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# **ANNEXURE**

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**MANGAUNG METROPOLITAN  
COUNCIL**

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**VOLUME 2**

**ITEM 6.5 – PAGES C1 – 69**

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**WEDNESDAY  
AUGUST 31, 2016**

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**MANGAUNG  
METROPOLITAN  
MUNICIPALITY**

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Members are kindly requested  
to retain this annexure for use  
with the minutes

Bram Fischer Building  
BLOEMFONTEIN  
AUGUST 26, 2016



**MANGAUNG**

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Your Ref:

Room 201, Bram Fischer Building

Our Ref:

Date: 26 August 2016

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Council Item

Speaker

## **APPROVAL OF THE REPORT ON THE DELEGATION OF POWERS POLICY**

### **1. PURPOSE**

The purpose of this report is to submit for Council approval the delegated powers and delegation of powers policy for the full-time office bearers and the executive management team.

### **2. BACKGROUND**

Municipal Councils have both legislative and executive authorities, in other words, they are responsible for both formulating legislation and for developing programmes to implement or execute that legislation. On the other hand, Sections 59 to 65 of Part 3 of the Systems Act provides for the system of delegations in the Municipality as part of ensuring attainment of the smooth operation, management and running of the Municipality. It is therefore expected that at the beginning of the term, Council should adopt a system of delegations to regulate this process and to also delegate some of the powers and authority to certain office bearers including the administrative arm.

The above is done noting the wide range of powers and duties of the Municipality and the fact that it would be difficult to give adequate time and attention in overseeing all the necessary responsibilities without delegation, therefore it is imperative in fulfilling all its powers and duties, to at least delegate some of its powers and duties.

The objectives of delegation are thoroughly explained in the delegation of powers policy. However, the emphasis which the Municipality should always elevate, amongst others, is to improve individual as well as overall efficiency within the administration.

### **a. Executive Mayor**

The Executive Mayor has statutory powers and duties. The most important sources thereof are the Municipal Structures Act, No 117 of 1998, Municipal Systems Act, No 32 of 2000 and Municipal Finance Management Act, No 56 of 2003. The Executive Mayor is also the face of the Municipality with regard to service delivery and many other matters and remains overall accountable to ensure that the community needs and priorities are attended to by the Municipality. The Executive Mayor also exercises daily or ongoing oversight over the administration and must ensure that the City Manager and managers directly accountable or Executive Management Team (EMT) are held accountable for their ongoing performance. For this purpose, the powers, duties and responsibilities of the Executive Mayor are those contained in the attached delegations of powers policy and various pieces of legislation.

### **b. Members of the Mayoral Committee**

For matters of clarity and understanding, the Executive Mayor's offices written authorization to sub-delegate functions and duties to the members of the Mayoral Committee to act in his stead. Whilst the Executive Mayor reserves the right to sub-delegate duties and functions to the members of the Mayoral Committee including the Deputy Executive Mayor in respect of the relevant portfolios, the principle of the delegating authority/delegator remains, which implies that only the responsibilities are sub-delegated and the authority remains with the Executive Mayor and as such, he is not divested of the responsibilities concerning the exercising of his powers.

The members of Mayoral Committee and the Deputy Executive Mayor may receive specific responsibilities and delegated powers from the Executive Mayor which must be exercised strictly in accordance with the conditions and limitations of delegation and must submit reports thereon to the Executive Mayor. The aforesaid does not take away the fact that by law, Deputy Executive Mayor exercises powers and performs the duties of the Executive Mayor if the Executive Mayor is absent or not available or if the Office of the Executive Mayor is vacant.

### **c. Speaker**

The Speaker performs the duties and exercises the powers delegated to him/her in terms of Section 59 of the Municipal Systems Act 2000 (Act no 32 of 2000) and must also ensure compliance with the code of conduct as set out in scheduled of the Municipal Systems Act. In line with delegations of powers policy two categories of powers and functions of the Speaker are provided as contained in the attached delegations of powers policy.

#### **d. Council Whip**

The position of Council Whip unlike the above-mentioned designations, is relatively a new position at a municipal level and therefore there are no statutory or delegated powers and duties assigned to the position. In order for the Mangaung Metropolitan Municipality to enhance good governance and hegemony within the political arm of Council, the following functions and duties designated to the position of Council Whip, are recommended, namely:

- (i) To approve, in consultation with the Speaker, the use of office and meeting space by Councillors and political parties.
- (ii) To grant leave of absence to Councillors from meetings of the Council and its Committee meetings in accordance with the applicable Standing Rules and Orders.
- (iii) To determine the development needs of Councillors after consultation with the party whips.
- (iv) To determine a programme of training for the development needs of Councillors.
- (v) To compile a speakers list for meetings of the Council, after consultation with other whips, in which times for speakers are allocated to determine the order in which such speakers may be permitted to address the Council on any item which is to be debated and submit the list of scheduled speakers to the Speakers, the Executive Mayor and all party whips.
- (vi) To prepare and recommend to the Council, in consultation with the Speaker, the annual calendar of meetings of the Council and its Committees including recommendations in regard to Council recesses.
- (vii) To approve, in consultation with the relevant chairperson any change of meeting time and/or date of meetings and ensures that the calendar of meetings appropriately amended.
- (viii) To recommended to the Executive Mayor which Councillors should serve on outside bodies.
- (ix) To ensure that whips monitor whether Councillors report back to constituencies as required in the preamble to the Code of Conduct and to quarterly report to the Council on compliance herewith.
- (x) Political oversight over all matters pertaining to the administrative functioning of Section 80 Committees.
- (xi) To recommend to the Council the appointment of Councillors to serve on Section 79 Committees in consultation with party whips.

#### **e. City Manager and managers directly accountable to the City Manager**

It is equally important that the delegations of powers should also cover the administrative arm of the Municipality which constitute of the City Manager and managers directly accountable or Executive Management Team (EMT). This is done so because on a daily basis the EMT acts on

behalf of the Municipality and in doing so exercises and performs high order responsibilities that have implications for the Municipality. They must therefore be able to act with authority and power as assigned to them by Council.

### 3. RECOMMENDATIONS

It is therefore recommended that:


- 3.1 Council approves the system of delegation of powers for Mangaung Metropolitan Municipality.
- 3.2 Council approves the delegations of powers policy as per the attached annexure "A".



**Adv. Tankiso Mea**  
**Acting City Manager**

**Date:** 26/08/2016

Approved / ~~not approved~~



**Cnr Matabana Mlamleli**  
**Executive Mayor**

**Date:** 26/08/2016

# **MANGAUNG METROPOLITAN MUNICIPALITY**



# **MANGAUNG**

**11<sup>TH</sup> VERSION OF THE DELEGATION OF POWERS POLICY**

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## DOCUMENT AND VERSION CONTROL

- Version 1: Approved by Council on 12 September 2002 under item 34A6
- Version 2: Approved by Council on 29 May 2003 under item 25A5
- Version 3: Approved by Council on 27 November 2003 under item 51A6
- Version 4: Approved by Council on 27 November 2003 under item 51A9
- Version 5: Approved by Council on 14 October 2004 under item 47A4
- Version 6: Approved by Council on 14 June 2005 under item 28A2
- Version 7: Approved by Council on 1 September 2005 under items 38A14 and 38A15
- Version 8: Approved by Council on 28 September 2006 under item 119A3
- Version 9: Approved by Council on 3 April 2007 under item 31A20
- Version 10: Approved by Council on 11 December 2008 under Item 195
- Version 11: Approved by Council on 30 June 2016 under Item 116A20

Note must be taken that this policy shall be reviewed on an annual basis.

ADV. TANKISO BEN MEA  
ACTING CITY MANAGER

CLR MATAWANA MLAMLELI  
EXECUTIVE MAYOR

## CHAPTER 1: POLICY AND PRINCIPLES ON DELEGATION

### 1. Definitions

- 1.1 In this document, unless the context otherwise indicates, an expression to which a meaning has been assigned in the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998), the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), the Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003), the Local Government: Municipal Property Rates Act, 2004 (Act No 4 of 2004) or any other applicable legislation, shall have the meaning so assigned to it, and -
- (a) **“administration”** means the City Manager and the other employees of the municipality;
  - (b) **“after consultation”** means with due regard for the views of any person with whom a delegating authority is required to consult before he exercises a delegated or sub-delegated power;
  - (c) **“City Manager”** means the person who is appointed by the Council in terms of section 54A of the Systems Act as the Municipal Manager, who is the head of the administration and accounting officer for the municipality in accordance with section 82 of the Structures Act, including the person acting in his stead;  
(Amended by Council on 28 September 2006 under item 119A3)
  - (d) **“CFO”** means the person appointed by the Council as the Chief Financial Officer in terms of section 56 of the Systems Act;
  - (e) **“Constitution”** means the Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996);
  - (f) **“Council”** means the Municipal Council of the MANGAUNG Metropolitan Municipality, its legal successors in title and its delegates;
  - (g) **“delegating authority”**, means the Council, Executive Mayor, Speaker, City Manager, Chief Financial Officer or other employee to whom an original power was assigned in terms of legislation, and in relation to the delegation or sub-delegation of such power, means the delegated body concerned;
  - (h) **“delegation”** means the issuing of a written authorisation by a delegating authority to a delegated body to act in his stead, and in relation to a duty includes an instruction or request to perform or to assist in performing the duty, and ‘delegate’ and ‘sub-delegate’ has a corresponding meaning;
  - (i) **“delegated body”** in relation to the delegation of a power means the political office bearer or employee to whom a power has been delegated by the delegating authority in writing;
  - (j) **“General Manager”** and **“GM”** means a manager directly accountable to an ED;
  - (k) **“Goods”** means those raw materials or commodities which are available for general sale;
  - (l) **“Executive Director”** and **“ED”** means a manager directly accountable to the City Manager as contemplated in, and appointed in terms of section 56 of the Systems Act;
  - (m) **“in consultation”** means with the concurrence of the person with whom a delegating authority must consult before exercising a delegated or sub-delegated power;
  - (n) **“MFMA”** means the Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003);
  - (o) **“municipality”**, means the MANGAUNG Metropolitan Municipality, and when referred to as –
    - (i) an entity, means a municipality as described in section 2 of the Systems Act; and
    - (ii) a geographic area, means a municipal area determined in terms of the Local Government : Municipal Demarcation Act, 1998 (Act No 27 of 1998);

- (iii) a political office bearer or an official, means a political office bearer or an official acting in accordance with a legislative or a delegated power;
- (p) **“power”** includes a duty and a function;
- (q) **“political office bearer”**, in relation to the municipality, means the Executive Mayor, Deputy Executive Mayor, Speaker and Chief Whip elected by the Council to such a post or position in accordance with the provisions of the Structures Act; (Amended by Council on 28 September 2006 under item 119A3)
- (t) **“Property Act”** means the Local Government: Municipal Property Rates Act, 2004 (Act No 4 of 2004);
- (u) **“Section 79 Committee”** means a committee established and appointed by the Council in terms of section 79 of the Structures Act to assist the Council with the effective an efficient performance of its functions and the exercise of its powers; (Inserted by Council on 28 September 2006 under item 119A3)
- (v) **“Section 80 Committee”** means a committee established and appointed by the Council in terms of section 80 of the Structures Act to assist the executive mayor with the effective an efficient performance of his functions and the exercise of his powers; (Inserted by Council on 28 September 2006 under item 119A3)
- (w) **“Services”** means the provision of labour and work carried out by hand, or with the assistance of plant and equipment, including the input, as necessary, of knowledge based expertise;
- (x) **“Structures Act”** means the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998);
- (y) **“Supply Chain Management System”** means the system for:
  - (i) the procurement of goods and services;
  - (ii) the appointment of professional service providers;
  - (iii) the disposal and letting of assets, including the disposal of assets no longer needed;
- (z) **“Systems Act”** means the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000); (Amended by Council on 30 June 2016 under item 116A20)

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

- (a) the singular shall include the plural and vice versa;
- (b) the male sex shall include the female sex and vice versa;
- (c) a reference to a natural person shall include a legal person and vice versa; and
- (d) the word “Act” in column 1 of the tables hereunder, shall include the legislation listed in 1.3 below; (Amended by Council on 30 June 2016 under item 116A20)

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

Constitution	: CON
Structures Act	: MSTA
Systems Act	: MSA

Finance Management Act	: MFMA
Property Rates Act	: MPRA
Remuneration of Public Office Bearers Act	: RPOA
Demarcation Act	: MDA
Local Government Ordinance (Free State)	: ORD
National Building Regulations and Building Standards Act	: NBRBSA
Supply Chain Management Regulations	: SCMR
(Amended by Council on 30 June 2016 under item 116A20)	

- 1.4 This policy was developed in compliance with the provisions of section 59 of the Systems Act and section 79 of the MFMA, which requires that a system of delegation must be developed in an effort to maximise administrative and operational efficiency, and to provide for adequate checks and balances, also in the municipality's financial administration.  
(Inserted by Council on 30 June 2016 under item 116A20)
- 2. Powers and responsibilities of the municipality**
- 2.1 The municipality has all the powers assigned to it in terms of the Constitution as well as national and provincial legislation. The municipality has the right to do anything reasonably necessary for or incidental to the effective exercising of its powers.
- 2.2 The executive and legislative authority of the municipality vest in the Council, and the Council takes all the decisions of the municipality except -
- (a) decisions on those matters that have been delegated;
  - (b) decisions on those matters that have by law been assigned to a political structure, political office bearer or employee of the Council;
- 2.3 The Council may exercise executive and legislative authority within the municipal area of the municipality only, but may, by written agreement with another municipality, exercise executive authority in the area of that other municipality.
- 2.4 A municipality, as provided for in section 11 of the Systems Act, exercises its legislative or executive authority by:
- (a) developing and adopting policies, plans, strategies and programmes, including setting targets for delivery;
  - (b) promoting and undertaking development;
  - (c) establishing and maintaining an administration;
  - (d) administering and regulating its internal affairs and the local government affairs of the local community;
  - (e) implementing applicable national and provincial legislation and its by-laws;
  - (f) providing municipal services to the local community, or appointing appropriate service providers in accordance with the criteria and process set out in

- section 78 of the Systems Act;
- (g) monitoring and, where appropriate, regulating municipal services where those services are provided by service providers other than the municipality;
  - (h) preparing, approving and implementing its budgets;
  - (i) imposing and recovering rates, taxes, levies, duties, service fees and surcharges on fees, including setting and implementing tariff, rates and tax and debt collection policies;
  - (j) monitoring the impact and effectiveness of any services, policies, programmes or plans;
  - (k) establishing and implementing performance management systems;
  - (l) promoting a safe and healthy environment;
  - (m) passing by-laws and taking decisions on any of the above-mentioned matters; and
  - (n) doing anything else within its legislative and executive competence.
- 2.5 A municipality must within its administrative and financial capacity, establish and organise its administration in a manner that would enable the municipality to:
- (a) be responsive to the needs of the local community;
  - (b) facilitate a culture of public service and accountability amongst its staff;
  - (c) be performance orientated and focused on the objects of local government set out in section 152 of the Constitution and its developmental duties as required by section 153 of the Constitution;
  - (d) ensure that its political structures, political office bearers and managers and other staff members align their roles and responsibilities with the priorities and objectives set out in the municipality's integrated development plan;
  - (e) establish clear relationships, and facilitate co-operation, co-ordination and communication, between-
    - (i) its political structures and political office bearers and its administration;
    - (ii) its political structures, political office bearers and administration and the local community;
  - (f) organise its political structures, political office bearers and administration in a flexible way in order to respond to changing priorities and circumstances;
  - (g) perform its functions:
    - (i) through operationally effective and appropriate administrative units and mechanisms, including departments and other functional or business units; and
    - (ii) when necessary, on a decentralised basis;
  - (h) assign clear responsibilities for the management and co-ordination of these administrative units and mechanisms;
  - (i) hold the City Manager accountable for the overall performance of the administration;
  - (j) maximise efficiency of communication and decision-making within the administration;
  - (k) delegate responsibility to the most effective level within the administration;

- (l) involve staff in management decisions as far as is practicable; and
  - (m) provide an equitable, fair, open and non-discriminatory working environment.
- 2.6 A decision taken by the Council or any other political structure of the municipality must be recorded in writing.
- 2.7 All the powers of the municipality that have not been reserved for the Council, or that have not been delegated or assigned to a political structure, political office bearer or employee of the Council, are delegated to the Executive Mayor of the Council.

### 3. Supply Chain Management System

- 3.1 The procurement of goods and services, either by way of quotation or through a competitive bidding process, will be within the following threshold values (all amounts include VAT):
- (a) For amounts to a maximum of R2 000 : petty cash purchases
  - (b) For amounts above R2 001 to a maximum of R30 000 : 3 x written Quotations
  - (c) For amounts above R30 001 to R200 000 : formal written quotations
  - (d) For amounts above R200 000 : competitive bidding process
  - (e) Negotiations, Sole Supplier and Unsolicited Bids : City Manager  
(Substituted by Council on 1 September 2005 under item 38A15, and further amended on 30 June 2016 under item 116A20)
- 3.2 The following approval limits apply in respect of quotations for the procurement of goods, works and services (quotations/bids), obtained in accordance with the prescribed process (all amounts include VAT):
- (a) For amounts to a maximum of R2 000 : ED's
  - (b) For amounts from R2001 to R200 000 : GM Supply Chain Management
  - (c) For amounts from R200 001 to R10 000 000 : Bid Adjudication Committee (CFO)
  - (d) For amounts above R10 000 000 : City Manager  
(Substituted by Council on 1 September 2005 under item 38A15, and further amended on 30 June 2016 under item 116A20)
- 3.3 The following approval limit apply in respect of payments on contracted services for procured goods and services, regardless of who approved the quotation or bid. (all amounts include VAT):
- (a) For amounts from R0 to R100 000 : Managers
  - (b) For amounts from R100 001 to R1 000 000 : GM's
  - (c) For amounts from R1 000 000 to R5 000 000 : CFO and ED's

- (d) For amounts above R5 000 000 : City Manager  
(Substituted by Council on 1 September 2005 under item 381A15, and further amended on 30 June 2016 under item 116A20)
- 3.4 The above mentioned thresholds will be subject to the delegations not being withdrawn by the delegating authority. All amounts above R10 000 000 shall be approved by the City Manager after receiving reports from the Bid Adjudication Committee.  
(Substituted by Council on 1 September 2005 under item 38A15, and further amended on 30 June 2016 under item 116A20)
- 3.5 Subject to the provisions of sections 14 and 90 of the MFMA, the City Manager will ensure that:
- (a) immovable property is sold at market related prices, except when the public interest or the plight of the poor demands otherwise;  
(Amended by Council on 28 September 2006 under Item 119A3)
  - (b) movable assets are sold either by way of price quotation, an advertised competitive bidding process, auction or at market related prices, whichever is the most advantageous to the municipality;
  - (c) immovable property is let at market related rates, except when the public interest or the plight of the poor demands otherwise;  
(Amended by Council on 28 September 2006 under item 119A3)
  - (d) all fees, charges, rates, tariffs, scales of fees or other charges relating to the letting of property are reviewed annually;
- 3.6 The powers to sign a contract and the resulting requisition and other required documents after the prescribed approval for the procurement or disposal, has been given to the City Manager.  
(Inserted by Council on 1 September 2005 under item 38A15, and amended on 30 June 2016 under item 116A20)
- 4. Objectives of the system of delegation**
- 4.1 The objectives of this system of delegation of powers of the Council are :
- (a) to ensure maximum administrative and operational efficiency;
  - (b) to provide for adequate checks and balances;
  - (c) to delegate decision-making to the most effective level within the administration;
  - (d) to involve employees in management decisions as far as practicable;
  - (e) to promote a sense of collective responsibility for performance;
  - (f) to assign clear duties for the management and co-ordination of administrative units, systems and mechanisms;
  - (g) to define in precise terms the duties of each political structure and political office bearer;
  - (h) to determine the relationships amongst the political structures, political office bearers and the administration, and the appropriate lines of accountability and reporting for each of them.

## 5. Roles and responsibilities

5.1 It is important to define the specific roles and areas of responsibility of each political office bearer, political structure and the City Manager of the Council to ensure :

- (a) good relationships and interaction between these bodies and persons;
- (b) appropriate lines of accountability and reporting for these bodies and persons;
- (c) that unnecessary overlapping of responsibilities between these bodies and persons are prevented or kept to the minimum;
- (d) that disputes that may arise between these bodies and persons, are resolved amicably and timely;
- (e) good interaction between these bodies and persons, and other Councillors and employees of the Council;

### 5.2 Political office bearers

(a) The Executive Mayor -

- (i) is responsible, in consultation with the City Manager, for the formulation of policies, plans, strategies and programmes necessary to perform and exercise the municipality's constitutional functions and responsibilities, for submission to and consideration by Council;  
(Amended by Council on 28 September 2006 under Item 119A3)
- (ii) must in consultation with the City Manager, identify those areas of the municipality's activities and responsibilities that need the assistance of a specific section 80 committee of Councillors to investigate, discuss, evaluate and report on to the executive mayor;
- (iii) must appoint a member of the mayoral committee as chairperson for each section 80 committee appointed by the Council;
- (iv) may delegate to such committees any of his powers, but is not divested of the responsibility concerning the exercising of the powers;
- (v) must ensure, in consultation with the City Manager, that a proper committee service responsible for the agenda and minutes is in place for each of the section 80 committees, that the committees meet on a regular basis and submit reports to him timely;
- (vi) receives reports with recommendations from the ED's through the office of the City Manager, on all matters that must be handled by either the Executive Mayor himself or the Council in terms of the delegation of powers of the Council;
- (vii) must consider the matters raised in these reports, and must either dispose of them in terms of his delegated powers, or must forward them with his recommendation to the Council for consideration;
- (viii) receives reports with recommendations from the section 80 committees established for specific matters, considers the matters raised in these reports, and must either dispose of them in terms of his delegated powers, or must forward them with his recommendation to the Council for consideration;
- (ix) is responsible for the quality and speed of decision-making;
- (x) should ensure that integration between the various section 80 committees take place;
- (xi) plays a prominent role, in consultation with the City Manager, in building, maintaining and enhancing a good relationship between the Council, Councillors and the administration;



- (xii) is responsible for political supervision of, and in consultation with the City Manager, for the accountability of the administration;
  - (xiii) is responsible for liaison with the community, ward committees, other committees and Councillors, and political office bearers in the different spheres of government;
  - (xiv) should be available on a regular basis to interview the public and visitors to the municipal offices, and to interact with prominent business people as well as developers;
- (Amended by Council on 30 June 2016 under item 116A20)

(b) The Speaker -

- (i) must ensure that the Council meetings as well as committee meeting are conducted in an orderly manner, and in this regard he must strictly apply Council's rules and orders and the code of conduct for Councillors;
- (ii) must liaise closely with the committee service responsible for the agenda and minutes of each meeting, in consultation with the Executive Mayor and City Manager as and when necessary;
- (iii) must co-ordinate the arrangements inter alia regarding venues, dates and the circulation of agendas and minutes of all the meetings of the Council and Council committees;
- (iv) must liaise with Councillors, as well as members of the public and media who attend Council meetings, regarding proper conduct during such meetings to ensure compliance with Council's rules and orders;

### 5.3 Political structures

(a) The mayoral committee –

- (i) is not a committee of the Council, consist of Councillors appointed by the Executive Mayor and is established for the sole purpose to assist the Executive Mayor;
- (ii) may receive specific responsibilities and delegated powers from the Executive Mayor, which must be exercised strictly in accordance with the conditions and limitations of delegation, if any;
- (iii) is the responsibility of the Executive Mayor and as such each member of the committee report directly to the Executive Mayor on the exercise of his powers;
- (iv) considers only those issues submitted to it by the Executive Mayor or delegated by the Executive Mayor, and submit reports thereon to the Executive Mayor;

(b) The Section 80 committees of Council -

- (i) consist of councilors appointed by Council to assist the Executive Mayor;
- (ii) is chaired by a member of the mayoral committee appointed by the Executive Mayor;

- (iii) may exercise such powers and responsibilities as the Executive Mayor may delegate to each committee, and must report thereon to the Executive Mayor in accordance with his or her directions;  
(Inserted by Council on 28 September 2006 under Item 119A3)
  - (c) The Section 79 committees of Council -
    - (i) consist of Councillors appointed by the Council;
    - (ii) the chairperson of each section 79 committee is appointed by the Council ;
    - (iii) may receive specific responsibilities and delegated powers from the Council, which must be exercised strictly in accordance with the conditions and limitations of delegation, if any;
    - (iv) report to the Council in accordance with the directions of the Council;  
(Inserted by Council on 28 September 2006 under Item 119A3)
- 5.4 City Manager**
- (a) The City Manager -
    - (i) as head of the administration, is responsible for the effective day to day running of the administration of the municipality;
    - (ii) is responsible for the execution of Council resolutions;
    - (iii) plays a prominent role, together with the Executive Mayor, in building, maintaining and enhancing a good relationship between the Council, Councillors and the administration;
    - (iv) must ensure, after consultation with the Executive Mayor and Speaker, that a proper and effective committee service responsible for the agenda and minutes is in place for each of the committees, and that the committees meet on a regular basis;
    - (v) receives reports with recommendations from the ED's on all matters that must be handled by either the City Manager, the Executive Mayor or the Council in terms of the delegation of powers of the Council;
    - (vi) is responsible and accountable for the municipality's income and expenditure, the discharge of all liabilities, and the proper and diligent compliance with the MFMA.  
(Amended by Council on 30 June 2016 under item 116A20)
- 6. Principles, conditions and limitations**
- 6.1 A delegation and sub-delegation of a power to a delegated body –
    - (a) must not conflict with the Constitution, the Structure Act, the Systems Act or any other applicable legislation;
    - (b) must be in writing under signature of the delegating authority;

- (c) may at any time be withdrawn by the delegating authority in writing;
  - (d) includes the authority to sub-delegate a delegated power;
  - (e) does not divest the delegating authority of the responsibility concerning the exercising of the power;
  - (f) must be reviewed when a new Council is elected;
  - (g) is subject to the limitations, conditions and directives imposed by the delegating authority, if any;
- 6.2 When a power has been duly delegated or assigned by a delegating authority to an employee, the employee may act thereon through any employee under his control.
- 6.3 The following conditions and limitations apply to any power that has been delegated by a delegating authority -
- (a) the delegated body must give effect to the policies of the municipality as approved from time to time by the Council;
  - (b) the delegated body may at any time decide not to exercise the delegated power, but to submit it to the delegating authority for decision. In such event the delegated body must submit its report and recommendations on the matter to the delegating authority for consideration;
  - (c) the delegating authority may at any time instruct the delegated body not to act on a delegation, but to submit the matter to it for decision and execution as provided for in section 61 of the Systems Act. In such an event the delegated body must submit its report and recommendations on the matter to the delegating authority;
  - (d) a delegated body may not incur expenditure in the exercising of the delegated powers that has not been provided for in the budget.
- 6.4 A person whose rights are affected by a decision taken by a delegated body may appeal against that decision by giving written notice and reasons for the appeal to the City Manager within 21 days of the date of the notification of the decision. The City Manager must promptly submit the appeal to the appropriate appeal authority who must decide on the appeal in the manner and within the time set out in the Systems Act. The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision. When the appeal is against a decision taken by-
- (a) a staff member other than the City Manager, the City Manager is the appeal authority;
  - (b) the City Manager, the Executive Mayor is the appeal authority, except in the case of procurement decisions where the Council is the appeal authority;
  - (c) a political structure, a political office bearer or a councillor, the Council is the appeal authority;
- An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.
- 6.5 A councillor or a staff member to whom a power had been delegated, must report to the delegating authority in writing on all decisions taken in terms of that delegated power as provided for in Rule 187 of the Standing Rules. A report in this regard must be submitted as follows:
- (a) by the Executive Mayor for information to the Council, together with his report on his decisions and recommendations on the matters considered by him,

- in accordance with Rule 175 of the Standing Rules, at every Council meeting;
- (b) by the City Manager to the Executive Mayor within 14 days of the end of each month. This report must be incorporated into the report of the Executive Mayor to the Council as mentioned in (a);
  - (c) by an ED to the City Manager within 12 days of the end of each month. This report must be incorporated into the report of the City Manager to the Executive Mayor as mentioned in (b);
  - (d) by a General Manager to the ED concerned within 10 days of the end of each month. This report must be incorporated into the report of the ED to the City Manager as mentioned in (c);
  - (e) by a Manager to the General Manager concerned within 8 days of the end of each month. This report must be incorporated into the report of the General Manager to the ED as mentioned in (d);
  - (f) by other delegated bodies of lower designations to the Manager concerned within 6 days of the end of each month. This report must be incorporated into the report of the Manager to the General Manager as mentioned in (e);  
(Amended by Council on 30 June 2016 under item 116A20)
- 6.6 The withdrawal, amendment or lapse of a delegation or sub-delegation does not invalidate anything done as a consequence of a decision taken in terms of that delegation or sub-delegation before such withdrawal, amendment or lapse.
- 6.7 Whenever it becomes necessary to review the municipality's delegations of powers, the City Manager must submit a report on the existing delegations with recommendations on any changes thereto which the City Manager may consider necessary, to the Council through the Executive Mayor.
- 6.8 A decision taken by a delegated body in the exercise of the municipality's executive authority, must be in writing.
- 6.9 All powers conferred upon a Municipality which requires an action and or a decision from an employee of the Municipality in the execution of their day to day activities and duties, which has not specifically been referred to in this policy, shall be regarded as the power of the City Manager or of such official to whom the City Manager delegated such power, either by way of a written delegation or by way of the written job description of the employee.  
(Amended by Council on 30 June 2016 under item 116A20)

## CHAPTER 2: POWERS OF THE COUNCIL

### 1. Council reserved powers

The powers set out hereunder are reserved for the Council either by means of legislation or by Council resolution, and may not be delegated to any of the municipality's other political structures, political office bearers or employees. The Council may however take no decision in respect of these matters, unless it has received and considered the report and recommendations of the Executive Mayor in this regard.

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITION/COMMENT
160(2) CON	The passing of by-laws	A1	Council	None	A decision in this regard must be taken by the Council with a supporting vote of a majority of its members
160(2) CON 16(1) MFMA	The approval of budgets	A2	Council	None	A decision in this regard must be taken by the Council with a supporting vote of a majority of its members taken before the start of the financial year. Section 25 MFMA applies in event that the budget is not approved
160(2) CON 75A(2) MSA 14(1) MPRA	The imposition of rates and other taxes, levies and duties	A3	Council	None	A decision in this regard must be taken by the Council with a supporting vote of a majority of its members
160(2) CON	The raising of loans	A4	Council	None	A decision in this regard must be taken by the Council with a supporting vote of a majority of its members
59(1)(a) MSA 75A(2) MSA	The setting of tariffs	A5	Council	None	A decision in this regard must be taken by the Council with a supporting vote of a majority of its members
59(1)(a) MSA	The decision to enter into a service delivery agreement in terms of section 76(b) of the Systems Act	A6	Council	None	
59(1)(a) MSA	The decision to approve or amend the municipality's IDP	A7	Council	None	
7 RPOA	The determination of salaries, allowances and other benefits of councillors	A8	Council	None	
30(5)(c) MSTA	The appointment and conditions of service of the City Manager as head of the administration and as accounting officer for the municipality, after receiving the report and recommendations of the Executive Mayor on the matter	A9	Council	None	
56 MSA 30(5)(c) MSTA	The appointment and conditions of service of ED's after consultation with the City Manager, and after receiving the report and recommendations of the Executive Mayor on the matter (Amended by Council on 30 June 2016 under item 116A20)	A10	Council	None	
14(2) MFMA	The transfer of ownership or otherwise dispose of a capital asset, but only after the Council, in a meeting open to the public-	A11	Council	None	Any transfer of ownership of a capital asset in terms of section 14(2) of the MFMA must be fair, equitable, transparent, competitive and

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITION/COMMENT
	(a) has decided on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal services; and  (b) has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset. (Amended by Council on 3 April 2007 under Item 31A20, and further amended on 30 June 2016 under item 116A20)				consistent with the supply chain management policy
18 MSTa	The designation of full-time Councillors as determined by the MEC for Local Government	A12	Council	None	
Item 8 Code of Conduct for Councillors	Considering any application of a full-time Councillor so designated to perform other work for remuneration	A13	Council	None	
31(1) MSRA	Closing of the Council's sittings to members of the public and the media and authorising committees of the municipality to close their sittings	A14	Council	None	
33 MSTa	The establishment of committees, including the determination of the functions and procedures of any such committee, the appointment and removal of the members of such committee and, in appropriate cases, the appointment of the chairperson of such committee	A15	Council	None	
34(1) MSTa	Considering the dissolution of the Council	A16	Council	None	
40 MSTa	The election of a Speaker	A17	Council	None	
40 MSTa	Removing the Speaker from office and filling any vacancy in the office of Speaker	A18	Council	None	
41 MSTa	Electing an acting Speaker	A19	Council	None	
55(1) MSTa	Electing an Executive Mayor and filling any vacancy in the office of Executive Mayor	A20	Council	None	

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITION/COMMENT
56(4) MSTA	Determining the ceremonial role, if any, that the Executive Mayor must perform	A21	Council	None	
58 MSTA	Removing the Executive Mayor from office	A22	Council	None	
60(3) MSTA	Designating the powers of the Executive Mayor that must be exercised by the Executive Mayor together with the other members of the mayoral committee	A23	Council	None	
72 MSTA	Deciding whether or not to establish ward committees in the municipal area, making rules in connection with any such committees, determining the administrative arrangements that may be made available to such committees and the dissolution of any ward committee	A24	Council	None	
Item 4 Code of Conduct for Councillors	The sanctioning of non-attendance of Council meetings	A25	Council	None	
Item 7(4) Code of Conduct for Councillors	Determining the financial interests of Councillors that must be made public	A26	Council	None	
Item 13 Code of Conduct for Councillors	Consideration of a report of the Speaker on the suspected breach of the code of conduct for Councillors	A27	Council	None	
	The naming or renaming of streets, open areas, other public places and buildings of the municipality consistent with the prescribed prerequisites and procedures	A28	Council	None	
	The consideration of reports of the respective directorates of the Council	A29	Council	None	
78 MSA	The decision on the appropriate mechanisms to provide municipal services	A30	Council	None	
85 MSA	Decision on the establishment and termination of internal municipal service districts and multi-jurisdictional municipal service districts	A31	Council	None	
21(4) MDA	The lodging of objections against the proposed re-determination or alteration of the municipality's boundaries, and the lodging of an application to alter the municipality's boundaries	A32	Council	None	

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITION/COMMENT
145(3)(e) ORD	The introduction and lifting of water restrictions and the imposition penalties for excess use during such restrictions in accordance with the applicable legislation	A33	Council	None	
145A ORD	The conclusion of any agreement with any other municipality to co-operate with that municipality	A34	Council	None	
16(3) MFMA	Deciding whether money for capital expenditure for a period not exceeding three financial years may be appropriated in an annual budget	A35	Council	None	A separate appropriation must be made for each of financial year
23(2) MFMA	Deciding to give the Mayor an opportunity to respond to any submissions received in connection with the budget from communities and organs of state	A36	Council	None	
32(2) MFMA	Appointing a committee to investigate any suspected or reported unauthorised, irregular or fruitless and wasteful expenditure	A37	Council	None	<b>NOTE:</b> In terms of the judgements of the Court in the cases of <u>The Democratic Alliance and another v Amos Masondo and another (WLD)</u> (Case No 01/9260) (2001) and <u>Democratic Alliance and Another v Amos Masondo N O and the Minister of Provincial and Local Government (CC)</u> (Case No CCT 29/02) a mayoral committee was found not to be a committee of a municipal council. The Council may therefore not appoint the Mayoral Committee to perform such an investigation
38(2) MFMA	Considering a notice received from the National Treasury of its intention to stop the transfer of funds to the Municipality	A38	Council	None	
39(3) MFMA	Determining the deputation that will appear before a committee of Parliament considering the approval or renewal of a decision of the National Treasury to stop the transfer of funds to the Municipality	A39	Council	None	
39(3) MFMA	Determining the case that will be presented to a committee of Parliament considering the approval or renewal of a decision of the National Treasury to stop the transfer of funds to the Municipality	A40	Council	None	
45(2)(a) MFMA	Approving any short term debt agreement	A41	Council	None	



SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITION/COMMENT
46(1) MFMA	Deciding whether to incur long term debt	A42	Council	None	
46(2)(a) MFMA	Approving any long term debt agreement	A43	Council	None	
48(1) MFMA	Deciding whether to provide security for any of the Municipality's debt obligations, debt obligations of a municipal entity under its sole control and contractual obligations of the Municipality undertaken in connection with capital expenditure by other persons on property, plant or equipment to be used by the Municipality or such other person	A44	Council	None	
48(2) MFMA	Deciding the form/nature of security to be provided for any of the Municipality's debt obligations, debt obligations of a municipal entity under its sole control and contractual obligations of the Municipality undertaken in connection with capital expenditure by other persons on property, plant or equipment to be used by the Municipality or such other person	A45	Council	None	
50 MFMA	Deciding to issue a guarantee for any commitment or debt of any organ of state, person or municipal entity under the sole or shared control of the Municipality	A46	Council	None	
84(1a) MFMA	Determining precisely the function or service that a municipal entity would perform on behalf of the Municipality when considering the establishment of, or participation in, a municipal entity	A47	Council	None	
84(2)(b)(i) MFMA	Considering an assessment of the impact of the shifting of a function or service to a municipal entity on the Municipality's staff, assets and liabilities when considering the establishment of, or participation in, a municipal entity	A48	Council	None	
84(2)(b)(iii) MFMA	Considering the comments or representations received from the local community, organized labour and other interested persons in respect of the Municipality's intention to establish and/or participate in a municipal entity	A49	Council	None	
84(2)(b)(iii) MFMA	Considering the views and recommendations of the National Treasury and the provincial treasury, the national and provincial departments responsible for local government and the MEC responsible for local government in respect of the Municipality's intention to establish and/or participate in a municipal entity	A50	Council	None	

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITION/COMMENT
87(2) MFMA	Considering the proposed budget of a municipal entity of which the Municipality is the parent municipality and assessing the entity's priorities and objectives	A51	Council	None	
87(2) MFMA	Deciding to make recommendations on the proposed budget of a municipal entity of which the Municipality is the parent municipality	A52	Council	None	
87(5)(c) MFMA	Determining the limits, including any limits on tariffs, revenue, expenditure and borrowing, on the budget of a municipal entity of which the Municipality is the parent municipality	A53	Council	None	
88(b)(ii) MFMA	Receiving and considering a mid-year performance assessment report of a municipal entity of which the Municipality is the parent municipality	A54	Council	None	
90(2) MFMA	To decide on reasonable grounds during a council meeting that is open to the public, whether or not a capital asset of its municipal entity or entities, is needed to provide the minimum level of basic municipal services, and if not, to consider the fair market value of such capital asset and the economic and community value to be received in exchange for such capital asset (Amended by Council on 30 June 2016 under item 116A20)	A55	Council	None	
109 MFMA	Deciding, when a municipal entity of which the Municipality is the parent municipality, experiences serious or persistent financial problems and the board of directors of the entity fails to act effectively – (a) the appropriate steps to be taken in terms of the Municipality's rights and powers over the entity concerned, including its rights and powers in terms of any relevant service delivery or other agreement; (b) impose a financial recovery plan, which meets the criteria set out in section 142 of the MFMA; or (c) liquidate and disestablish the entity.	A56	Council	None	
114(1) MFMA	Considering a report containing the reasons for deviating from such recommendation of the accounting officer of a municipal entity of which the Municipality is the parent municipality if a tender other than the one recommended in the normal course of implementing the supply chain management policy of the municipal entity is approved	A57	Council	None	

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITION/COMMENT
120(1) MFMA	Deciding to enter into a public-private partnership agreement	A58	Council	None	
120(1)(a) MFMA	Determining whether a proposed public-private partnership agreement will provide value for money to the municipality	A59	Council	None	
120(1)(b) MFMA	Determining whether a proposed public-private partnership agreement will be affordable for the Municipality	A60	Council	None	
120(1)(c) MFMA	Determining whether a proposed public-private partnership agreement will transfer appropriate technical, operational and financial risk to the private party	A61	Council	None	
129(1) MFMA	Considering the annual report of the Municipality and of any municipal entity under the Municipality's sole or shared control	A62	Council	None	
129(1) MFMA	Adopting an oversight report containing the Council's comments on the annual report(s)	A63	Council	None	
129(5) MFMA	Deciding whether to adopt guidelines issued by the National Treasury on the manner in which councils should consider annual reports and conduct public hearings and the functioning and composition of any public accounts or oversight committees established by a council to assist it to consider an annual report	A64	Council	None	
133(1)(c)(i) MFMA	Deciding whether to request the Speaker or another councillor to investigate the reasons for the failure of the City Manager or of the accounting officer of a municipal entity under the Municipality's sole or shared control to submit annual financial statements to the Auditor-General or the Executive Mayor's failure to table the annual report of the Municipality or a municipal entity in the Council	A65	Council	None	
133(1)(c)(i) MFMA	Receiving the report of the appointed councillor regarding the failure of the City Manager or of the accounting officer of a municipal entity under the Municipality's sole or shared control to submit annual financial statements to the Auditor-General or the Executive Mayor's failure to table the annual report of the Municipality or a municipal entity in the Council	A66	Council	None	
133(1)(c)(ii) MFMA	Determining the appropriate steps to be taken to ensure that the financial statements are submitted to the Auditor-General or that the annual report, including the financial statements and the audit report on those statements, is tabled in the Council, as the case may be	A67	Council	None	

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITION/COMMENT
133(1)(c)(iii) MFMA	Deciding whether disciplinary steps should be taken against the City Manager or other persons responsible for the failure of the City Manager or of the accounting officer of a municipal entity under the Municipality's sole or shared control to submit annual financial statements to the Auditor-General or the Executive Mayor's failure to table the annual report of the Municipality or a municipal entity in the Council	A68	Council	None	
152(1) MFMA	Deciding to apply to the High Court for an order to stay all legal proceedings, including the execution of legal process, by persons claiming money from the Municipality if the Municipality is unable to meet its financial commitments	A69	Council	None	
153(1)(a) MFMA	Deciding to apply to the High Court for an order to stay, for a period not exceeding 90 days at a time, all legal proceedings, including the execution of legal process, by persons claiming money from the Municipality	A70	Council	None	
153(1)(b) MFMA	Deciding to apply to the High Court for an order to terminate the Municipality's financial obligations to creditors, and to settle claims in accordance with a distribution scheme referred to in section 155 of the MFMA	A71	Council	None	
165(1) MFMA	Deciding whether to establish an internal audit unit or to outsource the internal audit function	A72	Council	None	
166(1) and (6) MFMA	Deciding whether to establish an internal audit committee for the municipality	A73	Council	None	
166(2) MFMA	Receiving reports of the audit committee	A74	Council	None	
166(4) MFMA	Determining the number of members of the audit committee	A75	Council	None	
166(4) MFMA	Determining the nature of the appropriate experience that persons should possess to be considered for appointment as a member of the audit committee	A76	Council	None	
166(5) MFMA	Appointing the members of the audit committee of the Municipality and of a municipal entity of which the Municipality is a parent municipality	A77	Council	None	

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITION/COMMENT
166(5) MFMA	Appointing from amongst the members of an audit committee who is not in the employ of the Municipality or municipal entity a chairperson	A78	Council	None	
176(2) MFMA	Deciding to recover from a political office-bearer or official of the Municipality any loss or damage suffered by it because of the deliberate or negligent unlawful actions of that political office-bearer or official when performing a function of office	A79	Council	None	
22(1) MPRA	Determination of special rating areas in the municipality, the levying of an additional rate on the property in that area and the differentiation between categories of properties when levying the additional rate	A80	Council	None	
31(1) MPRA	For the purpose of a general valuation, to determine a date on which the valuation roll is to be first implemented	A81	Council	None	
33 MPRA	The designation of a person as a municipal valuer	A82	Council	None	
38 MPRA	To enter into an agreement with another municipality to designate a single municipal valuer and to share the costs of preparing valuation rolls	A83	Council	None	
	The acquisition of immovable property which include the leasing, purchasing or receiving as donation thereof, or the alienation of municipal immovable property or rights in respect thereof which include the leasing, selling or donation thereof, as well as the determination of the upset price or selling price and conditions of sale (inserted by Council on 1 September 2005 under item 38A14, and amended by Council on 3 April 2007 under Item 31A20)	A84	Council	None	
11 MSA	(Powers A87 to A122 inserted by Council on 28 September 2006 under item 119A3) The formulation, developing and adopting of policies, plans, strategies and programmes of the municipality, including setting of targets for service delivery	A85	Council	None	
66 MSA	Determining a policy framework for staff matters	A86	Council	None	
	Adopting an employment equity plan and skills development plan for the municipality consistent with the relevant legislation	A87	Council	None	

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITION/COMMENT
	The nomination of the Council's representatives in public bodies and the provincial executive committee of SALGA	A88	Council	None	
135 ORD	Consultation with the relevant planning authority about the establishment or lay out of a township in terms of applicable legislation	A89	Council	None	
	Approving the outlay and development of public places, streets and other public facilities and amenities	A90	Council	None	
	Approval of the erection of permanent municipal buildings	A91	Council	None	
135 ORD	The consideration of sub-divisions of land belonging to the municipality	A92	Council	None	
	The permanent closing of public places	A93	Council	None	
	The decision whether reports from committees are only for the information of the Council or whether the Council should be given an opportunity to discuss such reports	A94	Council	None	
	The consideration of draft national and provincial legislation and policies affecting the municipality for the purpose of providing comments on the applicable legislature	A95	Council	None	
32(7) MFMA	Determining whether an alleged irregular expenditure incurred by the City Manager constitutes a criminal offence	A96	Council	None	
32(7) MFMA	Determining whether the City Manager allegedly committed an act of theft and fraud	A97	Council	None	
32(7) MFMA	Reporting alleged irregular expenditure incurred by the City Manager that constitutes a criminal offence and alleged theft and fraud perpetrated by the City Manager to the SAPS	A98	Council	None	
34(1) MFMA	Entering into an agreement with the national or provincial government to assist the Municipality to build its capacity for efficient, effective and transparent financial management	A99	Council	None	
34(3)(a) MFMA	Considering the results of the provincial government's monitoring of the Municipality	A100	Council	None	
34(3)(b) MFMA	Considering a notification of the provincial government of any emerging or impending financial problems in the Municipality	A101	Council	None	

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITION/COMMENT
37(1)(a) MFMA	Determining the steps the Municipality must take to promote co-operative government with the national and provincial spheres of government and other municipalities in the Municipality's fiscal and financial relations	A102	Council	None	
44(1) MFMA	Deciding the reasonable steps to settle a dispute of a financial nature between the Municipality and another organ of state out of court	A103	Council	None	
44(2)(a) MFMA	Reporting a dispute of a financial nature between the Municipality and another organ of state (excluding the National Treasury) to the National Treasury	A104	Council	None	
44(2)(b) MFMA	Deciding whether to request the National Treasury to mediate or to appoint a mediator to mediate a dispute of a financial nature between the Municipality and another organ of state (excluding the National Treasury)	A105	Council	None	
89(a) MFMA	Determining the upper limits of the salary, allowances and other benefits of the chief executive officer and senior managers of a municipal entity of which the Municipality is the parent municipality	A106	Council	None	
135(3) MFMA	Considering whether the Municipality is, or is likely to, encounter a serious financial problems in meeting its financial commitments	A107	Council	None	
135(3)(a) MFMA	Determining the manner of seeking solutions to any serious financial problem in meeting its financial commitments experienced or anticipated by the Municipality	A108	Council	None	
135(3)(a) MFMA	Defining the solutions to be implemented to solve or avoid any serious financial problem in meeting its financial commitments experienced or anticipated by the Municipality	A109	Council	None	
143(3)(a) MFMA	Receiving an approved financial recovery plan for the Municipality	A110	Council	None	
148(1)(b)(i) MFMA	Declaring the Municipality's willingness to fulfill the executive obligation in terms of legislation or the Constitution that gave rise to any discretionary intervention in the Municipality	A111	Council	None	
168(3) MFMA	Considering any guidelines issued by the Minister of Finance in terms of section 168(1) of the MFMA	A112	Council	None	
171(4)(a) MFMA	Investigating any allegations of financial misconduct against the City Manager unless those allegations are frivolous, vexatious, speculative or obviously unfounded	A113	Council	None	

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITION/COMMENT
171(4)(a) MFMA	Deciding whether an allegation of financial misconduct against the City Manager is frivolous, vexatious, speculative or obviously unfounded	A114	Council	None	
174(4)(b) MFMA	Deciding whether an investigation of an allegation of financial misconduct against the City Manager revealed anything that warrants the institution of disciplinary proceedings	A115	Council	None	

### CHAPTER 3: POWERS OF THE EXECUTIVE MAYOR

#### 1. Executive Mayor statutory powers

The powers set out hereunder are assigned to the Executive Mayor in terms of inter alia the MSTa and the MFMA and the legislation as indicated in column 1, and reserved for his execution in accordance with his decision, and he may take a decision in respect of these assigned powers matters with or without consulting any person

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
56 MSTa	To receive reports from the committees of the Council and to forward these reports together with a recommendation to the Council when the matter cannot be disposed of by him in terms of his delegated powers	B1	Executive Mayor	None	
56 MSTa	To identify the needs of the municipality	B2	Executive Mayor	None	
56 MSTa	To review and evaluate those needs in order of priority	B3	Executive Mayor	None	
56 MSTa	To make recommendations to the Council regarding 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	B4	Executive Mayor	None	
56 MSTa	To make recommendations to the Council regarding the best way, including partnership and other approaches, to deliver those strategies, programmes and services to the maximum benefit of the community	B5	Executive Mayor	None	



SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
56 MSTa	To identify and develop criteria in terms of which progress in the implementation of those strategies, programmes and services can be evaluated, including key performance indicators which are specific to the municipality and common to local government in general	B6	Executive Mayor	None	
56 MSTa	To evaluate progress against the above-mentioned key performance indicators	B7	Executive Mayor	None	
5 MSTa	To review the performance of the municipality in order to improve the economy, efficiency and effectiveness of the municipality, the efficiency of credit control and revenue and debt collection services, and the implementation of the municipality's by-laws	B8	Executive Mayor	None	
56 MSTa	To monitor the management of the municipality's administration in accordance with the directions of the Council	B9	Executive Mayor	None	
56 MSTa	To oversee the provision of services to communities in the municipality in a sustainable manner	B10	Executive Mayor	None	
56 MSTa	To annually report on the involvement of communities and community organisations in the affairs of the municipality	B11	Executive Mayor	None	
56 MSTa	To ensure that regard is given to public views and report on the effect of consultation on the decisions of the Council	B12	Executive Mayor	None	
56 MSTa	To perform a ceremonial role as the Council may determine from time to time	B13	Executive Mayor	None	
56 MSTa	To report to the Council on all decisions taken by him	B14	Executive Mayor	None	
27(3) MFMA	Informing the Council, the MEC responsible for finance and the National Treasury, in writing, of any actual non-compliance by the Municipality of a provision of Chapter 4 of the MFMA and any remedial or corrective measures the Municipality intends to implement to avoid a recurrence of such non-compliance	B15	Executive Mayor	None	
31(d) MFMA	Giving written approval for exceeding the amount appropriated in respect of a capital programme	B16	Executive Mayor	None	

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
31(e) MFMA	Submitting the certificate specifying that actual revenue for the financial year concerned is expected to exceed budgeted revenue and that sufficient funds are available for exceeding the amount appropriated for a specific capital programme without incurring further borrowing beyond the annual budget limit issued by the City Manager and the Executive Mayor's approval for exceeding the amount appropriated in respect of a capital programme to the provincial treasury and the Auditor-General	B17	Executive Mayor	None	Subject to section 21 MFMA
52(a) MFMA	Deciding the nature and extent of, and manner in which political guidance over the fiscal and financial affairs of the Municipality will be provided	B18	Executive Mayor	None	
S2(d) MFMA	Submitting to the Council, within 30 days of the end of each quarter, a report on the implementation of the budget and the financial state of affairs of the Municipality	B19	Executive Mayor	None	
53(1)(c)(ii) MFMA	Determining the reasonable steps to be taken to ensure he/she approves the Municipality's service delivery and budget implementation plan	B20	Executive Mayor	None	The Executive Mayor must approve the annual service delivery and budget implementation plan within 28 days after the approval of the budget
S6 MFMA	Providing guidance to the Municipality to exercise its rights and powers over any municipal entity in which the Municipality has sole or shared control	B21	Executive Mayor	None	
59(1)(a) MFMA	Deciding to delegate the powers and duties assigned to the Executive Mayor in terms of the MFMA	B22	Executive Mayor	None	<ol style="list-style-type: none"> <li>1. Such power or duty may only be delegated to another member of the Mayoral Committee</li> <li>2. A delegation by the Executive Mayor must be in writing</li> <li>3. A delegation by the Executive Mayor does not divest him/her of the responsibility concerning the exercise of the delegated power or the performance of the delegated duty.</li> </ol>
59(2) MFMA	Determining the conditions and limitations of any delegation by the Executive Mayor	B23	Executive Mayor	None	

(Amended by Council on 30 June 2016 under item 116A20)

## 2. Executive Mayor powers delegated by Council

The powers set out hereunder are delegated by the Council to the Executive Mayor

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
60(1)(a) MSA	The decision to expropriate immovable property or rights in or to immovable property	C1	Council	Executive Mayor	
60(1)(b) MSA	The determination or alteration of the remuneration, benefits or other conditions of service of the City Manager and ED's	C2	Council	Executive Mayor	
19(3) MSTA	The determination and development of mechanisms to consult the community and community organisations on the performance of the municipality's functions	C3	Council	Executive Mayor	
87(2) MSTA	The lodging of an objection to the Minister against the temporary allocation of a function or power of the municipality to the district municipality to restore or maintain any basic service that has or may collapse	C4	Council	Executive Mayor	
88(2)(b) MSTA	Determining the nature, extent, duration and conditions for providing assistance to the district municipality pursuant to a request for such assistance	C5	Council	Executive Mayor	
88(2)(a) MSTA	Making a request to the district municipality for financial, technical and administrative support services	C6	Council	Executive Mayor	
	To approve the attendance of meetings, workshops, seminars, conferences, congresses and similar events and special visits by Councillors and the City Manager, which are in the interest of the Council and which are to be conducted within or outside the boundaries of the Republic of South Africa : Provided that the necessary funds are available	C7	Council	Executive Mayor	
112 MSA	A decision to obtain the authority in terms of the National Prosecuting Authority to enable an employee to institute criminal proceedings and conduct prosecutions in respect of a contravention of by-laws and other legislation applicable to the municipality	C8	Council	Executive Mayor	
	The authority to sign a document requiring authentication on behalf of the municipality	C9	Council	Executive Mayor	
23(1) MFMA	Receiving and considering the views of the communities and organs of state received in connection with the budget	C10	Council	Executive Mayor	

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
28(1) MFMA	Deciding to revise an approved budget by way of an adjustments budget	C11	Council	Executive Mayor	
	The approval of all donations and grants-in-aid by the municipality (Inserted by Council on 3 April 2007 under Item 31A20)	C12	Council	Executive Mayor	
Clause 8 of Municipal Budget Regulations	The approval of excess expenditure, covered by a saving, on the annual capital and operating budgets (Inserted by Council on 3 April 2007 under Item 31A20)	C13	Council	Executive Mayor	
135 ORD	The approval and amendment of the town planning schemes, structure plans, conditions of establishment of new townships and land development objectives of the municipality and applications for rezoning, special consent uses and removal or alteration of title conditions (Inserted by Council on 3 April 2007 under Item 31A20)	C14	Council	Executive Mayor	
	All the powers of the municipality that have not been reserved for the Council, or that have not been delegated or assigned to a political structure, political office bearer or employee of the Council, are delegated to the Executive Mayor (Amended by Council on 30 June 2016 under item 116A20)	C15	Council	Executive Mayor	In terms of National Treasury Circular No.73

#### CHAPTER 4: POWERS OF THE SPEAKER

##### 1. Speaker statutory powers

The powers set out hereunder are assigned to the Speaker in terms of the legislation as indicated in column 1, and reserved for his execution in accordance with his decision, and he may take a decision in respect of these matters with or without consulting any person

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
37 MST A	(a) To preside at meetings of the Council	D1	Speaker	None	
37 MST A	(b) To perform the duties and exercise the powers delegated to the speaker in terms of section 59 of the Systems Act	D2	Speaker	None	

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
37 MSTA	(c) To ensure that the Council meets at least quarterly	D3	Speaker	None	
37 MSTA	(d) To maintain order during meetings of the Council	D4	Speaker	None	
37 MSTA	(e) To ensure compliance in the council and council committees with the Code of Conduct set out in Schedule 1 to the Systems Act	D5	Speaker	None	
37 MSTA	(f) To ensure that Council meetings are conducted in accordance with the rules and orders of the Council	D6	Speaker	None	
37 29(1)MSTA	To determine the date and venue of ordinary Council meetings	D7	Speaker	None	
29(1) MSTA	To convene a special Council at a venue determined by him, and at the time set out in the request that such a meeting be convened	D8	Speaker	None	
28 MSTA	To ensure that the provisions in respect of privileges and immunities of councillors are adhered to	D9	Speaker	None	
103 MFMA	Receiving a report of the accounting officer of a municipal entity of which the Municipality is the parent municipality regarding any interference by a councillor outside that councillor's assigned duties, in the financial affairs of the municipal entity; or the responsibilities of the board of directors of the municipal entity	D10	Speaker	None	
130(1) MFMA	Determining the reasonable time period to be allowed during a council meeting at which an annual report is to be discussed or at which decisions concerning an annual report are to be taken for the discussion of any written submissions received from the local community or organs of state on the annual report and for members of the local community or any organs of state to address the Council	D11	Speaker	None	
133(1)(b) MFMA	Receiving information from the Auditor-General regarding the failure to submit annual financial statements	D12	Speaker	None	

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
133(1)(b) MFMA	Submitting information received from the Auditor-General regarding the failure to submit annual financial statements to the Council	D13	Speaker	None	
133(1)(c)(i) MFMA	To investigate the reasons for the failure by the City Manager or accounting officer of an entity to submit financial statements.	D14	Speaker	None	In terms of National Treasury Circular No.73

(Amended by Council on 30 June 2016 under item 116A20)

## 2. Speaker powers delegated by the Council

The powers set out hereunder are delegated by the Council to the Speaker

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
	To assist the Executive Mayor with the liaison with the community, ward committees and councilors	E1	Council	Speaker	
	To assist the Executive Mayor with interviewing the public and visitors to the offices of the municipality, as well as with ceremonial duties and functions	E2	Council	Speaker	
	To decide on the attendance of meetings, workshops, seminars, conferences, congresses and similar events and special visits by the executive mayor, which are in the interest of the Council and which are to be conducted within or outside the boundaries of the Republic of South Africa : Provided that the necessary funds are available (Inserted by Council on 3 April 2007 under Item 31A20)	E3	Council	Speaker	
137(2) MFMA	Receiving an assessment of the seriousness of the financial problem in the Municipality, the determination of the provincial executive whether the financial problem experienced by the Municipality, singly or in combination with other problems, is sufficiently serious or sustained that the Municipality would benefit from a financial recovery plan and the request to a suitably qualified person to prepare and submit a financial recovery plan for the Municipality	E4	Council	Speaker	In terms of National Treasury Circular No.73

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
147(1)(b) MFMA	Receiving progress reports and a final report on any intervention from the MEC for local government or the MEC responsible for finance	E5	Council	Speaker	In terms of National Treasury Circular No.73
148(3)(a) MFMA	Receiving a notification that an intervention in the Municipality has ended	E6	Council	Speaker	In terms of National Treasury Circular No.73

(Amended by Council on 30 June 2016 under item 116A20)

### CHAPTER 5: POWERS OF THE CITY MANAGER

#### 1. City Manager statutory powers

The powers set out hereunder are assigned to the City Manager in terms of the legislation as indicated in column 1, and reserved for his execution in accordance with his decision, and he may take a decision in respect of these matters with or without consulting any person

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
55(1) MSA	As head of administration the City Manager is, subject to the policy directions of the Council, responsible and accountable for : (a) The formation and development of an economical, effective, efficient and accountable administration- (b) equipped to carry out the task of implementing the municipality's integrated development plan in accordance with Chapter 5 of the Systems Act; (b) operating in accordance with the municipality's performance management system in accordance with Chapter 6 of the Systems Act; and A1 (c) responsive to the needs of the local community to participate in the affairs of the municipality	F1	City Manager	None	
55(1) MSA	The management of the municipality's administration in accordance with the Systems Act and other legislation applicable to the municipality	F2	City Manager	None	
55(1) MSA	The appointment of staff other than the City Manager and ED's, subject to the provisions of the Employment Equity Act, 1998 (Act 55 of 1998)	F3	City Manager	None	

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
55(1) MSA	The management, effective utilization and training of staff	F4	City Manager	None	
55(1) MSA	Advising the political structures and political office bearers of the municipality	F5	City Manager	None	
55(1) MSA	Managing communications between the municipality's administration and its political structures and political office Bearers	F6	City Manager	None	
55(1) MSA	Carrying out the decisions of the political structures and political office bearers of the municipality	F7	City Manager	None	
55(2) MSA	The City Manager is responsible and accountable for- (a) all income and expenditure of the municipality; (b) all assets and the discharge of all liabilities of the municipality; and (c) proper and diligent compliance with applicable municipal finance management legislation	F8	City Manager	None	
66 MSA	To , within a policy framework determined by the Council and subject to any applicable legislation, - (a) develop a staff establishment for the administration, and submit the staff establishment to the Council for approval (b) provide a job description for each post on the staff establishment; (c) align the remuneration and other conditions of service for each post on the staff establishment in accordance with applicable labour legislation and any collective agreement; and (d) regularly evaluate the staff establishment and, if necessary, review the staff establishment and the remuneration and conditions of service	F9	City Manager	None	
10(1)(c) MFMA	Enforcing compliance with sections 7, 8 and 11 of the MFMA	F10	City Manager	None	In terms of National Treasury Circular No.73
11(4)(a) MFMA	Tabling of a quarterly consolidated report of all withdrawals made in terms of section 11 (1)(b) to (j) of the MFMA from the Municipality's bank accounts in the Municipal Council	F11	City Manager	None	In terms of National Treasury Circular No.73
12(4) MFMA	Issuing written authority to withdraw money without appropriation in terms of an approved budget from a bank	F12	City Manager	None	In terms of National Treasury Circular No.73



SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
	account opened for the purpose of a relief, charitable, trust or other fund				
22 MFMA	Making the annual budget public, inviting the community to submit representations in connection therewith and submitting the annual budget to the national and provincial treasuries and affected municipalities	F13	City Manager	None	In terms of National Treasury Circular No.73
24(3) MFMA	Submission of the approved annual budget to the National Treasury and the provincial treasury	F14	City Manager	None	In terms of National Treasury Circular No.73
26(4) MFMA	Obtaining the MEC responsible for finance's approval to withdraw funds from the Municipality's bank accounts, if a budget has not been approved on or before 1 July of each year.	F15	City Manager	None	
31(c) MFMA	Issuing a certificate specifying that actual revenue for the financial year concerned is expected to exceed budgeted revenue and that sufficient funds are available for exceeding the amount appropriated for a specific capital programme without incurring further borrowing beyond the annual budget limit	F16	City Manager	None	In terms of National Treasury Circular No.73
32(3) MFMA	Informing the Council or the Executive Mayor in writing that a decision taken by the Council or the Executive Mayor is likely to result, if it is implemented, is unauthorised, irregular or fruitless and wasteful expenditure (Amended by Council on 28 September 2006 under item 119A3)	F17	City Manager	None	
32(4) MFMA	Determining the amount of any unauthorised, irregular or fruitless and wasteful expenditure incurred by the Municipality	F18	City Manager	None	ED's to exercise power in directorates
32(4) MFMA	Identifying the person responsible, or suspected of being responsible, for unauthorised, irregular or fruitless and wasteful expenditure	F19	City Manager	None	ED's to exercise power in directorates
32(4) MFMA	Determining the steps to be taken to recover or rectify any unauthorised, irregular or fruitless and wasteful expenditure incurred by the Municipality	F20	City Manager	None	ED's to exercise power in directorates
32(4) MFMA	Determining the steps to be taken to prevent the recurrence of unauthorised, irregular or fruitless and wasteful expenditure by the Municipality	F21	City Manager	None	ED's to exercise power in directorates

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
32(4) MFMA	Informing the Executive Mayor, the MEC for local government and the Auditor-General, in writing, of any unauthorised, irregular or fruitless and wasteful expenditure incurred by the Municipality, whether any person is responsible or under investigation for such unauthorised, irregular or fruitless and wasteful expenditure and the steps that have been taken to recover or rectify such expenditure and to prevent a recurrence of such expenditure.	F22	City Manager	None	
32(6) MFMA	Determining whether an alleged irregular expenditure constitutes a criminal offence	F23	City Manager	None	
32(6) MFMA	Determining whether alleged theft and fraud occurred in the Municipality	F24	City Manager	None	
32(6) MFMA	Reporting alleged irregular expenditure that constitutes a criminal offence and alleged theft and fraud which occurred in the Municipality to the SAPS	F25	City Manager	None	In terms of National Treasury Circular No.73
45(2)(b) MFMA	Signing a debt agreement or other document which creates or acknowledges any short term debt	F26	City Manager	None	In terms of National Treasury Circular No.73
46(2)(b) MFMA	Signing a debt agreement or other document which creates or acknowledges any long-term debt	F27	City Manager	None	In terms of National Treasury Circular No.73
54(1)(d) MFMA	Determining the proposed remedial or corrective steps to deal with any serious financial problems facing the Municipality	F28	City Manager	None	
60(b)(i) MFMA	Determining the nature, extent and manner of providing guidance and advice on compliance with the MFMA to the political structures, political office-bearers and officials of the Municipality and any municipal entity under the sole or shared control of the Municipality	F29	City Manager	None	
62(1)(e) MFMA	Deciding the reasonable steps to be taken to ensure that disciplinary or, when appropriate, criminal proceedings are instituted against any official of the Municipality who has allegedly committed an act of financial misconduct or an	F30	City Manager	None	ED's to exercise power in directorates

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
	offence in terms of Chapter 15 of the MFMA				
62(1)(f)(i) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and implements a tariff policy referred to in section 74 of the Municipal Systems Act	F31	City Manager	None	
62(1)(f)(iii) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and implements a credit control and debt collection policy referred to in section 96(b) of the Municipal Systems Act	F32	City Manager	None	In terms of National Treasury Circular No.73
62(1)(f)(iv) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and implements a supply chain management policy in accordance with Chapter 11 of the MFMA	F33	City Manager	None	In terms of National Treasury Circular No.73
63(2)(a) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a management, accounting and information system that accounts for the assets and liabilities of the Municipality	F34	City Manager	None	In terms of National Treasury Circular No.73
63(2)(b) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality's assets and liabilities are valued in accordance with standards of generally recognised accounting practice	F35	City Manager	None	
63(2)(c) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a system of internal control of assets and liabilities, including an asset and liabilities register, as may be prescribed	F36	City Manager	None	
64(2)(a) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has effective revenue collection systems consistent with section 95 of the Municipal Systems Act and the Municipality's credit control and debt collection policy	F37	City Manager	None	
64(2)(b) MFMA	Deciding the reasonable steps to be taken to ensure that revenue due to the Municipality is calculated on a monthly basis	F38	City Manager	None	In terms of National Treasury Circular No.73
64(2)(c) MFMA	Deciding the reasonable steps to be taken to ensure that accounts for municipal tax and charges are prepared on a monthly basis, or less often as may be prescribed where monthly accounts are uneconomical	F39	City Manager	None	In terms of National Treasury Circular No.73
64(2)(d) MFMA	Deciding the reasonable steps to be taken to ensure that all money received is promptly deposited in accordance with the MFMA into the Municipality's primary and other bank accounts	F40	City Manager	None	In terms of National Treasury Circular No.73

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
64(2)(e) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a management, accounting and information system which recognises revenue when it is earned and accounts for debtors and for receipts of revenue	F41	City Manager	None	In terms of National Treasury Circular No.73
64(2)(f) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a system of internal control in respect of debtors and revenue	F42	City Manager	None	In terms of National Treasury Circular No.73
64(2)(g) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality charges interest on arrears, except where the Council has granted exemptions in accordance with its budget-related policies and within a prescribed framework	F43	City Manager	None	In terms of National Treasury Circular No.73
64(2)(h) MFMA	Deciding the reasonable steps to be taken to ensure that all revenue received by the Municipality, including revenue received by any collecting agent on its behalf, is reconciled at least on a weekly basis	F44	City Manager	None	In terms of National Treasury Circular No.73
64(3) MFMA	Informing the National Treasury of any payments due by an organ of state to the Municipality in respect of municipal tax or for municipal services, if such payments are regularly in arrears for periods of more than 30 days.	F45	City Manager	None	In terms of National Treasury Circular No.73
64(4)(a) MFMA	Deciding the reasonable steps to be taken to ensure that any funds collected by the Municipality on behalf of another organ of state is transferred to that organ of state at least on a weekly basis	F46	City Manager	None	In terms of National Treasury Circular No.73
64(4)(b) MFMA	Deciding the reasonable steps to be taken to ensure that funds collected by the Municipality on behalf of another organ of state are not used for purposes of the Municipality	F47	City Manager	None	In terms of National Treasury Circular No.73
65(2)(a) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains an effective system of expenditure control, including procedures for the approval, authorisation, withdrawal and payment of funds	F48	City Manager	None	In terms of National Treasury Circular No.73
65(2)(b) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a management, accounting and information system which recognises expenditure when it is incurred and that accounts for creditors of, and payments made by, the Municipality	F49	City Manager	None	In terms of National Treasury Circular No.73

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
65(2)(c) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a system of internal control in respect of creditors and payments	F50	City Manager	None	In terms of National Treasury Circular No.73
65(2)(d) MFMA	Deciding the reasonable steps to be taken to ensure that payments by the Municipality are made directly to the person to whom it is due unless agreed otherwise for reasons as may be prescribed and either electronically or by way of non-transferable cheques	F51	City Manager	None	In terms of National Treasury Circular No.73
65(2)(e) MFMA	Deciding the reasonable steps to be taken to ensure that all money owing by the Municipality be paid within 30 days of receiving the relevant invoice or statement, unless prescribed otherwise for certain categories of expenditure	F52	City Manager	None	In terms of National Treasury Circular No.73
65(2)(f) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality complies with its tax, levy, duty, pension, medical aid, audit fees and other statutory commitments	F53	City Manager	None	In terms of National Treasury Circular No.73
65(2)(g) MFMA	Deciding the reasonable steps to be taken to ensure that any dispute concerning payments due by the Municipality to another organ of state is disposed of in terms of legislation regulating disputes between organs of state	F54	City Manager	None	In terms of National Treasury Circular No.73
65(2)(h) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality's available working capital is managed effectively and economically in terms of the prescribed cash management and investment framework	F55	City Manager	None	In terms of National Treasury Circular No.73
65(2)(i) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality's supply chain management policy is implemented in a way that is fair, equitable, transparent, competitive and cost-effective	F56	City Manager	None	In terms of National Treasury Circular No.73
65(2)(j) MFMA	Deciding the reasonable steps to be taken to ensure that all financial accounts of the Municipality are closed at the end of each month and reconciled with its records	F57	City Manager	None	In terms of National Treasury Circular No.73
66 MFMA	Reporting to the Council on all expenditure incurred by the Municipality on staff salaries, wages, allowances and benefits, and in a manner that discloses such expenditure per type of expenditure	F58	City Manager	None	In terms of National Treasury Circular No.73
67(1)	Entering into an agreement with an organisation or body	F59	City Manager	None	In terms of National Treasury

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
MFMA	outside any sphere of government to whom funds of the Municipality stand to be transferred otherwise than in compliance with a commercial or other business transaction				Circular No.73
67(1) MFMA	Determining whether an organisation or body outside any sphere of government to whom funds of the Municipality stand to be transferred otherwise than in compliance with a commercial or other business transaction, (a) implements effective, efficient and transparent financial management and internal control systems to guard against fraud, theft and financial mismanagement; and (b) has in respect of previous similar transfers complied with all the requirements of section 67(1) of the MFMA	F60	City Manager	None	In terms of National Treasury Circular No.73
67(2) MFMA	Obtaining the approval of the provincial treasury to transfer funds of the Municipality to an organisation or body outside any sphere of government otherwise than in compliance with a commercial or other business transaction if there has been a failure by an organisation or body to comply with the requirements of section 67(1) of the MFMA in respect of a previous transfer	F61	City Manager	None	In terms of National Treasury Circular No.73
67(3) MFMA	Determining the appropriate mechanisms to ensure compliance by an organisation or body outside any sphere of government to whom funds of the Municipality was transferred otherwise than in compliance with a commercial or other business transaction with – (a) any agreement with the Municipality, (b) for the period of the agreement to comply with all reporting, financial management and auditing requirements as may be stipulated in the agreement, (c) to report at least monthly to the Municipal Manager on actual expenditure against such transfer and to submit its audited financial statements for its financial year to the Municipal Manager promptly; (d) implements effective, efficient and transparent financial management and internal control systems to guard against fraud, theft and financial mismanagement; and	F62	City Manager	None	In terms of National Treasury Circular No.73

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
	(e) has in respect of previous similar transfers complied with all the requirements of section 67(1) of the MFMA				
67(4) MFMA	Determining whether an organisation or body outside any sphere of government to whom funds of the Municipality stand to be transferred otherwise than in compliance with a commercial or other business transaction is an organisation or body serving the poor or used by government as an agency to serve the poor	F63	City Manager	None	In terms of National Treasury Circular No.73
68(a) MFMA	Assisting the Executive Mayor in performing the budgetary steps assigned to the Executive Mayor	F64	City Manager	None	In terms of National Treasury Circular No.73
68(b) MFMA	Determining the administrative support, resources and information required by the Executive Mayor to perform the budgetary steps assigned to the Executive Mayor	F65	City Manager	None	In terms of National Treasury Circular No.73
69(1)(a) MFMA	Determining, in relation to implementing the Municipality's approved budget, the reasonable steps required to ensure that the spending of funds is in accordance with the budget and is reduced as necessary when revenue is anticipated to be less than projected in the budget or in the service delivery and budget implementation plan	F66	City Manager	None	In terms of National Treasury Circular No.73
69(1)(b) MFMA	Determining, in relation to implementing the Municipality's approved budget, the reasonable steps required to ensure that revenue and expenditure are properly monitored	F67	City Manager	None	In terms of National Treasury Circular No.73
69(2) MFMA	Determining whether it is necessary to prepare an adjustments budget	F68	City Manager	None	In terms of National Treasury Circular No.73
69(2) MFMA	Preparing an adjustments budget and submitting it to the Executive Mayor for consideration and tabling in the Council	F69	City Manager	None	In terms of National Treasury Circular No.73
69(3)(a) MFMA	Preparing and submitting, within 14 days after the approval of the Municipality's annual budget, a draft service delivery and budget implementation plan for the budget year	F70	City Manager	None	In terms of National Treasury Circular No.73
	Preparing and submitting, within 14 days after the approval of the	F71	City Manager	None	In terms of National Treasury

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
69(3)(b) MFMA	Municipality's annual budget, drafts of the annual performance agreements as required in terms of section 57(l)(b) of the Municipal Systems Act for the Municipal Manager and all senior managers				Circular No.73
70(1) MFMA	Reporting in writing to the Municipal Council any impending shortfalls in budgeted revenue and overspending of the Municipality's budget and any steps taken to prevent or rectify such shortfalls or overspending	F72	City Manager	None	In terms of National Treasury Circular No.73
70(2) MFMA	Informing the National Treasury that the Municipality's bank account or, if the Municipality has more than one bank account, the consolidated balance in those bank accounts, shows a net overdrawn position for a period exceeding a prescribed period	F73	City Manager	None	In terms of National Treasury Circular No.73
71(1) MFMA	Submitting to the Executive Mayor and the provincial treasury, within 10 working days after the end of each month, a statement in the prescribed format on the state of the municipality's budget	F74	City Manager	None	In terms of National Treasury Circular No.73
71(5) MFMA	Submitting to the national or provincial organ of state or municipality which transferred an allocation during any particular month to the Municipality within 10 working days after the end of the month concerned a statement indicating the amount of any allocations received and actual expenditure on those allocations, excluding expenditure on its share of the local government equitable share and allocations exempted by the annual Division of Revenue Act from compliance with this requirement	F75	City Manager	None	In terms of National Treasury Circular No.73
72(1)(a) MFMA	Performing an assessment of the Municipality's performance during the first half of each financial year	F76	City Manager	None	In terms of National Treasury Circular No.73
72(1)(b) MFMA	Submitting the mid-year performance assessment report to the Executive Mayor, the National Treasury and the Provincial Treasury	F77	City Manager	None	In terms of National Treasury Circular No.73
72(3)	Determining whether it is necessary to recommend that an	F78	City Manager	None	



SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
MFMA	adjustments budget be considered and that revised projections for revenue and expenditure is necessary				
73(a) MFMA	Informing the provincial treasury of any failure by the Council to adopt or implement a budget-related policy or a supply chain management policy	F79	City Manager	None	
73(b) MFMA	Informing the provincial treasury of any non-compliance by a political structure or political office-bearer of the Municipality with a budget-related policy or the supply chain management policy	F80	City Manager	None	
74(1) MFMA	Submitting to the National Treasury, the provincial treasury, the department for local government and the Auditor-General such information, returns, documents, explanations and motivations as may be prescribed or as may be required.	F81	City Manager	None	
74(2) MFMA	Reporting his/her inability to comply with any of the responsibilities in terms of the MFMA, together with reasons, to the Executive Mayor and the provincial treasury	F82	City Manager	None	
75MFMA	Ensuring that the required documents are uploaded to, and available on, the Municipality's website within five days after its tabling in the Council or on the date on which it must be made public, whichever occurs first	F83	City Manager	None	In terms of National Treasury Circular No.73
77(1) MFMA	Deciding to designate any officials other than those listed in section 77(1)(a) to (c) of the MFMA as "top management"	F84	City Manager	None	
79(1)(a) MFMA	Developing an appropriate system of delegation that will both maximise administrative and operational efficiency and provide adequate checks and balances in the Municipality's financial administration for the proper application of the MFMA.	F85	City Manager	None	May not delegate to any political structure or political office bearer
79(1)(b) MFMA	Delegating to a member of the Municipality's top management or any other official of the Municipality any of the powers or duties assigned to an accounting officer in terms of the MFMA or any powers or duties reasonably necessary to assist the	F86	City Manager	None	

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
	accounting officer in complying with a duty which requires the accounting officer to take reasonable or appropriate steps to ensure the achievement of the aims of a specific provision of the MFMA				
79(1)(c) MFMA	Regularly reviewing delegations issued to a member of the Municipality's top management or any other official of the Municipality and, if necessary, amending or withdrawing any of those delegations	F87	City Manager	None	
79(2) MFMA	Reviewing and confirming, varying or revoking any decision taken in consequence of a delegation or sub-delegation in terms of the MFMA	F88	City Manager	None	No variation or revocation of a decision taken under delegated powers may detract from any rights that may have accrued as a result of the decision
80(1)(b) MFMA	Allocating officials of the Municipality to the CFO	F89	City Manager	None	
80(2)(b) MFMA	Making an assessment of the impact of the shifting of a function or service to a municipal entity on the Municipality's staff, assets and liabilities when considering the establishment of, or participation in, a municipal entity	F90	City Manager	None	
84(2)(a)(i)(aa) MFMA	Publishing an information statement regarding the Municipality's intention to establish and/or participate in a municipal entity	F91	City Manager	None	
84(2)(a)(i)(aa)	Inviting the local community, organised labour and other interested persons to submit comments or representations in respect of the Municipality's intention to establish and/or participate in a municipal entity	F92	City Manager	None	
84(2)(a)(ii) MFMA	Soliciting the views and recommendations of the National Treasury and the provincial treasury, the national and provincial departments responsible for local government and the MEC responsible for local government in respect of the	F93	City Manager	None	In terms of National Treasury Circular No.73

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
	Municipality's intention to establish and/or participate in a municipal entity				
86(2) MFMA	Submitting the information received from a municipal entity of which the Municipality is the parent municipality regarding the entity's bank account(s) to the Auditor-General, the National Treasury and the provincial treasury	F94	City Manager	None	
87(11) MFMA	Receiving a monthly statement in the prescribed format on the state of the budget of a municipal entity of which the Municipality is the parent municipality	F95	City Manager	None	
101(2) MFMA	Tabling a report of the accounting officer of a municipal entity of which the Municipality is the parent municipality on any financial problems of the entity in the first Council meeting next ensuing	F96	City Manager	None	In terms of National Treasury Circular No.73
102(1) MFMA	Receiving a report of the board of directors of a municipal entity of which the Municipality is the parent municipality any irregular expenditure or any fruitless and wasteful expenditure incurred by, or on behalf of, that municipal entity	F97	City Manager	None	In terms of National Treasury Circular No.73
114(1) MFMA	Submitting a report containing the reasons for deviating from such recommendation to the Auditor-General, the provincial treasury and the National Treasury if a tender other than the one recommended in the normal course of implementing the supply chain management policy of the Municipality is approved	F98	City Manager	None	In terms of National Treasury Circular No.73
115(1)(a) MFMA	Implementing the Municipality's supply chain management policy	F99	City Manager	None	In terms of National Treasury Circular No.73
115(1)(b) MFMA	Determining the reasonable steps that must be taken to ensure that proper mechanisms and separation of duties in the supply chain management system are in place to minimise the likelihood of fraud, corruption, favouritism and unfair and irregular practices	F100	City Manager	None	In terms of National Treasury Circular No.73
116(2)(a) MFMA	Determining the reasonable steps that must be taken to ensure that a contract or agreement procured through the supply chain management policy of the Municipality is properly enforced	F101	City Manager	None	In terms of National Treasury Circular No.73

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
116(2)(b) MFMA	Monitoring the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis	F102	City Manager	None	In terms of National Treasury Circular No.73
116(2)(c) MFMA	Determining the capacity that needs to be established within the Municipality's administration to assist the Municipal Manager to enforce the provisions of a contract or agreement between the Municipality and a contractor and to monitor the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis	F103	City Manager	None	In terms of National Treasury Circular No.73
116(2)(c) MFMA	Establishing the capacity in the Municipality's administration to assist the Municipal Manager to enforce the provisions of a contract or agreement between the Municipality and a contractor and to monitor the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis	F104	City Manager	None	In terms of National Treasury Circular No.73
116(2)(d) MFMA	Regularly report to the Municipal Council regarding the management of contracts and/or agreements and the performance of contractors.	F105	City Manager	None	In terms of National Treasury Circular No.73
116(3)(a) MFMA	Tabling the reasons for the proposed amendment of a contract or agreement procured through the supply chain management policy of the Municipality in the Council	F106	City Manager	None	In terms of National Treasury Circular No.73
116(3)(b) MFMA	Giving the local community reasonable notice of the intention to amend a contract or agreement procured through the supply chain management policy of the Municipality and inviting the local community to submit representations to the Municipality	F107	City Manager	None	In terms of National Treasury Circular No.73
120(6)(a) MFMA	Submitting the report on the feasibility study together with all other relevant documents to the Council for a decision, in principle, on whether the municipality should continue with the proposed public-private partnership	F108	City Manager	None	In terms of National Treasury Circular No.73
120(6)(b) MFMA	Making the particulars of the proposed public-private partnership, including the report on the feasibility study and inviting the local community and other interested persons to	F109	City Manager	None	In terms of National Treasury Circular No.73

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
	submit to the Municipality comments or representations in respect of the proposed public-private partnership at least 60 days prior to the meeting of the Council at which the matter is to be considered				
120(6)(c) MFMA	Soliciting the views and recommendations of the National Treasury, the national department responsible for local government, the responsible national department if the proposed public-private partnership involves the provision of water, sanitation, electricity or any other service as may be prescribed and any other national or provincial organ of state as may be prescribed in respect of the proposed public-private partnership at least 60 days prior to the meeting of the Council at which the matter is being considered	F110	City Manager	None	In terms of National Treasury Circular No.73
121(3)(e) MFMA	Soliciting the views and recommendations of the National	F111	City Manager	None	In terms of National Treasury Circular No.73
121(3) (f) MFMA	Performing an assessment of any arrears on municipal taxes and service charges for inclusion in the Municipality's annual report	F112	City Manager	None	In terms of National Treasury Circular No.73
122(1) MFMA	Performing an assessment of the Municipality's performance against the measurable performance objectives referred to in section 17(3)(b) of the MFMA for revenue collection from each revenue source and for each vote in the Municipality's approved budget for the relevant financial year for inclusion in the Municipality's annual report	F113	City Manager	None	In terms of National Treasury Circular No.73
26(1)(a) MFMA	Preparing annual financial statements which fairly presents the state of affairs of the Municipality, its performance against its budget, its management of revenue, expenditure, assets and liabilities, its business activities, its financial results, and its financial position as at the end of the financial year	F114	City Manager	None	In terms of National Treasury Circular No.73

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
26(1)(a) MFMA	Submitting the annual financial statements of the Municipality to the Auditor-General on or before 31 August of each year	F115	City Manager	None	In terms of National Treasury Circular No.73
26(1)(b) MFMA	Preparing consolidated annual financial statements of the Municipality and of a municipal entity over which the Municipality has sole control or over which it has effective control within the meaning of the Municipal Systems Act of a municipal entity which is a private company	F116	City Manager	None	In terms of National Treasury Circular No.73
27(1) MFMA	Receiving the annual report of a municipal entity of which the Municipality is a parent municipality	F117	City Manager	None	In terms of National Treasury Circular No.73
27(5)(a) MFMA	Publishing the annual report and inviting the local community to submit representations in connection with the annual report	F118	City Manager	None	In terms of National Treasury Circular No.73
27(5)(b) MFMA	Submitting the annual report to the Auditor-General, the provincial treasury and the provincial department responsible for local government	F119	City Manager	None	In terms of National Treasury Circular No.73
28 MFMA	Monitoring whether the accounting officer of any municipal entity under the sole or shared control of the Municipality has complied with sections 121(1) and 126(2) of the MFMA, establish the reasons for any non-compliance and report any non-compliance, together with the reasons for such non-compliance, to the Council, the provincial treasury and the Auditor-General	F120	City Manager	None	In terms of National Treasury Circular No.73
129(2)(a) MFMA	Attending the meetings of the Council and its committees where the annual report is discussed and responding to questions concerning the report	F121	City Manager	None	In terms of National Treasury Circular No.73
129(2)(b) MFMA	Submitting copies of the minutes of meetings of the Municipal Council and its committees where the annual report was discussed to the Auditor-General, the provincial treasury and the provincial department responsible for local government	F122	City Manager	None	
129(3)	Publishing the oversight report regarding the annual report	F123	City Manager	None	

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
MFMA					
131(2)(a) MFMA	Submitting the Municipality's responses to the issues raised in an audit report to the MEC for local government	F124	City Manager	None	
132(2) MFMA	Submission of the Municipality's annual report and oversight report and the annual report and oversight report of a municipal entity under the Municipality's sole or shared control to the provincial legislature	F125	City Manager	None	
146(1)(c) MFMA	Reporting monthly to the MEC responsible for finance on the implementation of a financial recovery plan for the Municipality resulting from a mandatory provincial intervention	F126	City Manager	None	
152(1) MFMA	Bringing an application to the High Court for an order to stay all legal proceedings, including the execution of legal process, by persons claiming money from the Municipality if the Municipality is unable to meet its financial commitments	F127	City Manager	None	
152(2) MFMA	Giving notice of an application by the Municipality to the High Court for an order to stay all legal proceedings, including the execution of legal process, to persons claiming money from the Municipality if the Municipality is unable to meet its financial commitments	F128	City Manager	None	
153(1)(a) MFMA	Bringing an application in the High Court for an order to stay, for a period not exceeding 90 days at a time, all legal proceedings, including the execution of legal process, by persons claiming money from the Municipality	F129	City Manager	None	
153(1)(b) MFMA	Bringing an application in the High Court for an order to terminate the Municipality's financial obligations to creditors, and to settle claims in accordance with a distribution scheme referred to in section 155 of the MFMA	F130	City Manager	None	
153(3) MFMA	Giving notice of an application in the High Court for an order to terminate the Municipality's financial obligations to creditors, and to settle claims in accordance with a distribution scheme referred to in section 155 of the MFMA	F131	City Manager	None	
167(2)(a) MFMA	Recovering any amount paid or given in cash or in kind to a to a person as a political office-bearer or as a member of a political structure of the Municipality otherwise than in	F132	City Manager	None	

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
	accordance with the framework of the Public Office-Bearers Act, 1998 (ActNo. 20 of 1998), including any bonus, bursary, loan, advance or other benefit				
35(1) MPRA	To designate officials of the municipality or persons in private practise as assistant municipal valuers to assist the municipal valuer	F133	City Manager	None	
36(1) MPRA	To designate officials of the municipality or persons in private practise as data-collectors to assist the municipal valuer	F134	City Manager	None	
50 MPRA, 54 MPRA	To assist with the process of valuation of properties	F135	City Manager	None	
61 MPRA, 66 MPRA	Approval of the extension of acting appointments in excess of three (3) months, and approval of acting in equal and lesser posts	F136	City Manager	None	In terms of SALGBC Collective Agreement on Conditions of Service of the Free State Division

(Amended by Council on 30 June 2016 under item 116A20)

## 2. City Manager powers delegated by the Council

The powers set out hereunder are delegated by the Council to the City Manager

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
	To approve the allocation of official telephones to the private homes of officials	G1	Council	City Manager	
	To approve the attendance by ED's of meetings, workshops, seminars, conferences, congresses and similar events and special visits which are in the interest of the Council and which are to be conducted inside the boundaries of the Republic of South Africa: Provided that the necessary funds are available.	G2	Council	City Manager	



SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
	The approval of the attendance by officials of meetings, workshops, seminars, conferences, congresses and similar events conducted outside the boundaries of the Republic of South Africa, shall be approved in consultation with the Executive Mayor.				
	To decide on the use of coat of arms, flag and banner of any of the cities within the municipality, for commemorative and other purposes	G3	Council	City Manager	
	To sign the following documents : (a) together with the mayor, the granting of honorary citizenship and freedom of the municipality; (b) any contract, appointment or document not specified in respect of another delegated body	G4	Council	City Manager	
Annexure B SCMP	To approve all quotations and bids for the procurement of goods, works and services obtained in accordance with the prescribed process for amounts above R10 000 000 (all amounts include VAT), (Substituted by Council on 1 September 2005 under item 38A15	G5	Council	City Manager	After receiving the prescribed recommendation from the Bid Adjudication Committee
Annexure B SCMP	To approve payment on contracted services for goods, works and services procured by means of quotations and bids in accordance with the prescribed process, for amounts above R5 000 000 (all amounts include VAT)	G6	Council	City Manager	After receiving the prescribed approval of the Bid Adjudication Committee
Annexure B SCMP	Subject to the provisions of sections 14 and 90 of the MFMA, to ensure that: (a) immovable property is sold at market related prices, except when the public interest or the plight of the poor demands otherwise; (b) movable assets are sold either by way of price quotation, an advertised competitive bidding process, auction or at market related prices, whichever is the most advantageous to the municipality; (c) immovable property is let at market related rates, except when the public interest or the plight of the poor demands otherwise; (d) all fees, charges, rates, tariffs, scales of fees or other charges relating to the letting of property are reviewed annually;	G7	Council	City Manager	

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
Annexure B SCMP	To sign all contracts and the resulting requisitions, and other required documents after receiving the prescribed approval for the procurement or disposal	G8	Council	City Manager	
67 MSA	In accordance with applicable law and subject to any applicable collective agreement, to develop and adopt appropriate systems and procedures to ensure fair, efficient, effective and transparent personnel administration, including: (a) the recruitment, selection and appointment of persons as staff members; (b) service conditions of staff; (c) the supervision and management of staff; (d) the monitoring, measuring and evaluating of performance of staff; (e) the promotion and demotion of staff; (f) the transfer of staff; (g) grievance procedures; (h) disciplinary procedures; (i) the investigation of allegations of misconduct and complaints against staff; (j) the dismissal and retrenchment of staff, and (k) any other matter prescribed by regulation in terms of section 72 of the Systems Act	G9	Council	City Manager	
	a) To create temporary posts in the event of the occurrence of bottlenecks or emergency situations; b) To appoint and discharge employees, with the exception of the City Manager, ED's in compliance with the relevant legislation; c) To transfer and promote officials from one executive	G10	Council	City Manager	

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
	<p>directorate to another, excluding ED's ;  (d) To apply disciplinary measures in terms of the conditions of service and, with the exception of ED's to suspend and discharge officials, provided that the ED Corporate Services is represented at the hearings or appeals of such officials</p>	G11	Council	City Manager	
	<p>To commence with or approve the commencement of any legal process, whether a criminal, civil of labour law matter, on behalf of the municipality and to defend or oppose any legal process, whether a criminal, civil or labour law matter, against the municipality by:  (a) instructing the relevant legal representatives to commence with, claim from, appeal against, request review of, oppose or defend any legal process;  (b) Depositing to any affidavit or directing any relevant official to depose to affidavits on behalf of the municipality, including any discovery affidavit  (c) authorising the utilisation of the services of the municipality's attorney and an advocate if necessary in any legal process;</p>	G12	Council	City Manager	
	<p>To sign and provide a compliance notice, instruction, order or letter to any natural or juristic person who is infringing on any right or interest of the municipality, or who is contravening or attempts to contravene any national, provincial or municipal legislation, to compel him or her to comply with the content of the notice, instruction, order or letter within the time frame set out therein</p> <p>To authorise the commencement with or opposing of conciliation, mediation or arbitration proceedings, or the review or appeal in respect thereof, in the Bargaining Council, CCMA, Labour Court, Labour Appeal Court or any other applicable forum, and the utilisation of the municipality's attorney and an advocate if necessary in this regard</p>	G13	Council	City Manager	

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
	To submit or oppose an appeal or review application to a higher court or other body in respect of a judgement given by a lower court or body concerned	G14	Council	City Manager	
	To obtain the services of an attorney or advocate for any official purpose	G15	Council	City Manager	
109A MSA	To decide on the provision of legal presentation to an employee or a councillor	G16	Council	City Manager	
	To settle or compound any legal action, claim or proceedings, and to submit to arbitration any matter other than a matter involving a decision on the status, powers or duties of the municipality or the validity of its acts or by-laws	G17	Council	City Manager	
	To protect and enforce the rights of the public arising from a public servitude within the municipal area	G18	Council	City Manager	
	To promptly submit an appeal received by him in terms of the provisions of section 62 of the Systems Act, from a person whose rights are affected by a decision taken by a delegated body in terms of a power or duty delegated or sub-delegated by a delegating authority to that delegated body against the decision, to the delegating authority concerned	G19	Council	City Manager	
	To incur expenses to appoint private detectives to obtain evidence in cases of alleged irregularities or misconduct by staff members or councillors	G20	Council	City Manager	
	To apply contractual penalty-clauses in the event of late delivery of goods or services to the municipality	G21	Council	City Manager	
	To decide on the payment of a maximum reward of up to R5 000 to a person who willingly reported an incident that resulted in the conviction of an accused person by a court for an offence relating to damages to or theft of Council property	G22	Council	City Manager	
	To protect and exercise the municipality's rights as contained in contracts concluded between the municipality and other parties which he was authorized to sign on behalf of the municipality, including but not limited to the rights pertaining to penalties, breach of contract, termination of contract, amendment and renewal of contracts	G23	Council	City Manager	
14(4) MFMA	To decide on reasonable grounds whether a movable capital asset below the value of 1 million rand, is needed for the	G24	Council	City Manager	Must determine whether an asset is not needed to

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
	provision of any of the minimum level of basic municipal services contained in the land Disposal Policy of the municipality or not so needed, and to consider the fair market value of such capital asset and the economic and community value to be received in exchange for a transfer of ownership of such capital asset (Amended by Council on 3 April 2007 under Item 31A 20)				provide the minimum level of basic municipal services, and consider the fair market value of the asset and the economic and community value to be received for the asset.
8(4) MFMA	Entering into an agreement with other parent municipalities of a municipal entity of which the Municipality is a parent municipality, as to which Municipality's primary bank account to use for the purpose of receiving allocations from organs of state to the municipal entity concerned	G25	Council	City Manager	
12(2) MFMA	Deciding to open a separate bank account in the name of the Municipality for the purpose of a relief, charitable, trust or other fund	G26	Council	City Manager	
19(1)(b) MFMA	Approving a capital project, including its total cost	G27	Council	City Manager	
19(1)(d) MFMA	Considering the sources of funding of a capital project	G28	Council	City Manager	
19(2) MFMA	Considering, in respect of a capital project, the projected cost covering all financial years until the project is operational and the future operational costs and revenue on the project, including municipal tax and tariff implications.	G29	Council	City Manager	
19(3) MFMA	Deciding to approve capital projects below the prescribed value individually or as part of a consolidated capital programme	G30	Council	City Manager	
33(1) MFMA	Deciding to enter into a contract which will impose financial obligations on the municipality beyond a financial year	G31	Council	City Manager	
45(1) MFMA	Deciding whether to incur short term debt	G32	Council	City Manager	
48(3)(a) MFMA	Deciding whether an asset or right that has been hypothecated in any manner as security is necessary for providing the minimum level of basic municipal services	G33	Council	City Manager	
48(3)(b)	Deciding, if an asset or right that has been hypothecated in any	G34	Council	City Manager	

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
MFMA	manner as security is necessary for providing the minimum level of basic municipal services, the manner in which the availability of the asset or right will be protected				
64(2)(g) MFMA	Deciding to grant exemptions from charging interest on any arrears owing to the Municipality in accordance with the Municipality's budget-related policies	G35	Council	City Manager	
86(1) MFMA	Receiving information from a municipal entity of which the Municipality is the parent municipality regarding the entity's bank account(s)	G36	Council	City Manager	
87(1) MFMA	Receiving a proposed budget for a municipal entity of which the Municipality is the parent municipality for each financial year	G37	Council	City Manager	
89(b) MFMA	Monitoring and ensuring that a municipal entity of which the Municipality is the parent municipality reports to the Council on all expenditure incurred by that municipal entity on directors and staff remuneration matters, and in a manner that discloses such expenditure per type of expenditure	G38	Council	City Manager	
97(3) MFMA	Receiving a report of the accounting officer of a municipal entity of which the Municipality is the parent municipality regarding any payments due by an organ of state to the entity in respect of service charges, if such payments are regularly in arrears for periods of more than 30 days	G39	Council	City Manager	
97(3) MFMA	Considering a report of the accounting officer of a municipal entity of which the Municipality is the parent municipality regarding any payments due by an organ of state to the entity in respect of service charges, if such payments are regularly in arrears for periods of more than 30 days	G40	Council	City Manager	
101(1) MFMA	Receiving a report of the accounting officer of a municipal entity of which the Municipality is the parent municipality on any financial problems of the entity	G41	Council	City Manager	
104(1)(b) MFMA	Deciding which information, returns, documents, explanations and motivations to require from the accounting officer of a municipal entity of which the Municipality is the parent municipality	G42	Council	City Manager	
113(1)	Deciding whether to consider an unsolicited bid received	G43	Council	City Manager	In accordance with a

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
MFMA	outside the Municipality's normal bidding process				prescribed framework
114(1) MFMA	Receiving a report containing the reasons for deviating from such recommendation from the accounting officer of a municipal entity of which the Municipality is the parent municipality if a tender other than the one recommended in the normal course of implementing the supply chain management policy of the municipal entity is approved	G44	Council	City Manager	
116(3)(a) MFMA	Considering the reasons for the proposed amendment of a contract or agreement and any representation that may have been received regarding the proposed amendment of a contract or an agreement procured through the supply chain management policy of the Municipality and deciding whether to consent to the amendment of the contract or agreement	G45	Council	City Manager	
116(3) MFMA	Considering the reasons for the proposed amendment of a contract or agreement and any representation that may have been received regarding the proposed amendment of a contract or an agreement procured through the supply chain management policy of a municipal entity of which the Municipality is a parent municipality and deciding whether to consent to the amendment of a contract or agreement	G46	Council	City Manager	
135(3)(b) MFMA	Informing the MEC responsible for local government and the MEC responsible for finance of any serious financial problem in meeting its financial commitments experienced or anticipated by the Municipality	G47	Council	City Manager	
135(3)(c) MFMA	Notifying organised local government of any serious financial problem in meeting its financial commitments experienced or anticipated by the Municipality	G48	Council	City Manager	
137(2) MFMA	Receiving an assessment of the seriousness of the financial problem in the Municipality, the determination of the provincial executive whether the financial problem experienced by the Municipality, singly or in combination with other problems, is sufficiently serious or sustained that the Municipality would benefit from a financial recovery plan and the request to a suitably qualified person to prepare and	G49	Council	City Manager	

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
	submit a financial recovery plan for the Municipality				
139(2) MFMA	Receiving a copy of the Municipal Financial Recovery Service's determination of the reasons for the crisis in the Municipality's financial affairs and assessment of the Municipality's financial state	G50	Council	City Manager	
141(3)(a) MFMA 144(2) MFMA	Participating in consultations with the person or body appointed to prepare a financial recovery plan or an amendment of such plan for the Municipality	G51	Council	City Manager	
141(3)(c) MFMA 144(2) MFMA	Commenting on a draft financial recovery plan or an amendment to such plan for the Municipality	G52	Council	City Manager	
145(1)(a) MFMA 146(1)(a) MFMA	Implementing an approved financial recovery plan for the Municipality	G53	Council	City Manager	In consultation with Executive Mayor
145(1)(b) MFMA	Reporting monthly to the MEC for local government on the implementation of the approved financial recovery plan for the Municipality	G54	Council	City Manager	
147(1)(b) MFMA	Receiving progress reports and a final report on any intervention from the MEC for local government or the MEC responsible for finance	G55	Council	City Manager	
148(3)(a) MFMA	Receiving a notification that an intervention in the Municipality has ended	G56	Council	City Manager	
166(2)(d) MFMA	Requesting the audit committee to investigate the financial affairs of the Municipality or a municipal entity of which the Municipality is a parent	G57	Council	City Manager	
178(2)(a) MFMA	Submitting to the National Treasury a list of all corporate entities in which the Municipality or a municipal entity under its sole or shared control has an interest	G58	Council	City Manager	
178(2)(b) MFMA	Submitting to the National Treasury a list of all public-private partnerships to which the Municipality is a party, with a value of more than one million Rand in total or per	G59	Council	City Manager	



SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
	annum				
120(4) MFMA	Deciding to conduct a feasibility study before a public-private partnership is concluded	G60	Council	City Manager	
120(5) MFMA	Determining whether to apply for the national government's assistance in carrying out and assessing a feasibility study regarding a proposed public-private partnership	G61	Council	City Manager	
126(4) MFMA	Receiving a report outlining the reasons for the delay from the Auditor-General if she/he is unable to complete an audit within three months after submission of the Municipality's annual financial statements and any consolidated annual financial statements of the Municipality and of a municipal entity over which the Municipality has sole control or effective control (if it is a private company)	G62	Council	City Manager	
171(4)(a) MFMA	Investigating any allegations of financial misconduct against the Chief Financial Officer, a senior manager or other official of the Municipality unless those allegations are frivolous, vexatious, speculative or obviously unfounded	G63	Council	City Manager	
171(4)(a) MFMA	Deciding whether an allegation of financial misconduct against the Chief Financial Officer, a senior manager or other official of the Municipality is frivolous, vexatious, speculative or obviously unfounded	G64	Council	City Manager	
174(4)(b) MFMA	Deciding whether an investigation of an allegation of financial misconduct against the Chief Financial Officer, a senior manager or other official of the Municipality revealed anything that warrants the institution of disciplinary proceedings	G65	Council	City Manager	
75A(3) MSA	To publish the resolutions of Council in respect of the levying of rates and the recovering of fees, charges or tariffs	G66	Council	City Manager	
14(1) MPRA	To furnish each person liable for payment of a rate with a prescribed written account	G67	Council	City Manager	
27(1) MPRA	To cause a general valuation to be made of all properties in the municipality, and a valuation roll to be prepared of all valued properties	G68	Council	City Manager	
30 MPRA	To update the valuation roll at least once a year by causing a	G69	Council	City Manager	
77 MPRA,					

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
78 MPRA 79 MPRA	supplementary valuation roll to be prepared or the valuation roll to be amended				
	The acquisition and maintenance of insurance of the municipality's property, including the appointment of insurance brokers (Inserted by Council on 3 April 2007 under Item 31A20)	G70	Council	City Manager	
	The acquisition and maintenance of insurance of the municipality's property, including the appointment of insurance brokers (Inserted by Council on 3 April 2007 under Item 31A20)	G71	Council	City Manager	
	To manage and monitor the strategic agenda of the municipality	G72	Council	City Manager	
	To provide strategic advice and ensure that high levels of performance of the administration is maintained	G73	Council	City Manager	
	To ensure the introduction of a learning organization and knowledge management practices	G74	Council	City Manager	
	To oversee the process of investigating and considering alternative service mechanisms for the provision of municipal services as provided for the Systems Act	G75	Council	City Manager	
60(2) MSA	To decide on investments on behalf of the municipality within the municipality's investment policy contemplated in section 13(2) of the MFMA	G76	Council	City Manager	
75(1) MFMA	Ensuring that the required documents are uploaded to, and available on, the Municipality's website within five days after its tabling in the Council or on the date on which it must be made public, whichever occurs first	G77	Council	City Manager	
62(1)(c)(ii) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains effective, efficient and transparent systems of internal audit operating in accordance with any prescribed norms and standards	G78	Council	City Manager	
	To grant permission for the reduction of the rental amount, or for free use of Council halls and facilities, including Council committee rooms, under special worthwhile circumstances, subject to the conditions that she deems necessary	G79	Council	City Manager	

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
45(2)(b) MFMA	Signing a debt agreement or other document which creates or acknowledges any short term debt	G80	Council	City Manager	
46(2)(b) MFMA	Signing a debt agreement or other document which creates or acknowledges any long-term debt	G81	Council	City Manager	
60(2) MSA	The decision to make investments on behalf of the municipality	G82	Council	City Manager	
	To ensure that programmes related to the IDP, performance management, transformation and other corporate issues are aligned and integrated	G83	Council	City Manager	
	To ensure pro-active planning, management and maintenance of the development of the Municipality	G84	Council	City Manager	
	To create an environment conducive to the development of the local community	G85	Council	City Manager	
55(1) MSA	The implementation of the municipality's integrated development plan, and the monitoring of progress with implementation of the plan	G86	Council	City Manager	
55(1) MSA	Facilitating participation by the local community in the affairs of the municipality	G87	Council	City Manager	
55(1) MSA	Developing and maintaining a system whereby community satisfaction with municipal services is assessed	G88	Council	City Manager	
22 MFMA	Making the annual budget as tabled public, inviting the community to submit representations in connection therewith and submitting same to the national and provincial treasuries and affected municipalities	G89	Council	City Manager	
69(3)(b) MFMA	Preparing and submitting, within 14 days after the approval of the Municipality's annual budget, drafts of the annual performance agreements as required in terms of section 57(l)(b) of the Municipal Systems Act for the City Manager 1 and all senior managers	G90	Council	City Manager	
72(1)(a) MFMA	Performing an assessment of the Municipality's performance during the first half of each financial year	G91	Council	City Manager	
72(1)(b) MFMA	Submitting the mid-year performance assessment report to the Executive Mayor, the National Treasury and the Provincial Treasury	G92	Council	City Manager	
79(1)(a) MFMA	Developing an appropriate system of delegation that will both maximise administrative and operational efficiency and provide	G93	Council	City Manager	

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
	adequate checks and balances in the Municipality's financial administration for the proper application of the MFMA				
84(1)(b) MFMA	Making an assessment of the impact of the shifting of a function or service to a municipal entity on the Municipality's staff, assets and liabilities when considering the establishment of, or participation in, a municipal entity	G94	Council	City Manager	
121(1) MFMA	Preparing an annual report for the Municipality	G95	Council	City Manager	
121(4)(f) MFMA	Determining any additional information to be contained in the annual report of a municipal entity of which the Municipality is a parent municipality	G96	Council	City Manager	
126(1)(a) MFMA	Submitting the annual financial statements of the Municipality to the Auditor-General on or before 31 August of each year	G97	Council	City Manager	
126(1)(b) MFMA	Submitting the consolidated annual financial statements of the Municipality and of a municipal entity over which the Municipality has sole control or effective control (if it is a private company) to the Auditor-General on or before 31 September of each year	G98	Council	City Manager	
126(3)(b) MFMA	Receiving the audit report on the Municipality's annual financial statements and any consolidated annual financial statements of the Municipality and of a municipal entity over which the Municipality has sole control or effective control (if it is a private company)	G99	Council	City Manager	
127(1) MFMA	Receiving the annual report of a municipal entity of which the Municipality is a parent municipality	G100	Council	City Manager	
129(2)(b) MFMA	Submitting copies of the minutes of meetings of the Council and its committees where the annual report was discussed to the Auditor-General, the provincial treasury and the provincial department responsible for local government	G101	Council	City Manager	
	The consideration of all requests for the making available of name and address lists of water and electricity consumers and the taxation ledger, in the light of the applicable legislation and Council's own administrative circumstances and requirements which take precedence at all times	G102	Council	City Manager	

(Amended by Council on 30 June 2016 under item 116A20)

### 3. City Manager powers delegated by the Executive Mayor

The powers set out hereunder are delegated by the Executive Mayor to the City Manager

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
12(1) MFMA	Deciding to set-up a relief, charitable, trust or other fund of whatever description	H1	Executive Mayor	City Manager	
16(2) MFMA	Tabling the annual budget at a Council meeting	H2	Executive Mayor	City Manager	The annual budget must be tabled at least 90 days before 1 July each year. The work output on the annual budget is managed by the City Manager
21(1)(a) MFMA	Co-ordinating the processes of preparing the annual budget and reviewing the Municipality's integrated development plan and budget-related policies	H3	Executive Mayor	City Manager	
21(1)(b) MFMA	Tabling in the Council a time schedule outlining key deadlines for the preparation, tabling and approval of the annual budget, the annual review of the integrated development plan and the Municipality's budget-related policies, the tabling and adoption of any amendments to the integrated development plan and the budget-related policies and any consultative processes forming part of the processes	H4	Executive Mayor	City Manager	At least 10 months before 1 July each year
21(2)(b) MFMA	Deciding the reasonable steps to be taken to review the Municipality's integrated development plan Implementing the reasonable steps to be taken to review the Municipality's integrated development plan	H5	Executive Mayor	City Manager	
21(2)(d) MFMA	Determining the manner and timing of consultation of the local municipalities within the municipal area, the provincial treasury and such other organs of state as may be prescribed with regard to the Municipality's annual budget	H6	Executive Mayor	City Manager	
21(2)(e) MFMA	Providing information relating to the budget that may be requested by the National Treasury and any other organ of state	H7	Executive Mayor	City Manager	Subject to any limitations that may be prescribed in respect of organs of state other than the National Treasury

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
25(3) MFMA	Complying with section 55 of the MFMA if the Municipality has not approved an annual budget, including revenue-raising measures necessary to give effect to the budget, by 1 July of any year	H8	Executive Mayor	City Manager	Immediately report the matter to the MEC responsible for local government
26(4) MFMA	Obtaining the MEC responsible for finance's approval to withdraw funds from the Municipality's bank accounts, if a budget has not been approved on or before 1 July of each year.	H9	Executive Mayor	City Manager	
27(1) MFMA	Determining the likelihood of the Municipality not being able to comply with the MFMA or other legislation relating to the tabling or approval of an annual budget or compulsory consultation processes	H10	Executive Mayor	City Manager	
27(1) MFMA	Informing the MEC responsible for finance of any impending non-compliance by the Municipality of any provisions of the MFMA or any other legislation pertaining to the tabling or approval of an annual budget or compulsory consultation processes	H11	Executive Mayor	City Manager	
27(2) MFMA	Deciding to apply to the MEC responsible for finance to extend any time limit or deadline with regard to the preparation and approval of the annual budget	H12	Executive Mayor	City Manager	
27(2) MFMA	Applying to the MEC responsible for finance to extend any time limit or deadline with regard to the preparation and approval of the annual budget	H13	Executive Mayor	City Manager	
28(4) MFMA	Tabling an adjustments budget in the Council	H14	Executive Mayor	City Manager	
29(1) MFMA	Decision to authorise unforeseeable and unavoidable expenditure for which no provision was made in an approved budget in emergency or other exceptional circumstances	H15	Executive Mayor	City Manager	
29(2)(c) MFMA	Reporting to the Council regarding the authorisation of unforeseeable and unavoidable expenditure for which no provision was made in an approved budget in emergency or other exceptional circumstances	H16	Executive Mayor	City Manager	Such report must be made to the Council at the first Council meeting next ensuing after the authorisation was given
52(b) MFMA	Deciding the monitoring and oversight mechanisms to be applied to the exercise by the City Manager and the Chief Financial Officer of their powers, functions and duties in terms of the MFMA	H17	Executive Mayor	City Manager	City Manager must obtain the Executive Mayor's prior written approval
52(c) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality performs its constitutional and statutory functions	H18	Executive Mayor	City Manager	

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
53(1)(a) MFMA	within the limits of the Municipality's approved budget Deciding the nature and extent of, and manner in which political guidance is to be given over the budget process and the priorities that must guide the preparation of a budget	H19	Executive Mayor	City Manager	
53(1)(b) MFMA	Deciding the steps to be taken to co-ordinate the annual revision of the integrated development plan and the preparation of the annual budget	H20	Executive Mayor	City Manager	
53(1)(b) MFMA	Determining how the integrated development plan is to be taken into account or revised for the purposes of the budget	H21	Executive Mayor	City Manager	
53(1)(c)(i) MFMA	Determining the reasonable steps to be taken to ensure that the Municipality approves its annual budget before the start of the budget year	H22	Executive Mayor	City Manager	The Executive Mayor must approve the annual service delivery and budget implementation plan within 28 days after the approval of the budget
53(1)(c)(iii) MFMA	Determining the reasonable steps to be taken to ensure that the annual performance agreements for the City Manager and all senior managers comply with the MFMA, are linked to the measurable performance objectives approved with the budget and to the service delivery and budget implementation plan and are concluded in accordance with section 57(2) of the Municipal Systems Act	H23	Executive Mayor	City Manager	In terms of section 57(2)(a) of the Municipal Systems Act the annual performance agreements must be concluded on or before 30 July of each year
53(2) MFMA	Reporting to the Council and the MEC responsible for finance any delay in the tabling of an annual budget, the approval of the service delivery and budget implementation plan or the signing of the annual performance agreements	H24	Executive Mayor	City Manager	
53(3)(a) MFMA	Ensuring that the revenue and expenditure projections for each month and the service delivery targets and performance indicators for each quarter, contained in the service delivery and budget implementation plan, are made public no later than 14 days after the approval of the service delivery and budget implementation plan	H25	Executive Mayor	City Manager	
53(3)(b) MFMA	Ensuring that the performance agreements of the City Manager, senior managers and any other categories of officials as may be prescribed, are made public no later than 14 days after the approval of the Municipality's service delivery and budget	H26	Executive Mayor	City Manager	

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
53(3)(b) MFMA	implementation plan Submission of the annual performance agreements of the City Manager, senior managers and any other categories of officials as may be prescribed, to the Council and the MEC responsible for local government	H27	Executive Mayor	City Manager	
54(1)(a) MFMA	Making arrangements for the receipt of a monthly statement on the state of the Municipality's budget and a mid-year corporate performance assessment report	H28	Executive Mayor	City Manager	<ol style="list-style-type: none"> <li>1. The statement a statement regarding the state of the municipality's budget must be submitted not later than 10 working days after the end of each month</li> <li>2. The mid-year performance assessment report must be submitted not later than 25 January of each year</li> <li>3. The mid-year corporate performance assessment report must be submitted to the Council not later than 31 January each year</li> </ol>
54(1)(b) MFMA	Determining the procedures, including reports required to check whether the Municipality's approved budget is implemented in accordance with the service delivery and budget implementation plan	H29	Executive Mayor	City Manager	
54(1)(c) MFMA	Determining whether it is necessary to make any revisions to the service delivery and budget implementation plan	H30	Executive Mayor	City Manager	Revisions to the service delivery targets and performance indicators in the plan may only be made with the approval of the Council following approval of an adjustments budget



SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
54(1)(c) MFMA	Determining the process of formulating revisions to the service delivery and budget implementation plan	H31	Executive Mayor	City Manager	
54(1)(d) MFMA	Determining the instructions to be given to ensure that the budget is implemented in accordance with the service delivery and budget implementation plan and that spending of funds and revenue collection proceed in accordance with the budget	H32	Executive Mayor	City Manager	If the Municipality faces any serious financial problems, the Executive Mayor must promptly respond to and initiate any remedial or corrective steps proposed by the City Manager to deal with such problems, which may include steps to reduce spending when revenue is anticipated to be less than projected in the Municipality's approved budget, the tabling of an adjustments budget or steps in terms of Chapter 13 of the MFMA and alert the Council and the MEC for local government to those problems
54(1)(e) MFMA	Considering whether the Municipality faces any financial problems including any emerging or impending financial problems	H33	Executive Mayor	City Manager	
54(3) MFMA	Making public any revisions of the service delivery and budget implementation plan	H34	Executive Mayor	City Manager	Together with the Municipality's budget for the relevant financial year
55 MFMA	Immediately report to the MEC for local government if the Municipality has not approved an annual budget by 1 July of any year or if the Municipality encounters a serious financial problem	H35	Executive Mayor	City Manager	
59(3) MFMA	Deciding to confirm, vary or revoke any decision taken in consequence of a delegation	H36	Executive Mayor	City Manager	No variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision
87(3)	Tabling the proposed budget of a municipal entity of which the	H37	Executive Mayor.	City Manager	Together with the

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
MFMA	Municipality is the parent municipality in the Council				Municipality's budget for the relevant financial year
87(6) MFMA	Considering an application by the board of directors of a municipal entity of which the Municipality is the parent municipality to revise the budget of the municipal entity	H38	Executive Mayor	City Manager	
87(9) MFMA	Tabling the budget or adjusted budget and any adjustments budget of a municipal entity of which the Municipality is the parent municipality at the next Council meeting	H39	Executive Mayor	City Manager	
102(1) MFMA	Receiving a report of the board of directors of a municipal entity of which the Municipality is the parent municipality any irregular expenditure or any fruitless and wasteful expenditure incurred by, or on behalf of, that municipal entity	H40	Executive Mayor	City Manager	
103 MFMA	Receiving a report of the accounting officer of a municipal entity of which the Municipality is the parent municipality regarding any interference by a councillor outside that councillor's assigned duties, in the financial affairs of the municipal entity; or the responsibilities of the board of directors of the municipal entity	H41	Executive Mayor	City Manager	
127(2) MFMA	Tabling in the Council the Municipality's annual report and the annual report of any municipal entity under the Municipality's sole or shared control	H42	Executive Mayor	City Manager	
127(2) MFMA	Tabling in the Council the Municipality's annual report and the annual report of any municipal entity under the Municipality's sole or shared control	H43	Executive Mayor	City Manager	
127(3)(a) MFMA	Submitting to the Council a written explanation setting out the reasons for any delay in tabling the Municipality's annual report and the annual report of any municipal entity under the Municipality's sole or shared control	H44	Executive Mayor	City Manager	
130(1) MFMA	Determining the reasonable time period to be allowed during a council meeting at which an annual report is to be discussed or at which decisions concerning an annual report are to be taken for the discussion of any written submissions received from the local community or organs of state on the annual report and for members of the local community or any organs of state to address the Council	H45	Executive Mayor.	City Manager	

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS/COMMENTS
131(1) MFMA	Ensuring that the Municipality addresses all the issues raised in an audit report	H46	Executive Mayor	City Manager	
133(1)(a) MFMA	Tabling in the Council a written explanation setting out the reasons for the failure of the City Manager or of the accounting officer of a municipal entity under the Municipality's sole or shared control to submit annual financial statements to the Auditor-General or the Executive Mayor's failure to table the annual report of the Municipality or a municipal entity in the Council	H47	Executive Mayor	City Manager	
136(1)(a) MFMA	Participating in consultations with the MEC for local government regarding a serious financial problem in the Municipality	H48	Executive Mayor	City Manager	
137(1)(d) MFMA	Participating in consultations with the MEC for local government regarding the Municipality's co-operation in resolving any financial problem, and if applicable, implementing the financial recovery plan	H49	Executive Mayor	City Manager	
139(1)(b) MFMA	Participating in consultations with the MEC for local government regarding the Municipality's co-operation in implementing the recovery plan, including the approval of a budget and legislative measures giving effect to the recovery plan	H50	Executive Mayor	City Manager	
139(2) MFMA	Receiving a request made by the provincial executive to the Municipal Financial Recovery Service to determine the reasons for the crisis in the Municipality's financial affairs, to assess the Municipality's financial state and to prepare an appropriate recovery plan for the Municipality	H51	Executive Mayor	City Manager	
166(2) MFMA	Receiving reports of the audit committee	H52	Executive Mayor	City Manager	

(Inserted by Council on 30 June 2016 under item 116A20)