

Annexure : D



MANGAUNG
METRO MUNICIPALITY
METRO MUNISIPALITEIT
LEKGOTLA LA MOTSE

OFFICE OF THE
NATIONAL CABINET
REPRESENTATIVE

Our Ref: Functions of the Executive Mayor

Ref:

Phone: (051) 405 8125

Fax:

His Worship the Executive Mayor
Mangaung Metropolitan Municipality
Cllr M. A. Siyonzana

cc: The Acting City Manager
Mr. T. Motlashuping

DATE : 12 December 2022

Dear Executive Mayor

RE: FUNCTIONS OF THE EXECUTIVE MAYOR

The above matter bears reference.

The Constitution of the Republic of South Africa vests both the legislative and executive authority of the municipalities in the municipal councils. A municipality has the functions and powers assigned to it in terms of sections 156 and 229 of the Constitution.

In terms of Section 53 of the Municipal Systems Act, a municipality must define specific roles and areas of responsibility for each political structure or political office bearer of the municipality and of the Municipal Manager. These respective roles and areas of responsibility may include the delegation of powers and duties. Since the main objective for delegation of authority is to achieve maximum operational and administrative efficiency, to give effect to the roles, responsibilities and duties of political structures, political office bearers and the Municipal Manager, section 53(2) (a) stipulates that such roles and responsibilities must be clearly spelled out, in separate terms of reference, acknowledged and given effect in other written instruments of the municipality. This way there is no ambiguity and lines of accountability and reporting are clarified.

Over the past few weeks, the NCR Support team has looked at and subsequently written to the Acting City Manager (letter attached as **Annexure "A"**), regarding the minimum reporting requirements. Regrettably we have not received any feedback from the Office of the City Manager. We have gone further to summarise the statutory responsibilities and functions of the Executive Mayor in terms of the various legislation governing local government. A summary of reporting requirements is attached as **Annexure "B"** for ease of reference.

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AT THE HEART OF IT ALL



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Accordingly we request that the executive Mayor follows up with the Acting City Manager on the minimum reporting requirements in order to ensure that His Worship is in compliance with the legislation.

Once the above mentioned reports have been submitted to the office of the Executive Mayor, we will request that such reports are forwarded to the office of the NCR both ensure compliance and for further analysis.

Hoping that all is in order

A handwritten signature in black ink, appearing to read 'G. Malaza', positioned above a horizontal line.

Ms G. Malaza 12 December 2023
National Cabinet Representative



MANGAUNG
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OFFICE OF THE
NATIONAL CABINET
REPRESENTATIVE

Our Ref: SECTION 54(1)(f) & 127(2)

Ref: MMM MFMA 005/23

Phone: (051) 405 8037

Fax:

09 February 2023

The Executive Mayor
Mangaung Metropolitan Council
Attention : Mr. M. A. Siyonzana

RE: FAILURE TO COMPLY WITH SECTION 54(1)(f), 72 AND 127(2) OF THE OF THE MUNICIPAL FINANCE MANAGEMENT ACT

The above matter refers.

In terms of the Municipal Finance Management Act, the Mayor of a municipality must, upon becoming aware of an impending non-compliance by the municipality of any provision of this act inform the MEC for finance in the province in writing, of such impending non-compliance.

Section 54(1)(f) of the Municipal Finance Management Act states that “ ***on receipt of a statement or report submitted by the accounting officer of the municipality in terms of section 71 or 72, the mayor must:***

(f) in the case of a Section 72 report, submit the report to the council by the 31st January of each year”

In addition, Section 127(2) states that “***the mayor of a municipality must, within seven months after the end of the financial year, table in the municipal council the annual report of the municipality and of any municipal entity under the municipality’s sole or shared control***” For the current financial year, the seven month period referred to above lapsed on the 31st of January 2023

The Council of Mangaung has not processed the Section 72 report as required in terms of section 54(1)(f) as well as Section 127(2) of the MFMA dealing with the tabling of the

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Annual report . This is regarded by the NCR's office as a material breach of the MFMA which needs to be brought to the attention of the Executive Mayor.

It is against this background that we request the Executive Mayor to convene a special meeting with the office of the Speaker and the Acting City Manager to rectify this non-compliance. It is further advisable that the Executive Mayor informs the MEC for COGTA and the MEC for Treasury in the Free State Province about this non-compliance.

Your cooperation in this regard, will be highly appreciated.

Hoping that all is in order



Ms. G.P. Malaza
National Cabinet Representative

cc: The Acting City Manager – Mangaung Metropolitan Municipality
The Speaker – Mangaung Metropolitan Municipality
The Acting HOD Corporate Service – Mangaung Metropolitan Municipality
NCR Governance and Institutional Development Expert
The DDG NT Intergovernmental Relations - Mr. Malijeng Ngqaleni

Annexure: D

COUNCIL OVERSIGHT - CALENDAR OF COUNCIL MEETINGS AND ITEMS TO BE DISCUSSED IN COMPLIANCE WITH THE MFMA AND MUNICIPAL SYSTEMS ACT

NO	TYPE	LEGISLATION	MONTHS												RESPONSIBLE PERSON			
			JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN				
1	Section 16(1) (MFMA)	Draft Annual budget																Executive Mayor
2	Section 21 (MFMA)	Budget/IDP Process		X														Executive Mayor
3	Section 24 (MFMA)	Final Budget approval													X			Executive Mayor
4	Section 28 (MFMA)	Adjustment budget											X					Executive Mayor
5	Section 32	UIFWE	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Accounting Officer
6	Section 52(d)	Quarterly reports	X			X									X			Executive Mayor
7	Section 54(1)(f)	Section 72 report								X								Executive Mayor
8	Section 66	Staff benefits	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Accounting Officer
9	Section 70	Budget shortfalls																Accounting Officer
10	Section 71	Monthly report	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Accounting Officer
11	Section 72	Mid-year report									X							Accounting Officer
12	Section 87	CENTLEC Draft budget									X							Accounting Officer CENTLEC
13	Section 88	CENTLEC mid-year budget									X							Accounting Officer CENTLEC
14	Section 89	CENTLEC remuneration packages	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Accounting Officer CENTLEC
15	Section 102	UIFWE	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Accounting Officer CENTLEC
16	Section 116	Contracts Management	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Accounting Officer
17	Section 127	Annual Reports									X							Executive Mayor
18	Section 131	AG Matters	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Executive Mayor

