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| **INKOSI LANGALIBALELE LOCAL MUNICIPALITY**   |  | | --- | | C:\Users\Bdavies\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\J4QTKR3H\INKOSI Langalibalele LOCAL Municipality Logo.jpg | | |
| **Name of Framework** | **INKOSI LANGALIBALELE DELEGATION FRAMEWORK** |
| **Framework No.** |  |
| **Status** | **REVIEWED** |
| **Financial Year** | **2019/2020 FINANCIAL YEAR** |
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| **PART A: INTERPRETATIONS AND DEFINITIONS** |

**A.1. PREAMBLE**

In recognition of its constitutional and Legislative mandate the **Inkosi Langalibalele Local Municipality** hereby establishes a delegation system in full compliance with the constitutional and legal requirements as expressed in all relevant and applicable laws. This delegation system has been established in terms of the provisions of s 59 of the Municipal Systems Act, 32 of 2000 as amended.

This delegation system delineates powers and responsibilities of various political and administrative office bearers with a sole purpose of clarifying delegated and demarcated functional and legal authority of each commissioned functionary of the Municipality.

It is the corporate responsibility of the **Inkosi Langalibalele Local Municipality** to develop a system of delegations that will maximize administrative and operational efficiency. To do otherwise would be to slow down the business and proceedings of the Municipality to the point of inefficiency and adverse effect to service delivery.

**A.2. DEFINITIONS**

1) In this document, unless the context otherwise indicates, an expression to which a meaning has been assigned in the Local Government: Municipal structures Act, 1998 (Act No 117 of 1998), the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), the Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003), the Local Government: Municipal Property Rates Act, 2004 (Act No 4 of 2004) or any other applicable legislation, shall have the meaning so assigned to it, and –

| **KEY CONCEPTS** | **DEFINITIONS** |
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| **Administration** | The Accounting Officer and the other employees of the Municipality; |
| **Appointment Regulations** | The Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers, 2014 |
| **In Consultation** | With due regards to the views of any person with whom a delegating authority is required to consult before it exercises a delegated or sub-delegated power; |
| **Accounting Officer** | A person who is appointed by the Council as the head of the Administration and the accounting officer for the Municipality in accordance with section 54A of the Systems Act; |
| **CFO** | A person designated by the Accounting Officer as the chief financial officer in terms of section 80(2)(a) of the MFMA, and appointed by the Council as a Manager Finance in terms of section 56 of the Systems Act; |
| **Constitution** | The Constitution of the Republic of South Africa, 1996 (Act No. 18 of 1996); |
| **Committee** | Any committee established in the Municipality, including committees established in terms of section 79 and 80 of the Structures Act; |
| **Council** | The municipal council of the Municipality, its legal successors in title and its delegates; |
| **Manager** | The senior officials designated by the Accounting Officer in terms of section 77(1)(d) of the MFMA as forming part of “top management”; |
| **GM- Corp** | The Municipality’s General Manager Corporate Services; |
| **GM- Comm.** | The Municipality’s General Manager Community & Social Services ; |
| **GM- PWBS** | The Municipality’s General Manager – Public Works & Basic Services; |
| **MEDP** | The Municipality’s Manager Economic Development & Planning; |
| **Delegating Authority** | The Council in terms of original authority allocated by the Constitution, or a political structure or office bearer, or the Accounting Officer or other staff member to whom powers have been delegated, with power to sub-delegate; |
| **Delegation** | Issuing of a written authorisation by a delegating authority to a delegated body to act in its stead, and in relation to a duty includes an instruction or request to perform or to assist in performing the duty, and “ delegate” and “sub-delegate” has a corresponding meaning; |
| **Delegated Body or Delegatee** | In relation to a the delegation of a power means the political office bearer or employee to whom a power has been delegated by the Delegating Authority in writing; |
| **MPAC** | The Municipality’s Municipal Public Accounts Committee |
| **In Consultation** | The action or process of formally consulting or discussing with the person with whom a delegating authority must consult before exercising a delegated or sub-delegated power; |
| **LLF** | The municipality’s local labour forum |
| **MFMA** | The Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003); |
| **Municipality** | The Inkosi Langalibalele Local Municipality; |
| **Municipal Area** | A geographic area determined in terms of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998); |
| **PAIA** | The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000); |
| **POPI** | The Protection of Personal Information Act, 2013 (Act No. 4 of 2013); |
| **Performance Regulations** | The Local Government: Municipal Performance Regulations for Accounting Officers and Managers Directly Accountable to Accounting Officers, 2006; |
| **Power** | Means the authority to exercise a function; |
| **Political Office Bearer** | In relation to the Municipality, means the Mayor and / or the Speaker elected by the Council to such a post or position in accordance with the provisions of the Structures Act; |
| **MPRA** | The Local Government: Municipal Property Rates Act, 2004 (Act No. 4 of 2004); |
| **mSCOA** | The MFMA: Municipal Regulations on Standard Chart of Accounts, 2014; |
| **SAPS** | South African Police Service; |
| **SPLUMA** | The Spatial Planning and Land Use Management Act 2013, (Act No 16 of 2013); |
| **Standing Rules & Orders** | The by-law on the standing rules and orders for the meetings of the municipal council of the municipality and its committees; |
| **Structures Act** | Means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998); |
| **Supply Chain Management** | The system used by the Municipality in accordance with the Supply Chain Management Policy for:   1. the procurement of goods and services; 2. the disposal of goods no longer needed; 3. the selection of contractors to assist with the provision of municipal services; 4. the selection of external service providers as provided for in section 78 of the Systems Act; |
| **Systems Act** | The Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); |
| **Top Management** | Means the Accounting Officer, the CFO, and Executive Managers |

2) In this document, unless the context otherwise indicates, words and expressions denoting –

(a) the singular shall include the plural and vice versa;

(b) the male sex shall include the female sex and vice versa; and

(c) a reference to a natural person shall include a legal person and vice versa.

3) The following abbreviations are used for legislation in the delegations register of the tables:-

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| Constitution | CON |
| Municipal Structures Act | MSTA |
| Municipal Systems Act | MSA |
| Municipal Finance Management Act | MFMA |
| Municipal Property Rates Act | MRPA |
| Municipal Demarcation Act | MDA |
| Chief Financial Officer | CFO |
| Executive Committee | EXCO |
| Accounting Officer | AO |
| Municipal Manager | MM |
| Manager – Strategic Management | MSM |
| Manager – Communications | MC |

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| **PART B: DELEGATIONS FRAMEWORK** |

**B.1. LEGISLATIVE AND POLICY FRAMEWORK:**

**1.1. THE CONSTITUTION:**

The relevant provisions of the Constitution pertaining to the delegation of powers are:

Chapter 7, Section 156 and Part B of Schedule 4 and Part B of Schedule 5 all define the powers and functions of municipalities.

Section 160 (1) (a) empowers a municipal council to make decisions concerning the exercise of all the powers and the performance of all the functions of a municipality.

Section 160(2) (b) prohibits a municipal council from delegating the passing of by-laws, approval of budgets, imposition of rates and other taxes, levies and duties, and the raising of loans.

Section 160 (6) empowers a municipal council to make by-laws which prescribe rules and orders for its internal arrangements; its business and proceedings; and the establishment, composition, procedures, powers and functions of its committees.

**1.2. THE SYSTEMS ACT:**

The relevant provisions of the Systems Act pertaining to the delegation of powers read as follows:

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| **Section 59** | **Delegations** |
| **[1]** | A municipal council must develop a system of delegation that will maximise 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 set tariffs, to decide to enter into a service delivery agreement in terms of section 76 (b) and to approve or amend the municipality’s integrated development plan, to any of the municipality’s other political structures, political office bearers, councillors, or staff members; |
| [b] | instruct any such political structure, political office bearer, councillor, or staff member to perform any of the municipality’s duties; and |
| [c] | Withdraw any delegation or instruction. |
| **[2]** | A delegation or instruction in terms of subsection [1]- |
| [a] | must not conflict with the Constitution, this Act or the Municipal Structures 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 councillors, must, review any decision taken by such a political structure, political office bearer, councillor or staff member in consequence of a delegation or instruction, and either confirm, vary or revoke the decision subject to any rights that may have accrued to a person; and |
| [b] | may require its executive committee or executive mayor to review any decision taken by such a political structure, political office bearer, councillor or staff member in consequence of a delegation or instruction. |
| **[4]** | Any delegation or sub-delegation to a staff member of a power conferred on a Accounting Officer must be approved by the municipal council in accordance with the systems of delegation referred to in subsection [1]. |
| **Section 60** | **Certain delegations restricted to executive committees or executive mayors** |
| **[1]** | The following powers may, within a policy framework determined by the municipal council, be delegated to an executive committee or executive mayor only: |
| [a] | decisions to expropriate immovable property or rights in or to immovable property; and |
| [b] | the determination or alteration of the remuneration, benefits or other conditions of service of the municipal manager or managers directly responsible to the municipal manager. |
| **[2]** | The council may only delegate to an executive committee or executive mayor or chief financial officer decisions to make investments on behalf of the municipality within a policy framework determined by the Minister of Finance. |
| **Section 61:** | **Referral of matters to delegating authorities for decision** |
|  | A political structure, political office bearer, councillor or staff member of a municipality to whom a delegating authority has delegated or sub-delegated a power to dispose of matters falling within the area of responsibility of that political structure, political office bearer, councillor or staff member may, or must if instructed to do so by the relevant delegating authority, refer a matter before the political structure, political office bearer, councillor or staff member to the relevant delegating authority for a decision. |
| **Section 62:** | **Appeals** |
| **[1]** | A person whose rights are affected by a decision taken by a political structure, political office bearer, councillor or staff member of a municipality in terms of a power or duty delegated or sub-delegated by a delegating authority to the political structure, political office bearer, councillor or staff member, may appeal against that decision by giving written notice of the appeal and reasons to the Accounting Officer within 21 days of the date of the notification of the decision. |
| **[2]** | The Accounting Officer must promptly submit the appeal to the appropriate appeal authority mentioned in subsection [4]. |
| **[3]** | The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision. |
| **[4]** | When the appeal is against a decision taken by- |
| [a] | a staff member other than the Accounting Officer, the Accounting Officer is the appeal authority; |
| [b] | the municipal manager, the executive committee or executive mayor is the appeal authority, or, if the municipality does not have an executive committee or executive mayor, the council of the municipality is the appeal authority; or |
| [c] | a political structure or political office bearer, or a councillor - |
| [i] | the municipal council is the appeal authority where the council comprises less than 15 councillors; or |
| [ii] | a committee of councillors who were not involved in the decision and appointed by the municipal council for this purpose is the appeal authority where the council comprises more than 14 councillors. |
| **[5]** | An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period. |
| **Section 63:** | **Duty to report to delegating authorities** |
|  | A political structure, political office bearer, councillor or staff member of a municipality to whom a delegating authority has delegated or sub-delegated a power or duty, must report to the delegating authority at such intervals as the delegating authority may require, on decisions taken in terms of that delegated or sub- delegated power or duty since the last report. |
| **Section 64:** | **Withdrawal, amendment or lapsing of delegation or sub-delegation** |
|  | The withdrawal, amendment or lapsing of a delegation or sub-delegation does not invalidate anything done as a consequence of a decision taken in terms of that delegation or sub-delegation. |
| **Section 65:** | **Review of delegations** |
| **[1]** | Whenever it becomes necessary in terms of section 59(2)(f) to review a municipality's delegations, the Accounting Officer must submit to the council - |
| [a] | a report on the existing delegations issued in terms of section 59 by the council and other delegating authorities of the municipality; and |
| [b] | Recommendations on any changes to the existing delegations which the Accounting Officer may consider necessary. |
| **[2]** | If the municipality has an executive committee or executive mayor, the Accounting Officer must submit the report and any recommendations to the municipal council through the executive committee or executive mayor. |

* 1. **THE MUNICIPAL FINANCE MANAGEMENT ACT**

The relevant provisions of the MFMA pertaining to the delegation of powers read as follows:

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| **Section 79:** | **Delegations** |
| **[1]** | The accounting officer of a municipality- |
| [a] | Must, for the proper application of this Act 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, delegate to a member of the municipality’s Top Management referred to in section 77 or any other official of the municipality- |
| [i] | Any of the powers or duties assigned to an accounting officer in terms of this Act; 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 this Act; and |
| [c] | Must regularly review delegations issued in terms of paragraph (b) and, if necessary, amend or withdraw any of those delegations. |
| **[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 this Act. |
| **[3]** | A delegation in terms of subsection (1)- |
| [a] | Must be in writing; |
| [b] | Is subject to such limitations and conditions as the accounting officer may impose in a specific case; |
| [c] | May either be to a specific individual or to the holder of a specific post in the municipality; |
| [d] | May, in the case of a delegation to a member of the municipality’s Top Management in terms of subsection (1)(b), 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 |
| [e] | Does not divest the accounting officer of the responsibility concerning the exercise of the delegated power or the performance of the delegated duty. |
| **[4]** | The accounting officer may confirm, vary or revoke and decision taken in consequence of a delegation or sub-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. |

**B.2. OBJECTIVES OF DELEGATION**

The objectives of this system of delegation are:

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| **[a]** | To ensure maximum administrative and operational efficiency; |
| **[b]** | To provide for adequate checks and balances; |
| **[c]** | To delegate decision-making to the most effective level within the administration; |
| **[d]** | To involve employees in management decisions as far as practicable; |
| **[e]** | To promote a sense of collective responsibility for performance; |
| **[f]** | To assign clear duties for the management and co-ordination of administrative components, systems and mechanisms; |
| **[g]** | To define in precise terms the duties of each political structure and political office-bearer; and |
| **[h]** | To determine the relationships amongst the political structures, political office-bearers and the administration, and the appropriate lines of accountability and reporting for each of them. |

**B.3. CONDITIONS APPLICABLE TO THE DELEGATION OF POWER**

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| **[a]** | Delegated powers are conferred upon the Mayor, the Speaker, the Executive Committee, the Committees, Councillors and posts in the Administration and not personally on incumbents. |
| **[b]** | Delegations also apply to acting positions. Persons acting in these positions have the same delegated powers as those serving in a permanent capacity (save where delegated powers are expressly excluded), provided that the competent authority has duly appointed such acting persons. |
| **[c]** | In executing any delegated power, the delegatee must comply with all relevant legislation, agreements and policy. |
| **[d]** | Delegations do not redefine the Council’s Powers and Functions. |
| **[e]** | The Municipality’s policies, whether existing or future will determine the parameters of any delegation and the delegator is bound to comply therewith. It is the duty of the delegator and the Municipality’s legislative arm to ensure that clear and comprehensive policies are drafted. |
| **[f]** | In executing delegated powers, no expenditure may be incurred unless the delegatee is satisfied that the Municipality has budgeted for the expenditure and that the funds are still available on the relevant budget votes. |
| **[g]** | The Council or any part of the Administration or managers above the delegate may at any time, subject to applicable law, order a delegated matter not to be proceeded with by the delegatee and then deal with such matter. |
| **[h]** | The delegate may determine whether a report is needed motivating the decision and whether the decision must be reduced to writing. If a report is required then it must indicate that all legal and financial requirements have been met. |
| **[i]** | A delegation may set out special circumstances in which a delegatee is prohibited from exercising his/her delegated power, for example if the delegatee is recommending the rejection of the most financially beneficial tender offer. |
| **[j]** | Any sub-delegation must be reduced to writing and recorded in the delegation register, which must be maintained and kept updated at all times by the Accounting Officer. |
| **[k]** | All decisions affecting the rights of others must be in writing and reasons must be recorded for such decisions in or on the document which is submitted for a decision or the appropriate minutes of the Council or Committee as the case may be. |
| **[l]** | The Council or any other delegator, may at any time withdraw, qualify or amend a delegation made by it. |
| **[m]** | The Council must, in accordance with the procedures of its Rules of Order, review any decision taken under a delegated power if so requested in writing by at least a quarter of the members of the Council. It may also require its Executive Committee to review any decision taken in terms of a delegated power. |
| **[n]** | Provision must be made for a separation between the evaluation and recommendation stage of the decision-making process and the actual decision itself. This must occur in all cases where the decision-making process is reasonably capable of being divided as set out above. |
| **[o]** | All delegates must report delegated decisions at such intervals as the delegator may require. These reports are to enable the delegator to determine whether the policies regulating the power are adequate and/or whether the delegation is appropriate. |
| **[p]** | Appeals against any decision taken in terms of any delegated authority must be dealt with in terms of the Systems Act by an appropriate appeal authority. |
| **[q]** | The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision. |
| **[r]** | The withdrawal, amendment or lapse of a delegation does not invalidate anything done as a consequence of a decision taken in terms of that delegation or sub-delegation before such withdrawal, amendment or lapse. |
| **[s]** | The system of delegations must be reviewed in terms of the provisions of the Systems Act whenever a new Council is elected. |

**B.4. PRINCIPLES FOR DELEGATION**

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| **Principle 1:** | **A delegated authority or power should have its roots in enabling legislation, should be as specific as possible and preferably also refer to the specific provision in the applicable legislation from which an authority originates.** |
| This principle implies that, no power may be delegated in conflict with existing legislation, but must in fact be done in terms of legislation in order not to be unlawful. To be certain that this is the case; the delegation should contain specific reference to the relevant section of the enabling act to that mandates such delegation of power. The wording of the delegation should not be vague but be very specific in order to ensure legal certainty in the interpretation of the delegated power. The person to whom such power is delegated should be absolutely sure what he or she may not do in terms of the delegation. Delegated authority is often tested in our courts and therefore the wording of the delegation should also be able to pass the test of the objective interpretation by the audience of the fact. |
| **Principle 2:** | **The functionary or official that is actually executing the activities in terms of the enabling legislation should as far as practical and possible be empowered by way of delegation to execute his or her duties. In other words a delegated power should vest as far as possible in the** |
| In order to speed up service delivery and to cut out unnecessary ‘’red tape’’ the Council should delegate power to the lowest possible level where it could be executed with responsibility. The process of delegating power is a continuous balancing act of interests between effectiveness and accountability: the lower the powers are delegated, the quicker the decision process, but on the other hand the Council must have regard for the fact that accountability remains with it and must therefore be certain that the person or body to whom a power is delegated, has the competency to execute such power. |
| **Principle 3:** | **Delegations should be at all times be executed within and subject to the Municipality’s normal practices, procedures and other regulations, and should be granted with the view of maximising the Municipality’s administrative and operational efficiency. They should furthermore provide for adequate checks and balances to ensure responsible and accountable decision making.** |
| According to this principle, no delegated power is executed in a vacuum, but must take into account and must comply with existing Council decisions, policies, guidelines, practices, procedures, by-laws, the approved budget and most important of all – the existing legislative framework contained in applicable acts and regulations promulgated in terms thereof. It is thus clear that a very definite framework exists in which a power must be executed. The delegated person/structure must make sure that it is informed of this framework and takes all reasonable steps in order for its actions to be legitimate. A person not adhering to this could be subjected to punitive measures such as disciplinary action, be held liable for losses or could even be criminally prosecuted. |
| Checks and balances are normally provided for by way of a reporting system to the delegating person or body, auditing processes and budget control. Each delegation may provide for checks and balances within itself, e.g. that a power may only be executed in consultation with another person or body or that the delegatee must report on a monthly basis to the delegator. Any reasonable conditions can be contained within the wording of the delegation and the delegating authority should be satisfied that it will be able to monitor the execution of the power through these imposed measures. Should it appear later not to be the case, the delegation or control measures contained therein may be amended. |
| **Principle 4:** | **All delegations including sub-delegations must be in writing.** |
| Although this is a short principle, the importance thereof cannot be emphasized enough. The purpose of this principle is to create legal certainty. Where no written proof of a delegation exists, the Council should regard the power as never having been delegated, as the courts will do the same, unless there are implied and reasonable indications to the contrary. |
| **Principle 5:** | **Any power delegated to any of the Municipality’s political structures, political office bearers or staff members may be further sub-delegated to any of the other political structures, political office bearers or staff members and to subsequent political structures, political office bearers or staff members, on condition** |
| These are some of the most important changes made possible by section 59(2)(d) of the Systems Act, namely that in principle any delegated power may be sub-delegated under certain conditions: |
| [a] | It must not be prohibited by law as is the case with the powers mentioned in section 60 of the Systems Act, which states specifically that these powers may only be delegated to the Executive Committee or the Mayor and not any further. |
| [b] | It must not be prohibited by Council on the conditions accompanying the delegated power. |
| [c] | It must comply with all the principles contained in the delegations register. |
| [d] | The authority to sub-delegate must be contained in the original delegation. |
| **Principle 6:** | **For purposes of duly maintaining the municipality’s system of delegations, the Accounting Officer will be responsible for the upkeep of the said system and to ensure that all delegations are included in the delegation framework and register and meet the legal requirements. For this purpose the Accounting Officer must be furnish** |
| In practice the municipal manager will maintain and keep up to date a loose leaf hard copy of all delegations, arranged according to the respective directorates, which will be updated with each approval of new or amended delegations. These new delegations or amendments will also be brought to the attention of all directorates, who will be obliged to keep an updated set of delegations at the office of the director of the directorate. This would be one of the checks and balances in order to ensure that powers are not delegated unlawfully and that it is in the interest of good corporate governance. |
| **Principle 7:** | **All delegated powers are and remain subject to and should be executed in accordance with any limitations, directions, applicable policies, conditions, enactments or other legal requirements, as approved by the council.** |
| This principle refers specifically to any limitations, conditions and directions that the Council may impose regarding the execution of a delegated power. The Council as a collective body remains responsible for its powers and duties, even where the powers are delegated, it is only reasonable for Council to take all precautionary measures it considers necessary to ensure proper execution of a power. This is also one of the most effective checks and balances that can be built into a delegation. |
| **Principle 8:** | **The execution of a delegation that has financial implications for the Municipality should only be executed by the person who has a specific responsibility and authority to incur expenditure under a specific vote.** |
|  | The purpose of this principle is to make provision for budget control and accountability by persons responsible for a specific vote number, first by properly applying his or her mind in compiling a detailed, well-motivated and complete budget, and secondly by restricting expenditures to the approved budget. |
| **Principles 9:** | **No delegation may be executed if there are insufficient funds on a specific vote or specific item does not appear on the Municipality’s budget.** |
| This principle also pertains to financial control and audit procedures. The Council approves the full budget, and it can therefore be reasonably implied that all items appearing on the budget carry the Council’s prior approval. This is also one of the important checks and balances which may be exercised by the Council. |
| **Principle 10:** | **Delegated powers can at any stage be withdrawn or amended by the delegating authority.** |
| If and when the Council is not satisfied with the manner in which a delegated power is executed by a person or body to whom the power was originally delegated, the Council can by way of a report and resolution to that effect, withdraw the power(s), amend the powers, add new conditions or limitations. It is for this reason that a reporting system should be in place, In order for the Council to monitor the execution of delegated powers. |
| **Principle 11:** | **Delegated powers do not absolve the Council from the responsibility to exercise the power to perform duties.** |
| It should be very clear that although the execution of a power can be delegated, the responsibility and accountability can never be delegated, and the Council will always retain this. |
| **Principle 12:** | **Delegated powers must always be reviewed when a new Council is elected.** |

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| **PART C: DELEGATION REGISTER** |

**C.1. COUNCIL RESERVED POWERS**

The powers to execute the functions set out hereunder are reserved for the council either by legislation or by a council resolution, and may not be delegated to any of the municipality’s other political structures, political office bearers or employees. The council may however take no decision in respect of these matters, unless it has received and considered the report and recommendations of the executive committee submitted by the mayor in this regard. A decision in this regard must be taken by the Council with a supporting vote of a majority of its members.

| **DEL NO.** | **SECTION IN ACT** | **FUNCTION** | **DELEGATING AUTHORITY** | **DELEGATED BODY** | **CONDITIONS** |
| --- | --- | --- | --- | --- | --- |
| C1 | 160 (2) CON | The passing and publication of by-laws | Council | None |  |
| C2 | 160 (2) CON  16 (1) MFMA | The approval of budgets | Council | None | Section 25 MFMA applies in the event that the budget is not approved. |
| C3 | 160 (2) CON  75 (2) MSA  14 (1) MPRA | The imposition of rates and other taxes, levies and duties | Council | None |  |
| C4 | 160 (2) CON | The raising of loans | Council | None |  |
| C5 | 160 (6) CON | Approving the Rules of Order for meetings of the Council and the Committees | Council | None |  |
| C6 | 39 (c) MSA | The adoption of the performance management system | Council | None |  |
| C7 | 54A MSA;  30(5)(c) MSTA | The appointment, suspension and dismissal of the municipal manager, after receiving the report and recommendations of the executive committee submitted by the mayor on the matter | Council | None |  |
| C8 | 59 (1)(a)  MSA 75 MSA | The setting of tariffs | Council | None |  |
| C9 | 59(1)(a) MSA | The decision to enter into a service delivery agreement in terms of section 76(b) of the Systems Act | Council | None |  |
| C10 | 59(1)(a) MSA | To approve or amend the Municipality’s integrated development plan | Council | None |  |
| C11 | 18 MSTA | The designation of full-time councillors as determined by the MEC for Local Government | Council | None |  |
| C12 | 33 MSTA  79(1) & (2) MSTA  80 MSTA | The establishment of Committees, including the determination of the functions and procedures of any such Committee, the appointment and removal of the members of such Committee and the appointment of a chairperson [Note: s31 of the MSTA has been repealed – provision to be made in the Standing Rules] | Council | None |  |
| C13 | 34 (1) MSTA | Considering the dissolution of the Council | Council | None |  |
| C14 | 36 MSTA | The election of the Speaker | Council | None |  |
| C15 | 40 MSTA | Removing the Speaker from office and filling any vacancy in the office of Speaker | Council | None |  |
| C16 | 45 MSTA | Electing the Executive Committee of the Council | Council | None |  |
| C17 | 48(1) MSTA | Electing the Mayor | Council | None |  |
| C18 | Item 4 Code of Conduct for Councillors | The sanctioning of non- attendance of Council meetings | Council | None |  |
| C19 | Item 7 (4) Code Of Conduct for Councillors | Determining the financial interest of Councillors that must be made public | Council | None |  |
| C20 | Item 13 Code Of Conduct for Councillors | Consideration of a report of the Speaker on the suspected breach of the code of conduct for Councillors | Council | None |  |
| C21 | 78 MSA | The decision on the appropriate mechanisms to provide municipal services | Council | None |  |
| C22 | 85 MSA | Decision on the establishment and termination of internal municipal services districts and multi-jurisdictional municipal service districts | Council | None | **85 MSA** |
| C23 | 14 (2) MFMA | Deciding to transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a capital asset. | Council | None | Council must in a meeting open to the public, decide that the asset is not needed to provide the minimum level of basic municipal services, and consider the fair market value of the asset and the economic and community value to be received for the asset. |
| C24 | 16(3) MFMA | Deciding whether money for capital expenditure for a period not exceeding three financial years may be appropriated in an annual budget. | Council | None | A separate appropriation must be made for each of financial year. |
| C25 | 19(1)(b) MFMA | Approving a capital project, including its total cost | Council | None |  |
| C26 | 19(1)(d) MFMA | Considering the sources of funding of a capital project | Council | None |  |
| C27 | 19(2) MFMA | 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 | None |  |
| C27 | 19(3) MFMA | Deciding to approve capital projects below the prescribed value individually or as part of a consolidated capital programme | Council | None |  |
| C29 | 23(1) MFMA | Receiving and considering the views of the communities and organs of state received in connection with the budget | Council | None |  |
| C30 | 23(2) MFMA | Giving the Mayor an opportunity to respond to any submissions received in connection with the budget from communities and organs of state | Council | None |  |
| C31 | 28(1) MFMA | Deciding to revise an approved budget by way of an adjustments budget | Council | None |  |
| C32 | 32(2) MFMA | Deciding to recover unauthorised, irregular or fruitless and wasteful expenditure from the person liable for that expenditure | Council | None |  |
| C33 | Determining the amount of unauthorised, irregular or fruitless and wasteful expenditure to be recovered, written off or provided for in an adjustments budget | Council | None |  |
| C34 | Appointing a committee to investigate any suspected or reported unauthorized, irregular or fruitless and wasteful expenditure | Council | None |  |
| C35 | 32(7) MFMA | Determining whether an alleged irregular expenditure incurred by the Accounting Officer constitutes a criminal offence | Council | None |  |
| C36 | Determining whether the Accounting Officer allegedly committed an act of theft and fraud | Council | None |  |
| C37 | Reporting alleged irregular expenditure incurred by the Accounting Officer that constitutes a criminal offence and alleged theft and fraud perpetrated by the Accounting Officer to the SAPS | Council | None |  |
| C38 | 10(1) Regulations on Financial Misconduct and Criminal Proceedings, 2014 | Report an alleged financial offence by the Accounting Officer to the South African Police Service | Council | None |  |
| C39 | 33(1) MFMA | Deciding to enter into a contract which will impose financial obligations on the municipality beyond 3 financial years | Council | None |  |
| C40 | 34(3)(b) MFMA | Considering a notification of the provincial government of any emerging or impending financial problems in the Municipality | Council | None |  |
| C41 | 38(2) MFMA | Considering a notice received from the National Treasury of its intention to stop the transfer of funds to the Municipality and submitting written representations, in regard to the proposed stopping of funds, informing the MEC for local government and consulting the Cabinet member responsible for the national department making transfer | Council | None |  |
| C42 | 39 (3) MFMA | To answer the allegations against it, and to state its case before a committee of Parliament before it approves or renews a decision of National Treasury to stop the transfer of funds in terms of section 38 of MFMA | Council | None |  |
| C43 | 45(2)(a) MFMA | Approving any short term debt agreement | Council | None |  |
| C44 | 46 MFMA | Deciding whether to incur long term debt and approving any long term debt agreement | Council | None |  |
| C45 | 48(1) MFMA | Deciding whether to provide for any of the Municipality’s debt obligations 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 | Council | None |  |
| C46 | 48(2) MFMA | Deciding the form/nature of security to be provided for any of the Municipality’s debt obligations 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 | Council | None |  |
| C47 | 48(3)(a) MFMA | 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 | None |  |
| C48 | 48(3)(b) MFMA | 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 | Council | None |  |
| C48 | 50 MFMA | Deciding to issue a guarantee for any commitment or debt or organ of state or person | Council | None |  |
| C49 | 116(3) MFMA | 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 and deciding whether to consent to the amendment of a contract or agreement | Council | None | Contracts may be amended by the Bid Adjudication Committee and / or the Accounting Officer, whichever is applicable, within the prescribed thresholds determined by National Treasury. |
| C50 | 120 MFMA | Deciding to enter into a public-private partnership agreement | Council | None |  |
| C51 | 129 (1) MFMA | Considering the annual report of the municipality and adopting an oversight report containing the council’s comments on the annual report | Council | None |  |
| C52 | 133 (1)(c)(i) MFMA | Deciding whether to request the speaker or another councillor to investigate the reasons for a failure of the Accounting Officer to submit annual financial statements to the auditor-general or the mayor’s failure to table the annual report of the municipality | Council | None |  |
| C53 | 133(1)(c)(ii) MFMA | 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 | None |  |
| C54 | 133(1)(c)(iii) MFMA | Deciding whether disciplinary steps should be taken against the Accounting Officer or other persons responsible for the failure of the municipality to submit annual financial statements to the auditor-general or the mayor’s failure to table the annual report of the municipality in the council | Council | None |  |
| C55 | 143 (3)(a) MFMA | Receiving an approved financial recovery plan for the Municipality | Council | None |  |
| C56 | 145 (1)(a) MFMA  146 (1)(b)(i) | Implementing an approved financial recovery plan for the municipality | Council | None |  |
| C57 | 148 (1) (b) (i) MFMA | 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 | None |  |
| C58 | 166 (2)(d) MFMA | Requesting the audit committee to investigate the financial affairs of the Municipality | Council | None |  |
| C59 | 166 (4) & (5) MFMA | Determine the number of members of the audit committee, the nature of the appropriate experience that persons should possess to be considered for appointment as a member of the audit committee and appointing the members and the chairperson of the audit committee of the municipality | Council | None |  |
| C60 | 168(3) MFMA | Considering any guidelines issued by the Minister of Finance in terms of section 168 (1) of the MFMA | Council | None |  |
| C61 | 171(4)(a) MFMA | Investigating any allegations of financial misconduct against the Accounting Officer, the CFO, a director or other official of the municipality and consider whether the investigation warrants the institution of disciplinary proceedings | Council | None | Subject to the provisions of the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings, 2014 |
| C62 | 176(2) MFMA | 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 | None |  |
| C63 | 22(1) MPRA | Determination of special rating areas in the municipality, the levying of an additional rate on the property in that area and the differentiation between categories of properties when levying additional rate | Council | None |  |
| C64 | 31(1) MPRA | For the purpose of a general valuation, to determine a date on which the valuation roll is to be first implemented | Council | None |  |
| C65 | 21 (4)MDA | The lodging of objections against the Municipality’s boundaries, and the lodging of an application to alter the Municipality’s boundaries | Council | None |  |
| C66 |  | The appointment or designation of officials in statutory positions as provided for in applicable legislation | Council | None |  |

**C.2. POWERS DELEGATED TO THE EXECUTIVE COMMITTEE IN RESPECT OF STATUTORILY ALLOCATED FUNCTIONS**

The functions referred to hereunder are allocated to the Executive Committee in terms of legislation or in terms of the Roles and Responsibilities Policy and the authority to implement such functions is accordingly delegated to executive committee by the council.

| **DEL NO.** | **SECTION IN ACT** | **FUNCTION** | **DELEGATING AUTHORITY** | **DELEGATED BODY** | **CONDITIONS** |
| --- | --- | --- | --- | --- | --- |
| EC1 | 44(1)(b) MSTA | To receive reports from the Committees and to forward these reports together with a recommendation to the Council when the Executive Committee cannot be dispose of a matter in terms of its delegated powers | Council | EXCO |  |
| EC2 | 44(2)(a) MSTA | To identify the needs of the Municipality | Council | EXCO |  |
| EC3 | 44(2)(b) MSTA | To review and evaluate those needs in order of priority | Council | EXCO |  |
| EC4 | 44(2)(c) MSTA | To make recommendations to the Council regarding strategies, programmes and services to address priority needs to the integrated development plan, and the estimates of revenue and expenditure, taking into account any applicable national and provincial development. | Council | EXCO |  |
| EC5 | 44(2)(d) MSTA | To make recommendations to the Council regarding the best way, including partnership and other approaches, to deliver those strategies, programmes and services to the maximum benefit of the community | Council | EXCO |  |
| EC6 | 44(3)(a) MSTA | To identify and develop criteria in terms of which progress in the implementation of those strategies, programmes and services can be evaluated, including key performance indicators which are specific to the Municipality and common to local government in general | Council | EXCO |  |
| EC7 | 44(3)(b) MSTA | To evaluate progress against the identified and developed key performance indicators | Council | EXCO |  |
| EC8 | 44(3)(d) MSTA | To monitor the management of the administration in accordance with the directions of the council | Council | EXCO |  |
| EC9 | 44(3)(e) MSTA | To oversee the provision of services to communities in the municipality in a sustainable manner | Council | EXCO |  |
| EC10 | 44(3)(g) MSTA | To annually report on the involvement of communities and community organizations in the affairs of the municipality | Council | EXCO |  |
| EC11 | 44(3)(h) MSTA | To ensure that regard is given to public views and report on the effect of consultation on the decisions of the Council | Council | EXCO |  |
| EC12 | 44(4) MSTA | To report to the Council on all decisions taken by it | Council | EXCO |  |
| EC13 | 80(3) MSTA | Appoint a chairperson for each committee established to assist the executive committee and delegate any powers and duties of the executive committee to such committee | Council | EXCO |  |
| EC14 | 80 (4) MTSA | Require that a committee established to assist the executive committee report in accordance with the directives of the executive committee | Council | EXCO |  |
| EC15 | 56 MSA  30(5)(c) MSTA | The appointment, suspension and dismissal of a director, after receiving the report and recommendations of the Accounting Officer on the matter | Council | EXCO |  |
| EC16 | 39 (a) & (b) MSA | The development of a performance management system, the assignment of responsibilities in this regard to the Accounting Officer and the adoption of the performance management system. | Council | EXCO |  |
| EC17 | 40 MSA | The monitoring and review of the Municipality’s performance management system | Council | EXCO |  |
| EC18 | 60(1)(a) MSA | Decisions to expropriate immovable property or rights in or to immovable property | Council | EXCO |  |
| EC19 | 60(1)(b) MSA | The determination or alteration of the remuneration, benefits or other conditions of service of the Accounting Officer and directors | Council | EXCO |  |
| EC20 | 66(1) MSA | The approval of a policy framework for the development of a staff establishment for the Municipality subject to any applicable legislation | Council | EXCO |  |
| EC21 | 66(1)(a) MSA | The approval of the staff establishment of the Municipality developed by the Accounting Officer | Council | EXCO |  |
| EC22 | 3 Appointment Regulations | 1. The assessment of the human resources necessary to perform the functions of the Municipality; 2. The assessment of the existing human resources of the Municipality; 3. The planning for the recruitment, retention and development of the Municipality’s human resources | Council | EXCO |  |
| EC23 | 135(3)(b) MFMA | 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 | EXCO |  |

**C.3. POWERS DELEGATED TO THE MAYOR IN RESPECT OF STATUTORILY ALLOCATED FUNCTIONS**

The functions listed below are allocated to the Mayor in terms of statute and the authority to implement same is accordingly delegated to him/her by the Council. A decision in this regard must be taken by the Mayor in consultation with the Executive Committee except where specifically excluded.

| **DEL NO.** | **SECTION IN ACT** | **FUNCTION** | **DELEGATING AUTHORITY** | **DELEGATED BODY** | **CONDITIONS** |
| --- | --- | --- | --- | --- | --- |
| MR1 | 12(1) MFMA | Deciding to set-up a relief, charitable, trust or other fund of whatever description | Council | Mayor |  |
| MR2 | 16(2) MFMA | Tabling a budget at a Council meeting | Council | Mayor | The draft annual budget must be tabled at least 90 days before 1 July each year. |
| MR3 | 21(1)(a) MFMA | Coordinating the processes of preparing the annual budget and reviewing the municipality’s integrated development plan and budget related policies | Council | Mayor |  |
| MR4 | 21(1)(b) MFMA | 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 and any consultative processes forming part of the process | Council | Mayor | At least 10 months before 1 July each year. |
| MR5 | 21(2)(b) MFMA | Deciding the reasonable steps to be taken to review the municipality’s integrated development plan | Council | Mayor |  |
| MR6 | 21(2)(d) MFMA | Determining the manner and timing of consultation of the district municipality and all local municipalities within the area of the district municipality, the provincial treasury and such other organs of state as may be prescribed with regard to the Municipality’s annual budget | Council | Mayor |  |
| MR7 | 21(2)(e) MFMA | Providing information relating to the budget that may be requested to the National Treasury and any other organ of state | Council | Mayor |  |
| MR8 | 25(3) MFMA | 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 | Council | Mayor |  |
| MR9 | 27(1) MFMA | 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 | Council | Mayor |  |
| MR10 | 27(1) MFMA | 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 | Council | Mayor |  |
| MR11 | 27(2) MFMA | Deciding to and 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 | Council | Mayor |  |
| MR12 | 27(3) MFMA | 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 | Council | Mayor |  |
| MR13 | 28(4) MFMA | Tabling an adjustment budget in the Council | Council | Mayor |  |
| MR14 | 29(1) MFMA | Deciding to authorize unforeseeable and unavoidable expenditure for which no provision was made in an approved budget in emergency or other exceptional circumstances | Council | Mayor |  |
| MR15 | 29(2)(c) MFMA | Reporting to the Council regarding the authorization of unforeseeable and unavoidable expenditure for which no provision was made in an approved budget in emergency or other exceptional circumstances | Council | Mayor | Such report must be made to the Council meeting next ensuing after the authorisation was given. |
| MR16 | 31(d) MFMA | Giving written approval for exceeding the amount appropriated in respect of a capital programme | Council | Mayor |  |
| MR17 | 37 (1)(a) MFMA | 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 | Council | Mayor | In consultation with the Accounting Officer, the function is also delegated to the Accounting Officer. |
| MR18 | 52(a) MFMA | Deciding the nature and extent of, and manner in which political guidance over the fiscal and financial affairs of the Municipality will be provided | Council | Mayor |  |
| MR19 | 52 (b) MFMA | Deciding the monitoring and oversight mechanisms to be applied to the exercise by the Accounting Officer and the Chief Financial Officer of their powers, functions and duties in terms of MFMA | Council | Mayor |  |
| MR20 | 52 (c) MFMA | 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 | Council | Mayor |  |
| MR21 | 52 (d) MFMA | 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 | Council | Mayor |  |
| MR22 | 53 (1) (a) MFMA | 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 | Council | Mayor |  |
| MR23 | 53 (1) (b) MFMA | Deciding the steps to be taken to co-ordinate the annual revision of the integrated development plan and the preparation of the annual budget | Council | Mayor |  |
| Determining how the integrated development plan is to be taken into account or revised for the purposes of the budget | Council | Mayor |  |
| MR24 | 53 (1) (c) (i) MFMA | Determining the reasonable steps to be taken to ensure that the Municipality approves its annual budget before the start of the budget year | Council | Mayor |  |
| MR25 | 53 (1) (c) (ii) MFMA | Determining the reasonable steps to be taken to ensure he/she approves the Municipality's service delivery and budget implementation plan | Council | Mayor | The Mayor must approve the annual service delivery and budget implementation plan within 28 days after the approval of the budget |
| MR26 | 53 (1) (c) (iii) MFMA | Determining the reasonable steps to be taken to ensure that the annual performance agreements for the Accounting Officer and all senior managers comply with the MFMA, are linked to the measurable performance objectives approved with the budget implementation plan and are concluded in accordance with section 57 (2) of the MSA | Council | Mayor | In terms of section 57(2)(a) of the Systems Act the annual performance agreements must be concluded on or before 30 July of each year |
| MR27 | 53 (2) MFMA | 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 | Council | Mayor |  |
| MR28 | 53 (3)(a) MFMA | 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 | Council | Mayor |  |
| MR29 | 53 (3)(b) MFMA | Ensuring that the performance agreements of the Accounting Officer, 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 | Council | Mayor |  |
| Submission of the annual performance agreements of the Accounting Officer, senior managers and any other categories of officials as may be prescribed, to the Municipal Council and the MEC responsible for local government. | Council | Mayor |  |
| MR30 | 54 (1)(a) MFMA | 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 | Council | Mayor |  |
| MR31 | 54 (1)(b) MFMA | 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 | Council | Mayor |  |
| MR32 | 54 (1)(c) MFMA | Determining whether it is necessary to make any revisions to the service delivery and budget implementation plan | Council | Mayor |  |
| MR33 | 54 (1)(d) MFMA | Determining the instructions to be given to the Accounting Officer 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 | Council | Mayor |  |
| MR34 | 54 (1)(e) MFMA | Considering whether the Municipality faces any financial problems including any emerging or impending financial problems | Council | Mayor |  |
| MR35 | 54(3) MFMA | Making public any revisions of the service delivery and budget implementation plan | Council | Mayor |  |
| MR36 | 55 MFMA | 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 | Council | Mayor |  |
| MR37 | 59(1)(b) MFMA | Deciding to delegate the powers and duties assigned to the Mayor to another member of the EXCO | Council | Mayor |  |
| MR38 | 59(3) MFMA | Deciding to confirm, vary or revoke any decision taken in consequence of a delegation by the Mayor | Council | Mayor |  |
| MR39 | 127(2) MFMA | Tabling in the Municipal Council the Municipality’s annual report | Council | Mayor |  |
| MR40 | 127(3)(a) MFMA | Submitting to the Council a written explanation setting out the reasons for any delay in tabling the Municipality’s annual report | Council | Mayor |  |
| MR41 | 130(1) MFMA | 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 | Council | Mayor |  |
| MR42 | 131(1) MFMA | Ensure compliance by the municipality in addressing any issues raised by the auditor-general in an audit report | Council | Mayor |  |
| MR43 | 133(1)(a) MFMA | Tabling in the Council a written explanation setting out the reasons for the failure of the Accounting Officer to submit annual financial statements to the Auditor-General or the Mayor’s failure to table the annual report of the Municipality in the Municipal Council | Council | Mayor |  |
| MR44 | 135 (3)(b) MFMA | 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 |  |
| MR45 | 136(1)(a) MFMA | Participating in consultations with the MEC for local government regarding a serious financial problem in the Municipality | Council | Mayor |  |
| MR46 | 137(1)(d) MFMA | 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 | Council | Mayor |  |
| MR47 | 139(1)(b) MFMA | 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 | Council | Mayor |  |
| MR48 | 139(2) MFMA | 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 | Council | Mayor |  |
| MR49 | 153 (3) (b) to (e) MFMA | Giving notice of an application in the High Court for an order to suspend the Municipality's financial obligations, or any portion of those obligations, until the Municipality can meet those obligations to the MEC for finance, the MEC for local government, the minister of finance the minister responsible for local government | Council | Mayor |  |
| MR50 | 166(2) MFMA | Receiving reports of the audit committee | Council | Mayor |  |
| MR51 | 49 (1) (a) MSTA | Presiding at meetings of the Executive Committee | Council | Mayor |  |
| MR52 | 49 (1) (b) MSTA | Performing duties, including any ceremonial functions | Council | Mayor |  |
| MR53 | 57(1) MSA  Chapter 2 Performance Regulations | The conclusion of the employment contract of the Accounting Officer | Council | Mayor |  |
| MR54 | 57(2) MSA  Chapter 3  Performance Regulations | The conclusion of a performance agreement with the Accounting Officer within 60 days of his / her appointment and annually thereafter within one month after the beginning of the financial year | Council | Mayor |  |

**C.4. POWERS DELEGATED TO THE DEPUTY MAYOR**

The Deputy Mayor exercises the powers and performs the duties of the Mayor if the Mayor is absent or is not available or if the office of the Mayor is vacant.

Acting in terms of section 59 of the Systems Act, Council hereby delegates the above powers to the Deputy Mayor including the power to sub-delegate any of his or her delegated powers; and the power to incur the necessary expenditure for the performance of the functions in the office of the Deputy Mayor within budget.

**4.1. OTHER DELEGATIONS:**

As it may be delegated from time to time by the Mayor or Council

**C.5. POWERS DELEGATED TO THE SPEAKER**

The functions set out hereunder are allocated to the speaker in terms of legislation, and the authority to implement same is accordingly delegated to the speaker by the council.

| **DEL NO.** | **SECTION IN ACT** | **FUNCTION** | **DELEGATING AUTHORITY** | **DELEGATED BODY** | **CONDITIONS** |
| --- | --- | --- | --- | --- | --- |
| SPE1 | 28 MSTA | To ensure that the provisions in respect of privileges and immunities of Councillors are adhered to | Council | Speaker |  |
| SPE2 | 29 (1) MSTA | The Speaker decides when and where the Council meets, save if a majority of the Councillors request the speaker in writing to convene a meeting at time set out in the request | Council | Speaker | Subject to section 18 (2) of the Structures Act that requires quarterly meetings |
| SPE3 | 37 MSTA | To preside at the meetings of the Council | Council | Speaker |  |
| To ensure that the Council meets at least quarterly | Council | Speaker |  |
| To maintain order during meetings of the Council | Council | Speaker |  |
| To determine the date and venue of ordinary Council meetings | Council | Speaker |  |
| To ensure compliance in the Council and the Committees with the Code of Conduct | Council | Speaker |  |
| SPE4 | 20 (4) MSA | Take reasonable steps to regulate public access to, and public conduct at meetings of the Council | Council | Speaker |  |
| SPE5 | 13(1), (2) & (3) Schedule 1 MSA | If the Speaker, on a reasonable suspicion, is of the opinion that a provision of the code of conduct for councillors has been breached, the Speaker must:  1. Authorize an investigation of the fact and circumstances of the alleged breach;  2. Give the affected Councillor a reasonable opportunity to reply in writing regarding the alleged breach;  3. Report the matter to an open meeting of the council; and  4. Report the outcome of the investigation to the MEC for local government | Council | Speaker |  |
| SPE6 | 13(4) Schedule 1 MSA | Ensure that each councillor when taking office is given a copy of the code of conduct for councillors and that a copy of the code of conduct for councillors is available in every room or place where the council meets | Council | Speaker |  |
| SPE7 | 130(1) MFMA | 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 any organs of state to address the Council | Council | Speaker |  |
| SPE8 | 133(1)(b)(i) MFMA | Submitting information received from the auditor-general regarding the failure to submit annual financial statements to the Council | Council | Speaker |  |

**C.6. POWERS DELEGATED TO THE MUNICIPAL MANAGER ("MM")**

The functions and roles and responsibilities listed below are allocated to the Accounting Officer by statute. The Council accordingly delegates the authority to the MM to implement them and the MM in turn sub-delegates the function and authority as indicated**.**

| **DEL NO.** | **SECTION IN ACT** | **FUNCTION** | **DELEGATING AUTHORITY** | **DELEGATED BODY** | **SUB-DELEGATION** | **CONDITIONS** |
| --- | --- | --- | --- | --- | --- | --- |
| MM1 | 23 (1) MSA | The undertaking of developmentally-orientated planning to ensure that the municipality achieves the objects of local government in section 152 of the Constitution, gives effect to its developmental duties as required by section 153 of the Constitution and contribute to the progressive realisation together with other organs of state of the fundamental rights contained in sections 24, 25, 26, 27, and 29 of the Constitution | Council | Municipal Manager | GM – Development & Planning |  |
|  | 32(1)(a) MSA | Must submit a copy of the IDP as adopted by the Council and any subsequent amendment to the plan, to the MEC for local Government in the province. | Council | Municipal Manager | Manager – Strategic Management | Within 10 days of the adoption or amendment of the IDP |
|  | 32(1)(b) MSA | Must together with copy of the IDP also submit   1. a summary of the process referred to in section 29(1) of MSA 2. a statement that the process has been complied with, together with any explanations that may be necessary to amplify the statement 3. a copy of the framework adopted in terms of section 27 of the MSA | Council | Municipal Manager | Manager – Strategic Manager |  |
|  |  | Must by prior notice in the media, inform the local community of the meeting(s)  of the Council at which the municipality’s annual report is tabled or discussed, which  meetings must be open to the public | Council | Municipal Manager | Manager – Strategic Management |  |
|  | 55(1) MSA | The implementation of the IDP, and the monitoring of progress with implementation of the plan | Council | Municipal Manager | Manager – Strategic Management |  |
|  | 55(1) MSA | Developing and maintaining a system whereby community satisfaction with municipal services is assessed | Council | Municipal Manager | Manager - Communication |  |
| MM2 | 38 & 41 MSA | The establishment of a performance management system | Council | Municipal Manager | Manager – Corporate Services |  |
| MM3 | 46 MSA | The preparation of the annual performance reports | Council | Municipal Manager | Manager – Strategic Management |  |
| MM4 | 55 (1) MSA | The formation and development of an economical, effective, efficient and accountable administration   1. Operating in accordance with the Municipality’s performance management system in accordance with Chapter 6 of Systems Act; and 2. (b) Responsive to the needs of the local community to participate in the affairs of the Municipality | Council | Municipal Manager | General Managers |  |
| The appointment of staff other than the Accounting Officer and Directors, subject to the provisions of the Employment Equity Act, 1998 (Act 55 of 1998) | Council | Municipal Manager | The appointment of staff may not be delegated to an acting Accounting Officer. |  |
| The implementation of the Municipality’s integrated development plan, and the monitoring of progress with implementation of the plan | Council | Municipal Manager | General Managers |  |
| The management of the provision of services to local community in a suitable and equitable manner | Council | Municipal Manager | General Managers |  |
|  |  |  |  |  |
| The effective management, utilization and training of staff | Council | Municipal Manager | General Managers |  |
| The maintenance of discipline of staff | Council | Municipal Manager | In terms of the Code of Conduct and the Disciplinary Code and Bargaining Council Agreements. Delegation to General Managers limited to processes leading to discipline, sanction remains the Accounting Officer's authority |  |
| The promotion of sound labour relations and compliance by the Municipality with applicable labour legislation. | Council | Municipal Manager | General Managers and the LLF |  |
| Advising the political structures and political office bearers of the Municipality | Council | Municipal Manager | General Manager i.r.o. Committees & MM. i.r.o EXCO and Council. |  |
| Managing communications between the administration and its political structures and political office bearers | Council | Municipal Manager |  |  |
| Carrying out the decisions of the political structures and political office bearers of the Municipality | Council | Municipal Manager | General Managers |  |
| The administration and implementation of the Municipality’s by-laws and other legislation | Council | Municipal Manager | General Managers |  |
| Facilitating participation by the local community in the affairs of the Municipality | Council | Municipal Manager | General Managers/ Public Participation & Council Support |  |
| Developing and maintaining a system whereby community satisfaction with municipal services is assessed | Council | Municipal Manager | MCSS |  |
| The implementation of national and provincial legislation applicable to the Municipality | Council | Municipal Manager | GM’S |  |
| MM5 | 55(2) MSA | As accounting officer of the Municipality, the Accounting Officer is responsible and accountable for-   1. all income and expenditure of the Municipality; 2. all assets and the discharge of all liabilities of the Municipality; and 3. proper and diligent compliance with applicable municipal finance management legislation | Council | Municipal Manager | GM’s ensure coordination, maintenance and reporting |  |
| MM5 | 57(1) MSA  Chapter 2 Performance Regulations | The conclusion of the employment contract of the General Manager ( S56 Manager) | Council | Municipal Manager |  |  |
| MM6 | 57(2) MSA  Chapter 3 Performance Regulations | The conclusion of a performance agreement with an Executive Manager (Section 56 Manager) within 60 days of his / her appointment and annually thereafter within one month after the beginning of the financial year | Council | Municipal Manager |  |  |
| MM7 | 59 MSA | Develop a system of delegation that will maximise administrative and operational efficiency and provide for adequate checks and balances | Council | Municipal Manager |  |  |
| MM8 | 66(1) MSA | Within a policy framework determined by the Council and subject to any applicable legislation, to:   1. develop a staff establishment for the Municipality and submit the staff establishment to the Council for approval; 2. provide a job description for each post on the staff establishment; 3. attach to those posts the remuneration and other conditions of service for each post on the staff establishment in accordance with applicable labour legislation or any collective agreement; and 4. regularly evaluate the staff establishment and the remuneration and conditions of service | Council | Municipal Manager | GM’s | GM’s are responsible for all the processes leading to the appointment of staff, the Accounting Officer approves the appointment of staff |
| MM9 | 4 Appointment Regulations | The review of the Municipality’s staff establishment as prescribed | Council | Municipal Manager | General Manager – Corporate Services |  |
| MM10 | 67 (1) & (2) MSA | Develop and adopt appropriate systems and procedures, in accordance with applicable law and subject to any applicable collective agreement and labour legislation, consistent with any uniform standards prescribed in terms of section 72(1)(c), to ensure fair, efficient, effective and transparent personnel administration. | Council | Municipal Manager | General Manager – Corporate Services |  |
| MM12 | 67 (4) MSA | On written request by a staff member, to make a copy of or extract from the staff systems and procedures of the Municipality, including any amendments, available to that staff member | Council | Municipal Manager | General Manager – Corporate Services |  |
| MM13 | 67 (4) MSA | To ensure that the purpose, contents and consequences of the staff systems and procedures of the Municipality and the code of conduct for officials are explained to staff members who cannot read | Council | Municipal Manager | General Manager – Corporate Services |  |
| MM14 | 96(a) & (b) MSA | To collect monies due and payable to it, subject to the MSA and any other legislation and for this purpose, must adopt, maintain and implement a credit control and debt collection policy, which is consistent with the rates, and tariff policies | Council | Municipal Manager | Chief Financial Officer |  |
| MM15 | 97(g) MSA | The termination or restriction of services when payments are in arrears | Council | Municipal Manager | Chief Financial Officer |  |
| MM16 | 98 MSA | To differentiate between different categories of ratepayers, users of services, debtors, taxes, services, service standards and any other matters as long as such differentiation does not amount to unfair discrimination | Council | Municipal Manager | Chief Financial Officer |  |
| MM17 | 103(a) MSA | Credit an account holder for a payments made and issue a receipt as acknowledgement for such payment | Council | Municipal Manager | Chief Financial Officer |  |
| MM18 | 109(2) MSA | To compromise or compound any legal action, claim or proceedings, and to submit to arbitration any matter other than a matter involving a decision on the status, powers or duties of the Municipality or the validity of its acts or by-laws | Council | Municipal Manager |  |  |
| MM19 | 85 (3-4) Housing Act | To approve, subject to certain conditions if necessary, applications for the demolishing / alterations of houses or buildings used for residential purposes, excluding buildings older than fifty years, historically declared buildings and other questionable cases after consultation with the relevant Executive Manager | Council | Municipal Manager | General Manager – Development & Planning | (General Manager advises the Accounting Officer, who has ultimate authority) |
| MM20 | Occupational Health and Safety Act (sect 16) | Authority and duty to ensure that the Municipality adheres to the stipulations of the Occupational Health and Safety Act, 1993 (Act 35 of 1993) | Council | Municipal Manager | General Manager – Corporate Services |  |
| MM21 | Regulation of Gatherings Act 205/93 | To grant approval for the holding of public gatherings and demonstrations | Council | Municipal Manager | General Manager – Community Services |  |
| MM22 | Regulation of Gatherings Act 205/93 | To act as responsible officer in terms of the provisions of the Regulation of Gatherings Act, 1993 (Act NO 205 OF 1993) | Council | Municipal Manager | General Manager – Community Services |  |
| MM23 | 35 (1) MPRA | Designate officials of the Municipality or persons in private practice as data-collectors to assist the municipal valuer | Council | Municipal Manager | Chief Financial Officer |  |
| MM24 | 49(1) & (2) MPRA | Within 21 days of receipt, to publish, disseminate and serve copies of a notice that the roll is open for inspection and inviting objections, in the manner prescribed in s49(1)(a),(b) & (c) of the MPRA | Council | Municipal Manager | Chief Financial Officer |  |
| MM25 | 50 MPRA, 54 MPRA, 61 MPRA, 66 MPRA | To assist with the process of objections to and appeals against the valuation of properties | Council | Municipal Manager | Chief Financial Officer |  |
| MM26 | 56 of SPLUMA | The powers and authority to enable the Accounting Officer to fulfil the functions allocated to him / her by the provisions of SPLUMA including such functions necessary ancillary to the aforesaid functions | Council | Municipal Manager | General Manager – Development & Planning |  |
| MM27 | 7(1) MFMA | Deciding to open a bank account for the Municipality. | Council | Municipal Manager |  |  |
| Deciding at which bank/banks to open a bank account. | Council | Municipal Manager | Chief Financial Officer |  |
| Deciding to close a bank account. | Council | Municipal Manager | Chief Financial Officer |  |
| MM28 | 7(2) MFMA | Determining into which bank account money collected or received by the Municipality must be deposited. | Council | Municipal Manager | Chief Financial Officer |  |
| MM29 | 8(1) MFMA | Designating a bank account of the Municipality as the Municipality’s primary bank account | Council | Municipal Manager | Chief Financial Officer |  |
| MM30 | 8(5) MFMA | Submission of the Municipality’s primary bank account details, and any impending change thereof to National Treasury, Provincial Treasury and the Auditor – General | Council | Municipal Manager | Chief Financial Officer |  |
| MM31 | 8(3) MFMA | Determining the reasonable steps to be taken to ensure that the prescribed money received is paid into the Municipality’s primary bank account | Council | Municipal Manager | Chief Financial Officer |  |
| MM32 | 9(a) MFMA | Submission of the prescribed details regarding any new bank accounts opened for the Municipality to the Provincial Treasury and the Auditor – General | Council | Municipal Manager | Chief Financial Officer |  |
| MM33 | 9(b) MFMA | Submission of the details of the Municipality’s bank accounts annually before the start of a financial year to the Provincial Treasury and the Auditor – General | Council | Municipal Manager | Chief Financial Officer |  |
| MM34 | 10(1)(a) MFMA | Administration of the Municipality’s bank accounts | Council | Municipal Manager | Chief Financial Officer |  |
| MM35 | 10(2) MFMA | Enforcing compliance with sections 7, 8 and 11 of the MFMA | Council | Municipal Manager | Chief Financial Officer |  |
| MM36 | 11(1) MFMA | Written authorisation to the Accounting Officer, CFO or senior financial official to withdraw or authorise the withdrawal of money from the Municipality’s bank account for the purpose outlined in terms of section 11 of the MFMA | Council | Municipal Manager | Chief Financial Officer |  |
| MM37 | 11(4) MFMA | Prepare and table 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 Council and submit a copy to the Provincial Treasury and the Auditor – General | Council | Municipal Manager | Chief Financial Officer |  |
| MM38 | 12 (2) MFMA | Deciding to open a separate bank account in the name of the Municipality for the purpose of a relief, charitable, trust or other fund. | Council | Municipal Manager | Chief Financial Officer |  |
| MM39 | 12(4) MFMA | Issue 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM40 | 13(2) MFMA 60(2) of the MSA | Establishing an appropriate and effective cash management and investment policy for the Municipality | Council | Municipal Manager | Chief Financial Officer |  |
| MM41 | 14 (4) MFMA | The transfer of ownership or otherwise disposal of a movable capital asset below the value of R1000 000.00 that is not needed to provide the minimum level of basic municipal services | Council | Municipal Manager | Chief Financial Officer | Must determine that the asset is not needed to provide the minimum level of basic municipal services. |
| MM42 | 17(3)(b) MFMA | Prepare measurable performance objectives for revenue from each source and for each vote in the budget taking into account the municipality’s integrated development plan | Council | Municipal Manager | Chief Financial Officer |  |
| MM43 | 22 MFMA | Make public the annual budget, invite the local community to submit representations in connection therewith and submit same to the national and provincial treasuries and other municipalities affected by the budget. | Council | Municipal Manager | Chief Financial Officer |  |
| MM44 | 24 (3) MFMA | Submission of the approved annual budget to the National Treasury and Provincial Treasury | Council | Municipal Manager | Chief Financial Officer |  |
| MM45 | 26 (4) MFMA | Obtain the approval of the MEC responsible for finance to withdraw funds from the Municipality’s bank accounts, if a budget has not been approved on or before 1 July of each year | Council | Municipal Manager | Chief Financial Officer | Subject to section 11 of the MFMA |
| MM46 | 31(c) & (d) MFMA | Issuing the 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 and obtain the Mayor’s approval for exceeding the amount | Council | Municipal Manager | Chief Financial Officer |  |
| MM47 | 31(e) MFMA | Submitting the certificate in s31(c) & (d) to the provincial treasury and the Auditor- General | Council | Municipal Manager |  |  |
| MM48 | 32 (1) MFMA | Identifying the identity of the person who is liable for unauthorised, irregular or fruitless and wasteful expenditure | Council | Municipal Manager |  |  |
| MM49 | 32 (4) MFMA | Inform the Mayor, the MEC for local government and the Auditor-General, in writing of any unauthorized, irregular or fruitless and wasteful expenditure incurred by the Municipality, whether any person is responsible or under investigation for such unauthorized, 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 | Council | Municipal Manager |  |  |
| MM50 | 10(1) Regulations on Financial Misconduct and Criminal Proceedings, 2014 | Reporting an alleged financial offence by any person referred to in section 173 of the MFMA, to the SAPS | Council | Municipal Manager | Executive Managers | In consultation with the MM |
| MM51 | 10(1) Regulations on Financial Misconduct and Criminal Proceedings, 2014 | Reporting the judgment, where a financial offence is successfully prosecuted, to the National Treasury, together with full details of the convicted person, the name of the municipality where the offence was committed and the sanction that was imposed | Council | Municipal Manager | Executive Managers | In consultation with the MM |
| MM51 | 32 (6) MFMA | Determine whether an alleged irregular expenditure falls to be reported to the SAPS | Council | Municipal Manager | General Manager – Corporate Services |  |
| Determine whether an alleged theft and fraud occurred in the Municipality | Council | Municipal Manager |  |  |
| Report alleged irregular expenditure that constitutes a criminal offence and alleged theft and fraud which occurred in the Municipality to the SAPS | Council | Municipal Manager |  |  |
| MM52 | 34 (1) MFMA | 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 | Council | Municipal Manager |  |  |
| MM53 | 34 (1) MFMA | 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 | Council | Municipal Manager |  |  |
| MM54 | 34 (3)(a) MFMA | Considering the results of the provincial government’s monitoring of the Municipality | Council | Municipal Manager |  |  |
| MM55 | 37 (1)(a) MFMA | 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 | Council | Municipal Manager | In consultation with the Mayor, the function is also delegated to the Mayor |  |
| MM56 | 37 (2) MFMA | Determine 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM57 | 45 (2)(b) MFMA | Signing a debt agreement or other document which creates or acknowledges any short term debt | Council | Municipal Manager |  |  |
| MM58 | 46 (2)(b) MFMA | Signing a debt agreement or other document which creates or acknowledges any long-term debt | Council | Municipal Manager |  |  |
| MM59 | 54 (1)(d) MFMA | Determine the (proposed) remedial or corrective steps to deal with any serious financial problems facing the Municipality | Council | Municipal Manager |  |  |
| MM60 | 60 (b)(i) MFMA | Provide guidance and advice on compliance with the MFMA to the political structures, political office-bearers and officials of the Municipality | Council | Municipal Manager | Chief Financial Officer |  |
| MM61 | 61 (1)(b) MFMA | Disclose to the Council and the Mayor all material facts which are available or reasonably discoverable, and which in any way might influence the decisions or actions of the Council or the Mayor | Council | Municipal Manager | Chief Financial Officer |  |
| MM62 | 62(1)(a) MFMA | Deciding the reasonable steps to be taken to ensure that that the resources of the Municipality are used effectively, efficiently and economically | Council | Municipal Manager | Chief Financial Officer |  |
| MM63 | 62(1)(b) MFMA | Deciding the reasonable steps to be taken to ensure that that full and proper records of the Municipality’s financial affairs are kept in accordance with any prescribed norms and standards | Council | Municipal Manager | Chief Financial Officer |  |
| MM64 | 62(1)(c)(i) MFMA | Deciding the reasonable steps to be taken to ensure that that the Municipality has and maintains effective, efficient and transparent systems of financial and risk management and internal control. | Council | Municipal Manager | All General Managers |  |
| MM65 | 62(1)(c)(ii) MFMA | 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 | Council | Municipal Manager |  |  |
| MM66 | 62(1)(d) MFMA | Deciding the reasonable steps to be taken to ensure that unauthorised, irregular or fruitless and wasteful expenditure and other losses are prevented | Council | Municipal Manager | Chief Financial Officer |  |
| MM67 | 62(1)(e) MFMA | 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM68 | 62(1)(f)(i) MFMA | 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM69 | 62(1)(f)(ii) MFMA | 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 MPRA | Council | Municipal Manager | Chief Financial Officer |  |
| MM70 | 62(1)(f)(iii) MFMA | 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 Systems Act | Council | Municipal Manager | Chief Financial Officer |  |
| MM71 | 62(1)(f)(iv) MFM | Deciding the reasonable steps to be taken to ensure that that the Municipality has and implements a supply chain management policy in accordance with Chapter 11 of the MFMA | Council | Municipal Manager | Chief Financial Officer |  |
| MM72 | 63(2)(a) MFMA | 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM73 | 63(2)(b) MFMA | 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM74 | 63(2)(c) MFMA | 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM75 | 64(2)(a) MFMA | Deciding the reasonable steps to be taken to ensure that the Municipality has effective revenue collection systems consistent with section 95 of the Systems Act and the Municipality's credit control, debt collection, rates and tariff policies | Council | Municipal Manager | Chief Financial Officer |  |
| MM76 | 64(2)(b) MFMA | Deciding the reasonable steps to be taken to ensure that revenue due to the Municipality is calculated on a monthly basis | Council | Municipal Manager | Chief Financial Officer |  |
| MM77 | 64(2)(c) MFMA | Deciding the reasonable steps to be taken to 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM78 | 64(2)(d) MFMA | 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM79 | 64(2)(e) MFMA | 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM80 | 64(2)(f) MFMA | 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM81 | 64(2)(g) MFMA | 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM82 | 64(2)(h) MFMA | 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM83 | 64(3) MFMA | 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. | Council | Municipal Manager | Chief Financial Officer |  |
| MM84 | 64(4)(a) MFMA | 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM85 | 64(4)(b) MFMA | 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM86 | 65(2)(a) MFMA | 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM87 | 65(2)(b) MFMA | 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM88 | 65(2)(c) MFMA | 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM89 | 65(2)(d) MFMA | 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM90 | 65(2)(e) MFMA | 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM91 | 65(2)(f) MFMA | 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM92 | 65(2)(h) MFMA | 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM93 | 65(2)(i) MFMA | 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM94 | 65(2)(j) MFMA | 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM95 | 66 MFMA | 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM96 | 67 (1) MFMA | Satisfy himself/herself, before 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 commercial or other business transaction, that it complies with the criteria in s67(1) | Council | Municipal Manager |  |  |
| MM97 | 67 (2) MFMA | 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 which has not complied with s67(1) | Council | Municipal Manager |  |  |
| MM98 | 67 (3) MFMA | Enforce compliance with s67(1) MFMA | Council | Municipal Manager |  |  |
| MM99 | 67 (4) MFMA | Determine 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 serving the poor or used by government as an agency to serve the poor | Council | Municipal Manager |  |  |
| MM100 | 68 (a) & (b) MFMA | Assist the Mayor and provide administrative support, resources and information required by the Mayor to perform the budgetary steps assigned to the Mayor | Council | Municipal Manager | Chief Financial Officer |  |
| MM101 | 69 (1)(a) MFMA | Take 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 | Council | Municipal Manager | All General Managers |  |
| MM102 | 69 (1)(b) MFMA | Take the reasonable steps required to ensure that revenue and expenditure are properly monitored. | Council | Municipal Manager | Chief Financial Officer |  |
| MM103 | 69(2) MFMA | Determining whether it is necessary to prepare an adjustments budget | Council | Municipal Manager | Chief Financial Officer |  |
|  |  | Preparing an adjustments budget and submitting it to the Mayor for consideration and tabling in the Council | Council | Municipal Manager | Chief Financial Officer |  |
| MM104 | 69(3)(a) MFMA | 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 | Council | Municipal Manager | Manager – Strategic Management |  |
| MM105 | 69(3)(b) MFMA | 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 Systems Act for the Accounting Officer and all senior managers | Council | Municipal Manager | Manager – Strategic Management |  |
| MM106 | 70 (1) MFMA | 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM107 | 70 (2) MFMA | Inform National Treasury if the Municipality’s bank account or, if the Municipality has more than one bank, the consolidated balance in those bank accounts, shows a net overdrawn position for a period exceeding a prescribed period | Council | Municipal Manager | Chief Financial Officer |  |
| MM108 | 71 (1) MFMA | Submit to the Mayor and 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM109 | 71 (5) MFMA | Submit 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, 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. | Council | Municipal Manager | Chief Financial Officer |  |
| MM110 | 72 (1)(a) MFMA | Assess the Municipality’s performance during the first half of each financial year. | Council | Municipal Manager | Chief Financial Officer |  |
| MM111 | 72 (1)(b) MFMA | Submit the mid-year performance assessment report to the Mayor, the National Treasury and the Provincial Treasury | Council | Municipal Manager | Chief Financial Officer |  |
| MM112 | 72 (3) MFMA | Determine whether it is necessary to recommend that an adjustments budget be considered and whether revised projections for revenue and expenditure are necessary | Council | Municipal Manager | Chief Financial Officer |  |
| MM113 | 73 (a) MFMA | Inform the provincial treasury of any failure by the Council to adopt or implement a budget-related policy or a supply chain management policy. | Council | Municipal Manager | Chief Financial Officer |  |
| MM114 | 73 (b) MFMA | Inform 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 | Council | Municipal Manager |  |  |
| MM115 | 74 (1) MFMA | Submit 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM116 | 74 (2) MFMA | Report the Accounting Officer’s inability to comply with any of the responsibilities in terms of the MFMA, together with reasons, to the Mayor and the provincial treasury | Council | Municipal Manager |  |  |
| MM117 | 75 (1) & (2) MFMA | Ensure 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, which ever occur first | Council | Municipal Manager | General Manager – Corporate Services |  |
| MM118 | 77 (1) MFMA | Decide to designate any officials other than those listed in section 77(1)(a) to (c) of the MFMA as “top management /Executive Managers” | Council | Municipal Manager |  |  |
| MM119 | 79 (1)(a) MFMA | Develop an appropriate system of delegation that will maximise administrative and operational efficiency and provide adequate checks and balances in the Municipality’s financial administration for the proper application of the MFMA | Council | Municipal Manager | Chief Financial Officer |  |
| MM120 | 79 (1)(c) MFMA | Regularly review delegations issued to a member of the Municipality’s Top Management or any other official of the Municipality and, if necessary, amend or withdraw any of those delegations | Council | Municipal Manager |  |  |
| MM121 | 79 (2) MFMA | Review and confirm, vary or revoke any decision taken in consequence of a delegation or a sub delegation in terms of the MFMA | Council | Municipal Manager |  |  |
| MM122 | 83 (2) MFMA | Provide the resources or opportunities to be made available for the training of the Accounting Officer, the CFO, Executive Managers and other financial officials to meet the prescribed financial management competency levels | Council | Municipal Manager | General Manager – Corporate Services |  |
| MM123 | 111 & 115 MFMA | Making and implementing a supply chain management policy for the Municipality | Council | Municipal Manager | Chief Financial Officer |  |
| MM124 | 4 & 5 Municipal Supply Chain Management Regulations, 2005 | Such additional powers and duties to enable the Accounting Officer to:   1. to discharge the supply chain management responsibilities conferred on accounting officers in terms of - 2. Chapter 8 or 10 of the MFMA; and 3. the supply chain management policy of the Municipality; 4. to maximise administrative and operational efficiency in the implementation of the supply chain management policy; 5. to enforce reasonable cost-effective measures for the prevention of fraud, corruption, favouritism and unfair and irregular practices in the implementation of the supply chain management policy; and 6. to comply with his or her responsibilities in terms of section 115 and other applicable provisions of the MFMA. | Council | Municipal Manager | Chief Financial Officer |  |
| MM125 | 113(1) MFMA | Deciding whether to consider an unsolicited bid received outside the Municipality’s normal bidding process | Council | Municipal Manager |  |  |
| MM126 | 114 (1) MFMA | Deciding whether to consider an unsolicited bid received outside the Municipality’s normal bidding process | Council | Municipal Manager |  |  |
| MM127 | 114 (1) MFMA | Submit a report to the Auditor-General, the provincial treasury and the National Treasury on the reasons why a tender other than the one recommended in the normal course of implementing the supply chain management policy of the Municipality is approved | Council | Municipal Manager |  |  |
| MM128 | 115 (1)(b) MFMA | 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM129 | 116(2)(a) MFMA | 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM130 | 116(2)(b) MFMA | Monitoring the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis | Council | Municipal Manager | All GM’s, the Chief Financial Officer coordinates the information |  |
| MM132 | 116(2)(c) MFMA | Determining the capacity that needs to be established within the Municipality’s administration to assist the Accounting Officer 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 | Council | Municipal Manager | All GM’s |  |
| Establishing the capacity in the Municipality’s administration to assist the Accounting Officer 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM133 | 116(2)(d) MFMA | Regularly report to the Council regarding the management of contracts and/or agreements and the performance of contractors. | Council | Municipal Manager | Chief Financial Officer and all GM’s |  |
|  |  | 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. | Council | Municipal Manager | Chief Financial Officer |  |
| MM134 | 116(3)(a) MFMA | 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM135 | 116(3)(b) MFMA | 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM136 | 119(2) MFMA | 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 | Municipal Manager | Chief Financial Officer and GM- Corporate Services |  |
| MM137 | 32 Municipal Supply Chain Management Regulations, 2005 | Deciding to procure goods or services for the municipality under a contract secured by another organ of state in compliance with regulations 32(1)(a) to (d) | Council | Municipal Manager |  |  |
| MM138 | 36 (1) (a) Municipal Supply Chain Management Regulations, 2005 | Deciding to dispense with the official procurement processes established by the policy and to procure any required goods or services through any convenient process, which may include direct negotiations but only –   1. in an emergency; 2. if such goods or services are produced or available from a single provider only; 3. for the acquisition of special works of art or historical objects where specifications are difficult to compile; 4. acquisition of animals for zoos; or 5. in any other exceptional case where it is impractical or impossible to follow the official procurement processes | Council | Municipal Manager |  |  |
| MM139 | 36 (1) (b) Municipal Supply Chain Management Regulations, 2005 | Deciding to ratify any minor breaches of the procurement processes by an official or committee acting in terms of delegated powers or duties which are purely of a technical nature | Council | Municipal Manager |  |  |
| MM140 | 120(4) MFMA | Deciding to conduct a feasibility study before a public-private partnership is concluded | Council | Municipal Manager |  |  |
| MM141 | 120(6)(a) MFMA | 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM142 | 120(6)(b) MFMA | 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM143 | 120(6)(c) MFMA | 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM144 | 121(1) MFMA | Preparing an annual report for the Municipality in accordance with chapter 12 of the MFMA | Council | Municipal Manager | Manager – Strategic Management |  |
| MM145 | 121(3)(e) MFMA | Performing an assessment of any arrears on municipal taxes and service charges for inclusion in the Municipality’s annual report | Council | Municipal Manager | Chief Financial Officer |  |
| MM146 | 121(3)(f) MFMA | 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM147 | 122(1) MFMA | 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 activities, its financial results, and its financial position as at the end of the financial year | Council | Municipal Manager | Chief Financial Officer |  |
| MM148 | 126(1)(a) MFMA | Submitting the annual financial statements of the Municipality to the Auditor-General on or before 31 August of each year | Council | Municipal Manager | Chief Financial Officer |  |
| MM149 | 126 (4) MFMA | Receiving a report outlining the reasons for the delay from the Auditor-General if he/she is unable to complete an audit within three months after submission of the Municipality’s annual financial statements | Council | Municipal Manager |  |  |
| MM150 | 127(5)(a) MFMA | Publishing the annual report and inviting the local community to submit representations in connection with the annual report | Council | Municipal Manager | Manager – Strategic Management |  |
| MM151 | 127(5)(b) MFMA | Submitting the annual report to the Auditor-General, the provincial treasury and the provincial department responsible for local government | Council | Municipal Manager | Manager – Strategic Management |  |
| MM152 | 129 (1) MFMA | Preparing the oversight report containing council’s comments on the annual report in compliance with s129(a) to (c) | Council | Municipal Manager | Manager – Strategic Management |  |
| MM153 | 129(2)(a) MFMA | Attend the meetings of the Council and its committees where the annual report is discussed and respond to questions concerning the report | Council | Municipal Manager | Manager – Strategic Management |  |
| MM154 | 129(2)(b) MFMA | 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 | Council | Municipal Manager | Manager – Strategic Management |  |
| MM155 | 129 (3) MFMA | Publish the oversight report regarding the annual report | Council | Municipal Manager | Manager – Strategic Management |  |
| MM156 | 131(1) MFMA | Ensuring that the Municipality addresses all the issues raised in an audit report | Council | Municipal Manager | Chief Financial Officer |  |
| MM157 | 131 (2)(a) MFMA | Submit the Municipality’s responses to the issues raised in an audit report to the MEC for local government | Council | Municipal Manager | Chief Financial Officer |  |
| MM158 | 132 (2) MFMA | Submit the Municipality’s annual report and oversight report to the provincial legislature | Council | Municipal Manager | Manager – Strategic Management |  |
| MM159 | 135(3) MFMA | Considering whether the Municipality is, or is likely to, encounter a serious financial problems in meeting its financial commitments | Council | Municipal Manager | Chief Financial Officer |  |
| MM160 | 135(3)(a) MFMA | Determining the manner of seeking solutions to any serious financial problem encountered or anticipated by the municipality in meeting its financial commitments | Council | Municipal Manager | Chief Financial Officer |  |
| MM161 | 135(3)(a) MFMA | Defining the solutions to be implemented to solve or avoid any serious financial problem encountered or anticipated by the municipality in meeting its financial commitments | Council | Municipal Manager | Chief Financial Officer |  |
| MM162 | 135 (3)(c) MFMA | Notifying organized local government of any serious financial problem in meeting its financial commitments experienced or anticipated by the Municipality | Council | Municipal Manager |  |  |
| MM163 | 141 (3)(a) MFMA & 144(2) | Participating in consultations with the person or body appointed to prepare a finical recovery plan or an amendment of such plan for the Municipality | Council | Municipal Manager | Chief Financial Officer |  |
| MM164 | 141 (3)(c) MFMA & 144 (2)MFMA | Commenting on a draft financial recovery plan or an amendment to such plan for the Municipality | Council | Municipal Manager | Chief Financial Officer |  |
| MM165 | 145(1)(a) MFMA & 146(1)(a) MFMA | Implementing an approved financial recovery plan for the Municipality | Council | Municipal Manager | Chief Financial Officer |  |
| MM166 | 146(1)(c) MFMA | 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM167 | 152 (1) MFMA | Deciding to apply 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM168 | 152 (2) MFMA | 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 | Council | Municipal Manager | Chief Financial Officer |  |
| MM169 | 153 (1)(a) MFMA | 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 | Municipal Manager |  |  |
| MM170 | 153 (1)(b) MFMA | 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 | Municipal Manager |  |  |
| MM171 | 153 (1)(c) MFMA | 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 | Municipal Manager |  |  |
| MM172 | 153 (3) (a) MFMA | Giving notice of an application in the High Court for an order to suspend the Municipality's financial obligations, or any portion of those obligations, until the Municipality can meet those obligations to creditors and organised labour | Council | Municipal Manager | Chief Financial Officer & GM- Corporate Services |  |
| MM173 | 165 (1) & (3) MFMA | Deciding whether to establish an internal audit unit or to outsource the internal audit function | Council | Municipal Manager |  |  |
| MM174 | 167 (2)(a) MFMA | Recover any amount paid or given in cash or in kind to a person as a political office-bearer or as a member of political structure of the Municipality otherwise than in accordance with the framework of the Public Office-Bearer Act, 1998 (Act No. 20 of 1998), including any bonus, bursary, loan advance or other benefit | Council | Municipal Manager | Chief Financial Officer |  |
| MM175 | 171 (4)(a) MFMA | Investigating any allegations of financial misconduct against the Chief Financial Officer, a senior manager or other official of the Municipality | Council | Municipal Manager |  |  |
| MM176 | 171 (4)(a) MFMA | Deciding whether an allegation of financial misconduct against the Chief Financial Officer, a senior manager or other official of the Municipality is frivolous, vexatious, speculative or obviously unfounded | Council | Municipal Manager |  |  |
| MM177 | mSCOA | The powers and authority to enable the Accounting Officer to fulfil the functions allocated to him / her by mSCOA including such functions necessary ancillary to the aforesaid functions | Council | Municipal Manager | All General Manager’s |  |
| MM178 | Regulations on Financial Misconduct and Criminal Proceedings, 2014 | The powers and authority to enable the Accounting Officer to fulfil the functions allocated to him / her by the Regulations on Financial Misconduct and Criminal Proceedings, 2014 including such functions necessary ancillary to the aforesaid functions | Council | Municipal Manager | All General Managers |  |
| MM179 | 4 Regulations on Financial Misconduct and Criminal Proceedings, 2014 | The establishment of a disciplinary board to investigate allegations of financial misconduct in the Municipality and to monitor the institution of disciplinary proceedings against an alleged transgressor | Council | Municipal Manager | General Manager –Corporate Services |  |
| MM180 | PAIA & POPI | The powers and authority to enable the official to fulfil the functions allocated to him / her by PAIA and POPI including such functions necessary ancillary to the aforesaid functions | Council | Municipal Manager | General Manager – Corporate Services |  |

**C.7. POWERS DELEGATED TO THE MUNICIPAL MANAGER BY THE COUNCIL**

The Council delegates to the municipal manager the authority to implement the functions listed below.

| **DEL NO.** | **SOURCE** | **FUNCTION** | **DELEGATING AUTHORITY** | **DELEGATED BODY** | **SUB-DELEGATION** | **CONDITIONS** |
| --- | --- | --- | --- | --- | --- | --- |
| MM181 | Roles & Responsibilities Policy | The powers and authority to enable the Accounting Officer to fulfil the functions allocated to him / her by the Roles & Responsibilities Policy including such functions necessary ancillary to the aforesaid functions | Council | Municipal Manager |  |  |
| MM182 | Standing Rules & Orders | The powers and authority to enable the Accounting Officer to fulfil the functions allocated to him / her by the Standing Rules & Orders including such functions necessary ancillary to the aforesaid functions | Council | Municipal Manager |  |  |
| MM183 | By-laws | The powers and authority to enable the Accounting Officer to fulfil the functions allocated to him / her by the municipality’s by-laws including such functions necessary ancillary to the aforesaid functions | Council | Municipal Manager |  |  |
| MM184 | Policies | The powers and authority to enable the Accounting Officer to fulfil the functions allocated to him / her by the municipality’s policies including such functions necessary ancillary to the aforesaid functions | Council | Municipal Manager |  |  |
| MM185 |  | Approve applications for educational assistance submitted by the employees of the Municipality within the policy framework of the Municipality | Council | Municipal Manager | General Manager –Corporate Services |  |
| MM186 | Statute | The powers and authority to enable the Accounting Officer to fulfil the functions allocated to him / her by statute including such functions necessary ancillary to the aforesaid functions | Council | Municipal Manager |  |  |
| MM187 |  | To keep custody of all records and documents of the Municipality, except where otherwise provided | Council | Municipal Manager | General Manager –Corporate Services |  |
| MM188 |  | To commence with any legal process, whether or civil, on behalf of the Municipality and to defend or oppose any legal process, whether criminal or civil, against the Municipality | Council | Municipal Manager |  |  |
| MM189 |  | To submit or oppose an appeal to a higher court or other body in respect of a judgment given by a lower court or body concerned | Council | Municipal Manager |  |  |
| MM190 |  | To obtain the services of an attorney or advocate for any official purpose | Council | Municipal Manager |  |  |
| MM191 |  | To incur expenses to appoint private detectives to obtain evidence in cases of alleged irregularities or misconduct by staff members or Councillors | Council | Municipal Manager |  |  |
| MM192 |  | To enforce the Municipality’s rights as contained in contracts concluded between the Municipality and other parties which he/she was authorized to sign on behalf of the Municipality, including but not limited to the rights pertaining to penalties, breach of contract, termination of contract and renewal of contracts | Council | Municipal Manager |  |  |
| MM193 |  | To approve the attendance by managers at meetings, workshops, seminars, conferences, congresses and similar events and special visits which are to be conducted inside the boundaries of the Republic of South Africa: Provided that the necessary funds are available. The approval of the attendance by officials of meetings, workshops, seminars, conferences, congresses and similar events conducted outside the boundaries of the Republic of South Africa, shall be approved in consultation with the Mayor | Council | Municipal Manager |  |  |

**C.8. POWERS OF RESPECTIVE GENERAL MANAGERS ACCOUNTABLE TO THE MUNICIPAL MANAGER**

The powers set out hereunder are delegated by the Municipal Manager to the General Managers of the following five (5) Departments within Inkosi Langalibalele Local Municipality and Managers reporting directly to the MM in the Office of the Municipal Manager for the primary purpose of assisting the Municipal Manager in ensuring sound administrative functioning of the Municipality and efficiency thereto in executing Mandate of the Municipality:

* Budget & Treasury Office Department;
* Corporate Services Department;
* Development and Planning Services;
* Community and Social Services Department; and
* Public Works and Basic Services Department.
  1. **Powers of Executive Managers (“Top MANCO”)**

General Managers powers delegated by the Council or Municipal Manager over and above those powers specifically delegated to each one of them.

The powers set out hereunder are delegated by the Council or the Municipal Manager to all General Managers:

| **DEL No.** | **SECTION IN ACT** | **POWER** | **DELAGTING AUTHORITY** | **DELEGATED BODY** | **SUB-DELEGATION** | **CONDITIONS** |
| --- | --- | --- | --- | --- | --- | --- |
| GMs 01 |  | The granting of leave to officials in terms of the conditions of service | Council | Municipal Manager | All General Manager’s | Delegated to all line managers as approved by relevant EXM. |
| GMs 02 |  | The authorization of overtime work in terms of the conditions of service and any other applicable legislation | Council | Municipal Manager | All General Manager’s | Provided that the necessary funds are available and in consultation with the EXM:CS |
| GMs 03 |  | The temporary rotation or permanent  placement of employees in equivalent posts within the directorate whether for experience or for other reasons as provided for in the conditions of service | Council | Municipal Manager | All General Manager’s |  |
| GMs 04 |  | The approval of private work of employees in their respective departments. | Council | Municipal Manager | All General Manager’s | In consultation with the Accounting Officer |
| GMs 05 |  | To do away with documents in accordance with the provisions of the Archives Act and other applicable legislation. | Council | Municipal Manager | All General Manager’s | In consultation with the EXM:CS and the MM |
| GMs 06 |  | To enforce Council’s by-laws as well as national and provincial legislation applicable to their respective directorates, including the institution of criminal or civil proceedings in respect thereof, and to perform the functions and exercise the powers that vest in the Council in terms thereof. | Council | Municipal Manager | All General Manager’s |  |
| GMs 07 |  | The institution of criminal proceedings against officials who do not return Council property which are in their possession when they terminate their services. | Council | Municipal Manager | All General Manager’s |  |
| GMs 08 |  | To sign documents requiring authentication on behalf of the Municipality. | Council | Municipal Manager | All General Manager’s |  |
| GMs 09 |  | To decide, in respect of officials in his or her department, on the replacement, at the Council's expense, of the official’s tools which are damaged or broken while used in the service of the Council.  This is only applicable in cases where the tools form part of the equipment which the official is expected to provide. Replacement tools will be of similar quality and identical nature. | Council | Municipal Manager | All General Manager’s |  |
| GMs 10 |  | To protect and exercise the municipality’s rights as contained in contracts concluded between the municipality and other parties which he was authorized to sign on behalf of the municipality, renewal of contracts | Council | Municipal Manager | All General Manager’s |  |
| GMs 11 | 55(1) MSA | To maintain the discipline of staff members | Council | Municipal Manager | All General Manager’s |  |
| GMs 12 | 32(4) MFMA | Identifying the person responsible, or suspected of being responsible, for unauthorised, irregular or fruitless and wasteful expenditure | Council | Municipal Manager | All General Manager’s |  |
| GMs 13 | 32(4)  MFMA | Determining the steps to be taken to recover or rectify any unauthorised, irregular or fruitless and wasteful expenditure incurred by the Municipality | Council | Municipal Manager | All General Manager’s |  |
| GMs 14 | 32(4) MFMA | Determining the steps to be taken to prevent the recurrence of unauthorised, irregular or fruitless and wasteful expenditure by the Municipality | Council | Municipal Manager | All General Manager’s |  |
| GMs 15 | 62(1)(a)  MFMA | Determining the reasonable steps to be taken to ensure that that the resources of the Municipality are used effectively, efficiently and economically | Council | Municipal Manager | All General Manager’s |  |
| GMs 16 | 62(1)(d)  MFMA | Deciding the reasonable steps to be taken to ensure that unauthorised, irregular or fruitless and wasteful expenditure and other losses are prevented | Council | Municipal Manager | All General Manager’s |  |
| GMs 17 | 62(1)(e)  MFMA | 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 | Council | Municipal Manager | All General Manager’s | This delegation will be applicable to all officials in a relevant executive Manager’s Department |
| GMs 18 | 65(2)(i)  MFMA | 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 | Council | Municipal Manager | All General Manager’s |  |
| GMs 19 | 115(1)(b)  MFMA | Determining the reasonable steps that must be taken to ensure that proper and separation of duties in the SCM system are in place to minimise the likelihood of fraud, corruption, favouritism and unfair and irregular practices | Council | Municipal Manager | All General Manager’s | In consultation with the General Manager – Corporate Service |
| GMs 20 | 116(2)(a)  MFMA | Determining the reasonable steps that must be taken to ensure that a contract or agreement procured through the SCM policy of the Municipality is properly enforced | Municipal Manager | All General Manager’s |  |  |
| GMs 21 | 116(2)(b)  MFMA | Monitoring the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis | Municipal Manager | All General Manager’s |  |  |
| GMs 22 | 116(2)(c)  MFMA | Determining the capacity that needs to be established within the Municipality’s administration to assist the MM 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 | Municipal Manager | All General Manager’s |  |  |
| GMs 23 | 116(2)(c)  MFMA | Establishing the capacity in the Municipality’s administration to assist the MM 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 | Municipal Manager | All General Manager’s |  |  |
| GMs 24 | 116(2)(d)  MFMA | Regularly report to the Council regarding the management of contracts and/or agreements and the performance of contractors. | Municipal Manager | All General Manager’s |  |  |
| GMs 25 | 116(2)(d)  MFMA | 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. | Municipal Manager | All General Manager’s |  |  |
| GMs 26 |  | Sub-delegating any power or duty which the Council has delegated to him / her | Council | Municipal Manager | All General Manager’s |  |
| GMs 27 |  | To introduce access control at municipal  premises under the control of the incumbent | Council | Municipal Manager | All General Manager’s |  |

* 1. **CFO statutory powers**

The powers set out hereunder are assigned to the CFO in terms of the legislation as indicated in column 2, and reserved for his execution in accordance with his decision, and he may take a decision in respect of these matters with or without consulting any person in as far as such action is in the best interest of the Municipality.

| **DEL No.** | **SECTION IN ACT** | **POWER** | **DELAGTING AUTHORITY** | **DELEGATED BODY** | **SUB-DELEGATION** | **CONDITIONS** |
| --- | --- | --- | --- | --- | --- | --- |
| CFO 1 | 81(1)(b) MFMA | Advising the Accounting Officer on the exercise of powers and duties assigned to her/him in terms of the MFMA | Chief Financial Officer | NONE | NONE |  |
| CFO 2 | 81(1)(c) MFMA | Assisting the Accounting Officer in administering the Municipality's bank accounts and in the preparation and implementation of the Municipality's budget | Chief Financial Officer | NONE | NONE |  |
| CFO 3 | 81(1)(d) MFMA | Advising senior managers and other senior officials in the exercise of powers and duties assigned or delegated to them | Chief Financial Officer | NONE | NONE |  |
| CFO 4 | 82(4) MFMA | Reviewing and confirming, varying or revoking any decision taken in consequence of a sub-delegation by the Chief Financial Officer | Chief Financial Officer | NONE | NONE |  |

* 1. **CFO Powers delegated by the Municipal Manager**

The powers set out hereunder are delegated by the Municipal Manager to the CFO

| **DEL No.** | **SECTION IN ACT** | **POWER** | **DELAGTING AUTHORITY** | **DELEGATED BODY** | **SUB-DELEGATION** | **CONDITIONS** |
| --- | --- | --- | --- | --- | --- | --- |
| CFO 5 | 96 MSA  74 MSA  3 MPRA | To make and annually review all required financial policies, inter alia for:   * Credit Control and Debt Collection Policy * Tariff Policy on levying of fees for municipal services * Rates Policy on the levying of rates on rateable property | Municipal Manager | Chief Financial Officer |  |  |
| CFO 6 | 98 MSA  75 MSA  6 MPRA | To make applicable by-laws to give effect to the implementation and enforcement of the financial policies, and obtain Council  approval inter alia for :   * Credit Control and Debt Collection By -laws * Tariff By-laws * Property Rates By-laws | Municipal Manager | Chief Financial Officer |  |  |
| CFO 7 |  | To approve quotations for the procurement of goods and services, obtained in terms of the prescribed process to a maximum amount of  R200 000 (including VAT) | Municipal Manager | Chief Financial Officer |  |  |
| CFO 8 |  | The appointment of professional service providers in accordance with the prescribed process to a maximum amount of R200 000 (including VAT): | Municipal Manager | Chief Financial Officer |  |  |
| CFO 9 | 60(2) MSA | The decision to make investments on behalf of the municipality | Municipal Manager | Chief Financial Officer |  | In consultation with the MM |
| CFO 10 | 7(1) MFMA | Deciding to open a bank account for the Municipality | Municipal Manager | Chief Financial Officer |  |  |
| CFO 11 | 7(1) MFMA | Deciding at which bank/banks to open a bank account | Municipal Manager | Chief Financial Officer |  |  |
| CFO 12 | 7(1) MFMA | Deciding to close a bank account | Municipal Manager | Chief Financial Officer |  | In consultation with the MM |
| CFO 13 | 7(2) MFMA | Determining into which bank account money collected or received by the Municipality must be deposited | Municipal Manager | Chief Financial Officer |  | In consultation with the MM |
| CFO 14 | 8(1) MFMA | Designating a bank account of the Municipality as the Municipality’s primary bank account | Municipal Manager | Chief Financial Officer |  | In consultation with the MM |
| CFO 15 | 8(3) MFMA | Determining the reasonable steps to be taken to ensure that the prescribed money received is paid into the Municipality’s primary bank account | Municipal Manager | Chief Financial Officer |  |  |
| CFO 16 | 8(5) MFMA | Submission of the Municipality’s primary bank account details, and any impending change thereof | Municipal Manager | Chief Financial Officer |  |  |
| CFO 17 | 9(a) MFMA | Submission of the prescribed details regarding any new bank accounts opened for the Municipality | Municipal Manager | Chief Financial Officer |  |  |
| CFO 18 | 9(b) MFMA | Submission of the details of the Municipality’s bank accounts annually before the start of a financial year | Municipal Manager | Chief Financial Officer |  |  |
| CFO 19 | 10(1)(a) MFMA | Administration of the Municipality’s bank accounts | Municipal Manager | Chief Financial Officer |  |  |
| CFO 20 | 10(2) MFMA | Enforcing compliance with sections 7, 8 and 11 of the MFMA | Municipal Manager | Chief Financial Officer |  |  |
| CFO 21 | 11(1) MFMA | Authorising staff to withdraw or authorise the withdrawal of money from the Municipality’s bank account | Municipal Manager | Chief Financial Officer |  |  |
| CFO 22 | 11(4)(a) MFMA | 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 | Municipal Manager | Chief Financial Officer |  |  |
| CFO 23 | 11(4)(a)  MFMA | 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 Council | Municipal Manager | Chief Financial Officer |  |  |
| CFO 24 | 11(4)(b)  MFMA | 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 | Municipal Manager | Chief Financial Officer |  | Within 30 days after the end of each quarter. |
| CFO 25 | 13(2) MFMA | Establishing an appropriate and effective cash management and  investment policy for the Municipality | Municipal Manager | Chief Financial Officer |  | In consultation with MM |
| CFO 26 | 24(3)  MFMA | Submission of the approved annual budget to the National Treasury and the provincial treasury | Municipal Manager | Chief Financial Officer |  |  |
| CFO 27 | 31(c)  MFMA | 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 | Municipal Manager | Chief Financial Officer |  | Funds for the programme in question should have been appropriated for more than one financial year |
| CFO 28 | 32(2)  MFMA | Identifying the identity of the person who is liable for unauthorised, irregular or fruitless and wasteful expenditure | Municipal Manager | Chief Financial Officer |  |  |
| CFO 29 | 32(2) MFMA | Deciding to recover unauthorised, irregular or fruitless and wasteful expenditure from the person liable for that expenditure | Municipal Manager | Chief Financial Officer |  | In consultation with MM |
| CFO 30 | 32(2)  MFMA | Determining the amount of unauthorised, irregular or fruitless and  wasteful expenditure to be recovered, written off or provided for in an adjustments budget | Municipal Manager | Chief Financial Officer |  | In consultation with MM |
| CFO 31 | 46(2)(b)  MFMA | Signing a debt agreement or other document which creates or acknowledges any long-term debt | Municipal Manager | Chief Financial Officer |  | In consultation with MM |
| CFO 32 | 62(1)(b)  MFMA | Deciding the reasonable steps to be taken to ensure that that full and proper records of the Municipality’s financial affairs are kept in accordance with any prescribed norms and standards | Municipal Manager | Chief Financial Officer |  |  |
| CFO 33 | 62(1)(c)(i)  MFMA | Deciding the reasonable steps to be taken to ensure that that the Municipality has and maintains effective, efficient and transparent systems of financial and risk management and internal control | Municipal Manager | Chief Financial Officer |  |  |
| CFO 34 | 62(1)(f)(ii)  MFMA | 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 Property Rates Act | Municipal Manager | Chief Financial Officer |  | In consultation with MM |
| CFO 35 | 62(1)(f)(iii)  MFMA | 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 Systems Act | Municipal Manager | Chief Financial Officer |  | In consultation with MM |
| CFO 36 | 63(2)(a)  MFMA | 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 | Municipal Manager | Chief Financial Officer |  |  |
| CFO 37 | 63(2)(b)  MFMA | 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 | Municipal Manager | Chief Financial Officer |  |  |
| CFO 38 | 63(2)(c)  MFMA | 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 | Municipal Manager | Chief Financial Officer |  |  |
| CFO 39 | 64(2)(a)  MFMA | 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 | Municipal Manager | Chief Financial Officer |  |  |
| CFO 40 | 64(2)(b)  MFMA | Deciding the reasonable steps to be taken to ensure that revenue due to the Municipality is calculated on a monthly basis | Municipal Manager | Chief Financial Officer | Manager: Revenue | In consultation with CFO |
| CFO 41 | 64(2)(c)  MFMA | Deciding the reasonable steps to be taken to ensure that accounts for local 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 | Municipal Manager | Chief Financial Officer | Manager: Revenue | In consultation with CFO |
| CFO 42 | 64(2)(d)  MFMA | 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 | Municipal Manager | Chief Financial Officer | Manager: Revenue | In consultation with CFO |
| CFO 43 | 64(2)(e)  MFMA | 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 | Municipal Manager | Chief Financial Officer | Manager: Revenue | In consultation with CFO |
| CFO 44 | 64(2)(f)  MFMA | 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 | Municipal Manager | Chief Financial Officer | Manager: Revenue | In consultation with CFO |
| CFO 45 | 64(2)(h)  MFMA | 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 | Municipal Manager | Chief Financial Officer | Manager: Revenue | In consultation with CFO |
| CFO 46 | 65(2)(a)  MFMA | 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 | Municipal Manager | Chief Financial Officer |  |  |
| CFO 47 | 65(2)(b)  MFMA | 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 | Municipal Manager | Chief Financial Officer |  |  |
| CFO 48 | 65(2)(c)  MFMA | 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 | Municipal Manager | Chief Financial Officer |  |  |
| CFO 49 | 65(2)(d)  MFMA | 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 | Municipal Manager | Chief Financial Officer |  |  |
| CFO 50 | 65(2)(e)  MFMA | 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 | Municipal Manager | Chief Financial Officer |  |  |
| CFO 51 | 65(2)(f)  MFMA | 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 | Municipal Manager | Chief Financial Officer |  |  |
| CFO 52 | 65(2)(h)  MFMA | 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 | Municipal Manager | Chief Financial Officer |  |  |
| CFO 53 | 65(2)(j)  MFMA | 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 | Municipal Manager | Chief Financial Officer |  |  |
| CFO 54 | 66 MFMA | 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 | Municipal Manager | Chief Financial Officer |  |  |
| CFO 55 | 68(a)  MFMA | Assisting the Mayor in performing the budgetary steps assigned to the Mayor | Municipal Manager | Chief Financial Officer | Manager: Budgeting and Reporting | In consultation with CFO |
| CFO 56 | 69(1)(b)  MFMA | Determining, in relation to implementing the Municipality’s approved budget, the reasonable steps required to ensure that revenue and expenditure are properly monitored | Municipal Manager | Chief Financial Officer | Manager: Budgeting and Reporting | In consultation with CFO |
| CFO 57 | 69(2)  MFMA | Determining whether it is necessary to prepare an adjustments budget | Municipal Manager | Chief Financial Officer | Manager: Budgeting and Reporting | In consultation with CFO |
| CFO 58 | 69(2)  MFMA | Preparing an adjustments budget and submitting it to the Mayor (EXCO) for consideration and tabling in the Council | Municipal Manager | Chief Financial Officer | Manager: Budgeting and Reporting | In consultation with CFO |
| CFO 59 | 70(1)  MFMA | 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 | Municipal Manager | Chief Financial Officer | Manager: Budgeting and Reporting | In consultation with CFO |
| CFO 60 | 70(2)  MFMA | 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 | Municipal Manager | Chief Financial Officer |  |  |
| CFO 61 | 71(1)  MFMA | Submitting to the 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 | Municipal Manager | Chief Financial Officer |  | The statement must contain the information referred to in section 71(1), (2) and (3) of the MFMA  The statement submitted to the provincial treasury must be in the form of a signed and an electronic document |
| CFO 62 | 83(2)  MFMA | Determining the resources or opportunities to be made available for the training of officials to meet the prescribed financial management competency levels | Municipal Manager | Chief Financial Officer |  |  |
| CFO 63 | 119(2)  MFMA | 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 | Municipal Manager | Chief Financial Officer |  |  |
| CFO 64 | 121(2)(e)  MFMA | Performing an assessment of any arrears on municipal taxes and service charges for inclusion in the Municipality’s annual report | Municipal Manager | Chief Financial Officer |  |  |
| CFO 65 | 121(2)(f)  MFMA | 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 | Municipal Manager | Chief Financial Officer |  |  |
| CFO 66 | 122(1)/  MFMA  126(1)(a)  MFMA | 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 activities, its financial results, and its financial position as at the end of the financial year | Municipal Manager | Chief Financial Officer | Man: Assets and Fleet | In consultation with CFO |
| CFO 67 | 75A(3) MSA  14(1) MPRA | To publish the resolutions of Council in respect of the levying of rates and the recovery of fees, charges or tariffs | Municipal Manager | Chief Financial Officer | Manager: Revenue | In consultation with CFO |
| CFO 68 | 27(1) MPRA | To furnish each person liable for payment of a rate with a prescribed written account | Municipal Manager | Chief Financial Officer | Manager: Revenue | In consultation with CFO |
| CFO 69 | 30 MPRA | To cause a general valuation to be made of all properties in the municipality, and a valuation roll to be prepared of all valued properties | Municipal Manager | Chief Financial Officer | Manager: Revenue | In consultation with CFO |
| CFO 70 | 77 MPRA,  78 MPRA  79 MPRA | To update the valuation roll at least once a year by causing a supplementary valuation roll to be prepared or the valuation roll to be amended | Municipal Manager | Chief Financial Officer | Manager: Revenue | In consultation with CFO |

* 1. **General Manager Corporate Services Powers Delegated by the Accounting Officer**

The powers set out hereunder are delegated by the Municipal Manager to the General Manager Corporate Services and sub-delegated to middle managers within the department.

| **DEL No.** | **SECTION IN ACT** | **POWER** | **DELEGATING AUTHORITY** | **DELEGATED BODY** | **SUB-DELEGATION** | **CONDITIONS** |
| --- | --- | --- | --- | --- | --- | --- |
| CORP 01 | 19 MSA | Must give notice to the public in a manner determined by the Municipal Council, of the time, date and venue of every ordinary meeting of the Council and every special or urgent meeting of the Council | Municipal Manager | GM – Corporate Services | Manager – Auxiliary Services |  |
| CORP 02 | 55(1) MSA | To promote sound labour relations in compliance with the applicable labour legislation | Municipal Manager | GM – Corporate Services | Manager – Human Resources |  |
| CORP 03 | 75(1)  MFMA | Ensuring that the required documents are uploaded to, and available on, the Municipality’s website within five days after their tabling in the Council or on the date on which it must be made public, whichever occurs first | Municipal Manager | GM – Corporate Services | Manager – Auxiliary Services  Manager: Information Communication Technology |  |
| CORP 04 | 111,  115(1)(a)  MFMA | Implementing the Municipality’s supply chain management policy on all procurements within the Department | Municipal Manager | GM – Corporate Services | Manager – Human Resources  Manager – Auxiliary Services  Manager: Information Communication Officer |  |
| CORP 04 |  | To ensure the conceptualization, design and implementation of organization restructuring | Municipal Manager | GM – Corporate Services | Manager – Human Resources |  |
| CORP 05 |  | To ensure the introduction of a learning organization and knowledge management practices | Municipal Manager | GM – Corporate Services | Manager – Human Resources |  |
| CORP 06 |  | To ensure the provision of effective and relevant corporate services for the Municipality | Municipal Manager | GM – Corporate Services |  |  |
| CORP 07 |  | To oversee the process of investigating and considering alternative service mechanisms for the provision of municipal services as provided for the Systems Act | Municipal Manager | GM – Corporate Services |  |  |
| CORP 08 |  | To administer and implement the relevant by-laws and other legislation in the Municipality | Municipal Manager | GM – Corporate Services | Manager – Human Resources  Manager – Auxiliary Services  Manager- Information Communication Technology |  |
| CORP 09 |  | In the event of legal proceedings by or against the municipality, to sign a certificate to the effect that the municipality used the best known, or only, or most practicable and available methods in exercising any power or performing any duty assigned to it in terms of any legislation, which certificate must, in accordance with the provisions of the Systems Act, on its mere production by any person be accepted by the court as evidence of that fact | Municipal Manager | GM – Corporate Services |  | In consultation with MM |
| CORP 10 |  | To sign the following documents –  (a) documents to commence with any legal process, whether criminal or civil, on behalf of the Council and to defend or oppose any legal process, whether criminal or civil, against the Council; documents necessary to submit or oppose an appeal to a higher court or other body in respect of a judgement given by a lower court or body concerned | Municipal Manager | GM – Corporate Services |  | In consultation with MM |
| CORP 11 |  | Developing and maintaining a system whereby community satisfaction with municipal services is assessed | Municipal Manager | GM – Corporate Services | Manager – Auxiliary Services |  |
| CORP 12 |  | On written request by a staff member, to make a copy of or extract from the staff systems and procedures of the municipality, including any amendments, available to that staff member | Municipal Manager | GM – Corporate Services | Manager – Human Resources |  |
| CORP 13 |  | To ensure that the purpose, contents and consequences of the staff systems and procedures of the municipality and the code of conduct for officials are explained to staff members who cannot read | Municipal Manager | GM – Corporate Services | Manager – Human Resources |  |
| CORP 14 | 68(b)  MFMA | Making the administrative support, resources and information required by BTO to perform the budgetary steps assigned to the CFO available to him/her | Municipal Manager | GM – Corporate Services |  |  |
| CORP 15 | 79(1)(a)  MFMA | 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 | Municipal Manager | GM – Corporate Services |  |  |
| CORP 16 | 116(3)(b)  MFMA | 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 | Municipal Manager | GM – Corporate Services |  | In consultation with the CFO |
| CORP 17 | 72(1)(a)  MFMA | Performing an assessment of the Municipality’s performance during the first half of each financial year | Municipal Manager | Manager – Strategic Relations |  | In consultation with  the Municipal  Manager |
| CORP 18 | 72(1)(b)  MFMA | Submitting the mid-year performance assessment report to the Mayor, the National Treasury and the Provincial Treasury | Municipal Manager | Manager – Strategic Relations |  | On or before 25 January each year. In consultation with the Accounting Officer |
| CORP 19 | 129(2)(b)  MFMA | 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 | Municipal Manager | GM- Corporate Services | Manager – Auxiliary Services |  |
| CORP 19 |  | The authorization of overtime work in terms of the conditions of service and any other applicable legislation : Provided that the necessary funds are available | Municipal Manager | GM- Corporate Services | Manager – Human Resources | In consultation with the EXM:CS |
| CORP 20 |  | The granting or withholding of the normal annual salary increments of  Employees | Municipal Manager | GM- Corporate Services | Manager- Human Resources | In consultation with the EXM:CS |
| CORP 21 |  | To dispose of documents in accordance with the provisions of the Archives Act and other applicable legislation | Municipal Manager | GM- Corporate Services | Manager – Auxiliary Services | In consultation with the MM |
| CORP 22 |  | To enforce Council’s by-laws as well as national and provincial legislation applicable to their respective directorates, including the institution of criminal or civil proceedings in respect thereof, and to perform the functions and exercise the powers that vest in the Council in terms thereof | Municipal Manager | GM- Corporate Services |  | In consultation with the MM |
| CORP 23 |  | To institute criminal proceedings against officials who do not return Council property which are in their possession when they terminate their services | Municipal Manager | GM- Corporate Services | Manager – Human Resources |  |
| CORP 24 |  | The temporary rotation or permanent placement of employees in equivalent posts within the directorate whether for experience or for other reasons as provided for in the conditions of service: provided it is in accordance to the policy or LRA | Municipal Manager | GM- Corporate Services | Manager – Human Resources | In consultation with the MM |
| CORP 25 | 116(2)(c)  MFMA | Determining the capacity that needs to be established within the Municipality’s administration to assist the Accounting Officer to enforce the provisions of a contract or agreement pertaining to the functions of the department 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 | Municipal Manager | GM- Corporate Services | Manager – Human Resources  Manager – Auxiliary Servces | To be executed on a monthly basis and in consultation with SCM |
| CORP 26 |  | To give power of attorney to a nominee of the motor dealer from whom a motor vehicle is purchased for the Council, to license and register the vehicle in the Council's name | Municipal Manager | GM- Corporate Services | Manager: Asset & Fleet |  |

* 1. **General Manager Public Works & Basic Services Powers Delegated by the Accounting Officer**

The powers set out hereunder are delegated by the Accounting Officer to the General Manager Public Works and Basic Services and sub-delegated to middle managers within his/her department.

| **DEL No.** | **SECTION IN ACT** | **POWER** | **DELAGTING AUTHORITY** | **DELEGATED BODY** | **SUB-DELEGATION** | **CONDITIONS** |
| --- | --- | --- | --- | --- | --- | --- |
| PWBS 01 |  | Approval of orders or payment certificates on projects | Municipal Manager | GM – Public Works & Basic Services | Manager: PMU | Subject to the provisions of the Supply Chain Management policy and terms and conditions of service level agreement |
| PWBS 02 |  | Incurring of general operational expenditure for Infrastructure Department per budget in emergencies | Municipal Manager | GM – Public Works & Basic Services | Manager- Civil Operations and Maintenance | Subject to the provisions of the Supply Chain Management policy |
| PWBS 03 |  | To perform the functions and exercise the powers that vest in the Municipality in terms of the provisions of: The Occupational Health and Safety Act. Electricity and The SABS 0400 Building Regulations NHBRC | Municipal Manager | GM – Public Works & Basic Services | Manager: Civil Operations and Maintenance | None |
| PWBS 04 |  | To permit private persons or organisations to perform work on property belonging to the Municipality. | Municipal Manager | GM – Public Works & Basic Services | Manager:Civil Operations and Maintenance | Provided that:   * This does not prejudice the municipality’s interests; and * The Municipality is indemnified in writing against any damages and claims that may arise or result from such activities. |
| PWB 05 |  | To adjust the tariffs contained in the contracts concluded with consultants from time to time, in accordance with the applicable tariffs as published in the Government Gazette and in terms of the legislation concerned | Municipal Manager | GM – Public Works & Basic Services | Manager: Civil Operations and Maintenance | Provided that should this result in an overspending of the budget, approval be obtained for the overspending before this permission is granted. |
| PWBS 06 |  | The authority to grant permission for the excavation of gravel from a registered mine belonging to the municipality at a tariff as determined by the Council from time to time, or at a standard tariff as determined by legislation, whichever is applicable, after the necessary approvals have been obtained in line with the applicable legislation | Municipal Manager | GM – Public Works & Basic Services |  |  |
| PWBS 07 |  | To implement and recommend the review of Municipal By- Laws related to ITS | Municipal Manager | GM – Public Works & Basic Services | Manager: Civil Operations and Maintenance | Subject to legal framework |
| PWBS 08 | **ROADS AND**  **STORM-WATER** | To decide. on the most appropriate systems for the planning, control, safety management and maintenance of transport service | Municipal Manager | GM – Public Works & Basic Services | Manager: Civil Engineering |  |
| PWBS 09 | **ROADS AND**  **STORM-WATER** | To decide on the most appropriate systems for the planning, control, management and maintenance of storm-water systems, flood control etc. | Municipal Manager | GM – Public Works & Basic Services | Manager: Civil Operations and Maintenance |  |
| PWBS 10 | **ROADS AND**  **STORM-WATER** | To decide on the most appropriate systems for the planning, control, management and maintenance of roads, streets, sidewalks and parking areas | Municipal Manager | GM – Public Works & Basic Services | Manager: Civil Operations and Maintenance |  |
| PWBS 11 | **ROADS AND**  **STORM-WATER** | To decide on the most appropriate systems for the planning, control, management and maintenance of intersections, bridges, transport interchanges etc. | Municipal Manager | GM – Public Works & Basic Services | Manager: Civil Operations and Maintenance |  |
| PWBS 12 | **ROADS AND**  **STORM-WATER** | To approve and administer the permanent and temporary closure of roads, streets and sidewalks. | Municipal Manager | GM – Public Works & Basic Services | Manager: Civil Operations and Operations |  |
| PWBS 13 | **ROADS AND**  **STORM-WATER** | To decide on the most appropriate selection of road making materials. e.g. premix, block paving etc. | Municipal Manager | GM – Public Works & Basic Services | Manager: Civil Operations and Maintenance |  |
| PWBS 14 | **Division of**  **Revenue act, 2013**  **(MIG)** | To sign all forms and documents regarding project registrations, reporting of spending and progress of projects funded by MIG Grants & INEP | Municipal Manager | GM – Public Works & Basic Services | Manager: Civil Operations and Maintenance |  |
| PWBS 15 | **Electricity** | To administer street lighting and to determine the locality and most effective method of street lighting | Municipal Manager | GM – Public Works & Basic Services | Manager: Civil Operations and Maintenance |  |
| PWBS 16 | **Electricity** | To decide on the most appropriate systems for the planning, control, safety management, operation and maintenance of electricity distribution telecommunication services | Municipal Manager | GM – Public Works & Basic Services | Manager: Electrical Planning |  |
| PWBS 17 | **Electricity** | To ensure that all legislation relating to electricity for the enforcement of which the Council is responsible is complied with | Municipal Manager | GM – Public Works & Basic Services | Manager: Electrical Planning |  |
| PWBS 18 | **Electricity** | To enforce the Council’s By-laws relating to electricity services | Municipal Manager | GM – Public Works & Basic Services | Manager: Electrical Planning |  |
| PWBS 19 | **Electricity** | To exercise all the powers and, duties of the Council as lessee and lessor in terms of the provisions of agreements in regard to the supply of electricity, overhead and encroachments | Municipal Manager | GM – Public Works & Basic Services | Manager: Electrical Planning |  |
| PWBS 20 | **Electricity** | To decide on the placement and removal of infrastructure which is utilised for the supply of electricity and internal telecommunication services provided that the placement of substations and other infrastructure including the acquisition of land and servitudes, are excluded | Municipal Manager | GM – Public Works & Basic Services | Manager: Electrical planning |  |

* 1. **General Manager Development & Planning Services (PLAN) Powers Delegated by the Accounting Officer**

The powers set out hereunder are delegated by the Accounting Officer to the General Manager – Development & Planning and sub-delegated to middle managers within his/her department.

| **Del No.** | **Section**  **in Act** | **Power** | **Delegating Authority** | **Delegated Body** | **Sub-Delegation** | **Conditions** |
| --- | --- | --- | --- | --- | --- | --- |
| PLAN 01 | Section | To approve or reject all building plans and to decide about building line concessions, lateral and rear spaces as set out in the Town Planning Scheme: Provided that building plans in respect of Pres. Brand Street must be submitted to the Council for consideration | Municipal Manager | General Manager – Development & Panning | Manager – Development Control and Spatial Planning |  |
| PLAN 02 |  | To consider and finalise all applications for advertisements (temporary and permanent) in accordance with the provisions of the  applicable by-laws | Municipal Manager | General Manager – Development & Panning | Municipal Authorised Officer |  |
| PLAN 03 |  | To allocate departmental and sundry residential units relating to his directorate | Municipal Manager | General Manager – Development & Panning |  |  |
| PLAN 04 |  | To rule in respect of the Council's pre-emptive sales right in accordance with relevant housing legislation | Municipal Manager | General Manager – Development & Panning |  |  |
| PLAN 05 |  | To permit lessees of municipal housing to put up temporary or permanent boarders, subject to conditions | Municipal Manager | General Manager – Development & Panning |  |  |
| PLAN 06 |  | To permit lessees of municipal housing to effect smaller changes, fixtures and improvements to the leased property | Municipal Manager | General Manager – Development & Planning |  |  |
| PLAN 07 |  | To approve or reject requests for the purchase or lease of municipal residential units built with state funds | Municipal Manager | General Manager – Development & Planning |  |  |
| PLAN 08 |  | To evaluate and approve or reject, conditionally or unconditionally, traffic impact studies submitted by developers for rezoning and development purposes, except for cases where the impact of such developments may have financial implications for Council | Municipal Manager | General Manager – Development & Planning |  |  |
| PLAN 09 |  | To waive Council's rights in respect of servitudes, to approve or reject requests for the use servitude areas created for municipal  purposes, for building purposes or for the erection of other structures: Provided that such use of the servitude area does not prejudice the purpose for which the servitude was registered | Municipal Manager | General Manager – Development & Planning |  | In consultation with  The GM – PWBS |
| PLAN 10 |  | To designate employees of his directorate as Health and Safety Representatives or Employer’s Nominees, and to institute Safety  Committees for his directorate in terms of the provisions of the Safety Act | Municipal Manager | General Manager – Development & Planning |  |  |
| PLAN 13 |  | To grant approval for the erection of a second residential unit on a stand or premises in terms of the Town Planning Schemes and  other relevant legislation | Municipal Manager | General Manager – Development & Planning | Municipal Authorised Officer |  |
| PLAN 14 |  | To recommend approval to the Municipal Planning Tribunal the development applications for the erection of cellular base stations or structures associated with communication networks as well as access roads leading to these structures, subject to compliance with the Environmental Impact Assessment Regulations according to section 26 of the Environment Conservation Act, 1989 (Act No 73 of 1989) and any other appropriate conditions | Municipal Manager | General Manager – Development & Planning | Municipal Authorised Officer | In consultation with  respective  Departments |
| PLAN 15 | NBR and SPLUMA | To grant permission for a deviation or relaxation in terms of the National Building Regulations and Building Standards Act, 1977 (Act No 103 of 1977), except for a regulation concerning the strength and stability of buildings | Municipal Manager | General Manager – Development & Planning |  |  |
| PLAN 16 |  | To in collaboration with Social and Community Services Department decide on the placement of legal, exclusive parking bays | Municipal Manager | General Manager – Development & Planning |  | In the instance  where consideration  of the Municipal  Land Use Scheme  is necessary |
| PLAN 18 |  | To issue a certificate of condonation in terms of the provisions of section 4(5) of the Sectional Titles Act, 1986 (Act No 95 of 1986) | Municipal Manager | General Manager – Development & Planning |  |  |
| PLAN 19 |  | To approve applications for the consolidation of land which does not belong to the municipality and, where necessary, the setting of building-clause conditions to be registered against the titles of the erven concerned, as well as the determination of servitudes for the protection of services and their application in cases in which subdivisions are made | Municipal Manager | General Manager – Development & Planning | Municipal Authorised officer |  |
| PLAN 20 |  | To approve applications for subdivision of land which does not belong to the municipality and also the approval of applications for the abrogation of a title condition which prohibits such a subdivision and, where necessary, the setting of building-clause conditions to be registered against the titles of the erven concerned, as well as the determination of servitudes to protect services and their application in cases in which sub-divisions are made | Municipal Manager | General Manager – Development & Planning | Municipal Authorised officer |  |
| PLAN 21 |  | To approve relaxations in respect of the height restrictions of buildings to a maximum of 10 meters | Municipal Manager | General Manager – Development & Planning |  |  |
| PLAN 23 |  | To grant a postponement for the period in which the vested rights, as determined by the Council, must be exercised in cases in which a consent use has been approved by the Council in terms of its Town Planning Schemes and other relevant legislation | Municipal Manager | General Manager – Development & Planning |  |  |
| PLAN 24 |  | To approve the placement of neighbourhood watch notice boards on Council property, as well as restricting the number thereof | Municipal Manager | General Manager – Development & Planning |  |  |
| PLAN 25 |  | To finalize all applications for subdivisions within the Municipality in terms of the Town Planning Scheme | Municipal Manager | General Manager – Development & Planning |  |  |
| PLAN 26 |  | To enter and inspect any site or premises and to question any person found on such a site or premises in respect of any matter which may be relevant at such a time | Municipal Manager | General Manager – Development & Planning |  |  |
| PLAN 27 |  | To take the necessary steps to secure a suitable court order which obliges the owner or occupier of land or premises to meet the requirements of the Town Planning Scheme in the event that owners or occupiers of land or premises fail to meet the requirements of the said Town Planning Scheme | Municipal Manager | General Manager – Development & Planning |  |  |
| PLAN 28 |  | To sanction a relaxation in respect of any structural changes to buildings in terms of the provisions of the by-laws in relation to Crèches and Crèches-cum-nursery Schools: Provided that the provisions of the National Building Regulations, 1977 are not contravened | Municipal Manager | General Manager – Development & Planning |  |  |
| PLAN 29 |  | To recommend the approval of rezoning applications to the Municipal Planning Tribunal in respect of proclaimed Township with the exception of all applications outside proclaimed Township, which is the sole responsibility of Council | Municipal Manager | General Manager – Development & Planning |  | Subject to submission of a  Quarterly reports on all approved applications to Top  Management |
| PLAN 30 |  | To make recommendations and comments in respect of applications for the cancellation, suspension or amendment of title conditions which are restrictive, in order to bring the title deed of a premises in line with the Town Planning Scheme, except in cases in which a reversionary clause in favour of the Council exists in the title deed | Municipal Manager | General Manager – Development & Planning |  |  |
| PLAN 31 |  | To make recommendations to the relevant government departments concerned in respect of the approval or rejection of applications to demolish or reconstruct houses | Municipal Manager | General Manager – Development & Planning |  |  |
| PLAN 32 |  | When applications are made for relaxations of street building lines in respect of single residential stands within the area of the ............................... Town Planning Scheme, to finalize such applications administratively provided that the mentioned building lines are relaxed to a maximum of 50%, in which case this is adequately provided for by the scheme | Municipal Manager | General Manager – Development & Planning |  |  |
| PLAN 33 |  | To consider and approve applications for home industries and house cafes in terms of the applicable Town Planning Scheme, subject thereto that he may, in cases which he considers to be of a controversial nature or might have a significant impact on the surrounding community, or shall, in the case of objections being lodged by surrounding property owners, refer it to the Council for a decision | Municipal Manager | General Manager – Development & Planning |  |  |
| PLAN 34 |  | To issue building clause and waiver certificates as well as certificates for the raising of property title conditions to bring it in line with the provisions of Council’s Town Planning Schemes | Municipal Manager | General Manager – Development & Planning |  |  |
| PLAN 35 |  | To exercise those powers of the Council in terms of the provisions of sections 2,3,4 and 5 of the Noise Control Regulations which relate  to this directorate | Municipal Manager | General Manager – Development & Planning |  | In consultation  with the General Manager  concerned |
| PLAN 38 |  | To give consent for alterations to municipal houses leased in terms of a lease agreement | Municipal Manager | General Manager – Development & Planning |  |  |
| PLAN 39 |  | To advice Council on the sale of municipal industrial sites | Municipal Manager | General Manager – Development & Planning |  | In consultation with the MM and Chief Financial Officer |
| PLAN 40 |  | To approve the attendance by officials in the directorate of meetings, workshops, seminars, conferences, congresses and similar events and special visits which are in the interest of the Council and which are to be conducted within the boundaries of the Republic of South Africa : Provided that the necessary funds are available | Municipal Manager | General Manager – Development & Planning |  | As per the decision of Top Management |
| PLAN 42 |  | To approve the placing of signage indicating the locality of churches | Municipal Manager | General Manager – Development & Planning |  | In accordance with  the Council Policy  on Outdoor advertising |
| PLAN 43 | 23 MPRA | To draw up and maintain a register in respect of properties situated in the municipality | Municipal Manager | General Manager – Development & Planning |  |  |
| PLAN 44 |  | To consider applications for the licensing of businesses in accordance with the provisions of the Business Act, 1991 (Act No 71 of 1991) | Municipal Manager | General Manager – Development & Planning |  |  |
| PLAN 45 |  | To provide strategic advice to the Office of the Accounting Officer and ensure that high levels of performance of the administration is maintained | Municipal Manager | General Manager – Development & Planning |  |  |
| PLAN 46 |  | To ensure that programmes related to the IDP, performance management, transformation and other corporate issues are aligned and integrated | Municipal Manager | General Manager – Development & Planning |  |  |
| PLAN 47 |  | To ensure pro-active planning, management and maintenance of the development of the Municipality | Municipal Manager | General Manager – Development & Planning |  |  |
| PLAN 48 |  | To create an environment conducive to the development of the local community | Municipal Manager | General Manager – Development & Planning |  |  |
| PLAN 49 |  | The implementation of the municipality's integrated development plan, and the monitoring of progress with implementation of the plan | Municipal Manager | General Manager – Development & Planning |  |  |
| PLAN 50 | 72(1)(a)  MFMA | Performing an assessment of the Municipality’s performance during the first half of each financial year | Municipal Manager | General Manager – Development & Planning |  | In consultation with  the respective manager |
| PLAN 51 | 121(1)  MFMA | Preparing an annual report for the EDSP Department | Municipal Manager | General Manager – Development & Planning |  |  |
| PLAN 52 |  | The temporary rotation or permanent placement of employees in equivalent posts within the directorate whether for experience or for other reasons as provided for in the conditions of service: Provided that the Manager Corporate Services and the CFO have been notified of such a move in writing | Municipal Manager | General Manager – Development & Planning |  | In consultation with  the MM |
| PLAN 53 |  | The temporary rotation or permanent placement of employees in equivalent posts within the directorate whether for experience or for other reasons as provided for in the conditions of service: Provided  that the Manager Corporate Services have been notified of such a move in writing | Municipal Manager | General Manager – Development & Planning |  | In consultation with  the MM |
| PLAN 54 |  | Management of the housing beneficiary lists and all the incidental matters thereto. | Municipal Manager | General Manager – Development & Planning |  | In accordance with  the conditions and  regulations of  COGTA on  housing provisioning |
| PLAN 55 |  | Branding and Marketing of the Municipality in accordance with Municipal LED Strategy and supporting Strategies and Plans. | Municipal Manager | General Manager – Development & Planning |  |  |
| PLAN 56 | 72(1)(a)  MFMA | Performing an assessment of the Municipality’s performance during the first half of each financial year | Municipal Manager | General Manager – Development & Planning | Manager: Strategic Management | In consultation with  the Municipal  Manager |
| PLAN 57 | 72(1)(b)  MFMA | Submitting the mid-year performance assessment report to the Mayor, the National Treasury and the Provincial Treasury | Municipal Manager | General Manager – Development & Planning | Manager: Strategic Management | On or before 25 January each year. In consultation with the Accounting Officer |
| PLAN 58 | 69(3)(a)  MFMA | 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 | Municipal Manager | General Manager – Development & Planning | Manager: Strategic Management |  |
| PLAN 59 | 32(1)(a) MSA | Must submit a copy of the IDP as adopted by the Council and any subsequent amendment to the plan, to the MEC for local Government in the province. | Municipal Manager | General Manager – Development & Planning | Manager: Strategic Management | Within 10 days of the adoption or amendment of the IDP |
| PLAN 60 | 32(1)(b) MSA | Must together with copy of the IDP also submit   1. a summary of the process referred to in section 29(1) of MSA 2. a statement that the process has been complied with, together with any explanations that may be necessary to amplify the statement 3. a copy of the framework adopted in terms of section 27 of the MSA | Municipal Manager | General Manager – Development & Planning | Manager: Strategic Management |  |
| PLAN 61 |  | Must by prior notice in the media, inform the local community of the meeting(s)  of the Council at which the municipality’s annual report is tabled or discussed, which  meetings must be open to the public | Municipal Manager | General Manager – Development & Planning | Manager: Strategic Management |  |
| PLAN 62 | 55(1) MSA | The implementation of the IDP, and the monitoring of progress with implementation of the plan | Municipal Manager | General Manager – Development & Planning | Manager: Strategic Management |  |
| PLAN 63 | 55(1) MSA | Developing and maintaining a system whereby community satisfaction with municipal services is assessed | Municipal Manager | General Manager – Development & Planning | Manager: Strategic Management |  |
| PLAN 64 | 46 MSA | The preparation of the annual performance reports | Municipal Manager | General Manager – Development & Planning | Manager: Strategic Management |  |

* 1. **General Manager Community and Social Services (Comm) Powers delegated by the Accounting Officer**

The powers set out hereunder are delegated by the Accounting Officer to the General Manager Community & Social Services and sub-delegated to middle managers within his/her department.

| **Del No.** | **Section**  **in Act** | **Power** | **Delegating Authority** | **Delegated Body** | **Sub-Delegation** | **Conditions** |
| --- | --- | --- | --- | --- | --- | --- |
| COMM 01 |  | To issue all statutory notices for the elimination of nuisances | Municipal Manager | General Manager – Community Services |  |  |
| COMM 02 |  | To grant written permission for a caravan to be occupied in a residential area for a period exceeding 21 days, but in any event not exceeding 4 months | Municipal Manager | General Manager – Community Services |  | In consultation with General Manager – Economic Development & Planning |
| COMM 03 |  | To grant permission for and to make all arrangements with regard to funerals of destitute persons who die within the Municipality, i.e. deceased persons found in the area of jurisdiction of the Municipality who are unclaimed, for whom no competent person undertakes to stand in for the burial, and who did not die in a hospital or other institution | Municipal Manager | General Manager – Community Services |  |  |
| COMM 04 |  | To authorise use of Municipal Traffic Officers as compliance Officers to ensure that all Businesses within the Municipality are operating as per the licensing of businesses in accordance with the provisions of the Business Act, 1991 (Act No 71 of 1991) | Municipal Manager | General Manager – Community Services | Manager – Parks., Waste and Cemeteries | In consultation with GM – Development & Planning |
| COMM 05 |  | The authority to exercise those powers of the Council in terms of the provisions of sections 2,3,4 and 5 of the noise control regulations which relate to the specific functions and activities of this directorate | Municipal Manager | General Manager – Community Services |  | In consultation  with the General Managers concerned |
| COMM 06 |  | To make decisions in respect of the removal or pruning of trees on Council property | Municipal Manager | General Manager – Community Services | Manager – Parks., Waste and Cemeteries | In consultation with the MM |
| COMM 07 |  | To approve or reject the applications of sports clubs, which fall under the Council’s sports scheme, to improve their facilities at their own expense | Municipal Manager | General Manager – Community Services | Manager – Parks., Waste and Cemeteries | In consultation with GM- Planning & Development & GM- PWBS |
| COMM 08 |  | To approve applications for the subletting of sport club facilities and lease contract for the leasing of Council’s facilities (halls etc.) | Municipal Manager | General Manager – Community Services | Manager – Parks., Waste and Cemeteries |  |
| COMM 09 |  | To conclude caretaker’s agreements for municipal sport and recreation facilities with successful applicants | Municipal Manager | General Manager – Community Services | Manager – Parks., Waste and Cemeteries |  |
| COMM 10 |  | To decide whether the fire and rescue division may be utilized for firefighting, rescue, humanitarian and other related services outside the boundaries of the  municipality | Municipal Manager | General Manager – Community Services | Manager – Parks., Waste and Cemeteries |  |
| COMM 11 |  | To grant permission for parades, athletic and other events to be conducted in streets within the municipal area, as well as for the temporary closing of a street | Municipal Manager | General Manager – Community Services | Manager – Parks., Waste and Cemeteries |  |
| COMM 12 |  | To act as Responsible Officer in terms of the provisions of the Regulation of Gatherings Act, 1993 (Act No 205 of 1993) | Municipal Manager | General Manager – Community Services | Manager – Parks., Waste and Cemeteries |  |
| COMM 13 |  | To perform the functions and exercise the powers that vest in the Council in respect of the use or discharge of fireworks, firearms or similar devices as contained in the provisions of the Explosives Act, 1956 (Act No 26 of 1956), and the provisions of the Noise Control Regulations, promulgated in terms of the Environment Conservation Act, 1989 (Act No 73 of 1989) | Municipal Manager | General Manager – Community Services | Manager – Parks., Waste and Cemeteries |  |
| COMM 14 |  | To approve participation of the fire brigade division in public demonstrations, public displays and welfare functions | Municipal Manager | General Manager – Community Services | Manager – Parks., Waste and Cemeteries |  |
| COMM 15 |  | To close the Council’s libraries on a temporary basis | Municipal Manager | General Manager – Community Services | Manager – Parks., Waste and Cemeteries |  |
| COMM 16 |  | To decide whether costs incurred by the Disaster Management organization for the provision of assistance, must be recovered by the Council | Municipal Manager | General Manager – Community Services | Manager – Parks., Waste and Cemeteries |  |
| COMM 17 |  | To decide whether food must be supplied to workers of the Disaster Management organisation during the provision of assistance, and to approve a maximum contribution of **R000** from the relief fund for this purpose, provided that purchases are made as far as possible in consultation with the Procurement Manager and in keeping with the stipulations of the Financial Regulations | Municipal Manager | General Manager – Community Services | Manager – Parks., Waste and Cemeteries |  |
| COMM 18 |  | To exercise the powers that vest in the Council in terms of the provisions of:   1. Sections 3(1) to 3(7) of the Civil Protection Ordinance, 1977 (Ordinance No 10 of 1977). Any financial implication in terms of this delegation must be submitted to the Council for approval; 2. the Hazardous Substances Act, 1973 (Act No 15 of 1973 | Municipal Manager | General Manager – Community Services | Manager – Parks., Waste and Cemeteries |  |
| COMM 19 |  | To approve the attendance by officials in the directorate of meetings, workshops, seminars, conferences, congresses and similar events and special visits which are in the interest of the Council and which are to be conducted within the boundaries of the Republic of South Africa : Provided that the necessary funds are available | Municipal Manager | General Manager – Community Services | Manager – Parks., Waste and Cemeteries | In line with the  decision of Top  Management |
| COMM 20 |  | To designate employees of his directorate as Health and Safety Representatives or Employer’s Nominees, and to institute Safety Committees for his directorate in terms of the provisions of the Safety Act | Municipal Manager | General Manager – Community Services | Manager – Parks., Waste and Cemeteries |  |
| COMM 21 |  | The temporary rotation or permanent placement of employees in equivalent posts within the department whether for experience or for other reasons as provided for in the conditions of service: Provided that the Executive Manager Corporate Services and the CFO have been notified of such a move in writing | Municipal Manager | General Manager – Community Services | Manager – Parks., Waste and Cemeteries | In consultation with  the Municipal Manager |
| COMM 22 |  | To exercise the following powers that vest in the Council in terms of the  provision of national policies other than that contained in legislation -   1. Integrated Pollution and Waste Management Policy; 2. National Waste Management Strategy policy, strategy and action plans regarding -  * Waste Management Planning; * Waste inventories, reporting and data management; * Pollution prevention, Waste Minimisation, Impact Control remediation; * Cleaner technologies, products and production; * Hazardous waste, including radioactive waste and medical waste; | Municipal Manager | General Manager – Community Services | Manager – Parks., Waste and Cemeteries |  |
| COMM 23 |  | To approve applications for the provision of waste removal or vacuum services outside the municipal area per tariff as approved by the Council | Municipal Manager | General Manager – Community Services | Manager – Parks., Waste and Cemeteries |  |
| COMM 24 |  | To approve applications for the removal of specified types of waste by private persons and companies | Municipal Manager | General Manager – Community Services | Manager – Parks., Waste and Cemeteries |  |
| COMM 25 |  | The management of the provision of services to the local community in a sustainable and equitable manner | Municipal Manager | General Manager – Community Services | Manager – Parks., Waste and Cemeteries |  |
| COMM 26 |  | To administer traffic safety systems, the  and safety measures | Municipal Manager | General Manager – Community Services | Manager – Law Enforcement |  |
| COMM 27 |  | To advise the EXM:ITS regarding the placing and removal of road traffic signs road markings and advertisements on roads and streets | Municipal Manager | General Manager – Community Services | Manager – Law Enforcement | Manager Traffic in  consultation with  respective departments |
| COMM 28 |  | To approve or turn down applications to hold processions etc. in streets, to set conditions and requirements and to revoke approvals, in terms of the provisions of applicable by-laws | Municipal Manager | General Manager – Community Services | Manager – Law Enforcement | In consultation with  Law Enforcement In terms of a policy guidelines. |
| COMM 29 |  | To allocate stands for informal traders in areas declared by the Council as areas for restricted informal trade | Municipal Manager | General Manager – Community Services | Manager – Law Enforcement | Subject to such  criteria as Council has determined for the allocation of such  stands |
| COMM 30 |  | To authorize the marking of loading zones | Municipal Manager | General Manager – Community Services | Manager – Law Enforcement |  |
| COMM 31 |  | To order and approve the removal of obstructions on pavements | Municipal Manager | General Manager – Community Services | Manager – Law Enforcement |  |
| COMM 32 |  | To authorize the installation of signs for parking, no parking, restricted parking of vehicles | Municipal Manager | General Manager – Community Services | Manager – Law Enforcement |  |
| COMM 33 |  | To grant approval for a race or other sport occasion on a public road and to grant exemption from complying with the statutory requirements for the duration thereof in terms of road traffic laws | Municipal Manager | General Manager – Community Services | Manager – Law Enforcement | After consultation with the General Manager – Development & Planning |
| COMM 34 |  | To grant approval for and to impose conditions to set up or use a circus, whirligig, roundabout or other side-show or device for the amusement or recreation of the public, in a street or public place, in terms of the provisions of an appropriate By-law | Municipal Manager | General Manager – Community Services | Manager – Law Enforcement | After consultation with the General Manager – Development & planning |
| COMM 35 |  | To approve or reject applications for the distribution of pamphlets or similar advertising material, to impose conditions and generally to administer such activities in terms of the provisions of an appropriate By-law relating to the distribution of pamphlets | Municipal Manager | General Manager – Community Services | Manager – Law Enforcement |  |
| COMM 36 |  | To grant approval to arrange amusement or  recreation in a street and to impose conditions in terms of the provisions of an appropriate By-law relating to streets | Municipal Manager | General Manager – Community Services | Manager – Law Enforcement | After consultation with the General Manager – Planning & Development |
| COMM 37 |  | To manage traffic matters, co-ordination of law enforcement incident management and special occasions and transport | Municipal Manager | General Manager – Community Services | Manager – Law Enforcement |  |
| COMM 38 |  | To grant exemption to certain categories of persons (doctors and handicapped) from complying with parking requirements in terms of road traffic laws | Municipal Manager | General Manager – Community Services | Manager – Law Enforcement |  |
| COMM 39 |  | To exercise and to perform powers, duties and responsibilities conferred by province on the municipality in terms of an agency agreement in respect of the registration of vehicles | Municipal Manager | General Manager – Community Services | Manager – Law Enforcement |  |
| COMM 40 |  | To exercise and to perform all the powers, duties and responsibilities conferred by province on the municipality in terms of an agency agreement in respect of the testing of vehicles | Municipal Manager | General Manager – Community Services | Manager – Law Enforcement |  |
| COMM 41 |  | To exercise and to perform all the powers duties and responsibilities conferred by province on the municipality in terms of an agency agreement in respect of the issuing of driver’s licenses | Municipal Manager | General Manager – Community Services | Manager – Law Enforcement |  |
| COMM 42 |  | To control fences on street boundaries in terms of appropriate bylaws relating streets | Municipal Manager | General Manager – Community Services | Manager – Law Enforcement |  |
| COMM 43 |  | To order an owner / occupier of land to remove an object on such land which obscures a road traffic sign and, at failure to comply, to arrange for such removal in terms of road traffic legislation | Municipal Manager | General Manager – Community Services | Manager – Law Enforcement |  |
| COMM 44 |  | To manage traffic matters, co-ordination of law special occasions and transport | Municipal Manager | General Manager – Community Services | Manager – Law Enforcement |  |
| COMM 45 | 72(1)(a)  MFMA | Performing an assessment of the Municipality’s performance during the first half of each financial year | Municipal Manager | General Manager – Community Services |  | In consultation with  the Municipal  Manager |

* 1. **Powers sub delegated to all Middle Managers/Unit Managers directly reporting to the Accounting Officer or General Managers**

The powers set out hereunder are delegated by the Middle Managers / Unit Managers directly reporting to the Accounting Officer or General Manager.

| **Del No.** | **Section**  **in Act** | **Power** | **Delegating Authority** | **Delegated Body** | **Sub-Delegation** | **Conditions** |
| --- | --- | --- | --- | --- | --- | --- |
| MANCO 01 |  | Checking of subsistence and travelling claims for all staff within their divisions. | Municipal Manager  All General Managers | Managers / Unit Managers | None | Subject to the provisions of the subsistence and travelling policy |
| MANCO 02 |  | Authorisation of leave applications with the exception of special leave application of staff within their divisions. |  | Managers / Unit Managers | None | Subject to the provisions of the leave regulations/  Policy. |
| MANCO  03 |  | Checking and recommendation for approval or disapproval of applications for pre-authorization of overtime work or work on Sunday or Public Holiday for divisional staff members | All General Manager | Managers / Unit Managers | None | Subject to the provisions of the overtime policy and availability of budget |
| MANCO 04 |  | Reporting about their Divisional and sectional activities to the established structures of Council on a monthly and a quarterly basis. | Municipal Manager  All General Manager | Managers / Unit Managers | None | In consultation with the Municipal Manager and All General Managers |
| MANCO 05 |  | Approval of official trip authorization/s for all staff within their divisions | Municipal Manager  All General Manager | Managers / Unit Managers | None | In consultation with the Municipal Manager and All General Managers |
| MANCO 06 |  | Acting on behalf of the HOD or representing the HOD at a specific meeting or any session. | Municipal Manager  All General Managers | Managers / Unit Managers | None | Subject to a written request or instruction from the Accounting Officer or the Head of Department. |
| MANCO 07 | 55(1) MSA | Developing and maintaining a system whereby community satisfaction with municipal services is assessed | Municipal Manager | Manager - Communication | None |  |
| MANCO 08 | 38 & 41 MSA | The establishment of a performance management system | Municipal Manager  GM- Corporate Services | Manager – Human Resources  Manager – Strategic Relations | None |  |
| MANCO  09 | 75 (MFMA) | Ensure 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, which ever occur first | Municipal Manager | Manager – Communication | None |  |

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| **C.09. POWERS OF COUNCIL DELEGATED TO THE ICT STEERING COMMITTEE OF COUNCIL** |

Acting in terms of section 59 of the MSA, Council hereby delegates the following powers, functions and duties to the ICT Steering Committee of Council.

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| --- | --- | --- | --- | --- | --- |
| **Del No.** | **Section**  **in Act** | **Power** | **Delegating Authority** | **Delegated Body** | **Conditions** |
| ICT.001 |  | To decide on the standardisation of software and hardware and the optimum manner for support maintenance and acquisition | Council | ICT Steering Committee | This power is delegated to the ICT Steering Committee to exercise in consultation with the Manager ICT. |
| ICT.002 |  | To approve extensions, departures or exceptions in compliance with the standardisation of software and hardware and the optimum manner for support maintenance and acquisition | Council | ICT Steering Committee | This power is delegated to the ICT Steering Committee to exercise in consultation with the Manager ICT. |
| ICT.003 |  | To decide on the most appropriate methods to ensure the integrity of the Council’s information and communications technology systems | Council | ICT Steering Committee | This power is delegated to the ICT Steering Committee to exercise in consultation with the Manager ICT. |
| ICT.004 |  | To decide on and approve the most appropriate methods to render technological services to Councillors | Council | ICT Steering Committee | This power is delegated to the ICT Steering Committee to exercise in consultation with the Manager ICT. |
| ICT.005 |  | To decide which members of staff should have access to the Internet and to determine the conditions on which it will be granted | Council | ICT Steering Committee | This power is delegated to the ICT Steering Committee to exercise in consultation with the Manager ICT. |
| ICT.006 |  | To decide on and approve the most appropriate information and communication technology policies. | Council | ICT Steering Committee | This power is delegated to the ICT Steering Committee to exercise in consultation with the Manager ICT. |
| ICT.007 |  | To decide which members of staff should have access to the Internet and to determine the conditions on which it will be granted | Council | ICT Steering Committee | This power is delegated to the ICT Steering Committee to exercise in consultation with the Manager ICT. |
| ICT.008 |  | To decide which members of staff are awarded laptops and mobile devices and to determine the conditions on which it will be granted | Council | ICT Steering Committee | This power is delegated to the ICT Steering Committee to exercise in consultation with the Manager ICT. |

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| **C.10. INTERNAL SUPREMACY WAIVING AND INTERPRETATION OF THE DELEGATION OF POWERS** |

* 1. The delegation of powers shall take precedence over all other policies of Council.
  2. The delegation of powers shall be superseded by National or Provincial legislation, policy, decree, regulation, proclamation or any lawful decision made by either National sphere or Provincial sphere of Government.
  3. The whole or part of this policy may be temporarily waived for a specific period of time by the Council in consultation with the Accounting Officer.
  4. The Council shall make a final ruling on any misunderstanding or confusion arising out of implementation or interpretation of the Delegation of Powers after seeking a legal opinion from a qualified legal practitioner.
  5. Whilst the authority to initiate amendment of this document shall be located in both Management and Committees of Council, but he final power to change the policy shall permanently rest with the Council.

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| **C.11. DISPUTE RESOLUTION** |

* 1. Any dispute arising out of implementation of this policy must be declared in writing and submitted to the Accounting Officer by the party concerned at the earliest convenience of all parties.
  2. If the matter cannot be resolved at the level of the Accounting Officer, and when it falls outside the jurisdiction of Council the aggrieved party shall use the external recourse of law to remedy the situation.
  3. The Municipal Manager shall make efforts to resolve disputes within a reasonable timeframe.

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| **C.12. GENERAL PROVISIONS** |

* 1. All provisions pertaining to the delegation of powers in respect of Municipal officials including the Accounting Officer shall also apply to officials who are appointed to act in these positions in terms of this document.
  2. Failure to adhere to this delegation policy will constitute a just cause for taking disciplinary measures.

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| **C.13. POLICY REVIEW** |

The Policy will be reviewed on an annual basis and the next review will be finalized by the 30th June 2020.

**Responsible Officer :** **Mr. PS Mkhize**

**Accounting Officer**

**Signature : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Date of Approval : \_\_\_\_/\_\_\_\_/2019**

**Council Resolution No. : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**