



DELEGATIONS & DELEGATION FRAMEWORK POLICY

JOHN TAOLO GAETSEWE DISTRICT MUNICIPALITY

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SIGNATURE OF THE MUNICIPAL MANAGER

Ms P Q Mogatle

SIGNATURE OF THE SPEAKER

Reaffirmed

JOHN TAOLO GAETSEWE DISTRICT MUNICIPALITY

DELEGATIONS & DELEGATION FRAMEWORK



2021/2022

DELEGATION FRAMEWORK FOR JOHN TAOLO GAETSEWE DISTRICT MUNICIPALITY

APPROACH

The framework has been designed around the following principles:

1. The basis for the delegation of decision-making authority is vested in the democratic right of the Council to exercise authority and demand accountability on behalf of the voters of the town.
2. The Council delegates its authority in accordance with the limitations and requirements of:-
 - Sections 156, 160 and 229 of the Constitution of the Republic of South Africa, 1996 (Constitution).
 - Sections 19, 83 and 93 of the Municipal Structures Act, 1998 (Act 117 of 1998) (Structures Act).
 - Sections 4.11 and Chapter 7, Part III of the Municipal Systems Act, 2000 (Act 32 of 2000) (Systems Act) as amended.
 - Section 59, 60 section 79, 82, and 106, of the Local Government; Municipal Finance Management Act. 2003 (Act 56 of 2003).
3. Authority must be delegated to enable the proper functioning of the municipality and to ensure optimal efficiency and effectiveness in the execution of municipal activities.
4. Municipal delegations authorize the Council, EXCO and officials to perform the functions required to properly implement and execute the decisions (by-laws and policies) of Council in a cost-effective manner.
5. **Delegation will be done in writing.**

PRINCIPLES

The delegations for the John Taolo Gaetsewe District Municipality are based on the following principles:

1. A distinction is made between the governance function of the COUNCIL, as the political decision-making authority for the Municipality: and

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2. The management functions of the ADMINISTRATION. The Council determines the strategic direction for the Municipality and the Administration is responsible for the implementation and execution of the political decisions of the Council.
3. The powers and functions of the Council are regarded as being vested in the collectivism of its members, while the powers and functions of the Administration are primarily vested in the Municipal Manager as the Accounting Officer.
4. Certain powers and functions are legislatively vested in the Executive Mayor. These powers and functions are delegated as authorized in terms of the enabling legislation.
5. Certain selective powers and functions are vested in other officials in the municipality. These powers and functions are delegated as authorized in terms of the enabling legislation. Primary examples of such officials are the HODs for different departments, and the Manager Budget and Treasury Office (CFO).
6. All delegation powers, functions and authority must be exercised within the limitations and scope of regulating laws, regulations, by-laws, decisions of Council and Council-approved municipal policies and frameworks.

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Based on the above-mentioned principles, the set of delegations reflect a distinction between:

1. Those powers and functions that are vested exclusively in the Council.
2. Those powers and functions vested in the Council, but delegated to its operational organs (committees of the Council).
3. Those powers and functions that are legally vested in the Executive Mayor and delegated, or not delegated in terms of the enabling legislation.
4. Those powers and functions that are vested in the Accounting Officer, and delegated or not delegated in terms of the enabling legislation.
5. Those powers and functions that are vested in other officials in the municipality in terms of specific statutes, and delegated or not delegated in terms of the enabling legislation.

STRUCTURE OF THE DELEGATIONS

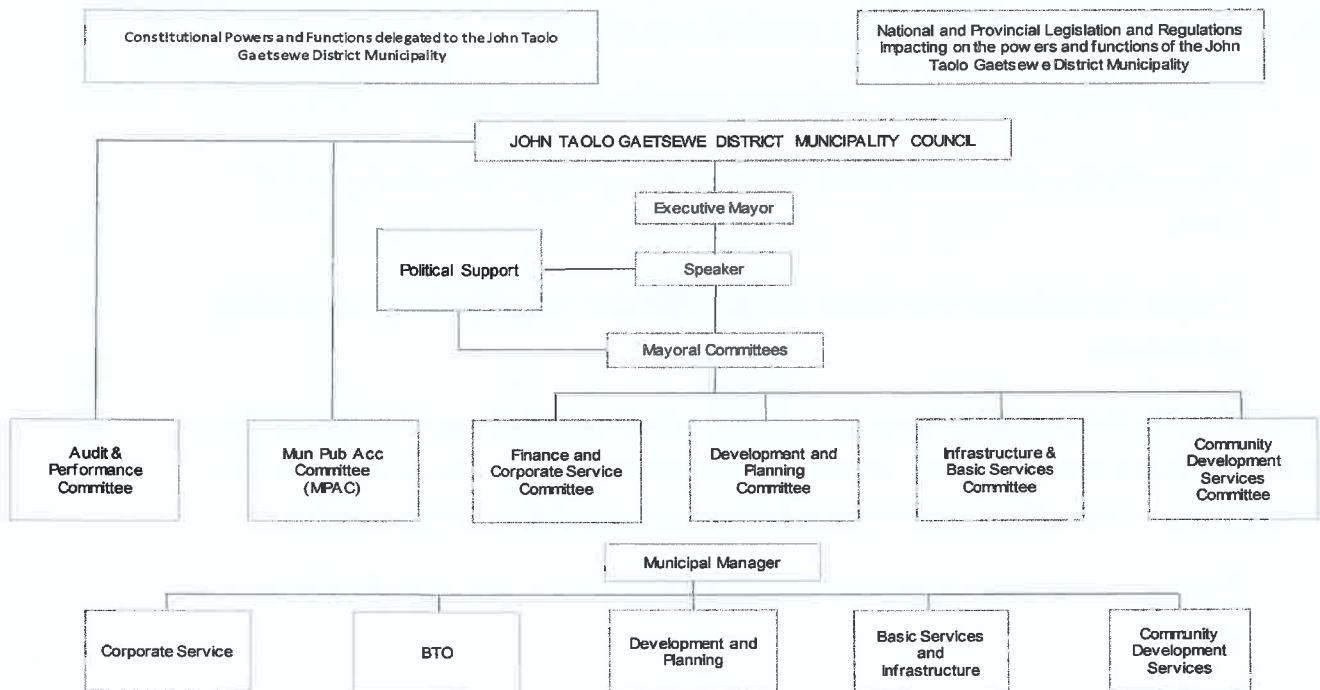
The delegations are divided into the following main categories:

1. Powers and functions exclusively vested in the Council that was not delegated.
2. Delegation of Powers and Functions by the Municipal Council.
3. Powers and Functions delegated to the Executive Mayor.
4. Powers and Functions delegated to the Executive Mayoral Committee.
5. Powers and Functions delegated to the Speaker.
6. Delegated Authority by the Accounting Officer in respect of Powers and Functions related to Financial Management.
7. Delegated Authority by the Accounting Officer in respect of Powers and Functions related to Human Resource Management.
8. Delegated Authority by the Accounting Officer in respect of Powers and Functions related to Supply Chain Management.
9. Delegated Authority by the Manager Budget and Treasury Office in respect of Powers and Functions related to Section 81 and 82 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) (MFMA).
10. Delegated Authority by the Accounting Officer.
11. Delegated Authority by the Accounting Officer in respect of Powers and Functions related to Line Functions.

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Figure 2: Graphic Presentation of the Framework for the Delegation of Powers and Powers in the John Taolo Gaetsewe District Municipality



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LEGISLATIVE & STATUTORY FRAMEWORK FOR THE DELEGATION OF POWERS

These delegations have been designed within the framework of the Constitutional allocation of functions to the municipality, read in conjunction with the stipulations of sections 83 and 84 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), with intention to authorize the political and administrative branches of the municipality to give practical effect to its core functions and powers, as exposed in the following statutes:

- Section 156 of the Constitution of the Republic of South Africa, 1996.
- Chapter 5 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).
- Chapter 3 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) as amended.

Other legislation that impact directly on the activities, powers and functions of the Municipality, in its capacity as a district municipality, which were considered as a source for the Identification of functions and service delivery responsibilities with the compilation of the delegations include:

- The Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) (MFMA).
- The Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and regulations (as amended).
- The Broad-Based Black Economic Empowerment Act, 2003 (Act 53 of 2003) (BBBEE).
- The Fire Brigade Services Act, 1997 (Act 99 of 1997).
- The National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004).
- National Building Regulations and Building Standards Act, 1997 (Act 103 of 1997).
- National Environmental Management Act, 1998 (Act 107 of 1998).
- Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972).
- National Health Act, 2003 (Act 61 of 2003).
- Occupational Health and Safety Act, 1993 (Act 85 of 1993).
- The Water Services Act, 1997 (Act 108 of 1997).
- The Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005).
- Basic Conditions of Employment Act, 1997 (Act 75 of 1997)

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- The Labour Relations Act, 1995 (Act 66 of 1995).
- Institution of Legal Proceedings Against Certain Organs of State Act, 2002 (Act 40 of 2002).
- The Northern Cape Planning and Development Act, 1998 (Act 7 of 1998).
- Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (Act 19 of 1998).
- The Housing Act, 1997 (Act 107 of 1997).
- The South African National Roads Agency Limited and National Roads Act, 1998 (Act 7 of 1998).
- The Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000).
- Local Government: Municipal Property Rates Act, 2004 (Act 6 of 2004).
- Regulation of Gatherings Act, 1993 (Act 205 of 1993).
- Roads Ordinance 19 of 1972.
- The Policy Framework for the Introduction of the Municipal Infrastructure Grant.
- Municipal Supply Chain Management Regulations - Gazette No 27636, 30 May 2005.
- Municipal Investment and Municipal PPP Regulations - Gazette No 27431, 1 April 2005.
- Promotion of Access to Information Act, 2000 (Act 2 of 2000).
- Promotion of Administrative Justice Act, 2000 (Act 3 of 2000).
- Employment Equity Act, 1998 (Act 55 of 1998).
- The National Veldt and Forest Fire Act, 1998 (Act 101 of 1998).
- The revised preferential procurement regulations, 2011.

Table 1: Regulatory Framework for the delegation of Powers & Functions in the John Taolo Gaetsewe District Municipality

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Enabling Legislation, creating an integrated framework for the delegation of municipal powers and functions:

- Constitution of the Republic of South Africa, 1996.
- Sections 19, 83 to 89 and 93(a) of the Municipal Structures Act, 1998 (Act 117 of 1998) (Structures Act).
- Sections 4, 11 and Chapter 7, Part III of the Municipal Systems Act, 2000 (Act 32 of 2000) (Systems Act).
- Local Government Municipal Finance Management Act, 2003 (Act 5B of 2003).
- Promotion of Access to information Act, 2000.
- Promotion of Administrative Justice Act, 2000.

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Financial Management	Human Resource Management (and Organizational Arrangements)	Supply Chain Management	Line Functions
• Municipal Finance Management Act, And regulations 2003 • Local Government: Municipal Property Rates Act, 2004 • Municipal Investment and Municipal PPP Regulations • Intergovernmental Relations Fiscal Act	• The System Act, 32 of 2000, as amended • Basic Conditions of Employment Act, 75 of 1997 • The Labour Relations Act, 55 of 1995 • Employment Equity Act, 1998 (Act 55 of 1998)	• The Broad-Based Black Economic Empowerment Act, 53 of 2003 • The Preferential Procurement Policy Framework Act. 2 of 2000 • Municipal Supply Chain Management Regulations • Municipal Investment and Municipal PPP Regulations • Revised preferential procurement Regulations 2011	• The Fire Brigade Services Act. 99 of 1997 • The National Environmental Management; Air Quality Act, 39 of 2004 • National Building Regulations and Building Standards Act, 103 of 1997 • National Environmental Management Act, 107 of 1998 • Foodstuffs, Cosmetics and Disinfectants Act, 54 of 1972 • National Health Act, 61 of 2003 • Occupational Health and Safety Act, 85 of 1993 • The Water Services Act, 108 of 1997 • The Northern Cape Planning and Development Act, 7 of 1998 • Prevention of illegal Eviction from and Unlawful Occupation of Land Act, 19 of 1998

	Ms P Q Mogatle Speaker	• The Housing Act. 107 of 1997 • The South African National Roads Agency Limited and National Roads Act, 7 of 1998 • Regulation of Gatherings Act, 5 of 1993 • Roads Ordinance 19 of 1976 • The Policy Framework for the Introduction of the Municipal Infrastructure Grant • National Archives and Record Service of SA Act 43 of 1996 • The National Veldt and Forest Fire Act, 1998 (Act 101 of 1998)
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Operational statutory guidelines for the delegation of powers in the Municipality

Section 59 of the Systems Act, 32 of 2000 requires of the municipality to put in place a set of delegations that maximize administrative and operational efficiency and provide for adequate checks and balances. In this regard, this set of delegations must be read and exercised within the scope, context and application of Section 59 of the Systems Act, 32 of 2000 which stipulates that "A municipal...

- (1) Council must develop a system of delegation that will maximize administrative and operational efficiency and provide for adequate checks and balances, and, in accordance with that system, may-
 - (a) delegate appropriate powers, excluding a power mentioned in section 160 (2) of the Constitution and the power to set tariffs, to decide to enter into a service delivery agreement in terms of section 76 (b) and to approve or amend the municipality's integrated development plan, to any of the municipality's other political structures, political office bearers, councillors, or staff members;
 - (b) Instruct any such political structure, political office bearer, councillor, or staff member to perform any of the municipality's duties; and
 - (c) Withdraw any delegation or instruction.

(2) A delegation or instruction in terms of subsection (1)-

- (a) Must not conflict with the Constitution, this Act other Municipal Structures Act;
- (b) Must be in writing;
- (c) is subject to any limitations, conditions and directions the municipal council may impose;
- (d) May include the power to sub-delegate a delegated power;
- (e) Does not divest the council of the responsibility concerning the exercise of the power other performance of the duty; and
- (f) Must be reviewed when a new council is elected or, if it is a district council, elected and appointed.

(3) The municipal council-

- (a) in accordance with procedures in its rules and orders, may, or at the request in writing of at least one quarter of the councillors, must, review any decision taken by such a political structure, political office bearer, councillor or staff member in consequence of a delegation or instruction, and either confirm, vary or revoke the decision subject to any rights that may have accrued to a person; and
- (b) May require its executive committee or executive Mayor to review any decision taken by such a political structure, political office bearer, and councillor or staff member in consequence of a delegation or instruction.

(4) Any delegation or sub-delegation to a staff member of a power conferred on an Accounting Officer must be approved by the municipal council in accordance with the system of delegation referred to in subsection (1).

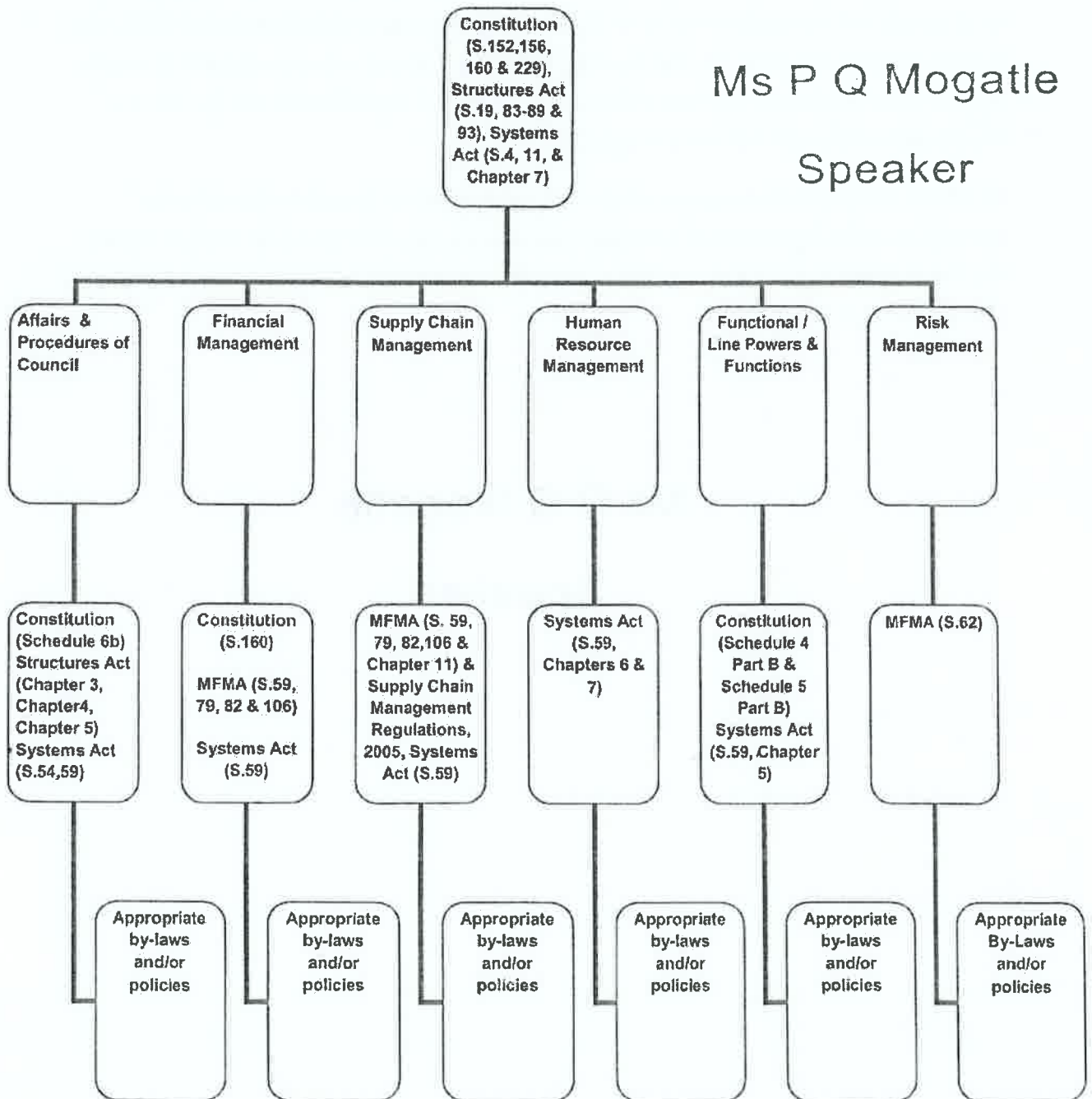
These requirements also served as a legal framework for the compilation of these delegations, and were used as a point of reference to authorize the delegation of powers and authority, especially to enable efficiency and effectiveness in respect of administrative, organizational and service delivery issues for which the Municipality is responsible.

Use has also been made of the stipulations of functional legislation, as stated above, that authorize executing authorities to delegate and/or sub-delegate the responsibility and powers to perform specific functions, and exercise the authority that enables the executing officer to perform those functions. Cognizance was also taken of the Draft Code of Governance, Principles for South Africa, King Committee on Governance (King III report), 2009.

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Figure 3: Primary enabling legislation that authorize the delegation of authority in the John Taolo Gaetsewe District Municipality



Special legislative conditions that impact on the exercising of the municipal delegations.

In exercising these delegations, official entrusted with specific powers, functions and authority, must comply with the requirements of the **Promotion of Access to Information Act, 2000**; with specific reference to section 11. The municipality will therefore put in place measures to ensure that municipal records are kept and maintained to enable the municipality to comply with the requirements of the said Act (No. 2 of 2000).

All officials assigned with delegated powers and functions will be sensitized regarding the implications of the **Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)** to ensure that these delegations are exercised in a procedurally fair and just manner, as required by the said Act (No. 3 of 2000).

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Exclusive Powers & Functions of the Municipal Council

The following powers and functions will be the exclusive domain of the Municipal Council of the John Taolo Gaetsewe District Municipality. The powers and authority associated with performing these functions and responsibilities are not delegated to any of the political or administrative organs of the Council:

- (1) To adopt legally enforceable by-laws. (Reference: Section 160, subsection 2 of the Constitution of the Republic of South Africa, 1996 and section 11 of the Municipal Systems Act. 2000).
- (2) To give practical to the rights and duties of municipalities, as envisaged In section 4 of the Local Government: Municipal Systems Act, 2000 and Chapter 5 of the Municipal Structures Act, 1998.
- (3) To approve all formal policies that governs the systems and powers of the Municipality.

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FUNCTIONS AND POWERS EXCLUSIVELY VESTED IN THE MUNICIPAL COUNCIL:

Council Power /Function	Issues / power	Legislative reference	Power / Authority vested in	Comments / Remarks
C1	Review and rationalization of existing municipal by-laws	Constitution (S. 156, 160) Structures Act (S. 15)	Council	
C2	Make by-laws, prescribing rules and orders to regulate the affairs of Council.	Systems Act (S. 59) as amended	Council	Also refer to section 160 (6) of the Constitution, 1996 Note: S.31 & S.2 of the Structures Act were repealed
C3	Formulating, approving and reviewing policy.	Systems Act (S. 59 as amended)	Council	
C4	Approve and review the delegation framework of the Council	Systems Act (S. 59) as amended	Council	Include any delegations to Council committees, executive office-bearers and /or officials.

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Council Power /Function	Issues / power	Legislative reference	Power / Authority vested in	Comments / Remarks
				Delegations must be reviewed when a new Council is elected and appointed. Note: S.31&S.2 of the Structures Act were repealed
C5	Passing of by-laws	Constitution, 1996 (S.160)	Council	Also refer to the Systems Act (S.11) as amended
C6	Approval of budgets and adjustment budgets	Constitution, 1996 (3,160)	Council	Chapter 4 of the MFMA has reference
C7	Imposition of rates and taxes, levies and duties	Constitution, 1996 (S.160)	Council	
C8	Decide on preference points with a view of promoting categories of preference service providers on advise of the Accounting Officer according to the Supply Chain management policy of the Council	S. 83 (2) of the Municipal Systems Act as amended Revised	Council	In accordance with the stipulations of the Preferential Procurement Policy Framework Act, 2000 (Act 5/2000) and the Regulations issued in terms of this Act

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Council Power /Function	Issues / power	Legislative reference	Power/ Authority vested in	Comments / Remarks
		preferential procurement regulations 2011		
C9	Maintain oversight over the implementation of the supply chain management policy	Municipal Supply Chain Management Regulations, 2005	Council	
C10	Writing off of irregular, fruitless or wasteful and/or irrecoverable monies	Municipal Finance Management Act	Council	
C11	Approval of virement shifts between budget votes	S. 62(1) (a) of the MFMA	Council	
C12	Payment of claims against the municipality where the municipality does not have insurance, or the insurance does not pay	S. 62(1) (a) of the MFMA	Council	On the grounds of legal advise

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Council Power /Function	Issues / power	Legislative reference	Power / Authority vested in	Comments / Remarks
C13	The raising of loans / incurring debt	Council	S. 160 of the Constitution, 1996	The decisions of Council must reflect consideration of Chapter 6 of the MFMA
C14	Election of a Speaker for the Council	S. 160 of the Constitution. 1996 and S.36 LG; Municipal Structures Act	Council	With the election of the Speaker, the requirements of section 36 of the LG: Municipal Structures Act must be adhered to, as well as the Standing Orders (By-Law 17/2008)
C15	Election of Executive Mayor	S.55 LG: Municipal Structures Act	Council	
C16	Election / establishment of Council committees	S. 160 of the Constitution, 1996 & S.80 LG: Municipal Structures Act as amended	Council	With the establishment / election of Council committees, the requirements of section 33 of the LG: Municipal Structures Act must be adhered to, as well as the Standing Orders (By-Law 17/2008)

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Council Power /Function	Issues / power	Legislative reference	Power / Authority vested in	Comments / Remarks
C17	Approval of the appointment of the Accounting Officer and all section 57 HODs in the municipality, including acting for a period not exceeding three months	S. 160(1)(d) of the Constitution: read in conjunction with S. 56 of the LG; Municipal Systems Act, as amended	Council	Power must be exercised in accordance with the requirements of section 54(a) and section 56 of the LG; Municipal Systems Act. as amended, and the Recruitment and Selection Policy of Council
C18	Appointment of acting Accounting Officer and Section 57 Managers if they act for more than a month	S. 160 (1) of the Constitution, 1996	Council	Delegation must be exercised in terms of the framework provided by the Municipality's PMS Framework and PMS policy

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Council Power /Function	Issues / power	Legislative reference	Power / Authority vested in	Comments / Remarks
C19	Approval of the Integrated Development Plan for the municipality	S. 25(1) and 28 of the LG; Municipal Systems Act, as amended.	Council	In the process leading up to the adoption of the IDP, Council must approve a process plan, make sure that adequate opportunity for community participation in the process is made, and that adequate notice of the process is given to the community of the district
C20	Approval of annual reviews of the Integrated Development Plan	S. 34 of the LG: Municipal Systems Act as amended	Council	Process must take place in accordance with the requirements of S. 34 of the LG: Municipal Systems Act in this regard
C21	Approve the funded organizational structure and staff establishment of the administrative branches of the municipality	S. 160 (1)(d) of the Constitution And Chapter 4 of the MFMA	Council	Council approval must follow a recommendation by the relevant Portfolio committee. This must be done in accordance with the requirements of s. 51-53 of the

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Council Power /Function	Issues / power	Legislative reference	Power / Authority vested In	Comments / Remarks
		Section 66 of the LG Municipal Systems as amended Act		Municipal Systems Act as amended
C22	Adoption of the Annual Report and Municipal Public Accounts Committee (MPAC) report	S- 121 and 129 of the MFMA	Council	Conditions stipulated in s. 127 - 129 of the MFMA; as well as the requirements of MFMA Circular No. 32 must be adhered to.
C23	Approve specific mechanisms for service delivery as exposed in sections 76-82 of the Municipal Systems Act. On the advise of the Accounting Officer	Section 76-82 of the Municipal Systems Act as amended	Council	In accordance with the conditions and requirements stipulated in sections 76-82 of the Municipal Systems Act
C24	Approval for the writing-off of outstanding debtors		Council	
C25	Granting of gifts, donations and sponsorships, in exception of operational requirements should be handled in line with the		Mayor	The Executive Mayor to award donation in line with the

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Council Power /Function	Issues / power	Legislative reference	Power / Authority vested In	Comments / Remarks
	donations policy. Donations that falls within the category of operational requirements be handled accordingly, and a report to be made to council.		Accounting Officer and HOD'S	donations policy. The Executive Mayor to report to council on donations awarded.
C26	Request for continuation of service post at pensionable age		Council	
C27	Expropriation of immovable property or rights to or for immovable property		Council	
C28	Liaise with / report to the provincial executive (MEC) if conditions for provincial intervention is required		Council	

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Council Power /Function	Issues / power	Legislative reference	Power / Authority vested in	Comments / Remarks
C29	Suspension of Section 57 HODs, Accounting Officer and first reporting levels (HOD's)	Labour Relations Act / Basic Conditions of Employment Act Local government Disciplinary code for senior HODs	Council	
C30	Adopt the National Treasury's code of conduct for supply chain management practitioners and other role-players involved in supply chain management		Council	
C31	Enter into Public-Private Partnerships and Public-Public Partnerships, or Municipal Service Partnerships on behalf of the Municipality		Council	
C32	Demotions of senior municipal employees		Council	In accordance with Municipal Conditions of Services Policies

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DELEGATION OF POWERS AND FUNCTIONS BY THE COUNCIL

Any delegation may be sub-delegated or delegated further, provided that it is not explicitly prohibited by legislation or Council

Council Power /Function	Issue	Statutory / Legislative section	Power vested in	Authority for delegation	Delegation to (lowest rank of official)	Department / Section	Comments / Restrictions / Notes
DC1	Develop, submit to council for approval and maintain a staff structure/establishment		Accounting Officer	S. 66 of the Municipal Systems Act as amended	Accounting Officer		The organisation of the Municipality must be done in terms of the requirements of sections 51-53 of the Municipal Systems Act and the Job evaluation system must be in line with the Bargaining Council's Task System
DC2	Advise Council regarding the appropriation of funding for the Administrative branches of the	S. 51 of the Municipal Systems	Council	S. 59(1) of the Municipal Systems Act	Accounting Officer		

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Council Power /Function	Issue	Statutory/ Legislative section	Power vested in	Authority for delegation	Delegation to (lowest rank of official)	Department / Section	Comments / Restrictions / Notes
	Municipality	Act		as amended			
DC3	Signing of correspondence on behalf of the Council		Council	S. 59 (1) of the Municipal Systems Act as amended	HOD	AH	
DC4	Signing of contracts on behalf of the Council (including employment contracts for temporary workers and contract employees)		Council	S. 59 (1) of the Municipal Systems Act as amended	Accounting Officer		
DC5	Suspension of non-Section 57 Employees	S. 55 of the Municipal Systems Act as amended	Accounting officer	Labour Relations Act / Basic Conditions of Employment Act	Accounting officer or assignee		The stipulations of the Collective Agreement regulating disciplinary proceedings must be followed.

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Council Power /Function	Issue	Statutory / Legislative section	Power vested in	Authority for delegation	Delegation to (lowest rank of official)	Department / Section	Comments/ Restrictions / Notes
DC6	Issue written warnings for misconduct by non-Section 57 Employees.	S. 55 of the Municipal Systems Act as amended	Accounting officer	Labour Relations Act / Basic Conditions of Employment Act	All Supervisors	All	The stipulations of the Collective Agreement regulating disciplinary proceedings must be followed.
DC7	Issue final written warnings and terminate services of an employee resulting from a disciplinary enquiry.	S. 55 of the Municipal Systems Act as amended	Accounting officer		Accounting Officer	Corporate Services	The stipulations of the Collective Agreement regulating disciplinary proceedings must be followed.
DC8	Appoint presiding officers and members of disciplinary enquiry panels	S. 55 of the Municipal Systems Act as amended	Accounting officer		Accounting officer	Corporate Services	The stipulations of the Collective Agreement regulating disciplinary proceedings must be followed.

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Council Power /Function	Issue	Statutory / Legislative section	Power vested in	Authority for delegation	Delegation to (lowest rank of official)	Department / Section	Comments / Restrictions / Notes
DC9	Process requests for disciplinary action and grievances	S. 55 of the Municipal Systems Act as amended	Accounting officer		HR Manager	Corporate Services	The stipulations of the Collective Agreement regulating disciplinary and grievance proceedings must be followed.
DC10	Appoint of services of an attorney and/or advocate to litigate on behalf of Council as and when the needs arises		Accounting officer			HR and Legal and Compliance	

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POWERS AND FUNCTIONS DELEGATED TO THE EXECUTIVE MAYOR

ITEM	ISSUE	STATUTORY/ LEGISLATIVE SECTION	POWER VESTED IN	COMMENTS / RESTRICTIONS / NOTES
EM1	Tabling of the annual budget to the Council	S. 16 of the MFMA	Executive Mayor	Budget must be tabled 90 days prior to the start of the new financial year
EM2	Annual review of the IDP and budget policies	S. 21 of the MFMA	Council	Process must be conducted in terms of the directives of section 21 of the MFMA
EM3	Authorization of unforeseen or unavoidable expenditure	S. 29 of the MFMA	Executive Mayor	On advise of the Accounting Officer and CFO According to the directives of s. 29 of the MFMA
EM4	Receive and deal with monthly and quarterly performance and budget review reports	S. 52 (d) of the MFMA	Executive Mayor	The Executive Mayor must execute this responsibility in close collaboration with the Accounting Officer and CFO
EM5	Adoption of the Service Delivery and Budget Implementation Plan (Top Layer)	S. 53 of the MFMA	Executive Mayor	
	Departmental Service Delivery and Budget Implementation Plans			

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ITEM	ISSUE	STATUTORY/ LEGISLATIVE SECTION	POWER VESTED IN	COMMENTS / RESTRICTIONS / NOTES
EM6	Enter Into a Performance Agreements of section 57 HODS	S. 53 of the MFMA	Accounting Officer	
EM7	Enter into a Performance Agreement with the Accounting Officer	S. 57 of the Municipal Systems Act as amended	Executive Mayor	Compliance with the requirements of section 57 of the LG; Municipal Systems Act
EM8	Recommend to the Council strategies, programmes and services to address priority needs through the integrated development plan and the estimates of revenue and expenditure, taking into account any applicable national and provincial development plans	Municipal Structures Act, 1998 (S. 56(2)(c))	Executive Mayor	To be executed on advise of the Accounting Officer and the Manager IDP and PMS
EM9	Identify and develop criteria in terms of which progress with the implementation of strategies, programmes and services can be evaluated: including determining key performance indicators that are specific to the municipality and common to local government in general.	Municipal Structures Act, 1998 (S. 56(3)(a))	Executive Mayor	To be executed on advise of the Accounting Officer and the Manager IDP and PMS

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ITEM	ISSUE	STATUTORY/ LEGISLATIVE SECTION	POWER VESTED IN	COMMENTS / RESTRICTIONS / NOTES
EM10	Evaluate progress against municipal key performance indicators	Municipal Structures Act, 1998 (S. 56(3Xb))	Executive Mayor	To be executed on advise of the Accounting Officer and the Manager IDP and PMS
EM11	Development of the municipality's performance management system; including assigning responsibilities in this regard to the Accounting Officer	Section 39 of the Municipal Systems Act, 2000 as amended	Executive Mayor	System must be in line with the requirements of the Municipality's Performance Management Policy. The development of the Performance Management System must be done in close collaboration with the Mayoral Committee.
EM12	Oversee and monitor the implementation and enforcement of the municipality's credit control and debt collection policy and any by-laws enacted in terms of section 98 of the Municipal Systems Act. 2000	Section 99(a) of the Municipal Systems Act, 2000 as amended	Executive Mayor	
EM13	Receive reports from committees of council and forward these reports together with a recommendation to the council when the matter cannot be disposed of by the Executive Mayor in terms of his or her delegated powers	Municipal Structures Act, 1998 (Section 56(1))	Executive Mayor	

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ITEM	ISSUE	STATUTORY/ LEGISLATIVE SECTION	POWER VESTED IN	COMMENTS / RESTRICTIONS / NOTES
EM14	Monitor the management of the municipality's administration in accordance with the directions of the municipal council	Municipal Structures Act, 1998 (S. 56(3)(d))	Executive Mayor	To be executed on advise of the Accounting Officer and the Manager IDP and PMS
EM15	Oversee the provision of services to communities by the municipality to promote sustainability	Municipal Structures Act, 1998 (S. 56(3)(e))	Executive Mayor	
EM16	Establishment and effective functioning of the District intergovernmental Forum (IGR)	Part 4, S. 24 - 29 of the Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005)	Executive Mayor	Authority to be executed in accordance with the requirements of the Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005)
EM17	Establishment of additional bi-lateral inter-municipal forums, as prescribed in s. 28-29 of the Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005)	S. 28-29 of the Intergovernmental Relations Framework Act 2005 (Act 13 of 2005)	Executive Mayor	Authority to be executed in accordance with the requirements of the Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005)

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ITEM	ISSUE	STATUTORY/ LEGISLATIVE SECTION	POWER VESTED IN	COMMENTS / RESTRICTIONS / NOTES
EM18	Promote and annually report regarding the involvement of communities and community organizations in the affairs of the municipality	Municipal Structures Act, 1998 (S. 56(3)(g))	Executive Mayor	
EM19	Designate a Head of Department to temporarily act as Accounting Officer in the absence of the Accounting Officer not more than a month.		Executive Mayor	
EM20	Sign the Employment Contract and the Performance Agreement of the Accounting Officer on behalf of Council		Executive Mayor	

Ms P Q Mogatle
Speaker

POWERS AND FUNCTIONS DELEGATED TO THE EXECUTIVE MAYORAL COMMITTEE

Item	Issue	Statutory / Legislative section	Power vested In	Comments / Restrictions / Notes
MC1	Identify, review and evaluate the needs of the municipality in terms of the functional portfolios	Section 56(2)(a) of the Municipal Structures Act, 1998	Executive Mayor	identification, reviewing and evaluation of the needs of the Municipality should be done in close collaboration with Mayoral Committee and Accounting Officer
MC2	Review and recommend issues related to the performance of functional portfolios with a view of improving: - The economy, efficiency and effectiveness of each functional area; - The efficiency of credit control and revenue & debt collection services; and - The implementation of by-laws.	Section 56(3)(c) of the Municipal Structures Act, 1998	Mayoral Committee	Ms P Q Mogatle Speaker
MC3	Prepares a draft budget in respect of the functional portfolios	Section 56(2)(c) of the Municipal Structures Act, 1998	Mayoral Committee	

Speaker

MC4	The councillor responsible for financial matters must manage the budget process in such a way that a draft budget is tabled in the council at least 90 days before the start of the financial year and the budget is tabled in the council at least 30 days before the start of the financial year to which that budget relates	Section 15-33 of the MFMA, 2003	Executive Mayor	
MC5	Designate a Mayoral Committee Member to temporarily act as Executive Mayor or Speaker in the absence of the Executive Mayor or Speaker.		Mayoral Committee	
MC6	Monthly performance reports from Departments		Mayoral Committee	

POWERS AND FUNCTIONS DELEGATED TO THE SPEAKER

Item	Issue	Statutory / Legislative section	Power vested in	Comments / Restrictions / Notes
S1	Preside over Council meetings	Section 37 (a) of the Municipal Structures Act, 1998	Speaker	The Standing Orders of Council, 2008 must be adhered to.

Speaker

S2	Ensure that the Council meets at least quarterly	Section 37 (c) of the Municipal Structures Act, 1998	Speaker	The Standing Orders of Council, 2008 must be adhered to.
S3	Maintain order during council meetings	Section 37 (d) of the Municipal Structures Act, 1998	Speaker	The Standing Orders of Council, 2008 must be adhered to.
S4	Enforce the Code of Conduct for Councillors	Section 37 (e) of the Municipal Structures Act, 1998	Speaker	The Standing Orders of Council, 2008 must be adhered to.
S5	Ensure that Council meetings are conducted in accordance with the rules and orders of the Council	Section 37 (f) of the Municipal Structures Act, 1998	Speaker	The Standing Orders of Council, 2008 must be adhered to.
S6	Determine the date and venue for ordinary Council meetings	Section 29 (1) of the Municipal Structures Act, 1998	Speaker	The Standing Orders of Council, 2008 must be adhered to.
S7	Convene special Council meetings at a venue determined by her / him and at the time set out in the request for such a meeting	Section 29 (1) of the Municipal Structures Act, 1998	Speaker	The Standing Orders of Council, 2008 must be adhered to

S8	Ensure that the conditions in respect of the privileges and immunities of members of Council are adhered to	Section 28 of the Municipal Structures Act, 1998	Speaker	The Standing Orders of Council. 2008 must be adhered to.
S9	Monitor implementation of Council Resolutions and report progress to Council	Section 59 of the Municipal Systems Act, 2000 as amended	Speaker	
S10	Approval of Councillors' leave (if required)		Speaker	
S11	Travel and Subsistence allowance for Councillors	Section 65(2) of the Municipal Finance Management Act. 2003	Executive Mayor or Speaker	

Ms P Q Mogatle

Speaker

DELEGATED AUTHORITY BY THE ACCOUNTING OFFICER IN RESPECT OF POWERS & FUNCTIONS RELATED TO FINANCIAL MANAGEMENT

Item	Issue	Statutory / Legislative section	Power vested in	Authority for delegation	Delegation to (lowest rank of official)	Department / Section	Comments / Restrictions / Notes
FM1	Withdrawing of money from the primary bank account, including the signing of cheques on behalf of the municipality	S. 10(1) of the MFMA	Accounting Officer	MFMA 79(1)(b)(i): read in conjunction with S. 11(1)	CFO	Budget and Treasury Office	Authority to be exercised within the guidelines of section 11 of the MFMA
FM2	Administer the bank accounts of the municipality within the framework approved by Council	S. 10(1) of the MFMA	Accounting Officer	MFMA 79(1)(b)(i)	CFO	Budget and Treasury Office	Ms P Q Mogatle Speaker
FM3	Approve the opening of bank accounts for the municipality, or the changing of bank accounts	S. 7(1) of the MFMA	Accounting Officer	MFMA 79(1)(b)(i)	CFO	Budget and Treasury Office	

Speaker

Item	Issue	Statutory / Legislative section	Power vested in	Authority for delegation	Delegation to (lowest rank of official)	Department / Section	Comments / Restrictions / Notes
FM4	Monthly calculation of revenue due to the municipality	S. 64(2)(b) of the MFMA	Accounting Officer	MFMA 79(1)(b)(i)	CFO	Budget and Treasury Office	Could be sub-delegated to an official on the level of an Accountant
FM5	Preparation of accounts for municipal taxes and charges for services on a monthly basis	S. 64 (2)(c)	Accounting Officer	MFMA 79(1)(b)(i)	CFO	Budget and Treasury Office	Could be sub-delegated to the Senior Income Accountant
FM6	Daily deposit of monies received in the municipal primary bank account	S. 64 (2)(c)	Accounting Officer	MFMA 79(1)(b)(i)	CFO	Budget and Treasury Office	Could be sub-delegated to the cashiers of checking by the Senior Accountant
FM7	The maintenance of accounting systems and systems of internal control to ensure effective control over expenditure, debtor and revenue	S. 64(2)(c) and (f) of the MFMA	Accounting Officer	MFMA 79(1)(b)(i)	CFO	Budget and Treasury Office	

Speaker

Item	Issue	Statutory / Legislative section	Power vested in	Authority for delegation	Delegation to (lowest rank of official)	Department / Section	Comments / Restrictions / Notes
FM8	Setting up relief, charitable trust or other funds	S. 12 of the MFMA	Accounting Officer		Accounting Officer		In accordance with the requirements and procedures prescribed in S. 12 of the MFMA
FM9	Notifying the Auditor-general about the opening of bank account/s	S. 8 and 13 of the MFMA	Accounting Officer	MFMA 79(1)(b)(i)	CFO	Budget and Treasury Office	
FM10	Payment of creditors within 30 days	S. 65 (2)(e) of the MFMA	Accounting Officer	MFMA 79(1)(b)(i)	CFO	Budget and Treasury Office	
FM11	Ensure that the municipality complies with its tax, levy, duty, pension, medical aid, audit fees and other statutory commitments	S. 65 (2)(f)	Accounting Officer	MFMA 79(1)(b)(i)	CFO	Budget and Treasury Office	
FM12	Report to the Council regarding expenditure on staff benefits	S. 66 of the MFMA	Accounting Officer	MFMA 79(1)(b)(i)	CFO	Budget and Treasury Office	

Speaker

Item	Issue	Statutory / Legislative section	Power vested in	Authority for delegation	Delegation to (lowest rank of official)	Department / Section	Comments / Restrictions Notes
FM13	Prevention of unauthorized, irregular, fruitless or wasteful expenditure	S. 32 of the MFMA	Accounting Officer	MFMA 79(1)(b)(i)	HODs	All	All HODs are responsible to institute measures to prevent unauthorized, irregular, fruitless or wasteful expenditure
FM14	Support the Executive Mayor in preparing the annual budget	S. 68 of the MFMA	Accounting Officer	MFMA 79(1)(b)(i)	All HODs are responsible for submitting budget requirements	All	
FM15	Support the Executive Mayor in preparing the budget policies	S. 68 of the MFMA	Accounting Officer	MFMA 79(1)(b)(i)	CFO	Budget and Treasury Office	
FM16	Publication and submission of the annual budget to the community, Treasury and relevant organs of state	S. 22 of the MFMA	Accounting Officer	MFMA 79(1)(b)(i)	CFO	Budget and Treasury Office	
FM17	Finalisation of the annual adjustment budget	S. 28 of the MFMA	Accounting Officer	MFMA 79(1)(b)(i)	CFO	Budget and Treasury Office	Process must be completed according to the requirements of section 28 of the MFMA

Speaker

Item	Issue	Statutory / Legislative section	Power vested in	Authority for delegation	Delegation to (lowest rank of official	Department / Section	Comments / Restrictions / Notes
FM18	Authorization of expenditure from budgeted funds valuing from R30 000 to R200 000	S65 of the MFMA	Accounting Officer	MFMA 79(1)(b)(i)	HODs	All	Subject to the requirements and conditions of the Municipal Supply Chain Management Policy
FM19	Authorization of expenditure from budgeted funds valuing less than R30 000	S65 of the MFMA	Accounting Officer	MFMA 79(1)(b)(i)	HODs	All	
FM20	Authorization of expenditure from budgeted funds R200 000 and above	S65 of the MFMA	Accounting Officer	MFMA 79(1)(b)(i)	Not delegated		Subject to the requirements and conditions of the Municipal Supply Chain Management Policy
FM21	Inform the Executive Mayor, MEC for local government and the council about possible unauthorized expenditure	S. 32 (4) of the MFMA	Accounting Officer		Accounting Officer and CFO		

Ms P Q Mogatle

Speaker

Item	Issue	Statutory / Legislative section	Power vested in	Authority for delegation	Delegation to (lowest rank of official)	Department / Section	Comments / Restrictions / Notes
FM22	Submission of draft Departmental SDBIPs and an institutional SDBIP to the Executive Mayor fourteen days after approval	S. 69(3) of The MFMA	Accounting Officer	MFMA 79(1)(b)(i)	Accounting Officer		
FM23	Submission of draft Performance Agreements to the Executive Mayor fourteen days after approval of the institutional	S. 69(3) of the MFMA	Accounting Officer	MFMA 79(1)(b)(i)	Accounting Officer		
FM24	Preparation and submission of monthly budget statements	S. 71 of the MFMA	Accounting Officer	MFMA 79(1)(b)(i)	CFO	Budget and Treasury Office	According to section 71 of the MFMA
FM25	Preparation and submission of quarterly mid-year and annual performance assessment reports	S. 72 of the MFMA	Accounting Officer	MFMA 79(1)(b)(i)	HODS	All	According to section 72 of the MFMA
FM26	Keep complete financial	S. 62(1)(b)	Accounting	MFMA	CFO	Budget and	Keying of financial

Speaker

Item	Issue	Statutory/ Legislative section	Power vested in	Authority for delegation	Delegation to (lowest rank of official)	Department / Section	Comments / Restrictions / Notes
	records	of the MFMA	Officer	79(1)(b)(i)		Treasury Office	records must also be done in close collaboration with the Records Manager in accordance with the National Archives and Record Service of South Africa Act, 1996 (Act 43 of 1996)
FM27	Existence and effective functioning of an internal audit unit	S. 62(1)(c) of the MFMA	Accounting Officer	MFMA 79(1)(b)(i)	Accounting Officer		
FM28	Establish and maintains effective, efficient and transparent systems- of financial and risk management and internal control	S. 62(1)(c) of the MFMA	Accounting Officer	MFMA 79(1)(b)(i)	Chief Risk Officer	Risk Management Unit	
FM29	Existence and annual review of a tariff, rates, credit control and debt collection policies for	S. 62 (1)(f)(i) and (ii) of the	Accounting Officer	MFMA 79(1)(b)(i)	CFO	Budget and Treasury	

Ms P Q Mogatle

Speaker

Item	Issue	Statutory / Legislative section	Power vested in	Authority for delegation	Delegation to (lowest rank of official)	Department / Section	Comments / Restrictions / Notes
	the municipality	MFMA and section 74 of the LG- Municipal Systems Act				Office	
FM30	Complying with MFMA Circulars issued by National Treasury	S. 5(1) and 6 of the MFMA	Accounting Officer	MFMA 79(1)(b)(i)	CFO and all section 57 HDDs	Budget and Treasury Office	
FM31	Complying with the reporting requirements of the Division of Revenue Act	Division of Revenue Act	Accounting Officer	MFMA 79(1)(b)(i)	CFO	Budget and Treasury Office	
FM32	Institute the disciplinary action in cases of identified financial misconduct	S. 171 and 172 of the MFMA	Accounting Officer	MFMA 79(1)(b)(i)	Immediate supervisors		Chapter 15 of the MFMA and all relevant labour legislation are applicable
FM33	Preparation of financial statements	S. 122-125 of the MFMA	Accounting Officer	MFMA 79(1)(b)(i)	CFO	Budget and Treasury Office	The contents prescribed in s. 122-125 of the MFMA must be adhered to

Speaker

Item	Issue	Statutory / Legislative section	Power vested in	Authority for delegation	Delegation to (lowest rank of official)	Department Section	Comments / Restrictions / Notes
FM34	Approval of journal entries and transfer slips	S. 62(1) of the MFMA	Accounting Officer	MFMA 79(1)(b)(i)	CFO	Budget and Treasury Office	
FM35	Monthly estimates of revenue and expenditure	S. 69(1)(a) of the MFMA	Accounting Officer	MFMA 79(1)(b)(i)	CFO	Budget and Treasury Office	
FM36	Payment of claims against the municipality in cases where the municipality is not covered by insurance	S. 69(1)(a) of the MFMA	Accounting Officer	MFMA 79(1)(b)(i)	CFO		
FM37	Approval of petty cash payments	S. 65(1) of the MFMA	Accounting Officer	MFMA 79(1)(b)(i)	HODs		
FM38	Authorize monthly deductions on salaries through stop orders	S. 66 of the MFMA	Accounting Officer	MFMA 79(1)(b)(i)	CFO		
FM39	Authorize the recovery of debts by means of monthly instalments	S. 66 of the MFMA	Accounting Officer	MFMA 79(1)(b)(i)	CFO		

Speaker

Item	Issue	Statutory / Legislative section	Power vested In	Authority for delegation	Delegation to (lowest rank of official)	Department / Section	Comments / Restrictions / Notes
FM40	Reply to audit inquiries from the AG		Accounting Officer	S. 59 of the Municipal Systems Act. 2000	Senior HODs		Persons exercising this delegation must be familiar with the requirements of the Public Audit Act, 25 of 2005
FM41	Sigining of correspondence to National or Provincial Treasury and/or Provincial and National Regulatory institutions.		Accounting Officer	MFMA 79(1)(b)(i)	Senior HODs	Relevant department or unit	Correspondence must be signed on behalf of the Accounting Officer by the relevant senior manager to which the issues or Inquiry relates and copied to AO at all times
	Sigining of all other correspondence		Accounting Officer	MFMA 79(1)(b)(i) S. 59 {1} of the Municipal Systems Act	Relevant senior HODs	Relevant Department or unit	Correspondence must be signed on behalf of the Accounting Officer by the relevant senior manager to which the issues or inquiry relates and copied to AO at all times.

Delegated Authority by the Accounting Officer in respect of Powers & Functions related to Human Resource Management

Item	Issue	Statutory / Legislative section	Power vested in	Authority for delegation	Delegation to (lowest rank of official)	Department Section	Comments / Restrictions / Notes
HR42	Ensure that the municipality's personnel utilization and remuneration practices are in line with the requirements of the Basic Conditions on Employment Act, 1997 (No. 75 of 1997)	Basic Conditions on Employment Act, 1997 (No. 75 of 1997)	Accounting Officer	S. 59(1) of the Municipal Systems Act as amended	HOD Corporate Services	Human Resources and Corporate Services	The exercising of this delegation must be strictly according to the requirements of the S. 59 (1) of the Basic Conditions on Employment Act. 1997 (No. 75 of 1997)
HR43	Develop and adopt appropriate systems and procedures to ensure fair, efficient, effective and transparent personnel administration	S. 67 of the Municipal Systems Act as amended	Accounting Officer	S. 59(1) of the Municipal Systems Act as amended	HOD Corporate Services	Corporate Services	To be exercised in accordance with the requirements of section 67 of the LG: Municipal Systems Act
HR44	Development of human resource	Section 68 of the	Accounting Officer	Section 59 of the	HOD Corporate	Corporate	To be exercised in accordance with the

Ms P Q Mogatle

Speaker

	capacity	Municipal Systems Act as amended	Manager	Municipal Systems Act amended	Services	Services	requirements of section 68 of the LG; Municipal Systems Act
HR45	Advise the Council regarding all staff related matters	S. 51 of the LG; Municipal Systems Act amended	Accounting Officer	S. 59(1) of the Municipal Systems Act as amended	HOD Corporate Services	Human Resources and Corporate Services	The organisation of the Municipality must be in line with the requirements of S. 51 of the Municipal Systems Act
HR46	Advise the Accounting Officer and management on, and reporting on the achievement of employment equity targets in the municipality; including the compilation of the Employment Equity Plan for the municipality and the annual update thereof	Employment Equity Act, 55 of 1998	Accounting Officer	S. 59(1) of the Municipal Systems Act	HOD Corporate Services	Human Resources and Corporate Services	Delegation must be executed in adherence to the requirements of the Employment Equity Act, 55 of 1998
HR47	Transfers (excluding Accounting Officer and Section 57 HODs)	S. 55 of the LG; Municipal Systems Act as amended	Accounting Officer	S. 59(1) of the Municipal Systems Act as amended	Senior HODs		

Speaker

HR48	Changes in designation (excluding Council appointees)	S. 55 of the LG: Municipal Systems Act as amended	Accounting Officer		Accounting Officer (Not delegated)		
HR49	Advertisement of posts	S. 55 of the LG: Municipal Systems Act as amended	Accounting Officer	S. 59 (1) of the Municipal Systems Act as amended	HOD Corporate Services	Corporate Services	To be exercised in line with the Recruitment and Selection Policy
HR50	Approval of shortlist for Accounting Officer	S. 54(a) of the LG: Municipal Systems Act as amended	Council	S. 59(1) of the Municipal Systems Act as amended	Selection panel		Council will have to approve the short listing before interviews could commence To be exercised in line with the Recruitment and Selection Policy
HR51	Approval of shortlist for Post level 1	S. 56(a) of the LG: Municipal Systems Act as amended	Council	S. 59(1) of the Municipal Systems Act as amended	Selection Panel		To be exercised in line with Regulation for Appointment of Senior HOD

HR52	Approval of shortlist for Post level 3 and below	S. 55 of the LG: Municipal Systems Act as amended	Accounting Officer	S. 59(1) of the Municipal Systems Act as amended	Accounting Officer	Corporate Services	To be exercised in line with the Recruitment and Selection Policy
HR53	Personal to incumbent and contractual to incumbent	S. 55 of the LG: Municipal Systems Act as amended	Accounting Officer	S. 59(1) of the Municipal Systems Act	Accounting Officer	Corporate Services	
HR54	Approval of the leave of the Accounting Officer		Executive Mayor		Not to be delegated		
HR55	Leave to all HODs directly Accountable to the Accounting Officer	S. 55 of the LG: Municipal Systems Act. as amended read in conjunction with S 57	Accounting Officer		Accounting Officer (Not to be delegated)		To be exercised in line with the municipal Leave Policy and the Local Government: Municipal Performance Regulations for Section 57 employees.

HR56	Approval of leave to other personnel in the case of: • Annual leave • Maternity leave • Family Responsibility leave • Sick leave • Study leave	S. 55 of the LG: Municipal Systems Act, read in conjunction with s. 57	Accounting Officer	S. 59(1) of the Municipal Systems Act as amended	Supervisors	All	To be exercised in line with the municipal Leave Policy
HR57	Approval of Special leave to be granted under the following circumstances (excluding the Accounting Officer); • Court attendance as a state witness • Voluntary Military or Police Service • Participation under National sports code • For uninterrupted service	S. 55 of the LG: Municipal Systems Act, as amended read in conjunction with s. 57	Accounting Officer		HODS		To be exercised in line with the municipal Leave Policy

Speaker

HR58	Leave without pay	S. 55 of the LG: Municipal Systems Act, as amended read in conjunction with s. 57	Accounting Officer	HODS			
HR59	Granting of incentives for good performance	S. 38 of the LG: Municipal Systems Act as amended	Accounting Officer	Accounting Officer, in consultation with the Individual Performance Management Committee	Framework for Individual Human Resource Performance Management System for John Taolo Gaetsewe District Municipality		
HR60	Study assistance		Accounting Officer and Heads of Departments	Corporate Services HOD in consultation with Accounting Officer	Study assistance policy		

Ms P Q Mogatle

Speaker

HR61	Approval of travel and Subsistence allowance for Accounting Officer	Section 65(2) of the Municipal Finance Management Act, 2003	Executive Mayor	Executive Mayor	To be exercised in line with the Travel and Subsistence Policy.
HR62	Approval of travel and Subsistence allowance for Officials	Section 65(2) of the Municipal Finance Management Act, 2003	Accounting Officer	HODS	To be exercised in line with the Travel and Subsistence Policy
HR63	Use of cellular phones and 3G cards		Accounting Officer	Accounting Officer in consultation with HODs	To be exercised in line with the Policy for the use of cellular phones within the John Taolo Gaetsewe District Municipality

Speaker

HR64	Use of Telephones (land lines)		Accounting Officer		HDDs		To be exercised in line with the Policy for the use of telephones within the John Taolo Gaetsewe District Municipality
HR65	Liaise with the media on behalf of the Municipality (other than normal notices and advertisements)		Executive Mayor and Accounting Officer				
HR66	Preparation of the contents and publication of notices		Accounting Officer		HODS		Preparation of notices must be done in consultation with Communication Officer
HR67	Operations and maintenance of the IT network		Accounting Officer		HOD Corporate Services		

Speaker

Delegated Authority by the Accounting Officer in respect of Powers & Functions related to Supply Chain Management

Item	Issue	Statutory / Legislative section	Power vested in	Authority for delegation	Delegation to (lowest rank of official)	Department / Section	Comments / Restrictions / Notes
SCM68	Implementation of the Supply Chain Management System	S. 115 of the MFMA	Accounting Officer	MFMA 79(1)(b)(i)	CFO	BTO	The system must include all reasonable and proper steps and mechanisms to ensure the separation of duties to minimize the likelihood of fraud, corruption, favoritism and unfair and irregular practices.
SCM69	Ensure compliance with the national requirements and strategies in respect of Broad Based Black Economic Empowerment Act 53 of 2003 (with specific reference to s 2 and 11).	Broad Based Black Economic Empowerment Act 53 of 2003 (with specific reference to s 2 and 11).	Accounting Officer	S. 59 (1) of the Municipal Systems Act, as amended	CFO	BTO	

Speaker

SCM70	Ensure implementation of the Property Rates Act, 2004, and exercise all relevant municipal powers and functions to ensure the effective valuation of properties, levying of rates and finalization of a rates policy for the Council	Municipal Property Rates Act, 2004 (Act 6 of 2004)	Accounting Officer	S. 59(1) of the Municipal Systems Act as amended	CFO	BTO	
SCM71	Advise the Council regarding an appropriate points system to promote categories of preference service providers	S. 83 (2) of the Municipal Systems Act as amended	Accounting Officer	S. 59(1) of the Municipal Systems Act as amended	CFO	BTO	In accordance with the requirements of the Preferential Procurement Policy Framework Act and the Preferential Procurement regulations
SCM72	Compilation and annual review of a supply chain management policy for the municipality	S.111 and 112 of the MFMA	Accounting Officer	MFMA 79(1)(b)(i) and S. 82 of the MFMA	CFO	BTO	
SCM73	Review at least annually the implementation of the policy	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5 & 6	CFO	BTO	

SCM74	Submit when considered necessary, proposals for the amendment of the policy to the council	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	CFO	BTO	Through management of the department
SCM75	Report any deviation from the guideline standard to the National Treasury and relevant provincial treasury	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	CFO	BTO	
SCM76	Make a final award not exceeding R2 000 000 (VAT included)	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	Not delegated	BTO	Regulation 5 (2) (c) has reference
SCM77	Submit reports regarding the following matters to the Accounting Officer on a monthly basis; (a) the amount of the award (b) the name of the person	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5 & 6	CFO	BTO	Regulation 5 (3) has reference

SCM78	or entity to whom the award was made (c) the reason why the award was made to that person or entity; and (d) The BEE status of that entity/ person or entity. Submit a report to council within 30 days of the end of each financial year on the implementation of the supply chain management policy of the municipality	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5 & 6	CFO	BTO	Regulation 6 (2)(a) (i) has reference
SCM79	Submit a report to council whenever there are serious and material problems in the implementation of the supply chain management policy	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	CFO	BIO	Regulation 6(2)(a)(iii) has reference
SCM80	Submit a report to the Executive Mayor of the municipality within ten days of each quarter on the	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5 & 6	CFO	BTO	Regulation 6 (3) and (4) has reference

Speaker

	Implementation of the supply chain management policy								
SCM81	Putting in place measures to ensure that written quotations must be obtained for any specific procurement in line with the Municipal Supply Chain Management Policy	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	CFO	BTO	Regulation 12 has reference		
SCM82	Putting in place measures to ensure that a competitive bidding process be followed for any specific procurement of a transaction value lower than R200.000	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	CFO	BTO	Regulation 12 has reference		
SCM83	Keep a list of accredited prospective providers of goods and services that must be used for the procurement requirements of the municipality through written quotations and formal written price quotations	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5 & 6	CFO	BTO	Regulation 14 (1)		

Speaker

SCM84	Invite prospective providers of goods or services at least once a year through newspapers commonly circulating locally, the website of the municipality and any other appropriate ways, to apply for evaluation and listing as accredited prospective providers	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	CFO	BTO	Regulation 14 (2)
SCM85	Specify the listing criteria for accredited prospective providers	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	CFO	BTO	
SCM86	Ensure that petty cash purchases are handled according to Regulation 15 (Municipal Supply Chain Management Regulations, 2005)	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	CFO	BTO	
SCM87	Ensure that written or quotations are handled according to Regulation 16 (Municipal Supply Chain	Municipal Supply Chain Management	Accounting Officer	Regulations 5&6	CFO	BTO	

	Management Regulations, 2005)	Regulations						
SCM88	Ensure that formal written price quotations are handled according to Regulation 17 (Municipal Supply Chain Management Regulations, 2005)	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	CFO	BTO		
SCM89	Determine a closure date for submission of bids which is less than 21 day requirement, but only if such shorter period can be justified on the grounds of urgency or emergency or any exceptional case where it is impractical or impossible to follow the official procurement process	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5a>6	CFO	BTO		
SCM90	Administration of the bidding process; (i) Record in a register all bids received in time	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	CFO	BTO		

Speaker

SCM91	Negotiate the final terms of a contract with bidders identified through a competitive bidding process as preferred bidders, provided that such negotiation does not allow any preferred bidder a second or unfair opportunity is not to the detriment of any other bidder does not lead to a higher price than the bid submitted Minutes of such negotiations must be kept	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	CFO	BTO
SCM92	Appoint the members of the bid specification, evaluation or adjudication committees, taking into account section 117 of the MFMA	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	Not delegated	MM's Office
SCM93	Appoint a neutral or independent observer to a bid	Municipal Supply Chain	Accounting	Regulations	Not Delegated	MM's Office

Speaker

	specification, evaluation or adjudication committee for an attendance and oversight process when this is appropriate for ensuring fairness and promoting transparency	Management Regulations	Officer	5&6			
SCM94	Compile specifications for the procurement of goods or services by the municipality	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	CFO	BTO	Specifications must reflect the requirements of the Municipal Supply Chain Management Regulations. Specifications must be submitted to the Bid Specification Committee for approval.
SCM95	Compilation of the bid documentation		Accounting Officer	Regulations 5&6	CFO	BTO	Must be scrutinized by legal services
SCM96	Approve specifications	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	Not delegated	BTO	

Ms P Q Mogatle

Speaker

SCM97	Evaluate bids in accordance with- (i) the specifications for a specific procurement; and (ii) the points system as must be set out in the supply chain management policy of the municipality in terms of Regulation 27(2)(f) and as prescribed in terms of the Preferential Procurement Policy Framework Act	Municipal Supply Chain Management Regulations	Bid Evaluation Committee		Bid Evaluation Committee	According to the requirements of Municipal Supply Chain Management Regulations
SCM98	Evaluate each bidder's ability to execute the contract	Municipal Supply Chain Management Regulations	Bid Evaluation Committee		Bid Evaluation Committee	According to the requirements of the Municipal Supply Chain Management Regulations
SCM99	Check in respect of the recommended bidder whether	Municipal Supply Chain	Bid Evaluation		CFO	According to the requirements of the

Speaker

	municipal rates and taxes and municipal services charges are not in arrears	Management Regulations	Committee				Municipal Supply Chain Management Regulations
SCM100	Submit to the adjudication committee a report and recommendations regarding the award of the bid or any other related matter	Municipal Supply Chain Management Regulations	Bid Evaluation Committee	Chairperson BEC			According to the requirements of the Municipal Supply Chain Management Regulations
SCM101	Consideration of the Evaluation Committee's Report	Municipal Supply Chain Management Regulations		Adjudication Committee			According to the requirements of the Municipal Supply Chain Management Regulations
SCM102	Consider the report and recommendations of the bid evaluation committee where the award value exceeds R200 000 (VAT inc)	Municipal Supply Chain Management Regulations	Accounting Officer	Bid			According to the requirements of the Municipal Supply Chain Management Regulations
SCM103	Appoint the committee and chairperson of the bid adjudication committee	Municipal Supply Chain Management	Accounting Officer	Not delegated			According to the requirements of the Municipal Supply Chain Management

		Regulations					Regulations and Supply Chain Management Policy
SCM104	Appoint the committee and chairperson of the bid specification and evaluation committee	Municipal Supply Chain Management Regulations	Accounting Officer		Not delegated		According to the requirements of the Municipal Supply Chain Management Regulations and Supply Chain Management Policy
SCM105	Comply with section 114 of the MFMA within ten working days	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5 & 6	Not delegated	BTO	
SCM106	Request the State Information Technology Agency (SITA) to assist the municipality with the acquisition of IT related goods or services through a competitive bidding process	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	HOD Corporate services	BTO	

SCM107	Enter into a written agreement to regulate the services rendered by, and the payments made to, SETA	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	not delegated	BTO	
SCM108	To procure goods or services for the municipality under a contract secured by another organ of state, but only if- (a) the contract has been secured by that organ of state by means of a competitive bidding process applicable to that organ of state; (b) the municipality has no reason to believe that such contract was not validly procured; (c) there are demonstrable discounts or benefits for the municipality; and (d) that other organ of state and the provider have	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	not delegated	BTO	

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Speaker

SCM109	consented to such procurement in writing Procure consulting services up to the value of R200 000 (VAT included) provided that any Treasury guidelines in respect of consulting services are taken into account such procurements are made.	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	Not delegated	BTO	
SCM110	Ensure that copyright in any document produced, and the patent rights or ownership in any plant, machinery, thing, system or process designed or devised, by a consultant in the course of the consultancy service is vested in the municipality	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	Not delegated	BTO	
SCM111	Dispense with the official procurement processes established by the policy and to procure any required goods or services through any	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	Not delegated	BTO	

SCM112	convenient process, which may include direct negotiations, but only- (i) in an emergency: (ii) If such goods or services are produced or available from a single provider only; (iii) for the acquisition of special works of art or historical objects where specifications are difficult to compile; (iv) acquisition of animal or zoos; or (v) in any other exceptional case where it is impractical or impossible to follow the official procurement processes	Municipal Supply Chain Management	Accounting Officer	Regulations 5&6	MM	BTO	
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	in terms of delegated powers or duties which are purely of a technical nature	Regulations	Accounting Officer	Regulations 5&6	Not delegated	BTO	In line with departmental management procedures
SCM113	Record the reasons for any deviations in terms of Regulations 36(1)(a) and (b); and Report them to the next meeting of the council and include as a note to the annual financial statements	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	Not delegated	BTO	In line with departmental management procedures
SCM114	Decide to consider an unsolicited bid but only if- (a) the product or service offered is a demonstrably proven unique innovative concept: (b) the product or service will be exceptionally beneficial to, or have exceptional cost advantages for, the municipality:	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	Accounting Officer	BTO	Head: Supply Chain should assist the CFO

Speaker

	(c) the person who made the bid is the sole provider of the product or service; and (d) the reasons for not going through the normal bidding processes are found to be sound by the accounting officer								
SCM115	Make public aware in accordance with section 21A of the Municipal Systems Act as amended the decision to consider an unsolicited bid that complies with Regulation 37(2) together with- (a) reasons as to why the bid should not be open to other competitors: (b) an explanation of the potential benefits for the municipality were it to accept the unsolicited bid; and (c) an invitation to the public or	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	CFO	BTO			

	other potential suppliers to submit their comments within 30 days of the notice									
SCM116	Submit written comments received pursuant to Regulation 37(3), including any responses from the unsolicited bidder, to the National Treasury and the relevant provincial treasury for comment	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	CFO	BTO				
SCM117	Consider the unsolicited bid	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	Bid Adjudication Committee	BTO				
SCM118	Make recommendations to the accounting officer depending on the delegations to the adjudication committee	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	Bid Adjudication Committee	BTO				
SCM119	Take into account when considering an unsolicited bid- (i) any comments submitted by the public;	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	Not delegated	BTO				

	and (ii) any written comments and recommendations of the National Treasury or the relevant provincial treasury								
SCM120	Submit to the Auditor General, the relevant provincial treasury and the National Treasury the reasons for rejecting or not following any recommendations of the National Treasury or provincial treasury in regard to the unsolicited bid	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	MM's Office	BTO			
SCM121	Take all reasonable steps to prevent abuse of the supply chain management system	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	CFO	BTO			
SCM122	Investigate any allegations against an official or other role player of fraud, corruption,	Regulations Financial	Accounting Officer	Regulations 5&6	HOD	BTO			

Speaker

4.2.1.

	favoritism, unfair or irregular practices or failure to comply with the supply chain management policy, and when justified-	misconduct							
	(i) take appropriate steps against such official or other role player; or								
	(ii) report any alleged criminal conduct to the South African Police Service								
SCM123	Check the National Treasury' database prior to awarding any contract to ensure that no recommended bidder, or any of its HODs, is listed as a person prohibited from doing business with the public sector	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	CFO	BTO			
SCM124	Reject any bid from a bidder- (i) if any municipal rates and taxes or municipal service charges owed	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	Bid Adjudication Committee (BAC)	BAC			

Speaker

SCM125	by that bidder or any HODs to the municipality are in arrears for more than three months; (ii) who during the last five year has failed to perform satisfactorily on a previous contract with the municipality or any other organ of state after written notice was given to that bidder that performance was unsatisfactory Reject a recommendation for the award of a contract if the recommended bidder, or any of its HODs, has committed a corrupt or fraudulent act in competing for the particular contract	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	Bid Adjudication Committee	BAG	Based on the decision recommendation of the Adjudication Committee
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SCM126	Cancel a contract awarded to a person if- (i) the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract; or an official or other role player committed any corrupt or fraudulent act during the bidding process or the execution of the contract that benefited that person	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5S.6	Not delegated	BTO	
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Speaker

SCM127	Reject the bid of any bidder if that bidder or any of its HODs- (i) has abused the supply chain management system of the municipality or has committed any improper conduct in relation to such system: (ii) has been convicted for fraud or corruption during the last five years; (iii) has willfully neglected or reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or (iv) has been listed in the Register for Tender Defaulters in terms of section 29 of the	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	Not delegated	BTO	
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	Prevention and Combating of Corrupt Activities Act (no 12 of 2004)								
SCM128	Inform the National Treasury and relevant provincial treasury in writing of any actions taken in terms of Regulations 38(1)(b)(ii), (e) or(f)	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 6&6	Not delegated	BTO			
SCM129	Check with SARS whether a person's tax matters are in order before making an award to such person	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	CFO	BTO			
SCM130	Disclose on the notes to the annual financial statements of the municipality particulars of any award of more than R2000	Municipal Supply Chain Management	Accounting Officer	Regulations 5&6	CFO	BTO			

Speaker

	to a person who is a spouse, child or parent of a person in the service of the state, or has been in the service of the state in the previous twelve months, including-	Regulations							
SCM131	(a) the name of that person; (b) the capacity in which that person is in the service of the state; and (c) the amount of the award Keep a register of all declarations in terms of Regulation 46(2)(d) and (e)	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	CFO	BTO			
SCM132	Ensure that declarations from the accounting officer in terms of Regulation 46(2)(d) and (e) are recorded in the register	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	CFO	BTO			
SCM133	Ensure compliance with the National Treasury's code of conduct for supply chain management practitioners and	Municipal Supply Chain Management	Accounting Officer	Regulations 5&6	CFO	BTO			

	other role players involved in supply chain management	Regulations	Accounting Officer	Regulations 5&6	CFO	BTO	With assistance of Head Supply Chain
SCM134	Report any alleged contravention of Regulation 47(1) to the National Treasury for considering whether the offending person, and any representative or intermediary through which such person is alleged to have acted, should be listed in the National Treasury's database of persons prohibited from doing business with the public sector	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	CFO	BTO	With assistance of Head Supply Chain
SCM135	Disclose to the National Treasury and the relevant provincial treasury any sponsorship promised, offered or granted to the municipality whether directly or through a representative or intermediary, by any person vs'o is-a provider or prospective	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5&6	CFO	BTO	

Speaker

	provider of goods or services to the municipality; or a recipient or prospective recipient of goods disposed or to be disposed, of by the municipality								
SCM 136	Appoint an independent and impartial person to assist in the resolution of disputes and to deal with objections, complaints or queries as described more fully in Regulation 50(1)	Municipal Supply Chain Management Regulations	Accounting Officer	Regulations 5 & 6	Not delegated	BTO			
SCM137	Responsible to assist the person appointed in terms of Regulation 50(1) to perform his or her functions effectively	Municipal Supply Chain Management Policy	Accounting Officer	Regulations 5 & 6	CFO	BTO			
SCM138	Compilation and annual review of a supply chain management policy for the municipality	S 111 and 112 of the MFMA	Accounting Officer	MFMA 79(1)(b)(i) and S. 82 of the MFMA	CFO	BTO			

Ms P Q Mogatle

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SCM139	Preparation of the annual report (SCM)	Accounting Officer	S. 121 of the MFMA and s. 46 of the Municipal Systems Act	MFMA 79(1)(b)(i) and s. 59 of the Municipal Systems Act	CFO	BTO	The annual report must be compiled in terms of the requirements of S. 121 of the MFMA and s. 46 of the Municipal Systems Act and MFMA Circular No. 11, dated 14 January 2005.
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**Delegated Authority by the Chief Financial Officer in respect of Powers & Functions related to
Section 81 of the MFMA**

Item	Issue	Statutory / Legislative section	Power vested in	Authority for delegation	Delegation to (lowest rank of official)	Department / Section	Comments / Restrictions / Notes
CF01	Advise the Accounting Officer on the exercise of powers and duties assigned to him or her in terms of the MFMA	Chief Financial Officer	S. 81 (b) and (c) of the MFMA	S. 82 of the MFMA	CFO	Budget and Treasury Office	Subject to the conditions of sections 81 and 82 of the MFMA
CF02	Advise senior HODs and others officials in the municipality regarding the exercising of powers and duties assigned to them in terms of sections 78 and 79 of the MFMA.	Chief Financial Officer	S. 81 (d) of the MFMA	S. 82 of the MFMA	CFO	Budget and Treasury Office	Subject to the conditions of sections 81 and 82 of the MFMA

Ms P Q Mogatle

Speaker

Delegated Authority by the Internal Auditor & Issues Related to Risk Management

Item	Issue	Statutory / Legislative section	Power vested in	Authority for delegation	Delegation to (lowest rank of official)	Department / Section	Comments / Restrictions / Notes
RM1	Perform the Internal Audit function for the district	MFMA, S. 165	Accounting Officer		Manager internal Audit (Not to be delegated)	Internal Audit Unit	To be exercised in line with relevant audit and related legislation
RM2	Compilation of an annual audit plan	MFMA, S. 62, 165	Accounting Officer		Manager Internal Audit in consultation with HOD'S (Not to be delegated)	Internal Audit Unit	To be exercised in line with relevant audit and related legislation
RM3	Facilitation of an annual comprehensive risk assessment	MFMA, S. 62, 165	Accounting Officer	S. 59 (2) of the Municipal Systems Act, 2000	Chief Risk Official	Risk Management	To be exercised In line with relevant audit and related legislation

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Speaker

				as amended			
RM4	Advise the AO and the Audit Committee regarding the implementation of the internal audit plan and related internal audit functions	S. 165 (2)(b) of the MFMA			Head of Internal Audit Department Not to be delegated	Internal Audit Unit	Compliance to the requirements of section 165 (2)(b) of the MFMA
RM5	Monitoring and evaluation of the management of risks		Accounting Officer		Risk Management Committee		

Ms P Q Mogatle
Speaker

Delegated Authority by the Accounting Officer in respect of Powers & Functions related to Line Functions of the Municipality

Item	Issue	Statutory / Legislative section	Power vested in	Authority for delegation	Delegation to (lowest rank of official)	Department / Section	Comments / Restrictions / Notes
A01	Registration of projects at the Construction industry Development Board	Construction Industry Development Board Act, 38 of 2000	Accounting Officer	S. 59 (2) of the Municipal Systems Act, 2000 as amended	HOD	Basic Services and Infrastructure (BSI)	Delegation must be exercised in terms of the requirements of the Construction Industry Development Board Act, 38 of 2000
A02	Co-ordinate approval of building plans	National Building Regulations and Building Standards Act, 1997: as amended by Act 49 of 1995	Accounting Officer	S. 59 (2) of the Municipal Systems Act, 2000 as amended	HOD	Community Development Services	Upon recommendations by all other relevant departments

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Speaker

Speaker

Item	Issue	Statutory / Legislative section	Power vested in	Authority for delegation	Delegation to (lowest rank of official)	Department / Section	Comments / Restrictions / Notes
A03	Provide assistance in the execution of Building inspections	National Building Regulations and Building Standards Act, 1997; as amended by Act 49 of 1995	Accounting Officer	S. 59 (2) of the Municipal Systems Act, 2000 as amended	HOD	Basic Services and infrastructure	
A04	Provide assistance of land use management applications	Northern Cape Planning and Development Act 7/1998	Accounting Officer	S. 59 (2) of the Municipal Systems Act, 2000 as amended	Manager planning and performance	Development and Planning Department	Function to be performed in terms of the Scheme Regulations (or Town Planning Scheme) for the District Management Area, 2004

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Speaker

Item	Issue	Statutory / Legislative section	Power vested In	Authority for delegation	Delegation to (lowest rank Of official)	Department / Section	Comments/ Restrictions / Notes
A05	Provide assistance in terms of the town planning function, up to the level where even are allocated	Housing Act, 107/1997	Accounting Officer	S. 59 (2) of the Municipal Systems Act, 2000 as amended	Manager planning and performance	Development and Planning Department	Function to be performed in terms of the requirements of the Housing Act, 107/1997
A06	Registration of Housing Projects	Housing Consumer Protection Measures Act, 1998 (Act No. 95 of 1998)	Accounting Officer	S. 59 (2) of the Municipal Systems Act, 2000 as amended	HOD BSI	Basic Services and Infrastructure	
A07	Establishment and functioning of an Occupational Health and Safety Committee	Occupational Health and Safety Act, 85 of 1993	Accounting Officer		HOD CDS	Community Development Services (CDS)	

Speaker

Item	Issue	Statutory / Legislative section	Power vested in	Authority for delegation	Delegation to (lowest rank of official)	Department/ Section	Comments/ Restrictions / Notes
AO8	Administration of the Expanded Public Works Programme; both in terms of job-creation, as well as registration at the Department of Labour for skills training	EPWP requirements and guidelines	Accounting officer	S. 59 (2) of the Municipal Systems Act, 2000 as amended	HOD BSI	Basic Services and Infrastructure	
AO9	Provision of Bulk water services	Water Services Act, 108/199	Accounting officer	S. 59 (2) of the Municipal Systems Act, 2000	HOD BSI	Basic Services and Infrastructure	
AO10	Administer and perform the waste management function of the district municipality	Schedule 5 of the Constitution of SA, 1996	Accounting officer	S. 59 (2) of the Municipal Systems Act, 2000	HOD CDS	Community Development Services	
AO11	Conduct the municipal health function as required by the	National Health Act	Accounting	S. 59 (2) of the	HOD CDS	Community Development	Delegation to be exercised in terms of

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Item	Issue	Statutory / Legislative section	Power vested In	Authority for delegation	Delegation to (lowest rank of Official)	Department/ Section	Comments / Restrictions / Notes
	National Health Act, 61 of 2003	61 of 2003	Officer	Municipal Systems Act, 2000		Services	the requirements of the National Health Act, 61 of 2003
A012	Exercise food control	Food stuffs. Cosmetics and Disinfectants Act 54 of 1972	Accounting Officer	S. 59 (2) of the Municipal Systems Act, 2000	HOD CDS	Community Development Services	Authorization to enforce sections 10(3)(b), 11.23(1) and 24 of the Foodstuffs. Cosmetics and Disinfectants Act 54 of 1972 is still awaited
A013	SHE management of health and safety plans for project purposes	Occupational Health and Safety Act. 85 of 1993	Accounting Officer	S. 59 (2) of the Municipal Systems Act. 2000	HOD CDS	Community Development Services	
A014	Perform the responsibilities related to air pollution control	National Environmental Management	Accounting Officer	S. 59 (2) of the Municipal Systems	HOD CDS	Community Development Services	

Item	Issue	Statutory / Legislative section	Power vested in	Authority for delegation	Delegation to (lowest rank of official)	Department / Section	Comments / Restrictions / Notes
		Air Quality Act, 39 of 2004		Act, 2000			
A015	Administer and perform the disaster management functions of the district municipality	Disaster Management Act, 57 of 2002 The National Veld and Forest Fire Act, 1998 (Act 101 of 1998) The Fire Brigade Services Act, 99 of 1997	Accounting Officer	S. 59 (2) of the Municipal Systems Act. 2000	HOD CDS	Community Development Services	Section 45 of the Disaster Management Act, 57 of 2002; subject to the approval of the Disaster Management Framework for the municipality by the Municipal Council Ms P Q Mogatle Speaker

Item	Issue	Statutory / Legislative section	Power vested in	Authority for delegation	Delegation to (lowest rank of official)	Department / Section	Comments / Restrictions / Notes
A016	Ensure effective and efficient execution of the local economic development responsibilities of the Municipality	S. 83 (3) of the Municipal Structures Act, 1998	Accounting Officer	S. 59 (2) of the Municipal Systems Act, 2000	HOD Development and Planning (D&P)		
A017	Ensure effective planning and execution of transversal programmes	S. 83 (3) of the Municipal Structures Act, 1998	Accounting Officer	S. 59 (2) of the Municipal Systems Act, 2000 as amended	Manager Political Office	MM'S Office	
A018	Establish and maintain effective and efficient records management systems	National Archives and Record Service of South Africa Act. 1996 (Act 43 of 1996)	Accounting Officer	S. 59 (2) of the Municipal Systems Act, 2000 as amended	HOD Corporate Services (Records Manager) Not to be delegated	Corporate Services Department	The Records Manager may be assisted by other officials in the Department, but the function may not be delegated further. The execution of this

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Item	Issue	Statutory / Legislative section	Power vested in	Authority for delegation	Delegation to (lowest rank of official)	Department/ Section	Comments / Restrictions / Notes
				S.79 of the MFMA			function must be done in compliances with Archival Directives, the Records Management Policy and the Registry Manual
A019	Process and approve applications for access to information	Promotion of Access to Information Act. 2000 (Act 2 of 2000)	Accounting Officer (Information Officer)	S. 59 (2) of the Municipal Systems Act, 2000 as amended S.79 of the MFMA	Manager legal and compliance	MM's Office	Applications for access to information must be processed and considered In terms of the Manual approved by Council
AO20	Establish and maintain standard, consistent fair and transparent procedures	Promotion of Administrative Justice Act, 2000 (Act 3	Accounting Officer	S. 59 (2) of the Municipal Systems	Manager legal and compliance	All departments	Standard procedures must be developed for all processes, with due consideration of the

item	Issue	Statutory / Legislative section	Power vested in	Authority for delegation	Delegation to (lowest rank of official)	Department / Section	Comments / Restrictions / Notes
		of 2000)		Act, 2000 as amended			stipulations of the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)
A021	Processing of claims and obtaining legal services (e.g. preparation of contracts, legal opinions, court orders, transfer of property, etc.)		Accounting Officer	S. 59 (2) of the Municipal Systems Act, 2000 as amended S.79 of the MFMA	Manager legal and compliance	MM'S Office	
A022	Prepare agenda's and minutes of Council and Committees	Municipal Structures Act, 1998 (Act 117 of 1998)	Accounting Officer	S. 59 (2) of the Municipal Systems Act, 2000	HOD CORPORATE SERVICES	Corporate Services Department	

Item	Issue	Statutory / Legislative section	Power vested in	Authority for delegation	Delegation to (lowest rank of official)	Department / Section	Comments/ Restrictions / Notes
				S.79 of the MFMA			
A023	Acting as Commissioner of Oaths and certifying documents		Accounting Officer	S. 59 (2) of the Municipal Systems Act, 2000 as amended	The CFO, the HOD Corporate Service Not to be delegated	All	only Corporate Services HOD and

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Speaker

Item	Issue	Statutory / Legislative section	Power vested in	Authority for delegation	Delegation to (lowest rank of official)	Department / Section	Comments / Restrictions / Notes
BL1	Law Enforcement	Law Enforcement By-law, 1/2008	Accounting Officer	S. 59 (2) of the Municipal Systems Act, as amended.	HOD CDS	Community Development Services	
BL2	Fire Brigade	Fire Brigade By-law, 11/2008	Accounting Officer	S. 59 (2) of the Municipal Systems Act. 2000, as amended	HOD CDS	Disaster Management Centre	

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Item	Issue	Statutory / Legislative section	Power vested in	Authority for delegation	Delegation to (lowest rank of official)	Department / Section	Comments / Restrictions / Notes
BL3	Municipal Commonage	Municipal Commonage By-law, 15/2008	Accounting Officer	S. 59 (2) of the Municipal Systems Act, 2000, as amended	HOD Dev and Plan	Development and Planning	
BL4	Standing Orders	Standing Orders, 17/2008	Accounting Officer	S. 59 (2) of the Municipal Systems Act, 2000	Council Disciplinary Committee for councillors.	Council	

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item	Issue	Statutory / Legislative section	Power vested in	Authority for delegation	Delegation to (lowest rank of official)	Department / Section	Comments / Restrictions / Notes
BL5	Tariffs Credit Control and Debt Collection	Tariffs, Credit Control and Debt Collection By-law, 19/2008	Accounting Officer	S. 59 (2) of the Municipal Systems Act, 2000 as amended	CFO	Budget and Treasury Office	
BL6	Financial By-laws	Financial By- laws, 2001	Accounting Officer	S. 59 (2) of the Municipal Systems Act, 2000, as amended S.79 of the MFMA	CFO	Budget and Treasury Office	Where it relates to the approval of expenditure and inputs to the budgets of individual departments or sections the delegation reverts to the appropriate person in that particular department/section

