



CONSTITUTION OF

SALGA

South African Local Government Association

RECOGNISED IN TERMS OF SECTION 2 (1) (A) OF THE ORGANISED
LOCAL GOVERNMENT ACT, 1997 (ACT NO. 52)

As amended and adopted by the National Conference

11 September 2012



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PREAMBLE

We, the representatives of Local Government:

- 1.1 Declare that we will respect and uphold the Constitution of our country;
- 1.2 Appreciate that the text of the Constitution of the Republic of South Africa, Act 108 of 1996, as amended, and in particular, section 40 thereof constitutes government as national, provincial and local spheres of government which are distinctive, independent and interrelated;
- 1.3 Commit ourselves to deepening democracy, promote racial, gender and all other forms of equality, and the empowerment of the people of our country through local government;
- 1.4. Recognise that the local government elections held during the years 1995,1996 and 2000 represent the beginning of democratic local government which needs to be both strengthened and deepened;
- 1.5. Commit ourselves to the principles and values of inclusivity, unity, consultation, respect, mutual trust and good faith, and loyalty in our relations both with internal and external stakeholders; and
- 1.6. Consider it necessary for local government to be able to speak with a single authoritative voice.

Now therefore resolve to establish the South African Local Government Association (“SALGA”) as mandated in terms of section 163 of the Constitution of the Republic of South Africa Act No.108 of 1996, as amended.

SCHEDULE A

PART I: DEFINITIONS, INTERPRETATION AND PRELIMINARY

1. DEFINITIONS, INTERPRETATION AND PRELIMINARY

The headings to the articles in this constitution are for the purpose of convenience and reference only and shall not be used in the interpretation, nor to modify or amplify the terms of, this constitution nor any clause hereof. Unless a contrary intention clearly appears -

- 1.1 Words importing any one gender include the other genders, the singular include the plural and *vice versa*, and natural persons include created entities (corporate or unincorporated) and *vice versa*;
- 1.2 The following terms shall have the meanings assigned to them hereunder and cognate expressions shall have a corresponding meaning, namely –
 - 1.2.1 “Act” means the Organised Local Government Act, 52 of 1997;
 - 1.2.2 “administration” means the day to day administration of the affairs of SALGA from time to time;
 - 1.2.3 “Associate member” means an organisation which is not a municipality or a provincial association, but is strongly concerned with or involved in local government matters and complies with such criteria as may be determined by the National Executive Committee from time to time;
 - 1.2.4 “member” means any member of SALGA recognised in terms of article 4 of this constitution;
 - 1.2.5 “Minister” means the Minister responsible for Local Government or his or her successor in title;
 - 1.2.6 “National Conference” means a duly constituted National Conference of SALGA as provided herein;
 - 1.2.7 “National Members Assembly ” means a duly constituted National Members Assembly of SALGA;
 - 1.2.8 “National Executive Committee” means a duly elected and constituted National Executive Committee of SALGA;
 - 1.2.9 “Office Bearers” means the Chairperson and 3 Deputy Chairpersons duly elected by the National Conference in terms of article 13 hereof;
 - 1.2.10 “organisation” means SALGA;
 - 1.2.11 “provincial association” means any provincial local government association which has constituted itself in terms of this constitution;

- 1.2.12 “provincial member” means any provincial association which is affiliated to SALGA;
- 1.2.13 “SALGA” means the South African Local Government Association recognised by the Minister in terms of section 2(1)(a) of the Act.
- 1.2.14 “Working Groups” means the governance structure established to make strategic and policy recommendations to the National Executive Committee or Provincial Executive Committee, as the case may be.
- 1.3 any reference to an enactment is as at the date of signature thereof and as amended or re-enacted from time to time;
- 1.4 if any provision in a definition is a substantive provision conferring rights or imposing obligations on any party, notwithstanding that it is only in the definition clause, effect shall be given to it as if it were a substantive provision in the body of the constitution;
- 1.5 when any number of days is prescribed in this constitution, same shall be reckoned exclusively of the first and inclusively of the last day unless the last day falls on a Saturday, Sunday or public holiday, in which case the last day shall be the next succeeding day which is not a Saturday, Sunday or public holiday;
- 1.6 where figures are referred to in numerals and in words, if there is any conflict between the two, the words shall prevail;
- 1.7 expressions defined in this constitution shall bear the same meaning **as in the** schedules or annexures to this constitution which do not themselves contain their own definitions;
- 1.8 where any term is defined within the context of any particular article in this constitution, the term so defined, unless it is clear from the article in question that the term so defined has limited application to the relevant clause, shall bear the meaning ascribed to it for all purposes in terms of this constitution, notwithstanding that that term has not been defined in this interpretation article.

PART II – NAME, ROLE AND MANDATE OF SALGA

2. NAME AND STATUS

- 2.1. The name of this association shall be the South African Local Government Association, hereinafter referred to as SALGA.
- 2.2. SALGA is an association not for gain. **It is a juristic person recognised in terms of section 2(1)(4) of the Act** with the power to own property, sue and be sued in its own name.
- 2.3. The liability of the members, **where applicable, in view of article 7.1 below**, shall be limited to the payment of membership fees and levies as determined by the National Executive Committee from time to time in terms of this constitution.

3. ROLE AND MANDATE

The role and mandate of SALGA is to:

- 3.1. Represent, promote and protect, the interests of local government in the intergovernmental system;
- 3.2. Transform local government to enable it to fulfil its developmental role;
- 3.3. Enhance the role and status of its members as provincial representatives and consultative bodies of local government;
- 3.4. Enhance the role and status of municipalities;
- 3.5. Develop common approaches for local government as a distinct sphere of government;
- 3.6. Enhance cooperation, mutual assistance and sharing of resources among municipalities;
- 3.7. Find solutions for problems relating to local government generally;
- 3.8. Ensure the full participation of women in organised local government, including striving for parity (fifty percent) of representation in SALGA's governance structures;
- 3.9. Increase knowledge sharing and improve the communications capacity as well as vertical and horizontal connectivity of organised local government and municipalities;
- 3.10. Be the National Employers' Association representing all municipal members and, by agreement, associate members;
- 3.11. Regulate the relationship between its members and their employees within the meaning of section 213 of the Labour Relations Act 66 of 1995, as amended;
- 3.12. Encourage the settlement of disputes among **its** members and between them and their employees or trade unions through co-operative governance or labour law principles;

- 3.13. Affiliate with and participate in the affairs of any international organisation, that will serve the interests of the members;
- 3.14. To ensure that South African local government plays a critical role in furthering Africa's development at regional, continental and international levels; and
- 3.15. Do such lawful things as may appear to be in the interest of the organisation and its members which are not inconsistent with the objects or any matter specifically provided for in this constitution.

PART III: MEMBERSHIP

4. MEMBERSHIP

- 4.1. SALGA shall have the following categories of members:
 - 4.1.1 Municipalities established in terms of the Municipal Structures Act, Act 117 of 1998;
 - 4.1.2 Provincial associations; and
 - 4.1.3 Associate members.
- 4.2 Any application, whether for admission or readmission to membership of SALGA shall be lodged in writing with the Chairperson or a person duly delegated by the Chairperson for consideration by the National Executive Committee together with the annual membership fee, **where applicable**.
- 4.3 The National Executive Committee shall consider every application for membership within a period of 6 (six) weeks of receipt thereof by the Chairperson or a person duly delegated by the Chairperson and shall accordingly advise each applicant of the outcome of its application.
- 4.4 An applicant to whom admission to membership is refused shall be provided with reasons for such refusal and shall be entitled to a refund of the membership fee paid.
- 4.5 In the event of such refusal, the applicant concerned shall have a right of appeal to the next National Members Assembly or National Conference (whichever occurs first), which shall have the power to confirm or reverse the decision of the National Executive Committee.
 - 4.5.1 Such an appeal shall be in writing and shall be submitted to the Chairperson or a person duly delegated by the Chairperson 4 (four) weeks before the National Members Assembly or National Conference (whichever occurs first).
 - 4.5.2 The decision of the National Members Assembly or National Conference shall be final and binding on the applicant.
- 4.6 Every member shall notify the Chairperson or a person duly delegated by the Chairperson, in writing, of its postal address and any change thereof within 4 (four) weeks of the date on which the change occurred.
- 4.7 A member may resign by giving not less than 3 (three) months' written notice to the National Executive Committee or a person duly delegated by the National Executive Committee, provided

that no resignation shall take effect until all money due by the member concerned to SALGA has been paid in full.

4.8 Any member who has resigned or been expelled from SALGA may be readmitted to membership on such terms and conditions as the National Executive Committee may deem fit.

5. **MEMBERS' COMPACT**

- 5.1. Members shall, subject to this Constitution, be entitled to participate in the various activities and programmes of SALGA.
- 5.2. Members shall have equal access to information, data and documentation on local government matters, the activities and decisions of SALGA.
- 5.3. Members shall abide by this Constitution and the resolutions of its constitutional decision-making structures, and shall promptly comply with all membership obligations due in terms hereof.
- 5.4. Disputes between SALGA and any member or members must be declared in writing and set out the grounds of the dispute and proposed resolutions. Dispute resolution procedures must be provided for in the Rules of Procedure annexed to this Constitution.

6. **CODE OF CONDUCT**

- 6.1. All members, without exception, must abide by the Constitution of SALGA and this Code of Conduct.
- 6.2. This Code of Conduct shall be applicable to all members, without exception.
- 6.3. The National Executive Committee or a Provincial Executive Committee **shall** establish *ad hoc* Disciplinary Committees for the purpose of enforcing the Code of Conduct and disciplining members.
- 6.4. A member shall be entitled to appeal the decisions of a Disciplinary Committee to the National Executive Committee or Provincial Executive Committee, as the case may be. The National or Provincial Executive Committee, in such case, **may** establish an appeals committee to consider the appeal.
- 6.5. In exceptional situations arising out of serious breaches of this Constitution or Code of Conduct, the National Executive Committee itself may exercise jurisdiction to investigate and determine a complaint.
- 6.6. Disciplinary proceedings against a member shall be confined to violations of the SALGA Constitution or Code of Conduct, or the commission of offences.
- 6.7. All disciplinary proceedings shall be conducted in accordance with annexure F.

- 6.8. A serious offence shall be committed by any member who prejudices the integrity or repute of the organisation, its personnel or its operational capacity.
- 6.9. The following shall also be regarded as serious offences, without prejudice to the right of the National Executive Committee to add to this category of offences:
- 6.9.1. Impeding the activities of the organisation;
 - 6.9.2. Misappropriation of the funds of the organisation or destruction of its properties;
 - 6.9.3. Creating division within the membership ranks of SALGA;
 - 6.9.4. Deliberately disrupting meetings and interfering with the orderly functioning of the organisation.
- 6.10. If, in the opinion of the National or Provincial Executive Committee, as the case may be, in exercising its right to invoke disciplinary proceedings under this Constitution, a member is guilty of the following offences, disciplinary proceedings may follow:
- 6.10.1. Bringing the organisation into disrepute or manifesting a flagrant violation of the moral integrity expected of members or conduct unbecoming that of a member;
 - 6.10.2. Sowing racism, sexism, tribal chauvinism, religious and political intolerance, regionalism or any form of discrimination;
 - 6.10.3. Behaving in such a way as to provoke serious divisions or a break-down of unity in the organisation;
 - 6.10.4. Undermining the respect for or impeding the functioning of the structures of the organisation.
- 6.11. Penalties for proven violations of the Constitution, principles, norms and decisions of SALGA shall include reprimand, payment of compensation and/or the performance of useful tasks, suspension and expulsion.
- 6.12. The National Executive Committee or Provincial Executive Committee, as the case may be, having regard to the nature and seriousness of an alleged violation or offence by a member, may summarily suspend the membership of any member pending the preparation of a charge against the member and the finalisation of disciplinary proceedings against such member. The member shall be informed of such suspension.
- 6.13. The temporary suspension shall lapse if no disciplinary proceedings are instituted against the member within 30 days of the date of the temporary suspension. Such disciplinary proceedings shall be attended to as quickly as possible and completed within a reasonable period.

7. MEMBERSHIP FEES AND LEVIES

- 7.1. Each member, except a provincial association, shall be liable to pay an annual membership fee and/or levies.
- 7.2. Membership fees and levies determined in terms of article 7.1 above shall be due and payable by members on **1 April but before 31 July of that calendar year** and shall be payable to SALGA at its national office.

- 7.3. The National Executive Committee, in consultation with Provincial Executive Committees, shall formulate a policy to regulate the determination of membership fees and may amend that policy as and when the need arises.
- 7.4. The National Executive Committee shall further determine the fees due by each category of member (or the formula in terms of which such levies are calculated, as the case may be) on a multi-year basis, which shall be reviewed annually and which shall be circulated to all members by no later than the last day of December of the year prior to which the new levies will be applicable.
- 7.5. In addition to membership fee or levy payable in terms of article 7.1 above, a member shall also be liable for the payment of such other fees as may be prescribed in terms of the rules governing any fund.
- 7.6. All money received by SALGA from membership fees, levies and other sources shall be used in pursuance of its objectives as set out in article 3 above.

8. PARTICIPATION AND VOTING

- 8.1. Each member shall be represented in the National Conference or National Members Assembly by a number of delegates who will be entitled to vote in accordance with the formula to be determined by the National Executive Committee, in consultation with Provincial Executive Committees, and who shall present their credentials as such to the Secretariat at the commencement of the session, including identifying the voting member(s) of the delegation who shall exercise the right to vote.
- 8.2. Each member shall be entitled to vote in the National Conference and National Members Assembly of SALGA in accordance with a formula to be determined by the National Executive Committee, in consultation with Provincial Executive Committees.
- 8.3. Notwithstanding the above, each member shall be entitled to at least one vote in the National and Provincial Conferences and Members' Assemblies' of SALGA.
- 8.4. A member may send such additional delegates, up to a maximum prescribed by the National Executive Committee, who may attend the National Conference or Members Assembly as observers, but may not vote.
- 8.5. Each member shall be entitled, through its representatives, to participate in sessions of the National Conference or National Members Assembly by speaking, expressing its opinions and submitting proposals.
- 8.6. Associate members shall enjoy no voting rights in the National Conference and the National Members Assembly.
- 8.7. A member who fails to pay levies shall remain a member with lesser rights, surrender voting rights and the right to have any of its councillors in executive positions of SALGA, until all due membership levies have been paid.

PART IV: GOVERNANCE STRUCTURE OF SALGA

9. GOVERNANCE STRUCTURE

The governance of SALGA is **vested and executed** by:

- 9.1 National Conference;
- 9.2 National Members Assembly;
- 9.3 National Executive Committee;
- 9.4 National Office Bearers;
- 9.5 National Working Groups.

10. NATIONAL CONFERENCE

- 10.1. The ultimate authority of SALGA shall reside in its National Conference.
- 10.2. SALGA shall within a period of **90 (ninety) days** after every **general local government election** hold a meeting of members to be known and described in the notice calling such meeting as the National Conference.
- 10.3. The National Conference **shall**:
 - 10.3.1. Elect the members of the National Executive Committee;
 - 10.3.2. Establish and review SALGA's oversight bodies as may be required by law; and
 - 10.3.3. Consider audited financial statements in respect of the previous year, approve the programme of action, business plan and the budget of SALGA as approved by the National Executive Committee in respect of the ensuing year and review SALGA's financial performance.
- 10.4. Every National Conference shall be held at a venue as resolved by the National Executive Committee.
- 10.5. The proceedings of the National Conference shall be regulated in terms of the procedure laid down in annexure "A" hereto.

11. NATIONAL MEMBERS ASSEMBLY

- 11.1. SALGA shall **at least once in between National Conferences, but no later than 30 months after the last National Conference**, hold a meeting of members to be known and described in the notice calling such meeting as the National Members Assembly.
- 11.2. The National Members Assembly shall, except for the provisions in articles 10.3.1 and 10.3.2 above, exercise the authority of SALGA between National Conferences.
- 11.3. The National Members Assembly shall:-
 - 11.3.1. act in accordance with the directions of the National Conference;
 - 11.3.2. consider audited financial statements in respect of the previous year;

- 11.3.3. adopt SALGA's programme of action, business plan and the budget as approved by the National Executive Committee;
 - 11.3.4. adopt positions on key policy and legislative matters impacting on local government, for implementation by the National Executive Committee;
 - 11.3.5. review SALGA's financial performance;
 - 11.3.6. consider reports from the working groups and oversight bodies; and
 - 11.3.7. deal with any other issues emanating from the provisions of this constitution.
- 11.4. Notwithstanding anything contained in article 10.2 above, the National Executive Committee **shall** call a National Members Assembly:
- 11.4.1. at the written request of the majority of provincial associations containing the reasons for such a request and setting out the matters to be discussed at the proposed meeting; or
 - 11.4.2. if it resolves that there are special circumstances which require a National Members Assembly .
- 11.5. Every National Members Assembly shall be held at a venue as resolved by the National Executive Committee.
- 11.6. The proceedings of the National Members Assembly shall be regulated in terms of the procedure laid down in annexure A hereto.

12. **THE NATIONAL EXECUTIVE COMMITTEE**

- 12.1. The National Executive Committee shall exercise the authority of SALGA between National Conferences and National Members Assemblies.
- 12.2. The National Executive Committee shall consist of:
- 12.2.1. The Chairperson of SALGA;
 - 12.2.2. 3 (three) Deputy Chairpersons;
 - 12.2.3. 6 (six) additional members;
 - 12.2.4. Provincial Chairpersons of SALGA, **who shall be ex-officio members of the National Executive Committee;** and
 - 12.2.5. The Head of Administration, who shall have no vote.
- 12.3. The National Executive Committee may co-opt no more than 3 (three) further additional members.
- 12.4. The National Executive Committee **shall**:
- 12.4.1. Meet at least once every three months and when the need arises;
 - 12.4.2. Exercise day-to-day executive authority;
 - 12.4.3. Act in accordance with the directions of the National Conference or National Members Assembly;
 - 12.4.4. Submit a report of its activities during the previous financial year to the National Conference or National Members Assembly, whichever occurs first; and

- 12.4.5. Develop, review **and adopt** SALGA's administrative policies.
- 12.5. An **extended National Executive Committee**, comprising of all National Executive Committee and Provincial Executive Committee members, **shall** be convened **annually**, except in the year that the National Conference or National Members Assembly is scheduled.
- 12.6. At least **fifty percent plus one** (50% + 1) of the National Executive Committee members must be present to form a quorum.
- 12.7. **The National Executive Committee shall have the power from time to time to:**
- 12.7.1. acquire and control property;
 - 12.7.2. open any banking account and invest money;
 - 12.7.3. determine the signatories required for the operation of any banking account;
 - 12.7.4. appoint the head of administration, who will also act as a secretary in terms of section 95 of the Labour Relations Act No. 66 of 1995, as amended;
 - 12.7.5. make representations to both the provincial and national governments;
 - 12.7.6. develop the criteria for associate membership;
 - 12.7.7. recruit, appoint, promote and discharge employees;
 - 12.7.8. take disciplinary action against any employee;
 - 12.7.9. establish and maintain any non-contributory or contributory pension, superannuation, provident and benefit funds for the benefit of employees of SALGA;
 - 12.7.10. provide for pensions, gratuities and allowances to and make payments for or towards the insurance of any persons who are employees or ex-employees of SALGA and the wives, widows, families and dependants of such persons;
 - 12.7.11. establish and review the Working Groups as deemed necessary;
 - 12.7.12. appoint the chairpersons of the National Working Groups from amongst the additional and/or co-opted members;
 - 12.7.13. stipulate that the holder of an office from amongst the office bearers shall attend exclusively to the business of SALGA, during such period, or for a minimum amount of time during a period, and on such conditions as to payment or otherwise, as may be determined by it from time to time; and
 - 12.7.14. determine representation of SALGA in all national intergovernmental structures and other national forums. Such representatives shall table reports to the National Executive Committee at least quarterly.
- 12.8. **Representation of SALGA in National Council of Provinces**
- 12.8.1 Each provincial association shall nominate no less than three (3) councillors for designation as representatives to participate in the National Council of Provinces, in accordance with the provisions of section 3 of the Act.
 - 12.8.2 The National Executive Committee shall, in accordance with section 3(2)(a) of the Act, from among the provincial nominees, designate nine (9) members (one per province), and a national office bearer, as Organised Local Government's ten (10)

representatives in the National Council of Provinces, giving effect to section 163 (b)(ii) of the Constitution of the Republic of South Africa, Act 108 of 1996.

12.8.3 The Head of Administration shall, in accordance with section 3(3) of the Act, communicate the designation to the Secretary of the National Council of Provinces.

12.9 The National Executive Committee **may**, from time to time:

12.9.1 establish sub-committees for such time and on such terms and limitations as it may deem fit, and delegate any of its powers or functions, to such sub-committees to assist the National Executive Committee in the execution of its duties, in accordance with the delegations framework of the organisation.

12.9.2 entrust to and confer upon any of the governance structures or functionaries, including the administration, such of the powers vested in it as it may deem fit and as set out in the delegations framework of the organisation;

12.9.3 revoke or vary any or all of the powers so delegated.

12.10 The governance structures or functionaries, including the administration, granted powers pursuant to the provisions in terms hereof shall not be regarded as an agent or delegate of the National Executive Committee, and after such powers have been conferred by the National Executive Committee, shall be deemed to derive such powers directly from this clause.

12.11 Save as aforesaid, the meetings and proceedings of a committee consisting of more than 1 (one) member shall be governed by the provisions of this constitution regulating the meetings and proceedings of the National Executive Committee.

12.12 Every member of the National Executive Committee shall be indemnified by SALGA against all liability incurred in his capacity as such, in defending any proceedings, whether civil or criminal, in which judgment is given in his favour, or in which he is acquitted.

12.13 The proceedings of the National Executive Committee shall be regulated in accordance with the procedure laid down in annexure C hereto.

13 **ELECTION OF NATIONAL EXECUTIVE COMMITTEE**

13.1 Every National Conference shall elect the following **members of the National Executive Committee**, who shall be councillors:-

13.1.1 the Chairperson;

13.1.2 3 (three) Deputy Chairpersons; and

13.1.3 6 (six) additional members.

13.2 The nomination and election procedure of the National Executive Committee is set out in annexures B and C, Schedule B of this Constitution.

13.3 The National Executive Committee members shall serve as such until the election of the ensuing National Executive Committee at the National Conference, irrespective of whether or not members are re-elected as councillors.

- 13.4 Before a general local government election, a National Executive Committee member will lose his or her position *ipso facto* if he or she ceases to be a councillor.
- 13.5 Any vacancy, which occurs in the office of any of office bearers and/or additional members between National Conferences, shall be filled by the National Executive Committee.

14 OFFICE BEARERS

- 14.1 There shall be a Chairperson and three Deputy Chairpersons.
- 14.2 Collectively they constitute the **office bearers**.
- 14.3 The three Deputy Chairpersons must be comprised of a representative from each category of municipality; and must be from different provinces to ensure representivity.
- 14.4 The duties of the **office bearers** are to:
- 14.4.1 Oversee the implementation of decisions of the National Conference, National Members Assembly and the National Executive Committee by all SALGA governance structures and functionaries;
 - 14.4.2 Present reports on the state and performance of the governance structures of the organisation;
 - 14.4.3 Ensure the implementation and management of the Members' Compact as provided in this Constitution;
 - 14.4.4 Present reports on enforcement of the Code of Conduct by relevant SALGA structures;
 - 14.4.5 Ensure effective relationship building with members and resolution of disputes between SALGA and members;
 - 14.4.6 Politically oversee the development and execution of the SALGA Strategic Plan for term of National Executive Committee;
 - 14.4.7 Be politically responsible for communication between the organisation, its members and stakeholders;
 - 14.4.8 Be politically responsible for overseeing fundraising and sponsorship plans for SALGA events; and
 - 14.4.9 Perform such other functions as delegated by National Executive Committee **in accordance with delegations framework of the organisation**.

14.5 CHAIRPERSON

The Chairperson shall:

- 14.5.1 preside at all meetings of the National Conference, National Members Assembly and National Executive Committee;
- 14.5.2 be the custodian of the decisions taken by the National Conference, National Members Assembly and National Executive Committee;

- 14.5.3 Present to the National Conference, National Members Assembly and extended National Executive Committee a comprehensive report on the state and performance of the governance structures of the organisation;
- 14.5.4 sign minutes of the meetings;
- 14.5.5 delegate such other functions as are necessary to the Deputy Chairpersons;
- 14.5.6 perform such other duties as may be associated with this office;
- 14.5.7 represent SALGA at all formal or ceremonial occasions; and
- 14.5.8 perform such other functions as may be delegated by the National Executive Committee from time to time.

14.6 DEPUTY CHAIRPERSONS

The Deputy Chairpersons shall:

- 14.6.1 carry out such functions as are delegated to them by the Chairperson in terms of 15.5.5 above;
- 14.6.2 carry out the functions outlined in 15.4; and
- 14.6.3 act as Chairperson in the event that the Chairperson is unable to fulfil his or her obligations for a temporary period.

15 DISQUALIFICATION AND PRIVILEGES OF NATIONAL EXECUTIVE COMMITTEE MEMBERS

- 15.1 A **member of the National Executive Committee** shall cease to hold office as such if –
 - 15.1.1 (s)he is medically certified to be of unsound mind; or
 - 15.1.2 if (s)he infringes any of the provisions of this constitution, including the Code of Ethics for NEC members set out in Annexure D; or
 - 15.1.3 (s)he is removed from office by a resolution of the National Executive Committee; or
 - 15.1.4 (s)he resigns his or her office by not less than 30 (thirty) days' written notice to the chairperson or a person duly delegated by the chairperson; or
 - 15.1.5 **(s)he ceases to be a councillor** ; or
 - 15.1.6 (s)he fails to attend 3 (three) consecutive meetings of the National Executive Committee without leave of absence from the National Executive Committee; or
 - 15.1.7 a notice removing him or her from office is signed by members who hold not less than 51% (fifty one per cent) of the total voting rights of all the members of the National Conference who are at that time entitled so to attend and vote and is delivered to SALGA or lodged at its registered office.
- 15.2 No member of the National Executive Committee may be removed from office unless he or she has been afforded an opportunity to state his or her case.
- 15.3 Disciplinary proceedings concerning National Executive Committee members shall be dealt with in accordance with the provisions of annexure D (Code of Ethics).

16 NATIONAL WORKING GROUPS

- 16.1 Composition and quorum

- 16.1.1 The Working Groups (national and provincial) are established by the National Executive Committee, with the chairperson of the Working Groups appointed from amongst the additional National Executive Committee members.
- 16.1.2 In determining the number of Working Groups, the National Executive Committee shall have due regard to the key functional areas of local government.
- 16.1.3 The National Working Groups shall comprise of the Chairperson and all provincial working group chairpersons of that portfolio.
- 16.1.4 A quorum of **forty percent (40%)** shall apply in National Working Group meetings.

16.2 **Purpose, objectives and functions**

16.2.1 The key purpose and objective of working groups is to:

- 16.2.1.1 facilitate coordination, consultation and inclusive decision-making between SALGA and its members;
- 16.2.1.2 serve as a forum through which organised local government members can consult with one another, at a political level, to contribute in so far as providing ideas, advice, political insight and support on the assigned areas of focus to SALGA's political governance structures, namely the National Executive Committee.

16.2.2 The functions of the Working Groups are to:

- 16.2.2.1 discuss and develop policies, strategies and programmes to address critical local government issues;
- 16.2.2.2 monitor the process of local government policy conceptualisation, design and implementation;
- 16.2.2.3 effect meaningful participation of Working Group members in political and intergovernmental structures as mandated by SALGA;
- 16.2.2.4 within the Strategy of SALGA, facilitate the determination of organised local government priorities, which should be pursued in the short, medium and long term; and
- 16.2.2.5 make strategic and policy recommendations to the National Executive Committee.

PART VI: PROVISIONS APPLICABLE TO PROVINCIAL MEMBERS

17 MEMBERSHIP

Municipal members of SALGA shall *ipso facto* be members of the provincial association for the province in which they are situated.

18 PROVINCIAL GOVERNANCE STRUCTURE

The governance of Provincial Members is **vested and executed** by:

- 18.1 Provincial Conference;
- 18.2 Provincial Members Assembly;
- 18.3 Provincial Executive Committee;
- 18.4 Provincial Office Bearers;
- 18.5 Provincial Working Groups.

19 PROVINCIAL CONFERENCE

- 19.1 The ultimate authority of the provincial member shall reside in its Provincial Conference.
- 19.2 The provincial members shall within a period of **60 (sixty)** days after every **general local government election** hold a meeting of members to be known and described in the notice calling such meeting as the Provincial Conference. Such Provincial Conference shall be held **at least 30 (thirty) days before** the National Conference.
- 19.3 The Provincial Conference **shall**:
 - 19.3.1 Elect the members of the Provincial Executive Committee;
 - 19.3.2 Establish and review provincial oversight bodies as required by law; and
 - 19.3.3 Approve the provincial programme of action, business plan and budget in respect of the ensuing year.
- 19.4 Every Provincial Conference shall **elect** the following members of the Provincial Executive Committee, who shall be councillors:
 - 19.4.1.1 The Chairperson;
 - 19.4.1.2 Three (3) Deputy Chairpersons; and
 - 19.4.1.3 Six (6) additional members.
- 19.5 Every Provincial Conference shall be held at a venue as resolved by the Provincial Executive Committee.
- 19.6 The provisions of article 8, regulating participation and voting in SALGA governance structures, shall apply *mutatis mutandis* to provincial members.
- 19.7 The proceedings of the Provincial Conference shall be regulated in terms of the procedure laid down in annexure A in the Rules of Procedure, *mutatis mutandis*.

20 PROVINCIAL MEMBERS ASSEMBLY

- 20.1 A provincial member shall, at least once a year, hold a meeting of members to be known and described in the notice calling such meeting as the **Provincial Members Assembly**. In the year of a National Members Assembly, such meeting must be held **at least 30 (thirty) days** before the National Members Assembly.
- 20.2 The Provincial Members Assembly shall, except for the provisions of articles 20.3.1 and 20.3.2, exercise the authority of the provincial member between Provincial Conferences.
- 20.3 The Provincial Conference **shall**:
- 20.3.1 Act in accordance with the directions of the Provincial Conference;
 - 20.3.2 Adopt the provincial member's programme of action, business plan and budget in respect of the ensuing year;
 - 20.3.3 Consider reports from the provincial working groups and oversight bodies; and
 - 20.3.4 Deal with any other issues emanating from the provisions applicable to provincial members in this Constitution.
- 20.4 Every Provincial Members Assembly shall be held at a venue as resolved by the Provincial Executive Committee.
- 20.5 The provisions of article 8, regulating participation and voting in SALGA governance structures, shall apply *mutatis mutandis* to provincial members assemblies.
- 20.6 The proceedings of the Provincial Members Assembly shall be regulated in terms of the procedure laid down in annexure A in the Rules of Procedure annexed to this Constitution, *mutatis mutandis*.

21 PROVINCIAL EXECUTIVE COMMITTEE

- 21.1 The Provincial Executive Committee shall exercise the authority of the Provincial member between Provincial Conferences and Provincial Members Assemblies.
- 21.2 The Provincial Executive Committee shall consist of:
- 21.2.1 Chairperson;
 - 21.2.2 Three (3) deputy chairpersons; and
 - 21.2.3 Six (6) additional members.
- 21.3 The Provincial Executive Committee may co-opt no more than 3 (three) further additional members.
- 21.4 In electing Provincial Executive Committee members, the following principles shall apply:
- 21.4.1 All categories of municipalities prevalent in a province must be represented on the Provincial Executive Committee.

- 21.4.2 The 3 (three) deputy chairpersons must also be representative of the categories of municipality prevalent in the province.
- 21.5 The Provincial Executive Committee **shall**:
- 21.5.1 Meet at least once every three months and when the need arises;
- 21.5.2 Exercise day-to-day executive authority of the provincial member;
- 21.5.3 Act in accordance with the directions of the Provincial Conference or Provincial Members Assembly;
- 21.5.4 Submit a report of its activities during the previous financial year to the Provincial Conference or Provincial Members Assembly; and
- 21.5.5 Cause reports of its activities in the province to be tabled quarterly at the National Executive Committee.
- 21.6 **The Provincial Executive Committee shall have the power to:**
- 21.6.1 Exercise oversight of the provincial administration, including human resource management, supply chain management, business planning and the provincial budget, **to the extent set out in the delegations framework of the organisation.**
- 21.6.2 Determine representation of SALGA in all provincial intergovernmental structures and other provincial forums.
- 21.6.2.1 Such representatives shall table reports to the Provincial Executive Committee in accordance with the Governance Framework.
- 21.6.3 Make representations to provincial government.
- 21.6.4 Appoint the chairpersons of Provincial Working Groups from amongst additional or co-opted members.
- 21.6.5 Provincial Executive Committees may also create such other sub-committees and as may be necessary to assist it in the execution of its duties, as outlined in this Constitution, Delegations Framework and Governance Framework of SALGA.
- 21.6.6 Every member of the Provincial Executive Committee shall be indemnified by SALGA against all liability incurred in his or her capacity as such.
- 21.6.7 The proceedings of the Provincial Executive Committee shall be regulated in accordance with the procedure laid down in the Rules of Procedure annexed to this Constitution.
- 21.6.8 The provisions of articles 14 and 15 shall apply *mutatis mutandis* to provincial members.
- 21.6.9 The Provincial Executive Committee shall serve until the next ensuing Provincial Conference, irrespective of whether or not members are re-elected as councillors.
- 21.6.10 During the term of office of the Provincial Executive Committee, other than during the transition period immediately after a general local government election, any loss of the position of councillor by a Provincial Executive Committee member shall *ipso facto*, and without conditions, result in the immediate termination of membership of the Provincial Executive Committee.
- 21.6.11 Any vacancy, which occurs in the office of any of the office bearers and/or additional members, shall be filled by the Provincial Executive Committee.

22 PROVINCIAL WORKING GROUPS

22.1 Composition and quorum

- 22.1.1 The Provincial Working Groups are established by the Provincial Executive Committee, with the chairperson of the Working Groups appointed from amongst the Provincial Executive Committee members.
- 22.1.2 Each provincial member shall be entitled to representation on each Provincial Working Group.
- 22.1.3 The quorum for Provincial Working Groups shall be **forty percent (40%)** of the total number of provincial members that must be present.

22.2 Purpose, objectives and functions

- 22.2.1 The key purpose and objective of working groups is to:
 - 22.2.1.1 facilitate coordination, consultation and inclusive decision-making between SALGA and its provincial and municipal members;
 - 22.2.1.2 serve as a forum through which organised local government members can consult with one another, at a political level, to contribute in so far as providing ideas, advice, political insight and support on the assigned areas of focus to SALGA's political governance structures, namely the Provincial Executive Committee.
- 22.2.2 The functions of the Working Groups are to:
 - 22.2.2.1 discuss and develop policies, strategies and programmes to address critical local government issues in the province;
 - 22.2.2.2 monitor the process of local government policy conceptualisation, design and implementation in the province;
 - 22.2.2.3 effect meaningful participation of Working Group members in provincial intergovernmental structures as mandated by SALGA;
 - 22.2.2.4 within the provincial strategy of SALGA, facilitate the determination of organised local government priorities, which should be pursued in the short, medium and long term; and
 - 22.2.2.5 make strategic and policy recommendations to the Provincial Executive Committee.

SCHEDULE B

PART VII: GENERAL RULES OF PROCEDURE AND MISCELLANEOUS PROVISIONS

23 RIGHT OF MEMBERS TO INSPECT BOOKS OF SALGA

The books of account and other books and documents of SALGA shall be kept at the registered office of SALGA and, subject to the reasonableness as to the time and manner of inspecting same that may be imposed by a resolution of the National Executive Committee, shall be open to inspection of the members during the hours of business.

24 NOTICES

- 24.1 A notice by SALGA to any member shall be regarded as validly given, if sent by **prepaid** post or transmitted by telegram, telex or telefax to its registered address.
- 24.2 Any notice, if given by registered post, shall be deemed to have been served on the day following that to which the letter or envelope containing such notice is posted.

25 COPIES OF CONSTITUTION AND INSPECTION THEREOF

- 25.1 A copy of this constitution and of every amendment thereto or any amended constitution, shall at all times during normal business hours be available for inspection by SALGA members at its registered office and on its website.
- 25.2 Any member shall be entitled to receive from SALGA a copy of this constitution and of every amended constitution thereto on making request thereof to SALGA.

26 AMENDMENT OF CONSTITUTION

- 26.1 This constitution may be amended by the national conference only if:
 - 26.1.1 21 (twenty one) days written notice of the proposed amendment or amendments is given to all members; and
 - 26.1.2 approved by two thirds of the **members** entitled to be present and vote at the National Conference.
- 26.2 During the year of the National Conference when the SALGA Constitution is eligible for review and is amended, and such amendment has an impact on the structures or composition of the governance structures at provincial or national level, the National Executive Committee, in consultation with Provincial Executive Committees, must adopt transitional arrangements aimed at giving effect to the approved amendments.
- 26.3 The business of a National and Provincial Conference in such case shall be conducted in accordance with the provisions of the Constitution in effect at the time of the National or Provincial Conference.

26.4 No amendment shall be of any force or effect until certified in terms of subsection (3) of section 101 of the Labour Relations Act. 66 of 1995, as amended.

27 DISSOLUTION OR WINDING UP OF SALGA

27.1 SALGA may only be dissolved or wound up for whatever reason by a resolution passed by at least two thirds of the members entitled to be present and vote at the National Conference.

27.2 The chairperson or a deputy chairperson shall within 7 (seven) days from the date of the dissolution or winding up submit to the Labour Court a resolution approving the dissolution or winding up of SALGA and request the Labour Court to grant an order in terms of section 103 of the Labour Relations Act 66 of 1995, as amended.

27.3 The chairperson or a deputy chairperson shall within 7 (seven) days from the date of the appointment of a liquidator by the Labour Court in terms of section 103(3) of the Labour Relations Act 66 of 1995, as amended, deliver to the said liquidator:

27.3.1 all books of accounts of SALGA showing the assets and liabilities together with the register of members showing, for the 12 (twelve) months prior to the date on which the resolution for the dissolution or winding-up was passed, the membership fees paid by each member and its last known registered address; and

27.3.2 all unexpended funds, assets and all other documents of SALGA.

27.4 The liquidator may divide amongst the members the whole or any part of the assets of SALGA (whether they shall consist of property of the same kind or not) and may, for such purpose, set such values as he deems fair upon any property to be divided as aforesaid and may determine how such division shall be carried out as between the members.

27.5 After the payment of all the liabilities of SALGA any assets that cannot be disposed of in accordance with the provisions of 28.4 above shall be realised by the liquidator and the proceeds shall, in the sole discretion of the liquidator, either be paid to the Commission for Conciliation Mediation and Arbitration in accordance with section 103(5) of the Labour Relations Act 66 of 1995, as amended, or to any entity with similar objects to SALGA or to both.

27.6 The liability of each member shall be limited to the amount of subscription fees and levies due by it to SALGA in terms of this constitution as at the date of dissolution or winding up.

27.7 Notwithstanding anything contained in 28.6 above, if the assets of SALGA are on dissolution or winding up insufficient to cover all money due to its employees, each member shall be liable to contribute a proportionate share of the remaining deficit.

28 GENERAL RULES OF PROCEDURE

- 28.1 The Rules of Procedure, annexed to this Constitution, shall regulate:
 - 28.1.1 Proceedings at the National Conference and National Members Assembly (Annexure A);
 - 28.1.2 Conduct of elections to SALGA governance structures (Annexure B);
 - 28.1.3 Proceedings of the National Executive Committee (Annexure C);
 - 28.1.4 Code of Ethics for National and Provincial Executive Committee members, and employees of SALGA (Annexure D);
 - 28.1.5 Dispute resolution procedures between SALGA and its members (Annexure E); and
 - 28.1.6 Disciplinary Procedures (Annexure F).

- 28.2 The Rules of Procedure may be amended by the National Conference in accordance with article 26.

ANNEXURE A: PROCEEDINGS AT THE NATIONAL CONFERENCE AND NATIONAL MEMBERS ASSEMBLY

1. In this annexure, the “constitution” means the constitution of SALGA.
2. Every National Conference and National Members Assembly shall be called by 21 (twenty one) clear days' notice in writing at the least setting out the agenda for the meeting. The accidental omission to give notice of a National Conference or National Members Assembly to, or the non-receipt of notice of such a meeting by, any member entitled to receive notice shall not invalidate the proceedings of that meeting.
3. Any additional matter not appearing in the notice calling for the National Conference or National Members Assembly contemplated in 2 above may be placed on the agenda of a National Conference or National Members Assembly upon 7 (seven) days' written notice to all members on the written request of any member, which request shall have been received by the Chairperson or a the person duly delegated within a period of 14 (fourteen) days before the date of the meeting.
4. A matter which has not been placed on the agenda of the National Conference or National Members Assembly may be discussed by that meeting only if the majority of members consent thereto.
5. Each member shall be entitled to so many delegates at the National Conference and National Members Assembly as determined by the National Executive Committee in accordance with article 8.
6. All delegates appointed by municipal members or provincial members to attend a National Conference or National Members Assembly shall be municipal councillors.
7. The quorum at the National Conference or National Members Assembly shall be a majority of members entitled to attend and vote at the meeting.
8. If, within the time period as may be determined by the National Executive Committee from the appointed time for the meeting, a quorum is not achieved, the meeting, in case of a National Members Assembly convened upon the requisition of members, shall be dissolved.
 - 8.1. In any other case it shall stand adjourned to the same day in the next month, or if that day be a public holiday, to the next succeeding day other than a public holiday.
 - 8.2. If, at such adjourned meeting, a quorum is not present within the time period determined by the National Executive Committee from the time appointed for the meeting then the members present shall be a quorum.
9. The Chairperson shall preside as chairperson at every National Conference or National Members Assembly. If at any National Conference or National Members Assembly the Chairperson is not present within the time period determined by the National Executive Committee after the time appointed for holding the meeting, or is unwilling or unable to act as such, a Deputy Chairperson shall act as the chairperson of the meeting, or if none of the deputy chairpersons are present within the

time period determined by the National Executive Committee or is unwilling to act as chairperson, the members present shall choose any delegate present to be chairperson of the meeting.

10. The chairperson may, with the consent of any National Conference or National Members Assembly at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time and from place to place, to deal with any business left unfinished at the meeting from which the adjournment took place. It shall not be necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.
11. At any National Conference or National Members Assembly a resolution put to the vote of the meeting shall be decided on a show of hands (or the use of assistive devices for that purpose).
12. A declaration by the chairperson that a resolution has been carried, or carried unanimously, or by a particular majority, or lost, and an entry to that effect in the minute book of SALGA, shall be conclusive evidence of the number of the votes recorded in favour of, or against, such resolution.
13. No objection shall be raised as to the admissibility of any vote except at the meeting or adjourned meeting at which the vote objected to is or may be given or tendered and every vote not disallowed at such meeting shall be valid for all purposes. Any such objection shall be referred to the chairperson of the meeting, whose decision shall be final and conclusive.
14. In the case of an equality of votes, the chairperson of the meeting shall be entitled to a second or casting vote.
15. Notwithstanding anything contained in this annexure, the head of administration shall act as the chairperson of the meeting at the National Conference during the election of office bearers but shall have no vote.
16. In any ballot conducted in connection with any election of office bearers, the candidates, up to the required number, receiving the highest number or votes shall be declared elected.
17. The National Executive Committee shall be bound to take action according to the decision of a majority of the members or delegates voting.

ANNEXURE B: CONDUCT OF ELECTIONS TO SALGA GOVERNANCE STRUCTURES

1. In the election of the National Executive Committee and Provincial Executive Committee, the following process shall apply:
 - 1.1 National Conference voting delegates will vote only for the directly elected National Executive Committee members, being 4 (four) candidates for the office bearers, namely the **Chairperson and three (3) Deputy Chairpersons**, and the six (6) additional members.
 - 1.2 All categories of municipality must be represented among the **office bearers**.
 - 1.3 Thus, every vote at the National Conference to elect the **Deputy Chairpersons** must include a metropolitan, district and local representative.
 - 1.4 All four (4) members of the **office bearers** must be from different provinces.
 - 1.5 In the event that a provincial chairperson is elected at the National Conference to be national **Chairperson**, (s)he shall automatically relinquish chairpersonship of the Province.
 - 1.6 But for Provincial Chairpersons, who are *ex officio*, **no member of a Provincial Executive Committee may hold dual portfolio's ie. be a Provincial and National Executive Committee member at the same time.**
 - 1.7 If a Provincial Executive Committee member is directly elected as a member of the National Executive Committee, such member shall relinquish (automatically) his or her provincial position.
2. The election of directly elected members shall be conducted in accordance with the voting procedures outlined in annexure A.

ANNEXURE C: PROCEEDINGS OF THE NATIONAL EXECUTIVE COMMITTEE

1. In this annexure, the "Constitution" means the constitution of SALGA.
2. The Chairperson, on the requisition of any member of the National Executive Committee shall, at any time, summon a meeting of the National Executive Committee.
3. The National Executive Committee may meet together for the despatch of business, adjourn and otherwise regulate its meetings as it deems fit.
4. Unless otherwise resolved by the National Executive Committee, all its meetings shall be held at SALGA's registered office.
5. The Chairperson shall have a second or casting vote at the meeting of the National Executive Committee.
6. The head of administration shall have no vote in the proceedings or decisions of the National Executive Committee.
7. The National Executive Committee may determine what period of notice shall be given of its meetings and may determine the means of giving such notice, which may include telephone, telegram, telex or telefax. It shall not be necessary to give notice of a meeting of the National Executive Committee to any of its members for the time being absent from the Republic.
8. A quorum of the National Executive Committee shall consist of the majority of the members constituting it.
9. Subject to this Constitution-
 - 9.1. a resolution in writing, including through the medium of telefax, signed by the members of the National Executive Committee for the time being present in the Republic and, being not less than are sufficient to form a quorum, shall be as valid and effectual as if it had been passed at a meeting of the National Executive Committee duly called and constituted; and
 - 9.2. in the case of matters requiring an urgent resolution or, if for any reason it is impracticable to meet as contemplated herein or pass a resolution as contemplated in 9.1 hereof, proceedings may be conducted by utilising conference telephone facilities, provided that the required quorum is met.
 - 9.2.1. A resolution agreed to during the course of such proceedings shall be as valid and effectual as if it had been passed at a meeting of the National Executive Committee duly called and constituted.
 - 9.2.2. The Chairperson shall as soon as is reasonably possible after such meeting has been held, be notified thereof by the relevant parties to the meeting, and the Chairperson shall prepare a written minute thereof.
 - 9.3. No member unable to attend a National Executive Committee meeting shall be entitled to appoint a proxy in his stead.

- 9.4. If at any meeting of the National Executive Committee the Chairperson is not present within the time period as may be determined by the National Executive Committee in the circumstances after the time appointed for holding it, one of the Deputy Chairpersons shall act as the chairperson of the meeting or, if none of them are also not present within the time period determined by the National Executive Committee, the members present may choose one of their number to be chairperson of the meeting.
- 9.5. The provisions hereof shall apply *mutatis mutandis* to Provincial Executive Committees.

ANNEXURE D: CODE OF ETHICS FOR ELECTED NATIONAL AND PROVINCIAL EXECUTIVE COMMITTEE MEMBERS AND DEPLOYED REPRESENTATIVES OF SALGA

1. This Annexure sets out the Code of Ethics and procedures for breaches of thereof for elected National and Provincial Executive Committee members and deployed representatives of SALGA.
2. Elected National and Provincial Executive Committee members and deployed representatives of SALGA **must**:
 - a. Be true and faithful to SALGA and uphold the highest ideals of honour and integrity in order that SALGA may merit the respect and confidence of all stakeholders and the public;
 - b. obey, respect, uphold, promote and maintain the Constitution of the Republic of South Africa, the constitution of SALGA and all other laws of the Republic,
 - c. effectively and efficiently work with governmental agencies, political subdivisions and other organizations in order to further the interest of the local government;
 - d. discharge the duties and functions as the representatives of SALGA diligently and to the best of their knowledge and ability; and
 - e. devote themselves to the wellbeing of SALGA and all of its members.
3. Elected National and Provincial Executive Committee members and deployed representatives of SALGA **may not**:
 - a. divulge directly or indirectly any confidential information entrusted to them by virtue of their position at SALGA;
 - b. engage in outside interests that are not compatible with the impartial and objective performance of their duties;
 - c. improperly influence or attempt to influence other elected members or representatives from member municipalities to act in their own personal benefit; nor
 - d. accept anything of value from any source which is offered to influence their actions as representatives of SALGA.
4. When becoming aware of a possible violation of one or more of the obligations under 2 or 3 above, the National Executive Committee or Provincial Executive Committee, as the case may be, may institute disciplinary proceedings against the National or Provincial Executive Committee member or deployed representatives of SALGA and duly inform the municipality whom such National or Provincial Executive Committee member or deployed representative of SALGA is representing.
5. The National Executive Committee or Provincial Executive Committee shall establish *ad hoc* disciplinary committees to deal with such cases.
6. The National Executive Committee or Provincial Executive Committee, as the case may be, may suspend the relevant National or Provincial Executive Committee member or deployed representative of SALGA to allow the disciplinary proceedings to take its course.
7. National Executive Committee and/ or Provincial Executive Committee members, as the case may be, may not discuss or divulge information with anyone about pending or ongoing ethics cases. Failure to

observe this may result in such National Executive Committee or Provincial Executive Committee member being in breach of this Code and liable to disciplinary action.

8. If any National or Provincial Executive Committee member or deployed representative of SALGA is found, in terms of the outcomes of the disciplinary proceedings, to be unfit to hold SALGA office or be deployed as a SALGA representative, the National or Provincial Executive Committee member or deployed representative of SALGA may appeal as follows:
 - a. In the event of a Provincial Executive Committee member found guilty of breaching this Code, such member shall be entitled to appeal to the National Executive Committee, whose decision shall be **final and binding**.
 - b. In the event of a National Executive Committee member or deployed representative of SALGA found guilty of breaching this Code, such member or deployee shall appeal to an *ad hoc* appeals committee established by the National Executive Committee which must comprise of at least:
 - i. The Chairperson; and
 - ii. Two (2) Deputy Chairpersons.
 - c. If the Chairperson or a Deputy Chairperson is charged with violation of this Code, the *ad hoc* disciplinary committee and the appeals committee (if required) must comprise of at least:
 - i. Two (2) members from among the office bearers; and
 - ii. Three (3) provincial Chairpersons, excluding the provincial Chairperson representing the province where such individual's member municipality is situated.
9. The National Executive Committee or Provincial Executive Committee must inform the relevant member (Provincial Association or municipal member, as the case may be) or deployee of the outcome of the disciplinary proceedings and that such individual is unfit to hold SALGA office or be deployed as a SALGA representative.
10. In such case, the National Executive Committee may invite the Provincial Association to nominate another person to fill the vacancy (if a provincial representative) or may fill the vacancy at the next sitting of the extended National Executive Committee meeting or National Members Assembly (for directly elected members), whichever comes first.
11. The Provincial Executive Committee may fill the vacancy in accordance with article 21.6.11.

ANNEXURE E: DISPUTE RESOLUTION PROCEDURES

1. This Annex sets out an internal dispute resolution procedure to resolve disputes between SALGA and its members regarding their “rights, duties, or liabilities” in terms of this Constitution. This procedure is an “internal” dispute resolution mechanism and must be distinguished from “alternative” dispute resolution.
2. Its purpose is to provide a mechanism for members to resolve disputes with the Association, and does not apply to disputes between members, save as provided for below.
3. The procedure may be invoked by a provincial member or any individual municipal member with either its provincial association or the national association directly. Parties to a dispute must attempt to resolve such dispute speedily and in good faith.
4. In accordance with the provisions of article 5 (Members Compact), disputes between SALGA and its members shall be resolved as follows:
5. Disputes between member municipalities and provincial associations
 - 5.1 In the first instance, municipal members shall have the right to approach its provincial association raising its concerns, in writing, with regard to the alleged non-fulfillment of such member’s rights, or obligations imposed on the provincial association in terms of articles 19, 20 and 21 in terms of this Constitution.
 - 5.2 A copy of the letter must be submitted to the national Association for its notification.
 - 5.3 Within 30 days of receiving the notification of concern, the provincial association must respond, in writing, to the concerns raised, including proposed steps or actions to address same.
 - 5.4 If, after a period of 60 days, the member’s concerns have not been addressed to its satisfaction, such member shall have the right to declare a formal dispute with the provincial association.
 - 5.5 Such dispute must be declared in writing and set out the grounds for the dispute, including steps taken in attempting to address the concerns so raised. A copy of the dispute declared shall be forwarded to the national association for its notification by fax, mail or email.
 - 5.6 Within 30 days of the dispute being declared in writing and received by the provincial association, a meeting between the provincial association and municipal member to discuss the grounds for the dispute, present their responses and proposed steps to resolve same must be duly convened.
 - 5.7 The provincial association in such instance shall be represented by the provincial Chairperson or one of the Deputy Chairpersons.
 - 5.8 In the event that the grounds for the dispute are not addressed within 60 days, the member shall have the right to appeal to the full Provincial Executive Committee.

5.9 In the event that the dispute is still not resolved thereafter, the member shall have recourse to the National Executive Committee, who shall be represented by one of the office bearers.

6. Disputes between municipal members and provincial associations with the National Association

6.1 In the case of either a provincial member or municipal member, both shall have the right to approach the national association raising its concerns, in writing, with regard to the alleged non-fulfillment of its rights, or obligations imposed on the national association in terms of articles 10, 11, 12 and 13 in terms of this Constitution.

6.2 In the case of a municipal member, a copy of the letter must be submitted to the provincial Association for its notification.

6.3 Within 30 days of receiving the notification of concern, the national association must respond, in writing, to the concerns raised, including proposed steps or actions to address same.

6.4 If, after a period of 60 days, the member's concerns have not been addressed to its satisfaction, such member shall have the right to declare a formal dispute with the national association.

6.5 Such dispute must be declared in writing and set out the grounds for the dispute, including steps taken in attempting to address the concerns so raised.

6.6 Within 30 days of the dispute being declared in writing and received by the national association, a meeting between the national association and municipal or provincial member must be duly convened to discuss the grounds for the dispute, present their responses and proposed steps to resolve same.

6.7 The national association in such instance shall be represented by one of the office bearers.

6.8 In the event that the grounds for the dispute are not addressed within 60 days to the member's satisfaction, the member shall have the right to appeal to the full National Executive Committee.

6.9 If the member (who has invoked the procedure) requests the participation of a mediator, the association should work with the member to select a mediator.

ANNEXURE F: DISCIPLINARY PROCEDURES

1. This Annex gives effect to article 6 and provides for disciplinary procedures to be followed in accordance with article 6.7.
2. The *ad hoc* disciplinary committees which shall be established by the National Executive Committee or Provincial Executive Committee, as the case may be, **must** consist of:
 - a. In the case of the National Executive Committee -
 - i. One (1) office bearer;
 - ii. One (1) provincial Chairperson; and
 - iii. One (1) additional member of the National Executive Committee.
 - b. In the case of a Provincial Executive Committee -
 - i. One (1) office bearer; and
 - ii. Two (2) additional members of the Provincial Executive Committee.
3. If a member has been summarily suspended in accordance with the provisions of article 6.12, disciplinary proceedings must be instituted against such member within 30 days of the suspension.
 - a. A notice of suspension, stating the nature of the charges as well as a date for preliminary hearing of the matter must be communicated to the member concerned within 30 days of suspension.
 - b. A member shall be entitled to call witness(es) in support of its case when appearing before a Disciplinary Committee contemplated in article 6.3.
4. As provided for in article 6.4, a member shall be entitled to appeal the decisions of a Disciplinary Committee to the National Executive Committee or Provincial Executive Committee, as the case may be. The National or Provincial Executive Committee, as the case may be, may establish an appeals committee to consider the appeal.
5. The member concerned shall lodge notice of any such appeal, including the grounds upon which its appeal is founded, with the Chairperson or a person duly delegated by the Chairperson, or Provincial Chairperson or a person duly designated by the provincial Chairperson, as the case may be, in writing within 14 (fourteen) days of the date on which the decision of the National Executive Committee or Provincial Executive Committee was communicated to it.
6. As provided for in article 6.4, save for suspension or expulsion of a member, the decision of the National Executive Committee or Provincial Executive Committee is **final and binding**.
7. A member may be suspended or expelled from SALGA if it violates the Code of Conduct set out in article 6.
8. Any member, **who** has been suspended or expelled by the National Executive Committee, shall have a right to appeal against such suspension or expulsion to the extended National Executive Committee, National Members Assembly or National Conference (whichever occurs first).

9. A member shall cease to be entitled to any benefits of membership, including but not limited to the right to vote during meetings in the period in which it is under suspension in terms of this constitution.
10. The member concerned shall lodge notice of any such appeal, including the grounds upon which its appeal is founded, with the Chairperson or a person duly delegated by the Chairperson in writing within 14 (fourteen) days of the date on which the decision of the National Executive Committee was communicated to it.
11. The extended National Executive Committee meeting, National Members Assembly or National Conference (whichever occurs first) shall appoint an *ad hoc* committee to consider the appeal.
 - a. The committee so appointed shall submit a report with its recommendation(s) to the extended National Executive Committee, National Members Assembly or National Conference (whichever appointed it).
 - b. The decision of the extended National Executive Committee, National Members Assembly or National Conference (whichever deals with the matter) shall be final and binding on the member concerned.
12. Upon the expulsion of a member, all money due and owing by such member to SALGA shall become payable within a period of 30 (thirty) days of such expulsion. If a member in question fails to make such payment to SALGA within the period contemplated herein, the National Executive Committee may take such steps **as** it deems necessary to recover such money.