

67 Church Street, Mt Ayliff, 4735
Tel: +27 (0)39 254 6000
Fax: +27 (0) 39 255 0167
Web : www.umzimvubu.gov.za



813 Main Street , Mount Frere
P/ Bag 9020, M t Frere , 5090
Tel: +27 (0)39 255 8500 /166
Fax: +27 (0) 39 255 0167

UMZIMVUBU
LOCAL MUNICIPALITY

DELEGATION OF POWERS



UMZIMVUBU LOCAL MUNICIPALITY

PREAMBLE

Whereas, a municipality as a distinctive, interdependent and interrelated sphere of government, has the right to govern, on its own initiative, the local affairs of its community, subject to national and provincial legislation, as provided in the Constitution;

AND Whereas, a municipality must, within the framework of and in accordance with relevant provisions such as section 53 of the Municipal Systems Act and other applicable legislation, define the specific role and area of responsibility of each political structure and political office bearer of the municipality and of the municipal manager;

AND Whereas, a municipality must in accordance with the relevant provisions of Chapter 7, Part 3 the Municipal System Act, 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 delegate appropriate powers;

AND Whereas, legislative reform and transformation is incomplete without a firm foundation for financial reforms and the Municipal Finance Management Act No. 56 of 2003 provides such a foundation for orderly and sound financial management and practices in the local sphere of government;

AND Whereas, in respect of good governance and to ensure democratic and accountable local government for local communities and based on basic values and principles governing public administration, as required by the Constitution, the Municipal Council of the Umzimvubu Local Municipality, accepts all these responsibilities within the aforementioned legal framework;

Now Therefore, as the executive and legislative authority is exercised by the council of a municipality, the municipality council of Umzimvubu Local Municipality agrees on the following structures:

Legislative Structure

- Council
- Portfolio Standing Committees and Special Purpose Standing Committees in terms of Section 79 of the Municipal Structures Act;

Executive Structure

The following executive structures, above the level of the municipal manager,

- Mayor
- Executive Committee
- Executive Councillors, within the portfolio area.

Furthermore, the municipal Council of Umzimvubu reaffirms the following Vision and Mission Statements based on mutually accepted Core Values:

Vision

Moving to limitless possibilities

Mission

To properly plan and deliver quality and sustainable services to improve the socio-economic status within the broader Umzimvubu community.

Core Values

The councilors and employees of the Umzimvubu Local Municipality will be guided in their actions by the following core values:

*Passion,
Accountability,
Competitive and
Diversity*

DELEGATION OF COUNCIL

1. GENERAL

Legal status: Granting of authority (decision making power) to Standing Committees, Mayor, Speaker, Councillors and Officials. This power to **make** a decision must not be confused with the **execution** of a function, which can only be done by an Official.

(Disregarding **oversight** functions and **mandate**).

2. INTRODUCTION

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

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

It is also a legal Entity in terms of Section 2 (d) of the Municipal Systems Act, and has in terms of section 8 of the Municipal Systems Act all the powers to do anything reasonably necessary for or incidental for the effective performance of its functions and exercising of its powers. Section 11 of the Municipal Systems Act explicitly empowers Council to take all the decisions of the municipality subject to section 59 of the municipal systems act. (delegations of Council).

The Council, in terms of the various Legislation pertaining to Municipalities, must delegate powers and functions to its Committee's and Officials. (Section 59(1), (2) (3) and (4), Section 60(1) and (2), Section 63, 64 and 65 of the Systems Act (act 32/2000). The Municipality is not a creature of statute, but derives its powers in terms of the SA Constitution. (Chapter 7, Section 151(1), (2), (3) and (4) of the Constitution of the Republic of South Africa Act (Act 108 of 1996). Delegation has a specific meaning and in order to understand this, delegation is discussed under the heading "Delegation".

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

3. DEFINITIONS AND ABBREVIATIONS

In this document, unless the context otherwise indicates the following words have the meanings as indicated:

“Delegation” The best definition of delegation is: “The assignment of decision-making responsibility to a subordinate, thereby authorising him/her to exercise his/her delegated authority. The subordinate is held responsible for the way in which he/she exercises his/her delegated authority but the person or institution that delegated the authority remains accountable.”

The Municipal Systems Act as well as the Municipal Finance Management Act defines delegation as follows:

“...in relation to a duty, includes an instruction to perform the duty and ‘delegate’ has a corresponding meaning.”

The Municipal Structures Act defines delegation as follows:

“...in relation to a duty, includes an instruction to perform the duty.”

“LGSA” means Local Government Municipal Structures Act, 1998 (Act 117 of 1998).

“LGMSA” means Local Government Municipal Systems Act, 2000 (Act 32 of 2000).

“LGMFMA” means Local Government Municipal Finance Management Act, 2003 (56 of 2003)

“EXCO” means Executive Committee.

“CFO” means Chief Financial Officer

“Administration” means the Municipal Manager and the other employees of the Municipality;

“after consultation” means with due regard for the views of any person with whom a delegated body is required to consult before he/she exercises a delegated or sub-delegated power;

“Constitution” means the Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996);

“Council” means the Council of the Umzimvubu Local Municipality;

“Delegating authority” in relation to a delegation of a power by the Council, means the Council, and in relation to a sub-delegation of a power by a delegated body, means that delegated body;

“Delegated body” in relation to the delegation of a power means the political structure, political office-bearer or employee to whom a power has been delegated in writing by the delegating authority;

“Executive councillor” means a member of the executive committee to whom the council assigned responsibility for a specific department in the municipality’s administration

“In consultation”	means with the concurrence of the person with whom a delegated body must consult before exercising a delegated or sub-delegated power;
“Power”	includes a duty and a function;
“Political office-bearer”	in relation to the Municipality, means the Speaker and the Mayor elected by the Council in accordance with the provisions of the Structures Act;
“political structure”	in relation to the Municipality, means the Council or any committee or other collective structure of the Municipality elected, designated or appointed in accordance with the provisions of legislation;
“Policy”	means policy approved by the Council
“Structures Act”	means the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998) as amended; and
“Systems Act”	means the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) as amended.

4. DELEGATION

- (1) Council, in terms of the South African Constitution has inherent powers, and may in terms of other Legislation also acquire delegated or statutory powers. Council in some instances may **delegate powers (Decision making powers)** to Committee's / Councillor's / Officials and in terms of **Section 59 of the Systems Act (Act 32 of 2000)**
- (2) delegate powers to Committee's/ Officials. Council derive its Powers and functions mainly from the South African Constitution, Structures, Systems and Municipal Finance Management Act.
- (3) With delegation, it is meant that the Council "transfers" its power to make or take a Resolution to a Committee/ Councillor or Official. The Constitution and other Legislation however, exclude certain delegations, meaning that a Council may **not** delegate certain decision-making functions, but Council **self must**, in these circumstances, take or make the decisions. (For instance, budget approval and making of By-laws etc- **Section 160 (2) of the Constitution**). These powers cannot be delegated even when Council goes into recession)
- (4) This means that the Committee/Official/Councillor will make or take such decisions, as if Council has made it. This however, does not mean that Council may not take or make such decisions, but should Council wish to take such decisions itself, Council will either have to **recall such Delegated Power** in general, or Council will have to **recall such Delegated Power** for a specific case, as once the decision has been taken by the Committee/ Councillor or Official, it is a **final** decision, however Council will always have the power to review such final decision if an Appeal is lodged to Council, or if this decision comes to Council's knowledge and Council is of the opinion that it was a wrong decision. (**See Section 14(3) of the Local Government Municipal Finance Management Act (Act 56 of 2003)**).

Council may in appropriate instances review such decision. Council cannot delegate a power and keep that same power at the same time, unless the delegation given was given for **only specific** events or happenings.

Council however can never "lose" its inherent or Delegated Powers by sub-delegating these powers, but Council, when it delegates these powers, "loses" its decision making function in terms of this power until Council recalls the delegation, or review it or an Appeal is lodged in regard to the exercise of the delegated power. Care must be taken when a decision is reversed as Council/ Official/ Councillor cannot reverse any right that vested as a result of the decision and may be liable for damages. (See also **Section 14(3) of the Local Government Municipal Finance Management Act (Act 56 of 2003)**)

- (4) The Committee or Official can always **refuse** to exercise the Delegated Powers on specific grounds or instances, and refer such decisions back to Council, in which case Council, for purposes of making the decision, will resume full control/power of the Delegated Power for this specific case/instance, where after the Delegated Power will automatically reverts back to the Committee/ Official/ Councillor.
- (5) Powers conferred onto Council may only be delegated where the enabling Legislation specifically or generally provides for such sub-delegation of that power and is normally recognizable through a provision that states that the power is delegated to an official or Committee **or its delegatee** or words similar thereto. Where Council has inherent powers, Council may sub-delegate such powers in the same way, except where such power is specifically prohibited by the enabling Legislation. Council may attach any condition to such delegations given and may revoke, change or amend any delegation at any time.
- (6) All delegations **must be in writing** and must comply with the criteria set out in **sections 59(2) of the Municipal**

Systems Act (act 32/2000) and the Finance Management Act, and/or sections 79(2), 82(3) and 106(2) of the local Government Municipal Finance Management Act (Act 56/2003).

5. GENERAL PRINCIPLES OF DELEGATION

- 5.1 No delegation may be in conflict or in contravention of a Council Resolution or provision embodied in a Municipal Policy documents, by-law or other documents or Legislation.
- 5.2 All delegation must be in accordance with the current Legislation that prevails.
- 5.3 In the case where any expenditure (payment) is incurred in accordance with the exercise of a delegation, the delegatee's signing powers and/or the budgeted amount and/or amount fixed by Council, may not be exceeded.
- 5.4 Any Delegated Power and executed by a delegatee, must comply with Council's Policies at all times and must when exercised be reported to Council in terms of **Section 63 of the Municipal Systems Act (Act 32/2000)**.
- 5.5 Any person properly appointed in writing to act in the place of the holder of delegated powers, (Acting Appointments) may exercise the particular Delegated Power. (Please note that only Council in consultation with the Municipal Manager can appoint acting Municipal Manager, and acting Head of Departments/Managers (**Section 82 of the structures act and section 56 of the systems act**).
- 5.6 In most cases and in particular cases of personnel matters, the Audi Alteram Partem Rule (hear the other party) must be observed, before exercising Delegated Powers.
- 5.7 Delegations, normally is given to a Position (and not to a specific person. Please note that Council can only delegate powers to the Mayor through the Executive Committee or Municipal Manager who in turn will have to sub-delegate these powers if allowed by Council, or where Council created a Committee to deal with a specific issue on behalf of Council (excluding standing Committee's.)
- 5.8 All Delegated Powers executed, must be reported to Council for Council to note at the next Council Meeting, after the Delegated Power was exercised.
- 5.9 Delegated Power cannot be "shared" between two or more people, meaning that even if the person holding the Delegated Power consult with anyone, he/she alone must apply his/her mind and make the decision for which he/she takes the responsibility. Committees with delegated power however apply their minds to a problem and the majority decision (provided a quorum is present), is the decision of the Committee.

6. DELEGATION: WHAT IS DELEGATION?

- 6.1 **What is delegation?** Delegation is a method or system whereby the power granted to a specific person/body are transferred to someone else, and whereby this "someone else", will perform the function of deciding on such matters in place of the original person or body.
- 6.2 Powers can only be delegated if the original power that created the delegation or power authorises this delegation to someone else. This is done where the power to delegate has been formulated in the following fashion: e.g. "The function to decide/resolve on a specific matter must be done by the Council **or** its delegatee.

Where the "or" does not appear, the power cannot be delegated to someone else, unless a specific Section in the Act allows for a general delegation of powers mentioned in that specific Legislation.

- 6.3 In terms of Legislation (Systems Act etc.) this delegation may be authorized generally, meaning most powers given to a Council can be delegated to someone else and may also include a power to this second person to sub-delegate to a third person, except of course where the Council is prohibited to delegate a power/function.
- 6.4 Where however, the general delegation authority names a **specific** person, (Position), the power may not be delegated further, unless clearly stated that it may be sub-delegated, and that specific official must execute the Delegated Power and no one else. The power cannot be sub-delegated any further. Please bear in mind that, any powers that are sub-delegated do not divest the original delegated persons from exercising his/her Delegated Powers, in the same way as a review and/or appeal to the original holder of the power.
- 6.5 Sub-delegation is only possible where the original delegation authorises this specifically. Delegations must comply with **Section 59 of the systems act**, and normally in the following way: "Council may delegate the power to decide on the matter to any Official and/or his/her delegatee. (Bear in mind that delegation of power cafor **administrative purposes** only be delegated to the Municipal Manager because he is the Accounting Officer of Council and Politically (for purposes of oversight) only to the Executive and a Speaker).
- 6.6 Delegated Powers should preferably be attached to an **Office** (designation) and **not a name of a person**.

7. HOW TO EXECUTE DELEGATED POWER

- 7.1 Any person (Official/Councillor) executing Delegated Power, must always keep in mind that his/her decision is an administrative act, and as such subject to the **Audi Alteram Partem Rule (hear the other party)** and to review or appeal to Council and/or the Courts.
- 7.2 When Delegated Powers are executed, the person making the decision must apply his/her mind to the question, and before deciding, he/she must obtain all relevant information and weigh-up this information against the request/complaint.
- 7.3 The complainant/person making the request, must first be heard, together with all the other relevant information, before a Delegated Power is executed.
- 7.4 The delegatee may not create new Policy etc, but must make his/her decision within the ambit of the existing Law/Policy/procedure.
- 7.5 Any person that received Delegated Powers cannot be forced to execute this power. He/she may decide not to execute this delegation, but refer the decision to the original power that delegated the power to him/her (Council), subject thereto that full reasons must be given for this referral to the original power.
- 7.6 The instance that delegated the power to any delegatee, can **recall** this Delegated Power anytime he/she pleases. (Also as a temporary measure or in a specific instance).
- 7.7 Any instance that delegates any power, can attach conditions to such Delegated Powers, and any delegation of

Powers must comply with **Section 59 of the Systems Act**, and **59, 79(2), 82(3) and 106(2)** of 6.5 The rule "**delegare delegates non potest**" simply means that further delegation is prohibited.

- 7.8 Delegated Powers can only be given for **present and future matters** to be decided upon. It cannot be given in regard to any event that happened in the past. (Retrospectively).
- 7.9 For any Delegated Power executed, the person making the decision, **must be able to give reasons for his/her decision, at the time of making the decision and must record these reasons** irrespective whether the decision is negative or positive. He/she cannot at a later stage record and/or add any reasons for his/her decision taken at the time he/she took the decision.
- 7.10 The person executing the Delegated Power must exercise such power free of any bias (prejudice).
- 7.11 The execution of Delegated Power may not be miss-used, for example, to refuse a building plan because the applicant has not paid his water and electricity account.
- 7.12 Any person affronted by the decision, may appeal directly to the holder of the delegated power (if it was taken in terms of a sub-delegation) or directly to Council in urgent cases, against the decision, because Council is the holder of the original Statutory Power.

8. **MANDATE**

8.1 **The difference between delegation and mandate is:**

- (a) Delegation is the execution of **making a final decision**, to which decision effect must be given.
- (b) Mandate is no execution of making any decision, but the giving effect of a decision that was made by someone else to which effect must be given. He/she must not make a decision, but must simply execute the decision. (similar like being appointed as an agent). (e.g. Council made a decision and set certain parameters within which the official must negotiate/and or attend to the problem).

8.2 **Delegation means taking responsibility** for the decision made.

9. EXCLUSION TO DELEGATION (POWERS WHICH MAY NOT BE DELEGATED)

9.1 The following powers may not be delegated, not even to a Committee, but **Council self must** execute the decision

- (1) Approving the budget.
- (2) The approval of appointment and dismissal of the Municipal Manager and Directors/Managers (**Section 56 C oncontract appointments** in terms of the **Systems Act**).
- (3) The acceptance and approval of By-laws.
- (4) Approval of Levying of tariffs for services.
- (5) Raising of loans.
- (6) Approval of the IDP yearly, on recommendation from the Executive Committee.
- (7) Donations and/or exemptions of taxes (partly or in total) and/or writing off of bad debts owed to Council.
- (8) Transfer of budgeted amounts and/or portions thereof from one vote to another.
- (9) Approval of Council's Performance Management System and Council's Performance Appraisal System, and the approval of the payment of performance bonuses. (Organisational Performance and Individual Employee's Performance Systems, on recommendations from the Executive Committee).
- (10) Approval of reviewed mechanisms to provide Municipal Services for the Municipality, on recommendations from the Executive Committee.
- (11) Approval of expropriations, and Sale or purchase of land by Council.
- (12) Approval of time frames and roll-out of proposed dates for budget and I.D.P roll-out time-frames and the holding of public meetings, as recommended by the Executive Committee.
- (13) Approval of Council Policies and procedures and Council's Organogram framework. (The positions within the framework will be approved by the Municipal Manager subject to the framework set by Council).
- (14) Approval of applications for a Liquor License from applicants to the Liquor Board, and the setting of liquor trading hours.
- (15) Approval of long and medium term investments and/or recalling of such investments.
- (16) Approval of request for donations.
- (17) Approval to establish Municipal entities, public/private partnerships, **Section 21** companies,

0. SPECIFIC DELEGATIONS FOR COUNCIL/COMMITTEES AND OFFICIALS

The delegations to Council Committees and political office bearers appear as **Annexure 1 to 14** attached hereto:

- Annexure 1 - Council
- Annexure 2 - Mayor
- Annexure 3 - Speaker
- Annexure 4 - Chief Whip
- Annexure 5 - Executive Committee
- Annexure 6 - Corporate Services Committee
- Annexure 7 - Budget and Treasury Committee
- Annexure 8 - Infrastructure & Planning Committee
- Annexure 9 - Citizen & Community Services Committee
- Annexure 10 - Local Economic Development Committee
- Annexure 11 - Special Programmes & Communications
- Annexure 12 - Council's 3 (Three) Bid Committee's (although not Committee's of Council)
- Annexure 13 - Council's Audit Committee
- Annexure 14 - Municipal Public Accounts Committee

1. DELEGATIONS TO OFFICIALS

The delegations to Officials appear as Annexure **A to G** attached hereto:

- Annexure A - Municipal Manager
- Annexure B - Senior Manager: Budget & Treasury (CFO)
- Annexure C - Senior Manager: Corporate Services
- Annexure D - Senior Manager: Citizen & Community Services
- Annexure E - Senior Manager: Infrastructure & Planning
- Annexure F - Senior Manager: Local Economic Development
- Annexure G - Senior Manager: Special Programmes & Communications

No delegations to the above Officials may be sub-delegated unless first approved and/or authorized by Council.

- Annexure H - Manager: Office of the Municipal Manager
- Annexure I - Manager: Internal Audit
- Annexure J - Manager: IDP & OPMS
- Annexure K - Deputy Senior Manager: Budget & Treasury (DCFO)
- Annexure L - Manager: Supply Chain Management
- Annexure M - Manager: Budget & Reporting
- Annexure N - Manager: Revenue Management
- Annexure O - Manager: Expenditure
- Annexure P - Manager: Human Resources
- Annexure Q - Manager: Sound Governance
- Annexure R - Manager: Information Communication & Technology
- Annexure S - Manager: Community Safety

Annexure T	- Manager: Community Services
Annexure U	- Manager: Project Management
Annexure V	- Manager: Building & Planning
Annexure W	- Manager: Development Planning
Annexure X	- Manager: Local Economic Development
Annexure Y	- Manager: Special Programmes
Annexure Z	- Manager: Public Participation
Annexure Z1	- Manager: Communications & Public Relations
Annexure Z2	- Specimen Signatories for Management of uMzimvubu Municipality

12. ACTING APPOINTMENTS AND POWERS.

12.1 When an acting appointment is made, whether it be for the Mayor, Speaker, Councillor, Municipal Manager or Manager, the following apply (Due to the fact that only Council can appoint or elect the following)

a.) Only Council can appoint an acting:

- (i) Mayor (unless delegated to the Mayor)
- (ii) Speaker
- (iii) Municipal Manager
- (iv) Sect. 56 Manager

(This is possible due to section 60 of the Systems Act, provided that this must be reported to Council at the next Council meeting following the acting appointments)

12.2 The person appointed in an acting capacity steps into the shoes of the office of the person he/she will be acting for and therefore may exercise all the delegated powers delegated to the elected/ appointed person because the delegations are attached to an office (not the name of the incumbent/person) e.g. – Mayor, Speaker, Municipal Manager etc.) Delegations should not be given to a specific name of an employee)

12.3 The person acting in the position, is simply put, a caretaker of the real appointee in the position and therefore cannot change policy, procedure, instructions etc. issued by the permanent appointed incumbent.

12.4 The person acting must base his decisions on what instructions, policies, procedures etc. the permanent appointed incumbent or Council approved, and cannot make his/her own rules.

ANNEXURE 1

POWERS OF COUNCIL

1. STATUTORY DUTIES AND FUNCTIONS

1.1 The statutory duties and functions of the council are inter alia prescribed by:

- 1.1.1 The Constitution of the Republic of South Africa, Act No. 108 of 1996;
- 1.1.2 The Local Government: Municipal Structures Act;
- 1.1.3 The Local Government: Municipal Systems Act; and
- 1.1.4 The Municipal Finance Management Act;
- 1.1.5 Numerous other Laws and Regulations applicable to local government

1.2. Council will exercise the following Powers (Statutory) itself, which Powers Council have not and/ or may not delegate to anyone else. n

Any matter to be decided on by Council in this delegation of Council (Powers) concerning the following, (a) to (g) shall be taken by **majority** vote of **all Councillors** of Council, **(50% + one of the total number of Councillors)** meaning 32 Councillors must concur in their votes.

If one half of all the Councillors of Council (57) equal a fraction (e.g. 30 and a half) the fraction is rounded up-wards to 31 **PLUS** one meaning a total of 32 Councillors will constitute half the b).

Council may delegate the power to the Mayor to appoint an acting: Councillor s plus one, which 32 Councillor's will be a Quorum).

- (a) The approval of the budget, IDP and any matter pertaining to the approval of the budget/IDP or any amendment or virement thereto. **(Section 25 of the Systems Act)**
- b) Approval of By-laws or amendments thereto. **(Section 12 of the Systems Act)**
- c) Approval of Municipal Frameworks, Policies and Procedures and/or any amendment thereof. **(Section 67 of the Systems Act)**
- d) Approval of the Organogram framework or any amendment thereto. **(Section 66(1) of the Systems Act)**
- e) Fixing of Municipal Rates and Taxes on properties and/or other levies or Taxes or Municipal tariffs. **(Section 74 of the Municipal Systems Act).**
- f) Approval of the rules for holding of Council Meetings and the Disciplinary Procedure Policy for Councillor's. **(Section 37(f) of the Structures Act and Item 13 and 14 of Schedule 1 to the Systems Act)**
- (g) Appointment, institution of Disciplinary proceedings and dismissal of a Municipal Manager and Managers directly accountable to the Municipal Manager **(Section 56 appointments in terms of the Systems Act and Section 82 of the Structures Act)**

In all other decisions by Council, a simple majority vote of Councillor's present in Council is required (**provided a quorum is present – A Quorum is 50% plus one of the Councillors present in the meeting**).

1.3 The following delegations/statutory powers may be delegated unless indicated otherwise in this delegation document.

1. Council have the power to suspend the Municipal Manager and Managers directly accountable to the Municipal Manager (**section 5 and 6 of the Disciplinary Regulations for senior managers, 2010**)
2. Approval of any matter that has been delegated to the Mayor or Municipal Manager or any other Councillor or Official under delegated authority where the Mayor or Municipal Manager or Councillor and/or Official refers the matter to Council for decision or where the Mayor or Municipal Manager or Councillor and/or Official refuses to exercise or neglects to exercise such Delegated Power or function. (**Section 61 and 63 of the Systems Act**)
3. The raising of external loans to finance capital expenditure for Council. (**Section 45 to 47 of the Finance Management Act**)
4. Exemption (full or partial) of rates and taxes payable to Council in terms of applicable Legislation, and Council's policies. (**Section 3 of the Municipal Property Rates Act and Section 74 of the Systems Act**).
5. This can be delegated to the Speaker to do approval of Council's bursary applications in accordance with Council's Policy on Bursary applications.
6. Approval of Public/Private Partnerships, Section 21 Companies and inter-Municipal ventures by Council, or any other legal entities or ventures, which Council may form or be part of. (**Section 120 of the Municipal Finance Management Act and Sections 76 to 81 of the Systems Act**)
7. Approval of donations by the Municipality. (**Section 12 and Section 67 of the Municipal Finance Management Act**)
8. Approval of Council Policies, Delegations, Procedures, frameworks And By-laws (**Sections 59, 66, 67 and 68 of the Municipal Systems Act**)
9. Approval of the Establishment of a special fund for a specific purpose, the specifications and conditions for the proper function of such a fund and the utilisation of the monies in the fund for that purpose. (**Section 12 and 67 of the Municipal Finance Management Act**)
10. Approval of the Utilisation of proceeds of sale of capital assets. (**Section 14, 15 and 90 of the Municipal Finance Management Act**)
11. Approval of Classification of organisations or institutions for the purpose of grants by Council to such organisations or institutions. (**Section 12 and 67 of the Municipal Finance Management Act**)
12. Approval of development schemes and sectional title plans in terms of the Sectional Titles Act and Share

Block Schemes. **(Town Planning Regulations)**

13. Approval and formulation of recommendations for amendments, cancellation or removal of restrictions, or duties imposed on owners of land as a result of title conditions, town planning scheme and removal of Restrictions Act. **(Removal of restrictions Act and Town Planning Scheme)**
14. Yearly approval of Council's IDP and revision thereof on recommendation from the Mayor. **(Section 25, 28, 29 30 and 34 of the Municipal Systems Act)**
15. Approval of sub-divisions and Zoning applications. **(Town Planning Scheme)**
16. Approval of acquisition and/or disposal of Municipal land and/or any other Municipal assets. **(Section 14, Chapter 11 Section 90 and 96 of the Municipal Finance Management Act)**
17. Approval of applications to Lease immovable and movable property by or from Council. **(Section 33 of the Municipal Finance Management Act)**
18. Approval of writing off of bad debts owed to Council as irrecoverable. **(Section 32(4) and (5) and 125(2) (d) (iii) of the Municipal Finance Management Act)**
19. Approval of and election of an Appeal Committee consisting of seven Councillors of which one member will be the Speaker who will be the chairperson and their duty to hear appeals from decisions taken by a political structure, Councillor, Office Bearer or administrator and if the Member of the appeal Committee is the one against whom the appeal is lodged, that Councillor may not be part of the Appeal Committee. **Section 62(4) (c) (ii) Municipal Systems Act (Act 32/2000).**
20. Levying of charges from owners of industrial sites to which railway service lines have been provided by the Council. **(Section 74 of the Systems Act)**
21. Approval of Lease amounts, provided such amounts are market related, except where Council in special circumstances approve a lower Lease amount, and provided such reasons are fully recorded. **(Section 8 of the Municipal Systems Act)**
22. Approval/Refusal of applications from Officials to perform private work during or after office hours (Section 56 contract appointee's conditions are regulated in their respective service agreements) **(Schedule 2 Section 4 (2) (a) (ii) of the Municipal Systems Act)**
23. Approval of Priorities of the needs of the Community on recommendation from the Executive Committee. **(Section 11 and Chapter 4 and 5 of the Municipal Systems Act)**
24. Approve the review of Council's organisational and delivery mechanisms for meeting the needs of the community on recommendations by the Executive Committee. **(Section 34, 40 and 65 of the Municipal Systems Act)**
25. Approve the review of the overall performance of the Municipality in achieving the objectives set out in **Section 152 of the Constitution. (Section 40 of the municipal Systems Act and 121 and 129 of the Municipal Finance Management Act)**
26. Approve the review of the mechanisms to consult the community and community organisations, in performing its functions and exercising its powers, on recommendations by the Executive Committee. **(Section 34 of the Municipal Systems Act)**

27. Approve the reviewal of the needs of the community, on recommendations by the Executive Committee. **(Chapter 4 and Section 29 of the Municipal Systems Act and Section 74 of the Structures Act)**
28. Approve the reviewal of and prescribe the process, for involving the community in Council's affairs, on recommendations from the Executive Committee. **(Section 74 of the Structures Act, Chapter 4 and Section 29 of the Municipal Systems Act)**
29. Approval for the Raising of loans for Council. **(Section 45 to 47 of the Municipal Finance Management Act)**
30. Approval of bank overdrafts. **(Section 45 and 46 of the Municipal Finance Management Act)**
31. Approval of Transfers between budgets and/or Portions thereof from one vote to another. (Virements). **(Section 28, 29 and 31 of the Municipal Finance Management Act)**
32. Approval of Council's Performance Management System and Council's Performance Appraisal System, on recommendations from the Executive Committee. **(Chapter 6 of the Municipal Systems Act)**
33. Approval of reviewed mechanisms to provide Municipal Services for the Municipality, on recommendations of the Executive Committee. **(Section 76 to 81 of the Municipal Systems Act)**
34. Approval of expropriations and/or buy-back of Properties sold in terms of an agreement, with a buy-back Clause. **(Section 15 to 19 of the Municipal Finance Management Act, Section 8 of the Systems Act and the Provisions in the Expropriation Act).**
35. Approve capital projects in terms of the budget, consider projected costs covering all financial years until project is operational, including operational tariff costs. **(Section 16 to 19 and 21 of the Finance Management Act)**
36. Approval of measurable performance targets for Municipality for revenue source by source, and expenditure vote when approving the yearly budget. **(Section 17, 24(2) (c) of the Finance Management Act)**
37. Approval of time-frames and roll-out of proposed dates for budget and IDP roll-out time-frames and holding of public meetings, on recommendations from the Executive Committee. **(Section 21 of the Finance Management Act)**
38. Recommendations to Liquor Board of Liquor Licence applications. **(Liquor Act)**
39. Approval of long and medium term investments and/or recalling of such investments. **(Section 8(2)(b) and 11(1) (h) of the Finance Management Act)**
40. Approval of negotiated contracts and salary packages of Municipal Manager and other Section 56 contract appointees on recommendation by the Executive Committee. **(Section 57 and 60 of the Municipal Systems Act)**
41. Approval of rebate or refund on rates (in a specific Financial year) paid in respect of immovable properties where the valuation of the property is reduced as a result of a supplementary valuation or any other valuation. **(Property Rates Act).**

42. Approval of grants in aid in respect of rates levied on ratable properties registered in the name of a category of properties/institutions/organisations/persons which in the opinion of Council performs charitable work and conforms to Council's policy on grand in aid or Councils policies relating to the property valuation act. **(Property Rates Act and Council's Policy on valuation and rates and taxes)**
43. Appointment yearly after tabling by the Municipal Public Accounts Committee of the yearly report, an Overview Committee to evaluate the Year report and to make recommendations on acceptance of the report to Council. **(Section 129 of the Municipal Finance Management Act)**
44. Appointment of a disciplinary committee to hear appeals against disciplinary cases against Officials under Chairmanship of the Speaker. **(Collective agreement on disciplinary hearings of SALGBC)**
45. Appointment of representative to Geographical Street name and Places Committee.
46. Approval of calling for Developers and development agreements between Council as developer and contractors which developments was called for by Council. **(Section 14 and Chapter 11 of the Municipal Finance Management Act and Section 8 of the Systems Act).**
47. Approval of Councillor's remuneration in terms of the Remuneration Public Office bearers Act. **(Section 167 of the Municipal Finance Management Act and the Remuneration of Public office Bearers Act).**
48. Approval and entering into Service Delivery agreements in respect of the provisioning of a new Municipal Service in terms of Section 76(b) of the Systems Act 32/2000.
49. Appointment of members of the Valuation Court for the valuation of properties for purpose of Rates and Taxes. **(Municipal Property Rates Act).**
50. To approve the transfer of funds inter Departments and. /or votes (virement) for the substitution of one project for another provided the Project has not yet started.
51. To approve visits by Councillor's/Officials/Committee's outside the borders of the Republic of South Africa and /or overseas and to approve payment for subsistence and travel expenditure in terms of the Council's approved Policy on subsistence and travelling
 The approval of Officials have been moved to the powers of the Municipal Manager and Council will approve overseas trips for Councillors and Committees only.

ANNEXURE 2

DELEGATIONS AND STATUTORY FUNCTIONS OF THE MAYOR

1.1 STATUTORY FUNCTIONS OF THE MAYOR AS SET OUT IN SECTION 49 AND 50 OF THE STRUCTURES ACT

- 1.1 Presides at meetings of the executive committee and signs the minutes of its meetings;
- 1.2 Designates appropriate duties to the Executive Committee Members;
- 1.3 Decides when and where the executive committee will meet, but if a majority of the members request the mayor in writing to convene a meeting of the committee, the mayor must convene a meeting at a time set out in the request;
- 1.4 Receives input on council's integrated development plan from the municipal manager, tables this in the Executive Committee, conveys the recommendations of the executive committee to council for approval of an integrated development plan;
- 1.5 Receives the Auditor-General's report and deals with it in terms of the relevant legislation;
- 1.5 Performs all duties in terms of the Municipal Finance Management Act relative to the processing of the draft annual budget;
- 1.7 Certifies the annual budget.

1.2 OTHER FUNCTIONS OF THE MAYOR

- 1.2.1 Is the political head driving council's policies and strategies;
- 1.2.2 Performs the duties, including any ceremonial functions, and exercises the powers delegated to the Mayor by the municipal council or the executive committee;
- 1.2.3 Interacts with the public;
- 1.2.4 Receives and interviews representatives and delegations from public interest groups, and makes recommendations to the executive in this regard;
- 1.2.5 Represents the council at meetings and functions;
- 1.2.6 Makes press statements on behalf of council;
- 1.2.7 Leads development and strategy process;
- 1.2.8 The public relations and external communication function in consultation with the Municipal Manager.

1.3 LINE OF AUTHORITY

1.3.1 Reports to the executive committee and council.

DELEGATIONS AND STATUTORY POWERS OF MAYOR

PERSONNEL POWERS

1. Delegated authority to approve leave for Municipal Manager, and/or appointment of Acting Municipal Manager and Senior Managers whilst on leave or outside Council's jurisdiction. (No sub-delegation for appointment of acting Municipal Manager)
2. Delegated authority, with the Municipal Manager, to table before the municipal council not later than seven [7] days after receipt of any allegation of misconduct of a Section 56 Manager, failing which the mayor may request the Speaker to convene a special council meeting within seven [7] days to consider the said report. All suspensions shall be on full pay. Suspension must be done by allowing the Official at least 7 (seven) working days to respond to the letter informing him/her of Council's intention to suspend him/her, before his/her suspension.
3. Delegated to recommend official trips and subsistence & traveling claims for the Speaker.
4. Delegated to recommend official trips and subsistence & traveling claims for the Councillors.
5. Delegated to approve official trips and subsistence & traveling claims for the Municipal Manager.
6. To approve the attendance by Councillors of meetings, conferences etc. within the RSA , thus ensuring that, in particular, Executive Councillors and Portfolio Committee Chairpersons receive exposure to matters concerning their portfolios.
7. To recommend to Council, Councillors to attend international meetings/conferences/seminars, etc.
8. Signing on behalf of the municipality an employment contract of the Municipal Manager.
9. To approve the key performance areas of the Municipal Manager.
10. To review the performance contract of the Municipal Manager.
11. Entering on behalf of the municipality into an annual performance agreement between the municipality and the Municipal Manager
12. Delegated authority to accept short-term notice of Resignation of Municipal Manager, and Section 56 contract appointees. (No sub-delegation).
13. Delegated authority to approve travel and subsistence expenses of Municipal Manager.

FINANCIAL POWERS

14. Delegated to approval of special program project/ event/function and funding
15. Delegated to approval of movement of funds between budget votes.

16. Delegated to approval of a recommendation for the re-allocation of funds provided for a specific project towards a similar project if the original project can no longer be proceeded with.
17. Delegated authority in terms of **Section 99 of the Municipal Systems Act** to:
 - (a) Oversee and monitor the implementation and enforcement of the Municipalities Credit Control and Debt Collection Policy and By-laws.
 - (b) Oversee and monitor the performance of the Municipal Manager in implementing the Debt Collection Policy and By-laws.
 - (c) Evaluate and review the Credit Control and Debt Collection Policy and By-laws.
 - (c) Report to Council in terms of what was done in terms of **(a), (b) and (c)** above every after 6 (six) months
21. Delegated authority to present and give political guidance over the budget process. (No sub-delegation)
22. Delegated authority to co-ordinate budget and I.D.P processes and Policy formulation and to table the budget and I.D.P yearly, including the revised budget and I.D.P to Council. (No sub-delegation)
23. Delegated authority to ensure Council's budget is in compliance with the Council's I.D.P and to obtain a copy of the District Council's I.D.P. and ensure that Council's IDP is compatible to the District Council's IDP. (No sub-delegation)
24. Delegated authority to report to MEC for finance, any delays in approval or tabling of the budget, signing of annual performance agreements and the I.D.P, and to request extension of time if needed. (No sub-delegation).
25. Delegated authority to table approved budget to community in meetings to be held publicly. (No sub-delegation).
26. Delegated authority to table the budget in Council at least 30 days before the end of the current financial year, and submit his comments on the budget, including comments received from the public. (No sub-delegation).
27. Delegated authority to report to National Treasury and MEC for finance and Auditor-General of actual non-compliance with a provision of **Chapter 4 of the L G M F M A**, and any remedial or corrective steps taken to prevent re-occurrence of the problem. (No sub-delegation).
28. Delegated authority to report to the South African Police if a matter has not been reported to the SAPS, all alleged irregularities of the Municipal Manager/Managers. (**Section 173(5) of the Municipal Finance Management Act**) (No sub-delegation).
29. Delegated authority to report to Auditor-General where a tender is approved other than the recommended one, and the reasons for this deviation if not done by the Municipal Manager. (No sub-delegation).

30. Delegated authority to take appropriate steps to ensure that Council does not incur a liability or risk payable in a foreign country. (No sub-delegation).

GENERAL POWERS

31. Delegated authority to manage and develop Performance Appraisal Management Systems to be approved by Council. **(Section 39 Municipal Systems Act). (No sub-delegation)**
32. Delegated authority to draft the Municipality's Integrated Development Plan **(Section 29 and 30 of the Systems Act)** and revise plan yearly thereafter (to be submitted to Council for approval). (No sub-delegation)
33. Delegated authority to recommend review mechanisms to provide Municipal services **(Section 77 to 82 of Municipal Systems Act)**, and to be approved by Council. (No sub-delegation)
34. Delegated authority to approve urgent assistance by Council in matters like disasters, floods, fires etc., subject that this decision is reported to Council for ratification, within 7 (SEVEN) days. (No sub-delegation).
35. Delegated authority to identify the needs of the Municipality, in line with Council's approved IDP, subject to Council's approval. (No sub-delegation)
36. Delegated authority to review and evaluate the needs of the Municipality in order of priority, in line with Council's approved IDP, subject to Council's approval. (No sub-delegation)
37. Delegated authority to recommend to the Municipal Council Strategies, Programmes, Services, By-laws and Polices, to address priority needs through the IDP, and the estimates of revenue and expenditure, taking into account any applicable National and Provincial development plans, or which will address shortcomings or needs of the Municipality in general.(No sub-delegation)
38. Delegated authority to recommend and determine the best way, including Partnerships and other approaches, to deliver those strategies, programmes and services to the maximum benefit of the community for Council's approval. (No sub-delegation)
39. Delegated authority to approve the draft implementation plan and services delivery and budget plan, received from the Municipal Manager.
40. Delegated authority to present any and all reports of the Executive Committee to Council.
41. The power to make any press statements on behalf of the Council.
42. The power to receive reports with recommendations from directors through the office of the Municipal Manager on all matters that must be dealt with by either the Mayor or the Council in terms of these delegations, and for which a specific committee has not been created to consider the matter beforehand.
43. All powers, necessary or incidental, to execute the following:
- (a) The responsibility for the quality and speeding of decision-making.
 - (b) The responsibility to ensure that integration takes place between the various committees.

- (c) The responsibility to play a prominent role, in consultation with the Municipal Manager, in building and maintaining a good relationship between the Council, Councillors and the administration.
- (d) The responsibility for political supervision of the administration.
- (e) The responsibility to be available, on a regular basis, to grant interviews to the public and visitors to the Municipal offices and to interact with prominent business people and developers.

44. To approve international co-operative agreements

ANNEXURE 3

DELEGATIONS AND STATUTORY FUNCTIONS OF THE SPEAKER

1.1 STATUTORY FUNCTIONS OF THE SPEAKER AS SET OUT IN SECTION 37 OF THE MUNICIPAL STRUCTURES ACT

- 1.1.1 Presides at meetings of the council and signs the minutes of the council meetings;
- 1.1.2 Ensures that council meets at least quarterly;
- 1.1.3 Maintains order during meetings of the council and ensures that the meetings are conducted in compliance with the council's rules of order;
- 1.1.4 performs all other duties assigned to him/her in the council's rules of order;
- 1.1.5 Ensures compliance in the council with the Code of Conduct as set out in Schedule 1 to the Municipal Systems Act.
- 1.1.6 Performs the duties and exercises the powers delegated to the Speaker in terms of section 32 of the Structures Act.

1.2 OTHER FUNCTIONS OF THE SPEAKER

- 1.2.1 Chairs committees such as the Rules and Order Committee.
- 1.2.2 The Speaker is in charge of the legislative arm of the Municipal Council and must therefore guard the integrity of the legislative process, as well as protect the "checks and balances" between the legislature and the executive.
- 1.2.3 The Speaker has to ensure that by-laws that are tabled comply with the Constitution, Structures Act, Systems Act and other applicable National and Provincial legislation.
- 1.2.4 The Speaker must ensure that the procedural requirements that apply specifically to the adoption of by-laws have been adhered to.
- 1.2.5 The Speaker has to guard the integrity of the Council, which requires the Speaker to guard against the abuse of Councilor's privileges and interests.
- 1.2.6 The Speaker should deal with complaints lodged against Councilors by members of the community.
- 1.2.7 The Speaker must exercise his or her duties within the rules as determined by the Council, and is therefore accountable to the Council.
- 1.2.8 The Speaker calls Council meetings and decides on their time and venue. However, if a majority of Councilors request a meeting, the Speaker must convene a meeting accordingly.
- 1.2.9 Although the Council is the ultimate decision maker on the rules of order, the Speaker should take the initiative in the policy formulation around the rules of order.

1.2.10 The Speaker must further ensure that:

- a. Councillor's freedom of speech in the Council is protected, i.e. that Councillors are allowed to speak freely, that there is order in the meeting, that there are no interruptions etc.
- aa. Councillor's freedom of speech is exercised subject to Council's rules of order.
- b. The Speaker's responsibility for presiding over Council meetings implies that the Speaker must be involved in the preparation of the agenda that is circulated to the Council members prior to a meeting (Council's rules of order should provide for a procedure that must be followed in preparing the agenda. The principle suggested should be a consultative process, including the Mayor, Municipal Manager and Corporate Services Department)
- c. The Speaker must ensure the implementation of the provisions of **the Act** dealing with Council meetings, such as **section 30**, which deals with quorums and decisions
- d. The Speaker is in charge of allocating speaking time to members in terms of the Council's policy on that issue.
- e. The Speaker must also implement **section 81(3) of the Act**, which affords the participating traditional authorities an opportunity to address the Council in particular circumstances.
- f. The Speaker must implement the voting procedures as determined by the Council in its rules of order, subject to the Structures Act (quorum, abstentions, voting by division, declaration of the result etc.). If Council cannot take a decision on any matter, the Councillor presiding, which would normally be the Speaker, can cast an extra vote to decide the matter (**s 30(4) of the Act**).
- g. The Speaker must facilitate the implementation of **section 20(1) and (2) of the Act** in as far as it deals with the public's admission to Council meeting. The Council decides whether or not to close a meeting but the Speaker must be able to advise Council and facilitate the decision making around the issue. The Speaker must ensure that members of the public are seated in designated areas and should have the authority to remove any person who refuses to comply with the Speaker's ruling.
- h. The Speaker must maintain an attendance register in order to implement item 4(2) of the Code of Conduct. This provides for the removal of a Councillor after a third consecutive absence from a Council meeting without having obtained leave of absence.
- i. Develops format for reporting of Councillors on a monthly basis on their constituency work
- j. Receives monthly reports from Cllrs on their constituency work (co-responsibility with Chief Whip)

1.3 LINE OF AUTHORITY

1.3.1 Reports to Council.

DELEGATIONS TO SPEAKER

The following powers are delegated by the council to the office of the speaker and may not be sub-delegated:

Delegated authority to approve attendances at workshops, conferences, seminars, lectures, special courses, meetings or all other attendances of the same nature for Councillors (excluding the Mayor, executive committee Members and officials attached to these offices

1. Delegated authority to approve leave for all Councillors to be absent from Council meetings, excluding Executive Committee Meetings.
2. Delegated power to oversee that all council's by-Laws, policies, procedures, Organogram and any other system or work method including job descriptions are crafted, reviewed yearly, work shopped, published and approved by council.
3. Delegated authority to approve council's training schedule for Councillors and officials to be trained in policies, procedures, by-laws, legislation and other training required.
4. Delegated authority to report to South African Police, all alleged irregularities of Councillors. **(Section 173(5) of the Municipal Finance Management Act)**
5. Delegated authority to investigate the reasons for non- compliance by Mayor to table the Annual report timeously **(Section 133 (1) (a) of the Finance Management Act)**.
6. Delegated authority to monitor and oversee the standing Committee meetings to ensure they are compliant with the standing Rules for holding meetings.
7. Delegated authority to monitor and ensure compliance by all Councillor's with the code of conduct for Councillor's **(Schedule 1 to the Local Government Municipal Systems Act)**.
8. Delegated authority to investigate any dispute between Councillors and to present his report and investigation to Council for a resolution which will be final.
9. Delegated authority to obtain answers on any query/information required by Councillor's from the Municipal Manager.
10. Delegated authority to receive monthly reports from the Municipal Manager on all the Council/Committee resolutions execute and/or not executed and in such event the reasons why the resolutions of Council have not been complied with.
11. Delegated authority to set and/or approve dates for Council and Standing Committee meetings and to call such meetings under the Municipal Manager's signature.
12. Delegated authority to receive notices of motion from Councillors and to arrange that the motions are placed on the agenda provided it complies with the rules for holding of Council meetings
13. Delegated authority to serve as the Internal Appeal Authority as per Section 5 sub-section 5.3 of the Umzimvubu Municipality Section 14 Manual – Access to Information

The following sections are statutory powers of the Speaker and are incorporated in the delegation document for completeness:

Section 29 (1) and 37 (a) to (f) of the Municipal Structures Act.

Section 13 of the 1ST Schedule to the Municipal Systems Act.

ANNEXURE 4

DELEGATIONS AND STATUTORY FUNCTIONS OF THE CHIEF WHIP

BACKGROUND

The new system of local government represents a paradigm shift from the old system since it incorporates a vision of developmental local government. What is significant about this model of local government is that it enhances the relationship between government and communities.

After receiving a strong mandate from the electorate on 5 December 2000, the governing party did not hesitate to set up structures to ensure that it achieves the principles of participatory democracy and that its key strategic priorities are achieved. The Office of the Council Chief Whip was thus established to ensure coordination and accountability of the delivery process. The operations of Council and the conduct of political representatives are an integrated mesh of roles, functions and responsibilities for which the Council Chief Whip have to create synergy and maintain discipline to ensure that the growth and development of Umzimvubu Local Municipality always comes first.

ROLE OF THE CHIEF WHIP

In the parliamentary system of government, the role of the chief whip of a political party is to manage other whips within the party to ensure that its members maintain discipline and good conduct and specifically seeks to ensure that party members speak with one voice on matters of policy. Thus, one of the chief whip's primary functions is to ensure cohesion between the executive and legislative branches of government. The role of the chief whip within local government in South Africa has been redefined, given that municipalities perform a dual role, encompassing both the executive and legislative domains. Moreover, the fact Umzimvubu Municipality specifically has 55 Councillors, reinforces the need for a full-time Council Chief Whip. The Council Chief Whip's role spans both the political and administrative domains of the Council, with the emphasis on the political aspect.

A range of political parties has representation on Council and the Council Chief Whip has to ensure that relationships are constructive and focused on the key issues at hand. This requires an approach in which the efficient functioning of the municipal council has to be prioritised. This is achieved, in the first instance, through a functioning "whippery" system that consists of the Chief Whip of Council and the Whippery committee.

In terms of Structures Act 117 of 1998 as amended; the role of the Council Whip:

Sec. 41B. The whip of a municipal council —

- (a) liaises with the different political parties to ensure representation in council and council committees;
- (b) maintains sound relations between the various political parties;
- (c) informs the whips of all parties on important matters on the council agenda;
- (d) assists the speaker to count votes in the council meeting;
- (e) facilitates the interaction between the executive and legislative oversight structures in the municipality ; and
- (f) resolves disputes between the speaker, mayor or executive mayor, or members of the mayoral committee

OTHER FUNCTIONS OF THE CHIEF WHIP

1. To deal with the issues that could hamper the constructive relations between the various political parties represented on Council. This is a new responsibility that was given to the chief whips and it is aimed at effective and efficient decision-making on policy-related issues.
2. The Council Chief Whip also collaborates on a regular basis with the Council Speaker on issues of conduct, Councillor benefits and governance.
3. The Council Chief Whip acts as an interface between the Speaker, the Executive Committee and the Mayor. Diplomacy and a thorough understanding of the Council system are therefore integral to successful communication and decision-making.
4. Equitable representation in the different Council committees has to be overseen and the Council Chief Whip ensures that these committees meet regularly and contribute constructively to the business of Council.
5. The Council Chief Whip chairs the Section 79 Disciplinary Committee and should be the Deputy Chairperson of the Section 79 Rules Committee if it exists. This points to his/ her role in relation to discipline and conduct of Councillors, along with the Council Speaker

DELEGATED POWERS TO THE CHIEF WHIP

1. Delegated authority to promote good governance. The Chief Whip will ensure that membership of a number of key committees and facilitation across political parties on a whole range of matters where convergence is sought takes place.
2. Delegated authority to ensure the accountability of Councillors to ward committees and the allocation of proportional representation (PR) Councillors to wards, to improve their accountability to communities is done.
3. Delegated authority to intervene in conflict situations between communities and Councillors.
4. Delegated authority to take lead on I occasions during Council meetings when disagreements arises and Council meetings being adjourned for caucusing purposes in order to reach consensus between different parties.
5. Delegated authority to serve as the Chairperson of the Whippery Committee of the municipality

and lead debates on issues of mutual concern and to improve coordination and communication strategies.

6. Delegated authority to ensure adherence to the Code of Conduct. This is a co-responsibility with the Speaker.
7. Delegated authority to ensure that provision of administrative and secretarial support services to all Councillors is rendered. This support strengthened the effectiveness of Councillors in their role as public representatives.

LINE OF AUTHORITY

1.3.1 Reports to Council.

ANNEXURE 5

DELEGATIONS AND STATUTORY FUNCTIONS OF THE EXECUTIVE COMMITTEE

1.1 STATUTORY FUNCTIONS OF THE EXECUTIVE COMMITTEE AS SET OUT IN SECTION 44 OF THE MUNICIPAL STRUCTURES ACT

- 1.1.1 Reviews the performance of the municipality in order to improve:
 - a. the economy, efficiency and effectiveness of the municipality;
 - b. the efficiency of credit control and revenue and debt collection services by acting as the supervisory authority in terms of section 99 of the Systems Act;
 - c. the implementation of the municipality's by-laws
- 1.1.2 Monitors the management of the municipality's administration in accordance with the policy directions of the municipal council (output monitoring);
- 1.1.3 Oversees the provision of services to communities in the municipality in a sustainable manner;
- 1.1.4 Annually reports on the involvements of communities and community organisations in the affairs of the municipality;
- 1.1.5 Considers recommendations on the alignment of the IDP and the budget received from the relevant executive Councillor;
- 1.1.6 Ensure that regard is given to public views and reports on the effect of consultation on the decisions of the Council;
- 1.1.7 Makes recommendations to Council regarding:
 - a. the adoption of the estimates of revenue and expenditure, as well as capital budgets and the imposition of rates and other taxes, levies and duties and the setting of tariffs;
 - b. the passing of by-laws;
 - c. the raising of loans;
 - d. the approval of an integrated development plan and any amendment thereto; and
 - e. the decision to enter into a service delivery agreement in terms of section 76 of the Municipal Systems Act.
- 1.1.8 Deals with any matter referred to it by the council and submits a recommendation thereon for consideration by the council.
- 1.1.9 Attends to and deals with all matters delegated to it by council in terms of the Local Government: Municipal Structures Act and the Systems Act;

- 1.1.10 Appoints a chairperson from the members of the executive Committee for any Section 80 committees established by council to assist the executive Committee; Delegates any powers and duties of the executive committee to any Section 80 Committee;
- 1.1.11 Varies or revokes any decisions taken by Section 80 committee, subject to vested rights;
- 1.1.12 Develops strategies, programmes and services to address priority needs of the municipality through the integrated development plan and estimates of revenue and expenditure, taking into account any applicable national and provincial plans and submit a report to and recommendations thereon to the Council;
- 1.1.13 Subject to applicable legislation, determines the best methods, including partnerships and other approaches to deliver services, programmes and projects to the maximum benefit of the community;
- 1.1.14 Identifies and develops criteria in terms of which progress in the implementation of services, programmes and objects to address the priority needs of the municipality can be evaluated which includes key performance indicators which are specific to the municipality and common to local government in general;
- 1.1.15 Evaluates progress against the key performance indicators;
- 1.1.16 Receives and considers reports from committees in accordance with the directives as stipulated by the executive committee;
- 1.1.17 Elects a chairperson to preside at meetings if the Mayor is absent from a meeting in the event of there being a quorum present at such a meeting;
- 1.1.18 Considers 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 retract from any rights that may have accrued as a result of the original decision. Where appropriate the views of the executive Councillor responsible for the function concerned must be furnished to the executive committee;
- 1.1.19 Adapt and maintain under inter alia the following finance related policies:
 - a. A Customer care and Indigent Support Policy
 - b. A Credit Control and Debt Collect Policy
 - c. A Tariff Policy
 - d. A Procurement Policy
 - e. An Investment and Cash Management Policy
 - f. A Debt Management Policy

1.2 OTHER FUNCTIONS OF THE EXECUTIVE COMMITTEE

- 1.2.1 Recommends to council, in consultation with the relevant Portfolio Committee, the approval of policies;
- 1.2.2 Recommends, in consultation with the relevant Standing Committee, Rules of Order for the control of council meetings and approves rules of order for meetings of itself and any other committee within the executive;

- 1.2.3 Makes recommendations to council on proposed political structures of council;
- 1.2.4 Makes recommendations to council in respect of its legislative powers;
- 1.2.5 Gives political direction to the executive management team;
- 1.2.6 Determines strategic approaches, guidelines and growth parameters for the draft budget including tariffs structures in terms of the Tariff Policy;
- 1.2.7 Make recommendation to council on proposed policy envisaged in section 66 of the Systems Act for the organisation of council's administrative functions, activities and workforce into directorates and departments;

1.3 LINE OF AUTHORITY

- 1.3.1 Reports to Council.

DELEGATION TO THE EXECUTIVE COMMITTEE

1. Delegated authority to be informed on all activities falling within its scope by the relevant Municipal Official and Department on a monthly basis.
2. Delegated to take an informed decision to forward any proposal /requests/reports to Council through portfolio committees.
3. Delegated to take an informed decision to reject or seek further clarity on any matter brought before the Committee.
4. Delegated to identify the needs of the municipality, review and evaluate those needs in order of priority.
5. Delegated to monitor the management of the municipality's administration in accordance with the policy directions of the municipal council (output monitoring).
6. Delegated to oversee the provision of services to communities in the municipal council.
7. Delegated to perform duties and exercise such powers as the council may delegate to it in terms of Section 32 of the Structures Act
8. Delegated to annually report on the involvement of communities and community organization in the affairs of the municipality; and
9. Delegated to ensure that regard is given to public views and report on the effect of consultation on the decisions of the council.
10. Delegated to report to council on all decisions taken by the committee.
11. Delegated to oversee the execution of the following functions by the Municipality:
 - i) Translating strategic goals to operational plans.
 - ii) Supporting the functioning of the Municipality in general.

- iii) Support of capacity building and development programmes within the Municipality.
- iv) Support mechanisms for improvement of service delivery.
- v) Nurture a culture of good governance within the municipality.

ANNEXURE 6

DELEGATION TO CORPORATE SERVICES COMMITTEE

The following delegations of the Council, have been sub-delegated by the Executive Committee to the Corporate Services Committee and may not be sub-delegated.

The Committee will report directly to the Executive Committee and will report all delegated authority exercised to the Executive Committee and Council.

Delegated authority to Chairperson of the standing Committee to present any and all reports of his/her Standing Committee in Executive Committee.

1. Delegated authority to approve applications from employee's requesting transfers from one Department to another within the Municipality on recommendation from the relevant Head of Departments and in terms of Council's approved Policy for transfer of employee's.
2. Delegated authority to monthly monitor, through reports to the Committee, payment for over-time worked for official purposes or time-off in terms of Council's approved Policy on Service Conditions.
3. Delegated authority to identify which training courses (at FET Colleges and universities) employee's of the Municipality may attend in terms of Council's approved policy provided provision was made for such training in Council's yearly approved budget.
4. Delegated authority to approve the appointment of students for practical experience training subject to Council's approved Policy and provision in Council's yearly budget was provided.
5. Delegated authority to approve, in terms of Council's policy, the placement of an employee on Medical Pension / boarding, provided this is reported to council at the next council meeting, and provided the pension fund support this.
6. Delegated authority to approve ABET classes during office hours for Council Employees/Councillor's.
7. Delegated authority to approve of a newly created position on the Organogram provided a full organizational and work study exercise was done and recommended by the Municipal Manager, and further that this be reported to council and the necessary budget provision was approved by Council.
8. Delegated authority to monitor through reports to the Committee appointment of employee's (excluding section 57 contract employees).

9. Delegated authority to approve membership to non-municipal approved pension and medical funds provided council's contributions to the funds may not be more than the stipulated contributions approved in council's approved policies.
10. Delegated authority to approve that council's employee's, may on application from the employee, attend at council's cost a rehabilitation centre for drugs, alcohol or substance abuse and provided Council made provision for this in Council's yearly budget.
11. Delegated authority to approve the issue of a cell phone or a cell phone allowance on recommendation from the Municipal Manager to officials for official use in terms of Council's policy on essential/emergency users provided this was provided for and approved in Council's yearly budget.
12. Delegated authority to decide on matters relating to welfare services rendered by Council for employees.

ANNEXURE 7

DELEGATED AUTHORITY TO BUDGET AND TREASURY COMMITTEE

The following delegations of the Council, have been sub-delegated by the Executive Committee to the Budget and Treasury Committee and may not be sub-delegated.

The Committee will report directly to the Executive Committee and will report all delegated authority exercised to the Executive Committee.

Delegated authority to Chairperson of the standing Committee to present any and all reports of his/her Standing Committee Executive Committee.

1. Delegated Power to approve the write-off of un-serviceable goods and materials and aperture to be auctioned off at a Public Auction and to approve the conditions of the sale of the assets.
2. Delegated Power to recommend to Council the regulating of all reserve and renewal funds, the revolving fund and loan accounts and overdraft facilities of Council.
3. Delegated authority to make recommendations to Council on the correcting of the Council's Rates and Taxes Roll (Valuation Roll) and to make recommendations to affect any under-recovery of money to this effect in terms of Council's approved Policy, after approval of the valuation roll.
4. Delegated Power to make recommendations to Council on the list of monies and tariffs for Council's services where no such list or tariffs exists for Council's approval and to yearly review all tariffs of monies for approval by Council.
5. Delegated authority to recommend the write-off of all monies regarded as irrecoverable and to make recommendations to Council.
6. Delegated authority to invest, in the short term, on recommendation by the chief financial officer, Trust Monies (Deposits held by Council for services or in terms of lease agreements) provided this is reported to Council.

7. Delegated authority to recommend to Council the payment of pensions or gratuities or both from Council's own funds, to employee's under certain conditions/circumstances in terms of Council's approved Policy and on condition that the officials did not have the choice when they accepted service with Council to join a pension fund.
8. To recommend to council the condoning of unauthorised expenditure that is due to unforeseen and unavoidable circumstances.
9. To recommend to council the approval of budget process plan & all budget related activities, including adjustment budget.
10. To report to council about deviations due to emergencies or unforeseen & unavoidable circumstances.

ANNEXURE 8

DELEGATED POWERS TO THE INFRASTRUCTURE AND PLANNING COMMITTEE

The following delegations of have been sub-delegated the Infrastructure and Planning Committee and may not be sub-delegated.

The Committee will report directly to the Executive Committee and will report all delegated authority exercised to the Executive Committee.

Delegated authority to Chairperson of the standing Committee to present any and all reports of his/her Standing Committee to the Executive Committee.

1. Delegated authority to approve the demolition of buildings on application.
2. Delegated authority to approve the removal/erection/exchange of positions of streetlights.
3. Delegated authority to approve/refuse applications for public telephones and telecommunication lines on Council's land/streets/pavements/buildings etc.
4. Delegated authority to approve or refuse applications for temporary utilization of land for a purpose where no provision is made in respect of a particular zoning in the Zoning Scheme Regulation / Ordinance.
5. Delegated authority to approve or refuse applications for special consent for the use of land as envisaged in the Town Planning Scheme/Ordinance, subject thereto that no objections were received after advertisement.
6. Delegated authority to approve/refuse applications for minor amendments to, or the cancellation of sub-division plans, already approved by Council.
7. Delegated authority to permit or refuse the erection of buildings from materials for which no provision is made in the By-laws or National Building Act.
8. Delegated authority to recommend to Council on the takeover of cemeteries and matters incidental thereto.

9. Delegated authority to approve or refuse applications for the erection of an additional dwelling unit on residential erven in terms of the Zoning Scheme and Land Use Ordinance.
10. Delegated authority to recommend to Council on the removal of structures erected on Council Property by informal settlers and the illegal erecting of any other building/structure on Council owned land subject to the Preventing of illegal occupation of land Act.
11. Delegated authority to approve encroachments in terms of an agreement on, over, to, or under Municipal land.
12. Delegated authority to approve/refuse temporary advertisement signs on Council's land in terms of Council's approved Policy.
13. Delegated authority to make recommendations to Council on landfill sites for waste materials.
14. Delegated authority to approve all maintenance and/or installations/construction of Council's recreational and sport fields subject thereto that Council approved a budget for such works in Council's yearly budget.

ANNEXURE 9

DELEGATED POWERS TO CITIZEN AND COMMUNITY SERVICES COMMITTEE

The following delegations of the Council, have been sub-delegated by the Executive Committee to the Citizen & Community Service Committee and may not be sub-delegated.

The Committee will report directly to the Executive Committee and will report all delegated authority exercised to the Executive Committee.

Delegated authority to Chairperson of the standing Committee to present any and all reports of his / her Standing Committee to the Executive Committee.

1. Delegated authority to make recommendations to Council on all health, and environmental matters.
2. Delegated authority to decide on matters relating to community amenities provided by the Council in Council's yearly budget provided for the necessary funds.
3. Delegated authority to make recommendations to Council on all matters relating to any health hazards, open air fire and pollution matters
5. Delegated authority to make recommendations to Council on all matters relating to the operation of Municipal Pounds, abattoirs, markets and public open spaces.
6. Delegated authority to make recommendations on all matters relating to sports, traffic, law enforcement and security services.
7. Delegated authority to make recommendation on coordination of Cemeteries and crematoria
8. Delegated authority to decide on matters of coordination on Disaster Management and provision of relief on disaster affected areas within the jurisdiction of Umzimvubu Local Municipality.

ANNEXURE 10

DELEGATED POWERS TO LOCAL ECONOMIC DEVELOPMENT AND ENVIROMENTAL MANAGEMENT COMMITTEE

The following delegations of the Council, have been sub-delegated by the Executive Committee to the Local Economic Development Committee and may not be sub-delegated.

The Committee will report directly to the Executive Committee and will report all delegated authority exercised to the Executive Committee.

Delegated authority to Chairperson of the standing Committee to present any and all reports of his / her Standing Committee to the Executive Committee.

1. Delegated authority to recommend to Council on matters relating to implementation of new small business development strategy.
2. Delegated authority to make recommendations to Council on all matters relating to improve sustainable development for the community of Umzimvubu Local Municipality.
3. Delegated authority to make recommendations to Council on all matters relating to the municipal agricultural development.
4. Delegated authority to make recommendations to Council on all matters relating to the municipal tourism development.
5. Delegated authority to recommend to Executive Committee for SDBIP deviation.
6. Delegated authority to recommend to Executive Committee the approval and issuing of formal / informal trading licences.
7. Delegated authority to facilitate and co-ordinate access to mining licences.
8. Delegated aouthority to participate in National and Provincial development programmes
9. Delegated authority to co-ordinate programmes that will enhance rural development within the municipality and also with external stakeholders.
10. Coordinating municipal international relations marketing and investment

ANNEXURE 11

DELEGATED POWERS TO SPECIAL PROGRAMMES AND COMMUNICATIONS COMMITTEE

The following delegations of the Council, have been sub-delegated by the Executive Committee to the Special Programmes and Communications Committee and may not be sub-delegated.

The Committee will report directly to the Executive Committee and will report all delegated authority exercised to the Executive Committee.

Delegated authority to Chairperson of the standing Committee to present any and all reports of his/her Standing Committee to the Executive Committee.

1. Delegated authority to recommend to Council on matters relating to Special Programmes (youth, women, children, disabled, special projects)
2. Delegated authority to make recommendations to Council on all matters relating to improving Public Participation.
3. Delegated authority to make recommendations to Council on all matters relating to the municipal communication and media liaison.
4. Delegated authority to make recommendations to Council on all matters relating to the municipal Corporate Image and Protocol.
5. Delegated authority to recommend to Executive Committee for SDBIP deviation.
7. Delegated authority to participate in National and Provincial development programmes
8. Delegated authority to co-ordinate programmes that will enhance and support all special groups.
9. Coordinating all programmes that pertaining to the Office of the Mayor, Chief Whip and the Speaker.

ANNEXURE 12

POWERS TO THE BID COMMITTEES

The following Powers are Statutory Powers of the 3 (Three) Tender committee's.

1. Approval by the Adjudication Committee of all tenders, year tenders and quotations in terms of Council's Policy on Tenders and Supply Chain Management.
2. Evaluation of all tenders/proposal documents by the Evaluation Committee, to be advertised for Service providers.
2. The Chairman of the Bid Committee is in the absence of the Municipal Manager, authorized to sign all agreements in regard to tenders accepted, Service Provider agreements, and all other matters dealt with by the Adjudication Committee, provided that Council first approved the **calling** of tenders, service provider advertisements or other matters for which a contract need to be signed, and/or any other tender that will be dealt with by the Tender Board.
4. The Bid Specifications Committee will be responsible for the compilation of all tenders before the tenders are put out to Advertisement.

ANNEXURE 13

COUNCIL'S AUDIT COMMITTEE

The Committee must act according to the relevant provisions in Council's Financial Regulations and the MFMA.

1.1 COMPOSITION

- 1.1.1 The committee will be constituted in terms of the financial regulations of the Council;
- 1.1.2 The Speaker, the Mayor and a member of the Executive Committee may not be elected as a member of the committee;
- 1.1.3 Immediately after the Council has elected and appointed the members of the committee, it must appoint one of them as the chairperson.

1.2 FUNCTIONS AND DUTIES OF THE COMMITTEE

- 1.2.1 The committee must, with regard to any audit performed by or on behalf of the Auditor-General perform an independent appraisal function which includes the following:
 - 1.2.1.1 Together with the municipal manager, the external auditor and such other employees of the Council as it may deem appropriate, assess the planning and scope of and approach to such audit;
 - 1.2.1.2 evaluate the findings of the external auditor especially-
 - a. significant transactions that do not fall within the normal activities of the municipality;
 - b. substantial deficiencies in internal control and the recommendations to improve them;

- c. the reasonable reporting, presentation and publication of information in annual financial statements;
- d. the relevance of the accounting policy followed in the compilation of annual financial statements;
- e. compliance with generally accepted municipal accounting practice;
- f. compliance with the law;
- g. generally evaluates the report of the external auditor on the financial statements;
- h. evaluate substantial unsolved accounting or auditing problems experienced during such audit;
- i. evaluate the advice provided by the external auditor or any other person with regard to the objects of the audit committee; and
- j. assess the coordination and cooperation between the external auditors and the internal auditor, if any

1.2.2 The committee must, in respect to internal auditing-

- 1.2.2.1 provide a forum for direct reporting of the findings of the internal auditor, if any;
- 1.2.2.2 evaluate the efficiency and effectiveness of the internal audit function, if any;
- 1.2.2.3 assess matters of significant importance reported by the internal auditor, if any.

1.2.3 The committee must, in respect of financial reporting-

- 1.2.3.1 assess the effectiveness of policies for and procedures of financial reporting; and
- 1.2.3.2 consider the way of fair presentation of the financial statements

1.2.4 The committee must, in respect of internal control-

- 1.2.4.1 review the effectiveness of the accounting and control system;
- 1.2.4.2 assess any deficiency in the accounting and internal control system discovered in terms of paragraph 1.2.1.2 (b)
- 1.2.4.3 assess the measures implemented to address such deficiencies; and
- 1.2.4.4 assess and confirm the policies and procedures for identifying areas of risk and the measures implemented to ensure adequate control of and security at such areas.

1.2.5 The Committee must, in respect of Performance Audit-

- 1.2.5.1 review the quarterly reports submitted to it;
- 1.2.5.2 review the PMS focusing on economy, efficiency effectiveness and impact in so far as the KPI's and performance targets as set by the municipality are concerned and make recommendations in this regard to the council via the executive committee;
- 1.2.5.3 at least twice during a financial year submit an audit report to the municipal council via the executive committee;

1.2.6 The committee must-

1.2.6.1 consider and submit a report on matter referred to it by the municipal manager or the councillor; and

1.2.6.2 perform such functions as the council may assign it from time to time.

1.3 POWERS OF THE AUDIT COMMITTEE

1.3 POWERS OF THE AUDIT COMMITTEE

This Committee will perform the functions of the Audit Committee as approved by Council and will have the following Delegated Powers, and will make recommendations to council through the Executive Committee.

1. This Committee will perform the functions of the Audit Committee as approved by Council, and the Committee will have all the powers as approved in the Council approved Audit Charter and terms of reference as delegated powers and will report and/or recommend to Council, although through the Executive Committee, **directly**.
2. The Committee is delegated specifically to interview members of Senior Management, Advisors, Consultants and Employees of the Municipality and to deal directly with External Auditing functionaries in the Office of the Auditor-General and any external party the Committee deem necessary.
3. The Committee will have unrestricted access to any and all records and information relating to the activities of the Municipality which are necessary for the performance of the duties of the Committee.
4. The Committee is delegated to monitor and oversee the auditing of performance measurements as provided for in terms of Section 41(1) (c) of the Municipal Systems Act (Act 32 of 2000).
5. The Committee is delegated to submit a report of the results of the Audit performed in terms of Section 45(b) of the Municipal Systems Act (Act 32 of 2000) to Council with the Committee's findings and recommendations in this regard.
6. The Audit Committee is delegated to advise on the establishment of a performance Management System in terms of Section 38 of the Municipal Systems Act, Act 32 of 2000 and the mechanisms for monitoring and reviewal of the Performance Management System.
7. The Audit Committee is delegated to make recommendations regarding the Management of the valuation of the adequacy and efficiency of the internal control systems, risk management, Accounting Practices, Information Systems and Auditing processes applied in the daily management of the Municipality.
8. The Audit Committee is delegated to recommend and monitor the implementation of measures which may best serve to enhance the reliability, integrity, objectivity of financial statements and the performance activities within the Municipality.
9. The Audit Committee is delegated to investigate and consider issues falling within the ambit of the following functional areas and to report and make recommendations thereon to the Council :
 - Internal Control Systems
 - Risk Management
 - Accounting Practices

- Information Systems
- Auditing and
- Performance Management Systems and yearly evaluations.

ANNEXURE 13

DELEGATIONS AND STATUTORY FUNCTIONS MUNICIPAL PUBLIC ACCOUNT COMMITTEE

Sec. 79 ESTABLISHMENT

- (1) A municipal council may-
- (a) establish one or more committees necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers;
 - (b) appoint the members of such a committee from among its members; and
 - (c) dissolve a committee at any time.
- (2) The municipal council-
- (a) must determine the functions of a committee;
 - (b) may delegate duties and powers to it in terms of section 32;
 - (c) must appoint the chairperson;
 - (d) may authorise a committee to co-opt advisory members who are not members of the council within the limits determined by the council;
 - (e) may remove a member of a committee at any time; and
 - (f) may determine a committee's procedure.

COMPOSITION OF THE MPAC

- 1 The Committee members will be Councillors only.
- 2 The members should be part-time Councillors.
- 3 The Mayor, Executive Committee members , Chief Whip, Speaker , Chairpersons of Portfolio Committees are not allowed to serve to the MPAC.
4. Members of the Committee range from 5 to 13. Councils with 15 Councillors to have 5 members. Councils with 16-30 members to have 8 members. Council with 31-60 members to have up to 11 members; and council with more than 60 Councillors may have up to 13 members.

POWERS AND FUNCTIONS OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEES:

- 1 To review the municipal and any municipal entity's quarterly or annual reports and develop the oversight report on the annual report;
- 2 To assist council to maintain oversight over the implementation of Supply Chain Management Policy
- 3 To examine the financial statements and audit reports of the municipality and municipal entities, and in doing so, the committee must consider improvements from previous statements and reports

- 4 To evaluate the extent to which the Audit Committee's and the Auditor General's recommendations have been implemented;
- 5 To promote good governance, transparency and public accountability;
- 6 To examine the Mid -Year Review documents in line with Integrated Development Plans;
- 7 To recommend any investigation in its area of competence to Council;
- 8 To seek any information and have access to it from any councilor/employee;
- 9 To report to council on the activities of the committee; and
- 10 To perform any other function assigned by resolution of Council.

DELEGATION TO OFFICIALS

ANNEXURE A

MUNICIPAL MANAGER (ACCOUNTING OFFICER)

11.1 Powers and duties of the Municipal Manager

As head of the administration and as accounting officer, the following statutory powers and duties are assigned and delegated to the municipal manager in accordance with the provisions of the Structures Act and section 55 of the Systems Act;

- 1 To form and develop an economical, effective, efficient, accountable and performance driven administration for the municipality in accordance with the provisions of the Section 51 of the Systems Act;
- 1.2 To manage the municipality's administration in accordance with the provisions of the Systems Act and other legislation applicable to the municipality;
- 1.3 To implement the municipality's integrated development plan, and to monitor the progress with the implementation of the plan;
- 1.4 To manage the provisions of services to communities, residents and ratepayers in a sustainable and equitable manner;
- 1.5 To control and manage the effective utilisation and training of staff;
- 1.6 To maintain discipline of staff;
- 1.7 To promote sound labour relations and compliance by the municipality of applicable labour legislation, conditions of service and collective agreements;
- 1.8 To advise the structures and functionaries of the municipality.
- 1.9 To manage the communication between the municipality's administration and its structures and functionaries;
- 1.10 To carry out the decisions of the structures and functionaries of the municipality;
- 1.11 To administer and implement the municipality's by-laws and other legislation;

- 1.12 To implement national and provincial legislation applicable to the municipality;
- 1.13 To facilitate participation by communities, residents, ratepayers and other stakeholder in the affairs of the municipality;

POWERS AND DUTIES ASSIGNED TO THE MUNICIPAL MANAGER BY LEGISLATION

1.1 Section 55 of the Local Government: Municipal Systems Act, 2000 (Act 32/2000)

(1) As head of administration the Municipal Manager of a Municipality is, subject to the policy directions of the Municipal Council, responsible and accountable for -

- (a) The formation and development of an economical, effective, efficient and accountable administration -
 - (i) Equipped carrying out the task of implementing the Municipality's Integrated Development Plan in accordance with Chapter 5;
 - (ii) Operating in accordance with the Municipality's performance management system in accordance with Chapter 6; and
 - (iii) Responsive to the needs of the local community to participate in the affairs of the Municipality;
- (b) The management of the Municipality's administration in accordance with this Act and other legislation applicable to the Municipality;
- (c) The implementation of the Municipality's Integrated Development Plan, and the monitoring of progress with implementation of the plan;
- (d) The management of the provision of services to the local community in a sustainable and equitable manner;
- (e) The management, effective utilisation and training of staff;
- (f) The maintenance of discipline of staff;
- (g) The promotion of sound labour relations and compliance by the Municipality with applicable labour legislation;
- (h) Advising the political structures and political office bearers of the Municipality;
- (i) Managing communications between the Municipality's administration and its political structures and political office bearers;
- (j) Carrying out the decisions of the political structures and political office bearers of the Municipality;
- (k) The administration and implementation of the Municipality's by-laws and other legislation;

- (l) The exercising of any powers and the performing of any duties delegated by the Municipal Council, or sub-delegated by other delegating authorities of the Municipality, to the Municipal Manager in terms of section 59;
- (m) Facilitating participation by the local community in the affairs of the Municipality;
- (n) Developing and maintaining a system whereby community satisfaction with Municipal services is assessed;
- (o) The implementation of national and provincial legislation applicable to the Municipality; and
- (p) The performance of any other function that may be assigned by the Municipal Council.

(3) 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 the Municipal Finance Management Act.

1.2 Chapter 8 of the MFMA Act no 56/2003 (Section 60 – 79)

1.2.1 The Municipal Manager of a Municipality is the accounting officer of the Municipality for the purposes of the MFMA, and, as accounting officer must:-

- (a) Exercise the functions and powers assigned to accounting officers in terms of the said Act, and
- (b) Provide guidance and advice on compliance with the said Act to: -
 - (i) The political structures, political office-bearers and officials of the Municipality; and
 - (ii) Any Municipal entity under the sole or shared ownership control of the Municipality.

1.2.2 Fiduciary responsibilities of accounting officers – Section 61

(1) The accounting officer of a Municipality must: -

- (a) Act with fidelity, honesty, integrity and in the best interest of the Municipality in managing its financial affairs;
- (b) Disclose to the Municipal Council and the Mayor all material facts which are available to the accounting officer or reasonably discoverable, and which in any way might influence the decisions or actions of the Council or the Mayor; and

(c) Seek, within the sphere of influence of the accounting officer, to prevent any prejudice to the financial interests of the Municipality.

(2) An accounting officer may not: -

(a) Act in a way that is inconsistent with the duties assigned to accounting officer in terms of the MFMA; or

(b) Use the position and privileges of, or confidential information obtained as, accounting officer for personal gain or improperly benefit another person

Financial management

1.2.3 General financial management functions – Section 62

(1) The accounting officer of a Municipality

(a) Is responsible for the effective, efficient, economical and transparent use of the resources of the Municipality;

(b) Must keep full and proper records of the financial affairs of the Municipality in accordance with any prescribed norms and standards;

(c) Must ensure that the Municipality has and maintains: -

(i) Effective, efficient and transparent systems of financial and risk management and internal control;

(ii) A system of internal audit operating in accordance with any prescribed norms and standards;

(d) Must take all reasonable steps to prevent unauthorised, irregular and fruitless and wasteful expenditure and other losses; and

(e) Must take effective and appropriate disciplinary steps against any official of the Municipality who: -

(i) Contravenes or fails to comply with a provision of this Act;

(ii) Commits an act which undermines the financial management and internal control system of the Municipality; or

(iii) Makes or permits and unauthorised, irregular or fruitfulness and wasteful expenditure.

(2) The accounting officer of a Municipality must take all reasonable steps to ensure that the Municipality has and implements: -

(a) Procurement and asset disposal policies which the Municipality must adopt in terms of section 166;

(b) A tariff policy referred to in section 74 of the Municipal Systems Act;

(c) A rates policy as may required in terms of any applicable national legislation;

(d) A credit control and debt collection policy referred to in section 96 (b) of the Municipal Systems Act; and

(e) A supply chain management policy which gives effect to the provisions of Part 1 of Chapter 20 of the MFMA.

(3) The accounting officer must maintain and regularly update the Municipality's official website and promptly, not later than 5 days after its tabling, place on the website: -

(a) The annual and adjustments budget and all budgets-related documents;

(b) All policies of the Municipality referred to in subsection;

(c) The annual report, financial statements and audit report;

(d) All performance agreements required in terms of section 57 (1) (b) of the Municipal Systems Act;

(e) All service delivery agreements and other agreements referred to in section 81;

(f) All long –term borrowing contracts;

(g) All procurement contracts above a prescribed value; and

(h) Any other documents that may be prescribed.

(4) The accounting officer is responsible for and must account for all bank accounts of the Municipality, including any bank account opened for any relief, charitable or trust fund set up by the Municipality in terms of **section 12**.

(5) The accounting officer of a Municipality

a. Takes any appropriate action with regard to any loss of or shortage in fund or property belonging to or controlled by the Council involving alleged fraud, theft or negligence on the part of all staff, members of Council or any other structure of Council. This action may only be instituted pursuant to relevant recommendations submitted by the relevant Portfolio Committee.

b. Approves and reviews audit plans.

c. Considers any deals with external audit report, and replies thereto and receive quarterly internal audit reports.

(6) The Accounting Officer has the following further powers, duties or functions:

Municipal Bank Accounts

6.1 I.t.o. Sect. 10(2), the accounting officer may delegate the duties referred to in Sub-section 10(1)(c) to the Municipality's chief financial officer only;

Delegations

6.2 I.t.o. Sect. 79(1), the accounting officer of a Municipality, must-

(a) For the proper application of the MFMA, 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 of delegations, delegate to a member of the Municipality's top management referred to in Sect. 77 or any other official of the Municipality:

(i) Any of the powers or duties assigned to an accounting officer in terms of the MFMA; 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 the MFMA; and

(c) Must regularly review delegations issued in terms of paragraph (b) and, if necessary, amend or withdraw any of those delegations.

6.3 I.t.o. Sect. 79(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 the MFMA.

6.4 I.t.o. Sect 79(3), a delegation in terms of subsection (1), must be in writing;

(a) Subject to such limitations and conditions as the accounting officer may impose in a specific case;

(b) May either be to a specific individual or to the holder of a specific post in the Municipality;

(c) 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

(d) Does not divest the accounting officer of the responsibility concerning the exercise of the delegated power or the performance of the delegated duty.

6.5 I.t.o. Sect. 79(4) the accounting officer may confirm, vary or revoke any decision taken in consequence of a delegation or sub-delegation in terms of this section, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

1.2.4 Asset and liability management Section 63 of MFMA

(1) The accounting officer of a Municipality is responsible for the management of: -

(a) The assets of the Municipality, including the safeguarding and the maintenance of those assets; and

(b) The liabilities of the Municipality.

(2) The accounting officer must for the purposes of subsection (1): -

- (a) Ensure that the Municipality maintains a management, accounting and information system that accounts for the assets and liabilities of the Municipality;
- (b) Cause the Municipality's assets and liabilities to be valued in accordance with standards of generally recognised accounting practice; and
- (c) Establish and maintain a system of internal control of assets and liabilities, including an asset and liabilities register, as may be prescribed.

1.2.5 Revenue management Section 64

- (1) The accounting officer of a Municipality is responsible for the management of the revenue of the Municipality.
- (2) The accounting officer must for the purposes of subsection (1): -
 - (a) Ensure that the Municipality has proper revenue collection systems consistent with section 95 of the Municipal Systems Act and the Municipality's credit control and debt collection policy;
 - . On a monthly basis calculate revenue due to the Municipality;
 - (c) 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;
 - (d) Ensure that all money received is promptly deposited in accordance with this Act into the Municipality's primary and other banks accounts;
 - (e) Establish and maintain a management, accounting and information system which: -
 - (i) Recognises revenue when it is earned;
 - (ii) Accounts for debtors; and
 - (iii) Accounts for receipts of revenue;
 - (f) Establish and maintain a system of internal control in respect of debtors and revenue as may be prescribed;
 - (g) Charge interest on arrears, except where the Council has granted exemptions in accordance with its budget-related policies and within a prescribed framework; and
 - (h) Ensure that all revenue received by the Municipality, including revenue received by any collecting agent on its behalf, is reconciled as least on weekly basis.
- (3) The accounting officer must immediately inform the National Treasury of any payments due by an organ of state to the Municipality in respect of Municipal tax or for Municipal services, if such payments are regularly in arrears for periods of more than 30 days.
- (4) The accounting officer must ensure:
 - (a) That any funds collected by the Municipality on behalf of another organ of state is transferred to that organ of state at least on a weekly basis; and
 - (b) Those funds are not used for other purposes.

1.2.6 Expenditure management Section 65

(1) The accounting office of a Municipality is responsible for the management of the expenditure of the Municipality.

(2) The accounting officer must for the purpose of subsection (1): -

(a) Ensure that the Municipality has and maintains a proper system of expenditure control, including procedures for the approval, authorisation, withdrawal and payment of funds.

(b) Ensure that the Municipality has and maintains a management, accounting and information system which:

- (i) Recognises expenditure when it is incurred;
- (ii) Accounts for creditors of the Municipality; and
- (iii) Accounts for payments made by the Municipality;

(c) Ensure that the Municipality has and maintains a system of internal control in respect of creditors and payments;

(d) Ensure that payments are made: -

- (i) Directly to the person to whom it is due unless agreed otherwise or for good reason; and
- (ii) Either electronically or by way of non-transferable cheques, provided that cash payments and payments by way of cash cheques may be made for exceptional reasons only, and only up to a prescribed;

(e) Pay all money owing within 30 days of receiving the relevant invoice, unless where prescribed otherwise;

(f) Comply with tax, levy, duty, pension, and other commitments of the Municipality as required by legislation;

(g) Manage available working capital effectively and economically in terms of the prescribed cash management and investment framework;

(h) Implement the Municipality's procurement and asset disposal policies referred to in section 165 in a way that is fair, equitable, transparent, competitive and cost effective; and

(i) Ensure that all accounts of the Municipality are closed at the end of each month and reconciled with its records;

1.2.7 Expenditure on staff benefits Section 66

(1) The accounting officer of a Municipality must: -

In a format and at intervals as may be prescribed, report to the Council on all expenditure incurred by the Municipality on staff salaries, wages, allowances and benefits, and in a manner that discloses such expenditure per type of expenditure namely: -

(a) Salaries and wages

(b) Contributions for pensioners and medical aid;

- (c) Travel, motor car, accommodation, subsistence and other allowances
- (d) Housing benefits and allowances
- (e) Overtime payments;
- (f) Loans and advances; and
- (g) Any other type of benefit or allowance related to staff; and
- (h) Disclose such expenditure in the Municipality's annual report in a prescribed format.

1.2.8 Budget preparation – Section 68

- (1) The accounting officer of a Municipality must: -
 - (a) Assist the Mayor in performing the budgetary functions assigned to the Mayor in terms of Charter 4; and
 - (i) Provide the Mayor with the administrative support, resources and information necessary for the performance of those functions.

1.2.9 Budget implementation Section 69

- (1) The accounting officer of a Municipality is responsible for implementing the Municipality's approved budget, including taking all effective and appropriate steps to ensure that: -
 - (a) 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 budget and service delivery implementation plan; and
 - (b) Revenue and expenditure are properly monitored.
- (2) When necessary, the accounting officer must prepare an adjusted budget and submit it to the Mayor for consideration and tabling in the Municipal Council.
- (3) The accounting officer must no later than 14 days after the approval of an annual budget submit to the Mayor: -
 - (a) A draft budget and service delivery implementation plan for the budget year; and
 - (b) Drafts of the annual performance agreements as are required in terms of section 57 (1) (b) of the Municipal Systems Act for the Municipal Manager and all managers directly responsible to the Municipal Manager.

1.2.10 Impending shortfalls, overspending and overdrafts Section 70

- (1) The accounting officer of a Municipality must report in writing to the Municipal Council: -
 - (a) Any impending: -

- (i) Shortfalls in budgeted revenue; and
- (ii) Overspending of the Municipality's budget; and
- (b) Any steps taken to rectify such shortfalls or overspending.

(2) If the consolidated balance in a Municipality' bank accounts shows a net overdrawn position for a period exceeding a prescribed period, the accounting officer of the Municipality must promptly notify the National Treasury in the prescribed format of: -

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

Report and reportable matters

1.2.11 Monthly budgets statements Section 71

The accounting officer of a Municipality must by no later than seven working days after the end of each month submit to the Mayor of the Municipality and the National Treasury a report in the prescribed format on the state of the Municipality' budget during that month and during the financial year up to the end of that month reflecting: -

- (a) The actual revenue, per revenue source;
- (b) Actual borrowings;
- (c) The actual expenditure, per vote;
- (d) The actual capital expenditure, per vote;
- (e) The amount of any transfers received, from national organs of state in terms of the annual Division of Revenue Act, and from Provincial organs if state and other Municipalities;
- (f) The actual expenditure on those transfers, excluding expenditure on its share of the Local Government equitable share and on transfers which the annual Division of Revenue Act exempts from this section;
- (g) When necessary, an explanation of: -
 - (i) Any material variances from the Municipality's projected revenue by source, and from the Municipality's expenditure projections per vote; and
 - (ii) Any remedial or corrective steps taken or to be taken to ensure that projected revenue and expenditure remain within the Municipality's approved budget.
 - (iii) A projection of revenue and expenditure for rest of the financial year, and any revisions from initial projections.

(2) The amounts reflected in the statement must in each case be compared with the corresponding amounts budgeted for in the Municipality's approved budget.

(3) The statement to the National Treasury referred to in subsection (1) may be in electronic format.

(4) The accounting officer of a Municipality which has received transfer referred to in subsection (1) (e) during any particular month must, by no later than seven working days after the end of that month, submit that part of the statement reflecting the particulars referred to subsection (1) (e) and (f) to the National or Provincial organ of State or Municipality which made the transfer.

1.2.12 Reports on failure to adopt implement budget-related and other policies Section 73

(1) The accounting officer must inform the MEC for Local Government in the Province and National Treasury, in writing, have: -

- (a) Any failure by the Council of the Municipality to adopt or implement a budget related policy or a procurement or asset disposal policy referred to in section 111; Or
- (b) Any non-compliance by political structures or office-bearers of the Municipality with any such policy.

1.2.13 General reporting obligation Section 74

1) The accounting officer of a Municipality must submit to the National Treasury, the MEC for Local Government in the Province or the Auditor-

General such information, returns, documents, explanations and motivations as may be prescribed or as the National Treasury, that MEC or the Auditor General may require.

1.2.14 Protection of Accounting Officer

(1) Any action taken by a political structure or office-bearer of a Municipality against the accounting officer of the Municipality solely because of that accounting officer's compliance with a provision of this Act, is an unfair labour practice for the purposes of the Labour Relations Act, 1995 (Act No. 66 of 1995).

GENERAL POWERS DELEGATED TO THE MUNICIPAL MANAGER

The Municipal Manager will have an automatic power of Review over all the Delegated Powers delegated to the Managers/Officials of Council (Administration).

The following powers are statutory powers and/or have been delegated to the Municipal Manager by council and may be sub-delegated except where indicated otherwise.

1. Delegated authority to terminate the service of temporary or casual staff in the Municipality. (No sub-delegation).
2. Delegated authority to approve Leave of Absence of Officials under the control of the incumbent, and the leave of Directors. (No sub-delegation).
3. Delegated authority to grant authority that an Official under his immediate control may be required to work overtime. (No sub-delegation).
4. Delegated authority to grant authority that Officials under his immediate control may be given time off in lieu of the payment of overtime. (No sub-delegation).
5. Delegated authority to accept notices of resignation from Officials in the Municipality, which is less than the period prescribed in the conditions of the service (Except Section 56 appointees). (No sub-delegation).
6. Delegated authority to assign Officials to perform stand-by duties in terms of the applicable Conditions of Service.
7. Delegated authority to approve purchases in terms of the approved yearly Bid on year tenders in terms of the Council's approved Policy on Supply Chain Management.
8. Delegated authority to enter into and sign contracts, approved by Council and/or the Bid Committee on behalf of the Council.
9. Delegated authority to approve subsistence and travel expenses of **Section 56** appointees and other Officials in his department. (No sub-delegation).
10. Delegated authority to sign performance agreements of Managers (**Section 56** appointees), and the council approved Service Contracts for Section 56 appointees.
11. The Municipal Manager is in terms of statutory powers the Accounting Officer for the Municipality in terms of **Section 55 (2) of the Systems Act (Act 32/2000)**. (No sub-delegation).
12. The Municipal Manager is in terms of statutory powers accountable for all income and expenditure, all assets and discharge of liabilities of the Municipality, and the proper and diligent compliance with applicable Municipal Finance Management Legislation. (No sub-delegation).
13. Delegated authority to **review** the Municipal staff establishment, job descriptions and remuneration in terms of **Section 66 of the Municipal Systems Act, and to make recommendations to the Speaker.** (No sub-delegation).
14. Delegated authority to approve payment in terms of the performance appraisals in terms of the Council approved policy.
15. The Municipal Manager may sub- delegate his delegated authority on the following, unless otherwise indicated, however he will remain accountable for the following;
 - (a) the formation and development of an economical, effective, efficient and accountable administration -

- (i) equipped to carry out the task of implementing the Municipality's Integrated Development Plan in accordance with **Chapter 5 of the Systems Act**;
 - (ii) operating in accordance with the Municipality's Performance Management System in accordance with **Chapter 6 of the Systems Act**; and
 - (iii) responsive to the needs of the local community to participate in the affairs of the Municipality.
- (b) The Management of the Municipality's administration in accordance with this Act and other Legislation applicable to the Municipality;
 - (c) The implementation of the Municipality's Integrated Development Plan, and the monitoring of progress with implementation of the plan;
 - (d) The management of the provision of services to the local community in a sustainable and equitable manner;
 - (d) The appointment of staff other than those referred to in **Section 56 of the Systems Act**, subject to the **Employment Equity Act, 1998 (Act No 55 of 1998)**; and Council's approved Framework and Employment Policy. (No sub- delegation).
 - (f) The management, effective utilisation and training of staff;
 - (g) The maintenance of discipline of staff under his control, including **Section 56** appointee's subject to Council's powers.
 - (h) The promotion of sound labour relations and compliance by the Municipality with applicable Labour Legislation;
 - (i) Chief advisor to the Political Office Bearers of the Municipality;
 - (j) Managing communications between the Municipality's administration and its Political Structures and Political Office Bearers; (No sub-delegation).
 - (k) Carrying out the decisions of the Political Structures and Political Office Bearers of the Municipality;
 - (l) The administration and implementation of the Municipality's By-laws and other Legislation.
 - (m) The exercise of any powers and the performance of any duties delegated

by the Municipal Council, to the Municipal Manager in terms of **Section 59**.

- (n) Facilitate participation by the local community in the affairs of the Municipality;
 - (o) Developing and maintaining a system whereby community satisfaction with Municipal services is assessed;
 - (p) The implementation of National and Provincial Legislation applicable to the Municipality;
 - (q) The performance of any other function that may be assigned by the Municipal Council to the Municipal Manager.
 - (r) Implement appropriate system to ensure that Municipal resources are used effectively, efficiently and economically and that the financial and other systems are kept in accordance with prescribed norms and standards.
16. Delegated authority to approve payment for removal of household items to in case of appointment of a new employee, subject to Council's approved policy.
 17. Delegated authority to approve the contents of agreements on behalf of Council for leasing movable or immovable assets subject to the SCM policy of Council. (No sub-delegation).
 18. Delegated authority to decide on and to institute, defend, compound and/or settle any Criminal, Labour or Civil Court Matter by or against Council, and to settle any proceedings by or against Council whether in or out of Court, but only in cases where the Legal Advisor refuse to exercise his power, or where the Legal Advisor is not available or where the legal advisor refers the matter to the Municipal Manager (No sub-delegation).
 19. Delegated authority to approve payments for accounts payable by Council to Creditors of Council.
 20. Delegated authority to approve appointments of Legal Representatives for Council. (No sub-delegation).
 21. Delegated Authority to recommend comments on Legislation published for comments.
 22. Delegated authority to implement and enforce the Municipality's approved Credit Control and Debt Collection Policy and By-law.
 23. Delegated authority to establish effective Administrative mechanisms, processes and procedures to collect money that is due and payable to the Municipality.
 24. Delegated authority in terms of **Section 109A of the Municipal Systems Act**, to approve Legal Representation for an Employer and/or Councillor, under the conditions stipulated in **Section 109A of the System Act**. (No sub-delegation).
 25. The Municipal Manager in terms of statutory powers in terms of **Section 60 of the LGMFMA (Act 56/2003)** is the Accounting Officer of the Municipality, and must perform all the functions as determined by the Act, and may sub-delegate those functions as determined by the **LGMFMA. (Section 79 of the LGMFMA Act 56/2003)**.

26. Delegated authority to sub-delegate any of his Delegated Powers, (except financial matters, and/or where specifically indicated to the contrary), subject thereto that it must first be approved by Council (where indicated in his delegation of powers to him, that it may not be sub-delegated, such powers may not be sub-delegated).
27. Delegated authority to review performance contracts of **Section 56** appointee's yearly, with yearly targets to be set. (No sub-delegation).
28. Delegated authority to review delegations of Council and Officials yearly, and to make recommendations to the speaker.
29. Delegated authority to review yearly By-laws and all the Council's Policies, and to make recommendations to the speaker.
30. Delegated authority to establish and maintain a Budget and Treasury Office with C.F.O and Officials.
31. Delegated authority to ensure Officials meet the prescribed financial management competency levels, and to appropriate through the approved budget, sufficient resources for training of Officials/councillors to meet the prescribed financial and other management competencies levels.
32. Delegated authority to ensure and maintain effective, efficient and transparent systems of Financial and Risk Management, Internal Control and Audit, and that Council has a Tariff, Rates Insurance, Bid Committee, Internal Audit, Credit Control and Debt Collection Policy.
33. Delegated authority to develop and put in place systems and procedures that will act as early warning systems to the Council, Executive Committee and Senior Officials, for remedial and corrective measure to be taken where the Municipality faces serious financial problems, financial misconduct Civil or Criminal misconduct, and to ensure proper systems are in place to investigate any of the above.
34. Delegated authority to develop and maintain processes and procedures to prevent and/or rectify forbidden activities prescribed by **Section 164 of the Systems Act**.
35. Delegated authority to assist the Mayor in the institutional budgetary functions and to provide administrative support, resources and information for the Mayor to perform those functions.
36. Delegated authority to submit approved budget to National Treasury and MEC Finance and Auditor-General in printed and electronic format.
37. Delegated authority to implement the approved budget and I. D. P.
38. Delegated authority to inform MEC for finance of any failure by Council to adopt and/or implement a Budget Related Policy or a Supply Chain Management Policy or non-compliance by a Political Structure or Office Bearer with Council Policies.
39. Delegated authority to submit a draft implementation and services delivery and budget plan, no later than 28 days after approval of the budget, to the Mayor for approval. **(Section 53 (1) (C) (ii) and (iii) of the L.G.M.F.M.A).**

40. Delegated authority to report to Council on all staff salaries, wages benefits and allowance expenditure and review the Political Office-Bearers remuneration in terms of the remuneration of Public Office Bearers Act, and take steps to remedy any irregular expenditure.
41. Delegated authority to ensure monthly that all financial accounts of the Municipality are closed and reconciled and that monthly balance sheets are prepared.
42. Delegated authority to recover all unauthorised, irregular or fruitless and wasteful expenditure incurred by the Municipality, and inform the Mayor of this.
43. Delegated authority to report all criminal activities in Council's administration, immediately to the South African Police, including irregularities of the speaker and mayor. Where the Mayor or Speaker does not report a councillor to the SAPS, the municipal manager must do so.
44. Delegated authority to approve appointment of contract workers in terms of the general Council resolution on appointment of contract workers provided such appointment may not exceed 40 (Forty) day's, in terms of Council's approved policy on staff and provided that the agreement may not be renewed.
45. Delegated authority to close Municipal office for any period of time not exceeding 5 (Five) day's.
46. Delegated authority to sign agreements approved by Council and the Supply Chain Management Policy on behalf of the Municipality.
47. Delegated authority to preside in disciplinary hearings of Officials (excluding Section 57 Employee's).
48. Delegated authority to monitor compliance of officials with schedule 2 of the code of conduct for officials. (Schedule 2 of the Systems Act).
49. Delegated authority to approve Municipal vehicle transport for any of the Officials attached to the office of the Municipal Manager and to sign the necessary trip authority requisition book for daily official trips.
50. To determine, in terms of Section 14(4) of the MFMA, whether any listed assets to an individual value not exceeding R4000, 00, are needed to provide minimum level of basic services and to approve of the disposal of assets to an individual value not exceeding R4000,00.
51. To sign any documents which are necessary to give effect to any resolutions of the Council or resolution by any committee of the council acting in terms of a delegated power or any other functionary of the council acting in terms of a delegated power.
52. To obtain services of an attorney or advocate for any official purpose;
53. To approve, in consultation with the relevant Director, of applications by employees for study bursaries in terms of the council study bursary scheme;
54. To assign duties to designated staff members in terms of Section 16(2) of the Occupational, Health and Safety Act No. 85 of 1993

55. To allocate official cellular phones to officials to determine usage limits thereof and to determine usage limits of office phones;
56. To sign any documents which are necessary to give effect to any resolutions of the Council or resolution by any committee of the council acting in terms of a delegated power or any other functionary of the council acting in terms of a delegated power.
57. To obtain legal opinion and/or enter appearances to defend or to take any necessary steps to defend action, claim or proceedings instituted against the council and to take all action necessary in this connection, provided that high court actions shall first be approved by the executive committee;
58. To submit or oppose an appeal to higher court or other body in respect of a judgment given by a lower court or body concerned;
59. To take any action necessary to ensure that a Council resolution is executed.
60. To sign any documents on behalf of the Municipality in accordance with Municipal policy
61. To declare any plant material or animals as surplus.
62. To authorise the payment of medical or funeral expenses arising from an injury on duty.
63. To allocate office accommodation to the various Municipal departments.
64. The powers arising from section 2(1) of the Control of Access to Public Premises and Vehicles Act, 1985 (Act 53 of 1985).
65. To authorise all reports from the various Departments to committees of the Council.
66. To withdraw any power delegated to a manager directly reporting to the Municipal Manager.
67. To Approve of acting in higher/other positions for directors in a temporary capacity.
68. To approve of time-off for trade union activities not catered for in the facilities agreement.
69. To authorise payments of purchases for goods or services amounting to R200 000.00 and above.
70. To establish policies and procedures to manage application by Officials to attend conferences and events within and outside the borders of South Africa.
71. To approve visits by Officials outside the borders of the Republic of South Africa and /or overseas and to approve payment for subsistence and travel expenditure in terms of the Council 's approved Policy on subsistence and travelling

LINE OF AUTHORITY

- Reports to council via the Executive Committee
- Reports to the relevant MEC
- Reports to the Auditor-General

GENERAL POWERS: SENIOR MANAGERS OF THE MUNICIPALITY

1. A Senior Manager referred to in section 56 of the Municipal Systems Act or other official of a Municipality so delegated: -
 - (a) Must ensure that the system of financial management and internal control established for the Municipality is carried out within the area of responsibility of that manager or official;
 - (b) Must ensure the effective, efficient, economical and transparent use of financial and other resources within the area of responsibility of that manager or official;
 - (c) Must take effective and appropriate steps to prevent, within the area of responsibility of that manager or official, any unauthorised, irregular or fruitless or wasteful expenditure and any under-collection of revenue due;
 - (d) Must comply with the provisions of this Act to the extent applicable to that manager or official, including any delegations in terms of **section 74**,
 - (d) Is responsible for the management, including the safeguarding, of the assets and the management of the liabilities within the area of responsibility of that manager or official; and
 - (e) Must perform these functions subject to the directions of the accounting officer of the Municipality.
2. To authorise payments of purchases for goods or services amounting from R 5 000.00 up to R 65 000.00 except for the Manager: Budget & Treasury (CFO)

ANNEXURE B

SENIOR MANAGER: BUDGET & TREASURY (ALSO TERMED AS CHIEF FINANCIAL OFFICER)

The following Powers have been delegated by Council to the Manager: Budget & Treasury, and may be sub-delegated, unless specifically indicated otherwise.

1. Delegated power to approve Leave of Absence of Officials who report directly to the incumbent or any of her Official under his/her control in the Directorate.
1. Delegated power to grant authority that the Officials who report directly to the CFO or any other Official in his/her Directorate, may be required to work overtime.

3. Delegated power to grant authority that the Officials who report directly to the CFO, or any other Official in his/her Directorate may be given time off in lieu of the payment of overtime.
4. Delegated power to assign Officials to perform standby duties in terms of the applicable condition of service, in his/her department.
5. Delegated power to approve purchases for the Finance Department in terms of the approved Bid on yearly tenders (Service providers) in terms of the Supply Chain Management Policy.
6. Delegated power to frame conditions of sale where Council disposes of movable property, to be approved by the Executive Committee and Council.
7. Delegated Power to approve subsistence and travel expenses of employees in the Directorate Finance.
8. Delegated Power to institute insurance claims on behalf of Council and responsible to submit quarterly reports regarding the prevention, (pro-active and re-active) elimination, reduction and control of all potential dangers, loss producing events, including safety to Council.
9. Delegated Power to receipt and record all amounts owing to Council, monthly for accounts rendered.
10. Delegated Power to administer all revenue/any monies received by Council.
11. Delegated Power to control all Stock of Council. (Stores)
12. Delegated Power to effect payment of all accounts legally payable and due by Council.
13. Delegated Power to regulate any loan and to negotiate such loans in terms of Council's approval.
14. Delegated Power to administer all Tax payments and control over all dedicated accounts.
15. Delegated Power to control and recover parking meter money and to control such dedicated accounts.
16. Delegated Power to effect payment in terms of Council decisions on donations.
17. Delegated Power to control Council's Insurance Portfolio and the administration of Council's assets in terms of Council's approved policy.

18. Delegated Power to administer Council's accounting systems and to send out an account to any debtor and to recover all outstanding amounts.
19. Delegated Power to frame Collections Policy and Credit Control Policy for submission to Council for approval (**Section 96 and 97 of Municipal Systems Act**), and thereafter to execute such instructions.
20. Delegated Power to discontinue any municipal service council renders in event of non-payment of accounts.
21. Delegated Authority to control and authorise payments of moneys owed to Council into Council's primary, dedicated and all other officially authorized bank accounts (**Section 8 (1) to (5) (Act 56/2003)**).
22. Appointed as Chief Financial Officer with Delegated Powers to perform any and all functions as stipulated in the **LGMFMA (Act 6/2003)** for Chief Financial Officers.
23. The Chief Financial Officer may sub-delegate any, and on all the functions as stipulated and approved for issues that may be sub-delegated in the LGMFMA relating to a Chief Financial Officer subject thereto, that Council shall first approve any and all sub-delegations.
24. Delegated authority to administer Council's budget office and advise Officials and Council on all financial duties of the Council or Municipal Manager.
25. Delegated power to direct staff in the Directorate to perform standby and/or emergency services, subject to the stipulations of the Labour Relations Act.
26. Delegated authority to sign performance appraisals of staff within the Directorate.
27. Delegated authority to control Council's vehicle fleet and implements.
28. Delegated authority to facilitate disciplinary measures in terms of the Collective Agreement on Disciplinary Procedures in the Budget & Treasury Department.
29. Delegated authority to preside in disciplinary hearings except disciplinary hearings of his/her own Directorate.
30. Delegated authority to approve Municipal vehicle transport for any of the Officials attached to the office of the Chief Financial Officer and to sign the necessary trip authority requisition book for daily official trips.
31. To prepare and table monthly reports of the performance of the Budget & Treasury Department to the Municipal Manager and the Standing Committee
32. To recommend internal bursary to be offered to the employees within the Budget & Treasury Department
33. To authorise payments of purchases for goods or services amounting from R 65 001.00 up to R 74 999.00
34. To, if convinced that the delay in payment of an account is not due to the conduct of a certain government department, write off all interest on such a government or provincial account, whereafter a

report to such an extent has to be submitted to the Mayor.

LINE OF AUTHORITY

- Reports to Municipal Manager
- Reports to the relevant Standing Committee

ANNEXURE C

SENIOR MANAGER: CORPORATE SERVICES

The following Powers have been delegated by the Council to the Manager: Corporate Service and may be sub-delegated, unless specifically indicated otherwise.

1. Delegated power to approve the Leave of Absence of Officials in the department.
2. Delegated power to grant authority that Officials in the department may work overtime.
3. Delegated power to grant authority that Officials in the department may be given time off in lieu of the payment of overtime.
4. Delegated power to assign Officials to perform standby and/or emergency duties in terms of the applicable conditions of service in his/her department.
5. Delegated power to approve purchases in terms of the approved Bid on yearly tender (Service providers) in terms of the Supply Chain Management Policy for his/her department.
6. Delegated authority to sign performance appraisals of employees within the Directorate.
7. Delegated power to administer and control Offices and other Council facilities.
8. Delegated power to grant or refuse permission and to determine conditions pertaining to applications to:
 - (a) Arrange, present or attend any public entertainment.
 - (b) Collect money or any other goods for charity or any other purpose from the general public.
 - (c) Display or distribute any pamphlet, placard, painting, book, handbill or any other printed, written or painted work, after consultation with the Manager: Infrastructure & Planning and in terms of Council's approved Policy.
9. Delegated authority to determine the issue, life span and the type of protective clothing and to determine which Officials qualify for such clothing, in terms of the applicable conditions of service.
10. Delegated authority to act as Records Manager for the Municipality in terms of **Section 13(5) of the National Archives Act.**
11. Delegated power to initiate and request the transfer of records to and from the National Archives in terms of **Section 2 and 4 of the National Archives Regulations.**
12. Delegated power to enter into agreements with the National Archives in terms of **Section 3 of the National Archive Regulations.**
13. Delegated power to authorise payment of the costs of transfers and temporary return of records to and from the National Archives in terms of **Section 8 of the National Archives Regulations.**
14. Delegated authority to deal with and to administer all Councils Policies, Regulations, By-laws and any other Legislation of Council, pertaining to Human Resources and Administration.

15. Delegated power to ensure that the creation of a new post on the Organogram, and the investigation and the evaluation of such post are done before the post is submitted to the Municipal Manager and Council for approval.
16. Delegated authority to deal with and ensure compliance and execution of all Legislation and By-laws.
17. Delegated authority to deal with all Council's records and agendas in terms of the Archives Act.
18. Delegated authority to deal with all matters relating to the compiling of Council agendas and matters ancillary thereto, in terms of Council approved Policy.
19. Delegated Power to approve subsistence and travel expenses of employees in the Corporate Services Directorate.
20. Delegated Power to approve and/or frame and place any and all advertisements on or behalf of Council.
21. Delegated power to authorise employees under his/ her control to attend meetings, seminars, conferences etc in terms of Council's approved Policy.
22. Delegated authority to facilitate disciplinary measures in terms of the Collective Agreement on Disciplinary Procedures for officials in the Corporate Services Department.
23. Delegated authority to preside in disciplinary hearings except disciplinary hearings of his/her own Directorate.
24. Delegated authority to approve Municipal vehicle transport for any of the Officials attached to the office of the Manager: Corporate Services and to sign the necessary trip authority requisition book for daily official trips.
25. Delegated power to determine whether or not to cancel municipal housing accommodation Leases, where the Terms or Conditions thereof, have been breached and to institute legal proceedings for the eviction of Lessees consequent upon such cancellation, and for the recovery of monies owing to Council where such cancellation arose from the Lessees default in making timeous payment of such monies.
26. To prepare and table monthly reports of the performance of the Corporate Services Department to the Municipal Manager and the Standing Committee
27. To recommend internal bursary to be offered to the employees within the Corporate Services Department
28. To serve as Corporate Deputy Information Officer in terms of Umzimvubu Municipal Section 14 Manual – Access to Information
29. To, in compliance with the Council's policy, approve payment of the travelling and boarding expenses of an applicant for a vacant position within the Council's service when such an applicant reports for a personal interview.

LINE OF AUTHORITY

- Reports to Municipal Manager
- Reports to the relevant Standing Committee

ANNEXURE D

SENIOR MANAGER: CITIZEN & COMMUNITY SERVICES

The following Delegated Powers have been delegated by the Council to the Manager: Citizen and Community Services and may be sub-delegated, unless specifically indicated otherwise.

1. Delegated power to approve Leave of Absence of Officials in the department.
2. Delegated power to grant authority that Officials in the department may be required to work overtime.
3. Delegated power to grant authority that the Officials in the department may be given time off, in lieu of the payment of overtime.
4. Delegated power to approve purchases for his department in terms of the approved Bid on yearly tenders in terms of the Supply Chain Management Policy.
5. Delegated power to authorise absence from Office of any employee in his/her department.
6. Delegated Power to approve subsistence and travel expenses of employees in his Directorate.
7. Delegated Power to direct staff in the Department to perform standby and/or emergency services subject to the stipulations of the Labour Relations Act.
8. Delegated authority to ensure execution of Welfare Services for Council employees and any matter ancillary thereto.
9. Delegated authority to deal with and ensure compliance and execution of all Council's By-laws through Law Enforcement, and all ancillary matters thereto.
10. Delegated authority to deal with traffic and law enforcement violations, and to control all Court Process Documents, Municipal Court, and all related matters in relation to the afore going and/or matters ancillary thereto.
11. Delegated authority to approve/refuse to remove/plant, trees/shrubs or any vegetation on Municipal land/property.
12. Delegated authority to determine the times and dates during which public amenities shall be open/closed to the public in terms of Council's approved Policy
13. Delegated authority to consider and decide on applications to bring into public amenities any animal, bird, fish, poultry or any other animal/reptile/mammal etc. and to determine directives in that regard in terms of the Council approved policy.
14. Delegated authority to authorise the temporary use of public amenities subject to conditions which may be deemed necessary in terms of Council's approved Policy.
15. Delegated authority to authorise by way of notice and subject to such conditions as may be deemed necessary any access to a Municipal and/or public place.

16. Delegated authority to secure and protect Councils movable and immovable assets.
17. Delegated authority to authorise impoundment of animals and vehicles.
18. Delegated authority to sign performance appraisals of employees in his Directorate.
19. Delegated authority to authorise the clearing of bush on municipal land where it creates any hazard, nuisance, unsightliness, or to eradicate noxious/alien vegetation or rodents/pests in terms of Council's by-laws.
20. Delegated authority to manage and control all public parking areas of Council in terms of Council's approved Policy.
21. Delegated authority to approve/refuse the removal/planting of trees/vegetation on Municipal land.
22. To grant consent to taxi-operators for taxi parking space in accordance with the number of taxi's which, according to the Assistant Manager: Community Services, can be allowed on the various parking spaces.
23. To approve applications from alcohol dealers for extended trading hours.
24. That the appointment of Law Enforcement Officers for the purposes described in section 334 of the Criminal Procedures Act, 51/1977, read with Government Notice R210 of 19 February 2002, be delegated to the Manager: Citizen & Community Services, subject thereto that the Manager concerned be consulted and that the official has successfully completed the examination for Law Enforcement Officers.
25. Be authorized to obtain fingerprints from employees of the Municipality in terms of Section 334 of the Criminal Procedures Act, 51/1977, for appointment as peace officers and for the issuing of fire arms under the Fire Arms Act 60/2000.
26. Delegated authority to facilitate disciplinary measures in terms of the Collective Agreement on Disciplinary Procedures for officials in the Community & Citizen Department.
27. Delegated authority to preside in disciplinary hearings except disciplinary hearings of his/her own Directorate.
28. Delegated authority to approve Municipal vehicle transport for any of the Officials attached to the office of the Citizen & Community Services Department and to sign the necessary trip authority requisition book for daily official trips.
29. To prepare and table monthly reports of the performance of the Community & Citizen Department to the Municipal Manager and the Standing Committee
30. To recommend internal bursary to be offered to the employees within the Community & Citizen Department

LINE OF AUTHORITY

- Reports to Municipal Manager
- Reports to the relevant Standing Committee

ANNEXURE E

SENIOR MANAGER: INFRASTRUCTURE & PLANNING

The following Powers have been delegated by the Council to the Manager: Infrastructure and Planning, and may be sub-delegated, unless specifically indicated otherwise.

1. Delegated power to approval the Leave of Absence of Officials in the Directorate.
2. Delegated power to grant authority that Officials in the department may be given time off, in lieu of payment of overtime.
3. Delegated power to assign Officials to perform stand-by or emergency duties in terms of the applicable conditions of service in his/her department.
4. Delegated power to approve purchases in terms of the approved Bid on the yearly tender in terms of the Supply Chain Management Policy for his department.
5. Delegated Power to approve subsistence and travel expenses of employees in his Directorate.
7. Delegated power to approve Safety Measures in terms of the Act on **Machines and Occupational Safety Act**, and the compliance with the provisions of the Act for the Municipality
8. Delegated power to approve costs for land surveying requested by Council and the appointment of Land Surveyors from Council's data base in terms of the S. C. M. policy.
9. Delegated power to maintain/repair all electrical installations of council within the confines of the approved Council budget and the SCM procedures.
10. Delegated power to approve/refuse building plan applications and any other matters in terms of the By-laws/Act/Regulations on National Building Regulations.
11. Delegated authority to administer Council's Building By- laws/Regulations and the National Building Regulations Act.
12. Delegated authority on all Town Planning matters excluding zoning and special consent applications.
13. Delegated power to authorise payment of all land transfer costs, where such costs are for Council's account provided Council approved funds in Councils approved budget and subject to Council's SCM procedures.
14. Delegated power to authorise the temporary use of Municipal land, limited to a period of 14 days and subject to such conditions which may be deemed fit.
15. Delegated power to determine the times during which public amenities shall be open to the public, in terms of Council's approved Policy.
16. Delegated power to consider and decide on applications to bring into public amenities any

animal, bird, fish or poultry and to determine directions in regard thereto if no council directive or policy was approved by council.

17. Delegated power to loan materials, or equipment to the State, a local authority or a public utility or company in terms of Council's Policy and on condition that it be returned undamaged or be replaced, provided further that any such loan will be reported to Council.
18. Delegated authority to sign the performance appraisals of the employees in the Department.
19. Delegated authority to appraise Council of all matters pertaining to demarcations in regard to Umzimvubu Local Municipality through the Standing Committee, Executive Committee and Council.
20. Delegated authority to facilitate disciplinary measures in terms of the Collective Agreement on Disciplinary Procedures for officials in the Infrastructure & Planning Department.
21. Delegated authority to preside in disciplinary hearings except disciplinary hearings of his/her own Directorate.
22. Delegated authority to approve Municipal vehicle transport for any of the Officials attached to the office of the Manager: Infrastructural & Planning Department and to sign the necessary trip authority requisition book for daily official trips.
23. To prepare and table monthly reports of the performance of the Infrastructure & Planning Department to the Municipal Manager and the Standing Committee
24. To recommend internal bursary to be offered to the employees within the Infrastructure & Planning Department

LINE OF AUTHORITY

- Reports to Municipal Manager
- Reports to the relevant Standing Committee

ANNEXURE F

SENIOR MANAGER: LOCAL ECONOMIC DEVELOPMENT AND ENVIRONMENTAL MANAGEMENT

The following powers have been delegated by the Council to the Manager: Local Economic Development & Environmental Management and may be sub-delegated, unless specifically indicated otherwise.

1. Delegated authority to approve Leave of Absence of Officials in the department.
2. Delegated authority to grant authority that Officials in the department may be required to work overtime.
3. Delegated authority to grant authority that the Officials in the department may be given time off, in lieu of the payment of overtime.
4. Delegated authority to approve purchases for his department in terms of the approved Bid on yearly tenders in terms of the Supply Chain Management Policy subject to the approved Council budget.
5. Delegated authority to authorise absence from Office of any employee in his/her department.
6. Delegated authority to approve subsistence and travel expenses of employees in his Department in terms of Council's approved Policy.
7. Delegated authority to direct staff in the Department to perform standby and/or emergency services subject to the stipulations of the Labour Relations Act and Council's policies.
8. Delegated authority to value and sign performance appraisals of employee's in his Directorate.
9. Delegated authority to prepare Council's Economic development plan and the review of the development plan yearly for Council's approval through the office of the Executive Mayor.

10. Delegated authority to approve payment of accounts received for payment for his/her Directorate and approved SCM contractors supplying a service to the Department subject to the Council's approved Policies.
11. Delegated authority to facilitate disciplinary measures in terms of the Collective Agreement on Disciplinary Procedures for officials in the Local Economic Development Department.
12. Delegated authority to preside in disciplinary hearings except disciplinary hearings of his/her own Directorate.
13. Delegated authority to approve Municipal vehicle transport for any of the Official's attached to the office of the Manager: Local Economic Development & Environmental Management and to sign the necessary trip authority requisition book for daily official trips.
14. To prepare and table monthly reports of the performance of the LED Department to the Municipal Manager and the Standing Committee
15. To recommend internal bursary to be offered to the employees within the LED Department

LINE OF AUTHORITY

- Reports to Municipal Manager
- Reports to the relevant Standing Committee

ANNEXURE G

SENIOR MANAGER: SPECIAL PROGRAMMES & COMMUNICATIONS

The following powers have been delegated by the Council to the Manager: Special Programmes and Communications and may not be sub-delegated;

1. Delegated authority to approve Leave of Absence of Officials in the department.
2. Delegated authority to grant authority that Officials in the department may be required to work overtime.
3. Delegated authority to grant authority that the Officials in the department may be given time off, in lieu of the payment of overtime.
3. Delegated authority to approve purchases for his department in terms of the approved Bid on yearly tenders in terms of the Supply Chain Management Policy subject to the approved Council budget.
5. Delegated authority to authorise absence from Office of any employee in his/her department.
6. Delegated authority to approve subsistence and travel expenses of employees in his Directorate in terms of Council's approved Policy.
7. Delegated authority to direct staff in the Directorate to perform standby and/or emergency service subject to the stipulations of the Labour Relations Act and Council's policies.
8. Delegated authority to evaluate and sign performance appraisals of employee's in his Directorate.
10. Delegated authority to prepare Council's Communication Strategy and the reviewal of the strategy yearly for Council's approval through the Executive Committee.
11. Delegated authority to strengthen communication between the Municipality and its stakeholders internally and externally.
12. Delegated authority to establish and monitor the communication forums for stakeholder feedback and participation.
13. Delegated to provide executive support to the Office of the Mayor, Chief Whip and the Speaker.
14. Delegated to monitor mobilization on behalf of the special group in the Umzimvubu Local Municipality jurisdiction.

15. Delegated authority to approve payment of accounts received for payment for his Department and approved SCM contractors supplying a service to the Department subject to the Council's approved Policies.
16. Delegated authority to facilitate disciplinary measures in terms of the Collective Agreement on Disciplinary Procedures for officials in the Special Programmes & Communication Department
17. Delegated authority to preside in disciplinary hearings except disciplinary hearings of his/her own Directorate.
18. Delegated authority to approve Municipal vehicle transport for any of the Official's attached to the office of the Manager: Special Programmes & Communications and to sign the necessary trip authority requisition book for daily official trips.
19. To prepare and table monthly reports of the performance of the SP & C Department to the Municipal Manager and the Standing Committee
20. To recommend internal bursary to be offered to the employees within the SP&C Department

LINE OF AUTHORITY

- Reports to Municipal Manager
- Reports to the relevant Standing Committee

GENERAL POWERS: MANAGERS

- 1.1 To approve leave of absence and the accountability of where about of all employees within his/her business unit, other than himself/herself, or postponement or denial of such leave, or recalling any member of his/her personnel herein mentioned from vacation leave.
- 1.2 Recommends for approval of overtime worked (in the instance of overtime worked by administrative personnel, this overtime has to be approved prior to the actual performance of such overtime) as well as the remuneration thereof to employees within his/her business unit.
- 1.3 To claim the submission of medical certificates in accordance with the Service Conditions, in cases where applications for sick leave for (a) period(s) of more than two working days are lodged by personnel within his/her business unit.
- 1.4 To approve unpaid leave in consultation with the senior manager to a maximum period of 10 working days per employee per year in respect of personnel within his/her business unit.
- 1.5 To recommend the filling of vacancies within his/her business unit which arise in the Council's service.
- 1.6 To approve special leave for employees within his/her business unit without remuneration in consultation with the senior manager to a maximum of 30 days, as determined in terms of the Service Conditions Collective Agreement.
- 1.7 To recommend filling of temporary vacancies, which arise in his/her business unit due to the taking of maternity leave, sick leave and resignation, to a maximum period of 90 days with due regard of the budget and subject thereto that appropriate funds are available.
- 1.8 To enforce the disciplinary procedure in terms of the Collective Agreement Disciplinary Code
- 1.9 To authorise payments of purchases for goods or services amounting to R 2 000.00 except the Deputy Chief Financial Officer and Manager SCM.

OFFICE OF THE MUNICIPAL MANAGER

ANNEXURE H - MANAGER: OFFICE OF THE MUNICIPAL MANGER

1. Identifies and defines the immediate, short and long term objectives/plans associated with the provision of administrative support to the Municipal Manager's Office
2. Coordinate and control processes and procedures associated with the formulation of the Municipality's legal issues/matters
3. Researching key compliance aspects related to controls, administration, performance management and loss control for inclusion into the plan and program
4. Provide guidance and advice to the Municipal Manager in resolving internal matters
5. Manage the implementation of the requirements of the Promotion of Access to Information Act, 2000
6. Ensure Senior Managers Committee Meetings are held and tasks assigned are implemented accordingly
7. Manages developmental project management processes associated with the scoping, resourcing, implementation, monitoring and communication
8. Disseminates guidance and information on specific key performance areas and requirements
9. Staff Supervision

ANNEXURE I - MANAGER: INTERNAL AUDIT

1. The Assistant Manager: Internal Audit is responsible to ensure the minimization of security related risks, the enforcement of good governance, transparent, efficient and accountable practice and the implementation of corrective measures and is authorized to:
 - 1.1 Conduct all security related investigation in terms of an approved investigative program.
 - 1.2 Report every security breach, fraud and corruption investigation to the Municipal Council.
 - 1.3 Conduct pro-active information and security audits.
2. The objective of internal audit is to assist Managers in the effective discharge of their responsibilities. Internal audit's scope of work is to examine and evaluate the adequacy and effectiveness of the organisations system of internal control and the quality of performance in carrying out assigned responsibilities.
3. Manage the internal auditing Business Unit according to the statement of purpose, authority and responsibility for the internal auditing Business Unit.
4. Provide written policies and procedures to guide audit staff.
5. Coordinate internal and external audit efforts.
6. Establish and maintain a quality assurance program to evaluate the operations of the internal auditing unit.
7. Recommends for approval overtime worked and the remuneration thereof to all employees within the internal audit Business Unit.

9. Maintain effective relations with executive and operating management.
10. Provide management responsibility in terms of reports on audit coverage and the results of the audit activity, and interpret those results to improve the audit schedule and the audit coverage.
11. Be responsible for an efficient and effective administrative and financial management of the Internal Audit Business Unit.
12. Be responsible for the effectiveness and support to the municipal Public Accounts Committee

ANNEXURE J - MANAGER: IDP & PMS

The Manager IDP & PMS has the following powers:

- 1 To coordinate the IDP's annual review and service delivery implementation plan.
- 2 To promote and implement Integrated Development Planning with other spheres of governance.
- 3 To gather information and research on specific policies, strategies and programme relevant to local governance and public policy.
- 4 To ensure an explicit alignment between the IDP and budget planning.
- 5 To coordinate implementation of the performance management system.
- 6 To ensure public participation in the decision-making processes of the Municipality.
- 7 Be responsible for an efficient and effective administrative and financial management of the IDP & PMS Unit.
8. Determine the key-performance indicators and performance targets in terms of section 41 of the Systems Act 32/2000.
9. Recommends for approval overtime worked and the remuneration thereof to all employees within the IDP & PMS Business Unit.
10. Maintain effective relations with executive and operating management.
11. Be responsible for an efficient and effective administrative and financial management of the IDP & PMS Business Unit.

BUDGET & TREASURY DEPARTMENT

ANNEXURE K - DEPUTY SENIOR MANAGER: BUDGET & TREASURY (DCFO)

1. To, in compliance with the Council's policy, arrange for insurance coverage for all assets of the Council, including contractors and all-risk insurance, fidelity guarantee, motor vehicle equipment, fire and storm damage, public liability,
2. To give the necessary instructions to the Council's insurance brokers, payment of the installments owing on the due date and to institute all claims on behalf of the Council.
3. In consultation with the Assistant Manager Building & Planning, recommend the granting or denying the refunding or partial refunding of building plan monies in matters where buildings are not erected.
4. To in consultation with the CFO, refund court fines to the appropriate persons, which persons have paid such fines, following the amendment or setting aside of such persons judgments.
5. To issue and sign clearance certificates as contemplated in section 50(1) of Ordinance 17 of 1939, as amended, upon payment of the relevant monies or receipt of an undertaking from the transferring attorney on record, that all outstanding monies will be paid on date of transfer.
6. To, after consultation with the Chief Financial Officer and the Municipal Manager, give instructions to Council's attorneys to collect monies owing to Council and to take all necessary steps in accordance with Council's amended Credit Control Policy to collect the monies.
7. To determine the terms and conditions for payment of such monies owing to Council and to sign all documentation in that regard.
8. To exercise discretion and to consider, approve or refuse applications for extension of any payments due to Council.
9. To write off irrecoverable debt to the maximum amount of R500, 00 (five hundred rand) per case.
10. To institute a claim against any insolvent or deceased estate or against a company in liquidation, for any monies owing to the Council, and to conduct any action which a creditor is normally entitled to.
11. To consider, approve or decline applications for indigent subsidy with retrospective force as from the beginning of the current financial year.
12. To serve on owners and tenants of houses who neglect to honor their liabilities, the prescribed notices in terms of the Housing Act as amended.
13. To ensure efficiency of Budget, Expenditure, Supply Chain Management and Revenue Sections
14. To liaise with Auditor General in all issues related to auditing of the municipality
15. To authorise payments of purchases for goods or services amounting from R2 000.00 up to R 74 999.00

ANNEXURE L - MANAGER: SUPPLY CHAIN MANAGEMENT

- 1 To administer and implement the Council's Procurement Policy in terms of the Preferential Procurement Regulations 2001, of the Preferential Procurement Policy Framework Act, 2000.
- 2 To after consultation with the CFO, give the instruction for such redundant or obsolete goods or material to be sold by public auction, public tender or acceptance of written quotes.
3. To determine a date for the annual public auction of obsolete and redundant store items and materials.
4. Ensures confidentiality on municipal bid documents and processes.
5. Ensures that the closing of all Bids on the closing date are done in a fair and transparent manner
6. Recommends to the Municipal Manager the sitting of Bid Committees.
7. Co-ordinates contract management
8. To be authorised by Council to manage the Council vehicle fleet by coordinating vehicle allocations, do maintenance and repair work and renew vehicle licences yearly as and when it is required to do so, including (COF) Certificate of Fitness on heavy vehicle exceeding 3 500kg.
9. Authority to approve or disapprove the hire of pool vehicles to Directorates, Business Units and/ or employees.
10. Authority to withdraw vehicles, which are being misused, and subsequently suspending the driver responsible for the misuse thereof from using Council vehicles.
11. Updates assets register on a monthly basis.
12. Reports to CFO on the Municipality's assets and liabilities to be valued in accordance with standards of generally recognised accounting practice
13. Maintains a system of internal control of assets and liabilities, including an asset and liabilities register, as may be prescribed.
14. Recommends for approval overtime worked and the remuneration thereof to all employees within the Supply Chain Business Unit.
15. Maintains effective relations with executive and operating management.
16. Be responsible for an efficient and effective administrative and financial management of the Supply Chain Business Unit.

ANNEXURE M - MANAGER: BUDGET & REPORTING

1. To apply all the legislation pertaining to implementation of the municipal budget
2. To chair the municipal Budget Working Group
3. By not later than seven working days after the end of each month submit to the Mayor of the Municipality and the National Treasury a report in the prescribed format on the state of the Municipality's budget during that month and during the financial year up to the end of that month reflecting: -
 - (a) The actual revenue, per revenue source;
 - (b) Actual borrowings;
 - (c) The actual expenditure, per vote;
 - (d) The actual capital expenditure, per vote;
 - (e) The amount of any transfers received, from national organs of state in terms of the annual Division of Revenue Act, and from Provincial organs if state and other Municipalities;
 - (f) The actual expenditure on those transfers, excluding expenditure on its share of the Local Government equitable share and on transfers which the annual Division of Revenue Act exempts from this section;
 - (g) When necessary, an explanation of: -
 - (i) Any material variances from the Municipality's projected revenue by source, and from the Municipality's expenditure projections per vote; and
 - (ii) Any remedial or corrective steps taken or to be taken to ensure that projected revenue and expenditure remain within the Municipality's approved budget.
4. To ensure reporting to external stakeholders is done on a monthly basis subject to consultation with the Municipal Manager and the Chief Financial Officer
5. Recommends for approval overtime worked and the remuneration thereof to all employees within the Budget and Reporting Business Unit.
6. Maintain effective relations with executive and operating management.
7. Be responsible for an efficient and effective administrative and financial management of the Budget and Reporting Business Unit.

ANNEXURE N - MANAGER: REVENUE & DEBT COLLECTION

1. Implement revenue collection systems consistent with section 95 of the Municipal Systems Act and the Municipality's credit control and debt collection policy;
2. Calculate revenue due to the Municipality on a monthly basis.
3. 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;
4. Ensures that all money received is promptly deposited in accordance with this Act into the Municipality's primary and other banks accounts;
5. Establish and maintain a management, accounting and information system which: -
 - (i) Recognises revenue when it is earned;
 - (ii) Accounts for debtors; and
 - (iii) Accounts for receipts of revenue;
6. Charge interest on arrears, except where the Council has granted exemptions in accordance with its budget-related policies and within a prescribed framework; and
7. Ensures that all revenue received by the Municipality, including revenue received by any collecting agent on its behalf, is reconciled on a weekly basis.
8. 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;
9. To update on a quarterly basis the free basic services register
10. To coordinate the distribution of free basic services to all municipal wards in accordance with the free basic services register.
11. Recommends for approval overtime worked and the remuneration thereof to all employees within the Revenue & Debt Collection Business Unit.
12. Maintain effective relations with executive and operating management.
13. Be responsible for an efficient and effective administrative and financial management of the Revenue & Debt Collection Business Unit.

ANNEXURE O - MANAGER: EXPENDITURE

1. Maintains a proper system of expenditure control, including procedures for the approval, authorisation, withdrawal and payment of funds.
2. Maintains a management, accounting and information system which: -
 - (i) Recognises expenditure when it is incurred;
 - (ii) Accounts for creditors of the Municipality; and
 - (iii) Accounts for payments made by the Municipality;
3. Maintains a system of internal control in respect of creditors and payments;
4. Ensures that payments are made: -
 - (i) Directly to the person to whom it is due unless agreed otherwise or for good reason;
 - (ii) Through electronic payments
5. Pay all money owing within 30 days of receiving the relevant invoice, unless where prescribed otherwise;
6. Comply with tax, levy, duty, pension, and other commitments of the Municipality as required by legislation;
7. Manage available working capital effectively and economically in terms of the prescribed cash management and investment framework;
8. Ensure that all accounts of the Municipality are closed at the end of each month and reconciled with its records
9. Develop a report to the Council on all expenditure incurred by the Municipality on staff salaries, wages, allowances and benefits, and in a manner that discloses such expenditure per type of expenditure
10. Recommends for approval overtime worked and the remuneration thereof to all employees within the Expenditure Business Unit.
11. Maintain effective relations with executive and operating management.
12. Be responsible for an efficient and effective administrative and financial management of the Expenditure Business Unit.

CORPORATE SERVICES

ANNEXURE P - MANAGER: HUMAN RESOURCES

1. To apply for the constitution of a Pension fund in order to determine the health condition of employees in matters of possible medical boarding due to medical disability
2. To recommend applications for partial reimbursement of furniture removal costs.
3. To recommend the conversion of sick leave with ½ pay to sick leave with full pay.
5. Placement of advertisements for posts to be filled.
6. Recommend of amount to be paid in recognition for long service (using the current formula).
7. Recommends approval of maternity leave.
8. Recommends approval of time-off for union members.
9. To recommend housing allowance and rental subsidy.
10. To recommend to the Manager: Corporate Services the appointment of students for experiential training on a closed term temporary agreement.
11. Recommends for approval overtime worked and the remuneration thereof to all employees within the Human Resources Business Unit.
12. Maintain effective relations with executive and operating management.
13. Be responsible for an efficient and effective administrative and financial management of the Human Resources Business Unit.

ANNEXURE Q - MANAGER: SOUND GOVERNANCE

1. To manage Secretarial duties which includes collection of council items, reproduction, issuing of agenda
2. To be responsible for all logistics pertaining to the sitting of all council and statutory meetings which includes securing venue and record keeping.
3. To co-ordinate execution of resolutions taken by Council and other stakeholders.
4. Is responsible as a Records Manager to keep all municipal records and archives them in accordance with the municipal file plan
6. Is responsible for general administration of the municipality.
7. Responsible for conducting survey on municipal services on an annual basis
8. Represents the municipality on Batho Pele Programmes within the Province of the Eastern Cape and the country.
9. Recommends for approval overtime worked and the remuneration thereof to all employees within the Sound Governance Business Unit.
10. Maintain effective relations with executive and operating management.
11. Be responsible for an efficient and effective administrative and financial management of the Sound Governance Business Unit.

ANNEXURE R - MANAGER: INFORMATION COMMUNICATION & TECHNOLOGY

- 1.. To prevent abuse of information systems.
2. To prescribe technical specifications for all computer and/or computer related equipment and consumables utilized by Council.
3. To apply and renew Umzimvubu Local Municipality's Software Licenses.
4. To terminate user privileges and access to computer systems due to unauthorised use, miss-use and tampering of systems services on behalf of Council.
5. To do short-, medium and long-term profiles and forecasts and to investigate, design and implement special projects pertaining to the more efficient and better utilisation of computer systems and infrastructure.
6. To do medium- and long-term planning and design of the computer network in order to meet increased demand, reliability and Quality of Service requirements to ensure timorously renewal and replacement of equipment which has reach the end of its economic life.
7. Recommends reviews specific IT actions to assure that information technology activities reflect the goals and priorities of Umzimvubu local Municipality programs.
8. To serve as the overall coordinator for Umzimvubu Municipality information technology activities to ensure maximum efficiency and effectiveness in meeting business needs and requirements.
9. To provide leadership for developing and promulgating Umzimvubu Municipality's information resource management policies, standards, guidelines, and procedures on data management, system life-cycle management, security, telecommunications, IT reviews, and other related areas
10. To provide support for telecommunications management for Umzimvubu Municipality, including planning, coordinating, and implementing all telecommunications services and equipment.
11. To carry out responsibilities assigned by various legislative acts, e.g., ***The Electronic Communications and Transactions Act, Act 25 of 2002.***
12. To review and approve the Information Services Long-Range Plan.
13. To determine the Umzimvubu Municipality mission requirements for IT security and for furnishing adequate personal data, as defined in ***The Electronic Communications and Transactions Act, Act 25 of 2002***, and other sensitive data.
14. To establish a Directorate-wide program for IT security, consistent with the mission of Umzimvubu Municipality.
15. To review applicable technical approval (TA) requests to assess and certify the sensitivity of proposed requests, where applicable.
16. To review all security incidents and corrective actions taken at any Umzimvubu Municipality location and ensure that corrective action takes place.

17. To develop a security awareness-training program that addresses common security problems and concerns.
18. To develop internal security standards and procedures for all levels of employees.
19. To ensure that steps are taken to maintain IT security risks at an acceptable level.
20. To facilitate the collaborative management of geospatial hardware and software maintenance at all levels of the Business Unit.
21. To provide access to authorised individual customers to data and set any limitations on that access (read/update/access to subsets/etc.).
22. To resolve disputes as to the meaning and valid use of data elements and values.
23. To act as the designated authority for business-area decisions concerning data content and requirements for supporting software systems.
24. To at the request of the project manager, authorize direct support to a specific project. This support could include requirements development, data modelling, planning, metadata development, and quality assurance.
25. To coordinate application software development within Umzimvubu Municipality.
26. To ensure that software to be installed on the Umzimvubu Municipality's Computing Environment platform has been submitted and certified.
27. To ensure that hardware and telecommunications systems are tested in accordance with the applicable standards.
28. To implement approved requests received for telecommunications services and equipment.
29. To represent the municipality in the District and Provincial IT Fora.
30. To recommend allocation of funds for the acquisition of information technology equipment employees with disabilities.
31. Recommends for approval overtime worked and the remuneration thereof to all employees within the ICT Business Unit.
32. Maintain effective relations with executive and operating management.
33. Be responsible for an efficient and effective administrative and financial management of the ICT Business Unit

CITIZEN AND COMMUNITY SERVICES

ANNEXURE S - MANAGER: COMMUNITY SAFETY

1. Conduct all security related investigation in terms of an approved investigative program.
2. Report every security breach, fraud and corruption investigation to the Municipal Council.
3. Conduct pro-active information and security audits
4. Implement all council resolutions in relation to disaster.
5. To, in consultation with the relevant Managers grant permission for the utilization of any Municipal facilities during an emergency.
6. To represent the municipality in the District Disaster Management Forum
7. To ensure timeous renewal and replacement of equipment that is utilized for any relief rendered by the municipality during disaster.
8. To temporarily close a street in terms of the provisions of the Local Government Ordinance 17/1939, after consultation with the Infrastructure & Planning department.
9. To, in collaboration with the Municipal Manager, grant approval for the erection of temporary accommodation at various facilities within the jurisdictional area of the Municipality in event of emergency or disaster.
10. To serve notices, directives, early warnings and/or other documentation to Councilors and communities in terms of the Disaster Management Act, regarding safety and the prevention of disaster.
11. To develop and market disaster and emergency related brochures within the parameters of an approved budget.
12. Recommend consideration and approval or denial of applications for exemption regarding the transport of abnormal loads within the jurisdictional area of Umzimvubu Local Municipality , if the Manager: Infrastructure & Planning is of the opinion that all roads, bridges and structures along the particular route will be able to carry the axle-loads of the vehicles to be used.
13. To consider and finalise, subject to the fulfillment of all legal provisions as well as the policy of the Council, all applications for road races, road relay races and street marches - excluding protest marches and marches with a political connotation, as well as funeral escorts through the jurisdictional area of Umzimvubu Local Municipality, in terms of Regulation 317 Sub Regulation 2 of the National Road Traffic Act, 93/1996
14. To consider and finalise all applications for Professional Driving Permits received in terms of Regulation 115 of the National Road Traffic Act, 93/1996, as amended.
15. To exercise the powers in terms of Regulation 320 of the National Road Traffic Act, 93/1996, as amended, with regard to abandoned vehicles.

16. To determine a loading zone in a street and to make and affix the necessary signs and marks.
17. To institute or repeal speed limits and authorise the setting up or removal of prescribed traffic signs and marks on all public roads within the jurisdictional area of the Council, with the exception of throughways, in terms of the provisions of section 37 of the National Road Traffic Act 93/1996.
18. To consider approve or refuse the setting up, removal or replacement of yield signs at intersections or street-junctions, and to grant consent for the setting up or removal of the prescribed traffic signs and marks.
19. To temporarily close a street or public place as envisioned in terms of the provisions of the Local Government Municipal Structures Act, 117/1998.
20. The powers of arrest without a warrant in terms of the provisions of section 42(3) of the Criminal Procedure Act, 51 of 1977, as amended, of persons who commits a criminal offence on Council property.
21. To approve the exemption of parking regulations in terms of the provisions of section 80A of the National Road Traffic Act, 93/
22. To impound stray animals.
23. To exercise the powers in terms of the Municipal By-Laws for the erection of Outdoor Advertising Signs and Hawkers (Street trading).
24. Recommends for approval overtime worked and the remuneration thereof to all employees within the Community Safety Business Unit.
25. Maintain effective relations with executive and operating management.
26. Be responsible for an efficient and effective administrative and financial management of the Community Safety Business Unit.

ANNEXURE T - MANAGER: COMMUNITY SERVICES

1. To arrange for the removal of street trees when he is of the opinion that such a measure is necessary in the interest of safety of people, animals and property.
2. To develop, administer and maintain parks, gardens and open spaces within the jurisdictional area of the Municipality.
3. To administer and manage the cemeteries and crematoria within the jurisdictional area of the Municipality in terms of the Council's relevant bylaws.
4. To manage and advise on the preservation and protection of nature, ecological factors and the environment of Umzimvubu Local Municipality jurisdictional area.
5. To implement and manage the Integrated Waste Management Plan as adopted by the Council
6. To put community halls at the disposal of other department of the Council, provided that they are not otherwise occupied or hired out.
7. To recommend the granting of permission for the erection of temporary and permanent advertisement boards at the various sport facilities in accordance with the external advertising by law.
8. to recommend to the Municipal Manager the signing of the lease agreements on behalf of the Council, where the various stadiums are leased to organisations, sport bodies etc
9. To facilitate the leasing of suitable areas for hosting of flea markets, circus or amusement park at areas situated at the sport facilities
10. To recommend to Manager: Citizen & Community Services the granting of permission for the presentation of swimming galas in a Municipal swimming pool.
11. To close the swimming pool during the swimming season when weather conditions are unfavourable.
12. To control the swimming pool in terms of the Municipal swimming By-Laws.
13. To determine the swimming pool, after taking into consideration the needs of the community as well as the fixed minimum/maximum working hours.
14. To close sport facilities, community halls and swimming pools for the public when it is necessary to do maintenance work at these facilities.
15. To determine variable shifts or flexi-time for personnel working in the unit, with the aim of saving of access to facilities by the public after normal working hours, subject to working the minimum working hours prescribed in terms of legislation and that the conditions of service are not affected
16. To render cultural-/library-/museum services to residents and visitors of Umzimvubu within the framework of existing legislation and Municipal By- Laws.
17. To recommend determine the library hours, after taking into consideration the needs of the

community as well as the fixed minimum/maximum hours.

18. To temporarily close the museums for installation of new exhibitions and for maintenance.
19. To determine variable shifts for personnel working in the unit especially library- and museum personnel with the aim of usage/access to facilities by the public after normal working hours and during certain hours on a Saturday, subject to working the minimum working hours prescribed in terms of legislation and that the conditions of service are not affected.
20. To recommend the hours of the official opening of various libraries based on statistics of usage during the summer and winter as well as taking the safety of personnel into consideration and the availability of public transport, subject to working of minimum prescribed hours per month
21. Recommends for approval overtime worked and the remuneration thereof to all employees within the Community Services Business Unit.
22. Maintain effective relations with executive and operating management.
23. Be responsible for an efficient and effective administrative and financial management of the Community Services Business Unit.

INFRASTRUCTURE & PLANNING

ANNEXURE U - MANAGER: PROJECT MANAGEMENT

1. Recommends approval of progress payment certificates to contractors doing roads capital projects as well as accounts for professional engineers rendering professional services to the Municipality.
2. To adhere to the stipulations of the **Occupational Health and Safety Act, Act 85 of 1993** with regard to construction and maintenance of roads and storm-water networks that Council is responsible for.
3. To recommend for approval of plans/or draft designs as submitted by Town Developers, Design Engineers in accordance with the appropriate founding specifications for roads and storm water as well as the terms of section 79(1) of Local Government Ordinance 17 of 1939, and section 119(1) of the Local Government Ordinance 15 of 1986.
4. To take control of all tenders and contracts concluded and approved by the municipality for roads and storm water services, to supervise it, to draw-up tender documents and to recommend certification of all payment certificates.
5. To prescribe technical specifications for all materials for civil engineering services to be used in the establishment of townships in accordance of the Establishing Conditions with consideration to the geological earth formation in each separate case and safety requirements.
6. Grant extension of time for claims on roads and storm water construction contracts in terms of the agreement.
7. To recommend approval of the use of consulting engineers who have the necessary experience for the designing and installation of electrical networks.
8. To apply for funds to do electrification projects in the Umzimvubu area of jurisdiction.
9. To apply for funds to do roads maintenance and construction projects in the Umzimvubu area of jurisdiction
10. Recommends for approval overtime worked and the remuneration thereof to all employees within the Project Management Business Unit.
11. Maintain effective relations with executive and operating management.
12. Be responsible for an efficient and effective administrative and financial management of the Project Management Business Unit.

ANNEXURE V - MANAGER: BUILDING & PLANNING

1. To, in consultation with the Manager: Infrastructure & Planning grant permission for the hiring of equipment to perform departmental construction work.
2. To hire out Municipal offices, trading premises, buildings, open spaces or grounds on the conditions as approved by the Council.
3. To allocate office accommodation, official housing and parking garages erected by the Council for its personnel
4. The approval of plans with regard to facilities related projects including but not limited to offices, halls, stadiums and ablution facilities.
5. To recommend approval of Consultants, which consultants dispose of the necessary skills regarding the tasks that must be done.
6. In accordance with Council's policy, finalization of requests for special consent by persons or organizations to:
 - i Have a sale on a public place or street;
 - ii. Use loud speakers on any public place or street;
 - iii Display or distribute advertisements, posters or flyers.
7. Confirm that endowment has been paid and Council is able to provide the required services before approval of a building plan, within 3 months from date of letter.
8. When necessary, to appoint appraisers from a panel compiled by Council pertaining to the acquisition or alienation of land, or for any other purposes in respect of which Council is authorized by way of legislation to appoint appraisers, excluding appraisers for the compilation of the valuation roll.
9. To, in terms of section 7 of the Act, satisfy himself/herself than any application to erect a building complies not only with the requirements of the Act but also with any other applicable law.
10. To, in terms of sections 4 & 7 of the Act, approve of or refuse any application for approval for the erection of a building.
11. To take any actions deemed fit in terms of section 10 of the Act in cases where he/she considers building or earthwork to be objectionable in any way.
12. To promote housing development projects by developers.
13. To, on behalf of Council act as a developer in respect of the planning and execution of a municipal housing development project on the basis of full pricing for cost and risk.
14. To recommend entering into joint venture contracts with developers, in respect of municipal housing development projects.
15. To administer any national housing program in respect of the Council area of jurisdiction,

as soon as the Council becomes accredited.

16. To facilitate and support the participation of all relevant role players in the housing development process.
17. To act in terms of section 10 of the Act, where it comes to the attention of the Manager: Infrastructure & Planning that no work has been done in a period of more than 3 months on a building under construction.
18. After consultation with Manager: Infrastructure & Planning, to in terms of section 12 read with section 10 of the Act take all and any suitable action deemed fit, which action includes but is not limited to allowing compulsory evacuation of buildings and/or building sites and/or (in the extreme) allowing for the demolishing of buildings where a building becomes dilapidated and/or where any building or earthworks becomes dangerous in any way.
19. To, in terms of section 13 of the Act, exempt an applicant applying for minor building work (as defined in the Act) to comply with the Act, and whilst in so doing, authorizing the applicant by setting any conditions or give any directions which are not specified but which, presumably, would have to be within the terms of the Act.
20. To issue a certificate of occupancy in terms of section 14 of the Act, where he is satisfied that the completed building has been erected in accordance with the regulations.
21. To enter any building or land at any reasonable time in connection with the consideration of any application submitted in terms of section 4 of the Act, and/or to further determine whether the owner of the building or land complies with any/all the provisions of the Act, and/or any conditions imposed by the Municipality in terms of the Act.
22. Permit a deviation or grant an exemption from any regulation except those which may concern the strength and stability of the building, in terms of section 18 of the Act.
23. To request a court order to stop work on any building where such work is unauthorised or does not comply with the provisions of the Act (section 21).
24. To charge fees and/or other monies in respect of the examination of plans as per Council tariffs
25. To approve of the demolition or change over of buildings in consultation with other relevant stakeholders.
26. To grant permission for the erection of buildings nearer than the distance stated in Table E of the compilation of tables in the Town Planning Scheme 1999, or to allow the erection of a building in a building banned area subject to the stipulations as set out in clause 10(i) and (ii) of the Town Planning Scheme, 1999, in consultations with the Manager: Infrastructure & Planning and the Senior Town Planner.
27. To undertake an investigation according to the stipulations of Section 11B(1) of Act 103 of 1985 when there is a suspicion that a nuisance exist on the premises and to report back to Council.

28. Recommends for approval overtime worked and the remuneration thereof to all employees within the Building & Planning Business Unit.
29. Maintain effective relations with executive and operating management.
30. Be responsible for an efficient and effective administrative and financial management of the Building & Planning Business Unit.

ANNEXURE W - MANAGER DEVELOPMENT PLANNING

Land Use Management in general

1. To recommend appointment of approved Town & Regional Planning consultants from time to time in accordance with the fee structures of the SA Council for Town and Regional Planner and other stipulations of legislation in order to assist the Municipality in compilation of policies, plans, amendment schemes and other land use management and spatial planning issues.
2. to initiate any court action necessary to ensure that effective land use management and orderly development is conducted and/or to ensure that any decision or action of the Municipality is defended. This includes the prosecution of any illegal land use, contravention of conditions in the Title Deeds of property and illegal outdoor advertisement signs;
3. To obtain legal opinions in respect of land use management, town planning and property law issues in order to ensure effective land use management and orderly development.

Spatial Planning and Land Use Management Act 16 of 2013 ("SPLUMA"), Regulations made in terms of SPLUMA, uMzimvubu Local Municipality Spatial Planning and Land Use Management by-laws, 2015 ("the bylaw") gazetted on the 26 September 2016.

4. To consider and determine the following Land Use and Land Development Applications:
 - 4.1 The subdivision of any land where such subdivision is expressly provided for in a Land Use Scheme
 - 4.2 The consolidation of any land
 - 4.3 The simultaneous subdivision, under circumstances contemplated in subparagraph and consolidation of land;
 - 4.4 The consent of the municipality for any land use purpose or departure or deviation in terms of a land use scheme or existing scheme which does not constitute a land development application;
 - 4.5 The removal, amendment or suspension of a restrictive title condition relating to the density of residential development on a specific erf where the residential density is regulated by a land use scheme in operation.
 - 4.6 Rezoning of any property where there are no objections
 - 4.7 Departure from the provision of the Land Use Scheme
 - 4.8 Communal Land
 - 4.9 Permanent closure of Public Place

Property Administration

5. To appoint appraisers from a panel compiled by Council pertaining to acquisition or alienation of land, or for any other purposes in which the Municipality is authorised by way of legislation to appoint appraisers, excluding appraisers for the compilation of the valuation roll;
6. To see to the cancellation of general servitudes in disuse where township establishment is concerned and to ensure that the rights of the Municipality is exercised after proclamation of road reserves of an proposed township

Outdoor advertisement:

7. To negotiate conditions and payment of rentals with applicants and recommend approval of requests to erect outdoor advertisement signage on Council property.
8. If any objection is received such application shall be referred to the Municipal Manager and the Manager: Infrastructure & Planning for a decision.
9. To issue a zoning certificate i.t.o. the Town Planning Scheme(s) in operation;
10. To recommend approval of a Site Development Plan in accordance with provisions of the Town Planning Scheme in operation;
11. To see to the cancellation of general servitudes in disuse where township establishment is concerned and to ensure that the rights of the Council is exercised after proclamation of the road reserves of the proposed township
12. Recommends for approval overtime worked and the remuneration thereof to all employees within the Town Planning Business Unit.
13. Maintain effective relations with executive and operating management.
15. Be responsible for an efficient and effective administrative and financial management of the Town Planning Business Unit.

LOCAL ECONOMIC DEVELOPMENT

ANNEXURE X - MANAGER: LOCAL ECONOMIC DEVELOPMENT

1. Seek funding on behalf of projects from donor agency and other National and Provincial Departments.
2. Develop business plans of projects that request the service.
3. Manage the registration of cooperatives
4. Coordinate direct Marketing in consultation with the Manager: LED
5. Development of marketing and tourism brochures
6. Direct link with all business structures.

7. Recommend entering into service contract with service providers for rendering of capacity building programs as stipulated in the policy. b
8. Facilitate the establishment of formal Street Hawkers
9. Facilitate the issuing the street trading licences on an annual basis.
10. Facilitate the establishment of Tourism Forum
11. Engage service providers to facilitate business skill training.
12. Engage public participation on local economic development projects
13. Recommends for approval overtime worked and the remuneration thereof to all employees within the LED Department.
14. Maintain effective relations with executive and operating management.
15. Be responsible for an efficient and effective administrative and financial management of the LED Department.

SPECIAL PROGRAMMES AND COMMUNICATION

ANNEXURE Y - MANAGER: SPECIAL PROGRAMMES

- Keeping abreast of legislative changes and National and Provincial Government requirements with respect to access to information and formulating methodologies/ policies dictating procedural applications for consideration and approval by immediate manager and the council.
- Analysing the effectiveness of the functionality in maintaining positive perceptions with the immediate and Local community and implementing corrective measures to align structures and systems.
- Providing advice/ opinions to the immediate Manager and other senior Managers on the special programs process through the analysis and evaluation of attitudes and needs of the targeted community special groups.
- Establishment of community special designated groups (i.e. Youth, Disabled, Elderly, Gender and Children) committee and development of TOR for each established committee.
- Develop business plan to support special designated groups on programs.
- Develop schedule of meeting for all established designated committees.
- Manages the administration support provided by the section and ensure proper recording of needs and minutes of each meeting.
- Incorporate needs of the designated group with the institutional SDBIP.

ANNEXURE Z - MANAGER: PUBLIC PARTICIPATION

1. To facilitate the establishment of the Municipal Ward Committee desks and Project Steering Committees.
2. To ensure an active public participation process in achievement of participation and the empowerment goal in terms of Sections 160(4) of the Constitution and 16(1) of the Municipal Systems Act
3. Responsible for issuing adverts for all council meetings annual and as and when a council meeting is sitting
4. To empower and mobilize all sectors of the community to participate meaningfully in the activities of the Municipality. The objective is to disseminate reliable and updated information and facilitate public participation in decision-making processes of the Municipality.
5. To ensure an active public participation process in achievement of participation and the empowerment goal in terms of Sections 160(4) of the Constitution and 16(1) of the Municipal Systems Act.
6. To manage the Public Participation unit according to the statement of purpose, authority and responsibility of the Unit.
7. To direct complaints to Presidency through the Presidential Hotline.

8. To strengthen relation between Umzimvubu and its stakeholders.
9. To coordinate all Municipal Outreach Programmes.
10. To facilitate the establishment of the Municipal Ward Committee desks and Project Steering Committees.
11. To coordinate municipal handover of projects.
12. To render support to initiatives, events and programmes in the Office of the Speaker.
13. Recommends for approval overtime worked and the remuneration thereof to all employees within the Special Programmes & Communication Department.
14. Maintain effective relations with executive and operating management.
15. Be responsible for an efficient and effective administrative and financial management of the Special Programmes Section

ANNEXURE Z1 - MANAGER: COMMUNICATIONS AND PUBLIC RELATIONS

- Interacting and establishing media needs, attending to specific enquiries and seeking approval for the release of information or comments to the different media forms.
- Develop draft speeches/communication for the MAYOR to address the community
- Review branding manual and ensure that the institution procurements are as per the approved branding manual.
- Manages the coordination media/ press conferences, interviews and/ or disseminates information, as delegated Municipal spokesperson, on events and issues of public interest.
- Prepare press statements and articles and addresses the media on matter of mutual interest to the media concerning the municipality
- Develop strategies for media presence on specific community functions/ events and maintain relationship between the media and the municipality.
- Keeping abreast of the media reports relating to the municipality's functions and activities and addressing the publication of inaccurate reports through the release of apologies or addendums.
- Developing and managing media plans to direct the advertising campaign of the municipality with respect to core service delivery areas, interacting with the Advertising Agency on specific outcomes and graphical requirements and, evaluating campaign effectiveness.
- Attending to the information needs with respect to the internet/ website of the municipality, checking and approving the usage/ or insertion of news items, articles and photographs on municipal website.
- Reviews developed news articles before publishing on the internal bulletin and municipal website
- Market municipal billboard for advertisement by private companies

ANNEXURE Z2 - SPECIMEN SIGNATORIES FOR MANAGEMENT OF UMZIMVUBU MUNICIPALITY

NO	DESIGNATION	SPECIMEN SIGNATURE
1.	Municipal Manager	
2.	CFO	
3.	Senior Manager: Infrastructure & Planning	
4.	Senior Manager: Corporate Services	
5.	Senior Manager: Local Economic Development	
6.	Senior Manager: Special Programmes & Communication	
7.	Senior Manager: Citizen & Community Services	

1. Municipal Manager and Senior Managers accountable directly to the Municipal Manager
2. Fixed Term Contract Employees who are Management Committee Members (Sectional Managers)

NO	DESIGNATION	SPECIMEN SIGNATURE
1.	Manager: Office of the Municipal Manager	
1.	Deputy Chief Financial Officer	
2.	Manager: IDP & PMS	
3.	Manager: Internal Auditing	
4.	Manager: Expenditure	
5.	Manager: SCM	
6.	Manager: Budget & Reporting	
7.	Manager: Revenue & Debt Collection	
8.	Manager: Project Management	
9.	Manager: Housing & Planning	
10.	Manager: Development Planning	
11.	Manager: Information, Communication & Technology	
12.	Manager: Sound Governance	
13.	Manager: Human Resources	
14.	Manager: Local Economic Development	
15.	Manager: Special Programmes	
16.	Manager: Public Participation	
17.	Manager: Community Safety	
18.	Manager: Community Services	
19.	Manager: Communications and Public Relations	

13. INTERNAL SUPREMACY, WAIVING AND INTERPRETATION OF THE DELEGATION OF POWERS

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

14. DISPUTE RESOLUTION

- 14.1 Any dispute arising out of implementation of this policy must be declared in writing and submitted to the Municipal Manager by the party concerned at the earliest convenience of all parties.
- 14.3 The Municipal Manager shall make efforts to resolve disputes within a reasonable timeframe.

15. GENERAL PROVISIONS

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


APPROVAL OF THE POLICY

The Municipal Council has approved this policy and amendments thereof.

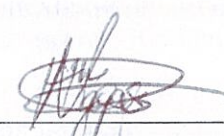
AUTHENTICATION

The amendments of the policy and or the new policy was adopted by the Council on the 31/01/2022

As per Council Resolution number ULMC: 053

Signed off


Mr. G.P.T. Nota
Municipal Manager



Cllr. H. Ngqasa
Chairperson of the Council