



# **GOVERNANCE MODEL/SYSTEM OF DELEGATIONS**

**APPROVED BY COUNCIL AT ITS MEETING ON 31 MAY 2022.**

**ITEM A (2)**

# GOVERNANCE MODEL/SYSTEM OF DELEGATIONS

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# GOVERNANCE MODEL/SYSTEM OF DELEGATIONS

## INTRODUCTION

Local government is a highly sophisticated environment and to be successful in its endeavours to render quality, affordable and sustainable municipal services to the community, it needs the best people with innovative management tools.

One of the management tools required is a Governance Model/System of delegations where all role players are empowered to execute their duties and responsibilities.

In this document, the Governance Model/Framework as well as the applicable statutory, operational, financial and administrative powers needed to render services and manage the municipality will be assigned to the following role players:

1. Council
2. Speaker
3. Chief Whip
4. Section 79 Oversight Committees
5. Executive Mayor
6. Members of the Mayoral Committee
7. Section 80 Committees
8. Municipal Manager
9. Chief Financial Officer
10. General Managers
11. Senior Managers: Regional Service Centres
12. Senior Managers
13. Chief Audit Executive
14. Senior Manager: Legal Services
15. Audit Committee
16. Municipal Planning Tribunal

The Governance Model (also known as the Strategic Institutional Framework,) describes the manner in which the municipality is managed to ensure that its objectives are being reached in the most effective and efficient manner.

A Governance model operates within a legislative framework. It describes the role, responsibilities, and delegated powers of all role players. It provides guidelines for all role players to interact with each other.



A governance model can be described as the type of vehicle that a group of people agreed upon to complete a journey. In our case, the journey is affordable and sustainable municipal service delivery.

It includes the following:

- (a) Legislative mandate of the municipality.
- (b) Strategy to execute the mandate.
- (c) Roles and responsibilities of main role players.
- (d) Organizational structure.
- (e) System of delegations.

This document is set up as follows: -

- (a) The statutory mandate of the municipality is stipulated.
- (b) Based on the statutory mandate, the roles and responsibilities of all role players are described.
- (c) To enable role players to fulfil their responsibilities, specific delegated powers are assigned to them.

## **AUTHORITY**

The authority to consider and approve the Governance Model/System of Delegations is in terms of Sections 11(1) and 59 (2) of the Local Government: Municipal Systems Act, the prerogative of Council.

## **REVIEW**

In terms of Section 59(2) of the Local Government: Municipal Systems Act, 2000, the System of Delegations, must be reviewed once a new Council is elected.

## **DEFINITION OF KEY CONCEPTS**

To prevent any misunderstanding, it is imperative to clarify certain relevant concepts.

Words and phrases used in this document shall bear the same meaning as those in the Constitution, Municipal Structures Act, Municipal Systems Act and the Municipal Finance Management Act, unless the context clearly indicates otherwise. Reference to one gender, also includes the other and visa-versa.

### **(1) RESPONSIBILITY**

Responsibility means the work assigned to an employee. It includes all the physical and mental activities to be performed by the employees at a particular job position. The process of

delegation begins when a manager passes on some of his/her responsibilities to his/her subordinate, which means responsibility can be delegated.

In terms of good governance, the responsibilities with regard to every manager in this System of Delegations should be aligned with their actual Job Descriptions/Performance Contracts.

(2) **ACCOUNTABILITY**

Accountability is the acknowledgment and assumption of responsibility for actions, services, decisions and policies. This includes matters of administration, governance and implementation.

It encompasses the obligation to report, explain and be answerable for resulting consequences.

If the Municipal Manager (MM) delegates responsibilities to the Deputy Municipal Managers (DMM'S) or General Manager (GM'S), he can hold the DMM'S or relevant GM accountable.

If a GM delegates responsibilities to a SM, he/she can hold the relevant Senior Manager (SM) accountable.

Council will however not hold the DMM, GM or SM accountable but the MM.

The MM will not hold the SM accountable but the DMM or GM.

After approval of the System of Delegations by Council, every Political and Administrative Office Bearer who received delegated powers should indicate in writing that they accept the responsibility and related powers to fulfil the task.

The senior person who delegates, must ensure that the person who he/she delegates responsibility and powers to, is indeed capacitated to handle such responsibilities and powers.

(3) **POWER/AUTHORITY**

Authority or power is the right to do something. It entails the power or right to control, judge, or prohibit the actions of others. Authority is the power legitimised by an organisation which empowers a manager to make decisions, to use organisational resources and to monitor and regulate the behaviour of subordinates, for the efficient performance of assigned work responsibilities.

A power or authority is the enabling factor that makes it possible for an individual to accomplish a specific task or to fulfil a responsibility.

(4) **DELEGATING AUTHORITY**

In relation to a delegation of powers or duty by a municipal council, means the municipal council, or in relation to a sub-delegation of a power or duty by another political structure, or

by a political office-bearer, councillor, or staff member of a municipality, means that political structure, political office-bearer, councillor, or staff member.

(5) **DELEGATION**

In relation to a duty, delegation means the assigning of specific responsibilities along with the necessary authority/power by a superior to his subordinate manager/s. It includes an instruction or request to perform or assist in performing a duty to fulfil a specific responsibility.

(6) **TYPES OF POWERS**

- a. Statutory
- b. Financial
- c. Operational
- d. Administrative

(7) **STATUTORY POWERS**

Powers that an individual derives from legislation (ex. leg). Statutory powers are connected to positions with specified training and a profession. For example:

- Fire fighters have certain powers in terms of the Fire Brigade Services Act.
- Traffic officers have certain powers in terms of the National Road Traffic Act No. 93/96.
- Building Inspectors have certain powers in terms of the National Building Regulations and Building Standards Act 103/1977.

(8) **FINANCIAL POWERS**

Powers that have been delegated to an official that will enable him/her to consider and approve the acquiring of goods and services, to a maximum prescribed amount within an approved policy framework and prescribed procedure.

(9) **OPERATIONAL POWERS**

This refers to powers that are not legislated but are necessary to fulfil a service delivery responsibility.

**EXAMPLE:**

**GM: Corporate Services:**

Approves the appointment of temporary personnel following recruitment process framework if such appointments can be made within the available budget.

(10) **ADMINISTRATIVE POWERS**

This term refers to powers/authority that is needed to effect good governance.

**EXAMPLE**

Managers are authorized to consider and approve the following, pertaining to personnel in their departments:

**Leave**

Attendance of conferences/workshops/official meetings within the boundaries of City of Mbombela Local Municipality.

(11) **LOCAL COMMUNITY**

In relation to a municipality, means that body of persons comprising of:

- the residents of the municipality;
- the ratepayers of the municipality;
- any civic organisations, non-governmental, private sector, labour organisation or bodies which are involved in local affairs within the municipality.

(12) **OVERSIGHT**

The term “oversight” refers to Council’s responsibility to ensure that:

- a) Municipal services are indeed being delivered in accordance with the IDP and SDBIP.
- b) Council is responsive to the municipal needs of all inhabitants of the City of Mbombela Local Municipality.
- c) Council is governed in terms of democratic principles.
- d) That all resources are optimally utilized to render services.
- e) Municipal services are being rendered in a sustainable and affordable manner.
- f) The municipality stays a developmental institution.
- g) Reviewing policy decisions.
- h) Monitoring policy implementation.
- i) Performance Management.
- j) Risk Management.
- k) Provide assurance that all strategies and plans to provide services are indeed successful.

(13) **SECTION 79 OVERSIGHT COMMITTEES**

This refers to Council Committees that are established by Council in terms of Section 79 of the Local Government Structures Act. No 117 of 1998. The Oversight Committees are to provide assurance to Council, that the Executive is delivering municipal services of

excellence, as per the mandate of Council, the Integrated Development Plan (IDP) and Service Delivery Budget Implementation Plan (SDBIP).

(14) **SECTION 80 OVERSIGHT COMMITTEES**

This refers to Council Committees that are established by Council in terms of Section 80 of the Local Government Structures Act. No 117 of 1998. The purpose of such committees is to assist the Executive Mayor with the execution of her duties. Such committees report to the Executive Mayor.

(15) **HOUSE COMMITTEES (STANDING COMMITTEES)**

This refers to committees that bear the responsibility to maintain the order activities of the Legislature but have no oversight responsibilities. The standing committee focuses on the following matters:

- a) Programming Committee.
- b) Rules and Ethics.
- c) Party Whips Forum.

(16) **WARD COMMITTEES**

Ward Committees may be established in terms of Section 72 (1) of the Local Government Structures Act. In terms of Section 74 of the act, Council may assign duties and responsibilities to such committees.

(17) **OFFICIAL** means: -

- an employee of the municipality;
- a person seconded to the municipality to work as a member of staff;
- a person contracted by a municipality to work as a member of staff.

(18) **POLICY** means a document containing: -

A description of the subject matter that applies to:

- the general approach and strategy of Council in dealing with or executing principles regarding the subject matter, and
- rules, criteria, directives, standards and references relating to the execution of the policy subject matter.

(19) **INFORMATION OFFICER**

In relation to a municipality: - Means the Municipal Manager appointed in terms of Section 54 (a) of the Local Government Systems Act No. 32 of 2000 or the person who is acting as such.

(20) **DEPUTY INFORMATION OFFICER**

Means the official to whom powers and duties of the Information Officer have been delegated to in terms of Section 17(3) of the Promotion of Access to Information Act (PAIA.) Act 2 of 2000.

(21) **POLITICAL STRUCTURE**

In relation to a municipality, means the council of the municipality, mayoral committee or any committee or other collective structure of a municipality elected, designated or appointed in terms of a specific provision of the Local Government Municipal Structures Act No. 117 of 1998.

**MANAGEMENT PHILOSOPHY**

The Governance Model/System of Delegations should be under-pinned by a management philosophy, which in the municipality's case is based on "*the moment of truth principle*"

This means that management knows that it is not what happens in meetings that is important, but what happens at the point where municipal services are being rendered to the community, in other words this refers to the point where a member of the public receives a service from the municipality.

Management is therefore geared towards "*servant leadership*" in supporting and enabling all officials to render the best possible services to the public, in line with the Batho Pele Principles.

**LEGISLATIVE BASIS FOR A SYSTEM OF DELEGATIONS**

Section 59 of the Local Government: Municipal Systems Act 2000 stipulates that:

- (1) "A municipal council must develop a system of delegations 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 specific power as mentioned in Section 160(2) of the Constitution on the powers to set tariffs, to enter into a Service Delivery Agreement in terms of Section 76(b) and to approve or amend the municipality's Integrated Development Plan for any of the municipality's 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)—must abide with the Constitution, and the Municipal Structures Act. It must be in writing which is subject to any limitations,

conditions and directives the municipal council may impose It may include the power to sub-delegate a delegated power and should not divest the council of its responsibility concerning the exercise of the power or the performance of the city and must be reviewed when a new council is elected.”

- (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 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 a municipal manager must be approved by the municipal council in accordance with the system of delegation referred to in subsection (1).

After approval, the Municipal Manager, Deputy Municipal Managers, Chief Financial Officer, General Managers and Senior Managers, may delegate some of their delegated powers to personnel below them, in their department/unit.

#### **PRINCIPLES ON WHICH THE FORMULATION OF DELEGATED POWERS ARE BASED**

The following principles need to be adhered to:

- (a) Responsibilities and powers must be synchronized. This means that any official, who has a certain responsibility, must also have the applicable delegated power, to enable that person to fulfil the relevant responsibility.
- (b) The relevant delegated power must be sufficient in allowing the incumbent to fulfil his/her responsibilities.
- (c) All delegated powers must be linked to specific responsibilities. This implies that a person cannot have any power, without a specified responsibility.
- (d) Some statutory responsibilities and powers may be delegated and some may not.
- (e) All responsibilities must be linked to the functionality of local government as stipulated in the Constitution and relevant legislation.

- (f) These delegations are also applicable to acting positions. Officials appointed in an acting capacity have similar delegated powers and responsibilities as those serving in a permanent capacity, if the incumbent has been appointed on an acting basis by a competent authority.
- (g) In executing any delegated power, the delegatee must comply with all relevant legislation, by-laws, agreements, policies and prescribed procedures.
- (h) Delegations do not redefine Council's powers and functions, but enable political and administrative office bearers to fulfil their responsibilities, as entrusted to them by Council.
- (i) In executing delegated powers, no expenditure may be incurred, unless the delegatee is satisfied that Council has budgeted for the expenditure and that there is sufficient funding available in the relevant cost centre.
- (j) Council may at any time withdraw, qualify or amend a delegation or instruct that a delegated matter not to be proceeded with, by the delegatee.
- (k) Council may at any time request a report pertaining to the execution of any delegation.
- (l) A delegation may set out special conditions in which a delegate is prohibited from exercising his/her delegated power, in the instance of irregularities.
- (m) Any sub-delegation must be in writing, approved and recorded.
- (n) All delegates must report delegated decisions at such intervals as the delegator may require. These reports are to enable the delegator to determine whether the delegation is appropriate and the power was correctly, effectively and efficiently exercised.
- (o) The difference between the delegation of powers and the delegation of tasks must be noted. The delegation of a task merely involves the execution of a decision already taken, so that it does not include any material exercise of discretion.
- (p) A further point to be made regarding a delegation of powers is that it would also include such Powers, not included in the delegation, but which are reasonably necessary or incidental to the exercise of the power.
- (q) A delegation can only be made to an officially appointed political office bearer or employee of the municipality.
- (r) A delegation may not be in conflict with the Constitution, Municipal Structures Act, Municipal Systems Act, Municipal Finance Management Act, Basic Conditions of Service, other legislation, By-Laws or policies of the Municipality;
- (s) Delegations does not divest Council, the Executive Mayor and Municipal Manager from any responsibilities. The Municipal Manager is still the Accounting Officer.
- (t) The purpose of any delegation must be to further the objectives of local government.




## LOCAL GOVERNMENT

A municipality does not function in isolation. In terms of the Constitution, it forms part of the third tier of government and its task with the rendering of municipal services to the community.

The municipality accepts that its activities must be co-ordinated with activities of both national and provincial government as well as the district municipality.

The purpose of the Governance Model/System of delegated powers is to enable Council as well the Political and Administrative Office Bearers, to fulfil their responsibilities in terms of the mandate of local government.

 The legislative mandate of local government, national priorities as well as the strategic objectives and flagship programmes, is **Annexure “A”**.

## LEGAL FRAMEWORK

In compiling its Governance Model/System of Delegations, the municipality needs to consider the following legislation:

- (a) Constitution of The Republic of South Africa, Act 108 of 96, Section 160 (2) (a – c)
- (b) Local Government: Municipal Structures Act, 117 of 1998; Section 83 – 88 / Section 82 repealed and replaced by Section 54 A of the Municipal Systems Act 2000 (MSTA)
- (c) Local Government: Municipal Systems Act, 32 of 2000; Section 59 (MSA)
- (d) Local Government: Municipal Finance Management Act, 56 of 2003 and its Regulations (MFMA)
- (e) Local Government: Municipal Properties Rates Act and Regulations, 6 of 2004 (MPRA)

## ORGANIZATIONAL STRUCTURE

In terms Section 66 (1) of the Local Government Systems Act, (Act 32 of 2000) all personnel positions must be within an organizational structure as approved by Council.

The positions of political office bearers must be in accordance with the Municipal Structure Act, 17 of 1998 and the subsequent gazettes promulgated by the MEC for Cooperative Governance and Traditional Affairs for the establishment of the municipality.

## LEGAL BASIS FOR THE LEGISLATIVE AND EXECUTIVE AUTHORITY OF THE MUNICIPALITY

Section 11 (1) of the Municipal Systems Act (Act 32/2000) determines that *“the executive and legislative authority of a Municipality is exercised by the council of the Municipality, and the council takes all the decisions of the Municipality subject to section 59”*.

A municipality exercises its legislative and executive authority in terms of Section 11(3) of the Municipal Systems Act by:

- “41.1 developing and adopting policies, plans, strategies and programmed, including setting targets for delivery;
- 41.2 promoting and undertaking development;
- 41.3 establishing and maintaining an administration;
- 41.4 administering and regulating its internal affairs and the local government affairs of the local community;
- 41.5 implementing applicable national and provincial legislation and its by-laws;
- 41.6 providing Municipal services to the local community. Or appointing appropriate service providers in accordance with the criteria and process set out in Section 78;
- 41.7 monitoring and, where appropriate, regulating Municipal services where those services are provided by service providers other than the Municipality;
- 41.8 preparing, approving and implementing its budgets;
- 41.9 imposing and recovering rates, taxes. levies, duties, service fees and surcharges on fees, including setting and implementing tariff, rates and tax 20 and debt collection policies;
- 41.10 monitoring the impact and effectiveness of any services, policies, programmes or plans;
- 41.11 establishing and implementing performance management systems;
- 41.12 promoting a safe and healthy environment;
- 41.13 passing by-laws and taking decisions on any of the above-mentioned matters and;
- 41.14 doing anything else within its legislative and executive competence.”

### **GOVERNANCE MODEL/Framework**

Because Council held both legislative and executive authority, it means that Council can decide on the manner of exercising both its legislative and executive authority.

To exercise its powers, Council resolved to divide its legislative and executive authority into two separate divisions namely the:

1. Legislative Division
2. Executive Division

### **LEGISLATIVE DIVISION**

This component consists out of the following:

1. Council (Including the Traditional Leaders.)
2. The Speaker.
3. The Chief Whip.

4. Section 79 Oversight Committees.
5. Section 79 In-House Standing Committees.
6. Ward Committees.

### ***EXECUTIVE DIVISION***

This component consists of the following:

1. Executive Mayor (Head of the Executive.)
2. Members of the Mayoral Committee.
3. Mayoral Committee.
4. Section 80 Executive Committees.
5. Administration with Municipal Manager as the Head and Accounting Officer of the municipality.

By means of this arrangement, Council hopes to achieve the following objectives.

### ***INTEGRATED DEVELOPMENT PLAN (IDP) OBJECTIVES OF THE MUNICIPALITY***

The objectives are:

1. To provide infrastructure and sustainable basic services
2. To provide sustainable social amenities to the communities
3. To strengthen the delivery of sustainable integrated human settlement and environmental management
4. To initiate a strong and sustainable economic development
5. To build a strong good governance and institutional development
6. To ensure legally sound financial viability and management
7. To maintain and sustain the 2010 legacy projects

### **DEVELOPMENT PRIORITIES**

Based on the objectives, the development priorities are:

1. Water supply
2. Road infrastructure development and storm water
3. Electricity supply and management
4. Integrated human settlement
5. Good governance and public participation
6. Sanitation/sewerage
7. Community development
8. Rural development

9. Economic development
10. Waste and environmental management
11. Financial management and viability
12. Public transport
13. Revenue Enhancement
14. 2010 legacy

**KEY PERFORMANCE AREAS**

Based on the development priorities, the key performance areas are:

1. Institutional development and transformation
2. Service Delivery and Infrastructure Development
3. Public Participation and Good Governance
4. Local Economic Development
5. Financial Viability and Management

**ROLES, RESPONSIBILITIES AND POWERS OF THE LEGISLATIVE DIVISION**

**COUNCIL**

**ROLE**

Council is the supreme authority of the municipality. Its role is to initiate, facilitate and oversee the rendering of quality, affordable and sustainable municipal services, in accordance with its Constitutional mandate.

**RESPONSIBILITIES**

Council is responsible for the delivery of municipal services in accordance with legislation such as:

1. The Constitution of the Republic of South-Africa (Act 108 of 1996)
2. The Local Government: Municipal Systems Act (Act 32/2000)
3. The Local Government: Municipal Structures Act (Act 117 of 1998)
4. The Local Government: Municipal Finance Management Act (Act 56 of 2003)
5. The Local Government: Municipal Properties Rates Act and Regulations, (Act 6 of 2004)
6. The White Paper on Local Government (9 March 1998)

**POWERS OF COUNCIL**

| ORIGIN OF AUTHORITY                | NO. | AUTHORITY / POWER  |
|------------------------------------|-----|--------------------|
| The Const. Sect. 160(2) MFMA Sect. | A 1 | a) Passes by-laws. |

| ORIGIN OF AUTHORITY                        | NO.  | AUTHORITY / POWER   |
|--|------|---|
| 24 and 28                                  |      | b) Imposes tariffs, assessment rates and levies.<br>c) Raises loans.<br>d) Approves annual budget and adjustments.<br>e) Alienates immovable properties, subject to applicable legislation and policy.  |
| MSA Sect. 25 and 34                        | A 2  | Approves and amends the IDP.  |
| MSTA Sect. 36(2) and 40                    | A 3  | Elects and removes the Speaker and Chief Whip from office.  |
| MSTA Sect. 79(1)                           | A 4  | Appoints members Section 79 Oversight Committees<br>In terms of section 79 (2) of the act, the Municipal council—<br>(a) Must determines the functions of a committee;<br>(b) May delegate duties and powers it in terms of section 32;<br>(c) Must appoint the chairperson;<br>(d) May authorise a committee co-opt advisory members who are not members of the Council within the limits determined by the Council;<br>(e) May remove a member of a committee at any time; and<br>(f) May determines a committee's procedure. |
| MSTA Sect. 74(1)                           | A 5  | May appoint Ward Committees and decide on its powers and duties.  |
| MSTA Sect. 80                              | A 6  | May appoint Committees to assist the Executive Mayor in the fulfilling of his/her duties.   |
| Const. Sect. 160(6)                        | A 7  | Approves Rules of Order for meetings of Council and Advisory Committees.  |
| MSTA Sect. 55(1) and 58                    | A 8  | Elects and removes the Executive Mayor from office.   |
| MSTA Sect. 18(4)                           | A 9  | Designates full-time Councillors.   |
| MSTA Sect. 34(1)                           | A 10 | Dissolves Council.  |
| Council resolution A (2) dated 31 May 2022 | A 11 | Co-opts persons who are Ward Councillors to serve on Oversight Committees and advises Council.  |
| MSA Sect. 32(2)                            | A 12 | Considers a request by the MEC to adjust or amend Council's Integrated Development Plan (IDP).  |
| MSA Sect. 96 (b) and 98 (1)                | A 13 | Adopts a Credit Control and Debt Collections Policy and By-law.   |

| <b>ORIGIN OF AUTHORITY</b>                 | <b>NO.</b> | <b>AUTHORITY / POWER</b>  |
|--|------------|---|
| MSA Schedule 1                             | A 14       | Approves an application from a full-time Councillor to undertake other paid work.   |
| MSA Schedule 1                             | A 15       | Establishes a committee to investigate a breach of the Code of Conduct for Councillors.   |
| MSA Schedule 1                             | A 16       | Imposes a sanction for breach of Code of Conduct for Councillors.   |
| MSA Sect. 39                               | A 17       | Adopts a performance management system.   |
| MSA Sect. 62(4)(c)(ii)                     | A 18       | Appoints a committee of Councillors and considers an appeal against a decision on a delegated matter.   |
| MSA Sect. 66(1)                            | A 19       | Determines a policy framework for staff establishment.  |
| MPRA Sec 3 and 6                           | A 20       | Adopts a rates policy and by-law.   |
| Council resolution A (2) dated 31 May 2022 | A 21       | Decides on any other matter which, in terms of a by-law, cannot be delegated by Council.  |
| Council resolution A (2) dated 31 May 2022 | A 22       | Determines or amends the remuneration, benefits or other conditions of service of the Municipal Manager or Managers directly responsible to the Municipal Manager.  |
| Council resolution A (2) dated 31 May 2022 | A 23       | Considers and approves by-laws for effective governance.  |
| Council resolution A (2) dated 31 May 2022 | A 24       | Holds the Executive Mayor responsible for the overall performance of the Executive Division.  |
| Council resolution A (2) dated 31 May 2022 | A 25       | Holds the Municipal Manager accountable for the overall performance of the administration.  |
| Council resolution A (2) dated 31 May 2022 | A 26       | Delegates the Municipal Manager to make investments on behalf of the municipality within a policy framework determined by the Minister of Finance.  |
| MFMA Sec 84(2)                             | A 27       | Considers and approves the establishment of Municipal Entities.   |
| MFMA Sec 32                                | A 28       | Approves and amends all policies, except policies of a purely administrative nature.  |
| Council resolution A (2) dated 31 May 2022 | A 29       | Makes decisions on the recovery or writing off of wasteful, fruitless and irregular expenditure.  |
| Council resolution A (2) dated 31 May 2022 | A 30       | Determines fines and sanctions for none-attendance of Council meetings as well as Council Committee meetings.   |
| Council resolution A (2) dated 31 May 2022 | A 31       | Initiates disciplinary action against the Municipal/ Acting Municipal Manager if evidence points to a prima-facie case of misconduct or an act of impropriety, subject to a signed contract of employment and applicable legislation. |

| ORIGIN OF AUTHORITY                        | NO.  | AUTHORITY / POWER   |
|--|------|---|
| Town Planning Scheme                       | A 32 | Considers and approves draft Town Planning schemes.   |
| Council resolution A (2) dated 31 May 2022 | A 33 | Sells, leases and acquires immovable property on behalf of Council.   |
| MFMA 126(4)                                | A 34 | Requests a report outlining the reasons for the delay from the Auditor-General if she/he is unable to complete an audit within three months after submission of the Municipality's annual financial statements. |
| MFMA 129(1)2                               | A 35 | Adopts an oversight report containing the Council's comments on the annual report(s).   |
| MFMA 129(1)                                | A 36 | Considers and approves the annual report of the Municipality.   |
| MSA (117/1998) 82(1)(a)(b) (2)             | A 37 | Appoints, suspends, and dismisses the Municipal Manager.  |
| MSA Sec 56(a)                              | A 38 | Appoints Managers directly accountable to the Municipal Manager in consultation with the Municipal Manager.   |
| MFMA 29(1)                                 | A 39 | Approves unforeseeable and unavoidable expenditure if required.   |
| MFMA 32(2)                                 | A 40 | Writes of and /or recovers unauthorised, irregular or fruitless and wasteful expenditure from person/s liable for that expenditure.   |
| MFMA Sec. 46 (1)                           | A 41 | Approves a long term budget.  |
| MFMA 28(1) & 29 (3)                        | A 42 | Approves an adjustments budget as required.   |
| MFMA 16(1) and 24(1)                       | A 43 | Approves a draft annual budget.   |
| MFMA 16(3)                                 | A 44 | Decides whether money for capital expenditure for a period not exceeding three financial years may be appropriated in an annual budget.   |
| MFMA 23(1)                                 | A 45 | Consults on tabled budgets.   |
| MFMA 24(2)                                 | A 46 | Approves taxes, tariffs, measurable performance objectives, changes to the IDP and budget related policies as part of final annual budgets.   |
| MFMA Sec 24 (2) (c) (v)                    | A 47 | Approves budget related policies.   |

| ORIGIN OF AUTHORITY  | NO.  | AUTHORITY / POWER   |
|--|------|---|
| MFMA<br>45(2)(a)   | A 48 | Approves any short-term debt agreement (Bank Overdraft).  |
| MFMA<br>59(3)  | A 49 | Decides, confirms, varies or revokes any decision taken in consequence of a delegation.   |
| MFMA<br>59(2)  | A 50 | Determines the conditions and limitations of any delegation.  |
| MFMA<br>37(1)(a)   | A 51 | Determines the steps that the Municipality must take to promote co-operative government with the national and provincial spheres of government and other municipalities in the Municipality's fiscal and financial relations. |
| MFMA<br>38(2)  | A 52 | Considers a notice received from the National Treasury of its intention to stop the transfer of funds the Municipality.   |
| MFMA 168(3)  | A 53 | Considers any guidelines issued by the Minister of Finance in terms of Section 168 of the MFMA.   |
| MFMA<br>120(1)   | A 54 | Enters in a public-private partnership agreement.   |
| Section 59 (2) of the<br>Local Government:<br>Municipal Systems<br>Act | A 55 | Considers and approves the Governance Model/System of Delegations.  |
| Property Rates Act.<br>Act 6 of 2004                                   | A 56 | Determines a rating system for levying property rates on immovable property.  |
| Property Rates Act.<br>Act 6 of 2004                                   | A 57 | Determines a special rating area.   |
| Municipal Finance<br>Management Act<br>(Act 56 of 2003)                | A 58 | Grants exemptions of the accrual of interest on arrears.  |
| Municipal Finance<br>Management Act<br>(Act 56 of 2003)                | A 59 | Provides security for debt or contractual obligations.  |
| Municipal Finance<br>Management Act<br>(Act 56 of 2003)                | A 60 | Decides that capital assets be disposed of are not needed for basic services; and can be disposed of at an adequate price.  |
| Council resolution A<br>(2) dated 31 May<br>2022                       | A 61 | Fulfil any duty and responsibility if so required by any law of the country.  |



## **ROLE, RESPONSIBILITIES AND DELEGATED POWERS OF THE SPEAKER**

### **ROLE**



The Speaker fulfils his/her role in terms of its legislative mandate that is attached as **Annexure “B”**.

### **RESPONSIBILITIES**

As Chairperson of Council, the Speaker is the promoter and protector of democracy. He/she facilitates debate and arrival at consensus within the Standing Rules of Council.

The Speaker is guided by several overarching objectives, including good governance, service delivery excellence and Batho Pele principles.

The Speaker is part of the political governing troika.

Besides his/her role in Council, the honourable Speaker is in terms of Section 37 of the Structures act (as amended) responsible for:

- (a) must ensure compliance in the council and council committees with the Code of Conduct [set out in Schedule 1 to the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000)]; [and]
- (b) must ensure that council meetings are conducted in accordance with the rules and orders of the council.
- (c) must ensure that the legislative authority of the municipality functions effectively;
- (d) is responsible for the effective oversight over the executive authority of the municipality;
- (e) must ensure the effectiveness of the committees of the municipal council established in terms of section 79;
- (f) is responsible for the ethics and accountability of the municipal council; and
- (k) must ensure the effectiveness and functionality of ward committees and the public participation processes.

Besides the above, the Speaker is also responsible for:

Facilitate and manage the public participation process to ensure the municipality is responsive to the needs of the community.

- (a) Ensure that Council resolutions are correctly recorded.
- (b) Capacitate Councillors.
- (c) Serve as the appeals authority in terms of the Access to Information Act.
- (d) Represent the Executive Mayor and the City of Mbombela Local Municipality at various functions, meetings and forums.

## DELEGATED POWERS FOR THE SPEAKER

| COUNCIL RESOLUTION                         | DEL. NO. | AUTHORITY / POWER   |
|--|----------|---|
| Council resolution A (2) dated 31 May 2022 | B 1      | Presides at meetings of Council as well as at the first meetings of Sections 79 Committees and maintains order during meetings.   |
| Council resolution A (2) dated 31 May 2022 | B 2      | Ensures compliance to legislation in the Council and Council committees and compliance with the Code of Conduct for Councillors.  |
| Council resolution A (2) dated 31 May 2022 | B 3      | Ensures that Council meetings are conducted in accordance with the Rules of Order of the Council.   |
| Council resolution A (2) dated 31 May 2022 | B 4      | Performs the duties and exercises delegated to the Speaker in terms of Section 32 of the Municipal Structures Act.  |
| Council resolution A (2) dated 31 May 2022 | B 5      | Ensures that the Council has at least quarterly Ordinary meetings.  |
| Council resolution A (2) dated 31 May 2022 | B 6      | Grants leave of absence to a Councillor for meetings of the Council.  |
| Council resolution A (2) dated 31 May 2022 | B 7      | Ensures that each Councillor when taking office is given a copy of the Code of Conduct for Councillors and that a copy of the Code is available in every room or place where the Council meets.<br><br>Decides when and where the Council meets subject to Section 18(2), (If a majority of the Councillors requests the Speaker in writing to convene a Council meeting, the Speaker must convene a meeting at a time set out in the request.) |
| Council resolution A (2) dated 31 May 2022 | B 8      | Establishes Ward Committees and monitor the performance of all Councillors (Ward and PR) and Community Development Workers.   |
| Council resolution A (2) dated 31 May 2022 | B 9      | Acts as Chairperson of the Rules and Ethics Committee.  |
| Council resolution A (2) dated 31 May 2022 | B 10     | Instructs any Council committee to hold a meeting to discuss reports and make recommendations on any particular matter indicated by the Speaker.  |
| Council resolution A (2) dated 31 May 2022 | B 11     | Appoints or nominates Councillors to represent Council on outside bodies, after consultation with the Municipal Manager with regards to the allocation of resources.  |
| Council resolution A (2) dated 31 May 2022 | B 12     | Co-ordinates Council's participation in national and provincial community activities.   |

| <b>COUNCIL RESOLUTION</b>                  | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>  |
|--|-----------------|---|
| Council resolution A (2) dated 31 May 2022 | B 13            | Appoints an acting Speaker to act as Speaker until the next Council meeting. (At the next Council meeting, Council will appoint an Acting Speaker from amongst the councillors to present or reconfirms the Acting Speaker as appointed by the Speaker)   |
| Council resolution A (2) dated 31 May 2022 | B 14            | Assumes operational responsibility for all personnel serving in the Legislature.  |
| Council resolution A (2) dated 31 May 2022 | B 15            | Consider applications for the use of the Mayor's Parlour and the Council Chamber in the Mbombela Civic Centre.  |
| Council resolution A (2) dated 31 May 2022 | B 16            | Considers and approves Ward Committee activities.   |
| Council resolution A (2) dated 31 May 2022 | B 17            | Considers and approves urgent matters that are within the ambit of Council when Council is in recess, in conjunction with the Executive Mayor, Chief Whip as well the Municipal Manager.  |
| Council resolution A (2) dated 31 May 2022 | B 18            | Ensures that Ward Committees have at least one meeting bi-monthly in their respective wards.  |
| Council resolution A (2) dated 31 May 2022 | B 19            | Encourages the involvement of communities and community organizations in all matters of Council and its activities.   |
| Council resolution A (2) dated 31 May 2022 | B 20            | Takes the lead together with the Chief Whip during Council meetings when disagreements arise and facilitate consensus between different political parties.  |
| Council resolution A (2) dated 31 May 2022 | B 21            | Requests the Executive Mayor in conjunction with the Municipal Manager, to allocate resources concerning the personal protection of Councillors.  |
| Council resolution A (2) dated 31 May 2022 | B 22            | <ol style="list-style-type: none"> <li>1. Authorises and investigates allegations that the Code of Conduct for councillors was breached.</li> <li>2. Gives the Councillor against whom a complaint has been lodged, a reasonable opportunity to reply in writing regarding the alleged breach; and</li> <li>3. Reports the matter to a meeting of the municipal Council after paragraphs (1) and (2) have been complied with.</li> <li>4. Report the outcome of the investigation pertaining to conduct of a councillor to the MEC for Local Government and Cooperative Affairs.</li> </ol> |
| Council resolution A (2) dated 31 May 2022 | B 23            | Attends any Section 79 Committee meeting to monitor the performance of such a meeting.  |
| Schedule 1 (MSA 2000)                      | B 24            | Enforces the Code of Conduct for Councillors as described in the Local Government Municipal Systems Act.  |

| <b>COUNCIL RESOLUTION</b>                  | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>  |
|--|-----------------|---|
| Council resolution A (2) dated 31 May 2022 | B 25            | Acts as an interface between Council and the Traditional Leaders within the municipal area. |
| Council resolution A (2) dated 31 May 2022 | B 26            | Enforces the approved Standing Orders of Council.   |
| Council resolution A (2) dated 31 May 2022 | B 27            | Considers appeals in terms of the Access to Information Act.                                |

### ***ROLE, RESPONSIBILITIES AND DELEGATED POWERS OF THE CHIEF WHIP***

#### **ROLE**

The Chief Whip fulfils his/her roles by ensuring cohesion, good relations and cooperation between the executive and legislative divisions of Council and between political parties.

#### **RESPONSIBILITIES**

The Chief Whip must:

1. Ensure that councillors maintain good discipline and conduct.
2. Ensure that the relationships between political parties in Council are constructive and focused on key issues at hand.
3. Collaborate on a regular basis with the Speaker and Executive Mayor on issues of conduct, councillor benefits and governance.
4. Promote good governance and cooperation between all spheres of government.
5. Dispute resolution between councillors.
6. Promote Adherence to the Code of Conduct for Councillors.
7. Oversee the disciplinary process against councillors when applicable.
8. Responsible for meetings of the Party Whips Forum.
9. The whip of a municipal council:
  - (a) liaises with the different political parties to ensure representation in council and council committees;
  - (b) maintains sound relations between the various political parties;
  - (c) informs the whips of all parties on important matters on the council agenda;
  - (d) assists the speaker to count votes in the council meeting;
  - (e) facilitates the interaction between the executive and legislative oversight structures in the municipality; and
  - (f) resolves disputes between the speaker, mayor or executive mayor, or members of the mayoral committee.

## DELEGATED POWERS OF THE CHIEF WHIP

| COUNCIL RESOLUTION                         | DEL. NO. | AUTHORITY / POWER  |
|--|----------|--|
| Council resolution A (2) dated 31 May 2022 | C 1      | Acts as an interface between the Legislature and Executive Divisions to ensure smooth cooperation.   |
| Council resolution A (2) dated 31 May 2022 | C 2      | Facilitates regular meetings between the Administration and the Traditional Leaders to ensure smooth cooperation with regards to service delivery.   |
| Council resolution A (2) dated 31 May 2022 | C 3      | Addresses any public or private audience on behalf of Council.   |
| Council resolution A (2) dated 31 May 2022 | C 4      | Assists Council in developing a culture of municipal governance that complements formal representative government with a system of participatory governance.   |
| Council resolution A (2) dated 31 May 2022 | C 5      | Assists the Speaker in ensuring that Council meetings are conducted in accordance with the Rules of Order of Council.  |
| Council resolution A (2) dated 31 May 2022 | C 6      | Collaborates on a regular basis with the Executive Mayor and Speaker on issues of conduct, Councillor benefits and governance.   |
| Council resolution A (2) dated 31 May 2022 | C 7      | Develops a training programme for Councillors in conjunction with the Speaker.   |
| Council resolution A (2) dated 31 May 2022 | C 8      | Ensures that Councillors perform the functions of office in good faith, honestly and in a transparent manner and at all times act in the best interest of Council and in such a way that the credibility and integrity of Council are not compromised, in conjunction with the Speaker.  |
| Council resolution A (2) dated 31 May 2022 | C 9      | Ensures that all Councillors, including full-time Councillors: <ul style="list-style-type: none"> <li>• attend all Council and other committees they serve on, as the case may be, unless specific leave of absence had been granted such full time Councillor not attend the relevant meeting;</li> <li>• participate in the IDP Forum meetings of Council, Council's Ward Conference and Ward Committee meetings.</li> <li>• participate in the Budget discussion meetings of Council;</li> <li>• adhere to Council decisions relating hours of work;</li> <li>• participate in the Budget Indaba meetings of Council and Community Outreach programs of Council, District Municipality</li> </ul> |

| COUNCIL RESOLUTION                         | DEL. NO. | AUTHORITY / POWER   |
|--|----------|---|
|  |          | <p>and other spheres of government.</p> <ul style="list-style-type: none"> <li>Attend to matters raised by members of the community or Council in conjunction with the Speaker.</li> </ul>                |
| Council resolution A (2) dated 31 May 2022 | C 10     | Ensures that relationships between political parties are constructive and focused on key issues in conjunction with the Speaker.  |
| Council resolution A (2) dated 31 May 2022 | C 11     | Ensures the accountability of Councillors and the allocation of proportional representation of Councillors to wards, to improve their accountability in communities in conjunction with the Speaker.      |
| Council resolution A (2) dated 31 May 2022 | C 12     | Ensures proportional representation of other political parties in the various council committees; thus maintaining sound relations between the various political parties in conjunction with the Speaker. |
| Council resolution A (2) dated 31 May 2022 | C 13     | Intervenes in conflict situations when required, such as disputes between communities and specific Councillors.   |
| Council resolution A (2) dated 31 May 2022 | C 14     | Maintains cohesion within the governing party and building relationships with other political parties.  |
| Council resolution A (2) dated 31 May 2022 | C 15     | Manages and enhances the political relationship between political parties represented in Council.   |
| Council resolution A (2) dated 31 May 2022 | C 16     | Monitors constituency work of all Councillors by receiving at least quarterly reports on the activities of the various Councillors.   |
| Council resolution A (2) dated 31 May 2022 | C 17     | Monitors the general attendance by Councillors of Council- and Committee meetings.  |
| Council resolution A (2) dated 31 May 2022 | C 18     | Promotes good governance through membership and key committees and facilitation across political parties on a whole range of matters where governance is sought.  |
| Council resolution A (2) dated 31 May 2022 | C 19     | Recommends the designation of Councillors from the ruling party.  |
| Council resolution A (2) dated 31 May 2022 | C 20     | Attends Section 79 committees and other Council committee meeting if needed.  |

| <b>COUNCIL RESOLUTION</b>                  | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>   |
|--|-----------------|--|
| Council resolution A (2) dated 31 May 2022 | C 21            | Takes the lead together with the Speaker during Council meetings when disagreements arise to facilitate consensus between different political parties. |

***ROLE, RESPONSIBILITIES AND DELEGATED POWERS OF SECTION 79 OVERSIGHT COMMITTEES***

**ROLE**

Section 79 Oversight Committees operate in terms of Section 79 of the Local Government Structures Act (Act 117 of 1998).

The Committees will provide assurance to Council to ensure that:

1. Service delivery happens in terms of the approved Integrated Development Plan (IDP) and Service Delivery Budget Implementation Plan (SDBIP).
2. The Executive acts in compliance with applicable legislation, Council policies and accepted administrative standards and good practice, as approved by Council and the Provincial and National government.
3. All strategies, policy and plans to render municipal services, are indeed effective.
4. Council resolutions are indeed implemented.
5. Institutional performance are correctly measured and performance information is not corrupt.
6. Possible negative outcomes are foreseen and prevented. (Risk Management.)
7. Opportunities are identified and optimized.
8. Remedial action plans from the Office of the Auditor-General and the Audit Committee/Internal Audit Unit are implemented.
9. Service delivery projects and services are indeed to the benefit of the community.
10. The municipality received value for its money in terms of projects and service delivery.
11. Resources are being utilized optimally.
12. Loss control is effective.

**RESPONSIBILITIES**

***MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC)***

The responsibilities of MPAC are the following:

1. The municipal council must determine the functions of the committee, which must include the following:

- (a) review the Auditor-General reports and comments of the Management and the Audit Committee and make recommendations to the municipal council;
  - (b) review internal audit reports together with comments from the Management and Audit Committee and make recommendations to the municipal council;
  - (c) initiate and develop the oversight report contemplated in section 129 of the annual report as required in terms of section 129 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003);
  - (d) attend to and make recommendations to the municipal council on any matter referred to it by the municipal council, executive committee, a committee of the council, a member of this committee, a councillor and the municipal manager; and (e) on its own initiative but subject to the direction of the municipal council, investigate and report to the municipal council on any matter affecting the municipality.
  - e) Reports of the Committee must be submitted to the speaker who must table such reports in the next meeting of the municipal council.
2. Review of the Annual Report and annual financial statements of the municipality.
  3. Reviewing the annual financial report.
  4. Compiling an oversight report on the annual report.
  5. Reviewing the work of the Disciplinary Board.
  6. Examining the municipality's financial statements.
  7. Considering improvements from previous financial statements and reports and evaluating the extent to which the Audit Committee and the Auditor-General's recommendations have been implemented.
  8. Advising Council on how to address any matters pertaining to irregular, fruitless and wasteful expenditure.
  9. Ensuring that all possible cases of fraud and corruption are being reported to the SA Police Services.
  10. Receiving progress reports concerning police investigations.
  11. Ensuring compliance with section 32 of the Local Government Municipal Finance Management Act No. 56/2003.
  12. Performing any other function assigned by resolution of Council in its area of competence.



**POWERS DELEGATED TO THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC)**

| <b>ORIGIN OF AUTHORITY</b>                 | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>   |
|--|-----------------|--|
| Council resolution A (2) dated 31 May 2022 | D 1             | Conducts hearings to solicit information if needed and may summon any official/ Member of the Mayoral Committee to appear before MPAC to Provides answers to questions or to submit requested information. |
| Council resolution A (2) dated 31 May 2022 | D 2             | May request the Executive Mayor, Members of the Mayoral Committee, the Municipal Manager or General Managers to compile and submit reports to MPAC.  |
| Council resolution A (2) dated 31 May 2022 | D 3             | Must ensure that regular oversight reports are submitted to Council.   |
| Council resolution A (2) dated 31 May 2022 | D 4             | Requests reports from the Disciplinary Board pertaining to all cases of possible financial misconduct.   |
| Council resolution A (2) dated 31 May 2022 | D 5             | Consider reports from the Disciplinary Board and submit reports to Council where relevant.   |
| Council resolution A (2) dated 31 May 2022 | D 6             | Requests the Executive Mayor/Speaker Municipal Manager to take disciplinary action against any official/MMC, who fails to provide requested information within a prescribed time frame.                    |
| Council resolution A (2) dated 31 May 2022 | D 7             | Submits reports directly to the Speaker.   |
| Council resolution A (2) dated 31 May 2022 | D 8             | Monitors compliance with section 32 of the Local Government Municipal Finance Management Act No. 56/2003 and advises Council in that regard.   |

**FINANCIAL MANAGEMENT COMMITTEE**

The Committee must provide assurance that the Financial Management Department is functioning at an optimal level and that all strategies for the rendering of services is indeed successful.

The Committee is responsible for the monitoring, evaluating and reporting on performance pertaining to:

1. Credit control and debt collection.

2. Revenue enhancement.
3. Cash flow management.
4. Utilization of grants.
5. Payment of rates and taxes by municipal employees and councillors.
6. Timely payment of service providers.
7. Effectiveness of Supply Chain Management processes.
8. Financial losses.
9. Fleet management.
10. Asset management.
11. Accuracy of financial statements and reporting.
12. Risk management.
13. Loss control.
14. Value for money, in terms of services rendered by service providers.
15. Relevant by-law enforcement.
16. Annual budget and adjustments.
17. Payment of performance bonuses to personnel.
18. Establishment of Municipal Entities.
19. Establishment of Public Partnerships between the municipality and the private sector.
20. Amendment of relevant policies.
21. Recommendations with regards to section 71 reports (MFMA).
22. Financial contributions in terms of: (a) engineering services and (b) open areas and parks.
23. Monthly budget statements and mid-year budget and performance assessment.
24. Productivity levels of personnel.
25. Utilization of Council resources.
26. Financial management.
27. Adherence to the Batho Pele principles.
28. Compliance with applicable legislation.
29. Sound management practices.
30. Evaluation of audit reports and the implementation of recommendations.
31. Identification of challenges that have a negative influence on the municipality's ability to render affordable and sustainable municipal services.
32. Advise on how to resolve issues that have a negative impact on service delivery.
33. Any other function assigned by resolution of Council in its area of competence.

## ***CORPORATE SERVICES COMMITTEE***

The Committee must provide assurance that the Department of Corporate Services is functioning at an optimal level and that all strategies for the rendering of services is indeed successful.

The Committee is responsible for the monitoring, evaluating and reporting on:

1. Human Resource Provisioning and Performance.
2. Human Resource Maintenance.
3. Labour Relations.
4. Facilities Management.
5. Archives.
6. Council Secretariat.
7. Ward Committees.
8. Skills Development.
9. Employment Equity.
10. Service Centres.
11. Implementation of the policy framework for staff establishment.
12. Adherence to policy and procedures pertaining the appointment of personnel.
13. Ensuring that personnel is appointed in terms of IDP/SDBIP priorities.
14. Adherence to Leave Policy.
15. Benefits and other Conditions of Service of the Municipal Manager or managers directly responsible the Municipal Manager.
16. Executing of disciplinary action against personnel.
17. Implementation of amendments relevant policies.
18. Risk Management.
19. Labour Management.
20. Loss control.
21. Review of the annual human resources report.
22. Performance in terms of the SDBIP.
23. Productivity levels of personnel.
24. Utilization of Council resources.
25. Financial management and value for money.
26. Adherence to the Batho Pele principles.
27. Compliance with legislation and policies.
28. Sound management practices.
29. Works study investigations
30. Evaluation of audit reports and the implementation of recommendations.

31. Identification of challenges that have a negative influence on the municipality's ability to render affordable and sustainable municipal services.
32. Advise on how to resolve issues that have a negative impact on service delivery.
33. Any other function assigned by resolution of Council in its area of competence.

### ***TECHNICAL SERVICES COMMITTEE***

The Committee must provide assurance that the Department of Technical Services is functioning at an optimal level and that all strategies for the rendering of services is indeed successful.

The Committee is responsible for the monitoring, evaluating and reporting on:

1. Implementation of the public transport master plan.
2. Public transport amenities.
3. Civil Engineering Master plans.
4. Water provision.
5. Unaccounted water losses.
6. Usage of water trucks.
7. Control over water infrastructure.
8. Bulk water supply.
9. Internal water reticulation network.
10. Concession monitoring.
11. Energy development and provision.
12. Electricity network.
13. Electricity losses.
14. Electricity provision.
15. Implementation of amendments relevant policies.
16. Enforcement of applicable by-laws.
17. Performance in terms of the SDBIP.
18. Productivity levels of personnel.
19. Utilization of Council resources.
20. Financial Management and value for money.
21. Adherence to the Batho Pele principles.
22. Compliance with legislation, policies and procedures.
23. Sound management practices.
24. Risk Management
25. Loss control.
26. Implementation of capital projects concerning roads and storm water.

27. Identification of challenges that have a negative influence on the municipality's ability to render affordable and sustainable municipal services.
28. Advise on how to resolve issues that have a negative impact on service delivery.
29. Any other function assigned by resolution of Council in its area of competence.

### ***CITY PLANNING AND RURAL DEVELOPMENT COMMITTEE***

The Committee must provide assurance that the Department of City Planning and Rural Development is functioning at an optimal level and that all strategies for the rendering of services is indeed successful.

The Committee is responsible for the monitoring, evaluating and reporting on:

1. Local Economic Development & Tourism.
2. Trade and Investment Promotion.
3. Informal Trading Management.
4. Smart City Concept.
5. BEE Development.
6. SMME and Cooperatives Development.
7. Job Creation. (Specifically opportunities for the youth.)
8. Tourism Development and Marketing.
9. Development of Investment incentives.
10. Uncontrolled urbanization.
11. Implementation of amendments relevant policies.
12. Enforcement of by-laws.
13. Economic development strategy.
14. Tourism and trade strategy.
15. Productivity levels of personnel.
16. Utilization of Council resources.
17. Financial management and value for money.
18. Adherence to the Batho Pele principles.
19. Compliance with legislation.
20. Sound management practices.
21. Risk Management.
22. Loss control.
23. Identification of challenges that have a negative influence on the municipality's ability to render affordable and sustainable municipal services.
24. Advise on how to resolve issues that have a negative impact on service delivery.

25. Any other function assigned by resolution of Council in its area of competence.

### **COMMUNITY SERVICES COMMITTEE**

The Committee must provide assurance that the Department of Community Services is functioning at an optimal level and that all strategies for the rendering of services are indeed successful.

The Committee is responsible for the monitoring, evaluating and reporting on:

1. Parks Management.
2. Waste and Refuse Removal Management.
3. Environmental Management.
4. Community facilities.
5. Cemeteries.
6. Recreation facilities.
7. Nature reserves.
8. By-Law Enforcement.
9. Fire and Rescue Services.
10. Traffic Services.
11. Security Services.
12. Disaster Management.
13. Implementation of amendments relevant policies.
14. Enforcement of by-laws.
15. Regular review of all strategies concerning each function.
16. Productivity levels of personnel.
17. Utilization of Council resources.
18. Financial management and value for money.
19. Adherence to the Batho Pele principles.
20. Compliance with legislation.
21. Sound management practices.
22. Loss control.
23. Risk Management.
24. Identification of challenges that have a negative influence on the municipality's ability to render affordable and sustainable municipal services.
25. Advise on how to resolve issues that have a negative impact on service delivery.
26. Any other function assigned by resolution of Council in its area of competence.
27. Expanded Public Works Programme (EPWP).

### **STRATEGIC MANAGEMENT SERVICES COMMITTEE**

The Committee must provide assurance that the Department of Strategic Management is functioning at an optimal level and that all strategies for the rendering of services is indeed successful.

The Committee is responsible for the monitoring, evaluating and reporting on:

1. Integrated Development Plan (IDP).
2. Thirty-year strategic plan.
3. Corporate communication.
4. Internal Audit.
5. Risk Management.
6. Monitoring and evaluation.
7. Legal services.
8. By-law development and research.
9. Implementation of amendments relevant policies.
10. Productivity levels of personnel.
11. Utilization of Council resources.
12. Financial management and value for money.
13. Adherence to the Batho Pele principles.
14. Compliance with legislation.
15. Sound management practices.
16. Loss control.
17. Identification of challenges that have a negative influence on the municipality's ability to render affordable and sustainable municipal services.
18. Advise on how to resolve issues that have a negative impact on service delivery.
19. Any other function assigned by resolution of Council in its area of competence.

### **LOCAL ECONOMIC DEVELOPMENT COMMITTEE**

The Committee must provide assurance that the Department of Local Economic Development is functioning at an optimal level and that all strategies for the rendering of services is indeed successful.

The Committee is responsible for the monitoring, evaluating and reporting on:

1. Success of all local economic development initiatives to create work and expand the local economy.
2. Trade and Investment Promotion.
3. Informal Trading Management.

4. BEE Development.
5. SMME and Cooperatives Development.
6. Job Creation.
7. Tourism Development and Marketing.
8. Development of Investment incentives.
9. Implementation of amendments relevant policies.
10. Productivity levels of personnel.
11. Utilization of Council resources.
12. Financial management and value for money.
13. Adherence to the Batho Pele principles.
14. Compliance with legislation.
15. Sound management practices.
16. Loss control.
17. Identification of challenges that have a negative influence on the municipality's ability to render affordable and sustainable municipal services.
18. Advise on how to resolve issues that have a negative impact on service delivery.
19. Any other function assigned by resolution of Council in its area of competence.

#### **SPORT, ARTS AND CULTURE COMMITTEE**

The Committee must provide assurance that the Department of Sport, Arts and Culture is functioning at an optimal level and that all strategies for the rendering of services is indeed successful.

The Committee is responsible for oversight pertaining to the following:

1. Arts and culture.
2. Libraries.
3. Implementation of amendments to relevant policies.
4. Enforcement of by-laws.
5. Regular review of all strategies concerning each function.
6. Productivity levels of personnel.
7. Effective and efficient utilization of Council resources.
8. Financial management and value for money.
9. Adherence to the Batho Pele principles.
10. Compliance with legislation.
11. Sound management practices.
12. Loss control.



13. Risk Management.
14. Identification of challenges that have a negative influence on the municipality's ability to render affordable and sustainable municipal services.
15. Advise on how to resolve issues that have a negative impact on service delivery.
16. Monitoring and evaluation of the implementation of council policies, such as the Fraud and Corruption Prevention and Detection Policy.
17. Any other function assigned by resolution of Council in its area of competence.

**POWERS DELEGATED TO ALL SECTION 79 OVERSIGHT COMMITTEES**

| <b>ORIGIN OF AUTHORITY</b>                 | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>  |
|--|-----------------|---|
| Council resolution A (2) dated 31 May 2022 | D 1             | Conducts hearings to solicit information and summon any official/ Member of the Mayoral Committee to appear before them to provide answers to questions or to submit requested information. |
| Council resolution A (2) dated 31 May 2022 | D 2             | May request the Executive Mayor, Members of the Mayoral Committee, the Municipal Manager or General Managers to compile and submit reports to MPAC.   |
| Council resolution A (2) dated 31 May 2022 | D 3             | Ensures that regular reports are submitted to Council and may request the Municipal Manager to submit special reports to Council if deemed necessary.                                       |
| Council resolution A (2) dated 31 May 2022 | D 4             | Visits any municipal office/service delivery project at any time to evaluate service delivery actions. (Unannounced as well)  |
| Council resolution A (2) dated 31 May 2022 | D 5             | Requests any official at any time to explain any service delivery or administrative matter.   |
| Council resolution A (2) dated 31 May 2022 | D 6             | Requests the Executive Mayor/Speaker Municipal Manager to take disciplinary action against any official/MMC who fails to provide requested information within a prescribed time frame.      |
| Council resolution A (2) dated 31 May 2022 | D 7             | Submits reports directly to the Executive Mayor and or Speaker.   |
| Council resolution A (2) dated 31 May 2022 | D 8             | Recommends appropriate action to the Executive Mayor/Speaker/Council if performance standards are not met or if service delivery is not taking place in terms of the SDBIP                  |
| Council resolution A (2) dated 31 May 2022 | D 9             | Recommends appropriate action if service delivery strategies, policies and plans are not working.   |

**DIFFERENCE BETWEEN ROLES OF SECTION 79 OVERSIGHT COMMITTEES AND THE MAYORAL COMMITTEE.**

To prevent possible misunderstandings between members of the Section 79 Oversight Committees and Members of the Mayoral Committee, it is imperative to further clarify their roles.

| NO | ROLE OF MAYORAL COMMITTEE   | ROLE OF SECTION 79 OVERSIGHT COMMITTEES   |
|----|---|---|
| 1. | <p>Present reports from the Administration to the Mayoral Committee.</p> <p><u>Note</u><br/>Reports from the Mayoral Committee are not submitted to a Section 79 Oversight Committee before it is tabled to Council.</p>  | <p>Presents Oversight reports to Council.</p> <p><u>Note:</u><br/>Oversight reports are tabled directly to Council. It does not need to be submitted to the Executive Arm for comments first.<br/>The Executive have no power to amend the contents of the report or preventing the report from being tabled before Council.</p>  |
| 2. | <p>The role and focus of the Member of the Mayoral Committee is to ensure that strategies, policies and plans are correctly implemented to render services.</p> <p>This entails the monitoring of implementation of service delivery strategies, with a view of rendering political support to the Administration to get things done.</p> <p>Need to answer the following questions on a continuous basis:</p> <ol style="list-style-type: none"> <li>1. Are projects and service delivery strategies correctly implement-ted? E.g. is the revenue enhancement policy correctly and fully implemented?</li> <li>2. Are all available resources in the department correctly and fully utilized?</li> <li>3. Is the fraud prevention and corruption prevention policy actively implemented?</li> <li>4. Does the department actively mitigate its unacceptable and strategic risks?</li> <li>5. What can be done from a political level, to support the department in its endeavours to render quality, affordable and sustainable municipal services?</li> <li>6. Does the department make use of all the opportunities available to render municipal services?</li> </ol> | <p>The role and focus of every Section 79 Oversight Committee is to provide assurance that the strategies and plans as implemented by departments, are indeed working and successful.</p> <p>Need to answer and report on the following:</p> <ol style="list-style-type: none"> <li>1. After evaluating a service delivery strategy or plan, can it be said that the strategy or plan is indeed successful? If the strategy or plan is not deemed successful, what proposals can be made to make the strategy or plan more successful?</li> <li>2. In terms of inputs in the department, (finance, personnel and equipment) is the Committee satisfied that the outputs are equal the inputs? If not, what can be proposed rectify the situation?</li> <li>3. Is the department successful in the mitigation of its unacceptable and strategic risks? If not, what can be proposed rectify the situation?</li> <li>4. Does the department make use of all stakeholders in the rendering of municipal services? If not, what can be done?</li> <li>5. Are the services of department rendered at an acceptable standard? If not, what can be done?</li> <li>6. Are services being rendered in an affordable and sustainable manner? If not, what can be done?</li> </ol> |

## **ROLE, RESPONSIBILITIES AND DELEGATED POWERS OF THE EXECUTIVE DIVISION**

### ***EXECUTIVE MAYOR/ACTING EXECUTIVE MAYOR:***

#### **ROLE:**

The Executive Mayor serves as the Head of the Executive Division of Council.

He/she must from an executive perspective, ensure that quality municipal services are being rendered to the Mbombela community in an affordable and sustainable manner.

The Executive Mayor is the first citizen and represents the municipality at ceremonial functions.

The Executive Mayor must provide guidance on budget processes and service delivery in the municipality.

According to Section 53 of the MFMA the key roles of the Executive Mayor is to:

- Provide general political guidance over the budget process and the priorities that guide the Budget Process Section 53 (1);
- Ensure Council considers the annual budget before the start of the financial year;
- Oversee the Accounting Officer. (Municipal Manager.)
- Ensure adherence to the time schedule for budget;
- Ensure that the SDBIP is approved within 28 days after the approval of the budget;
- Ensure that annual performance agreements are linked with measurable performance objectives in the IDP and the SDBIP; and
- Make the SDBIP public no later than 14 days after approval.

#### **LEGISLATIVE MANDATE**



The legislative mandate of the Executive Mayor is contained in **Annexure “C”**.

#### **RESPONSIBILITIES**

The Executive Mayor hold strategic and political responsibility for all matters relating to the executing of Council resolutions and implementation of service delivery activities.

His/her responsibilities are legislated and is attached as per annexure C.

#### **POWERS DELEGATED TO THE EXECUTIVE MAYOR/ACTING EXECUTIVE MAYOR**

| <b>ORIGIN OF AUTHORITY</b> | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>   | <b>DELEGATED</b> |
|----------------------------|-----------------|--|------------------|
| MSA                        | E 1             | Takes responsibility for all decisions of the Executive.   | Executive Mayor  |
| MSA and MSTA               | E 2             | Approves and cancels leave for the Municipal Manager/Acting Municipal Manager, provided that the incumbent shall be compensated for expenses incurred due to such cancellations. | Executive Mayor  |

| <b>ORIGIN OF AUTHORITY</b>                                   | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>  | <b>DELEGATED</b>                                     |
|--|-----------------|---|--|
| Council resolution A (2) dated 31 May 2022                   | E 3             | Takes decisions on behalf of Council when the Council is in recess, in conjunction with the Speaker/Chief Whip/ Municipal Manager on condition that such decisions be reported to Council for information purposes.                                 | Executive Mayor                                      |
| Council resolution A (2) dated 31 May 2022                   | E 4             | Takes any decisions which, if not taken in due time, would in some manner prejudice the municipality, provided that Council be informed of such decisions with reasons why no action by the Executive Mayor would have prejudiced the municipality. | Executive Mayor                                      |
| MSTA   | E 5             | Sets policy in respect of matters falling within the delegated powers of the Executive Mayor.   | Executive Mayor<br>All MMC'S                         |
| MSTA Sect. 8   | E 6             | Delegate authority in respect of any of its powers to committees established in terms of Section 80 of the Municipal Structures Act.  | Executive Mayor                                      |
| Property Rates Act Sect. 31                                  | E 7             | Determines the date of a general valuation.   | Executive Mayor                                      |
| MSTA   | E 8             | Co-ordinates the duties of the members of the Mayoral Committee.  | Executive Mayor                                      |
| MSTA   | E 9             | Grants leave of absence to members for meetings of the Mayoral Committee.   | Executive Mayor                                      |
| MSTA Sect. 80  | E 10            | Determines the functional area of each portfolio of the Member of the Mayoral Committee.  | Executive Mayor                                      |
| MFMA Sect. 71 & 72   | E 11            | Considers and approves monthly budget statements and mid-year budget and performance assessment.  | Executive Mayor                                      |
| Local Government Ordinance, 1939 (Ord. 17/1939) Sect. 79(33) | E 12            | Grants approval to the Municipal Manager to attend any of the congresses, seminars or conferences of the approved Institute or any meeting or gathering related to local government.  | Executive Mayor                                      |
| Local Government Ord.  | E 13            | Approves or refuses applications for donations in terms of an approved policy.  | Executive Mayor<br>MMC Financial Management          |
| Town Planning and Townships Ordinance, (15/1986)             | E 14            | Determines the contributions for engineering services and open areas and parks In terms of Sections 63 and 92 of the Town Planning and Townships Ordinance, 1986, in respect of amendment schemes and subdivision of erven                          | Executive Mayor<br>MMC City Planning and Development |

| <b>ORIGIN OF AUTHORITY</b>             | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>   | <b>DELEGATED</b>                          |
|--|-----------------|--|---|
| Sect. 63 & 92                          |                 | after consultation with the Municipal Manager.<br>Adjudicates whether monies shall be payable in cases where there was no increase or a slight increase in potential floor space; provided that the applicant can appeal to the Municipality with respect to the determination of any contributions.                                   |   |
| Local Government Ordinance, 17 of 1939 | E 15            | Permits the use of the airfield for non-airfield related activities.   | Executive Mayor<br>MMC Public Safety      |
| MSA Council Policy                     | E 16            | Permits Councillors to travel outside the country and to be compensated in terms of the remuneration of the Public Office Bearers Act in consultation with the Speaker provided that such expenditure had been budgeted for.   | Executive Mayor                           |
| MFMA Sect. 53                          | E 17            | Approves service delivery and budget implementation plans  | Executive Mayor                           |
| MFMA                                   | E 18            | Oversees the budget Processes and reports to the MEC any delay in approving the budget.  | Executive Mayor<br>MMC Financial Services |
| MFMA Sect. 29                          | E 19            | Authorises, in emergency or other exceptional circumstances, unforeseeable and unavoidable expenditure for which no provision was made in an approved budget.  | Executive Mayor                           |
| MSA Sect. 56 (3)                       | E 20            | Identifies and develops criteria in terms of which progress with the implementation of the strategies, programmes and services can be evaluated, including key performances indicators which are specific to the municipality and common to local government in general and evaluates progress against the key performance indicators. | Executive Mayor<br>All MMC'S              |
| MSA Sect. 56 (3)                       | E 21            | Reviews the performance of the municipality in terms of the IDP & SDBIP.   | Executive Mayor<br>All MMC'S              |
| MSA Sect. 56 (3)                       | E 22            | Monitors and reviews the management of the municipality's administration and initiates corrective measures.  | Executive Mayor<br>All MMC'S              |
| MSA Sect. 56 (3)                       | E 23            | Oversees the provision of services to communities in the municipality in a sustainable manner  | Executive Mayor<br>All MMC'S              |

| <b>ORIGIN OF AUTHORITY</b>                  | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>  | <b>DELEGATED</b>                          |
|---|-----------------|---|---|
| MSA Sect. 56 (3)                            | E 24            | Ensures that regard is given to public views and reports on the effect of consultation on the decisions of the council.   | Executive Mayor<br>All MMC'S              |
| MSA Sect. 56 (4)                            | E 25            | Performs a ceremonial role as the representative of the Council.  | Executive Mayor                           |
| MFMA Sect. 131                              | E 26            | Ensures that issues raised by the Audit-General and Audit Committee, are addressed.   | Executive Mayor<br>All MMC'S              |
| Policy of Council                           | E 27            | Addresses any public or private audience on behalf of Council.  | Executive Mayor<br>All MMC'S              |
| Council resolution A (2) dated 31 May 2022  | E 28            | Appoints an arbitrary on behalf of Council in the case of disputes between Council and the Municipal Manager regarding the Municipal Manager's employment and performance contract. | Executive Mayor<br>MMC Corporate Services |
| MSTA  | E 29            | Instructs any Section 80 committee of Council to hold a meeting to discuss, report and make recommendations on any matter.  | Executive Mayor                           |
| MSA   | E 30            | Monitors the compliance by the Municipal Manager in accordance with his/her performance contract and takes corrective or other appropriate steps in the case of non-compliance.     | Executive Mayor<br>MMC Corporate Services |
| MSA Sect. 57                                | E 31            | Negotiates a performance contract with the Municipal Manager.   | Executive Mayor<br>MMC Corporate Services |
| Council resolution A (2) dated 31 May 2022  | E 32            | Signs any approved contract entered into with the Municipal Manager on behalf of Council.   | Executive Mayor                           |
| Council resolution A (2) dated 31 May 2022  | E 33            | Appoints an acting Executive Mayor.   | Executive Mayor                           |
| Council resolution A (2) dated 31 May 2022  | E 34            | Makes press releases on behalf of Council, including participation in interviews with members of the press.   | Executive Mayor<br>MMC Strategic Support  |
| Inter-Governmental Relations Framework Act. | E 35            | Seeks and develops co-operation and co-ordination with participating local municipalities and other spheres of government to the benefit of the community.                          | Executive Mayor<br>All MMC'S              |

| <b>ORIGIN OF AUTHORITY</b>                        | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>  | <b>DELEGATED</b>                                     |
|---|-----------------|---|--|
| MSA Sect. 57                                      | E 36            | Recommends the payment of performance bonuses to the Municipal Manager as well as Section 57 Managers as determined in accordance with their performance contracts.   | Executive Mayor<br>All MMC'S                         |
| Council resolution A (2) dated 31 May 2022        | E 37            | Signs any co-operative agreements with other organs of state, community bodies, other countries etc. after approval by Council.   | Executive Mayor<br>MMC Strategic Support             |
| Council resolution A (2) dated 31 May 2022        | E 38            | Decides on any other matter that has not been reserved for decision by the Council and has not been delegated to any official.  | Executive Mayor                                      |
| Council resolution A (2) dated 31 May 2022        | E 39            | Appoints an acting Municipal Manager when the Municipal Manager is not in the office, for a period 30 days.   | Executive Mayor                                      |
| Item 8 of Schedule 1 of the Municipal Systems Act | E 40            | Grants consent to members of the Mayoral Committee to undertake other paid work in terms of such terms and conditions as the Executive Mayor may deem necessary.  | Executive Mayor                                      |
| Council resolution A (2) dated 31 May 2022        | E 41            | Assigns portfolios for full-time Members of the Mayoral Committee.  | Executive Mayor                                      |
| Council resolution A (2) dated 31 May 2022        | E 42            | Assigns strategic objectives to full-time Councillors for implementation and overseeing.  | Executive Mayor                                      |
| Council resolution A (2) dated 31 May 2022        | E 43            | Approves travelling and subsistence claims of MMC's as well as the Municipal Manager and acting Municipal Manager.  | Executive Mayor                                      |
| Council resolution A (2) dated 31 May 2022        | E 44            | Takes a decision on the expropriation of immovable property or rights in or immovable property, subject to the Expropriation Act 63 of 1975 and all other applicable legislations and after consultation with the Municipal Manager.  | Executive Mayor<br>MMC City Planning and Development |
| Council resolution A (2) dated 31 May 2022        | E 45            | Settles, after considering a recommendation of the Head of Legal Services and the Municipal Manager; any legal action instituted in any competent court or forum for payment of money not exceeding R1.5 million or any arbitration where the value of the settlement does not exceed R500 000-00, provided that there are sufficient funds on the relevant vote to settle the claim. | Executive Mayor<br>MMC Corporate Services            |

| <b>ORIGIN OF AUTHORITY</b>                 | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>   | <b>DELEGATED</b>                                     |
|--|-----------------|--|--|
| Council resolution A (2) dated 31 May 2022 | E 46            | Involves communities in the development, implementation and review of Council's performance management system.   | Executive Mayor<br>All MMC'S                         |
| Council resolution A (2) dated 31 May 2022 | E 47            | Promotes social and economic development in Council's area of jurisdiction.  | Executive Mayor<br>All MMC'S                         |
| Council resolution A (2) dated 31 May 2022 | E 48            | Requests the Municipal Manager to allocate resources with regards to the personal protection of Councillors.   | Executive Mayor<br>MMC Public Safety                 |
| MFMA Sec 14                                | E 49            | Acquires immovable/movable property and reports to Council.  | Executive Mayor<br>MMC City Planning and Development |
| Council resolution A (2) dated 31 May 2022 | E 50            | Approves township establishment in accordance with applicable legislation.   | Executive Mayor<br>MMC City Planning and Development |
| 61   | E 51            | Appoints the members of the audit committee of the Municipality.   | Executive Mayor                                      |
| MFMA 166(2)(d)                             | E 52            | Requests the audit committee to investigate the financial affairs of the Municipality.   | Executive Mayor<br>MMC Financial Services            |
| MFMA 29(2)(c)                              | E 53            | Reports unforeseeable and unavoidable expenditure to Council and appropriate in an adjustments budget.   | Executive Mayor<br>MMC Financial Management          |
| MFMA Section 21 (1a,1b) (2a-d)             | E 54            | Facilitates the budget preparatory processes.  | Executive Mayor<br>MMC Financial Management          |
| MFMA 31(d)                                 | E 55            | Gives written approval for exceeding the amount appropriated in respect of a capital programme which run over more than one financial year.  | Executive Mayor                                      |
| MFMA 21(2)(d)                              | E 56            | Determines the manner and timing of consultation with the local municipalities within the municipal area, the provincial treasury and such other organs of state as may be prescribed with regard to the Municipality's annual budget. | Executive Mayor<br>MMC Financial Services            |
| MFMA 139(1)(b)                             | E 57            | Participates in consultations with the MEC for local government regarding the Municipality's co-operation in implementing the recovery plan,   | Executive Mayor<br>MMC Financial Services            |



| <b>ORIGIN OF AUTHORITY</b>                 | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>   | <b>DELEGATED</b>                             |
|--|-----------------|--|--|
|  |                 | including the approval of a budget and legislative measures giving effect to the recovery plan.  |  |
| MSA<br>39, 40, 41                          | E 58            | Approves the Employment Contract- and Performance Agreements of the Municipal Manager (Section 57 Systems Act).  | Executive Mayor                              |
| MSA<br>64                                  | E 59            | Implements delegations of the Executive Mayor through the Mayoral Committee and individual capacity.   | Executive Mayor                              |
| MFMA<br>32(7)                              | E 60            | Determines whether an alleged irregular expenditure incurred by the Municipal Manager constitutes a criminal offence.  | Executive Mayor                              |
| MFMA<br>137(1)(a-d)                        | E 61            | Participates in consultations with the MEC for local government regarding the Municipality's co-operation in resolving any financial problem, and if applicable, implementing the financial recovery plan.   | Executive Mayor<br>MMC Financial Services    |
| MFMA<br>171(4) (a) and (b)                 | E 62            | Decides whether an investigation of an allegation of financial misconduct against the Municipal Manager revealed anything that warrants the institution of disciplinary proceedings.   | Executive Mayor                              |
| MFMA<br>33(1)                              | E 63            | Decides to enter in a contract, which will Imposes financial obligations on the municipality beyond a financial year.  | Executive Mayor<br>MMC Financial Services    |
| MFMA<br>145(1))a)<br>146(1)(a)             | E 64            | Approves the financial recovery plan for the Municipality.   | Executive Mayor                              |
| MFMA<br>120(4)                             | E 65            | Decides to conduct a feasibility study before a public-private partnership is concluded.   | Executive Mayor                              |
| MFMA<br>53(1)(c)                           | E 66            | Approves the Service Delivery & Budget Implementation Plan.  | Executive Mayor                              |
| Council resolution A (2) dated 31 May 2022 | E 67            | Reports on disciplinary action of Managers directly accountable the Municipal Manager to Council for action by the Executive Mayor or the Municipal Manager according to the disciplinary regulations for Senior Managers 2010 (Notice No. 344 dated 21 April 2011). | Executive Mayor<br>MMC Corporate Services    |
| MFMA<br>32(7)                              | E 68            | Reports alleged irregular expenditure incurred by the Municipal Manager that constitutes a criminal offence as well as alleged theft and   | Executive Mayor<br>MMC Financial Management. |

| ORIGIN OF AUTHORITY                        | DEL. NO. | AUTHORITY / POWER   | DELEGATED                                 |
|--|----------|---|---|
|  |          | fraud perpetrated by the Municipal Manager to the SAPS.   |   |
| MFMA<br>26(4)                              | E 69     | Obtains the MEC responsible for finance's approval to withdraw funds from the Municipality's bank accounts, if a budget has not been approved on or before 1 July of each year. | Executive Mayor                           |
| MSA 60(1)(a)                               | E 70     | Expropriates immovable property or rights in or immovable property.   | Executive Mayor                           |
| MSA<br>60(1)(b)<br>Systems Act             | E 71     | Determines or alters the remuneration, benefits or other conditions of service of the Municipal Manager or Managers directly responsible the Municipal Manager.                 | Executive Mayor<br>MMC Corporate Services |
| Council resolution A (2) dated 31 May 2022 | E 72     | Executes any other matter, which Council deems to have executive powers except section 160(2) of the Constitution.  | Executive Mayor                           |

## **MAYORAL COMMITTEE**

### **ROLE**

Members the Mayoral Committee (MMC) assist the Executive Mayor in the execution of his/her executive powers.

### **LEGISLATIVE MANDATE**



The legislative mandate of the Mayoral Committee is contained in Annexure "D".

### **RESPONSIBILITIES OF THE MEMBER OF THE MAYORAL COMMITTEE (MMC): FINANCIAL MANAGEMENT**

The MMC must provide political leadership in ensuring that the Financial Services Department is functioning at an optimal level and that all strategies for the rendering of services is indeed successful.

The MMC is responsible for the monitoring, evaluating and reporting on performance pertaining to:

1. Credit control and debt collection.
2. Revenue enhancement.
3. Cash flow management.
4. Utilization of grants.
5. Payment of rates and taxes by municipal employees and councillors.
6. Timely payment of service providers.
7. Effectiveness of Supply Chain Management processes.

8. Financial losses.
9. Fleet management.
10. Asset management.
11. Accuracy of financial statements and reporting.
12. Risk Management.
13. Loss control.
14. Value for money, in terms of services rendered by service providers.
15. Enforcing of relevant by-laws.
16. Annual budget and adjustments thereto.
17. Payment of performance bonuses to personnel.
18. Establishment of Municipal Entities.
19. Establishment of Public Partnerships between the municipality and the private sector.
20. Amendment of relevant policies.
21. Recommendations with regards to section 71 reports (MFMA).
22. Financial contributions in terms of: (a) engineering services; and (b) open areas and parks.
23. Monthly budget statements and mid-year budget and performance assessment.
24. Productivity levels of personnel.
25. Proper utilization of Council resources.
26. Adherence to the Batho Pele principles.
27. Compliance with legislation.
28. Sound management practices.
29. Evaluation of audit reports and the implementation of recommendations.
30. Identification of challenges that have a negative influence on the municipality's ability to render affordable and sustainable municipal services.
31. Advise on how to resolve issues that have a negative impact on service delivery.
32. Any other function assigned by resolution of Council in its area of competence.
33. Report unforeseeable and unavoidable expenditure to Council and appropriate in an adjustments budget.
34. Table an Adjustments budget as required.
35. Table the annual budget.
36. Report on the Consultations on tabled budgets.
37. Table IDP & Budget timetable.
38. Informing the MEC responsible for finance of any impending non-compliance by the Municipality of any provisions of the MFMA or any other legislation pertaining to the tabling or approval of an annual budget or compulsory consultation processes.

39. Arranging for the receipt of a monthly statement on the state of the Municipality's budget and a mid-year corporate performance assessment report.
40. Budget Preparatory Processes.
41. Reporting to the Council and the MEC responsible for finance any delay in the tabling of an annual budget, the approval of the service delivery and budget implementation plan or the signing of the annual performance agreements.
42. Report on the Consultations on tabled budgets.
43. Audit and risk management reports - Ensuring that the Municipality addresses all the issues raised in the reports.
44. Monitoring and evaluation of the implementation of council policies, such as the Fraud and Corruption Prevention and Detection Policy.

#### **DELEGATED POWERS OF THE MMC FINANCIAL MANAGEMENT**

| <b>ORIGIN OF AUTHORITY</b> | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>  |
|----------------------------|-----------------|---|
| MSTA                       | F 1             | Sets policies in respect of the department pertaining to matters falling within the delegated powers of the Executive Mayor.  |
| MSA Sect. 56(2)            | F 2             | <ul style="list-style-type: none"> <li>a) Identifies the needs of the municipality; (In terms of the department.)</li> <li>b) Reviews and evaluates those needs in order of priority;</li> <li>c) Recommends to the Executive Mayor strategies, programmes and services to address priority needs through the integrated development plan, and the estimates of revenue and expenditure taking in account any applicable national and provincial development plans; and recommend or determines the best way, including partnership and other approaches to deliver those strategies, programmes and services to the maximum benefit of the community.</li> </ul> |
| MSA Sect. 56 (3)           | F 3             | Identifies and develops criteria in terms of which progress in the implementation of the strategies, programs and services referred to in subsection (2)(c) can be evaluated, including key performance indicators which are specific to the municipality and common to local government in general. Evaluate progress against the key performance indicators. (In terms of the department.)  |
| MSA Sect. 56 (3)           | F 4             | Reviews the performance of the department, in terms of the IDP & SDBIP.   |
| MSA Sect. 56 (3)           | F 5             | Monitors and reviews all management processes in the department and discuss options for correction with the Chief Financial Officer.  |
| MSA Sect. 56               | F 6             | Ensures that regard is given to public views and report on the  |

| ORIGIN OF AUTHORITY                        | DEL. NO. | AUTHORITY / POWER  |
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| (3)  |          | effect of consultation on the decisions of the council.  |
| MFMA Sect. 131                             | F 7      | Provide assurance that that issues raised by the Audit-General and Audit Committee are addressed.  |
| Council resolution A (2) dated 31 May 2022 | F 8      | Addresses any public or private audience on behalf of Council.   |
| Inter-Governmental Relations Framework Act | F 9      | Seeks and develops co-operation and coordination with participating local municipalities and other spheres of government to the benefit of the community.  |
| MSA Sect. 57                               | F 10     | Comment on the payment of performance bonuses pertaining to the Chief Financial Officer in accordance with her performance contract.   |
| MFMA 131(1)                                | F 11     | Ensures that the department addresses all the issues raised in the audit and risk management reports.  |
| MFMA 54(1)(f)                              | F 12     | Submits Mid-Year Reports to Council, with regards to the functioning of the department.  |
| MFMA 34(3)(a)                              | F 13     | Considers the results of the provincial government's monitoring of the department.   |
| MFMA 53(1)(c)(iii)                         | F 14     | Determines the reasonable steps to be taken to ensure that the annual performance agreements for the General Manager and all senior Managers, comply with the MFMA, are linked to the measurable performance objectives with the budget and the service delivery and budget implementation plan and are concluded in accordance with section 57(2) of the Municipal Systems Act. |
| MSA (1998) 56(2)(a-b)                      | F 15     | Identifies the municipal service delivery needs of the community, pertaining to the department. Reviews and evaluate those needs in order of priority.   |
| MSA (1998) 56(2)(c)                        | F 16     | Recommends to the Executive Mayor, strategies, programs and services to address priority needs through the integrated development plan and the estimates of revenue and expenditure, taking in account any applicable national and provincial development plans.   |
| MFMA 56(2)(d)                              | F 17     | In terms of the department, recommends or determines the best option, to deliver services to the maximum benefit of the community.   |
| MSA (1998) 56(3)(a)                        | F 18     | Identifies and develop criteria in terms of which progress in the implementation of the strategies, programs and services referred to in subsection (2)(c) can be evaluated, including key performance indicators which are specific to the municipality   |

| ORIGIN OF AUTHORITY                        | DEL. NO. | AUTHORITY / POWER   |
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|  |          | and common local government in general. Evaluate progress against the key performance indicators.   |
| MSA (1998)<br>56(3)(c)                     | F 19     | Reviews the performance of the department in order improve:-<br>(i) the efficiency and effectiveness of the department.<br>(ii) The efficiency of credit control and revenue and debt collection services; and<br>(iii) The implementation of the municipality's by-laws. |
| MSA (1998)<br>56(3)(e)                     | F 20     | Oversees the provision of services to communities in the municipality in a sustainable and affordable manner.   |
| Council resolution A (2) dated 31 May 2022 | F 21     | Make press releases and participate in interviews with the press pertaining to matters relating to the department, in consultation with the Chief Financial Officer and the Executive Mayor.  |
| Council resolution A (2) dated 31 May 2022 | F 22     | Receive and approve departmental reports for tabling at the Financial Services Section 80 Committee.  |
| Council resolution A (2) dated 31 May 2022 | F 23     | Ensuring that Section 80 Committee meetings are arranged on a regular basis.  |
| Council resolution A (2) dated 31 May 2022 | F 24     | Chairing the Financial Services Section 80 Committee.   |
| Council resolution A (2) dated 31 May 2022 | F 25     | Ensuring that all Financial Services Section 80 Committee meetings adhere to the applicable Standing Orders and are correctly constituted.  |
| Council resolution A (2) dated 31 May 2022 | F 26     | Ensuring that all Financial Services Section 80 Committee meetings are recorded and minutes compiled.   |
| Council resolution A (2) dated 31 May 2022 | F 27     | Ensuring that the Executive Mayor are duly informed about resolutions taken at the Section 80 Committee meetings.   |
| Council resolution A (2) dated 31 May 2022 | F 28     | Approve reports from the Section 80 Committee for tabling at the Mayoral Committee.   |
| Council resolution A (2) dated 31 May 2022 | F 29     | On a quarterly basis, consider operational and strategic risk mitigation reports from the Chief Financial Officer.  |
| Council                                    | F 30     | On a quarterly basis, consider loss control reports from the  |

| ORIGIN OF AUTHORITY                        | DEL. NO. | AUTHORITY / POWER   |
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| resolution A (2) dated 31 May 2022         |          | Chief Financial Officer.  |
| Council resolution A (2) dated 31 May 2022 | F 31     | On a quarterly basis, consider reports from the Chief Financial Officer pertaining to the implementation of the Fraud/Corruption Prevention and Detection Policy. |
| Council resolution A (2) dated 31 May 2022 | F 32     | On a quarterly basis, consider expenditure reports from the Chief Financial Officer.  |
| Council resolution A (2) dated 31 May 2022 | F 33     | On a quarterly basis, consider reports from the Monitoring and Evaluation Unit pertaining to the department.  |
| Council resolution A (2) dated 31 May 2022 | F 34     | Consider all reports from the Internal Audit Unit and Auditor-General in relation to the department.  |
| Council resolution A (2) dated 31 May 2022 | F 35     | Oversees the budget Processes and reports to the Executive Mayor any delay in approving the budget.   |
| Council resolution A (2) dated 31 May 2022 | F 36     | Monitor financial statements to foresee possible financial challenges that may jeopardize the ability of the municipality to adhere to its financial commitments. |
| Council resolution A (2) dated 31 May 2022 | F 37     | Informs the Executive Mayor of any impending non-compliance by the Municipality of any provisions of the MFMA or any other legislation.                           |

### **RESPONSIBILITIES OF THE MEMBER OF THE MAYORAL COMMITTEE: CORPORATE AND SUPPORT SERVICES**

The MMC must provide political leadership in ensuring that the Corporate Services Department is functioning at an optimal level and that all strategies for the rendering of services is indeed successful.

The MMC is responsible for the monitoring, evaluating and reporting on performance pertaining to:

1. Human Resource Provisioning and Performance.
2. Human Resource Maintenance.
3. Labour Relations.
4. Facilities Management.
5. Archives.
6. Council Secretariat.

7. Ward Committees.
8. Skills Development.
9. Employment Equity.
10. Service Centres.
11. Implementation of the Policy Framework for the staff establishment.
12. Adherence to policy and procedures pertaining to the appointment of personnel.
13. Ensuring that personnel is appointed in terms of IDP/SDBIP priorities.
14. Adherence to Leave Policy.
15. Benefits and other conditions of service of the Municipal Manager or Managers directly responsible to the Municipal Manager.
16. Executing of disciplinary action against personnel.
17. Implementation of amendments to relevant policies.
18. Labour management.
19. Review of the annual human resources report.
20. Performance in terms of the SDBIP.
21. Productivity levels of personnel.
22. Proper utilization of Council resources.
23. Financial management and value for money.
24. Adherence to the Batho Pele principles.
25. Compliance with legislation.
26. Sound management practices.
27. Implementation of action plans to mitigate risks.
28. Evaluation of audit reports and the implementation of recommendations.
29. Identification of challenges that have a negative influence on the municipality's ability to render affordable and sustainable municipal services.
30. Advise on how to resolve issues that have a negative impact on service delivery.
31. Risk Management.
32. Loss control.
33. Any other function assigned by resolution of Council in its area of competence.
34. Monitoring and evaluation of the implementation of council policies, such as the Fraud and Corruption Prevention and Detection Policy.

**DELEGATED POWERS OF THE MMC CORPORATE AND SUPPORT SERVICES**

| ORIGIN OF AUTHORITY | DEL. NO. | AUTHORITY / POWER |
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| ORIGIN OF AUTHORITY                        | DEL. NO. | AUTHORITY / POWER   |
|--|----------|---|
| MSTA                                       | G 1      | Sets policies in respect of the department pertaining to matters falling within the delegated powers of the Executive Mayor.  |
| MSA Sect. 56(2)                            | G 2      | a) Identifies the needs of the municipality; (In terms of the department.)<br>b) Reviews and evaluates those needs in order of priority;<br>c) Recommends to the Executive Mayor strategies, programmes and services to address priority needs through the integrated development plan, and the estimates of revenue and expenditure taking in account any applicable national and provincial development plans; and recommend or determines the best way, including partnership and other approaches to deliver those strategies, programmes and services to the maximum benefit of the community. |
| MSA Sect. 56 (3)                           | G 3      | Identifies and develops criteria in terms of which progress in the implementation of the strategies, programs and services referred to in subsection (2)(c) can be evaluated, including key performance indicators which are specific to the municipality and common to local government in general. Evaluate progress against the key performance indicators. (In terms of the department.)  |
| MSA Sect. 56 (3)                           | G 4      | Reviews the performance of the department, in terms of the IDP & SDBIP.   |
| MSA Sect. 56 (3)                           | G 5      | Monitors and reviews all management processes in the department and discuss options for correction with the Head of the Department.   |
| MSA Sect. 56 (3)                           | G 6      | Ensures that regard is given to public views and report on the effect of consultation on the decisions of the council.  |
| MFMA Sect. 131                             | G 7      | Provide assurance that that issues raised by the Audit-General and Audit Committee are addressed.   |
| Council resolution A (2) dated 31 May 2022 | G 8      | Addresses any public or private audience on behalf of Council.  |
| Inter-Governmental Relations Framework Act | G 9      | Seeks and develops co-operation and coordination with participating local municipalities and other spheres of government to the benefit of the community.   |
| MSA Sect. 57                               | G 10     | Comment on the payment of performance bonuses pertaining to the GM: Corporate and Support Services in accordance with his/her performance contracts.  |
| MFMA                                       | G 11     | Ensures that the department addresses all the issues raised in the audit and risk management reports.   |

| ORIGIN OF AUTHORITY                                 | DEL. NO. | AUTHORITY / POWER  |
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| 131(1)  |          |  |
| MFMA<br>54(1)(f)                                    | G 12     | Submits Mid-Year Reports to Council, with regards to the functioning of the department.  |
| MFMA<br>34(3)(a)                                    | G 13     | Considers the results of the provincial government's monitoring of the department.   |
| MFMA<br>53(1)(c)(iii)                               | G 14     | Determines the reasonable steps to be taken to ensure that the annual performance agreements for the General Manager and all senior Managers, comply with the MFMA, are linked to the measurable performance objectives with the budget and the service delivery and budget implementation plan and are concluded in accordance with section 57(2) of the Municipal Systems Act. |
| MSA (1998)<br>56(2)(a-b)                            | G 15     | Identifies the municipal service delivery needs of the community, pertaining to the department. Reviews and evaluate those needs in order of priority.   |
| MSA (1998)<br>56(2)(c)                              | G 16     | Recommends to the Executive Mayor, strategies, programs and services to address priority needs through the integrated development plan and the estimates of revenue and expenditure, taking in account any applicable national and provincial development plans.   |
| MFMA<br>56(2)(d)                                    | G 17     | In terms of the department, recommends or determines the best option, to deliver services to the maximum benefit of the community.   |
| MSA (1998)<br>56(3)(a)                              | G 18     | Identifies and develop criteria in terms of which progress in the implementation of the strategies, programs and services referred to in subsection (2)(c) can be evaluated, including key performance indicators which are specific to the municipality and common local government in general. Evaluate progress against the key performance indicators.                       |
| MSA (1998)<br>56(3)(c)                              | G 19     | Reviews the performance of the department in order improve:-<br>(i) the efficiency and effectiveness of the department.<br>(ii) The efficiency of credit control and revenue and debt collection services; and<br>(iii) The implementation of the municipality's by-laws.  |
| MSA (1998)<br>56(3)(e)                              | G 20     | Oversees the provision of services to communities in the municipality in a sustainable and affordable manner.  |
| Council<br>resolution A (2)<br>dated 31 May<br>2022 | G 21     | Make press releases and participate in interviews with the press pertaining to matters relating to the department, in consultation with the General Manager and the Executive Mayor.   |
| Council   | G 22     | Receive and approve departmental reports for tabling at the  |

| ORIGIN OF AUTHORITY                        | DEL. NO. | AUTHORITY / POWER   |
|--|----------|---|
| resolution A (2) dated 31 May 2022         |          | Corporate and Support Services Section 80 Committee.  |
| Council resolution A (2) dated 31 May 2022 | G 23     | Ensuring that Section 80 Committee meetings are arranged on a regular basis.  |
| Council resolution A (2) dated 31 May 2022 | G 24     | Chairing the Corporate and Support Services Section 80 Committee.   |
| Council resolution A (2) dated 31 May 2022 | G 25     | Ensuring that all Corporate and Support Services Section 80 Committee meetings adhere to the applicable Standing Orders and are correctly constituted.    |
| Council resolution A (2) dated 31 May 2022 | G 26     | Ensuring that all Corporate and Support Services Section 80 Committee meetings are recorded and minutes compiled.   |
| Council resolution A (2) dated 31 May 2022 | G 27     | Ensuring that the Executive Mayor are duly informed about resolutions taken at the Section 80 Committee meetings.   |
| Council resolution A (2) dated 31 May 2022 | G 28     | Approve reports from the Section 80 Committee for tabling at the Mayoral Committee.   |
| Council resolution A (2) dated 31 May 2022 | G 29     | On a quarterly basis, consider operational and strategic risk mitigation reports from the General Manager.  |
| Council resolution A (2) dated 31 May 2022 | G 30     | On a quarterly basis, consider loss control reports from the General Manager.   |
| Council resolution A (2) dated 31 May 2022 | G 31     | On a quarterly basis, consider reports from the General Manager pertaining to the implementation of the Fraud/Corruption Prevention and Detection Policy. |
| Council resolution A (2) dated 31 May 2022 | G 32     | On a quarterly basis, consider expenditure reports from the General Manager.  |
| Council resolution A (2) dated 31 May 2022 | G 33     | On a quarterly basis, consider reports from the Monitoring and Evaluation Unit pertaining to the department.  |
| Council resolution A (2)                   | G 34     | Consider all reports from the Internal Audit Unit and Auditor-  |

| ORIGIN OF AUTHORITY                        | DEL. NO. | AUTHORITY / POWER   |
|--|----------|---|
| dated 31 May 2022                          |          | General in relation to the department.                            |
| Council resolution A (2) dated 31 May 2022 | G 35     | Submits quarterly Human Resource reports to the Mayoral Committee |

**RESPONSIBILITIES OF THE MEMBER OF THE MAYORAL COMMITTEE: TECHNICAL SERVICES:**

The MMC must provide political leadership in ensuring that the Department of Technical Services is functioning at an optimal level and that all strategies for the rendering of services is indeed successful.

The MMC is responsible for the monitoring, evaluating and reporting on performance pertaining to:

1. Implementation of the Public Transport Master plan.
2. Public transport amenities.
3. Civil Engineering master plans.
4. Oversee the process of the Section 78 Investigations.
5. Water provision.
6. Unaccounted water losses.
7. Usage of water trucks.
8. Control over water infrastructure.
9. Bulk water supply.
10. Internal water reticulation network.
11. Concession monitoring.
12. Energy development and provision.
13. Electricity network.
14. Electricity losses.
15. Electricity provision.
16. Unaccounted water losses.
17. Environmental management.
18. Implementation of amendments to relevant policies.
19. Enforcement of applicable by-laws;
20. Performance in terms of the SDBIP.
21. Productivity levels of personnel.
22. Proper utilization of Council resources.

23. Financial management and value for money.
24. Adherence to the Batho Pele principles.
25. Compliance with legislation, policies and procedures.
26. Sound management practices.
27. Risk Management.
28. Loss control.
29. Implementation of capital projects concerning roads and storm water.
30. Identification of challenges that have a negative influence on the municipality's ability to render affordable and sustainable municipal services.
31. Advise on how to resolve issues that have a negative impact on service delivery.
32. Monitoring and evaluation of the implementation of council policies, such as the Fraud and Corruption Prevention and Detection Policy.
33. Any other function assigned by resolution of Council in its area of competence.

#### **DELEGATED POWERS OF THE MMC TECHNICAL SERVICES**

| <b>ORIGIN OF AUTHORITY</b> | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>   |
|----------------------------|-----------------|--|
| MSTA                       | I 1             | Sets policies in respect of the department pertaining to matters falling within the delegated powers of the Executive Mayor.   |
| MSA Sect. 56(2)            | I 2             | <p>a) Identifies the needs of the municipality; (In terms of the department.)</p> <p>b) Reviews and evaluates those needs in order of priority;</p> <p>c) Recommends to the Executive Mayor strategies, programmes and services to address priority needs through the integrated development plan, and the estimates of revenue and expenditure taking in account any applicable national and provincial development plans; and recommend or determines the best way, including partnership and other approaches to deliver those strategies, programmes and services to the maximum benefit of the community.</p> |
| MSA Sect. 56 (3)           | I 3             | Identifies and develops criteria in terms of which progress in the implementation of the strategies, programs and services referred to in subsection (2)(c) can be evaluated, including key performance indicators which are specific to the municipality and common to local government in general. Evaluate progress against the key performance indicators. (In terms of the department.)   |
| MSA Sect. 56 (3)           | I 4             | Reviews the performance of the department, in terms of the IDP & SDBIP.  |
| MSA Sect. 56               | I 5             | Monitors and reviews all management processes in the   |

| ORIGIN OF AUTHORITY                        | DEL. NO. | AUTHORITY / POWER  |
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| (3)  |          | department and discuss options for correction with the Head of the Department.   |
| MSA Sect. 56 (3)                           | I 6      | Ensures that regard is given to public views and report on the effect of consultation on the decisions of the council.   |
| MFMA Sect. 131                             | I 7      | Provide assurance that that issues raised by the Audit-General and Audit Committee are addressed.  |
| Council resolution A (2) dated 31 May 2022 | I 8      | Addresses any public or private audience on behalf of Council.   |
| Inter-Governmental Relations Framework Act | I 9      | Seeks and develops co-operation and coordination with participating local municipalities and other spheres of government to the benefit of the community.  |
| MSA Sect. 57                               | I 10     | Comment on the payment of performance bonuses pertaining to the GM: Technical Services in accordance with his/her performance contracts.   |
| MFMA 131(1)                                | I 11     | Ensures that the department addresses all the issues raised in the audit and risk management reports.  |
| MFMA 54(1)(f)                              | I 12     | Submits Mid-Year Reports to Council, with regards to the functioning of the department.  |
| MFMA 34(3)(a)                              | I 13     | Considers the results of the provincial government's monitoring of the department.   |
| MFMA 53(1)(c)(iii)                         | I 14     | Determines the reasonable steps to be taken to ensure that the annual performance agreements for the General Manager and all senior Managers, comply with the MFMA, are linked to the measurable performance objectives with the budget and the service delivery and budget implementation plan and are concluded in accordance with section 57(2) of the Municipal Systems Act. |
| MSA (1998) 56(2)(a-b)                      | I 15     | Identifies the municipal service delivery needs of the community, pertaining to the department. Reviews and evaluate those needs in order of priority.   |
| MSA (1998) 56(2)(c)                        | I 16     | Recommends to the Executive Mayor, strategies, programs and services to address priority needs through the integrated development plan and the estimates of revenue and expenditure, taking in account any applicable national and provincial development plans.   |
| MFMA 56(2)(d)                              | I 17     | In terms of the department, recommends or determines the best option, to deliver services to the maximum benefit of the community.   |

| ORIGIN OF AUTHORITY                        | DEL. NO. | AUTHORITY / POWER  |
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| MSA (1998)<br>56(3)(a)                     | I 18     | Identifies and develop criteria in terms of which progress in the implementation of the strategies, programs and services referred to in subsection (2)(c) can be evaluated, including key performance indicators which are specific to the municipality and common local government in general. Evaluate progress against the key performance indicators. |
| MSA (1998)<br>56(3)(c)                     | I 19     | Reviews the performance of the department in order improve:-<br>(i) the efficiency and effectiveness of the department.<br>(ii) The efficiency of credit control and revenue and debt collection services; and<br>(iii) The implementation of the municipality's by-laws.  |
| MSA (1998)<br>56(3)(e)                     | I 20     | Oversees the provision of services to communities in the municipality in a sustainable and affordable manner.  |
| Council resolution A (2) dated 31 May 2022 | I 21     | Make press releases and participate in interviews with the press pertaining to matters relating to the department, in consultation with the General Manager and the Executive Mayor.   |
| Council resolution A (2) dated 31 May 2022 | I 22     | Receive and approve departmental reports for tabling at the Technical Services Section 80 Committee.   |
| Council resolution A (2) dated 31 May 2022 | I 23     | Ensuring that Section 80 Committee meetings are arranged on a regular basis.   |
| Council resolution A (2) dated 31 May 2022 | I 24     | Chairing the Technical Services Section 80 Committee.  |
| Council resolution A (2) dated 31 May 2022 | I 25     | Ensuring that all Technical Services Section 80 Committee meetings adhere to the applicable Standing Orders and are correctly constituted.   |
| Council resolution A (2) dated 31 May 2022 | I 26     | Ensuring that all Technical Services Section 80 Committee meetings are recorded and minutes compiled.  |
| Council resolution A (2) dated 31 May 2022 | I 27     | Ensuring that the Executive Mayor are duly informed about resolutions taken at the Section 80 Committee meetings.  |
| Council resolution A (2) dated 31 May 2022 | I 28     | Approve reports from the Section 80 Committee for tabling at the Mayoral Committee.  |

| ORIGIN OF AUTHORITY                        | DEL. NO. | AUTHORITY / POWER   |
|--|----------|---|
| Council resolution A (2) dated 31 May 2022 | I 29     | On a quarterly basis, consider operational and strategic risk mitigation reports from the General Manager.  |
| Council resolution A (2) dated 31 May 2022 | I 30     | On a quarterly basis, consider loss control reports from the General Manager.   |
| Council resolution A (2) dated 31 May 2022 | I 31     | On a quarterly basis, consider reports from the General Manager pertaining to the implementation of the Fraud/Corruption Prevention and Detection Policy. |
| Council resolution A (2) dated 31 May 2022 | I 32     | On a quarterly basis, consider expenditure reports from the General Manager.  |
| Council resolution A (2) dated 31 May 2022 | I 33     | On a quarterly basis, consider reports from the Monitoring and Evaluation Unit pertaining to the department.  |
| Council resolution A (2) dated 31 May 2022 | I 34     | Consider all reports from the Internal Audit Unit and Auditor-General in relation to the department.  |

**RESPONSIBILITIES OF THE MEMBER OF THE MAYORAL COMMITTEE: CITY PLANNING AND DEVELOPMENT**

The MMC must provide political leadership in ensuring that the Department of City Planning and Development is functioning at an optimal level and that all strategies for the rendering of services is indeed successful.

The MMC is responsible for the monitoring, evaluating and reporting on performance pertaining to:

1. Review of the Spatial Development Plan (SDF).
2. Smart City Concept.
3. Uncontrolled urbanization.
4. Implementation of amendments to relevant policies.
5. Enforcement of by-laws.
6. Productivity levels of personnel.
7. Effective and efficient utilization of Council resources.
8. Financial management and value for money.
9. Adherence to the Batho Pele principles.
10. Compliance with legislation.
11. Sound management practices.



12. Implementation of action plans to mitigate risks.
13. Identification of challenges that have a negative influence on the municipality's ability to render affordable and sustainable municipal services.
14. Advise on how to resolve issues that have a negative impact on service delivery.
15. Risk Management.
16. Loss Control.
17. Monitoring and evaluation of the implementation of council policies, such as the Fraud and Corruption Prevention and Detection Policy.
18. Any other function assigned by resolution of Council in its area of competence.

**RESPONSIBILITIES OF THE MEMBER OF THE MAYORAL COMMITTEE: CITY PLANNING AND DEVELOPMENT**

| <b>ORIGIN OF AUTHORITY</b>            | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>   |
|---------------------------------------|-----------------|--|
| MSTA                                  | K 1             | Sets policy in respect of matters falling within the delegated powers of the Executive Mayor pertaining to the department.   |
| MSA Sect. 56(2)                       | K 2             | <ul style="list-style-type: none"> <li>a) Identifies the needs of the municipality; (In terms of the department.)</li> <li>b) Reviews and evaluate those needs in order of priority;</li> <li>c) Recommend to the Executive Mayor strategies, programmes and services to addresses priority needs through the integrated development plan, and the estimates of revenue and expenditure taking in account any applicable national and provincial development plans; and recommend or determines the best way, including partnership and other approaches to deliver those strategies, programmes and services to the maximum benefit of the community, pertaining the department.</li> </ul> |
| MSA Sect. 56 (3)                      | K 3             | Reviews the performance of the department in terms of the IDP & SDBIP.   |
| MSA Sect. 56 (3)                      | K 4             | Monitors and reviews all management processes in the department and initiates corrective action where needed.  |
| MSA Sect. 56 (3)                      | K 5             | Oversees the provision of services to communities in a sustainable manner pertaining the department.   |
| MSA Sect. 56 (3)                      | K 6             | Ensures that regard is given to public views and report on the effect of consultation on the decisions of the council.   |
| MFMA Sect. 131                        | K 7             | Ensures that issues raised by the Audit-General and Audit Committee, are addressed.  |
| Council resolution A (2) dated 31 May | K 8             | Addresses any public or private audience on behalf of Council.   |

| ORIGIN OF AUTHORITY                         | DEL. NO. | AUTHORITY / POWER   |
|---|----------|---|
| 2022  |          |   |
| Inter-Governmental Relations Framework Act. | K 9      | Seeks and develop co-operation and coordination with participating local municipalities and other spheres of government the benefit of the community with regards to the department.  |
| MSA Sect. 57                                | K 10     | Comments on the payment of performance bonuses to the GM: City Planning and Development as determined in accordance with his/her performance contract.  |
| MFMA 131(1)                                 | K 11     | Ensures that the Municipality addresses all the issues raised in the audit and risk management reports.   |
| MFMA 54(1)(f)                               | K 12     | Submits a Mid-Year Report to Council.   |
| MSA (1998) 56(2)(c)                         | K 13     | Recommends to the Executive Mayor strategies, programs and services to address priority needs through the integrated development plan and the estimates of revenue and expenditure, taking in account any applicable national and provincial development plans.                     |
| MFMA 56(2)(d)                               | K 14     | Recommends or determines the best way, including partnership and other approaches to deliver strategies, programs and services to the maximum benefit of the community.   |
| MSA (1998) 56(3)(a)                         | K 15     | Identifies and develop criteria in terms of which progress in the implementation of the strategies, programs and services referred to in subsection (2)(c) can be evaluated, including key performance indicators which are specific to the department.                             |
| MSA (1998) 56(3)(b)                         | K 16     | Evaluates progress against the key performance indicators.  |
| MSA (1998) 56(3)(c)                         | K 17     | Reviews the performance of the department in order improve-<br>(i) The economy, efficiency and effectiveness of the municipality.<br>(ii) The efficiency of credit control and revenue and debt collection services; and<br>(iii) The implementation of the municipality's by-laws. |
| Council resolution A (2) dated 31 May 2022  | K 18     | Comment on the expropriation of immovable property or rights in or immovable property, subject to the Expropriation Act 63 of 1975 and all other applicable legislations and after consultation with the General Manager.   |
| Sect 4(g)(MSA 2000)                         | K 19     | Promote development in the Municipality, together with Council (Sect. 4(g) of Municipal Systems Act 2000).  |
| Council                                     | K 20     | Receive and approve departmental reports for tabling at the City  |

| ORIGIN OF AUTHORITY                        | DEL. NO. | AUTHORITY / POWER   |
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| resolution A (2) dated 31 May 2022         |          | Planning and Development Section 80 Committee.  |
| Council resolution A (2) dated 31 May 2022 | K 21     | Ensuring that Section 80 Committee meetings are arranged on a regular basis.  |
| Council resolution A (2) dated 31 May 2022 | K 22     | Chairing the City Planning and Development Section 80 Committee.  |
| Council resolution A (2) dated 31 May 2022 | K 23     | Ensuring that all City Planning and Development Section 80 Committee meetings adhere to the applicable Standing Orders and are correctly constituted.     |
| Council resolution A (2) dated 31 May 2022 | K 24     | Ensuring that all City Planning and Development Section 80 Committee meetings are recorded and minutes compiled.  |
| Council resolution A (2) dated 31 May 2022 | K 25     | Ensuring that the Executive Mayor are duly informed about resolutions taken at the Section 80 Committee meetings.   |
| Council resolution A (2) dated 31 May 2022 | K 26     | Approve reports from the Section 80 Committee for tabling at the Mayoral Committee.   |
| Council resolution A (2) dated 31 May 2022 | K 27     | On a quarterly basis, consider operational and strategic risk mitigation reports from the General Manager.  |
| Council resolution A (2) dated 31 May 2022 | K 28     | On a quarterly basis, consider loss control reports from the General Manager.   |
| Council resolution A (2) dated 31 May 2022 | K 29     | On a quarterly basis, consider reports from the General Manager pertaining to the implementation of the Fraud/Corruption Prevention and Detection Policy. |
| Council resolution A (2)                   | K 30     | On a quarterly basis, consider expenditure reports from the General Manager.  |

| ORIGIN OF AUTHORITY                        | DEL. NO. | AUTHORITY / POWER  |
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| dated 31 May 2022                          |          |  |
| Council resolution A (2) dated 31 May 2022 | K 31     | On a quarterly basis, consider reports from the Monitoring and Evaluation Unit pertaining to the department. |
| Council resolution A (2) dated 31 May 2022 | K 32     | Consider all reports from the Internal Audit Unit and Auditor-General in relation to the department.         |

**RESPONSIBILITIES OF THE MEMBER OF THE MAYORAL COMMITTEE: LOCAL ECONOMIC DEVELOPMENT:**

The MMC must provide political leadership in ensuring that the Department of Local Economic Development is functioning at an optimal level and that all strategies for the rendering of services is indeed successful.

The MMC is responsible for the monitoring, evaluating and reporting on performance pertaining to:

1. Local Economic Development & Tourism.
2. Trade and Investment Promotion.
3. Informal Trading Management.
4. BEE Development.
5. SMME and Cooperatives Development.
6. Job Creation.
7. Tourism Development and Marketing.
8. Development of Investment incentives.
9. Implementation of amendments to relevant policies.
10. Enforcement of by-laws.
11. Economic development strategy.
12. Tourism and trade strategy.
13. Productivity levels of personnel.
14. Effective and efficient utilization of Council resources.
15. Financial management and value for money.
16. Adherence to the Batho Pele principles.
17. Compliance with legislation.
18. Sound management practices.

19. Implementation of action plans to mitigate risks.
20. Identification of challenges that have a negative influence on the municipality's ability to render affordable and sustainable municipal services.
21. Advise on how to resolve issues that have a negative impact on service delivery.
22. Youth development.
23. Risk Management.
24. Loss Control.
25. Monitoring and evaluation of the implementation of council policies, such as the Fraud and Corruption Prevention and Detection Policy.
26. Any other function assigned by resolution of Council in its area of competence.

**DELEGATED POWERS OF THE MEMBER OF THE MAYORAL COMMITTEE: LOCAL ECONOMIC DEVELOPMENT:**

| ORIGIN OF AUTHORITY | DEL. NO. | AUTHORITY / POWER   |
|---------------------|----------|---|
| MSTA                | L 1      | Sets policies in respect of the department pertaining to matters falling within the delegated powers of the Executive Mayor.  |
| MSA Sect. 56(2)     | L 2      | a) Identifies the needs of the municipality; (In terms of the department.)<br>b) Reviews and evaluates those needs in order of priority;<br>c) Recommends to the Executive Mayor strategies, programmes and services to address priority needs through the integrated development plan, and the estimates of revenue and expenditure taking in account any applicable national and provincial development plans; and recommend or determines the best way, including partnership and other approaches to deliver those strategies, programmes and services to the maximum benefit of the community. |
| MSA Sect. 56 (3)    | L 3      | Identifies and develops criteria in terms of which progress in the implementation of the strategies, programs and services referred to in subsection (2)(c) can be evaluated, including key performance indicators which are specific to the municipality and common to local government in general. Evaluate progress against the key performance indicators. (In terms of the department.)  |
| MSA Sect. 56 (3)    | L 4      | Reviews the performance of the department, in terms of the IDP & SDBIP.   |
| MSA Sect. 56 (3)    | L 5      | Monitors and reviews all management processes in the department and discuss options for correction with the Head of the Department.   |
| MSA Sect. 56        | L 6      | Ensures that regard is given to public views and report on the  |

| ORIGIN OF AUTHORITY                        | DEL. NO. | AUTHORITY / POWER  |
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| (3)  |          | effect of consultation on the decisions of the council.  |
| MFMA Sect. 131                             | L 7      | Provide assurance that that issues raised by the Audit-General and Audit Committee are addressed.  |
| Council resolution A (2) dated 31 May 2022 | L 8      | Addresses any public or private audience on behalf of Council.   |
| Inter-Governmental Relations Framework Act | L 9      | Seeks and develops co-operation and coordination with participating local municipalities and other spheres of government to the benefit of the community.  |
| MSA Sect. 57                               | L 10     | Comment on the payment of performance bonuses pertaining to the GM: Local Economic Development in accordance with his/her performance contracts.   |
| MFMA 131(1)                                | L 11     | Ensures that the department addresses all the issues raised in the audit and risk management reports.  |
| MFMA 54(1)(f)                              | L 12     | Submits Mid-Year Reports to Council, with regards to the functioning of the department.  |
| MFMA 34(3)(a)                              | L 13     | Considers the results of the provincial government's monitoring of the department.   |
| MFMA 53(1)(c)(iii)                         | L 14     | Determines the reasonable steps to be taken to ensure that the annual performance agreements for the General Manager and all senior Managers, comply with the MFMA, are linked to the measurable performance objectives with the budget and the service delivery and budget implementation plan and are concluded in accordance with section 57(2) of the Municipal Systems Act. |
| MSA (1998) 56(2)(a-b)                      | L 15     | Identifies the municipal service delivery needs of the community, pertaining to the department. Reviews and evaluate those needs in order of priority.   |
| MSA (1998) 56(2)(c)                        | L 16     | Recommends to the Executive Mayor, strategies, programs and services to address priority needs through the integrated development plan and the estimates of revenue and expenditure, taking in account any applicable national and provincial development plans.   |
| MFMA 56(2)(d)                              | L 17     | In terms of the department, recommends or determines the best option, to deliver services to the maximum benefit of the community.   |
| MSA (1998) 56(3)(a)                        | L 18     | Identifies and develop criteria in terms of which progress in the implementation of the strategies, programs and services referred to in subsection (2)(c) can be evaluated, including key performance indicators which are specific to the municipality   |

| ORIGIN OF AUTHORITY                        | DEL. NO. | AUTHORITY / POWER   |
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|  |          | and common local government in general. Evaluate progress against the key performance indicators.   |
| MSA (1998)<br>56(3)(c)                     | L 19     | Reviews the performance of the department in order improve:-<br>(i) the efficiency and effectiveness of the department.<br>(ii) The efficiency of credit control and revenue and debt collection services; and<br>(iii) The implementation of the municipality's by-laws. |
| MSA (1998)<br>56(3)(e)                     | L 20     | Oversees the provision of services to communities in the municipality in a sustainable and affordable manner.   |
| Council resolution A (2) dated 31 May 2022 | L 21     | Make press releases and participate in interviews with the press pertaining to matters relating to the department, in consultation with the General Manager and the Executive Mayor.  |
| Council resolution A (2) dated 31 May 2022 | L 22     | Receive and approve departmental reports for tabling at the Local Economic Development Section 80 Committee.  |
| Council resolution A (2) dated 31 May 2022 | L 23     | Ensuring that Section 80 Committee meetings are arranged on a regular basis.  |
| Council resolution A (2) dated 31 May 2022 | L 24     | Chairing the Local Economic Development Section 80 Committee.   |
| Council resolution A (2) dated 31 May 2022 | L 25     | Ensuring that all Local Economic Development Section 80 Committee meetings adhere to the applicable Standing Orders and are correctly constituted.  |
| Council resolution A (2) dated 31 May 2022 | L 26     | Ensuring that all Local Economic Development Section 80 Committee meetings are recorded and minutes compiled.   |
| Council resolution A (2) dated 31 May 2022 | L 27     | Ensuring that the Executive Mayor are duly informed about resolutions taken at the Section 80 Committee meetings.   |
| Council resolution A (2) dated 31 May 2022 | L 28     | Approve reports from the Section 80 Committee for tabling at the Mayoral Committee.   |
| Council resolution A (2) dated 31 May 2022 | L 29     | On a quarterly basis, consider operational and strategic risk mitigation reports from the General Manager.  |

| ORIGIN OF AUTHORITY                        | DEL. NO. | AUTHORITY / POWER   |
|--|----------|---|
| Council resolution A (2) dated 31 May 2022 | L 30     | On a quarterly basis, consider loss control reports from the General Manager.   |
| Council resolution A (2) dated 31 May 2022 | L 31     | On a quarterly basis, consider reports from the General Manager pertaining to the implementation of the Fraud/Corruption Prevention and Detection Policy. |
| Council resolution A (2) dated 31 May 2022 | L 32     | On a quarterly basis, consider expenditure reports from the General Manager.  |
| Council resolution A (2) dated 31 May 2022 | L 33     | On a quarterly basis, consider reports from the Monitoring and Evaluation Unit pertaining to the department.  |
| Council resolution A (2) dated 31 May 2022 | L 34     | Consider all reports from the Internal Audit Unit and Auditor-General in relation to the department.  |

**RESPONSIBILITIES OF THE MEMBER OF THE MAYORAL COMMITTEE: COMMUNITY SERVICES**

The MMC must provide political leadership in ensuring that the Department of Community Services is functioning at an optimal level and that all strategies for the rendering of services is indeed successful.

The MMC is responsible for the monitoring, evaluating and reporting on performance pertaining to:

1. Parks Management.
2. Waste and refuse removal management.
3. Environmental Management.
4. Community facilities.
5. Cemeteries.
6. Recreation facilities.
7. Nature reserves.
8. By-Law Enforcement.
9. Fire and Rescue services.
10. Traffic Services.
11. Security Services.
12. Disaster Management.
13. Implementation of amendments to relevant policies.



14. Enforcement of by-laws.
15. Regular review of all strategies concerning each function.
16. Productivity levels of personnel.
17. Effective and efficient utilization of Council resources.
18. Financial management and value for money.
19. Adherence to the Batho Pele principles.
20. Compliance with legislation.
21. Sound management practices.
22. Loss control.
23. Risk Management.
24. Identification of challenges that have a negative influence on the municipality's ability to render affordable and sustainable municipal services.
25. Advise on how to resolve issues that have a negative impact on service delivery.
26. Monitoring and evaluation of the implementation of council policies, such as the Fraud and Corruption Prevention and Detection Policy.
27. Any other function assigned by resolution of Council in its area of competence.

#### **DELEGATED POWERS OF THE MMC COMMUNITY SERVICES**

| <b>ORIGIN OF AUTHORITY</b> | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>  |
|----------------------------|-----------------|---|
| MSTA                       | N 1             | Sets policies in respect of the department pertaining to matters falling within the delegated powers of the Executive Mayor.  |
| MSA Sect. 56(2)            | N 2             | <ol style="list-style-type: none"> <li>a) Identifies the needs of the municipality; (In terms of the department.)</li> <li>b) Reviews and evaluates those needs in order of priority;</li> <li>c) Recommends to the Executive Mayor strategies, programmes and services to address priority needs through the integrated development plan, and the estimates of revenue and expenditure taking in account any applicable national and provincial development plans; and recommend or determines the best way, including partnership and other approaches to deliver those strategies, programmes and services to the maximum benefit of the community.</li> </ol> |
| MSA Sect. 56 (3)           | N 3             | Identifies and develops criteria in terms of which progress in the implementation of the strategies, programs and services referred to in subsection (2)(c) can be evaluated, including key performance indicators which are specific to the municipality and common to local government in general. Evaluate progress against the key performance indicators. (In terms of the   |

| ORIGIN OF AUTHORITY                        | DEL. NO. | AUTHORITY / POWER  |
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|  |          | department.)   |
| MSA Sect. 56 (3)                           | N 4      | Reviews the performance of the department, in terms of the IDP & SDBIP.  |
| MSA Sect. 56 (3)                           | N 5      | Monitors and reviews all management processes in the department and discuss options for correction with the Head of the Department.  |
| MSA Sect. 56 (3)                           | N 6      | Ensures that regard is given to public views and report on the effect of consultation on the decisions of the council.   |
| MFMA Sect. 131                             | N 7      | Provide assurance that that issues raised by the Audit-General and Audit Committee are addressed.  |
| Council resolution A (2) dated 31 May 2022 | N 8      | Addresses any public or private audience on behalf of Council.   |
| Inter-Governmental Relations Framework Act | N 9      | Seeks and develops co-operation and coordination with participating local municipalities and other spheres of government to the benefit of the community.  |
| MSA Sect. 57                               | N 10     | Comment on the payment of performance bonuses pertaining to the GM: Community Services in accordance with his/her performance contracts.   |
| MFMA 131(1)                                | N 11     | Ensures that the department addresses all the issues raised in the audit and risk management reports.  |
| MFMA 54(1)(f)                              | N 12     | Submits Mid-Year Reports to Council, with regards to the functioning of the department.  |
| MFMA 34(3)(a)                              | N 13     | Considers the results of the provincial government's monitoring of the department.   |
| MFMA 53(1)(c)(iii)                         | N 14     | Determines the reasonable steps to be taken to ensure that the annual performance agreements for the General Manager and all senior Managers, comply with the MFMA, are linked to the measurable performance objectives with the budget and the service delivery and budget implementation plan and are concluded in accordance with section 57(2) of the Municipal Systems Act. |
| MSA (1998) 56(2)(a-b)                      | N 15     | Identifies the municipal service delivery needs of the community, pertaining to the department. Reviews and evaluate those needs in order of priority.   |
| MSA (1998) 56(2)(c)                        | N 16     | Recommends to the Executive Mayor, strategies, programs and services to address priority needs through the integrated development plan and the estimates of revenue and expenditure, taking in account any applicable national and   |

| ORIGIN OF AUTHORITY                        | DEL. NO. | AUTHORITY / POWER  |
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|  |          | provincial development plans.  |
| MFMA<br>56(2)(d)                           | N 17     | In terms of the department, recommends or determines the best option, to deliver services to the maximum benefit of the community.   |
| MSA (1998)<br>56(3)(a)                     | N 18     | Identifies and develop criteria in terms of which progress in the implementation of the strategies, programs and services referred to in subsection (2)(c) can be evaluated, including key performance indicators which are specific to the municipality and common local government in general. Evaluate progress against the key performance indicators. |
| MSA (1998)<br>56(3)(c)                     | N 19     | Reviews the performance of the department in order improve:-<br>(i) the efficiency and effectiveness of the department.<br>(ii) The efficiency of credit control and revenue and debt collection services; and<br>(iii) The implementation of the municipality's by-laws.  |
| MSA (1998)<br>56(3)(e)                     | N 20     | Oversees the provision of services to communities in the municipality in a sustainable and affordable manner.  |
| Council resolution A (2) dated 31 May 2022 | N 21     | Make press releases and participate in interviews with the press pertaining to matters relating to the department, in consultation with the General Manager and the Executive Mayor.   |
| Council resolution A (2) dated 31 May 2022 | N 22     | Receive and approve departmental reports for tabling at the Community Services Section 80 Committee.   |
| Council resolution A (2) dated 31 May 2022 | N 23     | Ensuring that Section 80 Committee meetings are arranged on a regular basis.   |
| Council resolution A (2) dated 31 May 2022 | N 24     | Chairing the Community Services Section 80 Committee.  |
| Council resolution A (2) dated 31 May 2022 | N 25     | Ensuring that all Community Services Section 80 Committee meetings adhere to the applicable Standing Orders and are correctly constituted.   |
| Council resolution A (2) dated 31 May 2022 | N 26     | Ensuring that all Community Services Section 80 Committee meetings are recorded and minutes compiled.  |
| Council resolution A (2) dated 31 May 2022 | N 27     | Ensuring that the Executive Mayor are duly informed about resolutions taken at the Section 80 Committee meetings.  |

| ORIGIN OF AUTHORITY                        | DEL. NO. | AUTHORITY / POWER   |
|--|----------|---|
| Council resolution A (2) dated 31 May 2022 | N 28     | Approve reports from the Section 80 Committee for tabling at the Mayoral Committee.   |
| Council resolution A (2) dated 31 May 2022 | N 29     | On a quarterly basis, consider operational and strategic risk mitigation reports from the General Manager.  |
| Council resolution A (2) dated 31 May 2022 | N 30     | On a quarterly basis, consider loss control reports from the General Manager.   |
| Council resolution A (2) dated 31 May 2022 | N 31     | On a quarterly basis, consider reports from the General Manager pertaining to the implementation of the Fraud/Corruption Prevention and Detection Policy. |
| Council resolution A (2) dated 31 May 2022 | N 32     | On a quarterly basis, consider expenditure reports from the General Manager.  |
| Council resolution A (2) dated 31 May 2022 | N 33     | On a quarterly basis, consider reports from the Monitoring and Evaluation Unit pertaining to the department.  |
| Council resolution A (2) dated 31 May 2022 | N 34     | Consider all reports from the Internal Audit Unit and Auditor-General in relation to the department.  |

### **RESPONSIBILITIES OF THE MEMBER OF THE MAYORAL COMMITTEE: SPORT, ART AND CULTURE**

The MMC must provide political leadership in ensuring that the Department of Sport, Art and Culture is functioning at an optimal level and that all strategies for the rendering of services is indeed successful.

The MMC is responsible for the monitoring, evaluating and reporting on performance pertaining to:

1. Arts and culture.
2. Libraries.
3. Implementation of amendments to relevant policies.
4. Enforcement of by-laws.
5. Regular review of all strategies concerning each function.

6. Productivity levels of personnel.
7. Effective and efficient utilization of Council resources.
8. Financial management and value for money.
9. Adherence to the Batho Pele principles.
10. Compliance with legislation.
11. Sound management practices.
12. Loss control.
13. Risk Management.
14. Identification of challenges that have a negative influence on the municipality's ability to render affordable and sustainable municipal services.
15. Advise on how to resolve issues that have a negative impact on service delivery.
16. Monitoring and evaluation of the implementation of council policies, such as the Fraud and Corruption Prevention and Detection Policy.
17. Any other function assigned by resolution of Council in its area of competence.

#### **DELEGATED POWERS OF THE MMC SPORT, ART AND CULTURE**

| <b>ORIGIN OF AUTHORITY</b> | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>  |
|----------------------------|-----------------|---|
| MSTA                       | N 1             | Sets policies in respect of the department pertaining to matters falling within the delegated powers of the Executive Mayor.  |
| MSA Sect. 56(2)            | N 2             | <ol style="list-style-type: none"> <li>a) Identifies the needs of the municipality; (In terms of the department.)</li> <li>b) Reviews and evaluates those needs in order of priority;</li> <li>c) Recommends to the Executive Mayor strategies, programmes and services to address priority needs through the integrated development plan, and the estimates of revenue and expenditure taking in account any applicable national and provincial development plans; and recommend or determines the best way, including partnership and other approaches to deliver those strategies, programmes and services to the maximum benefit of the community.</li> </ol> |
| MSA Sect. 56 (3)           | N 3             | Identifies and develops criteria in terms of which progress in the implementation of the strategies, programs and services referred to in subsection (2)(c) can be evaluated, including key performance indicators which are specific to the municipality and common to local government in general. Evaluate progress against the key performance indicators. (In terms of the department.)  |
| MSA Sect. 56 (3)           | N 4             | Reviews the performance of the department, in terms of the IDP & SDBIP.   |

| ORIGIN OF AUTHORITY                        | DEL. NO. | AUTHORITY / POWER  |
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| MSA Sect. 56 (3)                           | N 5      | Monitors and reviews all management processes in the department and discuss options for correction with the Head of the Department.  |
| MSA Sect. 56 (3)                           | N 6      | Ensures that regard is given to public views and report on the effect of consultation on the decisions of the council.   |
| MFMA Sect. 131                             | N 7      | Provide assurance that that issues raised by the Audit-General and Audit Committee are addressed.  |
| Council resolution A (2) dated 31 May 2022 | N 8      | Addresses any public or private audience on behalf of Council.   |
| Inter-Governmental Relations Framework Act | N 9      | Seeks and develops co-operation and coordination with participating local municipalities and other spheres of government to the benefit of the community.  |
| MSA Sect. 57                               | N 10     | Comment on the payment of performance bonuses pertaining to the GM: Sport, Arts and Culture in accordance with his/her performance contracts.  |
| MFMA 131(1)                                | N 11     | Ensures that the department addresses all the issues raised in the audit and risk management reports.  |
| MFMA 54(1)(f)                              | N 12     | Submits Mid-Year Reports to Council, with regards to the functioning of the department.  |
| MFMA 34(3)(a)                              | N 13     | Considers the results of the provincial government's monitoring of the department.   |
| MFMA 53(1)(c)(iii)                         | N 14     | Determines the reasonable steps to be taken to ensure that the annual performance agreements for the General Manager and all senior Managers, comply with the MFMA, are linked to the measurable performance objectives with the budget and the service delivery and budget implementation plan and are concluded in accordance with section 57(2) of the Municipal Systems Act. |
| MSA (1998) 56(2)(a-b)                      | N 15     | Identifies the municipal service delivery needs of the community, pertaining to the department. Reviews and evaluate those needs in order of priority.   |
| MSA (1998) 56(2)(c)                        | N 16     | Recommends to the Executive Mayor, strategies, programs and services to address priority needs through the integrated development plan and the estimates of revenue and expenditure, taking in account any applicable national and provincial development plans.   |
| MFMA 56(2)(d)                              | N 17     | In terms of the department, recommends or determines the best option, to deliver services to the maximum benefit of the  |

| ORIGIN OF AUTHORITY                        | DEL. NO. | AUTHORITY / POWER  |
|--|----------|--|
|  |          | community.   |
| MSA (1998)<br>56(3)(a)                     | N 18     | Identifies and develop criteria in terms of which progress in the implementation of the strategies, programs and services referred to in subsection (2)(c) can be evaluated, including key performance indicators which are specific to the municipality and common local government in general. Evaluate progress against the key performance indicators. |
| MSA (1998)<br>56(3)(c)                     | N 19     | Reviews the performance of the department in order improve:-<br>(i) the efficiency and effectiveness of the department.<br>(ii) The efficiency of credit control and revenue and debt collection services; and<br>(iii) The implementation of the municipality's by-laws.  |
| MSA (1998)<br>56(3)(e)                     | N 20     | Oversees the provision of services to communities in the municipality in a sustainable and affordable manner.  |
| Council resolution A (2) dated 31 May 2022 | N 21     | Make press releases and participate in interviews with the press pertaining to matters relating to the department, in consultation with the General Manager and the Executive Mayor.   |
| Council resolution A (2) dated 31 May 2022 | N 22     | Receive and approve departmental reports for tabling at the Sport, Arts and Culture Section 80 Committee.  |
| Council resolution A (2) dated 31 May 2022 | N 23     | Ensuring that Section 80 Committee meetings are arranged on a regular basis.   |
| Council resolution A (2) dated 31 May 2022 | N 24     | Chairing the Sport, Arts and Culture Section 80 Committee.   |
| Council resolution A (2) dated 31 May 2022 | N 25     | Ensuring that all Sport, Arts and Culture Section 80 Committee meetings adhere to the applicable Standing Orders and are correctly constituted.  |
| Council resolution A (2) dated 31 May 2022 | N 26     | Ensuring that all Sport, Arts and Culture Section 80 Committee meetings are recorded and minutes compiled.   |
| Council resolution A (2) dated 31 May 2022 | N 27     | Ensuring that the Executive Mayor are duly informed about resolutions taken at the Section 80 Committee meetings.  |
| Council resolution A (2) dated 31 May 2022 | N 28     | Approve reports from the Section 80 Committee for tabling at the Mayoral Committee.  |

| ORIGIN OF AUTHORITY                        | DEL. NO. | AUTHORITY / POWER   |
|--|----------|---|
| Council resolution A (2) dated 31 May 2022 | N 29     | On a quarterly basis, consider operational and strategic risk mitigation reports from the General Manager.  |
| Council resolution A (2) dated 31 May 2022 | N 30     | On a quarterly basis, consider loss control reports from the General Manager.   |
| Council resolution A (2) dated 31 May 2022 | N 31     | On a quarterly basis, consider reports from the General Manager pertaining to the implementation of the Fraud/Corruption Prevention and Detection Policy. |
| Council resolution A (2) dated 31 May 2022 | N 32     | On a quarterly basis, consider expenditure reports from the General Manager.  |
| Council resolution A (2) dated 31 May 2022 | N 33     | On a quarterly basis, consider reports from the Monitoring and Evaluation Unit pertaining to the department.  |
| Council resolution A (2) dated 31 May 2022 | N 34     | Consider all reports from the Internal Audit Unit and Auditor-General in relation to the department.  |

**RESPONSIBILITIES OF THE MEMBER OF THE MAYORAL COMMITTEE: STRATEGIC MANAGEMENT SERVICES:**

The MMC must provide political leadership in ensuring that the Department of Strategic Management is functioning at an optimal level and that all strategies for the rendering of services is indeed successful.

The MMC is responsible for the monitoring, evaluating and reporting of performance pertaining to:

1. Integrated Development Plan (IDP).
2. Thirty-year strategic plan.
3. Corporate communication.
4. Internal Audit.
5. Risk Management.
6. Monitoring and evaluation.
7. Legal services.
8. By-law development and research.
9. Expanded Public Works Programme (EPWP).
10. Implementation of amendments to relevant policies.



11. Productivity levels of personnel.
12. Effective and efficient utilization of council resources.
13. Financial management and value for money.
14. Adherence to the Batho Pele principles.
15. Compliance with legislation.
16. Sound management practices.
17. Loss control.
18. Implementation of action plans to mitigate risks.
19. Identification of challenges that have a negative influence on the municipality's ability to render affordable and sustainable municipal services.
20. Advise on how to resolve issues that have a negative impact on service delivery.
21. Monitoring and evaluation of the implementation of council policies, such as the Fraud and Corruption Prevention and Detection Policy.
22. Any other function assigned by resolution of Council in its area of competence.

#### **DELEGATED POWERS OF THE MMC STRATEGIC MANAGEMENT SERVICES**

| <b>ORIGIN OF AUTHORITY</b> | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>  |
|----------------------------|-----------------|---|
| MSTA                       | O 1             | Sets policies in respect of the department pertaining to matters falling within the delegated powers of the Executive Mayor.  |
| MSA Sect. 56(2)            | O 2             | <ol style="list-style-type: none"> <li>a) Identifies the needs of the municipality; (In terms of the department.)</li> <li>b) Reviews and evaluates those needs in order of priority;</li> <li>c) Recommends to the Executive Mayor strategies, programmes and services to address priority needs through the integrated development plan, and the estimates of revenue and expenditure taking in account any applicable national and provincial development plans; and recommend or determines the best way, including partnership and other approaches to deliver those strategies, programmes and services to the maximum benefit of the community.</li> </ol> |
| MSA Sect. 56 (3)           | O 3             | Identifies and develops criteria in terms of which progress in the implementation of the strategies, programs and services referred to in subsection (2)(c) can be evaluated, including key performance indicators which are specific to the municipality and common to local government in general. Evaluate progress against the key performance indicators. (In terms of the department.)  |
| MSA Sect. 56 (3)           | O 4             | Reviews the performance of the department, in terms of the IDP & SDBIP.   |


| ORIGIN OF AUTHORITY                        | DEL. NO. | AUTHORITY / POWER  |
|--|----------|--|
| MSA Sect. 56 (3)                           | O 5      | Monitors and reviews all management processes in the department and discuss options for correction with the Head of the Department.  |
| MSA Sect. 56 (3)                           | O 6      | Ensures that regard is given to public views and report on the effect of consultation on the decisions of the council.   |
| MFMA Sect. 131                             | O 7      | Provide assurance that that issues raised by the Audit-General and Audit Committee are addressed.  |
| Council resolution A (2) dated 31 May 2022 | O 8      | Addresses any public or private audience on behalf of Council.   |
| Inter-Governmental Relations Framework Act | O 9      | Seeks and develops co-operation and coordination with participating local municipalities and other spheres of government to the benefit of the community.  |
| MSA Sect. 57                               | O 10     | Comments on the payment of performance bonuses pertaining to the GM: Strategic Management Services in accordance with his/her performance contracts.   |
| MFMA 131(1)                                | O 11     | Ensures that the department addresses all the issues raised in the audit and risk management reports.  |
| MFMA 54(1)(f)                              | O 12     | Submits Mid-Year Reports to Council, with regards to the functioning of the department.  |
| MFMA 34(3)(a)                              | O 13     | Considers the results of the provincial government's monitoring of the department.   |
| MFMA 53(1)(c)(iii)                         | O 14     | Determines the reasonable steps to be taken to ensure that the annual performance agreements for the General Manager and all senior Managers, comply with the MFMA, are linked to the measurable performance objectives with the budget and the service delivery and budget implementation plan and are concluded in accordance with section 57(2) of the Municipal Systems Act. |
| MSA (1998) 56(2)(a-b)                      | O 15     | Identifies the municipal service delivery needs of the community, pertaining to the department. Reviews and evaluate those needs in order of priority.   |
| MSA (1998) 56(2)(c)                        | O 16     | Recommends to the Executive Mayor, strategies, programs and services to address priority needs through the integrated development plan and the estimates of revenue and expenditure, taking in account any applicable national and provincial development plans.   |
| MFMA 56(2)(d)                              | O 17     | In terms of the department, recommends or determines the best option, to deliver services to the maximum benefit of the  |

| ORIGIN OF AUTHORITY                        | DEL. NO. | AUTHORITY / POWER  |
|--|----------|--|
|  |          | community.   |
| MSA (1998)<br>56(3)(a)                     | O 18     | Identifies and develop criteria in terms of which progress in the implementation of the strategies, programs and services referred to in subsection (2)(c) can be evaluated, including key performance indicators which are specific to the municipality and common local government in general. Evaluate progress against the key performance indicators. |
| MSA (1998)<br>56(3)(c)                     | O 19     | Reviews the performance of the department in order improve:-<br>(i) the efficiency and effectiveness of the department.<br>(ii) The efficiency of credit control and revenue and debt collection services; and<br>(iii) The implementation of the municipality's by-laws.  |
| MSA (1998)<br>56(3)(e)                     | O 20     | Oversees the provision of services to communities in the municipality in a sustainable and affordable manner.  |
| Council resolution A (2) dated 31 May 2022 | O 21     | Make press releases and participate in interviews with the press pertaining to matters relating to the department, in consultation with the General Manager and the Executive Mayor.   |
| Council resolution A (2) dated 31 May 2022 | O 22     | Receive and approve departmental reports for tabling at the Strategic Management Services Section 80 Committee.  |
| Council resolution A (2) dated 31 May 2022 | O 23     | Ensuring that Section 80 Committee meetings are arranged on a regular basis.   |
| Council resolution A (2) dated 31 May 2022 | O 24     | Chairing the Strategic Management Services Section 80 Committee.   |
| Council resolution A (2) dated 31 May 2022 | O 25     | Ensuring that all Strategic Management Services Section 80 Committee meetings adhere to the applicable Standing Orders and are correctly constituted.  |
| Council resolution A (2) dated 31 May 2022 | O 26     | Ensuring that all Strategic Management Services Section 80 Committee meetings are recorded and minutes compiled.   |
| Council resolution A (2) dated 31 May 2022 | O 27     | Ensuring that the Executive Mayor are duly informed about resolutions taken at the Section 80 Committee meetings.  |
| Council resolution A (2) dated 31 May 2022 | O 28     | Approve reports from the Section 80 Committee for tabling at the Mayoral Committee.  |

| ORIGIN OF AUTHORITY                        | DEL. NO. | AUTHORITY / POWER   |
|--|----------|---|
| Council resolution A (2) dated 31 May 2022 | O 29     | On a quarterly basis, consider operational and strategic risk mitigation reports from the General Manager.  |
| Council resolution A (2) dated 31 May 2022 | O 30     | On a quarterly basis, consider loss control reports from the General Manager.   |
| Council resolution A (2) dated 31 May 2022 | O 31     | On a quarterly basis, consider reports from the General Manager pertaining to the implementation of the Fraud/Corruption Prevention and Detection Policy. |
| Council resolution A (2) dated 31 May 2022 | O 32     | On a quarterly basis, consider expenditure reports from the General Manager.  |
| Council resolution A (2) dated 31 May 2022 | O 33     | On a quarterly basis, consider reports from the Monitoring and Evaluation Unit pertaining to the department.  |
| Council resolution A (2) dated 31 May 2022 | O 34     | Consider all reports from the Internal Audit Unit and Auditor-General in relation to the department.  |

## **SECTION 80 COMMITTEES**

Section 80 Committees are established for the purpose of assisting the Executive Mayor in fulfilling his/her duties.

 The legislative mandate of Section 80 Committees is attached as Annexure “E”.

Since the committees are advisory in nature, it is the prerogative of the Executive Mayor to accept or reject any recommendation from any Section 80 Committee.

### **ROLE OF THE SECTION 80 COMMITTEES**

The role of Section 80 Committees is to advise the Executive Mayor on the following:

1. All relevant information from applicable departments are included in the reports.
2. There are no conflicting information in the reports.
3. Funds are available on applicable budget votes.
4. Possible risks are identified and mitigation strategies are in place.
5. The content of the reports are factually correct.
6. No executive powers will be vested in any Section 80 Committee.
7. Recommendations from the Committee

## **COMPOSITION AND NAMES OF COMMITTEES**

There may be a Section 80 Committee for every department.

The Office of the Municipal Manager will be part of the Section 80 Committee that is responsible for Strategic Management Services.

The names of committees will reflect the name of the department that they are working with.

The Executive Mayor may establish a Section 80 Committee to advise on matters relating to the Tribal Authorities. In this case, representatives of the relevant Tribal Authorities will be invited to take part in this Committee. An MMC will act as chairperson for this committee.

## **MEMBERSHIP**

In terms of the membership of the Section 80 Committees, the following principles will be applicable:

1. A Member of the Mayoral Committee (MMC) must chair all meetings of committees.
2. Representatives of all political parties may be included on all committees.
3. The MMC must present reports to the Committee.
4. Members of a committee, cannot oppose a recommendation made by a committee during a council meeting. (The only exception is when the Executive Mayor changed the recommendations.)

## **FUNCTIONING OF THE SECTION 80 COMMITTEES**

The following administrative procedures must be applicable on all Section 80 Committees:

1. Reports are being generated by the Heads of departments and submitted to the relevant Member of the Mayoral Committee (MMC).
2. The MMC will then convene a Section 80 Committee meeting where the report will be discussed and recommendations formulated.
3. The MMC will then discuss the report with the Executive Mayor. If the decision that needs to be taken is within the delegated powers of the Executive Mayor, she/he will then take a decision. Such a report will then be submitted via the Mayoral Committee, to Council for information purposes.

If the decision/s are outside the delegated powers of the Executive Mayor, such a report will be tabled to council (via the Mayoral Committee) with recommendations from the Executive Mayor. If the Executive Mayor is of the opinion that a report can be submitted to Council

without having a Mayoral Committee meeting first, she can proceed and submit such a report to Council.

4. If any committee fail to meet at the prescribed time or meetings are postponed, it is the prerogative of the Executive Mayor to take a decision without any input from the relevant committee.
5. In urgent matters, the Executive Mayor can take a decision without waiting for a committee to convene first. (Such action must however be explained when a report is submitted to council.)

### **STATUTORY BODY: PLANNING APPEALS COMMITTEE**

In terms of Section 35 of the Spatial Planning and Land Use Management Act (Act 16 of 2013), the municipality must establish a Municipal Planning Tribunal to determine land use and development application within the municipal area.

The Municipal Planning Tribunal is authorised to consider all land development applications where objections have been received and applications that are not consistent with Council's Spatial Development Framework (SDF)

Section 51 of the said Act also requires the municipality to establish a Planning Appeals Committee to consider any appeal lodged by applicants aggrieved or affected by the decision of the Municipal Planning Tribunal.

### **ROLE OF THE COMMITTEE**

The role of the committee is to evaluate and decide on appeals lodged by applicants aggrieved or affected by the decision of the Municipal Planning Tribunal, as stipulated in the Spatial Planning and Land Use Management Act.

### **COMPOSITION OF THE PLANNING APPEALS COMMITTEE**

The Committee consist of appointed members of the Mayoral Committee and appointed officials from the municipality.

### **DIFFERENCE BETWEEN ROLES OF THE POLITICAL OFFICE BEARERS AND THE ADMINISTRATION.**

To prevent misunderstandings between Political Office Bearers and the Administration, the following needs to be noted:

| <b>NO.</b> | <b>POLITICAL OFFICE BEARERS</b> | <b>ADMINISTRATION</b> |
|------------|---------------------------------|-----------------------|
|------------|---------------------------------|-----------------------|

|   |   |   |
|---|---|---|
| 1 | Formulate a vision for the city.  | Formulate a mission to realize the vision.  |
| 2 | Formulation and communication of political mandate.   | Implementation of political mandate.  |
| 3 | Answer the question: What services need be rendered?  | Answer the question: How should the services be rendered?   |
| 4 | Answer the question: What must the service delivery priorities be?  | Answer the question: How can the service delivery priorities be implemented?                        |
| 5 | Answer the question: What should the service delivery strategy be?  | Answer the question: How can the service delivery strategy be implemented?                          |
| 6 | Answer the question: How must the Administration be configured be an effective service delivery instrument? | Answer the question: How can the service delivery instrument be managed to ensure positive results? |

**DIFFERENCE BETWEEN RESPONSIBILITIES OF THE POLITICAL OFFICE BEARERS AND THE ADMINISTRATION.**

To prevent misunderstandings between Political Office Bearers and the Administration, the following needs to be noted in terms of the differences in responsibilities:

| <b>NO.</b> | <b>RESPONSIBILITIES</b>                                    | <b>POLITICAL OFFICE BEARERS</b> | <b>ADMINISTRATIVE OFFICE BEARERS</b> |
|------------|--|---------------------------------|--------------------------------------|
| 1.         | Gives instructions to personnel.                           | No                              | Yes                                  |
| 2.         | Approves the acquisition of material and resources.        | No                              | Yes                                  |
| 3.         | Controls skills, material and resources.                   | No                              | Yes                                  |
| 4.         | Appoints non- section 56 personnel.                        | No                              | Yes                                  |
| 5.         | Takes political decisions.                                 | Yes                             | No                                   |
| 6.         | Liaises with politicians from other spheres of government. | Yes                             | No                                   |
| 7.         | Liaises with politicians from other municipalities.        | Yes                             | No                                   |
| 8.         | Liaises with the Local Chiefs on municipal matters.        | Yes                             | No                                   |
| 9          | Represents the municipality on community level.            | Yes                             | No                                   |

## **ROLES, RESPONSIBILITIES AND DELEGATED POWERS: ADMINISTRATIVE OFFICE BEARERS**

- (a) Council sets political priorities in accordance with the Constitution and other applicable legislation.
- (b) The task of the Administration is to fulfil the priorities of Council within its capabilities and budget.
- (c) The role of the Administration is to serve as the implementing agent for the rendering of municipal services to all residents in an affordable and sustainable manner.

### ***MUNICIPAL MANAGER (ACCOUNTING OFFICER)***

#### **ROLE**

- (a) The Municipal Manager is the Head of Administration and Accounting Officer of the Institution.
- (b) The Municipal Manager must provide leadership and strategic direction to the Administration.
- (c) The Municipal Manager must ensure that the Administration function optimally to deliver all relevant local government services in an affordable and sustainable manner in terms of the IDP/SDBIP as well as the budget, applicable legislation, policies and procedures.
- (d) The Municipal Manager acts as the interface between the Administration and the political sphere of the municipality.

### **LEGISLATIVE MANDATE OF THE MUNICIPAL MANAGER**

The Municipal Manager fulfils his/her role in terms of applicable legislation. The legislative mandate of the Municipal Manager is as per annexure F.

#### **GENERAL RESPONSIBILITIES**

As Head of Administration, the Municipal Manager is also responsible for the following general responsibilities:

- 1) Ensure and maintain an effective internal control environment within the Institution.
- 2) Monitoring and evaluation of the implementation of council policies, such as the Fraud and Corruption Prevention and Detection Policy.
- 3) Oversee the implementation of the Local Government Fraud and Corruption Policy and Plan.
- 4) Carry out all resolutions of Council.
- 5) Oversee contract management.
- 6) Address any issue raised by the Audit-General, Audit Committee/Risk Manager/Chief Audit Executive in a report.
- 7) Advising the Executive Mayor, political structures and political officer bearers on matters relating to the administration.



- 8) Promoting of sound labour relations by ensuring proper communication between the Administration and respective Unions.
- 9) Ensure that Council adheres to stipulations of the Occupational Health and Safety Act, 1993 (Act 85 of 1993) and act as Section 16 (1) employee.
- 10) Supervision of staff and more specifically the Deputy Municipal Manager, General Managers and all staff that form part of the Office of the Municipal Manager.
- 11) Promotion of Administrative Justice.
- 12) Performance Management.
- 13) Risk Management and insurance.
- 14) Loss control.
- 15) Ensure compliance with the Fire Arms Control Act, Act 60/2000.
- 16) Exercise the powers and duties of the responsible officer in terms of the Regulations of Gathering Act, Act 205 of 1993.
- 17) Allocation of residential accommodation of staff in terms of an approved policy.
- 18) Allocation of residential accommodation of residents in terms of an approved policy.
- 19) Allocation of emergency accommodation of Councillors. (In cases where residential property as destroyed due to community unrest).
- 20) Approval of overtime to employees who has exceeded the normal threshold of 40 hours.
- 21) Oversee the activities and functions of the Municipal Planning Tribunal.
- 22) Ensure the implementation and monitoring of the Employment Equity Plan.

**DELEGATED POWERS: MUNICIPAL MANAGER**

| <b>ORIGIN OF AUTHORITY</b>                         | <b>DEL. NO</b> | <b>AUTHORITY / POWER</b>  | <b>SUB DELEGATED</b> |
|--|----------------|---|----------------------|
| Council resolution A (2) dated 31 May 2022         | A 1            | Concludes annual performance agreements with General Managers and relevant Senior Managers, (Office of the Municipal Manager) and conducts quarterly evaluations.                   | None                 |
| Sections 59 and 79 of the MFMA and SCM Regulations | A 2            | Approves all financial and Supply Chain Management delegations to officials in terms of Section 59 read with 79 of the Municipal Finance Management Act and applicable Regulations. | None                 |
| BAC Regulation 29 (3)                              | A 3            | Appoints Bid Committee Members and the Chairpersons of all Bid Committees in terms of the Municipal Finance Management Act and the Supply Chain Management Policy.                  | None                 |

| <b>ORIGIN OF AUTHORITY</b>  | <b>DEL. NO</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b> |
|---|----------------|--|----------------------|
| Council resolution A (2) dated 31 May 2022  | A 4            | Approves the reallocation of funds on the Capital Budget in accordance with the Virement Policy.   | None                 |
| Writing off of bad debts policy.  | A 5            | Approves the writing off of irrecoverable debt as per the Credit Control and Debt Control Policy.  | None                 |
| Council resolution A (2) dated 31 May 2022.   | A 6            | Gives principle approval to enter into negotiations with private enterprises for Public Private Partnerships (PPP) and submits a draft contract to Council for consideration.  | None                 |
| Council resolution A (2) dated 31 May 2022.   | A 7            | Gives principle approval to enter in negotiations for the establishment of municipal entities and submits a draft contract to Council for approval.  | None                 |
| Local Government: Municipal Systems Act. (Section 57)   | A 8            | Negotiates employment contracts with Section 57 Managers reporting to the Municipal Manager.   | None                 |
| Promotion of access information act. (PAIA) Act No. 2 of 2000. Resolution A (17) of 24 March 2003 | A 9            | Delegates duties, including the custodianship and upkeep of the Information manual (Section 14), voluntary disclosure and automatic availability of records (section 15), handling of requests (part 2 chapter 1-5) to Deputy Information Officer/s designated by Council in terms of PAIA.              | None                 |
| MSA Section 62(4)(a)  | A 10           | Acts as appealing authority in terms of appeals.   | None                 |
| Town Planning and Townships Ord.15/86 Section 59(6)(a)  | A 11           | Conducts Council's case and deduces evidence in support thereof, in respect of draft schemes and rezoning applications in case of a hearing by the Townships Board originating from an appeal in terms of Section 59(6) of Ordinance 15 of 1986, in consultation with GM: City Planning and Development. | None                 |
| Fire Arms Control Act (60/2000)   | A 12           | Appoints a "Responsible Person" to manage and administrate firearms belonging the municipality in accordance with relevant legislation and council policy.   | None                 |
| Road Traffic Act (93/1996)  | A 13           | Appoints a Proxy (authorized representative) to oversee all fleet management processes in accordance with the Road Traffic Act.  | None                 |

| <b>ORIGIN OF AUTHORITY</b>                                  | <b>DEL. NO</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b>                 |
|---|----------------|--|--------------------------------------|
| Council resolution A (2) dated 31 May 2022.                 | A 16           | Approves a request to withdraw a resignation by a member of staff on all job levels.   | GM: Corporate Services               |
| Council resolution A (2) dated 31 May 2022.                 | A 17           | Adjudicates appeals against the monitoring of access to public roads in in conjunction with the Public Safety Department.  | None                                 |
| Council resolution A (2) dated 31 May 2022.                 | A 18           | Approves applications by Section 57 Managers (Deputy Municipal Managers) for official visits to places outside City of Mbombela provided sufficient provision has been made on the budget. Approves claims for travel and subsistence costs in respect of the attendance of such meetings.<br><br>Approves applications by Section 57 Managers (General Managers) for official visits to places to outside City of Mbombela provided sufficient provision has been made on the budget. Approves claims for travel and subsistence costs in respect of the attendance of such meetings. | None<br><br>None                     |
| Council resolution A (2) dated 31 May 2022.                 | A 19           | Addresses administrative and operational matters on behalf of the municipality in public and private gatherings/meetings.  | General Managers/CFO/Senior Managers |
| Council resolution A (2) dated 31 May 2022.                 | A 20           | Gives an official who receives a transport allowance permission to use a Council vehicle for the execution of his/her Council duties in exceptional or substantiated circumstances   | CFO/General Managers/Senior Managers |
| Council resolution A (2) dated 31 May 2022.                 | A 21           | Considers all land development applications where objections have been received against an application that is consistent with Council's Spatial Development Framework.  | None                                 |
| National Building Regulations and Standards Act 103 of 1977 | A 22           | Appoints the Senior Manager: City Planning and Development as the authorized officer of Council in terms of the National Building Regulations and Standards Act.   | None                                 |
| Spatial Planning and Land Use Management Act, 16 of 2013    | A 23           | Decides or otherwise disposes of any application, appeal or other matters pending before a tribunal in terms of Section 60(2) of the Development Facilitation Act at the commencement of the Spatial Planning and Land Use Management Act.   | None                                 |

| <b>ORIGIN OF AUTHORITY</b>                  | <b>DEL. NO</b> | <b>AUTHORITY / POWER</b>  | <b>SUB DELEGATED</b> |
|---|----------------|---|----------------------|
| Section 9 Housing Act 107 of 1997           | A 24           | Approves the voluntary sale of state-subsidized houses and inform the provincial department of Human Settlements accordingly.   | None                 |
| Sec 10 A Housing Act, 107 of 1997           | A 25           | Approves housing delivery goals in respect of the City of Mbombela areas of jurisdiction.   | None                 |
| Sec 10 A Housing Act, 107 of 1997           | A 26           | Designates land for housing developments.   | None                 |
| Sec 5 Social Housing Act 16 of 2008         | A 27           | Enters in performance agreements with social housing institutions.  | None                 |
| Council resolution A (2) dated 31 May 2022. | A 28           | Arbitrates personnel grievances of non-section 57 personnel that cannot be resolved by section 57 Managers.   | None                 |
| Council resolution A (2) dated 31 May 2022. | A 29           | Approves proposals from the Local Labour Forum to promote good Labour relations if the proposal is in line with applicable legislation and Labour Agreements.   | None                 |
| Council resolution A (2) dated 31 May 2022. | A 30           | Approves the Enterprise Risk Management Framework.  | None                 |
| Council resolution A (2) dated 31 May 2022. | A 31           | Approves the risk appetite of the municipality, as well as the Strategic Risk Register.   | None                 |
| Council resolution A (2) dated 31 May 2022. | A 32           | Amends, delegates or withdraws any delegation as stipulated in this System of Delegations. (In terms the Administration.) if the Municipal Manager deemed it urgent.  | None                 |
| Council resolution A (2) dated 31 May 2022. | A 33           | Grants approval for the attendance of conferences /congresses/workshops/seminars or meetings by section 57 employees and Senior Managers in the Office of the Municipal Manager, in terms of Council's policy. Approves claims for travel and subsistence costs in respect of the attendance of such meetings.<br><br>Grants approval for the attendance of conferences/ congresses/workshops/seminars or meetings by section 57 employees (General Managers), in terms of Council's policy. Approves claims for travel and subsistence costs in respect of the attendance of | None<br><br>None     |

| ORIGIN OF AUTHORITY   | DEL. NO | AUTHORITY / POWER  | SUB DELEGATED   |
|---|---------|--|---|
|   |         | such meetings.   |   |
| Section 14 (4) of the MFMA  | A 34    | Determines in terms of Section 14(2) (a) and (b) pertaining to disposal of moveable capital assets below a value as determined by Council.   | None  |
| Municipal Asset Transfer Regulation R878 of 22 August 2008 Reg. 34 (4)                          | A 35    | Taking principle decisions pertaining the granting of rights use, controls or manages municipal capital assets. (Excluding the power to grant long terms rights use, control or manage capital assets in excess of 10 million rand)  | None  |
| Council resolution A (2) dated 31 May 2022.   | A 36    | Set management standards for all Managers.   | None  |
| Council resolution A (2) dated 31 May 2022.   | A 37    | Appoints attorneys and advocates and signs of relevant documentation, e.g. powers of attorney and affidavits in any legal action by or against the Municipality in consultation with the MM in line with the SCM and financial delegations.  | CFO/GM:<br>Corporate Services/General Manager: Legal Services |
| Council resolution A (2) dated 31 May 2022.   | A 38    | Approves the advertising of vacant funded posts from Task Grade T17-T3.  | GM: Corporate Services  |
| Municipal Systems Act Reg.: Appoints & Conditions of Employment of Senior Managers (Section 12) | A 39    | Conducts the shortlisting of suitable qualified and experienced candidates for a section 57 position that reports to the MM In consultation with the Selection Panel as Appointed by Council.<br><br>Conducts the shortlisting of suitable qualified and experienced candidates for Task Grades 17–T16 in consultation with the relevant General Manager.<br><br>Conducts the shortlisting of suitable qualified and experienced candidates for T15-T3, in consultation with the GM: Corporate Services. | None<br><br>GM: Corporate Services<br><br>All GM's            |
| Council resolution A (2) dated 31 May 2022.   | A 40    | Appoints all personnel from T 4-19.<br><br>Appoints all personnel from T15-T3.   | None<br><br>GM: Corporate Services                            |
| M2SA Section 57(2)(c)   | A 41    | Enters into annual performance agreements with Section 57 Managers as well as Senior Managers in the Office of the Municipal Manager, and conducts quarterly evaluations.<br><br>Enters in annual performance agreements with  | None<br><br>CFO/ GM's   |

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|   |         | Senior Managers and conducts quarterly evaluations.   |   |
| Council resolution A (2) dated 31 May 2022. | A 42    | <p>Appoints suitably qualified and experienced personnel to act in T18-T16 positions.</p> <p>Appoints a suitable qualified and experienced person in the position of Chief Audit Executive In consultation with the Chairperson of the Audit Committee.</p> <p>Appoints a suitable qualified and experienced person, in T15-T3 positions in accordance with Council's policy and prescribed procedures in consultation with the relevant General Manager.</p>         | <p>None</p> <p>None</p> <p>GM: Corporate Services</p> |
| Council resolution A (2) dated 31 May 2022. | A 43    | <p>Promotes employees to a higher post level if there is a funded vacant position. (T18-T16) (In consultation with the GM: Corporate Services and the relevant General Manager in accordance with Council's Recruitment and Selection Policy.)</p> <p>Promotes employees in a higher post level if there is a funded vacant position. (T15-T3) (In consultation with the relevant General Manager in accordance with Council's Recruitment and Selection Policy.)</p> | <p>None</p> <p>GM: Corporate Services</p>             |
|   | A 44    | <p>Transfers officials from T18-T16 positions from one department to another in consultation with the General Manager: Corporate Services and the relevant General Manager concerned,.</p> <p>Transfers T15- T3 employees from one department to another in consultation with the relevant General Manager.</p> <p>Transfers T15- T3 employees within the department, in consultation with the General Manager: Corporate Services and the relevant employee.</p>     | <p>None</p> <p>GM: Corporate Services</p> <p>GM's</p> |
| Council resolution A (2) dated 31 May 2022. | A 45    | Grants, disapproves, cancels postpones or interrupts leave of absence, (with the exclusion of sick leave and maternity leave) of Senior Managers and personnel in their respective Divisions  | CFO/ GM's   |
| Council resolution A                        | A 46    | Arbitrates personnel grievances of Section 57   | None  |

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| (2) dated 31 May 2022.                      |                | Employees. (Deputy Municipal Managers)<br><br>Arbitrates personnel grievances of personnel in the department.   | CFO/ GMS                       |
| Council resolution A (2) dated 31 May 2022. | A 47           | Instructs Section 57 employees to report for duty outside normal working hours.<br><br>Instructs Non-Section 56 employees to report temporarily for duty outside normal working hours. (Pertaining personnel in their departments)  | None<br><br>CFO/ GM's          |
| S16 (2) OHS Act 85 of 1993                  | A 48           | Assigns a responsibility to a Section 56 official to ensure the safety and good health of employees, councillors, service providers and customers of the municipality.<br><br>Assigns a responsibility to a Non- Section 56 official to ensure the safety and good health of employees, councillors, service providers and customers of the municipality.   | None<br><br>CFO and GM'S       |
| Council resolution A (2) dated 31 May 2022. | A 49           | Terminates the contract of any service provider who fails to render services in terms of the applicable service level agreement in consultation with the CFO and relevant GM<br><br>Terminates the contract of any service provider to render services in terms of any applicable service level agreement and in terms of the financial and Supply Chain Management regulations/policy in consultation with the CFO, legal services and relevant department | None<br><br>CFO/ GM's          |
| Council resolution A (2) dated 31 May 2022. | A 50           | Grants any approval that may be required in terms of any By-law of the municipality where the By-law is relevant to the department.   | CFO/ GM's                      |
| Council resolution A (2) dated 31 May 2022. | A 51           | Register and transfers of immovable properties.   | GM City Planning & Development |
| Council resolution A (2) dated 31 May 2022. | A 52           | Approves overtime work by employees in compliance with Council's Overtime Policy and in terms of exceptional cases such as in the case of a disaster or emergency.  | CFO/ GM's                      |
| Council resolution A (2) dated 31 May 2022. | A 53           | Approves the use of a vehicle outside the jurisdiction of City of Mbombela for official purposes for officials who don't receive a travelling allowance to utilize their own private vehicle in terms of relevant Council policy.   | CFO/ GM's                      |

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| Council resolution A (2) dated 31 May 2022.  | A 54           | Gives an official who receives a transport allowance permission to use a Council vehicle for the execution of his/her Council duties in exceptional or substantiated circumstances  | CFO/ GM's                        |
| Disciplinary Procedure and Code Collective Agreement dated 8 June 2010 Circular 6/2010 | A 55           | Establishes an informal Disciplinary hearing to conduct an enquiry in the event of misconduct by a non - section 57 employee that appears to be less serious.   | CFO/ GM's                        |
| Council resolution A (2) dated 31 May 2022.  | A 56           | Approves applications by personnel for official visits to places outside City of Mbombela provided that sufficient provision has been made on the budget.<br><br>Approves claims for travel and subsistence costs in respect of the attendance of such meetings.    | CFO/ GM's                        |
| Council resolution A (2) dated 31 May 2022.  | A 57           | Approve the placement of advertisements in Newspapers.<br><br>Approve the placement of notifications in social media in terms of the relevant policy.   | CFO/<br><br>GM's                 |
| Council resolution A (2) dated 31 May 2022.  | A 58           | Oversees activities of the Municipal Planning Tribunal.   | None                             |
| Council resolution A (2) dated 31 May 2022.  | A 59           | Approves applications for change in trading name of the same company on contracts, where the details of the contract is not affected in terms of financial as well as contractual obligations, in consultation with the Chief Financial Officer and legal services. | CFO/ GM's                        |
| Council resolution A (2) dated 31 May 2022.  | A 60           | Certifies and approves payment claims from service providers as per the financial delegations.  | CFO/ GM's/ SM:<br>Legal Services |
| Council resolution A (2) dated 31 May 2022.  | A 61           | Accepts responsibility as Section 16(2) Officer in terms of the Occupational Health and Safety Act.   | CFO/ GM's                        |
| Council resolution A (2) dated 31 May 2022.  | A 62           | Renews lease agreements where the agreement provides for an option to renew and the service provider has provided a satisfactory service, if in terms with applicable policy and procedures.  | CFO/ GM's                        |



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| Council resolution A (2) dated 31 May 2022. | A 63           | Approves that an employee in the department may act in temporary capacity in a higher post in terms of Council's acting policy.   | CFO/ GM's              |
| Council resolution A (2) dated 31 May 2022. | A 64           | Arbitrates personnel grievances of non-section 57 personnel in the department.  | CFO/ GM's              |
| Council resolution A (2) dated 31 May 2022. | A 65           | Settles Agreements of Loss in terms of insurance.   | SM: Legal Services     |
| Council resolution A (2) dated 31 May 2022. | A 66           | Amends the Enterprise Risk Register on a continuous basis to record all risks facing the municipality.  | SM: Risk Management    |
| Council resolution A (2) dated 31 May 2022. | A 67           | Approves the Fraud and Corruption Prevention and Detection plan.  | None                   |
| Council resolution A (2) dated 31 May 2022. | A 68           | Approves the quarterly risk mitigation reports from General Managers or other Risk Owners.  | None                   |
| Council resolution A (2) dated 31 May 2022. | A 69           | Negotiates excess amounts pertaining to insured assets with the Insurance Broker and accept proposals from the Broker on behalf of Council.                                 | SM: Legal Services     |
| Council resolution A (2) dated 31 May 2022. | A 70           | Amends the Insurance Portfolio by adding or removing assets.  | SM: Legal Services     |
| Council resolution A (2) dated 31 May 2022. | A 71           | Grants any approval that may be required in terms of Municipal EPWP Policy By-law read with the two sets of EPWP Ministerial Determines for Labour and Operational matters. | GM: Technical Services |
| Council resolution A (2) dated 31 May 2022. | A 72           | Terminates the twelve months EPWP contracts in consultation with the Human Resource Management section and CFO office.  | GM: Technical Services |
| Council resolution A (2) dated 31 May 2022. | A 73           | Approves applications for the use of noise emitting instruments in the municipal area.  | GM: Community Services |
| Council resolution A (2) dated 31 May 2022. | A 74           | Authorizes the payment of travelling and subsistence costs for an applicant to attend an interview for a vacant position at Council, In accordance with Council policy.     | GM: Corporate Services |

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| Basic Conditions of Employment Act and Conditions of Service | A 75           | Decides, after considering recommendations by the relevant General Manager, if an employee has completed his period of probation successfully and confirms employment of the incumbent.  | GM: Corporate Services |
| Council resolution A (2) dated 31 May 2022.                  | A 76           | Authorizes the medical examination of persons who have instituted a damages claim against Council on the basis of injuries sustained.  | GM: Corporate Services |
| Council resolution A (2) dated 31 May 2022.                  | A 77           | Requests that an employee undergoes a medical examination conducted by a registered medical practitioner appointed by Council, if it is a requirement of the post applied for.   | GM: Corporate Services |
| Council resolution A (2) dated 31 May 2022.                  | A 78           | Considers applications for private work by officials subject to the conditions that a standard letter of approval is issued to each official wherein he/she undertakes to comply with the conditions as determined by Council.   | GM: Corporate Services |
| Council resolution A (2) dated 31 May 2022.                  | A 79           | Grants permission for the advertising of vacant posts provided that there is a vacancy on the approved structure and the position has been budgeted for.   | GM: Corporate Services |
| Council resolution A (2) dated 31 May 2022.                  | A 80           | To extend the services of retired personnel on the same terms and conditions and according to the rules of the relevant Retirement Fund for a period not exceeding 48 months.  | GM: Corporate Services |
| Council resolution A (2) dated 31 May 2022.                  | A 81           | Compels an employee who in the manager's opinion, is so indisposed that he/she cannot perform his/her duties properly, to take sick leave as initiated by the relevant General Manager investigating the matter and on recommendation of a registered medical practitioner | GM: Corporate Services |
| Council resolution A (2) dated 31 May 2022.                  | A 82           | Approves bursaries to employees who apply and qualify in terms of an approved policy.  | GM: Corporate Services |
| Council resolution A (2) dated 31 May 2022.                  | A 83           | Approves applications for relocation costs by officials appointed by Council subject to Council Policy.  | GM: Corporate Services |
| Council resolution A (2) dated 31 May 2022.                  | A 84           | Approves the repayment of course fees by officials in accordance with the relevant policy.   | GM: Corporate Services |

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| Council resolution A (2) dated 31 May 2022. | A 85           | Authorizes legal assistance for employees in the official execution of their duties subject to the following conditions:<br><br>(a) The person requiring assistance must be an official of Council who in his/her official capacity was exercising a legitimate duty.<br><br>(b) Such a person must be accused of a crime arising from the exercise or omission of his legitimate duty.<br><br>(c) The official must also inform Council in writing. | SM: Legal Services      |
| Council resolution A (2) dated 31 May 2022. | A 86           | Appoints students for practical work, where a department has the capacity for a student to do practical work if it is a requirement for his/her studies and sufficient funds are available, in consultation with the relevant General Manager.   | GM: Corporate Services  |
| Council resolution A (2) dated 31 May 2022. | A 87           | Approves the extension of a probationary period of personnel beneath Task 15.  | GM: Corporate Services  |
| Council resolution A (2) dated 31 May 2022. | A 88           | Approves the attendance of appropriate training and refresher courses by personnel, and the approval of payment of courses and course fees, travel and subsistence costs in consultation with the relevant General Manager.  | GM: Corporate Services  |
| Council resolution A (2) dated 31 May 2022. | A 89           | Allocates office space, parking spaces/garages to personnel at relevant municipal offices.   | GM: Corporate Services. |
| Council resolution A (2) dated 31 May 2022. | A 90           | Approves applications for medical boards and related expenditure regarding employees whose early retirement is recommended by a medical practitioner.  | GM: Corporate Services  |
| Council resolution A (2) dated 31 May 2022. | A 91           | Approves sick leave/unpaid leave to employees on one or more occasion for treatment of trauma/alcoholism/drug addiction & maternity.   | GM: Corporate Services  |
| Council resolution A (2) dated 31 May 2022. | A 92           | Approves applications for special leave of Union Office Bearers for union activities in terms of the SALGBC Organizational Rights Agreement.   | GM: Corporate Services  |
| Council resolution A (2) dated 31 May 2022. | A 93           | Concludes agreements for the placement of vending machines on Council property, subject that only non-alcoholic beverages, potato chips and sweets be allowed.   | GM: Corporate Services. |

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| Council resolution A (2) dated 31 May 2022. | A 94           | Approve applications for unpaid leave for maternity purposes.  | GM: Corporate Services |
| Council resolution A (2) dated 31 May 2022. | A 95           | Approves the appointment of temporary personnel provided that such appointments can be made within the available budget and stipulations of the Labour Relations Amendment Act 2014.       | GM: Corporate Services |
| Council resolution A (2) dated 31 May 2022. | A 96           | Approves applications for practical training or in service training in consultation with the General Manager.  | GM: Corporate Services |
| Council resolution A (2) dated 31 May 2022. | A 97           | Authorizes work-study investigations in all departments to ensure the proper employment of personnel.  | GM: Corporate Services |
| Council resolution A (2) dated 31 May 2022. | A 98           | Approves the appointment of students at higher learning institutions for vocational practical training, subject to any conditions prescribed by the relevant authorities.                  | GM: Corporate Services |
| Council resolution A (2) dated 31 May 2022. | A 99           | Approves appointments on salary notches higher than the starting notch.  | GM: Corporate Services |
| Council resolution A (2) dated 31 May 2022. | A 100          | Appoints Presiding Officers and initiators for disciplinary hearings on levels T17 –T3.  | GM: Corporate Services |
| Council resolution A (2) dated 31 May 2022. | A 101          | Appoints official/s to consider appeals in terms of disciplinary hearings on levels T17 –T3.   | GM: Corporate Services |
| Council resolution A (2) dated 31 May 2022. | A 102          | Approves alternative placements for personnel in accordance with the standard conditions of service after consultation with the relevant General Manager as well as the Municipal Manager. | GM: Corporate Services |
| Council resolution A (2) dated 31 May 2022. | A 103          | Approves the extension of study periods in respect of Council officials who have bursary arrangements.   | GM: Corporate Services |
| Council resolution A (2) dated 31 May 2022. | A 104          | Appoints a Disciplinary Committee to conduct a disciplinary hearing in terms of the SALGBC Conditions of Service.  | GM: Corporate Services |
| Council resolution A (2) dated 31 May 2022. | A 105          | Appoints a Disciplinary Appeal hearing Committee in terms of the SALGBC Conditions of Service.   | GM: Corporate Services |

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| Council resolution A (2) dated 31 May 2022. | A 106          | Suspends to a non-section 57 employee at any time before or after such employee has been charged with misconduct in terms of the Conditions of Service for municipal employees and applicable legislation. | GM: Corporate Services     |
| Council resolution A (2) dated 31 May 2022. | A 107          | Revokes a suspension of to a non-section 56 employee in consultation with the relevant General Manager.  | GM: Corporate Services     |
| Council resolution A (2) dated 31 May 2022. | A 108          | Approves and implement Job Evaluation results.   | GM: Corporate Services     |
| Council resolution A (2) dated 31 May 2022. | A 109          | Accepts resignations of personnel at a shorter notice than 30 days.  | GM: Corporate Services     |
| Council resolution A (2) dated 31 May 2022. | A 110          | Notifies an employee in his/her department to perform temporary duties other than which are normally allocated to him/her.   | GM: Corporate Services     |
| Council resolution A (2) dated 31 May 2022. | A 111          | Approves overtime of employees who has exceeded the normal threshold of 40 hours, due to exceptional circumstances and/or emergency situations.  | None                       |
| Council resolution A (2) dated 31 May 2022. | A 112          | Approves the installation of communication systems such as antennae, for the receiving and broadcasting of any sound and television broadcasts on council property.  | GM: Corporate Services     |
| Council resolution A (2) dated 31 May 2022. | A 113          | Co-signs all applications for pension backed housing loans.  | GM: Corporate Services/CFO |
| Council resolution A (2) dated 31 May 2022. | A 114          | Approves the investment of surplus funds not immediately needed for periods less than 6 months and call investments with A-rated banks and ensure that certificates are issued with each investment.       | CFO                        |
| Council resolution A (2) dated 31 May 2022. | A 115          | Approves applications for reallocations of budget provisions from departments in order to ensure that such reallocations, comply with Accounting Standards and National Treasury budget prescriptions.     | CFO                        |
| Council resolution A (2) dated 31 May 2022. | A 116          | Instructs lawyers to recover all charges due to Council in terms of the stipulations of the applicable legislation, by-laws and policies.  | CFO                        |

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| Council resolution A (2) dated 31 May 2022. | A 117          | Approves housing subsidies excluding for Section 56 employees.   | CFO                  |
| Council resolution A (2) dated 31 May 2022. | A 118          | Approves the settlement of claims for damages in respect of damaged vehicles.  | CFO                  |
| Council resolution A (2) dated 31 May 2022. | A 119          | Exercises powers in terms of Section 6(1) (6) of the Standard Electricity By-laws.   | CFO                  |
| Council resolution A (2) dated 31 May 2022. | A 120          | Authorizes specific officials in the Finance Department to sign or countersign cheques or authorize withdrawals by means of electronic transfers from the council's main bank account. | CFO                  |
| Council resolution A (2) dated 31 May 2022. | A 121          | Authorizes the writing off of irrecoverable debts as per the credit control and debt c collection policy.  | CFO                  |
| Council resolution A (2) dated 31 May 2022. | A 122          | Authorizes the issuing of clearance certificates.  | CFO                  |
| Council resolution A (2) dated 31 May 2022. | A 123          | Approves applications for petty cash by departments.   | CFO                  |
| Council resolution A (2) dated 31 May 2022. | A 124          | Informs developers that no clearance certificates will be issued for an erf, until the outstanding amount on that erf has been paid in full.   | CFO                  |
| Council resolution A (2) dated 31 May 2022. | A 125          | Approves that advertisements may be placed on the back of consumer accounts and salary advice slips.   | CFO                  |
| Council resolution A (2) dated 31 May 2022. | A 126          | Approves and concludes agreements in respect of the repayment of Engineering Service contributions.  | CFO                  |
| Council resolution A (2) dated 31 May 2022. | A 127          | Approves the withdrawal of funds from investment accounts.   | CFO                  |
| Council resolution A (2) dated 31 May 2022. | A 128          | Concludes agreements with defaulters to pay outstanding monies to Council and connect the services.  | CFO                  |

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| Council resolution A (2) dated 31 May 2022. | A 129          | Approves access to financial application systems  | CFO                    |
| Council resolution A (2) dated 31 May 2022. | A 130          | Approves access to electronic banking system  | CFO                    |
| Council resolution A (2) dated 31 May 2022. | A 131          | Approves any financial application system program changes.  | CFO                    |
| Council resolution A (2) dated 31 May 2022. | A 132          | Determines categories of personnel authorized to verify, Approves and activates cheques and electronic payments from the primary bank account.                            | CFO                    |
| Council resolution A (2) dated 31 May 2022. | A 133          | Approves applications for indigent subsidies.   | CFO                    |
| Council resolution A (2) dated 31 May 2022. | A 134          | Approves reallocation of funds on the operating budget, from one department to another in accordance with the Virement Policy.  | CFO                    |
| Council resolution A (2) dated 31 May 2022. | A 135          | Approves reallocation of funds within a department, in accordance with the Virement Policy.   | CFO                    |
| Council resolution A (2) dated 31 May 2022. | A 136          | Grants approval for the transfer of municipal assets between departments provided that such transfer will not negatively affect the level of municipal services rendered. | CFO                    |
| Council resolution A (2) dated 31 May 2022. | A 137          | Approves the reselling of electricity in terms of legislation.  | CFO                    |
| Council resolution A (2) dated 31 May 2022. | A 138          | Authorises steps to recoup all monies lost due to wasteful and irregular expenditure from the responsible individuals.  | CFO                    |
| Council resolution A (2) dated 31 May 2022. | A 139          | Approves connections to existing municipal infrastructure or access to street networks.   | GM: Technical Services |
| Council resolution A (2) dated 31 May 2022. | A 140          | Approves the closure or opening of roads to manage traffic impact studies.  | GM: Technical Services |

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| Council resolution A (2) dated 31 May 2022. | A 141          | Approves and calculates 1:100 year flood lines for Township establishments in consultation with Environmental Management                     | GM: Technical Services  |
| Council resolution A (2) dated 31 May 2022. | A 142          | Approves the revoking of public status of municipal roads.   | GM: Technical Services  |
| Council resolution A (2) dated 31 May 2022. | A 143          | Approves the connections of stands to municipal infrastructure.  | GM: Technical Services  |
| Council resolution A (2) dated 31 May 2022. | A 144          | Approves applications to rent sidewalks.   | GM: Technical Services  |
| Council resolution A (2) dated 31 May 2022. | A 145          | Approves way leaves for roads and storm water services (Telkom, Eskom etc.).   | GM: Technical Services  |
| Council resolution A (2) dated 31 May 2022. | A 146          | Approves Site Development Plans with regard to Civil Engineering and Electrical Services.  | GM: Technical Services/ |
| Council resolution A (2) dated 31 May 2022. | A 147          | Approves feasibility studies with regard to roads, storm water and electrical services.  | GM: Technical Services  |
| Council resolution A (2) dated 31 May 2022. | A 148          | Prescribes the quality of materials to be used for the installation of civil engineering and electrical services in proclaimed Townships.    | GM: Technical Services  |
| Council resolution A (2) dated 31 May 2022. | A 149          | Approves applications for the erection of Christmas lights and decorations on Council Property   | GM: Technical Services  |
| Council resolution A (2) dated 31 May 2022. | A 150          | Closes streets or public places for the purpose of capital works or repairs to distribution networks, in consultation with the Traffic dept. | GM: Technical Services  |
| Council resolution A (2) dated 31 May 2022. | A 151          | Approves the installation of multi metering electricity points on erven in consultation with the Chief Financial Officer.                    | GM: Technical Services  |
| Council resolution A (2) dated 31 May 2022. | A 152          | Approves traffic studies for municipal areas.  | GM: Technical Services  |



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| Council resolution A (2) dated 31 May 2022. | A 153          | Approves and calculates 1:100 year flood lines for Township establishments in consultation with Environmental Management     | GM: Technical Services |
| Council resolution A (2) dated 31 May 2022. | A 154          | Approves service contributions.  | GM: Technical Services |
| Council resolution A (2) dated 31 May 2022. | A 155          | Approves electrical disconnections for safety and emergency reasons.   | GM: Technical Services |
| Council resolution A (2) dated 31 May 2022. | A 156          | Approves service designs and drawings on municipal infrastructure with regard to roads, storm water and electrical services. | GM: Technical Services |
| Council resolution A (2) dated 31 May 2022. | A 157          | Approves applications for bore holes in Townships in the municipal area.   | GM: Technical Services |
| Council resolution A (2) dated 31 May 2022. | A 158          | Approves the implementation of water restrictions during periods of drought or disasters                                     | GM: Technical Services |
| Council resolution A (2) dated 31 May 2022. | A 159          | Approves applications for boreholes in the municipal area on developed stands.   | GM: Technical Services |
| Council resolution A (2) dated 31 May 2022. | A 160          | Approves Site Development Plans concerning water services.   | GM: Technical Services |
| Council resolution A (2) dated 31 May 2022. | A 161          | Approves feasibility studies with regard to water services.  | GM: Technical Services |
| Council resolution A (2) dated 31 May 2022. | A 162          | Approves service designs and drawings pertaining to water services.  | GM: Technical Services |
| Council resolution A (2) dated 31 May 2022. | A 163          | Approves the installation of multi metering water points on erven.   | GM: Technical Services |
| Council resolution A (2) dated 31 May 2022. | A 164          | Approves the implementation of water restrictions during periods of drought or disaster.                                     | GM: Technical Services |

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| Council resolution A (2) dated 31 May 2022. | A 165          | Approves building plans from a fire prevention perspective.   | GM: Community Services |
| Council resolution A (2) dated 31 May 2022. | A 166          | Approves applications for air field shows.  | GM: Community Services |
| Council resolution A (2) dated 31 May 2022. | A 167          | Approves applications for membership of libraries.  | GM: Community Services |
| Council resolution A (2) dated 31 May 2022. | A 168          | Enforce the penalty clause when any person contravenes the provisions of the Public Library By-Laws.  | GM: Community Services |
| Council resolution A (2) dated 31 May 2022. | A 169          | Approves applications for exemption for any make, type, class or model of domestic fuel using appliance which is designed to burn solid or liquid fuel.   | GM: Community Services |
| Council resolution A (2) dated 31 May 2022. | A 170          | Grants approval for the removal of trees on Municipal property which were planted by Council or somebody else and which pose a danger to people, property or services or which may possibly be in the way of development or more vehicle entrances. | GM: Community Services |
| Council resolution A (2) dated 31 May 2022. | A 171          | Authorize the distribution of excess stock from the municipal nursery to schools that fall within the jurisdiction of the municipality.   | GM: Community Services |
| Council resolution A (2) dated 31 May 2022. | A 172          | Approves applications to use municipal parks for special social gatherings or sport.  | GM: Community Services |
| Council resolution A (2) dated 31 May 2022. | A 173          | Cancel applications for reserved graves and refund fees paid in accordance to approved tariffs on condition that the Council be indemnified against any claims that may be instituted in respect of the cancellation of a grave.                    | GM: Community Services |
| Council resolution A (2) dated 31 May 2022. | A 174          | Approves the selling of plants from the Nursery in terms of Council policy.   | GM: Community Services |
| Council resolution A (2) dated 31 May 2022. | A 175          | Approves applications in terms of the Regulations of the Gathering Act, Act 205 of 1993.  | GM: Community Services |

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| Council resolution A (2) dated 31 May 2022.       | A 176          | Approves applications to use community facilities such as swimming pools and community halls, free of charge.   | GM: Community Services |
| Council resolution A (2) dated 31 May 2022.       | A 177          | Renews lease agreements pertaining to community facilities for a period not longer than 12 months in accordance with applicable policy and procedures.                                      | GM: Community Services |
| Council resolution A (2) dated 31 May 2022.       | A 178          | Approves applications to use fireworks within the municipal area  | GM: Community Services |
| Council resolution A (2) dated 31 May 2022.       | A 179          | Approves applications of storage and transportation for inflammable liquids.  | GM: Community Services |
| Council resolution A (2) dated 31 May 2022.       | A 180          | Approves helicopter landings within the municipal area.   | GM: Community Services |
| Council resolution A (2) dated 31 May 2022.       | A 181          | Approves applications for re-burials.   | GM: Community Services |
| Council resolution A (2) dated 31 May 2022.       | A 182          | Renews lease agreements pertaining to community facilities for a period not longer than 12 months in accordance with applicable policy and procedures.                                      | GM: Community Services |
| Council resolution A (2) dated 31 May 2022.       | A 183          | Approves the speed humps on municipal roads.  | GM: Community Services |
| S334 of the Criminal Procedure Act No. 51 of 1977 | A 184          | Approves applications with regard to the appointment of Peace Officers by the Provincial Commissioner SAPS, in respect of employees who have passed the necessary examinations as required. | GM: Community Services |
| Council resolution A (2) dated 31 May 2022.       | A 185          | Approves applications for exemption for any appliance which is designed to burn solid or liquid fuel.   | GM: Community Services |
| Disaster Management Act                           | A 186          | Exercises all powers, duties and functions in terms of the Disaster Management Act concluded with Ehlanzeni District Municipality).   | GM: Community Services |
| Council resolution A (2) dated 31 May 2022.       | A 187          | Adjudicates appeals against the closure of streets  | GM: Community Services |

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| Council resolution A (2) dated 31 May 2022.                                 | A 188          | Approves the release of press statements and approves the concept answers to public enquiries.   | GM: Strategic Management Services |
| Council resolution A (2) dated 31 May 2022.                                 | A 189          | Approves any action to promote /protect the image of the municipality.   | GM: Strategic Management Services |
| Council resolution A (2) dated 31 May 2022.                                 | A 190          | Approves applications for closure of streets: (not streets and storm water) to move community services   | GM: City Planning and Development |
| Council resolution A (2) dated 31 May 2022.                                 | A 191          | Approves administrative assistance required by the Valuation Appeal Board.   | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 20(6)              | A 192          | Gives consent for the use of Council owned property or buildings in terms of section 20(6) of the Town-planning and Townships Ordinance, 1986, for purposes for which the Council's Town Planning Schemes Provides, where no objections or representations have been received. | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 23(a)              | A 193          | Prepares maps and documents for preparation of Town Planning Schemes.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 29(2) read with 55 | A 194          | Approves draft Town Planning Schemes where no objections or representations have been received.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 55                 | A 195          | Directs in writing a person to stop contravening a provision of the Town Planning Schemes, remove or have removed building or other work or direct that such building, work or use be brought in agreement with the provisions of the Schemes.                                 | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 56(1)(b)           | A 196          | Grants exemptions from compliance with the provisions of Section 56(1) (b) (ii) pertaining the posting and maintenance of a notice in the prescribed form, subject to any guidelines which may be set by the Council.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15                                     | A 197          | Gives further notice of an owner's application for an amendment scheme.  | GM: City Planning and Development |

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| of 1986:<br>Section 56(2)  |                |  |                                   |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 56(3)    | A 198          | Concludes that the applicant has satisfied all formal requirements for submitting an application.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 56(5)    | A 199          | Grants consent to the applicant to forward copies of the application to anybody contemplated in Section 56(4) (a) and be satisfied that the applicant has done so.   | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 56(6)    | A 200          | Grants an extension of time to any person whom a copy of the application has been sent.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 56(8)    | A 201          | Considers an application submitted in terms of section 56(1) by an applicant provided no objections have been received against the said application, it is supported by the Urban & Rural Management Section and within approved Council Policy y and subject to the notification of the Municipal Manager.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 56(9)    | A 202          | Approves an application subject to any amendment, which he/she may, after consultation with the applicant, deem fit and further subject to such application being in terms of the general principles as contained in the Development Facilitation Act 67 of 1995, Local Development frameworks/plan approved by the Council or any other approved planning policy, provided that no objection has been lodged such application and subject to the notification of the Municipal Manager. | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 56(10)   | A 203          | Notifies in writing the applicant, object or any person who has made representation of its decision taken by virtue of the provisions of subsection (9).   | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 59(2)(c) | A 204          | Submits to the relevant Provincial authorities the reasons for a decision on an application for an amendment scheme in the case of an appeal after consultation with the Chairperson or, in his or her absence, the Deputy Chairperson of the Council's Town Planning Tribunal   | GM: City Planning and Development |
| Town Planning and Township   | A 205          | States the Council's case and adduces evidence at an appeal against the Council's decision on an   | GM: City Planning and Development |

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| Ordinance 15 of 1986:<br>Section 59(6)(a)                                      |         | application for an amendment scheme and if necessary in consultation with Legal Services.   |                                   |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 59(8) and (9)      | A 206   | Requests the Townships Board for reasons for its recommendations and furnish the Council's comments on such reasons.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 59(15)             | A 207   | Amends any Town Planning Scheme applicable in Council's area of jurisdiction where an appeal has been upheld in terms of Section 59 and any amendment becomes necessary as a result thereof; and gives notice of such amendment in terms of Section 59(15)(a)(l).   | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 60                 | A 208   | Corrects an error or omission in an approved scheme where, in the opinion of the Urban Planning Department it is considered necessary.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 63(1)              | A 209   | <p>Directs the owner of the land to which the scheme relates, which directive shall be contained in a letter sent to the said owner by registered post within 30 days from the commencement of the scheme and which shall comply fully with the requirements of Section 63(1), to pay a contribution to the Council in respect of : -</p> <ol style="list-style-type: none"> <li>1. The engineering services contemplated in Chapter V of the Ordinance where it will be necessary enhance or improve such services because of the commencement of the scheme.</li> <li>2. Open spaces or parks where the commencement of the amendment scheme will bring about a higher residential density</li> </ol> | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 42(3) read with 55 | A 210   | Approves a building plan in order to permit continuation of a use contemplated in Section 43(1) (being an existing use right), subject to the provisions of any other law, where, in the opinion of the Division Land Use Management, this is necessary.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15  | A 211   | Grants or refuses authority to permit another application to amend a Town Planning Scheme within a two-year period if the Urban & Rural   | GM: City Planning and Development |

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| of 1986:<br>Section 61(2)  |         | Management Section is of the opinion that the changed circumstances justifies this.   |                                   |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 95<br>(read with 78(1))      | A 212   | Consents to the continuation of a Township application by a new owner, subject to such conditions as the Urban & Rural Management Section may deem expedient.                                       | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 96(2)(a)                     | A 213   | Requires any further information from the applicant for the establishment of a Township over and above that prescribed.   | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 96(3)<br>read with 69(5)     | A 214   | Decides that the applicant has shown that the holder of mineral rights has consented to the application or cannot be traced and that the applicant has requested the mineral rights be expropriated | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 96(3)<br>read with 69(6)(a)  | A 215   | Exercises the discretion contained in Section 69(6) (a) pertaining to the giving of a notice.   | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 96(3)<br>read with 69(6)(b)  | A 216   | Consents to the applicant forwarding copies of the application to bodies referred to in Section 69 and be satisfied that the applicant has done so.   | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 96(3)<br>read with 69(10)(b) | A 217   | Determines the time and place for the hearing of objections, representations or comments.   | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:   | A 218   | Consents to the amendment of the Township establishment application pending before the Council, on request by the applicant.  | GM: City Planning and Development |

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| Section 962(4)(a)   |                |  |                                   |
| Town Planning and Township Ordinance 15 of 1986: Section 96(4)(b) | A 219          | Requests the applicant for Township establishment to amend the application.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 96(4)    | A 220          | Decides that a proposed amendment of an application pending before the Council is sufficiently substantial to require re-advertisement.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 97(1)    | A 221          | Consents to an applicant entering into a contract of sale contemplated in Section 67(1) or grants an option contemplated in that section subject to whatever conditions the Urban & Rural Management Section deems expedient.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 97(2)    | A 222          | Decides that a guarantee furnished in terms of Section 97(2) is satisfactory from the Council's point of view.   | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 98(1)    | A 223          | Approves an application, either wholly or in part or postpones a decision thereon either wholly or in part, subject to such application being in terms of the general principles as contained in the Development Facilitation Act 67 of 1995, the local development frameworks/plans approved by the Council or any other approved planning policy, provided that no objection has been lodged to such application, subject to notification of the Municipal Manager | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 98(5)    | A 224          | Amends or deletes any condition of a technical nature imposed in terms of Section 98(2), after consultation with applicant and any Department of Council concerned, subject to any limitations imposed by the Town Planning Tribunal, before a Township is declared an approved Township   | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 99(2)    | A 225          | Consents, in consultation with other internal and external departments or bodies to provide engineering services to the division of a Township, provided no amendment of any approved land use rights shall result from such division.   | GM: City Planning and Development |
| Town Planning   | A 226          | Consents to the amendment of documents after   | GM: City Planning                 |



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| and Township Ordinance 15 of 1986:<br>Section 100                              |                | notification for the approval of the Township, provided that, in the opinion of the Division Land Use Management, the amendment is not so material as to constitute a new application for the establishment of a Township | and Development                   |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 100                | A 227          | Decides that any proposed amendment to a document or documents, after approval of a Township, is so material as to constitute to a new application for the establishment of a Township.                                   | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 101(1)             | A 228          | Notifies the Registrar of Deeds that the applicant has complied with the conditions which the Council requires to be fulfilled before declaring the Township to be an approved Township.                                  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 101(2)             | A 229          | Grants the applicant an extension of time in which to lodge documents with the Registrar of Deeds for registration.   | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 103(1)             | A 230          | Ascertain and be satisfied that a Township is situated within the Council's area of jurisdiction.   | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 95 read with 72(1) | A 231          | Grants an extension of time for lodging Township plans and documentation with the Surveyor General after approval of a Township.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 95 read with 75(2) | A 232          | Obtains a certified copy or tracing of the approved General Plan of a Township from the Surveyor General and recover the cost thereof from the applicant.   | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 95 read with 80    | A 233          | Corrects errors in a notice or schedule to declare an approved Township   | GM: City Planning and Development |
| Town Planning and Township Ordinance 15  | A 234          | Notifies the Registrar of Deeds that the conditions of establishment have not been complied with.   | GM: City Planning and Development |

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| of 1986:<br>Section 95<br>read with<br>82(1)(b)(l)   |                |  |                                   |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 95<br>read with<br>82(2)(a)          | A 235          | Authorizes the Registrar of Deeds to register the transfer of an erf in a Township.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 95<br>read with<br>82(1)(b)(ii) (bb) | A 236          | Notifies the Registrar of Deeds that the provisions of Section 81 in respect of the payment of endowment have been complied with.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 95<br>read with<br>82(1)(b)(ii) (cc) | A 237          | Certifies to the Registrar of Deeds that services can be provided by the Council within three months of the date of the certificate, any erf in a Township which is to be transferred and that the Council is prepared to consider an application, for the approval of building plans in respect of the erf. | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 104(2)                               | A 238          | Submits reasons for the Council's decision when an appeal is lodged after consultation with the Chairperson or, in his or her absence, the Deputy Chairperson of the Council's Tribunal.   | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 109(1)                               | A 239          | Establishes a Township if a decision to undertake such a procedure was formally taken by the Council.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 109(5)<br>read with<br>104(2)(c)     | A 240          | Submits reasons for the Council's decision on the establishment of a Township, for purposes of an appeal.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:   | A 241          | Establishes a Township on land within its area of jurisdiction of which it is the owner and certifies to the Registrar of Deeds that services can be provided within three months of the date of the certificate and   | GM: City Planning and Development |

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| Section 113(1)(c) 95 read with 88(2) and 69(5)(b)  |                | that the Council is prepared to consider an application for the approval of building plans in respect of the Erf.   |                                   |
| Council resolution A (2) dated 31 May 2022.  | A 242          | Decides and be satisfied that the applicant for the extension of the boundaries of a Township has shown that the holder of the mineral rights has consented to the application or cannot be traced or that the applicant has requested the expropriation of the mineral rights. | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 95 read with 88(2) and 69(6)(b)     | A 243          | Consents to the applicant forwarding copies of the application to the bodies referred to in Section 69(6) and be satisfied that the applicant has done so.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 95 read with 88(2) and 69(6)(b)(iv) | A 244          | Decides to send a copy of the application for comments to any other interested department or division of the Mpumalanga Provincial Administration or a State Department or to any other person who may be interested in the application.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 95 read with 88(2) and 69(b)        | A 245          | Grants an extension of time for comments.   | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 95 read with 88(2) and 69(12)(a)    | A 246          | Consents to the applicant amending the application before consideration thereof.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 95 read with 88(2) and 69(10)(b)    | A 247          | Determines the time and place for the hearing of any person who has made objections, representations or comments on the application.  | GM: City Planning and Development |

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| Town Planning and Township Ordinance 15 of 1986:<br>Section 95 as read with 88(2) and 69(14)    | A 248   | Notifies the applicant of the Council's reasons for its recommendation.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 95 as read with 88(2) and 69(20)    | A 249   | Requests the Townships Board to provide reasons for its recommendation.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 95 read with 88(2) and 69(21)       | A 250   | Replies on behalf of the Council on reasons furnished by the Townships Board for its recommendation after consultation with the Chairperson or, in his or her absence, the Deputy Chairperson of the Council's Town Planning Tribunal, | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 95 read with 88(2) and 69(12)(b)    | A 251   | Requests the applicant for Township establishment to amend the application.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 95 read with 88(2) and 69(18)(b)(l) | A 252   | Consults with the Townships Board concerning amendment of the application to extend the boundaries of an approved Township pending before that Board.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 92(2)(a)                            | A 253   | Approves an application provided that such application is in terms of the provisions of the relevant Town Planning scheme for the area, subject to notification of the Municipal Manager   | GM: City Planning and Development |
| Town Planning and Township Ordinance 15   | A 254   | Approves an application in any case where no new rights would result, or refuses an application after consultation with the department concerned.  | GM: City Planning and Development |

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| of 1986:<br>Section 95<br>read with 92(2)  |         |  |                                   |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 95<br>read with 92(3)    | A 255   | Imposes any condition of a technical nature or otherwise in approving an application, after consultation with Heads of Departments concerned.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 95<br>read with 92(3)(a) | A 256   | Approves applications with an amount of money to be paid in terms of a condition imposed in approving the subdivision or consolidation of erven in respect of the provision of engineering services. | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 95<br>read with 92(3)(a) | A 257   | Applies to the Services Appeal Board to determine the amount to be paid by an applicant in terms of a condition of subdivision or consolidation in respect of the provision of engineering services. | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 95<br>read with 92(3)(b) | A 258   | Determines the amount to be paid by an applicant in terms of a condition of subdivision or consolidation in respect of the provision of open spaces and parks.                                       | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 95<br>read with 93(1)(c) | A 259   | Enforces any condition imposed in respect of a Township or an erf in a Township.   | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 95<br>read with 92(4)(a) | A 260   | Cancels an approval of subdivision or consolidation on the request of an owner and after consultation with the Surveyor General.   | GM: City Planning and Development |

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| Town Planning and Township Ordinance 15 of 1986: Section 95 read with 92(4)(b) | A 261   | Amends, deletes (other than the condition imposed in terms of Section 92(3)) or adds any condition of approval of an application, on the request of the owner and after consultation with the Surveyor-General with departments. | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 95 read with 92(4)(c) | A 262   | Approves the amendment of a subdivision or consolidation plan, where the application for subdivision or consolidation has been approve, at the requests of the owner and after consultation with the Surveyor-General.           | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 89(4)                 | A 263   | Submit comments to the relevant Provincial Authorities in terms of Section 89(4) if such comments are in accordance with all development plans and policies approved by the Council.   | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 95 read with 89 (11)  | A 264   | Requests reasons for the Townships Board's recommendation in connection with the alteration, amendment or cancellation of a General Plan of a Township   | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 95 read with 89(12)   | A 265   | Replies on the Council's behalf on the Townships Board's reasons for its recommendation.   | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 95 read with 91(7)    | A 266   | Gives notice, as required by law, of the compulsory closure of a public place or street by the Council consequent upon the amendment, alteration or cancellation of the General Plan of a Township                               | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 99(1)(a)              | A 267   | Grants an extension of time in which to allow an application.  | GM: City Planning and Development |

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| Town Planning and Township Ordinance 15 of 1986: Section 99(1)(b)             | A 268          | Directs the applicant to lodge the application within a specified time that the Urban & Rural Management division determines.   | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 99(2)                | A 269          | Consents to the division of a Township subject to any condition which the Urban & Rural Management division deems be expedient, after consultation with the other Division concerned. | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 99(4)                | A 270          | Allows the applicant an extension of time in which to submit plans, diagrams or other documents.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 99(4)                | A 271          | Specifies the documentation required from the applicant by Council after consent has been granted for division of the Township  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 108(1)(a)            | A 272          | Decides to give public notice of the Council's intention to establish a Township  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 106 read with 80     | A 273          | Corrects any error or omission in the conditions relating a Township, in a notice or schedule contemplated in Section 79 declaring a Township be an approved Township.                | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 106 read with 89(11) | A 274          | Requests the Townships Board to provide reasons for its recommendation on an application for the alteration or cancellation of the General Plan of a Township                         | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 106                  | A 275          | Replies on the Council's behalf on reasons furnished by the Townships Board.  | GM: City Planning and Development |

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| read with 89(12)   |                |  |                                   |
| Town Planning and Township Ordinance 15 of 1986: Section 106 read with 91(7)       | A 276          | Gives notice of the compulsory closure of a public place or street, as required by law, after the amendment or cancellation of the General Plan of a Township.   | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 108(1)(b)(iv)             | A 277          | Decides to which interested department or division of the Mpumalanga Provincial Administration, Department of State, or persons a plan and documentation of a proposed Township should be forwarded for comment. | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 108(1)(b)                 | A 278          | Allows an extension of time for comments on the proposed establishment of a Township.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 109(2)                    | A 279          | Specifies conditions of a technical nature, which will apply in respect of a Township, subject to limitations imposed by the Town Planning Tribunal.   | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 109(5) read with 59(6)(a) | A 280          | States the Council's case and adduces evidence on appeal.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 109(5) read with 59(8)    | A 281          | Requests reasons from the Townships Board for its recommendations.   | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 109(5) read with 59(9)    | A 282          | Replies, on the Council's behalf, on the reasons furnished by the Townships Board.   | GM: City Planning and Development |



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| Town Planning and Township Ordinance 15 of 1986: Section 111                 | A 283          | Publishes a notice that the Township has been established by Council and the conditions upon which it has been established, where no objection has been lodged, subject to the provisions of Section 111.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 115(1) (c)          | A 284          | Enforces conditions relating to a Township or any erf in a Township after consultation with the Corporate Services Department.   | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 106 read with 92(3) | A 285          | Decides on the imposition of conditions of a technical nature, subject to limitations imposed by the Town Planning Tribunal.   | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 117(b)              | A 286          | Applies to the Services Appeal Board for the classification of engineering services as either internal or external in the absence of an agreement between Council and the applicant for the establishment of a Township, after consultation with any Department concerned.                           | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 30(1)               | A 287          | Applies to the relevant Provincial authorities for condonation of Council's failure to comply with the provisions of Section 30(1) (a) in relation a Town planning scheme, which it has prepared of its own accord.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 125(1)(e)(ii)       | A 288          | Publishes a notice in terms of Section 125(1)(e)(ii) that Council has adopted a Town Planning Scheme relating to land as contemplated in subparagraph (i)(aa), (bb) or (cc) of Section 125(1).   | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 130(1)(b)           | A 289          | Decides that there are reasonable grounds for believing that a person, by erecting a building or in dividing land, is about to establish an illegal Township or is attempting to defeat the objects of the Ordinance, and refer the matter to the relevant Provincial authorities for investigation. | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:                             | A 290          | Determines the day, time and place for a hearing at which the local authority is obliged to hear objections lodged or representations made in terms of any provision of the Town-planning and Townships  | GM: City Planning and Development |

| <b>ORIGIN OF AUTHORITY</b>   | <b>DEL. NO</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b>              |
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| Section 131(1)   |                | Ordinance, 1986.   |                                   |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 131(2)               | A 291          | Decides whether any other body or person has an interest in a matter and notifies such other body or person of the day, time and place of a hearing at which objections and representations will be heard. | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 131(3)               | A 292          | States the Council's case and adduces evidence at any appeal the Townships Board.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 24(1)                | A 293          | Prohibits the erection of buildings on, doing work on or using land when Council intends acquiring such land.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 125 Regulation 15(5) | A 294          | Approves or adapt a Town Planning Scheme under circumstances defined in Section 125(1).  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 55                   | A 295          | Considers the Council's draft Town Planning Scheme and reject or adopts same subject to any amendment deemed fit.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 56(8)(b)             | A 296          | Requests any person to furnish information to enable it to consider an application.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 59(9)                | A 297          | States the municipality's view pertaining to comments/complaint/enquiries from the Township Board.   | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:                                 | A 298          | Considers an application to amend a Town Planning Scheme within a two year period where certain circumstances where such was delegated to officials of the Division Land Use Management.                   | GM: City Planning and Development |

| <b>ORIGIN OF AUTHORITY</b>  | <b>DEL. NO</b> | <b>AUTHORITY / POWER</b>  | <b>SUB DELEGATED</b>              |
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| Section 61(3)   |                |   |                                   |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 95    | A 299          | Considers whether an applicant for the establishment of a Township has without sound reason failed to submit Township documentation to the Surveyor- General where such has not been delegated to officials.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 95    | A 300          | Considers an application by a new owner to continue with an application for Township establishment where such has not been delegated to officials.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 98(2) | A 301          | Imposes conditions in granting of approval, including conditions of payment or provisions of an endowment.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 98(3) | A 302          | States the purpose for which endowment is required if payment of endowment in cash is one of the conditions of approval.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 98(5) | A 303          | Amends or delete a condition after consultation with the applicant, after approval of applications but before Township is declared an approved Township where such has not been delegated to an official.   | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 99(2) | A 304          | Refuses an applications for the division of a Township or approves or refuses applications:<br><br>(i) which will result in amendment of any approved land use rights;<br><br>(i) which does not correspond with the Council's existing policy or development plans; and<br><br>iii) In respect of which objections have been received. | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 100   | A 305          | Decides that the amendment of documents after the approval of a Township is so substantial that a new application for the establishment must be lodged where such has not been delegated an official.   | GM: City Planning and Development |
| Town Planning   | A 306          | Approves applications for development and building  | GM: City Planning                 |

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| and Township Ordinance 15 of 1986: Section 95                                |                | applications.  | and Development                   |
| Town Planning and Township Ordinance 15 of 1986: Section 95                  | A 307          | Refuses or approves applications:<br><br>(i) which does not correspond with the Council's existing policy or development plan; and<br><br>(ii) In respect of which objections have been received.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 106                 | A 308          | Decides to subdivide or consolidate a Council erf or erven.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 106                 | A 309          | Imposes conditions of subdivision or consolidation excluding the powers delegated to the Urban & Rural Management Section, subject to any limitation imposed.  | GM: City Planning and Development |
| Town Planning and Township Ordinance 15 of 1986: Section 116(2)              | A 310          | Considers an appeal against the decision that certain engineering services are necessary for the proper development of a Township  | GM: City Planning and Development |
| National Building Regulations and Standards Act 103 of 1977: Section 2(8)    | A 311          | Decides what requirements of the Act should be complied with by the owner of a National Key Point to ensure the safety and health of the occupants of any relevant building.   | GM: City Planning and Development |
| National Building Regulations and Standards Act 103 of 1977: Section 7(1)(a) | A 312          | Decides whether an application for the Council's approval to erect a building complies with the provisions of the Act or any other applicable law and approves such application if the Urban & Rural Management Section decides that it so complies.                               | GM: City Planning and Development |
| National Building Regulations and Standards Act 103 of 1977: Section         | A 313          | Refuses an application if the Urban & Rural Management Section is satisfied that it does not comply with the requirements of the Act or any other applicable law or is satisfied that the application should be refused for any of the other reasons set out in Section 7 (1) (b). | GM: City Planning and Development |

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| 7(1)(b)  |         |  |                                   |
| National Building Regulations and Standards Act 103 of 1977: Section 7(3)  | A 314   | Makes the necessary endorsements on plans, specifications and other documents concerned.   | GM: City Planning and Development |
| National Building Regulations and Standards Act 103 of 1977: Section 10(1) | A 315   | Forms the opinion that a building or earthwork is erected or is being erected in such a manner that it will not be in the interest of good health or hygiene or will be unsightly or objectionable or will probably or in fact be a nuisance the occupiers of adjoining or neighbouring properties or will probably or in fact derogate from the value of adjoining or neighbouring properties or is being or will be erected on a site which is subject flooding or which (or any portion of which) does not drain properly or is filled up or covered with refuses or impregnated with matter liable decomposition; and, having formed such an opinion, gives any notice, and effect service thereof upon the person erecting such building or earthwork prohibiting the erection of such building or earthwork and serve such notice. | GM: City Planning and Development |
| National Building Regulations and Standards Act 103 of 1977: Section 11(1) | A 316   | Gives notice in terms of Section 11(1) to the owner of a building to resume and complete the erection of a building within such period as the Urban & Rural Management Section shall decide upon and specifies in such notice and effect service of such notice.   | GM: City Planning and Development |
| National Building Regulations and Standards Act 103 of 1977: Section 11(2) | A 317   | Grants an extension of time in the circumstances contemplated in Section 11(2).  | GM: City Planning and Development |
| National Building Regulations and Standards Act 103 of 1977: Section 11(3) | A 318   | Forms the opinion that a building is unsightly or dangerous to life or property or derogates from the value of adjoining or neighbouring properties; and, having formed such an opinion, gives written notice, and effects service thereof upon the owner, demolishes the building, removes the material of which the building consisted of and any other material or rubbish from the site in question, and otherwise cleans up the site within such period as  | GM: City Planning and Development |

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|  |         | the Urban & Rural Management Section shall decide upon and specified in such notice.  |                                   |
| National Building Regulations and Standards Act 103 of 1977: Section 12(1)     | A 319   | Forms the opinion that a building is dilapidated or in a state of disrepair or shows signs thereof; or that any building or the land on which a building was or is being or is to be erected or any earthwork is dangerous or is showing signs of becoming dangerous to life or property; and, having formed such an opinion, gives written notice and effects service thereof upon the owner of such building, land or earthwork, ordering that such owner shall, within the period decided upon by the Urban & Rural Management Section and specified in the notice, shall demolish such building or alters or secures it in such a manner that it will no longer be dilapidated or in a state of disrepair or show signs thereof or be dangerous or show signs of becoming dangerous to life or property, or shall secure such land or earthwork in such a manner that it will no longer be dangerous or show signs of becoming dangerous to life or property. | GM: City Planning and Development |
| National Building Regulations and Standards Act 103 of 1977: Section 12(2)     | A 320   | Forms the opinion that the condition of any building, land or earthwork is such that steps should be taken forthwith to protect life or property, and if such an opinion is formed, takes such steps without serving or delivering any notice on or the owner of such building, land or earthwork and recover the costs of such steps from the owner, after consultation with the other Departments concerned.  | GM: City Planning and Development |
| National Building Regulations and Standards Act 103 of 1977: Section 12(3)(a)  | A 321   | Gives written notice , and effects service thereof upon the owner of a building, land or earthwork contemplated in Section 12(1), ordering such owner to instruct, at the cost of the owner, an architect or a registered person as defined in the Act, to investigate the condition of any such building, land or earthwork and report to the Council on the nature and extent of the steps to be taken, in the opinion of such architect or such registered person, in order to render such building, land or earthwork safe.   | GM: City Planning and Development |
| National Building Regulations and Standards Act 103 of 1977: Section 12(23)(b) | A 322   | Gives and serves same by post or delivers to the person for whom it is intended, written notice ordering that any activities be stopped, or prohibiting any activities which may increase the danger or hinder or obstruct the architect or registered person referred to in Section 12(3)(a) from properly carrying out the investigation referred to in such Section.   | GM: City Planning and Development |

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| National Building Regulations and Standards Act 103 of 1977: Section 12(4) | A 323   | <p>Forms the opinion that it is necessary for the safety of any person, to require:</p> <p>(a) the owner of any building to remove from such building, within a period determined by the Urban &amp; Rural Management Section and specified in the notice, all persons occupying or working or being present for any other purpose in such building:</p> <p>(b) any person occupying or working or being in any building for any other purpose, ordering such person to vacate the building immediately or within a period determined by the Division Land Use Management, specified in such notice; and, having formed such an opinion gives notice as provided for in terms of Section 12(4) and to effect service thereof.</p>  | GM: City Planning and Development |
| National Building Regulations and Standards Act 103 of 1977: Section 12(5) | A 324   | Grants permission that a building may again be occupied after consultation with any other Department concerned.  | GM: City Planning and Development |
| National Building Regulations and Standards Act 103 of 1977: Section 14(1) | A 325   | <p>(i) forms an opinion as to whether a building has been erected in accordance with the provisions of the Act and any conditions upon which approval to erect the building was granted in terms of Section 7;</p> <p>(ii) issues such certificate if the building has, in the opinion of the Division Land Use Management, been completed in accordance with the provisions of the Act, the conditions upon which approval to erect the building was granted in terms of Section 7 and the provisions of Section 14(1)(a) have been complied with; or</p> <p>(iii) refuses to issue such certificate if, in the opinion of the Division Land Use Management, such building has not been completed or the provisions of Section 14(1)(a) have not been complied with, and gives written notice to the applicant for the certificate of such refusal, if the owner of a building or any person having an interest therein requests the issue of a</p> | GM: City Planning and Development |

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|   |         | certificate of occupancy in terms of Section 14(1).  |                                   |
| National Building Regulations and Standards Act 103 of 1977: Section 14(1A) | A 326   | Grants permission in writing to use a building before the issue of a certificate of occupancy in terms of Section 14(1), for such period and on such conditions as the Urban & Rural Management Section shall determines and specifies in such permission, which period may be extended and which conditions may be altered, when so requested by the owner of a building or other person having an interest therein,. | GM: City Planning and Development |
| Division of Land Ordinance 20 of 1986: Section 6(8)(a)                      | A 327   | Waives, in terms of Section 6(8) (a), the requirement to gives notice of the application.  | GM: City Planning and Development |
| Division of Land Ordinance 20 of 1986: Section 17(3)(a)                     | A 328   | Consents to the amendment of an application pending before the Council when the applicant makes a requests in terms of Section 17(3) (a).  | GM: City Planning and Development |
| Division of Land Ordinance 20 of 1986: Section 17(3)(b)                     | A 329   | Requests an applicant to amends his application in terms of Section 17(3) (b).   | GM: City Planning and Development |
| Division of Land Ordinance 20 of 1986: Section 18.1                         | A 330   | Approves an application wholly or in part in terms of Section 18(1), provided the application is not in conflict with any policy, development plan or Town Planning Scheme of the Council and no objections to such application have been lodged, after consultation with any other department concerned.  | GM: City Planning and Development |
| Division of Land Ordinance 20 of 1986: Section 6(5)                         | A 331   | Refuses an application for the division of land where the division of land is or will be contrary to the purposes of the Town Planning and Townships Ordinance, 15 of 1986.  | GM: City Planning and Development |
| Division of Land Ordinance 20 of 1986: Section 17(2)                        | A 332   | Considers the application, and for this purpose carries out an inspection of the land and/or institutes any investigation or requests any person or body to furnish such information as deemed expedient.  | GM: City Planning and Development |



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| Division of Land Ordinance 20 of 1986: Section 18(1) | A 333          | Approves the application wholly or in part or refuses it wholly or in part.   | GM: City Planning and Development |
| Division of Land Ordinance 20 of 1986: Section 18(2) | A 334          | Imposes any condition deemed necessary including the payment of an endowment in cash or the provisioning of an endowment in nature or both, on the approval of an application   | GM: City Planning and Development |
| Division of Land Ordinance 20 of 1986: Section 18(2) | A 335          | Supplies the reason for which the endowment is required.  | GM: City Planning and Development |
| Division of Land Ordinance 20 of 1986: Section 18(2) | A 336          | Amends or delete any conditions imposed or add further conditions after consultation with the applicant.  | GM: City Planning and Development |
| Division of Land Ordinance 20 of 1986: Section 18(2) | A 337          | Permits the amendment of documents or decides that and amendment is so substantial that a new application for subdivision must be submitted, after consultation with the Surveyor-General.  | GM: City Planning and Development |
| Division of Land Ordinance 20 of 1986: Section 20(2) | A 338          | Hears the applicant and decides whether he/she failed to satisfy any requirements without good cause.   | GM: City Planning and Development |
| Division of Land Ordinance 20 of 1986: Section 23(1) | A 339          | Consents to the continuation of an application by a new owner of land and determines conditions for such continuation where not delegated to an official.   | GM: City Planning and Development |
| Local Government Ordinance, 1939                     | A 340          | Gives the notice provided for in the said paragraphs of the said section when so required by any department entrusted by the Council with the exercise of the powers conferred by paragraph (b) of sub-section (1) of Section 84 or paragraph (b) of Section 134 of the Local Government Ordinance, 1939, and in consultation with the Division Land Use Management, or when so instructed by a Committee of the Council duly authorized thereto. | GM: City Planning and Development |

| ORIGIN OF AUTHORITY   | DEL. NO | AUTHORITY / POWER  | SUB DELEGATED                     |
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| Town Planning and Townships Ordinance, 15 of 1986, all Town planning schemes and all planning legislation       | A 341   | <p>Grants, with or without conditions, or refuses any application for special consent in terms of the Town Planning Scheme or other land use regulations in line with Council Policy on which no objections were received.</p> <p>Exercises administrative powers, duties and functions of the Council in terms of the Town Planning and Township Ordinance, 1986; The Development Facilitation Act, Annexure F of the Black Communities Development Act 4/1984 and the Less Formal Township Establishment Act 113/1991.</p> <p>Opposes or declares to oppose any appeal to the Townships Board or any other appeal body against any decision made under its delegated powers, and nominate an official or legal representative to present the Council's case at such hearing.</p> | GM: City Planning and Development |
| Town Planning and Townships Ordinance, 15 of 1986, all Town planning schemes and all planning legislation 3(3)  | A 342   | Consents to the amendment or suspension of conditions.   | GM: City Planning and Development |
| Town Planning and Townships Ordinance, 15 of 1986 , all Town planning schemes and all planning legislation 4(1) | A 343   | Plans and develops designated land.  | GM: City Planning and Development |
| Town Planning and Townships Ordinance, 15 of 1986, all Town planning schemes and all planning legislation 11(1) | A 344   | Lodges an objection with or make representations the authorized officer in respect of an application Establish a Township  | GM: City Planning and Development |
| Town Planning and Townships Ordinance, 15   | A 345   | Refuses s, subject to any conditions deemed fit, an application for consent use, taking consideration of every objection submitted and representation made.  | GM: City Planning and Development |

| ORIGIN OF AUTHORITY   | DEL. NO | AUTHORITY / POWER  | SUB DELEGATED  |
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| of 1986, all Town planning schemes and all planning legislation 11(2) |         |  |  |
| Council resolution A (2) dated 31 May 2022.                           | A 346   | Takes all necessary action, including any inferior court of the Supreme Court, except for action in the Supreme Court, to enforce a Town Planning Scheme applicable in the Council's area of jurisdiction, or the refusal of a special consent under such a Town Planning Scheme, or to enforce any by-law which is part of the functions of the Division Land Use Management, to enforce compliance with any condition attached to a special consent under a Town Planning Scheme, or enforce the terms of any servitude, consent paper or agreement forming part of the settlement of any legal proceedings under a Town Planning Scheme of the Council or any by-law which forms part of the functions of the Division Land Use Management. | GM: City Planning and Development/<br>SM: Legal Services |
| Council resolution A (2) dated 31 May 2022.                           | A 347   | Takes all action necessary, including the signing of any necessary documents to carry in effect the decision of the Council or of the Mayoral Committee to institute legal proceedings against any person or body of persons which specifically relates to planning.   | GM: City Planning and Development/<br>SM: Legal Services |
| Council resolution A (2) dated 31 May 2022.                           | A 348   | Give instructions to the Council's attorneys if he or she considers it is necessary or desirable in the interest of the Council do so.   | SM: Legal Services                                       |
| Council resolution A (2) dated 31 May 2022.                           | A 349   | Appoints any member of the Urban & Rural Management staff or instructs the Council's attorneys or brief Counsel to represent the Council before any Commission of Inquiry, statutory body or at any investigation or inquiry or hearing of any nature which falls within the ambit of Planning.  | GM: City Planning and Development                        |
| Council resolution A (2) dated 31 May 2022.                           | A 350   | Investigates or causes investigations to the work of any section within planning or any particular aspects or functions thereof.   | GM: City Planning and Development                        |
| Council resolution A (2) dated 31 May 2022.                           | A 351   | Prepares and sign any letters of approval and other agreements in execution of a Council or Mayoral decision.  | CFO/ GM'S  |
| Council resolution A (2) dated 31                                     | A 352   | Administers and enforces through prosecution or otherwise:-  | GM: City Planning and Development                        |

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| May 2022.   |         | <p>(a) the by-laws of the Council, and</p> <p>(b) Regulations which it is the function of the Council administer and enforce under off by virtue of: any Ordinance or any Act of the Mpumalanga Provincial Legislature:</p> <p>(i) any Act of Parliament which authorizes the delegation of such power by a local authority its officials; or</p> <p>(ii) any other Act of Parliament;</p> <p>Which are relevant the Urban &amp; Rural Management division or its functions, powers or duties, provided that instructions shall only be given to the Council's attorneys in connection with such administration or enforcement after consultation with the Department Corporate Services.</p> |                                   |
| Council resolution A (2) dated 31 May 2022.                 | A 353   | Authenticates and executes documents in accordance with Section 37 of the Local Government Ordinance, 1939.   | GM: City Planning and Development |
| Council resolution A (2) dated 31 May 2022.                 | A 354   | Waves any royalty or fees otherwise payable on prints of aerial photographs and mosaics taken, and any Town Planning information prepared for the Council that are supplied to non-profit making organizations; and, in his or her discretion, to others who shall acknowledge the courtesy of the Council in any use thereof.  | GM: City Planning and Development |
| Council resolution A (2) dated 31 May 2022.                 | A 355   | Supplies, in accordance with the applicable By-laws of the Council, any certificate, plan, map or other information, written or verbal, which may be supplied in terms of such By-laws, against payment of any prescribed charge.   | GM: City Planning and Development |
| Mpumalanga Liquor Licensing Act 5 of 2006: Section 35(2)(b) | A 356   | Provides comments to the Liquor Board on applications for liquor licenses which contains the requirements, terms and conditions of the Municipality should the application be granted by the Mpumalanga Liquor Board.   | GM: City Planning and Development |
| Mpumalanga Liquor Licensing Act 5 of 2006: Section 37(3)    | A 357   | Makes recommendations on applications to vary the conditions of approval on an application.   | GM: City Planning and Development |
| Mpumalanga Liquor   | A 358   | Makes recommendations on the trading hours of an establishment.   | GM: City Planning and Development |

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| Licensing Act 5 of 2006: Section 47  |                |  |                                   |
| Mpumalanga Liquor Licensing Act 5 of 2006: Section 59(4)   | A 359          | Makes recommendations with regards to any application for exemption from any person from Section 59(1)(f)  | GM: City Planning and Development |
| Mpumalanga Liquor Licensing Act 5 of 2006: Section 35(2)(a)  | A 360          | Receives and hand over all public comments on any application as advertised in terms of Section 35(2)(a).  | GM: City Planning and Development |
| Spatial Planning and Land Use Management Act, 16 of 2013 & Council Resolution A(5) of 21 August 2014 | A 361          | Considers and determines all Category 2 applications (applications consistent with the provisions of the Spatial Development Framework).<br><br>Determines the category in which the application falls, during the screening of the application prior to registration. | GM: City Planning and Development |
| Spatial Planning and Land Use Management Act, 16 of 2013 & Council Resolution A(5) of 21 August 2014 | A 362          | Performs all functions assigned to the designated officer or registrar in terms of the Development Facilitation Act in order for applications to be disposed of.   | GM: City Planning and Development |
| Property Rates Act. / Council resolution A (8) dated 27 October 2016                                 | A 363          | Lodges objections on behalf of the Council the provisional and provisional supplementary valuation rolls in terms of the stipulations of sections Property Rates Act.  | GM: City Planning and Development |
| Local Government Ord. 17/1939 Section No. 79   | A 364          | Grants consent for the lease of Council Property for church services.  | GM: City Planning and Development |
| Council resolution A (2) dated 31 May 2022.  | A 365          | Authorizes officials to control informal traders.  | GM: City Planning and Development |

| <b>ORIGIN OF AUTHORITY</b>                               | <b>DEL. NO</b> | <b>AUTHORITY / POWER</b>  | <b>SUB DELEGATED</b>  |
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| MFMA and SCM Policy                                      | A 366          | Approves applications for the extension of a period for the development of erven in respect of erven, where such a provision was included in the contract.  | GM: City Planning and Development                           |
| Local Government Ordinance, 1939 (Ord. 17/1939) Sect. 63 | A 367          | Enters into agreements with the post office in cases where excavations in streets for the installation of telecommunication equipment takes place.  | GM: City Planning and Development in consultation with GM's |
| Council resolution A (2) dated 31 May 2022.              | A 368          | Approves and determines conditions of lease and concluded leases for Council shopping complexes subject to the housing code.  | GM: City Planning and Development                           |
| Council resolution A (2) dated 31 May 2022.              | A 369          | Subject to Council policy, sell industrial erven in City of Mbombela Extension 11 at prices as approved by Council resolution subject to the condition that a regular report be submitted to the Executive Mayor in respect of erven sold.                        | GM: City Planning and Development                           |
| Council resolution A (2) dated 31 May 2022.              | A 370          | Grants approval for the use of buildings for retail purposes subject to the conditions contained in the Town planning Scheme.   | GM: City Planning and Development                           |
| Standard building by-laws                                | A 371          | Authorizes the refund of a maximum of 80% for fees payable in respect of building plans to the owner in cases where the erection of proposed buildings if not proceeded with.   | GM: City Planning and Development                           |
| Standard building by-laws                                | A 372          | Approves plans for the erection of boundary walls, fences of hoarding exceeding 1,8m provided that no objections have been received.  | GM: City Planning and Development                           |
| National Building Regulations Act                        | A 373          | Grants consent that an existing regulation be slackened with respect the maximum height of walls or fences where a permanent swimming bath is being built to the extent that the General Manager: City Planning and Development may allow for safety and privacy. | GM: City Planning and Development                           |
| National Building Regulations Act                        | A 374          | Approves residential building plans including plans for annexing, draining and small works that complies with any relevant legislation and/or ordinance.  | GM: City Planning and Development in consultation with GM's |
| National Building Regulations Act                        | A 375          | Approves Industrial, Business, Institution, Education and government building plans including plans for annexes to infrastructure services that comply with any relevant legislation and/or ordinance.  | GM: City Planning and Development                           |

| <b>ORIGIN OF AUTHORITY</b>                                   | <b>DEL. NO</b> | <b>AUTHORITY / POWER</b>  | <b>SUB DELEGATED</b>              |
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| National Building Regulations Act Article 20                 | A 376          | Issues Occupation Certificates.   | GM: City Planning and Development |
| National Building Regulations Act                            | A 377          | Allows for work in connection with a building or demolishing of a building to commence on the site if a date was given by the owner of the building by means of a notice in the required form for such a building or demolishing to be started.   | GM: City Planning and Development |
| Local Government Ordinance, 1939 (Ord. 17/1939) Sect. 79(22) | A 378          | Sells and leases housing scheme dwellings which includes the granting or permission of a dwelling purchased by means of a deed of sale, to sublease in consultation with the relevant committee established for this purpose.<br><br>Approves the substitution of a purchaser belonging to a housing scheme dwelling, of all his rights and liabilities by another purchaser in consultation with the relevant committee established for this purpose | GM: City Planning and Development |
| National Building Regulations Act                            | A 379          | Gives written consent to a person to let out or allows the letting out of any water, directly or indirectly from a swimming pool, fountain or reservoir into a public place, street or another site other than where the swimming bath, fountain or reservoir is situated.  | GM: City Planning and Development |
| Town Planning and Townships Ord. 1986 (15/86) Sect. 59(6)(a) | A 380          | Conducts Council's case and adduces evidence in support thereof in respect of draft schemes and rezoning applications in case of a hearing by the Townships Board, originating from an appeal in terms of Section 59(6) of Ordinance 15 of 1986.  | GM: City Planning and Development |
| Council resolution A (2) dated 31 May 2022.                  | A 381          | Approves administrative assistance required by the Valuation Appeal Board.  | GM: City Planning and Development |
| Council resolution A (2) dated 31 May 2022.                  | A 382          | Evaluates all applications where objection/s or no objection/s have been received, but such application is not consistent with Council's Spatial Development Framework.   | GM: City Planning and Development |
| Spatial Planning and Land Use Management Act, 16 of 2013 &   | A 383          | Considers and determines all Category 1 applications (applications which depart from the provisions of the Spatial Development Framework) subject to Section 42 of the Act, and subject to further that the tribunal may in terms of Section 22(2) depart from the provisions of the municipal Spatial Development Framework only if site-specific  | GM: City Planning and Development |

| ORIGIN OF AUTHORITY                         | DEL. NO | AUTHORITY / POWER  | SUB DELEGATED                     |
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|   |         | <p>circumstances justify a departure from the provisions of the Spatial Development Framework.</p> <p>Refuses s all applications inconsistent with the Spatial Development Framework where motivation for site-specific circumstances does not merit a departure from the provisions of the Spatial Development Framework.</p> <p>Considers all opposed Category 2 applications (applications that are consistent with the provisions of the Spatial Development Framework).</p> |                                   |
| Sec 10B Housing Act, 107 of 1997            | A 384   | Accept or reject offers for the voluntary sale of RDP houses and inform the beneficiary.   | GM: City Planning and Development |
| Sec 10A Housing Act, 107 of 1997            | A 385   | Arbitrates conflicts arising in the housing development Processes.   | GM: City Planning and Development |
| Mpumalanga Business Act of 1996             | A 386   | Regulates and enforces the Business Act of 1996.   | GM: City Planning and Development |
| City of Mbombela Street Trading By-laws     | A 387   | Enforces the City of Mbombela's Street Trading By-laws.  | GM: City Planning and Development |
| Mpumalanga Liquor Licensing Act 5/2006      | A 388   | Enforces the Liquor Licensing Act of Mpumalanga.   | GM: City Planning and Development |
| Council resolution A (2) dated 31 May 2022. | A 389   | Finalizes an agreement in terms of the Municipal Assets Transfer Regulations 878, Municipal Property and Supply Chain Management Act Regulation 868 after Council has approved the applications for the purchasing or leasing of municipal property.   | GM: City Planning and Development |
| Council resolution A (2) dated 31 May 2022. | A 390   | Appoints attorneys and advocates in line with the Supply Chain Management and financial delegations and representation of officials and the signing of relevant documentation, e.g. powers of attorney in all legal actions by or against the Municipality in consultation with the MM, (excluding Labour cases addressed through mediation, conciliation and arbitration and the signing of affidavits).  | SM: Legal Services                |
| Local Government Municipal                  | A 391   | Report criminal charges against any official suspected of being involved in any act of criminal activity on behalf of the municipality.  | Chief Audit Executive &           |



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| Finance Management Act (Section 32)                        |                |   | SM: Legal Services           |
| Council resolution A (2) dated 31 May 2022.                | A 392          | Investigation all allegations/complaints as received via the Whistle Blower system and submits reports the Municipal Manager.   | Chief Audit Executive        |
| Council resolution A (2) dated 31 May 2022.                | A 393          | Access all electronic and written records of the municipality to enable the conducting of audits/forensic investigations.   | Chief Audit Executive        |
| Council resolution A (2) dated 31 May 2022.                | A 394          | Request the necessary assistance of personnel in departments to enable the Internal Audit Unit to conducts audits/forensic investigations.  | Chief Audit Executive        |
| Council resolution A (2) dated 31 May 2022.                | A 395          | Approves the annual internal Audit plan and conducts risk based audits within the municipality.   | Chairperson: Audit Committee |
| Council resolution A (2) dated 31 May 2022.                | A 396          | Advice the Municipal Manager pertaining to the possible replacement of the Chief Audit Executive/filling of the vacancy.  | Chairperson: Audit Committee |
| Council resolution A (2) dated 31 May 2022.                | A 397          | Considers all land development applications where objections have been received against an application that is consistent with Council's Spatial Development Framework.   | Mbombela Planning Tribunal   |
| Council resolution A (2) dated 31 May 2022.                | A 398          | Evaluates all applications where objection/s or no objection/s have been received, but such application is not consistent with Council's Spatial Development Framework.   | Mbombela Planning Tribunal   |
| Spatial Planning and Land Use Management Act, 16 of 2013 & | A 399          | <p>Considers and determines all Category 1 applications (applications which depart from the provisions of the Spatial Development Framework) subject to Section 42 of the Act, and subject to further that the tribunal may in terms of Section 22(2) depart from the provisions of the municipal Spatial Development Framework only if site-specific circumstances justify a departure from the provisions of the Spatial Development Framework.</p> <p>Refuses s all applications inconsistent with the Spatial Development Framework where motivation for site-specific circumstances does not merit a departure from the provisions of the Spatial Development Framework.</p> | Mbombela Planning Tribunal   |

| <b>ORIGIN OF AUTHORITY</b>                               | <b>DEL. NO</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b>              |
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|  |                | Considers all opposed Category 2 applications (applications that are consistent with the provisions of the Spatial Development Framework).   |                                   |
| Spatial Planning and Land Use Management Act, 16 of 2013 | A 400          | Decides or otherwise disposes of any application, appeal or other matters pending before a tribunal in terms of Section 60(2) of the Development Facilitation Act at the commencement of the Spatial Planning and Land Use Management Act  | Mbombela Planning Tribunal        |
| Council resolution A (2) dated 31 May 2022.              | A 401          | Approves policies of an administrative nature.   | None                              |
| MFMA 65(2)(d)  | A 402          | Decides on the reasonable steps to be taken to ensure that payments by the Municipality are made directly to the person to whom it is due unless agreed otherwise for reasons as may be prescribed, either electronically or by way of non-transferable cheques, in consultation with the Chief Financial Officer.   | CFO/ GM'S                         |
| MFMA 116(2)(b)   | A 403          | Monitors the performance of a contractor/service provider under a contract or an agreement with the Municipality on a monthly basis and report to the Municipal Manager.   | CFO/<br>General Managers          |
| MFMA 116(2)(c)   | A 404          | Determines the capacity that needs to be established within the Municipality's administration to assist the Municipal Manager to enforce the provisions of a contract or agreement between the Municipality and a contractor and to monitor the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis and report to the Municipal Manager. | CFO/<br>General Managers          |
| MFMA 69(3)(a)  | A 405          | Prepares and submits the Municipality's annual draft budget, a draft Service Delivery and Budget Implementation Plan and budget implementation plan for the budget year in consultation with the Municipal Manager coordinated by DCS the Executive Mayor.   | CFO/<br>General Managers          |
| MFMA 75(1)   | A 406          | Ensures that the required documents are uploaded and available on the Municipality's website within five days after its tabling in the Council or on the date on which it must be made public, whichever occurs first.   | CFO/<br>General Managers          |
| MFMA 129 (3)   | A 407          | Compiles the Annual Report according to prescribed legislation in consultation with the Municipal Manager.   | GM: Strategic Management Services |

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| MFMA<br>127 (5)                   | A 408          | Publishes the Annual Report and invite comments. Submits the report to the Provincial Treasury and the Auditor-General in consultation with the Municipal Manager.  | GM: Strategic Management Services |
| MFMA<br>127(5)(a)                 | A 409          | Publishes the annual report and invitees the local community to submit representations in connection with the annual report.  | GM: Strategic Management Services |
| MFMA<br>132(2)                    | A 410          | Submits the Municipality's annual report and oversight report to Council and relevant Provincial Departments.   | GM: Strategic Management Services |
| MFMA<br>131(2)(a)                 | A 411          | Submits the Municipality's responses to the issues raised in an audit report to the MEC for local government.   | GM: Strategic Management Services |
| MFMA<br>129(2)(a)                 | A 412          | Attending the meetings of the Council and its committees where the annual report is discussed and respond to questions concerning the report.   | GM: Strategic Management Services |
| MFMA<br>129(2)(b)                 | A 413          | Submit copies of the minutes of meetings of the Council and its committees where the annual report was discussed to the Auditor-General, the provincial treasury and the provincial department responsible for local government.                                      | GM: Strategic Management Services |
| MFMA<br>129(3)                    | A 414          | Publishing the oversight report regarding the annual report.  | GM: Strategic Management Services |
| MFMA<br>69(3)(b)                  | A 415          | Prepare and submit within 14 days after the approval of the Municipality's annual budget, drafts of the annual performance agreements as required in terms of section 57(l) (b) of the Municipal Systems Act for the Municipal Manager and all senior Managers.       | None                              |
| MFMA<br>72(1)(b)                  | A 416          | Submits the mid-year performance assessment report to the Executive Mayor, the National Treasury and the Provincial Treasury.   | None                              |
| MFMA<br>72(1)(b)                  | A 417          | Develop implements and provides administrative support of PMS for all Section 57 employees and other staff as prescribed.   | None                              |
| MSA 32 of 2000 sections 43 and 49 | A 418          | Develops the municipality's PMS and relevant activities and responsibilities as well as any other regulations made or guidelines issued under section 120 read with sections 43 and 49 of the Municipal Systems Act, 2000 and regulations no. R796 of 24 August 2001. | None                              |
| Council resolution A              | A 419          | Report to the Executive Mayor on a quarterly basis  | None                              |

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| (2) dated 31 May 2022.                      |         | on progress with the municipality's PMS and relevant activities and responsibilities as well as any other regulations made or guidelines issued under section 120 read with sections 43 and 49 of the Municipal Systems Act, 2000 and regulations no. R796 of 24 August 2001.  |                        |
| Council resolution A (2) dated 31 May 2022. | A 420   | Facilitate and compile quarterly risk mitigations reports pertaining to the Strategic Risk Register.   | None                   |
| Dora 2005 27(5)(b)                          | A 421   | Prepares Annual Performance Management Reports.  | None                   |
| Dora 2005 27(5)(b)                          | A 422   | Formulate Performance Management Plans for Senior Managers and managers.   | GM: Corporate Services |
| MFMA 53(3)(a)                               | A 423   | Ensures that the revenue and expenditure projections for each month and the service delivery targets and performance indicators for each quarter, contained in the service delivery and budget implementation plan, are made public no later than 14 days after the approval of the service delivery and budget implementation plan. | None                   |
| MFMA 83(2)                                  | A 424   | Determines the resources or opportunities to be made available for the training of officials to meet the prescribed financial management competency levels.  | GM: Corporate Services |
| MFMA 119(2)                                 | A 425   | Determines the resources or opportunities to be made available for the training of officials involved in the implementation of the supply chain management policy of the Municipality to meet the prescribed competency levels.  | GM: Corporate Services |
| MFMA 31(c)                                  | A 426   | Certifies that:<br>(i) Actual revenue for the financial year is expected and exceed budgeted revenue; and<br>(ii) Sufficient funds are available for the increase without incurring further borrowing beyond the annual budget limit.  | CFO                    |
| MFMA 114(1)                                 | A 427   | Reports to the Auditor General, Provincial and National Treasury if the Bid Adjudication Committee recommends to appoint a service provider and the accounting officer decides to deviate from such a recommendation.  | CFO                    |
| MFMA 13(2)                                  | A 428   | Establishes an appropriate and effective cash management and investment policy in accordance with any framework that may be prescribed in terms of subsection 13(1) of the MFMA.   | CFO                    |

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| MFMA 62(i) (ii) (iii) (iv)                  | A 429          | Develops, implements and maintains Rates Policy, Credit Control and Debt Collection Policy, Supply Chain Management Policy as well as other financially related policies in accordance with the MFMA and any other relevant legislation.   | CFO                  |
| MFMA 63(2)(a)                               | A 430          | Maintains an effective system of expenditure control, including procedures for the approval, authorisation, withdrawal and payment of funds.   | CFO                  |
| MFMA 64(2)(e)                               | A 431          | Maintains a management accounting and information system which:<br><br>(i) recognises revenue when it is earned;<br>(ii) accounts for debtors;<br>(iii) Account for receipts of revenue.   | CFO                  |
| MFMA 62(1)(c)(i)                            | A 432          | Decides on the reasonable steps to be taken to ensure that the Municipality has and maintains effective, efficient and transparent systems of financial, risk management, and internal control in consultation with the Municipal Manager. | None                 |
| MFMA 63(2)(b)                               | A 433          | Decides on the reasonable steps to be taken to ensure that the Municipality's assets and liabilities are valued in accordance with standards of generally recognised accounting practice.  | CFO                  |
| MFMA Section 13                             | A 434          | Decides to invest surplus funds at approved financial institutions for the benefit of Council, in accordance with Council's cash management and investment policy.   | CFO                  |
| Council resolution A (2) dated 31 May 2022. | A 435          | Signing off cession agreements for payments to creditors in consultation with user departments and report the Municipal Manager.   | CFO                  |
| Council resolution A (2) dated 31 May 2022. | A 436          | Authorises the writing off, of back interest on consumers who are in arrears and debtors' accounts, in accordance with the Debt Collection Procedure/Policy.   | CFO                  |
| MFMA 65(2)(e)                               | A 437          | Decides on the reasonable steps to be taken to ensure that all moneys owing by the Municipality are paid within 30 days of receiving the relevant invoice or statement, unless prescribed otherwise for certain categories of expenditure. | CFO                  |
| MFMA 65(2)(b)                               | A 438          | Decides on the reasonable steps to be taken to ensure that the Municipality has and maintains a management, accounting and information system, which recognises expenditure when it is incurred.   | CFO                  |

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| MFMA 13(2)                                  | A 439          | Establishes an appropriate and effective cash management and investment policy in accordance with any framework that may be prescribed in terms of subsection 13(1) of the MFMA.   | CFO                  |
| MFMA 62(i) (ii) (iii) (iv)                  | A 440          | Develops implements and maintains Rates Policy, Credit Control and Debt Collection Policy, Supply Chain Management Policy as well as other financially related policies in accordance with the MFMA and any other relevant legislation.  | CFO                  |
| MFMA 114(1)                                 | A 441          | Reports to the Auditor General, Provincial and National Treasury if the Bid Adjudication Committee recommends to appoint a service provider and the accounting officer decides to deviate from such a recommendation                     | CFO                  |
| MFMA 63(2)(a)                               | A 442          | Maintains an effective system of expenditure control, including procedures for the approval, authorisation, withdrawal and payment of funds.   | CFO                  |
| Council resolution A (2) dated 31 May 2022. | A 443          | Allocates emergency accommodation for Councillors in cases where residential property is destroyed due to community unrest.  | None                 |
| MFMA Section 13                             | A 444          | Decides to invest surplus funds at approved financial institutions for the benefit of Council, in accordance with Council's cash management and investment policy.   | CFO                  |
| Council resolution A (2) dated 31 May 2022. | A 445          | Signs off cession agreements for payments to creditors in consultation with user departments and report to the Municipal Manager.  | CFO                  |
| Council resolution A (2) dated 31 May 2022. | A 446          | Authorises the writing back of interest on consumers who are in arrears and debtors' accounts, in accordance with the Debt Collection Procedure/Policy.  | CFO                  |
| MFMA 65(2)(e)                               | A 447          | Decides on the reasonable steps to be taken to ensure that all money owing by the Municipality be paid within 30 days of receiving the relevant invoice or statement, unless prescribed otherwise for certain categories of expenditure. | CFO                  |
| MFMA 65(2)(b)                               | A 448          | Decides on the reasonable steps to be taken to ensure that the Municipality has and maintains a management, accounting and information system, which recognises expenditure when it is incurred.   | CFO                  |
| MFMA 70(1)                                  | A 449          | Reports to Council on any Impending shortfalls, overspending and overdrafts and steps be taken prevent and rectify such shortfalls or overspending.  | CFO                  |

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| MFMA 70(2)                                  | A 450          | Reports to National Treasury on overdrawn bank accounts.  | CFO                  |
| MFMA 8(5)                                   | A 451          | Submits the details of the Primary bank account to National & Provincial Treasury, and the Auditor General.   | CFO                  |
| MFMA 9                                      | A 452          | Submits bank account details to Provincial Treasury and Auditor-General.  | CFO                  |
| Council resolution A (2) dated 31 May 2022. | A 453          | Ensures that the report of the Auditor-General on financial records of Council is submitted to Council with corrective steps taken not later than 2 months after it was received.   | CFO                  |
| MFMA 72(3)                                  | A 454          | Determines whether it is necessary to recommend that an adjustments budget be considered and that revised projections for revenue and expenditure is necessary in consultation with the Municipal Manager   | CFO                  |
| MFMA 22                                     | A 455          | Prepares the annual budget, inviting the community to submit representations in connection therewith and submitting same to the national and provincial treasuries, both in printed and electronic formats.   | CFO                  |
| MFMA 71(1)                                  | A 456          | Submits to the Executive Mayor and the provincial treasury, within 10 days after the end of each month, a statement in the prescribed format on the state of the municipality's budget.   | CFO                  |
| DORA 37(1)                                  | A 457          | Submits a three-year capital plan National Treasury.  | CFO                  |
| DORA 2005 21(2)(b)                          | A 458          | Submits to National Treasury the budget and detailed plans to achieve the outputs funded by MIG in consultation with the Municipal Manager.   | CFO                  |
| MFMA 178(2)(a)                              | A 459          | Submits to the National Treasury a list of all corporate entities in which the Municipality or a municipal entity under its sole or shared control has an interest.   | CFO                  |
| MFMA 122(1)/ 126(1)(a)                      | A 460          | Prepares annual financial statements which fairly presents the state of affairs of the Municipality, its performance against its budget, its management of revenue, expenditure, assets and liabilities, its business activities, its financial results, and its financial position as at the end of the financial year and submit it to the Municipal Manager. | CFO                  |
| MFMA 115(1)(b)                              | A 461          | Determines reasonable steps that must be taken to ensure that proper mechanisms and separation of duties in the supply chain management system are  | CFO                  |

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|   |         | in place to minimize the likelihood of fraud, corruption, favouritism and unfair and irregular practices.   |               |
| MFMA<br>64(4)(a)                            | A 462   | Decides on reasonable steps to be taken to ensure that any funds collected by the Municipality on behalf of another organ of state is transferred to that organ of state at least on a monthly basis.   | CFO           |
| MFMA<br>64(2)(d)                            | A 463   | Decides on the reasonable steps to be taken to ensure that all money received is promptly deposited in accordance with the MFMA in the Municipality's primary and other bank accounts in consultation with the MM.  | CFO           |
| MFMA<br>64(2)(c)                            | A 464   | Decides on the reasonable steps to be taken to ensure that charges for municipal services are prepared on a monthly basis, or less often as may be prescribed where monthly accounts are uneconomical.  | CFO           |
| Council resolution A (2) dated 31 May 2022. | A 465   | Submits objections against the provisional valuation roll and the provisional supplementary valuation roll, on behalf of Council in terms of relevant legislation.  | CFO           |
| Council resolution A (2) dated 31 May 2022. | A 466   | Facilitates objection hearings against the provisional valuation roll and the provisional supplementary valuation roll, on behalf of Council in terms of relevant legislation.  | CFO           |
| MFMA<br>65(2)(d)                            | A 467   | Decides on the reasonable steps be taken to ensure that payments by the Municipality are made directly to the person to whom it is due unless agreed otherwise for reasons as may be prescribed, either electronically or by way of non-transferable cheques, in consultation with the Chief Financial Officer. | CFO           |
| MFMA<br>65(2)(g)                            | A 468   | Decides on the reasonable steps to be taken to ensure that any dispute concerning payments due by the Municipality another organ of state is disposed of in terms of legislation regulating disputes between organs of state.   | CFO           |
| MFMA<br>64(3)2                              | A 469   | Informs the National Treasury of any payments due by an organ of state to the Municipality in respect of municipal tax or for municipal services, if such payments are regularly in arrears for periods of more than 30 days.   | CFO           |
| MFMA<br>64(2)(h)                            | A 470   | Decides on the reasonable steps to be taken to ensure that all revenue received by the Municipality, including revenue received by any collecting agent   | CFO           |



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|  |                | on its behalf, is reconciled at least on a weekly basis.   |                      |
| MFMA<br>69(1)(b)                                     | A 471          | Determines, in relation to implementing the Municipality's approved budget, the reasonable steps required to ensure that revenue and expenditure are properly monitored in consultation with the Municipal Manager.  | CFO                  |
| Council<br>resolution A<br>(2) dated 31<br>May 2022. | A 472          | Pays Salaries and allowances to officials and Councillors on a date determined by Council.   | CFO                  |
| MFMA<br>48(2)  | A 473          | Decides the form/nature of security be provided for any of the Municipality's debt obligations, debt obligations of a municipal entity under its sole control and contractual obligations of the Municipality undertaken in connection with capital expenditure by other persons on property, plant or equipment be used by the Municipality or such other person. | CFO                  |
| MFMA<br>65(2)(f)                                     | A 474          | Decides on the reasonable steps to be taken to ensure that the Municipality complies with its tax, levy, duty, pension, medical, audit fees and other statutory commitments.   | CFO                  |
| MFMA<br>69(3)(a)                                     | A 475          | Prepares and submits the SDBIP and annual budget Council.  | CFO                  |
| MFMA<br>70(1)  | A 476          | Reports to Council any impending shortfalls in budgeted revenue and overspending of the Municipality's budget and any steps taken prevent or rectify such shortfalls or overspending.  | CFO                  |
| SCM Reg.<br>6(2)(a)(i)<br>6(3)(4)                    | A 477          | Submits quarterly report on SCM implementation to the Executive Mayor and makes it public.   | CFO                  |
| MFMA<br>65(2)(a)                                     | A 478          | Decides on the reasonable steps to be taken to ensure that the Municipality has and maintains an effective system of expenditure control, including procedures for the approval, authorisation, withdrawal and payment of funds.   | CFO                  |
| MFMA<br>65(2)(c)                                     | A 479          | Decides on the reasonable steps to be taken to ensure that the Municipality has and maintains a system of internal control in respect of creditors and payments.   | CFO                  |
| Council<br>resolution A<br>(2) dated 31              | A 480          | Pays gratuities to employees who qualify according the established prescripts and policy.  | CFO                  |

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| May 2022.                                   |         |   |               |
| Council resolution A (2) dated 31 May 2022. | A 481   | Approves increases in maintenance premiums payable by Council, if such increase does not lead the over-expenditure of any budget vote.  | CFO           |
| Council resolution A (2) dated 31 May 2022. | A 482   | Institutes a claim against an insolvent estate, either that of a natural person or that of a legal person ~ with regard to moneys owing Council.  | CFO           |
| MFMA 11(4)(a)                               | A 483   | Prepares a quarterly consolidated report of all withdrawals made in terms of section 11(1) (b)(j) of the MFMA from the Municipality's bank accounts.  | CFO           |
| MFMA 11(4)(b)                               | A 484   | Submits quarterly consolidated reports of all withdrawals made in terms of section 11 (1) (b)(j) of the MFMA the provincial treasury and the Auditor-General.   | CFO           |
| MFMA 65(2)(h)                               | A 485   | Tables a quarterly consolidated report of all withdrawals made in terms of section 11 (1) (b)(j) of the MFMA from the Municipality's bank accounts in the Council.  | CFO           |
| Dora 21(5)                                  | A 486   | Submits a performance evaluation of programs funded through Dora National Treasury.   | CFO           |
| Dora 22(4)                                  | A 487   | Submits a performance evaluation of other programs funded through DORA National Treasury.   | CFO           |
| MFMA 69(3)(b)                               | A 488   | Prepares and submits, within 14 days after the approval of the Municipality's annual budget, drafts of the annual performance agreements as required in terms of section 57(l) (b) of the Municipal Systems Act for the Municipal Manager and all Senior Managers.    | None          |
| MFMA 72(1)(b)                               | A 489   | Submits the mid-year performance assessment report to the Executive Mayor, the National Treasury and the Provincial Treasury.   | None          |
| MSA 32 of 2000 sections 43 and 49           | A 490   | Develops the municipality's PMS and relevant activities and responsibilities as well as any other regulations made or guidelines issued under section 120 read with sections 43 and 49 of the Municipal Systems Act, 2000 and regulations no. R796 of 24 August 2001. | None          |
| MFMA 53(3)(a)                               | A 491   | Ensures that the revenue and expenditure projections for each month and the service delivery targets and performance indicators for each quarter, contained in the service delivery and budget implementation plan, are made public no later than                     | None          |

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|   |                | 14 days after the approval of the service delivery and budget implementation plan.   |                                 |
| MFMA<br>119(2)                              | A 492          | Determines the resources or opportunities be made available for the training of officials involved in the implementation of the supply chain management policy of the Municipality meet the prescribed competency levels.  | GM: Corporate Services          |
| Council resolution A (2) dated 31 May 2022. | A 493          | Compiles annual reports in terms of the Skills Development Act and relevant regulations to monitor implementation.   | GM: Corporate Services          |
| Council resolution A (2) dated 31 May 2022. | A 494          | Pays compensation to the Provincial Library Service, if the amount budgeted, is not exceeded.  | GM: Community Services          |
| National Heritage Act of 1999 (8)           | A 495          | Approves the demolition of old buildings – excluding living units - in terms of the provisions of Section 58(3) of the Amendment Ordinance on Local Authorities 1978, taking in consideration the historic value there off in consultation with the Municipal Manager. | GM: City Planning & Development |
| Council resolution A (2) dated 31 May 2022. | A 496          | Implements the powers as contemplated and as published in accordance with the National Building regulations and Building Standards Act.  | GM: City Planning & Development |
| MSA + MFA Chapter 5 (23, 24 – 37)           | A 497          | Ensures that the municipality undertakes developmentally orientated planning.  | GM: City Planning & Development |
| Council resolution A (2) dated 31 May 2022. | A 498          | Connects electricity from any other land or sites the Council's networks in accordance with Council's policy.  | GM: Technical Services          |
| Council resolution A (2) dated 31 May 2022. | A 499          | Close public streets temporarily for the repair, replacing or fitting of services.   | GM: Technical Services          |
| SABS 0142                                   | A 500          | Enforces Electricity Regulations in terms of the relevant SABS codes.  | GM: Technical Services          |
| Council resolution A (2) dated 31 May 2022. | A 501          | Ensures that personnel report for duty before 07:30 and only knock off after 16:00.  | All Managers/ Supervisors       |
| Council resolution A (2) dated 31 May 2022. | A 502          | Ensures that personnel are at work during office hours, and are not away from office for extended periods of time without a valid reason.  | All Managers/ Supervisors       |

| <b>ORIGIN OF AUTHORITY</b>                  | <b>DEL. NO</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b>              |
|---|----------------|--|-----------------------------------|
| Council resolution A (2) dated 31 May 2022. | A 503          | Sends an official to his/her home to comply with the official dress code.  | All Managers/ Supervisors         |
| Council resolution A (2) dated 31 May 2022. | A 504          | Enforces Batho Pele principles and the Code of Conduct for Municipal employees and recommends disciplinary action against officials who do not adhere to the Batho Pele principles or who contravenes the Code of conduct for municipal employees. | All Managers/ Supervisors         |
| Council resolution A (2) dated 31 May 2022. | A 505          | Recommends disciplinary action against an official if an official does not give a reasonable explanation to the Manager why he/she did not adhere to the Batho Pele principles or who contravened the Code of conduct for municipal employees.     | All Managers/ Supervisors         |
| Council resolution A (2) dated 31 May 2022. | A 506          | Enforce the daily completion of the attendance Registers or any similar future system. Can recommend disciplinary action or the deduction of a day's pay, if officials do not complete the attendance Registers.                                   | All Managers/ Supervisors         |
| Council resolution A (2) dated 31 May 2022. | A 507          | Monitors the productivity of employees and may request reasons if an employee is found not to be productive. Recommends disciplinary action if he is not satisfied with the explanation.   | All Managers/ Supervisors         |
| Section 6(b) of the SPLUMA By-Law           | A 508          | Publishes a notice in a local newspaper of the municipality's intention to prepare, review or amend the Municipal Spatial Development Framework.   | GM: Strategic Management Services |
| Section 6(c) of the SPLUMA By-Law           | A 509          | Informs the relevant Member of the Executive (MEC) Provincial Government of the municipality's intention to prepare, review or amend the Municipal Spatial Development Framework.  | None                              |
| Section 20(3) of SPLUMA                     | A 510          | Publishes a notice in the <i>Provincial Gazette</i> and the media inviting comments on the proposed Municipal Spatial Development Framework.   | GM: Strategic Management Services |
| Section 20(1) of SPLUMA                     | A 511          | Publishes a notice in the <i>Provincial Gazette</i> that the municipality has adopted a Municipal Spatial Development Framework.   | GM: Strategic Management Services |
| Section 9(1)(b)(iii) of SPLUMA              | A 512          | Act on requests by the Minister to monitor quality and effectiveness of the Municipal Spatial Development Framework and other spatial planning and land use management tools and instruments.  | None                              |
| Section 22(3) of SPLUMA                     | A 513          | Acts on requests by the Premier to revise the Municipal Spatial Development Framework in order to ensure consistency between the Municipal and Provincial Spatial Development Framework.   | None                              |

| <b>ORIGIN OF AUTHORITY</b>   | <b>DEL. NO</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b>               |
|--|----------------|--|------------------------------------|
| Section 6(a) of SPLUMA By-Law  | A 514          | Invites nominations and convene a Project Steering Committee.  | Nonr                               |
| Section 29(2) of SPLUMA  | A 515          | Enters in an agreement with any organ of state.  | None                               |
| Section 27(3) of SPLUMA read with section 23 of the SPLUMA By-Law    | A 516          | Submits the Land Use Scheme to the Premier and the relevant Member of the Executive (MEC) Provincial Government  | None                               |
| Section 19(2)(a) of the SPLUMA By-Law                                | A 517          | Publishes a notice in the <i>Provincial Gazette</i> inviting comments on the proposed Land Use Scheme.   | GM: Strategic Management Services  |
| Section 19(2)(b) of the SPLUMA By-Law                                | A 518          | Publishes a notice in a local newspaper inviting comment on the proposed Land Use Scheme.  | GM: Strategic Management Services  |
| Section 19(4) of the SPLUMA By-Law                                   | A 519          | Informs the relevant Member of the Executive (MEC) Provincial Government of the intention to draft a Land Use Scheme.  | None                               |
| Section 22 of the SPLUMA By-Law                                      | A 520          | Informs all persons who commented on the proposed Land Use Scheme and to publish a notice in the Provincial Gazette and the media of the approved Land Use Scheme. | GM: Urban Planning and Development |
| Section 35(2) of SPLUMA  | A 521          | Authorises officials to decide certain categories of applications.   | GM: Urban Planning and Development |
| Section 35(3) of SPLUMA  | A 522          | Categorise LUMS applications.  | GM: Urban Planning and Development |
| Section 36(1)(a) of SPLUMA   | A 523          | Designate officials serve on the Mbombela Planning Tribunal.   | GM: Urban Planning and Development |
| Section 36(4) of SPLUMA read with section 34(2) of the SPLUMA By-Law | A 524          | Designates a chairperson and a deputy chairperson of the Mbombela Planning Tribunal.   | None                               |
| Section 30 of the SPLUMA   | A 525          | Invites and calls for nominations from organs of state and the public for persons be appointed as members  | None                               |

| <b>ORIGIN OF AUTHORITY</b>  | <b>DEL. NO</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b>            |
|---|----------------|--|---------------------------------|
| By-Law  |                | of the Mbombela Planning Tribunal.   |                                 |
| Section 30 of the SPLUMA By-Law                                       | A 526          | Screens and verifies nominations received for completeness.  | None                            |
| Section 63(6) of the SPLUMA By-Law                                    | A 527          | Temporarily closes a public place.   | None                            |
| Section 49(4) of SPLUMA read with section 104(1) of the SPLUMA By-Law | A 528          | Enters in an engineering services agreement with an applicant.   | GM: City Planning & Development |
| Section 107(1) of the SPLUMA By-law                                   | A 529          | Develops a policy for development charges.   | GM: City Planning & Development |
| Section 32(3)(a) of SPLUMA  | A 530          | Designates a municipal official or Appoint any other person as an inspector investigate any non-compliance with its Land Use Scheme.   | GM: City Planning & Development |
| Sections 152(b), 153(1) and 157(1) of the SPLUMA By-Law               | A 531          | Applies for a court order or urgent interdict or a warrant Enters on the land or building or premises.   | GM: City Planning & Development |
| Section 12(1) of SPLUMA read with section 6 of the SPLUMA By-Law      | A 532          | Prepares, reviews and amends its Municipal Spatial Development Framework.  | GM: City Planning & Development |
| Section 6 of the SPLUMA By-Law  | A 533          | Registers relevant stakeholders who must be invited to comment on the proposed Municipal Spatial Development Framework or proposed amendment of the Municipal Spatial Development Framework.                                   | GM: City Planning & Development |
| Section 9(3) of the SPLUMA By-Law                                     | A 534          | Hold public engagements on the content of the Municipal Spatial Development Framework.   | GM: City Planning & Development |
| Section 29(1) of SPLUMA   | A 535          | Consults and enters in an agreement with any organ of state responsible for administering legislation relating any aspect of an activity that also requires approval in terms of Spatial Planning and Land use Management Act. | GM: City Planning & Development |

| <b>ORIGIN OF AUTHORITY</b>                               | <b>DEL. NO</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b>            |
|--|----------------|--|---------------------------------|
| Section 23 of SPLUMA                                     | A 536          | Provides general policy and other guidance for the development, preparation and Adopts or amendment of the Land Use Scheme.  | GM: City Planning & Development |
| Section 17 of the SPLUMA By-Law                          | A 537          | Develops a draft Land Use Scheme.  | GM: City Planning & Development |
| Section 19(3) of the SPLUMA By-Law                       | A 538          | Holds public engagements on the content of the proposed Land Use Scheme.   | GM: City Planning & Development |
| Section 37(4) of SPLUMA and Regulation 3(1)              | A 539          | Publishes a notice in the Provincial Gazette that the Mpumalanga Planning Tribunal is in a position commence operations and names of members appointed and their term of office. | GM: City Planning & Development |
| Section 38(2) of the SPLUMA By-Law                       | A 540          | Makes records of Mpumalanga Planning Tribunal decisions available any person who requests it.  | GM: City Planning & Development |
| Section 48(2) of SPLUMA                                  | A 541          | Appoints a municipal official to conduct an inspection required by the Mpumalanga Planning Tribunal.   | GM: City Planning & Development |
| Section 41 of the SPLUMA By-Law                          | A 542          | Designate an employee as the administrator of the Mpumalanga Planning Tribunal.  | GM: City Planning & Development |
| Section 103(1) of the SPLUMA By-Law                      | A 543          | Determines reports, diagrams and specifications for the installation of internal engineering services by the applicant.  | GM: City Planning & Development |
| Section 103(4) of the SPLUMA By-Law                      | A 544          | Set the standards for private roads, private open spaces, private facilities or engineering services.  | GM: City Planning & Development |
| Section 127(1) of the SPLUMA By-Law                      | A 545          | Acts as registrar of the appeal authority.   | GM: City Planning & Development |
| Section 6(b), 19(2)(b) and 82(1)(b) of the SPLUMA By-Law | A 546          | Determines the language for notices.   | GM: City Planning & Development |
| Section 45(4) and Regulation                             | A 547          | Grants Intervener status as a petitioner on an appeal submitted.   | GM: Strategic Management        |

| ORIGIN OF AUTHORITY                         | DEL. NO | AUTHORITY / POWER  | SUB DELEGATED          |
|---|---------|--|------------------------|
| 31 of SPLUMA                                |         |  | Services               |
| Council resolution A (2) dated 31 May 2022. | A 548   | Approves deductions on Stated Benefit claims pertaining to personnel.  | GM: Corporate Services |
| Council resolution A (2) dated 31 May 2022. | A 549   | Allocation of residential accommodation to staff in terms of an approved policy.   | GM: Corporate Services |
| Council resolution A (2) dated 31 May 2022. | A 550   | Allocates residential accommodation to residents in terms of an approved policy.   | None                   |
| Section 6(b) of the SPLUMA By-Law           | A 551   | Authority to publish a notice in a local newspaper of the municipality's intention to prepare, review or amend the MSDF.   | None                   |
| Section 6(c) of the SPLUMA By-Law           | A 552   | Authority to inform the MEC of the municipality's intention to prepare, review or amend the MSDF.  | None                   |
| Section 20(3) of SPLUMA                     | A 553   | Authority to publish a notice in the <i>Provincial Gazette</i> and the media inviting comment on the proposed MSDF.  | None                   |
| Section 20(1) of SPLUMA                     | A 554   | Authority to publish a notice in the <i>Provincial Gazette</i> that it has adopted a MSDF for the municipality.  | None                   |
| Section 9(1)(b)(iii) of SPLUMA              | A 555   | Authority to act on request by the Minister to monitor quality and effectiveness of MSDF and other spatial planning and land use management tools and instruments. | None                   |
| Section 22(3) of SPLUMA                     | A 556   | Authority to act on request by the Premier to revise the MSDF in order to ensure consistency between the MSDF and the PSDF   | None                   |
| Section 6(a) of the SPLUMA By-Law           | A 557   | Authority to invite nominations and convene an Intergovernmental Steering Committee  | None                   |
| Section 6(a) of the SPLUMA By-Law           | A 558   | Authority to convene a Project Committee   | None                   |
| Section 8(9)(b) of the SPLUMA By-Law        | A 559   | Authority to submit the adopted, reviewed or amended MSDF to the MEC   | None                   |
| Section 27(3) of SPLUMA read with           | A 560   | Authority to submit the LUS to the Premier and the MEC   | None                   |



| <b>ORIGIN OF AUTHORITY</b>  | <b>DEL. NO</b> | <b>AUTHORITY / POWER</b>  | <b>SUB DELEGATED</b> |
|---|----------------|---|----------------------|
| section 26 of the SPLUMA By-Law                                     |                |   |                      |
| Section 15 of the SPLUMA By-Law                                     | A 561          | Authority to develop and prepare or amend a LUS   | None                 |
| Section 18(1)(a) of the SPLUMA By-Law                               | A 562          | Authority to establish and appoint members to the Land Use Scheme Committee   | None                 |
| Section 21(2)(a) of the SPLUMA By-Law                               | A 563          | Authority to publish a notice in the Provincial Gazette inviting comment on the proposed LUS  | None                 |
| Section 21(2)(b) of the SPLUMA By-Law                               | A 564          | Authority to publish a notice in a local newspaper inviting comment on the proposed LUS   | None                 |
| Section 21(4) of the SPLUMA By-Law                                  | A 565          | Authority to inform the MEC of the intention to draft a LUS.  | None                 |
| Section 25 of the SPLUMA By-Law                                     | A 566          | Authority to inform all persons who commented on the proposed LUS and to publish a notice in the Provincial Gazette and the media of the approved LUS | None                 |
| Section 32(1) of the SPLUMA By-law                                  | A 567          | Authority to determine that the incumbent of a particular post is the LDO   | None                 |
| Section 35(2) of SPLUMA By-law                                      | A 568          | Authority to authorize official to decide certain categories of applications  | None                 |
| Section 35(3) of SPLUMA   | A 569          | Authority to categories applications  | None                 |
| Section 36(1)(a) of SPLUMA  | A 570          | Authority designate officials to serve on the MPT   | None                 |
| Section 36(1)(b) of SPLUMA read with section 38(2) and 39(1) of the | A 571          | Authority to consider evaluation report and appoint members of the MPT  | None                 |

| <b>ORIGIN OF AUTHORITY</b>  | <b>DEL. NO</b> | <b>AUTHORITY / POWER</b>  | <b>SUB DELEGATED</b>                 |
|---|----------------|---|--------------------------------------|
| SPLUMA By-Law   |                |   |                                      |
| Section 41 of the SPLUMA By-Law                                       | A 572          | Authority to fill vacancies on the MPT.   | None                                 |
| Section 36(4) of SPLUMA read with section 39(2) of the SPLUMA By-Law  | A 573          | Authority to designate a chairperson and a deputy chairperson of the MPT  | None                                 |
| Section 39(3) of the SPLUMA By-Law                                    | A 574          | Authority to notify members of their appointment to the MPT and designation as chairperson or deputy chairperson.                   | None                                 |
| Section 35 of the SPLUMA By-Law                                       | A 575          | Authority to invite and call for nominations from organs of state and the public for persons to be appointed as members of the MPT. | None                                 |
| Section 37 of the SPLUMA By-Law                                       | A 576          | Authority to screen and verify nominations received for completeness.   | None                                 |
| Section 71(6) of the SPLUMA By-Law                                    | A 577          | Authority to temporarily close a public place.  | None                                 |
| Section 116(1) of the SPLUMA By-Law                                   | A 578          | Authority to determine reports, diagrams and specifications for the installation of internal engineering services by the applicant. | None                                 |
| Section 49(4) of SPLUMA read with section 117(1) of the SPLUMA By-Law | A 579          | Authority to enter into an engineering services agreement with an applicant.  | None                                 |
| Section 120(1) of the SPLUMA By-law                                   | A 580          | Authority to develop a policy for development charges.  | None                                 |
| Section 133(1) of the SPLUMA By-Law                                   | A 581          | Authority to act as registrar of the appeal authority.  | Senior Manager: Strategic Management |

| <b>ORIGIN OF AUTHORITY</b>                                  | <b>DEL. NO</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b>                                    |
|---|----------------|--|---|
| Council resolution A (2) dated 31 May 2022.                 | A 582          | Approval/amendment/cancelation of all financial delegations relating to the Administration.  | None  |
| Council resolution A (2) dated 31 May 2022.                 | A 583          | Certifies payment claims from service providers in terms of financial delegations. (Pertaining to their financial delegations.)  | Senior Managers in the Office of the Municipal Manager. |
| Council resolution A (2) dated 31 May 2022.                 | A 584          | Approves applications for the use of noise emitting instruments in the municipal area.   | Senior Manager: Environmental Management                |
| Clause 1.4.3 of the City of Mbombela Land Use Scheme, 2019  | A 585          | Authority to substitute land use rights applied for an equivalent land use rights in terms of the scheme.  | GM: City Planning & Development.                        |
| Clause 1.10.5 of the City of Mbombela Land Use Scheme, 2019 | A 586          | Authority to approval applications for rectification of errors on the zoning map and / or register of land use rights.   | GM: City Planning & Development.                        |
| Clause 1.10.6 of the City of Mbombela Land Use Scheme, 2019 | A 587          | Authority to refuse applications for the rectification of errors on the zoning map and /or register of land use rights.  | GM: City Planning & Development.                        |
| Clause 1.10.7 of the City of Mbombela Land Use Scheme, 2019 | A 588          | Authority to notify owner of the intention to correct the wrong conversion or error, inviting the owner to make representation in response to the corrections and consideration of representations made by the owner, and approval of corrections of the zoning map and /or register of land use rights. | GM: City Planning & Development.                        |
| Clause 1.12.3 of the City of Mbombela Land Use Scheme, 2019 | A 589          | Authority to update the electronic register of land use rights and electronic zoning map based on approvals granted.   | GM: City Planning & Development.                        |
| Clause 5.6.4 of the City of Mbombela Land Use Scheme, 2019  | A 590          | Authority to determine parking requirements for land uses not contained in Table 2 of the land use scheme.   | GM: City Planning & Development.                        |
| Clause 5.7.3 and 5.7.4 of                                   | A 591          | Authority for the approval, refusal or request for the amendment of site development plans.  | GM: City Planning & Development.                        |

| <b>ORIGIN OF AUTHORITY</b>                                  | <b>DEL. NO</b> | <b>AUTHORITY / POWER</b>  | <b>SUB DELEGATED</b>             |
|---|----------------|---|----------------------------------|
| the City of Mbombela Land Use Scheme, 2019                  |                |   |                                  |
| Clause 5.16.2 of the City of Mbombela Land Use Scheme, 2019 | A 592          | Authority to serve notices to the owners of properties on which injurious conditions exists to abate the injurious conditions.  | GM: City Planning & Development. |
| Clause 5.16.3 of the City of Mbombela Land Use Scheme, 2019 | A 593          | Authority to undertake such maintenance and / or measures at the cost of the owner, should the owner fail to abide to the notice to abate the injurious conditions on a property. | GM: City Planning & Development. |
| City of Mbombela Land Use Scheme, 2019                      | A 594          | Authority to grant consent in terms of the provisions of the City of Mbombela Land Use Scheme, 2019.  | GM: City Planning & Development. |
| Council resolution A (2) dated 31 May 2022.                 | A 595          | Calculate services contributions and approve annual rebased services contribution unit rates.   | GM: Technical Services           |
| Council resolution A (2) dated 31 May 2022.                 | A 596          | Approve work in lieu of payment of services contributions.  | GM: Technical Services           |
| Council resolution A (2) dated 31 May 2022.                 | A 597          | Approve the applications for water rights transfers.  | GM: Technical Services           |
| Council resolution A (2) dated 31 May 2022.                 | A 598          | Approve work in lieu of payment of services contributions.  | GM: Technical Services           |
| Council resolution A (2) dated 31 May 2022.                 | A 599          | Approves the environmental authorization application.   | GM: Technical Services           |
| Council resolution A (2) dated 31 May 2022.                 | A 600          | Approves servitude registration for water and sanitation services.  | GM: Technical Services           |

## **CHIEF FINANCIAL OFFICER (CFO)**

### **ROLE**

The Chief Financial Officer must ensure that the municipality's financial administration namely, Accounting Services and Expenditure, Asset Management, Municipal Valuation and Rating, Revenue Management and Supply Chain Management is in good order and in compliance with the MFMA as well as other relevant legislation, regulations and policies.

The CFO must manage the Finance Department on a strategic level to ensure service delivery in terms of the IDP/SDBIP, budget as well as in terms of applicable legislation and policies.

### **RESPONSIBILITIES**

The Chief Financial Officer, in terms of Section 81 (1) (a – e) of the MFMA, must:

1. Advise the Accounting Officer on the exercise of powers and duties assigned to the Accounting Officer in terms of this Act.
2. Assist the Accounting Officer in the administration of Council's bank accounts and in the preparation and implementation of Council's budget.
3. Carry out all resolutions of Council.
4. Advise the General Managers and other senior officials in the exercise of powers and duties assigned to them in terms of Section 78 or delegated to them in terms of Section 79, asset transfer regulation 878 and municipal regulations on debt disclosure.
5. Perform such budgeting, accounting, analysis, financial reporting, cash management, debt management, supply chain management, financial management, review and other duties as may in terms of Section 79 be delegated by the Accounting Officer to the Chief Financial Officer.
6. Draft, approve, promulgate and enforce By-laws applicable to the department and the upkeep of the By-law register.
7. Account to the Municipal Manager for the municipality's bank accounts and enforce compliance with sections 7, 8 and 11 of the MFMA.
8. Immediately inform the Municipal Manager of any payments, due by an organ of state to the municipality in respect of municipal tax or for municipal services, if such payments are regularly in arrears for periods of more than 30 days
9. Before transferring funds of the municipality to an organization or body outside any sphere of government otherwise than in compliance with a commercial or other business transaction,

satisfy the Accounting Officer that the organization or body has the capacity and has agreed comply with any agreement with the municipality.

The Chief Financial Officer is delegated by the Accounting Officer to take responsibility for the following duties:

1. The performance of duties as per Section 81(2) of the MFMA such as preparing the annual financial statements of Council and within two months after the end of the financial year to which those statements relate, submit the statements to the Audit-General for auditing;
2. Informing the Accounting Officer in writing, of: -
  - a) any failure by Council to adopt or implement a budget-related policy or a Supply Chain Management Policy; or
  - b) any non-compliance by a political structure or office-bearer of Council with any such policy.

The Chief Financial Officer must ensure that:

1. Assets and liabilities are valued in accordance with standards of generally recognized accounting practice.
2. The municipality has maintained a system of internal control of assets and liabilities.
3. A budget is compiled for each financial year and is submitted to the Accounting Officer.

The Chief Financial Officer must: manage the financial administration of the municipality and must for this purpose, take all reasonable steps to ensure:

1. That municipal resources are used effectively, efficiently and economically.
2. That full and proper records of the financial affairs of the municipality are kept in accordance with any prescribed norms and standards.
3. That the municipality has and maintains effective, efficient and transparent systems of financial and risk management and internal control in accordance with any prescribed norms and standards;
4. That unauthorized, irregular or fruitless and wasteful expenditure and other losses are prevented;
5. That disciplinary or when appropriate, criminal proceedings are instituted against any official of Council who has allegedly committed an act of financial misconduct.
6. That the municipality has and implements: -
  - a) A tariff policy referred to in Section 74 of the Municipal Systems Act;

- b) A Rates Policy of the Municipal Property Rates Act as may be required in terms of any applicable national legislation;
- c) A Credit Control and Debt Collection Policy referred to in Section 96(b) of the Municipal Systems Act; and
- d) A Supply Chain Management Policy in accordance with Chapter 11 of the MFMA and Municipal Supply Chain Management Regulations 868.

The Chief Financial Officer must ensure proper financial administration pertaining to:

- 1. All income and expenditure of the municipality;
- 2. All assets and the discharge of all municipal liabilities; and
- 3. Proper and diligent compliance with applicable municipal finance management legislation.

The Chief Financial Officer is responsible for:

- 1. Implementing and enforcing the municipality Credit Control and Debt Collection Policy and any by-laws enacted in terms of Section 98 of the MSA;
- 2. Establishing effective administrative mechanisms, processes and procedures to collect money that is due and payable to the municipality in accordance with the credit control and debt collection policy and any such by-laws.
- 3. Administering all the municipality's bank accounts.

The Chief Financial Officer must:

- 1. ensure proper and effective management of the revenue of the municipality;
- 2. ensure that Council has effective revenue collection systems consistent with section 95 of the Municipal Systems Act and the municipality credit control and debt collection policy;
- 3. ensure that revenue due the municipality is calculated on a monthly basis (that accounts for municipal tax and charges for municipal services are prepared on a monthly basis, or less often as may be prescribed where monthly accounts are not economical);
- 4. ensure that all money received is promptly deposited in accordance with this Act in the municipality primary and other bank accounts;
- 5. ensure that the municipality has and maintain a management, accounting and information system which: -
  - a) recognizes revenue when it is earned;
  - b) accounts for debtors; and
  - c) accounts for receipts of revenue.

6. ensure that the municipality has and maintains a system of internal control in respect of debtors and revenue, as may be prescribed;
7. ensure that the municipality charges interest on arrears, except where the municipality granted exemptions in accordance with its budget-related policies and within prescribed framework.
8. Ensure that all revenue received by the municipality, including revenue received by any collecting agent on its behalf, is reconciled at least on a weekly basis.

The Chief Financial Officer is delegated take all reasonable steps to ensure:

1. That any funds collected by the municipality on behalf of another organ of state is transferred to that organ of state at least on a weekly basis.
2. That such funds are not used for purposes of the municipality.
3. That ensure proper management of the expenditure of the municipality is in place.
4. That the municipality has and maintains an effective system of expenditure control, including procedures for the approval, authorization, withdrawal and payment of funds.
5. That the municipality has and maintains a management, accounting and information system which.
  - a) recognizes expenditure when it is incurred;
  - b) accounts for creditors of the municipality; and
  - c) accounts for payments made by the municipality.
6. That the municipality has and maintains a system of internal control in respect of creditors and payments.
7. That Payments by the municipality are made: -
  - a) Directly the person whom it is due unless agreed otherwise for reasons as may be prescribed; and
  - b) Either electronically or by way of non-transferable cheques, provided that cash payments and payments by way of cash cheques may be made for exceptional reasons only, and only up a prescribed limit.
8. That all moneys owing by the municipality be paid within 30 days of receiving the relevant invoice or statement, unless prescribed otherwise for certain categories of expenditure.
9. That the municipality complies with its tax, levy, duty, pension, medical aid, audit fees and other statutory commitments.



10. That any dispute concerning payments due by the municipality another organ of state is disposed of in terms of legislation regulating disputes between organs of state.
11. That the municipality available working capital is managed effectively and economically in terms of the prescribed cash management and investment framework.
12. That the municipality Supply Chain Management Policy referred to in Section 111 is implemented in a way that is fair, equitable, transparent, competitive, cost-effective and; that all financial accounts of the municipality are closed at the end of each month and reconciled with its records.

The Chief Financial Officer must:

1. Prepare and maintain the Municipal Budget in accordance with the MFMA and its Municipal Budget and reporting delegations.
2. Ensure that the financial system complies with the standard Charter of Accountant.
3. Draft, promulgate and enforce By-laws relevant to the department.
4. Serve as a Section 16 (2) OHS Officer in the department.
5. Co-ordinate and submits external audit queries.
6. Participates in internal audit programmes.
7. Implements Council Resolutions.
8. Attends Bid Adjudication- and Risk Management meetings, departmental reviews and Audit Committee meetings.

The CFO must ensure that the Treasury Services in accordance with budget and reporting regulations, in a format and for periods as may be prescribed, report the Accounting Officer on all expenditure incurred by Council on staff salaries, wages, allowances and benefits and in a manner that discloses such expenditure per type of expenditure, namely:-

1. Salaries and wages;
2. Contributions for pensions and medical aid;
3. Travel, motor car, accommodation, subsistence and other allowances;
4. Housing benefits and allowances;
5. Overtime payments;
6. Loans and advances; and
7. Any other type of benefit or allowance related staff.

The Chief Financial Officer must, via the Accounting Officer submit the relevant Provincial Treasury and the Audit-General, in writing:

1. Within 90 days after the municipality has opened a new bank account, the name of the bank where the account has been opened and the type and number of the account; and
2. Annually before the start of a financial year, the name of each bank where the municipality holds a bank account, and the type and number of each account.

The Chief Financial Officer is also responsible for:

1. Advising the relevant Member of the Mayoral Committee on all matters relating the department.
2. Implementing of the Fraud and Corruption prevention policy and plan.
3. Risk Management.
4. Loss control.
5. Maintaining discipline.
6. Fleet management System and Fuel Management System.
7. Ensuring good governance within the department.
8. Ensuring that all applicable services are rendered in terms of the IDP and SDBIP.
9. Liaising with internal structures of council and external stakeholders.
10. Ensuring human and other resources are utilized at optimum level.
11. Contracting- and project management.
12. Ensuring that proper planning processes are in place.
13. Compiling and submitting monthly, quarterly and annual reports to council.
14. Ensuring projects are implemented and completed within cost, good quality and within the set timeframe.
15. Conducting monthly meetings within the department.
16. Representing the municipality in meetings with other spheres of government.
17. Ensuring proper contract management, by evaluating service level agreements of service providers.
18. Submitting reports to the relevant Section 79 Committee and answer in person any questions they may have in relation to the responsibilities of Council.
19. Advising the relevant Member of the Mayoral Committee on all matters relating to the department.
20. Taking of all lawful and reasonable steps to ensure compliance with legislation and council policies.
21. Monitors budget votes in the department prevent overspending.

22. Promoting of sound labour relations in the department.
23. Compilation of any documentation and taking of any lawful steps or give any lawful instruction to any municipal employee to carry out a resolution of Council or comply with legislation or a policy/procedure of Council.
24. Implementing reasonable steps to ensure compliance with all legislation, council policies and procedures.
25. Promotion of Administrative Justice.
26. Drafting approving, promulgating and enforcing By-laws applicable to the department and the up keep of the By-law register.

**STATUTORY, ADMINISTRATIVE AND OPERATIONAL POWERS: CHIEF FINANCIAL OFFICER (CFO)**

| <b>ORIGIN OF AUTHORITY</b>                  | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>  | <b>SUB DELEGATED</b>               |
|---|-----------------|---|------------------------------------|
| Council resolution A (2) dated 31 May 2022. | D 1             | Renews lease agreements where the agreement provides for an option renew and the service provider has provided a satisfactory service, if in terms with applicable policy and procedures.   | None                               |
| Council resolution A (2) dated 31 May 2022. | D 2             | Approves shifting of funds on the Capital budget in accordance with the Virement Policy.<br><br>Approves shifting of funds on the operating budget, from one department another, in accordance with the Virement Policy.<br><br>Approves shifting of funds within a department, in accordance with the Virement Policy. | MM<br><br>CFO<br><br>Deputy CFO    |
| Council resolution A (2) dated 31 May 2022. | D 3             | Grants approval for the transfer of municipal assets between departments provided that such transfer will not negatively affect the level of municipal services to be rendered.   | Senior Manager: Asset Management   |
| MFMA 623(2)(b)                              |                 | Decides on the reasonable steps to be taken to ensure that the Municipality's assets and liabilities are valued in accordance with standards of generally recognized accounting practice.   | None                               |
| Council resolution A (2) dated 31 May 2022. | D 4             | Determines categories of personnel authorized verify, Approves and activate cheques and electronic payments from the primary bank account.  | None                               |
| Council resolution A (2) dated 31 May 2022. | D 5             | Approves applications for indigent subsidies.   | Senior Manager: Revenue Management |

| <b>ORIGIN OF AUTHORITY</b>   | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>  | <b>SUB DELEGATED</b>                   |
|--|-----------------|---|--|
| Council resolution A (2) dated 31 May 2022.  | D 6             | Co-signs all applications for pension backed housing loans.   | None                                   |
| Municipal Systems Act Reg: Appoints & Conditions of Employment of Senior Managers (Section 12) | D 7             | Conducts the shortlisting of suitable qualified and experienced candidates for post levels 3-6 in consultation with the General Manager: Corporate Services,<br><br>Conducts the shortlisting of suitable qualified and experienced candidates for post levels 7 – 19 in consultation with the General Manager: Corporate Services. | None<br><br>Deputy CFO/Senior Managers |
| Council resolution A (2) dated 31 May 2022.  | D 8             | Enters in annual performance agreements with Deputy CFO and Senior Managers and conducts quarterly evaluations.<br><br>Enters in annual performance agreements with Managers and conducts quarterly evaluations.  | None<br><br>Deputy CFO/Senior Managers |
| Council resolution A (2) dated 31 May 2022.  | D 9             | Transfers an employee within the department on post levels 4 – 6 in consultation with the relevant employee.<br><br>Transfers an employee within the department on post levels 6 - 19 in consultation with the relevant employee.   | None<br><br>Deputy CFO/Senior Managers |
| Council resolution A (2) dated 31 May 2022.  | D 10            | Grants, disapproves, cancels postpones or interrupts leave of absence, (with the exclusion of sick leave and maternity leave) of Senior Managers and personnel in their respective Divisions.   | None<br><br>Deputy CFO/Senior Managers |
| Council resolution A (2) dated 31 May 2022.  | D 11            | Considers applications by personnel for official visits to places outside City of Mbombela provided sufficient provision has been made on the budget.<br><br>Approves claims for travel and subsistence costs in respect of the attendance of such meetings.  | None<br><br>Deputy CFO/Senior Managers |
| Council resolution A (2) dated 31 May 2022.  | D 12            | Instructs Senior Managers to report temporarily for duty outside normal working hours (in exceptional cases such as disasters or emergencies etc.).<br><br>Instructs personnel in the division to report temporarily for duty outside normal working hours (in exceptional cases such as disasters or emergencies etc.)             | None<br><br>Senior Managers            |

| <b>ORIGIN OF AUTHORITY</b>                  | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b>                         |
|---|-----------------|--|--|
| Council resolution A (2) dated 31 May 2022. | D 13            | Assign a responsibility to a Non- Section 56 official to ensure the safety and good health of employees, councillors, service providers and customers of the municipality.   | Deputy CFO/Senior Managers                   |
| Council resolution A (2) dated 31 May 2022. | D 14            | Places advertisements in Newspapers<br><br>Places notifications in social media in terms of the relevant policy  | Deputy CFO Senior Managers                   |
| Council resolution A (2) dated 31 May 2022. | D 15            | Grants any approval that may be required in terms of any By-law of the municipality where the By-law is relevant to the department.  | Deputy CFO/Senior Managers                   |
| Council resolution A (2) dated 31 May 2022. | D 16            | Addresses administrative and operational matters on behalf of the municipality in official gatherings/meetings in terms of the relevant policy.  | Deputy CFO/Senior Managers/ Managers         |
| Council resolution A (2) dated 31 May 2022. | D 17            | Terminates the contract of any service provider who fails to render services in terms of any applicable service level agreement and in terms of the financial and Supply Chain Management regulations/policy, in consultation with the GM: Corporate Services and the Legal Section, and relevant department | None   |
| Council resolution A (2) dated 31 May 2022. | D 18            | Approves overtime work by employees in compliance with Council's Overtime Policy and in terms of exceptional cases such as in the case of a disaster or emergency.   | Deputy CFO/Senior Managers                   |
| Council resolution A (2) dated 31 May 2022. | D 19            | Approves for the use of a vehicle outside the jurisdiction of City of Mbombela for official purposes for officials who don't receive a travelling allowance to be given the option utilize their own private vehicle in terms of relevant Council policy   | None   |
| Council resolution A (2) dated 31 May 2022. | D 20            | Gives an official who receives a transport allowance permission to use a Council vehicle for the execution of his/her Council duties in exceptional or substantiated circumstances.  | Deputy CFO/Senior Managers                   |
| Council resolution A (2) dated 31 May 2022. | D 21            | Approves applications for changing of names on contracts where the details of the contract is not affected in terms of financial delegations.  | None   |
| Council resolution A (2) dated 31 May 2022. | D 22            | Approves the investment of surplus funds not immediately needed for periods less than 6 months and call investments with A-rated banks and ensure that certificates are issued with each investment.   | Deputy CFO                                   |
| Council resolution A (2) dated 31 May 2022. | D 23            | Instructs lawyers to recover all charges due Council, in terms of the stipulations of the applicable by-laws.  | Deputy CFO/Senior Manager Revenue Management |
| Council                                     | D 24            | Approves housing subsidies excluding Section 56  | Manager:                                     |

| <b>ORIGIN OF AUTHORITY</b>                  | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>  | <b>SUB DELEGATED</b>  |
|---|-----------------|---|---|
| resolution A (2) dated 31 May 2022.         |                 | employees.  | Expenditure   |
| Council resolution A (2) dated 31 May 2022. | D 25            | Approves the settlement of claims for damages in respect of damaged vehicles.   | Senior Manager:<br>Asset Management                                       |
| Council resolution A (2) dated 31 May 2022. | D 26            | Exercises powers in terms of Section 6(1) (6) of the Standard Electricity By-laws.  | Senior Manager:<br>Revenue Management                                     |
| Council resolution A (2) dated 31 May 2022. | D 27            | Authorizes specific officials in the Finance Department to sign or countersign cheques or authorize withdrawals by means of electronic transfers, from the council's main bank account.   | None  |
| Council resolution A (2) dated 31 May 2022. | D 28            | Authorizes the writing off of irrecoverable debts as per the credit control and debt collection policy.   | Deputy CFO/<br>Senior Manager<br>Revenue Management                       |
| Council resolution A (2) dated 31 May 2022. | D 29            | Authorizes the issuing of clearance certificates.   | Senior Manager<br>Revenue Management/<br>Manager:<br>Billing and Accounts |
| Council resolution A (2) dated 31 May 2022. | D 30            | Approves applications for petty cash by departments.  | Manager:<br>Expenditure   |
| Council resolution A (2) dated 31 May 2022. | D 31            | Approves that advertisements may be placed on the back of consumer accounts and salary advice slips.  | Senior Managers   |
| Council resolution A (2) dated 31 May 2022. | D32             | Approves and conclude agreements in respect of the repayment of Engineering Service contributions.  | Senior Manager:<br>Revenue Management                                     |
| Council resolution A (2) dated 31 May 2022. | D 33            | Certifies and /or Approves payment claims from service providers as per the financial delegations.  | Deputy CFO/Senior Managers/<br>Managers                                   |
| Council resolution A (2) dated 31 May 2022. | D 34            | Grants approval for the attendance of conferences, congresses, seminars or meetings by Deputy-CFO/Senior Managers in the department, in terms of Council's policy, if funding is available on the budget. Approves claims for travel and subsistence costs in respect of the attendance of such meetings. | None  |

| ORIGIN OF AUTHORITY                         | DEL. NO. | AUTHORITY / POWER  | SUB DELEGATED                      |
|---|----------|--|------------------------------------|
|   |          | Grants approval for the attendance of conferences, congresses, seminars or meetings by personnel in the Unit, in terms of Council's policy, if funding is available on the budget. Approves claims for travel and subsistence costs in respect of the attendance of such meetings. | Deputy CFO                         |
| Council resolution A (2) dated 31 May 2022. | D 35     | Approves the reallocation of funds from one department another within the department<br><br>Approves the reallocation of funds from one division to another within the Department.   | None                               |
| Council resolution A (2) dated 31 May 2022. | D 36     | Accepts responsibility as Section 16(2) Officer in terms of the Occupational Health and Safety Act.  | None                               |
| Council resolution A (2) dated 31 May 2022. | D 37     | Transfers employees within the department on post levels 4 – 19 in consultation with the General Manager: Corporate Services and the relevant employee   | None                               |
| Council resolution A (2) dated 31 May 2022. | D 38     | Approves the payment of an acting allowance to an official appointed to serve on a higher post level in the department   | Deputy CFO                         |
| Council resolution A (2) dated 31 May 2022. | D 39     | Assign a responsibility to personnel in the department to ensure the safety and good health of employees, and customers of the municipality.   | Deputy CFO/Senior Managers         |
| Council resolution A (2) dated 31 May 2022. | D 40     | Approves the withdrawal of funds from investment accounts.   | None                               |
| Council resolution A (2) dated 31 May 2022. | D 41     | Conclude agreements with defaulters to pay outstanding monies to council and connect the services.   | Senior Manager: Revenue Management |
| Council resolution A (2) dated 31 May 2022. | D 42     | Approves access financial application systems  | Deputy CFO/Senior Managers         |
| Council resolution A (2) dated 31 May 2022. | D 43     | Approves access electronic banking system  | None                               |
| Council resolution A (2) dated 31 May 2022. | D 44     | Approves any financial application system program changes.   | Deputy CFO                         |
| Council                                     | D 45     | Concludes agreements with defaulters to pay  | Senior                             |

| <b>ORIGIN OF AUTHORITY</b>                  | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>  | <b>SUB DELEGATED</b>         |
|---|-----------------|---|------------------------------|
| resolution A (2) dated 31 May 2022.         |                 | outstanding monies to Council and connect the services.   | Manager                      |
| Council resolution A (2) dated 31 May 2022. | D 46            | Approves that an employee in the department may act in temporary capacity in a higher post in terms of Council's acting policy.   | None                         |
| Council resolution A (2) dated 31 May 2022. | D 47            | Approves the reselling of electricity.  | None                         |
| Council resolution A (2) dated 31 May 2022. | D 48            | Establishes an informal Disciplinary hearing to conduct an enquiry In the event of misconduct by a non - section 56 employee that appears to be less serious.   | None                         |
| Council resolution A (2) dated 31 May 2022. | D 49            | Approves applications from personnel to attend workshops.   | Senior Manager               |
| Council resolution A (2) dated 31 May 2022. | D 50            | Arbitrates personnel grievances of personnel in the department.   | Senior Managers/<br>Managers |
| MFMA Sect. 32(2)                            | D 51            | Authorizes steps to recoup all monies lost due to wasteful and irregular expenditure, from the responsible individuals.   | None                         |
| MFMA 65(2)(d)                               | D 52            | Decides on the reasonable steps be taken to ensure that payments by the Municipality are made directly to the person to whom it is due unless agreed otherwise for reasons as may be prescribed, either electronically or by way of non-transferable cheques, in consultation with the Chief Financial Officer.   |                              |
| MFMA 116(2)(b)                              | D 53            | Monitors the performance of a contractor/service provider under a contract or an agreement with the Municipality on a monthly basis and report the Municipal Manager  |                              |
| MFMA 116(2)(c)                              | D 54            | Determines the capacity that needs be established within the Municipality's administration assist the Municipal Manager enforce the provisions of a contract or agreement between the Municipality and a contractor and monitor the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis and report the Municipal Manager. |                              |
| MFMA 69(3)(a)                               | D 55            | Prepares and submits the Municipality's annual draft budget, a draft service delivery and budget implementation plan for the budget year in   |                              |



| ORIGIN OF AUTHORITY                         | DEL. NO. | AUTHORITY / POWER  | SUB DELEGATED                         |
|---|----------|--|---------------------------------------|
|   |          | consultation with the Municipal Manager coordinated by DCS to the Executive Mayor.   |                                       |
| MFMA 75(1)                                  | D 56     | Ensures that the required documents are uploaded and available on the Municipality's website within five days after its tabling in the Council or on the date on which it must be made public, whichever occurs first.   |                                       |
| Dora 2005 27(5)(b)                          | D 57     | Prepares annual Performance Management Reports.  |                                       |
| MFMA 53(3)(a)                               | D 58     | Ensures that the revenue and expenditure projections for each month and the service delivery targets and performance indicators for each quarter, contained in the service delivery and budget implementation plan, are made public no later than 14 days after the approval of the service delivery and budget implementation plan. |                                       |
| MFMA 13(2)                                  | D 59     | Establishes an appropriate and effective cash management and investment policy in accordance with any framework that may be prescribed in terms of subsection 13(1) of the MFMA.   | Deputy CFO                            |
| MFMA 62(i) (ii) (iii) (iv)                  | D 60     | Develop implements and maintains the Rates Policy, Credit Control and Debt Collection Policy, Supply Chain Management Policy as well as other financially related policies in accordance with the MFMA and any other relevant legislation.   | Senior Managers                       |
| MFMA 114(1)                                 | D 61     | Reports to the Auditor General, Provincial and National Treasury if the Bid Adjudication Committee recommends to appoint a service provider and the accounting officer decides to deviate from such a recommendation   | None                                  |
| MFMA 63(2)(a)                               | D 62     | Maintains an effective system of expenditure control, including procedures for the approval, authorisation, withdrawal and payment of funds.   | None                                  |
| MFMA 64(2)(e)                               | D 63     | Maintains a management accounting and information system which:<br>(i) recognises revenue when it is earned<br>(ii) accounts for debtors<br>(iii) accounts for receipts of revenue   | Senior Manager:<br>Revenue Management |
| MFMA Section 13                             | D 64     | Decides to invest surplus funds at approved financial institutions for the benefit of Council, in accordance with Council's cash management and investment policy.   | None                                  |
| Council resolution A (2) dated 31 May 2022. | D 65     | Signs off cession agreements for payments to creditors in consultation with user departments and report to the Municipal Manager.  | Senior Manager:<br>Revenue Management |
| Council                                     | D 66     | Write back interest on consumers who are in arrear,  | Senior                                |

| <b>ORIGIN OF AUTHORITY</b>                  | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b>        |
|---|-----------------|--|-----------------------------|
| resolution A (2) dated 31 May 2022.         |                 | and debtors” accounts, in accordance with the Debt Collection Procedure/Policy.  | Manager: Revenue Management |
| MFMA 65(2)(e)                               | D 67            | Decides on the reasonable steps to be taken to ensure that all money owing by the Municipality be paid within 30 days of receiving the relevant invoice or statement, unless prescribed otherwise for certain categories of expenditure. | None                        |
| MFMA 65(2)(b)                               | D 68            | Decides on the reasonable steps to be taken to ensure that the Municipality has and maintains a management, accounting and information system which recognizes expenditure when it is incurred.  | None                        |
| MFMA 70(1)                                  | D 69            | Reports to Council on any Impending shortfalls, overspending and overdrafts and steps be taken to prevent and rectify such shortfalls or overspending.   | None                        |
| MFMA 70(2)                                  | D 70            | Reports to National Treasury on overdrawn bank accounts.   | None                        |
| MFMA 8(5)                                   | D 71            | Submits the details of the Primary bank account to National & Provincial Treasury, and the Auditor General.  | None                        |
| MFMA 9                                      | D 72            | Submits to bank account details to be submitted to Provincial Treasury and Auditor-General.  | None                        |
| Council resolution A (2) dated 31 May 2022. | D 73            | Ensures that the report of the Auditor-General on financial records of Council is submitted to Council with corrective steps taken not later than 2 months after it was received.  | None                        |
| MFMA 72(3)                                  | D 74            | Determines whether it is necessary recommend that an adjustments budget be considered and that revised projections for revenue and expenditure is necessary in consultation with the Municipal Manager.                                  | None                        |
| MFMA 22                                     | D 75            | Prepares the annual budget, inviting the community to submit representations in connection therewith and submitting same to the national and provincial treasuries, both in printed and electronic formats.                              | None                        |
| MFMA 71(1)                                  | D 76            | Submits to the Executive Mayor and the provincial to treasury, within 10 days after the end of each month, a statement in the prescribed format on the state of the municipality’s budget.   | None                        |
| DORA 37(1)                                  | D 77            | Submits a three year capital plan National Treasury.   | None                        |
| DORA 2005 21(2)(b)                          | D 78            | Submits to National Treasury the budget and detailed plans to achieve the outputs funded by MIG in consultation with the Municipal Manager.  | None                        |
| MFMA 178(2) (a)                             | D 79            | Submits the National Treasury a list of all corporate entities in which the Municipality or a municipal entity under its sole or shared control has an interest.   | None                        |

| <b>ORIGIN OF AUTHORITY</b>                  | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b>                       |
|---|-----------------|--|--|
| MFMA 122(1)/126(1)(a)                       | D 80            | Prepares annual financial statements which fairly presents the state of affairs of the Municipality, its performance against its budget, its management of revenue, expenditure, assets and liabilities, its business activities, its financial results, and its financial position as at the end of the financial year and submit it the Municipal Manager. | Deputy CFO                                 |
| MFMA 15(1)(b)                               | D 81            | Determines the reasonable steps that must be taken to ensure that proper mechanisms and separation of duties in the supply chain management system are in place to minimize the likelihood of fraud, corruption, favouritism and unfair and irregular practices.   | Senior Manager:<br>Supply Chain Management |
| MFMA 64(4)(a)                               | D 82            | Decides on the reasonable steps to be taken to ensure that any funds collected by the Municipality on behalf of another organ of state is transferred to that organ of state at least on a monthly basis.  | Deputy CFO                                 |
| MFMA 64(4)(b)                               | D 83            | Decides on the reasonable steps to be taken to ensure that funds collected by the Municipality on behalf of another organ of state are not used for purposes of the Municipality in consultation with the Municipal Manager.   | Deputy CFO                                 |
| MFMA 64(2)(d)                               | D 84            | Decides on the reasonable steps to be taken to ensure that all money received is promptly deposited in accordance with the MFMA in the Municipality's primary and other bank accounts in consultation with the MM.   | Deputy CFO                                 |
| MFMA 64(2)(c)                               | D 85            | Decides on the reasonable steps to be taken to ensure that charges for municipal services are prepared on a monthly basis, or less often as may be prescribed where monthly accounts are uneconomical.   | Deputy CFO                                 |
| Council resolution A (2) dated 31 May 2022. | D 86            | Submits objections against the provisional valuation roll and the provisional supplementary valuation roll, on behalf of Council in terms of relevant legislation.   | Senior Manager                             |
| Council resolution A (2) dated 31 May 2022. | D 87            | Facilitates objection hearings against the provisional valuation roll and the provisional supplementary valuation roll, on behalf of Council in terms of relevant legislation.   | Senior Manager                             |
| MFMA 65(2)(d)                               | D 88            | Decides on the reasonable steps be taken to ensure that payments by the Municipality are made directly to the person to whom it is due unless agreed otherwise for reasons as may be prescribed, either electronically or by way of non-transferable cheques, in consultation with the Chief Financial Officer.  | Deputy CFO                                 |
| MFMA 65(2)(g)                               | D 89            | Decides on the reasonable steps to be taken to ensure that any dispute concerning payments due by the Municipality to another organ of state is disposed   | None                                       |

| <b>ORIGIN OF AUTHORITY</b>                  | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b> |
|---|-----------------|--|----------------------|
|   |                 | of in terms of legislation regulating disputes between organs of state.  |                      |
| MFMA 64(3)                                  | D 90            | Informs the National Treasury of any payments due by an organ of state to the Municipality in respect of municipal tax or for municipal services, if such payments are regularly in arrears for periods of more than 30 days.  | None                 |
| MFMA 64(2)(h)                               | D 91            | Decides on the reasonable steps to be taken to ensure that all revenue received by the Municipality, including revenue received by any collecting agent on its behalf, is reconciled at least on a weekly basis.   | Deputy CFO           |
| MFMA 64(2)(b)                               | D 92            | Decides on the reasonable steps to be taken to ensure that revenue due to the Municipality is calculated on a monthly basis.   | Deputy CFO           |
| MFMA 69(1)(b)                               | D 93            | In relation to implementing the Municipality's approved budget, determine the reasonable steps required to ensure that revenue and expenditure are properly monitored in consultation with the Municipal Manager.  | Deputy CFO           |
| Council resolution A (2) dated 31 May 2022. | D 94            | Pays officials and Councillors on a date determined by Council.  | Deputy CFO           |
| MFMA 48(2)                                  | D 95            | Decides the form/nature of security be provided for any of the Municipality's debt obligations, debt obligations of a municipal entity under its sole control and contractual obligations of the Municipality undertaken in connection with capital expenditure by other persons on property, plant or equipment be used by the Municipality or such other person. | None                 |
| MFMA 65(2)(f)                               | D 96            | Decides on the reasonable steps to be taken to ensure that the Municipality complies with its tax, levy, duty, pension, medical, audit fees and other statutory commitments.   | None                 |
| MFMA 69(3)(a)                               | D 97            | Prepares and submits the Municipality's annual draft budget, a draft service delivery and budget implementation plan for the budget year in consultation with the Municipal Manager coordinated by DCS to the Executive Mayor.   | None                 |
| MFMA 70(1)                                  | D 98            | Reports to Council any impending shortfalls in budgeted revenue and overspending of the Municipality's budget and any steps taken to prevent or rectify such shortfalls or overspending.   | None                 |
| SCM Reg. 6(2) (a)(i) 6(3)(4)                | D 99            | Submits quarterly report on SCM implementation to the Executive Mayor and Council.   | None                 |
| MFMA 65(2)(a)                               | D100            | Decides on the reasonable steps to be taken to ensure that the Municipality has and maintains an effective system of expenditure control, including procedures for the approval, authorisation,  | None                 |

| <b>ORIGIN OF AUTHORITY</b>                  | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b>               |
|---|-----------------|--|------------------------------------|
|   |                 | withdrawal and payment of funds.   |                                    |
| MFMA 65(2)(c)                               | D 101           | Decides on the reasonable steps to be taken to ensure that the Municipality has and maintains a system of internal control in respect of creditors and payments.   | None                               |
| Council resolution A (2) dated 31 May 2022. | D 102           | Pays gratuities to employees who qualify according to the established prescripts and policy.   | None                               |
| Council resolution A (2) dated 31 May 2022. | D 103           | Approves increases in maintenance premiums payable by Council, if such increase does not lead to the over-expenditure of any budget vote.                          | None                               |
| Council resolution A (2) dated 31 May 2022. | D 104           | Institutes a claim against an insolvent estate, either that of a natural person or that of a legal person ~ with regard to moneys owing to Council.                | Senior Manager: Revenue Management |
| MFMA 11(4)(a)                               | D 105           | Prepares a quarterly consolidated report of all withdrawals made in terms of section 11(1) (b) (j) of the MFMA from the Municipality's bank accounts.              | Deputy CFO                         |
| MFMA 11(4)(b)                               | D 106           | Submits a quarterly consolidated report of all withdrawals made in terms of section 11 (1) (b) (j) of the MFMA the provincial treasury and the Auditor-General.    | Deputy CFO                         |
| MFMA 65(2)(h)                               | D 107           | Tables a quarterly consolidated report of all withdrawals made in terms of section 11 (1)(b) (j) of the MFMA from the Municipality's bank accounts in the Council. | Deputy CFO                         |
| Dora 21(5)                                  | D 108           | Submits a performance evaluation of programs funded through Dora to National Treasury.   | Deputy CFO                         |
| Dora 22(4)                                  | D 109           | Submits a performance evaluation of other programs funded through DORA to National Treasury.   | Deputy CFO                         |
| Council resolution A (2) dated 31 May 2022. | D 110           | Delegates responsibilities and powers to Managers/supervisors in the Department  | Senior Managers                    |
| Council resolution A (2) dated 31 May 2022. | D111            | Approves the Operational Risk Register for the department.   | None                               |

## **GENERAL MANAGER: CORPORATE AND SUPPORT SERVICES**

### **ROLE**

The General Manager: Corporate and Support Services must manage the department on a strategic level to ensure proper service delivery in terms of the IDP/SDBIP, budget as well as applicable legislation and policies.

### **RESPONSIBILITIES**

The incumbent is responsible for the following functions: -

- 1) Council Secretariat.
- 2) Ward Committees.
- 3) Human Resource Provisioning and Performance.
- 2) Human Resource Maintenance.
- 3) Carrying out all relevant resolutions of Council.
- 4) Good personnel relations.
- 5) Rendering of personnel support services.
- 6) Coordination and facilitation of all Occupational Health and Safety programs and setting up and maintenance of the Occupational Health and Safety Framework in the municipality.
- 7) Information and Communications Technology.
- 8) Facilities Management.
- 9) Archives.
- 10) Risk Management in the department.
- 11) Budget management.
- 12) Maintenance of discipline.
- 13) Ensure compliance with the Code of Conduct for Municipal Employees within the department.
- 14) Participation in internal audit programmes.
- 15) Implementation of the Fraud and Corruption prevention and detection policy and plan.
- 16) Proper administration of the department.
- 17) Ensuring that all applicable services are rendered in terms of the IDP and SDBIP.
- 18) Ensure good governance within the department.
- 19) Liaise with internal structures of council and external stakeholders.
- 20) Ensuring that human and other resources are utilized at optimum level.
- 21) Contract and project management are efficient and effective.
- 22) Proper planning processes are in place.
- 23) Compilation of reports to council.

- 24) Ensuring that projects are implemented and completed within cost, good quality and within the set timeframe.
- 25) Conducting monthly meetings within the department.
- 26) Representing the municipality in meetings with other spheres of government.
- 27) Executing any task as delegated by the Municipal Manager.
- 28) Installation and maintenance of an electronic clocking systems for all officials.
- 29) Ensuring proper contract management, by evaluating service level agreements of service providers.
- 30) Allocation of work to an employee (stipulation of duties).
- 31) The drafting approval, promulgation and enforcement of By-laws applicable to their department and the upkeep of the departmental By-law register.
- 32) Taking of all lawful and reasonable steps to ensure compliance with legislation and council policies.
- 33) Monitoring budget votes in the department to prevent overspending and take applicable steps to relocate funds if needed.
- 34) Submitting reports the relevant Section 79 Committee and answer in person any questions they may have in relation the responsibilities of Council.
- 35) Advising the relevant Member of the Mayoral Committee on all matters relating to the department.
- 36) Promoting sound labour relations by ensuring proper communication between the Administration and respective Unions.
- 37) Ensuring that Council adheres to stipulations of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).
- 38) Compilation of any documentation and taking of any lawful steps or give any lawful instruction any municipal employee to carry out a resolution of Council or comply with legislation or a policy/procedure of Council.
- 39) Implementing reasonable steps to ensure compliance with all legislation, council policies and procedures.
- 40) Promotion of Administrative Justice.
- 41) Performance Management.
- 42) Loss control and insurance in the department.
- 43) Addressing any issues raised by the Audit-General and the Audit Committee.

- 44) Drawing up any documentation and take any lawful step or give any lawful instruction to any municipal employee who is to carry out a resolution of Council or comply with legislation or a policy of council.
- 45) Taking appropriate steps to ensure that personnel report for duty before 07:30 and only knock off after 16:00.
- 46) Taking appropriate steps in ensuring that officials in the Departments comply with the official dress code in accordance with the Clothing Policy.
- 47) Taking appropriate steps to ensure the daily completion of the attendance register or any similar future system.
- 48) Ensure that all complaints from the public are attended too in a diligent and efficient way.
- 49) Authenticate orders, notices or other documentation on behalf of Council.
- 50) Deal with all aspects relating to the repayment of course fees by officials.
- 51) Authorise and conduct work-study investigations in all departments to ensure the proper employment of personnel.
- 52) Enforce compliance with all council policies such as the Fleet Policy, Attendance Register and Adherence to office hours, Clothing Policy, Labour Saving Devices and Batho Pele principles.
- 53) Consider applications from employees for the re-evaluation of posts.
- 54) Maintaining of discipline within the department.
- 55) Ensure adherence to all internal controls, skills within the department.
- 56) Participation in bid processes in terms of the Supply Chain Management Policy.
- 57) Develop the Employment Equity Plan and monitor its implementation by ensuring that shortlisting and appointments are done accordingly.

**STATUTORY, ADMINISTRATIVE AND OPERATIONAL POWERS: GENERAL MANAGER: CORPORATE AND SUPPORT SERVICES**

| <b>ORIGIN OF AUTHORITY</b>                          | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>  | <b>SUB DELEGATED</b>         |
|---|-----------------|---|------------------------------|
| Council resolution A (2) dated 31 May 2022.         | E 1             | Renews lease agreements where the agreement provides for an option to renew and the service provider has provided a satisfactory service, if in terms with applicable policy and procedures.          | None                         |
| Council resolution A (2) dated 31 May 2022.         | E 2             | Approves the advertising and filling of existing vacant funded posts from T17-T3.   | None                         |
| Municipal Systems Act Reg: Appoints & conditions of | E 3             | In consultation with the relevant General Manager, conducts the shortlisting of suitable qualified and experienced candidates for T 17-T16.<br><br>In consultation with the relevant General Manager, | None<br><br>Senior Managers/ |



| <b>ORIGIN OF AUTHORITY</b>                  | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b> |
|---|-----------------|--|----------------------|
| employment of Senior Managers (Section 12)  |                 | conducts the shortlisting of suitable qualified and experienced candidates for T15-T3.   | Managers             |
| Council resolution A (2) dated 31 May 2022. | E 4             | Appoints all personnel from Task levels T17-T3.  | None                 |
| Council resolution A (2) dated 31 May 2022. | E 5             | Enters in annual performance agreements with Senior Managers and Managers without Senior Managers and conducts quarterly evaluations.  | None                 |
| Council resolution A (2) dated 31 May 2022. | E 6             | Suspends a non-section 56 employee at any time before or after an employee has been charged with misconduct in terms of the Conditions of Service for municipal employees and applicable legislation.      | None                 |
| Council resolution A (2) dated 31 May 2022. | E 7             | Revokes a suspension of to a non-section 56 employee in consultation with the relevant General Manager.  | None                 |
| Council resolution A (2) dated 31 May 2022. | E 8             | Promotes an employee to a higher post level if there is a funded vacant position (T15-T3) in consultation with the relevant General Manager in accordance with Council's Recruitment and Selection Policy. | None                 |
| Council resolution A (2) dated 31 May 2022. | E 9             | Transfers an employee within the department. In consultation with the relevant Senior Manager.   | None                 |
| Council resolution A (2) dated 31 May 2022. | E11             | Grants, disapproves, cancels, postpones or interrupts leave of absence, (with the exclusion of sick leave and maternity leave) concerning personnel in their respective department.                        | Senior Managers      |
| Council resolution A (2) dated 31 May 2022. | E 12            | Approves applications by Senior Managers for official visits to places outside City of Mbombela provided sufficient provision has been made on the budget.   | None                 |
|   |                 | Approves claims for travel and subsistence costs in respect of the attendance of such meetings.  | None                 |
|   |                 | Approves applications by personnel in the division, for official visits to places outside the City of Mbombela provided sufficient provision has been made on the budget.                                  | Senior Managers      |
|   |                 | Approves claims for travel and subsistence costs in respect of the attendance of such meetings.  | Senior Managers      |
| Council                                     | E 13            | Instructs Non-Section 56 employees to report   | Senior Managers      |

| <b>ORIGIN OF AUTHORITY</b>                  | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>  | <b>SUB DELEGATED</b>                                     |
|---|-----------------|---|--|
| resolution A (2) dated 31 May 2022.         |                 | temporarily for duty outside normal working hours.  |  |
| Council resolution A (2) dated 31 May 2022. | E 14            | Approves recommendations by the relevant General Manager if an employee has completed his period of probation successfully and confirms employment of the incumbent.  | None   |
| Council resolution A (2) dated 31 May 2022. | E 15            | Assigns a responsibility to personnel to ensure the safety and good health of employees, councillors, service providers and customers of the municipality.  | Senior Managers  |
| Council resolution A (2) dated 31 May 2022. | E 16            | Places advertisements in Newspapers<br><br>Places Notifications in social media in terms of the relevant policy   | None<br><br>Senior Managers                              |
| Council resolution A (2) dated 31 May 2022. | E 17            | Grants any approval that may be required in terms of any By-law of the municipality that is relevant to the department.   | None   |
| Council resolution A (2) dated 31 May 2022. | E 18            | Address administrative and operational matters on behalf of the municipality in official gatherings/meetings in terms of the relevant policy.   | Senior Managers/Managers                                 |
| Council resolution A (2) dated 31 May 2022. | E 19            | Terminates the contract of any service provider who fails to render services in terms of any applicable service level agreement and in terms of the financial and Supply Chain Management regulations/policy in consultation with the CFO, legal services and relevant department | None   |
| Council resolution A (2) dated 31 May 2022. | E 20            | Approves overtime work by employees in compliance with Council's Overtime Policy and in terms of exceptional cases such as in the case of a disaster or emergency.  | Senior Managers  |
| Council resolution A (2) dated 31 May 2022. | E 21            | Approves for the use of a vehicle outside the jurisdiction of City of Mbombela for official purposes for officials who don't receive a travelling allowance to be given the option utilize their own private vehicle in terms of relevant Council policy.                         | None   |
| Council resolution A (2) dated 31 May 2022. | E 22            | Gives an official who receives a transport allowance permission to use a Council vehicle for the execution of his/her Council duties in exceptional or substantiated circumstances  | None   |
| Council resolution A (2) dated 31 May 2022. | E 23            | Authorizes the payment of travelling and subsistence costs for an applicant to attend an interview for a vacant position at Council In accordance with Council policy.  | Senior Manager:<br>Human Resource<br>Provisioning, OD EE |
| Council resolution A (2) dated 31           | E 24            | Authorizes the medical examination of persons who have instituted a damages claim against Council on the basis of injuries sustained.   | None   |

| <b>ORIGIN OF AUTHORITY</b>                  | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>  | <b>SUB DELEGATED</b>                               |
|---|-----------------|---|--|
| May 2022.                                   |                 |   |  |
| Council resolution A (2) dated 31 May 2022. | E 25            | Considers applications for private work by officials subject to the conditions that a standard letter of approval is issued each official wherein he undertakes comply with the conditions as determined by Council.  | None   |
| Council resolution A (2) dated 31 May 2022. | E 26            | Grants permission for the advertising of vacant posts provided that there is a vacancy on the approved structure and the position has been budgeted for.  | Senior Manager: Human Resource Provisioning, OD EE |
| Council resolution A (2) dated 31 May 2022. | E 27            | To extend the services of retired personnel on the same terms and conditions and according to the rules of the relevant Retirement Fund for a period not exceeding 48 months.   | None   |
| Council resolution A (2) dated 31 May 2022. | E 28            | Compels an employee who in the manager's opinion, is so indisposed that he/she cannot perform his/her duties properly, to take sick leave as initiated by the relevant General Manager investigating the matter and on recommendation of a registered medical practitioner  | None   |
| Council resolution A (2) dated 31 May 2022. | E 29            | Instructs that an employee undergoes a medical examination conducted by a registered medical practitioner appointed by Council, if it is a requirement of the post applied for.   | None   |
| Council resolution A (2) dated 31 May 2022. | E 30            | Approves bursaries to employees who apply and qualify in terms of an approved policy.   | None   |
| Council resolution A (2) dated 31 May 2022. | E 31            | Approves applications for relocation costs by officials appointed by Council subject to Council Policy.   | None   |
| Council resolution A (2) dated 31 May 2022. | E 32            | Approves the repayment of course fees by officials in accordance with the relevant policy.  | None   |
| Council resolution A (2) dated 31 May 2022. | E 33            | Authorizes legal assistance for employees in the official execution of their duties subject to the following conditions: <ul style="list-style-type: none"> <li>• The person requiring assistance must be an official of Council who in his/her official capacity was exercising a legitimate duty.</li> <li>• Such a person must be accused of a crime arising from the exercise or omission of his legitimate duty.</li> <li>• The official must also inform Council in writing.</li> </ul> | None   |
| Council resolution A (2) dated 31           | E 34            | Appoints students for practical work, where a department has the capacity for a student do practical work if it is a requirement for his/her  | None   |

| <b>ORIGIN OF AUTHORITY</b>                  | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b>                               |
|---|-----------------|--|--|
| May 2022.                                   |                 | studies and sufficient funds are available In consultation with the relevant General Manager.  |  |
| Council resolution A (2) dated 31 May 2022. | E 35            | Deals with financial assistance concerning relocation costs of employees who have been appointed in Council's service According the policy of Council.   | None   |
| Council resolution A (2) dated 31 May 2022. | E 36            | Approves the extension of a probationary period of personnel beneath T15.  | None   |
| Council resolution A (2) dated 31 May 2022. | E 38            | Allocates office, parking spaces/garages personnel at Head Office.   | Senior Manager: Facilities                         |
| Council resolution A (2) dated 31 May 2022. | E 39            | Concludes agreements for the placement of vending machines on Council property, subject that only non-alcoholic beverages, chips and chocolates be allowed.  | None   |
| Council resolution A (2) dated 31 May 2022. | E 40            | Approves application for change in trading name of the same company on contracts, where the details of the contract is not affected in terms of financial as well as contractual obligations, in consultation with the Chief Financial Officer and legal services. | None   |
| Council resolution A (2) dated 31 May 2022. | E 41            | Approves sick leave/unpaid leave of employees on one or more occasion for treatment of trauma/alcoholism/drug addiction and maternity.   | None   |
| Council resolution A (2) dated 31 May 2022. | E 42            | Approves applications for special leave of Union Office Bearers for union activities in terms of the SALGBC Organizational Rights Agreement.   | None   |
| Council resolution A (2) dated 31 May 2022. | E 43            | Signs appointment letters for personnel after all prescribed processes have been adhered too.  | None   |
| Council resolution A (2) dated 31 May 2022. | E 44            | Co-signs all applications for pension backed housing loans.  | None   |
| Council resolution A (2) dated 31 May 2022. | E 45            | Considers applications for unpaid leave for maternity purposes.  | Senior Manager: Human Resource Provisioning, OD EE |
| Council resolution A (2) dated 31 May 2022. | E 46            | Approves the Appointment of temporary personnel provided that such Appoints s can be made with the available budget and stipulations of the Labour Relations Amendment Act 2014.   | None   |
| Council resolution A (2) dated 31           | E 47            | Approves applications for practical or in service training in consultation with the General Manager.   | Senior Manager                                     |

| <b>ORIGIN OF AUTHORITY</b>                  | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b> |
|---|-----------------|--|----------------------|
| May 2022.                                   |                 |  |                      |
| Council resolution A (2) dated 31 May 2022. | E 48            | Authorizes work-study investigations in all departments to ensure the proper employment of personnel.  | None                 |
| Council resolution A (2) dated 31 May 2022. | E 49            | Approves the appointment of students at higher learning institutions for vocational practical training, subject to any conditions prescribed by the relevant authorities.  | None                 |
| Council resolution A (2) dated 31 May 2022. | E 50            | Approves Appoints s on higher salary notches higher than the starting notch.   | None                 |
| Council resolution A (2) dated 31 May 2022. | E 51            | Appoints of Presiding Officers and Initiators for disciplinary and Appeal hearings of non-section 56 employees.  | None                 |
| Council resolution A (2) dated 31 May 2022. | E 52            | Appoint official/s consider appeals in terms of disciplinary hearings on levels T11-T3 in terms of the SALGBC Conditions of Service.   | None                 |
| Council resolution A (2) dated 31 May 2022. | E 53            | Approves alternative placements for personnel in accordance with the standard conditions of service after consultation with the relevant General Manager as well as the Municipal Manager.                         | None                 |
| Council resolution A (2) dated 31 May 2022. | E54             | Approves extension of study periods in respect of Council officials who have bursary arrangements.   | None                 |
| Council resolution A (2) dated 31 May 2022. | E 55            | Approves the attendance of appropriate training and refresher courses by personnel, and the approval of payment of courses and course fees, travel and subsistence costs in consultation with the General Manager. | Senior Managers      |
| Council resolution A (2) dated 31 May 2022. | E 56            | Accepts responsibility as Section 16(2) Officer in terms of the Occupational Health and Safety Act.  | None                 |
| Council resolution A (2) dated 31 May 2022. | E 57            | Appoint a Disciplinary Committee to conduct a disciplinary hearing in terms of the SALGBC Conditions of Service.   | None                 |
| Council resolution A (2) dated 31 May 2022. | E 58            | Appoints a Disciplinary Appeal hearing Committee in terms of the SALGBC Conditions of Service.   | None                 |
| Council resolution A (2) dated 31 May 2022. | E 59            | Considers and approves extension of study periods in respect of Council officials who have bursary arrangements.   | None                 |

| <b>ORIGIN OF AUTHORITY</b>                  | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b>                   |
|---|-----------------|--|--|
| May 2022.                                   |                 |  |  |
| Council resolution A (2) dated 31 May 2022. | E 60            | Certifies payment claims from service providers in accordance with financial delegations.  | Senior Managers                        |
| Council resolution A (2) dated 31 May 2022. | E 61            | Settle agreements of loss.   | None                                   |
| Council resolution A (2) dated 31 May 2022. | E 62            | Grants approval for the attendance of conferences, congresses, seminars or meetings by Senior Managers in the department, in terms of Council's policy, if funding is available on the budget. Approves claims for travel and subsistence costs in respect of the attendance of such meetings.<br><br>Grants approval for the attendance of conferences, congresses, seminars or meetings by personnel in the division, in terms of Council's policy, if funding is available on the budget. Approves claims for travel and subsistence costs in respect of the attendance of such meetings. | None<br><br>Senior Managers            |
| Council resolution A (2) dated 31 May 2022. | E 63            | Approves that an employee in the department may act in temporary capacity in a higher post in terms of Council's Acting Policy.  | None                                   |
| Council resolution A (2) dated 31 May 2022. | E 64            | Considers the approval of applications for medical boards and related expenditure regarding employees whose early retirement is recommended by a medical practitioner.   | None                                   |
| Council resolution A (2) dated 31 May 2022. | E 65            | Approve and implement Job Evaluation results.  | None                                   |
| Council resolution A (2) dated 31 May 2022. | E 66            | Accepts resignations of personnel at a shorter notice than 30 days.  | None                                   |
| Council resolution A (2) dated 31 May 2022. | E 67            | Approves the attendance of appropriate training and refresher courses by personnel, and the approval of payment of courses and course fees, travel and subsistence costs in consultation with the relevant General Manager.  | None                                   |
| Council resolution A (2) dated 31 May 2022. | E 68            | Approves the placement of banks or any other structure on a council premise.   | None                                   |
| Council resolution A (2) dated 31           | E 69            | Approves the installation of communication systems such as antennae, for the receiving and broadcasting of any sound and television  | Senior Manager: Information Technology |

| <b>ORIGIN OF AUTHORITY</b>   | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b>                   |
|--|-----------------|--|--|
| May 2022.  |                 | broadcasts on council property.  |  |
| Council resolution A (2) dated 31 May 2022.  | E 70            | Arbitrates personnel grievances of personnel in the department.  | Senior Managers/Managers               |
| Disciplinary Procedure and Code Collective Agreement dated 8 June 2010 Circular 6/2010 | E 71            | Establishes an informal disciplinary hearing to conduct an enquiry In the event of misconduct by a non - section 56 employee that appears to be less serious.  | Senior Managers/Managers               |
| MFMA 75 (1)  | E 72            | Ensures that the required documents are uploaded and available on the Municipality's website within five days after its tabling in the Council or on the date on which it must be made public, whichever occurs first.   | Senior Manager: Information Technology |
| MFMA 65 (2)(d)   | E 73            | Decides on the reasonable steps be taken to ensure that payments by the Municipality are made directly to the person to whom it is due unless agreed otherwise for reasons as may be prescribed, either electronically or by way of non-transferable cheques, in consultation with the Chief Financial Officer.  | Senior Managers/Managers               |
| MFMA 116 (2)(b)  | E 74            | Monitors the performance of a contractor/service provider under a contract or an agreement with the Municipality on a monthly basis and report to the Municipal Manager.   | Senior Managers/Managers               |
| MFMA 116 (2)(c)  | E 75            | -Determines the capacity that needs be established within the Municipality's administration assist the Municipal Manager enforce the provisions of a contract or agreement between the Municipality and a contractor and monitor the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis and report the Municipal Manager. | Senior Managers/Managers               |
| MFMA 69 (3)(a)   | E 76            | Prepares and submits the Municipality's annual draft budget, a draft service delivery and budget implementation plan for the budget year in consultation with the Municipal Manager coordinated by DCS to the Executive Mayor.   | None                                   |
| MFMA 75 (1)  | E 77            | Ensures that the required documents are uploaded and available on the Municipality's website within five days after its tabling in the Council or on the date on which it must be made public, whichever occurs first.   | Senior Manager: IT                     |
| MFMA 83 (2)  | E 78            | Determines the resources or opportunities to be made available for the training of officials meet the  | Senior Managers/Managers               |

| ORIGIN OF AUTHORITY                         | DEL. NO. | AUTHORITY / POWER   | SUB DELEGATED   |
|---|----------|---|---|
|   |          | prescribed financial management competency levels.  |   |
| MFMA 119( 2)                                | E 79     | Determines the resources or opportunities to be made available for the training of officials involved in the implementation of the supply chain management policy of the Municipality meet the prescribed competency levels.  | Senior Managers/Managers  |
| Council resolution A (2) dated 31 May 2022. | E 80     | Compiles annual reports in terms of the Skills Development Act and relevant regulations to monitor implementation.  | Senior Managers/Managers  |
| Council resolution A (2) dated 31 May 2022. | E 81     | Delegates responsibilities and powers to Managers/supervisors in the Department   | Senior Managers   |
| Council resolution A (2) dated 31 May 2022. | E82      | Register criminal charges against employees, after an investigation was conducted and there are prima-facie evidence of a criminal offence.   | Senior Manager: Occupational Health and Safety, Wellness and Employee Relations |
| Council resolution A (2) dated 31 May 2022. | E 83     | Approves requests to withdraw a resignation by a member of staff on all job levels.   | None  |
| Council resolution A (2) dated 31 May 2022. | E 84     | Instructs Senior Managers to report temporarily for duty outside normal working hours (in exceptional cases such as disasters or emergencies etc.).<br><br>Instructs personnel in the division to report temporarily for duty outside normal working hours (in exceptional cases such as disasters or emergencies etc.) | None<br><br>Senior Managers   |
| Council resolution A (2) dated 31 May 2022. | E 85     | Approves the Operational Risk Register for the department   | None  |

### **GENERAL MANAGER: TECHNICAL SERVICES**

#### **ROLE**

The General Manager must on a strategic level, to ensure the effective and efficient delivery of all public works and transport services in accordance with the IDP/SDBIP, budget as well as applicable legislation and policies.

#### **RESPONSIBILITIES**

The incumbent is responsible for the following services:-



1. Project management to implement capital projects.
2. Roads and Storm water.
3. Concession monitoring services.
4. Carry out all resolutions of Council.
5. Water and Sanitation services.
6. Water Sector Support.
7. Electrical Services.
8. Project planning services.
9. Carry out all resolutions of Council.
10. Proper administration of the department.
11. Carry out all resolutions of Council.
12. Project planning services.
13. Proper administration of the department.
14. The drafting approval, promulgation and enforcement of By-laws applicable to their department and the upkeep of the departmental By-law register.
15. Must ensure good governance within the department.
16. Promote Local Economic Development through IDP projects.
17. Ensuring that all applicable services are rendered in terms of the IDP and SDBIP.
18. Liaise with internal structures of Council and external stakeholders.
19. Ensures human and other resources are utilized at optimum level.
20. Contract and project management are efficient and effective.
21. Proper planning processes are in place.
22. Compile and submit monthly, quarterly and annual reports Council.
23. Ensure projects are implemented and completed within cost, good quality and within the set timeframe.
24. Conduct monthly meetings within the department.
25. Represent the municipality in meetings with other spheres of government.
26. Implementation of the Fraud and Corruption prevention and detection policy and plan.
27. Fraud Prevention.
28. Risk Management.
29. Loss control and insurance.
30. Budget management.
31. Maintenance of discipline.
32. Participation in internal audit programmes.
33. Master planning of roads and storm water

34. Ensure proper contract management, by evaluating service level agreements of service providers.
35. Allocation of work to an employee (stipulation of duties).
36. Taking of all lawful and reasonable steps to ensure compliance with legislation and council policies.
37. Monitor budget votes in the department to prevent overspending. Take the necessary steps to relocate funds if needed to ensure that critical service delivery needs, which are budgeted for, are met.
38. Must ensure compliance with the Fraud and Corruption Prevention and Detection policy.
39. Submit reports to the relevant Section 79 Committee and answer in person any questions they may have in relation to the responsibilities of Council.
40. Advising the relevant Member of the Mayoral Committee on all matters relating to the department.
41. Ensure that Council adheres to stipulations of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).
42. Compilation of any documentation and taking of any lawful steps or give any lawful instruction to any municipal employee carry out a resolution of Council or comply with legislation or a policy/procedure of Council.
43. Implementing reasonable steps to ensure compliance with all legislation, council policies and procedures.
44. Promotion of Administrative Justice.
45. The drafting approval, promulgation and enforcement of By-laws applicable to their department and the up keep of the By-law register.
46. Performance Management.
47. Address any issues raised by the Audit-General and the Audit Committee.
48. Draw up any documentation and take any lawful step or give any lawful instruction any municipal employee who is carry out a resolution of Council or comply with legislation or a policy of council.
49. Managers must take appropriate steps (including disciplinary action) to ensure that personnel report for duty before 07:30 and only knock off after 16:00. Personnel should not be away from the office for extended periods of time without a valid reason.
50. Managers must take any appropriate step (including disciplinary action) in ensuring that officials in their Departments comply with the official dress code in accordance with the Clothing Policy and also wear protective clothing issued by Council.

51. Managers have the power to send an official home in order comply with the official dress code. If the official does not return to work, a day's salary will be deducted.
52. Managers must take any appropriate step (including disciplinary action), to ensure the daily completion of the attendance register or any similar future system. They can recommend the deduction of a day's pay, if officials do not complete the attendance register.
53. Managers must take any appropriate step in ensuring that all complaints from the public are attended too in a diligent and efficient way.
54. Installation of speed humps and traffic circles on municipal roads.
55. The closure of roads for construction purposes.
56. Technical administration of roads and storm water for new township developments, re-zonings, sub –divisions and building plans.
57. Compilation of 1:100 year flood-lines for Mbombela.
58. Determine service contributions for roads and storm water
59. Provide inputs with regard to roads and storm water for service agreements for new developments.
60. Maintaining of discipline within the department.
61. Ensure adherence to all internal controls, skills within the department.
62. Approval /disapproval of leave on payday system.
63. Control and manage workshops and sub-stores.
64. Compile maintenance plans for municipal infrastructure.
65. Approval of way leaves of work in municipal road reserves.
66. Compile biennial tenders for plant, equipment, materials, tar and bitumen products.
67. Submission of monthly plant reports.
68. Compilation of departmental budgets, SDBIP, etc.
69. Compilation of departmental asset registers.
70. Approval of service plans.
71. Maintenance of municipal railway sidings and submission of annual reports to the railway Regular Authority.
72. Participation in bid processes in terms of the Supply Chain Management policy.
73. EPWP Management.
74. Provide skills development accredited training programmes to all participants as required by the Ministerial Determination related conditions of employment of EPWP participants.
75. Provide the branded personal protective equipment for EPWP participants as required by the EPWP policies.

76. Compliance with the EPWP Protocol and Incentive Grant Agreement in terms of adherence to number of jobs created.
77. Determine the processing of EPWP reports according to the Ministerial determination.
78. Spend the EPWP allocation per year according the Division of Revenue Act read with Public Finance Management Act 1999 as amended.
79. Adhere to the Incentive Agreement prescripts which is signed before the incentive grant is allocated to the municipality by the National Department of Public Works.
80. Coordinate the EPWP programmes at all three spheres of government through cluster meeting engagements and workshops.
81. Facilitate the local EPWP Steering Committee meeting which deliberates on the compliance with EPWP Policies both nationally and locally.
82. Ensuring that all departments involve the EPWP Unit on all approved projects for effective collection of data.
83. Ensuring that reporting of all EPWP projects is integrated and in line with the EPWP Phase 3 approach.
84. Liaise with Local Economic Development and Supply Chain Management sections as part of the promotion and utilisation of future EPWP cooperatives programmes.
85. Effective implementation of all applicable By Laws.

**STATUTORY, OPERATIONAL AND FINANCIAL POWERS: GENERAL MANAGER: TECHNICAL SERVICES**

| ORIGIN OF AUTHORITY  | DEL. NO. | AUTHORITY / POWER  | SUB DELEGATED               |
|--|----------|--|-----------------------------|
| Council resolution A (2) dated 31 May 2022.  | G 1      | Renews lease agreements where the agreement provides for an option to renew and the service provider has provided a satisfactory service, if in terms with applicable policy and procedures.   | None                        |
| Municipal Systems Act Reg: Appoints & Conditions of Employment of Senior Managers (Section 12) | G 2      | Conducts the shortlisting of suitable qualified and experienced candidates for task levels 16 -13 in consultation with the General Manager: Corporate Services,<br><br>Conducts the shortlisting of suitable qualified and experienced candidates for task levels 12 - 2 in consultation with the General Manager: Corporate Services. | None<br><br>Senior Managers |
| MSA Section 57 (2) (c)   | G 3      | Enters in annual performance agreements with Senior Managers and conducts quarterly evaluations.<br><br>Enters in annual performance agreements with Managers/supervisors within the Division.   | None<br><br>Senior          |

| ORIGIN OF AUTHORITY                         | DEL. NO. | AUTHORITY / POWER  | SUB DELEGATED  |
|---|----------|--|--|
|   |          |  | Managers   |
| Council resolution A (2) dated 31 May 2022. | G 4      | Transfers employees within the department on task levels 15 – 2 in consultation with the General Manager: Corporate Services and the relevant employee   | None   |
| Council resolution A (2) dated 31 May 2022. | G 5      | Approves, disapproves, cancels, postpones or interrupts leave of absence, (with the exclusion of sick leave and maternity leave) with regard to task levels 16 - 17.<br><br>Approves, disapproves, cancels, postpones or interrupts leave of absence, (with the exclusion of sick leave and maternity leave) with regard to task levels 2 - 15.  | None<br><br>Senior Managers/ Managers                          |
| Council resolution A (2) dated 31 May 2022. | G 6      | Considers applications by Senior Managers for official visits to places outside City of Mbombela provided sufficient provision has been made on the budget.<br><br>Approves claims for travel and subsistence costs in respect of the attendance of such meetings.<br><br>Considers applications by employees (task level 2 - 15) for official visits to places outside City of Mbombela provided sufficient provision has been made on the budget.<br><br>Approves claims for travel and subsistence costs in respect of the attendance of such meetings. | None<br><br>None<br><br>Senior Managers<br><br>Senior Managers |
| Council resolution A (2) dated 31 May 2022. | G 7      | Instructs Senior Managers to report temporarily for duty outside normal working hours (in exceptional cases such as disasters or emergencies etc.).<br><br>Instructs personnel in the division to report temporarily for duty outside normal working hours (in exceptional cases such as disasters or emergencies etc.).   | None<br><br>Senior Managers                                    |
| Council resolution A (2) dated 31 May 2022. | G 8      | Assign a responsibility to a Non Section 56 official to ensure the safety and good health of employees, councillors, service providers and customers of the municipality.  | Senior Managers  |
| Council resolution A (2) dated 31 May 2022. | G 9      | Places advertisements in Newspapers<br><br>Places notifications in social media in terms of the relevant policy  | None<br><br>Senior Managers                                    |
| Council resolution A                        | G 10     | Grants any approval that may be required in terms of any By-law of the municipality where the By-law is  | None   |

| ORIGIN OF AUTHORITY                         | DEL. NO. | AUTHORITY / POWER  | SUB DELEGATED   |
|---|----------|--|---|
| (2) dated 31 May 2022.                      |          | relevant to the department.  |   |
| Council resolution A (2) dated 31 May 2022. | G 11     | Addresses administrative and operational matters on behalf of the municipality in official gatherings/meetings in terms of the relevant policy.  | Senior Managers   |
| Council resolution A (2) dated 31 May 2022. | G 12     | Terminates the contract of any service provider who fails to render services in terms of any applicable service level agreement and in terms of the financial and Supply Chain Management regulations/policy in consultation with the CFO, legal services and relevant department.   | None  |
| Council resolution A (2) dated 31 May 2022. | G 13     | Approves overtime work by employees in compliance with Council's Overtime Policy and in terms of exceptional cases such as in the case of a disaster or emergency.   | Senior Managers   |
| Council resolution A (2) dated 31 May 2022. | G 14     | Approves for the use of a private vehicle outside the jurisdiction of City of Mbombela for official purposes for officials who don't receive a travelling to utilize their own private vehicle in terms of relevant Council policy.  | Senior Managers   |
| Council resolution A (2) dated 31 May 2022. | G 15     | Gives an official who receives a transport allowance permission to use a Council vehicle for the execution of his/her Council duties in exceptional or substantiated circumstances.  | Senior Managers   |
| Council resolution A (2) dated 31 May 2022. | G 16     | Approves applications for change in trading name of the same company on contracts, where the details of the contract is not affected in terms of financial as well as contractual obligations, in consultation with the Chief Financial Officer and Legal Services.  | None  |
| Council resolution A (2) dated 31 May 2022. | G 17     | Grants approval for the attendance of conferences, congresses, seminars or meetings by Senior Managers, in terms of Council's policy, if funding is available on the budget. Approves claims for travel and subsistence costs in respect of the attendance of such meetings.<br><br>Grants approval for the attendance of conferences, congresses, seminars or meetings by personnel in the Unit, in terms of Council's policy, if funding is available on the budget. Approves claims for travel and subsistence costs in respect of the attendance of such meetings. | None<br><br>Senior Managers                                       |
| Council resolution A (2) dated 31 May 2022. | G 18     | Approves access to street networks.  | Senior Manager:<br>Roads, Storm Water and Infrastructure Planning |

| ORIGIN OF AUTHORITY                         | DEL. NO. | AUTHORITY / POWER   | SUB DELEGATED  |
|---|----------|---|--|
| Council resolution A (2) dated 31 May 2022. | G 19     | Approves the closure or opening of roads in accordance with traffic impact studies.   | Senior Manager: Roads, Storm Water and Infrastructure Planning |
| Council resolution A (2) dated 31 May 2022. | G 20     | Approves and calculates 1:100 year flood lines for Township establishments in consultation with Environmental Management  | Senior Manager: Roads, Storm Water and Infrastructure Planning |
| Council resolution A (2) dated 31 May 2022. | G 21     | Approves the revoking of public status of municipal roads.  | None   |
| Council resolution A (2) dated 31 May 2022. | G 22     | Approves the connections of stands to municipal infrastructure.   | Senior Managers  |
| Council resolution A (2) dated 31 May 2022. | G 23     | Approves service designs and drawings on municipal infrastructure with regard to road and storm water.  | Senior Managers  |
| Council resolution A (2) dated 31 May 2022. | G 24     | Approves way leaves for road and storm water services (Telkom, Eskom etc.).   | Senior Manager: Roads, Storm Water and Infrastructure Planning |
| Council resolution A (2) dated 31 May 2022. | G 25     | Approves Site Development Plans from the perspective of Road, Storm water and water services.   | Senior Manager: Roads, Storm Water and Infrastructure Planning |
| Council resolution A (2) dated 31 May 2022. | G 26     | Approves feasibility studies with regard to road, storm water and electrical services.  | None   |
| Council resolution A (2) dated 31 May 2022. | G 27     | Prescribe the quality of materials to be used for the installation of Roads and Storm water and electrical services in proclaimed Townships, in accordance with approved standards. | Senior Managers  |
| Council resolution A (2) dated 31 May 2022. | G 28     | Approves installations for the erection of decorative lights and decorations on municipal services infrastructure.  | Senior Managers  |
| Council                                     | G 29     | Closure of streets or public places for the purpose of  | Senior   |

| ORIGIN OF AUTHORITY   | DEL. NO. | AUTHORITY / POWER  | SUB DELEGATED   |
|---|----------|--|---|
| resolution A (2) dated 31 May 2022.   |          | capital works or repairs to distribution networks, in consultation with the Traffic dept.  | Managers  |
| Council resolution A (2) dated 31 May 2022.   | G 30     | Certifies payment claims from service providers in line with financial delegations   | Senior Managers   |
| Council resolution A (2) dated 31 May 2022.   | G 31     | Approves payment of an acting allowance to an official appointed to serve on a higher post level in the Department. (Post levels 3-4)<br><br>Approves payment of an acting allowance to an official appointed to serve on a higher post level in the Department. (Post levels 5-18)                                | None<br><br>Senior Managers                                       |
| Council resolution A (2) dated 31 May 2022.   | G 32     | Approves traffic impact studies for municipal area.  | Senior Manager:<br>Roads, Storm Water and Infrastructure Planning |
| Council resolution A (2) dated 31 May 2022.   | G 33     | Accepts responsibility as Section 16(2) Officer in terms of the Occupational Health and Safety Act.  | None  |
| Council resolution A (2) dated 31 May 2022.   | G 34     | Approves that an employee in the department may act in temporary capacity in a higher post in terms of Council's acting policy.  | None  |
| Disciplinary Procedure and Code Collective Agreement dated 8 June 2010. (Circular 6/2010) | G 35     | Establishes an informal Disciplinary hearing to conduct an enquiry In the event of misconduct by to a non-section 56 employee that appears to be less serious,   | Senior Managers   |
| Council resolution A (2) dated 31 May 2022.   | G 36     | Arbitrates personnel grievances of personnel in the department.  | Senior Managers/<br>Managers                                      |
| MFMA 65 (2)(d)  | G 37     | Decides on the reasonable steps to be taken to ensure that payments by the Municipality are made directly to the person to whom it is due unless agreed otherwise for reasons as may be prescribed, either electronically or by way of non-transferable cheques, in consultation with the Chief Financial Officer. | Senior Managers/<br>Managers                                      |
| MFMA 116 (2)(b)   | G 38     | Monitors the performance of a contractor/service provider under a contract or an agreement with the  | Senior Managers/  |



| ORIGIN OF AUTHORITY                         | DEL. NO. | AUTHORITY / POWER  | SUB DELEGATED                       |
|---|----------|--|-------------------------------------|
|   |          | Municipality on a monthly basis and reports to the Municipal Manager.  | Managers                            |
| MFMA 116 (2)(c)                             | G 39     | Determines the capacity that needs to be established within the Municipality's administration to assist the Municipal Manager to enforce the provisions of a contract or agreement between the Municipality and a contractor and to monitor the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis and report to the Municipal Manager. | Senior Managers/ Managers           |
| MFMA 69(3)(a)                               | G 40     | Prepares and submits the Municipality's annual draft budget, a draft service delivery and budget implementation plan for the budget year to the Executive Mayor in consultation with the Municipal Manager   | None                                |
| MFMA 75(1)                                  | G 41     | Ensures that the required documents are uploaded and available on the Municipality's website within five days after its tabling in the Council or on the date on which it must be made public, whichever occurs first.   | Senior Managers/ Managers           |
| Section 103(1) of the SPLUMA By-Law         | G 42     | Determines reports, diagrams and specifications for the installation of internal engineering services by the applicant.  | None                                |
| Section 103(4) of the SPLUMA By-Law         | G 43     | Sets the standards for private roads, private open spaces, and private facilities for engineering services.  | None                                |
| Council resolution A (2) dated 31 May 2022. | G 44     | Delegates responsibilities and powers to Managers/supervisors in the Department  | Senior Managers                     |
| Council resolution A (2) dated 31 May 2022. | G 45     | Approves the Operational Risk Register for the Department.   | None                                |
| Council resolution A (2) dated 31 May 2022. | G 46     | Approves installations for the erection of decorative lights and decorations on municipal services infrastructure.   | Senior Manager: Electrical services |
| Council resolution A (2) dated 31 May 2022. | G 47     | Approves electrical disconnections for safety and emergency reasons.   | Senior Manager: Electrical services |
| Council resolution A (2) dated 31 May 2022. | G 48     | Approves the connections of stands to municipal infrastructure.  | Senior Manager: Electrical services |
| Council                                     | G 49     | Approves service designs and drawings on municipal   | Senior                              |

| ORIGIN OF AUTHORITY                         | DEL. NO. | AUTHORITY / POWER  | SUB DELEGATED                             |
|---|----------|--|---|
| resolution A (2) dated 31 May 2022.         |          | infrastructure with regard to electricity.   | Manager:<br>Electrical services           |
| Council resolution A (2) dated 31 May 2022. | G 50     | Approves Site Development Plans from the perspective of Electrical Services.   | Senior Manager:<br>Electrical services    |
| Council resolution A (2) dated 31 May 2022. | G 51     | Approves feasibility studies with regards to electrical services.  | Senior Manager:<br>Electrical services    |
| Council resolution A (2) dated 31 May 2022. | G 52     | Prescribes the quality of materials to be used for the installation of electrical services in proclaimed Townships, in accordance with approved standards.                           | Senior Manager:<br>Electrical services    |
| Council resolution A (2) dated 31 May 2022. | G 53     | Close of streets or public places for the purpose of capital works or repairs to distribution networks, in consultation with the Traffic dept.                                       | Senior Manager:<br>Electrical Engineering |
| Council resolution A (2) dated 31 May 2022. | G 54     | Approves the installation of multi metering electricity points on erven, in consultation with the CFO.   | Senior Manager:<br>Electrical Engineering |
| Council resolution A (2) dated 31 May 2022. | G 55     | Certifies payment claims from service providers in line with financial delegations.  | Senior Manager:<br>Electrical Engineering |
| Council resolution A (2) dated 31 May 2022. | G 56     | Close of streets or public places for the purpose of capital works or repairs to distribution networks, in consultation with the Traffic dept.                                       | Senior Manager:<br>Electrical Engineering |
| Council resolution A (2) dated 31 May 2022. | G 57     | Digs up streets, act in accordance with this section of the Act (Section 25(3) Electricity Act 41 of 1987).  | Senior Manager:<br>Electrical Engineering |
| Council resolution A (2) dated 31 May 2022. | G 58     | Monitors the performance of an electrical contractor/service provider under a contract or an agreement with the Municipality on a monthly basis and report to the Municipal Manager. | Senior Manager:<br>Electrical Engineering |
| Council resolution A (2) dated 31 May 2022. | G 59     | Connects electricity from any other land or sites to the Council's networks in accordance with Council's policy.   | Senior Manager:<br>Planning               |
| Council resolution A (2) dated 31 May 2022. | G 60     | Enforces Electricity Regulations in terms of the relevant SABS codes.  | Senior Manager:<br>Planning               |
| Council                                     | G 61     | To set the standards for electrical engineering services   | Senior                                    |

| ORIGIN OF AUTHORITY                         | DEL. NO. | AUTHORITY / POWER   | SUB DELEGATED                         |
|---|----------|---|---------------------------------------|
| resolution A (2) dated 31 May 2022.         |          |   | Manager: Electrical Operations        |
| Council resolution A (2) dated 31 May 2022. | G 62     | Approves the removal of illegal water connections on municipal infrastructure.  | Senior Manager: Water and Sanitation  |
| Council resolution A (2) dated 31 May 2022. | G 63     | Approves the disconnections of approved water connections from municipal infrastructure.  | Senior Manager: Water and Sanitation  |
| Council resolution A (2) dated 31 May 2022. | G 64     | Approves the implementation of water restrictions during periods of drought or disaster.  | None                                  |
| Council resolution A (2) dated 31 May 2022. | G 65     | Approves applications for boreholes on developed stands and in Townships within the municipal area.   | Senior Manager: Water and Sanitation  |
| Council resolution A (2) dated 31 May 2022. | G 66     | Approves site development plans with regards to water services.   | None                                  |
| Council resolution A (2) dated 31 May 2022. | G 67     | Approves the installation of multi metering water points on erven.  | None                                  |
| Council resolution A (2) dated 31 May 2022. | G 68     | Monitors and evaluates water concessions to service providers in accordance with the applicable service level agreement.  | Senior Manager: Water and Sanitation. |
| Council resolution A (2) dated 31 May 2022. | G 69     | Advises Council on the annual increase in tariffs with regards to the water concession service providers.   | None                                  |
| Section 116(4) of the SPLUMA By-Law         | G 70     | Authority to set the standards for engineering services   | None                                  |
| Council resolution A (2) dated 31 May 2022. | G 71     | Monitors the performance of a water related contractor/service provider under a contract or an agreement with the Municipality on a monthly basis and report the Municipal Manager. | Senior Manager: Water and Sanitation. |
| Council resolution A (2) dated 31 May 2022. | G 72     | Calculate services contributions and approve annual rebased services contribution unit rates.   | Senior Manager: Water and Sanitation. |
| Council                                     | G 73     | Approve the applications for water rights transfers.  | Senior                                |

| ORIGIN OF AUTHORITY                         | DEL. NO. | AUTHORITY / POWER  | SUB DELEGATED                  |
|---|----------|--|--------------------------------|
| resolution A (2) dated 31 May 2022.         |          |  | Manager: Water and Sanitation. |
| Council resolution A (2) dated 31 May 2022. | G 74     | Approve work in lieu of payment of services contributions.               | None                           |
| Council resolution A (2) dated 31 May 2022. | G 75     | Approves the environmental authorization application.                    | None                           |
| Council resolution A (2) dated 31 May 2022. | G 76     | Approves servitude registration for water and sanitation services.       | None                           |
| Council resolution A (2) dated 31 May 2022. | G 77     | Approves land expropriation procedures for the installation of services. | None                           |

**GENERAL MANAGER: CITY PLANNING AND DEVELOPMENT**

**ROLE**

The General Manager is on a strategic level, responsible for the effective and efficient delivery of City Planning and Development services in terms of the IDP/SDBIP, budget as well as applicable legislation and policies.

**RESPONSIBILITIES**

The incumbent is responsible for the effective and efficient functioning of the following divisions: -

- a) Local Economic Development
- b) Human Settlement
- c) Land Use Management
- d) Rural Planning
- e) Spatial Planning
- f) Tourism Development

The incumbent is responsible for the management of the department by: -

- 1) Ensuring that all applicable services are rendered in terms of the IDP and SDBIP.
- 2) Human and other resources are utilized at optimum level.
- 3) Carry out all resolutions of Council.
- 4) Budget management.

- 5) Contract and Project Management are efficient and effective.
- 6) Proper planning processes are in place.
- 7) Proper administration of the department.
- 8) Drafting approval, promulgation and enforcement of by-laws applicable to the department and the upkeep of the departmental by-law register.
- 9) Ensure good governance within the department.
- 10) Promote local economic development and job creation, especially amongst the youth.
- 11) Liaise with internal structures of council and external stakeholders.
- 12) Ensures human and other resources are utilized at optimum level.
- 13) Contract and project management are efficient and effective.
- 14) Compile and submit monthly, quarterly and annual reports council.
- 15) Ensure projects are implemented and completed within cost, good quality and within the set timeframe.
- 16) Conduct monthly meetings within the department.
- 17) Represent the municipality in meetings with other spheres of government.
- 18) Execute any delegated powers delegated by the Municipal Manager.
- 19) Implementation of the Fraud and Corruption prevention and detection policy and plan.
- 20) Risk Management.
- 21) Maintenance of discipline.
- 22) Ensure proper contract management, by evaluating service level agreements of service providers.
- 23) Allocation of work to employees (stipulation of duties).
- 24) Ensure compliance with legislation, council policies and procedures.
- 25) Monitors budget votes in the department to prevent overspending. Take the necessary steps to relocate funds if needed to ensure that critical service delivery needs which are budgeted for, are met.
- 26) Submit reports to the relevant Section 79 Committee and answer in person any questions they may have in relation to the responsibilities of Council.
- 27) Advising the relevant Member of the Mayoral Committee on all matters relating to the department.
- 28) Promoting of sound labour relations by ensuring proper communication between the Administration and respective Unions.
- 29) Ensure that the department adheres to stipulations of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).
- 30) Promotion of Administrative Justice.

- 31) Performance Management.
- 32) Loss control and insurance in the department.
- 33) Address any issues raised by the Audit-General and the Audit Committee.
- 34) Take appropriate steps (including disciplinary action) to ensure that personnel report for duty before 07:30 and only knock off after 16:00. Personnel should not be away from the office for extended periods of time without a valid reason.
- 35) Take any appropriate step (including disciplinary action) in ensuring that officials in their Departments comply with the official dress code in accordance with the Clothing Policy.
- 36) Take any appropriate step (including disciplinary action), to ensure the daily completion of the attendance register or any similar future system. They can recommend the deduction of a day's pay, if officials do not complete the attendance register.
- 37) Take any appropriate step in ensuring that all complaints from the public are attended in a diligent and efficient way.
- 38) State Council's case and adduce evidence at an appeal against Council's decision on an application for an amendment scheme and if necessary in consultation with Legal Services.
- 39) Request the townships Board for reasons for its recommendations, and furnish Council's comments on such reasons.
- 40) Notify the Registrar of Deeds that the applicant has complied with the conditions that Council requires be fulfilled, before declaring the township, an approved to township
- 41) Ascertain and be satisfied that a township is situated within Council's area of jurisdiction.
- 42) Correct errors in a notice or schedule declare an approved township
- 43) Notify the Registrar of Deeds that the conditions of establishment have not been complied with.
- 44) Notify the Registrar of Deeds that the provisions of Section 81 in respect of the payment of endowment have been complied with.
- 45) After consultation with the Chairperson or, in his or her absence, the Deputy Chairperson of the Council's Tribunal, is submit reasons for the Council's decision when an appeal is lodged.
- 46) Resolve or establish a township provided that a decision undertake such a procedure was formally taken by Council.
- 47) Submit reasons for Council's decision on the establishment of a township, for purposes of an appeal.
- 48) In respect of an application by the Council establish a township on land within its area of jurisdiction of which the owner is certify the Registrar of Deeds that services can be provided within three months of the date of the certificate and that Council is prepared consider an application for the approval of building plans in respect of the Erf.

- 49) Send a copy of the application for comments any other interested department or division of the Mpumalanga Provincial Administration or a State Department or any other person who may be interested in the application.
- 50) Determine the time and place for the hearing of any person who has made objections, representations or comments on the application.
- 51) Notify the applicant of the Council's reasons for its recommendation.
- 52) Request the townships Board's reasons for its recommendation.
- 53) After consultation with the Chairperson or, in his or her absence, the Deputy Chairperson of the Council's Town Planning Tribunal, reply on behalf of the Council reasons furnished by the townships Board for its recommendation.
- 54) Request the applicant amend the application as the Division Land Use Management deems fit.
- 55) Consult with the townships Board, if so requested, concerning amendment of the application extend the boundaries of an approved township pending before that Board.
- 56) Impose any condition of a technical nature or otherwise in approving an application, after consultation with any other Heads of Departments concerned.
- 57) After consultation with the relevant General Managers, agree with the applicant on an amount of money be paid in terms of a condition imposed in approving the subdivision or consolidation of erven in respect of the provision of engineering services.
- 58) Where agreement cannot be reached, apply the Services Appeal Board in order determine the amount be paid by an applicant, in terms of a condition of subdivision or consolidation in respect of the provision of engineering services.
- 59) Determine the amount to be paid by an applicant in terms of a condition of subdivision or consolidation in respect of the provision of open spaces and parks.
- 60) Submit comments to the relevant Provincial authorities in terms of Section 89(4), provided that such comments are in accordance with all development plans and policies approved by Council.
- 61) Request reasons for the townships Board's recommendation in connection with the alteration, amendment or cancellation of a General Plan of a township
- 62) Reply on Council's behalf the townships Board's reasons for its recommendations.
- 63) Give notice, as required by law, of the compulsory closure of a public place or street by Council, consequent the amendment, alteration or cancellation of the General Plan of a township
- 64) Direct the applicant to lodge the application within a specified time determined by the Division City Planning.

- 65) Allow the applicant an extension of time in which to submit plans, diagrams or other documentation.
- 66) Specify the documentation required from the applicant by Council after consent has been granted for division of the township
- 67) Decide give public notice of Council's intention establish a township
- 68) Request the townships Board's reasons for its recommendation on an application, for the alteration or cancellation of the General Plan of a township
- 69) Reply on behalf of Council's in order to provide reasons information furnished by the townships Board.
- 70) Give notice of the compulsory closure of a public place or street, as required by law, after the amendment or cancellation of the General Plan of a township
- 71) Decide which other interested department or division of the Mpumalanga Provincial Administration, Department of State, or persons a plan and documentation of a proposed township should be forwarded for comment.
- 72) Allow an extension of time for comments on the proposed establishment of a township
- 73) Request reasons from the townships Board for its recommendation.
- 74) Reply, on the Council's behalf, the reasons furnished by the townships Board.
- 75) Decide on the imposition of conditions of a technical nature, subject to limitations imposed by the Town Planning Tribunal.
- 76) Decide that there are reasonable grounds for believing that a person, by erecting a building or in dividing land, is about establish an illegal township or is attempting defeat the objects of the Ordinance, and refer the matter the relevant Provincial authorities for investigation.
- 77) Determine the day, time and place for a hearing at which the local authority is obliged hear objections lodged or representations made in terms of any provision of the town-planning and townships Ordinance, 1986.
- 78) Decide whether any other body or person has an interest in a matter and notify such other body or person of the day, time and place of a hearing at which objections and representations will be heard.
- 79) Decide what requirements of the Act should be complied with by the owner of a National Key Point ensure the safety and health of the occupants of any relevant building.
- 80) Decide whether an application for Council's approval erect a building complies with the provisions of the Act or any other applicable law and approve such application, if the Division Land Use Management decides that it so complies.
- 81) After consultation with any other Department concerned, form the opinion that a building or earthwork is being or is be erected in such a manner, that it will not be in the interest of good



health or hygiene or will be unsightly or Section 30(1) (a) in relation a town planning scheme which it has prepared of its own accord.

- 82) After consultation with any other Department concerned, form the opinion that a building or earthwork is being or is be erected in such a manner, that it will not be in the interest of good health or hygiene or will be unsightly or objectionable, or will probably or in fact be a nuisance the occupiers of adjoining, or
- 83) Neighbouring properties or will probably or in fact derogate from the value of adjoining or neighbouring properties, or is being or will be erected on a site which is to flooding or which (or any portion of which) does not drain properly, or is filled up or covered with refuse or impregnated with matter liable decomposition; and, having formed such an opinion, give any notice , and effect service thereof upon, the person erecting such building or earthwork prohibiting the erection of such building or earthwork and serve such notice.
- 84) Form the opinion that a building is unsightly or dangerous life or property, or derogates from the value of adjoining or neighbouring properties; and, having formed such an opinion, give written notice , and effect service thereof upon the owner, demolish the building, remove the material of which the building consisted and any other material or rubbish from the site in question, and otherwise clean up the site within such period as the Division Land Use Management shall decide upon and specify in such notice.
- 85) Form the opinion that a building is dilapidated or in a state of disrepair or shows signs thereof; or that any building or the land on which a building was or is being or is be erected or any earthwork is dangerous or is showing signs of becoming dangerous life or property; and, having formed such an opinion, give written notice and effect service thereof upon the owner of such building, land or earthwork, ordering that such owner shall, within the period decided upon by the Division Land Use Management and specified in the notice, shall demolish such building or alter or secure it in such a manner, that it will no longer be dilapidated or in a state of disrepair or show signs thereof or be dangerous, or show signs of becoming dangerous life or property, or shall secure such land or earthwork in such a manner that it will no longer be dangerous, or show signs of becoming dangerous life or property.
- 86) After consultation with other Departments concerned, form the opinion that the condition of any building, land or earthwork is such, that steps should be taken forthwith protect life or property, and, if such an opinion is formed, take such steps, without serving or delivering any notice on or the owner of such building, land or earthwork and recover the costs of such steps from the owner give written notice , and effect service thereof upon, the owner of a building, land or earthwork contemplated in Section 12(1), ordering such owner instruct, at the cost of the owner, an architect or a registered person as defined in the Act, investigate the condition

- of any such building, land or earthwork and report Council on the nature and extent of the steps be taken, in the opinion of such architect or such registered person, in order render such building, land or earthwork safe.
- 87) Give and serve same, by post or deliver the person, for whom it is intended, written notice ordering that any activities be stopped, or prohibiting any activities which may increase the danger or hinder or obstruct the architect or registered person, referred to in Section 12(3) (a) from properly carrying out the investigation referred to in such Section.
- 88) Form the opinion that it is necessary for the safety of any person, require:-
- a. the owner of any building remove from such building, within a period determined by the Division Land Use Management and specified in the notice, all persons occupying or working or being for any other purpose in such building:
  - b. any person occupying or working or being in any building for any other purpose, ordering such person vacate the building immediately or within a period determined by the Division Land Use Management, specified in such notice; and, having formed such an opinion give notice as provided for in terms of Section 12(4) and effect service thereof.
- 89) If the owner of a building or any person having an interest therein requests the issue of a certificate of occupancy in terms of Section 14 (1):
- 90) Form an opinion as whether a building has been erected in accordance with the provisions of the Act and any conditions upon which approval erect the building was granted, in terms of Section 7;
- a. issue such certificate if the building has been completed in accordance with the provisions of the Act, the conditions upon which approval erect the building was granted in terms of Section 7 and the provisions of Section 14(1)(a) have been complied with; or
  - b. refuse issue such certificate if, in the building has not been completed or the provisions of Section 14 (1) (a) have not been complied with, and give written notice the applicant for the certificate of such refusal.
- 91) When so requested by the owner of a building or other person having an interest therein, grant permission in writing use a building before the issue of a certificate of occupancy in terms of Section 14(1), for such period and on such conditions as the Division Land Use Management shall determine and specify in such permission, which period may be extended and which conditions may be altered.
- a. consider the Council's draft Town Planning Scheme and reject or adopt same subject to any amendment deemed fit.
  - b. request any person furnish information enable it consider and application.

- c. reply reasons of township Board.
  - d. consider applications that need, according a Town Planning Scheme within a two year period where certain circumstances, need amending and whereas such was delegated officials of the Division Land Use Management.
  - e. consider whether an applicant for the establishment of a township has without sound reason, failed submit township documentation the Surveyor- General, where such has not been delegated officials.
  - f. consider an application by a new owner continue application for township establishment where such has not been delegated officials.
  - g. decide that the amendment of documents after the approval of a township is so substantial that a new application for establishment must be lodged where such has not been delegated an official.
  - h. consider the application, and for this purpose carry out an inspection of the land and/or institute any investigation or request a person or body furnish such information as deemed expedient.
  - i. supply the reason for which the endowment is required.
- 92) After consultation with the applicant, amend or delete any conditions imposed or add further conditions.
  - 93) After consultation with the Surveyor-General, permit the amendment of documents or decide that an amendment is substantial that a new application for subdivision must be submitted, hear the applicant and decide whether he failed satisfy any requirements without good cause.
  - 94) Lodge an objection with or make representations the authorized officer in respect of an application establish a township
  - 95) Refuse, subject to any conditions deemed fit, an application for consent use, taking in consideration of every objection submitted and representation made.
  - 96) Section 32(3) shall not apply with any decision taken in terms of the townships and Town Planning Ordinance, 1986. Division of Land Ordinance, 1996 or where any legislation pertaining Town Planning makes specific provision for appeal procedures, such appeal procedures shall apply the said decisions, subject to the rights of all parties in terms of administrative law.
  - 97) Take all necessary action including the signing of any documentation, carry in effect the decision of Council or of the Mayoral Committee institute legal proceedings against any person or body of persons that specifically relate planning.
  - 98) Prepare and sign or any deed of sale in execution of a Council or Mayoral decision and/or Council Policy.

- 99) Supply, in accordance with the applicable by-laws of Council, any certificate, plan, map or other information, written or verbal, which may be supplied in terms of such by-laws, against payment of any prescribed charge.
- 100) Decide in respect of the serving of a notice in terms of Section 79(46) of the Local Government Ordinance, 1939 (Ordinance 17 of 1939) on an owner on whose property potentially dangerous trees or part of such tree are found, after consultation with the General Manager: Community Services.
- 101) Issue a certificate where the services position is known, in respect of applications for town establishments in consultation with the General Manager.
- 102) Applies for an order prohibiting any person from commencing or proceeding with the erection of any building in terms of Section 21 of the Act.
- 103) Finalize applications for the cancellation of sale of residential erven.
- 104) Ensure that owners of a wall or fence must keep these constructions in good order to prevent a construction site from becoming dangerous.
- 105) Ensure that if a sewer is available or becomes available for the sewerage of the building, the owner of the building must lay, alter or extend a property sewerage that serves the building up a place and level that is prescribed for connection, such a sewer at his own cost.
- 106) Ensure that if the owner of the building neglects lay, alter or extend a property sewer accordingly the municipality can lay, alter or extend such sewer and recover the cost there from the owner, with the provision that the owner be given at least a notice of 14 days of the intention before work is done.
- 107) Ensure that where excavations can detract from the safety or stability of any property or service, or where the depth of any place of such excavations, can possibly be more than 3m, the owner of the site must obtain prior written authority for such excavations.
- 108) Inform beneficiaries of restrictions on the voluntary sale of RDP houses (state subsidized housing).
- 109) Initiate, plan, co-ordinate, facilitate, promote and enable appropriate housing developments within the municipal areas of jurisdiction.
- 110) Initiate process of expropriation of any land required for housing purposes.
- 111) Provide access land and building for social housing developments.
- 112) Initiate and motivate the identification of restructuring zones.
- 113) Identification of social housing Institutions as social housing delivery agency.
- 114) Ensure that the identified Social Housing Institution is accredited in terms of Social Housing Regulation Authority.

- 115) Inform the provincial department of Human Settlement on the voluntary sale of state-subsidized houses.
- 116) Regulation and enforcement of Business Act of 1996.
- 117) Enforcement of City of Mbombela Local Municipality Street trading By-law.
- 118) Adjudication of tenders in terms of the Supply Chain Management policy.
- 119) Chairperson of the Municipal Planning Tribunal.
- 120) Participation in bid processes in terms of the Supply Chain Management policy.
- 121) Effective implementation of all applicable By Laws.

**STATUTORY, ADMINISTRATIVE AND OPERATIONAL POWERS: GENERAL MANAGER: CITY PLANNING AND DEVELOPMENT**

| <b>ORIGIN OF AUTHORITY</b>                  | <b>DELNO</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b>                  |
|---|--------------|--|---------------------------------------|
| Council resolution A (2) dated 31 May 2022. | L 1          | Enters in annual performance agreements with Senior Managers and conducts quarterly evaluations.   | None                                  |
| Council resolution A (2) dated 31 May 2022. | L 2          | Renews lease agreements where the agreement provides for an option to renew and the service provider has provided a satisfactory service, if in terms with applicable policy and procedures.   | None                                  |
| Council resolution A (2) dated 31 May 2022. | L 3          | Terminates the contract of any service provider who fails to render services in terms of any applicable service level agreement and in terms of the financial and Supply Chain Management regulations/policy in consultation with the CFO, legal services and relevant department  | None                                  |
| Council resolution A (2) dated 31 May 2022. | L 4          | Places advertisements in Newspapers<br><br>Places notifications in social media in terms of the relevant policy.   | None<br><br>Senior Managers           |
| Council resolution A (2) dated 31 May 2022. | L 5          | Conducts the shortlisting of suitable qualified and experienced candidates for post levels 3 – 6 in consultation with the General Manager: Corporate Services.<br><br>Conducts the shortlisting of suitable qualified and experienced candidates for post levels 7 – 19 in consultation with the General Manager: City Planning and Development. | None<br><br>Senior Managers/ Managers |
| Council resolution A (2) dated 31 May 2022. | L 6          | Grants disapproves, cancels postpones or interrupts leave of absence, (with the exclusion of sick leave and maternity leave) with regard to personnel in their respective sub Department.  | Senior Manager: Land Use Management   |

| <b>ORIGIN OF AUTHORITY</b>                                      | <b>DELNO</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b>                |
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| Council resolution A (2) dated 31 May 2022.                     | L 7          | Grants approval for the attendance of conferences, congresses, seminars or meetings by Senior Managers in the department, in terms of Council's policy, if funding is available on the budget. Approves claims for travel and subsistence costs in respect of the attendance of such meetings.<br><br>Grants approval for the attendance of conferences, congresses, seminars or meetings by personnel in the Unit, in terms of Council's policy, if funding is available on the budget. Approves claims for travel and subsistence costs in respect of the attendance of such meetings. | None<br><br>Senior Managers         |
| Council resolution A (2) dated 31 May 2022.                     | L 8          | Finalizes agreements in terms of the Municipal Assets Transfer Regulations 878, Municipal Property and Supply Chain Management Act Regulation 868 after Council has approved the applications for the purchasing or leasing of municipal property.   | None                                |
| Council resolution A (2) dated 31 May 2022.                     | L 9          | Transfers employees within the department on post levels 4 – 19 in consultation with the General Manager: Corporate Services and relevant employee   | None                                |
| Council resolution A (2) dated 31 May 2022.                     | L 10         | Approves the payment of an acting allowance to an official appointed to serve on a higher post level in the department.  | None                                |
| Council resolution A (2) dated 31 May 2022.                     | L 11         | Assigns a responsibility to personnel in the department to ensure the safety and good health of employees, councillors, service providers and customers of the municipality.   | Senior Manager: Land Use Management |
| Council resolution A (2) dated 31 May 2022.                     | L 12         | Approves overtime worked by employees in compliance with Council's Overtime Policy and in exceptional cases such as in the case of a disaster or emergency.  | None                                |
| Council resolution A (2) dated 31 May 2022.                     | L 13         | Approves the use of a vehicle outside the jurisdiction of City of Mbombela for official purposes for officials who don't receive a travelling allowance to utilize their own private vehicle in terms of relevant Council policy   | None                                |
| Town Planning and Township Ordinance 15 of 1986: Section 20 (6) | L 14         | Gives consent for the use of Council owned property or buildings in terms of section 20(6) of the Town-planning and Townships Ordinance, 1986, for purposes for which the Council's Town Planning Schemes provides, where no objections or representations had been received.  | Senior Manager: Land Use Management |
| Town Planning and Township                                      | L 15         | Approves maps and documents for preparation of Town Planning Schemes.  | Senior Manager: Land Use Management |

| <b>ORIGIN OF AUTHORITY</b>  | <b>DELNO</b> | <b>AUTHORITY / POWER</b>  | <b>SUB DELEGATED</b>                |
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| Ordinance 15 of 1986:<br>Section 23<br>(a)  |              |   |                                     |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 29(2)<br>read with 55 | L 16         | Approves Draft Town Planning Schemes where no objections or representations have been received.   | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 55                    | L 17         | Directs in writing a person to stop contravening a provision of the Town Planning Schemes, by removing a building or have such building removed, or to stop work or to direct that a building, work or use be brought in agreement with the provisions of the Scheme. | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 56(1)(b)              | L 18         | Grants exemptions from compliance with the provisions of Section 56(1) (b) (ii) pertaining the posting and maintenance of a notice in the prescribed form, subject to any guidelines which may be set by the Council.   | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 56(2)                 | L 19         | Decides to gives further notice of an owner's application for an amendment scheme.  | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 56(3)                 | L 20         | Concludes that the applicant has satisfied all formal requirements for submitting an application.   | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 56(5)                 | L 21         | Grants consent to the applicant to forward copies of the application to anybody contemplated in Section 56(4) (a) and ensures that the applicant has done so.   | Senior Manager: Land Use Management |
| Town Planning   | L 22         | Grants an extension of time to any person to whom a copy of the application has been sent.  | Senior Manager: Land                |

| <b>ORIGIN OF AUTHORITY</b>  | <b>DELNO</b> | <b>AUTHORITY / POWER</b>  | <b>SUB DELEGATED</b>                |
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| and Township Ordinance 15 of 1986: Section 56(6)                  |              |   | Use Management                      |
| Town Planning and Township Ordinance 15 of 1986: Section 56(8)    | L 23         | Considers an application submitted in terms of section 56(1) by an applicant, provided that no objections have been received against the said application, that it is supported by the Urban & Rural Management Section and that it is within approved Council Policy, subject to the notification of the Municipal Manager   | Senior Manager: Land Use Management |
| Council resolution A (8) dated 27 October 2016                    | F 24         | Approves applications to rent sidewalks.  | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 56(9)    | L 25         | Approves an application or any amendment, which, after consultation with the applicant, is deemed fit and further subject to such application being in terms of the general principles as contained in the Development Facilitation Act 67 of 1995. Local Development frameworks/plan approved by the Council or any other approved planning policy, provided that no objection has been lodged such application, subject to the notification of the Municipal Manager. | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 56(10)   | L 26         | Notifies the applicant or any person who has made representation of its decision taken by virtue of the provisions of subsection (9).   | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 59(2)(c) | L 27         | Submits to the relevant Provincial authorities the reasons for a decision on an application for an amendment scheme in the case of an appeal, after consultation with the Chairperson or, in his or her absence, the Deputy Chairperson of the Council's Town Planning Tribunal.  | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 59(6)(a) | L 28         | States the Council's case and evidence at an appeal against the Council's decision on an application for an amendment scheme and if necessary, in consultation with Legal Services.   | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15                           | L 29         | Requests the Townships Board for reasons for its recommendations and furnish the Council's comments on such reasons.  | Senior Manager: Land Use Management |



| ORIGIN OF AUTHORITY   | DELNO | AUTHORITY / POWER   | SUB DELEGATED                       |
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| of 1986:<br>Section 59(8)<br>and (9)  |       |   |                                     |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 59(15)                | L 30  | Amends any Town Planning Scheme applicable in Council's area of jurisdiction where an appeal has been upheld in terms of Section 59 and any amendment becomes necessary as a result thereof; and gives notice of such amendment in terms of Section 59(15)(a)(l).   | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 60                    | L 31  | Corrects an error or omission in an approved scheme where, in the opinion of the Urban Planning Department it is considered necessary.  | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 63(1)                 | L 32  | <p>Directs the owner of the land to which the scheme relates, which directive shall be contained in a letter sent to the said owner by registered post within 30 days from the commencement of the scheme and which Pays a contribution to the Council in respect of:-</p> <ol style="list-style-type: none"> <li>1. The engineering services contemplated in Chapter V of the Ordinance where it will be necessary to enhance or improve such services as a result of the commencement of the scheme.</li> <li>2. Open spaces or parks where the commencement of the amendment scheme will bring about a higher residential density</li> </ol> <p>In order to comply fully with the requirements of Section 63(1).</p> | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 42(3)<br>read with 55 | L 33  | Approves building plans in order to permit continuation of a use contemplated in Section 43(1) (being an existing use right), subject to the provisions of any other law.   | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 61(2)                 | L 34  | Grants or refuses authority to permit another application or to amends a Town Planning Scheme within a two-year period if the Urban & Rural Management Section is of the opinion that it is justifiable.  | Senior Manager: Land Use Management |
| Town Planning and Township  | L 35  | Consents to the continuation of a Township application by a new owner, subject to such conditions as the Urban & Rural Management Section may deem  | Senior Manager: Land Use            |

| <b>ORIGIN OF AUTHORITY</b>   | <b>DELNO</b> | <b>AUTHORITY / POWER</b>  | <b>SUB DELEGATED</b>                |
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| Ordinance 15 of 1986:<br>Section 95<br>(read with 78(1))                                 |              | expedient.  | Management                          |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 96(2)(a)                     | L 36         | Requires any further information from the applicant for the establishment of a Township over and above that prescribed.   | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 96(3)<br>read with 69(5)     | L 37         | Decides that the applicant has shown that the holder of mineral rights has consented the application or cannot be traced and that the applicant has requested the mineral rights to be expropriated | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 96(3)<br>read with 69(6)(a)  | L 38         | Exercises the discretion contained in Section 69 (6) (a) pertaining to the giving of a notice.  | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 96(3)<br>read with 69(6)(b)  | L 39         | Consents to the applicant forwarding copies of the application to bodies referred to in Section 69 and be satisfied that the applicant has done so.   | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986:<br>Section 96(3)<br>read with 69(10)(b) | L 40         | Determines the time and place for the hearing of objections, representations or comments.   | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986:<br>Section                              | L 41         | Consents to the amendment of the Township establishment application pending before the Council, on requests by the applicant.   | Senior Manager: Land Use Management |

| <b>ORIGIN OF AUTHORITY</b>  | <b>DELNO</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b>                |
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| 96(4)(a)  |              |  |                                     |
| Town Planning and Township Ordinance 15 of 1986: Section 96(4)(b) | L 42         | Requests the applicant for Township establishment to amend the application.  | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 96(4)    | L 43         | Decides that a proposed amendment of an application pending before the Council is sufficiently substantial to require re-advertisement.  | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 97(1)    | L 44         | Consents to an applicant entering into a contract of sale contemplated in Section 67(1) or grants an option contemplated in that section subject to whatever conditions the Urban & Rural Management Section deems expedient.  | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 97(2)    | L 45         | Decides that a guarantee furnished in terms of Section 97(2) is satisfactory from the Council's point of view.   | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 98(1)    | L 46         | Approves an application, either wholly or in part or postpone a decision thereon either wholly or in part, subject to such application being in terms of the general principles as contained in the Development Facilitation Act 67 of 1995, the local development frameworks/ plans approved by the Council or any other approved planning policy, provided that no objection has been lodged such application, subject to notification of the Municipal Manager. | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 98(5)    | L 47         | Amends or delete any condition of a technical nature imposed in terms of Section 98(2), after consultation with applicant and any Department of Council concerned, subject to any limitations imposed by the Town Planning Tribunal, before a Township is declared an approved Township  | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 99(2)    | L 48         | Consents to the division of a Township, in consultation with internal and external departments or bodies providing engineering services, provided no amendment of any approved land use rights shall result from such division.  | Senior Manager: Land Use Management |
| Town Planning and   | L 49         | Consents to the amendment of documents after notification for the approval of the Township, provided   | Senior Manager: Land                |

| <b>ORIGIN OF AUTHORITY</b>   | <b>DELNO</b> | <b>AUTHORITY / POWER</b>  | <b>SUB DELEGATED</b>                |
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| Township Ordinance 15 of 1986: Section 100                                   |              | that, in the opinion of the Land Use Management Division, the amendment is not so material as to constitute a new application for the establishment of a Township                       | Use Management                      |
| Town Planning and Township Ordinance 15 of 1986: Section 100                 | L 50         | Decides that any proposed amendment to a document or documents, after approval of a Township, is so material as to constitute a new application for the establishment of a Township     | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 101(1)              | L 51         | Notifies the Registrar of Deeds that the applicant has complied with the conditions which the Council requires to be fulfilled before declaring the Township to be an approved Township | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 101(2)              | L 52         | Grants the applicant an extension of time in which to lodge documents with the Registrar of Deeds for registration.   | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 103(1)              | L 53         | Ascertains and be satisfied that a Township is situated within the Council's area of jurisdiction.  | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 95 read with 72(1)2 | L 54         | Grants an extension of time for lodging Township plans and documentation with the Surveyor General after approval of a Township   | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 95 read with 75(2)  | L 55         | Obtains a certified copy or tracing of the approved General Plan of a Township from the Surveyor General and recover the cost thereof from the applicant.                               | Senior Manager: Land Use Management |
| Town Planning and  | L 56         | Corrects errors in a notice or schedule to declare an approved Township   | Senior Manager: Land                |

| <b>ORIGIN OF AUTHORITY</b>   | <b>DELNO</b> | <b>AUTHORITY / POWER</b>  | <b>SUB DELEGATED</b>                |
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| Township Ordinance 15 of 1986: Section 95 read with 80                                   |              |   | Use Management                      |
| Town Planning and Township Ordinance 15 of 1986: Section 95 read with 82(1)(b)(I)        | L 57         | Notifies the Registrar of Deeds that the conditions of establishment have not been complied with.   | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 95 read with 82(2)(a)           | L 58         | Authorizes the Registrar of Deeds to Register the transfer of an erf in a Township  | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 95 read with 82(1)(b)(ii)(b b)2 | L 59         | Notifies the Registrar of Deeds that the provisions of Section 81 in respect of the payment of endowment have been complied with.   | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 95 read with 82(1)(b)(ii)cc     | L 60         | Certifies to the Registrar of Deeds that services can be provided by the Council within three months of the date of the certificate on any erf in a Township which is to be transferred and that the Council is prepared to consider an application for the approval of building plans in respect of the erf. | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 104(2)                          | L 61         | Submits reasons for the Council's decision when an appeal is lodged after consultation with the Chairperson or, in his or her absence, the Deputy Chairperson of the Council's Tribunal.  | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986:   | L 62         | Resolves to establish a Township provided that a decision to undertake such a procedure was formally taken by the Council.  | Senior Manager: Land Use Management |

| <b>ORIGIN OF AUTHORITY</b>   | <b>DELNO</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b>                |
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| Section 109(1)   |              |  |                                     |
| Town Planning and Township Ordinance 15 of 1986: Section 109(5) read with 104(2)(c)          | L 63         | Submits reasons for the Council's decision on the establishment of a Township, for purposes of an appeal.  | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 113(1)(c)                           | L 64         | Establishes a Township on land within its area of jurisdiction of which it is the owner and certifies the Registrar of Deeds that services can be provided within three months of the date of the certificate and that the Council is prepared to consider an application for the approval of building plans in respect of the Erf | Senior Manager: Land Use Management |
| 95 read with 88(2) and 69(5)(b)  | L 65         | Decides and be satisfied that the applicant for the extension of the boundaries of a Township has shown that the holder of the mineral rights has consented to the application or cannot be traced or that the applicant has requested expropriation of the mineral rights.  | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 95 read with 88(2) and 69(6)(b)     | L 66         | Consents to the applicant forwarding copies of the application to the bodies referred to in Section 69(6) and be satisfied that the applicant has done so.   | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 95 read with 88(2) and 69(6)(b)(iv) | L 67         | Decides to send a copy of the application for comments to any other interested department or division of the Mpumalanga Provincial Administration or a State Department or any other person who may be interested in the application.  | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 95 read with 88(2) and              | L 68         | Grants an extension of time for comments.  | Senior Manager: Land Use Management |

| <b>ORIGIN OF AUTHORITY</b>  | <b>DELNO</b> | <b>AUTHORITY / POWER</b>  | <b>SUB DELEGATED</b>                |
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| 69(b)   |              |   |                                     |
| Town Planning and Township Ordinance 15 of 1986: Section 95 read with 88(2) and 69(12)(a) | L 69         | Consents to the applicant amending the application before the consideration thereof.  | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 95 read with 88(2) and 69(10)(b) | L 70         | Determines the time and place for the hearing of any person who has made objections, representations or comments on the application   | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 95 as read with 88(2) and 69(14) | L 71         | Notifies the applicant of the Council's reasons for its recommendation.   | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 95 as read with 88(2) and 69(20) | L 72         | Requests the Townships Board to provide reasons for its recommendation.   | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 95 read with 88(2) and 69(21)    | L 73         | Replies on behalf of the Council on reasons furnished by the Townships Board for its recommendation after consulting the Chairperson or, in his or her absence, the Deputy Chairperson of the Council's Town Planning Tribunal. | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15   | L 74         | Requests the applicant for Township establishment to amend the application.   | Senior Manager: Land Use Management |

| ORIGIN OF AUTHORITY  | DELNO | AUTHORITY / POWER   | SUB DELEGATED                                |
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| of 1986:<br>Section 95<br>read with<br>88(2) and<br>69(12)(b)  |       |   |  |
| Town<br>Planning and<br>Township<br>Ordinance 15<br>of 1986:<br>Section 95<br>read with<br>88(2) and<br>69(18)(b)(l) | L 75  | Consults with the Townships Board concerning amendment of the application to extend the boundaries of an approved Township pending before that Board.   | Senior<br>Manager: Land<br>Use<br>Management |
| Town<br>Planning and<br>Township<br>Ordinance 15<br>of 1986:<br>Section<br>92(2)(a)                                  | L 76  | Approves an application provided that such application is in terms of the provisions of the relevant Town Planning scheme for the area, subject to notification of the Municipal Manager  | Senior<br>Manager: Land<br>Use<br>Management |
| Town<br>Planning and<br>Township<br>Ordinance 15<br>of 1986:<br>Section 95<br>read with<br>92(2)                     | L 77  | Considers and Approves an application in any case where no new rights would result, or refuses an application. After consultation with the department concerned   | Senior<br>Manager: Land<br>Use<br>Management |
| Town<br>Planning and<br>Township<br>Ordinance 15<br>of 1986:<br>Section 95<br>read with<br>92(3)                     | L 78  | Imposes any condition of a technical nature or otherwise in approving an application, after consultation with any Heads of Departments concerned.   | Senior<br>Manager: Land<br>Use<br>Management |
| Town<br>Planning and<br>Township<br>Ordinance 15<br>of 1986:<br>Section 95<br>read with<br>92(3)(a)                  | L 79  | Approves applications with an amount of money to be paid in terms of a condition imposed in approving the subdivision or consolidation of erven in respect of the provision of engineering services.                                    | Senior<br>Manager: Land<br>Use<br>Management |
| Town<br>Planning and<br>Township<br>Ordinance 15<br>of 1986:   | L 80  | Applies to the Services Appeal Board to determine the amount to be paid by an applicant in terms of a condition of subdivision or consolidation in respect of the provision of engineering services, where agreement cannot be reached. | Senior<br>Manager: Land<br>Use<br>Management |



| <b>ORIGIN OF AUTHORITY</b>   | <b>DELNO</b> | <b>AUTHORITY / POWER</b>  | <b>SUB DELEGATED</b>                |
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| Section 95 read with 92(3)(a)  |              |   |                                     |
| Town Planning and Township Ordinance 15 of 1986: Section 95 read with 92(3)(b) | L 81         | Determines the amount to be paid by an applicant in terms of a condition of subdivision or consolidation in respect of the provision of open spaces and parks.  | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 95 read with 93(1)(c) | L 82         | Enforces any condition imposed in respect of a Township or an erf in a Township   | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 95 read with 92(4)(a) | L 83         | Cancels an approval of subdivision or consolidation on the request of an owner and after consultation with the Surveyor General.  | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 95 read with 92(4)(b) | L 84         | Amends, deletes (other than the condition imposed in terms of Section 92(3) or adds any condition of approval of an application, on the requests of the owner and after consultation with the Surveyor-General, after consultation with the departments | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 95 read with 92(4)(c) | L 85         | Approves the amendment of a subdivision or consolidation plan, where the application for subdivision or consolidation has been approved. At the requests of the owner and after consultation with the Surveyor-General,                                 | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 89(4)                 | L 86         | Submits comments to the relevant Provincial authorities in terms of Section 89(4) provided that such comments are in accordance with all development plans and policies approved by the Council.  | Senior Manager: Land Use Management |
| Town   | L 87         | Requests reasons for the Townships Board's  | Senior                              |

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| Planning and Township Ordinance 15 of 1986: Section 95 read with 89 (11)     |              | recommendation in connection with the alteration, amendment or cancellation of a General Plan of a Township  | Manager: Land Use Management        |
| Town Planning and Township Ordinance 15 of 1986: Section 95 read with 89(12) | L 88         | Replies on the Council's behalf on the Townships Board's reasons for its recommendation.   | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 95 read with 91(7)  | L 89         | Gives notice, as required by law, of the compulsory closure of a public place or street by the Council consequent upon the amendment, alteration or cancellation of the General Plan of a Township | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 99(1)(a)            | L 90         | Grants an extension of time in which to allow an application.  | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 99(1)(b)            | L 91         | Directs the applicant to lodge the application within a specified time which the Urban & Rural Management division determines.   | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 99(2)               | L 92         | Consents to the division of a Township subject to any condition which the Urban & Rural Management division deems to be expedient, after consultation with the other division concerned.           | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 99(4)               | L 93         | Allows the applicant an extension of time in which to submit plans, diagrams or other documents.   | Senior Manager: Land Use Management |
| Town   | L 94         | Specifies the documentation required from the applicant  | Senior                              |

| <b>ORIGIN OF AUTHORITY</b>  | <b>DELNO</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b>                |
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| Planning and Township Ordinance 15 of 1986: Section 99(4)                     |              | by Council after consent has been granted for division of the Township   | Manager: Land Use Management        |
| Town Planning and Township Ordinance 15 of 1986: Section 108(1)(a)            | L 95         | Gives public notice of the Council's intention to establish a Township   | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 106 read with 80     | L 96         | Corrects any error or omission in the conditions relating to a Township, in a notice or schedule contemplated in Section 79 declaring a Township be an approved Township.  | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 106 read with 89(11) | L 97         | Requests the Townships Board to give reasons for its recommendation on an application for the alteration or cancellation of the General Plan of a Township   | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 106 read with 89(12) | L 98         | Replies on the Council's behalf on reasons furnished by the Townships Board.   | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 106 read with 91(7)  | L 99         | Gives notice of the compulsory closure of a public place or street, as required by law, after the amendment or cancellation of the General Plan of a Township.   | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 108(1)(b)(iv)        | L 100        | Decides to which interested department or division of the Mpumalanga Provincial Administration, Department of State, or persons a plan and documentation of a proposed Township should be forwarded for comment. | Senior Manager: Land Use Management |

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| Town Planning and Township Ordinance 15 of 1986: Section 108(1)(b)                 | L 101        | Allows an extension of time for comments on the proposed establishment of a Township.   | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 109(2)                    | L 102        | Specifies conditions of a technical nature, which will apply in respect of a Township, subject to limitations imposed by the Town Planning Tribunal.  | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 109(5) read with 59(6)(a) | L 103        | States the Council's case and adduces evidence on appeal.   | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 109(5) read with 59(8)    | L 104        | Requests reasons from the Townships Board for its recommendations.  | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 109(5) read with 59(9)    | L 105        | Replies on the Council's behalf on the reasons furnished by the Townships Board.  | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 111                       | L 106        | Publishes a notice that the Township has been established by Council and the conditions upon which it has been established, where no objection has been lodged, subject to the provisions of Section 111. | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986:                                   | L 107        | Enforces conditions relating to a Township or any erf in a Township after consultation with the Corporate Services department.  | Senior Manager: Land Use Management |

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| Section 115(1)(c)  |              |  |                                     |
| Town Planning and Township Ordinance 15 of 1986: Section 106 read with 92(3) | L 108        | Decides on the imposition of conditions of a technical nature, subject to limitations imposed by the Town Planning Tribunal.   | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 117(b)              | L 109        | Applies to the Services Appeal Board for the classification of engineering services as either internal or external in the absence of an agreement between Council and the applicant for the establishment of a Township, after consultation with any Department concerned.                           | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 30(1)               | L 110        | Applies to the relevant Provincial authorities for condonation of Council's failure to comply with the provisions of Section 30(1) (a) in relation to a Town planning scheme, which it has prepared of its own accord.   | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 125(1)(e)(ii)       | L 111        | Publishes a notice in terms of Section 125(1)(e)(ii) that Council has adopted a Town planning Scheme relating to land as contemplated in subparagraph (i)(aa), (bb) or (cc) of Section 125(1).   | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 130(1)(b)           | L 112        | Decides that there are reasonable grounds for believing that a person, by erecting a building or in dividing land, is about to establish an illegal Township or is attempting to defeat the objects of the Ordinance, and refer the matter to the relevant Provincial authorities for investigation. | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 131(1)              | L 113        | Determines the day, time and place for a hearing at which the local authority is obliged hear objections lodged or representations made in terms of any provision of the Town-planning and Townships Ordinance, 1986.  | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15                                      | L 114        | Decides whether any body or person has an interest in a matter and notifies such body or person of the day, time and place of a hearing at which objections and representations will be heard.   | Senior Manager: Land Use Management |

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| of 1986:<br>Section<br>131(2)  |              |   |  |
| Town<br>Planning and<br>Township<br>Ordinance 15<br>of 1986:<br>Section<br>131(3)                  | L 115        | States the Council's case and adduces evidence at any appeal to the Townships Board.  | Senior<br>Manager: Land<br>Use<br>Management |
| Town<br>Planning and<br>Township<br>Ordinance 15<br>of 1986:<br>Section 24(1)                      | L 116        | Prohibits the erection of buildings on, doing work on or using land when Council intends to acquire such land.  | Senior<br>Manager: Land<br>Use<br>Management |
| Town<br>Planning and<br>Township<br>Ordinance 15<br>of 1986:<br>Section 125<br>Regulation<br>15(5) | L 117        | Approves or adapts a Town Planning Scheme under circumstances defined in Section 125(1).  | Senior<br>Manager: Land<br>Use<br>Management |
| Town<br>Planning and<br>Township<br>Ordinance 15<br>of 1986:<br>Section 55                         | L 118        | Considers the Council's draft Town Planning Scheme and rejects or adopts same subject to any amendment deemed fit by the Urban & Rural Management Section.                    | Senior<br>Manager: Land<br>Use<br>Management |
| Town<br>Planning and<br>Township<br>Ordinance 15<br>of 1986:<br>Section<br>56(8)(b)                | L 119        | Requests any person to furnish information to enable the consideration of an application.   | Senior<br>Manager: Land<br>Use<br>Management |
| Town<br>Planning and<br>Township<br>Ordinance 15<br>of 1986:<br>Section 59(9)                      | L 120        | States the municipality's view pertaining to comments/complaints/enquiries from the Township Board.   | Senior<br>Manager: Land<br>Use<br>Management |
| Town<br>Planning and<br>Township<br>Ordinance 15<br>of 1986:<br>Section 61(3)                      | L 121        | Considers an application to amend a Town Planning Scheme within a two year period where certain circumstances was delegated to officials of the Land Use Management Division. | Senior<br>Manager: Land<br>Use<br>Management |

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| Town Planning and Township Ordinance 15 of 1986: Section 95    | L 122        | Considers whether an applicant for the establishment of a Township has without sound reason failed to submit Township documentation to the Surveyor- General where such has not been delegated to officials.  | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 95    | L 123        | Considers an application by a new owner to continue with an application for Township establishment where such has not been delegated to officials.  | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 98(2) | L 124        | Imposes conditions in granting approval, including conditions of payment or provision of an endowment.  | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 98(3) | L 125        | States the purpose for which endowment is required if payment of endowment in cash is one of the conditions of approval.  | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 98(5) | L 126        | Amends or delete a condition after consultation with the applicant, after approval of applications but before Township is declared where such has not been delegated to an official.  | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 99(2) | L 127        | Refuses an applications for the division of a Township or approves or refuses s applications:<br><br>(i) which will result in amendment of any approved land use rights;<br>(ii) which does not correspond with the Council's existing policy or development plans; and<br>(iii) In respect of which objections have been received. | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 100   | L 128        | Decides that the amendment of documents after the approval of a Township is so substantial that a new application for establishment must be lodged where such has not been delegated to an official.  | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986:               | L 129        | Approves applications for development and building applications.  | Senior Manager: Land Use Management |

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| Section 95   |              |  |                                     |
| Town Planning and Township Ordinance 15 of 1986: Section 95                  | L 130        | Refuses or approves applications:<br><br>(i) which does not correspond with the Council's existing policy or development plan; and<br>(ii) In respect of which objections have been received.  | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 106                 | L 131        | Decides to subdivide or consolidate a Council erf or erven.  | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 106                 | L 132        | Imposes conditions of subdivision or consolidation excluding the powers delegated to the Urban & Rural Management Section, subject to any limitation imposed.  | Senior Manager: Land Use Management |
| Town Planning and Township Ordinance 15 of 1986: Section 116(2)              | L 133        | Considers an appeal against the decision that certain engineering services are necessary for the proper development of a Township  | Senior Manager: Land Use Management |
| National Building Regulations and Standards Act 103 of 1977: Section 2(8)    | L 134        | Decides what requirements of the Act should be complied with by the owner of a National Key Point to ensure the safety and health of the occupants of any relevant building.   | Senior Manager: Land Use Management |
| National Building Regulations and Standards Act 103 of 1977: Section 7(1)(a) | L 135        | Decides whether an application for the Council's approval to erect a building complies with the provisions of the Act or any other applicable law and Approves such application if the Urban & Rural Management Section that it so complies.                                       | Senior Manager: Land Use Management |
| National Building Regulations and Standards Act 103 of 1977:                 | L 136        | Refuses an application if the Urban & Rural Management Section is satisfied that it does not comply with the requirements of the Act or any other applicable law or is satisfied that the application should be refused for any of the other reasons set out in Section 7 (1) (b). | Senior Manager: Land Use Management |



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| Section 7(1)(b)  |              |   |                                     |
| National Building Regulations and Standards Act 103 of 1977: Section 7(3)  | L 137        | Makes the necessary endorsements on plans, specifications and other documents concerned.  | Senior Manager: Land Use Management |
| National Building Regulations and Standards Act 103 of 1977: Section 10(1) | L 138        | Forms the opinion that a building or earthwork is being or is to be erected in such a manner that it will not be in the interest of good health or hygiene or will be unsightly or objectionable or will probably or in fact be a nuisance to the occupiers of adjoining or neighbouring properties or will probably or in fact derogate from the value of adjoining or neighbouring properties or is being or will be erected on a site which is subject to flooding or which (or any portion of which) does not drain properly or is filled up or covered with refuse or impregnated with matter liable for decomposition; and, having formed such an opinion, gives any notice, and effect service thereof upon the person erecting such building or earthwork prohibiting the erection of such building or earthwork and serve such notice, after consultation with any other Department concerned. | Senior Manager: Land Use Management |
| National Building Regulations and Standards Act 103 of 1977: Section 11(1) | L 139        | Gives notice in terms of Section 11(1) to the owner of a building to resume and complete the erection of a building within such period as the Urban & Rural Management Section shall decide upon and specifies in such notice and effect service of such notice.  | Senior Manager: Land Use Management |
| National Building Regulations and Standards Act 103 of 1977: Section 11(2) | L 140        | Grants an extension of time under the circumstances contemplated in Section 11 (2).   | Senior Manager: Land Use Management |
| National Building Regulations and Standards Act 103 of 1977: Section 11(3) | L 141        | Forms the opinion that a building is unsightly or dangerous to life or property or derogates from the value of adjoining or neighbouring properties; and, having formed such an opinion, gives written notice, and effects service thereof upon the owner, demolishes the building, removes the material of which the building consisted of and any other material or rubbish from the site in question, and otherwise cleans up the site within  | Senior Manager: Land Use Management |

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|   |       | such period as the Urban & Rural Management Section shall decide upon and specified in such notice.   |                                     |
| National Building Regulations and Standards Act 103 of 1977: Section 12(1)    | L 142 | Forms the opinion that a building is dilapidated or in a state of disrepair or shows signs thereof; or that any building or the land on which a building was or is being or is to be erected or any earthwork is dangerous or is showing signs of becoming dangerous life or property; and, having formed such an opinion, gives written notice and effect service thereof upon the owner of such building, land or earthwork, ordering that such owner shall, within the period decided upon by the Urban & Rural Management Section and specified in the notice, shall demolish such building or alter or secure it in such a manner that it will no longer be dilapidated or in a state of disrepair or show signs thereof or be dangerous or show signs of becoming dangerous life or property, or shall secure such land or earthwork in such a manner that it will no longer be dangerous or show signs of becoming dangerous life or property. | Senior Manager: Land Use Management |
| National Building Regulations and Standards Act 103 of 1977: Section 12(2)    | L 143 | Forms the opinion that the condition of any building, land or earthwork is such that steps should be taken forthwith to protect life or property, and if such an opinion is formed, takes such steps without serving or delivering any notice on or to the owner of such building, land or earthwork and recover the costs of such steps from the owner, after consultation with the other Departments concerned.   | Senior Manager: Land Use Management |
| National Building Regulations and Standards Act 103 of 1977: Section 12(3)(a) | L 144 | Gives written notice, and effects service thereof upon the owner of a building, land or earthwork contemplated in Section 12(1), ordering such owner to instruct, at the cost of the owner, an architect or a registered person as defined in the Act, to investigate the condition of any such building, land or earthwork and report to the Council on the nature and extent of the steps to be taken, in the opinion of such architect or such registered person, in order to render such building, land or earthwork safe.  | Senior Manager: Land Use Management |
| National Building Regulations and Standards Act 103 of 1977: Section 12(3)(b) | L 145 | Gives and serve same by post or deliver, to the person for whom it is intended, written notice ordering that any activities be stopped, or prohibits any activities which may increase the danger or hinder or obstruct the architect or registered person referred to in Section 12(3)(a) from properly carrying out the investigation referred to in such Section.  | Senior Manager: Land Use Management |
| National Building Regulations   | L 146 | Forms the opinion that it is necessary for the safety of any person, to require:  | Senior Manager: Land Use            |

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| and Standards Act 103 of 1977: Section 12(4)                                |       | <p>(c) the owner of any building to remove from such building, within a period determined by the Urban &amp; Rural Management Section and specified in the notice, all persons occupying or working or being in such building for any other purpose.</p> <p>(d) any person occupying or working or being in any building for any other purpose, to vacate the building immediately or within a period determined by the Division Land Use Management, specified in such notice; and, having formed such an opinion gives notice as provided for in terms of Section 12(4) and effect service thereof.</p>  | Management                          |
| National Building Regulations and Standards Act 103 of 1977: Section 12(5)  | L 147 | Grants permission that a building may again be occupied after consultation with any other Departments concerned.   | Senior Manager: Land Use Management |
| National Building Regulations and Standards Act 103 of 1977: Section 14(1)  | L 148 | <p>(i) forms an opinion as to whether a building has been erected in accordance with the provisions of the Act and any conditions upon which approval erect the building was granted in terms of Section 7;</p> <p>(ii) issues such certificate if the building has, in the opinion of the Division Land Use Management, been completed in accordance with the provisions of the Act, the conditions upon which approval to erect the building was granted in terms of Section 7 and the provisions of Section 14(1)(a) have been complied with; or</p> <p>(iii) refuses to issue such certificate if, in the opinion of the Division Land Use Management, such building has not been completed or the provisions of Section 14(1)(a) have not been complied with, and gives written notice the applicant for the certificate of such refusal.</p> | Senior Manager: Land Use Management |
| National Building Regulations and Standards Act 103 of 1977: Section 14(1a) | L 149 | Grants permission in writing to use a building before the issue of a certificate of occupancy in terms of Section 14(1), for such period and on such conditions as the Urban & Rural Management Section shall determines and specifies in such permission, which period may be extended and which conditions may be altered, when so requested by the owner of a building or other person having an interest therein.  | Senior Manager: Land Use Management |

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| Division of Land Ordinance 20 of 1986: Section 6(8)(a)  | L 150        | Waives, in terms of Section 6(8) (a), the requirement to give notice of the application.  | Senior Manager: Land Use Management |
| Division of Land Ordinance 20 of 1986: Section 17(3)(a) | L 151        | Consents the amendment of an application pending before the Council when the applicant makes a Request in terms of Section 17(3) (a).   | Senior Manager: Land Use Management |
| Division of Land Ordinance 20 of 1986: Section 17(3)(b) | L 152        | Requests an applicant to amend his application in terms of Section 17(3) (b).   | Senior Manager: Land Use Management |
| Division of Land Ordinance 20 of 1986: Section 18.1     | L 153        | Approves an application wholly or in part in terms of Section 18(1) provided that the application is not in conflict with any policy, development plan or Town Planning Scheme of the Council and no objections such application have been lodged after consultation with any other Department concerned, | Senior Manager: Land Use Management |
| Division of Land Ordinance 20 of 1986: Section 6(5)     | L 154        | Refuses s an application for the division of land where the division of land is or will be contrary to the purposes of the Town Planning and Townships Ordinance, 15 of 1986.   | Senior Manager: Land Use Management |
| Division of Land Ordinance 20 of 1986: Section 17(2)    | L 155        | Considers the application, and for this purpose carries out an inspection of the land and/or institutes any investigation or requests any person or body to furnish such information as deemed expedient.   | Senior Manager: Land Use Management |
| Division of Land Ordinance 20 of 1986: Section 18(1)    | L 156        | Approves the application wholly or in part or refuses it wholly or in part.   | Senior Manager: Land Use Management |
| Division of Land Ordinance 20 of 1986: Section 18(2)    | L 157        | Imposes any condition deemed necessary including the payment of an endowment in cash or the provisioning of an endowment in nature or both, on the approval of an application.  | Senior Manager: Land Use Management |
| Division of Land Ordinance 20 of 1986: Section 18(2)    | L 158        | Supplies the reason for which the endowment is required.  | Senior Manager: Land Use Management |

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| Division of Land Ordinance 20 of 1986: Section 18(2)  | L 159        | Amends or delete any conditions imposed or add further conditions after consultation with the applicant.   | Senior Manager: Land Use Management |
| Division of Land Ordinance 20 of 1986: Section 18(2)  | L 160        | Permits the amendment of documents or to decide that and amendment is so substantial that a new application for subdivision must be submitted, after consultation with the Surveyor-General.   | Senior Manager: Land Use Management |
| Division of Land Ordinance 20 of 1986: Section 20(2)  | L 161        | Hears the applicant and decides whether he/she failed to satisfy any requirements without good cause.  | Senior Manager: Land Use Management |
| Division of Land Ordinance 20 of 1986: Section 23(1)  | L 162        | Consents to the continuation of an application by a new owner of land and Determines conditions for such continuation where not delegated to an official.  | Senior Manager: Land Use Management |
| Local Government Ordinance, 1939  | L 163        | Gives the notice provided for in the said paragraphs of the said section when so required by any department entrusted by the Council with the exercise of the powers conferred by paragraph (b) of sub-section (1) of Section 84 or paragraph (b) of Section 134 of the Local Government Ordinance, 1939, and in consultation with the Division Land Use Management, or when so instructed by a Committee of the Council duly authorized thereto.  | Senior Manager: Land Use Management |
| Town Planning and Townships Ordinance, 15 of 1986, all Town planning schemes and all planning legislation | L 164        | <p>Grants, with or without conditions, or refuses any application for special consent in terms of the Town Planning Scheme or other land use regulations in line with Council Policy on which no objections were received.</p> <p>Exercises administrative powers, duties and functions of the Council in terms of the Town Planning and Township Ordinance, 1986; The Development Facilitation Act, Annexure F of the Black Communities Development Act 4/1984 and the Less Formal Township Establishment Act 113/1991.</p> <p>Opposes or declares to oppose any appeal to the Townships Board or any other appeal body against any decision made under its delegated powers, and nominate an official or legal representative to present the Council's case at such hearing.</p> | Senior Manager: Land Use Management |

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| Town Planning and Townships Ordinance, 15 of 1986, all Town planning schemes and all planning legislation 3(3)                   | L 165        | Consents to the amendment or suspension of conditions.   | Senior Manager: Land Use Management |
| Town Planning and Townships Ordinance, 15 of 1986, all Town planning schemes and all planning legislation 4(1)                   | L 166        | Plans and develops designated land.  | Senior Manager: Land Use Management |
| Town Planning and Townships Ordinance, 15 of 1986, all Town planning schemes and all planning legislation 11(1)                  | L 167        | Lodges an objection with or make representations to the authorized officer in respect of an application to Establish a Township  | Senior Manager: Land Use Management |
| Town Planning and Townships Ordinance, 15 of 1986, all Town planning schemes and all planning legislation Annexure F Clause 10.1 | L 168        | Refuses, subject to any conditions deemed fit, an application for consent use taking consideration of every objection submitted and representation made.   | Senior Manager: Land Use Management |
| Council resolution A (8) dated 27 October 2016   | L 169        | Takes all necessary action, including any inferior court of the Supreme Court, except for action in the Supreme Court, to enforce a Town Planning Scheme applicable in the Council's area of jurisdiction, or the refusal of a | Senior Manager: Land Use Management |

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|   |       | special consent under such a Town Planning Scheme, or to enforce any by-law which is part of the functions of the Division Land Use Management, to enforce compliance with any condition attached to a special consent under a Town Planning Scheme, or enforce the terms of any servitude, consent paper or agreement forming part of the settlement of any legal proceedings under a Town Planning Scheme of the Council or any by-law which forms part of the functions of the Division Land Use Management  |                                     |
| Council resolution A (2) dated 31 May 2022. | L 170 | Takes all action necessary, including the signing of any necessary documents, to carry in effect the decision of the Council or of the Mayoral Committee to institute legal proceedings against any person or body of persons which specifically relates to planning.   | Senior Manager: Land Use Management |
| Council resolution A (2) dated 31 May 2022. | L 171 | Appoint legal counsel, pertaining a matter relating the department in conjunction with the Legal Advisor and the Municipal Manager.   | Senior Manager: Land Use Management |
| Council resolution A (2) dated 31 May 2022. | L 172 | Appoints any member of the Urban & Rural Management staff or instruct the Council's attorneys or brief Counsel to represent the Council before any Commission of Inquiry, statutory body or at any investigation or inquiry or hearing of any nature which falls within the ambit of Planning.  | Senior Manager: Land Use Management |
| Council resolution A (2) dated 31 May 2022. | L 173 | Investigates or causes investigations to the work of any Unit within Urban and Rural Management or any particular aspects or functions thereof.   | Senior Manager: Land Use Management |
| Council resolution A (2) dated 31 May 2022. | L 174 | Prepares and signs any letters of approval and other agreements in execution of a Council or Mayoral decision.  | Senior Manager: Land Use Management |
| Council resolution A (2) dated 31 May 2022. | L 175 | <p>Administers and enforces through prosecution or otherwise:-</p> <p>(c) the by-laws of the Council, and</p> <p>(d) Regulations which it is the function of the Council administer and enforce under off by virtue of:</p> <p>(1) any Ordinance or any Act of the Mpumalanga Provincial Legislature:</p> <p>    **(ii) any Act of Parliament which authorizes the delegation of such power by a local authority its officials; or</p> <p>    *(iii) any other Act of Parliament;</p> <p>Which are relevant the Urban &amp; Rural Management Division or its functions, powers or duties, provided that instructions shall only be given to the Council's</p> | Senior Manager: Land Use Management |

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|   |              | attorneys in connection with such administration or enforcement after consultation with the Department Corporate Services.   |                                      |
| Council resolution A (2) dated 31 May 2022.                 | L 176        | Authenticates and executes documents in accordance with Section 37 of the Local Government Ordinance, 1939.  | Senior Manager: Land Use Management  |
| Council resolution A (2) dated 31 May 2022.                 | L 177        | Waves any royalty or fees otherwise payable on prints of aerial photographs and mosaics taken, and any Town Planning information prepared for the Council that are supplied to non-profit making organizations; and, in his or her discretion, to others who shall acknowledge the courtesy of the Council in any use thereof. | Senior Manager: Land Use Management  |
| Council resolution A (2) dated 31 May 2022.                 | L 178        | Supplies, in accordance with the applicable By-laws of the Council, any certificate, plan, map or other information, written or verbal, which may be supplied in terms of such By-laws, against the payment of any prescribed charge.  | Senior Manager: Land Use Management  |
| Mpumalanga Liquor Licensing Act 5 of 2006: Section 35(2)(b) | L 179        | Provides comments to the Liquor Board on applications for liquor licenses which contain the requirements, terms and conditions of the Municipality should the application be granted by the Mpumalanga Liquor Board.   | Senior Manager: Economic Development |
| Mpumalanga Liquor Licensing Act 5 of 2006: Section 37(3)    | L 180        | Makes recommendations on applications to vary the conditions of approval on an application.  | Senior Manager: Economic Development |
| Mpumalanga Liquor Licensing Act 5 of 2006: Section 47       | L 181        | Makes recommendations on the trading hours of an establishment.  | Senior Manager: Economic Development |
| Mpumalanga Liquor Licensing Act 5 of 2006: Section 59(4)    | L 182        | Makes recommendations with regards to any application for exemption from any person from Section 59(1) (f).  | Senior Manager: Economic Development |
| Mpumalanga Liquor Licensing Act 5 of 2006: Section 35(2)(a) | L 183        | Receives and hand over all public comments on any application as advertised in terms of Section 35(2)(a).  | Senior Manager: Economic Development |
| Spatial Planning and Land Use Management                    | L 184        | Considers and determines all Category 2 applications (applications consistent with the provisions of the Spatial Development Framework).   | Senior Manager: Land Use Management  |



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| Act, 16 of 2013 & Council Resolution A(5) of 21 August 2014   |              | Determines the category in which the application falls, during the screening of the application prior registration.  |                                     |
| Spatial Planning and Land Use Management Act, 16 of 2013 & Council Resolution A(5) of 21 August 2014    | L 185        | Performs all functions assigned to the designated officer or registrar in terms of the Development Facilitation Act in order for applications be disposed of.            | Senior Manager: Land Use Management |
| Property Rates Act. Council resolution A (8) dated 27 October 2016                                      | L 186        | Lodges objections on behalf of the Council to the provisional and provisional supplementary valuation rolls in terms of the stipulations of sections Property Rates Act. | Senior Manager: Land Use Management |
| Local Government Ord. 17/1939 Section No. 79  | L 187        | Grants consent for the lease of Council Property for church services.  | Senior Manager: Land Use Management |
| Council resolution A (2) dated 31 May 2022.   | L 188        | Authorizes officials to control informal traders.  | Senior Manager: Land Use Management |
| MFMA and SCM Policy Council resolution A (8) dated 27 October 2016                                      | L 189        | Approves applications for the extension of a period for the development of erven in respect of erven where such a provision was included in the contract.                | Senior Manager: Land Use Management |
| Local Government Ordinance, 1939 (Ord. 17/1939) Sect. 63 Council resolution A (8) dated 27 October 2016 | L 190        | Enters into agreements with the post office in cases where excavations in streets for the installation of telecommunication equipment takes place.                       | Senior Manager: Land Use Management |
| Council   | L 191        | Approves, determines conditions of lease and conclude  | Senior                              |

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| resolution A (2) dated 31 May 2022.   |              | leases for Council shopping complexes subject to the housing code.  | Manager: Land Use Management        |
| Council resolution A (2) dated 31 May 2022.   | L 192        | Subject to Council policy, sell industrial erven in City of Mbombela Extension 11 at prices as approved by Council resolution subject to the condition that a regular report be submitted to the Executive Mayor in respect of erven sold.                        | Senior Manager: Land Use Management |
| Council resolution A (2) dated 31 May 2022.   | L 193        | Grants approval for the use of buildings for retail purposes subject to the conditions contained in the Town planning Scheme.   | Senior Manager: Land Use Management |
| Standard building by-laws<br>Council resolution A (8) dated 27 October 2016         | L 194        | Authorizes the refund of a maximum of 80% for fees payable in respect of building plans to the owner in cases where the erection of proposed buildings if not proceeded with.   | Senior Manager: Land Use Management |
| Standard building by-laws   | L 195        | Approves plans for the erection of boundary walls, fences of hoarding exceeding 1,8m provided that no objections have been received.  | Senior Manager: Land Use Management |
| National Building Regulations Act<br>Council resolution A (8) dated 27 October 2016 | L 196        | Grants consent that an existing regulation be slackened with respect the maximum height of walls or fences where a permanent swimming bath is being built to the extent that the General Manager: City Planning and Development may allow for safety and privacy. | Senior Manager: Land Use Management |
| National Building Regulations Act   | L 197        | Approves residential building plans including plans for annexing, draining and small works that complies with any relevant legislation and/or ordinance.  | Senior Manager: Land Use Management |
| National Building Regulations Act<br>Council resolution A (8) dated 27 October 2016 | L 198        | Approves Industrial, Business, Institution, Education and government building plans including plans for annexes infrastructure services that comply with any relevant legislation and/or ordinance.   | Senior Manager: Land Use Management |
| National Building Regulations Act Article 20<br>Council resolution A (8) dated 27   | L 199        | Issuing Occupation Certificates.  | Senior Manager: Land Use Management |

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| October 2016  |              |  |                                     |
| National Building Regulations Act Council resolution A (8) dated 27 October 2016                | L 200        | Allows for work in connection with a building or demolishing of a building to commence on the site if a date was given by the owner of the building by means of a notice in the required form for such a building or demolishing to be started.  | Senior Manager: Land Use Management |
| Local Government Ordinance, 1939 (Ord. 17/1939) Sect. 79(22)                                    | L 201        | Sells and leases housing scheme dwellings which includes the granting or permission of a dwelling purchased by means of a deed of sale, to sublease in consultation with the relevant committee established for this purpose.<br><br>Approves the substitution of a purchaser belonging to a housing scheme dwelling, of all his rights and liabilities by another purchaser in consultation with the relevant committee established for this purpose. | Senior Manager: Land Use Management |
| National Building Regulations Act Council resolution A (8) dated 27 October 2016                | L 202        | Gives written consent to a person to let out or allow the letting out of any water, directly or indirectly from a swimming pool, fountain or reservoir into a public place, street or another site other than where the swimming bath, fountain or reservoir is situated.  | Senior Manager: Land Use Management |
| Town Planning and Townships Ord. 1986 (15/86) Sect. 59(6)(a)                                    | L 203        | Conducts Council's case and adduces evidence in support thereof in respect of draft schemes and rezoning applications in case of a hearing by the Townships Board, originating from an appeal in terms of Section 59(6) of Ordinance 15 of 1986.   | Senior Manager: Land Use Management |
| Municipal Systems Act Reg.: Appoints & Conditions of Employment of Senior Managers (Section 12) | L 204        | Conducts the shortlisting of suitable qualified and experienced candidates for post levels 4 – 19 in consultation with the General Manager: Corporate Services.  | Senior Managers                     |
| Council resolution A (2) dated 31 May 2022.   | L 205        | Transfers employees within the department on post levels 4 – 19 in consultation with the General Manager: Corporate Services and the relevant employee.  | None                                |
| Council resolution A  | L 206        | Approves applications and conclude agreements for placing vending machines on Council property, subject  | None                                |

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| (2) dated 31 May 2022.                      |              | to the following conditions: that only vending machines that Provides cold drinks, chips and chocolates be allowed.  |                                     |
| Council resolution A (2) dated 31 May 2022. | L 207        | Considers applications by personnel for official visits to places outside City of Mbombela provided sufficient provision has been made on the budget.<br>Approves claims for travel and subsistence costs in respect of the attendance of such meetings.   | None                                |
| Council resolution A (2) dated 31 May 2022. | L 208        | Instructs Senior Managers to report temporarily for duty outside normal working hours (in exceptional cases such as disasters or emergencies etc.).<br><br>Instructs personnel in the division to report temporarily for duty outside normal working hours (in exceptional cases such as disasters or emergencies etc.). | None<br><br>Senior Managers         |
| Council resolution A (2) dated 31 May 2022. | L 209        | Assign a responsibility to a Non-Section 56 official to ensure the safety and good health of employees, councillors, service providers and customers of the municipality.  | Senior Managers                     |
| Council resolution A (2) dated 31 May 2022. | L 210        | Grants any approval that may be required in terms of any By-law of the municipality where the By-law is relevant to the department.  | Senior Managers                     |
| Council resolution A (2) dated 31 May 2022. | L 211        | Addresses administrative and operational matters on behalf of the municipality in official gatherings/meetings in terms of the relevant policy.  | Senior Managers/<br>Managers        |
| Council resolution A (2) dated 31 May 2022. | L 212        | Gives an official who receives a transport allowance permission to use a Council vehicle for the execution of his/her Council duties in exceptional or substantiated circumstances   | None                                |
| Council resolution A (2) dated 31 May 2022. | L 213        | Approves administrative assistance required by the Valuation Appeal Board.   | None                                |
| Council resolution A (2) dated 31 May 2022. | L 214        | Approves applications for monitoring of access to public roads in conjunction with community services.   | Senior Manager: Land Use Management |
| Council resolution A (2) dated 31 May 2022. | L 215        | Approves that an employee in the department may act in temporary capacity in a higher post in terms of Council's acting policy.  | None                                |
| Sec 10B Housing Act, 107 of 1997            | L 216        | Accepts or rejects officers for the voluntary sale of RDP houses and inform the beneficiary.   | None                                |
| Sec 10A Housing Act, 107 of 1997            | L 217        | Arbitrates conflicts arising in the housing development Processes.   | None                                |

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| Disciplinary Procedure and Code Collective Agreement dated 8 June 2010 Circular 6/2010 | L 218        | Establishes an informal Disciplinary hearing to conduct an enquiry In the event of misconduct by a non - section 56 employee that appears to be less serious.   | Senior Managers              |
| Mpumalanga Business Act of 1996  | L 219        | Regulates and enforces the Business Act of 1996.  | None                         |
| City of Mbombela Street Trading By-laws  | L 218        | Enforces of the City of Mbombela's Street Trading By-laws.  | None                         |
| Mpumalanga Liquor Licensing Act 5/2006   | L 219        | Enforces the Liquor Licensing Act of Mpumalanga.  | None                         |
| Council resolution A (2) dated 31 May 2022.  | L 220        | Terminates the contract of any service provider who fails to render services in terms of any applicable service level agreement and in terms of the financial and Supply Chain Management regulations/policy in consultation with the CFO, legal services and relevant department                               | None                         |
| Council resolution A (2) dated 31 May 2022.  | L 221        | Approves applications for change in trading names of the same company on contracts, where the details of the contract is not affected in terms of financial as well as contractual obligations, in consultation with the Chief Financial Officer and Legal Services.  | Senior Managers              |
| Council resolution A (2) dated 31 May 2022.  | L 222        | Arbitrates personnel grievances of personnel in the department.   | Senior Managers/<br>Managers |
| MFMA 65(2)(d)  | L 223        | Decides on the reasonable steps be taken to ensure that payments by the Municipality are made directly to the person to whom it is due unless agreed otherwise for reasons as may be prescribed, either electronically or by way of non-transferable cheques, in consultation with the Chief Financial Officer. | Senior Managers/<br>Managers |
| MFMA 116(2)(b)   | L 224        | Monitors the performance of a contractor/service provider under a contract or an agreement with the Municipality on a monthly basis and report the Municipal Manager.   | Senior Managers/<br>Managers |
| MFMA 116(2)(c)   | L 225        | Determines the capacity that needs to be established within the Municipality's administration to assist the   | Senior Managers/             |

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|  |              | Municipal Manager to enforce the provisions of a contract or agreement between the Municipality and a contractor and to monitor the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis and report to the Municipal Manager. | Managers                            |
| National Heritage Act of 1999 (8)                                | L 226        | Approves the demolition of old buildings – excluding living units, in terms of the provisions of Section 58(3) of the Amendment Ordinance on Local Authorities 1978, taking in consideration the historic value there-off in consultation with the Municipal Manager.          | None                                |
|  | L 227        | Implements the powers as contemplated and as published in accordance with the National Building regulations and Building Standards Act.  | None                                |
| MSA + MFA Chapter 5 (23, 24 – 37)                                | L 228        | Ensures that the municipality makes developmentally orientated planning.   | None                                |
| Section 12(1) of SPLUMA read with section 6 of the SPLUMA By-Law | L 229        | Prepares, reviews and amends its Municipal Spatial Development Framework.  | None                                |
| Section 6 of the SPLUMA By-Law                                   | L 230        | Registers relevant stakeholders who must be invited to comment on the proposed Municipal Spatial Development Framework or proposed amendment thereof.  | None                                |
| Section 9(3) of the SPLUMA By-Law                                | L 231        | Holds public engagements on the content of the Municipal Spatial Development Framework.  | None                                |
| Section 13 of the SPLUMA By-Law                                  | L 232        | Makes a copy of the Municipal Spatial Development Framework or part thereof, available the public on request.  | Senior Manager: Land Use Management |
| Section 29(1) of SPLUMA  | L 233        | Consults with and enters in an agreement with any organ of state responsible for administering legislation relating any aspect of an activity that also requires approval in terms of Spatial Planning and Land Use Management Act.  | None                                |
| Section 80(1) of the SPLUMA By-Law                               | L 234        | Accepts public notices.  | Senior Manager: Land Use Management |
| Section 23 of SPLUMA   | L 235        | Provides general policy and other guidance for the development, preparation and adopts or amendment of the Land Use Scheme.  | None                                |
| Section 31(1) of SPLUMA  | L 236        | Keeps and maintains records of all applications submitted and the reasons for decisions in respect of  | Senior Manager: Land                |

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|   |              | such applications for the amendment of its Land Use Scheme.   | Use Management                      |
| Section 31(2) of SPLUMA read with section 24(2) and (3) of the SPLUMA By-Law  | L 237        | Makes the Land Use Scheme or part thereof, or a copy thereof, available the public on request.  | Senior Manager: Land Use Management |
| Section 17 of the SPLUMA By-Law   | L 238        | Develops a draft Land Use Scheme.   | None                                |
| Section 19(3) of the SPLUMA By-Law  | L 239        | Holds public engagements on the content of the proposed Land Use Scheme.  | None                                |
| Section 37(4) of SPLUMA and Regulation 3(1)   | L 240        | Publishes a notice in the Provincial Gazette that the Mbombela Planning Tribunal is in a position to commence on operations and names of members Appointed and their term of office.  | None                                |
| Section 38(2) of the SPLUMA By-Law  | L 241        | Makes records of Mbombela Planning Tribunal decisions available to any person who requests it.  | None                                |
| Section 48(2) of SPLUMA   | L 242        | Appoints a municipal official to conduct an inspection required by the Mbombela Planning Tribunal.  | None                                |
| Section 41 of the SPLUMA By-Law   | L 243        | Designates an employee as the administer of the Mbombela Planning Tribunal.   | None                                |
| Section 35 of SPLUMA read with Sections 44(1), 44(2), 45(2), 62, 45(6), 51(5), 53(1), 55(1), 61(1), 63(1), 64(1), 65(1), 66(1) of the SPLUMA By-Law | L 244        | Considers and determines all Category 2 applications (applications consistent with the provisions of the Spatial Development Framework).<br><br>Determines the category in which the application falls, during the screening of the application prior registration. | Senior Manager: Land Use Management |
| Section 49 of the SPLUMA By-Law   | L 245        | Declares a Township an approved Township in the <i>Provincial Gazette</i> .   | Senior Manager: Land Use Management |
| Section 44(4) of the  | L 246        | Amends or delete a condition of approval.   | Senior Manager: Land                |

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| SPLUMA By-Law   |              |  | Use Management                      |
| Section 44(5) of the SPLUMA By-Law                                | L 247        | Amends the layout of the Township approved as part of the Township establishment.  | Senior Manager: Land Use Management |
| Section 44(6) of the SPLUMA By-Law                                | L 248        | Amends the conditions of approval and the layout plan of the Township approved as part of the Township establishment.  | Senior Manager: Land Use Management |
| Section 45(3) of the SPLUMA By-Law                                | L 249        | Informs applicant of approval and conditions determined for the division or phasing of a Township  | Senior Manager: Land Use Management |
| Section 45(4) of the SPLUMA By-Law                                | L 250        | Notifies the Surveyor-General and the registrar of deeds of the approval of the division or phasing of a Township  | Senior Manager: Land Use Management |
| Section 46(5)   | L 251        | Amends a layout plan.  | Senior Manager: Land Use Management |
| Section 53 of SPLUMA read with section 70(2) of the SPLUMA By-Law | L 252        | Certifies compliance with conditions before commencement of ownership.   | Senior Manager: Land Use Management |
| Section 47(2) of the SPLUMA By-Law                                | L 253        | Notifies the Registrar of Deeds and Surveyor-General of the certification of the municipality.   | Senior Manager: Land Use Management |
| Section 45(6) of SPLUMA   | L 254        | Consents to the removal, amendment or suspension of a restrictive condition where a condition of title, a condition of establishment of a Township or an existing scheme provides for a purpose with the consent or approval of the administered, a Premier, the Townships board or any controlling authority. | Senior Manager: Land Use Management |
| Section 53(1) of the SPLUMA By-Law                                | L 255        | Notifies the Surveyor-General of the decision of the Mbombela Planning Tribunal alter, amends or cancels a general plan.   | Senior Manager: Land Use Management |
| Section 53(5) of the SPLUMA By-Law                                | L 256        | Publishes a notice in the Provincial Gazette declaring that the general plan has been altered, amended or tally or partially cancelled.  | Senior Manager: Land Use Management |
| Section 53(6) of the  | L 257        | Provides the Registrar of Deeds with a copy of the notice and the schedule there.  | Senior Manager: Land                |



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| SPLUMA By-Law                              |              |  | Use Management                      |
| Section 55(6)(c) of the SPLUMA By-Law      | L 258        | Confirms that all conditions of approval have been met.  | Senior Manager: Land Use Management |
| Section 56(3) of the SPLUMA By-Law         | L 259        | Confirms a subdivision.  | Senior Manager: Land Use Management |
| Section 57(6)(a)(i) of the SPLUMA By-Law   | L 260        | Amends the zoning map and the Registers where an approval for a subdivision lapses.  | Senior Manager: Land Use Management |
| Section 57(6)(a)(ii) of the SPLUMA By-Law  | L 261        | Notifies the Surveyor-General that an approval for a subdivision has lapsed.   | Senior Manager: Land Use Management |
| Section 58(1) of the SPLUMA By-Law         | L 262        | Approves/not Approves an application for the amendment or cancellation of a subdivision plan, general plan or diagram.                         | Senior Manager: Land Use Management |
| Section 58(3) of the SPLUMA By-Law         | L 263        | Notifies the Surveyor-General of an approval for the amendment or cancellation of a subdivision plan, general plan or diagram.                 | Senior Manager: Land Use Management |
| Section 59(2) and (3) of the SPLUMA By-Law | L 264        | Certifies that a subdivision is exempted from the provisions of Chapter 5 of the By-Law and indicate the exemption on the plan of subdivision. | Senior Manager: Land Use Management |
| Section 61(4) of the SPLUMA By-Law         | L 265        | Amends the zoning map and the Registers.   | Senior Manager: Land Use Management |
| Section 62(5)(a) of the SPLUMA By-Law      | L 266        | Amends the zoning map and the Registers if an approval of a consolidation lapses.  | Senior Manager: Land Use Management |
| Section 62(5)(b) of the SPLUMA By-Law      | L 267        | Notifies the Surveyor-General that the approval of a consolidation has lapsed.   | Senior Manager: Land Use Management |
| Section 63(3) of the SPLUMA By-Law         | L 268        | Processes claims against municipality for loss or damage that he or she has allegedly suffered as a result of the closure of a public place.   | SM: Legal Services                  |
| Section 63(7) of the                       | L 269        | Notifies the Surveyor-General of the closure of a public place.  | Senior Manager: Land                |

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| SPLUMA By-Law   |              |  | Use Management                                 |
| Section 45(1) 46(1) 47(4), 50(3), 57(4), 62(4), 64(6), 66(3) and 90(3) of the SPLUMA By-Law | L 270        | Grants extensions.   | Senior Manager: Land Use Management            |
| Section 77(3) of the SPLUMA By-Law  | L 271        | Notifies the applicant that the application will not be heard as a result of lack of information.  | Senior Manager: Land Use Management            |
| Section 78(1) of the SPLUMA By-Law  | L 272        | Notifies that the application is complete.   | Senior Manager: Land Use Management            |
| Section 86(5) of the SPLUMA By-Law  | L 273        | Rejects an objection that does not comply to the requirements of Section 86 of the By-Law.   | Senior Manager: Land Use Management            |
| Section 94(1) of the SPLUMA By-Law  | L 274        | Enters land or a building for the purposes of assessing an application.  | Senior Manager: Land Use Management            |
| Section 96(1) of the SPLUMA By-Law  | L 275        | Notifies the applicant and any person whose rights are affected by the decision of the Mbombela Planning Tribunal or Land Development Officer of the decision. | Senior Manager: Land Use Management            |
| Section 98(1) of the SPLUMA By-Law  | L 276        | Corrects an error in the wording of a decision of the Mbombela Planning Tribunal or Land Development Officer.  | Senior Manager: Land Use Management            |
| Section 99(1) of the SPLUMA By-Law  | L 277        | Withdraws and gives approval for consent use or temporary use.   | Senior Manager: Land Use Management            |
| Section 100(2) of the SPLUMA By-Law   | L 278        | Notifies the owner of the withdrawal of the approval for consent use or temporary use.   | Senior Manager: Land Use Management            |
| Section 101 of the SPLUMA By-Law  | L 279        | Exempts certain developments from the compliance of the By-Law.  | Senior Manager: Land Use Management            |
| Section 103(1) of the SPLUMA By-Law   | L 280        | Determines reports, diagrams and specifications for the installation of internal engineering services by the applicant.  | GM: Water and Sanitation<br>GM: Public Works & |

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|  |              |  | Transport                           |
| Section 103(4) of the SPLUMA By-Law                      | L 281        | Sets the standards for private roads, private open spaces, private facilities or engineering services.   | GM: Public Works & Transport        |
| Section 127(1) of the SPLUMA By-Law                      | L 282        | Acts as registrar of the appeal authority.   | GM: Strategic Support               |
| Section 32(3)(a) of SPLUMA                               | L 283        | Issues each inspector with a written designation or Appointment stating that the person has been appointed in terms of the Spatial Planning and Land Use Management Act. | Senior Manager: Land Use Management |
| Section 149(1) of the SPLUMA By-Law                      | L 284        | Serves a compliance notice.  | Senior Manager: Land Use Management |
| Section 149(2) of the SPLUMA By-Law                      | L 285        | Suspends, confirms, varies or cancels a compliance notice.   | Senior Manager: Land Use Management |
| Section 152(a) of the SPLUMA By-Law                      | L 286        | Lays a criminal charge against a person who fails comply with a compliance notice.   | Senior Manager: Land Use Management |
| Section 152(c) of the SPLUMA By-Law                      | L 287        | Withdraws a consent use or temporary use where a compliance notice has been served.  | Senior Manager: Land Use Management |
| Section 161(2) of the SPLUMA By-Law                      | L 288        | Approves applications in terms of section 161 of the By-Law.   | Senior Manager: Land Use Management |
| Section 60(2)(c) of SPLUMA                               | L 289        | Performs the functions that used be performed by a designated officer in terms of the Development Facilitation Act, 1995 (Act No. 67 of 1995).                           | Senior Manager: Land Use Management |
| Section 6(b), 19(2)(b) and 82(1)(b) of the SPLUMA By-Law | L 290        | Determines the language for notices.   | None                                |
| Section 35(2)(b) of the Mpumalanga Liquor Licencing Act  | L 291        | Comments on behalf of the municipality on liquor licence applications.   | Senior Manager: Land Use Management |

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| Council resolution A (2) dated 31 May 2022.                              | L 292        | Delegates responsibilities and powers to Managers/supervisors in the Department.  | Senior Managers      |
| Council resolution A (2) dated 31 May 2022.                              | L 293        | Registers and transfers immovable properties.   | None                 |
| Section 24 of SPLUMA read with section 21(2) of the SPLUMA By-Law        | L 294        | Approves a Land Use Scheme for its entire area.   | None                 |
| Section 36(1) (b) of SPLUMA read with section 34(1) of the SPLUMA By-Law | L 295        | Appoints members of the Mbombela Planning Tribunal.   | None                 |
|  | L 296        | Approves the Operational Risk Register for the department.  | None                 |
| Section 12(1) of SPLUMA read with section 6 of the SPLUMA By-Law         | L 297        | Authority to prepare, review and amend its MSDF.  | None                 |
| Section 6(d) of the SPLUMA By-Law  | L 298        | Authority to register relevant stakeholders who must be invited to comment on the proposed MSDF or proposed amendment of the MSDF   | None                 |
| Section 9(3) of the SPLUMA By-Law  | L 299        | Authority to hold public engagements on the content of the MSDF   | None                 |
| Section 13 of the SPLUMA By-Law  | L 300        | Authority to make available a copy of the MSDF, or part thereof, available to the public on request   | None                 |
| Section 29(1) of SPLUMA  | L 301        | Authority to consult and in enter into an agreement with any organ of state responsible for administering legislation relating to any aspect of an activity that also requires approval in terms of SPLUMA. | None                 |
| Section 29(2) of SPLUMA  | L 302        | Authority to enter into an agreement with any organ of state  | None                 |
| Section 89(1) of the   | L 303        | Authority to accept public notice   | Senior Manager: Land |

| <b>ORIGIN OF AUTHORITY</b>   | <b>DELNO</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b>     |
|--|--------------|--|--------------------------|
| SPLUMA By-Law  |              |  | Use Management           |
| Section 89(2) of the SPLUMA By-law   | L 304        | Entering into agreement with relevant organs of the state to facilitate simultaneous publication of notices.   | None                     |
| Section 23 of SPLUMA   | L 305        | Authority to provide general policy and other guidance for the development, preparation and adoption or amendment of the LUS.  | None                     |
| Section 31(1) of SPLUMA  | L 306        | Authority to keep and maintain records of all applications submitted and the reasons for decisions in respect of such applications for the amendment of its land use scheme. | None                     |
| Section 31(2) of SPLUMA read with section 27(2) and (3) of the SPLUMA By-Law | L 307        | Authority to make the LUS or part thereof, or a copy thereof, available to the public on request.  | None                     |
| Section 21(3) of the SPLUMA By-Law   | L 308        | Authority to hold public engagements on the content of the proposed LUS.   | None                     |
| Section 29 of the SPLUMA By-Law  | L 309        | Authority to keep and maintain a written record of all applications submitted and the reasons for decisions in respect of such applications for the amendment of its LUS.    | None                     |
| Section 37(4) of SPLUMA read with section 39(4) of the SPLUMA By-Law         | L 310        | Authority to publish a notice in the Provincial Gazette that the MPT is in a position to commence operations and names of members appointed and their term of office.        | None                     |
| Section 43(2) of the SPLUMA By-Law   | L 311        | Authority to make records of MPT decisions available to any person who requests it.  | None                     |
| Section 48(2) of SPLUMA  | L 312        | Authority to appoint a municipal official to conduct an inspection required by the MPT.  | None                     |
| Section 48 of the SPLUMA By-Law  | L 313        | Authority to designate an employee as the administrator of the MPT.  | None                     |
| Section 56 of the SPLUMA By-Law  | L 314        | Authority to declare a township an approved township in the Provincial Gazette.  | None                     |
| Section 1 of the SPLUMA By-law   | L 315        | Authority to determine whether the arrangement of land has the character of what constitutes a township.   | Senior Manager: Land Use |

| <b>ORIGIN OF AUTHORITY</b>                   | <b>DELNO</b> | <b>AUTHORITY / POWER</b>  | <b>SUB DELEGATED</b>                |
|--|--------------|---|-------------------------------------|
|  |              |   | Management                          |
| Section 51(1) of the SPLUMA By-Law           | L 316        | Authority to approve/not approve an application for township establishment.   | Senior Manager: Land Use Management |
| Section 51(3) of the SPLUMA By-Law           | L 317        | Authority to set out the conditions of approval for the township establishment.   | Senior Manager: Land Use Management |
| Section 51(5) of the SPLUMA By-Law           | L 318        | Authority to amend or delete a condition of approval.   | Senior Manager: Land Use Management |
| Section 51(6) of the SPLUMA By-Law           | L 319        | Authority to amend the layout of the township approved as part of the township establishment.                                     | Senior Manager: Land Use Management |
| Section 51(7) of the SPLUMA By-Law           | L 320        | Authority to amend the conditions of approval and the layout plan of the township approved as part of the township establishment. | Senior Manager: Land Use Management |
| Section 52(2) of the SPLUMA By-Law           | L 321        | Authority to approve/not approve an application for the division or phasing of a township.  | Senior Manager: Land Use Management |
| Section 52(3) of the SPLUMA By-Law           | L 322        | Authority to set out conditions for the division or phasing of a township.  | Senior Manager: Land Use Management |
| Section 52(3) of the SPLUMA By-Law           | L 323        | Authority to inform applicant of approval and conditions determined for the division or phasing of a township.                    | Senior Manager: Land Use Management |
| Section 52(4) of the SPLUMA By-Law           | L 324        | Authority to notify the Surveyor-General and the registrar of deeds of the approval of the division or phasing of a township.     | Senior Manager: Land Use Management |
| Section 53(3) of SPLUMA                      | L 325        | Determination of Street Names and Numbers.  | Senior Manager: Land Use Management |
| Section 53(5) of SPLUMA                      | L 326        | Authority to amend layout plan.   | Senior Manager: Land Use Management |
| Section 53 of SPLUMA read with section 54(2) | L 327        | Authority to certify compliance with conditions before commencement of ownership.   | Senior Manager: Land Use Management |

| <b>ORIGIN OF AUTHORITY</b>               | <b>DELNO</b> | <b>AUTHORITY / POWER</b>  | <b>SUB DELEGATED</b>                |
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| of the SPLUMA By-Law                     |              |   |                                     |
| Section 54(3) of the SPLUMA By-Law       | L 328        | Authority to notify the Registrar of Deeds and Surveyor-General of the certification of the municipality.   | Senior Manager: Land Use Management |
| Section 58(6) of the SPLUMA By-Law       | L 329        | Authority to confirm a rezoning/incorporation application.  | Senior Manager: Land Use Management |
| Section 45(6) of SPLUMA                  | L 330        | Authority to consent to the removal, amendment or suspension of a restrictive condition where a condition of title, a condition of establishment of a township or an existing scheme provides for a purpose with the consent or approval of the administrator, a Premier, the townships board or any controlling authority. | Senior Manager: Land Use Management |
| Section 59(1) of the SPLUMA By-Law       | L 331        | Authority to publish notice to amend, suspend or remove either permanently or for a period of time the removal, amendment or suspension of a restrictive condition.   | Senior Manager: Land Use Management |
| Section 61(1) of the SPLUMA By-Law       | L 332        | Authority to notify the Surveyor-General of the decision of the MPT to alter, amend or cancel a general plan.   | Senior Manager: Land Use Management |
| Section 61(5) of the SPLUMA By-Law       | L 333        | Authority to publish notice in the Provincial Gazette declaring that the general plan has been altered, amended or totally or partially cancelled.  | Senior Manager: Land Use Management |
| Section 61(6) of the SPLUMA By-Law       | L 334        | Authority to provide the Registrar of Deeds with a copy of the notice and the schedule thereto.   | Senior Manager: Land Use Management |
| Section 63(1) of the SPLUMA By-Law       | L 335        | Authority to approve/not approve an application for subdivision.  | Senior Manager: Land Use Management |
| Section 63(5)(c) of the SPLUMA By-Law    | L 336        | Authority to confirm that all conditions of approval have been met.   | Senior Manager: Land Use Management |
| Section 64(3) of the SPLUMA By-Law       | L 337        | Authority to confirm a subdivision.   | Senior Manager: Land Use Management |
| Section 65(6)(a)(i) of the SPLUMA By-Law | L 338        | Authority to amend the zoning map and the register where an approval for a subdivision lapses.  | Senior Manager: Land Use Management |

| <b>ORIGIN OF AUTHORITY</b>                 | <b>DELNO</b> | <b>AUTHORITY / POWER</b>  | <b>SUB DELEGATED</b>                |
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| Section 65(6)(a)(ii) of the SPLUMA By-Law  | L 339        | Authority to notify the Surveyor-General that an approval for a subdivision has lapsed.   | Senior Manager: Land Use Management |
| Section 66(1) of the SPLUMA By-Law         | L 340        | Authority to approve/not approve an application for the amendment or cancellation of a subdivision plan, general plan or diagram.                         | Senior Manager: Land Use Management |
| Section 66(3) of the SPLUMA By-Law         | L 341        | Authority to notify the Surveyor-General of an approval for the amendment or cancellation of a subdivision plan, general plan or diagram.                 | Senior Manager: Land Use Management |
| Section 67(2) and (3) of the SPLUMA By-Law | L 342        | Authority to certify that a subdivision is exempted from the provisions of Chapter 5 of the By-Law and indicate the exemption on the plan of subdivision. | Senior Manager: Land Use Management |
| Section 69(1) of the SPLUMA By-Law         | L 343        | Authority to consolidate land.  | Senior Manager: Land Use Management |
| Section 69(4) of the SPLUMA By-Law         | L 344        | Authority amend the zoning map and the register.  | Senior Manager: Land Use Management |
| Section 70(4)(a) of the SPLUMA By-Law      | L 345        | Authority amend the zoning map and the register if an approval of a consolidation lapses.   | Senior Manager: Land Use Management |
| Section 70(4)(b) of the SPLUMA By-Law      | L 346        | Authority to notify the Surveyor-General that the approval of a consolidation has lapsed.   | Senior Manager: Land Use Management |
| Section 71(1) of the SPLUMA By-Law         | L 347        | Authority to close a public place.  | Senior Manager: Land Use Management |
| Section 72(1) of the SPLUMA By-Law         | L 348        | Authority to grant consent use.   | Senior Manager: Land Use Management |
| Section 72(5)(b)(i) of the SPLUMA By-Law   | L 349        | Approval of a building plan for utilization of the consent use.   | Senior Manager: Land Use Management |
| Section 73(1) of the SPLUMA By-Law         | L 350        | Authority to grant land development on communal land.   | Senior Manager: Land Use Management |
| Section 74(1), (2) and                     | L 351        | Authority to grant departure from the provisions of the scheme.   | Senior Manager: Land                |



| <b>ORIGIN OF AUTHORITY</b>  | <b>DELNO</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b>                |
|---|--------------|--|-------------------------------------|
| (3) of the SPLUMA By-Law  |              |  | Use Management                      |
| Section 53(1), 54(4), 58(4), 65(3), 70(3), 72(6), 74(5), 78(3), 102(3) and 109 of the SPLUMA By-Law | L 352        | Authority to grant extensions.   | Senior Manager: Land Use Management |
| Section 81 of the SPLUMA By-law   | L 353        | Procedures for making application.   | Senior Manager: Land Use Management |
| Section 82 of the SPLUMA By-law   | L 354        | Approval of application forms.   | Senior Manager: Land Use Management |
| Section 82(4) of the SPLUMA By-law  | L 355        | Determination or issue of guidelines relating to the submission of additional information and procedural requirements. | Senior Manager: Land Use Management |
| Section 84 of the SPLUMA By-law   | L 356        | Refusal to accept application under certain circumstances.   | Senior Manager: Land Use Management |
| Section 85 of the SPLUMA By-law   | L 357        | Authority to receive and record an application.  | Senior Manager: Land Use Management |
| Section 86(3) of the SPLUMA By-Law  | L 358        | Authority to notify the applicant that the application will not be heard as a result of lack of information.           | Senior Manager: Land Use Management |
| Section 87(1) of the SPLUMA By-Law  | L 359        | Authority to notify that the application is complete.  | Senior Manager: Land Use Management |
| Section 90 (2)(d) of the SPLUMA By-law  | L 360        | Authority to determine which service providers/organs of the state has interest in an application.                     | Senior Manager: Land Use Management |
| Section 90(7) of the SPLUMA By-law  | L 361        | Authority to prohibit the placement of notices during certain dates.   | Senior Manager: Land Use Management |
| Section 95(1) of the  | L 362        | Authority to decide on additional methods of public notice.  | Senior Manager: Land                |

| <b>ORIGIN OF AUTHORITY</b>           | <b>DELNO</b> | <b>AUTHORITY / POWER</b>  | <b>SUB DELEGATED</b>                |
|--------------------------------------|--------------|---|-------------------------------------|
| SPLUMA By-law                        |              |   | Use Management                      |
| Section 100 of the SPLUMA By-law     | L 363        | Authority to decide or requirement for further public notice to be published or application to be resent to municipal departments and/or organs of the state and service providers. | Senior Manager: Land Use Management |
| Section 103(1) of the SPLUMA By-law  | L 364        | Authority to sign written assessment of application and recommend to the LDO/MPT.   | Manager: Development Control        |
| Section 103(2) of the SPLUMA By-law  | L 365        | Authority to request additional information in order to evaluate the application.   | Manager: Development Control        |
| Section 106(1) of the SPLUMA By-Law  | L 366        | Authority to enter land or a building for the purposes of assessing an application.   | Manager: Development Control        |
| Section 108(1) of the SPLUMA By-Law. | L 367        | Authority to notify the applicant and any person whose rights are affected by the decision of the MPT or LDO of the decision.   | Senior Manager: Land Use Management |
| Section 111(1) of the SPLUMA By-Law  | L 368        | Authority to correct an error in the wording of a decision of the MPT or LDO.   | Senior Manager: Land Use Management |
| Section 111(2) of the SPLUMA By-Law  | L 369        | Authority to condone an error in the procedure.   | Senior Manager: Land Use Management |
| Section 112(1) of the SPLUMA By-Law  | L 370        | Authority to withdraw and approval for consent use or temporary use.  | Senior Manager: Land Use Management |
| Section 113(2) of the SPLUMA By-Law  | L 371        | Authority to notify the owner of the withdrawal of the approval for consent use or temporary use.   | Senior Manager: Land Use Management |
| Section 114 of the SPLUMA By-Law     | L 372        | Authority to exempt certain development from the compliance of the By-Law.  | Senior Manager: Land Use Management |
| Section 32(3)(a) of SPLUMA           | L 373        | Authority to designate a municipal official or appoint any other person as an inspector to investigate any non-compliance with its LUS.   | Senior Manager: Land Use Management |
| Section 32(3)(a) of SPLUMA           | L 374        | Authority to issue each inspector with a written designation or appointment stating that the person has been appointed in terms of SPLUMA.  | Senior Manager: Land Use            |

| <b>ORIGIN OF AUTHORITY</b>                              | <b>DELNO</b> | <b>AUTHORITY / POWER</b>  | <b>SUB DELEGATED</b>                |
|---|--------------|---|-------------------------------------|
|   |              |   | Management                          |
| Section 76(2) of the SPLUMA By-law                      | L 375        | Authority to certify compliance prior to first transfer.  | Senior Manager: Land Use Management |
| Section 78(1) of the SPLUMA By-law                      | L 376        | Authority to certify compliance prior to subsequent transfers.  | Senior Manager: Land Use Management |
| Section 78(c) of the SPLUMA By-law                      | L 377        | Authority to conclude a written agreement with the purchaser of a property.   | None                                |
| Section 168(1) of the SPLUMA By-Law                     | L 378        | Authority to serve a compliance notice.   | Senior Manager: Land Use Management |
| Section 164(2) of the SPLUMA By-Law                     | L 379        | Authority to suspend, confirm, vary or cancel a compliance notice.  | Senior Manager: Land Use Management |
| Section 171(a) of the SPLUMA By-Law                     | L 380        | Authority to lay a criminal charge against a person who fails to comply with a compliance notice.   | None                                |
| Sections 171(b), 176(1) and 178(1) of the SPLUMA By-Law | L 381        | Authority to apply for a court order or urgent interdict or a warrant to enter on the land or building or premises.   | None                                |
| Section 179(7) of the SPLUMA By-Law                     | L 382        | Authority to consider an application in terms of section 179 of the By-Law.   | Senior Manager: Land Use Management |
| Section 180(1) and (3) of the SPLUMA By-Law             | L 383        | Authority to determine a zoning if the lawful zoning of the land contemplated in section 180 cannot be determined.  | Senior Manager: Land Use Management |
| Section 60(2)(c) of SPLUMA                              | L 384        | Authority to perform the functions that used to be performed by a designated officer in terms of the Development Facilitation Act, 1995 (Act No. 67 of 1995). | Senior Manager: Land Use Management |
| Section 71(7) of the SPLUMA By-Law                      | L 385        | Authority to notify the Surveyor-General of the closure of a public place   | Senior Manager: Land Use Management |
| Clause 1.4.3 of the City of                             | L 386        | Authority to substitute land use rights applied for an equivalent land use rights in terms of the scheme.   | Senior Manager: Land                |

| <b>ORIGIN OF AUTHORITY</b>   | <b>DELNO</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b>                |
|--|--------------|--|-------------------------------------|
| Mbombela Land Use Scheme, 2019                                       |              |  | Use Management                      |
| Clause 1.10.5 of the City of Mbombela Land Use Scheme, 2019          | L 387        | Authority to approval applications for rectification of errors on the zoning map and / or register of land use rights.   | Senior Manager: Land Use Management |
| Clause 1.10.6 of the City of Mbombela Land Use Scheme, 2019          | L 388        | Authority to refuse an applications for the rectification of errors on the zoning map and /or register of land use rights.   | Senior Manager: Land Use Management |
| Clause 1.10.7 of the City of Mbombela Land Use Scheme, 2019          | L 389        | Authority to notify owner of the intention to correct the wrong conversion or error, inviting the owner to make representation in response to the corrections and consideration of representations made by the owner, and approval of corrections of the zoning map and /or register of land use rights. | Senior Manager: Land Use Management |
| Clause 1.12.3 of the City of Mbombela Land Use Scheme, 2019          | L 390        | Authority to update the electronic register of land use rights and electronic zoning map based on approvals granted.   | Senior Manager: Land Use Management |
| Clause 5.6.4 of the City of Mbombela Land Use Scheme, 2019           | L 391        | Authority to determine parking requirements for land uses not contained in Table 2 of the land use scheme.   | Senior Manager: Land Use Management |
| Clause 5.7.3 and 5.7.4 of the City of Mbombela Land Use Scheme, 2019 | L 392        | Authority for the approval, refusal or request for the amendment of site development plans.  | Senior Manager: Land Use Management |
| Clause 5.16.2 of the City of   | L 393        | Authority to serve notices to the owners of properties on which injurious conditions exists to abate the injurious conditions.   | Senior Manager: Land Use            |

| <b>ORIGIN OF AUTHORITY</b>                                  | <b>DELNO</b> | <b>AUTHORITY / POWER</b>  | <b>SUB DELEGATED</b>                |
|---|--------------|---|-------------------------------------|
| Mbombela Land Use Scheme, 2019                              |              |   | Management                          |
| Clause 5.16.3 of the City of Mbombela Land Use Scheme, 2019 | L 384        | Authority to undertake such maintenance and / or measures at the cost of the owner, should the owner fail to abide to the notice to abate the injurious conditions on a property. | Senior Manager: Land Use Management |
| City of Mbombela Land Use Scheme, 2019                      | L 385        | Authority to grant consent in terms of the provisions of the City of Mbombela Land Use Scheme, 2019.  | Senior Manager: Land Use Management |
| Clause 1.4.3 of the City of Mbombela Land Use Scheme, 2019  | L 386        | Authority to substitute land use rights applied for an equivalent land use rights in terms of the scheme.   | Senior Manager: Land Use Management |

## **GENERAL MANAGER: LOCAL ECONOMIC DEVELOPMENT**

### **ROLE**

The General Manager is on a strategic level, responsible for the effective and efficient delivery of Local Economic Development services in terms of the IDP/SDBIP, budget as well as applicable legislation and policies.

### **RESPONSIBILITIES**

The incumbent is responsible for the effective and efficient functioning of the following divisions: -

1. Local Economic Development
2. Tourism Development

The incumbent is responsible for the management of the department by: -

1. Ensuring that all applicable services are rendered in terms of the IDP and SDBIP.
2. Human and other resources are utilized at optimum level.
3. Carry out all resolutions of Council.
4. Budget management.
5. Contract and Project Management are efficient and effective.
6. Proper planning processes are in place.

7. Proper administration of the department.
8. Drafting approval, promulgation and enforcement of by-laws applicable to the department and the upkeep of the departmental by-law register.
9. Ensure good governance within the department.
10. Promote local economic development and job creation, especially amongst the youth.
11. Liaise with internal structures of council and external stakeholders.
12. Ensures human and other resources are utilized at optimum level.
13. Contract and project management are efficient and effective.
14. Compile and submit monthly, quarterly and annual reports council.
15. Ensure projects are implemented and completed within cost, good quality and within the set timeframe.
16. Conduct monthly meetings within the department.
17. Represent the municipality in meetings with other spheres of government.
18. Execute any delegated powers delegated by the Municipal Manager.
19. Implementation of the Fraud and Corruption prevention and detection policy and plan.
20. Risk Management.
21. Maintenance of discipline.
22. Ensure proper contract management, by evaluating service level agreements of service providers.
23. Allocation of work to employees (stipulation of duties).
24. Ensure compliance with legislation, council policies and procedures.
25. Monitors budget votes in the department to prevent overspending. Take the necessary steps to relocate funds if needed to ensure that critical service delivery needs which are budgeted for, are met.
26. Submit reports to the relevant Section 79 Committee and answer in person any questions they may have in relation to the responsibilities of Council.
27. Advising the relevant Member of the Mayoral Committee on all matters relating to the department.
28. Promoting of sound labour relations by ensuring proper communication between the Administration and respective Unions.
29. Ensure that the department adheres to stipulations of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).
30. Promotion of Administrative Justice.
31. Performance Management.
32. Loss control and insurance in the department.

33. Address any issues raised by the Audit-General and the Audit Committee.
34. Take appropriate steps (including disciplinary action) to ensure that personnel report for duty before 07:30 and only knock off after 16:00. Personnel should not be away from the office for extended periods of time without a valid reason.
35. Take any appropriate step (including disciplinary action) in ensuring that officials in their Departments comply with the official dress code in accordance with the Clothing Policy.
36. Take any appropriate step (including disciplinary action), to ensure the daily completion of the attendance register or any similar future system. They can recommend the deduction of a day's pay, if officials do not complete the attendance register.
37. Take any appropriate step in ensuring that all complaints from the public are attended in a diligent and efficient way.
38. Development of the LED Strategy which must be aligned with any National or Provincial Sector plans and planning requirements binding the Municipality in terms of the legislation.
39. Creation of job opportunities, eliminate poverty and reduce inequality.
40. Promoting Small Micro Enterprises (SMMEs), Black Economic Empowerment (BEE), education and skills development.
41. Identify and develop industries that grow the local economy and create job opportunities.
42. Creation and Development of Infrastructure investment in the local space.
43. Poverty relief in rural areas with the aim of alleviating poverty and food insecurity in rural areas by maximizing productions and sustainability through strategic investments.
44. Development and implementation of City of Mbombela Local Municipality Tourism and Strategy.
45. Development and administration of the LED Forum.

**STATUTORY, ADMINISTRATIVE AND OPERATIONAL POWERS: GENERAL MANAGER: LOCAL ECONOMIC DEVELOPMENT**

| <b>ORIGIN OF AUTHORITY</b>                  | <b>DELNO</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b> |
|---|--------------|--|----------------------|
| Council resolution A (2) dated 31 May 2022. | M 1          | Enters in annual performance agreements with Senior Managers and conducts quarterly evaluations.   | None                 |
| Council resolution A (2) dated 31 May 2022. | M 2          | Renews lease agreements where the agreement provides for an option to renew and the service provider has provided a satisfactory service, if in terms with applicable policy and procedures. | None                 |
| Council resolution A (2) dated 31           | M 3          | Terminates the contract of any service provider who fails to render services in terms of any applicable service level agreement and in terms of the financial                                | None                 |

| <b>ORIGIN OF AUTHORITY</b>                  | <b>DELNO</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b>                     |
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| May 2022.                                   |              | and Supply Chain Management regulations/policy in consultation with the CFO, legal services and relevant department  |  |
| Council resolution A (2) dated 31 May 2022. | M 4          | Places advertisements in Newspapers<br><br>Places notifications in social media in terms of the relevant policy.   | None<br><br>Senior Managers              |
| Council resolution A (2) dated 31 May 2022. | M 5          | Conducts the shortlisting of suitable qualified and experienced candidates for post levels 3 – 6 in consultation with the General Manager: Corporate Services.<br><br>Conducts the shortlisting of suitable qualified and experienced candidates for post levels 7 – 19 in consultation with the General Manager: City Planning and Development.   | None<br><br>Senior Managers/<br>Managers |
| Council resolution A (2) dated 31 May 2022. | M 6          | Grants disapproves, cancels postpones or interrupts leave of absence, (with the exclusion of sick leave and maternity leave) with regard to personnel in their respective sub Department.  | Senior Managers                          |
| Council resolution A (2) dated 31 May 2022. | M 7          | Grants approval for the attendance of conferences, congresses, seminars or meetings by Senior Managers in the department, in terms of Council's policy, if funding is available on the budget. Approves claims for travel and subsistence costs in respect of the attendance of such meetings.<br><br>Grants approval for the attendance of conferences, congresses, seminars or meetings by personnel in the Unit, in terms of Council's policy, if funding is available on the budget. Approves claims for travel and subsistence costs in respect of the attendance of such meetings. | None<br><br>Senior Managers              |
| Council resolution A (2) dated 31 May 2022. | M 8          | Finalizes agreements in terms of the Municipal Assets Transfer Regulations 878, Municipal Property and Supply Chain Management Act Regulation 868 after Council has approved the applications for the purchasing or leasing of municipal property.   | None                                     |
| Council resolution A (2) dated 31 May 2022. | M 9          | Transfers employees within the department on post levels 4 – 19 in consultation with the General Manager: Corporate Services and relevant employee   | None                                     |
| Council resolution A (2) dated 31 May 2022. | M 10         | Approves the payment of an acting allowance to an official appointed to serve on a higher post level in the department.  | None                                     |
| Council resolution A                        | M 11         | Assigns a responsibility to personnel in the department to ensure the safety and good health of employees,   | Senior Managers                          |



| <b>ORIGIN OF AUTHORITY</b>                  | <b>DELNO</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b> |
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| (2) dated 31 May 2022.                      |              | councillors, service providers and customers of the municipality.  |                      |
| Council resolution A (2) dated 31 May 2022. | M 12         | Approves overtime worked by employees in compliance with Council's Overtime Policy and in exceptional cases such as in the case of a disaster or emergency.  | None                 |
| Council resolution A (2) dated 31 May 2022. | M 13         | Approves the use of a vehicle outside the jurisdiction of City of Mbombela for official purposes for officials who don't receive a travelling allowance to utilize their own private vehicle in terms of relevant Council policy | None                 |

### **GENERAL MANAGER: SPORT, ARTS AND CULTURE**

#### **ROLE**

The incumbent must on a strategic level to ensure the effective and efficient delivery of all services pertaining to the department in terms of the IDP/SDBIP, budget as well as applicable legislation and policies.

#### **RESPONSIBILITIES**

The incumbent must ensure that the following divisions are properly managed so that proper services are rendered to the community: -

a) Sport, Arts and culture.

The incumbent will also take responsibility for: -

- 1) Ensuring that all applicable services are rendered in terms of the IDP and SDBIP;
- 2) Budget management.
- 3) Carry out all resolutions of Council.
- 4) Human and other resources are utilized at optimum level.
- 5) Contract and project management in the department are efficient and effective.
- 6) The incumbent is responsible for the proper administration of the department.
- 7) The drafting approval, promulgation and enforcement of by-laws applicable their department and the upkeep of the departmental by-law register.
- 8) Ensure good governance within the department.
- 9) Liaise with internal structures of council and external stakeholders.
- 10) Ensures human and other resources are utilized at optimum level.
- 11) Compile and submit reports Council.
- 12) Ensure projects are implemented and completed within cost, good quality and within the set timeframe.
- 13) Conduct meetings within the department.

- 14) Represent the municipality in meetings with other spheres of government.
- 15) Execute any delegated powers delegated by the Municipal Manager.
- 16) Implementation of the Fraud and Corruption prevention and detection policy and plan.
- 17) Risk Management.
- 18) Maintenance of discipline.
- 19) Ensure proper contract management, by evaluating service level agreements of service providers.
- 20) Allocation of work employees (stipulation of duties).
- 21) Taking of all lawful and reasonable steps to ensure compliance with legislation and council policies.
- 22) Monitors budget votes in the department prevent overspending, take the necessary steps relocate funds if needed to ensure that critical service delivery needs which are budgeted for, are met.
- 23) Submit reports the relevant Section 79 Committee and answer in person any questions they may have in relation the responsibilities of Council.
- 24) Advising the relevant Member of the Mayoral Committee on all matters relating to the department.
- 25) Promoting of sound labour relations.
- 26) Ensure that the department adheres to stipulations of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).
- 27) Compilation of any documentation and taking of any lawful steps or give any lawful instruction to any municipal employee carry out a resolution of Council or comply with legislation or a policy/procedure of Council.
- 28) Implementing reasonable steps to ensure compliance with all legislation, council policies and procedures.
- 29) Promotion of Administrative Justice.
- 30) Loss control and insurance in the department.
- 31) Address any issues raised by the Audit-General and the Audit Committee.
- 32) Ensure adequate security and protection for the department.
- 33) Implementation of the Safety at Sports and Recreation Events Act, Act 2/2010.
- 34) Taking of appropriate steps to ensure that personnel reports for duty before 07:30 and only knock off after 16:00. Personnel should not be away from the office for extended periods of time without a valid reason.
- 35) Taking appropriate steps to ensure the daily completion of the attendance register or any similar future system.

- 36) Taking appropriate steps in ensuring that all complaints from the public are attended in a diligent and efficient way.
- 37) Ensure Adherence to all internal controls, skills within the department.
- 38) Participation in bid processes in terms of the Supply Chain Management policy.
- 39) Effective implementation of all applicable By Laws.

**STATUTORY, ADMINISTRATIVE AND OPERATIONAL POWERS: GENERAL MANAGER: SPORT, ARTS AND CULTURE**

| <b>ORIGIN OF AUTHORITY</b>  | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b>                  |
|---|-----------------|--|---------------------------------------|
| Council resolution A (2) dated 31 May 2022.   | N 1             | Renew lease agreements pertaining community facilities for a period not longer than 12 months in accordance with applicable policy and procedures.   | Senior Manager:<br>Social Development |
| Council resolution A (2) dated 31 May 2022.   | N 2             | Renews lease agreements where the agreement provides for an option renew and the service provider has provided a satisfactory service, if in terms with applicable policy and procedures.  | None                                  |
| Municipal Systems Act Reg.: Appoints & Conditions of Employment of Senior Managers (Section 12) | N 3             | Conducts the shortlisting of suitable qualified and experienced candidates for post levels 3 – 6 in consultation with the General Manager: Corporate Services.<br><br>Conducts the shortlisting of suitable qualified and experienced candidates for post levels 7 – 19 in consultation with the General Manager: Community Services.                        | None<br><br>Senior Managers/Managers  |
| MSA Section 57 (2)(c)   | N 4             | Enters in annual performance agreements with Senior Managers and conducts quarterly evaluations.<br><br>Enters in annual performance agreements with personnel and conducts quarterly evaluations.   | None<br><br>Senior Managers/Managers  |
| Council resolution A (2) dated 31 May 2022.   | N 5             | Transfers employees within the department on post levels 4 – 19 in consultation with the General Manager: Corporate Services and relevant employee.  | None                                  |
| Council resolution A (2) dated 31 May 2022.   | N 6             | Grants, disapproves, cancels postpones or interrupts leave of absence, (with the exclusion of sick leave and maternity leave) of Senior Managers in their respective Divisions.<br><br>Grants, disapproves, cancels postpones or interrupts leave of absence, (with the exclusion of sick leave and maternity leave) personnel in their respective Divisions | None<br><br>Senior Managers/Managers  |
| Council resolution A  | N 7             | Considers applications by personnel for official visits to places outside City of Mbombela provided  | None                                  |

| <b>ORIGIN OF AUTHORITY</b>                  | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b>        |
|---|-----------------|--|-----------------------------|
| (2) dated 31 May 2022.                      |                 | sufficient provision has been made on the budget.<br><br>Approves claims for travel and subsistence costs in respect of the attendance of such meetings.   |                             |
| Council resolution A (2) dated 31 May 2022. | N 8             | Instructs Senior Managers to report temporarily for duty outside normal working hours (in exceptional cases such as disasters or emergencies etc.).<br><br>Instructs personnel in the division to report temporarily for duty outside normal working hours (in exceptional cases such as disasters or emergencies etc.). | None<br><br>Senior Managers |
| Council resolution A (2) dated 31 May 2022. | N 9             | Assigns a responsibility to a Non- Section 56 official to ensure the safety and good health of employees, councillors, service providers and customers of the municipality.  | Senior Managers/Managers    |
| Council resolution A (2) dated 31 May 2022. | N 10            | Places advertisements in newspapers and notifications in social media in terms of the relevant policy  | Senior Managers/Managers    |
| Council resolution A (2) dated 31 May 2022. | N 11            | Grants any approval that may be required in terms of any By-law of the municipality where the By-law is relevant the department.   | Senior Managers/Managers    |
| Council resolution A (2) dated 31 May 2022. | N 12            | Addresses administrative and operational matters on behalf of the municipality in official gatherings/meetings in terms of the relevant policy.  | Senior Managers/Managers    |
| Council resolution A (2) dated 31 May 2022. | N 13            | Terminates the contract of any service provider who fails to render services in terms of any applicable service level agreement and in terms of the financial and Supply Chain Management regulations/policy in consultation with the CFO, legal services and relevant department  | None                        |
| Council resolution A (2) dated 31 May 2022. | N 14            | Approves overtime work by employees in compliance with Council's Overtime Policy and in terms of exceptional cases such as in the case of a disaster or emergency.   | Senior Managers             |
| Council resolution A (2) dated 31 May 2022. | N 15            | Approves the use of a vehicle outside the jurisdiction of City of Mbombela for official purposes for officials who don't receive a travelling allowance to be given the option to utilize their own private vehicle in terms of relevant Council policy.   | None                        |
| Council resolution A (2) dated 31 May 2022. | N 16            | Gives an official who receives a transport allowance permission to use a Council vehicle for the execution of his/her Council duties in exceptional or substantiated circumstances   | None                        |
| Council resolution A                        | N 17            | Approves applications for changing of names on contracts where the details of the contract is not  | None                        |

| <b>ORIGIN OF AUTHORITY</b>                  | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b>                       |
|---|-----------------|--|--|
| (2) dated 31 May 2022.                      |                 | affected in terms of financial delegations.  |  |
| Council resolution A (2) dated 31 May 2022. | N 18            | Approves applications from personnel to attend workshops.  | Senior Managers                            |
| Council resolution A (2) dated 31 May 2022. | N 19            | Certifies payment claims from service providers in accordance with financial delegations.  | Senior Managers/Managers                   |
| Council resolution A (2) dated 31 May 2022. | N 20            | Approves applications for membership of libraries.   | Manager: Library and Information Services. |
| Council resolution A (2) dated 31 May 2022. | N 21            | Enforces the penalty clause when any person contravenes the provisions of the Public Library By-Laws.  | Manager: Library and Information Services. |
| Council resolution A (2) dated 31 May 2022. | N 22            | Approves payment of an acting allowance to an official appointed to serve on a higher post level.  | None                                       |
| Council resolution A (2) dated 31 May 2022. | N 23            | Accepts responsibility as Section 16(2) Officer in terms of the Occupational Health and Safety Act.  | None                                       |
| Council resolution A (2) dated 31 May 2022. | N 24            | Establishes an informal Disciplinary hearing to conduct an enquiry in the event of misconduct by a non-section 56 employee that appears to be less serious.  | Senior Managers                            |
| Council resolution A (2) dated 31 May 2022. | N 25            | Grants approval for the attendance of conferences, workshops, congresses, seminars or meetings by personnel in the department, in terms of Council's policy, if funding is available on the budget. Approves claims for travel and subsistence costs in respect of the attendance of such meetings.                | None                                       |
| Council resolution A (2) dated 31 May 2022. | N 26            | Arbitrates personnel grievances of personnel in the department.  | Senior Managers/Managers                   |
| MFMA 65(2)(d)                               | N 28            | Decides on the reasonable steps to be taken to ensure that payments by the Municipality are made directly to the person to whom it is due unless agreed otherwise for reasons as may be prescribed, either electronically or by way of non-transferable cheques, in consultation with the Chief Financial Officer. | Senior Managers/Managers                   |
| MFMA 116(2)(b)                              | N 29            | Monitors the performance of a contractor/service provider under a contract or an agreement with the Municipality on a monthly basis and reports to the   | Senior Managers/Managers                   |

| ORIGIN OF AUTHORITY                         | DEL. NO. | AUTHORITY / POWER  | SUB DELEGATED                      |
|---|----------|--|------------------------------------|
|   |          | Municipal Manager.   |                                    |
| MFMA 116(2)(c)                              | N 30     | Determines the capacity that needs to be established within the Municipality's administration to assist the Municipal Manager to enforce the provisions of a contract or agreement between the Municipality and a contractor and to monitor the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis and report to the Municipal Manager. | Senior Managers/ Managers          |
| MFMA 69(3)(a)                               | N 31     | Prepares and submits the Municipality's annual draft budget, a draft service delivery and budget implementation plan for the budget year in consultation with the Municipal Manager coordinated by DCS to the Executive Mayor.   | None                               |
| MFMA 75(1)                                  | N 32     | Ensures that the required documents are uploaded and available on the Municipality's website within five days after its tabling in the Council or on the date on which it must be made public, whichever occurs first.   | Senior Managers/ Managers          |
| Council resolution A (2) dated 31 May 2022. | N 33     | Approves the payment of compensation to the Provincial Library Service, provided that the amount budgeted is not exceeded.   | Senior Manager: Social Development |
| Council resolution A (2) dated 31 May 2022. | N 34     | Delegates responsibilities and powers to Managers/supervisors in the Department  | Senior Managers                    |
| Council resolution A (2) dated 31 May 2022. | N 35     | Approves the Operational Risk Register for the department.   | None                               |

### **GENERAL MANAGER: STRATEGIC MANAGEMENT SERVICES**

#### **ROLE**

The incumbent must on a strategic level to ensure the effective and efficient delivery of all services pertaining to Strategic Support in terms of the IDP/SDBIP, budget as well as applicable legislation and policies.

The incumbent serves as the interface between the municipality, media and Non-Governmental Organizations (NGO's).

The General Manager serve as the interface between the municipality and the Department of Foreign Affairs pertaining to international relations (Twinning Agreements and sport activities).

## **RESPONSIBILITIES**

The incumbent is responsible for:-

- a) Corporate Communication.
- b) Executive Secretariat Support.
- c) International and Intergovernmental Relations.
- d) Mayoral Support.
- e) Macro Policy and Planning.
- f) By-Law Development and Research.

The incumbent will also take responsibility for: -

- 1) Ensuring that all applicable services are rendered in terms of the IDP and SDBIP.
- 2) Budget management within the department.
- 3) Carry out all resolutions of Council.
- 4) Human and other resources are utilized at optimum level.
- 5) Contract and project management are efficient and effective in the department.
- 6) Provide Strategic Support to departments in the drafting approval, promulgation and enforcement of By-laws applicable to their department and the upkeep of the Institutional By-law register.
- 7) Proper planning processes are in place in the department.
- 8) Proper administration of the department.
- 9) Ensure good governance within the department.
- 10) Liaise with internal structures of council and external stakeholders.
- 11) Compilation of reports and submission thereof to Council.
- 12) Ensure projects are implemented and completed within cost, good quality and within the set timeframe.
- 13) Conduct regular meetings within the department.
- 14) Represent the municipality in meetings with other spheres of government.
- 15) Execute any delegated powers delegated by the Municipal Manager.
- 16) Implementation of the Fraud and Corruption prevention and detection policy and plan.
- 17) Risk Management.
- 18) Maintenance of discipline.
- 19) Ensure proper contract management, by evaluating service level agreements of service providers.
- 20) Allocation of work to employees (stipulation of duties).

- 21) Taking of all lawful and reasonable steps to ensure compliance with legislation and council policies.
- 22) Monitor budget votes in the department to prevent overspending. Take the necessary steps to relocate funds if needed to ensure that critical service delivery needs which are budgeted for, are met.
- 23) Submit reports to the relevant Section 79 Committee and answer in person any questions they may have in relation to the responsibilities of Council.
- 24) Advising the relevant Member of the Mayoral Committee on all matters relating to the department.
- 25) Promoting of sound labour relations within the department. Ensure that the department adheres with stipulations of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).
- 26) Compilation of any documentation and taking of any lawful steps or give any lawful instruction to any municipal employee to carry out a resolution of Council or comply with legislation or a policy/procedure of Council.
- 27) Ensure compliance with all legislation, council policies and procedures.
- 28) Promotion of Administrative Justice.
- 29) Performance Management.
- 30) Loss control and insurance in the department.
- 31) Address any issues raised by the Audit-General and the Audit Committee.
- 32) Draw up any documentation and take any lawful step or give any lawful instruction to any municipal employee who is carry out a resolution of Council or comply with legislation or a policy of council.
- 33) Taking appropriate steps to ensure that personnel report for duty before 07:30 and only knock off after 16:00. Personnel should not be away from the office for extended periods of time without a valid reason.
- 34) Taking appropriate steps in ensuring that officials in the department complies with the official dress code in accordance with the clothing policy.
- 35) Taking appropriate steps to ensure the daily completion of the attendance register or any similar future system.
- 36) Taking appropriate steps in ensuring that all complaints from the public are attended to in a diligent and efficient way.
- 37) Maintaining of discipline within the department.
- 38) Ensure adherence to all internal controls, skills within the department.
- 39) Participation in bid processes in terms of the Supply Chain Management policy.
- 40) Maintain the Institutional Research Repository.



**STATUTORY, ADMINISTRATIVE AND OPERATIONAL POWERS: GENERAL MANAGER: STRATEGIC MANAGEMENT SERVICES**

| <b>ORIGIN OF AUTHORITY</b>  | <b>DEL. NO</b> | <b>AUTHORITY / POWER</b>  | <b>SUB DELEGATED</b>     |
|---|----------------|---|--------------------------|
| Municipal Systems Act Reg.: Appoints & Conditions of Employment of Senior Managers (Section 12) | K 1            | Conducts the shortlisting of suitable qualified and experienced candidates for post levels 3 – 6 In consultation with the General Manager: Corporate Services.  | None                     |
|   |                | Conducts the shortlisting of suitable qualified and experienced candidates for post levels 7 – 19 In consultation with the General Manager: Strategic Support.  | Senior Managers/Managers |
| MSA Section 57(2)(c)  | K 2            | Enters into annual performance agreements with Senior Managers and conducts quarterly evaluations.  | None                     |
|   |                | Enters into annual performance agreements with personnel and conducts quarterly evaluations.  | Senior Managers          |
| Council resolution A (2) dated 31 May 2022.   | K 3            | Transfers employees within the department on post levels 4 – 19.in consultation with the General Manager: Corporate Services and relevant employee.   | None                     |
| Council resolution A (2) dated 31 May 2022.   | K 4            | Grants, disapproves, cancels postpones or interrupts leave of absence, (with the exclusion of sick leave and maternity leave) of Senior Managers and personnel in their respective Divisions  | None                     |
|   |                | Grants, disapproves, cancels postpones or interrupts leave of absence, (with the exclusion of sick leave and maternity leave) of personnel in their respective Divisions  | Senior Managers/Managers |
| Council resolution A (2) dated 31 May 2022.   | K 5            | Instructs Senior Managers to report temporarily for duty outside normal working hours (in exceptional cases such as disasters or emergencies etc.).   | None                     |
|   |                | Instructs personnel in the division to report temporarily for duty outside normal working hours (in exceptional cases such as disasters or emergencies etc.).   | Senior Managers          |
| Council resolution A (2) dated 31 May 2022.   | K 6            | Assigns a responsibility to personnel to ensure the safety and good health of employees, councillors, service providers and customers of the municipality.  | Senior Managers          |
| Council resolution A (2) dated 31 May 2022.   | K 7            | Considers applications by Senior Managers for official visits to places outside City of Mbombela provided sufficient provision has been made on the budget. Approves claims for travel and subsistence costs in respect of the attendance of such meetings. | None                     |
|   |                | Considers applications by personnel in Units for  | Senior Managers          |

| <b>ORIGIN OF AUTHORITY</b>                  | <b>DEL. NO</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b>        |
|---|----------------|--|-----------------------------|
|   |                | official visits to places outside City of Mbombela provided sufficient provision has been made on the budget. Approves claims for travel and subsistence costs in respect of the attendance of such meetings.  |                             |
| Council resolution A (2) dated 31 May 2022. | K 8            | Places advertisements in Newspapers<br><br>Places notifications in social media in terms of the relevant policy.   | None<br><br>Senior Managers |
| Council resolution A (2) dated 31 May 2022. | K 9            | Grants approval that may be required in terms of any By-law of the municipality where the By-law is relevant to the department.  | Senior Managers             |
| Council resolution A (2) dated 31 May 2022. | K 10           | Addresses administrative and operational matters on behalf of the municipality in official gatherings/meetings in terms of the relevant policy.  | Senior Managers             |
| Council resolution A (2) dated 31 May 2022. | K 11           | Terminates the contract of any service provider who fails to render services in terms of any applicable service level agreement and in terms of the financial and Supply Chain Management regulations/policy in consultation with the CFO, legal services and relevant department.                   | None                        |
| Council resolution A (2) dated 31 May 2022. | K 12           | Approves overtime work by employees in compliance with Council's Overtime Policy and in terms of exceptional cases such as in the case of a disaster or emergency.   | Senior Managers             |
| Council resolution A (2) dated 31 May 2022. | K 13           | Approves the use of a vehicle outside the jurisdiction of City of Mbombela for official purposes for officials who don't receive a travelling allowance, to be given the option utilize their own private vehicle in terms of relevant Council policy.   | None                        |
| Council resolution A (2) dated 31 May 2022. | K 14           | Gives an official who receives a transport allowance permission to use a Council vehicle for the execution of Council duties in exceptional or substantiated circumstances.  | None                        |
| Council resolution A (2) dated 31 May 2022. | K 15           | Approves an application for change in a trading name of the same company on contracts, where the details of the contract is not affected in terms of financial as well as contractual obligations, in consultation with the Chief Financial Officer and Legal Services.                              | None                        |
| Council resolution A (2) dated 31 May 2022. | K 16           | Certifies payment claims from service providers in accordance with financial delegations.  | Senior Managers             |
| Council resolution A (2) dated 31 May 2022. | K 17           | Grants approval for the attendance of conferences, congresses, seminars, workshops and meetings by personnel in the department, in terms of Council's policy, if funding is available on the budget. Approves claims for travel and subsistence costs in respect of the attendance of such meetings. | None                        |

| <b>ORIGIN OF AUTHORITY</b>   | <b>DEL. NO</b> | <b>AUTHORITY / POWER</b>  | <b>SUB DELEGATED</b>                    |
|--|----------------|---|---|
|  |                | Grants approval for the attendance of conferences, congresses, seminars, workshops or meetings by personnel in the Unit, in terms of Council's policy, if funding is available on the budget. Approves claims for travel and subsistence costs in respect of the attendance of such meetings. | Senior Managers                         |
| Council resolution A (2) dated 31 May 2022.  | K 18           | Renews lease agreements where the agreement provides for an option to renew and the service provider has provided a satisfactory service, if in terms with applicable policy and procedures.  | None                                    |
| Council resolution A (2) dated 31 May 2022.  | K 19           | Approves payment of an acting allowance to an official appointed to act in a higher post level.   | None                                    |
| Council resolution A (2) dated 31 May 2022.  | K 20           | Accepts responsibility as Section 16(2) Officer in terms of the Occupational Health and Safety Act.   | None                                    |
| Council resolution A (2) dated 31 May 2022.  | K 21           | Approves that an employee in the department may act in temporary capacity in a higher post in terms of Council's acting policy.   | None                                    |
| Council resolution A (2) dated 31 May 2022.  | K 22           | Approves the temporary transfer of an employee from one Unit to another in the Office of the Deputy Municipal Manager In consultation with the relevant Senior Manager.   | None                                    |
| Council resolution A (2) dated 31 May 2022.  | K 23           | Assigns a responsibility to personnel in the department to ensure the safety and good health of employees, councillors, service providers and customers of the municipality.  | None                                    |
| Council resolution A (2) dated 31 May 2022.  | K 24           | Approves the release of press statements and Approves concept answers to public enquiries.  | Senior Manager: Corporate Communication |
| Council resolution A (2) dated 31 May 2022.  | K 25           | Approves any action to market and promote /protect the image of the municipality.   | Senior Manager: Corporate Communication |
| Disciplinary Procedure and Code Collective Agreement dated 8 June 2010 Circular 6/2010 | K 26           | Establishes an informal Disciplinary hearing to conduct an enquiry In the event of misconduct by a non - section 56 employee that appears to be less serious.   | Senior Managers                         |
| Council resolution A (2) dated 31  | K 27           | Arbitrates personnel grievances of personnel in the department.   | Senior Managers/ Managers               |

| <b>ORIGIN OF AUTHORITY</b> | <b>DEL. NO</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b> |
|----------------------------|----------------|--|----------------------|
| May 2022.                  |                |  |                      |
| MFMA 65(2)(d)              | K 28           | Decides on the reasonable steps be taken to ensure that payments by the Municipality are made directly to the person to whom it is due unless agreed otherwise for reasons as may be prescribed, either electronically or by way of non-transferable cheques, in consultation with the Chief Financial Officer.  | Senior Managers      |
| MFMA 116(2)(b)             | K 29           | Monitors the performance of a contractor/service provider under a contract or an agreement with the Municipality on a monthly basis and report to the Municipal Manager.   | Senior Managers      |
| MFMA 116(2)(c)             | K 30           | Determines the capacity that needs to be established within the Municipality's administration to assist the Municipal Manager to enforce the provisions of a contract or agreement between the Municipality and a contractor and to monitor the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis and report to the Municipal Manager. | Senior Managers      |
| MFMA 69(3)(a)              | K 31           | Prepares and submits the Municipality's annual draft budget and a draft service delivery and budget implementation plan for the budget year in consultation with the Municipal Manager coordinated by DCS to the Executive Mayor.  | None                 |
| MFMA 75(1)                 | K 32           | Ensures that required documents are uploaded, and available on the Municipality's website within five days after its tabling in the Council or on the date on which it must be made public, whichever occurs first.  | Senior Manager       |
| MFMA 129 (3)               | K 33           | Compiles the Annual Report according to prescribed legislation in consultation with the Municipal Manager.   | None                 |
| MFMA 127 (5)               | K 34           | Submits the Annual Report to provincial Treasury and the Auditor-General in consultation with the Municipal Manager.   | None                 |
| MFMA 127(5)(a)             | K 35           | Publishes the annual report and inviting the local community to submit representations in connection with the annual report.   | None                 |
| MFMA 132(2)                | K 36           | Submits of the Municipality's annual report and oversight report to Council and relevant Provincial Departments.   | None                 |
| MFMA 131(2)(a)             | K 37           | Submits the Municipality's responses to the issues raised in an audit report to the MEC for local government.  | None                 |
| MFMA 129(2)(a)             | K 38           | Attends meetings of the Council and its committees where the annual report is discussed and responds to questions concerning the report.   | None                 |
| MFMA 129(2)(b)             | K 39           | Submit copies of the minutes of meetings of the Council and its committees where the annual report   | None                 |

| <b>ORIGIN OF AUTHORITY</b>                  | <b>DEL. NO</b> | <b>AUTHORITY / POWER</b>  | <b>SUB DELEGATED</b> |
|---|----------------|---|----------------------|
|   |                | was discussed to the Auditor-General, the provincial treasury and the provincial department responsible for local government. |                      |
| MFMA 129(3)                                 | K 40           | Publishes the oversight report regarding the annual report.   | None                 |
| Section 127(1) of the SPLUMA By-Law         | K 41           | Acts as registrar of the appeal authority.  | None                 |
| Section 45(4) and Regulation 31 of SPLUMA   | K 42           | Grants Intervener status to a petitioner on an appeal submitted.  | None                 |
| Council resolution A (2) dated 31 May 2022. | K 43           | Delegates responsibilities and powers to Managers/supervisors in the Department   | Senior Managers      |
| Council resolution A (2) dated 31 May 2022. | K 44           | Approves the Operational Risk Register for the department.  | None                 |

## **GENERAL MANAGER: COMMUNITY SERVICES**

### **ROLE**

The incumbent must on a strategic level to ensure the effective and efficient delivery of all services pertaining to the Community Services department in terms of the IDP/SDBIP, budget as well as applicable legislation and policies.

### **RESPONSIBILITIES**

The incumbent must ensure that the following divisions are properly managed so that proper services are rendered to the community: -

- b) Parks and Cemeteries
- c) Social Development
- d) Waste Management

The incumbent will also take responsibility for: -

- 40) Ensuring that all applicable services are rendered in terms of the IDP and SDBIP;
- 41) Budget management.
- 42) Carry out all resolutions of Council.
- 43) Human and other resources are utilized at optimum level.

- 44) Contract and project management in the department are efficient and effective.
- 45) The incumbent is responsible for the proper administration of the department.
- 46) The drafting approval, promulgation and enforcement of by-laws applicable their department and the upkeep of the departmental by-law register.
- 47) Ensure good governance within the department.
- 48) Liaise with internal structures of council and external stakeholders.
- 49) Ensures human and other resources are utilized at optimum level.
- 50) Compile and submit reports Council.
- 51) Ensure projects are implemented and completed within cost, good quality and within the set timeframe.
- 52) Conduct meetings within the department.
- 53) Represent the municipality in meetings with other spheres of government.
- 54) Execute any delegated powers delegated by the Municipal Manager.
- 55) Implementation of the Fraud and Corruption prevention and detection policy and plan.
- 56) Risk Management.
- 57) Maintenance of discipline.
- 58) Ensure proper contract management, by evaluating service level agreements of service providers.
- 59) Allocation of work employees (stipulation of duties).
- 60) Taking of all lawful and reasonable steps to ensure compliance with legislation and council policies.
- 61) Monitors budget votes in the department prevent overspending, take the necessary steps relocate funds if needed to ensure that critical service delivery needs which are budgeted for, are met.
- 62) Submit reports the relevant Section 79 Committee and answer in person any questions they may have in relation the responsibilities of Council.
- 63) Advising the relevant Member of the Mayoral Committee on all matters relating to the department.
- 64) Promoting of sound labour relations.
- 65) Ensure that the department adheres to stipulations of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).
- 66) Compilation of any documentation and taking of any lawful steps or give any lawful instruction to any municipal employee carry out a resolution of Council or comply with legislation or a policy/procedure of Council.

- 67) Implementing reasonable steps to ensure compliance with all legislation, council policies and procedures.
- 68) Promotion of Administrative Justice.
- 69) Loss control and insurance in the department.
- 70) Address any issues raised by the Audit-General and the Audit Committee.
- 71) Ensure adequate security and protection for the department.
- 72) Taking of appropriate steps to ensure that personnel reports for duty before 07:30 and only knock off after 16:00. Personnel should not be away from the office for extended periods of time without a valid reason.
- 73) Taking appropriate steps to ensure the daily completion of the attendance register or any similar future system.
- 74) Taking appropriate steps in ensuring that all complaints from the public are attended in a diligent and efficient way.
- 75) Provide and implement standard procedures and guidelines relating Parks and Cemeteries.
- 76) Ensure Adherence to all internal controls, skills within the department.
- 77) Compliance with the Cemeteries Acts, including by-laws, updating and promulgation thereof:
  - a. Mpumalanga Cemeteries, Crematoria and Exhumation of Bodies Act, 2005. Act 8 of 2005.
  - b. Births and Deaths Registration Act, 1992. Act 51 of 1992.
  - c. Cemeteries and Crematoria Act (1996).
  - d. National Health Act, 2003 (Act 61 of 2003).
- 78) Participation in bid processes in terms of the Supply Chain Management policy.
- 79) Effective implementation of all applicable By Laws.

**STATUTORY, ADMINISTRATIVE AND OPERATIONAL POWERS: GENERAL MANAGER: COMMUNITY SERVICES**

| <b>ORIGIN OF AUTHORITY</b>                  | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>  | <b>SUB DELEGATED</b>               |
|---|-----------------|---|------------------------------------|
| Council resolution A (2) dated 31 May 2022. | L 1             | Renews lease agreements pertaining community facilities for a period not longer than 12 months in accordance with applicable policy and procedures.                                       | Senior Manager: Social Development |
| Council resolution A (2) dated 31 May 2022. | L 2             | Renews lease agreements where the agreement provides for an option renew and the service provider has provided a satisfactory service, if in terms with applicable policy and procedures. | None                               |
| Municipal Systems Act Reg.: Appoints &      | L 3             | Conducts the shortlisting of suitable qualified and experienced candidates for post levels 3 – 6 in consultation with the General Manager: Corporate Services.                            | None                               |

| <b>ORIGIN OF AUTHORITY</b>                               | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b>                 |
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| Conditions of Employment of Senior Managers (Section 12) |                 | Conducts the shortlisting of suitable qualified and experienced candidates for post levels 7 – 19 in consultation with the General Manager: Community Services.  | Senior Managers/Managers             |
| MSA Section 57 (2)(c)                                    | L 4             | Enters in annual performance agreements with Senior Managers and conducts quarterly evaluations.<br><br>Enters in annual performance agreements with personnel and conducts quarterly evaluations.   | None<br><br>Senior Managers/Managers |
| Council resolution A (2) dated 31 May 2022.              | L 5             | Transfers employees within the department on post levels 4 – 19 in consultation with the General Manager: Corporate and Support Services and relevant employee.  | None                                 |
| Council resolution A (2) dated 31 May 2022.              | L 6             | Grants, disapproves, cancels postpones or interrupts leave of absence, (with the exclusion of sick leave and maternity leave) of Senior Managers in their respective Divisions.<br><br>Grants, disapproves, cancels postpones or interrupts leave of absence, (with the exclusion of sick leave and maternity leave) personnel in their respective Divisions | None<br><br>Senior Managers/Managers |
| Council resolution A (2) dated 31 May 2022.              | L 7             | Considers applications by personnel for official visits to places outside City of Mbombela provided sufficient provision has been made on the budget.<br><br>Approves claims for travel and subsistence costs in respect of the attendance of such meetings.   | None                                 |
| Council resolution A (2) dated 31 May 2022.              | L 8             | Instructs Senior Managers to report temporarily for duty outside normal working hours (in exceptional cases such as disasters or emergencies etc.).<br><br>Instructs personnel in the division to report temporarily for duty outside normal working hours (in exceptional cases such as disasters or emergencies etc.).                                     | None<br><br>Senior Managers          |
| Council resolution A (2) dated 31 May 2022.              | L 9             | Assigns a responsibility to a Non- Section 56 official to ensure the safety and good health of employees, councillors, service providers and customers of the municipality.  | Senior Managers/Managers             |
| Council resolution A (2) dated 31 May 2022.              | L 10            | Places advertisements in newspapers and notifications in social media in terms of the relevant policy  | Senior Managers/Managers             |
| Council resolution A (2) dated 31                        | L 11            | Grants any approval that may be required in terms of any By-law of the municipality where the By-law is relevant the department.   | Senior Managers/Managers             |



| <b>ORIGIN OF AUTHORITY</b>                  | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>  | <b>SUB DELEGATED</b>                       |
|---|-----------------|---|--|
| May 2022.                                   |                 |   |  |
| Council resolution A (2) dated 31 May 2022. | L 12            | Addresses administrative and operational matters on behalf of the municipality in official gatherings/meetings in terms of the relevant policy.   | Senior Managers/Managers                   |
| Council resolution A (2) dated 31 May 2022. | L 13            | Terminates the contract of any service provider who fails to render services in terms of any applicable service level agreement and in terms of the financial and Supply Chain Management regulations/policy in consultation with the CFO, legal services and relevant department | None                                       |
| Council resolution A (2) dated 31 May 2022. | L 14            | Approves overtime work by employees in compliance with Council's Overtime Policy and in terms of exceptional cases such as in the case of a disaster or emergency.  | Senior Managers                            |
| Council resolution A (2) dated 31 May 2022. | L 15            | Approves the use of a vehicle outside the jurisdiction of City of Mbombela for official purposes for officials who don't receive a travelling allowance to be given the option to utilize their own private vehicle in terms of relevant Council policy.                          | None                                       |
| Council resolution A (2) dated 31 May 2022. | L 16            | Gives an official who receives a transport allowance permission to use a Council vehicle for the execution of his/her Council duties in exceptional or substantiated circumstances  | None                                       |
| Council resolution A (2) dated 31 May 2022. | L 17            | Approves applications for changing of names on contracts where the details of the contract is not affected in terms of financial delegations.   | None                                       |
| Council resolution A (2) dated 31 May 2022. | L 18            | Approves applications from personnel to attend workshops.   | Senior Managers                            |
| Council resolution A (2) dated 31 May 2022. | L 19            | Certifies payment claims from service providers in accordance with financial delegations.   | Senior Managers/Managers                   |
| Council resolution A (2) dated 31 May 2022. | L 20            | Approves applications for membership of libraries.  | Manager: Library and Information Services. |
| Council resolution A (2) dated 31 May 2022. | L 21            | Grants approval for the removal of trees on Municipal property which were planted by Council or somebody else and which pose a danger people, property or services or which may possibly be in the way of development or motor vehicle entrances.                                 | Senior Manager: Parks and Cemeteries       |
| Council resolution A (2) dated 31 May 2022. | L 22            | Authorizes the distribution of excess stock from the municipal nursery schools that fall within the jurisdiction of the municipality.   | Senior Manager: Parks and Cemeteries       |
| Council                                     | L 23            | Approves applications use municipal parks for   | Senior Manager:                            |

| <b>ORIGIN OF AUTHORITY</b>                  | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>  | <b>SUB DELEGATED</b>   |
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| resolution A (2) dated 31 May 2022.         |                 | special social gatherings or sport.   | Parks and Cemeteries   |
| Council resolution A (2) dated 31 May 2022. | L 24            | Cancels applications for reserved graves and refunds fees paid in accordance to approved tariffs on condition that the Council be indemnified against any claims that may be instituted in respect of the cancellation of a grave.  | None   |
| Council resolution A (2) dated 31 May 2022. | L 25            | Approves the selling of plants from the Nursery in terms of Council policy.   | Senior Manager: Parks and Cemeteries                               |
| Council resolution A (2) dated 31 May 2022. | L 26            | Approves applications use community facilities such as swimming pools and community halls, free of charge.  | Manager: Community Facilities and Manager: Recreational facilities |
| Council resolution A (2) dated 31 May 2022. | L 27            | Approves payment of an acting allowance to an official appointed to serve on a higher post level.   | None   |
| Council resolution A (2) dated 31 May 2022. | L 28            | Accepts responsibility as Section 16(2) Officer in terms of the Occupational Health and Safety Act.   | None   |
| Council resolution A (2) dated 31 May 2022. | L 29            | Considers applications for re-burials.  | None   |
| Council resolution A (2) dated 31 May 2022. | L 30            | Establishes an informal Disciplinary hearing to conduct an enquiry In the event of misconduct by to a non-section 56 employee that appears to be less serious.  | Senior Managers  |
| Council resolution A (2) dated 31 May 2022. | L 31            | Grants approval for the attendance of conferences, workshops, congresses, seminars or meetings by personnel in the department, in terms of Council's policy, if funding is available on the budget. Approves claims for travel and subsistence costs in respect of the attendance of such meetings. | None   |
| Council resolution A (2) dated 31 May 2022. | L 32            | Arbitrates personnel grievances of personnel in the department.   | Senior Managers/ Managers  |
| MFMA 65(2)(d)                               | L 34            | Decides on the reasonable steps be taken to ensure that payments by the Municipality are made directly to the person to whom it is due unless agreed otherwise for reasons as may be prescribed, either electronically or by way of non-transferable cheques, in consultation with the Chief        | Senior Managers/ Managers  |

| <b>ORIGIN OF AUTHORITY</b>                  | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b>      |
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|   |                 | Financial Officer.   |                           |
| MFMA 116(2)(b)                              | L 35            | Monitors the performance of a contractor/service provider under a contract or an agreement with the Municipality on a monthly basis and reports to the Municipal Manager.  | Senior Managers/ Managers |
| MFMA 116(2)(c)                              | L 36            | Determines the capacity that needs to be established within the Municipality's administration to assist the Municipal Manager to enforce the provisions of a contract or agreement between the Municipality and a contractor and to monitor the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis and report to the Municipal Manager. | Senior Managers/ Managers |
| MFMA 69(3)(a)                               | L 37            | Prepares and submits the Municipality's annual draft budget, a draft service delivery and budget implementation plan for the budget year in consultation with the Municipal Manager coordinated by DCS to the Executive Mayor.   | None                      |
| MFMA 75(1)                                  | L 38            | Ensures that the required documents are uploaded and available on the Municipality's website within five days after its tabling in the Council or on the date on which it must be made public, whichever occurs first.   | Senior Managers/ Managers |
| Council resolution A (2) dated 31 May 2022. | L 39            | Delegates responsibilities and powers to Managers/supervisors in the Department  | Senior Managers           |
| Council resolution A (2) dated 31 May 2022. | L 40            | Approves the Operational Risk Register for the department.   | None                      |

## **REGIONAL SERVICE CENTRE MANAGERS**

### **ROLE**

Enhance service delivery, the municipality is divided in four regional service centres.

The regional service centre managers are in control of the service centres. All personnel in services centres, reports them.

Service Centre Managers must oversee the implementation of all Service Delivery Budget Implementation (SDBIP) projects within the service centres, from an operational point of view.

Service Centre Managers also serve as the first point of contact between the Administration and the public pertaining all matters relating service delivery.

### **RESPONSIBILITIES**

The incumbents are responsible for the following within the areas of the Regional Service Centres:

1. Administration and customer care.
2. Facilities Management.
3. HIV/Aids prevention programmes.
4. Public participation.
5. Energy services.
6. Water and sanitation.
7. Roads and Storm water.
8. Public Safety.
9. Community Services.

Execute their responsibilities, the incumbents are responsible for the following functions: -

1. Good personnel relations.
2. Management of the Regional Service Centres.
3. Carry out all resolutions of Council.
4. Risk Management.
5. Budget management.
6. Maintenance of discipline.
7. Ensure compliance with the Code of Conduct for Municipal Employees at Regional Service Centres.
8. Implementation of the Fraud and Corruption prevention and detection policy and plan.
9. Proper administration of the Regional Service Centres.
10. Ensuring that all applicable services are rendered in terms of the IDP and SDBIP.
11. Ensure good governance within the Regional Service Centres.
12. Liaise with internal structures of council and external stakeholders.
13. Ensures human and other resources are utilized at optimum level.
14. Contract and project management are efficient and effective.
15. Proper planning processes are in place, execute operations.
16. Compile and submit monthly, quarterly and annual reports council.
17. Ensure projects are implemented and completed within cost, good quality and within the set timeframe.
18. Conduct monthly meetings within the Regional Service Centres.
19. Execute any task as delegated by the General Manager: Service Centre Coordination.
20. Ensure proper contract management, by evaluating service level agreements of service providers.

21. Allocation of work to employees in Regional Service Centres.
22. Taking of all lawful and reasonable steps to ensure compliance with legislation and policies.
23. Monitor budget votes in the Service Centres to prevent overspending.
24. Take the necessary steps to relocate funds if needed to ensure that critical service delivery needs which are budgeted for, are met.
25. Promoting of sound labour relations by ensuring proper communication between Administration and respective Unions.
26. Ensure that Council adheres to stipulations of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).
27. Compilation of any documentation and taking of any lawful steps or give any lawful instruction to any municipal employee carry out a resolution of Council or comply with legislation or a policy/procedure of Council.
28. Implementing reasonable steps to ensure compliance with all legislation, council policies and procedures.
29. Promotion of Administrative Justice.
30. Loss control and insurance in the Regional Service Centres.
31. Address any issues raised by the Audit-General and the Audit Committee.
32. Draw up any documentation and take any lawful step or give any lawful instruction any municipal employee who is carry out a resolution of Council or comply with legislation or a policy of council.
33. Take any appropriate step in ensuring that all complaints from the public are attended in a diligent and efficient way.
34. Must enforce compliance with all council policies such as the Fleet Policy, Attendance Register and adherence to office hours, Clothing Policy, Labour Saving Devices and Batho Pele principles.
35. Maintaining of discipline within the Regional Service Centres.
36. Ensure adherence to all internal controls, skills within the Regional Service Centres.
37. Must ensure a safe and healthy environment for all officials.
38. Must ensure that all complaints from the public are attended to in a diligent and efficient way.
39. Must ensure that all personnel in the Service Centres area are on a regular basis be kept informed of:
  - a. Council policies and resolutions pertaining to their work.
  - b. General happenings such as municipal sport events etc.
  - c. Names of the Executive Mayor and Mayoral Committee.

- d. Names of ward councillors in the area of the Service Centre.
  - e. Internal newsletters from the Communication Division are distributed to all personnel.
40. Must in cooperation with the Communication Division, on a regular basis, measure public satisfaction levels with regards to a specific service such as for example waste management.
41. Control and manage workshops and sub-stores.
42. Submission of monthly plant and machinery reports.
43. Installation of speed humps and traffic circles on municipal roads.
44. Effective implementation of all applicable By Laws.

**STATUTORY, OPERATIONAL AND FINANCIAL POWERS: REGIONAL SERVICE CENTRE MANAGERS:**

| <b>ORIGIN OF AUTHORITY</b>                  | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b> |
|---|-----------------|--|----------------------|
| Council resolution A (2) dated 31 May 2022. | R 1             | Enters into annual performance agreements with Managers and Supervisors and conducts quarterly evaluations.  | None                 |
| Council resolution A (2) dated 31 May 2022. | R 2             | Considers applications by personnel in the Service Centre's, for official visits to places outside the City of Mbombela provided sufficient provision has been made on the budget. Approves claims for travel and subsistence costs in respect of the attendance of such meetings. | None                 |
| Council resolution A (2) dated 31 May 2022. | R 3             | Instructs personnel in the Regional Service Centre to report temporarily for duty outside normal working hours. (in exceptional cases such as disasters or emergencies etc.)   | None                 |
| Council resolution A (2) dated 31 May 2022. | R 4             | Assigns a responsibility to personnel to ensure the safety and good health of employees, councillors, service providers and customers of the municipality.   | None                 |
| Council resolution A (2) dated 31 May 2022. | R 5             | Places notifications in social media in terms of the relevant policy.  | None                 |
| Council resolution A (2) dated 31 May 2022. | R 6             | Grants any approval that may be required in terms of any By-law of the municipality that is relevant to the Service Centre.  | None                 |
| Council resolution A (2) dated 31 May 2022. | R 7             | Addresses administrative and operational matters on behalf of the municipality in official gatherings/meetings in terms of the relevant policy.  | None                 |
| Council resolution A                        | R 8             | Approves overtime worked by employees in compliance with Council's Overtime Policy and in  | None                 |

| <b>ORIGIN OF AUTHORITY</b>                  | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b> |
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| (2) dated 31 May 2022.                      |                 | terms of exceptional cases such as in the case of a disaster or emergency.   |                      |
| Council resolution A (2) dated 31 May 2022. | R 9             | Compels an employee who in the manager's opinion, is so indisposed that he/she cannot perform his/her duties properly, to take sick leave as initiated by the relevant General Manager investigating the matter and on recommendation of a registered medical practitioner   | None                 |
| Council resolution A (2) dated 31 May 2022. | R 10            | Allocates office, parking spaces/garages to personnel at relevant Service Centre's.  | None                 |
| Council resolution A (2) dated 31 May 2022. | R 11            | Approves sick leave/unpaid leave of employees on one or more occasion for treatment of drug addiction and maternity.   | None                 |
| Council resolution A (2) dated 31 May 2022. | R 12            | Approves applications for special leave of Union Office Bearers for union activities in terms of the SALGBC Organizational Rights Agreement.   | None                 |
| Council resolution A (2) dated 31 May 2022. | R 13            | Certifies payment claims from service providers in accordance with financial delegations.  | None                 |
| Council resolution A (2) dated 31 May 2022. | R 14            | Settle agreements of loss.   | None                 |
| Council resolution A (2) dated 31 May 2022. | R 15            | Grants approval for the attendance of conferences, workshops, congresses, seminars or meetings by Senior Managers in the Service Centres, in terms of Council's policy, if funding is available on the budget. Approves claims for travel and subsistence costs in respect of the attendance of such meetings.       | None                 |
| Council resolution A (2) dated 31 May 2022. | R 16            | Arbitrates grievances of personnel in the Service Centre's.  | None                 |
| MFMA 65 (2)(d)                              | R 17            | Decides on the reasonable steps to be taken to ensure that payments by the Municipality are made directly to the person to whom it is due unless agreed otherwise for reasons as may be prescribed and either electronically or by way of non-transferable cheques in consultation with the Chief Financial Officer. | None                 |
| MFMA 116 (2)(b)                             | R 18            | Monitors the performance of a contractor/service provider under a contract or an agreement with the Municipality.  | None                 |

| <b>ORIGIN OF AUTHORITY</b>                  | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b> |
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| MFMA<br>116 (2)(c)                          | R 19            | Determines the capacity that needs to be established within the Municipality's administration to assist the Municipal Manager to enforce the provisions of a contract or agreement between the Municipality and a contractor and to monitor the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis and report to the Municipal Manager. | None                 |
| Council resolution A (2) dated 31 May 2022. | R 20            | Ensures that personnel reports for duty before 07:30 and only knock off after 16:00.   | None                 |
| Council resolution A (2) dated 31 May 2022. | R 21            | Ensures that personnel are at work during office hours, and are not away from office for extended periods of time without a valid reason.  | None                 |
| Council resolution A (2) dated 31 May 2022. | R 22            | Sends an official home to comply with the official dress code.   | None                 |
| Council resolution A (2) dated 31 May 2022. | R 23            | Enforces Batho Pele principles and the Code of Conduct for Municipal employees. Recommends disciplinary action against officials who do not adhere the Batho Pele principles or who contravene the Code of conduct for municipal employees.  | None                 |
| Council resolution A (2) dated 31 May 2022. | R 24            | Recommends disciplinary action against an official if the official does not give a reasonable explanation for non-Adherence to the Code of Conduct for Municipal employees.  | None                 |
| Council resolution A (2) dated 31 May 2022. | R 25            | Enforces the daily completion of the attendance Registers or any similar future system. Can recommend disciplinary action if officials do not complete the attendance Registers.   | None                 |
| Council resolution A (2) dated 31 May 2022. | R 26            | Monitors the productivity of employees and may requests reasons if an employee are found not be productive. Recommends disciplinary action if not satisfied with the explanation.  | None                 |
| Council resolution A (2) dated 31 May 2022. | R 27            | Approves installations for the erection of decorative lights and decorations on municipal services infrastructure.   | None                 |
| Council resolution A (2) dated 31 May 2022. | R 28            | Oversees the implementation of all service delivery projects in all Regional Service Centre's.   | None                 |
| Council resolution A (2) dated 31 May 2022. | R 29            | Manages and controls all personnel in applicable Regional Service Centre's.  | None                 |
| Council                                     | R 30            | Controls and manages workshops and sub-stores  | None                 |



| <b>ORIGIN OF AUTHORITY</b>                  | <b>DEL. NO.</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b> |
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| resolution A (2) dated 31 May 2022.         |                 |  |                      |
| Council resolution A (2) dated 31 May 2022. | R 31            | Submits monthly plant and machinery reports.   | None                 |
| Council resolution A (2) dated 31 May 2022. | R 32            | Installs speed humps and traffic circles on municipal roads.                                   | None                 |
| Council resolution A (2) dated 31 May 2022. | R 33            | Delegates responsibilities and powers to Managers/ supervisors in the Regional Service Centre. | None                 |

### **CHIEF AUDIT EXECUTIVE (CAE)**

#### **ROLE**

The Chief Audit Executive assists the Municipal Manager, Deputy Municipal Managers, Chief Financial Officer and General Managers, by providing inputs to ensure effective systems that compliment service delivery, safeguarding of assets, the maintenance of financial records, risk management, corporate governance and an effective internal control system.

Operationally wise, the Chief Audit Executive, reports to the Chairperson of the Audit Committee.

The Internal Audit Unit is an independent Unit that via the Audit Committee, must provide assurance to Council that inter alia, internal controls are adequate and effective.

#### **RESPONSIBILITIES**

In order fulfil its role, the Chief Audit Executive must in terms of Section 165 (2) (a) and (b) of the MFMA:

- 1) Prepare a risk-based audit plan and an internal audit program for each financial year.
- 2) Advise the accounting officer and report the audit committee on the implementation of the internal audit plan and matters relating :
  - a) Internal audits
  - b) Internal controls, skills
  - c) Accounting procedures and practices
  - d) Risk and Risk Management
  - e) Performance Management
  - f) Loss control

- g) Compliance with the MFMA and all other applicable legislation
- h) Perform such other duties as may be assigned to it by the accounting officer.

The Chief Audit Executive must render administrative services to the Audit Committee and must also assist the Committee with its tasks as stipulated in section 166 of the MFMA and the Committee's Audit Charter. The Chief Audit Executive will also coordinate and attend all meetings of the Audit Committee.

The responsibilities of the Chief Audit Executive are also stipulated in section 165 (2) (a) b) and (c) of the MFMA as well as section 14 of the Local Government: Municipal and Performance Management Regulations. (R 796 dated 24 August 2001).

The Chief Audit Executive will carry out internal audit engagements in all directorates to provide reasonable assurance that internal controls, skills are operating as intended in relation:

- 1) Council policy.
- 2) Implementation of Council decisions.
- 3) Adherence to relevant legislation that is applicable to the municipality.
- 4) Adherence to administrative procedures.
- 5) Adherence to supply chain management processes.
- 6) Effectiveness of the internal control system.
- 7) Asset Management to ensure maximum utilization of resources.
- 8) Asset Management Policy is implemented and adhered.
- 9) Efficient financial, administrative and operational systems to ensure adherence to.
- 10) Advising the Municipal Manager on key performance indicators as set out in the agreements of senior personnel.
- 11) Frequent sample testing with regard to creditor payments and general expenditure payments such as, refunds on debtor deposits, cash (cashiers and petty cash), stock control, processing and compiling of journals (income section), traffic and licensing income, contract auditing, cash book and bank reconciliations.
- 12) Evaluation of all financial, administrative and operational systems to identify possible shortcomings.
- 13) Advising on possible ways to rectify shortcomings in systems and policy.
- 14) Coordination of Audit Committee meetings.
- 15) Compilation of reports for consideration by Council and the Audit Committee.
- 16) Liaising with the Audit-General concerning audits as conducted by the Audit-General.
- 17) Motivation for the appointment and liaison with service providers appointed provide internal audit and investigations.

- 18) Investigation of losses to identify shortcomings and/or apprehension of criminals.
- 19) Implementation of the Fraud and Corruption Prevention and Detection policy and plan.
- 20) Compilation of reports to the Municipal Manager and audit committee with regards to all activities/investigations/ audits conducted by the division.
- 21) Rendering of assistance to departments concerning adherence to new legislation, policy and council resolutions.
- 22) Liaison with the SA Police concerning the reporting of suspected criminal activities by Council employees.
- 23) Respond to the accounting officer on any issues raised by Council.
- 24) Assist the Audit- General with the annual audit and perform follow up audits on the findings raised by AG.
- 25) Carry out such investigations in the financial affairs of the municipality as the accounting officer may request.
- 26) Assess whether the key performance indicators are SMART, CREAM and are being adhered.
- 27) Evaluate the reliability of reported information pertaining to performance information.
- 28) Determine possible reasons for discrepancies between performance reported and targets.
- 29) Identify major risks which Council is exposed and determine the extent to which risks have been mitigated.
- 30) Making recommendations to the accounting officer and if accepted, the monitoring and evaluating of the implementation thereof.
- 31) Investigate any matter it deems necessary for the performance of its duties and the exercise of its powers.
- 32) Review audit results and action plans implemented by management.
- 33) Perform any other functions prescribed it by Council, the Municipal Manager as well as the Audit Committee.
- 34) Taking appropriate steps to ensure that personnel report for duty at 07:30 and only knock off after 16:00. Personnel should not be away from the office for extended periods of time without approval.
- 35) Taking appropriate steps in ensuring that officials in the department complies with the official dress code in accordance with the clothing policy.
- 36) Taking appropriate steps to ensure the daily completion of the attendance register or any similar future system.
- 37) Maintaining of discipline within the Unit.
- 38) Ensure adherence to all internal controls, skills within the Unit.

**STATUTORY, ADMINISTRATIVE AND OPERATIONAL POWERS: CHIEF AUDIT EXECUTIVE**

| <b>ORIGIN OF AUTHORITY</b>                                     | <b>DEL. NO</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b> |
|--|----------------|--|----------------------|
| Council resolution A (2) dated 31 May 2022.                    | N 1            | Investigates all allegations/complaints as received via the Whistle Blower system and submitting reports to the Municipal Manager.   | None                 |
| Council resolution A (2) dated 31 May 2022.                    | N 2            | Access all electronic and written records of the municipality to enable the conducting of audits/forensic investigations.  | Auditors             |
| Council resolution A (2) dated 31 May 2022.                    | N 3            | Requests the necessary assistance of personnel in departments to enable the Internal Audit Unit to conduct audits/forensic investigations.   | Auditors             |
| Local Government Municipal Finance Management Act (Section 32) | N 4            | Registers criminal charges against any official suspected of being involved in any act of criminal activity, in consultation with Municipal Manager.   | None                 |
| Council resolution A (2) dated 31 May 2022.                    | N 5            | Enters into annual performance agreements with Managers and conducts quarterly evaluations.  | None                 |
| Council resolution A (2) dated 31 May 2022.                    | N 6            | Arbitrates personnel grievances of personnel in the Unit.  | Managers             |
| Council resolution A (2) dated 31 May 2022.                    | N 7            | Grants, disapproves, cancels, postpones or interrupts leave of absence, (with the exclusion of sick leave and maternity leave) with regards to personnel in their respective Units.  | None                 |
| Council resolution A (2) dated 31 May 2022.                    | N 8            | Grants approval for the attendance of conferences, congresses, seminars or meetings by personnel in the Unit, in terms of Council's policy, if funding is available on the budget. Approves claims for travel and subsistence costs in respect of the attendance of such meetings. | None                 |
| Council resolution A (2) dated 31 May 2022.                    | N 9            | Addresses administrative and operational matters on behalf of the municipality in official gatherings/meetings in terms of the relevant policy.  | None                 |
| Council resolution A (2) dated 31 May 2022.                    | N 10           | Grants any approval that may be required in terms of any By-law of the municipality where the By-law is relevant the department.   | None                 |
| Council resolution A (2) dated 31                              | N 11           | Approves applications by personnel for official visits to places outside City of Mbombela provided sufficient provision has been made on the budget. Approves  | None                 |

| <b>ORIGIN OF AUTHORITY</b>                  | <b>DEL. NO</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b> |
|---|----------------|--|----------------------|
| May 2022.                                   |                | claims for travel and subsistence costs in respect of the attendance of such meetings.   |                      |
| Council resolution A (2) dated 31 May 2022. | N 12           | Assigns a responsibility to personnel to ensure the safety and good health of employees, councillors, customers and service providers of the municipality.   | None                 |
| Council resolution A (2) dated 31 May 2022. | N 13           | Places notifications in social media in terms of the relevant policy.  | None                 |
| Council resolution A (2) dated 31 May 2022. | N 14           | Approves overtime work by employees in compliance with Council's Overtime Policy and in terms of exceptional cases such as in the case of a disaster or emergency.   | None                 |
| Council resolution A (2) dated 31 May 2022. | N 15           | Certifies payment claims from service providers in terms of financial delegations.   | None                 |
| Council resolution A (2) dated 31 May 2022. | N 16           | Conducts the shortlisting of suitable qualified and experienced candidates for post levels 4 – 19 In consultation with the General Manager: Corporate Services.  | None                 |
| Council resolution A (2) dated 31 May 2022. | N 17           | Establishes an informal Disciplinary hearing to conduct an enquiry In the event of misconduct by personnel that appears be less serious.   | None                 |
| Council resolution A (2) dated 31 May 2022. | N 18           | Arbitrates personnel grievances of personnel in the department.  | None                 |
| MFMA 65 (2)(d)                              | N 19           | Decides on the reasonable steps to be taken to ensure that payments by the Municipality are made directly the person whom it is due unless agreed otherwise for reasons as may be prescribed and either electronically or by way of non-transferable cheques in consultation with the Chief Financial Officer.   | None                 |
| MFMA 116(2)(b)                              | N 20           | Monitors the performance of a contractor/service provider under a contract or an agreement with the Municipality on a monthly basis and report the Municipal Manager.  | None                 |
| MFMA 116(2)(c)                              | N 21           | Determines the capacity that needs to be established within the Municipality's administration to assist the Municipal Manager to enforce the provisions of a contract or agreement between the Municipality and a contractor and monitor the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis and report the Municipal Manager. | None                 |
| MFMA 69(3)(a)                               | N 22           | Prepares and submits the Municipality's annual draft budget, a draft service delivery and budget   | None                 |

| ORIGIN OF AUTHORITY                         | DEL. NO | AUTHORITY / POWER   | SUB DELEGATED |
|---|---------|---|---------------|
|   |         | implementation plan for the budget year in consultation with the Municipal Manager coordinated by DCS to the Executive Mayor.   |               |
| MFMA 75(1)                                  | N 23    | Ensures that the required documents are uploaded and available on the Municipality's website within five days after tabled in the Council or on the date on which it must be made public, whichever occurs first. | None          |
| Council resolution A (2) dated 31 May 2022. | N 24    | Delegates responsibilities and powers to Managers/supervisors in the Department   | None          |

## **SENIOR MANAGER: LEGAL SERVICES**

### **ROLE**

The incumbent must provide sound legal advice on all municipal matters.

The incumbent is also responsible to ensure that all assets and liabilities of the municipality, is adequately insured.

### **RESPONSIBILITIES**

The incumbent will have the following responsibilities:

1. Effective management of the Legal Services Unit.
2. Financial management in the Unit.
3. Administrate a system in the municipality to that all applicable legislation is available to all officials and that such legislation is updated when a relevant act is amended.
4. Provide legal advice to Council and the Administration.
5. Advice the Administration and Council in cases where legislation may be contravened.
6. Perform any other functions prescribed it by Council, the Municipal Manager as well as the Audit Committee.
7. Taking appropriate steps to ensure that personnel report for duty at 07:30 and only knock off after 16:00. Personnel should not be away from the office for extended periods of time without approval.
8. Taking appropriate steps in ensuring that officials in the Unit complies with the official dress code in accordance with the clothing policy.
9. Taking appropriate steps to ensure the daily completion of the attendance register or any similar future system.
10. Maintaining of discipline within the Unit.
11. Ensure adherence to all internal controls, within the Unit.
12. Implementation of all applicable policies in the Unit such as the Loss Control and Fraud and Corruption Prevention and Detection policies.

### **STATUTORY, ADMINISTRATIVE AND OPERATIONAL POWERS: SENIOR MANAGER: LEGAL SERVICES**

| <b>ORIGIN OF AUTHORITY</b>                  | <b>DEL. NO</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b> |
|---|----------------|--|----------------------|
| Council resolution A (2) dated 31 May 2022. | M 1            | Appoints attorneys and advocates in line with the Supply Chain Management and financial delegations and representation of officials and the signing of relevant documentation, e.g. powers of attorney and affidavits in any legal action by and/or against the Municipality, in | None                 |

| <b>ORIGIN OF AUTHORITY</b>                                     | <b>DEL. NO</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b> |
|--|----------------|--|----------------------|
|  |                | consultation with the MM.  |                      |
| Local Government Municipal Finance Management Act (Section 32) | M 2            | Registers criminal charges against employees on behalf of the municipality, in consultation with the GM: Corporate Services and the Municipal Manager, after an investigation was conducted and prima-facie evidence of a criminal offence was found.                              | Managers             |
| Council resolution A (2) dated 31 May 2022.                    | M 3            | Arbitrates personnel grievances of personnel in the Unit.  | None                 |
| Council resolution A (2) dated 31 May 2022.                    | M 4            | Enters into annual performance agreements with Managers and conducts quarterly evaluations.  | None                 |
| Council resolution A (2) dated 31 May 2022.                    | M 5            | Grants, disapproves, cancels, postpones or interrupts leave of absence, (with the exclusion of sick leave and maternity leave) with regard to personnel in their respective Units.   | None                 |
| Council resolution A (2) dated 31 May 2022.                    | M 6            | Grants approval for the attendance of conferences, congresses, seminars or meetings by personnel in the Unit, in terms of Council's policy, if funding is available on the budget. Approves claims for travel and subsistence costs in respect of the attendance of such meetings. | None                 |
| Council resolution A (2) dated 31 May 2022.                    | M 7            | Addresses administrative and operational matters on behalf of the municipality in official gatherings/meetings in terms of the relevant policy.  | None                 |
| Council resolution A (2) dated 31 May 2022.                    | M 8            | Grants any approval that may be required in terms of any By-law of the municipality where the By-law is relevant to the department.  | None                 |
| Council resolution A (2) dated 31 May 2022.                    | M 9            | Approves applications by personnel for official visits to places outside City of Mbombela, provided that sufficient provision had been made on the budget. Approves claims for travel and subsistence costs in respect of the attendance of such meetings.                         | None                 |
| Council resolution A (2) dated 31 May 2022.                    | M 10           | Assigns a responsibility to personnel to ensure the safety and good health of employees, councillors, customers and service providers of the municipality.   | None                 |
| Council resolution A (2) dated 31 May 2022.                    | M 11           | Places notifications in social media in terms of a relevant policy.  | None                 |
| Council resolution A   | M 12           | Approves overtime worked by employees in compliance with Council's Overtime Policy and in terms of   | None                 |



| <b>ORIGIN OF AUTHORITY</b>                  | <b>DEL. NO</b> | <b>AUTHORITY / POWER</b>  | <b>SUB DELEGATED</b> |
|---|----------------|---|----------------------|
| (2) dated 31 May 2022.                      |                | exceptional cases such as in the case of a disaster or emergency.   |                      |
| Council resolution A (2) dated 31 May 2022. | M 13           | Certifies payment claims from service providers in terms of financial delegations.  | None                 |
| Council resolution A (2) dated 31 May 2022. | M 14           | Conducts the shortlisting of suitable qualified and experienced candidates for post levels 7 – 19 In consultation with the General Manager: Corporate Services.   | None                 |
| Council resolution A (2) dated 31 May 2022. | M 15           | Establishes an informal Disciplinary hearing to conduct an enquiry in the event of misconduct by personnel that appears to be less serious.   | None                 |
| Council resolution A (2) dated 31 May 2022. | M 16           | Arbitrates grievances of personnel in the department.   | None                 |
| MFMA 65(2)(d)                               | M 17           | Decides on the reasonable steps be taken to ensure that payments by the Municipality are made directly the person to whom it is due unless agreed otherwise for reasons as may be prescribed, either electronically or by way of non-transferable cheques in consultation with the Chief Financial Officer.   | None                 |
| MFMA 116(2)(b)                              | M 18           | Monitors the performance of a contractor/service provider under a contract or an agreement with the Municipality on a monthly basis and report to the Municipal Manager.  | None                 |
| MFMA 116(2)(c)                              | M 19           | Determines the capacity that needs be established within the Municipality's administration to assist the Municipal Manager to enforce the provisions of a contract or agreement between the Municipality and a contractor and monitor the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis and report the Municipal Manager. | None                 |
| MFMA 69(3)(a)                               | M 20           | Prepares and submits a Service Delivery and Budget implementation Plan, annual draft budget, for the budget year in consultation with the Municipal Manager and the Executive Mayor.  | None                 |
| MFMA 75(1)                                  | M 21           | Ensures that the required documents are uploaded and available on the Municipality's website within five days after tabled in the Council or on the date on which it must be made public, whichever occurs first.   | None                 |
| Section 63(3) of the SPLUMA By-Law          | M 22           | Processes claims against the municipality for loss or damage that a person has allegedly suffered because of the closure of a public place.   | None                 |
| Council resolution A (2) dated 31           | M 23           | Delegates responsibilities and powers to Managers/supervisors in the Department   | None                 |

| <b>ORIGIN OF AUTHORITY</b>                  | <b>DEL. NO</b> | <b>AUTHORITY / POWER</b>   | <b>SUB DELEGATED</b> |
|---|----------------|--|----------------------|
| May 2022.                                   |                |  |                      |
| Council resolution A (2) dated 31 May 2022. | M 24           | Authorizes legal assistance for employees in the official execution of their duties subject to the following conditions:<br>(a) The person requiring assistance must be an official of Council who in his/her official capacity was exercising a legitimate duty.<br>(b) Such a person must be accused of a crime arising from the exercise or omission of his legitimate duty.<br>The official must also inform Council in writing. | None                 |
| Council resolution A (2) dated 31 May 2022. | M 25           | Settle Agreements of Loss in terms of short term insurance.  | None                 |
| Council resolution A (2) dated 31 May 2022. | M 26           | Amends the Insurance Portfolio by adding or removing assets.   | None                 |
| Council resolution A (2) dated 31 May 2022. | M 27           | Negotiates excess amounts pertaining to insured assets with the Insurance Broker and accept proposals from the Broker on behalf of Council.  | None                 |

## **AUDIT COMMITTEE**

### **ROLE**

The Audit Committee is constituted as a statutory committee of the Municipality in terms of statutory duties in terms of the provisions of section 166 of the Municipal Finance Management Act (No 56 of 2003), and a Committee of the Council in respect of all other duties assigned it by the Council.

The Audit Committee must add value Council's endeavours by ensuring that:

- 1) The best possible financial, administrative and technical systems are in place support management in their endeavours fulfil the vision and mission statements of Council.
- 2) Credible audit reports, which represent a true reflection of Council's performance in the delivery of services the community, in terms of the Integrated Development Plan. (IDP)
- 3) Credible audit reports in terms of Council's financial statements, internal control and the procurement of items and services.

### **RESPONSIBILITIES**

In terms of section 166 (1) of the MFMA, the Committee will advise and provide assurance and consulting services to Council, the Executive Mayor, political office-bearers and the Municipal Manager, on matters relating :

- 1) Functions of the Internal Audit Unit.

- 2) Internal Control Environment.
- 3) Carry out all resolutions of Council.
- 4) Internal financial control and internal audits.
- 5) Risk Management.
- 6) Accounting policies.
- 7) The adequacy, reliability and accuracy of financial reporting and information.
- 8) Performance Management.
- 9) Effective governance.
- 10) Compliance with the Municipal Finance Management act as well as the annual Division of Revenue Act and applicable National Treasury Circulars.
- 11) Applicable legislation and regulations.
- 12) Performance evaluation.
- 13) Any other issues referred to it by Council and the Municipal Manager.
- 14) Respond to Council on any issues raised by the Audit-General in the audit report.
- 15) Carry out any investigation in the financial affairs of the municipality on request of Council, the Municipal Public Accounts Committee and the Municipal Manager.
- 16) Council resolved item A (14) dated 25 November 2002, that the Committee would also take responsibility for the auditing of performance management in terms of section 166(1)(5) of the MFMA and the Municipal Planning and Performance Management Regulations.
- 16) Advise Council on the extent which the municipality's performance measures are reliable in measuring performance.
- 17) In terms of the auditing of systems, the Committee will advise Council on the standard of the financial, procurement and administrative systems in Council as well as making recommendations with regards to perceived shortcomings.
- 18) The Office of the Audit-General requires the Committee to ensure that the Internal Audit Unit performs its duties effectively and efficiently. The Committee will therefore advise Council on the standard of service pertaining the Internal Audit Unit.

**STATUTORY, ADMINISTRATIVE AND OPERATIONAL POWERS: AUDIT COMMITTEE**

| <b>ORIGIN OF AUTHORITY</b>                  | <b>DEL. NO</b> | <b>AUTHORITY / POWER</b>                                 |
|---|----------------|--|
| Council resolution A (2) dated 31 May 2022. | N 1            | Approves the risk based one year operational audit plan. |
| Council resolution A (2) dated 31           | N 2            | Approves the Internal Audit Charter.                     |

| <b>ORIGIN OF AUTHORITY</b>                  | <b>DEL. NO</b> | <b>AUTHORITY / POWER</b>   |
|---|----------------|--|
| May 2022.                                   |                |  |
| Council resolution A (2) dated 31 May 2022. | N 3            | Approves the Audit Committee Charter.  |
| Council resolution A (2) dated 31 May 2022. | N 4            | Approves the three year rolling plan.  |
| Council resolution A (2) dated 31 May 2022. | N 5            | Reviews the annual performance of the Internal Audit unit.   |
| Council resolution A (2) dated 31 May 2022. | N 6            | Advises the Municipal Manager pertaining to the possible recruitment, termination and transfer of the Chief Audit Executive.                               |
| Council resolution A (2) dated 31 May 2022. | N 7            | Reviews reports of the Chief Audit Executive and make recommendations to Executive Management, Municipal Manager and the Council.                          |
| Council resolution A (2) dated 31 May 2022. | N 8            | The Chairperson to after every meeting, compile and submit a report to the Speaker, who will table it before Council.                                      |
| Council resolution A (2) dated 31 May 2022. | N 9            | Review the Financial Statements and Performance Report of the Municipality and Provides advice to Executive Management, Municipal Manager and the Council. |
| Council resolution A (2) dated 31 May 2022. | N 10           | Provides an opinion to the Municipal Manager, Executive Mayor and Council pertaining standard of services to be rendered by the Internal Audit Unit.       |

## ***MBOMBELA PLANNING TRIBUNAL***

### **ROLE**

To provide city planning services in terms of relevant legislation.

### **RESPONSIBILITIES**

In terms of Section 35 of the Spatial Planning and Land Use Management Act (Act 16 of 2013), the municipality must establish a Municipal Planning Tribunal determine land use and development application within the municipal area.

The Municipal Planning Tribunal is authorised consider all land development applications where objections have been received and applications that are not consistent with Council's Spatial Development Framework (SDF).

**STATUTORY, ADMINISTRATIVE AND OPERATIONAL POWERS: MBOMBELA PLANNING TRIBUNAL**

| ORIGIN OF AUTHORITY   | DEL. NO | AUTHORITY / POWER   |
|---|---------|---|
| Council resolution A (2) dated 31 May 2022.   | M 1     | Considers all land development applications where objections have been received against an application that is consistent with Council's Spatial Development Framework.   |
| Council resolution A (2) dated 31 May 2022.   | M 2     | Evaluate all applications where objection/s or no objection/s have been received, but such application is not consistent with Council's Spatial Development Framework.  |
| Spatial Planning and Land Use Management Act, 16 of 2013 & Council Resolution A(5) of 21 August 2014  | M 3     | Decides or otherwise disposes of any application or matters pending before a tribunal (in terms of the Development Facilitation Act) at the commencement of the Spatial Planning and Land Use Management Act. In terms of Section 60(2) of the Act.   |
| Section 35 of SPLUMA read with Sections 44(1), 44(2), 45(2), 62, 45(6), 51(5), 53(1), 55(1), 61(1), 63(1), 64(1), 65(1), 66(1) of the SPLUMA By-Law | M 4     | <p>Considers, determines and sets out conditions for all Category 1 applications (applications which depart from the provisions of the Spatial Development Framework) subject to Section 42 of the Act, and subject further that the Tribunal may in terms of Section 22(2) depart from the provisions of the municipal Spatial Development Framework only if site-specific circumstances justify a departure from the provisions of the Spatial Development Framework.</p> <p>Refuses all applications inconsistent with the Spatial Development Framework where motivation for site-specific circumstances does not merit a departure from the provisions of the Spatial Development Framework.</p> <p>Considers, determines and sets out conditions for all opposed Category 2 applications (applications that are consistent with the provisions of the Spatial Development Framework).</p> |
| Section 98(2) of the SPLUMA By-Law  | M 5     | Condone an error in the procedure.  |
| Section 161(3) of the SPLUMA By-Law   | M 6     | Determines a zoning if the lawful zoning of the land contemplated in section 161(1) cannot be determined.   |
| Section 45(4) and Regulation 31 of  | M 7     | Grants Intervener status to a petitioner on a land development application.   |

| ORIGIN OF AUTHORITY                 | DEL. NO | AUTHORITY / POWER  |
|-------------------------------------|---------|--|
| SPLUMA                              |         |  |
| Section 112(1) of the SPLUMA By-Law | M 8     | Authority to withdraw and approval for consent use or temporary use. |

**CONCLUSION**

The System of Delegations is the design specifications of the vehicle that the municipality will use to reach all its IDP objectives within the prescribed period.

**APPROVAL**

The Governance Model/System of Delegations was approved by council vide item (2) dated 31 May 2022.

**LEGISLATIVE MANDATE AND OBJECTIVES OF LOCAL GOVERNMENT**

In terms of Section 152(1) of the Constitution of the Republic of South-Africa 1996, both local and district municipalities have the following objectives with regard to service delivery, of government related services: -

- (a) provide a democratic and accountable government for local communities;
- (b) ensure the provision of services communities in a sustainable manner;
- (c) promote social and economic development;
- (d) promote a safe and healthy environment; and
- (e) encourage the involvement of communities and community organizations in the matters of local government.

**MUNICIPAL FUNCTIONS**

In terms of Schedule 4(b) and 5(b), Section 156 and 229 of the Constitution, Local and District municipalities are mandated fulfil the following functions: -

***SCHEDULE 4 (B) OF THE CONSTITUTION***

- (a) Air pollution
- (b) Building regulations
- (c) Childcare facilities
- (d) Electricity and gas reticulation
- (e) Firefighting services
- (f) Local Tourism
- (g) Municipal airports
- (h) Municipal planning
- (i) Municipal Health Services
- (j) Municipal Public Transport
- (k) Municipal Public Works only in respect of the needs of municipalities in the discharge of their responsibilities administer functions specifically assigned them under this Constitution or any other law.
- (l) Storm water management systems in built up areas
- (m) Trading regulations
- (n) Water and sanitation services limited potable water supply systems and domestic wastewater and sewage disposal systems.

***SCHEDULE 5 (B) OF THE CONSTITUTION***

- (a) Billboards and display of advertisements
- (b) Cemeteries, funeral parlours and crematoria

- (c) Cleansing
- (d) Control of public nuisances
- (e) Control of undertakings that sell liquor the public
- (f) Facilities for accommodation, care and burial of animals
- (g) Fencing and fences
- (h) Licensing of dogs
- (i) Licensing and control of undertakings that sell food the public
- (j) Local amenities
- (k) Local sport facilities
- (l) Markets
- (m) Municipal Parks and Recreation
- (n) Municipal Roads
- (o) Noise Pollution
- (p) Pounds
- (q) Public places
- (r) Refuse removal, refuse dumps and solid waste disposal
- (s) Street trading
- (t) Street lighting
- (u) Traffic and parking
- (v) Municipal railway sidings

As there are more than one type of local government, note should be taken of the role and functions of the District Municipality as well as a Category C Municipality. In the case of a Category B municipality such as Mbombela Local Municipality, the Local Government Municipal Structures Act, (Act No. 117 of 1998) in Section 84(1), prescribes that:

- (1) A district municipality has the following functions and powers: -
  - (a) Integrated development planning for the district municipality as a whole, including a framework for integrated development plans for all municipalities in the area of the district municipality. This excludes Section 85(b) of the Municipal Structures Act, where it is stipulated that adjustments may not be made by the MEC.
  - (b) Potable water supply systems.
  - (c) Bulk supply of electricity, which includes for the purposes of such supply, the transmission, distribution and, where applicable, the generation of electricity.
  - (d) Domestic wastewater and sewage disposal systems.
  - (e) Solid waste disposal sites, in so far as it relates:-
    - (i) the determination of a waste disposal strategy;
    - (ii) the regulation of waste disposal;
    - (iii) the establishment, operation and control of waste disposal sites, bulk waste transfer facilities and waste disposal facilities for more than one local Municipality in the district.



- (f) Municipal roads, which form an integral part of a road, transport system for the area of the district municipality as a whole.
- (g) Regulation of passenger transport services.
- (h) Municipal airports serving the area of the district municipality as a whole.
- (i) Municipal health services.
- (j) Fire-fighting services serving the area of the district municipality as a whole, which includes:-
  - (i) planning, co-ordination and regulation of fire services;
  - (ii) specialized fire-fighting services such as mountain, veld and chemical fire services;
  - (iii) co-ordination of the standardization of infrastructure, vehicles, equipment and procedures;
  - (iv) training of fire officers.
- (k) The establishment conduct and control of fresh produce markets and abattoirs serving the area of a major proportion of the municipalities in the district.
- (l) The establishment conduct and control of cemeteries and crematoria serving the area of a major proportion of municipalities in the district.
- (m) Promotion of local Tourism for the area of the district municipality.
- (n) Municipal public works relating any of the above functions or any other functions assigned the district municipality.
- (o) The receipt, allocation and, if applicable, the distribution of grants made the district municipality.
- (p) The imposition and collection of taxes, levies and duties as related the above functions or as may be assigned the district municipality in terms of national legislation.

In terms of Section 84(3) of the Local Government Municipal Structures Act, the Minister may authorize a local municipality perform function or exercise a power as mentioned in sub sections:

- (b) the Minister must in the notice referred to in paragraph (a) regulate the legal, practical and other consequences of the authorization, which may include:-
  - (i) the transfer of staff;
  - (ii) the transfer of assets, liabilities, rights and obligations and administrative and other records; and
  - (iii) the continued application of any by-laws and resolutions in the area of the municipalities concerned and the extent of such application.
- (c) The Minister may:-
  - (i) amend a notice issued in terms of paragraph (a); and
  - (ii) regulate the legal, practical and other consequences of such amendment.
- (d) Whenever the Minister revokes an authorization envisaged by paragraph (a) the Minister must in the notice revoke that authorization regulate the legal, practical and other consequences of the revocation, which may include:-
  - (i) the transfer of staff;

- (ii) the transfer of assets, liabilities, rights, obligations and administrative and other records; and
- (iii) the continued application of any by-laws and resolutions in the area of the municipalities in question and the extent of such application.

In terms of Section 85(1) The MEC for local government in a province may, subject to the other provisions of this section, adjust the divisions of functions and powers between a district and a local municipality as set out in section 84(1) or (2) by allocating, within a prescribed policy framework, any of those functions or powers vested: -

- (a) in the local municipality, the district municipality; or
- (b) in the district municipality (excluding a function or power referred to in Section 84(1) (a), (b), (c), (d), (i), (o) or (p) the local municipality.

It is imperative that the City of Mbombela Local Municipality as well as Ehlanzeni District Municipality coordinate their respective functions minimize the possibility of duplication and wasteful expenditure.

### ***CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, ACT 108 OF 96***

Section 151(2) states that all executive and legislative authority of a Municipality is vested in its Municipal Council;

Section 156(1) determines that a Municipality has executive authority and has the right administer those matters listed in parts B of Schedules 4 and 5 of the Constitution;

Section 156(2) empowers the Council of a Municipality make and administer by-laws for effective governance and administration;

Section 156(5) determines that a Municipality also has the right exercise any power reasonable necessary for, or incidental the effective performance of its functions;

Section 160(1) provides for a Municipal council make decisions concerning the exercise of all its powers and performance of all its functions;

Section 160(2) determines that a Municipal council may not delegate any of the following functions:

- a) the passing of by-laws;
- b) the approval of budgets;
- c) the imposition of rates and other taxes, levies and duties;
- d) the raising of loans.

Section 195(1) of the Constitution requires the Council of a Municipality:

- a. ensure high standard of professional ethics;
- b. ensure the efficient, economic and effective use of resources;
- c. be development orientated;
- d. be impartial, fair, equitable and unbiased;
- e. be responsive people's needs;
- f. be transparent;
- g. have good human resource management, and
- h. be broadly representative of the South African people.

**LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 117 OF 1998.**

In terms of Section 19(2) of the act “A Municipal council must annually review the following:

- (a) the needs of the community;
- (b) priorities meet those needs;
- (c) processes for involving the community;
- (d) organisational and delivery mechanisms for meeting the needs of the community; and
- (e) overall performance in achieving the objectives referred to in subsection (1);
- (f) a Municipal council must develop mechanisms consult the community and community organizations in performing its functions and exercising its powers.

**LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 32 OF 2000**

1. it is stipulated in Section 12(2) of the act that: “A by-law must be made by a decision taken by a Municipal Council”. Section 25(1) of the act stipulates that: “Each municipal council must, within a prescribed period after the start of its elected term, adopt a single, inclusive and strategic plan for the development of the Municipality.”
2. Section 28(1) of the act stipulates that; “Each municipal council, within a prescribed period after the start of its elected term, must adopt a process set out in writing guide the planning, drafting, adoption and review of its integrated development plan.”
3. Section 34 states that: “A municipal council must review its integrated development plan:-
  - (i) annually in accordance with an assessment of its performance measurements in terms of section 4(i); and
  - (ii) the extent that changing circumstances so demand; and may amend its integrated development plan in accordance with a prescribed process.”
    - (d) Section 46(4) stipulates that “the municipality must adopt its annual report”
    - (e) Section 51(i) stipulates that; “the Municipal Manager be held accountable for the overall performance of the administration”
    - (f) Section 56(a) stipulates that; “A Municipal council, after consultation with the Municipal Manager, appoint a manager directly accountable the Municipal Manager.”
    - (g) Section 60(2) stipulates that; “The council may only delegate an Executive Committee or Executive Mayor, a Chief Financial Officer make decisions regarding investments on behalf of the Municipality within a policy framework determined by the Minister of Finance.”
    - (h) Section 66(1) stipulates that Council must approve a policy framework which the Municipal Manager must oblige in the approval of staff establishment.
    - (i) Section 74(1) stipulates that: “A Municipal Council must adopt and implement a tariff policy on the levying of fees for Municipal services provided by the Municipality itself or by way of service delivery agreements, and which complies with the provisions of this Act and with any other applicable legislation.”
    - (j) Section 81(3) of the act stipulates that: “The Municipal Council has the right set, review or adjust tariffs within its tariff policy. The service delivery agreement may

provide for the adjustment of tariffs by the service provider within the limitations set by the Municipal council.”

#### **20.4 LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT (MFMA) NO. 56 OF 2003**

With regards annual budgets it is stipulated in Section 16(1) that: “The council of a Municipality must for each financial year approve an annual budget for the Municipality before the start of that financial year.” It is stipulated in Section 21(1) that: “The Municipal Council must at least 30 days before the start of the budget year, consider the approval of the annual budget.”

With regard to annual reports, it is stipulated in Section 129(1) that: “The council of a Municipality must consider the annual report of the Municipality and of any Municipal entity under the Municipality’s sole or shared control, and by no later than two months from the date on which the annual report was tabled in the council in terms of Section 127, adopt an oversight report containing the council’s comments on the annual report, which must include a statement whether the council has:-

- (a) approved the annual report with or without reservations;
- (b) rejected the annual report; or
- (c) referred to the report

In terms of this municipality, a Governance Model should facilitate the effective execution of all the above-mentioned services.

In order expedite decision making, a system of delegated powers is essential. It is for this reason that certain proposed delegated powers for every role player in the political environment are included in this document.

#### **PRIORITIES OF GOVERNMENT**

Besides the objectives of local government as per the Constitution, municipalities should also strive towards the realization of the priorities of the national and provincial government.

The current national priorities are:

1. Job creation and local economic development.
2. Combating of crime and corruption.
3. Education.
4. Health.
5. Rural development and land reform.

#### **STRATEGIC OBJECTIVES OF THE MUNICIPALITY**

In terms of the Integrated Development Plan (IDP) the following strategic objectives are applicable:

1. build strong and sustainable governance and institutional structures and arrangements.
2. ensure sound and legally financial management and viability.
3. strengthen the delivery of basic services and ensure sustained infrastructure development.
4. redefine strategic macro leadership and coordination structures involving the Local, District, Provincial and National Government.
5. initiate a strong and sustainable Local/Regional Economic Development Potential.
6. formulate a broad over-arching human capital development.

## **FLAGSHIP PROGRAMMES**

1. Ensuring a sustainable, integrated infrastructure development and basic services provision.
  2. Deepening democracy, promoting good governance, Batho Pele, building and strengthening partnerships and social cohesion.
  3. Facilitating the creation of a smart, innovative & learning city lab as well as an information and knowledge management repository.
  4. Creating a vibrant, safe, clean, healthy and friendly city environment.
  5. Development of International Conference Centre around the stadium precinct.
  6. Establishment of a Marula Factory.
  7. Ensuring that all communities have access tap water, develop a long-term solution resolve the water supply challenges.
  8. Innovative methods/strategy finance bulk infrastructure in electricity, water and sanitation across the municipality.
  9. Open municipality tenders all and dramatically increase the numbers of small firms that do business with the municipality.
  10. Introduce an Accounts Payment Incentive Scheme encourage payment of rates and services.
  11. Establishment of a functional call centre improve customer care.
  12. Establishment of a sport academy enhance excellence in sports.
  13. Rezone and setting up of residential stands in certain farms around Mbombela and White River.
  14. Establishment of the International Convention Centre (ICC).
-

**LEGISLATIVE MANDATE OF THE SPEAKER**

A Speaker is appointed in terms of Section 36(1) of the Local Government Structures Act. In terms of Section 29(1) of the Act; “The speaker of a Municipal Council decides when and where the Council meets subject to Section 18(2) but if a majority of the Councillors requests the speaker in writing, convene a Council meeting, the speaker must convene a meeting at a time set out in the request.”

In terms of Section 37 of the Act, the speaker of a Municipal Council:-

- (a) Presides at meetings of Council;
  - (b) Perform the duties and exercises the powers delegated the speaker in terms of Section 32(3)(a) of the Structures Act which stipulates that: “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 a committee or functional in consequence of a delegation or instruction, and either confirm, vary or revoke the decision subject to any vested rights: and may require its executive committee or Executive Mayor co-ordinate or review any decision taken by a committee or functionary in consequence of a delegation or instruction.
  - (c) Must ensure that Council meets on a quarterly basis;
  - (d) Must maintain order during meetings;
  - (e) Must ensure compliance in Council and Council Committees in accordance with the Code of Conduct as set out in Schedule 5; and
  - (f) Must ensure that Council meetings are conducted in accordance with the rules and orders of Council.
  - (g) Act as “Chair of Chair” at every first meeting of the Chairpersons of all Section 79 Committees, after local government elections or in the event of the reshuffling of the Chairpersons Committee.
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## ANNEXURE C

### LEGISLATIVE BASIS FOR THE FUNCTION AND RESPONSIBILITIES/POWERS OF THE EXECUTIVE MAYOR OR ACTING EXECUTIVE MAYOR

#### A. LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 117 OF 1998.

- a. The Executive Mayor is elected in terms of section 55 of the act. In terms of Section 56(1) of the Act, the functions and powers of the Executive Mayor are as follows:
- b. "An Executive Mayor is entitled receive reports from committees of the Municipal council and forward these reports together with a recommendation the council when the matter cannot be disposed of by the Executive Mayor in terms of the Executive Mayors delegated powers.

(2) The Executive Mayor must:-

- (a) Identify the needs of the Municipality.
- (b) Review and evaluate those needs in order of priorities.
- (c) Recommend the Municipal Council strategies, programmes and services address priority needs through the Integrated Development Plan, and the estimates of revenue and expenditure.
- (d) National and Provincial Development Plans and recommend or determine the best way. Including partnership and other approaches, deliver those strategies: programmes and services the maximum benefit of the community.

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

- (a) Identify and develop criteria in terms of which progress in the implementation of the strategies. Programmes and services referred to in subsection (2)(c) can be evaluated. Including key performance indicators which are specific the Municipality and common local government in general: evaluate progress against the key performance indicators.

Review the performance of the Municipality in order improve:-

- (i) The economy, efficiency and effectiveness of the municipality;
- (ii) The efficiency of credit control and revenue and debt collection services; and
- (iii) The implementation of the municipality's by-laws:

Monitors the management of the municipality's administration in accordance with the directions of the Municipal Council:

1. oversee the provision of services communities of the municipality in a sustainable manner.
2. Perform such duties and exercise such powers as the council may delegate the Executive Mayor in terms of Section 32.
3. Annually report on the involvement of communities and community organisations in the affairs of the municipality and ensure that regard is given public views and report on the effect of consultation on the decisions of the Council.
4. An Executive Mayor must perform a ceremonial role as the Municipal Council may determine.
5. An Executive Mayor must report the Municipal Council on all decisions taken by the Executive Mayor.

6. The Deputy Executive Mayor of a Municipality exercises the powers and performs the duties of the Executive Mayor if the Executive Mayor is absent or not available or if the office of the Executive Mayor is vacant.

#### **LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 32 OF 2000**

In terms of Section 30 of the act the Executive Mayor must:-

- (a) Manage the drafting of the Municipality's Integrated Development Plan.
- (b) Assign responsibilities in this regard the Municipal Manager.
- (c) Submit the draft plan the Municipal Council for adoption by the Council.

In terms of Section 39 of the Act, the Executive Mayor must:-

- (d) Manage the development of the Municipality's Performance Management System;
- (e) assign responsibilities in this regard the Municipal Manager, and
- (f) Submit the proposed system the Municipal Council for adoption.

According Section 57(2)(b) of the Act, the Executive Mayor must consider the Employment Contract of the Municipal Manager.

In terms of Section 60(1)(a)(b) of the Act the following powers may be delegated by Council the Executive Mayor:

- (a) Decisions expropriate immovable property or rights in or immovable property; and
- (b) The determination or alteration of the remuneration, benefits or other conditions of service of the Municipal Manager or Managers directly responsible the Municipal Manager."

In terms of Section 60(2) of the Act, Council may also delegate decisions make investments on behalf of council, the Executive Mayor.

In terms of Section 62 the Executive Mayor must also act as an appeal authority if a person/official, objects against a decision taken by the Municipal Manager.

In terms of Section 99 of the Act, the Executive Mayor must:-

Oversee and monitor:-

- (i) the implementation and enforcement of the Municipality's Credit Control and Debt Collection Policy and any By-laws enacted in terms of Section 98; and
- (ii) the performance of the Municipal Manager in implementing the policy and any by-laws when necessary, evaluate or review the policy and any By-laws or the implementation of the policy and any such by-laws, in order improve efficiency of its credit control and debt collection mechanisms, processes and procedures and at such intervals as may be determined by the Council report a meeting of the Council, except when the Council itself performs the duties mentioned in paragraphs (i) and (ii).

#### **LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT (MFMA) NO. 56 OF 2003**

In terms of the budget preparation process, it is stipulated in Section 21 of the Act that the Mayor of a municipality must:-

- (1) Co-ordinate the processes for preparing the annual budget and for reviewing the Municipality's Integrated Development Plan and budget related policies to ensure that the tabled budget and any revisions of the integrated development plan and budget-related policies are mutually consistent and credible.

With regards non-compliance of the MFMA in terms of budgets, it is stipulated in Section 27 that the Mayor of a Municipality must upon becoming aware of any impending non-



compliance by the Municipality of any provisions of this Act or any other legislation pertaining the tabling or approval of an annual budget or compulsory consultation processes, inform the Member of the Executive Council (MEC) for finance in the province in writing of such impending non-compliance.

It is also stipulated in Section 27(3) that the Mayor of a Municipality must upon becoming aware of any actual non-compliance by the Municipality of a provision of this Chapter, inform the council, the MEC for finance and the National Treasury, in writing of:-

- (a) such non-compliance; and
- (b) any remedial or corrective measures the Municipality intends implement avoid a recurrence.

In reference all unforeseen and unavoidable expenditure that may arise within the Municipality, Section 29(1) states that the Mayor of a Municipality may in emergency or other exceptional circumstances authorise unforeseeable and unavoidable expenditure for which no provision was made in an approved budget.

In terms of general responsibilities, Section 52 of the Act states that the Executive Mayor of a Municipality:-

- (a) must provide general political guidance over the fiscal and financial affairs of the Municipality;
- (b) in providing such general political guidance, may monitor and the extent provided in this Act, oversee the exercise of responsibilities assigned in terms of this Act the Accounting Officer and the Chief Financial Officer, but may not interfere in the exercise of those responsibilities;
- (c) Must take all reasonable steps to ensure that the Municipality performs its constitutional and statutory functions within the limits of the Municipality's approved budget;
- (d) must, within 30 days of the end of each quarter, submit a report the council on the implementation of the budget and the financial state of affairs of the Municipality; and
- (e) Must exercise the other powers and perform other duties assigned the Executive Mayor in terms of this Act or delegated by the Council the Executive Mayor.

In accordance with the budget process and all other related matters of the Municipality, it is stated in Section 53 that the Executive Mayor of a Municipality must:

- (a) provide general political guidance over the budget process and the priorities that must guide the preparation of a budget;
- (b) co-ordinate the annual revision of the Integrated Development Plan in terms of Section 34 of the Municipal Systems Act and the preparation of the annual budget, and determine how the Integrated Development Plan is be taken in account or revised for the purposes of the budget; and
- (c) take all reasonable steps to ensure:-
  - (i) that the Municipality approves its annual budget before the start of the budget year;
  - (ii) that the Municipality's service delivery and Budget Implementation Plan is approved by the Executive Mayor within 28 days after the approval of the budget; and
  - (iii) that the annual performance agreements as required in terms of Section 57(1)(b) of the Municipal Systems Act for the Municipal Manager and all Senior Managers.
  - (iv) comply with this Act in order promote sound financial management;

- (v) are linked the measurable performance objectives approved with the budget and the service delivery and budget implementation plan; and
  - (vi) are concluded in accordance with Section 57(2) of the Municipal Systems Act.
- (2) The Executive Mayor must promptly report the Municipal Council and the MEC for Finance in the province any delay in the tabling of an annual budget, the approval of the service delivery and Budget Implementation Plan or the signing of the annual performance agreements.
- (3) The Executive Mayor must ensure:-
- (a) that the revenue and expenditure projections for each month and the service delivery targets and performance indicators for each quarter as set out in the service delivery and Budget Implementation Plan, are made public no later than 14 days after the approval of the service delivery and Budget Implementation Plan; and
  - (b) that the performance agreements of the Municipal Manager, Senior Managers and any other categories of officials as may be prescribed are made public no later than 14 days after the approval of the Municipality's service delivery and Budget Implementation Plan. Copies of such performance agreements must be submitted the Council and the MEC for local government in the province.
- (4) Due Budgetary control and early identification of financial problems, Section 54(1) states that: "On receipt of a statement or report submitted by the Accounting Officer of the Municipality in terms of Section 71 or 72, the Executive Mayor must:-
- (a) consider the statement or report;
  - (b) check whether the Municipality's approved budget is implemented in accordance with the service delivery and Budget Implementation Plan;
  - (c) consider and, if necessary, make any revisions the Service Delivery and Budget Implementation Plan, provided that revisions the service delivery targets and performance indicators in the plan may only be made with the approval of the council following approval of an adjustments budget;
  - (d) Issue any appropriate instructions the Accounting Officer to ensure:-
    - (i) that the budget is implemented in accordance with the Service Delivery and Budget Implementation Plan; and
    - (ii) that spending of funds and revenue collection proceed in accordance with the budget.
  - (e) Identify any financial problems facing the Municipality, including any emerging or impending financial problems; and
  - (f) In the case of a Section 72 report, submit the report the Council by 31 January of each year.
- (2) If the Municipality faces any serious financial problems, the Executive Mayor must:-
- (a) Promptly respond and initiate any remedial or corrective steps proposed by the Accounting Officer deal with such problems, which may include:-
    - (i) steps reduce spending when revenue is anticipated be less than projected in the Municipality's approved budget;
    - (ii) the tabling of an adjustments budget; or
    - (iii) steps in terms of Chapter 13; and

- (b) alert the council and the MEC for local government in the province those problems.
  - (3) The Executive Mayor must ensure that any revisions of the Service Delivery and Budget Implementation Plan are made public promptly.
-

## ANNEXURE D

### LEGISLATIVE BASIS FOR THE FUNCTION AND RESPONSIBILITIES/ POWERS OF THE MAYORAL COMMITTEE

The Mayoral Committee can be appointed in terms of Section 60(1) of the Structures Act, which stipulates that if a Municipal Council has more than nine members, it's Executive Mayor:-

1. must appoint a Mayoral Committee from among the Councillors assist the Executive Mayor;
  2. may delegate specific responsibilities each member of the Committee;
  3. may delegate any of the Executive Mayor's powers to the respective members;
  4. may dismiss a member of the Mayoral Committee.
  5. The Mayoral Committee must consist of the Executive Deputy Mayor (if any) and as many Councillors as may be necessary for effective and efficient government, provided that no more than 20 per cent of the Councillors or 10 Councillors, whichever is the least are appointed.
  6. Those of the Executive Mayor's powers and functions as may be designated by the Municipal Council must be exercised and performed by the Executive Mayor together with the other members of the Mayoral Committee.
  7. The members of a Mayoral Committee remain in office subject to subsection (5) and Section 26, for the term of the Executive Mayor who appointed them.
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## ANNEXURE E

### LEGISLATIVE BASIS FOR SECTION 80 EXECUTIVE COMMITTEES

It is stipulated in Section 80 of the Structures Act that: "If a Municipal council has an Executive Committee or Executive Mayor, it may appoint committees of Councillors assist the Executive Committee or Executive Mayor.

- (a) Such Committees may not exceed the number of members of the Mayoral Committee.
  - (b) The Executive Committee or Executive Mayor appoints a chairperson for each committee from the Mayoral Committee and may delegate any powers and duties of the Executive Mayor the committee:
  - (c) Is not divested of the responsibility concerning the exercise of the power or the performance of the duty: and
  - (d) may vary or revoke any decision taken by a committee. Subject to any vested rights.
  - (e) Such a committee must report the Executive Mayor in accordance with the directives of the Executive Committee or Executive Mayor.
-

## ANNEXURE F

### LEGISLATIVE MANDATE OF THE MUNICIPAL MANAGER: MUNICIPAL SYSTEMS ACT, NO. 32 OF 2000 AND REGULATIONS

#### Section 55: Municipal Managers

As the head of administration, the Municipal Manager of a municipality is, subject to the policy directions of the municipal council, responsible and accountable for:-

- (a) the formation and development of an economical, effective, efficient and accountable administration: -
  - (i) equipped carry out the task of implementing the municipality's integrated development plan and Service Delivery Budget Implementation Plan (SDBIP) in accordance with Chapter 5;
  - (ii) operating in accordance with the municipality's performance management system in accordance with Chapter 6; and
  - (iii) responsive the needs of the local community participate in the affairs of the municipality;
- (b) the management of the municipality's administration in accordance with this Act and other legislation applicable to the municipality;
- (c) the implementation of the municipality's integrated development plan and the monitoring of progress regarding implementation of the plan;
- (d) the management of the provision of services the local community in a sustainable and equitable manner;
- (e) the appointment of staff other than those referred to in Section 56(a), subject to the Employment Equity Act, 1998 (Act No. 55 of 1998) as from level 1 – 3 and Acting appointments from level 4 – 18 be done by General Managers in collaboration with administrative support of Corporate Services;
- (f) the management, effective utilization and training of staff;
- (g) the maintenance of discipline of staff;
- (h) the promotion of sound labour relations and compliance by the municipality with applicable labour legislation;
- (i) advising the political structures and political office bearers of the municipality;
- (j) managing communications between the municipality's administration and its political structures and political office bearers;
- (k) carrying out the decisions of the political structures and political office bearers of the municipality;
- (l) the administration and implementation of the municipality's by-laws and other legislation;
- (m) the exercise of any powers and the performance of any duties delegated by the municipal council, or sub-delegated by other delegating authorities of the municipality, to the Municipal Manager in terms of Section 59;
- (n) facilitating participation by the local community in the affairs of the municipality;
- (o) developing and maintaining a system whereby community satisfaction with municipal services is assessed;
- (p) the implementation of national and provincial legislation applicable to the municipality; and
- (q) the performance of any other function that may be assigned by the municipal council.

- (r) As accounting officer of the municipality the Municipal Manager is responsible and accountable for:-
- (a) all income and expenditure of the municipality;
  - (b) all assets and the discharge of all liabilities of the municipality; and
  - (c) proper and diligent compliance with regard to the Municipal Finance Management Act.

The Municipal Manager is responsible for the conclusion of Performance Agreements with regard to General Managers.

With regard to the staff establishment, the Municipal Manager must within an approved Policy Framework:

- approve a staff establishment for the municipality;
- provide a job description for each post on the staff establishment;
- attach those posts the remuneration and other conditions of service as may be determined in accordance with any applicable labour legislation and General Manager's in consultation with the MMC: Corporate Services; and establish a mechanism regularly evaluate the staff establishment and if necessary, review the staff establishment and the remuneration and conditions of service.

## **MUNICIPAL FINANCE MANAGEMENT ACT, NO. 56 OF 2003**

### **Section 10: Control of Municipal Bank Accounts**

- (1) The accounting officer of a municipality:-
- (a) must administer all the municipality's bank accounts, including a bank account referred to in Section 12 or 48(2)(d);
  - (b) is accountable the municipal council for the municipality's bank accounts; and
  - (c) must enforce compliance with Sections 7, 8 and 11.
- (2) The accounting officer may delegate the duties referred to in subsection (1)(c) the municipality's chief financial officer only.

### **Section 11: Withdrawals from Municipal Bank Accounts**

- (1) Only the accounting officer or the chief financial officer of a municipality, or any other senior financial official of the municipality acting on the written authority of the accounting officer, may withdraw money or authorize the withdrawal of money from any of the municipality's bank accounts, and may do so only:-
- (a) defray expenditure appropriated in terms of an approved budget;
  - (b) defray expenditure authorized in terms of Section 26(4);
  - (c) defray unforeseeable and unavoidable expenditure authorized in terms of Section 29(1);
  - (d) in the case of a bank account opened in terms of section 12, make payments from the account in accordance with subsection (4) of that section;
  - (e) pay over a person or organ of state money received by the municipality on behalf of that person or organ of state, including:-
    - (i) money collected by the municipality on behalf of that person or organ of state by agreement; or
    - (ii) any insurance or other payments received by the municipality for that person or organ of state;

- (f) refund money incorrectly paid in a bank account;
  - (g) refund guarantees, sureties and security deposits;
  - (h) for cash management and investment purposes in accordance with section 13;
  - (i) defray increased expenditure in terms of section 31; or
  - (j) for such other purposes as may be prescribed.
- (2) Any authorization in terms of subsection (1) a senior financial officer withdraw money or authorize the withdrawal of money from a bank account must be in accordance with a framework as may be prescribed. The accounting officer may not authorize any official other than the chief financial officer withdraw money or authorize the withdrawal of money from the municipality's primary bank account if the municipality has a primary bank account which is separate from its other bank accounts.

### **Section 22: Publication of Annual Budgets**

Immediately after an annual budget is tabled in a municipal council, the accounting officer of the municipality must:-

- (a) in accordance with Chapter of the Municipal Systems Act:-
  - (i) make public the annual budget and the documents referred to in Section 17(3), and
  - (ii) invite the local community submit representations in connection with the budget; and
- (b) submit the annual budget:-
  - (i) in both printed and electronic formats the National Treasury and the relevant Provincial Treasury; and
  - (ii) in either format any prescribed national or provincial organs of state and other municipalities affected by the budget.

### **Section 24: Approval of Annual Budgets**

- (3) The accounting officer of a municipality must submit the approved annual budget National Treasury and the relevant provincial treasury.

### **Section 32: Unauthorised, Irregular or Fruitless and Wasteful Expenditure**

- (4) The accounting officer must promptly inform the Mayor, the MEC for Local Government in the province and the Audit-General, in writing, of:-
  - (a) any unauthorised, irregular or fruitless and wasteful expenditure incurred by the municipality;
  - (b) whether any person is responsible or under investigation for such unauthorized, irregular or fruitless and wasteful expenditure; and
  - (c) the steps that have been taken:-
    - (i) recover or rectify such expenditure; and
    - (ii) prevent a recurrence of such expenditure.
- (6) The accounting officer must report the South African Police Services all cases of alleged:-
  - (a) Irregular expenditure that constitute a criminal offence; and
  - (b) Theft and fraud that occurred in the municipality.

### **Section 60: Municipal Managers be Accounting Officers**



The Municipal Manager of a municipality is the accounting officer of the municipality for the purposes of this Act, as accounting officer, must:-

- (a) Exercise the functions and powers assigned an accounting officer in terms of the Act; and
- (b) Provide guidance and advice on compliance with this Act :-
  - (i) the political structures, political office bearers and officials of the municipality; and
  - (ii) Any municipal entity under the sole or shared control of the municipality.

### **Section 61: Fiduciary Responsibilities of Accounting Officer:-**

- (1) The accounting officer of a municipality must:-
  - (a) Act with fidelity, honesty, integrity and in the best interests of the municipality in managing its financial affairs;
  - (b) Disclose to the municipal council and the executive mayor all material facts which are available to the accounting officer or reasonably discoverable, and which in any way might influence the decisions or actions of the council or the executive mayor; and
  - (c) Seek, within the sphere of influence of the accounting officer, to prevent any prejudice to the financial interests of the municipality.
- (2) An accounting officer may not:-
  - (a) act in a way that is inconsistent with the duties assigned accounting officers of municipalities in terms of this Act; or
  - (b) Use the position or privileges of, or confidential information obtained as accounting officer for personal gain or to improperly benefit another person.

### **Section 62: General Financial Management Function**

- (1) The accounting officer of a municipality is responsible for managing the financial administration of the municipality, and must for this purpose take all reasonable steps to ensure:-
  - (a) That the resources of the municipality are used effectively, efficiently and economically;
  - (b) That full and proper records of the financial affairs of the municipality are kept in accordance with any prescribed norms and standards;
  - (c) That the municipality has and maintains effective, efficient and transparent systems:-
    - (i) Of financial, risk management and internal control; and
    - (ii) Of internal audit operating in accordance with any prescribed norms and standards;
  - (d) That unauthorized, irregular or fruitless and wasteful expenditure (Section 32 of the MFMA) and other losses are prevented;
  - (e) that disciplinary or, when appropriate, criminal proceedings are instituted against any official of the municipality, who has allegedly committed an act of financial misconduct or an offence in terms of Chapter 15; and
  - (f) That a municipality has and implements: -
    - i. a tariff policy referred to in Section 74 of the Municipal Systems Act;
    - ii. a rates policy as may be required in terms of any applicable national legislation;

- iii. a credit control and debt collection policy referred to in Section 96(b) of the Municipal Systems Act; and
  - iv. A Supply Chain Management Policy in accordance with Chapter 11.
- (2) The accounting officer is responsible for and must account for all bank accounts of the municipality, including any bank account opened for:-
- (a) Any relief, charitable, trust or other fund set up by the municipality in terms of section 12; or
  - (b) A purpose referred to in section 48 (2) (d).

**Section 64. Revenue Management**

- (1) The accounting officer of a municipality is responsible for the management of the revenue of the municipality.
- (2) The accounting officer must for the purposes of subsection (1) take all reasonable steps to ensure:-
- (a) that the municipality has effective revenue collection systems consistent with Section 95 of the Municipal Systems Act and the municipality's credit control and debt collection policy;
  - (b) That revenue due the municipality is calculated on a monthly basis;
  - (c) that accounts for municipal tax and charges for municipal services are prepared on a monthly basis, or less often as may be prescribed where monthly accounts are uneconomical;
  - (d) that all money received is promptly deposited in accordance with this Act in the municipality's primary and other bank accounts;
  - (e) that the municipality has and maintains a management, accounting and information system which: -
    - (i) recognizes revenue when it is earned;
    - (ii) accounts for debtors; and
    - (iii) accounts for receipts of revenue;
  - (f) That the municipality has and maintains a system of internal control in respect of debtors and revenue, as may be prescribed;
  - (g) that the municipality charges interest on arrears, except where the council has granted exemptions in accordance with its budget-related policies and within prescribed framework; and
  - (h) that all revenue received by the municipality, including revenue received by any collecting agent on its behalf, is reconciled at least on a weekly basis.
- (3) The accounting officer must immediately inform National Treasury of any payments due by an organ of state the municipality in respect of municipal tax or for municipal services, if such payments are regularly in arrears for periods of more than 30 days.
- (4) The accounting officer must take all reasonable steps to ensure: –
- (a) That any funds collected by the municipality on behalf of another organ of state is transferred that organ of state at least on a weekly basis; and
  - (b) That such funds are not used for purposes of the municipality.

## **Section 65: Expenditure Management**

- (1) The accounting officer of a municipality is responsible for the management of the expenditure of the municipality.
- (2) The accounting officer must for the purpose of subsection (1) take all reasonable steps to ensure:-
  - (a) That the municipality has and maintains an effective system of expenditure control, including procedures for the approval, authorisation, withdrawal and payment of funds;
  - (b) That the municipality has and maintains a management, accounting and information system which: -
    - (i) recognizes expenditure when it is incurred;
    - (ii) Accounts for creditors of the municipality; and
    - (iii) accounts for payments made by the municipality;
  - (c) That the municipality has and maintains a system of internal control in respect of creditors and payments;
  - (d) That payments by the municipality are made: -
    - (i) Directly the person whom it is due unless agreed otherwise for reasons as may be prescribed; and
    - (ii) Either electronically or by way of non-transferable cheques, provided that cash payments and payments by way of cash cheques may be made for exceptional reasons only, and only up a prescribed limit;
  - (e) that all money owing by the municipality be paid within 30 days of receiving the relevant invoice or statement, unless prescribed otherwise for certain categories of expenditure;
  - (f) That the municipality complies with its tax, levy, duty, pension, medical aid, audit fees and other statutory commitments;
  - (g) that any dispute concerning payments due by the municipality another organ of state is disposed of in terms of legislation regulating disputes between organs of state;
  - (h) That the municipality's available working capital is managed effectively and economically in terms of the prescribed cash management and investment framework;
  - (i) that the municipality's Supply Chain Management Policy referred to in Section 111 is implemented in a way that is fair, equitable, transparent, competitive and cost-effective; and
  - (j) That all financial accounts of the municipality are closed at the end of each month and reconciled with its records.

## **Section 66: Expenditure on Staff Benefits**

The accounting officer of a municipality must, in a format and for periods as may be prescribed, report council on all expenditure incurred by the municipality on staff salaries, wages, allowances and benefits, and in a manner that discloses such expenditure per type of expenditure, namely: -

- (a) Salaries and wages;
- (b) Contributions for pensions and medical aid;
- (c) Travel, motorcar, accommodation, subsistence and other allowances;
- (d) Housing benefits and allowances;

- (e) Overtime payments;
- (f) Loans and advances; and
- (g) Any other type of benefit or allowance related staff.

### **Section 67: Funds Transferred Organisations and Bodies Outside Government**

- (1) Before transferring funds of the municipality an organization or body outside any sphere of government otherwise than in compliance with a commercial or other business transaction, the accounting officer must be satisfied that the organization or body:-
  - (a) Has the capacity and has agreed:-
    - (i) comply with any agreement with the municipality;
    - (ii) For the period of the agreement comply with all reporting, financial management and auditing requirements as may be stipulated in the agreement;
    - (iii) report at least monthly the accounting officer on actual expenditure against such transfer; and
    - (iv) submit its audited financial statements for its financial year for the accounting officer promptly;
  - (b) Implements effective, efficient and transparent financial management and internal control systems guard against fraud, theft and financial mismanagement; and
  - (c) Has in respect of previous similar transfers complied with all the requirements of this section.
- (2) If there has been a failure by an organization or body comply with the requirements of subsection (1) in respect of a previous transfer, the municipality may despite subsection (1)(c) make a further transfer that organization or body provided that:-
  - (a) Subsection (1)(a) and (b) is complied with; and
  - (b) The relevant provincial treasury has approved the transfer.
- (3) The accounting officer must through contractual and other appropriate mechanisms enforce compliance with subsection (1).
- (4) Subsection (1)(a) does not apply an organization or body serving the poor or used by government as an agency serve the poor, provided:-
  - (a) That the transfer does not exceed a prescribed limit; and
  - (b) That the accounting officer:-
    - (i) Takes all reasonable steps to ensure that the targeted beneficiaries receive the benefit of the transferred funds; and
    - (ii) Certifies the Audit-General that compliance by that organization or body with subsection (1)(a) is uneconomical or unreasonable.

### **Section 68: Budget preparation**

The accounting officer of a municipality must:-

- (a) assist the Mayor in performing the budgetary functions assigned the Mayor in terms of Chapters 4 and 7; and
- (b) Provide the Mayor with the administrative support, resources and information necessary for the performance of those functions.

### **Section 69: Budget Implementation**

- (1) The accounting officer of a municipality is responsible for implementing the municipality's approved budget, including taking all reasonable steps to ensure:-
  - (a) that the spending of funds is in accordance with the budget and is reduced as necessary when revenue is anticipated be less than projected in the budget or in the service delivery and budget implementation plan; and
  - (b) That revenue and expenditure are properly monitored.
- (2) When necessary, the accounting officer must prepare an adjustment budget and submit it the mayor for consideration and tabling in the municipal council.
- (3) The accounting officer must no later than 14 days after the approval of an annual budget submit the mayor:-
  - (a) A draft service delivery and budget implementation plan for the budget year; and
  - (b) Drafts of the annual performance agreements as required in terms of Section 57(1)(b) of the Municipal Systems Act for the Municipal Manager and all senior managers.

### **Section 70: Impending Shortfalls, Overspending and Overdrafts**

- (1) The accounting officer of a municipality must report in writing the municipal council:-
  - (a) Any impending:-
    - (i) Shortfalls in budgeted revenue; and
    - (ii) Overspending of the municipality's budget; and
  - (b) Any steps taken prevent or rectify such shortfalls or overspending.
- (2) If a municipality's bank account, or if the municipality has more than one bank account, the consolidated balance in those bank accounts, shows a net overdraw position for a period exceeding a prescribed period, the accounting officer of the municipality must promptly notify the National Treasury in the prescribed format of:-
  - (a) The amount by which the account or accounts are overdrawn;
  - (b) The reasons for the overdrawn account or accounts; and
  - (c) The steps taken or be taken correct the matter.
- (3) When determining the net overdrawn position for purposes of subsection (2), the accounting officer must exclude any amounts reserved or pledged for any specific purpose or encumbered in any other way.

### **Section 71: Monthly Budget Statements**

The accounting officer of a municipality must by not later than 10 working days after the end of each month submit the Executive Mayor of the municipality and the relevant provincial treasury a statement in the prescribed format on the state of the municipality's budget.

### **Section 72: Mid-year Budget and Performance Assessment**

- (1) The accounting officer of a municipality must by 25 January of each year:-
  - (a) Assess the performance of the municipality during the first half of the financial year, taking in account:-
    - (i) Monthly statements referred to in Section 71 for the first half of the financial year;

- (ii) The municipality's service delivery performance during the first half of the financial year, and the service delivery targets and performance indicators set in the service delivery and budget implementation plan;
  - (iii) The past year's annual report, and progress on resolving problems identified in the annual report; and
  - (iv) the performance of every municipal entity under the sole or shared control of the municipality, taking in account reports in terms of section 88 from any such entities; and
- (b) Submit a report on such assessment :-
- (i) The mayor of the municipality;
  - (ii) The National Treasury; and
  - (iii) The relevant provincial treasury.
- (2) The accounting officer must, as part of the review:-
- (a) Make recommendations as whether an adjustment budget is necessary; and
  - (b) Recommend revised projections for revenue and expenditure the extent that this may be necessary.

### **Section 73: Reports on Failure Adopt or Implement budget Related and Other Policies**

The accounting officer must inform the provincial treasury, in writing, of:-

- (a) Any failure by the council of the municipality adopt or implement a budget-related policy or a supply chain management policy referred to in Section 111; or
- (b) Any non-compliance by a political structure or office-bearer of the municipality with any such policy.

### **Section 74: General Reporting Obligation**

- (1) The accounting officer of a municipality must submit the National Treasury, the provincial treasury, the department for local government in the province or the Audit-General such information, returns, documents, explanations and motivations as may be prescribed or as may be required.
- (2) If the accounting officer of a municipality is unable comply with any of the responsibilities in terms of this Act, he or she must promptly report the inability, together with reasons, the mayor and the provincial treasury.

### **Section 75: Information be Placed on Websites of Municipalities**

- (1) The accounting officer of a municipality must place on the website referred to in Section 21A of the Municipal Systems Act the following documents of the municipality:
  - (a) The annual and adjustment budgets and all budget related documents;
  - (b) All budget-related policies;
  - (c) The annual report;
  - (d) All performance agreements required in terms of Section 57(1)(b) of the Municipal Systems Act;
  - (e) All service delivery agreements;
  - (f) All long-term borrowing contracts;
  - (g) All supply chain management contracts above a prescribed value;

- (h) An information statement containing a list of assets over a prescribed value that have been disposed of in terms of Section 14(2) or (4) during the previous quarter;
  - (i) Contracts which subsection (1) of Section 33 apply, subject to subsection (3) of that section;
  - (j) public-private partnership agreements referred to in Section 120;
  - (k) All quarterly reports tabled in the council in terms of Section 52(d); and
  - (l) Any other documents that must be placed on the website in terms of this Act or any other applicable legislation, or as may be prescribed.
- (2) A document referred to in Subsection (1) must be placed on the website not later than five days after its tabling in the council or on the date on which it must be made public, whichever occurs first.

### **Section 76: Protection of Accounting Officer**

Any action taken by a political structure or office-bearer of a municipality against the accounting officer of the municipality solely because of that accounting officer's compliance with a provision of this Act, is an unfair labour practice for the purposes of the Labour Relations Act, 1995 (Act No. 66 of 1995).

### **Section 79: Delegations**

- (1) The accounting officer of a municipality:-
- (a) must, for the proper application of this Act in the municipality's administration, develop an appropriate system of delegation that will both maximize administrative and operational efficiency and provide adequate checks and balances in the municipality's financial administration;
  - (b) may, in accordance with that system, delegate a member of the municipality's management referred to in Section 77 or any other official of the municipality:-
    - (i) Any of the powers or duties assigned an accounting officer in terms of this Act; or
    - (ii) any powers or duties reasonably necessary assist the accounting officer in complying with a duty which requires the accounting officer take reasonable or appropriate steps to ensure the achievement of the aims of a specific provision of this Act; and
  - (c) Must regularly review delegations issued in terms of paragraph (b) and, if necessary, amend or withdraw any of those delegations.
- (2) The accounting officer may not delegate any political structure or political office-bearer of the municipality any of the powers or duties assigned accounting officers in terms of this Act.
- (3) A delegation in terms of subsection (1):-
- (a) Must be in writing;
  - (b) is subject to such limitations and conditions as the accounting officer may impose in a specific case;
  - (c) May either be a specific individual or the holder of a specific post in the municipality;
  - (d) may, in the case of a delegation a member of the municipality's management in terms of subsection (1)(b), authorise that member sub-delegate the delegated power or duty an official or the holder of a specific post in that member's area of responsibility; and

- (e) Does not divest the accounting officer of the responsibility concerning the exercise of the delegated power or the performance of the delegated duty.
- (4) The accounting officer may confirm, vary or revoke any decision taken in consequence of a delegation or sub-delegation in terms of this section, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

## **FINANCIAL REPORTING AND AUDITING**

### **121. Preparation and Adoption of Annual Reports**

- (1) Every municipality and every municipal entity must for each financial year prepare an annual report in accordance with this Chapter. The council of a municipality must within nine months after the end of a financial year deal with the annual report of the municipality and of any municipal entity under the municipality's sole or shared control in accordance with Section 129.
- (2) The purpose of annual report is:-
  - (a) provide a record of the activities of the municipality or municipal entity during the financial year which the report relates;
  - (b) provide a report on performance against the budget of the municipality or municipal entity for that financial year; and
  - (c) promote accountability the local community for the decisions made throughout the year by the municipality or municipal entity.
- (3) The annual report of a municipality must include:-
  - (a) The annual financial statements of the municipality, and in addition, if Section 122(2) applies, consolidated annual financial statements, as submitted the Auditor-General for audit in terms of Section 126(1);
  - (b) The Audit-General's audit report in terms of Section 126(3) on those financial statements;
  - (c) The annual performance report of the municipality prepared by the municipality in terms of Section 46 of the Municipality Systems Act;
  - (d) The Audit-General's audit report in terms of Section 45(b) of the Municipal Systems Act;
  - (e) An assessment by the municipality's accounting officer of any arrears on municipal taxes and service charges;
  - (f) An assessment by the municipality's accounting officer of the municipality's performance against the measurable performance objectives referred to in Section 17(3) (b) for revenue collection from each revenue source and for each vote in the municipality's approved budget for the relevant financial year;
  - (g) Particulars of any corrective action taken or be taken in response issues raised in the audit reports referred to in paragraphs (b) and (d);
  - (h) Any explanations that may be necessary clarify issues in connection with the financial statements;
  - (i) Any information as determined by the municipality;
  - (j) Any recommendations of the municipality's audit committee; and
  - (k) Any other information as may be prescribed.



- (4) The annual report of a municipal entity must include:-
- (a) The annual financial statements of the entity, as submitted the Audit-General for audit in terms of Section 126(2);
  - (b) The Audit-General's audit report in terms of section 126(3) on those financial statements;
  - (c) An assessment by the entity's accounting officer of any arrears on municipal taxes and service charges;
  - (d) an assessment by the entity's accounting officer of the entity's performance against any measurable performance objectives set in terms of the service delivery agreement or other agreement between the entity and its parent municipality;
  - (e) Particulars of any corrective action taken or be taken in response issues raised in the audit report referred to in paragraph (b);
  - (f) Any information as determined by the entity or its parent municipality;
  - (g) Any recommendations of the audit committee of the entity or of its parent municipality; and
  - (h) Any other information as may be prescribed.

**122. Preparation of financial statements.**

- (1) Every municipality and every municipal entity must for each financial year prepare annual financial statements which:-
- (a) fairly presents the state of affairs of the municipality or entity, its performance against its budget, its management of revenue, expenditure, assets and liabilities, its business activities, its financial results, and its financial position as at the end of the financial year; and
  - (b) Disclose the information required in terms of Sections 123, 124 and 125.
- (2) A municipality which has sole control of a municipal entity, or which has effective control within the meaning of the Municipal Systems Act of a municipal entity which is a private company, must in addition complying with subsection (1), prepare consolidated annual financial statements of the municipality and of such entity. Such consolidated annual financial statements must comply with any requirements as may be prescribed.
- (3) Both annual financial statements and consolidated annual financial statements must be prepared in accordance with generally recognised accounting practice prescribed in terms of Section 91(1) (b) of the Public Finance Management Act.

**123. Disclosures on intergovernmental and other allocations.**

- (1) The annual financial statements of a municipality must disclose information on:-
- (a) Any allocation received by the municipality from:-
    - (i) An organ of state in the national or provincial sphere of government; or
    - (ii) A municipality entity or another municipality;
  - (b) Any allocations made by the municipality :-
    - (i) A municipal entity or another municipality; or
    - (ii) Any other organ of state;

- (c) How any allocations referred to in paragraph (a) were spent, per vote, excluding allocations received by the municipality as its portion of the equitable share or where prescribed otherwise because of the nature of the allocation;
  - (d) Whether the municipality has complied with the conditions of:-
    - (i) Any allocations made the municipality in terms of Section 214 (1)(c) of the Constitution; and
    - (ii) Any allocations made the municipality other than by national organs of state;
  - (e) The reasons for any non-compliance with conditions referred to in paragraph (d); and
  - (f) Whether funds destined for the municipality in terms of the annual Division of Revenue Act were delayed or withheld, and the reasons advanced the municipality for such delay or withholding.
- (2) The annual financial statements of a municipal entity must disclose information on: -
- (a) Any allocations received by the entity from any municipality or other organ of state;
  - (b) Any allocations made by the entity a municipality or other organ of state; and
  - (c) Any other information as may be prescribed.
- (Date of commencement of Section 123: 1 July, 2005.)

#### **124. Disclosures Concerning Councillors, Directors and Officials**

- (1) The notes to the annual financial statements of a municipality must include particulars of: -
- (a) the salaries, allowances and benefits of political office-bearers and councillors of the municipality, whether financial or in kind, including a statement by the accounting officer whether or not those salaries, allowances and benefits are within the upper limits of the framework envisaged in Section 219 of the Constitution;
  - (b) any arrears owed by individual councillors the municipality, or a municipal entity under its sole or shared control, for rates or services and which at any time during the relevant financial year were outstanding for more than 90 days, including the names of those councillors; and
  - (c) The salaries, allowances and benefits of the municipal manager, the chief financial officer, every senior manager and such categories of other officials as may be prescribed.
- (2) The notes the annual financial statements of a municipality entity must include particulars of the salaries, allowances and benefits of: -
- (a) The members of the board of directors of the entity; and
  - (b) The chief executive officer of the entity, every senior manager and such categories of other officials as may be prescribed.

#### **125. Other Compulsory Disclosures.**

- (1) The notes the financial statements of a municipality must include:-
- (a) A list of all municipal entities under the sole or shared control of the municipality during the financial year and as at the last day of the financial year;
  - (b) The total amount of contributions organised local government for the financial year, and the amount of any contributions outstanding as at the end of the financial year; and

- (c) The total amounts paid in audit fees, taxes, levies, duties and pension and medical aid contributions and whether any amounts were outstanding as at the end of the financial year.
- (2) The notes the annual financial statements of a municipality or municipal entity must disclose the following information:-
- (a) In respect of each bank account held by the municipality or entity during the relevant financial year: -
    - (i) The name of the bank where the account is or was held and the type of account; and
    - (ii) Year opening and year end balances in each of these bank accounts;
  - (b) A summary of all investments of the municipality or entity as at the end of the financial year;
  - (c) Particulars of any contingent liabilities of the municipality or entity as at the end of the financial year;
  - (d) Particulars of: -
    - (i) Any material losses and any material irregular or fruitless and wasteful expenditures, including in the case of a municipality, any material unauthorised expenditure, that occurred during the financial year, and whether these are recoverable;
    - (ii) any criminal or disciplinary steps taken as a result of such losses or such unauthorised, irregular or fruitless and wasteful expenditures; and
    - (iii) Any material losses recovered or written off;
  - (e) Particulars of non-compliance with this Act; and
  - (f) Any other matters that may be prescribed.

**126. Submission and Auditing of Annual Financial Statements.**

- (1) The accounting officer of a municipality:-
- (a) must prepare the annual financial statements of the municipality and within two months after the end of the financial year which those statements relate, submit the statements the Audit-General for auditing; and
  - (b) must in addition, in the case of a municipality referred to in Section 122 (2), prepare consolidated annual financial statements in terms of that section and within three months after the end of the financial year which those statements relate, submit the statements the Audit-General for auditing.
- (2) The accounting officer of a municipal entity must prepare the annual financial statements of the entity and within two months after the end of the financial year which those statements relate, submit the statements: -
- (a) The parent municipality of the entity; and
  - (b) The Audit-General, for auditing.
- (3) The Audit-General must:-
- (a) Audit those financial statements; and
  - (b) Submit an audit report on those statements the accounting officer of the municipality or entity within three months of receipt of the statements.

- (4) If the Audit-General is unable complete an audit within three months of receiving the financial statements from an accounting officer, the Audit-General must promptly submit a report outlining the reasons for the delay the relevant municipality or municipal entity and the relevant provincial legislature and Parliament.
- (5) Once the Audit-General has submitted an audit report the accounting officer, no person other than the Audit-General may alter the audit report or the financial statements which the audit report relates.

(Date of commencement of s. 126: 1 July, 2005.)

**127. Submission of Tabling of Annual Reports**

- (1) The accounting officer of a municipal entity must, within six months after the end of a financial year, or on such earlier date as may be agreed between the entity and its parent municipality, submit the entity's annual report for that financial year the Municipal Manager of the entity's parent municipality.
- (2) The mayor of a municipality must, within seven months after the end of a financial year, table in the municipal council the annual report of the municipality and of any municipal entity under the municipality's sole or shared control.
- (3) If the mayor, for whatever reason, is unable table in the council the annual report of the municipality, or the annual report of any municipal entity under the municipality's sole or shared control, within seven months after the end of the financial year which the report relates, the mayor must:-
  - (a) promptly submit the council a written explanation referred to in Section 133 (1) (a) setting out the reasons for the delay, together with any components of the annual report listed in section 121 (3) or (4) that are ready; and
  - (b) Submit the council the outstanding annual report or the outstanding components of the annual report as soon as may be possible.
- (4) The Audit-General may submit the financial statements and audit report:-
  - (a) of a municipality directly the municipal council, the National Treasury, the relevant provincial treasury, the MEC responsible for local government in the province and any prescribed organ of state, if the mayor fails comply with subsection (2) or (3); or
  - (b) of a municipal entity directly the parent municipality, the National Treasury, the relevant provincial treasury, the MEC responsible for local government in the province and any prescribed organ of state, if the accounting officer of the entity fails comply with subsection (1).
- (5) Immediately after an annual report is tabled in the council in terms of subsection (2), the accounting officer of the municipality must:-
  - (a) in accordance with section 21A of the Municipal Systems Act:-
    - (i) Make public the annual report; and
    - (ii) Invite the local community submit representations in connection with the annual report; and
  - (b) Submit the annual report the Audit-General, the relevant provincial treasury and the provincial department responsible for local government in the province.

- (6) Subsection (5), with the necessary modifications as the context may require, and is also applicable if only components of the annual report are tabled in terms of subsection (3).

(Date of commencement of Section 127: 1 July, 2005)

**128. Compliance be monitored.**

The accounting officer of a parent municipality must:-

- (a) monitor whether the accounting officer of any municipal entity under the sole or shared control of the municipality has complied with sections 121(1) and 126(2);
- (b) establish the reasons for any non-compliance; and
- (c) Promptly report any non-compliance, together with the reasons for such non-compliance, the council of the parent municipality, the relevant provincial treasury and the Audit-General.

**129. Oversight reports on annual reports.**

- (1) The Council of a municipality must consider the annual report of the municipality and of any municipal entity under the municipality's sole or shared control and by no later than two months from the date on which the annual report was tabled in the council in terms of section 127, adopt an oversight report containing the council's comments on the annual report, which must include a statement whether the council:-
  - (a) Has approved the annual report with or without reservations;
  - (b) Has rejected the annual report; or
  - (c) Has referred the annual report back for revision of those components that can be revised.
- (2) The accounting officer must: -
  - (a) Attend council and council committee meetings where the annual report is discussed, for the purpose of responding questions concerning the report; and
  - (b) Submit copies of the minutes of those meetings the Audit-General, the relevant provincial treasury and the provincial department responsible for local government in the province.
- (3) The accounting officer must in accordance with section 21A of the Municipal Systems Act make public an oversight report referred to in subsection (1) within seven days of its adoption by Council.
- (4) The National Treasury may issue guidelines on:-
  - (a) The manner in which municipal councils should consider annual reports and conduct public hearings; and
  - (b) The functioning and composition of any public accounts or oversight committees established by the council to assist it to consider an annual report.
- (5) No guidelines issued in terms of subsection (4) are binding on a municipal council unless adopted by the council.
- (6) This section, with the necessary modifications as the context may require, is also applicable if only components of the annual report were tabled in terms of Section 127 (3).

(Date of commencement of Section 129: 1 July, 2005)

**130. Council Meetings Open Public and Certain Public Officials**

- (1) The meetings of a municipal council at which an annual report is to be discussed or at which decisions concerning an annual report are to be taken must be open to the public and any organs of state and a reasonable time must be allowed:-
  - (a) For the discussion of any written submissions received from the local community or organs of state on the annual report; and
  - (b) For members of the local community or any organs of state address the council.
- (2) Representatives of the Audit-General are entitled to attend and speak at any council meeting referred to in subsection (1).
- (3) This section, with the necessary modifications as the context may require, is also applicable if only components of the annual report were tabled in terms of section 127 (3).

### **131. Issues Related by Audit-General in Audit Reports**

- (1) A municipality must address any issues raised by the Audit-General in an audit report. The mayor of a municipality must ensure compliance by the municipality with their subsection.
- (2) The MEC for local government in the province must: -
  - (a) assess all annual financial statements of municipalities in the province, the audit reports on such statements and any responses of municipalities to such audit reports, and determine whether municipalities have adequately addressed any issues raised by the Audit-General in audit reports; and
  - (b) Report to the provincial legislature any omission by a municipality adequately address those issues within 60 days.

(Date of commencement of Section 131: 1 July, 2005)

### **132. Submission Provincial Legislatures**

- (1) The following documents must be submitted to the provincial legislature:-
  - (a) The annual report of each municipality and each municipal entity in the province, or if only components of an annual report were tabled in terms of section 127 (3), those components; and
  - (b) All oversight reports on those annual reports adopted in terms of section 129(1).
- (2) The accounting officer of a municipality must submit the documents referred to in subsection (1)(a) and (b) to the provincial legislature within seven days after the municipal council has adopted the relevant oversight report in terms of Section 129(1).
- (3) The MEC for local government in a province must monitor whether municipalities in the province comply with subsection (2).
- (4) A provincial legislature may deal with the documents referred to it in terms of subsection (1) in accordance with its constitutional powers.
- (5) The National Treasury may issue guidelines on the manner in which provincial legislatures should consider the annual reports of municipalities. No guidelines issued in terms of this subsection are binding on a provincial legislature unless adopted by the legislature.

(Date of commencement of s. 132: 1 July, 2005).

### **133. Consequences of Non-Compliance with Certain Provisions**

- (1) If the accounting officer of a municipality or municipal entity fails to submit financial statements to the Audit-General in accordance with section 126 (1) or (2), or if the Mayor fails

to table the annual report of the municipality or a municipal entity at the council in accordance with section 127 (2):-

- (a) The mayor must promptly table in the council a written explanation setting on the reasons for the failure;
  - (b) The Audit-General, in the case of any failure to submit financial statements for auditing, must promptly:-
    - (i) Inform the speaker of the council, the National Treasury and the MEC for local government and the MEC for finance in the province of such failure; and
    - (ii) Issue a special report on the failure to the relevant provincial legislature; and
  - (c) The municipal council:-
    - (i) Must request the speaker or any other councillor to investigate the reasons for the failure and report the council:
    - (ii) must take appropriate steps to ensure that the financial statements are submitted the Audit-General or that the annual report, including the financial statements and the audit report on those statements, is tabled in the council, as the case may be; and
    - (iii) May order that disciplinary steps be taken against the accounting officer or other person responsible for the failure:
  - (d) the provincial executive may intervene in the municipality in terms of Section 139 of the Constitution;
  - (e) the National Treasury may take appropriate steps against the municipality in terms of Section 5 (2) (e); and
  - (f) The provincial treasury may take appropriate steps against the municipality in terms of Section 5 (4) (d).
- (2) The Audit-General must submit to Parliament and the provincial legislatures:-
- (a) by no later than 31 October of each year, the names of any municipalities or municipal entities which have failed to submit their financial statements to the Audit-General in terms of Section 126; and
  - (b) At quarterly intervals thereafter, the names of any municipalities or municipal entities whose financial statements are still outstanding at the end of each interval.

(Date of commencement of s. 133: 1 July, 2005.)

#### **134. Annual Report Parliament**

The Cabinet member responsible for local government must, as part of the report referred to in Section 48 of the Municipal Systems Act, annually reports to Parliament on actions taken by MECs for local government address issues raised by the Audit-General in audit reports on financial statements of municipalities and municipal entities.

(Date of commencement: 1 July, 2005.)

### **MUNICIPAL SYSTEMS ACT**

#### **Section 129: Oversight Reports on Annual Reports**

The accounting officer must in accordance with section 21A of the Municipal Systems Act make public an oversight report referred to in subsection (1) within seven days of its adoption by council.

## **PROMOTION OF ACCESS INFORMATION ACT (PAIA)**

The Municipal Manager is the Information Officer (IO) in terms of the definition of IO under section 1 of the act. In terms of section 17(1) Council, must designate such number of officials as Deputy IO's as are necessary.

### **Section 17: Designation of Deputy Information Officers, and Delegation**

- (3) The information officer of a public body may delegate a power or duty conferred or imposed on that information officer by this Act to a deputy information officer of that public body.

## **THE OCCUPATIONAL HEALTH AND SAFETY ACT**

The Municipal Manager is, in terms of the Occupational Health and Safety Act, the Section 16 (1) Officer.

### **Section 16: Municipal Manager Charged with Certain Duties**

- (1) Every Municipal Manager shall as far as is reasonably practicable ensure that the duties of his employer as contemplated in this Act, are properly discharged.
  - (2) Without derogating from his responsibility or liability in terms of subsection (1), a Municipal Manager may assign any duty contemplated in the said subsection, to any person under his control, which person shall act to the control and directions of the Municipal Manager.
  - (3) The provisions of subsection (1) shall not, subject to the provisions of Section 37, relieve an employer of any responsibility or liability under this Act.
-