



Great Place. Great Choice for Lifelong Learning.

**BONAMELO CAMPUS
MUNICIPAL ADMINISTRATION N5
HLANGABEZA M.T.**

MODULE 9: MUNICIPAL COUNCILLORS

Qualifications needed to serve as a councilor

- The person must reside (live) in the municipality where he/she seeks election
- If the person resides outside the municipality, he/she may only seek election if he/she owns property in the municipality concerned
- The person must be registered as a voter in the municipality concerned

Disqualifications

Reasons for being disqualified from election as councillor

- In the service of the municipality and receives remuneration
- Disqualified from voting for the National Assembly
- A member of Parliament (Legislature)
- Is an unrehabilitated insolvent
- Married to an employee of the council
- Employee of another municipal council
- Owes money to the municipality
- Declared unfit to hold public office
- Mentally unfit to serve as councillor

(Please refer to other additional reasons outlined in your prescribed Textbook)

Code of conduct

Conditions under which councillors serve (Code of conduct)

General conduct of councillors

- Perform the functions of office in good faith, honesty and transparent manner
- Act in the best interest of the municipality and not compromise integrity

Attendance at meetings

- Attend all council or committee meetings
- Except if leave of absence is granted or had to withdraw from the meeting

Sanctions for non-attendance of meetings

- Council may fine a councillor for:
- not attending a meeting
- failing to remain in attendance at such meeting
- being absent for three or more consecutive meetings without permission

Code of conduct

Withdrawal from meetings

- A councillor must withdraw from council or committee meetings if:
 - the councillor or the spouse, or business associate has direct or indirect financial gain
 - they have financial interest in the matter

Personal gain

- Councillors are prohibited to use their position for private gain.
- A councillor:
 - may not be party or benefit from a contract to provide goods and services to the municipality
 - may not perform any other work except as councillor
 - may not obtain any financial interest in any business of the municipality
 - may not for a fee appear on behalf of another person before the council

Declaration of interest

- Declare in writing to the Municipal Manager all financial interest and income within sixty days after being elected
- Any change in financial interest must be declared to the Municipal Manager
- Gifts received by a councillor above a prescribed amount, must be declared

Code of conduct

Councillors acting as agents

- A councillor and his spouse or business associate may not act as agent or representative of any person in the following cases:
- before valuation court appointed by the council
- at licensing committee of the Council
- as a paid attorney, advocate, notary or conveyance
- act as medical doctor, veterinary surgeon, engineer, accountant

Bribery and corruption

- A councillor not be involved in bribery and corruption
- If found guilty by the court of law, severe sentences may be imposed
- Such a councillor may not seek re-election for a period of seven years

Code of conduct

Exemption from personal liability

- Councillors who have taken actions, on the instruction of the council and in good faith, are freed from personal liability for any action
- Any expenses incurred by the councillor in this regard must be paid from the revenue of the council

Appointment as an official of a council

- A councillor may not be appointed as an official or civil servant of the council
- Unless his term of service as a councillor was ended at least six months before appointment

Rewards, gifts and favours

- A councillor may not request or accept any reward, gift or favour for:
 - voting or not voting on a matter before the Council
 - persuade the Council or any committee to take certain action
 - making a presentation to the council or committee

Code of conduct

Unauthorised disclosure of information

A councillor may not without the permission of the Council or committee disclose any confidential information which:

- was determined as confidential information by the Council
- was discussed in a closed session with the Council or committee
- would violate a person's right or privacy and was declared to be privileged or secret in terms of law

Intervention in administration

A councillor may not interfere in the administration of any department unless mandated by the Council and may not:

- give any instruction to an employee of the municipality unless authorised to do so by the council
- attempt to obstruct the implementation of any decision
- participate in any conduct which would cause or contribute to maladministration

Code of conduct

Council property

- A councillor may not:
 - misuse council property, office facilities or equipment
 - be in arrears to the municipality for rates and services charges for longer than three months

Functions of councillors

Representation

- Elected by the voters to represent them the (voter) in the Council
- The voter gives councillors a mandate to ensure that their needs and expectations are met
- To perform this task councillors must:
 - keep themselves informed of the views and needs of the voters
 - determine the nature and extent of activities undertaken
 - represent his or her ward in the council meetings

Participation in committees

- Discuss council matters and makes recommendation to the Council before policy is made
- Committees are formed for all the major functions of the municipality
- It is expected of councillors to be a member of a committee and to exercise their governing function properly he or she must:
 - be willing to be a member of a committee or ad hoc committee
 - be informed with the proceedings of meetings
 - put more energy into committee meetings than council meetings

Functions of councillors

Deliberation in council meetings

- All matters are first discussed and analysed by a committee
- In council meetings councillors must:
 - evaluate the recommendations of the committees
 - participate in the public debate
 - amend or reject recommendations

Public liaison

- A councillor must:
 - inform voters of the reason for council decisions
 - inform the community about the progress made
 - evaluate the results of policies that has been executed
 - be available to the community to know their needs and expectations

END OF PRESENTATION

THANK YOU VERY MUCH,
HLANGABEZA M.T.