POLOKWANE MUNICIPALITY

DELEGATION OF POWERS
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Preamble

WHEREAS the Local Government: Municipal Systems Act, Act No 32 of 2000 provides that a Municipal Council must develop a system of delegation that will maximize, administrative and operational efficiency and provides for adequate checks and balances;

AND WHEREAS the Local Government: Municipal Structures Act No 117, 1998 also provides for development of a system of delegation by Municipalities;

AND WHEREAS Local Government Municipal Finance Management Act 56/2003 provides for a system of delegation of powers regarding financial management within a Municipality;

AND FURTHER

WHEREAS the Constitution of the Republic of South Africa, Act 108 of 1996, empowers a Municipal Council to make by-laws-which prescribe rules and orders for the powers and functions of its committees and further prescribes the delegation of certain of its functions ;

NOW THEREFORE the following document is adopted as the “System of Delegation of Powers for Polokwane Municipality”

1. DEFINITIONS & INTERPRETATIONS

In this document unless the context indicates otherwise:

“Commercial activity”
Includes but is not limited to: -
The buying, selling, hiring, letting of goods, property both movable and immovable or accruing or providing services, the advertising of tenders for goods or services, the awarding of the tender, the entering into and signing of contracts or agreements including insurance contracts, the amendment
and cancellation of contracts or agreements and any activity incidental thereto (provided that the total contract price still falls within the delegated limits of the relevant functionary). Decisions to make investments are excluded from the definition.

“Delegating authority”
in relation to

(a) A delegation of power or duty by a Municipal Council, means the Municipal Council; and

(b) A sub-delegation of power or duty by another political structure, or by a political office bearer, Councilor or staff member of a Municipality, means that political structure, political office bearer, Councilor or staff member;

“Delegation”
in relation to duty, includes an instruction or a request to perform or assist in performing the duty.

“Delegate”
has a corresponding meaning.

“Delegatee” refers to a person who has been instructed to perform a certain function

“Director” refers to a manager directly accountable to the Municipal Manager

“Executive authority”
in relation to a Municipality, means the Municipality’s executive authority envisaged in section 156 of the Constitution, read with section 11 of the Municipal Systems Act.

“Executive Mayor” 
Means a Mayor with executive powers and elected from among the members of Council in terms of Section 55 of the Municipal Structures Act.
“Manager” refers to officials directly accountable to directors

“Municipal Council” or Council
means a Municipal Council referred to in section 157(1) of the Constitution.

“Municipality”
means a Municipality referred to in Chapter 7 of the Constitution.

“Constitution”

“MFMA”
unless specified otherwise.

“Structures Act”

Systems Act”

2. STATUTORY FRAMEWORK

2.1 The Constitution

2.1.1 Section 160 (2) of the Constitution states that a Municipal Council may not delegate the following functions:

2.1.1.1 the passing of by-laws;
2.1.1.2 the approval of budgets;
2.1.1.3 the imposition of rates and other taxes, levies and duties; and
2.1.1.4 the raising of loans.
2.1.2 By necessary implication, the Municipal Council may delegate any of its functions that are not included in the above list.

2.2 Section 59 of the Municipal Systems Act

2.1 The Section provides that a Municipal Council may in accordance with its system of delegation, delegate appropriate powers to any of the Municipality’s political structures, political office bearers, Councilors, or staff members. Excluded from the powers which may be delegated are:

2.1.1 The powers mentioned in section 160 (2) of the Constitution;
2.1.2 The power to set tariffs;
2.1.3 The power to resolve to enter into a service delivery agreement i.t.o. section 76(b) of the Act;
2.1.4 The power to adopt or amend the Municipality’s integrated development plan.

2.2 Section 32 of the Municipal Structures Act

The section provides that a Municipality Council must develop a system of delegation that will maximize administrative and operational efficiency.

(1) A Municipal Council must develop a system of delegation that will maximize administrative and operational efficiency and provide for adequate checks and balances, and, in accordance with that system may -

(a) delegate appropriate powers, excluding a power mentioned in section 160(2) of the Constitution and the power to approve its integrated development plan.

To its –

(i) executive committee, if it has an executive committee;
(ii) Executive Mayor, if it has an Executive Mayor;
(iii) metropolitan sub Councils, if it has such sub Councils;
(iv) ward committees, if it has ward committees;
(v) other committees or elected office-bearers; and
(vi) Municipal Manager or any of its other officials;

(b) instruct any such committee or functional to perform any of the Council’s duties; and

(c) withdraw any delegation or instruction

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

(a) must be in accordance with the Constitution and this Act:

(b) must be in writing;

(c) is subject to any limitations, conditions and directions the Municipal Council may impose;

(d) may include the power to sub-delegate a delegated power;

(e) does not divest the Council of the responsibility concerning the exercise of the power or the performance of the duty; and

(f) must be reviewed when a new Council is elected or, if it is a district Council, elected and appointed.

(3) The Municipal Council -

(a) in accordance with procedures in its rules and orders, may, or at the request in writing of at least one quarter of the Councilors, must, review any decision taken by a committee or functional in consequence of a delegation or instruction, and either confirm, vary or revoke the decision subject to any vested rights; and

(c) may require its executive committee or Executive Mayor to co-ordinate or review any decision taken by a committee or functionary in consequence of a delegation or instruction

2.3 The Municipal Finance Management Act Sections 59, 79, 82, 106 and 162 provide for development of a system of delegation dealing with the financial management of a Municipality.

2.4 A delegation or instruction:

2.4.1 must not be in conflict with the Constitution, the Systems Act, the Municipal Structures Act, the MFMA or any related legislation;
2.4.2 must be in writing;
2.4.3 is subject to any limitations, conditions and directions the Municipal Council may impose;
2.4.4 may include the power to sub-delegate a delegated power;
2.4.5 does not divest the Council to the responsibility concerning the exercise of the power or the performance of the duty; and
2.4.6 must be reviewed when Council is elected.

2.5 In the following circumstances the review of a decision taken by a political structure, political office bearer, Councilor or staff member in consequence of a delegation or instruction, by a Municipal Council, is discretionary: *The Rules and Standing Orders of the Municipal Council provide procedures for a review and the Council acts in accordance with those procedures.*

2.6 In the following circumstances the review of a decision taken by a political structure, political office bearer, and Councilor or staff member is imperative: *Where at least one quarter of the Councilors request in writing a review.*

2.7 The Municipal Council may confirm, vary or revoke the decision taken by a political structure, political office bearer, Councilor, or staff member subject to any rights that may have accrued to a person.

2.8 The Municipal Council may require the Executive Mayor to review any decision taken by a political office bearer, Councilor or staff member in consequence of a delegation or instruction.

2.9 Subject to what has been stated above, in terms of section 11(1) of the Systems Act, the executive and legislative authority of a Municipality are exercised by the Council of that Municipality, and the Council takes all the decisions of the Municipality.

3. **PRINCIPLES OF DELEGATIONS**

3.1 The system of delegations should ensure that the Council retains all legislative powers and those executive powers that cannot be delegated in terms of the law.
3.2 In exercising delegated authority, Council’s decision makers must do so in the spirit of utmost good faith and transparency.

3.3 It is the duty of the delegating authority to ensure that clear and comprehensive policies are drafted and that those policies may be substituted and/or amended at any given time.

3.4 All delegations must be aimed at empowering the relevant functionaries to perform their functions effectively, taking into account the different levels of decision-making.

3.5 The functions allocated to Council’s executive as may be approved by Council from time to time, form the basis of the allocation of delegations of executive decision-making power.

3.6 All delegations must enhance service delivery without compromising accountability.

3.7 Delegations must not oblige the delegatee to exercise delegated powers and must accordingly allow for the decision to be taken at the next higher level. Delegated powers do not absolve Council or the Municipality from the responsibility of exercising powers or performing duties.

3.8 All delegations must provide for good governance and allow for adequate checks and balances to ensure responsible and accountable decision-making.

3.9 In the event that any delegated power conflicts or transgress legislation, by-laws and/or the procurement policy of the Municipality the delegated power will be deemed as *pro non scripto*.

4. **CONDITIONS OF DELEGATIONS**

4.1 All decision-making powers delegated by the Council are subject to the following conditions:
4.1.1 Delegated powers conferred on political structures, political office bearers, Councillors and staff members are not conferred personally on incumbents. Anyone properly appointed in a position has the delegated powers conferred on the position.

4.1.2 These delegations also apply to acting positions. Persons acting in these positions have the same-delegated powers as those serving in a permanent capacity.

4.1.3 In executing any delegated power, the delegatee shall under all circumstances comply with all relevant legislation, agreements and policies.

4.1.4 These delegations do not redefine Council’s powers and functions.

4.1.5 The policies, whether existing or future, determine the parameters of any delegation and the delegating authority is bound to comply with it. Non-compliance causes any decision so taken to be ultra vires. It is the duty of the delegating authority to ensure that clear and comprehensive policies are drafted and that those policies may be instituted and amended at any given time.

4.1.6 In executing delegated powers, no expenditure may be incurred unless the delegatee is satisfied that the Council has budgeted for the expenditure and that the funds are still available on the relevant budget votes.

4.2 Council or any other delegating authority may at any time, subject to applicable law, and the accrual of any rights, order a delegated matter not to be proceeded with by the delegatee and then deal with the matter.

4.3 The delegatee may determine whether a report is needed to motivate a 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.
4.4 A delegation may set out special circumstances in which a delegatee is prohibited from exercising their delegated power, for example if the delegatee is recommending the rejection of the most financially beneficial tender offer.

4.5 Any sub-delegation must be reduced to writing and recorded in the delegation register.

4.6 The register of delegations must be kept updated at all times by the Municipal Manager.

4.7 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.

4.8 All delegations are conditional on compliance with Council’s policies, Integrated Development Plan and budget.

4.9 A delegating authority may require any decision taken under delegated power, to be audited.
5. WITHDRAWAL, AMENDMENTS OR LAPSING OF DELEGATION OR SUB-DELEGATION IN TERMS OF SECTION 64 OF THE SYSTEMS ACT

5.1 The Council or any other delegating authority may at anytime withdraw, qualify or amend a delegation made by it.

5.2 The withdrawal, amendment or lapsing of a delegation or sub-delegation, does not invalidate anything done as a consequence of a decision taken under that delegation or sub-delegation.

6. DUTY TO REPORT IN TERMS OF SECTION 63 OF THE MUNICIPAL SYSTEMS ACT 32/2000

6.1 All delegates must report to the delegating authority at intervals as the delegating authority may require, on decisions taken under a delegated or sub-delegated power or duty, since the last report.

6.2 These reports are to enable the delegating authority to determine whether the policies regulating the power are being implemented, are adequate and or, whether the delegation is appropriate.

7. REVIEW OF DELEGATIONS

7.1 Council must in accordance with the procedures of its Standing Orders, review any decision taken under delegated powers if so requested in writing by at least a quarter of the members of the Council.

7.2 Council may require the Executive Mayor, subject to the accrual of rights in law, to review any decision taken in consequence of a delegation or instruction.

7.3 The system of delegations must be reviewed when a new Council is elected. The Municipal Manager must submit a report on the existing delegations issued by the Council and other delegating authorities of the Municipality and recommendations on any related issue considered necessary. The report
and any recommendations must be submitted to the Municipal Council through the Executive Mayor.

8. **PROCESS OF THE ANNUAL REVIEW**

8.1 The delegations are reviewed annually after approval of the review of the Integrated Development Plan.

8.2 The Municipal Manager must submit a report and recommendations on any changes to the existing delegation that he may consider necessary to the Executive Mayor.

8.3 Subsequent to the report, a workshop will be held to review delegations, taking particular cognisance of the integrated development plan.

8.4 A report follows from the Municipal Manager to the Executive Mayor.

8.5 Council has the power to finally decide on the matter.

9. **POWERS RESERVED FOR THE COUNCIL BY LEGISLATION**

9.1 The following powers may not be delegated by Council (Section 160(2) of the Constitution):

   9.1.1 Passing of by-laws
   9.1.2 Adoption of Council’s budget and any amendments thereto
   9.1.3 Imposition of rates, taxes, levies and duties.
   9.1.4 Raising of loans.
   9.1.5 Adoption of the Integrated Development Plan.

9.2 The following powers may not be delegated by Council in terms of Section 59(1) of the Systems Act:

   9.2.1 the power to set tariffs;
9.2.2 the power to decide to enter into a service delivery agreement in terms of Section 76(b) of the Systems Act;

9.2.3 the power to approve or amend the Integrated Development Plan.

10. **POWERS RESERVED FOR THE COUNCIL BY WAY OF RESOLUTION**

10.1 The power to approve any excess expenditure on the approved budget.

10.2 The power to accept, amend or reject original, joint amendment and draft schemes in terms of Section 28 and 29 of the Town-Planning and townships Ordinance 1986 (Ordinance 15 of 1986), concerning Municipal property.

10.3 The power to approve and amend the Municipality’s organisational and operational structure.

10.4 The power to approve all policy documents, guidelines and other procedures pertaining to any functions that falls within the competence of the Municipality.

10.5 The Council may wish to reserve the following powers in addition to those, which are mandatory to reserve:

10.5.1 Determination of the Councilor allowances and salaries.
10.5.2 Granting leave of absence to Councilors for meetings of the Council.
10.5.3 Determination of the Standing orders of Council.
10.5.4 Determination of the political structures of the Council.
10.5.5 Bestowing civic honors, including aldermanship and the naming of public streets, places and Municipal buildings after persons
10.5.6 Determination of a rating system for levying property rates on immovable property
10.5.7 Delegating powers to the Executive Mayor.
10.5.8 Delegating powers to the Portfolio Committees, i.e. Section 79 of the Municipal Structures Act
10.5.9 Delegating additional powers to Portfolio Committees subject to applicable legislation.
10.5.10 Delegating powers to the ward committees.
10.5.11 Delegating powers to Council committees or elected office bearers.
10.5.12 Determining the terms of reference of the Council committees.
10.5.13 Appointing chairpersons and members to Council committees.
10.5.14 Delegating powers to the Municipal Manager or any of the other officials.

11. **POWERS AND DUTIES RESERVED FOR THE EXECUTIVE MAYOR BY LEGISLATION**

11.1 **The Municipal Structures Act 117/1998**

11.1.1 An Executive Mayor is entitled to receive reports from committees of the Municipal Council and to forward these reports together with a recommendation to the Council when the Executive Mayor in terms of the Executive Mayors delegated powers cannot dispose of the matter.

11.1.2 The Executive Mayor must-

(a) Identify the needs of the Municipality;

(b) Review and evaluate those needs in order of priority;

(c) Recommend to the Municipal Council 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; and

(d) Recommend or determine the best way, including partnership and other approaches, to deliver those strategies, programs and services to the maximum benefit of the community.

11.1.3 The Executive Mayor in performing the duties of office, must-

(a) Identify and develop criteria in terms of which progress in the implementation of the strategies, programs and services referred to in subsection (2)(c) can be evaluated, including key performance indicators which are specific to the Municipality and common to Local Government in general;

(b) Evaluate progress against the key performance indicators;
(c) Review the performance of the Municipality in order to improve-
   (i) the economy, efficiency and effectiveness of the Municipality;
   (ii) the efficiency of credit control and revenue and debt collection
        services; and
   (iii) the implementation of the Municipality’s by-laws.

(d) Monitor the management of the Municipality’s administration in
    accordance with the directions of the Municipal Council;

(e) Oversee the provision of services to communities in the Municipality in
    a sustainable manner;

(f) Perform such duties and exercise such powers as the Council may
    delegate to the Executive Mayor in terms of section 32 of the Local
    Government: Municipal Structures Act, 1998;

(g) Annually report on the involvement of communities and community
    organizations in the affairs of the Municipality; and

(h) Ensure that regard is given to public views and report on the effect of
    consultation on the decisions of the Council.

11.1.4 An Executive Mayor must perform a ceremonial role as the Municipal
Council may determine.

11.1.5 An Executive Mayor must report to the Municipal Council on all decisions
    taken by him.

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

11.2 Powers conferred upon the Executive Mayor in terms Section 60 of the
    Municipal Structures Act
(a) The power to appoint and dismiss members of the Mayoral Committee.

(b) The power to delegate responsibilities to each member of the Mayoral Committee.

(c) The power of the Executive Mayor to delegate any of his or her powers to the members of the Mayoral Committee.

Section 80

(a) The power to appoint a member of the Mayoral Committee as chairperson of a Section 80 committee appointed by the Council.

(b) The power to delegate to a Section 80 Committee appointed by the Council any of the Executive Mayor’s powers, without being divested of the responsibility or prerogative concerning the exercise of the delegated powers.

(c) The power to vary or revoke any decision taken by a Section 80 Committee appointed by the Council, subject to any vested rights.

11.3 MFMA: Section 59

The Executive Mayor may in terms of Section 60(1) of the Structures Act, delegate any of the powers and duties assigned to him/her by the MFMA, to any other member of the Mayoral Committee.


Section 30

(a) The power to manage the drafting of the Municipality’s Integrated Development Plan (IDP).
(b) The power to assign responsibilities regarding the IDP to the Municipal Manager.

(c) The power to submit the draft IDP to the Council for adoption.

Section 39

(a) The power to manage the development of the Municipality’s performance management system.

(b) The power to assign responsibilities with regard to the performance management system to the Municipal Manager.

(c) The power to submit the proposed performance management system to the Council for adoption.

Section 60

(a) Decisions to expropriate immovable property or rights in or to immovable property.

(b) The determination or alteration of the remuneration, benefits or other conditions of service of the Municipal Manager or managers directly responsible to the Municipal Manager.

(c) The power to take a decision to make investments on behalf of the Municipality within a policy framework determined by the Minister of Finance.

NOTE: Powers in terms of Section 60 may not be delegated further by the Executive Mayor.

Section 99

(a) The power to oversee and monitor the implementation and enforcement of the Municipality’s credit control and debt collection policy and any by-laws enacted, as well as the performance of the Municipal Manager in implementing them.
(b) When necessary, the power to evaluate and review the Municipality’s credit control and debt collection policy and by-laws or the implementation of the policy and by-laws to improve the efficiency of existing credit control and debt collection mechanisms, processes and procedures.

(c) At intervals determined by the Council, the power to report to the Council on the debt collection policy and credit control by-laws and their implementation.

12. **General powers delegated to the Executive Mayor**

Powers delegated to the Executive Mayor includes *all powers except*:

(a) Those powers reserved by legislation for the Council, political office bearers or officials.

(d) Those powers reserved by Council resolution for the Council,

are delegated to the Executive Mayor in terms of Section 59 of the Local Government Systems Act. These powers that are delegated to the Executive Mayor specifically include but are not limited to the following:

12.1 The power to make any press statements on behalf of the Council.

12.2 The power to receive reports with recommendations from directors through the office of the Municipal Manager on all matters that must be dealt with by either the Executive Mayor or the Council in terms of these delegations, and for which a specific committee has not been created to consider the matter beforehand.

12.3 The power to consider the matters raised in reports referred to in paragraph 12.2 and either dispose of them in terms of the Executive Mayor’s delegated powers or forward them with the Executive Mayor’s recommendation to the Council for consideration and finalisation.
12.4 The power to receive reports with recommendations from the committees established for specific matters, consider the matters raised in these reports, and either disposing of them in terms of the Executive Mayor’s delegated powers or forward them with a recommendation to the Council for finalisation.

12.5 All powers, necessary or incidental, to execute the following:

(a) The responsibility for the quality and speeding of decision-making.

(b) The responsibility to ensure that integration takes place between the various committees.

(c) The responsibility to play a prominent role, in consultation with the Municipal Manager, in building and maintaining a good relationship between the Council, Councillors and the administration.

(d) The responsibility for political supervision of the administration.

(e) The responsibility for liaising with the community, ward committees, other committees and Councillors, and political office-bearers in the different spheres of government.

(f) The responsibility to be available, on a regular basis, to grant interviews to the public and visitors to the Municipal offices and to interact with prominent business people and developers.

12.6 In general, all other powers and functions, necessary or incidental, to enable the Executive Mayor to discharge his or her duties as contemplated in section 56 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).

12.7 To accept donations of movable property on behalf of the Municipality.

12.8 To appoint attorneys to represent the Municipality.

12.9 To institute and defend any proceedings of any nature whatsoever in any Court whatsoever.
12.10 To institute and defend arbitration proceedings of any nature whatsoever.

12.11 To delegate the powers in paragraphs 12.8, 12.9 and 12.10 above in general or in any particular matter(s) to the Manager: Secretariat & Legal Services and to the Director: Corporate Services, any one of whom may then exercise the said powers.

12.12 To ratify retrospectively any institution or defence of proceedings of any nature whatsoever and in any court whatsoever where such institution or defence or such steps were not duly and properly authorised by the Council or the Executive Mayor prior to such institution or defence or prior to such steps being taken.

12.13 To ratify retrospectively the institution or defence or steps taken in arbitration proceedings of any nature whatsoever where such institution or defence or such steps were not duly and properly authorised by the Municipality or the Executive Mayor prior to such institution or defence or prior to such steps being taken.

12.14 To delegate the powers in paragraphs 12.12 and 12.13 above in general or in any particular matter(s) to the Manager: Secretariat & Legal Services and to the Director: Corporate Services, any of whom may then exercise the said powers.

12.15 To designate Councillors, as determined by the MEC for Local Government, as full-time Councillors.

12.16 To determine policy for the organisation of Council’s administrative functions, activities and work force into directorates and departments.

12.17 To set policy in respect of matters falling within the delegated powers of the Executive Mayor or within the powers of the executive below itself.

12.18 To comment on proposed legislation and government policies.

12.19 To appoint Councillors to attend international, national and local meetings/conferences/seminars, etc.
12.20 To appoint or nominate Councillors to represent Council to external bodies.

12.21 To approve international co-operative agreements, such as twin city relationships.

12.22 To determine the date of a general valuation of property.

12.23 To co-ordinate the operations of the Councillors.

12.24 To grant leave of absence to members for meetings of the Mayoral Committee.

12.25 To determine the functional area of each portfolio committee and establish portfolio committees.

12.26 To assign portfolios for Councillors.

12.27 To mandate the relevant forum in respect of all salary and wage disputes.


13.1 To appoint the Municipal Manager or an Acting Municipal Manager, and determining their conditions of service.

13.2 To appoint and dismiss, after consultation with the Municipal Manager, directors, or acting directors and determining their conditions of service.

13.3 To approve international participation by the Municipal Manager, directors or acting directors of meetings, conferences, seminars etc.

13.4 To determine a policy framework in respect of the staff establishment, post description, conditions of service, leave of the Municipal Manager and Acting Municipal Manager and the evaluation of the staff establishment of the Municipality.

13.5 To approve the key performance areas of the Municipal Manager.

13.6 To review the performance contract of the Municipal Manager.
13.7 To request a report from the Municipal Manager on any matter relevant to the Municipality's business.

14. Financial Matters as regulated by Chapter 7 of the MFMA

General responsibilities

14.1 the Mayor of a Municipality (Section 52): -

(a) Must provide general political guidance over the financial affairs of the Municipality;
(b) In providing such general political guidance, may monitor and, to the extent provided in this Act, oversee the exercise of responsibilities assigned in terms of this Act to the accounting officer and the chief financial officer, but may not interfere in the exercise of those responsibilities;
(c) Must take all reasonable steps to ensure that the Municipality performs its statutory functions within the limits of the approved budget;
(d) Must within 30 days of the end of each quarter submit a report to the Council on the implementation of the budget and the financial state of affairs of the Municipality; and

Must exercise the other powers and perform the other duties assigned in terms of this Act or by the Council to the Mayor.

14.2 Budget process and related matters (Section 53)

(1) The Mayor of Municipality must: -

(a) Provide general political guidance over the budget process and the priorities that must guide the preparation of budget;

(b) Co-ordinate the annual revision of the Integrated Development Plan and the preparation of the Annual Budget, and determine how the Integrated Development Plan is to be taken into account or revised for the purpose of the Budget; and

(c) Take all reasonable steps to ensure: -

(i) That the Municipality approves its Annual Budget before the start of the financial year to which the Budget relates;
(ii) That the Municipality’s Budget and Service Delivery Implementation Plan is finalized within 28 days after the approval of the Budget; and

(iii) That the annual performance agreements as required in terms of section 57 (1) (b) of the Municipal Systems Act for the Municipal Manager and all Managers directly responsible to the Municipal Manager:

(aa) Require compliance with this Act in order to promote sound financial management:

(bb) Are linked to the measurable performance objectives approved with the Budget and Service Delivery Implementation Plan; and

(cc) Are concluded in accordance with section 57 (2) of the Municipal Systems Act.

(2) The Mayor must report any delay in the signing of the annual performance agreement to the Municipal Council and the MEC for Local Government in the Province.

(3) The performance contract of the Municipal Manager and any other prescribed categories of officials must be made public no later than first day of the financial year, and copies submitted to the Council and MEC for Local Government.

14.3 Budgetary control and early identification of financial problems
Section 54

(1) On receipt of a monthly budget report submitted by the accounting officer of the Municipality in terms of sections 71 or 72, the Mayor must:

(a) Consider the report;

(b) Check whether the budget is implemented in accordance with the budget and service delivery implantation plan;

(c) Issue any appropriate instructions to the accounting officer to ensure;
(i) That the budget is implemented in accordance with the budget and service delivery implementation plan; and
(ii) That spending of funds and revenue collection proceed in accordance with the budget; and

(d) Identify any financial problems facing the Municipality, including any emerging or impending financial problems.

(2) If the Municipality faces any serious financial problems the Mayor must: -

(a) Promptly respond to and initiate any remedial or corrective steps proposed by the accounting officer to deal with such problems, which may include: -

(i) Steps to reduce spending when revenue is anticipated to be less than projected in the budget;
(ii) The tabling of an adjustments budget; or
(iii) Steps in terms of Charter 13; and

Alert the Council and the MEC for Local Government in the Province to those problems.

14.4 Report to Provincial Executive if conditions for provincial intervention exist Section 55

(1) If a Municipality has not approved an annual budget by the first day of the budget year or if the Municipality encounters a serious financial problem referred to in section 136 of this Act, the Mayor of the Municipality: -

(a) Must immediately report the matter to MEC for Local Government in the Province; and
(b) May recommend to the MEC an appropriate provincial intervention in terms of section 139 of the Constitution.

14.5 Exercise of ownership control over Municipal entities Section 56

(1) The Mayor of a Municipality which has sole or shared ownership control over a Municipal entity must guide the Municipality in exercising its ownership control powers over the Municipal entity in a way: -

(a) That would ensure that the Municipal entity complies with this Act and at all times remains accountable to the Municipality;
(b) That would not impede the entity from performing its operational responsibilities.

(2) In guiding the Municipality in the exercise of its ownership control powers over a Municipal entity in accordance with subsection (1), the Mayor may monitor the operational functions of the entity, but may not interfere in the performance of those functions.

14.6 Delegations of Mayoral powers and duties Section 59

(1) The powers and duties assigned in terms of this Act to the Mayor of a Municipality may: -

(a) In the case of a Municipality which has an Executive Mayor referred to in section 55 of the Municipal Structures Act, be delegated by the Executive Mayor in terms of section 60 (1) of that Act to another member of the Municipality’s Mayoral Committee.

(b) In the case of a Municipality which has an Executive Committee referred to in section 43 of that Act, be delegated by the Council of the Municipality to another member of the Executive Committee; or

(c) In the case of a Municipality which has designated a Councilor in terms of section 53 (1) of this Act, be delegated by the Council to any other Councilor.

(2) A delegation in terms of subsection (1)

(a) Must be in writing;

(b) Is subject to any limitations or conditions that the Executive Mayor or Council, as the case may be.

(c) Does not divest the Mayor of the responsibility concerning the exercise of the delegated power or the performance of the responsibility concerning the exercise of the delegated power or the performance of the delegated duty.
The Mayor may confirm, vary or revoke any decision taken in consequence of a delegation in terms of this section, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
15. **THE SPEAKER**

15.1 The functions of the Speaker are enumerated in Section 37 of the Municipal Structures Act and they are:

(i) Presiding at meetings of the Council;
(ii) Performs the duties and exercise the powers delegated to the Speaker in terms of section 32 of the Act;
(iii) Ensuring that the Council meets at least quarterly;
(iv) Maintaining order during meetings;
(v) Ensuring compliance in the Council and Council committees with the Code of Conduct as set out in Schedule 5 of the Act;
(vi) Ensuring that the Council meetings are conducted in accordance with the rules and orders of the Council.

15.2 **The Speaker of a Municipal Council has the following further duties:**

a. The Speaker is in charge of the legislative arm of the Municipal Council and must therefore guard the integrity of the legislative process, as well as protect the “checks and balances” between the legislature and the executive.

b. The Speaker has to ensure that by-laws that are tabled comply with the Constitution, Structures Act, Systems Act and other applicable National and Provincial legislation.

c. The Speaker must ensure that the procedural requirements that apply specifically to the adoption of by-laws have been adhered to.

d. The Speaker has to guard the integrity of the Council, which requires the Speaker to guard against the abuse of Councilor’s privileges and interests.

e. The Speaker should deal with complaints lodged against Councilors by members of the community.
The Speaker must exercise his or her duties within the rules as determined by the Council, and is therefore accountable to the Council.

The Speaker calls Council meetings and decides on their time and venue. However, if a majority of Councilors request a meeting, the Speaker must convene a meeting accordingly.

Although the Council is the ultimate decision maker on the rules of order, the Speaker should take the initiative in the policy formulation around the rules of order.

The Speaker must further ensure that:
- Councillor’s freedom of speech in the Council is protected, i.e. that Councilors are allowed to speak freely, that there is order in the meeting, that there are no interruptions etc.
- Councillor’s freedom of speech is exercised subject to Council’s rules of order.

The Speaker’s responsibility for presiding over Council meetings implies that the Speaker must be involved in the preparation of the agenda that is circulated to the Council members prior to a meeting. Council’s rules of order should provide for a procedure that must be followed in preparing the agenda. The principle suggested should be a consultative process, including the Executive Mayor, Municipal Manager and Speaker.

The Speaker must ensure the implementation of the provisions of the Act dealing with Council meetings, such as section 30, which deals with quorums and decisions.

The Speaker is in charge of allocating speaking time to members in terms of the Council’s policy on that issue. The Speaker must also implement section 81(3) of the Act, which affords the participating traditional authorities an opportunity to address the Council in particular circumstances.
c. The Speaker must implement the voting procedures as determined by the Council in its rules of order, subject to the Structures Act (quorum, abstentions, voting by division, declaration of the result etc.). If Council cannot take a decision on any matter, the Councillor presiding, which would normally be the Speaker, can cast an extra vote to decide the matter (s 30(4) of the Act).

d. The Speaker must facilitate the implementation of section 20(1) and (2) of the Act in as far as it deals with the public’s admission to Council meeting. The Council decides whether or not to close a meeting but the Speaker must be able to advise Council and facilitate the decision making around the issue. The Speaker must ensure that members of the public are seated in designated areas and should have the authority to remove any person who refuses to comply with the Speaker’s ruling.

e. The Speaker must maintain an attendance register in order to implement item 4(2) of the Code of Conduct. This provides for the removal of a Councillor after a third consecutive absence from a Council meeting without having obtained leave of absence.

16. **MUNICIPAL MANAGER**

**Powers and duties assigned to the Municipal Manager by legislation**


(1) As head of administration the Municipal Manager of a Municipality is, subject to the policy directions of the Municipal Council, responsible and accountable for -

(a) The formation and development of an economical, effective, efficient and accountable administration -

(i) Equipped carrying out the task of implementing the Municipality’s Integrated Development Plan in accordance with Chapter 5;
(ii) Operating in accordance with the Municipality’s performance management system in accordance with Chapter 6; and

(iii) Responsive to the needs of the local community to participate in the affairs of the Municipality;

(b) The management of the Municipality’s administration in accordance with this Act and other legislation applicable to the Municipality;

(c) The implementation of the Municipality’s Integrated Development Plan, and the monitoring of progress with implementation of the plan;

(d) The management of the provision of services to the local community in a sustainable and equitable manner;

(e) The management, effective utilisation and training of staff;

(f) The maintenance of discipline of staff;

(g) The promotion of sound labour relations and compliance by the Municipality with applicable labour legislation;

(h) Advising the political structures and political office bearers of the Municipality;

(i) Managing communications between the Municipality’s administration and its political structures and political office bearers;

(j) Carrying out the decisions of the political structures and political office bearers of the Municipality;

(k) The administration and implementation of the Municipality’s by-laws and other legislation;

(l) The exercising of any powers and the performing of any duties delegated by the Municipal Council, or sub-delegated by other delegating authorities of the Municipality, to the Municipal Manager in terms of section 59;
(m) Facilitating participation by the local community in the affairs of the Municipality;

(n) Developing and maintaining a system whereby community satisfaction with Municipal services is assessed;

(o) The implementation of national and provincial legislation applicable to the Municipality; and

(p) The performance of any other function that may be assigned by the Municipal Council.

(2) As accounting officer of the Municipality the Municipal Manager is responsible and accountable for -

(a) All income and expenditure of the Municipality;

(b) All assets and the discharge of all liabilities of the Municipality; and

(c) Proper and diligent compliance with the Municipal Finance Management Act.

16.2 Chapter 8 of the MFMA Act no 56/2003 (Section 60 – 79)

16.2.1 The Municipal Manager of a Municipality is the accounting officer of the Municipality for the purposes of the MFMA, and, as accounting officer must:-

(a) Exercise the functions and powers assigned to accounting officers in terms of the said Act, and

(b) Provide guidance and advice on compliance with the said Act to: -

   (i) The political structures, political office-bearers and officials of the Municipality; and

   (ii) Any Municipal entity under the sole or shared ownership control of the Municipality.
16.2.2 Fiduciary responsibilities of accounting officers – Section 61

(1) The accounting officer of a Municipality must: -

(a) Act with fidelity, honesty, integrity and in the best interest of the Municipality in managing its financial affairs;

(b) Disclose to the Municipal Council and the Mayor all material facts which are available to the accounting officer or reasonably discoverable, and which in any way might influence the decisions or actions of the Council or the Mayor; and

(c) Seek, within the sphere of influence of the accounting officer, to prevent any prejudice to the financial interests of the Municipality.

(2) An accounting officer may not: -

(a) Act in a way that is inconsistent with the duties assigned to accounting officer in terms of the MFMA; or

(b) Use the position and privileges of, or confidential information obtained as, accounting officer for personal gain or improperly benefit another person.

Financial management

16.2.3 General financial management functions – Section 62

(1) The accounting officer of a Municipality

(a) Is responsible for the effective, efficient, economical and transparent use of the resources of the Municipality;

(b) Must keep full and proper records of the financial affairs of the Municipality in accordance with any prescribed norms and standards;
(c) Must ensure that the Municipality has and maintains: -
   (i) Effective, efficient and transparent systems of financial and risk management and internal control;
   (ii) A system of internal audit operating in accordance with any prescribed norms and standards;

(d) Must take all reasonable steps to prevent unauthorised, irregular and fruitless and wasteful expenditure and other losses; and

(e) Must take effective and appropriate disciplinary steps against any official of the Municipality who: -
   (i) Contravenes or fails to comply with a provision of this Act;
   (ii) Commits an act which undermines the financial management and internal control system of the Municipality; or
   (iii) Makes or permits and unauthorised, irregular or fruitfulness and wasteful expenditure.

(2) The accounting officer of a Municipality must take all reasonable steps to ensure that the Municipality has and implements: -

(a) Procurement and asset disposal policies which the Municipality must adopt in terms of section 166;
(b) A tariff policy referred to in section 74 of the Municipal Systems Act;
(c) A rates policy as may required in terms of any applicable national legislation;
(d) A credit control and debt collection policy referred to in section 96 (b) of the Municipal Systems Act; and
(e) A supply chain management policy which gives effect to the provisions of Part 1 of Chapter 20 of the MFMA.

(3) The accounting officer must maintain and regularly update the Municipality’s official website and promptly, not later than 5 days after its tabling, place on the website: -

(a) The annual and adjustments budget and all budgets-related documents;
(b) All policies of the Municipality referred to in subsection;
(c) The annual report, financial statements and audit report;
(d) All performance agreements required in terms of section 57 (1) (b) of the Municipal Systems Act;
(e) All service delivery agreements and other agreements referred to in section 81;
(f) All long –term borrowing contracts;
(g) All procurement contracts above a prescribed value; and
(h) Any other documents that may be prescribed.

(4) The accounting officer is responsible for and must account for all bank accounts of the Municipality, including any bank account opened for any relief, charitable or trust fund set up by the Municipality in terms of section 12.

(5) The accounting officer of a Municipality-
   a. Takes any appropriate action with regard to any loss of or shortage in fund or property belonging to or controlled by the Council involving alleged fraud, theft or negligence on the part of all staff, members of Council or any other structure of Council. This action may only be instituted pursuant to relevant recommendations submitted by the relevant Portfolio Committee.
   b. Approves and reviews audit plans.
   c. Considers any deals with external audit report, and replies thereto and receive quarterly internal audit reports.

(6) The Accounting Officer has the following further powers, duties or functions:

**Municipal Bank Accounts**

6.1 I.t.o. Sect. 10(2), the accounting officer may delegate the duties referred to in subsection 10(1)(c) to the Municipality’s chief financial officer only;

**Delegations**

6.2 I.t.o. Sect. 79(1), the accounting officer of a Municipality, must-

(a) 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 Municipality’s financial administration;

(b) May, in accordance with that system of delegations, delegate to a member of the Municipality’s top management referred to in Sect. 77 or any other official of the Municipality:

(i) Any of the powers or duties assigned to an accounting officer in terms of the MFMA; or

(ii) Any powers or duties reasonably necessary to assist the accounting officer in complying with a duty which requires the accounting officer to take reasonable or appropriate steps to ensure the achievement of the aims of a specific provision of the MFMA; and

(c) Must regularly review delegations issued in terms of paragraph (b) and, if necessary, amend or withdraw any of those delegations.

6.3 I.t.o. Sect. 79(2), the accounting officer may not delegate to any political structure or political office bearer of the Municipality any of the powers or duties assigned to accounting officers in terms of the MFMA.

6.4 I.t.o. Sect 79(3), a delegation in terms of subsection (1), must

Be in writing;

(a) Subject to such limitations and conditions as the accounting officer may impose in a specific case;

(b) May either be to a specific individual or to the holder of a specific post in the Municipality;

(c) May, in the case of a delegation to a member of the Municipality’s top management in terms of subsection (1)(b), authorise that member to sub-delegate the delegated power or duty to an official or the holder of a specific post in that members area of responsibility; and

(d) Does not divest the accounting officer of the responsibility concerning the exercise of the delegated power or the performance of the delegated duty.
6.5 I.t.o. Sect. 79(4) the accounting officer may confirm, vary or revoke any decision taken in consequence of a delegation or sub-delegation in terms of this section, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

16.2.4 Asset and liability management Section 63 of MFMA

(1) The accounting officer of a Municipality is responsible for the management of: -

(a) The assets of the Municipality, including the safeguarding and the maintenance of those assets; and
(b) The liabilities of the Municipality.

(2) The accounting officer must for the purposes of subsection (1): -

(a) Ensure that the Municipality maintains a management, accounting and information system that accounts for the assets and liabilities of the Municipality;
(b) Cause the Municipality’s assets and liabilities to be valued in accordance with standards of generally recognised accounting practice; and
(c) Establish and maintain a system of internal control of assets and liabilities, including an asset and liabilities register, as may be prescribed.

16.2.5 Revenue management Section 64

(1) The accounting officer of a Municipality is responsible for the management of the revenue of the Municipality.

(2) The accounting officer must for the purposes of subsection (1): -

(a) Ensure that the Municipality has proper revenue collection systems consistent with section 95 of the Municipal Systems Act and the Municipality’s credit control and debt collection policy;
(b) On a monthly basis calculate revenue due to the Municipality;
(c) Ensure that accounts for Municipal tax, and charges for Municipal services are prepared on a monthly basis, or less often as may be prescribed where monthly accounts are uneconomical;

(d) Ensure that all money received is promptly deposited in accordance with this Act into the Municipality’s primary and other banks accounts;

(e) Establish and maintain a management, accounting and information system which: -
   (i) Recognises revenue when it is earned;
   (ii) Accounts for debtors; and
   (iii) Accounts for receipts of revenue;

(f) Establish and maintain a system of internal control in respect of debtors and revenue as may be prescribed;

(g) Charge interest on arrears, except where the Council has granted exemptions in accordance with its budget-related policies and within a prescribed framework; and

(h) Ensure that all revenue received by the Municipality, including revenue received by any collecting agent on its behalf, is reconciled as least on weekly basis.

(3) The accounting officer must immediately inform the National Treasury of any payments due by an organ of state to the Municipality in respect of Municipal tax or for Municipal services, if such payments are regularly in arrears for periods of more than 30 days.

(4) The accounting officer must ensure

   (a) That any funds collected by the Municipality on behalf of another organ of state is transferred to that organ of state at least on a weekly basis; and
   (b) Those funds are not used for other purposes.

16.2.6 Expenditure management Section 65

(1) The accounting office of a Municipality is responsible for the management of the expenditure of the Municipality.

(2) The accounting officer must for the purpose of subsection (1): -
(a) Ensure that the Municipality has and maintains a proper system of expenditure control, including procedures for the approval, authorisation, withdrawal and payment of funds.

(b) Ensure that the Municipality has and maintains a management, accounting and information system which:

(i) Recognises expenditure when it is incurred;

(ii) Accounts for creditors of the Municipality; and

(iii) Accounts for payments made by the Municipality;

(b) Ensure that the Municipality has and maintains a system of internal control in respect of creditors and payments;

(c) Ensure that payments are made:

(i) Directly to the person to whom it is due unless agreed otherwise or for good reason; and

(ii) Either electronically or by way of non-transferable cheques, provided that cash payments and payments by way of cash cheques may be made for exceptional reasons only, and only up to a prescribed;

(d) Pay all money owing within 30 days of receiving the relevant invoice, unless where prescribed otherwise;

(e) Comply with tax, levy, duty, pension, and other commitments of the Municipality as required by legislation;

(f) Manage available working capital effectively and economically in terms of the prescribed cash management and investment framework;

(g) Implement the Municipality’s procurement and asset disposal policies referred to in section 165 in a way that is fair, equitable, transparent, competitive and cost effective; and

(h) Ensure that all accounts of the Municipality are closed at the end of each month and reconciled with its records;

16.2.7 Expenditure on staff benefits Section 66

(1) The accounting officer of a Municipality must: -
In a format and at intervals as my be prescribed, report to the Council on all expenditure incurred by the Municipality on staff salaries, wages, allowances and benefits, and in a manner that discloses such expenditure per type of expenditure namely:

(a) Salaries and wages
(b) Contributions for pensioners and medical aid;
(c) Travel, motor car, accommodation, subsistence and other allowances
(d) Housing benefits and allowances
(e) Overtime payments;
(f) Loans and advances; and
(g) Any other type of benefit or allowance related to staff; and

(b) Disclose such expenditure in the Municipality’s annual report in a prescribed format.

16.2.8 Budget preparation – Section 68

(1) The accounting officer of a Municipality must:

(h) Assist the Mayor in performing the budgetary functions assigned to the Mayor in terms of Charter 4; and

(i) Provide the Mayor with the administrative support, resources and information necessary for the performance of those functions.

16.2.9 Budget implementation Section 69

(1) The accounting officer of a Municipality is responsible for implementing the Municipality’s approved budget, including taking all effective and appropriate steps to ensure that:

(a) The spending of funds is in accordance with the budget and is reduced as necessary when revenue is anticipated to be less than projected in the budget or in the budget and service delivery implementation plan; and

(b) Revenue and expenditure are properly monitored.
(2) When necessary, the accounting officer must prepare an adjusted budget and submit it to the Mayor for consideration and tabling in the Municipal Council.

(3) The accounting officer must no later that 14 days after the approval of an annual budget submit to the Mayor: -
   (a) A draft budget and service delivery implementation plan for the budget year; and
   (b) Drafts of the annual performance agreements as are required in terms of section 57 (1) (b) of the Municipal Systems Act for the Municipal Manager and all managers directly responsible to the Municipal Manager.

16.2.10  Impending shortfalls, overspending and overdrafts Section 70

(1) The accounting officer of a Municipality must report in writing to the Municipal Council: -
   (a) Any impending: -
       (b) Shortfalls in budgeted revenue; and
       (iii) Overspending of the Municipality’s budget; and
   (b) Any steps taken to rectify such shortfalls or overspending.

(2) If the consolidated balance in a Municipality’ bank accounts shows a net overdrawn position for a period exceeding a prescribed period, the accounting officer of the Municipality must promptly notify the National Treasury in the prescribed format of: -

   (a) The amount by which the account or accounts is overdrawn;
   (b) The reasons for the overdrawn account or accounts; and
   (c) The steps taken or to be taken to correct the matter.

Report and reportable matters

16.2.11  Monthly budgets statements Section 71
(1) The accounting officer of a Municipality must by no latter that seven working days after the end of each month submit to the Mayor of the Municipality and the National Treasury a report in the prescribed format on the state of the Municipality’ budget during that month and during the financial year up to the end of that month reflecting: -
(a) The actual revenue, per revenue source;
(b) Actual borrowings;
(c) The actual expenditure, per vote;
(d) The actual capital expenditure, per vote;
(e) The amount of any transfers received, from national organs of state in terms of the annual Division of Revenue Act, and from Provincial organs if state and other Municipalities;
(f) The actual expenditure on those transfers, excluding expenditure on its share of the Local Government equitable share and on transfers which the annual Division of Revenue Act exempts from this section;
(g) When necessary, an explanation of: -
   (i) Any material variances from the Municipality’s projected revenue by source, and from the Municipality’s expenditure projections per vote; and
   (ii) Any remedial or corrective steps taken or to be taken to ensure that projected revenue and expenditure remain within the Municipality’s approved budget.
A projection of revenue and expenditure for rest of the financial year, and any revisions from initial projections.

(2) The amounts reflected in the statement must in each case be compared with the corresponding amounts budgeted for in the Municipality’s approved budget.

(3) The statement to the National Treasury referred to in subsection (1) may be in electronic format.

(4) The accounting officer of a Municipality which has received transfer referred to in subsection (1) (e) during any particular month must, by no later than seven working days after the end of that month, submit that part of the
statement reflecting the particulars referred to subsection (1) (e) and (f) to the National or Provincial organ of State or Municipality which made the transfer.

16.2.12  Reports on failure to adopt implement budget-related and other policies Section 73

(1) The accounting officer must inform the MEC for Local Government in the Province and National Treasury, in writing, have: -

(a) Any failure by the Council of the Municipality to adopt or implement a budget related policy or a procurement or asset disposal policy referred to in section 111;

Or

(b) Any non-compliance by political structures or office-bearers of the Municipality with any such policy.

16.2.13  General reporting obligation Section 74

(1) The accounting officer of a Municipality must submit to the National Treasury, the MEC for Local Government in the Province or the Auditor-General such information, returns, documents, explanations and motivations as may be prescribed or as the National Treasury, that MEC or the Auditor General may require.

16.2.14  Protection of Accounting Officer

(1) Any action taken by a political structure or office-bearer of a Municipality against the accounting officer of the Municipality solely because of that accounting officer’s compliance with a provision of this Act, is an unfair labour practice for the purposes of the Labour Relations Act, 1995 (Act No. 66 of 1995).
Part 2: Financial administration

16.2.15 Top management of Municipalities Section 77

(1) The top management of a Municipality’s administration consist of: -
(a) The accounting officer;
(b) The chief financial officer;
(c) All managers referred to in section 56 of the Municipal Systems Act who are responsible for managing the respective votes and to whom powers and duties for this purpose have been delegated in terms of section 79 of this Act; and
(d) Any other senior officials designated by the accounting officer.

(2) The top management must assist the accounting officer in managing and coordinating the financial administration of the Municipality.

16.3 General powers delegated to the Municipal Manager

16.3.1 To execute any power contemplated in the relevant conditions of service as applicable to the various employees of the Municipality.

16.3.2 To take any action necessary to ensure that a Council resolution is executed.

16.3.3 To sign any documents on behalf of the Municipality in accordance with Municipal policy.

16.3.4 To revoke an official’s (excluding the Municipal Manager and directors) suspension at any time.

16.3.5 To authorise the payment of an acting allowance for officials directly accountable to the Municipal Manager.

16.3.6 To declare any plant material or animals as surplus.

16.3.7 To authorise the payment of medical or funeral expenses arising from an injury on duty.

16.3.8 To allocate office accommodation to the various Municipal departments.

16.3.9 The powers arising from section 2(1) of the Control of Access to Public Premises and Vehicles Act, 1985 (Act 53 of 1985).

16.3.10 To approve or refuse an application for burial in the honorary acre.

16.3.11 To authorise all reports from the various Departments to committees of the Council.
16.3.12 To appoint and dismiss all staff from the level of Strategic Business Unit manager downward, subject to the policy directions of the Municipal Council, provided further that this power may be further sub-delegated to the Directors of the various Divisions of the Municipality.

16.3.13 To withdraw any power delegated to a manager directly reporting to the Municipal Manager.

16.3.14 Approve of acting in higher/other positions for directors in a temporary capacity.

16.3.15 To approve of time-off for trade union activities not catered for in the facilities agreement.

NOTE: All the abovementioned powers may be sub-delegated in writing by the Municipal Manager.
17. **DIRECTORS AND OTHER OFFICIALS OF THE MUNICIPALITY**

17.1 A manager referred to in section 56 of the Municipal Systems Act or other official of a Municipality so delegated: -

(a) Must ensure that the system of financial management and internal control established for the Municipality is carried out within the area of responsibility of that manager or official;

(b) Must ensure the effective, efficient, economical and transparent use of financial and other resources within the area of responsibility of that manager or official;

(c) Must take effective and appropriate steps to prevent, within the area of responsibility of that manager or official, any unauthorised, irregular or fruitless or wasteful expenditure and any under-collection of revenue due;

(d) Must comply with the provisions of this Act to the extent applicable to that manager or official, including any delegations in terms of section 74;

(e) Is responsible for the management, including the safeguarding, of the assets and the management of the liabilities within the area of responsibility of that manager or official; and

(f) Must perform these functions subject to the directions of the accounting officer of the Municipality.

17.2 **Delegations – Section 79**

(1) The accounting officer of a Municipality: -

(a) Must for the proper application of this Act in the Municipality’s administration develop an appropriate system of delegation that will both maximise administrative and operational efficiency and provide adequate checks and balances in the Municipality’s financial administration;

(b) May, in accordance with that system, delegate any of the powers or duties assigned to an accounting officer in terms of his Act: -

(h) To a member of the Municipality’s top management referred to in section 72; and
(ii) To any other official of the Municipality;

(c) Must regularly review delegations in terms of paragraph (b) and, if necessary, amend or withdraw any of those delegations.

(2) A delegation in term of subsection (1): -

(a) Must be in writing;

(b) Is subject to such limitations and conditions as the accounting officer may impose in a specific case;

(c) May either be to a specific individual or to the holder of a specific post in the Municipality;

(d) May, in case of a delegation to a member of the Municipality’s top management in terms of subsection (1) (b) (l), authorise that member to sub-delegate the delegated power or duty to an official or the holder of a specific post in the member’s area of responsibility; and

(e) Does not divest the accounting officer of the responsibility concerning the exercise of the delegated power or the performance of the delegated duty.

(3) The accounting officer may confirm, vary or revoke any decision taken in consequence of a delegation or sub-delegation in terms of this section, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
**DELEGATED TO THE CHIEF FINANCIAL OFFICER AND ALL DIRECTORS**

18.1 The power to approve the use of official vehicles of the Municipality outside the Municipal area.

18.2 The power to authorise the payment of the medical or funeral expenses of an official who suffers injury or dies as a result of an accident arising out of or in the course of employment or as a result of an illness contracted in the course of employment.

18.3 The power to approve redemption of vacation leave credit.

18.4 The power to accept conditions imposed by statutory agencies.

18.5 The power to approve the transfer of funds within expenditure groups in the Operating Budget in accordance with approved Municipal policy.

18.6 The power to authorise the payment of an acting allowance for officials from the level of Managers downwards.

18.7 The power to approve the payment or cancellation of payment of standby, telephone, transport, housing or cell phone allowances to employees within his/her directorate.

18.8 The power to grant leave of absence to all employees and Managers within his/her directorate, other than himself, or to postpone or deny such leave, or call back any member of his personnel herein mentioned from vacation leave.

18.9 The power to approve overtime worked by as well as the remuneration thereof to employees within his/her directorate, up to post level 1.

18.10 To grant approval of shortlists.

18.11 The power to claim the submission of medical certificates in accordance with the Service Conditions, in cases where applications for sick leave for (a)
period(s) of more than two working days are lodged by employees and Managers within his/her directorate.

18.12 The power to either accept or refuse to accept notices of service termination in respect of personnel within his/her directorate up to post level 5, which notices are shorter than the periods stipulated in the Council’s Service Conditions.

18.13 To terminate the services of a temporary or occasional worker within his/her directorate after the necessary notice has been given.

18.14 To approve unpaid leave to a maximum period of 10 working days per employee and/or Managers per year in respect of personnel within his/her directorate.

18.15 The enforcement, by way of prosecution or otherwise, of the Council’s by-laws or policy, as well as any title and/or charter (deed of foundation) being administered by his/her directorate, with the understanding that no prosecution will be instituted before consulting with the Municipal Manager, but that this reservation exclude the Manager Human Resources and the Manager Community Health Services in the enforcement of the Council’s by-laws

18.16 Should he/she regard it as being in the interest of the Council, a Director can grant approval to officials, including Business Unit Managers within his/her directorate to undertake visits for a maximum of one week for official purposes and the attendance of lectures, courses and seminars for up to but not exceeding two weeks, he/she can authorize the payment for attendance and registration fees as well as travelling and accommodation expenses in such cases, or allow officials to make use of official transport.

18.17 To accept tenders and quotations for the purchase of goods or the performance of tasks in accordance with the Council’s Purchasing and Procurement Policies and any other related resolutions and legislation – to a maximum amount of R120 000,00. All tenders in excess of R120 000,00 have to be submitted to Council. Any expenditure made in terms of the
operational budget shall be subject thereto that the necessary funds have been budgeted.

18.18 To represent the Council’s case after collaboration with the Manager: Secretariat & Legal Services, when action has been instituted against the Council in a court of law, with regard to his/her directorate.

18.19 To grant approval for special leave to all officials within his/her directorate, including to Business Unit Managers, without remuneration, as determined in terms of clause 16(18) of the Service Conditions.

18.20 The appointment of casual workers within his/her directorate on a contractual and/or daily basis for the performance of specific tasks and goals, with due regard for the budget and subject thereto that appropriate funds are available.

18.21 To sign on behalf of the Council any agreements pertaining to his/her directorate, after consultation with the Manager: Secretariat & Legal Services.

18.22 In collaboration with the Municipal Manager, after consultation with the Chief Financial Officer, grant approval for the rendering of non-recurrent or frequent temporary assistance to other local authorities, subject thereto that the relevant local authority remunerates the Polokwane Municipality for traveling and accommodation expenses, material supplies, transport costs, pro rata salary and sundries.

18.23 To enforce the disciplinary procedure in terms of the Collective Agreement Disciplinary Code.

19. **GENERAL POWERS: MANAGERS**

19.1 To grant leave of absence to all employees within his/her business unit, other than himself/herself, or to postpone or deny such leave, or call back any member of his/her personnel herein mentioned from vacation leave.

19.2 Recommends for approval of overtime worked (in the instance of overtime worked by administrative personnel, this overtime has to be approved prior to
the actual performance of such overtime) as well as the remuneration thereof to employees within his/her business unit, up to post level 5.

19.3 To claim the submission of medical certificates in accordance with the Service Conditions, in cases where applications for sick leave for (a) period(s) of more than two working days are lodged by personnel within his/her business unit.

19.4 To either accept or refuse to accept notices of service termination in respect of personnel within his/her business unit, which notices are shorter than the periods stipulated in the Council’s Service Conditions.

19.5 To terminate the services of a temporary or occasional worker within his/her business unit after the necessary notice has been given.

19.6 To approve unpaid leave to a maximum period of 10 working days per employee per year in respect of personnel within his/her business unit.

19.7 To grant approval for the filling of vacancies within his/her business unit which arise in the Council’s service.

19.8 The enforcement, by way of prosecution or otherwise, of the Council’s by-laws or regulations, as well as any title and/or charter (deed of foundation) being administered by his/her business unit, with the understanding that no prosecution will be instituted before consulting with the Municipal Manager, but that this reservation exclude the Manager Human Resources and the Manager Community Health Services in the enforcement of the Council’s by-laws

19.9 To grant approval for special leave without remuneration to a maximum of 30 days, as determined in terms of clause 16(18) of the Service Conditions.

19.10 To fill temporary vacancies, which arise in his/her business unit due to the taking of maternity leave, sick leave and resignation, to a maximum period of 90 days with due regard of the budget and subject thereto that appropriate funds are available. Further subject thereto that such vacancies necessitates a temporary appointment in order to fulfill essential functions within the SBU.
19.11 The appointment of casual workers on a contractual and/or daily basis for the performance of specific tasks and goals, with due regard of the budget and subject thereto that appropriate funds are available.

19.12 To sign on behalf of the Council any agreements pertaining to his/her business unit, after consultation with the Manager: Secretariat & Legal Services.

19.13 To, in collaboration with the Municipal Manager and Chief Financial Officer, grant approval for the rendering of non-recurrent or frequent temporary assistance to other local authorities, subject thereto that the relevant local authority remunerates the Polokwane Municipality for traveling and accommodation expenses, material supplies, transport costs, pro rata salary and sundries. (CR 28/10/91-75)

19.14 To enforce the disciplinary procedure in terms of the Collective Agreement Disciplinary Code 1/2/04.

**OFFICE OF THE MUNICIPAL MANAGER:**

20. **MANAGER SECURITY AND RISK MANAGEMENT**

20.1 The Manager is responsible to ensure the minimization of security related risks, the enforcement of good governance, transparent, efficient and accountable practice and the implementation of correctivmeasures and is authorized to:

20.1.1 Conduct all security related investigation in terms of an approved investigative program.

20.1.2 Report every security breach, fraud and corruption investigation to the Municipal Council.

20.1.3 Conduct pro-active information and security audits.

21. **MANAGER INTERNAL AUDIT SERVICES**
21.1 The objective of internal audit is to assist Directors and Managers in the effective discharge of their responsibilities. Internal audit’s scope of work is to examine and evaluate the adequacy and effectiveness of the organisation’s system of internal control and the quality of performance in carrying out assigned responsibilities.

21.2 Manage the internal auditing department according to the statement of purpose, authority and responsibility for the internal auditing department.

21.3 Provide written policies and procedures to guide audit staff.

21.4 Coordinate internal and external audit efforts.

21.5 Establish and maintain a quality assurance program to evaluate the operations of the internal auditing unit.

21.6 Grant, postpone or deny leave of absence to all employees within the internal audit department other than him/herself.

21.7 Recommends for approval overtime worked and the remuneration thereof to all employees within the internal audit department.

21.8 Maintain effective relations with executive and operating management.

21.9 Provide executive management with reports on audit coverage and the results of the audit activity, and interpret those results to improve the audit schedule and the audit coverage.

NOTE: All the abovementioned powers may be sub-delegated in writing by the Manager Internal Audit Services
22. **MANAGER: ELECTIONS**

22.1 **POWERS AND FUNCTIONS OF MUNICIPAL ELECTORAL OFFICER**

22.1.1 The Independent Electoral commission requires that appointed Municipal Electoral Officers (agent) are conversant with the contents, interpretation, and implementation and monitoring of the abovementioned legislation.

22.1.2 The MEO (agent) must agree to exercise the powers and perform the functions on behalf of the Commission which include the following:

i. Establishing of local electoral office, infrastructure and local election capacity;

ii. Undertaking delimitation of voting district activities;

iii. Identification of voting stations/registration points;

iv. Establish party liaison committees;

v. Chairing party liaison committees;

vi. Staff recruitment and training;

vii. Voter education;

viii. Democracy development;

ix. Registration planning;

x. Registration logistics;

xi. Conducting of registration of voters;

xii. Election planning;

xiii. Election logistics;

xiv. Conducting of elections;

xv. Counting logistics;

xvi. Election results;

xvii. Post election activities;

xviii. Equipment and storage logistics;

xix. Maintaining of the voters roll.

**NOTE:** All the abovementioned powers may be sub-delegated in writing by the Manager Elections.
23. **MANAGER: IDP AND STRATEGIC PLANNING**

The Manager IDP and Strategic Planning has the following powers:

23.1 To coordinate the IDP’s annual review and service delivery implementation plan.

23.2 To promote and implement Integrated Development Planning with other spheres of governance.

23.3 To gather information and research on specific policies, strategies and programme relevant to local governance and public policy.

23.4 To ensure an explicit alignment between the IDP and budget planning.

23.5 To coordinate and monitor special programme (Youth, Disability and Gender)

23.6 To coordinate implementation of the performance management system.

23.7 To ensure public participation in the decision-making processes of the Municipality.

23.8 Grant, postpone or deny leave of absence to all employees within the IDP and Strategic Planning SBU.

23.9 Be responsible for an efficient and effective administrative and financial management of the IDP and Strategic Planning SBU.

23.10 Identify the Council’s development priorities and objectives and internal transformation needs.

23.11 Determine the key-performance indicators and performance targets in terms of section 41 of the Systems Act 32/200.

**NOTE:** All the abovementioned powers may be sub-delegated in writing by the Manager IDP and Strategic Planning.
24. **MANAGER DISASTER MANAGEMENT**

24.1 To exercise the powers as contained in Regulation 44 of the Disaster Management Act, and according to the provisions of the Municipal Systems Act 32/2000.

24.2 When the powers with regard to a resolution is exercised on “disaster” as set out in Regulation 53 of the Disaster Management Act, 32/2000, referred to in Regulation 55(1), conference shall be held with the Municipal Manager, wherever possible.

24.3 That in case of a disaster occurring outside the jurisdictional area of Polokwane Municipality, the Manager Disaster Management and the Municipal Manager is authorized to order disaster management personnel to act outside the jurisdictional area of Polokwane Municipality.

24.4 That the Manager Disaster Management who is also the Chairperson of the Municipal Disaster Management Committee, with due regard of the Municipality’s state of preparedness, refer back all matters regarding the Municipality’s state of preparedness to the Municipal Manager, Directors and Business Unit Managers, in accordance with Regulation 44(1)(d) of the Disaster Management Act.

24.5 To investigate, report and recommend to Council in respect of the state of preparedness of the Council according to Regulation 47 of the Disaster Management Act.

24.6 To, in collaboration with the Municipal Manager, grant permission for the hiring of any equipment as well as the activating of equipment and resources of other business units in order to perform reconnaissance in events of emergencies or disasters in accordance with Regulation 51(1) of the Disaster Management Act.

24.7 To, in consultation with the relevant business unit manager(s) grant permission for the utilization of any Municipal facilities during an emergency.

24.8 To co-approve of plans and/or draft designs submitted by developers and/or design engineers for new developments in order to ensure that the prevention
and mitigation measures contained in Regulation 467(1)(c,d) of the Disaster Management Act, are adhered to.

24.9 To appoint consultants, who dispose of the necessary skills regarding the tasks to be executed, in accordance with Council resolutions, and in adherence to Regulation 44(i) of the Disaster Management Act.

24.10 To take control of all contracts concluded and approved by Council for disaster management, as well as certify all payment certificates, the amounts of which falls within his/her signing authority, in respect thereof.

24.11 To approve all purchase forms and/or orders except for those, which require the signature of the Municipal Manager.

24.12 To take over the control center in case of an emergency or disaster, in accordance with Regulation 55 of the Disaster Management Act.

24.13 To ensure timeous renewal and replacement of equipment under the disaster plan and in terms of Regulations 47, 52 and 53 of the Disaster Management Act.

24.14 To temporarily close a street in terms of the provisions of the Local Government Ordinance 17/1939, after consultation with the relevant business unit.

24.15 To arrange for the activation of business units and directorates where he/she is of the opinion that such measures are necessary in order to ensure the safety of persons, animals and property.

24.16 To, in collaboration with the Municipal Manager, grant approval for the erection of temporary accommodation at various facilities within the jurisdictional area of the Municipality in event of emergency or disaster.

24.17 To serve notices, directives, early warnings and/or other documentation to Councilors and communities in terms of the Disaster Management Act, regarding safety and the prevention of disaster.
24.18 To make recommendations on site development plans, town planning plans and/or other related plans in events where communities may be affected by a disaster.

24.19 In respect of development and mitigation measures: -

(i) The delegation to directly consult with business unit managers, office of Executive Mayor and ward Councilors; and

(ii) The delegation to develop and market disaster and emergency related brochures within the parameters of an approved budget.

24.20 To seek funding in respect of emergency/disaster relief equipment and resources from donor agencies as well as other national and provincial departments

NOTE: All the abovementioned powers may be sub-delegated in writing by the Manager Disaster Management
25. **MANAGER: MANKWENG/SEBAYENG**

25.1 To enter into agreements on behalf of the Council for the selling of stands of the Council in Mankweng/Sebayeng jurisdictional area,

25.2 To sign all transfer documents on behalf of the Council where Council stands have been sold.

25.3 To execute Council resolutions, policies and by-laws pertaining to his/her administrative office.

**NOTE:** All the abovementioned powers may be sub-delegated in writing by the Manager Mankweng/Sebayeng.
26. **DIRECTOR TECHNICAL SERVICES**

26.1 To, in terms of the Council’s policy, grant approval of plans and/or draft schemes submitted by Township Developers for the installation of streets, storm water drainage, electricity networks and essential services in accordance with the relevant Conditions of Establishment.

26.2 Approval of appointment of Technical Consultants.

26.3 Approve spending of provision for unforeseen expenditure on all contracts.

**NOTE:** All the abovementioned powers may be sub-delegated in writing by the Director Technical Services.
27. **MANAGER ADMINISTRATION & MAINTENANCE**

27.1 To, in accordance with the Council’s policy grant permission for the hiring of equipment to perform departmental construction work.

27.2 To hire out Municipal offices, shops or trading premises, buildings, open spaces or grounds on the conditions as approved by the Council.

27.3 To allocate office accommodation, official housing and parking garages erected by the Council for its personnel

27.4 To grant permission for the installation of telephones on or in the Council’s properties

27.5 The approval of plans with regard to facilities related projects including but not limited to offices, halls, stadiums and ablution facilities.

27.6 To manage electrical reticulation in Council facilities.

27.7 To approve plans/or draft designs as submitted by Town Developers, Design Engineers (own department and Consulting Engineers) in accordance with the appropriate founding stipulations for installation of electrical networks as well as the terms of *Section 79(1) of Local Government Ordinance 17 of 1939, and Section 119(1) of the Ordinance 15 of 1996.*

27.8 To recommend approval of Consultants **according to Council Resolutions** which consultants dispose of the necessary skills regarding the tasks that must be done, at guidelines tariffs as determined by the Boards of their Institutes.

27.9 To prescribe technical specifications for all materials for electrical engineering services to be used in the to be established townships in accordance of the Establishing Conditions with consideration to the geological earth formation in each separate case and safety requirements.

27.10 In accordance with Council’s policy, finalization of requests for special consent by persons or organizations to-

   i. Have a sale on a public place or street;
ii. Use loud speakers on any public place or street;
iii. Display or distribute advertisements, posters or flyers.

27.11 In accordance with an established policy of the Council, finalize applications for the installation of official telephones in the Council’s name for use by officials, who perform standby duty or other essential services, as well as the cancellation of such telephones.

NOTE: All the abovementioned powers may be sub-delegated in writing by the Manager Administration & Maintenance.
28. **MANAGER: WORKSHOP**

28.1 To approve all purchase forms/orders except for those that require the signature of the Director of Municipal Manager.

28.2 To be authorised by Council to manage the Council vehicle fleet by coordinating vehicle allocations, do maintenance and repair work and renew vehicle licences yearly as and when it is required to do so, including (COF) Certificate of Fitness on heavy vehicle exceeding 3 500kg.

28.3 To be authorised by Council to adhere to the stipulations of the *Occupational Health and Safety Act, Act 85 of 1993* with regard to the 66kV and 11kV substations, distribution, reticulation, operating and maintenance of the total 66kV and 11kV Network including the 220v reticulation of buildings and plant that Council are responsible for.

28.4 Authority to approve or disapprove the hire of pool vehicles to Directorates, Business Units and/or employees.

28.5 Authority to withdraw vehicles, which are being misused, and subsequently suspending the driver responsible for the misuse thereof from using Council vehicles.

**NOTE:** All the abovementioned powers may be sub-delegated in writing by the Manager Workshop.
29. **MANAGER ROADS AND STORM WATER**

29.1 Approval of progress payment certificates to contractors doing roads capital projects as well as accounts for professional engineers rendering professional services to the Municipality.

29.2 Approval of procurement requisitions and payments thereof for services and suppliers of goods.

29.3 To be authorised by Council to adhere to the stipulations of the *Occupational Health and Safety Act, Act 85 of 1993* with regard to construction and maintenance of roads and storm-water networks that Council is responsible for.

29.4 To on behalf of the Council take over the roads and storm water networks from township developers after it was inspected and found to adhere to all applicable specifications, requirements and laws.

29.5 To approve plans/or draft designs as submitted by Town Developers, Design Engineers (own department and Consulting Engineers) in accordance with the appropriate founding specifications for roads and storm water as well as the terms of section 79(1) of Local Government Ordinance 17 of 1939, and section 119(1) of the Local Government Ordinance 15 of 1986.

29.6 To recommend the appointment of Consultants according to Council Resolutions which consultants dispose of the necessary skills regarding the tasks that must be done, at guidelines tariff of fees as determined by the Boards of their Institutes.

29.7 To take control of all tenders and contracts concluded and approved by the Council for roads and storm water services, to supervise it, to draw-up tender documents and to certify all payment certificates.

29.8 To prescribe technical specifications for all materials for civil engineering services to be used in the to be established townships in accordance of the Establishing Conditions with consideration to the geological earth formation in each separate case and safety requirements.
29.9 Grant extension of time for claims on roads and storm water construction contracts in terms of the agreement.

NOTE: All the abovementioned powers may be sub-delegated in writing by the Manager Roads & Storm Water.
30. MANAGER: WATER AND SANITATION

30.1 To, in accordance with the Council’s Policy, and geohydrological requirements, grant permission for the sinking of boreholes.

30.2 To, in terms of the Council’s policy, effectuate the connection of any land with the Council’s sewerage system or water network and to recover costs incurred from the owner of such land up to the point of litigation.

30.3 To administer and implement the Council’s By-Laws relating to Water (Administrator’s Notice 21 of 05/01/1977) and Sanitation Administrator’s Notice 845 of 25/05/1983.

30.4 To take over the water and sanitation network of township developers on behalf of Council after it was inspected and found to adhere to all applicable specifications, requirements and laws.

30.5 To approve plans/or draft designs as submitted by Town Developers, Design Engineers (own department and Consulting Engineers) in accordance with the appropriate founding stipulations for installation of water and sanitation as well as the terms of Section 79(1) of Local Government Ordinance 17 of 1939, and Section 119(1) of the Ordinance 15 of 1996.

30.6 To recommend the appointment of a Consulting Engineer according to Council Resolutions which engineer disposes of the necessary skills regarding the tasks that must be done, at guidelines tariff of fees as determined by the Engineering Council of South Africa (ECSA) and as published from time to time as a Board Notice in a Government Gazette provided that the necessary funds have been approved in accordance with Engineering Profession Act 46/2000 in terms of which Act the appointment of Consultants shall be done.

30.7 To take control of all tenders and contracts concluded and approved by the Council for Water and Sanitation Services, to supervise it, to draw-up tender documents and to certify all payment certificates.

30.8 To prescribe technical specifications for all materials for water and sanitation services to be used in the to be established townships in accordance of the
Establishing Conditions with consideration to the geological earth formation in each separate case and safety requirements.

NOTE: All the abovementioned powers may be sub-delegated in writing by the Manager Water & Sanitation.
31. **MANAGER ELECTRICAL SERVICES**

The following delegation of powers are required by the SBU Manager Electrical Services to ensure safe quality of supply of electricity to the communities according to *The Electricity Act, Act 41 of 1987 and the Occupational Health and Safety Act, Act 85 of 1993.*

31.1 To accept on behalf of Council, the Standard Conditions as regulated by the National Roads Department (Northern Province), Post Office, National Energy Regulator (NER), Eskom, Spoornet and other similar organizations when the right of the said organisation will be affected by the proposed electricity conductivity of Council.

31.2 To be authorised by Council as to adhere to the stipulations of the Occupational Health and Safety Act, Act 85 of 1993 with regard to the 66kV and 11kV substations, distribution, reticulation, operating and maintenance of the total 66kV and 11kV Network including the 220v reticulation of buildings and plant that Council are responsible for.

31.3 To approve the use of consulting engineers who have the necessary experience for the designing and installation of electrical networks in accordance with the stipulations of *Section 118(2) of By-Laws of 1986,* by township developers.

31.4 To take over the electrical network of township developers on behalf of Council after it was inspected and found to adhere to all applicable specifications, requirements and laws.

31.5 To approve plans/or draft designs as submitted by Town Developers, Design Engineers (own department and Consulting Engineers) in accordance with the appropriate founding stipulations for installation of electrical networks as well as the terms of *Section 79(1) of Local Government Ordinance 17 of 1939, and Section 119(1) of the Ordinance 15 of 1996.*

31.6 To recommend the appointment of a Consulting Engineer according to Council Resolutions which engineer disposes of the necessary skills
regarding the tasks that must be done, at guidelines tariff of fees as
determined by the Engineering Council of South Africa (ECSA) and as
published from time to time as a Board Notice in a Government
Gazette provided that the necessary funds have been approved in
accordance with Engineering Profession Act 46/2000 in terms of
which Act the appointment of Consultants shall be done.

31.7 To take control of all tenders and contracts concluded and approved by the
Council for Electrical Engineering Services, to supervise it, to draw-up
tender documents and to certify all payment certificates.

31.8 To prescribe technical specifications for all materials for electrical engineering
services to be used in the to be established townships in accordance
of the Establishing Conditions with consideration to the geological
earth formation in each separate case and safety requirements.

31.9 To be authorised to apply and renew Polokwane Municipalities Licence to
distribute and sell electricity to communities/users in our area of
jurisdiction, on behalf of Council with the NER

31.10 To be authorised to apply for funds to do electrification projects in the
Polokwane area of jurisdiction and behalf of Council with the NER.

31.11 To be authorise by Council to operate and do maintenance under the
Electrical Engineers Certificate of Competency to all substations,
66kV and 11kV distribution plant and reticulation plant and associated
equipment, including 380V and 220V electrical systems/networks.

31.12 To be authorising by Council to cut-off power to consumers/users due to
unsafe conditions, unauthorised used, tampering and/or non-payment
for services on behalf of Council.

31.13 To be authorise by Council to do short-, medium and long-term load profiles
and forecast as to investigate, design and implement special projects
pertaining to the more efficient and better utilisation of electrical
energy with the resultant reduction or containment of electricity tariff
increases. Examples, power factor correction on incoming supply,
ripple control, ext.
31.14 To be authorise by Council to do medium- and long-term planning and design of the electrical supply network in order to meet increased demand, reliability and Quality of Supply Requirements to ensure timeously renewal and replacement of equipment and plant which has reach the end of its economic life.

NOTE: All the abovementioned powers may be sub-delegated in writing by the Manager Electrical Services.
32. **DIRECTOR COMMUNITY SERVICES**

32.1 That in cases of emergency the Municipal Manager and the Director Community Services be authorised to order the fire brigade and ambulance to act outside the Municipal area.

32.2 To grant consent to taxi-operators for taxi parking space in accordance with the number of taxi’s, which, according to the Director Community Services, can be allowed on the various parking spaces.

32.3 To approve applications from alcohol dealers for extended trading hours.

32.4 That the appointment of Law Enforcement Officers for the purposes described in section 334 of the Criminal Procedures Act, 51/1977, read with Government Notice R210 of 19 February 2002, be delegated to the Director Community Services, subject thereto that the Manager concerned be consulted and that the official has successfully completed the examination for Law Enforcement Officers.

32.5 That the Director Community Services be authorized to obtain fingerprints from employees of the Municipality in terms of Section 334 of the Criminal Procedures Act, 51/1977, for appointment as peace officers and for the issuing of fire arms under the Fire Arms Act 60/2000.

**NOTE:** All the abovementioned powers may be sub-delegated in writing by the Director Community Services.
33. **MANAGER TRAFFIC & LICENSES**

33.1 The enforcement through prosecution or otherwise of the Council’s By-Laws and Regulations.

33.2 On behalf of the Council, consider and approve or deny applications for exemption regarding the transport of abnormal loads within the jurisdictional area of the Municipality of Polokwane, if the Director Technical Services is of the opinion that all roads, bridges and structures along the particular route will be able to carry the axle-loads of the vehicles to be used.

33.3 To consider, deny, or subject to the approval of the Premier, and any conditions which he may prescribe, grant permission where applications have been made for motorcar and go-cart rallies to be held within the jurisdictional area of the Council.

33.4 To consider and finalise, subject to the fulfilment of all legal provisions as well as the policy of the Council, all applications for road races, road relay races and street marches - excluding protest marches and marches with a political connotation, as well as funeral escorts - through the jurisdictional area of Polokwane Municipality, in terms of Regulation 317 Sub Regulation 2 of the National Road Traffic Act, 93/1996.

33.5 To consider and finalise - in accordance with the Council’s policy - all applications for Professional Driving Permits received in terms of Regulation 115 of the National Road Traffic Act, 93/1996, as amended, and in respect of which permits unfavourable police reports have been received in terms of Regulation 117 of the said Act.

33.6 To exercise the powers in terms of Regulation 320 of the National Road Traffic Act, 93/1996, as amended, with regard to abandoned vehicles.

33.7 To determine a loading zone in a street and to make and affix the necessary signs and marks.

33.8 To institute or repeal speed limits and authorise the setting up or removal of prescribed traffic signs and marks on all public roads within the jurisdictional...
area of the Council, with the exception of throughways, in terms of the provisions of section 37 of the National Road Traffic Act 93/1996.

33.9 To consider approve or refuse the setting up, removal or replacement of yield signs at intersections or street-junctions, and to grant consent for the setting up or removal of the prescribed traffic signs and marks.

33.10 To, when and if necessary, grant consent for the setting up and removal of all road traffic signs and marks which have not been mentioned previously and which may in terms of the above-mentioned section 80A of the National Road Traffic Act, 93/1996, and/or any of the by-laws of the Council may be necessary.

33.11 To temporarily close a street or public place as envisioned in terms of the provisions of the Local Government Municipal Structures Act, 117/1998.

33.12 The powers of arrest without a warrant in terms of the provisions of section 42(3) of the Criminal Procedure Act, 51 of 1977, as amended, of persons who commits a criminal offence on Council property.

33.13 To approve the exemption of parking regulations in terms of the provisions of section 80A of the National Road Traffic Act, 93/1996, [subject to the conditions as set out in the report of the Head Protection Services to the Management Committee dated 1983-02-14.]

33.14 To execute the powers delegated to the Manager Traffic and Licenses to be the proxy or representative of the Council’s motor vehicles

33.15 To impound stray animals.

NOTE: All the abovementioned powers may be sub-delegated in writing by the Manager Traffic & License.
34. **MANAGER COMMUNITY SAFETY**

34.1 To, in accordance with section 6B of the Act on the Prevention of Illegal Squatting, 19/98, execute the powers, activities and obligations in terms of the mentioned Act.

34.2 That the Manager Community Safety may apply for the registration of Security Guards/Officers in terms of the *Act on Private Security Companies, 56/2001*.

34.3 To execute in general all the activities and duties of the Council in terms of the Fire Brigade Services Act 99 of 1987, Section 8(1)

34.4 To administer and implement the Council’s By-Laws relating to Inflammable Liquids and Substances Administrators Notice 354 of 08/05/1957

34.5 To repeal the right of parking next to a street and to affix the necessary prescribed traffic sings and marks there.

34.6 To exercise the powers to fill all vacancies due to the specific issue regarding emergency services needs, with relation to emergencies when trained personnel is essential to save lives and property.

34.7 To exercise the powers delegated to the Chief Fire Officer appointed by the Local Authority in terms of section 5 of the Fire Brigade Services Act 99/1989, including the T Section of SABS Code 0400.

34.8 To obtain fingerprints of employees of the Municipality in terms of Section 334 of the Criminal Procedures Act 51/1977 for purposes of appointment as peace officers and for the issuing of a fire arm under the Fire Arms Act 60/2000.

34.9 To regulate protest marches and marches with a political connotation through the jurisdictional area of Polokwane Municipality in terms of section 2(4)(a) of the Regulations of the Gatherings Act 205/1993, and to appoint a responsible person.
34.10 To apply for the registration of Security Guards/Officers in terms of the Act on Private Security Companies 56/2001.

34.11 To exercise the powers in terms of the Municipal By-Laws for the erection of Outdoor Advertising Signs and Hawkers (Street trading).

NOTE: All the abovementioned powers may be sub-delegated in writing by the Manager Community Safety.
35. **MANAGER ENVIRONMENTAL AND WASTE MANAGEMENT**

35.1 The granting, or not, of grazing rights on town land in accordance with the Council’s policy.

35.2 Selling of thatching grass and reeds.

35.3 To arrange for the removal of street trees when he is of the opinion that such a measure is necessary in the interest of safety of people, animals and property.

35.4 To develop, administer and maintain parks, gardens and open spaces within the jurisdictional area of the Municipality.

35.5 The selling of farm products e.g. lucern etc, at predetermined prices and if the quality does not justify it, to sell at lower prices with the approval of the Municipal Manager in which case a report must be submitted to Council.

35.6 To administer and manage the Polokwane game reserve, caravan park, bird sanctuary and lapas in terms of the Council’s applicable by-laws.

35.7 To administer and manage the cemeteries and crematoria within the jurisdictional area of the Municipality in terms of the Council’s relevant by-laws.

35.8 To manage and advise on the preservation and protection of nature, ecological factors and the environment of Polokwane Municipality jurisdictional area.

35.9 To implement and manage the Integrated Waste Management Plan as adopted by the Council.

**NOTE:** All the abovementioned powers may be sub-delegated in writing by the Manager Environmental & Waste Management.
36.  MANAGER COMMUNITY HEALTH SERVICES

36.1 To lodge an investigation in terms of Section 20 of Act 63 of 1977 pertaining to the suspicion that a nuisance may be existing on a property.

36.2 To serve the necessary notice on the owner according to the stipulations of Section 20 of Act 63 of 1977.

36.3 As appointed official he may exercise his powers, actions and duties in terms of Section 6B in the Prevention of moderate Squatters Act, Act 52 of 1951.

36.4 To take control of all contracts concluded by Council for Community Health Services, to supervise it, to draw tender documentation in consultation with Manager: Secretariat & Legal Services and Chief Financial Officer and to certify all payment certificates.

SBU COMMUNITY HEALTH SERVICES

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NOTE: All the abovementioned powers may be sub-delegated in writing by the Manager Community Health Services.
37. **MANAGER: SPORT AND RECREATION SERVICES**

37.1 To make available the Council’s Civic/Recreational Halls, free of charge to all the “institutions, organisations, associations or clubs as set out in Section 16 of the Ordinance 17 of 1939 upon written application for such institution, organisation, association or club, provided that the intended use of the halls fall between Monday to Thursday.

37.2 In terms of the provisions of the Town hall By-laws, to approve or refuse applications to lease the town halls

37.3 To put community halls at the disposal of other directorates/business units of the Council, provided that they are not otherwise occupied or hired out.

37.4 To hire out community halls to educational, religious, etc. institutions (Sect. 79(33) Ordinance 17/1939) on a regular basis for a term which does not exceed 6 months at a time.

37.5 To grant permission for the erection of temporary and permanent advertisement boards at the various sport facilities in accordance with the sport policy.

37.6 To take control of all contracts concluded by Council for Sport and Recreation Services, to supervise it, to draw tender documentation in consultation with Manager: Secretariat & Legal Services and Chief Financial Officer and to certify all payment certificates.

37.7 To consider applications and grant permission for motor car rallies to be held at the sport facilities of the Municipality, subject to the approval of Manager Traffic Services and any conditions which may be prescribed.

37.8 The signing of the lease agreements on behalf of the Council, where the various stadiums are leased to organisations, sport bodies etc. (Council resolution dated 26/05/1998).

37.9 The leasing of sport facilities to sport clubs, schools, individuals according to the sport policy of Council and applicable tariffs as approved by Council.
37.10 The leasing of suitable areas for hosting of flea markets, circus or amusement parks, at areas situated at the sport facilities in accordance with Council policy and applicable tariffs as approved by Council (Council resolution 04/07/2000).

37.11 To grant permission for the presentation of swimming galas in a Municipal swimming pool in accordance with the Council’s policy.

37.12 To close the swimming pool without prior notice during April and on days during the swimming season when weather conditions are unfavourable.

37.13 The control of the swimming pools in terms of the Municipal swimming By-Laws.

37.14 To appoint consultants, according to Council resolutions, which consultants dispose of the necessary skills regarding the tasks that have to be done, at tariff scales, which is applicable to the said consultants speciality field in accordance with the applicable statutory legislation.

37.15 To, in consultation with the Manager: Secretariat & Legal Services enter into lease agreements on behalf of the Council where the various community halls are leased to organisations, churches, individuals etc.

37.16 To enter into lease agreements for the leasing of sport facilities of the Council to sporting bodies subsequent to Council approval and in collaboration with the Manager: Secretariat & Legal Services.

37.17 To determine the swimming pool hours of the different swimming pools according to his discretion, after taking into consideration the needs of the community as well as the fixed minimum/maximum working hours.

37.18 To, in collaboration with the Manager Human Resources, appoint four (4) qualified temporary lifesavers from the 1st September to the 30th April the following year at the swimming pools to assist the swimming pool superintendent on weekends, public holidays and school holidays (MC/84/09/02).
37.19 To, in collaboration with the Manager: Secretariat & Legal Services, enter into lease agreements on behalf of the Council where the Show Ground is leased to organisations, churches, individuals etc.

37.20. To close sport facilities, community halls and swimming pools for the public when it is necessary to do maintenance work at these facilities.

37.21 To approve of the appointment of students for experiential training, on a closed term temporary agreement in accordance with Council policy.

37.22 To determine variable shifts or flexi-time for personnel working in the unit, with the aim of usage of access to facilities by the public after normal working hours, subject to working the minimum working hours prescribed in terms of legislation and that the conditions of service are not affected.

NOTE: All the abovementioned powers may be sub-delegated in writing by the Manager Sport & Recreation.
38. **MANAGER CULTURAL SERVICES**

38.1 To render cultural-/library-/museum services to residents and visitors of Polokwane within the framework of existing legislation and Municipal By-Laws.

38.2 To execute in general all the activities and duties imposed on and applicable to the cultural SBU in terms of the National Heritage Resources Act 25/1999 and the Northern Province Library and Information Services Act 7/2001.

38.3 To administer and implement the Council’s Standard Library By-Laws (Local Authority Notice 437, 30 January 1991); to administer Council’s Standard By-Laws and tariff structure on the Ethnological Museum (29/01/1986).

38.4 (a) To determine the library hours of the different libraries according to his discretion, after taking into consideration the needs of the community as well as the fixed minimum/maximum hours.

38.4 (b) To temporarily close a library, after due consideration of justifiable statistics, for the use of such a library during low seasonal peaks provided that, in the instance of such temporary closure, staff be allocated to other libraries where they are needed.

To temporarily close the museums for installation of new exhibitions and for maintenance such as pest control; stripping and sealing of floors.

38.4 (c) To determine variable shifts for personnel working in the unit (especially library- and museum personnel) with the aim of usage/access to facilities by the public after normal working hours and during certain hours on a Saturday, subject to working the minimum working hours prescribed in terms of legislation and that the conditions of service are not affected.

38.4 (d) To determine and vary the hours of the official opening of various libraries based on statistics of usage during the summer and winter as
well as taking the safety of personnel into consideration and the availability of public transport (during closure in the evenings), subject to working of minimum prescribed hours per month; to grant time for exhibition openings to take place in the Art Museum.

38.4 (e) To close the museums and/or libraries for a maximum of 3 working days during December to enable such personnel who work shifts according to a timetable, to spend time with their families, such closure shall however, be subject to the following conditions:

- that the envisaged closure be advertised at least one month prior to such closure, and
- that unless otherwise decided by Council, application for vacation leave during working days be applied for.

38.5 To accept donations intended for the use of the museums and libraries and to sign as beneficiary for an on behalf of Council for the acceptance of such donations and to administer such in terms of current legislation.

38.6 To make available the Library Auditorium free of charge to all the ‘institutions, organisations, associations or clubs’ as set out in Section 16 of the Ordinance, 17 of 1939 upon written application for such institution, organisation, association or club, provided that the intended use of the halls fall between Monday to Thursday.

38.7 In terms of the provisions of the Library By-Laws (30 January 1991), to approve or refuse applications to lease the Library Auditorium.

38.8 To put the Library Auditorium at the disposal of other directorates/business units of the Council, provided that they are not otherwise occupied or hired out.

38.9 To enter into partnership agreements with other library-/information-/museum services, NGO’s or similar institutions

38.10 To conclude applications for the distribution of rag magazines and similar publications within Municipal jurisdiction.
NOTE: All the abovementioned powers may be sub-delegated in writing by the Manager Cultural Services.
39. CHIEF FINANCIAL OFFICER

39.1 The chief financial officer of the Municipality –

(a) is administratively in charge of the budget and treasury office;

(b) must advise the accounting officer of the Municipality on the exercise of powers and duties assigned to the accounting officer in terms of the Municipal Finance Bill;

(c) must assist the accounting officer in the administration of the Municipality’s bank accounts and in the preparation and implementation of the Municipality’s budget;

(d) must advise senior managers and other senior officials in the exercise of powers and duties assigned to them in terms of section 76 or delegated to them in terms of section 77 of the Municipal Finance Bill; and

(e) must perform such budgeting, accounting, analysis, financial reporting, cash management, debt management, supply chain management, financial management, review and other duties as may in terms of section 77 of the Municipal financial Bill be delegated by the accounting officer to the chief financial officer.

(f) In terms of Section 82(1) of the MFMA may sub-delegate any of the duties referred to in section 81(1)(b), (d) and (e) to an official in the budget and treasury office, or with the concurrence of the accounting officer, to (i) any other official of the Municipality; or (ii) any person contracted by the Municipality for the work of the office.

(g) In terms of Section 82(2) of the MFMA, if the CFO sub-delegates any duties in terms of subsection (1) to a person who is not an employee of the Municipality, the CFO must be satisfied that effective systems and procedures are in place to ensure control and accountability.
In terms of Section 82(3) of the MFMA, shall ensure that a sub-delegation in terms of subsection (1)(a) must be in writing, (b) is subject to such limitations or conditions as the CFO may impose; and (c) does not divest that CFO of the responsibility concerning the delegated duty.

In terms of Section 82(4) may confirm, vary or revoke any decision taken in consequence of a sub-delegation in terms of subsection (1), but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

39.2 The Chief financial officer of a Municipality is accountable to the accounting officer for the performance of the duties referred to in subsection (1).

39.3 To approve excess expenditure to a maximum amount of R120 000,00 in respect of any vote contained in the operating budget, provided
   i. That savings to the amount of the excess expenditure be accomplished and curtailed within the directorate the particular vote falls.
   ii. That a report pertaining all such excess expenditure be submitted to the Executive Mayor on a monthly basis.

39.4 That the Chief Financial Officer be authorized to make investments within the policy on behalf of the Municipality up to an amount of R4 million per institution.

39.5 That no more than R4 million be invested at any time at any institution without the prior written consent of the Executive Mayor.

39.6 To approve of a deviation from the Council’s Purchasing Policy where circumstances necessitates such, for example in the event of a single supplier (1 quotation to be obtained). Such approval of deviation shall be made in collaboration with the Municipal Manager to a maximum amount of R100 000,00.
40. **MANAGER: FINANCIAL SERVICES**

40.1 To, in compliance with the Council’s policy, arrange for insurance coverage for all assets of the Council, including contractors and all-risk insurance, fidelity guarantee, motor vehicle equipment, fire and storm damage, public liability, coverage for Councillors, unemployment and employee indemnity; To give the necessary instructions to the Council’s insurance brokers, payment of the instalments owing on the due date and to institute all claims on behalf of the Council.

40.2 To, in deliberation with the Manager Building Inspectorate, consider, grant or deny the refunding or partial refunding of building plan monies in matters where buildings are not erected.

40.3 To, in compliance with the Council’s policy, consider, grant or refuse loans to applicants in order to allow them to connect to the Council’s electrical system.

40.4 The determination of consumption deposits in compliance with the Council’s policy and to charge additional deposit.

40.5 To, in compliance with the Council’s policy, consider, grant or refuse, or subject to the approval of the Premier, grant, applications for remittance from property rates and taxes in accordance with the stipulations of Section 32 of the Local Government Ordinance 11 of 1977. (α )

40.6 To refund court fines to the appropriate persons, which persons have paid such fines, following the amendment or setting aside of such persons judgments.

40.7 To issue and sign clearance certificates as contemplated in section 50(1) of Ordinance 17 of 1939, as amended, upon payment of the relevant monies or receipt of an undertaking from the transferring attorney on record, that all outstanding monies will be paid on date of transfer.
40.8 To grant authorization for the disconnection of electricity supply to the premises of any consumer as the result of non-payment by such a consumer of his/her account.

40.9 To grant authorization to reduce water flow to 200 litres per day as a result of non-payment by the consumer and to exercise discretion in so far as the postponement of payment is concerned and to waive of the prescribed re-connection fees in deserving cases.

40.10 To give instruction for the total disconnecting of water on request of the consumer or in cases where no consumer has applied for or entered into a service agreement with Council since the previous consumer vacated the premises.

40.11 To give instructions to Council’s attorneys to collect monies owing to Council and to take all necessary steps in accordance with Council’s amended Credit Control Policy dated 07/11/2000, to collect the monies.

40.12 To determine the terms and conditions for payment of such monies owing to Council and to sign all documentation in that regard.

40.13 To exercise discretion and to consider, approve or refuse applications for extension of any payments due to Council.

40.14 To consider, approve or refuse requests to reverse reconnection fees in deserving cases.

40.15 To write off irrecoverable debt to the maximum amount of R500,00 (five hundred rand) per case.

40.16 To, in compliance with the Council’s policy, approve payment of the travelling and boarding expenses of an applicant for a vacant position within the Council’s service when such an applicant reports for a personal interview.

40.17 To institute a claim against any insolvent or deceased estate or against a company in liquidation, for any monies owing to the Council, and to conduct
any action which a creditor is normally entitled to. CR 27/1/1992 – 34/5/12; 38235.

40.18 To consider, approve or decline applications for indigent subsidy with retrospective force as from the beginning of the current financial year.

40.19 To serve on owners and tenants of houses who neglect to honor their liabilities, the prescribed notices in terms of the Housing Act as amended.

40.20 To issue and sign bond certificates in terms of the Ordinance 3 of 1903, as amended, including the handling of transferring of bonds.

40.21 To approve of excess expenditure to a maximum amount of R2000,00 per vote on the operating budget.

40.22 To, if convinced that the delay in payment of an account is not due to the conduct of a certain government department, write off all interest on such a government or provincial account, whereafter a report to such an extent has to be submitted to the Executive Mayor.

41. MANAGER: PROCUREMENT & STORES

41.1 To administer and implement the Council’s Procurement Policy in terms of the Preferential Procurement Regulations 2001, of the Preferential Procurement Policy Framework Act, 2000.

41.2 To give the instruction for such redundant or obsolete goods or material to be sold by public auction, public tender or acceptance of written quotes.

41.3 To determine a date for the annual public auction of obsolete and redundant store items and materials.

NOTE: All the abovementioned powers may be sub-delegated in writing by the Manager Procurement & Stores.
42. **DIRECTOR CORPORATE SERVICES**

42.1 To approve short listing of candidates who qualify to be invited for interviews.

42.2 To, on behalf of the Council, enter into lease agreements for the fire brigade services flats, which delegation shall become that of the Manager: Secretariat & Legal Services in the absence of the Director Corporate Services.

42.3 To approve of any expenditure in excess of R120 000,00 in consultation with the Chief Financial Officer.

42.4 To approve of private work after hours and/or the withdrawal of such approval.

42.5 To approve the appointment of presiding officers and prosecutors for disciplinary hearings.

42.6 To, after consultation with the Manager: Secretariat & Legal Services, terminate the mandate of any attorney or firm of attorneys and/or advocate acting on behalf of the Council on any matter.

42.7 To approve of arrangements with staff on flexi-time and/hours of work.

42.8 To, after deliberations with the Manager: Secretariat & Legal Services, sign all contracts, powers of attorney, discovery affidavits in pending litigation, supporting and/or opposing affidavits and any other legal documents which the Council is legally authorized to enter into and/or sign.

42.9 In consultation with the Manager: Secretariat & Legal Services, obtain legal opinions from the Council’s attorneys or and advocate regarding any subject or consequent lawsuit Council might be involved with or on any legal question/matter certainty needs to be obtained on.

42.10 To, in collaboration with the Municipal Manager and the Chief Financial Officer, enter into and sign agreements for the maintenance of any equipment or installation within the Council, with the understanding that the Council’s obligation in terms of any such an agreement may not exceed the amount per
agreement per year as mentioned in section 35(1) of the Local Government Ordinance 17 of 1939, as amended.

42.11 To appoint consultants or contractors selected from the Council’s approved panel at a tariff not exceeding the guideline tariff of fees as determined in accordance with the fees scales as determined by their professional Boards and Institutes.

42.12 To, in terms of the Council’s policy, grant approval of plans and/or draft schemes submitted by Township Developers for the installation of streets, storm water drainage, electricity networks and essential services in accordance with the relevant conditions of establishment.

42.13 To approve the use of consulting engineers who have the necessary experience for the designing and installation of electrical networks in accordance with the stipulations of Section 118(2) of by-law 1986, by Township Developers.

NOTE: All the abovementioned powers may be sub-delegated in writing by the Director Corporate Services.
43. **MANAGER: INFORMATION SERVICES.**

43.1 To, in deliberation with the Chief Financial Officer, enter into and sign agreements for the maintenance of the Council's hardware, software as well as (and for) electronic data processing equipment and purposes. (Refer also: CR21/4/92-87/2/2)

43.2 To prevent abuse of information systems.

43.3 To encourage the use of e-government services and to provide for matters connected therewith.

43.4 To take control of all tenders and contracts concluded and approved by the Council for Information Services, to supervise it, to draw-up tender documents and to certify all payment certificates.

43.5 To prescribe technical specifications for all computer and/or computer related equipment and consumables utilized by Council.

43.6 To apply and renew Polokwane Municipality’s Software Licenses.

43.7 To terminate user privileges and access to computer systems due to unauthorised used, miss-use and tampering of systems services on behalf of Council.

43.8 To do short-, medium and long-term profiles and forecasts and to investigate, design and implement special projects pertaining to the more efficient and better utilisation of computer systems and infrastructure.

43.9 To do medium- and long-term planning and design of the computer network in order to meet increased demand, reliability and Quality of Service requirements to ensure timorously renewal and replacement of equipment which has reach the end of its economic life.

43.10 To ensure that Polokwane Municipality has an Information Resources Management Review Board (IRMRB) that follows policy for IT activities. Reviews and approves specific IT actions to assure that information
technology activities reflect the goals and priorities of Polokwane Municipality programs.

43.11 To serve as the overall coordinator for Polokwane Municipality information technology activities to ensure maximum efficiency and effectiveness in meeting business needs and requirements.

43.12 To provide leadership for developing and promulgating Polokwane Municipality’s information resource management policies, standards, guidelines, and procedures on data management, system life-cycle management, security, telecommunications, IT reviews, and other related areas.

43.13 To provide support for telecommunications management for Polokwane Municipality, including planning, coordinating, and implementing all telecommunications services and equipment.

43.14 To carry out responsibilities assigned by various legislative acts, e.g., *The Electronic Communications and Transactions Act, Act 25 of 2002*.

43.15 To review and approve plans and budgets of proposed major information resources management projects or systems at initiation and at major milestones during implementation.

43.16 To review and approve the Information Services Long-Range Plan.

43.17 To determine the Polokwane Municipality mission requirements for IT security and for furnishing adequate personal data, as defined in *The Electronic Communications and Transactions Act, Act 25 of 2002*, and other sensitive data.

43.18 To establish a Directorate-wide program for IT security, consistent with the mission of Polokwane Municipality.

43.19 To review applicable technical approval (TA) requests to assess and certify the sensitivity of proposed requests, where applicable.

43.20 To review all security incidents and corrective actions taken at any Polokwane Municipality location and ensure that corrective action takes place.
43.21 To develop a security awareness-training program that addresses common security problems and concerns.

43.22 To develop internal security standards and procedures for all levels of employees.

43.23 To ensure that steps are taken to maintain IT security risks at an acceptable level.

43.24 To put new contracts in place for IT resources or arrange for Polokwane Municipality to have access to other IT resource contracts.

43.25 To facilitate the collaborative management of geospatial hardware and software maintenance at all levels of the Business Unit.

43.26 To authorize individual customer access to data and set any limitations on that access (read/update/access to subsets/etc.).

43.27 To resolve disputes as to the meaning and valid use of data elements and values.

43.28 To act as the designated authority for business-area decisions concerning data content and requirements for supporting software systems.

43.29 To at the request of the project manager, authorize direct support to a specific project. This support could include requirements development, data modelling, planning, metadata development, and quality assurance.

43.30 To coordinate application software development within Polokwane Municipality.

43.31 To establish and manage contracts for outside services.

43.32 To ensure that software to be installed on the Polokwane Municipality’s Computing Environment platform has been submitted and certified.
43.33 To ensure that hardware and telecommunications systems are tested in accordance with FCC15 standards.

43.34 To evaluate and approve or disapprove all requests received for telecommunications services and equipment.

43.35 To serve as the sole signature authority to approve the ordering of dedicated network access services and equipment.

43.36 To appoint representatives to the IT Steering Committee, as well as chairing IT Steering Committee meetings.

43.37 To oversee the appointment of a service provider to host the Polokwane Municipality's home page and associated top-level web pages on a web server the address of which shall be www.polokwane.org.za and appoint an assigned system administrator to manage this site on the Polokwane Municipality Web Farm.

43.38 To allocate funds for the acquisition of information technology equipment for employees with disabilities.

NOTE: All the abovementioned powers may be sub-delegated in writing by the Manager Information Services.
44. **MANAGER HUMAN RESOURCES**

44.1 To implement appointment notches, internal progress schemes, “double level awards” and “double level progress” of jobs in post-level 7 and lower on recommendation of the departmental head in deliberation with the Chief Financial Officer.

44.2 To apply for the constitution of a Pension fund in order to determine the health condition of employees in matters of possible medical boarding due to medical disability

44.3 To approve or reject applications for housing matters, loan applications, partial reimbursement of furniture removal costs, as well as the entering into the necessary agreements in collaboration with the Manager: Secretariat & Legal Services.

44.4 To enter into learner-ship agreements on behalf of the Council.

44.5 To approve of the conversion of sick leave with ½ pay to sick leave with full pay.

44.6 Placement of advertisements for posts to be filled.

44.7 Approval of amount to be paid in recognition for long service (using the current formula).

44.8 Approval of maternity leave.

44.9 To approve time-off for union members.

44.10 To approve housing allowance and rental subsidy.

44.11 To approve transfers within SBU’s or directorates.

44.12 To approve unpaid leave to a maximum period of 20 working days per employee per year. (Refer to clause 16.19 of Conditions of employment agreement)
44.13 To approve of the appointment of students for experiential training on a closed term temporary agreement.

NOTE: All the abovementioned powers may be sub-delegated in writing by the Manager Human Resources.
44(A). OCCUPATIONAL HEALTH AND SAFETY OFFICER

44(A).1 To execute in general all the activities and duties of the Council under the Occupational Health and Safety Act, 85 of 1993, as well as to implement the stipulations of the Regulations in respect of the Occupational health and Safety Act and to carry out the instructions as indicated in the Regulations.

44(A).2 Chairman of the Loss Control Committee considering all losses incurred by Council, whereafter matters are referred back to different Directorates and Business Units for disciplinary action in respect of the Collective agreement.

44(A).3 Investigate and reports and/or recommends to claims committee concerning all insurance claims against Council.

44(A).4 To execute the activities and duties of the Council as far as occupational health and safety are concerned under the following Acts, as well as to implement the stipulations of the relevant Regulations in respect of these acts.

44(A).4.1 Compensation for Occupational Injuries and Diseases Act, 1993
44(A).4.2 Hazardous Substances Act, 1973
44(A).4.3 Tobacco Products Control Act, 1993
44(A).4.4 Fire Arms Control Bill

NOTE: All the abovementioned powers may be sub-delegated in writing by the Occupational Health & Safety Officer.
45. MANAGER: SECRETARIAT & LEGAL SERVICES

45.1 To issue any certificate prescribed by the conditions of establishment or the draft conditions of establishment of a township or proposed township, subject thereto that the Council’s requirements have been complied with.

45.2 To issue any and all certificates in terms of Ordinance 15/1986 as well as the Development Facilitation Act, after the requirements have been met.

45.3 To sign all contracts, powers of attorney, discovery affidavits in pending litigation, supporting and/or opposing affidavits and any other legal documents which the Council is legally authorized to enter into and/or sign.

45.4 To sign all contracts and legal documents, which Council is legally, authorized to enter into on behalf of the Council.

45.5 To enter appearance to defend and to take the necessary steps to defend any lawsuit, claim or legal action instituted against the Council.

45.6 To obtain legal opinions from the Council’s attorneys or an advocate on advise of the Council attorneys regarding any subject or consequent lawsuit Council might be involved with or on any legal question/matter which matter certainty needs to be obtained.

45.7 In co-operation with Council’s attorneys, take the necessary steps to institute legal action in any court against any person who fails or neglects to execute any agreement with the Council or to claim damages which Council might sustain whether resulting from contract or delict or for any amount which such person legitimately owes Council, whether such legal action instituted by way of action or motion.

45.8 In terms of the provisions of Section 6 of Ordinance 17 of 1939, to fully conclude any matter in respect of any lawsuit by or instituted against the Council, undertake all actions necessary, including the appointment of attorneys and/or advocates, as well as and including the signing of the necessary power of attorneys, sworn affidavits and other documents.
45.9 To enter into lease agreements for the fire brigade services flats on behalf of the Council.

45.10 To appoint attorneys, advocates and attorney firms in line with Council policy and/or panel of attorneys.

45.11 To ensure that all legal matters of the Council, Mayoral Committee, Mayor and any other committee of Council receive the necessary attention.

45.12 To represent Council at any conciliation meeting, the CCMA and tribunals.

45.13 Signing authority for financial documents and in terms of the Unit’s approved budget.

45.14 To manage Secretarial duties which includes reproduction, records and archives, meetings and general administration.

45.15 To co-ordinate execution of resolutions taken by Council and other stakeholders.

NOTE: All the abovementioned powers may be sub-delegated in writing by the Manager Secretariat & Legal Services.
46. **DIRECTOR PLANNING AND DEVELOPMENT**

46.1 In terms of the provisions of Section 81(1)(b) of Ordinance 15 of 1986, to confirm that endowment has been paid and Council is able to provide the required services before approval of a building plan, within 3 months from date of letter.

46.2 When necessary, to appoint appraisers from a panel compiled by Council pertaining to the acquisition or alienation of land, or for any other purposes in respect of which Council is authorized by way of legislation to appoint appraisers, excluding appraisers for the compilation of the valuation roll.

46.3 To issue a certificate that services to the relevant erf will be supplied within three months after date thereof according to the stipulations of Section 113(1)(c) of Ordinance 15 of 1986.

46.4 To see to the cancellation of general servitudes in disuse where township establishment is concerned and to ensure that the rights of the Council is exercised after proclamation of the road reserves of the proposed township.

46.5 **Land Use Management in general**

46.5.1 Any of the delegations assigned to the Municipal Manager and Land Use Management Committee which is in its turn sub-delegated;

46.5.2 To appoint approved Town & Regional Planning consultants from time to time in accordance with the fee structures of the SA Council for Town and Regional Planner and other stipulations of legislation in order to assist the Municipality in compilation of policies, plans, amendment schemes and other land use management and spatial planning issues, excluding those projects which can be regarded as or financed by the capital budget or township establishment suspense account.

46.5.3 to initiate any court action necessary to ensure that effective land use management and orderly development is conducted and/or to ensure that any decision or action of the Municipality is defended. This includes the prosecution of any illegal land use, contravention of conditions in the Title Deeds of property and illegal outdoor advertisement signs;
46.5.4 To obtain legal opinions and/or instruct officials to do so i.e. land use management, town planning and property law issues in order to ensure effective land use management and orderly development.

46.6 Planning & Township Ordinance, 1986 (Ord. 15 of 1986):

46.6.1 To give approval i.t.o. section 43(5) for an owner for a further period not exceeding 15 years for the continued use of any land or building contemplated in this section;

46.6.2 To give approval i.t.o. section 61 for submission of a further application in terms of section 56 within a period of 2 years;

46.6.3 To give approval i.t.o. section 72(1) for further period for submission of documents as required by the Surveyor General;

46.6.4 To issue the necessary certificate in terms of provisions of section 82(1)(b)(i) and (ii) or section 113(1), whatever the case may be, which will ensure that the Registrar of Deeds shall commence with transfer of an erf/erven in a township;

46.6.5 To submit comments and a recommendation to Director Local Government i.t.o. section 89(4) i.r.o. an application for alteration, amendment or cancellation of general plan;

46.6.6 To give approval i.t.o. section 97 to an owner to enter into a contract while township establishment is in the process;

46.6.7 To approve an application for division into separate township i.t.o. section 99(2);

46.6.8 To consent i.t.o. section 100 to the amendment of documents after a township has been approved, subject that such amendment doesn’t contemplate a major change in any land use rights. In the latter instance such request shall be referred to the Land Use Management Committee for a decision;
46.6.9 To issue the necessary certificate in terms of provisions of section 101(1) confirming that an township establisher has complied with requirements and conditions required by the Municipality;

46.6.10 To give approval i.t.o. section 101(2) for further period for submission of documents with the Registrar of deeds;

46.6.11 To investigate cases and refer the matter to the Director Local Government i.t.o. section 130(1)(b) where reasonable grounds exist for believing that any person is defeating the objects of this ordinance;

46.6.12 To investigate cases as contemplated in section 132 which stipulates that where reasonable grounds exist that any person intend to defraud by furnishing false or misleading information in connection with any application contemplated in this ordinance, such person commits an offence. The Director may refer such cases to the Director Corporate Services and/or Manager: Secretariat & Legal Services for further investigation or prosecution.

Town Planning & Township Ordinance, 1986 (Ord. 15 of 1986):

46.6.13 To appoint a legal representative in instances where it is necessary for the Municipality to attain the services of such attorney in order to state the Municipality’s case in terms of provisions of section 59(6) and defend the decision of the relevant decision maker such as the Land Use Management Committee and/or give the Manager: Spatial Planning and/or Manager: Secretariat & Legal Services further instruction to consult and instruct such attorney;

46.6.14 To appoint a legal representative in instances where it is necessary for the Municipality to attain the services of such attorney in order to prohibit any persons to continue with the use of land and/or buildings in conflict with provisions of the town-planning scheme as contemplated in section 42.

46.7 Subdivision of Land Ordinance, 1986 (Ord. 20 of 1986):
46.7.1 To issue the necessary certificate in terms of provisions of section 25(1), which will ensure that the Registrar of Deeds shall commence with transfer of any portion;

46.7.2 To investigate cases as contemplated in section 38 which stipulates that where reasonable grounds exist that any person intend to defraud by furnishing false or misleading information in connection with any application contemplated in this ordinance, such person commits an offence. The Director may refer such cases to the Director Corporate Services and/or Manager: Secretariat & Legal Services for further investigation or prosecution.


46.8.1 To issue the necessary certificate and/or recommendation in terms of provisions of section 38 and (ii) or section 113(1), whatever the case may be, which will ensure that the Registrar of Deeds shall commence with transfer of an erf/erven in a township

46.9 Property Administration

46.9.1 To appoint appraisers from a panel compiled by Council pertaining to acquisition or alienation of land, or for any other purposes in which the Municipality is authorised by way of legislation to appoint appraisers, excluding appraisers for the compilation of the valuation roll;

46.9.2 To see to the cancellation of general servitudes in disuse where township establishment is concerned and to ensure that the rights of the Municipality is exercised after proclamation of road reserves of an proposed township.


a. To appoint a legal representative in instances where it is necessary for the Municipality to attain the services of such representative in order to state the Municipality's case in terms of provisions of Chapter V and Regulation 21 and defend the recommendation of the relevant decision maker such as the Land Use Management Committee and/or give the Manager: Spatial Planning and/or Manager: Secretariat & Legal Services further instruction to consult and instruct such attorney;
b. To lodge an appeal i.e. sections 23(1) and 26 and Regulation 33 against any decision of the tribunal when necessary and in order to defend the policies, principles and objectives of the Municipality and to ensure orderly development.

46.11 **Outdoor advertisement - By-laws on the Control of Outdoor Advertising in Pietersburg/Polokwane, August 2000:**

a. To negotiate conditions and payment of rentals with applicants and approve requests to erect outdoor advertisement signage on Council property and subsequently approve such application as contemplated in Sections 2 and 3 read together with section 5(1) of these by-laws read together with the relevant policy. If any objection is received i.e. such application, it shall be referred to the Land Use Management Committee for a decision.

NOTE: All the abovementioned powers may be sub-delegated in writing by the Director Planning & Development.
47. **MANAGER PLANNING (LAND USE MANAGEMENT AND SPATIAL PLANNING)**

47.1 **Land Use Management in general**

47.1.1 Any of the delegations assigned to the Municipal Manager and Director Planning and Development which is in its turn sub-delegated;

47.1.2 To issue a zoning certificate i.t.o. the Town Planning Scheme(s) in operation;
47.1.3 To approve a Site Development Plan in accordance with provisions of the Town Planning Scheme in operation;
47.1.4 To serve any notice, directive or other document in terms of Clause 28 of the Pietersburg/Seshego Town Planning Scheme, 1999 which is required by the said scheme or instruct any officials in the Business Unit to serve it;
47.1.5 To enter upon and inspect any property i.t.o. provisions of section 72 of Ordinance 17 of 1939 and clause 27 of the Pietersburg/Seshego Town Planning Scheme, 1999;
47.1.6 To grant temporary consents for use of land i.t.o. clause 22 of the Pietersburg/Seshego Town Planning Scheme, 1999.

47.2 **Town Planning & Township Ordinance, 1986 (Ord. 15 of 1986)**:

47.2.1 To approve applications for consent contemplated in section 20 subject to the Municipality’s policies and IDP and if no objection has been received. In the latter instance, such cases shall be referred to the Land Use Management Committee for a decision. Furthermore, to conclude and finalise administrative issues contemplated in sub-sections (3) to (7);
47.2.2 In cases where Council resolved to introduce a town planning scheme, to prepare such scheme and undertake surveys i.t.o. section 23;
47.2.3 To give the necessary notices and as contemplated in section 42 where any person acts in conflict with a provision of a town planning scheme in operation. Further, that should such person continue to be in conflict with the said scheme, such cases be referred to the Director Corporate Services and/or Manager: Secretariat & Legal Services for further prosecution and/or court interdicts prohibiting such person to continue with such transgression;
To give notice i.t.o. section 28 of a draft town-planning scheme prepared by the Municipality;

To give further notice i.t.o. section 56(2) of an application contemplated in section 56(1);

To oversee that procedures are followed and finalise administrative issues i.t.o. sections 56(3) – (7);

Notify the applicant and/or objector or any other person who has made representations i.t.o. section 56(10) of the decision of the Municipality contemplated in sections 56(8) – (9);

Give notice and conclude procedures i.t.o. section 57 of an adopted draft scheme or approved amendment scheme;

In case of an appeal, whatever the case may be, submit the required documentation i.t.o. section 59(2) or section 104(2) to the Director Local Government;

In case of an appeal and in terms of provisions of sections 59(6), 89(7)-(8), or 139(5) whatever the case may be, state the Municipality’s case and adduce evidence in support thereof and defend the decision of the relevant decision maker such as the Land Use Management Committee and/or give instructions in this regard in cases where the Municipality makes use of an legal attorney to handle the case;

Request reasons for decision of Townships Board i.t.o. sections 59(8) and 89(11) and i.t.o. sections 59(9) and 89(12) reply to such reasons if necessary. Furthermore, if necessary refer such reasons to necessary decision makers such as Land Use Management Committee for further reply;

During a hearing as contemplated in section 59(5) and (6), address the Board and/or give further instruction i.t.o. the costs contemplated in sections 59(12) and (13);

Conclude the necessary actions contemplated in sections 59(15) – (17) and give the necessary notice thereof.

Place notices of errors or omissions i.t.o. sections 60 and 80;

Notify owners i.t.o. section 63 of contributions payable after commencement of a scheme;

To oversee that procedures are followed and finalise issues i.t.o. section 96(2);
47.2.16 To oversee that procedures are followed and finalise administrative issues i.t.o. sections 69(1) – (9) and 88(1) -(2);

47.2.17 To notify an applicant, or every objector i.t.o. section 98(4) or section 109(3) whatever the case may be, of the decision of the Municipality i.r.o. an application for township establishment;

47.2.18 To approve minor amendments to conditions (e.g. conditions of establishment) of an approved application i.t.o. section 98(5) where such amendments doesn’t contemplate a major change in any land use rights. In the latter instance such request shall be referred to the Land Use Management Committee for a decision;

47.2.19 To see that requirements of section 75 are complied with;

47.2.20 To see i.t.o. section 81 that, where a township is established by a land owner and where applicable, land is transferred to the Municipality and that endowments are paid;

47.2.21 Finalise all applications i.t.o. section 92 for subdivision and/or consolidation of erven within an approved township subject to the policies, practices and IDP of the Municipality. If an application’s merit is inconsistent with the said policies and IDP, it shall be referred to the Land Use Management Committee for a decision;

47.2.22 To oversee that procedures are followed and finalise administrative issues i.t.o sections 99(3) – (6) i.r.o. a division of a township into separate townships;

47.2.23 To give notice i.t.o. section 103(1) or section 111(1), whatever the case may be, of an approved township and section 125 of adoption of town-planning scheme under certain circumstances and comply with the requirements set out in sections 103(2) and 111(2);

47.2.24 To give notice i.t.o. section 108(1) where the Municipality wishes to establish a township;

47.2.25 To oversee that requirements of sections 110 and 112 are complied with;

47.2.26 To schedule hearings contemplated in the ordinance and comply with stipulations of section 131(1) and (2).

47.3 **Subdivision of Land Ordinance, 1986 (Ord. 20 of 1986):**

47.3.1 Finalise all applications i.t.o. sections 4 and 6 for subdivision of land subject to the policies, practices and IDP of the Municipality. If an application’s merit is inconsistent with the said policies and IDP, and/or objections
were received as contemplated in section 17, it shall be referred to the Land Use Management Committee for a decision;

47.3.2 Approve application and finalise administrative issues i.t.o. section 11(2)-(6) and 12, subject to the policies, practices and IDP of the Municipality. If an application’s merit is inconsistent with the said policies and IDP;

47.3.3 In case of an appeal, submit the required documentation i.t.o. section 19(2) to the Director Local Government;

47.3.4 In case of an appeal and in terms of provisions of section 19(6), state the Municipality’s case and adduce evidence in support thereof and defend the decision of the relevant decision maker such as the Land Use Management Committee and/or give instructions in this regard in cases where the Municipality makes use of an attorney to handle the case;

47.3.5 Request reasons for decision of Townships Board i.t.o. section 19(8) and i.t.o. section 19(9) reply to such reasons if necessary. Furthermore, if necessary refer such reasons to necessary decision makers such as Land Use Management Committee for further reply;

47.3.6 To give approval i.t.o. section 20(1) for further period for submission of documents as required by the Surveyor General;

47.3.7 To notify owners i.t.o. section 22 of failure to comply with requirements;

47.3.8 To give approval i.t.o. section 24 for further period for payment of endowment;

47.3.9 To schedule hearings contemplated in the ordinance and comply with stipulations of section 34.

47.4 Development Facilitation Act, 1995 (Act 67 of 1995):

47.4.1 After the Land Use Management Committee made a recommendation i.r.o. any application contemplated in Chapter V (sections 31 – 33 and Regulations 21), to conclude administrative actions and give execution of the decision of the Municipality and make the necessary representation of such decision with the Designated Officer and/or Development Tribunal.

47.5 The Black Administration Act (Act 38 of 1927) read together with proclamations R293 of 1962 and proclamation R188 of 1969:

47.5.1 After the Land Use Management Committee made a recommendation i.r.o. any application contemplated in this legislation, to conclude
administrative actions and give execution of the decision of the Municipality and make the necessary representation of such decision with the relevant controlling authority and/or tribunal.

47.6 **Subdivision of Agricultural Land, 1970 (Act 70 of 1970):**

47.6.1 Comment on all applications i.r.o. subdivision of agricultural land subject to the policies, practices and IDP of the Municipality. If an application’s merit is inconsistent with the said policies and IDP, it shall be referred to the Land Use Management Committee for a decision;

47.6.2 To give execution of any decision of the Municipality and make the necessary representation of such decision with the relevant controlling authority and/or tribunal and/or Township Board.

47.7 **Removal of Restrictions Act, 1967 (Act 84 of 1967):**

47.7.1 After the Land Use Management Committee made a recommendation i.r.o. an application contemplated in section 2(b)(iv)(aa);(bb);(cc);(dd) and (ee)[bbb] & [ccc], or [aaa] under certain circumstances as described below, to conclude administrative actions and give execution of the decision of the Municipality and make the necessary representation of such decision with the relevant controlling authority and/or tribunal and/or Townships Board;

47.7.2 To comment on an application contemplated in section 2(b)(iv)(ee)[aaa] for subdivision of land subject to the policies, practices and IDP of the Municipality. If an application’s merit is inconsistent with the said policies and IDP, it shall be referred to the Land Use Management Committee for a decision;

47.7.3 To request further extension i.t.o. section 3(8) to comment on an application.

47.8 **Outdoor advertisement - By-laws on the Control of Outdoor Advertising in Pietersburg/Polokwane, August 2000:**

47.8.1 To approve applications for outdoor advertisements on private property contemplated in Sections 2 and 3 read together with section 5(1) of these by-laws read together with the relevant policy. If any objection is received i.r.o. such application, and/or if such application is
inconsistent with the Municipality's policy, it shall be referred to the
Land Use Management Committee for a decision;

47.8.2 To approve applications contemplated in section 3 of these by-laws for the
display of advertisement trailers on property previously earmarked by
Council for such purpose;

47.8.3 To approve applications for illuminated signs, as per contract, as
contemplated in Section 3 of these by-laws. If any objection is
received i.r.o. such application, and/or if such application is
inconsistent with the Municipality's policy, it shall be referred to the
Land Use Management Committee for a decision.

47.9 Property Administration

47.9.1 Any of the delegations assigned to the Municipal Manager and Director
Planning and Development which is in its turn sub-delegated;

47.9.2 To sign all contracts and documentation which the Municipality is legally
authorised to enter into on behalf of the Council, which inter alia
includes Deeds of Sale, Transfer documents, Deeds of Grant
applications and other certificates relating to property issues and
administration.

NOTE: All the abovementioned powers may be sub-delegated in
writing by the Manager Planning (Land Use Management &
Spatial Planning)
48. **MANAGER HOUSING**

48.1 To execute in general all the activities and duties of the Council in terms of the Housing Act 107 of 1997, the Housing Code, the Municipal Housing Strategy and the IDP, in order to ensure that the right to have access to adequate housing is realized on a progressive basis.

48.2 To promote housing development projects by developers.

48.3 To, on behalf of Council act as a developer in respect of the planning and execution of a housing development project on the basis of full pricing for cost and risk.

48.4 To enter into joint venture contracts with developers, on behalf of Council, in respect of housing development projects, with the further understanding that the Manager: Secretariat & Legal Services must be consulted prior to the signing of any agreements.

48.5 To establish a separate business entity in order to execute housing development projects.

48.6 To administer any national housing program in respect of the Council area of jurisdiction, as soon as the Council becomes accredited.

48.7 To facilitate and support the participation of all relevant role players in the housing development process.

48.8 To sign standard agreements and transfers in consultation with the Manager: Secretariat & Legal Services and other relevant business units.

48.9 To execute signing powers as approved and amended by the Director Planning and Development from time to time.

**NOTE:** All the abovementioned powers may be sub-delegated in writing by the Manager Housing
49. **MANAGER BUILDING INSPECTORATE**

49.1 To, in terms of section 7 of the Act, satisfy himself/herself than any application to erect a building complies not only with the requirements of the Act but also with any other applicable law.

49.2 To, in terms of sections 4 & 7 of the Act, approve of or refuse any application for approval for the erection of a building.

49.3 To take any actions deemed fit in terms of section 10 of the Act in cases where he/she considers building or earthwork to be objectionable in any way.

49.4 To act in terms of section 10 of the Act, where it comes to the attention of the Manager Building Inspectorate that no work has been done in a period of more than 3 months on a building under construction.

49.5 To, in terms of section 12 read with section 10 of the Act take all and any suitable action deemed fit, which action includes but is not limited to allowing compulsory evacuation of buildings and/or building sites and/or (in the extreme) allowing for the demolishing of buildings where a building becomes dilapidated and/or where any building or earthworks becomes dangerous in any way.

49.6 To, in terms of section 13 of the Act, exempt an applicant applying for minor building work (as defined in the Act) to comply with the Act, and whilst in so doing, authorising the applicant by setting any conditions or give any directions which are not specified but which, presumably, would have to be within the terms of the Act.

49.7 To issue a certificate of occupancy in terms of section 14 of the Act, where he/she is satisfied that the completed building has been erected in accordance with the regulations.

49.8 To enter any building or land at any reasonable time in connection with the consideration of any application submitted in terms of section 4 of the Act, and/or to further determine whether the owner of the building or land complies with any/all the provisions of the Act, and/or any conditions imposed by the Municipality in terms of the Act.
49.9 Permit a deviation or grant an exemption from any regulation except those which may concern the strength and stability of the building, in terms of section 18 of the Act.

49.10 To obtain a court order to stop work on any building where such work is unauthorised or does not comply with the provisions of the Act (section 21).

49.11 To charge fees and/or other monies in respect of the examination of plans. (section 22)

49.12 To approve of the demolition or change over of buildings in consultation with other relevant business units.

49.13 To grant permission for the erection of buildings nearer than the distance stated in Table E of the compilation of tables in the Town Planning Scheme 1999, or to allow the erection of a building in a building banned area subject to the stipulations as set out in clause 10(i) and (ii) of the Town Planning Scheme, 1999, in consultations with the relevant business units.

49.14 To undertake an investigation according to the stipulations of Section 11B(1) of Act 103 of 1985 when there is a suspicion that a nuisance exist on the premises and to report back to Council.

49.15 To execute signing powers as approved and amended by the Director Planning and Development from time to time.

NOTE: All the abovementioned powers may be sub-delegated in writing by the Manager Building Inspectorate.
50. **MANAGER: LED**

50.1 In respect of projects facilitation and coordination, authority should be delegated for lively hoods to:

50.1.1 Seek funding on behalf of projects from donor agency and other National and Provincial Departments.
50.1.2 Develop business plans of projects that request the service.
50.1.3 Manage the registration of cooperatives

50.2 In respect of Marketing advertisement, authority should be delegated to:

50.2.1 Direct Marketing in consultation with the communications and Executive Mayors office.
50.2.2 Development of marketing and tourism brochures
50.2.3 Direct link with all business structures.

50.3 In respect of Budget allocation, authority should be granted to:

50.3.1 Granted permission to sign an authorize an amount as delegated in the financial policy.
50.3.2 Enter into service contract with service providers for rendering of capacity building programs as stipulated in the policy

50.4 In respect of business development, authority should be delegated to:

50.4.1 Facilitate the establishment of City Improvement District (BID)
50.4.2 Facilitate the establishment of Tourism Forum
50.4.3 Facilitate the establishment of Forum of prevention of crime and grime

50.5 In respect of Human capital development, authority should be granted to:

50.5.1 Facilitate the sourcing of funding for the establishment of incubation centers
50.5.2 Engage service providers to facilitate business skill training.

**NOTE:** All the abovementioned powers may be sub-delegated in writing by the Manager LED.
51. **MANAGER COMMUNICATIONS AND PUBLIC PARTICIPATION**

1. To empower and mobilize all sectors of the community to participate meaningfully in the activities of the Municipality. The objective is to disseminate reliable and updated information and facilitate public participation in decision-making processes of the Municipality.

2. To ensure an active public participation process in achievement of participation and the empowerment goal in terms of Sections 160(4) of the Constitution and 16(1) of the Municipal Systems Act.

3. To manage the communications and Public Participation unit according to the statement of purpose, authority and responsibility of the Unit.

4. To build a relationship with national and local media.

5. To produce monthly internal and external newsletters.

6. To assist in the effective development and upgrading of the Municipal website.

7. To brand the Municipal logo and vision statements.

8. To facilitate the establishment of the Municipal Ward Committee desks and Project Steering Committees.

   **NOTE:** All the abovementioned powers may be sub-delegated in writing by the Manager Communications & Public Participation.