MUSINA LOCAL MUNICIPALITY CORPORATE SYSTEM OF DELEGATION OF POWERS AND FUNCTIONS



ADOPTION

Whereas the Constitution of the Republic of South Africa, Act No. 108 of 1996, empowers a Municipal Council to make by-laws which prescribe rules and orders for the powers and functions of its committees and further prescribes the delegation of certain functions;

And Whereas the Municipal System Act, Act No 32 of 2000 provides that a Municipal Council must develop a system of delegation that will maximize its administrative and operational efficiency and provide for adequate checks and balances;

And Whereas the Municipal Structures Act, Act No 117 of 1998 also provides for the development of a system of delegation by municipalities;

And Whereas the Municipal Finance Management Act, Act No 56 of 2003 also provides for a system of the delegation of powers regarding financial management within the municipality

Now therefore the following document is adopted as the "System of Delegation of Powers for the Musina Local Municipality "as per the following Council Resolution number **11.15.5.2017 dated 25 May 2017**".

Signed
Municipal Manager

MUSINA LOCAL MUNICIPALITY
Council Resolution
Date: 30/05/2017

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1 DEFINITIONS AND INTERPRETATIONS

In this document unless the context indicates otherwise:

a. **"administration"** means the municipal manager and the other employees of the municipality;

b. **"after consultation"** means with due regard for the views of any person with whom a delegating authority is required to consult before the exercises a delegated or sub-delegated power;

c. **"Constitution"** means the Constitution of the Republic of South Africa ,1996 (Act No 108 of 1996);

d. **"Council"** means the municipal Council of the Musina Local Municipality, its legal successor in title and its delegates;

e. **"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;

f. **"delegation"** means the authorization of a delegated of a power be a delegating authority to act in his instead, and in relation to a power included an instruction to exercise ether power, or perform a function and "delegate" has a corresponding meaning;

g. **"delegated body"** in relation to the delegation of power means the political structure ,political office bearer or employee to whom a power has been delegated by the delegating authority in writing;

h. **"General Manager"** refers to a Senior official directly accountable to the Municipal Manager;

i. **"in consultation"** means with the occurrence of the person with whom a delegating authority must consult before exercising a delegated or sub-delegated power;

j. **"Manager"** refers to officials directly accountable to General Managers and Municipal Manager;

k. **"Municipality"** means the category "C "Musina Local Municipality established in terms of section 12 of Act 117 of 1998;

l. **"Municipal Assets"** means the assets, immovable property, rights, liabilities and obligations of the Musina Local Municipality;

m. **"Power "** includes a duty and a function;

n. **"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 the Structure Act;

o. "**Structures Act**" means the Local Government: Municipal Structures Act, 2000 (Act No. 117 of 1998);

p. **"Systems Act"** means the Local Government: Municipal Systems Act, 2000 Act No.32 of 2000).

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

a. The singular shall include the plural and vice versa;

b. The male sex shall include the female sex and vice versa; and

c. a reference to a natural person shall include a legal person and vice versa

2 STATUTURY FRAMEWORK

2.1 The Constitution

Section 160 (2) of the Constitution states that a municipal council may not delegate the following functions:

(a) The passing of by-laws.

(b) The approval of budget.

(c) The imposition of rates and other taxes, levies and duties.

(d) The raising of loans.

2.2 Section 59 of the Municipal System Act

The section provides that a municipal council must develop a system of delegation that will maximize its administrative and operational efficiency. The section provides that municipal council may in accordance with its system of delegation, delegate appropriate powers to any of the Municipality's political structures, political office bearers, Councillors or staff members.

Excluded from the powers which may be delegated are:

(a) The powers mentioned in section 160 (2) of the Constitution.

(b) The powers to set tariffs.

(c) The powers to resolve to enter into a service delivery agreement in terms of Section 76 (b) of the Act.

(d) The power to adopt or amend the municipality's Intergraded Development Plan.

2.3 Section 32 of the Municipal Structure Act

2.5.1 This section requires that a municipal council must develop a system of delegation that will maximize administrative and operations efficiency and provide for adequate checks and balances and in accordance with that system may-

(a) Delegate appropriate powers; excluding a power mentioned in section 160(2) of the Constitution and the powers to approve its Intergraded Development Plan to its;

(i) Executive committee, if it has as executive committee.
(ii) Mayor, if it has Mayor.
(iii) Metropolitan sub council, if it has such sub Councils.
(iv) Ward committees, if it has ward committees.
(v) Other committed or elected office-bearers; and
(vi) Municipal Manager or any of its other officials.

(b) Instruct any such committee of functionary to perform any of the Councils duties; and

(c) Withdraw any delegation or instruction.

A delegation or instruction in terms of subsection (1)

(a) Must be in accordance with the Constitution and this Act ;
(b) Must be in writing;
(c) Is subject to any limitation, conditions and directions the Municipal Council may impose;
(d) May include the power to delegate a delegate power;
(e) Does not divest the Council of the responsibility concerning the exercise of the power or the performance of the duty; and
(f) Must be reviewed when a new Council is elected or, if it is a Municipality Council elected and appointed.

2.5.2. In the following circumstances the review of a decision taken by a political structure, political office bearer, Councillor or staff member in consequences of a delegation or instruction, by a Municipal Council, is discretionary;

2.5.3. In the following circumstances the review of a decision taken by a political structure, political office bearer, Councillor or staff member is imperative: (insert a box) *Where at least one quarter of the Council request in writing a review.*

2.5.4. The municipal Council may confirm, vary or revoke the decision taken by a political structure, political office bearer, Councillor, or staff member subject to any rights that may have accrued to a person.

2.5.5 The Municipal Council may require the Mayor to review any decision taken by a political office bearer, Councillor or staff member in consequences of a delegation or instruction.

2.5.6 Subject to what has been stated above, in terms of section 11 (1) of the System Act, the executive and legislative authority of a Municipality are exercised by the Council of that Municipality, and the Council takes all the decision of the Municipality.

2.5.7. According to Section 60 of the System Act, the following powers may, within a policy framework of the municipal council, be delegated to a Mayor only:

2.5.7.1. Decisions to expropriate immovable property of rights in or to immovable property; and

2.5.7.2 The determination or alteration of the benefits or other conditions of service of the Municipal Manager or Seniors Managers directly responsible to the municipal manager.

3. THE DELEGATION SYSTEM

3.1 Objectives of the Delegation System

The objectives of this system of delegations are to:

3.1.1 ensure maximum administrative and operational efficiently;
3.1.2 provide for adequate checks and balances;
3.1.3 delegate decision-making to the most effective level within the administration;
3.1.4 involve employees in management decisions as far as practicable;
3.1.5 promote a sense of collective responsibility for performance;
3.1.6 assign clear duties for the management and coordination of administrative units, systems and mechanisms;
3.1.7 define in precise terms the duties of each political office bearer;
3.1.8 determine the relationships among the political structures, political office bearers and the administration, and the appropriate lines of accountability and reporting of each of them.

3.2 Principles

3.2.1 This system of delegations should ensure that the Council retains all legislative powers and those executive powers that cannot be lawfully delegated.
3.2.2 In exercising delegated authority, Council's decision makers must do so in the spirit of utmost good faith and transparency.
3.2.3 It is the duty of the delegating authority to ensure that clear and comprehensive policies are drafted and that those policies may be substituted and/or amended at any given time.
3.2.4 All delegations must be aim at empowering the relevant functions effectively, taking into account the different levels of decision-making.
3.2.5 The function allocated to Council's executive, as may be approved by Council from time to time, forms the basis of allocation of delegations of executive decision-making power.
3.2.6 All delegation must enhance service delivery without compromising accountability.
3.2.7 Delegation must not oblige the delegate to exercise delegated powers and must accordingly allow for the decision to be taken at the next higher level.
3.2.8 Delegated powers do not absolve Council, the Municipality, from the responsibility of exercising powers or performing duties.
3.2.9 All delegations must provide for good governance and allow for adequate checks and balances to ensure responsible accountable decision-making.
3.2.10 In the event that any delegated power conflicts or transgress legislation, by-laws and/or the procurement policy of the Municipality the delegated power will be

deemed as pro non-script (*i.e. the legislation or by-law will be applicable and prevail over the delegation).*

3.3 Specific Conditions

All decision–making powers delegated by the council are subjected to the following conditions:

3.3.1 Delegated powers conferred on political office bears, Councillors and staff members are not conferred personally on incumbents. Anyone properly appointed in a position has the delegated powers conferred on the position.

3.3.2 These delegations also apply to acting positions. A person acting in any of these Positions has the same-delegated powers as those serving in a permanent capacity.

3.3.3 In executing any delegated power the delegate shall under all circumstances comply with all relevant legislation, agreements and policies.

3.3.4 These delegations do not redefine Council's power and functions. The policies, whether existing or future determine the parameters of any delegation and the delegating authority is bound to comply with it. Non-compliance causes any decision so taken to be *ultra vires*. It is the duty of the delegating authority to ensure that clear and comprehensive policies are drafted and that those policies may be instituted and amended at any given time.

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

3.3.6 Council of any other delegating authority may at any time, subject to applicable law and the accrual of any rights, order a delegated matter not to be proceeded with the delegate and they deal with the matter.

3.3.7 The delegate may determine whether a report is needed to motivate a decision and whether the decision must be reduced to writing. If a report is enquired then it must indicate that all legal and financial requirements have been met.

3.3.8 A delegation may set out special circumstances in which a delegate is prohibited from exercising their delegated power, for example if the delegate is recommending the rejection of the most financially beneficial tender offer.

3.3.9 Any sub-delegation must be reduced to writing and recorded in the delegation register.

3.3.10 The register of delegation must be kept updated at all times by the Municipal Manager.

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

3.3.12 All delegations are conditional on compliance with Council's policies, Integrated Development Plan and budget.

3.3.13 A delegating authority may require any decision taken under delegated power to be audited.

3.4 Withdrawal, Amendments or lapsing of Delegations

In terms of the Section 64 of the System Act:

3.4.1 Council or any other delegating authority may at any time withdraw, qualify or amend a delegation made by it.

3.4.2 The withdrawal, amendment or lapsing of a delegation or sub-delegation, does not Invalidate anything done as a consequences of a decision taken under that delegation or sub-delegation.

3.5 Duty to Report

In line with Section 63 of the System Act:

3.5.1 All delegates must report to the delegating authority, at intervals as the delegating authority may require, on all decisions taken under a delegate or sub-delegated power or duty, since the last report.

3.5.2 These reports are to enable the delegating authority to determine whether the policies regulating the power are being implemented, are adequate and/or whether the delegation is appropriate.

3.6 Review of the Delegations

3.6.1 Council must in accordance with the procedures of its Standing Orders, review any of the Council powers delegated.

3.6.2 Council may require the Executive delegations Committee, subject to the accrual of rights in law, to review any decision taken in consequence of a delegation instruction.

3.6.3 The system of delegations must be reviewed annually and when a new Council is elected.

3.6.4 The Municipal Manager must submit a report on the existing delegations issued by the Council and other delegating authority of the municipality including recommendations on any changes considered necessary.

3.6.5 The report and any recommendations must be submitted to the Municipal Council through the Executive Committee.

3.7 Process for Annual Review

3.7.1 The delegations must be reviewed annually after approval of the review of the Integrated Development Plan.

3.7.2 The Municipal Manager must submit a report and recommendations on any changes to the existing delegation that he may consider necessary to the Executive Committee.

3.7.3 Subsequent to the report, a workshop will be held to review delegations, taking particular cognizance of the Integrated Development Plan.

3.7.4 A report follows from the Municipal Manager to the Executive Committee.

3.7.5 Council has the power to finally decide on the matter.

3.8 General Powers of the Council

3.8.1 The municipality has all the powers assigned to it in terms of the Constitution as well as national and provisional legislation. The municipality has the right to do anything reasonably necessary for or incidental to the effective exercising of its powers.

3.8.2 The executive and legislative authority of the municipality vests in the council, and the council takes all the decisions of the municipality except:

a. Decisions on those matters that have been delegated;
b. Decisions on those matters that have by law been assigned to a political structure, political office bearer or employee of the council.

3.8.3 The council may exercise executive and legislative authority within the municipal area of Musina Local Municipality.

3.8.4 All the powers of the municipality that have not been reserved for the Council, or that have not been delegated to a political structure, political office bearer or employee of the council, are delegated to the Executive Committee.

3.9 Powers reserved by Council by way of Legislation

3.9.1 The following powers may not be delegated by Council (Section 160 (2) of the Constitution) and the Structure Act.

(a) Passing of by-laws.
(b) Adoption of Council's budget and any amendments thereto.
(c) Imposition of rates, taxes, levies and duties.
(d) Raising of loans.
(e) Adoption of the Integrated Development Plan (IDP).
(f) To appoint the Municipal Manage or an Acting Municipal Manager, Chief Financial Officer, General Managers and determine their conditions of service.
(g) To dismiss, suspend and recall the suspension of the Municipal Manager.
(h) To appoint, dismiss, suspend and recall the suspension of Senior or General Managers after consultation with the Municipal Manager.

3.9.2 The following powers may not be delegated by Council in terms of section 59 (1) of the System Act:

(a) The power to set tariffs;
(b) The power to decide to enter into a service agreement in terms of Section 76 (b) of the System Act;
(c) The power to approve or amend the Integrated Development Plan.

3.10 Powers Reserved by Council by way of Council resolution

3.10.1 The Council resolves to reserve the following powers and not to delegate to any of its structures, political office bearers, committee or staff:

(a) The power to approve any excess expenditure on the approved budget.
(b) The power to approve and amend the Municipality's organizational and operational structure.
(c) The power to adopt all policy documents, guide lines and other procedures pertaining to any functions that falls within the competence of the Municipality.

3.10.2 The Council reserves the following powers in addition to those, which are mandatory to Reserve:

(a) Determination of the Councillors allowance and salaries.
(b) Granting leave of absence to Councillors for meetings of the Council.
(c) Determination of the standing order of the Council.
(d) Determination of the political structures of the council.
(e) Designation of Councillors as determined by the MEC for Local Government, as full-time Councillors.
(f) Delegating powers to the Executive Committee.
(g) Delegating powers to the Portfolio Committees, i.e. Section 79 of the Municipal Structures Act.
(h) Delegating additional powers to Portfolio Committees subject to applicable legislation.
(i) Delegating powers to Council committees or elected office bearers.
(j) Determining the terms of reference of the Council committee.
(k) Appointing Chairperson and members of Council Committee.
(l) Delegating powers to the Municipal Manager or any of the officials.

4. STATUTORY AND COUNCIL DELEGATIONS

4.1 Executive Committee, the Mayor and Chairperson of the Executive Committee

4.1.1 Delegations Reserved by Legislation

1) The Municipal Structure Act 117 of 1998 (Section 44)
   a) The Mayor must:
      i) Identify the needs of the Municipality;
      ii) Review and evaluate those needs in order of priority;
      iii) Recommend to the Municipal Strategies, programmes and services to address priority needs through the integrated development plan and the estimates of revenue and expenditure, taking into Account any applicable national and provincial development plans; and

iv) Recommend or determine the best way, including partnership and other approaches, to deliver those strategies, programs and services to the maximum benefit of the community.

b) The Mayor in performing the duties of office, must:

i) Identify and develop criteria in terms of which progress in the implementation of the strategies, programs and services referred to in subsection (2)(c) can be evaluated, including key specific to the Municipality and common to Local Government in general;

ii) Evaluate progress against the key performance indicators;

iii) Review the performance of the Municipality in order to improve;

(1) The economy, efficiency and effectiveness of the Municipality;

(2) The efficiency of the credit control and revenue and debt collection services; and

(3) The implementation of the Municipality's by–laws.

iv) Monitor the management of the Municipality's administration in accordance with the directions of the Municipal Council;

v) Oversee the provision of services to communities in the Municipality in a sustainable manner;

c) Perform such duties and exercise such powers as the Council may delegate to the Mayor in terms of Section 32 of the Local Government: Municipal Structure Act, 1998

d) Annually report on the involvement of communities and community organization in the affairs of the Municipality;

e) Ensure that regard is given to public views and report on the effect of consultation of the decisions of the Council.

f) A Mayor must perform a ceremonial role as the Municipal Council may determine.

g) A Mayor must report to the Municipal Council on all decisions taken by him or her.

2) The Municipal Structure Act 117 of 1998 (Section 60):

a) The power to appoint and dismiss member of the Executive Committee.

b) The power to delegate responsibilities to each member of the Executive Committee.

c) The power of Mayor to delegate any of his/her power to the members of the Executive Committee.

3) The Municipal Structure Act 117 of 1998 (Section 80):

a) The power to appoint a member of the Mayoral Committee as a Chairperson of a section 80 committee appointed by the Council.

b) The power to delegate to a section 80 committee appointed by the council any of the Mayor's powers, without being divested of the responsibility or prerogative concerning the exercise of the delegated powers.

c) The power to vary or revoke any decision taken by a section 80 Committee appointed by the council subject to any rights.

4) The Municipal System Act, 2000 (Section 30):

a) The power to manage the drafting of the municipality's Integrated Development Plan (IDP).

b) The power to assign responsibilities regarding the IDP to the Municipal Manager.

c) The power to submit the IDP to the Council for adoption.

5) Municipal System Act, Section 39:
   a) The power to manage the development of the municipality's performance management system.
   b) The power to assign responsibilities with regard to the performance management system to the Municipal Manager.
   c) The power to submit the proposed performance management system to the Council for adoption.

6) Municipal System Act, Section 60:
   a) Decision to expropriate property or rights in or to immovable property.
   b) The determination or alteration of the remuneration, benefits or other condition of service of the Municipal Manager or Managers directly responsible to the Municipal Manager.
   c) The power to take decision to make investments on behalf of the Municipality within a policy framework determined by the Minister of Finance.
   NOTE: A power in terms of section 60 may not be delegated further by the Executive Committee.

7) Municipal System's Act, Section 99:
   a) The power to oversee and to monitor the implementation and enforcement of the Municipality's credit control and debt collection policy and any by-laws enacted, as well as the performance of the Municipal Manager in implementing them.
   b) When necessary, the power to evaluate and review the Municipality's credit control and debt collection policy and by-laws or the implementation of the policy and by-laws to improve the efficiency of existing credit control and debt collection mechanisms, processes and procedures.
   c) At intervals determine by the Council, the power to report to the Council on the debt collection policy and debt control by-laws and their implementation.

8) Municipal Finance Management Act (Section 52):
   a) The Mayor of a municipality:

      i) Must provide general political guidance over the financial affairs of the Municipality;

      ii) In providing such general political guidance, may monitor and, to the extent provided in this Act to the accounting Officer and the Chief Financial Officer, but may not interfere in the exercise of those responsibilities.

      iii) Must take all reasonable steps to ensure that the Municipality performs its statutory functions within the limits of the approved budget.

      iv) Must within 30 days of the end of each quarter submit a report to the Council on the implementation of the budget and the financial state of affairs of the Municipality; and must exercise the other powers and perform the other duties assigned in terms of this Act or by the Council to the Mayor.

9) Municipal Finance Management Act (Section 53):

a) The Mayor of the municipality must:

i) Provide general political guidance over the budget process and the priorities that must guide the preparations of the budget.

ii) Co-ordinate the annual revision of the Integrated Development Plan and the preparation of the Annual Budget, and determine how the Integrated Development Plan is to be taken into account or revised for the purpose of the Budget; and

iii) Take all reasonable steps to ensure:

(1)That the Municipality approves its Annual Budget before the start of the financial year to which the budget relates;

(2)That the Municipality's budget and service delivery budget implementation Plan (SDBIP) is finalized; and

(3)That the annual performance agreements as required in terms of section 57 (1) (b) of the Municipal System Act for the Municipal Manager and all Managers directly responsible to the Municipal Manager are signed.

(a) Require compliance with this Act in order to promote sound financial management.

(b) Are linked to the measurable performance objectives approved with the budget and service delivery implementation plan; and

(c) Are concluded in accordance with Section 57 (2) of the Municipal System Act

b) The Mayor must report any delay in the signing of the annual performance agreement of the Municipal Council and the MEC of Local Government in the Province.

c) The performance contract of the Municipal Manager and any other prescribed categories of officials must be made public no later than first day of the financial year, and copies submitted to the Council and MEC for local Government.

10) Municipal Finance Management Act (Section 54) accounting officer of the municipality in terms of section 71 or 72, the Mayor must:

i) Consider the report;

ii) Check whether the budget is implemented in accordance with the budget and service delivery implementation plan; and

iii) Issue any appropriate instructions to the accounting officer to ensure:

(1) That the budget is implemented in accordance with the budget and service delivery implementation plan; and

iv) Identify any financial problems facing the Municipality, including any emerging or impending financial problems.

b) If the municipality faces any serious financial problems the Mayor must:

i) Promptly respond to and initiate any remedial or corrective steps proposed by the

accounting officer to deal with such problems, which may include:

(1)Steps to reduce spending when revenue is anticipated to be less than projected in the budget;

(2) The tabling of an adjustment budget, or

(3) Steps in terms of Charter 13; and

c) Alert the Council and the MEC for Local Government in the Province to those problems.

11) Municipal Finance Management Act (Section 55)

a) If a Municipality has not approved an annual budget by the first day of the budget year or if the Municipality encounters a serious financial problem referred to in section 136 of this Act, the Mayor of the Municipality:

i) Must immediately report the matter to MEC for Local Government in the Province; and

ii) May recommend to the MEC an appropriate provincial intervention in terms of section 139 of the Constitution.

12) Municipal Finance Management Act (Section 56):

a) The Mayor of a Municipality which has sole or shared ownership control over a municipal entity must guide the Municipality in exercising its ownership control powers over the Municipal entity in a way:

i) That would ensure that the municipal entity complies with this Act and at all times remains accountable to the municipality

ii) That would not impede the entity from performing its operational responsibilities

b) In guiding the municipality in the exercise of its ownership control powers over a Municipality entity in accordance with subsection (1) the Mayor may monitor the operational functions of the entity, but may not interfere in the performance of those functions

4.1.2 Delegation by Council to the Executive committee

In addition to the powers and functions conferred upon the Mayor in terms of Structures Act, System Act, and Municipal Finance Management Act, any law or by-law, the Council hereby delegate the following specific powers, functions and duties to the Mayor:

1) General Powers:

a) To make any press statements on behalf of the Council.

b) To receive reports with recommendations from departmental portfolio heads 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.

c) The power to consider the matter raised in reports referred to in paragraph 4.1.2.1 (a) and either dispose of them in terms of the Mayor's delegated powers or forward them with the Mayor's recommendations to the Council for consideration and finalization.

d) The power to receive reports with recommendations from the committees established for specific matters, consider the matters raised in these reports, and either disposing of them in terms of the Mayor's delegated powers or forward them with a recommendation to the Council.

e) All powers, necessary or incidental, to execute the following:

   i) The responsibility for the quality and speed of decision making.

   ii) The responsibility to ensure that integration takes place between the various committees.

   iii) 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.

   iv) The responsibility for political supervision of the administration.

   v) The responsibility for liaising with the community, ward committees, other committees and Councillors, political office-bears in the different spheres of government.

   vi) The responsibility to be available, on regular basis, to grant interviews to the public and visitors to the Municipal offices and to interact with prominent business people.

f) In general, all other powers and functions, necessary or incidental, to enable the Mayor to discharge his or her duties as contemplated in section 56 of the Local Government: Municipal Structures Act,1998 (Act 117 of 1998).

g) To accept donations of movable property on behalf of the Municipality.

h) To institute and defend any proceedings of any nature whatsoever in any court whatsoever.

i) To institute and defend arbitration proceedings of any nature whatsoever.

j) To delegate the powers in paragraphs 4.1.2.1 (h), 4.1.2.1 (i) and 4.1.2.1 (j) above in general or in any particular matter (s) to the Manager: Legal Services Manager / General Manager Corporate Services.

k) To ratify retrospectively the institution or defence of proceedings in any nature whatsoever and in any court whatsoever where such institution or defence or step taken in arbitration.

l) To ratify retrospectively the institution or defence or steps taken in arbitration proceedings of any nature whatsoever where such institution or defence or such steps were not duly and properly authorized by the Municipal Council or the Mayor prior to such steps being taken.

m) To delegate the powers in paragraphs 4.1.2 (1) and 4.1.2.1 (m) above in general or in any particular matter(s) to the Municipal Manager / General Manager Corporate Services or Manager Legal Services.

n) To establish any committee within Council's executive, the appointment of members to such committee and the appointment of a Chairperson to such committee.

o) To set policy in respect of matters falling within the delegated powers of the Mayor or within the powers of the executive itself.

p) To comment on proposed legislation and government policies.

q) To appoint Councillors to attend international, national and local meetings conferences /seminars that is beneficial to the Municipality.

r) To appoint or nominate Councillors to represent Council to external bodies including SALGA.

s) To approve international co-operative agreements.

t) To grant leave of absence to members for meetings of the Executive Committee

u) To appropriate immovable property and rights in or to immovable property within parameters of prescribed signing authority.

v) To mandate the relevant forum in respect of all salary and wage disputes.

2) Human Resource Powers

a) To determine qualification, experience and other relevant requirements for the post of the Municipal Manager, Chief Financial Officer and General Managers on the Council's record of service.

b) To grant, cancel, postpone or interrupt leave of the Municipal Manager, and Chief Financial Officer.

c) To approve participation of the Municipal Manager in the international meetings, conference, seminars etc.

d) To approve the key performance areas of the Municipal Manager.

e) To review the performance contract of the Municipal Manager.

f) To request a report from the Municipal Manager on any matter relevant to the Municipality's business.

3) General Financial matters

a) To reduce budget funds on the income and capital budget in instances where savings were realized.

b) To approve essential expenditure up to an amount of R200 000 where provision was made on the budget for the expenditure.

c)To approve the essential expenditure up to an amount of R50 000 for finances out of income (if funds are available) where provision was not made in the budget for such expenditures, subject to Section 29 of the Municipal Finance Management Act.

d) The approval of all donations and grants-in-aid by the municipality where provision was made in the budget.

4.2 Council Speaker

1) The functions of the Speaker are enumerated in Section 37 of the Municipal Structures Act and they are:
   a) Presiding at meetings of the Council.
   b) Performing the duties and exercise the powers delegated to the Speaker in terms of Section 32 of the Act.
   c) Ensuring that the Council meets at least quarterly.
   d) Maintain order during meetings.
   e) Ensure compliance of the Council and Council committees with the Code of conduct of Councillors as set out in Schedule 5 of the Act.
   f) Ensuring that the Council meetings are conducted in accordance with the approved rules and orders of the Council.
2) The Speaker of a Municipal Council has the following further duties:
   a) To take charge of the legislative arm of the Municipal Council and guard the integrity of the legislative process as well as protect the "checks and balances" between the legislature and the executive.
   b) To ensure that by-laws that are tabled comply with the Constitution, structures Act, Systems Ac and other applicable National and Provincial legislation.
   c) To ensure that the procedural requirements that apply specifically to the adoption of by-laws have been adhered to.
   d) To guard the integrity of the Council, which requires the Speaker to guard against the abuse of the Councillors privileges and interests.
   e) To deal with complaints lodged against Councillors by members of the community.
   f) To call Council meetings and decide on their time and venue, however, if a majority of Councillors requested a meeting, the Speaker must convene a meeting accordingly.
   g) 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.
   h) The Speaker must further ensure that:
      i) 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.
   ii) Councillor's freedom of speech is exercised subject to Council's rules of order.
   l) 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 allowed in preparing the agenda.

j) To ensure the implementation of the provisions of the Act dealing with the Council meetings, such as Section 30, which deals with quorums and decisions.

k) To allocate speaking time to members in terms of the Council's policy on rules of order. 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.

l) To 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 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).

m) To 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 area and should have the authority to remove any person who refuses to comply with the Speaker's ruling.

n) To maintain an attendance register in order to implement item 4 (2) of the Code of Conduct of Councillors. This provides for the removal of a Councillor after a third consecutive absence from a Council meeting without having obtained leave of absence.

o) To determine the functional area of each portfolio committee and establish portfolio committees.

P) To co-ordinate the operations of the Councillors.

4.3 Municipal Manager

4.3.1 Powers Assigned by Legislation

1) Municipal Systems Act, Act 32 of 2000 (Section 55):
   a) As head of administration the Municipal Manager of a municipality, subject to the policy directions of the Municipal Council, is responsible and accountable for:
      i) The formation and development of an economical, effective, efficient and accountable administration.
      (1) Equipped with carrying out the task of implementing the Municipality's Integrated Development Plan in accordance with Chapter 5;
      (2) Operating in accordance with the Municipality's performance management system in accordance with Chapter 6; and
      (3) Responsive to the needs of the local community to participate in the affairs of the Municipality.
      ii) The management of the Municipality's administration in accordance with this Act and other legislation applicable to the Municipality;
      iii) The implementation of the Municipality's integrated development plan, and the monitoring of progress with implementation of the plan;

iv) The management of the provision of services to the local community in a sustainable and equitable manner;

v) The management, effective utilization and training of staff;

vi) The maintenance of discipline of staff;

vii) The promotion of sound labour relations and compliance by the Municipality with applicable labour legislation;

viii) Advising the political structures and political office bearers of the Municipality and political office bearers;

ix) Managing communications between the Municipality's administration and its political structures and political office bearers;

x) Carrying out of the decisions of the political structure and political office bearers of the municipality;

xi) The administration and implementation of the Municipality's by-laws and other legislation;

xii) 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, the Municipal Manager in terms of section 59.

xiii) Facilitating participation by the local community satisfaction with Municipal services is assessed.

xi) The implementation of national and provincial legislation applicable to the Municipality and

xvi) The performance of any other function that may be assigned by the Municipal Council

xvii) The appointment of staff other than those referred in section 56 (a) subject to the Employment Equity Act,1998 (Act No.55 of 1998)

b) As accounting officer of the Municipality the Municipal Manager is responsible and accountable for:

i) All income and expenditure of the Municipality.

ii) All assets and the discharge of all liabilities of the municipality, and

Iii) Proper and diligent compliance with the Municipal Finance Management Act.

2) Municipal System Act, 2000 (Act 32 of 2000) (section 66)

a) A Municipal Manager, within a policy framework determine by the municipal Council and subject to any applicable legislation, must:

i) Approve a staff establishment for the municipality;

ii) Provide a job description for each post on the staff establishment;

iii) Attach to those posts the remuneration and other conditions of service as may be determine in accordance with any applicable labour our legislation, and

iv) Establish a processor mechanism to regularly evaluate the staff establishment and, if necessary, review the staff establishment and the remuneration and the conditions of service.

3) Municipal Finance Management Act, Act 56 of 2003 (Section 60-79)

a) The Municipal Manager of a Municipality is the accounting officer of the Municipality for the purposes of this MFMA, and, as accounting officer must :
   i) Exercise the functions and powers assigned to accounting officer in terms of the said Act, and
   ii) Provide guidance and advice on compliance with the said Act to:
      a) The political structures, political office-bearers and officials of the Municipality; and
      b) Any Municipal entity under the sole or shared ownership control of the municipality

4) Municipal Finance Management Act, Act 56 of 2003 (Section 61)

a) The accounting officer of a Municipality must:
i) Act with fidelity, honestly, integrity and in the best interest of the Municipality in managing its financial affairs.
   a) Disclose to the Municipality 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 decision or actions of the Council or the Mayor; and
   b) Seek, within the sphere of influence of the Accounting Officer, to prevent any prejudice to the financial interest of the Municipality.
   iii) An accounting officer may not:

(a) Act in a way that in 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.

5) Municipal Finance Management Act, Act 56 of 2003 (Section 62)

a) The accounting officer of a Municipality:
i) Is responsible for the effective, efficient, economic and transparent use of the resources of the Municipality.
ii) Must keep full and proper records of the financial affairs of the Municipality in accordance with any prescribed norms and standards.
iii) Must ensure that the Municipality has and maintains:
   (1) Effective, efficient and transparent system of financial and risk management and internal control;
   (2) A system of internal audit operating in accordance with any prescribed norms and standards;
iv) Must take all reasonable steps to prevent unauthorized, irregular and fruitless and wasteful expenditure and other losses; and

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

(1) Contravenes or fails to comply with a provision of this Act;
(2) Commits an act which undermines the financial management and internal control system of the Municipality; or
(3) Makes or permits an authorized irregular or fruitless and wasteful expenditure.

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

i) Procurement and asset disposal policies which the municipality must adopt in terms of section 166;

ii) A tariff policy referred to in Section 74 of the Municipal System Act

iii) A rates policy referred to in section 74 of the Municipal Systems Act

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

v) A supply chain management policy which gives effect to the provision of Part 1 of Chapter 20 of the MFMA.

c) The accounting officer must maintain and regularly update the municipality's official website and promptly not later than 5 days after tabling, place on the website, the following documents:

i) The annual and adjustment budget and all budgets-related documents;

ii) All policies of the Municipality referred to in subsection;

iii) The annual report, financial statement and audit report;

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

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

vi) All long-term borrowing contracts;

vii) All procurement contracts above a prescribed value; and

viii) Any other documents that may be prescribed.

d) 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.

e) The accounting officer of a Municipality 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;

(a) Approves and reviews audit plans.

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

f) The accounting Officer has the following further powers, duties and functions;

i) Municipal Bank Accounts

(1) In terms of Section 10 (2) the accounting officer may delegate the duties referred to in Subsection 10 (1) (c) to the Municipality's Chief Financial Officer only

iii) Delegations

(1) In terms of Section 79 (1), the accounting officer of a municipality,

(a) Must, for the proper application of the MFMA, in the Municipality's administration, develop an appropriate system of delegation that will both maximize 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 Sec.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.

(2) In terms of Section 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.

(3) In terms of section 79 (3) a delegation in terms of subsection (1), must

(a) Be in writing.

(b) Be subject to such limitations and conditions as the accounting officer may impose in a specific case.

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

(d) May, in the case of a delegation to a member of the Municipality's top management in terms of subsection (1) (b), authorize that member to sub-delegate the delegated power or duty to an official or the holder of a specific post in that member's area of responsibility; and

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

(4) In terms of 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.

6) Municipal Finance Management Act, Section 63

a) The accounting officer of a municipality is responsible for the management of:
i) The assets of the Municipality, including the safeguarding and the maintenance of those assets; and
ii) The liabilities of the Municipality.

b) The accounting officer must for the purposes of subsection (1)
i) Ensure that the municipality maintains a management, accounting and information system that accounts for the assets and liabilities of the Municipality;
ii) Cause the Municipality assets and liabilities to be valued in accordance with standards of generally recognized accounting practice; and
iii) Establish and maintain a system of internal control of assets and liabilities, including an asset and liabilities register, as may be prescribed.

7) Municipal Financial Management Act, Section 64

a) The accounting officer of a Municipality is responsible for the management of the revenue of the Municipality. The accounting officer must for the purpose of subsection (1):

i) Ensure that the Municipality has proper revenue collection systems consistent with section 95 of the Municipal System Act and the Municipality's credit control and debt collection policy;

ii) On a monthly basis calculate revenue due to the Municipality;

iii) Ensure that accounts for Municipal tax ,and charges for Municipal service are prepared on a monthly basis, or less often as may be prescribed where monthly accounts are uneconomical;

iv) Ensure that all money received is promptly deposited in accordance with this Act into the Municipality's primary and other banks accounts;

v) Establish and maintain a management ,accounting and information system which:
(1) Recognizes revenue when it is earned;
(2) Accounts for debtor; and
(3) Accounts for receipts of revenue;

vi) Establish and maintain a system of internal control in respect of debtors and revenue as may be prescribed

vii) Charge interest on arrears, except where the Council has granted exemptions in accordance with its budget-related policies and within a prescribed framework; and

viii) Ensure that all revenue received by the municipality, including revenue received by any collecting agent on its behalf, is reconciled at least on weekly basis.

b) 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.

c) The accounting officer must ensure;

i) That any funds collected by the municipality on behalf of another organ of state is transferred to that organ of state on a weekly basis; and

ii) Those funds are not used for other purposes.

8) Municipal Finance Management Act, Section 65

a) The accounting officer of a municipality is responsible for the management of the expenditure of the Municipality.

b) The accounting officer must for the purpose of sub-section (1)

i) Ensure that the municipality has and maintains a proper system of expenditure control, including procedures for the approval, authorization, withdrawal and payment of funds.

ii) Ensure that the municipality has and maintains a management, accounting and information system which:

(1) Recognizes expenditure when it is incurred;

(2) Accounts for creditors of the Municipality; and

(3) Accounts for payments made by the Municipality

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

(1) Directly to the person to whom it is due unless agreed otherwise or for good reason; and

(2) Either electronically or by way of non-transferable cheques, provided that cash payments and payments by way of cash cheques may be made for only up to a prescribed amount;

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

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

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

viii) 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

ix) Ensure that all accounts of the Municipality are closed at the end of each month and reconcile with its records;

9) Municipal Finance Management Act Section 66:

a) The accounting officer of a Municipality must in a format and at intervals as may be prescribed:

i) 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:

(1) Salaries and Wages

(2) Contributions for pensioners and medical aid;

(3) Travel, motor car, accommodation, subsistence and other allowances;

(4) Housing benefits and allowances;

(5) Overtime payments;

(6) Loans and advances; and

(7) Any other type of benefits or allowance related to staff; and

ii) Disclose such expenditure in the Municipality's annual report in a prescribed format.

10) Municipal Finance Management Act Section 68:

a) The accounting officer of a municipality must:

i) Assist the Mayor in performing the budgetary functions assigned to the Mayor in terms of Charter 4; and

iii) Provide the Mayor with the administrative support, resources and information necessary for the performance of those functions.

11) Municipal Finance Management Act Section 69:

a) 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:

i) 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

ii) Revenue and expenditure are properly monitored.

b) When necessary, the accounting officer must prepare an adjusted budget and submit it to the Mayor for consideration and tabling in the Municipal Council.

c) The accounting officer must no later than 14 days after the approval of an annual budget submit to the Mayor;

i) A draft budget and service delivery implementation plan for the budget year; and

ii) Drafts of the annual performance agreements as are required in terms of section 57 (1) (b) of the Municipal Systems Act for the Municipal Manger and all managers directly responsible to the Municipal Manager

12) Municipal Finance Management Act, Section 70:

a) The accounting officer of a Municipality must report in writing to the Municipal Council;
   i) Any impending:
      (1) Shortfalls in budgeted revenue; and
      (2) Overspending of the Municipality's budget; and
      (3) Any steps taken to rectify such shortfalls or overspending.

b) 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:
   i) The amount by which the account or accounts is overdrawn;
   ii) The reasons for the overdrawn account or accounts; and
   iii) The steps taken or to be taken to correct the matter.

13) Municipal Finance Management Act, Section 71

a) The accounting officer of a Municipality must by no later than seven (7) 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:

   i) The actual revenue, per revenue source;
   ii) Actual borrowings;
   iii) The actual expenditure, per vote;
   iv) The actual capital expenditure, per vote;
   v) 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;
   vi) 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;
   vii) When necessary, an explanation of:
      (1) Any material variances from the municipality's projected revenue by source, and from the Municipality's expenditure projection per vote; and
      (2) Any remedial or correction steps taken or to be taken to ensure that projected revenue and expenditure remain within the Municipality's approved budget.
      (3) A projection of revenue and expenditure for the rest of the financial year, and any revisions from initial projections.
   viii) The amounts reflected in the statement must in each case be compared with the corresponding amounts budgeted for in the Municipality's approved budget.

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

b) 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 (7) 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.

14) Municipal Finance Management Act, Section 73

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

i) Any failure by the Council of the Municipality to adopt or implement a budget related or asset disposal policy referred to in section 111; or

ii) Any non-compliance by political structures or office–bearers of the Municipality with any such policy.

15) Municipal Finance Management Act, Section 74

a) The accounting officer of the Municipality must submit to the National Treasury, the MEC for local Government in the Province or the Auditor/General such information, returns, documents, explanation and motivation as may be prescribed or as the National Treasury, that the MEC or the Auditor General may require.

16) Municipal Finance Management Act (Protection of Accounting Officer)

a) Any section taken by a political structure of 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 of the purposes of the Labour Relation Act,1995 (Act No.66 of 1995).

4.3.2 Powers Delegated by Council

1) In addition to the powers and functions conferred upon the Municipal Manager in terms of Municipal Structures Act, Municipal System Act, and Municipal Finance Management Act, any law or by-law, the Council hereby delegate the following specific powers, function and duties to the Municipal Manager:

(1) General Administrative Powers

a) To execute any power contemplated in the relevant conditions of service as applicable to the various employees of the Municipality.

b) To take any action necessary to ensure that a council resolution is executed.

c) To sign any documents on behalf of the Municipality in accordance with Municipal Policy.

d) To sign any legal documents, including affidavits, contracts, power of attorneys, lease agreements and all conveyancing documents to pass transfer.

e) To appoint a panel of legal attorneys and also to instruct those attorneys to act on behalf of the municipality and where necessary appoint Advocate/s to appear on behalf of the municipality.

f) To institute legal action on behalf of the municipality and / or to defend any legal action instituted or brought against the municipality and this powers entails instructing attorneys to act on behalf of the municipality on any legal matter.

g) To authorize the payment of an acting allowance for officials directly accountable to the Municipal Manager.

h) To authorize the payment of medical or funeral expenses arising from an injury on duty.

i) To allocate office accommodation for the various Municipal departments.

j) The power arising from section 21(1) of the Control of Access to Public Premises and Vehicles Act 1985 (Act 53 of 1985)

k) To authorize all reports from the various Departments to the Executive Committee.

l) To withdraw any power delegated to a General Manager directly reporting to the Municipal Manager.

m) To develop financial delegations for to Senior Manager reporting directly to the Municipal Manager and below.

2) Human Resources Matters

a) To impose or revoke any official's (excluding General Manager and Chief Financial Officer) suspension at any time provided that such action is in the best interest of the Municipality.
b) To institute disciplinary proceedings in accordance with agreed SALGBC disciplinary procedures against any employee accused of misconduct.
c) To grant, cancel, postpone or interrupt leave of officials directly reporting to the Municipal Manager.
d) To delegate officials directly reporting to the Municipal Manager to attend congresses, seminars, conferences, workshops or training or public institution/associations of which the Council is a member or of which the business is of interest to the Council at a total cost not exceeding R10 000 per delegate where provision was made on the budget of the expenditure and on condition that funds are available. Delegates to these congresses, seminars, conferences, workshops, etc. must submit a summarized report to the Municipal Manager on their return.

e) To grant special leave to officials directly reporting to the Municipal Manager.
f) To appoint a junior officials directly reporting to the Municipal Manager.
g) To appoint other employees as Acting Managers, for a period not exceeding 90 days when a Senior manager is on leave or indisposed for a period exceeding three (3) days
h) To instruct officials to, for official purposes on behalf of the Council, attend visits outside the Musina Local Municipality area where the person/s must sleep over (excluding the attendance of the conference, congress, seminars and the attendance of meetings of institutes) and that the cost of accommodation be in terms of the tariffs approved by the Council.
i) The statutory appointment of officials already in the service of the Council where such an appointment is required in connection with the performance of these duties by such official and which involves no additional expenditure of the Council, the exercise of the functions, duties and powers of the Council under any law, to authorize, appoint, designate or approve an official already in the Council's service to discharge any duty or fulfil any function or exercised by all officers, official employees or servants duly appointed, designated, authorized or approved by the council for the purpose of discharging such duty or fulfilling such function or exercise such power.
j) To authorize visits meetings, symposiums and course by officials and to approve the travelling and subsistence allowances involved in terms of Council Policy.
k) To institute any disciplinary action on any Senior Manager and General Manager or Manager that should reasonably be taken for breach of good governance principle, collapse of discipline and/or a breach of the conduct of the municipality.
l) To purchase goods and arrange for the execution of work and services in the instance of emergencies to the value of not more that R200 000 after consultation with the Chief Financial Officer, and subject thereto that such expenditure can be accommodated in the operational capital budget of Council. The Municipal Manager must report to the Mayor of such expenditure within 30 days.
m) To approve the advertising of vacancies or any other adverts necessary for the effective and efficient functioning of Council to the value of not more than R50 000 subject thereto that funds are available on the operational budget.
n) Legal appointments and designations.
o) The appointment or designation of an employee in terms of applicable legislation, including a deputy information officer in terms of the Promotion of Access to Information Act (Act 2 of 2000).
p) To place prohibitions and to withdraw prohibitions on the use of municipal water in terms of the water service by-laws or Water Act or any instrument in consultation with the Manager: Manager Water and Sanitation and Water Service Providers and Water Users.

4.5 General Managers

4.5.1 Delegations Prescribed by Legislation

1) Municipal Finance Management Act (section 77)

a) The top management of a Municipality's administration consist of:
   i) The accounting officer;
   ii) The Chief Financial Officer;
   iii) All managers referred to in section 54 of the Municipal Systems Act who are responsible for managing the respective votes and to whom powers and duties for this purpose have been delegated in terms of section 79 of this Act; and
   iv) Any other senior officials designated by the accounting officer.
b) The top management must assist the accounting officer in managing and coordinating the financial administration of the Municipality.

4.5.2 Delegations by Council: General Powers to General Managers (including Chief Financial Officer)

1) To approve the use of official vehicles of the Municipality.
2) To recommend the payment of the medical or funeral expenses of an official who suffers injury or dies as a result of accident arising out or in the course of employment or as a result of an illness contracted in the course of employment.
3) To accept conditions imposed by statutory agencies.
4) To recommend the transfer of funds within expenditure groups in the Operating Budget in accordance with approved Municipal Policy.
5) To recommend the payment of an acting allowance for officials from the level of Manger Downwards.
6) To recommend the payment or cancellation of payment of transport and housing allowances to employees within his/her department.
7) To exercise all powers in terms of the relevant by –laws falling within the ambit of the competencies of his/her department, including the granting of any permission that may thus be required and the issuing of any notice in accordance with the said by-laws whereby a person is summoned to comply with a stipulation thereof
8) To grant leave of absence to all employees and Manager within his/her Department, other than himself, or to postpone or deny such leave, or cancel back any member of his personnel herein mentioned from vacation leave.
9) To authorise overtime worked by as well as the remuneration thereof to employees within his/her department.
10) To claim the submission of the medical certificates in accordance with the Service Conditions (SALGBC), in cases where application for sick leave for (a) period (s) of more than two working days are lodged by employees and Managers within his/her department.
11) To either accept or deny notices of service termination in respect of personnel within his/her department, which notices are shorter than periods stipulated in the Council's Service Conditions.
12) To terminate the service of a temporary or occasional worker within his/her department after necessary notice has been given.
13) To approve unpaid leave to a maximum period of 10 working days per employee and/or Managers per year in respect of personnel within his/her department.

14) The enforcement, by way of prosecution or otherwise, of the Council's bylaws or policy, and by signing all necessary documentation in that regard, with the understanding that no prosecution will be instituted before consulting with the Municipal Manager.
15) Should he/she regard it as being in the interest of the Council, the General Manager can recommend the grant of its approval to officials within his/her department to undertake visit for a maximum of one week for official purposes and the attendance of lectures, courses and seminars for up to but not exceeding two weeks, he/she can recommend the payment for attendance and registration and registration fees as well as travelling and accommodation expenses in such cases, or allow officials to make use of official transport.
16) To represent the Council's case after collaboration with the Manager: Legal Services and Municipal Manager, when action has been instituted against the Council in a Court of law, with regard to his/her department. It lies in the discretion of the Municipal Manager to appoint another senior official, should he be of such opinion.
17) To grant approval for special leave to all officials within his/her department, without remuneration, as determined by the Council' service Conditions.
18) To sub-delegate any power/function delegated to him/herself to (a) Manager (s) or (an) employee (s) within his/her department.
19) To recommend the officials to act in the higher positions for a period of no longer than three months.
20) To make non-political, technical media statements regarding the business of his/her Department after consultation with the Mayor or Municipal Manager.

4.6 Specific Delegations to General Managers

4.6.1 Chief Financial Officer

a) To recommend the approval of excess expenditure to a maximum amount of R200 000, 00 in respect of any vote contained in the operating budget, provided:
   i) That savings to the amount of the excess expenditure be accomplished and curtailed within which the directorate the particular vote falls.
   ii) That a report pertaining all such excess expenditure be submitted to the Finance and Executive Committee on a Monthly basis.
b) To make investments within the Council policy on behalf of the Municipality.
c) To grant permission that capital projects approved by the Council or Management Committee, be financed from endowment funds instead of loans.
d) To, in conjunction with the General Manager: Corporate Services and the departmental budget make the necessary transfers of provisions within the various departments' budget (as provided for on the non-official line item budget) if the relevant votes appear in the same main grouping of the budget subject to reporting to Council.
e) To incur recoverable costs in accordance with established Council policy.
f) To, subject to established Council policy, approve payment for overtime to personnel of the Council.
g) To administratively finalize requests for notices (of a non-commercial nature) to be sent out together with the Council's accounts.

h) To approve applications for the payment of a housing subsidy according to the approved guidelines.
i) To sign insurance excess agreements on behalf of the Council.
j) To, according to Council policy, accept sureties presented by contractors.
k) To write off the following movable assets in the asset register and inventory lists of the Council in terms of the stipulations of the financial by-laws and Council resolutions, and to sell the items by public auction:
    i) Movable assets (furniture, tools and machinery) according to a certificate by a General Managers supported by a certificate of a specialist where necessary) is seen to be redundant and obsolete and need not be replaced.
    ii) Obsolete and usable slow moving stock where the Chief Financial Officer in conjunction with the Procurement Officer and the department head concerned is of the opinion that it is no longer worthwhile to keep such items as store items.
    iii) Materials and equipment that have been reclaimed and regarded as discarded during the maintenance and other works by the Chief Financial Officer in conjunction with the Procurement Officer and the departmental head concerned.
l) To decrease the relevant vote: Capital expenditure-unforeseen projects, and increase other capital expenditure votes in respect of projects ,etc, which are from time to time approved by the Council/Executive Committee, subject thereto that the maximum unforeseen amount provided annually on the budget for this purpose ,plus the amounts that are transferred not be exceeded.
m) To insure any additional assets that are obtained during the financial year.
n) To approve all expenditure in respect of salaries according to Council resolutions.
o) To be authorized to transfer funds by means of a streaming process in the budget.
p) Regarding income and Expenditure:
    i) To administer and implement the Council's Supply Chain Management Policy in terms of the Preferential Procurement Regulations 2001, of the Preferential Procurement Policy Framework Act, 2000 as amended.
    ii) To give the instruction for such redundant or obsolete goods or material to be sold by public auction, public tender or acceptance of written quotes.
    iii) To determine a date for the annual public auction of obsolete and redundant store items and materials.
    iv) Authority to approve or disapprove the hire of pool vehicles to Departments, divisions and/or employees.
    v) Authority to withdraw vehicles, which are being misused and subsequently suspending the driver responsible for the misuse thereof from using council vehicles.

4.6.2 General Manager: Corporate Services

a) To approve unpaid leave to a maximum period of 10 working days per employee per year.
b) To approve the appointment of student for experiential training on a closed term temporary agreement.

c) To, after consultation with the Municipal Manager and Manager: Legal Services, terminate the mandate to any attorney or firm of attorneys and/or advocate acting on behalf of the Council on any matter.

d) To, in consultation with the Municipal Manager and Manager: Legal Services, obtain legal opinions from the Council's attorneys and/or advocate regarding any subject or consequent lawsuit Council might be involved with or on any legal question/matter certainty needs to be obtained on.

e) In collaboration with the Municipal Manager and the Chief Financial Officer, may enter into and sign agreements for the maintenance of any equipment or installed within the Council, with the understanding that the Council's obligation in terms of any such an agreement per year as mentioned in Section 35 (1) of the Local Government Ordinance 17 of 1939 as amended.

f) Regarding human resource matters,

   i) 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.

   ii) To enter into learnership agreements on behalf of the Council.

   iii) Placement of advertisement for posts to be filled.

   iv) Approval of amount to be paid in recognition for long service.

   v) Approval of leave applications.

   vi) To approve time-off for union members.

g) To sub-delegate the following powers and duties to the Occupational Health Officer (OHS).

   i) Execution in general of all activities and duties of the Council under the Occupational Health and Safety Act, 85 of 1993, as well as to implement the stipulations of the Regulations in respect of the Occupational health and Safety Act and to carry out the instructions as indicated in the Regulations.

   ii) Chairing of any Committee established to consider all losses incurred by Council, where after matters are referred back to different Departments and Divisions for disciplinary action in respect of the collective agreement.

   iii) Investigation and reporting and/or recommendations to claims committee concerning all insurance claims against Council.

   Iv) Execution of the activities and duties of the Council as far as occupational health and safety are concerned under the following Acts, as well as to implement the stipulations of the relevant Regulations in respect of these Acts:

      1) Compensation for Occupational Injuries and Disease Act, 1993.
      2) Hazardous Substances Act, 1973.
      3) Tobacco Products Control Act, 1993.
      4) Fire Arms Control Act.
      5) National Road Traffic Act, 1996 in respect of the Transport of Dangerous Goods.

h) To manage the ICT system of the Council.

i) In Consultation with the Municipal Manager, Chief Financial Officer and Manager ICT enter into and sign agreements for the maintenance of the Council's hardware, software as well as (and for electronic data processing equipment and purposes).

ii) To prevent abuse of information systems.

iv) To encourage the use of e-government services and to provide for matters connected therewith.

v) To take control of all tenders and contracts concluded and approved by the Council for information Services, to supervise it, to draw-up tender documents and to certify all payment certificates.

v) To prescribe technical specifications for all computer and /or computer related equipment and consumables utilized by Council.

vi) To apply and renew Musina Local Municipality's Software Licenses in consultation with the Municipal Manager.

vii) To terminate user privileges and access to computer systems due to unauthorized used, misuse and tempering of systems services on behalf of Council.

viii) 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 utilization of computer systems and infrastructure.

ix) To do short, 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 timeously renewal and replacement of equipment which has reached the end of its economic life.

x) To ensure that Musina Local Municipality has an information Resources Management Review Board (IRMRB) or Steering Committee that follows policy for IT activities. Reviews and approves specific IT actions to assure that information technology activities reflect the goals and priorities of Musina Local Municipality Programmes.

xi) To serve as the overall coordinator for Musina Local Municipality's information technology activities to ensure maximum efficiency and effectiveness in meeting business needs and requirements.

xii) To provide leadership for developing and promulgating Musina Local 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.

xiii) To provide support for telecommunications management for Musina Local Municipality including planning, coordinating and implementing all telecommunications services and equipment.

xiv) To carry out responsibilities assigned by various legislative acts, e.g. The Electronic Communications and Transactions Act, Act 25 of 2002.

xv) To review and approve plans and budgets of proposed major information resources management projects or systems at initiation and or major milestones during implementation.

xvi) To determine the Musina Local 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

xvii) To establish a Department wide program for IT security, consistent with the mission of Musina Local Municipality.

xviii) To review applicable technical approval (TA) requests to assess and certify the sensitivity of proposed requests, where applicable.

xix) To review all security incidents and corrective actions taken at any Musina Local Municipality location and ensure that corrective actions takes place.

xx) To put new contracts in place for IT resources or arrange for Musina Local Municipality to have access to other IT resources contracts.

xxi) To authorize individual customer access to data and set any limitations on that access (read/update/access to subsets/etc).

xxii) To resolve disputes as to the meaning and valid use of data elements and values.

xxiii) To act as the designated authority for business-area decisions concerning data content and requirements for supporting software systems.

xxiv) 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.

xxv) To coordinate application software development within Musina Local Municipality.

xxvi) To establish and manage contracts for outside services.

xxvii) To ensure that software to be installed on the Musina Local Municipality's Computing Environment platform has been submitted and certified.

xxviii) To evaluate and approve or disapprove all requests received for telecommunications services and equipment.

xxix) To host the Musina Local Municipality home pages on a web server and provide and assigned system administrator to manage this site.

xxx) To allocate funds for the acquisition of information technology equipment for employees with disabilities.

xxxi) To obtain legal opinions from the Council's attorneys or an advocate on advice of the Council Attorneys regarding any subject or consequent lawsuit Council might be involved with or on any legal question/matter which matter certainly needs to be obtained.

xxxii) In co-operation with Council's attorneys, take the necessary steps to institute legal action in any court against any person who fails or neglects to execute any agreement with the Council or to claim damages which Council might sustain whether resulting from contract or depict or for any amount which such person legitimately owes Council, whether such legal action instituted by way of action or motion.

xxxiii) In terms of the provisions of Section 6 of Ordinance 17 of 1939, to fully conclude any matter in respect of any lawsuit by or instituted against the Council, undertake all actions necessary, including the appointment of attorneys and//or advocates, as well as and including the signing of the necessary power of attorneys, sworn affidavits and other documents.

xxxiv) To ensure that all legal matters of the Council, Executive Committee, Mayor and any other committee of Council receive the necessary attention.
xxxv) To provide Council support.
xxxvi) To represent Council at any conciliation meeting, CCMA and tribunals.
xxxvii) Signing authority for financial documents and in terms of the department's approved budget.
xxxviii) To manage records of the Musina Local Municipality in compliance with National Archives and Records Service of South Africa Act, 1996. (Act 43 of 1996, as amended).
xxxix) To manage auxiliary services of the Musina Local Municipality.
xl) To manage and monitor performance management of Musina Local Municipality.

4.6.3 General Manager: Economic Development and Planning

a) The signing of all documentation, contracts and agreements relating to development applications and matters approved by the Council.
b) To facilitate the participation of communities in the integrated development planning (IDP) process in identifying priorities and strategies.
c) To appoint 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 and other land use management and spatial planning issues.
d) Regarding Local Economic Development:
i) To in respect of projects facilitation and coordination;
(1) Seek funding on behalf of project from donor agencies and other National and Provincial Departments
(2) Develop business plan for projects that require the funding.
(3) Manage the registration of cooperatives where applicable.
(4) Co-ordinate activities of EPWP.
ii) To, in respect of marketing and advertisement:
(1) Direct market projects/initiatives in consultation with the Executive executive's office.
(2) Development of marketing and tourism brochures.
(3) Directly link with all business structures with a view of promoting local economy.
iii) In respect of business development, to:
(1) Facilitate the establishment of Tourism Forum.
(2) Facilitate the establishment of Forum of prevention of crime.
(3) Facilitate the establishment section 21 companies to manage development
iv) In respect of human capital development, authority should be granted to:
(1) Engage service providers to facilitate business skill training.

4.6.4 General Manager Technical Services

a) Recommend the appointment of consulting engineers, architects, quantity surveyors or other parties professional persons and companies for the execution of capital projects in terms of Council Policy.
b) Recommend the approved spending of provision for unforeseen expenditure (variation) on all contracts.
c) The extension of municipal infrastructure and the making of connections, in terms of Council's regulations on payment of the prescribed fees, provided that the expenditure falls within the scope of the approved budget and to authorize funds in connection therewith.
d) The enforcement of all Council's regulations and legislation, excluding Electricity Regulations, applicable to the Department.
e) The determination of all cost related to the supply of municipal services, in terms of Council's policy
f) The calculation and certification of capital contributions for providing or strengthening of municipal services, in terms of Council's policy.
g) Approval of progress payment certificates to contractors doing capital projects as well as accounts for professional engineers rendering professional services to the Municipality.
h) Approval of procurement requisitions and payments thereof for services and suppliers of goods.
i) To be authorized by Council to adhere to the stipulations of the Occupational Health and Safety Act, Act 85 of 1993 with regard to construction and maintenance of water, sanitation, roads and storm-water networks that Council is responsible for.

n) To, on behalf of the Council take over the water, sanitation, roads and storm networks from Township developer after it was inspected and found to adhere to all applicable Specifications, requirements and laws.

k) To approve plans/or draft designs as submitted by Town developers, Design Engineers (Consulting Engineers) in accordance with the appropriate founding specifications for water, sanitation, roads and storm water as well as the terms of section 79 (1) of Local Government Ordinance 17 of 1939,and and section 119 (1) of the Local Government Ordinance 15 of 1986.

l) To, in consultation with the programme /Project Management Unit, take control of all tenders water services, to supervise it, to draw-up tender documents and to certify all payment certificates.
m) To prescribe technical specifications for all materials for civil engineering services to be used in the established townships in accordance with the establishing Conditions with consideration to the geological earth formation in each separate case and safety requirements.
n) Grant extension of time for claims on water, sanitation, roads and storm water construction contracts in terms of the agreement.

o) Regarding Water and Sanitation Services:

i) To, in accordance with the Council's policy and geological requirements, grant permission for the sinking of boreholes.

ii) To, in terms of the Council's policy, effectuate the connection of any land with the Council's sewerage system or water network and to recover costs incurred from the owner of such land up to the point of litigation.

p) Regarding Roads, Transport and Storm Water:

i) To administer and enforce the Council's by-laws with regard to roads, transport and storm water.

4.6.5 General Manager: Community Services

a) Any of the delegations assigned to the Municipal Manager which is in his/her turn sub-delegated

b) Regarding Environment and Disaster Services:

i) To take control of all contracts concluded by Council for Emergency Services to supervise it, to draw tender documentation in consultation with Manager: Legal Services and Chief Financial Officer and to certify all payment certificates.

ii) To issue, refuse or suspend permits in terms of the standard food laws.

iii) To issue health certificate in terms of the Business Act No 71 of 1991.

iv) To prosecute and issue spot fines for illegal dumping and non-adherence to environmental acts.

v) To give assistance to work together with any health organization/institution, provided that no additional financial expenditure is caused for the Council.

vi) To investigate and control the selling of any environmental related food from unlicensed premises.

vii) To institute prosecution where Council's by-laws are transgressed and signing of all documents in this respect.

e) Regarding Sports, Arts and Culture:

i) To take control of all contracts concluded by Council for sport and Recreation Services, to Supervise it, to draw tender documentation in consultation with Manager: Supply Chain Management and Chief Financial Officer and to certify all payment certificates.

ii) To appoint consultants, according to Council resolutions, which consultants dispose of the necessary skills regarding the tasks that have to be done, at tariff scales, which is applicable to the said consultant's specialty field in accordance with the applicable statutory legislation.

iii) To execute in general all the activities and duties imposed on and applicable to the cultural SBU in terms of the National Heritage Resource Act 25 of 1999.

4.6 General Delegations to General Managers

1) The enforcement, by way of prosecution or otherwise, of the Council's by-laws or regulations.

2) To sub-delegate any power/function delegated to him/herself to (an) employee(s) within

his/her Department.

4.7.1 Corporate Services department

4.7.1.1 Manager: Human Resources

1) Regarding human resource matters,
   i) 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.
   ii) To enter into learner ship agreements on behalf of the Council.
   iii) Placement of advertisements for posts to be filled.
   iv) Approval of amount to be paid in recognition for long service.
   v) Approval of maternity and paternity leave applications
   vi) To approve time-off for union members.

4.7.1.2 Manager: Administration

(i) To deal with auxiliary services matters

4.7.1.3 Manager: Information Technology Services

1) To, in consultation with his/her General Manager and the CFO, enter into and sign agreements for the maintenance of the Council's hardware, software as well as (and for) electronic data processing equipment and purposes.
2) To prevent abuse of information systems.
3) To encourage the use of e-government services and to provide for matters connected therewith.
4) To take control of all tenders and contracts concluded and approved by the Council for information Service, to supervise, to draw-up tender document and to certify all payment certificates.
5) To prescribe technical specifications for all computer and/or computer related equipment and consumables utilized by Council.
6) To apply and renew Musina Local Municipality's Software Licenses
7) To terminate user privileges and access to computer systems due to unauthorized used, misuse and tampering of systems services on behalf of Council
8) 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 utilization of computer systems and infrastructure.
9) 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.
10) To ensure that Musina Local Municipality has an information Resources Management

11) Review Board (IRMRB) or ICT Steering Committee that follows policy for IT activities. Reviews and approves specific IT actions to assure that information technology activities reflect the goals and priorities of Musina Local Municipality programmes.
12) To serve as overall coordinator for Musina Local Municipality information technology activities to ensure maximum efficiency and effectiveness in meeting business needs and requirements.
13) To provide leadership for developing and promulgating Musina Local 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.
14) To provide support for telecommunications management for Musina Local Municipality including planning, coordinating, and implementing all telecommunications services and equipment.
15) To carry out responsibility assigned by various legislative acts, e.g. The Electronic Communications and Transactions Act, Act 25 of 2002.
16) To review and approve plans and budgets of proposed major information resources management projects or systems at initiation and at major milestones during implementation.
17) To determine the Musina Local 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.
18) To review applicable technical approval (TA) requests to assess and certify the sensitivity of proposed request, where applicable.
19) To review all security incidents and corrective actions taken at any Musina Local Municipality Location and ensure that corrective action takes place.
20) To put new contracts in place for IT resources or arrange for Musina Local Municipality to have access to other IT resource contracts.
21) To authorize individual customer access to data and set any limitations on that access (read/update//access to subsets/etc).
22) To resolve disputes as to 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 Musina Local Municipality.
26) To establish and manage contracts for outside services.
27) To ensure that software to be installed on the Musina Local Municipality's computing Environment platform has been submitted and certified.
28) To ensure that hardware and telecommunications systems are tested in accordance with FCC 15 standards.
29) To evaluate and approve or disapprove all requests received for telecommunications services and equipment.

30) To serve as the sole signature authority to approve the ordering of dedicated network access services and equipment.
31) To host the Musina Local Municipality home page and associate top-level web pages on a web server provide as assigned system administrator to manage this site.
32) To allocate funds for the acquisition of information technology equipment for employees with disabilities

4.7.1.4 Manager: Legal & Secretariat Services

i) In consultation with the Municipal Manager, to refer for appointment of attorneys who are in the municipal panel, advocates in line with council Policy.
ii) To draft agreements and any legal instrument in line with council Policy.
iii) To obtain legal opinions from the Council's attorneys regarding any subject or consequent lawsuit Council might be involved with or on any legal question/matter which matter certainly needs to be obtained.
vi) In cooperation with Council's attorneys, take the necessary steps to institute legal action in any court against any person who fails or neglects to execute any agreement with the Council or to claim damages which Council might sustain whether resulting from contract or debit or for any amount which such person legitimately owes Council, whether such legal action institutes by way of action or motion
v) In terms of the provisions of Section 6 of Ordinance 17 of 1939, to fully conclude any matter in respect of any lawsuit by or instituted against the Council, undertake all actions necessary, including the appointment of attorneys and/or advocates, as well as and including the signing of the necessary power of attorneys, sworn affidavits and other documents.
vii) To appoint attorneys, advocates and attorney firms in line with Council Policy and/or panel of attorneys.
viii) To ensure that all matters of the Council, Executive Committee, Mayor and any other committee of Council receive the necessary attention.
x) To represent Council at any conciliation meeting, the CCMA and tribunals.
xi) Signing authority for financial documents and in terms of the divisional approved budget.
xii) To coordinate meetings of Council, Executive Committee and any Committee of the council.

4.7.2 Budget and Treasury Department

4.7.2.1 Manager: Budget

No further delegations by Council

4.7.2.3 Manager: Income

No further delegations by Council

4.7.2.4 Manager: Expenditure

No further delegations by Council.

4.7.2.5 Manager: Supply Chain Management

No further delegations by Council.

4.7.3 Roads and storm water

4.7.3.1 Manager Roads, civils and Storm Water:

i) Recommend of progress payment certificates to contractors doing capital projects as well as accounts for professional engineers rendering professional services to the Municipality.
ii) Recommend of procurement requisitions and payments thereof for services and suppliers of goods.
iii) To be authorized by Council to adhere to the stipulations of the Occupational Health and Safety Act, Act 85 of 1993 with regard to construction and maintenance of water, sanitation, roads and storm-water networks that Council is responsible for.
iv) To on behalf of the Council take over the water, sanitation, roads and storm water network from township developers after it was inspected and found to adhere to all applicable specifications, requirements and laws.
v) To approve plans/or draft designs as submitted by Town Developers, Design Engineers (Consulting Engineers) in accordance with the appropriate founding specifications for water, sanitation, roads and storm water as well as the terms of section 79 (1) of Local Government Ordinance 17 of 1039 and section 119(1) of the Local Government Ordinance 15 of 1986.
vi) To, in consultation with the Programme/Project Management Unit, take control of all tenders and contract concluded and approved by the Council for water, sanitation, roads and storm water services, to supervise it, to draw-up tender documents and to certify all payment certificates.
vii) To prescribe technical specifications for all materials for civil engineering services to be used in the established townships in accordance of the Establishing Conditions with consideration to the geological earth formation in each separate case and safety requirements.
vii) Grant extension of time for claims on water, sanitation, roads and storm water construction contracts in terms of the agreement

4.7.3.2 Manager: Water and Sanitation Services

i) To administer and enforce the Council's by –laws or Policies with regard to water and Sanitation matters.

4.7.4.3 Manager: Sports, Arts and Culture.

i) To take control of all contracts concluded by Council for Sport and Recreation Services, to supervise it, to draw tender documentation in consultation with the Chief Financial Officer and certify all payment certificates.
ii) To appoint consultants, according to Council resolutions, which consultants dispose of the necessary skills regarding the tasks that have to be done, at tariff scales, which is applicable to the said consultants' specialty field in accordance with the applicable statutory legislation
iii) To execute in general all the activities and duties imposed on and applicable to the cultural SBU in terms of the National Heritage Resources Act 25 of 1999.

4.7.5 Planning and Economic Development Department

4.7.5.1 Manager: Development Planning and Manager IDP

No further delegations by Council

4.7.5.2 Manager: Local Economic Development

To, in respect of projects facilitation and coordination:
(1) Seek funding on behalf of project from donor a agencies and other National and Provincial departments.

(2) Develop business plan for projects that require the funding.

(3) Manage the registration of cooperatives where applicable.

To, in respect marketing and advertisement.
(1) Direct market projects/initiatives in Consultation with the Executive Committee.

(2) Development of marketing and tourism brochures.

(3) Directly link with all business structures.

In respect of business development, to:
(1) Facilitate the establishment of Tourism Forum.

(2) Facilitate the establishment of Forum of prevention of crime.

In respect of human capital development, authority should be granted to:
(1) Engage service providers to facilitate business skills training.

4.8 Delegations to Committees and Political Office Bearers

4.8.8 Delegation Of Powers By Council To The Chief Whip

(a) Must approve, in consultation with the Speaker, the use of office and meeting space by Councillors and political parties;
(b) Is responsible for granting leave of absence to Councillors from meetings of Council and its committees in accordance with the applicable Rules of Order;
(c) To assist the Speaker to determine a programme of training for the developmental needs of Councillors;
(d) Must assist the Speaker to determine the schedule of dates, time and venue of ordinary Council meetings;
(e) Recommend to the Speaker which Councillors may serve in section 79 committees in consultation with party whips;
(f) Must ensure that whips monitor whether Councillors report back to constituencies;
(g) Must exercise political oversight over all matters pertaining to the administrative functioning of Portfolio Committees;
(h) Maintain positive relationships between political parties in the Council.

4.8.9 Delegation Of Powers By Council To The Whippery

(a) To monitor the implementation of Council resolutions by their respective political parties;
(b) The allocation of speakers and the determination of speaking time in Council;
(c) To harmonise relations between their various political parties in Council and;
(d) To discipline members of their respective political parties whenever the Code of Conduct for Councillors is breached.

4.8.10 Delegation Of Powers By Council To The Municipality Public Accounts Committee (MPAC)

(a) To ensure effective and efficient financial management, good governance and accountability of Musina Local Municipality and its agencies;
(b) To serve a watchdog function from a political, compliance and service delivery perspective over the financial governance of Musina Local Municipality and its agencies
(c) Review and investigate all matters referred to the committee by other Council committees;
(d) Ensure that the policies and programmes of the Musina Local Municipality are implemented in an effective, efficient and economical manner in accordance with the principle of value for money;
(e) Consider:
    i. Risk Assessment Reports
    ii. Minutes of the Audit Committee
    iii. Supply Chain Management Reports
    iv. Annual Reports
    v. Municipal Manager's Report on the implementation of Council Resolutions;
(f) To call any person, including officials and employees of all municipal entities and experts, to be present at its meetings and/or provide the Committee with information;
(g) Submit reports to Council as and when necessary and
(h) Make recommendations to Council for corrective, remedial and/or disciplinary purposes that may be sanctioned in terms of the Municipal Finance Management Act, 55 of 2003 as amended regarding the mismanagement of funds, unauthorized, irregular, fruitless and wasteful expenditure.

4.8.11 Delegation Of Powers By Council To Section 79 Committees (Rules, Ethics And Petitions)

(a) To play an oversight role over the Executive and Administration ;
(b) Conduct oversight visits
(c) Generate oversight reports to Council
(d) To assist Council in developing and administering standing rules and orders for Council meetings;
(e) To develop and monitor the implementation of procedures and rules for the efficient functioning of committees of Council
(f) To deal with matters of ethics and discipline of councillors.

4.8.12 Delegation Of Powers By Council To Section 80 Committees

9.2 General Delegations

(a) To conduct political oversight in respect of the relevant Department's functions and activities;
(b) To consider and finalise general matters as submitted to the Portfolio Committee by the relevant General Manager within the relevant functional field of the Portfolio Committee;
(c) To request the General Manager in a particular Department falling under the relevant Portfolio Committee for a report on any matter falling within the functional field of that Portfolio Committee.

4.8.13 Delegation Of Powers By Council To Full-Time Councillors

10.1 General Delegations

(a) To request and receive reports from General Managers falling under their Portfolio Committees.
(b) To determine meeting times and meeting procedures of the relevant Portfolio Committee.
(c) To monitor the performance of General Managers without interfering with the administrative part of the municipality and
(d) To consider general matters submitted by General Managers within the relevant functional fields of their Portfolio Committees.

4.8.14 Delegation Of Powers By Council To Technical Portfolio Committee

(a) The consideration and oversight of the IDP in respect of the Technical Services department.
(b) The consideration of the annual report in so far as it relates to Infrastructure.
(c) The consideration and oversight of infrastructure and water supply system for the Municipality
(d) The consideration and oversight of any policy and strategy in respect of infrastructure, water management in the municipality.
(e) The development and oversight of any by-laws in respect of the Technical Department
(f) The consideration of draft budgets for the Technical Services Department

(g) The consideration of draft tariffs, fees and charges in respect of water, sanitation and energy functions in the Municipality.
(h) The consideration and oversight of the Terms of Reference of this committee
(i) The approval of a programme for debates on matters of public interest relevant to this committee
(j) The consideration of any matter referred to the Committee by the Manager: Technical Services.
(k) To provide oversight over the activities of the Technical Services Department
(l) The consideration of quarterly reports from the Technical Services Manager.

4.8.15 Delegation Of Powers By Council To Planning And Economic Development Portfolio Committee

(a) The consideration and oversight of the IDP in respect of the Planning and Economic Development Department
(b) The consideration of the annual report in so far as it relates to the Planning and Economic Development Department
(c) The consideration and oversight of regional spatial development frameworks, precinct plans etc
(d) The consideration and oversight of any policy and strategy in respect of the Planning and Economic Development functions of the Municipality.
(e) The consideration and oversight of land use management system for the Municipality.
(f) The consideration and oversight of any by-laws in respect of the Planning and Economic Development Department
(g) The consideration and oversight of the Municipality Geographic Information System
(h) The consideration of draft budgets for the Planning and Economic Development Department
(i) The consideration of draft tariffs, fees and charges in respect of the Planning and Economic Development functions of the Municipality
(j) The consideration and oversight of the Terms of Reference of this committee
(k) The approval of a programme for debates on matters of public interest relevant to this committee
(l) The consideration of any matter referred to the Committee by the Senior Manager: Planning and Economic Development;
(m) To provide oversight over the activities of the Planning and Economic Development Department and
(n) The consideration of quarterly reports from the Planning and Economic Development Department

4.8.16 Delegation Of Powers By Council To Community Services Portfolio Committee

(a) The consideration and oversight of the IDP in respect of the Community Services Department.
(b) The consideration of the annual report in so far as it relates to the Community Services Department.
(c) The consideration and oversight of an integrated sport and recreation policy or strategy.

(d) The consideration and oversight of an integrated library and information policy for the Municipality.
(e) The consideration and oversight of an integrated policy for community development.
(f) The consideration and oversight of an integrated arts, culture and heritage service policy for the Municipality.
(g) The development and oversight of any policy and strategy in respect of the community services functions of the Municipality.
(h) The consideration and oversight of a district health care policy for the Municipality.
(i) The consideration and oversight of a primary health care policy for the Municipality.
(j) The consideration and oversight of an environmental health policy for the Municipality.
(k) The consideration and oversight of any policy and strategy in respect of the health function of the Municipality.
(l) The consideration and oversight of any by-laws in respect of the Community Services Department.
(m) The consideration of draft budgets for the Community Services Department
(n) The consideration of draft tariffs, fees and charges in respect of Community Services functions of the Municipality.
(o) The consideration and review of the Terms of Reference of this committee.
(p) The approval of a programme for debates on matters of public interest relevant to this committee.
(q) The consideration of any matter referred to the Committee by the Senior Manager: Community Services.
(r) To provide oversight over the activities of the Community Services Department.
(s) The consideration of quarterly reports from the Community Services Department.

4.8.17 Delegation Of Powers By Council To Finance Portfolio Committee

(a) The consideration and oversight of the IDP in respect of the Finance Department.
(b) The consideration of the annual report in so far as it relates to the finance Department.
(c) Consider the annual operating and capital estimates and the revision or amendment of the budget,
(d) Consider the amendment and imposition of any property rates in terms of any applicable legislation.
(e) Consider the amendment and levying of fees, charges or tariffs in terms of any applicable legislation.
(f) Consider the amendment and levying of any charges pertaining to the functional areas of the Municipality.
(g) Consider the annual report of the Municipality in terms of section 46 of the Municipal Systems Act and section 121 of the MFMA,
(h) Consider the financial statements of the Municipality and its municipal entities in terms of section 46 of the Municipal Systems Act and section 122 of the MFMA,

(i) Consider the adoption a of a customer relations management policy:
(j) Consider the adoption and oversight of a supply chain management policy,
(k) Consider the adoption and oversight of a credit and debt collection policy,
(l) Consider the adoption and oversight of a tariff policy,
(m) Consider the adoption and oversight of a rates policy;
(n) Consider the adoption and oversight of an investment policy;
(o) Consider the adoption and oversight of any policies and strategies in respect of the finance functions of the Municipality,
(p) Consider the adoption of any other finance policies referred to the committee by the executive.
(q) Consider the adoption and oversight report.

MUSINA LOCAL MUNICIPALITY

Extract from the minutes of Ordinary Council meeting held on 25 May 2017at 16:00

11.15.5.2017	**REPORT ON CORPORATE SYSTEM OF DELEGATION OF POWERS AND FUNCTIONS FOR THE MUSINA LOCAL MUNICIPALITY (2/5/3)** **COUNCIL RESOLVED AS FOLLOWS:** (a) That council approves the Corporate System of Delegations of Powers and Functions that will maximise its administrative and operational efficiency. (b) That subsequent to approval, members of municipal council and employees of council be bound by the Corporate System of Delegations of Powers and Functions. (c) That subsequent to approval of the Corporate System of Delegations of Powers and Functions, the interim system of delegations of the municipality is amended henceforth.

Certified a true extract of the original

TR RAMBUDA
MANAGER: LEGAL AND SECRETARIAT SERVICES

MUSINA LOCAL MUNICIPALITY
Council Resolution
Date: 30/05/2017