

CIRCULAR 01/2022

FROM : CLLR DEON DE VOS
SALGA ACTING PRESIDENT
TO : MAYORS/EXECUTIVE MAYORS
SPEAKERS
MUNICIPAL MANAGERS
DATE : 26 JANUARY 2021

NOTIFICATION OF THE NEXT SITTING OF THE SALGA NATIONAL CONFERENCE

Notice is hereby given that the SALGA National Conference, a meeting of member municipalities, will be held as follows:

Date : 22 – 24 February 2022

Venue : Cape Town International Convention Centre, Cape Town

Kindly note that in complying with SALGA's Constitutional Provisions, the National Conference will, *inter alia*, accord consideration to the following matters:

1. Review SALGA's Organisational performance since the 2016 National Conference;
2. Approve the programme of action and Strategy for the term 2022 - 2027;
3. Approve amendments to the SALGA Constitution (attached hereto for ease of reference); and
4. Elect the members of the National Executive Committee (NEC).

Due to COVID-19 regulations and to minimize the risk of infection, the NEC has resolved that the National Conference be held on a **Hybrid Model**, with only **three (3) delegates per municipality** attending physically at the venue and all other councillors and municipal officials would be able to attend on the virtual meetings platform. In this regard, municipalities are reminded of the following requirements:-

- i. Each municipality shall be entitled to up to **three (3) delegates** but will only have **one (1)** vote at the Conference;

- ii. Each municipality to provide a **Council resolution** as written confirmation of its up to three (3) person delegation to the Conference including identifying the **voting member** of the delegation who shall exercise the right to vote;
- iii. The delegation from each municipality should **register on the ONLINE REGISTRATION system prior to the Conference**. Access to the **ONLINE REGISTRATION** portal is from the SALGA website on www.salga.org.za. **NO MANUAL REGISTRATION FORMS WILL BE ACCEPTED**;
- iv. Prior to the commencement of the Conference at **12h00 on Tuesday, 22 February 2022**, the delegation from each municipality shall present themselves for accreditation at the **Registration Desk** at the Conference venue from **14h00 on Monday 21 February 2022 until 11h00 on Tuesday 22 February 2022**. Kindly note that no access will be allowed to the Conference Venue without accreditation;
- v. A registration fee of **R8000 for each the municipal delegates attending physically** is payable towards the costs of the conference. Banking details shall be received automatically from the **ONLINE REGISTRATION** system upon ONLINE registration of delegates;
- vi. Municipal councillors and officials who wish to attend and participate in the Conference via the **virtual platform**, can access the virtual platform from the SALGA website on www.salga.org.za;
- vii. A municipality who fails to pay levies shall remain a member **not in good standing 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. Members who failed to pay their membership levies or have not entered into payment agreements and duly adhered thereto will have limited rights and/or limited participation. All disputes related to members in good standing should be resolved prior to convening the Conference; and
- viii. The **Rules and Procedures** that will regulate all proceedings at the Conference are attached hereto for ease of reference.

On behalf of the National Executive Committee and the collective leadership of SALGA, we look forward to welcoming delegates to the 2022 SALGA National Conference.

Yours faithfully



CLLR D DE VOS
ACTING SALGA PRESIDENT

NATIONAL CONFERENCE RULES AND PROCEDURES

1. *National Conference Notice and Timeframes*

The SALGA Constitution stipulates that “every National Conference shall be called by 21 (twenty one) days’ notice in writing”. The Notice for the National Conference was issued on 26 January 2022 to all member municipalities.

The SALGA constitution further makes provision in **Article 10.2** that “SALGA shall within a period of 120 (hundred and twenty) 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”. The 120 (hundred and twenty) day period ends on 1 March 2022.

2. *Record of the 2016 National Conference*

Following the last National Conference held after the local government elections in November 2016, this National Conference is required to approve the records of the 2016 Conference. The approval of record of previous SALGA Conferences by delegates has been questioned in the past. A legal opinion on the regularity or otherwise of delegates to the National Conference approving the record of a previous National Conference confirms that a delegate attending a Conference represents a municipality and not him or herself. As such for purposes of the record and consideration thereof, if a municipality was represented in the previous Conference, irrespective of the nature and form of its delegation, the municipality is competent (as represented by its current delegates) to move for the adoption or consideration of those records to the extent that the record so reflects.

3. *Attendance, Participation, Quorum and Voting*

3.1 Attendance

In terms of **Annexure “A”** to the SALGA Constitution, “Each member shall be entitled to so many delegates at the National Conference as determined by the National Executive Committee”. The National Executive Committee (NEC) at its meeting

held on 11 January 2022 resolved that three (3) delegates per municipality may physically attend the Conference. Other municipal councillors and officials could attend and participate in the Conference via the virtual platform.

3.2 Participation

The participation of municipal delegates in the Conference is regulated by the SALGA Constitution, which stipulates in **Article 8.1** that *"Each member shall be represented in the National Conference by a number of delegates 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".*

The Constitution further provides in **Article 8.5** that *"Each member shall be entitled, through its representatives, to participate in sessions of the National Conference by speaking, expressing its opinions and submitting proposals".*

The SALGA Constitution also provides for instances where the participation of members may be limited in certain circumstance. Article 7.1 places an obligation that *"Each member shall be liable to pay an annual membership fee and/or levies and shall be due and payable by members on 1 April but before 31 July of that calendar year". "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".*

Members who failed to pay their membership levies or alternative have not entered into settlement arrangement agreements and duly adhered thereto will have limited rights and/or limited participation in line with Article 8.7 of the SALGA Constitution.

3.3 Voting delegates and Quorum

Article 8.3 of the SALGA Constitution provides that *"Each member shall be entitled to at least one vote in the National Conference".* The SALGA Constitution further provides that *"the quorum at the Conference shall be a majority of delegates entitled to attend and vote at the meeting".* A quorum at the National Conference would therefore be **134 voting delegates**. The Credentials will be tabled for adoption during the members only **Closed Session** scheduled for 24 February 2022.

In preparation for any voting that may take place at the National Conference; municipalities were duly informed of the "one vote per municipality" constitutional imperative and requested to indicate the delegate mandated to vote on behalf of that

municipality. A registration list is available at the registration desks specifically for those councillors so mandated, to duly complete, which would assist in ascertaining attendance and quorum for any elections.

4. VOTING AT THE CONFERENCE

4.1 Ordinary Voting

In terms of the SALGA Constitution *"a resolution put to the vote of the meeting shall be decided on a show of hands"*.

4.2 Requirements for a secret ballot

In the unlikely event that a motion is moved for a secret ballot, duly seconded and passed by a majority vote, the following procedure would be followed:-

- The NEC to appoint 2 scrutineers to supervise any ballot;
- Ballot papers to be developed, indicating topic and voting;
- Ballot boxes to be prepared and available;
- One ballot paper should be issued to each delegate entitled to vote;
- Upon issuance of ballot paper; the delegate should complete, fold and deposit in ballot box; and
- The results of the ballot to be ascertained by scrutineers in the presence of the CEO and made known to the Conference.

4.3 Constitutional Amendments

In order to effect any amendment to the SALGA Constitution, such an amendment must follow the following process:

- a National Conference would have to be convened giving **21 days notice** of the proposed amendment/s; and
- such proposed amendment/s must be approved by **two thirds of the delegates** entitled to be present and vote at the National Conference.

Whereas the National Conference is the only authority to amend the SALGA Constitution, the proposed amendments, as approved by the SALGA National Executive Committee, were tabled at the respective Provincial Conference for consultation and processing leading up to this National Conference.

4.4 Procedure for Elections of the new National Executive Committee

The National Conference will be electing, from amongst the 18 (eighteen) provincial nominees, the President and 3 (three) Deputy Presidents (who shall be representatives of metropolitan, district and local municipalities in the province) and confirm the 14 (fourteen) additional members of the National Executive Committee.

The following election procedure shall apply:-

1. The Chief Executive Officer (CEO), or his nominee, will preside during the Elections but shall have no vote.
2. The CEO must duly inform the Conference of all positions open for elections and conduct the elections.
3. The CEO must call for the nomination of candidates at the meeting, starting with candidates for President.
4. If so desired, a block nomination for all positions could be moved.
5. A nomination must be supported by two members at the meeting.
6. A person who is nominated must indicate acceptance of the nomination.
7. If only one candidate is nominated the CEO must declare that candidate duly elected.
8. If more than one candidate is nominated a vote must be conducted by a simple show of hands. A candidate who receives the majority of the votes must be declared elected by the CEO.
9. If no candidate received a majority of the votes, the candidate who receives the lowest number of votes (if there are more than two candidates) must be eliminated and a further vote taken on the remaining candidates in accordance with item 7 above.
10. Where only two candidates remain after the process outlined in item 8 above and receives the same number of votes the meeting should be adjourned for 30 minutes.
11. A re-vote must be conducted in terms of item 7 above. If no candidate receives a majority vote; the CEO must flip a coin to determine the winner.
12. The same process will apply for the other vacant positions.

The CEO may elect to use the services of an independent and credible election organisation such as the Independent Electoral Commission (IEC). In such instances the same elections procedure as outlined above will apply.

5. LANGUAGE

Recognising that South Africa has 11 (eleven) official languages, with the use of more than one language as the language of choice in every province, together with the constitutional provision in the Bill of Rights that everyone has the right to use a language of their choice, SALGA is progressively taking practical steps and positive measures to elevate the status and

advance the use of all the 11 official languages.

Weighing up the constitutional right against the related practicalities to give full effect thereto, across all provinces and SALGA platforms, it has been resolved that all SALGA proceedings will be conducted in English. Attendees or participants will, however, not be precluded from making contributions, proposals and submissions in their language of choice. Where practical, efforts will be made to make translation services available.

6. ADMINISTERING THE OATH OR SOLEMN AFFIRMATION OF NEW NEC MEMBERS

During a process to be presided over by a Commissioner of Oath, each of the newly elected NEC members will be required to swear or affirm as follows:-

"In the presence of everyone assembled here, I (mention full name/s and surname), swear / solemnly affirm that I will be faithful to SALGA and will obey, respect, uphold, and maintain the Constitution of the Republic of South Africa, the constitution of SALGA and all other laws of the Republic, and I undertake to hold my office as (NEC position) with honour and dignity; to be true and faithful; not to divulge directly or indirectly any confidential information entrusted to me by virtue of my position at SALGA; and to perform the duties and functions of my office to the best of my ability"

"So Help Me God"

The oath is to be formally signed by every NEC member.

End
