

Chapter 2: Powers and Functions Reserved for Council

2.1 POWERS AND FUNCTIONS IN TERMS OF NATIONAL LEGISLATION

2.1.1 CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996 (ACT NO. 108 OF 2006)

Section	Power conferred	Delegating authority	Delegated body	Conditions, directions and limitations
25(2)	Expropriation of property	Council	None	Subject to section 76 of the Local Government Ordinance 1962 (Ord No 8 of 1962), section 5 and of the Expropriation Act 1975 (Act No 63 of 1975) and, in appropriate cases, section 27 of the Electricity Regulation Act 2006 (Act No 4 of 2006)
25(3)	Determining the amount of compensation payable for expropriated property	Council	None	
6	Determination of a language policy for the municipality.	Council	None	Taking into account the language preferences and usage in the municipal area
23(3)	Forming/ joining an employer's organisation	Council	None	
43(c)	Exercising the municipality's legislative power	Council	None	
139	Considering a directive issued by the provincial government pursuant to the Municipality failing to fulfil an executive obligation in terms of legislation	Council	None	
152	Deciding the actions that must be taken to achieve the objects of local government	Council	None	
153	Deciding on the nature and scope of the municipality's participation in national and provincial development programmes	Council	None	
154(2)	Making representations regarding draft legislation affecting the status, institutions, powers or functions of local government	Council	None	
156(1)	Deciding which of the local government matters assigned to the Municipality must be performed	Council	None	
160(1)(b)	Electing a chairperson (speaker)	Council	None	See section 36 and 41 of the Local Government: Municipal

Section	Power conferred	Delegating authority	Delegated body	Conditions, directions and limitations
				Structures Act 1998 (Act No 117 of 1998)
160(1)(c)	Electing committees	Council	None	<p>1. Subject to section 33 of the Municipal Structures Act</p> <p>2. In the case of a-</p> <ul style="list-style-type: none"> • section 79-committee, after receiving the report and recommendations of the Speaker • section 80 and advisory committees in terms of section 17(4) of the Systems Act, subject to receiving and considering a report and recommendations from the Executive Mayor
160(6)	Making by-laws that prescribe rules and orders	Council	None	
160(7)	Deciding to close the sittings of the council, or those of its committees, only when it is reasonable to do so having regard to nature of the business being transacted.	Council	None	
163	Deciding to become and remain a member of an organisation representing municipalities.	Council	None	
195(4)	Deciding whether to appoint a number of persons on policy considerations	Council	None	
217	Determining a procurement system that is fair, equitable, transparent, competitive and cost-effective when it contracts for goods or services	Council	None	
227(1)	Deciding on the allocation of the equitable share of revenue raised nationally accruing to the municipality	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor in the form of a draft annual budget or adjustments budget

Section	Power conferred	Delegating authority	Delegated body	Conditions, directions and limitations
229(1)	Imposing surcharges on fees for services provided by or on behalf of the municipality and, to the extent authorised by national legislation, other taxes, levies and duties appropriate to local government or to the category of local government into which the municipality falls	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor in the form of a draft annual budget or adjustments budget
229(4)	Deciding to share revenue raised by the municipality with municipalities that have fiscal power and functions in the municipality's area.	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor in the form of a draft annual budget or adjustments budget
230	Deciding to raise loans for capital or current expenditure	Council	None	

2.1.2 LOCAL GOVERNMENT: MUNICIPAL DEMARCATION ACT, 1998 (ACT NO 27 OF 1998)

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
21(4)	Submitting an objection regarding the determination of predetermination of the municipality's boundaries to the Demarcation Board	Council	None	
26 (3)	Considering a written invitation by the Demarcations regarding the intended demarcation of the municipality's boundaries	Council	None	

2.1.3 LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 (ACT NO 117 OF 1998)

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
12(4)	Participating in any consultations regarding the establishment of a municipality	Council	None	
15	Reviewing and rationalizing the by laws, regulations and resolutions (including standing delegations) of the preceding municipalities	Council	None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
	that binds the municipality			
16(3)	Participating in any consultation regarding an amendment to the notice establishing the municipality	Council	None	
18(4)	Designating Councillors determined by the MEC for local government to be full-time Councillors	Council	None	
19(2)	Annually reviewing the needs of the community	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor in the form of an integrated development plan or a proposed amendment thereto
19(2)	Annually reviewing the municipality's priorities to meet the needs of the community	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor in the form of an proposed amendment thereto
19(2)	Annually reviewing the municipality's processes for involving the community	Council	None	
	Annually reviewing the municipality's organizational and delivery mechanisms for meeting the needs of the community	Council	None	
19(3)	Developing mechanisms to consult the community organizations in performing the municipality's functions and exercising its powers	Council	None	
33	Determining whether the establishment of a particular committee is necessary	Council	None	In the case of a section 79 committee, after receiving the report and recommendations of the Speaker
34	Deciding to dissolve the Council	Council	None	
36(2)	Electing a Speaker to fill a vacancy in the position of Speaker	Council	None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
40	Deciding to remove the Speaker from office	Council	None	Provided that notice of the motion to remove the Speaker has been given to all Councillors in advance.
41	Electing an acting Speaker	Council	None	
54(2)	Deciding to have an Executive Mayor	Council	None	Subject to receiving a report from the Municipal Manager
56(4)	Determining the ceremonial role of the Executive Mayor	Council	None	
56(7)	Designating an acting Executive Mayor (for a period longer than a week)	Council	None	
58	Removing the Executive Mayor from office	Council	None	
60(3)	Designating the powers and functions of the Executive Mayor she/he must exercise together with the other members of the Mayoral Committee	Council	None	
79(1)(a)	Establishing committees	Council	None	
79(1)(b)	Appointing members of committees	Council	None	
79(1)(c)	Dissolving committees	Council	None	
79(2)(a)	Determining the functions of a committee	Council	None	
79(2)(b)	Appointing the chairperson of a committee	Council	None	
79(2)(c)	Authorizing a committee to co-opt advisory members who are not members of the council and setting limits on such co-option	Council	None	
79(2)(d)	Removing a member of a committee	Council	None	
79(2)(e)	Determining a committees' procedure	Council	None	
80(1)	Appointing committees to assist the Executive Mayor	Council	None	
82	Appointing a Municipal Manager or an acting Municipal Manager	Council	None	Only a manager appointed in terms of section 56 of the Systems Act may act as Municipal Manager
87(2)	Deciding whether to object to the temporary assignment of a functional competency of	Council	None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
	another municipality to the Municipality			
88(1)	Deciding on the nature and scope of the assistance to be provided to another municipality	Council	None	
88(2)	Deciding to request another municipality for financial, technical and administrative assistance	Council	None	

2.1.4 LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000 (Act No 32 of 2000)

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
19(1)	Determining the manner in which the Municipal Manager must give notice to the public of the time, date and venue of every ordinary meeting of the council and every special or urgent meeting of the council, except when time constrains make this impossible	Council	None	
4(2)(e)	Determining processes, mechanisms and procedures for consulting the community about the level, quality, range and impact of municipal services provided by the municipality, either directly or through another service provider, and the available options for service delivery	Council	None	
4(2)(c)	Determining processes, mechanisms and procedures for encouraging the involvement of the community	Council	None	
4(2)(d)	Determining processes, mechanisms and procedures for ensuring that municipal services are provided to the community in a financially and environmentally sustainable manner	Council	None	
4(2)(h)	Determining processes, mechanisms and procedures for promoting gender equity in the exercise of the municipality's executive and	Council	None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
	legislative authority			
4(2)(j)	Determining the contribution to be made by the municipality together with other organs of state, to the progressive realization of the fundamental rights contained in sections 24,25,26,27.&29 of the Constitution	Council	None	
5(1)(a)	Determining the processes, mechanisms and procedures for the community to contribute to the decision making processes of the Municipality and to submit written or oral recommendations, representations and complaints to a political structure, a political office bearer or the administration of the Municipality	Council	None	
5(1)(b)	Determining the processes, mechanisms and procedures to provide to the community prompt responses to their written or oral communications, including complaints, to a political structure, a political office bearer or the administration of the municipality	Council	None	
5(1)(c)	Determining the processes, mechanisms and procedures for informing the community of decisions a political structure or any political office bearers of the Municipality which affect their rights, property and reasonable expectation	Council	None	
5(1)(d)	Determining the processes, mechanisms and procedures for regularly disclosing to the community of the state of affairs of the Municipality, including its finances	Council	None	
5 (1)(e)	Determining the processes, mechanisms and procedures through which the community may demand that the proceedings of the Council and those of its committees must be open to the public, conducted impartially and without prejudice and untainted by personal self-	Council	None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
	interest			
14(3)	Deciding whether to adopt a standard by-law promulgated by the minister of provincial and local government or the MEC for local government, the extent of such adoption and any modifications and qualifications to such standard by law	Council	None	
15(3)	Determining a reasonable fee for a copy of or an extract from the municipal code of the Municipality	Council	None	
16(1)(a)	Determining the process, mechanisms and procedures for encouraging, and creating conditions for the community to participate in the affairs of the Municipality, including in the preparation, implementation and review of its integrated development plan, the establishment, implementation, and review of its performance , including the outcomes and impact of such performance, the preparation of its budget and strategic decisions relating to the provision of municipal services	Council	None	
16(1)(b)	Determining the processes, mechanisms and procedures for contributing to build the capacity of the community to enable it to participate in the affairs of the Municipality and Councilors and staff to foster community participation	Council	None	
16(1)(c)	Determining the annual allocation of funds in the budget as may be appropriate for the purpose of implementing a culture of Municipal governance that complements formal representative government with system of participatory governance	Council	None	
17(2)(a)	Determining appropriate mechanisms, processes and procedures for the receipt, processing and consideration of petitions and	Council	None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
	complains lodged by members of the community			
17(2)(b)	Determining appropriate mechanisms, processes and procedures for notification and public commitment procedures, when appropriate	Council	None	
17(2)(c)	Determining appropriate mechanisms, processes and procedures for public meetings and hearings the political structures and political office bearers of the municipality, when appropriate	Council	None	
17(2)(d)	Determining appropriate mechanisms, processes and procedures for consultative sessions with locally recognized community, organizations and, where appropriate, traditional authorities	Council	None	
17(2)(e)	Determining appropriate mechanisms, processes and procedures for report-back to the community	Council	None	
17(4)	Establishing and appointing the members of one or more advisory committees consisting of persons who are not Councilors to advise the Council on any matter within the Council's competence	Council	None	
18(1)	Determining appropriate mechanisms, processes and procedures for communicating to the community information concerning the available mechanisms, processes and procedures to encourage and facilitate community participation, the matters with regard to which community participation is encouraged, the rights and duties of members of the community and Municipal governance, management and development	Council	None	
21(1)(b)	Determining newspaper circulating in the area newspaper record	Council	None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
21(2)	Determining the official language in which municipal notice must be published	Council	None	Subject to the Municipality's language policy in terms of section 6 of the constitution
21B(1)	Deciding that the municipality must have its own website	Council	None	
25(1)	Adopting an integrated development plan for the municipality	Council	None	
26(a)	Determining the Council's vision for the long term development of the municipality with specific emphasis on the municipality's most critical development and internal transformation needs to be incorporated in the IDP	Council	None	Subject to receive and considering a report and recommendations from the Executive Mayor in the form of an integrated development plan or a proposed amendment thereto
26(c)	Determining the Council's development priorities and objectives for its elected term, including its local economic development aims and its internal transformation needs to be incorporated in the IDP	Council	None	Subject to receive and considering a report and recommendations from the Executive Mayor in the form of an integrated development plan or a proposed amendment thereto
26(f)	Determining the Council's operational strategies to be incorporated in the IDP	Council	None	Subject to receive and considering a report and recommendations from the Executive Mayor in the form of an integrated development plan or a proposed amendment thereto
28(1)	Adopting a written process to guide the planning, drafting, adopting and reviewing of its integrated development plan	Council	None	
28(2)	Determining appropriate mechanisms, processes and procedures for consulting the community before adopting a process to guide the planning, drafting, adopting and reviewing of the integrated development plan	Council	None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
34	Annual reviewing and amendment of IDP	Council	None	
42	Determining mechanisms, processes and procedures to involve the community in the development, implementation and review of the Municipality's performance management system, the setting of appropriate key performance indicators and performance targeting for the Municipality	Council	None	
46(4)(a)	Determining a reasonable price for a copy of the Municipality's annual performance report	Council	None	
53(1)	Defining the specific role and area of responsibility of each political structure and political office-bearers of the Municipality Manager	Council	None	
53(5)	Determining the relationships among the political structures and political office bearers and the Municipal Manager, and the manner in which they must interact	Council	None	
53(5)	Determining the appropriate lines of accountability and reporting for the political structures and political office bearers and the Municipal Manager	Council	None	
53(5)	Determining the mechanisms, processes and procedures for minimizing cross-referrals and unnecessary overlapping of responsibilities between the political structures and political office bearers and the Municipal Manager	Council	None	
53(5)	Determining the mechanisms, processes and procedures for resolving disputes between the political structures and political office bearers and the Municipal Manager	Council	None	
53(5)	Determining the mechanisms, processes and procedures for interaction, between the political structures and political office bearers and the Municipal Manager and other staff members of the Municipality and Councillors	Council	None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
	and the Municipal Manager and other staff members of the Municipality			
56(a)	Determining the manner in which to consult the Municipal Manager regarding the appointment of managers directly accountable to the Municipal Manager	Council	None	
56(b)	Determining the relevant skill and expertise to perform the duties associated with a post of manager directly accountable to the Municipal Manager	Council	None	
57(1)	Appointing the employment contract between the Municipality and the Municipal Manager and a manager directly accountable to the Municipal Manager	Council	None	
57(6)(a)	Determining the term of employment of the Municipal Manager	Council	None	
57(4b)	Considering and approving a report regarding the evaluation of the performance of the Municipal Managers directly accountable to the Municipal Manager	Council	None	
57(6)(b)	Determining a provision for the cancellation of a contract of employment or performance agreement between the Municipality and the Municipal Manager or a manager directly accountable to a Municipal Manager for non-compliance with the employment contract or performance agreement	Council	None	
57(7)	Deciding whether the provisions of section 57(6) of the Act must be applied to the employment of a manager directly accountable to a Municipal Manager	Council	None	
57(7)	Determining the terms of employment of a manager directly accountable to a Municipal Manager	Council	None	
59(1)	Developing of a system of delegation that will maximize administrative and operational	Council	None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
	efficiency and provide for adequate checks and balances			
60(1)	Determining a policy framework for taking decisions to- <ul style="list-style-type: none"> • Expropriate immovable property or rights in or to immovable property, and • 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 	Council	None	
65(1)	Considering a report of the Municipal Manager regarding the review of the Municipality's delegated powers	Council	None	
66(1)	Determining a policy framework for a staff establishment for the Municipality, a job description for each post on the staff establishment, the remuneration and other conditions of service as may be determined in accordance with any applicable labour legislation attached to posts in the establishment and a process or mechanism to regularly evaluate the staff establishment and, if necessary, review the staff establishment and the remuneration and conditions of service	Council	None	
68(2)	Determining the allocation provided for in the budget for the development and implementation of training programmes	Council	None	
74(1)	Adopting and implementing of a tariff policy on the levying of fees for municipal services provided by the Municipality itself or by way of service delivery agreements	Council	None	
75(1)	Adopting by-laws to give effective to the implementation and enforcement of the tariff policy	Council	None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
77	Reviewing of current mechanisms and determination of appropriate mechanisms to provide municipal services	Council	None	
85(1)	Establishing a part of the Municipality as an internal municipal service district to facilitate the provision of a municipal service in that part of the Municipality	Council	None	
86(1)	Developing and adopting a policy framework for the establishment, regulation and management of an internal municipality service district	Council	None	
86C(1)	Deciding whether to establish or participate or acquire an interest in a private company	Council	None	
86G	Deciding to transfer ownership or otherwise dispose of a wholly owned private company or an interest in a private company	Council	None	
86H	Passing a by-law establishing a service utility	Council	None	
86K	Passing a by-law disestablishing a service utility	Council	None	
87	Deciding to establish, together with another municipality a multi-jurisdictional municipal service utility to facilitate the provision of a municipal service in the relevant municipal areas or parts of those municipal areas municipality entity's board of directors or shareholder meetings	Council	None	
93E	Determining the process for recruiting, selecting and appointing directors of the board of a municipal entity of which the municipality is a parent municipality	Council	None	
93G	Deciding to recall and remove a director appointed by the Municipality to the board of directors of a municipal entity	Council	None	
96(b)	Adopting, maintaining and implementing a credit control and debit collection policy which is consistent with the Municipality's rates and	Council	None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
	tariff policies			
98(1)	Adopting by-laws to give effect to the municipality's credit control and debt collection policy, its implementation and enforcement	Council	None	
99(c)	Determining the frequency during which the Executive Mayor must report to the Council on the implementation and enforcement of the Municipality's credit control and debt collection policy and by-laws, the performance of the Municipal Manager in implementing the policy and by-laws and the evaluation or review of the policy and by-laws, or the implementation of the by-laws in order to improve efficiency of its credit control and debt collection mechanisms, processes and procedures	Council	None	
103(2)	Determining special incentives for employers to enter into agreements with the Municipality to deduct any payment of rates or other taxes, or fees for Municipal services from the salaries and wages of such employees	Council	None	
Sch 1(4)(1)	Imposing a fine as determined by the standing rules and orders on a Councillor for not attending a meeting which that Councillor is required to attend or failing to remain in attendance at such a meeting	Council	None	Subject to receiving and considering a report from the Speaker
Sch 1(4)(3)	Adopting a uniform standing procedure for the imposition of a fine of the removal of a Councillor	Council	None	Subject to receiving and considering a report from the Speaker
Sch 1(6)(2)	Considering an application by a Councillor to be party to or beneficiary under a contract for the provision of goods or services to the Municipality or the performance of any work otherwise than as a Councillor for the Municipality, or to obtain a financial interest in any business of the Municipality or to appear on behalf of any other person before the	Council	None	1.1 Subject to- 1. Receiving and considering a report from the Speaker 2. The provisions of the Municipal Supply Chain Management Regulations 2005 and

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
	Council, the Executive Mayor or a committee of the Council for a fee or other consideration			the Municipality's supply chain management policy insofar as it relates to awarding of contracts to the Municipality
Sch 1(7)(4)	Determining which of the financial interests of Councillors must be made public having regard to the need for confidentiality and the public interest for disclosure	Council	None	1.2 Subject to receiving and considering a report from the Speaker
Sch 1(8)	Considering and refusing or consenting to an application of a full time Councillor to undertake other paid work	Council	None	1.3 Subject to receiving and considering a report from the Speaker
Sch 1(10)	Granting permission to a Councillor to disclose privilege of confidential information of the Municipality to an unauthorized person	Council	None	1.4 Subject to receiving and considering a report from the Speaker
Sch 1(11)	Mandating a Councillor to intervene in the management or administration of any department or to give an instruction to an employee	Council	None	
Sch 1(14)(1)	Investigating and making a finding on any alleged breach of a provision of the code of conduct for Councillors or establishment of a special committee to investigate and make findings on any alleged breach of the code and to make appropriate recommendations to the Council	Council	None	
Sch 1(14)(2)	Imposing a penalty on a councillor having been found guilty of a breach of the code of conduct for Councillors	Council	None	

2.1.5 LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, 2003 (Act No 56 of 2003)

Section	Power conferred	Delegating authority	Delegated body	Conditions, Limitations and Directions
12(1)	Deciding to set-up a relief, charitable, trust or other fund of whatever description	Council	None	
13(2)	Establishing an appropriate and effective cash management and investment policy for the municipality	Council	None	In terms of section 60(2) of the Municipal Systems Act the Council may only delegate to the Executive Mayor or the Chief Financial Officer the authority to make investment decisions on behalf of the municipality within a policy framework determined by Minister of Finance.
14(2)	Deciding to transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a capital asset	Council	None	On condition that- <ol style="list-style-type: none"> 1. the asset concerned is not needed to provide the minimum level of basic municipal services, and 2. the council considered the fair market value of the asset concerned
14(4)	Determining the value of movable assets in respect of which the Municipal Manager may determine- <ol style="list-style-type: none"> a) Whether as asset to be disposed off is not needed to provide the minimum level of basic municipal services, and b) Determining the fair market value of such asset and the economic and community value to be received in exchange for the asset 	Council	None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, Limitations and Directions
16(1)	Approval of an annual budget	Council	None	<ol style="list-style-type: none"> 1. In terms of section 160(2)(b) read with section 160(3)(b) of the Constitution a budget must be approved by a decision taken by the Council with a supporting vote of a Majority of its members. 2. Approval of the budget must be considered on or before 31 May each year in terms of section 24(1) of the MFMA 3. In terms of section 30(5) of Municipal Structures Act 1998(Act No 117 of 1998) the Council may only after it received and considered the report and recommendations of the Executive Mayor regarding the annual budget, approve the budget 4. See Section 25(1) of the MFMA
16(3)	Deciding whether money for capital expenditure for a period not exceeding three financial years may be appropriated in a annual budget	Council	None	A separate appropriation must be made for each financial year
19(1)(b)	Approving a capital project, including its total cost	Council	None	
19(1)(d)	Considering the sources of funding of a capital project	Council	None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, Limitations and Directions
19(2)	Considering, in respect of a capital project, the projected cost covering all financial years until the project is operational and the future operational costs and revenue on the project, including municipal tax and tariff implications.	Council	None	
19(3)	Deciding to approve capital projects below the prescribed value individually or as part of a consolidated capital program	Council	None	
23(2)	Deciding to give the mayor an opportunity to respond to any submissions received in connection with the budget from communities and organs of state	Council	None	
28(1)	Deciding to revise an approved budget by way of an adjustments budget	Council	None	
32(2)	Appointing a committee to investigate any suspected of reported unauthorized, irregular or fruitless and wasteful expenditure	Council	None	
32(2)	Deciding to recover unauthorized, irregular or fruitless and wasteful expenditure from the person liable for that expenditure	Council	None	
32(2)(b)	Certifying unauthorized, irregular or fruitless and wasteful expenditure as irrecoverable and writing-off thereof.	Council	None	After receipt of a report of the committee appointed to investigate any suspected or reported authorized, irregular or fruitless and wasteful expenditure
32(7)	Determining whether an alleged irregular expenditure incurred by the Municipal Manager constitutes a criminal offence	Council	None	
	Determining whether the Municipal Manager allegedly committed an act of theft and fraud	Council	None	
33(1)	Deciding to enter into a contract which will impose financial obligations on the municipality beyond a financial year	Council	None	
34(3)(a)	Considering the results of the provincial government's monitoring of the municipality	Council	None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, Limitations and Directions
34(3)(b)	Considering a notification of the provincial government of any emerging or impending financial problems in the municipality	Council	None	
39(3)	Determining the deputation that will appear before a committee of Parliament considered the approval or renewal of a decision of the National Treasury to stop the transfer of funds to the municipality	Council	None	
	Determining the case that will be presented to a committee of Parliament considering the approval or renewal of a decision of the National Treasury to stop the transfer of funds to the municipality	Council	None	
44(1)	Deciding the reasonable steps to settle a dispute of a financial nature between the municipal and another organ of state out of court	Council	None	
44(2)(b)	Deciding whether to request the National Treasury to mediate or to appoint a mediator to mediate a dispute of a financial nature between the municipality and another organ of the state (excluding the National Treasury)	Council	None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, Limitations and Directions
45(1)	Deciding whether to incur short term debt	Council	None	<ol style="list-style-type: none"> 1. In terms of section 160(2) of the Constitution the Council may not delegate the raising of loans 2. A decision to raise a loan must be taken by the Council with a supporting vote of a majority of its members in terms of section 160(3)(b) of the Constitution 3. In terms of section 30(5) of the Structures Act, the Council may only after it received and considered the report and recommendations of the Executive Mayor regarding a loan, approve the raising of a loan
45(2)(a)	Approving any short term debt agreement	Council	None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, Limitations and Directions
46(1)	Deciding whether to incur long term debt	Council	None	<ol style="list-style-type: none"> 1. In terms of section 160(2) of the Constitution the Council may not delegate the raising of loans 2. A decision to raise a loan must be taken by the Council with a supporting vote of a majority of its members in terms of section 160(3)(b) of the Constitution 3. In terms of section 30(5) of the Local government: Municipal Structures Act 1998 (Act No 117 of 1998) the Council may only after it received and considered the report and recommendations of the Executive Mayor regarding a loan, approve the raising of a loan
46(2)(a)	Approving any short term debt agreement	Council	None	
48(1)	Deciding whether to provide security for any of the municipality's debt obligations, debt obligations of a municipal entity under its sole control and contractual obligations of the municipality undertaken in connection with capital expenditure by other persons on property, plant or equipment to be used by the municipality or such other person	Council	None	
48(2)	Deciding the form/nature of security to be provided for any of the municipality's debt obligations, debt obligations of a municipal entity under its sole control and contractual obligations of the municipality undertaken in	Council	None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, Limitations and Directions
	connection with capital expenditure by other persons on property, plant or equipment to be used by the municipality or such other person			
48(3)(a)	Deciding whether an asset or right that has been hypothecated in any manner as security is necessary for providing the minimum level of basic municipal service	Council	None	
48(3)(b)	Deciding whether an asset or right that has been hypothecated in any manner as security is necessary for providing the minimum level of basic municipal service, the manner in which the availability of the asset of right will be protected	Council	None	
50	Deciding to issue a guarantee for any commitment or debt of any organ of state, person or municipal entity under the sole or shared control of the municipality	Council	None	
83(2)	Determining the resources or opportunities to be made available for the training of officials to meet the prescribed financial management competency levels	Council	None	
84(1)(a)	Determining precisely the function or service that a municipal entity would perform on behalf of the municipality when considering the establishment of, or participation in, a municipal entity	Council	None	
84(2)(b)(i)	Considering an assessment of the impact of the shifting of a function or service to a municipal entity on the municipality's staff, assets and liabilities when considering the establishment of, or participation in, a municipal entity	Council	None	
84(2)(b)(ii)	Considering the comments or representations received from the Local Community, organized labour and other interested persons in respect of the municipality's	Council	None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, Limitations and Directions
	intentions to establish and/or participate in a municipal entity			
84(2)(b)(iii)	Considering the views and recommendations of the National Treasury and the Provincial Treasury, the National and Provincial Departments responsible for local Governments and the MEC responsible for Local Government in respect of the municipality's intention to establish and/or participate in a municipal entity	Council	None	
87(2)	Considering the proposed budget of a municipal entity of which the municipality is the parent municipality and assessing the entity's priorities and objectives	Council	None	
87(5)(c)	Determining the limits, including any limits on tariffs, revenue, expenditure and borrowing, on the budget of a municipal entity of which the municipality is the parent municipality	Council	None	
88(b)(ii)	Receiving and considering a mid-year performance assessment report of a municipal entity of which the municipality is the parent municipality benefits of the Chief Executive Officer and senior managers of a municipal entity of which the municipality is the parent municipality	Council	None	
90(2)	Considering an application from a municipal entity of which the municipality is a parent municipality to transfer ownership or otherwise dispose of a capital asset other than an asset needed to provide the minimum level of basic municipal service	Council	None	The power must be exercised in a meeting which is open to the public at which the council- 1. must determine on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal services; and

Section	Power conferred	Delegating authority	Delegated body	Conditions, Limitations and Directions
				2. has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset
113(1)	Deciding whether to consider an unsolicited bid received outside the municipality's normal bidding process	Council	None	
116(3)	Considering the reasons for the proposed amendment of a contract or agreement and any representation that may have been received regarding the proposed amendment of a contract or an agreement procured through the supply chain management policy of the municipality and deciding whether to consent to the amendment of the contract or agreement	Council	None	
120(1)	Deciding to enter into a public-private partnership agreement that will provide value for money to the municipality	Council	None	
120(1)(b)	Determining whether a proposed public-private partnership agreement will be affordable for the municipality	Council	None	
120(1)(c)	Determining whether a proposed public-private partnership agreement will transfer appropriate technical, operational and financial risk to the private party	Council	None	
120(4)	Deciding to conduct a feasibility study before a public-private partnership is concluded	Council	None	
120(5)	Determining whether to apply for the national government's assistance in carrying out and assessing a feasibility study regarding a proposed public-private partnership	Council	None	
121(4)(f)	Determining any additional information to be contained in the annual report of a municipal	Council	None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, Limitations and Directions
	entity of which the municipality is a parent municipality			
129(1)	Considering the annual report of the municipality.	Council	None	
	Adopting an oversight report containing the Council's comments on the annual report(s)	Council	None	
129(5)	Deciding whether to adopt guidelines issued by the National Treasury on the manner in which councils should consider annual reports and conduct public hearings and the functioning and composition of any public accounts or oversight committees established by a council to assist it to consider an annual report	Council	None	
133(c)(i)	Deciding whether to request the speaker or another councillor to investigate the reasons for the failure of the Municipal Manager to submit annual financial statements to the Auditor General or the Executive Mayor's failure to table the annual report of the municipality in the council	Council	None	
133(c)(i)	Receiving the report of the appointed councillor regarding the failure of the Municipal Manager to submit annual financial statements to the Auditor-General or the Executive Mayor's failure to table the annual report of the Municipality in the Council	Council	None	
133(c)(iii)	Deciding whether disciplinary steps should be taken against the Municipal Manager or other persons responsible for the failure of the Municipal Manager to submit annual financial statements to the Auditor-General or the Executive Mayor's failure to table the annual report of the municipality in the Council.	Council	None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, Limitations and Directions
135(3)	Considering whether the municipality is, or is likely to, encounter a serious financial commitments	Council	None	
135(3)(a)	Determining the manner of seeking solutions to any serious financial commitments experienced or anticipated by the municipality.	Council	None	
	Defining the solutions to be implemented to solve or avoid any serious financial problem in meeting its financial commitments experienced or anticipated by the municipality	Council	None	
137(2)	Receiving an assessment of the seriousness of the financial problem in the municipality, the determination of the provincial executive whether the financial problem experienced by the municipality singly or in combination with other problems, is sufficiently serious or sustained that the municipality would benefit from a financial recovery plan and the request to a suitably qualified person to prepare and submit a financial recovery plan for the municipality	Council	None	
139(2)	Receiving a copy of the Municipal Financial Recovery Service's determination of the reasons for the crisis in the municipality's financial affairs and assessment of the municipality's financial state	Council	None	
141(3)(a) 141(2)	Participating in consultation with the person or body appointed to prepare a financial recovery plan or an amendment of such plan for the Municipality	Council	None	
141(3)(c) 144(2)	Commenting on a draft financial recovery plan or an amendment to such plan for the Municipality	Council	None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, Limitations and Directions
166(2)(d)	Requesting the audit committee to investigate the financial affairs of the Municipality	Council	None	
166(5)	Appointing the members of the audit committee of the Municipality.	Council	None	
143(3)(a)	Receiving an approved financial recovery plan for the municipality	Council	None	
147(1)(b)	Receiving progress reports and a final report on any intervention from the MEC for local Government or the MEC responsible for finance	Council	None	
148(1)(b)(i)	Declaring municipality's willingness to fulfil the executive obligation in terms of legislation or the Constitution that gave rise to any discretionary intervention in the municipality	Council	None	
148(3)(a)	Receiving a notification that an intervention in the municipality has ended	Council	None	
152(1)	Deciding to apply to the High Court for an order to stay all legal proceedings, including the execution of legal process, by persons claiming money from the Municipality if the Municipality is unable to meet its financial commitments	Council	None	In consultation with the Executive Mayor
153(1)(a)	Deciding to apply to the High Court for an order to stay, for a period not exceeding 90 days at a time, all legal proceedings, including the execution of legal process, by persons claiming money from the municipality	Council	None	
153(1)(b)	Deciding to apply to the High Court for an order to suspend the municipality's financial obligations to creditors, or any portion of those obligations, until the municipality can meet those obligations	Council	€None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, Limitations and Directions
	Deciding to apply to the High Court for an order to terminate the municipality's financial obligations to creditors, and to settle claims in accordance with a distribution scheme referred to in section 155 of the MFMA	Council	None	
165(1)	Deciding whether to establish an internal audit unit or to outsource the internal audit function	Council	None	
166(1) and (6)	Deciding whether to establish an internal audit committee for – 1. the municipality only; or 2. the municipality and the local municipalities within the district municipal area;	Council	None	
166(2)(d)	Requesting the audit committee to investigate the financial affairs of the municipality	Council	None	
166(4)	Determining the number of members of the audit committee	Council	None	
	Determining the nature of the appropriate experience that persons should possess to be considered for appointment as a member of the audit committee	Council	None	
168(3)	Considering any guidelines issued by the Minister of Finance in terms of section 168(1) of the MFMA	Council	None	
171(4)(a)	Investigating any allegations of financial misconduct against the Municipal Manager, the Chief Financial Officer, a senior manager or other official of the Municipality unless those allegations are frivolous, vexatious, speculative or obviously unfounded	Council	None	
	Deciding whether an allegation of financial misconduct against the Municipal Manager, the Chief Financial Officer, a senior manager or other official of the municipality is frivolous,	Council	None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, Limitations and Directions
	vexatious, speculative or obviously unfounded			
174(4)(b)	Deciding whether an investigation of an allegation of financial misconduct against the Municipal Manager, the Chief Financial Officer a senior manager or other official of the municipality revealed anything that warrants the institution of disciplinary proceedings	Council	None	
176(2)	Deciding to recover from a political office-bearer or official of the municipality any loss or damage suffered by it because of the deliberate or negligent unlawful actions of the political office-bearer or official when performing a function of office	Council	None	

2.1.6 REMUNERATION OF PUBLIC OFFICE-BEARERS ACT 1998 (ACT No. 20 of 1998)

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
7(4)	Determining the salary, allowances and benefits payable to Councillors	Council	None	

2.1.7 PROMOTION OF ADMINISTRATIVE JUSTICE 2000, (ACT No. 3 of 2000)

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
26	Appropriate equality plans, codes, regulatory, mechanisms and other appropriate measures for the effective promotion of the equality in the spheres of the municipality's operation, enforcing and monitoring the enforcements of the equality plans, codes and regulatory mechanisms developed by the municipality and making regular reports to the relevant monitoring authorities or institutions as may be provided in regulations, where appropriate	Council	None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
28(3)	Determining mechanisms, processes and procedures to eliminate discrimination on the grounds of race, gender and disability and promote equality in respect of race gender and disability in the municipality	Council	None	

2.1.8 PROMOTION OF EQUALITY AND PREVENTION OF UNFAIR DISCRIMINATION ACT 2000 (ACT No. 4 of 1998)

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
26	Adopting appropriate equality plans, codes, regulatory mechanisms and other appropriate measures for the effective promotion o equality in the spheres of the municipality's operation, enforcing and monitoring the enforcement of the equality plans, codes and regulatory mechanisms developed by the municipality and making regular reports to the relevant monitoring authorities or institutions as may be provided in regulations, where appropriate.	Council	None	Delegations only in respect of making regular reports and submission thereof, may be conferred to Director Corporate Services
28(3)	Determining mechanisms, procedures and processes to eliminate discrimination on the grounds of race, gender and disability and promote equality in respect of race, gender and disability	Council	None	

2.1.9 HOUSING ACT 1997 (ACT NO 107 OF 1997)

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
10	Deciding to apply for accreditation to administer national housing programmes	Council	None	

2.1.10 FIRE BRIGADE SERVICES ACT 1987 (ACT No. 99 of 1987)

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
3(1)	Deciding to establish and maintain a fire brigade service intended to be employed for preventing the outbreak or spread of a fire, fighting or extinguishing a fire, the protection of life or property against a fire or other threatening danger the rescue of life or property from a fire or other danger subject to the provisions of the Health Act, the rendering of an ambulance service as an integral part of the fire brigade service or the performance of any other function connected with any of these matter	Council	None	
6A(1)	Deciding to establish a fire brigade reserve force	Council	None	

2.1.11 NATIONAL LAND TRANSPORT TRANSITION ACT 2000 (ACT 22 of 2000)

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
10(1)	Deciding to establish or join a transport authority to improve transport service delivery in the local sphere of government by grouping transport functions into a single well managed and focused institutional structure	Council	None	
17	Appropriating money for the transport authority of which the municipality is a part	Council	None	
20(2)(a)	Deciding to enter into a cooperation agreement with another planning authority or the provincial government with regard to the preparation of transportation plans	Council	None	

2.1.12 BUSINESS ACT 1991, (ACT No. 71 of 1991)

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
2(1)(b)	Concurring to the appointment of the municipality as a licensing authority	Council	None	

2.1.13 NATIONAL LAND TRANSPORT TRANSITION ACT 2000 (ACT 22 of 2000)

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
10(1)	Deciding to establish or join a transport authority to improve transport service delivery in the local sphere of government by grouping transport functions into a single well managed and focused institutional structure	Council	None	
17	Appropriating money for the transport authority of which the municipality is a part	Council	None	
20(2)(a)	Deciding to enter into a cooperation agreement with another planning authority or the provincial government with regard to the preparation of transportation plans	Council	None	

2.1.14 ENVIRONMENT CONSERVATION ACT 1989 (ACT No. 73 of 1989)

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
16(6)	Agreeing with a competent authority to assume responsibility for the control and management of a protected natural environment	Council	None	

2.1.15 AIR QUALITY ACT 2004 (ACT No. 39 of 2004)

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
11(1)	Adopting a by-law which- (a) identify substances or mixtures of substances in ambient air which, through ambient concentrations, bioaccumulation, deposition or in any other way, present a threat to health, well-being or the environment in the municipality or which the municipality reasonably believes present such a threat and (b) in respect of each of those substances or mixtures of substances, establish local standards for emissions from point, non-point or mobile sources in the municipality	Council	None	
15(2)	Adopting an air quality management plan which forms part of the IDP	Council	None	

2.1.16 DISASTER MANAGEMENT ACT 2002 (ACT No. 57 of 2002)

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
43(2)(b)	Deciding to operate a disaster management centre for the district in partnership with the district municipality	Council	None	
50(2)(b)	Receiving and considering an annual report from the district disaster management centre	Council	None	
53(1)	Adopting and reviewing a disaster management plan for the Municipality	Council	None	
54(2)	Entering into an agreement with the district municipality that the Council assumes primary responsibility for the co-ordination and management a local disaster that has occurred or may occur in the Municipality	Council	None	

2.1.17 NATIONAL ENVIRONMENT MANAGEMENT ACT 1998 (ACT No. 107 of 1998)

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
17(1)	Deciding to refer a difference or disagreement arises concerning the exercise of any of the municipality's functions which may significantly affect the environment to conciliation	Council	None	
17(2)	Considering a request to appoint a facilitator to call and conduct meetings of interested and affected parties with the purpose of reaching agreement to refer a difference or disagreement concerning the exercise of any of the municipality's functions which may significantly affect the environment to conciliation In terms of the Act	Council	None	
18(6)	Considering a recommendation of a conciliator appointed to conciliate or mediate a difference or disagreement concerning the exercise of any of the Municipality's functions which may significantly affect the environment to refer the disagreement or difference to arbitration	Council	None	
18(7)	Considering a report submitted by a conciliator appointed to conciliate or mediate a difference or disagreement concerning the exercise of any of the Municipality's functions which may significantly affect the environment	Council	None	
19(1)	Deciding whether to refer a difference or disagreement regarding the protection of the environment to arbitration	Council	None	
46(1)	Deciding whether to adopt model by-laws aimed at establishing measures for the management of the environmental impact of any development within the Municipality made by the Minister of Environmental Affairs	Council	None	

2.1.18 DISASTER MANAGEMENT ACT 2002 (ACT No. 57 of 2002)

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
43(2)(b)	Deciding to operate a disaster management centre for the district in partnership with the a local municipality	Council	None	
50(2)(b)	Receiving and considering an annual report from the district disaster management centre	Council	None	
53(1)	Adopting and reviewing a disaster management plan for the municipality	Council	None	
54(1)(b)	After consultation with relevant local municipality, assume primary responsibility for coordination and management of local disasters that occurs in the municipality's area	Council	None	
54(2)	Entering into an agreement with a local municipality that the council of the relevant local municipality assumes primary responsibility for the co-ordination and management a local disaster that has occurred or may occur in the municipality	Council	None	
57	Deciding to submit a request for financial assistance to the National Government for post-disaster recovery and rehabilitation	Council	None	

2.1.19 INTERGOVERNMENTAL RELATIONS FRAMEWORK ACT 2005 (ACT No. 13 of 2005)

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
28(1)	Deciding to establish an inter-municipality forum with one or more other municipalities	Council	None	
28(2)	Agreeing to the composition, role and functioning of an inter-municipality forum established with one or more other municipalities	Council	None	
30(2)	Designating employees of the municipality to serve on any technical inter-governmental support structure established to support an	Council	None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
	inter-governmental forum in which the municipality participates			
35(1)	Considering and deciding to enter into an implementation protocol with another organ of state to coordinate the actions of the participating state organs	Council	None	
35(5)	Deciding to initiate the establishment of an implementation protocol with another organ of state	Council	None	
41(1)	Deciding to declare a dispute a formal intergovernmental dispute with another organ of state.	Council	None	
41(2)	Deciding to initiate negotiation with the other party to a formal intergovernmental dispute declared by the municipality to resolve the dispute either on its own or through an intermediary	Council	None	
	Identifying and appointing an intermediary to be used to initiate negotiations with the other party to a formal intergovernmental dispute declared by the municipality to resolve the dispute	Council	None	
44(1)	Deciding to request the assistance of the minister of Local Government or the MEC of Local Government in settling a formal intergovernmental dispute declared by the Municipality	Council	None	
45(1)	Deciding to institute judicial proceedings in order to settle a formal intergovernmental dispute declared by the Municipality after efforts in terms of the Act to settle the dispute were unsuccessful	Council	None	
47(3)	Deciding to adopt guidelines issued by the Minister of Local Government in terms of the Act.	Council	None	

2.1.20 COMMISSION OF GENDER EQUITY ACT 1996 (ACT No. 39 of 1996)

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
11(1)(c)	Considering any recommendations of the Commission on Gender Equality regarding any current or proposed by law affecting or likely to affect gender equality or the status of women	Council	None	
11(1)(d)	Considering any recommendations of the Commission on Gender Equality regarding the adoption of a by law which would promote gender equality and the status of women	Council	None	

2.1.21 PAN SOUTH AFRICAN LANGUAGE BOARD ACT 1995 (ACT No. 59 of 1995)

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
8(1)(a)	Considering a recommendation of the Pan South African Language Board with regard to any proposed or existing by-law, practice and policy dealing directly or indirectly with language matters and with regard to any proposed amendments to or the repeal or replacement of such legislation, practice and police	Council	None	
8(1)(c)	Considering advice of the Pan South African Language Board on the implementation of any proposed or existing by-law, policy and practice dealing directly or indirectly with language matters	Council	None	
8(1)(e)	Considering a recommendation of the Pan South African Language Board shall make recommendations to organs regarding the adoption of measures aimed at the promotion of multilingualism	Council	None	

2.1.22 NATIONAL VELD AND FOREST FIRE ACT 1998 (ACT No. 101 of 1998)

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
4(7)	Deciding to become a member of each fire protection association established in the municipality	Council	None	
5(1)(a)	Considering a draft veld fire management strategy for the area of each fire protection association within the Municipality	Council	None	The Executive Mayor must ensure that key elements of such veldfire management strategies are incorporated in the Municipality's IDP
5(1)(b)	Considering a draft strategy containing/prescribing agreed mechanisms for the co-ordination of actions between adjoining fire protection associations within the municipality	Council	None	
5(1)(c)	Considering draft rules made by a fire protection association within the municipality	Council	None	
5(2)	Participating in consultation with each fire protection association within the municipality regarding the development of a veld fire management strategy for each such associations area	Council	None	

2.1.23 CHILDREN ACT 2005 (ACT No. 38 of 2005)

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
4(1)	Determining the steps that must be taken for the municipality to implement the Act	Council	None	
5	Determining the manner of cooperation with organs of state in the provincial and national spheres of government in the development of a uniform approach aimed at coordinating and integrating the services delivered to children.	Council	None	
8(2)	Determining the steps that the municipality and all officials, employees and representatives of the municipality must take	Council	None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
	to respect, protect and promote the rights of children contained in the Act			

2.1.24 OLDER PERSONS ACT 2006 (ACT No. 13 of 2006)

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
3(1)	Determining the steps that must be taken for the municipality to implement the Act in an integrated, coordinated and uniform manner.	Council	None	
3(3)	Determining the manner of cooperation with organs of state in the provincial and national spheres of government in the development of a uniform approach aimed at co-ordinating and integrating the services delivered to older persons.	Council	None	
4(2)	Determining the steps that the municipality and all officials, employees and representatives of the municipality must take to respect, protect and promote the rights of older persons contained in the Act	Council	None	

2.2 POWERS AND FUNCTIONS IN TERMS OF PROVINCIAL LEGISLATION

2.2.1 LOCAL GOVERNMENT ORDINANCE 1962 (ORDINANCE No. 8 of 1962)

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
73(1)(a)	Deciding to establish or contribute to a provident, or sick fund for employees	Council	None	None
75	Deciding to acquire by purchase or lease or otherwise immovable property or rights in respect thereof, including the right to take or use water, within or outside the municipality	Council	None	
77	Deciding to sell, let or in any other manner alienate immovable property vested in the municipality or rights in respect of such property	Council	None	Also refer to section 14 of the MFMA
78(2)(b)	Deciding to charge interest on any other amounts due to the Council, which have not been paid within thirty days from the date on which such amounts became due for the period during which such amount remain unpaid after the expiry of the said period of thirty days	Council	None	
129(2)(a)	Deciding to make grants-in-aid	Council	None	
129(2)(b)(ix)	Incurring expenditure to present a commemorative token to a councillor, or to an employee of the council who has rendered service to the council for at least twenty years	Council	None	
148A(2)	Deciding to adopt standard regulations made by the MEC responsible for local government	Council	None	
151(2)	Determining the amount payable in respect of a copy of approved by-laws	Council	None	

2.2.2 FREE STATE TRADITIONAL LEADERSHIP AND GOVERNMENT ACT 2005 (ACT No. 8 of 2005)

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
10(5)	Considering a draft by-law submitted by a traditional council within the municipality	Council	None	

2.2.3 FREE STATE PUBLIC TRANSPORT ACT 2005 (ACT No. 4 of 2005)

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
29(1)	Deciding to enter into a founding agreement with the MEC of Transport, Roads and Public Works for the establishment of a transport authority	Council	None	

2.3 POWERS AND FUNCTIONS IN TERMS OF REGULATIONS

2.3.1 LOCAL GOVERNMENT: MUNICIPAL PLANNING AND PERFORMANCE MANAGEMENT REGULATIONS, 2001

Reg.	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
8	Adopting a performance management system	Council	None	
9(1)	Setting key performance indicators, including input indicators, output indicators and outcome indicators, in respect of each of the development priorities and objectives contained in the integrated development plan	Council	None	
9(2)	Determining the manner and frequency of the involvement of the community in setting key performance indicators	Council	None	
11	Annually reviewing of the municipality's key performance indicators	Council	None	
12	Determining performance targets in respect of each key performance indicator	Council	None	
13(1)	Involving the community in developing and implementing mechanisms, systems and processes of the monitoring, measurement and review of performance	Council	None	

Reg.	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
14(2)	Annually appointing and budgeting for Performance Management Audit Committee (PMAC)	Council	None	
14(2)(c)	Deciding whether to have a separate PMAC or a consolidated audit committee	Council	None	
14(2)(d)	Designating a member of the PMAC as chairperson	Council	None	
14(2)(f)	Filling of any casual vacancy in the PMAC	Council	None	
14(2)(i)	Determination of the remuneration of members of the PMAC who are not Councillors or employees of the Municipality	Council	None	
15(1)(a)	Deciding to establish an IDP Forum	Council	None	

2.3.2 LOCAL GOVERNMENT: MUNICIPAL PERFORMANCE REGULATIONS FOR MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER, 2006

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
2(4)	Deciding whether to extend the provisions of regulations 2(3) to managers directly accountable to the Municipal Manager	Council	None	
4(2)	Determining the commencement date and the termination date of the period of employment of the Municipal Manager and managers directly accountable to the Municipal Manager	Council	None	
16(1)	Deciding whether the Municipal Manager or a manager directly accountable to the Municipal Manager must be suspended	Council	None	
	Considering any representations of the Municipal Manager or a manager directly accountable to her/him regarding her/his intended suspension	Council	None	
32(2)	Determining the quantum of the performance bonus payable to the Municipal Manager and managers directly accountable to the Municipal Manager	Council	None	As determined in the relevant performance agreement

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
32(3)(b)	Deciding to terminate the employment of the Municipal Manager and managers directly accountable to the Municipal Manager after appropriate performance counselling and having provided the necessary guidance and/or support and reasonable time for improvement in performance and performance did not improve	Council	None	

2.3.3 MUNICIPALITY SUPPLY CHAIN MANAGEMENT REGULATIONS, 2005

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
4(1)	Deciding which additional powers and duties to delegate to the Municipal Manager to discharge the supply chain management responsibilities conferred on her, to maximise administrative and operational efficiency in the implementation of the supply chain management policy to enforce reasonable cost-effective measures for the prevention of fraud, corruption, favouritism and unfair and irregular practices in the implementation of the supply chain management policy and to comply with his or her responsibilities in terms of section 115 of MFMA	Council	None	
6(2)(a)(i)	Considering a report on the implementation of the supply chain management policy	Council	None	
6(2)(a)(iii)	Considering a report regarding any serious and material problems in the implementation of the supply chain management policy to the Council	Council	None	
22(1)(a)	Determining in which newspapers circulating locally or any other appropriate ways in which invitations for bids must be advertised	Council	None	
37(2)	Deciding whether to accept an unsolicited bid	Council	None	

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
46(5)	Deciding whether to adopt the National Treasury's code of conduct for supply chain management practitioners	Council	None	

2.3.4 MUNICIPAL BUDGET AND REPORTING REGULATIONS, 2008

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
17(1)	Considering the full implications, financial or otherwise of the annual budget and supporting documentation before approving the budget.	Council	None	
25(1)	Considering the full implications, financial or otherwise of the adjustment budgets and supporting documentation before approving the adjustment budget.	Council	None	

2.3.5 MUNICIPAL REGULATIONS ON FINANCIAL MISCONDUCT PROCEDURES AND CRIMINAL PROCEEDINGS, 2014

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
4(1)	Establish a disciplinary board to investigate allegations of financial misconduct in the municipality or municipal entity and monitor the institution of disciplinary proceedings against the alleged transgressor	Council	None	
5(1)	On receiving a report regarding financial misconduct in the municipality or municipal entity, if the council is satisfied that there is reasonable cause to believe that an act of financial misconduct has been committed, refer the matter to the disciplinary board to conduct preliminary into the allegation(s)	Council	None	
6(1)	Order the development of terms of reference for the investigation within seven days of receipt of referral from disciplinary board.	Council	None	
	Approve the terms of reference for the investigation.	Council	None	

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
6(8)	If the investigator recommends that disciplinary proceedings be instituted against the alleged transgressor, institute disciplinary proceedings way of resolution.	Council	None	
17(a)	Establish reporting procedures for persons to report alleged financial misconduct and financial offences in a confidential basis.	Council	None	When establishing the procedures, the municipality must take into account its financial and administrative capacity.

2.3.6 MUNICIPAL REGULATIONS ON MUNICIPAL STANDARD CHART OF ACCOUNTS (mSCOA), 2014

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
12	Take the necessary steps to ensure that the mSCOA regulations are implemented by adoption of any resolutions, policies and budgetary provisions necessary for the implementation of the regulations.	Council	None	

2.3.7 MUNICIPAL COST CONTAINMENT REGULATIONS, 2019

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
4(1)(a)	Adopt / approve the cost containment policy of the municipality of the municipality's budget related policies	Council	None	

**2.4 POWERS AND FUNCTIONS IN TERMS OF SOUTH AFRICAN LOCAL GOVERNMENT BARGAINING COUNCIL
COLLECTIVE AGREEMENTS**

2.4.1 MAIN COLLECTIVE AGREEMENT, 2015

Clause	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
11.8.1.1	Establish a Local Labour Forum with equal representation from trade unions and the municipality	Council	None	
11.8.1.3	Designate representatives of the municipality to the Local Labour Forum	Council	None	The municipality's representatives shall consist a prescribed number of both councillors and management