



# **CELLPHONE POLICY, 2017**

(COUNCIL RESOLUTION A.83.30.05.17)

## **POLICY ON ACQUISITION AND USE OF CELLULAR PHONES**

### **PREAMBLE**

Whereas the cognizance should be taken of the fact that there are strategic posts within the Council and there are members of Council whose responsibilities are of such a nature that they need cell phones.

### **1. OBJECTIVES OF POLICY**

- 1.1 To provide guidelines regarding the acquisition and use of cellular phones for councilors and officials.
- 1.2 To provide guidelines on the management of cellular phone use.
- 1.3 To provide fair criteria for the payment of cellular telephone expenses.

### **2. DEFINITIONS**

- 2.1 Municipality means the Makhado Municipality.
- 2.2 Mayor means a Mayor elected in terms of section 48 of the Municipal Structures Act, No 117 of 1998.
- 2.3 Speaker means a Speaker elected in terms of section 36 of the Municipal Structures Act, No 117 of 1998.
- 2.4 Executive Committee means an Executive Committee member elected in terms of section 45 of the Municipal Structures Act, No 117 of 1998.
- 2.5 Municipal Manager means a person appointed by the municipality in terms of section 54A of the Municipal Systems Act, No 32 of 2000 and who are the Head of Administration and also the Accounting Officer for the Municipality.

- 2.6 Head of Department means a person appointed by the municipality in terms of section 56 of the Municipal Systems Act, No 32 of 2000 and who is the Head of a Department within the Makhado Municipality.
- 2.7 Official means any other personnel appointed by the Makhado Municipality on post levels 1 to 15.

### 3. **CRITERIA FOR ACQUISITION AND ALLOCATION OF CELLULAR PHONES**

3.1 The following councilors and officials automatically qualify for cell phones in terms of the determination of council allowance.

#### 3.1.1 **Councilors**

The upper limits of councillors' cell-phone allowance are determined by SALGA annually.

Councillors shall obtain a fixed allowance of not more than what is determined by the act of parliament/gazette.

#### 3.1.2 **Officials will obtain their airtime within cell phone packages allowance as per table below**

➤ Municipal Manager	R2,500.00
➤ Section 56 Managers	R2,200.00
➤ Divisional Managers (PL1)	R900.00
➤ Assistant Managers (PL3)	R700.00
➤ Regional Administrators (PL3)	R700.00
➤ Employees other than listed herein	R500.00

Officials' limits will be reviewed annually by Council.

3.2 The Municipality must enter into an agreement with a cellular phone service provider in terms of which the municipality, as client of the service provider, will provide cellular phones to councilors and officials.

### 4. **GENERAL CONDITIONS**

4.1 Each individual Councilor or official must enter into an agreement with the municipality that set out his or her liability in the event of loss, theft, or damage of the cellular phone allocated to him or her. The extent of such liability should be equivalent to that of the municipality in respect of any excess amount payable by the municipality for such loss, theft, or damage.

4.2 Each individual Councilor or official should purchase car kits or walk-and-talk kits, and it should not be for the expense of Council.

4.3 The maximum monthly amounts allocated for official calls, messages, voice mail retrievals and rental are as per table above.

4.4 The official shall be given a limited amount for his/her official calls and if the official exceeds the limit given, the Municipal Manager and Chief Financial Officer will be authorized to make deductions to the excess amount from the monthly salary of the official.

- 4.5 For councilors the Municipal Manager and Chief Financial Officer shall authorize full deductions for what they spend on their cell-phones.
- 4.6 The affected official will be notified in writing of the deductions to be made.
- 4.7 The itemized billing must be returned to the Chief Financial Officer before the statement due date of each month. In the event that the bill is not returned, all the calls will be regarded as private.
- 4.8 Free airtime is considered to be part and parcel of the rental agreement. As the phone belongs to the Municipality, also do the free air time. It is therefore conclusive that the free airtime be accounted for on the basis that it is paying for official calls only and not private call.
- 4.9 In the event that a councilor or official ceases to hold office, the cellular phone must be returned to the Office of the Speaker or Chief Financial Officer whichever is applicable forthwith and the councilor or official, as the case may be, concerned will be held personally liable for any expenses in relation to the cellular phone contract as from the date he or she ceases to hold office.
- 4.10 Officials may acquire or use their own/personal cell-phones with prior consent of the Municipal Manager and subject to the limits.
- 4.11 Officials may on request be allowed to use their personal cell phones and in that case, the Municipality shall be responsible for the payment or re-imbusement for official calls only subject to the limits.

## **5. MAINTENANCE OF CELLULAR PHONES AND EQUIPMENT**

### **5.1 Batteries and Charges**

The above may be replaced at the cost of Council provided that the Office of the Speaker or Chief Financial Officer is satisfied that the equipment was not misused.

### **5.2 Damaged or Faulty Cellular Phones**

Faulty or damaged cellular phones must be reported timesously and under no circumstances shall councilors and officials tamper or attempt to make any repairs to their cellular phones.

## **6. LOSS, THEFT OF OR DAMAGED TO CELLULAR PHONES**

- 6.1 If a cellular phone is lost or damaged, the councilor shall report such a loss or damaged immediately to the Office of the Speaker.
- 6.2 In the case of an official, he/she will report the loss to the Chief Financial Officer.
- 6.3 If cellular phones are stolen or damaged through carelessness (Negligence) of the councilor or official, the Office of the Speaker or Chief Financial Officer must inform the Municipal Manager to deduct the excess from the allowance or salary.
- 6.4 If cell phones are stolen under duress Council will be liable for the excess payment. In all other instances, the individual will be liable for the excess payment.

6.5 The councilor or official must pay the insurance excess in the case of loss/theft through negligence where the equipment is insured and if not insured the Chief Financial Officer shall determine the market related price of the lost cell phone and claim it from whoever is involved.

**7. INSURANCE**

7.1 The Office of the Speaker and/or Chief Financial Officer will ensure that all cellular phones and equipment are insured in line with Council's policy.

7.2 The Office of the Speaker and/or Chief Financial Officer will ensure that all insurance claims are processed.

**8. CELLULAR PHONE LIMITS FOR OFFICIAL CALLS**

8.1 The cell phone limit of councilors shall be determined by an Act of Parliament and gazetted as such in terms of the Remuneration of Public Office Bearers Act.

8.2 The cell phone limits of the municipal officials shall be determined by Council from time to time at a properly constituted meeting of its Executive Committee and Council.

8.3 A member of Council or official may acquire a cell phone of his/her choice. However, if the service provider requires the payment of the difference, the member of Council or official shall pay that amount out of his own funds.

8.4 On the request of a member of Council or official, a limit on the credit facility may be imposed though cognizance must be taken that the service provider does not guarantee 100% bill in this regard. Payment for the difference between limit allowed and actual bill will be deducted in full in the month of billing.

**9. STANDBY PHONES**

9.1 The Municipality shall allocate standby phones to the deserving department subject to the limitations.

9.2 The officials to whom the standby phone is allocated shall use it for job related matters only and the phone usage would be restricted to official numbers only.

9.3 Council will also pay for landlines of officials who qualify for Council cellular phones.

**10. PENALTY**

A misuse, as intended in terms of the Code of Conduct under the Municipal Systems Act, No 32 of 2000 for the relevant user, of the cellular phone may result in blocking and/or confiscation thereof.

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