

<p>Kennis word hiermee gegee ingevolge Artikel 29(2) van die Plaaslike Regering: Munisipale Strukture Wet, 1998 (Wet 117 van 1998) soos gewysig, dat 'n Spesiale Raadsvergadering van die Munisipaliteit Witzenberg gehou sal word op Maandag, 4 Desember 2023 om 09:00 in die Stadsaal, Voortrekkerstraat, Ceres.</p>	<p>Notice is hereby given in terms of Section 29(2) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) as amended, that a Special Council meeting of the Witzenberg Municipality will be held in the Town Hall, Voortrekker Street, Ceres on Monday, 4 December 2023 at 09:00.</p>
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Raadslede en amptenare / Councillors and officials		
Councillor TE Abrahams	Alderman K Adams	Councillor WJ Alexander
Councillor P Daniels	Councillor S de Bruin	Councillor GJ Franse
Councillor JP Fredericks	Councillor AL Gili	Councillor LA Hardnek
Councillor GG Laban (Executive Deputy Mayor)	Councillor JS Mouton	Councillor MJ Ndaba
Councillor N Nogcinisa	Councillor N Phatsoane	Councillor KA Robyn (Executive Mayor)
Councillor EM Sidego	Alderman HJ Smit	Councillor D Swart
Councillor IL Swartz	Alderman JJ Visagie	Councillor K Yisa
Councillor J Zalie		
Municipal Manager	Director: Finance	Director: Technical Services
Director: Corporate Services	Manager: Administration	Manager: Legal Services
Manager: Communication and Marketing	Chief Administrative Officer	Committee Clerk
Interpreter		



**COUNCILLOR P HERADIEN
SPEAKER**

30/11/23

A G E N D A

- 1. OPENING AND WELCOME / OPENING EN VERWELKOMING**

- 2. LEAVE OF ABSENCE AND CONFIDENTIALITY AND CONFLICT OF INTEREST DECLARATION**

 - 2.1 Consideration of application for leave of absence, if any (3/1/2/1)**

*An Application for leave of absence form is attached as **annexure 2.1.***

NOTED

- 2.2 Confidentiality and Conflict of Interest Declaration (3/2/1)**

The Confidentiality and Conflict of Interest Declaration is attached as **annexure 2.2.**

- 3. RESERVED POWERS**

- 3.1 Code of Conduct for Councillors (3/2/2)**

The Code of Conduct for Councillors is attached as **annexure 3.1.**

RECOMMENDED

that notice be taken of the Code of Conduct for Councillors.

- 3.2 System of Delegations (2/4/1)**

The System of Delegations is attached as **annexure 3.2.**

RECOMMENDED

that the System of Delegations be approved.

3.3 Powers and functions: Speaker, Executive Mayor, Executive Deputy Mayor and Councillors (2/4/1)

A Guideline Document on the Roles and Responsibilities of the Speaker, Executive Mayor, Executive Deputy Mayor and Councillors is attached as **annexure 3.3**.

RECOMMENDED

that notice be taken of the powers and functions of the Speaker, Executive Mayor, Executive Deputy Mayor and Councillors and same be accepted.

3.4 Special item tabled by Executive Mayor

An item will be tabled by the Executive Mayor.

NOTED

4. MOTIONS AND NOTICE OF SUGGESTIONS

4.1 Motion: No confidence and removal of Speaker from office (3/2/2)

A request, dated 24 November 2023, for an urgent meeting to table a motion of no confidence and the removal of the Speaker from office is attached as **annexure 4.1**.

RECOMMENDED

For consideration.

4.2 Motion: No confidence and removal of Executive Mayor from office (3/2/2)

A request, dated 24 November 2023, for an urgent meeting to table a motion of no confidence and the removal of the Executive Mayor from office is attached as **annexure 4.2**.

RECOMMENDED

For consideration.

5. COUNCIL-in-COMMITTEE

These items are dealt with in the confidential agenda.

NOTED

Verwysing / Reference: 3/1/2/1/

MUNISIPALITEIT WITZENBERG MUNICIPALITY

AANSOEK OM VERLOF TOT AFWESIGHEID / APPLICATION FOR LEAVE OF ABSENCE
 (Moet by kantoor van Munisipale Bestuurder ingedien word voor aanvang van vergadering / Must be handed in at office of Municipal Manager before commencement of meeting)

Naam van raadslid / Name of councillor: _____

Ek doen hiermee aansoek om verlof tot afwesigheid van / I hereby apply for leave of absence from:

VERGADERING / WERKSWINKEL / FORUM MEETING / WORKSHOP / FORUM	DATUM / DATE
Rede vir afwesigheid / Reason for absence:	

 DATUM / DATE

 HANDTEKENING / SIGNATURE



CONFIDENTIALITY AND CONFLICT OF INTEREST DECLARATION

Special Council meeting, held in the Town Hall, Voortrekker Street, Ceres on Monday, 4 December 2023 at 09:00

I, the undersigned, hereby declare:

- That as a Councillor and a participant of this meeting, I shall maintain strict confidentiality in respect of any information of a confidential nature to which I may become privy at meetings of the Witzenberg Council and shall only disclose such information as may become necessary or required for the proper performance of my duties and functions.
- That as a Councillor and a participant of this meeting, I shall declare any conflict of interest that may arise at every meeting and remove myself from any proceedings, in relation to that matter, giving rise to that conflict.

COUNCILLORS

Surname	Initials	Signature
Abrahams	TE	
Adams	K	
Alexander	WJ	
Daniels	P	
De Bruin	S	
Franse	GJ	
Fredericks	JP	
Gili	AL	
Hardnek	LA	

Surname	Initials	Signature
Heradien	P	
Laban	GG	
Mouton	JS	
Ndaba	MJ	
Nogcinisa	N	
Phatsoane	N	
Robyn	KA	
Sidego	EM	
Smit	HJ	
Swart	D	
Swartz	IL	
Visagie	JJ	
Yisa	K	
Zalie	J	

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

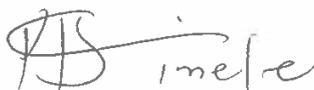
DEPARTMENT OF CO-OPERATIVE GOVERNANCE

NO. 3538

14 June 2023

**LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998
(ACT NO. 117 OF 1998)****CODE OF CONDUCT FOR COUNCILLORS REGULATIONS**

I, Thembi Nkadimeng, Minister of Cooperative Governance and Traditional Affairs, after consultation with the members of Executive Council's responsible for local government in the provinces, and organised local government representing local government nationally, under section 92 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), as amended, hereby make the Regulations in the Schedule.

**MS THEMBI NKADIMENG, MP****MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

DATE: 08/06/2023

SCHEDULE

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9. Councillor in arrears to the municipality for rates and service charges
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11. Repeal of Regulations
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1. Definitions

In these Regulations, any word or expression to which a meaning has been assigned in the Act has that meaning and, unless the context indicates otherwise –

“**Act**” means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), as amended;

“**behaviour**” means verbal or non-verbal communicative conduct, tone of voice, body language and demeanour, deportment, bearing and etiquette relative to one’s conduct towards others;

“**Chairperson**” includes a councillor –

- (a) elected as the speaker of the municipal council;
- (b) elected as a mayor or deputy mayor, or a councillor presiding over meetings of the executive committee;
- (c) elected as the executive mayor or executive deputy mayor;
- (d) elected as the chairperson of a metropolitan sub-council; or
- (e) appointed as the chairperson of a committee that is established in terms of sections 79, 79A or 80 of the Act;

“**Code**” means the Code of Conduct for Councillors in Schedule 7 of the Act;

“**committee**” means an executive committee established in terms of section 42 of the Act, or a mayoral committee established in terms of section 60 of the Act, or a metropolitan sub-council established in terms of section 61 of the Act, or a committee established in terms of sections 79, 79A or 80 of the Act;

“**Department**” means the Department of Cooperative Governance;

“**gift**” includes physical offerings, rewards, hospitality (such as breakfast, lunch or dinner), money, sponsorships, commissions or any other benefit or gratification that is received by a councillor;

“**meeting**” includes meetings that take place in the chambers of the municipal council, any other venue or virtual platform as indicated in the agenda of the council meeting, and includes meetings of a committee of the council;

“**MFMA**” means the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003);

“**quarter**” means any period from 1 January to 31 March, or from 1 April to 30 June, or from 1 July to 30 September, or from 1 October to 31 December, in a calendar year;

“**quorum**” means a number above 50% of members of the municipal council as envisaged in the Act;

“**virtual platform**” means an information and communications technology related platform used to convene meetings; and

“**walk-out**” is an act of leaving a meeting or failing to remain in attendance at that meeting, by a councillor or councillors, without the permission of the chairperson when a vote is taken on any matter, or before the chairperson has adjourned the meeting.

2. Application

These Regulations apply to all councillors and traditional and Khoi-San leaders subject to item 17 of the Code.

3. General conduct of councillors

- (1) A councillor must –
 - (a) perform the functions of office in good faith, honestly and in a transparent manner;

- (b) at all times act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised; and
 - (c) during meetings maintain good and orderly behaviour.
- (2) If a councillor's behaviour is unruly, including when such councillor assaults or threatens to assault an official or another councillor or any other person present at the meeting –
 - (a) the chairperson must order the councillor to immediately leave the meeting; and
 - (b) if the councillor fails to obey the order, request a law enforcement official employed by the municipality to remove the councillor from the meeting.
- (3) If a councillor is known to or have been seen to have orchestrated with a group of members of the public or municipal staff to engage in violent protests or labour unrest against the municipality –
 - (a) such councillor must be disciplined by the municipal council for breach of the Code; and
 - (b) criminal charges must be laid with the South African Police Services and any loss or damage suffered by the municipality as a result of such protest or strike must be recovered from the councillor and cannot be written off.

4. Attendance of meetings

- (1) The municipal council must convene an ordinary meeting for the transaction of business at least once in every quarter.
- (2) A councillor's request for leave of absence contemplated in item 4(a) of the Code may not be unreasonably denied.
- (3) A councillor living with a disability must have adequate access and support from the municipality to ensure that such a councillor participates effectively in council proceedings.
- (4) A meeting must quorate before any matter may be considered.
- (5) (a) In the event of no quorum for a meeting, the scheduled meeting may be suspended for no more than 20 minutes, or as provided in the standing rules and orders for meetings of the municipal council concerned.

- (b) If at the expiry of the 20 minutes provided for in paragraph (a) there is still no quorum, the chairperson may suspend the meeting for a further 20 minutes, or as provided in the standing rules and orders for meetings of the municipal council concerned.
- (c) If after the expiry of 20 minutes provided for in paragraph (b) there is still no quorum, the chairperson must adjourn the meeting to another date and time.
- (6) (a) If a councillor or councillors walk-out or are ordered to leave the meeting in terms of regulation 3(2), and the remainder of the councillors constitute a quorum, the business of the meeting must proceed.
- (b) A councillor or councillors who walk-out of a meeting or is removed from the meeting by the chairperson in terms of regulation 3(2) is in breach of the Code.
- (c) The chairperson may not unreasonably adjourn or close a meeting because of a walk-out or removal of a councillor or councillors if there is still a quorum for the meeting to proceed.

5. Voting at meetings

- (1) A councillor who votes in favour of or agrees with a proposed resolution that is before the meeting, which conflicts with any legislation applicable to local government, is in breach of the Code.
- (2) A councillor who commits a criminal offence in terms of section 173(4) and (5) of the MFMA, read with the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings, 2014 and section 174 of the MFMA, is in breach of the Code.

6. Prescribed value of gifts received by councillor

- (1) Gifts received by a councillor must be declared in writing to the municipal manager in terms of item 8(1) of the Code where –
- (a) the value of a gift exceeds R1,000.00 or a higher amount as may be determined by the Minister from time to time; and
- (b) the value of gifts received from a single source in any calendar year exceeds the threshold of R1,000.00 or the amount determined by the Minister in terms of sub-regulation (a).
- (2) A declaration of gifts received by a councillor must –

- (a) contain a description of the gifts; and
 - (b) indicate the value and source of such gift or gifts.
- (3) Failure to declare a gift(s) in terms of sub-regulations (1) and (2) is a breach of the Code.
- (4) Gifts received by a councillor above the prescribed amount must be recorded in a designated council's gifts register that must be developed by the municipality, which must include the following –
 - (a) full names, address and contact number of the person or organisation from whom the gift was accepted;
 - (b) value of the gift received or of all gifts received with a value greater than R1,000.00 or cumulative gifts received from the same person or organisation over a period of twelve-months; and
 - (c) the relationship between the councillor accepting the gift and the person or organisation providing the gift.
- (5) A councillor accepting the gift must also make the person or organisation providing the gift aware that their details will be included in the gifts register of the council subject to the provisions of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013).
- (6) A councillor must ensure that any gift declared on the gifts register is recorded within ten working days of receipt thereof.
- (7) A councillor must ensure that the details recorded in the gifts register are true and correct.
- (8) A municipality must ensure that a gifts register is kept for councillors to declare their interests as provided for in item 8 of the Code.
- (9) The municipal council must determine which of the financial interests must be made public having regard to the need for confidentiality and the public interest for disclosure.

7. Duty of speaker

- (1) The speaker must ensure that each councillor and traditional and Khoi-San leader is in receipt of a copy of the Code and is familiar with the content of such Code.

- (2) A councillor and traditional and Khoi-San leader in receipt of a copy of the Code, must familiarise themselves with such Code.

8. Breaches of Code

- (1) If a councillor is alleged to have breached a provision of the Code, such alleged breach must be investigated in terms of items 15 and 16 of the Code.
- (2) If there are any alleged breaches of the Code that has occurred in a committee of the council, the chairperson of the committee must within 7 days of the alleged breach report the breach to the speaker for further action.

9. Councillor in arrears to the municipality for rates and service charges

- (1) The municipal manager must in writing immediately inform the councillor when the councillor is in arrears to the municipality for rates and service charges for a period that is longer than two months, even if the councillor has been newly elected to the municipal council concerned, and request the councillor to settle the account and any arrears without further delay in accordance with the credit control policy of the municipality.
- (2) The municipal manager must immediately submit details of those councillors that are in arrears to the municipality for rates and service charges over a period of three months to the speaker.
- (3) A councillor who is in arrears to the municipality for rates and service charges for a period longer than three months is in breach of the Code, and the speaker must, upon receipt from the municipal manager of the details contemplated in sub-regulation (2), ensure that the arrears is recovered from the councillor.

10. Reporting

- (1) The speaker must submit a report bi-annually on the compliance with the Code to the MEC for local government within 30 days from the beginning of January and July of a calendar year.
- (2) The MEC for local government must, within 30 days of receipt of the report referred to in sub-regulation (1), submit a consolidated report on the compliance of municipalities with the Code to the Minister.
- (3) The reports contemplated in sub-regulations (1) and (2) must be in accordance with a reporting template developed by the Department.

11. Repeal of Regulations

The Local Government: Municipal Systems Regulations published by Government Notice R459 of 2001, in *Government Gazette* 22328 of 25 May 2001, are hereby repealed.

12. Short title and commencement

These Regulations are called the Code of Conduct for Councillors Regulations, 2023, and takes effect on the date of publication hereof.

DEPARTEMENT VAN SAMEWERKENDE REGERING

NO. 3538

14 Junie 2023

**WET OP PLAASLIKE REGERING: MUNISIPALE STRUKTURE, 1998
(WET NO. 117 VAN 1998)****REGULASIES OOR GEDRAGSKODE VIR RAADSLEDE**

Ek, Thembi Nkadimeng, Minister van Samewerkende Regering en Tradisionele Sake, vaardig hierby ná oorleg met die lede van Uitvoerende Rade verantwoordelik vir plaaslike regering in die provinsies, en georganiseerde plaaslike regering wat plaaslike regering nasionaal verteenwoordig, kragtens artikel 92 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 11 van 1998), soos gewysig, die Regulasies in die Bylae uit.

MS THEMBI NKADIMENG, LP**MINISTER VAN SAMEWERKENDE REGERING EN TRADISIONELE SAKE**

BYLAE**Inhoudsopgawe**

1. Woordomskrywing
2. Toepassing
3. Algemene gedrag van Raadslede
4. Bywoning van vergaderings
5. Stemming by vergaderings
6. Voorgeskrewe waarde van geskenke deur raadslid ontvang
7. Plig van speaker
8. Verbrekings van kode
9. Raadslid agterstallig by munisipaliteit met erfbelasting en diensgelde
10. Verslagdoening
11. Herroeping van Regulasies
12. Kort titel en inwerkingtreding

1. Woordomskrywing

In hierdie Regulasies het enige woord of uitdrukking waaraan 'n betekenis in die Wet toegewys is, daardie betekenis en, tensy die samehang andersins aandui, beteken—

“**Departement**” die Departement van Samewerkende Regering;

“**gedrag**” verbale of nieverbale kommunikerende gedrag, stemtoon, liggaamstaal en handelswyse, houding en etiket in verband met 'n persoon se gedrag teenoor andere;

“**geskenk**” ook fisieke aanbiedinge, belonings, gasvryheid (soos ontbyt, middagete of aandete), geld, borgskappe, kommissies of enige ander voordeel of gratifikasie wat deur 'n raadslid ontvang word;

“**Kode**” die Gedragskode vir Raadslede in bylae 7 by die Wet;

“**komitee**” 'n uitvoerende komitee ingestel ingevolge artikel 42 van die Wet, of 'n burgerlike komitee ingestel ingevolge artikel 60 van die Wet, 'n metropolitaanse subraad ingestel ingevolge artikel 61 van die Wet, of 'n komitee ingevolge artikels 79, 79A of 80 van die Wet ingestel;

“**kwartaal**” enige tydperk vanaf 1 Januarie tot 31 Maart, of vanaf 1 April tot 30 Junie, of vanaf 1 Julie tot 30 September, of vanaf 1 Oktober tot 31 Desember, in 'n kalenderjaar;

“**kworum**” meer as 50% van lede van die munisipale raad soos in die Wet beoog;

“**MFB-wet**” die Wet op Plaaslike Regering: Munisipale Finansiële Bestuur, 2003 (Wet No. 56 van 2003);

“**uitstap**” is ’n handeling waarin ’n raadslid of raadslede, sonder die toestemming van die voorsitter wanneer oor enige aangeleentheid gestem word, of voordat die voorsitter die vergadering verdaag het, ’n vergadering verlaat of versuim om by daardie vergadering teenwoordig te bly;

“**vergadering**” ook vergaderings wat in die kamers van die munisipale raad, enige ander venue of virtuele platform plaasvind soos in die agenda van die raadsvergadering aangedui, en sluit ook vergaderings van die komitee in;

“**virtuele platform**” ’n platform wat met inligtings- en kommunikasietegnologie verband hou wat gebruik word om vergaderings saam te roep;

“**Voorsitter**” ook ’n raadslid—

- (a) wat as die speaker van die munisipale raad verkies is;
- (b) wat as ’n burgermeester of onderburgermeester verkies is, of ’n raadslid wat voorsit oor vergaderings van die uitvoerende komitee; en
- (c) wat as die uitvoerende burgemeester of uitvoerende onderburgemeester verkies is; of
- (d) wat as die voorsitter van ’n metropolitaanse subraad verkies is; of
- (e) wat as die voorsitter verkies is van ’n koomitee wat ingevolge artikel 79, 79A of 80 van die Wet ingestel is; en

“**Wet**” die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998), soos gewysig.

2. Toepassing

Hierdie Regulasies is van toepassing op alle raadslede en tradisionele en Khoi-San-leiers behoudens item 17 van die Kode.

3. Algemene gedrag van raadslede

- (1) ’n Raadslid moet—

- (a) die werksaamhede van die amp te goeder trou, eerlik en op 'n deursigtige wyse verrig;
 - (b) te alle tye in die beste belang van die munisipaliteit en op so 'n wyse handel dat die geloofwaardigheid en integriteit van die munisipaliteit nie in die gedrang gebring word nie; en
 - (c) tydens vergaderings goeie en ordelike gedrag handhaaf.
- (2) Indien 'n raadslid se gedrag onordelik is, met inbegrip van wanneer sodanige raadslid 'n beampte of 'n ander raadslid of enige ander persoon wat by die vergadering teenwoordig is aanrand of met aanranding dreig—
- (a) moet die voorsitter die raadslid beveel om die vergadering onmiddellik te verlaat; en
 - (b) indien die raadslid versuim om die bevel te gehoorsaam, 'n wetstoepassingsbeampte in diens van die munisipaliteit versoek om die raadslid uit die vergadering verwyder.
- (3) Indien dit bekend is of indien waargeneem is, dat 'n raadslid met 'n groep of lede van die publiek of munisipale personeel georkestreer het om aan gewelddadige oproer of arbeidsonrus teen die munisipaliteit mee te doen—
- (a) moet sodanige raadslid deur die munisipale raad gedissiplineer word vir verbreking van die Kode; en
 - (b) strafregtelike aanklagte moet by die Suid-Afrikaanse Polisie diens aanhangig gemaak word en enige skade of verlies deur die munisipaliteit gelei as gevolg van sodanige protesaksie of staking, moet van die raadslid verhaal word en kan nie afgeskryf word nie.

4. Bywoning van vergaderings

- (1) Die munisipale raad moet ten minste een keer elke kwartaal 'n gewone vergadering saamroep vir die doen van sake.
- (2) 'n Raadslid se versoek om van 'n vergadering verskoon te word soos in item 4(a) van die Kode beoog, mag nie onredelik geweier word nie.
- (3) 'n Raadslid wat met 'n gestremdheid saamleef, moet voldoende toegang en ondersteuning van die munisipaliteit hê om te verseker dat sodanige raadslid doeltreffend aan raadsverrigtinge deelneem.
- (4) 'n Vergadering moet 'n kworum hê voordat enige aangeleentheid oorweeg kan word.

- (5) (a) Indien daar nie 'n kworum by 'n vergadering is nie, kan die geskeduleerde vergadering met hoogstens 20 minute of soos in die staande reëls en orders vir vergaderings van die betrokke munisipale raad bepaal, uitgestel word.
- (b) Indien daar ná afloop van die 20 minute waarvoor in paragraaf (a) voorsiening gemaak word, steeds nie 'n kworum is nie, kan die voorsitter die vergadering uitstel met nog 20 minute of soos in die staande reëls en orders vir vergaderings van die betrokke munisipale raad bepaal.
- (c) Indien daar ná afloop van die 20 minute waarvoor in paragraaf (b) voorsiening gemaak word, nog steeds geen kworum is nie, moet die voorsitter die vergadering verdaag na 'n ander datum en tyd.
- (6) (a) Indien 'n raadslid of raadslede uitstap of beveel word om die vergadering te verlaat ingevolge regulasie 3(2), en die oorblywende raadslede stel 'n kworum daar, moet die sake van die vergadering voortgaan.
- (b) 'n Raadslid of raadslede wat uit 'n vergadering uit stap of deur die voorsitter uit die vergadering verwyder word ingevolge regulasie 3(2), verbreek die Kode.
- (c) Die voorsitter kan nie 'n vergadering onredelik verdaag of afsluit omdat 'n raadslid of raadslede uitgestap het of verwyder is nie indien daar steeds 'n kworum is vir die vergadering om voort te gaan.

5. Stemming by vergaderings

- (1) 'n Raadslid wat vir 'n voorgestelde resoluëie wat voor die vergadering is, stem of daarmee saamstem, wat in stryd is met enige wetgewing wat op plaaslike regering van toepassing is, verbreek die kode.
- (2) 'n Raadslid wat 'n strafregtelike misdryf pleeg ingevolge artikel 173(4) en (5) van die MFB-wet, gelees met die Munisipale Regulasies oor Finansiële Wangedrag Prosedures en Strafregtelike Verrigtinge, 2014, en artikel 174 van die MFB-wet, verbreek die kode.

6. Voorgeskrewe waarde van geskenke deur raadslid ontvang

- (1) Geskenke wat deur 'n raadslid ontvang word, moet ingevolge item 8(1) skriftelik aan die munisipale bestuurder verklaar word waar–
 - (a) die waarde van 'n geskenk R1 000,00 of 'n hoër bedrag soos van tyd tot tyd deur die Minister bepaal, oorskry; en
 - (b) die waarde van geskenke wat in enige kalenderjaar van 'n enkele bron ontvang is, die drempel van R1 000,00 of die bedrag ingevolge subregulasie (a) deur die Minister bepaal, oorskry.
- (2) 'n Verklaring van geskenke deur 'n raadslid ontvang, moet–
 - (a) 'n beskrywing van die geskenke bevat; en
 - (b) die waarde en bron van sodanige geskenk of geskenke aandui.
- (3) Versuim om 'n geskenk(e) in gevolge sub-regulasie (1) and (2) te verklaar is 'n oortreding van die Kode en moet ondersoek word soos in die Kode en die staande reëls en orders van die raad uiteengesit.
- (4) Geskenke deur 'n raadslid ontvang wat die voorgeskrewe bedrag oorskry, moet in 'n aangewese raad se geskenkregister aangeteken word wat deur die munisipaliteit ontwikkel moet word, wat die volgende moet insluit:
 - (a) volle name, adres en kontaknommer van die persoon of organisasie van wie die geskenk aanvaar is;
 - (b) waarde van die geskenk ontvang of van alle geskenke tot 'n waarde van meer as R1 000,00 of kumulatiewe geskenke van dieselfde persoon of organisasie ontvang oor 'n tydperk van twaalf maande; en
 - (c) die verhouding tussen die raadslid wat die geskenk aanvaar en die persoon of organisasie wat die geskenk voorsien.
- (5) 'n Raadslid wat die geskenk aanvaar, moet ook die persoon of organisasie wat die geskenk voorsien, daarvan bewus maak dat hulle besonderhede in die raad se geskenkregister ingesluit sal word, behoudens die bepalings van die Wet op Beskerming van Persoonlike Inligting, 2013 (Wet No. 4 van 2013).
- (6) 'n Raadslid moet verseker dat enige geskenk wat in die geskenkregister verklaar is, binne tien dae sedert ontvangs daarvan, aangeteken word.

- (7) 'n Raadslid moet verseker dat die besonderhede in die geskenkregister aangeteken waar en korrek is.
- (8) 'n Munisipaliteit moet verseker dat 'n geskenkregister gehou word vir raadslede om hulle belange te verklaar soos in item 8 van die Kode voor voorsiening gemaak.
- (9) Die munisipale raad moet vasstel watter van die finansiële belange openbaar gemaak moet word, met inagneming van die nodigheid vir vertroulikheid en die openbare belang by openbaarmaking.

7. Plig van speaker

- (1) Die speaker moet verseker dat elke raadslid en tradisionele en Khoi-San-leier 'n afskrif van die Kode het en vertrou is met die inhoud van sodanige Kode.
- (2) 'n Raadslid en tradisionele leier of Khoi-San-leier wat 'n afskrif van die Kode ontvang, moet sigself vertrou maak met daardie Kode.

8. Verbreings van Kode

- (1) Indien 'n raadslid na bewering 'n bepaling van die Kode verbreek het, moet sodanige beweerde verbreking ingevolge item 15 en 16 van die Kode ondersoek word.
- (2) Indien enige beweerde verbreings van die Kode in 'n komitee van die raad voorgekom het, moet die voorsitter van die komitee binne 7 dae vanaf die beweerde verbreking, die verbreking by die speaker aanmeld vir verdere stappe.

9. Raadslid agterstallig by munisipaliteit vir eiendomsbelasting en diensgelde

- (1) Die munisipale bestuurder moet die raadslid onmiddellik skriftelik inlig wanneer die raadslid by die munisipaliteit agterstallig is vir eiendomsbelasting en diensgelde vir 'n tydperk van langer as twee maande, selfs as die raadslid nuut tot die betrokke munisipale raad verkies is, en vra dat die raadslid die rekening en enige agterstallige gelde onverwyld skik ooreenkomstig die kredietbeheerbeleid van die munisipaliteit.

- (2) Die munisipale bestuurder moet onmiddellik besonderhede van daardie raadslede wat met meer as drie maande by die munisipaliteit agterstallig is met eiendomsbelasting en diensgeld by die speaker indien.
- (3) 'n Raadslid wat met meer as drie maande by die munisipaliteit agterstallig is vir eiendomsbelasting en diensgelde verbreek die Kode en die speaker moet, by ontvangs van die munisipale bestuurder van die besonderhede in subregulasie (2) beoog, verseker dat die agterstallige bedrag van die raadslid verhaal word.

10. Verslagdoening

- (1) Die speaker moet twee keer 'n jaar 'n verslag stuur oor voldoening aan die Kode aan die LUR vir plaaslike regering binne 30 dae vanaf die begin van Januarie en Julie van 'n kalenderjaar.
- (2) Die LUR vir plaaslike regering moet, binne 30 dae vanaf ontvangs van die verslag in subregulasie (1) bedoel, 'n gekonsolideerde verslag oor die voldoening van munisipaliteite aan die Kode aan die Minister voorlê.
- (3) Die verslae in subregulasies (1) en (2) beoog, moet volgens die sjabloon deur die Departement ontwikkel, saamgestel word.

11. Herroeping van Regulasies

Die Plaaslike Regering: Munisipale Stelselregulasies gepubliseer in Goewermentskennisgewing R459 van 2001, in *Staatskoerant* 22328 van 25 Mei 2001, word hierby herroep.

12. Kort titel en inwerkingtreding

Hierdie Regulasies heet die Regulasies oor Gedragskode vir Raadslede, 2023, en tree in werking by publikasie hiervan.

SATISO SAHULUMENDE**LITIKO LETIKUBUSA NEKUBAMBISANA****No. R.****2023****HULUMENDE WASEKHAYA: UMTSETFO WETAKHIWO TAMASIPALA, 1998
(UMTSETFO NO. 117 WANGA-1998)****IMINGOMO YEKUTIPHATSA YENCHUBO YEMAKHANSELA**

Mine, Themi Nkadimeng, Ndvuna Wetekubusa Ngekubambisana Kanye Netendzabuko, ngemuva kwekubonisana nemalunga eMkhandlu loPhetse lobukene nabohulumende basekhaya etifundzeni, futsi nekuhleleka kwabohulumende basekhaya labamele bohulumende basekhaya kuvelonkhe, ngaphansi kwesigaba 92 saHulumende Basekhaya: Tinklaka Tamasipala. UMtsetfo, 1998 (uMtsetfo No. 117 wanga-1998), njengoba kulungisiwe, ngaloku ushicilela iMitsetfonchubo eHlelweni.

THEMBI NKADIMENG, MP**INDVUNA YELITKO LETEKUBUSA NGEKUBAMBISANA KANYE
NETENDZABUKO**

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1. Tinchazelo

Kule Mitsetfonchubo, noma ngiliphi ligama noma sisho lesiniketwe inchazelo eMtsetfweni sinaleyo nchazelo futsi, ngaphandle uma incikitsi isho lokuhlukile–

“Umtsetfo” kushiwo Huhulumende Wasekhaya: uMtsetfo Wetindhloko Tamasipala, 1998 (uMtsetfo No. 117 wanga-1998), njengoba kulungisiwe;

“Kutiphatsa” kusho kutiphatsa kwesikhulumi noma lokungakhulumi, liphimbo, lulwimi lwemtimba kanye nekutiphatsa, kanye nendlela yekutiphatsa lehlobene nendlela umuntfu atiphatsa ngayo kulabanye;

“Sihlalo” kufaka likhansela-

- (a) lelocokwe njengasomlomo wemkhandlu wamasipala;
- (b) locokwe njenge-meya noma lisekela-meya, noma likhansela lelengamele imihlangano yelikomidi lelisetulu;
- (c) lelocokwe njenge-meya lephetse noma lisekela lemeya;
- (d) locokwe njengasihlalo wemkhandlu lomncane welidolobha; noma
- (e) locokwe njengasihlalo welikomidi lelisungulwe ngekwetigaba 79, 79A noma 80 teMtsetfo;

“Likhodi” kushiwo Imingomo Yekutiphatsa Kwemakhansela Eluhlelweni 7 leMtsetfo;

“ikomidi” lichaza ikomidi leliphezulu lelisungulwe ngekwesigaba 42 seMtsetfo, noma likomidi lemeya lelisungulwe ngekwesigaba 60 seMtsetfo, noma umkhandlu lomncane wedolobha lelisungulwe ngekwesigaba 61 seMtsetfo, noma likomidi lelisungulwe ngekwetigaba 79, 79A noma 80 teMtsetfo;

“Litiko” kushiwo Litiko Letekubusa Ngekubambisana;

“sipho” sihlanganisa iminikelo lebonakalako, imiklomelo, umoya wekungenisa tihambi (njengesidlo sasekuseni, sidlo sasemini noma sakusihlwa), imali, luchaso, emakhomishini nanoma ngiyiphi lenye inzuzo noma kutenelisa lokutfolwa likhansela.

“umhlangano” kuhlanganisa imihlangano leba khona etindlini temkhandlu wamasipala, nanoma ngiyiphi lenye indzawo noma inkundla lebonakalako njengoba kukhonjisiwe eluhlelweni lemhlangano wemkhandlu, futsi kufaka nemihlangano yelikomidi lemkhundlu;

“i-MFMA” ichaza uMtsetfo Wekuphatfwa Kwetimali taMasipala kuHulumende Wasekhaya, wa-2003 (uMtsetfo No. 56 wanga-2003);

“ikota” kushiwo noma ngisiphi sikhatsi kusukela mhlaka 1 Bhimbidwane kuya kumhlaka 31 Indlovulenkulu, noma kusukela mhlaka 1 kuMbasa kuya mhlaka 30 Inhlaba, noma kusukela ngeti-1 kuKholwane kuya ku-30 Inyoni, noma kusukela mhlaka 1 Imphala kuya mhlaka 31 ingongo, emnyakeni wekhalenda;

“ikhoramu” isho sibalo lesisetulu kwemaphesenti langu-50 emalungu emkhandlu wamasipala njengoba kuhlongotwe eMtsetfweni;

“inkundla lebonakalako” kushiwo inkundla lehlobene nelwati nebuchwepheshe betekuchumana lesetjentiselwa kubita imihlangano; futsi

“Kuphuma” sento sekushiya umhlangano noma kwehluleka kuhlala kulowo mhlangano, likhansela noma emakhansela, ngaphandle kwemvume yasihlalo uma kuvotwa kunoma ngiluphi ludzaba, noma ngaphambi kwekuba sihlalo awuhlehlisile umhlangano.

2. Siculo

LeMitsetfonchubo isebenta kuwo onkhe emakhansela kanye nebaholi bendzabuko noma bemaKhoi-San ngekuya ngeliphuzu lesise-17 leKhodi.

3. Kutiphatsa lokujwayelekile kwemakhansela

(1) Likhansela kufanele -

- (a) ente imisebenti yesikhundla ngekwetsembeka, nalecacile nangendlela lesobala;
- (b) ngaso sonkhe sikhatsi asebente ngendlela lezuzisa masipala nangendlela yekutsi kwetsembeka nebucofto bamasipala kungaphatamiseki; futsi
- (c) ngesikhatsi semihlangano yemkhandlu gcine kutiphatsa lokuhle nalokuhlelekile, lokuhlanganisa nekulalela imiyalelo wasihlalo.

(2) Uma kutiphatsa kwelikhansela kungalawuleki, lokuhlanganisa uma lelo khansela lihlasela noma lisabisa ngekushaya sikhulu noma lelinye likhansela nanoma ngimuphi lomunye umuntfu lokhona emhlanganweni -

- (a) Sihlalo kufanele ayalele likhansela kutsi liphume ngekushesha emhlanganweni; futsi
- (b) uma likhansela lehluleka kutfobela umyalelo, licele sisebenti semtsetfo lesicashwe ngumasipala kutsi sikhipe likhansela emhlanganweni.

(3) Uma likhansela latiwa noma libonakala lisebentisana nelicembu lemalunga emphakatsi noma basebenti bamasipala kuba lihlanganyele emibhikishweni lelineludlame noma lutfufuva letebasebenti letimelene namasipala –

- (a) lelo khansela kumele licondziswe tigwegwe ngumkhandlu wamasipala ngekwephula iKhodi; futsi
- (b) emacala ebugebengu kumele abekwe ePhikweni Lwetemaphoyisa aseNingizimu Afrika futsi noma ngikuphi kulahlekelwa noma umonakalo lodalwe ngumasipala ngenca yalowo mbhikisho noma siteleka kufanele utfolakale ekhanseleni futsi angeke asulwe.

4. Kuba khona emihlanganweni

(1) Umkhandlu wamasipala kumele ubite umhlangano lojwayelekile wekuchutjwa kwelibhizinisi lokungenani kanye njalo ngekota,

(2) Sicelo selikhansela sekuphumula lesihlongotwe eluphuzwini lesi-4 (a) leKhodi angeke salelwe ngalokungakafaneli.

- (3) Likhansela leliphila nekukhubateka kumele likwati kufinyelela nekwesekwa ngalokwanele kumasipala kute kucinisekise kutsi lelo khansela libamba lichaza ngempumelelo etincubeni temkhandlu.
- (4) Umhlangano kufanele ukhokhe ngaphambi kwekuba kucatjangelwe noma nguluphi ludzaba.
- (5) (a) Uma kwenteka ingekho ikhoramu yemhlangano, umhlangano lohleliwe ungamiswa sikhatsi lesisetulu kwemizuzu lengu-20, noma njengoba kuniketiwe emitsetfweni lemisiwe nemiyalelo yemihlangano yemkhandlu wamasipala lotsintsekako;
- (b) Uma ekupheleni kwemizuzu lengu-20 leshiwo endzimeni (a) ingekho ikhoramu, sihlalo angawumisa umhlangano ngaleminye imizuzu lengu-20, noma njengoba kuniketiwe emitsetfweni lemisiwe nemiyalelo yemihlangano yemkhandlu wamasipala lotsintsekako;
- (c) Uma ngemva kwekuphela kwemizuzu lengu-20 leshiwo endzimeni (b) ingasekho ikhoramu, sihlalo kufanele awuhlehlisele kulelunye lilanga nesikhatsi.
- (6) (a) Uma likhansela noma emakhansela aphuma noma ayalwa kuba aphume emhlanganweni ngekwemtsetfonchubo 3(2), bese kutsi incenye lesele yemakhansela ihlanganise ikhoramu, umsebenzi wemhlangano kumele uchubeke.
- (b) Likhansela noma emakhansela laphuma emhlanganweni noma likhishwa ngusihlalo emhlanganweni ngekwemtsetfonchubo wesi-3(2) lephula iKhodi.
- (c) Sihlalo angeke ahlehlise noma avale umhlangano ngalokungakafaneli ngenca yekuphuma noma kususwa kwelikhansela noma emakhansela uma kusekhona ikhoramu kute umhlangano uchubeke.

5. Kuvota emihlanganweni

- (1) Likhansela lelivotela noma lelivumelana nesincumo lesihlongotwako lesiphambi kwemhlangano, lesingcubutana nanoma ngimuphi umtsetfo losebenta kuhulumende wasekhaya, lephula iKhodi.

- (2) Likhansela lelenta licala lebugebengu ngekwesigaba 173(4) na (5) se-MFMA, sifundvwa neMitsetfonchubo yaMasipala Yetinchubo Tekungatiphatsi Kahle Etimalini kanye Nekutsetfwa Kwemacala Ebugebengu, 2014 kanye nesigaba 174 se-MFMA, lephula YeKhodi.

6. Linani lelincunyiwe letipho letitfolwe likhansela

- (1) Tipho letitfolwe likhansela kumele tibhalwe phansi kumphatsi wamasipala ngekweliphuzu lesi-8(1) leKhodi lapho –
- (a) Linani lesipho lidlula R1 000.00 noma linani lelingetulu kwaloko lelingancunyiwa nguNdvuna ngetikhatsi letitsile; futsi
 - (b) Linani letipho letitfolwe endzaweni leyodvwa kunoma ngimuphi umnyaka wekhalenda lengca umkhawulo wa-R1 000.00 noma linani lelincunyiwe nguNdvuna ngekwemtsetfonchubo longaphansi(a).
- (2) Simemetelo setipho letitfolwe likhansela kufanele–
- (a) ticuketse inchazelo yetipho, futsi
 - (b) akhombise linani kanye nemtfombo waleso sipho noma tipho.
- (3) Kwehluleka kumemetela tipho ngekwesigatjana semtsetfonchubo (1) na (2) kuwukwephula iKhodi.
- (4) Tipho letitfolwe likhansela ngetulu kwelinani lelincunyiwe kufanele tibhalwe kurejista yetipho yemkhandlu lecokiwe lokumele itfutukiswe ngumasipala, lokumele ihlanganise loku lokulandzelako–
- (a) emagama laphelele, likheli kanye nenombolo yekuchumana yemuntfu noma inhlango lokwamukelwe kuyo sipho;
 - (b) linani lesipho lesitfoliwe noma lato tonkhe tipho letitfolwe ngelinani lelikhulu ku-R1,000.00 noma tipho leticociwe letitfolwa kumuntfu lofanayko noma inhlango esikhatsini lesitinyanga letishumi nakubili; futsi
 - (c) budlelwano emkhatsini kwelikhansela lelitfolwa sipho kanye nemuntfu noma inhlango leniketa lesipho.
- (5) Likhansela lelamukela sipho kufanele lente umuntfu noma inhlango leniketa lesipho sati kutsi imininingwane yabo itofakwa ebhukwini letincwadzi tesipho

temkhundlu ngekuya ngekuniketa ngeMtsetfo Wekuvikela Lwati Lemuntfu, 2013 (uMtsetfo No. 4 wanga-2013).

- (6) Likhansela kufanele licinisekise kutsi noma ngisiphi kurejista yetipho leticokiwe sicoshwa tingakapheli tinsuku letimashumi tekusebenta sitfolakele.
- (7) Likhansela kufanele licinisekise kutsi imininingwane lebhawle kurejista yetipho iliciniso futsi ilungile.
- (8) Masipala kumele ucinisekise kutsi irejista yetipho igcinelwe emakhansela kudzalula tinshisekelo tawo njengoba kuniketive ephuzwini lesi-8 leKhodi.
- (9) Umkhandlu wamasipala kumele uncume kutsi ngikuphi lokuhlomula ngetetimali lokufanele kuvetwe emphakatsini ngekubhekelela sidzingo sekugcinwa kwemfihlo kanye netinshisekelo tempakatsi tekudzalulwa.

7. Umsebenti wasomlomo

- (1) Somlomo kumele acinisekise kutsi likhansela ngalinye kanye nemholi wenzabuko noma wemaKhoi-San utfola ikhophi yeKhodi.
- (2) Likhansela noma umholi wenzabuko noma umholi wemaKhoi-San lapho atfola ikhophi yeKhodi, atijwayete neKhodi.

8. Kwepfulwa Kwekhodi

- (1) Uma ikhansela kusolwa kutsi lephule umbandzela waleKhodi, loko kusolwa kwekwepfula kumele kuphenywe ngekwemibandzela 15 kanye na-16 yeKhodi.
- (2) Uma kukhona tinsolo tekwepfulwa kweMtsetfo lokwenteki ekomitini lemkhandu, sihlalo welikomidi kumele tingakapheli tinsuku letiyi-7 ngemuva kwetinsolo tekwepfulwa abike kusomlomo ngekwepfulwa kwesincumo kute atsatselwe tinyatselo letengetive.

9. Likhansela lelisilele emuva kumasipala ngemanani kanye netindleko tetinsita

- (1) Mphatsi wamasipala kumele yatise likhansela ngekushesha ngekubhala phansi uma likhansela lisalele emuva ngentsela yamasipala kanye netindleko tetinsita sikhatsi lesingetulu kwetinyanga letimbili, noma ngabe likhansela lisandza

kukhetfwa kuba libe semkhandlwini wamasipala lotsintsekako, futsi licele likhansela kutsi likhokhe i-akhawunti kanye nanoma ngitiphi tikweleti letikweletwako ngaphandle kwekubambeleleka lokwengetiwe ngekuhambisana nenchubomgomo yekulawula tikweletu tamasipala.

- (2) Umphatsi wakamasipala kumele ngekushesha iletse imininingwane yalawo makhansela lasalele emuva kumasipala ngetindleko tentsela kanye netindleko tetinsita lesimkhatsini letinyanga letintsatfu kuSomlomo.
- (3) Likhansela lelisilele emuva kumasipala ngemanani kanye netindleko tensita sikhatsi lesingetulu kwetinyanga letintsatfu lephula iKhodi, futsi somlomo kufanele, lapho atfola kumphatsi wamasipala imininingwane lelongotwe kusigatshana semtsetfonchubo (2), acinisekise kutsi imali lekweletwako iyatfolwa ekhanseleni.

10. Kubika

- (1) Somlomo kufanele aletse umbiko kabili ngemnyaka mayelana nekutfotjelwa kweliKhodi kuNdvuna nabohulumende basekhaya, tingakapheli tinsuku letingu-30 kusukela ekucaleni kwaBhimbidwane naKholwane emnyakeni wekhalenda.
- (2) INdvuna yabohulumende basekhaya kufanele, tingakapheli tinsuku letingu-30 awutfolile umbiko lokukhulunywe ngawo esigatjaneni semtsetfonchubo (1), atfumele umbiko lohlanganisiwe mayelana nekulandvelwa kwamasipala neKhodi kuNdvuna.
- (3) Imibiko lelongotwe emitsetfwaneninchubo (1) na (2) kufanele ihambisane nesifanekiso sekubika lesifutfukiswe Litiko.

11. Kuchitswa Kwemitsetfonchubo

Hulumende Wasekhaya: Imitsetfonchubo Yetinhlelo Tamasipala leshicilelwe ngeSatiso Sahulumende R459 sa-2001, *kuGazethi Yahulumende 22328* yamhlaka 25 ku-Inkhwekhweti 2001, ngaloku iyachitfwa.

12. Tinhloko letifishane kanye nekucaliswa

LeMitsetfonchubo libitwa ngeNdlela Yekutiphatsa Yemakhansela, 2023, futsi icala kusebenta ngelusuku lekushicilelwe ngalo.



SYSTEM OF DELEGATIONS

A. Principles of delegation

1. This delegations repeal and replace the previous set of delegations adopted by Council on 15 March 2006
2. The Municipal Manager may further sub-delegate any of the powers entrusted or delegated to him/her subject to Section 59(4) of the Systems Act 32 of 2000;
3. This delegations cannot confer a power to a delegatee that is inconsistent with or prohibited by legislation.
4. In exercising authority, the delegations must do so in the spirit of utmost good faith; and in compliance with applicable laws, regulations and council policies.

B. Conditions of delegations

All powers delegated by Council are subject to the following conditions:

1. Delegated powers conferred upon the delegatee are conferred upon the post in the municipality and not on incumbents;

2. Persons acting in these positions have the same powers as those serving in the permanent positions unless such powers are specifically restricted;
3. Delegated powers conferred are restricted to the peremptory conditions set out in Section 160(2) of the Constitution of the Republic of South Africa;
4. Delegations are subject to the provisions as prescribed in Section 59 to and 65 of the Municipal Systems Act 32 of 2000;
5. Delegations are subject to the financial management responsibilities as prescribed in the MFMA Act 56 of 2003

**WITZENBERG MUNICIPALITY
SYSTEM OF DELEGATIONS**

No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
G.3.01		To consult with the national and provincial spheres of government, local and other district municipalities and organized local government with regard to the division, assignment, delegation and agency powers and functions and to promote and defend Council's views.	Council	Executive Mayor				
G.3.02		To decide on the most appropriate method of liaison with national and provincial departments and other external agencies in the event of combined actions, emergencies, incidents etc. is so far as it relates to the activities of the department	Council	Executive Mayor in consultation with the Municipal Manager				
G.4.	Attendance of Meetings, Workshops, Congress, etc							
G.4.01		To grant approval to the Speaker to attend meetings, etc of an official nature within the borders of the RSA: Provided that adequate funding is available	Council	Executive Mayor				
G.4.02		To grant approval to Councillors to attend workshops, congresses, meetings, etc within the borders of the RSA	Council	The Speaker				
G.4.03		To grant approval to the Municipal Manager to attend workshops, congresses, meetings etc of an official nature within the borders of the	Council	Executive Mayor				

**WITZENBERG MUNICIPALITY
SYSTEM OF DELEGATIONS**

No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
G.4.04.		To authorize the attendance of workshops, congresses, meetings, etc of an official nature within the borders of the RSA, by personnel.	Council	Municipal Manager	Relevant Directors insofar as it relates to their functional areas for personnel below Manager level			Attendance of workshops, congresses, meetings, etc of an official nature within the borders of the RSA, by Managers can only be approved by the Municipal
G.4.05		To grant approval for the attendance of workshops, congresses, meetings, etc. by Councillors, including the Speaker, Executive Mayor, Deputy Executive Mayor, Members of the Mayoral Committee, Municipal Manager and other members of staff outside the borders of the RSA.	Council					
G.5 URGENT MATTERS								
G.5.01	STR 60(3)	To finalise and/or approve urgent matters arising in between Mayoral Committee meetings	Council	Executive Mayor				
G.5.02		To decide and act in urgent cases that require immediate action and to give such instructions as the circumstances may require.	Council	Executive Mayor in consultation with the Municipal Manager	Municipal Manager after consultation with the Executive Mayor			
G.5.03		To decide and act in urgent cases that require immediate action and to give such instructions as the circumstances may require, provided that a comprehensive report on the circumstances and actions taken be submitted to the Executive Mayor and Municipal Manager within seven days.	Council	Executive Mayor and the Municipal Manager	Director insofar as it relates to their functions/departments			
G.6. Ceremonial Functions								

**WITZENBERG MUNICIPALITY
SYSTEM OF DELEGATIONS**

No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
G.6.01	STR 56(4)	To determine a framework for ceremonial and official functions to be attended by the Speaker, Executive Mayor, Deputy Executive Mayor and Members of the Mayoral Committee municipality in accordance with the directions of Council	Council	Executive Mayor in consultation with the Mayoral Committee				
G.7. Monitoring								
G.7.01	STR 56(3)(d)	To monitor the administration of the municipality in accordance with the directions of Council	Council	Executive Mayor				
G.7.02	STR 60(1)(c)	To monitor the executive functions of the municipality which relates to the matters in their respective portfolios and report to the Executive Mayor in consultation with the Mayoral Committee	Council	Executive Mayor				
G.7.03	STR 60(1)(c)	To monitor the provision and sustainability of services to the community which resort under their respective portfolios and to provide a report on a quarterly basis to the Executive Mayor	Executive Mayor	Chairpersons of the respective portfolios				
G.8. Other								
G.8.01		To introduce access control at municipal premises under the control of the incumbent.	Council	Municipal Manager	Director Corporate Services	Manager Administration		
G.8.02		To execute the functions of the authorized officer as provided for in the Control of Access to Public Premises and Vehicles Act, 1985.	Council	Municipal Manager	Director Corporate Services			

**WITZENBERG MUNICIPALITY
SYSTEM OF DELEGATIONS**

No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
G.8.03		To take all reasonable steps to ensure that the strategies, programmes and services reflected in the approved IDP, is so far as it relates to the functional area of the department, are implemented within the limits of income and expenditure and taking account of the national and provincial development plans.	Council	Municipal Manager	Directors insofar as it relates to their functions/departments			
G.8.04		To report to the Council on progress in the implementation of department's strategies, programmes and services aimed at realizing the needs reflected in the IDP.	Council	Municipal Manager	Directors insofar as it relates to their functions/departments	Managers insofar as it relates to their functions/departments		
G.8.05		To actively promote the interests of, and ensure the benefit by, women, youth and people with disabilities in the planning and implementation of services and programmes delivered by the municipality.	Council	Municipal Manager	Community Services	Social Services		
G.8.06		To, in respect of the activities of departments, appoint consultants that operate in the discipline of the relevant department. The activities of the consultant must be regulated by a terms of reference and contract in terms of Council Supply Chain process.	Council	Municipal Manager	Directors insofar as it relates to their functions/departments	Managers insofar as it relates to their functions/departments		1. Only the Municipal Manager can sign such contracts. 2. All appointments of consultant must be done in terms of the Supply Chain Management process. 3,That all appointments of the value of the contracts be
G.8.07		To decide on office accommodation and furnishing of offices for political office bearers of the Council.	Council (Speaker) Oversight report	Executive Mayor in consultation with the Speaker	Director Corporate Services			

**WITZENBERG MUNICIPALITY
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No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
G.8.08		To authorize the installation of telephones, coin operated machines and similar equipment on Council property.	Council	Municipal Manager	Director Corporate Services			
G.8.09	delete duplication	To decide on the accommodation of Council and its committees as well as furniture and equipment required for Council and its committees	Council	Municipal Manager in consultation with the Speaker	Director Corporate Services			
G.8.10		To develop a policy framework that regulates the form and nature of catering services at meetings of Council and its structures in accordance with the Supply Chain Management of the Municipality for Council's approval	Council	Municipal Manager in consultation with Speaker	Director Corporate Services	Manager Administration		
PART 2 : POLICY MATTERS								
POL.1.01		To submit policies to Council for adoption	Council	Municipal Manager				
POL.1.02		To decide on the necessity of policies and to authorize members of the Mayoral Committee to formulate appropriate policy related to their respective portfolios	Council					
POL.1.03	STR60(1)(c)	To make recommendations to the Executive Mayor regarding the need for policy related to matters falling under their respective portfolios/chairpersons	Council (Executive Mayor to be deleted)	Executive Mayor in consultation with the Members of the Mayoral				
POL.1.04		To approve Policies and Strategies	Council					
POL.1.05		To approve internal operational procedures	Executive Mayor	Municipal Manager				

PART 3 : FINANCIAL MATTERS

F.1. Procurement of Goods and Services - Refer to *Supply Chain Management Policy and the delegations in terms of the Supply Chain Regulations

*To be regarded as included in this document

**WITZENBERG MUNICIPALITY
SYSTEM OF DELEGATIONS**

No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
F.2. Bank Accounts								
F.2.01	MFMA 7(1)	To determine a financial institution to operate Council's bank accounts	Council	Municipal Manager				
F.2.02	MFMA 7(1)	To authorize the opening and closing of bank accounts with approved financial institutions	Council	Municipal Manager				
F.2.03	MFMA 7(1) 10(1)(a) & (b) 62(2) & 79	To advise the Accounting Officer on the opening and closing bank accounts in the name of the municipality at registered financial	Council	Chief Financial Officer	Deputy Director Finance			
F.2.04		To administer internal funds and reserve funds	Council	Municipal Manager	Chief Financial Officer	Deputy Director Finance		
F.2.05	MFMA10(1)(a) & (b), 62(2) & 79	To administer the municipality's bank accounts and to account to the Accounting Officer for all bank accounts of the municipality, including those contemplated in sections 12 and 48(2)(d)	Accounting Officer	Chief Financial Officer	Deputy Director Finance			
F.2.06	MFMA10(2), 79	To enforce compliance with the provisions regarding the opening of bank accounts as stipulated in sections 7, 8 & 11 of the MFMA	Accounting Officer	Chief Financial Officer				
F.2.07	MFMA 8(5), 9 & 79	To inform the National Treasury, Provincial Treasury and Auditor General in writing of the name of banks where accounts are held, as well as the types and numbers of	Accounting Officer	Accounting Officer (delete)	Chief Financial Officer	Deputy Director Finance		
F.2.08	MFMA 7(2), 8(2), 8(3), 64(1)(d) & 79	To ensure that all money received by the municipality is paid into its bank account(s)	Accounting Officer	Chief Financial Officer	Deputy Director Finance	Manager Income		
F.2.09	MFMA 11(4) & 79	To provide the Accounting Officer with a consolidated report of all withdrawals made in terms of section 11(1)(b) to (j) for purposes of tabling in Council and submission to the Provincial Treasury and Auditor	Accounting Officer	Chief Financial Officer	Deputy Director Finance			

F.3. Cash Management and Investments - Refer also to the Cash Management and Investment Policy that is to be regarded as included in this document

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F.3.01	MFMA 13(2)	To make recommendations to Council regarding an effective cash management and investment policy in accordance with the framework prescribed by the Minister of Finance	Council	Accounting Officer	Chief Financial Officer			
F.3.02	MFMA 168 SYS 60	To decide to make investments on behalf of the municipality within a policy framework prescribed by the Minister of Finance	Council	Accounting Officer / Municipal Manager	Chief Financial Officer	Deputy Director Finance	The Investment Manager (Delete)	Within the framework of the Cash Management and Investment Policy approved by Council
F.3.03	MFMA 168 SYS 61 (delete row)	To appoint the Investment Manager who has the power to decide to make investments on behalf of the municipality within a policy framework prescribed by the Minister of Finance	Council	Accounting Officer / Municipal Manager	Chief Financial Officer			Within the framework of the Cash Management and Investment Policy approved by Council
F.3.04		To approve petty cash facilities and determine restrictions on the amounts of cash which may be kept and to determine amount per transaction	Council	Accounting Officer / Municipal Manager	Chief Financial Officer	Manager Supply Chain		Within the framework of the Petty Cash Policy approved by Council
F.4. Budget								
F.4.01	MFMA 68 & 79	To draft the annual budget for approval by council	Accounting Officer	Chief Financial Officer	Deputy Director Finance	Manager Financial		
F.4.02	MFMA 22 & 79 SYS Chapter 4	To make public the annual budget, invite the local community to make representations in connection with the budget and submit the budget to the National Treasury, Provincial Treasury, national or provincial organs of state or other municipalities affected by the budget	Accounting Officer	Accounting Officer (delete)	Chief Financial Officer	Deputy Director Finance		
F.4.03	MFMA 24 & 79	To submit approved annual budget to National and Provincial Treasury	Accounting Officer	Accounting Officer (delete)	Chief Financial Officer	Deputy Director Finance		

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F.4.04	MFMA 69(1) & 79	To implement the municipality's approved budget	Accounting Officer	Accounting Officer (delete)	Directors insofar as it relates to their functions/departments	Managers insofar as it relates to their functions/departments		Subject to the delegations of spending.
F.4.05	MFMA 69(3) & 79	To submit to the Accounting Officer a draft service delivery and budget implementation plan for the budget year, for purposes of submission to the Executive Mayor by no later than 14 days after the approval of the annual budget	Accounting Officer / Municipal Manager	Chief Financial Officer	Manager Projects and Performance Management			Deputy Director Finance to provide financial information
F.4.06	MMFA 71 & 79	To submit to the Accounting Officer a statement in the prescribed format on the state of the municipality's budget, reflecting the particulars as listed in sub-sections 71(a)(g), to enable the Accounting Officer to submit the statement to the Executive Mayor by no later than 10 working days after the end of each month	Accounting Officer / Municipal Manager	Chief Financial Officer	Deputy Director Finance			
F.4.07	MFMA 72 & 79	To submit to the Accounting Officer a report on an assessment of the performance of the municipality during the first half of the financial year in terms of the requirements of section 72 of the MFMA	Accounting Officer / Municipal Manager	Accounting Officer (delete)	Chief Financial Officer	Deputy Director Finance		Manager Projects and Performance to submit mid year Performance information.
F.5. Insurance								
F.5.01		To execute the municipality's insurance, risk management and loss control policy	Council	Accounting Officer / Municipal Manager	Chief Financial Officer	Deputy Director Finance		
F.5.02		To administer the municipality's insurance portfolio	Council	Accounting Officer / Municipal Manager	Chief Financial Officer	Deputy Director Finance		
F.5.03		To authorize insurance and liability claims up to a maximum amount of R300 000-00	Council	Accounting Officer / Municipal Manager	Chief Financial Officer			To reported to the Executive Mayor and Mayoral

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F.5.04		To accept or reject insurance claims in terms of the municipality's insurance policies	Council	Accounting Officer / Municipal	Chief Financial Officer	Deputy Director Finance		
F.5.05		To consider or defend liability claims against the municipal	Council	Accounting Officer / Municipal Manager				To reported to the Executive Mayor and Mayoral
F.5.06		To decide on and grant approval for legal action/assistance and appointment of legal representation, including assessors, with regard to insurance claims	Council	Accounting Officer / Municipal Manager				
F.6. Disposal of assets, goods, material and equipment								
F.6.01	MFMA 14(4)	To, in accordance with the provisions of the Supply Chain Management Policy, make a determination in accordance with section 14(2)(a) & (b) of the MFMA, in respect of the transferring of ownership or disposal otherwise, of a moveable capital asset to a maximum value of R300 000-00: Reduce R 100 000-00 Provided that such asset is not required to provide the minimum level of basic municipal services.	Council	Accounting Officer / Municipal Manager				
F.6.02	MFMA 14	To, in accordance with the provisions of the Supply Chain Management Policy, authorize the sale of redundant or obsolete assets, goods, material and equipment to an organ of state, including another municipality, or a public utility company, excluding assets, goods, material and equipment required to provide the minimum of R300,000 reduce R 100	Council					

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No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
F.6.03	MFMA 14	To, in accordance with the provisions of the Supply Chain Management Policy, authorize the sale of redundant or obsolete assets, goods, materials and equipment per public	Council	Accounting Officer / Municipal Manager				
F.6.04		To authorize the lending of assets, goods, material and equipment to organs of state, municipalities or public utility companies	Council					
F.7. Shifting of funds - Refer also to the Veriment Policy that is to be regarded as included in this document								
F.7.01		To, within a financial year, authorize the transfer of funds in terms of council's veriment policy. under which the Municipal Manager and other staff may transfer funds in terms of the veriment policy	Council	Accounting Officer / Municipal Manager	Chief Financial Officer	Directors in so far as it relates to their functional areas		Within the framework of Council's Veriment Policy
F.8. Co-operative Government & Disputes between the Municipality and other Organs of State								
F.8.01	MFMA 37(1)(a)	To, in the municipality's fiscal and financial relations with the national and provincial governments as well as other municipalities, promote co-operative government in accordance with Chapter 3 of the Constitution and the Intergovernmental Fiscal	Council	Executive Mayor				
F.8.02	MFMA 35(b) & 64(3)	To ensure that national and provincial departments and public entities promptly meet their financial commitments towards the municipality	Council	Accounting Officer / Municipal Manager	Chief Financial Officer	Directors insofar as it relates to their functional areas	Managers insofar as it relates to their functional areas	
F.8.03	MFMA 35(c) & Chapter 4	To ensure that national and provincial departments and public entities provide timely information and assistance to the municipality to plan properly and to prepare the budget in accordance with the processes set out in Chapter 4	Council	Accounting Officer / Municipal Manager	Chief Financial Officer			

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No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
F.8.04	MFMA 37(1)(b)	To provide budgetary and other financial information to relevant municipalities and national and provincial organs of state	Council	Accounting Officer / Municipal Manager	Chief Financial Officer			
F.8.05	MFMA 37(1)(c)	To ensure that the municipality meets all its financial commitments towards other municipalities or national and provincial organs of state	Council	Accounting Officer / Municipal Manager	Chief Financial Officer			
F.8.06	MFMA 51	To request the National or Provincial Treasury to guarantee the debt of the municipality in terms of Chapter 8 of the Public Finance Management Act	Council	Accounting Officer	Chief Financial Officer			
F.8.07	MFMA65(2)(g)	To take all reasonable steps to ensure that any dispute concerning payments due by the municipality to another organ of state is disposed of in terms of legislation regulating disputes between organs of state	Council	Accounting Officer	Chief Financial Officer			
F.8.08	MFMA35(c), Chapter 4 & 79	To ensure that the national and provincial departments and public entities provide timely information and assistance to the municipality to plan properly and to prepare the budget in accordance with the processes set out in Chapter 4	Accounting Officer	Accounting Officer (delete)	Chief Financial Officer	Directors insofar as it relates to their functional areas		
F.8.09	MFMA 37(1)(b) & 79	To provide budgetary and other financial information to relevant municipalities and national and provincial organs of state	Accounting Officer	Accounting Officer (delete)	Chief Financial Officer			
F.8.10	MFMA 37(1) & 79	To ensure that the municipality meets all its financial commitments towards other municipalities or national and provincial organs state	Accounting Officer	Accounting Officer (delete)	Chief Financial Officer			
F.9. Stopping of funds to the Municipality								

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SYSTEM OF DELEGATIONS**

No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
F.9.01	MFMA 38(2) CONS 214(1)(a)	To submit written representation to the National Treasury with regard to the proposed stopping of the transfer of funds due to the municipality as its share of local government's equitable share in terms of section 214 (1)(a) of the Constitution	Council	Accounting Officer / Municipal Manager	Chief Financial Officer			
F.9.02	MFMA 39(3)(b)	To state the municipality's case and to answer to allegations against the municipality before a committee, prior to Parliament approving or renewing a decision to stop the transfer of funds to the municipality	Council	Executive Mayor	Accounting Officer			
F.10. Debt								
F.10.01	MFMA 45(4)	To ensure that the municipality pays off short-term debt within the financial year	Council	Accounting Officer / Municipal	Chief Financial Officer			
F.10.02		To determine from time the total value of irrecoverable income and debt that the Municipal Manager and other staff may write off	Council					
F.10.03		To authorize the writing-off irrecoverable income and debt to a maximum value of R300 000-00 reduce to R 100 000-00	Council	Accounting Officer / Municipal Manager in consultation with the Executive Mayor	Chief Financial Officer			Consider to Review Credit Control Policy Low cost housing with the value not exceed the value of the house
F.10.04		To administer and to exercise all rights and perform all duties of Council with regard to loans approved	Council	Accounting Officer / Municipal	Chief Financial Officer			

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F.10.05	MFMA 45(3)(b)(iii) & 79	To, in instances where Council approves a credit facility that is limited to emergency use, notify the Accounting Officer in writing of the practical amount, duration and cost of any debt incurred in terms of a credit facility, as well as options for repaying the debt, for purposes of submitting a report to Council	Council	Accounting Officer / Municipal Manager	Chief Financial Officer			
F.10.07	MFMA 46(3)(a), (b) & 79 SYS 21A	To, in accordance with section 21A of the Systems Act, make public an information statement setting out the particulars of long-term debt as contemplated in section 46(30(a)(i) & (ii) and invite the public, National Treasury and Provincial Treasury to submit written comments or representations to Council in respect of the proposed debt, as well as to submit the information statement together with the particulars as specified in section 46(30(b)(i) and (ii) to the Accounting Officer for purposes of submission to Council	Council	Accounting Officer / Municipal Manager	Chief Financial Officer			
F.11 Expenditure Management								
F.11.01		To incur reasonable expenses related to the functions of the Municipal Manager	Council	Mayor in consultation with Municipal Manager				
F.11.02		To administer the salary and wages accounts of Council	Council	Municipal Manager	Chief Financial Officer			
F.11.03		To administer all payments arising from orders and direct payments to	Council	Municipal Manager	Chief Financial Officer	Manager Supply Chain	Accountant Expenditure	
F.11.04		To authorize the remittance of monies paid to the municipality in error	Council	Municipal Manager in consultation with Mayor	Chief Financial Officer	Manager Supply Chain		

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No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
F.11.05	MFMA65(2)(a) & 79	To take all reasonable steps to ensure that the municipality maintains an effective system of expenditure control, including procedures for the approval, authorization, withdrawal and payment of funds	Accounting Officer / Municipal Manager	Municipal Manager (delete) add Chief Financial Officer	Chief Financial Officer add Manager Supply Chain	Manager Supply Chain (remove)		
F.11.6	MFMA 65(2) & 79	To take all reasonable steps to ensure that the municipality maintains a system of internal control in respect of creditors and payments	Council	Accounting Officer / Municipal Manager	Chief Financial Officer	Manager Supply Chain		
F.11.07	MFMA 65(2)(b) & 79	To take all reasonable steps to ensure that the municipality maintains a management, accounting and information system which recognizes expenditure when it is incurred and accounts for creditors of the municipality and payments made to the municipality	Council	Accounting Officer / Municipal Manager	Chief Financial Officer	Deputy Director Finance		
F.11.08	MFMA 65(2)(d)(i) & (ii) & 79	To take all reasonable steps to ensure that the payments made by the municipality are made directly to the person to whom it is due, unless agreed otherwise for reasons as may be prescribed by the Minister of Finance by regulation in terms of section 168, and either electronically or by way of non-transferable cheques, provided that cash payments and payments by way of cash cheques may be made for exceptional reasons only and only up to a prescribed limit as determined by the Minister of Finance by regulation	Council	Accounting Officer / Municipal Manager	Chief Financial Officer	Manager Supply Chain	Accountant Expenditure	

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F.11.09	MFMA 65(2)(e) & 79	To take all reasonable steps to ensure that the money owing by the municipality is paid within 30 days of receiving the invoice or statement, unless prescribed otherwise by the Minister of Finance by regulation in in terms of section 168 for certain categories of expenditure	Council	Accounting Officer	Chief Financial Officer	Manager Supply Chain	Accountant Expenditure	
F.11.10	MFMA 65(2)(f) & 79	To take all reasonable steps to ensure that the municipality complies with its tax, levy, duty, pension, medical aid and audit fees or any other statutory commitments	Accounting Officer	Accounting Officer (delete)	Chief Financial Officer	Manager Supply Chain	Accountant Expenditure	
F.11.11	MFMA 65(2)(h) 79	To take all reasonable steps to ensure that the municipality's working capital is managed effectively and economically in terms of the cash management and investment framework prescribed by the Minister of Finance by regulation in terms of	Council	Accounting Officer / Municipal Manager	Chief Financial Officer	Deputy Director Finance	Administrator Financial Systems	
F.11.12	MFMA 65(2)(i) 111 & 79	To take all reasonable steps to ensure that the municipality's supply chain management policy is implemented in a way that is fair, equitable, transparent, competitive	Council	Accounting Officer / Municipal Manager	Chief Financial Officer	Manager Supply Chain		
F.11.13	MMFA 65(2)(j) & 79	To take all reasonable steps to ensure that all financial accounts of the municipality are closed at the end of each month and reconciled with its records	Accounting Officer / Municipal Manager	Accounting Officer (delete)	Chief Financial Officer	Deputy Director Finance	Manager Income / Manager Supply Chain and Manager Financial Administration in so far as it relates to their	

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F.11.14	MFMA 66 & 79	To report to Accounting Officer on all expenditure incurred by the municipality on staff salaries, wages, allowances and benefits in a manner which discloses such expenditure per type as stipulated in section 66 of the MFMA, for purposes of reporting to Council	Accounting Officer / Municipal Manager	Chief Financial Officer	Deputy Director Finance	Manager Supply Chain		
F112. Revenue Management								
F.12.01		To take all reasonable steps to ensure the recovery of al monies owed to the municipality	Council	Accounting Officer / Municipal	Chief Financial Officer	Manager Income	Accountant Credit Control	
F.12.02		To appoint legal representatives for the recovery of monies owed to the municipality and to authorize the repossession of property where necessary	Council	Accounting Officer / Municipal Manager	Chief Financial Officer			delete F12,02
F.12.03		To issue final notices and cut-off notices	Council	Accounting Officer / Municipal	Chief Financial Officer	Manager Income	Accountant Credit Control	
F.12.04		To obtain sentencing and court orders and to take legal steps for the recovery of monies	Council	Accounting Officer / Municipal Manager	Chief Financial Officer	Manager Income		Only relevant to legal matters pertaining to defaulting debtors.
F.12.05		To exercise all the rights and duties of the Council in respect of liquidations, insolvencies, deceased estates and administration orders in the interest of Council	Council	Accounting Officer				Only relevant to legal matters pertaining to defaulting debtors.
F.12.06		To decide on the most appropriate methods of tracing and debt investigations	Council	Accounting Officer / Municipal Manager	Chief Financial Officer	Manager Income		Only relevant to legal matters pertaining to defaulting debtors.
F.12.07		To liaise with and enter into agency agreements with debt collection agencies	Council	Accounting Officer / Municipal				

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F.12.08		To, approve applications for the exemption of rates, subject to applicable legislation	Council	Accounting Officer / Municipal	Chief Financial Officer	Manager		Within the framework of the Rates Policy
F.12.09		To approve applications to pay taxes on a monthly basis	Council	Accounting Officer / Municipal	Chief Financial Officer	Manager Income		
F.12.10	MFMA 64(2)(a) & 79 SYS 95	To take all reasonable steps to ensure that the municipality has effective revenue collection systems, which are consistent with section 95 of the Systems Act and the municipality's credit control and debt collection policies	Council	Accounting Officer / Municipal Manager	Chief Financial Officer			
F.12.11	MFMA 64(2)(b) & 79	To take all reasonable steps to ensure that revenue due to the municipality is calculated on a	Accounting Officer / Municipal	Accounting Officer (delete)	Chief Financial Officer	Manager Income	Accountant Debtors	
F.12.12	MFMA 64(2)(c) & 79	To take all reasonable steps to insure that accounts for municipal taxes and charges in respect of municipal services are prepared on a monthly basis or; where monthly accounts are uneconomical, less often as may be prescribed by the Minister of Finance by regulation in terms of section 168	Accounting Officer	Accounting Officer (delete) add Chief Financial Officer / Deputy Director Finance	Chief Financial Officer / Deputy Director Finance delete add Manager Income	Manager Income remove add Account Debtors	Accountant Debtors (delete)	
F.12.13	MFMA 64(2)(d) & 79	To take all reasonable steps to insure that all money received by the municipality is promptly deposited in accordance with this Act into the municipality's bank account(s)	Accounting Officer	Chief Financial Officer	Chief Financial Officer	Manager Income		
F.12.14	MFMA 64(2)(e)(i)-(iii) & 79	To take all reasonable steps to ensure that the municipality maintains a management, accounting and information system which recognizes revenue when it is earned and accounts for debtors and receipts of revenue	Accounting Officer	Chief Financial Officer	Deputy Director Finance	Manager Income		

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No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
F.12.15	MFMA 64(2)(f) & 79	To take all reasonable steps to ensure that the municipality maintains a system of internal control in respect of debtors and revenue consistent with regulations promulgated by the Minister of Finance in terms of section	Accounting Officer	Accounting Officer (delete) add Chief Financial Officer/	Chief Financial Officer (delete) add Manager Income	Manager Income (delete) add Accountant Debtors	Accountant Debtors (delete)	
F.12.16	MFMA 64(2)(g) & 79	To take all reasonable steps to ensure that the municipality charges interest on arrears, except where Council has granted exemptions in accordance with its budget-related policies and within a framework prescribed in the Minister of Finance by regulation in terms of section 168	Council	Accounting Officer	Chief Financial Officer	Manager Income	Accountant Debtors	
F.12.17	MFMA 64(2)(h) & 79	To take all reasonable steps to ensure that all revenue received by the municipality, including revenue received by any collection agent on its behalf, is reconciled at least on a weekly basis	Council	Accounting Officer	Chief Financial Officer	Manager Income	Accountant Debtors	
F.12.18	MFMA 64(3), 35(1)(b) & 79	To inform the National Treasury of any payments due by any 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	Council	Accounting Officer	Chief Financial Officer	Manager Income	Accountant Credit Control	
F.12.19	MFMA 64(4) & 79	To ensure that any funds collected by the municipality on behalf of another organ of state is transferred to that organ of state at least on a weekly basis and that such funds are not used for the purposes of the	Accounting Officer	Accounting Officer (delete) add Chief Financial Officer	Chief Financial Officer (delete) add Deputy Director Finance	Deputy Director Finance (delete)		
F.13. Guarantees								
F.13.01	MFMA 50	To issue guarantees for commitments or debt on the conditions as specified in section 50(a) to (c)	Council	Accounting Officer				
F.14. Scrapping and writing-off of redundant, obsolete or lost assets, goods, material and equipment								

**WITZENBERG MUNICIPALITY
SYSTEM OF DELEGATIONS**

No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
F.14.01		To determine from time of time the total value of redundant, obsolete or lost assets, goods, material and equipment that the Municipal Manager and other staff may scrap	Council	Executive Mayor together with the Mayoral Committee				Disposal system as per the Supply Chain Management Policy to be followed.
F.14.02		To authorize the scrapping and writing-off of redundant, obsolete or lost assets, goods, material and equipment to a maximum value of R300 000-00 per item	Council	Accounting Officer in consultation with Executive Mayor				Disposal system as per the Supply Chain Management Policy to be followed.
F.15. Resolution of Financial Problems								
F.15.01	MFMA 135(3)	To seek solutions for serious financial problems or anticipated problems in meeting the municipality's financial commitments	Council	Accounting Officer in consultation with Executive Mayor	Chief Financial Officer			
F.15.02	MFMA 135(3)(b) &(c)	To notify the MEC for local government, MEC for finance and organized local government of serious financial problems or anticipated problems in meeting the financial commitments of the municipality	Council	Executive Mayor	Accounting Officer			
F.15.03	MFMA 152, 153, 154 & 155	To, on behalf of Council, sign all documentation related to applications to the High Court for a stay of legal proceedings or extraordinary relief in terms of sections 152 & 153 of the MFMA where the municipality is unable to meet its financial	Council	Accounting Officer				
F.15.04	MFMA 135(3) & 79	To seek solutions for serious financial problems or anticipated problems in meeting the municipality's financial commitments	Council	Accounting Officer	Chief Financial Officer			
F.16. Reports								

**WITZENBERG MUNICIPALITY
SYSTEM OF DELEGATIONS**

No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
F.16.01	MFMA 121(1)	To prepare annual reports for each financial year in accordance with the provisions of Chapter 12	Council	Accounting Officer	Chief Financial Officer	Manager Projects and Performance		
F.16.02	MFMA 133(1)(c)(i) & 127(2)	To investigate and report to Council the reasons for failure by the Executive Mayor to table the annual report of the municipality or a municipal entity to Council	Council	Speaker				
F.16.03	MFMA 133(1)(c)(i)	To investigate and report to Council the reasons for failure by the Accounting Officer to submit financial statements to the Auditor-General in accordance with Section 126(1) or (2)	Council	Executive Mayor				
F.16.04	MFMA 121(3) & 79	To submit to the Accounting Officer an assessment of any arrears on municipal taxes and service charges	Council	Accounting Officer	Chief Financial Officer			
F.16.05	MFMA 121(3)(f) & 79	To submit to the Accounting Officer an assessment of any arrears on municipal taxes and service charges against measurable objectives for revenue collection and for each vote in the municipality's approved budget	Council	Accounting Officer	Chief Financial Officer			
F.16.06	MFMA 74(1) & 79	To submit to the National Treasury, Provincial Treasury, Department of Local Government in the Province and the Auditor-General such information, returns, documents, explanations and motivations as may be required or prescribed by the Minister of Finance by regulation in	Council	Accounting Officer	Chief Financial Officer			
F.16.07	MFMA 132 & 79	To submit the documents referred to in Section 132 to the Provincial Legislature	Council	Accounting Officer	Chief Financial Officer			
F.16.08	MFMA 75(1) & 79 SYS 21A	To place on the website of the municipality the documents as stipulated in section 75(1)(a) to (l)	Council	Accounting Officer	Chief Financial Officer / Director Corporate Services	Manager Administration / Manager SCM / Manager Financial	Administrator IT	

F.17. Financial Reporting

**WITZENBERG MUNICIPALITY
SYSTEM OF DELEGATIONS**

No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
F.17.01	MFMA 121(3) (c) SYS 46	To prepare an annual performance report for the municipality in terms of section 46 of the Systems Act	Council	Accounting Officer	Manager Projects and Performance			
F.17.02	MFMA 123(g)	To provide particulars of any corrective action taken or to be taken in response to issue raised in the Auditor General's audit reports referred to in section 123(3)(b) & (d)	Council	Accounting Officer	Chief Financial Officer			
F.18. Forbidden Activities								
F.18.01	MFMA 164	To ensure that no forbidden activities as stipulated in section 164 of the MFMA occurs within the municipality and that where the municipality is engaged in an activity prohibited by this section on the day it takes effect, all reasonable steps are taken to rectify the municipality's position and comply with the section as soon as may be reasonable in the	Council	Accounting Officer,	Directors insofar as it relates to their functions/departments	Managers insofar as it relates to their functions/departments		
F.19. Unauthorized, irregular or fruitless and wasteful expenditure								
F.19.01	MFMA 32(6) & 79	To ensure that all reasonable steps have been taken to report to the SAPS irregular expenditure that constitutes a criminal offence and/or theft and fraud that occurred in the	Council	Accounting Officer	Chief Financial Officer			
F.19.02	MFMA 32(7) & (6)	To ensure that all reasonable steps have been taken to report to the SAPS irregular expenditure that constitutes a criminal offence and/or theft and fraud that occurred in the municipality, if the charge is against the Accounting Officer or the Accounting Officer fails to report such alleged cases to the SAPS in terms of	Council	Executive Mayor				Subject to the requirements of Act 7 of 2011.(Municipal Systems Amendment Act
F.19.03	MFMA 32(2)	To recover unauthorized, irregular or fruitless and wasteful expenditure from the person liable for such	Council	Accounting Officer, Council/Speaker	Chief Financial Officer			

F.20. Financial Misconduct

**WITZENBERG MUNICIPALITY
SYSTEM OF DELEGATIONS**

No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
F.20.01	MFMA 171 & 173	To investigate allegations of financial misconduct against the Chief Financial Officer, a senior manager or other official and to institute disciplinary proceedings against the relevant official, subject to the provisions regarding criminal offences as contemplated in section 173 and the regulations contemplated in section 175	Council	Accounting Officer				Subject to the requirements of Act 7 of 2011.(Municipal Systems Amendment Act
F.20.02	MFMA 16791), (2), -3 SYS Schedule 1	To ensure that irregular expenditure is not incurred by paying remuneration or giving payment in cash or in kind to political office- bearers or a member of a political structure of the municipality (otherwise than in accordance with section 16291) and that such irregular expenditure is recovered and not written-off	Council	Accounting Officer				
F.20.03	MFMA 176(2)	To recover from a political office-bearer or official of the municipality any loss or damage suffered as a result of deliberate or negligent unlawful actions when performing a	Council	Accounting Officer				
F.20.04	MFMA 62(1)(e) & 79	To ensure that disciplinary proceedings are instituted against any official of the municipality who has allegedly committed an act of financial misconduct or an offence in terms of Chapter 15	Council	Accounting Officer				Subject to the requirements of Act 7 of 2011.(Municipal Systems Amendment Act if disciplinary proceedings are against Directors

**WITZENBERG MUNICIPALITY
SYSTEM OF DELEGATIONS**

No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
F.20.05	MFMA 17(4) & 173	To investigate allegations of financial misconduct against the Accounting Officer and to institute disciplinary proceedings against the Accounting Officer, subject to the provisions regarding criminal offences as contemplated in section 173 and the regulations contemplated in section 175	Council	Executive Mayor				Subject to the requirements of Act 7 of 2011.(Municipal Systems Amendment Act
F.21. Auditing								
F.21.01		To authorize audit investigations, including forensic investigations	Council	Accounting Officer				
F.21.02	MFMA 165(1)	To establish an internal audit unit for the municipality in accordance with the provisions of section 165 of the	Council	Accounting Officer				
F.21.03		To manage and control the municipality's audit function	Council	Accounting Officer				
F.21.04		To manage and co-ordinate the matters of the administrative infrastructure required for the functioning of the committee	Council	Accounting Officer				
F.21.05		To furnish the Council with all reports required by legislation	Council	Accounting Officer				
F.21.06		To act as intermediary between Council and the Auditor General	Council	Accounting Officer				
F.21.07		To ensure compliance with all laws that regulate the audit functions	Council	Accounting Officer				
F.22. Costing								
F.22.01		To determine the internal allocated cost/cost recoveries	Council	Accounting Officer				
F.22.02	MFMA 44	To take all reasonable steps that may be necessary to resolve disputes of a financial nature which arises between the municipality and other organs of state, out of court	Council	Executive Mayor	Accounting Officer			

**WITZENBERG MUNICIPALITY
SYSTEM OF DELEGATIONS**

No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
F.23 Budget and Treasury Office								
F.23.01	MFMA	To decide on the most appropriate methods for the rendering of services, including the following - * Cash control, including the administration of collection, safeguarding and banking of all income * Client services * Accounts and income * Meter readings * Discount on rates * Transfer	Council	Accounting Officer	Chief Financial Officer	Manager Income		Within policy framework of council
F.24. Capital Projects								
F.24.01	MFMA 19 & 79	To submit business plans in respect of capital projects to the Accounting Officer for purposes of submission to the Executive Mayor for approval in terms of section 53(c)(ii), taking into account and setting out the information as required by section 19.	Council	Accounting Officer	Directors as it relates to their functions/departments	Managers in so far as it relates to their functional areas.		
F.25. Financial Management								
F.25.01	MFMA 62(1)(b) & 79	To ensure that full and proper financial records of the financial affairs of the municipality are kept in accordance with the norms and standards prescribed by the Minister of Finance by regulation in terms of section 168 of the MFMA	Council	Accounting Officer	Chief Financial Officer and Deputy Director Finance	Directors in so far as it relates to their functional areas	Managers in so far as it relates to their functional areas	
F.25.02	MFMA 34(3)(a), 62 & 79 CONS 155(6)	To take all necessary steps to improve the municipality's financial management, taken into consideration the results submitted by the Provincial Government in respect of its monitoring function	Council	Accounting Officer	Chief Financial Officer			

**WITZENBERG MUNICIPALITY
SYSTEM OF DELEGATIONS**

No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
F.25.03	MFMA 32(1) (c) & 79	To ensure that the municipality has and maintains effective, efficient and transparent systems of financial and risk management and internal control, as well as internal audit operating in accordance with norms and standards prescribed by regulation by the Minister of Finance in terms of section	Council	Accounting Officer	Chief Financial Officer / Internal Audit			
F.25.04	MFMA 62(f), Chapter 11 & 79 SYS 74 & 96(b) MPRA	To ensure that the municipality implements its tariff, rates, credit control, debt collection and supply chain management policies	Council	Accounting Officer	Chief Financial Officer			
F.26. Asset Management - Refer also to the Asset Management Policy that is to be regarded as included in this document								
F.26.01	MFMA 63(2)(a) & 79	To ensure that the municipality maintains a management, accounting and information system that accounts for the assets and liabilities of the municipality	Council	Accounting Officer	Chief Financial Officer	Deputy Director Finance	Accountant Assets	Within framework of the Asset Management Policy of council
F.26.02	MFMA 63(2)(b) & 79	To ensure that the municipality assets and liabilities are valued in accordance with standards of generally recognized accounting	Council	Accounting Officer	Chief Financial Officer	Deputy Director Finance	Accountant Assets	Within framework of the Asset Management Policy of council
F.26.03	MFMA 63(2) & 79	To ensure that the municipality maintains a system of internal control of assets and liabilities, including an asset and liability register prescribed by the Minister of Finance by regulation in terms of section 168	Council	Accounting Officer	Chief Financial Officer	Deputy Director Finance	Accountant Assets	Within framework of the Asset Management Policy of council
F.27. Immovable Property								
F.27.01		To authorize the letting of immovable property of the municipality at market value, in accordance with the Supply Chain Management Policy.	Council	Accounting Officer				
F.27.02		To authorize the letting of immovable property of the municipality below market value: Provided that such action is in the best interest of the municipality, in accordance with the Supply Chain Management Policy	Council					

**WITZENBERG MUNICIPALITY
SYSTEM OF DELEGATIONS**

No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
F.27.03		To authorize the purchase or lease of immovable property for public purposes, in accordance with the Supply Chain Management Policy.	Council	Accounting Officer				
F.27.04	SYS 60(a)	To authorize the expropriation of immovable property or rights in respect of immovable property for public purposes, in accordance with a policy framework determined by Council and/or the Supply Chain Management Policy.	Council	Accounting Officer				
F.27.05		To determine the terms and conditions when acquiring or alienating immovable property or rights in immovable property, in	Council	Accounting Officer				
F.27.06		To draft and enforce the terms and conditions with regard to the acquiring or alienating immovable property or rights in immovable property, in accordance with the Supply Chain Management Policy.	Council	Accounting Officer				
F.27.07		To accept offers to settle claims in respect of compensation for expropriated property or acquired property	Council	Accounting Officer				
F.28 Funds transferred to organizations and bodies outside government								
F.28.01	MFMA 67(1) & 79	To ensure that organizations and bodies serving the poor or used by government as an agency to serve the poor, to which funds are transferred by the municipality, otherwise than in compliance with a commercial or other business transaction, comply with the requirements as set out in sectio	Council	Accounting Officer	Directors Community Services	Manager Socio Economic Development		In terms of Council's Grant in Aid Policy

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SYSTEM OF DELEGATIONS**

No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
F.28.02	MFMA 67(3) & 79	To enforce compliance with section 67(1) through contractual or other appropriate mechanisms when transferring funds to organizations and bodies outside any sphere of government except organizations and bodies serving the poor or used by government as an agency to serve the poor	Council	Executive Mayor together with Mayoral Committee	Accounting Officer	Manager Socio Economic Development		In terms of Council's Grant in Aid Policy
F.28.03		To authorize the purchase or lease of immovable property for public purposes, in accordance with the Supply Chain Management Policy.	Council	Accounting Officer	Accounting Officer			
F.28.04	SYS 60(a)	To authorize the expropriation of immovable property or rights in respect of immovable property for public purposes, in accordance with a policy framework determined by Council and/or the Supply Chain Management Policy.	Council	Accounting Officer	Director: Finance			
F.28.05		To determine the terms and conditions when acquiring or alienating immovable property or rights in immovable property, in accordance with the Supply Chain	Council					
F.28.06		To draft and enforce the terms and conditions with regard to the acquiring or alienating immovable property or rights in immovable property, in accordance with the Supply Chain Management Policy.	Council	Accounting Officer enforce policy of Council				
F.28.07		To accept offers to settle claims in respect of compensation for expropriated property or acquired property	Council	Accounting Officer enforce policy of Council				

F.29. Shortfalls, overspending and overdrafts

**WITZENBERG MUNICIPALITY
SYSTEM OF DELEGATIONS**

No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
F.29.01	MFMA 70(1) & 79	To report to the Accounting officer any impending shortfall or overspending of the municipality's budget and any steps taken to prevent or rectify such shortfall or overspending, for purposes of	Accounting Officer	Accounting Officer (delete) add Chief Financial Officer	Chief Financial Officer (delete) add Deputy Director Finance	Deputy Director Finance (remove) add Manager Financial Administration	Manager Financial Administration (remove)	
F.29.02	MFMA 70(2) & (3) & 79	To notify the National Treasurer in the prescribed format of the amount by which bank accounts are overdrawn, the reasons for the overdrawn accounts and steps taken to correct the matter	Accounting Officer	Chief Financial Officer	Deputy Director Finance			
F.30. Public-private Partnerships								
F.30.01	MFMA 120(6) & 79	To make public particulars of a public-private partnership and solicit views and recommendations as contemplated in section 120(6), at least 60 days prior to the Council meeting at which a report on the feasibility must be submitted by the Accounting Officer for a decision in principle, whether or not the municipality should continue with a proposed public-private partnership	Council	Accounting Officer	Director: Finance			
PART 4 : PERSONNEL MATTERS								
P.A.1 Staff Establishment								
P.A.1.1	STR 66(a)	To approve the staff establishment of the Municipality	Council					Subject to the peremptory conditions in Section 66 of the Local Government Systems Act as inserted by the Amendment Act 7 of 2011

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No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
P.A.1.2	STR 66(a)	To submit the staff establishment of the Municipality to Council for approval	Council	Executive Mayor	Municipal Manager			Subject to the peremptory conditions in Section 66 of the Local Government Systems Act as inserted by the Amendment Act 7 of 2011
P.1. Appointments								
P.1.01	STR 82(1)(a)	To determine a short list for appointment of a Municipal Manager, to interview candidates, to make recommendations to Council on a preferred candidate and to sign the contract of employment on behalf of the Municipality	Council	Executive Mayor				Subject to the peremptory conditions in Section 54A of the Local Government Systems Act as inserted by the Amendment Act 7 of 2011
P.1.02	SYS 56	To determine a short list of candidates for appointment in positions that are directly accountable to the Municipal Manager, to interview candidates, to make recommendations to Council on preferred candidates.	Council	Executive Mayor				Subject to the peremptory conditions in Section 56 of the Local Government Systems Amendment Act 7 of 2011

**WITZENBERG MUNICIPALITY
SYSTEM OF DELEGATIONS**

No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
P.1.02.1	SYS 54A	To appoint the municipal manager subject to the peremptory conditions in Section 54A of the Local Government Systems Act as inserted by the Amendment Act 7 of 2011	Council					Subject to the peremptory conditions in Section 54A of the Local Government Systems Act as inserted by the Amendment Act 7 of 2011
P.1.02.2	SYS 54A	To appoint the acting municipal manager for a period not exceeding three months and further subject to the peremptory conditions in Section 54A of the Local Government Systems Act as inserted by the Amendment Act 7 of 2011	Council	Executive Mayor	Municipal Manager if appointment is for a period less than 10 consecutive working days			Subject to the peremptory conditions in Section 54A of the Local Government Systems Act as inserted by the Amendment Act 7 of 2011
P.1.02.3	SYS 56	To appoint managers directly accountable to the municipal manager subject to the peremptory conditions in Section 56 and 57 of the Local Government Systems Act as inserted by the Amendment Act 7 of 2011	Council					Subject to the peremptory conditions in Section 56 of the Local Government Systems Act as inserted by the Amendment Act 7 of 2011

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No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
P.1.03.1	SYS 57	To sign the contracts of employment of managers directly accountable to the Municipal Manager on behalf of the Municipal Council.	Council	Executive mayor	Municipal Manager in consultation with Executive Mayor			Subject to the peremptory conditions in Section 57 of the Local Government Systems Act as inserted by the Amendment Act 7 of 2011
P.1.03.2	SYS 57	To sign the contracts of employment of the Municipal Manager on behalf of the Municipal Council.	Council	Executive mayor				Subject to the peremptory conditions in Section 57 of the Local Government Systems Act as inserted by the Amendment Act 7 of 2011
P.1.04	SYS 57	To determine the conditions of service and the terms of employment contracts of the Municipal Manager and those members of staff directly accountable to the Municipal Manager.	Council	Executive mayor				Subject to the peremptory conditions in Section 54A, 56 AND 57 of the Local Government Systems Act as inserted by the Amendment Act 7 of 2011

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No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
P.1.05	SYS 57	To exercise all the rights and duties of Council and to take all decisions regarding the privileges, rights and duties of the Municipal Manager and those Members of staff directly accountable to the Municipal Manager, in terms of their respective service contracts.	Council	Executive mayor				Subject to the peremptory conditions in Section 54A , 56 and 57 of the Local Government Systems Act as inserted by the Amendment Act 7 of 2011 and be tabled to Council
P.1.05.1	SYS 57 (4B)	Approval of evaluation of performance of the municipal manager and managers directly accountable to the municipal manager after the end of the financial year. (Bonuses are based on and paid in terms of the performance contracts once the evaluation of performance is approved)	Council	Executive Mayor				Limitations stated in SYS 60(1)(b) apply. Also further Subject to the process being conducted in terms of the Performance Contracts and Performance Regulations. That the report be tabled to Council
P.1.06	SYS 56(1)	To appoint an acting manager directly accountable to the municipal manager for a period not exceeding three months	Council	Executive mayor after consultation with the Municipal Manager				Subject to the peremptory conditions in Section 56 of the Local Government Systems Act as inserted by the Amendment Act 7 of 2011

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No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
P.1.07	SYS 57A	To make employment offers to staff (permanent and temporary), subject to SYS 57A that sets conditions for the re-employment of dismissed staff members.	Council	Municipal Manager				Within the framework of the recruitment and selection policy and Further Subject to the peremptory conditions in Section 57A of the Local Government Systems Act as inserted by the Amendment Act 7 of 2011
P.1.08		To nominate or appoint officials to represent Council on outside bodies or other forums	Council	Municipal Manager in consultation with Executive				
P.1.09		To appoint officials in terms of relevant legislation administered by the municipality	Council	Municipal Manager				
P.1.10		To make statutory appointments such as Head of Civil Protection, Deputy Heads of Civil Protection, Fire Chief, Building Control Officer, Head Traffic Services, Traffic Officers, Law Enforcement Officers and Information Officers, as well as similar other statutory appointments and any acting appointments.	Municipal Manager	Municipal Manager				
P.1.11		To appoint a Secretary and/of Acting Secretary (remove) of the Valuation Court as and when required.	Council	Municipal Manager	Manager: Income			
P.1.12	SYS 55(1)	To approve the filling of vacant posts in the department in accordance with the appointment policy	Municipal Manager	Municipal Manager	Directors insofar as it relates to their functions/departments			

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No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
P.1.13	SYS 55(1)	To appoint staff and to make employment offers to staff (permanent and temporary) on post levels up to and including that of the Post level 4 in terms of the appointment policy.	Municipal Manager	Municipal Manager				
P.1.14	SYS 55(1)	To appoint casual workers or contract workers for a specific task or project for a continuous period of not more than 6 months and on conditions determined by the Municipal Manager, in so far as such tasks or projects fall within the jurisdiction of	Municipal Manager	Municipal Manager				
P.1.15	SYS 55(1)	To authorize the placing of staff advertisements in the press	Municipal Manager	Municipal Manager				
P.1.16	SYS 55(1)	To recommend the appointment of officials in the department to act in a higher position in terms of the municipality's acting policy.	Municipal Manager	Municipal Manager				
P.1.17	SYS 57	To authorize the appointment of an official to act on behalf of another Director	Municipal Manager in consultation with Executive Mayor	Municipal Manager				
P.1.18	SYS 55(1)	To appoint an official as Employment Equity Officer, in terms of the Employment Equity Act.	Municipal Manager	Municipal Manager				
P.2. Granting of Leave and Associated Matters								
P.2.01	SYS 55(1)	To grant leave, including sick leave, to officials of the department	Council	Municipal Manager	Directors insofar as it relates to their functions/departments	Managers insofar as it relates to their functions/departments		Approval of leave of Directors and Managers, can only be approved by the Municipal

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No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
P.2.02	SYS 55(1)	To grant special leave to officials of the department.	Council	Municipal Manager	Directors insofar as it relates to their functions/departments			Approval of special leave of Directors and Managers, can only be approved by the Municipal
P.2.03	SYS 55(1)	To recall from leave any official of the department when such official's services are required in cases of emergency or abnormal circumstances.	Council	Municipal Manager	Directors insofar as it relates to their functions/departments			Directors can recall Managers from leave after consultation with the Municipal Manager
P.3. Transfer/Relocation								
P.3.01		To authorize expenditure for the relocation of newly appointed staff:	Council	Municipal Manager	Director Corporate Service	Manager HR		Within an approved budget and within terms of councils relocation policy or on such conditions as determined by the municipal manager if no such relocation policy exist.
P.4. Standby Services								
P.4.01	SYS 55(1)	To authorize the rendering of standby services by officials of the department and where applicable the payment of a standby allowance.	Municipal Manager	Municipal Manager (delete) add Directors insofar their functions / duties	Directors insofar as it relates to their functions/departments (delete)			
P.5. Travel and Subsistence								

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SYSTEM OF DELEGATIONS**

No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
P.5.01		To approve the payment of travel and subsistence expenditure incurred by officials of the department.	Council	Municipal Manager	Directors insofar as it relates to their functions/departments			Travel and subsistence of Managers and Directors can only be approved by the Municipal Manager
P.5.02	SYS 55(1)	To authorize officials of the department to use official vehicle of the municipality.	Council	Municipal Manager	Directors insofar as it relates to their functions/departments	Managers insofar as it relates to their functions / departments		Use of municipal vehicles by Directors and Managers can only be approved by the municipal manager. The norm is that Managers and Directors should not normally drive with municipal
P.7. Training								
P.7.01	SYS 55(1) & SDA	To identify the training needs in the department, to actively promote the development of skills of staff in the department and to see to training and re-training.	Municipal Manager	Municipal Manager (delete) add Directors insofar their functions / duties	Directors insofar as it relates to their functions/departments (delete)	Managers insofar as it relates to their functions / departments		
P.7.02	SYS 55(1) & SDA	To evaluate, approve, training programmes, sessions and actions for staff, to authorize all expenditure in connection therewith and to claim compensation from national training funds	Municipal Manager	Municipal Manager (delete) add Directors insofar their functions / duties	Director Corporate Services	Manager HR		In terms of approved Work Skills Plan
	SYS 55(1)	To initiate and arrange training programmes, sessions and actions for staff,	Municipal Manager	Director Corporate Services (add)	Director Corporate Services (delete) add Manager HR	Manager HR (delete) add Skills Development	Skills Development Facilitator (delete)	In terms of approved Work Skills Plan

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SYSTEM OF DELEGATIONS**

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P.7.03	SYS 55(1)	To approve applications and renewal of applications by staff for study bursaries.	Municipal Manager	Municipal Manager in consultation with Executive Mayor				
P.7.04	SYS 55(1)	To approve the appointment of students to gain practical experience as part of their study curriculum	Municipal Manager	Municipal Manager in consultation with Executive Mayor				
P.7.05		Approving of Councillor Training	Council	Speaker in Consultation with Municipal Manager				
P.8. Housing								
P.8.01	SYS 55(1)	To allocate municipal dwellings to officials who have to reside at specific locations to perform their functions.	Council	Municipal Manager				
P.9. Administration of Vehicle Scheme for Staff								
P.9.01	SYS 55(1)	To administer the Council's vehicle scheme for staff and to take all decisions necessary to give effect thereto.	Municipal Manager	Municipal Manager (delete) add Directors insofar their functions / duties				
P.10. Official Telephone/Cellular Phones & Internet Facilities								
P.10.01	SYS 55(1)	To authorize the allocation of cell phones or the installation of official telephones at residences of staff.	Council	Municipal Manager	Director Corporate Services			
P.10.02	SYS 55(1)	To decide which members of staff should have access to internet facilities	Council	Municipal Manager	Director Corporate Services			
P.11. Allocation of Offices, Depots, Amenities and Furniture								
P.11.01		To allocate offices, depots and amenities to departments	Council	Municipal Manager	Director Corporate Services			
P.11.02		To allocate furniture and sub-allocate offices to officials of the department	Council	Municipal Manager	Directors insofar as it relates to their functions/departments			

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SYSTEM OF DELEGATIONS**

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P.11.03		To allocate offices and furniture to political office bearers	Council	Municipal Manager in consultation with the Speaker				
P.12. Parking								
P.12.01		To allocate Official parking bays to officials at offices of the municipality	Council	Municipal Manager	Director Corporate Services			
P.13. Resignation and Associated Matters								
P.13.01	SYS 55(1)	To accept notices of resignation from officials of the department for shorter periods than is prescribed in the conditions of service.	Council	Municipal Manager				
P.14. Time-off								
P.14.01	SYS 55(1)	To authorize the time of for trade union Members in terms of the Organizational Rights Agreement.	Council	Municipal Manager	Director Corporate Services			
P.14.02	SYS 55(1)	To, in exceptional circumstances, grant authority that members of trade unions may be given time off despite existing policy and agreements.	Council	Municipal Manager				
P.15. Overtime								
P.15.01	SYS 55(1)	To authorize the payment of overtime and/or time off in lieu of overtime in respect of officials of the department.	Municipal Manager	Municipal Manager	Directors insofar as it relates to their functions/departments			
P.16. Labour Matters and Labour Unrest								
P.16.01		To consider and to take whatever steps that may be necessary before or during labour unrest, which may include authorizing officials to negotiate with trade unions.	Council	Municipal Manager				

**WITZENBERG MUNICIPALITY
SYSTEM OF DELEGATIONS**

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P.16.02		To provide a mandate to organised local government during wage and salary negotiations and to attend such mandate meetings on behalf of council	Council	Executive Mayor / or his/her delegate who can only be a member of the mayoral committee.	Municipal Manager to provide a report to the executive mayor on the affordability of the proposed mandate.	Chief Financial Officer to provide a report to the Municipal Manager on the affordability of the proposed mandate.		Salary negotiation mandates are subject to available budget. If settlement offers are above the budgeted amount for salary increase, the matter must be dealt with by
P.16.03	SYS 71	To ensure that the municipality comply with collective agreements concluded by organised local	Council	Municipal Manager	Director Corporate Services	Manager HR	Labour Relations Officer	
P.16.04	SYS 70	To ensure that each staff member is provided with a copy of the Code of Conduct or a amended Code of Conduct and that the content and consequences of the Code of Conduct are explained to staff members who cannot read	Council	Municipal Manager	Director Corporate Services	Manager HR	Labour Relations Officer	
P.16.05	SYS 71	To authorize the appointment of legal representatives, or staff members to act on behalf of the municipality in legal actions emanating from labour matters or to provide legal advice on labour matters	Council	Municipal Manager	Director Corporate Services (After Consultation with the municipal manager)			
PART 5 : LEGAL MATTERS								
L.1. By-laws								
L.1.01		To introduce by-laws into Council for adoption.	Council	Executive Mayor				

**WITZENBERG MUNICIPALITY
SYSTEM OF DELEGATIONS**

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L.1.02		To pass by-laws and to decide which policies should be adopted as by-laws.	Council	Council				Cannot be sub-delegated by Council in terms of Section 160 of the Constitution
L.1.03		To monitor contraventions of laws and by-laws applicable to the activities of the department and to take such reasonable action as to ensure compliance with its provisions or discouragement of prohibited acts and where it fails to enforce compliance by law.	Council	Municipal Manager	Directors insofar as it relates to their functions/departments	Managers in so far as it relates to their functional areas	Civil Protection Officials, Fire Chief, and Fire Fighting Officials, Building Control Officers, Head Traffic Services, Traffic Officers, Law Enforcement Officers and Information Officers, as far as it relates to their functional	Within the framework of applicable national legislation and municipal by-laws.
L.2. National and Provincial Legislation								
L.2.01		To, where adequate time is available, formulate comments on proposed national and provincial legislation, regulations, policy frameworks.	Council	Executive Mayor together with the Mayoral Committee				
L.2.02		To make recommendations to the Executive Mayor regarding comments on proposed national and provincial legislation, regulations and policy frameworks which resort under their respective portfolios	Executive Mayor	Members of the Mayoral Committee	Municipal Manager			
L.2.03		To formulate of comments on proposed national and provincial legislation, regulations, policy frameworks, where the deadline for comment will prevent Council to comment in time.	Council	Municipal Manager in consultation with the Executive Mayor				
L.3. Legal Proceedings								

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SYSTEM OF DELEGATIONS**

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L.3.01		To decide to institute legal proceedings against other organs of state in order to enforce the municipality's rights, where all reasonable steps in terms of the principles of intergovernmental relations and co-operative government have failed.	Council	Council				
L.3.02		To institute or authorize the institution of legal action against any person or body, excluding organs of state, or defend any action brought against Council in any competent court.	Council	Executive Mayor				This EXCLUDE legal action against consumer defaulters and action by or against employees or previous employees in labour matters that is separately provide for in this
L.3.03		To authorize the institution of appeal proceedings in the High Court of Appeal or the Constitutional Court, where judgement has been given against the municipality.	Council	Executive Mayor				This INCLUDE appeal proceedings against consumer defaulters and in
L.3.04		To authorize the institution of appeal proceedings in a High Court in regard to any action where judgment was given against Council in a magistrate's court or by a magistrate, but excluding appeals to the High Court of Appeal and the Constitutional Court, if such action is in the best interest of the Council.	Council	Executive Mayor				

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SYSTEM OF DELEGATIONS**

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L.3.05		To reject any claim for compensation by any person or body against Council as a result of any action or failure to act by Council or any of its	Council	Executive Mayor				
L.4. Court Orders, Interdicts, Evictions, Affidavits, etc								
L.4.01		To authorize the obtaining of interdicts and other court orders against any person or body in order to compel or prevent him/her/it to act in accordance with or in conflict with statutory provisions	Council	Executive Mayor after consultation with the Mayoral Committee				
L.4.02		To on behalf of Council depose to affidavits, where Council is involved in litigation, either as applicant or respondent.	Council	Municipal Manager				Subject to Council's involvement in the litigation being approved in terms of this
L.4.03		To on behalf of Council depose to affidavits, in legal proceedings or imminent legal proceedings involving council.	Council	Municipal Manager				Subject to Council's involvement in the litigation being approved in terms of this
L.4.04		To sign powers of attorney on behalf of Council, except where this power has already been delegated to another functionary.	Council	Municipal Manager				Subject to Council's involvement in the litigation being approved in terms of this
L.4.05		To grant authority to obtain eviction and/or demolition orders in terms of the provisions of the Prevention of Illegal Eviction of Unlawful Occupants from Land Act	Council	Municipal Manager				Subject to Council's involvement in the litigation being approved in terms of this
L.5. Legal Representation								

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SYSTEM OF DELEGATIONS**

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L.5.01		To decide on granting legal representation to Councillors against whom legal proceedings have been instituted or are being contemplated, as a result of any act or omission in the exercise of their duties as Councillors which approval shall not be unreasonably withheld	Council	Council				
L.5.02		To authorize the appointment of legal representatives, including senior advocates to act on behalf of the municipality in legal actions or to provide legal advice	Council	Executive Mayor				
L.5.03	SMCA 7(4)	To nominate officials to represent the municipality in any action brought against Council in a Small Claims	Council	Council / Municipal Manager	Municipal Manager			
L.5.04		To represent Council or to appoint someone to represent Council before any quasi judicial forum	Council	Municipal Manager	Municipal Manager			
L.5.05		To appoint legal consultants to furnish Council with advice or to render other legal aid.	Council	Municipal Manager	Municipal Manager			
L.5.06		To appoint legal representatives to institute or defend legal actions.	Council	Executive Mayor	Municipal Manager			
L.5.07		To obtain legal representation if legal proceedings have been instituted or are being contemplated against the Municipal Manager, as a result of any act or omission in the exercise of his/her duties, which approval shall not be unreasonably withheld	Council	Executive Mayor				
L.5.08		To provide legal representation to officials against whom legal proceedings have been instituted or are being contemplated, as a result of any act or omission in the exercise their duties.	Council	Executive Mayor				

L.6. Mediation and Arbitration

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SYSTEM OF DELEGATIONS**

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L.6.01		To decide on settlements in legal or arbitration proceedings, up to R500 000, in cases not covered by Council's insurance.	Council	Executive Mayor (remove)				
L.6.02		To refer disputes to arbitration or mediation or to authorize participation.	Council	Executive Mayor in consultation with Municipal Manager				
L.6.03		To decide on settlements in legal or arbitration proceedings, up to R250 000, in cases not covered by Council's insurance.	Council	Executive Mayor in consultation with Municipal Manager				
L.6.04		To consider and to do whatever he/she regards necessary in all arbitration proceedings	Council	Municipal Manager				
L.7. Contracts								
L.7.01		To conclude and sign contracts on behalf of Council, except where Council has in particular instances decided otherwise or where the power has been delegated to another functionary.	Council	Executive Mayor in consultation with the Municipal Manager				
L.7.02		To draft and enforce contracts and the terms and conditions in regard to the acquisitions or alienation of immovable property or rights in immovable property.	Council	Executive Mayor in consultation with the Municipal Manager				
L.7.03		To sign contracts, power of attorney and relevant documents pertaining to the acquisition or alienation of immovable property or rights in immovable property and the consequential registration thereof.	Council	Municipal Manager in consultation with Executive Mayor				
L.7.04		To conclude and sign contracts on behalf of council,	Council	Municipal Manager in consultation with Executive Mayor				

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L.7.05		To exercise all rights and duties of the municipality in terms of an agency agreement for the rendering of services on behalf of an organ of state, in so far such agreement relates to the activities of the	Council	Municipal Manager in consultation with Executive Mayor				
L.7.06		To Conclude and sign Twinning Agreements, Co - Operation Agreements and Memorandum of Understandings with Political Office Bearers of other organs of state within or outside the borders of the	Council	Municipal Manager in consultation with Executive Mayor				
L.8. Bank Guarantee								
L.8.01		To approve the terms and conditions of bank guarantees required for the compliance of the contractual obligations by a contractor or service provider.	Council	Municipal Manager				
L.8.02		To authorize the cancellation or amendment of bank guarantees on full or partial compliance of the contractual obligations by a contractor or service provider.	Council	Municipal Manager				
L.8.03		To recall and liquidate bank guarantees or non-compliance of the contractual obligations by a contractor or service provider.	Council	Municipal Manager	Chief Financial Officer			
PART 6 : INTEGRATED DEVELOPMENT PLANNING								
IDP.1. Consultation								
IDP.1.01	SYS 29(b)	To consult with affected municipalities and other organs of state and to advise Council on the method of aligning the municipality's planning with and supplement the development plans and strategies of such affected municipalities and other organs of state.	Council	Executive Mayor	Municipal Manager			

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SYSTEM OF DELEGATIONS**

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IDP.1.02	SYS 28(2)	To consult the community before adopting a process that will guide Council in the planning, drafting, adoption and reviewing of an integrated development plan, prior to approval of the process.	Council	Executive Mayor				
IDP.1.03	SYS 28	To approve a process that will guide Council in the planning, drafting, adoption and reviewing of the integrated development plan	Council					
IDP.1.04	SYS 28	To develop a process that will guide Council in the planning, drafting, adoption and review of its integrated development plan	Council	Executive Mayor	Municipal Manager	Manager IDP		
IDP.1.05	SYS 29	To take the necessary steps and to make arrangements for consultation with the local community before adoption of the process	Council	Executive Mayor	Municipal Manager	Manager IDP		
IDP.2. Drafting & Revision								
IDP.2.01	SYS 34	To annually advise the Council on the review of the integrated development plan in accordance with an evaluation of the municipality's performance measurement as provided by the Deputy Executive Mayor	Council	Executive Mayor	Municipal Manager	Manager IDP		
IDP.2.02	SYS 30 STR 60(3)	To finalize the draft integrated development plan for purposes of submission to Council.	Council	Executive Mayor	Municipal Manager	Manager IDP		
IDP.2.03	STR 56(2)(c)	To approve strategies, programmes and services to address the priority needs through the integrated development plan and budget	Council	Executive Mayor	Municipal Manager			

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IDP.2.04	STR 56(2)(d)	To, in accordance with the integrated development plan, budget and applicable statutory provisions, determine the best methods, including partnerships and other approaches, to deliver strategies, programmes and services to the maximum benefit of the community.	Council	Executive Mayor	Municipal Manager			
IDP.2.05	STR 56(2)(d)	To, in accordance with the integrated development plan, budget and applicable statutory provisions, make recommendations to the Executive Mayor regarding the best methods, including partnerships and other approaches, to deliver strategies, programmes and services related to their respective portfolios to the maximum benefit of the community	Council	Members of the Mayoral Committee	Municipal Manager	Directors in so far as it relates to their functional areas	Managers in so far as it relates to their functional areas	
IDP.2.06	STR 29	To investigate development plans and strategies that can be aligned with and supplement the development plans and strategies of affected municipalities and other organs of	Council	Executive Mayor	Municipal Manager			
IDP.2.07		To ensure that Council approves a predetermined programme specifying timeframes for the different steps of process to be followed.	Council	Executive Mayor	Municipal Manager			
IDP.2.08	SYS 34	To ensure that Council reviews its integrated development plan annually in accordance with an assessment of its performance measurements	Council	Executive Mayor	Municipal Manager	Manager IDP		
PART 7 : PERFORMANCE MANAGEMENT								
PM.1.01	SYS 38	To adopt a strategy for the promotion of a culture of performance management among the municipality's political office bearers, political structures and Councillors and in the administration.	Council	Executive Mayor				

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PM.1.02	SYS 38	To recommend a strategy to the Executive Mayor for the promotion of a culture of performance management among the municipality's political office bearers, political structures and Councillors	Executive Mayor	Municipal Manager				
PM.1.03	SYS 42	To consult the community on the development, implementation and review of the municipality's performance management system	Council	Executive Mayor in consultation with the Municipal				
PM.1.04	SYS 46	To present to Council an annual performance report for approval.	Council	Executive Mayor	Municipal Manager	Manager Projects and Performance		
PM.1.05	STR 56(3)(a)	To identify and develop criteria in terms of which progress in the implementation of strategies, programmes and services referred to in Section 56(2)(c) can be evaluate, including key performance indicators which are specific to the municipality and common to local government in general.	Council	Executive Mayor	Municipal Manager	Manager Projects and Performance Management		
PM.1.06	STR 56(3)(b)	To evaluate progress against the key performance indicators	Council	Executive Mayor				
PM.1.07	STR 56(3)(c)	To review the performance of the municipality in order to improve - (i) The economy, efficiency and effectiveness of the municipality; (ii) The efficiency of credit control and revenue and debt collection services; (iii) The implementation of the Municipality's by-laws.	Council	Executive Mayor				
PM.1.08	SYS 39(a)	To manage the development of the Municipality's performance management system.	Council	Executive Mayor	Municipal Manager			
PM.1.09	SYS 39(a)	To assign responsibilities with regard to the performance management system to the Municipal Manager	Council	Executive Mayor				

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PM.1.10	SYS 40	To adopt a mechanism for monitoring and review of the municipality's performance management system	Council	Executive Mayor in consultation with the Municipal				
PM.1.11	SYS 38	To develop a strategy for the promotion of a culture of performance management among the municipality's political office bearers, political structures and Councillors and in the administration.	Council	Speaker				
PM.1.12	SYS 38	To develop a mechanism for the monitoring and review of the municipality's performance management system	Council	Executive Mayor	Municipal Manager	Manager Projects and Performance Management		
PM.1.13	SYS 42	To take the necessary steps and to make appropriate arrangements to involve the local community in the development, implementation and review of the municipality's performance management systems.	Council	Executive Mayor	Municipal Manager	Manager Projects and Performance Management		
PM.1.14	SYS 46	To prepare an annual performance report for approval by Council	Council	Executive Mayor	Municipal Manager	Manager Projects and Performance		
PART 8 : COMMUNITY PARTICIPATION								
CP.1.01		To monitor the community participation process of the	Council	Speaker				
CP.1.02		To report on an annual basis to the Executive Mayor regarding the involvement of the community and community organizations in the affairs of the municipality	Council/ Executive Mayor	Members of the Mayoral Committee as regards their respective portfolios				
PART 9 : INFORMATION TECHNOLOGY								

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IT.1.01		To decide on the standardization of software and hardware and the optimum manner for operation, support, maintenance and acquisition as regards information technology	Council	Municipal Manager				In consultation with IT official
IT.1.02		To approve extensions, departures or exceptions in compliance with IT.1.01 above	Council	Municipal Manager				In consultation with IT official
IT.1.03		To preserve all electronic records and documents of the municipality and to maintain an index laws	Council	Municipal Manager	Director Corporate Services	Manager Administration		
IT.1.04		To advise the Municipal Manager with regard to the standardization of hardware and software and the optimum methods of operation, support and maintenance of information technology	Council	Municipal Manager	Corporate Director in consultation with Senior Administrative Officer IT / IT Official			
IT.1.05		To advise the Municipal Manager on deviations/exceptions to compliance with IT.1.04	Council	Municipal Manager	Corporate Director in consultation with IT Official			
IT.1.06		To decide on the most appropriate methods to ensure the integrity of the Council's information technology systems	Council	Municipal Manager	Corporate Director in consultation with IT Official			
IT.1.07		To decide on and approve the most appropriate methods to render information technology services to Councillors	Council	Municipal Manager	Director Corporate Services			
PART 10 : COMMUNICATION								
C.1.01				Executive Mayor in relation to political matters &	Executive Mayor in relation to political matters &		Manager Marketing and Communication (All written media	Directors and Managers may make media statements on

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		To make press statement and announcements in the media on behalf of Council.	Council	Municipal Manager in relation to Administrative and / or Strategic matters	Municipal Manager in relation to Administrative and / or Strategic matters	Director Corporate Services	statements on administrative matters need to be signed off by the municipal manager or his delegate)	matter that fall within their functional areas only after approval is obtained from the municipal manager
C.1.02		To decide on the most appropriate methods of publication of external publications as regards matters of the municipality	Council	Municipal Manager	Director Corporate Services	Manager Marketing and Communication		
C.1.03		To undertake the marketing and promotion of the municipality in accordance with the most appropriate system	Council	Municipal Manager	Director Corporate Services	Manager Marketing and Communication		
C.1.04		To decide on the most appropriate method to manage sound, video and photographic services	Council	Municipal Manager	Director Corporate Services	Manager Marketing and Communication		
C.1.05		To administer functions and gatherings approved by Council or its structures and to take all decisions necessary to give effect thereto	Council	Municipal Manager	Director Corporate Services	Manager Marketing and Communication		
C.1.06		To decide on the most appropriate method of presentation of information and introductory campaigns	Council	Municipal Manager	Director Corporate Services	Manager Marketing and Communication		
C.1.07		To approve the content on internal publications	Council	Municipal Manager	Director Corporate Services			
C.1.08		To grant permission for the use of the municipality's coat of arms/logo and other regalia	Council	Municipal Manager	Director Corporate Services (After consultation with Municipal Manager)			
C.1.09		To administer relations with the media	Council	Municipal Manager	Director Corporate Services	Manager Marketing and Communication		

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C.1.10		To prepare press releases	Council	Municipal Manager	Director Corporate Services	Manager Marketing and Communication		
C.1.11		To decide on the most appropriate system for the management of public relations	Council	Municipal Manager	Director Corporate Services	Manager Marketing and Communication		
C.1.12		To decide on the most appropriate methods of publishing internal publications on the activities of the department	Council	Municipal Manager	Director Corporate Services	Manager Marketing and Communication		
PART 11 : ADMINISTRATION								
A1.01	STR 56(3)(d)	To monitor the administration of the municipality in accordance with the directions of Council and to report thereon to the Executive Mayor every 3 months.	Council	Mayoral Committee members in so far as it relates to their respective portfolio's				
PART 12 : PLANNING & DEVELOPMENT								
PD.1.01		To approve planning applications, except for applications on which objections have been received	Council	Municipal Manager	Director Technical Services	Manager Planning		
PART 13 : AMENITIES								
AM.1.01		To decide on the most appropriate systems to administer the amenities under the control of the department	Council	Municipal Manager	Director Community Services	Manager Resort and Manager Amenities in so far as it relates to amenities in their functional areas		
AM.1.02		To determine the opening and closing time of amenities under the control of the department	Council	Municipal Manager	Director Community Services			
AM.1.03		To approve applications for the use of amenities under the control of the department	Council	Municipal Manager	Director Community Services			

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AM.1.04		To determine the conditions under which access to amenities under the control of the department will be granted	Council	Municipal Manager	Director Community Services			
AM.1.05		To exercise all the rights and duties of Council as lesser or lessee in terms of the provisions of any lease or conditions of use in respect of the department's activities	Council	Municipal Manager	Director Community Services			
AM.1.06		To administer the contents of all advertisements displayed in or at amenities and to approve advertisements displayed at such amenities	Council	Municipal Manager	Director Community Services	Manager Resort and Manager Amenities in so far as it relates to amenities in their functional areas		
PART 14 : CLEANING SERVICES								
CS.1.01		To decide on the most appropriate systems for planning, control, safety, management and maintenance of cleaning services at Council buildings, facilities, depots and amenities	Council	Municipal Manager	Director Community Services	Manager Amenities		
PART 15 : ARCHIVES								
AR.1.01	ARCA	To be responsible for the compilation of Council's records system, as well as the operation, preservation and disposal of records in terms of the provisions of applicable legislation	Council	Municipal Manager	Director Corporate Services	Manager Administration		
AR.1.02		To preserve all electronic records and documents of the Council and to compile an index thereof in accordance with archives and audit legislation	Council	Municipal Manager	Director Corporate Services	Manager Administration		
PART 16 : LAND AFFAIRS								

**WITZENBERG MUNICIPALITY
SYSTEM OF DELEGATIONS**

No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
LA.1.01		To appoint sworn appraisers to determine the market value of immovable property or rights in immovable property which Council intends to alienate or acquire	Council	Municipal Manager	Chief Financial Officer	Manager Supply Chain		
LA.1.02		To negotiate with persons in respect of the intended alienation or acquisition of immovable property, or rights in, on or over immovable property	Council	Municipal Manager	Municipal Manager			Delegations in writing by the Municipal Manager to be provided to appropriate officials on a case by case
LA.1.03		To approve applications for servitudes over the property of the municipality to enter into agreements and to determine the compensation to be paid	Council	Municipal Manager	Director Corporate in consultation with the Manager Town Planning			Subject to Section 14 of MFMA
LA.1.04		To grant authorization for the appointment of land surveyors and the preparation of land surveyor's diagrams of immovable property or rights in immovable property	Council	Municipal Manager	Director Technical Services	Manager Town Planning		
LA.1.05		To approve applications for the erection of land surveyors and the preparation of land surveyor's diagrams of immovable property or rights in immovable property	Council	Municipal Manager	Director Technical Services	Manager Town Planning		
LA.1.06		To complete a land audit for the purposes of land redistribution	Council	Municipal Manager to table and approval	Director Corporate in consultation with the Manager Town Planning			

PART 17 : ENGINEERING & INFRASTRUCTURE SERVICES

EI.1 Roads & Storm water

**WITZENBERG MUNICIPALITY
SYSTEM OF DELEGATIONS**

No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
E1.1.01		To decide on the most appropriate systems for the planning, control, safety, management and maintenance of roads which form an integrated part of a roads network system for the area of the district	Council	Municipal Manager	Director Technical Services	Manager Roads and Storm Water		
E1.1.02		To decide on the most appropriate systems for the planning, control, management and maintenance of storm water systems, flood control, rivers, dams, etc.	Council	Municipal Manager	Director Technical Services	Manager Roads and Storm Water		
E1.1.03		To decide on the most appropriate systems for the planning, control, management and maintenance of intersections, bridges, etc.	Council	Municipal Manager	Director Technical Services	Manager Roads and Storm Water		
E1.1.04		To approve and administer the permanent and temporary closure of roads.	Council	Municipal Manager	Director Technical Services			
E1.1.05		To decide on the placement and removal of road traffic signs, road markings and advertisements on roads.	Council	Municipal Manager	Director Technical Services	Manager Roads and Storm Water		
E1.1.06		To decide on the most appropriate systems for the provision of premix and other road making materials	Council	Municipal Manager	Director Technical Services	Manager Roads and Storm Water		
E1.1.07		To grant or reject applications to make or erect private entrances, crossings, etc. and to determine conditions in this regard.	Council	Municipal Manager	Director Technical Services	Manager Roads and Storm Water		
E1.1.08		To determine whether any tree or vegetation has a detrimental influence on municipal services, causes a nuisance, discomfort or danger and to decide whether such vegetation should be removed	Council	Municipal Manager	Director Technical Services	Manager Roads and Storm Water		
E.12 Solid Waste								
E.12.01		To determine the days, times and conditions for access to solid waste premises.	Council	Municipal Manager				

**WITZENBERG MUNICIPALITY
SYSTEM OF DELEGATIONS**

No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
E.12.02		To grant permission to enter solid waste premises and to determine such conditions as may deemed	Council	Municipal Manager	Director Technical Services	Manager Cleansing		
E.12.03		To prohibit the dumping of toxic materials in, at or on solid waste premises.	Council	Municipal Manager	Director Technical Services	Manager Cleansing		
E.12.04		To grant permission for the removal of material from solid waste premises.	Council	Municipal Manager	Director Technical Services	Manager Cleansing		
E.12.05		To grant authority for the placement of containers for the recycling of glass, paper, metals etc. at solid waste premises.	Council	Municipal Manager	Director Technical Services	Manager Cleansing		
E.12.06		To, exercise all the powers of the Council in regard to the dumping of litter, waste and car wrecks in terms of bylaws.	Council	Municipal Manager	Director Technical Services	Manager Cleansing		
E.12.07		To decide on the most appropriate systems for the planning, control, safety, management and operation of refuse dumps, bulk waste transfer facilities and refuse removal facilities	Council	Municipal Manager	Director Technical Services	Manager Cleansing		
E.12.08		To decide on the most appropriate system for the planning, control, safety, management and operation of refuse removal services in a district management area.	Council	Municipal Manager	Director Technical Services	Manager Cleansing		
E.13. Sewage								
E.13.01	NBRBSA 103/1977	To grant authority for sewer installations on premises where the owner has failed to comply in terms of the National Building Regulations and Building Standard Act, 103/1977 and the regulations issued in terms thereof and as further described in clause "F Building Services"	Council	Municipal Manager	Director Technical Services			

**WITZENBERG MUNICIPALITY
SYSTEM OF DELEGATIONS**

No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
E.13.02	NBRBSA 103/1977	To, give instructions in regard to safety measures in regard to sewage, in terms of the National Building Regulations and Building Standards Act, 103/1977 and the regulations issued in terms thereof, and as further described in clause "F Building Services" here under.	Council	Municipal Manager	Director Technical Services	Manager Water and Sewage		
E.13.03	NBRBSA 103/1977	To grant authorization for sewage work in terms of the National Building Regulations and Building Standards Act 103/1977 and the regulations issued there under, and as further described in clause "F Building Services" hereunder	Council	Municipal Manager	Director Technical Services	Manager Water and Sewage		
E.13.04	NBRBSA 103/1977	To, inspect sewer installations on premises and to test and approve such installations in terms of the National Building Regulations and Building Standards Act 13/03/1977 and the regulations issued there	Council	Municipal Manager	Director Technical Services	Manager Water and Sewage		
E.13.05	NBRBSA 103/1977	To authorize other forms of doing away with sewage, in terms of the National Building Regulations and Building Standards Act, 103/1977 and the regulations issued there under	Council	Municipal Manager	Director Technical Services	Manager Water and Sewage		
E.13.06		To decide on the most appropriate systems for the planning, control management, safety and maintenance of sewage services.	Council	Municipal Manager	Director Technical Services	Manager Water and Sewage		
E.13.07		To decide on the most appropriate systems for the planning, control, safety, management and maintenance of systems for the removal of domestic wastewater and	Council	Municipal Manager	Director Technical Services	Manager Water and Sewage		
E.14. Water								

**WITZENBERG MUNICIPALITY
SYSTEM OF DELEGATIONS**

No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
E.14.01		To decide, on the most appropriate systems for the planning, control, safety, management and maintenance of water services.	Council	Municipal Manager	Director Technical Services	Manager Water and Sewage		
E.15. Electrical Services								
E.15.01		To advise the service provider as regards the most appropriate systems for the planning, control, safety, management, operation and maintenance of electricity distribution services and telecommunication services	Council	Municipal Manager	Director Technical Services	Manager Electrical Services		
E.15.02		To ensure that all legislation relating to electricity for the enforcement of which Council is responsible, is complied with	Council	Municipal Manager	Director Technical Services	Manager Electrical Services		
E.15.03		To decide on the placement and removal of infrastructure which is utilized for the supply of electricity and telecommunication services	Council	Municipal Manager	Director Technical Services	Manager Electrical Services	Manager Electrical Distribution	
E.15.04		To decide on the placement and most effective methods of street lighting	Council	Municipal Manager	Director Technical Services	Manager Electrical Services		
E.16. Building Services Delegations in this part emanate from the National Building Regulations and Building Standards Act and the regulations issued there under								
E.16.01	NBRA S2(4)	To provide comments on building plans for the State	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.02	NBRA S7(1)(a), (b) & 7(5)	To approve or reject building plans	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.03	NBRA S7(4)	To extend the 12 month period	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	

**WITZENBERG MUNICIPALITY
SYSTEM OF DELEGATIONS**

No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
E.16.04	NBRA S7(6)	To grant provisional approval	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.05	NBRA S10(1)	To prohibit the erection of a building	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.06	NBRA S10(1)	To impose conditions	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.07	NBRA S11(1)	To impose an instruction to resume erection or to complete a building	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.08	NBRA S11(1)	To extend the period for erection or completion	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.09	NBRA S11(2)	To order a building to be demolished	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.10	NBRA S11(4)	To authorize the demolition of a building	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.11	NBRA S12(1)	To determine whether a building or earthwork is dangerous	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.12	NBRA S12(1)	To require that a building be demolished, changed or safeguarded	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.13	NBRA S12(3)(a)	To require that an architect or engineer be appointed	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.14	NBRA S12(3)(b)	To require that work be ceased	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.15	NBRA S12(4)	To require that a building be evacuated	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.16	NBRA S12(5)	To grant approval that a building be re-utilized or re-occupied	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	

**WITZENBERG MUNICIPALITY
SYSTEM OF DELEGATIONS**

No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
E.16.17	NBRA S14(1)(a),(b)	To issue or refuse the issue of occupation certificates	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.18	NBRA S14(1)(b)(1A)	To grant permission for and to determine conditions for occupation before an occupation certificate is issued	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.19	NBRA S18(1)	To authorize exemption of or deviation from the regulations	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.20	NBRA Reg A2(1)(f)	To require additional documents	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.21	NBRA Reg A5(5)(b)	To accept the scale of drawings, etc	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.22	NBRA Reg A7 (h), (i)	To require construction drawings	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.23	NBRA Reg A8(4)	To require particulars of the sewage installation	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.24	NBRA Reg A9(1)	To require a fire plan	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.25	NBRA Reg A11(1)	To require the appointment of a land surveyor	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.26	NBRA Reg A11(2)	To appoint a land surveyor	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.27	NBRA Reg A13(1)(b)	To require proof of treatment of wood	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.28	NBRA Reg A13(2), (3)	To test any materials or components and prohibit the utilization thereof	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	

**WITZENBERG MUNICIPALITY
SYSTEM OF DELEGATIONS**

No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
E.16.29	NBRA Reg A13(5)	To recover costs of tests	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.30	NBRA Reg A13(6)	To determine whether any material or component may be utilized	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.31	NBRA Reg A15(3)	To require that it be ensured that mechanical equipment or service installations is in working order	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.32	NBRA Reg A15(4)	To require the evacuation of a building	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.33	NBRA Reg A22(3)	To approve trenches and excavations	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.34	NBRA A23(1)-(7)	To grant provisional authority for temporary buildings	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.35	NBRA Reg E1(1),(2)	To grant authority for the demolition of a building and determine conditions	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.36	NBRA Reg E1(4)	To require that a terrain be safeguarded	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.37	NBRA Reg 4	To arrange that premises be safeguarded and costs be recovered from the owner	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.38	NBRA Reg E3	To prohibit a method of demolition	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.39	NBRA Reg F1(1)	To require that fences, etc must be erected	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.40	NBRA Reg F1(4)	To grant authorization for encroachments	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.41	NBRA Reg F1(5)	To prescribe further conditions for demolition or erection	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	

**WITZENBERG MUNICIPALITY
SYSTEM OF DELEGATIONS**

No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
E.16.42	NBRA Reg F2(1)	To require the payment of deposits	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.43	NBRA Reg F3(2)	To require that an engineer be appointed	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.44	NBRA Reg F7(1)	To order provision of proof of compliance, that work be cut into, uncovered or demolished and that tests be done	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.45	NBRA	To require that steps be taken to ensure that work complies RegF7(2)(b)	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.46	NBRA Reg F8(1), (2) F9(1), (2)	To require that waste, etc be removed	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.47	NBRA Reg F8, F9	To arrange that waste, etc be removed at the cost of the owner if the owner fails to comply	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.48	NBRA Reg F10(2)	To grant approval for the erection, placement, maintenance, relocation and rebuilding of builder's huts	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.49	NBRA Reg F10(4)	To order the builder's huts, etc be removed	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.50	NBRA Reg F11	To grant authorization to cease erection or demolition and to determine which sanitation will be	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.51	NBRA Reg G1(3)	To grant authorization for earthworks	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.52	NBRA Reg O3	To approve artificial ventilation systems	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.53	NBRA Reg P1(4)	To grant authorization in respect of sewage installations where the owner failed to comply with Reg. P1(2)	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	

**WITZENBERG MUNICIPALITY
SYSTEM OF DELEGATIONS**

No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
E.16.54	NBRA Reg P3(3)	To order preventative measures for sewage	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.55	NBRA Reg P3(4)	To grant authorization for the discharge of water from a swimming pool	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.56	NBRA Reg P6(1)	To grant authorization for sewage works	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.57	NBRA Ref P7	To inspect, test and approve sewage installations	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.58	NBRA Reg Q1, Q2	To approve other methods of doing away with sewage	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
E.16.59	NBRA Reg R1(3)	To grant approval for and to require that plans and particulars as regards storm water systems be provided	Council	Municipal Manager	Director Technical Services	Manager Town Planning	Senior Building Inspector	
PART 18 : COMMUNITY & DEVELOPMENT SERVICES								
CD1. Health Matters								
CD.1.01	BA 71, of 1991	To exercise the powers and functions which vests in the Council in regard to health matters that has been developed to Council in terms of the Business Act, 71 of 1991, insofar as it relates to the licensing of business.	Council	Municipal Manager	Director Community Services			
CD.1.02	APP 45, of 1965	To exercise the powers and functions which vests in the Council in regard to health matters that has been developed to Council in terms of the Atmospheric Pollution Prevention Act, 45 of 1965	Council	Municipal Manager	Director Community Services			

**WITZENBERG MUNICIPALITY
SYSTEM OF DELEGATIONS**

No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
CD.1.03	NCR	To exercise the powers and functions which vests in the Council in regard to health matters or has been developed to Council in terms of the Noise Control Regulations, in terms of the Environmental Conservation Act,	Council	Municipal Manager	Director Community Services			
CD.1.04		To exercise the powers and functions which vests in the Council in regard to health matters or has been developed to Council in terms of Regulations controlling offensive trades.	Council	Municipal Manager	Director Community Services			
CD.1.05	NBRBS 103, 1977	To exercise the powers and functions which vests in the Council in regard to health matters or has been devolved to Council in terms or the National Building Regulations and Building Standards Act, 103 of 1977, and the regulations issued there under.	Council	Municipal Manager	Executive Director: Community and Developmental Services			
CD.1.06	EOO 12 of 1980	To grant approval for the exhumation, re-interment, disturbance or removal of human remains in terms of the Exhumations Ordinance, Ordinance 12 of 1980	Council	Municipal Manager	Director Community Services			
CD.1.07	DCOO 18 of 1976	To grant authority for the establishment of cemeteries on farms in terms of the provisions of the Divisional Councils Ordinance,	Council	Municipal Manager	Director Community Services			
CD.1.08		To determine conditions and requirements regarding the establishment, conduct and control of cemeteries and crematoria serving the area of a major proportion of municipalities in the district.	Council	Municipal Manager	Director Community Services			
CD.1.09		To ensure effective community participation in the planning and implementation of health services within the district.	Council	Municipal Manager	Director Community Services			
CD.2. Local Economic Development & Land Affairs								

**WITZENBERG MUNICIPALITY
SYSTEM OF DELEGATIONS**

No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
CD.2.01		To authorize investigations into the viability of economic development initiatives in the municipal area.	Council	Municipal Manager	Director Community Services			
CD.2.02		To take such steps as may be necessary to market and advertise the potential of the municipal area to investors and developers.	Council	Municipal Manager	Director Community Services			
CD.2.03		To allocate stands for informal traders in areas declared by the Council as areas for restricted informal trade, subject to such criteria as the Council has determined for the allocation of such stands	Council	Municipal Manager	Director Community Services			
CD.2.04		To keep and administer a waiting list of informal traders, who applied for stands in areas declared by Council as restricted for informal trade	Council	Municipal Manager	Director Community Services			
CD.2.05		To identify areas where informal trade should be restricted.	Council	Municipal Manager	Director Community Services			
CD.2.06		To take all necessary steps to ensure the operation, maintenance and extension LED initiatives of the Council and to submit proposals of new initiatives	Council	Municipal Manager	Director Community Services			
CD.2.07		To take all necessary steps to ensure effective co-ordination of LED initiative within the district between the district municipality and the local	Council	Municipal Manager	Director Community Services			
CD.2.08		To be responsible for the Council's participation in LED initiatives launched on district and provincial basis by government, business and non-government institutions.	Council	Municipal Manager	Director Community Services			
CD.2.09		To supervise the obligations of LED bodies to report on the employment of funds obtained from the Council, and to take all reasonable steps to enforce compliance.	Council	Municipal Manager	Director Community Services			

**WITZENBERG MUNICIPALITY
SYSTEM OF DELEGATIONS**

No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
CD.2.10		To ensure sufficient compilation of data within the district to facilitate Council decisions on economic development strategies.	Council	Municipal Manager	Director Community Services			
CD.2.11		To liaise on an ongoing basis on behalf of Council with other bodies with similar aims and to keep Council informed of developments in the district economy, the Council's obligations in this regard and the present and future costs to Council.	Council	Municipal Manager	Director Community Services			
CD.2.12		To take all necessary steps to ensure effective community participation in the planning and implementation of the Council's LED programme.	Council	Municipal Manager	Director Community Services			
CD.3. Resorts								
CD.3.01		To determine the maximum number of persons who may be admitted to a public amenity, in terms of section 2.	Council	Municipal Manager	Director Community Services	Manager Resorts		
CD.3.02		To grant or deny applications to erect structures, etc. in a public amenity, in terms of Section 7.	Council	Municipal Manager	Director Community Services	Manager Resorts		
CD.3.03		To determine whether alcohol or food may be brought into a public amenity, in terms of Section 8.	Council	Municipal Manager	Director Community Services	Manager Resorts		
CD.3.04		To determine whether live animals, etc. may be brought into a public amenity and if so to determine the conditions in this regard in terms of	Council	Municipal Manager	Director Community Services	Manager Resorts		
CD.3.05		To grant or deny applications to hold or present gatherings, processions or other matters in public amenities, and to impose conditions in terms of Section 9.	Council	Municipal Manager	Director Community Services	Manager Resorts		
CD.3.06		To determine which matters will be allowed in a public amenity and to determine the conditions in this regard in terms of Section 12.	Council	Municipal Manager	Director Community Services	Manager Resorts		

**WITZENBERG MUNICIPALITY
SYSTEM OF DELEGATIONS**

No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
CD.3.07		To determine the speed limit for vehicles in a public amenity in terms of Section 15(2)	Council	Municipal Manager	Director Community Services	Manager Resorts		
CD.3.08		To determine the place where games may be played in a public amenity as well as the conditions under which it may take place, in terms of Section	Council	Municipal Manager	Director Community Services	Manager Resorts		
CD.3.09		To determine the times and dates when resorts will be open for the public as well as the conditions for	Council	Municipal Manager	Director Community Services	Manager Resorts		
CD.3.10		To determine safety measures at any resort, to appoint or acquire such persons or equipment as may be necessary, and to deploy such persons and equipment.	Council	Municipal Manager	Director Community Services	Manager Resorts		
CD.3.11		To grant permission and determine the conditions in respect of any actions or matters at or in any resort.	Council	Municipal Manager	Director Community Services	Manager Resorts		
CD.3.12		To refuse to grant permission in respect of any applications for any activity in or on any resort.	Council	Municipal Manager	Director Community Services	Manager Resorts		
CD.3.13		To close resorts for a specific time or purpose	Council	Municipal Manager	Director Community Services	Manager Resorts		
CD.3.14		To prescribe control measures at resorts and to enforce compliance.	Council	Municipal Manager	Director Community Services	Manager Resorts		
CD.3.15		To determine the number of caravans and mobile homes which may at any time be accommodated in a resort?	Council	Municipal Manager	Director Community Services	Manager Resorts		
CD.3.16		To, in respect of mobile homes at resorts, approve the water supply and network system.	Council	Municipal Manager	Director Community Services	Manager Resorts		
CD.3.17		To, in respect of mobile homes at resorts, approve the sanitary conveniences.	Council	Municipal Manager	Director Community Services	Manager Resorts		
CD.3.18		To, in respect of mobile homes at resorts, approve systems for the removal of effluent and waste water.	Council	Municipal Manager	Director Community Services	Manager Resorts		

**WITZENBERG MUNICIPALITY
SYSTEM OF DELEGATIONS**

No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
CD.3.19		To, at resorts reserve stands for the exclusive use of mobile homes and determines periods for such use.	Council	Municipal Manager	Director Community Services	Manager Resorts		
CD.3.20		To approve or reject applications to erect or establish any structure, shelter or anything else, at resorts.	Council	Municipal Manager	Director Community Services	Manager Resorts		
CD.3.21		To decide on the number, type and deployment of play park equipment or other apparatus at any resorts.	Council	Municipal Manager	Director Community Services	Manager Resorts		
CD.3.22		To approve or reject applications to plant, chop down or remove any plants or shrubbery in a resort.	Council	Municipal Manager	Director Community Services	Manager Resorts		
CD.4. Tourism								
CD.4.01		To, operate, maintain and extend the local tourism initiatives of the Council and to submit proposals on new initiatives in this regard to the Executive Mayor.	Council	Municipal Manager	Director Corporate Services			
CD.4.02		To be responsible for the Council's participation in tourism initiatives launched on area and provincial basis by bodies and organs of state authorized thereto by legislation.	Council	Municipal Manager	Director Corporate Services			
CD.4.03		To supervise the obligations of tourism bodies to report on the employment of funds obtained from the Council, and to take all reasonable steps to ensure	Council	Municipal Manager	Director Corporate Services			
CD.4.04		To liaise on ongoing basis on behalf of the Council with other bodies with similar aims and to keep Council informed of developments in the tourism industry, the Council's obligations in this regard and the present and future costs to Council.	Council	Municipal Manager	Director Corporate Services			

**WITZENBERG MUNICIPALITY
SYSTEM OF DELEGATIONS**

No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
CD.4.05		To actively market the tourism potential of the municipal area by means of inter alia audio and visual presentations, campaigns, promotions, exhibitions, events, conventions, etc, with or without the co-operation of other tourism bodies.	Council	Municipal Manager	Director Corporate Services			Outsourced to local tourism organisations

PART 19 : PUBLIC SAFETY & PLANNING

PSP.1. Traffic Matters

PSP.1.01		To grant authority for the display, removal or change of road traffic signs on any public road in terms of road traffic legislation.	Council	Municipal Manager	Director Community Services (remove) add Director: Corporate Services	Manager Traffic		
PSP.1.02		To order an owner/occupier of land to remove an object such land which obscures a road traffic sign and, at failure to comply, to arrange for such removal, in terms of road traffic legislation.	Council	Municipal Manager	Director Community Services (remove) add Director: Corporate Services	Manager Traffic		
PSP.1.03		To grant approval and impose conditions for the placement of permanent direction signs to schools, churches, etc. in terms of road traffic legislation.	Council	Municipal Manager	Director Community Services (remove) add Director: Corporate Services	Manager Traffic		

**WITZENBERG MUNICIPALITY
SYSTEM OF DELEGATIONS**

No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
PSP.1.04		To authorize the temporary closure of streets, sidewalks and roads in the municipal area	Council	Municipal Manager	Director Community Services (remove) add Director: Corporate Services	Manager Traffic		
PSP.2. Law Enforcement								
PSP.2.01		To, on request of the Municipal Manager or own initiative, put the necessary procedures in place to enforce compliance with the Council's bylaws	Council	Municipal Manager	Director Community Services (remove) add Director: Corporate Services	Manager Traffic		
PSP.2.02		To execute the functions of the responsible official in terms of the provisions of the Regulations of Gatherings Act, 1993.	Council	Municipal Manager	Director Community Services (remove) add Director: Corporate Services	Manager Traffic		
PSP.3. Fire-fighting Services								
PSP.3.01		To decide on the most appropriate systems for the control, management, planning, coordination and regulation of tire fighting services which service	Council	Municipal Manager	Director Community Services	Manager Fire Services		
PSP.3.02		To decide on the most appropriate deployment of the fire and emergency services of the municipality and to determine priorities in this regard	Council	Municipal Manager	Director Community Services	Manager Fire Services		
PSP.3.03	FSA 9(3)	To grant extension of time for the payment of costs for the salvage, removal or safe storage of objects which are endangered	Council	Municipal Manager	Director Community Services	Manager Fire Services		

**WITZENBERG MUNICIPALITY
SYSTEM OF DELEGATIONS**

No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
PSP.3.04	FSA 9(5)	To give notice by means of a newspaper advertisement that goods placed in safe storage, must be claimed within a specified time	Council	Municipal Manager	Director Community Services	Manager Fire Services		
PSP.3.05	FSA 9(6)	To grant authority that goods placed in safe storage may be sold	Council	Municipal Manager	Director Community Services	Manager Fire Services		
PSP.3.06	FSA 10(3)	To confirm, amend or revoke an assessment for payment for fire services after consideration of representation of Fire Brigade staff			Director Community Services	Manager Fire Services		
PSP.3.07	FSA 12	To grant authority for the utilization of the fire service outside the area of jurisdiction of the Municipality	Council	Municipal Manager	Director Community Services	Manager Fire Services		
PSP.3.08	FSA 18	To take all necessary steps on behalf of and the cost of owner who failed to comply with the directions in regard to the utilization and storage of hazardous substances and safety	Council	Municipal Manager	Director Community Services	Manager Fire Services		
PSP.3.09		To undertake the coordination of the standardization of infrastructure, vehicles, equipment and procedures.	Council	Municipal Manager	Director Community Services	Manager Fire Services		
PSP.3.10		To undertake the training of Fire Brigade officials	Council	Municipal Manager	Director Community Services	Manager Fire Services		
PSP.3.11		To, in emergencies, request the support of assistance of other fire services, if necessary.	Council	Municipal Manager	Director Community Services	Manager Fire Services		
PSP.3.12		To authorize public demonstrations and the use of Council equipment and staff at such occasions to promote fire safety and prevention.	Council	Municipal Manager	Director Corporate Services	Manager Fire Services		
PSP.3.13		To authorize the procurement of helicopter services from private service providers or organs of state in cases of emergency	Council	Municipal Manager	Municipal Manager	Manager Fire Services		
PSP.4. Disaster Management								

**WITZENBERG MUNICIPALITY
SYSTEM OF DELEGATIONS**

No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
PSP.4.01		To exercise or comply with all the rights and obligations of the municipality in terms of an assigned agreement with the national, provincial government and District	Council	Municipal Manager	Director Community Services	Manager Fire Service		
PSP.5. Planning								
PSP.5.01		To consider and approve or reject applications for rezoning (consent use) and departures from zoning of properties.	Council	Municipal Manager	Director Technical Services	Manager Town Planning		
PSP.5.02		To approve or reject applications fro departures from land use restrictions (eg. Building lines, height restrictions, coverage, parking etc.) and to set conditions, in terms of Section 15 of the Land Use Planning Ordinance, 1985.	Council	Municipal Manager	Director Technical Services	Manager Town Planning		
PSP.5.03		To approve or reject applications for subdivisions and set conditions in terms of Section 25 of the Land Use Planning Ordinance, 1985	Council	Municipal Manager	Director Technical Services	Manager Town Planning		
PSP.5.04		To process appeals to Province in terms of Section 44 of the Land Use Planning Ordinance, 1985	Council	Municipal Manager	Director Technical Services	Manager Town Planning		
PSP.5.05		To approve or reject development plans for premises which are submitted in terms of the Land Use Planning Ordinance, 1985	Council	Municipal Manager	Director Technical Services	Manager Town Planning		
PSP.5.06		To issue certificates to the Surveyor General in confirmation that a proposed development plan is in accordance with the zoning scheme.	Council	Municipal Manager	Director Technical Services	Manager Town Planning		
PSP.5.07		To make recommendations to the Premier in regard to applications for the removal of restrictions in terms of Section 3(2) of the Removal of Restrictions Act, 84 of 1967.	Council	Municipal Manager	Director Technical Services	Manager Town Planning		

**WITZENBERG MUNICIPALITY
SYSTEM OF DELEGATIONS**

No	Statutory Provision	Power or duty	Delegated by:	Delegated to:	Sub-delegated to: Senior officials by Municipal Manager	Further Sub-delegated to Management	LOWEST DELEGABLE LEVEL	Conditions or Limitations of delegations or sub delegation
PSP.5.08		To approve or reject development schemes or sectional plans in terms of the provisions of the Sectional Titles Act, 1985.	Council	Municipal Manager	Director Technical Services	Manager Town Planning		
PSP.5.09		To approve or reject applications of second dwellings in terms of Provincial Circular 28/1984 dated 19 September 1984.	Council	Municipal Manager	Director Technical Services	Manager Town Planning		
PSP.5.10		To determine the extent of interest in the advertisement of applications in terms of Sections 15, 17 and 24 of the Land Use Planning Ordinance, 15 of 1985.	Council	Municipal Manager	Director Technical Services	Manager Town Planning		
PSP.5.11		To allocate a number to an address and the impose conditions for the display thereof.	Council	Municipal Manager	Director Technical Services	Manager Town Planning		
PSP.5.12		To issue clearance certificates to the effect that all town planning conditions had been complied with, in terms of Section 32 of the Land Use Planning Ordinance, 15 of 1985	Council	Municipal Manager	Director Technical Services	Manager Town Planning		
PSP.5.13		To grant authority for the display of an advertisement, poster, etc. in a street, in terms of applicable by-laws.	Council	Municipal Manager	Director Technical Services	Manager Town Planning		

Witzenberg Municipality

Guideline Document on the Roles and Responsibilities of Councillors, Political Structures and Officials

1 Introduction

The purpose of this guideline document is to define the roles and responsibilities of Councillors and officials in the Municipality.

The document will focus on the roles and responsibilities of the following key role players in the municipality:

- (a) the municipal council;
- (b) the Executive Mayor ;
- (c) Mayoral committee;
- (d) Ward committees;
- (e) section 79 committee (committee appointed by council);
- (f) section 80 committee (committee appointed by the Executive Mayor);
- (g) the Deputy-Mayor;
- (h) the Speaker;
- (i) non-executive councillors and
- (j) the Municipal Manager

It does this by outlining the roles identified in legislation for these role players in the municipality.

Ultimately each of these roles will be specifically defined in precise terms by each municipality in the country and will be determined by the internal arrangements with the municipalities.

1.1 Terms of reference

Every municipal council has the right to determine its internal procedures.

This right is protected by the Constitution, which allows the municipal council to decide how to structure the internal operation of the municipality and what kind of mandate/area of responsibility it assigns to political structures, office-bearers and the Municipal Manager.

This right is coupled with an obligation in the Systems Act, which instructs each municipality to define the roles and areas of responsibility of political office-bearers and political structures.

*S160
Constitution*

*S 53
Systems
Act*

Terms of reference must be prepared for:

- (a) the municipal council;
- (b) the Executive Mayor ;
- (c) each section 79 committee (committee appointed by council);
- (d) each section 80 committee (committee appointed by the Executive Mayor);
- (e) the Deputy-Mayor;
- (f) the Speaker; and
- (g) the Municipal Manager

All the above terms of reference must:

- (a) be in writing;
- (b) be in precise terms; and
- (c) give effect to council's internal documents, such as rules, procedures, delegations, standing orders, etc. This simply means that standing orders, delegations, rules etc must not contradict the terms of reference, but implement them.

S53(2)
Systems Act

The terms of reference may include delegations. Delegations can also be determined separately.

Delegations included in the terms of reference must comply with the system of delegations provided for in the Systems Act.

S59
Systems Act

1.1.1 Requirements and principles for terms of reference

The Systems Act contains two types of requirements. The first type is requirements and principles that apply to terms of reference in general, while the second type is elements that each terms of reference must include - its core components.

General requirements

Minimise cross-referrals

This requirement aims to ensure that the roles and responsibilities make efficient and timeous governance possible.

If an issue reaches a political structure or office-bearer, it must not be referred on endlessly. A decision must be taken somewhere and without too many steps in between.

Minimise overlap of responsibilities

The terms of reference should not allocate an area of responsibility that is already covered by another office-bearer or political structure. This is to prevent conflict.

Dispute resolution

The municipality must have a mechanism for resolving disputes involving

S(53)(5)
Systems Act

political structures, office-bearers or the Municipal Manager.

Interaction between councillors and staff members

The Systems Act requires procedures for interaction between councillors and staff members. Importantly, the Code of Conduct for councillors prohibits individual councillors from interfering with the administration and from giving instructions without a mandate from the council.

Core components of terms of reference

Terms of reference must at least include:

Definition of areas of responsibility

They must describe 'in precise terms' what the areas of responsibility are of a particular political office-bearer or structure. Importantly, this is not a delegation of responsibilities, but a description of areas of responsibility. It will, however, give rise to the need for particular delegations.

S(53)(5)
Systems Act

Lines of accountability and reporting

It must clearly spell out to whom a structure or office-bearer reports. Note that individual delegations also create a reporting duty on decisions taken in terms of the delegated power.

Relationship with other structures and office-bearers

The terms of reference must indicate how the relevant political structure or office-bearer interacts with other political structures or office-bearers. It must explain how interaction will take place, for example through monthly reports, regular meetings etc.

Interaction with the Municipal Manager

The terms of reference must determine how the political structure or office-bearer will interact with the Municipal Manager.

Interaction with officials other than the Municipal Manager

The terms of reference must determine how the political structure or office-bearer will interact with officials other than the Municipal Manager. For example, the terms of reference for the Finance Portfolio Committee could include a section on the interaction between the Chief Financial Officer and the Committee.

It is important to bear in mind that the Systems Act instructs the municipality to structure its administration in such a manner that it can hold the Municipal Manager accountable for the overall performance of the administration. This principle is important in determining interaction between political structures and officials other than the Municipal Manager.

2 Legal framework

The local government arena is largely regulated for through the following key pieces of legislation. Brief summaries of these pieces of legislation are provided below. The relevant sections of the legislation will be discussed in further detail in the text of the document.

2.1 Constitution

Chapter Seven of the Constitution deals with Local Government and embodies the core principles that inform the basis for developmental local government in South Africa. Section 152 of the Constitution sets out the overall objectives of local government.

152. (1) *The objects of local government are –*
- (a) *to provide democratic and accountable government for local communities;*
 - (b) *to ensure the provision of services to communities in a sustainable manner;*
 - (c) *to promote social and economic development;*
 - (d) *to promote a safe and healthy environment; and*
 - (e) *to encourage the involvement of communities and community organisations in the matter of local government*

2.2 Municipal Structures Act

The Local Government Municipal Structures Act 117 of 1998 (hereinafter referred to as the Structures Act) provides for the establishment of a new generation of municipalities and essentially lays the foundation for a new system of local government in South Africa.

Essentially, the Structures Act gives flesh to the categories of municipalities identified in the Constitution and goes on to define the different types of municipalities that can be established within each category.

The Structures Act also divides the powers and functions between the categories of municipalities and regulates matters connected with local government its systems and structures.

The Structures Act deals fairly extensively with the Municipal Council and provides for issues such as the election, removal from office of councillors, and the internal proceedings in and the dissolution of the Council.

2.3 Municipal Systems Act

The Municipal Systems Act 32 of 2000 (“the Systems Act”) defines the legal nature of the Municipality and provides for the manner in which municipal powers and functions are exercised and performed. In addition, the Systems Act provides the framework for local public administration.

2.4 Municipal Finance Management Act

The Municipal Finance Management Act 56 of 2003 (MFMA) is intended to ensure sound and sustainable financial management in municipalities and deepens the budgetary process in municipalities by making community involvement compulsory. The MFMA will be phased in from the 1st of July 2004.

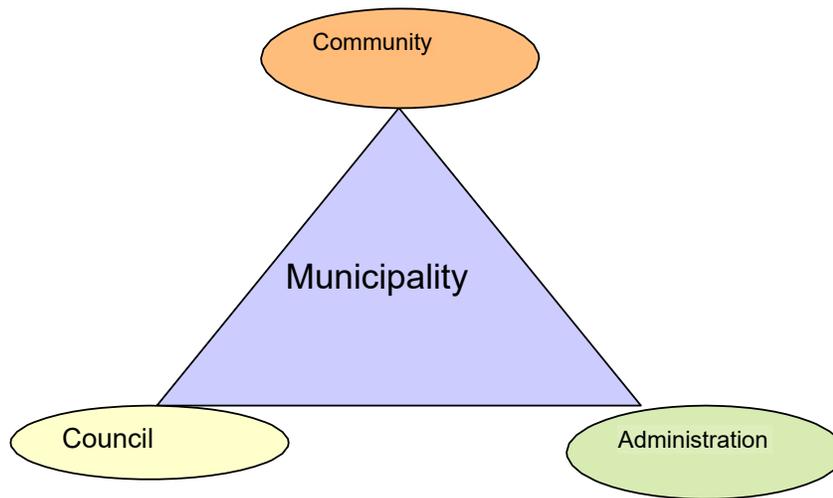
One of the most important objectives of the MFMA is that of developing sound financial governance within every municipality. This means developing a comprehensive system clarifying and separating the responsibilities of mayors, councillors and officials.

The MFMA read together with the Systems and the Structures Act provide clear guidance on the roles and responsibilities of councillors and officials.

3 Definition of the Municipality

3.1 What is the Municipality?

A distinction must be made between the Municipality and its municipal council.

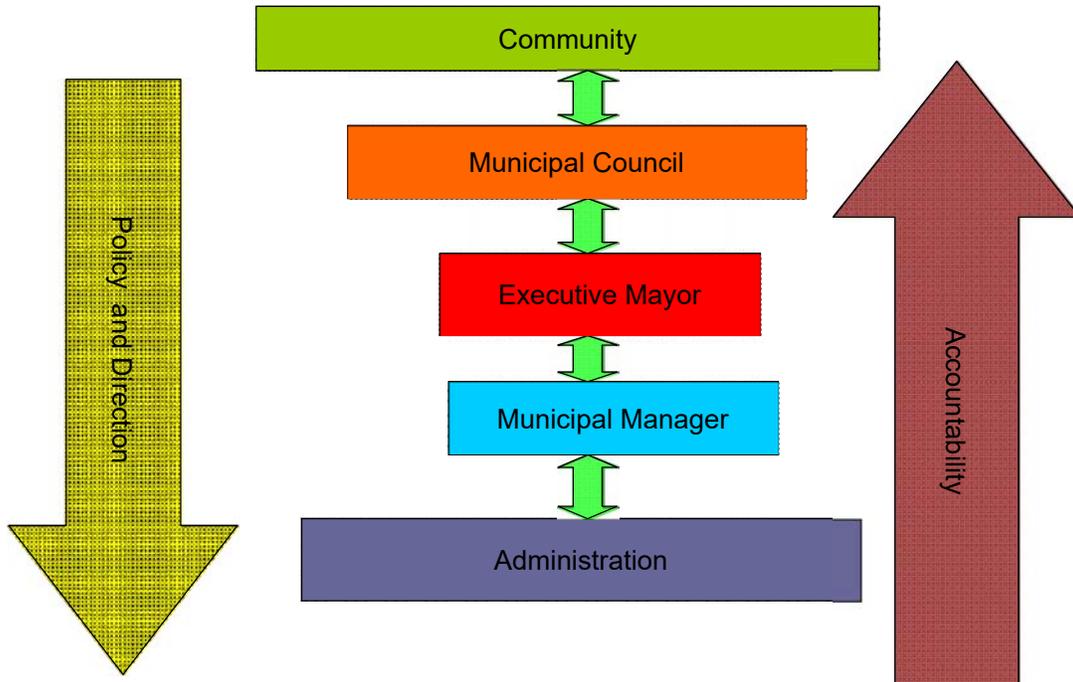


Municipalities are the core institutions within the sphere of local government. Municipalities are organs of state that consist of the political structures and administration of the municipality and the community within (residents inhabiting) the municipal area.

A municipal council is a body consisting of directly or directly and indirectly elected councillors/members. A municipal council is thus one of the political structures of the Municipality.

“Municipality” is therefore a much broader concept and a more inclusive collection of institutions or structures than a municipal council. The Municipality and its council are not synonymous with each other.

The aforementioned legislation establishes a separation of roles and responsibilities between the mayor and the council and the mayor and the Municipal Manager. The diagram below illustrates the governance and accountability relationships between the political and administrative structures within the Municipality.



3.2 Categories of municipalities

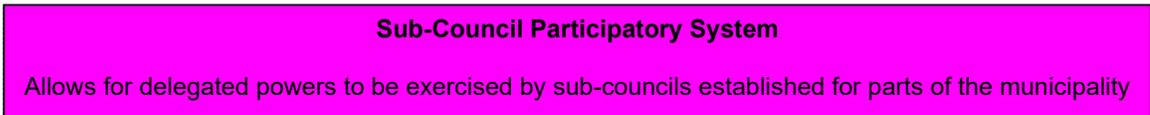
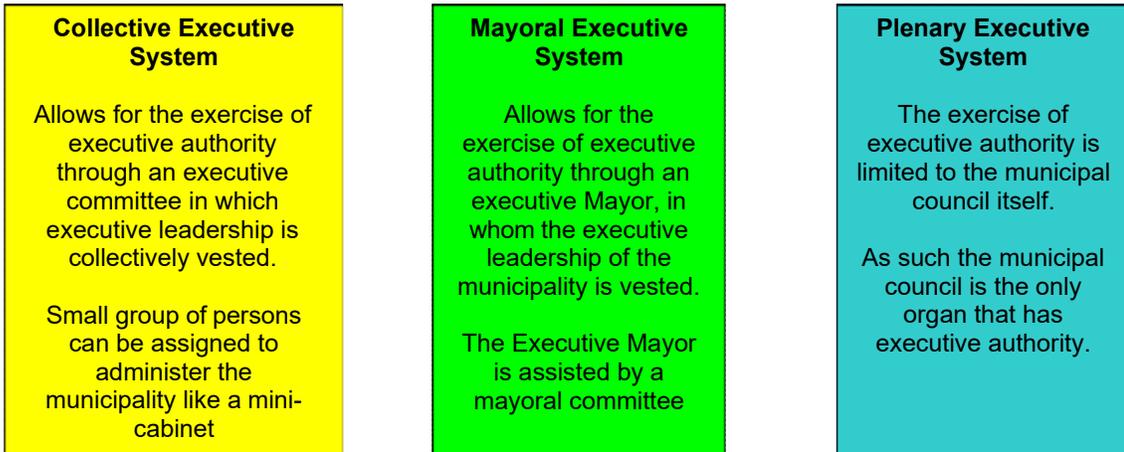
Section 156 of the Constitution establishes 3 distinct categories of municipalities and provides that national legislation must define the different types of municipalities that may be established within each category.



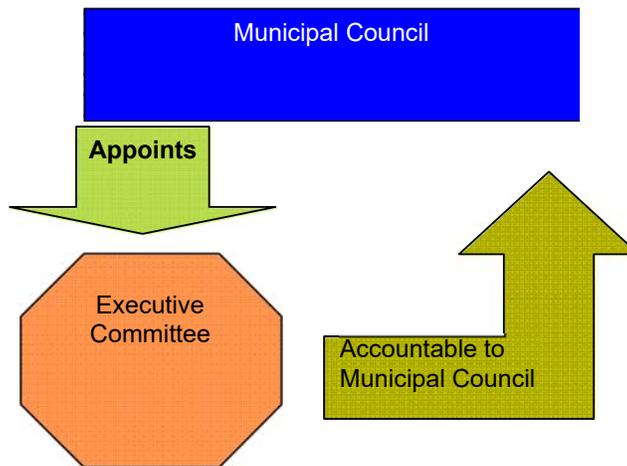
3.3 Types of municipalities

Types of municipality refer to the way in which the Municipality is governed and is determined by the MEC responsible for Local Government in the province.

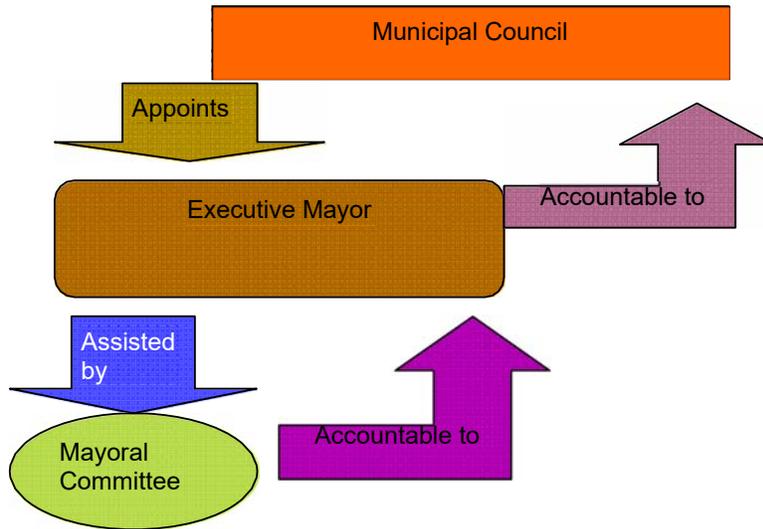
There are essentially 3 different types of municipalities and this is regulated for in section 7 of the Local Government: Municipal Systems Act. Depending on the category of municipality, these can be amplified by either a ward participatory system or a sub-council participatory system. District municipalities are restricted to the essential three types of municipalities.



3.3.1 Collective Executive System



3.3.2 Mayoral Executive System



3.3.3 Plenary Executive System



3.4 Role of the Municipality

The Municipality has the right to govern on its own initiative the local government affairs of its community. To govern means to exercise governmental authority. Governmental authority is the authority to make rules that apply in principle to everybody within the area of the body that made the rules and to enforce those rules. Governmental authority typically consists of three distinct powers, namely legislative, executive and judicial power.

The Municipality exercises its legislative authority by making and administering bylaws for the effective administration of the matters that it has a right to administer. The Municipality has the right to administer the local government matters listed in parts B of Schedules 4 and 5 to the Constitution and any other matter assigned to it by national or provincial legislation. The Municipality has executive authority (i.e. policy-and decision making powers) in respect of the same matters.

The Constitution vests the legislative and executive authority of the Municipality in its municipal council. Municipalities do not have pure judicial powers like the courts. A municipal council makes decisions concerning the exercise of all the powers and the performance of all the functions of the municipality.

Where a council has delegated decision-making power to another body or person, it may change the decisions of that delegated body, subject to any rights that may have accrued pursuant to a decision of the delegated body.

*S151 (2)
Constitution*

A municipal council's decision-making authority is limited to those matters that are expressly by law assigned to the municipality or the council itself and matters reasonably necessary for and incidental to those assigned matters. It cannot make decisions regarding matters that had by law been assigned to another body or person.

The Constitution obliges every municipality to strive, within its administrative and financial capacity to achieve the objects of local government. The objects of local government represent the core functions of the Municipality and the reasons why municipalities exist. Those objects are as follows:

- To provide democratic and accountable government for local communities;
- To ensure sustainable provision of services to communities;
- To promote social and economic development ;
- To promote a safe and healthy environment; and
- To encourage communities and their organizations to become involved in local government matters.

*S151
Constitution*

Municipalities are further required to structure and manage their administrations, budgeting and planning processes in such a manner that they-

- Prioritise the basic needs of the community;
- Promote social and economic development and
- Participate in national and provincial development programmes.

*S 153
Constitution*

The Municipality must further, within its administrative and financial capacity, establish an administration. The administration that it establishes must comply with certain principles and contribute to the realization of specified objectives.

*S 51
Systems Act*

In relation to the imposition of taxes and service charges the Municipality must, within its administrative and financial capacity-

- establish a sound customer management system that aims to create a positive and reciprocal relationship between persons liable for these payments and the municipality, and where applicable, a service provider;
- establish mechanisms for users of services and ratepayers to give feedback to the municipality or other service provider regarding the

*S 95
Systems Act*

quality of the services and the performance of the service provider;

- take reasonable steps to ensure that users of services are informed of the costs involved in service provision, the reasons for the payment of service fees, and the manner in which monies raised from the service are utilised;
- where the consumption of services has to be measured, take reasonable steps to ensure that the consumption by individual users of services is measured through accurate and verifiable metering systems;
- ensure that persons liable for payments, receive regular and accurate accounts that indicate the basis for calculating the amounts due;
- provide accessible mechanisms for those persons to query or verify accounts and metered consumption, and appeal procedures which allow such persons to receive prompt redress for inaccurate accounts;
- provide accessible mechanisms for dealing with complaints from such persons, together with prompt replies and corrective action by the municipality;
- provide mechanisms to monitor the response time and efficiency in complying with paragraph (g); and
- provide accessible pay points and other mechanisms for settling accounts or for making pre-payments for services.

3.5 Role of the municipal administration

The following values and principles govern the municipal administration:

- A high standard of professional ethics.
- Efficient, economic and effective use of resources.
- A development-orientation.
- Impartial, fair, equitable and unbiased services provision.
- Responsiveness.

*S 195(1)
Constitution*

- Public participation in policy-making.
- Accountability.
- Transparency by providing the public with timely, accessible and accurate information.
- Good human-resource management and career-development practices to maximise human potential.
- Representivity, with employment and personnel management practices based on ability, objectivity, fairness and the need to redress the imbalances of the past to achieve broad representation.

Legislation requires of the administration to-

- be responsive to the needs of the local community;
- facilitate a culture of public service and accountability amongst staff;
- take measures to prevent corruption;
- establish clear relationships, and facilitate co-operation and communication, between it and the local community;
- give members of the local community full and accurate information about the level and standard of municipal services they are entitled to receive; and
- inform the local community how the municipality is managed, of the costs involved and the persons in charge.

*S 6(2)
Systems Act*

The Municipality's administration must enable it to -

- respond to the needs of the community;
- facilitate a culture of public service and accountability amongst staff;
- be performance orientated;

*S 51 Systems
Act*

- focus on the objects and developmental duties of local government set out the Constitution;
- align the roles and responsibilities of its political structures, political office-bearers, managers and other employees with the priorities and objectives set out in the municipality's integrated development plan;
- establish clear relationships, and facilitate co-operation, co-ordination and communication, between its political structures and political office-bearers and its administration and between its political structures, political office-bearers and administration and the community;
- organise its political structures, political office-bearers and administration in a flexible way in order to respond to changing priorities and circumstances;
- perform its functions through operationally effective and appropriate administrative units and mechanisms including departments and other functional units and when necessary, on a decentralised basis;
- assign clear responsibilities for the management and co-ordination of administrative units and mechanisms;
- hold the Municipal Manager accountable for the overall performance of the administration;
- maximise efficiency of communication and decision-making within the administration;
- delegate responsibility to the most effective level within the administration;
- involve staff in management decisions as far as is practicable; and
- provide an equitable, fair, open and non-discriminatory working environment.

Based on the above, the role of the Municipality's administration may be described as follows:

- Implements the lawful policies, resolutions and bylaws of the municipal council and the policies and laws of other spheres of government.
- Advises the council and its structures.

- Makes administrative/operational policies.
- Manages, operates and maintains the provision of services in a sustainable and equitable manner.
- Administers the affairs of the municipality.
- Manages the municipality's resources.

4 Municipal Council

4.1 Executive Obligations

A municipal council must, within the municipality's financial and administrative capacity and having regard for practical considerations,

S 4(2) of the Systems Act

- exercise the municipality's executive and legislative authority and use the resources of the municipality in the best interests of the community;
- provide, without favour or prejudice, democratic and accountable government;
- encourage the involvement of the community;
- strive to ensure that municipal services are provided to the community in a financially and environmentally sustainable manner;
- consult the community about the level, quality, range and impact of municipal services and the available options for service delivery;
- give members of the community equitable access to the municipal services to which they are entitled;
- promote and undertake development in the municipality;
- promote gender equity in the exercise of the municipality's executive and legislative authority;

- promote a safe and healthy environment in the municipality; and
- contribute, together with other organs of state, to the progressive realisation of the fundamental rights contained in sections 24, 25, 26, 27 and 29 of the Constitution.

The following additional executive obligations are imposed on every municipal council.

*S 19(2)
Structures Act*

A council must annually review-

- The needs of the community
- Its priorities to meet those needs
- Its processes for involving the community
- Its organisational and delivery mechanisms for meetings those needs
- Its overall performance in achieving the objects of local government set out in the Constitution.

The following financial executive obligations are imposed on every municipal council:	
<ul style="list-style-type: none"> • Approval of the budget of the municipality 	<i>S 16 MFMA</i>
<ul style="list-style-type: none"> • Oversight over tabling of annual budget, approval of service delivery and budget implementation plans or the signing of annual performance agreements 	<i>S 53(2) MFMA</i>
<ul style="list-style-type: none"> • Adopt and annually review Supply Chain Management Policy 	<i>Chapter 11 MFMA</i>

4.2 Community Participation and Processes

A municipal council is further required to develop mechanisms to consult the community and community organisations in exercising and performing its powers and functions. The consultation requirements of the Structures Act are further elaborated in ss. 16 and 17 of the Systems Act. Section 16 of the latter Act requires the Municipality to make appropriate systemic arrangements for ensuring participation. For this purpose every municipality must encourage and create conditions for community participation in at least-

- the integrated development planning process ,

- the establishment, implementation and review of its performance management system, the monitoring and review of its performance,
- the preparation of the budget and
- strategic decisions regarding the provision of services.

Citizen participation in local government affairs must take place through the ward committees provided for in the Structures Act, the mechanisms and procedures provided for in the Systems Act, mechanisms and procedures established by the municipal council and through councillors. The mechanisms and procedures established by a council must at least provide for the receipt, processing and consideration of complaints and petitions, notification and public comment procedures, public meetings and public hearings and reporting back to the community.

S 17 Systems Act

4.3 Core Functions

In order for the Municipality to comply with these obligations, the core functions of a municipal council may be listed as follows. A municipal council must-

- Make policies and bylaws that are informed by, and seek to satisfy, community needs with regard to the matters that it has the right to administer. *S 156 of the Constitution*
- Ensure implementation of national, provincial and local legislation and policies by supplying appropriate resources and authority to the administration. *Ss 3, 4 Systems Act*
- Establish suitable control and reporting systems and procedures for monitoring and evaluating policy implementation in order to give account to the community with regard thereto. *S 51 Systems Act*
- Ensure that the municipality meets its executive obligations, discharges its developmental duties and realises the constitutional objects of local government as elaborated in legislation. *S 19 Structures Act*
- Enforce the codes of conduct for employees and councillors. *S 67 Systems Act*
- Cooperate with other spheres of government, organs of state within those spheres and municipalities. *S 41 of the Constitution*
- Build and promote good relations with the private sector, non-governmental and community organizations and other local organisations. *Ch 4 Systems Act*

- Act as employer, in particular appoint the Municipal Manager and

Managers

directly accountable to the Municipal Manager

*S 54A, 56
Systems Act*

- Approve the budget of the municipality

S 16 MFMA

The MFMA recognises the municipal council as the highest authority in the municipality and strengthens the powers of the council by vesting it with significant powers of approval and oversight.

A council delegates its executive authority to the Executive Mayor of committee, but does not delegate its legislative powers. The council retains the powers to approve policy and budgets and to exercise oversight over the mayor in the implementation of policy, budgets and by-laws.

5 Speaker of Council

The Structures Act defines the Speaker as a councillor elected in terms of section 36 of the Act to be the chairperson of a municipal council as envisaged in section 160 (1)(b) of the Constitution.

The Speaker's role in the Municipality will mostly depend on the internal arrangements made by the municipality itself. The formulation of the terms of reference for the Speaker in terms of section 53 of the Systems Act will be a critical process.

The Speaker's role in the Municipality is key to ensuring oversight, accountability, integrity, discipline of office, and the efficient running of council meetings. As such, impartiality in the exercise of his or her function is essential for the Speaker. The Speaker must distinguish between his or her activities as a politician and his or her functions as a Speaker. It also means that the function of the Speaker and the non-partisan exercise of that function must be respected by members, parties and interests represented in the council.

The key principles underlying the role of the Speaker are:

- (a) chair of council meetings;
- (b) implementation of the Code of Conduct; and
- (c) exercise of delegated functions including -
 - i. facilitating public participation in legislative matters;
 - ii. establishment and functioning of ward committees; and
 - iii. support to councillors.
- (d) All other functions as prescribed in the Structures Act.

5.1 General principles regarding the functions of the Speaker

5.1.1 Legislative process

The overall principle in the determination of the function of the Speaker is that the Speaker is in charge of the legislative arm of the municipal council.

This means that he or she must guard the integrity of the legislative process. Further, the Speaker must protect the 'checks and balances' between the legislature and the executive, in other words, the 'oversight' that the council must exercise over the actions of the executive.

5.1.2 Integrity, privileges and interests of the council and councillors

The Speaker is the guardian of the integrity of the council and the guardian of members' privileges and interests as council members. The privileges and interests of councillors include freedom of speech and immunity in the council as well as the use of council facilities, receipt of allowances, training and support, etc. Importantly, this role, combined with the Speaker's role in

terms of the Code of Conduct (Schedule 1 to the Systems Act), requires the Speaker to guard against the abuse of councillors' privileges and interests.

5.1.3 Independence of the Speaker

The Speaker must demonstrate impartiality. The type of functions that the Speaker must exercise requires him or her to be recognised by all parties and interest groups in the council as the legitimate guardian of the integrity of the council and of council members.

An important implication of this is that the Speaker is accountable to the council. The Speaker is not elevated above the council. He or she must exercise his or her duties within the rules determined by the council. The Speaker is not accountable to the executive of the municipality, since the Speaker must protect the council's constitutional control of the executive.

This means that the Speaker must be able to perform his or her function independently from the executive arm of the council. It is clear in that a mayor cannot be a Speaker at the same time (except for municipalities of a 'plenary type'). This is necessary to clearly distinguish between the executive and the legislative arms of the municipal council. Accordingly, it should follow that a councillor elected as Speaker does not sit on executive committee or mayoral committee

S 36(5)
Structures Act

5.2 Functions of Speakers

The functions of Speakers are set out in section 37 of the Structures Act

5.2.1 Conducting council meetings

FUNCTIONS OF SPEAKERS

37. The speaker of a municipal council-

- (a) presides at meetings of the council;
- (b) performs the duties and exercises the powers delegated to the Speaker in terms of section 59 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);
- (c) must ensure that the council meets at least quarterly;
- (d) must maintain order during meetings;
- (e) must ensure compliance in the council and council committees with the Code of Conduct set out in Schedule 1 to the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);
- (f) and must ensure that council meetings are conducted in accordance with the rules and orders of the council.
- (g) Must ensure that the legislative authority of the municipality functions effectively;
- (h) Is responsible for the effective oversight over the executive authority of the municipality;
- (i) Must ensure the effectiveness of the committees of the municipal council established in terms of section 79
- (j) Is responsible for the ethics and accountability of the municipal council; and
- (k) Must ensure the effectiveness and functionality of ward committees and the public participation processes

Local Government Municipal Structures Act 117 of 1998 as amended

The Speaker has the following duties:

- (a) preside at council meetings;
- (b) ensure council meets at least quarterly;
- (c) maintain order during council meetings;
- (d) ensure that council meetings are conducted in accordance with the rules and orders of the council; and

S 37
Structures Act

- (e) ensure compliance in the council and its committees with the Code of Conduct.

It is clear that the Speaker's main function relates to council meetings. He or she calls the meeting, presides, ensures order and compliance with council's rules of order.

The Speaker's responsibilities in council meetings include:

- Preside at meetings of Council;
- Maintain order during Council meetings;
- Ensure that Council meetings are conducted in accordance with Rules of Order of Council;
- Ensure that councillors get adequate notice of meetings;
- Ensure implementation of procedure with regard to quorums and compliance with section 30 of the Municipal Structures Act;
- Allocate speaking time to members in accordance with the Council's policy;
- Implement voting procedure in accordance with Rules of Order and subject to the Municipal Structures Act;
- Ensure that councillors freedom of speech is protected;
- Ensure that councillors freedom of speech is exercised subject to council's Rules of Order;
- Ensure and facilitate the admission of public to council meetings;
- Grant leave of absence to councillors in accordance with council's Rules of Orders;
- Guard against the abuse of councillor's privileges and interest and;
- Maintain an attendance register.

Calling a meeting

The Speaker calls council meetings and decides on their time and venue.

However, if a majority of the councillors request a meeting, the Speaker must convene a meeting accordingly. The Speaker must ensure that members are given adequate notice of meetings in terms of the rules of order.

S 29(1)
Structures Act

Policy formulation: Rules of Order

The Speaker should take the initiative in the policy formulation around the rules of order. The Speaker should chair the committee that deals with rules of order. The ultimate decision-maker on the rules of order is the council.

Freedom of speech

Debating the merits or demerits of an issue before council lies at the heart of local democracy. Free and open debate is protected in the Constitution. The Structures Act provides for the freedom of speech in a municipal council, subject to the rules and order of council (s 28).

The role of the Speaker is to ensure that:

1. councillors' 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.;
2. councillors' freedom of speech is exercised subject to council's rules of order, i.e. no insults, defamation, compliance with rules of debate management, etc.

Agenda

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 council members prior to the meeting. Items for the agenda come from various 'corners' of the municipality, e.g. council's executive, the administration, portfolio committees, etc. Council's rules of order must provide for a procedure that must be followed in preparing the agenda. The principle that is suggested here is that this should be a consultative process, including at least the (executive) mayor, the Municipal Manager and the Speaker.

Procedures

The Speaker must ensure the implementation of the provisions in the Structures Act dealing with council meetings, such as section 30 which deals with quorums and decisions. Section 30 also contains procedural requirements around certain decisions that require a prior report and recommendation from the executive committee or Executive Mayor. The Speaker must see to it that these provisions are adhered to.

Debate management

The Speaker's responsibility to ensure members' freedom of speech, subject to council's rules of order, implies that the Speaker is in charge of allocating speaking time to members in terms of the council's policy on that issue. The Speaker must also implement section 81(3) of the Structures Act, which affords the participating traditional authorities an opportunity to address the council in particular circumstances.

Voting

The Speaker must implement the voting procedures as determined by the council in its rules of order, subject to the Structures Act (quorum, abstentions, voting by division, declaration of the result, etc.). If council cannot take a decision on any matter, the councillor presiding, which would normally be the Speaker, can cast an extra vote to decide the matter (s 30(4) of the Structures Act).

Admission of public

The Speaker must facilitate the implementation of legislation in as far as it deals with the public's admission to council meetings. The council decides whether or not to close a meeting but the Speaker must be able to advise council and facilitate the decision making around the issue. The Speaker must ensure that members of the public are seated in designated areas and should have the authority to remove any person who refuses to comply with the Speaker's ruling.

S 20(1) & (2)
Systems Act

Granting of leave of absence

The Code of Conduct for councillors provides that councillors can be granted leave of absence in terms of applicable national or provincial legislation or the council's rules of order

Item 3(a)

The Speaker must maintain an attendance register in order to implement the Code of Conduct. This provides for the removal of a councillor after a third consecutive absence from a council meeting without having obtained leave of absence.

Item 4(2)

5.3 Legislative process**5.3.1 Legality and constitutionality**

Part of the Speaker's responsibility in respect of the legislative process is to ensure that by-laws that are tabled comply with the Constitution, the Structures Act, the Systems Act and other applicable national and provincial legislation.

This includes questions such as:

- (a) Does the municipality have the competency to legislate on the matter?
- (b) Is there national or provincial legislation on the matter?
- (c) If yes, does the proposed by-law conflict with that legislation?
- (d) Does the proposed by-law conflict with the Bill of Rights or other parts of the Constitution?

5.3.2 Procedures

The Speaker must ensure that the procedural requirements that apply specifically to the adoption of by-laws have been adhered to. Examples are:

- publication for comment of the by-law;
- public consultation around the by-law;
- reasonable notice to councillors; and
- affording traditional leaders an opportunity to address the council.

The Speaker's role around the constitutionality/legality and procedures implies he or she should be equipped to assess the legalities of proposed by-laws by having access to a legal adviser or the municipality's legal office. In practice, and at the very least, a report in support of a particular by-law must specifically address the procedural matters listed above.

5.4 Code of Conduct

The Speaker plays a pivotal role in the implementation of the Code of Conduct for councillors.

This role is determined by the statutory duties, assigned to the Speaker in the Code of Conduct, as well as the traditional role of Speakers as guardians of the integrity of the legislatures.

Item 13.

The Speaker must ensure that every councillor receives a copy of the Code and that the Code is available wherever the council meets.

Item 13(4)

5.4.1 Policy formulation

The Speaker should drive the formulation of policy to implement the Code of Conduct. The Code of Conduct calls for policy on a number of issues, including:

- a standing procedure for the imposition of a fine or removal of a councillor as a sanction for non-attendance of meetings
- procedures and policy for the granting of leave of absence and
- instances where council must decide on permission or consent to be granted to councillors, e.g. consent for outside work by full-time councillors
- permission to disclose information.

Item 4(3)

Item 3(a)

Item 8

Item 10(1)

Most of these could be dealt with in rules of order. The Speaker's role as protector of council's integrity means that he or she should chair the committee that deals with ethics, member's interests, etc.

If the Speaker has a reasonable suspicion that the Code has been breached, he or she must -

- authorise an investigation into the facts;
- give the councillor an opportunity to respond;

- report to a council meeting; and
- report to the MEC.

The Speaker is not the only person who can enforce the Code of Conduct. The council can also launch an investigation and in extreme circumstances, the MEC for local government can initiate an investigation

Item 14(1)(a)

Item 14(4)

5.4.2 Sanctions

Ultimately, the Code of Conduct vests the authority to impose a sanction for breach of the Code of Conduct in the municipal council

Item 14(2)

or, alternatively, the MEC for Local Government.

Item 14(6)

5.4.3 Councillors' accountability towards the community

The preamble of the Code of Conduct widens the ambit of the Code of Conduct by emphasising the accountability of councillors towards the community. It states that councillors must report back at least quarterly to constituencies on the performance of the municipality. The Speaker also plays a role in monitoring the degree to which councillors' are open and accountable towards the community.

5.4.4 Complaints against councillors

Municipalities are obliged by the Systems Act to have complaints procedures in place

S17(2)(a)
Systems Act

It is suggested that the Speaker should deal with complaints lodged against councillors by members of the community. He or she could either chair a complaints committee of councillors or in small councils, deal with the complaint.

Item 14(i)(b)

5.4.5 Compliance in council's committees

The Structures Act states that the Speaker must ensure compliance in the council and council committees of the Code of Conduct. This means that the Speaker must have a system of communication with the chairpersons of all council committees, including portfolio committees, the mayoral committee (in municipalities with an Executive Mayor), the executive committee (in municipalities with an executive committee) and ad hoc committees on Code of Conduct issues. These chairpersons should inform the Speaker of issues related to the Code of Conduct. An example is the attendance by councillors of committee meetings. The same rule as with council meetings applies to the attendance of committee meetings.

5.4.6 Application to traditional leaders

The Code of Conduct applies to a certain degree to traditional leaders that participate in the council in terms of section 81 of the Structures Act.

Item 15

Ultimately, their right to participate can be suspended or cancelled upon breach of the Code.

5.4.7 Support and assistance to councillors

The integrity of council and councillors relates to their freedom of speech in the council. But it also deals with ensuring that councillors are enabled and assisted in their responsibilities as public representatives. This may entail dedicated administrative support to councillors to assist them in the exercise of their duties.

5.4.8 Allowances and use of council facilities

The Code of Conduct prohibits councillors from using their privileges for private gain or to improperly benefit another person

Item 6(1)

The Speaker

must implement and enforce this Code of Conduct. Therefore, it is suggested that the Speaker's office at least be involved in the setting of policy on council facilities and the monitoring of councillor's use of their privileges.

if the council decides to go that route.

5.5 Additional roles of Speakers

5.5.1 Ceremonial functions

Council can decide that the Speaker should fulfil certain ceremonial functions. This would depend on the circumstances within the municipality, in particular whether or not the municipality has a Deputy Mayor.

5.5.2 Ward committees

The Speaker is tasked with overseeing the establishment and functioning of ward committees. In that scenario, the Speaker would, for example:

- oversee the election of ward committee members;
- ensure that ward committees meet regularly;
- ensure that ward committees function in general;
- ensure that ward councillors report back to the council on their ward committee meetings; and
- co-ordinate the assignment of PR councillors to ward committees

S (1) Access to Information Act

5.6 Line of Authority

The Speaker reports to the Council.

5.7 Interaction with Municipal Manager

The Speaker interacts directly with the Municipal Manager.

5.8 Interaction with staff members

The Speaker interacts with staff members in consultation with the Municipal Manager.

5.9 Dispute resolution

In the event of a dispute between the Speaker and any other political structure, or the Municipal Manager, the dispute must be referred to Council.

- (a) and evaluate those needs in order of priority;
- (b) recommend to the municipal council strategies, programmes and services to address priority needs through the integrated development plan and estimates of revenue and expenditure, taking into account any applicable national and provincial development plans; and
- (c) recommend or determine the best methods, including partnership and other approaches, to deliver those strategies, programmes and services to the maximum benefit of the community.

In the event of a dispute between the Executive Committee and any other political structure, or the Municipal Manager, the dispute must be referred to Council.

6 Deputy Mayors

Deputy Mayors are provided for in section 48 of the Structures Act.

In the collective executive system, Deputy Mayors are appointed by council only if the MEC for local government in the province approves that a Deputy Mayor be appointed. The Deputy Mayor is a member of the executive committee of the municipal council and is elected when the executive committee is elected.

The Deputy Mayor exercises the powers and performs the duties of the Mayor if the Mayor is absent or not available or if the office of the mayor is vacant. The Mayor may delegate duties to the Deputy Mayor.

6.1 Line of Authority

The Deputy Mayor reports to the Council.

6.2 Interaction with the Municipal Manager

The Deputy Mayor interacts directly with the Municipal Manager.

6.3 Interaction with staff members

The Deputy Mayor interacts with staff members in consultation with the Municipal Manager.

6.4 Dispute resolution

In the event of a dispute between the Deputy Mayor and the Speaker or the Municipal Manager, such dispute shall be referred to Council.

7 Executive Mayors

The Structures Act defines an Executive Mayor as an Executive Mayor elected in terms of section 55 of the Act.

Only municipalities of the type that have a mayoral executive system may have an Executive Mayor. A Mayoral executive system is a system of municipal government which allows for the exercise of executive authority through an Executive Mayor in whom the executive leadership of the municipality is vested and who is assisted by a mayoral committee.

The powers and functions of the Executive Mayor are set out in section 56 of the Structures Act. The Executive Mayor is the political head of the Municipality and exercises both statutory and ceremonial functions. These functions are illustrated below.

56 Functions and powers of Executive Mayors

(1) An Executive Mayor is entitled to receive reports from committees of the municipal council and to forward these reports together with a recommendation to the council when the matter cannot be disposed of by the Executive Mayor in terms of the Executive Mayor's delegated powers.

(2) The Executive Mayor must-

- (a) identify the needs of the municipality;
- (b) review and evaluate those needs in order of priority;
- (c) recommend to the municipal council strategies, programmes and services to address priority needs through the integrated development plan, and the estimates of revenue and expenditure, taking into account any applicable national and provincial development plans; and
- (d) recommend or determine the best way, including partnership and other approaches, to deliver those strategies, programmes and services to the maximum benefit of the community.

(3) The Executive Mayor in performing the duties of office, must-

- (a) identify and develop criteria in terms of which progress in the implementation of the strategies, programmes and services referred to in subsection (2) (c) can be evaluated, including key performance indicators which are specific to the municipality and common to local government in general;
- (b) evaluate progress against the key performance indicators;
- (c) review the performance of the municipality in order to improve-
 - (i) the economy, efficiency and effectiveness of the municipality;
 - (ii) the efficiency of credit control and revenue and debt collection services; and
 - (iii) the implementation of the municipality's by-laws;
- (d) monitor the management of the municipality's administration in accordance with the directions of the municipal council;
- (e) oversee the provision of services to communities in the municipality in a sustainable manner;
- (f) perform such duties and exercise such powers as the council may delegate to the Executive Mayor in terms of section 59 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);
- (g) annually report on the involvement of communities and community organisations in the affairs of the municipality; and
- (h) ensure that regard is given to public views and report on the effect of consultation on the decisions of the council.

7.1 Statutory functions

1. To identify the needs of the municipality.
2. To review and evaluate those needs in order of priority.
3. To recommend strategies, programmes and services to address priority needs through the IDP and the estimate of revenue and expenditure taking into account national and provincial plans.
4. To recommend or determine the best way to deliver strategies, programmes and services to the maximum benefit of the community.
5. To identify and develop criteria to evaluate strategies programmes and services mentioned in 3 above and to develop key performance indicators.
6. To evaluate progress against the key performance indicators.
7. Review the performance of the municipality in order to improve
 - 7.1 the economic, efficiency and effectiveness of the municipality,
 - 7.2 efficiency of credit control and revenue and debt collection services, and
 - 7.3 implementation of the municipality by-laws.
8. To monitor the management of the municipality's administration.
9. To oversee the provision of services to the community in a sustainable manner.
10. To ensure community involvement in municipal matters by report on the following:
 - 10.1 Annually reports on the involvement of community and community organizations in municipal affairs,
 - 10.2 Ensure that regard is give to public views and report on the effect of consultation on the decision of Council.
11. To handle appeals on matter decided by the Municipal Manager.

7.2 Mayoral Committee

Section 60 of the Structures Act provides that the Executive Mayor must appoint a mayoral committee amongst the councillors if Council consist of more than nine members.

In respect of the Mayoral Committee, the Executive Mayor has the following responsibilities:

1. Chair the meeting of the Mayoral Committee.
2. Oversee the preparation of the Mayoral Committee Agenda.
3. May delegate specific responsibilities or powers to members of the Mayoral Committee.
4. May dismiss a member of the Mayoral Committee.
5. Ensure compliance with the Law including the rules of order, during Mayoral Committee meeting.
6. Ensure that members of the Public are allowed in Mayoral Committees meetings.

7.3 Finance

Section 52 – 59 of the Municipal Finance Management Act (MFMA) spells out the responsibilities of Mayors regarding the financial and fiscal affairs of the Municipality. The powers and duties assigned to the Executive Mayor in the MFMA, may be delegated by the Executive Mayor to another member of the municipality's mayoral committee.

The responsibilities of the Executive Mayor are as follows

- | | | |
|----|---|--|
| 1. | Provide guidance over the fiscal and financial affairs of the municipality. | <i>S 52 (a)
MFMA</i> |
| 2. | To oversee the preparation of the Annual Budget. | <i>S 52
MFMA</i> |
| 3. | Provide political guidance over the budget process and the priorities that must guide the budget. | <i>S 53(1)(a)
MFMA</i> |
| 4. | Monitor and oversee the chief financial officer and the Municipal Manager in the exercising of their responsibilities in terms of the Municipal Finance Management Act as provided for in the Act. | <i>S 52 (b)
MFMA</i> |
| 5. | Ensure that the municipality performs its statutory functions in the limits of the approved budget. | <i>S 52 (c)
MFMA</i> |
| 6. | Submit quarterly reports to Council on the implementation of the budget and the financial status of the municipality. | <i>S 52(d)
MFMA</i> |
| 7. | To coordinate the annual revision of the IDP and preparation of the annual budget. | <i>S 53 (1)(b)
MFMA</i> |
| 8. | To take reasonable steps to ensure that: <ul style="list-style-type: none"> a. municipality approves its annual budget before the start of the financial year, b. that the budget and services delivery implementation plan is finalized within 28 days after the approval of the budget, c. performance agreements are in line with legislation and are | li
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asurable performance objectives.

*S 53 (1)(c)
MFMA*

- | | | |
|-----|---|--------------------|
| 9. | Allow the public access to the service delivery and budget implementation plans of the municipality, by making it available no later than 14 days after the approval of these plans | S 53(3)(a)
MFMA |
| 10. | Table the draft budget before the Council. | S 21
MFMA |
| 11. | Ensure that the reports to the council will adequately facilitate the council's oversight functions. | S 54
MFMA |

7.4 Identification of financial problems

- | | | |
|----|--|-----------------|
| 1. | To receive monthly budget report submitted by the Municipal Manager and to: <ol style="list-style-type: none"> a. consider them, b. check whether budget is implemented in accordance with budget and service delivery agreement, c. give instruction to the Municipal Manager to ensure that budget is implemented in terms of the budget implementation plan and service delivery plan and that spending of funds and revenue collection proceed in accordance with the budget. | S 54 MFMA |
| 2. | Initiate any remedial or corrective action when the municipality face financial problems. | S 54(2)
MFMA |
| 3. | Table adjustment budgets. | S 54(2)
MFMA |
| 4. | Alert the MEC for local government in the province of any financial problems. | S 54(2)
MFMA |
| 5. | May recommend appropriate provincial intervention to the MEC if the municipality cannot approve an annual budget or face serious financial problems. | S 55
MFMA |

7.5 Political head

As the political head of the municipality, the Executive Mayor has the following responsibilities:

1. To promote the council's image.
2. To promote and defend the constitutional status of the municipality.
3. To uphold the principles of cooperate governance.
4. To ensure that the Mayoral committee performs its functions properly.
5. To lead and promote social and economic development.
6. To promote inter-governmental and inter-institutional relations.
7. To ensure in consultation with the Municipal Manager that a proper committee service responsible for agendas and minutes is in place for the Mayoral committee.
8. To take responsibility for the quality and speed of decision – making.
9. To be available on a regular basis to interview the public and visitors to the Municipal offices and to interact with prominent business people.

7.6 Ceremonial Functions

In addition to the statutory functions the Executive Mayor must also perform a ceremonial role as determined by the municipal council.

This role includes:

1. Opening project, civic functions and events and new buildings,
2. Hosting and welcoming dignitaries,
3. Advocating council policy,
4. Represent the council during disasters,
5. Leading campaigns initiated by the council or other spheres of government,
6. Acting as patron of Local organizations,
7. Receive petitions on behalf of the Council when requested to do so by petitioners, and
8. Preside at Public Meeting and Hearings.

7.7 Other functions

Approves leave for the Municipal Manager.

7.8 Line of Authority

The Executive Mayor reports to the council.

7.9 Interaction with the Municipal Manager

The Executive Mayor will interact directly with the Municipal Manager.

7.10 Interaction with staff members

The Executive Mayor interacts with staff members in consultation with the Municipal Manager.

7.11 Dispute resolution

In the event of a dispute between the Executive Mayor and the Speaker or the Municipal Manager, such dispute shall be referred to Council.

8 Whip of Council

The Office of the Whip of Council has been introduced by the Notice on the Upper Limits on Councillor Remuneration in 2006. The Whip of Council is not an Office Bearer in terms of the Systems Act, so the Council is not legally obliged to adopt a terms of reference for the Whip. It is, however, advisable to commit to a clear definition of the role of the Whip in relation to that of the Speaker.

8.1 Statutory functions of the Whip of Council

There are no statutory functions for the Whip of Council

8.2 Other functions of the Whip of Council

The Council may delegate the following functions to the Whip –

- Political management of council meetings and committee meetings
- Inform councillors of meetings called by the Speaker and the Mayor and ensuring that such meetings quorate
- Advises the Speaker and Mayor on the Council agenda
- Informs councillors on important matters on the relevant agenda
- Advise the Speaker on the amount of time to be allocated to Speakers and the order of such Speakers addressing the Council
- Ensures that councillors' motions are prepared and timeously tabled in terms of the procedural rules of Council
- Assisting the Speaker in the counting of votes
- Advising the Speaker and the Mayor of urgent motions
- Advising the Speaker and Mayor on how to deal with important items not disposed of at a Council meeting

8.3 Line of Authority

The Whip is accountable to the Council.

8.4 Interaction with the Municipal Manager

The Whip will interact directly with the Municipal Manager.

8.5 Interaction with staff members

The Whip interacts with staff members in consultation with the Municipal Manager.

8.6 Dispute resolution

In the event of a dispute between the Whip, Executive Mayor and the Speaker or the Municipal Manager, such dispute shall be referred to Council.

9 Mayoral Committees

Mayoral Committees are provided for in section 60 of the Structures Act. Mayoral Committees only exist in municipalities that have a mayoral executive system and an Executive Mayor.

A Mayoral executive system is a system of municipal government which allows for the exercise of executive authority through an Executive Mayor in whom the executive leadership of the municipality is vested and who is assisted by a mayoral committee.

If a municipal council in the Municipality having a mayoral executive system and an Executive Mayor, has more than 9 members, the Executive Mayor must appoint a mayoral committees from amongst the councillors.

The role of the mayoral committee is to assist and advise the Executive Mayor. The Executive Mayor together with the Mayoral Committee performs those powers and functions that have been designated to the Executive Mayor by the municipal Council.

The Mayoral Committee is empowered to do the following –

9.1 Statutory functions of the Mayoral Committee

- to assist and advise the Executive Mayor.

9.2 Other functions of the individual members of the Mayoral Committee

- specifically delegated responsibilities by the Executive Mayor.
- any Executive Mayor's powers delegated by the Executive Mayor.

9.3 Line of Authority

- Reports to the Executive Mayor.

9.4 Interaction with the Municipal Manager

- The Mayoral Committee and its members interact with the Municipal Manager via the Executive Mayor unless direct interaction has been authorised by the Executive Mayor.

9.5 Interaction with staff members

- The Mayoral Committee and its members may only interact with staff members, after having been authorised by the Executive Mayor. For the sake of accountability, all such interaction must take place via the office of the Municipal Manager.

9.6 Dispute resolution

- In the event of a dispute between the Mayoral Committee and either the Municipal Manager or staff members, the Executive Mayor will decide on the matter.

10 Ward committees

Ward Committees are the vehicles through which the notions of a participatory democracy and a representative democracy as outlined in Section 152 of the Constitution become a reality.

<p>74. A ward committee-</p> <p>(a) may make recommendations on any matter affecting its ward-</p> <p>(i) to the ward councillor; or</p> <p>(ii) through the ward councillor, to the metro or local council, the executive committee, the executive mayor or the relevant metropolitan subcouncil; and</p> <p>(b) has such duties and powers as the metro or local council may delegate to it in terms of section 32.</p> <p style="text-align: right;"><i>Local Government Municipal Structures Act 117 of 1998 as amended</i></p>

In both the Structures Act and the Systems Act a statutory framework is established that broadly outlines a system of participatory democracy. The Structures Act gives the bare bones of a ward committee whilst the Systems Act defines the nature of community participation.

Councils have discretion as to whether or not they want to establish ward committees. Where ward committees are established, the principles of participatory democracies apply.

Whilst the Systems and the Structures Act set the national statutory basis which allows for the establishment of ward committees, the framework for a system of ward committees is best captured in by-laws.

10.1 Composition of ward committees

A ward committee may only have ten members. The Guidelines however make provision for the establishment of sub-committees to assist the ward committees in performing their functions and to involve the communities more broadly.

10.2 Functions of ward committees

The powers and functions of ward committees are left to the discretion of the municipality. To assist municipalities, the Department of Provincial and Local Government has published a **Guideline for the Establishment and Operation of Municipal Ward Committees**, which provides a list of duties that can be delegated to ward committees. These include:

- Advising ward councillors on policy matters affecting wards;
- Identifying needs and challenges that wards face;
- Receiving complaints from residents about municipal service delivery; and
- Communicating information to wards on budgets, IDP's and service delivery options.

10.3 Executive Powers

No executive powers can be delegated to ward committees.

10.4 Administrative support

Municipalities must make administrative arrangements to support ward committees in performing their functions. More importantly, municipalities should allocate resources and allocate funds for community participation.

The term of office for members of ward committees is at the discretion of the municipality, but it may not be less than two years or more than three years. Municipalities should apply the same term of office to all ward committees within their jurisdiction.

10.5 Remuneration

Members of ward committees are not remunerated for their services by the municipality. However, municipalities must budget for members out-of-pocket expenses incurred in the participation in ward committees.

11 Section 79 Committees

79 Establishment

(1) A municipal council may-

- (a) establish one or more committees necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers;
- (b) appoint the members of such a committee from among its members; and
- (c) dissolve a committee at any time.

(2) The municipal council-

- (a) must determine the functions of a committee;
- (b) may delegate duties and powers to it in terms of section 32;
- (c) must appoint the chairperson;
- (d) may authorise a committee to co-opt advisory members who are not members of the council within the limits determined by the council;
- (e) may remove a member of a committee at any time; and
- (f) may determine a committee's procedure.

11.1 Line of Authority

- Reports to the Municipal Council.

11.2 Interaction with the Municipal Manager

- Interacts with the Municipal Manager as per its delegated authority from the Municipal Council.

11.3 Interaction with staff members

- Interacts with staff members as permitted in terms of its delegated powers and in consultation with the Municipal Manager.

11.4 Dispute resolution

- In the event of a dispute between itself and the Municipal Manager, the Municipal Council will decide on the matter.

12 Section 80 Committees

80 Committees to assist executive committee or executive mayor

- (1) If a municipal council has an executive committee or executive mayor, it may appoint in terms of section 79, committees of councillors to assist the executive committee or executive mayor.
- (2) Such committees may not in number exceed the number of members of the executive committee or mayoral committee.
- (3) The executive committee or executive mayor-
 - (a) appoints a chairperson for each committee from the executive committee or mayoral committee;
 - (b) may delegate any powers and duties of the executive committee or executive mayor to the committee;
 - (c) is not divested of the responsibility concerning the exercise of the power or the performance of the duty; and
 - (d) may vary or revoke any decision taken by a committee, subject to any vested rights.
- (4) Such a committee must report to the executive committee or executive mayor in accordance with the directions of the executive committee or executive mayor

Local Government: Municipal Structures Act 117 of 1998

Line of Authority

- Reports to the Executive Mayor or Executive Committee, depending on the governance structure at the municipality.

12.1 Interaction with the Municipal Manager

- The Committee and its members interact with the Municipal Manager via the Executive Mayor or the Executive Committee as per its delegated powers.

12.2 Interaction with staff members

- The Committee and its members interact with staff members, in accordance with its delegated powers and in consultation with the Municipal Manager.

12.3 Dispute resolution

- In the event of a dispute between the committee and the Municipal Manager, the Executive Mayor or the Executive Committee will decide on the matter.

13 Part-time councillors

Part-time councillors are expected to play a political role in representing residents and other stakeholders thereby providing the political linkage between the council and the community.

Part-time councillors therefore play a key role in facilitating consultative processes that are envisaged in the Systems Act as well as is in the MFMA, particularly with regard to budgets, IDPs, budget-related policies, tariff setting for services, indigent policies, long-term borrowing.

In addition, the Systems Act and the MFMA, expand the role of councillors to include an oversight role through council or committee meetings.

14 Municipal Manager

When examining the role and responsibilities of a Municipal Manager it is important to make a distinction between those powers that are vested in the Municipal Manager and those that imposed on the municipality as an entity, but the due to the nature of the responsibility, the onus is with the Municipal Manager to ensure implementation, subject to the policy directions of council¹. An example is the obligation on the municipality to maximise the efficiency of communication and decision making within the administration (s 51(j) of the Systems Act).

14.1 Municipal Manager's accountability

Section 51(i) of the Systems Act states that the municipality must organise its administration in a manner that enables it to hold the Municipal Manager accountable for the overall performance of the municipality.

This has two consequences:

¹ Local Government Law Bulletin, Vol. 3. No. 2. June 2001

1. The council must have the tools to hold the Municipal Manager accountable, i.e. to demand explanation and to review his or her performance.
2. The Municipal Manager must have the tools to answer to that accountability, i.e. the administration must be managed in such a way that it enables the Municipal Manager to account for the performance of the entire administration.

16.1.1 Contracts and terms of reference

The three internal documents that, to a large extent, determine what is expected from a Municipal Manager are:

- | | |
|---|------------------------|
| <ol style="list-style-type: none"> 1. the performance agreement, concluded each year by the Municipal Manager and the mayor or Executive Mayor on behalf of the municipality (s 57(1) of the Systems Act); | S 57(1)
Systems Act |
| <ol style="list-style-type: none"> 2. the employment contract, which must include 'details of duties' (s 57(3) of the Systems Act); and | S 57(3)
Systems Act |
| <ol style="list-style-type: none"> 3. the Municipal Manager's terms of reference (s 53 of the Systems Act). | S 53
Systems Act |

Performance agreement

The performance agreement must include the performance objectives and targets that the Municipal Manager must reach, together with the time frames. These are based on the municipality's integrated development plan (IDP). A system for the evaluation of the Municipal Manager's performance together with the consequences of unsatisfactory performance must also appear in the agreement. It is within the council's discretion to determine which consequences apply to substandard performance.

S 57
Systems Act

Employment contract

The employment contract is for a fixed term and must include a provision for cancellation of the contract in the case of non-compliance with the employment contract itself .

No Municipal Manager can be appointed without him or her signing the performance agreement. This does not mean that the employment contract and the performance agreement must be concluded at the same time. The performance agreement is separate from the employment contract and must be concluded within a reasonable time after the appointment of a Municipal Manager. This means that municipalities are not legally bound to wait until the IDP process has resulted in the formulation of key performance indicators, strategies and targets before appointing a Municipal Manager. The employment contract can be concluded before then, provided that it caters for the consequences of substandard performance in terms of the performance agreement.

The employment contract must, where applicable, provide for cancellation of the contract in reaction to substandard performance in terms of the performance agreement.

S 57
Systems Act

Terms of reference

In this document, the council must define the relationship between the political structures, office-bearers and the Municipal Manager, and determine the manner in which they must interact, for example, the establishment of an internal memo or reporting system (s 53 of the Systems Act).

The lines of reporting and accountability must also be included, for example, whether the

Municipal Manager report to the council, to portfolio committees or to the (executive) mayor. The document must also make provision for dispute resolution between the Municipal Manager and the political structures and office bearers. The terms of reference may include delegations.

16.1 Duties in relation to the council

16.1.1 Beginning of term and by-elections

The Municipal Manager must call the first meeting of a newly elected council and preside over the election of the Speaker (s 36(3) of the Systems Act).

S(29) & (36)
Systems Act

Each councillor must, within 60 days of the election or appointment, declare to the Municipal Manager, in writing, any financial interests held (item 7 of the Code of Conduct for Councillors in the Systems Act). The same applies to gifts exceeding R1000. The council must decide which of the financial interests must be made public (item 7(4)).

If a by-election is necessary, the Municipal Manager must call and set a date for the by-election, after consulting with the Independent Electoral Commission (s 25(3) of the Systems Act).

16.1.2 Municipal Manager as head of the administration

The Municipality's administration is governed by the principles of section 195(1) of the Constitution. Section 6(2) of the of the Systems Act defines these further and instructs the administration, for example, to take measures to prevent corruption and to give members of the community full and accurate information about the level and standard of services they are entitled to receive and about the persons in charge of municipal management. The Municipal Manager must see to the implementation of these principles in his or her administration.

As head of the administration, the Municipal Manager is responsible for the formation and development of an economical, effective, efficient and accountable administration, which is equipped to implement the IDP, operates within the municipality's performance management system, and is responsive to the needs of the local community to participate in municipal affairs (s 55(1) of the Systems Act). Section 55(1) makes the Municipal Manager's responsibility subject to the policy directions of the council: the Municipal Manager is not responsible for the policy, but for its implementation.

S 55(1)
Systems Act

16.1.3 Communication between council and administration

The Municipal Manager must manage the communication between the political structures and office-bearers and the administration (s 55(1)(j) of the Systems Act). Instructions, queries and other forms of communication from the council, committees, the (executive) mayor or the Speaker to the administration cannot bypass the Municipal Manager's office, because the Municipal Manager is accountable for the entire municipal administration (s 51(i) of the Systems Act).

S 51(1)
Systems Act

In the event of such information being communicated directly to officials or departments, the municipality would have to establish procedures to ensure that the Municipal Manager is informed accordingly. Such procedures should stipulate the level of detail required for the Municipal Manager to answer to his or her accountability towards the council. A delegation that has the effect of enabling the (executive) mayor or executive committee to issue instructions directly to officials other than the Municipal Manager, would effectively disable the accountability of the Municipal Manager to the council (s 51(i) of the Systems Act). It would therefore run contrary to the scheme envisaged by the legislation.

16.1.4 Advising the political structures

The Municipal Manager must advise the political structures and office-bearers. Particular issues where the Municipal Manager must render advice are:

- financial matters;
- issues related to the internal administration, such as human resources matters;
- policy matters; and
- legal and technical matters.

16.1.5 Integrated development plans

The Executive Mayor, executive committee or a special committee (in the Municipality of the 'plenary' type) manages the drafting of the IDP. Part of that duty is the assignment of responsibilities to the Municipal Manager.

Section 30 clearly identifies the two primary actors in the IDP management. The Executive Mayor/executive committee or the IDP committee is under a legal duty to 'manage the IDP process'. Duties can only be assigned to the Municipal Manager. The Municipal Manager acts within the scope of these assignments.

S 30
Systems Act

16.1.6 Performance management

The Systems Act places the 'development of the performance management system' (PMS) in the hands of the Executive Mayor, executive committee or a special committee. They must assign responsibilities to the Municipal Manager. Sections 44(3)(a) and 56(3)(a) of the Structures Act place the responsibility for the development of evaluation criteria, including key performance indicators, on the executive committee and the Executive Mayor respectively.

The establishment of a process of regular reporting to council, other political structures, office-bearers, staff, the public, and appropriate organs of state, such as the provincial government (s 41(1)(e) of the Systems Act), is important. The Municipal Manager must implement and manage this reporting system and advise the council on the kind of reporting system it should adopt.

S 39
Systems Act

Implementation of performance management

Sections 44(3) and 56(3) of the Structures Act charge the executive committee/Executive Mayor with:

- evaluation of progress against the key performance indicators;
- review of the performance of the municipality; and
- monitoring of the administration.

The Act states that the performance of the municipality must be monitored, measured and reviewed at least once a year (s 41(1)(c)). Regular reports must go to the council on the implementation of the performance management system (s 41(1)(e)). In view of the fact that the executive committee/Executive Mayor is charged by law with the above three, it appears that these structures must manage and drive the monitoring, measuring and reviewing exercises as well as the preparation of the reports

S 41
Systems Act

to council.

The actual implementation of the performance management system would be most appropriately placed in the office of the Municipal Manager. Ultimately, 'the municipality' must be able to hold the Municipal Manager accountable for the overall performance of the administration (s 51(i) of the Systems Act). The executive committee/Executive Mayor's assignments to the Municipal Manager in terms of section 39(b) of the Systems Act will prove to be of utmost importance to ensure clarity around the division of responsibilities.

16.1.7 Annual report

The Municipal Manager must drive the preparation of the municipality's annual report. He or she must notify the community, the Auditor-General and the MEC of a meeting on the annual report. Importantly, the Systems Act states that the Municipal Manager must be available at the meeting to respond to questions, which can come from the council, but also from the Auditor-General or the MEC, since they have the right to attend and speak at the meeting.

S 46
Systems Act

16.1.8 Delegations

The Municipal Manager must provide the newly elected council with a report on existing delegations together with recommended changes. This enables a review of the existing system of delegations inherited from the previous council. The report must be submitted to the council 'through' the executive committee or the Executive Mayor. The Municipal Manager drafts the report and submits it to the executive committee/Executive Mayor. Changes can be made there before it is passed on to council, provided that it is clear where changes have been made.

S 65
Systems Act

16.2 Duties in relation to the public

16.2.1 Responsive administration

The Municipal Manager plays a specific role, assigned to him by section 55(1)(a)(iii) of the Systems Act. It states that the Municipal Manager must ensure that the municipal administration is responsive to the needs of the local community to participate in the affairs of the municipality. The Systems Act envisages a Municipal Manager who ensures that the administration is open to, and facilitates the input of local communities and residents in municipal affairs.

The Municipal Manager is accountable to 'the municipality' (s 51(i)), which consists of the political structures, the administration and the community (s 2(b)). Therefore, the Systems Act also envisages a role for the community and for the administration in holding the Municipal Manager accountable for the performance of the administration. This should not be interpreted as a right for 'the community' or 'the administration' to interfere with the Municipal Manager's functioning or to call the Municipal Manager to book. However, it does entitle the community and the administration to a Municipal Manager's office that is transparent, answers queries and engages with the municipal administration and the larger local community. For example, the transparency requirement is reflected in section 58 where the municipality is instructed to publish the salary scales and benefits of the Municipal Manager.

16.2.2 Public participation mechanisms

The onus is on the municipality to put in place mechanisms and processes to enable public participation. The council must decide on the processes it wants to establish. It is the Municipal Manager's responsibility to implement that decision and set up those mechanisms. Section 55(1)(n) of the Systems Act states that it is the Municipal Manager's responsibility to facilitate public participation in the implementation of the IDP. The

S 17(2)
Systems Act

executive committee or Executive Mayor is responsible for reporting to the council on the involvement of communities in municipal affairs. The executive committee or Executive Mayor is also charged with ensuring that public views are taken into account and with reporting on the effects of public participation on decision making (ss 44 and 56 of the Structures Act).

16.2.3 Communication

The Municipal Manager has to ensure that the relevant information regarding public participation is communicated to the local community. A critical responsibility of the Municipal Manager is the publication of various notices. The Systems Act requires that a number of notices must be published and/or information be made available to the public. The Systems Act mostly refers to 'the municipality' as being responsible for communication, but sometimes the responsibility is assigned to the Municipal Manager.

- | | |
|---|--|
| <ul style="list-style-type: none"> • The Municipal Manager must give notice of the time, date and venue of council meetings; | <p>S 18
<i>Systems Act</i></p> |
| <ul style="list-style-type: none"> • the Municipal Manager must notify the public (as well as the Auditor-General and the MEC) of meetings at which the annual report will be discussed; | <p>S 19
<i>Systems Act</i></p> |
| <ul style="list-style-type: none"> • copies of the annual report must be submitted to the MEC, Auditor-General and other prescribed institutions | <p>S 46(3)(a)
<i>Systems Act</i></p> |
| <ul style="list-style-type: none"> • copies of the annual report must be available to the public, interested organisations and the media | <p>S 46(4)(b)
<i>Systems Act</i></p> |
| <ul style="list-style-type: none"> • proposed by-laws must be published for public comment | <p>S 46(4)(a)
<i>Systems Act</i></p> |
| <ul style="list-style-type: none"> • adopted by-laws must be published in the Provincial Gazette and in a local newspaper | <p>S 12
<i>Systems Act</i></p> |
| <ul style="list-style-type: none"> • the municipality must keep and maintain a compilation of its by-laws (Municipal Code) | <p>S 13
<i>Systems Act</i></p> |
| <ul style="list-style-type: none"> • every notice that was published in the Provincial Gazette must be displayed at the municipal offices | <p>S 15
<i>Systems Act</i></p> |
| <ul style="list-style-type: none"> • the community must be notified of the IDP 'process plan' | <p>S 21(3)
<i>Systems Act</i></p> |
| <ul style="list-style-type: none"> • the community must be notified of the adoption of the IDP and copies and a summary must be made available | <p>S 28(3)
<i>Systems Act</i></p> |
| <ul style="list-style-type: none"> • the community must be notified of the adoption of the IDP and copies and a summary must be made available | <p>S 25(4)
<i>Systems Act</i></p> |

- reporting to the public on the performance management system

*S 41(e)(ii)
Systems Act*

- the municipality must communicate its key performance indicators and performance targets to the public and
- the Municipal Manager must ensure that those parts of the Code of Conduct for staff members that affect the local community are communicated to the public

S 44
Systems Act

S 70(2)(b)
Systems Act

16.2.4 Appeals

Appeals against decisions taken by the council, or against decisions taken in terms of powers delegated to a committee, office-bearer or staff member, must be directed to the Municipal Manager. The Municipal Manager must immediately submit the appeal to the relevant authority. The Municipal Manager is the appeal authority if the appeal is lodged against a decision taken by another staff member.

S 62(1)
Systems Act

16.2.5 Service delivery

The Municipal Manager is responsible for the provision of services to the local community in a sustainable and equitable manner. He or she must develop and maintain a system to assess the satisfaction of the community with the municipal services (s 55(1)(d) and (o) of the Systems Act). The Structures Act states that the executive committee or Executive Mayor must 'oversee' the sustainable provision of services (ss 44(3)(e) and 56(3)(e)).

16.3 Duties in relation to the administration

The Municipal Manager is responsible, subject to the policy direction of the council, for the management of the administration in accordance with the Systems Act and other applicable legislation. Importantly, the Municipal Manager is tasked with the implementation of the IDP and the monitoring of its progress.

S 55(1)
Systems Act

Section 51 lists the general responsibilities of the municipality with regard to the administration. The onus is on the Municipal Manager, as head of the administration, to see to the implementation of these principles and values in his or her administration. Critically, section 51(d) stipulates that all staff and councillors must align their roles and responsibilities with the priorities and objectives of the IDP. The Municipal Manager must ensure that everyone within the administration contributes towards the implementation of the IDP.

Importantly, the Code of Conduct for councillors states that an individual councillor may not interfere in the management or administration of any department of the council, unless the council mandated that councillor (item 11(a)). Individual councillors cannot give instructions to employees without authorisation of the council (item 11(b)).

16.3.1 Staff matters

The Municipal Manager deals with staff matters, including:

- the appointment of staff other than senior managers;
- (evaluation and review of) staff establishment;
- job descriptions
- remuneration

S 55(1)(e)
Systems Act

S 66(1)(a)
&(d)
Systems Act

S 66(1)(b)
Systems Act

S 66(1)(c)
Systems Act

- | | |
|--|-----------------------------------|
| <ul style="list-style-type: none"> • staff discipline | <p>S 55(1)(g)
Systems Act</p> |
| <ul style="list-style-type: none"> • training and | <p>S 55(1)(f)
Systems Act</p> |
| <ul style="list-style-type: none"> • labour relations | <p>S 55(1)(h)
Systems Act</p> |
| <ul style="list-style-type: none"> • remuneration | <p>S 66(1)(c)
Systems Act</p> |

Importantly, the Systems Act assigns these duties directly to the Municipal Manager. The Systems Act envisages the Municipal Manager to manage day-to-day staff matters.

The Municipal Manager has to exercise these responsibilities subject to the policy directions of the council. The role of the council is to provide the policy framework and give political direction.

The Systems Act makes the Municipal Manager responsible for the appointment of staff subject to the policy directions of the council (s 55(1)) and the Employment Equity Act 55 of 1998. It is submitted that the executive committee or the Executive Mayor determines the policy direction on staff appointments. However, the Systems Act vests the responsibility for individual appointments in the Municipal Manager. He or she has the discretion to take these decisions, provided that they take place within the framework of the said policy. These provisions do not apply to managers who are directly accountable to the Municipal Manager.

16.3.2 Senior management

The council must appoint the managers, referred to above, after consultation with the Municipal Manager (s 56 of the Systems Act). The Municipal Manager negotiates performance contracts (s 57 of the Systems Act) with new appointees. This represents a balance between the council's interest in appointing a senior management team to drive its IDP goals and the Municipal Manager's interest in having an opportunity to influence appointments and subsequently formalising what is expected of the new manager in a performance agreement.

16.3.3 Code of Conduct

The Municipal Manager must ensure that each staff member receives a copy of the Code of Conduct for staff members and that the Code of Conduct is explained to staff members who cannot read.

S 70
Systems Act

16.3.4 Finances

As accounting officer, the Municipal Manager is responsible for all income and expenditure, all assets and discharge of liabilities of the municipality and the compliance with the municipal finance management legislation.

The Accounting Officer must provide guidance and advice on the compliance with the MFMA to the political structures, political office-bearers and officials of the municipality and to any municipal entity under the sole or shared control of the municipality.

Fiduciary responsibilities of accounting officers

The Accounting Officer of the Municipality must act with integrity and in the best interest of the municipality in managing its financial affairs

S 61
MFMA

Bank account

- Manage municipality's bank account.

S 10
MFMA

- Quarterly reports to council on bank account.

S 11 (4)
MFMA

Budget process

- Assist the Mayor in performing the legislated budgetary functions
- Ensure public participation in budget process
- Submit draft budget to relevant institutions
- Monthly report on state of the budget to provincial treasury

S 68
MFMA

S 22
MFMA

S 22
MFMA

S 71
MFMA

Budgetary control

- Take steps to ensure budgetary control
- Spending in accordance with budget
- Monitor revenue and expenditure
- Reduce spending if necessary
- Report under collection, shortfalls, overspending and steps to be taken to the municipal council
- Must ensure that unauthorised, irregular or fruitless and wasteful expenditure and other losses are prevented

S 69
MFMA

S 69
MFMA

S 69
MFMA

S 69
MFMA

S 70
MFMA

S 62
MFMA

Accountability

The Accounting Officer is accountable to Council.

The Speaker
 Witzenberg Municipality
 50 Voortrekker Street
 Ceres
 6835

Date 24TH NOVEMBER 2023

REQUEST FOR URGENT MEETING TO TABLE MOTION OF NO CONFIDENCE AND TO REQUEST THE REMOVAL OF THE SPEAKER FROM OFFICE

In terms of Section 29 of the Local Government Municipal Structure Act 117/1998 as amended by act 3 of 2021 effect from November 2021 in terms of section 18(2) when the majority of Councillors request the Speaker in writing to convene a Council Meeting, the Speaker must convene a meeting at a time set out in the request.

We, the undersigned majority of councilors of the Witzenberg Municipality hereby request you as Speaker to convene an urgent Special Council meeting on the 1ST DEC 2023

At 09^H 06 in Ceres Town Hall, 50 Voortrekker Street, Ceres 6835. In terms of the said Act as well as Rule 6 (a) of the Witzenberg Council's Rules of Order, the majority of council can request a Special Council Meeting by given 72 hour's notice which is regarded as reasonable notice.

You are requested to give instructions to the Municipal Manager before 25 NOVEMBER 2023

On 27 NOVEMBER 2023 to prepare the Council Agenda and for you to sign off failing which the Municipal Manager will be requested to comply with his responsibility in terms of Section 29 (1A) of the amended Municipal Structures Act.

The business of the day at the urgent Special Council Meeting will be:

- a) To table a motion of no confidence in the Speaker and have the Speaker removed.
- b) To elect a new Speaker of the Witzenberg Council.

Legislative Background

In terms of Section 40 of the Local Government Structure Act 117 of 1998, a municipal council by resolution may remove its Speaker from office. Prior notice of an intention to move a motion for the removal of the speaker must be given.

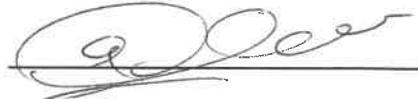
The reason for the vote of no confidence in the Speaker is a result of:

1. The majority of Councillors having a total lack of trust and confidence in the Speaker to exercise his oversight and other responsibilities in terms of the said Structure Act.
2. The Speaker putting his political party interest before the interest of Council

Date and signed at Ceres on the 24TH DAY OF NOVEMBER 2023

CHEP. LABAN

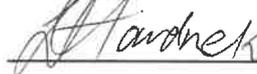
1. Name and Surname



Signature

LEA ANETTA HANSVEK

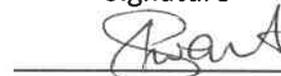
2. Name and Surname



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DIRK SWART

3. Name and Surname



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ADAM KARRIEM ADAMS

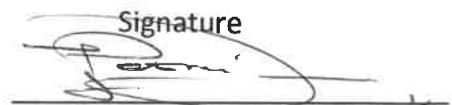
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PATRIC DANIELS

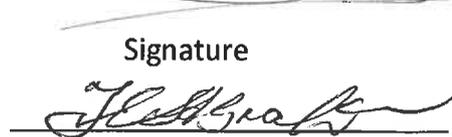
5. Name and Surname



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TREVOR ABRAMAMS

6. Name and Surname



Signature

JOHN P. FREDERICKS

7. Name and Surname



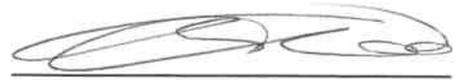
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ELIZABETH MARY SIAEGO

8. Name and Surname

HENRIËT SMIT

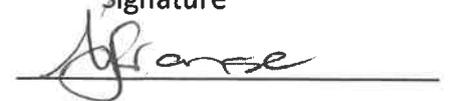
Signature



9. Name and Surname

Gwen Franse

Signature



10. Name and Surname

Sophia De Bruin

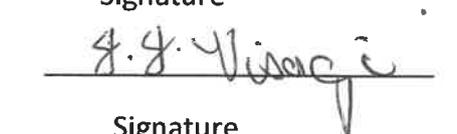
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11. Name and Surname

Joachim ~~de~~ Visagie

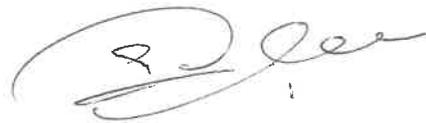
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12. Name and Surname

GERT LABAN

Signature



The Speaker
 Witzenberg Municipality
 50 Voortrekker Street
 Ceres

Date: 24. 11. 2023.

REQUEST FOR URGENT MEETING TO TABLE A MOTION OF NO CONFIDENCE AND TO REQUEST THE REMOVAL OF THE EXECUTIVE MAYOR FROM OFFICE

In terms of Section 29 of the Local Government Municipal Structures Act 117/1998, as amended, when the majority of Councilors request the Speaker in writing to convene a Council Meeting, the Speaker must convene a Meeting at a time as set out in the request.

We, the undersigned majority of councilors of the Witzenberg Municipality hereby request you as Speaker to convene an urgent Special Council Meeting on the 1ST DEC 2023

At 09:00 am in the Ceres Town Hall, 50 Voortrekker Street, Ceres, 6835. In terms of the said Act as well as Rule 6 (a) of the Witzenberg Council's Rules of Order, the majority of council can request a Special Council Meeting by given 72 hours' notice which is regarded as reasonable notice.

You are requested to give instructions to Municipal Manager before 25 NOVEMBER 2023

On 27 NOVEMBER 2023 to prepare the Council Agenda and for you to sign off failing which the Municipal Manager will be requested to comply with his responsibility in terms of Section 29 (1A) of the amended Municipal Structures Act.

The business of the day at the urgent Special Council Meeting will be:

- a) To table a motion of no confidence in the Executive mayor and have the Executive Mayor Councillor Katriena Robyn removed.
- b) To elect a new Executive Mayor of the Witzenberg Council.

Legislative Background

In terms of Section 58 of the Local Government Act 117 of 1998, amended in terms Act 3 of 2021 a municipal council by resolution may remove its Executive Mayor or Deputy Executive Mayor from office. Prior notice of an intention to move a motion for the removal of the Executive Mayor must be given.

The reason for the vote of no confidence in the Executive Mayor is a result of:

1. The failure of the Executive Mayor to act in good faith, honesty and transparent according to the Code Conduct set out in Schedule 7 of Act 117 of 1998 as per the Local Government Structures Amendment Act, 2021.
2. The majority of Councilors having a total lack of trust and confidence in the Executive Mayor to exercise the Functions and Powers of executive mayor in terms of section 56 of the said Structures Act.
3. The Executive Mayor Cllr Robyn has her own interest and that of her political party at heart and not the interest of the Municipality and the broader community of the Witzenberg.

Date and signed at Ceres on the 24TH DAY OF NOVEMBER 2023

LEA ANETTA HARSNEK

[Signature]

1. Name and Surname

Signature

Geert LABAN

[Signature]

2. Name and Surname

Signature

Dirk SWART

[Signature]

3. Name and Surname

Signature

KARRIEM ADAMS

[Signature]

4. Name and Surname

Signature

PATRIC DANIELS

5. Name and Surname



Signature

TREVOR ABRAHAMS

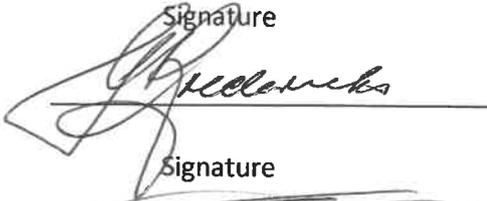
6. Name and Surname



Signature

JOHN P. FREDERICKS

7. Name and Surname



Signature

ELIZABETH MARY SIDGRO

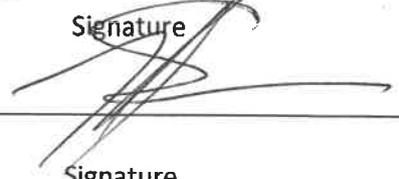
8. Name and Surname



Signature

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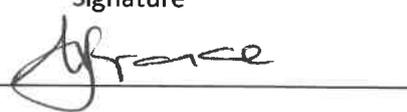
9. Name and Surname



Signature

Gwen Franse

10. Name and Surname



Signature

Sophia DE BRUIN

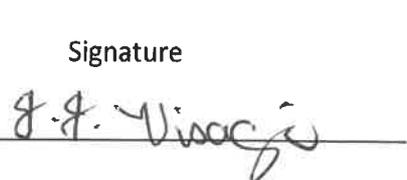
11. Name and Surname



Signature

Joachim Visagio

12. Name and Surname



Signature

LEA ANETTA HALONSEK

