# CODE OF CONDUCT FOR MUNICIPAL STAFF MEMBERS

## (IN TERMS OF SCHEDULE 2 OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, No. 32 OF 2000)

## 2024/25 FINANCIAL YEAR

**DIRECTOR: SOCIAL SERVICES**

**Mr Sello Jonas Mokoena**



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This document is signed in terms of the Municipal Systems Act, No. 32 of 2000, Schedule 2 which provides for the Code of Conduct in respect of Municipal Staff Members.

## 1. Definitions

In this Schedule "partner" means a person who permanently lives with another person in a manner as if married.

## 2. General Conduct

A staff member of a municipality must at all times-

(a) Loyally execute the lawful policies of the municipal council;

(b) Perform the functions of office in good faith, diligently, honestly and in a transparent manner;

(c) Act in such a way that the spirit, purport and objects of section 50 are prompted;

(d) Act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality is not compromised; and

(e) Act impartially and treat all people, including other staff members, equally without favor or prejudice.

## 3. Commitment to serving the public interest

A staff member of a municipality is a public servant in a developmental local system, and must accordingly-

(a) Implement the provisions of section 50 (2);

(b) Forster a culture of commitment to serving the public and a collective sense of responsibility for performance in terms of standards and targets;

(c) Promote and seek to implement the basic values and principles of public administration described in section 195(1) of the Constitution;

(d) Obtain copies or information about the municipality's integrated development plan, and as far as possible within the ambit of the staff member's job description, seek to implement the objectives set out in the integrated development plan, and achieve the performance targets set for each performance indicator;

(e) Participate in the overall performance management system for the municipality, as well as the staff member's individual performance appraisal and reward system, if such exists, in order to maximize the ability of the municipality as a whole to achieve its objectives and improve the quality of life of its residents.



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**4. Personal gain**

(1) A staff member of a municipality may not-

(a) use the position or privileges of a staff member, or confidential information obtained as a staff member, for private gain or to improperly benefit another person; or

(b) take a decision on behalf of the municipality concerning a matter in which that staff member, or that staff member's spouse, partner, or business associate, has a direct or indirect personal or private business interest.

(2) Except with the prior consent of the council of a municipality a staff member of the municipality may not-

(a) be a party to a contract for-

(i) the provision of goods or services to the municipality; or
(ii) the provisions of goods or services to the municipality, or
(iii) the performance of any work for the municipality otherwise than as a staff member;

(b) obtain a financial interest in any business of the municipality; or

(c) be engaged in any business, trade, or profession other than the work of the municipality.

**5. Disclosure of benefits**

(1) A staff member of a municipality who, or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose in writing full particulars of the benefit to the council.

(2) This item does not apply to a benefit which a staff member, or a spouse, partner, business associates or close family member, has or acquires in common with all other residents of the municipality.

**6. Unauthorized disclosure of information**

(1) A staff member of municipality may not without permission disclose any privileged or confidential information obtained as a staff member of the municipality to an unauthorized person.

(2) For the purpose of this item "privileged or confidential information" includes any information-

(a) determined by the municipal council or any structure or functionary of the municipality to be privileged or confidential.

(b) discussed in closed session by the council or a committee of the council.



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(c) Disclosure of which would violate a person's right to privacy; or

(d) Declare to be privileged, confidential or secret in terms of any law.

(3) This item does not derogate from a person's right of access to information in terms of national legislation.

**7. Undue influence**

A staff member of a municipality may not-

(a) unduly influence or attempt to influence the council of the municipality, or a structure or functionary of the council, or a councilor, with a view to obtaining any appointment, promotion, privilege, advantage, or benefit, or for family member, friend or associate;

(b) mislead or attempt to mislead the council, or a structure or functionary of the council, in its consideration of any matter; or

(c) be involved in a business venture with a councilor without the prior written consent of the council of the municipality.

**8. Rewards, gifts, and favors**

(1) A staff member of a municipality may not request, solicit, or accept any reward, gift, or a favour for-

(a) persuading the council of the municipality, or any structure functionary of the council, with regard to the exercise of any power or performance of any duty;

(b) making a representation to the council, or any structure or functionary of the council;

(c) disclosing any privileged for confidential information; or

(d) doing or not doing anything within that staff member's powers or duties.

(2) A staff member must without delay report to a superior official or to the speaker of the council any offer, which, if accepted by the staff member, would constitute a breach of sub-item (1).

**9. Council Property**

A staff member of a municipality may not use, take acquire or benefit from any property or asset owned, controlled, or managed by the municipality to which that staff member has not right.



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**10. Payment of arrears**

A staff member of municipality may not be in arrears to the municipality for rates and services charges for a period longer than 3 months, and a municipality may deduct any outstanding amounts from a staff member's salary after this period.

**11. Participation in elections**

A staff member of a municipality may not participate in an election of the council of the municipality, other than in an official capacity or pursuant to any constitutional right.

**12. Sexual Harassment**

A staff member of a municipality may not embark on any action amounting to sexual harassment.

**13. Reporting for duty of staff member**

Whenever a staff member of a municipality has reasonable grounds for believing that there has been a breach of this Code, the staff member must without delay report the matter to a supervisor or to the speaker of the Council.

**14. Breaches of Code**

Breaches of this Code must be dealt with in terms of disciplinary procedures of the municipality envisaged in Section 67(1) (h) of this Act.

**Signed and accepted by employee/delegate:**

I hereby declare that I Sello Jonas Molwena (full names & surname) have read and understand the contents of this Code of Conduct. I also confirm that I accept to uphold it and willingly sign this document.

SIGNATURE: _____ DATE: 30/07/'24
(Employee)

SIGNATURE: _____ DATE: 31/07/2024
(Municipal Manager)

WITNESSES:

1. SIGNATURE: _____

2. SIGNATURE: _____