

OVERBERG DISTRICT MUNICIPALITY



SYSTEM OF DELEGATIONS

Date Approved:

Council Resolution

Table of Contents

SYSTEM OF DELEGATIONS: OVERBERG DISTRICT MUNICIPALITY

PART 1: POLITICAL DELEGATION

1. INTRODUCTION.....	5
2. POWERS RESERVED FOR COUNCIL BY LEGISLATION	9
3. DELEGATION OF POWERS: COUNCIL.....	11
4. DELEGATION OF POWERS TO POLITICAL OFFICE BEARERS.....	13
4.1 DELEGATION: EXECUTIVE MAYOR.....	13
4.1.1 Statutory Duties, Powers and Rights of The Executive Mayor	13
4.1.2 Designated Powers, Duties and Rights of The Executive Mayor	30
4.2 DELEGATION: DEPUTY EXECUTIVE MAYOR	35
4.3 DELEGATION: SPEAKER	36
4.4 DELEGATION: CHIEF WHIP OF COUNCIL	41
5. DELEGATION OF POWERS: COMMITTEES	43
5.1 RESPONSIBILITIES OF MEMBERS OF THE MAYORAL COMMITTEE (MAYCO)	43
5.2 FUNCTIONS ASSIGNED BY THE EXECUTIVE MAYOR TO THE MAYCO	44
5.3 TERMS OF REFERENCE OF SECTION 79 PORTFOLIO COMMITTEES	46
5.4 TERMS OF REFERENCE OF MUNICIPAL PUBLIC ACCOUNTS COMMITTEE	46
5.5 TERMS OF REFERENCE OF DISCIPLINARY COMMITTEE	49
5.6 TERMS OF REFERENCE AUDIT AND PERFORMANCE AUDIT COMMITTEE	50

PART 2: ADMINISTRATIVE DELEGATION

6. DELEGATION OF POWERS: THE MUNICIPAL MANAGER	58
6.1 Introduction	58
6.2 Statutory powers, duties and rights of the Municipal Manager	58
6.3 Inferred powers, duties and functions of the Municipal Manager	64
6.4 Designated powers, duties and rights of the Municipal Manager.....	94
7. DELEGATION OF POWER: OFFICE OF THE MUNICIPAL MANAGER	99
7.1 Introduction	99
7.2 Internal Audit (Senior Manager: Internal Audit)	99
7.3 Integrated Development Planning and Communications (Manager: IDP and Communication).....	101
7.4 Performance and Risk Management.....	103
8. DELEGATION OF POWERS: DIRECTORS	105
9. DELEGATION OF POWER: THE DIRECTOR: CORPORATE SERVICES	107
9.1 Introduction	107
9.2 Generic Delegations : Directors.....	107
9.3 Director Corporate Services: Functional Areas	109
9.4 Department: Human Resource Management (Senior Manager: HR)	110
9.5 Department: Corporate Support Services: Senior Manager:	119
Corporate Support Services	119
9.6 Department: Administration Services (Manager: Committee	127
Services, Records Management and Council Support)	127
10. DELEGATION OF POWER: THE DIRECTOR: COMMUNITY SERVICES	131
10.1 Introduction	131
10.2 Generic Delegations : Directors.....	131
10.3 Director Community Services: Functional Areas.....	133
10.4 Department: Emergency Services: (Manager: Emergency Services).....	134
10.5 Department: Environmental Management Services (Manager:EMS).....	140
10.6 Department: Health Services (Manager: Municipal Health Services.....	157
10.7 Department: Led, Tourism and Resorts (Manager: Led, Tourism and Resorts.....	163
10.8 Department: Roads Services (Senior Manager: Roads Services)	170
11. DELEGATION OF POWER: CHIEF FINANCIAL OFFICER	180
11.1 Introduction	180
11.2 Generic Delegations : Directors.....	181
11.3 Director Community Services: Functional Areas.....	185
11.4 Delegations [Section 82]	185
11.5 SCM Regulations	186
11.6 Minimum Competency Regulations	186

Cash Management	186
Procurement	188
Credit Control and Debt Management.....	189
Budgets and budgetary control	190
Deposits	191
Insurance.....	191
Income and Expenditure.....	191
Financial Statements	191
Procurement Delegations	193
11.7 Department: Supply Chain Management (Manager: Scm)	195
11.8 Department: Finance (Senior Manager: Finance)	203

SYSTEM OF DELEGATIONS: OVERBERG DISTRICT MUNICIPALITY

PART 1: POLITICAL DELEGATIONS

1. INTRODUCTION

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

The System of Delegations forms an essential part of our governance framework in the Overberg. It stipulates rights conferred by Council from a range of sources including legislation, by-laws, regulations, oversight requirements and operational requirements.

However, it is not the place of the System to replicate all of these instruments. Indeed, this System is to be read in conjunction with other instruments crucial to governance including relevant legislation, regulations, by-laws and policies, standard operating procedures and terms of reference for committees. Where legislation and regulations require clarification in assigning multiple roles, such clarification is provided for in the System of Delegations.

This System of Delegations has been revised and updated to give expression to ODM's efforts to modernise and reform itself organisationally, ease business processes, promote accountability and improve service delivery with an area focus, and ensure alignment of the organisational structure to daily operations.

At its core, this System of Delegations, when read in conjunction with management and operational procedures, gives life to transversal management and the creation of a more efficient, effective and responsive organisation.

This System of Delegations has been compiled in accordance with the requirements of section 59 of the Systems Act, and is aimed at maximising administrative and operational efficiency and provides for adequate checks and balances and ensuring a transversal approach by delegating appropriate powers, functions and duties to:

- The Executive Mayor and by designation certain of these powers, functions and duties in terms of the Structures Act;
- The Executive Deputy Mayor

- The Speaker;
- Committee Chairpersons;
- Section 79 Committees;
- Disciplinary Committee;
- Municipal Public Accounts Committee
- Various officials in the administration

The political office bearers, political structures and officials are authorised to sub-delegate any of their delegated powers, duties and functions unless this provision is specifically excluded in this System of Delegations. Where a matter has been delegated to an individual Councillor, the matter cannot be sub-delegated to an official.

The following are the checks and balances imposed by Council and the law upon this System of Delegations:

- An official to whom a power, duty or function has been delegated or sub-delegated in this System of Delegations shall not unreasonably refuse to exercise such delegation and must motivate such refusal to the satisfaction of the delegator.
- Any sub-delegation of a power, duty or function authorised in terms of this System of Delegations must be in writing, and may be given subject to limitations, conditions and directions by the person who grants the sub-delegation.
- It is not permissible in terms of the law for a person who has been given a sub-delegation to further sub-delegate such power, duty or function.
- The conferring of a delegation does not divest Council from exercising the power or the performance of the duty.
- The conferring of a sub-delegation does not divest a political structure, a political office bearer or an official, from exercising the power or the performance of the duty.
- A political structure or a political office bearer to whom a power has been delegated may decline to exercise such power and must motivate such refusal to the satisfaction of the delegator, except for specific instances where Council directed in its delegations of power that in such circumstances the particular delegation be exercised by the Executive Mayor together with members of the Mayoral Committee.
- A political structure, political office bearer or Councillor to whom the Council as the delegating authority has delegated a power, duty or function must report quarterly to the delegating authority, on decisions taken in terms of that delegated power, duty or function.

NOTE THAT:

- In respect of an official, the Executive Mayor is nominated to receive reports on behalf of Council in respect of a power or duty delegated by Council.
- In respect of Directors, the Municipal Manager is nominated to receive reports on behalf of Council in respect of a power or duty delegated by Council.
- In respect of the Municipal Manager, the Executive Mayor is nominated to receive reports on behalf of Council in respect of a power or duty delegated by Council.
- In respect of the Managers (Heads of Department's,) the relevant Director is nominated to receive reports on behalf of Council in respect of a power or duty delegated by Council.

It is further noted that:

- Whilst Council has conferred delegations directly on Managers and Unit/Section Heads, Directors are still held accountable for the exercising of the delegations within their functional area.
- In exercising any power, duty or function in terms of this System of Delegation a political structure, political office bearer or official must comply with the provision of the Promotion of the Administrative Justice Act and the regulations promulgated in terms thereof.
- In exercising any power, duty or function in terms of this System of Delegation, a political structure, political office bearer or an official must comply with the provisions of Council's policies, by-laws and any law relating to the matter under consideration.
- The exercise of any power, duty or function includes the right to do anything reasonably necessary for or incidental to the effective performance of such power, duty or function.

A power or duty may be conferred upon more than one person or political structure. In the case of irreconcilable provisions, the higher political structure or executive authority shall prevail.

Where in the opinion of the Municipal Manager, an official exercises a delegation in a way that it is not in the best interests of ODM, he/she may intervene and exercise the power in question and must report to the next meeting of Council thereon.

When Council goes in recess, the Executive Mayor, in consultation with the Municipal Manager, takes decisions on behalf of the Council or any of its committees, where the failure to exercise such delegated authority as a matter of urgency would, in the view of the Executive Mayor,

prejudice the Council and/or its services. The Speaker must also be informed of all such decisions.

The Council furthermore delegates any power or function it has to execute which is provided for in any National or Provincial Act, Ordinance or By-law not mentioned in these Delegations of Power to the Municipal Manager, to be performed or exercised after consultation with the Executive Mayor, incurred as a result thereof has been budgeted for.

Council hereby expressly delegates to the Municipal Manager the power to exercise all of the Director's powers in their absence.

Council to provide legal representation, in terms of section 109A of the Systems Act, for the Municipal Manager or manager(s) directly accountable to the Municipal Manager, where:

legal proceedings have been instituted against the official as a result of any act or omission by the official in the exercise of his or her powers or the performance of his/her duties; or
an official has been summoned to attend any inquest or inquiry arising from the exercise of his/her powers or the performance of his/her duties.

2. POWERS RESERVED FOR COUNCIL BY LEGISLATION

A. CONSTITUTION 1996

In terms of section 160(2) of the Constitution, 1996, the following powers may not be delegated by a municipal council, namely:

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

B. MUNICIPAL SYSTEMS ACT 32 OF 2000

Delegations [Section 59]

- (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)—
- (') must be reviewed when a new council is elected or, if it is a district council, elected and appointed. (3) The municipal council— '(a) (b) m 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, vw or revoke the decision

subject to any rights that may have accrued to a person; and 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.

To authorise an assessment in terms of section 78(1) of the Systems Act when the municipality has to decide on a mechanism for the provision of services.

The abovementioned functions are not exhaustive and any other function exclusively reserved for Council under any other legislation, may not be delegated.

3. DELEGATION OF POWERS: COUNCIL

1. To authorise audit investigations.
2. To determine from time to time the maximum amount that the Municipal Manager may authorise in respect of the transfer of operational and capital expenditure within a single budget vote.
3. To write off individual bad debts exceeding R5 million (five million rand) on the recommendation of the Chief Financial Officer, provided that:
 - 3.1 an individual bad debt written off shall not exceed R10 million (ten million); and
 - 3.2 an individual bad debt shall not be split into parts or items of a lesser value merely to avoid complying with the restriction of R10 million (ten million rand).
4. To decide in terms of section 12(4) of the MFMA the circumstances in which money may be withdrawn by the Accounting Officer from a separate bank account of the Municipality established for relief, charitable, trust or other funds.
5. To approve the Audit Committee's Charter.
6. To lease or rent immovable property from private or public bodies or any person where the value of the lease exceeds R200 000,00 per annum after considering a report from the relevant directorate.
7. To expropriate immovable property or rights in or to immovable property.
8. To declare a local state of disaster in terms of section 55 of the Disaster Management Act.
9. To authorise forensic investigations into financial irregularities where Councillors may be implicated, upon receipt of at least one written complaint to that effect.
10. To lay criminal charges or authorise any official to lay criminal charges with the South African Police Services in respect of any criminal act perpetrated by a Councillor where such act impacts on the interests of the municipality.
11. Approval of all policies.
12. Appoints the Municipal Manager, who is the head of administration and also the accounting officer for the municipality.
13. In terms of section 56(a) of the Systems Act, a municipal council, after consultation with the municipal manager, appoints a manager directly accountable to the Municipal Manager.

14. To appoint and nominate to, or remove or recall ODM representatives from the board of any corporate entity, utility or agency in terms of an agreement or other legal instrument governing such appointment or nomination.
15. To nominate to remove or recall Councillors from outside bodies.
16. To appoint, remove or recall a director of a municipal entity, appointed or nominated by ODM, in accordance with sections 93E and G of the Systems Act.
17. To designate a Councillor or an official as municipal representative in terms of section 93D of the Systems Act and to instruct the municipal representative how to exercise ODM's rights and responsibilities as a shareholder.
18. To approve and submit comments on proposed legislation, regulations, policy frameworks, guidelines, etc. including comments required in terms of any legislation.
19. To appoint the disciplinary board in terms of Regulation 4(1).
20. To approve a process that will guide the Council in the planning, drafting, adoption and reviewing of an integrated development plan, as required in terms of section 28 of the Systems Act.
21. To determine a programme that reflects time scales for the various steps of the process as required in terms of section 29 of the Systems Act.
22. To adopt a mechanism for monitoring and review of the municipality's performance management system, as required in terms of section 40 of the Systems Act.
23. To exercise all of the powers relating to Core Components as provided for in section 41 of the Systems Act.
24. To consult the community on the development, implementation and review of the municipality's performance management system, as required in terms of section 42 of the Systems Act.
25. To approve an annual report as required in terms of section 46 of the Systems Act as well as section 121 of the MFMA, within nine (9) months after the end of a financial year.
26. To encourage the involvement of communities and community-based organisation in municipal planning programmes as contemplated in section 152 of the Constitution of the Republic of South Africa, 1996.

4. DELEGATION OF POWERS TO POLITICAL OFFICE BEARERS

- Executive Mayor
- Deputy Executive Mayor
- Speaker

4.1 DELEGATION: EXECUTIVE MAYOR

4.1.1 STATUTORY DUTIES, POWERS AND RIGHTS OF THE EXECUTIVE MAYOR

Sources -

- A. Structures Act
- B. Systems Act
- C. MFMA
- D. Supply Chain Management Regulations
- E. Municipal Planning and Performance Management Regulations
- F. Performance Regulations for Senior Managers
- G. Employment Regulations
- H. Disciplinary Regulations for Senior Managers
- I. Financial Misconduct Regulations
- J. SPLUMA
- K. Disaster Management Act
- L. Intergovernmental Relations Framework Act
- M. National Health Act
- N. Foodstuff, Cosmetics and Disinfectant Act
- O. National Environmental Management: Air Quality Act
- P. Climate Change Act

Numbering is that of the relevant section of an Act or regulation of a Regulation

A. STRUCTURES ACT

Functions and powers of Executive Mayors [Section 56]

- (1) Receives reports from committees and forward these reports together with a recommendation to the council when the matter cannot be disposed of by the Executive Mayor in terms of the Executive Mayor's delegated powers.
- (2)(a) Identifies the needs of the municipality.
- (2)(b) Reviews and evaluates those needs in order of priority.
- (2)(c) Recommends to the Municipal council strategies, programmes and services to address priority needs through the IDP, and the estimates of revenue and expenditure, taking into account any applicable national and provincial development plans.
- (2)(d) Recommends or determines the best way, including partnerships and other approaches, to deliver those strategies, programmes and services to the maximum benefit of the community.
- (3)(a) Identifies and develops criteria in terms of which progress in the implementation of the strategies, programmes and services referred to in subsection (2) (c) can be evaluated, including key performance indicators which are specific to the municipality and common to local government in general.
- (3)(b) Evaluates progress against the key performance indicators.
- (3)(c) Reviews the performance of the municipality in order to improve-
 - (i) the economy, efficiency and effectiveness of the municipality;
 - (ii) the efficiency of credit control and revenue and debt collection services; and
 - (iii) the implementation of the municipality's by-laws.
- (3)(d) Monitors the management of the municipality's administration in accordance with the directions of the council.
- (3)(e) Oversees the provision of services to communities in the municipality in a sustainable manner.
- (3)(f) Performs such duties and exercise such powers as the council may delegate to the Executive Mayor.
- (3)(g) Annually reports on the involvement of communities and community organisations in the affairs of the municipality.
- (3)(h) Ensure that regard is given to public views and report on the effect of consultation on the decisions of the council.
- (4) Performs a ceremonial role as the Overberg District Municipal council may determine.
- (5) Reports to the Overberg District Municipal council on all decisions taken by the Executive Mayor.

Mayoral committees [Section 60]

- (1)(a) Appoints a Mayoral committee from among the councilors to assist the Executive Mayor.
- (1)(b) May delegate specific responsibilities to each member of the committee.
- (1)(c) May delegate any of the Executive Mayor's powers to the respective members.
- (1)(d) May dismiss a member of the Mayoral committee.

Committees to assist Executive Mayor [Section 80]

- (3)(a) Appoints a chairperson for each committee from the Mayoral committee.
- (3)(b) May delegate any powers and duties of the Executive Mayor to the committee.
- (3)(c) Is not divested of the responsibility concerning the exercise of the power or the performance of the duty.
- (3)(d) May vary or revoke any decision taken by a committee, subject to any vested rights.

B. SYSTEMS ACT

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

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

Copy of integrated development plan to be submitted to NIEC for local government [Section 32]

- (1)(a) Delegate the municipal manager to submit a copy of the Integrated Development plan as adopted by the Council and any subsequent amendment to the plan, to the MEC for Local Government in the Province within ten (10) days of the adoption or amendment of the Plan.

Development of performance management system [Section 39]

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

Employment contracts for municipal managers and managers directly accountable to municipal manager [Section 57]

- (2)(b) The performance agreement referred to in subsection(1)(b) must- in the case of the municipal manager, be entered into with the municipality represented by the mayor or executive mayor. as the case may be;

Certain delegations restricted to executive committees or executive mayors [Section 60]

- (1) The following powers may, within a policy framework determined by the municipal council, be delegated to an executive committee or executive mayor only:
- (1)(a) decisions to expropriate immovable property or rights in or to immovable property; and
- (1)(b) the determination or alteration of the remuneration, benefits or other conditions of service of the municipal manager or managers directly responsible to the municipal manager.
- (2) The council may only delegate to an executive committee or executive mayor or chief financial officer decisions to make investments on behalf of the municipality within a policy framework determined by the Minister of Finance.

Appeals [Section 62]

- (4)(b) Is the appeal authority when an appeal is lodged against a decision taken by the Municipal Manager.
- (5) Must commence with an appeal within six weeks and decide the appeal within a reasonable period.

Supervisory authority [Section 99]

- (99) A municipality's executive committee or executive mayor or, if a municipality does not have an executive committee or executive mayor, the municipal council itself or a committee appointed by it, as the supervisory authority must—
- (a) oversee and monitor—
- (i) the implementation and enforcement of the municipality's credit control and
- (ii) debt collection policy and any by-laws enacted in terms of section 98; and
- (iii) the performance of the municipal manager in implementing the policy and any by-laws;
- (b) when necessary, evaluate or review the policy and any by-laws, or the implementation of the policy and any such by-laws, in order to improve efficiency of its credit control and debt collection mechanisms, processes and procedures; and
- (c) at such intervals as may be determined by the council report to a meeting of the council, except when the council itself performs the duties mentioned in paragraphs (a) and (b)

C. MFMA

21. Budget preparation process

- (1)(a) Must co-ordinate the processes for preparing the annual budget and for reviewing the municipality's integrated development plan and budget-related policies to ensure that the tabled budget and any revisions of the integrated development plan and budget-related policies are mutually consistent and credible.
- (1)(b) Must, at least 10 months before the start of the budget year, table in the Overberg District municipal council a time schedule outlining key deadlines for -
- (i) the preparation, tabling and approval of the annual budget;
 - (ii) the annual review of -
 - (aa) the IDP in terms of section 34 of the Municipal Systems Act; and
 - (bb) the budget-related policies;
 - (iii) the tabling and adoption of any amendments to the IDP and the budget-related policies; and
 - (iv) any consultative processes forming part of the processes referred to in subparagraphs (i), (ii) and (iii).
- (2) Must when preparing the annual budget, -
- (a) take into account the municipality's IDP;
 - (b) take all reasonable steps to ensure that the municipality revises the IDP in terms of section 34 of the Municipal Systems Act, taking into account realistic revenue and expenditure projections for future years;
 - (c) take into account the national budget, the relevant provincial budget, the national government's fiscal and macro-economic policy, the annual Division of Revenue Act and any agreements reached in the Budget Forum;
 - (d) consult-
 - (i) the relevant local municipalities within the area of the district municipality;
 - (ii) the relevant provincial treasury, and when requested, the National Treasury; and
 - (iii) any national or provincial organs of state, as may be prescribed; and
 - (e) provide, on request, any information relating to the budget—
 - (i) to the National Treasury; and
 - (ii) subject to any limitations that may be prescribed, to—
 - (aa) the national departments responsible for water, sanitation, electricity and any other service as may be prescribed;
 - (bb) any other national and provincial organ of state, as may be prescribed; and
 - (cc) another municipality affected by the budget.

22. Annual budgets

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

23. Consultations on tabled budgets

Must respond to the submissions of the local community, National and Provincial Treasury, national organs of state or municipalities which made submissions on the budget; after the annual budget was tabled in the municipal council and if necessary, revise the budget and table amendments for consideration by the council.

25. Failure to approve budget before start of budget year

Must, if the council has by the first day of the budget year failed to approve an annual budget, including revenue-raising measures necessary to give effect to the budget, as contemplated by section 55-

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

27. Non-compliance with provisions of Chapter 4: Municipal Budgets

- (1) Must, upon becoming aware of any impending non-compliance by the municipality of any provisions of this Act or any other legislation pertaining to the tabling or approval of an annual budget or compulsory consultation processes, inform the MEC for finance, in writing, of such impending non-compliance.
- (2) If the impending non-compliance pertains to a time provision, except section 16 (1), the Mayor may apply to the MEC for finance to extend any time limit or deadline contained in that provision, provided that no such extension may compromise compliance with section 16(1).
- (3) Must, upon becoming aware of any actual non-compliance by the municipality of a provision of this Chapter, inform the council, the MEC for finance and the National Treasury, in writing, of—
 - (a) such non-compliance; and
 - (b) any remedial or corrective measures the municipality intends to implement to avoid a recurrence.

28. Municipal adjustments budgets

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

29. Unforeseen and unavoidable expenditure

- (1) May in emergency or other exceptional circumstances authorise unforeseeable and unavoidable expenditure for which no provision was made in an approved budget.

- (2) Must report any such expenditure to the council at its next meeting and must appropriate such expenditure in an adjustments budget.

31. Shifting of funds between multi-year appropriations

To approve in writing an increase in expenditure that exceeds the amount of a year's appropriation for a capital programme, where funds for such programme have been appropriated for more than one financial year.

45. Short-term debt

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

46. Long-term debt

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

52. General responsibilities

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

53. Budget processes and related matters

- (1)(a) Must provide general political guidance over the budget process and the priorities that must guide the preparation of a budget.
- (1)(b) Must co-ordinate the annual revision of the IDP and the preparation of the annual budget, and determine how the IDP is to be taken into account or revised for the purposes of the budget; and
- (1)(c) Must take all reasonable steps to ensure—
 - (i) that the municipality approves its annual budget before the start of the budget year;
 - (ii) that the municipality's service delivery and budget implementation plan is approved by the Mayor within 28 days after the approval of the budget; and

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

54. Budgetary control and early identification of financial problems

- (1) Must, on receipt of a statement or report submitted by the Accounting Officer in terms of section 71 or 72-
 - (a) consider the statement or report;
 - (b) check whether the municipality’s approved budget is implemented in accordance with the service delivery and budget implementation plan;
 - (c) consider and, if necessary, make any revisions to the service delivery and budget implementation plan, provided that revisions to the service delivery targets and performance indicators in the plan may only be made with the approval of the council following approval of an adjustments budget;
 - (d) issue any appropriate instructions to the Accounting Officer to ensure-
 - i) that the budget is implemented in accordance with the service delivery and budget implementation plan; and
 - ii) that spending of funds and revenue collection proceed in accordance with the budget;
 - (e) identify any financial problems facing the municipality, including any emerging or impending financial problems; and
 - (f) in the case of a section 72 report, submit the report to the council by 25 January of each year.

- (2) Must, if the municipality faces any serious financial problems-
 - (a) promptly respond to and initiate any remedial or corrective steps proposed by the accounting officer to deal with such problems, which may include —
 - (i) steps to reduce spending when revenue is anticipated to be less than projected in the municipality's approved budget;
 - (ii) the tabling of an adjustments budget; or
 - (iii) steps in terms of Chapter 13; and
 - (b) alert the council and the MEC for local government in the province to those problems.
- (3) Must ensure that any revisions of the service delivery and budget implementation plan are made public promptly.

55. Report to provincial executive if conditions for provincial intervention exist

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

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

56. Exercise of rights and powers over municipal entities

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

59. Delegations of Mayoral powers and duties

- (1) The Mayor may delegate any of the powers and duties assigned to the Mayor in terms of this Act to another member of the municipality's Mayoral committee in terms of section 60 of the Structures Act. Such a delegation must be in writing; is subject to any limitations or conditions that the Executive Mayor may impose; and does not divest the Mayor of the responsibility concerning the exercise of the delegated power or the performance of the delegated duty.

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

87. Budgets of Municipal Entities

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

102. Irregular or fruitless and wasteful expenditure of Municipal Entities

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

127. Submission and tabling of annual reports

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

131. Issues raised by Auditor-General in audit reports

Must ensure that the municipality addresses any issues raised by the Auditor-General in an audit report.

133(1)(a). Consequences of non-compliance with certain provisions

Must, if the accounting officer fails to submit financial statements to the Auditor-General, or if the Mayor himself or herself fails to table the annual report, promptly table in the council a written explanation setting out the reasons for the failure.

D. SUPPLY CHAIN MANAGEMENT REGULATIONS

6. Role of council of municipality or board of directors of municipal entity

- (3) The Accounting Officer must, within 10 days of the end of each quarter, submit a report on the implementation of the supply chain management policy to the Mayor of the municipality or the board of directors of the municipal entity, as the case may be.

46. Ethical standards

- (3)(b) A supply chain management policy must determine that all declarations by the Accounting Officer (details of any reward, gift, favour, hospitality or other benefit promised, offered or granted to him/her or to any close family member, partner or associate of him/her) must be made to the Mayor of the municipality or the board of directors of the municipal entity who must ensure that such declarations are recorded in the register.

E. MUNICIPAL PLANNING AND PERFORMANCE MANAGEMENT REGULATIONS

14. Internal auditing of performance measurements

- (3)(c) A performance audit committee may determine its own procedures after consultation with the Executive Mayor or the executive committee of the municipality concerned, as the case may be.

F. PERFORMANCE REGULATIONS FOR SENIOR MANAGERS

The Executive Mayor represents the municipality as "employer" in the employment of a person as a Municipal Manager

3. The Executive Mayor represents the municipality in the conclusion of an employment contract, with a Municipal Manager
27. The Executive Mayor is a member of the evaluation panel for purposes of evaluating the annual performance of the Municipal Manager
The Executive Mayor may also nominate a member of a ward committee to serve on the evaluation panel

33. The Executive Mayor must mediate any dispute about the nature of the performance agreement of managers directly accountable to the Municipal Manager

G. EMPLOYMENT REGULATIONS

7. When the post of Municipal Manager becomes vacant, or is due to become vacant, the Mayor must, upon receipt of official notification that the post will become vacant, obtain approval from the municipal council for the filling of such post in its next council meeting or as soon as it is reasonably possible to do so
12. The Mayor or his or her delegate is the chairperson of the selection panel which the municipal council must appoint to make recommendations for the appointment of candidates to a vacant Municipal Manager position
13. The Mayor, in consultation with the selection panel, must compile a list of all applicants who applied for an advertised Municipal Manager post and a shortlist consisting of all applications received for such post
14. The Mayor must compile a written report on the outcome of the screening process of candidates for the post of Municipal Manager, before the interviews take place
17. The Mayor must make a recommendation to the municipal council on the appointment of a suitable candidate for a senior manager's post
23. (10)The Mayor grants the Municipal Manager annual leave
27. A Municipal Manager who is unable to report for duty due to sickness or injury must, as soon as reasonably possible, inform the Mayor about his or her absence and expected duration of absence
31. The Mayor may grant the Municipal Manager leave to attend workshops, conferences or seminars associated with continued professional development

H. DISCIPLINARY REGULATIONS FOR SENIOR MANAGERS

- 5(2) The Mayor must table an allegation of misconduct by the Municipal Manager in the municipal council in order to consider the said report
- 5(4) An investigator appointed to investigate an act of misconduct by the Municipal Manager must submit a report with recommendations to the Mayor
- 5(6) The council must authorise the Mayor appoint an independent and external presiding officer, an officer to lead evidence and to sign the letters of appointment
- 7(1) If the alleged misconduct by the Municipal Manager is of a less serious nature, the Mayor must bring the alleged misconduct to the Municipal Manager's attention; and give him or her the opportunity to respond to the allegations

- 7(2)** If after having considered the response from the Municipal Manager the Mayor, decides that the senior manager is guilty of misconduct, the Mayor may, only after due processes, impose prescribed sanctions
- 7(4)** If the senior manager refuses to sign the written warning, the Mayor must hand over the warning to the Municipal Manager in the presence of a fellow staff member, who shall sign as confirmation that the written warning was conveyed to him or her
- 8(4)** Where a Municipal Manager is accused of a financial misconduct which constitutes a criminal offence, the Mayor must report the matter to the SAPS
- 16(1)** If the Municipal Manager is not performing in accordance with the minimum performance standards of his or her post, the Mayor must take the prescribed steps to eliminate the substandard performance and if the Municipal Manager's performance does not improve the Mayor must bring the allegations of substandard performance against the senior manager to the attention of the municipal council

I. FINANCIAL MISCONDUCT REGULATIONS

- 3(1) When an allegation of financial misconduct against the accounting officer of a municipal entity is reported to the Mayor, the Mayor must table such an allegation before the municipal council
- 5(4) If the allegation is founded, a full investigation must be conducted and the investigator or investigating team must submit a report with recommendations to the Mayor
- 6(4) The Mayor must table the report of the investigation in the council at the first sitting after the report is finalised
- 14&15 The Mayor must table the information document (containing details of any alleged financial misconduct or financial offence) in the municipal council at the first meeting of the council after receipt of the document
- 15(3) If the Mayor is of the view that the alleged financial misconduct or financial offence may have a significant impact on the finances of the municipality, and that the funds need to be recovered from the alleged transgressor concerned
- 15 The Mayor may request the council to discuss the recoverability of funds where an act of alleged financial misconduct or financial offence may have a significant impact on the finances of the municipality

J. SPLUMA

The Executive Mayor is the executive authority for the purposes of the Act

"executive authority", in relation to a municipality, means the executive committee or Executive Mayor of the municipality or, if the municipality does not have an executive committee or Executive Mayor, a committee of councillors appointed by the Municipal Council;

23. Role of executive authority

- (1)(a) The executive authority of a municipality must, in the development, preparation and adoption or amendment by such municipality of its land use scheme, subject to the provisions of this Act, provide general policy and other guidance.
- (b) The executive authority must, in providing such guidance as referred to in paragraph (a), monitor and, to the extent provided for in this Act and other laws on the administration of the municipal sphere of government, oversee such responsibilities as it may designate to officials of such municipality and non-officials in the implementation of this Act.

39. Technical and other advisers

- (1) A Municipal Planning Tribunal, an executive authority of the municipality as the appeal authority, and the Minister acting in terms of section 52 may, in the performance of duties, co-opt, appoint or employ the services of technical or other advisers.

51. Internal appeals

- (1) A person whose rights are affected by a decision taken by a Municipal Planning Tribunal may appeal against that decision by giving written notice of the appeal and reasons to the Municipal Manager within 21 days of the date of notification of the decision.
- (2) The Municipal Manager must within a prescribed period submit the appeal to the executive authority of the municipality as the appeal authority.
- (3) The appeal authority must consider the appeal and confirm, vary or revoke the decision.
- (6) A municipality may, in the place of its executive authority, authorise that a body or institution outside of the municipality or in a manner regulated in terms of a provincial legislation, assume the obligations of an appeal authority in terms of this section.

K. DISASTER MANAGEMENT ACT

(46)(2)(b) Receive report of a municipal disaster management centre regarding the municipality's failure to provide requested information and ensure compliance.

(51)(1)(b) and (d) Designate the members of a municipal disaster management advisory forum.

(52)(2)(b) Receive report of a municipal disaster management centre regarding the municipality's failure to submit a disaster management plan, and/or any amendments thereto, and ensure compliance.

L. INTERGOVERNMENTAL RELATIONS FRAMEWORK ACT

- (38) Ensure the co-ordination of intergovernmental relations between the district municipality and its local municipalities.

M. NATIONAL HEALTH ACT

- (1) Definitions: Municipal Health Services as: Water Quality Monitoring; Food Control; Waste Management; Health Surveillance of Premises; Surveillance of Communicable Diseases, excluding immunisations; Vector Control; Environmental Pollution Control; Disposal of the Dead & Chemical Safety.
- (32) Every metropolitan & district municipality must ensure that appropriate municipal health services are effectively and equitably provided in their respective areas.
Section 80 – Designate any municipal employee as a health officer.

N. FOODSTUFF, COSMETICS & DISINFECTANT ACT 54 OF 1972

- (10)(1) The Secretary may authorize such persons as he may deem fit, as inspectors who shall subject to his control, be vested with the powers duties and functions conferred or imposes on inspectors by this act.
- (10)(2) Each person authorised under sub-section (1) shall be provided with a letter of authority signed by or on behalf of secretary and certifying that such persons has been authorised as an inspector in terms of this act.
- (10)(3) The powers, duties and functions of an inspector in terms of this act may be exercised or performed (b) for the purpose of the administration of any provision of this act by a local authority under section 23 by any person employed by such local authority as a health inspector & authorised therefore in writing by such local authority.
- (23) The minister may by notice in the gazette authorise any local authority to enforce within its area of jurisdiction and through its duly authorised officers, such provisions of this act as the minister may specify in the notice.
- (24) A local authority authorised under section 23 to administer any provision of this act in its area of jurisdiction may, through any person generally or specially authorised by it, prosecute in respect of any contravention of or failure to comply with the provision in question which is alleged to have taken place in the said area.

O. ENVIRONMENTAL MANAGEMENT: AIR QUALITY ACT, 39 OF 2004

- (36) Metropolitan & district municipalities are charged with implementing the atmospheric emission licensing system referred to in section 22 and must for this purpose perform the function of licensing authority as set out in chapter 5 and other provision of this act, subject to subsection (2)(3) & (4).
- (14) Appointment of an air quality officer, state that each municipality must designate an air quality officer from its administration to be responsible for co-ordinating matters pertaining to air quality management in the municipality.
Subsection (b) An Air Quality officer may delegate a power or assign a duty to an official in the service of that officer's administration, subject to such limitations or conditions as may be prescribed by the minister.

P. CLIMATE CHANGE ACT

Every district intergovernmental forum, established in terms of section 24 of the Intergovernmental Relations Framework Act, also serves as a Municipal Forum on Climate Change and the Executive Mayor represents the municipality at this forum.

7. (1) Every organ of state that exercises a power or performs a function that is affected by climate change, or is entrusted with powers and duties aimed at the achievement, promotion and protection of a sustainable environment, must review and if necessary revise, amend, coordinate and harmonise their policies, laws, measures, programmes and decisions in order to— (a) ensure that the risks of climate change impacts and associated vulnerabilities are taken in to consideration ;and (b) give effect to the principles and objects set out in this Act.

(3)A Municipal Forum on Climate Change must— (a) coordinate climate change response actions for those activities within the operational control of the relevant municipality in accordance with this Act and (b) provide reports on such actions to the relevant Provincial Forum on Climate Change and the Executive Mayor champions this forum.

17. (1) An MEC and a mayor of a metropolitan or district municipality, as the case may be, must—

- (a) at least within one year of the publication of the National Adaptation Strategy and Plan contemplated in section 21, undertake a climate change needs and response assessment for the province, metropolitan or district municipality, as the case may be;
- (b) for the purposes of paragraph(c), assess the extent to which its constitutionally mandated functions are affected by climate change and formulate steps to address these effects in the performance of its functions; (
- (c) review and, to the extent necessary, amend and publish in the Gazette the climate change needs and response assessment at least once every five years; (
- (d) at least within two years of undertaking the climate change needs and response assessment contemplated in paragraph (a), develop, implement and publish in the Gazette a climate change response implementation plan as a component of, and in

conjunction with, provincial, metropolitan or district municipal planning instruments, policies and programmes; and

- (e) review and, to the extent necessary, amend and publish in the Gazette the climate change response implementation plan at least once every five years.
- (2) The climate change needs and response assessment, contemplated in subsection (1)(a), must—
 - (a) identify climate change response considerations and options;
 - (b) analyse the nature and characteristics of the province or metropolitan or district municipality, as the case may be, and the particular and unique climate change needs and risks that arise as a result of such nature and characteristics;
 - (c) identify and spatially map, within the sphere of operations of the province, district or metropolitan municipality, as the case may be, risks, vulnerabilities, areas, ecosystems and communities that will arise, or that are vulnerable to the impacts of climate change;
 - (d) be based on the best available science, evidence and information; and
 - (e) identify and determine measures and mechanisms to manage and implement the required climate change response.
- (3) A climate change response implementation plan, contemplated in subsection (1)(d), must—
 - (a) be informed by the climate change needs and response assessment contemplated in subsection (1)(a);
 - (b) include measures or programmes relating to both adaptation and mitigation in line with the constitutional mandate of the province, or the metropolitan or district municipality; and
 - (c) comply with any requirements as may be prescribed by the Minister inclusive of the relevant technical guidelines.

4.1.2 DESIGNATED POWERS, DUTIES AND RIGHTS OF THE EXECUTIVE MAYOR

Acting in terms of section 59 of the Systems Act, Council hereby delegates the following powers, functions and duties to the Executive Mayor, subject to the limitations, conditions and directions stipulated hereunder.

1. CIVIC AND CEREMONIAL DUTIES

1.1 To receive and interview representatives and delegations from international and national agencies, public interest groups, etc.

1.2 To represent the Council at meetings and functions other than those outside bodies to which Councillors have been nominated.

1.3 To make media statements on behalf of ODM on all matters over which the Executive Mayor has authority.

1.4 To present a medal, memento, address or other commemorative token to -

1.4.1 a person who holds or has held office as a Councillor (including aldermanship);

1.4.2 any person who is or was an employee of the Council, for long or outstanding service with the Council;

1.4.3 public dignitaries, in commemoration of a public event of local or international importance, or

1.4.4 any person –

1.4.4.1 for gaining distinction in a public examination;

1.4.4.2 for performing an act of bravery within its municipal area; or

1.4.4.3 for a meritorious achievement within its municipal area.

1.5 To enter into co-operative agreements, memoranda of understanding and protocol agreements with other cities, Foundations, international organisations and pledges on international matters of public interest, provided that these do not create any financial obligations.

2. LEGAL

2.1 To enter into implementation protocol agreements in accordance with section 35 of the Intergovernmental Relations Framework Act.

2.2 To authorise the submission of appeals in terms of any legislation where such legislation makes provision for appeals, except where otherwise indicated in the System of Delegations.

3. HUMAN RESOURCES

3.1 To oversee the administration processes of the remuneration packages of the Municipal Manager and managers directly accountable to the Municipal Manager as per notices issued in terms of the Local Government: Municipal Performance Regulations on the Appointment and Conditions of Employment and Conditions of Employment of Senior Managers (GN 21 of 17 January 2014) for Municipal Managers and Managers directly accountable to Municipal Managers, GG 37245 of 17 January 2014, read with section 60 of the Systems Act.

4. FINANCE AND AUDIT

4.1 To establish relief, charitable, trust or other funds in the Municipality's name as provided for in terms of section 12(1) of the MFMA.

4.2 To receive any grant, donation or gift and to agree to the conditions in terms of which said are made and to authorise the signing of any related documentation subject to funding being appropriated by Council in the annual budget.

4.3 To receive reports of alleged financial misconduct against the accounting officer, a senior manager or the chief financial officer in terms of Regulation 3(1)(a).

4.4 To receive reports of any concluded investigation in terms of Regulation 6(4).

5. INTEGRATED DEVELOPMENT PLANNING (IDP)

5.1 To consult affected organs of state and to advise Council on the method of aligning the municipality's planning, development plans and strategies with such affected organs of state.

5.2 To annually report to Council on the review/amendment of the integrated development plan in accordance with an evaluation of the municipality's performance measurements, as required in terms of section 34 of the Systems Act.

5.3 To, in accordance with section 29 of the Systems Act, manage the drafting of the municipality's IDP; assign responsibilities in this regard to the Municipal Manager; and submit the draft plan to Council for adoption by Council.

6. PERFORMANCE MANAGEMENT OF THE MUNICIPALITY

6.1 To adopt a strategy for the promotion of a culture of performance management amongst the municipality's political office bearers, political structures and Councillors and the administration, as required in terms of section 38 of the Systems Act.

6.2 To manage the development of the municipality's performance management system; assign responsibilities in this regard to the Municipal Manager; and submit the proposed system to Council for adoption.

7. PERFORMANCE MANAGEMENT OF THE MUNICIPAL MANAGER AND MANAGERS DIRECTLY ACCOUNTABLE TO HIM/HER

7.1 To constitute evaluation panels for the purpose of evaluation of the annual performance of the Municipal Manager and managers directly accountable to him or her in terms of regulation 27 of the Local Government: Municipal Performance Regulations for Municipal Managers and Managers directly accountable to municipal managers, 2006 (GN 805 of 1 August 2006).

8. GENERAL

8.1 To consult with the national and provincial spheres of government, the local and other district municipalities and organised local government with respect to the powers and functions of municipalities including the division, assignment, delegation and the exercise of such powers and functions on an agency basis and to determine strategies that will inform such consultations.

- 8.2 To determine appropriate actions to be taken arising from consultations referred to in 9.1 above.
- 8.3 To exercise during recess any power of the Council and/or its political structures, in consultation with the Municipal Manager, provided that:
 - 8.3.1 the failure to exercise such power as a matter of urgency would have a substantial detrimental impact on the municipality, its services and/or any person located within the municipal boundaries.
 - 8.3.2 The delegation excludes the exercise of all powers reserved for Council in terms of the law.
- 8.4 To establish and determine the terms of reference of any sub-committees of the Executive Mayor.
- 8.5 To appoint statutory committees where this authority has not been reserved for Council.
- 8.6 To co-operate in mutual trust and good faith with all spheres of government as envisaged by section 41 of the Constitution and to enter into co-operative agreements and implementation of protocols.

9. POLICY AND BY-LAWS

- 9.1 To determine appropriate policies that should be developed, to take steps for the development thereof and to recommend such policies to Council.
- 9.2 To determine policy direction for the Municipal Manager as the head of the administration in terms of section 55 of the Systems Act.
- 9.3 To determine a policy framework in terms of section 66 of the Systems Act, in respect of the staff establishment, job description, remuneration and other conditions of service and evaluation of the staff establishment of the municipality.
- 9.4 To consider recommendations for the development and review of by-laws for submission to Council.

9.5 To consider recommendations in regard to the setting/revision of tariffs, taxes, levies and duties for submission to Council.

9.6 To consider reports on the implementation of Council's IDP, budget, business plans, strategic objectives, policies and programmes for submission to Council.

10. PLANNING AND ENVIRONMENT

10.1 To consider recommendations on a draft by-law to provide for implementation, administration and enforcement of a coastal management programme in terms of section 50 of the National Environmental Management: Integrated Coastal Management Act.

11. CLIMATE CHANGE (relevant to all line functions)

11.1 To enable the development of an effective climate change response and a long-term, just transition to allow -carbon and climate-resilient economy and society for South Africa in the context of sustainable development.

11.2 Participate in the district IGR forum which also serves as a municipal forum for climate change which:

(a) Coordinates climate change response actions for those activities within the Operational control of the municipality and

(b) provides a report on such actions to the relevant Provincial Forum on Climate Change.

11.3 At least within one year of the publication of the National Adaptation Strategy and Plan contemplated in section 21, undertake a climate change needs and response assessment for the district.

11.4 Assess the extent to which its constitutionally mandated functions are affected by climate change and formulate steps to address these effects in the performance of its functions;

11.5 Review and, to the extent necessary, amend and publish in the Gazette the climate change needs and response assessment at least once every five years;

11.6 At least within two years of undertaking the climate change needs and response assessment develop, implement and publish in the Gazette a climate change response implementation plan as a component of, and in conjunction with, provincial, metropolitan or district municipal planning instruments, policies and programmes; and

11.7 Review and, to the extent necessary, amend and publish in the Gazette the climate change response implementation plan at least once every five years.

4.2 DELEGATION: DEPUTY EXECUTIVE MAYOR

Acting in terms of section 59 of the Systems Act, Council hereby delegates the following powers, functions and duties to the Deputy Executive Mayor including the power to sub-delegate of his/her delegated powers, functions and duties:

- 1.1 To make media statements on all matters on behalf of the Council, in consultation with the Executive Mayor.
- 1.2 The Deputy Executive Mayor (as alternate designated person) to receive reports of financial misconduct in case of councillors who may have committed financial misconduct or financial offence(s) in terms of regulation 9(2) should the designated person have a conflict of interest.

4.3 DELEGATION: SPEAKER

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

1. LEGAL

The powers to appoint an initiator to present a case against a Councillor for contravention of the Code of Conduct for Councillors at the disciplinary hearing and to undertake any investigation in connection therewith.

The power to preside at the meetings of Council.

To determine where and when Council meets, at least quarterly and approved the calendar of meetings.

The power to maintain order during meetings of Council.

The power to ensure compliance with the Code of Conduct for Councillors.

The power to report the outcome of an investigation against a Councillor to the MEC for Local Government.

To, in consultation with the Executive Mayor obtain a legal opinion, including opinion from Senior Counsel, on any matter related to his or her powers, duties and functions in respect of the following:

- (a) Disciplinary investigations in terms of the *Codes of Conduct relating to Councillors*;
- (b) Rules of meetings of political structure and meeting procedure;
- (c) Appeals Committee;
- (d) Political office bearers and political structures of council.

To provide legal representation, in terms of section 109A of the “*Systems Act*”, for the Executive Mayor where-

- (a) legal proceedings have been instituted against the Executive Mayor as a result of any act or omission by the Executive Mayor in the exercise of his or her powers or the performance of his or her duties; or

- (b) the Executive Mayor has been summoned to attend any inquest or inquiry arising from the exercise of his or her powers or the performance of his or her duties.

To impose a fine as determined by the Municipal Council on a councillor for:

- (a) not attending two meetings which that councillor is required to attend in terms of item 3; or
- (b) failing to remain in attendance at such a meeting.

To, when a councillor is absent from three or more consecutive meetings of a Municipal council, or from three or more consecutive meetings of a committee, which that councillor is required to attend in terms of item 3, report such absenteeism to the Disciplinary Committee for investigation, finding or recommendation to the Municipal council, as provided for in the uniform standing procedure adopted by council.

To, if satisfied that there is a reasonable suspicion that the Code of Conduct has been breached, either refer the matter to the municipal council or special committee for further investigation.

2. POLICY

- (1) To determine policy and oversee the use of the Council Chamber in terms of such policy.

3. POLITICAL OVERSIGHT

- (1) To report to Council on the functioning of the Section 79 committees.
- (2) Reporting to and accounting to Council on the performance of all committees of Council.
- (3) To oversee the use of the Council Chambers in terms of Council policy.
- (4) Subject to relevant legislation, to permit a Councillor or an official to disclose any privileged or confidential information of the Council or a committee to any unauthorised person, in terms of item 10 of the Code of Conduct for Councillors. For the purpose of this item, "privileged or confidential information" includes any information –
 - determined by Council or a committee to be privileged or confidential;
 - discussed in closed session by Council or committee;
 - disclosure of which would violate a person's right to privacy; or
 - declared to be privileged, confidential or set in terms of law.
- (5) To ensure that when an annual report is considered by Council, the meeting is open to the public and any organs of state and that:

- sufficient time is provided for the discussion of any written submissions received from a local community or organ of state;
 - provision is made for any member of a community or organ of state to address Council;
 - the Auditor-General and his/her representatives are invited and permitted to address Council.
- (6) To ensure that the Municipal Manager and managers directly accountable to the Municipal Manager, declare their interests as required in terms of item 5A of the Code of Conduct for Municipal Staff Members.
- (7) To disclose, in terms of Council policy, the financial interests referred to in item 5A(1) of the Code of Conduct for Municipal Staff Members that may be made public.
- (8) To appoint councillors to attend congresses, workshops and meetings within the Republic of South Africa and subject to an approved budget to incur expenditure in this regard, and to submit a feedback report to Council in regard to the outcomes thereof.
- (9) To oversee the process of implementing the determination of upper limits of salaries, allowances and benefits of Councillors (Act 20 of 1998).
- (10) The Speaker to receive reports of alleged financial misconduct in the case of councillors who may have committed financial misconduct and/or financial offence(s) in terms of regulation 9(2).
- (11) To determine and oversee the development needs of Councillors based on their individual performance assessments and after consultation with the relevant party whip.
- (12) To determine and facilitate a programme of training for the development needs of Councillors.
- (13) To appoint members of committees once changes has been made to a committee and submit a report to Council.

4. FINANCE

- (1) To incur expenditure necessary for the performance of the functions in the office of the Speaker within budget.

5. GENERAL

- (1) To provide space for the public in the Council Chamber and places where the Council and its committees meet within the financial and administrative capacity of the municipality.
- (2) To take reasonable steps to regulate public access to and public conduct at meetings of Council and its committees.
- (3) To grant leave of absence to Councillors from meetings of Council and its committees in accordance with the applicable Rules of Order.
- (4) To determine the development needs of councillors after consultation with the party whips.
- (5) To determine a programme of training for the development needs of councillors.
- (6) To approve the facilitation and co-ordination of Councillor development and capacity building, including the negotiation with donors.
- (7) To prepare and recommend to Council the annual calendar of meetings of Council and its committees including recommendations in regard to Council recesses.
- (8) To approve, in consultation with the relevant chairperson, any change of meeting time and/or date of meetings and ensures that the calendar of meetings is appropriately amended.
- (9) To ensure that whips monitor whether councillors report back to constituencies as required in the preamble to the *Code of Conduct* and to quarterly report to council on compliance therewith.
- (10) To recommend to Council the appointment of councillors to serve on section 79 and 80 committees in consultation with party whips.
- (11) To appoint an initiator to present a case against a councillor for contravention of the *Code of Conduct for Councillors* at a disciplinary hearing and to undertake any investigation in connection therewith.
- (12) To ensure that when an annual report is considered by Council the meeting is open to the public and any organs of state and that -
 - (a) sufficient time is provided for the discussion of any written submissions received from a local community or organ of state;

- (b) provision is made for any member of a community or organ of state to address Council;
 - (c) the Auditor General or his/her representatives are invited and permitted to address Council.
- .
- (13) To ensure that the Municipal Manager and managers directly accountable to the Municipal Manager declare their interests as required by item 5A of the *Code of Conduct for Municipal Staff Members*.
 - (14) To disclose in terms of Council policy the financial interests referred to in item 5A (1) of the *Code of Conduct for Municipal Staff Members* that may be made public.
 - (15) To attend congresses, workshops and meetings which relate to the Speaker's statutory and delegated powers, within the Republic of South Africa and subject to an approved budget to incur expenditure in this regard, and to report to Council.

4.4 DELEGATION: CHIEF WHIP OF COUNCIL

- (1) To approve in consultation with the Speaker, the use of office and meeting space and parking areas by Councillors and political parties.
- (2) To Inform Councillors of meetings called by the Speaker and the Mayor and ensuring that such meetings are quorate.
- (3) To advise the Speaker and Mayor on the preparation, content and management of Council agendas.
- (4) To inform Councillors of important matters on agendas.
- (5) To, after consultation with other whips, compile a speakers list for meetings of Council, determine the permitted times for speakers, to determine the order in which such speakers may be permitted to address the Council on any item which is to be debated and submit the list of scheduled speakers to the Speaker, the Executive Mayor and all party whips.
- (6) To ensure that Councillor's motions are prepared and timeously tabled in terms of the rules and orders.
- (7) To assists the Speaker in the counting of votes.
- (8) To advise the Speaker and Mayor of urgent motions.
- (9) To advise the Speaker and Mayor on how to deal with important items not disposed of at a Council meeting.
- (10) To prepares and recommend to council, in consultation with the Speaker, the annual calendar of meetings of Council and its committees including recommendations in regard to Council recesses.
- (11) To keeps a record of all relevant information with regards to Councillors and to make such record available to the Mayor or Speaker when requested.
- (12) To, after consultation with party whips, determine the development needs of Councillors.
- (13) To advise Speaker on applications received by Councillors for absence from Council meetings, committee meetings and general leave, to be approved by the Speaker.
- (14) To recommend to the Executive Mayor which Councillors should serve on outside bodies.
- (15) To, after consultation with party whips, recommend to council which Councillors should serve on section 79 and 80 committees
- (16) To provide political oversight over all matters pertaining to the administrative functioning of Portfolio Committees.
- (17) To advise the Speaker on any possible transgressions by Councillors of the Code of Conduct.
- (18) To provide and assist Councillors with the necessary office equipment.
- (19) To keep record of Councillors absence at meetings and inform the Speaker to act in terms of council's uniform standing procedure

- (20) To ensure that whips monitor whether Councillors report back to constituencies as required by the Code of Conduct and to quarterly report to council on compliance therewith

5. DELEGATION OF POWERS: COMMITTEES

The undermentioned delegations are assigned to committees appointed to assist the executive mayor.

Section 80 of the Municipal Structures Act, 1998, reads as follows:

“80(1) – if a municipal council has an executive committee or executive mayor, it may appoint, in terms of section 79, committees of councillors to assist the executive committee or executive mayor.

(2) – Such committees may not in number exceed the number of members of the executive committee or Mayoral committee.

(3) – the Executive Committee or Executive Mayor –

- a) Appoint a chairperson for each committee from the Executive Committee or Mayoral Committee;
- b) May delegate any powers and duties of the Executive Committee of the Executive Mayor to the committee;
- c) Is not divested of the responsibility concerning the exercise of the power or the performance of the duty; and
- d) May vary or revoke any decision taken by a committee, subject to any vested rights.

(4) – Such a committee must report to the Executive Committee or Executive Mayor in accordance with the directions of the Executive Committee or Executive Mayor.”

5.1 RESPONSIBILITIES OF MEMBERS OF THE MAYORAL COMMITTEE (MAYCO)

Members of the Mayoral Committee are responsible for the following portfolio committees.

1. Financial Services Committee
2. Community Services Committee
3. Corporate and Intergovernmental Relations Services Committee
4. Strategic Services
5. Statutory Committees, consisting of the following forums/committees:
 - Local Labour Forum
 - Training Committee
 - Occupational Health & Safety Committee
 - Employment Equity Committee
 - Audit and Performance Audit Committee
 - Municipal Public Accounts Committee
 - Budget Steering Committee

In terms of section 80(1), these committees are established to assist the Executive Mayor. The members of the Mayoral Committee make recommendations to the Executive Mayor and may be advised by his/her respective committee herein.

5.2 FUNCTIONS ASSIGNED BY THE EXECUTIVE MAYOR TO THE MAYCO

The undermentioned functions are assigned by the Executive Mayor to the Mayoral Committee for recommending to the Executive Mayor:

Development and recommend policy within the functional area of their respective portfolios:

- a) Develop and recommend on the content and drafting of by-laws within the functional area of their responsibility;
- b) Comment on and recommend the business plans within the functional area of their respective portfolios.

General:

- 1.1 To consider and adopt the Chairperson's annual oversight work plan.
- 1.2 To develop and review by-laws and recommend same to Council.
- 1.3 To develop and review policy and recommend same to Council
- 1.4 To make recommendations to the Executive Mayor, together with the Mayoral Committee, for submission to Council in regard to the draft IDP including amendments to the IDP during the annual review thereof for consideration by Council.
- 1.5 To make recommendations in regard to the setting or revision of tariffs, levies, taxes and duties to the Executive Mayor together with the Mayoral Committee for submission to Council.
- 1.6 To monitor the implementation of Council's IDP, budget, business plans, strategic objectives, policies and programmes in relation to their functional area, and report thereon to the Executive Mayor together with the Mayoral Committee for submission to Council.
- 1.7 To evaluate the impact and performance of service delivery generally within the functional area of their respective committee and report to the Executive Mayor together with the Mayoral Committee for submission to Council.
- 1.8 To assist the Executive Mayor to determine the best way, including partnership and other approaches, to deliver on Council's strategies, programmes and services to the maximum benefit of the municipality within the committee's functional are and to recommend the same to the Executive Mayor, together with the Mayoral Committee for submission to Council.

- 1.9 To assist the Executive Mayor to identify the needs of the Municipality as far as it relates to the functional area of the committee and to recommend same to the Executive Mayor together with the Mayoral Committee for submission to Council, in terms of section 56(2)(a) of the Structures Act.
- 1.10 To review and evaluate the needs of the municipality in order of priority, in terms of section 56(2)(b) of the Structures Act and recommend same to the Executive Mayor, together with the Mayoral Committee, for submission to Council.
- 1.11 To require councillors and/or officials to submit reports to the Committee to assist the Committee in the performance of its functions and within its functional area.
- 1.12 To conduct community and other consultations and undertake inspections in regard to matters relating to the Committee's oversight functions.
- 1.13 To consult and invite reports from public bodies/persons and request them to address the committee in the analysis of issues affecting the functional area of the Committee.
- 1.14 To ensure public participation in the development of policies, by-laws, legislation and budget.
- 1.15 To recommend appropriate comments on National and Provincial draft legislation, regulations, policy frameworks, etc. that affects the portfolio.
- 1.16 Facilitate public participation in the development of policy, legislation, the IDP and budget within the functional area of their respective portfolios;
- 1.17 Monitor the implementation of Council's IDP, budget, business plans, strategic objectives, policies and programmes within the functional area of their respective portfolios.
- 1.18 Accesses the performance of service delivery within the functional area of their respective portfolios.
- 1.19 Receive recommendations from the section 80 committee of which he/she is the chairperson and make recommendations on any matter to the Executive Mayor.
- 1.20 Identify the needs of the municipality in respect of his/her portfolio.
- 1.21 Prepare reports on the involvement of communities and community organisations in respect of his/her portfolio as required by the Executive Mayor.
- 1.22 Ensure that regard is given to public views and report on the effect of consultation on the decisions of Council.
- 1.23 Recommend comments on National and Provincial legislation that affects their portfolios.

5.3 TERMS OF REFERENCE OF SECTION 79 PORTFOLIO COMMITTEES

Statutory Committees, consisting of the Local Labour Forum; Training Committee, Employment Equity Committee; MPAC; APAC; Budget Steering Committee; Occupational, Health & Safety Committee; Budget Steering Committee.

These committees have an important oversight role especially in regard to the IDP, budgets, policies, rendering of services, strategic objectives and priorities and by-laws. Oversight entails the watchful, strategic and structured scrutiny of the actions of the executive and administration of Council.

5.4 TERMS OF REFERENCE OF MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

The terms of reference of this Committee are -

1. MPAC may evaluate, direct and supervise investigations into any matters within the scope of its roles and responsibilities as instructed by the Council.
2. MPAC has –
 - (a) an oversight role in respect of the Municipality's Annual Report with specific focus on the financial aspects as contained in the Auditor-General's Report on the Annual Financial Statements, as envisaged in section 129 of the MFMA
 - (b) an investigative and reporting role in respect of unauthorised, irregular or fruitless and wasteful expenditure, as envisaged in section 32 of the MFMA
3. MPAC must consider the Annual Report and in respect of the supporting oversight report, which the Municipal Council must adopt in terms of section 129 of the MFMA, the MPAC must -
 - (a) consider and make recommendations on the report to Council regarding specific reports of the Auditor-General and queries, comments and responses in respect thereof;
 - (b) recommend and make proposals in respect of the oversight process for improving efficiency, effectiveness and economy in the financial sphere of the Municipality; and
 - (c) liaise with the Audit Committee and any other relevant committees and role-players.
4. MPAC is authorised to investigate unauthorised, irregular or fruitless and wasteful expenditure in terms of section 32 of the MFMA and may recommend to Council whether such expenditure –
 - (a) resulted in the Municipality receiving "value-for-money" (i.e. services received within a reasonable price);
 - (b) is recoverable or not (financial implications);
 - (c) resulted from non-compliance in following due process and subsequent disciplinary action is necessary, including whether legal action is appropriate; and /or
 - (d) was a result of control failures or gaps and what remedial and disciplinary actions are proposed.
5. Except in so far Council has delegated oversight to the Municipal Manager and Executive Mayor and except in so far as the Executive Mayor has statutory powers of oversight, MPAC must ensure that corrective action has been taken in respect of the comments and

resolutions of MPAC during the oversight reporting process as envisaged in 3 and 4 herein above.

6. In performing its functions the MPAC with reference to the mandate as stipulated in 3 and 4 above:
 - (a) must quarterly report to Council on its activities.
 - (b) may co-opt advisory members who are not members of Council provided that such members may not vote on any matter.
 - (c) may seek any information from, and have access to, any councillor and or/employee with reference to 3 and 4 herein above, and to direct all councillors and employees to co-operate with any request made by the committee.
 - (d) has unrestricted access through the Office of the Municipal Manager/Internal Audit to information relating to all personnel, books of account, records, assets and liabilities of the Council and to any other sources of relevant information that may be required from the Council for the purpose of its duties and responsibilities;
 - (e) request councillors and officials, including the accounting officer to attend any of its meetings for interview and input regarding items on the agenda.
 - (f) has direct access to internal and external auditors and to all accounts and financial statements of the municipality, all reports of the Auditor-General and audit opinions, other reports and recommendations from the Audit Committee.

7. The Municipal Manager must provide MPAC with adequate secretariat services and other resources subject to financial resources provided for this purpose in the budget.

1. GENERAL

- (1) To co-opt advisory members who are not members of Council provided that such members may not vote on any matter.
- (2) To request a councillor and official, including the accounting officer, as well as the chairperson of a municipal entity's board of directors, to attend any meeting for interview and input regarding items on the agenda.
- (3) To obtain any information from, and have access to, any Councillor and or/employee, and to direct all Councillors and employees to co-operate with any request made by the committee within its delegated authority.
- (4) To have access through the office of the Municipal Manager to information relating to all personnel, books of account, records, assets and liabilities of the Council and to any other sources of relevant information that may be required from the Council for the purpose of exercising its delegated authority.
- (5) To, request the Municipal Manager to permit a legal advisor in the service of the municipality to assist the Committee in its deliberations.
- (6) To request the Municipal Manager to permit a legal advisor in the service of the municipality to provide the committee with legal opinion
- (7) To request the Speaker to obtain outside legal opinion on matters pertaining to the functions of the committee.
- (8) To report to Council quarterly on its activities, and when deemed necessary on any matter within the terms of reference of the committee.

- (9) To request a member of public to attend any meeting of the Committee to assist the Committee with the performance of its functions and duties.
- (10) To determine its own operational procedures in terms of the Rules of Order.
- (11) To investigate any matter within its delegated authority.

2. FINANCIAL STATEMENTS AND ANNUAL REPORT

- (1) To review the financial statements and audit reports of the Municipality and its municipal entities, and consider developments since previous statements and reports, and evaluate the extent to which recommendations have been implemented.
- (2) To consider and evaluate the Municipality's Annual Report, and the Annual Report of any municipal entity under the municipality's sole or shared control, and as an oversight committee to make recommendations to the Council when it adopts the oversight report on the annual report in terms of section 129 of the MFMA.
- (3) To review and follow up past recommendations on the Annual Report.
- (4) To develop an annual work programme, including a monitoring mechanism (subject to the Council's approval), linked to the Council's planning cycle, and concluding with the Committee's recommendations on the oversight report.

3. MUNICIPAL RESOURCES

- (1) To promote good governance, transparency and accountability regarding the use of municipal resources.

4. UNAUTHORISED, IRREGULAR OR FRUITLESS AND WASTEFUL EXPENDITURE

- (1) To, when instructed by Council, investigate and advise Council in respect of unauthorised, irregular or fruitless and wasteful expenditure in terms of section 32(2) of the MFMA.

5. AUDIT REPORTS

- (1) To consider the reports of the Auditor-General and make recommendations thereon to Council.

5.5 TERMS OF REFERENCE OF DISCIPLINARY COMMITTEE CODE OF CONDUCT FOR COUNCILLORS

The terms of reference of this Committee are -

- (a) to investigate and make a finding on any alleged breach of the Code and to make appropriate recommendations to Council;*
- (b) to investigate and make a finding on non-attendance of meetings and to impose a fine as determined by the standing rules and orders of Council.*

GENERAL

- (1) To co-opt advisory members who are not members of Council provided that such members may not vote on any matter.
- (2) To instruct any councillor(s) and request official(s)/or other affected parties to appear before the Committee to give evidence.
- (3) To, request the Municipal Manager to permit a legal advisor in the service of the municipality to assist the Committee in its deliberations.
- (4) To request the Municipal Manager to permit a legal advisor in the service of the municipality to provide the committee with legal opinion
- (5) To make written representations to the MEC for Local Government pertaining to an appeal to the MEC by a councillor who has been warned, reprimanded or fined in terms of paragraph item 14(2)(a), (b) or (d) of the *Code*.

5.6 TERMS OF REFERENCE AUDIT AND PERFORMANCE AUDIT COMMITTEE

AUTHORITY

The APAC operates as a committee of council. The APAC performs the responsibilities assigned to it by the Municipal Finance Management Act, No 56 of 2003 (the MFMA), Municipal Systems Act, No 32 of 2000 (the MSA), Municipal Planning and Performance Management Regulations, and the corporate governance responsibilities delegated to it under this charter by council.

A charter is the written terms of reference approved by council which outlines the mandate & authority of the APAC. The charter becomes the policy of the APAC which then informs the contracts of the APAC members.

The APAC shall have the authority to perform functions, and to obtain any information and advice, from within or outside the municipality, in order to perform its functions as legislated. Appropriate resources will be made available to the APAC to perform its functions as agreed in its charter.

The APAC may:

- Communicate with the council, municipal manager or the internal and external auditors of the municipality.
- Have access to municipal records containing information that is needed to perform its duties or exercise its powers.
- Request any relevant person to attend any of its meetings, and, if necessary, to provide information requested by the committee.
- Conduct investigations into the financial affairs of the municipality, as may be requested by the council of the municipality.

REPORTING

The chairperson of the APAC will report twice a year, or more frequently if required, to the municipal council on the operations of the internal audit activity and the APAC. The report should include:

- A summary of the work performed by internal audit and the APAC against the annual work plan
- Effectiveness of internal controls and additional measures that must be implemented to address identified risks
- The committee's assessment of the municipality's performance management system
- A summary of key issues dealt with, such as significant internal and external audit findings, recommendations and updated status thereof
- Progress with any investigations and their outcomes in relation to the mandate
- Details of meetings and the number of meetings attended by each member
- Other matters requested of the internal audit and APAC

The APAC shall prepare a report annually which will be incorporated into the municipality's annual report covering:

- The functions performed by the APAC and meetings attended

- Resolutions taken by council and implementation status of recommendations made
- Other relevant comments that may enhance governance and accountability

The APAC shall submit quarterly reports to be considered by the Council, through the offices of the Accounting Officer and the Executive Mayor, which summarizes its recommendations. The minutes of the APAC meetings must be attached to these reports.

The APAC shall submit a report on its consideration of the Auditor-General's reports to MPAC.

The APAC shall submit a quarterly report on its consideration of Internal Audit reports to MPAC.

The applicable Internal Audit reports must be attached to the report.

ROLES AND RESPONSIBILITIES

The audit and performance audit committee responsibilities in relation to other functional areas are highlighted below.

Internal Audit

The APAC must in relation to internal audit:

- Ensure that the charter, independence and activities of the internal audit function are clearly understood and respond to the objectives of the municipality and the legal framework
- Regularly review the functional and administrative reporting lines of the Chief Audit Executive to ensure that the organisational structure is consistent with the principles of independence and accountability
- Review and approve the internal audit charter, including internal audit strategic & annual and any significant changes to the plan
- Confirm that the annual audit plan makes provision for critical risk areas in the municipality
- Advise the municipality on resources allocated to give effect to the work outputs of the internal audit activity
- Consider and advise on the co-operation and co-ordination between internal audit and the Auditor-General
- Ensure that there is support for the internal audit activity and external auditors from senior management
- Confirm with management that internal audit findings are submitted to the APAC on a quarterly basis
- Confirm actions taken by management in relation to the audit plan
- Consider and review reports relating to difficulties encountered during the course of the audit engagement, including any scope limitation or access to information reported to the Municipal Manager that remain unresolved
- Evaluate the performance of internal audit activity in terms of the agreed goals and objectives as captured in the audit plan
- Ensure that the Chief Audit Executive has unrestricted access to the chairperson of the APAC
- Concur with any appointment and termination of the services of the Chief Audit Executive
- Attend and contributes to the performance evaluation of the Chief Audit Executive and recommends the level of appointment of the Chief Audit Executive

The internal audit activity is accountable to the APAC as follows:

- Maintain open and effective communication with the APAC
- Develop a flexible annual audit plan using a risk-based methodology, addressing any weaknesses in risks or controls identified
- Submit the audit plan to the APAC for review and approval
- Report on the implementation and results of the annual audit plan including special tasks requested by management and the APAC
- Assist in drafting the agenda and documentation, and facilitate the distribution thereof to the APAC in advance of meetings
- Meet periodically with the chairperson of the APAC to discuss whether the material and information furnished meets the requirements of the APAC
- Obtain advice from the APAC whether the frequency and time allocated to the committee is sufficient to attend effectively to all matters
- Cooperate with the APAC as they conduct annual reviews of the performance the internal audit function
- Submit the internal audit charter to the APAC for review and approval on an annual basis and as necessary

External Audit

The APAC must in relation to external audit:

- Take cognizance of the scope of work undertaken by the external auditor and the extent of co-ordination with the internal audit activity
- Review annual external audit plans, audit fees and other compensation
- Review reports and monitor management's implementation of audit recommendations and municipal council resolutions with a view to ensuring satisfactory responses and corrective actions, where necessary
- Review the report on the financial statements and matters raised therein for reasonability and accuracy
- Obtain assurance from the Auditor-General that the annual performance information is a fair reflection of the municipality's performance and that adequate records are being maintained
- Review any interim reports issued in order to take cognizance of the issues raised in determining the follow up work of internal audit
- Conduct a review of the extent to which previously reported findings by the external auditor have been addressed by the municipal council

- Provide advice to the Municipal Manager on actions taken relating to significant matters raised in external audit reports
- Liaise with the external auditors on any matter that the APAC considers appropriate to raise with the external auditor
- Ensure that the external auditors have reasonable access to the management and chairperson of the APAC
- Address any potential restrictions or limitations with the Municipal Manager and council
- Address outstanding matters raised by the external auditors and any findings are dealt with conclusively in an expeditious manner

Annual Financial Statements

- The Municipal Manager must prepare Annual Financial Statements (AFS) of the municipality within two months after the end of the financial year to which those statements relate, submit the statements to the Auditor-General for auditing. (This should be linked to the MFMA calendar).
- The APAC should review the AFS two weeks before submission to the Auditor-General. The process and timelines for APAC meetings should be changed accordingly. The auditor and auditee should plan this process carefully to meet the determined timelines.
- The APAC must review the annual financial statements to provide the municipality, the council of the municipality with an authoritative and credible view of the financial position of the municipality by:
 - Confirming with management if the municipal audit file is prepared in line with the applicable standards and guidance contained in MFMA Circular 50, or as updated.
 - Reviewing the unaudited annual financial statements of the municipality to ensure that the quality, integrity and content is consistent with applicable standards and compliant with the legal framework.
 - Evaluating the annual financial statements of the municipality for reasonableness, completeness and accuracy, and provide comment thereon, on a timely basis.
 - Considering the Auditor-General's opinion on the quality and appropriateness of the municipality's accounting policies.
 - Reviewing efficiency and effectiveness of internal controls over AFS preparation and reporting
- Specifically, with regards to Annual Financial Statements, the APAC should review and challenge where necessary:
 - Arithmetical accuracy and consistency
 - Consistency of, and any changes to, accounting policies, comparing to prior years
 - Methods used to account for significant or unusual transactions where different approaches are possible
- Whether the Municipality has followed appropriate accounting standards and made appropriate estimates and judgements, taking into account previous audit outcomes
- The quality of disclosure in the Municipality's financial reports and the context in which statements are made.
- All material information presented with the financial statements, such as the operating and financial review and the corporate governance statement (insofar as it relates to the audit and risk management)
- All material issues in prior reports by the AGSA have been appropriately accounted for, resulting in fair presentation

- Conduct analysis of trends and other financial ratio calculations e.g year-on-year comparisons and composition of primary group e.g. salaries as a component of operations, whether operations are undertaken on a sustainable basis, operations at surplus or deficit, efficiency and solvency ratios, etc.

Risk Management Activities

The Municipal Manager is responsible for the establishment of effective risk management within the municipality. The responsibilities of the APAC with respect to risk management:

- Provide an independent and objective view of the effectiveness of the municipality's risk management
- Where there is a separate risk management committee, the APAC is required to review recommendations made and consider these in line with the APAC charter
- The APAC must also provide feedback to the Municipal Manager and municipal council on the adequacy and effectiveness of risk management in the municipality
- In the case where there is no separate risk management committee, the oversight responsibilities of the APAC on risk management will be reflected in the charter of the APAC, approved by council

Control Environment

The APAC members need to have a good understanding of the control environment, in fulfilling this responsibility the committee should:

- Ensure that management follows a sound process to draw conclusions on the adequacy and effectiveness of the system of internal control
- Establish whether management has relevant policies and procedures in place and that these are adequate, effective and regularly updated
- Determine whether appropriate processes are followed and complied with on a regular basis
- Consider measures applied on any required changes to the design or implementation of internal controls
- Assess steps taken by management to encourage ethical and lawful behaviour; financial discipline and accountability for use of public resources

Combined Assurance

The APAC provides oversight over the effectiveness of the municipality's arrangements for assurance services and functions in achieving the following objectives:

- Enabling an effective internal control environment.
- Supporting the integrity of information used for internal decision-making by management, the council and its committees.
- Supporting the integrity of the annual reports.

The APAC should satisfy itself that a combined assurance model is applied which incorporates and optimises the assurance provider services so that, taken as a whole, these support the objectives for assurance.

The APAC should oversee that the combined assurance model is designed and implemented to cover effectively the municipality's significant risks and material matters through a combination of the following assurance service providers and functions:

- The municipality's line functions that own and manage risks.
- The municipality's specialist functions that facilitate and oversee risk management and compliance.
- Internal auditors, OHS and other internal second line assurance functions.
- The AGSA.
- Other external assurance providers such as sustainability and environmental auditors and external forensic fraud examiners and auditors.
- Regulatory inspectors.

Performance Management

Part of the responsibilities of the APAC includes the review of the performance management system. The municipality has reviewed its committees to ensure that in cases where there is an audit committee and a performance audit committee, that these are combined into one committee for effective management, oversight and reporting, as envisaged by section 166 of the MFMA.

The APAC members need to have a good understanding of the performance of the municipality. These include:

- Review and comment on compliance with statutory requirements and performance management best practices and standards
- Review and comment on the alignment of the Integrated Development Plan(IDP), the Budget, Service Delivery and Budget Implementation Plan(SDBIP) and performance agreements
- Review and comment on relevance of indicators to ensure they are measurable and relate to services performed by the municipality and its entities
- Review compliance with in-year reporting requirements
- Advise on the effectiveness of the system for monitoring compliance with applicable laws and regulations
- Advise on the effectiveness of corporate policies relating to performance management
- Review the quarterly performance reports submitted by internal audit
- Review and comments on municipality's annual financial statements and timely submission to the Auditor-General by 31 August, each year
- Obtain assurance from management with respect to the accuracy, completeness and validity of the performance information
- Comment on the effectiveness of the internal controls over performance information being reported
- Review and comment on the municipality's annual reports within the stipulated timeframes
- Review and comment on the municipality's performance management system and make recommendations for its improvement to Council. In reviewing the municipality's performance management system, the committee must focus on economy, efficiency, effectiveness and impact in so far as the key performance indicators and performance targets set by the municipality are concerned
- Review the audited annual performance information and AGSA's Audit Report, prior to submission and approval by the council, focusing particularly on:

- Providing an authoritative and credible view on whether the municipality's goals and objectives as per the Integrated Development Plan (IDP), by the business unit under review have been achieved
- The municipality's performance management system
- Compliance with statutory requirements

Information Technology (IT) Governance

The APAC also provides oversight on IT governance, controls, access, and safeguarding of information in the municipality.

Specific expertise may be required from within or outside the municipality from time to time, to assist the internal audit activity and APAC formulate recommendations on systems and controls. The committee may have to advise on the appropriateness of disaster recovery and continuity plans supporting IT risks, regular testing and evaluation of plans, systems and processes.

Audit committees Section 166 MFMA 56 of 2003

(1) Each municipality and each municipal entity must have an audit committee.

(2) An audit committee is an independent advisory body which must subject to subsection (6).

(a) advise the municipal council, the political office-bearers, the accounting officer and the management staff of the municipality, or the board of directors. the accounting officer and the management staff of the municipal entity on matters relating to-

- (i) internal financial control and internal audits;
- (ii) risk management;
- (iii) accounting policies;
- (iv) the adequacy, reliability and accuracy of financial reporting and
- (v) performance management;
- (vi) effective governance;
- (vii) compliance with this Act, the annual Division of Revenue Act and any other applicable legislation
- (viii) performance evaluation;
- (ix) any other issues referred to it by the municipality or municipal entity:

(b) review the annual financial statements to provide the council of the municipality or, in the case of a municipal entity. the council of the parent municipality and the board of directors of the entity, with an authoritative and credible view of the financial position of the municipality or municipal entity. its efficiency and effectiveness and its overall level of compliance with this Act, the annual Division of Revenue Act and any other applicable legislation: 30

(c) respond to the council on any issues raised by the Auditor-General in the audit report;

(d) carry out such investigations into the financial affairs of the municipality or municipal entity as the council of the municipality, or in the case of a municipal entity, the council of the parent municipality or the board of directors of the entity, may request: and

(e) perform such other functions as may be prescribed.

(3) In performing its functions, an audit committee-

(a) has access to the financial records and other relevant information of the municipality or municipal entity and

(b) must liaise with

(i) the internal audit unit of the municipality; and

(ii) the person designated by the Auditor-General to audit the financial statements of the municipality or municipal entity.

(5) The members of an audit committee must be appointed by the council of the Municipality.

PART 2: ADMINISTRATION DELEGATIONS

6. DELEGATION OF POWERS: THE MUNICIPAL MANAGER

6.1 Introduction

This section describes the delegation of powers assigned to the administration. The Municipal Manager, as Head of the Administration derived powers, duties and rights from statute. Duties, powers and functions assigned to the Municipal Manager are also inferred in statutes and certain powers may not be delegated by the Municipal Manager. Finally certain duties and powers are designated to the Municipal Manager through legislation. All these powers, duties and functions are described in the section hereunder.

6.2 Statutory powers, duties and rights of the Municipal Manager

Sources -

The statutory powers as reflected in the following laws -

Acts

- A1. Systems Act
- A2 Systems Act
- B. Structures Act
- C. MFMA
- D. PAIA
- E. SPLUMA
- F. Disaster Management Act

Regulations

- G. Appointment Regulations
- H. Disciplinary Regulations for Senior Managers
- I. Financial Misconduct Regulations
- J. Performance Regulations for Senior Managers
- K. Supply Chain Management Regulations

Numbering is that of the relevant section of an Act or regulation of a Regulation

A.1 MUNICIPAL SYSTEMS ACT 32 OF 2000

The Systems Act does not explicitly allow the Municipal Manager to delegate his/her statutory powers. The municipal council may however in terms of section 59(4) of the Systems Act authorize the Municipal Manager to do so.

The municipal council therefore permits the Municipal Manager to delegate and to authorize the sub-delegation of the powers listed hereunder, with the exclusion of those marked in grey

The Municipal Council also authorise the Municipal Manager to delegate the powers that can be inferred from statute and in particular those in respect of section 59(1) of the Systems Act.

19. Public notice of meetings of municipal councils

The Municipal Manager of a municipality must **give notice to the public**, in a manner determined by the municipal council, of the time, date and venue of every -

- (a) ordinary meeting of the council; and
- (b) special or urgent meeting of the council, except when time constraints make this impossible.

21B. Official website

- (3) The Municipal Manager must **maintain and regularly update** the municipality's official website, if in existence, or provide the relevant information as required by subsection (2).

30. Management of drafting process

The Executive Mayor of a municipality must, in accordance with section 29 -

- (a) manage the drafting of the municipality's integrated development plan;
- (b) assign **responsibilities** in this regard to the Municipal Manager; and
- (c) submit the draft plan to the municipal council for adoption by the council.

32. Copy of integrated development plan to be submitted to MEC for local government

- (1) (a) The Municipal Manager of a municipality **must submit a copy** of the integrated development plan as adopted by the council of the municipality, and any subsequent amendment to the plan, to the MEC for local government in the province within 10 days of the adoption or amendment of the plan.

39. Development of performance management system

The Executive Mayor of a municipality must -

- (a) manage the development of the municipality's performance management system;
- (b) assign **responsibilities** in this regard to the Municipal Manager, and
- (c) submit the proposed system to the municipal council for adoption.

51. Organisation of administration

A municipality must within its administrative and financial capacity establish and organise its administration in a manner that would enable the municipality to -

- (i) hold the Municipal Manager **accountable for the overall performance** of the administration;

Appointment of managers directly accountable to municipal managers [Section 56]

- (1)(a) A municipal council, after **consultation** with the Municipal Manager, must appoint-
- (i) a manager directly accountable to the Municipal Manager; or
 - (ii) an acting manager directly accountable to the Municipal Manager under circumstances and for a period as prescribed.

Employment contracts for Municipal Managers and managers directly accountable to Municipal Managers [Section 57]

A person to be appointed as a manager directly accountable to the Municipal Manager, may be appointed to that position only in terms of a written employment contract with the municipality and subject to a separate performance agreement concluded annually

- (2) The performance agreement must -
- (a) (i) be concluded within 60 days after a person has been appointed as the Municipal Manager or as a manager directly accountable to the Municipal Manager, failing which the appointment lapses: Provided that, upon good cause shown by such person to the satisfaction of the municipality, the appointment shall not lapse; and
 - (ii) be concluded annually, thereafter, within one month after the beginning of each financial year of the municipality;
 - (b) in case of the Municipal Manager, be entered into the municipality as represented by the Mayor or Executive Mayor, as the case may be; and
 - (c) in the case of a manager directly accountable to the Municipal Manager, be **entered into with the Municipal Manager.**

Appeals [Section 62]

A person whose rights are affected by a decision taken in terms of a power or duty delegated or sub-delegated by a delegating authority may appeal against that decision by giving written notice of the appeal and reasons to the Municipal Manager within 21 days of the date of the notification of the decision.

(2) The Municipal Manager must promptly **submit the appeal** to the appropriate appeal authority mentioned in subsection (4).

(4) When the appeal is against a decision taken by -

- (a) a staff member other than the Municipal Manager, the Municipal Manager is the **appeal authority**;

Review of delegations [Section 65]

(1) Whenever it becomes necessary in terms of section 59(2)(f) to review a municipality's delegations, the municipal manager must submit to the council

(1)(a) a report on the existing delegations issued in terms of section 59 by the council and other delegating authorities of the municipality; and

(1)(b) recommendations on tiny changes to the existing delegations which the municipal manager may consider necessary.

- (2) If the municipality has an executive committee or executive mayor, the municipal 20 manager must submit the report and any recommendations to the municipal council through the executive committee or executive mayor.

Staff establishments [Section 66]

- (1) A Municipal Manager, within a policy framework determined by the municipal council and subject to any applicable legislation, must -
- (a) **develop a staff establishment** for the municipality, and submit the staff establishment to the municipal council for approval;
 - (b) **provide a job description** for each post on the staff establishment;
 - (c) **attach to those posts the remuneration** and other conditions of service as may be determined in accordance with any applicable labour legislation; and
 - (d) **establish a process or mechanism to regularly evaluate** the staff establishment and, if necessary, review the staff establishment and the remuneration and conditions of service.

Human resource development [Section 67]

A municipality must develop and adopt appropriate systems and procedures, to ensure fair, efficient, effective and transparent personnel administration.

- (4) The Municipal Manager must -
- (a) **ensure** that every staff member and every relevant representative trade union has **easy access** to a copy of these **staff systems and procedures**, including any amendments;
 - (b) on written request by a staff member, make a copy of or extract from these staff systems and procedures, including any amendments, available to that staff member; and
 - (c) ensure that the purpose, contents and consequences of these staff systems and procedures are explained to staff members who cannot read.

Code of Conduct to be provided to staff members and communicated to local community [Section 70]

- (1) The Municipal Manager of a municipality must -
- (a) **provide a copy of the Code of Conduct to every member of the staff** of the municipality, and
 - (b) provide every staff member with any amendment of the Code of Conduct.
- (2) The Municipal Manager must -
- (a) ensure that the purpose, contents and consequences of the Code of Conduct are **explained to staff members who cannot read**; and
 - (b) communicate sections of the Code of Conduct that affect the public to the local community.

General power to levy and recover fees, charges and tariffs [Section 75A]

A municipality may levy and recover fees, charges or tariffs in respect of any function or service of the municipality and recover collection charges and interest on any outstanding amount.

- (3) the Municipal Manager must, without delay-
- (a) conspicuously **display a copy of the resolution** for a period of at least 30 days at the main administrative office of the municipality and at such other places within the municipality to which the public has access as the Municipal Manager may determine;
 - (b) **publish in a newspaper** of general circulation in the municipality a notice stating-
 - (i) that a resolution as contemplated in subsection (2) has been passed by the council;
 - (ii) that a copy of the resolution is available for public inspection during office hours at the main administrative office of the municipality and at the other places specified in the notice; and
 - (iii) the date on which the determination will come into operation; and
 - (c) seek to **convey the information** referred to in paragraph (b) to the local community by means of radio broadcasts covering the area of the municipality.
- (4) The Municipal Manager must forthwith **send a copy of the notice** referred to in subsection (3)(b) to the MEC for local government concerned.

Implementing authority [Section 100]

The Municipal Manager must -

- (a) **implement and enforce the municipality's credit control and debt collection policy and any by-laws** enacted in terms of section 98;
- (b) in accordance with the credit control and debt collection policy and any such by-laws, **establish effective administrative mechanisms, processes and procedures to collect money** that is due and payable to the municipality; and
- (c) at such intervals as may be determined by the council report the prescribed particulars to a meeting of the supervisory authority referred to in section 99.

Non-performance and maladministration [Section 106]

(1) If an MEC has reason to believe that a municipality in the province cannot or does not fulfil a statutory obligation binding on that municipality or that maladministration, fraud, corruption or any other serious malpractice has occurred or is occurring in a municipality in the province, the MEC must -

- (a) by written notice-to the municipality, request the municipal council or Municipal Manager to **provide the MEC with information** required in the notice

Service of documents and process [Section 115]

- (3) Any legal process is effectively and sufficiently served on a municipality when it is delivered to the Municipal Manager or a person in attendance at the Municipal Manager's office.

Custody of documents [Section 117]

Except where otherwise provided, all records and documents of a municipality are in the **custody of the Municipal Manager**.

Code of Conduct for Councillors: Declaration of interests [Section 7]

(1) When elected or appointed, a councillor must within 60 days **declare in writing to the Municipal Manager** the following financial interests held by that councillor:

- (a) shares and securities in any company;
- (b) membership of any close corporation;

- (c) interest in any trust;
- (d) directorships;
- (e) partnerships;
- (f) other financial interests in any business undertaking;
- (g) employment and remuneration;
- (h) interest in property;
- (i) pension; and
- (j) subsidies, grants and sponsorships by any organisation.

(2) Any change in the nature or detail of the financial interests of a councillor must be declared in writing to the Municipal Manager annually.

Code of Conduct for Municipal Staff Members: Declaration of interests [Section 5A]

(1) A person appointed in terms of section 56 or a Municipal Manager must within 60 days after his or her appointment **declare** in writing to the chairperson of the municipal council the following interests held by that person or Municipal Manager:

- (a) Shares and securities in any company;
- (b) membership of any close corporation;
- (c) interest in any trust;
- (d) directorships;
- (e) partnerships;
- (f) other financial interests in any business undertaking;
- (g) interest in property; and
- (h) subsidies, grants and sponsorships by any organisation.

6.3 Inferred powers, duties and functions of the Municipal Manager

A.2 MUNICIPAL SYSTEMS ACT

The powers and duties inferred from paragraphs (e), (f) and (g) of section 55(1) are listed hereunder.

The powers relating to the employment of senior managers may not be delegated.

Other powers that may not be delegated are **marked in red**

Staff Recruitment

- To appoint recruitment agents for advertising, sourcing and assessment of candidates where considered necessary.
- To authorise the advertising and filling of vacancies for staff.
- To approve the costs related to interviews of job applicants.
- To determine competency profiles for posts.

Appointment of Staff

- To appoint staff into permanent, temporary or casual positions that have been approved for filling and to determine on which notch such person shall be placed within the applicable remuneration band for that position.

To appoint staff in an acting capacity.

- To determine guidelines for the appointment of non-permanent staff and periodically monitor the usage and continued employment of such staff.
- To enter into and sign employment contracts.

Transfer of Staff

- **To authorise the transfer of staff from one department to another.**

Displaced Staff

- To authorise placement of staff as an alternative to termination after due process or terminate services if placement could not be authorised.

Resignations and Retirement

- To accept notice of resignation and retraction thereof including those cases where less than the prescribed notice period has been given.
- To authorise retirement on the grounds of ill health.
- To authorise the extension of retirement age subject to the relevant pension fund rules.
- To enter into a contract of employment with a retired staff member (post retirement contract).

Leave and Time Off

- To approve leave including the following -
vacation;
maternity;
paternity;
family responsibility;
sick leave including additional sick leave where an employee has exhausted all sick leave;
special leave for official business;
study leave; and
unpaid leave.
- To approve *ad hoc* requests including *ex gratia* categories for special leave which is not included in the conditions of service of employees.
- To approve requests for additional time off beyond that provided for in the organizational rights agreement.
- To refer a member of staff to a recognised medical practitioner for a prognosis and diagnosis in cases where there is a history of regular absenteeism due to ill health.

Overtime

- To approve the payment of overtime and/or time off *in lieu* of overtime.
- To determine the class of employee not entitled to overtime pay and, in exceptional cases, to authorise any payment of overtime notwithstanding the class of employee entitled thereto.

Standby Duties

- To approve the performance of standby duties and where applicable, the payment of a standby allowance.

Training and Study

- To authorise the training of members of staff.
- To authorise contracts for the outsourcing of training provision.
- To authorise expenditure on the total directorate training budget.
- To make application for refunds in respect of training from SETA.

Re-Imbursements

- To authorise re-imburement for occasional use of an employee's own car on official business.

Disciplinary Action

- To authorise investigations into allegations of misconduct.
- To authorise the institution of disciplinary procedures.
- To appoint a chairperson of a disciplinary hearing and to authorize such person to make an appropriate finding and to impose a sanction.
- To authorise the suspension of an employee pending the finalisation of disciplinary action.

Disputes, Grievances and Labour Issues

- To authorise investigations into disputes and grievances.
- To settle labour relations disputes after following the prescribed processes, involving cases such as, but not limited to misconduct, incapacity, poor performance, ill health, injury, or an outcome of the grievance lodged by an employee.
- To give a mandate in respect of hearings, arbitrations and mediation of the Bargaining Council, and to agree on settlement conditions in respect of corporate wide issues.
- To execute mandates from the Council in respect of council wide labour issues.
- To co-ordinate and manage Council's responses to strike action.

Employee Debt

- To approve the terms and conditions for the repayment of debt owed to Council.

Allowances and Special Privileges Granted for the Performance of Duties

- To authorise the provision of official telephones, cell phones, and internet connectivity at the residence of a staff member.
- To approve the allocation of Council-owned houses to staff, required for the performance of his/her duties, to be resident at the specific location.
- To approve applications for internal bursaries for staff.
- To approve participation in motor vehicle essential user schemes.
- To adjust the running costs of the Essential User's Scheme in accordance with the AA tables on a quarterly basis and/or approves implementation of the tariffs provided by the Bargaining Council.
- To authorise special allowances in terms of conditions regulating such allowances.

Long Service bonuses and other Benefits and Rewards

- To approve long service bonuses and other benefits and rewards in terms of applicable conditions of service.

Contracts, Agreements, Securities and Cheques

- To certify that funds to cover a Bank Guarantee in respect of a Housing Loan, are available in the staff member's pension fund.
- To enter into and sign staff related contracts e.g., bursaries, studying overseas, etc.

Uniforms and Protective Clothing

- To determine what uniforms and protective clothing should be issued to the various categories of staff.
- To determine the issue, life span and the type of uniform items and protective clothing and which officials qualify for such clothing in terms of the applicable conditions of service.

Ex Gratia Payments

- To authorize *ex gratia* payments to staff in respect of loss and damage to personal property when acting within the scope of his/her employment.

Performance Management

- To approve performance evaluations.

Municipal Manager [Section 55]

- (3) As head of administration the municipal manager of a municipality is, subject to the policy directions of the municipal council, responsible and accountable for—
- (1)(a) the formation and development of an economical, effective, efficient and accountable administration—
- (i) equipped to carry out the task of implementing the municipality's integrated development plan in accordance with Chapter 5;
 - (ii) operating in accordance with the municipality's performance management system in accordance with Chapter 6; and
 - (iii) responsive to the needs of the local community to participate in the affairs of the municipality;
- (1)(b) the management of the municipality's administration in accordance with this Act and other legislation applicable to the municipality;
- (1)(c) the implementation of the municipality's integrated development plan, and the monitoring of progress with implementation of the plan;
- (1)(d) the management of the provision of services to the local community in a sustainable and equitable manner;
- (1)(e) the appointment of staff other than those referred to in section 56(a), subject to the Employment Equity Act, 1998 (Act No. 55 of 1998);
- (1)(f) the management, effective utilization and training of staff
- (1)(g) the maintenance of discipline of staff
- (1)(h) the promotion of sound labour relations and compliance by the municipality with applicable labour legislation;
- (1)(i) advising the political structures and political office bearers of the municipality;
- (1)(j) managing communications between the municipality's administration and its political structures and political office bearers;
- (1)(k) carrying out the decisions of the political structures and political office bearers of the municipality;
- (1)(l) the administration and implementation of the municipality's by-laws and other legislation;

- (1)m) he exercise of any powers and the performance of any duties delegated by the municipal council, or sub-delegated by other delegating authorities of the municipality, to the municipal manager in terms of section 59:
- (1)(n) facilitating participation by the local community in the affairs of the 20 municipality;
- (1)(o) developing and maintaining a system whereby community satisfaction with municipal services is assessed;
- (1)(p) the implementation of national and provincial legislation applicable to the municipality; and
- (1)(q) the performance of any other function that may be assigned by the municipal council.
- (4) As accounting officer of the municipality the municipal manager is responsible and accountable for—
- (2)(a) all income and expenditure of the municipality;
- (2)(b) all assets and the discharge of all liabilities of the municipality; and
- (2)(c) proper and diligent compliance with applicable municipal finance management legislation.

B. MUNICIPAL STRUCTURES ACT

The Structures Act does not explicitly allow the Municipal Manager to delegate his/her statutory powers.

The municipal council therefore in terms of section 59(4) of the Systems Act permits the Municipal Manager to delegate and to authorize the sub-delegation of the powers listed hereunder, with the exclusion of those marked in red

By-elections [Section 25]

- (3) The Municipal Manager of the municipality concerned, after consulting the Electoral Commission, must, by notice in a local newspaper, **call and set a date for the by-election**, which must be held within 90 days of the date -
 - (a) of the voting day of the previous election, if subsection (1)(a) applies;
 - (b) on which the election was set aside by the court, if subsection (1)(b) applies;
 - (c) on which the council was dissolved, if subsection (1)(c) applies; or
 - (d) on which the vacancy occurred, if subsection (1)(d) applies.
- (4) If the Municipal Manager does not call and set a date for a by-election within 14 days the MEC for local government in the province, after consulting the Electoral Commission, must, by notice in the *Provincial Gazette*, call and set a date for the by-election
- (5)
- (6) The Municipal Manager of a municipality may not call a by-election in terms of subsection (3) if -
 - (a) the next election of all municipal councils must be held -
 - (i) within nine calendar months of the applicable date mentioned in paragraph (a), (b) or (c) of subsection (3); or

- (ii) if it is a by-election in a ward, within six calendar months of the applicable date mentioned in paragraph (a), (b) or (d) of subsection (3); and
- (b) the MEC for local government in the province decides that the by-election must stand over until the next election of all municipal councils.

Meetings of municipal councils [Section 29]

- (2) The Municipal Manager of a municipality or, in the absence of the Municipal Manager, a person designated by the MEC for local government in the province, must **call the first meeting of the council of that municipality within 14 days after the council has been declared elected** or, if it is a district council, after all the members to be appointed by local councils, have been appointed

Election of speakers [Section 36]

A municipal council must have a chairperson, called the speaker and must at its first sitting after its election, or when necessary to fill a vacancy elect its speaker from among the councillors.

- (3) The Municipal Manager of the municipality or, if the Municipal Manager is not available, a person designated by the MEC for local government in the province, **presides over the election of a speaker.**

Schedule 1. Electoral system for metro and local councils Part 3: Proportional representation elections

Filling of vacancies [Section 18]

If a councillor elected from a party list ceases to hold office, the chief electoral officer must, declare in writing the person whose name is at the top of the applicable party list to be elected in the vacancy.

- (1)(b) Whenever a councillor ceases to hold office, the Municipal Manager concerned must within seven days after the councillor has ceased to hold office, **inform the chief electoral officer** accordingly."

Schedule 2. Electoral system for district councils Part 1: Proportional elections

Filling of vacancies [Section 11]

If a councillor elected from a party list ceases to hold office, the chief electoral officer must, declare in writing the person whose name is on the top of the applicable party list to be elected in the vacancy.

- (1)(b) Whenever a councillor ceases to hold office, the Municipal Manager concerned must within seven days after the councillor has ceased to hold office, **inform the chief electoral officer thereof**

Schedule 3. Election of municipal office-bearers

The procedure set out in Schedule 3 applies whenever a municipal council meets to elect a speaker, an Executive Mayor, a deputy Executive Mayor, a Mayor or a deputy Mayor.

The person presiding at a meeting to which this Schedule applies must call for the nomination of candidates at the meeting.

Formal requirements [Section 3]

- (1) A nomination must be made on the form determined by the Municipal Manager.

C. MFMA

Primary bank account [Section 8]

- (5) The Accounting Officer of a municipality **must submit to the National Treasury**, the relevant Provincial Treasury and the Auditor-General, in writing, the name of the bank where the primary bank account of the municipality is held, and the type and number of the account. If a municipality wants to change its primary bank account, it may do so only after the Accounting Officer has informed the National Treasury and the Auditor-General, in writing, at least 30 days before effecting the change.

Bank account details to be submitted to provincial treasuries and Auditor-General [Section 9]

The Accounting Officer of a municipality **must submit to the relevant Provincial Treasury and the Auditor-General**, in writing-

- (a) within 90 days after the municipality has opened a new bank account, the name of the bank where the account has been opened, and the type and number of the account; and
- (b) annually before the start of a financial year, the name of each bank where the municipality holds a bank account, and the type and number of each account.

Control of municipal bank accounts [Section 10]

- (1) The Accounting Officer of a municipality-
 - (a) must **administer all the municipality's bank accounts**, including a bank account referred to in section 12 or 48(2)(d);
 - (b) **is accountable** to the municipal council for the municipality's bank accounts; and
 - (c) must **enforce compliance** with sections 7, 8 and 11.
- (2) The Accounting Officer **may delegate** the duties referred to in subsection (1)(c) to the municipality's Chief Financial Officer only.

Withdrawals from municipal bank accounts [Section 11]

- (1) Only the Accounting Officer or the Chief Financial Officer of a municipality, or any other senior financial official of the municipality acting on the written authority of the Accounting Officer, **may withdraw money or authorise the withdrawal** of money from any of the municipality's bank accounts, and may do so only-
 - (a) to defray expenditure appropriated in terms of an approved budget;
 - (b) to defray expenditure authorised in terms of section 26(4);

- (c) to defray unforeseeable and unavoidable expenditure authorised in terms of section 29(1);
- (d) in the case of a bank account opened in terms of section 12, to make payments from the account in accordance with subsection (4) of that section;
- (e) to pay over to a person or organ of state money received by the municipality on behalf of that person or organ of state, including-
 - (i) money collected by the municipality on behalf of that person or organ of state by agreement; or
 - (ii) any insurance or other payments received by the municipality for that person or organ of state;
- (f) to refund money incorrectly paid into a bank account;
- (g) to refund guarantees, sureties and security deposits;
- (h) for cash management and investment purposes in accordance with section 13;
- (i) to defray increased expenditure in terms of section 31; or
- (j) for such other purposes as may be prescribed.

(2) Any authorisation in terms of subsection (1) to a senior financial official to withdraw money or to authorise the withdrawal of money from a bank account must be in accordance with a framework as may be prescribed. The Accounting Officer **may not authorise any official other than the Chief Financial Officer to withdraw money or to authorise the withdrawal of money** from the municipality's primary bank account if the municipality has a primary bank account which is separate from its other bank accounts.

(3) Money may be withdrawn from a bank account in terms of subsection (1)(b) to (j) without appropriation in terms of an approved budget.

(4) The Accounting Officer must within 30 days after the end of each quarter-

- (a) **table in the municipal council a consolidated report of all withdrawals** made in terms of subsection (1)(b) to (j) during that quarter; and
- (b) **submit a copy of the report** to the relevant Provincial Treasury and the Auditor-General.

Relief, charitable, trust or other funds [Section 12]

(1) No political structure or office-bearer of a municipality may set up a relief, charitable, trust or other fund of whatever description except in the name of the municipality. Only the Municipal Manager may be the **Accounting Officer of any such fund**.

(2) A municipality may in terms of section 7 open a separate bank account in the name of the municipality for the purpose of a relief, charitable, trust or other fund.

(3) Money received by the municipality for the purpose of a relief, charitable, trust or other fund must be paid into a bank account of the municipality, or if a separate bank account has been opened in terms of subsection (2), into that account.

(4) Money in a separate account opened in terms of subsection (2) may be withdrawn from the account without appropriation in terms of an approved budget, but only-

- (a) by or on the written authority of the Accounting Officer acting in accordance with decisions of the municipal council; and
- (b) for the purposes for which, and subject to any conditions on which, the fund was established or the money in the fund was donated.

Publication of annual budgets [Section 22]

Immediately after an annual budget is tabled in a municipal council, the Accounting Officer of the municipality must-

- (a) in accordance with Chapter 4 of the Municipal Systems Act-
 - (i) **make public the annual budget** and the documents referred to in section 17(3); and
 - (ii) **invite the local community to submit representations** in connection with the budget; and

- (b) **submit the annual budget-**
 - (i) in both printed and electronic formats to the National Treasury and the relevant Provincial Treasury; and
 - (ii) in either format to any prescribed national or provincial organs of state and to other municipalities affected by the budget.

Approval of annual budgets [Section 24]

The municipal council must at least 30 days before the start of the budget year consider approval of the annual budget.

(3) The Accounting Officer of a municipality **must submit the approved annual budget** to the National Treasury and the relevant Provincial Treasury.

Shifting of funds between multi-year appropriations [Section 31]

When funds for a capital programme are appropriated for more than one financial year, expenditure for that programme during a financial year may exceed the amount of that year's appropriation for that programme, subject to certain conditions and provided that

- (c) the **Municipal Manager certifies** that-
 - (i) actual revenue for the financial year is expected to exceed budgeted revenue; and
 - (ii) sufficient funds are available for the increase without incurring further borrowing beyond the annual budget limit;
- (e) the documents referred to in paragraphs (c) and (d) are **submitted to the relevant Provincial Treasury and the Auditor-General.**

Unauthorised, irregular or fruitless and wasteful expenditure [Section 32]

This section identifies the person liable for unauthorised expenditure, irregular expenditure, is liable for that expenditure and fruitless and wasteful expenditure and obliges a municipality to recover such expenditure from the person liable for that expenditure, subject to certain provisos

(3) If the Accounting Officer becomes aware that the council, the Mayor or the executive committee of the municipality, as the case may be, has taken a decision which, if implemented, is likely to result in unauthorised, irregular or fruitless and wasteful expenditure, the Accounting Officer is not liable for any ensuing unauthorised, irregular or fruitless and wasteful expenditure provided that the Accounting Officer has **informed the council, the Mayor or the executive committee, in writing, that the expenditure is likely to be unauthorised, irregular or fruitless and wasteful expenditure.**

(4) The Accounting Officer must **promptly inform the Mayor, the MEC for local government** in the province and the Auditor-General, in writing, of-

- (a) any unauthorised, irregular or fruitless and wasteful expenditure incurred by the municipality;
- (b) whether any person is responsible or under investigation for such unauthorised, irregular or fruitless and wasteful expenditure; and
- (c) the steps that have been taken-
 - (i) to recover or rectify such expenditure; and
 - (ii) to prevent a recurrence of such expenditure.

(6) The Accounting Officer **must report to the South African Police Service** all cases of alleged-

- (a) irregular expenditure that constitute a criminal offence; and
- (b) theft and fraud that occurred in the municipality.

(7) The council of a municipality must take all reasonable steps to ensure that all cases referred to in subsection (6) are reported to the South African Police Service if-

- (a) the charge is against the Accounting Officer; or
- (b) the Accounting Officer fails to comply with that subsection.

Contracts having future budgetary implications [Section 33]

(1) A municipality may enter into a contract which will impose financial obligations on the municipality beyond a financial year, but if the contract will impose financial obligations on the municipality beyond the three years covered in the annual budget for that financial year, it may do so only if-

- (a) the Municipal Manager, at least 60 days before the meeting of the municipal council at which the contract is to be approved-
 - (i) has, in accordance with section 21A of the Municipal Systems Act-
 - (aa) **made public the draft contract** and an information statement summarising the municipality's obligations in terms of the proposed contract; and
 - (bb) **invited the local community and other interested persons** to submit to the municipality comments or representations in respect of the proposed contract; and
 - (ii) has **solicited the views and recommendations** of-
 - (aa) the National Treasury and the relevant Provincial Treasury;
 - (bb) the national department responsible for local government; and
 - (cc) if the contract involves the provision of water, sanitation, electricity, or any other service as may be prescribed, the responsible national department;
- (c) the municipal council has adopted a resolution in which-
 - (iii) it authorises the Municipal Manager to **sign the contract** on behalf of the municipality.

Promotion of co-operative government by municipalities [Section 37]

(2) In order to enable municipalities to include allocations from other municipalities in their budgets and to plan effectively for the spending of such allocations, the Accounting Officer of a municipality responsible for the transfer of any allocation to another municipality must, by no later than 120 days before the start of its budget year, **notify the receiving municipality of the projected amount of any allocation** proposed to be transferred to that municipality during each of the next three financial years.

Short-term debt [Section 45]

A municipality may incur short-term debt when necessary to bridge shortfalls within a financial year during which the debt is incurred or to bridge capital needs within a financial year, to be repaid from specific funds to be received from enforceable allocations or long-term debt commitments.

- (2) A municipality may incur short-term debt only if-
- (a) a resolution of the municipal council, signed by the Mayor, has approved the debt agreement; and
 - (b) the Accounting Officer has **signed the agreement** or other document which creates or acknowledges the debt.

Long-term debt [Section 46]

A municipality may incur long-term debt only for the purpose of capital expenditure on property, plant or equipment to be used for the purpose of achieving the objects of local government as set out in section 152 of the Constitution or for re-financing existing long-term debt.

- (2) A municipality may incur long-term debt only if-
 - (a) a resolution of the municipal council, signed by the Mayor, has approved the debt agreement; and
 - (b) the Accounting Officer has **signed the agreement** or other document which creates or acknowledges the debt.
- (3) A municipality may incur long-term debt only if the Accounting Officer of the municipality-
 - (a) has, in accordance with section 21A of the Municipal Systems Act-
 - (i) at least 21 days prior to the meeting of the council at which approval for the debt is to be considered, **made public an information statement** setting out particulars of the proposed debt, including the amount of the proposed debt, the purposes for which the debt is to be incurred and particulars of any security to be provided; and
 - (ii) **invited the public, the National Treasury and the relevant Provincial Treasury to submit written comments or representations** to the council in respect of the proposed debt; and
 - (b) has **submitted a copy of the information statement** to the municipal council at least 21 days prior to the meeting of the council, together with particulars of-
 - (i) the essential repayment terms, including the anticipated debt repayment schedule; and
 - (ii) the anticipated total cost in connection with such debt over the repayment period.

Disclosure (when borrowing of money) [Section 49]

(1) Any person involved in the borrowing of money by a municipality must, when interacting with a prospective lender or when preparing documentation for consideration by a prospective investor-

- (a) disclose all information in that person's possession or within that person's knowledge that may be material to the decision of that prospective lender or investor; and
 - (b) take reasonable care to ensure the accuracy of any information disclosed.
- (2) A lender or investor may rely on **written representations of the municipality signed by the Accounting Officer**, if the lender or investor did not know and had no reason to believe that those representations were false or misleading.

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

- (1) On receipt of a **statement or report submitted by the Accounting Officer** of the municipality in terms of section 71 or 72, the Mayor must-
- (a) consider the statement or report;
 - (b) check whether the municipality's approved budget is implemented in accordance with the service delivery and budget implementation plan;
 - (c) consider and, if necessary, make any revisions to the service delivery and budget implementation plan, provided that revisions to the service delivery targets and performance indicators in the plan may only be made with the approval of the council following approval of an adjustments budget;
 - (d) issue any appropriate instructions to the Accounting Officer to ensure-

- (i) that the budget is implemented in accordance with the service delivery and budget implementation plan; and
 - (ii) that spending of funds and revenue collection proceed in accordance with the budget;
 - (e) identify any financial problems facing the municipality, including any emerging or impending financial problems; and
 - (f) in the case of a section 72 report, submit the report to the council by 31 January of each year.
- (2) If the municipality faces any serious financial problems, the Mayor must-
- (a) promptly respond to and initiate any **remedial or corrective steps proposed by the Accounting Officer** to deal with such problems.....

Municipal Managers to be Accounting Officers [Section 60]

The Municipal Manager of a municipality **is the Accounting Officer** of the municipality for the purposes of this Act, and, as Accounting Officer, must-

- (a) **exercise the functions and powers assigned** to an Accounting Officer in terms of this Act; and
- (b) **provide guidance and advice** on compliance with this Act to-
 - (i) the political structures, political office-bearers and officials of the municipality; and
 - (ii) any municipal entity under the sole or shared control of the municipality.

Fiduciary responsibilities of Accounting Officers [Section 61]

- (1) The Accounting Officer of a municipality must-
- (a) act with fidelity, honesty, integrity and in the best interests of the municipality in managing its financial affairs;
 - (b) disclose to the municipal council and the Mayor all material facts which are available to the Accounting Officer or reasonably discoverable, and which in any way might influence the decisions or actions of the council or the Mayor; and
 - (c) seek, within the sphere of influence of the Accounting Officer, to prevent any prejudice to the financial interests of the municipality.
- (2) An Accounting Officer may not-
- (a) act in a way that is inconsistent with the duties assigned to Accounting Officers of municipalities in terms of this Act; or
 - (b) use the position or privileges of, or confidential information obtained as, Accounting Officer for personal gain or to improperly benefit another person.

Financial management - General financial management functions [Section 62]

- (1) The Accounting Officer of a municipality is **responsible for managing the financial administration of the municipality**, and must for this purpose take all reasonable steps to ensure-
- (a) that the resources of the municipality are used effectively, efficiently and economically;
 - (b) that full and proper records of the financial affairs of the municipality are kept in accordance with any prescribed norms and standards;
 - (c) that the municipality has and maintains effective, efficient and transparent systems-
 - (i) of financial and risk management and internal control; and
 - (ii) of internal audit operating in accordance with any prescribed norms and standards;
 - (d) that unauthorised, irregular or fruitless and wasteful expenditure and other losses are prevented;

- (e) 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; and
 - (f) that the municipality has and implements-
 - (i) a tariff policy referred to in section 74 of the Municipal Systems Act;
 - (ii) a rates policy as may be required in terms of any applicable national legislation;
 - (iii) a credit control and debt collection policy referred to in section 96(b) of the Municipal Systems Act; and
 - (iv) a supply chain management policy in accordance with Chapter 11.
- (2) The Accounting Officer is **responsible for and must account for all bank accounts** of the municipality, including any bank account opened for-
- (a) any relief, charitable, trust or other fund set up by the municipality in terms of section 12; or
 - (b) a purpose referred to in section 48(2)(d).

Asset and liability management [Section 63]

- (1) The Accounting Officer of a municipality is **responsible for the management** of-
- (a) the assets of the municipality, including the safeguarding and the maintenance of those assets; and
 - (b) the liabilities of the municipality.
- (2) The Accounting Officer must for the purposes of subsection (1) take all reasonable steps **to ensure-**
- (a) that the municipality has and maintains a **management, accounting and information system** that accounts for the assets and liabilities of the municipality;
 - (b) that the municipality's **assets and liabilities are valued** in accordance with standards of generally recognised accounting practice; and
 - (c) 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.

Revenue management [Section 64]

- (1) The Accounting Officer of a municipality is **responsible for the management of the revenue** of the municipality.
- (2) The Accounting Officer must for the purposes of subsection (1) **take all reasonable steps to ensure-**
- (a) 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;
 - (b) that revenue due to the municipality is calculated on a monthly basis;
 - (c) that accounts for municipal tax and charges for municipal services are prepared on a monthly basis, or less often as may be prescribed where monthly accounts are uneconomical;
 - (d) that all money received is promptly deposited in accordance with this Act into the municipality's primary and other bank accounts;
 - (e) that the municipality has and maintains a management, accounting and information system which-
 - (i) recognises revenue when it is earned;
 - (ii) accounts for debtors; and
 - (iii) accounts for receipts of revenue;
 - (f) that the municipality has and maintains a system of internal control in respect of debtors and revenue, as may be prescribed;

- (g) 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; and
 - (h) 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.
- (3) The Accounting Officer must immediately **inform the National Treasury** of any payments due by an organ of state to the municipality in respect of municipal tax or for municipal services, if such payments are regularly in arrears for periods of more than 30 days.
- (4) The Accounting Officer must **take all reasonable steps to ensure-**
- (a) that any funds collected by the municipality on behalf of another organ of state is transferred to that organ of state at least on a weekly basis; and
 - (b) that such funds are not used for purposes of the municipality.

Expenditure management [Section 65]

- (1) The Accounting Officer of a municipality is **responsible for the management of the expenditure** of the municipality.
- (2) The Accounting Officer must for the purpose of subsection (1) **take all reasonable steps to ensure-**
- (a) that the municipality has and maintains an effective system of expenditure control, including procedures for the approval, authorisation, withdrawal and payment of funds;
 - (b) that the municipality has and maintains a management, accounting and information system which-
 - (i) recognises expenditure when it is incurred;
 - (ii) accounts for creditors of the municipality; and
 - (iii) accounts for payments made by the municipality;
 - (c) that the municipality has and maintains a system of internal control in respect of creditors and payments;
 - (d) that payments by the municipality are made-
 - (i) directly to the person to whom it is due unless agreed otherwise for reasons as may be prescribed; and
 - (ii) either electronically or by way of non-transferable cheques, provided that cash payments and payments by way of cash cheques may be made for exceptional reasons only, and only up to a prescribed limit;
 - (e) 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;
 - (f) that the municipality complies with its tax, levy, duty, pension, medical aid, audit fees and other statutory commitments;
 - (g) that any dispute concerning payments due by the municipality to another organ of state is disposed of in terms of legislation regulating disputes between organs of state;
 - (h) that the municipality's available working capital is managed effectively and economically in terms of the prescribed cash management and investment framework;
 - (i) that the municipality's supply chain management policy referred to in section 111 is implemented in a way that is fair, equitable, transparent, competitive and cost-effective; and
 - (j) that all financial accounts of the municipality are closed at the end of each month and reconciled with its records.

Expenditure on staff benefits [Section 66]

The Accounting Officer of a municipality must, in a format and for periods as may be prescribed, **report to the council** on all expenditure incurred by the municipality on staff salaries, wages, allowances and benefits, and in a manner that discloses such expenditure per type of expenditure, namely-

- (a) salaries and wages;
- (b) contributions for pensions and medical aid;
- (c) travel, motor car, accommodation, subsistence and other allowances;
- (d) housing benefits and allowances;
- (e) overtime payments;
- (f) loans and advances; and
- (g) any other type of benefit or allowance related to staff.

Funds transferred to organisations and bodies outside government [Section 67]

(1) Before transferring 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, the Accounting Officer **must be satisfied** that the organisation or body-

- (a) has the capacity and has agreed-
 - (i) to comply with any agreement with the municipality;
 - (ii) for the period of the agreement to comply with all reporting, financial management and auditing requirements as may be stipulated in the agreement;
 - (iii) to report at least monthly to the Accounting Officer on actual expenditure against such transfer; and
 - (iv) to submit its audited financial statements for its financial year to the Accounting Officer promptly;
- (b) implements effective, efficient and transparent financial management and internal control systems to guard against fraud, theft and financial mismanagement; and
- (c) has in respect of previous similar transfers complied with all the requirements of this section.

(2) If there has been a failure by an organisation or body to comply with the requirements of subsection (1) in respect of a previous transfer, the municipality may despite subsection (1)(c) make a further transfer to that organisation or body provided that-

- (a) subsection (1)(a) and (b) is complied with; and
- (b) the relevant Provincial Treasury has approved the transfer.

(3) The Accounting Officer must through contractual and other appropriate mechanisms **enforce compliance** with subsection (1).

(4) Subsection (1)(a) does not apply to an organisation or body serving the poor or used by government as an agency to serve the poor, provided-

- (a) that the transfer does not exceed a prescribed limit; and
- (b) that the Accounting Officer-
 - (i) **takes all reasonable steps to ensure** that the targeted beneficiaries receive the benefit of the transferred funds; and
 - (ii) **certifies to the Auditor-General** that compliance by that organisation or body with subsection (1)(a) is uneconomical or unreasonable.

Budget preparation [Section 68]

The Accounting Officer of a municipality must-

- (a) **assist the Mayor** in performing the budgetary functions assigned to the Mayor in terms of Chapters 4 and 7; and

- (b) **provide the Mayor with the administrative support, resources and information** necessary for the performance of those functions.

Budget implementation [Section 69]

(1) The Accounting Officer of a municipality is **responsible for implementing the municipality's approved budget**, including taking all reasonable steps to ensure-

- (a) 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; and
- (b) that revenue and expenditure are properly monitored.

(2) When necessary, the Accounting Officer must **prepare an adjustments budget** and submit it to the Mayor for consideration and tabling in the municipal council.

(3) The Accounting Officer must no later than 14 days after the approval of an annual budget **submit to the Mayor-**

- (a) a draft service delivery and budget implementation plan for the budget year; and
- (b) drafts of the annual performance agreements as required in terms of section 57(1)(b) of the Municipal Systems Act for the Municipal Manager and all senior managers.

Impending shortfalls, overspending and overdrafts [Section 70]

(1) The Accounting Officer of a municipality **must report** in writing to the municipal council-

- (a) any impending-
 - (i) shortfalls in budgeted revenue; and
 - (ii) overspending of the municipality's budget; and
- (b) any steps taken to prevent or rectify such shortfalls or overspending.

(2) If a 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, the Accounting Officer of the municipality must **promptly notify the National Treasury** in the prescribed format of-

- (a) the amount by which the account or accounts are overdrawn;
- (b) the reasons for the overdrawn account or accounts; and
- (c) the steps taken or to be taken to correct the matter.

(3) When determining the net overdrawn position for purposes of subsection (2), the Accounting Officer must exclude any amounts reserved or pledged for any specific purpose or encumbered in any other way.

Reports and reportable matters Monthly budget statements [Section 71]

(1) The Accounting Officer of a municipality must by no later than 10 working days after the end of each month **submit to the Mayor of the municipality and the relevant Provincial Treasury** a statement in the prescribed format on the state of the municipality's budget reflecting the following particulars for that month and for the financial year up to the end of that month:

- (a) Actual revenue, per revenue source;
- (b) actual borrowings;
- (c) actual expenditure, per vote;
- (d) actual capital expenditure, per vote;
- (e) the amount of any allocations received;
- (f) actual expenditure on those allocations, excluding expenditure on-
 - (i) its share of the local government equitable share; and
 - (ii) allocations exempted by the annual Division of Revenue Act from compliance with this paragraph; and
- (g) when necessary, an explanation of-

- (i) any material variances from the municipality's projected revenue by source, and from the municipality's expenditure projections per vote;
 - (ii) any material variances from the service delivery and budget implementation plan; and
 - (iii) any remedial or corrective steps taken or to be taken to ensure that projected revenue and expenditure remain within the municipality's approved budget.
- (2) The statement must include-
- (a) a projection of the relevant municipality's revenue and expenditure for the rest of the financial year, and any revisions from initial projections; and
 - (b) the prescribed information relating to the state of the budget of each municipal entity as provided to the municipality in terms of section 87(10).
- (3) The amounts reflected in the statement must in each case be compared with the corresponding amounts budgeted for in the municipality's approved budget.
- (4) The statement to the Provincial Treasury must be in the format of a **signed document** and in electronic format.
- (5) The Accounting Officer of a municipality which has received an allocation referred to in subsection (1)(e) during any particular month must, by no later than 10 working days after the end of that month, **submit that part of the statement** reflecting the particulars referred to in subsection (1)(e) and (f) to the national or provincial organ of state or municipality which transferred the allocation.

Mid-year budget and performance assessment [Section 72]

- (1) The Accounting Officer of a municipality must by 25 January of each year-
- (a) **assess the performance of the municipality** during the first half of the financial year, taking into account-
 - (i) the monthly statements referred to in section 71 for the first half of the financial year;
 - (ii) the municipality's service delivery performance during the first half of the financial year, and the service delivery targets and performance indicators set in the service delivery and budget implementation plan;
 - (iii) the past year's annual report, and progress on resolving problems identified in the annual report; and
 - (iv) the performance of every municipal entity under the sole or shared control of the municipality, taking into account reports in terms of section 88 from any such entities; and
 - (b) **submit a report** on such assessment to-
 - (i) the Mayor of the municipality;
 - (ii) the National Treasury; and
 - (iii) the relevant Provincial Treasury.
- (2) The statement referred to in section 71(1) for the sixth month of a financial year may be incorporated into the report referred to in subsection (1)(b) of this section.
- (3) The Accounting Officer must, as part of the review-
- (a) **make recommendations** as to whether an adjustments budget is necessary; and
 - (b) **recommend revised projections** for revenue and expenditure to the extent that this may be necessary.

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

The Accounting Officer **must inform the Provincial Treasury**, in writing, of-

- (a) any failure by the council of the municipality to adopt or implement a budget-related policy or a supply chain management policy referred to in section 111; or
- (b) any non-compliance by a political structure or office-bearer of the municipality with any such policy.

General reporting obligation [Section 74]

(1) The Accounting Officer of a municipality **must submit to the National Treasury**, the Provincial Treasury, the department for local government in the province or the Auditor-General such information, returns, documents, explanations and motivations as may be prescribed or as may be required.

(2) If the Accounting Officer of a municipality is unable to comply with any of the responsibilities in terms of this Act, he or she must promptly **report the inability**, together with reasons, to the Mayor and the Provincial Treasury.

Information to be placed on websites of municipalities [Section 75]

(1) The Accounting Officer of a municipality **must place on the website** referred to in section 21A of the Municipal Systems Act the following documents of the municipality:

- (a) The annual and adjustments budgets and all budget-related documents;
- (b) all budget-related policies;
- (c) the annual report;
- (d) all performance agreements required in terms of section 57(1)(b) of the Municipal Systems Act;
- (e) all service delivery agreements;
- (f) all long-term borrowing contracts;
- (g) all supply chain management contracts above a prescribed value;
- (h) an information statement containing a list of assets over a prescribed value that have been disposed of in terms of section 14(2) or (4) during the previous quarter;
- (i) contracts to which subsection (1) of section 33 apply, subject to subsection (3) of that section;
- (j) public-private partnership agreements referred to in section 120;
- (k) all quarterly reports tabled in the council in terms of section 52(d); and
- (l) any other documents that must be placed on the website in terms of this Act or any other applicable legislation, or as may be prescribed.

(2) A document referred to in subsection (1) must be placed on the website not later than five days after its tabling in the council or on the date on which it must be made public, whichever occurs first.

Top management of municipalities [Section 77]

(1) The top management of a municipality's administration consists of

- (a) the Accounting Officer;
- (b) the Chief Financial Officer;
- (c) all senior managers who are responsible for managing the respective votes of the municipality and to whom powers and duties for this purpose have been delegated in terms of section 79; and
- (d) any other senior officials **designated by the Accounting Officer**.

Senior managers and other officials of municipalities [Section 78]

(2) A senior manager or such official must perform the functions referred to in subsection (1) subject to the **directions of the Accounting Officer** of the municipality.

Delegations [Section 79]

(1) The Accounting Officer of a municipality-

- (a) must, for the proper application of this Act in the municipality's administration, **develop an appropriate system of delegation** that will both maximise

- administrative and operational efficiency and provide adequate checks and balances in the municipality's financial administration;
- (b) may, in accordance with that system, **delegate to a member of the municipality's top management** referred to in section 77 or any other official of the municipality-
 - (i) any of the powers or duties assigned to an Accounting Officer in terms of this Act; or
 - (ii) any powers or duties reasonably necessary to assist the Accounting Officer in complying with a duty which requires the Accounting Officer to take reasonable or appropriate steps to ensure the achievement of the aims of a specific provision of this Act; and
 - (c) **must regularly review delegations** issued in terms of paragraph (b) and, if necessary, amend or withdraw any of those delegations.
- (2) The Accounting Officer **may not delegate to any political structure** or political office-bearer of the municipality any of the powers or duties assigned to Accounting Officers in terms of this Act.
- (3) A delegation in terms of subsection (1)-
- (a) must be in writing;
 - (b) is subject to such limitations and **conditions** as the Accounting Officer may impose in a specific case;
 - (c) may either be to a specific individual or to the holder of a specific post in the municipality;
 - (d) may, in the case of a delegation to a member of the municipality's top management in terms of subsection (1)(b), **authorise that member to sub-delegate the delegated power** or duty to an official or the holder of a specific post in that member's area of responsibility; and
 - (e) does not divest the Accounting Officer of the responsibility concerning the exercise of the delegated power or the performance of the delegated duty.
- (4) The Accounting Officer may **confirm, vary or revoke any decision taken in consequence of a delegation or sub-delegation** in terms of this section, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

Establishment [Section 80]

Every municipality must have a budget and treasury office.

- (2) A budget and treasury office consists of-
- (a) **a Chief Financial Officer designated by the Accounting Officer** of the municipality;
 - (b) officials of the municipality **allocated by the Accounting Officer** to the Chief Financial Officer; and
 - (c) any other persons contracted by the municipality for the work of the office.

Approval of tenders not recommended [Section 114]

(1) If a tender other than the one recommended in the normal course of implementing the supply chain management policy of a municipality or municipal entity is approved, the Accounting Officer of the municipality or municipal entity must, in writing, **notify the Auditor-General, the relevant Provincial Treasury and the National Treasury** and, in the case of a municipal entity, also the parent municipality, of the reasons for deviating from such recommendation.

Implementation of system [Section 115]

- (1) The Accounting Officer of a municipality or municipal entity must-
- (a) **implement the supply chain management policy** of the municipality or municipal entity; and
 - (b) take all reasonable steps 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.

Contracts and contract management [Section 116]

- (2) The Accounting Officer of a municipality or municipal entity must-
- (a) take all reasonable steps to **ensure that a contract or agreement** procured through the supply chain management policy of the municipality or municipal entity **is properly enforced**;
 - (b) **monitor on a monthly basis the performance of the contractor** under the contract or agreement;
 - (c) **establish capacity** in the administration of the municipality or municipal entity-
 - (i) to assist the Accounting Officer in carrying out the duties set out in paragraphs (a) and (b); and
 - (ii) to oversee the day-to-day management of the contract or agreement; and
 - (d) **regularly report to the council** of the municipality or the board of directors of the entity, as may be appropriate, on the management of the contract or agreement and the performance of the contractor.
- (3) A contract or agreement procured through the supply chain management policy of the municipality or municipal entity **may be amended** by the parties, but only after-
- (a) the reasons for the proposed amendment have been tabled in the council of the municipality or, in the case of a municipal entity, in the council of its parent municipality; and
 - (b) the local community-
 - (i) has been given reasonable notice of the intention to amend the contract or agreement; and
 - (ii) has been invited to submit representations to the municipality or municipal entity.

Conditions and process for public-private partnerships [Section 120]

A municipality may enter into a public-private partnership agreement, but must prior thereto conduct a feasibility study

- (6) When a feasibility study has been completed, the Accounting Officer of the municipality must-
- (a) **submit 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;
 - (b) at least 60 days prior to the meeting of the council at which the matter is to be considered, in accordance with section 21A of the Municipal Systems Act-
 - (i) **make public** particulars of the proposed public-private partnership, including the report on the feasibility study; and
 - (ii) **invite the local community and other interested persons** to submit to the municipality comments or representations in respect of the proposed public-private partnership; and
 - (c) **solicit the views** and recommendations of-
 - (i) the National Treasury;
 - (ii) the national department responsible for local government;

- (iii) if the public-private partnership involves the provision of water, sanitation, electricity or any other service as may be prescribed, the responsible national department; and
- (iv) any other national or provincial organ of state as may be prescribed.

Preparation and adoption of annual reports [Section 121]

Every municipality must for each financial year prepare an annual report. The council of a municipality must within nine months after the end of a financial year deal with the annual report of the municipality

- (3) The annual report of a municipality must include-
 - (e) an **assessment by the municipality's Accounting Officer** of any arrears on municipal taxes and service charges;
 - (f) an assessment by the municipality's Accounting Officer of the municipality's performance against the measurable performance objectives referred to in section 17(3)(b) for revenue collection from each revenue source and for each vote in the municipality's approved budget for the relevant financial year;

Disclosures concerning councillors, directors and officials [Section 124]

Every municipality must for each financial year prepare 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.

- (1) The notes to the annual financial statements of a municipality must include particulars of-
 - (a) the salaries, allowances and benefits of political office-bearers and councillors of the municipality, whether financial or in kind, including a **statement by the Accounting Officer whether or not those salaries, allowances and benefits are within the upper limits** of the framework envisaged in section 219 of the Constitution;

Submission and auditing of annual financial statements [Section 126]

- (1) The Accounting Officer of a municipality-
 - (a) **must prepare the annual financial statements** of the municipality and, within two months after the end of the financial year to which those statements relate, submit the statements to the Auditor-General for auditing; and
 - (b) must in addition, in the case of a municipality referred to in section 122(2), **prepare consolidated annual financial statements** in terms of that section and, within three months after the end of the financial year to which those statements relate, submit the statements to the Auditor-General for auditing.

Submission and tabling of annual reports [Section 127]

The Mayor of a municipality must, within seven months after the end of a financial year, table in the municipal council the annual report of the municipality.

- (5) Immediately after an annual report is tabled in the council ... the Accounting Officer of the municipality must-
 - (a) in accordance with section 21A of the Municipal Systems Act-
 - (i) **make public the annual report**; and
 - (ii) **invite the local community to submit representations** in connection with the annual report; and

- (b) **submit the annual report to the Auditor-General**, the relevant Provincial Treasury and the provincial department responsible for local government in the province.

Oversight reports on annual reports [Section 129]

The council of a municipality must consider the annual report of the municipality and by no later than two months from the date on which the annual report was tabled in the council adopt an oversight report containing the council's comments on the annual report.

- (2) The Accounting Officer must-
 - (a) **attend council and council committee meetings** where the annual report is discussed, for the purpose of responding to questions concerning the report; and
 - (b) **submit copies of the minutes of those meetings** to the Auditor- General, the relevant Provincial Treasury and the provincial department responsible for local government in the province.
- (3) The Accounting Officer must in accordance with section 21A of the Municipal Systems Act **make public an oversight report** referred to in subsection (1) within seven days of its adoption.

Submissions to provincial legislatures [Section 132]

- (1) The following documents must be submitted to the provincial legislature:
 - (a) The annual report of each municipality and each municipal entity in the province, or if only components of an annual report were tabled in terms of section 127(3), those components; and
 - (b) all oversight reports on those annual reports adopted in terms of section 129(1).
- (2) The Accounting Officer of a municipality **must submit the documents referred to in subsection (1)(a) and (b) to the provincial legislature** within seven days after the municipal council has adopted the relevant oversight report in terms of section 129(1).

Internal audit unit [Section 165]

- (2) The internal audit unit of a municipality or municipal entity must-
 - (c) perform such other duties as may be **assigned to it by the Accounting Officer**.

D. PROMOTION OF ACCESS TO INFORMATION ACT

Manual on functions of, and index of records held by, public body [Section 14]

- (1) Within six months after the commencement of this section or the coming into existence of a public body, the information officer of the public body concerned **must compile** in at least three official languages a manual containing -

Voluntary disclosure and automatic availability of certain records [Section 15]

(1) The information officer must, on a periodic basis not less frequently than once each year, **submit to the Minister** a description of -

- (a) the categories of records of the public body that are automatically available without a person having to request access in terms of this Act
- (b) how to obtain access to such records.

Designation of deputy information officers, and delegation [Section 17]

The municipality must designate such number of persons as deputy information officers as are necessary to render it as accessible as reasonably possible for requesters of its records.

(2) The information officer of a public body has **direction and control over every deputy information officer** of that body.

(3) The information officer of a public body **may delegate a power or duty** conferred or imposed on that information officer by this Act to a deputy information officer of that public body.

Duty to assist requesters [Section 19]

If a requester informs the information officer that he or she wishes to make a request for access to a record of that public body or another public body the information officer **must render such reasonable assistance**, free of charge

Transfer of requests [Section 20]

If a request for access is made to the information officer of a public body in respect of which the record is not in the possession or under the control of that body but is in the possession of another public body the Information officer **must transfer the request** to the information officer of the other public body

Preservation of records until final decision on request [Section 21]

If the information officer of a public body has received a request for access to a record of the body, that information officer must take the steps that are reasonably necessary to **preserve the record**, without deleting any information contained in it, until the information officer has notified the requester concerned of his or her decision

Fees [Section 22]

The information officer must **require the requester to pay** the prescribed request fee before further processing the request; and to pay as a deposit where the search for a record will take longer than a prescribed time

Records that cannot be found or do not exist [Section 23]

The information officer must, **by way of affidavit or affirmation, notify the requester** that it is not possible to give access to that record, when it cannot be found or does not exist

Deferral of access [Section 24]

If the information officer of a public body decides to grant a request for access to a record, but that record is due to be published shortly, the information officer **may defer giving access** to the record for a reasonable period.

Decision on request and notice thereof [Section 25]

The information officer to whom the request is made or transferred, must, as soon as reasonably possible, but in any event within 30 days, after the request is received **decide whether to grant** the request and notify the requester of the decision.

Extension of period to deal with request [Section 26]

The information officer to whom a request for access has been made or transferred, may **extend the period** of 30 days (within which a decision has to be taken) once for a further period of not more than 30 days

Access and forms of access [Section 29]

If a requester's request for access has been granted, that requester **must be given access in the applicable forms** as the requester indicated in the request, and in the language stated.

Access to health or other records [Section 30]

If the information officer who grants a request for access to a record provided by a health practitioner in his or her capacity as such about the physical or mental health, or well-being of the requester the information officer may, before giving access, **consult with a health practitioner**

Reports to Human Rights Commission [Section 32]

The information officer must **annually submit a report to the Human Rights Commission**

Chapter 4. Grounds for Refusal of Access To Records

The information officer of a public body -

- must and **may refuse** a request for access to a record to a record as contemplated in sections 33 - 45
- **must grant** a request for access to a record of the body as contemplated in section 46

Notice to third parties [Section 47]

The information officer considering a request for access to a record that requires mandatory protection of privacy of third party who is natural person, must **take all reasonable steps to inform** a third party to whom or which the record relates of the request

Representations and consent by third parties [Section 48]

A third party that is informed in terms of section 47 of a request for access, may

make written or oral representations to the information officer why the request should be refused or give written consent for the disclosure of the record to the requester concerned.

Decision on representations for refusal and notice thereof [Section 49]

The information officer must, as soon as reasonably possible, but in any event within 30 days after every third party is informed as required by section 47 decide **whether to grant the request for access.**

Right of internal appeal to relevant authority [Section 74]

A requester may lodge an internal appeal against a decision of the information officer in relation to that requester with the relevant authority.

A third party may lodge an internal appeal against a decision of the information officer to grant a request for access.

Manner of internal appeal, and appeal fees [Section 75]

An internal appeal must be delivered or sent to the information officer of the public body concerned at his or her address, fax number or electronic mail address.

The information officer **must submit to the relevant authority -**

- (a) the internal appeal together with his or her reasons for the decision concerned; and
- (b) if the internal appeal is against the refusal or granting of a request for access, the name, postal address, phone and fax number and electronic mail address, whichever is available, of any third party that must be notified of the request.

E. EMPLOYMENT REGULATIONS

4) Must review the municipality's staff establishment within 12 months in any of the following instances:

- (a) the election of a new municipal council;
- (b) the adoption of the IDP;
- (c) material changes to the functions of the municipality; or
- (d) the determination of new municipal boundaries

and submit the staff establishment, a detailed report and recommendations on the staff establishment to the municipal council for approval

7) Must, when the post of a senior manager becomes vacant, or is due to become vacant obtain approval from the municipal council for the filling of such post in its next council meeting or as soon as it is reasonably possible to do so

10) On receipt of the approval referred to above ensure that the vacant post is advertised

Must provide monthly reports to the Executive Mayor regarding progress on the filling of the vacant senior manager post

12) Is the chairperson of a selection panel for the appointment of a manager directly accountable to a Municipal Manager

13) Must, in consultation with the selection panel, compile –

- (a) a list of all applicants who applied for an advertised post; and
- (b) a shortlist consisting of all applications received for a specific post, evaluated against the relevant competency requirements, as set out in the regulations

14) Must compile a written report on the outcome of the screening process¹ before the interviews take place

23) May grant a manager directly accountable to the Municipal Manager approval to take annual leave

27) May grant a manager directly accountable to the Municipal Manager leave of absence due to sickness or injury

31) May grant a manager directly accountable to the Municipal Manager leave to attend workshops, conferences or seminars associated with continued professional development

F. DISCIPLINARY REGULATIONS FOR SENIOR MANAGERS

5) Must table any allegation of misconduct against a senior manager before the municipal council not later than seven [7] days after receipt thereof

Must table the report of the independent investigator, appointed by council to investigate an allegation of misconduct, before the municipal council not later than seven [7] days after receipt thereof

Must, when directed by the municipal council, appoint an independent and external presiding officer and an officer to lead evidence in the alleged misconduct by a senior manager

7) Must, if the municipal council decides that the alleged misconduct is of a less serious nature, bring the alleged misconduct to the senior manager's attention and give the senior manager

¹ It requires -

- (a) conducting the necessary reference checks;
- (b) contacting a candidate's current or previous employer;
- (c) determining the validity of a candidate's qualifications; and
- (d) verifying whether a candidate has been dismissed previously for misconduct or poor performance by another employer.

the opportunity to respond to the allegations

May, after considered the response from the senior manager and deciding that the senior manager is guilty of misconduct, impose any of the following sanctions with or without conditions, but only after following due processes -

- (i) corrective counselling;
- (ii) verbal warning;
- (iii) written warning; or
- (iv) final written warning

- 8) Must, where a senior manager is accused of a financial misconduct which constitutes a criminal offence, report the matter to the SAPS in terms of the MFMA
- 16) Must, if a senior manager is not performing in accordance with the minimum performance standards of his or her post, deal with his/her substandard performance as contemplated

G. FINANCIAL MISCONDUCT REGULATIONS

3) An allegation of financial misconduct against an official of a municipality must be reported to the Accounting Officer

5) Must table an allegation referred to above before the municipal council not later than seven days after receipt thereof or at the next sitting of the council

Must, if the municipal council is satisfied that there is reasonable cause to believe that an act of financial misconduct has been committed, within seven days refer the matter to the disciplinary board to conduct a preliminary investigation into the allegation

An investigator or investigating team appointed must, within a period of 30 days of the appointment, submit a report with recommendations to the Accounting Officer

6) After completion of a full investigation, the investigator must compile a report on the investigation; submit its report to the Accounting Officer together with its findings and recommendations, if applicable, regarding disciplinary steps that should be taken against the alleged transgressor

Must table the report of the investigation in the council at the first sitting after the report is finalised

10) Must report an alleged financial offence to the South African Police Service

H. PERFORMANCE REG. FOR SENIOR MANAGERS

3) Represents the municipality as party to the employment contract in respect of managers directly accountable to the Municipal Manager

27) Member of an evaluation panel for evaluating the annual performance of managers directly accountable to the Municipal Managers

I. SUPPLY CHAIN MANAGEMENT REGULATIONS

NOTE

The Supply Chain Management Regulations envisages numerous powers for an Accounting Officer to be conferred by a municipality's supply chain management policy. The regulations therefore do not confer many substantive powers on the Accounting Officer - these are quoted hereafter

3) Must prepare and submit a draft supply chain management policy or any amendment of the policy to the council of the municipality for adoption

Must take all reasonable steps to ensure that the municipality has and implements a supply chain management policy

- 4) The recipient of additional powers and duties so as to enable the Accounting Officer—
- (a) to discharge the supply chain management responsibilities conferred on Accounting Officers in terms of the MFMA;
 - (b) to maximise administrative and operational efficiency in the implementation of the supply chain management policy;
 - (c) 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
 - (d) to comply with his or her responsibilities in terms of the MFMA

5) May sub delegate any supply chain management powers and duties

6) Must within 30 days of the end of each financial year, submit a report on the implementation of the supply chain management policy of the municipal council

Must, within 10 days of the end of each quarter, submit a report on the implementation of the supply chain management policy to the Mayor

27) Must approve the specifications for each procurement of goods or services, compiled by the bid specification committee, prior to publication of the invitation for bids

29) Must appoint the chairperson of the bid adjudication committee and consider recommendations offered by the committee

31) Must notify SITA together with a motivation of the IT needs of the municipality

36) Must report any deviation from, and ratification of minor breaches of, procurement processes

47) Must promptly report any alleged inducements, or rewards, gifts and favours to municipalities, officials and other role players to the National Treasury for considering whether the offending person, and any representative or intermediary through which such person is alleged to have acted, should be listed in the National Treasury's database of persons prohibited from doing business with the public sector

48) Must promptly disclose to the National Treasury and the relevant Provincial Treasury any sponsorship promised, offered or granted to the municipality or municipal entity, whether directly or through a representative or intermediary, by any person who is -

- (a) a provider or prospective provider of goods or services to the municipality or municipal entity; or
- (b) a recipient or prospective recipient of goods disposed or to be disposed, of by the municipality or municipal entity

6.4 Designated powers, duties and rights of the Municipal Manager

Acting in terms of section 66 - 70 of the Systems Act, Council hereby in addition, delegates to the Municipal Manager the following powers, duties and functions including the power to sub-delegate any of these powers, duties and functions to staff members unless the context indicate otherwise.

1. To realign the micro organisational structure to Council approved staff establishment and approve reporting lines of positions below that of Executive Manager(s).
2. To deviate from the Policy Framework for Organisational Structure when necessary to give effect to the re-alignments mentioned above.
3. To determine guidelines to inform the identification of jobs to be designated as scarce and/or premium skills.
4. To accept notice of resignation in cases where less than the prescribed notice period has been given.
5. To accept the retraction of resignations.
6. To authorise retirement on the grounds of ill health.
7. To approve the extension of the retirement age of a staff member for not longer than three (3) years in the case where it is in the interest of the Municipality to retain the skills or experience of the staff member.
8. To approve entering into and extending a post retirement contract of a staff member for not longer than three (3) years in the case where it is in the interest of the Municipality to retain the skills or experience of the staff member.
9. To approve the encashment of leave.
10. To approve ad hoc requests including ex gratia categories for special leave which is not included in the conditions of service of employees.
11. To approve request for additional time-off beyond that provided for in the Collective Agreement.
12. To refer a member of staff to a recognized medical practitioner and/or specialist in the required field, for a diagnosis and prognosis due to operational needs at Council's costs.
13. To approve the payment of overtime and/or time off in lieu of overtime.
14. To approve and administer external scholarships, bursaries for internal staff and studying overseas on recommendation from the Training & Development Section/Committee.
15. To create co-operative student posts and to appoint the said students.
16. To make application for refunds in respect of training from SETA.

17. To undertake the probation assessment of employees including employees appointed in terms of section 56 of the Systems Act and report thereon to Council.
18. To execute mandates from the Council in respect of Council-wide labour issues.
19. To co-ordinate and manage Council's responses to strike actions.
20. To authorise forensic and ethics investigations in relation to any alleged fraud, corruption or other criminal activity, maladministration and/or negligence on the part of any employee, any municipal entity, agent, contractor, supplier or service provider to the Municipality.
21. To pursue, institute, facilitate and/or represent the Municipality in respect of any appropriate disciplinary, criminal, civil and/or related proceedings flowing from any forensic or ethics investigation in relation to any alleged fraud, corruption or other criminal activity, maladministration and/or negligence on the part of any employee, any municipal entity, agent, contractor, supplier or service provider to the municipality.
22. To approve the terms and conditions for the debt owed to Council.
23. To authorise the provision of official telephones and internet connectivity at the residence of a staff member.
24. To approve long-service bonuses and other benefits and rewards in terms of applicable conditions of service.
25. To enter into and sign contracts and other documents, with or without financial consequences, which contracts are necessary for the functioning of the municipality.
26. When the interest of the municipality so demands, to terminate any contract to which the municipality is a party.
27. To enter into and sign implementation protocols with other spheres of government and organs of state.
28. To authorise officials to sign cheques and withdraw money on behalf of Council.
29. To determine what uniforms and protective clothing should be issued to the various categories of staff.
30. To grant authority for officials to travel inside the boundaries of South Africa for Council-related activities.
31. To grant authority for officials to travel overseas for Council-related activities.
32. To attend conferences, seminars, workshops, symposia, lectures, courses, court and related legal engagements and meetings within South Africa.
33. To permit departments to enter competitions/exhibitions to showcase Council projects/work and to authorise associated costs in consultation with the Director.
34. To approve corporate criteria to govern the authorisation and budgetary control of the attendance of staff at Council-related activities and monitors compliance with criteria by managers.

35. To consider an application of any staff member to engage in any business, trade or profession other than the work of Council and to approve or reject such application.
36. To ensure that Declaration of Interests for officials are received, considered and approved.
37. To authorise deviations from salary payment date, i.e. 27th day of each month, in appropriate circumstances, including the determination of salary payment date in December of each year.
38. To authorise the commencement of public participation processes and to determine the level of public participation required only in terms of section 116(3) of the MFMA.
39. To appoint in terms of the Fire Brigade Services Act, a Chief Fire Officer who possesses the prescribed qualifications and experience to be in charge of the Municipality's fire service.
40. To cancel the awarding of tenders relating to non-responsive tenders and tender cancellations (where the successful bidders fails to perform) in terms of the municipality's disposal management system.
41. To consider and approve condonations upon the recommendation from the Bid Adjudication Committee in respect of non-compliance of the Municipality's Supply Chain Management Policy.
42. To authorise the public participation process for the granting of rights to use, control or manage capital assets less than R10 million and not longer than three (3) years; capital assets less than R10 million and longer than three (3) years; and capital assets more than R10 million and more than three (3) years.
43. To approve the granting of rights to use, manage or control capital assets of a value less than R10 million and for a period of no longer than three (3) years.
44. To approve in principle the right to use, control or manage the capital asset in terms of regulation 34(1)(b) of the Asset Transfer Regulations, excluding capital assets of a value in excess of R10 million and for a period longer than three (3) years.
45. To authorise the public participation process for the disposal of capital assets excluding high value capital assets (exceeding R50 million).
46. To approve the cession, assignment and subletting of leases provided that the existing lease agreement makes provision for the cession, assignment and subletting and that the same terms and conditions of the existing lease agreement will apply.
47. To authorise the upper limit of virement within operational and capital votes of Directors and Managers.
48. To recover unauthorised, irregular or fruitless or wasteful expenditure from staff or former staff, other than those staff members directly accountable to the Municipal Manager.

49. To receive any grant, donation or gift to a value not exceeding R1 million and to agree to the conditions in terms of which said grant, donation or gift was made and to authorise the signing of any related documentation subject to funding being appropriate by Council in the annual budget.
50. To authorise the reallocation of Council approved credit limits for the short-term facility categories, limited to the total short-term credit amount approved in terms of section 45(2) of the MFMA, in order to maximise the benefits of the Municipality.
51. To decide on and act in cases requiring an immediate decision, in consultation with the Executive Mayor or Deputy Executive Mayor or Speaker. If the Executive Mayor or Deputy Executive Mayor or Speaker is not available, then only in exceptional cases the Municipal Manager may act on his/her own initiative.
 - 51.1 This delegation may only be exercised in an emergency or in exceptional circumstances which may severely prejudice and have a detrimental impact on the Municipality and/or its residents, without detracting from the principle of accountability.
 - 51.2 This power cannot be delegated or sub-delegated and whenever it is exercised, a report must be submitted to Council as soon as possible.
52. To appoint, after consultation with the Executive Mayor, acting managers directly accountable to the Municipal Manager.
53. To appoint in vacant positions acting managers directly accountable to the Municipal manager, provided that the total number of days for which any person may be so appointed per directorate shall not exceed 60 days in total in any calendar year.
54. To receive, as the “designated official” reports of allegations of financial misconduct against officials and/or members of the board of directors of municipal entities (financial misconduct regulations).
55. To establish reporting procedures as required by the regulations.
56. To monitor the integration and alignment of assurance processes in the municipality in order to maximise risk and governance oversight.
57. To have timely and unrestricted access to all municipal records, personnel and physical property relevant to the performance of combined assurance’s functions, whether performed personally or via one or more combined assurance employees or contractors.
58. To implement the provisions of section 20 of the Employment Equity Act.
59. To carry out the functions as contained in section 24 of the Employment Equity Act, 1998.
60. To approve a schedule of officials to release approved invoices for payment on the Nedbank Online Platform.

61. The schedule in 60 above must categorise specific officials as Category A and Category B approval.
62. All payments must be approved by two (2) approvers in all instances.
63. At least one of the approvers must be of Category A.
64. To designate any official employee as a health officer as per section 80 of National health Act 61 of 2003.
65. To authorize in writing any person appointed as health inspector as per authorisation under section 23 of Foodstuffs Cosmetics and Disinfectant Act 54 of 1972 & as per sub-section (2) Each person authorised under sub-section (1) shall be provided with a letter of authority signed by or on behalf of secretary and certifying that such persons has been authorised as an inspector in terms of this act.
66. To appoint an air quality officer as per Section (14) appointment of an air quality officer, state that each municipality must designate an air quality officer from its administration to be responsible for co-ordinating matters pertaining to air quality management in the municipality.

7. DELEGATION OF POWER: OFFICE OF THE MUNICIPAL MANAGER

7.1 Introduction

The Office of the Municipal Manager consists of the following functional areas:

- Internal Audit
- Integrated Development Planning and Communications
- PMS (Performance Management System) and Risk Management

7.2 DEPARTMENT: INTERNAL AUDIT (SENIOR MANAGER: INTERNAL AUDIT)

1. Responsible for the management of strategic services in the Office of the Municipal Manager.
2. Oversee the Internal Audit Services for administrative purposes.
3. Internal Audit must ensure that Council and the Municipal Manager meets their objectives and discharge their responsibilities.
4. Internal Audit must provide an independent evaluation of the adequacy and effectiveness of ODM's network of risk management, control and governance processes.
 - Develop a three year strategic and flexible risk-based audit plan using appropriate risk-based methodology, including any risks or control concerns identified by management and submit that plan to the Audit and Performance Audit Committee for review and approval;
 - Prepare and implement an annual internal audit plan, as approved by APAC, covering Section 165(2) of the Municipal Finance Management Act (MFMA) and, as appropriate, any special tasks or projects requested by management and the Audit and Performance Audit Committee;
 - Establish policies and procedures to guide the Internal Audit Unit and direct its administrative functions;
 - Maintain a professional audit staff with sufficient knowledge, skills, experience and professional certifications to meet the requirements of this charter *Refer standard 1200 of the Standards for the professional practice of internal auditing*);
 - Establish a quality assurance and improvement program (QAIP) by which the Chief Audit Executive assures the operation of internal audit activities *Refer standard 1300 of the Standards for the professional practice of internal auditing*);

- Perform consulting services, beyond internal auditing assurance services, to assist management in meeting its objectives. Examples may include facilitation, training and advisory services. Informal consulting engagements include routine activities such as participating in Council and management meetings, ad hoc meetings and routine information exchange *Refer standard 1100 of the Standards for the professional practice of internal auditing*); and
- Issue at least quarterly reports to the Audit and Performance Audit Committee and management summarizing results of audit activities.
- Investigate unauthorised, irregular, fruitless and wasteful (UIFW) expenditures as referred to by the Municipal Manager and report results to MPAC (Municipal Public Accounts Committee).

7.3 DEPARTMENT: IDP AND COMMUNICATIONS: MANAGER: IDP AND COMMUNICATION)

INTEGRATED DEVELOPMENT PLANNING

1. Advisory support to Council and its Committees on IDP Legal Compliance and procedural matters.
2. Draft the District IDP Framework, Process plan and time scheduled and submit to council for approval.
3. Engage with Sector departments and community stakeholders to identify development needs and priorities.
4. Publicize the draft IDP for public comment.
5. Align the IDP to the Performance Management Service Delivery and Budget Implementation Plan and Budget.
6. Coordinate IDP throughout the district in collaboration with local municipalities within the district
7. Liaise with StatsSA in obtaining updated statistics for the district.
8. Review and/or amend the IDP annually and submit to council for adoption.
9. Engage with Human Resources department in order to align the IDP strategic objectives to the organisational staff structure.
10. Liaise with the Disaster Manager to incorporate a Disaster Management Plan into the IDP.
11. Liaise with the Spatial Planner to include an SDF into the IDP.
12. Putting in place a universal protocol standard, consistent with international protocol practices and standards, for all Overberg District Municipality departments and entities, as sanctioned by the Mayoral committee.
13. To approve/reject leave of staff reporting directly to the manager.
14. To authorise claims for travel and subsistence of staff reporting to the Manager.
15. To publish a notice to the public of the adoption of the Integrated Development Plan and where copies or extracts are available, and publicise a summary of the IDP.
16. To submit the IDP to Council for approval.
17. To establish sound customer management system with mechanisms for users and rate-payers to give feedback.
18. Ensure the time-frames for publication and compliance of Treasury circulars regarding the annual report/IDP submission are adhered to.
19. Liaise with senior management regarding research, development and implementation of strategic policies and the development of planning and economic development based initiatives.

COMMUNICATIONS

20. Draft and review/amend a District Communication Strategy
21. Administer Councils website and facebook accounts.
22. To control the Municipality's online, print and broadcast media content.
23. Publish an internal and external newsletter
24. To determine communication strategies in order to deliver communications objectives of the Municipality.
25. To approve or recommend various communication plans of the Municipality.
26. To manage all communications efforts of the Municipality, including public relations, advertising and marketing.
27. To promote and protect the institution's brand on its official communication platforms.
28. Advise senior management and political leadership on appropriate responses to media queries.
29. Prepare and manage the Municipality's communication, marketing and advertising budget.
30. Act as the spokesperson on certain municipal matters in accordance with the Communication Policy.
31. Manage media relations and maximize media opportunities.
32. Manage the communication and graphic design services of the Municipality.

7.4 DEPARTMENT: PERFORMANCE AND RISK MANAGEMENT

PERFORMANCE MANAGEMENT

1. Oversee the Performance and Risk Management Services/function of the Municipality for administrative purposes.
2. To conduct ongoing research into, and to make recommendations in respect of and submit progress reports on international best practice regarding systems and legislation for purposes of developing, establishing and improving an organisational performance management system (OPMS) in terms of section 38(1) of the Municipal Systems Act.
3. To develop OPMS and related framework in terms of legislative requirements and SALGA resolution in terms of sections 39, 41(1)(a) and (b) and section 44 of the Municipal Systems Act and Regulation 7, 8 – 10, 12 and 15.
4. To ensure implementation of the OPMS for the Municipality and its municipal entities (if any) in terms of sections 38(a) and 81(1) of the Municipal Systems Act.
5. To establish and facilitate the use of mechanisms to enable council to:
 - a. monitor, measure, review, improve and report on the Municipality's OPMS and development priorities, objectives and key performance indicators as identified in the IDP; and
 - b. ensure that the municipality administers its affairs, and those of its municipal entities, in any economical, effective, efficient and accountable manner, in terms of section 38, 40, 41(1)(c), 42 and 81(1) of the Municipal Systems Act and Regulation 7, 11, 13(1), (2), (3), (4) and 15.
6. To ensure that quarterly performance progress reports in respect of the Municipality's SDBIP are prepared and submitted to the Portfolio Committees, Mayco and Audit Committee in terms of section 41 of the Municipal Systems Act.
7. To co-ordinate the compilation of the Municipality's annual report, in terms of section 46 of the Municipal Systems Act and sections 121, 127 – 132 of the MFMA.
8. To co-ordinate the compilation of the Municipality's mid-year service delivery performance assessment report (part of the mid-year budget and performance assessment report) in terms of section 72 of the MFMA.
9. To ensure that the service delivery performance portion is combined with the financial/adjustment budget portion of the report compiled by the Budgets Department before submission to the Executive Mayor, Provincial Treasury and National Treasury as required by the MFMA.
10. To recommend to the Executive Mayor and the Municipal Manager performance management targets and evaluations for the Municipality and its executive managers.

11. To establish mechanisms to monitor and review the performance management system (evaluates progress against the key performance indicators prescribed in terms of section 43).
12. To involve the local community in the development, implementation and review of the performance management system and allow the community to participate in the setting of key performance indicators and performance targets for the municipality.
13. Determine the manner in which key performance indicators and performance targets must be made known both internally and to the general public.
14. To prepare a performance report for the financial year.

RISK MANAGEMENT

15. Manage the risk function of the Municipality.
16. Oversee the risk management function of the Municipality for administrative purposes.

8. DELEGATION OF POWERS: DIRECTORS

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

A. GENERIC DELEGATIONS

- (1) To determine operational policies and procedures in respect of all matters falling within the functional areas of the Directorate concerned.
- (2) Within his or her functional area and in consultation with the Municipal Manager, to enter into and sign contracts and other documents, where he or she has the necessary authority, or where the necessary approvals and/or authorities have been obtained.
- (3) Within his or her functional area and in consultation with the Municipal Manager, to enter into and sign co-operative agreements that fall within the municipal boundaries which have no financial obligations for the Municipality.
- (4) Unless otherwise provided to exercise any power, duty or function delegated by Council to a staff member that reports directly to the Director where the staff member declines or is unable to exercise the power, duty or function.
- (5) To oversee the exercise of delegated powers, duties and functions delegated by Council to staff members, which report directly to him or her and to report to the Municipal Manager on failure or any improper exercise of delegation.
- (6) To make a final award or to refuse to make a final award in respect of the procurement of goods and services to a value not exceeding R200 000, 00.
- (7) Participating in consultations with the person or body appointed to prepare a financial recovery plan or an amendment of such plan for the Municipality.
- (8) Commenting on a draft financial recovery plan or an amendment to such plan for the Municipality.
- (9) Implementing an approved financial recovery plan for the Municipality
- (10) Ensuring that the Municipality addresses all the issues raised in an audit report
- (11) Deciding the timing and manner of disclosing to the Municipal Council and the Executive Mayor all material facts which are available or reasonably discoverable, and which in any way might influence the decisions or actions of the Municipal Council or the Executive Mayor.
- (12) Deciding the reasonable steps to be taken to ensure that that the resources of the Municipality are used effectively, efficiently and economically

Senior managers and other officials of municipalities 78. (1) Each senior manager of a municipality and each official of a municipality exercising financial management responsibilities must take all reasonable steps within their respective areas of responsibility to ensure-

(a) that the system of financial management and internal control established the municipality is carried out diligently;

(b) that the financial and other resources of the municipality are utilised for effectively, efficiently, economically and transparently;

(c) that any unauthorised, irregular or fruitless and wasteful expenditure and any other losses are prevented;

(d) that all revenue due to the municipality is collected;

(e) that the assets and liabilities of the municipality are managed effectively and that assets are safeguarded and maintained to the extent necessary;

(f) that all information required by the accounting officer for compliance with the provisions of this Act is timeously submitted to the accounting officer: and

(g) that the provisions of this Act, to the extent applicable to that senior manager or official, including any delegations in terms of section 79, are complied with. (2) A senior manager or such official must perform the functions referred to in subsection (1) subject to the directions of the accounting officer of the municipality.

B. FUNCTION SPECIFIC DELEGATIONS

The following are specific powers, duties and functions delegated by Council to the relevant Directors -

9. DELEGATION OF POWER: THE DIRECTOR: CORPORATE SERVICES

9.1 INTRODUCTION

Senior managers and other officials of municipalities 78. (1) Each senior manager of a municipality and each official of a municipality exercising financial management responsibilities must take all reasonable steps within their respective areas of responsibility to ensure-

- (a) that the system of financial management and internal control established the municipality is carried out diligently;
- (b) that the financial and other resources of the municipality are utilised for effectively, efficiently, economically and transparently;
- (c) that any unauthorised, irregular or fruitless and wasteful expenditure and any other losses are prevented;
- (d) that all revenue due to the municipality is collected;
- (e) that the assets and liabilities of the municipality are managed effectively and that assets are safeguarded and maintained to the extent necessary;
- (f) that all information required by the accounting officer for compliance with the provisions of this Act is timeously submitted to the accounting officer: and
- (g) that the provisions of this Act, to the extent applicable to that senior manager or official, including any delegations in terms of section 79, are complied with. (2) A senior manager or such official must perform the functions referred to in subsection (1) subject to the directions of the accounting officer of the municipality.

9.2 GENERIC DELEGATIONS : DIRECTORS

Acting in terms of section 59 of the Systems Act, Council hereby delegates the following powers, functions and duties to the Director: Corporate Services, including the power to sub-delegate:

1. To develop and implement the Municipality's SDBIP in respect of the above functional areas and to ensure that it is aligned to the Municipality's IDP.
2. To develop and implement the Municipality's Risk Assessment profile in respect of the above functional areas and to develop actions to mitigate the risks identified.
3. Submit the disaster management plan which must inter alia form part of the Integrated Development Plan to Council for approval.
4. Recommend to Council strategies, programmes and services to address priority needs through the IDP, and the estimates of revenue and expenditure, taking into account any applicable national and provincial development plans.
5. Identify, review and evaluate the needs of the Municipality in order of priority.
6. Recommend or determine the best way, including partnership and other approaches to deliver those strategies, programmes and services to the maximum benefit of the community.

7. Identify and develop criteria to evaluate progress in the implementation of strategies, programmes and services (including key performance indicators).
8. Exercise executive and legislative authority and use resources in the best interest of local community.
8. Encourage community involvement.
10. Provide democratic and accountable government.
11. Ensure services are provided in a financially and environmentally sustainable manner.
12. Give equitable access to services.
13. Promote and undertake development.
14. Promote safe and healthy environment.
15. Review mechanisms to provide service delivery.
16. Regulate, monitor and assess service delivery when using a service provider to ensure proper municipal services are delivered.
17. Extend period of probation for a period not exceeding six (6) months, provided that he period of probation must be extended before date of completion of original probation period and in consultation with the Manager: HR and the Municipal Manager.
18. To request officials to work overtime and to ensure that overtime register are completed and approved on a monthly basis.
19. To place employees on stand-by service in consultation with the unions and in line with Council's policies.
20. To approve or refuse leave of absence of staff reporting directly to the Director: Corporate Services with due consideration of the exigencies of the Municipality.
21. To approve trip authority of staff reporting directly to the Director: Corporate Services.
22. To, in consultation with the Municipal Manager and Senior Manager: HR, grant special sick leave to employees due to injuries arising from his/her duties and occurring in the course of his/her duties in line with approved Council policy.
23. To approve claims from officials reporting to the Director: Corporate Services in respect of travel and subsistence allowances.
24. To consider relocation expenses of staff reporting directly to the Director: Corporate Services, in line with approved Council policies.
25. To promote sound labour relations and compliance with applicable labour laws, collective agreements.
26. To exercise all powers, duties and functions which vest in the Municipality in terms of sections 58 and 61 of the National Environmental Management: Waste Act.
27. To maintain systems of service delivery complaints.

28. To adjust the running costs of the essential users scheme in accordance with the AA tables on a quarterly basis and/or approved implementation of the tariffs provided by the Bargaining Council.
29. Promote gender equity.
30. Ensuring that the Municipality addresses all the issues raised in an audit report

9.3 DIRECTOR CORPORATE SERVICES: FUNCTIONAL AREAS

The Director: Corporate Services, is responsible for the following functional areas:

- Human Resources
- Corporate Support Services (Information Systems and Technology, Contract, Legal, Facilities/Building Management and Auxiliary Support Services)
- Administration (Council Support/Secretariat, Records and Archives)

9.4 DEPARTMENT: HUMAN RESOURCE MANAGEMENT (SENIOR MANAGER: HR)

Acting in terms of section 59 of the Systems Act, Council hereby delegates the following powers, functions and duties to the Senior Manager: Human Resources, including the power to sub-delegate.

9.4.1 GENERIC DELEGATIONS

1. To develop and implement ODM's SDBIP in respect of the department and to ensure that it is aligned to the municipality's IDP.
2. To develop and implement the Municipality's Risk Assessment profile in respect of the above functional areas and to develop actions to mitigate the risks identified.
2. To authorise refunds of subsistence and travelling costs actually incurred by officials in the department in the course of their duties at the scale as provided for in the travel and subsistence policy, in consultation with the relevant Director, and the Municipal Manager.
3. In consultation with the relevant Director, recommend the approval of an organisational structure for the department.
4. To recommend to the relevant Director, training projects/programmes and interventions for the department consistent with an approved workplace skills plan, where applicable and subject to Council policy.
5. To take full responsibility for all departmental Committees that include meeting dates, consultation with chairpersons, review of agenda and minutes, quality reporting, implementation of resolutions and any other relevant logistical arrangements.
6. Comply with the provisions as set out in the Staff Regulations.
7. To require that attendance registers be completed by officials and to determine the form and manner thereof.
8. To request officials to work overtime and to ensure that overtime registers are completed and approved on a monthly basis.
9. In consultation with the relevant Director, to place employees on stand-by service in consultation with trade unions.
10. To approve or refuse Municipal employees the use of property for purposes other than that of the Municipality, or the removal thereof from municipal premises.
11. To approve leave of staff reporting to him/her.
12. To approve travel and subsistence allowances of staff reporting to him/her.
13. To sign off on all specifications applicable to his/her department.
14. To approve the transfer of assets applicable to his/her department.

15. To consider relocation expenses of all the staff reporting to him/her, appointed on the municipality's establishment.
16. To approve the Job Descriptions (JD's) of staff reporting to him/her.
17. To authorise officials to attend training courses/seminars of staff reporting to him/her.
18. To consider requests for access to information as Deputy Information Officer.
19. To authorise ICT user access control
20. To respond to audit queries and maintain a departmental audit progress action plan.
21. To serve as a chairperson or employer representative of a disciplinary hearing and to make an appropriate finding and to impose a sanction.
23. Procure and issue protective clothing and uniforms to various categories of staff.

9.4.2 FUNCTION SPECIFIC DELEGATIONS

1. In consultation with the Municipal Manager and Director: Corporate Services, terminate after proper notice the services of a temporary employee.
2. In consultation with the Municipal Manager and Director: Corporate Services, enter into and sign apprenticeship, learnership or similar contracts in terms of any schemes which Council has approved, in respect of employees on behalf of Council.
3. To negotiate and finalise, subject to council policy, the furniture removal expenses costs to newly appointed staff residing outside the jurisdictional areas of the Municipality, subject to applicable Council Policy.
4. To oversee the administration processes of external study bursaries (financial assistance) after approval by the Executive Mayor and Internal Bursaries and after approval by the Municipal Manager for external applicants and employees of the municipality in accordance with any resolution of the Council or applicable legislation or Council Policy.
5. To authorise refunds of subsistence and travelling costs actually incurred by officials in the course of their duties at the scale as provided for in the travel and subsistence policy, in consultation with the Director: Corporate Services and the Municipal Manager.
6. In consultation with the Municipal Manager, recommend the approval of an organisational structure.
7. To issue certificates of services in terms of the relevant Council policy.
8. To approve, in accordance with Council policy, an application by an employee for the payment of a housing subsidy in respect of a dwelling unit.
9. To make a request to a pension fund of which an employee is a member, subject to the Conditions of Services and the rules of the relevant pension/provided fund, for a medical

examination of that employee, where the employee's health has deteriorated to such an extent that he/she is unable to fulfil the duties assigned to his/her post.

10. To recommend to the Director/Municipal Manager training projects/programmes and interventions consistent with an approved workplace skills plan, where applicable and subject to Council policy.
11. In consultation with the relevant Director, approve job descriptions prior to evaluation by the Bargaining Council for the Local Government undertaking.
12. To approve special paid leave for union activities in collaboration with the relevant Director in terms of Council's policy and Labour Relations Act imperatives.
13. In consultation with the relevant Director, determine whether an employee has successfully completed his/her probation.
14. To terminate an employee's service due to pensionable age as determined by the regulations of the relevant pension fund in accordance with relevant policies and legislative requirements.
15. To take full responsibility for all Human Resources Committees that include meeting dates, consultation with chairpersons, review of agenda and minutes quality reports and any other relevant logistical arrangements.
16. Responsible for the processing of annual SALGA fees.
17. Responsible for processing of annual TASK licence fees and related costs.
18. Comply with the provisions as set out in the Staff Regulations.
19. To require that attendance registers be completed by officials and to determine the form and manner thereof.
20. To request officials to work overtime and to ensure that overtime registers are completed and approved on a monthly basis.
21. To place employees on stand-by service in consultation with trade unions.
22. To approve or refuse the use of Municipal employees or property for purposes other than that of the Municipality, or the removal thereof from municipal premises.
23. To consider relocation expenses of all the staff reporting to him/her, appointed on the municipality's establishment.
24. Ensure that the municipality adheres to all the provisions of the Occupational Health and Safety Act and the regulations promulgated in terms thereof, and for this purpose bestowed with overall power to execute matters to which the Act pertains.
25. Responsible for payment to the Department of Labour on an annual basis.
26. To bring any Health and Safety contravention to the attention of the Municipal Manager.
27. To report any health and Safety accidents/incidents to the Department of Labour.
28. To stop construction activities at a construction site which does not adhere to all the safety requirements.

9.4.3 EMPLOYMENT EQUITY

- (1) To perform the duties of designated employer, in order to achieve employment equity and implement affirmative action measures, i.e. to –
 - (a) consult with its employees as required;
 - (b) conduct an analysis as required;
 - (c) prepare an employment equity plan as required; and
 - (d) report to the Director-General on progress made in implementing its employment equity plan, as required.

in terms of section 13 of the “*Employment Equity Act*”.²

- (2) To assign senior managers to take responsibility for monitoring and implementing an employment equity plan in terms of section 24 of the “*Employment Equity Act*”.
- (3) To, in workplaces and in prominent places, place –
 - (a) the most recent report;
 - (b) any compliance order, arbitration award or order of the Labour Court; and
 - (c) any other relevant document.

in terms of section 25 of the “*Employment Equity Act*”.

- (4) To establish and maintain records in respect of the municipal workforce, the employment equity plan and any other prescribed records in terms of section 26 of the “*Employment Equity Act*”.
- (5) To prepare and submit a statement to the Employment Conditions Commission on the remuneration and benefits received in each occupational category and level of the municipal workforce in terms of section 27 of the “*Employment Equity Act*”

9.4.4 LABOUR RELATIONS

1. Finalise all grievances and complaints received from employees.
2. Process and finalise all misconduct cases
3. Develop and manage the information and records of all activities.
4. Representing the municipality in all disputes referred to the SALGBC and CCMA.

² Act No 55 of 1998

9.4.5 OCCUPATIONAL HEALTH AND SAFETY

In this part –

“**OHS Act**” means the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993);³

“**GA Regulations**” means the General Administrative Regulations, No. 929 of 2003;

“**General Safety Regulations**” mean the General Safety Regulations, No. 1031 of 1986;

“**Driven Machinery Regulations**” mean the Driven Machinery Regulations.

“**General Machinery Regulations**” means the General Machinery Regulations, No. 1521 of 1998;

“**LEAPC Regulations**” mean the Lift, Escalator and Passenger Conveyor Regulations, 2010 GN R828 of 17 September 2010;

“**VUP Regulations**” mean the Vessels Under Pressure Regulations No. 1591 of 1996

“**EM Regulations**” mean the Electrical Machinery Regulations, No. 1593 of 1988

1. To take all necessary steps to provide and maintain, as far as is reasonably practicable, a working environment that is safe and without risk to the health of his employees as required by section 8 of the OHS Act.
2. Establishment of Health and Safety Committees.
3. Identify mandatory training.
4. To inspect any safety document, safety plans, etc.
5. Appoint safety representatives for departments in consultation with the respective HODs.
6. To take all necessary steps to conduct the undertaking of the Municipality in such a manner as to ensure, as far as is reasonably practicable, that persons other than employees who may be directly affected by such activities are not thereby exposed to hazards to their health or safety, as required by section 9 of the OHS Act.
7. To, in respect of any *listed work* perform the duties in respect of the identification, evaluation, remedial steps, prevention or minimisation of exposure to hazards and risks, to carry out occupational hygiene programmes and biological monitoring, to subject such employees to medical surveillance, and to keep the health and safety representatives informed of the actions taken, in terms of section 12 of the OHS Act.
8. To ensure that every employee is informed of the hazards to his health and safety in the workplace and the precautionary measures which should be taken and observed with respect to those hazards in terms of section 13 of the OHS Act.
9. To inform the health and safety representatives of any imminent inspections, investigations or formal inquiries in terms of section 13 of the OHS Act.

³ Note: Section 16 requires every chief executive officer to as far as is reasonably practicable ensure that the duties of his employer as contemplated in this Act, are properly discharged. A chief executive officer may assign any duty contemplated in the said subsection, to any person under his control, which person shall act subject to the control and directions of the chief executive officer.

10. To inform a health and safety representative of the occurrence of an incident in the workplace or section of the workplace for which such representative has been designated in terms of section 13 of the OHS Act.
11. To designate health and safety representatives for a workplace, or for different sections thereof, to consult with employees regarding the arrangements and procedures for the nomination or election, period of office and designation and to perform such functions so as to settle disputes by arbitration, in terms of section 13 of the OHS Act.
12. To provide such facilities, assistance and training as a health and safety representative may reasonably require and as have been agreed upon for the carrying out of his functions, in terms of section 18 of the OHS Act.
13. To establish health and safety committees and to consult with a committee with a view to initiating, developing, promoting, maintaining and reviewing measures to ensure the health and safety of employees at work, in terms of section 19 of the OHS Act.
14. To determine the number of members of a health and safety committee.
15. To take the prescribed steps to ensure that a health and safety committee complies with the provisions of and performs the duties assigned to it in the act, in terms of section 20 of the OHS Act.
16. To ensure that a copy of the Act and the relevant regulations are readily available at the work place, as required by reg. 4 of the "*GA Regulations*".
17. To ensure that that suitable meeting place is made available for health and safety committees and that their records, are kept, as required by reg. 5 of the *GA Regulations*.
18. To meet and consult with the registered trade unions of the workplace in order to conclude an agreement concerning the –
 - (a) nomination or election of health and safety representatives;
 - (b) terms of office of health and safety representatives and the circumstances and the prescribed manner in which they may be removed as health and safety representatives;
 - (c) manner in which vacancies are to be filled;
 - (d) manner in which health and safety representatives must perform their functions; and
 - (e) facilities, training and assistance that must be provided to a health and safety representative.and to refer a dispute for conciliation or arbitration to the CCMA or Bargaining Council, as required by reg. 6 of the *GA Regulations*.
19. To designate health and safety representatives as required by reg. 7 of the *GA Regulations*.
20. To report incidents and occupational diseases.

21. To keep a record of all incidents including other incident which resulted in a person having had to receive medical treatment other than first aid and to ensure that every incident which must be recorded is investigated and that all other duties are performed as required by reg. 9 of the GA Regulations.
22. To furnish the inspector with such returns as may be required for the purposes of the administration of the Act, as required by reg. 11 of the GA Regulations.
23. To take such steps as may be necessary to make a condition or situation, that may arise from the activities of the municipality, safe; to reduce the risk as much as is practicable; to provide, maintain and safeguard safety equipment and facilities; to instruct employees in the proper use, maintenance and limitations of the safety equipment and facilities, as required by reg. 1 of the "*General Safety Regulations*".
24. To ensure that first aid and emergency equipment are provided at the workplace and that procedures that are necessary for the treatment of injuries that may result from a workplace are introduced as required by reg. 3 of the "*General Safety Regulations*".
25. To ensure that procedures are in place when work is undertaken in a confined space or in an elevated position or any place where a danger exists of a person being engulfed by solid or particulate material; and that the necessary apparatus, equipment and first aid are available and that the safety procedures are adhered to as required by reg. 5, 6 and 7 of the "*General Safety Regulations*".
26. To ensure compliance with the safety precautions relating to stacking of articles as required by reg. 8 of the *General Safety Regulations*'
27. To ensure compliance with the safety precautions relating to welding, flame cutting, soldering and similar operations as required by reg. 9 of the "*General Safety Regulations*".
28. To ensure that ladders are constructed of sound material, comply with the specifications and are suitable for the purpose for which they are used and that the safety measures are in place as required by reg. 10 of the "*General Safety Regulations*".
29. To ensure that ramps are constructed with accepted technical standards and comply with the specifications and are suitable for the purpose for which they are used and that the safety measures are in place as required by reg. 13B of the "*General Safety Regulations*".
30. To ensure that the duties and powers of the municipality as employer are exercised and performed as required by the "*Driven Machinery Regulations*".
31. To ensure that the duties and powers of the municipality as employer are exercised and performed as required by the "*General Machinery Regulations*".
32. To ensure that all boilers are registered, and to comply with the requirements in regard to boilers no longer in use, where the right of control over the use of the boiler is transferred or when of a boiler is moved to another premises, as required by reg 5 of the "*VUP Regulations*".
33. To ensure that all vessels under pressure are provided with all the appurtenances as required by the health and safety standard used in the design, construction and manufacture thereof and that all safety requirements are met as required by reg 6 of the "*VUP Regulations*".

34. To ensure compliance with the requirements relating to access to and exit from vessels under pressure and door interlocks as required by reg 8 and 9 of the “*VUP Regulations*”.
35. To ensure compliance with the safety requirements relating to portable gas containers, hand-held fire extinguishers and gas fuel use, equipment and systems as required by reg 10, 11 and 12 of the “*VUP Regulations*”.
36. To ensure that boilers or pressure vessel, appurtenances and automatic controls and indicators, are subjected to inspection and a hydraulic pressure tests; that they are maintained in a safe working condition; that modification and repairs are undertaken; and that records are kept of all inspections, tests, modifications and repairs as required by reg 13, 14,15 and 16 of the “*VUP Regulations*”.
37. To provide and maintain in good condition insulated stands, trestles, mats or such other protective equipment as may be necessary to prevent accidents, as required by regulation 2 of the “*EM Regulations*”.
38. To ensure that precautions are taken whenever work is to be carried out on any electrical machinery which has been disconnected from all sources of electrical energy, but which is liable to acquire or to retain an electrical charge, as required by regulation 2 of the “*EM Regulations*”.
39. To ensure compliance with the duties of and to exercise the powers of the *supplier* regarding earthing, supports for power lines, clearances of electric conductors and other wires of power lines, line insulators and fittings, line conductor, including joints, overhead service connections, power line crossings of roads, railway or a communication lines and the installation of any distribution scheme or extension to a scheme, in terms of reg. 13, 14, 15, 17, 18, 19, 20 and 22 of the “*EM Regulations*”.

9.4.6 EPWP COORDINATOR

1. Coordinate the implementation of EPWP in the District as guided by the National Protocol Agreement and enforce the Municipal Managers directive.
2. To coordinate the implementation of National Minimum Wage Act as communicated by the National Minister of Labour: Act No 9 of 2018 that provides for a national minimum wage, the establishment, composition and functioning of the National Minimum Wage Commission, the review and annual adjustment of the National Minimum Wage, as well as the exemption from paying the NMW for the EPWP.
3. To coordinate the implementation of Ministerial Determination means determinations made by the Minister of Labour in terms of section 50 of the Basic Conditions of Employment Act, 1997 establishing conditions of employment for employees in the EPWP.
4. Ensure the effective coordination and monitor the implementation of all Public Employment Programs in the Municipality and to mobilise departments within the

Municipality to meet the targets specified and submit relevant reports to Council and the Minister.

5. Ensure that the Municipal departments incorporate EPWP targets into their programme plans and incorporated in the performance agreements and scorecards of senior officials responsible for implementing the EPWP within Municipality.
6. To ensure that all the EPWP Projects are branded and compliant to the EPWP Corporate Identity Manual.
7. Promote the training of EPWP beneficiaries participating and the Programme and ensure that a percentage from project budget is set-aside for training.
8. Ensure that the EPWP targets are incorporated into the Municipal's Integrated Development Plan.
9. To ensure that the Municipality complies with the requirements for disbursing the EPWP incentive grant in particularly ensure that Municipality cannot draw down any portion of the EPWP incentive grant from the Provincial revenue fund, unless in accordance with the terms of a disbursement letter provided by the Department.
10. Ensure that the Municipality fully comply with the EPWP Audit requirements, as stipulated in the EPWP Audit SOP, Auditor General South Africa's practice note, compliance certificate, and all other relevant legislative and regulatory frameworks pertaining to audits.
11. To coordinate the EPWP District Forum, which consists of Senior officials from all the local municipalities within the District, with representation from all the relevant EPWP sector Departments within the municipalities, officials from the lead Coordinating Department within the Province, the Provincial sector coordinating departments in the Province, the EPWP Programme Manager, and any person whom the Municipal Manager of the District Municipality may invite from time to time.

9.5 DEPARTMENT: CORPORATE SUPPORT SERVICES: SENIOR MANAGER: CORPORATE SUPPORT SERVICES

Acting in terms of section 59 of the Systems Act, Council hereby delegates the following powers, functions and duties to the Senior Manager: Corporate Support Services, including the power to sub-delegate.

9.5.1 GENERIC DELEGATIONS

1. To develop and implement ODM's SDBIP in respect of the department and to ensure that it is aligned to the municipality's IDP.
2. To develop and implement the Municipality's Risk Assessment profile in respect of the above functional areas and to develop actions to mitigate the risks identified.
3. To authorise refunds of subsistence and travelling costs actually incurred by officials in the department in the course of their duties at the scale as provided for in the travel and subsistence policy, in consultation with the relevant Director, and the Municipal Manager.
4. In consultation with the relevant Director, recommend the approval of an organisational structure for the department.
5. To recommend to the relevant Director, training projects/programmes and interventions for the department consistent with an approved workplace skills plan, where applicable and subject to Council policy.
6. To take full responsibility for all departmental Committees that include meeting dates, consultation with chairpersons, review of agenda and minutes, quality reporting, implementation of resolutions and any other relevant logistical arrangements.
7. Comply with the provisions as set out in the Staff Regulations.
8. To require that attendance registers be completed by officials and to determine the form and manner thereof.
9. To request officials to work overtime and to ensure that overtime registers are completed and approved on a monthly basis.
10. In consultation with the relevant Director, to place employees on stand-by service in consultation with trade unions.
11. To approve or refuse Municipal employees the use of property for purposes other than that of the Municipality, or the removal thereof from municipal premises.
12. To approve leave of staff reporting to him/her.
13. To approve travel and subsistence allowances of staff reporting to him/her.
14. To sign off on all specifications applicable to his/her department.
15. To approve the transfer of assets applicable to his/her department.

16. To consider relocation expenses of all the staff reporting to him/her, appointed on the municipality's establishment.
17. To approve the Job Descriptions (JD's) of staff reporting to him/her.
18. To authorise officials to attend training courses/seminars of staff reporting to him/her.
19. To consider requests for access to information as Deputy Information Officer.
20. To authorise ICT user access control
21. To respond to audit queries and maintain a departmental audit progress action plan.
22. To serve as a chairperson or employer representative of a disciplinary hearing and to make an appropriate finding and to impose a sanction.
23. Procure and issue protective clothing and uniforms to various categories of staff.
24. Manage fleet and reconcile monthly fuel expenditure.

9.5.2 FUNCTION SPECIFIC DELEGATIONS

1. Provide Legal and Administrative Support in respect of contracts and transactions.
2. Assist user departments with SCM contract management compliance issues.
3. Consider requests from property section for the drafting of lease, purchase and other agreements.
4. Updating and maintaining the ICT service Catalogue to ensure an accurate picture of services the ICT section provides to the different directorates.
5. Assist SCM with objections process.
6. To advise on the lease of municipal buildings, and subject to all necessary prescribed approvals having been obtained and procedures complied with.
7. To advise the Municipal Manager and Executive Mayor whether to institute, defend, review, appeal and/or settle matters in the High Court, Labour Court, Equality Court, Supreme Court of Appeal and the Constitutional Court.
8. To settle any arbitration that is not before any court, in consultation with the Municipal Manager.
9. To instruct attorneys to enter notice of appearance on behalf of the Municipality in any matter instituted against the Municipality in the High Court or a court of equal stature where time is of the essence, and to sign all the necessary documents for this purpose, pending the submission of a report to the Municipal Manager and Executive Mayor advising as to how the matter should be proceeded with.
10. To appoint attorneys and counsel in respect of any litigation which has been duly authorised in terms of Council's System of Delegation.

11. To serve as the overall district co-ordinator of Information Technology activities to ensure maximum efficiency and effectiveness in meeting all the business needs of the organization.

9.5.3 CONTRACT MANAGEMENT

11. Guiding the drafting, adjudication and reporting processes with regards to contracts and tenders awarded and verifying details, items and conditions, specifications, etc. comply with laid down policies, regulations and procedures
12. Development of contract management procedures
13. Review the automated contract management system ensuring adherence to relevant accounting standards.
14. Drafting policies, procedures, contract clauses and practices which promotes and demonstrates clear problem and conflict resolution mechanisms including well defined and known escalation routes.
15. Advising and informing council on the possible varying of contracts, necessity for contract extension, breach of contract, performance of contract
16. Interpret contents or clauses of documents in order to advise line management
17. Monitor to ensure compliance with contracts
18. Monitor to ensure that contracts are duly signed, issued to the relevant parties and structures and duly archived.
19. Briefing parties (consultants, vendors, etc.) on the terms and scope of such appointments and evaluating investigating and approving submissions on progress, performance and costs.
20. Monitoring contractor/vendor performance against agreed terms and conditions (service level agreements) through ongoing interaction with site personnel, on-site inspections and alerting the contractor/vendor to any acts of non-conformance prior to approving payment certificates
21. Provide Legal and Administrative Support in respect of property contracts and transactions
22. Resolving technical conflicts and contractual claims and preparing the necessary reports presenting Councils arguments at arbitration.
23. Managing and controlling all service and maintenance contracts for all IT systems.
24. Manage external IT service providers. Establish and maintain relationship with outside IT vendors and support entities.
25. Updating and maintaining the ICT service Catalogue to ensure an accurate picture of services the ICT section provides to the different directorates.

26. Updating and maintaining the internal Service level Agreements (SLAs) between ICT department and directorates to ensure high quality and timely delivery of ICT services to customers in the Overberg District Municipality.
27. Consider requests from property section for the drafting of lease, purchase and other agreements.
28. Assist user departments with SCM contract management compliance issues.
29. Ensuring that contractual agreements are properly implemented, managed, enforced, monitored and reported on, and must maintain mechanisms and procedures for:
 - measuring the outputs of the agreement;
 - monitoring the implementation of the agreement and performances under the agreement;
 - liaising with the private party;
 - resolving disputes and differences with the private party;
 - generally overseeing the day-to-day management of the agreement; and
 - reporting on the PPP agreement in the institution's annual report.
30. Participate in bid evaluation and adjudication processes.
31. To ensure contractual terms and conditions entered into and agreed upon are complied with and specific responsibilities discharged accordingly without any risk to Council.

9.5.4 LEGAL SERVICES

1. To obtain legal opinions, including from senior counsel.
2. To advise the Municipal Manager and Executive Mayor whether to institute, defend, review, appeal and/or settle matters in the High Court, Labour Court, Equality Court, Supreme Court of Appeal and the Constitutional Court.
3. To resolve not to defend any High Court or court of equal stature matter where there are no cost or adverse implications for the Municipality, provided that a report is submitted immediately to the Municipal Manager.
4. To institute, oppose or abide by any interlocutory application.
5. To defend urgent High Court or courts of equal stature applications, where it is impossible due to time constraints to obtain the necessary authority and failure to do so will severely prejudice and/or have a detrimental impact on the Municipality, provided that a report is submitted forthwith to the Municipal Manager and Executive Mayor for information.
6. To institute, urgent High Court or courts of equal stature, applications where it is impossible due to time constraints to obtain the necessary authority and failure to do so

will severely prejudice and/or have a detrimental impact on the Municipality, provided that a report is submitted forthwith to the Municipal Manager and Executive Mayor for information.

7. To instruct attorneys to enter notice of appearance on behalf of the Municipality in any matter instituted against the Municipality in the High Court or a court of equal stature where time is of the essence, and to sign all the necessary documents for this purpose, pending the submission of a report to the Municipal Manager and Executive Mayor advising as to how the matter should be proceeded with.
8. To appoint attorneys and counsel in respect of any litigation which has been duly authorised in terms of Council's System of Delegation.
9. To conduct any necessary action in any matter instituted by or against the Municipality, including the signature of the powers of attorney, affidavits and other documents in order to finalise the matter provided the necessary authority exists.
10. To institute, defend or abide by the decision of the Court, in any matter before the Lower Court or court of equal stature or any arbitration and mediation which would otherwise be heard in the Lower Court. This power includes the power to settle any such matter.
11. To institute and defend matters in the CCMA and the Bargaining Council, in consultation with the Municipal Manager.
12. To appoint persons to represent council in the CCMA and the Bargaining Council, in consultation with the Municipal Manager.
13. To deny payment or to settle any claim or action prior to litigation, in consultation with the Municipal Manager.
14. To instruct attorneys to collect any monies owed to the Municipality prior to the institution of legal proceedings.
15. To appear before a notary to execute any document or to appoint any other person to appear before the notary on behalf of the Municipality, including the power to sign any documents relating thereto, in consultation with the Municipal Manager.
16. To attest and authorise any other person to attest to an affidavit on behalf of the municipality or in respect of any other matter where the Municipality bears knowledge, in consultation with the Municipal Manager.
17. To settle any arbitration that is not before any court, in consultation with the Municipal Manager.
18. To appoint any person to represent the Municipality in the Small Claims Court, in consultation with the Municipal Manager.
19. To appoint mediators and arbitrators, in consultation with the Municipal Manager.

20. To agree or to authorise an official to agree, on behalf of the Municipality, to plea bargain agreements in terms of the Criminal Procedure Act, provided that in the case involving Councillors, the Executive Mayor and the Speaker is consulted.
21. To issue instructions and sign any necessary documents to invest money held in trust by attorneys on behalf of the Municipality in terms of section 78(2) or (2A) of the Attorney's Act, as amended.
22. To authorise the issuing of power of attorney to conveyances, institutions or consultants to sign deeds of sale and transfer documentation on behalf of the Municipality
23. To advise Council on the lease of municipal buildings, and subject to all necessary prescribed approvals having been obtained and procedures complied with.
24. To negotiate/liaise with provincial and state organs regarding land, relocation and related legal matters.
25. To sign deeds of sale and transfer documentation for the individual beneficiaries in new settlement developments.
26. To issue a power of attorney to conveyances, institutions or consultants to sign deeds of sale and transfer documentation on behalf of the Municipality.

9.5.5 INFORMATION SYSTEMS AND TECHNOLOGY (ICT)

1. Approve vacation, sick and study leave of staff reporting to the Manager.
2. Ensure compliance with all applicable legislation (Electronics Communications Act, Promotion of Access to Information Act, Protection of Personal Information Act, etc.).
3. To safeguard the back-up system.
4. To ensure that the municipality's computer system is safe from hackers by regular updating the software.
5. To take reasonable steps to effect adequate and appropriate security against the loss of spatial information unauthorised or unlawful access to and medication or disclosure of that spatial information.
6. To ensure the protection of the copyright of the Municipality and other interested parties in spatial information.
7. Plan, install and monitor software and hardware to meet overall information technology needs.
8. Oversee budgets and information security and implement new technology as needed.
9. To manage the review and/or amendment of ICT policies and procedures.
10. To manage ICT user access control
11. To prescribe technical specification for all computers, computer related equipment and systems utilized by Council.

12. To apply and renew the municipality's software licenses.
13. To terminate user privileges and access to computer systems due to unauthorized use, misuse and tampering with services, on behalf of Council.
14. To serve as the overall district co-ordinator of Information Technology activities to ensure maximum efficiency and effectiveness in meeting all the business needs of the organization.
15. To carry out responsibilities assigned in terms of the Electronic Communications Act (Act 25 of 2002).
16. To assess and review all security incidents and threats relating to information technology and to implement corrective actions to prevent re-occurrence.
17. To determine and prescribe internal security standards and procedures for all levels of employees.
18. To ensure that steps are taken to maintain IT security risks at an acceptable level.
19. To co-ordinate applications for software development within the municipality.
20. To establish and manage contracts applicable to all IT related systems within the organization.
21. To ensure proper systems integration within the organization
22. To manage a centralized IT budget for computer equipment and software.

9.5.6 BUILDING MANAGEMENT AND SUPPORT SERVICES

1. Ensure and oversee maintenance and safeguarding of the Overberg District Municipality buildings
2. Draft Building Management reports for Council
3. Implementing appropriate facilities and mechanisms to ensure full compliance with all health and safety standards and physical access security.
4. To recommend, administer and manage the acquisition, enhancement, alienation, leasing and utilisation of the Municipality's immovable property and rights in property in terms of the Municipality's Immoveable Property By-law.
5. To exercise all the rights and obligations of the Municipality as lessor or principal in respect of agreements of lease, servitudes and other legal instruments related to the incumbent's area of jurisdiction.
6. To advise Council on property transactions provided that in respect of the granting of rights to use, management or control the Municipality's immovable assets such as land, property and buildings where the value of the assets is more than R10 million and the duration of the right is longer than three (3) years.

7. To determine whether or not to cancel leases where the terms and conditions thereof have been breached and to, in consultation with the Manager: Legal Services, institute legal proceedings for the eviction of lessees consequent upon such cancellation and for the recovery of monies owing to Council where such cancellation arose from the lessees default in making timeous payment of such monies.
8. To frame the conditions of lease, granting of rights, acquisitions and sales to execute all documents and rights in connection with the letter, selling and acquisition of immovable property.
9. To authorise encroachments over Council's land, frame and conclude relevant agreements and impose the levying of a fee/tariff, in consultation with the Executive Manager.
10. To permit occupation of municipal land by a purchaser prior to registration in accordance with the conditions of sale, provided that such purchaser deposits with Council the purchase price and/or pays an occupational rental and complies with any other condition that may be relevant in the circumstances.
11. To lease and cancel the letting of facilities/amenities at resorts, including the marketing and administration thereof.
12. To lease to members of the public/organisations equipment at resorts (i.e. chairs, deckchairs, trestle, tables, etc.) at the prescribed tariff approved by Council.
13. To approve/refuse the application for the hire of dwelling units at resorts and other recreational facilities under the control of the Directorate.
14. To submit reports to Council on catalytic projects for approval.
15. To formulate and implement high impact projects for council
16. To submit business plans for funding to possible funders both government and private sectors
17. To facilitate Real estate, urban realm and infrastructure development
18. To facilitate and implement Social or Green development initiatives
19. To ensure Partnership facilitation, planning and visioning
20. To Leverage municipal properties and assets to create revenue generating projects
21. Ensure that Support Services are rendered through Access Control, Switchboard Services, Repographic Services, Hygiene Services, Gardening Services and Parking Services.

9.6 DEPARTMENT: ADMINISTRATION SERVICES (MANAGER: COMMITTEE SERVICES, RECORDS MANAGEMENT AND COUNCIL SUPPORT)

Acting in terms of section 59 of the Systems Act, Council hereby delegates the following powers, functions and duties to the Manager: Committee Services, Records Management and Council Support, including the power to sub-delegate.

9.6.1 GENERIC DELEGATIONS

1. To develop and implement ODM's SDBIP in respect of the department and to ensure that it is aligned to the municipality's IDP.
2. To develop and implement the Municipality's Risk Assessment profile in respect of the above functional areas and to develop actions to mitigate the risks identified.
3. To authorise refunds of subsistence and travelling costs actually incurred by officials in the department in the course of their duties at the scale as provided for in the travel and subsistence policy, in consultation with the relevant Director, and the Municipal Manager.
4. In consultation with the relevant Director, recommend the approval of an organisational structure for the department.
5. To recommend to the relevant Director, training projects/programmes and interventions for the department consistent with an approved workplace skills plan, where applicable and subject to Council policy.
6. To take full responsibility for all departmental Committees that include meeting dates, consultation with chairpersons, review of agenda and minutes, quality reporting, implementation of resolutions and any other relevant logistical arrangements.
7. Comply with the provisions as set out in the Staff Regulations.
8. To require that attendance registers be completed by officials and to determine the form and manner thereof.
9. To request officials to work overtime and to ensure that overtime registers are completed and approved on a monthly basis.
10. In consultation with the relevant Director, to place employees on stand-by service in consultation with trade unions.
11. To approve or refuse Municipal employees the use of property for purposes other than that of the Municipality, or the removal thereof from municipal premises.
12. To approve leave of staff reporting to him/her.
13. To approve travel and subsistence allowances of staff reporting to him/her.
14. To sign off on all specifications applicable to his/her department.
15. To approve the transfer of assets applicable to his/her department.

16. To consider relocation expenses of all the staff reporting to him/her, appointed on the municipality's establishment.
17. To approve the Job Descriptions (JD's) of staff reporting to him/her.
18. To authorise officials to attend training courses/seminars of staff reporting to him/her.
19. To consider requests for access to information as Deputy Information Officer.
20. To authorise ICT user access control
21. To respond to audit queries and maintain a departmental audit progress action plan.
22. To serve as a chairperson or employer representative of a disciplinary hearing and to make an appropriate finding and to impose a sanction.
23. Procure and issue protective clothing and uniforms to various categories of staff.
24. Manage fleet and reconcile monthly fuel expenditure.

9.6.2 COMMITTEE SERVICES

1. Implement and maintain, subject to such written instructions that Council or the Municipal Manager may issue from time to time, a system of proper record and safekeeping of all resolutions adopted by Council, including resolutions adopted and/or decisions taken by the Mayoral Committee and other committees of Council.
2. Responsible for the co-ordination of Council Resolutions to the relevant Departments.
3. Maintain and monitor the implementation of council resolutions through the maintenance of a resolution register.
4. Responsible for the overall functioning of all committees of Council through the preparation and drafting of agendas and recording of minutes.
5. Maintain an attendance record for council and committee meetings.
6. Give notice to the public in a manner determined by the municipal council of the time, date and venue of every ordinary meeting of council and special or urgent meeting of council except when time constraints make this impossible.
7. Publish By Laws passed by Council and bring it to the attention of the local community.
8. Establish appropriate mechanisms, processes and procedures to enable the local community to participate in the affairs of the municipality and for this purpose must provide for:
 - The receipt, processing and consideration of petition, and complaints lodged by members of the local community;
 - Notification of public comment procedures when appropriate;
 - Public meetings and hearings by the municipal council and other political structures and public office bearers of the municipality, when appropriate taking

into account the special needs of people who cannot read or write; people with disabilities; women and other disadvantaged groups.

9.6.3 RECORDS MANAGEMENT

1. To ensure that all documents within the centralized and de-centralised archiving sections are stored with the prescriptions of the Western Cape Archiving Act and Regulations.
2. To ensure that documents can be disposed of in terms of the prescriptions of the Western Cape Archiving Act and Regulations and/or other prescriptions Western Cape Archives prescribes in their general minutes which are periodically dispensed.
3. To be responsible for the establishment and compilation of Council's Records System.
4. To manage Council's records in a well-structured records keeping system within the applicable legislative framework.
5. To put policies and procedures in place to ensure that its record keeping and records management practices comply with the prescriptions and requirements of the Provincial Archives and Records Service of the Western Cape Act, 2005 (Act No 3 of 2005).
6. Managing the efficient and systematic control of the creation, receipt, maintenance, use, safekeeping and disposal of records.
7. Provisioning of timely, accessible and accurate information.
8. Draft the Minimum Information Security Standard and procedures and measures for protecting information.
9. Integrating and managing records management into business systems and processes through the use of Collaborator.
10. Manage the request for access to a record of information in accordance with the procedures.
11. Draft the access to information manual.
12. Approve vacation, sick and study leave of staff reporting to the Manager.
13. Designated Manager Records by the Municipal Manager in terms of section 9(a) of the Provincial and Records Service of the Western Cape Act, 2005.
14. Ensure compliance to the applicable legislation in terms of all archives and records procedure plans, monitoring and evaluation.
15. Records, Electronic Records and Archives Management.
16. Conduct a Records Audit – ensure to adhere to the recommendations provincially.
17. Ensure the systematic identification and arrangement of business activities and records into categories according to logically structured rules presented in the classification system.

18. To compile, update and maintain archive plans.
19. Ensure that all policies are updated and maintain the policy register.
20. Disposal of records, listing all terminated records, disposal authority, storage.
21. Public access to records.
22. Protect national archival heritage
23. Maintain approved records classification system.
24. Annually report to the Human Rights Commission on access to information requests received and handled.

9.6.4 COUNCIL SUPPORT

1. Coordinate Councillor Training, Development and Empowerment.
2. Manage the process of declaration of interest of Councillors in accordance with the Code of Conduct for Councillors.
3. Manage the process of Councillor attendance to Council and Committee meetings.
4. Manage the service, receipt and distribution of Council documents.
5. Compile a calendar of Council and Committee meetings.
6. Arrange for Councillor transport and subsistence allowance when attending meetings.
7. Manage facility bookings for council/councillor meetings.
8. Assist the Municipal Manager with information required by the MEC during investigations of non-performance and mal-administration.
9. Assist the Municipal manager with the administrative process of managing By Elections.
10. Liaise with the IEC and assist with Local Government Election processes.
11. Circulate important information for the attention of Councillors.
12. Publish information pertaining to Council meetings onto the municipal website and social media platforms.
13. Review or amend the Council Rules of Order and submit to Council for adoption.
14. Liase with the Speaker when compiling the Calendar of Council meetings.
15. Communicate with the Chief Electoral Officer on the filling of vacancies in council.

10. DELEGATION OF POWER: THE DIRECTOR: COMMUNITY SERVICES

10.1 INTRODUCTION

Senior managers and other officials of municipalities 78. (1) Each senior manager of a municipality and each official of a municipality exercising financial management responsibilities must take all reasonable steps within their respective areas of responsibility to ensure-

- (a) that the system of financial management and internal control established the municipality is carried out diligently;
- (b) that the financial and other resources of the municipality are utilised for effectively, efficiently, economically and transparently;
- (c) that any unauthorised, irregular or fruitless and wasteful expenditure and any other losses are prevented;
- (d) that all revenue due to the municipality is collected;
- (e) that the assets and liabilities of the municipality are managed effectively and that assets are safeguarded and maintained to the extent necessary;
- (f) that all information required by the accounting officer for compliance with the provisions of this Act is timeously submitted to the accounting officer: and
- (g) that the provisions of this Act, to the extent applicable to that senior manager or official, including any delegations in terms of section 79, are complied with. (2) A senior manager or such official must perform the functions referred to in subsection (1) subject to the directions of the accounting officer of the municipality.

10.2 GENERIC DELEGATIONS : DIRECTORS

Acting in terms of section 59 of the Systems Act, Council hereby delegates the following powers, functions and duties to the Director: Community Services, including the power to sub-delegate:

1. To develop and implement the Municipality's SDBIP in respect of the above functional areas and to ensure that it is aligned to the Municipality's IDP.
2. Submit the disaster management plan which must inter alia form part of the Integrated Development Plan to Council for approval.
3. Recommend to Council strategies, programmes and services to address priority needs through the IDP, and the estimates of revenue and expenditure, taking into account any applicable national and provincial development plans.
4. Identify, review and evaluate the needs of the Municipality in order of priority.
5. Recommend or determine the best way, including partnership and other approaches to deliver those strategies, programmes and services to the maximum benefit of the community.
6. Identify and develop criteria to evaluate progress in the implementation of strategies, programmes and services (including key performance indicators).

7. Exercise executive and legislative authority and use resources in the best interest of local community.
8. Encourage community involvement.
9. Provide democratic and accountable government.
10. Ensure services are provided in a financially and environmentally sustainable manner.
11. Give equitable access to services.
12. Promote and undertake development.
13. Promote safe and healthy environment.
14. Review mechanisms to provide service delivery.
15. Regulate, monitor and assess service delivery when using a service provider to ensure proper municipal services are delivered.
16. Extend period of probation for a period not exceeding six (6) months, provided that he period of probation must be extended before date of completion of original probation period and in consultation with the Manager: HR and the Municipal Manager.
17. To request officials to work overtime and to ensure that overtime register are completed and approved on a monthly basis.
18. To place employees on stand-by service in consultation with the unions and in line with Council's policies.
19. To approve or refuse leave of absence of staff reporting directly to the Director: Community Services with due consideration of the exigencies of the Municipality.
20. To approve trip authority of staff reporting directly to the Director: Community Services.
21. To, in consultation with the Municipal Manager and Senior Manager: HR, grant special sick leave to employees due to injuries arising from his/her duties and occurring in the course of his/her duties in line with approved Council policy.
22. To approve claims from officials reporting to the Director: Community Services in respect of travel and subsistence allowances.
23. To consider relocation expenses of staff reporting directly to the Director: Community Services, in line with approved Council policies.
24. To promote sound labour relations and compliance with applicable labour laws, collective agreements.
25. To adjust the running costs of the essential users scheme in accordance with the AA tables on a quarterly basis and/or approved implementation of the tariffs provided by the Bargaining Council.
26. Promote gender equity.
27. To exercise all powers, duties and functions which vest in the Municipality in terms of sections 58 and 61 of the National Environmental Management: Waste Act.
28. Ensuring that the Municipality addresses all the issues raised in an audit report

10.3 DIRECTOR COMMUNITY SERVICES: FUNCTIONAL AREAS

The director is responsible for the following functional areas -

- Emergency Services (Fire & Disaster Management)
- Environmental Management
- Municipal Health Services
- Local Economic Development, Tourism, Resorts & EPWP
- Roads Agency

10.4 DEPARTMENT: EMERGENCY SERVICES: (MANAGER: EMERGENCY SERVICES)

Acting in terms of section 59 of the Systems Act, Council hereby delegates the following powers, functions and duties to the Manager: Emergency Services, including the power to sub-delegate.

10.4.1 GENERIC DELEGATIONS

1. To develop and implement ODM's SDBIP in respect of the department and to ensure that it is aligned to the municipality's IDP.
2. To develop and implement the Municipality's Risk Assessment profile in respect of the above functional areas and to develop actions to mitigate the risks identified.
3. To authorise refunds of subsistence and travelling costs actually incurred by officials in the department in the course of their duties at the scale as provided for in the travel and subsistence policy, in consultation with the relevant Director, and the Municipal Manager.
4. In consultation with the relevant Director, recommend the approval of an organisational structure for the department.
5. To recommend to the relevant Director, training projects/programmes and interventions for the department consistent with an approved workplace skills plan, where applicable and subject to Council policy.
6. To take full responsibility for all departmental Committees that include meeting dates, consultation with chairpersons, review of agenda and minutes, quality reporting, implementation of resolutions and any other relevant logistical arrangements.
7. Comply with the provisions as set out in the Staff Regulations.
8. To require that attendance registers be completed by officials and to determine the form and manner thereof.
9. To request officials to work overtime and to ensure that overtime registers are completed and approved on a monthly basis.
10. In consultation with the relevant Director, to place employees on stand-by service in consultation with trade unions.
11. To approve or refuse Municipal employees the use of property for purposes other than that of the Municipality, or the removal thereof from municipal premises.
12. To approve leave of staff reporting to him/her.
13. To approve travel and subsistence allowances of staff reporting to him/her.
14. To sign off on all specifications applicable to his/her department.
15. To approve the transfer of assets applicable to his/her department.

16. To consider relocation expenses of all the staff reporting to him/her, appointed on the municipality's establishment.
17. To approve the Job Descriptions (JD's) of staff reporting to him/her.
18. To authorise officials to attend training courses/seminars of staff reporting to him/her.
19. To consider requests for access to information as Deputy Information Officer.
20. To authorise ICT user access control
21. To respond to audit queries and maintain a departmental audit progress action plan.
22. To serve as a chairperson or employer representative of a disciplinary hearing and to make an appropriate finding and to impose a sanction.
23. Procure and issue protective clothing and uniforms to various categories of staff.
24. Manage emergency fleet and reconcile monthly fuel expenditure.

10.4.2 DISASTER MANAGEMENT

The following powers are hereby delegated to the Director: Community Services, which powers he may from time to time exercise in consultation with the Municipal Manager:

- (1) The power to grant approval for the attendance of training courses by firefighting staff, as well as other personnel to whom it may apply in terms of the Council policy.
 - (2) The power to exercise any powers and perform any duties delegated or assigned in terms of Section 14 of the Disaster Management Act 57 of 2002, or any relevant provision of the Act.
 - (3) The power the exercise any powers and perform any duties delegated or assigned interns of the Fire Brigade Act 99 of 1990 to enforce the provision of the Act.
 - (4) The power to approve, subject to the concurrence of the Director Community Services, applications for permission to install tanks and pumps or other delivery devices for the storage, sale or distribution of petrol or petroleum products.
 - (5) The duty to perform and execute all powers, functions and duties in terms of the National Veld and Forest Fire Act of 1998 including but not limited to, training staff regarding veld fire prevention, management and control and to prevent and fight veldfires in terms of this Act and any other relevant legislation.
 - (6) The power to protect Council's assets and to take whatever action necessary to ensure the security of all municipal assets and personnel.
- (2) To initiate the process of ensuring a written agreement for the rendering of a Disaster Management Service and assistance outside the municipal urban areas.
 - (3) To appoint consultants, who dispose of the necessary skills regarding the tasks to be executed. Reg 44(i).
 - (4) To, in consultation with the relevant business unit manager(s) grant permission for the utilization of any Municipal facilities during an emergency.

- (5) To take control of all contracts included and approved by Council for disaster management as well as certify all payment certificates, the amounts of which falls within his/her signing authority, in respect thereof.
- (6) To approve all purchase forms and/or orders except for those, which require the signature of the Municipal Manager
- (7) To grant permission for the utilization of any Municipal facilities during an emergency.
- (8) To co-ordinate all actions during a disaster in terms of the Disaster Management Act, or any other actions required during an incident.
- (9) To establish a municipal disaster management advice forum.
- (10) To prepare disaster management plan which must inter alia form part of the Integrated Development Plan.
- (11) To act as repository of and conduit for information concerning disasters, impending disasters and disaster management in the municipal area.
- (12) Must conduct a disaster risk assessment for the municipal area in collaboration with the local municipalities.
- (13) Must make recommendations regarding the funding of disaster management in the municipal area, and initiate and facilitate efforts to make such funding available.
- (14) Must promote the recruitment, training and participation of volunteers in disaster management in the municipal area.
- (15) Must promote disaster management capacity building, training and education, including in schools, in the municipal area.
- (16) Must submit annual reports to Council on the activities of the Disaster Management Centre for the year, disasters that occurred during the year in the municipal area as well as the classification, magnitude and severity of these disasters, as set out in section 50 of the Disaster Management Act (DMA).
- (17) To approve/reject leave of staff reporting to the Manager.
- (18) To provide job descriptions for each post on the staff establishment.
- (19) To approve claims from officials in respect of travel and subsistence allowances, in line with Council policies.

10.4.3 FIRE SERVICES

- (1) To decide on the most appropriate systems for the control, management, planning, coordination and regulation of firefighting services, for the Municipal area.
- (2) To exercise the functions as mandated by Section 84(1)(j) of the Structures Act.
- (3) To exercise any powers and perform any duties delegated or assigned to him/her in terms of the Fire Brigade Services Act 99 of 1987 (as amended) to enforce the provisions of the Act, including determining fees, initiating agreements and establishing a fire brigade reserve force.

To, in terms of the Fire Brigade Services Act (as amended):

- decide on the most appropriate deployment of the fire and emergency services of the municipality and to determine priorities in this regard;
 - to grant extension of time for the payment of costs for the salvage, removal or safe storage of objects which are endangered, in terms of section 9(3);
 - to give notice by means of a newspaper advertisement that goods placed in safe storage, must be claimed within a specified time, in terms of section 9(6);
 - to grant authority that goods placed in safe storage may be sold, in terms of section 9(6);
 - to take all necessary steps on behalf of and at the cost of an owner who failed to comply with the directions in regard to the utilisation and storage of hazardous substances and safety precautions, in terms of section 18;
 - to appoint a person(s) as a member(s) of the Fire Brigade Reserve Force, in consultation with the Municipal Manager and Manager: HR.
- (5) To strive to align the Service with the prescripts and requirements of SANS: 10090: 2020: Community Protection Against Fire
 - (6) Strategic Management. Establish and manage the medium to long-term objectives and public safety priorities of a productive and cost effective department.
 - (7) Organizational Management. To establish and develop organizational principles and processes for the delivery of emergency services in the area of jurisdiction.
 - (8) Administrative Management. Establish and maintain effective administrative systems and processes for the Department.
 - (9) To decide on the most appropriate deployment of the fire and emergency services of the municipality and to determine priorities in this regard.
 - (10) To execute in general all the activities and duties of the Council. Fire Brigade Services Act 99 of 1987, Section 8(1).
 - (11) To grant extension of time for the payment of costs for the salvage, removal or safe storage of objects which are endangered, in terms of section 9(3) of the Fire Services Act.
 - (12) To give notice by means of a newspaper advertisement that goods placed in safe storage, must be claimed within a specified time, in terms of Section 9(6) of the Fire Services Act.

- (13) To grant authority that goods placed in safe storage may be sold, in terms of Section 9(6) of the Fire Services Act.
- (14) To grant authority for the utilisation of the fire service outside the area of jurisdiction of the municipality, as provided for in Section 12 of the Fire Services Act, subject to all relevant co-operative agreements and memorandums of understanding with other authorities.
- (15) To take all necessary steps on behalf of and at the cost of an owner who failed to comply with the directions in regard to the utilisation and storage of hazardous substances and safety precautions, in terms of Section 18 of the Fire Services Act.
- (16) To initiate the process of ensuring a written agreement for the rendering of Fire and Rescue Services and assistance outside the urban boundary in terms of section 12 of the Fire Brigade Services Act 1987.
- (17) To appoint a person(s) as a member(s) of the Fire Brigade Reserve Force in terms of section 12 of the Fire Brigade Services Act 1987.
- (18) To, in emergencies, request the support of assistance of the other fire services, if necessary. Act 12(1) (a) Constitution 41(1) (h) (ii) SYS 3(3) (b)
- (19) To undertake the co-ordination of the standardization of infrastructure, vehicles, equipment and procedures. STR 84(1)(j)(iii)
- (20) To decide on the most appropriate system for the control, management, planning, co-ordination and regulation of firefighting services which serve the area of the District Municipality as a whole.
- (21) Appointing officials as Peace officers to enforce all legislation which the municipality may from time to time be called upon to enforce.
- (22) Issuing of press statements to the media and comments on administrative/technical matters.
- (23) To authorize public demonstrations and the use of the District Municipality equipment and staff at such occasions to promote fire safety and prevention.
- (24) Ensure that the principles of fire technology and fire engineering science is applied in existing and proposed developments in the built environment of the relevant municipality.

10.4.4 ADMINISTRATION AND TRAINING SERVICES

- 1. Administrative Management. Establish and maintain effective administrative systems and processes for the Department.
- 2. To perform and execute all powers, functions and duties in terms of the National Veld and Forest Fire Act 101 of 1998 including but not limited to training of staff regarding veld fire prevention, management and control and to prevent and fight veld fires in terms of this Act and any other relevant legislation.

3. Personnel and Performance Management. To manage departmental staff so that they are able to meet their objectives as stated in their job descriptions, duty schedules and performance plans through the applicable municipal systems.
4. To grant approval for the attendance of training courses by Fire Fighting staff, as well as other personnel to whom it may apply in terms of Council's policy.
5. To provide job descriptions for each post on the staff establishment.
6. To approve claims from officials in respect of travel and subsistence allowances, in line with approved Council policies.
7. To approve/reject leave of staff reporting to the Manager.

10.4.5 CONTROL CENTRE

10.4.6 COMMUNITY INTERVENTION SERVICES

10.5 DEPARTMENT: ENVIRONMENTAL MANAGEMENT SERVICES (MANAGER: ENVIRONMENTAL MANAGEMENT SERVICES)

Acting in terms of section 59 of the Systems Act, Council hereby delegates the following powers, functions and duties to the Manager: Environmental Management Services, including the power to sub-delegate.

10.5.1 GENERIC DELEGATIONS

1. To develop and implement ODM's SDBIP in respect of the department and to ensure that it is aligned to the municipality's IDP.
2. To develop and implement the Municipality's Risk Assessment profile in respect of the above functional areas and to develop actions to mitigate the risks identified.
3. To authorise refunds of subsistence and travelling costs actually incurred by officials in the department in the course of their duties at the scale as provided for in the travel and subsistence policy, in consultation with the relevant Director, and the Municipal Manager.
4. In consultation with the relevant Director, recommend the approval of an organisational structure for the department.
5. To recommend to the relevant Director, training projects/programmes and interventions for the department consistent with an approved workplace skills plan, where applicable and subject to Council policy.
6. To take full responsibility for all departmental Committees that include meeting dates, consultation with chairpersons, review of agenda and minutes, quality reporting, implementation of resolutions and any other relevant logistical arrangements.
7. Comply with the provisions as set out in the Staff Regulations.
8. To require that attendance registers be completed by officials and to determine the form and manner thereof.
9. To request officials to work overtime and to ensure that overtime registers are completed and approved on a monthly basis.
10. In consultation with the relevant Director, to place employees on stand-by service in consultation with trade unions.
11. To approve or refuse Municipal employees the use of property for purposes other than that of the Municipality, or the removal thereof from municipal premises.
12. To approve leave of staff reporting to him/her.
13. To approve travel and subsistence allowances of staff reporting to him/her.
14. To sign off on all specifications applicable to his/her department.

15. To approve the transfer of assets applicable to his/her department.
16. To consider relocation expenses of all the staff reporting to him/her, appointed on the municipality's establishment.
17. To approve the Job Descriptions (JD's) of staff reporting to him/her.
18. To authorise officials to attend training courses/seminars of staff reporting to him/her.
19. To consider requests for access to information as Deputy Information Officer.
20. To authorise ICT user access control
21. To respond to audit queries and maintain a departmental audit progress action plan.
22. To serve as a chairperson or employer representative of a disciplinary hearing and to make an appropriate finding and to impose a sanction.
23. Procure and issue protective clothing and uniforms to various categories of staff.
24. Manage municipal pool fleet and reconcile monthly fuel expenditure.

10.5.2 FUNCTION SPECIFIC DELEGATIONS

ADMINISTRATION

1. Management of Environmental Management Services administration.

ENVIRONMENTAL MANAGEMENT

General

- (1) To formulate policies and strategies relating to planning and environmental matters for the approval of the relevant political structure and give effect thereto once such policies and strategies are approved.
- (2) To establish systems and procedures which promote and ensure that the Municipality adheres to the requirements of section 24 of "NEMA" in respect of environmental assessments, public consultation and information gathering, environmental management programmes, specialist reports, and coordination between organs of state, and that the findings and recommendations flowing from an investigation and the principles of environmental management set out in section 2 of "NEMA", are taken into account in any decision in relation to any proposed policy, programme, process, plan or project and to report on any issues of non-compliance to the Municipal Manager; in terms of section 24(4) of the "NEMA".

- (3) In consultation with relevant service units, to consult with the Minister of Environmental Affairs or MEC with regard to the administration of legislation relating to any aspect of an activity that also requires environmental authorisation in terms of “*NEMA*” in order to recommend to the relevant committee of council and the Executive Mayor that the Municipality enter into a written agreement with the Minister or MEC for the purposes of co-ordinating the respective requirements of such legislation and avoiding duplication; in terms of section 24K of the “*NEMA*”.
- (4) To issue either a separate or integrated authorisation where the carrying out of a listed or specified activity is also regulated in terms of another law or specific environmental management Act which is the competence of the Municipality; in terms of section 24L (1) and (2) of “*NEMA*”.
- (5) To submit comments on applications for environmental authorisation within the municipal jurisdiction when requested to do so by the Minister or MEC or Minister of Minerals and Energy in terms of section 24O(2) of “*NEMA*”, and to object to the contents of an application for prospecting, mining, exploration, production or related activities via the Regional Mining Development and Environmental Committee, provided such comments and objections are in line with the approved policies of the Municipality; in terms of section 24O of “*NEMA*”.
- (6) To enter into an agreement with the relevant MEC with regard to the designation of staff members as environmental management inspectors in accordance with section 31G of “*NEMA*”.
- (7) To recommend to Council that the municipality enter into agreements with the Minister or Director General with regard to the delegation of powers or duties vested in him/her in terms of “*NEMA*” or a specific environmental management act; in terms of section 42 of “*NEMA*”.
- (8) To submit comments to the Minister of Minerals and Energy in terms of Sections 10, 16, 22 and 27 of the “*MPRDA*”⁴ relating to the contents of an application within the urban edge for prospecting, mining, exploration, production or related activities, or on environmental management programmes or environmental management plans in terms of sections 39 and 40 of the “*MPRDA*” and to present the municipality’s comments to the Regional Mining Development and Environmental Committee.

Fair Decision making & Conflict Management

- (12) To consider the desirability of referring a matter for conciliation and refer such matter for conciliation in terms of section 17 of “*NEMA*”.

⁴*Minerals and Petroleum Resources Development Act 28 of 2002*

- (13) To call for or appoint a facilitator in the manner required to conciliate in a disagreement in terms of section 17(2) of “*NEMA*”.
- (14) To advise the Executive Mayor regarding liaison with the Minister in the evaluation of a matter relating to the protection of the environment by dissemination of information in terms of section 20 of “*NEMA*”.

Integrated Environmental Management

- (15) To consider, investigate and assess the potential impact on the environment of listed activities when granting the relevant environmental authorisation.
- (16) To comment on proposed listed activities, proposed areas or proposed norms and standards in terms of section 24(10) and 24A and 24B of “*NEMA*”.
- (17) To make recommendation to council regarding applications for status as competent authority responsible for granting environmental authorisations in respect of listed activities in terms of section 24C of “*NEMA*”.
- (18) To apply to the competent authority for rectification of unauthorised activities and conduct the EIA in terms of section 24G of “*NEMA*”.
- (19) To ensure that Municipality activities take reasonable measures to prevent pollution or degradation of the environment from occurring and to report on any such incidences and to identify the measures needed to minimise and rectify such pollution or degradation of the environment in terms of section 28 of “*NEMA*”.
- (20) To direct a responsible person to undertake specific measures to fulfil his or her obligations in the event of an emergency incident, and to take measures necessary where the responsible person fails to comply or inadequately comply with such directive, to claim reimbursement from the person responsible in terms of section 30 of “*NEMA*”.
- (21) To prepare and publish reports on emergency incident in cases where the Municipality is the relevant authority, in terms of section 30(10) of “*NEMA*”.
- (22) To request access to information and to disclose information as specified in terms of section 31 of “*NEMA*”.
- (23) Take steps to enforce breach or threatened breach of environmental laws in terms of section 32 of “*NEMA*”.
- (24) To implement steps to prosecute in respect of any breach or threatened breach of any duty, in any municipal by-law, or any regulation, licence, permission or authorisation issued in terms of such legislation, where that duty is concerned with the protection of the environment and the breach of that duty is an offence, in terms of section 33 of “*NEMA*”.
- (25) To make a request to court if a person has been convicted of an offence in terms of Schedule 3, so that the court must inquire as to the cost of the loss or damage or cost incurred or likely to be incurred by rehabilitation or prevention of damage to the environment, in terms of section 34(1) of “*NEMA*”.

- (26) To make application to court for an order that a person convicted of an offence in Schedule 3 pay the costs incurred by the public prosecutor and the Municipality in the investigation and prosecution of the offence, in terms of section 34(4) of “*NEMA*”.

Environmental Management Co-operation Agreements

- (27) To enter into an EMCA with any other party in order to promote compliance with principles of “the Act” in terms of section 35(1) of “*NEMA*”.
- (28) To enter into agreements with Director-General so that the latter may fulfil his or her responsibilities in terms of section 39 of “*NEMA*”.
- (29) To appeal to the Minister against a decision taken by any person acting under a power delegated by the Minister in terms of section 43 of “*NEMA*”.
- (30) To recommend to Council the substitution of Municipality’s regulations or by-laws for regulations issued by Minister, in terms of section 45(2) of “*NEMA*”.
- (31) To make recommendations on the adoption as municipal by-law, any model by-law made by Minister aimed at establishing measures for management of environmental impacts of any development within the Municipality’s jurisdiction, in terms of section 46(1) of “*NEMA*”.
- (32) To request the DG to assist the Municipality with preparation of by-laws on matters affecting the environment in terms of Section 46(2) of “*NEMA*”.

Performing functions in terms of NEMA Regulations, No 385

NEMA Regulations, No 385

- (33) To perform all duties, powers and responsibilities of a competent authority in respect of applications, assistance, consultation, information and decisions, including but not limited to, entering into an agreement in terms of reg. 6 of Chapter 2 of "*NEMA Regs*".
- (34) To receive applications, check submission requirements and content of applications and of draft EMPs, co-ordinate applications, deal with EAPs, apply criteria, consult between authorities and other organs of state, receive written notifications, give advice regarding commencement of EIAs after Scoping Reports and issue authorisations in terms of Chapter 3 of "*NEMA Regs*".
- (35) To submit comments, objections and representations in a basic assessment, scoping or other EIA process, and on an advertisement report or submission in terms of Chapter 3 of "*NEMA Regs*".
- (36) To exercise authority in all matters pertaining to an environmental authorisation in terms of Chapter 4 of "*NEMA Regs*".
- (37) To consider or comment on exemption applications in terms of Chapter 5 of "*NEMA Regs*".
- (38) To receive notices of commencement of public participation processes, manage I&APs comments on written submissions and receives comments with reports from EAPs in terms of Chapter 6 of "*NEMA Regs*".
- (39) To lodge notices of intention to appeal a decision or authorisation in terms of Section 62 and submit appeals in terms of Section 63 in accordance with Chapter 7 of "*NEMA Regs*".
- (40) To submit responding statements on appeals in terms of Chapter 7 of "*NEMA Regs*".
- (41) To initiate, prepare and participate Environmental Management Frameworks and submit for adoption in terms of Chapter 8 of "*NEMA Regs*".
- (42) To prepare guidelines which are consistent with National or Provincial guidelines in terms of Chapter 8 of "*NEMA Regs*".
- (43) To perform all duties and powers regarding failure to comply with a condition of authorisation or exemption in terms of Chapter 8 of "*NEMA Regs*".
- (44) To give assistance to people with special needs in terms of Chapter 8 of "*NEMA Regs*".

NEMA Regulations: No 386 and 387

- (45) To deal with authorisation of activities which may not commence without environmental authorisation, in all cases where applications are not opposed by the delegate and no objections are received in terms of "*NEMA Regs No 386 and 387*".

NEMA: Environmental Conservation Act, No 73 of 1989 (ECA)

- (46) To perform functions assigned to the municipality in a Regulation, and serve Notices to rectify or cease any action contravening the Act in terms of section 28(a) to (i) of “ECA”.
- (47) To apply for exemption from the application of any provision of any regulation, notice or direction promulgated or issued under the Act in terms of section 28(A) of “ECA”.
- (48) To serve notices and Issue directions to any person performing an activity or failing to perform an activity whereby the environment is or may be seriously damaged, endangered or detrimentally affected; or take necessary steps as a local authority to eliminate, reduce or prevent the damage, danger or detrimental effect, in terms of section 31(A)(1) of “ECA”, read with 28 and 32 of “NEMA”.
- (49) To direct the responsible person at his or her own cost, to rehabilitate any damage caused to the environment as a result of the activity or failure to perform an activity whereby the environment is or may be seriously damaged, endangered or detrimentally affected, to the satisfaction of the Municipality, in terms of section 31(A)(2) of “ECA”, read with 28 and 32 of “NEMA”.
- (50) To take necessary steps within the Municipality itself to eliminate, reduce or prevent the damage, danger or detrimental effect in terms of section 31(A)(3) of “ECA”.
- (51) To recover expenditure incurred in undertaking from the person concerned in terms of section 31(A)(4) of “ECA”.
- (52) To advertise for comments if LA intends making any regulation, direction, declaration, identification, or determination of policy in terms of the Act, in terms of section 32 of “ECA”.

NEMA: Biodiversity Act No. 10 of 2004 (BA)

- (53) To prepare biodiversity management plans for recommendation to the Minister for approval, for (a) an ecosystem, (b) an indigenous species, (c) a migratory species in terms of section 43(1) of the “BA”.
- (54) To carry out assigned responsibilities for implementing a biodiversity management plan in terms of section 43(2) of the “BA”.
- (55) To enter into a biodiversity management agreement in terms of section 44 of the “BA”.
- (56) To request amendments to a biodiversity management plan, and to consult about implementation in terms of section 46 of the “BA”.
- (57) To incorporate provisions of the national biodiversity framework into the IDP, and demonstrate implementation, in terms of section 48 of the “BA”.
- (58) To monitor the conservation status affecting biodiversity (if required by the Minister) and to report to Council in terms of section 49 of the “BA”.
- (59) To conduct research on biodiversity conservation in terms of section 50 of the “BA”.

- (60) To take into account the need for protection of listed ecosystems in the IDP, in terms of section 54 of the “BA”.
- (61) To assist in identifying when permits are required, in terms of section 57, 65, 71, 81 of the “BA”.
- (62) To ensure that the duty of care relating to alien species is enforced, in terms of section 69 of the “BA”.
- (63) To issue directive, implement and recover costs in terms of section 69, 73, 74 of the “BA”.
- (64) To coordinate control of invasive species, in terms of section 75 of the “BA”.
- (65) To prepare invasive species control plans in terms of section 76 of the “BA”.
- (66) To prepare invasive species status reports in terms of section 77 of the “BA”.
- (67) To protect the interests of stakeholders, and deal with benefit-sharing agreements in terms of section 82 of the “BA”.
- (68) To deal with material transfer agreements in terms of section 84 of the “BA”.
- (69) To issue or cancel permits where designated as an issuing authority in terms of section 88, 91, 92, 93 of the “BA”.

NEMA: Protected Areas Act, No. 57 of 2003 & Regulations (PAA)

- (70) To manage protected environments (if assigned by Minister), in terms of section 38 of the “PAA”.
- (71) To participate in preparation of management plans in terms of section 39(3) of the “PAA”.
- (72) To ensure the applicable aspects of the municipality’s IDP are incorporated into a management plan, in terms of section 39(4) of the “PAA”.
- (73) To ensure that the management authority is adhering to municipal by-laws, in terms of section 40(1)(iv) of the “PAA”.
- (74) To assess integrated development plan framework’s economic opportunities as part of management plan, in terms of section 41(3)(a) of the “PAA”.
- (75) To co-manage protected areas including exercise of powers, duties and regulation of human activities that affect the environment in terms of an agreement with the Municipality with regard to issues listed in section 42(2)(a)-(l) or in terms of an agreement with a Management Advisory Committee, in terms of section 42(1)(a) of the “PAA”.
- (76) To ensure the management plan addresses the Municipality’s cultural heritage resources in the protected area, in terms of section 42(3)(a) of the “PAA”.

- (77) To undertake/implement any actions contemplated by the Minister in the Regulations for the proper administration of special nature reserves, national parks and world heritage sites, in terms of section 86 of the “PAA”.

SOLID WASTE MANAGEMENT

Waste Management

In this part -

“**Waste Act**” means the National Environmental Management: Waste Act, 59 of 2008

“**Waste Standards**” means the National Domestic Waste Collection Standards, published in GN 21, *Government Gazette* No. 33935 of 21 January 2011

- (1) To ensure that the manner in which the municipality exercises its executive authority to deliver waste management services, including waste removal, waste storage and waste disposal services does not conflict with the national and provincial norms and standards set by the Minister and MEC respectively, in terms of section 9(1) of the NEM Waste Act.
- (2) To ensure that the municipality exercises its executive authority and perform its duty in relation to waste services, including waste collection, waste storage and waste disposal services, by—
- (a) adhering to all national and provincial norms and standards;
 - (b) integrating its waste management plans with its integrated development plans;
 - (c) ensuring access for all to such services;
 - (d) providing such services at an affordable price, in line with its tariff policy referred to in Chapter 8 of the Municipal Systems Act;
 - (e) ensuring sustainable services through effective and efficient management;
 - (f) keeping separate financial statements, including a balance sheet of the services provided,
- as required by section 9(2) of the NEM Waste Act.
- (3) To ensure the development and implementation of local standards -
- (a) for the separation, compacting and storage of solid waste that is collected as part of the municipal service or that is disposed of at a municipal waste disposal facility;
 - (b) for the management of solid waste that is disposed of by the municipality or at a waste disposal facility owned by the municipality, including requirements in respect of the avoidance and minimisation of the generation of waste and the re-use, recycling and recovery of solid waste;
 - (c) in respect of the directing of solid waste that is collected as part of the municipal service or that is disposed of by the municipality or at a municipal waste disposal facility to specific waste treatment and disposal facilities; and
 - (d) in respect of the control of litter,
- in terms of section 9(3) of the NEM Waste Act.
- (4) To designate a waste management officer to be responsible for co-ordinating matters pertaining to waste management in the municipality in terms of section 10(3) of the NEM Waste Act.
- (5) To –

- (a) prepare an integrated waste management plan for adoption by the municipal council;
 - (b) initiate and arrange a public consultation process prior to the adoption of the plan;
 - (c) submit such plan to the MEC for approval;
 - (d) ensure that the approved plan is included in the municipality's IDP; and
 - (e) comply with any directive of the MEC to adjust or amend a plan in terms of section 11 of the NEM Waste Act.
- (6) To ensure that information on the implementation of the municipal integrated waste management plan is included in the municipality's annual performance report prepared in terms of section 46 of the Municipal Systems Act as required by section 13 of the NEM Waste Act.
- (7) To furnish alternative reports to the Minister on integrated waste management plans to improve the co-ordination of waste management in terms of section 13(4) of the NEM Waste Act.
- (8) To advise the municipal council on the type of container to be used for depositing waste and the locality where such container must be placed in terms of section 22 of the NEM Waste Act.
- (9) To limit the provision of general waste collection services if there is a failure to comply with reasonable conditions set for the provision of such services, provided that the limitation shall not pose a risk to health or the environment in terms of section 23 of the NEM Waste Act.
- (10) To advise the municipal council on the registration of persons or category of persons who transports waste for gain and the provision by such persons or category of persons of such information as the waste management officer may reasonably require in terms of section 25 of the NEM Waste Act.
- (11) To advise the municipal council and where applicable apply to the Minister for a licence where the waste management activity involves the establishment, operation, cessation or decommissioning of a facility at which hazardous waste has been or is to be stored, treated or disposed of, in terms of section 43 of the NEM Waste Act.
- (12) To respond to any notice by the Minister or MEC requiring data, information, documents, samples or materials that is reasonably required for the purposes of the national waste information system in terms of section 63 of the NEM Waste Act.
- (13) To advise the municipal council on the publishing of a notice in the Gazette or in writing, requiring any person or organ of state to provide such data, information, documents, samples or materials, and the verification of such information, to the municipality that are reasonably required to discharge its obligations regarding the national waste information system, in terms of section 63 of the NEM Waste Act.
- (14) To ensure that the municipality provides an equitable waste collection services to all households within the municipality and where travelling distances and the resulting costs may render regular waste collection services impractical, to allow for more feasible alternative ways of waste handling, such as on-site disposal, as provided for in paragraph 4 of the Waste Standards

- (15) To provide clear guidelines to households regarding types of waste, the sorting of the waste, appropriate containers, and removal schedules for each type of waste, as provided for in paragraph 4 of the Waste Standards
- (16) To provide an enabling environment for households to recycle domestic waste, e.g. kerbside collection, drop-off centres and co-operate with the recycling sector to ensure the provision of facilities where recyclables can be dropped-off for collection by service providers, as provided for in paragraph 4 of the Waste Standards
- (17) To ensure that communal collection points are clearly demarcated with appropriate receptacles where household waste can be deposited for collection and to ensure that such communal collection points are kept tidy at all times, as provided for in paragraph 4 of the Waste Standards.
- (18) To create awareness amongst households about -
- (i) the types of waste collection services provided;
 - (ii) separation at source – the removal of recyclables and re-usable waste from the general household waste;
 - (iii) the potential of composting of some of the household waste and the benefit of such to the household;
 - (iv) the unacceptability of illegal dumping and littering;
 - (v) measures to be taken against individuals that litter and dump waste illegally;
 - (vi) the cost of cleaning up illegal dumping and littering, and the implications on household waste collection rates; and
 - (vii) the advantages of reporting illegal dumping activities, as provided for in paragraph 8 of the Waste Standards
- (19) To provide clear guidelines to households about -
- (i) the different types of waste generated in households;
 - (ii) separation of non-recyclable and non-reusable household waste from compostable waste and recyclable waste;
 - (iii) appropriate containers for each type of waste;
 - (iv) removal schedules for each type of waste; and
 - (v) what to do with waste other than those waste forming part of the regular schedule of waste collection services,
- as provided for in paragraph 8 of the Waste Standards.
- (20) To ensure that the norms and standards regarding weekly waste collection, interruption of service, addressing of backlogs, missed collections, return of bins, charges for replacement of waste bins, collection arrangements during the December holidays or for public holidays, time at which the waste receptacle must be put out for collection, non-removal of unacceptable material found in bins, complaints about the service set down in paragraph 9 of the Waste Standards are complied with.
- (21) To administer, approve and issue “special waste” permits pertaining to the handling, transport, and disposal of all types of “special waste” which includes hazardous waste within the Municipality’s boundaries, in terms of the *“Minimum Requirements Guidelines.1998 Series*⁵

⁵Issued by DWAF in terms of section 20(5)(6)) of the *“Environment Conservation Act, 1989 (Act No. 73 of 1989).*

- (22) Granting permission for the removal of items that cause a hindrance at refuse dumping sites.
- (23) To administrate, approve and issue “special waste permits” pertaining to the handling, transport and disposal of all types of “special waste” which includes hazardous waste within the municipal boundaries.
- (24) To ensure the administration of legislation relating to the accumulation, dumping, storage and depositing of building refuse and the like.
- (25) To designate a waste management officer who will be responsible for co-ordinating matters pertaining to waste management in the municipality.

Solid Waste management

- (1) To determine a waste disposal strategy in term of section 84(1)(e)(1) of the Structures Act.
- (2) To develop an integrated waste management plan for adoption by the Council in terms of section 11 of the National Environmental Management: Waste Act, 2008 (Act No 59 of 2008).
- (3) To submit the integrated waste management plan to the MEC for approval terms of section 11(4)(a)(i) of the National Environmental Management: Waste Act, 2008 (Act No 59 of 2008).
- (4) To regulate waste disposal in term of section 84(1)(e)(ii) of the Structures Act.
- (5) To establish, operate and control waste disposal sites and waste disposal facilities for more than one local municipality in the district, in term of section 84(1)(e)(iii) of the Structures Act.
- (5) To develop a solid waste management policy
- (6) To ensure that the manner in which the municipality exercises its executive authority to deliver waste management services, does not conflict with the national and provincial norms and standards set by the Minister and MEC respectively, in terms of section 9 of the National Environmental Management: Waste Act, 2008 (Act No 59 of 2008).
- (7) To serve as designated waste management officer and to be responsible for co-ordinating matters pertaining to waste management in the municipality in terms of section 10(3) of the National Environmental Management: Waste Act, 2008 (Act No 59 of 2008).
- (8) To ensure that information on the implementation of the municipal integrated waste management plan is included in the municipality’s annual performance report prepared in terms of section 46 of the Municipal Systems Act as required by section 13 of the National Environmental Management: Waste Act, 2008 (Act No 59 of 2008).
- (9) To furnish alternative reports to the Minister on integrated waste management plans to improve the co-ordination of waste management in terms of section 13(4) of the National Environmental Management: Waste Act, 2008 (Act No 59 of 2008).
- (10) To determine the days, times and conditions for access to solid waste premises.
- (11) To grant permission to enter solid waste premises and to determine such conditions as may deem necessary.
- (12) To prohibit the dumping of toxic materials is, at or on solid waste premises.
- (13) To grant permission for the removal of material from solid waste premises.
- (14) To grant authority for the placement of containers for the recycling of glass, paper, metals etc. at solid waste premises.
- (15) To decide on the most appropriate system for the planning. Control, safety, management and operation of refuse disposal sites.
- (16) To decide on the most appropriate system for planning, control, safety, management and operation of refuse removal services in a District Management Area.
- (17) To prepare an IWMP for inclusion into the IDP.

- (18) Gathering Waste related information.
- (19) Setting budget and tariffs for Waste Management Services.
- (20) Ensure license compliance and rehabilitation of waste disposal sites.
- (21) Support and promote waste reduction awareness programmes

SPATIAL PLANNING AND GIS

Introduction

A municipality must prepare and adopt a spatial development framework in accordance with the requirements of section 12(1), 20 and 21 of SPLUMA, which must, amongst other things,

- (i) be prepared as part of the municipality's IDP
- (ii) take cognisance of any environmental management instrument adopted by the relevant environmental management authority;
- (iii) include a strategic assessment of the environmental pressures and opportunities within the municipal area, including the spatial location of environmental sensitivities, high potential agricultural land and coastal access strips, where applicable; and
- (iv) outline specific arrangements for prioritising, mobilising, sequencing and implementing public and private infrastructural and land development investment in the priority spatial structuring areas identified in the SDF.

Spatial Information Standards and Prescriptions

- (1) To ensure adhere to the standards and prescriptions for spatial information in terms of section 11(3) of the "*Spatial Data Infrastructure Act*".⁶

Capture and publishing of Spatial Information metadata

- (2) To capture and maintain metadata for spatial information in accordance with the Act in terms of section 12(1) of the "*Spatial Data Infrastructure Act*".
- (3) To ensure that metadata for spatial information is available to users by making metadata available to the Department of Land Affairs in the prescribed manner for inclusion in the electronic metadata catalogue in terms of section 12(2) of the "*Spatial Data Infrastructure Act*".

Supply of and accountability for spatial information

- (4) To be accountable for the integrity of unmodified spatial information in terms of section 14(2) of the "*Spatial Data Infrastructure Act*".
- (5) To provide (a) the information in a prescribed manner and (b) the relevant metadata together with the spatial information when supplying information, in terms of section 14(3) of the "*Spatial Data Infrastructure Act*".

Maintenance of Spatial Information Base Data Sets

- (6) To ensure regular updating of base data sets in accordance with the provisions of the Act in terms of section 16 (2) of the "*Spatial Data Infrastructure Act*".

⁶ No. 54 of 2003

Reporting on Spatial Information Data Quality

- (7) To report on data quality by responding in the prescribed time and manner, to the user after receiving the report on that deficiency in terms of section 17 (3) of the *“Spatial Data Infrastructure Act”*.

Security of Spatial Information

- (8) To take reasonable steps to effect adequate and appropriate security against the loss of spatial information unauthorized or unlawful access to and modification or disclosure of that spatial information in terms of section 18(a) of the *“Spatial Data Infrastructure Act”*.
- (9) To ensure the protection of the copyright of the state and other interested parties in spatial information in terms of section 18(b) of the *“Spatial Data Infrastructure Act”*.

COASTAL MANAGEMENT

Introduction

National Environmental Management: Integrated Coastal Management Act, 24 of 2008 (“NEM:ICMA”), which is the primary legislation regulating coastal management in South Africa.

- (1) A municipality must prepare and adopt a spatial development framework in accordance with the requirements of section 12(1), 20 and 21 of SPLUMA, which must, amongst other things,
 - (i) be prepared as part of the municipality’s IDP;
 - (ii) take cognisance of any environmental management instrument adopted by the relevant environmental management authority
 - (iii) include a strategic assessment of the environmental pressures and opportunities within the municipal area, including the spatial location of environmental sensitivities, high potential agricultural land and coastal access strips, where applicable;225 and
 - (iv) outline specific arrangements for prioritising, mobilising, sequencing and implementing public and private infrastructural and land development investment in the priority spatial structuring areas identified in the SDF.
- (2) Development of coastal management programmes or schemes
- (3) Developing and implementing integrated coastal planning and management systems;
- (4) Increasing control of unsustainable coastal developments;
- (5) Delineation of coastal boundary and coastal management lines
- (7) Inclusion of coastal access land in spatial development framework (SDF)

- (8) Adoption of estuarine management plan, which must be included in municipal coastal management programme and/or IDP
- (9) Consultation by municipality with MEC in respect of coastal management lines
- (10) Notification to Registrar of Deeds of coastal boundary determination
- (11) Public and inter-governmental consultation in respect of coastal management programme and estuarine management plans
- (12) Consultation to resolve conflicts in terms of NEM:ICMA
- (13) The protection and enforcement of the rights of the public to use that land to gain access to coastal public property.
- (14) The maintenance of coastal access land so as to ensure that the public has access to the relevant coastal public property facilities that promote access to coastal public property, including parking areas, toilets, boardwalks and other amenities, taking into account the needs of physically disabled persons;
- (15) Ensuring that the provision and use of coastal access land and associated infrastructure do not cause adverse effects to the environment
- (16) Signpost entry points to that coastal access land
- (17) A coastal municipality must review its coastal management programme at least once every five years.
- (18) To incorporate an estuarine management plan into its municipal coastal management programme or IDP.
- (19) Prepare and adopt a municipal coastal management programme for managing the coastal zone or specific parts of the coastal zone in the municipality, which must contain those requirements as set out in section 49 of NEM:ICMA.
- (20) Municipalities must have reported to the relevant provincial MECs on the measures taken to implement their responsibilities relating to coastal access land.
- (21) Submit an annual report to the Minister on the implementation of the estuarine management plan, the legislation and any other matter which the Minister may prescribe. This report must be tabled in Parliament annually.
- (22) The protection of estuaries and coastal areas to ensure that a targeted amount of land and oceans is under protection; and
- (23) To rebuild stocks of threatened species and reduce illegal catches.
- (24) Determine or adjust the coastal boundaries of coastal access land if the coastal boundary is uncertain or undefined, is subject to disputing claims or has shifted due to natural or artificial processes, or the municipality on reasonable grounds believes that the objects of NEM:ICMA will be achieved more effectively by doing so.
- (25) Establish a coastal committee and may determine its powers, in accordance with section 42(3) and (4) of NEM:ICMA.

BIODIVERSITY MANAGEMENT

Introduction

National Environmental Management: Biodiversity Act, 10 of 2004 is the primary legislation regulating biodiversity management in South Africa. Conservation and Biodiversity Management addresses natural resource degradation and depletion of ecological structure. Through integrated and innovative approaches to natural resource management, a careful balance between development imperatives and sustainable utilisation can be attained.

- (1) Ecosystems are sustained and natural resource are used efficiently
- (2) Expansion of the conservation area estate through declaration of state owned protected areas, MPAs and biodiversity stewardship
- (3) Ensure that both conservation of biodiversity and development take place
- (4) An effective climate change mitigation and adaptation response ??????
- (5) Development and implementation of sector climate change adaptation strategies/plans
- (6) Include climate change risks in the disaster management plans ??????
- (7) Management of municipal protected areas
- (8) Ensure that biodiversity concerns are integrated into IDPs and SDFs for municipalities and to ensure that systems are in place for the control and management of priority resources in the local government sphere;
- (9) Access Provincial and National funding of biodiversity and conservation mandates to municipalities.
- (10) Alignment of IDP with national biodiversity framework and bioregional plans
- (11) Preparation of invasive species monitoring, control and eradication plan for land under its control, to be included in IDP
- (13) Preparation of invasive species monitoring, control and eradication plan for protected area.
- (14) Consultation by municipality with SANBI in respect of invasive species control and eradication plan and biodiversity management plan
- (15) Consultation with management authority of nature reserve
- (16) Identify and manage of Grade III heritage resources in accordance with the relevant provisions of the National Heritage Resources Act, 25 of 1999.2

CLIMATE CHANGE (relevant to all line functions)

To enable the development of an effective climate change response and a long-term, just transition to allow -carbon and climate-resilient economy and society for South Africa in the context of sustainable development.

Participate in the district IGR forum which also serves as a municipal forum for climate change which:

- (a) Coordinates climate change response actions for those activities within the operational control of the municipality and
- (b) provides a report on such actions to the relevant Provincial Forum on Climate Change.

At least within one year of the publication of the National Adaptation Strategy and Plan contemplated in section 21, undertake a climate change needs and response assessment for the district.

Assess the extent to which its constitutionally mandated functions are affected by climate change and formulate steps to address these effects in the performance of its functions;

Review and, to the extent necessary, amend and publish in the Gazette the climate change needs and response assessment at least once every five years;

At least within two years of undertaking the climate change needs and response assessment develop, implement and publish in the Gazette a climate change response implementation plan as a component of, and in conjunction with, provincial, metropolitan or district municipal planning instruments, policies and programmes; and

Review and, to the extent necessary, amend and publish in the Gazette the climate change response implementation plan at least once every five years.

10.6 DEPARTMENT: HEALTH SERVICES (MANAGER: MUNICIPAL HEALTH SERVICES)

Acting in terms of section 59 of the Systems Act, Council hereby delegates the following powers, functions and duties to the Manager: Municipal Health, including the power to sub-delegate.

10.6.1 GENERIC DELEGATIONS

1. To develop and implement ODM's SDBIP in respect of the department and to ensure that it is aligned to the municipality's IDP.
2. To develop and implement the Municipality's Risk Assessment profile in respect of the above functional areas and to develop actions to mitigate the risks identified.
3. To authorise refunds of subsistence and travelling costs actually incurred by officials in the department in the course of their duties at the scale as provided for in the travel and subsistence policy, in consultation with the relevant Director, and the Municipal Manager.
4. In consultation with the relevant Director, recommend the approval of an organisational structure for the department.
5. To recommend to the relevant Director, training projects/programmes and interventions for the department consistent with an approved workplace skills plan, where applicable and subject to Council policy.
6. To take full responsibility for all departmental Committees that include meeting dates, consultation with chairpersons, review of agenda and minutes, quality reporting, implementation of resolutions and any other relevant logistical arrangements.
7. Comply with the provisions as set out in the Staff Regulations.
8. To require that attendance registers be completed by officials and to determine the form and manner thereof.
9. To request officials to work overtime and to ensure that overtime registers are completed and approved on a monthly basis.
10. In consultation with the relevant Director, to place employees on stand-by service in consultation with trade unions.
11. To approve or refuse Municipal employees the use of property for purposes other than that of the Municipality, or the removal thereof from municipal premises.
12. To approve leave of staff reporting to him/her.
13. To approve travel and subsistence allowances of staff reporting to him/her.
14. To sign off on all specifications applicable to his/her department.
15. To approve the transfer of assets applicable to his/her department.

16. To consider relocation expenses of all the staff reporting to him/her, appointed on the municipality's establishment.
17. To approve the Job Descriptions (JD's) of staff reporting to him/her.
18. To authorise officials to attend training courses/seminars of staff reporting to him/her.
19. To consider requests for access to information as Deputy Information Officer.
20. To authorise ICT user access control
21. To respond to audit queries and maintain a departmental audit progress action plan.
22. To serve as a chairperson or employer representative of a disciplinary hearing and to make an appropriate finding and to impose a sanction.
23. Procure and issue protective clothing and uniforms to various categories of staff.
24. Manage emergency fleet and reconcile monthly fuel expenditure.

10.6.2 FUNCTION SPECIFIC DELEGATIONS

MUNICIPAL HEALTH SERVICES AND AIR QUALITY CONTROL

To exercise the powers and functions which vests in council with regards to the implementation of an effective district municipal health & air quality service in the Overberg district as contemplated by the national health act 61 of 2003, national environmental management: air quality act, 2004 (act 39 of 2004), the national environmental management act, 1998, foodstuff cosmetics disinfectants act 54 of 1972, applicable sections of the constitution of the rsa, 1996, local government: municipal systems act, 2000, local government: municipal structures act, 2005, the municipal finance management act, the national framework for air quality management in sa and other applicable relevant legislation by application and management of:

- (1) To exercise the functions as mandated by Section 84(1)() of the Structures Act, Section 10 of Foodstuff, cosmetics and disinfectant act 54 of 1972 and Air Quality Act 39 of 2004 section 36.
- (2) Develop & Submit the Municipal Health & Air Quality Services plan which must inter alia form part of the Integrated Development Plan to Council for approval.
- (3) To develop and implement the Municipality's SDBIP in the abovementioned functional areas and to ensure that it is aligned to the Municipality's IDP.
- (4) The key performance areas and result indicators associated with; the implementation of policies, statutory requirements and programs designed to create health & air quality awareness and reduce land, water & air pollution environmental risks.

- (5) The development of plans, co-ordination and execution of monitoring and investigative processes and dissemination of information, advice and guidelines on the status, threats and measures considered during the formulation of strategies with respect to creating, maintaining, and sustaining land, water & air quality management in the Overberg District Municipality.
- (6) The drafting and execution of policies, guidelines, and legislation to address dangerous and odorous emissions.
- (7) The coordination of municipal health & Air Quality Management Activities in the Overberg District on District-, municipal- community- and industrial level.
- (8) To provide for measures for the promotion of the health in general of the inhabitants of the Municipality in line with Council's policy.
- (9) To define and recommend the duties, powers and responsibility of the health officers in terms of the Health Act, including by-laws promulgated thereunder.
- (10) To administer and enforce on behalf of Council, the relevant provisions of the Municipal Health & Air Quality By-law and to institute prosecutions should the need arise, inter alia – the National Health Act as amended and includes all regulations relating to Municipal Health Services; the Medical, Dental and Supplementary Act; Health Professions Act; The Pharmacy Act; The Medicines and Related Substances Act; The Sterilisation Act; The Health Standards and Traditional Circumcision Act; The National Health Laboratory Services Act; The Hazardous Substances Act; The Mines and Works Act; The National Environmental Management Act; The National Environmental Management Air Quality Act; The National Building Regulations and Building Standards Act; SABS 0400 (on the application of the National Building Regulations); The Foodstuffs, Cosmetics and Disinfectant Act (as amended) and all regulations related thereto; The Atmospheric Pollution Prevention Act; The National Water Act; The Meat Safety Act; The Tobacco Control Act; The National Act: Norms and Standard, The National Environmental Management: Waste Act.
- (11) To promote sound labour relations and compliance with applicable labour laws, collective agreements.
- (12) To approve claims from officials in respect of travel and subsistence allowances, in line with approved Council policies.
- (13) To approve/reject leave of staff reporting directly to the Manager.
- (14) May delegate a power or assign a duty to an official in the service of that officer's administration, subject to such limitations or conditions as may be prescribed by the minister as per Section 14 Subsection (b) of Air quality act 39 of 2004.
- (15) Organizational Management. To establish and develop organizational principles and processes for the delivery of emergency services in the area of jurisdiction.
- (16) Administrative Management. Establish and maintain effective administrative systems and processes for the Department.
- (17) Must make recommendations regarding the funding of municipal health & air quality in the municipal area and initiate and facilitate efforts to make such funding available.

- (18) To grant approval for the attendance of training courses by departmental staff, as well as other personnel to whom it may apply in terms of Council's policy.
- (19) To provide job descriptions for each post on the staff establishment.
- (20) To give approval for staff in the department to use official vehicles outside the municipal boundaries.
- (21) To incur out of expenditure recoverable expenses related to the activities of the department and authorize the recovery of any debt that may arise in this regard not exceeding R2 000.
- (22) To authorise expenses for the purchase and repair of goods and services related to the activities of the department, up to the maximum value per transaction as determined by SCM and SLA.
- (23) To allocate offices, vehicles and furniture to officials in the department.
- (24) To approve the payment of overtime and time off in lieu of overtime for staff in the department.
- (25) To Recommend the appointment of staff in the department for acting positions in accordance with the appointment policy.
- (26) To recommend the provision of extra duties or acting by staff in the department and, where applicable the payment of allowances.
- (27) To transfer personnel in the department from one geographic location to another with Director approval.
- (28) To recall any staff member within the department who is on leave and whose services are required during an emergency or an abnormal situation.
- (29) To approve training in accordance with the workplace skills plan and certificates for candidates who have successfully completed internal training.
- (30) To monitor violations of laws and regulations applicable to the activities of the department and take reasonable steps to ensure compliance with regulations or the avoidance of prohibited actions.
- (31) To take oaths on behalf of the council in legal proceedings in which the municipality is involved.
- (32) To establish access control at municipal premises under the Municipal Health & Air Quality Services offices.
- (33) To redeploy resources to carry out emergency during disaster conditions (e.g. Outbreaks).
- (34) "Must assist the Municipal Manager to develop and implement mechanisms for community participation, including Receipt, processing and consideration of petitions and complaints; Notification and public comment procedures; Public meetings and hearings & report back to communities".
- (35) Power to enforce national legislation in compliance with the Act Tobacco Products Control Amendment Act, Act 12 Of 1998.

- (36) " Development of programme for sampling of potable water.
- (37) Procurement Delegations, the power to approve procurement of goods and services from R0.00 but not exceeding R 200,000. Have the power to sub-delegate to managers in the terms of the councils supply chain management policy to approve procurement of goods and services from R0 but not exceeding R30000 the following managers.
- (38) The power to provide for measures for the promotion of the health in general, of the inhabitants of the Municipality in line with Council Policy.
- (39) The power to define and recommend the duties, powers and responsibility of the health officers in terms of the Health Act 63 of 1977, including by-laws promulgated there-under.
- (40) The power to administer and enforce on behalf of Council the relevant provisions of the Refuse Removal Regulations and to institute prosecutions should the need arise.
- (41) Must compile departmental reports that are to be brought before the Portfolio Committee.
- (42) The power to take all the necessary action to enforce Health & Quality Services By-laws & the power to exercise all powers in terms of the by-laws falling within the ambit of the competencies of the Department, including the granting of any permission that may be required and the issuing of any notice in accordance with the by-laws whereby a person is summoned to comply.
- (43) To approve claims from officials in respect of travel and subsistence allowances, in line with approved Council policies.
- (44) To decide on the most appropriate systems for the administration, planning, control management and maintenance of services listed under the functional areas of the incumbent. National Health Act, 2003 (Act No 61 of 2003).
- (45) To monitor and/or supervise the exhumation, re-interment, disturbance or removal of human remains in terms of regulations relating to the management of human remains (GNR 363 of 22 May 2013) promulgated in terms of section 68(1)(b) of the National Health Act, 2003 (Act No 61 of 2003). Regulations (GNR 363 of 22 May 2013)
- (46) The power to provide for measures for the promotion of the health in general, of the inhabitants of the Municipality in line with Council Policy.
- (47) The power to define and recommend the duties, powers and responsibility of the health officers in terms of the Health Act 63 of 1977, including bylaws promulgated there-under.
- (48) The power to administer and enforce on behalf of Council the relevant provisions of the Refuse Removal Regulations and to institute prosecutions should the need arise.
- (49) The power to enforce the relevant provisions of the following Acts, including all the Regulations and Bylaws promulgated there-under and to institute prosecution should the need arise; inter alia:
 - (a) The National Health Act 61 of 2003.

- (b) The Medical, Dental and Supplementary 56 Act of 1974.
- (c) Health Professions Act 56 of 1974.
- (d) The Pharmacy Act 5 of 1974.
- (e) The Medicines and Related Substances Act 101 of 1965.
- (f) The Sterilisation Act 44 of 1998.
- (g) The Choice on Termination of Pregnancy Act 92 of 1996.
- (h) The Health Standards in Traditional Circumcision Act 6 of 2001.
- (i) The National Health Laboratory Services Act 37 of 2000.
- (j) The Hazardous Substances Act 15 of 1973.
- (k) The National Road Traffic Act 93 of 1996.
- (l) The Mines and Works Act 50 of 1956.
- (m) The Mineral and Petroleum Resources Development Act 28 of 2002.
- (n) The National Environmental Management Act 107 of 1998.
- (o) The National Environmental Management Air Quality Act 39 of 2004.
- (p) The Fire Brigade Ordinance 14 of 1978.
- (q) The National Building Standards Act 103 of 1977
- (r) The National Veld and Forest Fire Act 101 of 1998
- (s) SABS 0400 (on the application of the National Building Regulation).
- (t) The Foodstuffs, Cosmetics and Disinfectant Act 54 of 1972.
- (u) The Atmospheric Pollution Prevention Act 45 of 1945.
- (v) The National Water Act 40 of 1998.
- (w) The Meat Safety Act 40 of 2000.
- (x) The Tobacco Control Act 83 of 1993
- (y) The public health aspect of:
 - (i) The Children's Act 38 of 2005.
 - (ii) The child Care Act 74 of 1983.
 - (iii) The Mental Health Care Act 17 of 2002.
 - (iv) The Older Persons Act 13 of 2006.
 - (v) The prevention and Treatment of Drug Dependency Act 20 of 1992
 - (vi) The Disaster Management Act 57 of 2002.

10.7 DEPARTMENT: LED, TOURISM AND RESORTS (MANAGER: LED, TOURISM AND RESORTS)

Acting in terms of section 59 of the Systems Act, Council hereby delegates the following powers, functions and duties to the Manager: LED, Tourism and Resorts, including the power to sub-delegate.

10.7.1 GENERIC DELEGATIONS

1. To develop and implement ODM's SDBIP in respect of the department and to ensure that it is aligned to the municipality's IDP.
2. To develop and implement the Municipality's Risk Assessment profile in respect of the above functional areas and to develop actions to mitigate the risks identified.
3. To authorise refunds of subsistence and travelling costs actually incurred by officials in the department in the course of their duties at the scale as provided for in the travel and subsistence policy, in consultation with the relevant Director, and the Municipal Manager.
4. In consultation with the relevant Director, recommend the approval of an organisational structure for the department.
5. To recommend to the relevant Director, training projects/programmes and interventions for the department consistent with an approved workplace skills plan, where applicable and subject to Council policy.
6. To take full responsibility for all departmental Committees that include meeting dates, consultation with chairpersons, review of agenda and minutes, quality reporting, implementation of resolutions and any other relevant logistical arrangements.
7. Comply with the provisions as set out in the Staff Regulations.
8. To require that attendance registers be completed by officials and to determine the form and manner thereof.
9. To request officials to work overtime and to ensure that overtime registers are completed and approved on a monthly basis.
10. In consultation with the relevant Director, to place employees on stand-by service in consultation with trade unions.
11. To approve or refuse Municipal employees the use of property for purposes other than that of the Municipality, or the removal thereof from municipal premises.
12. To approve leave of staff reporting to him/her.
13. To approve travel and subsistence allowances of staff reporting to him/her.
14. To sign off on all specifications applicable to his/her department.

15. To approve the transfer of assets applicable to his/her department.
16. To consider relocation expenses of all the staff reporting to him/her, appointed on the municipality's establishment.
17. To approve the Job Descriptions (JD's) of staff reporting to him/her.
18. To authorise officials to attend training courses/seminars of staff reporting to him/her.
19. To consider requests for access to information as Deputy Information Officer.
20. To authorise ICT user access control
21. To respond to audit queries and maintain a departmental audit progress action plan.
22. To serve as a chairperson or employer representative of a disciplinary hearing and to make an appropriate finding and to impose a sanction.
23. Procure and issue protective clothing and uniforms to various categories of staff.
24. Manage emergency fleet and reconcile monthly fuel expenditure.

10.7.2 FUNCTION SPECIFIC DELEGATIONS

Acting in terms of section 59 of the Systems Act, Council hereby delegates the following powers, functions and duties to the Manager: Tourism, LED and Resorts as well as the power to sub-delegate:

1. To develop and implement the Municipality's SDBIP in the abovementioned functional areas and to ensure that it is aligned to the Municipality's IDP.
2. To cancel, amend, sign and exercise all rights and duties in terms of a lease entered into where the Municipality is the Lessee.
3. To submit reports to Council on catalytic projects for approval.
4. To reserve property for municipal economic purposes
5. To determine whether or not to cancel leases where the terms and conditions thereof have been breached and to, in consultation with the Manager: Legal Services, institute legal proceedings for the eviction of lessees consequent upon such cancellation and for the recovery of monies owing to Council where such cancellation arose from the lessees default in making timeous payment of such monies.
6. To recommend to Council or the Municipal Manager as the case may be, the consideration due for the granting of rights to use, control or manage or dispose of the municipality's capital assets in so far as it relates to immovable Property to acquire immovable property.
7. To authorise encroachments over Council's land, frame and conclude relevant agreements and impose the levying of a fee.

8. To permit occupation of municipal land by a purchaser prior to registration in accordance with the conditions of sale, provided that such purchaser deposits with Council the purchase price and/or pays an occupational rental and complies with any other condition that may be relevant in the circumstances.
9. To recommend to Council the approval of fixed tariffs to be levied in respect of all applications to purchase and/or lease municipal property, to recover costs such as administration, drafting of agreements, advertisements and encroachments.
10. To consider and approve the transfer of land gratuitously ceded to Council or where Council is compelled to take transfer and authorisation of the costs involved in terms of section 31 of the Deeds Registries Act, 1937 (as amended).
11. To assess the market value of Council land for rental purposes and determine a rental if the rental does not exceed the commercial activity value per month or recommending a rental to the appropriate authority, as the case may be.
12. To repudiate claims to ownership of municipal land by acquisitive prescription.
13. To, in consultation with the Municipal Manager, identify and prioritise projects and service delivery initiatives for approval by Council.
14. To oversee implementation of transversal projects and service delivery initiatives and resolve service delivery issues across areas.
15. To grant or refuse written consent where a title deed condition permits an owner to exceed the use or development parameters or other land use planning or building development or aesthetic restrictions set in the title deed conditions of a property with the written consent of Council.
16. To exercise the powers, duties and functions vested in the Municipality in terms of section 28(a) and 31(A)(1), (2), (3) and (4) of the Environmental Conservation Act, 1989.
17. To prepare a contextual framework in respect of a particular development/ site as a component of a package of plans for the municipality.
18. To recommend to Council strategies, programmes and services to address priority needs through the Integrated Development Plan, and the estimates of revenue and expenditure, taking into account any applicable national and provincial development plans.
19. To identify and develop criteria to evaluate progress in the implementation of strategies, programmes and services (including key performance indicators).
20. To exercise executive and legislative authority and use resources in the best interest of the local community.
21. To encourage community involvement and to provide for a democratic and accountable government.

22. To ensure services are provided in a financially and environmentally sustainable manner.
23. Regulate, monitor and assess service delivery when using a service provider to ensure proper municipal service is delivered.
24. Prepare the annual report for Council's approval.
25. To give administrative support services to the District Intergovernmental Forum as contained in section 27(6) of the Inter-governmental Relations Framework Act (IGRFA).
26. Align the strategic function of the Planning & Economic Development Services with the strategic objectives set out by Council and the IDP.

LED TOURISM AND RESORTS

Resorts

The Manager: Resorts, LED and Tourism is responsible for the management of the under mentioned resorts:

- Die Dam
 - Uilenkraalsmond
- (1) To scrutinise and make recommendations to Council in respect of leases of municipal property with regards to resorts, flea markets, kiosks and any other business proposals to the benefit of the public at sports grounds, swimming pools and other recreational grounds.
 - (2) To consider applications for services on Council property (resorts) in terms of policy approved by Council.
 - (3) To manage soil conservation program on municipal grounds in conjunction with relevant state departments.
 - (4) To consider applications to use Municipal nature reserves for extra ordinary purposes e.g. Film shoots.
 - (5) To consider applications for the temporary use or rental of Council property, i.e. resorts, circus grounds, picnic grounds and other public grounds.
 - (6) To consider applications for holding of sports gatherings, etc. on roads in municipal areas, subject to the provisions in municipal policy.
 - (7) To consider applications in terms of present lease agreements, i.e. the sinking on boreholes, erection of fences, etc. on council property that is leased.

LED/Tourism

- (1) To develop policy on LED and Tourism and recommend same to the Executive Mayor, before it is submitted to Council.
- (2) To develop draft by-laws based on policies and recommend same to the Executive Mayor, before it is submitted to Council.
- (3) To develop draft business plans related to LED and tourism and recommend to the Executive Mayor, before it is submitted to Council.
- (4) Co-ordinate and facilitate the implementation of the Overberg LED Strategy.
- (5) Co-ordinate and facilitate the marketing and implementation of an Investment Prospectus.
- (6) Co-ordinate and facilitate the implementation of the Overberg District Tourism Strategy.
- (7) Funding mobilisation for identified projects/programmes.
- (8) Co-ordinate and facilitate District Economic and Tourism Forums.
- (9) Co-ordinate, facilitate, support and implementation of National and Provincial projects/programmes.
- (10) Represent and coordinate attendance to world tourism travel shows and indabas.

Property Matters (Resorts)

- (1) To recommend, administer and manage the acquisition, enhancement, alienation, leasing and utilisation of council-owned immovable property and rights in property.
- (2) To exercise all the rights and obligations of the Municipality as lessor or principal in respect of agreements of lease, servitudes and other legal instruments.
- (3) To advise council on property transactions.
- (4) To initiate after being authorized by the Municipal Manager all property transactions.
- (5) To reserve property for municipal purposes.
- (6) To determine whether or not to cancel leases where the terms and conditions thereof have been breached and to institute legal proceedings for the eviction of lessees consequent upon such cancellation and for the recovery of monies owing to council where such cancellation arose from the lessees default in making timeous payment of such monies.
- (7) To frame the conditions of lease and to execute all documents and rights in connection with the letting of council's immovable property.
- (8) To recommend to Council the consideration due for the granting of rights to use, control or manage capital assets.

- (9) To authorise the amount of compensation to be paid by council where applicable to lessees whose leases are terminated before the expiry of the lease.
- (10) To authorise the payment of compensation in respect of servitudes for municipal services.
- (11) To renew an agreement of lease with the existing lessee in respect of immovable property where the lease provides for a renewal.
- (12) To appoint valuers on such terms and conditions as he/she may deem fit, in the event of it being considered necessary and in the interest of the council to obtain independent valuations advice regarding the acquisition or disposal of council land or rights in such land.
- (13) To authorise projections and projection structures over council's land to frame and conclude relevant agreements and to impose the levying of a fee.
- (14) To authorise encroachments over council's land, frame and conclude relevant agreements and impose the levying of a fee/tariff.
- (15) To give possession of land or buildings prior to conclusion of the formal lease agreement provided that the relevant authorities have been obtained and the lessee has indemnified the council in respect of such prior occupation.
- (16) To permit occupation of municipal land by a purchaser prior to registration in accordance with the conditions of sale, provided that such purchaser deposits with council the purchase price or pays an occupational rental and complies with any other condition that may be relevant in the circumstances.
- (17) To institute legal or other proceedings for the cancellation of a deed of sale or lease agreement and for the recovery of monies owing to council where such cancellation arose from the purchaser's or lessee's default in complying with the conditions of sale or lease within a reasonable time of conclusion of the sale or lease.
- (18) To recommend to council the approval of fixed tariffs to be levied in respect of all applications to purchase or lease municipal immovable property, to recover costs such as administration, drafting of agreements, advertisements and encroachments
- (19) To authorise payment of interest on approved purchases of land or buildings whether the municipality wishes to take or has already taken occupation of the property prior to the registration of transfer in its favor.
- (20) To consider and approve the transfer of land gratuitously ceded to the council or where the council is compelled to take transfer and authorisation of the costs involved in terms of section 31 of the *Deeds Registry Act, 1937 (Act No 47 of 1937)*.
- (21) To authorize the refunding of the pro-rata share of the rates paid in respect of the land as from the date of transfer to or occupation by the council whichever be the earlier in terms of section 31 of the *Deeds Registry Act, 1937 (Act No 47 of 1937)*.

- (22) To assess the market value of council land for rental purposes and determine a rental if the rental does not exceed the commercial activity value per month or recommending a rental to the appropriate authority, as the case may be.
- (23) To authorise the refund of a pro-rata share of rates paid in respect of land or buildings as from the date of transfer thereof to or occupation by the council whichever be the earlier.
- (24) To initiate, at the request of a service department, the acquisition of land or a right in land for any approved municipal scheme or project where provision has been made on an approved budget and reporting thereon to the relevant authority.
- (25) To repudiate claims to ownership of municipal land by acquisitive prescription.

RESORTS (*Leases*)

- (1) To authorise the lease of municipal buildings, within housing estate areas and subject to all necessary prescribed approvals having been obtained and procedures complied with.
- (2) To authorise the issuing of power of attorney to conveyances, institutions or consultants to sign deeds of sale and transfer documentation on behalf of the Municipality
- (3) To negotiate/liaise with provincial and state organs regarding land, relocation and related legal matters.
- (4) To sign deeds of sale and transfer documentation for the individual beneficiaries in new settlement developments.
- (5) To issue a power of attorney to conveyances, institutions or consultants to sign deeds of sale and transfer documentation on behalf of the Municipality.

10.8 DEPARTMENT: ROADS SERVICES (SENIOR MANAGER: ROADS SERVICES)

Acting in terms of section 59 of the Systems Act, Council hereby delegates the following powers, functions and duties to the Senior Manager: Roads Services, including the power to sub-delegate.

10.8.1 GENERIC DELEGATIONS

1. To develop and implement ODM's SDBIP in respect of the department and to ensure that it is aligned to the municipality's IDP.
2. To develop and implement the Municipality's Risk Assessment profile in respect of the above functional areas and to develop actions to mitigate the risks identified.
3. To authorise refunds of subsistence and travelling costs actually incurred by officials in the department in the course of their duties at the scale as provided for in the travel and subsistence policy, in consultation with the relevant Director, and the Municipal Manager.
4. In consultation with the relevant Director, recommend the approval of an organisational structure for the department.
5. To recommend to the relevant Director, training projects/programmes and interventions for the department consistent with an approved workplace skills plan, where applicable and subject to Council policy.
6. To take full responsibility for all departmental Committees that include meeting dates, consultation with chairpersons, review of agenda and minutes, quality reporting, implementation of resolutions and any other relevant logistical arrangements.
7. Comply with the provisions as set out in the Staff Regulations.
8. To require that attendance registers be completed by officials and to determine the form and manner thereof.
9. To request officials to work overtime and to ensure that overtime registers are completed and approved on a monthly basis.
10. In consultation with the relevant Director, to place employees on stand-by service in consultation with trade unions.
11. To approve or refuse Municipal employees the use of property for purposes other than that of the Municipality, or the removal thereof from municipal premises.
12. To approve leave of staff reporting to him/her.
13. To approve travel and subsistence allowances of staff reporting to him/her.
14. To sign off on all specifications applicable to his/her department.
15. To approve the transfer of assets applicable to his/her department.

16. To consider relocation expenses of all the staff reporting to him/her, appointed on the municipality's establishment.
17. To approve the Job Descriptions (JD's) of staff reporting to him/her.
18. To authorise officials to attend training courses/seminars of staff reporting to him/her.
19. To consider requests for access to information as Deputy Information Officer.
20. To authorise ICT user access control
21. To respond to audit queries and maintain a departmental audit progress action plan.
22. To serve as a chairperson or employer representative of a disciplinary hearing and to make an appropriate finding and to impose a sanction.
23. Procure and issue protective clothing and uniforms to various categories of staff.
24. Manage emergency fleet and reconcile monthly fuel expenditure.

10.8.2 FUNCTION SPECIFIC DELEGATIONS

Acting in terms of section 59 of the Systems Act, Council hereby delegates the following powers, functions and duties to the Senior Manager: Roads Services as well as the power to sub-delegate:

27. To develop and implement the Municipality's SDBIP in the functional areas and to ensure that it is aligned to the Municipality's IDP.
28. To submit reports to Council on roads projects for approval.
29. To, in consultation with the Municipal Manager, identify and prioritise projects and service delivery initiatives for approval by Council.
30. To oversee implementation of transversal projects and service delivery initiatives and resolve service delivery issues.
31. To recommend to Council strategies, programmes and services to address priority needs through the Integrated Development Plan, and the estimates of revenue and expenditure, taking into account any applicable national and provincial development plans.
32. To identify and develop criteria to evaluate progress in the implementation of strategies, programmes and services (including key performance indicators).
33. To exercise executive and legislative authority and use resources in the best interest of the local community.
34. To encourage community involvement and to provide for a democratic and accountable government.

35. To ensure services are provided in a financially and environmentally sustainable manner.
36. Regulate, monitor and assess service delivery when using a service provider to ensure proper municipal service is delivered.
37. Submit input into the annual report for Council's approval.
38. To provide technical support to the District Intergovernmental Forum as contained in section 27(6) of the Inter-governmental Relations Framework Act (IGRFA).
39. Align the strategic function of the Roads Services department with the strategic objectives set out by Council and the IDP.

10.8.3 ROADS FUNCTION

Acting in terms of section 59 of the Systems Act, Council hereby delegates the following powers, functions and duties to the Senior Manager: Roads including the power to sub-delegate.

1. To exercise the powers, duties and functions vested in the Municipality in terms of the Advertising on Roads and Ribbon Development Act, 1940.
2. To exercise the powers, duties and functions vested in the Municipality with regard to the erection, display and maintenance of road traffic signs and signals or to authorise another person to do so, in terms of the National Road Traffic Act, 1996.
3. To exercise the powers, duties and functions vested in the Municipality in terms of the Roads Ordinance, 1976, as allowed for in terms of the Memorandum of Agreement

10.8.4 ROADS AUTHORITY

- (1) To manage, regulate and administer all matters affecting or impacting on the street/road and associated infrastructure, including the verge area, within and in the immediate vicinity of the statutory/established street/road reserve.
- (2) To assist with the application of way leaves for services to cross municipal roads and/or services within road reserves and to set conditions.
- (3) To construct and maintain every public (proclaimed) road where the Municipality is the road authority in so far as funds permit in terms of Section 7 (2) of the *"Roads Ordinance"*.⁷
- (4) To, by agreement with and on behalf of another road authority, undertake and contribute to the cost of work in connection with the construction and maintenance of a public (proclaimed) road which such other road authority is the road authority in terms of Section 8(1) of the *"Roads Ordinance"*.

⁷No. 19 of 1976

- (5) To erect and maintain all direction and warning signposts, distance indicators, road signs and signals on public (proclaimed) roads in terms of Section 10 of the "*Roads Ordinance*".
- (6) To regulate and manage, in the interest of the safety of pedestrian or vehicular traffic, the height and/or position of walls, fences, trees, hedges, vegetation at the intersection of any public (proclaimed) road in terms of section 11 of the "*Roads Ordinance*".
- (7) To erect and maintain fences along public (proclaimed) roads in accordance with policy in terms of Section 12 of the "*Roads Ordinance*".
- (8) To regulate and manage the erection of gates across any public (proclaimed) road in terms of Section 13 of the "*Roads Ordinance*".
- (9) To remove gates across public (proclaimed) roads in terms of Section 14 of the "*Roads Ordinance*".
- (10) To construct, divert or close a motor by-pass alongside a gate on any public (proclaimed) road in terms of Section 15 of the "*Roads Ordinance*".
- (11) To establish and maintain rest camps and rest places for the use by the traveled public and stock camps for use in the connection with the removal of stock in terms of Section 16 of the "*Roads Ordinance*".
- (12) To regulate and manage the erection of any structure on or near a public (proclaimed) road in terms of Section 17 of the "*Roads Ordinance*".
- (13) To regulate and manage access to and exit from public (proclaimed) roads in terms of Section 18 of the "*Roads Ordinance*".
- (14) To administer and manage the temporary closing or temporary restriction or regulating the use of public (proclaimed) road for any purpose deemed necessary or desirable, and to temporarily divert vehicular and pedestrian traffic from a public (proclaimed) road which has been temporarily closed or restricted in terms of Section 19 (b), (c) of the "*Roads Ordinance*".
- (15) To erect and maintain appropriate signs indicating the temporary closing or diversion of public (proclaimed) roads in terms of Section 20 of the "*Roads Ordinance*".
- (16) To regulate and manage the depositing or leaving of certain articles or materials near public (proclaimed) roads outside the urban area in terms of Section 8 of the "*Advertising on Roads and Ribbon Development Act*"⁸.
- (17) To regulate and manage the erection of structures or construction of other things near intersection of building restriction roads outside the urban area in terms of Section 9A of the "*Advertising on Roads and Ribbon Development Act*".
- (18) To regulate and manage the restriction of access to land through fences etc. along certain public (proclaimed) roads outside the urban area in terms of Section 10 of the "*Advertising on Roads and Ribbon Development Act*".

⁸No. 21 of 1940

(19) *To authorize, regulate and manage any excavations in a public road.*

10.8.5 FINANCIAL ADMINISTRATION

- (1) Manage and co-ordinate roads services budget
- (2) Monitoring of roads budget to achieve effective control and report and escalate discrepancies and non-compliance
- (3) Manage compliance in terms of legislative requirements and prevention of non-compliance.
- (4) Personnel Management
- (5) Management of the integrated maintenance management system(IMMS)
- (6) Facilitate and schedule log training for roads officials
- (7) Oversee and approve supplier documentation before submission to creditors department
- (8) Advise on Roads building maintenance management and security services and liase with Manager: Corporate Support Services
- (9) Determine and forecast any financial constraints on roads and projects.
- (10) Examine and reconcile roads internal budget to control effective spending
- (11) Ensure that all sections received and understood the budget
- (12) Generate debtor claims
- (13) Estimate and review the compilation of the annual program
- (14) Investigate costing tendencies
- (15) Responsible for writing financial correspondence as needed
- (16) Capacitate department
- (17) Perform general administration management

10.8.6 MAINTENANCE, CONSTRUCTION AND MECHANICAL SERVICES

1. Ensure and optimise the execution of administrative duties
2. Provide leadership to ensure efficient management and interaction.
3. Study, interpret and implement the annual approved budget
4. Assist and oversee the upkeep approved organisational structure
5. Control the mechanical fleet and equipment to ensure effective utilization and safe work environment
6. Manage and implement effective communication system via vehicle/ machines and office radio's..
7. Ensure the maintenance and grader services for the Overberg District
8. Management of construction services for the Overberg District.
9. Assist and oversee regravelling services in the Overberg District.
10. Manage mechanical services to ensure the availability of fleet and equipment.
11. Coordination and compliance to standard work, procedure for roads, plant and equipment
12. Manage and coordination of occupational health and safety

Technical Planning

1. Responsible for project management and planning in order to realise the set objectives of the specific project
2. Plan and apply quality control in respect of gravelling program- planning management and reporting to ensure that programs comply to set standards and objectives.
3. Plan and implement quality control of resealing program – planning management and reporting to ensure that programs comply to set standards and objectives
4. Planning and design of roads and road infrastructure projects to implement technical quality control
5. Supervision over technicians to ensure quality and standard of performance
6. Responsible for tenders to ensure efficient tender procedures
7. Handle enquiries to provide correct information
8. Attend meetings to deliver technical services inputs
9. Ensure national environment management act compliance
10. Ensure compliance with the South African Hazardous Act

Structures in Roads

- (1) In cases where the Municipality is not the Road Authority, to comment on the granting of permission for any structure, the whole or portion of which falls within-
- (a) the statutory road width; or
 - (b) five metres from the boundary of the statutory road width;
- of any public road in terms of section 17 of the “*Roads Ordinance*”.
- (2) To direct the owner or occupier of any land on which any road traffic sign or other object resembling a road traffic sign is displayed, or on which any object is displayed which obscures or interferes with the effectiveness of any road traffic sign, to remove such sign or object within the period specified in the notice and, if the owner or occupier concerned fails to comply with the notice, to cause such sign or other object to be removed, in terms of section 57 of the NRTA

SUMMARY: ROADS DEPARTMENT DELEGATIONS OF POWER			
No.	Delegations	Senior Manager: Roads	Professional Officers
1.	To establish access control at municipal premises under the management of the office holder.	Yes	Yes
2.	To redeploy resources to carry out emergency repair work on road infrastructure during disaster conditions (e.g. floods)	Yes	
3.	To decide and take action in urgent cases within the department that require immediate attention, and to give such orders as may be necessary.	Yes	Yes
4.	To decide on the most suitable system of coordination with state and provincial departments and other external agencies in cases of joint actions, emergencies, incidents, in so far as it affects the department’s operations.	Yes	
5.	To authorise the use of PA vehicles and assets.	Yes	Yes

SUMMARY: ROADS DEPARTMENT DELEGATIONS OF POWER

No.	Delegations	Senior Manager: Roads	Professional Officers
6.	To take oaths on behalf of the council in legal proceedings in which the municipality is involved.	Yes	Yes
7.	To monitor violations of laws and regulations applicable to the activities of the department and take reasonable steps to ensure compliance with regulations or the avoidance of prohibited actions.	Yes	Yes
8.	To approve training in accordance with the work place skills plan and certificates for candidates who have successfully completed internal training.	Yes	
9.	To recommend merit awards ad staff promotions within the department in accordance with the appointment and/or performance evaluation policy.	Yes	
10.	To grant approval for leave requests submitted by subordinates within the department.	Yes	Yes
11.	To grant approval for special leave requests submitted by staff within the department.	Yes	Yes
12.	To recall any staff member within the department who is on leave and whose services are required during an emergency or an abnormal situation.	Yes	Yes
13.	To accept resignation notices from staff in the department for a shorter period than what is prescribed in terms of employment.	Yes	
14.	To, after consultation with the trade unions, Department Head and HR, transfer personnel in the department from one geographic location to another upon request.	Yes	

SUMMARY: ROADS DEPARTMENT DELEGATIONS OF POWER

No.	Delegations	Senior Manager: Roads	Professional Officers
15.	To approve the provision of assistance services by staff in the department and, where applicable the payment of assistance allowances.	Yes	
16.	To authorise the appointment of staff in the department for acting positions in accordance with the appointment policy.	Yes	
17.	To approve the payment of overtime and time off in lieu of overtime for staff in the department.	Yes	
18.	To approve travel and accommodation expenses incurred by staff in the department.	Yes	
19.	To give approval for staff in the department to attend workshops, meetings and training sessions within the borders of the Western Cape.	Yes	
20.	To give approval for staff in the department to use official vehicles outside the municipal boundaries .	Yes	Yes
21.	To allocate offices, vehicles and furniture to officials in the department.	Yes	
22.	Approve logs of essential consumers and Perk Schemes.	Yes	
23.	To authorise expenses for the purchase and repair of goods and services related to the activities of the department, up to the maximum value per transaction as determined by SCM and SLA.	Yes till R200 000	Yes till R30 000
24.	To approve the transfer of operational expenses, including the transfer to or from a salary or wage position in relation to the activities within the department.	Yes	

SUMMARY: ROADS DEPARTMENT DELEGATIONS OF POWER

No.	Delegations	Senior Manager: Roads	Professional Officers
25.	To incur recoverable expenses related to the activities of the department and authorize the recovery of any debt that may arise in this regard.	Yes	

11. DELEGATION OF POWER: CHIEF FINANCIAL OFFICER

Acting in terms of section 59 of the Systems Act, Council hereby delegates the followings powers, functions and duties to the Chief Financial Officer, including the power to sub-delegate:

11.1 INTRODUCTION

Senior managers and other officials of municipalities MFMA Section

78. (1) Each senior manager of a municipality and each official of a municipality exercising financial management responsibilities must take all reasonable steps within their respective areas of responsibility to ensure-

- (a) that the system of financial management and internal control established the municipality is carried out diligently;
- (b) that the financial and other resources of the municipality are utilised for effectively, efficiently, economically and transparently;
- (c) that any unauthorised, irregular or fruitless and wasteful expenditure and any other losses are prevented;
- (d) that all revenue due to the municipality is collected;
- (e) that the assets and liabilities of the municipality are managed effectively and that assets are safeguarded and maintained to the extent necessary;
- (f) that all information required by the accounting officer for compliance with the provisions of this Act is timeously submitted to the accounting officer: and
- (g) that the provisions of this Act, to the extent applicable to that senior manager or official, including any delegations in terms of section 79, are complied with. (2) A senior manager or such official must perform the functions referred to in subsection (1) subject to the directions of the accounting officer of the municipality.

The Chief Financial officer, is responsible for the following functional areas:

- Remuneration
- Procurement
- Income and expenditure
- Budgets and budgetary control
- Financial administration / data
- Insurance
- Financial statements
- Asset management
- Fleet Management
- Stores
- Supply chain management
- Budget and Treasury Office
- Bank reconciliations

11.2 GENERIC DELEGATIONS : DIRECTORS

Acting in terms of section 59 of the Systems Act, Council hereby delegates the following powers, functions and duties to the Chief Financial Officer, including the power to sub-delegate:

1. To develop and implement the Municipality's SDBIP in respect of the above functional areas and to ensure that it is aligned to the Municipality's IDP.
3. Recommend to Council strategies, programmes and services to address priority needs through the IDP, and the estimates of revenue and expenditure, taking into account any applicable national and provincial development plans.
4. Identify, review and evaluate the needs of the Municipality in order of priority.
5. Recommend or determine the best way, including partnership and other approaches to deliver those strategies, programmes and services to the maximum benefit of the community.
6. Identify and develop criteria to evaluate progress in the implementation of strategies, programmes and services (including key performance indicators).
7. Exercise executive and legislative authority and use resources in the best interest of local community.
8. Encourage community involvement.
9. Provide democratic and accountable government.
10. Ensure services are provided in a financially and environmentally sustainable manner.
11. Give equitable access to services.
12. Promote and undertake development.
13. Promote safe and healthy environment.
14. Review mechanisms to provide service delivery.
15. Regulate, monitor and assess service delivery when using a service provider to ensure proper municipal services are delivered.
16. Extend period of probation for a period not exceeding six (6) months, provided that the period of probation must be extended before date of completion of original probation period and in consultation with the Manager: HR and the Municipal Manager.
17. To request officials to work overtime and to ensure that overtime register are completed and approved on a monthly basis.
18. To place employees on stand-by service in consultation with the unions and in line with Council's policies.
19. To approve or refuse leave of absence of staff reporting directly to the Chief Financial Officer with due consideration of the exigencies of the Municipality.
20. To approve trip authority of staff reporting directly to the Chief Financial Officer.

21. To, in consultation with the Municipal Manager and Senior Manager: HR, grant special sick leave to employees due to injuries arising from his/her duties and occurring in the course of his/her duties in line with approved Council policy.
22. To approve claims from officials reporting to the Chief Financial Officer in respect of travel and subsistence allowances.
23. To consider relocation expenses of staff reporting directly to the Chief Financial Officer, in line with approved Council policies.
24. To promote sound labour relations and compliance with applicable labour laws, collective agreements.
25. To adjust the running costs of the essential users scheme in accordance with the AA tables on a quarterly basis and/or approved implementation of the tariffs provided by the Bargaining Council.
26. Promote gender equity.
27. To exercise all powers, duties and functions which vest in the Municipality in terms of the Municipal Finance Management Act and Regulations.
28. Ensuring that the Municipality addresses all the issues raised in an audit report
29. Tabling in the Municipal Council a written explanation setting out the reasons for the failure of the Municipal Manager or of the accounting officer of a municipal entity under the Municipality's sole or shared control to submit annual financial statements to the Auditor-General or the Executive Mayor's failure to table the annual report of the Municipality or a municipal entity in the Municipal Council
30. Participating in consultations with the MEC for local government regarding a serious financial problem in the Municipality
31. Provide guidance and advice on compliance with this Act to the Political Structures, Political Office Bearers and Officials of the Municipality and or Municipal Entity
32. 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
33. Deciding the timing and manner of disclosing to the Municipal Council and the Executive Mayor all material facts which are available or reasonably discoverable, and which in any way might influence the decisions or actions of the Municipal Council or the Executive Mayor.
34. Deciding the reasonable steps to be taken to ensure that that the resources of the Municipality are used effectively, efficiently and economically

35. 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
36. 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
37. 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
38. 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
39. 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
40. 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
41. 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 revenue
42. 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.
43. 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
44. Determining whether it is necessary to prepare an adjustments budget
45. 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
46. Recovering any amount paid or given in cash or in kind to a to a person as a political office-bearer or as a member of a political structure of the Municipality otherwise than in accordance with the framework of the Public Office-Bearers Act, 1998 (Act No. 20 of 1998), including any bonus, bursary, loan, advance or other benefit

47. Bringing an application to the High Court for an order to stay all legal proceedings, including the execution of legal process, by persons claiming money from the Municipality if the Municipality is unable to meet its financial commitments
48. 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
49. Bringing an application in the High Court for an order to suspend the Municipality's financial obligations to creditors, or any portion of those obligations, until the Municipality can meet those obligations
50. Giving notice of an application in the High Court for an order to suspend the Municipality's financial obligations to creditors, or any portion of those obligations, until the Municipality can meet those obligations

11.3 DIRECTOR COMMUNITY SERVICES: FUNCTIONAL AREAS

The Role of the Chief Financial Officer

- (1) The Chief Financial Officer of a municipality-
 - (a) is administratively in charge of the budget and treasury office;
 - (b) must advise the Accounting Officer on the exercise of powers and duties assigned to the Accounting Officer in terms of this Act;
 - (c) must assist the Accounting Officer in the administration of the municipality's bank accounts and in the preparation and implementation of the municipality's budget;
 - (d) must advise senior managers and other senior officials in the exercise of powers and duties assigned to them in terms of section 78 or delegated to them in terms of section 79; and
 - (e) must perform such budgeting, accounting, analysis, financial reporting, cash management, debt management, supply chain management, financial management, review and other duties as may in terms of section 79 be delegated by the Accounting Officer to the Chief Financial Officer.

- (2) The Chief Financial Officer of a municipality is accountable to the Accounting Officer for the performance of the duties referred to in subsection (1).

11.4 DELEGATIONS [SECTION 82]

- (1) The Chief Financial Officer of a municipality may sub- delegate any of the duties referred to in section 81(1)(b), (d) and (e)-
 - (a) to an official in the budget and treasury office;
 - (b) to the holder of a specific post in that office; or
 - (c) with the concurrence of the Accounting Officer, to-
 - (i) any other official of the municipality; or
 - (ii) any person contracted by the municipality for the work of the office.

- (2) If the Chief Financial Officer sub-delegates any duties in terms of subsection (1) to a person who is not an employee of the municipality, the Chief Financial Officer must be satisfied that effective systems and procedures are in place to ensure control and accountability.

- (3) A sub-delegation in terms of subsection (1)-
 - (a) must be in writing;

- (b) is subject to such limitations or conditions as the Chief Financial Officer may impose; and
- (c) does not divest the Chief Financial Officer of the responsibility concerning the delegated duty.

(4) The Chief Financial Officer may confirm, vary or revoke any decision taken in consequence of a sub-delegation in terms of subsection (1), but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

11.5 SCM REGULATIONS

- 17(1)(c) Record the reasons for not obtaining at least three formal written price quotations.
- 18(d) Notify the Accounting Officer or CFO in writing on a monthly basis of all written quotations and formal written price quotations accepted by the official acting in terms of a sub-delegation.

11.6 MINIMUM COMPETENCY REGULATIONS

- 4 (1) The chief financial officer of a municipality must generally have the skills, experience and capacity to assume and fulfil the responsibilities and exercise the functions and powers assigned in terms of the Act to the chief financial officer of a municipality.
- 4 (3) A chief financial officer must note that any failure to comply with any financial management responsibilities, functions and powers entrusted to that officer may constitute financial misconduct. In the case of chief financial officers of municipalities specific financial management responsibilities, functions and powers are entrusted by the Act to chief financial officers.

Cash Management

- (1) Deciding to open a bank account for the Municipality.
- (2) Deciding at which bank/banks to open a bank account.
- (3) Deciding to close a bank account.
- (4) Determining into which bank account money collected or received by the Municipality must be deposited.
- (5) Withdrawn money from the municipality bank account only in terms of Section 11(1)
- (6) Designating a bank account of the Municipality as the Municipality's primary bank account.

- (7) A municipality or municipal entity must take all reasonable and prudent steps consistent with its investment policy and according to the standard of care set out in regulation 5, to ensure that it places its investments with credit-worthy institutions.
- (8) Entering into an agreement with other parent municipalities of a municipal entity of which the Municipality is a parent municipality, as to which Municipality's primary bank account to use for the purpose of receiving allocations from organs of state to the municipal entity concerned.
- (9) Deciding to open a separate bank account in the name of the Municipality for the purpose of a relief, charitable, trust or other fund.
- (10) Establishing an appropriate and effective cash management and investment policy for the Municipality.
- (11) Deciding to grant exemptions from charging interest on any arrears owing to the Municipality in accordance with the Municipality's budget-related policies.
- (12) Receiving information from a municipal entity of which the Municipality is the parent municipality regarding the entity's bank account(s).
- (13) Receiving a proposed budget for a municipal entity of which the Municipality is the parent municipality for each financial year.
- (14) Monitoring and ensuring that a municipal entity of which the Municipality is the parent municipality reports to the Municipal Council on all Expenditure incurred by that municipal entity on directors and staff remuneration matters, and in a manner that discloses such Expenditure per type of Expenditure
- (17) Receiving the financial statements of municipal entity over which the Municipality has sole control or effective control (if it is a private company).
- (18) Participating in consultations with the person or body appointed to prepare a financial recovery plan or an amendment of such plan for the Municipality.
- (19) Commenting on a draft financial recovery plan or an amendment to such plan for the Municipality.
- (20) Submitting to the National Treasury a list of all corporate entities in which the Municipality or a municipal entity under its sole or shared control has an interest.
- (21) Submitting to the National Treasury a list of all public-private partnerships to which the Municipality is a party, with a value of more than one million Rands in total or per annum.
- (22) Submitting to the National Treasury a list of all other types of contracts of the Municipality for a period beyond 1 January 2007 and with a value of more than one million Rands in total or per annum.
- (23) Co-ordinating the processes of preparing the annual budget and reviewing the Municipality's integrated development plan and budget-related policies
- (24) Tabling in the Municipal Council a time schedule outlining key deadlines for the preparation, tabling and approval of the annual budget, the annual review of the integrated development plan and the Municipality's budget-related policies, the tabling and adoption of any amendments to the integrated development plan and the budget-related policies and any consultative processes forming part of the processes

- (25) 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
- (26) Obtaining the MEC responsible for finance's approval to withdraw funds from the Municipality's bank accounts, if a budget has not been approved on or before 1 July of each year.
- (27) 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
- (28) 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
- (29) 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
- (30) Informing the Municipal Council, the MEC responsible for finance and the National Treasury, in writing, of any actual non-compliance by the Municipality of a provision of Chapter 4 of the MFMA and any remedial or corrective measures the Municipality intends to implement to avoid a recurrence of such non-compliance
- (31) Reporting to the Municipal Council regarding the authorisation of unforeseeable and unavoidable Expenditure for which no provision was made in an approved budget in emergency or other exceptional circumstances
- (32) Submitting to the Municipal Council, within 30 days of the end of each quarter, a report on the implementation of the budget and the financial state of affairs of the Municipality
- (33) Decision on the steps to be taken to co-ordinate the annual revision of the integrated development plan and the preparation of the annual budget
- (34) Determining the reasonable steps to be taken to ensure that the Municipality approves its annual budget before the start of the budget year
- (35) 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

Procurement

- (1) Implement an effective system of acquisition management.
- (2) To take all steps that may be necessary to give effect to an award of the Bid Adjudication Committee.
- (3) Establishment and implementation of an appropriate demand management system.

Credit Control and Debt Management

- (1) To exercise all the powers and perform all the duties of the Council as reflected in the Credit Control and Debt Collection Policy.
- (2) To implement debt relief processes in respect of council dwellings in accordance with the Credit Control and Debt Collection By Law.
- (3) Oversee and monitor the implementation and enforcement of a municipality's credit control and debt collection policy and by-laws enacted in terms of section 98 of the Systems Act.
- (4) When necessary, evaluate and/or review the policy and any by-laws or the implementation of the policy and by-laws, in order to improve efficiency of its Credit Control and Debt Collection mechanisms, processes and procedures.
- (5) Maintain and implement the credit control policy.
- (6) Signing a debt agreement or other document which creates or acknowledges any short term debt
- (7) Signing a debt agreement or other document which creates or acknowledges any long-term debt
- (8) 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 (Tariff Policy)
- (9) Deciding the reasonable steps to be taken to ensure that the Municipality has and implements a credit control and debt collection policy referred to in section 96(b) of the Municipal Systems Act
- (10) 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
- (11) 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
- (12) 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
- (13) 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
- (14) Deciding the reasonable steps to be taken to ensure that any dispute concerning payments due by the Municipality to another organ of state is disposed of in terms of legislation regulating disputes between organs of state.
- (15) 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

Budgets and budgetary control

- (1) Monitor the budgetary control and identify early signs of financial problems.
- (2) Provide information relating to the budget that may be requested by National Treasury and any other organ of state (subject to any limitations that may be prescribed in respect of organs of state other than the National Treasury) (MFMA 21(2)(e)).
- (3) Submit to 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 (MFMA section 52(d)).
- (4) Determine the reasonable steps to be taken to ensure that the municipality approves its annual budget before the start of the budget year (MFMA section 53(1)(c)(i)).
- (5) Decide to make investments on behalf of the municipality within policy framework determined by the Minister of Finance (Municipal Systems Act section 60(2)).
- (6) Making the annual budget public, inviting the community to submit representations in connection therewith and submitting the annual budget to the national and provincial treasuries and affected municipalities
- (7) Submission of the approved annual budget to the National Treasury and the provincial treasury
- (8) 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
- (9) Informing the Executive Mayor, the MEC for local government and the Auditor-General, in writing, of any unauthorised, irregular or fruitless and wasteful Expenditure incurred by the Municipality, whether any person is responsible or under investigation for such unauthorised, irregular or fruitless and wasteful Expenditure and the steps that have been taken to recover or rectify such Expenditure and to prevent a recurrence of such Expenditure.
- (10) Reporting alleged irregular Expenditure that constitutes a criminal offence and alleged theft and fraud which occurred in the Municipality to the SAPS.
- (11) Preparing an adjustments budget and submitting it to the Executive Mayor for consideration and tabling in the Council
- (12) Determining, in relation to implementing the Municipality's approved budget, the reasonable steps required to ensure that the spending of funds is in accordance with the budget and is reduced as necessary when revenue is anticipated to be less than projected in the budget or in the service delivery and budget implementation plan
- (13) Submitting to the national or provincial organ of state or municipality which transferred an allocation during any particular month to the Municipality within 10 working days after the end of the month concerned a statement indicating the amount of any allocations received and actual revenue on those allocations, excluding revenue on its share of the local government equitable share and allocations exempted by the annual Division of Revenue Act from compliance with this requirement

- (14) Submitting the mid-year performance assessment report to the Executive Mayor, the National Treasury and the Provincial Treasury
- (15) Determining, in relation to implementing the Municipality's approved budget, the reasonable steps required to ensure that Expenditure and revenue are properly monitored

Deposits

- (1) To collect and refund any deposits held for property leases, other than housing debtors.

Insurance

- (1) To manage the insurance portfolio of the Municipality and its day-to-day operations, including the fixing of premium rates, acceptance, settlement and repudiation of claims and matters incidental thereto.
- (2) To ensure that all GroupLife payments are made in terms of relevant legislation and guidelines for payment.

Income and Expenditure

- (1) Recover irregular or fruitless and wasteful expenditure.
- (2) 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
- (3) Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains an effective system of Revenue control, including procedures for the approval, authorisation, withdrawal and payment of funds
- (4) 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
- (5) Deciding the reasonable steps to be taken to ensure that revenue due to the Municipality is calculated on a monthly basis

Financial Statements

- (1) Ensure that the municipality addresses issues raised in the audit report of the Auditor-General as far as it pertains to financial reporting and procurement-related compliance.
- (2) Approve the use of direct payments in the event that payment is for something other than the procurement of goods/services as required by the SCM Policy (eg. refunds to customers, inter-governmental payments, etc.).
- (3) Approve the transfer of funds between current accounts of the municipality.

- (4) 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
- (5) Preparing annual financial statements which fairly presents the state of affairs of the Municipality, its performance against its budget, its management Revenue, Expenditure, assets and liabilities, its business activities, its financial results, and its financial position as at the end of the financial year
- (6) Submitting the annual financial statements of the Municipality to the Auditor-General on or before 31 August of each year
- (7) Preparing consolidated annual financial statements of the Municipality and of a municipal entity over which the Municipality has sole control or over which it has effective control within the meaning of the Municipal Systems Act of a municipal entity which is a private company
- (8) Receiving the annual report of a municipal entity of which the Municipality is a parent municipality
- (9) Publishing the annual report and inviting the local community to submit representations in connection with the annual report
- (10) Submitting the annual report to the Auditor-General, the provincial treasury and the provincial department responsible for local government
- (11) Monitoring whether the accounting officer of any municipal entity under the sole or shared control of the Municipality has complied with sections 121(1) and 126(2) of the MFMA, establish the reasons for any non-compliance and report any non-compliance, together with the reasons for such non-compliance, to the Municipal Council, the provincial treasury and the Auditor-General
- (12) Attending the meetings of the Municipal Council and its committees where the annual report is discussed and responding to questions concerning the report
- (13) 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
- (14) Publishing the oversight report regarding the annual report
- (15) Submission of the Municipality's annual report and oversight report and the annual report and oversight report of a municipal entity under the Municipality's sole or shared control to the provincial legislature
- (16) 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
- (17) 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 revenue

- (18) 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

Procurement Delegations

The power to approve procurement of goods and services from R0.00 but not exceeding R 200,000.

Have the power to sub-delegate to managers in the terms of the councils supply chain management policy to approve procurement of goods and services from R0 but not exceeding R30 000 the following managers

Senior Manager: Human Resources
Manager: Records and Auxiliary Services
Senior Manager: Internal Audit
Manager: IDP and Communication
Performance Management Officer
Manager Municipal Health Services
Manager LED, Resorts and Tourism
Manager Environmental Management Services
Manager Supply Chain Management
Head Income and Expenditure

Senior Manager: Roads

The Director Community Services has the power to delegate to the Senior Manager Roads to approve all requisitions up to the amount not exceeding R200000 (VAT Inclusive) subject the SCM policy and approval of the Provincial Roads Department in terms of the approved agreement. (SDA)

Manager: Emergency Services

The Director Community Services has the power to delegate to the Manager: Emergency Services to approve all requisitions up to the amount not exceeding R200000 (VAT Inclusive) subject the SCM policy.

Senior Manager: Corporate Support Services

The Director Corporate Services has the power to delegate to the Senior Manager Corporate Support Services to approve all requisitions up to the amount not exceeding R150 000 (VAT Inclusive) subject the SCM policy.

Senior Manager: Finance

The Chief Financial Officer has the power to delegate to the Senior Manager Financial Services to approve all requisitions up to the amount not exceeding R150 000 (VAT Inclusive) subject the SCM policy.

Consultation before dismissal based on operational requirements.

AWARDING OF TENDER FOR CONTRACTS UP TO THREE YEARS (amounts are inclusive of VAT)

1. Above R30 000,00 up to R200 000,00 and limited to a period of one year : delegated to the Bid Evaluation Committee.
2. Above R200 000,00 to R10 million or any procurement to contract for a period exceeding one (1) year : delegated to the Bid Adjudication Committee.
3. Above R10 million : Municipal Manager.

RECOMMENDATION OF TENDERS FOR AWARDING (amounts are inclusive of VAT)

1. Above R200 000,00 to R10 million or any procurement to contract for a period exceeding one (1) year : Bid Evaluation Committee delegated to recommend to Bid Adjudication Committee.
2. Above R10 million : Bid Adjudication Committee delegated to recommend to the Municipal Manager.

11.7 DEPARTMENT: SUPPLY CHAIN MANAGEMENT (MANAGER: SCM)

Acting in terms of section 59 of the Systems Act, Council hereby delegates the following powers, functions and duties to the Manager: Supply Chain Management, including the power to sub-delegate.

10.8.1 GENERIC DELEGATIONS

1. To develop and implement ODM's SDBIP in respect of the department and to ensure that it is aligned to the municipality's IDP.
2. To develop and implement the Municipality's Risk Assessment profile in respect of the above functional areas and to develop actions to mitigate the risks identified.
3. To authorise refunds of subsistence and travelling costs actually incurred by officials in the department in the course of their duties at the scale as provided for in the travel and subsistence policy, in consultation with the relevant Director, and the Municipal Manager.
4. In consultation with the relevant Director, recommend the approval of an organisational structure for the department.
5. To recommend to the relevant Director, training projects/programmes and interventions for the department consistent with an approved workplace skills plan, where applicable and subject to Council policy.
6. To take full responsibility for all departmental Committees that include meeting dates, consultation with chairpersons, review of agenda and minutes, quality reporting, implementation of resolutions and any other relevant logistical arrangements.
7. Comply with the provisions as set out in the Staff Regulations.
8. To require that attendance registers be completed by officials and to determine the form and manner thereof.
9. To request officials to work overtime and to ensure that overtime registers are completed and approved on a monthly basis.
10. In consultation with the relevant Director, to place employees on stand-by service in consultation with trade unions.
11. To approve or refuse Municipal employees the use of property for purposes other than that of the Municipality, or the removal thereof from municipal premises.
12. To approve leave of staff reporting to him/her.
13. To approve travel and subsistence allowances of staff reporting to him/her.
14. To sign off on all specifications applicable to his/her department.
15. To approve the transfer of assets applicable to his/her department.
16. To consider relocation expenses of all the staff reporting to him/her, appointed on the municipality's establishment.

17. To approve the Job Descriptions (JD's) of staff reporting to him/her.
18. To authorise officials to attend training courses/seminars of staff reporting to him/her.
19. To consider requests for access to information.
20. To authorise ICT user access control
21. To respond to audit queries and maintain a departmental audit progress action plan.
22. To serve as a chairperson or employer representative of a disciplinary hearing and to make an appropriate finding and to impose a sanction.
23. Procure and issue protective clothing and uniforms to various categories of staff.
24. Manage reconciliation of monthly fuel expenditure.

10.8.2 FUNCTION SPECIFIC DELEGATIONS

Acting in terms of section 59 of the Systems Act, Council hereby delegates the following powers, functions and duties to the Manager: Supply Chain Management as well as the power to sub-delegate:

- (1) Training officials involved in supply chain management, in consultation with the Executive Manager: Financial Services and guidelines by National Treasury.
- (2) To make public goods and services acquired in terms of section 110(2) of the MFMA.
- (3) Annual invitation to prospective providers to register as providers.
- (4) In consultation with the Chief Financial Officer, set up criteria for registration of accredited prospective bidders.
- (5) Provide reasons why at least three (3) quotations could not be obtained, must be recorded and quarterly submitted to the Municipal Manager.
- (6) Invitations to prospective providers to submit bids must be by means of advertisement in newspapers, the municipality's website or any other appropriate way.
- (7) All bids received timeously, must be registered and the register must be available to public inspection and all entries in the register and bid results published on the website.
- (8) Specifications must be approved by the Municipal Manager prior to invitation of tenders.
- (9) In consultation with the Chief Financial Officer, State Information Technology Services (SITA) may be requested to assist with information technology goods and services.
- (10) In consultation with the Chief Financial Officer, notify SITA if goods and services in respect of information technology exceeds R50 million (VAT included) or the value of a contract for one or more years exceeds R50 million (VAT included).

- (11) Copyright on any document produced and patent rights or ownership in any plant, machinery, thing, system or process designed or devised by a consultant must vest in the municipality.
- (12) Check National Treasury's database to ensure that the recommended bidder or any of its directors is prohibited from doing business with the public sector.
- (13) Establish and implement an effective system of logistical management.
- (14) If the municipality disagree with the comments of SITA, reasons for rejection thereof must be submitted to the Council, National- and Provincial Treasury and the Auditor-General.
- (15) Where storage of goods in bulk are justified, reasons must be provided (on condition that the Municipal Manager consented thereto).
- (16) Power to consider unsolicited bid (subject to the provisions of section 37(2)(a) – (d) and on condition that the Municipal Manager has been consulted prior to such decision).
- (17) Disclosure of decision to consider unsolicited bid.
- (18) Submit all written comments to the Provincial- and National Treasury for comment on responses from the unsolicited bidder.
- (19) Submit reasons to the AG if Provincial and National Treasury rejects the recommendations.
- (20) In terms of the Overberg District Supply Chain Management (SCM) policy:
 - review of policy at least annually and submission of policy to Council when necessary;
 - if draft policy differs from the model policy, the draft policy must comply with the
 - Regulations and deviations must be reported o the National and Provincial Treasury;
 - establish Supply Chain Management Unit;
 make public goods and services acquired in terms of section 110(2) of the MFMA.
- (21) Submit a report to the mayor of the municipality within ten days of each quarter on the implementation of the supply chain management policy.
- (22) Making and implementing a supply chain management policy for the Municipality.
- (23) 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.
- (24) Immediately submit a report to council whenever there are serious and material problems in the implementation of the supply chain management policy, including such a report from any municipal entity as envisaged by this Regulation 6(2) (a) (iii).
- (25) 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

- (26) 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
- (27) Determining whether an organisation or body outside any sphere of government to whom funds of the Municipality stand to be transferred otherwise than in compliance with a commercial or other business transaction, -
 - (a) has the capacity to comply with sub-sections (i) - (iv)
 - (b) implements effective, efficient and transparent financial management and internal control systems to guard against fraud, theft and financial mismanagement; and
 - (c) has in respect of previous similar transfers complied with all the requirements of section 67(1) of the MFMA
- (28) Entering into an agreement with an organisation or body outside any sphere of government to whom funds of the Municipality stand to be transferred otherwise than in compliance with a commercial or other business transaction
- (29) Determining the appropriate mechanisms to ensure compliance by an organisation or body outside any sphere of government to whom funds of the Municipality was transferred otherwise than in compliance with a commercial or other business transaction with –
 - (a) any agreement with the Municipality,
 - (b) for the period of the agreement to comply with all reporting, financial management and auditing requirements as may be stipulated in the agreement,
 - (c) to report at least monthly to the Municipal Manager on actual revenue against such transfer and to submit its audited financial statements for its financial year to the Municipal Manager promptly;
 - (d) implements effective, efficient and transparent financial management and internal control systems to guard against fraud, theft and financial mismanagement; and
 - (e) has in respect of previous similar transfers complied with all the requirements of section 67(1) of the MFMA
- (30) 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
- (31) 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
- (32) Monitoring the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis
- (33) 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
- (34) Must, in terms of section 62(1) (f) (iv) take all reasonable steps to ensure that the municipality has and implements a supply chain management policy as set out in Regulation 2.
- (35) 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

- (36) 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
- (37) Making the particulars of the proposed public-private partnership, including the report on the feasibility study and inviting the local community and other interested persons to submit to the Municipality comments or representations in respect of the proposed public-private partnership at least 60 days prior to the meeting of the Municipal Council at which the matter is to be considered
- (38) Soliciting the views and recommendations of the National Treasury, the national department responsible for local government, the responsible national department if the proposed public-private partnership involves the provision of water, sanitation, electricity or any other service as may be prescribed and any other national or provincial organ of state as may be prescribed in respect of the proposed public-private partnership at least 60 days prior to the meeting of the Municipal Council at which the matter is to be considered
- (39) Prepare and submit a draft supply chain management policy complying with regulation 2 to the council of the municipality for adoption.
- (40) Making and implementing a supply chain management policy for the Municipality and Review at least annually the implementation of the policy.
- (41) Make use of any Treasury guidelines determining standards for municipal supply chain management policies, and submit to the council that guideline standard, or any modified version thereof, as a draft policy.
- (42) 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 in a way that is fair, equitable, transparent, competitive and cost-effective
- (43) 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
- (44) 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
- (45) Determining the frequency/regularity of reports to be submitted to the Municipal Council and regularly report to the Municipal Council regarding the management of contracts and/or agreements and the performance of contractors.
- (46) 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.
- (47) Must make public the fact that the municipality procures goods or services contemplated in section 110(2) of the MFMA
- (48) Keep a list of accredited prospective providers of goods and services that must be used for the procurement requirements of the municipality through written quotations and formal written price quotations.

- (49) Specify the listing criteria for accredited prospective providers.
- (50) Disallow the listing of any prospective provider whose name appears on the National Treasury's database as a person prohibited from doing business with the public sector.
- (51) Update the list of prospective providers at least quarterly to include any additional prospective providers and any new commodities or types of services.
- (52) Invite prospective providers of goods or services at least once a year through newspapers commonly circulating locally, the website of the municipality and any other appropriate ways, to apply for evaluation and listing as accredited prospective providers
- (53) Submit to the official referred to in subsection (4) within five days of the end of each month a written report containing particulars of each final award, except procurements made out of petty cash, made during that month, including-
 - (a) the amount of the award;
 - (b) the name of the person to whom the award was made;
 - (c) the reason why the award was made to that person; and
- (54) If it is not possible to obtain at least three written quotations, record and report quarterly to the accounting officer, or another official designated by the accounting officer, the reasons for this.
- (55) Record the names of potential providers requested to provide written quotations with their quoted prices.
- (56) Record the names of the potential formal written price quotation providers and their written quotations.
- (57) Report to the CFO within three days of the end of the month on any approvals given during that month by that the designated official referred to in sub-regulation 17 (1) (c).
- (58) Must promote on-going competition amongst providers, including by inviting providers to submit quotations on a rotation basis, when using the list of accredited prospective providers.
- (59) Must take all reasonable steps to ensure that the procurement of goods and services through written quotations or formal written price quotations is not abused.
- (60) Notify the Accounting Officer or CFO in writing on a monthly basis of all written quotations and formal written price quotations accepted by the official acting in terms of a sub-delegation.
- (61) Record in a register all bids received in time;
 - (ii) make the register available for public inspection;
 - (iii) publish the entries in the register and the bid results on the website of the municipality.
- (62) Record the reasons for any deviations in terms of Regulations 36(1)(a) and (b); and report them to the next meeting of the council and include as a note to the annual financial statements
- (63) Make public in accordance with section 21A of the Municipal Systems Act the decision to consider an unsolicited bid that complies with Regulation 37(2) together with-

- (a) reasons as to why the bid should not be open to other competitors;
 - (b) an explanation of the potential benefits for the municipality were it to accept the unsolicited bid; and
 - (c) an invitation to the public or other potential suppliers to submit their comments within 30 days of the notice.
- (64) Submit written comments received pursuant to Regulation 37(3), including any responses from the unsolicited bidder, to the National Treasury and the relevant provincial treasury for comment.
- (65) Check the National Treasury's database prior to awarding any contract to ensure that no recommended bidder, or any of its directors, is listed as a person prohibited from doing business with the public sector.
- (66) Reject any bid from a bidder
- (i) if any municipal rates and taxes or municipal service charges owed by that bidder or any directors to the municipality are in arrears for more than three months;
 - (ii) who during the last five years has failed to perform satisfactorily on a previous contract with the municipality or any other organ of state after written notice was given to that bidder that performance was unsatisfactory.
- (67) Reject a recommendation for the award of a contract if the recommended bidder, or any of its directors, has committed a corrupt or fraudulent act in competing for the particular contract.
- (68) Cancel a contract awarded to a bidder if
- (i) the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract; or
 - (ii) an official or other role player committed any corrupt or fraudulent act during the bidding process or the execution of the contract that benefited that person.
- (69) Reject the bid of any bidder if that bidder or any of its directors-
- (i) has abused the supply chain management system of the municipality or has committed any improper conduct in relation to such system;
 - (ii) has been convicted for fraud or corruption during the last five years;
 - (iii) has wilfully neglected or reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
 - (iv) has been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (no 12 of 2004).
- (70) Check with SARS whether a person's tax matters are in order before making an award to such person.
- (71) Keep a register of all declarations in terms of Regulation 46(2) (d) and (e).
- (72) If approval in principle has been given in terms of regulation 34(1)(b) or 37(1)(b) that a right to use, control or manage a capital asset may be granted, the relevant municipality or municipal entity may grant the right only in accordance with the disposal management system of the municipality or entity, irrespective of-

- (a) the value of the asset;
 - (b) the period for which the right is to be granted; or
 - (c) whether the right is to be granted to a private sector party or organ of state
- The application of sub-regulation (1) is further subject to the exclusions contemplated in sub-regulation (2) & (3)

- (73) Must assist the Municipal Manager to develop and implement mechanisms for community participation, including:
 - Receipt, processing and consideration of petitions and complaints
 - Notification and public comment procedures
 - Public meetings and hearings
 - Consultative meetings with CBO's
 - Report back to communities
- (74) Must assist the Municipal Manager to communicate information concerning community participation with regard to:
 - The mechanisms that will be used to facilitate community participation
 - The matters with which community participation is encouraged
 - The rights and duties of members of the local community
 - Municipal governance, management and development
- (75) When communicating the above information, the municipality must take into account:
 - Language preference and usage in the municipality, and
 - The special needs of people who cannot read or write
- (76) Any official of a municipality involved in the implementation of the supply chain management policy of the municipality, must generally have the skills, experience and capacity to assume and fulfil the responsibilities and exercise the functions and powers in respect of supply chain management, delegated to the official by the accounting officer in terms of section 79 of the Act.
- (77) Officials involved in supply chain management must note that failure to comply with supply chain management responsibilities, functions and powers may constitute financial misconduct in terms of the Act.
- (78) The head of a supply chain management unit of a municipality or municipal entity must comply with the minimum competency levels required for higher education qualification and work related experience and be competent in the unit standards prescribed for competency areas as set out in regulation 11
- (79) A supply chain management manager of a municipality or municipal entity must comply with the minimum competency levels required for higher education qualification and work related experience and be competent in the unit standards prescribed for competency areas as set out in regulation 12
- (80) To comment in the event of application to subdivide the land

11.8 DEPARTMENT: FINANCE (SENIOR MANAGER: FINANCE)

Acting in terms of section 59 of the Systems Act, Council hereby delegates the following powers, functions and duties to the Senior Manager: Finance, including the power to sub-delegate.

10.8.1 GENERIC DELEGATIONS

1. To develop and implement ODM's SDBIP in respect of the department and to ensure that it is aligned to the municipality's IDP.
2. To develop and implement the Municipality's Risk Assessment profile in respect of the above functional areas and to develop actions to mitigate the risks identified.
3. To authorise refunds of subsistence and travelling costs actually incurred by officials in the department in the course of their duties at the scale as provided for in the travel and subsistence policy, in consultation with the relevant Director, and the Municipal Manager.
4. In consultation with the relevant Director, recommend the approval of an organisational structure for the department.
5. To recommend to the relevant Director, training projects/programmes and interventions for the department consistent with an approved workplace skills plan, where applicable and subject to Council policy.
6. To take full responsibility for all departmental Committees that include meeting dates, consultation with chairpersons, review of agenda and minutes, quality reporting, implementation of resolutions and any other relevant logistical arrangements.
7. Comply with the provisions as set out in the Staff Regulations.
8. To require that attendance registers be completed by officials and to determine the form and manner thereof.
9. To request officials to work overtime and to ensure that overtime registers are completed and approved on a monthly basis.
10. In consultation with the relevant Director, to place employees on stand-by service in consultation with trade unions.
11. To approve or refuse Municipal employees the use of property for purposes other than that of the Municipality, or the removal thereof from municipal premises.
12. To approve leave of staff reporting to him/her.
13. To approve travel and subsistence allowances of staff reporting to him/her.
14. To sign off on all specifications applicable to his/her department.
15. To approve the transfer of assets applicable to his/her department.
16. To consider relocation expenses of all the staff reporting to him/her, appointed on the municipality's establishment.
17. To approve the Job Descriptions (JD's) of staff reporting to him/her.

18. To authorise officials to attend training courses/seminars of staff reporting to him/her.
19. To consider requests for access to information.
20. To authorise ICT user access control
21. To respond to audit queries and maintain a departmental audit progress action plan.
22. To serve as a chairperson or employer representative of a disciplinary hearing and to make an appropriate finding and to impose a sanction.
23. Procure and issue protective clothing and uniforms to various categories of staff.
24. Manage reconciliation of monthly fuel expenditure.

10.8.2 FUNCTION SPECIFIC DELEGATIONS

Acting in terms of section 59 of the Systems Act, Council hereby delegates the following powers, functions and duties to the Senior Manager: Finance as well as the power to sub-delegate:

1. Receiving a proposed budget for a municipal entity of which the Municipality is the parent municipality for each financial year.
2. Monitoring and ensuring that a municipal entity of which the Municipality is the parent municipality reports to the Municipal Council on all Expenditure incurred by that municipal entity on directors and staff remuneration matters, and in a manner that discloses such Expenditure per type of Expenditure
3. Co-ordinating the processes of preparing the annual budget and reviewing the Municipality's integrated development plan and budget-related policies
4. Tabling in the Municipal Council a time schedule outlining key deadlines for the preparation, tabling and approval of the annual budget, the annual review of the integrated development plan and the Municipality's budget-related policies, the tabling and adoption of any amendments to the integrated development plan and the budget-related policies and any consultative processes forming part of the processes
5. Providing information relating to the budget that may be requested by the National Treasury and any other organ of state
6. Informing the Municipal Council, the MEC responsible for finance and the National Treasury, in writing, of any actual non-compliance by the Municipality of a provision of Chapter 4 of the MFMA and any remedial or corrective measures the Municipality intends to implement to avoid a recurrence of such non-compliance
7. Reporting to the Municipal Council regarding the authorisation of unforeseeable and unavoidable Expenditure for which no provision was made in an approved budget in emergency or other exceptional circumstances
8. Submitting to the Municipal Council, within 30 days of the end of each quarter, a report on the implementation of the budget and the financial state of affairs of the Municipality

9. Determining the reasonable steps to be taken to ensure that the Municipality approves its annual budget before the start of the budget year
10. Making the annual budget public, inviting the community to submit representations in connection therewith and submitting the annual budget to the national and provincial treasuries and affected municipalities
11. Submission of the approved annual budget to the National Treasury and the provincial treasury
12. Deciding the reasonable steps to be taken to ensure that unauthorised, irregular or fruitless and wasteful Expenditure and other losses are prevented
13. 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 (Tariff Policy)
14. 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
15. 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
16. Assisting the Executive Mayor in performing the budgetary steps assigned to the Executive Mayor
17. Determining and making available the administrative support, resources and information required by the Executive Mayor to perform the budgetary steps assigned to the Executive Mayor.
18. Preparing an adjustments budget and submitting it to the Executive Mayor for consideration and tabling in the Council
19. 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
20. Submitting to the Executive Mayor and the provincial treasury, within 10 working days after the end of each month, a statement in the prescribed format on the state of the municipality's budget
21. Submitting to the national or provincial organ of state or municipality which transferred an allocation during any particular month to the Municipality within 10 working days after the end of the month concerned a statement indicating the amount of any allocations received and actual revenue on those allocations, excluding revenue on its share of the local government equitable share and allocations exempted by the annual Division of Revenue Act from compliance with this requirement
22. Performing an assessment of the Municipality's performance during the first half of each

- financial year Submitting the mid-year performance assessment report to the Executive Mayor, the National Treasury and the Provincial Treasury
23. Submitting to the National Treasury, the provincial treasury, the department for local government and the Auditor-General such information, returns, documents, explanations and motivations as may be prescribed or as may be required.
 24. Monitoring the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis
 25. The accounting officer of a municipality or municipal entity must within 10 working days of the end of each month, as part of the section 71 report required by the Act, submit to the mayor of the municipality or the board of directors of the municipal entity a report describing in accordance with generally recognised accounting practice the investment portfolio of that municipality or municipal entity as at the end of the month.
 26. If a municipality or municipal entity intends to transfer to a private sector party or organ of state a non-exempted capital asset following the selection through a competitive bidding process of a service provider for the performance of a municipal service referred to in regulation 12(2)(a) or for the performance of a commercial service referred to in regulation 12(2)(b) –
 - (a) all assets needed or directly related to the performance of that service must be properly identified to distinguish those assets from the other assets of the municipality or municipal entity;
 27. Before transferring an exempted capital asset to an organ of state in any of the circumstances described in regulation 20(1), a municipality or municipal entity must-
 - (a) Properly identify the capital asset, including-
 - (i) In the case of a transfer emanating from the circumstances referred to in regulation 20 (1)(a), all other assets needed for or directly related to, and staff associated with the performance of the municipal service concerned
 - (ii) In the case of a transfer emanating from the circumstances referred to in regulation 20(1)(b) or (c), all other assets needed for or directly related to, and staff associated with, the exercise of the power or function concerned; or
 - (iii) In the case of a transfer emanating from the circumstances referred to in regulation 20(1)(d) or (e), all other assets needed for or directly related to that capital asset; and
 - (b) distinguish that asset and staff from the other assets and staff of the municipality or municipal entity.
 28. A municipality or municipal entity transferring an exempted capital asset and any subsidiary assets to an organ of state may receive compensation for the value of those assets, as may be agreed with the organ of state.

29. The value of an asset must for purposes of sub-regulation be determined in accordance with regulation 29.
30. A municipality or municipal entity, having incurred debt through the issuing of municipal debt instruments, must, annually within 90 days after the end of the financial year until the debt has been repaid, prepare a consolidated disclosure statement reflecting the detail as required in sub-regulations (a) – (c)
31. A municipality or municipal entity must place the annually updated disclosure statement prepared in terms of sub-regulation (1) on the municipal debt disclosure depository in terms of regulation 24(1).
32. If there are no changes the annually updated disclosure statement must so indicate and be placed on the municipal debt disclosure depository in terms of regulation 24(1).
33. Where debt incurred by a municipality or municipal entity is to be repaid from expenditure linked to a particular municipal service, the municipality or municipal entity must disclose information as contemplated in sub-regulations (a) - (c) and in accordance with sub-regulation 2(a) or (b)
34. A municipality or municipal entity having incurred debt, irrespective of whether by way of the issuing of municipal debt instruments or otherwise, must provide written notification to lenders, investors and other holders of record of such debt instruments or debt, any designated fiduciaries representing any such lenders, investors or holders, any securities exchange on which the instruments are listed, and the National Treasury and relevant Provincial Treasury, as soon as possible after becoming aware of any event listed in sub-regulation (a) - (f)
35. Without derogating from any obligation to make documents available at places set out in a disclosure statement, a municipality or municipal entity must keep readily available at its main office for inspection, on request of any interested person, copies of all documents relating to a debt transaction or documentation required to be disclosed or made available in terms of these regulations, including document listed in sub-regulation (a) - (e)
36. Documents submitted to the National Treasury in terms of these regulations must be submitted in physical or electronic form, as the National Treasury may direct from time to time.
37. The municipal manager of a municipality must take all reasonable steps to ensure that
 - (a) the basis of measurement and accounting policies underpinning the municipality's annual financial statements are the same as those used in the preparation of the municipality's annual budget and supporting documentation, its adjustments budgets and supporting documentation, and its in-year reports; and

- {b) any differences or changes between financial years are explicitly noted.
38. The municipal manager of a municipality must prepare, or take all reasonable steps to ensure the preparation of the budget-related policies of the municipality, or any necessary amendments to such policies, in accordance with the legislation applicable to those policies for tabling in the municipal council by the applicable deadline specified by the mayor in terms of section 21(1)(b) of the Act.
39. Within ten working days after the municipal council has given individual approval for a capital project in terms of section 19(1)(b) of the Act, the municipal manager must in accordance with section 21A of the Municipal Systems Act make public-
- (a) the municipal council resolution approving the capital project; and
 - (b) details of the nature, location and total projected cost of the approved capital project.
40. When making public the annual budget and supporting documentation in terms of section 22(a) of the Act, read with section 21A of the Municipal Systems Act, the municipal manager must also make public any other information that the municipal council considers appropriate to facilitate the budget consultation process, including matters prescribed in sub-regulations (a) & (b) and 2(a) & (b)
41. When submitting the annual budget to the National Treasury and the relevant provincial treasury in terms of section 22(b)(i) of the Act, the municipal manager must also submit to the National Treasury and the relevant provincial treasury, in both printed and electronic form all documents and information prescribed in sub-regulations (a)-(c)
42. The municipal manager must send copies of the annual budget and supporting documentation as tabled in the municipal council, in both printed and electronic form to stakeholders prescribed in sub-regulations (a) & (b)
43. The municipal manager must assist the mayor in the preparation of the documents referred to in sub-regulation (1) and section 23(2) of the Act.
- (1) Within ten working days after the municipal council has approved the annual budget of a municipality, the municipal manager must in accordance with section 21A of the Municipal Systems Act make public the approved annual budget and supporting documentation and the resolutions referred to in section 24(2) (c) of the Act.
 - (2) The municipal manager must also make public any other information that the municipal council considers appropriate to facilitate public awareness of the annual budget as prescribed in sub-regulations (a) & (b) and in accordance with sub-regulation 3 (a) & (b)

44. The municipal manager must send copies of the approved annual budget and supporting documentation, in both printed and electronic form to stakeholders as prescribed in sub-regulations (a) &(b)
45. The municipal manager must comply with section 28(7) of the Act, read together with section 22(b) (i) of the Act, within ten working days after the mayor has tabled an adjustments budget in the municipal council.
46. When submitting the tabled adjustments budget to the National Treasury and the relevant provincial treasury in terms of section 28(7) of the Act, read together with section 22(b)(i) of the Act, the municipal manager must submit the documents and information prescribed in sub-regulations (a) & (b) in both printed and electronic form -
47. The municipal manager must send copies of an adjustments budget and supporting documentation, in both printed and electronic form to stakeholders as prescribed in sub-regulations (a) &(b)
48. Within ten working days after the municipal council has approved an adjustments budget, the municipal manager must in accordance with section 21A of the Municipal Systems Act make public the approved adjustments budget and supporting documentation, as well as the resolutions referred to in regulation 25(3).
 - (2) When making public an adjustments budget and supporting documentation in terms of sub-regulation (1), the municipal manager must make public any other information that the municipal council considers appropriate to facilitate public awareness of the adjustments budget, including information prescribed in sub-regulations (a) – (c)
49. The municipal manager must send copies of an approved adjustments budget and supporting documentation, in both printed and electronic form to stakeholders as prescribed in sub-regulations (a) &(b)
50. When publishing the quarterly reports on the implementation of the budget in terms of section 75(1)(k) of the Act, the municipal manager must make public any other information that the municipal council considers appropriate to facilitate public awareness of the quarterly report on the implementation of the budget and the financial state of affairs of the municipality, including information stipulated in sub-regulations (a) & (b)
51. A parent municipality must submit to the National Treasury and the relevant provincial treasuries particulars of-
 - (a) each public entity's capital budget as approved by the board of directors of the municipal entity; and
 - (b) details of all capital projects of which the total projected cost is greater than R5 million as approved by the board of directors of the municipal entity.

52. When submitting the approved annual budget and supporting documentation of the municipality in terms of regulation 20, the municipal manager must submit to the National Treasury and the relevant provincial treasury, in both printed and electronic form, the approved annual budget and supporting documentation of all municipal entities under the municipality's sole or shared control.
53. The municipal manager must send copies of the approved annual budget and supporting documentation of a municipal entity, in both printed and electronic form to stakeholders prescribed in sub-regulation (a) & (b).
54. Within five working days of the end of each quarter, the municipal manager must submit to the National Treasury and the relevant provincial treasury, in both printed and electronic form all approved adjustments budgets and supporting documentation received from municipal entities during that quarter.
55. The municipal manager must send copies of the approved adjustments budget and supporting documentation of a municipal entity, in both printed and electronic form to stake holders as per sub-regulation (a) & (b).
56. When submitting the mid-year budget and performance assessment of the municipality in terms of regulation 35, the municipal manager must submit to the National Treasury and the relevant provincial treasury, in both printed and electronic form, the mid-year budget and performance assessments of all municipal entities of the municipality.
57. Any financial official of a municipality at or below middle management level must generally have the skills, experience and capacity to assume and fulfil the responsibilities and exercise the functions and powers assigned in terms of the Act to that official.
58. A financial official referred to in sub-regulation (1) or (2) must note that any failure to comply with the financial management responsibilities, functions and powers entrusted in terms of the Act to that official may constitute financial misconduct
59. A financial official of a municipality or municipal entity at middle management level must comply with the minimum competency levels required for higher education qualification and work related experience and be competent in the unit standards prescribed for competency areas as set out in regulation 9
60. The standard chart of accounts for a municipality or municipal entity must contain the segments as set out in the Schedule.
61. The standard chart of accounts of a municipality or municipal entity-
 - (a) must contain the segments in the Schedule as required by regulation 4(1);
 - (b) must accurately record all financial transactions and data in the applicable segment; and

- (c) may not contain data which is mapped or extrapolated or which otherwise does not reflect transactions recorded or measured by the municipality or municipal entity
62. The financial and business applications or systems used by a municipality or municipal entity must-
- (a) provide for the hosting of the general ledger structured in accordance with the classification framework determined in terms of regulation 4(2);
 - (b) be capable of accommodating and operating the standard chart of accounts;
63. Must assist the Municipal Manager to develop and implement mechanisms for community participation, including:
- Receipt, processing and consideration of petitions and complaints
 - Notification and public comment procedures
 - Public meetings and hearings
 - Consultative meetings with CBO's
 - Report back to communities
64. Must assist the Municipal Manager to communicate information concerning community participation with regard to:
- The mechanisms that will be used to facilitate community participation
 - The matters with which community participation is encouraged
 - The rights and duties of members of the local community
 - Municipal governance, management and development
65. When communicating the above information, the municipality must take into account:
- Language preference and usage in the municipality, and
 - The special needs of people who cannot read or write
66. To comment in the event of application to subdivide the land
67. Consultation before dismissal based on operational requirements.
68. Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains an effective, efficient and transparent risk management systems

CFO AND MANAGERS REPORTING TO THE CFO

The CFO and Managers reporting to him/her, are delegated to approve the following:

1. Invoices for payment on the financial system after matching with an order and GRV (as applicable).
2. Updates/amendments to creditor and debtor master files.
3. Salary runs for processing after final review/sign-off by the Manager: Remuneration, Income, Expenditure and Bank Reconciliations.
4. Payments to SARS in as far as it relates to PAYE/UIF as calculated by remuneration system as part of processing of salaries.
5. Posting of journals on the financial system.
6. Opening of new accounts as per approved budget or virement requests approved by the Municipal Manager.
7. Release of budgets on the financial system after approval of such by Council.

APPROVAL OF PAYMENTS ON THE NEDBANK ONLINE PLATFORM

1. The Municipal Manager is delegated to approve a schedule of officials to release approved invoices for payment on the Nedbank Online Platform.
2. The schedule will categorise specified officials as Category A and Category B approves.
3. Payments must be approved by two approvers in all instances.
4. At least one of the approvers must be of Category A.