

Chapter 3: Powers and Functions of the Executive Mayor

3.1 POWERS AND FUNCTIONS IN TERMS OF NATIONAL LEGISLATION

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

Section	Power conferred	Delegating authority	Delegated body	Conditions, directions and limitations
99	Concluding an agreement with a Cabinet member to receive a function or power assigned to the municipality	Council	Executive Mayor	Subject to the agreement having been approved by the Council
126	Concluding an agreement with a member of the Executive Council to receive a function or power assigned to the municipality	Council	Executive Mayor	Subject to the agreement having been approved by the Council
156(4)	Concluding an agreement for the assignment of a matter to the municipality by the national or provincial government	Council	Executive Mayor	Subject to the agreement having been approved by the Council

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

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
30(5)	Submitting the report and recommendations of the Executive Mayor before the Council considers any of its reserved powers in terms of legislation	Executive Mayor	None	
56(3)(a)	Identifying and developing criteria in terms of which progress in the implementation of the strategies, programmes and services can be evaluated, including key performance indicators which are specific to the municipality and common to local government in general	Executive Mayor	None	
56(3)(b)	Evaluating progress against the key performance indicators determined by the Council	Executive Mayor	None	
56(3)(c)	Reviewing the performance of the municipality in order to improve the economy, efficiency and	Executive Mayor	None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
	effectiveness of the municipality; the efficiency of credit control and revenue and debt collection services and the implementation of the municipality's by-laws			
56(3)(d)	Monitoring the management of the municipality's administration in accordance with the directions of the Council	Executive Mayor	None	
56(3)(e)	Overseeing the provision of services to communities in a sustainable manner	Executive Mayor	None	
56(3)(g)	Annual reporting on the involvement of communities and community organizations in the affairs of the Municipality	Executive Mayor	None	
56(3)(h)	Ensuring that regard is given to public views and report on the effect of consultation on the decisions of the Council	Executive Mayor	None	
56(7)	Designating an acting Executive Mayor (for a period up to a week)	Council	Executive Mayor	
60(1)(a)	Appointing the members of the Mayoral Committee from amongst councillors	Executive Mayor	None	
60(1)(b)	Delegating specific responsibilities to the members of the Mayoral Committee	Executive Mayor	None	
60(1)(c)	Delegating any of the Executive Mayors powers to members of the Mayoral Committee	Executive Mayor	None	
60(1)(d)	Dismissing a member of the Mayoral Committee	Executive Mayor	None	
60(2)	Determining the number of members of the Mayoral Committee	Executive Mayor	None	
73(2)(b)	Determining the number of members of a ward committee	Council	Executive Mayor	
80(3)(a)	Appointing the chairperson of a section 80 committee	Executive Mayor	None	
80(3)(b)	Delegating powers of the Executive Mayor to a section 80 committee	Executive Mayor	None	
80(3)(d)	Varying or revoking decisions of a section 80 committee	Executive Mayor	None	

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

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
11(2)	Entering into a written agreement with another municipality to exercise executive authority in the area of that other municipality	Council	Executive Mayor	Subject to the agreement being approved by the council
30	Managing the drafting of the municipality's integrated development plan, assignment of responsibilities in this regard to the Municipal Manager and submitting the draft plan to the Council for adoption	Executive Mayor	None	
32(3)	Considering the MEC's request to reconsider the IDP or to follow the approved reviewing and amendment of IDP	Council	Executive Mayor	
39	Managing the development of the municipality's performance management system, assignment of responsibilities in this regard to the Municipal Manager and submission of the proposed system to the Council for adoption	Executive Mayor	None	
40	Establishing mechanisms to monitor and reviewing the municipality's performance management system	Council	Executive Mayor	
44	Determining the manner to make known, both internally and to the general public, the key performance indicators and performance targets the Council set for purposes of its performance management system	Council	Executive Mayor	
57(1)	Signing an employment contract with the Municipal Manager.	Council	Executive Mayor	
57(3)	Approving the first and annual performance agreement between the municipality and the Municipal Manager	Council	Executive Mayor	
93D(2)	Calling or convening a meeting of the shareholders or board of directors of the municipal entity of which the municipality is a parent municipality in order for the board of directors to give account for actions taken by it	Executive Mayor	None	

3.1.4 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	Executive Mayor	None	Subject to obtaining the prior express approval of the Council
16(2)	Tabling the budgets at a Council meeting	Executive Mayor	None	The annual budget must be tabled at least 90 days before 1 July each year
23(1)	Receiving and considering the views of the communities and organs of state received in connection with the budget.	Council	Executive Mayor	
21(1)(a)	Coordinating the processes of preparing the annual budget and reviewing the municipality's integrated development plan and budget-related policies.	Executive Mayor	None	
21(1)(b)	Tabling in the Council a time scheduled outlining key deadlines of the preparation, tabling and approval of the annual budget, the annual review of the integrated development plan and the Municipality's budget-related policies, the tabling and adoption of any amendments to the integrated development plan and the budget-related policies and any consultative processes forming part of the processes	Executive Mayor	None	At least 10 months before 1 July each year
21(2)(d)	Determining the manner and timing of consultation of other municipalities in the district municipality, the provincial treasury and such other organs of state as may be prescribed with regards to the municipality's annual budget	Executive Mayor	None	
21(2)(b)	Deciding the reasonable steps to be taken to review the municipality's integrated development plan	Executive Mayor	None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, Limitations and Directions
25(3)	Complying with section 55 of the MFMA if the municipality has not approved an annual budget, including revenue-raising measures necessary to give effect to the budget, by 1 July of any year	Executive Mayor	None	Immediately report the matter to the MEC responsible for local government
27(1)	Determining the likelihood of the municipality not being able to comply with the MFMA or other legislation relating to the tabling or approval of an annual budget or compulsory consultation process	Executive Mayor	None	After consultation with the Municipal Manager and the Chief Financial Officer
	Informing the MEC responsible for finance of any impending non-compliance by the MFMA or any other legislation pertaining to the tabling or approval of an annual budget or compulsory consultation processes	Executive Mayor	None	
27(2)	Deciding to apply to the MEC responsible for finance to extend any time limit or deadline with regards to the preparation and approval of the annual budget	Executive Mayor	None	After consultation with the Municipal Manager and the Chief Financial Officer
28(4)	Tabling an adjustments budget in the Council	Executive Mayor	None	After consultation with the Municipal Manager and the Chief Financial Officer
29(1)	Deciding to authorize unforeseeable and unavoidable expenditure for which no provision was made in an approved budget in emergency or other exceptional circumstances	Executive Mayor	None	Such expenditure must be reported by the Executive Mayor to council at its next meeting and must be appropriated in the adjustment budget.
29(2)(c)	Reporting to the Council regarding the authorization of unforeseeable and unavoidable expenditure for which no provision was made in an approved budget in emergency or other exceptional circumstances	Executive Mayor	None	
31(d)	Giving written approval for exceeding the amount appropriate in respect of a capital programme	Executive Mayor	None	After consultation with the Municipal Manager and the Chief Financial Officer

Section	Power conferred	Delegating authority	Delegated body	Conditions, Limitations and Directions
32(7)	Reporting to the SAPS an alleged irregular expenditure incurred by the Municipal Manager that constitutes a criminal offence and alleged theft and fraud perpetrated by the Municipal Manager	Council	Executive Mayor	Only after the council has determined and concluded that the Municipal Manager had committed an act of theft and fraud
34(1)	Entering into an agreement with the national or provincial government to assist the municipality to build its capacity for efficient, effective and transparent financial management	Council	Executive Mayor	
52(a)	Deciding the nature and extent of, and manner in which political guidance over the fiscal and financial affairs of the municipality will be provided	Executive Mayor	None	
52(b)	Deciding the monitoring and oversight mechanisms to be applied to the exercise by the Municipal Manager and the Chief Financial Officer of their powers, functions and duties in terms of the MFMA	Executive Mayor	None	
52(c)	Deciding the reasonable steps to be taken to ensure that the municipality performs its constitutional and statutory functions within the limit of the municipality's approved budget	Executive Mayor	None	
52(d)	Submitting to the Council, within 30 days of the end of each quarter, a report on the implementation of the budget and the financial state of affairs of the Municipality	Executive Mayor	None	
53(1)(a)	Deciding the nature and extent of, and manner in which political guidance is to be given over the budget process and the priorities that must guide the preparation of a budget	Executive Mayor	None	
53(1)(b)	Deciding the steps to be taken to coordinate the annual revision of the integrated development plan and the preparation of the annual budget	Executive Mayor	None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, Limitations and Directions
	Determining how the integrated development plan is to be taken into account or revised for the purposes of the budget	Executive Mayor	None	After receiving a report from the Municipal Manager
53(1)(c)(i)	Determining the reasonable steps to be taken to ensure that the municipality approves its annual budget before the start of the budget year	Executive Mayor	None	After receiving a report from the Municipal Manager
53(1)(c)(ii)	Determining the reasonable steps to be taken to ensure that the Executive Mayor approves the municipality's service delivery and budget implementation plan	Executive Mayor	None	The Mayor must approve the annual service delivery and budget implementation plan within 28 days after the approval of the budget
53(1)(c)(iii)	Determining the reasonable steps to be taken to ensure that the annual performance agreements for the Municipal Manager and all senior managers comply with the MFMA, are linked to the measurable performance objectives approved with the budget and to the service delivery and budget implementation plan and are concluded in accordance with section 57(2) of the Municipal systems Act	Executive Mayor	None	In terms of section 57(2)(a) of the Municipal Systems Act the annual performance agreements must be concluded on or before 30 July of each year
53(2)	Reporting to the Council and the MEC responsible for finance any delay in the tabling of an annual budget, the approval of the service delivery and budget implementation plan or the signing of the annual performance agreements	Executive Mayor	None	
53(3)(a)	Ensuring that the revenue and expenditure projections for each month and the service delivery targets and performance indicators for each quarter, contained in the service delivery and budget implementation plan, are made public no later than 14 days after the approval of the service delivery and budget implementation plan	Executive Mayor	None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, Limitations and Directions
53(3)(b)	Ensuring that the performance agreements of the Municipal Manager, Senior Managers and any other categories of officials as may be prescribed, are made public no later than 14 days after the approval of the municipality's service delivery and budget implementation plan	Executive Mayor	None	
	Submission of the annual performance agreements of the Municipal Manager, senior managers and any other categories of officials as may be prescribed, to the Council and the MEC responsible for local government	Executive Mayor	None	
54(1)(a)	Consider the statement or report submitted by the accounting officer in terms of section 71 or 72 of MFMA	Executive Mayor	None	<ol style="list-style-type: none"> 1. A statement regarding the state of the municipality's budget must be submitted not later than 10 working days after the end of each month 2. The mid-year budget and performance assessment report must be submitted to the Executive Mayor not later than 25 January of each year 3. The mid-year budget and performance assessment report must be submitted to the Council not later than 31 January each year
54(1)(b)	Determining whether the municipality's approved budget is implemented in accordance with the service delivery and budget implementation plan	Executive Mayor	None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, Limitations and Directions
54(1)(c)	Determining whether it is necessary to make any revisions to the service delivery and budget implementation plan	Executive Mayor	None	Revision to the service delivery targets and performance indicators in the plan may only be made with the approval of the Council following approval of an adjustments budget
54(1)(d)	Determining the instructions to be given to the Municipality Manager to ensure that the budget is implemented in accordance with the service delivery and budget implementation plan and that spending of funds and revenue collection process in accordance with the budget	Executive Mayor	None	
54(1)(e)	Considering whether the municipality faces any financial problems including any emerging or impending financial problems	Executive Mayor	None	
54(3)	Making public any revisions of the service delivery and budget implementation plan	Executive Mayor	None	
55	Immediately report to the MEC for local government if the municipality has not approved an annual budget by 1 July of any year or if the municipality encounters a serious financial problem	Executive Mayor	None	
56	Providing guidance to the municipality to exercise its rights and powers over any municipal entity in which the municipality has sole or shared control	Executive Mayor	None	After receiving a report from the Municipal Manager

Section	Power conferred	Delegating authority	Delegated body	Conditions, Limitations and Directions
59(1)(a)	Deciding to delegate the powers and duties assigned to the Executive Mayor in terms of the MFMA	Executive Mayor	None	<ol style="list-style-type: none"> 1. Such power or duty may only be delegated to a member of the Mayoral Committee 2. A delegation by the Executive Mayor must be in writing 3. A delegation by the Executive Mayor of the responsibility concerning the exercise of the delegated power of the performance of the delegated duty
59(2)	Determining the conditions and limitations of any delegation by the Executive Mayor	Executive Mayor	None	
59(3)	Deciding to confirm, vary or revoke any decision taken in consequence of a delegation by the Executive Mayor	Executive Mayor	None	No variation or revocation of a decision may detract accrued as a rights that may have accrued as a results of the decision
87(3)	Tabling the proposed budget of a municipal entity of which the Municipality is the parent municipality in the Council	Executive Mayor	None	Such budget must be tabled together with the municipality's budget for the relevant financial year
87(6)	Considering an application by the board of directors of a Municipal entity of which of which the Municipality is the parent Municipality to revise the budget of the Municipal entity	Executive Mayor	None	
87(9)	Tabling the budget or adjusted budget and any adjustments budget of a municipal entity of which the municipality is the parent municipality at the next Council meeting	Executive Mayor	None	
127(2)	Tabling in the Council the municipality's annual report and the annual report of any municipal entity sole or shared control	Executive Mayor	None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, Limitations and Directions
127(3)(a)	Submitting to the Council a written explanation setting out the reasons for any delay in tabling the municipality's annual report and the annual report of any municipal entity under the municipality's sole or shared control	Executive Mayor	None	
131(1)	Ensuring that the municipality addresses all the issues raised in an audit report	Executive Mayor	None	
133(1)(a)	Tabling in the Council a written explanation setting out the reasons for the failure of the Municipal Manager or of the accounting officer of a municipal entity under municipality's sole or shared control to submit annual financial statements to the Auditor-General the Executive Mayor's failure to table the annual report of the Municipality or a municipal entity in the Council	Executive Mayor	None	
136(1)(a)	Participate in the consultations with the MEC for local government regarding a serious financial problem in the municipality	Executive Mayor	None	
137(1)(d)	Participate in the consultations with the MEC for local government regarding the municipality's co-operation in resolving an financial problem and if applicable implementing the financial recovery plan	Executive Mayor	None	
139(1)(b)	Participate in the consultation with the MEC for local government regarding the municipality's co-operation in implementing the recovery plan, including the approval of a budget and legislative measures giving effect to the recovery plan	Executive Mayor	None	
139(2)	Receiving a request made by the Financial Recovery Service to determine the reasons for the crisis in the municipality's financial affairs, to assess the municipality's financial state and to prepare an appropriate recovery plan for the municipality	Executive Mayor	None	

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

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
3(3)	Granting to a person whose rights or legitimate expectations may be materially affected by intended administrative action by the municipality, an opportunity to obtain assistance and, in serious or complex cases legal representation present and dispute information and arguments and appear in person	Council	Executive Mayor	

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

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
17(1)	When it is decided that conciliation of a difference or disagreement arises concerning the exercise of any of the municipality's functions which may significantly affect the environment is appropriate, deciding to refer the matter to the national Director-General of Environmental Affairs for conciliation or to appoint a conciliator	Council	Executive Mayor	
	Determining the conditions and time limits of a conciliators appointment where it is decided to appoint a conciliator to conciliate or mediate a difference or disagreement arises concerning the exercise of any of the municipality's functions which may significantly affect the environment	Council	Executive Mayor	
18(1)	Considering a nomination by the Director-General of Environmental Affairs of a conciliator who will conciliate or mediate a difference or disagreement arises concerning the exercise of any of the Municipality's functions which may significantly affect the environment	Council	Executive Mayor	

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
19(2)	Selecting an arbitration from the panel appointed by the Minister of Environmental Affairs where it has been decided to refer a difference or disagreement regarding the protection of the environment to arbitration	Council	Executive Mayor	
20(1)	Participating in any consultations by the Minister of Environmental Affairs to appoint a person to assist the municipality in the evaluation of a matter relating to the protection of the environment by obtaining such information, whether documentary or oral, as is relevant to such evaluation	Council	Executive Mayor	

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

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
42(2)	Appointing representative to participate in the establishment of the district disaster management framework	Council	Executive Mayor	
51(1)(c)	Appointing the Municipality's representatives in the district municipality's municipality disaster management advisory forum	Council	Executive Mayor	
56(2)(a)	Deciding to make a financial contribution to response efforts and post-disaster recovery and rehabilitation when a disaster occurs	Council	Executive Mayor	Provided that such contribution is in accordance with the national disaster management framework and an applicable post-disaster recovery and rehabilitation policy of the relevant sphere of government and where appropriate, subject to section 29 of MFMA

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

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
35(4)(b)	Signing an implementation protocol on behalf of the municipality	Council	Executive Mayor	Provided the implementation protocol was approved by the Council

3.2 POWERS AND FUNCTIONS IN TERMS OF PROVINCIAL LEGISLATION

3.2.1 LOCAL GOVERNMENT ORDINANCE 1962 (ORINANCE No. 8 of 1962)

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
129(2)(b)(ii)	Incurring expenditure for the reception and entertainment of any person in a public or private manner	Council	Executive Mayor	The expenditure so incurred must only be in connection with the business of the municipality and must be incurred strictly in accordance with MFMA and any prevailing regulations and/or guidelines issued by the National Treasury.
129(2)(b)(iii)	Incurring expenditure for the burial of deceased inhabitants of the municipality whose relatives, though not being paupers, are not financially able to meet such expenditure	Council	Executive Mayor	The expenditure so incurred must only be in accordance with MFMA and any prevailing regulations and/or guidelines issued by the
129(2)(b)(iv)	Incurring expenditure for the purchase of wreaths for the funerals of employees or ex-employees of the council or of persons in respect of whom the council considers it desirable of fitting that such token of respect should be paid	Council	Executive Mayor	National Treasury.
179	Convening a public meeting of voters	Executive Mayor	None	

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

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
8(1)(c)	Seeking the cooperation of traditional councils within the municipality to identify community needs	Council	Executive Mayor	
8(1)(d)	Seeking the involvement of traditional communities in the development and review of the municipality's integrated development plan	Council	Executive Mayor	
8(1)(f)	Seeking the participation of traditional councils within the municipality in making local policy and development of programmes of the municipality	Council	Executive Mayor	
8(1)(j)	Receiving information from traditional councils within the municipality regarding any threatening hazard or calamity	Council	Executive Mayor	
	Seeking the participation in traditional councils in the municipality with regard to disaster management			
10(3)	Receiving a proposal from a traditional council to adopt a by-law in respect of any matter directly affecting the area of the traditional council	Council	Executive Mayor	
10(6)	If the municipality decides not to adopt the proposed by-law, consulting with the traditional council regarding its decision	Council	Executive Mayor	

3.3 POWERS AND FUNCTIONS IN TERMS OF REGULATIONS

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

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
4(2)(b)	Making and submitting written representations regarding an objection to the proposed amendments to the municipality's integrated development plan suggested by the MEC	Council	Executive Mayor	
15(1)(b)	Determining appropriate mechanisms, to invite the community to identify persons to serve on the IDP Forum	Council	Executive Mayor	
15(1)(b)	Inviting the community to identify persons to serve on the IDP forum, including representatives from ward committees, if any	Council	Executive Mayor	
15(2)	Convening of meetings of the IDP Forum	Council	Executive Mayor	

3.3.2 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
4(5)	Submitting the employment contract and (first and annual) performance agreement to the MEC of Local Government and the Local Government	Council	Executive Mayor	
6	Determining the working hours of the Municipal Manager and Managers directly accountable to him/her	Council	Executive Mayor	
7(2)	Determining the rules governing the structuring of the flexible portion of the all-inclusive annual remuneration package payable to the Municipal Manager and managers directly accountable to him/her	Council	Executive Mayor	
7(4)	Determining the annual adjustment of the all-inclusive remuneration package of the Municipal Manager and managers directly	Council	Executive	

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
	accountable to her/him		Mayor	
16(1)	Notifying the Municipal Manager of the intention that she be suspended	Council	Executive Mayor	
16(2)	If the Municipal Manager is to be suspended, notifying her of the reasons for the suspension	Council	Executive Mayor	
	Receiving and considering the response, if any, of the Municipal Manager regarding the reasons for her suspension	Council	Executive Mayor	
17(3)	Notifying the Municipal Manager that she is deemed to have voluntarily terminated her services consequent to having accepted nomination for election as a councillor, member of a Provincial Legislature or the National Assembly or nomination as a permanent delegate to the National Council of Provinces	Council	Executive Mayor	
24(2)	Notifying the Municipal of the date during June each year, time and place where the parties shall review the annual performance agreement	Council	Executive Mayor	
25(2)	Consulting with the Municipal regarding the performance objectives and targets to be achieved	Council	Executive Mayor	
26(3)	Consulting with the Municipal Manager regarding the specific performance standards that will be included in the performance management system as applicable to the manager concerned	Council	Executive Mayor	
26(6)	Negotiating and agreeing with the Municipal Manager the weighting of the different key performances areas	Council	Executive Mayor	
26(8)	Agreeing with the Municipal Manager the core competency requirements deemed to be most critical for the relevant managers	Council	Executive Mayor	

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
	specific job			
	Agreeing with the Municipal Manager the required proficiency level in respect of each agreed core competency requirement			
27(2)	Deciding to conduct additional reviews of the performance of the Municipal Manager	Council	Executive Mayor	
27(4)(d)	Determining which other member of the Mayoral Committee must form part of the panel that will evaluate the performance of the Municipal Manager	Council	Executive Mayor	
27(4)(d)	Determining which Mayor and/or Municipal Manager of another municipality must form part of the panel that will evaluate the performance of the Municipal Manager	Council	Executive Mayor	
27(4)(e)	Determining which other member of the Mayoral Committee must form part of the panel that will evaluate the performance of a manager directly accountable to the Municipal Manager	Council	Executive Mayor	Different members of the Mayoral Committee may be designated to form part of the assessment panel for different managers
28(4)	Negotiating and agreeing with the Municipal Manager reasonable changes to the provisions of the performance plan from time to time for operational reasons	Council	Executive Mayor	
28(5)	Negotiating and agreeing with the Municipal Manager regarding amendments to the provisions of the performance plan due to the adoption, implementation and/or amendment of the performance management system	Council	Executive Mayor	
30(1)	Determining the steps that must be taken to create an enabling environment to facilitate effective performance by the Municipal Manager	Council	Executive Mayor	
30(2)	Determining the access to skills development and capacity building opportunities to be given to the Municipal Manager	Council	Executive Mayor	

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
30(4)	Considering a request by the Municipal Manager to delegate such powers reasonably required by her to enable her to meet the agreed performance objectives and targets	Council	Executive Mayor	
30(5)	Determining the resources to be made available to the Municipal which she may reasonably require from time to time to assist her to meet the agreed performance objectives and targets	Council	Executive Mayor	
31(1)	Consulting with the Municipal Manager where the exercising of the municipality's powers will have a direct effect on the performance of any of her functions, commit her to implement or to give effect to a decision made by the Council and a substantial financial effect on the municipality	Council	Executive Mayor	
32(3)(a)	Determining the systematic remedial or developmental support to assist the Municipal Manager to improve her performance	Council	Executive Mayor	
34(1)	Making the content of a performance agreement public	Council	Executive Mayor	
34(3)	Submitting the performance assessment results of the Municipal Manager to the MEC of Local Government as well as the Minister of Local Government	Council	Executive Mayor	

3.3.3 MUNICIPAL BUDGET AND REPORTING REGULATIONS, 2008

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
4(1)	Establish the Budget Steering Committee to provide technical assistance to the mayor in relation to budget process.	Executive Mayor	None	
16(1)	Tabling to the council annual budgets and supporting documentation for consideration.	Executive Mayor	None	

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

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
6(4)	Table the report of financial misconduct investigation in the council at the first sitting after the report has been finalised	Executive Mayor	None	
9(a)	Report an allegation of financial offence against a councillor of the municipality to Speaker, Minister of Finance and MEC of Finance.	Executive Mayor	None	
15(1)	Table the information document and any investigation report in the council at the first sitting after receipt of the document.	Executive Mayor	None	
7(2)	Approve the purchase of business class ticket for the Municipal Manager where flying time exceeds five hours, in all other cases an economy class tickets must be approved.	Executive Mayor	None	
7(5)	Approve accommodation cost for the Municipal Manager that exceed an amount as determined from time to time by the National Treasury.	Executive Mayor	None	This provision is applicable only:- (a) During peak holiday period; or (b) When major local or international events are hosted in a particular geographical area that result in abnormal increase in number of local and international guests in that particular

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
				geographical area

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

3.4.1 MAIN COLLECTIVE AGREEMENT, 2015

Clause	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
13.4.4	Where a grievance has been lodged by an employee against the Municipal Manager, seek to resolve the grievance or engage the assistance of an appropriate senior manager of another municipality to help to resolve the grievance.	Executive Mayor	None	

3.5 INCIDENTAL POWERS AND FUNCTIONS

3.5.1 SIGNING, AUTHENTICATING AND EXECUTING DOCUMENTS

Par	Power	Delegating authority	Delegated body	Conditions, limitations and directions
3.5.1.1	Signing, authenticating and/or executing any document conferring freedom of the Municipality, pursuant to a council resolution	Council	Executive Mayor	

3.5.2 HUMAN RESOURCES MANAGEMENT

Par	Power	Delegating authority	Delegated body	Conditions, limitations and directions
3.5.2.1	Approving leave of the Municipal Manager	Council	Executive Mayor	