



# **CENTRAL KAROO DISTRICT MUNICIPALITY**

## **POLICY: DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF COUNCILS**

**2023/2024 – Awaiting latest upper limit regulation to adjust**

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## 1. **INTRODUCTION:**

- 1.1 The Central Karoo District Municipality continuously endeavours to achieve best practice policies and procedures in its administration and operations. In order to enable and enhance the productivity of the municipality's strategic business units it is critical that we make use of sound and latest means of communication technology. It is on this premise that municipal political office-bearers should have access to tools of trade, cellular phones and data in the performance of their daily duties.

## 2. **APPLICABLE LEGISLATION:**

- 2.1 Remuneration of Public Office Bearers Act, 20 of 1998: Determination of Upper Limits of Salaries, Allowances and Benefits of Different Members of Municipal Councils.
- 2.2 Local Government: Municipal Systems Act, 32 of 2000 – Code of Conduct for Councillors (Schedule 1).
- 2.3 Local Government: Municipal Structures Act, 117 of 1998.

## 3. **DEFINITIONS:**

Unless the context indicates otherwise, a word or phrase to which a meaning has been assigned in the Remuneration of Public Office Bearers Act (20 of 1998) and the Local Government: Municipal Structures Act, 117 of 1998, has the meaning that:

- 3.1 **“Basic Salary”** means the salary component of a councillor that excludes a travel allowance as provided in item 11, housing allowance as provided in item 11, the municipal contribution to a pension fund as provided in item 18 and municipal contribution to a medical aid scheme as provided in item 19;
- 3.2 **“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;

- 3.3 **“Grade”** in relation to this Notice means the grade of municipal council as determined in terms of item 6;
- 3.4 **“Part-time Councillor”** means a councillor other than a full -time councillor;
- 3.5 **“Pension Fund”** means any pension, provident or retirement annuity 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;
- 3.6 **“Section 79 Committee”** means a committee of the municipal council established in terms of section 79 of the Structures Act;
- 3.7 **“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);
- 3.8 **“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;
- 3.9 **“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;
- 3.10 **“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 2017/ 18 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.

### 3.11 “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);

3.12 “**Total Remuneration Package**” means the annual total cost to a municipality comprising of:

- a basic salary component;
- a travelling allowance as provided in items 11;
- housing allowance as provided in items 11;
- the municipal contribution to a pension, provident or retirement annuity fund as provided in item 18; and
- municipal contribution to a medical aid scheme as provided in item 19 to a councillor in a municipal financial year.

**4. PURPOSE OF THE POLICY:**

4.1 The purpose of the policy will be to:

- 4.1.1.1 To specify the salary and allowances of councillors as provided for in Act 20 of 1998;
- 4.1.1.2 To develop a means or framework for the allocation, management and control of tools of trade, cellular phone allowances and data allowances to political office-bearers.
- 4.1.1.3 To provide for replacement of a system of Cellular phone contracts and data contracts by the municipality with the salary allowance system.
- 4.1.1.4 To release the municipality and its officials of the administrative burden of for cellular phone and data contracts.
- 4.1.1.5 To enable the municipality and its officials to focus on its core responsibility of providing services to its jurisdictional citizens.

**5. ALLOCATION OF NUMBER OF POINTS:**

5.1 Allocation of number of points regarding total municipal income, is as follows:

<b><u>TOTAL MUNICIPAL INCOME</u></b>	<b><u>NUMBER OF POINTS</u></b>
R0 – R10 000 000	8.33
R10 000 001 – R50 000 000	16.67
R50 000 001 – R200 000 000	25.00
R200 000 001 – R1 500 000 000	33.33
R1 500 000 001 – R2 000 000 000	41.67
More than R2 000 000 000	50.00

5.2 Allocation of number of points regarding total population within a municipality, is as follows:

<b><u>TOTAL POPULATION</u></b>	<b><u>NUMBER OF POINTS</u></b>
0 – 50 000	8.33
50 0001 – 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

**6. DETERMINATION OF GRADE:**

6.1 The sum of the number of points allocated to a municipal council in terms of items 5.1 and 5.2 above, determines the grade of such municipal council as follows:

<b><u>GRADE OF MUNICIPAL COUNCIL</u></b>	<b><u>POINTS</u></b>
1	0 – 16.66
2	16.67 – 33.33
3	33.34 – 50.00
4	50.01 – 66.67
5	66.68 – 83.35
6	83.36 and above

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**7. REMUNERATION PACKAGES: FULL-TIME COUNCILLORS:**

7.1 The upper limits of total annual remuneration for full-time councillors are as follows:

GRADE	TOTAL REMUNERATION PACKAGE			
	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 OVERSIGHT COMMITTEE
6	1,446,388	1,168,131	1,100,361	1,068,083
5	1,078,407	862,723	808,804	785,080
4	920,656	736,530	690,808	670,243
3	886,685	709,349	665,015	651,654
2	830,248	664,199	628,615	610,176
1	806,059	650,986	610,297	615,055

The system of plenary type of municipalities ceased to exist from 1 November 2021 and all mayors must be remunerated according to the total remuneration package column of executive mayor or mayor.

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**8. REMUNERATION PACKAGES AND ALLOWANCE: COUNCILLORS ELECTED TO A DISTRICT COUNCIL:**

8.1 A councillor elected or 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 7, 8, 9, 10, 11, 12, 13, 14 and 15 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 received at the local council, entitled to a sitting allowance not exceeding R1136.32,



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.

8.2 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 13 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.

**9. UPPER LIMITS re SERVICE ON GOVERNANCE AND INTERGOVERNMENTAL STRUCTURES:**

9.1 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 R1136.32, irrespective of the number of meetings attended by such councillor on a specific day.

9.2 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 R1136.32, irrespective of the number of attendances by such councillor on a specific day.

9.3 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.

**10. REMUNERATION PACKAGES: PART-TIME COUNCILLORS:**

GRADE	TOTAL REMUNERATION PACKAGE				
	EXECUTIVE MAYOR OR MAYOR	SPEAKER, DEPUTY EXECUTIVE MAYOR OR DEPUTY MAYOR	MEMBER OF THE EXECUTIVE COMMITTEE OR MAYORAL COMMITTEE OR WHIP	CHAIRPERSON OF OVERSIGHT COMMITTEE	OTHER PART-TIME MEMBERS
6	810,755	685,866	613,857	595,851	541,681
5	601,610	481,289	451,208	437,970	341,275
4	513,611	410,888	385,208	373,908	291,356
3	494,655	395,724	370,999	360,107	280,603
2	463,169	370,535	347,379	337,188	262,744
1	449,672	359,737	337,256	327,361	254,788

The system of plenary type of municipalities ceased to exist from 1 November 2021 and all mayors must be remunerated according to the total remuneration package column of executive mayor or mayor.

**11. UPPER LIMITS ON ALLOWANCES OF COUNCILLORS:**

11.1 The upper limits of allowances of councillors, that constitute part of the annual total remuneration package, are as follows:

**11.1.1 Motor Vehicle and Travel Allowance:**

- a) A councillor listed in item 7 and 10 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 7 and 10 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:
- Date of travel;
  - Kilometres travelled; and
  - 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.

### **11.1.2 Housing Allowance:**

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

**12. OUT OF POCKET EXPENSES:**

- 12.1 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.

**13. CELL PHONE ALLOWANCES:**

- 13.1 A councillor may, in addition to the annual total remuneration packages provided for in terms of items 7 and 10 respectively, be paid a cell phone allowance not exceeding R3400.00 per month in accordance with the applicable municipal council policy.
- 13.2 A monthly cellular phone allowance will be paid and reflected in their salaries to acquire cellular phone service from either of the mobile phone operators in the Republic of South Africa.
- 13.3 The method for acquiring the cellular phone service could either be through a personal contractual agreement or prepaid.
- 13.4 Political office-bearers must furnish the Corporate Services department with cellular numbers that they use for official purposes as soon as they have entered into a contract or obtained a gadget through prepaid that will enable them to effectively and efficiently perform their assigned official functions as and when it is necessary to do so.
- 13.5 Any contractual agreement entered into between political office-bearers and the service provider is binding on the said official and the municipality is absolved whatsoever, in any shape or form from that agreement.

- 13.6 Political Office-bearers who already have private contracts or any means of cellular phone access may use same for official purposes for as long as they can be accessed at any time of the day, including after hours.
- 13.7 In the event that the Political Office-bearer or Councillor cease to hold office at the Central Karoo District Municipality the allowance shall also be discontinued immediately.

**14. DATA ALLOWANCES:**

- 14.1 A councillor may, in addition to the annual total remuneration packages provided for in terms of items 7 and 10 respectively, be paid an allowance on the use of data bundles not exceeding R300 per month.
- 14.2 A monthly data allowance will be paid and reflected in their salaries to acquire data service from either of the mobile data operators in the Republic of South Africa.
- 14.3 The method for acquiring the data service could either be through a personal contractual agreement or prepaid.
- 14.4 Political Office-bearers who already have private contracts or any means of data access may use same for official purposes.
- 14.5 In the event that the Political Office-bearer or Councillor cease to hold office at the Central Karoo District Municipality the allowance shall also be discontinued immediately.

**15. TAX IMPLICATIONS FOR CELLULAR PHONE AND DATA ALLOWANCES:**

- 15.1 A Cellular phone and data allowance is affected through the payroll system and is therefore subjected to tax.
- 15.2 The determination of allowance, through the Budget and Treasury department, shall also take into consideration tax implications of the allowances.
- 15.3 Because it is a taxable allowance, cellular phone and data allowances should not be misconstrued as inclusive of a negotiated remuneration package.

**16. MAINTENANCE AND LOSS OF EQUIPMENT:**

16.1 The repairs and maintenance of cellular phones, data cards, data dongles and/or any other gadgets by means of which data can be supplied will be for the cost of Users and in no way shall Council be held responsible, be it for a sim swap, wear and tear or replacement of the gadget thereof; whether lost through theft or under any form of duress.

**17. INSURANCE:**

17.1 Political Office-bearers are responsible for insuring of their cellular phones, and data gadgets, against any theft, loss or damage.

17.2 Political Office-bearers must ensure that the cellular phone, and data gadgets, is accessible for council activities and functions at all times, failing which the user may risk losing the allowance.

17.3 If a Political Office-bearer is consistently unavailable on cellular phone for a two months period, the Municipal Manager have the discretion to stop the allowance of the said official.

17.4 The reactivation of the allowance shall be done once a satisfactory written explanation is provided to the Municipal Manager.

**18. PENSION, PROVIDENT AND RETIREMENT FUNDS:**

18.1 A councillor may participate in a pension, provident or retirement annuity fund registered in terms of the Pension Fund Act, 1956 (Act No. 24 of 1956).

18.2 If a councillor elects to participate in a pension, provident or retirement annuity fund, the municipality must pay from his or her monthly salary, on behalf of that councillor, the monthly council contributions and councillor contributions to a pension, provident or retirement annuity fund to which the councillor is a member in accordance with the rules of such pension, provident or retirement annuity fund. The contributions by

the municipal council and the councillor are included in the total remuneration package as a total cost to the municipality.

**19. MEDICAL AID SCHEME:**

19.1 A councillor may participate in a medical aid scheme registered in terms of the Medical Schemes Act, 1998 (Act No. 131 of 1998).

19.2 If a councillor elects to participate in a medical aid scheme, the municipal council must deduct from that councillor's salary, the monthly contributions and pay the contributions to a medical aid scheme to which the councillor is a member in accordance with 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.

**20. SPECIAL RISK COVER:**

20.1 A municipality must, in addition to the annual total remuneration packages as provided in items 7 and 10 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 are limited to 2 times the total remuneration package of a councillor.

20.2 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.

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

20.4 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.

20.5 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.

**21. TOOLS OF TRADE:**

21.1 A framework for providing support to public office bearers is contained in the Remuneration of Public Office Bearers Act and is renewed annually by the Minister of Cooperative Governance and Traditional Affairs.

21.2 Currently a municipal council may provide tools of trade to a councillor in terms of Section 15(a) of the Act, taking into account Section 15(b) of the Act, that *“where a municipal council makes available tools of trade in terms of paragraph (a) above, such a municipal council must take into account accessibility, affordability and cost control; equity; flexibility; simplicity; transparency and accountability and value of tools of trade.”*

21.3 Tools of trade that may be extended include:

	<u>TOOL OF TRADE</u>	<u>CONDITIONS</u>	<u>CKDM POSITION</u>
1.	Braille reader	To be provided to all visually impaired councillors	NO
2.	Office space and furniture	To be provided to full-time councillors, part-time Executive Mayors or	Mayor & Speaker
	Parking bay		Mayor & Speaker
	Business Cards		NO



	Calculators	Mayor; part-time Deputy	NO
	Letter-heads	Executive Mayors or	NO
	Stationary	Deputy Mayors, part-time	NO
	Toner Cartridges	Speakers, part-time	NO
	Diaries	Members of Mayoral	YES
	Postage Costs	Committee or Members of	NO
	Office Telephone	Executive Committee and	Mayor & Speaker
	Appropriate mobile	part-time Chairpersons of	NO
	technology and multi-digital	Section 79 Committees	
	office (excluding cell		
	phones and data card)		
	Laptop, Tablet and/or		Full-time councillors and directly
	desktop computer		elected councillors
	Facsimile		Mayor & Speaker (1 unit to
			share), rest of councillors to be
			provided with access
	Printer		Mayor & Speaker (1 unit to
			share), excluding non-directly
			elected Councillors
	Photocopier		Mayor & Speaker (1 unit to
			share), excluding non-directly
			elected Councillors
	Scanner		Mayor & Speaker (1 unit to
			share), excluding non-directly
			elected Councillors
3.	Business cards; Calculators; Letter-heads; Stationary; and Diaries	To be provided to part- time councillors and the usage must comply with policy directives of the municipality	Only diaries to be provided
4.	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	Access in Municipal Building - excluding non-directly elected Councillors
5.	Personal security to Executive Mayors or Mayors	Executive Mayors, Mayors or Speakers may not have more than two bodyguards. Deviations may only be based on the recommendations of the	As and when required

		South African Police Service.	
6.	Personal security to any other councillor	Subject to a threat and risk analysis conducted by the South African Police Service	As and when required
7.	Official accommodation and furniture	To be provided to full-time Executive Mayors or Mayors	NO
	The extension and implementation of the above tools of trade must be done in consultation with the member of the Executive Council responsible for local government in the province concerned.		

21.4 Full-time Councillors are housed in official Municipal Offices fully equipped as envisaged under 3.3 *supra*

21.5 Full-time councillors to have access to the following tools of trade at the municipal head office and to be assisted by the office of the speaker:

Office telephone, facsimile, printer, photocopier and scanner.

Part-time councillors are not entitled to be issued with any stationary and can also not use postage of the municipality or newsletters.

21.6 The municipality will not be issuing the following items:

Calculators, Letter-heads, tippex or any eraser ink, coloured pens or pencils, highlighters, flags or markers.

Business Cards will be provided to full-time and directly elected Councillors, only upon request.

## 22. **LIMITS:**

- 22.1 Limits are promulgated annually in the government gazette.
- 22.2 A monthly Cellular Phone Allowance in the maximum amount as allowed for by the Remuneration of Public Office Bearers Act, 20 of 1998 (as revised) will be given to full time political office-bearers.
- 22.3 A monthly Data Allowance in the maximum amount as allowed for by the Remuneration of Public Office Bearers Act, 20 of 1998 (as revised) will be given to full time political office-bearers.
- 22.4 These limits will under no circumstances be varied, exceeded or altered by the Municipality, unless provided for in the government gazette.

**23. CAPACITY BUILDING:**

- 23.1 The municipal council must develop and adopt a skills development plan and personal development plan prior to any councillor undergoing training.
- 23.2 A municipality must make a provision in its budget for development and implementation of capacity building programme for a councillor during the term of office of that councillor.
- 23.3 Capacity building programme consist of short courses or programmes as provided for in the training, education and development policy and skills development plan of the municipality, including training conducted by national departments, associated government agencies and SETAs, provincial departments, municipalities and organised local government.
- 23.4 The capacity building programme must take into consideration the capacity needs to fulfil a councillor' statutory obligations and affordability by a municipality.

**24. OVERPAYMENT:**

- 24.1 Any remuneration paid to a councillor of a municipality otherwise than in accordance with section 167(2) 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.

**25. MONITORING, EVALUATION AND CONTROL:**

25.1 The Finance Section, as well as Mayor of the Central Karoo District Municipality, will be the implementing agents of this policy and shall ensure that all councillors comply with the provisions thereof.

25.2 This policy shall become the official policy of the municipality once it is adopted and approved by the Council of the Central Karoo District Municipality.

25.3 The policy shall be reviewed at the end of every financial year to cater for legislative amendments as well as environmental changes.

**26. APPROVAL OF POLICY:**

26.1 The content of this policy will come into force and effect when approved by Council and must be reviewed in accordance with changes in legislation.