

Theewaterskloof Municipality

DAY		JULY 2026		AUGUST 2026		SEPTEMBER 2026		OCTOBER 2026		NOVEMBER 2026		DECEMBER 2026
Saturday			1	**********								
Sunday			2	**********					1	**********		
Monday			3						2			
Tuesday			4		1				3		1	10:00 2nd Council Meeting of New Council
Wednesday	1		5		2				4	MUNICIPAL ELECTIONS	2	09:00 Insurance Claims Evaluation Committee Meeting
Thursday	2		6		3		1		5		3	09:00 Fraud and Risk Management Committee Meeting
Friday	3		7		4		2		6		4	09:30 Performance- and Audit Committee Meeting
Saturday	4	**********	8	**********	5	**********	3	**********	7	**********	5	**********
Sunday	5	**********	9	NATIONAL WOMEN'S DAY	6	**********	4	**********	8	**********	6	**********
Monday	6		10	PUBLIC HOLIDAY	7		5		9		7	
Tuesday	7		11		8		6		10		8	
Wednesday	8		12		9		7		11	08:30 – 10:30 Cashflow Committee Meeting 11:00 Management Meeting	9	
Thursday	9		13		10		8		12	09:00 ICT Steering Committee Meeting	10	
Friday	10		14		11		9		13	Submission of FRP Pillar Meetings documentation	11	
Saturday	11	**********	15	**********	12	**********	10	**********	14	**********	12	**********
Sunday	12	**********	16	**********	13	**********	11	**********	15	**********	13	**********
Monday	13		17		14		12		16		14	
Tuesday	14		18		15		13		17		15	
Wednesday	15		19		16		14		18	08:30 – 10:30 Cashflow Committee Meeting	16	DAY OF RECONCILIATION
Thursday	16		20		17		15		19	10:00 Inauguration Meeting of New Council	17	
Friday	17		21		18		16		20	FRP Pillar Technical Meeting (All Pillars)	18	
Saturday	18	**********	22	**********	19	**********	17	**********	21	**********	19	**********
Sunday	19	**********	23	**********	20	**********	18	**********	22	**********	20	**********
Monday	20		24		21		19		23		21	
Tuesday	21		25		22		20		24	09:00 Municipal Planning Tribunal Meeting	22	
Wednesday	22		26		23		21		25	08:30 – 10:30 Cashflow Committee Meeting	23	

										11:00 Management Meeting		
Thursday	23		27		24	HERITAGE DAY	22		26		24	
Friday	24		28		25	**********	23		27	MISA TWK Steering Committee Meeting	25	CHRISTMAS DAY
Saturday	25	**********	29	**********	26	**********	24	**********	28	**********	26	DAY OF GOODWILL
Sunday	26	**********	30	**********	27	**********	25	**********	29	**********	27	**********
Monday	27		31		28		26		30		28	
Tuesday	28				29		27				29	
Wednesday	28				30		28				30	
Thursday	30						29				31	
Friday	31						30					
Saturday							31	**********				

2027

DAY		JANUARY 2027		FEBRUARY 2027		MARCH 2027		APRIL 2027		MAY 2027		JUNE 2027
Sunday												
Monday			1	14:00 Insurance Claims Evaluation Committee Meeting	1	**COUNCILLOR INDUCTION TRAINING**						
Tuesday			2	09:00 Corporate Services Committee Meeting 10:00 Technical- and Infrastructure Implementation Services Committee Meeting 14:00 Community Services Committee Meeting	2	**COUNCILLOR INDUCTION TRAINING**					1	
Wednesday			3	08:30 – 10:30 Cashflow Committee Meeting 11:00 Economic Development Committee Meeting 14:00 Human Settlements and Planning Committee Meeting	3	08:30 – 10:30 Cashflow Committee Meeting **COUNCILLOR INDUCTION TRAINING**					2	08:30 – 10:30 Cashflow Committee Meeting 11:00 Management Meeting
Thursday			4	09:00 MPAC Meeting *(Ask questions to Management on the Annual Financial Statements and Draft Annual Report & Discussion of agenda-items of Performance- and Audit Committee Meetings of 11/09/2026 & 04/12/2026 & Section 32 Agenda-items)*	4	**COUNCILLOR INDUCTION TRAINING**	1				3	09:00 Insurance Claims Evaluation Committee Meeting
Friday	1	NEW YEAR'S DAY	5		5	**COUNCILLOR INDUCTION TRAINING**	2				4	
Saturday	2	**********	6	**********	6	**********	3	**********	1	WORKER'S DAY	5	**********
Sunday	3	**********	7	**********	7	**********	4	**********	2	**********	6	**********
Monday	4		8	14:00 Discussion of Agenda of Labour Forum Meeting	8	09:00 MPAC Meeting *(Compilation of the Oversight Report)*	5		3		7	

Tuesday	5		9	09:00 Council Policy Workshop	9	Finance Workshop *(2027/2028 Draft Budget)*	6	09:00 MPAC Meeting *(Discussion of Agenda-items from Performance- and Audit Committee of 12/03/2027)*	4	09:00 Corporate Services Committee Meeting 10:00 Technical- and Infrastructure Implementation Services Committee Meeting 14:00 Community Services Committee Meeting	8	
Wednesday	6		10	08:30 – 10:30 Cashflow Committee Meeting 11:00 Management Meeting	10	08:30 – 10:30 Cashflow Committee Meeting 11:00 Finance Workshop *(Finance Budget related Policies)*	7	08:30 – 10:30 Cashflow Committee Meeting 11:00 Management Meeting	5	08:30 – 10:30 Cashflow Committee Meeting 11:00 Economic Development Committee Meeting 14:00 Human Settlements and Planning Committee Meeting	9	08:30 – 10:30 Cashflow Committee Meeting
Thursday	7		11	14:00 Budget Steering Committee Meeting *(Discussion of the 2026/2027 Adjustment Budget)*	11	09:00 Management Meeting	8	09:00 Insurance Claims Evaluation Committee Meeting	6	09:00 Management Meeting	10	09:30 Health & Safety Committee Meeting 12:00 Training Committee Meeting
Friday	8		12	09:30 Special Performance & Audit Committee Meeting *(Discussion of Annual Report)*	12	09:30 Performance- and Audit Committee Meeting	9		7		11	09:30 Performance- and Audit Committee Meeting
Saturday	9	**********	13	**********	13	**********	10	**********	8	**********	12	**********
Sunday	10	**********	14	**********	14	**********	11	**********	9	**********	13	**********
Monday	11		15	09:00 Fraud and Risk Management Committee Meeting	15	14:00 Discussion of Agenda of Labour Forum Meeting	12	14:00 Discussion of Agenda of Labour Forum Meeting	10	14:00 Insurance Claims Evaluation Committee Meeting	14	14:00 Discussion of Agenda of Labour Forum Meeting
Tuesday	12	14:00 Discussion of Agenda of Labour Forum Meeting	16	09:00 Finance Committee Meeting 14:00 EMC Meeting	16	09:00 Finance Committee Meeting 14:00 EMC Meeting	13	09:30 Health & Safety Committee Meeting 12:00 Training Committee Meeting	11	09:30 Health & Safety Committee Meeting 12:00 Training Committee Meeting	15	09:00 Finance Committee Meeting 14:00 EMC Meeting
Wednesday	13	08:30 – 10:30 Cashflow Committee Meeting 11:00 Management Meeting	17	10:00 Local Labour Forum Meeting	17	08:30 – 10:30 Cashflow Committee Meeting	14	08:30 – 10:30 Cashflow Committee Meeting	12	08:30 – 10:30 Cashflow Committee Meeting	16	YOUTH DAY
Thursday	14		18	09:00 MPAC Meeting *(Local Communities and Organ of State will be allowed to make representations on Draft Annual Report and AFS)*	18	10:00 Council Meeting *(Oversight Report and Annual Report)*	15	09:00 Finance Committee Meeting 14:00 EMC Meeting	13	09:00 Budget Steering Committee Meeting *(Discussion of comments received on the 2027/28 Budget)*	17	09:00 Management Meeting
Friday	15		19		19		16		14		18	
Saturday	16	**********	20	**********	20	**********	17	**********	15	**********	19	**********
Sunday	17	**********	21	**********	21	HUMAN RIGHTS DAY	18	**********	16	**********	20	**********
Monday	18		22	09:00 ICT Steering Committee Meeting	22	PUBLIC HOLIDAY	19		17	14:00 Discussion of Agenda of Labour Forum Meeting	21	

Tuesday	19	09:00 Finance Committee Meeting 14:00 EMC Meeting	23	09:30 Health & Safety Committee Meeting 12:00 Training Committee Meeting	23	10:00 Local Labour Forum Meeting	20		18	09:00 Finance Committee Meeting 14:00 EMC Meeting	22	09:00 Municipal Planning Tribunal Meeting
Wednesday	20	08:30 – 10:30 Cashflow Committee Meeting 11:00 Municipal Planning Tribunal Meeting	24	08:30 – 10:30 Cashflow Committee 11:00 Municipal Planning Tribunal Meeting	24	08:30 – 10:30 Cashflow Committee Meeting 11:00 Management Meeting	21	08:30 – 10:30 Cashflow Committee Meeting 11:00 Management Meeting	19	08:30 – 10:30 Cashflow Committee Meeting 11:00 Management Meeting	23	10:00 Local Labour Forum Meeting
Thursday	21	10:00 Local Labour Forum Meeting	25	10:00 Council Meeting	25	09:00 Municipal Planning Tribunal Meeting	22	10:00 Local Labour Forum Meeting	20	09:00 Fraud and Risk Management Committee Meeting	24	10:00 Council Meeting
Friday	22		26		26	GOOD FRIDAY	23		21		25	
Saturday	23	**********	27	**********	27	**********	24	**********	22	**********	26	**********
Sunday	24	**********	28	**********	28	**********	25	**********	23	**********	27	**********
Monday	25	**STRATEGIC SESSION OF COUNCIL**			29	FAMILY DAY	26	**********	24	09:00 ICT Steering Committee Meeting	28	
Tuesday	26	**STRATEGIC SESSION OF COUNCIL**			30	10:00 Special Council Meeting *(Draft IDP & 2027/2028 Draft Budget)* Directly after Special Council Meeting, Council Meeting continues	27	FREEDOM DAY	25	10:00 Local Labour Forum Meeting	29	
Wednesday	27	08:30 – 10:30 Cashflow Committee Meeting 11:00 Management Meeting			31	08:30 – 10:30 Cashflow Committee Meeting 11:00 ICT Steering Committee Meeting	28	08:30 – 10:30 Cashflow Committee Meeting 11:00 Municipal Planning Tribunal Meeting	26	08:30 – 10:30 Cashflow Committee Meeting 11:00 Municipal Planning Tribunal Meeting	30	
Thursday	28	10:00 Council Meeting (Draft 2025/26 Annual Report & Mid-Year Budget Assessment)					29	10:00 Council Meeting	27	10:00 Special Council Meeting *(Approval of IDP and 2027/2028 Budget)* Directly after Special Council Meeting, Council Meeting continues		
Friday	29						30		28			
Saturday	30	**********							29	**********		
Sunday	31	**********							20	**********		
Monday									31			

ITEM TITLE

6.10/2026 OFFICE OF THE MUNICIPAL MANAGER: DETERMINATION AND APPROVAL OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF COUNCILLORS WITH EFFECT FROM 01 JULY 2025

[English version of the report is the original]

FILE NUMBER

3/3/7/R

PURPOSE / AIM OF REPORT

The purpose of this item is to submit to Council the response from MEC Bredell in response to Council's request for concurrence.

BACKGROUND

On 27 February 2026, Council resolved as follows:

"After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by H Linnerts and seconded by Councillor C Smith it was resolved as follows:

1. ***Council takes cognizance that the grading of the Theewaterskloof Municipality remains on a grade 4, for determining the upper limits of Councillors Remuneration.***

2. ***Council resolves that the maximum upper limits as promulgated in Government Gazette No. 54179 be approved and paid to Councillors with retrospective effect from 1 July 2025.***

3. ***Council takes cognizance that sufficient provision was made in the 2025/2026 Budget to cover the actual increase.***

4. ***Council declares the increase in Councillors' Remuneration affordable and authorize the Municipal Manager to issue the affordability verification certificate.***

5. ***Council authorizes the Executive Mayor to submit the prescribed application to and obtain concurrence of the MEC for Local Government in the Western Cape, before implementing the new Upper Limits of Salaries, Allowances and Benefits of Councillors.***

6. ***That the Executive Mayor, Alderman LM de Bruyn, submits a letter to the MEC responsible for local government with the information of the serving councillors for the 2025/2026 financial year as promulgated in point 18 of Government Gazette No 54179 dated 20 February 2026."***

DISCUSSION 118

A letter was sent to MEC Bredell on 12 March 2026 with the required certification and supporting documents.

On 19 March 2026, a letter was received from the MEC, which is attached hereto as Annexure "A".

FINANCIAL IMPLICATIONS (ITEM AUTHOR)

Cost to be covered in the current 20205/2026 budget.

LEGAL IMPLICATIONS (ITEM AUTHOR)

Upper Limits Regulation: ***Government Gazette No. 54179 with effect from 1 July 2025.***

RISK MANAGEMENT IMPLICATION (ITEM AUTHOR)

None.

RECOMMENDATION BY ITEM AUTHOR TO COUNCIL:

It is recommended:

1. **That Council notes the response from MEC Bredell.**

2. **That Council discuss the response.**

RESOLVED BY COUNCIL: 31 MARCH 2026

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by Alderman DA Appel and seconded by Alderman C Clayton it was resolved as follows:

1. **Council noted the response from MEC Bredell.**

2. **Council mandates the Executive Mayor to write to the MEC of Local Government, Environmental Affairs and Development Planning and express the disappointment of Theewaterskloof Municipal Council.**

3. **That the MEC of Local Government, Environmental Affairs and Development Planning be requested to consider the payment of the increment and that the Councillors will forfeit the back payment.**

For finalization by the Acting Municipal Manager, Mr GW Hermanus.

RECOMMENDATION TO COUNCIL:

It is recommended:

1. **That Council notes the Council Resolution of 31 March 2026.**

2. **That Council express themselves in respect of the non-implementation of the upper limits.**

Western Cape Government

Ministry of Local Government, Environmental Affairs & Development Planning

Tel: +27 21 483 3915
Fax: +27 21 483 6081

REFERENCE: 13/1/1/K27 (3/11/2/28 – 2026/2)

The Executive Mayor
Theewaterskloof Municipality
PO Box 24
CALEDON
7230
Per email: ldebruyn@twk.gov.za / annettesw@twk.gov.za

Dear Councillor De Bruyn

DETERMINATION OF THE UPPER LIMITS OF THE SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS FOR THE 2024/2025 FINANCIAL YEAR – GAZETTE NO.54179 DATED 20 FEBRUARY 2026

I refer to your correspondence dated 12 March 2026, regarding the abovementioned matter.

With reference to the provisions of Government Notice 7159 as published in Government Gazette No. 54179 dated 20 February 2026, read with Section 7 of the Remuneration of Public Office-Bearers Act, 1998 (Act 20 of 1998), regrettably your municipality has an unfunded budget and therefore, in the circumstances I cannot concur with the remuneration as determined by your Council with effect from 1 July 2025 within the upper limits of a Grade 4 Municipality.

Sincerely

A BREDELL
MINISTER
DATE: 19/03/2026

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Theewaterskloof
Municipality

Theewaterskloof Municipality Head Office
6 Plein Street
P.O. Box 24
Caledon
7230
Telephone: +27 (28) 2143300
Fax +27 (28) 2141289
Website: www.twk.org.za

Enquiries: Ald de Bruyn

12 March 2026

The Honourable MEC for Local Governement, Environmental Affairs
And Development Planning
Private Bag X9186
CAPE TOWN
8000

Dear MEC A Bredel

DETERMINATION AND PAYMENT OF UPPER LIMITS SALARIES, ALLOWANCES AND BENEFITS OF COUNCILLORS

We refer to Governement Notice Number 54179 dated 20 February 2026 and request your concurrance for the implementation of the Upper Limits of Salaries and Benefits to our municipal councillors in line with the prescribed legislation.

Please note that our Council resolved to implement the Upper Limits and took into account the following:

1. The grading of the municipality as a grade 4 (33.33 points for 2024/2025 income plus 25 points for the total population equals 58.33 which means that we remain a grade 4 municipality).
2. The projected actual expenditure of salaries, allowances and benefits of the different members of the Theewaterskloof Municipal Council based on the new upper limits and grading for the financial year 2025/26 will be R14 687 675.00 against an budgeted amount of R15 017 379.00.
3. Affordability was considered

We attach a copy of Council Resolution dated 27 February 2026, along with the detailed report and calculations as approved by Council.

Your in Service Delivery

.....
Ald LM de Bruyn
EXECUTIVE MAYOR

ITEM HEADING

C76/2026 OFFICE OF THE MUNICIPAL MANAGER: DETERMINATION AND APPROVAL OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF COUNCILLORS WITH EFFECT FROM 01 JULY 2025

[English version of the report is the original]

FILE NUMBER

3/3/7/R

PURPOSE / AIM OF REPORT

The purpose of this item is:

1. for Council to review the grade of the municipal council.

2. to report to Council on the financial implications, affordability as well as budgetary provisions.

3. to obtain approval to implement the Upper Limits for Councilors' Remuneration with effect from 01 July 2025, which was promulgated by the Minister for Cooperative Governance and Traditional Affairs on 20 February 2026 per Government Gazette No. 54179.

BACKGROUND AND LEGAL REQUIREMENT

Amendment of determination of Upper Limits of the Salaries, Allowances and Benefits of different members of municipal councils are annually done in terms of the Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998).

DISCUSSION

Attached hereto please find as Annexure "A" a copy of Government Gazette No.54179, dated 20 February 2026.

Some key features of the above-mentioned Gazette and Circular are as follows:

1. The determination of the upper limits is affected retrospectively from 1 July 2025.
2. The definition of "total municipal income" means gross income in respect of a metropolitan, local or district municipality based on actual income received as stated in the audited financial statements of that municipality for the 2024/2025 financial year.
3. Motor vehicle and travel allowance
4. 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.

5. 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.
6. 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.
7. 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).

➢ 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.

- Cell phone allowances:

A councillor may, in addition to the annual remuneration packages provided for in terms of the regulation, be paid a cell phone allowance not exceeding R3600.00 per month in accordance with the applicable municipal policy.

- Data bundles

A councillor may, in addition to the annual remuneration packages provided for in terms of the regulation, be paid an allowance on the use of data bundles not exceeding R317.00 per month.

- Pension Fund: In terms of S13(1)(a) A councillor may participate in a pension fund duly established in terms of law.

13(1)(b) If a councillor elects to participate in a pension fund, the municipal council must deduct from that councillor's salary, the monthly contribution and pay the contributions to a pension fund to which a councillor is a member in accordance with the rules of such pension fund. The contributions by the municipal council and the councillor are included in the remuneration package as a total cost to the municipality.

- Medical Aid Scheme: S13(2)(a) reads as follows – A councillor may participate in a medical aid scheme duly established in terms of a law and such councillor shall be entitled to receive such medical aid benefits from the medical aid scheme to which the councillor contributes as may be determined by the rules of such medical aid scheme. The contributions by the municipal council and the councillor are included in the remuneration package as a total cost to the municipality.

(b) If a councillor elects to participate in a medical aid scheme, the municipality shall pay from his/her monthly salary, councillors own contributions and council contributions charged against and paid from the budget of the municipality to the medical aid scheme to which the councillor is a member.

- Tools of the trade

Grading:

The grading of Theewaterskloof Municipality for the purpose of determining the Upper Limits of Councillors' Remuneration is Grade 4 and was determined as follows:

Requirement	**Amount / Points**
Total Municipal Income 2024/2025	R 582,504,903
Number of Points according to Government Notice	33,33
Total population	139 563
Number of Points according to Government Notice	25
Total points allocated	58,33
50.01 to 66.67 points according to Government Notice No. 51407 = Grade 4	

FINANCIAL RESPONSIBILITIES

The Projected Actual Expenditure of the Salaries, Allowances and Benefits of the different members of the Theewaterskloof Municipal Council based on the approved new upper limits for the 2025/2026 financial year will be R 14,687,675 against a budgeted amount of R 15,017,379.

PROJECTED ACTUAL COUNCILLOR REMUNERATION 2025/26

PARTICULARS	EXECUTIVE MAYOR	DEPUTY EXECUTIVE MAYOR	SPEAKER	MEMBER OF MAYORAL COMMITTEE	MPAC CHAIR	PARTTIME COUNCILLOR	GRAND TOTAL
Total Remuneration Package	1050284	840233	840233	3940365	764612	5982840	**13418567**
Cellular Phone	43200	43200	43200	216000	43200	777600	**1166400**
Mobile data Card	3804	3804	3804	19020	3804	68472	**102708**
Total Annual Package	**1097288**	**887237**	**887237**	**4175385**	**811616**	**6828912**	**14687675**
Number	**1**	**1**	**1**	**5**	**1**	**18**	**27**

Budget 2025/26: **R 15, 017, 379**

Remuneration Package: **R 14, 687, 675**

Surplus: **R 329, 704**

LEGAL RESPONSIBILITIES

Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998).

RISK MANAGEMENT IMPLICATION (ITEM AUTHOR)

None.

RECOMMENDATION BY ITEM AUTHOR TO COUNCIL:

It is recommended:

1. **That Council takes cognisance that the grading of the Theewaterskloof Municipality remains on a grade 4, for determining the upper limits of Councillors Remuneration.**

2. **That Council resolves that the maximum upper limits as promulgated in Government Gazette No. 54179 dated 20 February 2026 be approved and paid to Councilors with retrospective effect from 01 July 2025.**

3. **That Council takes cognisance that sufficient provision was made in the 2025/20226 Budget to cover the actual increase.**

4. **That Council declares the increase in Councilors' Remuneration affordable and authorizes the Municipal Manager to issue the affordability verification certificate.**

5. **That Council authorizes the Executive Mayor to submit the prescribed application to and obtain the concurrence of the MEC for Local Government in the Western Cape, before implementing the new Upper Limits of Salaries, Allowances and Benefits of Councilors.**

RESOLVED BY COUNCIL: 27 FEBRUARY 2026

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by H Linnerts and seconded by Councillor C Smith it was resolved as follows:

1. **Council takes cognisance that the grading of the Theewaterskloof Municipality remains on a grade 4, for determining the upper limits of Councillors Remuneration.**

2. **Council resolves that the maximum upper limits as promulgated in Government Gazette No. 54179 dated 20 February 2026 be approved and paid to Councilors with retrospective effect from 01 July 2025.**

3. **Council takes cognisance that sufficient provision was made in the 2025/20226 Budget to cover the actual increase.**

4. **Council declares the increase in Councilors' Remuneration affordable and authorize the Municipal Manager to issue the affordability verification certificate.**

5. **Council authorizes the Executive Mayor to submit the prescribed application to and obtain the concurrence of the MEC for Local Government in the Western Cape, before implementing the new Upper Limits of Salaries, Allowances and Benefits of Councilors.**

6. **That the Executive Mayor, Alderman LM de Bruyn, submits a letter to the MEC responsible for local government with the information of the serving councillors for the 2025/26 financial year as promulgated in point 18 of Government Gazette No 54179 dated 20 February 2026.**

Councillor TB Zimmermann requested that his name be recorded that he is against the decision taken by Council.

For finalization by the Municipal Manager, Mr GW Hermanus and the Senior Manager: Human Resources, Mr J Amansure.

AFFORDABILITY VERIFICATION CERTIFICATE

COUNCILLOR REMUNERATION: DETERMINATION OF UPPER LIMITS WITH EFFECT FROM 1 JULY 2025: GOVERNMENT NOTICE NO. 54179 DATED 20 FEBRUARY 2026

I, **Gewnynne Wayne Hermanus,** Acting Accounting Officer of **THEEWATERSKLOOF MUNICIPALITY**, hereby certify that:

Current Councillor Remuneration Budget: **R 15 017 379.00**

Rand Increase of Total Budget as per new upper limits: **R**

[X] **Adequate provision** has been made in the 2025/26 budget for the said increases in councillor remuneration including the back pay.

[ ] There is **inadequate provision** in the 2025/26 budget for the said increases in councillor remuneration including the back pay and that the shortfall will be funded from savings.

[X] Based on the current financial performance and collection trends that the increases in councillor remuneration is affordable and does not compromise service delivery and the sustainability of the municipality.

Is an adjustment budget required to provide for back pay or the increase in councilor remuneration? **NO**

If Yes, how will the additional expenditure be funded? (Provide sufficient detail of how savings have been achieved to fund the additional expenditure)

The information submitted above, is to the best of my knowledge accurate.

Print name: **Gewnynne Wayne Hermanus**

Acting Accounting Officer of **THEEWATERSKLOOF MUNICIPALITY**

Signature: _____ Date: _____

Municipal Stamp

MUNICIPALITY
THEEWATERSKLOOF
12 MAR 2026
MUNISIPALITEIT

AFFORDABILITY VERIFICATION CERTIFICATE

THEEWATERSKLOOF MUNICIPALITY

GRADING

		Points
Population as per census figures	**139 563**	**25**
Total Municipal Income (gross income as stated in the financial statement of the municipality for the 2024/25 financial year)	**R582 504 903**	**33.33**
Total Points		**58.33**
Grade		**4**