

## Chapter 5: Powers and Functions of the Municipal Manager

### 5.1 POWERS AND FUNCTIONS IN TERMS OF NATIONAL LEGISLATION

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

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
25(3)	Calling and setting a date for a by-election	Municipal Manager	None	After consultation with the Electoral Commission.
29(2)	Determining the time, date and place of the first council meeting after a council has been declared elected	Municipal Manager	None	The first council meeting must be called after all members to be appointed to the council of Fezile Dabi District Municipality by respective local municipalities have been appointed.

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

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
6(2) (a)	Determining the processes, mechanisms and procedures for the administration to be responsive to the needs of the community	Municipal Manager	None	
6(2)(b)	Determining the processes, mechanisms and procedure for facilitating a culture of public service and accountability amongst staff	Municipal Manager	None	
6(2)(c)	Determine the processes, mechanisms and procedures for preventing corruption	Municipal Manager	None	
6(2)(d)	Determining the processes, mechanisms and procedures for establishing clear relationships, and facilitating co-operation and communication, between the administration and the community	Municipal Manager	None	
6(2)(e)	Determining the processes, mechanisms and procedures for giving members of the community full and accurate information about the level and standard of municipal services	Municipal Manager	None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
	they are entitled to receive			
6(2)(f)	Determining the processes mechanism and procedures for informing the community how the municipality is managed, of the cost involved and the persons in charge	Municipal Manager	None	
13(a)	Determining a practical way to bring the contents of a by-law to the attention of the community	Council	Municipal Manager	
32(1)(a)	Submitting the approved IDP to the MEC	Municipal Manager	None	
46	Preparing the municipality's annual performance report	Council	Municipal Manager	
55(1)(a)	Subject to the policy directions of the council, forming and developing an economical, effective, efficient and accountable administration equipped to carry out the task of implementing the integrated development plan of the municipality.	Municipality Manager	None	
55(1)(q)	Subject to the policy directions of the Council performing any other function that may be assigned by the council	Municipal Manager	None	
57(1)	Signing an employment contract with manager directly accountable to the Municipal Manager	Council	Municipal Manager	
57(2)	Approving the first and annual performance agreements between the municipality and a manager directly accountable to the Municipal Manager	Council	Municipal Manager	
67(1)	Developing and adopting systems and procedures to ensure fair, efficient, effective and transparent personnel administration	Council	Municipal Manager	
71	Establishing mechanisms, procedures and processes for compliance with collective agreements concluded in the bargaining council	Council	Municipal Manager	
95(a)	Establishing a customer management system	Council	Municipal	

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
			Manager	
95(b)	Establishing mechanisms for users of services to give feedback to the municipality or other service provider regarding the quality of the services and the performance of the service provider	Council	Municipal Manager	
95(c)	Stipulating the reasonable steps that must be taken to ensure that users of services are informed of the costs involved in service provision, the reasons for the payment of service fees, and the manner in which monies raised from the service are utilized	Council	Municipal Manager	
95(e)	Stipulating the steps that must be taken to ensure that persons liable for payments, received regular and accurate accounts that indicate the basis for calculating the amounts due	Council	Municipal Manager	
95(f)	Establishing accessible mechanisms for persons to query or verify accounts and metered consumption, and appeal procedures which allow such persons to receive prompt replies and correct action by the municipality	Council	Municipal Manager	
95(g)	Establishing accessibility mechanisms for dealing with complaints from persons, together with prompt replies and corrective action by the municipality	Council	Municipal Manager	
95(h)	Establishing accessibility mechanisms for dealing with complaints from person, together with prompt replies and corrective action by the municipality	Council	Municipal Manager	
95 (h)	Establishing mechanisms to monitor the response time and efficiency in complying with complains from such persons, together with prompt replies and corrective actions by the municipality	Council	Municipal Manager	
95(i)	Determining the number and location of pay	Council	Municipal	

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
	points and other mechanisms for setting accounts or for making pre-payments for services		Manager	
101	Issuing of written authorization to an employee to access at all reasonable hours premises in order to read, inspect, install or repair any meter or service connection for reticulation, or to disconnect, stop or restrict the provision of any service	Council	Municipal Manager	
102(1)	Deciding to consolidate any separate accounts of persons liable for payment to the municipality and to credit a payment by such a person against any account of that person	Council	Municipal Manager	
103(1)	Obtaining the consent of employees of other employers to deduct any payment of rates or other taxes, or fees for municipal service from the salaries and wages of such employees	Council	Municipal Manager	
103(1)	Entering into agreement with the employers of other employees to deduct any payment of rates or other taxes, or fees for Municipal services from the salaries and wages of such employees	Council	Municipal Manager	
109(2)	Deciding to compromise or compound any action, claim or proceedings and submission to arbitration of any matter other than a matter involving a decision of its status, powers or duties or the validity of its actions or by-laws	Council	Municipal Manager	
110	Issuing a certificate, to be used in legal proceedings involving the municipality, that the municipality used the best known, or the only, or the most practicable and available methods in exercising any of its powers or performing any of its functions	Council	Municipal Manager	
112	Obtaining the approval of the National Prosecuting Authority to enable an employee to institute criminal proceedings and conduct	Council	Municipal Manager	

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
	prosecutions in respect of by-laws and other legislation applicable to the municipality			

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

Section	Power conferred	Delegating authority	Delegated body	Conditions, Limitations and Directions
7(1)	Deciding to open a bank account for the municipality	Council	Municipal Manager	After consulting with the Chief Financial Officer
	Deciding at which bank(s) to open a bank account	Council	Municipal Manager	Subject to section 8(2) of the MFMA
	Deciding to close a bank account	Council	Municipal Manager	
8(1)	Designating a bank account of the municipality as the municipality's primary bank account	Council	Municipal Manager	
8(4)	Entering into an agreement with other parent municipalities of a parent municipal entity of which the municipality is a parent municipality, as to which municipality's primary bank account to use for the purpose of receiving allocations from organs of state to the municipal entity concerned	Council	Municipal Manager	After consulting with the Executive Mayor
12(2)	Deciding to open a separate bank account in the name of the municipality for the purpose of a relief, charitable, trust or other fund	Council	Municipal Manager	
12(4)	Issuing written authority to withdraw money without appropriation in terms of an approved budget from a bank account opened for the purpose of a relief, charitable, trust or other fund	Municipal Manager	None	Such authorization must be in accordance with decisions of the Council and only for the purpose for which the fund was established or the money in the fund was donated
14(2)(a)	Deciding, at a meeting opened to the public and on reasonable grounds, that an asset of the municipality is not needed to provide the minimum level of basic municipal service	Council	Municipal Manager	Only in respect of a movable capital asset below the assessed market value of R 1000,000

Section	Power conferred	Delegating authority	Delegated body	Conditions, Limitations and Directions
14(2)(b)	Considering the fair market value of an asset to be disposed of and the economic and community value to be received in exchange of an asset to be disposed of	Council	Municipal Manager	Only in respect of a movable capital asset below the assessed market value of R 1000,000
21(2)(e)	Providing information relating to the budget that may be requested to the National Treasury and any other organ of state	Executive Mayor	Municipal Manager	Subject to any limitations that may be prescribed in respect of organs of the state other than the National Treasury
32(2)	Determining the amount of unauthorized, irregular or fruitless and wasteful expenditure to be recovered, written off or provided for in an adjustments budget	Council	Municipal Manager	
32(3)	Deciding whether a decision taken by the council or the Executive Mayor is likely to result, if it is implemented, in unauthorized, irregular or fruitless and wasteful expenditure	Municipal Manager	None	
	Instructing an authorized official not to implement a decision taken by Council, the Executive Mayor or any other political office bearer that is likely to result, if it is implemented, in unauthorized, irregular or fruitless and wasteful expenditure	Municipal Manager	None	
	Informing the Council or the Executive Mayor that a decision taken by the Council or the Executive Mayor is likely to result, if it is implemented, in unauthorized, irregular or fruitless and wasteful expenditure	Municipal Manager	None	
32(4)	Deciding whether an expenditure incurred by the municipality was unauthorized, irregular or fruitless and wasteful expenditure incurred by the municipality.	Municipal Manager	None	
	Determining the amount of any unauthorized, irregular or fruitless and wasteful Expenditure incurred by the municipality	Municipal Manager	None	
	Identifying the person responsible, or suspected of being responsible, for	Municipal Manager	None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, Limitations and Directions
	unauthorized, irregular or fruitless and wasteful expenditure			
	Determining the steps to be taken to recover or rectify any unauthorized, irregular or fruitless and wasteful expenditure incurred by the municipality	Municipal Manager	None	
	Determining the steps to be taken to prevent the recurrence of unauthorized, irregular or fruitless and wasteful expenditure by the municipality	Municipal Manager	None	After consulting with the Chief Financial Officer and Internal Auditor
32(4)	Informing the Mayor, the MEC for Local Government and the Auditor General, in writing, of any unauthorized, irregular or fruitless and wasteful expenditure incurred by the municipality, whether any person is responsible or under investigation for such unauthorized, irregular or fruitless and wasteful expenditure and the steps that have been taken to recover or rectify such expenditure and to prevent a recurrence of such expenditure	Municipal Manager	None	
32(6)	Determining whether an alleged irregular expenditure constitutes a criminal offence	Municipal Manager	None	After consultation with the Chief Financial Officer and the Director Corporate Services
	Determining whether alleged theft and fraud occurred in the municipality	Municipal Manager	None	After consultation with the Chief Financial Officer and the Director Corporate Services
	Reporting alleged irregular expenditure that constitutes a criminal offence and alleged theft and fraud which occurred in the Municipality to the SAPS	Municipal Manager	None	After consultation with the Chief Financial Officer and the Director Corporate Services
44(2)(a)	Reporting disputes of a financial nature between the municipality and another organ of state (excluding the National Treasury) to	Council	Municipal Manager	

Section	Power conferred	Delegating authority	Delegated body	Conditions, Limitations and Directions
	the National Treasury			
45(2)(b)	Signing a debt agreement or another document which creates or acknowledges any short term debt	Municipal Manager	None	
	Signing a debt agreement or another document which creates or acknowledges any long-term debt	Municipal Manager	None	
54(1)(d)	Determining the (proposed) remedies or corrective steps to deal with any serious financial problems facing the municipality	Municipal Manager	None	In consultation with the Executive Mayor
62(1)(c)(ii)	Deciding the reasonable steps to be taken to ensure that the municipality has and maintains effective, efficient and transparent systems of internal audit operating in accordance with any prescribed norms and standards	Municipal Manager	None	
62(1)(d)	Deciding the reasonable steps to be taken to ensure that unauthorized, irregular or fruitless and wasteful expenditure and other losses are prevented	Municipal Manager	None	
62(1)(e)	Deciding the reasonable steps to be taken to ensure that disciplinary or, when appropriate, criminal proceedings are instituted against any official of the municipality who has allegedly committed an act of financial misconduct or an offence in terms of chapter 15 of the MFMA	Municipal Manager	None	
62(1)(f) (iv)	Deciding the reasonable steps to be taken to ensure that the municipality has and implements a supply chain management policy in accordance with Chapter 11 of the MFMA	Municipal Manager	None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, Limitations and Directions
65(2)(g)	Deciding the reasonable steps to be taken to ensure that any disputes concerning payments due by the municipality to another organ of state is disposed of in terms of legislation regulating disputes between organs of state	Municipal Manager	None	
67(1)	<p>Determining whether an organization or body outside any sphere of government to whom funds of the municipality stand to be transferred otherwise than in compliance with a commercial or other business transaction,-</p> <ul style="list-style-type: none"> <li>a) has the capacity to comply with any agreement with the municipality,</li> <li>b) for the period of the agreement to comply with all reporting, financial management and auditing requirements and audit requirements as may stipulated in the agreement,</li> <li>c) to report at least monthly to the Municipal Manager on actual expenditure against such transfer and to submit its financial statements for its financial year to the Municipal Manager promptly</li> <li>d) Implementing effective, efficient and transparent financial management and internal control systems to guard against fraud, theft and financial mismanagement; and</li> <li>e) Has in respect of precious similar transfer complied with all the requirements of section 67(1) of the MFMA</li> </ul>	Municipal Manager	None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, Limitations and Directions
	Entering into an agreement with an organization or body outside any sphere of government to whom funds of the municipality stand to be transferred otherwise than in compliance with a commercial or other business transaction	Municipal Manager	None	
67(4)	Determining whether an organization or the body outside any sphere of government to whom funds of the municipality stand to be transferred otherwise than in compliance with a commercial or other business transaction is an organization or body serving the poor or used by government as an agency to service the poor	Municipal Manager	None	
68(b)	Determining the administrative support, resources and information required by the Executive Mayor to perform the budgetary powers and functions assigned to the Executive Mayor	Municipal Manager	None	
	Making the administrative support, resources and information required by the Executive Mayor to perform the budgetary powers and functions assigned to the Executive Mayor available to him			
69(3)(a)	Preparing and submitting to the Executive Mayor a draft service delivery and budget implementation plan for the budget year	Municipal Manager	None	The draft service delivery and budget implementation plan must be submitted within 14 days after the approval of the municipality's annual budget,
69(3)(b)	Preparing and submitting, within 14 days after the approval of the Municipality's annual budget, drafts of the annual performance agreements as required in terms of section 57(1)(b) if the Municipal Systems Act for the Municipal Manager and all senior managers	Municipal Manager	None	An annual performance agreement must be concluded on or before 31 July of each year in terms of section 57(2)(a) of the Municipal Systems Act

Section	Power conferred	Delegating authority	Delegated body	Conditions, Limitations and Directions
70(1)	Reporting in writing to the Council any impending shortfalls in budgeted revenue and overspending of municipality's budget and any steps taken to prevent or rectify such shortfalls or overspending	Municipal Manager	None	
72(1)(a)	Performing an assessment of the municipality's performance during the first half of each financial year	Municipal Manager	None	
72(1)(b)	Submitting the mid-year performance assessment report to the Executive Mayor, the National Treasury and the Provincial Treasury	Municipal Manager	None	On or before 25 January each year
73(a)	Informing the Provincial Treasury of any failure by the Council to adopt or implement a budget-related policy or a supply chain management policy	Municipal Manager	None	
73(b)	Informing the Provincial Treasury of any non-compliance by a political structure or political office-bearers of the municipality with a budget-related policy or the supply chain management policy	Municipal Manager	None	
74(2)	Reporting her inability to comply with any of the responsibilities in terms of the MFMA, together with reasons, to the Executive Mayor and the Provincial Treasury	Municipal Manager	None	
77(1)	Deciding to designate any official other than those listed in section 77(1)(a) to (c) of the MFMA as "top management"	Municipal Manager	None	
79(1)(a)	Developing an appropriate system of delegation that will both maximize administrative and operational efficiency and provide adequate checks and balances in the municipality's financial administration for the proper application of the MFMA	Municipal Manager	None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, Limitations and Directions
79(1)(b)	Deciding to delegate to a member of the municipality's top management or any other official of the municipality any of the powers or duties assigned to an accounting officer in terms of the MFMA of any powers or duties reasonably necessary to assist the accounting officer in complying with the duties which requires the accounting officer to take reasonable or appropriate steps to ensure the achievement of the aims of a specific provision of the MFMA	Municipal Manager	None	Any delegation must be done in accordance with the principles outlined in Chapter 1 of this system and register of delegations
79(1)(c)	Regularly review delegations issued to the municipality's top management or any other official to the municipal and, if necessary, amending or withdrawing any of those delegations	Municipal Manager	None	
79(2)	Reviewing and confirming, varying or revoking any decision taken in consequence of a delegation or sub-delegation in terms of the MFMA	Municipal Manager	None	No variation or revocation of a decision taken under delegated powers may detract from any rights that may have accrued as a result of the decision
80(1)(b)	Allocating officials of the municipality to the Chief Financial Officer	Municipal Manager	None	
84(1)(b)	Making an assessment of the impact of the shifting of a function or service to a municipal entity of the municipal's staff, asset and liabilities when considering the establishment of, or participation in, a municipal entity	Municipal Manager	None	
111	Developing and implementing a supply chain management policy for the municipality	Council	Municipal Manager	

Section	Power conferred	Delegating authority	Delegated body	Conditions, Limitations and Directions
114(1)	Submitting a report containing the reasons for deviating from a recommendation relating to bid to the Auditor-General, the Provincial Treasury and the National Treasury of a tender other than the one recommended in the normal course of implementing the supply chain management policy of the municipality	Municipal Manager	None	
	Receiving a report containing the reasons for deviating from such recommendation from the accounting officer of a municipal entity of which the municipality is the parent municipality if a tender other than the one recommended in the normal course of implementing the supply chain management policy of the municipal entity is approved	Municipal Manager	None	
	Considering a report containing the reasons for deviating from such recommendation of the accounting officer of a municipal entity of which the municipality if a tender other than the one recommended in the normal course of implementing the supply chain management policy of the municipal entity is approved	Municipal Manager	None	
116(2)(c)	Determining the capacity that needs to be established and establishing such capacity within the municipality's administration to assist the Municipal Manager to enforce the provisions of a contract or agreement between the municipality and a contractor and to monitor the performance of a contract or an agreement with the municipality on a monthly basis	Municipal Manager	None	

Section	Power conferred	Delegating authority	Delegated body	Conditions, Limitations and Directions
119(2)	Determining the resources or opportunities to be made available for the training of officials involved in the implementation of the municipality's supply chain management policy to meet the prescribed competence levels	Council	Municipal Manager	
120(6)(a)	Submitting the report on the feasibility study together with all other relevant documents to the Council for a decision, in principle, on whether the municipality should continue with the proposed public-private partnership	Municipal Manager	None	
121(1)	Preparing an annual report for the municipality	Council	Municipal Manager	
126(4)	Receiving a report outlining the reasons for the delay from the Auditor-General if the Auditor-General is unable to complete an audit within three months after submission of the municipality's annual financial statements and any consolidated annual financial statements of the municipality.	Council	Municipal Manager	
133( c)(ii)	Determining the appropriate steps to be taken to ensure that the financial statements are submitted to the Auditor-General or that the annual report ,including the financial statements and the audit report on those statements, is tabled in the Council, as the case may be.	Council	Municipal Manager	
135(3)(b)	Informing the MEC responsible for local government and the MEC responsible for finance of any serious financial problem in meeting its financial commitments experienced or anticipated by the municipality	Council	Municipal Manager	
135(3)(c)	Notifying organised local government of any serious financial problem in meeting its financial commitments experienced or anticipated by the municipality	Council	Municipal Manager	

Section	Power conferred	Delegating authority	Delegated body	Conditions, Limitations and Directions
145(1)(a) 146(1)(a)	Implementing an approved financial recovery plan for the municipality	Council	Municipal Manager	
145(1)(b)	Reporting monthly to the MEC for local government on the implementation of the approved financial recovery plan for the municipality	Council	Municipal Manager	A copy of the report must also be submitted to the Executive Mayor
146(1)(c)	Reporting monthly to the MEC responsible for finance on the implementation of a financial recovery plan for the municipality resulting from a mandatory provincial intervention	Municipal Manager	None	A copy of the report must also be submitted to the Executive Mayor
152(1)	Giving notice of an application by the municipality to the High Court for an order to stay all legal proceedings including the execution of legal process, to persons claiming money from the municipality if the municipality is unable to meet its financial commitments	Council	Municipal Manager	
153(3)	Giving notice of an application in 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, to persons claiming money from the Municipality	Council	Municipal Manager	In consultation with the Executive Mayor
155	Giving notice of an application in the High Court for an order to terminate the municipality financial obligations to creditors, and to settle claims in accordance with a distribution scheme referred to in section 155 of the MFMA	Council	Municipal Manager	In consultation with the Executive Mayor
166(2)	Receiving reports of the audit committee	Municipal Manager	None	In as far as the reports relate to the administrative functions of for which the Audit Committee should procedurally present a report to the Accounting Officer
167(2)(a)	Recovering any amount paid or given cash or	Council	Municipal	

Section	Power conferred	Delegating authority	Delegated body	Conditions, Limitations and Directions
	in kind to a to a person as a political office-bearer or as a member of a political structure of the municipality otherwise than in accordance with the Framework of the Public Office Bearers Act 1998 (Act No 20 of 1998), including any bonus, bursary, loan, advance or other benefit		Manager	

**5.1.4 PROMOTION OF ACCESS TO INFORMATION ACT 2000 (ACT NO. 2 OF 2000)**

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
17(1)	Designating such number of persons as deputy information officers as are necessary to render the municipality as accessible as reasonably possible for requesters of its records	Municipal Manager	None	

**5.1.5 LABOUR RELATIONS ACT 1995, (ACT NO. 66 OF 1995)**

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
12(4)	Setting conditions as to time and place that are reasonable and necessary to safeguard life or property or to prevent undue disruption of work when any office-bearer or official of a trade union enters the municipality's premises in order to recruit members or communicate with members, or otherwise serve members' interests, to hold meetings with employees outside their working hours at the employer's premises and to vote at the employer's premises in any election or ballot contemplated in that trade union's constitution	Council	Municipal Manager	Subject to the provisions of the relevant collective agreement
16(2) & (3)	Deciding whether or not to disclose information to a union or union representative	Council	Municipal Manager	Subject to compliance with Protection of Personal Information Act where

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
				appropriate.
23	Ensuring compliance with collective agreements	Council	Municipal Manager	
69(2)	Considering an application by a trade union to picket inside the municipality' premises	Council	Municipal Manager	Subject to the provisions of the relevant collective agreement
72	Entering into minimum service level agreement in respect of essential services provided by the municipality	Council	Municipal Manager	Subject to the provisions of the relevant collective agreement
76	Deciding to take into employment one or more replacement workers during a strike or similar action and determining their conditions of employment	Council	Municipal Manager	<ol style="list-style-type: none"> <li>1. Subject to the provisions of the relevant collective agreement</li> <li>2. After consultation with the Executive Mayor and the managers directly accountable to the Municipal Manager.</li> </ol>
142	Applying to the CCMA to subpoena a person to appear in proceedings before the CCMA	Council	Municipal Manager	
142A	Applying to the CCMA to make a settlement agreement on an arbitration award	Council	Municipal Manager	
188A(1)	Seeking the consent of an employee accused of misconduct or poor work performance to consent to arbitration regarding the allegation	Council	Municipal Manager	
188A(1)	Applying to the SALGBC or the CCMA to arbitrate any allegation relating to an employee's conduct or capacity	Council	Municipal Manager	Subject to the provisions of the relevant collective agreement
189	Deciding whether to dismiss one or more employees based on the municipality's operational requirements	Council	Municipal Manager	Subject to the provisions of the relevant collective agreement
189A(3)	Requesting the CCMA to appoint a facilitator to facilitate consultation between the municipality and other consulting parties regarding the proposed dismissal of one or more employees based on the municipality's operational requirements	Council	Municipal Manager	Subject to the provisions of the relevant collective agreement

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
191	Appointing a person or body to represent the municipality in any proceeding before the SALGBC or the CCMA	Council	Municipal Manager	Subject to the provisions of the relevant collective agreement
Sch 8(8)(a)	Deciding whether to appoint a newly hired employee on probation	Council	Municipal Manager	Subject to the provisions of the relevant collective agreement
Sch 8(8)(d)	Determining the period of probation with reference to the nature of the job and the times it takes to determine the employee's suitability for continued employment	Council	Municipal Manager	Subject to the provisions of the relevant collective agreement.

**5.1.6 BASIC CONTITIONS OF EMPLOYMENT ACT 1997 (ACT No. 75 of 1997)**

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
7	Regulating the working time of each employee in accordance with the provisions of any Act governing occupational health and safety, with due regard to the health and safety of employees and the Code of Good Practice on the Regulation of Working Time and with due regard to the family responsibilities of employee	Council	Municipal Manager	Subject to the provisions of the relevant collective agreement
9(2)	Concluding an agreement to extend the working hours of an employee by up to 15 minutes in a day but not more than 60 minutes in a week to enable an employee whose duties include serving members of the public to continue performing those duties after the completion of ordinary hours	Council	Municipal Manager	Subject to the provisions of the relevant collective agreement
10(1)(a)	Concluding an agreement with an employee requiring that employee to work overtime and a further agreement to extend such agreement	Council	Municipal Manager	Subject to the provisions of the relevant collective agreement
10(3)	Determining, by way of agreement, whether an employee who works overtime will be paid in cash for such overtime work or time of in	Council	Municipal Manager	Subject to the provisions of the relevant collective agreement

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
	<i>lieu</i> of such day			
11(1)	Concluding an agreement in writing requiring or permitting an employee to work up to twelve hours in a day, inclusive of the meal intervals, without receiving overtime pay.	Council	Municipal Manager	Subject to the provisions of the relevant collective agreement
14(1)	Determining of meals intervals	Council	Municipal Manager	Subject to the provisions of the relevant collective agreement
14(3)	Concluding an agreement in writing reducing the meal interval to not less than 30 minutes and dispensing with a meal interval for an employee who works fewer than six hours on a day	Council	Municipal Manager	Subject to the provisions of the relevant collective agreement
17(2)	Concluding an agreement requiring or permitting an employee to perform night work	Council	Municipal Manager	Subject to the provisions of the relevant collective agreement.
17(2)	Determining a night work allowance	Council	Municipal Manager	Subject to the provisions of the relevant collective agreement
18(1)	Concluding an agreement requiring an employee to work on a public holiday	Council	Municipal Manager	Subject to the provisions of the relevant collective agreement
20(9)	Ensuring that an employee who has been granted leave does not work during such leave	Council	Municipal Manager	Subject to the provisions of the relevant collective agreement
41	Determining the severance pay payable to an employee dismissed due to the operational requirements of the municipality	Council	Municipal Manager	Subject to the provisions of the relevant collective agreement
69(5)	Ensuring compliance with a compliance order within the time period stated in the order unless the employer objects in terms of section 71	Council	Municipal Manager	Subject to the provisions of the relevant collective agreement
71	Deciding to object to a compliance order	Council	Municipal Manager	Subject to the provisions of the relevant collective agreement

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
72	Deciding to appeal against a decision of the Director-General of Labour regarding an object of the Municipality to a compliance order	Council	Municipal Manager	Subject to the provisions of the relevant collective agreement

**5.1.7 EMPLOYMENT EQUITY ACT 1998, (ACT No. 55 of 1998)**

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
5	Taking steps to promote equal opportunity in the workplace by eliminating unfair discrimination in any employment policy or practice	Council	Municipal Manager	
16	Taking reasonable steps to consult and attempt to reach agreement with a representative trade union representing members at the workplace	Council	Municipal Manager	
24	Assigning one or more senior managers to take responsibility for monitoring and implementing an employment equity plan and providing the managers with the authority and means to perform their functions	Council	Municipal Manager	
36	Issuing a written undertaking to comply with the provisions of the Employment Equity Act when requested by a labour inspector	Council	Municipal Manager	
39	Objecting to a compliance order issued by a labour inspector in terms of section 38 of the Employment Equity Act	Council	Municipal Manager	
40	Appealing against a compliance order issued by the Director-General of Labour in terms of Section 39 of the Employment Equity Act	Council	Municipal Manager	

**5.1.8 SKILLS DEVELOPMENT ACT 1998, (ACT No. 97 of 1998)**

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
17	Entering into a learnership agreement	Council	Municipal Manager	

**5.1.9 DISASTER MANAGEMENT ACT 2002 (ACT No. 57 of 2002)**

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
53(4)	Submitting the municipality's disaster management plan as prescribed	Council	Municipal Manager	

**5.1.10 FIREARMS CONTROL ACT 2000 (ACT No. 60 of 2000)**

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
7	Nominating a person to apply on behalf of the municipality for a license, permit or authorisation in terms of the Act	Council	Municipal Manager	

**5.1.12 INTERGOVERNMENTAL RELATIONS FRAMEWORK ACT 2005 (ACT No. 13 of 2005)**

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
41(1)	Informing the other organ of state in writing of the municipality's decision to declare a dispute between the municipality and that organ of state as a formal intergovernmental dispute	Council	Municipal Manager	

**5.1.13 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)(b)	Considering a request of the Pan South African Language Board to supply it with information on any legislative, executive or administrative measures adopted by the municipality relating to language policy and language practice	Council	Municipal Manager	

**5.2 POWERS AND FUNCTIONS IN TERMS OF PROVINCIAL LEGISLATION**

**5.2.1 LOCAL GOVERNMENT ORDINANCE 1962 (ORDINANCE No. 8 of 1962)**

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
73B	Providing the legal representation of an employee against whom any claim has or legal proceedings of any nature, whether civil or criminal, have been instituted or who has been summoned to attend, in any capacity, any inquest or other statutory inquiry in connection with any act or omission of such employee in the performance of her/his duties.	Council	Municipal Manager	
90	Investigate any loss of, or damage to the property of the municipality which may have arisen due to fraud or theft and report to the SAPS	Council	Municipal Manager	
129(2)(b)(ii)	Incurring expenditure for the reception and entertainment of any person in a public or private manner	Council	Municipal Manager	
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	Municipal Manager	The expenditure so incurred must only be in accordance with MFMA and any prevailing regulations and/or guidelines issued by the National Treasury.
171	Authorizing employees to enter any place or premises within the municipality to carry out any inspection or test which may be necessary for ascertaining whether the provisions of the Ordinance have been complied with and may for this purpose open any work or thing or any inspection, examination or work which may be necessary for the purposes of exercising any power conferred upon the council by the Ordinance	Council	Municipal Manager	

**5.3 POWERS AND FUNCTIONS IN TERMS OF REGULATIONS**

**5.3.1 REMUNERATION OF PUBLIC OFFICER BEARERS ACT: DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS, 2007**

Reg. Par	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
7(c) i	Payment of the remuneration and allowances in terms of the determined upper limits of remuneration and allowances in respect of appointed councillors	Council	Municipal Manager	Payments of such remuneration and allowances to be in line with the provisions of the determination of upper limits as determined from time to time by the Minister of Local Government

**5.3.2 LOCAL GOVERNMENT: MUNICIPAL PLANNING AND PERFORMANCE MANAGEMENT REGULATIONS, 2001**

Section	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
3(4)(b)	Publishing a proposed amendment to the municipality's integrated development plan	Council	Municipal Manager	
6(b)	Preparing action plans for the implementation of strategies identified by municipality	Council	Municipal Manager	In consultation with the managers directly accountable to the Municipal Manager
14(1)(a)	Developing and implementing mechanisms, systems and processes for auditing the results of performance measurements as part of the municipality's internal auditing processes	Council	Municipal Manager	
14(2)(g)	Provision of secretariat services to the PMAC	Council	Municipal Manager	

**5.3.3 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
16(1)	Notifying the a manager directly accountable to her/him of the intention that she/he be suspended	Council	Municipal Manager	
	Considering any representations of the a manager directly accountable to her regarding her/his intended suspension	Council	Municipal Manager	
16(2)	If the manager directly accountable to the Municipal Manager is to be suspended, notifying her/him of the reasons for the suspension	Council	Municipal Manager	
	Receiving and considering the response, if any, of a manager directly accountable to the Municipal Manager regarding the reasons for her/his suspension	Council	Municipal Manager	
17(3)	Notifying a manager directly accountable to the Municipal Manager that she/he is deemed to have voluntarily terminated her/his 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	Municipal Manager	
24(2)	Notifying a managers directly accountable to the Municipal Manager of the date during June each year, time and place where the parties shall review the annual performance agreement	Council	Municipal Manager	
25(2)	Consulting with the managers directly accountable to the Municipal Manager regarding the performance objectives and targets to be achieved	Council	Municipal Manager	

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
26(3)	Consulting with the manager directly accountable to the Municipal Manager regarding the specific performance standards that will be included in the performance management system as applicable to the manager concerned	Council	Municipal Manager	
26(6)	Negotiating and agreeing with the manager directly accountable to the Municipal Manager the weighting of the different key performances areas	Council	Municipal Manager	
26(8)	Agreeing with the manager directly accountable to the Municipal Manager the core competency requirements deemed to be most critical for the relevant managers specific job	Council	Municipal Manager	
	Agreeing with the manager directly accountable to 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 manager directly accountable to the Municipal Manager	Council	Municipal Manager	
27(4)(e)	Determining which Municipal Manager of another municipality must form part of the panel that will evaluate the performance of a manager directly accountable to the Municipal Manager	Council	Municipal Manager	Different Municipal Managers may be designated to form part of the assessment panel for different managers
28(4)	Negotiating and agreeing with the relevant manager reasonable changes to the provisions of the performance plan from time to time for operational reasons	Council	Municipal Manager	
28(5)	Negotiating and agreeing with the manager concerned regarding amendments to the provisions of the performance plan due to the adoption, implementation and/or amendment of the performance management system	Council	Municipal Manager	

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
30(1)	Determining the steps that must be taken to create an enabling environment to facilitate effective performance by the manager directly accountable to the Municipal Manager	Council	Municipal Manager	
30(2)	Determining the access to skills development and capacity building opportunities to be given to the manager directly accountable to the Municipal Manager	Council	Municipal Manager	
30(4)	Considering a request by the manager directly accountable to the Municipal Manager to delegate such powers reasonably required by her/him to enable her/him to meet the agreed performance objectives and targets	Council	Municipal Manager	
30(5)	Determining the resources to be made available to the manager directly accountable to the Municipal Manager which she/he may reasonably require from time to time to assist her/him to meet the agreed performance objectives and targets	Council	Municipal Manager	
31(1)	Consulting with the manager directly accountable to the Municipal Manager where the exercising of the municipality's powers will have a direct effect on the performance of any of her/his functions, commit her/him to implement or to give effect to a decision made by the Council and a substantial financial effect on the municipality	Council	Municipal Manager	
32(3)(a)	Determining the systematic remedial or developmental support to assist the manager directly accountable to the Municipal Manager improve her/his performance	Council	Municipal Manager	
39(4)(a)	Conducting an assessment of the competencies of the manager directly accountable to the Municipal Manager	Council	Municipal Manager	

**5.3.4 MUNICIPAL PUBLIC-PRIVATE PARTNERSHIP REGULATIONS, 2005**

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
4(3)	Soliciting the views of the national and provincial treasuries on the terms and conditions of a PPP, the municipality's contract management plan and the preferred bidders contracting capacity and capacity to execute the PPP contract	Council	Municipal Manager	
6(1)	Signing a PPP agreement on behalf of the municipality	Municipal Manager	None	

**5.3.5 MUNICIPALITY SUPPLY CHAIN MANAGEMENT REGULATIONS, 2005**

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
3(1)(a)	Preparing and submitting a draft supply chain management policy to council	Municipal Manager	None	
3(1)(b)	Annually reviewing the supply chain management policy	Municipal Manager	None	
3(2)(a)	Deciding whether to use the model supply chain management policy supplied by the National Treasury, or a modified version thereof, as the municipality's supply management policy	Municipal Manager	None	
3(4)	Deciding the reasonable steps to be taken to ensure that the municipality has a supply chain management policy	Municipal Manager	None	
5(1)	Deciding which powers and duties regarding supply chain management to sub-delegate and to whom to delegate such powers and functions	Municipal Manager	None	
7(1)	Establish a supply chain management unit	Municipal Manager	None	
7(3)	Deciding whether the supply chain management unit must operate under the direct supervision of the Chief Financial Officer	Municipal Manager	None	Subject to the policy directions of the Council
16(c)	Considering quarterly reports stating the	Municipal	None	

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
	reasons why it was not possible to obtain three oral or written quotations in any case	Manager		
27(3)	Deciding the composition of the bid specification committee	Municipal Manager	None	
28(2)	Deciding the composition of the bid evaluation committee	Municipal Manager	None	At least one member of the bid evaluation committee must be a supply chain management practitioner of the Municipality
29(2)	Deciding the composition of the bid adjudication committee	Municipal Manager	None	<p>1. The committee must consist of at least 4 senior managers, including the Chief Financial Officer, one senior supply chain management practitioner and a technical expert in the relevant field who is an employee of the Municipality</p> <p>2. No member of a bid evaluation committee may be a member of the bid adjudication committee</p>
29(3)	Appointing the chairperson of the bid adjudication committee	Municipal Manager	None	
29(5)(b)(i)	Considering and ratifying or rejecting the recommendation of the bid adjudication committee	Municipal Manager	None	
29(5)(b)(ii)	Deciding to refer the matter back to the bid adjudication committee if their recommendation is rejected	Municipal Manager	None	
29(6)	Referring any recommendation of a bid specification or bid evaluation committee back to that committee for reconsideration	Municipal Manager	None	
29(7)	Preparing and submitting a report regarding the approval of a bid/tender other than the one recommended to the NT,PT and AG within 10 working days of granting approval	Municipal Manager	None	
31(1)	Deciding whether to request the SITA to assist	Municipal	None	

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
	the Municipality with the acquisition of IT related goods or services	Manager		
31(3)	Notifying the SITA when the transaction value for IT related goods or services exceed R 50 million (VAT incl.)	Municipal Manager	None	
31(4)	Submitting of comments of SITA and the reasons for not following or rejecting the comments to the Council, NT, PT and the AG	Municipal Manager	None	
32(1)	Deciding whether to procure goods and services under a contract secured by another organ of state	Municipal Manager	None	
36(1)(a)	Deciding to dispense with the official procurement processes	Municipal Manager	None	
36(1)(b)	Deciding to ratify any minor breaches of the official procurement processes	Municipal Manager	None	
36(2)	Reporting the reasons for any decisions to dispense with the official procurement processes and to ratify any minor breaches of those processes	Municipal Manager	None	
37(3)	If it was decided to accept an unsolicited bid, making particulars thereof public	Municipal Manager	None	
37(4)	Submitting any comments, and the response of the bidder, if any, regarding an unsolicited bid to the NT and the PT for comment	Municipal Manager	None	
37(8)	Submitting the reasons for rejecting or not following the recommendations of the NT or the PT regarding an unsolicited bid to the NT, PT and AG	Municipal Manager	None	The reasons must be submitted within 7 days after the decision has been taken
38(2)	Informing the NT and the PT of any action taken: <ul style="list-style-type: none"> <li>(a) to report any alleged criminal conduct relating to the supply chain management process to the SAPS;</li> <li>(b) to reject a recommendation for the award of a contract if the recommended bidder, or any of its</li> </ul>	Municipal Manager	None	

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
	<p>directors, has committed a corrupt or fraudulent act in competing for the particular contract; and</p> <p>(c) to cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract or an official or other role player committed any corrupt or fraudulent act during the bidding process or the execution of the contract that benefit that person</p>			
47(2)	<p>Reporting to the NT any instance where a supplier or a prospective supplier or a recipient or prospective recipient of goods disposed or to be disposed of by a municipality has directly or through a representative or intermediary promised, offered or granted any inducement or reward to the municipality for or in connection with the award of a contract or any reward, gift (with a value in excess of R 350), favour or hospitality to any official of the municipality or any other role player involved in the implementation of the supply chain management policy of the municipality</p>	Municipal Manager	None	
48	<p>Disclosing to the NT and PT any sponsorship promised, offered or granted to the municipality, whether directly or through a representative or intermediary, by any person who is a provider or prospective provider of goods or services to the municipality or a recipient or prospective recipient of goods disposed or to be disposed of by the municipality</p>	Municipal Manager	None	
50(1)	<p>Appointing an independent and impartial person not directly involved in the supply chain management processes of the municipality to</p>	Municipal Manager	None	

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
	assist in the resolution of disputes between the municipality and other persons regarding any decisions or actions taken by the municipality in the implementation of its supply chain management system or any matter arising from a contract awarded in the course of its supply chain management system or to deal with objections, complaints or queries regarding any such decisions or actions or any matters arising from such contract.			
50(5)	Referring a dispute, objection, complaint or query which could not be resolved within 60 days to the PT	Municipal Manager	None	

**5.3.6 MUNICIPAL BUDGET AND REPORTING REGULATIONS, 2008**

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
14(2)	Submitting draft service delivery and budget Implementation plan to the Executive Mayor together with the annual budget to be considered for tabling to council.	Municipal Manager	None	
16(2)	Assisting the Executive Mayor in preparation of a report for tabling to council together with the annual budget for consideration.	Municipal Manager	None	<p>The report referred to must include the following details:</p> <ul style="list-style-type: none"> <li>• Summary of community views on the annual budget as was publicised;</li> <li>• Any comments on the annual budget received from the National Treasury and the Provincial Treasury;</li> <li>• Any comments on the annual budget received from another organ of state;</li> <li>• Any comments on the</li> </ul>

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
				annual budget received from any other stakeholder.

**5.3.7 MUNICIPAL REGULATIONS ON FINANCIAL MISCONDUCT PROCEDURES AND CRIMINAL PROCEEDINGS, 2014**

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
3(1)(a)	Report an allegation of financial misconduct against the chief financial officer or senior manager to the council, provincial treasury and national treasury	Municipal Manager	None	
3(1)(b)	Receive report of an allegation of financial misconduct against any official of the municipality.	Municipal Manager	None	
6(4)	Table the report of investigation in the council at the first sitting after the report has been finalised	Municipal Manager	None	
6(6)	If the council rejected the findings or recommendations of the report, provide reasons for rejection of the recommendations to the investigator within five days of the rejection.	Municipal Manager	None	
9(a)	Report an allegation of financial offence against a councillor of the municipality to Speaker, Minister of Finance and MEC of Finance.	Municipal Manager	None	
9(b)	Report an allegation of financial offence against the Speaker to the Executive Mayor.	Municipal Manager	None	
10(2)	If there is a likelihood of further financial loss for the municipality as a result of financial offence, report the matter without delay to the SAPS and not the completion of the investigation.	Municipal Manager	None	
11(3)	Where a financial offence is successfully prosecuted, report the judgement to the	Municipal Manager	None	

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
	National Treasury.			
14(1)	Prepare an information document on any alleged financial misconduct or financial offences.	Council	Municipal Manager	
14(2)	Within five days of finalising the information document submit it, together with any investigation report to: <ul style="list-style-type: none"> <li>(a) The Executive Mayor;</li> <li>(b) MEC for local government in the province;</li> <li>(c) Minister of local government;</li> <li>(d) Provincial Treasury;</li> <li>(e) National Treasury; and</li> <li>(f) Auditor-General</li> </ul>	Council	Municipal Manager	
15(2)	Report any resolution taken by council relating to information document of the provincial treasury and national treasury.	Council	Municipal Manager	
16(2)	Report on all suspensions, disciplinary and criminal proceedings instituted in cases of financial misconduct in the annual report.	Council	Municipal Manager	
17(b)	Make public the reporting procedures for confidential reporting of financial misconduct and financial offences in accordance with section 21(1)(a) and (b) of Municipal Systems Act.	Council	Municipal Manager	

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

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
6(2)	Ensure that the municipality implements the minimum business processes requirements by the date determined by the by the Minister of Finance.	Council	Municipal Manager	
7(2)	Ensure that the municipality implements the minimum system requirements by the date determined by the Minister of Finance.	Council	Municipal Manager	

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
13(a)	Take all necessary steps to ensure that the mSCOA regulations are implemented by delegating the necessary powers and duties to the appropriate officials.	Municipal Manager	None	
13(b)	Take all necessary steps to ensure that the mSCOA regulations are implemented by ensuring that the responsible officials have the necessary capacity by providing for training and ensuring that they attend training or workshops provided by the National Treasury.	Municipal Manager	None	
13(b)	Take all necessary steps to ensure that the mSCOA regulations are implemented by ensuring that the financial and business applications of the municipality have the capacity to accommodate the implementation of mSCOA regulations and that the required modifications and upgrades are implemented	Municipal Manager	None	
13(c)	Submit the reports and recommendations to the council that provide for adoption of any resolutions, policies and budgetary provisions for the implementation of these regulations.	Municipal Manager	None	
14(1)(a)	Ensure that the business and financial application used a portal allowing for free access to the general ledger for information purposes to any person authorised by the National Treasury	Council	Municipal Manager	

**5.3.9 MUNICIPAL COST CONTAINMENT REGULATIONS, 2019**

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
5(2)	Adopt a fair and reasonable remuneration framework for consultants.	Municipal Manager	None	The framework must take into account the rates:  (a) Determined in the “Guideline of fees for audits undertaken on behalf of the Auditor-

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
				<p>General of South Africa” issued by South African institute of Chartered Accountants;</p> <p>(b) Set out in the “guide on hourly Fee Rates for Consultants” issued by the Department of Public Service and Administration; or</p> <p>(c) As prescribed by the body regulating the profession of consultants</p>
5(5)(a) and (b)	Appoint consultants on a time and cost basis with specific start and end date; where practical, appoint consultants on output-specified basis, subject to specific measurable objectives and associated remuneration	Municipal Manager	None	
5(5)(c)	Ensure the contract with consultants include overall cost ceiling specifying whether the contract price is inclusive or exclusive of travel and subsistence disbursements	Municipal Manager	None	
5(5)(e)	Ensure that all engagements of consultants are undertaken in accordance with the Municipal Supply Chain Management Regulations, 2005 and the municipality’s supply chain management policy	Council	Municipal Manager	
5(5)(f)	Develop consultancy reduction plans to reduce the reliance on consultants.	Council	Municipal Manager	
6(3)	<p>Before deciding to procure a vehicle used for political-office bearers, provide council with information relating to the following criteria which must be considered:</p> <p>(a) Status of current vehicles;</p> <p>(b) Affordability of options including whether to procure a vehicle as</p>	Municipal Manager	None	The most cost effective option must followed and the cost must be equivalent to or lower than R 700 000 or 70% (VAT inclusive) of the total remuneration package of the political office bearer

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
	compared to rental, or hire thereof,			concerned in line with the grading of the municipality, whichever is lower.
6(7)	Ensure that there is policy that addresses the use of municipal vehicles for official purpose.	Municipal Manager	None	
7(1)(a)	Approve the purchase of business class ticket for officials, political office bearers and managers reporting directly to the accounting officer where flight time exceeds five hours, in all other cases an economy class tickets must be purchased.	Municipal Manager	None	
7(5)	Approve accommodation cost for officials, political office-bearers and managers reporting directly to the Municipal Manager that exceeds an amount as determined from time to time by the National Treasury.	Municipal Manager	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 geographical area
9(1)	Ensure that not credit card or debit card linked to a bank account of the municipality is or a municipal entity is issued to any official or political office bearer.	Municipal Manager	None	
10(3)	Entertainment allowance for qualifying officials may not exceed two thousand rand per financial year unless approved otherwise by the Accounting Officer	Municipal Manager	None	
10(5)	Ensure that social events, team building exercises, year-end functions, sporting events and budget vote dinners are not financed are not finance from the municipality or municipal	Municipal Manager	None	

Reg	Power conferred	Delegating authority	Delegated body	Conditions, limitations and directions
	entity's budget or by any suppliers or sponsors			
12(1)	Establish policies and procedures to manage applications to attend conferences or events hosted by professional bodies or non-governmental institutions held within and outside the borders of South Africa taking into account their merits and benefits, costs and available alternatives.	Municipal Manager	None	
12(7)	Ensure that and planning sessions that entail the use of municipal funds are, as far as possible, held in-house	Municipal Manager	None	
15(1)	Disclose the cost containment measures applied by the municipality in the municipal in-year budget reports and annual cost savings in the annual report.	Municipal Manager	None	
15(2)	Submit cost containment measures implemented by the municipality and aggregate amounts saved per quarter, together with regular reports on reprioritisation of cost savings to council for review and resolution.	Municipal Manager	None	

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

**5.4.1 MAIN COLLECTIVE AGREEMENT, 2015**

<b>Clause</b>	<b>Power conferred</b>	<b>Delegating authority</b>	<b>Delegated body</b>	<b>Conditions, limitations and directions</b>
13.4.2	Where a grievance has been escalated by an employee in terms of clause 13.4.1 of the collective agreement, hear the details of the grievance including proposals to resolve the issue.	Municipal Manager	None	<ul style="list-style-type: none"> <li>a) Endeavour to resolve the grievance within 10 days of the grievance being referred and inform the employee(s) of the outcome in writing.</li> <li>b) The communicate outcome of the Municipal Manager shall be final in this regard.</li> </ul>

**5.5 INCIDENTAL POWERS AND FUNCTIONS**

**5.5.1 SIGNING, AUTHENTICATING AND EXECUTING DOCUMENTS**

<b>Ref.</b>	<b>Power</b>	<b>Delegating authority</b>	<b>Delegated body</b>	<b>Conditions, limitations and directions</b>
5.5.1	Signing, authenticating and/or executing any document conferring freedom of the Municipality, pursuant to a council resolution	Council	Municipal Manager	
5.5.2	Signing, authenticating and/or executing any other document the signing, authenticating or execution of which had not been delegated to another person	Council	Municipal Manager	
5.5.3	Signing, authenticating and/or executing contracts relating to the construction of buildings and civil works	Council	Municipal Manager	
5.5.4	Signing, authenticating and/or executing contracts for the acquisition and alienation of immovable property and rights in respect thereof	Council	Municipal Manager	
5.5.5	Signing, authenticating and/or executing contracts for the leasing of property by or to the municipality	Council	Municipal Manager	
5.5.6	Signing, authenticating and/or executing any and all documentation regarding the registration of immovable property in the municipality's name, irrespective of the manner in which such property was acquired	Council	Municipal Manager	
5.5.7	Signing, authenticating and/or executing contracts which may be necessary for the alienation of any rights of the municipality in immovable property by the municipality	Council	Municipal Manager	
5.5.8	Signing, authenticating and/or executing any or all documentation relating to the expropriation of immovable property by the municipality	Council	Municipal Manager	
5.5.9	Signing, authenticating and/or executing any and all documents relating to the registration in favour of the council and other party of services and notarial deeds	Council	Municipal Manager	

Ref.	Power	Delegating authority	Delegated body	Conditions, limitations and directions
5.5.10	Signing, authenticating and/or executing any and all documents relating to obtaining statutory required permits and licenses	Council	Municipal Manager	
5.5.11	Authorizing an official to sign documents relating to the institution or in defence of legal actions	Council	Municipal Manager	
5.5.12	Granting power of attorney to any supplier of vehicles or other equipment that must be licensed to register such vehicle or equipment in the name of the municipality	Council	Municipal Manager	

### 5.5.2 LITIGATION

Ref.	Power	Delegating authority	Delegated body	Conditions, limitations and directions
5.5.2.1	Commencing with any legal process, whether civil or criminal, on behalf of the municipality	Council	Municipal Manager	
5.5.2.2	Defending or opposing any legal process, whether civil or criminal, on behalf of the municipality.	Council	Municipal Manager	
5.5.2.3	Submitting or opposing an appeal to a higher court or other judicial tribulation in respect of judgment handed down by a lower court or tribulation	Council	Municipal Manager	
5.5.2.4	Obtaining a service of an attorney or advocate for official purposes, including obtaining legal opinion	Council	Municipal Manager	
5.5.2.5	Signing, authenticating and/or executing documents to commence with any legal process whether criminal or civil, on behalf of the municipality and to defend or oppose any legal process against the Municipality	Council	Municipal Manager	
5.5.2.6	Signing, authenticating and/or executing documents necessary to submit, oppose or defend any appeal to a higher court or other body in respect judgment handed down by a	Council	Municipal Manager	

Ref.	Power	Delegating authority	Delegated body	Conditions, limitations and directions
	lower court or body			
5.5.2.7	Implementing routine prosecutions of by-laws, ordinances, regulations and acts	Council	Municipal Manager	
5.5.2.8	Instituting legal action against any person arising from transgression of non-compliance with any legislation (including by-laws), contracts of which the municipality is a party, recovery of money owed to the municipality (including money owed for delivering services) this power includes the defending of actions in this regard	Council	Municipal Manager	

### 5.5.3 HUMAN RESOURCES MANAGEMENT

Ref.	Power	Delegating authority	Delegated body	Conditions, limitations and directions
5.5.3.1	Determining a permanent staff complement for each organizational unit in the administration	Municipal Manager	None	
5.5.3.2	Giving notice of vacancy in the permanent establishment	Municipal Manager	None	