



# **MHLONTLO LOCAL MUNICIPALITY**

## **DELEGATION POLICY AND FRAMEWORK**

**ADOPTED BY COUNCIL ON.....**

2019/20

## SYSTEM OF DELEGATIONS: MHLONTLO LOCAL MUNICIPALITY

### DEFINITIONS

(1) In this document, unless the context otherwise indicates –

**“administration”** means the Municipal Manager and the other employees of the 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 Mhlontlo Local Municipality (MLM) 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;

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<b>“delegatee”</b>	means the person to whom a power or authority is delegated.
<b>“delegator”</b>	means the delegating authority, either a person or a structure so authorised to delegate a certain function, power or authority
<b>“ leadership”</b>	means and includes Councillors, Mayor, Executive Committee, Municipal Manager, Heads of Departments, Management and any other structure or person so designated.
<b>“delegated body”</b>	in relation to the delegating of the power means the political structure, political office-bearer or employee to whom a power has been delegated in writing by the delegating authority;
<b>“IDP”</b>	means the Integrated Development Plan of the Council;
<b>“in consultation”</b>	means with the concurrence of the person with whom a delegated body must consult before exercising a delegated or sub-delegated power;
<b>“Municipal Finance Management Act”</b>	means the Local Government : Municipal Finance Management Act, 2003 (Act No. 56 of 2003);
<b>“power”</b>	includes a duty and function;
<b>“political office-bearer”</b>	in relation to the municipality, means the Speaker and the Mayor elected by the Council in

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accordance with the provisions of the Structures Act;

“political responsibility” means the obligation to develop strategies and policies and to ensure the implementation thereof;

“political structure” in relation to the municipality, means the Council or any committee or other collective structure of the 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);

“Systems Act” means the Local Government : Municipal Systems Act, 2000 (Act No. 32 of 2000);

(2) In this document, unless the context otherwise indicates, words and expressions denoting-

(a) the singular includes the plural and *vice versa*;

(b) a reference to a natural person includes a legal person and *vice versa*.

**Objectives of delegation**

**The objectives of this system of delegation are-**

1. To maximise administrative and operational efficiency
2. To provide for adequate checks and balances
3. To delegate decision-making to the most effective level within the administration

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4. To promote a sense of collective responsibility for performance; and
5. To assign clear duties for the management and co-ordination of the Municipality's administrative components, systems and mechanisms

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### Purpose

A delegation framework is intended to provide a conducive climate for the smooth-running of the municipality, effective and efficient management of resources and further provide an unhindered and very reliable system for the performance of the various powers and functions between the various structures and offices of the Municipality so as to give effect to the democratic principle of separation of powers and authority.

### Scope

This delegation framework is meant, first and foremost, to give effect to the provisions of the policy framework as well as the laws of the Republic of South Africa as it relates to the various spheres of government and the various offices and structures within the local sphere of government..

Our approach to this delegation framework will be as follows:

- a) As a start Council will approve the minimum delegations as provided for in the various pieces of legislation and other policy documents of our democratic government. This shall include any collective agreements that the Municipality is party to either individually or collectively with other structures of government. To this end extracts will be taken from these pieces of legislation and have them provided for in this delegations framework which shall be the delegation framework for the Mhlontlo Local Municipality once approved by Council;
- b) With the existing policies having been ratified, either with or without amendments, by Council, the various powers of authority being vested upon the various offices and structures of the Municipality, this delegation framework will be accordingly amended to reflect such provisions;
- c) With further policies being developed within the Municipality, and amendments being effected to the national and provincial laws and policies, coupled with the annual review of the Municipal policies, this delegations framework shall likewise be reviewed and amended by the Executive authority and ratified by Council.

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### PRINCIPLES OF DELEGATION

- 2.1 In terms Section 59 of the Systems Act, Council must develop a system of delegation that will maximise administrative and operational efficiency and provide for adequate checks and balances.
- 2.2 The Constitution empowers a municipal council to make By-laws which prescribes rules and orders for the powers and functions of its committees, and further prescribes those functions which may not be delegated by Council.
- 2.3 All delegations must ensure that the council retains all legislative powers and those executive powers which cannot be lawfully delegated.
- 2.4 Policy formulation and determination process is as follows:
- 2.4.1 Policy is determined by the body that has the authority to do so in terms of Council's delegation systems.
- 2.4.2 Any political structure or branch of the executive may initiate the generation of proposed policy. The procedure to follow in determining the policy will depend on which body has the final authority to approve it.
- 2.4.3 Policy which is required to be approved by Council must first be channelled *via* the Councillor concerned for his/her consideration. He or she may approve of such policy if it is within his/her delegated power to do so, alternatively if it is for decision for a higher body, the Councillor will forward it to such for its consideration and approval.

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- 2.4.4 Policy which is delegated for approval by any level of administration, may either be referred to the relevant Councillor at the discretion of the delegatee for comment and recommendation, alternatively the delegatee may set the policy him- or herself.
- 2.4.5 Notwithstanding the above, if any proposed policy has a direct and significant impact on the community then the approval of the Council *via* the Standing Committees of Council, shall be obtained.
- 2.5 The Council as the legislative and executive authority may exercise no power and perform no function beyond that conferred upon it by law, the executive may not exercise its authority contrary to any policy approved by Council or any other level of executive higher than itself.
- 2.6 All delegations must be aimed at empowering the relevant executives to perform their functions effectively, taking into account the different levels of decision-making.
- 2.7 The functions allocated to Council's executives as may be approved by Council from time to time will form the basis for the allocation of delegations of executive decision-making power.
- 2.8 All delegations are conditional upon compliance with Council policies, its IDP and budget.
- 2.9 All delegations must be in writing, see annexure ...
- 2.10 Delegations must provide for good governance and allow for adequate checks and balances.
- 2.11 All delegations must enhance service delivery without sacrificing accountability.



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- 2.12 The Municipal Manager is authorised to sub-delegate any of his/her powers to the most appropriate and effective level.
- 2.13 Delegations must not oblige a delegatee to exercise his/her delegated power and must therefore allow for the decision to be taken at the next higher level.
- 2.14 In exercising the delegated authority, the delegatee must do so in the spirit of utmost good faith.

### **CONDITIONS OF DELEGATION**

- 3.1 All decision-making powers delegated under this delegation framework are subject to the following conditions:
  - 3.1.1 Delegated powers are conferred upon offices and/or positions within the Municipality and not personally on incumbents.
  - 3.1.2 These delegations also apply to acting positions. Persons acting in these positions have the same delegated powers as those serving in a permanent capacity, provided that the competent authority has duly appointed such acting persons.
  - 3.1.3 In executing any delegated power, the delegatee must comply with all relevant legislation, agreements and policy.
  - 3.1.4 These delegations do not redefine Council's powers and functions.
  - 3.1.5 The policies whether existing or future will determine the parameters of any delegations and the delegator is bound to comply therewith. It is the duty of the delegator and the Council's legislative arm to ensure that clear and comprehensive policies are drafted.

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- 3.1.6 In executing delegated powers, no expenditure may be incurred unless the delegatee is satisfied that the Council has budgeted for the expenditure and that funds are still available on the relevant budget votes.
- 3.1.7 Council or any other part of Council's executive leadership above the delegatee may at any time, subject to applicable law, order a delegated matter not to be proceeded with by the delegatee and then deal with such matter.
- 3.1.8 The chain of authority from the Council to the Mayor to the Councillors, to the Municipal Manager and Officials below must not be jeopardised by any delegation.
- 3.1.9 The Executive delegated to take a decision, may determine whether a report is needed motivating the decision and whether the decision must be reduced to writing. If a report is required then it must indicate that all legal and financial requirements have been met.
- 3.1.10 A delegation may set out special circumstances in which a delegatee is prohibited from exercising his/her delegated power, for example if the delegatee is recommending the rejection of the most financially beneficial tender offer.
- 3.1.11 Any sub-delegation must be reduced to writing and recorded in the delegation register, which must be kept updated at all times by the Municipal Manager.
- 3.1.12 All decisions affecting the rights of others must be in writing and reasons must be recorded for such decisions.

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- 3.1.13 The Council or any other delegator, may at any time withdraw, qualify or amend a delegation made by itself.
- 3.1.14 Council must in accordance with the procedures of its rules of order review any decision taken under delegated powers if so requested in writing by at least a quarter of the members of the Council.
- 3.1.15 Provision must be made for separation between the evaluation and recommendation stage of the decision-making process and the actual decision itself. This must happen in all cases where the decision-making process is reasonably capable of being divided as set out above.
- 3.1.16 All delegatee must report delegated decisions at such intervals as the delegator may require. These reports are to enable the delegator to determine whether the policies regulating the power are adequate and/or whether the delegation is appropriate.
- 3.1.17 Appeals against any decisions taken in terms of any delegated authority, must be dealt with in terms of the Systems Act by an appropriate appeals authority. This authority could either be a Special Committee set up for this purpose or the Municipal Manager depending on the level where the decision originated.
- 3.1.18 Any delegator may require a selected sample of decisions taken by a part of the executive below him/her to be audited.
- 3.1.19 The system of delegations must be reviewed in terms of the provisions of the Systems Act whenever a new Council is elected.

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### **4. Appeal against, and review of, decisions taken in terms of delegated powers**

- 4.1 A person, whose rights are affected by a decision taken by a delegated body, may appeal against that decision by giving written notice of, and reasons for, the appeal to the Municipal Manager within 21 days of the date of the notification of the decision.
- 4.2 The Municipal Manager must promptly submit any appeal that she/he may receive to the appropriate appeal authority that must decide the appeal in the manner and within the time set out in section 62 of the Local Government: Municipal Systems Act.
- 4.3 the delegating authority may review and set aside a decision made by a delegated body under its delegated power, provided that due regard must be had for any rights that may have accrued as a result of the decision of the delegated body.

### **5. Withdrawal of delegated powers and review of delegation system**

- 5.1 With due regard for the objectives of the system of delegation set out above, a delegation authority may at any time, in writing, withdraw or amend a delegated power or impose additional condition, directions and limitations on a delegated power
- 5.2 The withdrawal, amendment or lapse of delegation or sub-delegation does not invalidated anything done as consequence of a decision taken in terms of that delegation or sub-delegation before such withdrawal amendment lapse.
- 5.3 Whenever it becomes necessary to review the municipality's delegation of power , the Municipal Manager must submit a report on the existing delegation with recommendations an any changes thereto which she/he may consider necessary, to the Council through the appropriate committee

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6. Provisions relating to delegation of powers conferred in terms of the Local Government: Municipal Finance Management Act (ActNo 56 of 2003)
- 6.1 THE MFMA does not explicitly empower the Council to delegate any of the Powers, duties and functions vested in it by the MFMA to another political structure, political office-bearer or an official of the Municipality. However, the Council may effect such delegations in terms of section 59 of the Systems Act
- 6.2 The Councillor designated as the mayor for the purposes of the MFMA may delegate any of her/ his powers to another councillor
- 6.3 A delegation by the Mayor-
- a. Must be in writing
  - b. Is subject to any limitations or conditions that the Mayor may impose and
  - c. Does not divest the Mayor for the purposes of the MFMA may delegate any of her/his
- 6.4 the Mayor may confirm, vary or revoke any decision taken in consequence of a power delegated to her/him but not such variation or revocation of a decision may detract from any right that may have accrued as a result of the decision.
- 6.5 In terms of section 79 of the MFMA the municipal manager must, for the proper application of the MFMA in the Municipality's administration, develop an appropriate system of delegation that will both maximise administrative and operational efficiency and provide adequate checks and balances in the financial administration. The Municipal Manager may, in accordance with the system of delegation, delegate to a member of the Municipality's top management who are responsible for managing the respective votes of the Municipality and to whom the Municipal Manager has delegated powers and duties for this purpose and any senior officials designated by the Municipality

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- (a) Any of the power or duties assigned to an accounting officer in terms of the MFMA; and
  - (b) Any powers or duties reasonable necessary to assist the accounting officer in complying with a duty which requires her/him to take reasonable or appropriate steps to ensure the achievement of the aims of a specific provision of the MFMA
- 6.6 The municipal Manager
- (a) Must regularly review delegation she/he issued and, if necessary must amend or withdraw any of those delegations; and
  - (b) Must not delegate a power, function or duty assigned to her/ him in terms of the MFMA to any political structure or political office bearer of the Municipality
- 6.7 A delegation by the Municipal Manager
- (a) Must be in writing
  - (b) is subject to such limitations and conditions as the Municipal Manager may impose in specific case
  - (c) may either be made to a specific individual or to the holder of a specific post in the Municipality
  - (d) may, in the case of a delegation to a member of the Municipality's top management authorise that member to sub-delegated power or duty to an official or the holder of a specific post in that member's area of responsibility; and
  - (e) does not divest her/him of the responsibility concerning the exercise of the delegated duty
- 6.8 The Municipal Manager may confirm, vary or revoke any decision taken in consequence of a delegation of power by her/him or a sub-delegation, but no such variation or revocation of decision may detract any rights that may have accrued as a result of the decision.
- 6.9 The Chief Financial Officer may, in terms of section 82 of the MFMA delegated any of the following duties conferred upon her/him

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(a) Advising the Municipal Manager on the exercise of power and duties assigned to the accounting officer in terms of the MFMA and

(b) Advice senior managers and other senior officials in the exercise of power and discharge of duties assigned to them in terms of section 78 MFMA or delegated to them by the Municipal Manager and discharge duties assigned to them by Municipal Manager

6.10 The Chief Financial Officer may sub-delegate any duties related to budgeting, accounting, analysis, financial reporting and cash management.

**Council powers**

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

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
160(2) CON	The passing of by-laws	C1	Council	None	A decision in this regard must be taken by the Council with a supporting vote of a majority Of its members
160(2) CON 16(1) MFMA	The approval of budgets	C2	Council	None	A decision in this regard must be taken by Council with a supporting vote of a majority of its members taken before the start of the financial year. Section 25 MFMA applies in event that the budget is not approved



**SYSTEM OF RESOLUTIONS: MFLONITO LOCAL MUNICIPALITY**

160(2) CON 75A(1) MPRA	The imposition of rates and other taxes, levies and duties	C3	Council	None	A decision in this regard must be taken by the Council with a supporting vote of a majority of its members.
160(2) CON	The raising of loan	C4	Council	None	A decision in this regard must be taken by the Council with a supporting vote of a majority of its members.
59(1)(a) MSA 74 and 75A(2) MSA	The setting of tariffs	C5	Council	None	A decision in this regard must be taken by the Council with a supporting vote of a majority of its members.

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59(1)(a) MSA	The decision to enter into a service delivery agreement in terms of section 76(b) of the Systems Act	C6	Council	None	
59(1)(a) MSA,2000	The decision to approve or amend the municipality's IDP	C6	Council	None	
7RPOA	The determination of salaries, allowances, and other benefits of councillors	C8	Council	None	
82 MSA 1998; Sec 30 (5)(c) 54A MSA as amended	The appointment and conditions of service of the Municipal manager as head of the administration and as accounting officer for the municipality, after receiving the report and recommendations of the Mayor on the matter	C9	Council	None	
56 MSA 30 (5)(c) MSA 1998	The appointment and conditions of service of Section 56 Managers after consultation with the Municipal Manager, and after receiving the	C10	Council	None	

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	report and recommendations of the Mayor on the matter					
14(2) MFMA	The transfer of ownership or otherwise disposal of a capital asset that is not needed to provide the minimum level of basic municipal services	C11	Council	None	Council must in a meeting open to the public, decide whether the asset is not needed to provide minimum level of basic municipal services, and consider the fair market value of the asset and the economic and community value to be received for the asset	
18 MSA 1998	The designation of full-time Councillors as determined by the MEC for Local Government	C12	Council	None		
Item 8 Code of Conduct	Considering any application of a full-time Councillor so designated to perform other work for remuneration	C13	Council	None		
31(1)	Closing of the Council's sittings to	C14	Council	None		

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MSA, 1998	members of the public and the media and authorizing committees of the municipality to close their sittings				
33 MSA 1998	The establishment of committees, including the determination of the functions and procedures of any such committee, the appointment and removal of the members of such committee and, in appropriate cases, the appointment of the chairperson of such committee	C15	Council	None	
34(1) MSA 1998	Considering the dissolution of the Council	C16	Council	None	
40 MSA 1998			Council		

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	The election of a Speaker	C17			
40 MSA 1998	Removing the Speaker from office and filling any vacancy in the office of Speaker	C18	Council	None	
41 MSA 1998	Electing an Acting Speaker	C19	Council	None	
55(1) MSA 1998	Electing a Mayor and filling any vacancy in the office of the Mayor	C20	Council	None	
56(4) MSA 1998	Determining the ceremonial role, if any, that the Mayor must perform	C21	Council	None	
58 MSA 1998	Removing the Mayor from office	C22	Council	None	
79 MSA 1998	Appointment of adhoc committees	C23			
80 MSA 1998	Establishment of Standing/Portfolio Committees	C24			
60(3) MSA 1998	Designating the powers of the Mayor that must be exercised and performed by the Mayor together with the other members of the Executive Committee	C25	Council	None	
72 MSA 1998	Deciding whether or not to establish	C26	Council	None	

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	ward committees in the municipal area, making rules in connection with any such committees, determining the administrative arrangements that may be made available to such committees and the dissolution of any ward committee				
Item 4 Code of Conduct for Councillors	The sanctioning of non-attendance of Council meetings	C26	Council	None	
Item 7(4) Code of Conduct for Councillors	Determining the financial interests of Councillors that must be made public	C27	Council	None	
Item 13 Code of Conduct for Councillors	Consideration of a report of the Speaker on the suspected breach of the code of conduct for Councillors	C28	Council	None	
78 MSA	The decision on the appropriate	C29	Council	None	

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	mechanisms to provide municipal services					
102 MSA,2000	The consolidation of separate accounts of persons liable for payments to the municipality, to credit a payment by such person against any account of that person and implement any of the debt collection and credit control measures of the municipality	C30				
Item 7(4) Code of Conduct for Councillors	Determining the financial interests of Councillors that must be made public	C31	Council	None		
Item 13 Code of Conduct for Councillors	Consideration of a report of the Speaker on the suspected breach of the code of conduct for Councillors	C32	Council	None		
78 MSA	The decision on the appropriate mechanisms to provide municipal services	C33	Council	None		
102 MSA	The consolidation of separate	A34	Council	None		

**SYSTEM OF DEFERRED CONTRIBUTIONS: MHLONTLO LOCAL MUNICIPALITY**

	accounts of persons liable for payments to the 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 municipality to any arrears on any of the accounts of such a					
21(4) MDA	The lodging of objections against the proposed re-determination or alteration of the municipality's boundaries, and the lodging of an application to alter the municipality's boundaries	C35	Council	None		
16(3) MFMA	Deciding whether money for capital expenditure for a period not exceeding three financial years may be appropriated in an annual budget	C36	Council	None	A separate appropriation must be made for each of financial year	
23(2) MFMA	Deciding to give the Mayor an	C37	Council	None		



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	opportunity to respond to any submissions received in connection with the budget from communities and organs of state					
32(2) MFMA	Appointing a committee to investigate any suspected or reported unauthorised, irregular or fruitless and wasteful expenditure	C38	Council	None		
38(2) MFMA	Considering a notice received from the National Treasury of its intention to stop the transfer of funds to the Municipality	C39	Council	None		
45(2)(a) MFMA	Approving any short term debt agreement	C40	Council	None		
46(1) MFMA	Deciding whether to incur long term debt	C41	Council	None		
46(2)(a) MFMA	Approving any long term debt agreement	C42	Council	None		

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120(1) MFMA	Deciding to enter into a public-private partnership agreement	C43	Council	None	
120(1)(a) MFMA	Determining whether a proposed public-private partnership agreement will provide value for money to the municipality	C44	Council	None	
120(1)(b) MFMA	Determining whether a proposed public-private partnership agreement will be affordable for the Municipality	C45	Council	None	
120(1)(c) MFMA	Determining whether a proposed public-private partnership agreement will transfer appropriate technical, operational and financial risk to the private party	C46	Council	None	
129(1) MFMA	Adopting an oversight report containing the Council's comments on the annual report(s)	C47	Council	None	
133(1)(c)(ii) MFMA	Determining the appropriate steps to be taken to ensure that the financial statements are submitted to the	C48	Council	None	

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	Auditor-General or that the annual report, including the financial statements and the audit report on those statements, is tabled in the Council, as the case may be				
133(1)(c)(iii) MFMA	Deciding whether disciplinary steps should be taken against the Municipal Manager or other persons responsible for the failure of the Municipal Manager to submit annual financial statements to the Auditor-General or the Mayor's failure to table the annual report of the Municipality	C49	Council	None	
152(1) MFMA	Deciding to apply to the High Court for an order to stay all legal proceedings, including the Executive Committee execution of legal process, by persons claiming money from the Municipality if the	C50	Council	None	

**SYSTEM OF DELIVERABLES: MHLONTILO LOCAL MUNICIPALITY**

	Municipality is unable to meet its financial commitments				
165(1) MFMA	Deciding whether to establish an internal audit unit or to outsource the internal audit function	C51	Council	None	
166(1) and (6) MFMA	Deciding whether to establish an internal audit committee for the municipality	C52	Council	None	
166(2) MFMA	Receiving reports of the audit committee	C53	Council	None	
166(4) MFMA	Determining the number of members of the audit committee	C54	Council	None	
166(4) MFMA	Determining the nature of the appropriate experience that persons should possess to be considered for appointment as a member of the audit committee	C55	Council	None	
166(5) MFMA	Appointing the members of the audit committee of the Municipality and of a municipal entity of which the	C56	Council	None	

	Municipality is a parent municipality				
166(5) MFMA	Appointing from amongst the members of an audit committee who is not in the employ of the Municipality or municipal entity a chairperson	C57	Council	None	
176(2) MFMA	Deciding to recover from a political office-bearer or official of the municipality any loss or damage suffered by it because of the deliberate negligent unlawful actions of that political office-bearer or official when performing a function of office	C58	Council	None	
22(1) MPRA	Determination of special rating areas in the municipality, the levying of an additional rate on the property in that area and the differentiation between categories of properties when levying the additional rate	C59	Council	None	
31(1) MPRA	For the purpose of a general	C60	Council	None	

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	valuation, to determine a date on which the valuation roll is to be first implemented					
33 MPRA	The designation of a person as a municipal valuer	C61	Council	None		
38 MPRA	To enter into an agreement with another municipality to designate a single municipal valuer and to share the costs of preparing valuation rolls	C62	Council	None		
	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 (Inserted by Council on 1 September 2005 under item 38A14)	C63	Council	None		

**CHAPTER 3: POWERS OF THE EXECUTIVE COMMITTEE**

1. Executive Committee statutory powers  
The powers set out hereunder are assigned to the Executive Committee in terms of the legislation as indicated in column 1, and reserved for its execution in accordance with its decision.

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
44 MSA, 1998	To receive reports from the committees of the Council and to forward these reports together with a recommendation to the Council when the matter cannot be disposed of by the committee in terms of his delegated powers	EXC1	Executive Committee	None	
44 MSA, 1998	To identify the needs of the municipality	EXC2	EXECUTIVE COMMITTEE	None	
44 MSA, 1998	To review and evaluate those needs in order of priority	EXC3	EXECUTIVE COMMITTEE	None	
44	To make	EXC4	EXECUTIVE	None	

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SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS:
MSA, 1998	recommendations to the Council regarding strategies, programs and services to address priority needs through the integrated development plan, and the estimates of revenue and expenditure, taking into account any applicable national and provincial development plans		COMMITTEE		
44 MSA, 1998	To make recommendations to the Council regarding the best way, including partnership and other approaches, to deliver those strategies, programs and services to the	EXC5	Executive Committee	None	



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SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
44 MSA, 1998	maximum benefit of the community To identify and develop criteria in terms of which progress in the implementation of those strategies, programmes and services can be evaluated, including key performance indicators which are specific to the municipality and common to local government in general	EXC6	Executive Committee	None	
44 MSA, 1998	To evaluate progress against the above-mentioned key performance indicators	EXC7	Executive Committee	None	
44 MSA, 1998	To review the performance of the municipality in	EXC8	Executive Committee	None	

**SYSTEM OF DELEGATIONS: MHLONTLO LOCAL MUNICIPALITY**

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	order to improve the economy, efficiency and effectiveness of the municipality, the efficiency of credit control and revenue and debt collection services, and the implementation of the municipality's by-laws				
44 MSA, 1998	To monitor the management of the municipality's administration in accordance with the directions of the Council	EXC9	Executive Committee	None	
44 MSA, 1998	To oversee the provision of services to communities in the municipality in a sustainable manner	EXC10	Executive Committee	None	
44	To annually report	EXC11	Executive	None	

**SYSTEM OF DELEGATIONS: MHLONTLO LOCAL MUNICIPALITY**

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
MSA, 1998	on the involvement of communities and community organisations in the affairs of the municipality		Committee		
44 MSA, 1998	To ensure that regard is given to public views and report on the effect of consultation on the decisions of the Council	EXC12	Executive Committee	None	
56 MSA, 1998	To perform a ceremonial role as the Council may determine from time to time	EXC13	EXECUTIVE COMMITTEE	None	
56 MSA, 1998	To report to the Council on all decisions taken by Exco.	EXC14	EXECUTIVE COMMITTEE	None	
12(1) MFMA	Recommending to Council to set-up a relief, charitable, trust or other fund of whatever description	EXC15	EXECUTIVE COMMITTEE	None	

**SYSTEM OF DELEGATIONS: MFLONILO LOCAL MUNICIPALITY**

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
16(2) MFMA	Tabling the budget at a Council meeting	EXC16	EXECUTIVE COMMITTEE	None	The annual budget must be tabled at least 90 days before 1 July each year
21(1)(a) MFMA	Co-ordinating the processes of preparing the annual budget and reviewing the Municipality's integrated development plan and budget-related policies	EXC17	EXECUTIVE COMMITTEE	None	
21(1)(b) MFMA	Tabling in the Council a time schedule outlining key deadlines for the preparation, tabling and approval of the annual budget, the annual review of the integrated development plan and the Municipality's budget-related policies, the tabling	EXC18	EXECUTIVE COMMITTEE	None	At least 10 months before 1 July each year

SYSTEM OF DELEGATIONS: ARLINGTON LOCAL MUNICIPALITY

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	and adoption of any amendments to the integrated development plan and the budget-related policies and any consultative processes forming part of the processes				
21(2)(b) MFMA	Deciding the reasonable steps to be taken to review the Municipality's integrated development plan	EXC19	EXECUTIVE COMMITTEE	None	
21(2)(d) MFMA	Determining the manner and timing of consultation of the local municipalities within the municipal area, the provincial treasury and such other organs of state as may be prescribed with regard to the	EXC20	EXECUTIVE COMMITTEE	None	

**SYSTEM OF DELEGATIONS: MHLONTILO LOCAL MUNICIPALITY**

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
21(2)(e) MFMA	Municipality's annual budget Providing information relating to the budget that may be requested to the National Treasury and any other organ of state	EXC21	EXECUTIVE COMMITTEE	None	Subject to any limitations that may be prescribed in respect of organs of state other than the National Treasury
25(3) MFMA	Complying with section 55 of the MFMA if the Municipality has not approved an annual budget, including revenue-raising measures necessary to give effect to the budget, by 1 July of any year	EXC22	EXECUTIVE COMMITTEE	None	Immediately report the matter to the MEC responsible for local government
27(1) MFMA	Determining the likelihood of the Municipality not being able to comply with the MFMA or other legislation relating	EXC23	EXECUTIVE COMMITTEE	None	

SYSTEM OF DELEGATIONS: MHLONTILO LOCAL MUNICIPALITY

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
27(1) MFMA	to the tabling or approval of an annual budget or compulsory consultation processes Informing the MEC responsible for finance of any impending non-compliance by the Municipality of any provisions of the MFMA or any other legislation pertaining to the tabling or approval of an annual budget or compulsory consultation processes	EXC24	EXECUTIVE COMMITTEE	None	
27(2) MFMA	Deciding to apply to the MEC responsible for finance to extend any time limit or deadline with	EXC25	EXECUTIVE COMMITTEE	None	

**SYSTEM OF DELEGATIONS: MHLONTLO LOCAL MUNICIPALITY**

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	regard to the preparation and approval of the annual budget				
27(2) MFMA	Applying to the MEC responsible for finance to extend any time limit or deadline with regard to the preparation and approval of the annual budget	EXC26	EXECUTIVE COMMITTEE	None	
27(3) MFMA	Informing the Council, the MEC responsible for finance and the National Treasury, in writing, of any actual non-compliance by the Municipality of a provision of Chapter 4 of the MFMA and any remedial or corrective measures the	EXC27	EXECUTIVE COMMITTEE	None	



**SYSTEM OF DELEGATIONS: MHLONTLO LOCAL MUNICIPALITY**

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	Municipality intends to implement to avoid a recurrence of such non-compliance				
28(4) MFMA	Tabling an adjustments budget in the Council	EXC28	EXECUTIVE COMMITTEE	None	
29(1) MFMA	Deciding to authorise unforeseeable and unavoidable expenditure for which no provision was made in an approved budget in emergency or other exceptional circumstances	EXC29	EXECUTIVE COMMITTEE	None	
29(2)(c) MFMA	Reporting to the Council regarding the authorisation of unforeseeable and unavoidable expenditure for which no provision	EXC30	EXECUTIVE COMMITTEE	None	Such report must be made to the Council at the first Council meeting next ensuing after the authorisation was given

**SYSTEM OF DELEGATIONS: MHLONTILO LOCAL MUNICIPALITY**

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	was made in an approved budget in emergency or other exceptional circumstances				
31(d) MFMA	Giving written approval for exceeding the amount appropriated in respect of a capital programme	EXC31	EXECUTIVE COMMITTEE	None	
31(e) MFMA	Submitting the certificate specifying that actual revenue for the financial year concerned is expected to exceed budgeted revenue and that sufficient funds are available for exceeding the amount appropriated for a specific capital	EXC32	EXECUTIVE COMMITTEE	None	Subject to section 21 MFMA

**SYSTEM OF DELEGATIONS: ARLONTELO LOCAL MUNICIPALITY**

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	programme without incurring further borrowing beyond the annual budget limit issued by the Municipal Manager and the EXECUTIVE Committee's approval for exceeding the amount appropriated in respect of a capital programme to the provincial treasury and the Auditor-General				
52(a) MFMA	Deciding the nature and extent of, and manner in which political guidance over the fiscal and financial affairs of the Municipality will be provided	EXC33	EXECUTIVE COMMITTEE	None	
52(b) MFMA	Deciding the monitoring and	EXC34	EXECUTIVE COMMITTEE	None	

**SYSTEM OF DELEGATIONS: MANTONITO LOCAL MUNICIPALITY**

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	oversight mechanisms to be applied to the Executive Committee by the Municipal Manager and the Chief Financial Officer of their powers, functions and duties in terms of the MFMA				
52(c) MFMA	Deciding the reasonable steps to be taken to ensure that the Municipality performs its constitutional and statutory functions within the limits of the Municipality's approved budget	EXC35	EXECUTIVE COMMITTEE	None	
52(d) MFMA	Submitting to the Council, within 30 days of the end of each quarter, a report on the	EXC36	EXECUTIVE COMMITTEE	None	

SYSTEM OF DELEGATIONS: MHLONILO LOCAL MUNICIPALITY

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	implementation of the budget and the financial state of affairs of the Municipality				
53(1)(a) MFMA	Deciding the nature and extent of, and manner in which political guidance is to be given over the budget process and the priorities that must guide the preparation of a budget	EXC37	EXECUTIVE COMMITTEE	None	
53(1)(b) MFMA	Deciding the steps to be taken to co-ordinate the annual revision of the integrated development plan and the preparation of the annual budget	EXC38	EXECUTIVE COMMITTEE	None	
53(1)(b) MFMA	Determining how the integrated development plan is to be taken into	EXC39	EXECUTIVE COMMITTEE	None	

**SYSTEM OF DELEGATIONS: MHLONTLO LOCAL MUNICIPALITY**

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	account or revised for the purposes of the budget				
53(1)(c)(i) MFMA	Determining the reasonable steps to be taken to ensure that the Municipality approves its annual budget before the start of the budget year	EXC40	EXECUTIVE COMMITTEE	None	
53(1)(c)(ii) MFMA	Determining the reasonable steps to be taken to ensure he/she approves the Municipality's service delivery and budget implementation plan	EXC41	EXECUTIVE COMMITTEE	None	The EXECUTIVE COMMITTEE must approve the annual service delivery and budget implementation plan within 28 days after the approval of the budget
53(1)(c)(iii) MFMA	Determining the reasonable steps to be taken to ensure that the annual performance agreements for the Municipal Manager	EXC42	EXECUTIVE COMMITTEE	None	In terms of section 57(2)(a) of the Municipal Systems Act the annual performance agreements must be concluded on or before 30 July of each year

**SYSTEM OF DELEGATIONS: MHLONTILO LOCAL MUNICIPALITY**

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	and all senior managers comply with the MFMA, are linked to the measurable performance objectives approved with the budget and to the service delivery and budget implementation plan and are concluded in accordance with section 57(2) of the Municipal Systems Act				
53(2) MFMA	Reporting to the Council and the MEC responsible for finance any delay in the tabling of an annual budget, the approval of the service delivery and budget implementation	EXC43	EXECUTIVE COMMITTEE	None	

**SYSTEM OF DELEGATIONS: MANILAO LOCAL MUNICIPALITY**

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
53(3)(a) MFMA	plan or the signing of the annual performance agreements Ensuring that the revenue and expenditure projections for each month and the service delivery targets and performance indicators for each quarter, contained in the service delivery and budget implementation plan, are made public no later than 14 days after the approval of the service delivery and budget implementation plan.	EXC44	EXECUTIVE COMMITTEE	None	
53(3)(b) MFMA	Ensuring that the performance agreements of the	EXC45	EXECUTIVE COMMITTEE	None	



**SYSTEM OF DELEGATIONS: AHLONTILO LOCAL MUNICIPALITY**

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	Municipal Manager, senior managers and any other categories of officials as may be prescribed, are made public no later than 14 days after the approval of the Municipality's service delivery and budget implementation plan				
53(3)(b) MFMA	Submission of the annual performance agreements of the Municipal Manager, senior managers and any other categories of officials as may be prescribed, to the Council and the MEC responsible for local	EXC46	EXECUTIVE COMMITTEE	None	

SYSTEM OF DELEGATIONS: MFLONILO LOCAL MUNICIPALITY

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
54(1)(a) MFMA	government Making arrangements for the receipt of a monthly statement on the state of the Municipality's budget and a mid-year corporate performance assessment report	EXC47	EXECUTIVE COMMITTEE	None	The statement a statement regarding the state of the municipality's budget must be submitted not later than 10 working days after the end of each month The mid-year performance assessment report must be submitted not later than 25 January of each year The mid-year corporate performance assessment report must be submitted to the Council not later than 31 January each year
54(1)(b) MFMA	Determining the procedures, including reports required to check whether the Municipality's approved budget is implemented in accordance with the service delivery and budget implementation	EXC48	EXECUTIVE COMMITTEE	None	

SYSTEM OF DELEGATIONS: MFLONTILO LOCAL MUNICIPALITY

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
54(1)(c) MFMA	plan Determining whether it is necessary to make any revisions to the service delivery and budget implementation plan	EXC49	EXECUTIVE COMMITTEE	None	Revisions to the service delivery targets and performance indicators in the plan may only be made with the approval of the Council following approval of an adjustments budget
54(1)(c) MFMA	Determining the process of formulating revisions to the service delivery and budget implementation plan	EXC50	EXECUTIVE COMMITTEE	None	
54(1)(d) MFMA	Determining the instructions to be given to the Municipal Manager to ensure that the budget is implemented in accordance with the service delivery and budget	EXC51	EXECUTIVE COMMITTEE	None	If the Municipality faces any serious financial problems, the EXECUTIVE COMMITTEE must promptly respond to and initiate any remedial or corrective steps proposed by the Municipal Manager to deal with such problems, which may include steps to reduce

**SYSTEM OF DELEGATIONS: MHLONTILO LOCAL MUNICIPALITY**

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	implementation plan and that spending of funds and revenue collection proceed in accordance with the budget				spending when revenue is anticipated to be less than projected in the Municipality's approved budget, the tabling of an adjustments budget or steps in terms of Chapter 13 of the MFMA and alert the Council and the MEC for local government to those problems
54(1)(e) MFMA	Considering whether the Municipality faces any financial problems including any emerging or impending financial problems		A	EXECUTIVE COMMITTEE	None
54(3) MFMA	Making public any revisions of the service delivery and budget implementation plan	EXC53	EXECUTIVE COMMITTEE	None	
55 MFMA	Immediately report to the MEC for local government if the	EXC54		EXECUTIVE COMMITTEE	None

SYSTEM OF DELEGATIONS: MHLONTILO LOCAL MUNICIPALITY

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	Municipality has not approved an annual budget by 1 July of any year or if the Municipality encounters a serious financial problem				
56 MFMA	Providing guidance to the Municipality to Executive Committee exercise its rights and powers over any municipal entity in which the Municipality has sole or shared control	EXC55		EXECUTIVE COMMITTEE	None
59(1)(a) MFMA	Deciding to delegate the powers and duties assigned to the EXECUTIVE COMMITTEE in terms of the MFMA	EXC56		EXECUTIVE COMMITTEE	None  Such power or duty may only be delegated to another member of the Mayoral Committee A delegation by the EXECUTIVE COMMITTEE must be in writing 3. A delegation by the EXECUTIVE COMMITTEE

**SYSTEM OF DELEGATIONS: MHLONFLO LOCAL MUNICIPALITY**

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
59(2) MFMA	Determining the conditions and limitations of any delegation by the EXECUTIVE COMMITTEE	EXC57		EXECUTIVE COMMITTEE	does not divest him/her of the responsibility concerning the Executive Committee exercise of the delegated power or the performance of the delegated duty.
131(1) MFMA	Ensuring that the Municipality addresses all the issues raised in an audit report	EXC58		EXECUTIVE COMMITTEE	None
136(1)(a) MFMA	Participating in consultations with the MEC for local government regarding a serious financial problem in the Municipality	EXC59		EXECUTIVE COMMITTEE	None
137(1)(d) MFMA	Participating in consultations with the MEC for local	EXC60		EXECUTIVE COMMITTEE	None

SYSTEM OF DELEGATIONS: MHLONTLO LOCAL MUNICIPALITY

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	government regarding the Municipality's co-operation in resolving any financial problem, and if applicable, implementing the financial recovery plan				
139(1)(b) MFMA	Participating in consultations with the MEC for local government regarding the Municipality's co-operation in implementing the recovery plan, including the approval of a budget and legislative measures giving effect to the recovery plan	EXC61		EXECUTIVE COMMITTEE	None
139(2) MFMA	Receiving a request made by the	EXC62		EXECUTIVE COMMITTEE	None

**SYSTEM OF DELEGATIONS: MHLONTLO LOCAL MUNICIPALITY**

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	provincial Executive Committee to the Municipal Financial Recovery Service to determine the reasons for the crisis in the Municipality's financial affairs, to assess the Municipality's financial state and to prepare an appropriate recovery plan for the Municipality				



CHAPTER 4 EXECUTIVE COMMITTEE'S POWERS DELEGATED BY THE COUNCIL

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

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
60(1)(a) MSA	The decision to expropriate immovable property or rights in or to immovable property	MB1	Council	EXECUTIVE COMMITTEE	In accordance with a policy framework determined by the Council
60(1)(b) MSA	The determination or alteration of the remuneration, benefits or other conditions of service of the Municipal Manager and Section 56 Managers and other contract employees.	MB2	Council	EXECUTIVE COMMITTEE	In accordance with a policy framework determined by the Council ( Final decision should vests with Council)

**SYSTEM OF DELIVERABLES: MHLONTLO LOCAL MUNICIPALITY**

11 MSA	The formulation, developing of policies, plans, strategies and programmes of the municipality, including setting of targets for service delivery	MB3	Council	EXECUTIVE COMMITTEE	In consultation with the Municipal Manager
19(3) MSA, 1998	The determination and development of mechanisms to consult the community and community organisations on the performance of the municipality's functions.	MB4	Council	EXECUTIVE COMMITTEE	
87(2) MSA, 1998	The lodging of an objection to the Minister against the temporary allocation of a function or power of the municipality to the district municipality to restore or maintain any basic service that has or may collapse	MB5	Council	EXECUTIVE COMMITTEE	
88(2)(a) MSA, 1998	Making a request to the district	MB6	Council	EXECUTIVE COMMITTEE	

**SYSTEM OF DELIVERABLES: AHLONTLO LOCAL MUNICIPALITY**

	municipality for financial, technical and administrative support services					
	Adopting an employment equity plan and skills development plan for the municipality consistent with the relevant legislation	MB8	Council	EXECUTIVE COMMITTEE		
	To approve the attendance of meetings, workshops, seminars, conferences, congresses and similar events and special visits by Councillors and the Municipal Manager, outside the boundaries of the Republic of South Africa : Provided that the necessary funds are available in consultation with Council.	MB9	Council	EXECUTIVE COMMITTEE		The report should be generated by the attendee of such meetings, workshops, seminars, conferences, congresses and similar events.

**SYSTEM OF REGULATIONS: MHLONHO LOCAL MUNICIPALITY**

Ordinance 33 of 1934	Consultation with the relevant planning authority about the establishment or lay out of a township in terms of applicable legislation	MB10	Council	EXECUTIVE COMMITTEE	
33 ORD	Approving the outlay and development of public places, streets and other public facilities and amenities	MB11	Council	EXECUTIVE COMMITTEE	
33 ORD	Approval of the erection of permanent municipal buildings	MB12	Council	EXECUTIVE COMMITTEE	The final decision should vest with Council.
33 ORD	The consideration of sub-divisions of land belonging to the municipality	MB13	Council	EXECUTIVE COMMITTEE	
33 ORD	The permanent closing of public places	MB14	Council	EXECUTIVE COMMITTEE	
33 ORD	The approval and amendment of the town planning schemes,	MB15	Council	EXECUTIVE COMMITTEE	

**SYSTEM OF DELEGATIONS: MHLONTLO LOCAL MUNICIPALITY**

	structure plans, conditions of establishment of new townships and land development objectives of the municipality and applications for rezoning, special consent uses and removal or alteration of title conditions (MPRA)					
23(1) MFMA	Receiving and considering the views of the communities and organs of state received in connection with the budget	MB16	Council	EXECUTIVE COMMITTEE		
28(1) MFMA	Deciding to revise an approved budget by way of an adjustments budget	MB17	Council	EXECUTIVE COMMITTEE	Approval should rests with Council.	
32(7) MFMA	Determining whether an alleged irregular expenditure incurred by the Municipal Manager constitutes a criminal offence	MB18	Council	EXECUTIVE COMMITTEE		

**SYSTEM OF REGULATIONS: MHLONTLO LOCAL MUNICIPALITY**

34(1) MFMA	<p>Entering into an agreement with the national, provincial government, State Owned Enterprises and private sector to assist the Municipality to build its capacity for efficient, effective and transparent financial management</p>	MB19	Council	EXECUTIVE COMMITTEE	
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SYSTEM OF DELEGATIONS: MELONTO LOCAL MUNICIPALITY

34(3)(a) MFMA	Considering the results of the provincial government's monitoring of the Municipality	MB20	Council	EXECUTIVE COMMITTEE	
34(3)(b) MFMA	Considering a notification of the provincial government of any emerging or impending financial problems in the Municipality	MB21	Council	EXECUTIVE COMMITTEE	
37(1)(a) MFMA	Determining the steps the Municipality must take to promote co-operative government with the national and provincial spheres of government and other municipalities in the Municipality's fiscal and financial relations	MB22	Council	EXECUTIVE COMMITTEE	

**SYSTEM OF REGATIONS: ARLONILO LOCAL MUNICIPALITY**

44(2)(a) MFMA	Reporting a dispute of a financial nature between the Municipality and another organ of state (excluding the National Treasury) to the National Treasury	MB24	Council	EXECUTIVE COMMITTEE	Subject to section 52 MFMA
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SYSTEM OF REGATIONS: MILONTLO LOCAL MUNICIPALITY

44(2)(b) MFMA	Deciding whether to request the National Treasury to mediate or to appoint a mediator to mediate a dispute of a financial nature between the Municipality and another organ of state (excluding the National Treasury)	MB25	Council	EXECUTIVE COMMITTEE	Subject to section 52 MFMA
135(3) MFMA	Considering whether the Municipality is, or is likely to, encounter a serious financial problems in meeting its financial commitments	MB26	Council	EXECUTIVE COMMITTEE	In consultation with Municipal Manager
135(3)(a) MFMA	Determining the manner of seeking solutions to any serious financial problem in meeting its financial	MB27	Council	EXECUTIVE COMMITTEE	In consultation with Municipal Manager

	commitments experienced or anticipated by the Municipality					
135(3)(a) MFMA	Defining the solutions to be implemented to solve or avoid any serious financial problem in meeting its financial commitments experienced or anticipated by the Municipality	MB28	Council	EXECUTIVE COMMITTEE	In consultation with Municipal Manager	
143(3)(a) MFMA	Receiving an approved financial recovery plan for the Municipality	MB29	Council	EXECUTIVE COMMITTEE	In consultation with Municipal Manager	
148(1)(b)(i) MFMA	Declaring the Municipality's willingness to fulfill the Executive Committee's obligation in terms of legislation or the Constitution that gave rise	MB30	Council	EXECUTIVE COMMITTEE		

	to any discretionary intervention in the Municipality				
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**4.2 Line of Authority**

The Executive Committee reports to the Council.

**4.3 Interaction with the Municipal Manager**

The Executive Committee interacts directly with the Municipal Manager.

**4.4 Interaction with staff members**

The Executive Committee, or its individual members, should interact with the office of the Mayor which in turn will interact with the Municipal Manager.

**4.5 Dispute Resolution**

In the event of a dispute between the Executive Committee and any other political structure, or the Municipal Manager, the dispute must be referred to Council.

CHAPTER 5: POWERS OF THE SPEAKER

5.1. Speaker's statutory powers

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

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
37 MSA, 1998	To preside at meetings of the Council	SP1	Speaker	None	
37 MSA, 1998	To ensure that the Council meets at least quarterly	SP2	Speaker	None	
37 MSA, 1998	To maintain order during meetings of the Council	SP3	Speaker	None	
37MSA	Must ensure compliance of council and council committees with the code of conduct		Speaker		
37 MSA, 1998	To ensure that Council meetings are conducted in accordance with the rules	SP4	Speaker	None	

**SYSTEM OF DELEGATIONS: MHLONTILO LOCAL MUNICIPALITY**

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	and orders of the Council				
37 MSA, 1998	To determine the date and venue of ordinary Council meetings	SP5	Speaker	None	
29(1) MSA, 1998	To convene a special Council at a venue determined by him or her and at the time set out in the request that such a meeting be convened	SP6	Speaker	None	
28 MSA, 1998	To ensure that the provisions in respect of privileges and immunities of councillors are adhered to	SP7	Speaker	None	
103 MFMA	Receiving a report of the accounting officer of a municipal entity of which the Municipality is the parent municipality regarding any interference by a councillor outside that councillor's assigned duties, in the financial affairs of the municipal entity; or the responsibilities of the board of directors of the municipal entity	SP8	Speaker	None	

**SYSTEM OF DELEGATIONS: MHLONTLO LOCAL MUNICIPALITY**

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
130(1) MFMA	Determining the reasonable time period to be allowed during a council meeting at which an annual report is to be discussed or at which decisions concerning an annual report are to be taken for the discussion of any written submissions received from the local community or organs of state on the annual report and for members of the local community or any organs of state to address the Council	SP9	Speaker	None	
133(1)(b) MFMA	Receiving information from the Auditor-General regarding the failure to submit annual financial statements	SP10	Speaker	None	
133(1)(b) MFMA	Submitting information received from the Auditor-General regarding the failure to submit annual financial statements to the Council	SP11	Speaker	None	

**5.2. Speaker powers delegated by the Council**

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

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	To assist the Mayor with the liaison with the community, ward committees and councillors	B1	Council	Speaker	
Item 6(2) Code of Conduct for Councillors	The decision to give consent to a Councillor to do business with the municipality and in the event that the applicant is the Speaker, the Mayor will have the power to give consent	B2	Council	Speaker	
	Management of ward offices	B3	Council	Speaker	
	Coordinate, monitor and receive	B4	Council	Speaker	

**SYSTEM OF DELEGATIONS: MHLONTLO LOCAL MUNICIPALITY**

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	reports from CDWs				
	Has the full authority to hold members of the council to account for their actions in council and to maintain discipline.	B5	Council	Speaker	
	Ensure accountability of councillors to ward committees and the allocation of proportional representation (PR) councillors to wards to improve their accountability to communities	B6	Council	Speaker	
Section 37 Structures Act	Ensure that councillors get adequate notice of meetings	B7	Council	Speaker	
Section 37 Structures Act	Ensure implementation of procedure with regard to quorums and compliance with section 30 of the Municipal Structures Act	B8	Council	Speaker	
Section 37 Structures Act	Allocate speaking time to members in accordance with the Council's Policy	B9	Council	Speaker	



SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
Section 37 Structures Act	Implement voting procedure in accordance with Rules of Order and subject to the Municipal Structures Act	B10	Council	Speaker	
Section 37 Structures Act	Ensure that Councillors' freedom of speech is protected	B11	Council	Speaker	
Section 37 Structures Act	Ensure that Councillors' freedom of speech is exercised subject to council's Rules of Order	B12	Council	Speaker	
Section 37 Structures Act	Ensure, determine and facilitates the admission of public to Council meetings;+	B13	Council	Speaker	
Section 37 Structures Act	Grant leave of absence to Councillors in accordance with Council's Rules of Orders;	B14	Council	Speaker	
Section 37 Structures Act	Guard against the abuse of Councillors' privileges and interest;	B15	Council	Speaker	
Section 37 Structures Act	Ensure Maintenance of an attendance register	B16	Council	Speaker	

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
Section 74 of Access to Information Act 2 of 2000	To Act as the Appeal authority in terms of the Access to Information Act against decisions taken by the Information Officer (the municipal manager) on requests for access to information held by the municipality.	B17	Council	Speaker	
Policy formulation: Rules of Order	The speaker should take the initiative in the policy formulation around the rules of order	B18	Council	Speaker	
Chairing of the committee	The Speaker should chair the committee that deals with rules of order	B19	Council	Speaker	
Procedures	The Speaker must ensure the implementation of the provisions in the Structures Act dealing with the council meetings, such as section 30 which deals with quorums and decisions.	B20	Council	Speaker	
Legislative process	The speaker should ensure that by-laws that are tabled comply with the	B21	Council	Speaker	

**SYSTEM OF DELEGATIONS: MHLONTILO LOCAL MUNICIPALITY**

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	Constitution, the Structures Act, the Systems Act and other applicable national and provincial legislation.				
Procedures	The Speaker must ensure that the procedural requirements that apply specifically to the adoption of by laws had been adhered to e.g. publication for comment, public consultations etc.	B22	Council	Speaker	
Code of conduct	The Speaker plays a pivotal role in the implementation of the Code of conduct for councilors. Assigned to the speaker in the code of conduct (item 13), as well as the traditional role of speaker as guardians of the integrity of the legislatures. The speaker must ensure that every councilor receives a copy of the code of conduct and that the code of conduct is available wherever	B23	Council	Speaker	

SECTION IN ACT	POWER	POWER NUMBER	DELEGATING AUTHORITY	DELEGATED BODY	CONDITIONS
	council meets.				

**5.3 Line of Authority**

The Speaker reports to Council

**5.4 Interaction with Municipal Manager**

The Speaker interacts with the Municipal Manager through the office of the Mayor.

**5.5 Interaction with staff members**

The Speaker interacts with staff members in consultation with the office of the Mayor and the municipal manager.

Chapter 6 MAYOR'S STATUTORY POWERS

6.1 The powers set hereunder are assigned to Mayor by legislation.

Section in Act	Power	Power Number	Delegating authority	Delegated body	Condition
Section 49(1)(a), MSA, 1998	Presides meetings of the Executive Committee	M1	Mayor	None	
49(b) MSA, 1998	Performs duties, including any ceremonial functions and those powers delegated by Exco and Council	M2	Mayor	None	
21(1)(b) MFMA, 2003	10 months before the start of the financial year, table budget schedule for budget process	M3	Mayor	None	
52(a) MFMA, 2003	Provide general political guidance on fiscal and financial affairs of the municipality	M4	Mayor	None	

52(b) MFMA, 2003	Oversee the exercise of responsibilities assigned, in terms of this Act, to Accounting officer and CFO	M5	Mayor	None	
52(c) MFMA,20 03	Ensure that the municipality performs its Constitutional and statutory functions within limits of its budget	M6	Mayor	None	
52 (d) MFMA,20 03	Within 30 days at the end of each quarter, submit a report to Council on the implementation of the budget and the financial state of affairs of the municipality	M7	Mayor	None	
53 (1) (a) MFMA, 2003	Provide general political guidance over the budget and priorities for preparation of the budget	M8	Mayor	None	
53 (1) (b) MFMA, 2003	Co-ordination of revision of the IDP in terms of Sec. 34 of Systems Act	M9	Mayor	None	
53(1) © (i) MFMA, 2003	Ensures approval of annual budget before the start of the budget year.	M10	Mayor	None	
53 (1) © (ii)	Approves service delivery and budget implementation plan within 28 days after approval of the budget.	M11	Mayor	None	

MFMA, 2003						
53 (1) © (iii) MFMA, 2003	Ensures that annual performance agreements of senior managers are concluded in accordance with section 57 (2) of the MSA, 2000.	M12	Mayor	None		
53 (2) MFMA, 2003	Report to the Municipal Council and MEC for finance any delays in tabling annual budget, approval of SDBIP and signing of performance agreements.	M13	Mayor	None		
53 (3) (a) MFMA, 2003	Ensure that revenue projections for each month and the service delivery targets and performance indicators for each quarter are made public no later than 14 days after approval of SDBIP.	M14	Mayor	None		
54 (1) MFMA, 2003	On receipt of statement or report from accounting officer in terms of Section 7172 check whether the budget is implemented in accordance with SDBIP.	M15	Mayor	None		

6.2 MAYOR'S DELEGATED POWERS BY THE EXECUTIVE COMMITTEE AND COUNCIL.

Sections in Act	Power	Power Number	Delegating Authority	Delegated Body	Conditions
	Collate and table reports from standing committees and executive committee to council.	R1	EXCO	Mayor	Keep Exco informed
	Responsible for co-ordination of public participation during IDP and budget preparation process.	R2	EXCO	Mayor	
	Review and assess performance agreements for section 56 managers.	R3	COUNCIL	Mayor	Table reports to Exco.
	Table adjustment budget to council.	R4	COUNCIL	Mayor	Consult with Exco.
	Table annual performance reports to council.	R5	COUNCIL	Mayor	Consult with Exco.
	The determination and the development of mechanisms to consult the community and community organizations on the municipality's functions.	R6	EXCO	Mayor	
	Represent the municipality in the district co-ordinating forum.	R7	COUNCIL	Mayor	Report to council
	Make public any revisions of the service delivery and budget implementation plan.	R8	COUNCIL	Mayor	



**SYSTEM OF REGULATIONS: MHLONTILO LOCAL MUNICIPALITY**

	To annually report on the involvement of communities and community organizations in the affairs of the municipality	R9	EXCO	Mayor	
	To commence with any legal process, whether criminal or civil, on behalf of the municipality and to defend or oppose any legal process, whether criminal or civil, against the municipality	R 10	EXCO	Mayor	In consultation with the Municipal Manager
	To submit or oppose an appeal to a higher court or other body in respect of a judgment given by a lower court or body concerned	R 11	EXCO	Mayor	In consultation with the Municipal Manager
	Preside at public meetings and hearings called by the Executive committee(cancel)	R12	EXCO	Mayor	Or the mayor's representative
	Receive petitions on behalf of the municipality when requested to do so by the petitioners.	R13	EXCO	Mayor	
	Ensure compliance with the law, including the municipality's rules and orders, during Executive Committee meetings.	R14	EXCO	Mayor	
	Interpret the rules and orders of the municipality when required to do so during meetings of the Executive Committee, taking into account any prior rulings and	R15	EXCO	Mayor	

	interpretations made by the Speaker.				
	Ensure that the Executive Committee's reports to the Council are adequate for facilitating the Council's oversight functions in relation to committee and mayor	R16	EXCO	Mayor	
	Enforcing ensure compliance the code of conduct for councilors in Executive Committee meetings.	R17	EXCO	Mayor	
	Preparation of agenda and minutes for Executive Committee meetings	R18	EXCO	Mayor	Assisted by the MM
	To preside over public meetings and hearings called by Executive Committee or Mayor.	R19	EXCO	Mayor	Or the mayor's delegatee
	To promote inter- governmental and inter- institutional relations	R20	EXCO	Mayor	
	To identify those of the municipality's activities that need a specific committee of councilors to investigate, discuss, evaluate and report and make recommendations to the executive committee after consultation with the municipal manager;	R21	EXCO	Mayor	
	To appoint a member of the executive committee as chairperson for each committee established by the council;	R22	EXCO	Mayor	

	To ensure, in consultation with the municipal manager, 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 timely;	R23	EXCO	Mayor	
	To take responsibility for the quality and speed of decision-making in the executive committee;	R24	EXCO	Mayor	
	To build, maintain and enhance sound relationships between the council, councillors and the administration in consultation with the municipal manager;	R25	EXCO	Mayor	
	To be available on a regular basis to interview the public and the visitors to the municipal offices, and to interact with prominent business people as well as developers;	R26	EXCO	Mayor	engage
	To perform such ceremonial role as the council may determine by resolution from time to time; and	R27	EXCO	Mayor	
	To assess the performance of the municipal manager and the mayor's personal assistant, if any, in terms of the relevant performance agreement.	R28	EXCO	Mayor	in line with regulations