



**RAYMOND
MHLABA**
MUNICIPALITY

UMANYANO KUPHHLISO

AGENDA

SPECIAL COUNCIL MEETING

DATE: 10 DECEMBER 2021

TIME: 10H00

VENUE: NEW COUNCIL CHAMBER, ALICE

1. OPENING

2. NOTICE OF THE MEETING

3. CONSIDERATION OF APPLICATIONS FOR LEAVE OF ABSENCE

4. ADOPTION OF THE AGENDA

5. COMMUNICATION BY THE CHAIRPERSON

6. REPORTS

7. CLOSURE



**RAYMOND
MHLABA**
MUNICIPALITY

UMANYANO KUPHICHILISO

NOTICE OF THE MEETING

NOTICE IS HEREBY GIVEN THAT IN TERMS OF SECTION 29 (1) OF THE MUNICIPAL STRUCTURES ACT NO. 117 OF 1998, A SPECIAL COUNCIL MEETING OF RAYMOND MHLABA LOCAL MUNICIPALITY WILL BE HELD ON FRIDAY, THE 10TH DECEMBER 2021 AT 10H00 IN THE NEW COUNCIL CHAMBERS, ALICE

UT. MALINZI
MUNICIPAL MANAGER

08/12/21
DATE

CLLR. T. NGAYE
SPEAKER:
RAYMOND MHLABA MUNICIPALITY

08/12/21
DATE

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SPECIAL COUNCIL MEETING OF RAYMOND MHLABA MUNICIPALITY

10 DECEMBER 2021

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PROCESS TO ESTABLISH WARD COMMITTEES

1. PURPOSE

To present to Council a guide and process for the establishment of ward committees for noting.

2. AUTHORITY

Constitution of the Republic of South Africa Act, No. 106 of 1996
Guidelines 2005
Local Government: Municipal Structures Act No. 117 of 1998
Joint Circular No. 1

3. BACKGROUND

In terms of the Municipal Structures Act as amended, local and metropolitan municipalities given 120 days after the Local Government Elections and post the first Council meeting to establish ward committees. To ensure credibility, the election of ward committee members should be conducted with the assistance or in line with the prescripts of the IEC.

Should the establishment of ward committees not take place within the 120 days provision, the Speaker must, prior to the expiry of the 120 days in writing request the MEC responsible for local government in the province, for extension. To this, the MEC must respond within 14 days of receipt of the request and provide reasons for granting or refusing the extension.

Municipal Councils are responsible for the formulation of policies regarding the ward committee establishment processes, operations and determination of payment of allowance/out of pocket expenses for ward committee members. Provinces must develop and implement ward committee establishment plans and ensure that these committees are established within the legislated timeframe.

The election procedure should be based on:

- A **sectoral model**: informed by municipal stakeholder database of the sectors existing within each ward.
- A **geographical model**: based on the voter district and geographic spread of the ward; or
- A **hybrid model**: a combination of the sectoral and geographic models.

The election criteria applicable for electing ward committee members should be adhered to as outlined in the Guidelines for Establishment and Operation of Municipal Ward Committee, 2005.

It is expected that, post the establishment of ward committees, Provinces must support municipalities in the induction of newly elected ward committee members. The induction will form part of a broader capacity building program to be rolled-out throughout the term of

office. The capacity building will also ensure that Ward committees develops ward operational plans which will be reviewed on an annual basis. The plans are aimed at ensuring that operations of ward committees are structured and provide an enabling platform to actively take part in the planning, implementation and monitoring of service delivery.

4. **FINANCIAL IMPLICATIONS**

None

5. **RECOMMENDATIONS**

It is **RECOMMENDED** that:

- 1) Council notes the guide to establish Ward Committees in Municipal Councils.

 <p>COOPERATIVE GOVERNANCE Department of Cooperative Governance REPUBLIC OF SOUTH AFRICA</p>	 <p>NATIONAL TREASURY Department of National Treasury REPUBLIC OF SOUTH AFRICA</p>	 <p>SALGA SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION <i>Inspiring service delivery</i></p>
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JOINT CIRCULAR NO. 1
ISSUED BY:

DEPARTMENT OF COOPERATIVE GOVERNANCE (DCoG)
NATIONAL TREASURY (NT)
SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION (SALGA)

<u>FROM:</u>
▪ Director-General: Department of Cooperative Governance
▪ Director-General: National Treasury
▪ Chief Executive Officer: South African Local Government Association
<u>TO ALL:</u>
▪ Heads of Department of responsible for Local Government in the Provinces
▪ Heads of Department of Provincial Treasuries
▪ SALGA Provincial Directors of Operations
▪ Municipal Managers

**MANAGEMENT OF THE VARIOUS TRANSITIONAL MEASURES:
PRE AND POST THE 2021 LOCAL GOVERNMENT ELECTIONS (LGE)**

1. PURPOSE OF THE CIRCULAR

1.1 This Circular is being issued pursuant to engagements at various forums, and its intention is to guide provinces and municipalities with processing the various transition matters as the 4th term of Municipal Councils come to an end, and as preparations are being made for LGEs to be held on 1 November 2021.

- 1.2 The present term of local government has been characterised by many problems including municipalities being confronted with various governance, infrastructure and service delivery challenges. With the onset of the COVID-19 pandemic during late 2019 and the subsequent placing of the country into various alert levels in terms of the Disaster Management Act No. 57 of 2002¹, municipalities faced further challenges in relation to their revenue generation and revenue collection capabilities.
- 1.3 The circular deals with, amongst other matters, an overview on the District Development Model (DDM); the status of recent developments relating to local government legislation; the various transitional measures that need attention pre-LGE, during establishment, and post the establishment of Municipal Councils, as set out in the table hereunder:

PRE-LGE	DURING ESTABLISHMENT	POST ESTABLISHMENT
<ul style="list-style-type: none"> ▪ Section 12 Notices ▪ Procurement-related matters ▪ Participation of municipal staff in LGE ▪ Preparation of handover reports ▪ Preparation of information packs ▪ Role of Municipal Manager / Municipal Official as Municipal Electoral Officer ▪ Capacity building for Municipal Managers ▪ Continued functioning of Municipal Council 	<ul style="list-style-type: none"> ▪ Virtual meetings ▪ First council meeting ▪ Election of Office-bearers <ul style="list-style-type: none"> ○ Speaker ○ Mayoral Executive Type ○ Collective Executive Type ○ Whip of council ▪ Establishment of MPAC 	<ul style="list-style-type: none"> ▪ Management of Section 139 interventions ▪ Review of the systems of delegation ▪ Development and adoption of IDPs ▪ Establishment of ward committees ▪ Non-returning Councillors ▪ Municipal-owned property and assets ▪ Payment of a once-off gratuity ▪ Integrated Councillor Induction Programme ▪ Code of Conduct for Councillors ▪ Unfunded budget process and criteria for release of funding in December 2021 ▪ Municipal Support and Intervention Plans (MSIPs)

2. DISTRICT DEVELOPMENT MODEL

- 2.1 The advent of the 6th administration post the national and provincial elections during 2019 saw Cabinet adopting the DDM soon after taking office. The introduction of the DDM was aimed at improving cooperative governance and to build a capable, ethical and developmental state. The DDM consists of a process by which joint and collaborative planning is undertaken at local, district and metropolitan levels by all three spheres of government, resulting in a single strategy that is focused on One Plans for each of the 44 districts and 8

¹ Hereinafter referred to as the "Disaster Management Act".

metropolitan geographic spaces in the country; these districts are seen as the 'landing strip' for integrated planning.

2.2 The objectives of the DDM are to:

- (a) Coordinate a government response to challenges of poverty, unemployment and inequality particularly amongst women, youth and people living with disabilities;
- (b) Ensure inclusivity by gender budgeting based on the needs and aspirations of our people and communities at a local level;
- (c) Narrow the distance between people and government by strengthening the coordination role and capacities at the District and City levels;
- (d) Foster a practical intergovernmental relations mechanism to plan, budget and implement jointly in order to provide a coherent government for the people in the Republic; (solve silo's, duplication and fragmentation) maximise impact and align plans and resources at our disposal through the development of "One District, One Plan, and One Budget";
- (e) Build government capacity to support municipalities;
- (f) Strengthen monitoring and evaluation at district and local levels.
- (g) Implement a balanced approach towards development between urban and rural areas; and
- (h) Exercise oversight over budgets and projects in an accountable and transparent manner.

2.3 All stakeholders are urged to ensure that the work that we are all involved-in embraces the DDM approach.

3. LEGISLATIVE INTERVENTIONS IMPACTING LOCAL GOVERNMENT

3.1 Commencement of the Local Government: Municipal Structures Amendment Act No. 3 of 2021²

- (a) The Structures Amendment Act, which will commence on 1 November 2021, may be broadly categorised as addressing governance-related challenges in municipalities, and secondly, as enhancing the management and administration of local government elections. In essence, the Act will assist municipalities to strengthen governance and oversight and will ensure that municipal operations continue despite attempts to disrupt or stall the functioning of municipalities.
- (b) Provinces must take note that when determining the type of municipality, the Structures Act will no longer provide for plenary municipal councils. Secondly, any Councillor who

² Hereinafter referred to as the "Structures Amendment Act".

is removed from office for a breach of the Code of Conduct for Councillors³ may not stand as a candidate in an election for any municipal council for a period of two years from the date on which such person was removed from office. Provinces are therefore requested to immediately report this to the Electoral Commission, DCoG and SALGA when such removal takes place.

- (c) Municipalities must also take note of the following important interventions, requirements and clarity provided in the Structures Amendment Act:
- (i) Municipalities must keep a record of the authorised representative of political parties to perform the functions in section 27(2)⁴ and 43(2)(d) and (e)⁵;
 - (ii) Councillors will be declared elected on the date of publication of the results of the LGE in the Gazette by the IEC;
 - (iii) Number of Councillors that are required to form a quorum when decisions are taken;
 - (iv) Additional functions provided for the Speaker of council;
 - (v) Uniform formula for the awarding of seats on an executive committee⁶;
 - (vi) Whip of a municipal council is elected in terms of section 41A of the Structures Act;
 - (vii) Ward committees must be established within 120 days;
 - (viii) Establishment of municipal public accounts committee (MPAC)⁷; and
 - (ix) Inclusion of the Code as Schedule 7.
- (d) A detailed Circular to guide interpretation and implementation of the Act, will be issued to municipalities and stakeholders in due course. Municipalities are requested to, in the meantime, familiarise themselves with the Act, for effective implementation and application by Council, including amending the Standing Rules and Orders to be in compliance with the Act.

3.2 Implications of the Constitutional Court Judgment Invalidating the Local Government: Municipal Systems Amendment Act No. 7 of 2011⁸

- (a) On 9 March 2017 the Constitutional Court⁹ declared the Municipal Systems Amendment Act of 2011 as unconstitutional and invalid in its entirety.

³ Hereinafter referred to as the "Code".

⁴ Only an authorised representative may inform the Municipal Manager of a vacancy.

⁵ Seats that are allocated to a political party or political interest in an executive committee are appointed or a vacancy is filled through the authorised representative.

⁶ Discussed in further detail in paragraph 5 – establishment of Municipal Councils.

⁷ Discussed in further detail in paragraph 5 – establishment of Municipal Councils.

⁸ Hereafter referred to as the "Municipal Systems Amendment Act of 2011".

⁹ SAMWU v Minister of CoGTA (CCT54/16) [2017] ZACC 7; 2017 (5) BCLR 641 (CC),

- (b) As of 9 March 2019, municipalities were required to comply with the Local Government: Municipal Systems Act No. 32 of 2000¹⁰, including all amendments made until 2008, but excluding the amendments introduced by the Systems Amendment Act of 2011.
- (c) The Local Government: Municipal Systems Amendment Bill, 2019 ("the Bill"), which is presently being processed through Parliament, contains the same provisions as the Municipal Systems Amendment Act of 2011. It is envisaged that the Bill will be finalised as soon as Parliament reconvenes after the LGE.
- (d) On 2 December 2019, Circular 2 of 2019 was issued by DCoG. The Circular clarified which provisions of the Systems Act continue to be valid, after the declaration of invalidity by the Court, and provided transitional measures to be applied by municipalities until such time that the Bill is assented to by the President. Municipalities are requested to familiarise themselves with the Circular until such time the Bill is signed into law by the President.

3.3 Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers, 2014¹¹

- (a) The Appointment Regulations empower the municipal council to review its staff establishments within a period of 12 months from the date of the election only after the following:
 - (i) The election of a new council;
 - (ii) The adoption of a new IDP;
 - (iii) Substantial or material changes to the functions of the municipality; and
 - (iv) The redetermination of new municipal boundaries of a municipality.
- (b) The Appointment Regulations afford the new municipal councils an opportunity to align the IDP, budget and the staff establishments. The revised staff establishment can only be approved by the majority of municipal councillors to mitigate against possible bloating of municipal administrations in non-core business areas.

3.4 Contracts of Municipal Managers and Other Staff Members

- (a) Municipal Managers
 - (i) Section 57(6)(a) of the Municipal Systems Act prescribes that "the employment contract for a municipal manager must be for a fixed term of employment up to a

¹⁰ Hereinafter referred to as the "Municipal Systems Act".

¹¹ Hereafter referred to as the "Appointment Regulations".

maximum of five years, not exceeding a period ending one year after the election of the next council of the municipality".

- (ii) In a judgment of the Supreme Court of Appeal handed down on 7 October 2020¹², the court found in terms of s 57(6)(a) of the Municipal Systems Act that the employment contract of a Municipal Manager has a maximum fixed term of five years, which cannot be renewed or extended – once the five year period has elapsed the position of a Municipal Manager becomes vacant and thus subject to the nationally competitive procedures – any renewal thereafter is null and void *ab initio* – this is irrespective of whether the provisions of the employment contract as Municipal Manager stipulated the terms of its renewal within the meaning of that expression in section 57(6)(c).
- (iii) The contract of a Municipal Manager cannot be validly extended beyond the one-year fixed term after the election of the next council of the municipality.

(b) Managers Directly Accountable to Municipal Managers

- (i) Section 57(7) of the Municipal Systems Act empowers the Municipal Council to "extend the application of the provisions of section 57(6) to a manager directly accountable to the Municipal Manager".
- (ii) In a judgment of the Labour Court of South Africa, Durban Division, on 25 January 2017¹³, the court found that the power to conclude a fixed term contract of a manager directly accountable to the Municipal Manager arises only once a municipality exercises its discretion under section 57(7) of the Act – a fixed term contract can only be effected in terms of section 57(6) of the Act – so, termination one year after elections also forms part of the terms of contract.
- (iii) Therefore, the principles in paragraph (a) above apply. Notwithstanding this and in an endeavor to minimise disruptions in the functioning of municipalities, any fixed-term contract of a manager directly accountable to the Municipal Manager concluded before the date of this Circular, shall continue until it lapses or is terminated as per agreement between the parties.

(c) Contracts of Support Staff in Offices of the Public Office-bearers (POBs)

- (i) A person appointed to a post on the approved staff establishment in order to support the office of a public office-bearer, must either be seconded from a post on that municipality's approved staff establishment or another municipality's staff

¹² Mawonga and Another v Walter Sisulu Municipality and Others (Case no 574/19) [2020] ZASCA 125.

¹³ Biyela v Nongoma Local Municipality (Case No. D1321-13).

establishment, or be appointed on a fixed-term contract of employment linked to the term of office of the public office-bearer.

- (ii) The duration of the secondment or fixed-term employment contract contemplated herein cannot be validly extended beyond a period of 30 days after the public office-bearer vacates office.

3.5 Local Government: Municipal Staff Regulations, 2021¹⁴

- (a) On 20 September 2021 the Minister published the Municipal Staff Regulations, 2021 in the Gazette, and which mainly cascades uniform standards for municipal managers and other senior managers to staff below senior management echelons.
- (b) The Municipal Staff Regulations, 2021 provide for:
 - (i) Setting out uniform norms and standards for organisational design;
 - (ii) Build institutional capacity for municipalities by setting out uniform appointment criteria and procedures for municipalities staff below senior management echelons;
 - (iii) Provides a competency framework which lays down the basis for sector-wide skills audit and skills development programmes;
 - (iv) cascade Performance management system to staff below management echelons;
 - (v) Municipal staff establishment, job description and job evaluation;
 - (vi) Recruitment, selection, appointment and transfer of staff;
 - (vii) Training, competencies and skills development;
 - (viii) Supervision and management of staff; and
 - (ix) Promotion and demotion of staff.
- (c) As the Municipal Staff Regulations, 2021 come into effect on 1 July 2022, municipalities and provinces are required to develop implementation plans in preparation for the commencement of the regulations.

3.5 Funding of Political Party Activities

- (a) The Constitution of the Republic of South Africa, 1996¹⁵ and the Political Party Funding Act No. 6 of 2018 only addresses the funding of political parties on national and provincial level.

¹⁴ Hereinafter referred to as the "Municipal Staff Regulations"

¹⁵ Hereinafter referred to as the "Constitution".

- (b) The Constitution does not provide for the public funding of political parties represented in local government. In the context of South Africa, all the major parties that are represented in the national and provincial legislatures would be entitled to funding from public funds. But there are other smaller parties sponsored by residents and rate-payers associations which are represented in local government only and, therefore, do not qualify for public funding in terms of section 236 of the Constitution.
- (c) It is thus clear that there is no legislative provision allowing for the funding of any political party at local government level, including funding in payment or in kind by the municipality to any political party contesting the LGE.
- (d) Any official or public office bearer who instructs or makes any expenditure in contravention of the MFMA¹⁶ will be liable for the expenditure in terms of section 32 of the MFMA and may be charged for financial misconduct in terms of the provisions of the MFMA, and the related regulations¹⁷ issued in terms of the MFMA.
- (e) Municipalities must therefore not make any funding, in payment or in kind, available to any political party or any party representative leading up to the LGE to be held on 1 November 2021.

4. MATTERS TO BE DEALT WITH PRIOR TO 2021 LGE

4.1 Notices in terms of Section 12 of the Municipal Structures Act, 1998

- (a) Existing section 12 Notices must be revised to provide for any changes that may have occurred during the term. This will include changes to the number of Councillors; wards; type of municipality; name of the municipality; and outer boundaries.
- (b) The revision of the section 12 Notices requires consultation with SALGA and affected municipalities, and final notices in this regard ought to have been published in *Provincial Gazettes* before the end of September 2021.

4.2 Procurement-related Matters

Municipalities are urged to refrain from entering into any large-scale procurement of goods and services, concessions and alienation of immovable properties, especially in relation to assets and immovable property, but to rather defer such procurement and alienation of immovable properties to the incoming council after the LGE.

¹⁶ Local Government: Municipal Finance Management Act No. 56 of 2003 - Hereinafter referred to as the "MFMA".

¹⁷ Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings, 2014, and the Municipal Cost Containment Regulations, 2019.

4.3 Participation of Municipal Staff in LGE

- (a) The participation of candidates in LGE elections is provided for in the Electoral Act¹⁸, the Local Government: Municipal Electoral Act No. 27 of 2000¹⁹, and the Regulations regarding the Participation of Municipal Staff Members in Elections, 2011²⁰ (issued in terms of the Municipal Systems Act).
- (b) The LGE Regulations for municipal staff provides that if a municipal employee is issued with a certificate by the IEC in terms of section 31(3) of the Electoral Act, or section 15(3) or 18(1)(d) of the Municipal Electoral Act, then such staff member (or employee) shall, on the working day following the day on which she or he receives the certificate, present a copy of the certificate to her or his employer.
- (c) The staff member is thereafter deemed to be on annual leave from the working day that the certificate is received until the date on which the results are declared by the IEC. If the employee is elected, then the person must apply for further annual leave until their resignation from the municipality. If the employee does not have sufficient annual leave, then the person is deemed to be on unpaid leave for the period of leave taken in excess of the available annual leave.
- (d) The staff member is prohibited from using any property (either movable or immovable) of the municipality and may not, during working hours, utilise or accept assistance from any staff member of the municipality, for their election campaign.
- (e) Any staff member contravening the LGE Regulations for municipal staff shall be guilty of misconduct. Municipal Managers must therefore monitor and ensure strict compliance with the above-mentioned provisions.

4.4 Preparation of Handover Reports

- (a) Each Municipal Manager, working together with the Chief Financial Officer and other senior managers, must prepare a hand-over report that can be tabled at the first meeting of the newly elected council. The aim of this hand-over report is to provide the new councils with important orientation information regarding the municipality; the state of its finances; service delivery and capital programme; as well as key issues that need to be addressed.
- (b) It is proposed that the hand-over report should include:

¹⁸ Electoral Act No. 73 of 1998.

¹⁹ Hereinafter referred to as the "Municipal Electoral Act".

²⁰ Hereinafter referred to as the "LGE Regulations for municipal staff".

- (i) An overview of the demographic and socio-economic characteristics of the municipality;
- (ii) Approved annual institutional calendar of council, committees, and other organs of the municipality;
- (iii) An overview of the macro-organisational structure of the municipality with departmental core functions, with the names and numbers of senior managers;
- (iv) Appointment of Municipal Manager and managers directly reporting to the Municipal Manager, and status of contracts of employment;
- (v) An overview of key municipal policies that Councillors need to be aware of, and where they can obtain the full text of such policies;
- (vi) An overview of issues that still need to be addressed in relation to the municipality meeting its targets for the various programmes;
- (vii) An overview of the municipality's financial health, with specific reference to:
 - Its cash and investments, and its funding of commitments;
 - Cash coverage of normal operations;
 - Status of budget (funded or unfunded?);
 - Creditors outstanding for more than 30 days, along with reasons for delayed settlement;
 - Current collection levels and debtors outstanding for more than 30 days; and
 - Extent of existing loans, and associated finance and redemption payments;
- (viii) The municipality's audit outcomes for the past three financial years (FY), and its strategy to address audit issues / shortcomings;
- (ix) State of Unauthorised, Irregular, Fruitless and Wasteful Expenditure (UIFWE) including progress to date in terms of processes in terms of section 32 of the MFMA;
- (x) State of consequence management in the municipality and status report consistent with the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings, 2014;
- (xi) An overview of the:
 - provision of basic services, including plans to address backlogs;
 - state of the municipality's assets, with particular reference to the asset management plan, and repairs and maintenance requirements;
 - national reforms that the municipality is participating in, as well as the national interventions that the municipality is part thereof;
 - state of cooperative government and inter-governmental relations; and
 - governance system and structures (section 79 and 80 committees);
- (xii) Report on the procurement of goods and services, concessions and alienation of immovable property since 1 June 2021;

- (xiii) A list of the main infrastructure projects planned for the 2021/2022 budget and Medium-Term Revenue and Expenditure Framework (MTREF);
 - (xiv) A list of key processes requiring council input over the next six months / until the end of the FY, e.g. revision of the IDP, approval of specific policies, etcetera;
 - (xv) A list of support programmes to the municipality initiated either through donors such as the European Union, Swiss, German Development Cooperation, or National Treasury (MFIP) and Provincial Treasury driven initiatives;
 - (xvi) Any litigation the municipality maybe facing; and
 - (xvii) Any other information deemed to be important;
- (c) In addition to the hand-over report, each new Councillor should be given the municipality's revised IDP; the adopted 2021/2022 budget; the mid-year budget and performance assessment report for 2020/2021; the latest monthly financial statement; and the annual report for 2019/2020.
- (d) Municipal Managers should submit their municipality's hand-over report to the provincial department responsible for local government, to the DCoG, to the National Treasury, and to SALGA, by 28 October 2021.

4.5 Preparation of Information Packs

- (a) In preparation for the convening of the first council meeting post the LGE, municipalities must ensure that, at the least, the following information be made available to all Councillors by way of preparing information packs:
- (i) Handover report (as required by paragraph 4.4 above);
 - (ii) Handover report, as required by the MFMA Circular No. 108;
 - (iii) Copy of this Circular;
 - (iv) Section 12 Notice;
 - (v) IDP for the 2021 / 2022 FY;
 - (vi) Mid-year budget and performance assessment report the 2020 / 2021 FY;
 - (vii) Latest monthly financial statement;
 - (viii) Approved budget for the 2021/22 FY;
 - (ix) The process for addressing an unfunded budget and adopted funding plan²¹;
 - (x) Service delivery and Budget Implementation Plan for 2021/22;
 - (xi) Approved financial recovery plan²² (FRP), if applicable²³;

²¹ Refer to paragraph 6.8.

²² Hereinafter referred to as the "FRP".

²³ The FRP that is formally prepared for municipalities under intervention is not synonymous with the Municipal Support and Intervention Plan (MSIP). The approved FRP takes precedence where formal interventions (discretionary and mandatory) have been invoked in a municipality, and a FRP has been developed and approved for implementation.

- (xii) Resolutions and minutes of council meetings in last three months leading up to the LGE;
- (xiii) Section 139 intervention package, if applicable;
- (xiv) Annual report for the 2019 / 2020 FY;
- (xv) Draft annual report for the 2020 / 2021 FY;
- (xvi) Copy of the UIFWE reduction plan;
- (xvii) List of the powers and functions that the municipality is authorised to perform;
- (xviii) Report on status quo of the implementation of consequence management within the municipality aligned to the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings, 2014;
- (xix) State of MFMA Compliance within the municipality including indication of how the compliance gaps will be addressed;
- (xx) Government Gazette: Upper limits for the remuneration of Councillors;
- (xxi) Standing Rules of Order;
- (xxii) Local government legislation (including the Code of Conduct for Councillors);
- (xxiii) Documentation for the Integrated Councillor Induction Programme;
- (xxiv) Copy of the One Plan for the District within which the Municipality is located;
- (xxv) A copy of the Municipal Support and Intervention Plan of the Municipality;
- (xxvi) A copy of the District Recovery Plan of the District within which the Municipality is located;
- (xxvii) A copy of the FRP and progress report thereof of Municipality where an intervention is still in force; and
- (xxviii) A copy of the economic recovery plan.

4.6 Role of the Municipal Manager / Municipal Official as Municipal Electoral Officer

- (a) All arrangements pertaining to the LGE are led and championed by the IEC in terms of the Municipal Electoral Act, including the appointment of local representatives of the IEC in the municipality²⁴.
- (b) The officials are also referred to as the Municipal Electoral Officer (MEO), presiding officers for each voting station, election officers and counting officers. The MEO positions are predominantly filled by municipal officials, and in certain instances, it may be the Municipal Manager, but it can also be another official or person not in the service of the municipality.
- (c) The MEO exercises the powers and performs the duties assigned to him or her in terms of the Municipal Electoral Act, and does so subject to the direction, control and disciplinary authority of the Chief Electoral Officer.

²⁴ Section 12 of the Municipal Electoral Act.

- (d) The delegation and assignment of functions to the MEO does not prevent the IEC or its Chief Electoral Officer from exercising the power or performing the duty itself. The Chief Electoral Officer determines the terms and conditions of appointment as well as the remuneration package of the MEO. On appointment, a declaration of secrecy needs to be signed by the person appointed as the MEO. The Chief Electoral Officer of the IEC may remove the MEO from his or her office. The IEC may also appoint sub-MEOs to assist the MEO in fulfilling his or her duties.
- (e) The IEC has indicated that the availability of MEOs and/or municipal infrastructure for key periods in the electoral timetable (especially during voter registration, candidate nomination, party liaison committees and voting day and results declaration period) is of critical importance to the success of the elections.
- (f) Municipalities might also be required to provide support to specific voting districts with regard to water and electricity supply, and in particular rural areas access roads to such voting districts.

4.7 Capacity Building for Municipal Managers

- (a) As there may be instances where Municipal Managers (or persons mandated to call the first council meeting) were not previously involved in chairing the first meeting of a council, SALGA will convene a National Municipal Managers Workshop on 20 October 2021 to ensure that such persons are adequately capacitated to manage the first meeting of the council.
- (b) The proposed workshops should be held prior to the holding of the LGE. Officials from the IEC should also be invited to these workshops.

4.8 Continued Functioning of Municipal Council

- (a) Section 26²⁵ of the Municipal Structures Act provides as follows:

"(1) A person-

- (a) is elected as a member of a municipal council for a period ending when the next council is declared elected; or*
- (b) is appointed as a representative of a local council to a district council for a period ending when the next local council is declared elected.*

(2) A person assumes office as a councillor when declared elected or when appointed, as the case may be."

²⁵ Term of office of Councillors

- (b) From the aforesaid, the term of office for incoming Councillors commences once such Councillors are declared elected, and the term of office for incumbent Cllrs ends when the newly elected council is declared elected. Similarly, current / incumbent office-bearers will retain their positions until the results of the 2021 LGE are declared.
- (c) This means that the council and all its political structures can proceed with their day-to-day functions until the results for the LGE are declared. In practice, however, Councillors normally proceed with their functions until the day of the LGE.
- (d) Until the declaration of the results the current council structures remains in place, and it is recommended that all Council, MAYCO, EXCO meetings and meetings of other political structures continue to ensure that services delivery to communities are not affected during the run-up to the LGE.

5. ESTABLISHMENT PHASE / FIRST COUNCIL MEETING

5.1 Virtual Meetings

- (a) Since the advent of COVID-19, most municipalities have conducted their meeting on virtual platforms, in compliance with the Regulations issued in terms of the Disaster Management Act.
- (b) Considering the possibility that incoming Councillors are likely to only receive documents and tools of trade at the first council meeting, due consideration and guidance would have to be given on the convening of the first council meeting in line with the regulations issued in terms of the Disaster Management Act.

5.2 First Council Meeting

- (a) Section 23(4) of the Municipal Structures Act requires that a local council must appoint its representatives to the district council within 14 days after the result of the election of the local council has been declared.
- (b) Section 29(2) of the Municipal Structures Act requires the Municipal Manager of a municipality or, in the absence of the Municipal Manager, a person designated by the MEC for local government in the province, to call the first meeting of the council of that municipality within 14 days after the council has been declared elected or, if it is district council, after all the members to be appointed by local councils have been appointed.
- (c) The number of Councillors that must be considered when determining a quorum is the number that was determined by the MEC in terms of section 20 of the Structures Act (also appears in the section 12 Notice), and this quorum is required at the time when voting takes place.

- (d) It is envisaged that the first meetings of all municipal councils will be completed before the end of November 2021.

5.3 Election of Office-bearers

The election of municipal office-bearers is provided for in Schedule 3 of the Municipal Structures Act and must be conducted in the following order of sequence, where applicable, as provided for by the Structures Act.

(a) Speaker

- (i) The Speaker will be elected from amongst the members of the council; this election will be presided over by the person mentioned in 5.2(b) above.

(b) For Mayoral Executive Type Municipality -

(i) Election of Executive Mayor and Executive Deputy Mayor

The council must elect an executive mayor, and if the MEC for local government in the province so approves (which will be provided for in the Section 12 Notice), also an executive deputy mayor, from among its members.

(ii) Appointment of Mayoral Committee (MAYCO) by the Executive Mayor

If a municipal council has more than nine members, its executive mayor must appoint a MAYCO from among the Councillors to assist the executive mayor. The MAYCO must consist of the deputy executive mayor (if any) and as many Councillors as may be necessary for effective and efficient government, provided that no more than 20 per cent of the Councillors or 10 Councillors, whichever is the least, are appointed.

(iii) Election of Whip of Council

Each municipal council may elect a whip from among the Councillors. The speaker of the municipality presides over the election of the whip

(iv) Establishment of MPAC

A municipal council must establish a committee called the municipal public accounts committee (MPAC). The mayor or executive mayor, deputy mayor or executive deputy mayor, any member of the EXCO, any member of the MAYCO, speaker, whip and municipal officials are not allowed to be members of the MPAC.

(c) For Collective Executive Type Municipality

(i) Determination of Executive Committee (EXCO)

Section 43 of the Structures Act (as amended through Act No. 3 of 2021) now requires that the award of seats on the EXCO to political parties is determined by a formula that is prescribed in the Act. Political party representatives on the EXCO are done through its authorised representative²⁶, and nothing precludes a political party or political interest from nominating a Councillor from another political party or political interest to one or more of its allocated seats.

It must be noted that after the application of the formula, and if the calculation results in a surplus, then that surplus must compete with other similar surpluses, and the seat on the EXCO is to be then awarded to the highest surplus. However, if there is an equality of the surpluses, the result must then be determined by lot, as is done in the instances mentioned below (Schedule 1 and 3 of the Municipal Structures Act).

Item 8 in Schedule 1²⁷ of the Structures Act provides that, when two or more ward candidates receive an equal number of votes in an election, the result will be determined by lot.

Additionally, Item 8 in Schedule 3²⁸ of the Structures Act provides that *"if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, the person presiding at such meeting must determine by lot who of the two candidates will hold the office for which the election has taken place"*.

(ii) Election of Mayor and Deputy Mayor

The municipal council must elect a member of its EXCO as the mayor and, if the MEC for local government in the province so approves (which will be provided for in the Section 12 Notice), another member of the EXCO as the deputy mayor, of the municipality.

(iii) Election of Whip of Council²⁹

²⁶ See paragraph 3 above.

²⁷ Electoral System for Metro and Local Councils

²⁸ Election of Municipal Office Bearers

²⁹ See para 5.3(b)(iii) above.

(iv) Establishment of MPAC³⁰

6. POST ESTABLISHMENT PHASE

6.1 Management of Section 139 Interventions

- (a) There are currently 30 municipalities across the country that are under different modes of intervention, with the majority of the interventions being of a discretionary nature.
- (b) There is also a process to initiate mandatory interventions into 43 municipalities assessed as being in a financial and service delivery crisis. These municipalities have breached the threshold for intervention and therefore a mandatory intervention has been identified as the appropriate corrective measure. The National Treasury, through the Municipal Finance Recovery Services (MFRS) unit will facilitate the preparation of FRPs for each of these municipalities. The FRP will thus constitute the only plan/instrument to guide the recovery of the municipalities. In these municipalities, a Municipal Support and Intervention Plan (MSIP) will not be required.
- (c) This section is intended to guide those municipalities that were placed under intervention in terms of section 139 of the Constitution (and in some instances, in conjunction with section 139 of the MFMA), prior to the LGE.
- (d) Alongside this process, DCoG is engaged in the development of MSIPs for all municipalities in the country. These processes are being clarified so as to avoid confusion amongst the affected municipalities.
- (e) Where an intervention has been invoked and a FRP prepared by the MFRS unit and approved by the MEC for Finance in a Province, that FRP will be the primary instrument to be used to guide the recovery of the municipality. The MSIP will feed into the FRP where necessary, to ensure that all support related activities are coordinated under the FRP process.
- (f) In the absence of guidance in the Constitution or any other legislation as to what should happen to municipalities under intervention during the transition from one term of Municipal Councils to the next, as occasioned by LGEs, this section is intended to guide affected municipalities and provinces on what needs to be done in these instances.
- (g) Indicated in the table below are the various prevailing interventions, with guidance on how they should be managed post the LGE:

³⁰ See para 5.3(b)(iv) above.

Type of Intervention	Guidance on how to manage intervention post the 1 November 2021 LGE
<p>Section 139(1)(a) of Constitution</p> <p>(where provincial executive issued instruction/ directive to a municipality)</p>	<ul style="list-style-type: none"> ▪ Section 139(1)(a) constitutes a "Directive" and an instruction to a municipality by the provincial executive council³¹ (PEC), to either do, or not do, specific actions or instructions. ▪ The provincial intervention will only be terminated by the PEC once the municipality has complied with the Directive within the allocated timeframes.
<p>Section 139(1)(b) of Constitution</p> <p>(where provincial executive assumed executive obligations and appointed a ministerial representative)</p>	<ul style="list-style-type: none"> ▪ The provincial intervention must continue to be in operation and effective upon the newly declared Municipal Council, until such time that the municipality has demonstrated that it is able, in terms of capacity and willingness, to fulfil the executive obligation for which the intervention was originally invoked. ▪ Provinces must conduct an impact assessment to evaluate progress and identify obstacles that impede effective implementation of the intervention in a municipality. ▪ The PEC must identify an appropriate form of intervention for implementation, depending on the outcome of the assessment. ▪ The intervention must only end if the municipality has demonstrated that it is able, in terms of capacity and willingness, to fulfil the executive obligation for which the intervention was originally invoked and the financial problem that has been caused by or has caused the failure by the municipality to comply with that obligation is resolved. ▪ In the event, the provincial executive inappropriately appointed an administrator for assumption of responsibility for the fulfilment of the specified executive obligation without the Council being dissolved, the provincial executive must convert such administrator into a provincial executive representative.
<p>Section 139(1)(c) of Constitution</p> <p>(where municipal council was dissolved and appoint an administrator)</p>	<ul style="list-style-type: none"> ▪ The provincial intervention will continue to be effective after the new Municipal Council has been declared elected as far as it relates to the municipal recovery plan. ▪ The Administrator's term automatically comes to an end upon a new Municipal Council being declared elected. There is no need for the PEC to resolve to withdraw the administrator. ▪ If the PEC resolves not to assume responsibility for the implementation of the financial recovery plan, it may for transition and handover purposes, consider the conversion of the administrator into a Provincial Executive Representative for a period of 6 months depending on the status quo analysis of the municipality; the latest report provided by the administrator; and the progress report on implementation of the municipal recovery plan. ▪ Depending on the status quo analysis on the capacity of the municipality to implement the municipal recovery plan, the PEC may resolve to identify an appropriate type of intervention for the purpose of implementation of the municipal recovery plan.

³¹ Hereinafter referred to as the "PEC".

Type of Intervention	Guidance on how to manage intervention post the 1 November 2021 LGE
<p>Section 139(5)(a) of Constitution, read with Section 139 of MFMA-</p> <p>(where the provincial executive has only imposed a recovery plan)</p>	<ul style="list-style-type: none"> ▪ The provincial intervention will continue to be effective upon the new Municipal Council being declared elected. ▪ The termination of the provincial intervention will only be resolved by the PEC once the municipality has met the conditions for termination, as provided for in section 148(2) of the MFMA. ▪ For ease of reference, section 148(2) of the MFMA provides that a mandatory intervention must end when the crisis in the municipality's financial affairs has been resolved and the municipality's ability to meet its obligations to provide basic services or its financial commitments is secured.
<p>Section 139(5)(a) and (b) of Constitution-</p> <p>(where the provincial executive has imposed a recovery plan, and dissolved the municipal council and appointed an administrator)</p>	<ul style="list-style-type: none"> ▪ The provincial intervention will continue to be effective after the new Municipal Council has been declared elected, as far as it relates to the imposed recovery plan. ▪ The Administrator's term automatically comes to an end upon a new Municipal Council being declared elected. There is no need for the PEC to resolve to withdraw the administrator. ▪ If the PEC resolves not to assume responsibility for the implementation of the financial recovery plan, it may for transition and handover purposes, consider the conversion of the administrator into a Provincial Executive Representative for a period of 6 months depending on the status quo analysis of the municipality; the latest report provided by the administrator; and the progress report on implementation of the municipal financial recovery plan. ▪ Depending on the status quo analysis on the capacity of the municipality to implement the recovery plan, the PEC may resolve to assume the responsibility for the implementation of the recovery plan.
<p>Section 139(5)(a) and (c) of the Constitution-</p> <p>(where the provincial executive has imposed a recovery plan and assumed the responsibility for the implementation of the recovery plan without dissolving the municipal council)</p>	<ul style="list-style-type: none"> ▪ The provincial intervention will continue to be effective after the new Municipal Council has been declared elected, as far as it relates to the imposed recovery plan. ▪ Depending on the status quo analysis on the capacity of the municipality to implement the recovery plan, the PEC may resolve to proceed with the assumption of the responsibility for the implementation of the recovery plan. ▪ If the PEC resolves not to proceed with assumption of responsibility for the implementation of the financial recovery plan, it may for transition and handover purposes, retain a Provincial Executive Representative for a period of 6 months depending on the status quo analysis of the municipality; the latest report provided by the administrator; and the progress report on implementation of the municipal financial recovery plan.
<p>Section 139(7) of the Constitution-</p> <p>(where national executive imposed recovery plan, dissolved council or assumed responsibility)</p>	<ul style="list-style-type: none"> ▪ The above guidelines apply <i>mutatis mutandis</i> to the national intervention invoked in terms of section 139(7) of the Constitution, which provides for the national executive to intervene in terms of section 139(5) of the Constitution when the provincial executive cannot or does not adequately exercise the powers and functions referred to in section 139(5) of the Constitution.

Type of Intervention	Guidance on how to manage intervention post the 1 November 2021 LGE
Reporting Arrangements on municipalities under intervention	<ul style="list-style-type: none"> ▪ The affected municipalities must submit monthly reports on the implementation of the discretionary intervention and recovery plan to the MEC for Finance and the MEC for CoGTA, respectively. The MECs, on behalf of the PEC, must submit progress reports to the Minister of Finance, the Minister of CoGTA, provincial legislatures, and the National Council of Provinces, depending on the mode of intervention. ▪ The MEC for Finance and the MEC for CoGTA, with the former on mandatory intervention and the latter regarding discretionary intervention, must conduct a review of the implementation of interventions and recovery plan to determine if there is progress in resolving the municipality's financial crisis, provision of services and its recovery, and determine the effectiveness of any recovery plan imposed on the municipality. ▪ The municipality concerned must submit quarterly progress reports on the implementation of the Directive to the MEC for CoGTA, who must subsequently verify same, and thereafter submit such report to the Minister of COGTA.

6.2 Review of the Systems of Delegation

- (a) As far as the delegation of functions to the administration is concerned, all delegations and functions of the administrative structures and management of the municipality remain in place during the election period.
- (b) Section 59(2)(f) of the Municipal Systems Act, determines that the system of delegations of a municipality must be reviewed when a new council is elected or in the case of a district municipality, when it is elected and appointed. The system of delegations of each municipality will have to be reviewed by the newly elected council, within one year from taking office, but until this has been done, the delegations remain in place. All administrative actions allowed in terms of legislation and the municipality's system of delegations continues during the transition period, such as the implementation of the Supply Chain Management Policy and process.
- (c) The Municipal Manager should therefore, as soon as possible, prepare a process plan for the review of the system of delegations for submission to the first council meeting. He/She must also table the existing system of delegations for adoption as a temporary system of delegations, pending the review of the system of delegations, as contemplated in section 59(2)(f) of the Municipal Systems Act.

6.3 Development and Adoption of Integrated Development Plans (IDPs)

- (a) The Municipal Systems Act require municipalities to adopt an IDP which is a single, inclusive and strategic plan of a municipality that integrates planning and aligns the

resources and capacity of a municipality. In the main, the IDP integrates all sectoral plans to facilitate the achievement of integrated development in communities.

- (b) It is acknowledged that the LGE takes place 4 months after the commencement of the municipal financial year. This poses a latent challenge in so far as adherence to legislated timeframes with regard to the adoption of the 5-year IDP and its subsequent implementation.
- (c) Given the fact that the IDP and budget were reviewed and adopted by 30 June 2021, the current council had an obligation to ensure that these stipulations were complied with. In this regard, the current council was expected to continue the process of the review starting with the development and adoption of the process plan provided for in section 28 of the Municipal Systems Act.
- (d) Section 25(3) of the Municipal Systems Act allows the Municipal Council to adopt the IDP of the preceding council. However, should the incoming councils be unhappy with the priorities set out by the predecessor council, in this case, municipal councils are advised to consider the existing adopted IDP and resolve to initiate or not to initiate an amendment procedure as guided by the Municipal Systems Act, and the Local Government: Municipal Planning and Performance Management Regulations, 2001.
- (e) DCoG developed and rolled out the revised IDP guidelines to assist municipalities with the adoption of IDPs during an election year.

6.4 Establishment of Ward Committees

- (a) In terms of the Structures Amendment Act, local and metropolitan municipalities will have 120 days after the LGE and post the first council meetings to establish ward committees.
- (b) To ensure credibility, the election of ward committee members should be conducted with the assistance and / or in line with the prescripts of the IEC.
- (c) Should the establishment of ward committees not take place within the 120 days provision, the Speaker must, prior to the expiry of the 120 days, in writing request the MEC responsible for local government in the province, for an extension. The MEC must respond within 14 days of receipt of the request and provide detailed reasons for granting or refusing the extension.
- (d) Municipal Councils are responsible for the formulation of policies regarding the ward committee establishment processes, operations, and determination of payment of allowances/out-of-pocket expenses for ward committee members.

- (e) Provinces must develop and implement ward committee establishment plans and ensure that these committees are established within the legislated timeframe.
- (f) The election procedure should be based on:
 - **A sectoral model:** informed by municipal stakeholder databases of the sectors existing within each ward;
 - **A geographical model:** based on the voter district and geographic spread of the ward; or
 - **A hybrid model:** a combination of the sectoral and geographical models.
- (g) The election criteria applicable for electing ward committee members should be adhered as outlined in the Guidelines for the Establishment and Operation of Municipal Ward Committees, 2005.
- (h) Post the establishment of ward committees, provinces must support municipalities in the induction of newly elected ward committee members. The induction will form part of a broader capacity building programme to be rolled-out throughout the term of office.
- (i) Ward committees must develop operational plans which will be reviewed on an annual basis. The plans are aimed at ensuring that operations of ward committees are structured and provide an enabling platform to actively take part in the planning, implementation and monitoring of service delivery.

6.5 Non-returning Councillors

(a) Salaries, Benefits and Allowances

- (i) As indicated above³², no Councillor that has not been elected to office when the next council is declared elected, is entitled to receive any remuneration from the municipality. Failure to adhere to this principle will result in the municipality incurring irregular expenditure in terms of section 167(2) of the MFMA, and it is mandatory for such expenditure to be recovered from the Councillor concerned.
- (ii) Municipal Managers must make special arrangements to expeditiously pay non-returning Councillors for the number of days that they remained as Councillors during November 2021.

(b) Municipal-owned Property and Assets

³² See paragraph 4.8.

- (i) Municipal Managers must ensure that the administration has a full record of all municipal assets in the possession of or under the control of all Councillors, and that necessary arrangements are made to ensure that they recover from non-returning Councillors, any municipal assets in their possession. These municipal assets will include mayoral vehicles, cellphones, laptops, tablets and other computers, office equipment, etcetera.
- (ii) As far as possible, all assets that are taken into the custody of the municipality must then be re-allocated to the newly elected Councillors.

(c) Outstanding Debts

Should there be instances where Councillors still owe the municipality for rates and service charges, damage to municipal property and or salary overpayments, then Municipal Managers must make mutually acceptable arrangements to recover amounts owed by non-returning Councillors from the last salary amounts payable to such Councillors.

(d) Councillor Pension Benefits

- (i) Most Councillors are members of pension funds. Municipal Managers should assign an official from within the municipality's HR department to assist non-returning Councillors to claim their benefits from the respective pension fund.
- (ii) Municipal Managers should contact the Pension Fund Administrators to ensure that correct and up-to-date contributions and schedules have been submitted to the pension fund to avoid any delays in payment by the pension fund to non-returning Councillors. Where possible, municipalities should also assist retiring Councillors to get their tax affairs in order with the South African Revenue Service (SARS).

(e) Payment of Once-off Gratuity (OOG)

- (i) The main purpose of the OOG is to assist non-returning Councillors to adjust to circumstances as they no longer find themselves in office, and to assist them to meet already entered-into financial commitments.
- (ii) The OOG will be paid to eligible non-returning Councillors who were in office from 1 August 2021 onwards, and who would have served at least 24 continuous months in office. The payment will also be made on a pro-rata basis based on the service of the Councillor, and will be subject to taxation.

- (iii) The DCoG has issued a detailed circular³³ relating to the implementation and the rollout of these payments.

6.6 Integrated Councillor Induction Programme (ICIP)

- (a) SALGA, in collaboration with DCoG, National Treasury and the National School of Government, have developed an ICIP that will be rolled out during December 2021.
- (b) The programme is aimed at providing incoming Councillors with a broad overview of the municipal environment and will, inter alia, cover their roles and responsibilities; the policy and legal framework; and various municipal processes.
- (c) The topics to be covered will, amongst others, include Councillor oversight; good governance principles; delegations; roles and responsibilities; cooperative governance; standing rules of order; compliance with the Code of Conduct for Councillors; financial management; and strategic planning.

6.7 Code of Conduct for Councillors³⁴

- (a) As suggested above³⁵, a copy of the Code must be made available to all Councillors together with the information pack to be provided during the first council sitting. Strict adherence and compliance to the Code must be uppermost for all Councillors.
- (b) The Code has been migrated from Schedule 1 of the Municipal Systems Act and is included as Schedule 7 in the Municipal Structures Act. As provided in Item 2 of the Code³⁶, a Councillor must -
 - (a) *Perform the functions of office in good faith, honestly and in a transparent manner; and*
 - (b) *at all times act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised."*
- (c) It must be further noted that in terms of Item 12 of the Code, a Councillor may not, except as provided by law, interfere in the management or administration of any department of the municipal council, unless mandated by the council.
- (d) Sections 117 and 118 of the MFMA provides that no Councillor may be a member of a municipal bid committee or any other committee evaluating or approving tenders,

³³ Circular 13 of 2021 is available on the website of DCoG at the following link: [https://www.dco.gov.za/Portals/0/2021/03/13%20-%20Circular%2013%20-%202021.pdf](#)

³⁴ Hereinafter referred to as the "Code".

³⁵ See paragraph 5.4.

³⁶ General Conduct of Councillors.

quotations, contracts or other bids, nor attend any such meeting as an observer and that no person may interfere with the SCM system of a municipality or municipal entity or amend or tamper with any tenders, quotations, contracts or bids. Failure to adhere to sections 117 and 118 will result in Councillors committing a financial offence in terms of section 173 of the MFMA, which is a criminal offence and is liable on conviction of such an offence to imprisonment for a period not exceeding five years, or to an appropriate fine determined in terms of applicable legislation.

- (e) All Councillors must familiarise themselves with the Code and be mindful of the new section 21A in the Structures Amendment Act, which provides as follows:

"A councillor who is removed from office by the MEC for local government in a province in terms of item 16(7)(b) of the Code of Conduct may not stand as a candidate in an election for any municipal council for a period of two years from the date on which such person was removed from office."

- (f) DCoG, in collaboration with Provinces and SALGA, will be monitoring compliance in this regard. A short video to create awareness on the Code is also available on the website of DCoG³⁷.

6.8 Unfunded budget process and criteria for release of funding in December 2021

- (a) In terms of Section 18 of the MFMA, all municipalities must ensure that their budgets are based on realistically anticipated revenue to be collected and subsequently funded. Councils are reminded that all unfunded budgets that are adopted will be treated as a transgression of this provision in the Act. This point was further emphasised in the Budget Council³⁸ and Budget Forum³⁹. In addition, Cabinet resolved that no municipality will adopt an unfunded budget as it has financial ramifications during implementation of the budget. In many cases, unfunded budgets provide a false sense of financial security, and the result is almost always a financial crisis during the year.
- (b) National Treasury is fully aware that in some cases the municipalities will not be in a position to change the result to a funded one. Municipalities found in this situation are offered an opportunity to develop a funding plan to support the unfunded position. This plan must be adopted in council with an appropriate resolution. This funding plan will also be scrutinised by the respective provincial treasury for its credibility, before adoption. The progress against this plan will be strictly monitored to determine any gradual improvement or not.

³⁷ Video on the Code of Conduct for Councillors available at:

³⁸ Established in terms of Section 2 of the Intergovernmental Fiscal Relations Act No. 97 of 1997 (hereinafter referred to as the "IGRFA") and consists of the Minister of Finance and the MECs responsible for Finance.

³⁹ Established in terms of Section 5 of the IGRFA and consists of the Minister of Finance, MECs responsible for Finance, and representatives from organised local government.

- (c) Councillors must be aware that a council resolution was requested from municipalities that were in this position. The intention of the resolution was for the council to commit to addressing the unfunded position in the main adjustments budget process in February 2022. Failure to adhere to these conditions will result in National Treasury withholding the equitable share and other grant funding that are due to the municipality in December 2021. This action is aligned to Section 216(2) of the Constitution which mandates the National Treasury to enforce compliance and stop the transfer of funds due to a municipality for serious or persistent material breach.
- (d) Councils are therefore encouraged to ensure that future municipal budgets are funded before adoption to avoid any punitive measures being invoked on the municipality during their term in office.
- (e) Councils must also be aware that a decision has been taken to aggressively deal with municipalities with adverse or disclaimer audit opinions in the last audit cycle. Unless these municipalities can demonstrate reasonable and implementable steps to address this poor audit outcome, the relevant municipality will be subjected to the punitive measure of withholding their funds, until such has been adequately resolved. The withholding will be instituted immediately, effective in the December 2021 transfer window. Councils are once more advised to ensure adequate plans are in place to address this issue.
- (f) Councils should note that in terms of Section 65(2)(e) of the MFMA that all creditors payments are timeously honoured, especially the bulk suppliers such as Eskom, Water Boards and the Water Trading Entity of the Department of Water and Sanitation. Failure to honour these commitments will result in the institution imposing their credit control policy on the municipality which will lead to a restriction of the service or disconnection, as applicable. The non-payment could be regarded as a serious material breach and also handled under Section 216(2) of the Constitution.
- (g) Councils should be aware that on 25 August 2021 an email was issued to municipalities which listed criteria for the release of the second instalment of the equitable share for the 2021/22 municipal financial year. The correspondence served to inform municipalities that the second instalment of the Equitable Share for the 2021/22 municipal financial year is due to be released on 7 December 2021 [see Section 5(3) of the Division of Revenue Act]⁴⁰ will be subject to the criteria listed therein. This correspondence included the issues of unfunded budget, and the adverse and disclaimer opinion approaches mentioned above. Importantly, the new councils must be aware that the due date for adherence to the criteria is 12 November 2021.

⁴⁰ Division of Revenue Act, 2021 (Act No. 4 of 2021), as amended by Division of Revenue Amendment Act, 2021 (Act No. 9 of 2021).

6.9 Municipal Support and Intervention Plans (MSIPs)

- (a) On 30 June 2021, the Minister of COGTA tabled a report on the State of Local Government (SOLG) to Cabinet. The report was based on five Key Performance Areas, namely – Political; Governance; Administrative; Financial Management; and Service Delivery, and municipalities were categorised as follows: Dysfunctional; Medium to high Risk; Low Risk; and Stable.
- (b) Based on the SOLG report, Cabinet decided that MSIPs be developed for all 257 municipalities. The primary implementers of the MSIPs are municipalities and the Municipal Councils must play an oversight role to ensure that all identified challenges are dealt with.
- (c) Councillors must be aware that where a municipality meets the criteria and jurisdictional facts are present for a mandatory intervention, the PEC must invoke an intervention as contemplated in terms of the provisions of section 139(5) and/or (7) of the Constitution read together with Chapter 13 of the MFMA, irrespective of the implementation of the municipal support and intervention plans.
- (d) A Municipal Support and Interventions Framework has been developed to reinforce the need for inter-sphere collaboration and provide guidance on the implementation and monitoring and reporting of the MSIPs. The new term of Municipal Councils provides the ideal opportunity to reaffirm the following specific responsibilities assigned to all spheres of government for implementation of the MSIPs:

Local Municipalities	District Municipalities (and Metros)	Provinces	National
<ul style="list-style-type: none"> ▪ Institutionalise the MSIP by incrementally incorporating them into the 5-year IDPs post the LGEs to ensure that all challenges identified in the SOLG are implemented. ▪ Obtaining Council approval and ensuring regular reporting to Council on the 	<ul style="list-style-type: none"> ▪ Political and Technical District/Metro IGR Forums to coordinate reporting on MSIP implementation, including holding sectors accountable to implement support measures. ▪ Establishment and management of work streams (e.g. governance, finance, service delivery) to implement MSIPs. 	<ul style="list-style-type: none"> ▪ Provincial CoGTAs to coordinate active participation of Provincial Treasuries and relevant sector departments, including district Houses of Traditional Leadership, through DDM political and technical structures, to implement MSIPs. ▪ Ensure that all MSIPs are adopted by the Provincial Executive Councils. ▪ Provincial CoGTAs to coordinate and monitor implementation of MSIPs and submit quarterly 	<ul style="list-style-type: none"> ▪ CoGTA and National Treasury, in collaboration with provincial COGTAs and Treasuries, to mobilise support from sector departments for implementation of MSIPs. ▪ DDM National Champions will play a critical role to resolve political and service delivery challenges and unblock catalytic projects, where required.



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GENERAL NOTICE

NOTICE 965 OF 2005

MINISTRY FOR PROVINCIAL AND LOCAL GOVERNMENT

GUIDELINES FOR THE ESTABLISHMENT AND OPERATION OF MUNICIPAL WARD COMMITTEES

I, Fholisani Sydney Mufamadi, Minister for Provincial and Local Government, in terms of section 120, read with section 22, of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), after consultation with the MEC's for local government and organized local government representing local government nationally, hereby issue Guidelines for the Establishment and Operation of Municipal Ward Committees.

F S MUFAMADI
Minister for Provincial and Local Government

Guidelines for the Establishment and Operation of Municipal Ward Committees



Department of Provincial and Local Government

DEPARTMENT OF PROVINCIAL AND LOCAL GOVERNMENT

**GUIDELINES FOR THE ESTABLISHMENT AND OPERATION OF
MUNICIPAL WARD COMMITTEES**

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Preamble

Mindful of the legislative responsibility of ward committees in enhancing public participation in local government decision making,

Recognizing the need for ward committees to have guidelines on how to enhance public participation,

Desiring that ward committees engender and maintain the spirit of public participation in the community,

Guidelines to support ward committees in their all important task is hereby issued.

Definitions

1. In these guidelines a word or a phrase to which a meaning has been assigned in the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) and the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), has that meaning, unless the context otherwise indicates.

Purpose of Guidelines

2. To provide uniform and simplified guidelines to ward committee members, ward councillors and metropolitan and local municipalities on the establishment and operation of ward committees.

Establishment process

3. Only metropolitan and local municipalities of the "ward participatory type" may establish ward committees. when-
 - (a) Provincial legislation determines whether this type of municipality exists in the province;

- (b) The establishment notice (section 12 notice) of a municipality determines whether that particular municipality is of the "ward participatory type";
- (c) If a municipality is allowed, in terms of its establishment notice, to have ward committees, the council decided to have ward committees and it took this decision by resolution; and
- (d) Subsequent (or together with) the decision to have ward committees, made a resolution, adopting an establishment notice for ward committees.

Status of Ward Committees

- 4. (1) The object of a ward committee is to enhance participatory democracy in local government.
- (2) A ward committee:
 - (a) Is an advisory body;
 - (b) Is a representative structure;
 - (c) Is independent; and
 - (d) Must be impartial and perform its functions without fear, favour or prejudice.

Functions and Powers of Ward Committees

- 5. (1) A ward committee may make recommendations on any matter affecting its ward to the ward councillor; or through the ward councillor, to the metro or local council, the executive committee, the executive mayor or the relevant metropolitan sub-council.
 - (2) A ward committee may have such duties and powers as may be delegated to it by the metro or local council in terms of Section 59 of the Municipal Systems Act.
 - (3) The following represents duties and powers that may be delegated to ward committees by municipalities:
 - (a) To serve as an official specialised participatory structure in the municipality;
 - (b) To create formal unbiased communication channels as well as cooperative partnerships between the community and the council. This may be achieved as follows:
-

- (i) Advise and make recommendations to the ward councillor on matters and policy affecting the ward;
 - (ii) Assist the ward councillor in identifying challenges and needs of residents;
 - (iii) Disseminate information in the ward concerning municipal affairs such as the budget, integrated development planning, performance management system (PMS) service delivery options and municipal properties;
 - (iv) Receive queries and complaints from residents concerning municipal service delivery, communicate it to council and provide feedback to the community on council's response;
 - (v) Ensure constructive and harmonious interaction between the municipality and community through the use and co-ordination of ward residents meetings and other community development forums; and
 - (vi) Interact with other forums and organisations on matters affecting the ward.
- (c) To serve as a mobilising agent for community action within the ward. This may be achieved as follows:
- (i) Attending to all matters that affect and benefit the community;
 - (ii) Acting in the best interest of the community;
 - (iii) Ensure the active participation of the community in:
 - (aa) Service payment campaigns;
 - (bb) The integrated development planning process;
 - (cc) The municipality's budgetary process;
 - (dd) Decisions about the provision of municipal services; and
 - (ee) Decisions about by-laws.
 - (iv) Delimitate and chair zonal meetings.
- (d) No executive powers should be delegated to ward committee members;
- (e) A ward committee may express dissatisfaction in writing to the municipal council on the non-performance of a ward councillor.
- (4) A ward committee may, subject to available capacity and resources, conduct an annual satisfaction survey in order to assist the committee in the execution of its functions and powers. The satisfaction survey should be administered in the ward by ward committee members under the supervision of the ward councillor and with the administrative support of the municipality. Annexure A represents an example of such a survey.

Capacity Building and Training

6. (1) Ward committees should, with the assistance of the municipality, prepare an annual capacity building and training needs assessment for members of the committee.
- (2) An annual capacity building and training programme should be developed for each member of the ward committee.
- (3) An annual budget, taking into account any funds budgeted by the municipality, for the capacity building and training programme should be prepared according to the needs assessment.
- (4) The following requirements may be included in the training and capacity building programmes of municipalities:
- (a) Generic training needs, including:
- (i) Basic literacy;
 - (ii) Communication;
 - (iii) Interpersonal skills;
 - (iv) Community upliftment;
 - (v) Conflict management and negotiation skills;
 - (vi) Democracy and community participation;
 - (viii) Identification, monitoring and prioritisation of needs; and
 - (ix) Leadership.
- (b) Training needs on municipal policy and processes, including
- (i) Principles of good governance;
 - (ii) The establishment of ward committees, their terms of reference, nature and functions;
 - (iii) Municipal structures, legislation and processes (including CMIP, PMS and IDP);
 - (iv) Intergovernmental community development;
 - (v) Municipal Service Partnerships; and
 - (vi) Payment for services (indigent policy, credit and debt control policy);
- (c) Specialised training needs, including
- (i) Meeting procedures and secretariat services, including minute taking, report writing, and letter writing;
 - (ii) Administration, including clerical/administrative skills, bookkeeping and basic accounting;
 - (iii) Budgeting;
 - (iv) Monitoring and evaluation;

- (v) Policy development;
- (vi) Project management;
- (vii) Stress management; and
- (viii) Performance management.

Composition of Ward Committees

7. (1) A ward committee consists of the councillor representing that ward in the council who must also be the chairperson of the committee, and not more than ten other persons.
- (2) The procedure for electing members must take into account the need for women to be equitably presented in a ward committee and for a diversity of interests in the ward to be represented.
- (3) Gender equity may be pursued by ensuring that there is an even spread of men and women on a ward committee.
- (4) A diversity of interests may be pursued by ensuring the inclusion of as many as possible of the following interest groups on a ward committee:
- (a) Youth;
 - (b) Women;
 - (c) Religious groupings;
 - (d) Sports and culture;
 - (e) Health and welfare;
 - (f) Business;
 - (g) Environment;
 - (h) Education;
 - (i) Senior citizens;
 - (j) Community safety forums;
 - (k) Community based organisations;
 - (l) Ratepayers'/civic associations;
 - (m) Traditional leaders;
 - (n) Agricultural associations;
 - (o) Informal traders' associations;
 - (p) People living with disabilities;
 - (q) Farmworkers;
 - (r) Employment;
 - (s) Tourism; and
 - (t) Unions.

- (5) Unless a ward councillor, or municipality, wishes to appoint a secretary, the ward committee may appoint a secretary and assistant secretary from its membership to fulfill relevant duties of the ward committee.
- (6) A ward councillor may delegate in writing the chairing of a meeting in his/her absence to a proportional representation councillor or any member of the ward committee.
- (7) A ward committee may establish one or more sub-committees necessary for the performance of its functions and involve organisations more broadly.
- (8) A ward committee must appoint the members of such a sub-committee, appoint a chairperson from among its members and determine the function of such a committee.
- (9) The ward committee and sub-committees may meet together as a ward forum for major discussions.
- (10) All stakeholders in the ward are encouraged to participate in sub-committees that are relevant to their fields of interest and to their day-to-day functioning as a sector.

Election criteria

8. (1) A council is required to make rules regulating the procedure and criteria to elect members of ward committees.
- (2) The following election criteria may be applied for electing ward committee members:
 - (a) To be elected as a member of a ward committee, a person must be a registered voter in the ward;
 - (b) A person is not eligible for election if he or she works for the metro, local municipality or the district municipality within which the local municipality is demarcated;
 - (c) A person should not be in arrears to the municipality for rates and service charges for a period longer than three months;
 - (d) A person should not be an unrehabilitated insolvent;
 - (e) A person should not be elected who has been placed under curatorship;
 - (f) A person should not be elected who after February 1997 has been convicted of an offence and sentenced to imprisonment without the option of a fine for a period of not less than twelve months;
 - (g) Persons of unsound mind who have been declared so by a competent court cannot be elected; and

- (h) Members should be active in the sector or geographic area they represent. They should be motivated to work on the ward committee by their commitment to working for a better life for members of their constituency.

Election Procedure

9. (1) A metropolitan or local municipality must make rules regulating the procedure to elect members to the ward committee taking into account the need for women to be equitably represented and for a diversity of interests to be represented.
- (2) Two different election models may be applied by municipalities. These models are based on sectoral and geographic representation, respectively. It is the responsibility of municipalities to decide on the applicability of each model. Since these models only represent frameworks, municipalities may decide to combine or adapt it according to specific circumstances.
- (3) Sectoral election model
- (a) Identification of interest groups:
- (i) The council identifies the key performance areas of each ward, for example, local economic development, job creation and basic services. The list of key areas of interest provided for under "Composition of Ward Committees" may be used for this purpose;
 - (ii) The council invites interest groups to state their interest in and concern with any of the key performance areas;
 - (iii) The council identifies the groups that have a demonstrable interest in any of the key performance areas and represent residents of the area; and
 - (iv) The council identifies the clusters of interest groups (no more than ten) that qualify for election.
- (b) Election should take place as follows (option 1-within the ward):
- (i) The ward councillor calls a meeting in the ward for the election of a ward committee;
 - (ii) Only residents who are registered voters may vote at the meeting;
 - (iii) In each cluster, identified groups nominate a representative;
 - (iv) The meeting votes by majority (50% plus one) for a representative of that cluster. If

no one obtains the majority the three candidates who received the most votes proceed to the next round.

(c) ***Election should take place as follows (option 2-within the council)***

- (i) The municipal council calls a meeting of all councillors for the election of ward committees to which all residents have been invited to attend;
- (ii) All councillors are entitled to vote at the meeting;
- (iii) In each cluster, an identified group will have nominated a representative;
- (iv) The meeting votes by majority (50% plus one) for a representative of that cluster. If no one obtains the majority, the three candidates who received the most votes proceed to the next round.

(4) Geographic election model

(a) ***Identification of interest groups should take place as follows:***

- (i) The council identifies the geographical area or villages or clusters of farms that will represent an equitable spread of the residents in the ward;
- (ii) Each geographical area or village or cluster of farms is requested to nominate a representative; and
- (iii) If five or less geographical areas or villages or clusters of farms are identified, a male and female representative should be nominated by each.

(b) ***Election should take place as follows (option 1-within the ward):***

- (i) The ward councillor calls a meeting in the ward for the election of a ward committee;
- (ii) Only residents who are registered voters may vote at the meeting;
- (iii) Each geographical area or village or cluster of farms nominates a representative; and
- (iv) The meeting votes by majority (50% plus one) for a representative of each village, geographical area or cluster of farms.

(c) ***Election should take place as follows (option 2-within the council)***

- (i) The municipal council calls a meeting of all councillors for the election of ward committees to which all residents have been invited to attend;
- (ii) All councillors are entitled to vote at the meeting;
- (iii) Each geographical area, village or cluster of farms would have nominated a representative; and

- (iv) The meeting votes by majority (50% plus one) for a representative of each geographical area, village or cluster of farms.
- (5) The type of election process conducted is left to the discretion of the municipality and is subject to respective levels of capacity. However, it is encouraged that in wards where communities/structures are known to be highly politicised, a formal ballot process is to be followed. In the medium to long term, all municipalities should aim to follow formal ballot processes for ward committee elections.
- (6) The election process is to be co-ordinated by the administrative division of the municipality with the consent of the municipal council.
- (7) The following election procedures are proposed:
 - (a) The ward councillor and office of the speaker or other designated political functionary must co-ordinate a schedule of meetings for election purposes;
 - (b) The ward councillor and administrative assistant (if applicable) must ensure that:
 - (i) Meetings are fully representative of almost all villages/stakeholders within the ward, although no quorum for the elections is required;
 - (ii) An attendance register is completed;
 - (iii) All people taking part should be registered voters of that ward; and
 - (iv) Women are equitably represented.
 - (c) Voting may take place by a majority show of hands or formal ballot.

Conduct of Members

- 10. (1) A member of the committee:
 - (a) Must perform the functions of the committee in good faith and without fear, favour or prejudice;
 - (b) May not use the position or privileges of a member for private gain, or to improperly benefit another person;
 - (c) May not act in any other way that compromises the credibility, impartiality, independence or integrity of the committee;
 - (d) Must adopt the principle of accountability to the community and all political parties represented in council;
 - (e) Must be accessible for the community and ensure that all role players can relate to the process and the issues at hand and are able to make their input into the processes of the committee;

- (f) Must adopt the principle of transparency to promote openness, sincerity and honesty among all the role-players in a participative process and promote trust and respect for the integrity of each role-player and a commitment by all to the overriding objectives of the process in the interest of the common good;
 - (g) Must recognise diversity and understand the differences associated with race, gender, religion, ethnicity, language, age, economic status and sexual orientation, among others;
 - (h) Must embrace all views and opinions in the process of community participation. Special effort should be made to include previously disadvantaged persons and groups, including women and youth in the activities of the ward committee;
 - (i) Must provide an apology with a valid reason to the chairperson of the committee if a meeting cannot be attended.
- (2) Ward committee members must sign a Code of Conduct, which should be administered by the ward councillor. A draft Code of Conduct, which may be amended and adopted by a ward committee meeting, is contained in Annexure 8.

Ward Committee Meetings

11. (1) Chairperson

- (a) Ward committee meetings are convened and chaired by the ward councillor.
- (b) Members of the ward committee must submit items to be discussed, well in advance to the chairperson.
- (c) The chairperson will be responsible to prepare an agenda for ward committee meetings.

(2) Frequency of meetings

- (a) A metropolitan or local municipality must make rules regulating the frequency of meetings of ward committees.
- (b) Ward committees must at the beginning of the year determine a programme for ward committee meetings so as to coincide with meetings of the municipal council.
- (c) Regular meeting intervals need to be determined.
- (d) A ward committee must meet at least quarterly.
- (e) All ward committees in a municipality should as far as reasonably possible adhere to the same meeting intervals.

(3) Quorum and decisions

- (a) A majority of ward committee members must be present before a vote may be taken on any matter (50% + one member).
- (b) A ward committee shall endeavour to take decisions based on consensus.
- (c) If consensus on any matter cannot be achieved, such matter may be determined by a supporting vote of at least the majority of the members of the committee (50% + one of the committee members present).

(4) Public meetings (ward meetings)

- (a) Public meetings are mainly held in order-
 - (i) To register the concerns and inputs of the community with regard to service delivery, general development of the community, disaster management and any other municipal concern the community may have; and
 - (ii) To report back to the public on issues that affect it.
- (b) Ward or public meetings should be chaired by the ward councillor. A ward councillor may delegate in writing the chairing of the meeting in his/her absence to a proportional representation councillor or any member of the ward committee.
- (c) If the committee decides to hold a public meeting it may publish a notice in a news paper circulating in the area concerned, stating the time, date and place of the meeting or each meeting and inviting the public to attend the meeting or meetings.
- (d) The scheduled date, time and place of the public meeting should be convenient so as to encourage the greatest number of people to attend. The venue-
 - (i) Must be in a well known place;
 - (ii) Must be easily accessible and where possible, also disabled-friendly; and
 - (iii) Must be large enough to accommodate all people present.
- (e) Where the jurisdiction of a traditional authority extends to the ward where a public meeting is to be held, the relevant traditional authority should be informed of the public meeting.
- (f) When the committee publishes a notice, it must convey, where appropriate, by radio or other appropriate means of communication, such as direct mail outs and posters or notices in key areas such as clinics, schools, bus stops and libraries, the contents of the notice in the area concerned.
- (g) At a public meeting a representative of the committee must-
 - (i) Explain the meeting procedures, such as adoption of agenda and time allowed for questions;

- (ii) Explain the issues the committee has to consider, including any options open to the committee;
 - (iii) Allow members of the public attending the meeting to present their views on these issues;
 - (iv) Answer relevant questions;
 - (v) Keep minutes of the meeting and inform the public that ward committee meeting and public meeting minutes are public documents, and that the community has access to these documents and may make copies at their own cost; and
 - (vi) Give feedback on previous issues, including reasons if there is a lack of progress.
- (h) Public meetings are not political platforms and ward committee members and the public should refrain from making party political statements, campaigning and canvassing.
- (i) For the purposes of participation in public meetings, a ward committee may keep a register of interest groups and organisations that are active in the ward. An example of such a register is contained in Annexure C.

(5) Procedures

A ward committee with a supporting vote of the majority of its members may determine its own procedures subject to any directions of the chairperson.

(6) Work programme

The ward committee:

- (a) must submit a programme with specific outputs of work for one year to the office of the speaker or other designated political functionary in July of each year,
- (b) must perform the functions as set out to achieve and indicated in the work programme;
 - (i) on own initiative;
 - (ii) on request by the ward councillor;
 - (iii) on request by the speaker or other designated political functionary; and
 - (iv) in accordance with priorities and reasonable time frames determined by the speaker or other designated political functionary.

Administrative Support

12. (1) Municipalities must make administrative arrangements to enable ward committees to perform their functions and exercise their powers effectively.

- (2) Section 16(1)(c) of the Municipal Systems Act (No. 32 of 2000) also requires that municipalities use their resources and allocate funds in their annual budgets for community participation.
- (3) Administrative support may include the following:
- (a) The promotion of ward committees in the community – informing the communities of the roles and responsibilities of ward committees. A practical example in this regard may be the provision of formal identification cards to ward committee members in order for them to be recognised as legitimate ward committee members amongst the community;
 - (b) The permanent availability of an administrative staff capacity to attend all scheduled/non-scheduled ward committee meetings and to assist the ward councillor and members in fulfilling their clerical and administrative functions. The exact nature and extent of such capacity may differ from municipality to municipality. In larger municipalities this could take the form of a staff member to co-ordinate the work of ward committees as well as support the constituency work of a number of ward councillors. In smaller municipalities this could mean a portion of the work time of one administrator to deal with bookings, arrangements and minutes of meetings;
 - (c) To identify/build/arrange central meeting places in the ward where communities have access to information and where ward committees can conduct meetings;
 - (d) To provide the necessary logistical resources, including furniture, computers and stationery for ward committees to fulfil their functions;
 - (e) To assist with the translation of information and documentation for the community;
 - (f) To assist the ward committees in fulfilling their tasks, including the provision of additional capacity and advertising campaigns required for purposes of arranging larger public meetings, if necessary;
 - (g) To provide municipal transport to ward councillors and ward members in particular circumstances at the request of the ward councillor, especially in rural areas;
 - (h) To develop and provide capacity building and training programmes for ward committees on an ongoing basis during their term of office; and
 - (i) To facilitate ward committee elections.

Term of Office

13. (1) Members of a ward committee are elected for a term determined by the metropolitan or local council.
- (2) It is recommended that members of a ward committee are elected for a period of no less than two years, and no longer than three years.

- (3) It is further recommended that a municipality apply the same term of office with regard to all its ward committees.

Vacancies

14. (1) If a vacancy occurs among members of a ward committee, it must be filled in accordance with a procedure determined by the metropolitan or local council.
- (2) The following procedure may be considered in this regard:
- (a) The ward councillor must fill a vacancy by declaring as elected the person who received the second highest number of votes in terms of the previous election; and
- (b) If nobody can be declared elected in the above manner, the election process must be repeated.

Termination of membership

15. The following may serve as sufficient motivation to terminate the membership of a ward committee member:
- (1) Death;
 - (2) Resignation;
 - (3) Relocation from ward;
 - (4) Election to position of councillor
 - (5) Failure to attend three consecutive meetings of the ward committee without apology;
 - (6) Proven involvement in corruption;
 - (7) Failure to adhere to meeting procedures or misconduct during ward committee meetings;
 - (8) Not submitting priorities with the mandate of the community;
 - (9) Being involved in proven activities that undermine the council or ward councillor's authority;
 - (10) Dismissed in accordance with a resolution of the ward committee or by the executive mayor or executive committee of the council in consultation with the ward councillor and the speaker or designated political functionary;
 - (11) Ceases to be a member of the organisation he/she represents;

- (12) Is insolvent or declared mentally incompetent by a competent court.

Budget

16. (1) No remuneration is to be paid to ward committee members.
- (2) Municipalities may annually budget for:
- (a) Out of pocket expenses of members of ward committees in respect of their participation in ward committees;
 - (b) A municipal council must determine the criteria for, and calculation of, the out of pocket expenses referred to in subparagraph (a); and
 - (c) Capacity building and training programmes for committee members.

Accountability

17. (a) The ward councillor must ensure that full and proper records are kept of the minutes of ward committee meetings;
- (b) Ensure that the committee's available resources are properly safeguarded and used in the most effective and efficient way;
 - (c) Ensure that all statutory measures applicable to the committee are complied with;
 - (e) Ensure that all recommendations made by the ward committee is formalised and submitted to the office of the speaker or other designated political functionary for presentation to the council at intervals determined by the speaker or other designated political functionary;
 - (f) Must report a view adopted by the ward committee to the council but may indicate his or her disagreement with the view in the report;
 - (g) Ensure the production of a progress report on major achievements and areas of failure, with reasons, within two months after the end of the financial year;
 - (h) Submit the progress report to the speaker or other designated political functionary for a review of the performance of the committee; and
 - (i) Implement any corrective measures to ensure effective and efficient performance of the committee as suggested by the speaker or other designated political functionary.

Dispute Resolution

18. The following mechanisms are recommended when disputes arise within ward committees:
- (a) Every effort should be made to deal with disputes;
 - (b) When a dispute arises, the ward councillor should appoint a person or persons, the maximum being two, to attempt and resolve the dispute through mediation;
 - (c) If the attempt at mediation fails, the matter is then submitted to the ward councillor who should arbitrate, provided that the matter does not involve the councillor and the majority of the members of the committee;
 - (d) If the majority of committee members remain aggrieved, the matter should be taken to the council through a channel decided upon by council or through the office of the speaker or other designated political functionary. This should be avoided as far as possible.

Dissolution

19. (1) A council may dissolve a ward committee if it fails to fulfil its object.
- (2) The following may serve as an indication that a committee may exceed its functions and fails to fulfil its object:
- (a) When it fails to meet three consecutive times;
 - (b) When members decide to dissolve it; and
 - (c) When maladministration, fraud, corruption or any serious malpractice has occurred or is occurring in a committee.
- (3) There should be due notice before a council proceeds to dissolve a ward committee.

Annexure A

Satisfaction Survey Questionnaire

Name of the municipality: _____

Name of the ward councillor: _____

Ward number: _____

Name of the ward committee member administering the questionnaire:

1. What is the important need(s) in your area?

Water
Electricity
Refuse removal
Sewerage systems
Telephones
Roads
Any other need not listed

2. Do you think that the municipality is responding to the need(s) identified above?

3. Are you satisfied with the services and quality of services provided by the municipality?

4. Is there any significant development or improvement of your area since the inception of the municipality?

Name such development. _____

5. Are you happy about the general development in your ward since the inception of the municipality?

Yes or No (tick the appropriate box)Why?

Annexure B

Ward Committee Code of Conduct

Interest of the community

- (i) Committee members must at all times advance and act in the interests of the ward community;
- (ii) Committee members must not use their position to promote personal or private interest;
- (iii) Conduct of ward committee members should not be influenced by or dictated to by improper motives;
- (iv) In the execution of their functions, committee members must not favour any individuals, groups or organizations.

Ward committee meetings

- (i) Committee members must strive to attend all ward committee meetings;
- (ii) Committee members must submit a legitimate reason if they are unable to attend ward committee meetings
- (iii) Committee members who are unable to attend a ward committee meeting must tender his or her apology stating reasons why he or she is unable to attend;
- (iv) Committee members may not be absent from ward committee meetings three times in succession without a legitimate excuse;
- (v) Failure to attend three ward committee meetings in succession without a legitimate excuse will result in a member losing his membership; and
- (vi) Committee members must refrain from engaging in disruptive behaviour during meetings.

Political matters

- (i) Committee members should avoid political conflicts among themselves and must also avoid political conflicts between themselves and the ward councillor;
- (ii) In their interaction with the community, committee members must not discriminate on the grounds of political affiliation, culture,

race gender, sexual orientation, disability, religion or on any other grounds that would constitute unfair discrimination;

- (iii) In the execution of their duties committee members must not advance the interest of any political party; and
- (iv) Committee members may not use ward committee meetings as a political platform or forum or to canvass for political support for re-election as a ward committee member or as a ward councillor in the next local government elections;

Conflicts

- (i) Committee members must avoid conflicts among themselves and between themselves and the ward councillor;
- (ii) Conflicts should be dealt with as provided for in the guidelines.

Declaration

Name _____ of
municipality: _____

Number _____ of
ward: _____

Ideclare that I have read the Code of Conduct for Members of Ward Committees and that I understand it and agree to be bound by the Code of Conduct in the execution of my duties and functions as a Ward Committee member.

Signature.. ..

Date:

Annexure C

Register of all active organisations in the ward

Name of municipality: _____

Name of the ward councillor: _____

Ward number: _____

Year: _____

Name of organisation	Sector or area of activity	Postal address	Contact person and position within the organisation

APPOINTMENT OF COUNCILLORRS TO SERVE ON STANDING COMMITTEES

1. PURPOSE

To report to Council on deployment of Councillors to Standing Committees in Raymond Mhlaba Municipality

2. BACKGROUND

A new Raymond Mhlaba Council was sworn in on the 23rd November 2021. In terms of the Municipal Structures Act, No. 117 of 1998, immediately after the swearing of Councillors Section 80 committees known as Standing Committees may be established for effective and smooth running of Council. The following Standing Committees must be established

- Corporate Services
- Finance
- Engineering Services
- Community Services
- Strategic Planning & Local Economic Development and
- Sport, Arts and Culture

Factors such as experience and skills are to be considered when deploying Councillors to various Standing Committees.

In terms of Section 79 of the Municipal Structures Act No 117 of 1998 Sub-Section 1 (a) a Municipal Council may establish one or more committees for the effective and efficient performance of any of its power (b) appoint the members of such committee from among its members.

During the inauguration of Raymond Mhlaba Council, the following committees were established namely;

- Women Caucus
- Municipal Public Accounts Account Committee
- Rules Committee
- Petition
- Petition and Participation

3. LEGAL IMPLICATIONS

Local Government Municipal Structures Act, No. 117, 1998

4. RECOMMENDATION

It is **RECOMMENDED** that:

- 1) Council approves the deployment of Councillors to serve on Standing Committees as follows;

CORPORATE SERVICES

- Bukelwa Sharon Thyali (Chairperson)
- Ngethu Lindile Thomas
- Xolani Dyantyi
- Zizi Nompucuko
- Patricia Ntengu
- Baliso Khayaletu

FINANCE COMMITTEE

- Anele Ntsangani (Chairperson)
- Ntombomzi Klaas
- Cecilia Auld
- Unathi Ngcume
- Luxolo Nqala
- Mashenqana Songezo

ENGINEERING SERVICES

- Nomhle Sango (Chairperson)
- Ernst Lombard
- Liziwe Matyholo
- Lento Zikhona
- Siduli Kwanele
- Nkuthalo Quilie

STRATEGIC PLANNING AND LED

- Sinethemba Mjakuca (Chairperson)
- Mahleza Mpho
- Cecilia Auld
- Vusani Xoliswa
- Mjo Thobeka
- Zamo Monwabisi

SPORTS ARTS AND CULTURE

- Portia Sabane (Chairperson)
- Gqokro Mthetheleli
- Sinovuyo Kley
- Tito Thandeka Terresa
- Mandeka Deon Piet
- Tsotsa Masixole

COMMUNITY SERVICES

- Zuka Sithembele (Chairperson)
- Masixole Tukani
- Hans Nolusindiso
- Nosipho Ruselo
- Sindiswa Magxwalisa
- Xego Simon

MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC)

- Tyali Zikhona (Chairperson)
- Elton Bantam
- Nombombo Mhlangabezi
- Tokwe Sindiswa
- Yanta Nolizwi
- Mzimkhulu Mathayo

RULES COMMITTEE

- Ngaye Thozama (Chairperson)
- Zingiswa Rasmeni
- Nonkazimlo Mlamla
- Cecelia Auld
- Anele Ntsangani



ITEM 191/2021

WORK SHUTDOWN FOR DECEMBER HOLIDAYS

**AUTHOR: Dir.CPS/MN
COUNCIL: DEC 2021**

1. PURPOSE

To present to Council proposed dates for Municipal Offices Shut down for approval

2. LEGAL FRAMEWORK

Basic Conditions of Employment Act of 1997

3. AUTHORITY

Section 20 of the BCEA afford the employers the right to shut down during holidays where employers feel that there are no activities and when they feel that not shutting down will result in financial losses.

4. BACKGROUND

During the approach of December holidays, most employers experience low volumes of work. In the public sector, which is not a production industry but rather a service delivery industry, few people will be utilising the offices of the municipalities except for the payment of either service charges or traffic fines. Other essential services like electricity, waste management, fire services and law enforcement services should be taken care of during this period.. For the current shutdown, it is proposed that Raymond Mhlaba Local Municipality shutdown be from the 15th of December 2021 to the 03th of January 2022. This will result in 11 days of closure excluding public holidays and weekends.

5. HUMAN RESOURCE IMPLICATIONS

Shutting down during this period serves as the break period and employees will be able to be with their loved ones and come back refreshed.

6. STRATEGIC IMPLICATIONS

Prevention of exhaustion will result in highly motivated and productive employees.

7. FINANCIAL IMPLICATIONS

Leave days will be utilised and will not be converted to cash.

8. ANNEXURES

None

9. RECOMMENDATIONS

EXCO RECOMMENDED that:

- 1) The Municipality shuts down from the 15th December 2021 to 03th January 2022.
- 2) Departmental heads submit to the Municipal Manager those services that are needed and employees who will be needed during this period.
- 3) Municipal offices will close by 12:00 noon on the 24th and 31st respectively.
- 4) Salaries for December month be paid on the 15th December 2021.
- 5) Salaries for January month be paid on the 15th January 2022.
- 6) Salaries for December month for contract workers be paid on 22 December 2021
- 7) From February onwards, salaries will be paid on the 25th of each month

ITEM 192/2021

REZONING AND CONSOLIDATION OF ERF 160 FROM RESIDENTIAL TO BUSINESS ZONE

AUTHOR: Land use officer-L.Mtyundyutho
DIRECTOR: Eng. Services
EXCO- DEC 2021
COUNCIL: DEC 2021

1. PURPOSE

To request Council to approve the Land Use Application for the rezoning of Erf 160 from Residential zone to Business.

2. LEGALISLATIVE REQUIREMENTS:

- SPLUMA Act no 16 of 2013;
- Land Reform and Settlement plan
- Land Use Planning Ordinance 15 of 1985;
- RULA and,
- Municipal Systems Act 32 of 2000;

3. INTRODUCTION

The office of Land and Housing units received numerous applications regarding land use management, for the purpose of rezoning, subdivision and consolidation.

4. BACKGROUND / REASONING

4.1 Land use application

The section helps in ensuring compliance with the applicable statutory framework, thus also ensuring coordinated development within the municipal urban areas, according to the SPLUMA of 2013 which regulate the change of land use either it's for Business or residential use.

The process is that once the application has been received,

- It must be advertised for 30 days so that people can object
- Surrounding owners has have been notified but they never send any objections in return to municipality.

4.1.1 List of application received

4.1.2

RECEIVING DATE	CONSULTANT	ADDRESS	ERF NO.	REGISTERED OWNER	MUNICIPAL TARIFF FEES	ADVERT	APPROVED/NOT APPROVED	COLLECTION DATE
02/11/2020	02/11/2020	ERF 060 middle drift	Erf 160	Mr bokolo	R 5423.00	Yes attached advert	NOT APPROVED	SUBMITTED TO COUNCIL FOR CONSIDERATION AND APPROVAL

5. DESCRIPTION OF THE PROJECT AREAS

- Rezoning and consolidation of Erf 160 from Residential to Business zone in order to accommodate Funeral Parlour,
- Rezoning of erf 160 Middle drift in order to develop Funeral Parlour

6. IMPLEMENTATION

The office of Land and Housing

7. STAFF IMPLICATION

None

8. FINANCIAL IMPLICATIONS

Fees of application paid to the Municipality by the Consultant.

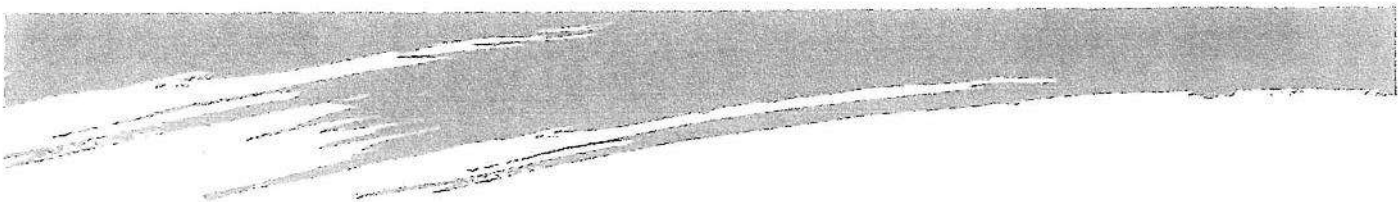
9. ANNEXURES:

- Report From ADM that support the proposed development in terms of health hazards that people might be afraid of off.
- Rezoning of erf 160 report and advert

10. RECOMMENDATIONS


EXCO RECOMMENDED that:

- 1) Council approves the land rezoning of Erf 160 from residential purpose to business..

- 
7. The municipality's plan was to consider the application in the Council of the 30th of September 2021, but unfortunately comments were not received from the community members who reside next to the proposed property.
 8. Mr. Bokolo has also been advised by the municipal officials about this process in meetings between himself and the officials.
 9. Please also be advised that the neighbors of the site have visited the municipality on the same issue, with a letter opposing the development by Mr. Bokolo, and were directed to submit formal objections to the municipality as affected individuals.

The municipality undertakes to process this matter in the next Ordinary Council provided that all the necessary documents have been submitted.

Yours Faithfully



B KELELO
MAYOR

DATE: 21/10/2021



<i>Date:</i>	<i>Person dealing with the matter:</i>	<i>Reference:</i>
27 th October 2021	A. Noholoza	17/3/R

Mr M Bokolo
 No 35 Jennings Avenue
 King Williams' Town
 Eastern Cape
 5601

Dear Mr Bokolo

RE: ENVIRONMENTAL REPORT / COMMENTS

In response to your letter dated 22 October 2021 as per subject matter, Amathole District Municipality, as a Health Authority rendering Municipal Health Services has no objection to the rezoning of ERF 160 from a residential to business site (Funeral Parlour) on condition that the premises concerned is in line with the below mentioned:

- comply with all requirements laid down in Regulation 363 of 22 May 2013, Regulations relating to the Management of Human Remains.
- are in all respect suitable for the preparation of human remains; and
- will not be offensive to any occupant of premises in the immediate vicinity of such premises.

Regulation 363 of 22 May 2012 has been attached for ease of reference, paying particular attention to Sections 3, 4, 5, 10 and 11.

Hope you find this in order.

Yours in Service delivery


 MUNICIPAL MANAGER
 DR. T. T. MNYIMBA

27, 10, 2021
 DATE

Committed Towards Selfless, Excellent & Sustainable Service To All Our Communities

STALE MATE ON THE PROJECT

MEETING WITH NEIGHBORS

After I received an order from municipality that I must halt the construction project at Middledrift, I met with the concerned families more than twice as part of strengthening neighbourhood consultation and engagement on their alleged concerns and also meeting with the residents' Committee on the matter.

The fourth attempt was on the Saturday 16-10-2021 where I tried to organize a meeting with the concerned neighbors- I called Mr Tshaka and Mrs George organizing the meeting. The proposal from Mr Tshaka was that the meeting should be on the 23-10-21.

On the 23rd – I went to Mrs George 's house and I was told that she is not well. I called the Tshaka family both they did not respond to my calls. I even requested that a child be sent to their house notifying them of my presence for the meeting as on my arrival to the site for this meeting I could see that there are people inside their house but to my dismay the response from the child was that there is no one from their house. Miss George, the daughter of Mrs George then was the one who was there and she said even her was not told about this meeting which then surprised me.

To me that was strange because the time I was making a call to her mother it was late in the day at about 8pm at the time where almost everyone in the family is settled. For her not to hear when I was talking to her mother let alone not being told as to who was calling and about what was unbelievable.

My assumption is that the planned meeting was sabotaged deliberately to frustrate and avoid the discussions.

Miss George then revealed that there were letters that were left by the two ladies...for the families to sign and were to be collected. The same happened to Tshaka family. She pointed out that they told the ladies that they are not going to respond to the letters. The same was true with the Tshaka family and even when they were called by the municipality official about returning the letters, they indicated that they are not going to return the letters let alone signing them.

In Short the letters are still with the families and are refusing to cooperate.

I tried to show her about my discomfort for my project to be at stand still for such a period, stating that there is a view in the public domain that there seemed to be something they are having against me.

She then revealed that my project has assisted them and the community in registering their dissatisfaction about the things that are happening in Middledrift Town without them being consulted, mentioning:

- Foreigners shops that were just constructed without consultation with the community.
- Caravans and business Containers that are there in Town without consultations with them.
- The fact that they wanted a mall in Middledrift which never succeeded and then they are asking why others are allowed to continue mentioning my parlor.
- Lots of things are happening in Middledrift town without communicating with them.
- They are using my project for those other reasons..

Therefore I want to reiterate the fact that – these people are refusing to be consulted on the matter and again claim that they are not consulted is not genuine. To me that constitutes self-contradictions. It

then makes me to want to believe that even the advert on the paper no one can claim that they did not see it other than ignorance from their side.

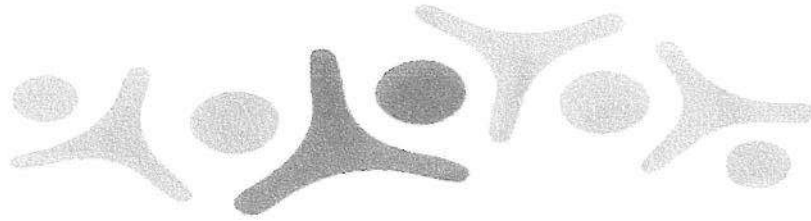
In conclusion

I found it not acceptable for Municipality to stall by project for this long because of the people who are fighting other battles which I have nothing to do with them.

I also wish to point that Middledrift Town is not only for the town residence alone but also for us who are residing in the surrounding villages who are keen for the development and economic improvement of the area ...therefore they do not have the right to dictate to me what is acceptable and not acceptable. Further more what I am doing there is for the benefit of all my clients in the business and those that are keen to be part of our organization.

I hope this communication settles the issue around consultation of the neighbours.

Thanking you for your commitment in ensuring the resolution of this matter.



MIKHULUPROJECTS

4 Maggs Street
Unit 5
East London
5247

16 March 2020

Raymond Mhlaba Local Municipality
8 Somerset Road,
Fort Beaufort,
5720

Attention: Ms L Mtyundyutho

Dear Madam

APPLICATION FOR THE REZONING OF ERF 160 MIDDLEDRIFT FROM "RESIDENTIAL CLASS 1 TO COMMERCIAL CLASS 1".

Application is made in terms of the Land Use Regulations Act 15 of 1987 and the Spatial Planning and Land Use Management Act 16 of 2013 read with the Section 8 Scheme regulations for the Rezoning of Erf 160 Middledrift to permit the use of the site for the development of a business premise.

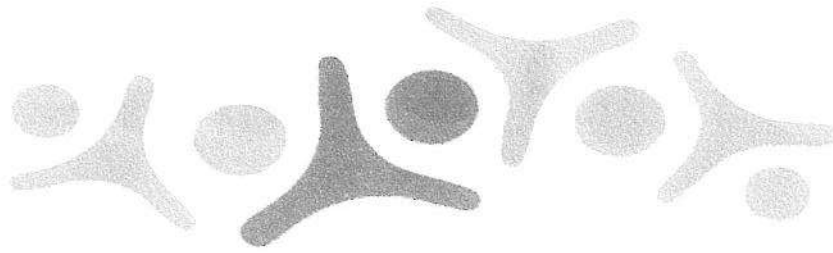
Attached hereto please find the following:

- Motivational Memorandum
- Power of Attorney (POA)
- Deed of Transfer
- Site Plan
- Land Use Application Form duly completed

Should you have any queries, please contact the undersigned for any further information.

Yours faithfully

Mr Sinesipho Sicwebu
Professional Town Planner
N. Dip (TRP), B. Tech (TRP), Masters (TRP)
Reg No.: A/2026/2015



MIKHULU PROJECTS

**APPLICATION FOR THE REZONING OF ERF 160
MIDDLEDRIFT FROM SINGLE RESIDENTIAL
CLASS 1 TO COMMERCIAL CLASS 1**

**Mikhulu Spatial Solutions
(Pty) Ltd**

4 Maggs Street

Unit 5

**East London
5247**

Cell: 078 744 6894

Fax: 086 558 6955

APPLICATION FOR THE REZONING OF ERF 160 FROM RESIDENTIAL CLASS 1 TO COMMERCIAL CLASS 1

Report Info.

Applicant Information:

Date:	March 2020
Report No:	092
Prepared By:	Mikhulu Projects (Pty) Ltd/ Mikhulu Spatial Solutions (Pty) Ltd
Enquiries:	Sinesipho Sicwebu
Email:	sne@mikhuluprojects.co.za/ smsicwebu@gmail.com

Client Information:

Prepared for:	Mr Mzingisi Bokolo Erf 160 Middledrift
---------------	--

Authority Information:

Submitted to:	Raymond Mhlaba Local Municipality 8 Somerset Road Fort Beaufort 5720
Enquiries:	Ms Luntukazi Mtyundyutho

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March, 2020

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Plan 2	Land Use Plan
Plan 3	Zoning Plan
Plan 4	Site Plan
Annexures	
Annexure A	Power of Attorney
Annexure B	Deed of Transfer
Annexure C	Land Use Application Form duly completed

1. Introduction

Messrs **Mikhulu Projects (Pty) Ltd** has been appointed by **Mr Mzingisi Bokolo** in his own capacity as the registered owner of Erf 160 Middledrift, to prepare and submit to the Raymond Mhlaba Local Municipality a Rezoning application of Erf 160, Middledrift from **Residential Class 1 to Commercial Class 1**.

This report therefore serves as a Motivation for the Rezoning of the afore-mentioned property, which is being applied for in terms of the **Land Use Regulations Act 15 of 1987**, and the **Spatial Planning and Land Use Management Act 16 of 2013** read with the **Section 8 Scheme Regulations**.

2. Purpose of Application

The purpose of the application is to motivate to council for the approval of the **Rezoning** of the abovementioned Erf from **Residential Class 1 to Commercial Class 1** to permit the use of the site for the development of a Business on the said erf, this in turn will contribute to the planned and coordinated development as well as the much needed commercialisation of Middledrift as and the greater Raymond Mhlaba Local Municipality as a whole.

Itemised as follows:

- Rezoning of Erf 160 from **Residential Class 1 to Commercial Class 1**.

3. Confirmation of Appointment and Authority

The applicant is Messrs **Mikhulu Projects (Pty) Ltd** duly appointed by **Mr Mzingisi Bokolo** the registered owner of Erf 160 Middledrift to apply to the Raymond Mhlaba Local Municipality for the Rezoning of the said Erf thereof, *(See Annexure A, Power of Attorney)*.

4. Public Participation Process

The application will be advertised in the local newspaper to allow for public comments on the proposed application and a window period of 30 days will be allowed for such comments, this is in line with the most recent town planning legislation.

5. Property Information

5.1 Locality

Erf 160 Middledrift is situated close to the central Business District of Alice, minutes away (+/-2km) from the Provincial Road Linking King Williams Town and Alice (Edhikeni) (R63) Road. It sits in close proximity to what can be defined as a business precinct with banks and cooperative offices harnessing the road, and the famous Middledrift Prison. *(See Plan 1, Locality Plan)*.

5.1.1 Access

Access to the site is gained from an existing street.

5.2 Site Description & Ownership

Land Ownership, Deed of Transfer number and site extent are set out in the table below:

Property Description	Title Deed Number	Ownership	Size
Erf 160	Deed of Transfer (T16769/2019)	Mzingisi Bokolo	1339m ²

5.3 Title Deed conditions

On analysis of the Deed of Transfer, there seem to be no onerous conditions of title contained in the title deed, which would need to be removed. *(See Annexure B, Deed of Transfer).*

5.4 Servitudes

There are no registered servitudes over the material property against the parent property.

5.5 Land Use and Surrounding Land Uses

(See Plan 2, Land Use Plan)

The site is currently vacant.

The site is nestled between a residential site to the North, a church site to the West, residential and business sites to the East and residential sites to the South of the study area, some have already been built on with residential structures, the site is very close to the Central Business District of Middledrift.

The current uses within close proximity to the site give the area a blend of conforming uses to the proposed development, and the closeness of the other amenities such as churches and other business sites and due to its close proximity to the CBD.

In view of the above, rezoning the site for **Commercial Class 1** purposes will not negatively affect the existing uses adjacent to the site, but will rather complement and blend in with the current trends in the area.

5.6 Zoning and Surrounding Zonings

Erf 190, Alice is currently zoned as **Residential Class 1**, according to the Raymond Mhlaba Zoning Map, *(See Plan 3, Zoning Plan).*

Surrounding the area of interests are sites with various zoning categories which support the proposed rezoning as they conform to it. To the North, West and South of the is Residential Class, and to the East is Commercial Class for Business, there's a blend of other zoning categories within the immediate proximity to the site such as Institutional and Authority Zone, and because it is close to the CBD, there are various Commercial Zoning Categories.

5.7 Physical Aspects

5.7.1 Topography

The site is relatively flat, and the gradient gently falls in a northerly direction towards current septic tank and drainage of the site. The slope of the site is therefore not considered as being a constricting factor, and would not hinder any development.

5.7.2 Vegetation

The site is currently zoned as Residential Class 1, this means that the site is set aside for the development of a residential dwelling unit, and there are no hazardous environmental constraints on site.

6. Level of Infrastructure

6.1 Water

The site is within a built up area and one that is fully serviced with water infrastructure connections.

6.2 Sanitation

The site is currently serviced with existing sewer lines and connections will be made on the existing infrastructure.

6.3 Refuse Removal

The municipality is currently responsible for the collection of refuse removal within the urban area of Middledrift. It is anticipated that there will be sufficient capacity to deal with any refuse produced from the site as it falls within the urban area.

6.4 Roads

The subject site is accessed through an existing Street which is a surfaced road within an urban environment.

6.5 Electricity

Eskom provides electricity to the site and municipal area. It is anticipated that there will be sufficient capacity to provide the subdivided site as connections can be extended from there.

6.6 Stormwater

The area in which the site exists is a residential area that is fully serviced with infrastructure, there are storm water drainages forming part of the bulk service that exist.

6.7 Access Roads

Currently the area is easily accessible via the existing road system and the subject property will gain access from these existing roads.

7. Development Proposal

7.1 Proposal

This report therefore serves as a Motivation for the Rezoning of the afore-mentioned property, which is being applied for in terms of the Land Use Regulations Act 15 of 1987 and the Spatial Planning and Land Use Management Act 16 of 2013 read with the Section 8 Scheme Regulations.

The following is proposed for the development of Erf 160 Middledrift:

- Rezoning of the Erf from Residential Class 1 to Commercial Class 1.

7.2 Developmental Parameters

It is proposed that the newly created erf have the following development parameters applicable upon it:

	Existing Land Use Rights	Proposed Land Use
Erf Number	160	160
Erf size	1339m ²	1339m ²
Use Zone	Residential Class 1	Commercial Class 1
Primary Use	Dwelling- House	Business Premises
Consent Use	Additional Dwelling Unit	Town house, flats, Residential Building, Place of Assembly, place of entertainment, place of instruction, institution, bottle-store, supermarket, service trade.
Side building line	Atleast 2m, subject to regulation 3.3.3	Zero
Street building line	Atleast 4m, subject to regulation 3.3.3	Zero
Coverage	At most 50%	100%
Height	At most two storeys	At most 2 Storeys
Parking	At least one parking bay per land unit, on the land unit.	At least one parking bay per 25 m ² of the total floor space.

(See Plan 5, Site Development Plan).

8. Motivation

It is therefore desirable and is hereby submitted that this application for rezoning of Erf 160, Middledrift from **Residential Class 1** to **Commercial Class 1** be approved by the Raymond Mhlaba Local Municipality for the following reasons:

The proposed development is situated within the urban build of Middledrift where there is a huge demand for more business in order to input on the social behaviours found in our societies through employment opportunity hub in to manage the ever growing demand for urban living space within the CBD, providing business opportunities.

8.1 Desirability

The application is considered desirable from a town planning point of view in that the:

- The rezoning will complement and enhance the character of the area;
- The property is close to the Central Business District (CBD) of Alice and in an area that would be convenient for all to access as it is within walking distances to places of work, and the community at large;
- The proposed development is in line with the Draft Raymond Mhlaba Spatial Development Framework which encourages development of social housing, speedy development, sustainable development, infrastructure investment;
- Compliance is guaranteed of all land use restrictions and development control parameters as contained in the applicable Section 8 Scheme Regulations, the Land Use Regulations Act 15 of 1987 in line with the new Spatial Planning and Land Use Management Act 16 of 2013;
- Approval of the application will promote economic potential in the area and boost investor confidence in the area and the Alice area at large which is in so much need of investment and reinvestment;
- There will be no negative or undesirable effects on the environment;
- Optimise the use of existing resources including such resources relating to bulk infrastructure, roads, transportation and social facilities;
- The proposal puts land that is low utilised, to good economic and social use.
- The development encourages a compact city and discourages the phenomenon of Urban Sprawl;
- The site will be developed in a co-ordinated and planned manner with set land use rights applicable and enforceable by the presiding authority.

8.2 Alignment with Policy

The application aligns with the growth and development of Alice in that it conforms to the draft Raymond Mhlaba Local Municipality SDF and is in accordance with the following Spatial Planning Policies

Land Use Management

The development will be in accordance with the requirements of the Land Use Regulations Act 15 of 1987.

Building Controls

All building will be constructed in terms of the National Building Regulations.

Spatial Planning and Land Use Management Act 16 of 2013

The proposed rezoning is in accordance with the future planning principles that are found in the most recent planning legislation.

Such principles include:

- The Principle of Spatial Justice;
- The Principle of Spatial Sustainability;
- The Principle of Efficiency
- The Principle of Spatial Resilience;
- The Principle of Good Administration

9. Conclusion

In conclusion, the application is submitted in terms of the provisions of Land Use Regulations Act 15 of 1987, the Spatial Planning and Land Use Management Act 16 of 2013 read with the Section 8 Scheme Regulations comprising the following:

- Rezoning of Erf 160 from Residential Class 1 to Commercial Class 1

There are no significant negative impacts associated with the development in the manner proposed and the site is generally well suited for the proposed new land use.

Accordingly it is recommended that the Raymond Mhlaba Local Municipality council favourably considers the application for approval.

Plan 1

Locality Plan

LOCALITY PLAN

Client:

Erf 160 Middeldrift

Mr M. Bokolo

Local Authority :
RAYMOND MHLABA MUNICIPALITY


Administrative Region :
KING WILLIAM'S TOWN

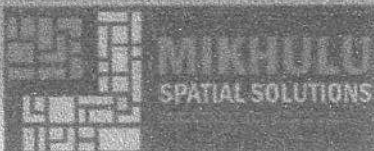
Province :
EASTERN CAPE



**REZONING
OF ERF 160
MIDDELDRIFT**

Legend

 Erf 160 Middeldrift



Plan 2

Land Use Plan

LAND USE PLAN

Client:

Mr M. Bokolo

Erf 160 Middeldrift

Local Authority :
RAYMOND MHLABA MUNICIPALITY

Administrative Region :
KING WILLIAM'S TOWN

Province :
EASTERN CAPE



REZONING OF ERF 160 MIDDELDRIFT



Legend

Erf 160 Middeldrift

Middeldrift Land Uses

- Business
- Residential
- Road
- Vacant
- Church

- Magistrate's Court
- Police Station
- Post Office
- Taxi Rank
- Municipal

Plan 3

Zoning Plan

ZONING PLAN

Client:

Erf 160 Middeldrift

Mr M. Bokolo

Local Authority :
RAYMOND MHLABA MUNICIPALITY

Administrative Region :
KING WILLIAM'S TOWN

Province :
EASTERN CAPE



REZONING OF ERF 160 MIDDELDRIFT



Legend

Erf 160 Middeldrift

Middeldrift Zonings

- Business
- Government
- Municipal
- Single Residential
- No Info
- Place of Worship

Plan 4
Site Plan

SITE PLAN

Client:

Erf 160 Middeldrift

Mr M. Bokolo

Local Authority:
RAYMOND MHLABA MUNICIPALITY


Administrative Region:
KING WILLIAM'S TOWN

Province:
EASTERN CAPE



REZONING OF ERF 160 MIDDELDRIFT

Legend

 Erf 160 Middeldrift



Annexure A
Power of Attorney

POWER OF ATTORNEY

I, the undersigned:

.....

Being the registered land owner of

Erf 160 Middledrift

Do hereby nominate, constitute and appoint the below mentioned person:

Mr Sinesipho Sicwebu (for Mikhulu Projects (Pty) Ltd)

4 Maggs Street, Unit 5,

Amalinda

East London,

5247

With Power of Substitution, to be my Lawful Attorney and Agent in my name, place and stead, to make application for:

REZONING OF ERF 160 MIDDLEDRIFT FROM RESIDENTIAL ZONE TO COMMERCIAL ZONE IN ORDER TO PERMIT BUSINESS DEVELOPMENT ON THE AREA INTEREST

and generally for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes, as we might or could do if personally present and acting herein - hereby notifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all whatsoever our said Attorney(s) and Agent(s) shall lawfully do, or cause to be done, by virtue of these present.

SIGNED AT

THIS DAY OF..... 2020 IN THE PRESENCE OF THE UNDERSIGNED WITNESSES.

Client:

Nominee:

AS WITNESSES

1

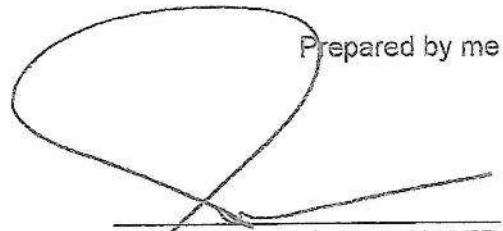
1

Annexure B

Deed of Transfer



Clark Laing Inc
 18 Stewart Drive
 Berea
 East London

Prepared by me

 CONVEYANCER
 WENDY LYNN PENNACCHINI

Fee Endorsement		
	Amount	Office Fee
Purchase Price/Value	R 165 000,00	R 81,00
Mortgage Capital Amt.	R	R
ALL OTHER REGISTRATIONS		R
Reason For Exemption	Category Exemption	Exempt to Sect/Reg Act/Proc

DEED OF TRANSFER

T 16769 / 2019

BE IT HEREBY MADE KNOWN THAT

DAVID PATRICK ARTLETT

appeared before me, REGISTRAR OF DEEDS at KING WILLIAM'S TOWN, the said appearer being duly authorised thereto by a Power of Attorney granted to him/her by

THE DIOCESE OF PORT ELIZABETH OF THE ROMAN CATHOLIC CHURCH (formerly known as Bishop & Vicar Apostolic of the Vicariate Apostolic of Port Elizabeth)

which said Power of Attorney was signed at PORT ELIZABETH on 24 April 2019

|


And the appearer declared that his/her said principal had, on 21 February 2019, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

MAZINGISI BOKOLO
Identity Number 650125 5594 08 8
and
NOKONWABA BOKOLO
Identity Number 740101 3251 08 0
Married in community of property to each other

their Heirs, Executors, Administrators or Assigns, in full and free property

ERF 160 MIDDLEDRIFT
RAYMOND MHLABA LOCAL MUNICIPALITY
DIVISION OF KING WILLIAM'S TOWN
PROVINCE OF THE EASTERN CAPE

IN EXTENT 1339 (ONE THOUSAND THREE HUNDRED AND THIRTY NINE)
Square metres

FIRST REGISTERED by Deed of Grant Number KWTQ51/1937 with Diagram Number B1550/1882 relating thereto and HELD BY Deed of Transfer Number T104/1946-KWT

SUBJECT to the conditions contained in Deed of Transfer Number T104/1946 save in so far as these may have since lapsed or been cancelled.

P

WHEREFORE the said Appearer, renouncing all rights and title which the said

**THE DIOCESE OF PORT ELIZABETH OF THE ROMAN CATHOLIC
CHURCH (formerly known as Bishop & Vicar Apostolic of the Vicariate
Apostolic of Port Elizabeth)**

heretofore had to the premises, did in consequence also acknowledge it to be entirely
dispossessed of, and disentitled to the same, and that by virtue of these presents, the
said

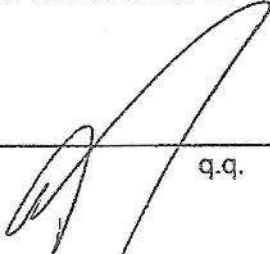
MAZINGISI BOKOLO and NOKONWABA BOKOLO, Married as aforesaid

their Heirs, Executors, Administrators or Assigns, now are and henceforth shall be
entitled thereto, conformably to local custom, the State, however reserving its rights,
and finally acknowledging the purchase price to be the sum of R165 000,00 (ONE
HUNDRED AND SIXTY FIVE THOUSAND RAND) .

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have
subscribed to these presents, and have caused the Seal of Office to be affixed
thereto.


THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at KING
WILLIAM'S TOWN on

2019 -10- 22



q.q.

In my presence



REGISTRAR OF DEEDS

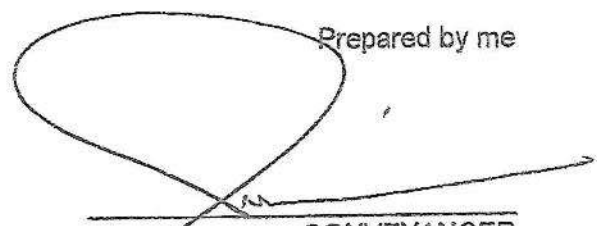


CLARK Laing Inc

136

Clark Laing Inc
18 Stewart Drive
Berea
East London

1
EDSC 6-9

Prepared by me

CONVEYANCER
WENDY LYNN PENNACCHINI

POWER OF ATTORNEY TO PASS TRANSFER

I, the undersigned

ALBERT FRANCESCO TROBEC in my capacity as Financial Administrator and duly authorized hereto by **THE DIOCESE OF PORT ELIZABETH OF THE ROMAN CATHOLIC CHURCH** acting in terms of a Resolution of the Bishop and his College of Consultors

do hereby nominate and appoint **DAVID PATRICK ARTLETT** and/or **JONATHAN SCOTT BUCHANAN CLARK** and/or **WENDY LYNN PENNACCHINI** and/or **ANDRE DU PLESSIS** and/or **SHAUN PREGNATHAN NAIDOO**

with power of substitution to be my true and lawful Attorney and Agent in my name, place and stead to appear at the Office of the REGISTRAR OF DEEDS at KING WILLIAM'S TOWN or any other competent official in the Republic of South Africa and then and there to act as my Attorney and Agent and to pass transfer to:

MAZINGISI BOKOLO
Identity Number 650125 5594 08 8
and
NOKONWABA BOKOLO
Identity Number 740101 3251 08 0
Married in community of property to each other

the property described as:

ERF 160 MIDDLEDRIFT
RAYMOND MHLABA MUNICIPALITY
DIVISION OF KING WILLIAM'S TOWN
PROVINCE OF THE EASTERN CAPE

IN EXTENT 1339 (One Thousand Three Hundred and Thirty Nine) Square metres

HELD BY Deed of Transfer Number T104/1946-KWT

ck. [Handwritten initials]
ck. [Handwritten initials]
ck. [Handwritten initials]

the said property having been sold by me on 21st February 2019, to the said transferee/s for the sum of R165 000,00 (One Hundred and Sixty Five Thousand Rand);

and further cede and transfer the said property in full and free property to the said Transferee; to renounce all right, title and interest which the Transferor heretofore had in and to the said property, and generally, for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, to all intents and purposes, as the Transferor might or could do if personally present and acting therein; hereby ratifying, allowing and confirming all and whatsoever the said Agent/s shall lawfully do or cause to be done in the premises by virtue of these presents.

Signed at PORT ELIZABETH on 24 APRIL 2019
in the presence of the undersigned witnesses.

P. J. H.

AS WITNESSES :

1. *J. Heard*

2. *M. J. J.*

P. J. H.
On behalf of THE DIOCESE OF PORT
ELIZABETH OF THE ROMAN
CATHOLIC CHURCH

P

CLARK LAING Inc



043 642 1513

2019

Transfer Duty Declaration

TDREP

Reference Details

Transfer Duty Reference Number: TDE0327D14

Details

Details of Seller / Transferor / Time Share Company

Surname / Registered Name	ROMAN CATHOLIC CHURCH	Full Name	THE DIOCESE OF PORT ELIZABETH OF THE
---------------------------	-----------------------	-----------	--------------------------------------

Details of Purchaser / Transferee

Full Name	MAZINGISI	Surname / Registered Name	BOKOLO
Date of Birth (CCYYMMDD)	1955-01-25	ID Number	8501255594098
Company / CC / Trust Reg No.		Marital Notes if applicable	South Africa
Marital Status	M.I.C OF PROPERTY	Spouse Initials	N
Spouse ID Number	7401013251020	Spouse Passport Number	

Details of Purchaser / Transferee

Full Name	NOKONWABA	Surname / Registered Name	BOKOLO
Date of Birth (CCYYMMDD)	1974-01-01	ID Number	7401013251020
Company / CC / Trust Reg No.		Marital Notes if applicable	South Africa
Marital Status	M.I.C OF PROPERTY	Spouse Initials	M
Spouse ID Number	6501255594098	Spouse Passport Number	

Details of the Property

Date of Transaction/Acquisition (CCYYMMDD)	2019-02-21	Total Consideration	R 165000.00
Total Fair Value	R 165000.00		

Calculation of Duty and Penalty / Interest

Transfer Duty Payable on Natural Person	R 165000.00
---	-------------

Property Description

1 ERF 160 MIDDLEDRIFT RAYMOND MHLABA MUNICIPALITY DIVISION OF KING WILLIAM'S TOWN PROVINCE OF THE EASTERN CAPE IN EXTENT 1339 (ONE THOUSAND THREE HUNDRED AND THIRTY NINE) Square metres

Receipt

Receipt Details

Transfer Duty Reference Number	TDE0327D14	Receipt No.	
Receipt Amount	R 0		

Declaration by Conveyancer / Attorney

I certify that this is a true copy of the transfer duty declaration / receipt / exemption certificate drawn from the SARS eFiling site, which will be retained by me for 5 years from the date of registration of transfer.

[Signature]
 XXXXXXXXXXXXXXXXXXXXXXXX
 XXXXXXXXXXXXXXXXXXXXXXXX
 Please ensure you sign over the 2 lines of 'X's above
 f94b66c2c6828508a569
 dc6d772559b305971

Date (CCYYMMDD): 20190913

For enquiries go to www.sars.gov.za or call 0630 03 SARS (7277)

WENDY LYNN PENNACCHINI

Annexure D

Land Use Application

Form duly completed



DEPARTMENT OF HOUSING AND LOCAL GOVERNMENT

LAND USE APPLICATIONS

(Place a cross in all the appropriate blocks)

TYPE OF APPLICATION :

	Subdivisional (LUPO)
✓	Rezoning
	Departure (Building line)
	Subdivision
	Consent use
	Extension of approval (Ordinance 33 of 1934)
	Any other application, give details :

TYPE OF LEGISLATION APPLICATION :

	Land Use Ordinance 15 of 1985 (Former CPA areas)
	Townships Ordinance 33 of 1934 (Former Transkei areas)
✓	Land Use Regulation act 15 of 1987 (Former Ciskei areas)
	Townships Proclamation R293 of 1962
	Black Communities Development Act 4 of 1984 (Regulations)
✓	Spatial Planning and Land Use Management Act (Act 16) of 2013

2.

COMPLETE THE FOLLOWING:

Local Authority:	RAYMOND MHLABA LOCAL MUNICIPALITY
Description of land:	ERF 160, MIDDLEDRIFT
Registered owner(s):	MR MZINGISI BOKOLO
Postal address:	MIDDLEDRIFT
	Code :
Applicant :	MIKHULU PROJECTS (PTY)LTD
Postal Address :	4 MAGGS STREET
	UNIT 5
	EAST LONDON
	Code : 5247

INSTRUCTIONS

(These instructions should be read before completing this form)

1. GENERAL REMARKS

- 1.1. If an application requires approval in terms various types of legislation and two or more of the applications have to be advertised, the applicant must inform the town clerk, secretary or executive officer accordingly so that all applications may be advertised and submitted for approval simultaneously.
- 1.2. All applications should comply with the Chapter one Principles of the Development Facilitation Act of 1995.
- 1.3. All applications should take cognizance of the requirements for the change of land use in terms of the Environment Conservation Act of 1997.
- 1.4. Incorrect and incomplete applications will be returned to the Applicant. The Applicant's attention is drawn to the plans and other documentation that must accompany their application.
- 1.5. Applicants must note that until such time that an approval has been approved in writing, any correspondence or discussions pertaining to this application must not be regarded as an indication that it will in fact be approved and do not bind the local authority, or the Premier, in any way.
- 1.6. The premier reserves the right to have an approval declared null and void if it was based on wrong information supplied by an applicant. Applicants must therefore ensure that information about restricting factors that could influence the application, is provided.
- 1.7. Applications in terms of Land Use Regulation Act 15 of 1987 and the Townships Ordinance 33 of 1934 require 10 copies for the Land Use Planning Board and Townships Board respectively.
- 1.8. Applicants may supply any additional information, on a particular issue, if they want to.

3.

2. PRIOR LIAISON WITH OTHER INTERESTED PARTIES

2.1. Prior liaison with interested bodies including National and provincial Departments, is strongly recommended, as the processing of applications will be expedited in this way. Where an applicant submits proof that an interested party is satisfied with a proposal, it will not be necessary to again approach such interested party for components.

2.2. A list of the different authorities and other interested parties effected by the development, together with the names, telephone numbers and addresses of contact persons may be available from the local authority.

3. SUBMISSION OF APPLICATION

3.1. The application must be submitted in duplicate, together with all the required annexes, to the local authority in whose area of jurisdiction the land unit is situated. If the land is to be incorporated within the jurisdiction of a local authority, the application form must also be submitted to the local authority concerned.

3.2. If the relevant local authority does not have the delegated powers to finalise the application, a copy of the application must also be submitted to:

The Regional Director: Department of Housing and Local Government
Private Bag X 6005
PORT ELIZABETH
6000

The Regional Director: Department of Housing and Local Government
2 Floor Metropolitan Life Building
Drury Lane
EAST LONDON
5200

The Regional Director: Department of Housing and Local Government
Private Bag X 5030
UMTATA
5100

The Regional Director: Department of Housing and Local Government
Private Bag X 7086
QUEENSTOWN
5320

3.3. Lack of information leads to delays and add to the workload of the Department. It is essential that all applications that are submitted for consideration contain all of the information necessary for the relevant authority to take a rational decision. Ideally applications should include the following information:

3.3.1 Details in respect of the application

- A locality plan showing clearly the details of the application;
- A description of the site that is to be developed;
- What does the owner intend to do with the land;
- What are the envisage development parameters (for instance the proposed floor area and coverage);
- What portion of the site is to be developed;
- What is the existing zoning and use of the subject land;
- A copy of the advertisement of the proposal;
- A site development plan.

3.3.2 Details in relation to the existing and proposed development of the land in the vicinity of the subject land

- the existing uses and zonings to be shown on separate map ;
- the visual or historical characteristics of the area ;
- topographical and physical features ;
- details of illegal and non-conforming uses.

3.3.3 Details in respect of the planning proposals for the subject area

- what is the existing and proposed conditions applicable to the subject.
- land (servitudes, title deed and / or zoning scheme conditions) ;
- relevant details contained in Land Development Objectives, or any other policy proposals for the area.

3.3.4 Motivation given in the application and in the objections

- The applicant's motivation and comments on objections and / or the appeal ;
- The comments of relevant government departments ;
- details of the objections received.

3.3.5 Evaluation of the application by the Council

- The evaluation of the application in relation to the DFA principles, Land Development Objectives, desirability, precedents, the council's policies et cetera ;
- In the case of land zoned for public purposes, the reasons why such land is no longer required for the use by the public ;
- Desirability is usually considered in terms of the following :
 - physical characteristics of the area ;
 - potential of the site ;
 - character of the surrounding area ;
 - planning proposals for the area (LDO/Framework/Structure Plan Etc) ;
 - location and accessibility ;
 - provision of services ;
 - environmental impact of the proposal ;
 - impact of the construction phase.

3.3.6 The decision of the Council

- Council's decision, including the conditions that must be imposed if the application is approved. (Note that the application must contain these conditions, even if the relevant council recommends that the application refused by the Premier).

Note that applications that are submitted to District or Local Council's for a decision **must also contain all of the relevant details**. A copy of the item submitted to the aforementioned authorities must be attached to any application that is submitted to this Department. The above information can serve as check list for the purpose.

5.

SECTION A

TO BE COMPLETED BY THE APPLICANT

(*ANSWER YES, NO, OR NOT APPLICABLE)

1. PERSONAL PARTICULARS OF APPLICANT

Your reference number	092
Name of person to whom correspondence should be addressed:	SINESIPHO SICWEBU
Address:	4 MAGGS STREET , UNIT 5, EAST LONDON
Telephone number :	078 744 6894
Facsimile number :	086 558 6955

1.1 Is the applicant the only registered owner of the property? **Yes***

If not, attach the power of attorney from the registered owner(s) to the application. this is also applicable if the person who is applying is still in the process of obtaining the land unit, or if the land unit is owned by a company or more than one person.

1.2 Name the registered owner(s) : **MR MZINIGISI BOKOLO**

1.3 Is the property encumbered with a bond ? **NO.**

If so, please attach the authorization of the mortgage holder to the application.

2. DETAILS OF LAND UNIT

2.1 Registered description of the property, as is shown on the title deed: **ERF 160, MIDDLEDRIFT.**

.....
.....

Number and date of the title deed : **DEED OF TRANSFER (T16769/2019)**

Area of Land : **1339m2 RESPECTIVELY.**

What is the present zoning of land unit ? **RESIDENTIAL CLASS 1.**

2.2 Are any departures applicable to the land unit ? **NO.**

If so, give a full explanation: **N/A.**

6.

2.3 Is there any building or other development on the land unit? **NO ***

If so, what are the nature and condition of these improvements?

N/A.

2.4 Is the site being used in accordance with its present zoning? **YES***

If not, how is the land being utilised?

3. DETAILS OF APPLICATION

3.1 Describe the proposed development in detail (A separate motivational report may be added):

REFER TO MOTIVATIONAL REPORT.

3.2 Does the proposal development involve the entire land unit? **YES***

If not, indicated the position and size of the portion of the land unit is not included in the proposed development and for what purpose it is, or will be used :

N/A.

3.3 Is a departure being applied for in order to obtain a temporary change of use on the land unit ? **NO***

If so, explain why rezoning is not being considered and supply reasons for the proposed period of the departure :

N/A.

4. RESTRICTING FACTORS

(A separate report may be added to address the restricting factors)

4.1 Are there any title deed restrictions that, which may have an affect on this application in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967) ? **NO***
If so, furnish full details :

4.2 Is any portion of the land unit subject to tidal flow or situated under the high water mark ? **NO***

If so, furnish details :

N/A.

4.3 Is any portion of the land unit situated in a flood-plain of a river under the 1 in 50 years flood-line or subject to any floods? **NO.**

If so, furnish details: **N/A**

7.

- 4.4 Are there any physical restrictions (such as steep slopes, unstable soil formation, swamps, etc.) which could affect the development? **NO***

If so, furnish details and state how the problem can be solved

N/A.

- 4.4 Are there any other restrictions of which you are aware, but which were not mentioned above? **NO***

If so, furnish full details

N/A.

5. POSSIBLE REFERRAL TO OTHER BODIES

- 5.1 Does the application fall within the area of a land Development Objective (LDO) and / or Policy Plan (Structure Plan, Framework Plan etc.) ? **YES***

If so, please give details in so far as they affect the application under consideration:

RAYMOND MHLABA SPATIAL DEVELOPMENT FRAMEWORK 2010.

- 5.2 Are the provisions of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) Applicable in the case of this application? **NO***

- 5.3 Is the land unit situated within the boundaries of a nature area reserved in terms of section 4 of the Physical Planning Act, 1967 (Act 88 of 1967), or a mountain catchment-area reserved in terms of the Mountain Catchment Areas Act, 1970 (Act 63 of 1970), or a nature reserve reserved in terms of the former Nature and Environmental Conservation Ordinance, 1974 (Ordinance 19 of 1974), or a national park reserved in terms of the Nature Parks Act, 1978 (Act 57 of 1976). **NO***

If so, furnish details: **N/A**

- 5.4 Does the land unit abut on the area of jurisdiction of another local authority or does any other local authority have an interest in this application? **NO***

If so, state the name of the local authority and its interest in the application: **N/A.**

8.

- 5.5 Does the property abut on any national, trunk, main or divisional road or such proposed Road ? **NO***

If so, furnish full details (including status of the road and full statutory width):

- 5.6 Is the land situated in a metropolitan transport area in terms of the Urban Transport? Act, 1977 (Act 78 of 1977)? **NO***

If so, has it been referred to the relevant transport authority? **N/A.**

- 5.7 Is the land unit close to, or is it affected by, a power station, a railway line, a railway station, Airport or harbour?

NO

- 5.8 Are there any conservation worthy buildings/ graves/ rock engravings/ archaeological finds on the property including those that have not been declared national monuments? **NO***

If so, furnish details

N/A.

.....

- 5.9 Is the land unit situated within 1000m from the high-water mark of the sea or tidal or river? **NO***

If so, has nature conservation been consulted?

N/A.

- 5.10 Does the land unit abut on, or is it in any way influenced by any property belonging to the S.A. National Defence Force? **NO***

If so, please supply details : **N/A.**

.....

9.

ANNEXURES

HAVE THE FOLLOWING ANNEXURES BEEN ATTACHED?

(*ANSWER YES, NO, OR NOT APPLICABLE)

ANNEXURE	YES	NO	NOT APPLICABLE
Power of attorney	✓		
Authorization from mortgagee			✓
Flood-line certificate			✓
Regional map			✓
Locality map	✓		
Extract from zoning map	✓		
Land use-map	✓		
Site Development plan	✓		
Motivation report	✓		
Title deed	✓		
Copy of advertisement	✓		
Any other annexures, give details :... AMENDMENT, SUSPENSION OR REMOVAL OF RESTRICTIVE CONDITIONS OF TITLE APPLICATION FORM DULY COMPLETED.....			✓

If any other above questions, answers are no, give reasons :

.....N/A.....

I, the undersigned, certify that the information appearing in this section of the form and the information in the annexures is correct and complete, and that I understand the application. (Please note the contents of paragraph 1.6 of the instructions).

SIGNATURE: *SB 202*

DATE: 16 MARCH 2020

FULL NAME: SINESIPHO SICWEBU

DATE ON WHICH THE APPLICATION WAS SUBMITTED TO THE LOCAL AUTHORITY: ____ MARCH 2020

10.

SECTION B

TO BE COMPLETED BY THE LOCAL AUTHORITY WHEN APPLICATION ARE
SUBMITTED TO THE PREMIER OF SECTION 2.2 BELOW

(*ANSWER YES, NO OR NOT APPLICABLE)

1. DETAILS OF LOCAL AUTHORITY

Name :
Address:

Postal code :.....
Name of contact person :
Telephone number:
Facsimile number:
Reference number:

2. DETAILS OF PREVIOUS OR ACCOMPANYING APPLICATIONS

2.1 Has there been previous correspondence with the Department of Housing and Local Government in respect of this land unit or a land unit of which this one forms part?

.....*

If so, furnish all reference numbers of the Department and the date of the most recent Correspondence:

.....

2.2 Does the current application also involve an application to the Premier for:

	YES	NO	NOT APPLICABLE
The removals of restrictions in terms of Act 84 of 1967?			
The expropriation /sale/ long term lease of land by a local authority?			
The closure of street/public places			
Application for land that is within 1000 m of the high water mark of the sea ?			
A rezoning which may not be approved by the local authority in terms of the General Structure Plan?			

If the answer is YES to any above questions, please supply details and the motivations for the application :

.....

2.3 If the answer is YES to any of the above questions, were all the applications advertised simultaneously? (it is required that advertising should be done simultaneously in such cases.).....*

Have any of the above applications already been submitted to the Eastern Cape Provincial Administration?

If so, state which applications were given and furnish the relevant Department's Reference number(s) in respect of each such application and the date of submission:

.....

3. ADVERTISING

3.1 Have notices been served on the owners of adjacent properties ?

.....*

If so, attach a map indicating the names of those owners on whom notices have been served and a copy of the notice.

3.2 Indicate whether it was necessary to advertise in the press and the Provincial Gazette?* If so, attach a copy of the advertisement.

3.3 Have any objections been received ?*

If so, attach a map indicating the name of every objector on his erf as well as copies of the objections and the comments of the applicant and the local authority on each issue or objection.

4 LAND DEVELOPMENT OBJECTIVES AND POLICY PLANS

4.1 Is there Land Development Objectives or a Policy Plan for the local Authority's area of jurisdiction, or the area within which the subject erf is situated?

.....*

4.2 If so, what is the status of such objectives / plan ?*

.....

4.3 Furnish any applicable reference number(s) of the Department of Housing and Local Government in respect of the plans concerned and the date of the most recent correspondence :

.....

.....

4.4 To what extent does the proposal comply with the Land Development Objectives or Policy Plans?

5. APPLICANT'S INFORMATION

5.1 Is the information supplied by the applicant correct and complete?..... *

5.2 If not, provide the correct information :

.....

5.3 Are any problems envisaged with the provision of the following services?

	YES	NO	NOT APPLICABLE
Water			
Electricity			
Sewerage			
Storm water drainage			
Refuse removal			
Roads			

If the answer to any of the above is YES, furnish full details regarding the problem and how it will be solved:

.....

6. COMMENTS OF THE COUNCIL

6.1 Does the Council recommend the application for approval?..... *

6.2 Date of Council's resolution:

6.3 Furnish a copy of the item considered by Council and the reason for the above-mentioned resolution (on a separate sheet, if necessary).

.....

A copy of the proposed conditions of approval, must be attached, irrespective of whether or not the Council supports the application.

7. ANNEXURES

7.1 Have the following annexures been attached?

	YES	NO	NOT APPLICABLE
Map indicating those persons on whom notices have been served			
Copy of notice			
Copy of press notice			
Map of objectors properties			
Copies of objections received			
Comments of applicant on objections			
Comments of Council on objections			
List of conditions			
Scoping report if required			
Comments from other government Departments			
Any other documents / correspondence Please give full details :.....			

I CERTIFY THAT THE APPLICATION IS COMPLETE AND CORRECT.

.....
SIGNATURE
CHIEF EXECUTIVE OFFICER : LOCAL AUTHORITY

NAME : **DATE :**



**RAYMOND
MHLABA**
MUNICIPALITY
IMANYANO KUPHULISO

NOTICE

**APPLICATION FOR THE REZONING OF ERF 160 MIDDLEDRIFT FROM RESIDENTIAL CLASS 1 TO
COMMERCIAL CLASS 1 (FUNERAL PALOUR)**

Notice is hereby given in terms of the Spatial Planning and Land Use Management Act 16 of 2013 & the Land Use Regulation Act 15 of 1987 read with the Ciskei Town Planning Scheme that the Raymond Mhlaba municipal council has received an application for Rezoning of Erf 160 Middledrift from Residential Class 1 to Commercial Class 1.

Copies of the proposed rezoning and site development plan and supporting documentation will lie for inspection at the office of the Municipal Manager during normal office hours.

Any objections/ comments must be lodged in writing with the Municipal Manager, Raymond Mhlaba Local Municipality, PO Box 36, Fort Beaufort, 5720 within 30 days of the notice. Technical inquires must be directed to Ms L Mtyunyutho on 046 492 0037.

ISAZISO

**UKUMISELO KAKUTSHA KWESIZA SOMHLABA 160 MIDDLEDRIFT UTSHINTSHELWA UKUSETYENZISELWA
INDAWO YEBHIZINISI (ABANGCWABI)**

Isaziso sikhutshwe ngokwesindululu sokucela ngomthetho olawula ukusetyenziswa komhlaba ongu nombolo mbalo 16 ka 2013 kunye no mthetho woMasipala (isicwangciso mhlaba) engu nombolo mbalo 15 ka 1987 ukutshintsha kommiselo ngakutsha kwesiza 160 Middledrift.

Incukacha zesísicelo zingafumaneka kwi-ofisi ka-Manejala ngamaxesha omsebenzi.

Naluphi na uchaso kwe siscelo lungathunyelwa ngembalelwano kwi ofisi ka Maspala, Raymond Mhlaba Local Municipality, PO Box 36, Fort Beaufort, 5720 zingekagqithi iintsuku ezingamashumi amaThathu (30) kusukela ngosuku lokuqala lokubhengezwa kolu cebo. Imibuzo yobuchule ingajongiswa ku Ms L. Mtyunyutho ku 046 492 0037

Municipal Manager

Ms U T Malinzi

ITEM 193/2021

WITHDRAWAL OF BOND SECURITY DEPOSIT FROM NTSIKI PAKADE ATTORNEYS

AUTH: DIR STRAT- DR L.H HANABE

EXCO: DECEMBER 2021

COUNCIL: DECEMBER 2021

1. PURPOSE

To request Council to approve the withdrawal of the security deposit paid to Ntsiki Pakade Attorneys in respect of ESKOM account.

2. LEGAL AUTHORITY

Local Government: Municipal Finance Management Act.

3. AUTHORITY

In line with Section 11 of the MFMA, only the accounting officer or the chief financial officer of a municipality, or any other senior financial official of the municipality acting on the written authority of the accounting officer, may withdraw money or authorise the withdrawal of money from any of the municipality's bank accounts, and may do so only:

- (a) to defray expenditure appropriated in terms of an approved budget;
- (b) to defray expenditure authorised in terms of section 26(4);
- (c) to defray unforeseeable and unavoidable expenditure authorised in terms of section 29(1);
- (d) in the case of a bank account opened in terms of section 12, to make payments from the account in accordance with subsection (4) of that section.

4. BACKGROUND

On the 11 of December 2019 council deliberated on the matter on Eskom debt. This matter was brought to council as a result of disconnection of electricity supply by Eskom on as a result of the municipality deemed not servicing the debt of Eskom. The municipal Council resolved on the following:

- 1) Council mandated the municipal manager to instruct the law firm to deposit R5 000 000.00 to an interest bearing security bond account for the purposes of paying portion of the Eskom debt when the dispute between RMLM and Eskom is resolved amicably.
- 2) The interest earned on the account be paid back to the municipality.
- 3) Council ratifies the decision of EXCO to place certain amount of money into a bond security account for the purposes of ring-fencing it to pay the Eskom Debt when the dispute between RMLM and Eskom is resolved.

Subsequently to the resolution taken, meetings were held with Eskom with no positive results on the matter with the lawyers. The Municipal Manger has had other meetings with Eskom to try and sort some of the disputes and as a result, the Municipality has since signed an agreement with Eskom on Fort Beaufort account without the assistance of the lawyers.

To this fact, the municipal manager would like to advise council to withdraw the security deposit from Ntsiki Pakade Attorneys Attorneys and such bond security deposit be paid into the bank account of the municipality with interest. In addition, it can be confirmed that such an action will not pose any threat nor risk to the Raymond Mhlaba Municipality. Furthermore, the municipal manager is by law required to ensure that services to communities are rendered without interruptions and this view remains the commitment of the office of the municipal manager.

Council is also advised that there are no legal implications on the proposed actions of withdrawing the security deposit. In addition, Pakade Attorneys were paid for the work done so far and there are no further financial implications due to Ntsiki Pakade Attorneys on this matter.

5. FINANCIAL IMPLICATIONS

None

6. RECOMMENDATIONS

EXCO RECOMMENDED that:

- 1) Council instructs the municipal manager to withdraw the security deposit to the amount of R5 000 000 paid to Ntsiki Pakade Attorneys.
- 2) The said security deposit plus interest earned be paid directly to the bank account of the municipality within 7 days.
- 3) Legal action be taken against Ntsiki Pakade Attorneys should the firm refuse to pay back the R5 000 000.00 plus interest into the Municipal bank account.

ITEM 194/2021

DRAFT SYSTEMS OF DELEGATION

AUTHOR: DIRECTOR - STRAT

COUNCIL: DECEMBER 2021

1. PURPOSE

- (a) To present the Draft Systems of Delegation to Council for approval.

2. LEGAL IMPLICATIONS

Local Government: Municipal Systems Act

Local Government: Municipal Finance Management Act

3. AUTHORITY

In terms of Section 59 of the Municipal Systems Act 32 of 2000, a municipal council must develop a system of delegations that will maximise administrative and operational efficiency and will provide for adequate checks and balances. In addition, in terms of section 51(k) of the Systems Act, a municipality must, within its administrative and financial capacity, establish and organise its administration in a manner that would enable it to delegate responsibility to the most effective level within the administration.

Furthermore, the Municipal Finance Management Act, states that (I) The powers and duties assigned in terms of this Act to the mayor of a

(a) in the case of a municipality which has an executive mayor referred to in section 55 of the Municipal Structures Act, be delegated by the executive mayor in terms of section 60(1) of that Act to another member of the municipality's mayoral committee.

(b) in the case of a municipality which has an executive committee referred to in section 43 of that Act, be delegated by the council of the municipality to another member of the executive committee; or

(c) in the case of a municipality which has designated a councillor in terms of section 57(1) of this Act, be delegated by the council to any other councillor. municipality, may- (2) A delegation in terms of subsection (1)- (a) must be in writing; (h) is subject to any limitations or conditions that the executive mayor or council. (c) does not divest the mayor of the responsibility concerning the exercise of the (3)

4. BACKGROUND

The Raymond Mhlaba Municipality is required by law to develop its own delegation framework as a guide with regards to powers and duties related to administrative and political operations. The Delegation Framework seeks to guide Council and other bodies vested with the necessary discretionary authority to delegate or sub-delegate powers. It is

informed not only by legislation but by the tenants of good governance and the Vision, Mission and Values of the municipality. The systems of delegation also include components of financial delegations as prescribed for the Municipal Finance Management Act.

The Systems of Delegation provides the broad parameters of Council's authority to delegate its executive and legislative powers. Similarly, it sets out the ambit of original power assigned in terms of legislation to specific political officer bearers and officials, which powers may be delegated. In so doing, it outlines the principles, general rules and procedures for the delegation and sub-delegation of such powers, as well as limitations imposed by legislation.

Council will be workshopped on the systems of delegation to ensure that the said document receive the attention it deserves. It is therefore against this background that council is requested to approve the attached Systems of Delegation.

5. FINANCIAL IMPLICATIONS

None

6. ANNEXURES

A. DRAFT SYSTEMS OF DELEGATION

7. RECOMMENDATIONS

It is **RECOMMENDED** that:

- 1) Council approves the Draft Systems of Delegations for Raymond Mhlaba Municipality.
- 2) Management organise a councillor workshop and take councillors on the system of delegations.



**RAYMOND
MHLABA**
MUNICIPALITY

UMANYANO KUPHULISO

DRAFT SYSTEMS OF DELEGATION FOR RAYMOND MHLABA MUNICIPALITY

**DELEGATIONS BY THE MUNICIPAL COUNCIL TO
POLITICAL OFFICE BEARERS, POLITICAL
STRUCTURES, THE MUNICIPAL MANAGER
(ACCOUNTING OFFICER)**

DEFINITIONS

In these systems of delegations, unless the context indicates otherwise;

“Accounting officer” in relation to a municipality, means the municipal official (municipal manager) referred to in section 60 of the MFMA;

“Accountability” means an obligation of an individual to account for his/her activities and to disclose the results in a transparent manner;

“Authority” means a power that is delegated in writing in terms of the applicable governing legislation. It includes a right to command a situation, commit resources, give instructions and expect them to be undertaken and performed.

“Comment” in relation to the development and review of policies and by-laws, means giving input to the proposed policy or by-law and recommending same to the Executive Mayor.

“Constitution” means the Constitution of the Republic of South Africa, 1996.

“Councillor” means a member of a municipal council;

“Delegation”, in relation to a duty, includes an instruction or request to perform or to assist in performing the duty;

“Delegating authority” shall have the meaning assigned thereto in the Systems Act;

“Delegated Official” means any person to whom power has been delegated or who has been authorised to perform a duty in terms of a formal written delegation. This includes an official who lawfully acts in the capacity of the delegated official.

“Designation” in relation to decisions by the Mayor means decisions relating to the Mayor’s powers and functions that he/she must exercise and perform together with the other members of the Executive Committee.

“District municipality” means a municipality that has municipal executive and legislative authority in an area that includes more than one municipality, and which is described in section 155(1) of the Constitution as a category C municipality;

“Duty” means the responsibility of conduct, function or performance that arises from an expressed or implied contract or from by virtue of holding an office or position.

“Effectiveness” means the degree to which the objectives are achieved and the extent to which targeted problems are resolved. It relates to doing the “Right Things” to a delegated matter.

“Efficiency” means utilizing the available time and resources and undertaking the delegated matter with the minimal cost against time and the available resources.

“Function” means a task that must be planned and undertaken to produce required outcomes.

“Limitation” means a restriction being imposed on the performance of a particular power.

“Manager directly accountable to the Municipal Manager (Accounting Officer)” means a manager appointed in terms of section 56 of the Systems Act;

“MFMA” means the Local Government: Municipal Finance Management Act, No. 56 of 2003;

“Municipal Systems Act” means the Local Government: Municipal Systems Act, 32 of 2000 as amended;

“Municipal Structures A” means the Local Government: Municipal Structures Act, 118 of 1998 as amended;

“Municipal Performance Regulations for Municipal Managers” means the Local Government: Municipal Performance Regulations for Municipal Managers and Managers Directly Accountable to Municipal Managers, 2006 and published in GN R 805 of 1 August 2006;

“Municipal Planning and Performance Management Regulations” means the Local Government: Municipal Planning and Performance Management Regulations, 2001 GN R.796 of 24 August 2001;

“PAIA” means the Promotion of Access to Information Act, 2 of 2000;

“PAJA” means the Promotion to the Administrative Justice Act 3 of 2000;

“Political office bearer” means the Speaker and the Mayor,

“Political Structure” means the Council or any committee of Council;

“Power” means an instrument transferring or vesting legal authorisation. The ability conferred on a person by law to determine and alter the rights, duties, liabilities and other legal relations of him/her or others;

“Principal Functionary” means any person upon whom a power is conferred or a duty is imposed through an empowering provision in terms of which an administrative action is taken. The principle functionary, in whom the power or duty is vested, remains accountable for the execution of the delegation;

“Recess” means the period determined by Council resolution when all councillors shall be on official leave and such period shall commence at 17h00 and shall terminate at 08h00 on the dates determined

“Responsibility” means a duty or obligation to satisfactorily perform or complete a task, assigned by someone, that one must fulfil and which has a consequent penalty for failure.

“SCM” means Supply Chain Management Policy adopted by council;

“Supply Chain Management Regulations” means the Municipal Supply Chain Management Regulations published in GN R.868 of 30 May 2005;

“This System” means the System of Delegation adopted by Council as may be amended from time to time.

PART A

1. INTRODUCTION

Principles underpinning the compilation and revision of the System of Delegations:

It is submitted that the System of Delegations is an essential part of ensuring that work is executed primarily for the benefit of service delivery and good governance framework of the municipality. It clearly outlines the rights and powers conferred by Council from a range of sources including legislation, bylaws, regulations, oversight requirements, and operational requirements. The system of delegations does not confer what the legislation has already given.

This system of delegation should be read in conjunction with other instruments crucial to governance including relevant legislation, regulations, by-laws and policies and standard operating procedures, and terms of reference for committees. This System of Delegations has been compiled in accordance with the requirements of section 59 of the Systems Act and is aimed at maximizing administrative and operational efficiency and provides for adequate checks and balances and ensuring a transversal approach by delegating appropriate powers, functions and Duties to political leadership and administration.

Accordingly, section 151 of the 1996 Constitution of the Republic of South Africa, status of the local sphere of government consists of municipalities, which must be established for the whole of the territory of the Republic. The executive and legislative authority of a municipality is vested in its Municipal Council. A municipality has the right to govern, on its own initiative, the local government affairs of its community, subject to national and provincial legislation, as provided for in the Constitution.

Raymond Mhlaba Municipal Council, in pursuant of its Constitutional mandate and based on the provisions of the Municipal Systems Act 32, hereby develops a system of delegation to maximise administrative and operational efficiency. In support of this provision the MFMA states that the accounting officer of a municipality must, for the proper application of the MFMA in the municipality's administration, develop an appropriate system of delegation that will both maximise administrative and operational efficiency and provide adequate checks and balances in the municipality's financial administration.

The RMM System of Delegation has been compiled in accordance with the requirements of section 59 of the Systems Act and that of the Municipal Finance Management Act. This system of delegation excludes the direct legislative instructions in which power resides and cannot be delegated by any other individual.

Unless it is stipulated otherwise in the system of delegations, the political office bearers, political structures and staff members are authorised to sub-delegate any of their delegated powers, duties and functions. Any delegation to the office bearer or councillor cannot be sub-delegated by no means to any staff and this applies to staff, meaning no official can sub-delegate functions or duty to any council member nor the members of the public or service providers.

As prescribed by section 59 of the Municipal Systems Act and Municipal Finance Management Act, any sub-delegation of a power, duty or function authorised in terms of this System of delegations must be in writing, and may be given subject to limitations, conditions and directions by the person who grants the sub-delegation. In terms of this person, any person to whom a power, duty or function has been sub-delegated, cannot sub-delegate such power, duty or function by no means to anyone. In the event where a person to whom a power, duty or function has been sub-delegated is either on leave and has left an acting person, the same sub-delegation takes effect to the person acting unless stated otherwise in the acting letter.

In the implementation and management of the System of Delegation within directorates of municipality, the Accounting Officer or Municipal Manager maintains every level of accountability and that:

- The conferring of a delegation does not divest Council from exercising the responsibility concerning the exercise of the power or the performance of the duty. The conferring of a sub-delegation does not divest a political structure, a political office bearer or a staff member, of the responsibility concerning the exercise of the power or the performance of the duty.
- A political structure, political office bearer or councillor of a municipality to whom the Council as the delegating authority has delegated a power, duty or function must report quarterly to the delegating authority, on decisions taken in terms of that delegated, power, duty or function.
- A staff member to whom the Council as the delegating authority has delegated a power or duty must report quarterly to the Council on decisions taken in terms of that delegated, power, duty or function. Reporting to the authority from which the delegation is from shall be a matter of performance and as such, audit trail of these reports shall be kept by the office of the Speaker and shall be used in tracking all decisions made in reporting on delegations.
- In exercising any power, duty or function in terms of this System a political structure, political office bearer or a staff member must comply with the

provisions of Council's policies, By-laws and any law relating to the matter under consideration.

- The exercising of any power, duty or function includes the right to do anything reasonably necessary for or incidental to the effective performance of such power, duty or function.
- In addition, sections 59(3) and 62 of the Systems Act provide mechanisms in terms of which decisions taken under delegated power may be reviewed or appealed against.

The system of delegations of the RMM is based on the legislation that governs local government and considers financial and non-financial delegations.

2. STATUTORY FRAMEWORK

2.1 The Constitution

2.1.1 Section 160 (2) of the Constitution states that a Municipal Council may not delegate the following functions:

- 2.1.1.1 the passing of by-laws;
- 2.1.1.2 the approval of budgets;
- 2.1.1.3 the imposition of rates and other taxes, levies and duties; and
- 2.1.1.4 the raising of loans.

2.1.2 Municipal Council may delegate any of its functions that are not included in the above list.

2.2 Section 59 of the Municipal Systems Act

2.2.1 The Section provides that a Municipal Council may in accordance with its system of delegation, delegate appropriate powers to any of the Municipality's political structures, political office bearers, Councilors, or staff members. Excluded from the powers which may be delegated are:

- 2.2.1 The powers mentioned in **section 160 (2)** of the Constitution.
- 2.2.2 The power to set tariffs;
- 2.2.3 The power to resolve to enter into a service delivery agreement in terms of section 76(b) of the Act;
- 2.2.4 The power to adopt or amend the Municipality's integrated development plan.

2.3 Section 32 of the Municipal Structures Act

In this section of the act, a Municipal Council must develop a system of delegation that will maximize administrative and operational efficiency.

- (1) A Municipal Council must develop a system of delegation that will maximize administrative and operational efficiency and provide for adequate checks and balances, and, in accordance with that system may -
 - (a) Delegate appropriate powers, excluding a power mentioned in section 160(2) of the Constitution and the power to approve its integrated development plan to its:
 - (i) executive committee, if it has an executive committee;
 - (ii) Executive Mayor, if it has an Executive Mayor;
 - (iii) metropolitan sub-Councils, if it has such sub Councils;
 - (iv) ward committees, if it has ward committees;
 - (v) other committees or elected office-bearers; and
 - (vi) Municipal Manager or any of its other officials;
 - (b) instruct any such committee or functional to perform any of the Council's duties; and
 - (c) withdraw any delegation or instruction
- (2) A delegation or instruction in terms of subsection (1)
 - (a) must be in accordance with the Constitution and this Act;
 - (b) must be in writing;
 - (c) is subject to any limitations, conditions and directions the Municipal Council may impose;
 - (d) may include the power to sub-delegate a delegated power;
 - (e) does not divest the Council of the responsibility concerning the exercise of the power or the performance of the duty; and
 - (f) must be reviewed when a new Council is elected or, if it is a district Council, elected and appointed.
- (3) The Municipal Council -
 - (a) in accordance with procedures in its rules and orders, may, or at the request in writing of at least one quarter of the Councilors, must, review any decision taken by a committee or functional in

consequence of a delegation or instruction, and either confirm, vary or revoke the decision subject to any vested rights; and

- (b) may require its executive committee or Executive Mayor to co-ordinate or review any decision taken by a committee or functionary in consequence of a delegation or instruction

2.4 In relation to the financial delegations, the Municipal Finance Management Act Sections 59, 79, 82, 106 and 162 provides for development of a system of delegation dealing with the financial management of a Municipality.

2.5 A delegation or instruction

In line with all the applicable legislation governing local government and, in this case, the RMM, a delegation or sub-delegation or instruction to an office bearer or an official:

- 2.5.1 must not be in conflict with the Constitution, the Systems Act, the Municipal Structures Act, the MFMA or any related legislation;
- 2.5.2 must be in writing;
- 2.5.3 is subject to any limitations, conditions and directions the Municipal Council may impose;
- 2.5.4 may include the power to sub-delegate a delegated power;
- 2.5.5 does not divest the Council to the responsibility concerning the exercise of the power or the performance of the duty; and
- 2.5.6 must be reviewed when Council is elected.

2.6 The Municipal Council may confirm, vary, or revoke the decision taken by a political structure, political office bearer, Councilor, or staff member subject to any rights that may have accrued to a person.

2.7 The Municipal Council may require the Mayor to review any decision taken by a political office bearer, Councilor or staff member in consequence of a delegation or instruction.

2.8 Subject to what has been stated above, in terms of **section 11(1)** of the Systems Act, the executive and legislative authority of a Municipality are exercised by the Council of that Municipality, and the Council takes all the decisions of the Municipality.

2.9 In every first quarter of the new financial year, a report must be tabled in council reflecting all decisions taken in the previous financial year by those

with delegated and sub-delegated power either by council or by the municipal manager.

3. PRINCIPLES OF DELEGATIONS

For the purposes of the systems of delegations, the RMM subscribe to the following principles:

- 3.1 The system of delegations should ensure that Council retains all legislative powers and those executive powers that cannot be delegated in terms of the law.
- 3.2 The development of the systems of delegations for the RMM is for the purposes of service delivery and good governance and as such, all those exercising delegated authority should do so in the spirit of utmost good faith and transparency.
- 3.3 It is the duty of the delegating authority to ensure that clear and comprehensive policies are drafted and that those policies may be substituted and/or amended at any given time
- 3.4 All delegations must be aimed at empowering the relevant functionaries to perform their functions effectively, considering the different levels of decision-making
- 3.5 It is expected that all directorate to exercise their delegated power to enhance service delivery and good governance without compromising accountability.
- 3.7 Delegations must not oblige the delegatee to exercise delegated powers and must accordingly allow for the decision to be taken at the next higher level.
- 3.8 Delegated powers do not absolve Council or the Municipality from the responsibility of exercising powers or performing duties.
- 3.9 All delegations must provide for good governance and allow for adequate checks and balances to ensure responsible and accountable decision-making.
- 3.10 In the event that any delegated power conflicts or transgress legislation, by-laws and/or the procurement policy of the Municipality the delegated power will be deemed as *pro non scripto*.

4. CONDITIONS OF DELEGATIONS

4.1 All decision-making powers delegated by the Council are subject to the following conditions:

4.1.1 Delegated powers conferred on political structures, political office bearers, Councillors and staff members are not conferred personally on incumbents but on position.

4.1.2 These delegations also apply to acting positions.

4.1.3 In executing any delegated power, the delegatee shall under all circumstances comply with all relevant legislation, agreements and policies.

4.1.4 These delegations do not redefine Council's powers and functions.

4.1.5 The policies, whether existing or future, determine the parameters of any delegation and the delegating authority is bound to comply with it. Non-compliance causes any decision so taken to be ultra vires. It is the duty of the delegating authority to ensure that clear and comprehensive policies are drafted and that those policies may be instituted and amended at any given time.

4.1.6 In executing delegated powers, no expenditure may be incurred unless the delegatee is satisfied that the Council has budgeted for the expenditure and that the funds are still available on the relevant budget votes.

4.2 Council or any other delegating authority may at any time, subject to applicable law, and the accrual of any rights, order a delegated matter not to be proceeded with by the delegatee and then deal with the matter

4.3 A delegation may set out special circumstances in which a delegatee is prohibited from exercising their delegated power, for example if the delegatee is recommending the rejection of the most financially beneficial tender offer.

4.5 Any sub-delegation must be reduced to writing and recorded in the delegation register.

4.6 The register of delegations must be kept updated at all times by the Municipal Manager.

4.7 Provision must be made for separation between the evaluation and recommendation stage of the decision-making process and the actual decision itself. This must happen in all cases where the decision-making process is reasonably capable of being divided as set out above.

4.8 All delegations are conditional on compliance with Council's policies, Integrated Development Plan and Budget.

4.9 A delegating authority may require any decision taken under delegated power, to be audited.

5. WITHDRAWAL, AMENDMENT OR LAPSSE OF THE DELEGATION

In accordance with section 64 of the Municipal Systems Act,

5.1 The Council or any other delegating authority may at any time withdraw, qualify or amend a delegation made by it.

5.2 The withdrawal, amendment or lapsing of a delegation or sub-delegation, does not invalidate anything done as a consequence of a decision taken under that delegation or sub-delegation.

6. REVIEW OF DELEGATIONS

6.1 Council must in accordance with the procedures of its Standing Orders, review any decision taken under delegated powers if so requested in writing by at least a quarter of the members of the Council

6.2 From time to time, council may require the Mayor, subject to the accrual of rights in law, to review any decision taken in consequence of a delegation or instruction.

6.3 The system of delegations must be reviewed when a new Council is elected.

6.4 The Municipal Manager must submit a report on the existing delegations issued by the Council and other delegating authorities of the Municipality and recommendations on any relate 128 sue considered necessary. The report

and any recommendations must be submitted to the Municipal Council by the Mayor.

7. ANNUAL REVIEW PROCESS

7.1 The delegations are reviewed annually after approval of the review of the Integrated Development Plan.

7.2 The Municipal Manager must submit a report and recommendations on any changes to the existing delegation that he may consider necessary to the Mayor who will in turn submit the same to council for consideration.

PART B

8. NON-DELEGABLE POWERS

8.1 All powers direct from the origin of the legislation cannot be sub delegated by either of council or office berea's or by any authority. The following powers may not be delegated by Council (Section 160(2) of the Constitution):

- (a) Passing of by-laws
- (b) Adoption of Council's budget and any amendments thereto
- (c) Imposition of rates, taxes, levies and duties.
- (d) Raising of loans.
- (e) Adoption of the Integrated Development Plan.

8.2 The following powers may not be delegated by Council in terms of Section 59(1) of the Systems Act:

- (a) the power to set tariffs;
- (b) the power to decide to enter into a service delivery agreement in terms of Section 76(b) of the Systems Act;
- (c) the power to approve or amend the Integrated Development Plan.

8.3 In addition to the above limitation on delegation, the following can only be passed by council by way of resolution:

- 8.3.1 The power to approve any excess expenditure on the approved budget.
- 8.3.2 The power to accept, amend or reject original, joint amendment and draft schemes in terms of Section 28 and 29 of the Town-Planning and townships Ordinance 1986 (Ordinance 15 of 1986), concerning Municipal property.
- 8.3.3 The power to approve and amend the Municipality's organizational and operational structure.
- 8.3.4 The power to approve all policy documents, guidelines and other procedures pertaining to any functions that falls within the competence of the Municipality.

8.3.5 The Council wishes to reserve the following powers in addition to those, which are mandatory to reserve:

8.3.6 Determination of the Standing orders of Council.

8.3.7 Determination of the political structures of the Council.

8.3.8 Bestowing civic honors, including aldermanship and the naming of public streets, places and Municipal buildings after persons.

8.3.9 Determination of a rating system for levying property rates on immovable property.

8.3.10 Delegating powers to the Mayor.

8.3.11 Delegating powers to the Portfolio Committees, i.e. Section 79 of the Municipal Structures Act.

8.3.12 Delegating additional powers to Portfolio Committees subject to applicable legislation.

8.3.13 Delegating powers to the ward committees.

8.3.14 Delegating powers to Council committees or elected office bearers.

8.3.15 Determining the terms of reference of the Council committees.

8.3.16 Appointing chairpersons and members to Council committees.

8.3.17 Delegating powers to the Municipal Manager or any of the other officials.

PART C

9. STATUTORY POWERS, DUTIES AND RIGHTS OF OFFICE BEARERS

9.1 MAYOR

The Mayor has extensive statutory powers and duties. The most important sources thereof are the "Structures Act", the "Systems Act" and the "MFMA".

These statutory powers are contained in the following legislation:

- The Municipal Structures Act
- The Municipal Systems Act
- MFMA
- Supply Chain Management Regulations
- Municipal Performance Regulations for Municipal Managers
- Municipal Planning and Performance Management Regulations

THE "STRUCTURES ACT"

Functions and powers of Mayors [Section 49]

(1) The mayor of a municipality:

- (a) presides at meetings of the executive committee: and
- (b) performs the duties, including any ceremonial functions, and exercises the powers delegated to the mayor by the municipal council or the executive 5 committee.

(2) The deputy mayor exercises the powers and performs the duties of the mayor if the mayor is absent or not available or if the office of the mayor is vacant. The mayor may delegate duties to the deputy mayor.

THE "SYSTEMS ACT"

Management of drafting process for the integrated development plan [Section 30]

- (a) Manages the drafting of the municipality's integrated development plan.
- (b) Assigns responsibilities in this regard to the Municipal Manager.
- (c) Submits the draft plan to the municipal council for adoption by the council.

Development of performance management system [Section 39]

- (a) Manages the development of the municipality's performance management system.
- (b) Assigns responsibilities in this regard to the Municipal Manager, and
- (c) Submits the proposed system to the municipal council for adoption.

THE "MUNICIPAL FINANCE MANAGEMENT ACT"

Annual budgets [Section 16(2)]

Must table the annual budget at a council meeting at least 90 days before the start of the budget year in order for council to approve for each financial year an annual budget before the start of that financial year.

Budget preparation process [Section 21]

- (1)
 - (a) Must co-ordinate the processes for preparing the annual budget and for reviewing the municipality's integrated development plan and budget-related policies to ensure that the tabled budget and any revisions of the integrated development plan and budget-related policies are mutually consistent and credible.
 - (b) Must, at least 10 months before the start of the budget year, table in the municipal council a time schedule outlining key deadlines for—
 - (i) the preparation, tabling and approval of the annual budget;
 - (ii) the annual review of—
 - (aa) the IDP in terms of section 34 of the Municipal Systems Act; and
 - (bb) the budget-related policies;
 - (iii) the tabling and adoption of any amendments to the IDP and the budget-related policies; and
 - (iv) any consultative processes forming part of the processes referred to in subparagraphs (i), (ii) and (iii).
- (2) Must when preparing the annual budget, -
 - (a) take into account the municipality's IDP;
 - (b) take all reasonable steps to ensure that the municipality revises the IDP in terms of section 34 of the Municipal ¹³³Systems Act, taking into account

realistic revenue and expenditure projections for future years;

(c) take into account the national budget, the relevant provincial budget, the national government's fiscal and macro-economic policy, the annual Division of Revenue Act and any agreements reached in the Budget Forum;

(d) consult-

(i) the relevant district municipality and all other local municipalities within the area of the district municipality;

(iii) the relevant provincial treasury, and when requested, the National Treasury; and

(iv) any national or provincial organs of state, as may be prescribed; and

(e) provide, on request, any information relating to the budget—

(i) to the National Treasury; and

(ii) subject to any limitations that may be prescribed, to—

(aa) the national departments responsible for water, sanitation, electricity and any other service as may be prescribed;

(bb) any other national and provincial organ of state, as may be prescribed; and

(cc) another municipality affected by the budget.

Municipal adjustments budgets [Section 28(4)]

May table an adjustments budget in the municipal council within any prescribed limitations as to timing or frequency.

Unforeseen and unavoidable expenditure [Section 29]

- (1) May in emergency or other exceptional circumstances authorise unforeseeable and unavoidable expenditure for which no provision was made in an approved budget.
- (2) Must report any such expenditure to the council at its next meeting and must appropriate such expenditure in an adjustments budget.

Short-term debt [Section 45(2)(a)]

Must sign a resolution of the council to incur short-term debt, and which signifies that council has approved the debt agreement.

Long-term debt [Section 46(2)(a)]

Must sign a resolution of the council to incur long-term debt, and which signifies that council has approved the debt agreement.

General responsibilities [Section 52]

- (a) Must provide general political guidance over the fiscal and financial affairs of the municipality.
- (b) May in providing such general political guidance, monitor and, to the extent provided in the Act, oversee the exercise of responsibilities assigned in terms of the Act to the Accounting Officer and the Chief Financial Officer, but may not interfere in the exercise of those responsibilities.
- (c) Must take all reasonable steps to ensure that the municipality performs its constitutional and statutory functions within the limits of the municipality's approved budget.
- (d) Must, within 30 days of the end of each quarter, submit a report to the council on the implementation of the budget and the financial state of affairs of the municipality.
- (e) Must exercise the other powers and perform the other duties assigned to the mayor in terms of this Act or delegated by the council to the mayor.

Budget processes and related matters [Section 53]

- (1) (a) Must provide general political guidance over the budget process and the priorities that must guide the preparation of a budget.
- (b) Must co-ordinate the annual revision of the IDP and the preparation of the annual budget, and determine how the IDP is to be taken into account or revised for the purposes of the budget; and
- (c) Must take all reasonable steps to ensure—

- (i) that the municipality approves its annual budget before the start of the budget year;
 - (ii) that the municipality's service delivery and budget implementation plan is approved by the mayor within 28 days after the approval of the budget;
 - and
 - (iii) that the annual performance agreements as required in terms of section 57(1)(b) of the Municipal Systems Act for the municipal manager and all senior managers-
 - (aa) comply with this Act in order to promote sound financial management;
 - (bb) are linked to the measurable performance objectives approved with the budget and to the service delivery and budget implementation plan; and
 - (cc) are concluded in accordance with section 57 (2) of the Systems Act.
- (2) Must promptly report to the municipal council and the MEC for finance any delay in the tabling of an annual budget, the approval of the service delivery and budget implementation plan or the signing of the annual performance agreements.
 - (3) (a) Must ensure that the revenue and expenditure projections for each month and the service delivery targets and performance indicators for each quarter, as set out in the service delivery and budget implementation plan, are made public no later than 14 days after the approval of the service delivery and budget implementation plan.
 - (4) (b) Must ensure that the performance agreements of the Municipal Manager, senior managers and any other categories of officials as may be prescribed, are made public no later than 14 days after the approval of the municipality's service delivery and budget implementation plan. Copies of such performance agreements must be submitted to the council and the MEC for local government in the province.

Budgetary control and early identification of financial problems [Section 54]

- (1) Must, on receipt of a statement or report submitted by the Accounting Officer in terms of section 71 or 72-
 - (a) consider the statement or report;
 - (b) check whether the municipality's approved budget is implemented in accordance with the service delivery and budget implementation plan;
 - (c) consider and, if necessary, make any revisions to the service delivery and budget implementation plan, provided that revisions to the service delivery targets and performance indicators in the plan may only be made with the approval of the council following approval of an adjustments budget;
 - (d) issue any appropriate instructions to the Accounting Officer to ensure-
 - i) that the budget is implemented in accordance with the service delivery and budget implementation plan; and
 - ii) that spending of funds and revenue collection proceed in accordance with the budget;
 - (e) identify any financial problems facing the municipality, including any emerging or impending financial problems; and
 - (f) in the case of a section 72 report, submit the report to the council by 25 January of each year.
- (2) Must, if the municipality faces any serious financial problems-
 - (a) promptly respond to and initiate any remedial or corrective steps proposed by the accounting officer to deal with such problems, which may include—
 - (i) steps to reduce spending when revenue is anticipated to be less than projected in the municipality's approved budget;
 - (ii) the tabling of an adjustments budget; or
 - (iii) steps in terms of Chapter 13; and
 - (b) alert the council and the MEC for local government in the province to those problems.

- (3) Must ensure that any revisions of the service delivery and budget implementation plan are made public promptly.

Report to provincial executive if conditions for provincial intervention exist [Section 55]

If a municipality has not approved an annual budget by the first day of the budget year or if the municipality encounters a serious financial problem referred to in section 136, the mayor-

- (a) must immediately report the matter to the MEC for local government in the province; and
- (b) may recommend to the MEC an appropriate provincial intervention in terms of section 139 of the Constitution.

Exercise of rights and powers over municipal entities [Section 56]

- (1) Where the municipality has sole or shared control over a municipal entity, the mayor must guide the municipality in exercising its rights and powers over the municipal entity in a way-
- (a) that would reasonably ensure that the municipal entity complies with this Act and at all times remains accountable to the municipality; and
- (b) that would not impede the entity from performing its operational responsibilities.
- (2) In guiding the municipality in the exercise of its rights and powers over a municipal entity in accordance with subsection (1), the mayor may monitor the operational functions of the entity, but may not interfere in the performance of those functions.

Delegations of mayoral powers and duties [Section 59]

- (1) The mayor may delegate any of the powers and duties assigned to the mayor in terms of this Act to another member of the municipality's mayoral committee in terms of section 60 of the Structures Act. Such a delegation must be in writing; is subject to any limitations or conditions that the executive mayor may impose; and

does not divest the mayor of the responsibility concerning the exercise of the delegated power or the performance of the delegated duty.

- (2) May confirm, vary or revoke any decision taken in consequence of a delegation in terms of this section, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

Budgets of Municipal Entities [Section 87]

- (3) The mayor of the parent municipality must table the proposed budget of the municipal entity in the council when the annual budget of the municipality for the relevant year is tabled.
- (6) The board of directors of a municipal entity may, with the approval of the mayor, revise the budget of the municipal entity, but only for the following reasons:
- (a) to adjust the revenue and expenditure estimates downwards if there is material under-collection of revenue during the current year;
 - (b) to authorise expenditure of any additional allocations to the municipal entity from its parent municipality;
 - (c) to authorise, within a prescribed framework, any unforeseeable and unavoidable expenditure approved by the mayor of the parent municipality;
 - (d) to authorise any other expenditure within a prescribed framework.
- (9) The mayor must table the budget or adjusted budget and any adjustments budget of a municipal entity as approved by its board of directors, at the next council meeting of the municipality.

Irregular or fruitless and wasteful expenditure of Municipal Entities [Section 102]

- (1) On discovery of any irregular expenditure or any fruitless and wasteful expenditure, the board of directors of a municipal entity must promptly report, in writing, to the mayor and municipal manager of the entity's parent municipality and the Auditor-General –
- (a) particulars of the expenditure; and
 - (b) any steps that have been taken –
 - (i) to recover the expenditure; and
 - (ii) to prevent a recurrence of the expenditure.

Submission and tabling of annual reports [Section 127]

- (2) Must, within seven months after the end of a financial year, table in the municipal council the annual report of the municipality and of any municipal entity under the municipality's sole or shared control.
- (3) Must, if for whatever reason, the annual report is not tabled, within seven months after the end of the financial year -
 - (a) promptly submit to the council a written explanation referred to in section 133(1)(a) setting out the reasons for the delay, together with any components of the annual report listed in section 121(3) or (4) that are ready; and
 - (b) submit to the council the outstanding annual report or the outstanding components of the annual report as soon as may be possible.

Issues raised by Auditor-General in audit reports [Section 131(1)]

- Must ensure that the municipality addresses any issues raised by the Auditor-General in an audit report.
- Consequences of non-compliance with certain provisions [Section 133(1)(a)]
- Must, if the accounting officer fails to submit financial statements to the Auditor-General, or if the mayor himself or herself fails to table the annual report, promptly table in the council a written explanation setting out the reasons for the failure.

MUNICIPAL PERFORMANCE REGULATIONS FOR MUNICIPAL MANAGERS

The regulations confer various powers on the Mayor in relation to the Municipal Manager; see the definition of employer -

"employer" means the municipality employing a person as a Municipal Manager or as a manager directly accountable to a Municipal Manager and as represented by the Mayor, Executive Mayor or Municipal Manager as the case may be;

These powers relate inter alia to-

- A written employment contract for a Municipal Manager;
- A written performance agreement for a Municipal Manager;
- Conditions of service;

- Performance bonus;
- Performance management system

9.2 THE SPEAKER

The functions of the Speaker are enumerated in Section 37 of the Municipal Structures Act and they are:

- (i) Presiding at meetings of the Council;
- (ii) Performs the duties and exercise the powers delegated to the Speaker in terms of section 32 of the Act;
- (iii) Ensuring that the Council meets at least quarterly;
- (iv) Maintaining order during meetings;
- (v) Ensuring compliance in the Council and Council committees with the Code of Conduct as set out in Schedule 5 of the Act;
- (vi) Ensuring that the Council meetings are conducted in accordance with the rules and orders of the Council.

Acting in terms of section 59 of the Systems Act, Council hereby delegates the following powers, functions and duties to the Speaker including the power to sub delegate any of his or her delegated powers, functions, and duties:

1. LEGAL

- (1) To obtain a legal opinion, including opinion from Senior Counsel, on any matter related to his or her powers, duties and functions in respect of the following:
 - (a) Disciplinary investigations in terms of the Codes of Conduct relating to Councillors and Municipal Staff Members;
 - (b) Rules of meetings of political structure and meeting procedure;
 - (c) Appeals Committee; and

- (c) Political office bearers and political structures of council.
- (2) To provide legal representation, in terms of section 109 of the Systems Act, for the Mayor where –
 - (a) legal proceedings have been instituted against the Mayor as a result of any act or omission by the Mayor in the exercise of his or her powers or the performance of his or her duties; or
 - (b) The Mayor has been summoned to attend any inquest or inquiry arising from the exercise of his or her powers or the performance of his or her duties.

2. POLITICAL OVERSIGHT

- (1) To monitor and report to Council on the functioning of the Section 79 Committees.

3. FINANCE

- (1) To incur expenditure necessary for the performance of the functions in the office of the Speaker within budget. This is done through the office of the Municipal Manager.
- (2) To recover unauthorised, irregular, fruitless or wasteful expenditure from political office bearers subject to recommendations from MPAC to Council and the approval of such recommendations by Council.

4. GENERAL

- (1) To provide space for the public in the Council Chamber and places where the Council and its committees meet within the financial and administrative capacity of the municipality.
- (2) To take reasonable steps to regulate public access to and public conduct at meetings of Council and its committees.
- (3) Subject to relevant legislation, to permit a councillor or an official to disclose any privileged or confidential information of the council or a committee to any unauthorised person, in terms of item 10 of the Code of Conduct for Councillors.

For the purpose of this item "privileged or confidential information" includes any information –

- (a) determined by the municipal council or a committee to be privileged or confidential;
 - (b) discussed in closed session by the council or committee;
 - (c) disclosure of which would violate a person's right to privacy; or
 - (d) declared to be privileged, confidential or secret in terms of law.
- (4) To grant leave of absence to Councillors from meetings of Council and its committees in accordance with the applicable Rules of Order.
 - (5) To determine the development needs of councillors after consultation with the party whips.
 - (6) To determine a programme of training for the development needs of councillors.
 - (7) To approve the facilitation and coordination of Councillor development and capacity building, including the negotiation with donors.
 - (8) To prepare and recommend to Council the annual calendar of meetings of Council and its committees including recommendations in regard to Council recesses.
 - (9) To approve, in consultation with the relevant chairperson, any change of meeting time and/or date of meetings and ensures that the calendar of meetings is appropriately amended.
 - (10) To recommend to the Mayor which Councillors should serve on outside bodies.
 - (11) To ensure that whips monitor whether councillors report back to constituencies as required in the preamble to the *Code of Conduct* and to quarterly report to council on compliance therewith.
 - (12) To recommend to Council the appointment of councillors to serve on section 79 and 80 committees in consultation with party whips.

- (13) To appoint an initiator to present a case against a councillor for contravention of the *Code of Conduct for Councillors* at a disciplinary hearing and to undertake any investigation in connection therewith.
- (14) To ensure that when an annual report is considered by Council the meeting is open to the public and any organs of state and that –
- (a) sufficient time is provided for the discussion of any written submissions received from a local community or organ of state;
 - (b) provision is made for any member of a community or organ of state to address Council; and
 - (c) the Auditor General or his/her representatives are invited and permitted to address Council.
- (15) To authorize forensic investigations into financial irregularities where councillors may be implicated, upon receipt of at least one written complaint to that effect.
- (16) To ensure that the Municipal Manager and managers directly accountable to the Municipal Manager declare their interests as required by item 5A of the Code of Conduct for Municipal Staff Members
- (17) To disclose in terms of Council policy the financial interests referred to in item 5A(1) of the Code of Conduct for Municipal Staff Members that may be made public.
- (18) To attend congresses, workshops and meetings which relate to the speaker's statutory and delegated powers, within the Republic of South Africa and subject to an approved budget to incur expenditure in this regard, and to report to Council.

9.3 CHIEF WHIP

Acting in terms of section 59 of the Systems Act, Council hereby delegates the following powers, duties and functions to the Chief Whip including the power to subdelegate any of his or her delegated powers, functions and duties:

- (1) To monitor the attendance of Councillors at meetings of Council and its committees.
- (2) To establish a Chief Whips Forum to compile a speakers list for meetings of Council, after consultation with other whips, in which times for speakers are allocated; to determine the order in which such speakers may be permitted to address the Council on any item which is to be debated; and to determine the items for debate and submit the list of scheduled speakers to the Speaker, the Mayor and all party whips.
- (3) To recommend to Council the appointment of Councillors to serve on its committees in consultation with party whips.
- (4) To approve the use of office and meeting space by Councillors and political parties, after consultation with the Speaker.

PART D

10. DELEGATIONS TO POLITICAL STRUCTURES

10.1 SECTION 79 COMMITTEES

Raymond Mhlaba Municipality has established the following Section 79 committees:

Municipal Public Accounts Committee

Rules Committee

Ethics Committee

Petitions and Public Participation

Women Caucus

Budget Steering Committee

10.2 SECTION 80 COMMITTEES

The terms of reference and delegations set out below are in respect of the following Section 80 Portfolio Committees

- (a) Strategic Planning and Local Economic Development
- (b) Corporate Services
- (c) Budget and Treasury
- (d) Engineering Services and Infrastructure
- (e) Community Services
- (f) Sport, Recreation, Arts and Culture.

These Committees have an important oversight role especially regarding the IDP, budgets, policies, rendering of services, strategic objectives and priorities and by-laws. Oversight entails the watchful, strategic, and structured scrutiny of the actions of the administration of the Municipality.

Accordingly, the general delegations set out below are in respect of the following Section 79 Portfolio Committees within their functional areas:

1. General

- (1) To consider and adopt its annual oversight work plan.
- (2) To develop and review by-laws and recommend same to Council.
- (3) To develop and review policy and recommend the same to the Executive Committee for submission to Council.
- (4) To make recommendations to the mayor together with the Executive Committee for submission to Council regarding the draft IDP including amendments to the IDP during the annual review thereof for consideration by Council.
- (5) To make recommendations regarding the setting or revision of tariffs, levies, taxes and duties to the mayor together with the Executive Committee for submission to Council.
- (6) To monitor the implementation of Council's IDP, budget, strategic objectives, policies and programmes in relation to their functional area, and report thereon to the Executive Committee for submission to Council.
- (7) To evaluate the impact and performance of service delivery generally within the functional area of their respective committee, and report to the Executive Committee for submission to Council.
- (8) To assist the Executive Committee to determine the best way, including partnership and other approaches, to deliver on Council's strategies, programmes and services to the maximum benefit of the municipality within the committee's functional area.
- (9) To assist the Executive Committee to identify the needs of the Municipality as far as it relates to the functional area for submission to Council.

PART E

11. MUNICIPALMANAGER

11.1 Powers and duties assigned to the Municipal Manager by legislation

Section 55 of the Local Government: Municipal Systems Act, 2000 (Act 32/2000)

- (1) As head of administration the Municipal Manager of a Municipality is, subject to the policy directions of the Municipal Council, responsible and accountable for -
- (a) The formation and development of an economical, effective, efficient, and accountable administration -
 - (i) Equipped carrying out the task of implementing the Municipality's Integrated Development Plan.
 - (ii) Operating in accordance with the Municipality's performance management system.
 - (iii) Responsive to the needs of the local community to participate in the affairs of the Municipality;
 - (b) The implementation of the Municipality's Integrated Development Plan, and the monitoring of progress with implementation of the plan;
 - (c) The management of the provision of services to the local community in a sustainable and equitable manner;
 - (d) The management, effective utilisation and training of staff;
 - (e) The maintenance of discipline of staff;
 - (f) The promotion of sound labour relations and compliance by the Municipality with applicable labour legislation;

- (g) Advising the political structures and political office bearers of the Municipality;
 - (i) Managing communications between the Municipality's administration and its political structures and political office bearers;
 - (j) Carrying out the decisions of the political structures and political office bearers of the Municipality;
 - (k) The administration and implementation of the Municipality's by-laws and other legislation;
 - (l) The exercising of any powers and the performing of any duties delegated by the Municipal Council, or sub-delegated by other delegating authorities of the Municipality, to the Municipal Manager in terms of section 59;
 - (m) Facilitating participation by the local community in the affairs of the
Municipality;
 - (n) Developing and maintaining a system whereby community satisfaction with Municipal services is assessed;
 - (o) The implementation of national and provincial legislation applicable to the Municipality; and
 - (p) The performance of any other function that may be assigned by the
Municipal Council.
- (2) As accounting officer of the Municipality the Municipal Manager is responsible and accountable for -
- (a) All income and expenditure of the Municipality;

- (b) All assets and the discharge of all liabilities of the Municipality; and
- (c) Proper and diligent compliance with the Municipal Finance Management Act.

Chapter 8 of the MFMA Act no 56/2003 (Section 60 – 79)

The Municipal Manager of a Municipality is the accounting officer of the Municipality for the purposes of the MFMA, and, as accounting officer must:-

- (a) Exercise the functions and powers assigned to accounting officers in terms of the said Act, and
- (b) Provide guidance and advice on compliance with the said Act to: -
 - (i) The political structures, political office-bearers and officials of the Municipality; and
 - (ii) Any Municipal entity under the sole or shared ownership control of the Municipality.

Fiduciary responsibilities of accounting officers – Section 61

- (1) The accounting officer of a Municipality must: -
 - (a) Act with fidelity, honesty, integrity and in the best interest of the Municipality in managing its financial affairs;
 - (b) Disclose to the Municipal Council and the Mayor all material facts which are available to the accounting officer or reasonably discoverable, and which in any way might influence the decisions or actions of the Council or the Mayor; and
 - (c) Seek, within the sphere of influence of the accounting officer, to prevent any prejudice to the financial interests of the Municipality.
- (2) An accounting officer may not: -

- (a) Act in a way that is inconsistent with the duties assigned to accounting officer in terms of the MFMA; or
- (b) Use the position and privileges of, or confidential information obtained as, accounting officer for personal gain or improperly benefit another person.

Financial management

General financial management functions – Section 62

- (1) The accounting officer of a Municipality
 - (a) Is responsible for the effective, efficient, economical and transparent use of the resources of the Municipality;
 - (b) Must keep full and proper records of the financial affairs of the Municipality in accordance with any prescribed norms and standards;
 - (c) Must ensure that the Municipality has and maintains: -
 - (i) Effective, efficient and transparent systems of financial and risk management and internal control;
 - (ii) A system of internal audit operating in accordance with any prescribed norms and standards;
 - (d) Must take all reasonable steps to prevent unauthorised, irregular and fruitless and wasteful expenditure and other losses; and
 - (e) Must take effective and appropriate disciplinary steps against any official of the Municipality who: -
 - (i) Contravenes or fails to comply with a provision of this Act;

- (ii) Commits an act which undermines the financial management and internal control system of the Municipality; or
 - (iii) Makes or permits and unauthorised, irregular or fruitfulness and wasteful expenditure.
- (2) The accounting officer of a Municipality must take all reasonable steps to ensure that the Municipality has and implements: -
- (a) Procurement and asset disposal policies which the Municipality must adopt in terms of section 166;
 - (b) A tariff policy referred to in section 74 of the Municipal Systems Act;
 - (c) A rates policy as may required in terms of any applicable national legislation;
 - (d) A credit control and debt collection policy referred to in section 96 (b) of the Municipal Systems Act; and
 - (e) A supply chain management policy which gives effect to the provisions of Part 1 of Chapter 20 of the MFMA.
- (3) The accounting officer must maintain and regularly update the Municipality's official website and promptly, not later than 5 days after its tabling, place on the website: -
- (a) The annual and adjustments budget and all budgets-related documents;
 - (b) All policies of the Municipality referred to in subsection;
 - (c) The annual report, financial statements and audit report;
 - (d) All performance agreements required in terms of section 57 (1) (b) of the Municipal Systems Act;
 - (e) All service delivery agreements and other agreements referred to in section 81;
 - (f) All long –term borrowing contracts;
 - (g) All procurement contracts above a prescribed value; and
 - (h) Any other documents that may be prescribed.

- (4) The accounting officer is responsible for and must account for all bank accounts of the Municipality, including any bank account opened for any relief, charitable or trust fund set up by the Municipality..
- (5) The accounting officer of a Municipality-
 - (a) Takes any appropriate action with regard to any loss of or shortage in fund or property belonging to or controlled by the Council involving alleged fraud, theft or negligence on the part of all staff, members of Council or any other structure of Council. This action may only be instituted pursuant to relevant recommendations submitted by the relevant Portfolio Committee.
 - (b) Approves and reviews audit plans.
 - (c) Considers any deals with external audit report and replies thereto and receive quarterly internal audit reports.
- (6) The Accounting Officer has the following further powers, duties or functions:

Municipal Bank Accounts

In terms of Sect. 10(2), the accounting officer may delegate the duties referred to in subsection 10(1)(c) to the Municipality's chief financial officer only;

Delegations

In terms of Sect. 79(1), the accounting officer of a Municipality, must-

- (a) For the proper application of the MFMA, in the Municipality's administration, develop an appropriate system of delegation that will both maximise administrative and operational efficiency and provide adequate checks and balances in the Municipality's financial administration;
- (b) May, in accordance with that system of delegations, delegate to a member of the Municipality's top management referred to in Sect. 77 or any other official of the Municipality:

- (i) Any of the powers or duties assigned to an accounting officer in terms of the MFMA;
or
- (ii) Any powers or duties reasonably necessary to assist the accounting officer in complying with a duty which requires the accounting officer to take reasonable or appropriate steps to ensure the achievement of the aims of a specific provision of the MFMA; and
- (c) Must regularly review delegations issued in terms of paragraph (b) and, if necessary, amend or withdraw any of those delegations.

In terms of Sect. 79(2), the accounting officer may not delegate to any political structure or political office bearer of the Municipality any of the powers or duties assigned to accounting officers in terms of the MFMA.

Asset and liability management Section 63 of MFMA

- (1) The accounting officer of a Municipality is responsible for the management of: -
 - (a) The assets of the Municipality, including the safeguarding and the maintenance of those assets; and
 - (b) The liabilities of the Municipality.
- (2) The accounting officer must for the purposes of subsection (1): -
 - (a) Ensure that the Municipality maintains a management, accounting and information system that accounts for the assets and liabilities of the Municipality;
 - (b) Cause the Municipality's assets and liabilities to be valued in accordance with standards of generally recognised accounting practice; and
 - (c) Establish and maintain a system of internal control of assets and liabilities, including an asset and liabilities register, as may be prescribed.

Revenue management Section 64

- (1) The accounting officer of a Municipality is responsible for the management of the revenue of the Municipality.
- (2) The accounting officer must for the purposes of subsection (1): -
 - (a) Ensure that the Municipality has proper revenue collection systems consistent with section 95 of the Municipal Systems Act and the Municipality's credit control and debt collection policy;
 - (b) On a monthly basis calculate revenue due to the Municipality;
 - (c) Ensure that accounts for Municipal tax, and charges for Municipal services are prepared on a monthly basis, or less often as may be prescribed where monthly accounts are uneconomical;
 - (d) Ensure that all money received is promptly deposited in accordance with this Act into the Municipality's primary and other banks accounts;
 - (e) Establish and maintain a management, accounting and information system which:
 - (i) Recognises revenue when it is earned;
 - (ii) Accounts for debtors; and
 - (iii) Accounts for receipts of revenue;
 - (f) Establish and maintain a system of internal control in respect of debtors and revenue as may be prescribed;
 - (g) Charge interest on arrears, except where the Council has granted exemptions in accordance with its budget-related policies and within a prescribed framework; and
 - (h) Ensure that all revenue received by the Municipality, including revenue received by any collecting agent on its behalf, is reconciled as least on weekly basis.
- (3) The accounting officer must immediately inform the National Treasury of any payments due by an organ of state to the Municipality in respect of Municipal tax or

for Municipal services, if such payments are regularly in arrears for periods of more than 30 days.

- (4) The accounting officer must ensure
 - (a) That any funds collected by the Municipality on behalf of another organ of state is transferred to that organ of state at least on a weekly basis; and
 - (b) Those funds are not used for other purposes.

Expenditure management Section 65

- (1) The accounting office of a Municipality is responsible for the management of the expenditure of the Municipality.
- (2) The accounting officer must for the purpose of subsection (1): -
 - (a) Ensure that the Municipality has and maintains a proper system of expenditure control, including procedures for the approval, authorisation, withdrawal and payment of funds.
 - (b) Ensure that the Municipality has and maintains a management, accounting and information system which: -
 - (i) Recognises expenditure when it is incurred;
 - (ii) Accounts for creditors of the Municipality; and
 - (iii) Accounts for payments made by the Municipality;
 - (c) Ensure that the Municipality has and maintains a system of internal control in respect of creditors and payments;
 - (d) Ensure that payments are made: -
 - (i) Directly to the person to whom it is due unless agreed otherwise or for good reason; and
 - (ii) Either electronically or by way of non-transferable cheques, provided that cash payments and payments by way of cash cheques may be made for exceptional reasons only, and only up to a prescribed;

- (d) Pay all money owing within 30 days of receiving the relevant invoice, unless where prescribed otherwise;
- (e) Comply with tax, levy, duty, pension, and other commitments of the Municipality as required by legislation;
- (f) Manage available working capital effectively and economically in terms of the prescribed cash management and investment framework;
- (g) Implement the Municipality's procurement and asset disposal policies referred to in section 165 in a way that is fair, equitable, transparent, competitive and cost effective; and
- (h) Ensure that all accounts of the Municipality are closed at the end of each month and reconciled with its records;

Expenditure on staff benefits Section 66

- (1) The accounting officer of a Municipality must: -

In a format and at intervals as may be prescribed, report to the Council on all expenditure incurred by the Municipality on staff salaries, wages, allowances and benefits, and in a manner that discloses such expenditure per type of expenditure namely: -

- (a) Salaries and wages
- (b) Contributions for pensioners and medical aid;
- (c) Travel, motor car, accommodation, subsistence and other allowances
- (d) Housing benefits and allowances
- (e) Overtime payments;
- (f) Loans and advances; and
- (g) Any other type of benefit or allowance related to staff; and

- (2) Disclose such expenditure in the Municipality's annual report in a prescribed format.

Budget preparation – Section 68

- (1) The accounting officer of a Municipality must: -

- (a) Assist the Mayor in performing the budgetary functions assigned to the Mayor in terms of Charter 4; and
 - (i) Provide the Mayor with the administrative support, resources and information necessary for the performance of those functions.

Budget implementation Section 69

- (1) The accounting officer of a Municipality is responsible for implementing the Municipality's approved budget, including taking all effective and appropriate steps to ensure that: -
 - (a) The spending of funds is in accordance with the budget and is reduced as necessary when revenue is anticipated to be less than projected in the budget or in the budget and service delivery implementation plan; and
 - (b) Revenue and expenditure are properly monitored.
- (2) When necessary, the accounting officer must prepare an adjusted budget and submit it to the Mayor for consideration and tabling in the Municipal Council.
- (3) The accounting officer must no later than 14 days after the approval of an annual budget submit to the Mayor: -
 - (a) A draft budget and service delivery implementation plan for the budget year; and
 - (b) Drafts of the annual performance agreements as are required in terms of section 57 (1) (b) of the Municipal Systems Act for the Municipal Manager and all managers directly responsible to the Municipal Manager.

Impending shortfalls, overspending and overdrafts Section 70

- (1) The accounting officer of a Municipality must report in writing to the Municipal Council: -
 - (a) Any impending: -

- (b) Shortfalls in budgeted revenue; and
 - (i) Overspending of the Municipality's budget; and
 - (ii) Any steps taken to rectify such shortfalls or overspending.
- (2) If the consolidated balance in a Municipality' bank accounts shows a net overdrawn position for a period exceeding a prescribed period, the accounting officer of the Municipality must promptly notify the National Treasury in the prescribed format of: -
- (a) The amount by which the account or accounts is overdrawn;
 - (b) The reasons for the overdrawn account or accounts; and
 - (c) The steps taken or to be taken to correct the matter.

Monthly budgets statements Section 71

- (1) The accounting officer of a Municipality must by no later than seven working days after the end of each month submit to the Mayor of the Municipality and the National Treasury a report in the prescribed format on the state of the Municipality' budget during that month and during the financial year up to the end of that month reflecting: -
- (a) The actual revenue, per revenue source; (b) Actual borrowings;
 - (c) The actual expenditure, per vote;
 - (d) The actual capital expenditure, per vote;
 - (e) The amount of any transfers received, from national organs of state in terms of the annual Division of Revenue Act, and from Provincial organs if state and other Municipalities;
 - (f) The actual expenditure on those transfers, excluding expenditure on its share of the Local Government equitable share and on transfers which the annual Division of Revenue Act exempts from this section;
 - (g) When necessary, an explanation of: -

- (i) Any material variances from the Municipality's projected revenue by source, and from the Municipality's expenditure projections per vote; and
 - (ii) Any remedial or corrective steps taken or to be taken to ensure that projected revenue and expenditure remain within the Municipality's approved budget.
- (2) The amounts reflected in the statement must in each case be compared with the corresponding amounts budgeted for in the Municipality's approved budget.
 - (3) The statement to the National Treasury referred to in subsection (1) may be in electronic format.
 - (4) The accounting officer of a Municipality which has received transfer referred to in subsection (1) (e) during any particular month must, by no later than seven working days after the end of that month, submit that part of the statement reflecting the particulars referred to subsection (1) (e) and (f) to the National or Provincial organ of State or Municipality which made the transfer.

Reports on failure to adopt implement budget-related and other policies Section 73

- (1) The accounting officer must inform the MEC for Local Government in the Province and National Treasury, in writing, have: -
 - (a) Any failure by the Council of the Municipality to adopt or implement a budget related policy or a procurement or asset disposal policy referred to in section 111;
 - Or
 - (b) Any non-compliance by political structures or office-bearers of the Municipality with any such policy.

General reporting obligation Section 74

- (1) The accounting officer of a Municipality must submit to the National Treasury, the MEC for Local Government in the Province or the A Auditor- General such information, returns, documents, explanations and motivations as may be

prescribed or as the National Treasury, that MEC or the Auditor General may require.

Acting in terms of section 59(4) of the Systems Act, Council hereby authorises the Municipal Manager to delegate and sub-delegate any of his/her statutory powers, functions, and duties to staff members unless the context indicates otherwise.

11.2 General powers delegated to the Municipal Manager

- (a) To execute any power contemplated in the relevant conditions of service as applicable to the various employees of the Municipality.
- (b) To take any action necessary to ensure that a Council resolution is executed.
- (c) To sign any documents on behalf of the Municipality in accordance with Municipal policy.
- (d) To revoke an official's (excluding the Municipal Manager and directors) suspension at any time.
- (e) To authorise the payment of an acting allowance for officials directly accountable to the Municipal Manager.
- (f) To authorise the payment of medical or funeral expenses arising from an injury on duty.
- (g) To allocate office accommodation to the various Municipal departments.
- (h) To authorise all reports from the various Departments to committees of the Council.
- (i) To appoint and dismiss all staff.
- (j) To withdraw any power delegated to a manager directly reporting to the Municipal Manager.
- (k) Approve of acting in higher/other positions for directors in a temporary capacity.
- (l) To approve of time-off for trade union activities not catered for in the facilities agreement.

- (m) To accept notice of resignation in cases where less than the prescribed notice period has been given.
- (n) To accept the retraction of resignations.
- (o) To authorise retirement on the grounds of ill health.
- (p) To approve the encashment of leave.
- (q) To authorise forensic and ethics investigations in relation to any alleged fraud, corruption or other criminal activity, maladministration and/or negligence on the part of any employee, any municipal entity, agent, contractor, supplier or service provider to the municipality.
- (r) To grant authority for officials to travel inside the boundaries of South Africa for Council related activities.

ANNEXURES

FINANCIAL DELEGATION REGISTER

Section of Power/duty conferred		Applicable conditions	DELEGATIONS	
MFMA			FROM	TO
	Deciding to open a bank account for the Municipality. Deciding at which bank/banks to open a bank account.	Section 62(2) of the MFMA Subject to section 8(2) of the MFMA	Council	Accounting Officer
7(1)	Deciding to close a bank account. Determining into which bank account money collected or received by the Municipality must be deposited.	Section 10(1)(B) of the MFMA See section 48(2)(d) of the MFMA	Council	Accounting Officer Accounting Officer
8(1)	Designating a bank account of the Municipality as the Municipality's primary bank account.	Section 62(2) of the MFMA	Council	Accounting Officer
8(3)	Determining the reasonable steps to be taken to ensure that the prescribed money received is paid into the Municipality's primary bank account.	Section 62(2) of the MFMA	Council	Accounting Officer
8(4)	Entering into an agreement with other parent municipalities of a municipal entity of which the Municipality is a parent municipality, as to which Municipality's primary bank account to use for the purpose of receiving allocations from organs of state to the municipal entity concerned.		Council	N/A
12(2)	Deciding to open a separate bank account in the name of the Municipality for the purpose of a relief, charitable, trust or other fund. Establishing an appropriate and effective cash management and investment policy for the Municipality.	Section 12(1) of the MFMA NOTE: In terms of section 60(2) of the Municipal Systems Act 2000 the Council may only delegate to the Executive Mayor or The Chief Financial Officer the authority to make decisions to make investments on behalf of the Municipality	Council Council	Accounting Officer
13(2)	Deciding to transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a capital asset.	On condition that the asset concerned is not needed to provide the minimum level of basic municipal services and the Council considered the fair market value of the asset concerned	Council	N/A
14(2)	Deciding, at a meeting open to the public and on reasonable grounds, that an asset of the Municipality is not needed to provide the minimum level of basic municipal services.	Only in respect of movable capital assets below a value determined by the Council	Council	N/A
14(2)(a)	Considering the fair market value of an asset to be disposed of and the economic and community value to be received in exchange for an asset to be disposed of	Only in respect of movable capital assets below a value determined by the Council	Council	N/A
14(2)(b)			Council	Accounting Officer

14(4)	<p>Determining the value of movable assets in respect of which the Municipal Manager may determine – (a) whether an asset to be disposed of is not needed to provide the minimum level of basic municipal services; and (b) determining the fair market value of such asset and the economic and community value to be received in exchange for the asset</p>	<p>A municipal council may delegate to the accounting officer of the municipality its power to make the determinations referred to in subsection (2)(a) and (b) in respect of movable capital assets below a value determined by the council.</p>	Council	Accounting Officer
16(1)	<p>Approval of an annual budget</p>	<p>NOTE: 1. In terms of section 160(2)(b), read with section 160(3)(b) of the Constitution a budget must be approved by a decision taken by the Council with a supporting vote of a majority of its members. 2. Approval of the budget must be considered on or before 1 June each year in terms of section 24(1) of the MFMA. 3. In terms of section 30(5) of the Local Government: Municipal Structures Act 1998 (Act No 117 of 1998) the Council may only after it received and considered the report and recommendations of the Executive Mayor regarding the annual budget, approve the budget 4. See section 25(1) of the MFMA</p>	Council	Accounting Officer N/A
16(3)	<p>Deciding whether money for capital expenditure for a period not exceeding three financial years may be appropriated in an annual budget</p>	<p>A separate appropriation must be made for each of financial year</p>	Council	N/A
19(1)(b)	<p>Approving a capital project, including its total cost</p>		Council	Mayor & Accounting Officer N/A
19(1)(d)	<p>Considering the sources of funding of a capital project</p>		Council	N/A

19(2)	Considering, in respect of a capital project, the projected cost covering all financial years until the project is operational and the future operational costs and revenue on the project, including municipal tax and tariff implications.		Council	N/A
19(3)	Deciding to approve capital projects below the prescribed value individually or as part of a consolidated capital programme		Council	N/A
23(1)	Receiving and considering the views of the communities and organs of state received in connection with the budget		Council	N/A
23(2)	Deciding to give the Mayor an opportunity to respond to any submissions received in connection with the budget from communities and organs of state		Council	N/A
28(1)	Deciding to revise an approved budget by way of an adjustments budget		Council	N/A
	Deciding to recover unauthorised, irregular or fruitless and wasteful expenditure from the person liable for that expenditure	Except, in the case of – 1. unauthorised expenditure, if the amount of the expenditure is authorised in an adjustments budget; or 2. is certified by the Council, after investigation by a Council committee, as irrecoverable and written off by the Council; and 3. irregular or fruitless and wasteful expenditure is, after investigation by a Council committee, certified by the Council as irrecoverable and written off by the Council	Council	Mayor & Executive committee
32(2)	Determining the amount of unauthorised, irregular or fruitless and wasteful expenditure to be recovered, written off or provided for in an adjustments budget		Council	N/A
32(2)	Identifying the identity of the person who is liable for unauthorised, irregular or fruitless and wasteful expenditure		Council	N/A
32(2)	Appointing a committee to investigate any suspected or reported unauthorised, irregular	section 62(1)(e)	Council	Accounting Officer
		NOTE:	Council	

<p>or fruitless and wasteful expenditure</p>	<p>In terms of the judgements of the Courts in the cases of <u>The Democratic Alliance and another v Amos Masondo and another (WLD)</u> (Case No 01/9260) (2001) and <u>Democratic Alliance and Another v Amos Masondo N O and the Minister of Provincial and Local Government (CC)</u> (Case No CCT 29/02) a mayoral committee was found not to be a committee of a municipal council. The Council may therefore not appoint the Mayoral Committee to perform such an investigation</p>	<p>Council</p> <p>Council</p> <p>Council</p> <p>Council</p> <p>Council</p> <p>Council</p> <p>Council</p> <p>Council</p> <p>Council</p> <p>Council</p> <p>Council</p>	<p>Council Committee</p> <p>Council Committee</p> <p>Council Committee</p> <p>Municipal Council</p> <p>Municipal Council</p> <p>National & provincial governments</p> <p>Provincial government</p> <p>Mayor, Accounting Officer & CFO</p> <p>Mayor, Accounting Officer & CFO</p> <p>Mayor, Accounting Officer & CFO</p> <p>Mayor and Accounting Officer</p>
<p>32(2)</p>	<p>Determining whether an alleged irregular expenditure incurred by the Municipal Manager constitutes a criminal offence</p> <p>Determining whether the Municipal Manager allegedly committed an act of theft and fraud</p>	<p>Council</p> <p>Council</p>	<p>Council Committee</p> <p>Council Committee</p>
<p>32(7)</p>	<p>Reporting alleged irregular expenditure incurred by the Municipal Manager that constitutes a criminal offence and alleged theft and fraud perpetrated by the Municipal Manager to the SAPS</p>	<p>Council</p>	<p>Municipal Council</p>
<p>33(1)</p>	<p>Deciding to enter into a contract which will impose financial obligations on the municipality beyond a financial year</p>	<p>Council</p>	<p>Municipal Council</p>
<p>34(1)</p>	<p>Entering into an agreement with the national or provincial government to assist the Municipality to build its capacity for efficient, effective and transparent financial management</p>	<p>Council</p>	<p>Municipal Council</p>
<p>34(3)(a)</p>	<p>Considering the results of the provincial government's monitoring of the Municipality</p>	<p>Council</p>	<p>National & provincial governments</p>
<p>34(3)(b)</p>	<p>Considering a notification of the provincial government of any emerging or impending financial problems in the Municipality</p>	<p>Council</p>	<p>Provincial government</p>
<p>37(1)(a)</p>	<p>Determining the steps the Municipality must take to promote co-operative government with the national and provincial spheres of government and other municipalities in the Municipality's fiscal and financial relations</p>	<p>Council</p>	<p>Mayor, Accounting Officer & CFO</p>
<p>38(2)</p>	<p>Considering a notice received from the National Treasury of its intention to stop the transfer of funds to the Municipality</p> <p>Determining the deputation that will appear before a committee of Parliament considering the approval or renewal of a decision of the National Treasury to stop the transfer of funds to the Municipality</p>	<p>Council</p> <p>Council</p>	<p>Mayor, Accounting Officer & CFO</p> <p>Mayor, Accounting Officer & CFO</p>

39(3)	<p>Determining the case that will be presented to a committee of Parliament considering the approval or renewal of a decision of the National Treasury to stop the transfer of funds to the Municipality</p> <p>Deciding whether to incur short term debt</p>		Council	Mayor and Accounting Officer
		<p>1. In terms of section 160(2) of the Constitution the Council may not delegate the raising of loans</p>	Council	
		<p>2. A decision to raise a loan must be taken by the Council with a supporting vote of a majority of its members in terms of section 160(3)(b) of the Constitution</p>	Council	N/A
		<p>3. In terms of section 30(5) of the Local Government: Municipal Structures Act 1998 (Act No 117 of 1998) the Council may only after it received and considered the report and recommendations of the Executive Mayor regarding a loan, approve the raising of a loan</p>	Council	N/A
45(1)			Council	
45(2)(a)	<p>Approving any short term debt agreement</p> <p>Deciding whether to incur long term debt</p>	<p>1. In terms of section 160(2) of the Constitution the Council may not delegate the raising of loans</p>	Council	N/A

		<p>2. A decision to raise a loan must be taken by the Council with a supporting vote of a majority of its members in terms of section 160(3)(b) of the Constitution</p>	<p>Council Council</p>	<p>N/A</p>
<p>46(1) 46(2)(a)</p>	<p>Approving any long term debt agreement Deciding whether to provide security for any of the Municipality's debt obligations, debt obligations of a municipal entity under its sole control and contractual obligations of the Municipality undertaken in connection with capital expenditure by other persons on property, plant or equipment to be used by the Municipality or such other person</p>	<p>3. In terms of section 30(5) of the Local Government: Municipal Structures Act 1998 (Act No 117 of 1998) the Council may only after it received and considered the report and recommendations of the Executive Mayor regarding a loan, approve the raising of a loan</p>	<p>Council Council Council</p>	<p>N/A N/A</p>
<p>48(1)</p>	<p>Deciding the form/nature of security to be provided for any of the Municipality's debt obligations, debt obligations of a municipal entity under its sole control and contractual obligations of the Municipality undertaken in connection with capital expenditure by other persons on property, plant or equipment to be used by the Municipality or such other person</p>		<p>Council</p>	<p>N/A</p>
<p>48(2)</p>			<p>Council</p>	<p>N/A</p>
<p>48(3)(a)</p>	<p>Deciding whether an asset or right that has been hypothecated in any manner as security is necessary for providing the minimum level of basic municipal services</p>		<p>Council</p>	<p>N/A</p>
<p>48(3)(b)</p>	<p>Deciding, if an asset or right that has been hypothecated in any manner as security is necessary for providing the minimum level of basic municipal services, the manner in which the availability of the asset or right will be protected</p>		<p>Council</p>	<p>N/A</p>
<p>50</p>	<p>Deciding to issue a guarantee for any commitment or debt of any organ of state, person or municipal entity under the sole or shared control of the Municipality</p>		<p>Council</p>	<p>N/A</p>
	<p>Deciding to grant exemptions from charging interest on any arrears owing to the Municipality in accordance with the Municipality's budget-related policies</p>	<p>Subject to any prescripts in this regard</p>	<p>Council</p>	<p>N/A</p>
<p>83(2)</p>	<p>Determining the resources or opportunities to be made available for the training of officials to meet the prescribed financial management competency levels</p>		<p>Council</p>	<p>Accounting Officer</p>

84(1a)	Determining precisely the function or service that a municipal entity would perform on behalf of the Municipality when considering the establishment of, or participation in, a municipal entity		Council	Accounting Officer
84(2)(b)(i)	Considering an assessment of the impact of the shifting of a function or service to a municipal entity on the Municipality's staff, assets and liabilities when considering the establishment of, or participation in, a municipal entity		Council	Accounting Officer
84(2)(b)(ii)	Considering the comments or representations received from the local community, organised labour and other interested persons in respect of the Municipality's intention to establish and/or participate in a municipal entity		Council	Municipal Council
84(2)(b)(iii)	Considering the views and recommendations of the National Treasury and the provincial treasury, the national and provincial departments responsible for local government and the MEC responsible for local government in respect of the Municipality's intention to establish and/or participate in a municipal entity		Council	Municipal Council
86(1)	Receiving information from a municipal entity of which the Municipality is the parent municipality regarding the entity's bank account(s)		Council	Accounting Officer
87(1)	Receiving a proposed budget for a municipal entity of which the Municipality is the parent municipality for each financial year		Council	N/A
87(2)	Considering the proposed budget of a municipal entity of which the Municipality is the parent municipality and assessing the entity's priorities and objectives Deciding to make recommendations on the proposed budget of a municipal entity of which the Municipality is the parent municipality		Council	Accounting Officer
87(5)(c)	Determining the limits, including any limits on tariffs, revenue, expenditure and borrowing, on the budget of a municipal entity of which the Municipality is the parent municipality		Council	Accounting Officer
88(b)(ii)	Receiving and considering a mid-year performance assessment report of a municipal entity of which the Municipality is the parent municipality		Council	Accounting Officer
89(a)	Determining the upper limits of the salary, allowances and other benefits of the chief executive officer and senior managers of a municipal entity of which the Municipality is the parent municipality Monitoring and ensuring that a municipal entity of which the Municipality is the parent municipality reports to the Council on all expenditure incurred by that municipal entity on directors and staff remuneration matters, and in a manner that discloses such expenditure per type of expenditure		Council	N/A
89(b)	Considering an application from a municipal entity of which the Municipality is the parent municipality to transfer ownership or otherwise dispose of a capital asset other than an asset needed to provide the minimum level of basic municipal services	The power must be exercised in a meeting which is open to the public at which the Council	Council	Accounting Officer
	(a) must determine on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal services; and		Council	N/A

	Deciding to delegate to the Municipal Manager the power to determine on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal services and the fair market value of the asset and the economic and community value to be received in exchange for the asset in respect of movable capital assets of a municipal entity of which the Municipality is the parent municipality below a value determined by the Council		Council	N/A
90(4)	Determining the value of movable capital assets of a municipal entity of which the Municipality is the parent municipality in respect of which the Municipal Manager may on reasonable grounds decide that the asset is not needed to provide the minimum level of basic municipal services and the fair market value of the asset and the economic and community value to be received in exchange for the asset		Council	N/A
	Receiving a report of the accounting officer of a municipal entity of which the Municipality is the parent municipality regarding any payments due by an organ of state to the entity in respect of service charges, if such payments are regularly in arrears for periods of more than 30 days		Council	N/A
97(3)	Considering a report of the accounting officer of a municipal entity of which the Municipality is the parent municipality regarding any payments due by an organ of state to the entity in respect of service charges, if such payments are regularly in arrears for periods of more than 30 days		Council	N/A
101(1)	Receiving a report of the accounting officer of a municipal entity of which the Municipality is the parent municipality on any financial problems of the entity		Council	Accounting Officer
	Deciding which information, returns, documents, explanations and motivations to require from the accounting officer of a municipal entity of which the Municipality is the parent municipality		Council	Accounting Officer
104(1)(b)	Deciding, when a municipal entity of which the Municipality is the parent municipality, experiences serious or persistent financial problems and the board of directors of the entity fails to act effectively – (a) the appropriate steps to be taken in terms of the Municipality's rights and powers over the entity concerned, including its rights and powers in terms of any relevant service delivery or other agreement; (b) impose a financial recovery plan, which meets the criteria set out in section 142 of the MIFMA; or (c) liquidate and disestablish the entity.		Council	N/A
109	Making and implementing a supply chain management policy for the Municipality		Council	N/A
111		Subject to the content requirements in terms of section 112(1) of the MIFMA	Council	CFO

113(1)	Deciding whether to consider an unsolicited bid received outside the Municipality's normal bidding process		Council	Accounting Officer
116(3)	Considering the reasons for the proposed amendment of a contract or agreement and any representation that may have been received regarding the proposed amendment of a contract or an agreement procured through the supply chain management policy of the Municipality and deciding whether to consent to the amendment of the contract or agreement		Council	N/A
116(3)	Considering the reasons for the proposed amendment of a contract or agreement and any representation that may have been received regarding the proposed amendment of a contract or an agreement procured through the supply chain management policy of a municipal entity of which the Municipality is a parent municipality and deciding whether to consent to the amendment of a contract or agreement		Council	N/A
119(2)	Determining the resources or opportunities to be made available for the training of officials involved in the implementation of the supply chain management policy of the Municipality to meet the prescribed competency levels		Council	CFO
120(1)	Deciding to enter into a public-private partnership agreement		Council	N/A
120(1)(a)	Determining whether a proposed public-private partnership agreement will provide value for money to the municipality		Council	N/A
120(1)(b)	Determining whether a proposed public-private partnership agreement will be affordable for the Municipality		Council	N/A
120(1)(c)	Determining whether a proposed public-private partnership agreement will transfer appropriate technical, operational and financial risk to the private party		Council	N/A
120(4)	Deciding to conduct a feasibility study before a public-private partnership is concluded		Council	Accounting Officer
120(5)	Determining whether to apply for the national government's assistance in carrying out and assessing a feasibility study regarding a proposed public-private partnership		Council	N/A
121(1)	Preparing an annual report for the Municipality		Council	Accounting Officer
121(4)(f)	Determining any additional information to be contained in the annual report of a municipal entity of which the Municipality is a parent municipality		Council	Accounting Officer
126(2)(a)	Receiving the financial statements of municipal entity over which the Municipality has sole control or effective control (if it is a private company)		Council	Accounting Officer
126(4)	Receiving a report outlining the reasons for the delay from the Auditor-General if she/he is unable to complete an audit within three months after submission of the Municipality's annual financial statements and any consolidated annual financial statements of the Municipality and of a municipal entity over which the Municipality has sole control or effective control (if it is a private company)		Council	N/A
129(1)	Considering the annual report of the Municipality and of any municipal entity under the Municipality's sole or shared control		Council	N/A
129(1)	Adopting an oversight report containing the Council's comments on the annual report(s)		Council	N/A

129(5)	Deciding whether to adopt guidelines issued by the National Treasury on the manner in which councils should consider annual reports and conduct public hearings and the functioning and composition of any public accounts or oversight committees established by a council to assist it to consider an annual report		Council	N/A
	Deciding whether to request the Speaker or another councillor to investigate the reasons for the failure of the Municipal Manager or of the accounting officer of a municipal entity under the Municipality's sole or shared control to submit annual financial statements to the Auditor-General or the Executive Mayor's failure to table the annual report of the Municipality or a municipal entity in the Council		Council	N/A
133(c)(i)	Receiving the report of the appointed councillor regarding the failure of the Municipal Manager or of the accounting officer of a municipal entity under the Municipality's sole or shared control to submit annual financial statements to the Auditor-General or the Executive Mayor's failure to table the annual report of the Municipality or a municipal entity in the Council		Council	N/A
133(c)(ii)	Determining the appropriate steps to be taken to ensure that the financial statements are submitted to the Auditor-General or that the annual report, including the financial statements and the audit report on those statements, is tabled in the Council, as the case may be		Council	N/A
133(c)(iii)	Deciding whether disciplinary steps should be taken against the Municipal Manager or other persons responsible for the failure of the Municipal Manager or of the accounting officer of a municipal entity under the Municipality's sole or shared control to submit annual financial statements to the Auditor-General or the Executive Mayor's failure to table the annual report of the Municipality or a municipal entity in the Council		Council	N/A
135(3)	Considering whether the Municipality is, or is likely to, encounter a serious financial problems in meeting its financial commitments		Council	Mayor
	Determining the manner of seeking solutions to any serious financial problem in meeting its financial commitments experienced or anticipated by the Municipality		Council	Mayor
135(3)(a)	Defining the solutions to be implemented to solve or avoid any serious financial problem in meeting its financial commitments experienced or anticipated by the Municipality		Council	Mayor
135(3)(b)	Informing the MEC responsible for local government and the MEC responsible for finance of any serious financial problem in meeting its financial commitments experienced or anticipated by the Municipality		Council	Mayor
135(3)(c)	Notifying organised local government of any serious financial problem in meeting its financial commitments experienced or anticipated by the Municipality		Council	Mayor
137(2)	Receiving an assessment of the seriousness of the financial problem in the Municipality, the determination of the provincial executive whether the financial problem experienced by the Municipality, singly or in combination with other problems, is sufficiently serious or sustained that the Municipality would benefit from a financial recovery plan and the request to a suitably qualified person to prepare and submit a financial recovery plan for the Municipality		Council	Speaker of council

	Receiving a copy of the Municipal Financial Recovery Service's determination of the reasons for the crisis in the Municipality's financial affairs and assessment of the Municipality's financial state			
141(3)(a)	Participating in consultations with the person or body appointed to prepare a financial recovery plan or an amendment of such plan for the Municipality	Council	Speaker of council	
144(2)	Commenting on a draft financial recovery plan or an amendment to such plan for the Municipality	Council	Accounting Officer	
141(3)(c)	Receiving an approved financial recovery plan for the Municipality	Council	Accounting Officer	
144(2)	Implementing an approved financial recovery plan for the Municipality	Council	Speaker of council	
143(3)(a)	Reporting monthly to the MEC for local government on the implementation of the approved financial recovery plan for the Municipality	Council	CFO	
145(1)(a)	Receiving progress reports and a final report on any intervention from the MEC for local government or the MEC responsible for finance	Council	CFO	
146(1)(a)	Declaring the Municipality's willingness to fulfil the executive obligation in terms of legislation or the Constitution that gave rise to any discretionary intervention in the Municipality	Council	Accounting Officer	
148(1)(b)(i)	Receiving a notification that an intervention in the Municipality has ended	Council	Speaker of council	N/A
148(3)(a)	Deciding to apply to the High Court for an order to stay all legal proceedings, including the execution of legal process, by persons claiming money from the Municipality if the Municipality is unable to meet its financial commitments	Council	Speaker of council	
152(1)	Deciding to apply to the High Court for an order to stay, for a period not exceeding 90 days at a time, all legal proceedings, including the execution of legal process, by persons claiming money from the Municipality	Council	Accounting Officer	
153(1)(a)	Deciding to apply to the High Court for an order to suspend the Municipality's financial obligations to creditors, or any portion of those obligations, until the Municipality can meet those obligations	Council	Accounting Officer	
153(1)(b)	Deciding to apply to the High Court for an order to terminate the Municipality's financial obligations to creditors, and to settle claims in accordance with a distribution scheme referred to in section 155 of the MFMA	Council	Accounting Officer	
153(1)(b)	Deciding whether to establish an internal internal audit unit or to outsource the internal audit function	Council	Accounting Officer	
165(1)	Deciding whether to establish an internal audit committee for --	Council	Accounting Officer	
	(a) the Municipality only, or	Council	Accounting Officer	
	(b) the Municipality and the local municipalities within the district municipal area; or	Council	Accounting Officer	
166(1) and (6)	(c) the Municipality and any municipal entity under its sole control	Council	Accounting Officer	
166(2)	Receiving reports of the audit committee	Council	Accounting Officer	
166(2)(d)	Requesting the audit committee to investigate the financial affairs of the Municipality or a municipal entity of which the Municipality is a parent	Council	Accounting Officer	
	Determining the number of members of the audit committee	Council	N/A	
		Council	N/A	

21(1)(a)	Co-ordinating the processes of preparing the annual budget and reviewing the Municipality's integrated development plan and budget-related policies		Mayor/Comm's	Mayor
21(1)(b)	Tabling in the Council a time schedule outlining key deadlines for the preparation, tabling and approval of the annual budget, the annual review of the integrated development plan and the Municipality's budget-related policies, the tabling and adoption of any amendments to the integrated development plan and the budget-related policies and any consultative processes forming part of the processes	At least 10 months before 1 July each year	Mayor/Comm's	Mayor
21(2)(b)	Deciding the reasonable steps to be taken to review the Municipality's integrated development plan		Mayor/Comm's	Mayor
21(2)(d)	Determining the manner and timing of consultation of the local municipalities within the municipal area, the provincial treasury and such other organs of state as may be prescribed with regard to the Municipality's annual budget		Mayor/Comm's	Mayor
21(2)(e)	Providing information relating to the budget that may be requested to the National Treasury and any other organ of state	Subject to any limitations that may be prescribed in respect of organs of state other than the National Treasury	Mayor/Comm's	Mayor
25(3)	Complying with section 55 of the MFMA if the Municipality has not approved an annual budget, including revenue-raising measures necessary to give effect to the budget, by 1 July of any year	Immediately report the matter to the MEC responsible for local government	Mayor/Comm's	Mayor
26(4)	Obtaining the MEC responsible for finance's approval to withdraw funds from the Municipality's bank accounts, if a budget has not been approved on or before 1 July of each year.		Mayor/Comm's	Mayor
27(1)	Determining the likelihood of the Municipality not being able to comply with the MFMA or other legislation relating to the tabling or approval of an annual budget or compulsory consultation processes		Mayor/Comm's	Mayor
27(2)	Informing the MEC responsible for finance of any impending non-compliance by the Municipality of any provisions of the MFMA or any other legislation pertaining to the tabling or approval of an annual budget or compulsory consultation processes		Mayor/Comm's	Mayor
27(3)	Deciding to apply to the MEC responsible for finance to extend any time limit or deadline with regard to the preparation and approval of the annual budget		Mayor/Comm's	Mayor
27(4)	Applying to the MEC responsible for finance to extend any time limit or deadline with regard to the preparation and approval of the annual budget		Mayor/Comm's	Mayor
27(5)	Informing the Council, the MEC responsible for finance and the National Treasury, in writing, of any actual non-compliance by the Municipality of a provision of Chapter 4 of the MFMA and any remedial or corrective measures the Municipality intends to implement to avoid a recurrence of such non-compliance		Mayor/Comm's	Mayor
28(4)	Tabling an adjustments budget in the Council		Mayor/Comm's	Mayor
29(1)	Deciding to authorise unforeseeable and unavoidable expenditure for which no provision was made in an approved budget in emergency or other exceptional circumstances		Mayor/Comm's	Mayor

29(2)(c)	Reporting to the Council regarding the authorisation of unforeseeable and unavoidable expenditure for which no provision was made in an approved budget in emergency or other exceptional circumstances	Such report must be made to the Council at the first Council meeting next ensuing after the authorisation was given	Mayor/Comm's	Mayor
31(d)	Giving written approval for exceeding the amount appropriated in respect of a capital programme		Mayor/Comm's	Mayor
52(a)	Deciding the nature and extent of, and manner in which political guidance over the fiscal and financial affairs of the Municipality will be provided		Mayor/Comm's	Mayor
52(b)	Deciding the monitoring and oversight mechanisms to be applied to the exercise by the Municipal Manager and the Chief Financial Officer of their powers, functions and duties in terms of the MFMA		Mayor/Comm's	Mayor
52(c)	Deciding the reasonable steps to be taken to ensure that the Municipality performs its constitutional and statutory functions within the limits of the Municipality's approved budget		Mayor/Comm's	Mayor
52(d)	Submitting to the Council, within 30 days of the end of each quarter, a report on the implementation of the budget and the financial state of affairs of the Municipality		Mayor/Comm's	Mayor
53(1)(a)	Deciding the nature and extent of, and manner in which political guidance is to be given over the budget process and the priorities that must guide the preparation of a budget		Mayor/Comm's	Mayor
53(1)(b)	Deciding the steps to be taken to co-ordinate the annual revision of the integrated development plan and the preparation of the annual budget		Mayor/Comm's	Mayor
53(1)(c)(i)	Determining how the integrated development plan is to be taken into account or revised for the purposes of the budget		Mayor/Comm's	Mayor
53(1)(c)(ii)	Determining the reasonable steps to be taken to ensure that the Municipality approves its annual budget before the start of the budget year		Mayor/Comm's	Mayor
53(1)(c)(iii)	Determining the reasonable steps to be taken to ensure he/she approves the Municipality's service delivery and budget implementation plan	The Executive Mayor must approve the annual service delivery and budget implementation plan within 28 days after the approval of the budget	Mayor/Comm's	Mayor
53(2)	Determining the reasonable steps to be taken to ensure that the annual performance agreements for the Municipal Manager and all senior managers comply with the MFMA, are linked to the measurable performance objectives approved with the budget and to the service delivery and budget implementation plan and are concluded in accordance with section 57(2) of the Municipal Systems Act	In terms of section 57(2)(a) of the Municipal Systems Act the annual performance agreements must be concluded on or before 30 July of each year	Mayor/Comm's	Mayor
53(2)	Reporting to the Council and the MEC responsible for finance any delay in the tabling of an annual budget, the approval of the service delivery and budget implementation plan or the signing of the annual performance agreements		Mayor/Comm's	Mayor

53(3)(a)	<p>Ensuring that the revenue and expenditure projections for each month and the service delivery targets and performance indicators for each quarter, contained in the service delivery and budget implementation plan, are made public no later than 14 days after the approval of the service delivery and budget implementation plan</p> <p>Ensuring that the performance agreements of the Municipal Manager, senior managers and any other categories of officials as may be prescribed, are made public no later than 14 days after the approval of the Municipality's service delivery and budget implementation plan</p>		Mayor/Comm's	Mayor
53(3)(b)	<p>Submission of the annual performance agreements of the Municipal Manager, senior managers and any other categories of officials as may be prescribed, to the Council and the MEC responsible for local government</p> <p>Making arrangements for the receipt of a monthly statement on the state of the Municipality's budget and a mid-year corporate performance assessment report</p>	<p>1. The statement a statement regarding the state of the municipality's budget must be submitted not later than 10 working days after the end of each month</p> <p>2. The mid-year performance assessment report must be submitted not later than 25 January of each year</p> <p>3. The mid-year corporate performance assessment report must be submitted to the Council not later than 31 January each year</p>	Mayor/Comm's	Mayor
54(1)(a)	<p>Determining the procedures, including reports required to check whether the Municipality's approved budget is implemented in accordance with the service delivery and budget implementation plan</p>		Mayor/Comm's	Mayor
54(1)(b)	<p>Determining whether it is necessary to make any revisions to the service delivery and budget implementation plan</p>	Revisions to the service delivery targets and	Mayor/Comm's	Mayor
54(1)(c)	<p>Determining the process of formulating revisions to the service delivery and budget implementation plan</p>	performance indicators in the plan may only be made with	Mayor/Comm's	Mayor

54(1)(d)	Determining the instructions to be given to the Municipal Manager to ensure that the budget is implemented in accordance with the service delivery and budget implementation plan and that spending of funds and revenue collection proceed in accordance with the budget	If the Municipality faces any serious financial problems, the Executive Mayor must promptly respond to and initiate any remedial or corrective steps proposed by the Municipal Manager to deal with such problems, which may include steps to reduce spending when revenue is anticipated to be less than projected in the Municipality's approved budget, the tabling of an adjustments budget or steps in terms of Chapter 13 of the MFMA and alert the Council and the MEC for local government to those problems	Mayor/Comm's	Mayor
54(1)(e)	Considering whether the Municipality faces any financial problems including any emerging or impending financial problems		Mayor/Comm's	Mayor
54(3)	Making public any revisions of the service delivery and budget implementation plan		Mayor/Comm's	Mayor
55	Immediately report to the MEC for local government if the Municipality has not approved an annual budget by 1 July of any year or if the Municipality encounters a serious financial problem		Mayor/Comm's	Mayor
56	Providing guidance to the Municipality to exercise its rights and powers over any municipal entity in which the Municipality has sole or shared control		Mayor/Comm's	Mayor
59(1)(a)	Deciding to delegate the powers and duties assigned to the Executive Mayor in terms of the MFMA	1. Such power or duty may only be delegated to another member of the Mayoral Committee	Mayor/Comm's	Mayor
		2. A delegation by the Executive Mayor must be in writing	Mayor/Comm's	Mayor
		3. A delegation by the Executive Mayor does not divest him/her of the responsibility concerning the exercise of the delegated power or the performance of the delegated duty.	Mayor/Comm's	Mayor

59(2)	Determining the conditions and limitations of any delegation by the Executive Mayor Deciding to confirm, vary or revoke any decision taken in consequence of a delegation by the Executive Mayor			Mayor
59(3)		No variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision	Mayor/Comm's	Mayor
87(3)	Tabling the proposed budget of a municipal entity of which the Municipality is the parent municipality in the Council	Together with the Municipality's budget for the relevant financial year	Mayor/Comm's	Mayor
87(6)	Considering an application by the board of directors of a municipal entity of which the Municipality is the parent municipality to revise the budget of the municipal entity		Mayor/Comm's	Mayor
87(9)	Tabling the budget or adjusted budget and any adjustments budget of a municipal entity of which the Municipality is the parent municipality at the next Council meeting		Mayor/Comm's	Mayor
102(1)	Receiving a report of the board of directors of a municipal entity of which the Municipality is the parent municipality any irregular expenditure or any fruitless and wasteful expenditure incurred by, or on behalf of, that municipal entity		Mayor/Comm's	Mayor
103	Receiving a report of the accounting officer of a municipal entity of which the Municipality is the parent municipality regarding any interference by a councillor outside that councillor's assigned duties, in the financial affairs of the municipal entity; or the responsibilities of the board of directors of the municipal entity		Mayor/Comm's	Mayor
127(2)	Tabling in the Council the Municipality's annual report and the annual report of any municipal entity under the Municipality's sole or shared control		Mayor/Comm's	Mayor
127(3)(a)	Submitting to the Council a written explanation setting out the reasons for any delay in tabling the Municipality's annual report and the annual report of any municipal entity under the Municipality's sole or shared control		Mayor/Comm's	Mayor
130(1)	Determining the reasonable time period to be allowed during a council meeting at which an annual report is to be discussed or at which decisions concerning an annual report are to be taken for the discussion of any written submissions received from the local community or organs of state on the annual report and for members of the local community or any organs of state to address the Council		Mayor/Comm's	Mayor
131(1)	Ensuring that the Municipality addresses all the issues raised in an audit report		Mayor/Comm's	Mayor
133(1)(a)	Tabling in the Council a written explanation setting out the reasons for the failure of the Municipal Manager or of the accounting officer of a municipal entity under the Municipality's sole or shared control to submit annual financial statements to the Auditor-General or the Executive Mayor's failure to table the annual report of the Municipality or a municipal entity in the Council		Mayor/Comm's	Mayor
136(1)(a)	Participating in consultations with the MEC for local government regarding a serious financial problem in the Municipality		Mayor/Comm's	Mayor

11(4)(b)	Submission of quarterly consolidated report of all withdrawals made in terms of section 11.1 (1)(b) to (j) of the MFMA to the provincial treasury and the Auditor-General	provincial treasury and the Auditor-General within 30 days after the end of each quarter.	MM/AO	Accounting officer
12(4)	Issuing written authority to withdraw money without appropriation in terms of an approved budget from a bank account opened for the purpose of a relief, charitable, trust or other fund	Such authorisation must be in accordance with decisions of the Council in this regard and only for the purposes for which, and subject to the conditions on which, the fund was established or the money in the fund was donated	M/M/AO	Accounting officer
22	Making the annual budget as tabled public, inviting the community to submit representations in connection therewith and submitting same to the national and provincial treasuries and affected municipalities	In accordance with Chapter 4 of the Local Government: Municipal Systems Act 2000	MM/AO	Accounting officer
24(3)	Submission of the approved annual budget to the National Treasury and the provincial treasury		M/M/AO	CFO
31(c)	Issuing a certificate specifying that actual revenue for the financial year concerned is expected to exceed budgeted revenue and that sufficient funds are available for exceeding the amount appropriated for a specific capital programme without incurring further borrowing beyond the annual budget limit	Funds for the programme in question was appropriated for more than one financial year	MM/AO	Accounting officer
32(3)	Deciding whether a decision taken by the Council or the Executive Mayor is likely to result, if it is implemented, in unauthorised, irregular or fruitless and wasteful expenditure		MM/AO	Accounting officer
	Instructing an authorised official not to implement a decision taken by the Council or the Executive Mayor that is likely to result, if it is implemented, in unauthorised, irregular or fruitless and wasteful expenditure		MM/AO	Accounting officer
	Informing the Council or the Executive Mayor that a decision taken by the Council or the Executive Mayor is likely to result, if it is implemented, in unauthorised, irregular or fruitless and wasteful expenditure		MM/AO	Accounting officer
32(4)	Deciding whether an expenditure incurred by the Municipality was unauthorised, irregular or fruitless and wasteful expenditure		MM/AO	Accounting officer
	Determining the amount of any unauthorised, irregular or fruitless and wasteful expenditure incurred by the Municipality		MM/AO	Accounting officer
	Identifying the person responsible, or suspected of being responsible, for unauthorised, irregular or fruitless and wasteful expenditure		MM/AO	Accounting officer
	Determining the steps to be taken to recover or rectify any unauthorised, irregular or fruitless and wasteful expenditure incurred by the Municipality		MM/AO	Accounting officer
	Determining the steps to be taken to prevent the recurrence of unauthorised, irregular or fruitless and wasteful expenditure by the Municipality		MM/AO	Accounting officer

64(2)(g)	Deciding the reasonable steps to be taken to ensure that the Municipality charges interest on arrears, except where the Council has granted exemptions in accordance with its budget-related policies and within a prescribed framework	Subject to any prescripts in this regard	MM/AO	CFO
64(2)(h)	Deciding the reasonable steps to be taken to ensure that all revenue received by the Municipality, including revenue received by any collecting agent on its behalf, is reconciled at least on a weekly basis		MM/AO	CFO
64(3)	Informing the National Treasury of any payments due by an organ of state to the Municipality in respect of municipal tax or for municipal services, if such payments are regularly in arrears for periods of more than 30 days.		MM/AO	CFO
64(4)(a)	Deciding the reasonable steps to be taken to ensure that any funds collected by the Municipality on behalf of another organ of state is transferred to that organ of state at least on a weekly basis		MM/AO	CFO
64(4)(b)	Deciding the reasonable steps to be taken to ensure that funds collected by the Municipality on behalf of another organ of state are not used for purposes of the Municipality		MM/AO	CFO
65(2)(a)	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains an effective system of expenditure control, including procedures for the approval, authorisation, withdrawal and payment of funds		MM/AO	CFO
65(2)(b)	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a management, accounting and information system which recognises expenditure when it is incurred and that accounts for creditors of, and payments made by, the Municipality		MM/AO	CFO
65(2)(c)	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a system of internal control in respect of creditors and payments		MM/AO	CFO
65(2)(d)	Deciding the reasonable steps to be taken to ensure that payments by the Municipality are made directly to the person to whom it is due unless agreed otherwise for reasons as may be prescribed and either electronically or by way of non-transferable cheques	Cash payments and payments by way of cash cheques may be made for exceptional reasons only and only up to a prescribed limit	MM/AO	Accounting officer
65(2)(e)	Deciding the reasonable steps to be taken to ensure that all money owing by the Municipality be paid within 30 days of receiving the relevant invoice or statement, unless prescribed otherwise for certain categories of expenditure		MM/AO	CFO
65(2)(f)	Deciding the reasonable steps to be taken to ensure that the Municipality complies with its tax, levy, duty, pension, medical aid, audit fees and other statutory commitments		MM/AO	CFO
65(2)(g)	Deciding the reasonable steps to be taken to ensure that any dispute concerning payments due by the Municipality to another organ of state is disposed of in terms of legislation regulating disputes between organs of state		MM/AO	CFO
65(2)(h)	Deciding the reasonable steps to be taken to ensure that the Municipality's available working capital is managed effectively and economically in terms of the prescribed cash management and investment framework		MM/AO	CFO

65(2)(i)	Deciding the reasonable steps to be taken to ensure that the Municipality's supply chain management policy is implemented in a way that is fair, equitable, transparent, competitive and cost-effective		MM/AO	CFO
65(2)(i)	Deciding the reasonable steps to be taken to ensure that all financial accounts of the Municipality are closed at the end of each month and reconciled with its records		MM/AO	CFO
66	Reporting to the Council on all expenditure incurred by the Municipality on staff salaries, wages, allowances and benefits, and in a manner that discloses such expenditure per type of expenditure		MM/AO	Accounting officer
67(1)	Determining whether an organisation or body outside any sphere of government to whom funds of the Municipality stand to be transferred otherwise than in compliance with a commercial or other business transaction, -		MM/AO	Accounting officer
	(a) has the capacity to comply with any agreement with the Municipality,		MM/AO	Accounting officer
	(b) for the period of the agreement to comply with all reporting, financial management and auditing requirements as may be stipulated in the agreement,		MM/AO	Accounting officer
	(c) to report at least monthly to the Municipal Manager on actual expenditure against such transfer and to submit its audited financial statements for its financial year to the Municipal Manager promptly;		MM/AO	Accounting officer
	(d) implements effective, efficient and transparent financial management and internal control systems to guard against fraud, theft and financial mismanagement; and		MM/AO	CFO
	(e) has in respect of previous similar transfers complied with all the requirements of section 67(1) of the MFMA		MM/AO	CFO
	Entering into an agreement with an organisation or body outside any sphere of government to whom funds of the Municipality stand to be transferred otherwise than in compliance with a commercial or other business transaction		MM/AO	Accounting officer
67(2)	Obtaining the approval of the provincial treasury to transfer funds of the Municipality to an organisation or body outside any sphere of government otherwise than in compliance with a commercial or other business transaction if there has been a failure by an organisation or body to comply with the requirements of section 67(1) of the MFMA in respect of a previous transfer		MM/AO	Accounting officer
67(3)	Determining the appropriate mechanisms to ensure compliance by an organisation or body outside any sphere of government to whom funds of the Municipality was transferred otherwise than in compliance with a commercial or other business transaction with -		MM/AO	Accounting officer
	(a) any agreement with the Municipality,		MM/AO	CFO
			MM/AO	CFO
			MM/AO	CFO

	(b) for the period of the agreement to comply with all reporting, financial management and auditing requirements as may be stipulated in the agreement,	MM/AO	CFO
	(c) to report at least monthly to the Municipal Manager on actual expenditure against such transfer and to submit its audited financial statements for its financial year to the Municipal Manager promptly,	MM/AO	CFO
	(d) implements effective, efficient and transparent financial management and internal control systems to guard against fraud, theft and financial mismanagement; and	MM/AO	CFO
	(e) has in respect of previous similar transfers complied with all the requirements of section 67(1) of the MFMA	MM/AO	CFO
67(4)	Determining whether an organisation or body outside any sphere of government to whom funds of the Municipality stand to be transferred otherwise than in compliance with a commercial or other business transaction is an organisation or body	MM/AO	Accounting officer
	servicing the poor or used by government as an agency to serve the poor	MM/AO	Accounting officer
68(a)	Assisting the Executive Mayor in performing the budgetary steps assigned to the Executive Mayor	MM/AO	Accounting officer
68(b)	Determining the administrative support, resources and information required by the Executive Mayor to perform the budgetary steps assigned to the Executive Mayor	MM/AO	Accounting officer
	Making the administrative support, resources and information required by the Executive Mayor to perform the budgetary steps assigned to the Executive Mayor available to him/her	MM/AO	Accounting officer
69(1)(a)	Determining, in relation to implementing the Municipality's approved budget, the reasonable steps required to ensure that the spending of funds is in accordance with the budget and is reduced as necessary when revenue is anticipated to be less than projected in the budget or in the service delivery and budget implementation plan	MM/AO	Accounting officer
69(1)(b)	Determining, in relation to implementing the Municipality's approved budget, the reasonable steps required to ensure that revenue and expenditure are properly monitored	MM/AO	Accounting officer
69(2)	Determining whether it is necessary to prepare an adjustments budget	MM/AO	CFO
	Preparing an adjustments budget and submitting it to the Executive Mayor for consideration and tabling in the Council	MM/AO	Accounting officer
69(3)(a)	Preparing and submitting, within 14 days after the approval of the Municipality's annual budget, a draft service delivery and budget implementation plan for the budget year	MM/AO	Accounting officer

69(3)(b)	Preparing and submitting, within 14 days after the approval of the Municipality's annual budget, drafts of the annual performance agreements as required in terms of section 57(l)(b) of the Municipal Systems Act for the Municipal Manager and all senior managers	An annual performance agreement must be concluded on or before 31 July of each year in terms of section 57(2)(9a) of the Municipal Systems Act	MM/AO	Accounting officer
70(1)	Reporting in writing to the Council any impending shortfalls in budgeted revenue and overspending of the Municipality's budget and any steps taken to prevent or rectify such shortfalls or overspending		MM/AO	Accounting officer
70(2)	Informing the National Treasury that the Municipality's bank account or, if the Municipality has more than one bank account, the consolidated balance in those bank accounts, shows a net overdrawn position for a period exceeding a prescribed period		MM/AO	Accounting officer
71(1)	Submitting to the Executive Mayor and the provincial treasury, within 10 working days after the end of each month, a statement in the prescribed format on the state of the municipality's budget	1. The statement must contain the information referred to in section 71(1), (2) and (3) of the MFMA 2. The statement submitted to the provincial treasury must be in the form of a signed and an electronic document	MM/AO MM/AO	Accounting officer CFO
71(5)	Submitting to the national or provincial organ of state or municipality which transferred an allocation during any particular month to the Municipality within 10 working days after the end of the month concerned a statement indicating the amount of any allocations received and actual expenditure on those allocations, excluding expenditure on its share of the local government equitable share and allocations exempted by the annual Division of Revenue Act from compliance with this requirement		MM/AO	CFO
72(1)(a)	Performing an assessment of the Municipality's performance during the first half of each financial year		MM/AO	Accounting officer
72(1)(b)	Submitting the mid-year performance assessment report to the Executive Mayor, the National Treasury and the Provincial Treasury	On or before 25 January each year	MM/AO	Accounting officer
72(3)	Determining whether it is necessary to recommend that an adjustments budget be considered and that revised projections for revenue and expenditure is necessary		MM/AO	Accounting officer
73(a)	Informing the provincial treasury of any failure by the Council to adopt or implement a budget-related policy or a supply chain management policy		MM/AO	Accounting officer
73(b)	Informing the provincial treasury of any non-compliance by a political structure or political office-bearer of the Municipality with a budget-related policy or the supply chain management policy		MM/AO	Accounting officer
74(1)	Submitting to the National Treasury, the provincial treasury, the department for local government and the Auditor-General such information, returns, documents, explanations and motivations as may be prescribed or as may be required.		MM/AO	CFO

74(2)	Reporting his/her inability to comply with any of the responsibilities in terms of the MFMA, together with reasons, to the Executive Mayor and the provincial treasury		MM/AO	Accounting officer
75(1)	Ensuring that the required documents are uploaded to, and available on, the Municipality's website within five days after its tabling in the Council or on the date on which it must be made public, whichever occurs first		MM/AO	Accounting officer
77(1)	Deciding to designate any officials other than those listed in section 77(1)(a) to (c) of the MFMA as "top management"		MM/AO	CFO
79(1)(a)	Developing an appropriate system of delegation that will both maximise administrative and operational efficiency and provide adequate checks and balances in the Municipality's financial administration for the proper application of the MFMA		MM/AO	Accounting officer
79(1)(b)	Delegating to a member of the Municipality's top management or any other official of the Municipality any of the powers or duties assigned to an accounting officer in terms of the MFMA or any powers or duties reasonably necessary to assist the accounting officer in complying with a duty which requires the accounting officer to take reasonable or appropriate steps to ensure the achievement of the aims of a specific provision of the MFMA	<ol style="list-style-type: none"> 1. No delegation may be done by the Municipal Manager to any political structure or political office-bearer of the Municipality 2. A delegation must be in writing; 3. A delegation is subject to such limitations and conditions as the Municipal Manager may impose in a specific case; 4. A delegation may either be to a specific individual or to the holder of a specific post in the Municipality; 5. A delegation may, in the case of a delegation to a member of the Municipality's top management authorise that member to sub-delegate the delegated power or duty to an official or the holder of a specific post in that member's area of responsibility; and 	<p>MM/AO</p> <p>MM/AO</p> <p>MM/AO</p> <p>MM/AO</p> <p>MM/AO</p> <p>MM/AO</p> <p>MM/AO</p> <p>MM/AO</p>	<p>Accounting officer</p> <p>Accounting officer</p> <p>Accounting officer</p> <p>Accounting officer</p> <p>Accounting officer</p> <p>Accounting officer</p> <p>Accounting officer</p> <p>Accounting officer</p>

		6. A delegation does not divest the Municipal Manager of the responsibility concerning the exercise of the delegated power or the performance of the delegated duty	MM/AO	Accounting officer
79(1)(c)	Regularly reviewing delegations issued to a member of the Municipality's top management or any other official of the Municipality and, if necessary, amending or withdrawing any of those delegations		MM/AO	Accounting officer
79(2)	Reviewing and confirming, varying or revoking any decision taken in consequence of a delegation or sub-delegation in terms of the MFMA	No variation or revocation of a decision taken under delegated powers may detract from any rights that may have accrued as a result of the decision	MM/AO	Accounting officer
80(1)(b)	Allocating officials of the Municipality to the Chief Financial Officer		MM/AO	CFO
84(1)(b)	Making an assessment of the impact of the shifting of a function or service to a municipal entity on the Municipality's staff, assets and liabilities when considering the establishment of, or participation in, a municipal entity		MM/AO	CFO
84(2)(a)(i)	Publishing an information statement regarding the Municipality's intention to establish and/or participate in a municipal entity		MM/AO	CFO
84(2)(a)(ii)	Inviting the local community, organised labour and other interested persons to submit comments or representations in respect of the Municipality's intention to establish and/or participate in a municipal entity		MM/AO	CFO
84(2)(a)(iii)	Soliciting the views and recommendations of the National Treasury and the provincial treasury, the national and provincial departments responsible for local government and the MEC responsible for local government in respect of the Municipality's intention to establish and/or participate in a municipal entity		MM/AO	CFO
86(2)	Submitting the information received from a municipal entity of which the Municipality is the parent municipality regarding the entity's bank account(s) to the Auditor-General, the National Treasury and the provincial treasury		MM/AO	CFO
87(11)	Receiving a monthly statement in the prescribed format on the state of the budget of a municipal entity of which the Municipality is the parent municipality		MM/AO	CFO
101(2)	Tabling a report of the accounting officer of a municipal entity of which the Municipality is the parent municipality on any financial problems of the entity in the first Council meeting next ensuing		MM/AO	Accounting officer
102(1)	Receiving a report of the board of directors of a municipal entity of which the Municipality is the parent municipality any irregular expenditure or any fruitless and wasteful expenditure incurred by, or on behalf of, that municipal entity		MM/AO	Accounting officer
			MM/AO	Accounting officer

114(1)	Submitting a report containing the reasons for deviating from such recommendation to the Auditor-General, the provincial treasury and the National Treasury if a tender other than the one recommended in the normal course of implementing the supply chain management policy of the Municipality is approved		MM/AO	Accounting officer
115(1)(a)	Implementing the Municipality's supply chain management policy		MM/AO	CFO
115(1)(b)	Determining the reasonable steps that must be taken to ensure that proper mechanisms and separation of duties in the supply chain management system are in place to minimise the likelihood of fraud, corruption, favouritism and unfair and irregular practices		MM/AO	CFO
116(2)(a)	Determining the reasonable steps that must be taken to ensure that a contract or agreement procured through the supply chain management policy of the Municipality is properly enforced		MM/AO	CFO
116(2)(b)	Monitoring the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis		MM/AO	CFO
116(2)(c)	Determining the capacity that needs to be established within the Municipality's administration to assist the Municipal Manager to enforce the provisions of a contract or agreement between the Municipality and a contractor and to monitor the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis		MM/AO	Accounting officer
116(2)(d)	Establishing the capacity in the Municipality's administration to assist the Municipal Manager to enforce the provisions of a contract or agreement between the Municipality and a contractor and to monitor the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis		MM/AO	Accounting officer
116(3)(a)	Regularly report to the Council regarding the management of contracts and/or agreements and the performance of contractors.		MM/AO	Accounting officer
116(3)(b)	Determining the frequency/regularity of reports to be submitted to the Council regarding the management of contracts and/or agreements and the performance of contractors.		MM/AO	Accounting officer
116(3)(c)	Tabling the reasons for the proposed amendment of a contract or agreement procured through the supply chain management policy of the Municipality in the Council		MM/AO	Accounting officer
116(3)(d)	Giving the local community reasonable notice of the intention to amend a contract or agreement procured through the supply chain management policy of the Municipality and inviting the local community to submit representations to the Municipality		MM/AO	Accounting officer
116(3)(e)	Receiving an application from a municipal entity of which the Municipality is a parent municipality to amend a contract or agreement procured through the supply chain management policy of the municipal entity concerned		MM/AO	Accounting officer
116(3)(f)	Tabling the reasons for the proposed amendment of a contract or agreement procured through the supply chain management policy of a municipal entity of which the Municipality is a parent municipality in the Council		MM/AO	Accounting officer

116(3)(b)	Giving the local community reasonable notice of the intention to amend a contract or agreement procured through the supply chain management policy of a municipal entity of which the Municipality is a parent municipality and inviting the local community to submit representations to the Municipality		MM/AO	CFO
120(6)(a)	Submitting the report on the feasibility study together with all other relevant documents to the Council for a decision, in principle, on whether the municipality should continue with the proposed public-private partnership		MM/AO	Accounting officer
126(6)(b)	Making the particulars of the proposed public-private partnership, including the report on the feasibility study and inviting the local community and other interested persons to submit to the Municipality comments or representations in respect of the proposed public-private partnership at least 60 days prior to the meeting of the Council at which the matter is to be considered		MM/AO	CFO
126(6)(c)	Soliciting the views and recommendations of the National Treasury, the national department responsible for local government, the responsible national department if the proposed public-private partnership involves the provision of water, sanitation, electricity or any other service as may be prescribed and any other national or provincial organ of state as may be prescribed in respect of the proposed public-private partnership at least 60 days prior to the meeting of the Council at which the matter is to be considered		MM/AO	Accounting officer
121(2)(e)	Performing an assessment of any arrears on municipal taxes and service charges for inclusion in the Municipality's annual report		MM/AO	CFO
121(2)(f)	Performing an assessment of the Municipality's performance against the measurable performance objectives referred to in section 17(3)(b) of the MFMA for revenue collection from each revenue source and for each vote in the Municipality's approved budget for the relevant financial year for inclusion in the Municipality's annual report		MM/AO	CFO
122(1)/	Preparing annual financial statements which fairly presents the state of affairs of the Municipality, its performance against its budget, its management of revenue,		MM/AO	CFO
126(1)(a)	Submitting the annual financial statements of the Municipality to the Auditor-General on or before 31 August of each year		MM/AO	CFO
122(1)/	Preparing consolidated annual financial statements of the Municipality and of a municipal entity over which the Municipality has sole control or over which it has effective control		MM/AO	Accounting officer
126(1)(b)	Submitting the consolidated annual financial statements of the Municipality and of a municipal entity over which the Municipality has sole control or effective control (if it is a private company) to the Auditor-General on or before 31 September of each year		MM/AO	Accounting officer
126(3)(b)	Receiving the audit report on the Municipality's annual financial statements and any consolidated annual financial statements of the Municipality and of a municipal entity over which the Municipality has sole control or effective control (if it is a private company)		MM/AO	Accounting officer
127(1)	Receiving the annual report of a municipal entity of which the Municipality is a parent municipality		MM/AO	Accounting officer
127(5)(a)	Publishing the annual report and inviting the local community to submit representations in connection with the annual report		MM/AO	CFO

127(5)(b)	Submitting the annual report to the Auditor-General, the provincial treasury and the provincial department responsible for local government		MM/AO	Accounting officer
128	Monitoring whether the accounting officer of any municipal entity under the sole or shared control of the Municipality has complied with sections 121(1) and 126(2) of the MFMA, establish the reasons for any non-compliance and report any non-compliance, together with the reasons for such non-compliance, to the Council, the provincial treasury and the Auditor-General		MM/AO	CFO
129(2)(a)	Attending the meetings of the Council and its committees where the annual report is discussed and responding to questions concerning the report		MM/AO	Accounting officer
129(2)(b)	Submitting copies of the minutes of meetings of the Council and its committees where the annual report was discussed to the Auditor-General, the provincial treasury and the provincial department responsible for local government		MM/AO	Accounting officer
129(3)	Publishing the oversight report regarding the annual report		MM/AO	CFO
131(2)(a)	Submitting the Municipality's responses to the issues raised in an audit report to the MEC for local government		MM/AO	Accounting officer
132(2)	Submission of the Municipality's annual report and oversight report and the annual report and oversight report of a municipal entity under the Municipality's sole or shared control to the provincial legislature		MM/AO	Accounting officer
146(1)(c)	Reporting monthly to the MEC responsible for finance on the implementation of a financial recovery plan for the Municipality resulting from a mandatory provincial intervention		MM/AO	Accounting officer
	Bringing an application to the High Court for an order to stay all legal proceedings, including the execution of legal process, by persons claiming money from the Municipality if the Municipality is unable to meet its financial commitments		MM/AO	Accounting officer
152(2)	Giving notice of an application by the Municipality to the High Court for an order to stay all legal proceedings, including the execution of legal process, to persons claiming money from the Municipality if the Municipality is unable to meet its financial commitments		MM/AO	Accounting officer
	Bringing an application in the High Court for an order to stay, for a period not exceeding 90 days at a time, all legal proceedings, including the execution of legal process, by persons claiming money from the Municipality		MM/AO	Accounting officer
153(3)	Giving notice of an application in the High Court for an order to stay, for a period not exceeding 90 days at a time, all legal proceedings, including the execution of legal process, to persons claiming money from the Municipality		MM/AO	Accounting officer
	Bringing an application in the High Court for an order to suspend the Municipality's financial obligations to creditors, or any portion of those obligations, until the Municipality can meet those obligations		MM/AO	Accounting officer
153(3)	Giving notice of an application in the High Court for an order to suspend the Municipality's financial obligations to creditors, or any portion of those obligations, until the Municipality can meet those obligations		MM/AO	Accounting officer

DELEGATION FRAMEWORK FOR MUNICIPALITIES

DUTIES OF MUNICIPAL COUNCIL

		Power/duty conferred	Applicable conditions	DELEGATIONS	
				FROM	TO
Section of MFMA		Deciding to open a bank account for the Municipality. Deciding at which bank/banks to open a bank account.	Section 62(2) of the MFMA Subject to section 8(2) of the MFMA	Council	Accounting Officer
7(1)		Deciding to close a bank account.	Section 10(1)(B) of the MFMA	Council	Accounting Officer
7(2)		Determining into which bank account money collected or received by the Municipality must be deposited.	See section 48(2)(d) of the MFMA	Council	Accounting Officer
8(1)		Designating a bank account of the Municipality as the Municipality's primary bank account.	Section 62(2) of the MFMA	Council	Accounting Officer
8(3)		Determining the reasonable steps to be taken to ensure that the prescribed money received is paid into the Municipality's primary bank account.	Section 62(2) of the MFMA	Council	Accounting Officer
8(4)		Entering into an agreement with other parent municipalities of a municipal entity of which the Municipality is a parent municipality, as to which Municipality's primary bank account to use for the purpose of receiving allocations from organs of state to the municipal entity concerned.		Council	Accounting Officer
12(2)		Deciding to open a separate bank account in the name of the Municipality for the purpose of a relief, charitable, trust or other fund. Establishing an appropriate and effective cash management and investment policy for the Municipality.	Section 12(1) of the MFMA NOTE:	Council	Accounting Officer
13(2)			In terms of section 60(2) of the Municipal Systems Act 2000 the Council may only delegate to the Executive Mayor or The Chief Financial Officer the authority to make decisions to make investments on behalf of the Municipality On condition that the asset concerned is not needed to provide the minimum level of basic municipal services and the Council considered the fair market value of the asset concerned	Municipal Council (The MC must approve the policies for implementation by the Accounting Officer and Senior Management)	Accounting Officer
14(2)		Deciding to transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a capital asset.	Only in respect of movable capital assets below a value determined by the Council	Municipal Council	Accounting Officer
14(2)(a)		Deciding, at a meeting open to the public and on reasonable grounds, that an asset of the Municipality is not needed to provide the minimum level of basic municipal services.		Municipal Council	Accounting Officer

14(2)(b)	Considering the fair market value of an asset to be disposed of and the economic and community value to be received in exchange for an asset to be disposed of	Only in respect of movable capital assets below a value determined by the Council	Municipal Council	Accounting Officer
	Determining the value of movable assets in respect of which the Municipal Manager may determine –	A municipal council may delegate to the accounting officer of the municipality its power to make the determinations referred to in subsection (2)(a) and (b) in respect of movable capital assets below a value determined by the council.	Municipal Council	Accounting Officer
	(a) whether an asset to be disposed of is not needed to provide the minimum level of basic municipal services; and			
	(b) determining the fair market value of such asset and the economic and community value to be received in exchange for the asset		Municipal Council	Accounting Officer
14(4)	Approval of an annual budget	NOTE:	Municipal Council	Accounting Officer
		1. In terms of section 160(2)(b), read with section 160(3)(b) of the Constitution a budget must be approved by a decision taken by the Municipal Council with a supporting vote of a majority of its members.	Municipal Council	N/A
		2. Approval of the budget must be considered on or before 1 June each year in terms of section 24(1) of the MFMA.	Municipal Council	N/A
		3. In terms of section 30(5) of the Local Government: Municipal Structures Act 1998 (Act No 117 of 1998) the Council may only after it received and considered the report and recommendations of the Executive Mayor regarding the annual budget, approve the budget	Municipal Council	N/A
16(1)	Deciding whether money for capital expenditure for a period not exceeding three financial years may be appropriated in an annual budget	4. See section 25(1) of the MFMA	Municipal Council	N/A
16(3)	Approving a capital project, including its total cost	A separate appropriation must be made for each of financial year	Municipal Council	Accounting Officer
19(1)(b)			Municipal Council	N/A

19(1)(d)	Considering the sources of funding of a capital project		Municipal Council	Accounting Officer
19(2)	Considering, in respect of a capital project, the projected cost covering all financial years until the project is operational and the future operational costs and revenue on the project, including municipal tax and tariff implications.		Municipal Council	N/A
19(3)	Deciding to approve capital projects below the prescribed value individually or as part of a consolidated capital programme		Municipal Council	N/A
23(1)	Receiving and considering the views of the communities and organs of state received in connection with the budget		Municipal Council	N/A
23(2)	Deciding to give the Mayor an opportunity to respond to any submissions received in connection with the budget from communities and organs of state		Municipal Council	N/A
28(1)	Deciding to revise an approved budget by way of an adjustments budget		Municipal Council	N/A
	Deciding to recover unauthorised, irregular or fruitless and wasteful expenditure from the person liable for that expenditure	Except, in the case of –		
		1. unauthorised expenditure, if the amount of the expenditure is authorised in an adjustments budget; or	Municipal Council	N/A
		2. is certified by the Council, after investigation by a Council committee, as irrecoverable and written off by the Council; and	Municipal Council	N/A
		3. irregular or fruitless and wasteful expenditure is, after investigation by a Council committee, certified by the Council as irrecoverable and written off by the Council	Municipal Council	Accounting Officer
32(2)	Determining the amount of unauthorised, irregular or fruitless and wasteful expenditure to be recovered, written off or provided for in an adjustments budget		Municipal Council	Accounting Officer
32(2)	Identifying the identity of the person who is liable for unauthorised, irregular or fruitless and wasteful expenditure.		Council	Accounting Officer
32(2)	Appointing a committee to investigate any suspected or reported unauthorised, irregular or fruitless	section 62(1)(e)		
		NOTE:		

and wasteful expenditure		<p>In terms of the judgements of the Courts in the cases of <u>The Democratic Alliance and another v Amos Masondo and another (WLD)</u> (Case No 01/9260) (2001) and <u>Democratic Alliance and Another v Amos Masondo N O and the Minister of Provincial and Local Government (CC)</u> (Case No CCT 29/02) a mayoral committee was found not to be a committee of a municipal council. The Council may therefore not appoint the Mayoral Committee to perform such an investigation</p>	<p>Municipal Council Mayor</p> <p>Municipal Council N/A</p> <p>Municipal Council Mayor</p> <p>Municipal Council N/A</p> <p>Council N/A</p> <p>Council Accounting Officer</p> <p>Council Accounting Officer</p> <p>Council Mayor</p> <p>Council Accounting Officer</p> <p>Council Mayor</p> <p>Municipal Council Mayor</p> <p>Municipal Council Mayor</p>
32(2)	<p>Determining whether an alleged irregular expenditure incurred by the Municipal Manager constitutes a criminal offence</p> <p>Determining whether the Municipal Manager allegedly committed an act of theft and fraud</p>		<p>Municipal Council Mayor</p>
32(7)	<p>Reporting alleged irregular expenditure incurred by the Municipal Manager that constitutes a criminal offence and alleged theft and fraud perpetrated by the Municipal Manager to the SAPS</p>		<p>Municipal Council N/A</p>
33(1)	<p>Deciding to enter into a contract which will impose financial obligations on the municipality beyond a financial year.</p>		<p>Council N/A</p>
34(1)	<p>Entering into an agreement with the national or provincial government to assist the Municipality to build its capacity for efficient, effective and transparent financial management.</p>		<p>Council Accounting Officer</p>
34(3)(a)	<p>Considering the results of the provincial government's monitoring of the Municipality.</p>		<p>Council Accounting Officer</p>
34(3)(b)	<p>Considering a notification of the provincial government of any emerging or impending financial problems in the Municipality.</p>		<p>Council Mayor</p>
37(1)(a)	<p>Determining the steps the Municipality must take to promote co-operative government with the national and provincial spheres of government and other municipalities in the Municipality's fiscal and financial relations.</p>		<p>Council Accounting Officer</p>
38(2)	<p>Considering a notice received from the National Treasury of its intention to stop the transfer of funds to the Municipality.</p>		<p>Council Accounting Officer</p>
39(3)	<p>Determining the deputation that will appear before a committee of Parliament considering the approval or renewal of a decision of the National Treasury to stop the transfer of funds to the Municipality</p> <p>Determining the case that will be presented to a committee of Parliament considering the approval or renewal of a decision of the National Treasury to stop the transfer of funds to the Municipality</p>	<p>Municipal Council</p> <p>Municipal Council</p>	<p>Mayor</p> <p>Mayor</p>

	Deciding whether to incur short term debt.	<p>1. In terms of section 160(2) of the Constitution the Council may not delegate the raising of loans</p> <p>2. A decision to raise a loan must be taken by the Council with a supporting vote of a majority of its members in terms of section 160(3)(b) of the Constitution</p> <p>3. In terms of section 30(5) of the Local Government: Municipal Structures Act 1998 (Act No 117 of 1998) the Council may only after it received and considered the report and recommendations of the Executive Mayor regarding a loan, approve the raising of a loan</p>	Council	N/A
45(1)	Approving any short term debt agreement		Council Municipal Council	N/A
45(2)(a)	Deciding whether to incur long term debt.	<p>1. In terms of section 160(2) of the Constitution the Council may not delegate the raising of loans</p> <p>2. A decision to raise a loan must be taken by the Council with a supporting vote of a majority of its members in terms of section 160(3)(b) of the Constitution</p>	Council	N/A

46(1)	Approving any long term debt agreement	3. In terms of section 30(5) of the Local Government: Municipal Structures Act 1998 (Act No 117 of 1998) the Council may only after it received and considered the report and recommendations of the Executive Mayor regarding a loan, approve the raising of a loan	Council	N/A
46(2)(a)	Deciding whether to provide security for any of the Municipality's debt obligations, debt obligations of a municipal entity under its sole control and contractual obligations of the Municipality undertaken in connection with capital expenditure by other persons on property, plant or equipment to be used by the Municipality or such other person.		Municipal Council	N/A
48(1)	Deciding the form/nature of security to be provided for any of the Municipality's debt obligations, debt obligations of a municipal entity under its sole control and contractual obligations of the Municipality undertaken in connection with capital expenditure by other persons on property, plant or equipment to be used by the Municipality or such other person.		Municipal Council	N/A
48(2)	Deciding whether an asset or right that has been hypothecated in any manner as security is necessary for providing the minimum level of basic municipal services		Council	N/A
48(3)(a)	Deciding, if an asset or right that has been hypothecated in any manner as security is necessary for providing the minimum level of basic municipal services, the manner in which the availability of the asset or right will be protected.		Municipal Council	N/A
48(3)(b)	Deciding to issue a guarantee for any commitment or debt of any organ of state, person or municipal entity under the sole or shared control of the Municipality		Council	N/A
50	Deciding to grant exemptions from charging interest on any arrears owing to the Municipality in accordance with the Municipality's budget-related policies.	Subject to any prescripts in this regard	Municipal Council	N/A
83(2)	Determining the resources or opportunities to be made available for the training of officials to meet the prescribed financial management competency levels.		Council	Accounting Officer
84(1a)	Determining precisely the function or service that a municipal entity would perform on behalf of the Municipality when considering the establishment of, or participation in, a municipal entity.		Council	Accounting Officer
84(2)(b)(i)	Considering an assessment of the impact of the shifting of a function or service to a municipal entity on the Municipality's staff, assets and liabilities when considering the establishment of, or participation in, a municipal entity.		Council	Accounting Officer
84(2)(b)(ii)	Considering the comments or representations received from the local community, organised labour and other interested persons in respect of the Municipality's intention to establish and/or participate in a municipal entity		Municipal Council	N/A

84(2)(b)(iii)	Considering the views and recommendations of the National Treasury and the provincial treasury, the national and provincial departments responsible for local government and the MEC responsible for local government in respect of the Municipality's intention to establish and/or participate in a municipal entity	Municipal Council	N/A
86(1)	Receiving information from a municipal entity of which the Municipality is the parent municipality regarding the entity's bank account(s).	Council	Accounting Officer
87(1)	Receiving a proposed budget for a municipal entity of which the Municipality is the parent municipality for each financial year.	Council	N/A
87(2)	Considering the proposed budget of a municipal entity of which the Municipality is the parent municipality and assessing the entity's priorities and objectives	Municipal Council	Accounting Officer
87(5)(c)	Deciding to make recommendations on the proposed budget of a municipal entity of which the Municipality is the parent municipality	Municipal Council	Accounting Officer
88(b)(ii)	Determining the limits, including any limits on tariffs, revenue, expenditure and borrowing, on the budget of a municipal entity of which the Municipality is the parent municipality.	Council	Accounting Officer
89(a)	Receiving and considering a mid-year performance assessment report of a municipal entity of which the Municipality is the parent municipality.	Council	Accounting Officer
89(b)	Determining the upper limits of the salary, allowances and other benefits of the chief executive officer and senior managers of a municipal entity of which the Municipality is the parent municipality.	Council	N/A
	Monitoring and ensuring that a municipal entity of which the Municipality is the parent municipality reports to the Municipal Council on all expenditure incurred by that municipal entity on directors and staff remuneration matters, and in a manner that discloses such expenditure per type of expenditure	Municipal Council	Accounting Officer
	Considering an application from a municipal entity of which the Municipality is the parent municipality to transfer ownership or otherwise dispose of a capital asset other than an asset needed to provide the minimum level of basic municipal services	Council	N/A
		Council	
	(a) must determine on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal services; and	Municipal Council	N/A
	(b) has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset	Municipal Council	N/A
	Deciding to delegate to the Municipal Manager the power to determine on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal services and the fair market value of the asset and the economic and community value to be received in exchange for the asset in respect of movable capital assets of a municipal entity of which the Municipality is the parent municipality below a value determined by the Council	Municipal Council	N/A

90(4)	Determining the value of movable capital assets of a municipal entity of which the Municipality is the parent municipality in respect of which the Municipal Manager may on reasonable grounds decide that the asset is not needed to provide the minimum level of basic municipal services and the fair market value of the asset and the economic and community value to be received in exchange for the asset		Municipal Council	Accounting Officer
97(3)	Receiving a report of the accounting officer of a municipal entity of which the Municipality is the parent municipality regarding any payments due by an organ of state to the entity in respect of service charges, if such payments are regularly in arrears for periods of more than 30 days.		Council	Accounting Officer
101(1)	Receiving a report of the accounting officer of a municipal entity of which the Municipality is the parent municipality on any financial problems of the entity.		Council	Accounting Officer
104(1)(b)	Deciding which information, returns, documents, explanations and motivations to require from the accounting officer of a municipal entity of which the Municipality is the parent municipality.		Council	Accounting Officer
	Deciding, when a municipal entity of which the Municipality is the parent municipality, experiences serious or persistent financial problems and the board of directors of the entity fails to act effectively --		Council	N/A
	(a) the appropriate steps to be taken in terms of the Municipality's rights and powers over the entity concerned, including its rights and powers in terms of any relevant service delivery or other agreement;		Council	N/A
	(b) impose a financial recovery plan, which meets the criteria set out in section 142 of the MFMA; or.		Council	N/A
109	(c) liquidate and disestablish the entity.		Council	N/A
111	Making and implementing a supply chain management policy for the Municipality.	Subject to the content requirements in terms of section 112(1) of the MFMA	Council	CFO
113(1)	Deciding whether to consider an unsolicited bid received outside the Municipality's normal bidding process.		Council	Accounting Officer
116(3)	Considering the reasons for the proposed amendment of a contract or agreement and any representation that may have been received regarding the proposed amendment of a contract or an agreement procured through the supply chain management policy of the Municipality and deciding whether to consent to the amendment of the contract or agreement.		Council	N/A
116(3)	Considering the reasons for the proposed amendment of a contract or agreement and any representation that may have been received regarding the proposed amendment of a contract or an agreement procured through the supply chain management policy of a municipal entity of which the Municipality is a parent municipality and deciding whether to consent to the amendment of a contract or agreement.		Council	N/A
119(2)	Determining the resources or opportunities to be made available for the training of officials involved in the implementation of the supply chain management policy of the Municipality to meet the prescribed competency levels.		Council	CFO
120(1)	Deciding to enter into a public-private partnership agreement.		Council	N/A
120(1)(a)	Determining whether a proposed public-private partnership agreement will provide value for money to the municipality.		Council	N/A
120(1)(b)	Determining whether a proposed public-private partnership agreement will be affordable for the Municipality.		Council	N/A

120(1)(c)	Determining whether a proposed public-private partnership agreement will transfer appropriate technical, operational and financial risk to the private party.		Council	N/A
120(4)	Deciding to conduct a feasibility study before a public-private partnership is concluded.		Council	Accounting Officer
120(5)	Determining whether to apply for the national government's assistance in carrying out and assessing a feasibility study regarding a proposed public-private partnership.		Council	N/A
121(1)	Preparing an annual report for the Municipality.		Council	Accounting Officer
121(4)(f)	Determining any additional information to be contained in the annual report of a municipal entity of which the Municipality is a parent municipality.		Council	Accounting Officer
126(2)(a)	Receiving the financial statements of municipal entity over which the Municipality has sole control or effective control (if it is a private company).		Council	Accounting Officer
	Receiving a report outlining the reasons for the delay from the Auditor-General if she/he is unable to complete an audit within three months after submission of the Municipality's annual financial statements and any consolidated annual financial statements of the Municipality and of a municipal entity over which the Municipality has sole control or effective control (if it is a private company).		Council	N/A
126(4)	Considering the annual report of the Municipality and of any municipal entity under the Municipality's sole or shared control		Municipal Council	N/A
129(1)	Adopting an oversight report containing the Council's comments on the annual report(s)			
	Deciding whether to adopt guidelines issued by the National Treasury on the manner in which councils should consider annual reports and conduct public hearings and the functioning and composition of any public accounts or oversight committees established by a council to assist it to consider an annual report		Municipal Council	N/A
129(5)	Deciding whether to request the Speaker or another councillor to investigate the reasons for the failure of the Municipal Manager or of the accounting officer of a municipal entity under the Municipality's sole or shared control to submit annual financial statements to the Auditor-General or the Executive Mayor's failure to table the annual report of the Municipality or a municipal entity in the Council			
	Receiving the report of the appointed councillor regarding the failure of the Municipal Manager or of the accounting officer of a municipal entity under the Municipality's sole or shared control to submit annual financial statements to the Auditor-General or the Executive Mayor's failure to table the annual report of the Municipality or a municipal entity in the Council		Municipal Council	N/A
133(c)(i)	Determining the appropriate steps to be taken to ensure that the financial statements are submitted to the Auditor-General or that the annual report, including the financial statements and the audit report on those statements, is tabled in the Council, as the case may be.		Municipal Council	N/A
133(c)(ii)	Deciding whether disciplinary steps should be taken against the Municipal Manager or other persons responsible for the failure of the Municipal Manager or of the accounting officer of a municipal entity under the Municipality's sole or shared control to submit annual financial statements to the Auditor-General or the Executive Mayor's failure to table the annual report of the Municipality or a municipal entity in the Council			
133(c)(iii)	Considering whether the Municipality is, or is likely to, encounter a serious financial problem in meeting its financial commitments		Municipal Council	Mayor
135(3)	Determining the manner of seeking solutions to any serious financial problem in meeting its financial commitments experienced or anticipated by the Municipality			
135(3)(a)	Defining the solutions to be implemented to solve or avoid any serious financial problem in meeting its financial commitments experienced or anticipated by the Municipality		Municipal Council	Mayor

135(3)(b)	Informing the MEC responsible for local government and the MEC responsible for finance of any serious financial problem in meeting its financial commitments experienced or anticipated by the Municipality	Municipal Council	Mayor
135(3)(c)	Notifying organised local government of any serious financial problem in meeting its financial commitments experienced or anticipated by the Municipality	Municipal Council	Mayor
137(2)	Receiving an assessment of the seriousness of the financial problem in the Municipality, the determination of the provincial executive whether the financial problem experienced by the Municipality, singly or in combination with other problems, is sufficiently serious or sustained that the Municipality would benefit from a financial recovery plan and the request to a suitably qualified person to prepare and submit a financial recovery plan for the Municipality	Municipal Council	Speaker of council
141(3)(a)	Receiving a copy of the Municipal Financial Recovery Service's determination of the reasons for the crisis in the Municipality's financial affairs and assessment of the Municipality's financial state	Municipal Council	Speaker of council
144(2)	Participating in consultations with the person or body appointed to prepare a financial recovery plan or an amendment of such plan for the Municipality.	Council	Accounting Officer
141(3)(c)	Commenting on a draft financial recovery plan or an amendment to such plan for the Municipality.	Council	Accounting Officer
144(2)	Receiving an approved financial recovery plan for the Municipality	Council	Accounting Officer
143(3)(a)	Implementing an approved financial recovery plan for the Municipality	Municipal Council	Speaker of council
145(1)(a)		Municipal Council	Speaker of council
146(1)(a)		Municipal Council	Speaker of council
145(1)(b)	Reporting monthly to the MEC for local government on the implementation of the approved financial recovery plan for the Municipality	Municipal Council	Accounting Officer
147(1)(b)	Receiving progress reports and a final report on any intervention from the MEC for local government or the MEC responsible for finance	Municipal Council	Accounting Officer
148(1)(b)(i)	Declaring the Municipality's willingness to fulfil the executive obligation in terms of legislation or the Constitution that gave rise to any discretionary intervention in the Municipality	Municipal Council	Speaker of council
148(3)(a)	Receiving a notification that an intervention in the Municipality has ended	Municipal Council	N/A
152(1)	Deciding to apply to the High Court for an order to stay all legal proceedings, including the execution of legal process, by persons claiming money from the Municipality if the Municipality is unable to meet its financial commitments	Municipal Council	Speaker of council
153(1)(a)	Deciding to apply to the High Court for an order to stay, for a period not exceeding 90 days at a time, all legal proceedings, including the execution of legal process, by persons claiming money from the Municipality	Municipal Council	Accounting Officer
153(1)(b)	Deciding to apply to the High Court for an order to suspend the Municipality's financial obligations to creditors, or any portion of those obligations, until the Municipality can meet those obligations	Municipal Council	Accounting Officer
153(1)(b)	Deciding to apply to the High Court for an order to terminate the Municipality's financial obligations to creditors, and to settle claims in accordance with a distribution scheme referred to in section 155 of the MFMA	Municipal Council	Accounting Officer
165(1)	Deciding whether to establish an internal internal audit unit or to outsource the internal audit function.	Council	Accounting Officer

166(1) and (6)	Deciding whether to establish an internal audit committee for – (a) the Municipality only; or (b) the Municipality and the local municipalities within the district municipal area; or (c) the Municipality and any municipal entity under its sole control.	Council Council Council Council	Accounting Officer Accounting Officer Accounting Officer Accounting Officer
166(2)	Receiving reports of the audit committee	Municipal Council	Accounting Officer
166(2)(d)	Requesting the audit committee to investigate the financial affairs of the Municipality or a municipal entity of which the Municipality is a parent Determining the number of members of the audit committee	Municipal Council	Mayor
166(4)	Determining the nature of the appropriate experience that persons should possess to be considered for appointment as a member of the audit committee	Municipal Council	Accounting Officer
166(5)	Appointing the members of the audit committee of the Municipality and of a municipal entity of which the Municipality is a parent municipality Appointing from amongst the members of an audit committee who is not in the employ of the Municipality or municipal entity a chairperson	Municipal Council	Accounting Officer
168(3)	Considering any guidelines issued by the Minister of Finance in terms of section 168(1) of the MFMA	Municipal Council	Accounting Officer
171(4)(a)	Investigating any allegations of financial misconduct against the Municipal Manager, the Chief Financial Officer, a senior manager or other official of the Municipality unless those allegations are frivolous, vexatious, speculative or obviously unfounded Deciding whether an allegation of financial misconduct against the Municipal Manager, the Chief Financial Officer, a senior manager or other official of the Municipality is frivolous, vexatious, speculative or obviously unfounded.	Municipal Council	Mayor
171(4)(b)	Deciding whether an investigation of an allegation of financial misconduct against the Municipal Manager, the Chief Financial Officer, a senior manager or other official of the Municipality revealed anything that warrants the institution of disciplinary proceedings.	Council	Mayor
176(2)	Deciding to recover from a political office-bearer or official of the Municipality any loss or damage suffered by it because of the deliberate or negligent unlawful actions of that political office-bearer or official when performing a function of office.	Council	N/A
178(2)(a)	Submitting to the National Treasury a list of all corporate entities in which the Municipality or a municipal entity under its sole or shared control has an interest.	Council	Accounting Officer
178(2)(b)	Submitting to the National Treasury a list of all public-private partnerships to which the Municipality is a party, with a value of more than one million Rands in total or per annum. Submitting to the National Treasury a list of all other types of contracts of the Municipality for a period beyond 1 January 2007 and with a value of more than one million Rands in total or per annum.	Council	Accounting Officer
178(2)(c)		Council	Accounting Officer

DELEGATION FRAMEWORK FOR MUNICIPALITIES

DUTIES OF MAYOR

		DELEGATIONS	
		FROM	TO
Section of MFMA	Power/duty conferred	Applicable conditions	
	<u>Powers delegated to Executive Mayor and other political body</u>		
Section of MFMA	Power/duty conferred	Conditions	
12(1)	Deciding to set-up a relief, charitable, trust or other fund of whatever description		
16(2)	Tabling the annual budget at a Municipal Council meeting	The annual budget must be tabled at least 90 days before 1 July each year. The work output on the annual budget is managed by the Accounting Officer	Mayor or Exco. Comm Mayor or Exco. Comm Accounting Officer Accounting Officer
21(1)(a)	Co-ordinating the processes of preparing the annual budget and reviewing the Municipality's integrated development plan and budget-related policies		Mayor or Exco. Comm Accounting Officer
21(1)(b)	Tabling in the Municipal Council a time schedule outlining key deadlines for the preparation, tabling and approval of the annual budget, the annual review of the integrated development plan and the Municipality's budget-related policies, the tabling and adoption of any amendments to the integrated development plan and the budget-related policies and any consultative processes forming part of the processes	At least 10 months before 1 July each year	Mayor or Exco. Comm Accounting Officer
21(2)(b)	Implementing the reasonable steps to be taken to review the Municipality's integrated development plan 35		Mayor or Exco. Comm Budget & Treasury Steering Comm
21(2)(d)	Determining the manner and timing of consultation of the local municipalities within the municipal area, the provincial treasury and such other organs of state as may be prescribed with regard to the Municipality's annual budget		Mayor or Exco. Comm Budget & Treasury Steering Comm
21(2)(e)	Providing information relating to the budget that may be requested by the National Treasury and any other organ of state	Subject to any limitations that may be prescribed in respect of organs of state other than the National Treasury	Mayor or Exco. Comm Accounting Officer
25(3)	Complying with section 55 of the MFMA if the Municipality has not approved an annual budget, including revenue-raising measures necessary to give effect to the budget, by 1 July of any year	Immediately report the matter to the MEC responsible for local government	Mayor or Exco. Comm Budget & Treasury Steering Comm

26(4)	Obtaining the MEC responsible for finance's approval to withdraw funds from the Municipality's bank accounts, if a budget has not been approved on or before 1 July of each year.		Mayor or Exco. Comm	Accounting Officer
27(1)	Determining the likelihood of the Municipality not being able to comply with the MFMA or other legislation relating to the tabling or approval of an annual budget or compulsory consultation processes		Mayor or Exco. Comm	Accounting Officer
27(2)	Informing the MEC responsible for finance of any impending non-compliance by the Municipality of any provisions of the MFMA or any other legislation pertaining to the tabling or approval of an annual budget or compulsory consultation processes		Mayor or Exco. Comm	Accounting Officer
27(3)	Decision to apply to the MEC responsible for finance to extend any time limit or deadline with regard to the preparation and approval of the annual budget		Mayor or Exco. Comm	Accounting Officer
27(4)	Applying to the MEC responsible for finance to extend any time limit or deadline with regard to the preparation and approval of the annual budget		Mayor or Exco. Comm	Accounting Officer
28(1)	Informing the Municipal Council, the MEC responsible for finance and the National Treasury, in writing, of any actual non-compliance by the Municipality of a provision of Chapter 4 of the MFMA and any remedial or corrective measures the Municipality intends to implement to avoid a recurrence of such non-compliance		Mayor or Exco. Comm	Accounting Officer
28(4)	Tabling an adjustments budget in the Municipal Council		Mayor or Exco. Comm	Accounting Officer & the Budget & Treasury Steering Committee
29(1)	Decision to authorise unforeseeable and unavoidable expenditure for which no provision was made in an approved budget in emergency or other exceptional circumstances		Mayor or Exco. Comm	Accounting Officer & the Budget & Treasury Steering Committee
29(2)(c)	Reporting to the Municipal Council regarding the authorisation of unforeseeable and unavoidable expenditure for which no provision was made in an approved budget in emergency or other exceptional circumstances	Such report must be made to the Council at the first Council meeting next ensuing after the authorisation was given	Mayor or Exco. Comm	Accounting Officer & the Budget & Treasury Steering Committee
52(a)	Giving written approval for exceeding the amount appropriated in respect of a capital programme		Mayor or Exco. Comm	Accounting Officer & the Budget & Treasury Steering Committee
52(b)	Decision on the nature and extent of, and manner in which political guidance over the fiscal and financial affairs of the Municipality will be provided		Mayor or Exco. Comm	Accounting Officer & the Budget & Treasury Steering Committee
52(c)	Decision on the monitoring and oversight mechanisms to be applied to the exercise by the Municipal Manager and the Chief Financial Officer of their powers, functions and duties in terms of the MFMA		Mayor or Exco. Comm	Accounting Officer
52(c)	Decision on the reasonable steps to be taken to ensure that the Municipality performs its constitutional and statutory functions within the limits of the Municipality's approved budget		Mayor or Exco. Comm	Accounting Officer

52(d)	Submitting to the Municipal Council, within 30 days of the end of each quarter, a report on the implementation of the budget and the financial state of affairs of the Municipality		Mayor or Exco. Comm	Accounting Officer
53(1)(a)	Decision on the nature and extent of, and manner in which political guidance is to be given over the budget process and the priorities that must guide the preparation of a budget		Mayor or Exco. Comm	Accounting Officer
53(1)(b)	Decision on the steps to be taken to co-ordinate the annual revision of the integrated development plan and the preparation of the annual budget		Mayor or Exco. Comm	Accounting Officer & the Budget & Treasury Steering Committee
53(1)(c)(i)	Determining how the integrated development plan is to be taken into account or revised for the purposes of the budget		Mayor or Exco. Comm	Accounting Officer & the Budget & Treasury Steering Committee
53(1)(c)(ii)	Determining the reasonable steps to be taken to ensure that the Municipality approves its annual budget before the start of the budget year		Mayor or Exco. Comm	Accounting Officer & the Budget & Treasury Steering Committee
53(1)(c)(iii)	Determining the reasonable steps to be taken to ensure he/she approves the Municipality's service delivery and budget implementation plan	The Executive Mayor must approve the annual service delivery and budget implementation plan within 28 days after the approval of the budget	Mayor or Exco. Comm	Accounting Officer & the Budget & Treasury Steering Committee
53(2)	Reporting to the Municipal Council and the MEC responsible for finance any delay in the tabling of an annual budget, the approval of the service delivery and budget implementation plan or the signing of the annual performance agreements	In terms of section 57(2)(a) of the Municipal Systems Act the annual performance agreements must be concluded on or before 30 July of each year	Mayor or Exco. Comm	Members of the Municipal Council
53(3)(a)	Ensuring that the revenue and expenditure projections for each month and the service delivery targets and performance indicators for each quarter, contained in the service delivery and budget implementation plan, are made public no later than 14 days after the approval of the service delivery and budget implementation plan		Mayor or Exco. Comm	Accounting Officer & the Budget & Treasury Steering Committee
53(3)(b)	Ensuring that the performance agreements of the Municipal Manager, senior managers and any other categories of officials as may be prescribed, are made public no later than 14 days after the approval of the Municipality's service delivery and budget implementation plan		Mayor or Exco. Comm	Accounting Officer
	Submission of the annual performance agreements of the Municipal Manager, senior managers and any other categories of officials as may be prescribed, to the Municipal Council and the MEC responsible for local government		Mayor or Exco. Comm	Accounting Officer

54(1)(a)	Making arrangements for the receipt of a monthly statement on the state of the Municipality's budget and a mid-year corporate performance assessment report	<p>1. The statement a statement regarding the state of the municipality's budget must be submitted not later than .10 working days after the end of each month</p> <p>2. The mid-year performance assessment report must be submitted not later than 25 January of each year</p> <p>3. The mid-year corporate performance assessment report must be submitted to the Council not later than 31 January each year</p>	Mayor or Exco. Comm	Accounting Officer
54(1)(b)	Determining the procedures, including reports required to check whether the Municipality's approved budget is implemented in accordance with the service delivery and budget implementation plan		Mayor or Exco. Comm	Accounting Officer & the Budget & Treasury Steering Committee
54(1)(c)	Determining whether it is necessary to make any revisions to the service delivery and budget implementation plan	Revisions to the service delivery targets and performance indicators in the plan may only be made with the approval of the	Mayor or Exco. Comm	Accounting Officer & the Budget & Treasury Steering Committee

54(1)(d)	Determining the instructions to be given to the Municipal Manager to ensure that the budget is implemented in accordance with the service delivery and budget implementation plan and that spending of funds and revenue collection proceed in accordance with the budget	If the Municipality faces any serious financial problems, the Executive Mayor must promptly respond to and initiate any remedial or corrective steps proposed by the Municipal Manager to deal with such problems, which may include steps to reduce spending when revenue is anticipated to be less than projected in the Municipality's approved budget, the tabling of an adjustments budget or steps in terms of Chapter 13 of the MFMA and alert the Council and the MEC for local government to those problems	Mayor or Exco. Comm	The Budget & Treasury Steering Committee & Accounting Officer
54(1)(e)	Considering whether the Municipality faces any financial problems including any emerging or impending financial problems		Mayor or Exco. Comm	The Budget & Treasury Steering Committee & Accounting Officer
54(3)	Making public any revisions of the service delivery and budget implementation plan		Mayor or Exco. Comm	The Budget & Treasury Steering Committee & Accounting Officer
55	Immediately report to the MEC for local government if the Municipality has not approved an annual budget by 1 July of any year or if the Municipality encounters a serious financial problem		Mayor or Exco. Comm	The Budget & Treasury Steering Committee & Accounting Officer
56	Providing guidance to the Municipality to exercise its rights and powers over any municipal entity in which the Municipality has sole or shared control		Mayor or Exco. Comm	The Budget & Treasury Steering Committee & Accounting Officer
59(1)(a)	Deciding to delegate the powers and duties assigned to the Executive Mayor in terms of the MFMA	<ol style="list-style-type: none"> 1. Such power or duty may only be delegated to another member of the Mayoral Committee 2. A delegation by the Executive Mayor must be in writing. 	Mayor or Exco. Comm	N/A
			Mayor or Exco. Comm	N/A

			3. A delegation by the Executive Mayor does not divest him/her of the responsibility concerning the exercise of the delegated power or the performance of the delegated duty.		Mayor or Exco. Comm	N/A
59(2)	Determining the conditions and limitations of any delegation by the Executive Mayor		No variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision		Mayor or Exco. Comm	N/A
59(3)	Deciding to confirm, vary or revoke any decision taken in consequence of a delegation by the Executive Mayor		Together with the Municipality's budget for the relevant financial year		Mayor or Exco. Comm	N/A
87(3)	Tabling the proposed budget of a municipal entity of which the Municipality is the parent municipality in the Municipal Council				Mayor or Exco. Comm	Accounting Officer
87(6)	Considering an application by the board of directors of a municipal entity of which the Municipality is the parent municipality to revise the budget of the municipal entity				Mayor or Exco. Comm	Accounting Officer
87(9)	Tabling the budget or adjusted budget and any adjustments budget of a municipal entity of which the Municipality is the parent municipality at the next Council meeting				Mayor or Exco. Comm	Accounting Officer
102(1)	Receiving a report of the board of directors of a municipal entity of which the Municipality is the parent municipality any irregular expenditure or any fruitless and wasteful expenditure incurred by, or on behalf of, that municipal entity				Mayor or Exco. Comm	Accounting Officer
103	Receiving a report of the accounting officer of a municipal entity of which the Municipality is the parent municipality regarding any interference by a councillor outside that councillor's assigned duties, in the financial affairs of the municipal entity; or the responsibilities of the board of directors of the municipal entity				Mayor or Exco. Comm	Accounting Officer
127(2)	Tabling in the Municipal Council the Municipality's annual report and the annual report of any municipal entity under the Municipality's sole or shared control				Mayor or Exco. Comm	Accounting Officer
127(3)(a)	Submitting to the Council a written explanation setting out the reasons for any delay in tabling the Municipality's annual report and the annual report of any municipal entity under the Municipality's sole or shared control				Mayor or Exco. Comm	Accounting Officer
130(1)	Determining the reasonable time period to be allowed during a council meeting at which an annual report is to be discussed or at which decisions concerning an annual report are to be taken for the discussion of any written submissions received from the local community or organs of state on the annual report and for members of the local community or any organs of state to address the Municipal Council				Mayor or Exco. Comm	Accounting Officer

131(1)	Ensuring that the Municipality addresses all the issues raised in an audit report		Mayor or Exco. Comm	Accounting Officer
133(1)(a)	Tabling in the Municipal Council a written explanation setting out the reasons for the failure of the Municipal Manager or of the accounting officer of a municipal entity under the Municipality's sole or shared control to submit annual financial statements to the Auditor-General or the Executive Mayor's failure to table the annual report of the Municipality or a municipal entity in the Municipal Council		Mayor or Exco. Comm	Accounting Officer
136(1)(a)	Participating in consultations with the MEC for local government regarding a serious financial problem in the Municipality		Mayor or Exco. Comm	Accounting Officer
137(1)(d)	Participating in consultations with the MEC for local government regarding the Municipality's co-operation in resolving any financial problem, and if applicable, implementing the financial recovery plan		Mayor or Exco. Comm	Accounting Officer
139(1)(b)	Participating in consultations with the MEC for local government regarding the Municipality's co-operation in implementing the recovery plan, including the approval of a budget and legislative measures giving effect to the recovery plan		Mayor or Exco. Comm	Accounting Officer
139(2)	Receiving a request made by the provincial executive to the Municipal Financial Recovery Service to determine the reasons for the crisis in the Municipality's financial affairs, to assess the Municipality's financial state and to prepare an appropriate recovery plan for the Municipality		Mayor or Exco. Comm	Accounting Officer
166(2)	Receiving reports of the audit committee		Mayor or Exco. Comm	Accounting Officer

DELEGATION FRAMEWORK FOR MUNICIPALITIES

POWERS & FUNCTIONS ASSIGNED TO THE ACCOUNTING OFFICER

MUNICIPAL FINANCE MANAGEMENT ACT		RESPONSIBILITY & DELEGATION CHANNEL	
Section of MFMA	Powers & Functions Conferred	RESPONSIBILITY FROM	TO SUB DELEGATED TO BY THE CFO
Section of MFMA	<u>Powers delegated to Municipal Manager/Accounting Officer</u>		
Section of MFMA	<u>Specific Detail from each section of the MFMA..</u>		
	Submission of the Municipality's primary bank account details, and any impending change thereof.		
8(5)	Submission of the prescribed details regarding any new bank accounts opened for the Municipality	Accounting Officer	Chief Financial Officer
9(a)	Submission of the details of the Municipality's bank accounts annually before the start of a financial year	Accounting Officer	Chief Financial Officer
9(b)	Administration of the Municipality's bank accounts	Accounting Officer	Chief Financial Officer
10(1)(a)	Enforcing compliance with sections 7, 8 and 11 of the MFMA	Accounting Officer	Chief Financial Officer
10(2)	Written authorisation to senior financial official to withdraw or authorise the withdrawal of money from the Municipality's bank account for the purpose outlined in terms of sect 11 of the MFMA	Accounting Officer	Chief Financial Officer
11(1)	Preparation of a quarterly consolidated report of all withdrawals made in terms of section 11(1)(b) to (j) of the MFMA from the Municipality's bank accounts Tabling of a quarterly consolidated report of all withdrawals made in terms of section 11 (1)(b) to (j) of the MFMA from the Municipality's bank accounts in the Municipal Council	Accounting Officer	The Chief Financial Officer must be issued with written authorisation by the Accounting Officer to implement the section 11
11(4)(a)	Submission of quarterly consolidated report of all withdrawals made in terms of section 11 (1)(b) to (j) of the MFMA to the provincial treasury and the Auditor-General	Accounting Officer	Chief Financial Officer
11(4)(b)	Issuing written authority to withdraw money without appropriation in terms of an approved budget from a bank account opened for the purpose of relief, charitable, trust or other fund.	Accounting Officer	Chief Financial Officer
12(4)	Making the annual budget public, inviting the community to submit representations in connection therewith and submitting the annual budget to the national and provincial treasuries and affected municipalities	Accounting Officer	Chief Financial Officer
22	Submission of the approved annual budget to the National Treasury and the provincial treasury	Accounting Officer	Chief Financial Officer
24(3)		Accounting Officer	Chief Financial Officer

31(c)	Issuing a certificate specifying that actual revenue for the financial year concerned is expected to exceed budgeted revenue and that sufficient funds are available for exceeding the amount appropriated for a specific capital programme without incurring further borrowing beyond the annual budget limit	Accounting Officer MM/AO	Accounting Officer Accounting officer	Chief Financial Officer	
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32(4)	Informing the Executive Mayor, the MEC for local government and the Auditor-General, in writing, of any unauthorised, irregular or fruitless and wasteful expenditure incurred by the Municipality, whether any person is responsible or under investigation for such unauthorised, irregular or fruitless and wasteful expenditure and the steps that have been taken to recover or rectify such expenditure and to prevent a recurrence of such expenditure.	Accounting Officer - Directly accountable to the MFMA for implementation	Accounting Officer	Chief Financial Officer
32(6)	Reporting alleged irregular expenditure that constitutes a criminal offence and alleged theft and fraud which occurred in the Municipality to the SAPS.	Accounting Officer	Accounting Officer	Chief Financial Officer
37(2)	Determining the projected amount of any allocation proposed to be transferred to another municipality during each of the next three financial years and notifying the receiving municipality thereof.	Accounting Officer	Accounting Officer	Chief Financial Officer
45(2)(b)	Signing a debt agreement or other document which creates or acknowledges any short term debt	Accounting Officer	Accounting Officer	Chief Financial Officer
46(2)(b)	Signing a debt agreement or other document which creates or acknowledges any long-term debt	Accounting Officer	Accounting Officer	Chief Financial Officer
60(b)(i)	Provide guidance and advice on compliance with this Act to the Political Structures, Political Office Bearers and Officials of the Municipality and or Municipal Entity	Accounting Officer	Accounting Officer	Chief Financial Officer
61(1)(b)	Deciding the timing and manner of disclosing to the Municipal Council and the Executive Mayor all material facts which are available or reasonably discoverable, and which in any way might influence the decisions or actions of the Municipal Council or the Executive Mayor.	Accounting Officer	Accounting Officer	Chief Financial Officer
62(1)(a)	Deciding the reasonable steps to be taken to ensure that the resources of the Municipality are used effectively, efficiently and economically	Accounting Officer	Accounting Officer	Chief Financial Officer and Senior Managers
62(1)(b)	Deciding the reasonable steps to be taken to ensure that full and proper records of the Municipality's financial affairs are kept in accordance with any prescribed norms and standards	Accounting Officer	Accounting Officer	Chief Financial Officer
62(1)(c)(i)	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains effective, efficient and transparent systems of financial and risk management and internal control	Accounting Officer	Accounting Officer	Chief Financial Officer and Senior Managers
62(1)(c)(ii)	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains effective, efficient and transparent systems of internal audit operating in accordance with any prescribed norms and standards	Accounting Officer	Accounting Officer	Chief Financial Officer and Senior Managers
62(1)(d)	Deciding the reasonable steps to be taken to ensure that unauthorised, irregular or fruitless and wasteful expenditure and other losses are prevented	Accounting Officer	Accounting Officer	Chief Financial Officer and Senior Managers
62(1)(e)	Deciding the reasonable steps to be taken to ensure that disciplinary or, when appropriate, criminal proceedings are instituted against any official of the Municipality who has allegedly committed an act of financial misconduct or an offence in terms of Chapter 15 of the MFMA	Accounting Officer	Accounting Officer	Chief Financial Officer and Senior Managers

62(1)(i)	Deciding the reasonable steps to be taken to ensure that the Municipality has and implements a tariff policy referred to in section 74 of the Municipal Systems Act	Accounting Officer	Accounting Officer	Chief Financial Officer
62(1)(ii)	Deciding the reasonable steps to be taken to ensure that the Municipality has and implements a rates policy as required in terms of section 3 of the Local Government: Municipal Property Rates Act, 2004 (Act No 6 of 2004)	Accounting Officer	Accounting Officer	Chief Financial Officer
62(1)(iii)	Deciding the reasonable steps to be taken to ensure that the Municipality has and implements a credit control and debt collection policy referred to in section 96(b) of the Municipal Systems Act	Accounting Officer	Accounting Officer	Chief Financial Officer
62(1)(iv)	Deciding the reasonable steps to be taken to ensure that the Municipality has and implements a supply chain management policy in accordance with Chapter 11 of the MFMA	Accounting Officer	Accounting Officer	Chief Financial Officer & all Senior Managers
63(2)(a)	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a management, accounting and information system that accounts for the assets and liabilities of the Municipality	Accounting Officer	Accounting Officer	Chief Financial Officer, IT Manager & Manager - Internal Audit
63(2)(b)	Deciding the reasonable steps to be taken to ensure that the Municipality's assets and liabilities are valued in accordance with standards of generally recognised accounting practice	Accounting Officer	Accounting Officer	Chief Financial Officer, IT Manager & Manager - Internal Audit
63(2)(c)	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a system of internal control of assets and liabilities, including an asset and liabilities register, as may be prescribed	Accounting Officer	Accounting Officer	Chief Financial Officer, IT Manager & Manager - Internal Audit
64(2)(a)	Deciding the reasonable steps to be taken to ensure that the Municipality has effective revenue collection systems consistent with section 95 of the Municipal Systems Act and the Municipality's credit control and debt collection policy	Accounting Officer	Accounting Officer	Chief Financial Officer
64(2)(b)	Deciding the reasonable steps to be taken to ensure that revenue due to the Municipality is calculated on a monthly basis	Accounting Officer	Accounting Officer	Chief Financial Officer
64(2)(c)	Deciding the reasonable steps to be taken to ensure that accounts for regional services council levies and charges for municipal services are prepared on a monthly basis, or less often as may be prescribed where monthly accounts are uneconomical	Accounting Officer	Accounting Officer	Chief Financial Officer
64(2)(d)	Deciding the reasonable steps to be taken to ensure that all money received is promptly deposited in accordance with the MFMA into the Municipality's primary and other bank accounts	Accounting Officer	Accounting Officer	Chief Financial Officer
64(2)(e)	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a management, accounting and information system which recognises revenue when it is earned and accounts for debtors and for receipts of revenue	Accounting Officer	Accounting Officer	Chief Financial Officer
64(2)(f)	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a system of internal control in respect of debtors and revenue	Accounting Officer	Accounting Officer	Chief Financial Officer & Manager Internal Audit

64(2)(g)	Deciding the reasonable steps to be taken to ensure that the Municipality charges interest on arrears, except where the Council has granted exemptions in accordance with its budget-related policies and within a prescribed framework	Accounting Officer	Accounting Officer	Chief Financial Officer
64(2)(h)	Deciding the reasonable steps to be taken to ensure that all revenue received by the Municipality, including revenue received by any collecting agent on its behalf, is reconciled at least on a weekly basis	Accounting Officer	Accounting Officer	Chief Financial Officer
64(3)	Informing the National Treasury of any payments due by an organ of state to the Municipality in respect of municipal tax or for municipal services, if such payments are regularly in arrears for periods of more than 30 days.	Accounting Officer	Accounting Officer	Chief Financial Officer
64(4)(a)	Deciding the reasonable steps to be taken to ensure that any funds collected by the Municipality on behalf of another organ of state is transferred to that organ of state at least on a weekly basis	Accounting Officer	Accounting Officer	Chief Financial Officer
64(4)(b)	Deciding the reasonable steps to be taken to ensure that funds collected by the Municipality on behalf of another organ of state are not used for purposes of the Municipality	Accounting Officer	Accounting Officer	Chief Financial Officer
65(2)(a)	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains an effective system of expenditure control, including procedures for the approval, authorisation, withdrawal and payment of funds.	Accounting Officer	Accounting Officer	Chief Financial Officer
65(2)(b)	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a management, accounting and information system which recognises expenditure when it is incurred and that accounts for creditors of, and payments made by, the Municipality	Accounting Officer	Accounting Officer	Chief Financial Officer
65(2)(c)	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a system of internal control in respect of creditors and payments	Accounting Officer	Accounting Officer	Chief Financial Officer
65(2)(d)	Deciding the reasonable steps to be taken to ensure that payments by the Municipality are made directly to the person to whom it is due unless agreed otherwise for reasons as may be prescribed and either electronically or by way of non-transferable cheques	Accounting Officer	Accounting Officer	Chief Financial Officer
65(2)(e)	Deciding the reasonable steps to be taken to ensure that all money owing by the Municipality be paid within 30 days of receiving the relevant invoice or statement, unless prescribed otherwise for certain categories of expenditure	Accounting Officer	Accounting Officer	Chief Financial Officer
65(2)(f)	Deciding the reasonable steps to be taken to ensure that the Municipality complies with its tax, levy, duty, pension, medical aid, audit fees and other statutory commitments	Accounting Officer	Accounting Officer	Chief Financial Officer

65(2)(g)	Deciding the reasonable steps to be taken to ensure that any dispute concerning payments due by the Municipality to another organ of state is disposed of in terms of legislation regulating disputes between organs of state	Accounting Officer	Accounting Officer	Chief Financial Officer	
65(2)(h)	Deciding the reasonable steps to be taken to ensure that the Municipality's available working capital is managed effectively and economically in terms of the prescribed cash management and investment framework	Accounting Officer	Accounting Officer	Chief Financial Officer	
65(2)(i)	Deciding the reasonable steps to be taken to ensure that the Municipality's supply chain management policy is implemented in a way that is fair, equitable, transparent, competitive and cost-effective	Accounting Officer	Accounting Officer	Chief Financial Officer	
65(2)(j)	Deciding the reasonable steps to be taken to ensure that all financial accounts of the Municipality are closed at the end of each month and reconciled with its records	Accounting Officer	Accounting Officer	Chief Financial Officer	
66	Reporting to the Council on all expenditure incurred by the Municipality on staff salaries, wages, allowances and benefits, and in a manner that discloses such expenditure per type of expenditure	Accounting Officer	Accounting Officer	Chief Financial Officer	
	Determining whether an organisation or body outside any sphere of government to whom funds of the Municipality stand to be transferred otherwise than in compliance with a commercial or other business transaction, -	Accounting Officer	Accounting Officer	Chief Financial Officer	
	(d) implements effective, efficient and transparent financial management and internal control systems to guard against fraud, theft and financial mismanagement; and	Accounting Officer	Accounting Officer	Chief Financial Officer	
	(e) has in respect of previous similar transfers complied with all the requirements of section 67(1) of the MFMA	Accounting Officer	Accounting Officer	Chief Financial Officer	
67(1)	Entering into an agreement with an organisation or body outside any sphere of government to whom funds of the Municipality stand to be transferred otherwise than in compliance with a commercial or other business transaction	Accounting Officer	Accounting Officer	Chief Financial Officer	
	Obtaining the approval of the provincial treasury to transfer funds of the Municipality to an organisation or body outside any sphere of government otherwise than in compliance with a commercial or other business transaction if there has been a failure by an organisation or body to comply	Accounting Officer	Accounting Officer	Chief Financial Officer	
67(2)	with the requirements of section 67(1) of the MFMA in respect of a previous transfer	Accounting Officer	Accounting Officer	Chief Financial Officer	
	Determining the appropriate mechanisms to ensure compliance by an organisation or body outside any sphere of government to whom funds of the Municipality was transferred otherwise than in compliance with a commercial or other business transaction with -	Accounting Officer	Accounting Officer	Chief Financial Officer	
	(a) any agreement with the Municipality,	Accounting Officer	Accounting Officer	Chief Financial Officer	

	(b) for the period of the agreement to comply with all reporting, financial management and auditing requirements as may be stipulated in the agreement,	Accounting Officer	Accounting Officer	Chief Financial Officer	
	(c) to report at least monthly to the Municipal Manager on actual expenditure against such transfer and to submit its audited financial statements for its financial year to the Municipal Manager promptly;	Accounting Officer	Accounting Officer	Chief Financial Officer	
	(d) implements effective, efficient and transparent financial management and internal control systems to guard against fraud, theft and financial mismanagement; and	Accounting Officer	Accounting Officer	Chief Financial Officer	
67(3)	(e) has in respect of previous similar transfers complied with all the requirements of section 67(1) of the MFMA	Accounting Officer	Accounting Officer	Chief Financial Officer	
	Determining whether an organisation or body outside any sphere of government to whom funds of the Municipality stand to be transferred otherwise than in compliance with a commercial or other business transaction is an organisation or body	Accounting Officer	Accounting Officer	Chief Financial Officer	
67(4)	Assisting the Executive Mayor in performing the budgetary steps assigned to the Executive Mayor	Accounting Officer	Accounting Officer	Chief Financial Officer & Senior Managers	
	Determining the administrative support, resources and information required by the Executive Mayor to perform the budgetary steps assigned to the Executive Mayor	Accounting Officer	Accounting Officer	Chief Financial Officer & Senior Managers	
	Making the administrative support, resources and information required by the Executive Mayor to perform the budgetary steps assigned to the Executive Mayor available to him/her	Accounting Officer	Accounting Officer	Chief Financial Officer	
68(b)	Determining, in relation to implementing the Municipality's approved budget, the reasonable steps required to ensure that the spending of funds is in accordance with the budget and is reduced as necessary when revenue is anticipated to be less than projected in the budget or in the service delivery and budget implementation plan	Accounting Officer	Accounting Officer	Chief Financial Officer	
69(1)(a)	Determining, in relation to implementing the Municipality's approved budget, the reasonable steps required to ensure that revenue and expenditure are properly monitored	Accounting Officer	Accounting Officer	Chief Financial Officer	
69(1)(b)	Determining whether it is necessary to prepare an adjustments budget	Accounting Officer	Accounting Officer	Chief Financial Officer	
	Preparing an adjustments budget and submitting it to the Executive Mayor for consideration and tabling in the Council	Accounting Officer	Accounting Officer	Chief Financial Officer	
69(2)	Preparing and submitting, within 14 days after the approval of the Municipality's annual budget, a draft service delivery and budget implementation plan for the budget year	Accounting Officer	Accounting Officer	Chief Financial Officer	
69(3)(a)	Preparing and submitting, within 14 days after the approval of the Municipality's annual budget, drafts of the annual performance agreements as required in terms of section 57(1)(b) of the Municipal Systems Act for the Municipal Manager and all senior managers	Accounting Officer	Accounting Officer	Chief Financial Officer & Senior Managers	
69(3)(b)	Reporting in writing to the Municipal Council any impending shortfalls in budgeted revenue and overspending of the Municipality's budget and any steps taken to prevent or rectify such shortfalls or overspending	Accounting Officer	Accounting Officer	Chief Financial Officer	
70(1)	Informing the National Treasury that the Municipality's bank account or, if the Municipality has more than one bank account, the consolidated balance in those bank accounts, shows a net overdrawn position for a period exceeding a prescribed period	Accounting Officer	Accounting Officer	Chief Financial Officer	
	Submitting to the Executive Mayor and the provincial treasury, within 10 working days after the end of each month, a statement in the prescribed format on the state of the municipality's budget	Accounting Officer	Accounting Officer	Chief Financial Officer	
70(2)		Accounting Officer	Accounting Officer	Chief Financial Officer	
		Accounting Officer	Accounting Officer	Chief Financial Officer	
71(1)		Accounting Officer	Accounting Officer	Chief Financial Officer	

71(5)	Submitting to the national or provincial organ of state or municipality which transferred an allocation during any particular month to the Municipality within 10 working days after the end of the month concerned a statement indicating the amount of any allocations received and actual expenditure on those allocations, excluding expenditure on its share of the local government equitable share and allocations exempted by the annual Division of Revenue Act from compliance with this requirement	Accounting Officer	Accounting Officer	Chief Financial Officer	
72(1)(a)	Performing an assessment of the Municipality's performance during the first half of each financial year	Accounting Officer	Accounting Officer	Chief Financial Officer & Senior Manager, IDP & Performance Management	
72(1)(b)	Submitting the mid-year performance assessment report to the Executive Mayor, the National Treasury and the Provincial Treasury	Accounting Officer	Accounting Officer	Chief Financial Officer	
72(3)	Determining whether it is necessary to recommend that an adjustments budget be considered and that revised projections for revenue and expenditure is necessary	Accounting Officer	Accounting Officer	Chief Financial Officer & Senior Manager	
73(a)	Informing the provincial treasury of any failure by the Municipal Council to adopt or implement a budget-related policy or a supply chain management policy	Accounting Officer	Accounting Officer	Chief Financial Officer	
73(b)	Informing the provincial treasury of any non-compliance by a political structure or political office-bearer of the Municipality with a budget-related policy or the supply chain management policy	Accounting Officer	Accounting Officer	Chief Financial Officer	
74(1)	Submitting to the National Treasury, the provincial treasury, the department for local government and the Auditor-General such information, returns, documents, explanations and motivations as may be prescribed or as may be required.	Accounting Officer	Accounting Officer	Chief Financial Officer	
74(2)	Reporting his/her inability to comply with any of the responsibilities in terms of the MFMA, together with reasons, to the Executive Mayor and the provincial treasury	Accounting Officer	Accounting Officer	Chief Financial Officer	
75(1)	Ensuring that the required documents are uploaded to, and available on, the Municipality's website within five days after its tabling in the Council or on the date on which it must be made public, whichever occurs first	Accounting Officer	Accounting Officer	Chief Financial Officer	
77(1)	Deciding to designate any officials other than those listed in section 77(1)(a) to (c) of the MFMA as "top management"	Accounting Officer	Accounting Officer	Chief Financial Officer & IT Manager	
79(1)(a)	Developing an appropriate system of delegation that will both maximise administrative and operational efficiency and provide adequate checks and balances in the Municipality's financial administration for the proper application of the MFMA. Delegating to a member of the Municipality's top management or any other official of the Municipality any of the powers or duties assigned to an accounting officer in terms of the MFMA or any powers or duties reasonably necessary to assist the accounting officer in complying with a duty which requires the accounting officer to take reasonable or appropriate steps to ensure the achievement of the aims of a specific provision of the MFMA.	Accounting Officer	Accounting Officer	Chief Financial Officer & Senior Manager	
79(1)(b)		Accounting Officer	Accounting Officer	Chief Financial Officer & Senior Manager	

79(1)(c)	Regularly reviewing delegations issued to a member of the Municipality's top management or any other official of the Municipality and, if necessary, amending or withdrawing any of those delegations.	Accounting Officer	Accounting Officer	Chief Financial Officer & Senior Management
79(2)	Reviewing and confirming, varying or revoking any decision taken in consequence of a delegation or sub-delegation in terms of the MFMA.	Accounting Officer	Accounting Officer	Chief Financial Officer & Senior Management
80(2)(b)	Allocating officials of the Municipality to the Chief Financial Officer.	Accounting Officer	Accounting Officer	Chief Financial Officer
84(1)(b)	Making an assessment of the impact of the shifting of a function or service to a municipal entity on the Municipality's staff, assets and liabilities when considering the establishment of, or participation in, a municipal entity	Accounting Officer	Accounting Officer	Chief Financial Officer & Senior Management
84(2)(a)(i) (aa)	Publishing an information statement regarding the Municipality's intention to establish and/or participate in a municipal entity	Accounting Officer	Accounting Officer	Chief Financial Officer & Senior Management
84(2)(a)(i) (bb)	Inviting the local community, organised labour and other interested persons to submit comments or representations in respect of the Municipality's intention to establish and/or participate in a municipal entity	Accounting Officer	Accounting Officer	Chief Financial Officer & Senior Management
84(2)(a)(ii)	Soliciting the views and recommendations of the National Treasury and the provincial treasury, the national and provincial departments responsible for local government and the MEC responsible for local government in respect of the Municipality's intention to establish and/or participate in a municipal entity	Accounting Officer	Accounting Officer	Chief Financial Officer & Senior Management
86(2)	Submitting the information received from a municipal entity of which the Municipality is the parent municipality regarding the entity's bank account(s) to the Auditor-General, the National Treasury and the provincial treasury	Accounting Officer	Accounting Officer	Chief Financial Officer
87(11)	Receiving a monthly statement in the prescribed format on the state of the budget of a municipal entity of which the Municipality is the parent municipality	Accounting Officer	Accounting Officer	Chief Financial Officer
101(2)	Tabling a report of the accounting officer of a municipal entity of which the Municipality is the parent municipality on any financial problems of the entity in the first Council meeting next ensuing	Accounting Officer	Accounting Officer	Chief Financial Officer
102(1)	Receiving a report of the board of directors of a municipal entity of which the Municipality is the parent municipality any irregular expenditure or any fruitless and wasteful expenditure incurred by, or on behalf of, that municipal entity.	Accounting Officer	Accounting Officer	Chief Financial Officer & Manager - Legal Services
114(1)	Submitting a report containing the reasons for deviating from such recommendation to the Auditor-General, the provincial treasury and the National Treasury if a tender other than the one recommended in the normal course of implementing the supply chain management policy of the Municipality is approved	Accounting Officer	Accounting Officer	Not Delegated
115(1)(a)	Implementing the Municipality's supply chain management policy	Accounting Officer	Accounting Officer	Chief Financial Officer & all Senior Managers
115(1)(b)	Determining the reasonable steps that must be taken to ensure that proper mechanisms and separation of duties in the supply chain management system are in place to minimise the likelihood of fraud, corruption, favouritism and unfair and irregular practices	Accounting Officer	Accounting Officer	Chief Financial Officer & all Senior Managers & Manager - Legal Services
116(2)(a)	Determining the reasonable steps that must be taken to ensure that a contract or agreement procured through the supply chain management policy of the Municipality is properly enforced	Accounting Officer	Accounting Officer	Chief Financial Officer & relevant Senior Manager and the Manager - Legal Services

116(2)(b)	Monitoring the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis Determining the capacity that needs to be established within the Municipality's administration to assist the Municipal Manager to enforce the provisions of a contract or agreement between the Municipality and a contractor and to monitor the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis Establishing the capacity in the Municipality's administration to assist the Municipal Manager to enforce the provisions of a contract or agreement between the Municipality and a contractor and to monitor the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis	Accounting Officer	Accounting Officer	Accounting Officer	Chief Financial Officer & relevant Senior Manager and Manager - PM
116(2)(c)	Regularly report to the Municipal Council regarding the management of contracts and/or agreements and the performance of contractors. Determining the frequency/regularity of reports to be submitted to the Municipal Council regarding the management of contracts and/or agreements and the performance of contractors.	Accounting Officer	Accounting Officer	Accounting Officer	Chief Financial Officer & relevant Senior Manager - Corporate Services, Performance Management
116(2)(d)	Tabling the reasons for the proposed amendment of a contract or agreement procured through the supply chain management policy of the Municipality in the Council	Accounting Officer	Accounting Officer	Accounting Officer	Chief Financial Officer & relevant Senior Manager and Manager - Legal Services
116(3)(a)	Giving the local community reasonable notice of the intention to amend a contract or agreement procured through the supply chain management policy of the Municipality and inviting the local community to submit representations to the Municipality	Accounting Officer	Accounting Officer	Accounting Officer	Chief Financial Officer & relevant Senior Manager
116(3)(b)	Submitting the report on the feasibility study together with all other relevant documents to the Council for a decision, in principle, on whether the municipality should continue with the proposed public-private partnership	Accounting Officer	Accounting Officer	Accounting Officer	Chief Financial Officer & relevant Senior Manager and the Manager - Legal Services
120(6)(a)	Making the particulars of the proposed public-private partnership, including the report on the feasibility study and inviting the local community and other interested persons to submit to the Municipality comments or representations in respect of the proposed public-private partnership at least 60 days prior to the meeting of the Municipal Council at which the matter is to be considered	Accounting Officer	Accounting Officer	Accounting Officer	Chief Financial Officer
120(6)(b)	Soliciting the views and recommendations of the National Treasury, the national department responsible for local government, the responsible national department if the proposed public-private partnership involves the provision of water, sanitation, electricity or any other service as may be prescribed and any other national or provincial organ of state as may be prescribed in respect of the proposed public-private partnership at least 60 days prior to the meeting of the Municipal Council at which the matter is to be considered	Accounting Officer	Accounting Officer	Accounting Officer	Chief Financial Officer & relevant Senior Manager and the Manager - Legal Services
120(6)(c)	Performing an assessment of any arrears on municipal taxes and service charges for inclusion in the Municipality's annual report	Accounting Officer	Accounting Officer	Accounting Officer	Chief Financial Officer
121(3)(e)	Performing an assessment of the Municipality's performance against the measurable performance objectives referred to in section 17(3)(b) of the MFMA for revenue collection from each revenue source and for each vote in the Municipality's approved budget for the relevant financial year for inclusion in the Municipality's annual report	Accounting Officer	Accounting Officer	Accounting Officer	Chief Financial Officer & relevant Senior Managers and Manager Performance Management
121(3)(f)		Accounting Officer	Accounting Officer	Accounting Officer	

122(1)/126(1)(a)	Preparing annual financial statements which fairly presents the state of affairs of the Municipality, its performance against its budget, its management of revenue, expenditure, assets and liabilities, its business Submitting the annual financial statements of the Municipality to the Auditor-General on or before 31 August of each year	Accounting Officer	Accounting Officer	Accounting Officer	Chief Financial Officer
126(1)(b)	Preparing consolidated annual financial statements of the Municipality and of a municipal entity over which the Municipality has sole control or over which it has effective control within the meaning of the Municipal Systems Act of a municipal entity which is a private company	Accounting Officer	Accounting Officer	Accounting Officer	Chief Financial Officer
127(1)	Receiving the annual report of a municipal entity of which the Municipality is a parent municipality	Accounting Officer	Accounting Officer	Accounting Officer	Chief Financial Officer
127(5)(a)	Publishing the annual report and inviting the local community to submit representations in connection with the annual report	Accounting Officer	Accounting Officer	Accounting Officer	Chief Financial Officer
127(5)(b)	Submitting the annual report to the Auditor-General, the provincial treasury and the provincial department responsible for local government	Accounting Officer	Accounting Officer	Accounting Officer	Chief Financial Officer
128	Monitoring whether the accounting officer of any municipal entity under the sole or shared control of the Municipality has complied with sections 121(1) and 126(2) of the MFMA, establish the reasons for any non-compliance and report any non-compliance, together with the reasons for such non-compliance, to the Municipal Council, the provincial treasury and the Auditor-General	Accounting Officer	Accounting Officer	Accounting Officer	Chief Financial Officer & Senior Management
129(2)(a)	Attending the meetings of the Municipal Council and its committees where the annual report is discussed and responding to questions concerning the report	Accounting Officer	Accounting Officer	Accounting Officer	
129(2)(b)	Submitting copies of the minutes of meetings of the Municipal Council and its committees where the annual report was discussed to the Auditor-General, the provincial treasury and the provincial department responsible for local government	Accounting Officer	Accounting Officer	Accounting Officer	Chief Financial Officer
129(3)	Publishing the oversight report regarding the annual report	Accounting Officer	Accounting Officer	Accounting Officer	Chief Financial Officer
132(2)	Submission of the Municipality's annual report and oversight report and the annual report and oversight report of a municipal entity under the Municipality's sole or shared control to the provincial legislature	Accounting Officer	Accounting Officer	Accounting Officer	Chief Financial Officer
146(1)(c)	Reporting monthly to the MEC responsible for finance on the implementation of a financial recovery plan for the Municipality resulting from a mandatory provincial intervention	Accounting Officer	Accounting Officer	Accounting Officer	Chief Financial Officer
152(2)	Bringing an application to the High Court for an order to stay all legal proceedings, including the execution of legal process, by persons claiming money from the Municipality if the Municipality is unable to meet its financial commitments	Accounting Officer	Accounting Officer	Accounting Officer	Chief Financial Officer & Manager - Legal Services
153(1)(b)	Giving notice of an application by the Municipality to the High Court for an order to stay all legal proceedings, including the execution of legal process, to persons claiming money from the Municipality if the Municipality is unable to meet its financial commitments	Accounting Officer	Accounting Officer	Accounting Officer	Chief Financial Officer & Manager - Legal Services
153(3)	Bringing an application in the High Court for an order to suspend the Municipality's financial obligations to creditors, or any portion of those obligations, until the Municipality can meet those obligations	Accounting Officer	Accounting Officer	Accounting Officer	Chief Financial Officer & Manager - Legal Services
167(2)(a)	Giving notice of an application in the High Court for an order to suspend the Municipality's financial obligations to creditors, or any portion of those obligations, until the Municipality can meet those obligations	Accounting Officer	Accounting Officer	Accounting Officer	Chief Financial Officer & Manager - Legal Services
	Recovering any amount paid or given in cash or in kind to a person as a political office-bearer or as a member of a political structure of the Municipality otherwise than in accordance with the framework of the Public Office-Bearers Act, 1998 (Act No. 20 of 1998), including any bonus, bursary, loan, advance or other benefit	Accounting Officer	Accounting Officer	Accounting Officer	Chief Financial Officer



ITEM 195/2021

**RATIFICATION: APPOINTMENT OF THE ACTING CHIEF FINANCIAL OFFICER
AUTHOR: DIRECTOR CS-**

EXCO: DECEMBER 2021

COUNCIL: DECEMBER 2021

8. PURPOSE

- a) To request Council to ratify the extension of the acting period of the Acting CFO.
- b) To request Council to extend the acting appointment of the Acting Chief Financial Officer until the position is filled.

9. BACKGROUND

The contract of the Chief Financial Officer expired on the 31st May 2020 and the position was advertised in both the Daily Dispatch and Sunday Times. Subsequently applications were received, and shortlisting is in progress.

The Acting CFO's contract was extended to the 30 September 2021 by the municipal manager. The extension of the contract was to ensure that the Budget and Treasury Office functions with ease and there is a sound leadership in the department. In addition, for continuity purposes it is recommended that the current incumbent to continue to act until the position is filled.

10. LEGAL IMPLICATIONS

Municipal Performance Regulations of 2001

11. FINANCIAL IMPLICATIONS

Acting Allowance

12. RECOMMENDATIONS

EXCO RECOMMENDED that:

- 1) Council ratifies the extension of the acting period contract of the Acting Chief Financial Officer, from July to September 2021.
- 2) Council extends the appointment of the Acting Chief Financial Officer until the position is filled.
- 3) The recruitment process for the appointment of the Chief Financial Officer be finalized within three (3) months.

