

# FETAKGOMO LOCAL MUNICIPAL



## COUNCIL DELEGATION OF POWERS AND RESPONSIBILITIES

Council Resolution C03/12 dated 27 September 2012

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## 1. DEFINITIONS

1.1. In this document, unless the context otherwise indicates:

- **“local municipality”** shall mean the Fetakgomo Local Municipality of the Limpopo Provincial Government;
- **“administration”** shall mean the Municipal Manager and all other employees of the Local Municipality;
- **“after consultation”** means with due regard for the views of any person with whom a delegated body is required to consult before he/she exercises a delegated or sub-delegated power;
- **“Constitution”** means the Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996);
- **“Council”** means the Municipal Council of the Local Municipality, its legal successors in title and its delegates;
- **“delegating authority”**, in relation to a delegation of a power by the Council, means the Council, and in relation to a sub-delegation of a power by a delegated body, means that delegated body;
- **“delegation”** means the authorisation of a delegated body by a delegating authority to act in his/her stead, and in relation to a power includes an instruction to exercise the power, and **“delegate”** has a corresponding meaning;
- **“delegated body”** in relation to the delegation of a power means the political structure, political office-bearer or employee to whom a power has been delegated in writing by the delegating authority;
- **“in consultation”** means with the concurrence of the person with whom a delegated body must consult before exercising a delegated or sub-delegated power;
- **“power”** includes a duty and a function;
- **“political office-bearer”**, in relation to the Local Municipality, means the speaker and the mayor elected by the Council in accordance with the provisions of the Local Government Municipal Structures Act, 1998 (Act No 117 of 1998);

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- “**political structure**”, in relation to the Local Municipality, means the Council or any committee or other collective structure of the Local Municipality elected, designated or appointed in accordance with the provisions of legislation;
  - “**Structures Act**” means the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998); and
  - “**Systems Act**” means the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000);

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

- The singular includes the plural and vice versa; and
- A reference to a natural person includes a legal person and vice versa.

## 2. POWERS OF THE LOCAL MUNICIPALITY

The Municipal Manager should ensure the documentation of the delegation of functions or tasks to appropriate levels of staff in the employ of the Local Municipality.

2.1 The Local Municipality has all the powers assigned to it in terms of the Constitution as well as other relevant legislation. The Local Municipality has the right to do anything reasonably necessary for or incidental to the effective exercise of its powers.

2.2 The executive and legislative authority of the Local Municipality vests in the Council. The Council takes all the decisions of the Local Municipality except:

- Decisions on those matters that it has delegated to a delegated body; and
- Decisions on those matters that by law have been assigned to a political structure, political office-bearer or employee of the Council.

2.3 The Council may exercise executive and legislative authority within the Municipal area only. The Council may, by written agreement with another Local

Municipality, exercise executive authority in the area of that other Local Municipality.

- 2.4 All the powers of the Local Municipality that have not been reserved for the Council, or that have not been delegated to a political structure, political office-bearer or employee of the Council are delegated to the Executive Committee of the Council. *(Resolution needs to be taken on powers that are delegated to council and taken by Executive Committee.)*

### **3. OBJECTIVES OF DELEGATION**

The objectives of this system of delegation are:

- To ensure maximum administrative and operational efficiency;
- To provide for adequate checks and balances;
- To delegate decision-making to the most effective level within the administration;
- To involve employees in management decisions as far as practicable;
- To promote a sense of collective responsibility for performance;
- To assign clear duties for the management and co-ordination of administrative components, systems and mechanisms;
- To define in precise terms the duties of each political structure and political office-bearer; and
- To determine the relationships amongst the political structures, political office-bearers and the administration, and the appropriate lines of accountability and reporting for each of them.

### **4. ROLES AND RESPONSIBILITIES OF POLITICAL OFFICE-BEARERS, POLITICAL STRUCTURES AND THE MUNICIPAL MANAGER**

4.1 The specific roles and areas of responsibility of each political office-bearer, political structure and the Municipal Manager of the Council are defined to ensure:

- Good relationships between these bodies and persons;
- Appropriate lines of accountability and reporting for these bodies and persons;
- That unnecessary overlapping of responsibilities and duplication of powers between these bodies and persons are prevented or kept to the minimum;

4.2 That disputes that may arise between these bodies and persons, are resolved amicably and timely; and dynamic and productive interaction between these bodies and persons, and other Councillors and employees of the Council.

### **4.3 The Executive Committee:**

- Is the principal committee of the Council;
- Is the committee which receives reports from other committees of the Council and which must forward such reports together with its recommendations to the Council when it cannot dispose of the matter in terms of its delegated or statutory powers;
- Receives reports with recommendations from Departmental Heads through the office of the Municipal Manager on all matters that must be handled by either the Executive Committee or the Council in terms of these delegations and for which a specific committee has not been created to consider the matter beforehand;
- Must consider the matters raised in any report submitted to it and must either dispose of it in terms of its delegated or statutory powers, or must forward them with its recommendation to the Council for consideration;
- Must ensure that integration between the various committees that may exist takes place;
- Is responsible for political supervision of the administration in terms of Council resolutions and the law;
- Is responsible for liaison with the community, ward committees, other committees and Councillors and political office-bearers in the different spheres of government; and
- Performance of their IDP function (Refer IDP Guide Pack).

### **4.4 The Mayor**

In terms of the Municipal Structures Act, Section 49, the two principle functions of the Mayor:

- Presides at meetings of the Executive Committee; and
- Performs the duties, including any ceremonial functions, and exercises the powers delegated to the mayor by the municipal council or the Executive Committee.

However, the Municipal Council or the Executive Committee may accord the Mayor additional powers and responsibilities. ***However, it must be noted that the additional powers and functions accorded to the Mayor must not be in conflict with that of the Executive Mayor.***

**The mayor:**

- Must, after consultation with the Municipal Manager / Council, identify those of the Local Municipality's activities that need a specific committee of Councillors to investigate, discuss, evaluate and report and make recommendations to the Executive Committee and the Council;
- Must ensure, in consultation with the Municipal Manager / Council, that a proper committee service responsible for the agendas and minutes is in place for the executive and other committees, that all committees meet regularly and that they submit reports to the Executive Committee timeously;
- Is responsible for the quality and speed of decision-making in the Executive Committee;
- Plays a prominent role, in consultation with the Municipal Manager, in building, maintaining and enhancing sound relationships between the Council, Councillors and the administration;
- Should be available on a regular basis to interview the public and visitors to the Municipal offices, and to interact with prominent business people as well as developers;
- Performance of their IDP function (Refer IDP Guide Pack). The mayor is the champion of the IDP forum, but the driver of the IDP process is the Municipal Manager or his delegate.
- Must undertake the general responsibilities prescribed in section n 52 of the Municipal Finance Management Act with due diligence;
- Must perform the responsibilities regarding the budget process and related responsibilities as prescribed in section 53 of the Municipal Finance Management Act;
- Must perform the responsibilities regarding reporting to the provincial executive if conditions for provincial intervention exist, prescribed in section 55 of 55 of the Municipal Finance Management Act;



- Must perform the responsibilities regarding the exercising of rights and powers over municipal entities as prescribed in section 55 of the Municipal Finance Management Act.

#### **4.5 The Speaker:**

- Must ensure that the Council and committee meetings are conducted in an orderly manner;
- Must enforce the Council's rules and orders and the code of conduct for Councillors;
- Must liaise closely with the committee service responsible for the agenda and minutes of each Council meeting, in consultation with the mayor and Municipal Manager as and when necessary;
- Must co-ordinate the arrangements regarding venues and dates for meetings and the circulation of agendas and minutes of all the meetings of the Council and its committees.
- Must liaise with Councillors, as well as members of the public and media who attend Council meetings, regarding proper conduct during such meetings to ensure compliance with the Council's rules and orders; and
- Must ensure that Ward Councillors regularly have ward meetings and report thereon to the Council and that proportionally elected Councillors regularly report to their constituencies and report back to the Council.

#### **4.6 The Chief Whip**

- Must ensure the allocation of Councillors of the political parties to the various Committees;
- Must maintain sound relations between the municipal government and the various political parties (Convene the multiparty whippery meetings for effective and efficient political management);
- Must submit the programme of the various party caucus meetings to the programming committee;
- Must draw up Speaker's lists for the Council debates and determine the speaking time for Members after consultation with the respective chief whips of all political parties of Fetakgomo Council;

- Must take responsibility for Councillor Affairs, and in particular as it relates to:
  - i) Management of complaints relating to Councillors/alleged breaches of the Code of Conduct of Councillors;
- Must ensure quorum at Council meetings; and
- To attend IDP Rep Forum

#### **4.7 The Chairperson of Chairperson**

- Provide oversight and co-ordination of the work of all Council Committees with the exception of those chaired by the Speaker;
- Preside at Council meetings when the Speaker is absent;
- Submit reports and recommendations to any Section 79 Committee on matters falling within the Term of Reference of that Committee;
- Facilitate the strategic planning sessions of all the Section 79 Committees and ensure the development of key performance indicators and targets of all Council Committees with the exception of those chaired by the Speaker; and
- Submit reports and recommendations to Council on all matters reserved for Council

#### **4.8 The other committees of the Council:**

- Consist of Councillors appointed by the Council;
- Are established to assist the Executive Committee;
- Are chaired by a Non- Executive Committee member appointed by Council;
- Provide oversight over the financial statements, audit reports and Annual report of the municipality;
- May receive specific responsibilities and delegated powers from the Executive Committee, which must be exercised strictly in accordance with the conditions and limitations of delegation, if any;
- Report to the Executive Committee in accordance with its directions; and
- Performance of their IDP function (Refer IDP Guide Pack).

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#### **4.9 The Municipal Manager:**

- Is the head of the administration and is responsible for the effective day-to-day running of the administration of the Local Municipality;
- Is responsible for the execution of resolutions taken by the Council and any delegated body;
- Plays a prominent role, together with the Executive Committee, in building, maintaining and enhancing sound relationships between the Council and the administration;
- Must ensure, after consultation with the Mayor and the Speaker, that a proper and effective committee service, responsible for the agendas and minutes, is in place for the Council, Executive Committee and any other political structure of the Local Municipality, that committees meet on a regular basis and submit reports to the Executive Committee timeously;
- Receives reports with recommendations from the Departmental Heads on all matters that must be handled by any committee or the Council in terms of these delegations. Those matters, for which specific committees have been established, are referred to such committees for consideration and report. Those matters, for which a specific committee has not been established, are referred to the Executive Committee for consideration; and
- Performance of their IDP function (Refer IDP Guide Pack). The mayor is the champion of the IDP forum, but the driver of the IDP process is the Municipal Manager or his delegate.

### **5. PRINCIPLES, CONDITIONS AND LIMITATIONS ON DELEGATED POWERS**

#### **5.1 The delegation of a power to a delegated body:**

- Must not conflict with the Constitution or any other law;
- Must be in writing under signature of the delegating authority;
- May at any time be withdrawn by the delegating authority in writing;
- May include the authority to sub-delegate a delegated power;
- Does not divest the delegating authority of the responsibility concerning the exercising of the power.

- Must be reviewed when a new Council is elected; and
  - Is subject to the limitations and directions imposed by the delegating authority, if any.
- 5.2 When a power has been delegated or assigned by a delegating authority to an employee, that employee may act thereon through any employee under his/her control.
- 5.3 The following conditions and limitations apply to any power that had been delegated by a delegating authority or sub-delegated by a delegated body:
- The delegated body must give effect to the policies of the Local Municipality as approved from time to time by the Council;
  - The delegated body may at any time decide not to exercise the delegated power, but to submit it to the delegating authority for decision. In such event the delegated body must submit its report and recommendations on the matter to the delegating authority for consideration;
  - The delegating authority may at any time instruct the delegated body not to act on a delegation, but to submit the matter to it for decision and execution. In such an event the delegated body must submit its report and recommendations on the matter to the delegating authority;
  - Delegated body may not incur expenditure in the exercising of the delegated powers that had not been provided for in the budget;
  - The delegated body must exercise its delegated powers in terms of the applicable law;
  - A delegated body must report to the delegating authority at such intervals as the delegating authority may required, on all decisions taken in terms of that delegated or sub-delegated power since the last report; and
  - A decision taken by a delegated body in the exercise of the Local Municipality's executive authority must be in writing.
- 5.4 A person, whose rights are affected by a decision taken by a delegated body, may appeal against that decision by giving written notice and the reasons for the appeal to the Municipal Manager. Notice of appeal must be given within 21 days of the date of notification of the decision. The Municipal Manager must

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promptly submit the appeal to the appropriate appeal authority that must decide on the appeal in the manner and within the time set out in the Systems Act.

- 5.5 The withdrawal, amendment or lapse of a delegation or sub-delegation does not invalidate anything done as a consequence of a decision taken in terms of that delegation or sub-delegation before such withdrawal amendment or lapse.
- 5.6 Whenever it becomes necessary to review these delegations, the Municipal Manager must submit a report on the existing delegations with recommendations on any changes thereto that she/he may consider necessary, to the Council through the Executive Committee.
- 5.7. The delegations below may be sub-delegated, subject to any prevailing restrictions and conditions.
- 5.8 The authority to undertake specific activities by specific Council structures and/or persons that are contained in the Municipality's set of approved Financial Policies, are deemed to be an inclusive part of the delegations listed below.

## **6. POWERS RESERVED FOR THE COUNCIL**

6.1 In accordance with the provisions of Section 160(2) of the Constitution, and Sections 60(1) of the Systems Act, the powers, functions and duties set out hereunder are reserved for the Council and may not be delegated:

- The passing, amendment and repeal of by-laws;
- The approval and amendment of budgets;
- The imposition and amendment of rates and other taxes, levies and duties;
- The raising of loans;
- The approval or amendment of the Local Municipality's integrated development plan;
- Setting of tariff charges;
- Entering into Municipal Service Partnerships; and
- Appointment of the Municipal Manager (Municipal Structures Act).

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6.2 Although the Council reserves the following powers, certain of these may be delegated. The Council may not take any decision in respect of these matters, unless it has received and considered the report and recommendations of the Executive Committee in this regard:

- The rationalisation of the bylaws, regulations and resolutions (including standing delegations) of the former Municipalities in terms of section 15 of the Structures Act;
- Making representations on behalf of the Local Municipality to the MEC responsible for local government in terms of section 12(4) or 16(3) of the Structures Act;
- Designating Councillors determined by the MEC responsible for local government as full-time Councillors and considering any application of a Councillor so designated to perform other work for remuneration in terms of item 8 of the Code of Conduct for Councillors (Municipal Structures Act);
- Appointment of the Local Municipality's representatives in the district Municipal Council in accordance with section 23(1)(b) of the Structures Act;
- Replacement of any of the Local Municipality's representatives in the district Municipal Council in terms of section 27(e) of the Structures Act;
- Closing the Council's sittings to members of the public and the media and authorising committees of the Local Municipality to close their sittings in terms of section 31(1) of the Structures Act;
- The establishment of committees in terms of section 33 read with sections 79 and 80 of the Structures Act, including the determination of the functions and procedures of any such committee, the appointment and removal of the members of such committee;
- Considering the dissolution of the Council in terms of section 34(1) of the Structures Act;
- Electing a speaker in terms of section 36(2) of the Structures Act;
- Removing the speaker from office and filling any vacancy in the office of speaker in terms of section 40 of the Structures Act;
- Electing an acting speaker according to section 41 of the Structures Act;
- Determining whether or not to implement the type of the Local Municipality in terms of section 54(2) of the Structures Act;

- Determining the size of the Executive Committee;
- Determining the election system for electing the members of the Executive Committee;
- The expropriation of immovable property or rights in or to immovable property;
- The determination or alteration of the remuneration, benefits or other conditions of service of the Municipal Manager of managers directly responsible to the Municipal Manager.
- Electing the members of the Executive Committee;
- Electing a mayor from amongst the members of the Executive Committee;
- Supplementing any vacancy that may occur in the Executive Committee;
- Determining the ceremonial role, if any, that the mayor must perform in terms of section 56(4) of the Structures Act;
- Removing the mayor from office in terms of section 58 of the Structures Act;
- Deciding whether or not to establish ward committees in the Municipal area in terms of section 72 to 78 of the Structures Act, making rules in connection with any such committees, determining the administrative arrangements that may be made available to such committees and the dissolution of any ward committee;
- The appointment of a Municipal Manager and an acting Municipal Manager and Heads of Departments in accordance with section 82 of the Structures Act;
- Consideration of a report of the speaker consulting the MEC responsible for local government with regard to any proposed measure in terms of section 14(5) of the Structures Act, or in terms of section 15 of the Local Government: Municipal Structures Amendment Act Of 2000.
- The acquisition and alienation of immovable property or rights in respect thereof , including the determination of the upset price or selling price and conditions of sale;
- The establishment of and consultation with the relevant planning authority about the establishment or lay out of a township in terms of the applicable legislation;

- The naming or renaming of streets , open areas, other public places and buildings of the Local Municipality consistent with the prescribed pre-requisites and procedures;
- Approving the outlay and development of public places, streets and other public facilities and amenities;
- The decision whether reports from the committees are only for information of the Council or whether the Council should be given an opportunity to discuss such reports;
- The approval of excess expenditure on the annual capital and operating budgets;
- The consideration of draft national and provincial legislation and policies affecting the Local Municipality for the purpose of providing comments to the applicable legislature;
- The consideration of reports of the respective departments of the Council;
- The decision on the appropriate mechanisms to provide Municipal services, in accordance with the provisions of sections 73 to 84 of the Systems Act;
- The approval and amendment of a credit control and debt collection policy in accordance with the provisions of chapter 4 of the Systems Act;
- The approval and amendment of a tariff policy for the levying of fees for Municipal services provided by the Local Municipality itself or by way of service delivery agreements, in accordance with the provisions of sections 74-75 of the Systems Act;
- The approval and amendment of a policy to make provision for the consolidation of separate accounts of persons liable for payments to the Local Municipality, to credit a payment by such person against any account of that person and to implement any of the debt collection and credit control measures of the Local Municipality to any arrears on any of the accounts of such a person in accordance with the provisions of chapter 9 of the Systems Act;
- Determining the salaries, allowances and other benefits of Councillors in terms of the Remuneration of Public Office-bearers Act;
- Determining the services that the Local Municipality provides and the functions it performs, the conditions of and price for the provision of such



services and the performance of such functions and standard of service provision and performance;

- The conclusion of any agreement in terms of section 99, 126 or 156(4) of the Constitution;
- The conclusion of an agreement with any other Local Municipality to co-operate with that Local Municipality;
- The imposition and lifting of water restrictions.

## 7. LOCAL MUNICIPALITY DELEGATIONS – THE EXECUTIVE COMMITTEE

The following statutory powers and duties are delegated to the Executive Committee in accordance with the provisions of section 49 and Chapter 4 of the Structures Act:

<b>No.</b>	<b>Powers which are delegated</b>	<b>To whom powers are delegated</b>
1.	Identify the needs of the Local Municipality.	The Executive Committee
2.	Review and evaluate those needs in order of priority.	The Executive Committee
3.	Recommend to the Council strategies, programmes and services to address priority needs through the integrated development plan; and estimates of revenue and expenditure, taking into account any applicable national and provincial development plans.	The Executive Committee
4.	Recommend or determine the best methods, including partnership and other approaches, to deliver those strategies, programmes and services to the maximum benefit of the community.	The Executive Committee
5.	Identify and develop criteria in terms of which progress in the implementation of the strategies, programmes and services it recommended to the Council can be evaluated, including key performance indicators which are specific to the Local Municipality and common to local government in general.	The Executive Committee
6.	Evaluate progress against the key performance indicators.	The Executive Committee
7.	Review the performance of the Local Municipality in order to improve: The economy, efficiency and effectiveness of the Local Municipality; The efficiency of credit control and revenue and debt collection services;	The Executive Committee

	The implementation of the Local Municipality's by-laws.	
8.	Monitor the management of the Local Municipality's administration in accordance with the policy directions of the Municipal Council;	The Executive Committee
9.	Oversee the provision of services to the community in a sustainable manner;	The Executive Committee
10.	Annually report on the involvement of communities and community organisations in the affairs of the Local Municipality;	The Executive Committee
11.	Ensure that regard is given to public views and report on the effect of consultation on the decisions of the Council;	The Executive Committee
12.	To report to the Council on all decisions taken by it;	The Executive Committee
13.1	Oversee and monitor the implementation and enforcement of the Local Municipality's credit control and debt collection policy and by-laws and the performance of the Municipal Manager in implementing the policy and any by-laws; at such intervals as may be determined by the Council report to the Council	The Executive Committee
13.2	When necessary evaluate or review the Local Municipality's credit control and debt collection policy and by-laws, or the implementation of the policy and by-laws, in order to improve efficiency of credit control and debt collection mechanisms, processes and procedures.	The Executive Committee
14	Rationalise the by-laws, regulations and resolutions (including standing delegations) of the former municipalities in terms of section 15 of the Structures Act;	The Executive Committee
15	Make recommendations to Council in respect of legislative powers	The Executive Committee
16	Determine mechanisms to consult the community	The Executive

	and community organisations in the performance of the Local Municipality's functions and the exercise of its powers consistent with section 19(3) of the Structures Act;	Committee
17	Where necessary, lodge an objection in terms of section 87(2) of the Structures Act against the temporary allocation of a function or power of the Local Municipality to the district Local Municipality to restore or maintain any basic service that has collapsed or may collapse.	The Executive Committee
18	Where necessary , make a request to the district municipality for financial, technical and administrative support services in terms of section 88(2) of the Structures Act;	The Executive Committee
19	Where necessary, enter and inspect any site or premises within the Municipal area and to question any person found on such a site or premises in respect of any matter which may be relevant at such a time;	The Executive Committee
20	Delegate any power and duties of the Executive Council to any section 80 committee subject to vested rights;	The Executive Committee
21	Approve the provision of funds for the unforeseen improvements during the execution of project to a prescribed amount;	The Executive Committee
22	Where necessary, lodge objections against the proposed predetermination or alteration of the Local Municipality's boundaries in terms of section 21(4) of the Local Government: Municipal Demarcation Act 1998 and lodging any application to alter the Local Municipality's boundaries;	The Executive Committee
23	Approve applications for the provision of water outside the Municipal area;	The Executive Committee
24	Varies or revokes any decision taken by section 80 committee subject to vested rights;	The Executive Committee
25	Determining a policy framework for staff matters in accordance with the provisions of section 61 of	The Executive Committee

	the Systems Act;	
26	Adopt an employment equity plan and skills development plan for the Local Municipality consistent with the relevant legislation;	The Executive Committee
27	Determine policy framework in respect of the staff establishment, post description, conditions of service and evaluation of staff establishment of the municipality;	The Executive Committee
28	Appoints chairperson from members of the executive committee for any section 80 committee established by the Council;	The Executive Committee
29	Determine the nature , extent , duration and conditions for providing assistance to the district municipality pursuant to the request for such assistance in terms of section 88(2) of the Structures Act ;	The Executive Committee
30	Approves International Participation of meetings, conferences, seminars by the municipal manager;	The Executive Committee
31	Authority to grant uninterrupted leave to a maximum of ten days per occasion to the municipal manager	The Executive Committee
32	Approve of all donations and grants-in-aid by the Local Municipality;	The Executive Committee
33	Authorise expenditure for entertainment of persons exceeding 10% o the amount provided in the budget;	The Executive Committee
34	Approve and amend the town planning schemes, structure plans, conditions of establishment of new townships and land development objectives of the Local Municipality and applications for rezoning;	The Executive Committee
35	Where necessary, deal with the erection of permanent Municipal buildings;	The Executive Committee
36	Deal with the consideration of sub-divisions of	The Executive

	land belonging to the Local Municipality;	Committee
37	Recommend on the permanent closing of streets and other public places;	The Executive Committee
38	Attend to and deals with matters delegated to it by Council in terms of the Structures Act;	The Executive Committee
39	Grant approval in principle of projects , with view to provision of funds on the capital budget;	The Executive Committee
40	Deal with any matter referred to it by the Council and submit a recommendation therein for consideration by the Council;	The Executive Committee
41	Consider the audit reports and reports of the audit committee;	The Executive Committee
42	Decide on the acquisition and maintenance of insurance of the local municipality's property;	The Executive Committee
43	Nominate the Council representative in public bodies and the Provincial Executive Committee;	The Executive Committee
44	Approve the attendance of meetings, workshops, seminars, conferences , congresses and similar events outside the national territory;	The Executive Committee
45	Determine a language policy for the Local Municipality;	The Executive Committee
46	Determine the conditions of service for the Municipal Manager and Managers reporting directly to the Municipal Managers	The Executive Committee
47	Set policy in respect of any of its powers to committees established in terms of section 80 of the Structures Act.	The Executive Committee
48	Approve international cooperation agreements such as twin city relationship;	The Executive Committee
59	Institute and defend any action in the high court, court of equal or higher statute with exception with claims relating to the recovery of debt owed	The Executive Committee

	to Council;	
50	Grant leave of absent to members for meeting of the Executive Committee;	The Executive Committee
51	Mandates the Local Labour Forum in respect of all salaries and wages dispute.	The Executive Committee

**8. MUNICIPAL DELEGATIONS - THE MAYOR**

The following statutory powers and duties are delegated to the mayor in accordance with the provisions of section 37 of the Structures Act:

<b>No.</b>	<b>Powers which are delegated</b>	<b>To whom powers are delegated</b>
1.	To preside at meetings of the Executive Committee and signs minutes of such meetings.	The Mayor
2.	Performs the duties, including any ceremonial functions, and exercises the powers delegated to the mayor by the municipal council or the Executive Committee;	The Mayor
3.	Must, after consultation with the Municipal Manager/Council, identify those of the local municipality's activities that need a specific committee of councillors to investigate, discuss, evaluate and report, and make recommendations to the Executive Committee and the Council;	The Mayor
4.	Must ensure, in consultation with the Municipal Manager/Council that a proper committee services responsible for the agendas and minutes is in place for the executive and other committees, that all committees meet regularly and that they submit reports to the Executive Committee timeously;	The Mayor
5.	Is responsible to the quality and speed of decision making in the Executive Committee;	The Mayor
6.	Plays a prominent role in consultation with the Municipal Manager, in building, maintaining and enhancing sound relationships between the Council, Councillors and the administration;	The Mayor
7.	Makes press statement on behalf of the Council;	The Mayor
8.	Should be available on a regularly basis to interview the public and visitors to the municipal offices, and to interact with prominent stakeholders;	The Mayor
9.	Performance of the IDP function (Refer to IDP Guide Pack). The mayor is the champion and political guide of the IDP process, but the driver of the IDP process is the Municipal Manager	The Mayor
10.	Must undertake the general responsibilities prescribed in section 52 of the MFMA with due diligence;	The Mayor



11.	Must perform the responsibilities regarding the budget process and related matters responsibilities prescribed in section 53 of the MFMA;	The Mayor
12.	Must perform the responsibilities the budgetary control and early identification of financial problems prescribed in section 54 of the MFMA;	The Mayor
13.	Must perform the responsibilities regarding reporting to the provincial executive if conditions for provincial intervention exist; prescribed in section 55 of the MFMA;	The Mayor
14.	Must perform the responsibilities regarding the exercising of rights and powers over municipal entities prescribed in section 55 of the MFMA;	The Mayor
15.	In consultation with the Speaker, authorise attendance of conferences, workshops and meetings by Councillors;	The Mayor
16.	Lobby politically from Provincial and National Government level for Grants and other funding;	The Mayor
17.	Consider application for project funding on short notice;	The Mayor
18.	Approve leave of absence for not exceeding ten days for the Municipal Manager	The Mayor
19.	When council goes into recess, s/he in consultation with the Municipal Manager takes decisions on behalf of the Executive Committee which if not taken would in some manner prejudice the council;	The Mayor
20.	Approves the use of council facilities by members of the council in accordance with municipal policies;	The Mayor
21.	Responsible for tabling of the IDP/Budget to the Council;	The Mayor
22.	Responsible for the approval of the SDBIP submitted by the Municipal Manager;	The Mayor
23.	Responsible for the tabling of the annual report to the Council.	

## 9. LOCAL MUNICIPALITY DELEGATIONS – THE SPEAKER

The following statutory powers and duties are delegated to the speaker in accordance with the provisions of section 37 of the Structures Act:

<b>No.</b>	<b>Powers which are delegated</b>	<b>To whom powers are delegated</b>
24.	To preside at meetings of the Council where she/he is present.	The Speaker
25.	To ensure that the Council meets at least quarterly.	The Speaker
26.	To maintain order during meetings of the Council.	The Speaker
27.	To ensure compliance with the Code of Conduct for Councillors in the meetings of the Council and Council's committees.	The Speaker
28.	To ensure that Council meetings are conducted in accordance with the rules and orders of the Council.	The Speaker
29.	To determine the date and venue of ordinary Council meetings.	The Speaker
30.	To convene special meetings of the Council at the venue determined by her/him and at the time set out in any request that such a meeting be convened in terms of section 29(1) of the Structures Act.	The Speaker
31.	Ensure that the provisions in respect of privileges and immunities of Councillors, as set out in section 28 of the Structures Act or any other applicable legislation are adhered.	The Speaker
32.	Ensure that ward committees meet regularly, if any, and that Councillors report to their constituencies at least once during every three months	The Speaker
33.	Chairs committees such as Appeals Committee, Ethics Committees and Rules Committees if such committees are established;	The Speaker
34.	Peruse documentation pertaining to all municipal programs with a view to be able to motivate the Executive Committee in case of need;	The Speaker
35.	Ensure compulsory participation in the formulation and implementation of the new municipal IDP for five years;	The Speaker
36.	Consult with relevant heads of departments/Portfolio and Council subcommittees;	The Speaker
37.	Attend to resolution of dispute amongst councillors	The Speaker
38.	Initiate any investigation or enquiry into suspected or	The Speaker

	alleged impropriety by councillors or any alleged breaches of council code of conduct;	
39.	Determines policy for use of Council's facilities by members of the Council in accordance with recommendations made by relevant Portfolio Committee.	The Speaker

**10.MUNICIPAL DELEGATIONS : CHAIRPERSON OF CHAIRPERSONS**

NO.	Powers which are delegated	To whom powers are delegated
1.	To play oversight and co-ordination of the work of all Council Committees, with the exception of those chaired by the Speaker	Chairperson of Chairpersons
2.	Preside at Council meetings when the Speaker is absent	Chairperson and Chairpersons
3.	To submit reports and recommendations to any Section 79 Committee on matters falling within the Terms of Reference of that Committee	Chairperson and Chairpersons
4.	To facilitate the strategic planning sessions of all the Section 79 Committees and ensure the development of key performance indicators and targets for all Council Committees with exception of those chaired by the Speaker.	Chairperson of Chairpersons
5.	To submit reports and recommendations to Council on all matters reserved for Council	Chairperson of Chairpersons

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**FETAKGOMO COUNCIL DELEGATION OF POWERS AND RESPONSIBILITIES**
**11. MUNICIPAL DELEGATIONS : CHIEF WHIP**

NO.	Powers which are delegated	To whom powers are delegated
1.	To maintain sound relations between the municipal government and various political parties. Ensure that relationships are constructive and focused on the key issues at hand.	Chief Whip
2.	To ensure that Councillors of the various political parties are allocated to different Committees	Chief Whip
3.	To ensure quorum at Council meetings	Chief Whip
4.	To advise councillors belonging to various parties to convene party caucuses so as to determine the party's position on specific item/motions on the Council's agenda.	Chief Whip
5.	To collaborate with the Speaker in relation to issues of discipline and code of conduct of councillors.	Chief Whip
6.	To attend IDP Rep Forum	Chief Whip
7.	To draw Speaker's lists for the Council debates and determine the speaking time for members after consultation with the respective chief whips of all political parties of Council.	Chief Whip

## 12. MUNICIPAL DELEGATIONS – MUNICIPAL MANAGER

The following statutory powers and duties are delegated to the Municipal Manager subject to Council approval and in accordance with the provisions of the Structures Act and Systems Act:

<b>No.</b>	<b>Powers which are delegated</b>	<b>To whom powers are delegated</b>
1.	To form and develop an economical, effective, efficient, accountable and performance driven administration for Local Municipality in accordance with the provisions of section 52 of the Systems Act;	Municipal Manager
2.	To manage the Local Municipality's administration in accordance with the provisions of the Systems Act and other legislation applicable to the Local Municipality	Municipal Manager
3.	To implement the Local Municipality's IDP and to monitor progress with implementation of the plan;	Municipal Manager
4.	To manage the provision of services to communities, residents and rate payers in a sustainable manner;	Municipal Manager
5.	To control and manage the effective utilisation and training of staff;	Municipal Manager
6.	To maintain discipline of staff;	Municipal Manager
7.	To promote sound labour relations and compliance by the local municipality of applicable labour legislation conditions of services and collective agreements	Municipal Manager
8.	To advise the structures and functionaries of the local municipality;	Municipal Manager
9.	To manage the communication between the local municipality's administration and its political structures and political office bearers;	Municipal Manager
10.	To carry out the decisions of the structures and functionaries of the local municipality;	Municipal Manager
11.	To administer and implement the local municipality's	Municipal Manager

	by-laws and other legislation;	
12.	To implement national and provincial legislation applicable to the local municipality;	Municipal Manager
13.	To facilitate participation by communities, residents, rate payers and other stakeholders in the affairs of the local municipality;	Municipal Manager
14.	To implement and enforce the local municipality's credit control and debt collection policy and applicable by-laws in accordance with the provisions of section 92 of the Systems Act;	Municipal Manager
15.	To establish effective administrative mechanisms, processes and procedures in accordance with the credit control and debt collection policies and any such by-laws of the local municipality, to collect money that is due and payable to the local municipality in accordance with the provisions of section 92 of the Systems Act;	Municipal Manager
16.	To give written authorisation to officials concerned , to get access at all reasonable hours to premises in the local municipality in order to read, install or repair any metre or service connection for reticulation , or to disconnect , stop or restrict the provision of any service in accordance with the provisions of section 93 of the Systems Act;	Municipal Manager
17.	To keep custody of all records and documents of the local municipality, except where otherwise provided , in accordance with the provisions of section 109 of the Systems Act;	Municipal Manager
18.	To ensure that every staff member and relevant representative union has easy access to copy of the staff systems and procedures of the local municipality, including any amendments thereto in accordance with the provisions of section 62 of the Systems Act;	Municipal Manager

19.	On written request by all staff member, to make a copy of or extract from the staff systems and procedures of the local municipality, including any amendments, available to staff members in accordance with the provisions of section 62 of ;	Municipal Manager
20.	To ensure that the purpose, contents and consequences of the staff systems and procedures of the local municipality and the Code of Conduct for officials are explained to staff members who cannot read in accordance with the provisions of section 62 of the Systems Act;	Municipal Manager
21.	To promptly submit an appeal received by him/her from a person whose rights are affected by a decision taken by a delegated body in terms of a power or duty delegated by a delegating authority to that delegated body against any decision , to the delegating authority concerned in accordance with the provisions of section 57 of the Systems Act	Municipal Manager
22.	To report on the existing delegations issued by the Council and other delegating authorities of the local municipality, and to make recommendations on any changes that s/he may deem necessary whenever it becomes necessary to review the local municipality's delegations in accordance with the provisions of section 60 of the Systems Act.	Municipal Manager
23.	In the event of legal proceedings by or against the local municipality, to sign a certificate to the effect that the local municipality used the best known, or only, or most practicable and available methods in exercising any power or performing any duty assigned to it in terms of any legislation, which certificate must, in accordance with the provisions of section 103 of the Systems Act, on its mere production by any person be accepted by the court	Municipal Manager



	as evidence of that fact;	
24.	The responsibility and accountability for all the local municipality's income, expenditure, assets and liabilities, and proper diligent compliance with the provisions of the MFMA, and in accordance with the provisions of section 51 of the Systems Act;	Municipal Manager
25.	To compromise or compound any legal action, claim or proceedings, and to submit arbitration any matter other than a matter involving a decision on the status , powers or duties of the local municipality or the validity of its acts or by-laws, in accordance with the provisions of section 101 of the Systems Act;	Municipal Manager
26.	To protect and enforce the rights of the public arising from all public servitudes within the Municipal Area in accordance with the provisions of the Systems Act	Municipal Manager
27.	Within a policy framework determined by the Council:	Municipal Manager
27.1	Appoint acting strategic managers' positions in void;	Municipal Manager
27.2	Provide a job description for each post on the staff establishment;	Municipal Manager
27.3	Align the remuneration and other conditions of service for each post on the staff establishment in accordance with applicable labour legislation and any collective agreement;	Municipal Manager
27.4	Regularly evaluate the staff establishment and; if necessary, review the staff establishment and the remuneration	Municipal Manager
28.	Responsible for: <ul style="list-style-type: none"> <li>- All income and expenditure of the Local Municipality;</li> <li>- All assets and the discharge of all liabilities of the Local Municipality; and</li> </ul> Proper and diligent compliance with the Municipal	Municipal Manager

	Finance Management Act.	
29.	<p>Ensuring that the Local Municipality has and maintains:</p> <ul style="list-style-type: none"> <li>- Effective, efficient and transparent systems of financial and risk management and internal control;</li> <li>- A system of internal audit;</li> <li>- An appropriate procurement and provisioning system which is fair, equitable, transparent, competitive and cost-effective;</li> <li>- A system for properly evaluating and prioritising all major capital projects prior to a final decision on the project.</li> </ul>	Municipal Manager
30.	Keeping full and proper records of the financial affairs of the Local Municipality in accordance with any prescribed norms and standards;	Municipal Manager
31.	The effective, efficient, economical and transparent use of the resources of the Local Municipality.	Municipal Manager
32.	<p>Taking effective and appropriate steps to:</p> <ul style="list-style-type: none"> <li>- Collect all money due to the Local Municipality;</li> <li>- Prevent unauthorised expenditure;</li> <li>- Prevent losses resulting from possible criminal conduct; and</li> <li>- Manage available working capital efficiently and economically.</li> </ul>	Municipal Manager
33.	Without delay report all losses as a result of suspected criminal conduct to the South African Police Service;	Municipal Manager
34.	The management, including the safeguarding and the maintenance of the assets, and the managing the liabilities, of the Local Municipality;	Municipal Manager
35.	Compliance by the Local Municipality with any tax, levy, duty, pension and audit commitments as may	Municipal Manager

	be required by legislation;	
36.	Setting all contractual obligations of, and pay all money owing by the Local Municipality within the prescribed or agreed period;	Municipal Manager
37.	On discovery of any unauthorised expenditure, must immediately report, in writing, particulars of the expenditure to the mayor, the members of the executive Council of the province responsible for finance and for local government and the Auditor-General;	Municipal Manager
38.	Taking effective and appropriate disciplinary steps against any employee who:	Municipal Manager
38.1	Contravenes or fails to comply with a provision of the Municipal Finance Management Act, financial bylaws, policies or procedures of the Local Municipality;	Municipal Manager
38.2	Commits an act which undermines the financial management and internal control system of the Local Municipality; or	Municipal Manager
38.3	Makes or permits any unauthorised or fruitless expenditure.	Municipal Manager
39.	Before transferring any funds otherwise than in terms of a commercial or other business transaction to an entity outside the Local Municipality, obtain a written assurance from the entity that that entity implements effective, efficient and transparent financial management and internal control systems.	Municipal Manager
40.	Enforce compliance with any prescribed conditions if the Local Municipality gives financial assistance to any entity or person.	Municipal Manager
41.	Take into account all relevant financial considerations, including issues of propriety, regularity and value for money, when policy proposals affecting his or her responsibilities are	Municipal Manager

	considered and bring those considerations to the attention of the Local Municipality;	
42.	Promptly inform the Provincial Government and National Treasury in writing of any new entity, which the Local Municipality intends to establish, or in the establishment of which it takes the initiative, or in which it intends to acquire an interest.	Municipal Manager
43.	Ensure the submission by the Local Municipality of all reports, returns, notices, explanations and motivations and other information to the Provincial Government, the National Treasury, the provincial treasury or the Auditor-General, as may be required by the Municipal Finance Management Act.	Municipal Manager
44.	Comply , and take all reasonable steps to ensure compliance by the Local Municipality with the provisions of the MFMA;	Municipal Manager
45.	Ensure that expenditure of the Local Municipality is in accordance with the approved budget and that effective and appropriate steps are taken to prevent: <ul style="list-style-type: none"> <li>- Overspending of the approved budget;</li> <li>- Under collection of revenue due to the Local Municipality; and</li> <li>- Unauthorised and fruitless expenditure.</li> </ul>	Municipal Manager
46.	Within 15 days of the end of each month submit to the mayor: <ul style="list-style-type: none"> <li>- Information in the format prescribed by the Provincial Government and/or other authority on actual revenue and expenditure for that month;</li> <li>- A projection of expected expenditure and revenue collection for the remainder of the current financial year;</li> <li>- When necessary, an explanation of any material variances; and</li> <li>- A summary of the steps that are taken to ensure</li> </ul>	Municipal Manager

	that the projected expenditure and revenue remain within the approved budget.	
47.	Report to the Executive Committee, any impending: <ul style="list-style-type: none"> <li>- Under- collection of revenue due;</li> <li>- Shortfalls in budgeted revenue;</li> <li>- Overspending of the approved budget; and</li> <li>- Any appropriate steps to be taken.</li> </ul>	Municipal Manager
48.	Utilise a saving in the amount appropriated under a vote in a budget towards the defrayment of excess expenditure under another vote in the same budget, unless the Council directs otherwise and must as soon as possible table in the Municipal Council a report containing the prescribed particulars concerning the utilisation of such a saving	Municipal Manager
49.	Prepare financial statements for each financial year in accordance with generally recognised accounting practice reflecting any financial stake the Local Municipality may have in any other undertakings and submit those financial statements to the Auditor-General for auditing within two months after the end of the financial year;	Municipal Manager
50.	Within two months of receiving the audit report from the Auditor-General, table in the Council an annual report on the activities of the Local Municipality and the Municipal entities concerned during that financial year, a copy of the (consolidated) financial statements and the audit report and submit to the Provincial Government: <ul style="list-style-type: none"> <li>- Copies of the annual report, the (consolidated) financial statements and the audit report;</li> <li>- Particulars of any corrective action taken in</li> </ul>	Municipal Manager

	<p>response to the findings of the audit report; and</p> <p>- Copy of the minutes of the meeting within one month.</p>	
51.	<p>Give reasonable written notice of any meetings where the financial statements and audit report will be considered to the Auditor-General, the provincial treasury and the provincial department responsible for local government and submit copies of the minutes of these meetings to the Auditor-General, the provincial treasury and the provincial department responsible for local government;</p>	Municipal Manager
52.	<p>If she/he fails to submit financial statements to the Auditor-General or to table financial statements and the Auditor-General's audit report on those statements in the Council he or she must promptly table in that Council a written explanation setting out the reasons why they were not submitted;</p>	Municipal Manager
53.	<p>When an annual budget is tabled in the Municipal Council, the Municipal Manager must submit measurable income and expenditure targets of the financial year to which the budget relates.</p>	Municipal Manager
54.	<p>Enforce compliance with the provisions of relevant legislation regarding the revenue fund. If the she or he is unable to comply with this responsibility determined, he or she must promptly report the inability, together with reasons, to the Council and the Provincial Government;</p>	Municipal Manager
55.	<p>Give public notice in a manner determined by the Council of the time, date and venue of every ordinary meeting of the Council and any committee; and special or urgent meeting of the Council and any committee.</p>	Municipal Manager

56.	<p>Determine and recover the amount of any loss or damage incurred by the Local Municipality on the person who was responsible for the loss or damage and, in appropriate cases institute disciplinary action. An employee who is or was employed by the Local Municipality is responsible for a loss or damage if it is proven during a disciplinary enquiry that he/she:</p> <ul style="list-style-type: none"> <li>- Failed to collect money owing to the Local Municipality the collection of which he/she was responsible for;</li> <li>- Is or was responsible for a payment of money without proper authority or without following the prescribed procedure or without a proper supporting voucher;</li> <li>- Due to an omission to carry out his/her duties, is or was responsible for fruitless expenditure;</li> <li>- Is or was responsible for damage to or the destruction of money of the Local Municipality, stamps or other face value documents or securities or other property of the Local Municipality; Due to an omission to carry out his/her duties is or was responsible for a claim against the Local Municipality.</li> </ul>	Municipal Manager
57.	<p>Recover the amount of any unauthorised expenditure on the person who was responsible for incurring such expenditure or the beneficiary thereof. Expenditure is unauthorised when:</p> <ul style="list-style-type: none"> <li>- A payment had been made without provision having been made in the approved budget, with due regard for any legal provisions governing payment;</li> <li>- A payment or part of any payment resulting in the total amount of the approved budget or a vote in the budget being exceeded;</li> </ul>	Municipal Manager

	<ul style="list-style-type: none"> <li>- Any external or internal authorisation required by law for a payment cannot be produced;</li> <li>- A payment had been made without proper legal authority or inconsistent with any legal requirement;</li> <li>- Any expenditure from a vote in the budget that is unconnected with the purpose of that vote.</li> </ul>	
58.	To commence with any legal process, whether criminal or civil, on behalf of the Council and to defend or oppose any legal process, whether criminal or civil, against the Council;	Municipal Manager
59.	To submit or oppose an appeal to a higher court or other body in respect of a judgement given by a lower court or body concerned;	Municipal Manager
60.	To obtain the services of an attorney or advocate for any official purpose;	Municipal Manager
61.	In consultation with the Chief Financial Officer, to incur expenses to appoint investigators to obtain evidence in cases of alleged irregularities or misconduct;	Municipal Manager Chief Financial Officer
62.	In consultation with the Chief Financial Officer to apply contractual penalty clauses in the event of late delivery of goods or services to the Council.	Municipal Manager Chief Financial Officer
63.	To decide on the granting of legal aid to employees in terms of section 73B of the Local Government Ordinance 1962;	Municipal Manager Corporate Services
64.	In consultation with the Strategic Manager: Corporate Services and the relevant area manager to grant study bursaries to employees if provided for by municipal policy;	Municipal Manager Strategic Manager: Corporate Services
65.	To decide on the replacement, at the Council's expense, of an official's tools, which are damaged or broken while used in the service of the Council in cases where an official is expected to provide her or	Municipal Manager



	his own tools. Replacement tools will be of similar quality and identical nature;	
66.	Provided that the necessary funds are available, to approve the attendance by officials of meetings, workshops, seminars, conferences, congresses and similar events and visits which are in the interest of the Council and which are to be conducted within the national territory. If the presence of Councillors is required, the Municipal Manager in consultation with the mayor will do the nomination of which Councillors must attend.	Municipal Manager The Mayor
67.	To decide about the refunding of tender deposits in respect of those tenders where the Council has contractual obligation to refund deposits;	Municipal Manager
68.	To make recommendation on the use of the municipal identity within the Local Municipality, for commemorative and other purposes;	Municipal Manager
69.	To decide whether costs incurred by civil protection organisations for the provision of assistance , must be recovered by the Council ;	Municipal Manager
70.	To decide whether food must be supplied to workers of civil protection organisation during the provision of assistance, and to approve a maximum contribution provided that purchases are made as far as is possible in consultation with the controller of stores and buyer and in accordance with the stipulations of the Financial Regulations;	Municipal Manager
71.	The authority to sign the following documents: -Documents for the transfer or acquisition of immovable property or rights in respect thereof; -Documents to commence with any legal process, whether criminal or civil, on behalf of the Council and to defend or oppose any legal process, whether criminal or civil, against the Council;	Municipal Manager

	-Documents necessary to submit or oppose an appeal to a higher court or other body in respect of a judgement given by a lower court or body concerned; -Any other contract or document not specified in respect of any departmental head;	
72.	Together with the mayor/council, the granting of honorary citizenship and freedom of the local municipality;	Municipal Manager
73.	To grant permission to persons and bodies to examine the records of the central registration of the Council for research purposes;	Municipal Manager
74.	In his or her discretion, not to lease a hall of the Council if he or she is of the opinion that the risk involved is too high;	Municipal Manager
75.	To turn down any applications for donations, which obviously cannot be considered in terms of Council policy;	Municipal Manager
76.	To grant special leave to employees who are sportsmen and women, coaches and referees/umpires or participate in any activity of national importance, for the purpose of participation in sports events, tournaments and provincial or national events other than sports, at provincial and national level;	Municipal Manager
78.	To approve of ex-gratia payments for sports to employees who represent the RSA at national level;	Municipal Manager
79.	The closing of the Council's libraries and information bureaux on a temporary basis;	Municipal Manager
80.	The authority to perform the functions and exercise the powers vested in the Council in terms of the provisions of the relevant Civil Protection Act and Hazardous Substances Act;	Municipal Manager
81.	The consideration of requests from deserving	Municipal Manager

	organisations for the acquisition of old/unused municipal property in alignment to the disposal policy of the Local Municipality;	
82.	The granting of permission for the free use of Council premises for departmental functions and other Municipal-orientated activities/events;	Municipal Manager
83.	To create temporary posts in the event of the occurrence of bottlenecks or emergency situations;	Municipal Manager
84.	Finalising all returns of premises from State to the Local Municipality;	Municipal Manager
85.	To appoint and discharge employees, with exception of the Departmental Heads, in compliance with the relevant legislation and with the right to grant further delegations to the Strategic Manager: Corporate Services	Municipal Manager
86.	To transfer and promote officials from one department to another, excluding Departmental Heads. This function can also be further delegated to the Strategic Manager: Corporate Services;	Municipal Manager
87.	To apply disciplinary measures in terms of the conditions of service and, with the exception of Departmental Heads and deputy Departmental Heads, to suspend and discharge officials, provided that the personnel department is represented at the hearings or appeals of such officials; and	Municipal Manager
88.	To obtain the services of a consultant with regard to any matters under his or her control, where the consultant's fees and expenses do not exceed an amount set by Council per project or occasion;	Municipal Manager
89.	To deal with and finalise the fitting of antennae to existing masts and structures in consultation with the Departmental Heads concerned;	Municipal Manager
90.	The authorisation for the payment of reward to a person, excluding an employee of the Local	Municipal Manager

	<p>Municipality, in a recommended amount of not more than R 1000.00, in the event:</p> <ul style="list-style-type: none"> <li>- Where information was provided that resulted in the conviction of a person who has damaged or stolen Council property;</li> <li>- Where information was provided concerning damage to Council property that resulted to a third party being held responsible for such damages;</li> </ul>	
91.	The authority to allocate or re-allocate dates for street elections for which formal applications have been received;	Municipal Manager
92.	<p>The authority to sign the following documents:</p> <ul style="list-style-type: none"> <li>- A declaration by the seller for the payment of transfer duties in connection with property transactions excluding declarations concerning buildings which were erected with funds obtained from any state department;</li> <li>- Lease contracts in respect of the leasing of Council property as well as property leased by the Council, excluding documents concerning the leasing of buildings erected with funds received from national or provincial government;</li> <li>- Contracts concerning the installation of telephones for official purposes or concerning applications made by persons occupying Council premises;</li> <li>- Contracts for maintenance of lifts in municipal buildings as well as maintenance contracts in respect of Council equipment which are under the control of the administrative manager;</li> <li>- All documents which are necessary for the registration of erven or other immovable property alienated by the Council, excluding documents for the registration of erven or other immovable property alienated by the Council on which buildings are erected with funds received from national or provincial government;</li> <li>- All documents which may be necessary for the registration of immovable property in the Council's name irrespective of the way in which</li> </ul>	Municipal Manager

	<p>the Council acquired such immovable property;</p> <ul style="list-style-type: none"> <li>- Contracts which may be necessary for the alienation of any rights in immovable property owned by the Council;</li> <li>- All documentation necessary for compliance with the provisions of the relevant Expropriation Act;</li> <li>- All documents which may be necessary for the registration of servitudes or notaries contracts to which the Council is a party;</li> <li>- Any other document for which authority has been delegated by the Executive Committee or by the Mayor.</li> </ul>	
93.	<p>The authority to perform the functions and exercise the powers that vest in the Council in terms of the provisions of:</p> <ul style="list-style-type: none"> <li>- The bylaws for the lease of Municipal halls;</li> <li>- The bylaws for the control of street collections;</li> <li>- The library bylaws; and</li> <li>- The bylaws for the control of public nuisances and breaches of the peace;</li> <li>- Any other bylaws set out in terms of the Constitution.</li> </ul>	Municipal Manager
94.	<p>The issuing of a certificate, in compliance with the requirements of the Provincial Township Board, that an applicant who has applied for township establishment, have in fact provided services to the satisfaction of the Council.</p>	Municipal Manager
95.	<p>The issuing of building clause and waiver certificates as well as certificates for the raising of property title conditions to bring it in line with the provisions of Council's Town Planning Schemes.</p>	Municipal Manager
96.	<p>The authority to appoint officials of his or her department as health and safety representatives for his or her department in terms of the provisions of the relevant Occupational Health and Safety Act.</p>	Municipal Manager
97.	<p>The authority to decide on the form of transport that should be used by officials of whom it is required to attend meetings, workshops, seminars, conferences, congresses and similar events and special visits in the interest of the Council, and which are to be conducted within the boundaries of the Republic of South Africa.</p>	Municipal Manager

98.	The Municipal Manager is accountable for the strategic management of the human resources of the Local Municipality, and is delegated the following human resources management responsibilities:	Municipal Manager
98.1.	The approval of employment contracts, and in the case of such new appointments, if such an appointee has been obliged to change his or her place of residence as a result of the appointment, to grant permission in terms of the Council's employment policy for the payment of removal costs in respect of the appointee's movable property: Provided that sufficient proof of such costs that had been incurred, is furnished;	Municipal Manager
98.2	In consultation with the departmental head concerned, to decide about confirming the appointment of an employee that was appointed on probation, on a permanent basis or to extend the probation period in the light of the performance and competence of the appointee, subject to the provisions of the labour legislation;	Municipal Manager
98.3	In consultation with the departmental head concerned, to dismiss with proper notice, any temporary employee, whether in a permanent or temporary post, if his or her services are no longer required, subject to the provisions of the labour legislation;	Municipal Manager
98.4	In consultation with the departmental head concerned, to decide about the acceptance or not of a notice of termination of service received from an employee on a shorter period than the period set in the conditions of service of the employee, and must institute penalties in cases where notice is shorter;	Municipal Manager
98.5	In consultation with the departmental head concerned and provided that the granting of permission does not adversely affect the employee's work performance, to grant permission to an employee who applies therefore, to pursue a paid side-line in his or her spare time;	Municipal Manager
98.6	The authority to approve payment of an acting allowance to an employee in terms of his or her conditions of service, on receipt of a certificate issued by the departmental head concerned,	Municipal Manager

	certifying that the employee did in fact fully act in the post concerned for the duration of 10 days and more;;	
98.7	In consultation with the departmental head concerned, the authority to extend the validity of non-accumulative leave of an employee;	Municipal Manager
98.8	The determination of the working hours that are applicable to the various posts of employees;	Municipal Manager
98.9	The annual adjustment of the schedule of uniforms and protective clothing.	Municipal Manager
98.10	The allocation of travel allowances to employees as determined by Council from time to time; and	Municipal Manager
98.11	The authority to approve recommendations by the Strategic Manager: Corporate Services in respect of termination of services of an employee due to ill health, subject to the provisions of the labour legislation.	Municipal Manager

### 13. MUNICIPAL DELEGATIONS – STRATEGIC MANAGER: CORPORATE SERVICES

No.	Powers which are delegated	To whom powers are delegated
1.	To ensure that business processes, infrastructure, and resources are in place so that all administrative, human resources, legal and IT services can be provided to the Local Municipality in an efficient, cost-effective manner.	Strategic Manager: Corporate Services
2.	Is responsible for the provision of general administrative services i.e. printing services, transport and fleet management, security and building maintenance.	Strategic Manager: Corporate Services
3.	Delegation and co-ordination of the procurement of goods and services	Strategic Manager: Corporate Services
4.	Shall ensure the development of the HR strategy and organisational structure of the Municipality.	Strategic Manager: Corporate Services
5.	Shall assist the Chief Financial Officer in accounting for the Municipality's expenditure, creditors and cash management reconciliation, information systems, the procurement, tender, office, salaries and financial control;	Strategic Manager: Corporate Services
6.	Shall administer the payroll and employee benefits, including the statutory payments on behalf of the employees of the Municipality.	Strategic Manager: Corporate Services Municipal Manager
7.	<ul style="list-style-type: none"> <li>- Is responsible for Industrial relations and compliance with the provisions of the: Employment Equity Act, 1998</li> <li>- Skills Development Act,</li> <li>- Basic Conditions of Employment,</li> <li>- Labour Relations Act</li> </ul>	Strategic Manager: Corporate Services
8.	<p>Is responsible for leveraging and improving service delivery of the Municipality through the development of IT strategies that create value by supporting the strategic goals of the Municipality and facilitating transformation through information and communication systems development, delivery and by identifying IT changes that are operationally feasible considering time, resources and investment limits, for facilitating transformation. Specifically, the responsibilities are delegated for the provision of:</p> <ul style="list-style-type: none"> <li>- Business and Systems Analysis</li> <li>- IT Networks and Support</li> </ul>	Strategic Manager: Corporate Services



	<ul style="list-style-type: none"> <li>- Customer and Public Outreach</li> <li>- Records Management</li> </ul>	
9.	<p>Building the Human and Organizational capabilities needed for the Municipality's service delivery goals. HR has an important role to play in recruiting, developing, rewarding and retaining people. HR has to make sure that the right people will be allocated to the right jobs at the right time, maximize the deployment of people's talents and stimulate empowerment of cross-functional teamwork, ownership and decision-making, is a key mission for HR.</p>	Strategic Manager: Corporate Services
10	<p>Is responsible to render effective and efficient secretarial services to the Council by:</p> <ul style="list-style-type: none"> <li>- providing approved schedule of meetings for the Council, Executive Committee and Portfolio Committees</li> <li>- ensuring that agendas are send to members timeously</li> <li>- ensuring that all minutes are signed and kept as per statutory requirements</li> </ul>	Strategic Manager: Corporate Services
11	<p>Is responsible for the development and implementation of the HR processes, policies, and procedures for the:</p> <ul style="list-style-type: none"> <li>- Resourcing (Human Resources Recruitments, Selection &amp; Placement)</li> <li>- Organisational structure and design</li> <li>- Labour and Employee Relations</li> <li>- Skills Development</li> <li>- Performance Management</li> <li>- Service Benefits</li> <li>- Remuneration, Incentives and Reward</li> <li>- Quality of Work Life</li> <li>- Managing HIV/AIDS</li> <li>- Employment Equity</li> <li>- Diversity Management</li> <li>- Transformation and Change Management</li> </ul>	Strategic Manager: Corporate Services
12	<p>Shall assess the workforce, evaluate and forecast the people and skill requirements (competency gaps) and the development and implementation of workforce planning to support current and future workforce requirements and ensure a Human Resource Plan and headcount budget planning for the Local Municipality, specifically:</p> <ul style="list-style-type: none"> <li>- Forecast organization competency gaps</li> </ul>	Strategic Manager: Corporate Services

	<ul style="list-style-type: none"> <li>- Headcount budget planning</li> <li>- Recruit and select new people</li> <li>- Allocate people effectively within the organization</li> <li>Define competencies/skills required to meet objectives</li> <li>- Determine additional human resource requirements</li> <li>- Develop staffing plan to meet human resource needs</li> </ul>	
13	<p>Shall ensure job design and evaluation, the creation of job descriptions, assigning job levels, requisites for the job, and creating performance standards for specific jobs. The Strategic Manager: Corporate services or the designated HR Manager shall:</p> <ul style="list-style-type: none"> <li>- Establish roles &amp; responsibilities by job</li> <li>- Establish performance requirements by job</li> <li>- Establish competencies/skills requirements by job</li> <li>- Develop &amp; produce Job description</li> <li>- Maintain existing job descriptions</li> <li>- Evaluate jobs</li> <li>- Assign job grade / broadband to jobs</li> <li>- Maintain job evaluations</li> </ul>	Strategic Manager: Corporate Services
14	<p>Shall ensure an integrated Human Resources Development strategy, and should include the following:</p> <ul style="list-style-type: none"> <li>- Provide effective tools to manage and develop individual/team performance levels</li> <li>- Identify individual potential to develop and meet future resourcing requirements</li> <li>- Establish action plans to enhance individual capability (e.g. coaching, training, etc)</li> <li>- Design and deliver training and development programs</li> <li>- Promote long-term individual development processes (career development and succession planning)</li> <li>- Facilitate leadership and management skills development</li> <li>- Support team and project development</li> </ul> <p>Support flexibility of employment (multiskilling, upgrading, job rotation) and employability.</p>	Strategic Manager: Corporate Services
15	<p>Shall ensure an automated and integrated HR system between the different HR processes (recruitment, job classification, salary administration, training, evaluation and salary review) and between HR and Finance. Some provisions are listed below:</p>	Strategic Manager: Corporate Services Human Resources Manager

	<ul style="list-style-type: none"> <li>– Integration of headcount information, personnel information, vacancies status and salary information in order to reconcile headcount and personnel costs (system supporting the requirements from JRF as well as Operations)</li> <li>– Integrated and automated Recruitment process: vacancy approval, recruitment approval, vacancy and applicant follow-up, contract management, employee personal information, classification and salary data. Workflow to support that process</li> <li>– Integration of the function classification systems with salary administration</li> <li>– Full integration between time registration and salary administration</li> <li>– Provide a workflow to manage the training process: integrate the detection of training needs (based on employee function), the registration process and the training budget analyses</li> <li>- Automation of transactions like contract management, time registration</li> </ul>	
16	Effective functioning of Council Secretarial Operations;	Strategic Manager: Corporate Services
17	Coordinate and support disaster related relief measures;	Strategic Manager: Corporate Services
18	Development, Implementation and Monitoring of by-laws;	Strategic Manager: Corporate Services
19	Development of Health and Safety Strategy and implementation plan;	Strategic Manager: Corporate Services
20	Management and Monitoring departmental subdivisions;	Strategic Manager: Corporate Services
21	Management of the traffic function	Strategic Manager: Corporate Services
22	Manage performance of refuse removal function	Strategic Manager: Corporate Services

#### 14. MUNICIPAL DELEGATIONS – DELEGATIONS TO THE STRATEGIC MANAGER: FINANCE/ CHIEF FINANCIAL OFFICER

<b>No.</b>	<b>Powers which are delegated</b>	<b>To whom powers are delegated</b>
1.	Is the designated Chief Financial Officer of the Local Municipality	Strategic Manager: Finance
2.	The authority to collect moneys owed to the Council in terms of a contract, legislation, court orders and decisions of the Council or any other legal basis.	Chief Financial Officer
3.	The authority to obtain an interim property valuation from the Council's appraisers as and when the need arises, in respect of any property within the Municipal area.	Chief Financial Officer
4.	The issuing of a clearance certificate, which certifies that the rates, fees, amounts and interest in respect of a certain property in the Municipal area, have been paid to the Council as required by the applicable legislation.	Chief Financial Officer
5.	The claiming from and making of payments to professional persons or firms.	Chief Financial Officer
6.	The authority to release funds in respect of capital items in terms of the approved capital budget.	
7.	The authority to deduct money, which an official owes to the Council from salaries or wages.	Chief Financial Officer
8.	The handling of requests from financial institutions for service delivery in respect of the payment of Municipal accounts.	Chief Financial Officer
9.	In respect of housing subsidies to officials, the authority to give permission for the registration of a second or ensuing bond in favour of a third party, subject to the registration of a non-prejudicial clause along with the registration of the bonds concerned.	Chief Financial Officer
10.	The authority to advise the Municipal Manager in respect of the commencement with a legal process for claiming of damages to Council property caused by a third party, and for expenses in respect of injuries sustained by an official while on duty, which the Council must incur in terms of the Workmen's Compensation Act and leave agreements, in the	Chief Financial Officer

	event that another party causes the accident or incident.	
11.	<p>The authority to perform the functions and exercise the powers that vest in the Council in terms of the provisions of:</p> <ul style="list-style-type: none"> <li>- The animal regulations;</li> <li>- The financial regulations;</li> <li>- The regulations regarding housing subsidies to employees;</li> <li>- The regulations relating to the Municipal market;</li> <li>- The regulations relating to the Municipal pension and gratuity fund;</li> <li>- The conditions of sale as set out in the contract concerned in all cases where buyers of immovable property in the Municipal area fail to meet their obligations with regard to the said conditions of sale;</li> <li>- The water supply and the electricity supply regulations with regard to financial matters; and any other regulations set out in the Constitution.</li> </ul>	Chief Financial Officer
12.	The consideration of all requests for the making available of name and address lists of water and electricity consumers and the taxation ledger, in the light of the applicable legislation and Council's own administrative circumstances and requirements which take precedence at all times.	Chief Financial Officer
13.	The authority to sign all documents concerning the collection of money owed to the Council, in either the Magistrates or the High Court.	Chief Financial Officer
14.	The utilisation of the rent reserve for payment of losses sustained for leases: Provided that a motivated report is submitted for audit purposes in respect of each residential unit.	Chief Financial Officer
15.	The authority to finalise insurance claims concerning the Council's internal insurance fund.	Chief Financial Officer
16.	In consultation with the departmental head concerned, the authority to enforce the penalty clauses contained in Council's contracts for the late delivery of goods and services.	Chief Financial Officer Strategic Manager: Corporate Services
17.	The maintenance of Council's register for lease contracts and the submission thereof to the Council on 30 June of each year for information.	Chief Financial Officer

18.	The authority to act as the Council's authorised agent in entering into loan and donation contracts with other Municipalities.	Chief Financial Officer
19.	In consultation with the Strategic Manager: Corporate Services, the authority to approve applications for educational assistance submitted by employees are to be effected in accordance with the existing policy and the agreement of that Council.	Chief Financial Officer Strategic Manager: Corporate Services Strategic Manager: Development Planning
20.	The maintenance of Council's register for lease contracts and submission thereof to the Council on the 30 <sup>th</sup> June of each year for information;	
21.	The authority to appoint officials of his department as Health and Safety Representatives for his department in terms of the provisions of the relevant Occupational Health and Safety Act.	Chief Financial Officer
22.	The authority to sign the purchaser's declaration to pay transfers duties as well as the documents for the cession of buildings erected for residential purposes with State funds.	Chief Financial Officer
23.	The authority to receive and bank monies;	Chief Financial Officer
24.	The authority to approve a claim and authorise a payment where an amount is to be refunded;	Chief Financial Officer
25.	The authority to comment on the financial implications of any proposal to spend monies prior to any such proposal being approved;	Chief Financial Officer
26.	The authority to write- off irrecoverable debts/ revenue and losses/deficiencies of monies in terms of the Credit Control Policy;	Chief Financial Officer
27.	The authority to under the general direction of the Council, regulate and control the finances of the Council;	Chief Financial Officer
28.	The authority to advise the Council , its committees and Heads of Departments on priorities in relation to resources and capital expenditure;	Chief Financial Officer
29.	The authority to request from Heads of Departments to provide him/her details of annual estimated income and expenditure (operating and capital) in such form and in accordance with such programme as s/he shall require. The Strategic Manager:	Chief Financial Officer

	Finance, using these details, shall coordinate the preparation of estimates for submissions to the Council ;	
30.	The authority to require that, if at any time it appears to a manager that any line item of expenditure in the budget has been or is likely to be exceeded, or income is likely to be reduced during the current financial year by a material amount, or an amount in excess of that which could be vired, such Manager shall immediately report thereon in writing the Chief Financial Officer;	Chief Financial Officer
31.	The authority to provide regular reports to the Council on the Council Finances and financial performance. Managers shall provide such information to the CFO as requested to enable him/her to draft such reports;	Chief Financial Officer
32.	Is responsible for implementing section 81 of the MFMA;	Chief Financial Officer
33.	Is responsible for the management of the subdivisions in his/ her department	Chief Financial Officer

## 15.MUNICIPAL DELEGATIONS –STRATEGIC MANAGER: DEVELOPEMNT PLANNING

No.	Powers which are delegated	To whom powers are delegated
1.	Is charged to manage and co-ordinate the Integrated Development Planning (IDP) process on behalf of the Municipal Manager;	Strategic Manager: Development Planning
2.	Shall prepare the process Plan;	Strategic Manager: Development Planning
3.	Shall undertake the overall management and co-ordination of the planning process;	Strategic Manager: Development Planning
4.	Shall ensure that all relevant 'actors' are appropriately involved;	Strategic Manager: Development Planning
5.	Shall ensure that the planning process is participatory, strategic and implementation-oriented, and is aligned with and satisfies sectoral planning requirements;	Strategic Manager: Development Planning
6.	Shall respond to comments on the draft IDP from the public, horizontal alignments and other spheres of government, to the satisfaction of the Municipal Council;	Strategic Manager: Development Planning
7.	Shall manage the filing and storage of records and documentation of the results of the planning of the IDP document;	Strategic Manager: Development Planning
8.	Shall adjust and revise the IDP in accordance with the MEC for Local Government's proposals;	Strategic Manager: Development Planning
9.	Shall report directly to the Municipal Manager;	Strategic Manager: Development Planning
10.	In consultation with the Municipal Manager, obtain the services of consultants with regard to any matters under his/her control, where consultant/s fees and expenses do not exceed a prescribed amount set by Council per project/ occasion;	Strategic Manager: Development Planning
11.	The authority to sign the following documents (as and	



	<p>when delegated):</p> <ul style="list-style-type: none"> <li>- Contracts concluded by the Council for building and civil works;</li> <li>- Contracts concluded by the Council with consultants in respect of projects executed by the her/his department;</li> <li>- All documents and contracts in respect of applications for exploitation authority (mining licences) to excavate gravel and stone within the Municipal area, in terms of the provisions of the relevant Minerals Act;</li> <li>- Purchasing and leasing contracts in respect of buildings that were built with state funds or other housing leased by the Council.</li> </ul>	
12.	In an emergency, the rendering of all possible assistance as quickly as possible to the water board to resolve any water crisis which may occur and to recover the costs thus incurred from the water board, subject thereto that an official order for the services rendered is obtained as soon as possible – on behalf of the District.	Strategic Manager: Planning MM
13.	Recommend the appointment of consultants by private township developers.	Strategic Manager: Planning MM
14.	In consultation with the relevant Traditional Authorities, the authority to recommend permission for the excavation of gravel on commonage at a tariff as determined by the Council from time to time, or at a standard tariff as determined by legislation, whichever is applicable.	Strategic Manager: Development Planning
15.	The authority to adjust the tariffs contained in the contracts concluded with consultants from time to time, in accordance with the applicable tariffs as published in the Government Gazette in terms of the legislation concerned.	Strategic Manager: Development Planning
16.	In consultation with the Chief Financial Officer, the authority to enforce the penalty clauses contained in Council's contracts for the late delivery of goods and services.	Strategic Manager: Development Planning
17.	The authority to approve or reject all building plans and to decide about building line concessions, lateral and rear spaces as set out in the Town Planning	Strategic Manager: Development Planning

	Scheme.	
18.	The authority to consider and finalise all applications for permanent advertisements in accordance with the provisions of the regulation for the display of advertisements jointly with the signage committee.	Strategic Manager: Development Planning
19.	The authority to perform the functions and exercise the powers vested in the Council in terms of the provisions of: <ul style="list-style-type: none"> <li>- The lease contracts for Municipal housing;</li> <li>- The National Building Regulations and Building Standards Act; and</li> <li>- The provisions of regulations in respect of the numbering and re-numbering of buildings and places, and the assignment of names to and the display thereof on flat buildings.</li> </ul>	Strategic Manager: Development Planning
20.	The authority to allocate departmental and sundry residential units.	Strategic Manager: Development Planning
21.	The authority to rule in respect of the Council's pre-emptive sales right in accordance with relevant housing legislation.	Strategic Manager: Development Planning
22.	The authority to permit lessees of Municipal housing to put up temporary or permanent boarders subject to conditions.	Strategic Manager: Development Planning
23.	The authority to permit lessees of Municipal housing to effect smaller changes, fixtures and improvements to the leased property,	Strategic Manager: Development Planning
24.	The authority to approve or reject requests for the purchase or leasing of Municipal residential units built with State funds.	Strategic Manager: Development Planning
25.	To approve or reject requests for the use of servitude areas created for Municipal purposes, for building purposes or for the erection of other structures: Provided that such use of the servitude area does not prejudice the purpose for which the servitude was registered.	Strategic Manager: Development Planning
26.	The authority to grant approval for the erection of a second residential unit on a stand or premises in terms of the Town Planning Schemes and other relevant legislation.	Strategic Manager: Development Planning
27.	The authority to grant permission for a deviation or	Strategic Manager:

	relaxation in terms of the National Building Regulations and Building Standards Act, except for a regulation concerning the strength and stability of buildings.	Development Planning
28.	The authority to issue certificates of condemnation in terms of the provisions of the Sectional Titles Act.	Strategic Manager: Development Planning
29.	The authority to grant a postponement for the period in which the vested rights, as determined by the Council, must be exercised in cases in which a consent use has been approved by the Council in terms of its Town Planning Schemes and other relevant legislation.	Strategic Manager: Development Planning
30.	In consultation with the MM, to approve or reject the applications of sports clubs, which fall under the Council's sports scheme, to improve their facilities at their own expense.	Strategic Manager: Development Planning
31.	In consultation with the Chief Financial Officer, the authority to enforce the penalty clauses contained in Council's contracts for the late delivery of goods and services.	Strategic Manager: Development Planning
32.	The authority to approve the placement of neighbourhood watches notice boards on Council property, as well as restricting the number thereof.	Strategic Manager: Development Planning
33.	The authority to take the necessary steps to secure a suitable court order which obliges the owner or occupier of land or premises to meet the requirements of the Town Planning Scheme in the event that owners or occupiers of land or premises fail to meet the requirements of the said Town Planning Scheme.	Strategic Manager: Development Planning
34.	The authority to approve rezoning applications in respect of land within the guideline areas.	Strategic Manager: Development Planning
35.	The authority to make recommendations and commentary in respect of applications for the cancellation, suspension or amendment of title conditions which are restrictive, to bring the title deed of premises into line with the Town Planning Scheme, except in cases in which a reversionary clause in favour of the Council exists in the title deed.	Strategic Manager: Development Planning
36.	In consultation with the Strategic Manager: Corporate	Strategic Manager:

	Services, to make recommendations to the relevant government departments concerned in respect of the approval of or rejection of applications to demolish or reconstruct houses.	Development Planning
37.	The authority to grant the necessary sanction, until a professional surveyor is appointed, to give out cadastral work on a portion basis to surveying firms, subject thereto that the fees concerned shall be as stipulated in the statutory prescribed scales, and provided that no single appointment exceeds a prescribed amount.	Strategic Manager: Development Planning
38.	When applications are made to relax street building lines in respect of single residential stands within the area the authority to finalise such applications administratively provided that the mentioned building lines are relaxed to a prescribed maximum, in which case this is adequately provided for by the scheme.	Strategic Manager: Development Planning
39.	The authority to consider applications for home industries and house cafes in terms of the Town Planning Scheme. In cases, which he/she considers, the application to be of a controversial nature or that might have a significant impact on the surrounding community, or must, in the case of objections being lodged by surrounding property owners, refer it to the Council for a decision.	Strategic Manager: Development Planning
40.	The authority to relax height restrictions of buildings in line with the relevant by-land and land use management scheme of the municipality;	Strategic Manager: Development Planning
41.	The authority to approve applications for the consolidation of land which does not belong to the Local Municipality, and where necessary, the setting of building clause conditions to be registered against the titles of the stands concerned , as well as the determination of servitudes for the protection of services and their application in case which subdivision are made;	Strategic Manager: Development Planning
42.	Responsible for the management of subdivisions in his/her department;	Strategic Manager: Development Planning
43.	Responsible for the corporate performance management in compliance with the performance management prescripts.	Strategic Manager: Development Planning

## FETAKGOMO COUNCIL DELEGATION OF POWERS AND RESPONSIBILITIES

**16. MUNICIPAL DELEGATIONS: STRATEGIC MANAGER TECHNICAL SERVICES**  
**POWERS DELEGATED TO THE HEAD OF DEPARTMENT: STRATEGIC**  
**MANAGER TECHNICAL SERVICES**

1.	The power to accept conditions imposed by statutory agencies such as the State, Lepelle Northern Water Board, Eskom, the National Roads Agency, Road Agency Limpopo and Telkom where the Municipality's services are to be installed inside, over or under the reserves of these agencies.	Strategic Manager: Technical Services
2.	The power to approve work performed by other parties on municipal property, with specific reference to water and sewerage servitudes and road reserves, subject to the following conditions: (a) The party may not begin executing the work on municipal property until an agreement with regard to the work has been concluded between the Municipality and the party.  (b) No work may begin until final approval of working drawings and specifications and proof of the party's accepted liability policy has been submitted.	Strategic Manager: Technical Services
3.	The power to act on behalf of the Municipality in respect of contracts in terms of the General and Special Conditions of Contract for works of Civil Engineering Construction, subject to the condition that this power excludes duties and functions which other holders of office execute ex officio on behalf of the Council, or duties and functions over which the Strategic Manager: Technical Services has no authority and for which the Council's approval is required before their execution	Strategic Manager: Technical Services
4.	In respect of surface and underground geological formations and the guidelines for engineering services, the power to prescribe materials and specifications to be used for civil engineering projects in new townships.	Strategic Manager: Technical Services
5.	The powers granted under section 141(b)(i) of the Local Government Ordinance, 1939 (Ordinance 17 of 1939), to decide whether an erf, stand or lot or other area, with or without any improvements, is, or in the opinion of the Municipality can be, connected to any water main, drain or sewer and sewerage works.	Strategic Manager: Technical Services

6.	The power to display temporary and essential road traffic signs in respect of any public road within the area of jurisdiction of the Municipality in terms of section 83(3) of the Road Traffic Act, 1989 (Act 29 of 1989).	Strategic Manager: Technical Services
7.	The power to serve on the owner, lessee or occupier of private property notice of the Municipality's intention to install services through across, under or over the private property and to make compensation or, failing to reach agreement on compensation, refer the matter for arbitration.	Strategic Manager:Technical Services
8.	In respect of a street, road or thoroughfare of which ownership vests in the Municipality, the power to – (a) close the street, road or thoroughfare temporarily to a specific type of traffic;  (b) close the street, road or thoroughfare temporarily to all traffic; or  (c) divert traffic from the street, road or thoroughfare temporarily,if the Strategic Manager: Technical Service considers such a closure or diversion necessary for general construction work, for the installation of services that have to be provided by the Municipality, or for the carrying out of works by other authorities within the street reserve.	Strategic Manager: Technical Services
9.	The power to institute disciplinary proceedings against any official of the Department who has allegedly committed an act of financial misconduct in terms of the Municipal Finance Management Act 56 of 2003.	Strategic Manager: Technical Services
10.	The power to implement the supply chain management policy of the Municipality when procuring good services for the department.	Strategic Manager: Technical Services
11.	The power to implement the Municipality's approved budget in respect of the Department and prepare an adjustment budget when requested to do so by the Municipal Manager.	Strategic Manager: Technical Services
12.	The power in terms of section 62(1)(a) of the MFMA to ensure the effective, efficient and economic use of the Municipality's resources.	Strategic Manager: Technical Services

13.	All powers and ancillary powers thereto in order to maintain effective, efficient and transparent systems -  (i) of financial and risk management and internal control; and  (ii) of internal audit operating in accordance with any prescribed norms and standards in terms of section 62(1)(c) of the MFMA	Strategic Manager: Technical Services
14.	The prevention of unauthorised irregular or fruitless and wasteful expenditure and other losses in terms of section 62(1)(d) of the MFMA.	Strategic Manager: Technical Services
15.	The responsible management of -  (a) assets of the Council, including the safeguarding and maintenance of those assets; and  (b) liabilities of the municipality in terms of section 63(1) of the MFMA.	Strategic Manager: Technical Services
16.	The power to approve or refuse the vacation, sick and special leave of the staff in the department.	Strategic Manager: Technical Services
17.	The power to instruct an official to temporarily perform other duties than those normally assigned to him or her.	Strategic Manager: Technical Services
18.	The power to authenticate any order, notice or other document requiring authentication.	Strategic Manager: Technical Services
19.	The power to accept an official's written notice of termination of employment.	Strategic Manager: Technical Services
20.	The power to cancel, postpone or interrupt an official's leave of absence.	Strategic Manager: Technical Services
21.	The power to approve leave of absence (vacation leave) without remuneration.	Strategic Manager: Technical Services
22.	The power to instruct an official to undergo a medical examination.	Strategic Manager: Technical Services
23.	The power to instruct an official to submit a medical report.	Strategic Manager: Technical Services
24.	The power to compel an official to take sick leave.	Strategic Manager: Technical Services
25.	The power to approve maternity leave for female officials and paternity leave for male employees.	Strategic Manager: Technical Services

26.	The power to authorize the medical examination of individuals claiming damages from the Municipality arising from bodily injuries on duty.	Strategic Manager: Technical Services
27.	The power to approve payment and payment certificates pertaining to the Technical Services Department.	Strategic Manager: Technical Services
28.	The power to take all the necessary action to enforce statutory provisions.	Strategic Manager: Technical Services
29.	The power to approve overtime for legible employees.	Strategic Manager: Technical Services
30.	The power to approve the attendance of conferences, congresses, symposiums or training sessions by employees (excluding international conferences, congresses, symposiums, training sessions or visits).	Strategic Manager: Technical Services
31.	To exercise all powers in terms of the relevant By-laws falling within the ambit of the competencies of the department, including the granting of any permission that may thus be required and the issuing of any notice in accordance with the said By-laws whereby a person is summoned to comply with a stipulation thereof.	Strategic Manager: Technical Services
32.	The powers to execute all powers vested in terms of the Occupational Health and Safety Act; 1993 (Act 85 of 1993) and the Mine Health and Safety Act; 1996 (Act 29 1996) and the Regulations pursuant thereto;	Strategic Manager: Technical Services
33.	The power to approve/reject requests from employees and non-employees to obtain specific information about the Municipality for research purposes or for obtaining a qualification, and to publish such information. This power must be executed in accordance with the Promotion of Access to Information Act, 2000 (Act 3 of 2000).	Strategic Manager: Technical Services



