

CENTRAL KAROO DISTRICT MUNICIPALITY

REGISTER OF DELEGATED POWERS OF DECISION MAKING CENTRAL KAROO DISTRICT MUNICIPALITY REGISTER OF DELEGATED POWERS OF DECISION MAKING

Whereas section 56 of the Local Government: Municipal Systems Act, 2000 requires that a municipal council must develop a system of delegation that will maximize administrative and operational efficiency and provide for adequate checks and balances, and that a municipal council then, in accordance with that system, may delegate certain powers, subject to legislative restrictions, and

Whereas **Section 53** of the Local Government: Municipal Systems Act, 2000 requires that the roles of the roles and responsibilities of each political structure and political office bearer of the municipality and of the municipal manager be defined, the Central Karoo District Municipality adopted this role clarification, framework and register of delegated powers on **27 May 2005** by virtue of Council resolution.

This document contains statutory delegations, delegations by the district council and the executive mayor, other delegations which were delegable by virtue of council mandate and authorizations.

STATEMENT OF ADMINISTRATIVE INTENT

The district council, speaker, executive mayor, political structures, councilors and staff members shall:

- (a) adhere to the principles of just administrative action as contemplated in section 33 of the Constitution of the Republic of South Africa, 1996; and
- (b) observe the codes of conduct applicable to both councilors and officials (attached as annexures hereto)
- (c) embrace a system of ethic governance.

STATEMENT OF TRANSPARANT GOVERNANCE

Meetings of the district council, *the executive mayor when he/ she is in session* and all it's committees are open to the public, including the media, and the council shall only exclude the public, including the media, in terms of section 31 of the Local Government: Municipal Structures Act, 1998, from a meeting when dealing with staff matters, legal matters, or when it is reasonable to do so having regard to the nature of the business being transacted and a resolution to that effect is passed by council, the executive mayor when he/she is in session or a committee.

The district council, the executive mayor when he/she is in session or a committee shall not exclude the public, including the media, when considering or voting on any of the following matters:

- (a) A draft by-law tabled of the council;
- (b) a budget for the council;
- (c) the municipality's draft integrated development plan, or any amendment of the plan;
- (d) the municipality's draft performance management system, or any amendment of the system;
- (e) the decision to enter into a service delivery agreement referred to in section 76 (b) of the Local Government: Municipal Systems Act, 2000; or
- (f) any other matter prescribed by regulation.

Acknowledgement: Weclogo and Mr Koos Cilliers for the section which deals with roles and responsibilities.

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A. DISTRICT COUNCIL

A.1 Definition

District council means the municipal council of a district municipality which is a municipality with municipal executive and legislative authority in an area that includes more than one municipality, and which is described in section 155 (1) of the Constitution of the Republic of South Africa, 1996 as a category C municipality.

The district council is the focal point of the district governance system. It is ultimately responsible for the performance and activities of the municipality. It, in itself, takes responsibility for adherence by the district municipality to section 152 of the Constitution of the Republic of South Africa, 1996. Delegating authority to the executive mayor, committees, councillors, political structures or staff members, does not in any way mitigate or dissipate the discharge by the district council and its members of their duties and responsibilities. The district council is the quintessence of the legislative authority of the district municipality and has the final sanction on all matters in which Central Karoo has municipal executive and legislative authority. (Adapted from the King Code, 2002)

As an organ of state, the district council shall comply with the principles of co-operative governance and intergovernmental relations as contained in section 41 of the Constitution of the Republic of South Africa, 1996.

Meetings of the district council will take place in terms of the Standard Rules of Order as published in the Provincial Gazette 6197 dated 20 May 2003.

A.2 Delegations	Item	Origin	Delegable
A.2.1 Decisionmaking	To take all the decisions of the municipality except those which it has delegated, and those that has been conferred by statute on political office bearers, political structures or officials	Section 160 of the Constitution of the Republic of South Africa, 1996 and section 11 of the Local Government Systems Act, 2000	NA
A.2.2 By-laws	To pass by-laws in respect of which the district municipality has executive and legislative authority, after it has received a report and recommendation on the matter from the Executive Mayor in terms of section 30(5) of the Local Government: Municipal Structures Act, 1998 and subject thereto that such an resolution must be passed by the municipal council with a supporting vote of a majority of its members.	Section 160 of the Constitution of the Republic of South Africa, 1996	No
A.2.3 Budget	To approve the yearly budget of the municipality, after it has received a report and recommendation on the matter from the Executive Mayor in terms of section 30(5) of the Local Government: Municipal Structures Act, 1998 and subject thereto that such an resolution must be passed by the municipal council with a supporting vote of a majority of its members.	Section 160 of the Constitution of the Republic of South Africa, 1996	No

A.2.4 Rates, taxes, levies and duties	To impose rates and other taxes, levies and duties, after it has received a report and recommendation on the matter from the Executive Mayor in terms of section 30(5) of the Local Government: Municipal Structures Act, 1998 and subject thereto that such a resolution must be passed by the municipal council with a supporting vote of a majority of its members.	Section 160 of the Constitution of the Republic of South Africa, 1996	No
A.2.5 Loans	To raise loans , after it has received a report and recommendation on the matter in terms from the Executive Mayor of section 30(5) of the Local Government: Municipal Structures Act, 1998 and subject thereto that such a resolution must be passed by the municipal council with a supporting vote of a majority of its members.	Section 160 of the Constitution of the Republic of South Africa, 1996	No
A.2.6 Tariffs	To set tariffs for municipal services based on a policy as contemplated in section 74 of the Local Government: Municipal Systems Act, 2000, after it has received a report and recommendation on the matter from the Executive Mayor and subject thereto that such a resolution must be passed by the municipal council with a supporting vote of a majority of its members.	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000	No
A.2.7 Levying and recovery of fees, charges and tariffs	To levy and recover fees, charges or tariffs in respect of any function or service of the municipality after it has received a report and recommendation on the matter from the Executive Mayor.	Section 75A of the Local Government: Municipal Systems Act, 2000	No
A.2.8 Recovering of collection charges	To recover collection charges and interest on any outstanding amount, after it has received a report and recommendation on the matter from the Executive Mayor.	Section 75A of the Local Government: Municipal Systems Act, 2000	No
A.2.9 Service delivery plans	To enter into a service delivery agreement in terms of section 76 (b) of the Local Government: Municipal Systems Act, 2000, after it has received a report and recommendation on the matter from the Executive Mayor and subject thereto that such a resolution must be passed by the municipal council with a supporting vote of a majority of its members.	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000	No
A.2.10 Integrated development plan	To approve or amend the council's Integrated Development Plan, after it has received a report and recommendation from the executive mayor on the matter in terms of section 30(5) of the Local Government: Municipal Structures Act, 1998.	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000	No

A.2.11 Section 79 committees	To establish one or more committees necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers and as such: 1. Appoint the members of such a committee from among its members; and 2. Dissolve a committee at any time. 3. Determine the functions of a committee 4. Delegate duties and powers to it in terms of section 60 of the Local Government: Municipal Systems Act, 2000; 5. Appoint the chairperson; 6. Authorise a committee to co-opt advisory members who are not members of the council within the limits determined by the council; 7. Remove a member of a committee at any time; and 8. Determine a committee's procedure.	79(1)(a) to (c) of the Local Government: Municipal Structures Act, 1998	No
A.2.12 Section 80 committees	To appoint, in terms of section 79 of the Local Government: Municipal Structures Act, 1998, committees of councillors to assist the executive mayor, provided that such committees may not in number exceed the number of members of the executive mayoral committee. (See the delegated powers of the executive mayor in determining the delegations of these committees)	Section 80 of the Local Government: Municipal Structures Act, 1998	No
A.2.13 Designation of functions: executive mayor	To designate those of the executive mayor's powers and functions which must be exercised and performed by the executive mayor together with the other members of the mayoral committee.	Section 60(3) of the Local Government: Municipal Structures Act, 1998	No
A.2.14 Review of decisions	To, in accordance with procedures in its rules and orders, on its own discretion, or at the request in writing of at least one quarter of the councillors in which case it is obliged, to review any decision taken by such a political structure, political office bearer, councillor or staff member in consequence of a delegation or instruction, and either confirm, vary or revoke the decision, subject to any rights that may have accrued to a person.	Section 59(3)(a) of the Local Government: Municipal Systems Act, 2000.	No
A.2.15 Requesting the review of decisions to the executive mayor	To instruct the executive mayor to review any decision taken by a political structure, political office bearer, councillor or staff member as a result of a delegation or instruction.	Section 59(3)(b) of the Local Government: Municipal Municipal Systems Act, 2000.	No
A.2.16 Approval of sub-delegations	To approve in accordance with the system of delegation referred to in subsection Section 59(1) of the Local Government: Municipal Structures Act, 1998, any delegation or sub-delegation to a staff member of a power conferred on a municipal manager.	Section 59(4) of the Local Government: Municipal Municipal Municipal Systems Act, 2000.	Yes Yearly

A.2.17 Appointment of appeal committee	To appoint a committee of councillors who were not involved in the original decision, to act as authority in an appeal submitted in terms of Local Government: Municipal Systems Act, 2000 against a decision taken by a political structure or political office bearer, or a councillor and confirm, vary or revoke the decision, subject thereto that any variation or revocation of a decision may not detract from any rights that may have accrued as a result of the decision.	Section 61(4)(c) of the Local Government: Municipal Systems Act, 2000	No
A.2.18 Breach of code of conduct	To either investigate and make a finding on any alleged breach of a provision of this Code; or establish a special committee to investigate and make a finding on any alleged breach of this Code; and to make appropriate recommendations to the council.	Section 14 of the code of conduct for councillors	Yes: House Committee.
A.2.19 Financial interests	To determine which of the financial interests referred in item 14(1) of the code of conduct for councillors must be made public having regard to the need for confidentiality and the public interest for disclosure.	Section 14 of the code of conduct for councillors	No
A.2.20 Appointment, dismissal and suspension: managers	To appoint, dismiss and suspend the Municipal Manager and Directors after it has received a report and recommendation on the matter from the Executive Mayor in terms of section 30(5) of the Local Government: Municipal Structures Act, 1998, subject to the procedures as contained in the relevant agreements of appointment	Section 82 of the Local Government: Municipal Structures Act, 1998 and Section 56 of of the Local Government: Municipal Systems Act, 2000	No
A.2.21 Conditions of service: managers	To determine the conditions of service of the Municipal Manager and Directors after it has received a report and recommendation on the matter from the Executive Mayor in terms of section 30(5) of the Local Government: Municipal Structures Act, 1998.	Section 82 of the Local Government: Municipal Structures Act, 1998 and Section 56 of of the Local Government: Municipal Systems Act, 2000	Yes
A.2.22 Appointment: acting manager	To appoint an acting municipal manager.	Section 82(1)(b) of the Local Government: Municipal Structures Act, 1998	Yes
A.2.23 Appointment delegates	To appoint councillors to serve on a permanent basis as delegates or representatives on organisations and institutions within the municipal context, subject to yearly revision.	Retained delegation	Yes
A.2.24 Designation of councillor to act as executive mayor	To designate a councillor to act as executive mayor if the executive mayor is absent or not available and the deputy executive mayor is also absent or not available.	Section 56(7) of the Local Government: Municipal Systems Act, 2000	No
A.2.25 Delegating authority	To delegate any decision making authority, except those restricted by law.	Section 59 of the Local Government: Municipal Systems Act, 2000	

A.2.26 Expropriate immovable property or rights	To decide to expropriate immovable property or rights in or to immovable property, within a policy framework determined by the municipal council.	Section 60(1)(a) of the Local Government: Municipal Systems Act, 2000	No	
A.2.27 Remuneration of municipal manager and managers	To determine or alter the remuneration, benefits or other conditions of service of the municipal manager or directors directly responsible to the municipal manager within a policy framework determined by the municipal council.	Section 60(1)(b) of the Local Government: Municipal Systems Act, 2000	No	
A.2.28 Priority allocations	To allocate funds in terms of section 83 of the Local Government: Municipal Structures Act, 1998 on recommendation from the Executive Mayor within a policy framework determined by the municipal council.	Section 59(1) of the Local Government: Municipal Systems Act, 2000	No	
A.2.29 Local labour forum	To appoint members as the employers' representatives on the Eden local labour forum	Section 80(3)(b) of the Local Government: Municipal Structures Act, 1998	No	As determined by the executive mayor
A.2.30 Draft Portfolio Budget	To annually manage the compilation of the draft portfolio budget prior to 1 November every year.	Section 80(3)(b) of the Local Government: Municipal Structures Act, 1998	No	As determined by the executive mayor
A.2.31 Staff budget: municipality	To annually integrate the draft staff budget for the district municipality and to make recommendations to the executive mayor	Section 80(3)(b) of the Local Government: Municipal Structures Act, 1998	No	As determined by the executive mayor
			No	As determined by the executive mayor

A.2.32 Appointment sub-committees	To appoint councillors from within it's members to serve on the following sub-committees: <ul style="list-style-type: none"> • Restructuring Committee • Employment Equity Committee • Occupational Health Committee • Training and Development Forum 	Section 80(3)(b) of the Local Government: Municipal Structures Act, 1998			
A.2.33 Terms of reference	To determine the terms of references and mandate of sub-committees	Section 80(3)(b) of the Local Government: Municipal Structures Act, 1998	To be determined	No	As determined by the executive mayor

B.SPEAKER

B.1 Definition

'Speaker' means a councillor elected in terms of section 36 of the Local Government: Municipal Structures Act, 1998 to be the chairperson of the District Council. The speaker presides over the legislative process of the municipality. As chairperson of the council, the speaker is the guardian of the integrity of the council, the councilors public responsibilities, privileges and interests. Councillors privileges and interests include freedom of speech and immunity in the council chambers, as well as the use of council facilities, receipt of allowances, training and support. Similarly, it is also required that the Speaker should guard against the possible abuse of councilors public responsibilities, privileges and interests. In exercising his or her responsibilities, the speaker must demonstrate impartiality.

The nature of his or her responsibilities requires that the speaker should be recognized by all parties and interest groups as the legitimate guardian of the council's integrity. The speaker is accountable only to the council within the rules determined by the council. The speaker is not accountable to the executive authority, since the speaker must protect the council's constitutional control over the executive.

B.2 Delegations	Item	Origin	Delegable	Report
B.2.1 Annual report	To compile an annual report to council in respect of matters dealt with by the office of the Speaker and the house committee, inclusive of the attendance of members to council and committee meetings.	Council instruction	No	Yearly
B.2.2 Meetings: district council	To decide when and where the district council meets, subject thereto that if a majority of the councillors requests the speaker in writing to convene a council meeting, the speaker must convene a meeting at a time set out in the request.	Section 29(1) of the Local Government: Municipal Structures Act, 1998.	No	Not Applicable
B.2.3 Meetings: district council: changed composition	To convene a meeting of the Council where the composition of the district council has been changed as a result of the provisions of item 2, 3 or 7 of Schedule 6A to the Constitution, subject to item 6 (b) of Schedule 6A to the Constitution of the Republic of South Africa, 1996, for purposes of dealing, amongst others, with the consequences of such a change.	Section 29(3) of the Local Government: Municipal Structures Act, 1998.	No	Not Applicable

B.2.4 Presiding at district council meetings	To preside at meetings of the council	Section 37(a) of the Local Government: Municipal Structures Act, 1998.	No	Not Applicable
B.2.5 Frequency of ordinary district council meetings	To ensure that the district council meets at least quarterly.	Section 37(c) of the Local Government: Municipal Structures Act, 1998.	No	Not Applicable
B.2.6 Order at district council meetings	To maintain order during formal meetings of the district council and any other formal or informal gatherings of the district council as a whole.	Section 37(d) of the Local Government: Municipal Structures Act, 1998.	No	Not Applicable
B.2.7 Compliance: code of conduct	To ensure compliance in the council and council committees with the Code of Conduct set out in Schedule 1 to the Local Government: Municipal Systems Act, 2000.	Section 37(e) of the Local Government: Municipal Structures Act, 1998.	No	Not Applicable
B.2.8 Compliance: Rules of order	To ensure that council meetings are conducted in accordance with the rules and orders of the council.	Section 37(f) of the Local Government: Municipal Structures Act, 1998.	No	Not Applicable
B.2.9 Reported matters in terms of code of conduct	To deal with matters reported to his/her office that indicates a contravention of the Code of Conduct for Officials.	Paragraph 8 of the Code of Conduct for Officials as contained in Schedule 2 to the Local Government: Municipal Systems Act, 2000.	No	Not Applicable
B.2.10 Investigation: Breach of the code of conduct.	To authorise an investigation of the facts and circumstances of an alleged breach if the speaker, on reasonable suspicion, is of the opinion that a provision of the Code of Conduct for Councillors has been breached, provided that the speaker shall not personally conduct such an investigation.	Section 13 of the code of conduct for councillors.	Yes	Yearly
B.2.11 Report to council: Breach of the code of conduct	To report an alleged breach of the Code of Conduct for Councillors to a meeting of the municipal council after due completion of the investigation.	Section 13 of the code of conduct for councillors.	No	NA
B.2.12 Recommendation to council: Breach of the code of conduct	To make a suitable recommendation to the council in respect of steps to be considered as a result of a report related to an alleged breach of the Code of Conduct for Councillors	Section 13 of the code of conduct for councillors.	No	NA
B.2.13 Report to MEC: Breach of	To report the outcome of the investigation related to an alleged breach	Section 13 of the code of	No	NA

the code of conduct	of the Code of Conduct for Councillors to the MEC for local government in the Western Cape Province.	conduct for councillors.		
B.2.14 Chairperson of house committee	To act as chairperson of the House Committee	Section 80 of the Local Government: Municipal Structures Act, 1998 and Council Resolution B1/03 dated 27 February 2003.	None	Not Applicable
B.2.15 Copies: code of conduct	To ensure that each councillor when taking office is given a copy of this Code and that a copy of the Code is available in every room or place where the council meets.	Section 13(4) of the code of conduct for councillors.	No	NA
B.2.16 Other	To be responsible for the administrative portfolio/section dealing with Councillors Affairs of Eden and thereby ensuring that this portfolio delivers a service which is conducive to the members of the council performing their legislative duties.	Section 59 of the Local Government: Municipal Systems Act, 2000		Not Applicable

C. EXECUTIVE MAYOR

C.1 Role

‘Executive mayor’ means a councillor elected in terms of section 55 of the Local Government: Municipal Structures Act, 1998 to the office of executive mayor.

The mayoral executive system allows for the exercise of executive authority through an executive mayor in whom the executive leadership of the municipality is vested and who is assisted by a mayoral committee. The executive mayor heads the executive function of the district municipality. Close contact should exist between the mayor’s office and the administration.

The executive mayor assumes personal responsibility for both statutory and delegated responsibilities. In this regard the executive mayor answers only to the council. Certain delegations to the executive mayor can be “designated“ in terms of section 60(3) of the Local Government: Municipal Structures Act, 1998. A designated delegation must be exercised together with the members of the executive mayoral committee. This implies that all members of the executive mayoral committee must concur with the decision of the executive mayor. In the event of any one or more members of the mayoral committee not concurring with the executive mayor, such a matter shall automatically be referred to the district council. In all other non-designated matters, the executive mayor shall act on his own accord, after receiving a recommendation from the relevant portfolio committee or the municipal manager.

C.2 Delegations	Item	Origin	Designation	
C.2.1 Ceremonial role	To perform a ceremonial role as the municipal council may determine. (To be determined)	Section 56(4) of the Local Government: Municipal Structures Act, 1998	No	
C.2.2 Reports: committees	To receive reports from committees of the municipal council and to forward these reports together with a recommendation to the council when the matter cannot be disposed of by the executive mayor in terms of the executive mayor's delegated powers.	Section 56(1) of the Local Government: Municipal Structures Act, 1998	No	
C.2.3 Identify needs	To identify the needs of the municipality and review and evaluate those needs in order of priority on a yearly base.	Section 56(2)(a) and (b) of the Local Government: Municipal Structures Act, 1998	No	

C.2.4 Strategies: recommendation	To recommend to the municipal council on a yearly base strategies, programmes and services to address priority needs through the integrated development plan, and the estimates of revenue and expenditure, taking into account any applicable national and provincial development plans.	Section 56(2)(c) of the Local Government: Municipal Structures Act, 1998	Yes
C.2.5 Strategies: recommendation of implementation	To recommend or determine the best way, including partnership and other approaches, to deliver those strategies, programmes and services to the maximum benefit of the community.	Section 56(2)(d) of the Local Government: Municipal Structures Act, 1998	No
C.2.6 Strategies: develop criteria to measure progress	To identify and develop criteria in terms of which progress in the implementation of the strategies, programmes and services referred to in subsection 56(2) of the Local Government: Municipal Structures Act, 1998 can be evaluated, including key performance indicators which are specific to the municipality and common to local government in general.	Section 56(3)(a) of the Local Government: Municipal Structures Act, 1998	Yes
C.2.7 Strategies: measure progress	To evaluate progress against the key performance indicators.	Section 56(3)(b) of the Local Government: Municipal Structures Act, 1998	No
C.2.8 Review of performance of municipality	To review the performance of the municipality in order to improve- the economy, efficiency and effectiveness of the municipality; the efficiency of credit control and revenue and debt collection services; and the implementation of the municipality's by-laws.	Section 56(3)(c) of the Local Government: Municipal Structures Act, 1998	No
C.2.9 Monitor management of administration	To monitor the management of the municipality's administration in accordance with the directions of the municipal council.	Section 56(3)(d) of the Local Government: Municipal Structures Act, 1998	No
C.2.10 Service delivery	To oversee the provision of services to communities in the municipality in a sustainable manner;	Section 56(3)(e) of the Local Government: Municipal Structures Act, 1998	No
C.2.11 Report annually on involvement of communities	To annually report on the involvement of communities and community organisations in the affairs of the municipality; and	Section 56(3)(g) of the Local Government: Municipal Structures Act, 1998	No
C.2.12 Consultation with public	To ensure that regard is given to public views and report on the effect of consultation on the decisions of the council.	Section 56(3)(h) of the Local Government: Municipal Structures Act, 1998	No
C.2.13 Report on decisions	To report to the municipal council on all decisions taken by the executive mayor.	Section 56(5) of the Local Government: Municipal Structures Act, 1998	No
C.2.14 Mayoral committee: appointment	To appoint a mayoral committee from among the councillors to assist the executive mayor;	Section 60(a) of the Local Government: Municipal Structures Act, 1998	No
C.2.15 Mayoral committee: dismissal	To dismiss a member of the mayoral committee.	Section 60(d) of the Local Government: Municipal Structures Act, 1998	No
C.2.16 Mayoral committee: delegation of specific responsibilities	To delegate specific responsibilities to each member of the mayoral committee.	Section 60(b) of the Local Government: Municipal Structures Act, 1998	No

C.2.17	Mayoral committee: delegation of powers	To delegate any of the executive mayor's powers to the respective members of the mayoral committee.	Section 60(c) of the Local Government: Municipal Structures Act, 1998	No
C.2.18	Integrated development plan	To manage the drafting of the municipality's integrated development plan;	Section 30 (a) of the Local Government: Municipal Systems Act, 2000	No
C.2.19	Integrated development plan	To assign responsibilities in this regard to the municipal manager	Section 30 (b) of the Local Government: Municipal Systems Act, 2000	No
C.2.20	Integrated development plan	To submit the draft plan to the municipal council for adoption by the council After adoption by Mayco	Section 30 (c) of the Local Government: Municipal Systems Act, 2000	Yes
C.2.21	Development of performance management systems	Manage the development of the municipality's performance management system	Section 39 (a) of the Local Government: Municipal Systems Act, 2000	No
C.2.22	Development of performance management systems	Assign responsibilities in this regard to the municipal manger, and	Section 39 (b) of the Local Government: Municipal Systems Act, 2000	No
C.2.23	Development of performance management systems	Submit the proposed system to the municipal council for adoption	Section 39 (c) of the Local Government: Municipal Systems Act, 2000	Yes
C.2.24	Supervisory authority: credit control (implementation)	To oversee and monitor the implementation and enforcement of the municipality's credit control and debt collection policy and any by-laws enacted in terms of section 98 of the Local Government: Municipal Systems Act, 2000.	Section 99 (a)(i) of the Local Government: Municipal Systems Act, 2000	No
C.2.25	Supervisory authority: credit control (monitor)	To oversee and monitor the performance of the municipal manager in implementing the policy and any by-laws	Section 99 (a)(ii) of the Local Government: Municipal Systems Act, 2000	No
C.2.26	Supervisory authority: credit control (evaluation)	when necessary, evaluate or review the policy and any by-laws, or the implementation of the policy and any such by-laws, in order to improve efficiency of its credit control and debt collection mechanisms, processes and procedures; and Mayco adopt by-laws and recomm to council	Section 99 (b) the Local Government: Municipal Systems Act, 2000	Yes

C.2.27 Supervisory authority: credit control (reporting)	To, at such intervals as may be determined by the council report to a meeting of the council, except when the council itself performs the duties mentioned in paragraphs (a) and (b).	Section 99 (c)of the Local Government: Municipal Systems Act, 2000	No
C.2.28 Appeal authority	To act as authority in an appeal submitted in terms of Local Government: Municipal Systems Act, 2000 against a decision taken by the municipal manager and confirm, vary or revoke the decision,	Section 62(4)(b) of the Local Government: Municipal Systems Act, 2000	No
C.2.29 Expropriate immovable property or rights	To recommend to Council to expropriate immovable property or rights in or to immovable property, within a policy framework determined by the municipal council.	Section 60(1)(a) of the Local Government: Municipal Systems Act, 2000	Yes
C.2.30 Remuneration of municipal manager and managers	To recommend to Council to or alter the remuneration, benefits or other conditions of service of the municipal manager or directors directly responsible to the municipal manager within a policy framework determined by the municipal council.	Section 60(1)(b) of the Local Government: Municipal Systems Act, 2000	Yes
C.2.31 Priority allocations	To recommend to Council the allocate funds in terms of section 83 of the Local Government: Municipal Structures Act, 1998 on recommendation of the Finance Portfolio Committee within a policy framework determined by the municipal council.	Section 59(1) of the Local Government: Municipal Systems Act, 2000	No ????
C.2.32 Assignment of portfolios	To assign specific portfolios to members of the executive mayoral committee.	Section 59(1) of the Local Government: Municipal Systems Act, 2000	No
C.2.33 Approval: attendance councillors	To approve together with the Executive Deputy Mayor ,visits and the attendance of meetings, seminars and training of councillors within the Republic of South Africa or abroad, subject to provision on the operating budget of the municipality.	Section 59(1) of the Local Government: Municipal Systems Act, 2000	No

C.2.34 Approval: attendance municipal manager	To approve visits and the attendance of meetings, seminars and training of the municipal manager within the Republic of South Africa or abroad, subject to provision on the operating budget of the municipality.	Section 59(1) of the Local Government: Municipal Systems Act, 2000	No
C.2.35 Approval: attendance Municipal Staff	To approve visits and the attendance of meetings, seminars and training of the municipal staff outside the Republic of South Africa or abroad on recommendation from the Municipal Manager, subject to provision on the operating budget of the municipality.	Section 59(1) of the Local Government: Municipal Systems Act, 2000	No
C.2.36 Professional Practitioners	To yearly approve and amend a list of professional practitioners, who are exempted from the requirements of tender.	Section 59(1) of the Local Government: Municipal Systems Act, 2000	Yes
C.2.37 Delegation to committees	To delegate any powers and duties of the executive mayor to the committees established by the council in terms of section 80 of the Local Government: Municipal Structures Act, 1998, provided that the executive mayor is not divested of the responsibility concerning the exercise of the power or the performance of the duty of the committees established by the council in terms of section 80 of the Local Government: Municipal Structures Act, 1998.	Section 80(1)(b) of the Local Government: Municipal Structures Act, 1998	No
C.2.38 Revision of decisions taken by committees	To vary or revoke any decision taken by a committee established by the council in terms of section 80 of the Local Government: Municipal Structures Act, 1998, subject to any vested rights.	Section 80(3)(d) of the Local Government: Municipal Structures Act, 1998	No
C.2.39 Sub-delegations	To deal with all matters not included in the councils retained powers of decision making, or in specific delegations to any committee, councillor, political structure or staff member, and to sub-delegate all such matters, subject to the conditions as determined by the executive mayor.	Sections 59(1)(b) en (2)(d) of the Local Government: Municipal Systems Act, 2000	Yes
C.2.40 Appointment: Bankers	To appoint a banking institution as the banker of the municipality. (The appointment of bankers shall be for a maximum period of five years. Only banking institution with a AAA rating by the Registrar of Banking may be considered.)	Section 59(1) of the Local Government: Municipal Systems Act, 2000	Yes
C.2.41 Appointment: insurers and brokers	To appoint insurers and brokers for the municipality.	Section 59(1) of the Local Government: Municipal Systems Act, 2000	Yes
C.2.42 Annual report	To prepare for each financial year an annual report consisting of- (1)(a) a performance report reflecting-	Section 46 of the Local Government: Municipal Systems Act, 2000	No

	<p>(i) the municipality's, and any service provider's, performance during that financial year, also in comparison with targets of and with performance in the previous financial year;</p> <p>(ii) the development and service delivery priorities and the performance targets set by the municipality for the following financial year; and</p> <p>(iii) measures that were or are to be taken to improve performance;</p> <p>(b) the financial statements for that financial year prepared in accordance with the standards of generally recognised accounting practice referred to in section 89 of the Public Finance Management Act, 1999 (Act 1 of 1999);</p> <p>(c) an audit report on the financial statements and the report on the audit performed in terms of section 45 (b); and</p> <p>(d) Any other reporting requirements in terms of other applicable legislation.</p> <p>To table its annual audit report within one month of receiving the audit report referred to in subsection (1) (c).</p>		
C.2.43 Virementation of Funds	To approve the virementation of funds on any budget, where such virementation are between R100 000,00 and R500 000,00 and does not constitute an amendment of council's budget or IDP.	Section 59(1) of the Local Government: Municipal Systems Act, 2000	No
C.2.44 Commercial Activity	To decide on any commercial activity of council where the value of such activity is between R200 000,00 and R500 000,00.	Section 59(1) of the Local Government: Municipal Systems Act, 2000	No
C.2.45 Legal Action	To institute and defend any action, on behalf of Council, in the High Court or any other court of equal seniority and to sign all relevant papers on behalf of Council.	Section 59(1) of the Local Government: Municipal Systems Act, 2000	Yes
C.2.46 Legal Action	To institute or defend any legal action, on behalf of council, in the High Court of Appeal or the Constitution.	Section 59(1) of the Local Government: Municipal Systems Act, 2000	Yes
C.2.47 Write Off	To write off bad debts or other assets of Council.	Section 59(1) of the Local Government: Municipal Systems Act, 2000	Yes

D. EXECUTIVE DEPUTY MAYOR		
D.1 Role		
<p>'Deputy executive mayor' means a councillor elected in terms of section 55 of the Local Government: Municipal Structures Act, 1998 to the office of deputy executive mayor.</p> <p>The deputy executive mayor must support the executive mayor in dealing with the latter's office. The role of the deputy executive mayor shall be equal to that of the executive mayor if the deputy executive mayor acts as executive mayor in the latter's absence.</p> <p>In terms of section 56(7) of the Local Government: Municipal Systems Act, 2000 the council must designate a councillor to act as executive mayor if the executive mayor is absent or not available and the deputy executive mayor is also absent or not available.</p>		
D.2 Delegations	Item	Origin
D.2.1 Perform as executive mayor	To perform the powers and performs the duties of the executive mayor if the executive mayor is absent or not available or if the office of the executive mayor is vacant.	Section 56(6) of the Local Government: Municipal Structures Act, 1998
D.2.2 Portfolio	To act as the responsible member committee for an portfolio assigned by the executive mayor.	C2.25 of this delegation register.
D.2.3 Reporting to the executive mayor	To report to the executive mayor at meetings of the mayoral committee in a manner as determined by the executive mayor.	Section 60(1)(b) of the Local Government: Municipal Structures Act, 1998
D.2.4 Specific responsibilities	To perform specific responsibilities of the executive mayor as delegated by the executive mayor.	Section 60(1)(b) of the Local Government: Municipal Structures Act, 1998
D.2.5 Specific powers	To perform any of the executive mayor's powers as delegated by the executive mayor.	Section 60(1)(c) of the Local Government: Municipal Structures Act, 1998
D.2.6 Approval: attendance councillors	To approve together with the Executive Mayor ,visits and the attendance of meetings, seminars and training of councillors within the Republic of South Africa or abroad, subject to provision on the operating budget of the municipality.	Section 59(1) of the Local Government: Municipal Systems Act, 2000

E. MAYORAL COMMITTEE

E.1 Role

'Mayoral Committee' means a committee appointed by the executive mayor in terms of section 60 of the Local Government: Municipal Structures Act, 1998, from among the councillors to assist the executive mayor.

The mayoral committee consists of the deputy executive mayor and not more than 1 councillor appointed by the executive mayor.

Those of the executive mayor's powers and functions as may be designated by the municipal council, must be exercised and performed by the executive mayor together with the other members of the mayoral committee. This implies that all members of the executive mayoral committee must concur with the decision of the executive mayor. In the event of any one or more members of the mayoral committee not concurring with the executive mayor, such a matter shall automatically be referred to the district council.

F. HOUSE COMMITTEE		
<p>F.1 Role “House committee” means a committee established in terms of section 79 of the Local Government: Municipal Structures Act, 199. The members of this committee shall be the Speaker and the chief whips of all the recognized political parties on the municipal council.</p> <p>The House committee reports directly to the municipal council.</p>		
F.2 Delegations	Item	Origin
F.2.1 Breach of code of conduct	To investigate and make a finding on any alleged breach of a provision of the code of conduct and to make appropriate recommendations to the council, when so instructed by the speaker.	Paragraph 13 of the code of conduct, Section 79(2)(b) of the Local Government: Municipal Structures Act, 1998 and Section 60 of the Local Government Municipal Systems Act, 2000.
F.2.2 Policies	To formulate generic policy in respect of matters related to the code of conduct for councillors, inter alia matters related to ethical questions and councillors remuneration.	Section 79(2)(b) of the Local Government: Municipal Structures Act, 1998 and Section 60 of the Local Government Municipal Systems Act, 2000.
F.2.3 Code of conduct	To formulate policies in respect of the Standard Standing Orders	
F.2.4 Administration	To supervise the performance of the administrative department in order to ensure that agenda material are circulated in such a manner as to enable councillors to perform their official business.	

G. MEMBER OF COUNCIL RESPONSIBLE FOR ADMIN AND PERSONNEL COMMITTEE					
G.1 Role To take political responsibility for the performance of the specific portfolio.					
G.2 Delegations	Item	Origin	Conditions: As determined by the Executive Mayor	Delegable: As determined by the Executive Mayor	Reporting Frequency: As determined by the Executive Mayor
G.2.1 Chairperson	To act as chairperson of the portfolio committee subject to the member being appointed by the Council.	Section 79(3)(a) of the Local Government: Municipal Structures Act, 1998			
G.2.2 Reporting to the executive mayor	To report to the executive mayor at meetings of the mayoral committee in a manner as determined by the executive mayor.	Section 60(1)(a) of the Local Government: Municipal Structures Act, 1998			
G.2.3 Specific responsibilities	To perform specific responsibilities of the executive mayor as delegated by the executive mayor.	Section 60(1)(b) of the Local Government: Municipal Structures Act, 1998			
G.2.4 Specific powers	To perform any of the executive mayor's powers as delegated by the executive mayor.	Section 60(1)(c) of the Local Government: Municipal Structures Act, 1998			
G.2.5 Identify needs	To identify the needs of the portfolio and review and evaluate those needs in order of priority on a yearly base and recommend to the Executive Mayor	Section 56(2)(a) of the Local Government Municipal Structures Act, 1998			
G.2.6 Strategies : Recommendation	To recommend to the Executive Mayor on a yearly base strategies, programmes and services to address needs through the IDP, related to the portfolio	Section 56(2)(c) of the Local Government Municipal Structures Act, 1998			
G.2.7 Strategies: recommendation of	To recommend to the Executive Mayor the best way, including partnership and	Section 56(2)(d) of the Local Government Municipal			

implementation	other approaches, to deliver those strategies, programmes and services related to the portfolio	Structures Act, 1998			
G.2.8 Report on involvement of communities	To report on the involvement of communities and community organisations in the affairs of the municipality in respect of the portfolio	Section 56(3)(g) of the Local Government Municipal Structures Act,1998			
G.2.9 Consultation with public	To ensure that regard is given to the public views and report on the effect of consultation on the decision of the portfolio	Section 56(3)(h) of the Local Government Municipal Structures Act,1998			
G.2.10 Liasion	To liase with the manager responsible for Corporate services on matters related to the portfolio.	Section 59 of the Local Government: Municipal Systems Act, 2000.			
G.2.11 Appointment	To serve on any appointment committee on behalf of the employer in an observation capacity.	Section 59 of the Local Government: Municipal Systems Act, 2000.			
G.2.12 Complaints	To deal with complaints from the public not disposed of by the Portfolio Manager.				
G.2.13 Representative	To serve as council representative on all regional, provincial or national bodies in respect of matters related to the Corporate portfolio.	Section 59 of the Local Government: Municipal Systems Act, 2000.			
G.2.14 Representative	To nominate any member of the portfolio Committee to represent him/her as representative in respect of matters related to his/ her portfolio, if not available.	Section 59 of the Local Government: Municipal Systems Act, 2000.			
G.2.15 Ceremonial Role	To perform ceremonial functions in his/ her portfolio.				
G.2.16 Pims	To serve as Chairperson of the section 79 Pims Management Committee	Section 59 of the Local Government: Municipal Systems Act, 2000.			

H. ADMIN AND PERSONEL COMMITTEE					
H.1 Role This committee is established to assist the Executive Mayor. The committee shall deal with matters associated with its portfolio and where it does not have the delegated powers to dispose of a matter, formulate specific recommendations to the Executive Mayor.					
H.2 Delegations	Item	Origin	Conditions	Delegable	Reporting Frequency
H.2.1 Report to executive mayor	To report to the executive mayor in accordance with the directions of the executive mayor.	Section 80(4) of the Local Government: Municipal Structures Act, 1998	To be determined	No	As determined by the executive mayor
H.2.2 Policies staff matters	To formulate & recommend to the Executive Mayor policies to deal with the staff matters of the municipality.	Section 80(3)(b) of the Local Government: Municipal Structures Act, 1998		No	As determined by the executive mayor
H.2.3 Exemption: bargaining council	To approve exemption from Bargaining council agreements.	Section 80(3)(b) of the Local Government: Municipal Structures Act, 1998		No	As determined by the executive mayor
H.2.4 Conditions of service: local	To approve and amend local conditions of service within the constraints of the operating budget.	Section 80(3)(b) of the Local Government: Municipal Structures Act, 1998		No	As determined by the executive mayor
H.2.5 Ad Hoc Tenders	To recommend to the Executive Mayor ad hoc tenders associated with the portfolio and of a value higher than R120 000 (one hundred and twenty thousand rand).				
H.2.6 Staff matters: Training	To approve suitable training and exposure of staff of the municipality		Receive recommendation from other Portfolio Committees		
H.2.7 Staff matters: Vacancies	To approve the filling of vacancies, associated with the portfolio, within the restrictions of the operating budget.				

I. MEMBER OF COUNCIL RESPONSIBLE FOR THE FINANCE COMMITTEE					
I.1 Role To take political responsibility for the performance of the specific portfolio.					
I.2 Delegations	Item	Origin	Conditions: As determined by the Executive Mayor	Delegable: As determined by the Executive Mayor	Reporting Frequency: As determined by the Executive Mayor
I.2.1 Chairperson	To act as chairperson of the finance portfolio committee, subject to the member being appointed by the Council.	Section 79(3)(a) of the Local Government: Municipal Structures Act, 1998		No	
I.2.2 Reporting to the executive mayor	To report to the executive mayor at meetings of the mayoral committee in a manner as determined by the executive mayor.	Section 63 of the Local Government: Municipal Structures Act, 1998	To be completed	Yes	
I.2.3 Specific responsibilities	To perform specific responsibilities of the executive mayor as delegated by the executive mayor.	Section 60(1)(b) of the Local Government: Municipal Structures Act, 1998	Based on individual delegation	No	
I.2.4 Specific powers	To perform any of the executive mayor's powers as delegated by the executive mayor.	Section 60(1)(c) of the Local Government: Municipal Structures Act, 1998	Based on individual delegation	No	
I.2.5 Identify needs	To identify the needs of the portfolio and review and evaluate those needs in order of priority on a yearly base and recommend to th Executive Mayor	Section 56(2)(a) of the Local Government Municipal Structures Act,1998			
I.2.6 Strategies : Recommendation	To recommend to the Executive Mayor on a yearly base strategies, programmes and services to address needs through the IDP, related to the portfolio	Section 56(2)(c) of the Local Government Municipal Structures Act,1998			

I.2.7 Strategies: recommendation of implementation	To recommend to the Executive Mayor the best way, including partnership and other approaches, to deliver those strategies, programmes and services related to the portfolio	Section 56(2)(d) of the Local Government Municipal Structures Act, 1998			
I.2.8 Report on involvement of communities	To report on the involvement of communities and community organisations in the affairs of the municipality in respect of the portfolio	Section 56(3)(g) of the Local Government Municipal Structures Act, 1998			
I.2.9 Consultation with public	To ensure that regard is given to the public views and report on the effect of consultation on the decision of the portfolio	Section 56(3)(h) of the Local Government Municipal Structures Act, 1998			
I.2.10 Liaison	To liaise with the manager responsible for financial services on matters related to the portfolio.	Section 59 of the Local Government: Municipal Systems Act, 2000.			
I.2.11 Complaints	To deal with complaints from the public not disposed of by the Portfolio Manager.				
I.2.12 Representative	To serve as council representative on all regional, provincial or national bodies in respect of matters related to the Finance portfolio.	Section 59 of the Local Government: Municipal Systems Act, 2000.			
I.2.13 Representative	To nominate any member of the portfolio Committee to represent him/her as representative in respect of matters related to his/ her portfolio, if not available.	Section 59 of the Local Government: Municipal Systems Act, 2000.			
I.2.14 Ceremonial Role	To perform ceremonial functions in his/ her portfolio.				

J. FINANCE COMMITTEE					
J.1 Role					
This committee is established to assist the Executive Mayor. The committee shall deal with matters associated with its portfolio and where it does not have the delegated powers to dispose of a matter, formulate specific recommendations to the Executive Mayor.					
J.2 Delegations	Item	Origin	Conditions	Delegable	Reporting Frequency
J.2.1 Report to executive mayor	To report to the executive mayor in accordance with the directions of the executive mayor.	Section 80(4) of the Local Government: Municipal Structures Act, 1998	To be determined	No	As determined by the executive mayor
J.2.2 Draft Municipal Budget	To annually manage the compilation of the draft municipal budget for submission to the executive mayor prior to 1 March of every year.	Section 80(3)(b) of the Local Government: Municipal Structures Act, 1998	To be determined	No	Annually
J.2.3 Priority allocations	<i>To recommend to the Executive Mayor the allocation of funds in terms of section 83 of the Local Government: Municipal Structures Act, 1998 within a policy framework determined by the municipal council.</i>	<i>Section 59(1) of the Local Government: Municipal Systems Act, 2000</i>	Recommendation shall comply to Central Karoo District Municipality integrated development plan and any other financial policies as council may formulate.		

J.2.4 Ad Hoc Tenders	<i>To recommend to the Executive Mayor ad hoc tenders associated with the portfolio and of a value higher than R120 000 (one hundred and twenty thousand rand).</i>	<i>Section 80(3)(b) of the Local Government: Municipal Structures Act, 1998</i>	<i>Shall comply with Procurement policy</i>		
J.2.5 Appointment: Bankers	<i>To recommend a banking institution as the banker of the municipality. (The appointment of bankers shall be for a maximum period of five years. Only banking institution with a AAA rating by the Registrar of Banking may be considered.)</i>	<i>Section 59(1) of the Local Government: Municipal Systems Act, 2000</i>			
J.2.6 Appointment: insurers and brokers	<i>To recommend insurers and brokers for the municipality</i>	<i>Section 59(1) of the Local Government: Municipal Systems Act, 2000</i>			
J.2.7 Supervision of financial activities	To supervise all financial activities of the municipality and make suitable recommendations to the executive mayor.	Section 80(3)(b) of the Local Government: Municipal Structures Act, 1998	Shall comply with Procurement policy		
J.2.8 Policies: formulation	To recommend to the Executive Mayor suitable policies in respect of the portfolio activities of the municipality.				
J.2.9 Policies: Implementation	To ensure that all municipal policies associated with the portfolio is executed.				
J.2.10 Staff matters: Training	To recommend suitable training and exposure of staff within the portfolio		Recommend to Admin and Personnel Committee		
J.2.11 Staff matters: Vacancies	To approve the filling of vacancies associated with the portfolio, within the restrictions of the operating budget.				

K. MEMBER OF COUNCIL RESPONSIBLE FOR THE DMA COMMITTEE					
K.1 Role To take political responsibility for the performance of the specific portfolio.					
K.2 Delegations	Item	Origin	Conditions: As determined by the Executive Mayor	Delegable: As determined by the Executive Mayor	Reporting Frequency: As determined by the Executive Mayor
K.2.1 Chairperson	To act as chairperson of the development and planning portfolio committee, subject to the member being appointed by the Council.	Section 79(3)(a) of the Local Government: Municipal Structures Act, 1998			
K.2.2 Reporting to the executive mayor	To report to the executive mayor at meetings of the mayoral committee in a manner as determined by the executive mayor.	Section 63 of the Local Government: Municipal Structures Act, 1998			
K.2.3 Specific responsibilities	To perform specific responsibilities of the executive mayor as delegated by the executive mayor.	Section 60(1)(b) of the Local Government: Municipal Structures Act, 1998			
K.2.4 Specific powers	To perform any of the executive mayor's powers as delegated by the executive mayor.	Section 60(1)(c) of the Local Government: Municipal Structures Act, 1998			
K.2.5 Identify needs	To identify the needs of the portfolio and review and evaluate those needs in order of priority on a yearly base and recommend to th Executive Mayor	Section 56(2)(a) of the Local Government Municipal Structures Act,1998			
K.2.6 Strategies : Recommendation	To recommend to the Executive Mayor on a yearly base strategies, programmes and services to address needs through the IDP, related to the portfolio	Section 56(2)(c) of the Local Government Municipal Structures Act,1998			

K.2.7 Strategies: recommendation of implementation	To recommend to the Executive Mayor the best way, including partnership and other approaches, to deliver those strategies, programmes and services related to the portfolio	Section 56(2)(d) of the Local Government Municipal Structures Act, 1998			
K.2.8 Report on involvement of communities	To report on the involvement of communities and community organisations in the affairs of the municipality in respect of the portfolio	Section 56(3)(g) of the Local Government Municipal Structures Act, 1998			
K.2.9 Consultation with public	To ensure that regard is given to the public views and report on the effect of consultation on the decision of the portfolio	Section 56(3)(h) of the Local Government Municipal Structures Act, 1998			
K.2.10 Liason	To liase with the manager responsible for development and planning services on matters related to the portfolio.	Section 59 of the Local Government: Municipal Systems Act, 2000.			
K.2.11 Complaints	To deal with complaints from the public not disposed of by the Portfolio Manager.				
K.2.12 Representative	To serve as council representative on all regional, provincial or national bodies in respect of matters related to the Development and planning portfolio.	Section 59 of the Local Government: Municipal Systems Act, 2000.			
K.2.13 Representative	To nominate any member of the portfolio Committee to represent him/her as representative in respect of matters related to his/ her portfolio, if not available.	Section 59 of the Local Government: Municipal Systems Act, 2000.			
K.2.14 Ceremonial Role	To perform ceremonial functions in his/ her portfolio.				

L. DMA COMMITTEE					
L.1 Role					
This committee is established to assist the Executive Mayor. The committee shall deal with matters associated with its portfolio and where it does not have the delegated powers to dispose of a matter, formulate specific recommendations to the Executive Mayor.					
L.2 Delegations	Item	Origin	Conditions	Delegable	Reporting Frequency
L.2.1 Report to executive mayor	To report to the executive mayor in accordance with the directions of the executive mayor.	Section 80(4) of the Local Government: Municipal Structures Act, 1998	To be determined	No	As determined by the executive mayor
L.2.2 Draft Portfolio Budget	To annually manage the compilation of the draft portfolio budget prior to 1 November every year.	Section 80(3)(b) of the Local Government: Municipal Structures Act, 1998			
L.2.3 Projects	To take complete responsibility for project management as a strategic objective within the DMA area.				
L.2.4 Staff matters: Training	To recommend suitable training and exposure of staff within the portfolio		Recommend to Admin and Pers.		
L.2.5 Staff matters: Vacancies	To approve the filling of vacancies within the portfolio, within the restrictions of the operating budget.				
L.2.6 Ad Hoc Tenders	To recommend to the Executive Mayor ad hoc tenders associated with the portfolio and of a value higher than R120 000 (one hundred and twenty thousand rand).				

M. MEMBER OF COUNCIL RESPONSIBLE FOR THE HEALTH SERVICES PORTFOLIO COMMITTEE					
M.1 Role To take political responsibility for the performance of the specific portfolio.					
M.2 Delegations	Item	Origin	Conditions: As determined by the Executive Mayor	Delegable: As determined by the Executive Mayor	Reporting Frequency: As determined by the Executive Mayor
M.2.1 Chairperson	To act as chairperson of the health services portfolio committee, subject to the member being appointed by the Council.	Section 79(3)(a) of the Local Government: Municipal Structures Act, 1998			
M.2.2 Reporting to the executive mayor	To report to the executive mayor at meetings of the mayoral committee in a manner as determined by the executive mayor.	Section 63 of the Local Government: Municipal Structures Act, 1998			
M.2.3 Specific responsibilities	To perform specific responsibilities of the executive mayor as delegated by the executive mayor.	Section 60(1)(b) of the Local Government: Municipal Structures Act, 1998			
M.2.4 Specific powers	To perform any of the executive mayor's powers as delegated by the executive mayor.	Section 60(1)(c) of the Local Government: Municipal Structures Act, 1998			
M.2.5 Identify needs	To identify the needs of the portfolio and review and evaluate those needs in order of priority on a yearly base and recommend to th Executive Mayor	Section 56(2)(a) of the Local Government Municipal Structures Act,1998			
M.2.6 Strategies : Recommendation	To recommend to the Executive Mayor on a yearly base strategies, programmes and services to address needs through the IDP, related to the portfolio	Section 56(2)(c) of the Local Government Municipal Structures Act,1998			
M.2.7 Strategies: recommendation of implementation	To recommend to the Executive Mayor the best way, including partnership and other approaches, to deliver those strategies, programmes and services related to the portfolio	Section 56(2)(d)of the Local Government Municipal Structures Act, 1998			
M.2.8 Report on involvement of communities	To report on the involvement of communities and community organisations in the affairs of the municipality in respect of the portfolio	Section 56(3)(g) of the Local Government Municipal Structures Act,1998			

M.2.9 Consultation with public	To ensure that regard is given to the public views and report on the effect of consultation on the decision of the portfolio	Section 56(3)(h) of the Local Government Municipal Structures Act,1998			
M.2.10 Liasion	To liase with the manager responsible for community services on matters related to the portfolio.				
M.2.11 Complaints	To deal with complaints from the public not disposed of by the Portfolio Manager.				
M.2.12 Representative	To serve as council representative on all regional, provincial or national bodies in respect of matters related to the Community services portfolio.	Section 59 of the Local Government: Municipal Systems Act, 2000.			
M.2.13 Representative	To nominate any member of the portfolio Committee to represent him/her as representative in respect of matters related to his/ her portfolio, if not available.	Section 59 of the Local Government: Municipal Systems Act, 2000.			
M.2.14 Ceremonial Role	To perform ceremonial functions in his/ her portfolio.				

N. HEALTH SERVICES COMMITTEE					
N.1 Role					
This committee is established to assist the Executive Mayor. The committee shall deal with matters associated with its portfolio and where it does not have the delegated powers to dispose of a matter, formulate specific recommendations to the Executive Mayor.					
N.2 Delegations	Item	Origin	Conditions	Delegable	Reporting Frequency
N.2.1 Report to executive mayor	To report to the executive mayor in accordance with the directions of the executive mayor.	Section 80(4) of the Local Government: Municipal Structures Act, 1998	To be determined	No	As determined by the executive mayor
N.2.2 Draft Portfolio Budget	To annually manage the compilation of the draft portfolio budget prior to 1 November every year.				
N.2.3 Draft Municipal Budget	To annually manage the compilation of the draft municipal budget for submission to the executive mayor prior to 1 March of every year.	Section 80(3)(b) of the Local Government: Municipal Structures Act, 1998	To be determined	No	
N.2.4 Staff matters	To recommend suitable training and exposure of staff within the portfolio		Recommend to Admin and Personnel Committee.		
N.2.5 DMA	To approve recommendations from the DMA committee in respect of matters it can dispose of.				
N.2.6 Ad Hoc Tenders	To recommend to the Executive Mayor ad hoc tenders associated with the portfolio and of a value higher than R120 000 (one hundred and twenty thousand rand).				
N.2.7 Staff matters: Vacancies	To approve the filling of vacancies within the portfolio, within the restrictions of the operating budget.				

O. MEMBER OF COUNCIL RESPONSIBLE FOR THE TECHNICAL SERVICES COMMITTEE					
O.1 Role To take political responsibility for the performance of the specific portfolio.					
O.2 Delegations	Item	Origin	Conditions: As determined by the Executive Mayor	Delegable: As determined by the Executive Mayor	Reporting Frequency: As determined by the Executive Mayor
O.2.1 Chairperson	To act as chairperson of the roads portfolio committee, subject to the member being appointed by the Council.	Section 79(3)(a) of the Local Government: Municipal Structures Act, 1998			
O.2.2 Reporting to the executive mayor	To report to the executive mayor at meetings of the mayoral committee in a manner as determined by the executive mayor.	Section 63 of the Local Government: Municipal Structures Act, 1998			
O.2.3 Specific responsibilities	To perform specific responsibilities of the executive mayor as delegated by the executive mayor.	Section 60(1)(b) of the Local Government: Municipal Structures Act, 1998			
O.2.4 Specific powers	To perform any of the executive mayor's powers as delegated by the executive mayor.	Section 60(1)(c) of the Local Government: Municipal Structures Act, 1998			
O.2.5 Identify needs	To identify the needs of the portfolio and review and evaluate those needs in order of priority on a yearly base and recommend to th Executive Mayor	Section 56(2)(a) of the Local Government Municipal Structures Act,1998			
O.2.6 Strategies: Recommendation	To recommend to the Executive Mayor on a yearly base strategies, programmes and services to address needs through the IDP, related to the portfolio	Section 56(2)(c) of the Local Government Municipal Structures Act,1998			
O.2.7 Strategies: recommendation of implementation	To recommend to the Executive Mayor the best way, including partnership and other approaches, to deliver those	Section 56(2)(d)of the Local Government Municipal Structures Act, 1998			

	strategies, programmes and services related to the portfolio				
O.2.8 Report on involvement of communities	To report on the involvement of communities and community organisations in the affairs of the municipality in respect of the portfolio	Section 56(3)(g) of the Local Government Municipal Structures Act,1998			
O.2.9 Consultation with public	To ensure that regard is given to the public views and report on the effect of consultation on the decision of the portfolio	Section 56(3)(h) of the Local Government Municipal Structures Act,1998			
O.2.10 Liasion	To liase with the manager responsible for roads services on matters related to the portfolio.				
O.2.11 Complaints	To deal with complaints from the public not disposed of by the Portfolio Manager.				
O.2.12 Representative	To serve as council representative on all regional, provincial or national bodies in respect of matters related to the Community services portfolio.	Section 59 of the Local Government: Municipal Systems Act, 2000.			
O.2.13 Representative	To nominate any member of the portfolio Committee to represent him/her as representative in respect of matters related to his/ her portfolio, if not available.	Section 59 of the Local Government: Municipal Systems Act, 2000.			
O.2.14 Ceremonial Role	To perform ceremonial functions in his/ her portfolio.				

P. TECHNICAL COMMITTEE					
P.1 Role					
This committee is established to assist the Executive Mayor. The committee shall deal with matters associated with its portfolio and where it does not have the delegated powers to dispose of a matter, formulate specific recommendations to the Executive Mayor.					
P.2 Delegations	Item	Origin	Conditions	Delegable	Reporting Frequency
P.2.1 Report to executive mayor	To report to the executive mayor in accordance with the directions of the executive mayor.	Section 80(4) of the Local Government: Municipal Structures Act, 1998	To be determined	No	As determined by the executive mayor
P.2.2 Agency Function	To supervise the execution of Central Karoo District Municipality's responsibilities in respect of the agency agreement with the Provincial Administration Western Cape.				
P.2.3 Staff matters: Training	To recommend suitable training and exposure of staff within the portfolio		Recommend to Admin and Pers.		
P.2.4 Yearly tenders	To recommend specific contractors for the yearly approval of tenders to the Executive Mayor				
P.2.5 Ad Hoc Tenders	To recommend to the Executive Mayor ad hoc tenders associated with the portfolio and of a value higher than R120 000 (one hundred and twenty thousand rand).				
P.2.6 Staff matters: Vacancies	To approve the filling of vacancies within the portfolio, within the restrictions of the operating budget.				

Q. EXTERNAL AUDIT COMMITTEE (SECTION 79)

Q.1 CONSTITUTION

The District Municipality has established a Committee to be known as the Audit Committee (“Committee”) to assist the Council and the Municipal Manager in discharging their duties relating to the safeguarding of assets, the operation of adequate systems, control processes and the preparation of accurate financial reporting and statements in compliance with all applicable legal requirements and accounting standards. The Committee should not perform any management functions or assume any management responsibilities; it provides a forum for discussing business risk and control issues for developing relevant recommendations for consideration by the Council. The Committee should mainly make recommendations to the Council for its approval or final decision. The membership, resources, responsibilities and authorities (composition, functions and operation) of the Committee to perform its role effectively, are stipulated in these terms of reference, which may be amended by the Council from time to time. The Committee is constituted in terms of the requirements of sound corporate governance practices and operates within that framework.

Q.2 MEMBERSHIP

Audit Committee members shall be appointed by Council:

The Audit Committee will comprise of five members of whom:

- The chairman will be an outsider.
- one member shall be the Municipal Manager (as Accounting Officer to the Authority)
- The remaining members shall be outsiders appointed by the Council.

Assisted by:

The Director Finance and the Internal Auditor will assist the Audit Committee in an advisory and reporting capacity.

The quorum for the transaction of business shall be three members of the Audit Committee.

Q.3 RESPONSIBILITIES OF THE COMMITTEE

Q.3.1 Auditors and external audit

The Office of the Auditor General conducts the external audit of the District Municipality, in terms of:

- a) Section 10G(2)(ii) of the Local Government Transition Act and
- b) Section 80(1) of the Municipal Finance Management Bill.

The Committee will attend to the following matters in conjunction with duly authorised representatives from the Office of the Auditor General:

- (i) Discuss and review, with the external auditor(s) before the audit commences the auditor(s) engagement letter, the terms, nature and scope of the audit function, procedure and engagement, the audit fee, and to ensure co-ordination where more than one audit firm is involved and maintenance of a professional relationship between them;
- (ii) Negotiate procedures, subject to agreement, beyond minimum statutory and professional duties - there are certain minimum procedures required from the external auditors which are not negotiable;
- (iii) Agree to the timing and nature of reports from the external auditor(s);
- (iv) Consider any problems identified in going concern or statement of internal control;
- (v) Make suggestions as to problem areas which the audit can address;
- (vi) Consider any accounting treatments, significant unusual transactions, or accounting judgments, which could be contentious;
- (vii) Identify key matters arising in the current year's management letter and satisfy itself that they are being properly followed up;
- (viii) Consider whether any significant ventures, investments or operations are not subject to external audit;
- (ix) Review overall audit role, to explore objectives, minimise duplication, discuss implications of new auditing standards and ensure that external audit fee will sustain a proper audit and provide value for money;
- (x) Agree to the timing and nature of reports from the external auditor(s);
- (xi) Obtain assurance from the external auditor(s) that adequate accounting records are being maintained.

Where "Municipal entities", as envisaged in terms of Chapter 9 of the Municipal Finance Management Bill (and in terms of Section 84 of the Local Government Municipal Systems Act, 2000) are in existence, the Committee may be requested to recommend to the Council which firm(s) should be appointed as external auditor(s) in terms of Section 82 (2) (a) of the Municipal Finance Management Bill. Several firms should be screened and the Committee should obtain written or verbal proposals to enable them to arrive at their recommendation.

In addition to the matters listed in items (i) to (xi) above, the Committee will also attend to the following:

- (a) Evaluate the independence and effectiveness of the external auditor(s) and consider any non-audit services rendered by such auditors as to whether this materially impairs their independence;
- (b) Evaluate the performance of the external auditor(s);
- (c) Consider and make recommendations on the appointment and retention of the external auditor(s), and any questions of resignation or dismissal of the auditor(s);

Q.3.2 Financial statements

The Committee will examine and review the annual financial statements and accompanying reports to stakeholders, and any other announcements regarding the District Municipality's results or other financial information to be made public, prior to submission and approval by the Council, focusing particularly on:

- ◆ The implementation of new systems;
- ◆ Fiscal and litigation matters involving uncertainty;
- ◆ Any changes in accounting policies and practices;
- ◆ Major judgmental areas;
- ◆ Significant adjustments resulting from the audit;
- ◆ The basis on which the District Municipality has been determined to be a going concern;
- ◆ Capital adequacy;
- ◆ Internal control;
- ◆ Compliance with accounting standards and with legal requirements;
- ◆ The efficacy of major adjustments processed at year end;
- ◆ Compliance with the financial conditions of loan covenants; and
- ◆ Reviewing special documents as and when prepared.

Q.3.3 Internal control and internal audit

An important role of the Committee will be to monitor and supervise the effective function of the internal audit, ensuring that the roles and functions of the external audit with internal audit are sufficiently clarified and co-ordinated to provide an objective overview of the operational effectiveness of the company's systems of internal control and reporting. This will include:

- ◆ Evaluating the performance of internal audit;
- ◆ Reviewing the internal audit function's compliance with its mandate as approved by the Committee;
- ◆ Reviewing the effectiveness of the company's systems of internal control, including internal financial control and business risk management and to maintain effective internal control systems;
- ◆ Considering the appointment, dismissal or re-assignment of the head of the internal audit function;
- ◆ Reviewing and approving the internal audit charter, internal audit plans and internal audit's conclusions with regard to internal control;
- ◆ Reviewing the adequacy of corrective action taken in response to significant internal audit findings;
- ◆ Reviewing significant matters reported by the internal audit function;
- ◆ Reviewing the objectives and the operations of the internal audit function;
- ◆ Assessing the adequacy of performance of the internal audit function, and the adequacy of available internal audit resources;
- ◆ Reviewing the co-operation and co-ordination between the internal and external audit functions and co-ordinating the formal internal audit work plan with external auditors to avoid duplication of work;
- ◆ Reviewing significant differences of opinion between management and the internal audit function;
- ◆ Evaluating whether or not proper and adequate accounting records are maintained;
- ◆ Evaluating the independence and effectiveness of the internal auditors;

- ◆ Evaluating controls over the overall operational and financial reporting environment;
- ◆ Evaluating whether or not the District Municipality's assets are safeguarded against unauthorised use or disposal;
- ◆ Initiating investigations into matters within its scope, for example, evaluations of the effectiveness of the District Municipality's internal control, cases of employee fraud, misconduct or conflict of interest.

Q.3.4 Ethics

There are a number of statutory, common law and other requirements, which cover the ethical behaviour of Councillors, Municipal Managers and Council Officials. In addition, the Local Government: Municipal Systems Act, 2000 prescribes:

- a) A code of conduct for Councillors; and
- b) A code of conduct for Municipal Staff Members.

The Committee will be responsible for ensuring that adequate mechanisms are in place for:

- (i) Monitoring the ethical conduct of Councillors and Municipal staff members;
- (ii) Ensuring compliance with the requirements of the Local Government: Municipal Systems Act, 2000;
- (iii) Ensuring compliance with the laws and regulations of any other applicable statute and of controlling bodies;
- (iv) Identification and reporting of any material violations of ethical conduct;
- (v) Identification and reporting of environmental and social issues;

The Committee will also make recommendations regarding any potential conflicts of interest or questionable situations of a material nature, which are brought to its attention.

Q.4 REPORTING AND ACCOUNTABILITY

The chairperson of the Committee shall account to the Council for its activities and make recommendations to the Council concerning the adoption of the annual financial statements and any other matters arising from the above responsibilities.

The chairperson (or, in his or her absence, an alternate member) of the Committee shall attend the meeting, required in terms of section 68(1) (a) of the Municipal Finance Management Bill where the annual report, the financial statements and the audit report are tabled, to answer questions concerning matters falling within the ambit of the Committee.

Q.5 ACTIVITIES OF THE COMMITTEE

In discharging its responsibilities, the Committee will:

Q.5.1 Financial statements

- Review the quality of financial information, financial statements and other public and regulatory reporting;
- Review the annual report and accounts taken as a whole to ensure they present a balanced and understandable assessment of the position, performance and prospects of the District Municipality;
- Review the external auditor(s) proposed audit report;
- Discuss problems and reservations arising from the audit, and any matters the auditor(s) may wish to discuss.
- Review the external auditors' management letter and management response;
- Review the credibility, independence and objectivity of the auditor(s), taking into account their audit and non-audit fees. Where the auditors also supply a substantial volume of non-audit services to the District Municipality, the Committee should keep the nature and extent of such services under review, seeking to balance the maintenance of objectivity and value for money.

Q.5.2 Internal control and internal audit

Review the District Municipality's statement on internal control systems (if and when made mandatory for Local Government) prior to endorsement by the Council, and in particular to review:

- The procedures for identifying business risks and controlling their impact on the District Municipality;
- The District Municipality's policies for preventing or detecting fraud;
- The District Municipality's policies for ensuring that it complies with relevant regulatory and legal requirements;
- The operational effectiveness of the policies and procedures;
- Consider whether the objectives, organisation, staffing plans, financial budgets, audit plans and standing of the internal audit function provides adequate support to enable the Committee to meet its objectives;
- Review the results of work performed by the internal audit function in relation to financial reporting, corporate governance, internal control, and any significant investigations and management response;
- Review co-ordination between the internal audit function and the external auditors and deal with any issues of material or significant dispute or concern;
- Make enquiries regarding the existence or otherwise of significant transactions not directly related to the District Municipality's normal business as the Committee might deem appropriate;
- Review significant cases of employee conflicts of interest, misconduct or fraud, or any other unethical activity by employees or the District Municipality;

- Review the controls over significant risks;
- Consider other relevant matters referred to it by the Council.
- The Committee in carrying out its duties under these terms of reference will have due regard to the principles of governance and code of best practise as contained in the Report on Corporate Governance for South Africa.

Q.6 MEETINGS

Meetings of the Committee will be held as frequently as the Committee considers appropriate, but it will normally meet not less than three times a year. Any member of the committee, the external auditors and the head of internal audit may call further meetings of the Committee when deemed necessary.

Reasonable notice of meetings and the business to be conducted shall be given to the members of the Committee, the Chief Finance Officer and the head of internal audit to make proposals as necessary. The quorum for decisions of the Committee shall be any three members of the Committee present throughout the meeting of the Committee.

The Chief Financial Officer, and head of internal audit shall be in attendance at meetings of the Committee and shall have unrestricted access to the chairperson or any other member of the Committee as is required in relation to any matter falling within the scope of the Committee.

The chairperson, in his or her discretion, may invite other Councillors or Officials to attend and be heard at meetings of the Committee. No such attendee shall have a vote at meetings of the Committee.

Committee agendas, briefing papers and minutes of meetings should be forwarded to the Department Head: Corporate Services for information, and for attending to any Council actions as may be required in consequence of such agendas, briefing papers and minutes.

Q.7 PROCEEDINGS

Unless varied by these terms of reference, meetings and proceedings of the Committee will be governed by the District Municipality's code regulating the meetings and proceedings of the Council and sub-committees of the Council.

Minutes of meetings shall be taken by the committee secretary and shall be reviewed and approved by the members of the Committee.

Q.8 AUTHORITY OF THE COMMITTEE AND RESOURCES AVAILABLE TO IT

The Committee in carrying out its tasks under these terms of reference:

Is authorised to investigate any activity within its terms of reference;

May, at the discretion of the Committee, require other Councillors and officials of the District Municipality to attend meetings or parts of meetings;

May consult with and seek any information it requires from any Councillors or officials and all Councillors and officials shall be required to co-operate with any request made by the Committee in the course of its duties;

May meet privately with the external or internal auditors, if so requested, without any Councillor or Official of the District Municipality in attendance.

May, through the chairperson, request that Councillors or Officials of the District Municipality or the Internal Auditors in attendance recuse themselves from meetings where warranted by the circumstances.

Q.9 REMUNERATION

Having regard to the functions performed by the members of the Committee, and pursuant to the powers of the Council, members of the Committee shall be paid such remuneration in respect of their appointment as shall be fixed by the Council from time to time.

Q.10 GENERAL

The Committee in carrying out its tasks under these terms of reference may obtain such outside or other independent professional advice, as it considers necessary to carry out its duties.

The Council will ensure that the Committee will have access to professional advice both inside and outside of the District Municipality in order for it to perform its duties.

These terms of reference may from time to time be amended as required, subject to the approval of the Council.

R. PIMS MANAGEMENT COMMITTEE

R.1 Establishment

- (1) A municipal council may-
- (a) establish one or more committees necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers;
 - (b) appoint the members of such a committee from among its members; and
 - (c) dissolve a committee at any time.
- (2) The municipal council-
- (a) must determine the functions of a committee;
 - (b) may delegate duties and powers to it in terms of section 32;
 - (c) must appoint the chairperson;
 - (d) may authorise a committee to co-opt advisory members who are not members of the council within the limits determined by the council;
 - (e) may remove a member of a committee at any time; and
 - (f) may determine a committee's procedure.

R.2 Objectives of the Management Committee

The objectives of the management committee are:

- to approve the budget set out by the centre staff and to ensure that the budget complies with the Municipal Finance Management Act;
- to approve the work plan prepared by the centre staff. In considering whether or not to approve a work plan, the management committee must ensure that the work plan:
 - provides the centre staff with a framework for organizing monthly work plans and serves as a management tool for the management committee in terms of monitoring the PIMS centre's performance;
 - reflects the support requirements of municipalities based on the municipal needs assessment done by the centre staff within the district municipality;
 - sets priorities for the centre;
 - establishes the amount of time that the PIMS centre will devote to each municipality ensuring that not more than 1/3 of its time is utilized to provide support to the municipality and that the needs of less-resourced municipalities are prioritised;
 - maintains the accessibility of the centre to all the municipalities within the municipality; and
 - allows the centre staff to attend all the PIMS forums and all the PIMS-related events.
- to ensure that the PIMS centre implements its mandate of supporting participating municipalities and ensuring that it does not duplicate or perform any of the regular functions of any participating municipality or take over the planning responsibilities of participating municipalities; and
- to develop the identity of the centre into that of a strategic support service that is distinct from the day-to-day operations of the administration.

R.3 Establishment and composition

The management committee was established by resolution of the district municipality on

The management committee is constituted as follows:

- Full members:
 - One councillor from the district municipality and
 - one councillor from each of the three local municipalities;
- Advisory members
 - Each participating municipality may, at its sole discretion, nominate two other persons that should be “advisory members” on the management committee. One of these persons must be the municipal manager of the participating municipality or his delegate;
 - A provincial delegate from the Provincial Administration Western Cape;
 - The municipality must appoint the Manager of the PIMS centre as an advisory member;

Chairperson: The chairperson of the committee is the councillor from the district municipality.

Secretary: The secretary of the committee is the administrative officer from the PIMS centre.

R.4 Meetings of the Management Committee

The management committee must have an annual general meeting. The annual general meeting must be held within a month of the approval of the municipal budget by the district municipal council.

Other general meetings of the management committee may be held at any time, but must be held at least quarterly.

Annual general meetings and general meetings must be held at such date, time and place as the chairperson may determine but if a majority of the management committee members requests the secretary in writing to convene a meeting, the secretary must convene a meeting at a time set out in the request.

R.5 Delegations	Item	Origin	Conditions		
R.5.1 Reporting	To report to the Council.	Section 79(2)(f) of the Local Government: Municipal Structures Act, 1998			
Approval Work Plan	to approve the work plan prepared by the centre staff and in approving such a work plan, ensure that it complies with the principles set out in clause 5.2				

Monitor Progress	to monitor the progress made by the centre staff in implementing the work plan;				
Approve Budget	to approve the budget set out by the centre staff, to ensure that the budget complies with the Municipal Finance Management Act and refer disputes around the budget to the MEC responsible for local government;				
Additional Services	to decide on additional services and the support that will be necessary for these additional services;				
Appointment Chairperson	to appoint from its members a new chairperson should the position become vacant, provided that the appointment is approved by the municipal council at the next meeting following the appointment. The municipal council may either approve the appointment or appoint an alternative chairman;				
Recommendations Delegations	to recommend to the Municipality that amendments of the delegations of powers to the centre should include additional functions and services and specify in a supporting report the reasons for these additional functions and the additional human and financial resources that will be necessary to carry out these additional services;				
Recommendations: Conditions of Service Manager: PIMS Centre	to make recommendations to the district municipality in respect of the dismissal and employment of the Manager: PIMS centre.				

S. MUNICIPAL MANAGER					
<p>S.1 Role 'municipal manager' means a person appointed in terms of section 82 of the Municipal Structures Act;Municipal managers (s 82)</p> <p>[a117y1998s82]82 Appointment</p> <p>(1) A municipal council must appoint-</p> <p>(a) a municipal manager who is the head of administration and also the accounting officer for the municipality; and</p>					
S.2 Delegations	Item	Origin	Conditions	Delegable	Reporting Frequency
S.2.1 First meeting	To call the first meeting of the council of that municipality within 14 days after all the members to be appointed by local councils, have been appointed.	Section 18(2)of the Local Government: Municipal Systems Act, 2000			
S.2.2 Election of speaker	To preside over the election of a speaker.	Section 36(3) of the Local Government: Municipal Systems Act, 2000			
S.2.3 Vacancy as councillor	To inform the Chief electoral officer within seven days when a councillor ceases to hold office,	Section 18 of the Local Government: Municipal Systems Act, 2000			
S.2.4 Integrated development plan	To submit a copy of the integrated development plan as adopted by the council of the municipality, and any subsequent amendment to the plan, to the MEC for local government in the province within 10 days of the adoption or amendment of the plan.	Section 32 of the Local Government: Municipal Systems Act, 2000			
S.2.5 Annual report	<i>To prepare for each financial year an annual report consisting of-</i> <i>(1)(a) a performance report reflecting-</i> <i>(i) the municipality's, and any service provider's, performance during that financial</i>	<i>Section 46 of the Local Government: Municipal Systems Act, 2000</i>			

	<p><i>year, also in comparison with targets of and with performance in the previous financial year;</i></p> <p><i>(ii) the development and service delivery priorities and the performance targets set by the municipality for the following financial year; and</i></p> <p><i>(iii) measures that were or are to be taken to improve performance;</i></p> <p><i>(b) the financial statements for that financial year prepared in accordance with the standards of generally recognised accounting practice referred to in section 89 of the Public Finance Management Act, 1999 (Act 1 of 1999);</i></p> <p><i>(c) an audit report on the financial statements and the report on the audit performed in terms of section 45 (b); and</i></p> <p><i>(d) Any other reporting requirements in terms of other applicable legislation.</i></p> <p><i>To table its annual audit report within one month of receiving the audit report referred to in subsection (1) (c).</i></p>				
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<p>S.2.6 Annual report</p>	<p>To inform, by prior notice in the media, the local community of the meeting or meetings of the council at which the municipality's annual report is tabled or discussed, which meetings must be open to the public;</p> <p>To give written notice of such meetings to the Auditor-General and the MEC for local government in the province;</p> <p>To submit copies of the minutes of those meetings to the Auditor-General and the MEC for local government in the province;</p> <p>To be available to respond to questions related to the annual report at a meeting during which representatives of the Auditor-General and the MEC for local government in the province are entitled to attend.</p> <p>To ensure, that after adoption of Central Karoo District Municipality's annual report, and within 14 days-</p> <p>(a) make copies of the report accessible to the public, interested organisations and the media, free of charge or at a reasonable price; and</p> <p>(b) submit a copy of the report to-</p> <p>(i) the MEC for local government in the province;</p> <p>(ii) the Auditor-General; and</p> <p>(iii) such other institutions as may be prescribed by regulation.</p>	<p>Section 45 of the Local Government: Municipal Systems Act, 2000</p>			
<p><i>S.2.7 Approval of powers of signature</i></p>	<p><i>To approve powers of signature</i></p>	<p><i>Section 59(1) of the Local Government: Municipal Systems Act, 2000</i></p>			

S.2.8 Performance of administration	To be accountable to the district council for the overall performance of the administration.	Section 51 of the Local Government: Municipal Systems Act, 2000			
S.2.9 Accountability : administration	To be, as head of the administration and subject to the policy directions of the district council, responsible and accountable for- (a) the formation and development of an economical, effective, efficient and accountable administration- (i) equipped to carry out the task of implementing the municipality's integrated development plan in accordance with Chapter 5 of the Local Government: Municipal Systems Act, 2000; (ii) operating in accordance with the municipality's performance management system in accordance with Chapter 6; and (iii) responsive to the needs of the local community to participate in the affairs of the municipality.	55(1)(a) of the Local Government: Municipal Systems Act, 2000			
S.2.10 Accountability: management of administration	To be, as head of the administration and subject to the policy directions of the district council, responsible and accountable for the management of the municipality's administration in accordance with this Act and other legislation applicable to the municipality.	55(1)(b) of the Local Government: Municipal Systems Act, 2000			
S.2.11 Integrated development plan	To be, as head of the administration and subject to the policy directions of the district council, responsible and accountable for the implementation of the municipality's integrated development plan, and the monitoring of progress with implementation of the plan.	55(1)(c) of the Local Government: Municipal Systems Act, 2000			
S.2.12 Provision of services	To be, as head of the administration and subject to the policy directions of the district council, responsible and accountable for the management of the provision of services to the local community in a sustainable and equitable manner.	55(1)(d) of the Local Government: Municipal Systems Act, 2000			

S.2.13 Appointment of staff	To be, as head of the administration and subject to the policy directions of the district council, responsible and accountable for the appointment of staff other than those referred to in section 56 (a), subject to the Employment Equity Act, 1998 (Act 55 of 1998);	55(1)(e) of the Local Government: Municipal Systems Act, 2000			
S.2.14 Management, effective utilisation and training of staff	To be, as head of the administration and subject to the policy directions of the district council, responsible and accountable for the management, effective utilisation and training of staff.	55(1)(f) of the Local Government: Municipal Systems Act, 2000			
S.2.15 Discipline of staff	To be, as head of the administration and subject to the policy directions of the district council, responsible and accountable for the maintenance of discipline of staff.	55(1)(g) of the Local Government: Municipal Systems Act, 2000			
S.2.16 Labour relations	To be, as head of the administration and subject to the policy directions of the district council, responsible and accountable for the promotion of sound labour relations and compliance by the municipality with applicable labour legislation.	55(1)(h) of the Local Government: Municipal Systems Act, 2000			
S.2.17 Advise councillors	To be, as head of the administration and subject to the policy directions of the district council, responsible and accountable for advising the political structures and political office bearers of the municipality;	55(1)(i) of the Local Government: Municipal Systems Act, 2000			
S.2.18 Communications	To be, as head of the administration and subject to the policy directions of the district council, responsible and accountable for managing communications between the municipality's administration and its political structures and political office bearers.	55(1)(j) of the Local Government: Municipal Systems Act, 2000			
S.2.19 Decisions	To be, as head of the administration and subject to the policy directions of the district council, responsible and accountable for carrying out the decisions of the political structures and political office bearers of the municipality.	55(1)(k) of the Local Government: Municipal Systems Act, 2000			

S.2.20 By-laws	To be, as head of the administration and subject to the policy directions of the district council, responsible and accountable for the administration and implementation of the municipality's by-laws and other legislation.	55(1)(l) of the Local Government: Municipal Systems Act, 2000			
S.2.21 Delegated duties	To be, as head of the administration and subject to the policy directions of the district council, responsible and accountable for the exercise of any powers and the performance of any duties delegated by the municipal council, or sub-delegated by other delegating authorities of the municipality, to the municipal manager in terms of section 59.	55(1)(m) of the Local Government: Municipal Systems Act, 2000			
S.2.22 Community participation	To be, as head of the administration and subject to the policy directions of the district council, responsible and accountable for facilitating participation by the local community in the affairs of the municipality.	55(1)(n) of the Local Government: Municipal Systems Act, 2000			
S.2.23 Municipal services	To be, as head of the administration and subject to the policy directions of the district council, responsible and accountable for developing and maintaining a system whereby community satisfaction with municipal services is assessed.	55(1)(o) of the Local Government: Municipal Systems Act, 2000			
S.2.24 National legislation	To be, as head of the administration and subject to the policy directions of the district council, responsible and accountable for the implementation of national and provincial legislation applicable to the municipality; and	55(1)(p) of the Local Government: Municipal Systems Act, 2000			
S.2.25 Other functions	To be, as head of the administration and subject to the policy directions of the district council, responsible and accountable for the performance of any other function that may be assigned by the municipal council.	55(1)(q) of the Local Government: Municipal Systems Act, 2000			

S.2.26 Accounting officer	To be, (2) As accounting officer of the municipality the municipal manager is responsible and accountable for- (a) all income and expenditure of the municipality; (b) all assets and the discharge of all liabilities of the municipality; and (c) Proper and diligent compliance with applicable municipal finance management legislation.	55(2) of the Local Government: Municipal Systems Act, 2000			
S.2.27 Appeals: submission	To submit appeals received in terms of section 62 of the Local Government: Municipal Systems Act, 2000 to the appropriate appeal authority.	Section 62(2) of the Local Government: Municipal Systems Act, 2000			
S.2.28 Appeal authority	To act as authority to a appeal submitted in terms of Local Government: Municipal Systems Act, 2000 against a decision taken by a staff member, and confirm, vary or revoke the decision,	Section 62(4)(a) of the Local Government: Municipal Systems Act, 2000	No such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.		
S.2.29 Review of delegations	To submit to the executive mayor an annual report on the existing delegations issued in terms of section 59 by the council and other delegating authorities of the municipality; and make recommendations on any changes to the existing delegations, which the municipal manager may consider necessary.	Section 65(2) of the Local Government: Municipal Systems Act, 2000			

<p>S.2.30 Approval of staff establishment</p>	<p>To approve a staff establishment for the municipality, within a policy framework determined by the municipal council and subject to any applicable legislation.</p>	<p>Section 66(a) of the Local Government: Municipal Systems Act, 2000</p>	<p>Do not apply to remuneration and conditions of service regulated by employment contracts referred to in section 57 the Local Government: Municipal Systems Act, 2000</p>		
<p>S.2.31 Job descriptions</p>	<p>To provide a job description for each post on the staff establishment; within a policy framework determined by the municipal council and subject to any applicable legislation</p>	<p>Section 66(b) of the Local Government: Municipal Systems Act, 2000</p>	<p>Do not apply to remuneration and conditions of service regulated by employment contracts referred to in section 57 the Local Government : Municipal Systems Act, 2000</p>		
<p>S.2.32 Determination of remuneration and conditions of service</p>	<p>To attach to those posts the remuneration and other conditions of service as may be determined in accordance with any applicable labour legislation; and within a policy framework determined by the municipal council and subject to any applicable legislation</p>	<p>Section 66(c) of the Local Government: Municipal Systems Act, 2000</p>	<p>Do not apply to remuneration and conditions</p>		

			of service regulated by employment contracts referred to in section 57 the Local Government : Municipal Systems Act, 2000		
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<p>S.2.33 Evaluation of staff remuneration and conditions of service</p>	<p>To establish a process or mechanism to regularly evaluate the staff establishment and, if necessary, review the staff establishment and the remuneration and conditions of service within a policy framework determined by the municipal council and subject to any applicable legislation</p>	<p>Section 66(d) of the Local Government: Municipal Systems Act, 2000</p>	<p>Do not apply to remuneration and conditions of service regulated by employment contracts referred to in section 57 the Local Government : Municipal Systems Act, 2000</p>		
<p>S.2.34 Availability of staff systems</p>	<p>To ensure that every staff member and every relevant representative trade union has easy access to a copy of these staff systems and procedures, including any amendments, To make a copy of or extract from these staff systems and procedures, including any amendments, available to that staff member on written request by a staff member. To ensure that the purpose, contents and consequences of these staff systems and procedures are explained to staff members who cannot read.</p>	<p>Section 67(4) the Local Government: Municipal Systems Act, 2000</p>			
<p>S.2.35 Copies of code of conduct</p>	<p>To provide a copy of the Code of Conduct to every member of the staff of the municipality, and To provide every staff member with any amendment of the Code of Conduct. To ensure that the purpose, contents and consequences of the Code of Conduct are explained to staff members who cannot read; and</p>	<p>Section 70 the Local Government: Municipal Systems Act, 2000</p>			

	To communicate sections of the Code of Conduct that affect the public to the local community.				
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S.2.36 Resolutions rates and levies	To conspicuously display a copy of the resolution taken in terms of section 75A of the of the Local Government: Municipal Systems Act, 2000, for a period of at least 30 days at the main administrative office of the municipality and at such other places within the municipality to which the public has access as the municipal manager may determine.	75A of the of the Local Government: Municipal Systems Act, 2000			
S.2.37 Implementing authority	To implement and enforce the municipality's credit control and debt collection policy and any by-laws enacted in terms of section 98 of the of the Local Government: Municipal Systems Act, 2000; in accordance with the credit control and debt collection policy and any such by-laws, establish effective administrative mechanisms, processes and procedures to collect money that is due and payable to the municipality; and at such intervals as may be determined by the council report the prescribed particulars to a meeting of the supervisory authority referred to in section 99 of the of the Local Government: Municipal Systems Act, 2000.	Section 100 of the of the Local Government: Municipal Systems Act, 2000			
S.2.38 Applications for leave: managers	To consider and approve all applications for leave, attendance of meetings, seminars, training congresses, courses by managers reporting to the municipal manager	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000			
S.2.39 Overtime, loans and travel expences	To consider and approve overtime applications, loans subsistence and travel claims for managers reporting to the municipal manager	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000			
S.2.40 Relocation expences	To consider and approve relocation expences for staff reporting to the municipal manager appointed on the municipality's establishment	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000			
S.2.41 Tenders and quotes	To consider and approve tenders or quotes of a higher value than R50 000 and not exceeding R120 000, subject to the municipality's procurement policy	Section 80(3)(b) of the Local Government: Municipal Structures Act, 1998			

S.2.42 Power of signature	To sign all documents, agreements and certificates on behalf of the municipality	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000		Yes	
S.2.43 Ex gratia pensions	Approval of ex-gratia pensions of employees, subject to the municipality's procurement policy	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000			
S.2.44 Disaster management	To perform all duties and functions as Head of Disaster Management in terms of Disaster Management Act, 2000	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000			
S.2.45 Press statements	To issue press statements on all matters concerning the municipality, excluding matters of a political nature	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000			
S.2.46 Acting managers	To appoint staff to act in the position of manager	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000			
S.2.47 Movement of funds	To consider and approve the movement of budgeted funds between vote numbers, within a cost centre on request of a portfolio manager and after comments by the Finance Manager	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000			
S.2.48 National Archive Act, 1996	To determine in terms of the National Archive Act, 1996, the retention period for records with a D-classification and to approve the disposal of records with these retention periods	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000			
S.2.49 Virementation of Funds	To approve the virementation of funds on any budget, where such virementation does not exceed R100 000,00 and does not constitute an amendment of council's budget or IDP.	Section 59(1) of the Local Government: Municipal Systems Act, 2000	No	No	
S.2.50 Commercial Activity	To decide on any commercial activity of council where the value of such activity does not exceed R200 000,00	Section 59(1) of the Local Government: Municipal Systems Act, 2000	No	No	
S.2.51 Sub-Delegation	To sub-delegate any power which is not prohibited by law.				

T. DIRECTOR: CORPORATE SERVICES					
T.1 Role					
T.2 Delegations	Item	Origin	Conditions	Delegable	Reporting Frequency
T.2.1 General performance	To report to the Municipal manager in respect of the general performance of the portfolio	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000	To be determined	No	As determined by the municipal manager
T.2.2 Applications for leave: managers	To consider and approve all applications for leave, attendance of meetings, seminars, training congresses, courses by staff reporting to the manager.	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000	To be determined	Yes	As determined by the municipal manager
T.2.3 Overtime, loans and travel expences	To consider and approve overtime applications, loans subsistence and travel claims for managers reporting to the manager	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000	To be determined	Yes	As determined by the municipal manager
T.2.4 Relocation expences	To consider relocation expences for staff reporting to the manager, appointed on the municipality's establishment	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000	To be determined	No	As determined by the municipal manager
T.2.5 Tenders and quotes	To consider tenders or quotes of a higher value than R5 000 and not exceeding R50 000, subject to the municipality's procurement policy	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000	To be determined	No	As determined by the municipal manager
T.2.6 Power of signature	To sign all documents, agreements and certificates on behalf of the municipality, as delegated by the municipal manager	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000	To be determined	Yes	As determined by the municipal manager

U. DIRECTOR: FINANCIAL SERVICES					
U.1 Role					
U.2 Delegations	Item	Origin	Conditions	Delegable	Reporting Frequency
U.2.1 General performance	To report to the Municipal manager in respect of the general performance of the portfolio	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000	To be determined	No	As determined by the municipal manager
U.2.2 Applications for leave: managers	To consider and approve all applications for leave, attendance of meetings, seminars, training congresses, courses by staff reporting to the manager.	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000	To be determined	Yes	As determined by the municipal manager
U.2.3 Overtime, loans and travel expences	To consider and approve overtime applications, loans subsistence and travel claims for managers reporting to the manager	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000	To be determined	Yes	As determined by the municipal manager
U.2.4 Relocation expences	To consider relocation expences for staff reporting to the manager, appointed on the municipality's establishment	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000	To be determined	No	As determined by the municipal manager
U.2.5 Tenders and quotes	To consider tenders or quotes of a higher value than R5 000 and not exceeding R50 000, subject to the municipality's procurement policy	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000	To be determined	No	As determined by the municipal manager
U.2.6 Power of signature	To sign all documents, agreements and certificates on behalf of the municipality, as delegated by the municipal manager	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000	To be determined	Yes	As determined by the municipal manager

U.2.7 Payment of Levies	To grant extension of time for the payment of levies	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000			
U.2.8 Asset registers	To ensure that the municipality's assets are adequately contained in a suitable asset register.	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000			
U.2.9 Insurance	To ensure that the municipality is adequately insured.	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000			
U.2.10 Advances	To consider and approve advances on the remuneration of staff on recommendation of the relevant manager and subject to policy	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000			
U.2.11 Long service bonuses	To consider and approve the payment of long service bonuses, on recommendation of the relevant manager and subject to policy	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000			

V. DIRECTOR: HEALTH SERVICES					
V.1 Role					
V.2 Delegations	Item	Origin	Conditions	Delegable	Reporting Frequency
V.2.1 General performance	To report to the Municipal manager in respect of the general performance of the portfolio	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000	To be determined	No	As determined by the municipal manager
V.2.2 Applications for leave: managers	To consider and approve all applications for leave, attendance of meetings, seminars, training congresses, courses by staff reporting to the manager.	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000	To be determined	Yes	As determined by the municipal manager
V.2.3 Overtime, loans and travel expences	To consider and approve overtime applications, loans subsistence and travel claims for managers reporting to the manager	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000	To be determined	Yes	As determined by the municipal manager
V.2.4 Relocation expences	To consider relocation expences for staff reporting to the manager, appointed on the municipality's establishment	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000	To be determined	No	As determined by the municipal manager
V.2.5 Tenders and quotes	To consider tenders or quotes of a higher value than R5 000 and not exceeding R50 000, subject to the municipality's procurement policy	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000	To be determined	No	As determined by the municipal manager
V.2.6 Power of signature	To sign all documents, agreements and certificates on behalf of the municipality, as delegated by the municipal manager	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000	To be determined	Yes	As determined by the municipal manager

W. DIRECTOR: TECHNICAL SERVICES					
W.1 Role					
W.2 Delegations	Item	Origin	Conditions	Delegable	Reporting Frequency
W.2.1 General performance	To report to the Municipal manager in respect of the general performance of the portfolio	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000	To be determined	No	As determined by the municipal manager
W.2.2 Applications for leave: managers	To consider and approve all applications for leave, attendance of meetings, seminars, training congresses, courses by staff reporting to the manager.	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000	To be determined	Yes	As determined by the municipal manager
W.2.3 Overtime, loans and travel expences	To consider and approve overtime applications, loans subsistence and travel claims for managers reporting to the manager	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000	To be determined	Yes	As determined by the municipal manager
W.2.4 Relocation expences	To consider relocation expences for staff reporting to the manager, appointed on the municipality's establishment	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000	To be determined	No	As determined by the municipal manager
W.2.5 Tenders and quotes	To consider and approve tenders or quotes of a higher value than R5 000 and not exceeding R50 000, subject to the municipality's procurement policy	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000	To be determined	No	As determined by the municipal manager
W.2.6 Power of signature	To sign all documents, agreements and certificates on behalf of the municipality, as delegated by the municipal manager	Section 59(1)(a) of the Local Government: Municipal Systems Act, 2000	To be determined	Yes	As determined by the municipal manager
W.2.7 Road signs	To place road signs according to the policy of PAWC				
W.2.8 Rental of fleet	To consider the rental of either private				

	or PAWC fleet in co-operation with the District Roads Inspector				
W.2.9 Emergency Funds	To prioritise the utelization of emergency funds during a disastrer situation within the policy of PAWC				

X. ANNEXURE A: CODE OF CONDUCT FOR COUNCILLORS

Schedule 1

CODE OF CONDUCT FOR COUNCILLORS

[Schedule 1 amended by ss.45 and 46 of Act 51 of 2002.]

Preamble

Councillors are elected to represent local communities on municipal councils, to ensure that municipalities have structured mechanisms of accountability to local communities, and to meet the priority needs of communities by providing services equitably, effectively and sustainably within the means of the municipality. In fulfilling this role councillors must be accountable to local communities and report back at least quarterly to constituencies on council matters, including the performance of the municipality in terms of established indicators. In order to ensure that councillors fulfil their obligations to their communities, and support the achievement by the municipality of its objectives set out in section 19 of the Municipal Structures Act, the following Code of Conduct is established.

1 Definitions

In this Schedule 'partner' means a person who permanently lives with another person in a manner as if married.

2 General conduct of councillors

A councillor must-

- (a) perform the functions of office in good faith, honestly and a transparent manner; and
- (b) at all times act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised.

3 Attendance at meetings

A councillor must attend each meeting of the municipal council and of a committee of which that councillor is a member, except when-

- (a) leave of absence is granted in terms of an applicable law or as determined by the rules and orders of the council; or
- (b) that councillor is required in terms of this Code to withdraw from the meeting.

4 Sanctions for non-attendance of meetings

(1) A municipal council may impose a fine as determined by the standing rules and orders of the municipal council on a councillor for:

- (a) not attending a meeting which that councillor is required to attend in terms of item 3; or
- (b) failing to remain in attendance at such a meeting.

(2) A councillor who is absent from three or more consecutive meetings of a municipal council, or from three or more consecutive meetings of a committee, which that councillor is required to attend in terms of item 3, must be removed from office as a councillor.

(3) Proceedings for the imposition of a fine or the removal of a councillor must be conducted in accordance with a uniform standing procedure which each municipal council must adopt for the purposes of this item. The uniform standing procedure must comply with the rules of natural justice.

5 Disclosure of interests

(1) A councillor must-

- (a) disclose to the municipal council, or to any committee of which that councillor is a member, any direct or indirect personal or private business interest that that councillor, or any spouse, partner or business associate of that councillor may have in any matter before the council or the committee; and
- (b) withdraw from the proceedings of the council or committee when that matter is considered by the council or committee, unless the council or committee decides that the councillor's direct or indirect interest in the matter is trivial or irrelevant.

(2) A councillor who, or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose full particulars of the benefit of which the councillor is aware at the first meeting of the municipal council at which it is possible for the councillor to make the disclosure.

(3) This section does not apply to an interest or benefit which a councillor, or a spouse, partner, business associate or close family member, has or acquires in common with other residents of the municipality.

6 Personal gain

(1) A councillor may not use the position or privileges of a councillor, or confidential information obtained as a councillor, for private gain or to improperly benefit another person.

(2) Except with the prior consent of the municipal council, a councillor may not-

- (a) be a party to or beneficiary under a contract for-
 - (i) the provision of goods or services to the municipality; or
 - (ii) the performance of any work otherwise than as a councillor for the municipality;
- (b) obtain a financial interest in any business of the municipality; or
- (c) for a fee or other consideration appear on behalf of any other person before the council or a committee.

(3) If more than one quarter of the councillors object to consent being given to a councillor in terms of subitem (2), such consent may only be given to the councillor with the approval of the MEC for local government in the province.

7 Declaration of interests

(1) When elected or appointed, a councillor must within 60 days declare in writing to the municipal manager the following financial interests held by that councillor:

- (a) shares and securities in any company;
- (b) membership of any close corporation;
- (c) interest in any trust;
- (d) directorships;
- (e) partnerships;
- (f) other financial interests in any business undertaking;
- (g) employment and remuneration;

- (h) interest in property;
- (i) pension; and
- (j) subsidies, grants and sponsorships by any organisation.

(2) Any change in the nature or detail of the financial interests of a councillor must be declared in writing to the municipal manager annually.

(3) Gifts received by a councillor above a prescribed amount must also be declared in accordance with subitem (1).

(4) The municipal council must determine which of the financial interests referred in subitem (1) must be made public having regard to the need for confidentiality and the public interest for disclosure.

8 Full-time councillors

A councillor who is a full-time councillor may not undertake any other paid work except with the consent of a municipal council which consent shall not unreasonably be withheld.

9 Rewards, gifts and favours

A councillor may not request, solicit or accept any reward, gift or favour for-

- (a) voting or not voting in a particular manner on any matter before the municipal council or before a committee of which that councillor is a member;
- (b) persuading the council or any committee in regard to the exercise of any power, function or duty;
- (c) making a representation to the council or any committee of the council; or
- (d) disclosing privileged or confidential information.

10 Unauthorised disclosure of information

(1) A councillor may not without the permission of the municipal council or a committee disclose any privileged or confidential information of the council or committee to any unauthorised person.

(2) For the purpose of this item 'privileged or confidential information' includes any information-

- (a) determined by the municipal council or committee to be privileged or confidential;
- (b) discussed in closed session by the council or committee;
- (c) disclosure of which would violate a person's right to privacy; or
- (d) declared to be privileged, confidential or secret in terms of law.

(3) This item does not derogate from the right of any person to access to information in terms of national legislation.

11 Intervention in administration

A councillor may not, except as provided by law-

- (a) interfere in the management or administration of any department of the municipal council unless mandated by council;
- (b) give or purport to give any instruction to any employee of the council except when authorised to do so;
- (c) obstruct or attempt to obstruct the implementation of any decision of the council or a committee by an employee of the council; or
- (d) encourage or participate in any conduct which would cause or contribute to maladministration in the council.

12 Council property

A councillor may not use, take, acquire or benefit from any property or asset owned, controlled or managed by the municipality to which that councillor has no right.

12A Councillor in arrears

A councillor may not be in arrears to the municipality for rates and service charges for a period longer than 3 months.

[Item 12A inserted by s. 45 of Act 51 of 2002.]

13 Duty of chairpersons of municipal councils

(1) If the chairperson of a municipal council, on reasonable suspicion, is of the opinion that a provision of this Code has been breached, the chairperson must-

- (a) authorise an investigation of the facts and circumstances of the alleged breach;
- (b) give the councillor a reasonable opportunity to reply in writing regarding the alleged breach; and
- (c) report the matter to a meeting of the municipal council after paragraphs (a) and (b) have been complied with.

(2) A report in terms of subitem (1) (c) is open to the public.

(3) The chairperson must report the outcome of the investigation to the MEC for local government in the province concerned.

(4) The chairperson must ensure that each councillor when taking office is given a copy of this Code and that a copy of the Code is available in every room or place where the council meets.

14 Breaches of Code

(1) A municipal council may-

- (a) investigate and make a finding on any alleged breach of a provision of this Code; or
- (b) establish a special committee-
 - (i) to investigate and make a finding on any alleged breach of this Code; and
 - (ii) to make appropriate recommendations to the council.

(2) If the council or a special committee finds that a councillor has breached a provision of this Code, the council may-

- (a) issue a formal warning to the councillor;
- (b) reprimand the councillor;
- (c) request the MEC for local government in the province to suspend the councillor for a period;

- (d) fine the councillor; and
- (e) request the MEC to remove the councillor from office.

(3) (a) Any councillor who has been warned, reprimanded or fined in terms of paragraph (a), (b) or (d) of subitem (2) may within 14 days of having been notified of the decision of council appeal to the MEC for local government in writing setting out the reasons on which the appeal is based.

(b) A copy of the appeal must be provided to the council.

(c) The council may within 14 days of receipt of the appeal referred to in paragraph (b) make any representation pertaining to the appeal to the MEC for local government in writing.

(d) The MEC for local government may, after having considered the appeal, confirm, set aside or vary the decision of the council and inform the councillor and the council of the outcome of the appeal.

(4) The MEC for local government may appoint a person or a committee to investigate any alleged breach of a provision of this Code and to make a recommendation on whether the councillor should be suspended or removed from office.

(5) The Commissions Act, 1947 (Act 8 of 1947), or, where appropriate, applicable provincial legislation, may be applied to an investigation in terms of sub-item (4).

[Sub-item (5) substituted by s. 46 of Act 51 of 2002.]

(6) If the MEC is of the opinion that the councillor has breached a provision of this Code, and that such contravention warrants a suspension or removal from office, the MEC may-

- (a) suspend the councillor for a period and on conditions determined by the MEC; or
- (b) remove the councillor from office.

(7) Any investigation in terms of this item must be in accordance with the rules of natural justice.

15 Application of Code to traditional leaders

(1) Items 1, 2, 5, 6, 9 (b) to (d), 10, 11, 12, 13 and 14 (1) apply to a traditional leader who participates or has participated in the proceedings of a municipal council in terms of section 81 of the Municipal Structures Act.

- (2) These items must be applied to the traditional leader in the same way they apply to councillors.
- (3) If a municipal council or a special committee in terms of item 14 (1) finds that a traditional leader has breached a provision of this Code, the council may-
- (a) issue a formal warning to the traditional leader; or
 - (b) request the MEC for local government in the province to suspend or cancel the traditional leader's right to participate in the proceedings of the council.
- (4) The MEC for local government may appoint a person or a committee to investigate any alleged breach of a provision of this Code and to make a recommendation on whether the right of the traditional leader to participate in the proceedings of the municipal council should be suspended or cancelled.
- (5) The Commissions Act, 1947, may be applied to an investigation in terms of subitem (4).
- (6) If the MEC is of the opinion that the traditional leader has breached a provision of this Code, and that such breach warrants a suspension or cancellation of the traditional leader's right to participate in the council's proceedings, the MEC may-
- (a) suspend that right for a period and on conditions determined by the MEC; or
 - (b) cancel that right.
- (7) Any investigation in terms of this item must be in accordance with the rules of natural justice.
- (8) The suspension or cancellation of a traditional leader's right to participate in the proceedings of a council does not affect that traditional leader's right to address the council in terms of section 81 (3) of the Municipal Structures Act.

Y. ANNEXURE B: CODE OF CONDUCT FOR MUNICIPAL STAFF MEMBERS

Schedule 2

CODE OF CONDUCT FOR MUNICIPAL STAFF MEMBERS

1 Definitions

In this Schedule 'partner' means a person who permanently lives with another person in a manner as if married.

2 General conduct

A staff member of a municipality must at all times-

- (a) loyally execute the lawful policies of the municipal council;
- (b) perform the functions of office in good faith, diligently, honestly and in a transparent manner;
- (c) act in such a way that the spirit, purport and objects of section 50 are promoted;
- (d) act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised; and
- (e) act impartially and treat all people, including other staff members, equally without favour or prejudice.

3 Commitment to serving the public interest

A staff member of a municipality is a public servant in a developmental local system, and must accordingly-

- (a) implement the provisions of section 50 (2);
- (b) foster a culture of commitment to serving the public and a collective sense of responsibility for performance in terms of standards and targets;
- (c) promote and seek to implement the basic values and principles of public administration described in section 195 (1) of the Constitution;

- (d) obtain copies of or information about the municipality's integrated development plan, and as far as possible within the ambit of the staff member's job description, seek to implement the objectives set out in the integrated development plan, and achieve the performance targets set for each performance indicator;
- (e) participate in the overall performance management system for the municipality, as well as the staff member's individual performance appraisal and reward system, if such exists, in order to maximise the ability of the municipality as a whole to achieve its objectives and improve the quality of life of its residents.

4 Personal gain

(1) A staff member of a municipality may not-

- (a) use the position or privileges of a staff member, or confidential information obtained as a staff member, for private gain or to improperly benefit another person; or
- (b) take a decision on behalf of the municipality concerning a matter in which that staff member, or that staff member's spouse, partner or business associate, has a direct or indirect personal or private business interest.

(2) Except with the prior consent of the council of a municipality a staff member of the municipality may not-

- (a) be a party to a contract for-
 - (i) the provision of goods or services to the municipality; or
 - (ii) the performance of any work for the municipality otherwise than as a staff member;
- (b) obtain a financial interest in any business of the municipality; or
- (c) be engaged in any business, trade or profession other than the work of the municipality.

5 Disclosure of benefits

(1) A staff member of a municipality who, or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose in writing full particulars of the benefit to the council.

(2) This item does not apply to a benefit which a staff member, or a spouse, partner, business associate or close family member, has or acquires in common with all other residents of the municipality.

6 Unauthorised disclosure of information

(1) A staff member of a municipality may not without permission disclose any privileged or confidential information obtained as a staff member of the municipality to an unauthorised person.

(2) For the purpose of this item "privileged or confidential information" includes any information-

- (a) determined by the municipal council or any structure or functionary of the municipality to be privileged or confidential;
- (b) discussed in closed session by the council or a committee of the council;
- (c) disclosure of which would violate a person's right to privacy; or
- (d) declared to be privileged, confidential or secret in terms of any law.

(3) This item does not derogate from a person's right of access to information in terms of national legislation.

7 Undue influence

A staff member of a municipality may not-

- (a) unduly influence or attempt to influence the council of the municipality, or a structure or functionary of the council, or a councillor, with a view to obtaining any appointment, promotion, privilege, advantage or benefit, or for a family member, friend or associate;
- (b) mislead or attempt to mislead the council, or a structure or functionary of the council, in its consideration of any matter; or
- (c) be involved in a business venture with a councillor without the prior written consent of the council of the municipality.

8 Rewards, gifts and favours

(1) A staff member of a municipality may not request, solicit or accept any reward, gift or favour for -

- (a) persuading the council of the municipality, or any structure or functionary of the council, with regard to the exercise of any power or the performance of any duty;
- (b) making a representation to the council, or any structure or functionary of the council;
- (c) disclosing any privileged or confidential information; or
- (d) doing or not doing anything within that staff member's powers or duties.

(2) A staff member must without delay report to a superior official or to the speaker of the council any offer which, if accepted by the staff member, would constitute a breach of subitem (1).

9 Council property

A staff member of a municipality may not use, take, acquire, or benefit from any property or asset owned, controlled or managed by the municipality to which that staff member has no right.

10 Payment of arrears

A staff member of a municipality may not be in arrears to the municipality for rates and service charges for a period longer than 3 months, and a municipality may deduct any outstanding amounts from a staff member's salary after this period.

11 Participation in elections

A staff member of a municipality may not participate in an election of the council of the municipality, other than in an official capacity or pursuant to any constitutional right.

12 Sexual harassment

A staff member of a municipality may not embark on any action amounting to sexual harassment.

13 Reporting duty of staff members

Whenever a staff member of a municipality has reasonable grounds for believing that there has been a breach of this Code, the staff member must without delay report the matter to a superior officer or to the speaker of the council.

14 Breaches of Code

Breaches of this Code must be dealt with in terms of the disciplinary procedures of the municipality envisaged in section 67 (1) (h) of this Act.

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