

# WEST COAST DISTRICT MUNICIPALITY



# DELEGATION REGISTER

## Table of Contents

<b>Index</b>	<b>Page</b>
Preamble	3
Legal requirements	3
General provisions	7
Definitions	8
Abbreviations	10
Principles of delegation	10
Statutory duties and functions of council	12
Powers reserved by council	13
Committees to assist the Executive Mayor	14
Terms of Reference of Portfolio Committees	17
General	18
Powers of the Council	19
Powers and functions of the speaker	33
Powers and functions of the executive mayor delegated by council	34
Executive mayor	40
Powers from council to Executive Mayor	53
Powers of the Municipal Manager and Director	54
Powers & functions assigned to the Accounting Officer	61
Accounting officer's delegations in terms of Supply Chain Management	84
Human resource management: Systems and procedures regarding personnel administration	92
Other Delegations	95

## **PRE-AMBLE**

A Municipal Council must develop a system of delegation that will maximize administrative and operational efficiency and provide for adequate checks and balances. A system of delegation must be reviewed when a new council is elected and must adapt to the changing environment.

## **LEGAL REQUIREMENTS**

In terms of Section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) a municipality may in accordance with a system of delegation:

**“59. Delegations.** - (1) *A municipal council must develop a system of delegation that will maximise administrative and operational efficiency and provide for adequate checks and balances, and, in accordance with that system, may-*

- a) delegate **appropriate powers, excluding a power mentioned in section 160 (2) of the Constitution and the power to set tariffs, to decide to enter into a service delivery agreement in terms of section 76 (b) and to approve or amend the municipality’s integrated development plan (IDP), 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) (c) withdraw any delegation or instruction.*

In terms of Section 59 (2) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) a municipality may in accordance with a system of delegation or instruction:

- (a) must not conflict with the Constitution, this Act or the Municipal Structures Act;*
- (b) must be in writing;*
- (c) is subject to any limitations, conditions and directions the municipal council may impose;*
- (d) may include the power to sub-delegate a delegated power;*
- (e) does not divest the council of the responsibility concerning the exercise of the power or the performance of the duty; and*

*(f) must be reviewed when a new council is elected or, if it is a district council, elected and appointed.*

*(3)The municipal council-*

*(a) in accordance with procedures in its rules and orders, may, or at the request in writing of at least one quarter of the councillors, must, review any decision taken by such a political structure, political office bearer, councillor or staff member in consequence of a delegation or instruction, and either confirm, vary or revoke the decision subject to any rights that may have accrued to a person; and*

*(b) may require its executive committee or executive mayor to review any decision taken by such a political structure, political office bearer, councillor or staff member in consequence of a delegation or instruction.*

### **Approval of delegations and sub-delegations**

*(4) Any delegation or sub-delegation to a staff member of a power conferred on a municipal manager must be approved by the municipal council in accordance with the system of delegation referred to in subsection (1).*

### **60. Certain delegations restricted to executive committees or executive**

**mayors.-** *(1) The following powers may, within a policy framework determined by the municipal council, be delegated to an executive committee or executive mayor only:*

*(a) decisions to expropriate immovable property or rights in or to immovable property; and*

*(b) the determination or alteration of the remuneration, benefits or other conditions of service of the municipal manager or managers directly responsible to the municipal manager.*

### **Municipal Councils power to review decisions**

The Municipal council may in accordance with procedures in its rules and orders, or at the request in writing of at least one quarter of the councillors, must **review** any decision taken by such a political structure political office bearer, councillor or staff member in consequence of a delegation or instruction, and either confirm, vary or revoke the decision subject to any rights that may have accrued to a person.

The Municipal Council 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.

*(2) The council may only delegate to the Municipal Manager the power to make decisions on investments on behalf of the municipality within the municipality's investment policy contemplated in Section 13(2) of the Local Government: Municipal Finance Management Act, Act 56 of 2003.*

**61. Referral of matters to delegating authorities for decision.**- *A political structure, political office bearer, councillor or staff member of a municipality to whom a delegating authority has delegated or sub-delegated a power to dispose of matters falling within the area of responsibility of that political structure, political office bearer, councillor or staff member may, or must if instructed to do so by the relevant delegating authority, refer a matter before the political structure, political office bearer, councillor or staff member to the relevant delegating authority for a decision.*

**62. Appeals.**- *(1) A person whose rights are affected by a decision taken by a political structure, political office bearer, councillor or staff member of a municipality in terms of a power or duty delegated or sub-delegated by a delegating authority to the political structure, political office bearer, councillor or staff member, may appeal against that decision by giving written notice of the appeal and reasons to the 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).*

*(3) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.*

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

*(a) a staff member other than the municipal manager, the municipal manager is the appeal authority;*

*(b) the municipal manager, the executive committee or executive mayor is the*

*appeal authority, or, if the municipality does not have an executive committee or executive mayor, the council of the municipality is the appeal authority; or*  
*(c) a political structure or political office bearer, or a councillor-*

*i) the municipal council is the appeal authority where the council comprises less than 15 councillors; or*

*ii) a committee of councillors who were not involved in the decision and appointed by the municipal council for this purpose is the appeal authority where the council comprises more than 14 councillors.*

*(5) An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.*

*(6) The provisions of this section do not detract from any appropriate appeal procedure provided for in any other applicable law.*

**63. Duty to report to delegating authorities.**- *A political structure, political office bearer, councillor or staff member of a municipality to whom a delegating authority has delegated or sub-delegated a power or duty, must report to the delegating authority at such intervals as the delegating authority may require, on decisions taken in terms of that delegated or sub-delegated power or duty since the last report.*

**64. Withdrawal, amendment or lapsing of delegation or sub-delegation.** - *The withdrawal, amendment or lapsing of a delegation or sub-delegation does not invalidate anything done as a consequence of a decision taken in terms of that delegation or sub-delegation.*

**65. Review of delegations.** - *(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-*

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

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

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

Section 160(2) of the **Constitution, 1996** (referred to in section 59 (1) (a) of the MSA) provides as follows:

*“(2) The following functions may not be delegated by a Municipal Council:*

*(a) the passing of by-laws;*

*(b) the approval of budgets;*

*(c) the imposition of rates and other taxes, levies and duties; and*

*(d) the raising of loans.”*

## **GENERAL PROVISIONS**

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 Administrative Justice Act 3 of 2000 and the regulations promulgated in terms thereof, the provisions of Council’s policies, By-laws and any law relating to the matter under consideration.

## DEFINITIONS

In this document -

**“Commercial activity”** means, subject to the provisions of the MFMA and regulations promulgated in terms thereof, any activity relating to the:

- i) buying, selling, hiring or letting of goods;
- ii) the hiring or acquisition of immovable property;
- iii) acquiring or providing services;

and includes, without limiting the generality of the aforesaid

the advertising of tenders for such goods or property and services, the awarding of such tenders, the entering into and signing of contracts and the amendment and cancellation of such contracts. The total contract price shall fall within the delegated limits of the relevant functionary.

For the purpose of this definition:

- a) Contract includes any legal activity required by or incidental to the powers and functions outlined here; and
- b) The value of a commercial activity in respect of a lease is the total rental due in respect of the full duration of the lease.;

**“Constitution”** means the Constitution of the Republic of South Africa, 1996;

**“Delegation”**, as defined in the various legislation referred to in this system of delegations where applicable -

*Local Government: Municipal Structures, Act 117 of 1998 (MSTA) and Local*

*Government: Municipal Systems Act, Act 32 of 2000 (MSA)* “in relation to a duty, includes an instruction to perform a duty, and “delegate” has a corresponding meaning”;

*Local Government: Municipal Finance Management Act, Act 56 of 2003 (MFMA)* “in relation to a duty, includes an instruction or request to perform or to assist in performing the duty”

**“Delegating authority” -**

- a) in relation to a delegation of a power or duty by a municipal council, means the municipal council; or
- b) in relation to a sub-delegation of a power or duty by another political structure, or by a political office bearer, councillor or staff member of

a municipality, means that political structure, political office bearer, councillor or staff member;

**“Designation”** means a power designated to the Executive Mayor to be performed together with the members of the mayoral committee as envisaged in section 60(3) of the Municipal Structures Act;

**“Executive authority”**, in relation to a municipality, means the municipality’s executive authority envisaged in section 156 of the Constitution, read with section 11 of the Municipal Systems Act;

**“Executive Mayor”** means a person elected in terms of section 55 of the Municipal Structures Act and in whom the executive leadership of the municipality is vested;

**“LUPO”** means the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985);

**“MFMA”** means the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003);

**“Municipal manager”** means a person appointed in terms of section 82 of the Municipal Structures Act;

**“Municipal Structures Act”** means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), and

**“Municipal Systems Act”** means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

**“Political office bearer”** means the Speaker, Executive Mayor, Deputy Executive Mayor or Member of the Executive committee as referred to in the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

**“Political structure”**, in relation to a municipality, means the council of the municipality or any committee or other collective structure of a municipality elected, designated or appointed in terms of a specific provision of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

**“Speaker”** means the person elected in terms of section 36 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)

The following abbreviations are used for legislation:

Constitution:	CON
Local Government: Municipal Structures Act, Act 117 of 1998:	MSTA
Local Government: Municipal Systems Act, Act 32 of 2000:	MSA
Local Government: Municipal Finance Management Act, Act 56 of 2003:	MFMA
Local Government: Municipal Property Rates Act, Act 12 of 2007:	MPRA
Remuneration of Public Office Bearers Act:	RPOA
Local Government: Municipal Demarcation Act, Act 27 of 2008:	MDA
Land Use Planning Ordinance Act 15 of 1985:	LUPO
Integrated Development Plan:	IDP
Municipal Manager:	MM
Executive Mayor:	EM
Auditor General:	A-G
Performance Management System:	PMS

## **PRINCIPLES OF DELEGATION**

1. In terms of the Systems Act a Municipal Council must develop a system of delegation that will maximise administrative and operational efficiency and provide for adequate checks and balances. In terms of this system of delegation the Municipal Council may instruct any political structure, political office bearer, councillor, or staff member to perform any of the municipality's duties and withdraw any delegation or instruction.
2. A delegation or instruction in terms of the system of delegation must not conflict with the Constitution or the Systems Act or Structures Act. The Constitution empowers a Municipal Council to make by-laws, which prescribe rules and orders for the powers and functions of its Committees, and further prescribes those functions which may not be delegated by Council.
3. All delegations must therefore ensure that the Council retains all legislative powers and those executive powers which may not be lawfully delegated.
4. The Council may exercise no power and perform no function beyond that conferred to it by law and the Executive may not exercise its authority contrary to any policy approved by Council. Powers and functions must furthermore be

performed in such a manner to comply with Council's Integrated Development Plan, by-laws and budget.

5. All delegations must be aimed at empowering the relevant executives to perform their functions effectively, taking into account the different levels of decision making.
6. The functions allocated to Council's Executive, as may be approved by Council from time to time, will form the basis for the allocation of delegations of executive decision making power.
7. All delegations and instructions are subject to any limitations, conditions and directions the Municipal Council may impose.
8. The delegations and instructions in terms of the system of delegation do not divest the Municipal Council of the responsibility concerning the exercise of the power or the performance of the duty.
9. The Council, in accordance with procedures in its rules and orders, may - or at the request in writing of at least one quarter of the councillors, must -  
    review any decision taken by a political structure, political office bearer, councillor or staff member in consequence of a delegation or instruction, and either confirm, vary or revoke the decision subject to any rights that may have accrued to a person; and  
    may require its 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.
10. All delegations, and all other decisions affecting the rights of others, must be in writing.
11. The Municipal Manager is authorised to sub-delegate any of his/her powers to the most effective level.
12. All delegations and sub-delegations **must** be recorded in the delegation register, which **must** be kept updated at all times by the Municipal Manager.
13. All delegates must report delegated decisions at such intervals as the delegating authority may require.
14. Any delegation is also exercised by the person who acts in that post.
15. When funds are not available, expenditure may not be incurred when exercising delegated powers.

16. Any person whose rights are affected by a decision taken by a political structure, political office bearer, councillor or staff member of a municipality in terms of a power or duty delegated or sub-delegated by delegating authority to the political structure, political office bearer, councillor or staff member may appeal against that decision by giving written notice of the appeal and reasons to the Municipal Manager. The process as indicated in section 62 of the Municipal Systems Act must be followed.
17. Any delegation may be revoked in writing by the delegating authority at any time, subject to any vested rights.

### **STATUTORY DUTIES AND FUNCTIONS OF COUNCIL**

The statutory duties and functions of the Council are prescribed by, *inter alia*, the:

Constitution of the Republic of South Africa, 1996;

Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

Disaster Management Act, 2002 (Act 57 of 2002);

Magistrate's Court Act, 1944 (Act 32 of 1944);

Occupational Health and Safety Act, 1993 (Act 85 of 1993), and

Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003).

Remuneration of Public Office Bearers Act

**THE FOLLOWING POWERS PROVIDED FOR IN TERMS OF THE UNDER-MENTIONED LEGISLATION MAY NOT BE DELEGATED BY COUNCIL:**

**Constitution of the Republic of South Africa, 1996**

Section 160(2) –

- a) The passing of by-laws;
- b) The approval of budgets;
- c) The imposition of rates and other taxes, levies and duties, and
- d) The raising of loans.

**Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)**

Section 59(1)(a) –

The power

- i) to set tariffs, (adoption and implementation of a tariff policy in terms of sections 74 and 75)
- ii) to decide to enter into a service delivery agreement in terms of section 76(b) of the MSA, and
- iii) to approve or amend the municipality's integrated development plan.

**Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)**

Section 82(1)(a) and (b) Responsible for the appointment of the municipal manager and when necessary, for the appointment of an acting municipal manager for a period of more than 21 days

**Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)**

Section 57 Responsible for the appointment of the managers directly accountable to municipal managers

## **COMMITTEES TO ASSIST THE EXECUTIVE MAYOR**

Section 80 of the **Local Government: Municipal Structures Act**, 1998 (Act 117 of 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) appoints a chairperson for each committee from the executive committee or mayoral committee;*
  - b) may delegate any powers and duties of the executive committee or 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.”*

**Members of the Mayoral Committee are responsible for the following Portfolios and Portfolio committees:**

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.

**(a) Strategic Support and Economic Development**

- Human Resources
- Internal Auditing
- Strategic Services
- Social and Community Development
- Tourism

**(b) Department: Administration and Community Services**

- Administration
- Municipal Environmental Health
- Municipal Environmental Management
- Disaster Management
- Fire Services
- Public Relations

**(c) Department: Financial Services**

- Financial Management and Control
- Income
- Expenditure
- Supply Chain Management
- Information Technology
- Ganzekraal Resort

**(d) Department: Infrastructure Services**

- Town and Regional Planning
- Roads Construction and Maintenance
- Mechanical Workshops
- Water Purification
- Water Distribution
- Civil Engineering Projects

**Generic powers of the Members of the Mayoral Committee to make recommendations to the Executive Mayor**

- i) Develop and recommend policy within the functional area of their respective portfolios.
- ii) Develop and recommend on the content and drafting of by-laws within the functional area of their responsibility.
- iii) Comment on and recommend the business plans within the functional area of their respective portfolios.
- iv) Make recommendations in regard to the draft Integrated Development Plan and budget within the functional area of their respective portfolios.
- v) Make recommendations in regard to the setting or revision of tariffs, levies, taxes and duties within the functional area of their respective portfolios.
- vi) Facilitate public participation in the development of policy, legislation, the Integrated Development Plan and budget within the functional area of their respective portfolios.
- iv) Monitor the implementation of Council's Integrated Development Plan, budget, business plans, strategic objectives, policies and programmes within the functional area of their respective portfolios.
- viii) Recommend or determine the best way, including partnership and other approaches, to deliver strategies, programmes and services to the maximum benefit of the community.
- ix) Assess the performance of service delivery within the functional area of their respective portfolios.
- x) Receive recommendations from the section 80 committee of which he/she is the chairperson and make recommendations on any matter to the Executive Mayor.
- xi) Identify the needs of the municipality in respect of his/her portfolio.
- xii) Review and evaluate the needs referred to in xi) above in order of priority.
- xiii) Prepare reports on the involvement of communities and community organisations in respect of his/her portfolio as required by the Executive Mayor.
- xiv) Ensure that regard is given to public views and report on the effect of consultation on the decisions of Council.

- xv) Recommend comments on National and Provincial legislation that affects their portfolios.

## **TERMS OF REFERENCE OF PORTFOLIO COMMITTEES**

The respective departments are responsible for the following functions:

### **(a) Strategic Support and Economic Development**

- Human Resource Development
- Occupational Health and Safety
- Training and Development
- Employment Equity
- Employment Assistance Programme
- Organisational and Workstudy
- Labour Relations
- Internal Auditing
- Internal Audit Risk Management
- Strategic Management
- Strategic Programmes
- IDP/LED
- Social and Community Development
- Tourism Marketing and Development

### **(b) Department: Administration and Community Services**

- Archive services
- Secretariat services
- Public Relations
- Legal Support services
- Reprographic services
- Cleaning services
- Municipal Environmental Health
- Air Quality Control
- Environmental Management
- Fire and Rescue services
- Disaster Management
- Administrative support services

**(c) Department: Financial Services**

- Financial Statements
- Budget Control
- Information Technology
- Revenue (Income)
- Expenditure Control
- Supply Chain Management
- Asset control
- Resort management

**(d) Department: Infrastructure Services**

- Construction of Roads
- Maintenance of Roads
- Water purification
- Bulk water supply
- Building maintenance
- Town and Regional Planning
- Mechanical workshops
- Project management
- Technical support (electrical, instrumentation, etc)

**GENERAL**

1. 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 it services. Note that the Speaker must be informed of all such decisions.
2. 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 – provided that any expenditure that may be incurred as a result thereof has been budgeted for.

**POWERS OF THE COUNCIL**

**CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996**

<b>ITEM NUMBER</b>	<b>REFERENCE TO POWER</b>	<b>CRYPTIC DESCRIPTION OF POWER</b>	<b>ORIGINAL POWER</b>	<b>DELEGATED BODY</b>	<b>REMARKS, LIMITATIONS OR CONDITIONS</b>
C1	Section 160(2)(a)  Section 12 and 13 of the MSA	The passing of by-laws;	Council	Not delegated	A majority of the members of a municipal council must be present before a vote may be taken on any other matter.
C2	Section 160(2)(b)  Section 24 of the MFMA	The approval of budgets;	Council	Not delegated	A decision in this regard must be taken by the Council with a supporting vote of a majority of its members taken before the start of the financial year.  Section 25 of the MFMA applies in event that the budget is not approved.
C3	Section 160(2)(c), 75a(2) MSA and 14 (1) MPRA	The imposition of rates and other taxes, levies and duties, and	Council	Not delegated	A majority of the members of a municipal council must be present before a vote may be taken on any other matter
C4	Section 160(2)(d)	The raising of loans	Council	Not delegated	A majority of the members of a municipal council must be present before a vote may be taken on any other matter

**LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000 (Act 32 of 2000)**

<b>ITEM NUMBER</b>	<b>REFERENCE TO POWER</b>	<b>CRYPTIC DESCRIPTION OF POWER</b>	<b>ORIGINAL POWER</b>	<b>DELEGATED BODY</b>	<b>REMARKS, LIMITATIONS OR CONDITIONS</b>
C5	Section 53(1)	Approve the system defining the role and area of responsibility of each political structure and office bearer of the municipality and of the municipal manager	Council	Not delegated	
C6	Section 56 / 57 Section 30 (5)(c)	Appoint managers (Directors) directly accountable to the municipal manager	Council	Not delegated	
C7	Section 59(1)	Approve system of delegations	Council	Not delegated	
C8	Section 59(1)(a) And 75 (2)  <b>Section 23-37</b>	The power to – (i) set tariffs, (adoption and implementation of a tariff policy in terms of sections 74 and 75 (2)) (ii) decide to enter into a service delivery agreement in terms of section 76(b) of the Structures Act; and; (iii) approve or amend the municipality's integrated development plan (IDP)	Council	Not delegated	
C9	Section 59 (2) (f) and Section 98	When a new council is elected and appointed, approve the system of delegation			
C10	Section 60(1)	Approve a policy framework within which decisions may be taken to - expropriate immovable property or rights in immovable property, and alter the remuneration, benefits or other conditions of service of the municipal manager or managers directly responsible to him/her	Council	Not delegated	

C11	Section 67	Develop systems and procedures to ensure fair, efficient, effective and transparent personnel administration	Council	Not delegated	
C12	Section 96(b)	Adopt a credit control and debt collection policy	Council	Not delegated	

<b>Code of Conduct for Councillors</b>					
C13	Item 4	The sanctioning of non-attendance of Council meetings	Council	Not delegated	
C14	Item 7(4)	Determining the financial interests of Councillors that must be made public	Council	Not delegated	
C15	Item 8	Considering any application of a full-time Councillor to perform any other paid work	Council	Not delegated	
C16	Item 13	Consideration of a report of the Speaker on the suspected breach of the code of conduct for Councillors	Council	Not delegated	
<b>REMUNERATION OF PUBLIC OFFICE BEARERS ACT</b>					
<b>ITEM NUMBER</b>	<b>REFERENCE TO POWER</b>	<b>CRYPTIC DESCRIPTION OF POWER</b>	<b>ORIGINAL POWER</b>	<b>DELEGATED BODY</b>	<b>REMARKS, LIMITATIONS OR CONDITIONS</b>
<b>C17</b>	<b>RPOA</b>	The determination of salaries, allowances and other benefits of Councillors	None	Not delegated	A decision in this regard must be taken by the Council with a supporting vote of a majority of its members

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 (Act 117 of 1998)					
ITEM NUMBER	REFERENCE TO POWER	CRYPTIC DESCRIPTION OF POWER	ORIGINAL POWER	DELEGATED BODY	REMARKS, LIMITATIONS OR CONDITIONS
C18	Section 82(1)(a) and (b)  Section 30(5)(c)	Responsible for the appointment and conditions of service of the Municipal Manager as Accounting Officer of the Municipality.	Council	Not delegated	A decision in this regard must be taken by the Council with a supporting vote of a majority of its members
C19	Section 30 (5)(c)  MSA Section 57	Appoint managers (Directors) directly accountable to the municipal manager	Council	Not delegated	After consultation with the Municipal Manager and Members of the Mayoral Committee
C20	Section 18	The designation of full-time Councillors as determined by the MEC for Local Government	Council	Not delegated	
C21	Section 33	The establishment of committees, including the determination of the functions and procedures of any such committee, the appointment and removal of the members of such committee and, in appropriate cases, the appointment of the chairperson of such committee	Council	Not delegated	
C22	Section 34(1)	Considering the dissolution of the Council	Council	Not delegated	
C23	Section 36	The election of speaker	Council	Not delegated	
C24	Section 40	Removing the Speaker from office	Council	Not delegated	

C25	Section 41	Electing an acting Speaker when the speaker is absent, not available to perform functions or during a vacancy	Council	Not delegated	
C26	Section 55 (1)	Electing of an EM and Executive Deputy Mayor	Council	Not delegated	
C27	Section 58	Removing the EM from office	Council	Not delegated	
C28	Section 60(3)	Designating the powers of the EM that must be exercised by the EM together with the other members of the mayoral committee	Council	Not delegated	
<b>MUNICIPAL DEMARCATION ACT</b>					
C29	Section 21(4) MDA	The lodging of objections against the proposed re-determination or alteration of the municipality's boundaries, and the lodging of an application to alter the municipality's boundaries	Council	Not delegated	

LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, 2003 (Act 56 of 2003)					
ITEM NUMBER	REFERENCE TO POWER	CRYPTIC DESCRIPTION OF POWER	ORIGINAL POWER	DELEGATED BODY	REMARKS, LIMITATIONS OR CONDITIONS
C30	Section 13(2)	Establish an effective cash management and investment policy within the framework prescribed by the Minister of Finance (This will allow the Executive Mayor to perform delegated functions in terms of section 60(2) of the Systems Act)	Council	Not delegated	In terms of section 60 (2) of the MSA 2000 the Council may only delegate to the executive mayor or the CFO the authority to make investments on behalf of the municipality
C31	Section 14 read with section 90	The transfer of ownership of immovable capital assets or otherwise disposal of a capital asset that is not needed to provide the minimum level of basic municipal services.	Council	Not delegated	Council must decide whether the asset is not needed to provide the minimum level of basic municipal services, and consider the fair market value of the asset and the economic and community for the asset. A decision in this regard must be taken by the Council with a supporting vote of a majority of its members
C32	Section 16 (1)  Section 16(3)	Approval of an annual budget  Deciding whether money for capital expenditure for a period not exceeding three financial years may be appropriated in an annual budget	Council	Not delegated	In terms of Section 160 2(b) read with section 160 (3)(b) of the Constitution a budget must be approved by the supporting vote of a majority of its members. The budgets must be considered on or before 1 June in terms of section 24 (1) of the MFMA
C33	Section 19(1)(b)	Approval of capital projects	Council	Not delegated	
C34	Section 28	Revise the approved annual budget through an	Council	Not delegated	

		adjustments budget			
C35	Section 32(2) Section 62 (1)(e)	Appointing a committee to investigate any suspected or reported unauthorised, irregular or fruitless and wasteful expenditure  <b>Applicable conditions</b> Except in the case of: 1. unauthorized expenditure, if the amount of the expenditure is authorized in an adjustment budget; or  2 is certified by the Council, after investigation by a council Committee, as irrecoverable of written off by the Council; and  3. irregular or fruitless and wasteful expenditure is, after investigation by a Council committee certified by the Council as irrecoverable and written off by the Council	Council	Not delegated	<i>NOTE: In terms of the judgments of the Courts in the cases of The Democratic Alliance and - another v Amos Masondo and another (WLD) (Case No 01/9260) (2001) and Democratic Alliance and Another v Amos Masondo N O and the Minister of Provincial and Local Government (CC) (Case No CCT 29/02) a mayoral committee was found not to be a committee of a municipal council. The Council may therefore not appoint the Mayoral Committee to perform such an investigation. A decision in this regard must be taken by the Council with a supporting vote of a majority of its members</i>
C36	Section 33	Authorise the municipal manager to enter into a contract that will impose financial obligations on the municipality beyond the three years in annual budget for that financial year	Council	Not delegated	In the interest of accountability and transparency
C37	Section 45 (2)(a) read with section 47	Approve incurring short-term debts	Council	Not delegated	
C38	Section 46 (1)	Deciding whether to incur long term debt  Approve incurring long-term debts	Council	Not delegated	

	Section 46 (2) (a) read with section 47				
C39	Section 48 (1), (2) and (3)	May approve security for any debt obligations	Council	Not delegated	
C40	Section 50	Deciding the issuing of guarantees, subject to approval of National Treasury and provisions of section 50	Council	Not delegated	
C41	Section 84	Determining the function or service that a municipal entity would perform on behalf of the Municipality; Considering an assessment of the impact of the shifting of a function or service to a on the Municipality's staff, assets and liabilities when considering the establishment of, or participation in AND Considering the views and recommendations of the National Treasury and the provincial treasury, the national and provincial departments responsible for local government and the MEC responsible for local government in respect of the Municipality's intention to establish and/or participate in a municipal entity	Council	Not delegated	
C42	Section 90 (2)	Considering an application from a municipal entity of which the Municipality is the parent, to transfer ownership or otherwise dispose of a capital asset other than an asset needed to provide the minimum level of basic municipal services	Council	Not delegated	
C43	Section 109	Deciding when a municipal entity of which the Municipality is the parent municipality, experiences serious or persistent financial problems and the 'board of directors of the entity fails to act	Council	Not delegated	

		effectively — (a) the appropriate steps to be taken in terms of the Municipality's rights and powers over the entity concerned, including its rights and powers in terms of any relevant service delivery or other agreement;			
C50	Section 109	(b) impose a financial recovery plan, which meets the criteria set out in section 142 of the MFMA; or	Council	Not delegated	
C51	Section 109	(c) liquidate and disestablish the entity	Council	Not delegated	
C52	Section 111	Adopt a supply chain management policy	Council	Not delegated	
C53	Section 133(1)(c)	Investigation into failure to submit financial statements	Council	Not delegated	
C54	Section 114(1)	Considering a report containing the reasons for deviating from such recommendation of the accounting officer of a municipal entity of which the Municipality is the parent municipality if a tender other than the one recommended in the normal course of implementing the supply chain management policy of the municipal entity is approved	Council	Not delegated	
C55	Section 120(1)	Deciding to enter into a public-private partnership agreement	Council	Not delegated	
C56	Section 120(1)	Deciding to enter into a public-private partnership agreement.	Council	Not delegated	
C57	Section 120(1)(a)	Determining whether a proposed public-private partnership agreement will provide value for money to the municipality.	Council	Not delegated	
C58	Section 120(1)(b)	Determining whether a proposed public-private partnership agreement will be affordable for the Municipality.	Council	Not delegated	
C59	Section 120(1)(c)	Determining whether a proposed public-private partnership agreement will transfer appropriate technical, operational and financial risk to the private party.	Council	Not delegated	
C60	Section 120(4)	Deciding to conduct a feasibility study before a public-private partnership is concluded.	Council	Not delegated	

C61	129(1)	Considering the annual report of the Municipality and of any municipal entity under the Municipality's sole or shared control	Council	Not delegated	
C62		Adopting an oversight report containing the Council's comments on the annual report(s)	Council	Not delegated	
C63	129(5)	Deciding whether to adopt guidelines issued by the National Treasury on the manner in which councils should consider annual reports and conduct public hearings and the functioning and composition of any public accounts or oversight committees established by a council to assist it to consider an annual report	Council	Not delegated	
C64	133(c)(i)	Deciding whether to request the Speaker or another councillor to investigate the reasons for the failure of the Municipal Manager or of the accounting officer of a municipal entity under the Municipality's sole or shared control to submit annual financial statements to the Auditor-General or the Executive Mayor's failure to table the annual report of the Municipality or a municipal entity in the Council	Council	Not delegated	
C65		Receiving the report of the appointed councillor regarding the failure of the Municipal Manager or of the accounting officer of a municipal entity under the Municipality's sole or shared control to submit annual financial statements to the Auditor-General or the Executive Mayor's failure to table the annual report of the Municipality or a municipal entity in the Council	Council	Not delegated	
C66	133(c)(ii)	Determining the appropriate steps to be taken to ensure that the financial statements are submitted to the Auditor-General or that the annual report, including the financial statements and the audit report on those statements, is tabled in the Council, as the case may be.	Council	Not delegated	
C67	133(c)(iii)	Deciding whether disciplinary steps should be taken against the Municipal Manager or other persons responsible for the failure of the	Council	Not delegated	

		Municipal Manager or of the accounting officer of a municipal entity under the Municipality's sole or shared control to submit annual financial statements to the Auditor-General or the Executive Mayor's failure to table the annual report of the Municipality or a municipal entity in the Council			
C68	152(1)	Deciding to apply to the High Court for an order to stay all legal proceedings, including the execution of legal process, by persons claiming money from the Municipality if the Municipality is unable to meet its financial commitments	Council	Not delegated	
C69	153(1)(a)	Deciding to apply to the High Court for an order to stay, for a period not exceeding 90 days at a time, all legal proceedings, including the execution of legal process, by persons claiming money from the Municipality	Council	Not delegated	
C70	165(1)	Deciding whether to establish an internal audit unit or to outsource the internal audit function	Council	Not delegated	
C71	166(1) (6)	Establish an internal audit committee for the municipality	Council	Not delegated	
C72	166(2)	Receiving reports of the audit committee	Council	Not delegated	
C73	166(2)(d)	Requesting the audit committee to investigate the financial affairs of the Municipality or a municipal entity of which the Municipality is a parent	Council	Not delegated	
C74	166(4)	Determining the number of members of the audit committee Determining the nature of the appropriate experience that persons should possess to be considered for appointment as a member of the audit committee	Council	Not delegated	
C75	166(5)	Appointing the members of the audit committee of the Municipality and of a municipal entity of which the Municipality is a parent municipality	Council	Not delegated	

		Appointing from amongst the members of an audit committee who is not in the employ of the Municipality or municipal entity a chairperson			
C76	171(4)(a)	Investigating any allegations of financial misconduct against the Municipal Manager, the Chief Financial Officer, a senior manager or other official of the Municipality unless those allegations are frivolous, vexatious, speculative or obviously unfounded	Council	Not delegated	
C77		Deciding whether an allegation of financial misconduct against the Municipal Manager, the Chief Financial Officer, a senior manager or other official of the Municipality is frivolous, vexatious, speculative or obviously unfounded.	Council	Not delegated	
C78	171(4)(b)	Deciding whether an investigation of an allegation of financial misconduct against the Municipal Manager, the Chief Financial Officer, a senior manager or other official of the Municipality revealed anything that warrants the institution of disciplinary proceedings.	Council	Not delegated	
C79	176(2)	Deciding to recover from a political office-bearer or official of the Municipality any loss or damage suffered by it because of the deliberate or negligent unlawful actions of that political office-bearer or official when performing a function of office.	Council	Not delegated	

**LOCAL GOVERNMENT: MUNICIPAL PROPERTY RATES ACT AND REGULATIONS (ACT 6 OF 2004)**

<b>ITEM NUMBER</b>	<b>REFERENCE TO POWER</b>	<b>CRYPTIC DESCRIPTION OF POWER</b>	<b>ORIGINAL POWER</b>	<b>DELEGATED BODY</b>	<b>REMARKS, LIMITATIONS OR CONDITIONS</b>
C80	22(1)	Determination of special rating areas in the municipality, the levying of an additional rate on the property in that area and the differentiation between categories of properties when levying the additional rate	Council	Not delegated	
C81	31(1)	For the purpose of a general valuation, to determine a date on which the valuation roll is to be first implemented	Council	Not delegated	
C82	33	The designation of a person as a municipal valuer	Council	Not delegated	
C83	38	To enter into an agreement with another municipality to designate a single municipal valuer and to share the costs of preparing valuation rolls	Council	Not delegated	

**POWERS AND FUNCTIONS OF THE SPEAKER**

**LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 (Act 117 of 1998)**

<b>ITEM NUM</b>	<b>REFERENCE TO POWER</b>	<b>CRYPTIC DESCRIPTION OF POWER</b>	<b>ORIGINAL POWER</b>	<b>DELEGATED BODY</b>	<b>SUB-DELEGATED BODY</b>
S1	Section 37(a)	Presides at meetings of the Council <i>When the Speaker is absent, the Municipal Manager must preside for Council to elect an acting Speaker</i>	Speaker	Not Delegated	
S2	Section 37(c)	Ensure that the Council meet at least quarterly	Speaker	Not Delegated	
S3	Section 37(d)	Maintain order during meetings	Speaker	Not Delegated	
S4	Section 37(e)	Ensure compliance in the Council and Council Committees with the Code of Conduct	Speaker	Not Delegated	
S5	Section 37(f)	Ensure that Council meetings are conducted in accordance with the Rules and Orders of the Council	Speaker	Not Delegated	
S6	Section 29(1)	To convene a special Council at a venue determined by her / him, and at the time set out in the request that such a meeting be convened	Speaker	Not Delegated	

**LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, 2003 (ACT56 of 2003)**

<b>ITEM NUM</b>	<b>REFERENCE TO POWER</b>	<b>CRYPTIC DESCRIPTION OF POWER</b>	<b>ORIGINAL POWER</b>	<b>DELEGATED BODY</b>	<b>SUB-DELEGATED BODY</b>
S7	Section 130 (1)	Determining the reasonable time period to be allowed during a council meeting at which an annual report is to be discussed or at which decisions concerning an annual report are to be taken for the discussion of any written submissions received from the local community or organs of state on the annual report and for members of the local community or any organs of state to address the Council	Speaker	Not Delegated	
S8	133(1)(b)	Receiving and submitting information received from the A-G regarding the failure to submit annual financial statements	Speaker	Not Delegated	

**POWERS AND FUNCTIONS OF THE EXECUTIVE MAYOR DELEGATED BY COUNCIL**

**LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000 (Act 32 of 2000)**

<b>ITEM NUMBER</b>	<b>REFERENCE TO POWER</b>	<b>CRYPTIC DESCRIPTION OF POWER</b>	<b>ORIGINAL POWER</b>	<b>DELEGATED BODY</b>	<b>REMARKS, LIMITATIONS OR CONDITIONS</b>
EM1	Section 4(2)(a)	Exercise executive and legislative authority and use resources in the best interest of local community	Council	Executive Mayor	After consultation with Members of the Mayoral Committee
EM2	Section 4(2)(b)	Provide democratic and accountable government	Council	Executive Mayor	After consultation with Members of the Mayoral Committee
EM3	Section 4(2)(c)	Encourage community involvement	Council	Executive Mayor	After consultation with Members of the Mayoral Committee
EM4	Section 4(2)(d)	Ensure services are provided in a financially and environmentally sustainable manner	Council	Executive Mayor	After consultation with Members of the Mayoral Committee
EM5	Section 4(2)(e)	Consult local community	Council	Executive Mayor	After consultation with Members of the Mayoral Committee
EM6	Section 4(2)(f)	Give equitable access to services	Council	Executive Mayor	After consultation with Members of the Mayoral Committee
EM7	Section 4(2)(g)	Promote and undertake development	Council	Executive Mayor	After consultation with Members of the Mayoral Committee
EM8	Section 4(2)(h)	Promote gender equity	Council	Executive Mayor	After consultation with Members of the Mayoral Committee
EM9	Section 4(2)(i)	Promote safe and healthy environment	Council	Executive Mayor	After consultation with Members of the Mayoral Committee

EM10	Section 11	The formulation, developing and adopting of policies, plans, strategies and programmes of the municipality, including setting of targets for service delivery	Council	Executive Mayor	After consultation with the Municipal Manager
EM11	Section 25(4) (a)	Notice to public of adoption of Integrated Development Plan and where copies or extracts are available, and	Council	Executive Mayor	After consultation with the Municipal Manager
EM12	Section 25(4) (b)	Publicise a summary of the Integrated Plan	Council	Executive Mayor	After consultation with the Municipal Manager
EM13	30(a)	Manages the drafting of the municipality's IDP	Council	Executive Mayor	
EM14	Section 36	Ensure that affairs of municipality are consistent with Integrated Development Plan	Council	Executive Mayor	
EM15	Section 38	Establish a performance management system	Council	Executive Mayor	After consultation with Members of the Mayoral Committee
EM16	Section 62(4)(b)	Is the appeal authority when an appeal is lodged against a decision taken by the MM	Council	Executive Mayor	
EM17	Section 62(5)	Must commence with an appeal within six weeks and to decide the appeal within a reasonable period	Council	Executive Mayor	
EM18	Section 40	Establish mechanisms to monitor and review the performance management system (Evaluates progress against the key performance indicators prescribed in terms of section 43)	Council	Executive Mayor	After consultation with Members of the Mayoral Committee
EM19	Section 42	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	Council	Executive Mayor	After consultation with Members of the Mayoral Committee
EM20	Section 44	Determine the manner in which the key performance indicators and performance targets must be made known both internally and to	Council	Executive Mayor	After consultation with Members of the Mayoral Committee

		general public			
EM21	Section 46	Prepare a performance report for financial year	Council	Executive Mayor	After consultation with Members of the Mayoral Committee
EM22	Section 53(1)	Develop a system for defining the role and area of responsibility of each political structure and political office bearer of the municipality and of the municipal manager	Council	Executive Mayor	
EM23	Section 59(1)	Develop a system of delegation that will maximize administrative and operational efficiency and provide for adequate checks and balances	Council	Executive Mayor	
EM24	Section 59(2)(f)	When a new council is elected and appointed, review the system of delegation	Council	Executive Mayor	
EM25	Section 60(1)(a)	Develop a policy framework within which decisions may be taken to - expropriate immovable property or rights in immovable property, and	Council	Executive Mayor (May only delegate to him/her)	
EM26	Section 60(1)(b)	alter the remuneration, benefits or other conditions of service of the municipal manager or managers directly responsible to him/her			
EM27	Section 62 (4) (b)	When the appeal is against a decision taken by- The municipal manager, the executive committee or executive mayor is the appeal authority	Council	Executive Mayor / Appeal Committee	
EM28	Section 62(4)(c)	Deal with appeal against decision made by a political structure or political office bearer or councilor	Council	Appeal Committee	
EM29	Section 66	Determine a policy framework within which the staff establishment may be approved	Council	Executive Mayor	After consultation with Members of the Mayoral Committee
EM30	Section 67	Adopt systems and procedures to ensure fair, efficient, effective and transparent personnel	Council	Not delegated	

		administration			
EM31	Section 68	Build capacity of human resources in accordance with the provisions of the Skills Development Act, 1998	Council	Executive Mayor	
EM32	Section 77	Review mechanisms to provide service delivery	Council	Executive Mayor	After consultation with Members of the Mayoral Committee
EM33	Section 81	Regulate, monitor and assess service delivery when using a service provider to ensure proper municipal service is delivered	Council	Executive Mayor	After consultation with Members of the Mayoral Committee
EM34	Section 95(a) and (b)	Establish a sound customer management system with mechanisms for users and ratepayers to give feedback	Council	Executive Mayor	After consultation with Members of the Mayoral Committee
EM35	Section 95(c) to (i)	Provide proper facilities for payment of rates and other taxes	Council	Executive Mayor	
EM36	Section 96(a)	Collect all money which is due and payable to it	Council	Executive Mayor	
EM37	Section 96(b)	Maintain and implement the credit control policy	Council	Executive Mayor	
EM38	Section 109(2)	Compromise or compound any action or proceedings and submit to arbitration any matter other than any matter involving a decision on its status powers or duties or the validity of its actions and by-laws	Council	Executive Mayor	After consultation with Members of the Mayoral Committee
EM39	Section 109A	Authorise legal representation for employees and Councilors against whom legal proceedings have been instituted resulting from the execution of their duties	Council	Executive Mayor	

<b>LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 2000 (Act 117 of 1998)</b>					
<b>ITEM NUMBER</b>	<b>REFERENCE TO POWER</b>	<b>CRYPTIC DESCRIPTION OF POWER</b>	<b>ORIGINAL POWER</b>	<b>DELEGATED BODY</b>	<b>REMARKS, LIMITATIONS OR CONDITIONS</b>
EM40	19(3)	The determination and development of mechanisms to consult the community and community organizations on the performance of the municipality's functions	Council	Executive Mayor	
EM41	87(2)	The lodging of an objection to the Minister against the temporary allocation of a function or power of the municipality to the district municipality to restore or maintain any basic service that has or may collapse	Council	Executive Mayor	
EM42	88(2)(b)	Determining the nature, extent, duration and conditions for providing assistance to the district municipality pursuant to a request for such assistance	Council	Executive Mayor	
EM43	88(2)(a)	Making a request to the district municipality for financial, technical and administrative support services	Council	Executive Mayor	
<b>LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT S ACT, 2000 (Act 56 of 2003)</b>					
<b>ITEM NUMBER</b>	<b>REFERENCE TO POWER</b>	<b>CRYPTIC DESCRIPTION OF POWER</b>	<b>ORIGINAL POWER</b>	<b>DELEGATED BODY</b>	<b>REMARKS, LIMITATIONS OR CONDITIONS</b>
EM44	Section 32(2)	Recover irregular or fruitless and wasteful expenditure	Council	Executive Mayor	
EM45	Section 32(7)	Report to SAPS if charge of unauthorized, irregular or fruitless and wasteful expenditure is against accounting officer; or accounting officer fails to comply	Council	Executive Mayor	
EM46	Section 121(1)	Prepare annual report	Council	Executive Mayor	
EM47	Section 171(4)	Responsible for the investigation of alleged financial misconduct	Council	Executive Mayor	After consultation with Members of the Mayoral Committee

<b>DISASTER MANAGEMENT ACT, 2002 (Act 57 of 2002)</b>					
<b>ITEM NUMBER</b>	<b>REFERENCE TO POWER</b>	<b>CRYPTIC DESCRIPTION OF POWER</b>	<b>ORIGINAL POWER</b>	<b>DELEGATED BODY</b>	<b>REMARKS, LIMITATIONS OR CONDITIONS</b>
EM48	Section 51(1)	May establish a municipal disaster management advice forum	Council	Executive Mayor	
EM49	Section 53(1)	Prepare disaster management plan which must, <i>inter alia</i> , form part of the Integrated Development Plan	Council	Executive Mayor	
EM50	Section 55	Declare a local state of disaster if warranted by provisions of Act	Council	Executive Mayor	
<b>OCCUPATIONAL HEALTH AND SAFETY ACT, 1993 (Act 85 of 1993)</b>					
<b>ITEM NUMBER</b>	<b>REFERENCE TO POWER</b>	<b>CRYPTIC DESCRIPTION OF POWER</b>	<b>ORIGINAL POWER</b>	<b>DELEGATED BODY</b>	<b>REMARKS, LIMITATIONS OR CONDITIONS</b>
EM51	Section 8(1)	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	Council	Executive Mayor	
EM52	Section 17(1)	Appoint safety representatives for departments in consultation with respective Heads of Departments	Council	Executive Mayor	
EM53	Section 19(1)	Consider establishment of health and safety committees	Council	Executive Mayor	
<b>MAGISTRATE'S COURT ACT, 1944 (Act 32 of 1944)</b>					
<b>ITEM NUMBER</b>	<b>REFERENCE TO POWER</b>	<b>CRYPTIC DESCRIPTION OF POWER</b>	<b>ORIGINAL POWER</b>	<b>DELEGATED BODY</b>	<b>REMARKS, LIMITATIONS OR CONDITIONS</b>
EM54	Section 15(2)	Appoint personnel as authorized officers for the serving of process of the Court and all other documents	Council	Executive Mayor	

**EXECUTIVE MAYOR**

**LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 (Act 117 of 1998)**

<b>ITEM NUMBER</b>	<b>REFERENCE TO POWER</b>	<b>CRYPTIC DESCRIPTION OF POWER</b>	<b>ORIGINAL POWER</b>	<b>DELEGATED BODY</b>	<b>INSTRUCTION / REQUEST TO ASSIST</b>
EM55	Section 56(1)	Receives reports from Committees of the Municipal Council 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 his/her delegated powers	Executive Mayor	Not delegated	
EM56	Section 56(3)(b)	Evaluate progress against key performance indicators	Executive Mayor	Not delegated	After consultation with Members of the Mayoral Committee
EM57	Section 56(3)(c)	Review performance in order to improve efficiency of municipality, credit control and revenue and debt collection services and implementation of by-laws	Executive Mayor	Not delegated	After consultation with Members of the Mayoral Committee
EM58	Section 56(3)(d)	Monitor management of the municipality's administration in accordance with policy directions from Municipal Council	Executive Mayor	Not delegated	After consultation with Members of the Mayoral Committee
EM59	Section 56(3)(g)	Report annually on the involvement of communities and community organizations in the affairs of the municipality	Executive Mayor	Not delegated	After consultation with Members of the Mayoral Committee
EM60	Section 56(4)	Perform a ceremonial role as the Municipal Council may determine	Executive Mayor	Not delegated	
EM61	Section 56(5)	Report to Council at such intervals as the latter may determine on decision taken	Executive Mayor	Not delegated	
EM62	Section 60(1)(a)	Appoint a Mayoral Committee from among the councilors to assist the Executive Mayor	Executive Mayor	Not delegated	
EM63	Section 60(1)(b)	Delegate specific responsibilities to each member of the Mayoral Committee	Executive Mayor	Not delegated	

EM64	Section 60(1)(c)	Determine the functional area for each portfolio of the Members of the Mayoral Committee	Executive Mayor	Not delegated	
EM65	Section 60(1)(d)	May dismiss a member of the Mayoral Committee	Executive Mayor	Not delegated	
EM66	Section 80(1) -(4)	Appointment of section 80 committees	Executive Mayor	Not delegated	
EM67	Section 80(3)(a)	Appoint a chairperson for each Committee from the Mayoral Committee	Executive Mayor	Not delegated	
EM68	Section 80(3)(b) and (c)	May delegate any powers and duties of the Executive Mayor to the Committee, but is not divested of the responsibility concerning the exercise of the power or the performance of a duty	Executive Mayor	Not delegated	
EM69	Section 80(3)(d)	May vary or revoke any decision taken by the Committee, subject to vested rights	Executive Mayor	Not delegated	
<b>LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000 (Act 32 of 2000)</b>					
<b>ITEM NUMBER</b>	<b>REFERENCE TO POWER</b>	<b>CRYPTIC DESCRIPTION OF POWER</b>	<b>ORIGINAL POWER</b>	<b>DELEGATED BODY</b>	<b>INSTRUCTION / REQUEST TO ASSIST</b>
EM70	Section 30 (a)	In respect of the Integrated Development Plan: Manage the drafting of the municipality's integrated development plan	Executive Mayor	Not delegated	After consultation with Members of the Mayoral Committee
EM71	Section 30 (b)	Assign responsibilities in this regard to the municipal manager	Executive Mayor		
EM72	Section 30 (c)	Submits the draft plan to the council and make recommendations	Executive Mayor	Not delegated	After consultation with Members of the Mayoral Committee
EM73	Section 39 (a)	Manage the development of the municipality's performance management system (PMS)	Executive Mayor	Not delegated	After consultation with Members of the Mayoral Committee
EM74	Section 39 (b)	Assign responsibilities in this regard to the municipal manager	Executive Mayor		

EM75	Section 39 (c)	Submit the proposed system to the Municipal Council for adoption and make recommendations to Council	Executive Mayor	Not delegated	After consultation with Members of the Mayoral Committee
EM76	Section 62(4)(b)	Deal with appeal against decision made by a municipal manager	Executive Mayor	Not delegated	
EM77	62(5)	Must commence with an appeal within six weeks and to decide the appeal within a reasonable period	Executive Mayor	Not delegated	
EM77	Section 99	Oversee and monitor: (i) the performance of municipal manager in implementing the credit control and debt collection policy and by-laws	Executive Mayor	Not delegated	After consultation with Members of the Mayoral Committee
EM78	Section 99	At such intervals as may be determined by Council report to a meeting of Council	Executive Mayor	Not delegated	After consultation with Members of the Mayoral Committee

**LOCAL GOVERNMENT: MUNICIPAL FINANCIAL MANAGEMENT ACT, ACT 56 OF 2003**

<b>ITEM NUMBER</b>	<b>REFERENCE TO POWER</b>	<b>CRYPTIC DESCRIPTION OF POWER</b>	<b>ORIGINAL POWER</b>	<b>DELEGATED BODY</b>	<b>INSTRUCTION / REQUEST TO ASSIST</b>
EM79	12(1)	Tabling the annual budget at a Municipal Council meeting	Executive Mayoral Committee	Executive Mayor	
EM80	16(2)	Coordinating the processes of preparing the annual budget and reviewing the Municipality's integrated development plan and budget-related policies	Executive Mayoral Committee	Executive Mayor	The annual budget must be tabled at least 90 days before 1 July each year. The work output on the annual budget is managed by the
EM81	21(1)(a)	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	Executive Mayoral Committee	Executive Mayor	
EM82	21(1)(b)	Implementing the reasonable steps to be taken to review the Municipality's integrated development plan 35	Executive Mayoral Committee	Executive Mayor	At least 10 months before 1 July each year
EM83	21(2)(b)	Determining the manner and timing of consultation of the local municipalities within the municipal area, the provincial treasury and such other organs of state as may be prescribed with regard to the Municipality's annual budget	Executive Mayoral Committee	Executive Mayor	
EM84	21(2)(d)	Providing information relating to the budget that may be requested by the National Treasury and any other organ of state	Executive Mayoral Committee	Executive Mayor	
EM85	21(2)(e)	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	Executive Mayoral Committee	Executive Mayor	Subject to any limitations that may be prescribed in respect of organs of state other than the National Treasury
EM86	25(3)	Obtaining the MEC responsible for finance's approval to withdraw funds from the Municipality's bank	Executive Mayoral Committee	Executive Mayor	Immediately report the matter to the MEC

		accounts, if a budget has not been approved on or before 1 July of each year.			responsible for local government
EM87	26(4)	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	Executive Mayoral Committee	Executive Mayor	
EM88	27(1)	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	Executive Mayoral Committee	Executive Mayor	
EM89		Decision to apply to the MEC responsible for finance to extend any time limit or deadline with regard to the preparation and approval of the annual budget	Executive Mayoral Committee	Executive Mayor	
EM90	27(2)	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	Executive Mayoral Committee	Executive Mayor	
EM91		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	Executive Mayoral Committee	Executive Mayor	
EM92	27(3)	Tabling an adjustments budget in the Municipal Council	Executive Mayoral Committee	Executive Mayor	
EM93	28(4)	Decision to authorise unforeseeable and unavoidable expenditure for which no provision was made in an approved budget in emergency or other exceptional circumstances	Executive Mayoral Committee	Executive Mayor	
EM94	29(1) and 29(2)(c)	Reporting to the Municipal Council regarding the authorisation of unforeseeable and unavoidable expenditure for which no provision was made in an approved budget in emergency or other exceptional circumstances	Executive Mayoral Committee	Executive Mayor	Such report must be made to the Council at the first Council meeting next ensuing after the authorisation was given

EM95	31 (d)	<p>Giving written approval for exceeding the amount appropriated in respect of a capital programme</p> <p>Decision on the nature and extent of, and manner in which political guidance over the fiscal and financial affairs of the Municipality will be provided</p> <p>Decision on the monitoring and oversight mechanisms to be applied to the exercise by the Municipal Manager and the Chief Financial Officer of their powers, functions and duties in terms of the MFMA</p>	Executive Mayoral Committee	Executive Mayor	
EM96	52(a)	Decision on the reasonable steps to be taken to ensure that the Municipality performs its constitutional and statutory functions within the limits of the Municipality's approved budget	Executive Mayoral Committee	Executive Mayor	
EM97	52(b)	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	Executive Mayoral Committee	Executive Mayor	
EM98	52(c)	Decision on the nature and extent of, and manner in which political guidance is to be given over the budget process and the priorities that must guide the preparation of a budget	Executive Mayoral Committee	Executive Mayor	
EM99	52(d)	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	Executive Mayoral Committee	Executive Mayor	
EM100	53(1)(a)	Determining how the integrated development plan is to be taken into account or revised for the purposes of the budget	Executive Mayoral Committee	Executive Mayor	
EM101	53(1)(b)	Determining the reasonable steps to be taken to ensure that the Municipality approves its annual budget before the start of the budget year	Executive Mayoral Committee	Executive Mayor	
EM102		Determining the reasonable steps to be taken to ensure he/she approves the Municipality's service delivery and budget implementation plan	Executive Mayoral Committee	Executive Mayor	

EM103	53(1)(c)(i)	Determining the reasonable steps to be taken to ensure that the annual performance agreements for the Municipal Manager and all senior managers comply with the MFMA, are linked to the measurable performance objectives approved with the budget and to the service delivery and budget implementation plan and are concluded in accordance with section 57(2) of the Municipal Systems Act	Executive Mayoral Committee	Executive Mayor	
EM104	53(1)(c)(ii)	Reporting to the Municipal Council and the MEC responsible for finance any delay in the tabling of an annual budget, the approval of the service delivery and budget implementation plan or the signing of the annual performance agreements	Executive Mayoral Committee	The Executive Mayor must approve the annual service delivery and budget implementation plan within 28 days after the approval of the budget  Executive Mayor	
EM105	53(1)(c)(iii)	Ensuring that the revenue and expenditure projections for each month and the service delivery targets and performance indicators for each quarter, contained in the service delivery and budget implementation plan, are made public no later than 14 days after the approval of the service delivery and budget implementation plan	Executive Mayoral Committee	In terms of section 57(2)(a) of the Municipal Systems Act the annual performance agreements must be concluded on or before 30 July of each year  Executive Mayor	
EM106	53(2)	Ensuring that the performance agreements of the Municipal Manager, senior managers and any other categories of officials as may be prescribed, are made public no later than 14 days after the approval of the Municipality's service delivery and budget implementation plan	Executive Mayoral Committee	Executive Mayor	
EM107	53(3)(a)	Submission of the annual performance agreements of the Municipal Manager, senior managers and any other	Executive Mayoral Committee	Executive Mayor	

		categories of officials as may be prescribed, to the Municipal Council and the MEC responsible for local government			
EM108	53(3)(b)	Making arrangements for the receipt of a monthly statement on the state of the Municipality's budget and a mid-year corporate performance assessment report	Executive Mayoral Committee	The statement regarding the state of the municipality's budget must be submitted not later than 10 working days after the end of each month  Executive Mayor	
EM109	54(1)(a)	Determining the procedures, including reports required to check whether the Municipality's approved budget is implemented in accordance with the service delivery and budget implementation plan	Executive Mayoral Committee	The mid-year performance assessment report must be submitted not later than 25 January of each year  Executive Mayor	
EM110		Determining whether it is necessary to make any revisions to the service delivery and budget implementation plan	Executive Mayoral Committee	The mid-year corporate performance assessment report must be submitted to the Council not later than 31 January each year  Executive Mayor	
EM111	54(1)(b)	Determining the instructions to be given to the Municipal Manager to ensure that the budget is implemented in accordance with the service delivery and budget implementation plan and that spending of funds and revenue collection proceed in accordance with the budget	Executive Mayoral Committee	Executive Mayor	

EM112	54(1)(c)	Determining the instructions to be given to the Municipal Manager to ensure that the budget is implemented in accordance with the service delivery and budget implementation plan and that spending of funds and revenue collection proceed in accordance with the budget	Executive Mayoral Committee	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  Executive Mayor	
EM113		Considering whether the Municipality faces any financial problems including any emerging or impending financial problems	Executive Mayoral Committee	Executive Mayor	
	54(1)(d)	Making public any revisions of the service delivery and budget implementation plan	Executive Mayoral Committee	If the Municipality faces any serious financial problems, the Executive Mayor must promptly respond to and initiate any remedial or corrective steps proposed by the Municipal Manager to deal with such problems, which may include steps to reduce spending when revenue is anticipated to be less than projected in the Municipality's approved budget,	

				the tabling of an adjustments budget or steps in terms of Chapter 13 of the MFMA and alert the Council and the MEC for local government to those problems	
				Executive Mayor	
EM114	54(1)(e)	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	Executive Mayoral Committee	Executive Mayor	
EM115	54(3)	Providing guidance to the Municipality to exercise its rights and powers over any municipal entity in which the Municipality has sole or shared control	Executive Mayoral Committee	Executive Mayor	
EM116	55	Deciding to delegate the powers and duties assigned to the Executive Mayor in terms of the MFMA	Executive Mayoral Committee		
EM117	56	Providing guidance to the Municipality to exercise its rights and powers over any municipal entity in which the Municipality has sole or shared control	Executive Mayoral Committee	Executive Mayor	
EM118	59(1)(a)	Deciding to delegate the powers and duties assigned to the Executive Mayor in terms of the MFMA	Executive Mayoral Committee	Such power or duty may only be delegated to another member of the Mayoral Committee	
				N/A	
EM119		Determining the conditions and limitations of any delegation by the Executive Mayor	Executive Mayoral Committee	A delegation by the Executive Mayor must be in writing	
				N/A	

EM120		Deciding to confirm, vary or revoke any decision taken in consequence of a delegation by the Executive Mayor	Executive Mayoral Committee	A delegation by the Executive Mayor does not divest him/her of the responsibility concerning the exercise of the delegated power or the performance of the delegated duty.  N/A	
EM121	59(2)	Tabling the proposed budget of a municipal entity of which the Municipality is the parent municipality in the Municipal Council	Executive Mayoral Committee	N/A	
EM122	59(3)	Considering an application by the board of directors of a municipal entity of which the Municipality is the parent municipality to revise the budget of the municipal entity	Executive Mayoral Committee	No variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision  N/A	
EM123	87(3)	Tabling the budget or adjusted budget and any adjustments budget of a municipal entity of which the Municipality is the parent municipality at the next Council meeting	Executive Mayoral Committee	Together with the Municipality's budget for the relevant financial year  Executive Mayor	

EM124	87(6) & 87(9)	Receiving a report of the board of directors of a municipal entity of which the Municipality is the parent municipality any irregular expenditure or any fruitless and wasteful expenditure incurred by, or on behalf of, that municipal entity	Executive Mayoral Committee	Executive Mayor	
EM125	102(1)	Receiving a report of the accounting officer of a municipal entity of which the Municipality is the parent municipality regarding any interference by a councillor outside that councillors assigned duties, in the financial affairs of the municipal entity; or the responsibilities of the board of directors of the municipal entity	Executive Mayoral Committee	Executive Mayor	
EM126	103	Tabling in the Municipal Council the Municipality's annual report and the annual report of any municipal entity under the Municipality's sole or shared control	Executive Mayoral Committee	Executive Mayor	
EM127			Executive Mayoral Committee	Executive Mayor	
EM128	127(2)	Submitting to the Council a written explanation setting out the reasons for any delay in tabling the Municipality's annual report and the annual report of any municipal entity under the Municipality's sole or shared control	Executive Mayoral Committee	Executive Mayor	
EM129	127(3)(a)	Determining the reasonable time period to be allowed during a council meeting at which an annual report is to be discussed or at which decisions concerning an annual report are to be taken for the discussion of any written submissions received from the local community or organs of state on the annual report and for members of the local community or any organs of state to address the Municipal Council	Executive Mayoral Committee	Executive Mayor	
EM130	130(1)	Ensuring that the Municipality addresses all the issues raised in an audit report			
EM131		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	Executive Mayoral Committee	Executive Mayor	

		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			
EM132	131(1)	Participating in consultations with the MEC for local government regarding a serious financial problem in the Municipality	Executive Mayoral Committee	Executive Mayor	
EM133	133(1)(a)	Participating in consultations with the MEC for local government regarding the Municipality's co-operation in resolving any financial problem, and if applicable, implementing the financial recovery plan	Executive Mayoral Committee	Executive Mayor	
EM134	136(1)(a)	Participating in consultations with the MEC for local government regarding the Municipality's co-operation in implementing the recovery plan, including the approval of a budget and legislative measures giving effect to the recovery plan	Executive Mayoral Committee	Executive Mayor	
EM135	137(1)(d)	Receiving a request made by the provincial executive to the Municipal Financial Recovery Service to determine the reasons for the crisis in the Municipality's financial affairs, to assess the Municipality's financial state and to prepare an appropriate recovery plan for the Municipality	Executive Mayoral Committee	Executive Mayor	
EM136	139(1)(b)		Executive Mayoral Committee	Executive Mayor	
EM138	Sections 45 read with section 47	Sign resolutions regarding short term debts	Executive Mayor	Not delegated	
EM138	Sections 46 read with section 47	Sign resolutions regarding long term debts	Executive Mayor	Not delegated	

**POWERS FROM COUNCIL TO EXECUTIVE MAYOR**

**LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 (Act 117 of 1998)**

<b>ITEM NUMBER</b>	<b>REFERENCE TO POWER</b>	<b>CRYPTIC DESCRIPTION OF POWER</b>	<b>ORIGINAL POWER</b>	<b>DELEGATED BODY</b>	<b>REMARKS, LIMITATIONS OR CONDITIONS</b>
EM137	Section 19(2)	Review the needs of the community; its priorities to meet those needs; its processes for involving the community; its organizational and delivery mechanisms for meeting the needs of the community	Council	Executive Mayor	After consultation with Members of the Mayoral Committee
EM138	Section 19(3)	Must develop mechanisms to consult the community and community organizations in performing its functions and exercising its powers	Council	Executive Mayor	After consultation with Members of the Mayoral Committee
EM139	Section 82(1)(b)	Responsible for appointment of an acting municipal manager for a period of 6 to 21 days	Council	Executive Mayor	After consultation with Members of the Mayoral Committee

**POWERS OF THE MUNICIPAL MANAGER AND DIRECTORS**

**LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 (Act 117 of 1998)**

ITEM NUMBER	REFERENCE TO POWER	CRYPTIC DESCRIPTION OF POWER	ORIGINAL POWER	DELEGATED BODY	REMARKS, LIMITATIONS OR CONDITIONS
MM1	Section 55 (1)	<p>Must formulate and develop of an economical, effective, efficient and accountable administration -</p> <p>(a) equipped to carry out the task of implementing the municipality's IDP in accordance with Chapter 5 of the Systems Act;</p> <p>(b) operating in accordance with the municipality's PMS in accordance with Chapter 6 of the MSA; and</p> <p>(c) responsive to the needs of the local community to participate in the affairs of the municipality</p> <p>The management of the municipality's administration in accordance with the MSA and other legislation applicable to the municipality</p> <p>The appointment of staff other than the MM and Directors, subject to the provisions of the Employment Equity Act, 1998 (Act 55 of 1998) <b>and</b> the Recruitment and Selection policy</p> <p>The maintenance of discipline of staff</p> <p>Advising the political structures and political office bearers of the municipality</p> <p>Managing communications between the municipality's administration and its political structures and political office bearers</p> <p>Carrying out the decisions of the political structures and political office bearers of the municipality The administration and implementation of the municipality's by-laws and other legislation</p>	Executive Mayor	Municipal Manager	All Heads of Department

		The 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 MM in terms of section 59 The performance of any other function that may be assigned by the Municipal Council			
MM2	Section 56(2)(a)	Identify the needs of the Municipality	Municipal Manager	All Heads of Department	
MM3	Section 56(2)(b)	Review and evaluate those needs in order of priority	Municipal Manager	All Heads of Department	
MM4	Section 56(2)(c)	Recommend to the Municipal 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	Municipal Manager	All Heads of Department	
MM5	Section 56(2)(d)	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	Municipal Manager	All Heads of Department	
MM6	Section 56(3)(a)	Identify and develop criteria to evaluate progress in the implementation of strategies, programmes and services (including key performance indicators)	Municipal Manager	All Heads of Department	
MM7	Section 56(3)(e)	Oversee provision of services in sustainable manner	Municipal Manager	After consultation with Members of the Mayoral Committee	

<b>LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000 (ACT 32 of 2000)</b>					
<b>ITEM NUMBER</b>	<b>REFERENCE TO POWER</b>	<b>CRYPTIC DESCRIPTION OF POWER</b>	<b>ORIGINAL POWER</b>	<b>DELEGATED BODY</b>	<b>REMARKS, LIMITATIONS OR CONDITIONS</b>
MM8	Section 4(2)(a)	Exercise executive and legislative authority and use resources in the best interest of local community	Municipal Manager	All Heads of Department	
MM9	Section 4(2)(b)	Provide democratic and accountable government	Municipal Manager	All Heads of Department	
MM10	Section 4(2)(c)	Encourage community involvement	Municipal Manager	All Heads of Department	
MM11	Section 4(2)(d)	Ensure services are provided in a financially and environmentally sustainable manner	Municipal Manager	All Heads of Department	
MM12	Section 4(2)(e)	Consult local community	Municipal Manager	All Heads of Department	
MM13	Section 4(2)(f)	Give equitable access to services	Municipal Manager	All Heads of Department	
MM14	Section 4(2)(g)	Promote and undertake development	Municipal Manager	All Heads of Department	
MM15	Section 4(2)(h)	Promote gender equity	Municipal Manager	All Heads of Department	
MM16	Section 4(2)(i)	Promote safe and healthy environment	Municipal Manager	All Heads of Department	
MM17	Section 25(4)	Notice to public of adoption of Integrated Development Plan and where copies or extracts are available, and publicise a summary of the Plan	Municipal Manager	Snr Manager: Strategic Services	
MM18	Section 36	Ensure that affairs of municipality are consistent with Integrated Development Plan	Municipal Manager	Snr Manager: Strategic Services	
MM19	Section 40	Establish mechanisms to monitor and review the performance management system (Evaluates progress against the key performance indicators prescribed in terms of section 43)	Municipal Manager	All Heads of Department	
MM20	Section 42	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	Municipal Manager	Snr Manager: Strategic Services	

		indicators and performance targets for the municipality			
MM21	Section 44	Determine the manner in which key performance indicators and performance targets must be made known both internally and to general public	Municipal Manager	Snr Manager: Strategic Services	
MM22	Section 46	Prepare a performance report for financial year	Municipal Manager	All Heads of Department	
MM23	Section 53(1)	Develop a system for defining the role and area of responsibility of each political structure and political office bearer of the municipality and of the municipal manage	Municipal Manager	Director Administration and Community Services	
MM24	Section 59(1)	Develop a system of delegation that will maximize administrative and operational efficiency and provide for adequate checks and balances	Municipal Manager	Director Administration and Community Services	
MM25	Section 59(2)(f)	When a new council is elected and appointed, review the system of delegation	Municipal Manager	Director Administration and Community Services	
MM26	Section 66	Determine a policy framework for the staff establishment	Municipal Manager	Director Administration and Community Services	
MM27	Section 67	Develop systems and procedures to ensure fair, efficient, effective and transparent personnel administration	Municipal Manager	Director Administration and Community Services	
MM28	Section 68	Build capacity of human resources in accordance with Skills Development Act	Municipal Manager	All Heads of Departments and Divisional Managers	

MM29	Section 77	Review mechanisms to provide service delivery	Municipal Manager	All Heads of Department	
MM30	Section 81	Regulate, monitor and assess service delivery when using a service provider to ensure proper municipal service is delivered	Municipal Manager	All Heads of Departments and Divisional Managers	
MM31	Section 95(a) and MM32(b)	Establish sound customer management system with mechanisms for users and ratepayers to give feedback	Municipal Manager	Snr Manager: Strategic Services  Director Administration and Community Services	
MM32	Section 95(c) to (i)	Provide proper facilities for payment of rates and other taxes	Municipal Manager	Snr Manager: Income and Expenditure	
MM33	Section 96(a)	Collect all money which is due and payable to municipality	Municipal Manager	Snr Manager: Income and Expenditure	
MM34	Section 96(b)	Maintain and implement the credit control policy	Municipal Manager	Chief Financial Officer	
MM35	Section 99	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	Municipal Manager	Chief Financial Officer	
MM36	Section 99	When necessary evaluate or review the policy and any by-laws or the implementation of the policy and any by-laws, in order to improve efficiency of its Credit Control and Debt Collection mechanisms, processes and procedures	Municipal Manager	Chief Financial Officer	
MM37	Section 109(2)	Compromise or compound any action or proceedings and submit to arbitration any matter other than any matter involving a decision on its status powers or duties or the validity of its actions and by-laws	Municipal Manager	Not delegated	

MM38	Section 109A	Authorise legal representation for employees and Councillors against whom legal proceedings have been instituted resulting from the execution of their duties	Municipal Manager	Not delegated	
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**DISASTER MANAGEMENT ACT, 2002 (Act 57 of 2002)**

<b>ITEM NUMBER</b>	<b>REFERENCE TO POWER</b>	<b>CRYPTIC DESCRIPTION OF POWER</b>	<b>ORIGINAL POWER</b>	<b>DELEGATED BODY</b>	<b>REMARKS, LIMITATIONS OR CONDITIONS</b>
MM39	Section 51(1)	Establish a municipal disaster management advice forum	Municipal Manager	Director Administration and Community Services	
MM40	Section 53(1)	Prepare disaster management plan which must <i>inter alia</i> form part of the Integrated Development Plan	Municipal Manager	Director Administration and Community Services	

**OCCUPATIONAL HEALTH AND SAFETY ACT, 1993 (Act 85 of 1993)**

<b>ITEM NUMBER</b>	<b>REFERENCE TO POWER</b>	<b>CRYPTIC DESCRIPTION OF POWER</b>	<b>ORIGINAL POWER</b>	<b>DELEGATED BODY</b>	<b>REMARKS, LIMITATIONS OR CONDITIONS</b>
MM41	Section 8(1)	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	Municipal Manager	Snr Manager: Human Resources	
MM42	Section 17(1)	Appoint safety representatives for departments in consultation with respective Heads of Departments	Municipal Manager	Snr Manager: Human Resources	
MM43	Section 19(1)	Consider establishment of health and safety committees	Municipal Manager	Snr Manager: Human Resources	

**MAGISTRATE'S COURT ACT, 1944 (Act 32 of 1944)**

<b>ITEM NUMBER</b>	<b>REFERENCE TO POWER</b>	<b>CRYPTIC DESCRIPTION OF POWER</b>	<b>ORIGINAL POWER</b>	<b>DELEGATED BODY</b>	<b>REMARKS, LIMITATIONS OR CONDITIONS</b>
MM44	Section 15(2)	Appoint personnel as authorized officers for the serving of process of the Court and all other documents	Municipal Manager	Director Administration and Community Services	

**POWERS & FUNCTIONS ASSIGNED TO THE ACCOUNTING OFFICER / MUNICIPAL MANAGER**

**LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, ACT 56 OF 2003  
RESPONSIBILITY & DELEGATION CHANNEL**

ITEM NR	SECTION OF MFMA	POWER & FUNCTIONS CONFERRED	RESPONSIBILITY FROM	RESPONSIBILITY TO	SUB-DELEGATED TO
		<b><u>Powers delegated to Municipal Manager/Accounting Officer</u></b> Specific Detail from each section of the MFMA.			<b>By the CFO</b>
MM45	8(5)	Submission of the Municipality's primary bank account details, and any impending change thereof.	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control
MM46	9(a)	Submission of the prescribed details regarding any new bank accounts opened for the Municipality	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control
MM47	9(b)	Submission of the details of the Municipality's bank accounts annually before the start of a financial year	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control
MM48	10(1)(a)	Administration of the Municipality's bank accounts	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control
MM49	10(2)	Enforcing compliance with sections 7, 8 and 11 of the MFMA	Accounting Officer	Chief Financial Officer	No further sub-delegation permitted
MM50	11(1)	Written authorisation to senior financial official to withdraw or authorise the withdrawal of money from the Municipality's bank account for the purpose outlined in terms of sect 11 of the MFMA	Accounting Officer	The Chief Financial Officer must be issued with written authorisation by the Accounting Officer to	The Accounting Officer must issue written authorisation to any other senior financial official to implement section 11. This authority lies only with the Accounting Officer

				implement the section 11	
MM51	11(4)(a)	Preparation of a quarterly consolidated report of all withdrawals made in terms of section 11(1)(b) to (j) of the MFMA from the Municipality's bank accounts	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control
MM52		Tabling of a quarterly consolidated report of all withdrawals made in terms of section 11 (1)(b) to (j) of the MFMA from the Municipality's bank accounts in the Municipal Council			
MM53	11(4)(b)	Submission of quarterly consolidated report of all withdrawals made in terms of section 11 (1)(b) to (j) of the MFMA to the provincial treasury and the Auditor-General	Accounting Officer	Chief Financial Officer	No further sub-delegation permitted
MM54	12(4)	Issuing written authority to withdraw money without appropriation in terms of an approved budget from a bank account opened for the purpose of relief, charitable, trust or other fund.	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control
MM55	22	Making the annual budget public, inviting the community to submit representations in connection therewith and submitting the annual budget to the national and provincial treasuries and affected municipalities	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control
MM56	24(3)	Submission of the approved annual budget to the National Treasury and the provincial treasury	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control
MM57	31(c)	Issuing a certificate specifying that actual revenue for the financial year concerned is expected to exceed budgeted revenue and that sufficient funds are available for exceeding the amount appropriated for a specific capital programme without incurring further borrowing beyond the annual budget limit	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control

MM58		Informing the Executive Mayor, the MEC for local government and the Auditor-General, in writing, of any unauthorised, irregular or fruitless and wasteful expenditure incurred by the Municipality, whether any person is responsible or under investigation for such unauthorised, irregular or fruitless and wasteful expenditure and the steps that have been taken to recover or rectify such expenditure and to prevent a recurrence of such expenditure.	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control
MM59	32(6)	Reporting alleged irregular expenditure that constitutes a criminal offence and alleged theft and fraud which occurred in the Municipality to the SAPS.	Accounting Officer	Chief Financial Officer	No further sub-delegation permitted
MM60	37(2)	Determining the projected amount of any allocation proposed to be transferred to another municipality during each of the next three financial years and notifying the receiving municipality thereof.	Accounting Officer	Chief Financial Officer	No further sub-delegation permitted
MM61	45(2)(b)	Signing a debt agreement or other document which creates or acknowledges any short term debt	Accounting Officer	Chief Financial Officer	No further sub-delegation permitted
MM62	46(2)(b)	Signing a debt agreement or other document which creates or acknowledges any long-term debt	Accounting Officer	Chief Financial Officer	No further sub-delegation permitted
MM63	60(b)(i)	Provide guidance and advice on compliance with this Act to the Political Structures, Political Office Bearers and Officials of the Municipality and or Municipal Entity	Accounting Officer	Chief Financial Officer	No further sub-delegation permitted
MM64	61(1)(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	Accounting officer		No further sub-delegation permitted

		any way might influence the decisions or actions of the council or the mayor.			
MM65		Deciding the timing and manner of disclosing to the Municipal Council and the Executive Mayor all material facts which are available or reasonably discoverable, and which in any way might influence the decisions or actions of the Municipal Council or the Executive Mayor.	Accounting Officer	Chief Financial Officer	No further sub-delegation permitted
MM66	62(1)(a)	Deciding the reasonable steps to be taken to ensure that that the resources of the Municipality are used effectively, efficiently and economically	Accounting Officer	Chief Financial Officer and Section 57 Managers	All Managers within Departments of the Municipality
MM67	62(1)(b)	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	Accounting Officer	Chief Financial Officer	All Divisional Managers
MM68	62(1)(c)(i)	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	Accounting Officer	Chief Financial Officer and Section 57 Managers	All Divisional Managers
MM69	62(1)(c)(ii)	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains effective, efficient and transparent systems of internal audit operating in accordance with any prescribed norms and standards	Accounting Officer	Chief Financial Officer and Section 57 Managers	All Divisional Managers
MM70	62(1)(d)	Deciding the reasonable steps to be taken to ensure that unauthorised, irregular or fruitless and wasteful expenditure and other losses are prevented	Accounting Officer	Chief Financial Officer and Section 57 Managers	All Divisional Managers
MM71	62(1)(e)	Deciding the reasonable steps to be taken to ensure that disciplinary or, when appropriate, criminal proceedings are instituted against any official of the Municipality who has allegedly committed an act of financial misconduct or an offence in terms of Chapter 15 of the MFMA	Accounting Officer	Chief Financial Officer and Section 57 Managers	Snr Manager: Human Resources & Manager Internal Audit

MM72	62(1)(f)(i)	Deciding the reasonable steps to be taken to ensure that the Municipality has and implements a tariff policy referred to in section 74 of the Municipal Systems Act	Accounting Officer	Chief Financial Officer	Snr Manager: Income and Expenditure all other relevant Divisional Managers
MM73	62(1)(f)(ii)	Deciding the reasonable steps to be taken to ensure that the Municipality has and implements a rates policy as required in terms of section 3 of the Local Government: Municipal Property Rates Act, 2004 (Act No 6 of 2004)	Accounting Officer	Chief Financial Officer	Snr Manager: Income and Expenditure all other relevant Divisional Managers
MM74	62(1)(f)(iii)	Deciding the reasonable steps to be taken to ensure that the Municipality has and implements a credit control and debt collection policy referred to in section 96(b) of the Municipal Systems Act	Accounting Officer	Chief Financial Officer	Snr Manager: Income and Expenditure all other relevant Divisional Managers
MM75	62(1)(f)(iv)	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	Accounting Officer	Chief Financial Officer & Section 57 Managers	Senior Manager: Supply Chain Management
MM76	63(2)(a)	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a management, accounting and information system that accounts for the assets and liabilities of the Municipality	Accounting Officer	Chief Financial Officer, IT Manager & Manager - Internal Audit	Snr Manager - Financial Management & Control

MM77	63(2)(b)	Deciding the reasonable steps to be taken to ensure that the Municipality's assets and liabilities are valued in accordance with standards of generally recognised accounting practice	Accounting Officer	Chief Financial Officer, IT Manager & Manager - Internal Audit	Snr Manager - Financial Management & Control
MM78	63(2)(c)	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a system of internal control of assets and liabilities, including an asset and liabilities register, as may be prescribed	Accounting Officer	Chief Financial Officer, IT Manager & Manager - Internal Audit	Snr Manager - Financial Management & Control
MM79	64(2)(a)	Deciding the reasonable steps to be taken to ensure that the Municipality has effective revenue collection systems consistent with section 95 of the Municipal Systems Act and the Municipality's credit control and debt collection policy	Accounting Officer	Chief Financial Officer	Snr Manager Income and Expenditure
MM80	64(2)(b)	Deciding the reasonable steps to be taken to ensure that revenue due to the Municipality is calculated on a monthly basis	Accounting Officer	Chief Financial Officer	Snr Manager Income and Expenditure
MM81	64(2)(c)	Deciding the reasonable steps to be taken to ensure that accounts for regional services council levies and charges for municipal services are prepared on a monthly basis, or less often as may be prescribed where monthly accounts are uneconomical	Accounting Officer	Chief Financial Officer	Snr Manager Income and Expenditure
MM82	64(2)(d)	Deciding the reasonable steps to be taken to ensure that all money received is promptly deposited in accordance with the MFMA into the Municipality's primary and other bank accounts	Accounting Officer	Chief Financial Officer	Snr Manager Income and Expenditure & Snr Manager - Financial Management & Control

MM83	64(2)(e)	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a management, accounting and information system which recognises revenue when it is earned and accounts for debtors and for receipts of revenue	Accounting Officer	Chief Financial Officer	Snr Manager: Income and Expenditure & Snr Manager - Financial Management & Control
MM84	64(2)(f)	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a system of internal control in respect of debtors and revenue	Accounting Officer	Chief Financial Officer & Manager Internal Audit	Snr Manager: Income and Expenditure & Snr Manager - Financial Management & Control
MM85	64(2)(g)	Deciding the reasonable steps to be taken to ensure that the Municipality charges interest on arrears, except where the Council has granted exemptions in accordance with its budget-related policies and within a prescribed framework	Accounting Officer	Chief Financial Officer	Snr Manager: Income and Expenditure

MM86	64(2)(h)	Deciding the reasonable steps to be taken to ensure that all revenue received by the Municipality, including revenue received by any collecting agent on its behalf, is reconciled at least on a weekly basis	Accounting Officer	Chief Financial Officer	Snr Manager: Income and Expenditure & Snr Manager - Financial Management & Control.
MM87	64(3)	Informing the National Treasury of any payments due by an organ of state to the Municipality in respect of municipal tax or for municipal services, if such payments are regularly in arrears for periods of more than 30 days.	Accounting Officer	Chief Financial Officer	Snr Manager: Income and Expenditure & Snr Manager - Financial Management & Control. (This would relate to the support and information that is provided to the CFO. The A/O & CFO would inform the NT)
MM88	64(4)(a)	Deciding the reasonable steps to be taken to ensure that any funds collected by the Municipality on behalf of another organ of state is transferred to that organ of state at least on a weekly basis	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control (This would relate to the support and information that is provided to the CFO).
MM89	64(4)(b)	Deciding the reasonable steps to be taken to ensure that funds collected by the Municipality on behalf of another organ of state are not used for purposes of the Municipality	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control
MM90	65(2)(a)	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains an effective system of expenditure control, including procedures for the approval, authorisation, withdrawal and payment of funds	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control

MM91	65(2)(b)	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a management, accounting and information system which recognises expenditure when it is incurred and that accounts for creditors of, and payments made by, the Municipality	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control
MM92	65(2)(c)	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a system of internal control in respect of creditors and payments	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control
MM93	65(2)(d)	Deciding the reasonable steps to be taken to ensure that payments by the Municipality are made directly to the person to whom it is due unless agreed otherwise for reasons as may be prescribed and either electronically or by way of non-transferable cheques	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control
MM94	65(2)(e)	Deciding the reasonable steps to be taken to ensure that all money owing by the Municipality be paid within 30 days of receiving the relevant invoice or statement, unless prescribed otherwise for certain categories of expenditure	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control
MM95	65(2)(f)	Deciding the reasonable steps to be taken to ensure that the Municipality complies with its tax, levy, duty, pension, medical aid, audit fees and other statutory commitments	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control
MM96	65(2)(g)	Deciding the reasonable steps to be taken to ensure that any dispute concerning payments due by the Municipality to another organ of state is disposed of in terms of legislation regulating disputes between organs of state	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control
MM97	65(2)(h)	Deciding the reasonable steps to be taken to ensure that the Municipality's available working capital is managed effectively and economically in terms of the prescribed cash management and investment framework	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control

MM98	65(2)(i)	Deciding the reasonable steps to be taken to ensure that the Municipality's supply chain management policy is implemented in a way that is fair, equitable, transparent, competitive and cost-effective	Accounting Officer	Chief Financial Officer	Snr Manager: SUPPLY CHAIN MANAGEMENT
MM99	65(2)(j)	Deciding the reasonable steps to be taken to ensure that all financial accounts of the Municipality are closed at the end of each month and reconciled with its records	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control
MM100	66	Reporting to the Council on all expenditure incurred by the Municipality on staff salaries, wages, allowances and benefits, and in a manner that discloses such expenditure per type of expenditure	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control
MM101	67(1)	Determining whether an organisation or body outside any sphere of government to whom funds of the Municipality stand to be transferred otherwise than in compliance with a commercial or other business transaction, -	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control
MM102		(d) implements effective, efficient and transparent financial management and internal control systems to guard against fraud, theft and financial mismanagement; and	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control
MM103		(e) has in respect of previous similar transfers complied with all the requirements of section 67(1) of the MFMA	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control
MM104		Entering into an agreement with an organisation or body outside any sphere of government to whom funds of the Municipality stand to be transferred otherwise than in compliance with a commercial or other business transaction	Accounting Officer	Chief Financial Officer	

MM105	67(2)	Obtaining the approval of the provincial treasury to transfer funds of the Municipality to an organisation or body outside any sphere of government otherwise than in compliance with a commercial or other business transaction if there has been a failure by an organisation or body to comply with the requirements of section 67(1) of the MFMA in respect of a previous transfer	Accounting Officer	Chief Financial Officer	No further sub-delegation permitted
MM106	67(3)	Determining the appropriate mechanisms to ensure compliance by an organisation or body outside any sphere of government to whom funds of the Municipality was transferred otherwise than in compliance with a commercial or other business transaction with –			
MM107		(a) any agreement with the Municipality,	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control
MM108		(b) for the period of the agreement to comply with all reporting, financial management and auditing requirements as may be stipulated in the agreement,	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control
MM109		(c) to report at least monthly to the Municipal Manager on actual expenditure against such transfer and to submit its audited financial statements for its financial year to the Municipal Manager promptly;	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control
MM110		(d) implements effective, efficient and transparent financial management and internal control systems to guard against fraud, theft and financial mismanagement; and	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control
MM111		(e) has in respect of previous similar transfers complied with all the requirements of section 67(1) of the MFMA	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control

MM112	67(4)	Determining whether an organisation or body outside any sphere of government to whom funds of the Municipality stand to be transferred otherwise than in compliance with a commercial or other business transaction is an organisation or body serving the poor or used by government as an agency to serve the poor	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control
MM113	68(a)	Assisting the Executive Mayor in performing the budgetary steps assigned to the Executive Mayor	Accounting Officer	Chief Financial Officer & Section 57 Managers	Snr Manager: Financial Management & Control
MM114	68(b)	Determining the administrative support, resources and information required by the Executive Mayor to perform the budgetary steps assigned to the Executive Mayor	Accounting Officer	Chief Financial Officer & Section 57 Managers	Snr Manager: Financial Management & Control
MM115		Making the administrative support, resources and information required by the Executive Mayor to perform the budgetary steps assigned to the Executive Mayor available to him/her			
MM116	69(1)(a)	Determining, in relation to implementing the Municipality's approved budget, the reasonable steps required to ensure that the spending of funds is in accordance with the budget and is reduced as necessary when revenue is anticipated to be less than projected in the budget or in the service delivery and budget implementation plan	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control
MM117	69(1)(b)	Determining, in relation to implementing the Municipality's approved budget, the reasonable steps required to ensure that revenue and expenditure are properly monitored	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control
MM118	69(2)	Determining whether it is necessary to prepare an adjustments budget	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control

MM119		Preparing an adjustments budget and submitting it to the Executive Mayor for consideration and tabling in the Council	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control
MM120	69(3)(a)	Preparing and submitting, within 14 days after the approval of the Municipality's annual budget, a draft service delivery and budget implementation plan for the budget year	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control
MM121	69(3)(b)	Preparing and submitting, within 14 days after the approval of the Municipality's annual budget, drafts of the annual performance agreements as required in terms of section 57(l)(b) of the Municipal Systems Act for the Municipal Manager and all senior managers	Accounting Officer	Chief Financial Officer & Section 57 Managers	Snr Manager: Strategic Services
MM122	70(1)	Reporting in writing to the Municipal Council any impending shortfalls in budgeted revenue and overspending of the Municipality's budget and any steps taken to prevent or rectify such shortfalls or overspending	Accounting Officer	Chief Financial Officer	Snr Manager: Income and Expenditure & Snr Manager: Financial Management & Control
MM123	70(2)	Informing the National Treasury that the Municipality's bank account or, if the Municipality has more than one bank account, the consolidated balance in those bank accounts, shows a net overdrawn position for a period exceeding a prescribed period	Accounting Officer	Chief Financial Officer	Snr Manager: Income and Expenditure & Snr Manager: Financial Management & Control
MM124	71(1)	Submitting to the Executive Mayor and the provincial treasury, within 10 working days after the end of each month, a statement in the prescribed format on the state of the municipality's budget	Accounting Officer	Chief Financial Officer	Snr Manager Income and Expenditure & Snr Manager Financial Management & Control
MM125					

MM126	71(5)	Submitting to the national or provincial organ of state or municipality which transferred an allocation during any particular month to the Municipality within 10 working days after the end of the month concerned a statement indicating the amount of any allocations received and actual expenditure on those allocations, excluding expenditure on its share of the local government equitable share and allocations exempted by the annual Division of Revenue Act from compliance with this requirement	Accounting Officer	Chief Financial Officer	Snr Manager: Income and Expenditure & Snr Manager: Financial Management & Control
MM127	72(1)(a)	Performing an assessment of the Municipality's performance during the first half of each financial year	Accounting Officer	Chief Financial Officer, Section 57 Managers	Snr Manager: Financial Management & Control and the Snr Manager: Strategic Services
MM128	72(1)(b)	Submitting the mid-year performance assessment report to the Executive Mayor, the National Treasury and the Provincial Treasury	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control and the Snr Manager: Strategic Services
MM129	72(3)	Determining whether it is necessary to recommend that an adjustments budget be considered and that revised projections for revenue and expenditure is necessary	Accounting Officer	Chief Financial Officer & Section 57 Managers	Snr Manager: Financial Management & Control

MM130	73(a)	Informing the provincial treasury of any failure by the Municipal Council to adopt or implement a budget-related policy or a supply chain management policy	Accounting Officer	Chief Financial Officer	Snr Manager: Supply Chain Management
MM131	73(b)	Informing the provincial treasury of any non-compliance by a political structure or political office-bearer of the Municipality with a budget-related policy or the supply chain management policy	Accounting Officer	Chief Financial Officer	Snr Manager: Supply Chain Management
MM132	74(1)	Submitting to the National Treasury, the provincial treasury, the department for local government and the Auditor-General such information, returns, documents, explanations and motivations as may be prescribed or as may be required.	Accounting Officer	Chief Financial Officer	All Snr Financial Managers
MM133	74(2)	Reporting his/her inability to comply with any of the responsibilities in terms of the MFMA, together with reasons, to the Executive Mayor and the provincial treasury	Accounting Officer	Chief Financial Officer	All Snr Financial Managers
MM134	75(1)	Ensuring that the required documents are uploaded to, and available on, the Municipality's website within five days after its tabling in the Council or on the date on which it must be made public, whichever occurs first	Accounting Officer	Chief Financial Officer & IT Manager	Senior Financial Managers, Snr Manager: Strategic Services

MM135	77(1)	Deciding to designate any officials other than those listed in section 77(1)(a) to (c) of the MFMA as “top management”	Accounting Officer	Chief Financial Officer & Section 57 Managers	
MM136	79(1)(a)	Developing an appropriate system of delegation that will both maximise administrative and operational efficiency and provide adequate checks and balances in the Municipality's financial administration for the proper application of the MFMA.	Accounting Officer	Chief Financial Officer & Section 57 Managers	Sub Delegation by Section 57 Managers to Divisional Managers
MM137	79(1)(b)	Delegating to a member of the Municipality's top management or any other official of the Municipality any of the powers or duties assigned to an accounting officer in terms of the MFMA or any powers or duties reasonably necessary to assist the accounting officer in complying with a duty which requires the accounting officer to take reasonable or appropriate steps to ensure the achievement of the aims of a specific provision of the MFMA.	Accounting Officer		
MM138	79(1)(c)	Regularly reviewing delegations issued to a member of the Municipality's top management or any other official of the Municipality and, if necessary, amending or withdrawing any of those delegations.	Accounting Officer	Chief Financial Officer & Section 57 Managers	
MM139	79(2)	Reviewing and confirming, varying or revoking any decision taken in consequence of a delegation or sub-delegation in terms of the MFMA.	Accounting Officer	Chief Financial Officer & Section 57 Managers	
MM140	80(2)(b)	Allocating officials of the Municipality to the Chief Financial Officer.	Accounting Officer	Chief Financial Officer	

MM141	84(1)(b)	Making an assessment of the impact of the shifting of a function or service to a municipal entity on the Municipality's staff, assets and liabilities when considering the establishment of, or participation in, a municipal entity	Accounting Officer	Chief Financial Officer & Section 57 Managers	
MM142	84(2)(a)(i)(aa)	Publishing an information statement regarding the Municipality's intention to establish and/or participate in a municipal entity	Accounting Officer	Chief Financial Officer & Section 57 Managers	
MM143	84(2)(a)(i)(bb)	Inviting the local community, organised labour and other interested persons to submit comments or representations in respect of the Municipality's intention to establish and/or participate in a municipal entity	Accounting Officer	Chief Financial Officer & Section 57 Managers	
MM144	84(2)(a)(ii)	Soliciting the views and recommendations of the National Treasury and the provincial treasury, the national and provincial departments responsible for local government and the MEC responsible for local government in respect of the Municipality's intention to establish and/or participate in a municipal entity	Accounting Officer	Chief Financial Officer & Section 57 Managers	
MM145	86(2)	Submitting the information received from a municipal entity of which the Municipality is the parent municipality regarding the entity's bank account(s) to the Auditor-General, the National Treasury and the provincial treasury	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control
MM146	87(11)	Receiving a monthly statement in the prescribed format on the state of the budget of a municipal entity of which the Municipality is the parent municipality	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control
MM147	101(2)	Tabling a report of the accounting officer of a municipal entity of which the Municipality is the parent municipality on any financial problems of the entity in the first Council meeting next ensuing	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control and Snr Manager: Income and Expenditure

MM148	102(1)	Receiving a report of the board of directors of a municipal entity of which the Municipality is the parent municipality any irregular expenditure or any fruitless and wasteful expenditure incurred by, or on behalf of, that municipal entity.	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control
MM149	114(1)	Submitting a report containing the reasons for deviating from such recommendation to the Auditor-General, the provincial treasury and the National Treasury if a tender other than the one recommended in the normal course of implementing the supply chain management policy of the Municipality is approved	Accounting Officer	Not Delegated	Not Delegated
MM150	115(1)(a)	Implementing the Municipality's supply chain management policy	Accounting Officer	Chief Financial Officer & Section 57 Managers	Snr Manager: Supply Chain Management
MM151	115(1)(b)	Determining the reasonable steps that must be taken to ensure that proper mechanisms and separation of duties in the supply chain management system are in place to minimise the likelihood of fraud, corruption, favouritism and unfair and irregular practices	Accounting Officer	Chief Financial Officer & Section 57 Managers	All Divisional Managers
MM152	116(2)(a)	Determining the reasonable steps that must be taken to ensure that a contract or agreement procured through the supply chain management policy of the Municipality is properly enforced	Accounting Officer	Chief Financial Officer & Section 57 Managers	All Divisional Managers

MM153	116(2)(b)	Monitoring the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis	Accounting Officer	Chief Financial Officer & Section 57 Managers	
MM154	116(2)(c)	Determining the capacity that needs to be established within the Municipality's administration to assist the Municipal Manager to enforce the provisions of a contract or agreement between the Municipality and a contractor and to monitor the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis	Accounting Officer	Chief Financial Officer	Snr Manager: Supply Chain Management
MM155		Establishing the capacity in the Municipality's administration to assist the Municipal Manager to enforce the provisions of a contract or agreement between the Municipality and a contractor and to monitor the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis			
MM156	116(2)(d)	Regularly report to the Municipal Council regarding the management of contracts and/or agreements and the performance of contractors.	Accounting Officer	Chief Financial Officer	Snr Manager: Supply Chain Management
MM157		Determining the frequency/regularity of reports to be submitted to the Municipal Council regarding the management of contracts and/or agreements and the performance of contractors.			
MM158	116(3)(a)	Tabling the reasons for the proposed amendment of a contract or agreement procured through the supply chain management policy of the Municipality in the Council	Accounting Officer	Chief Financial Officer	Snr Manager: Supply Chain Management

MM159	116(3)(b)	Giving the local community reasonable notice of the intention to amend a contract or agreement procured through the supply chain management policy of the Municipality and inviting the local community to submit representations to the Municipality	Accounting Officer	Chief Financial Officer & Section 57 Managers	Snr Manager Supply Chain Management / Relevant Divisional Manager
MM160	120(6)(a)	Submitting the report on the feasibility study together with all other relevant documents to the Council for a decision, in principle, on whether the municipality should continue with the proposed public-private partnership	Accounting Officer	Chief Financial Officer & Section 57 Managers	
MM161	120(6)(b)	Making the particulars of the proposed public-private partnership, including the report on the feasibility study and inviting the local community and other interested persons to submit to the Municipality comments or representations in respect of the proposed public-private partnership at least 60 days prior to the meeting of the Municipal Council at which the matter is to be considered	Accounting Officer	Chief Financial Officer	
MM162	120(6)(c)	Soliciting the views and recommendations of the National Treasury, the national department responsible for local government, the responsible national department if the proposed public-private partnership involves the provision of water, sanitation, electricity or any other service as may be prescribed and any other national or provincial organ of state as may be prescribed in respect of the proposed public-private partnership at least 60 days prior to the meeting of the Municipal Council at which the matter is to be considered	Accounting Officer	Chief Financial Officer & relevant Section 57 Manager	

MM163	121(3)(e)	Performing an assessment of any arrears on municipal taxes and service charges for inclusion in the Municipality's annual report	Accounting Officer	Chief Financial Officer	Snr Manager: Income and Expenditure
MM164	121(3)(f)	Performing an assessment of the Municipality's performance against the measurable performance objectives referred to in section 17(3)(b) of the MFMA for revenue collection from each revenue source and for each vote in the Municipality's approved budget for the relevant financial year for inclusion in the Municipality's annual report	Accounting Officer	Chief Financial Officer & relevant Section 57 Managers & Snr Manager Strategic Services	Snr Manager: Income and Expenditure
MM165	122(1)/	Preparing annual financial statements which fairly presents the state of affairs of the Municipality, its performance against its budget, its management of revenue, expenditure, assets and liabilities, its business activities, its financial results, and its financial position as at the end of the financial year	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control
MM166	126(1)(a)	Submitting the annual financial statements of the Municipality to the Auditor-General on or before 31 August of each year			
MM167	126(1)(b)	Preparing consolidated annual financial statements of the Municipality and of a municipal entity over which the Municipality has sole control or over which it has effective control within the meaning of the Municipal Systems Act of a municipal entity which is a private company	Accounting Officer	Chief Financial Officer	Snr Manager: Financial Management & Control

MM168	127(1)	Receiving the annual report of a municipal entity of which the Municipality is a parent municipality	Accounting Officer	Director Administration & Community Services	Manager Administration
MM169	127(5)(a)	Publishing the annual report and inviting the local community to submit representations in connection with the annual report	Accounting Officer	Director Administration & Community Services	Manager Administration
MM170	127(5)(b)	Submitting the annual report to the Auditor-General, the provincial treasury and the provincial department responsible for local government	Accounting Officer	Director Administration & Community Services	Manager Administration
MM171	128	Monitoring whether the accounting officer of any municipal entity under the sole or shared control of the Municipality has complied with sections 121(1) and 126(2) of the MFMA, establish the reasons for any non-compliance and report any non-compliance, together with the reasons for such non-compliance, to the Municipal Council, the provincial treasury and the Auditor-General	Accounting Officer	Chief Financial Officer & Section 57 Management	
MM172	129(2)(a)	Attending the meetings of the Municipal Council and its committees where the annual report is discussed and responding to questions concerning the report	Accounting Officer	Director Administration & Community Services	Manager Administration
MM173	129(2)(b)	Submitting copies of the minutes of meetings of the Municipal Council and its committees where the annual report was discussed to the Auditor-General, the provincial treasury and the provincial department responsible for local government	Accounting Officer	Director Administration & Community Services	Manager Administration
MM174	129(3)	Publishing the oversight report regarding the annual report	Accounting Officer	Director Administration & Community Services	Manager Administration
MM175	132(2)	Submission of the Municipality's annual report and oversight report and the annual report and oversight report of a municipal entity under the Municipality's sole or shared control to the provincial legislature	Accounting Officer	Director Administration & Community Services	Manager Administration

MM176	146(1)(c)	Reporting monthly to the MEC responsible for finance on the implementation of a financial recovery plan for the Municipality resulting from a mandatory provincial intervention	Accounting Officer	Chief Financial Officer	All Senior Financial Managers
		Bringing an application to the High Court for an order to stay all legal proceedings, including the execution of legal process, by persons claiming money from the Municipality if the Municipality is unable to meet its financial commitments	Accounting Officer	Chief Financial Officer & Director Administration & Community Services	
MM177	152(2)	Giving notice of an application by the Municipality to the High Court for an order to stay all legal proceedings, including the execution of legal process, to persons claiming money from the Municipality if the Municipality is unable to meet its financial commitments	Accounting Officer	Chief Financial Officer & Director Administration & Community Services	
MM178	153(1)(b)	Bringing an application in the High Court for an order to suspend the Municipality's financial obligations to creditors, or any portion of those obligations, until the Municipality can meet those obligations	Accounting Officer	Chief Financial Officer & Director Administration & Community Services	
MM179	153(3)	Giving notice of an application in the High Court for an order to suspend the Municipality's financial obligations to creditors, or any portion of those obligations, until the Municipality can meet those obligations	Accounting Officer	Chief Financial Officer & Director Administration & Community Services	
MM180	167(2)(a)	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	Accounting Officer	Chief Financial Officer	

**WEST COAST DISTRICT MUNICIPALITY**  
**ACCOUNTING OFFICER'S DELEGATIONS IN TERMS OF SUPPLY CHAIN MANAGEMENT POLICY ADOPTED BY COUNCIL**  
**ON 14 DECEMBER 2005 PER RESOLUTION 05/12/14/4.1.1**

The Accounting Officer of a municipality is responsible for managing the financial administration of the municipality and must, for this purpose, ensure, *inter alia*, that –

- i) the resources of the municipality are used effectively, efficiently and economically;
- ii) the municipality has and maintains, effective, efficient and transparent systems of financial and risk management and internal control; and
- iii) unauthorised, irregular or fruitless and wasteful expenditure and other losses are prevented.

The Accounting Officer must furthermore implement the Supply Chain Management Policy of the municipality and 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.

To give effect to the responsibilities and accompanying accountability, the following delegations are issued in terms of the Supply Chain Management Policy of the Municipality.

The delegations are well defined and the process to follow pertaining to each delegation is also detailed in this document for convenience.

All officials of the Municipality are therefore instructed to follow the delegations and procedures

<b>1<sup>st</sup> Amendment:</b>	23 November 2011	(Item 11/11/23/8.2.2)
<b>2<sup>nd</sup> Amendment:</b>	5 December 2012	(Item 12/12/05/8.2.2)
<b>3<sup>rd</sup> Amendment:</b>	27 August 2014	(Item 14/08/27/8.1.2)

**DELEGATION OF POWERS AND FUNCTIONS BY ACCOUNTING AUTHORITY AND RELATED SUB-DELEGATIONS**

**SUPPLY CHAIN MANAGEMENT POLICY**

<b>ITEM NO</b>	<b>PARAGRAPH IN POLICY DOCUMENT</b>	<b>CRIPITC DESCRIPTION OF POWER</b>	<b>DELEGATED TO</b>	<b>SUB-DELEGATION</b>	<b>REMARKS, LIMITATIONS OR CONDITIONS</b>
F1	3(1)	Review of policy at least annually and submission of policy to Council when necessary	Chief Financial Officer		Must consult with Accounting Officer prior to decision May not sub-delegate
F2	3(2) – (3)	If draft policy differs from the model policy, the draft policy must comply with the Regulations and deviations must be reported to the National and Provincial Treasury	Chief Financial Officer		Must confirm in writing to the Accounting Officer that this par has been complied with May not sub-delegate
F3	5(1)	The power to make a final award in respect of transactions to the value of: Above R200 000 up to R10 million (VAT included)  Above R10 million (VAT included)	Bid Adjudication committee of which the Chief Financial Officer is a member. May not delegate		Report of awards by the Bid Adjudication committee must be submitted to the Accounting Authority within 5 days of month end
F4	7(1)	Establish Supply Chain Management Unit	Chief Financial Officer		Subject to authorization by the Accounting Officer May not sub-delegate
F5	7(2)	Unit to function under supervision of the Chief Financial Officer	Chief Financial Officer		May not sub-delegate
F6	8	Training of officials involved in Supply Chain Management	Chief Financial Officer	Snr Manager: Supply Chain Management	Subject to prior consultation with the Chief Financial Officer and guidelines by National Treasury
F7	10(1)	Establishment and implementation of an appropriate demand management system	Chief Financial Officer		May not sub-delegate

F8	11(1)	Implementation of an effective system of acquisition management	Chief Financial Officer		Subject to the provisions of par 11(1)(a) to (e) May not sub-delegate
F9	11(3)	To make public goods and services acquired in terms of section 110(2) of the Act	Chief Financial Officer	Snr Manager: Supply Chain Management	
F10	12(1)	Acquisition of goods and services– a) petty cash purchases to transaction value of R2000 (VAT included); b) written or oral quotations, transaction value above R2000 up to R30 000 (VAT included); c) formal written price quotations, transaction value above R30 000 up to R200 000 (VAT included); d) competitive bid process, transaction value above R200 000 (VAT included); e) procurement of long term contracts	Chief Financial Officer Chief Financial Officer Chief Financial Officer Chief Financial Officer Chief Financial Officer	Divisional Heads Divisional Heads Head of Departments (Section 57 Managers)	Par (a) to (e) is subject to the final awarding in thereof in accordance with the provisions of par 5(1) of the policy. It is furthermore specifically subject to the provisions of par 5(4), 15, 16, 17,18 and 19 and the policy in general  Sub-par (e) may not be sub-delegated
F11	14(1)	a) Annual invitation to prospective providers to register as providers b) Setting up criteria for registration of accredited prospective providers	Chief Financial Officer Chief Financial Officer	Snr Manager Supply Chain Management	Sub-par b) may not be sub-delegated and must be done in consultation with the Accounting Officer
F12	16(c)	Reasons why at least three quotations could not be obtained must be recorded and quarterly submitted to the Accounting Officer	Chief Financial Officer	Snr Manager Supply Chain Management	Report must be submitted quarterly to the Chief Financial Officer and forwarded to the Accounting Officer for his information
F13	17(1)(c)	Reasons why at least three formal quotations could not be obtained must be recorded and submitted to the Chief Financial Officer for approval	Chief Financial Officer	Snr Manager Supply Chain Management	Within three days of the end of the month a report must be submitted to the Chief Financial Officer

F14	18(d)	The Chief Financial Officer must on a monthly basis be notified in writing of all written and oral quotations and formal written price quotations accepted	Chief Financial Officer	Snr Manager Supply Chain Management	Must submit report to Chief Financial Officer
F15	20(g)	Concluding a written contract with the supplier once a bid has been accepted	Chief Financial Officer	Head of specific Department	
F16	20(h)	Original or certified copies of contracts must be secured	Head: Department of Corporate Services	Snr Manager: Supply Chain Management	
F17	22(1)	Invitations to prospective providers to submit bids must be by means of advertisement in newspapers, the municipality's website or any other appropriate way	Chief Financial Officer	Snr Manager: Supply Chain Management	Subject to the conditions contained in par 22(1)(b), (2), (3) and (4)
F18	23(1)(c)	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	Chief Financial Officer	Snr Manager: Supply Chain Management	
F19	24	Negotiation of final terms of contract pursuant to competitive bid	Chief Financial Officer		Subject to the provisions of par 24(1) and (2) and that the Accounting Officer are consulted in every case May not sub-delegate
F20	27(2)(g)	Specifications must be approved by the Accounting Officer prior to the invitation of tenders	Chief Financial Officer	Snr Manager: Supply Chain Management	On condition that the Head of the relevant Department is consulted prior to decision
F21	31(1)	State Information Technology Services (SITA) may be requested to assist with information technology goods and services	Chief Financial Officer	Snr Manager: Supply Chain Management	On condition that Chief Financial Officer are consulted prior to decision

F22	31(2)	Agreement to be concluded between SITA and the municipality	Head: Department of Corporate Services	Snr Manager: Supply Chain Management	
F23	31(3)	SITA must be notified 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)	Chief Financial Officer	Snr Manager: Supply Chain Management	On condition that Chief Financial Officer are consulted prior to decision
F24	31(4)	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	Chief Financial Officer	Snr Manager: Supply Chain Management	May not sub-delegate
F25	32(1)	Acquisition of goods and services through a contract secured by another public organs	Chief Financial Officer	Snr Manager: Supply Chain Management	Subject to the conditions contained in par 32(1)(a) to (d) and consultation with the Chief Financial Officer prior to decision
F26	33(2)	Where storage of goods in bulk are justified, reasons must e provided	Chief Financial Officer		On condition that the Accounting Officer give consent May not sub-delegate
F27	35(1)	Appointment of consultants	Chief Financial Officer		Taking into consideration the guidelines of National Treasury and the CIDB requirements and subject to the conditions contained in subpar (2) and (3) May not sub-delegate
F28	35(4)	Copyright in 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	Chief Financial Officer	Snr Manager: Supply Chain Management	

F29	36	<p>Deviation from, and ratification of minor breaches in procurement processes:</p> <p>(i) Transaction value of R30 000 (VAT included);</p> <p>(ii) Transaction value above R30 000 up to R200 000 (VAT included);</p> <p>(iii) Transaction value above R200 000 up to R10 million (VAT included)</p> <p>Transaction value above R10 million (VAT included)</p>	<p>Chief Financial Officer</p> <p>Head of relevant Department in consultation with the Chief Financial Officer</p> <p>Bid committee of which the Chief Financial Officer is a member</p> <p>Not delegated</p>	<p>Snr Manager: Supply Chain Management</p>	<p>Reasons for deviation and ratification of minor breaches must be submitted to Council and noted on the financial statement</p>
F30	37(2)	Power to consider unsolicited bid	Chief Financial Officer		<p>Subject to conditions contained in paragraphs 37(2)(a) to (d) and on condition that Accounting Officer have been consulted prior to decision</p> <p>May not sub-delegate</p>
F31	37(3)	Disclosure of decision to consider unsolicited bid	Chief Financial Officer		Subject to the provisions of par 37(3)(a) to (c)
F32	37(4)	All written comments received pursuant to par 37(3), including responses from the unsolicited bidder, must be submitted to the National and Provincial Treasury for comment	Chief Financial Officer		

F33	37(8)	If recommendations of the National or Provincial Treasury are rejected, reasons must be submitted to the Auditor-General	Chief Financial Officer		Subject to the provisions of par 37(9) (in other words, reasons must be provided within 7 days after decision have been taken)
F34	38(1)(c)	Check the National Treasury's database to ensure that the recommended bidder or any of its directors is prohibited from doing business with the public sector	Chief Financial Officer	Snr Manager: Supply Chain Management	
F35	38(1)(d) – (g)	Power to reject a tender or cancel a contract when the circumstances contained in par (d), (e), (f) and (g) prevail	Chief Financial Officer	Snr Manager: Supply Chain Management	On condition that Chief Financial Officer is consulted prior to decision
F36	38(2)	Obligation to inform National and Provincial Treasury in writing of any actions taken in terms of par 38(1)(b)(ii), (e) or (f)	Chief Financial Officer	Snr Manager: Supply Chain Management	
F37	39	Establish and implement an effective system of logistical management	Chief Financial Officer	Snr Manager: Supply Chain Management	Subject to the conditions of paragraph 39
	40.(1)	<b>Disposal management</b> The accounting officer must establish an effective system of disposal management for the disposal or letting of assets, including unserviceable, redundant or obsolete assets, subject to sections 14 and 90 of the Act	Council	Chief Financial Officer	
	41	<b>Risk Management</b> The accounting officer must establish an effective system of risk management for the identification, consideration and avoidance of potential risks in the supply chain management system.	Chief Financial Officer	Snr Manager: Supply Chain Management	
F38	43(1)	No award above R30 000 may be given to a person whose tax matters are not in order	Chief Financial Officer	Chief Financial Officer	

F39	43(2)	Before making an award to a person it must first be ascertained that a tax certificate has been submitted in terms of par 13(a)(iii)	Chief Financial Officer	Chief Financial Officer	If SARS does not respond within 7 days, it will be assumed that the bidder's status in respect of tax is in order
F40	44	No award may be given to a person mentioned in par 44	Chief Financial Officer	Chief Financial Officer	
F41	45	Ensure that particulars are disclosed by way of notes to the financial statements where any award of more than R2000 was made to a person who is a spouse, child or parent of a person in the service of the state, or has been in the service of the state in the previous 12 months	Chief Financial Officer	Chief Financial Officer	

**HUMAN RESOURCE MANAGEMENT**

**SYSTEMS AND PROCEDURES TO ENSURE FAIR, EFFICIENT, EFFECTIVE AND TRANSPARENT PERSONNEL ADMINISTRATION**

**WITH REFERENCE TO SECTIONS 66 AND 67 OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000 (ACT 32 OF 2000)**

<b>ITEM NUMBER</b>	<b>CRYPTIC DESCRIPTION OF POWER</b>	<b>DELEGATED TO</b>	<b>SUB-DELEGATED TO</b>
HR1	Temporarily re-organise divisions of Departments including the amendment of duties and responsibilities of divisions in consultation with the relevant trade union(s) for a period not exceeding three months	All Heads of Department (After consultation with Municipal Manager and Snr HR Manager)	Not sub-delegated
HR2	All appointments of employees provided a vacancy exists except section 57 Managers	All Heads of Department - delegation with reference to the Recruitment and Selection Policy	Not sub-delegated
HR3	Appoint employees on probation not exceeding six (6) months	All Heads of Department - delegation with reference to the Recruitment and Selection Policy	Not sub-delegated
HR4	Extend period of probation for a period not exceeding six (6) months, provided that period of probation must be extended <u>before</u> date of completion of original probation period	All Heads of Department - delegation with reference to the Recruitment and Selection Policy and after consultation with Snr HR Manager)	
HR5	Appointment of employees for acting and authorizing payment of an acting allowance in terms of Council policy	All Heads of Department - delegation with reference to the Recruitment and Selection Policy and after consultation with Snr HR Manager)	Not sub-delegated
HR6	Require that attendance registers be completed by officials and to determine the form and manner thereof	All Heads of Department	All Divisional managers
HR7	Request officials to work overtime and to ensure that overtime register are completed and approved on a monthly basis	All Heads of Department	All Divisional managers
HR8	Place employees on stand-by service in consultation with trade unions	All Heads of Department	All Divisional managers
HR9	Utilize an employee in another capacity for a period not exceeding three (3) months	Read with the Recruitment and Selection Policy and after	

		consultation with Snr HR Manager)	
HR10	Accept resignations from the service of the Council at short notice	All Heads of Department	Not sub-delegated
HR11	Terminate the services of any employee declared medically unfit by a medical board, due to forfeiture of any certification of competence, license or authorization which renders him unable to perform his/her duties attached to the post	All Heads of Department and after consultation with Snr HR Manager)	Not sub-delegated
HR12	Terminate the services of an employee who has reached retirement age or expiry of a service contract	All Heads of Department In consultation with Snr Manager Human Resources	Not sub-delegated
HR13	Provide uniforms and/or protective clothing to officials or to pay them an allowance therefore, in accordance with Council policy	All Heads of Department	All Divisional managers
HR14	Instruct an official to report for duty outside official hours when extraordinary or urgent circumstances necessitate it: Provided that such circumstances should not exceed a period of three (3) months at a time	All Heads of Department	All Divisional managers
HR15	Approve applications from employees to perform paid work outside the Council's service in accordance with Council's policy in this regard	Private Work Policy	
HR16	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	All Heads of Department	All Divisional managers
HR17	Approve or refuse leave of absence of Heads of Departments with due consideration to the exigencies of the Municipality	Not delegated	
HR18	Cancel, postpone or interrupt leave of Heads of Departments on condition that such decision must be made by the Executive Mayor if the cancellation of leave causes financial liability to the Municipality in any way	Not delegated	
HR19	Approve leave	All Heads of Department - Approve leave of divisional head	All Divisional Managers – approve leave of personnel in division
HR20	Approve trip authority	All Heads of Department - Approve trip of divisional head	All Divisional Managers – approve trips of personnel in division

HR21	Demand medical certificates from Heads of Departments in respect of absence from duty due to illness for three days or less	Not delegated	
HR22	Appoint such registered medical practitioner(s) as may be required to give effect to the relevant stipulation of the Conditions of Employment Agreement, and to authorize payment for services rendered in this regard	Not delegated	
HR23	Request an employee to submit himself/herself to an examination by a registered medical practitioner appointed by the Municipality	All Heads of Department	Not sub-delegated
HR24	Approval of sick leave for substance addicts to attend an approved rehabilitation centre	All Heads of Department and after consultation with Snr HR Manager)	Not sub-delegated
HR25	Granting of special sick leave to employees due to injuries arising from his/her duties and occurring in the course of his/her duties	All Heads of Department	All Divisional managers
HR26	Granting of special leave to a maximum of five (5) days to Heads of Departments i.t.o the Basic conditions of Services agreement for study leave.	Not delegated	
HR27	Authorise officials to attend training courses/seminars related to local authority, in the opinion of the Municipal Manager, and to authorize all fees in this regard, including course fees	All Heads of Department read with the Skills Development Plan	All Divisional managers read with the Skills Development Plan
HR28	Grant consent that Heads of Departments be allowed to resume duty before termination of leave approved	Not delegated	
HR29	Approve claims from officials in respect of travel and subsistence allowances and authorize payment thereof in respect of attendance of Council business (including congresses, etc.) outside West Coast District	All Heads of Department	All Divisional managers

## OTHER DELEGATIONS

Resolution	Description	Delegation to:																
ITEM 12/02/29/8.1.3	Authorisation to sign cheques and ACBs (4/13/3)	<p>1. That the authority to sign cheques and ACB's on behalf of council be delegated to the following officials: and</p> <table> <tr> <td>Mr HF Prins</td> <td>Municipal Manager</td> </tr> <tr> <td>Mr J Koekemoer</td> <td>Director Finance</td> </tr> <tr> <td>Mnr P Steenekamp</td> <td>Manager Income /</td> </tr> <tr> <td colspan="2">Expenditure (only on bank Account transactions)</td> </tr> <tr> <td>Mr P April</td> <td>Manager Financial control and mngt</td> </tr> <tr> <td>Mr M Markus</td> <td>Manager Supply Chain Management</td> </tr> </table> <p>2. That the authority to sign other financial documentation on behalf of the council be delegated to the following officials:</p> <table> <tr> <td>Mr HF Prins</td> <td>Municipal Manager</td> </tr> <tr> <td>Mr J Koekemoer</td> <td>Director Finance</td> </tr> </table>	Mr HF Prins	Municipal Manager	Mr J Koekemoer	Director Finance	Mnr P Steenekamp	Manager Income /	Expenditure (only on bank Account transactions)		Mr P April	Manager Financial control and mngt	Mr M Markus	Manager Supply Chain Management	Mr HF Prins	Municipal Manager	Mr J Koekemoer	Director Finance
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Mr M Markus	Manager Supply Chain Management																	
Mr HF Prins	Municipal Manager																	
Mr J Koekemoer	Director Finance																	
ITEM 13/08/28/8.1.2	Air Quality Management By-laws (1/2/3/1; 6/2/2/220)	2. That in terms of Section 4 (1) of the by-law, the administration and enforcement of the Air Quality Management By-Law be delegated to the Directorate Administration and Community services; and																
ITEM 12/05/30/9.2.3	External loan : Financing of Capital Projects 2012/2013 (4/6/2/1; 6/2/2/251)	<p>That the loan to the amount of R30 million of DBSA be accepted at a rate of 9.95% over a 10 year term;</p> <p>That the Council undertake the loan of R30 million for Capital Projects for the 2012/2013 financial year; and</p> <p>That authority be granted to the Municipal Manager and Executive Mayor to sign the loan agreement.</p>																