



DELEGATION FRAMEWORK & REGISTER

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PART A: INTERPRETATIONS AND DEFINITIONS

1. DEFINITIONS

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

KEY CONCEPTS	DEFINITIONS
Administration	The Municipal Manager and the other employees of the Municipality;
Appointment Regulations	The Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers, 2014
In Consultation	With due regards to the views of any person with whom a delegating authority is required to consult before it exercises a delegated or sub-delegated power;
Municipal Manager	A person who is appointed by the Council as the head of the Administration and the accounting officer for the Municipality in accordance with section 54A of the Systems Act;
CAPA	The Municipality's Communications and Political Affairs Manager;
CFO	A person designated by the Municipal Manager as the chief financial officer in terms of section 80(2)(a) of the MFMA, and appointed by the Council as a Manager in terms of section 56 of the Systems Act;
Constitution	The Constitution of the Republic of South Africa, 1996 (Act No. 18 of 1996);
Committee	Any committee established in the Municipality, including committees established in terms of section 79 and 80 of the Structures Act;
Council	The municipal council of the Municipality, its legal successors in title and its delegates;
DCS	The Municipality's Director for Corporate Services;
DCSS	The Municipality's Director for Community & Social Services;
Delegating Authority	The Council in terms of original authority allocated by the Constitution, or a political structure or office bearer, or the Municipal Manager or other staff member to whom powers have been delegated, with power to sub-delegate;

Delegation	Issuing of a written authorisation by a delegating authority to a delegated body to act in its stead, and in relation to a duty includes an instruction or request to perform or to assist in performing the duty, and " delegate" and "sub-delegate" has a corresponding meaning;
Delegated Body or Delegatee	In relation to a the delegation of a power means the political office bearer or employee to whom a power has been delegated by the Delegating Authority in writing;
DTPS	The Municipality's Director for Development and Town Planning Services;
DTS	The Municipality's Director for Technical Services;
Director	A senior manager directly accountable to the Municipal Manager as contemplated in, and appointed in terms of section 56 of the Systems Act;
In Consultation	The action or process of formally consulting or discussing with the person with whom a delegating authority must consult before exercising a delegated or sub-delegated power;
LLF	The municipality's local labour forum
Manager	The senior officials designated by the Municipal Manager in terms of section 77(1)(d) of the MFMA as forming part of "top management";
MFMA	The Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003);
MSS	The Municipality's Manager Strategic Support;
Municipality	The Senqu Local Municipality;
Municipal Area	A geographic area determined in terms of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998);
PAIA	The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)
Performance Regulations	The Local Government: Municipal Performance Regulations for Municipal Managers and Managers Directly Accountable to Municipal Managers, 2006
POPI	The Protection of Personal Information Act, 2013 (Act No. 4 of 2013)
Power	Means the authority to exercise a function;

Political Office Bearer	In relation to the Municipality, means the Mayor and / or the Speaker elected by the Council to such a post or position in accordance with the provisions of the Structures Act;
Property Act	The Local Government: Municipal Property Rates Act, 2004 (Act No. 4 of 2004);
Roles & Responsibilities Policy	The policy on the definition of the role and area of responsibility of each political structure, political office bearer and the municipal manager in terms of section 53 of the Systems Act
mSCOA	The MFMA: Municipal Regulations on Standard Chart of Accounts, 2014
SAPS	South African Police Service
SPLUMA	The Spatial Planning and Land Use Management Act 2013, (Act No 16 of 2013)
Standing Rules & Orders	The by-law on the standing rules and orders for the meetings of the municipal council of the municipality and its committees
Structures Act	Means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);
Supply Chain Management	The system used by the Municipality in accordance with the Supply Chain Management Policy for: (a) the procurement of goods and services; (b) the disposal of goods no longer needed; (c) the selection of contractors to assist with the provision of municipal services; (d) the selection of external service providers as provided for in section 78 of the Systems Act;
Systems Act	The Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);
RPOA	The Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998)
Top Management	Means the Municipal Manager, the CFO, the Directors and the Managers

1.2. In this document, unless the context otherwise indicates, words and expressions denoting –

- The singular shall include the plural and vice versa;
- The male sex shall include the female sex and vice versa;
- A reference to a natural person shall include a legal person and vice versa.

1.3. The following abbreviations are used for legislation in column 1 of the tables:-

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

PART B: DELEGATIONS FRAMEWORK

LEGISLATIVE AND POLICY FRAMEWORK:

THE CONSTITUTION:

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

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

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

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

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

THE SYSTEMS ACT:

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

Section 59	<u>Delegations</u>
[1]	A municipal council must develop a system of delegation that will maximise administrative and operational efficiency and provide for adequate checks and balances, and, in accordance with that system, may-
[a]	delegate appropriate powers, excluding a power mentioned in section 160 [2] of the Constitution and the power to set tariffs, to decide to enter into a service delivery agreement in terms of section 76 (b) and to approve or amend the municipality's integrated development plan, to any of the municipality's other political structures, political office bearers, councillors, or staff members;
[b]	instruct any such political structure, political office bearer, councillor, or staff member to perform any of the municipality's duties; and
[c]	withdraw any delegation or instruction.
[2]	A delegation or instruction in terms of subsection [1]-
[a]	must not conflict with the Constitution, this Act or the Municipal Structures Act;
[b]	must be in writing;
[c]	is subject to any limitations, conditions and directions the municipal council may impose;
[d]	may include the power to sub-delegate a delegated power;
[e]	does not divest the council of the responsibility concerning the exercise of the power or the performance of the duty; and
[f]	must be reviewed when a new council is elected or, if it is a district council, elected and appointed.
[3]	The municipal council-
[a]	in accordance with procedures in its rules and orders, may, or at the request in writing of at least one quarter of the councillors, must, review any decision taken by such a political structure, political office bearer, councillor or staff member in consequence of a delegation or instruction, and either confirm, vary or revoke the decision subject to any rights that may have accrued to a person; and

[b]	may require its executive committee or executive mayor to review any decision taken by such a political structure, political office bearer, councillor or staff member in consequence of a delegation or instruction.
[4]	Any delegation or sub-delegation to a staff member of a power conferred on a municipal manager must be approved by the municipal council in accordance with the systems of delegation referred to in subsection [1].
<u>Section 60</u>	<u>Certain delegations restricted to executive committees or executive mayors</u>
[1]	The following powers may, within a policy framework determined by the municipal council, be delegated to an executive committee or executive mayor only:
[a]	decisions to expropriate immovable property or rights in or to immovable property; and
[b]	the determination or alteration of the remuneration, benefits or other conditions of service of the municipal manager or managers directly responsible to the municipal manager.
[2]	The council may only delegate to an executive committee or executive mayor or chief financial officer decisions to make investments on behalf of the municipality within a policy framework determined by the Minister of Finance.
<u>Section 61:</u>	<u>Referral of matters to delegating authorities for decision</u>
	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.
<u>Section 62:</u>	<u>Appeals</u>
[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.
Section 63:	<u>Duty to report to delegating authorities</u>
	A political structure, political office bearer, councillor or staff member of a municipality to whom a delegating authority has delegated or sub-delegated a power or duty, must report to the delegating authority at such intervals as the delegating authority may require, on decisions taken in terms of that delegated or sub- delegated power or duty since the last report.
Section 64:	<u>Withdrawal, amendment or lapsing of delegation or sub-delegation</u>
	The withdrawal, amendment or lapsing of a delegation or sub-delegation does not invalidate anything done as a consequence of a decision taken in terms of that delegation or sub-delegation.
Section 65:	<u>Review of delegations</u>
[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.
<u>THE MFMA:</u>	
The relevant provisions of the MFMA pertaining to the delegation of powers read as follows:	
<u>Section 79:</u>	<u>Delegations</u>
[1]	The accounting officer of a municipality-
[a]	Must, for the proper application of this Act in the municipality's administration, develop an appropriate system of delegation that will both maximise administrative and operational efficiency and provide adequate checks and balances in the municipality's financial administration;
[b]	May, in accordance with that system, delegate to a member of the municipality's Top Management referred to in section 77 or any other official of the municipality-
[i]	Any of the powers or duties assigned to an accounting officer in terms of this Act; or
[ii]	Any powers or duties reasonably necessary to assist the accounting officer in complying with a duty which requires the accounting officer to take reasonable or appropriate steps to ensure the achievement of the aims of a specific provision of this Act; and
[c]	Must regularly review delegations issued in terms of paragraph (b) and, if necessary, amend or withdraw any of those delegations.
[2]	The accounting officer may not delegate to any political structure or political office bearer of the municipality any of the powers or duties assigned to accounting officers in terms of this Act.
[3]	A delegation in terms of subsection (1)-
[a]	Must be in writing;
[b]	Is subject to such limitations and conditions as the accounting officer may impose in a specific case;

[c]	May either be to a specific individual or to the holder of a specific post in the municipality;
[d]	May, in the case of a delegation to a member of the municipality's Top Management in terms of subsection (1)(b), authorise that member to sub-delegate the delegated power or duty to an official or the holder of a specific post in that member's area of responsibility; and
[e]	Does not divest the accounting officer of the responsibility concerning the exercise of the delegated power or the performance of the delegated duty.
[4]	The accounting officer may confirm, vary or revoke a decision taken in consequence of a delegation or sub-delegation in terms of this section, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

OBJECTIVES OF DELEGATION

The objectives of this system of delegation are:

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

CONDITIONS APPLICABLE TO THE DELEGATION OF POWER

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

PRINCIPLES FOR DELEGATION

Principle 1:	<u>A delegated authority or power should have its roots in enabling legislation, should be as specific as possible and preferably also refer to the specific provision in the applicable legislation from which an authority originates.</u>
	This principle implies that, no power may be delegated in conflict with existing legislation, but must in fact be done in terms of legislation in order not to be unlawful. To be certain that this is the case; the delegation should contain specific reference to the relevant section of the enabling act to that mandates such delegation of power. The wording of the delegation should not be vague but be very specific in order to ensure legal certainty in the interpretation of the delegated power. The person to whom such power is delegated should be absolutely sure what he or she may not do in terms of the delegation. Delegated authority is often tested in our courts and therefore the wording of the delegation should also be able to pass the test of the objective interpretation by the audience of the fact.
Principle 2:	<u>The functionary or official that is actually executing the activities in terms of the enabling legislation should as far as practical and possible be empowered by way of delegation to execute his or her duties. In other words a delegated power should vest as far as possible in the operational functionary, but at the same time embrace the principles of transparency, accountability and proper governance.</u>
	In order to speed up service delivery and to cut out unnecessary "red tape" the Council should delegate power to the lowest possible level where it could be executed with responsibility. The process of delegating power is a continuous balancing act of interests between effectiveness and accountability: the lower the powers are delegated, the quicker the decision process, but on the other hand the Council must have regard for the fact that accountability remains with it and must therefore be certain that the person or body to whom a power is delegated, has the competency to execute such power.
Principle 3:	<u>Delegations should be at all times be executed within and subject to the Municipality's normal practices, procedures and other regulations, and should be granted with the view of maximising the Municipality's administrative and operational efficiency. They should furthermore provide for adequate checks and balances to ensure responsible and accountable decision making.</u>
	According to this principle, no delegated power is executed in a vacuum, but must take into account and must comply with existing Council decisions, policies, guidelines, practices, procedures, by-laws, the approved budget and most important of all – the existing legislative framework contained in applicable acts and regulations promulgated in terms thereof. It is thus clear that a very definite framework exists in which a power must be executed. The delegated person/structure must make sure that it is informed of this framework and takes all reasonable steps in order for its actions to be legitimate. A person not adhering to this could be subjected to punitive measures such as disciplinary action, be held liable for losses or could even be criminally prosecuted.
	Checks and balances are normally provided for by way of a reporting system to the delegating person or body, auditing processes and budget control. Each delegation may provide for checks and balances within itself, e.g. that a power may only be executed in consultation with another person or body or that the delegatee must report on a monthly basis to the delegator. Any reasonable conditions can be contained within the wording of the delegation and the delegating authority should be satisfied that it will be able to monitor the execution of the power through these imposed measures. Should it appear later not to be the case, the delegation or control measures contained therein may be amended.

Principle 4:	<u>All delegations including sub-delegations must be in writing.</u>
	Although this is a short principle, the importance thereof cannot be emphasized enough. The purpose of this principle is to create legal certainty. Where no written proof of a delegation exists, the Council should regard the power as never having been delegated, as the courts will do the same, unless there are implied and reasonable indications to the contrary.
Principle 5:	<u>Any power delegated to any of the Municipality's political structures, political office bearers or staff members may be further sub-delegated to any of the other political structures, political office bearers or staff members and to subsequent political structures, political office bearers or staff members, on condition that the principles contained herein are adhered to and sub-delegation of the specific power is not prohibited by legislation.</u>
	These are some of the most important changes made possible by section 59(2)(d) of the Systems Act, namely that in principle any delegated power may be sub-delegated under certain conditions:
[a]	It must not be prohibited by law as is the case with the powers mentioned in section 60 of the Systems Act, which states specifically that these powers may only be delegated to the Executive Committee or the Mayor and not any further.
[b]	It must not be prohibited by Council on the conditions accompanying the delegated power.
[c]	It must comply with all the principles contained in the delegations register.
[d]	The authority to sub-delegate must be contained in the original delegation.
Principle 6:	<u>For purposes of duly maintaining the municipality's system of delegations, the municipal manager will be responsible for the upkeep of the said system and to ensure that all delegations are included in the delegation framework and register and meet the legal requirements. For this purpose the municipal manager must be furnished by the Director of a Directorate with the original of all delegations that have been sub-delegated by them to subordinates.</u>
	In practice the municipal manager will maintain and keep up to date a loose leaf hard copy of all delegations, arranged according to the respective directorates, which will be updated with each approval of new or amended delegations. These new delegations or amendments will also be brought to the attention of all directorates, who will be obliged to keep an updated set of delegations at the office of the director of the directorate. This would be one of the checks and balances in order to ensure that powers are not delegated unlawfully and that it is in the interest of good corporate governance.
Principle 7:	<u>All delegated powers are and remain subject to and should be executed in accordance with any limitations, directions, applicable policies, conditions, enactments or other legal requirements, as approved by the council.</u>
	This principle refers specifically to any limitations, conditions and directions that the Council may impose regarding the execution of a delegated power. The Council as a collective body remains responsible for its powers and duties, even where the powers are delegated, it is only reasonable for

	Council to take all precautionary measures it considers necessary to ensure proper execution of a power. This is also one of the most effective checks and balances that can be built into a delegation.
<u>Principle 8:</u>	<u>The execution of a delegation that has financial implications for the Municipality should only be executed by the person who has a specific responsibility and authority to incur expenditure under a specific vote.</u>
	The purpose of this principle is to make provision for budget control and accountability by persons responsible for a specific vote number, first by properly applying his or her mind in compiling a detailed, well-motivated and complete budget, and secondly by restricting expenditures to the approved budget.
<u>Principles 9:</u>	<u>No delegation may be executed if there are insufficient funds on a specific vote or specific item does not appear on the Municipality's budget.</u>
	This principle also pertains to financial control and audit procedures. The Council approves the full budget, and it can therefore be reasonably implied that all items appearing on the budget carry the Council's prior approval. This is also one of the important checks and balances which may be exercised by the Council.
<u>Principle 10:</u>	<u>Delegated powers can at any stage be withdrawn or amended by the delegating authority.</u>
	If and when the Council is not satisfied with the manner in which a delegated power is executed by a person or body to whom the power was originally delegated, the Council can by way of a report and resolution to that effect, withdraw the power(s), amend the powers, add new conditions or limitations. It is for this reason that a reporting system should be in place, In order for the Council to monitor the execution of delegated powers.
<u>Principle 11:</u>	<u>Delegated powers do not absolve the Council from the responsibility to exercise the power to perform duties.</u>
	It should be very clear that although the execution of a power can be delegated, the responsibility and accountability can never be delegated, and the Council will always retain this.
<u>Principle 12:</u>	<u>Delegated powers must always be reviewed when a new Council is elected.</u>

PART C: DELEGATION REGISTER

POWERS RESERVED BY THE COUNCIL

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

SECTION IN ACT	FUNCTION	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
160 (2) CON	The passing and publication of by-laws	Council	None	
160 (2) CON 16 (1) MFMA	The approval of budgets	Council	None	Section 25 MFMA applies in the event that the budget is not approved.
160 (2) CON 75 (2) MSA 14 (1) MPRA	The imposition of rates and other taxes, levies and duties	Council	None	
160 (2) CON	The raising of loans	Council	None	
160 (6) CON	Approving the Rules of Order for meetings of the Council and the Committees	Council	None	

39 (c) MSA	The adoption of the performance management system	Council	None	
54A MSA; 30(5)(c) MSTA	The appointment, suspension and dismissal of the municipal manager, after receiving the report and recommendations of the executive committee submitted by the mayor on the matter	Council	None	
59 (1)(a) MSA 75 MSA	The setting of tariffs	Council	None	
59(1)(a) MSA	The decision to enter into a service delivery agreement in terms of section 76(b) of the Systems Act	Council	None	
59(1)(a) MSA	To approve or amend the Municipality's integrated development plan	Council	None	
18 MSTA	The designation of full-time councillors as determined by the MEC for Local Government	Council	None	
33 MSTA 79(1) & (2) MSTA 80 MSTA	The establishment of Committees, including the determination of the functions and procedures of any such Committee, the appointment and removal of the members of such Committee and the appointment of a chairperson [Note: s31 of the MSTA has been repealed – provision to be made in the Standing Rules]	Council	None	
34 (1) MSTA	Considering the dissolution of the Council	Council	None	
36 MSTA	The election of the Speaker	Council	None	
40 MSTA	Removing the Speaker from office and filing any vacancy in the office of Speaker	Council	None	
45 MSTA	Electing the Executive Committee of the Council	Council	None	

48(1) MSTA	Electing the Mayor	Council	None	
Item 4 Code of Conduct for Councillors	The sanctioning of non- attendance of Council meetings	Council	None	
Item 7 (4) Code Of Conduct for Councillors	Determining the financial interest of Councillors that must be made public	Council	None	
Item 13 Code Of Conduct for Councillors	Consideration of a report of the Speaker on the suspected breach of the code of conduct for Councillors	Council	None	
78 MSA	The decision on the appropriate mechanisms to provide municipal services	Council	None	
85 MSA	Decision on the establishment and termination of internal municipal services districts and multi-jurisdictional municipal service districts	Council	None	
14 (2) MFMA	Deciding to transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a capital asset.	Council	None	Council must in a meeting open to the public, decide that the asset is not needed to provide the minimum level of basic municipal services, and consider the fair market value of the asset and the economic and community value to be received for the asset.
16(1) MFMA	Approval of an annual budget	Council	None	
16(3) MFMA	Deciding whether money for capital expenditure for a	Council	None	A separate appropriation

	period not exceeding three financial years may be appropriated in an annual budget			must be made for each of financial year.
19(1)(b) MFMA	Approving a capital project, including its total cost	Council	None	
19(1)(d) MFMA	Considering the sources of funding of a capital project	Council	None	
19(2) MFMA	Considering, in respect of a capital project, the projected cost covering all financial years until the project is operational and the future operational costs and revenue on the project, including municipal tax and tariff implications.	Council	None	
19(3) MFMA	Deciding to approve capital projects below the prescribed value individually or as part of a consolidated capital programme	Council	None	
23(1) MFMA	Receiving and considering the views of the communities and organs of state received in connection with the budget	Council	None	
23(2) MFMA	Giving the Mayor an opportunity to respond to any submissions received in connection with the budget from communities and organs of state	Council	None	
28(1) MFMA	Deciding to revise an approved budget by way of an adjustments budget	Council	None	
32(2) MFMA	Deciding to recover unauthorised, irregular or fruitless and wasteful expenditure from the person liable for that expenditure	Council	None	
	Determining the amount of unauthorised, irregular or fruitless and wasteful expenditure to be recovered, written off or provided for in an adjustments budget	Council	None	
	Appointing a committee to investigate any suspected or reported unauthorized, irregular or fruitless and wasteful expenditure	Council	None	

32(7) MFMA	Determining whether an alleged irregular expenditure incurred by the Municipal Manager constitutes a criminal offence	Council	None	
	Determining whether the Municipal Manager allegedly committed an act of theft and fraud	Council	None	
	Reporting alleged irregular expenditure incurred by the Municipal Manager that constitutes a criminal offence and alleged theft and fraud perpetrated by the Municipal Manager to the SAPS	Council	None	
10(1) Regulations on Financial Misconduct and Criminal Proceedings, 2014	Report an alleged financial offence by the Municipal Manager to the South African Police Service	Council	None	
33(1) MFMA	Deciding to enter into a contract which will impose financial obligations on the municipality beyond 3 financial years	Council	None	
34(3)(b) MFMA	Considering a notification of the provincial government of any emerging or impending financial problems in the Municipality	Council	None	
38(2) MFMA	Considering a notice received from the National Treasury of its intention to stop the transfer of funds to the Municipality and submitting written representations, in regard to the proposed stopping of funds, informing the MEC for local government and consulting the Cabinet member responsible for the national department making transfer	Council	None	
39 (3) MFMA	To answer the allegations against it, and to state its case before a committee of Parliament before it approves or renews a decision of National Treasury to stop the transfer of funds in terms of section 38 of MFMA	Council	None	

45(2)(a) MFMA	Approving any short term debt agreement	Council	None	
46 MFMA	Deciding whether to incur long term debt and approving any long term debt agreement	Council	None	
48(1) MFMA	Deciding whether to provide for any of the Municipality's debt obligations and contractual obligations of the Municipality undertaken in connection with capital expenditure by other persons on property, plant or equipment to be used by the Municipality or such other person	Council	None	
48(2) MFMA	Deciding the form/nature of security to be provided for any of the Municipality's debt obligations and contractual obligations of the Municipality undertaken in connection with capital expenditure by other persons on property, plant or equipment to be used by the Municipality or such other person			
48(3)(a) MFMA	Deciding whether an asset or right that has been hypothecated in any manner as security is necessary for providing the minimum level of basic municipal services	Council	None	
48(3)(b) MFMA	Deciding, if an asset or right that has been hypothecated in any manner as security is necessary for providing the minimum level of basic municipal services, the manner in which the availability of the asset or right will be protected	Council	None	
50 MFMA	Deciding to issue a guarantee for any commitment or debt or organ of state or person	Council	None	
116(3) MFMA	Considering the reasons for the proposed amendment of a contract or agreement and any representation that may have been received regarding the proposed amendment	Council	None	Contracts may be amended by the Bid Adjudication Committee and / or the

	of a contract or an agreement procured through the supply chain management policy and deciding whether to consent to the amendment of a contract or agreement			Municipal Manager, whichever is applicable, within the prescribed thresholds determined by National Treasury
120 MFMA	Deciding to enter into a public-private partnership agreement	Council	None	
129 (1) MFMA	Considering the annual report of the municipality and adopting an oversight report containing the council's comments on the annual report	Council	None	
133 (1)(c)(i) MFMA	Deciding whether to request the speaker or another councillor to investigate the reasons for a failure of the municipal manager to submit annual financial statements to the auditor-general or the mayor's failure to table the annual report of the municipality	Council	None	
133(1)(c)(ii) MFMA	Determining the appropriate steps to be taken to ensure that the financial statements are submitted to the auditor-general or that the annual report, including the financial statements and the audit report on those statements, is tabled in the council, as the case may be	Council	None	
133(1)(c)(iii) MFMA	Deciding whether disciplinary steps should be taken against the municipal manager or other persons responsible for the failure of the municipality to submit annual financial statements to the auditor-general or the mayor's failure to table the annual report of the municipality in the council	Council	None	
143 (3)(a) MFMA	Receiving an approved financial recovery plan for the Municipality	Council	None	
145 (1)(a) MFMA	Implementing an approved financial recovery plan for the municipality	Council	None	

146 (1)(b)(i)				
148 (1) (b) (i) MFMA	Declaring the Municipality's willingness to fulfil the executive obligation in terms of legislation or the Constitution that gave rise to any discretionary intervention in the municipality	Council	None	
166 (2)(d) MFMA	Requesting the audit committee to investigate the financial affairs of the Municipality	Council	None	
166 (4) & (5) MFMA	Determine the number of members of the audit committee, the nature of the appropriate experience that persons should possess to be considered for appointment as a member of the audit committee and appointing the members and the chairperson of the audit committee of the municipality	Council	None	
168(3) MFMA	Considering any guidelines issued by the Minister of Finance in terms of section 168 (1) of the MFMA	Council	None	
171(4)(a) MFMA	Investigating any allegations of financial misconduct against the municipal manager, the CFO, a director or other official of the municipality and consider whether the investigation warrants the institution of disciplinary proceedings	Council	None	Subject to the provisions of the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings, 2014
176(2) MFMA	Deciding to recover from a political office-bearer or official of the municipality any loss or damage suffered by it because of the deliberate or negligent unlawful actions of that political office-bearer or official when performing a function of office.	Council	None	
22(1) MPRA	Determination of special rating areas in the municipality, the levying of an additional rate on the property in that area and the differentiation between categories of properties when levying additional rate	Council	None	
31(1) MPRA	For the purpose of a general valuation, to determine a date on which the valuation roll is to be first implemented	Council	None	

21 (4)MDA	The lodging of objections against the Municipality's boundaries, and the lodging of an application to alter the Municipality's boundaries	Council	None	
	The appointment or designation of officials in statutory positions as provided for in applicable legislation	Council	None	

POWERS DELEGATED TO THE EXECUTIVE COMMITTEE IN RESPECT OF STATUTORILY ALLOCATED FUNCTIONS

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

SECTION IN ACT	FUNCTION	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
44(1)(b) MSTA	To receive reports from the Committees and to forward these reports together with a recommendation to the Council when the Executive Committee cannot be dispose of a matter in terms of its delegated powers	Council	EXCO	
44(2)(a) MSTA	To identify the needs of the Municipality	Council	EXCO	
44(2)(b) MSTA	To review and evaluate those needs in order of priority	Council	EXCO	
44(2)(c) MSTA	To make recommendations to the Council regarding strategies, programmes and services to address priority needs to the integrated development plan, and the estimates of revenue and expenditure, taking into account any applicable national and provincial development.	Council	EXCO	
44(2)(d) MSTA	To make recommendations to the Council regarding the best way, including partnership and other approaches, to deliver those strategies, programmes and services to the maximum benefit of the community	Council	EXCO	

44(3)(a) MSTA	To identify and develop criteria in terms of which progress in the implementation of those strategies, programmes and services can be evaluated, including key performance indicators which are specific to the Municipality and common to local government in general	Council	EXCO	
44(3)(b) MSTA	To evaluate progress against the identified and developed key performance indicators	Council	EXCO	
44(3)(d) MSTA	To monitor the management of the administration in accordance with the directions of the council	Council	EXCO	
44(3)(e) MSTA	To oversee the provision of services to communities in the municipality in a sustainable manner	Council	EXCO	
44(3)(g) MSTA	To annually report on the involvement of communities and community organizations in the affairs of the municipality	Council	EXCO	
44(3)(h) MSTA	To ensure that regard is given to public views and report on the effect of consultation on the decisions of the Council	Council	EXCO	
44(4) MSTA	To report to the Council on all decisions taken by it	Council	EXCO	
80(3) MSTA	Appoint a chairperson for each committee established to assist the executive committee and delegate any powers and duties of the executive committee to such committee	Council	EXCO	
80 (4) MTSA	Require that a committee established to assist the executive committee report in accordance with the directives of the executive committee	Council	EXCO	
56 MSA 30(5)(c) MSTA	The appointment, suspension and dismissal of a director, after receiving the report and recommendations of the municipal manager on the matter	Council	EXCO	
39 (a) & (b) MSA	The development of a performance management system, the assignment of responsibilities in this regard to the	Council	EXCO	

	Municipal Manager and the adoption of the performance management system			
40 MSA	The monitoring and review of the Municipality's performance management system	Council	EXCO	
60(1)(a) MSA	Decisions to expropriate immovable property or rights in or to immovable property	Council	EXCO	
60(1)(b) MSA	The determination or alteration of the remuneration, benefits or other conditions of service of the municipal manager and directors	Council	EXCO	
66(1) MSA	The approval of a policy framework for the development of a staff establishment for the Municipality subject to any applicable legislation	Council	EXCO	
66(1)(a) MSA	The approval of the staff establishment of the Municipality developed by the Municipal Manager	Council	EXCO	
3 Appointment Regulations	(a) The assessment of the human resources necessary to perform the functions of the Municipality; (b) The assessment of the existing human resources of the Municipality; (c) The planning for the recruitment, retention and development of the Municipality's human resources	Council	EXCO	
135(3)(b) MFMA	Informing the MEC responsible for local government and the MEC responsible for finance of any serious financial problem in meeting its financial commitments experienced or anticipated by the Municipality	Council	EXCO	

ADDITIONAL POWERS DELEGATED TO THE EXECUTIVE COMMITTEE

SOURCE	FUNCTION	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
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Roles & Responsibilities Policy	The powers and authority to enable the EXCO to fulfil the functions allocated to it by the Roles & Responsibility Policy including such functions necessary ancillary to the aforesaid functions	Council	EXCO	
	Appoint councillors and municipal officials to attend international, meetings, conferences, etc. except where there is a specific invitation extended to a specific councillor or office bearer	Council	EXCO	
	Nominate Council's representatives in the provincial executive committee of SALGA	Council	EXCO	
	Consider reports of Directorates of the Municipality	Council	EXCO	
	Take any appropriate action with regard to any loss or shortage in funds or property belonging to or controlled by the Council involving alleged fraud, theft or negligence on the part of all staff, members of the Council or any other structure of Council. This action may only be instituted pursuant to relevant recommendations submitted by the Portfolio Committee	Council	EXCO	
	Oversee the provision of services to communities in a sustainable manner	Council	EXCO	
	Consider appeals from a person whose rights are affected by a decision of the Municipal Manager, provided that the decision reached by this committee may not detract from any right that may have vested.	Council	EXCO	
	Make recommendations to the Council in respect of its legislative powers	Council	EXCO	

	Determine strategic approaches, guidelines and growth parameters for a draft budget including tariff structures	Council	EXCO	
	Consider recommendations on the alignment of the integrated development plan and the budget received from the committees	Council	EXCO	
	Ensure that regard is given by the Council to public views and reports emanating from consultation	Council	EXCO	
	Make recommendations to the Council regarding: <ul style="list-style-type: none"> the adoption of estimates of revenue and expenditure, as well as capital budget and the imposition of rates and other taxes, levies and duties the passing of by-laws the raising of loans the approval of the integrated development plan and any amendments thereto 	Council	EXCO	
	Consider any matter referred to it by the Council and submit a recommendation thereon for consideration by the Council	Council	EXCO	
	Delegate any powers and duties of the Executive Committee to any Section 80 Committee	Council	EXCO	
	Develop strategies, programmes and services to address priority needs of the Municipality through the integrated development plan and national and provincial plans and submit a report and recommendations thereon to the Council	Council	EXCO	

	Review the performance of the Municipality in order to improve <ul style="list-style-type: none"> the economy, efficiency and effectiveness of the Municipality the efficiency of credit control and revenue and debt collection services, and the implementation of the Municipality's By-laws 	Council	EXCO	
	Monitor the management of the administration in accordance with the policy directions of the Council (output monitoring)	Council	EXCO	
	Annually report on the involvement of communities and community organizations in the affairs of the Municipality	Council	EXCO	
	Grant permission to an employee to pursue a paid work in his / her spare time within the policy framework of the Municipality	Council	EXCO	

POWERS DELEGATED TO THE MAYOR IN RESPECT OF STATUTORILY ALLOCATED FUNCTIONS

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

SECTION IN ACT	FUNCTION	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
12(1) MFMA	Deciding to set-up a relief, charitable, trust or other fund of whatever description	Council	Mayor	

16(2) MFMA	Tabling a budget at a Council meeting	Council	Mayor	The draft annual budget must be tabled at least 90 days before 1 July each year.
21(1)(a) MFMA	Coordinating the processes of preparing the annual budget and reviewing the municipality's integrated development plan and budget related policies	Council	Mayor	
21(1)(b) MFMA	Tabling in the Council a time schedule outlining key deadlines for the preparation, tabling and approval of the annual budget, the annual review of the integrated development plan and the municipality's budget related policies and any consultative processes forming part of the process	Council	Mayor	At least 10 months before 1 July each year.
21(2)(b) MFMA	Deciding the reasonable steps to be taken to review the municipality's integrated development plan	Council	Mayor	
21(2)(d) MFMA	Determining the manner and timing of consultation of the district municipality and all local municipalities within the area of the district municipality, the provincial treasury and such other organs of state as may be prescribed with regard to the Municipality's annual budget	Council	Mayor	
21(2)(e) MFMA	Providing information relating to the budget that may be requested to the National Treasury and any other organ of state	Council	Mayor	

25(3) MFMA	Complying with section 55 of the MFMA if the Municipality has not approved an annual budget, including revenue-raising measures necessary to give effect to the budget, by 1 July of any year	Council	Mayor	
27(1) MFMA	Determining the likelihood of the Municipality not being able to comply with the MFMA or other legislation relating to the tabling or approval of an annual budget or compulsory consultation processes	Council	Mayor	
27(1) MFMA	Informing the MEC responsible for finance of any impending non-compliance by the Municipality of any provisions of the MFMA or any other legislation pertaining to the tabling or approval of an annual budget or compulsory consultation processes	Council	Mayor	
27(2) MFMA	Deciding to and applying to the MEC responsible for finance to extend any time limit or deadline with regard to the preparation and approval of the annual budget	Council	Mayor	
27(3) MFMA	Informing the Council, the MEC responsible for finance and the National Treasury, in writing, of any actual non-compliance by the Municipality of a provision of Chapter 4 of the MFMA and any remedial or corrective measures the Municipality intends to implement to avoid a recurrence of such non-compliance	Council	Mayor	
28(4) MFMA	Tabling an adjustment budget in the Council	Council	Mayor	

29(1) MFMA	Deciding to authorize unforeseeable and unavoidable expenditure for which no provision was made in an approved budget in emergency or other exceptional circumstances	Council	Mayor	
29(2)(c) MFMA	Reporting to the Council regarding the authorization of unforeseeable and unavoidable expenditure for which no provision was made in an approved budget in emergency or other exceptional circumstances	Council	Mayor	Such report must be made to the Council meeting next ensuing after the authorisation was given.
31(d) MFMA	Giving written approval for exceeding the amount appropriated in respect of a capital programme	Council	Mayor	
37 (1)(a) MFMA	Determining the steps the Municipality must take to promote co-operative government with the national and provincial spheres of government and other municipalities in the Municipality's fiscal and financial relations	Council	Mayor	In consultation with the Municipal Manager, the function is also delegated to the Municipal Manager
52(a) MFMA	Deciding the nature and extent of, and manner in which political guidance over the fiscal and financial affairs of the Municipality will be provided	Council	Mayor	
52 (b) MFMA	Deciding the monitoring and oversight mechanisms to be applied to the exercise by the Municipal Manager and the Chief Financial Officer of their powers, functions and duties in terms of MFMA	Council	Mayor	

52 (c) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality performs its constitutional and statutory functions within the limits of the Municipality's approved budget	Council	Mayor	
52 (d) MFMA	Submitting to the Council, within 30 days of the end of each quarter, a report on the implementation of the budget and the financial state of affairs of the Municipality	Council	Mayor	
53 (1) (a) MFMA	Deciding the nature and extent of, and manner in which political guidance is to be given over the budget process and the priorities that must guide the preparation of a budget	Council	Mayor	
53 (1) (b) MFMA	Deciding the steps to be taken to co-ordinate the annual revision of the integrated development plan and the preparation of the annual budget	Council	Mayor	
	Determining how the integrated development plan is to be taken into account or revised for the purposes of the budget	Council	Mayor	
53 (1) (c) (i) MFMA	Determining the reasonable steps to be taken to ensure that the Municipality approves its annual budget before the start of the budget year	Council	Mayor	
53 (1) (c) (ii) MFMA	Determining the reasonable steps to be taken to ensure he/she approves the Municipality's service delivery and budget implementation plan	Council	Mayor	The Mayor must approve the annual service delivery and budget implementation plan within 28 days after the approval of the budget

53 (1) (c) (iii) MFMA	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 implementation plan and are concluded in accordance with section 57 (2) of the MSA	Council	Mayor	In terms of section 57(2)(a) of the Systems Act the annual performance agreements must be concluded on or before 30 July of each year
53 (2) MFMA	Reporting to the Municipal Council and the MEC responsible for finance any delay in the tabling of an annual budget, the approval of the service delivery and budget implementation plan or the signing of the annual performance agreements	Council	Mayor	
53 (3)(a) MFMA	Ensuring that the revenue and expenditure projections for each month and the service delivery targets and performance indicators for each quarter, contained in the service delivery and budget implementation plan, are made public no later than 14 days after the approval of the service delivery and budget implementation plan	Council	Mayor	
53 (3)(b) MFMA	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	Council	Mayor	
	Submission of the annual performance agreements of the Municipal Manager, senior managers and any other	Council	Mayor	

	categories of officials as may be prescribed, to the Municipal Council and the MEC responsible for local government			
54 (1)(a) MFMA	Making arrangements for the receipt of a monthly statement on the state of the Municipality's budget and a mid-year corporate performance assessment report	Council	Mayor	
54 (1)(b) MFMA	Determining the procedures, including reports required to check whether the Municipality's approved budget is implemented in accordance with the service delivery and budget implementation plan	Council	Mayor	
54 (1)(c) MFMA	Determining whether it is necessary to make any revisions to the service delivery and budget implementation plan	Council	Mayor	
54 (1)(d) MFMA	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	Council	Mayor	
54 (1)(e) MFMA	Considering whether the Municipality faces any financial problems including any emerging or impending financial problems	Council	Mayor	
54(3) MFMA	Making public any revisions of the service delivery and budget implementation plan	Council	Mayor	
55 MFMA	Immediately report to the MEC for local	Council	Mayor	

	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			
59(1)(b) MFMA	Deciding to delegate the powers and duties assigned to the Mayor to another member of the EXCO	Council	Mayor	
59(3) MFMA	Deciding to confirm, vary or revoke any decision taken in consequence of a delegation by the Mayor	Council	Mayor	
127(2) MFMA	Tabling in the Municipal Council the Municipality's annual report	Council	Mayor	
127(3)(a) MFMA	Submitting to the Council a written explanation setting out the reasons for any delay in tabling the Municipality's annual report	Council	Mayor	
130(1) MFMA	Determining the reasonable time period to be allowed during a council meeting at which an annual report is to be discussed or at which decisions concerning an annual report are to be taken for the discussion of any written submissions received from the local community or organs of state on the annual report and for members of the local community or any organs of state to address the Council	Council	Mayor	
131(1) MFMA	Ensure compliance by the municipality in addressing any issues raised by the auditor-general in an audit report	Council	Mayor	
133(1)(a) MFMA	Tabling in the Council a written explanation setting out the reasons for the failure of the Municipal Manager to	Council	Mayor	

	submit annual financial statements to the Auditor-General or the Mayor's failure to table the annual report of the Municipality in the Municipal Council			
135 (3)(b) MFMA	Informing the MEC responsible for local government and the MEC responsible for finance of any serious financial problem in meeting its financial commitments experienced or anticipated by the Municipality	Council	Mayor	
136(1)(a) MFMA	Participating in consultations with the MEC for local government regarding a serious financial problem in the Municipality	Council	Mayor	
137(1)(d) MFMA	Participating in consultations with the MEC for local government regarding the Municipality's co-operation in resolving any financial problem, and if applicable, implementing the financial recovery plan	Council	Mayor	
139(1)(b) MFMA	Participating in consultations with the MEC for local government regarding the Municipality's co-operation in implementing the recovery plan, including the approval of a budget and legislative measures giving effect to the recovery plan	Council	Mayor	
139(2) MFMA	Receiving a request made by the provincial executive to the Municipal Financial Recovery Service to determine the reasons for the crisis in the Municipality's financial affairs, to assess the Municipality's financial state and to prepare an appropriate recovery plan for the Municipality	Council	Mayor	

153 (3) (b) to (e) MFMA	Giving notice of an application in the High Court for an order to suspend the Municipality's financial obligations, or any portion of those obligations, until the Municipality can meet those obligations to the MEC for finance, the MEC for local government, the minister of finance the minister responsible for local government	Council	Mayor	
166(2) MFMA	Receiving reports of the audit committee	Council	Mayor	
49 (1) (a) MSTA	Presiding at meetings of the Executive Committee	Council	Mayor	
49 (1) (b) MSTA	Performing duties, including any ceremonial functions	Council	Mayor	
57(1) MSA Chapter 2 Performance Regulations	The conclusion of the employment contract of the municipal manager	Council	Mayor	
57(2) MSA Chapter 3 Performance Regulations	The conclusion of a performance agreement with the municipal manager within 60 days of his / her appointment and annually thereafter within one month after the beginning of the financial year	Council	Mayor	

ADDITIONAL POWERS DELEGATED TO THE MAYOR BY COUNCIL

The authority to implement the functions set out hereunder are delegated by the Council to the Mayor

SOURCE	FUNCTION	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
Roles & Responsibilities	The powers and authority to enable the Mayor to fulfil the functions allocated to	Council	Mayor	

Policy	him / her by the Roles & Responsibility Policy including such functions necessary ancillary to the aforesaid functions			
Standing Rules & Orders	The powers and authority to enable the Mayor to fulfil the functions allocated to him / her by the Standing Rules & Orders including such functions necessary ancillary to the aforesaid functions	Council	Mayor	
	To take all decisions in the execution of the functions of the Mayor	Council	Mayor	
	Approve leave for the Municipal Manager	Council	Mayor	
	When the Council is in recess, to take decisions on matters otherwise delegated to the Executive Committee in circumstances where the matter is urgent, or the lack of a decision will seriously prejudice the interests of the municipality	Council	Mayor	
	The approval or refusal of applications for donations from the donations vote (unallocated) in accordance with the policy directives in this regard	Council	Mayor	
	Attend all ceremonial and council delegated functions	Council	Mayor	

POWERS DELEGATED TO THE SPEAKER

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

SECTION IN ACT	FUNCTION	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
28 MSTA	To ensure that the provisions in respect of privileges and immunities of Councillors are adhered to	Council	Speaker	
29 (1) MSTA	The Speaker decides when and where the Council meets, save if a majority of the Councillors request the speaker in writing to convene a meeting at time set out in the request	Council	Speaker	Subject to section 18 (2) of the Structures Act that requires quarterly meetings
37 MSTA	To preside at the meetings of the Council	Council	Speaker	
	To ensure that the Council meets at least quarterly	Council	Speaker	
	To maintain order during meetings of the Council	Council	Speaker	
	To determine the date and venue of ordinary Council meetings	Council	Speaker	
	To ensure compliance in the Council and the Committees with the Code of Conduct	Council	Speaker	
20 (4) MSA	Take reasonable steps to regulate public access to, and public conduct at meetings of the Council	Council	Speaker	

13(1), (2) & (3) Schedule 1 MSA	If the Speaker, on a reasonable suspicion, is of the opinion that a provision of the code of conduct for councillors has been breached, the Speaker must: 1. Authorize an investigation of the fact and circumstances of the alleged breach; 2. Give the affected Councillor a reasonable opportunity to reply in writing regarding the alleged breach; 3. Report the matter to an open meeting of the council; and 4. Report the outcome of the investigation to the MEC for local government	Council	Speaker	
13(4) Schedule 1 MSA	Ensure that each councillor when taking office is given a copy of the code of conduct for councillors and that a copy of the code of conduct for councillors is available in every room or place where the council meets			
130(1) MFMA	Determining the reasonable time period to be allowed during a Council meeting at which an annual report is to be discussed or at which decisions concerning an annual report are to be taken for the discussion of any written submissions received from the local community or any organs of state to address the Council	Council	Speaker	
133(1)(b)(i) MFMA	Submitting information received from the auditor-general regarding the failure to submit annual financial statements to the Council	Council	Speaker	

ADDITIONAL POWERS DELEGATED TO THE SPEAKER BY COUNCIL

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

SOURCE	FUNCTION	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
Roles & Responsibility Policy	The powers and authority to enable the Speaker to fulfil the functions allocated to him / her by the Roles & Responsibility Policy including such functions necessary ancillary to the aforesaid functions	Council	Speaker	
Standing Rules & Orders	The powers and authority to enable the Speaker to fulfil the functions allocated to him / her by the Standing Rules & Orders including such functions necessary ancillary to the aforesaid functions	Council	Speaker	

POWERS DELEGATED TO THE CHIEF WHIP BY THE COUNCIL

The functions listed below have been allocated by the Council to the Chief Whip in terms of its Roles and Responsibilities Policy and the authority to fulfil them has accordingly been delegated to him/her by the Council

SOURCE	POWERS	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
Roles & Responsibilities Policy	Organising the majority party in Council in order to ensure that the party operates effectively as part of the democratic processes of Council by: (i) Keeping members informed of Council business; (ii) Securing attendance of members at Council, committee and caucus meetings; (iii) Providing party representatives on	Council	Chief Whip	

	the structures of Council; (iv) Managing speakers on behalf of the majority party in debates and responses; (v) Ensuring party discipline with regard to voting.			
	Manage relationships between leadership and rank and file of the party by facilitating communication and acting as an intermediary	Council	Chief Whip	
	Managing relationships with other parties through co-operation and "deal making" to ensure the smooth functioning of council	Council	Chief Whip	
	Co-operate and communicate with the Speaker to manage the business of council through: (i) The arrangement of speaking rights and times available to the parties in council; (ii) The length of time available for debates; (iii) Length of specific speeches; and (iv) Introduction of matters of exigency and motions, etc.	Council	Chief Whip	
	Oversight of the performance of ward councillors and reporting to the majority party thereon	Council	Chief Whip	
Standing Rules & Orders	The powers and authority to enable the Chief Whip to fulfil the functions allocated to him / her by the Roles & Responsibilities Policy including such functions necessary ancillary to the aforesaid functions	Council	Chief Whip	

POWERS DELEGATED TO THE MUNICIPAL MANAGER ("MM")

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

SECTION IN ACT	FUNCTION	DELEGATING AUTHORITY	DELEGATED BODY	SUB-DELEGATION & CONDITIONS [format table size]	
23 (1) MSA	The undertaking of developmentally-orientated planning to ensure that the municipality achieves the objects of local government in section 152 of the Constitution, gives effect to its developmental duties as required by section 153 of the Constitution and the contribute to the progressive realisation together with other organs of state of the fundamental rights contained in sections 24, 25, 26, 27, and 29 of the Constitution	Council	MM	DTPS	
38 & 41 MSA	The establishment of a performance management system	Council	MM		
46 MSA	The preparation of the annual performance reports	Council	MM	DTPS	
55 (1) MSA	The formation and development of an economical, effective, efficient and accountable administration (a) Operating in accordance with the Municipality's performance management system in accordance with Chapter 6 of Systems Act; and (b) Responsive to the needs of the local	Council	MM	Directors	

	community to participate in the affairs of the Municipality					
	The management of the administration in accordance with the MSA and other legislation applicable to the Municipality	Council	MM	Directors		
	The implementation of the Municipality's integrated development plan, and the monitoring of progress with implementation of the plan	Council	MM	Directors		
	The management of the provision of services to local community in a suitable and equitable manner	Council	MM	Directors		
	The appointment of staff other than the Municipal Manager and Directors, subject to the provisions of the Employment Equity Act, 1998 (Act 55 of 1998)	Council	MM	The appointment of staff may not be delegated to an acting municipal manager		
	The effective management, utilization and training of staff	Council	MM	Directors		
	The maintenance of discipline of staff	Council	MM	In terms of the Code of Conduct and the Disciplinary Code and Bargaining Council Agreements. Delegation to Directors limited to processes leading to discipline, sanction remains the municipal manager's authority		
	The promotion of sound labour relations and compliance by the Municipality with applicable labour legislation	Council	MM	Directors and the LLF		
	Advising the political structures and political office bearers of the Municipality	Council	MM	Directors i.r.o. Committees & MM. i.r.o EXCO and Council.		
	Managing communications between the administration and its political structures and political office bearers	Council	MM			
	Carrying out the decisions of the political structures and political office bearers of the Municipality	Council	MM	Directors		

	The administration and implementation of the Municipality's by-laws and other legislation	Council	MM	Directors	
	Facilitating participation by the local community in the affairs of the Municipality	Council	MM	Directors	
	Developing and maintaining a system whereby community satisfaction with municipal services is assessed	Council	MM	Directors's office ensures coordination, maintenance and reporting	
	The implementation of national and provincial legislation applicable to the Municipality	Council	MM	Directors	
55(2) MSA	As accounting officer of the Municipality, the Municipal Manager is responsible and accountable for- (a) all income and expenditure of the Municipality; (b) all assets and the discharge of all liabilities of the Municipality; and (c) proper and diligent compliance with applicable municipal finance management legislation	Council	MM	Directors ensure coordination, maintenance and reporting	
57(1) MSA Chapter 2 Performance Regulations	The conclusion of the employment contract of a director	Council	MM		
57(2) MSA Chapter 3 Performance Regulations	The conclusion of a performance agreement with a director within 60 days of his / her appointment and annually thereafter within one month after the beginning of the financial year	Council	MM		
59 MSA	Develop a system of delegation that will maximise administrative and operational efficiency and provide for adequate checks and balances	Council	MM		
66(1) MSA	Within a policy framework determined by the Council and subject to any applicable legislation, to:	Council	MM	DCS Corporate Services	

	(a) develop a staff establishment for the Municipality and submit the staff establishment to the Council for approval; (b) provide a job description for each post on the staff establishment; (c) attach to those posts the remuneration and other conditions of service for each post on the staff establishment in accordance with applicable labour legislation or any collective agreement; and (d) regularly evaluate the staff establishment and the remuneration and conditions of service			Directorate is responsible for all the processes leading to the appointment of staff, the municipal manager approves the appointment of staff	
4 Appointment Regulations	The review of the Municipality's staff establishment as prescribed	Council	MM	DCS	
67 (1) & (2) MSA	Develop and adopt appropriate systems and procedures, in accordance with applicable law and subject to any applicable collective agreement and labour legislation, consistent with any uniform standards prescribed in terms of section 72(1)(c), to ensure fair, efficient, effective and transparent personnel administration	Council	MM	DCS	
67 (4) MSA	On written request by a staff member, to make a copy of or extract from the staff systems and procedures of the Municipality, including any amendments, available to that staff member	Council	MM	Director: Corporate Services	
67 (4) MSA	To ensure that the purpose, contents and consequences of the staff systems and procedures of the Municipality and the code of conduct for officials are explained to staff members who cannot read	Council	MM	Director: Corporate Services	
96(a) & (b) MSA	To collect monies due and payable to it, subject to the MSA and any other legislation and for this purpose, must adopt, maintain and implement a credit control and debt collection	Council	MM	CFO	

	policy, which is consistent with the rates, and tariff policies				
97(g) MSA	The termination or restriction of services when payments are in arrears	Council	MM	CFO	
98 MSA	To differentiate between different categories of ratepayers, users of services, debtors, taxes, services, service standards and any other matters as long as such differentiation does not amount to unfair discrimination	Council	MM	CFO	
103(a) MSA	Credit an account holder for a payments made and issue a receipt as acknowledgement for such payment	Council	MM	CFO	
109(2) MSA	To compromise or compound any legal action, claim or proceedings, and to submit to arbitration any matter other than a matter involving a decision on the status, powers or duties of the Municipality or the validity of its acts or by-laws	Council	MM		
85 (3-4) Housing Act	To approve, subject to certain conditions if necessary, applications for the demolishing / alterations of houses or buildings used for residential purposes, excluding buildings older than fifty years, historically declared buildings and other questionable cases after consultation with the relevant director	Council	MM	DTPS (Director advises the MM, who has ultimate authority)	
Reg. 41 (b) & 44 (4) of the Road Traffic Act	The power to comment to the Local Road Transport Council on applications for public road transport permits in consultation with the Manager responsible for this purpose	Council	MM	DCSS	
Removal of Restrictions Act 1967	Comment in respect of the removal of restrictions in terms of the Removal of Restrictions Act	Council	MM	DTPS	

Occupational Health and Safety Act (sect 16)	Authority and duty to ensure that the Municipality adheres to the stipulations of the Occupational Health and Safety Act, 1993 (Act 35 of 1993)	Council	MM	DCS	
Regulation of Gatherings Act 205/93	To grant approval for the holding of public gatherings and demonstrations	Council	MM	CAPA (as deputy responsible officer)	
Regulation of Gatherings Act 205/93	To act as responsible officer in terms of the provisions of the Regulation of Gatherings Act, 1993 (Act NO 205 OF 1993)	Council	MM	CAPA (as deputy responsible officer)	
35 (1) MPRA	Designate officials of the Municipality or persons in private practice as data-collectors to assist the municipal valuer	Council	MM	CFO	
49(1) & (2) MPRA	Within 21 days of receipt, to publish, disseminate and serve copies of a notice that the roll is open for inspection and inviting objections, in the manner prescribed in s49(1)(a),(b) & (c) of the MPRA	Council	MM	CFO	
50 MPRA, 54 MPRA, 61 MPRA, 66 MPRA	To assist with the process of objections to and appeals against the valuation of properties	Council	MM	CFO	
56 of SPLUMA	The powers and authority to enable the Municipal Manager to fulfil the functions allocated to him / her by the provisions of SPLUMA including such functions necessary ancillary to the aforesaid functions	Council	MM	DTPS	
7(1) MFMA	Deciding to open a bank account for the Municipality.	Council	MM		
	Deciding at which bank/banks to open a bank account.	Council	MM	CFO	
	Deciding to close a bank account.	Council	MM	CFO	
7(2) MFMA	Determining into which bank account money	Council	MM	CFO	

	collected or received by the Municipality must be deposited.				
8(1) MFMA	Designating a bank account of the Municipality as the Municipality's primary bank account	Council	MM	CFO	
8(5) MFMA	Submission of the Municipality's primary bank account details, and any impending change thereof to National Treasury, Provincial Treasury and the Auditor – General	Council	MM	CFO	
8(3) MFMA	Determining the reasonable steps to be taken to ensure that the prescribed money received is paid into the Municipality's primary bank account	Council	MM	CFO	
9(a) MFMA	Submission of the prescribed details regarding any new bank accounts opened for the Municipality to the Provincial Treasury and the Auditor – General	Council	MM	CFO	
9(b) MFMA	Submission of the details of the Municipality's bank accounts annually before the start of a financial year to the Provincial Treasury and the Auditor – General	Council	MM	CFO	
10(1)(a) MFMA	Administration of the Municipality's bank accounts	Council	MM	CFO	
10(2) MFMA	Enforcing compliance with sections 7, 8 and 11 of the MFMA	Council	MM	CFO	
11(1) MFMA	Written authorisation to the municipal manager, CFO or senior financial official to withdraw or authorise the withdrawal of money from the Municipality's bank account for the purpose outlined in terms of section 11 of the MFMA	Council	MM	CFO	

11(4) MFMA	Prepare and table a quarterly consolidated report of all withdrawals made in terms of section 11 (1) (b) to (j) of the MFMA from the Municipality's bank accounts in the Council and submit a copy to the Provincial Treasury and the Auditor – General	Council	MM	CFO	
12 (2) MFMA	Deciding to open a separate bank account in the name of the Municipality for the purpose of a relief, charitable, trust or other fund	Council	MM		
12(4) MFMA	Issue written authority to withdraw money without appropriation in terms of an approved budget from a bank account opened for the purpose of a relief, charitable, trust or other fund	Council	MM	CFO	
13(2) MFMA 60(2) of the MSA	Establishing an appropriate and effective cash management and investment policy for the Municipality	Council	MM	CFO	
14 (4) MFMA	The transfer of ownership or otherwise disposal of a movable capital asset below the value of R1000 000.00 that is not needed to provide the minimum level of basic municipal services	Council	MM	CFO [close condition cell and move to conditions] Must determine that asset is not needed to provide the minimum level of basic municipal services.	
17(3)(b) MFMA	Prepare measurable performance objectives for revenue from each source and for each vote in the budget taking into account the municipality's integrated development plan	Council	MM	CFO	
22 MFMA	Make public the annual budget, invite the local community to submit representations in connection therewith and submit same to the national and provincial treasuries and other municipalities affected by the budget	Council	MM	CFO	

24 (3) MFMA	Submission of the approved annual budget to the National Treasury and Provincial Treasury	Council	MM	CFO	
26 (4) MFMA	Obtain the approval of the MEC responsible for finance to withdraw funds from the Municipality's bank accounts, if a budget has not been approved on or before 1 July of each year	Council	MM		Subject to section 11 of the MFMA
31(c) & (d) MFMA	Issuing the certificate specifying that actual revenue for the financial year concerned is expected to exceed budgeted revenue and that sufficient funds are available for exceeding the amount appropriated for a specific capital programme without incurring further borrowing beyond the annual budget limit and obtain the Mayor's approval for exceeding the amount	Council	MM		
31(e) MFMA	Submitting the certificate in s31(c) & (d) to the provincial treasury and the Auditor- General	Council	MM		
32 (1) MFMA	Identifying the identity of the person who is liable for unauthorised, irregular or fruitless and wasteful expenditure	Council	MM		
32 (4) MFMA	Inform the Mayor, the MEC for local government and the Auditor-General, in writing of any unauthorized, irregular or fruitless and wasteful expenditure incurred by the Municipality, whether any person is responsible or under investigation for such unauthorized, irregular or fruitless and wasteful expenditure and the steps that have been taken to recover or rectify such expenditure and to prevent a recurrence of such expenditure	Council	MM		
10(1) Regulations on Financial	Reporting an alleged financial offence by any person referred to in section 173 of the MFMA, to the SAPS	Council	MM	Directors	In consultation with the MM

Misconduct and Criminal Proceedings, 2014					
10(1) Regulations on Financial Misconduct and Criminal Proceedings, 2014	Reporting the judgment, where a financial offence is successfully prosecuted, to the National Treasury, together with full details of the convicted person, the name of the municipality where the offence was committed and the sanction that was imposed	Council	MM	Directors	In consultation with the MM
32 (6) MFMA	Determine whether an alleged irregular expenditure falls to be reported to the SAPS	Council	MM	DCS	
	Determine whether an alleged theft and fraud occurred in the Municipality	Council	MM		
	Report alleged irregular expenditure that constitutes a criminal offence and alleged theft and fraud which occurred in the Municipality to the SAPS	Council	MM		
34 (1) MFMA	Entering into an agreement with the national or provincial government to assist the Municipality to build its capacity for efficient, effective and transparent financial management	Council	MM		
34 (3)(a) MFMA	Considering the results of the provincial government's monitoring of the Municipality	Council	MM		
37 (1)(a) MFMA	Determining the steps the Municipality must take to promote co-operative government with the national and provincial spheres of government and other municipalities in the Municipality's fiscal and financial relations	Council	MM	In consultation with the Mayor, the function is also delegated to the Mayor	
37 (2) MFMA	Determine the projected amount of any allocation proposed to be transferred to another Municipality during each of the next three financial years and notifying the receiving	Council	MM	CFO	

	Municipality thereof				
45 (2)(b) MFMA	Signing a debt agreement or other document which creates or acknowledges any short term debt	Council	MM		
46 (2)(b) MFMA	Signing a debt agreement or other document which creates or acknowledges any long-term debt	Council	MM		
54 (1)(d) MFMA	Determine the (proposed) remedial or corrective steps to deal with any serious financial problems facing the Municipality	Council	MM		
60 (b)(i) MFMA	Provide guidance and advice on compliance with the MFMA to the political structures, political office-bearers and officials of the Municipality	Council	MM	CFO	
61 (1)(b) MFMA	Disclose to the Council and the Mayor all material facts which are available or reasonably discoverable, and which in any way might influence the decisions or actions of the Council or the Mayor	Council	MM	CFO	
62(1)(a) MFMA	Deciding the reasonable steps to be taken to ensure that that the resources of the Municipality are used effectively, efficiently and economically	Council	MM	CFO	
62(1)(b) MFMA	Deciding the reasonable steps to be taken to ensure that that full and proper records of the Municipality's financial affairs are kept in accordance with any prescribed norms and standards	Council	MM	CFO	
62(1)(c)(i) MFMA	Deciding the reasonable steps to be taken to ensure that that the Municipality has and maintains effective, efficient and transparent systems of financial and risk management and	Council	MM	Directors	

	internal control				
62(1)(c)(ii) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains effective, efficient and transparent systems of internal audit operating in accordance with any prescribed norms and standards	Council	MM		
62(1)(d) MFMA	Deciding the reasonable steps to be taken to ensure that unauthorised, irregular or fruitless and wasteful expenditure and other losses are prevented	Council	MM	CFO & DCS	
62(1)(e) MFMA	Deciding the reasonable steps to be taken to ensure that disciplinary or, when appropriate, criminal proceedings are instituted against any official of the Municipality who has allegedly committed an act of financial misconduct or an offence in terms of Chapter 15 of the MFMA	Council	MM	CFO	
62(1)(f)(i) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and implements a tariff policy referred to in section 74 of the Municipal Systems Act	Council	MM	CFO	
62(1)(f)(ii) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and implements a rates policy as required in terms of section 3 of the MPRA	Council	MM	CFO	
62(1)(f)(iii) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and implements a credit control and debt collection policy referred to in section 96(b) of the Systems Act	Council	MM	CFO	
62(1)(f)(iv) MFMA	Deciding the reasonable steps to be taken to ensure that that the Municipality has and implements a supply chain management policy in accordance with Chapter 11 of the MFMA	Council	MM	CFO	

63(2)(a) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a management, accounting and information system that accounts for the assets and liabilities of the Municipality	Council	MM	CFO	
63(2)(b) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality's assets and liabilities are valued in accordance with standards of generally recognised accounting practice	Council	MM	CFO	
63(2)(c) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a system of internal control of assets and liabilities, including an asset and liabilities register, as may be prescribed	Council	MM	CFO	
64(2)(a) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has effective revenue collection systems consistent with section 95 of the Systems Act and the Municipality's credit control, debt collection, rates and tariff policies	Council	MM	CFO	
64(2)(b) MFMA	Deciding the reasonable steps to be taken to ensure that revenue due to the Municipality is calculated on a monthly basis	Council	MM	CFO	
64(2)(c) MFMA	Deciding the reasonable steps to be taken to ensure that accounts for municipal tax and charges for municipal services are prepared on a monthly basis, or less often as may be prescribed where monthly accounts are uneconomical	Council	MM	CFO	
64(2)(d) MFMA	Deciding the reasonable steps to be taken to ensure that all money received is promptly deposited in accordance with the MFMA into	Council	MM	CFO	

	the Municipality's primary and other bank accounts				
64(2)(e) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a management, accounting and information system which recognises revenue when it is earned and accounts for debtors and for receipts of revenue	Council	MM	CFO	
64(2)(f) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a system of internal control in respect of debtors and revenue	Council	MM	CFO	
64(2)(g) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality charges interest on arrears, except where the Council has granted exemptions in accordance with its budget-related policies and within a prescribed framework	Council	MM	CFO	
64(2)(h) MFMA	Deciding the reasonable steps to be taken to ensure that all revenue received by the Municipality, including revenue received by any collecting agent on its behalf, is reconciled at least on a weekly basis	Council	MM	CFO	
64(3) MFMA	Informing the National Treasury of any payments due by an organ of state to the Municipality in respect of municipal tax or for municipal services, if such payments are regularly in arrears for periods of more than 30 days.	Council	MM	CFO	
64(4)(a) MFMA	Deciding the reasonable steps to be taken to ensure that any funds collected by the Municipality on behalf of another organ of state is transferred to that organ of state at least on a weekly basis	Council	MM	CFO	

64(4)(b) MFMA	Deciding the reasonable steps to be taken to ensure that funds collected by the Municipality on behalf of another organ of state are not used for purposes of the Municipality	Council	MM	CFO	
65(2)(a) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains an effective system of expenditure control, including procedures for the approval, authorisation, withdrawal and payment of funds	Council	MM	CFO	
65(2)(b) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a management, accounting and information system which recognises expenditure when it is incurred and that accounts for creditors of, and payments made by, the Municipality	Council	MM	CFO	
65(2)(c) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a system of internal control in respect of creditors and payments	Council	MM	CFO	
65(2)(d) MFMA	Deciding the reasonable steps to be taken to ensure that payments by the Municipality are made directly to the person to whom it is due unless agreed otherwise for reasons as may be prescribed and either electronically or by way of non-transferable cheques	Council	MM	CFO	
65(2)(e) MFMA	Deciding the reasonable steps to be taken to ensure that all money owing by the Municipality be paid within 30 days of receiving the relevant invoice or statement, unless prescribed otherwise for certain categories of expenditure	Council	MM	CFO	
65(2)(f) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality complies with its tax, levy, duty, pension, medical aid, audit fees	Council	MM	CFO	

	and other statutory commitments				
65(2)(g) MFMA	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	Council	MM	CFO	
65(2)(h) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality's available working capital is managed effectively and economically in terms of the prescribed cash management and investment framework	Council	MM	CFO	
65(2)(i) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality's supply chain management policy is implemented in a way that is fair, equitable, transparent, competitive and cost-effective	Council	MM	CFO	
65(2)(j) MFMA	Deciding the reasonable steps to be taken to ensure that all financial accounts of the Municipality are closed at the end of each month and reconciled with its records	Council	MM	CFO	
66 MFMA	Reporting to the Council on all expenditure incurred by the Municipality on staff salaries, wages, allowances and benefits, and in a manner that discloses such expenditure per type of expenditure	Council	MM	CFO	
67 (1) MFMA	Satisfy himself/herself, before entering into an agreement with an organisation or body outside any sphere of government to whom funds of the Municipality stand to be transferred otherwise than in compliance with commercial or other business transaction, that it complies with the criteria in s67(1)	Council	MM		
67 (2) MFMA	Obtaining the approval of the provincial	Council	MM		

	treasury to transfer funds of the Municipality to an organisation or body outside any sphere of government otherwise than in compliance with a commercial or other business transaction which has not complied with s67(1)				
67 (3) MFMA	Enforce compliance with s67(1) MFMA	Council	MM		
67 (4) MFMA	Determine whether an organisation or body outside any sphere of government to whom funds of the Municipality stand to be transferred otherwise than in compliance with a commercial or other business transaction is an organisation or body serving the poor or used by government as an agency to serve the poor	Council	MM		
68 (a) & (b) MFMA	Assist the Mayor and provide administrative support, resources and information required by the Mayor to perform the budgetary steps assigned to the Mayor	Council	MM	CFO	
69 (1)(a) MFMA	Take the reasonable steps required to ensure that the spending of funds is in accordance with the budget and is reduced as necessary when revenue is anticipated to be less than projected in the budget or in the service delivery and budget implementation plan	Council	MM	Directors	
69 (1)(b) MFMA	Take the reasonable steps required to ensure that revenue and expenditure are properly monitored.	Council	MM	CFO	
69(2) MFMA	Determining whether it is necessary to prepare an adjustments budget	Council	MM	CFO	
	Preparing an adjustments budget and submitting it to the Mayor for consideration and tabling in the Council	Council	MM	CFO	
69(3)(a) MFMA	Preparing and submitting, within 14 days after the approval of the Municipality's annual	Council	MM	DTPS	

	budget, a draft service delivery and budget implementation plan for the budget year				
69(3)(b) MFMA	Preparing and submitting, within 14 days after the approval of the Municipality's annual budget, drafts of the annual performance agreements as required in terms of section 57(l)(b) of the Systems Act for the Municipal Manager and all senior managers	Council	MM	DTPS	
70 (1) MFMA	Reporting in writing to the Municipal Council any impending shortfalls in budgeted revenue and overspending of the Municipality's budget and any steps taken to prevent or rectify such shortfalls or overspending	Council	MM	CFO	
70 (2) MFMA	Inform National Treasury if the Municipality's bank account or, if the Municipality has more than one bank, the consolidated balance in those bank accounts, shows a net overdrawn position for a period exceeding a prescribed period	Council	MM	CFO	
71 (1) MFMA	Submit to the Mayor and provincial treasury, within 10 working days after the end of each month, a statement in the prescribed format on the state of the Municipality's budget	Council	MM	CFO	
71 (5) MFMA	Submit to the national or provincial organ of state or Municipality which transferred an allocation during any particular month to the Municipality within 10 working days after the end of the month concerned a statement indicating the amount of any allocations, excluding expenditure on its share of the local government equitable share and allocations exempted by the annual Division of Revenue Act from compliance with this requirement.	Council	MM	CFO	
72 (1)(a) MFMA	Assess the Municipality's performance during	Council	MM	DTPS	

	the first half of each financial year				
72 (1)(b) MFMA	Submit the mid-year performance assessment report to the Mayor, the National Treasury and the Provincial Treasury	Council	MM	DTPS	
72 (3) MFMA	Determine whether it is necessary to recommend that an adjustments budget be considered and whether revised projections for revenue and expenditure are necessary	Council	MM	CFO	
73 (a) MFMA	Inform the provincial treasury of any failure by the Council to adopt or implement a budget-related policy or a supply chain management policy	Council	MM	CFO	
73 (b) MFMA	Inform the provincial treasury of any non-compliance by a political structure or political office-bearer of the Municipality with a budget-related policy or the supply chain management policy	Council	MM		
74 (1) MFMA	Submit to the National Treasury, the provincial treasury, the department for local government and the Auditor-General such information, returns, documents, explanations and motivations as may be prescribed or as may be required	Council	MM	CFO	
74 (2) MFMA	Report the municipal manager's inability to comply with any of the responsibilities in terms of the MFMA, together with reasons, to the Mayor and the provincial treasury	Council	MM		
75 (1) & (2) MFMA	Ensure that the required documents are uploaded to, and available on, the Municipality's website within five days after its tabling in the Council or on the date on which it must be made public, which ever occur first	Council	MM	DCS	

77 (1) MFMA	Decide to designate any officials other than those listed in section 77(1)(a) to (c) of the MFMA as "top management"	Council	MM		
79 (1)(a) MFMA	Develop an appropriate system of delegation that will maximise administrative and operational efficiency and provide adequate checks and balances in the Municipality's financial administration for the proper application of the MFMA	Council	MM	CFO	
79 (1)(b) MFMA	Delegate to a member of 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 any powers or duties reasonably necessary to assist the accounting officer to take reasonable or appropriate steps to ensure achievement of the aims of a specific provision of the MFMA	Council	MM		
79 (1)(c) MFMA	Regularly review delegations issued to a member of the Municipality's Top Management or any other official of the Municipality and, if necessary, amend or withdraw any of those delegations	Council	MM		
79 (2) MFMA	Review and confirm, vary or revoke any decision taken in consequence of a delegation or a sub delegation in terms of the MFMA	Council	MM		
80 (1)(b) MFMA	Allocate officials of the Municipality to the CFO	Council	MM		
83 (2) MFMA	Provide the resources or opportunities to be made available for the training of the municipal manager, the CFO, directors and other financial officials to meet the prescribed financial management competency levels	Council	MM	DCS	
111 & 115 MFMA	Making and implementing a supply chain	Council	MM	CFO & Bid Adjudication,	

	management policy for the Municipality			Evaluation, Specification & Documentation Committees	
4 & 5 Municipal Supply Chain Management Regulations, 2005	Such additional powers and duties to enable the municipal manager to: (a) to discharge the supply chain management responsibilities conferred on accounting officers in terms of - (i) Chapter 8 or 10 of the MFMA; and (ii) the supply chain management policy of the Municipality; (b) to maximise administrative and operational efficiency in the implementation of the supply chain management policy; (c) to enforce reasonable cost-effective measures for the prevention of fraud, corruption, favouritism and unfair and irregular practices in the implementation of the supply chain management policy; and (d) to comply with his or her responsibilities in terms of section 115 and other applicable provisions of the MFMA.	Council	MM	CFO & Bid Adjudication Committee, Evaluation, Specification & Documentation Committees	
113(1) MFMA	Deciding whether to consider an unsolicited bid received outside the Municipality's normal bidding process	Council	MM		
114 (1) MFMA	Submit a report to the Auditor-General, the provincial treasury and the National Treasury on the reasons why a tender other than the one recommended in the normal course of implementing the supply chain management policy of the Municipality is approved	Council	MM		
115 (1)(b) MFMA	Determining the reasonable steps that must be taken to ensure that proper mechanisms and separation of duties in the supply chain management system are in place to minimise	Council	MM	CFO	

	the likelihood of fraud, corruption, favouritism and unfair and irregular practices				
116(2)(a) MFMA	Determining the reasonable steps that must be taken to ensure that a contract or agreement procured through the supply chain management policy of the Municipality is properly enforced	Council	MM	CFO	
116(2)(b) MFMA	Monitoring the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis	Council	MM	All Directors, the CFO coordinates the information	
116(2)(c) MFMA	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	Council	MM	Directors	
	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	Council	MM	CFO	
116(2)(d) MFMA	Regularly report to the Council regarding the management of contracts and/or agreements and the performance of contractors.	Council	MM	CFO & Directors	
	Determining the frequency/regularity of reports to be submitted to the Council regarding the management of contracts and/or agreements and the performance of contractors.	Council	MM	CFO	
116(3)(a) MFMA	Tabling the reasons for the proposed amendment of a contract or agreement procured through the supply chain	Council	MM	CFO	

	management policy of the Municipality in the Council				
116(3)(b) MFMA	Giving the local community reasonable notice of the intention to amend a contract or agreement procured through the supply chain management policy of the Municipality and inviting the local community to submit representations to the Municipality	Council	MM	CFO	
119(2) MFMA	Determining the resources or opportunities to be made available for the training of officials involved in the implementation of the supply chain management policy of the Municipality to meet the prescribed competency levels	Council	MM	CFO	
32 Municipal Supply Chain Management Regulations, 2005	Deciding to procure goods or services for the municipality under a contract secured by another organ of state in compliance with regulations 32(1)(a) to (d)	Council	MM		
36 (1) (a) Municipal Supply Chain Management Regulations, 2005	Deciding to dispense with the official procurement processes established by the policy and to procure any required goods or services through any convenient process, which may include direct negotiations but only – (i) in an emergency; (ii) if such goods or services are produced or available from a single provider only; (iii) for the acquisition of special works of art or historical objects where specifications are difficult to compile; (iv) acquisition of animals for zoos; or (v) in any other exceptional case where it is impractical or impossible to follow the official procurement processes	Council	MM		
36 (1) (b) Municipal Supply	Deciding to ratify any minor breaches of the procurement processes by an official or	Council	MM		

Chain Management Regulations, 2005	committee acting in terms of delegated powers or duties which are purely of a technical nature				
120(4) MFMA	Deciding to conduct a feasibility study before a public-private partnership is concluded	Council	MM		
120(6)(a) MFMA	Submitting the report on the feasibility study together with all other relevant documents to the Council for a decision, in principle, on whether the municipality should continue with the proposed public-private partnership	Council	MM	CFO	
120(6)(b) MFMA	Making the particulars of the proposed public-private partnership, including the report on the feasibility study and inviting the local community and other interested persons to submit to the Municipality comments or representations in respect of the proposed public-private partnership at least 60 days prior to the meeting of the Council at which the matter is to be considered	Council	MM	CFO	
120(6)(c) MFMA	Soliciting the views and recommendations of the National Treasury, the national department responsible for local government, the responsible national department if the proposed public-private partnership involves the provision of water, sanitation, electricity or any other service as may be prescribed and any other national or provincial organ of state as may be prescribed in respect of the proposed public-private partnership at least 60 days prior to the meeting of the Council at which the matter is to be considered	Council	MM	CFO	
121(1) MFMA	Preparing an annual report for the Municipality in accordance with chapter 12 of the MFMA	Council	MM	DTPS	

121(3)(e) MFMA	Performing an assessment of any arrears on municipal taxes and service charges for inclusion in the Municipality's annual report	Council	MM	CFO	
121(3)(f) MFMA	Performing an assessment of the Municipality's performance against the measurable performance objectives referred to in section 17(3)(b) of the MFMA for revenue collection from each revenue source and for each vote in the Municipality's approved budget for the relevant financial year for inclusion in the Municipality's annual report	Council	MM	CFO	
122(1) MFMA	Preparing annual financial statements which fairly presents the state of affairs of the Municipality, its performance against its budget, its management of revenue, expenditure, assets and liabilities, its business activities, its financial results, and its financial position as at the end of the financial year	Council	MM	CFO	
126(1)(a) MFMA	Submitting the annual financial statements of the Municipality to the Auditor-General on or before 31 August of each year	Council	MM	CFO	
126 (4) MFMA	Receiving a report outlining the reasons for the delay from the Auditor-General if he she is unable to complete an audit within three months after submission of the Municipality's annual financial statements	Council	MM		
127(5)(a) MFMA	Publishing the annual report and inviting the local community to submit representations in connection with the annual report	Council	MM	DTPS	
127(5)(b) MFMA	Submitting the annual report to the Auditor-General, the provincial treasury and the provincial department responsible for local government	Council	MM	DTPS	

129 (1) MFMA	Preparing the oversight report containing council's comments on the annual report in compliance with s129(a) to (c)	Council	MM	CAPA	
129(2)(a) MFMA	Attend the meetings of the Council and its committees where the annual report is discussed and respond to questions concerning the report	Council	MM		
129(2)(b) MFMA	Submitting copies of the minutes of meetings of the Municipal Council and its committees where the annual report was discussed to the Auditor-General, the provincial treasury and the provincial department responsible for local government	Council	MM	DTPS	
129 (3) MFMA	Publish the oversight report regarding the annual report	Council	MM	DTPS	
131(1) MFMA	Ensuring that the Municipality addresses all the issues raised in an audit report	Council	MM		
131 (2)(a) MFMA	Submit the Municipality's responses to the issues raised in an audit report to the MEC for local government	Council	MM		
132 (2) MFMA	Submit the Municipality's annual report and oversight report to the provincial legislature	Council	MM	DTPS	
135(3) MFMA	Considering whether the Municipality is, or is likely to, encounter a serious financial problems in meeting its financial commitments	Council	MM	CFO	
135(3)(a) MFMA	Determining the manner of seeking solutions to any serious financial problem encountered or anticipated by the municipality in meeting its financial commitments	Council	MM	CFO	
135(3)(a) MFMA	Defining the solutions to be implemented to solve or avoid any serious financial problem	Council	MM	CFO	

	encountered or anticipated by the municipality in meeting its financial commitments				
135 (3)(c) MFMA	Notifying organized local government of any serious financial problem in meeting its financial commitments experienced or anticipated by the Municipality	Council	MM		
141 (3)(a) MFMA & 144(2)	Participating in consultations with the person or body appointed to prepare a financial recovery plan or an amendment of such plan for the Municipality	Council	MM	CFO	
141 (3)(c) MFMA & 144 (2)MFMA	Commenting on a draft financial recovery plan or an amendment to such plan for the Municipality	Council	MM	CFO	
145(1)(a) MFMA & 146(1)(a) MFMA	Implementing an approved financial recovery plan for the Municipality	Council	MM	CFO	
146(1)(c) MFMA	Reporting monthly to the MEC responsible for finance on the implementation of a financial recovery plan for the Municipality resulting from a mandatory provincial intervention	Council	MM	CFO	
152 (1) MFMA	Deciding to apply to the High Court for an order to stay all legal proceedings, including the execution of legal process, to persons claiming money from the Municipality if the Municipality is unable to meet its financial commitments	Council	MM	CFO	
152 (2) MFMA	Giving notice of an application by the Municipality to the High Court for an order to stay all legal proceedings, including the execution of legal process, to persons claiming money from the Municipality if the Municipality is unable to meet its financial commitments	Council	MM	CFO	

153 (1)(a) MFMA	Deciding to apply to the High Court for an order to stay, for a period not exceeding 90 days at a time, all legal proceedings, including the execution of legal process, by persons claiming money from the Municipality	Council	MM		
153 (1)(b) MFMA	Deciding to apply to the High Court for an order to suspend the Municipality's financial obligations to creditors, or any portion of those obligations, until the Municipality can meet those obligations	Council	MM		
153 (1)(c) MFMA	Deciding to apply to the High Court for an order to terminate the Municipality's financial obligations to creditors, and to settle claims in accordance with a distribution scheme referred to in section 155 of the MFMA	Council	MM		
153 (3) (a) MFMA	Giving notice of an application in the High Court for an order to suspend the Municipality's financial obligations, or any portion of those obligations, until the Municipality can meet those obligations to creditors and organised labour	Council	MM	CFO & DCS	
165 (1) & (3) MFMA	Deciding whether to establish an internal audit unit or to outsource the internal audit function	Council	MM		
166(1) & (6) MFMA	Deciding to establish an audit committee for the municipality only or Municipality and the local municipalities within the district municipal area	Council	MM		
167 (2)(a) MFMA	Recover any amount paid or given in cash or in kind to a person as a political office-bearer or as a member of political structure of the Municipality otherwise than in accordance with the framework of the Public Office-Bearer Act, 1998 (Act No. 20 of 1998), including any bonus, bursary, loan advance or other benefit	Council	MM	CFO	

171 (4)(a) MFMA	Investigating any allegations of financial misconduct against the Chief Financial Officer, a senior manager or other official of the Municipality	Council	MM		
171 (4)(a) MFMA	Deciding whether an allegation of financial misconduct against the Chief Financial Officer, a senior manager or other official of the Municipality is frivolous, vexatious, speculative or obviously unfounded	Council	MM		
171(4)(b) MFMA	Deciding whether an investigation of an allegation of financial misconduct against the Chief Financial Officer, a senior manager or other official of the Municipality revealed anything that warrants the institution of disciplinary proceedings	Council	MM		
mSCOA	The powers and authority to enable the Municipal Manager to fulfil the functions allocated to him / her by mSCOA including such functions necessary ancillary to the aforesaid functions	Council	MM	Top Management	
Regulations on Financial Misconduct and Criminal Proceedings, 2014	The powers and authority to enable the Municipal Manager to fulfil the functions allocated to him / her by the Regulations on Financial Misconduct and Criminal Proceedings, 2014 including such functions necessary ancillary to the aforesaid functions	Council	MM	Directors	
4 Regulations on Financial Misconduct and Criminal Proceedings, 2014	The establishment of a disciplinary board to investigate allegations of financial misconduct in the Municipality and to monitor the institution of disciplinary proceedings against an alleged transgressor	Council	MM	DCS	
PAIA & POPI	The powers and authority to enable the official	Council	MM	MSS	

	to fulfil the functions allocated to him / her by PAIA and POPI including such functions necessary ancillary to the aforesaid functions				

POWERS DELEGATED TO THE MUNICIPAL MANAGER BY THE COUNCIL

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

SOURCE	FUNCTION	DELEGATING AUTHORITY	DELEGATED BODY	SUB-DELEGATIONS & CONDITIONS
Roles & Responsibilities Policy	The powers and authority to enable the Municipal Manager to fulfil the functions allocated to him / her by the Roles & Responsibilities Policy including such functions necessary ancillary to the aforesaid functions	Council	MM	
Standing Rules & Orders	The powers and authority to enable the Municipal Manager to fulfil the functions allocated to him / her by the Standing Rules & Orders including such functions necessary ancillary to the aforesaid functions	Council	MM	
By-laws	The powers and authority to enable the Municipal Manager to fulfil the functions allocated to him / her by the municipality's by-laws including such functions necessary ancillary to the aforesaid functions	Council	MM	
Policies	The powers and authority to enable the Municipal Manager to fulfil the functions allocated to him / her by the municipality's policies including such functions necessary ancillary to the	Council	MM	

	aforesaid functions			
	Approve applications for educational assistance submitted by the employees of the Municipality within the policy framework of the Municipality	Council	MM	DCS
Statute	The powers and authority to enable the Municipal Manager to fulfil the functions allocated to him / her by statute including such functions necessary ancillary to the aforesaid functions	Council	MM	
	To keep custody of all records and documents of the Municipality, except where otherwise provided	Council	MM	
	To commence with any legal process, whether or civil, on behalf of the Municipality and to defend or oppose any legal process, whether criminal or civil, against the Municipality	Council	MM	
	To submit or oppose an appeal to a higher court or other body in respect of a judgment given by a lower court or body concerned	Council	MM	
	To obtain the services of an attorney or advocate for any official purpose	Council	MM	
	To incur expenses to appoint private detectives to obtain evidence in cases of alleged irregularities or misconduct by staff members or Councillors	Council	MM	
	To enforce the Municipality's rights as contained in contracts concluded between the Municipality and other	Council	MM	

	parties which he/she was authorized to sign on behalf of the Municipality, including but not limited to the rights pertaining to penalties, breach of contract, termination of contract and renewal of contracts			
	To approve the attendance by managers at meetings, workshops, seminars, conferences, congresses and similar events and special visits which are to be conducted inside the boundaries of the Republic of South Africa: Provided that the necessary funds are available. The approval of the attendance by officials of meetings, workshops, seminars, conferences, congresses and similar events conducted outside the boundaries of the Republic of South Africa, shall be approved in consultation with the Mayor	Council	MM	
	To sign the following documents: (a) together with the Mayor, the granting of honorary citizenship and freedom of the Municipality; (b) any contract, appointment or document not specified in respect to another delegated body	Council	MM	
	To develop and implement appropriate systems and procedures in accordance with the provisions of the Employment Equity Act, 1998, to ensure fair, efficient, effective and transparent personnel administration, including (a) the recruitment, selection and appointment of persons as staff members; (b) service conditions of staff;	Council	MM	

	(c) the supervision and management of staff; (d) the monitoring, measuring and evaluating of performance of staff; (e) the promotion and demotion of staff; (f) the transfer of staff (g) grievance procedures; (h) disciplinary procedures (i) the investigation of allegations of misconduct and complaints against staff (j) the dismissal and retrenchment of staff; and (k) any other matter prescribed by the regulation in terms of section 72 of the Systems Act.			

POWERS DELEGATED TO TOP MANAGEMENT

SOURCE	FUNCTION	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
By-laws	The powers and authority to enable the members of Top Management to fulfil the functions allocated to him / her by the municipality's by-laws including such functions necessary ancillary to the aforesaid functions	Council	Top Management	
Policies	The powers and authority to enable the members of Top Management to fulfil the functions allocated to him / her by the municipality's policies including such functions necessary ancillary to the aforesaid functions	Council	Top Management	

Organogram	The powers and authority to enable the members of Top Management to fulfil the functions allocated to him / her by the municipality's organogram including such functions necessary ancillary to the aforesaid functions	Council	Top Management	
Supply Chain Management Policy	The powers and authority to enable the members of Top Management to fulfil the functions allocated to him / her by the municipality's Supply Chain Management System including such functions necessary ancillary to the aforesaid functions	MM	Top Management & Committees	
Statute	The powers and authority to enable a the members of Top Management to fulfil the functions allocated to him / her by statute including such functions necessary ancillary to the aforesaid functions	Council	Top Management	
	The powers and authority to enable an official to fulfil the communications and social media functions of the municipality including such functions necessary ancillary to the aforesaid functions	Council	CAPA	
	To enforce the Municipality's by-laws as well as national and provincial legislation applicable to their respective directorates, including the institution of criminal or civil proceedings in respect thereof, and to perform the functions and exercise the powers that vest in the Council in terms thereof	Council	Top Management	

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POWERS DELEGATED TO THE CHIEF FINANCIAL OFFICER:

The functions set out hereunder are allocated to the Chief Financial Officer in terms of the legislation as indicated in column 1 and the Council accordingly delegates the necessary authority to the CFO to enable him/her to implement them

SECTION IN ACT	FUNCTION	DELEGATING AUTHORITY	DELEGATING BODY	CONDITIONS
81 (1)(b) MFMA	Advise the Municipal Manager on the exercise of powers and duties assigned to her/him in terms of the MFMA	Council	CFO	
81 (1)(c) MFMA	Assist the Municipal Manager in administering the Municipality's bank accounts and in the preparation and implementation of the Municipality's budget	Council	CFO	
81 (1)(d) MFMA	Advise Managers and other senior officials in the exercise of powers and duties assigned or delegated to them	Council	CFO	
82(1) MFMA	Deciding to sub-delegate any powers and duties to employees in the Budget and Treasury Office	Council	CFO	
82 (4) MFMA	Review and confirm, vary or revoke any decision taken in consequence of a sub-delegation	Council	CFO	

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ADDITIONAL POWERS DELEGATED TO THE CHIEF FINANCIAL OFFICER

SOURCE	FUNCTION	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
Financial By-laws	To arrange insurance through Municipality's insurance brokers for the insurance of the Municipality's property including fidelity guarantees for cash	MM	CFO	
	To implement and enforce all the Municipality's financial policies and applicable by-laws, and to use all available processes to collect moneys owed to the Municipality in terms of a contract, legislation, court order, decision of the Municipality or any other legal basis	MM	CFO	
	To approve the attendance by officials in the directorate of meetings, workshops, seminars, conferences, congresses and similar events and special visits which are in the interest of the Council and which are to be conducted within the boundaries of the Republic of South Africa: Provided the necessary funds are available	MM	CFO	

	Reporting to the Council on all expenditure incurred by the Municipality on staff salaries, wages, allowances and benefits, and in a manner that discloses such expenditure per type of expenditure	MM	CFO	
	To commerce with a legal process on behalf of the Municipality in respect of the recovery of any money owed to the Municipality for rates, taxes and service charges and in any court, which has jurisdiction, with the inclusion of the signing of all necessary documents in this regard. This includes the power to instruct the Municipality's attorneys, to act on behalf of Municipality in such cases	MM	CFO	In any matter where the claim is opposed or defended the matter shall be handed over to the DCS
	To claim from and make payment to professional persons and firms	MM	CFO	
	To release funds in respect of capital items in terms of the approved capital budget	MM	CFO	
Item 10 Schedule 2 Code of Conduct of the Municipal Staff	To deduct money from a staff member's salary for service charges outstanding for a period longer than 3 months	MM	CFO	
	To apply the conditions of sale as contained in the Municipality's purchase	MM	CFO	

	contracts in the event that the purchasers fail to meet their obligations in terms thereof			
	To finalize insurance claims concerning the Municipality's internal insurance fund	MM	CFO	
	The authority to enforce the penalty clauses contained in Municipality's contracts for the late delivery of goods and services	MM	CFO & Directors	
	To determine a consumer deposit for water and electricity according to policy and relevant legislation	MM	CFO	
Supply Chain Management Policy	To accept quotations for the purchasing of goods and the execution of works to a value equal to the amount as determined in the Supply Chain Management Policy of the Municipality after consulting with the relevant Directorate heads, provided for on the budget in consultation with the relevant committee	MM	CFO	
	To draft the contract with consumers of municipal services	MM	CFO	
	To put in a claim against any insolvent estate, natural person or company under liquidation for monies which may be due to the	MM	CFO	In consultation with Director Corporate Services.

	Council			

POWERS DELEGATED TO THE DIRECTOR CORPORATE SERVICES

SOURCE	FUNCTION	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	To approve the payment of a travelling and subsistence allowance of an applicant for a vacancy when she or he reports for an interview in accordance to Council policy	MM	DCS	
	To authorize medical examinations for persons who claim for damages from Council on account of injuries	MM	DCS	
	In the case of a new appointment, if such an appointee has been obliged to change his place of residence as a result of the appointment, to grant permission in terms of the Council's employment policy for the payment of removal costs in respect of the appointee's movable property: Provided that sufficient proof of such costs that had been incurred, is furnished	MM	DCS	

	To decide about confirming the appointment of an employee that was appointed on probation, on a permanent basis or to extent the probation, on a permanent basis or to extent the probation period in the light of the performance and competence of the appointee, subject to the provisions of the labour legislation	MM	DCS	In consultation with the Director concerned.
	To discharge with proper notice, any temporary employee, whether in a permanent or temporary post, if his services are no longer required, subject to the provisions of the labour legislation	MM	DCS	In consultation with the Director concerned.
	To decide about the acceptance or not of a notice of termination of service received from an employee on a shorter period than the period set in the conditions of service of the employee	MM	DCS	In consultation with the Director concerned.
	To maintain the Municipality's register for lease contracts for immovable property and submit it to Council each year	MM	DCS	
	The authority to allocate municipal buildings that are occupied by the municipality, other organs of state and for commercial purposes	MM	DCS	
	To annually adjust the schedule of uniforms and protective clothing	MM	DCS	

	To keep custody of all records and documents of the Municipality, except where otherwise provided	MM	DCS	
	To decide upon architectonic maintenance, including the provision of funds	MM	DCS	
Skills Development Act	To draft and submit the Skills Development Plan to Council and SETA	MM	DCS	
Skills Development Act	In consultation with the Division Manager Human Resources and the Manager Financial Services, to ensure that all necessary claims for refunds are submitted to SETA	Municipal Manager	DCS	

POWERS DELEGATED TO THE DIRECTOR: TECHNICAL & ENGINEERING SERVICES

SECTION IN ACT	POWER	DELEGATING AUTHORITY	DELEGATED POWER	CONDITIONS
	Removal and replacement of an electricity meter	MM	Director Technical Services	
	Temporary closing of roads and other public sites	MM	Director Technical Services	
	Approval of storm water drainage applications	MM	Director Technical Services	

POWERS DELEGATED TO THE DTPS

SOURCE	FUNCTION	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
56 of SPLUMA	The powers and authority to enable the DTPS to fulfil the functions allocated to him / her by the provisions of SPLUMA including such functions necessary ancillary to the aforesaid functions	MM	DTPS	Subject to the Framework for delegations in terms of SPLUMA
	Prevention of illegal squatting	MM	DTPS	
	Prohibition of works on and use of certain land	MM	DTPS	
	Distribution of occupation certificate	MM	DTPS	
	Application for installation of radio repeaters, except for those that need permanent structures for business	MM	DTPS	
	To consider and approve application for the erection of cellular base stations, high masts and / or structures associated with communication networks as well as access roads leading to these structures, subject to compliance with the Environmental Impact Assessment Regulations according to section 26 of the Environmental Conservation Act, 1989 (Act No3 73 of 1989) and any other appropriate conditions	MM	DTPS	
	To evaluate and approve or reject, conditionally or unconditionally, traffic impact studies submitted by developers for rezoning and development purposes, except for cases where the impact of such developments may have financial implications for Council	MM	DTPS	

POWERS DELEGATED TO THE DCSS

SOURCE	FUNCTION	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	By-laws relating to the licensing of cafes, restaurants, and eating houses	MM	DCSS	
	Street Trading By-laws	MM	DCSS	
	The establishment of crèches and Nursery Schools	MM	DCSS	
	The maintenance of crèches and Nursery Schools located on municipal property	MM	DCSS	
	To serve subpoenas	MM	DCSS	
	Allocates stands to hawkers	MM	DCSS	In consultation with the DTPS
	Permission for pauper funerals	MM	DCSS	
	Allocate parking space for vendors	MM	DCSS	
	Authority to grant approval for the use of public amenities and facilities	MM	DCSS	
	To issue all statutory notices for the elimination of nuisances	MM	DCSS	
	To grant written permission for a caravan to be occupied in a residential area for a period not exceeding 21 days, but in any event not exceeding 4 months	MM	DCSS	

Business Act, 1991 (Act No. 71 of 1991)	To consider applications for the licensing of businesses	MM	DCSS	
	To take necessary readings for the measurement of decibel value as contemplated in regulations 6 of the Noise Control Regulations	MM	DCSS	
	To make decisions in respect of the removal or pruning of trees on the Municipality's property	MM	DCSS	
	The authority to allocate municipal buildings that are not occupied by the municipality and other organs of state to a prospective lessee in compliance with the prescribed framework	MM	DCSS	In consultation with the DCS
	To grant permission for the use of loudspeakers in the street to advertise functions and events, which may take place in terms of the Municipality's policy	MM	DCSS	
	In cases where merits exists, to repay removal and storage costs for impounded vehicles	MM	DCSS	
	To grant permission for parades, athletic and other events to be conducted in a street within the municipal area, as well as for the temporary closing of a street	MM	DCSS	
	To approve participation of the fire and rescue division in public demonstrations, public displays and welfare functions	MM	DCSS	
	To decide on placement of legal, exclusive	MM	DCSS	

	parking bays			
	To decide on the placement of road markings	MM	DCSS	

POWERS DELEGATED TO THE SECTION 79 AND 80 COMMITTEES

FINANCE STANDING COMMITTEE

SOURCE	FUNCTION	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	To consider the Municipality's financial policies, long term financial planning and budgeting of the Municipality. Advise the EXCO and the Council on financial matters such as charges and fees or tariffs, investment of funds, loan redemption and renewal of funds	EXCO	Standing Committee	
	Consider reports involving expenditure not provided for on the budget of the functional units	EXCO	Standing Committee	
	Consider the financial statements and audit reports of the Municipality	EXCO	Standing Committee	
	Monitor all trust and reserve accounts created for a specific purpose	EXCO	Standing Committee	
	Control all accounting and costing work of all Directorates	EXCO	Standing Committee	
	Control the keeping of accounts of the Municipality	EXCO	Standing Committee	

	Advise the EXCO on overall management and the allocation and control of financial and other assets of the Municipality	EXCO	Standing Committee	
	Advise the EXCO on matters relating to the investment of funds, loans, the consolidated capital development	EXCO	Standing Committee	
	Make recommendations on proposed policy to be followed concerning matters falling within this standing committee	EXCO	Standing Committee	

COMMUNITY & SOCIAL SERVICES STANDING COMMITTEE

SOURCE	FUNCTION	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	To oversee and monitor the performance of the Directorate falling within the jurisdiction of this Committee and advise EXCO accordingly	EXCO	Standing Committee	
	To consider and advise the EXCO and Council on all matters related to the functional area of the Committee	EXCO	Standing Committee	
	To ensure that effect is given to all legislation that deals with matters falling within the jurisdiction of this Committee	EXCO	Standing Committee	

TECHNICAL & ENGINEERING SERVICES STANDING COMMITTEE

SOURCE	FUNCTION	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	To oversee and monitor the performance of the Directorate falling within the jurisdiction of this Committee and advise EXCO accordingly	EXCO	Standing Committee	
	To consider and advise the EXCO and Council on all matters related to the functional area of the Committee	EXCO	Standing Committee	
	To ensure that effect is given to all legislation and policy that deals with matters falling within the jurisdiction of this Committee	EXCO	Standing Committee	

CORPORATE & SUPPORT SERVICES STANDING COMMITTEE

SOURCE	FUNCTION	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	To oversee and monitor the performance of the Directorate falling within the jurisdiction of this Committee and advise EXCO accordingly	EXCO	Standing Committee	
	To consider and advise the EXCO and Council on all matters related to the functional area of the Committee	EXCO	Standing Committee	

	To ensure that effect is given to all legislation and policy that deals with matters falling within the jurisdiction of this Committee	EXCO	Standing Committee	
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DTPS STANDING COMMITTEE

SOURCE	FUNCTION	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	To oversee and monitor the performance of the Directorate falling within the jurisdiction of this Committee and advise EXCO accordingly	EXCO	Standing Committee	
	To consider and advise the EXCO and Council on all matters related to the functional area of the Committee	EXCO	Standing Committee	
	To ensure that effect is given to all legislation and policy that deals with matters falling within the jurisdiction of this Committee	EXCO	Standing Committee	

MAYOR	CLLR N MPOSELWA
SPEAKER	CLLR I MOSISIDI
CHIEF WHIP	CLLR V STOKHWE
Chairperson: Finance Standing Committee	[INSERT]
Chairperson: Corporate & Support Service Standing Committee	CLLR G MBONYANA
Chairperson: Community & Social Service Standing Committee	CLLR S NDZONGANA

<i>Chairperson: Development and Town Planning Services - Standing Committee</i>	<i>CLLR V STOKHWE</i>
<i>Chairperson: Technical & Engineering Service Standing Committee</i>	<i>CLLR T DUMZELA</i>
<i>Municipal Manager</i>	<i>M M Yawa</i>
<i>Chief Financial Officer</i>	<i>K Fourie</i>
<i>Director: Corporate & Support Services</i>	<i>T Wonga</i>
<i>Director: Community & Social Services</i>	<i>C N L Gologolo</i>
<i>Director: Development and Town Planning Services</i>	<i>P Bushula</i>
<i>Director: Technical & Engineering Services</i>	<i>R N Crozier</i>