**CHAPTER 2**

**GOOD GOVERNANCE**

**2.2 DELEGATIONS**

**2.2.1 PURPOSE OF THE municipal delegations system**

The purpose for delegation of authority is to achieve maximum operational and administrative efficiency and to give effect to the roles, responsibilities and duties of political structures, political office bearers, the municipal manager and other municipal officials.

**2.2.2 LEGISLATIVE MANDATE**

Section 59 the Municipal Systems Act (2000) provides that:-

(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 (the Municipal Systems 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 municipal manager must be approved by the municipal council in accordance with the system of delegation referred to in subsection (1).

**2.2.3 APPLICATION**

The Constitution of the Republic of South Africa states that the legislative and executive authority of the municipalities is vested in the municipal councils. A municipality has the functions and powers assigned to it in terms of sections 156 and 229 of the Constitution.

Section 59(1) of the Systems Act requires a municipal council to develop a system of delegation that will maximize administrative and operational efficiency and provide for adequate checks and balances, and, in accordance with that system, may-

* delegate appropriate powers to any of the municipality’s other political structures, political office bearers, Councillors or staff members;
* instruct any such political structure, political office bearer, Councillor or staff member to perform any of the municipality’s duties; and
* withdraw any delegation or instruction.

**2.2.3.1 DELEGATIONS**

In the Municipal Systems Act, “delegation” is defined in relation to a duty, as including an instruction to perform the duty. Delegate has a corresponding meaning.

Some of the basic principles of delegation are that –

* delegation can only be made to a lower hierarchical level; and
* the objective is to lighten the burden on top level management, and use available internal human resources efficiently.

Generally, in terms of section 59 of the Municipal Systems Act, delegations can be made to -

* any of the municipality’s other political structures;
* political office bearers;
* councillors; and
* staff members.

Section 59(2)(d) of the Systems Act further provides that a delegation instruction to any of the above may include the power to sub-delegate a delegated power. It is important though to note that delegations are subject to reviews, limitations, conditions and directions that the council or delegating authority may impose. Under certain circumstances, the council or the delegating authority may decide to withdraw a delegation or instruction. These are control measures built into the system.

Section 59(2)(e) of the Systems Act provides that a delegation or an instruction in terms of section 59(1) does not divest the council of the responsibility concerning the exercise of the power or the performance of the duty.

(i) Managing a system of delegations

Managing a system of delegations is an ongoing exercise. For instance, delegations must be reviewed-

* when a new council is elected;
* when there is an amendment to the council policies; and
* after a review of allocated powers and functions.

This is to ensure that at all times delegations are aligned to the policies, roles and responsibilities of the role players.

Upon close examination, the circumstances of every municipality will determine which matters should be delegated and under what conditions.

**2.2.3.2 OBJECTIVES OF DELEGATION**

The objectives of delegation will be to-

1. ensure maximum municipal administrative and operational efficiency without compromising accountability;
2. provide for good governance and allow for adequate checks and balances;
3. delegate decision-making to the most effective level within the administration;
4. involve employees in management decisions as far as practicable;
5. promote a sense of collective responsibility for performance;
6. assign clear delegated duties for the management and co-ordination of administrative components, systems and mechanisms;
7. define in precise terms the delegated duties of each political structure, political office-bearer and municipal manager;
8. 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.

**2.2.3.3 PRINCIPLES OF DELEGATION**

**A delegation must be in writing and is subject to any limitations, conditions and directions the municipal council may impose**

A delegation must not be in conflict with the Constitution, Systems Act and Structures Act, or any other legislation;

All delegations must ensure that the council retains all legislative powers and those executive powers which cannot be lawfully delegated;

Policy formulation and determination process is as follows-

* Policy is determined by the body that has the authority to do so in terms of council's delegation systems;
* Any other structure legitimately established may initiate the generation of policy. The procedure to follow in determining the policy will depend on which body has the final authority to approve it;

The council as the legislative and executive authority may not exercise any power or perform any function beyond that conferred upon it by law;

All delegations are conditional upon compliance with legislation, council policies and procedures, standing rules of order, its IDP and budget;

Delegations mustprovide for good governance and allow for adequate checks and balances;

All delegations must enhance service delivery without sacrificing accountability;

Delegation does not oblige a delegate to exercise his/her delegated power and allows for the decisions to be made at a higher level.

**2.2.3.4 CONDITIONS OF DELEGATION**

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

* Delegated powers are conferred upon the Mayor, Speaker, Executive Committee, Councillors and posts in the organisations of the Council and not personally on incumbents;
* Delegations apply to persons in acting positions. Persons acting in these positions have the same delegated powers as those serving in a permanent capacity, provided that the competent authority has duly appointed such acting persons;

In executing any delegated power, the delegated body must comply with all relevant legislation, council policies and procedures, standing rules of order or any relevant agreements;

These delegations do not redefine council's powers and functions;

The policies, whether existing or future, will determine the parameters of any delegations and the delegating body is bound to comply therewith. It is the duty of the delegating authority and the council's legislative arm to ensure that clear and comprehensive policies are drafted;

In executing delegated powers, no expenditure may be incurred unless the delegated authority is satisfied that the council has budgeted for the expenditure and that funds are still available on the relevant budget votes;

Council may, at any time, subject to applicable law, order a delegate not to exercise a delegated authority in a particular matter and council must then deal with such matter;

The delegate and/or a delegator 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;

A delegation may set out special circumstances in which a delegated authority is prohibited from exercising his or her delegated power;

Any sub-delegation must be reduced to writing and recorded in the delegations register, which must be kept updated at all times by the municipal manager or person delegated to do so;

All decisions affecting the rights of others must be in writing and reasons must be recorded for such decisions;

The council or any other delegating authority, may at any time withdraw, qualify or amend a delegation;

Council must in accordance with the procedures of its rules of order review any decision taken under delegated powers if so requested in writing by at least a quarter of the members of the council;

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

All delegated authorities must report delegated decisions at such intervals as the delegating authority may require. These reports are to enable the delegating authority to determine whether the policies regulating the power are adequate and whether the delegation is appropriate;

Appeals against any decisions taken in terms of any delegated authority must be dealt with in terms of the Systems Act by an appropriate appeals authority;

Any delegating authority may require a selected sample of decisions taken by a delegate to be audited by the internal audit unit.

**2.2.3.5 EXCLUSIONS AND RESTRICTIONS**

A municipal council may not delegate all of its functions.

(i) Exclusions

Section 160(2) of the Constitution and other legislation prevents municipal councils from delegating certain functions. These include the following matters which may not be delegated and must be performed by the municipal councils –

* passing of by-laws;
* approving budgets;
* imposing rates and other taxes, levies and duties;
* raising of loans. [Constitution of the Republic of South Africa, section 160(2)]
* approving or amending the integrated development plan;
* deciding to enter into a service delivery agreement (in terms of section 76(b) of the Systems Act);
* setting of tariffs. [Systems Act, section 59(1)]
* appointment and conditions of service of the municipal manager and a head of department of the municipality;
* decisions to dispose of immovable property

(ii) In terms of Section 28(4) read with section 41(2)(d) of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013), any change to the land use scheme of a municipality affecting the scheme regulations setting out the procedures and conditions relating to the use and development of land in any zone in terms of section (2)(a) of the Act may only be authorised by the Municipal Council.

(iii) In terms of Section 56 of SPLUMA, a municipality may not delegate the power to determine land use and land development applications as contemplated in section 35 (applications for planning approval must be determined by the Municipal Planning Tribunal or a municipal official to whom the power to decide certain categories of planning approval has been assigned in terms of section 35(2) of SPLUMA.

(iv) Restricted delegations

Certain powers may in terms of section 60(1) and (2) of the Systems Act be delegated, but only to specified positions or committees. The following powers may, within a policy framework determined by the municipal council, be delegated to:

* an executive committee only, in respect of –
* decisions to expropriate immovable property or rights in or to immovable property; and
* after appointment, 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.
* a Municipal Manager in respect of -
* decisions to make investments on behalf of the municipality within a policy framework determined by the Minister of Finance.

(v) In terms of section 59(4) of the Systems Act, a power conferred on a municipal manager in terms of any law may only be delegated to another official by the municipal council.

**2.2.3.6 RECORDING OF DELEGATIONS**

In terms of section 59(1)(d) of the Systems Act, delegations must be in writing. However, no format is prescribed. Whilst these delegations may be recorded in different forms, the functions of the municipality are so diverse that it may be difficult to easily access or recall accurately all delegations made by the council.

(i) Master Delegations Register

Keeping a “Master Delegations Register” will eliminate the problem described above. The updating of the register must be delegated to a person who is closely involved with the functions of the municipal council and/ or executive committee and will be alerted each time there is a new delegation or a review or an amendment to an existing delegation.

(ii) Format for the Master Delegations Register

Generally, there are two ways that the delegations can be organized in the register.

* Classification by function

In this method, all delegations made are inserted under the heading of the specific function, e.g., Finance, Human Resources or Information Technology.

If this method of classification is used, entries will consist of four columns, e.g.

|  |  |  |  |
| --- | --- | --- | --- |
| **3. HUMAN RESOURCES MANAGEMENT** | | | |
| **Number** | **Description of delegation** | **Delegated Authority** | **Revision number** |
| 3.1 | Approval of sick leave | Head of Department | Version 0 |

Whilst this method makes it easy to ascertain whether a specific function has been delegated, and if so to whom, the negative aspect is that not all delegations affect only one function and will, therefore, have to be listed under various categories.

* Classification by delegated authority

In this classification method, all new delegations are inserted under the relevant heading of the delegated authority and the numbering of other sections is left relatively unchanged. When this method is used, entries consist of three columns containing-

* the number of the delegation (numerical order)
* delegation written in full, including sub-delegation (if any);
* revision version number

|  |  |  |
| --- | --- | --- |
| **3. Director: Corporate Services** | | |
| **Number** | **Description of delegation** | **Revision Number** |
| 3.1 | Authorises use of pool vehicle | Version 1.0 |

The negative aspect of this method is that in order to determine whether a specific delegation was made, one would have to search through the whole register of delegations, unless informed as to whom the delegation may have been made.

The benefit of this method is that one can determine at a glance which functions have been delegated to a specific person or committee just by finding the relevant heading of the delegated authority.

**GENERAL DELEGATIONS**

**1. THE SPEAKER**

* 1. **Delegated Powers**
     1. Like all other political office bearers, performs duties and exercises powers delegated to the Speaker in terms of section 59 of the Systems Act;
     2. Performs other duties assigned to him/her in the Council’s Rules of Order;
     3. Performs duties relating to public participation, including the coordination of Rapid Response Teams to address public protests;
     4. Performs any other matter which the council may determine;
     5. Grants leave of absence to councillors in accordance with council’s Rules and Orders;
     6. Maintains the annual calendar of meeting and the attendance registers.

**1.2 Line of Accountability and Reporting**

The Speaker reports to Council.

**2. THE MAYOR**

**2.1 Delegated Powers**

* + 1. When the Council goes into recess, he/she in consultation with the Municipal Manager and other nominated Councillors, forming a recess Committee, which must be delegated to take decisions on behalf of the Executive Committee or Councillors, which if not taken would in some manner prejudice the Council. In all such cases, the mayor must report on such decisions to the next ordinary meeting of the executive committee;
    2. Approves subsistence and travel claims of municipal manager/acting municipal manager;
    3. Approves the attendance of conferences by the municipal manager/ acting municipal manager;
    4. Approves leave for the municipal manager/ acting municipal manager; and
    5. Any other matter which the council may determine.

**2.2 Line of Accountability and Reporting**

The Mayor reports to Executive Committee and to Council.

**3. THE EXECUTIVE COMMITTEE**

Powers delegated to the Executive Committee

* 1. **General Powers** 
     1. Sets policy in respect of matters falling within the delegated powers of the

Executive Committee or within the powers of the executive, below itself;

* + 1. Comments on proposed legislation and government policies;
    2. Appoints or nominates councillors to attend national and local meetings/ conferences/ seminars, etc.;
    3. Appoints or nominates councillors to represent council on outside bodies;
    4. Co-ordinates the operations of the councillors;
    5. Decides to institute or defend any action in the High Court, or court of equal or higher stature;
    6. Decides to institute or defend arbitration proceedings in matters where it otherwise would have been dealt with the High Court or court of equal or higher stature;
    7. Grants leave of absence to members from meetings of the Executive Committee; and
    8. Decisionsto expropriate immovable property or rights in or to immovable property within a prescribed policy framework.

**3.2 Financial Matters**

* + 1. Determines the amount of loss of damage suffered by council where the municipal manager or any other manager reporting directly to the municipal manager or other staff member has been responsible for such loss or damage, and recovers the loss or damage from them;
    2. Takes any appropriate action with regard to any loss of or shortage in funds or property belonging to or controlled by the council involving alleged fraud, theft or negligence on the part of all staff, members of council or any other structure of council;
    3. Approves the virement of funds of any capital amount provided that such virements are taken up in the adjustment estimates;
    4. Resolves any other matter not specifically reserved by council or specifically delegated to another structure or individual.

**3.3 Line of Accountability and Reporting**  
Executive Committee reports to the council.

**4. MUNICIPAL MANAGER**

**4.1 Powers delegated to the municipal manager:**

* + 1. To approve, in consultation with the relevant Heads of Department, the sale by public competition of movable assets in terms of the Supply Chain Management Policy as approved by the council;
    2. To sign any documents which are necessary to give effect to any resolutions of the council or resolution by any committee of the council acting in terms of a delegated power;
    3. To obtain legal opinion or to take any necessary steps to defend actions, claims or proceedings instituted against the Council, provided that High Court actions shall first be approved by the Executive Committee;
    4. To obtain services of an attorney or advocate for any official purpose;
    5. After consultation with the Chief Financial Officer, to incur expenses to appoint investigators to obtain evidence in cases of alleged irregularities or misconduct;
    6. After consultation with the Chief Financial Officer to apply contractual penalty clauses in the event of late delivery of goods or services to the Council;
    7. To approve of leave applications by Heads of Department;
    8. To approve of the secondment of staff from one department to another;
    9. To approve of the payment of travelling and subsistence claims in respect of Councillors and Heads of Department;
    10. To approve, in consultation with the relevant Head of Department, of applications by employees for bursaries in terms of the Council Bursary Policy;
    11. To decide on the replacement, at the council's expense, of an official's tools or equipment which are damaged or broken while used in the service of the council in cases where an official is expected to provide her or his own tools or equipment;
    12. To allocate official cellular phones or the payments of cellular phone allowances to officials within a policy approved by council;
    13. Provided that necessary funds are available, to approve the attendance by officials of meetings, workshops, seminars, conferences, congresses and similar events and visits which are in the interest of the council and which are to be conducted within the Republic of South Africa;
    14. To decide about the refunding of tender deposits in respect of those tenders where the council has no contractual obligation to refund deposits;
    15. To decide on the use of coat of arms, flag and banner of the municipality for commemorative and other purposes;
    16. To decide whether costs incurred by the Disaster Management organisation for the provision of assistance, must be recovered by council;
    17. To decide whether food must be supplied to workers of Disaster Management organisations during the provision of assistance, and to approve a maximum contribution of R-------;
    18. To grant permission to persons and bodies to examine the records of the central registry of the council for research purposes or in terms of The Promotion of Access to Information Act and the Promotion of Access to Information Manual as adopted by Council;
    19. To turn down any applications for donations, which cannot be considered in terms of council policy;
    20. To grant special leave to employees who are sportsmen and women, coaches and referees/umpires, for the purpose of participation in sports events and tournaments at provincial and national level.
    21. The approval of *ex-gratia* payments to sportspersons in terms of policy to employees who represent the R.S.A. at national level;
    22. The granting of permission for the free use of council’s premises for departmental functions and other municipal-orientated activities/events.
    23. After consultation with the Heads of Department concerned:-
* to create and fill temporary posts in the event of urgent or emergency situations on condition that budgetary provisions have been made;
* to transfer and promote officials from one department to another, excluding Heads of Department, in terms of the municipality’s recruitment and placement policy;
* to appoint persons in acting capacities and to approve of payment of acting allowances;
* to approve the allocation of travel allowances of staff at approved rates;
* to approve that staff may perform external paid private work.
  + 1. The authority to expend money in terms of the monetary limits as specified in terms of approved municipal delegations of authority and co-sign all payments with the Chief Financial Officer and any other authorised senior financial official;
    2. The authority to perform the functions and exercise the powers that vest in the council in terms of the provisions of any by-laws the administration of which has been assigned to the incumbent by the municipal council; and
    3. The authority to sub-delegate to municipal officials.

**4.2 Line of Accountability and Reporting**

* Reports to Council and the Executive Committee;
* Reports to the relevant MEC;
* Reports to the Auditor-General.

**5. CHIEF FINANCIAL OFFICER (CFO)**

* 1. **Powers and duties delegated to the Chief Financial Officer**
     1. The authority to collect moneys owed to the council in terms of a contract, legislation, court orders, decisions of the council or any other legal basis.
     2. The authority to commence with legal process on behalf of council in respect of the recovering of any money owed to the council for whatever reason and in any court, which has jurisdiction, with the inclusion of the signing of all necessary documents. This includes the power to instruct the council's attorney and advocate when necessary, to act on behalf of council in such cases;
     3. The claiming from and making of payments to professional persons or firms;
     4. The authority to release funds in respect of capital and operational expenditure items in terms of the approved capital and operational budget;
     5. The authority to deduct money, subject to the basic conditions of employment Act and any other relevant legislation, from remuneration which an official or a councillor owes to the Council.
     6. The authority to make a ruling in respect of the commencement with a legal process for claiming of damages to council property caused by third party, and for expenses in respect of injuries sustained by an official while on duty, which the council must incur in terms of the Workmen's Compensation Act (Act No. 130 of 1993) and leave agreement, in the event that another party causes the accident or incident;
     7. The authority to perform the functions and exercise the powers that vest in the council in terms of the provisions of:-

1. the financial regulations;
2. the regulations regarding housing subsidy to employees.
   * 1. To deal with all matters relating to insurance of council assets;
     2. To sign such documents as may be necessary when claiming funds obtained from any government department;
     3. To invest monies to the best advantage subject to council's Cash and Investment Policy and applicable legislation, and to report in terms of section 71 of the MFMA;
     4. To enter into agreement on behalf of council for the payment of arrears by debtors;
     5. To refund/pay furniture removal costs of new staff appointees in terms of the relevant policy of the council;
     6. To authorise the payment of I.O.D. pay in respect of employees injured on duty;
     7. To obtain, in consultation with the municipal manager, bank overdrafts or to take up loans on short-term commitments when these are required and report to council;
     8. To implement and enforce council's policy in respect of credit control and debt collection;
     9. The authority to obtain an interim property valuation from the Council's appraisers as and when the need arises, in respect of any property within the municipal area;
     10. The issuing of a clearance certificate, which certifies that the rates, fees, amounts and interest in respect of a certain property in the municipal area, have been paid to the council as required by the applicable legislation;
     11. The authority to sign the following documents:
3. Share certificates in respect of approved loans;
4. All documents concerning the collection of money owed to the Council, in either the Magistrates or the High Court;
5. Debt certificates
   * 1. The authority to expend money in terms of the monetary limits asspecified in terms of approved municipal delegations of authority.
     2. Statutory powers, functions and duties delegated in terms of the MFMA in respect of:

* all income and expenditure of the municipality;
* all assets and the discharge of all liabilities of the municipality; and
* proper and diligent compliance with MFMA.
  + 1. Ensuring that the municipality has and maintains:
* effective, efficient and transparent systems of financial and risk management and internal control;
* a system of internal audit;
* an appropriate procurement and provisioning system which is fair, equitable, transparent, competitive and cost-effective;
* a system for properly evaluating and prioritising all major capital projects prior to a final decision on the project;
  + 1. Keeping full and proper records of the financial affairs of the municipality in accordance with any prescribed norms and standards;
    2. The effective, efficient, economical and transparent use of the resources of the municipality.
    3. Taking effective and appropriate steps to:
* collect all money due to the municipality;
* prevent unauthorised expenditure;
* prevent losses resulting from possible criminal conduct; and
* manage available working capital efficiently and economically.
  + 1. Without delay report all losses as a result of suspected criminal conduct to the South African Police Service;
    2. The management, including the safeguarding and the maintenance of the assets, and managing the liabilities, of the municipality;
    3. Compliance by the municipality with any tax, levy, duty, pension and audit commitments as may be required by legislation;
    4. Setting all contractual obligations of, and pay all money owing by the municipality within the prescribed or agreed period;
    5. On discovery of any unauthorised expenditure, must immediately report in conjunction with the municipal manager, in writing, particulars of the expenditure to the mayor, the members of the Executive Council of the Province responsible for finance and for local government and the Auditor-General;
    6. Administer the budget and treasury office, as well as the Supply Chain Management Unit, and advise the municipal manager and other officials on financial matters;
    7. Set out the annual budget in a schedule that shows revenue by source and expenditure by vote, and comply with any other guidelines issued by National Treasury from time to time;
    8. Ensure that the remuneration of political office bearers is in accordance with legislation;
    9. Report to council on all expenditure on staff salaries, wages, allowances and benefits;
    10. Where appropriations for capital projects span more than one (1) year, ensure that shifting of funds between years is in accordance with section 31 of the MFMA;
    11. Open and maintain at least one bank account in the name of the municipality, and advise National Treasury and Auditor General in writing of details thereof;
    12. Notify National Treasury of occasions when the bank account/s of the municipality show an overdraft position;
    13. Table in council a consolidated report of withdrawals each quarter, and submit a copy of the consolidated report to the Provincial Treasury and Auditor-General;
    14. To ensure that the requirements for the raising of short and long term debt complies with section 45 and section 46 of the MFMA;
    15. To report monthly, quarterly and mid-year on the Council's budget performance in terms of Chapters 7, 8 and 12 of the MFMA;
    16. The authority to perform the functions and exercise the powers that vest in the council in terms of the provisions of any by-laws the administration of which has been assigned to the incumbent by the municipal council.

**5.2 Line of Accountability and Reporting**

Reports to the municipal manager

**6. HEAD OF DEPARTMENT: CORPORATE SERVICES**

**6.1 Powers delegated to the Head of Department: Corporate Services**

The authority to sign the following documents:

* + 1. A declaration by the seller for the payment of transfer duties in connection with property transactions excluding declarations concerning buildings which were erected with funds obtained from any state department;
    2. Lease contracts in respect of the leasing of council properly as well as property leased by the council, excluding documents concerning the leasing of buildings erected with funds received from national or provincial government;
    3. Contracts for the maintenance of lifts in municipal buildings as well as maintenance contracts in respect of council equipment which are under the control of the administrative manager;
    4. Contracts concerning the installation of telephones for official purposes or concerning applications made by persons occupying council premises;
    5. All documents which are necessary for the registration of erven or other immovable property alienated by the council, excluding documents for the registration of erven or other immovable property alienated by the council on which buildings are erected with funds received from national or provincial government;
    6. All documents which may be necessary for the registration of immovable property in the council's name irrespective of the way in which the council acquired such immovable property;
    7. Contracts which may be necessary for the alienation of any rights in immovable property owned by the council;
    8. All documentation necessary for compliance with the provisions of the relevant Expropriation Act, 1975 (Act 63 of 1975):
* All documents which may be necessary for the registration of servitudes or notarial contracts to which the council is a party;
* Contracts regarding branch-railway lines and third party rights;
* Any other documents for which authority has been delegated by the Executive Committee or by the municipal manager;
  + 1. In consultation with the Head of Department: Technical Services to waive Council's rights in respect of servitudes;
    2. The authority to decide on the form of transport that should be used by officials of whom it is required to attend meetings, workshops, seminars, conferences, congresses and similar events and special visits in the interest of the Council, and which are to be conducted within the boundaries of the Republic of South Africa.
    3. As Human Resources Manager, the administration of the council’s obligation in respect of:
* the Employment Equity Act;
* the Skills Development Act;
* the Labour Relations Act and; and
* the Basic Conditions of Employment Act.
  + 1. In the case of a new appointment, if such an appointee has been obliged to change his or her place of residence as a result of the appointment, to grant permission in terms of the council's Employment Policy for the payment of removal costs in respect of the appointee's movable property: Provided that sufficient proof of such costs that had been incurred, is furnished;
    2. In consultation with the departmental head concerned, to decide about confirming the appointment of an employee that was appointed on probation, on a permanent basis or to extend the probation period in the light of the performance and competence of the appointee, subject to the provisions of the labour legislation;
    3. In consultation with the departmental head concerned, to dismiss with proper notice, any temporary employee, whether in a permanent or temporary post, if his or her services are no longer required, subject to the provisions of the labour legislation;
    4. In consultation with the departmental head concerned, to decide about the acceptance or not of a notice of termination of service received from an employee on a shorter period than the period set in the conditions of service of the employee;
    5. In consultation with the departmental head concerned, provided that the granting of permission does not adversely affect the employee’s work performance, to grant permission to an employee who applies to pursue other paid employment;
    6. The authority to approve payment of an acting allowance to an employee in terms of his or her conditions of service, on receipt of a certificate issued by the departmental head concerned, certifying that the employee did in fact fully act in the post concerned;
    7. In consultation with the departmental head concerned the authority to extend the validity of non-accumulative leave of an employee, subject to collective agreement on conditions of service;
    8. In consultation with the departmental head concerned the annual adjustment of the schedule of uniforms and protective clothing;
    9. In consultation with the municipal manager, to authorise consultants that were appointed by the council to appoint site staff to supervise contract works.
    10. The authority to perform the functions and exercise the powers that vest in the council in terms of the provisions of any by-laws the administration of which has been assigned to the incumbent by the municipal council;
    11. In consultation with the municipal manager to administer the Municipal Performance Regulations for Municipal Managers and Managers directly accountable to Municipal Managers, 2006.

**6.2 Line of accountability and reporting**

Reports to the municipal manager

**7. HEAD OF DEPARTMENT: TECHNICAL SERVICES**

* 1. **Powers delegated to the Head of Department: Technical Services**
     1. In consultation with the municipal manager, to approve the services of a consultant, in terms of the supply chain management policy, with regard to any of the matters under his or her control, where the consultant's fees and expenses do not exceed a prescribed amount set by council per project or occasion.
     2. The authority to sign the following documents:
* Contracts concluded by the council for building and civil works;
* Contracts concluded by the council with consultants in respect of projects executed by her/his department;
* All documents and contracts in respect of applications for exploitation authority (mining licences) to excavate gravel and stone within the municipal area, in terms of the provisions of the relevant minerals legislation
* Purchasing and leasing contracts in respect of buildings which were built with state funds or other housing leased by the council.
  + 1. The authority to grant permission for the repair of the water meters of other municipalities on the following conditions-
* that these damaged water meters are delivered to council's plumber workshop for repair, and fetched after the repair work has been completed;
* that the water meters are of a type which parts are available;
* that the municipality concerned pays for the actual labour costs and parts plus a stipulated levy with a minimum of a specified number water meters per order; and
* that the other municipality provides an official order to the council on each occasion.
  + 1. The authority to permit private persons or organisations to perform work on Council property : Provided that-
* this does not prejudice the council's interests; and
* the council is indemnified in writing against any damages and claims which may arise or result from such activities;
  + 1. The authority 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* in terms of the legislation concerned;
    2. In consultation with the Chief Financial Officer, the authority to enforce the penalty clauses contained in council's contracts for the late delivery of goods and services;
    3. The authority to approve or reject all building plans;
    4. The authority to consider and finalise all applications for permanent advertisements in accordance with the provisions of the regulation for the display of advertisements jointly with the Planning Committee;
    5. The authority to perform the functions and exercise the powers vested in the council in terms of the provisions of-
* the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act , 1998, (Act 19 of 1998);
* the lease contracts for municipal housing;
* the National Building Regulations and Building Standards Act (Act No. 103 0f 1997); and
* the provisions of regulations in respect of the numbering and renumbering of buildings and places, and the assignment of names to and the display thereof on flats.
  + 1. To approve or reject requests for the use of 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;
    2. The authority to grant permission for a deviation or relaxation in terms of the National Building Regulations and Building Standards Act, (Act No. 103 of 1997) except for a regulation concerning the strength and stability of buildings;
    3. The authority to relax height restrictions of buildings to a maximum of 10 (ten) metres, where relevant;
    4. In consultation with the Chief Financial Officer, the authority to enforce the penalty clauses contained in council's contracts for the late delivery of goods and services;
    5. To make recommendations to the relevant government departments concerned in respect of the approval of or rejection of applications to demolish or reconstruct houses;
    6. The authority to grant the necessary sanction, until a professional surveyor is appointed, to give out cadastral work on a portion basis to surveying firms, subject thereto that the fees concerned shall be as stipulated in the statutory prescribed scales, and provided that no single appointment exceeds a prescribed amount;
    7. The authority to erect traffic signs, road marking and to effect traffic measurements.

**7.2 Electrical Services**

7.2.1 The authority to extend the electricity supply network of the Council, to make connections thereto in terms of the electricity supply regulations and to authorise repayments in connection therewith;

* + 1. In consultation with the municipal manager, the authority to approve the services of a consultant, in terms of the supply chain management policy, with regard to any of the matters under his or her control, where the consultant's fees and expenses do not exceed a prescribed amount per project or occasion;
    2. The authority, if appointed, as mine manager, to make the necessary appointments in terms of the provisions of the Mining and Industry Act, as well as the provisions of the Explosive Materials Act (Act No. 27 of 1956);
    3. The authority to grant permission to consumers to resell electricity on conditions as contained in the electricity supply regulations;
    4. The authority to sign the following documents-
* Contracts concluded by the council for electrical and electro- technical works;
* Contracts concluded by the council with consulting engineers for mechanical, electrical and electro-technical works;
* The authority to perform the functions and exercise the powers that vest in the council in terms of the provisions of-
* the electricity supply regulations;
* the Electricity Act; and
* the Occupational Health and Safety Act, 1993, as supplier of electricity within the municipal area.
  + 1. In consultation with the Municipal Manager, the provision of technical assistance and training to other municipalities, private persons and organisations that are deemed necessary and essential, without prejudice to the training of the Council's own personnel;
    2. The authority to sanction a relaxation in respect of any structural changes to buildings in terms of the provisions of the regulations governing creches and creches-cum-nursery schools: Provided that the provisions of the National Building Regulations are not contravened;
    3. The authority to perform the functions and exercise the powers that vest in the council in terms of the provisions of any by-laws the administration of which has been assigned to the incumbent by the municipal council.

**7.3 Line of accountability and reporting**

Reports to the municipal manager

**8. HEAD OF DEPARTMENT: COMMUNITY SERVICES**

* 1. **Powers delegated to the Head of Department: Community Services**

8.1.1 The authority to perform the functions and exercise the powers that vest in the Council in terms of, for example, the provisions of-

* the regulations regarding cleanliness of plots;
* the regulations regarding creches-cum-nursery schools;
* the regulations regarding milk and dairies;
* the regulations regarding public health and sanitation;
* the regulations regarding sale of meat;
* the regulations relating to undertakings that sell food to the public;
* regulations relating to cemeteries, crematoria and exhumations;
* the Health Act (Act No. 61 of 2003);
* the Library by-laws; and
* the by-laws for the Control of Street Trading and Collections;
* The Municipal Pounds Bylaw.
  + 1. The authority to issue all statutory notices for the elimination of nuisances;
    2. The authority to grant permission for and to make all arrangements with regard to funerals of paupers who die within the municipal area;
    3. The authority to consider applications for the licensing of businesses in accordance with the provisions of the Business Act (Act No. 71 of 1991);
    4. The authority to liaise with the District Municipality to decide whether the fire brigade may be used for firefighting purposes outside the boundaries of the municipal area;
    5. The authority to perform all the functions related to the social aspects of housing delivery in terms of housing development, discount benefit scheme and rental stock;
    6. The authority to perform all the functions related to Municipal sport and recreation facilities;
    7. The authority to perform all the functions related to youth and gender development;
    8. The authority to perform all the functions related to the AIDS desk.

**8.2 Protection Services**

* + 1. The authority to remove metered parking bays in urgent cases;
    2. The authority to consider and finalise applications for temporary advertisements and posters, the placing of banners and posters in respect of functions and other events, as well as other ways of advertisement, amongst other things, by using balloons, in accordance with the provisions of the regulations for the display of advertisements;
    3. The authority to grant permission for the use of loudspeakers in the streets to advertise functions and events, which may take place in terms of council policy;
    4. The authority to act on a complaint received from a member of the public or a police officer about an alleged irregularity in respect of fund raising, to request any person who is raising funds to produce the concession or special concession in terms of which the raising of funds is taking place in compliance with the provisions of relevant legislation;
    5. The authority to recover payments for removal and storage costs in respect of motor vehicles impounded by the Department;
    6. The authority to decide on the placement of legal, exclusive parking bays;
    7. The authority 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;
    8. The authority to act as responsible officer in terms of the provisions of the Regulation of Gatherings Act, 1993 (Act 205 of 1993);
    9. The authority 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 27 of 1956) and the provisions of the noise control regulations, promulgated in terms of the Environment Conservation Act, 1998 (Act 107 of 1998);
    10. The authority to perform the functions and exercise the powers that vest in the Council in terms of the provisions of:
* the regulations regarding display of advertisements;
* the regulations regarding petroleum liquid and other substances; and
* the regulations regarding traffic.
  + 1. The authority to allocate or re-allocate dates for street collections for which formal applications have been received;
    2. The authority to perform selective traffic law enforcement programmes;
    3. The authority to carry out complete investigations on all traffic matters that require investigation and taking the required legal action where necessary;
    4. The authority to co-ordinate joint law enforcement operations with other law enforcement agencies;
    5. The authority to perform the functions and exercise the powers that vest in the council in terms of the provisions of any by-laws the administration of which has been assigned to the incumbent by the municipal council.

**8.3 Line of accountability and reporting**

Reports to the Municipal Manager

**9. HEAD OF DEPARTMENT: PLANNING AND DEVELOPMENT SERVICES**

**9.1 Powers delegated to the Head of Department: Planning and Development Services:**

* + 1. The authority to issue certificates of condonation in terms of the provisions of the Sectional Titles Act, 2003 (Act 29 0f 2003);
    2. The authority to perform the local economic development function, including industrial development;
    3. The authority to perform the tourism functions in liaison with the relevant Provincial Department and District Municipality.
    4. The authority to appoint officials of his or her department as health and safety representatives for his or her department in terms of the provisions of the relevant Occupational Health and Safety Act, (Act No. 85 of 1993);
    5. The authority to perform the functions and exercise the powers that vest in the council in terms of the provisions of any by-laws the administration of which has been assigned to the incumbent by the municipal council.

**9.2 Line of accountability and reporting**

Reports to the Municipal Manager

**10. HEADS OF DEPARTMENT: OTHER DEPARTMENTS**

**10.1 Powers delegated to all Heads of Department**

* + 1. To grant or defer leave, to grant sick leave, to approve of leave being carried over to the next cycle, all in respect of all employees in the department and within the limitations as set out in Council's leave conditions;
    2. To authorise, in consultation with the municipal manager, expenditure, ex- budget to a maximum of as per the amount as determined in item 18 hereof;
    3. To engage and dismiss casual labour in consultation with the Municipal Manager;
    4. To call for bids/quotations in terms of the supply chain management policy;
    5. To advertise staff vacancies after approval from the Municipal Manager;
    6. In the case of a new appointment, after approval from the Municipal Manager if such an appointee has been obliged to change his or her place of residence as a result of the appointment, to grant permission in terms of the council’s policy for the payment of removal costs in respect of the appointee's movable property; provided that sufficient proof of such costs that had been incurred, is furnished;
    7. In consultation with the municipal manager, to decide about confirming the appointment of an employee that was appointed on probation period in the light of the performance and competence of the appointee, subject to the provisions of the labour legislation;
    8. In consultation with the municipal manager and provided that the granting of permission does not adversely affect the employee's work performance, to grant permission to an employee who applies to pursue other employment;
    9. To approve, after consultation with the municipal manager and Chief Financial Officer, virement of funds;
    10. To appoint temporary staff within his/her department in consultation with the municipal manager subject to budgetary provision;
    11. The authority to expend money in terms of the monetary limits as specified in terms supply chain management policy;
    12. The authority to perform the functions and exercise the powers that vest in the council in terms of the provisions of any by-laws the administration of which has been assigned to the incumbent by the municipal council.

**10.2 Line of accountability and reporting**

Reports to the Municipal Manager

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| **Annexure** |
| This Annexure provides a generic example of a delegations framework that a municipality can customise and adopt. |
| **DELEGATION REGISTER** |

**C.1. POWERS RESERVED FOR COUNCIL**

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)(a) CON | The passing of by-laws | Council | None | A decision in this regard must be taken by the Council with a supporting vote of a majority of its members. |
| C2 | 160 (2) CON  16 (1) MFMA | The approval of budgets | Council | None | A decision in this regard must be by the Council with a supporting vote of a majority of its members taken before the start of the financial year. Section 25 of the 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 | A decision in this regard must be taken by the Council with a supporting vote of a majority of its members. |
| C4 | 160 (2) CON | The raising of loans | Council | None | A decision in this regard must be taken by the Council with a supporting vote of a majority of its members. |
| 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 | 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 |  |
| 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 | None |  |
| 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 | None |  |
| 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 | Must be reported by the Mayor to the municipal Council at its next meeting. |
| 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 |  |
| MR55 | 29(1) SPLUMA | Consulting an organ of state responsible for administering legislation relating to any aspect of an activity that also requires approval in terms of SPLUMA in order to coordinate activities and give effect to the respective requirements of such legislation, and to avoid duplication | Council | Mayor |  |
| MR55 | 29(3) SPLUMA | To enter into a written agreement with that organ of state to avoid duplication in the submission of information or the carrying out of a process relating to any aspect of an activity that also requires authorisation under this SPLUMA | 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 |  |
| SPE3 | 37 MSTA | To preside at the meetings of the Council | Council | Speaker |  |
| To ensure that the Council meets at least quarterly | Council | Speaker | Subject to section 18 (2) of the Structures Act that requires quarterly meetings |
| 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. ADDITIONAL POWERS DELEGATED TO THE SPEAKER BY COUNCIL**

The authority to implement the functions set out hereunder, are delegated by the Council to the Speaker.

| **DEL NO.** | **SECTION IN ACT** | **FUNCTION** | **DELEGATING AUTHORITY** | **DELEGATED BODY** | **CONDITIONS** |
| --- | --- | --- | --- | --- | --- |
| SPE 9 | None | The Speaker coordinates functions relating to Public Participation | Council | Speaker |  |
| SPE 10 | None | The Speaker coordinates functions and activities of the Rapid Response Team | Council | Speaker |  |
| SPE 11 | None | The Speaker coordinate functions and activities relating to TROIKA | Council | Speaker |  |
| SPE 12 | None | The District Speaker coordinates and chairs the District Speakers forum | Council | Speaker |  |

**C.7. POWERS DELEGATED TO THE MUNICIPAL MANAGER ("MM")**

The functions, 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 | MM |  |  |
|  | 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 | MM |  | 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 | MM |  |  |
|  |  | 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 | MM |  |  |
|  | 55(1) MSA | The implementation of the IDP, and the monitoring of progress with implementation of the plan | Council | MM |  |  |
|  | 55(1) MSA | Developing and maintaining a system whereby community satisfaction with municipal services is assessed | Council | MM |  |  |
| MM2 | 38 & 41 MSA | The establishment of a performance management system | Council | MM |  |  |
| MM3 | 46 MSA | The preparation of the annual performance reports | Council | MM | Manager Risk & Performance |  |
| 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 | MM | Heads of Departments |  |
| The management of the administration in accordance with the MSA and other legislation applicable to the Municipality | Council | MM | Heads of Departments |  |
| The implementation of the Municipality’s integrated development plan, and the monitoring of progress with implementation of the plan | Council | MM | Heads of Departments |  |
| The management of the provision of services to local community in a suitable and equitable manner | Council | MM | Heads of Departments |  |
| 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 | MM | The appointment of staff may be delegated to an acting Accounting Officer. |  |
| The effective management, utilization and training of staff | Council | MM | Heads of Departments |  |
| The maintenance of discipline of staff | Council | MM | In terms of the Code of Conduct and the Disciplinary Code and Bargaining Council Agreements. Delegation to Heads of Departments 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 | MM | Heads of Departments and the LLF |  |
| Advising the political structures and political office bearers of the Municipality | Council | MM | Heads of Departments 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 | MM |  |  |
| Carrying out the decisions of the political structures and political office bearers of the Municipality | Council | MM | Heads of Departments |  |
| The administration and implementation of the Municipality’s by-laws and other legislation | Council | MM | Heads of Departments |  |
| Facilitating participation by the local community in the affairs of the Municipality | Council | MM | Heads of Departments/ Senior Public Participation & Council Support |  |
| Developing and maintaining a system whereby community satisfaction with municipal services is assessed | Council | MM |  |  |
| The implementation of national and provincial legislation applicable to the Municipality | Council | MM | HODs |  |
| 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 | MM | HODs ensure coordination, maintenance and reporting |  |
| MM5 | 57(1) MSA  Chapter 2 Performance Regulations | The conclusion of the employment contract of a Head of Department | Council | MM |  |  |
| MM6 | 57(2) MSA  Chapter 3 Performance Regulations | The conclusion of a performance agreement with a Head of Department within 60 days of his / her appointment and annually thereafter within one month after the beginning of the financial year | Council | MM |  |  |
| MM7 | 59 MSA | Develop a system of delegation that will maximise administrative and operational efficiency and provide for adequate checks and balances | Council | MM |  |  |
| 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 | MM | HODs | HODs is 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 | MM | HOD |  |
| 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 | MM | HOD |  |
| 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 | MM | HOD |  |
| 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 | MM | HOD |  |
| 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 | MM | CFO |  |
| MM15 | 97(g) MSA | The termination or restriction of services when payments are in arrears | Council | MM | CFO |  |
| 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 | MM | CFO |  |
| MM17 | 103(a) MSA | Credit an account holder for a payments made and issue a receipt as acknowledgement for such payment | Council | MM | CFO |  |
| 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 | MM |  |  |
| 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 Head of Department | Council | MM | HOD | (Head of Department 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 | MM | HOD |  |
| MM21 | Regulation of Gatherings Act 205/93 | To grant approval for the holding of public gatherings and demonstrations | Council | MM | HOD |  |
| 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 | MM | HOD |  |
| MM23 | 35 (1) MPRA | Designate officials of the Municipality or persons in private practice as data-collectors to assist the municipal valuer | Council | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | HOD |  |
| MM27 | 7(1) MFMA | Deciding to open a bank account for the Municipality. | Council | MM |  |  |
| Deciding at which bank/banks to open a bank account. | Council | MM | CFO | In consultation with the Accounting Officer |
| Deciding to close a bank account. | Council | MM | CFO | In consultation with the Accounting Officer |
| MM28 | 7(2) MFMA | Determining into which bank account money collected or received by the Municipality must be deposited. | Council | MM | CFO |  |
| MM29 | 8(1) MFMA | Designating a bank account of the Municipality as the Municipality’s primary bank account | Council | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| MM34 | 10(1)(a) MFMA | Administration of the Municipality’s bank accounts | Council | MM | CFO |  |
| MM35 | 10(2) MFMA | Enforcing compliance with sections 7, 8 and 11 of the MFMA | Council | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM |  |  |
| 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 | MM | CFO |  |
| MM40 | 13(2) MFMA 60(2) of the MSA | Establishing an appropriate and effective cash management and investment policy for the Municipality | Council | MM | CFO |  |
| 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 | MM | CFO | [Close condition cell and move to conditions] 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| MM44 | 24 (3) MFMA | Submission of the approved annual budget to the National Treasury and Provincial Treasury | Council | MM | CFO |  |
| 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 | MM | CFO | 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 | MM | CFO |  |
| MM47 | 31(e) MFMA | Submitting the certificate in s31(c) & (d) to the provincial treasury and the Auditor- General | Council | MM |  |  |
| MM48 | 32 (1) MFMA | Identifying the identity of the person who is liable for unauthorised, irregular or fruitless and wasteful expenditure | Council | MM |  |  |
| 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 | MM |  |  |
| 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 | MM | Heads of Departments | 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 | MM | Heads of Departments | In consultation with the MM |
| MM51 | 32 (6) MFMA | Determine whether an alleged irregular expenditure falls to be reported to the SAPS | Council | MM | HOD |  |
| Determine whether an alleged theft and fraud occurred in the Municipality | Council | MM |  |  |
| Report alleged irregular expenditure that constitutes a criminal offence and alleged theft and fraud which occurred in the Municipality to the SAPS | Council | MM |  |  |
| 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 | MM |  |  |
| 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 | MM |  |  |
| MM54 | 34 (3)(a) MFMA | Considering the results of the provincial government’s monitoring of the Municipality | Council | MM |  |  |
| 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 | MM | 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 | MM | CFO |  |
| MM57 | 45 (2)(b) MFMA | Signing a debt agreement or other document which creates or acknowledges any short term debt | Council | MM |  |  |
| MM58 | 46 (2)(b) MFMA | Signing a debt agreement or other document which creates or acknowledges any long-term debt | Council | MM |  |  |
| MM59 | 54 (1)(d) MFMA | Determine the (proposed) remedial or corrective steps to deal with any serious financial problems facing the Municipality | Council | MM |  |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | HODs |  |
| 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 | MM |  |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM |  |  |
| 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 | MM |  |  |
| MM98 | 67 (3) MFMA | Enforce compliance with s67(1) MFMA | Council | MM |  |  |
| 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 | MM |  |  |
| 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 | MM | CFO |  |
| 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 | MM | HODs |  |
| MM102 | 69 (1)(b) MFMA | Take the reasonable steps required to ensure that revenue and expenditure are properly monitored. | Council | MM | CFO |  |
| MM103 | 69(2) MFMA | Determining whether it is necessary to prepare an adjustments budget | Council | MM | CFO |  |
|  |  | Preparing an adjustments budget and submitting it to the Mayor for consideration and tabling in the Council | Council | MM | CFO |  |
| 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 | MM | Manager IDP & Budget |  |
| 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 | MM | Manager Risk & Performance |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| MM110 | 72 (1)(a) MFMA | Assess the Municipality’s performance during the first half of each financial year. | Council | MM | CFO |  |
| MM111 | 72 (1)(b) MFMA | Submit the mid-year performance assessment report to the Mayor, the National Treasury and the Provincial Treasury | Council | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM |  |  |
| 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 | MM | CFO |  |
| 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 | MM |  |  |
| 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 | MM | HOD |  |
| 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 /Heads of Departments” | Council | MM |  |  |
| 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 | MM | CFO |  |
| 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 | MM |  |  |
| 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 | MM |  |  |
| MM122 | 83 (2) MFMA | Provide the resources or opportunities to be made available for the training of the Accounting Officer, the CFO, Heads of Departments and other financial officials to meet the prescribed financial management competency levels | Council | MM | HOD |  |
| MM123 | 111 & 115 MFMA | Making and implementing a supply chain management policy for the Municipality | Council | MM | CFO |  |
| 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 | MM | CFO |  |
| MM125 | 113(1) MFMA | Deciding whether to consider an unsolicited bid received outside the Municipality’s normal bidding process | Council | MM |  |  |
| MM126 | 114 (1) MFMA | Deciding whether to consider an unsolicited bid received outside the Municipality’s normal bidding process | Council | MM |  |  |
| 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 | MM |  |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | All HODs, the CFO 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 | MM | All HODs |  |
| 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 | MM | CFO |  |
| MM133 | 116(2)(d) MFMA | Regularly report to the Council regarding the management of contracts and/or agreements and the performance of contractors. | Council | MM | CFO and HODs |  |
|  |  | 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO and HOD |  |
| 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 | MM |  |  |
| 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 | MM |  |  |
| 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 | MM |  |  |
| MM140 | 120(4) MFMA | Deciding to conduct a feasibility study before a public-private partnership is concluded | Council | MM |  |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| MM144 | 121(1) MFMA | Preparing an annual report for the Municipality in accordance with chapter 12 of the MFMA | Council | MM | PMS |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM |  |  |
| MM150 | 127(5)(a) MFMA | Publishing the annual report and inviting the local community to submit representations in connection with the annual report | Council | MM | PMS |  |
| 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 | MM | PMS |  |
| MM152 | 129 (1) MFMA | Preparing the oversight report containing council’s comments on the annual report in compliance with s129(a) to (c) | Council | MM | PMS |  |
| 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 | MM | PMS |  |
| 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 | MM | PMS |  |
| MM155 | 129 (3) MFMA | Publish the oversight report regarding the annual report | Council | MM | PMS |  |
| MM156 | 131(1) MFMA | Ensuring that the Municipality addresses all the issues raised in an audit report | Council | MM | CFO |  |
| 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 | MM | CFO |  |
| MM158 | 132 (2) MFMA | Submit the Municipality’s annual report and oversight report to the provincial legislature | Council | MM | PMS |  |
| MM159 | 135(3) MFMA | Considering whether the Municipality is, or is likely to, encounter a serious financial problems in meeting its financial commitments | Council | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM |  |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| MM165 | 145(1)(a) MFMA & 146(1)(a) MFMA | Implementing an approved financial recovery plan for the Municipality | Council | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM | CFO |  |
| 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 | MM |  |  |
| 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 | MM |  |  |
| 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 | MM |  |  |
| 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 | MM | CFO & HOD |  |
| MM173 | 165 (1) & (3) MFMA | Deciding whether to establish an internal audit unit or to outsource the internal audit function | Council | MM |  |  |
| 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 | MM | CFO |  |
| 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 | MM |  |  |
| 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 | MM |  |  |
| 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 | MM | HODs |  |
| 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 | MM | HODs |  |
| 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 | MM | HOD |  |
| 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 | MM | HOD |  |

**C.8. 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 | MM |  |  |
| 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 | MM |  |  |
| 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 | MM |  |  |
| 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 | MM |  |  |
| MM185 |  | Approve applications for educational assistance submitted by the employees of the Municipality within the policy framework of the Municipality | Council | MM | HOD |  |
| 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 | MM |  |  |
| MM187 |  | To keep custody of all records and documents of the Municipality, except where otherwise provided | Council | MM | HOD |  |
| 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 | MM |  |  |
| 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 | MM |  | Subject to Exco approval |
| MM190 |  | To obtain the services of an attorney or advocate for any official purpose | Council | MM |  |  |
| MM191 |  | To incur expenses to appoint private detectives to obtain evidence in cases of alleged irregularities or misconduct by staff members or Councillors | Council | MM |  |  |
| 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 | MM |  |  |
| 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 by Council. | Council | MM |  |  |
| MM194 | 31(1) SPLUMA | To keep and maintain a written record of all applications submitted and the reasons for decisions in respect of such applications for the amendment of its land use scheme | Council | MM | Head of Department: Technical Services |  |
| MM195 | 32(3)(a) SPLUMA | To designate a municipal official or appoint any other person as an inspector to investigate any non-compliance with its land use scheme | Council | MM | Head of Department: Technical Services |  |
| MM196 | 32(3)(b) SPLUMA | To issue each inspector with a written designation or appointment in the prescribed form, stating that the person has been appointed in terms of this Act. | Council | MM | Head of Department: Technical Services |  |
| MM197 | 39(1) SPLUMA | To appoint technical or other advisers to advise the Council, Municipal Planning Tribunal or an official designated to determine applications for land development | Council | MM | Head of Department: Technical Services |  |

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| **C.9. POWERS OF RESPECTIVE MANAGERS ACCOUNTABLE TO THE MUNICIPAL MANAGER** |

The powers set out hereunder are delegated by the Municipal Manager to the Managers of the following \_\_\_\_\_\_\_\_\_\_ Departments within \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 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 the mandate of the Municipality:

* Budget & Treasury Office Department;
* Corporate Services Department;
* Local Economic Development and Planning;
* Community and Social Services Department; and
* Technical Services Department.
* Youth Development Department
  1. **Powers of Heads of Departments (“Top MANCO”)**

Heads of Departments 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 the all Heads of Departments:

| **DEL No.** | **SECTION IN ACT** | **POWER** | **DELAGTING AUTHORITY** | **DELEGATED BODY** | **SUB-DELEGATION** | **CONDITIONS** |
| --- | --- | --- | --- | --- | --- | --- |
|  |  | The granting of leave to officials in terms of the conditions of service | Council | MM | HODs | Delegated to all line managers as approved by relevant HOD. |
|  |  | The authorization of overtime work in terms of the conditions of service and any other applicable legislation | Council | MM | HODs | Provided that the necessary funds are available and in consultation with the HOD:CS |
|  |  | 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 | MM | HODs |  |
|  |  | The approval of private work of employees in their respective departments. | Council | MM | HODs | In consultation with the Accounting Officer |
|  |  | To do away with documents in accordance with the provisions of the Archives Act and other applicable legislation. | Council | MM | HODs | In consultation with the HOD:CS and the MM |
|  |  | 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 | MM | HODs |  |
|  |  | The institution of criminal proceedings against officials who do not return Council property which are in their possession when they terminate their services. | Council | MM | HODs |  |
|  |  | To sign documents requiring authentication on behalf of the Municipality. | Council | MM | HODs |  |
|  |  | 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 | MM | HODs |  |
|  |  | 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 | MM | HODs |  |
|  | 55(1) MSA | To maintain the discipline of staff members | Council | MM | HODs |  |
|  | 32(4) MFMA | Identifying the person responsible, or suspected of being responsible, for unauthorised, irregular or fruitless and wasteful expenditure | Council | MM | HODs |  |
|  | 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 | MM | HODs |  |
|  | 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 | MM | HODs |  |
|  | 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 | MM | HODs |  |
|  | 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 | MM | HODs |  |
|  | 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 | MM | HODs | This delegation will be applicable to all officials in a relevant Head of Departments |
|  | 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 | MM | HODs |  |
|  | 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 | MM | HODs | In consultation with the HOD:CS |
|  | 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 | MM | HODs |  |  |
|  | 116(2)(b)  MFMA | Monitoring the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis | MM | HODs |  |  |
|  | 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 | MM | HODs |  |  |
|  | 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 | MM | HODs |  |  |
|  | 116(2)(d)  MFMA | Regularly report to the Council regarding the management of contracts and/or agreements and the performance of contractors. | MM | HODs |  |  |
|  | 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. | MM | HODs |  |  |
|  |  | Sub-delegating any power or duty which the Council has delegated to him / her | Council | MM | HODs |  |
|  |  | To introduce access control at municipal  premises under the control of the incumbent | Council | MM | HODs |  |

* 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 | CFO | 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 | CFO | 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 | CFO | 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 | CFO | 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 | MM | CFO |  |  |
| 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 | MM | CFO |  |  |
| 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) | MM | CFO |  |  |
| CFO 8 |  | The appointment of professional service providers in accordance with the prescribed process to a maximum amount of R200 000 (including VAT): | MM | CFO |  |  |
| CFO 9 | 60(2) MSA | The decision to make investments on behalf of the municipality | MM | CFO |  | In consultation with the MM |
| CFO 10 | 7(1) MFMA | Deciding to open a bank account for the Municipality | MM | CFO |  | In consultation with the MM |
| CFO 11 | 7(1) MFMA | Deciding at which bank/banks to open a bank account | MM | CFO |  | In consultation with Accounting Officer |
| CFO 12 | 7(1) MFMA | Deciding to close a bank account | MM | CFO |  | In consultation with the Accounting Officer |
| CFO 13 | 7(2) MFMA | Determining into which bank account money collected or received by the Municipality must be deposited | MM | CFO |  | In consultation with the MM |
| CFO 14 | 8(1) MFMA | Designating a bank account of the Municipality as the Municipality’s primary bank account | MM | CFO |  | 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 | MM | CFO |  |  |
| CFO 16 | 8(5) MFMA | Submission of the Municipality’s primary bank account details, and any impending change thereof | MM | CFO |  |  |
| CFO 17 | 9(a) MFMA | Submission of the prescribed details regarding any new bank accounts opened for the Municipality | MM | CFO |  |  |
| CFO 18 | 9(b) MFMA | Submission of the details of the Municipality’s bank accounts annually before the start of a financial year | MM | CFO |  |  |
| CFO 19 | 10(1)(a) MFMA | Administration of the Municipality’s bank accounts | MM | CFO |  |  |
| CFO 20 | 10(2) MFMA | Enforcing compliance with sections 7, 8 and 11 of the MFMA | MM | CFO |  |  |
| CFO 21 | 11(1) MFMA | Authorising staff to withdraw or authorise the withdrawal of money from the Municipality’s bank account | MM | CFO |  |  |
| 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 | MM | CFO |  |  |
| 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 |  |  |  |  |
| 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 | MM | CFO |  | 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 | MM | CFO |  | In consultation with MM |
| CFO 26 | 24(3)  MFMA | Submission of the approved annual budget to the National Treasury and the provincial treasury | MM | CFO |  |  |
| 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 | MM | CFO |  | 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 | MM | CFO |  |  |
| CFO 29 | 32(2) MFMA | Deciding to recover unauthorised, irregular or fruitless and wasteful expenditure from the person liable for that expenditure | MM | CFO |  | 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 | MM | CFO |  | 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 | MM | CFO |  | 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 | MM | CFO |  |  |
| 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 | MM | CFO |  |  |
| 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 | MM | CFO |  | 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 | MM | CFO |  | 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 | MM | CFO |  |  |
| 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 | MM | CFO |  |  |
| 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 | MM | CFO |  |  |
| 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 | MM | CFO |  |  |
| 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 | MM | CFO | Man: Finance | 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 | MM | CFO | Man: Finance | 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 | MM | CFO | Man: Finance | 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 | MM | CFO | Man: Finance | 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 | MM | CFO | Man: Finance | 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 | MM | CFO | Man: Finance | 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 | MM | CFO |  |  |
| 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 | MM | CFO |  |  |
| 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 | MM | CFO |  |  |
| 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 | MM | CFO |  |  |
| 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 | MM | CFO |  |  |
| 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 | MM | CFO |  |  |
| 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 | MM | CFO |  |  |
| 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 | MM | CFO |  |  |
| 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 | MM | CFO |  |  |
| CFO 55 | 68(a)  MFMA | Assisting the Mayor in performing the budgetary steps assigned to the Mayor | MM | CFO | Man: 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 | MM | CFO | Man: Budgeting and Reporting | In consultation with CFO |
| CFO 57 | 69(2)  MFMA | Determining whether it is necessary to prepare an adjustments budget | MM | CFO | Man: 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 | MM | CFO | Man: 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 | MM | CFO | Man: 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 | MM | CFO |  |  |
| 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 | MM | CFO |  | 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 | MM | CFO |  |  |
| 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 | MM | CFO |  |  |
| 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 | MM | CFO |  |  |
| 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 | MM | CFO |  |  |
| 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 | MM | CFO | Man: Finance | 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 | MM | CFO | Man: Finance | In consultation with CFO |
| CFO 68 | 27(1) MPRA | To furnish each person liable for payment of a rate with a prescribed written account | MM | CFO | Man: Finance | 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 | MM | CFO | Man: Finance | 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 | MM | CFO | Man: Finance | In consultation with CFO |

* 1. **Executive Director Corporate Services Powers Delegated by the Accounting Officer**

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

| **DEL No.** | **SECTION IN ACT** | **POWER** | **DELEGATING AUTHORITY** | **DELEGATED BODY** | **SUB-DELEGATION** | **CONDITIONS** |
| --- | --- | --- | --- | --- | --- | --- |
| COR 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 | MM | HOD:CS | M: Admin & Records |  |
| COR 02 | 55(1) MSA | To promote sound labour relations in compliance with the applicable labour legislation | MM | HOD:CS | M:HR |  |
| COR 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 | MM | HOD:CS | M:HR  M:Admin & Records |  |
| COR 04 | 111,  115(1)(a)  MFMA | Implementing the Municipality’s supply chain management policy on all procurements within the Department | MM | HOD:CS | M:HR  M:Admin & Records |  |
| COR 04 |  | To ensure the conceptualization, design and implementation of organization restructuring | MM | HOD:CS | M:HR |  |
| COR 05 |  | To ensure the introduction of a learning organization and knowledge management practices | MM | HOD:CS | M:HR |  |
| COR 06 |  | To ensure the provision of effective and relevant corporate services for the Municipality | MM | HOD:CS |  |  |
| COR 07 |  | To oversee the process of investigating and considering alternative service mechanisms for the provision of municipal services as provided for the Systems Act | MM | HOD:CS |  |  |
| COR 08 |  | To administer and implement the relevant by-laws and other legislation in the Municipality | MM | HOD:CS | M:HR  M:Admin & Records |  |
| COR 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 | MM | HOD:CS |  | In consultation with MM |
| COR 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 | MM | HOD:CS |  | In consultation with MM |
| COR 11 |  | Developing and maintaining a system whereby community satisfaction with municipal services is assessed | MM | HOD:CS | M:Admin & Records |  |
| COR 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 | MM | HOD:CS | M:HR |  |
| COR 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 | MM | HOD:CS | M:HR |  |
| COR 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 | MM | HOD:CS |  |  |
| COR 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 | MM | HOD:CS |  |  |
| COR 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 | MM | HOD:CS |  | In consultation with the CFO |
| COR 17 | 72(1)(a)  MFMA | Performing an assessment of the Municipality’s performance during the first half of each financial year | MM | PMS |  | In consultation with  the Municipal  Manager |
| COR 18 | 72(1)(b)  MFMA | Submitting the mid-year performance assessment report to the Mayor, the National Treasury and the Provincial Treasury | MM | PMS |  | On or before 25 January each year. In consultation with the Accounting Officer |
| COR 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 | MM | HOD:CS | M:Admin & Records |  |
| COR 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 | MM | HOD:CS | M:HR | In consultation with the HOD:CS |
| COR 20 |  | The granting or withholding of the normal annual salary increments of  Employees | MM | HOD:CS | M:HR | In consultation with the HOD:CS |
| COR 21 |  | To dispose of documents in accordance with the provisions of the Archives Act and other applicable legislation | MM | HOD:CS | M:Admin & Records | In consultation with the MM |
| COR 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 | MM | HOD:CS |  | In consultation with the MM |
| COR 23 |  | To institute criminal proceedings against officials who do not return Council property which are in their possession when they terminate their services | MM | HOD:CS | M:HR |  |
| COR 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 | MM | HOD:CS | M:HR | In consultation with the MM |
| COR 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 | MM | HOD:CS | M:HR  M:Admin & Records | To be executed on a monthly basis and in consultation with SCM |
| COR 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 | MM | HOD:CS | MAN: Admin & Records |  |

* 1. **Executive Director Infrastructure & Technical Services Powers Delegated by the Accounting Officer**

The powers set out hereunder are delegated by the Accounting Officer to the Executive Director Infrastructure & Technical Services and sub-delegated to middle managers within his/her department.

| **DEL No.** | **SECTION IN ACT** | **POWER** | **DELAGTING AUTHORITY** | **DELEGATED BODY** | **SUB-DELEGATION** | **CONDITIONS** |
| --- | --- | --- | --- | --- | --- | --- |
| ITS 01 |  | Approval of orders or payment certificates on projects | MM | HOD:TS | Manager: PMU | Subject to the provisions of the Supply Chain Management policy and terms and conditions of service level agreement |
| ITS 02 |  | Incurring of general operational expenditure for Infrastructure Department per budget in emergencies | MM | HOD:TS | Manager: PMU | Subject to the provisions of the Supply Chain Management policy |
| ITS 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 | MM | HOD:TS | Manager: PMU | None |
| ITS 04 |  | To permit private persons or organisations to perform work on property belonging to the Municipality. | MM | HOD:TS | M:PMU | 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. |
| ITS 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 | MM | HOD:TS | Manager: PMU | Provided that should this result in an overspending of the budget, approval be obtained for the overspending before this permission is granted. |
| ITS 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 |  |  |  |  |
| ITS 07 |  | To implement and recommend the review of Municipal By- Laws related to TS | MM | HOD:TS | Manager: PMU | Subject to legal framework |
| ITS 08 | ROADS AND  STORM-WATER | To decide. on the most appropriate systems for the planning, control, safety management and maintenance of transport service | MM | HOD:TS | Manager: PMU |  |
| ITS 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. | MM | HOD:TS | Manager: Roads & Storm-water |  |
| ITS 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 | MM | HOD:TS | Manager: Roads & Storm-water |  |
| ITS 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. | MM | HOD:TS | Manager: Roads & Storm-water |  |
| ITS 12 | ROADS AND  STORM-WATER | To approve and administer the permanent and temporary closure of roads, streets and sidewalks. | MM | HOD:TS | Manager: Roads & Storm-water |  |
| ITS 13 | ROADS AND  STORM-WATER | To decide on the most appropriate selection of road making materials. e.g. premix, block paving etc. | MM | HOD:TS | Manager: Roads & Storm-water |  |
| ITS 14 | ROADS AND  STORM-WATER | To authorise the erection of structures for the provision of services within a municipal road reserve including poles to support overhead cables, electric transformers and telecommunication infrastructure | Council | HOD:TS | Manager: Roads & Storm-water |  |
| ITS 15 | Division of  Revenue Act,  (MIG) | To sign all forms and documents regarding project registrations, reporting of spending and progress of projects funded by MIG Grants & INEP | MM | HOD:TS | Manager: PMU |  |
| ITS 16 | Electricity | To administer street lighting and to determine the locality and most effective method of street lighting | MM | HOD:TS | Electrical Technician |  |
| ITS 17 | Electricity | To decide on the most appropriate systems for the planning, control, safety management, operation and maintenance of electricity distribution telecommunication services | MM | HOD:TS | Electrical Technician |  |
| ITS 18 | Electricity | To ensure that all legislation relating to electricity for the enforcement of which the Council is responsible is complied with | MM | HOD:TS | Electrical Technician |  |
| ITS 19 | Electricity | To enforce the Council’s By-laws relating to electricity services | MM | HOD:TS | Electrical Technician |  |
| ITS 20 | 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 | MM | HOD:TS | Electrical Technician |  |
| ITS 21 | 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 | MM | HOD:TS | Electrical Technician |  |
| ITS 22 | 53  SPLUMA and the relevant provisions of the planning By-law | To certify compliance with the conditions of approval subject to which an application for municipal planning approval, including conditions that must be complied with—  (a) before the erection of a structure on land or the use of land in accordance with the approval;  (b) before the construction of a building on the land;  (c) before occupation of the land;  (d) before a subdivision of land may be registered for the first time separately from the land which was subdivided to create the subdivision; and  (e) before consolidated land may be registered for the first time separately form the land which was consolidated to create the consolidated land. | Council | HOD:TS | Manager: Roads & Storm-water  Manager: Water  Manager:  Electricity |  |

* 1. **Head of Department: Economic Development and Spatial Planning Services Powers Delegated by the Accounting Officer**

The powers set out hereunder are delegated by the Accounting Officer to the Executive Director Infrastructure & Technical Services and sub-delegated to middle managers within his/her department.

| **Del No.** | **Section**  **in Act** | **Power** | **Delegating Authority** | **Delegated Body** | **Sub-Delegation** | **Conditions** |
| --- | --- | --- | --- | --- | --- | --- |
| EDP 01 | Section | To approve or reject all building plans | MM | HOD:LEDP | Municipal Authorised Officer |  |
| EDP 02 |  | To consider and finalise all applications for advertisements (temporary and permanent) in accordance with the provisions of the by-laws | MM | HOD:LEDP | Municipal Authorised Officer |  |
| EDP 03 |  | To allocate departmental and sundry residential units relating to his directorate | MM | HOD:LEDP |  |  |
| EDP 04 |  | To rule in respect of the Council's pre-emptive sales right in accordance with relevant housing legislation | MM | HOD:LEDP |  |  |
| EDP 05 |  | To permit lessees of municipal housing to put up temporary or permanent boarders, subject to conditions | MM | HOD:LEDP |  |  |
| EDP 06 |  | To permit lessees of municipal housing to effect small changes, fixtures and improvements to the leased property | MM | HOD:LEDP |  |  |
| EDP 07 |  | To grant the Municipality’s consent in terms of a servitude or condition of title in favour of the Municipality. | Council | HOD:LEDP | Head of Department: Technical Services |  |
| EDP 08 |  | To grant consent for the removal, amendment or suspension of a condition of title or servitude in favour of the Municipality, except for a condition of title or servitude that may be removed, amended or suspended by the Municipal Planning Authorised Officer or Municipal Planning Tribunal in terms of SPLUMA or the Municipality’s planning By-law | Council | HOD:LEDP | Head of Department: Technical Services |  |
| EDP 09 |  | 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 | MM | HOD:LEDP |  |  |
| EDP 10 | 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 | MM | HOD:LEDP |  |  |
| EDP 11 |  | To in collaboration with Social and Community Services Department decide on the placement of legal, exclusive parking bays | MM | HOD:LEDP |  |  |
| EDP 12 |  | 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) | MM | HOD:LEDP |  |  |
| EDP 13 |  | To approve relaxations in respect of the height restrictions of buildings to a maximum of 10 meters | MM | HOD:LEDP | Municipal Authorised officer |  |
| EDP 14 |  | To approve the placement of neighbourhood watch notice boards on Council property, as well as restricting the number thereof | MM | HOD:LEDP | Municipal Authorised officer |  |
| EDP 15 |  | 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 | MM | HOD:LEDP | Municipal Authorised officer |  |
| EDP 16 |  | 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 | MM | HOD:LEDP |  |  |
| EDP 17 |  | 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 | MM | HOD:LEDP |  |  |
| EDP 18 |  | To make recommendations to the relevant government departments concerned in respect of the approval or rejection of applications to demolish or reconstruct houses | MM | HOD:LEDP |  |  |
| EDP 19 |  | 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 | MM | HOD:LEDP |  |  |
| EDP 20 |  | 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 | MM | HOD:LEDP |  | In consultation  with the HODs  concerned |
| EDP 21 |  | To give consent for alterations to municipal houses leased in terms of a lease agreement | MM | HOD:LEDP |  |  |
| EDP 22 |  | To advice Council on the sale of municipal industrial sites | MM | HOD:LEDP |  | In consultation with the MM and CFO |
| EDP 23 |  | 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 | MM | HOD:LEDP |  | As per the decision of Top Management |
| EDP 24 |  | To approve the placing of signage indicating the locality of churches | MM | HOD:LEDP |  | In accordance with  the Council Policy  on Outdoor advertising |
| EDP 25 | 23 MPRA | To draw up and maintain a register in respect of properties situated in the municipality | MM | HOD:LEDP |  |  |
| EDP 26 |  | To consider applications for the licensing of businesses in accordance with the provisions of the Business Act, 1991 (Act No 71 of 1991) | MM | HOD:LEDP |  |  |
| EDP 27 |  | To provide strategic advice to the Office of the Accounting Officer and ensure that high levels of performance of the administration is maintained | MM | HOD:LEDP |  |  |
| EDP 28 |  | To ensure that programmes related to the IDP, performance management, transformation and other corporate issues are aligned and integrated | MM | HOD:LEDP |  |  |
| EDP 29 |  | To ensure pro-active planning, management and maintenance of the development of the Municipality | MM | HOD:LEDP |  |  |
| EDP 30 |  | To create an environment conducive to the development of the local community | MM | HOD:LEDP |  |  |
| EDP 31 |  | The implementation of the municipality's integrated development plan, and the monitoring of progress with implementation of the plan | MM | HOD:LEDP |  |  |
| EDP 32 | 72(1)(a)  MFMA | Performing an assessment of the Municipality’s performance during the first half of each financial year | MM | HOD:LEDP |  | In consultation with  the respective manager |
| EDP 33 | 121(1)  MFMA | Preparing an annual report for the LEDP Department | MM | HOD:LEDP |  |  |
| EDP 34 |  | 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 | MM | HOD:LEDP |  | In consultation with  the MM |
| EDP 35 |  | 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 | MM | HOD:LEDP |  | In consultation with  the MM |
| EDP 36 |  | Management of the housing beneficiary lists and all the incidental matters thereto. | MM | HOD:LEDP |  | In accordance with  the conditions and  regulations of  COGTA on  housing provisioning |
| EDP 37 |  | Branding and Marketing of the Municipality in accordance with Municipal LED Strategy and supporting Strategies and Plans. | MM | HOD:LEDP |  |  |
| EDP 38 | 72(1)(a)  MFMA | Performing an assessment of the Municipality’s performance during the first half of each financial year | MM | HOD:LEDP | Manager: PMS | In consultation with  the Municipal  Manager |
| EDP 39 | 72(1)(b)  MFMA | Submitting the mid-year performance assessment report to the Mayor, the National Treasury and the Provincial Treasury | MM | HOD:LEDP | Manager: PMS | On or before 25 January each year. In consultation with the Accounting Officer |
| EDP 40 | 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 | MM | HOD:LEDP | Manager: IDP & BUDGET |  |
| EDP 41 | 32(1)(a) MSA | To 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. | MM | HOD:LEDP | Manager: IDP | Within 10 days of the adoption or amendment of the IDP |
| EDP 42 | 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 | MM | HOD:LEDP | Manager: IDP |  |
| EDP 43 |  | 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 | MM | HOD:LEDP | Manager: PMS |  |
| EDP 44 | 55(1) MSA | The implementation of the IDP, and the monitoring of progress with implementation of the plan | MM | HOD:LEDP | Manager: IDP |  |
| EDP 45 | 55(1) MSA | Developing and maintaining a system whereby community satisfaction with municipal services is assessed | MM | HOD:CS | Customer Care |  |
| EDP 46 | 46 MSA | The preparation of the annual performance reports | MM | MM | Manager: PMS |  |

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

The powers set out hereunder are delegated by the Accounting Officer to the Executive Director 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** |
| --- | --- | --- | --- | --- | --- | --- |
| CSS 01 |  | To issue all statutory notices for the elimination of nuisances | MM | HOD:CSS |  |  |
| CSS 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 | MM | HOD:CSS |  | In consultation with HOD:LEDP |
| CSS 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 | MM | HOD:CSS | Manager: CSS |  |
| CSS 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) | MM | HOD:CSS | Manager: CSS | In consultation with HOD:LEDP |
| CSS 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 | MM | HOD:CSS | Manager: CSS | In consultation  with the Heads of Departments concerned |
| CSS 06 |  | To make decisions in respect of the removal or pruning of trees on Council property | MM | HOD:CSS | Manager: CSS | In consultation with the MM |
| CSS 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 | MM | HOD:CSS | Manager: CSS | In consultation with HOD:LEDP & HOD:TS |
| CSS 08 |  | To approve applications for the subletting of sport club facilities and lease contract for the leasing of Council’s facilities (halls etc.) | MM | HOD:CSS | Manager: CSS |  |
| CSS 09 |  | To conclude caretaker’s agreements for municipal sport and recreation facilities with successful applicants | MM | HOD:CSS | Manager: CSS |  |
| CSS 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 | MM | HOD:CSS | Manager: CSS |  |
| CSS 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 | MM | HOD:CSS | Chief Traffic Officer |  |
| CSS 12 |  | To act as Responsible Officer in terms of the provisions of the Regulation of Gatherings Act, 1993 (Act No 205 of 1993) | MM | HOD:CSS | Chief Traffic Officer |  |
| CSS 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) | MM | HOD:CSS | Manager: CSS |  |
| CSS 14 |  | To approve participation of the fire brigade division in public demonstrations, public displays and welfare functions | MM | HOD:CSS | Manager: CSS |  |
| CSS 15 |  | To close the Council’s libraries on a temporary basis | MM | HOD:CSS | Manager: CSS |  |
| CSS 16 |  | To decide whether costs incurred by the Disaster Management organization for the provision of assistance, must be recovered by the Council | MM | HOD:CSS | Manager: CSS |  |
| CSS 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 | MM | HOD:CSS | Manager: CSS |  |
| CSS 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 | MM | HOD:CSS | Manager: CSS |  |
| CSS 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 | MM | HOD:CSS | Manager: CSS | In line with the  decision of Top  Management |
| CSS 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 | MM | HOD:CSS | Manager: CSS |  |
| CSS 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 Director Corporate Services and the CFO have been notified of such a move in writing | MM | HOD:CSS | Manager: CSS | In consultation with  the MM |
| CSS 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; | MM | HOD:CSS | Manager: CSS |  |
| CSS 23 |  | To approve applications for the provision of waste removal or vacuum services outside the municipal area per tariff as approved by the Council | MM | HOD:CSS | Manager: CSS |  |
| CSS 24 |  | To approve applications for the removal of specified types of waste by private persons and companies | MM | HOD:CSS | Manager: CSS |  |
| CSS 25 |  | The management of the provision of services to the local community in a sustainable and equitable manner | MM | HOD:CSS | Manager: CSS |  |
| CSS 26 |  | To administer traffic safety systems, the  and safety measures | MM | HOD:CSS | Chief Traffic Officer |  |
| CSS 27 |  | To advise the EXM:ITS regarding the placing and removal of road traffic signs road markings and advertisements on roads and streets | MM | HOD:CSS | Chief Traffic Officer | Manager Traffic in  consultation with  respective departments |
| CSS 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 by-laws | MM | HOD:CSS | Chief Traffic Officer | In consultation with  Law Enforcement In terms of a policy guidelines. |
| CSS 29 |  | To allocate stands for informal traders in areas declared by the Council as areas for restricted informal trade | MM | HOD:CSS | Chief Traffic Officer | Subject to such  criteria as Council has determined for the allocation of such  stands |
| CSS 30 |  | To authorize the marking of loading zones | MM | HOD:CSS | Chief Traffic Officer |  |
| CSS 31 |  | To order and approve the removal of obstructions on pavements | MM | HOD:CSS | Chief Traffic Officer |  |
| CSS 32 |  | To authorize the installation of signs for parking, no parking, restricted parking of vehicles | MM | HOD:CSS | Chief Traffic Officer |  |
| CSS 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 | MM | HOD:CSS | Chief Traffic Officer | After consultation with the EXM:EDSP |
| CSS 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 | MM | HOD:CSS | Chief Traffic Officer | After consultation with the EXM:EDSP |
| CSS 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 By-law relating to the distribution of pamphlets | MM | HOD:CSS | Chief Traffic Officer |  |
| CSS 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 | MM | HOD:CSS | Chief Traffic Officer | After consultation with the EXM:EDSP |
| CSS 37 |  | To manage traffic matters, co-ordination of law enforcement incident management and special occasions and transport | MM | HOD:CSS | Chief Traffic Officer |  |
| CSS 38 |  | To grant exemption to certain categories of persons (doctors and handicapped) from complying with parking requirements in terms of road traffic laws | MM | HOD:CSS | Chief Traffic Officer |  |
| CSS 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 | MM | HOD:CSS | Chief Traffic Officer |  |
| CSS 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 | MM | HOD:CSS | Chief Traffic Officer |  |
| CSS 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 | MM | HOD:CSS | Chief Traffic Officer |  |
| CSS 42 |  | To control fences on street boundaries in terms of appropriate bylaws relating streets | MM | HOD:CSS | Chief Traffic Officer |  |
| CSS 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 | MM | HOD:CSS | Chief Traffic Officer |  |
| CSS 44 |  | To manage traffic matters, co-ordination of law special occasions and transport | MM | HOD:CSS | Chief Traffic Officer |  |
| CSS 45 | 72(1)(a)  MFMA | Performing an assessment of the Municipality’s performance during the first half of each financial year | MM | HOD:CSS |  | In consultation with  the Municipal  Manager |

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

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

| **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. | MM  CFO  HODs | 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. | MM  CFO  HODs | 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 | MM  CFO  HODs | 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. | MM  CFO  HODs | Managers / Unit Managers | None | In consultation with the MM and HODs |
| MANCO 05 |  | Approval of official trip authorization/s for all staff within their divisions | MM  CFO  HODs | Managers / Unit Managers | None | In consultation with the MM and HODs |
| MANCO 06 |  | Acting on behalf of the HOD or representing the HOD at a specific meeting or any session. | MM  CFO  HODs | 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 | MM/HOD:CS | Customer Care | None |  |
| MANCO 08 | 38 and 41 MSA | The establishment of a performance management system | MM  HODs | M: PMS | 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 | MM/HOD:CS | Manager: ICT | None |  |

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| **C.10. 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.11. POWERS OF COUNCIL DELEGATED TO THE MUNICIPAL PLANNING TRIBUNAL AND MUNICIPAL PLANNING AUTHORISED OFFICER** |

Acting in terms of section 59 of the MSA, Council hereby delegates the following powers, functions and duties to the Municipal Planning Tribunal and the Municipal Planning Authorised Officer—

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| **Del No.** | **Section**  **in Act** | **Power** | **Delegating Authority** | **Delegated Body** | **Conditions** |
| MPT and MPAO  001 | 15(1) ULTRA | To declare a township to be a formalized township | Council | MPT and MPAO | Provided the Minister of Rural Development and Land Reform has delegated the power to declare a township to be a formalized township to the Municipality in terms of section 24A(1)(b) of ULTRA  Provided the MPAO may consider the application for approval of the township in terms of SPLUMA read with the Municipality’s planning By-law |
| MPT and MPAO  001 | 37(2) LSA | To consent to the amendment, partial cancellation or cancellation of a general plan | Council | MPT and MPAO | Provided the Premier has delegated the power to consent to the amendment, partial cancellation or cancellation of a general plan to the Municipality in terms of section 37(3) of the LSA  Provided the MPAO may consider the application for approval of the township in terms of SPLUMA read with the Municipality’s planning By-law |

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| **C.11. 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.12. 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.13. 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.14. POLICY REVIEW** |

The Policy will be reviewed on an annual basis and the next review will be on ……………….

**Responsible Officer:** **ACCOUNTING OFFICER:**

**Signature:**

**Date of Approval:**

**COUNCIL RESOLUTION NUMBER:**