

ITEM NUMBER: C 08/01/18

RECOMMENDATION FROM THE EXECUTIVE MAYOR: 23 JANUARY 2018

MC 06/01/18 COUNCILLORS' REMUNERATION AND ALLOWANCES

It is **RECOMMENDED** that:

- (a) the amendments in Government Notice 1440 dated 15 December 2017, be noted
- (b) the maximum determinations in respect of salaries, allowances and benefits of the different members of Municipal Councils as set out in Annexure A to the report on the agenda, be implemented with effect from 1 July 2017 for all its members after consultation with the Local MEC responsible for Local Government
- (c) all councillors arrange a meeting with Finance: Payroll section via Councillor Support to structure their salary package.



DATE: 2018 -01- 23

REPORT TO: COUNCIL

1. ITEM NUMBER **MC 06/01/18**

2. SUBJECT

**COUNCILLORS' REMUNERATION AND ALLOWANCES
RAADSLEDE SE VERGOEDING EN TOELAES
UMVUZO NEZIBONELELO-ZONCEDO KOOCEBA**

LSU J2292

3. DELEGATED AUTHORITY

In terms of Sections 7(1), 8(5)(a) and 9(5)(a) of the Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998).

This report is FOR DECISION BY

- Committee name** : Council
- The Executive Mayor ito Delegated authority
- The Executive Mayor together with the Mayoral Committee (MAYCO)
- Council

4. DISCUSSION

Constitutional and Policy Implications

Each financial year the Minister for Cooperative Governance and Traditional Affairs, under Sections 7(1), 8(5)(a) and 9(5)(a) of the Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998), and after consultation with the MECs for Local Government in each province determines the upper limits of the salaries, allowances and benefits of the different members of the Municipal Councils.

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This determination (refer Annexure A) makes provision for an increase of 4.5% to the remuneration of the Mayor, Deputy Mayor and the Speaker. It also makes provision for an increase of 5% to the remuneration of all other full-time Councillors.

It provides for an increase of 6% for part-time Councillors. The determination also provide for a cell phone allowance of R 3 400 per month for all Councillors. Council is required to determine that some or all of its salaries, allowances and benefits be amended with effect from 1 July 2017.

The determination in the Gazette makes provision for the following:

In respect of the Executive Mayor (see Section 5 of the Notice)

Basic Salary
Cellphone Allowance

In respect of other full-time Councillors (see Section 5 of the Notice). This includes the Executive Deputy Mayor; Speaker; Members of the Mayoral Committee; Chairpersons of the Sub-Councils and the Chief Whip appointed for Council.

Basic Salary
Cellphone Allowance

In respect of Portfolio Committee Chairpersons as well as the Chairperson of MPAC (see Section 5 of the Notice).

Basic Salary
Cellphone Allowance

In respect of part-time Councillors (see Section 8 of the Notice)

Basic Salary
Cellphone Allowance

The following should be noted:

Pension Fund contributions are made in accordance with the rules of the Pension Fund. The Salary as stated in Sections 5 and 8 of the Notice will be reduced by the pension fund contributions.

The City will obtain special risk cover for the Councillor's vehicles (limited to a value of R750,000.00) and property (limited to a value of R1,500,000.00).

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Life and disability cover is limited to 2 times the total remuneration package of each Councillor.

Transport Allowances will be structured per individual Councillor.

It is not possible at this stage to quantify the costs to the City in respect of the reimbursement travel that Councillors may travel. It should be noted that Councillors must maintain a logbook for all Business and Private travel to qualify for reimbursement.

Annexure B reflects salaries, allowances and benefits currently paid to Councillors and Annexure C reflects proposed salaries, allowances and benefits to Councillors.

The salary, allowances and benefits of a member of a Municipal Council is determined by a full Council resolution (by a supporting vote of a majority of its members), in consultation with the Member of the Executive Council responsible for Local Government in the Province (having regard to the upper limits as set out in the Notice and the affordability to pay the different levels of remuneration to Councillors).

All Councillors need to arrange a meeting with Finance: Payroll Section via the Councillor Support section to structure their salary packages.

4.1. Financial implications None Opex Capex

Capex: New Projects

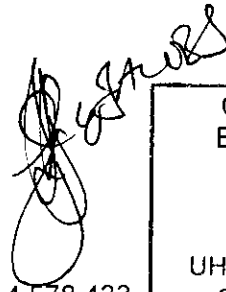
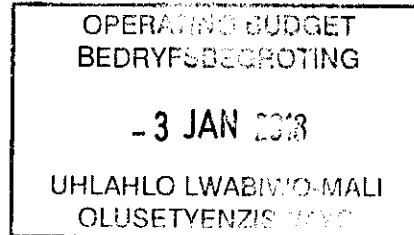
Capex: Existing projects requiring additional funding

Capex: Existing projects with no additional funding requirements

Councillors Remuneration was budgeted for annually based on the average CPIX (5.7% plus 1%) applicable to the Operating Budget during the budget compilation process. The Minister for COGTA released amended legislation pertaining to Councillors remuneration; the final average increase amounted to 6.0%. The City's Operating Budget was re-aligned accordingly during the January Adjustments Budget process to reflect the Minister's determination.

The directorate budgetary provisions for Councillors are reflected below.

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Operating Budget Provisions

Directorate of the Mayor

Budget Provision 2017/2018	:	R 4 578 433
Spent to date/Committed	:	R 2 167 837
Balance Available	:	R 2 410 595
Funds Required (this report)	:	R 4 545 433 (annual impact including 4.5% increase in Mayor, Deputy Mayor and Speaker and 5 % increase in Whip)

Corporate Services

Budget Provision 2017/2018	:	R 150 918 103
Spent to date/Committed	:	R 69 260 483
Balance Available	:	R 81 657 620
Funds Required (this report)	:	R 150 484 821 (annual impact including 5% increase in full-time Councillors and 6% increase in part-time Councillors)

Legal Compliance

4.2. Staff Implications Yes No

5. OUTCOMES OF DISCUSSIONS WITH MAYCO MEMBER

The Mayoral Committee Member for Finance, Councillor J van der Merwe supports the report.

6. RECOMMENDATIONS

Not delegated: for decision by Council:

It is recommended that:

- the amendments in Government Notice 1440 dated 15 December 2017 be noted;
- the maximum determinations in respect of salaries, allowances and benefits of the different members of Municipal Councils as set out in Annexure A be implemented with effect from 1 July 2017 for all its members after consultation with the Local MEC responsible for Local Government; and

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- c) all councillors arrange a meeting with Finance: Payroll section via Councillor Support to structure their salary package.

AANBEVELING

Nie gedelegeer nie: vir besluitneming deur die Raad:

Daar word aanbeveel dat:

- a) daar van die wysigings in Goewermentskennisgewing 1440 van 15 Desember 2017 kennis geneem word;
- b) die maksimum bepalings ten opsigte van salarisse, toelaes en voordele van die verskillende lede van munisipale rade soos in bylae A uiteengesit, met ingang van 1 Julie 2017 vir alle lede geïmplementeer word na oorlegpleging met die plaaslike LUK verantwoordelik vir plaaslike regering; en
- c) alle raadslede 'n vergadering via raadslidsteun reël om hulle salarispakket te struktureer.

IZINDULULO

Aziqunyaziswanga: isigqibo seseBhunga:

Kundululwe ukuba:

- a) makuqwalaselwe izilungiso kwiSaziso sobuRhulumente esingu-1440 esibhalwe owe-15 Disemba 2017;
- b) makumiselwe ngokusesikweni isigqibo semilinganiselo ngokujoliswe kwimivuzo, izibonelelo-zoncedo neembuyekezo ngokujoliswe kumalungu awohlukeneyo amaBhunga kaMasipala njengoko kuqulunqwe kwisihlomelo-A, ukususela ngowo-1 kweyeKhala 2017 kuwo onke amalungu alo emva kokuba kucetyiswane noMphathiswa wePhondo (u-MEC) onoxanduva kubuRhulumente boMmandla; kwakhona.
- c) bonke ooCeba mabalungiselele intlanganiselo necandelo lezeMali kwiiNtlawulo besebenzisa necandelo leNkxaso kooCeba ukuze kulungelelaniswe izambuku zabo ezingemivuzo.

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ANNEXURES

ANNEXURE A: Government Notice 1440 dated 15 December 2017.

ANNEXURE B: Current Salaries and Allowances of Councillors.

ANNEXURE C: Proposed Salaries and Allowances for Councillors.

FOR FURTHER DETAILS CONTACT

NAME	GEORGE LUBBE	CONTACT NUMBER	(021) 400 4643
E-MAIL ADDRESS	GeorgeFred.Lubbe@capetown.gov.za		
DIRECTORATE	FINANCE	FILE REF NO	
SIGNATURE : DIRECTOR	MS N LEPHEANA <i>pp.</i>		<i>P.J. du Toit.</i>

EXECUTIVE DIRECTOR: FINANCE

NAME	<i>Louise Muller</i> MR KEVIN JACOBY <i>Acting CFO</i>	COMMENT:
DATE	<i>2018-01-03</i>	
SIGNATURE	<i>LAMuller.</i>	

LEGAL COMPLIANCE

- REPORT COMPLIANT WITH THE PROVISIONS OF COUNCIL'S DELEGATIONS, POLICIES, BY-LAWS AND ALL LEGISLATION RELATING TO THE MATTER UNDER CONSIDERATION. NON-COMPLIANT

NAME	ZAREEF KASKER	COMMENT:	Certified as legally compliant: <i>[Signature]</i> Based on the contents of the report.
DATE	04 JANUARY 2017		
SIGNATURE	<i>ZKasker</i>		

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MAYORAL COMMITTEE MEMBER

NAME COUNCILLOR J VAN DER MERWE COMMENT:

DATE 08/01/2018

SIGNATURE *J van der Merwe*

EXECUTIVE MAYOR

SUPPORTED

NOT SUPPORTED

NAME COMMENT:

DATE 08.⁰¹~~18~~. 2018

SIGNATURE *P de Lille*

GOVERNMENT NOTICES

DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

NO. 1440

15 DECEMBER 2017

REMUNERATION OF PUBLIC OFFICE BEARERS ACT, 1998 (ACT NO. 20 OF 1998)

DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS

Under the powers vested in me by sections 7(1), 8(5)(a) and 9(5)(a) of the *Remuneration of Public Office-bearers Act, 1998 (Act No. 20 of 1998)*, I, David Douglas Des van Rooyen, Minister for Cooperative Governance and Traditional Affairs, hereby –

- (a) after consultation with the member of the Executive Council responsible for local government in each province; and
- (b) after taking into consideration the matters listed in paragraphs (a) to (i) of section 7(1) of the Act,

determine the upper limits of the salaries, allowances and benefits of the different members of municipal councils as set out in the Schedule.



DES VAN ROOYEN, MP
MINISTER FOR COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

SCHEDULE

PREAMBLE

The salary and allowances of a councillor is determined by that municipal council by resolution of a supporting vote of a majority of its members, in consultation with the member of the Executive Council responsible for local government in each province, having regard to the upper limits as set out hereunder, the financial year of a municipality and affordability of municipality to pay within the different grades of the remuneration of councillors, including the austerity measures as approved by national Cabinet.

For purposes of implementation of this Government Notice, "in consultation with" means that a municipal council must obtain concurrence of the MEC for local government prior to the implementation of the provisions of this Notice.

1. Definitions

In this Schedule, unless the context indicates otherwise, a word or phrase to which a meaning has been assigned in the *Remuneration of Public Office-bearers Act*, 1998 (Act No. 20 of 1998) (hereinafter referred to as "the Act") and the *Local Government: Municipal Structures Act*, 1998 (Act No. 117 of 1998) (hereinafter referred to as "the Structures Act"), has that meaning and –

"**basic salary**" means the amount payable to a councillor that excludes travel allowance, housing allowance, municipal contribution to a pension fund and municipal contribution to a medical aid scheme as provided for in items 9(1), 9(2), 13(1) and 13(2) of this Notice;

"**Demarcation Act**" means the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998);

"**full-time councillor**" means a councillor who has been elected or appointed to an office which has been designated as full-time in terms of section 18(4) of the Structures Act;

"**grade**" in relation to this Notice means the grade of municipal council as determined in terms of item 4;

"**part-time councillor**" means a councillor other than a full-time councillor;

"**pension fund**" means any fund established and registered in terms of, and subject to, any law governing the registration and control of pension funds in the Republic of South Africa and to which an office bearer contributes or any pension scheme approved by Parliament for such office bearers;

"**section 79 committee**" means a committee of the municipal council established in terms of section 79 of the Structures Act;

"**SETAs**" means the Sector Education and Training Authorities established in terms of section 9 of the *Skills Development Act*, 1998 (Act No. 97 of 1998);

"**special risk cover**" means an insurance cover, provided to a councillor by the municipality, which covers the loss of or damage to a councillor's personal immovable or moveable property and assets, excluding property used by such councillor for business

purposes, as well as life and disability cover, for any loss or damage caused by riot, civil unrest, strike or public disorder;

"tools of trade" means the resources provided by a municipal council to a councillor to enable such councillor to discharge his or her duties in the most efficient and effective manner, and at all times remain the assets of the municipality concerned;

"total municipal income" means gross income in respect of a metropolitan, local or district municipality based on actual income received as stated in the audited financial statements of that municipality for the 2016/ 17 financial year. The gross income for the municipality will include the following:

- rates on property;
- fees for services rendered by the municipality, or on its behalf by a municipal entity;
- surcharges;
- other authorised taxes;
- levies and duties;
- income from fines for traffic offences and contravention of municipal by-laws or legislation assigned to the local sphere of government;
- regional services council replacement grant for district municipalities;
- interest earned on invested funds other than national and provincial conditional grants;
- rental for the use of municipal movable or immovable property; and
- amounts received as agent for other spheres of government.

The gross income excludes the following:

- transfers and / or grants from the national fiscus and provincial fiscus, with the exception of regional services council replacement grant for district municipalities; and
- all value added tax (VAT) refunds.

"total population" means the official statistics of the population residing in the area of jurisdiction of a metropolitan, local or district municipality, as published in the Community Survey 2016: Statistical Release No. P0301, in terms of the *Statistics Act, 1999* (Act No. 6 of 1999); and

"total remuneration package" means the annual total cost to a municipality of a basic salary component and housing allowance, payable to a councillor as provided for in items 9(1), 9(2), 13(1) and 13(2) of this Notice and include contributions by the councillor and the municipal council to a pension fund and a medical aid scheme on behalf of the councillor but excludes out of pocket expenses and travel reimbursement.

2. Allocation of number of points for total municipal income

The number of points allocated for the total municipal income of a municipality is as follows:

TOTAL MUNICIPAL INCOME			NUMBER OF POINTS
R 0	-	R 10,000,000	8.33
R 10,000,001	-	R 50,000,000	16.67
R 50,000,001	-	R 200,000,000	25.00
R 200,000,001	-	R 1,500,000,000	33.33
R 1,500,000,001	-	R 2,000,000,000	41.67
More than R2,000,000,000			50.00

3. Allocation of number of points for total population

The number of points allocated for the total population within a municipality, is as follows:

TOTAL POPULATION			NUMBER OF POINTS
0	-	50,000	8.33
50,001	-	100,000	16.67
100,001	-	250,000	25.00
250,001	-	550,000	33.33
550,001	-	1,800,000	41.67
More than 1,800,000			50.00

4. Determination of grade of municipal council

(1) The sum of the number of points allocated to a municipal council, other than a municipal council referred to in terms of items 2 and 3 respectively, determines the grade of such municipal council as follows:

GRADE OF MUNICIPAL COUNCIL	POINTS
1	0 to 16.66
2	16.67 to 33.33
3	33.34 to 50.00
4	50.01 to 66.67
5	66.68 to 83.35
6	83.36 and above

5. Upper limits of the annual total remuneration packages of full-time councillors

The upper limits of the annual total remuneration packages of full-time councillors are as follows:

TOTAL REMUNERATION PACKAGE

GRADE	EXECUTIVE MAYOR OR MAYOR	SPEAKER, DEPUTY EXECUTIVE MAYOR OR DEPUTY MAYOR	MEMBER OF THE EXECUTIVE COMMITTEE OR MAYORAL COMMITTEE, WHIP OR CHAIRPERSON OF A SUBCOUNCIL	CHAIRPERSON OF A SECTION 79 COMMITTEE
6	1,298,317	1,048,546	987,714	958,740
5	968,008	774,405	726,005	704,710
4	826,414	661,129	619,811	601,628
3	795,913	636,731	596,936	584,942
2	745,253	596,203	564,262	547,710
1	723,541	584,342	547,820	531,750

The mayor of a plenary type municipality should be remunerated according to the total remuneration package column of executive mayor or mayor.

6. Upper limit of annual total remuneration package or allowance in respect of appointed councillors

(1) A councillor appointed to a district council in terms of section 23(1)(b) of the Structures Act, may be paid the upper limit of the total remuneration package or allowance as follows:

- (a) If a councillor is elected or appointed as speaker, mayor, executive mayor, member of a mayoral committee, member of an executive committee, chairperson of a section 79 committee or part-time member of a district council, such councillor is entitled to an amount equal to the difference between the total remuneration package that a councillor receives as a member of the local council and the total remuneration package allocated to that office in the district council in terms of items 5, 6, 7, 8, 9, 10, 11 and 12, as the case may be.
- (b) If the total remuneration package payable to a councillor as a member of the local council is equal to or higher than the total remuneration package that an appointed councillor to the district council receives, such a councillor is, in addition to the total remuneration package, entitled to a sitting allowance not exceeding R1020: Provided that this allowance is limited to R1020 per day, regardless of the number of meetings of the district council or committees of that council that are attended by such councillor on a specific day.

(2) A district municipality is responsible for –

- (a) the payment of the remuneration or the allowance referred to in sub-item (1);

- (b) the reimbursement of travel expenses not exceeding the applicable tariffs prescribed by the national department responsible for transport for the use of privately-owned vehicles incurred by a councillor for the execution of official duties on behalf of that district municipality, in terms of that district council's policy; and
- (c) the payment of cell phone expenses not exceeding 50% of the applicable allowances as prescribed under item 11 incurred by a part-time councillor for the execution of official duties on behalf of that district municipality, in terms of that district council's policy.

7. Upper limit of allowance in respect of councillors serving in the governance and intergovernmental structures of organised local government

- (1) (a) A councillor designated by organised local government to serve in a governance structure of organised local government must, in addition to the total remuneration package applicable to that councillor, be paid an allowance not exceeding R1020 per sitting and actual attendance of any meeting: Provided that the allowance is limited to R1020 per day, irrespective of the number of meetings attended by such councillor on a specific day.
 - (b) A councillor designated by organised local government to represent organised local government at any intergovernmental structure, including national and provincial executive authorities, must in addition to the total remuneration package applicable to that councillor, be paid an allowance not exceeding R1020 per sitting and actual attendance of such structure: Provided that the allowance is limited to R1020 per day, irrespective of the number of attendances by such councillor on a specific day
- (2) Organised local government is responsible for –
- (a) the payment of the allowance referred to in sub-item (1);
 - (b) the payment of accommodation expenses incurred for attending a meeting of governance and intergovernmental structures in terms of applicable organised local government policy; and
 - (c) reimbursement of travel expenses, not exceeding the applicable tariffs prescribed by the national department responsible for transport for the use of privately-owned vehicles, incurred by a councillor for attending a meeting of governance and intergovernmental structures.

8. Upper limits of the annual total remuneration packages of part-time councillors

The upper limits of the annual total remuneration packages of part-time councillors are as follows:

TOTAL REMUNERATION PACKAGE

GRADE	EXECUTIVE MAYOR OR MAYOR	SPEAKER, DEPUTY EXECUTIVE MAYOR OR DEPUTY MAYOR	MEMBER OF THE EXECUTIVE COMMITTEE OR MAYORAL COMMITTEE OR WHIP	CHAIRPERSON OF SECTION 79 COMMITTEE	OTHER PART-TIME MEMBERS
6	727,756	615,652	551,016	534,853	486,228
5	540,021	432,018	405,016	393,135	306,338
4	461,031	368,824	345,773	335,630	261,529
3	444,016	355,212	333,018	323,242	251,877
2	415,754	332,603	311,816	302,669	235,846
1	403,638	322,910	302,730	293,848	228,698

The mayor of a plenary type municipality should be remunerated according to the total remuneration package column of mayor/ executive mayor.

9. Upper limits of allowances of full-time and part-time councillors

The upper limits of allowances of full-time and part-time councillors, that constitute part of the annual total remuneration package, are as follows:

- (1) Motor vehicle and travel allowance
 - (a) A councillor listed in item 5 and 8 of this Notice may structure his or her basic salary to provide for motor vehicle allowance.
 - (b) If a councillor structures a vehicle allowance, the councillor must provide proof of ownership of a private vehicle to the municipality and have the vehicle available for official duties.
 - (c) A councillor who uses a privately-owned vehicle for execution of official duties on behalf of the municipality, may be reimbursed for official kilometres travelled, in addition to the total remuneration package of a councillor as determined in terms of items 5 and 8 of the Notice, not exceeding the applicable tariffs as prescribed by the national department responsible for transport and in terms of the municipal council's policy.

- (d) A councillor who utilises a privately-owned vehicle for official purposes must, for purpose of claiming kilometres travelled, keep a travel logbook containing the following information relating to actual official and private kilometres travelled per month as may be determined from time to time by the South African Revenue Service:
- (i) Date of travel;
 - (ii) Kilometres travelled; and
 - (iii) Travel details, where to and reason for the trip.
- (e) A councillor may, in exceptional circumstances and upon good cause shown, and with the approval of the Mayor or Speaker, utilise the municipal-owned vehicle for official purposes: Provided that the municipal council must, in line with the approved municipal council policy, exercise prudent financial management to ensure that the provision of motor vehicle does not undermine the need to prioritise service delivery and sustain viable municipalities.
- (f) If a councillor uses a municipal-owned motor vehicle for official purposes, such councillor will not be reimbursed for kilometres travelled.
- (2) Housing allowance

A councillor may structure his or her salary to provide for housing allowance as part of the total remuneration package.

10. Out of pocket expenses

A councillor may, in addition to the total remuneration package, be reimbursed for reasonable and actual out of pocket expenses incurred during the execution of official or ceremonial duties, in accordance with the applicable municipal council policy

11. Upper limits of cell phone allowance for councillors

A councillor may, in addition to the annual total remuneration packages provided for in terms of items 5 and 8 respectively, be paid a cell phone allowance not exceeding R3400.00 per month in accordance with the applicable municipal council policy

12. Upper limits of mobile data bundles for councillors

A councillor may, in addition to the annual total remuneration packages provided for in terms of items 5 and 8 respectively, be paid an allowance on the use of data bundles not exceeding R300 per month.

13. Upper limits of pension fund contributions and medical benefits of councillors

- (1) Pension contributions

- (a) A councillor may participate in a pension fund duly established in terms of law.
- (b) If a councillor elects to participate in a pension fund, the municipal council must deduct from that councillor's salary, the monthly contributions and to pay the contributions to a pension fund to which the 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 total remuneration package as a total cost to the municipality.

(2) Medical Aid Scheme

- (a) 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 total 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 or her monthly salary, councillor's 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.

14. Special risk cover

(1) A municipality must, in addition to the annual total remuneration packages provided for in items 5 and 8 respectively, take out risk insurance cover, to provide for an insurance cover, provided to a councillor by the municipality, which covers the loss of or damage to a councillor's personal immovable or moveable property and assets, excluding property used by such councillor for business purposes, as well as life and disability cover, for any loss or damage caused by riot, civil unrest, strike or public disorder. The special risk insurance on residential property will be limited to R1, 5 million while on vehicles it is limited to R750 000. The life and disability insurance cover is limited to 2 times the total remuneration package of a councillor.

(2) In the event where the residential property of a councillor was damaged or destroyed as a result of riot, civil unrest, strike or public disorder, the municipality may, subject to affordability, provide alternative accommodation to the affected councillor, for a period of 30 days from the date of such an incident.

(3) Notwithstanding sub-item (2), the municipal council may, on good cause shown, provide alternative accommodation for a further period not exceeding 30 days.

(4) A councillor is obliged to submit to the municipality details of property, assets and beneficiaries to be covered by the special risk insurance upon request. A

councillor who fails to submit the required details referred to herein will forfeit the benefits associated with the special risk insurance cover.

(5) If a councillor already belongs to another special risk cover, such councillor must declare to the municipality the details of property, assets and beneficiaries to be covered by the special risk insurance.

15. Tools of trade

(1) A municipal council may extend the following tools of trade to a councillor:

	TOOLS OF TRADE	APPLICABLE TO:
(a)	Braille reader	All visually impaired councillors.
(b)	Office space and furniture; Parking bay; Business cards; Calculators; Letter-heads; Stationery; Toner cartridges; Diaries; Postage costs; Office telephone; and Appropriate mobile technology and multi-digital office (excluding cell phones and mobile data card as per item 10 and 11), including facsimile, printer, photocopier and scanner.	Full-time councillors, part-time executive mayors or mayor, part-time deputy executive mayors or deputy mayors, part-time speakers, part-time members of mayoral committee or members of executive committee and part-time chairpersons of section 79 committees.
(c)	Laptop or tablet	All councillors.
(d)	Official accommodation and furniture where it currently exists	Full-time Executive Mayors or Mayors
(e)	Business cards; Calculators; Letter-heads; Stationery; and Diaries.	Part-time councillors and the usage must comply with policy directives of the municipality.
(f)	Postage costs; Office telephone; and Multi-digital office, facsimile, printer, photocopier and scanner	Part-time councillors to have access to these tools of trade at the municipal offices.
(g)	Personal security	Executive Mayors, Mayors or Speakers. Other councillors, subject to a threat and risk analysis conducted by the South African Police Service.

(2) If a municipal council makes available tools of trade in terms of sub-item (1), such a municipal council must take into account accessibility, affordability and cost

control, equity, flexibility, simplicity, transparency, accountability and value of tools of trade.

(3) The tools of trade must be insured by the council with the exception of sub-item (1)(g).

(4) The application of sub-item (1) is subject to concurrence by the MEC for local government in the province.

16. Capacity building

(1) A municipality must make a provision in its budget for the development and implementation of capacity building programme for a councillor during the term of office of that councillor.

(2) This capacity building programme may include specific training conducted by national departments, associated government agencies and SETAs, provincial departments, municipalities and organised local government but excludes tertiary education.

(3) The training programme must take into consideration the capacity needs to fulfil a councillor's statutory obligations and affordability by a municipality.

17. Overpayment

(1) Any remuneration paid to a councillor of a municipality otherwise than in accordance with section 167(1) of the *Local Government: Municipal Finance Management Act, 2003* (Act No. 53 of 2003) including any bonus, bursary, loan, advance or other benefit, is an irregular expenditure and the municipality –

- (a) must recover that remuneration from the political office bearer or member; and
- (b) may not write-off any expenditure incurred by the municipality in paying or giving that remuneration.

(2) The MEC must report to the Minister –

- (a) any transgression of subsection (1); and
- (b) any non-compliance with this Notice.

18. Information to be submitted to the Minister

(1) A municipality must submit to the MEC responsible for local government in the province, by not later than 28 February 2018, a report containing the following information in respect of its serving councillors on an official letterhead of the municipality, signed by the mayor:

- (a) Total number of councillors;
- (b) Designation;
- (c) Part-time or full-time;
- (d) Name of incumbent;
- (e) Gender;
- (f) Total municipal income;
- (g) Total population;
- (h) Grading of municipal council;
- (i) Date concurrence granted by the MEC;
- (j) Total remuneration package; and
- (k) Any allowance(s) payable to a councillor.

(2) Upon receipt of the data referred to in sub-item 1, the MEC must submit a consolidated report to the Minister by not later than 31 March 2018.

19. Transitional measures

(1) If a municipality has no audited financial statements for 2016/17 financial year by the date of publication of this Notice, the audited financial statements for the 2015/16 financial year will apply.

(2) If the total remuneration package of a councillor decreases as a consequence of the determination of the grade of municipal council as set out in item 4 of this Notice, such a councillor retains the total remuneration package as determined in terms of Government Notice No. R. 313 of 3 April 2017 and the councillor is entitled to the applicable cost of living adjustment: Provided that the data used by the municipality for determination of the grading of a municipal council was correct.

20. Short title and commencement

This Notice is called the Determination of Upper Limits of Salaries, Allowances and Benefits of Different Members of Municipal Councils and takes effect from 1 July 2017

ANNEXURE "B"

	MAYOR 2016/17	SPEAKER / DEP MAYOR 2016/17	MAYCO/ SUBCOUNCIL CHAIRS 2016/17	WHIP 2016/17	CHAIRPERSON OF SECTION 79 COMMITTEE 2016/17	COUNCILLOR 2016/17
Salary	1,242,409	1,003,393	940,680	940,680	913,086	458,706
Phone allowance	40,800	40,800	22,800	22,800	22,800	22,800
	1,283,209	1,044,193	963,480	963,480	935,886	481,506

	MAYOR	SPEAKER / DEP MAYOR	MAYCO/ SUBCOUNCIL CHAIRS	WHIP	ANNEXURE "C" CHAIRPERSON OF SECTION 79 COMMITTEE	COUNCILLOR
	2017/18	2017/18	2017/18	2017/18	2017/18	2017/18
Salary	1298317	1048546	987714	987714	958740	486228
Phone allowance	40800	40800	40800	40800	40800	40800
	<u>1339117</u>	<u>1089346</u>	<u>1028514</u>	<u>1028514</u>	<u>999540</u>	<u>527028</u>