



CAPE WINELANDS DISTRICT
MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

SYSTEM OF DELEGATIONS

Approved by Council at Item C.15.5 on 27 June 2024

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DEFINITIONS

“Approve / grant / decide / authorise” also includes to “refuse”, “revoke”, “vary” and/or “amend”.

“Delegating authority” means –

- (a) in relation to a delegation of a power or duty by a municipal council, means the municipal council; or
- (b) in relation to a sub-delegation of a power or duty by another political structure, or by a political office bearer, councillor or staff member of a municipality, means that political structure, political office bearer, councillor or staff member.

“Delegation” in relation to a duty, includes an instruction to perform the duty, and **“delegate”** has a corresponding meaning.

“Designation” in relation to decisions by the Executive Mayor means decisions relating to the Executive Mayor's powers and functions that must be exercised and performed together with the other members of the Mayoral Committee as envisaged in section 60(3) of the Structures Act No. 117 of 1998.

“Political Office Bearer” means the speaker, executive mayor and deputy executive mayor.

“Political Structure” means the council or any committee or other collective structure of a municipality elected, designated or appointed in terms of a specific provision of the Municipal Structures Act.

“Recess” means the period determined by Council resolution and such period shall commence at 17h00 and shall terminate at 08h00 on the dates determined.

“Section 56 Manager” means a manager or acting manager appointed in terms of section 56 of the Municipal Systems Act No. 32 of 2000, who is directly accountable to the municipal manager.

INTRODUCTION

This System of Delegations has been compiled in accordance with the requirements of section 59 of the Local Government: Municipal Systems Act and is aimed at maximizing administrative and operational efficiency and provides for adequate checks and balances by delegating appropriate powers, functions and duties to political office bearers, political structures, section 56 managers and officials.

The political office bearers, political structures, section 56 managers and officials are authorised to sub-delegate any of their delegated powers, duties and functions unless this provision is specifically excluded in this System of Delegations.

The following are the checks and balances imposed by Council and the law upon this System of Delegations:

- A section 56 manager or official to whom a power, duty or function has been delegated or sub-delegated in this System of Delegations shall not unreasonably refuse to exercise such delegation and must motivate such refusal to the satisfaction of the delegator.
- Any sub-delegation of a power, duty or function authorised in terms of this System of Delegations must be in writing, and may be given subject to limitations, conditions and directions by the person who grants the sub-delegation.
- It is not permissible in terms of the law for a person who has been given a sub-delegation to further sub-delegate such power, duty or function.
- The conferring of a delegation does not divest Council from exercising the power or the performance of the duty.
- The conferring of a sub-delegation does not divest a political structure, a political office bearer, a section 56 manager or an official, from exercising the power or the performance of the duty.

- A political structure or a political office bearer to whom a power has been delegated may decline to exercise such power and must motivate such refusal to the satisfaction of the delegator, except for specific instances where Council directed in its delegations of power that in such circumstances the particular delegation be exercised by the Executive Mayor together with members of the Mayoral Committee.
- A political structure or political office bearer to whom the Council as the delegating authority has delegated a power, duty or function must report **quarterly to Council** on decisions taken in terms of that delegated power, duty or function.
- A section 56 manager and any other official to whom the Council as the delegating authority has delegated a power, duty or function must report **monthly to the Accounting Officer** on decisions taken in terms of that delegated, power, duty or function.
- Where a delegation has been conferred on more than one individual, for example all the section 56 managers, then each delegatee has the authority to exercise such delegation within his/her respective functional area.
- Any reference to “municipality” in this System of Delegations shall automatically mean the Cape Winelands District Municipality (CWDM).
- The relevant legislation referred to in this System of Delegations shall be referenced as follows:

The Municipal Finance Management Act 56 of 2003	MFMA
The Local Government: Municipal Structures Act 117 of 1998 (as amended)	Structures Act
The Local Government: Municipal Systems Act 32 of 2000 (as amended)	Systems Act

PART 1

EXECUTIVE MAYOR

DELEGATED POWERS:

Acting in terms of section 59 of the Local Government: Municipal Systems Act, Council hereby delegates the following powers, functions and duties to the Executive Mayor, subject to the limitations, conditions and directions stipulated hereunder.

1. Civic and ceremonial duties

in terms of section 56(4) of the Structures Act

- (1) To receive and interview representatives and delegations from international and national organisations, agencies, public interest groups, etc.
- (2) To represent Council at meetings and functions other than those where other councillors have been nominated to attend.
- (3) To make media statements on behalf of the CWDM on all matters over which the Executive Mayor has authority, or where such authority has been granted otherwise.
- (4) To present a medal, certificate, award or any other commemorative token to:
 - (a) any person who is or was an employee of CWDM, for long or outstanding service with the Council;
 - (b) public dignitaries, in commemoration of a public event of local or international importance; or
 - (c) any person –
 - (i) for performing an act of bravery within CWDM municipal area; or
 - (ii) for a meritorious achievement within the CWDM municipal area.

2. International Relations

- (1) To promote international relations and liaise on behalf of Council with international organs of state or other entities.

Condition:

- i) The decision to enter into any agreement remains with Council.

3. Co-operative Governance

- (1) To consult with the National and Provincial spheres of Government, metropolitan, local and other district municipalities and organized local government with regard to the division, assignment, delegation and agency powers and functions and to promote and defend Council's views.

Condition:

- i) This delegation must be exercised in consultation with the Municipal Manager.

In terms of section 37(1)(a) MFMA

- (2) To, in the District Municipality's fiscal and financial relations with the National and Provincial Governments as well as other municipalities, promote co-operative government in accordance with Chapter 3 of the Constitution of the Republic of South Africa, 1996 and the Intergovernmental Fiscal Relations Act, 1997 (Act No 97 of 1997).

In terms of section 44 MFMA

- (3) To take all reasonable steps that may be necessary to resolve disputes of a financial nature which arises between the District Municipality and other organs of state, out of court.

4. Attendance of Workshops, Conferences, Seminars, Meetings and other events

In terms of regulation 12(9) of the Municipal Cost Containment Regulations, 2019

- (1) To grant approval for the Municipal Manager to attend workshops, conferences, seminars, meetings, and other events inside and outside the borders of the RSA.

5. Urgent matters

- (1) To finalize and/or approve urgent matters arising in between Mayoral Committee meetings.

Condition:

- i) This delegation must be exercised together with the Deputy Executive Mayor.

6. Recess

- (1) To exercise during recess any power of the Council and/or its political structures, provided that:
 - a) the failure to exercise such power as a matter of urgency would have an adverse impact on the municipality, its services, and/or any person located within the municipal boundaries;
 - b) the delegation excludes the exercise of all powers reserved for Council in terms of the law;
 - c) the delegation must be exercised in consultation with the Municipal Manager; and
 - d) all decisions taken during recess must be reported to Council at its next meeting.

7. Financial Matters – Shifting of Funds

- (1) To, within a financial year, authorize the transfer of operational expenditure (including the transfer to and from a salary or wages vote) exceeding an amount of R300,000.00 per transaction, within a specific vote, in consultation with the Municipal Manager and Chief Financial Officer.

8. Resolution of Financial Problems

In terms of section 135(3)(b) and (c) MFMA

- (1) To notify the MEC for Local Government, MEC for finance and organized Local Government of serious financial problems or anticipated problems in meeting the financial commitments of the District Municipality.

9. Unauthorised, Irregular, Fruitless and Wasteful Expenditure

In terms of section 32(7) MFMA

- (1) To ensure that all reasonable steps have been taken to report to the SAPS irregular expenditure that constitutes a criminal offence and/or theft and fraud that occurred in the municipality, if the charge is against the Accounting Officer or the Accounting Officer fails to report such alleged cases to the SAPS in terms of Section 37(6) of the MFMA.

10. **Immovable Property**

In terms of section 60(1)(a) Systems Act

- (1) To authorize the expropriation of immovable property or rights in or to immovable property, subject to the provisions of the Expropriation Act.
- (2) To accept offers to settle claims in respect of compensation for expropriated property or acquired property.

11. **Personnel Matters**

In terms of the Regulations on Appointment and Conditions of Employment of Senior Managers

- (1) In consultation with the selection panel, to compile a shortlist for the appointment of a Municipal Manager, to interview candidates, and to make recommendations to Council on a preferred candidate.
- (2) To sign the contract of employment of the Municipal Manager on behalf of the District Municipality.

In terms of section 57 of the Systems Act

- (3) To, in consultation with the Deputy Executive Mayor, determine the conditions of service and the terms of employment contracts of the Municipal Manager and those members of staff directly accountable to the Municipal Manager.
- (4) To, in consultation with the Deputy Executive Mayor, exercise all the rights and duties of Council and to take all decisions regarding the privileges, rights and duties of the Municipal Manager and those Members of staff directly accountable to the Municipal Manager, in terms of their respective service contracts.
- (5) To, in consultation with the Municipal Manager, appoint an official to act as Municipal Manager, in the absence of the Municipal Manager.

12. **By-laws**

- (1) To introduce by-laws into Council for adoption.

13. **Legal Proceedings**

- (1) To decide to institute or defend legal proceedings against other organs of state in order to enforce the District Municipality's rights, where all reasonable steps in terms of the principles of co-operative government have failed.

- (2) To obtain legal representation if legal proceedings have been instituted or are being contemplated against the Municipal Manager, as a result of any act or omission in the exercise of his/her duties.

14. Integrated Development Planning

A. Consultation:

In terms of sections 28 and 29 of the Systems Act

- (1) To consult with affected municipalities and other organs of state and to advise Council on the method of aligning the District Municipality's planning with and supplement the development plans and strategies of such affected municipalities and other organs of state.
- (2) To consult the community before adopting a process that will guide Council in the planning, drafting, adoption and reviewing of an Integrated Development Plan (IDP), prior to approval of the process.

B. Drafting and Revision:

In terms of section 56(2)(c) of the Structures Act

- (3) To recommend to Council strategies, programmes and services to address the priority needs through the Integrated Development Plan (IDP) and budget.

15. Performance Management

In terms of section 38 of the Systems Act

- (1) To adopt a strategy for the promotion of a culture of performance management among the District Municipality's political office-bearers, political structures and Councillors and in the administration.

In terms of section 46 of the Systems Act

- (2) To present to Council an annual performance report for approval.

16. Community Participation

- (1) To monitor the community participation process of the District Municipality.

17. Performance Management of the Municipal Manager and Managers directly accountable to the Municipal Manager

- (1) To constitute evaluation panels for the purpose of evaluation of the performance of the Municipal Manager and managers directly accountable to him/her in terms of regulation 27 of the Local Government: Municipal Performance Regulations for Municipal Managers and Managers directly accountable to Municipal Managers, 2006.

18. Financial Misconduct and Financial Offences

Sections 171 – 175 of the MFMA read with the Regulations on Financial Misconduct and Criminal Proceedings, 2014

- (1) To receive reports of alleged financial misconduct and/or offences against the accounting officer, chief financial officer and/or senior managers in line with regulation 3(1) and to table such allegation before the Mayoral Committee for consideration.
- (2) To receive reports of alleged financial offences against the Speaker in line with regulation 9(1)(b) and to refer the matter to Council to be dealt with in accordance with the Code of Conduct for Councillors.

PART 2

EXECUTIVE MAYOR TOGETHER WITH MEMBERS OF THE MAYORAL COMMITTEE (MAYCO)

DESIGNATED POWERS:

Acting in terms of section 60(3) of the Structures Act, Council hereby designates the following delegated powers and functions which must be exercised by the Executive Mayor together with Members of the Mayoral Committee.

1. Civic and ceremonial duties

- (1) To determine a framework for ceremonial and official functions to be attended by the Speaker, Executive Mayor, Deputy Executive Mayor and Members of the Mayoral Committee.

2. Attendance of Workshops, Conferences, Seminars, Meetings and other events

- (1) To grant approval for external parties to attend workshops, conferences, seminars, meetings, and other events within and outside the borders of the RSA subject to the following conditions:
 - (i) the external party must be directly involved in the subject matter;
 - (ii) budget availability; and
 - (iii) a motivation be provided to justify the external party's attendance and related expenditure, taking into account the merits and benefits, costs and available alternatives to the official business.

*In terms of regulation 12(9) of the Municipal Cost Containment Regulations,
2019*

- (2) To grant approval for Councillors to attend workshops, conferences, seminars, meetings, and other events within the borders of the RSA.
- (3) To grant approval for Councillors to attend workshops, conferences, seminars, meetings, and other events outside the borders of the RSA.

3. Monitoring

In terms of section 60 (1)(c) of the Structures Act

- (1) To monitor the executive functions of the District Municipality which relate to the matters in their respective portfolios and report to the Executive Mayor together with the Mayoral Committee.

- (2) To monitor the provision and sustainability of services to the community which resort under their respective portfolios and to provide a report on a quarterly basis to the Executive Mayor.

4. Policy Matters

In terms of section 60 (1)(c) of the Structures Act

- (1) To make recommendations to the Executive Mayor regarding the need for policy related to matters resorting under their respective Portfolios.
- (2) To determine appropriate policies that should be developed, to take steps for the development thereof and to recommend such policies to Council.

5. Financial Matters – Bank Accounts

In terms of section 12(1) of the MFMA

- (1) To make decisions regarding the setting up of relief, charitable, trust or other funds in the name of the District Municipality.

6. Financial Matters – Debt

- (1) To determine from time to time the total value of irrecoverable income and debt that the Municipal Manager and other staff may write off.
- (2) To authorize the writing-off of irrecoverable income and debt to a value exceeding R300,000.00.

7. Disposal of capital assets

- (1) To determine from time to time the total value of redundant, obsolete or lost assets, goods, material and equipment that the Municipal Manager and other staff may scrap.

8. Capital and other Projects

In terms of section 60 (1)(c) of the Structures Act

- (1) Each Member of the Mayoral Committee to ensure that the relevant Executive Director submits a business plan to the Accounting Officer under their respective Portfolios.

9. Immovable Property

In terms of regulation 40(2)(c)(i) of the Municipal Supply Chain Management Regulations

- (1) To authorize the letting of immovable property below market value: Provided that such action is in the public interest or plight of the poor demands otherwise, in accordance with the Supply Chain Management Policy.

10. By-laws

- (1) To decide on the development of by-laws.

11. National and Provincial Legislation

- (1) To, where adequate time is available, formulate comments on proposed National and Provincial legislation, regulations and policy frameworks.
- (2) To make recommendations to the Executive Mayor regarding comments on proposed National and Provincial legislation, regulations and policy frameworks which resort under their respective portfolios.

12. Legal Representation, Mediation and Arbitration

- (1) To obtain legal representation if legal proceedings have been instituted or are being contemplated against the Municipal Manager, as a result of any act or omission in the exercise of his/her duties.
- (2) To, in consultation with the Deputy Executive Mayor, decide on settlements in legal or arbitration proceedings, up to R500,000.00, in cases not covered by Council's insurance.

13. Agreements / Contracts

- (1) To conclude and sign Twinning Agreements, Co-operation Agreements and Memoranda of Understanding with political representatives of other organs of state within or outside the borders of the Republic of South Africa.

14. Local Labour Forum

- (1) To grant a mandate to councillors representing the municipality on the Local Labour Forum to consult, deliberate and/or negotiate a specific matter and to determine parameters related to such mandate, subject to such parameters being treated as confidential information.

15. Integrated Development Planning

A. Consultation:

In terms of section 28 of the Systems Act

- (1) To approve a process that will guide Council in the planning, drafting, adoption and reviewing of the integrated development plan.

B. Drafting & Revision:

In terms of sections 30 and 34 of the Systems Act

- (2) To annually advise the Council on the review of the Integrated Development Plan (IDP) in accordance with an evaluation of the municipality's performance measurement.
- (3) To finalize the draft Integrated Development Plan (IDP) for purposes of submission to Council.

In terms of section 56(2)(d) of the Structures Act

- (4) To, in accordance with the Integrated Development Plan (IDP), budget and applicable statutory provisions, determine the best methods, including partnerships and other approaches, to deliver strategies, programmes and services to the maximum benefit of the community.
- (5) Each Member of the Mayoral Committee, in accordance with the Integrated Development Plan (IDP), budget and applicable statutory provisions, to make recommendations to the Executive Mayor regarding the best methods, including partnerships and other approaches, to deliver strategies, programmes and services related to their respective portfolios to the maximum benefit of the community.

16. Performance Management

In terms of section 40 of the Systems Act

- (1) To adopt a mechanism for monitoring and review of the District Municipality's performance management system.

17. Community Participation

In terms of section 56(3)(g) of the Structures Act

- (1) Each member of the Mayoral Committee to report on an annual basis to the Executive Mayor regarding the involvement of the community and community organizations in the affairs of the District Municipality within their respective portfolios.

18. Financial Misconduct and Financial Offences

Sections 171 – 175 of the MFMA read with the Regulations on Financial Misconduct and Criminal Proceedings, 2014

- (1) To consider reports of alleged financial misconduct and/or offences against the accounting officer, chief financial officer and/or senior managers and to refer the matter for a preliminary investigation to the Disciplinary Board where there is reasonable cause to believe that an act of financial misconduct or offence has been committed.
- (2) To approve the terms of reference for investigations in line with regulation 6.
- (3) To terminate the investigation where the disciplinary board determines that the allegation is frivolous, vexatious, speculative or obviously unfounded.
- (4) After consideration of the Disciplinary Board's recommendations upon finalisation of the preliminary investigation that an allegation is founded, to authorise the Disciplinary Board to conduct a full investigation.
- (5) To receive reports of any concluded investigations in terms of regulation 6(4) and to consider the recommendations contained therein.

PART 3
EXECUTIVE DEPUTY MAYOR

1. General powers and functions

In terms of section 56(6) of the Structures Act

- (1) To exercise the powers and perform the duties of the Executive Mayor if the Executive Mayor is absent or unavailable or if the office of the Executive Mayor is vacant.

PART 4

SPEAKER

1. Furniture, equipment, and office accommodation

- (1) To decide on office accommodation and furnishing of offices for political office-bearers of Council in consultation with the Chief Financial Officer.
- (2) To decide on the office accommodation of Council and its Committees as well as furniture and equipment required for Council and its Committees in consultation with the Chief Financial Officer.

2. Investigating and reporting in case of non-compliance

In terms of section 133(1)(c)(i) & 127(2) MFMA

- (1) To investigate and report to Council the reasons for failure by the Executive Mayor to table the annual report of the District Municipality to Council.
- (2) To investigate and report to Council the reasons for failure by the Accounting Officer to submit financial statements to the Auditor-General in accordance with Section 126(1) or (2) of the MFMA.

3. Councillor Training

- (1) To approve councillor training.

4. Legal Representation

- (1) To consider granting legal representation to Councillors against whom legal proceedings have been instituted or are being contemplated, as a result of any act or omission in the exercise of their duties.

5. Financial Misconduct and Financial Offences

Sections 171 – 175 of the MFMA read with the Regulations on Financial Misconduct and Criminal Proceedings, 2014

- (1) To receive reports of allegations of financial offences against councillors as the designated person in line with regulation 9(1)(a).

PART 5

MUNICIPAL MANAGER

1. Co-operative Governance

- (1) To decide on the most appropriate method of liaison with National and Provincial Departments and other external organisations/bodies in the event of combined actions, emergencies, incidents etc. insofar as it relates to the activities of a Department.
- (2) To co-operate with local municipalities within the area of this district municipality by assisting and supporting each other.
- (3) To ensure that National and Provincial Departments and public entities promptly meet their financial commitments towards the District Municipality in line with sections 35(b) and 64(3) of the MFMA.
- (4) To request, in terms of section 51 of the MFMA, the National or Provincial Treasury to guarantee the debt of the District Municipality in terms of Chapter 8 of the Public Finance Management Act, 1999 (Act No 1 of 1999).

2. Urgent Matters

- (1) To decide and act in urgent cases that require immediate action and to give such instructions as the circumstances may require.

3. Policy Matters

In terms of section 55(1)(n), read with sections 21 and 21A of the Systems Act

- (1) To approve the public participation process for any policy, by-law or document to be made public in order to facilitate community participation in the affairs of the municipality.
- (2) To approve Standard Operating Procedures (SOPs) in respect of matters set out in sections 55 and 67 of the Systems Act, in order to ensure operational efficiency.
- (3) To establish a Policy Development and Monitoring Committee responsible for the review of policies, by-laws and other relevant documents, to appoint members thereto, and to approve Terms of Reference for the proper functioning of the committee.

4. Cash Management and Investments

In terms of the MFMA

- (1) In terms of section 13(2), to make recommendations to Council regarding an effective Cash Management and Investment Policy in accordance with the framework prescribed by the Minister of Finance.
- (2) To decide to make investments on behalf of the District Municipality within a policy framework prescribed by the Minister of Finance.

5. Insurance

- (1) To consider or defend liability claims against the District Municipality.

6. Disposal of capital assets

In terms of section 14(4) of the MFMA and the Municipal Asset Transfer Regulations (MATR)

- (1) To, in accordance with the provisions of the Supply Chain Management Policy, make a determination in accordance with Section 14(2)(a) and (b) of the MFMA, in respect of the transferring of ownership or disposal otherwise, of a movable capital asset to a maximum value of R300,000.00: Provided that such asset is not required to provide the minimum level of basic municipal services.
- (2) To, in accordance with the provisions of the Supply Chain Management Policy, authorize the sale of redundant or obsolete assets, goods, material and equipment to an organ of state, including another municipality, or a public utility company, excluding assets, goods, material and equipment required to provide the minimum basic municipal services.
- (3) To authorize the scrapping and writing-off of redundant, obsolete or lost, assets, goods, material and equipment to a maximum value of R300,000.00 per item.

9. Granting of rights to use, control or manage municipal capital assets

In terms of the Municipal Asset Transfer Regulations (MATR)

- (1) To grant in-principle approval in terms of regulation 34(1)(b) read with regulation 34(4) for the granting of rights to use, control or manage a municipal capital asset of a value less than R10 million and for a period of no longer than 3 years.
- (2) To approve the granting of rights to use, control or manage a municipal capital asset of a value less than R10 million and for a period of no longer than 3 years.
- (3) In terms of regulation 41(2)(e) of the MATR, to recommend to council the granting of a right to use, control or manage a municipal capital asset to

another organ of state where the asset is surplus to the requirements of the municipality.

- (4) To approve the cession, assignment and sub-letting of leases provided that the existing lease agreement makes provision for the cession, assignment and sub-letting and that the same terms and conditions of the existing lease agreement will apply.

10. Shifting of funds

- (1) To, within a financial year, authorize the transfer of operational expenditure (including the transfer to and from a salary or wages vote) as from R0.00 to R300,000.00 per transaction, within a specific vote, in consultation with the Chief Financial Officer.
- (2) To, within a financial year, authorize the transfer of operating and capital funds within a specific vote from R1.00 to R300,000.00 (depreciation excluded) from one project or item to another in consultation with the Chief Financial Officer, on condition that –
 - a) Authority has been obtained for the capital expenditure;
 - b) The project or item to which the funds are transferred, is funded from the same source from which it had been received; and
 - c) Such transfer will not have a negative effect on any existing project approved by Council.
- (3) To advise the Executive Mayor on the maximum amounts which the Municipal Manager and other staff may transfer on the operational budget.

11. Stopping of funds

- (1) In line with section 38(2) of the MFMA, to submit written representations to the National Treasury with regard to the proposed stopping of the transfer of funds due to the District Municipality as its share of Local Government's equitable share in terms of Section 214(1)(a) of the Constitution of the Republic of South Africa, 1996.
- (2) To state the District Municipality's case and to answer to allegations against the District Municipality before a Committee, prior to Parliament approving or renewing a decision to stop the transfer of funds to the District Municipality in line with section 39(3)(b) of the MFMA.

12. Debt

- (1) To authorize the writing-off of irrecoverable income and debt to a maximum value of R300,000.00.

13. Expenditure Management

- (1) To incur reasonable expenses related to the functions of the Municipal Manager.
- (2) To grant authority for the payment of an amount of R5,000.00 as reward for information which may lead to the prosecution and sentencing of anyone who unlawfully appropriated property of the Council or stole or damaged Council property.

14. Guarantees

- (1) To issue guarantees for commitments or debt on the conditions as specified in Section 50(a) to (c) of the MFMA.

15. Resolution of Financial Problems

- (1) To seek solutions for serious financial problems or anticipated problems in meeting the District Municipality's financial commitments as contemplated in section 135(3) of the MFMA.
- (2) To, on behalf of Council, sign all documentation related to applications to the High Court for a stay of legal proceedings or extraordinary relief in terms of Sections 152 and 153 of the MFMA where the District Municipality is unable to meet its financial commitments.

16. Reports

- (1) To prepare annual reports for each financial year in accordance with the provisions of Chapter 12 of the MFMA.

17. Financial Reporting

- (1) To prepare an annual performance report for the municipality in terms of section 46 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000).
- (2) To provide particulars of any corrective action taken or to be taken in response to issues raised in the Auditor General's audit reports referred to in section 131 of the MFMA.

18. Financial Misconduct and Financial Offences

Sections 171 – 175 of the MFMA read with the Regulations on Financial Misconduct and Criminal Proceedings, 2014

- (1) To appoint the Disciplinary Board in terms of regulation 4(1).
- (2) To receive reports of financial misconduct against officials of the municipality in line with regulation 3(1)(b).
- (3) In terms of regulation 5(1), if the municipal manager is satisfied that there is reasonable cause to believe that an act of financial misconduct has been committed by an official, to refer the matter to the disciplinary board to conduct a preliminary investigation.
- (4) To terminate the investigation where the disciplinary board determines that the allegation is frivolous, vexatious, speculative or obviously unfounded.
- (5) To consider the recommendations from the disciplinary board after finalisation of the preliminary investigation and decide whether a full investigation must be conducted.
- (6) To approve the terms of reference for investigations in line with regulation 6.
- (7) To submit the report with findings and recommendations from the disciplinary board, after conclusion of the full investigation, to the Executive Mayor together with members of the Mayoral Committee, the Provincial Treasury and National Treasury.
- (8) To report an alleged financial offence to the South African Police Service (SAPS) in line with regulation 10.

19. Recovery of loss/damage

- (1) In terms of section 176(2) of the MFMA, to recover from a political office-bearer or official of the municipality any loss or damage suffered as a result of deliberate or negligent unlawful actions when performing a function of office.

20. Auditing

- (1) To authorize audit investigations, including forensic and ethics investigations, and to issue related instructions to any employee.
- (2) To establish an internal audit unit for the municipality in accordance with the provisions of Section 165 of the MFMA.
- (3) To manage and control the municipality's audit function.
- (4) To manage and co-ordinate the matters of the Audit Committee and to provide the necessary administrative infrastructure required for the functioning of the committee.

- (5) To furnish the Council with all reports required by legislation.
- (6) To act as intermediary between Council and the Auditor General.
- (7) To ensure compliance with all laws that regulate the audit functions.

21. Appointment of Managers directly accountable to Municipal Managers

In terms of the Regulations on Appointment and Conditions of Employment of Senior Managers, 2014

- (1) In consultation with the selection panel, to determine a shortlist of candidates for appointment in positions that are directly accountable to the Municipal Manager, to interview candidates, and to make recommendations to Council on preferred candidates.
- (2) To sign the contracts of employment of Managers directly accountable to the Municipal Manager on behalf of the District Municipality.

22. Appointment and resignation of staff

- (1) To make employment offers to staff (permanent and temporary).
- (2) To appoint officials in terms of relevant legislation administered by the District Municipality.
- (3) To accept the retraction of resignations.

23. Appointment of Representatives on outside bodies

- (1) To nominate or appoint officials to represent Council on outside bodies or other forums.

24. Leave

- (1) To approve the encashment of leave, subject to exceptional circumstances related to operational requirements having been motivated.

25. Travel and Subsistence

- (1) To consider and approve the payment of travel and subsistence expenditure incurred by officials of the Department.
- (2) To authorize officials of the Department to use official vehicles of the District Municipality.

26. Allocation of Offices, Depots, Amenities and Furniture

- (1) To allocate furniture and sub-allocate offices to officials of the Department.

27. Time-off

- (1) To, in exceptional circumstances, grant authority that members of trade unions may be given time-off, despite existing policy and agreements.

28. Labour Unrest

- (1) To consider and to take whatever steps that may be necessary before or during labour unrest, which may include authorizing officials to negotiate with trade unions.

29. Legal Proceedings

- (1) To institute or authorize the institution of legal action against any person or body, excluding organs of state, or defend any action brought against Council in any competent court.
- (2) To authorize the institution of appeal proceedings in the High Court of Appeal or the Constitutional Court, where judgment has been given against the District Municipality.
- (3) To authorize the institution of appeal proceedings in a High Court in regard to any action where judgment was given against Council in a Magistrate's Court or by a single judge, but excluding appeals to the High Court of Appeal and the Constitutional Court, if such action is in the best interest of Council.
- (4) To reject any claim for compensation by any person or body against Council as a result of any action or failure to act by Council or any of its employees.

30. Court Orders, Interdicts, Evictions, Affidavits

- (1) To authorize the obtaining of interdicts and other court orders against any person or body in order to compel or prevent him/her/it to act in accordance with or in conflict with statutory provisions.
- (2) To, on behalf of Council, depose to affidavits, where Council is involved in litigation and/or arbitration proceedings, either as applicant or respondent.
- (3) To sign powers of attorney on behalf of Council; except where this power has already been delegated to another functionary.

31. Legal Representation

- (1) To authorize the appointment of legal representatives, including senior counsel, to provide professional assistance on any matter.
- (2) To nominate officials to represent the District Municipality in any action brought against Council in a Small Claims Court.
- (3) To represent Council or to appoint someone to represent Council before any quasi-judicial forum.
- (4) To appoint legal representatives to:
 - institute or defend any legal action;
 - collect monies owed to the District Municipality; or
 - to provide a formal legal opinion or legal advice on any matter.
- (5) To appoint alternative dispute resolution practitioners, including mediators, arbitrators and adjudicators.
- (6) To institute and defend matters in the CCMA and Bargaining Council, including to appoint persons to represent the District Municipality in the CCMA and Bargaining Council.
- (7) To provide legal representation to officials against whom legal proceedings have been instituted or are being contemplated, as a result of any act or omission in the exercise of their duties.

32. Mediation and Arbitration

- (1) To refer disputes to arbitration or mediation or to authorize participation.
- (2) To decide on settlements in legal or arbitration proceedings, up to R250,000.00, in cases not covered by Council's insurance.
- (3) To consider and to do whatever he/she regards necessary in all arbitration proceedings.

33. Contracts

- (1) To conclude and sign contracts on behalf of Council, except where Council has in particular instances decided otherwise or where the power has been delegated to another functionary.
- (2) To draft and enforce contracts and the terms and conditions in regard to the acquisitions or disposal of immovable property or rights in immovable property.
- (3) To sign contracts, power of attorney and relevant documents pertaining to the acquisition or disposal of immovable property or rights in immovable property and the consequential registration thereof.

34. Integrated Development Planning

In terms of Part 3 of the Municipal Systems Act

- (1) To develop a process that will guide Council in the planning, drafting, adoption and review of its Integrated Development Plan (IDP).
- (2) To take the necessary steps and to make arrangements for consultation with the local community before adoption of the process.
- (3) To ensure that Council reviews its Integrated Development Plan (IDP) annually in accordance with an assessment of its performance measurements.
- (4) To investigate development plans and strategies that can be aligned with and supplement the development plans and strategies of affected municipalities and other organs of state.
- (5) To ensure that Council approves a predetermined programme specifying timeframes for the different steps of process to be followed.

35. Communication

- (1) To make press statements and announcements in the media on behalf of Council in relation to administrative and/or strategic matters.
- (2) To decide on the most appropriate methods of publication of external publications as regards matters of the District Municipality.
- (3) To undertake the marketing and promotion of the District Municipality in accordance with the most appropriate system.
- (4) To decide on the most appropriate method to manage sound, video and photographic services.
- (5) To administer functions and gatherings approved by Council or its structures and to take all decisions necessary to give effect thereto.
- (6) To decide on the most appropriate method of presentation of information and introductory campaigns.
- (7) To approve the content of internal publications.
- (8) To grant permission for the use of the District Municipality's coat of arms/logo and other regalia.
- (9) To administer relations with the media.
- (10) To prepare press releases.
- (11) To decide on the most appropriate system for the management of public relations.

36. Combating Abuse of the Supply Chain Management System

In terms of regulation 38 of the Municipal Supply Chain Management Regulations, 2005

- (1) To authorise the initiation of restriction proceedings against a bidder or service provider as a measure to combat abuse of the supply chain management system.

37. Municipal Minimum Competency Levels

In terms of regulation 16(2) of the Municipal Regulations on Minimum Competency Levels, 2007

- (1) To monitor compliance with the prescribed competency levels, to deal with any failure by an official to attain the required minimum competency levels in terms of section 55(1)(g) of the Systems Act, and to report to Council on such failure and the resultant consequences.

38. Land Affairs

- (1) To appoint sworn appraisers to determine the market value of immovable property or rights in immovable property which Council intends to dispose of or acquire.
- (2) To negotiate with persons in respect of the intended disposal or acquisition of immovable property, or rights in, on or over immovable property.

39. Training Committee

In terms of the Local Government: Municipal Staff Regulations No. 890 and Local Government: Guidelines for the Implementation of the Municipal Staff Regulations No. 891

- (1) To appoint members to the Training Committee.
- (2) To receive reports from the Training Committee.

40. Telecoms and Cellular Phone Allowance Policy

- (1) To approve a deviation from the categories of cellular phone and/or electronic data in exceptional circumstances, and approve a different allowance subject to the following:
 - i) The employee must already be the recipient of an allowance in terms of the policy; and

- ii) The request must be made on recommendation of the employee's Head of Department motivating such need based on operational requirements and relevant evidence.

PART 6

GENERAL DELEGATIONS APPLICABLE TO ALL EXECUTIVE DIRECTORS

The following delegations are to be exercised by each Executive Director within his/her functional area:

1 Contracts / Agreements

- (1) To conclude and sign contracts on behalf of Council, where such contracts relate to the activities of the Department.
- (2) To exercise all rights and duties of the District Municipality in terms of an agency agreement for the rendering of services on behalf of an organ of state, insofar such agreement relates to the activities of the Department: Provided that where more than one Department is affected, the Chief Financial Officer shall exercise those rights and duties in consultation with the respective Section 56 Managers.
- (3) To provide reasons to Council for proposed amendments to contracts or agreements procured through the supply chain management policy in terms of section 116(3) of the MFMA.

2 Communication

- (1) To decide on the most appropriate methods of publishing internal publications on the activities of the Department.

3 Amenities

- (1) To decide on the most appropriate systems to administer the amenities under the control of the Department.
- (2) To determine the opening and closing time of amenities under the control of the Department.
- (3) To approve applications for the use of amenities under the control of the Department.
- (4) To determine the conditions under which access to amenities under the control of the Department will be granted.
- (5) To exercise all the rights and duties of Council as lessor or lessee in terms of the provisions of any lease or conditions of use in respect of the Department's activities.
- (6) To administer the contents of all advertisements displayed in or at amenities and to approve advertisements displayed at such amenities.

4. By-laws

- (1) To monitor contraventions of laws and by-laws applicable to the activities of the Department and to take such reasonable action as to ensure compliance with its provisions or discouragement of prohibited acts and where it fails, to enforce compliance by law

5. Urgent Matters

- (1) To decide and act in urgent cases that require immediate action and to give such instructions as the circumstances may require, provided that a comprehensive report on the circumstances and actions taken be submitted to the Municipal Manager within seven (7) days.

6. IDP and other strategies

- (1) To take all reasonable steps to ensure that the strategies, programmes and services reflected in the Integrated Development Plan (IDP), is so far as it relates to the functional area of the Department, are implemented within the limits of income and expenditure and taking account of the National and Provincial development plans.
- (2) To report to the Municipal Manager on progress on the implementation of the Department/Directorate's strategies, programmes and services aimed at realizing the needs reflected in the Integrated Development Plan (IDP).
- (3) To actively promote the interests of, and ensure the benefit by women, youth and people with disabilities in the planning and implementation of services and programmes delivered by the District Municipality.

7. Co-operative Governance

- (1) To provide budgetary and other financial information to relevant municipalities and national and provincial organs of state in line with section 37(1)(b) of the MFMA.
- (2) To decide on the most appropriate method of liaison with National and Provincial Departments and other external organisations/bodies in the event of combined actions, emergencies, incidents etc. insofar as it relates to the activities of a Department.

8. Disposal of capital assets

- (1) To authorize the scrapping and writing-off of redundant, obsolete or lost assets, goods, material and equipment to a maximum value of R120,000.00 per item.

9. Resignation and Associated Matters

- (1) To accept notice of resignation in cases where less than the prescribed notice period has been given.

10. Allocation of Offices, Depots, Amenities and Furniture

- (1) To allocate furniture and sub-allocate offices to officials of the Department\

11. Unauthorised, irregular, fruitless and wasteful expenditure

- (1) To provide reasons to Council for proposed amendments to contracts or agreements procured through the supply chain management policy in terms of section 116(3) of the MFMA.

PART 7
CHIEF FINANCIAL OFFICER

1. Insurance

- (1) To execute the District Municipality's insurance, risk management and loss control policy.
- (2) To administer the District Municipality's insurance portfolio.
- (3) To authorize insurance and liability claims up to a maximum amount of R300,000.00.
- (4) To accept or reject insurance claims in terms of the District Municipality's insurance policies.
- (5) To decide on and grant approval for legal action/assistance and appointment of legal representation, including assessors, with regard to insurance claims.

2. Internal and reserve funds

- (1) To administer internal funds and reserve funds.

3. Disposal of capital assets

- (1) To, in accordance with the provisions of the Supply Chain Management Policy, authorize the sale of redundant or obsolete assets, goods, materials and equipment per public auction.

4. Shifting of funds

- (1) To, within a financial year, authorize the transfer of operational expenditure (including the transfer to and from a salary or wages vote) as from R0.00 to R200,000.00 per transaction, within a specific vote.
- (2) To, within a financial year, authorize the transfer of operating and capital funds within a specific vote from R1.00 to R200,000.00 (depreciation excluded) from one project or item to another, on condition that –
 - a) Authority has been obtained for the capital expenditure;
 - b) The project or item to which the funds are transferred, is funded from the same source from which it had been received; and
 - c) Such transfer will not have a negative effect on any existing project approved by Council.

5. Cooperative Governance & Disputes with other Organs of State

- (1) To provide budgetary and other financial information to relevant municipalities and national and provincial organs of state in line with section 37(1)(c) of the MFMA.
- (2) To ensure that the District Municipality meets all its financial commitments towards other municipalities or national and provincial organs of state in line with section 37(1)(c) of the MFMA, provided that any agreement in this regard is entered into and signed by the Municipal Manager.

6. Debt

- (1) To ensure that the District Municipality pays off short-term debt within the financial year in line with section 45(4) of the MFMA.
- (2) To, in consultation with the Municipal Manager, authorize the writing-off of irrecoverable income and debt to a maximum value of R100,000.00.
- (3) To administer and to exercise all rights and perform all duties of Council with regard to loans approved by Council.

7. Expenditure Management

- (1) To administer the salary and wages accounts of Council.
- (2) To administer all payments arising from orders and direct payments to staff.
- (3) To authorize the remittance of monies paid to the District Municipality in error.

8. Revenue Management

- (1) To take all reasonable steps to ensure the recovery of all monies owed to the District Municipality.
- (2) To appoint legal representatives for the recovery of monies owed to the District Municipality and to authorize the repossession of property where necessary
- (3) To issue final notices and cut-off notices.
- (4) To obtain sentencing and court orders and to take legal steps for the recovery of monies.
- (5) To exercise all the rights and duties of Council in respect of liquidations, insolvencies, deceased estates and administration orders in the interest of Council.
- (6) To decide on the most appropriate methods of tracing and debt investigations.
- (7) To liaise with and enter into agency agreements with debt collection agencies.

- (8) To approve applications to pay taxes on a monthly basis.

9. Immovable Property

- (1) To determine the terms and conditions when acquiring or alienating immovable property or rights in immovable property, in accordance with the Supply Chain Management Policy.
- (2) To draft and enforce the terms and conditions with regard to the acquiring or alienating immovable property or rights in immovable property, in accordance with the Supply Chain Management Policy.

10. Parking

- (1) To allocate official parking bays to officials at offices of the District Municipality.

11. Allocation of Offices, Depots, Amenities and Furniture

- (1) To allocate offices, depots and amenities to Departments

12. Time-off

- (1) To authorize the time-off for trade union Members in terms of the Organizational Rights Agreement.

13. Bank Guarantees

- (1) To approve the terms and conditions of bank guarantees required for the compliance of the contractual obligations by a contractor or service provider.
- (2) To authorize the cancellation or amendment of bank guarantees on full or partial compliance of the contractual obligations by a contractor or service provider in consultation with the relevant Executive Director.
- (3) To recall and liquidate bank guarantees or non-compliance of the contractual obligations by a contractor or service provider.

PART 8
EXECUTIVE DIRECTOR:
COMMUNITY PLANNING AND DEVELOPMENT SERVICES

1. Health Matters

- (1) To exercise the powers and functions which vest in Council with in regard to health matters or have been devolved to Council in terms of the National Health Act, 2003 (Act No 61 of 2003), as amended, and the regulations issued there under.
- (2) To exercise the powers and functions which vest in Council in regard to health matters or have been devolved to Council in terms of the National Air Quality Management Act, 2004 (Act No 39 of 2004).
- (3) To exercise the powers and functions which vest in Council in regard to health matters), or have been devolved to Council in terms of the Noise Control Regulations, 1998 in terms of the Environmental Conservation Act, 1989 (Act No 73 of 1989).
- (4) To exercise the powers and functions which vest in Council in regard to health matters or have been devolved to Council in terms of section 2 the Tobacco Products Control Act, 1993 (Act No 83 of 1993), and regulations issued in terms of Section 12 thereof.
- (5) To exercise the powers and functions which vest in Council in regard to health matters or have been devolved to Council in terms of Regulations controlling offensive trades.
- (6) To exercise the powers and functions which vests in Council in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No 54 of 1972).
- (7) To decide on the most appropriate systems for the administration, planning, control management and maintenance of services listed under the functional areas of the incumbent.
- (8) To determine operational procedures and formulate policy in regard to all matters falling under the functional areas of the incumbent.
- (9) To ensure effective community participation in the planning and implementation of health services within the District.
- (10) To ensure the ongoing training of staff (in terms of the skills development plan) within the Department and of the community health workers to safeguard quality service provision.

2. Fire Fighting Services

- (1) To decide on the most appropriate systems for the control, management, planning, co-ordination and regulation of fire fighting services which serve the area of the District Municipality as a whole.
- (2) To decide on the most appropriate deployment of the fire and emergency services of the District Municipality and to determine priorities in this regard.
- (3) To undertake the co-ordination of the standardization of infrastructure, vehicles, equipment and procedures.
- (4) To undertake the training of Fire Brigade officials.
- (5) To, in emergencies, request the support of assistance of other fire services, if necessary.
- (6) To authorize public demonstrations and the use of Council equipment and staff at such occasions to promote fire safety and prevention.
- (7) To authorize, in consultation with the Municipal Manager, the procurement of helicopter services from private service providers or organs of state in cases of emergency.

In terms of the Fire Brigade Services Act, 1987 (Act No 99 of 1987)

- (8) To grant extension of time for the payment of costs for the salvage, removal or safe storage of objects which are endangered.
- (9) To give notice by means of a newspaper advertisement that goods placed in safe storage, must be claimed within a specified time.
- (10) To grant authority that goods placed in safe storage may be sold.
- (11) To grant authority for the utilization of the fire service outside the area of jurisdiction of the municipality.
- (12) To take all necessary steps on behalf of and the cost of owner who failed to comply with the directions in regard to the utilization and storage of hazardous substances and safety precautions.

3. Disaster Management

- (1) To exercise or comply with all the rights and obligations of the District Municipality in terms of an assigned agreement with the National or Provincial Government.

4. Planning

- (1) To exercise all powers and functions related to the district municipality in respect of planning legislation, including but not limited to the Western Cape Land Use Planning Act, 14 (Act 3 of 2014) and the Spatial and Land Use Management Act (Act 16 of 2013), where relevant.
- (2) To serve on Municipal Planning Tribunals in terms of section 36 of the Spatial and Land Use Management Act (Act 16 of 2013).
- (3) To provide written comments on Environmental Impact and Basic Impact Assessment processes in the National Environmental Management Act (Act 107 of 1998).
- (4) To provide comments on Municipal Spatial Development Frameworks, the Provincial Spatial Development Framework and National Spatial Development Framework in terms of the Western Cape Land Use Planning Act, 14 (Act 3 of 2014) and the Spatial and Land Use Management Act (Act 16 of 2013).

5. Socio-Economic Development

A. Local Economic Development and Land Affairs

- (1) To authorize investigations into the viability of economic development initiatives in the municipal area.
- (2) To take such steps as may be necessary to market and advertise the potential of the municipal area to investors and developers.
- (3) To take all necessary steps to ensure the operation, maintenance and extension of Local Economic Development (LED) initiatives of Council and to submit proposals on new initiatives in this regard to Council.
- (4) To take all necessary steps to ensure effective co-ordination of Local Economic Development (LED) initiatives within the district between the District Municipality and the Local Municipalities.
- (5) To be responsible for the Council's participation in Local Economic Development (LED) initiatives launched on district and Provincial basis by government, business and non-government institutions.
- (6) To supervise the obligations of LED bodies to report on the employment of funds obtained from Council, and to take all reasonable steps to enforce compliance.
- (7) To ensure sufficient compilation of data within the District to facilitate Council decisions on economic development strategies.
- (8) To liaise on an ongoing basis on behalf of Council with other bodies with similar aims and to keep Council informed of developments in the district economy,

the Council's obligations in this regard and the present and future costs to Council.

- (9) To take all necessary steps to ensure effective community participation in the planning and implementation of Council's Local Economic Development (LED) programme.
- (10) To take all necessary steps to ensure the proper training of staff in order to build the capacity of the District in economic development.

B. Tourism

- (1) To operate, maintain and extend the regional tourism marketing and product development initiatives of Council and to submit proposals on new initiatives in this regard to the Executive Mayor.
- (2) To take all necessary steps to ensure effective co-ordination of tourism marketing and product development initiatives within the district between the District Municipality and the Local Municipalities.
- (3) To supervise the obligations of tourism bodies, to report on the employment of funds obtained from Council, and to take all reasonable steps to ensure compliance.
- (4) To actively market the tourism potential of the municipal area by means of, inter alia, audio and visual presentations, campaigns, promotions, exhibitions, events, conventions etc., with or without the co-operation of other tourism bodies as the preferred tourism and investment destination on domestic, local and international platforms to investors and developers.
- (5) To be responsible for the Council's participation in tourism marketing and product development initiatives launched on District and Provincial basis by government, business and community stakeholders.
- (6) To ensure sufficient compilation of data within the District to facilitate Council decisions on tourism strategies.
- (7) To liaise on an ongoing basis on behalf of Council with other bodies with similar aims and to keep Council informed of developments in the district economy, the Council's obligations in this regard and the present and future costs to Council.
- (8) To take all necessary steps to ensure effective community participation in the planning and implementation of Council's Tourism programme.
- (9) To take all necessary steps to ensure the proper training of staff in order to build the capacity of the District in Tourism.

C. Rural and Social Development

- (1) To authorize investigations into the viability of social and rural development initiatives, including youth, women, older persons, disabled person, sport bodies and cultural organisations, in the CWDM municipal area.
- (2) To take such steps as may be necessary to drive social change and increase awareness leading to better organisation.
- (3) To take all necessary steps to ensure the operation, maintenance and extension of available social energies, skills and resources to use the opportunities to drive social change and organisational improvement and to submit proposals on new initiatives in this regard to Council.
- (4) To take all necessary steps to ensure effective co-ordination of rural and social development initiatives within the district between the District Municipality and the Local Municipalities to stimulate development on a physical, social, mental and psychological level.
- (5) To be responsible for the Council's participation in social and rural development initiatives launched on district and Provincial basis by government, non-profit organisations and non-government institutions.
- (6) To supervise the obligations of rural and social development bodies to report on the employment of funds obtained from Council, and to take all reasonable steps to enforce compliance.
- (7) To ensure sufficient compilation of data within the District to facilitate Council decisions on rural and social development strategies.
- (8) To liaise on an ongoing basis on behalf of Council with other bodies with similar aims and to keep Council informed of rural and social development within the CWDM municipal area, the Council's obligations in this regard and the present and future costs to Council.
- (9) To take all necessary steps to ensure effective community participation in the planning and implementation of Council's rural and social development initiatives through special programmes and policies.
- (10) To take all necessary steps to ensure the proper training of staff in order to build the capacity of the District in rural and social development.

PART 9

EXECUTIVE DIRECTOR: TECHNICAL SERVICES

1. Land Affairs

- (1) To approve, in consultation with the Municipal Manager, applications for servitudes over the property of the District Municipality, to enter into agreements and to determine the compensation to be paid.
- (2) To grant authorization for the appointment of land surveyors and the preparation of land surveyors' diagrams of immovable property or rights in immovable property.
- (3) To, in consultation with the Municipal Manager, approve applications for the erection of cell masts, radio masts and apparatus on immovable Council property, enter into the agreements concerned and determine the rental.

2. Infrastructure Development Services

A. Roads and Storm Water

- (1) To decide on the most appropriate systems for the planning, control, safety, management and maintenance of roads which form an integrated part of a roads network system for the area of the District Municipality as a whole.
- (2) To decide on the most appropriate systems for the planning, control, management and maintenance of storm water systems, flood control, rivers, dams, etc.
- (3) To decide on the most appropriate systems for the planning, control, management and maintenance of intersections, bridges, etc.
- (4) To approve and administer the permanent and temporary closure of roads.
- (5) To decide on the placement and removal of road traffic signs, road markings and advertisements on roads.
- (6) To decide on the most appropriate systems for the provision of pre-mix and other road making materials.
- (7) To grant or reject applications to make or erect private entrances, crossings, etc., and to determine conditions in this regard.
- (8) To determine whether any tree or vegetation has a detrimental influence on municipal services, causes a nuisance, discomfort or danger and to decide whether such vegetation should be removed.

B. Solid Waste

- (9) To determine the days, times and conditions for access to solid waste premises.
- (10) To grant permission to enter solid waste premises and to determine such conditions as may be deemed necessary.
- (11) To prohibit the dumping of toxic materials in, at or on solid waste premises.
- (12) To grant permission for the removal of material from solid waste premises.
- (13) To grant authority for the placement of containers for the recycling of glass, paper, metals etc. at solid waste premises.
- (14) To decide, in consultation with the Executive Director: Community Development and Planning Services, on the most appropriate systems for the planning, control, safety, management and operation of refuse dumps, bulk waste transfer facilities and refuse removal facilities for more than one more Local Municipality in the District.

C. Electrical Services

- (15) To advise, in consultation with the Executive Director: Community Planning and Development Services, the service provider as regards the most appropriate systems for the planning, control, safety, management, operation and maintenance of electricity distribution services and telecommunication services.
- (16) To ensure that all legislation relating to electricity for the enforcement of which Council is responsible, is complied with.
- (17) To decide on the placement and removal of infrastructure, which are utilized for the supply of electricity and telecommunication services.

PART 10

EXECUTIVE DIRECTOR: CORPORATE SERVICES

1. Information and Communication Technology

- (1) To decide on the standardization of software and hardware and the optimum manner for operation, support, maintenance and acquisition with regards to information and communication technology.
- (2) To approve extensions, departures or exceptions in compliance with (1) above.
- (3) To preserve all electronic records and documents of the Department/Directorate and to maintain an index thereof as required in terms of audit and archive laws.
- (4) To decide on the most appropriate methods to ensure the integrity of the Council's information technology and communication systems.
- (5) To decide on and approve the most appropriate methods to render information technology and communication services to Councillors.

2. Telecoms and Cellular Allowance

- (1) To exercise the powers conferred on the ED: Corporate Services in terms of the Telecoms and Cellular Allowance Policy.

3. Performance Management

In terms of the Systems Act

- (1) To facilitate the development and implementation of performance agreements for the Municipal Manager and Executive Directors in terms of section 57.
- (2) To ensure implementation of the Performance Management System in terms of section 38.
- (3) To ensure that quarterly performance progress reports in respect of the Service Delivery and Budget Implementation Plan are prepared and submitted to the relevant committees in terms of section 41.
- (4) To co-ordinate the compilation of the annual performance report, in terms of section 46.
- (5) To co-ordinate the compilation of the mid-year budget and performance assessment report in terms of section 72 of the MFMA.

4. Employee Study Aid and Leave

- (1) To exercise the powers conferred on the ED: Corporate Services in terms of the Employee Study Aid and Leave Policy.

PART 11

BID ADJUDICATION COMMITTEE

Acting in terms of section 59 of the Systems Act 32 of 2000, Council hereby delegates the following powers, functions and duties to the Bid Adjudication Committee, these may not be sub-delegated:

1. Function Specific Delegations

- (1) To make a final award or to refuse to make a final award in respect of the procurement of goods and services up to a value not exceeding R10 million (VAT included).
- (2) To recommend an award over R10 million (VAT included) to the Municipal Manager.
- (3) To cancel any competitive bidding process and/or any item contained in such a tender after consideration of a written report from the Bid Evaluation Committee containing a recommendation to cancel, provided that such proposal is supported by the relevant Executive Director and the report justifies such action.

APPENDIX A:
MUNICIPAL MANAGER'S STATUTORY DELEGATIONS

This set of statutory delegations replaces all previous sub-delegations with effect from the date of Council approval.

Officials who have been given sub-delegations have been identified in the various columns and can exercise the relevant corresponding delegation. The sub-delegated powers, duties and functions are given subject to the limitations, conditions and directions set out in the document. It is not permissible in terms of the law for a person who has been given a sub-delegation, to further delegate such power, duty or function.

Should any official to whom a power, duty or function has been delegated decline to exercise such delegation, a full motivation and valid reason must be motivated to the Municipal Manager, who will exercise the delegation upon receipt of such motivation. All officials are to report to the Municipal Manager on a monthly basis on the decisions taken in terms hereof.

Please be advised that in delegating these powers, functions and duties, the Municipal Manager is not precluded from exercising any of these powers, functions and duties, should the circumstances deem it necessary to do so.

X = may sub-delegate

= no further sub-delegation allowed

In terms of the Local Government, Municipal Systems Act

Delegation number	Statutory Provision	DELEGATION	Municipal Systems Act							
			Chief Financial Officer (CFO)	ED: Technical Services	ED: Community Development and Planning Services	ED: Corporate Services	Deputy Director: Legal, Risk and Compliance	Deputy Director: Communications	Chief Audit Executive (CAE)	
Granting of Leave and Associated Matters										
55(1)		To grant leave, including sick leave, to officials of the Department. Condition: this delegation may only be exercised only in respect of officials reporting directly to the delegated authority	x	x	x	x		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
55(1)		To grant special leave to officials of the Department.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
55(1)		To grant approval that the compulsory leave of an official of the Department may be transferred to the next leave cycle.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
55(1)		To recall from leave any official of the Department when such official's services are required in cases of emergency or abnormal circumstances.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
55(1)		To authorize the payment of overtime and/or time-off in lieu of overtime in respect of officials of the Department.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			

In terms of the Fire Brigade Services Act, 1987

Delegation number	Statutory Provision	DELEGATION	Chief Financial Officer (CFO)	ED: Technical Services	ED: Community Development and Planning Services	ED: Corporate Services	Deputy Director: Legal, Risk and Compliance	Deputy Director: Communications	Chief Audit Executive (CAE)
	Sec 10(4)	<p>To confirm, alter or revoke an assessment for the payment for fire services after consideration of written comment from the Chief Fire Officer on written objections received.</p> <p>Condition: The delegation to be exercised by the ED: Community Development and Planning Services in consultation with the CFO.</p>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>				

In terms of the Provincial Archives and Records Service of the Western Cape Act (Act No. 3 of 2005), read with the National Archives and Records Service Act (Act No. 43 of 1996 as amended)

Delegation number	Statutory Provision	DELEGATION	Chief Financial Officer (CFO)	ED: Technical Services	ED: Community Development and Planning Services	ED: Corporate Services	Deputy Director: Legal, Risk and Compliance	Deputy Director: Communications	Chief Audit Executive (CAE)
		<p>To preserve all electronic records and documents of the Department/Directorate and to maintain an index thereof as required in terms of audit and archive laws.</p>	x	x	x	x			

In terms of section 79 of the Municipal Finance Management Act (MFMA)

Note:

- The Accounting Officer is not divested of his responsibility and may at any time elect to exercise any of these powers or duties himself.
- The exercise of these powers and duties may be subject to review in terms of section 79(4) of the MFMA.

Delegation number	Statutory Provision	DELEGATION	Chief Financial Officer (CFO)	ED: Technical Services	ED: Community Development and Planning Services	ED: Corporate Services	Deputy Director: Legal, Risk and Compliance	Deputy Director: Communications	Chief Audit Executive (CAE)
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Bank Accounts

10(1)(a)	To administer the District Municipality's bank accounts and to account to the Accounting Officer for all bank accounts of the District Municipality, including those contemplated in Sections 12 and 48(2)(d).		<input checked="" type="checkbox"/>						
10(1)(c)	To enforce compliance with the provisions regarding the opening of bank accounts as stipulated in sections 7, 8 and 11 of the MFMA.		<input checked="" type="checkbox"/>						
8(5) & 9	To inform the National Treasury, Provincial Treasury and Auditor General in writing of the name of banks where accounts are held, as well as the types and numbers of accounts.		x						
7(2), 8(2), 8(3) & 64(1)(d)	To ensure that all money received by the District Municipality is paid into its bank account(s).		x						
11(4)	To provide the Accounting Officer with a consolidated report of all withdrawals made in terms of Section 11(1)(b) to (j) for purposes of tabling in Council		x						

		and submission to the Provincial Treasury and Auditor General.								
12(4)		To submit to the Executive Mayor together with the Mayoral Committee for approval, a proposed business plan, setting out particulars regarding costs and spending related to a relief, charitable, trust or other fund in terms of Section 7 of the MFMA.	x	x	x					
12(4)		To incur expenditure from a relief, charitable, trust or other fund set up in terms of Section 12(1) of the MFMA for the purposes for which the fund was established, on written authority of the Accounting Officer.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>
Budget										
68		To draft the annual budget.	x							
22		To make public the annual budget, invite the local community to make representations in connection with the budget and submit the budget to National Treasury, Provincial Treasury, National or Provincial organs of state or other municipalities affected by the budget.	x							
24(3)		To submit approved annual budget to National and Provincial Treasury.	x							
69(1)		To implement the District Municipality's approved budget.	x	x	x					x
69(3)		To submit to the Accounting Officer a draft service delivery and budget implementation plan for the budget year, for purposes of submission to the Executive Mayor by no later than fourteen (14) days after the approval of the annual budget.							x	

Expenditure Management

	65(2)(a)	To take all reasonable steps to ensure that the District Municipality maintains an effective system of expenditure control, including procedures for the approval, authorization, withdrawal and payment of funds.	<input checked="" type="checkbox"/>						
	65(2)(c)	To take all reasonable steps to ensure that the District Municipality maintains a system of internal control in respect of creditors and payments.	<input checked="" type="checkbox"/>						
	65(2)(b)	To take all reasonable steps to ensure that the District Municipality maintains a management, accounting and information system which recognizes expenditure when it is incurred and accounts for creditors of the District Municipality and payments made to the District Municipality.	<input checked="" type="checkbox"/>						
	65(2)(d) (i)-(ii)	To take all reasonable steps to ensure that payments made by the District Municipality are made directly to the person to whom it is due, unless agreed otherwise for reasons as may be prescribed by the Minister of Finance by regulation in terms of Section 168 of the MFMA, and either electronically or by way of non-transferable cheques, provided that cash payments and payments by way of cash cheques may be made for exceptional reasons only and only up to a prescribed limit as determined by the Minister of Finance by regulation in terms of Section 168 of the MFMA.	<input checked="" type="checkbox"/>						
	65(2)(e)	To take all reasonable steps to ensure that all money owing by the District Municipality is paid within thirty (30) days of receiving the invoice or statement, unless prescribed otherwise by the Minister of Finance by regulation in terms of Section 168 of the MFMA for certain categories of expenditure.	<input checked="" type="checkbox"/>						

Revenue Management									
64(2)(a)	To take all reasonable steps to ensure that the District Municipality has effective revenue collection systems, which are consistent with Section 95 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) and the District Municipality's credit control and debt collection policies.	x							
64(2)(b)	To take all reasonable steps to ensure that revenue due to the District Municipality is calculated on a monthly basis.	x							
64(2)(c)	To take all reasonable steps to ensure that accounts for municipal taxes and charges in respect of municipal services are prepared on a monthly basis or, where monthly accounts are uneconomical, less often as may be prescribed by the Minister of Finance by regulations in terms of Section 168 of the MFMA	x							
64(2)(d)	To take all reasonable steps to ensure that all money received by the District Municipality is promptly deposited in accordance with this Act into the District Municipality's bank account(s).	x							
64(2)(e) (i)-(iii)	To take all reasonable steps to ensure that the District Municipality maintains a management, accounting and information system, which recognizes revenue when it is earned and accounts for debtors and receipts of revenue.	x							
64(2)(f)	To take all reasonable steps to ensure that the District Municipality maintains a system of internal control in respect of debtors and revenue consistent with regulations promulgated by the Minister of Finance in terms of Section 168 of the MFMA.	x							
64(2)(g)	To take all reasonable steps to ensure that the District Municipality charges interest on arrears, except where Council has granted exemptions in accordance with its budget-related policies and within a framework	x							

Unauthorised, irregular and fruitless and wasteful expenditure						
32(6)	To ensure that all reasonable steps have been taken to report to the SAPS irregular expenditure that constitutes a criminal offence and/or theft and fraud that occurred in the municipality.	x	x	x	x	x
62(1)(e)	To ensure that disciplinary 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.	x	x	x	x	x
Capital Projects						
19	To submit business plans in respect of capital projects to the Accounting Officer for purposes of submission to the Executive Mayor for approval in terms of Section 53(1)(c)(ii) of the MFMA, taking into account and setting out the information as required by Section 19 of the MFMA. The relevant Portfolio Holder must be consulted in the preparation of the business plans.	x	x	x	x	x
Allocation to other Municipalities						
37(2)	To notify receiving municipalities of projected amounts or allocations to be transferred to such municipalities during consecutive three financial years, in order to enable municipalities to include allocations in their budgets and to plan effectively for the spending of such allocations.	<input checked="" type="checkbox"/>				
Financial Management						
62(1)(b)	To ensure that full and proper financial records of the financial affairs of the municipality are kept in accordance with any prescribed norms and standards.	x				

In terms of the MFMA: Municipal Supply Chain Regulations, 2005

Combating Abuse of the Supply Chain Management System

	38(1)	To investigate any allegation of abuse of the supply chain management system against a bidder or service provider, and where there is prima facie evidence, to submit a recommendation to the Accounting Officer to initiate restriction proceedings					x		
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