

MUSINA LOCAL MUNICIPALITY
DELEGATION SYSTEM

SECTION A: GENERAL ISSUES PERTAINING TO DELEGATIONS

1. PURPOSE

The purpose of this policy and system is to provide for the effective devolution of powers and functions to any one or more of the organs, functionaries and/or officials of the municipality.

2. LEGISLATIVE FRAMEWORK

The legislation which assigns additional powers, duties and responsibilities to the Mayor as the political head of the municipality and the Municipal Manager as the accounting officer are:

- The Municipal Finance Management Act (56 of 2003) hereafter referred to as "the MFMA", which came into effect on 1 July 2004.
- The Local Government: Municipal systems Act (32 of 2000), hereafter referred to as "the MSA"; and
- The Municipal Systems Amendment Act (44 of 2003), hereafter referred to as "the MSAA", which came into effect on 1 August 2004.
- National Road Traffic Act, Act 93 of 1996
- Prevention of Illegal Eviction from and Unlawful Occupation of land Act,

2.1 Section 59 of the MSA determines that a council must develop a system of delegation that will maximise administrative and operational efficiency and provide for adequate checks and balances;

Section 65 of the MSA determines that whenever it becomes necessary in terms of section 59(@) (f) to review a municipality's delegations, the Municipal Manager must submit a report to Council on the existing delegations issued in terms of Section 59 of the MSA and other delegating authorities of the Municipality and make recommendation on any changes to the existing delegations which the Municipal Manager may consider necessary.

2.2 Section 79 of the MFMA determines that the accounting officer of the municipality must develop a system of delegation that will maximise administrative and operational efficiency and provide adequate checks and balances in the municipality's financial administration, and must

regularly review delegations and, if necessary amend or withdraw any of those delegations.

The accounting officer may not delegate to any political structure or political office-bearer of the municipality any of the powers or duties assigned to accounting officers in terms of this act.

3. OBJECTIVES

The delegation system seeks to achieve the following objectives

- a) To ensure maximum administrative and operational efficiency; ~
- b) To provide for adequate checks and balances; ~
- c) To delegate decision making to the most effective level within the administration;
- d) To involve employees in management decisions as far as practicable;
- e) To promote a sense of collective responsibility for performance;
- f) To assign clear duties for the management and co-ordination of administrative units, systems and mechanisms;
- g) To define in precise terms the duties of each political structure and political office bearer;
- h) To determine the relationships amongst the political structures, political office bearers and the administration, and the appropriate lines of accountability and reporting for each of them;

It is specifically recorded that it is virtually impossible to cover all aspects of local government in these delegations and it therefore may have to be amended continuously as and when circumstances require it.

4. IMPORTANT DEFINITIONS

In this document, unless the context otherwise indicates:

"Constitution" means the Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996);

"Council" means the Musina Local Municipality, its legal successors in title and its delegates;

"delegator", in relation to a delegation of a power by the Council, means the Council, and in relation to a sub- delegation of a power by a delegate, means: that delegate;

"delegation" means the authorization of a delegate by a delegator to act in his / her stead, and in relation to a power includes an instruction to exercise the power;

delegate" in relation to the delegation of a power means the political structure, political office bearer or employee to whom a power have been delegated by the delegator in writing;

"in consultation with" means with the concurrence of the person with whom a delegate must consult before exercising a delegated or sub-delegated power;

"municipality", means the Musina Local Municipality, a Municipality described in section 2 of the Systems Act; and a geographic area, means a municipal area determined in terms of the Local Government: Municipal Demarcation Act, 1998 (Act No 27 of 1998);

"power" includes a duty and a function;

"political office bearer", in relation to the municipality, means the mayor, elected by the Council to such a post or position in accordance with the provisions of the Structures Act;

"political structure", in relation to the municipality, means the Council, or any committee or other collective structure of the municipality elected, designated or appointed in accordance with the provisions of the Structures Act"

"Structures Act" means the Local Government: Municipal Structures Act, 1998 (Act N o 117 of 1998);

"Systems Act" means the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000).

3. POWERS OF THE MUNICIPALITY

The municipality has all the powers assigned to it in terms of the Constitution as well as national and provincial legislation. The municipality has the right to do anything reasonably necessary for or incidental to the effective exercise of its powers.

The executive and legislative authority of the municipality vests in the Council. The Council takes all the decisions of the municipality except:

- decisions on those matters that it has delegated to a delegate;
- decisions on those matters that by law have been assigned to a political structure, political office-bearer or employee of the Council;

The Council may exercise executive and legislative authority within the municipal area only. The Council may, by written agreement with another municipality, exercise executive authority in the area of that other municipality .

All the powers of the municipality that have not been expressly delegated to a political structure, political office- bearer or employee of the municipality are reserved for the Council.

4. POLICY FRAMEWORK FOR THE DELEGATION OF POWER.

The following principles are applicable to delegation in general and may not be deviated from.

4.1 A delegated power should have its roots in enabling legislation

A delegate authority or power should have its roots in the enabling legislation, and preferably also refer to the specific provision in the applicable legislation from which an authority originates.

4.2 A delegated power must be as specific as possible

The wording of the delegation must be unambiguous in order to ensure legal certainty in the interpretation of the delegated power. The person or body (delegate) to whom such power is delegated should thus be absolutely sure what he may or may not do in terms of the delegation. The principles of transparency, accountability and proper governance should not be compromised.

4.3 Powers should never be delegated to a person in his personal capacity

Powers should never be delegated to a person in his personal capacity but only to holders or posts in order to enhance continuity. Absence of the holder of a post will thus not jeopardize decision making if somebody is acting in that capacity.

4.4 A delegated power may be sub-delegated

Any power delegated to a body or person (delegate) may be further delegated by the delegate on condition that:

4.4.1 Legislation does not prohibit such sub delegation.

4.4.2 Such sub-delegation is not prohibited by the original delegation;

4.4.3 It complies with all the principles relating to delegation in general as contained in this report; and

4.4.4 The authority to sub-delegate is contained in the original delegation.

4.4.5 All delegations, including sub-delegations, must be in writing

The purpose of this is to create legal certainty and to prevent confusion on administrative level. Council should therefore take a principle decision that: no power shall be deemed to be delegated unless it was done in writing and furthermore that no sub-delegation may be in place other than in writing.

4.5 Delegated powers should at all times be executed within the stipulations or relevant legislation and subject to the Council's normal practices, procedures and policies

A delegated power may not be exercised without due regard to prevailing legislation (including sub-ordinate legislation), Council policies, guidelines, procedures, practices, the IDP and the budget. A delegate not adhering to this could be subjected to punitive measures such as disciplinary action, be held liable for losses or could even be criminally prosecuted.

4.6 All delegations should provide for adequate checks and balances to ensure responsible and accountable decision-making. Checks and balances are primarily provided for by means of reporting systems, which ordinarily form an integral part of the delegations themselves.

4.7 A delegation that has financial implications should only be exercised by the person who has a specific responsibility and authority to incur expenditure under a specific vote

The purpose of this principle is to make provision for budget control and accountability by persons responsible for a specific vote number, firstly by properly applying his mind in compiling a detailed, well motivated and complete budget, and secondly by restricting expenditures to the approved budget.

4.8 No delegation may be exercised if there are insufficient funds on a specific vote or a specific item does not appear on the Council's budget

This principle also pertains to financial control and audit procedures. Council approves the entire budget and it can therefore reasonably be assumed that all items appearing on the budget carry Council's prior approval. This is also one of the important checks and balances, which may be exercised by Council.

4.9 Delegated powers can at any stage be withdrawn or amended by the delegator

If a delegator is not satisfied with the manner in which a delegated power is exercised it can withdraw or amend such delegation. Amendments are normally in the form of new conditions or limitations. It is for this reason that a reporting system should be in place in order for the delegator to monitor the exercising of delegated powers. The withdrawal or amendment of any delegated power must be in writing.

It is important though to note that the withdrawal, amendment or lapsing of a delegation does not invalidate anything done as a consequence of a decision taken in terms of that delegation.

4.10 Delegated powers do not absolve the delegator from the responsibility to exercise his power or to perform his duties.

It is important to note that although the exercising of a power can be delegated, the responsibility and accountability can never be delegated and the delegator will always be accountable for any power exercised by his delegate.

4.11 Prohibition on delegation of certain powers

Enabling legislation sometimes place an explicit or implied prohibition on the delegation of specific powers which stipulations must at all times be honoured. Good examples of explicit prohibitions are contained in section 59(1)(a) and 60(2) of the Systems Act. Any delegation contrary to these stipulations will be of no force or effect.

4.12 Delegations in writing

All delegations, including sub-delegations must be in writing.

4.13 Referral to Legal Services section

All reports in respect of the delegation of powers must be forwarded to the Legal Services Section for its perusal and comment to ensure that the delegations comply with the enabling legislation.

5. THE MANAGEMENT OF A DELEGATING SYSTEM

5.1 All delegations must be reviewed when a new Council is elected.

Section 59(2)(f) of the Systems Act stipulates that all delegations must be reviewed when a new Council is elected and appointed.

5.2 Revision and revocation or decisions taken in accordance with a delegated power.

In terms of section 59(3) of the Systems Act a Council may review a decision made in terms of a delegated power and either confirm, vary or revoke it. It may also

require its executive committee to review a decision taken by them or by any delegate. However, the act does not give any indication whether or not the executive committee.

The Council must, at the request in writing of at least one quarter of the Councillors, review a decision made in terms of a delegated power and either confirm, vary or revoke it.

The right to review a decision made in terms of a delegated power is apparently reserved for Council only and any other body or person who sub-delegated his power does not possess such right. This means, by implication, that any official or body who has sub-delegated its power may not review a decision taken in terms of such sub-delegation. The only possible way to have such decision reviewed is to refer it to Council.

The revision and subsequent revocation or amendment of a decision made in terms of a delegated power may in any event only be done subject to any rights that may have accrued to a person.

5.3 Powers that may not be delegated or that may be delegated to specific bodies or persons only

Council may not delegate the following powers as per section 160(2) of the Constitution:

- a) The passing of by-laws;
- b) The approval of budgets;
- c) The imposition of rates and other taxes, levies and duties; and
- d) The raising of loans.

In terms of section 59(1)(a) of the Systems Act the following powers may also not be delegated:

- a) To set tariffs;
- b) To enter into a service delivery agreement in terms of section 76 (b) of the Systems Act; and
- c) To approve or amend the Municipality's Integrated Development Plan.
- d) According to section 60 of the Systems Act the following powers may only be delegated to an Executive Committee or an Executive Mayor:
 - >The expropriation of immovable property or rights in or to such property;
 - >The determination or alteration of the, remuneration, benefits or other conditions of service of the Municipal Manager or Managers directly accountable to the Municipal Manager; and

Apart from these limited number of functions the body or person in whom such powers are vested may delegate all other powers that are ordinarily applicable to the management of a municipality.

5.4 Appeals against decisions taken in terms of a delegated power

Any decision of Council or its delegates, which affects the rights of an individual, is subject to appeal. Appeals should be dealt with in accordance with the stipulations of Section 62 of the Systems Act and should preferably be co-ordinated by the legal section of the Council.

The appropriate appeals authority may confirm, vary or revoke the decision in question, but no variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

5.5 Maintenance of a delegation system

It is imperative that the delegation system be managed and maintained properly. The Legal Section will be responsible for the maintenance and upkeep of the delegation register, electronically as well as in loose leaf format, arranged according to the respective departments, and it must be updated with each amendment, removal or addition. These amendments must be brought to the attention of all departments who will be obliged to keep one updated set of delegations at the office of the head of the department.

SECTION B : DELEGATED FUNCTIONS AND POWERS

1. POLITICAL STRUCTURES AND OFFICE BEARERS

1.1 COUNCIL

1.1.1 The following powers may not be delegated and therefore rests with council.

Powers referred to in section 160 (2) of the Constitution of the Republic of South Africa 1996 (Act 108 of 1996):

- a) The passing of bylaws
- b) Approval of budgets
- c) Imposition of rates and taxes
- d) Raising of loans
- e) To appoint or dismiss a Municipal Manager

Powers referred to in Section 59(1) of the MSA:

- f) Setting/ determination of tariffs
- g) Approval and/ or amendment of the Integrated Development Plan
- h) The decision to enter into a service delivery agreement in terms of Section 76(b) of the Municipal Systems Act
- i) Election of Mayor and/ or Removal of a Mayor from office,
- j) Adoption of a Performance Management System.

Powers which may be delegated but Council reserved

- a) The power to approve any adjustments to the approved Budget,
- b) The sale /donation of immovable and movable property or a right in to such property.
- c) The power to sell immovable and movable property of the Municipality for less than the market value of the property, subject to MEC approval.
- d) The power to consider objections received in respect of the sale or long terms leasing of immovable property of the Municipality.
- e) The power to acquire immovable property and servitudes through voluntary purchase or expropriation.

- f) The power to name streets, public places and public resorts, sports grounds, stadiums, arenas, public swimming baths, and building halls belonging to the Municipality, and to change their names.
- g) The power to accept or amend structural and/or local guideline plans regarding the development of the municipality, with the exception of amendments arising from applications received in terms of the Town Planning and Townships Ordinance, (Ord. 15 of 1986), for the approval of subdivisions, consolidations, rezoning and consent use which may be delegated to the Municipal Manager and sub-delegated to the Technical Manager.)
- i) The power, in terms of sections 44 and 45 of the Town Planning and Townships Ordinance, 1986, (Ord. 15 of 1986) to pay compensation of an amount exceeding R 1 000 000.00 (one million rands) to any person who has been disadvantaged by the scheme and to avoid the approval of steps in terms of section 47 and 48 of the Ordinance or to reduce the amount of compensation.
- j) Appointment or dismissal of Departmental Heads in Consultation with the Municipal Manager.
- k) The appointment of Council Committees.
- l) The approval, including amendments, of service conditions of its employees, the grading of job levels in the Municipality and the benefits payable to employees of the Municipality.
- m) The power to approve and amend the Municipality's policy framework in respect of staff establishments, as stipulated under Section 66 (1) of the MSA.
- n) The power to approve all policy documents, guidelines and other procedures pertaining to any function that falls within the competencies of the Municipality.
- o) The approval of standard procedures to be followed when action is taken against a Councillor for non- attendance of Council meetings, or any misconduct by a Councillor, including the impositions of fines for non-attendance of meetings or misconduct.
- p) Investigation of alleged breach of code of conduct by Councillors or the appointment of a Committee to investigate such breach and make recommendations.
- q) The retrenchment of staff.
- r) Designation of Councillors, as determined by the MEC for Local Government, as full time Councillors.
- s) Appointment of Chairpersons to Committees.
- t) Appointment of employer representatives to the Local Labour Forum and other Council committees.

- u) The approval of the disposal of capital assets of Council provided that such assets may no longer provide minimum essential municipal service, *(amended by Council Resolution 22.6.2009 to delegate power to CFO to write off asset to a maximum value of R50 000.00 per asset which are not needed for services delivery)*.
- v) The acquisition of land for municipal services.
- w) To approve the leasing of additional office space for the municipality for a maximum period of one year.
- x) Adoption of the IDP as required in Section 30 of the MSA.
- xi) Adoption of the Performance Management System, as required in Section 39 of the MSA.
- xii) All powers, irrespective of its source or origin, which are not contained in this delegation register and which do not vest in a specific office bearer or official.
- xiii) to approve/disapprove application for waiver of building / reversion clause, on merit. * (by Council resolution 18.8.2007)

1.1.3 Powers of Council which may be delegated:

- a) The power to approve the establishment of municipal townships and all material amendments thereto in terms of Section 109 of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), and the power to delegate this function to the Technical Manager.
- b) The power to accept, amend or reject original, joint amendment and draft schemes in terms of sections 28 and 29 of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), concerning municipal property, and the power to delegate this function to the Technical Manager.

2. THE MAYOR

A. The responsibilities of the Mayor, in accordance with Sections 52, 53, 54, 55 and 56 of the MFMA are as follows:

a) Section 52:

- I) provide general political guidance over the fiscal and financial affairs of the municipality;
- II) in providing such general political guidance, may monitor and oversee the exercise of responsibilities assigned in terms of the MFMA to the Accounting Officer and the Chief Finance Officer, but may not interfere in the exercise of those responsibilities;
- III) take all reasonable steps to ensure that the municipality performs its constitutional and statutory functions within the limits of the municipality's approved budget;
- IV) must, within 30 days of the end of each quarter, submit a report to the council on the implementation of the budget and the financial state of affairs of the municipality; and

- V) must exercise the other powers and perform the duties assigned to the Mayor in terms of the MFMA or delegated by council to the Mayor.

b) Section 53:

- i) Provide general political guidance over the budget process and priorities that must guide the preparation of the budget;
 - ii) Coordinate the annual revision of the IDP in terms of Section 34 of the MSA and the preparation of the annual budget, and determine how the IDP is to be taken into account or revised for the purpose of the budget;
 - iii) Take all reasonable steps to ensure
 - That the annual municipal budget is approved before the start of the budget year,
 - That the municipalities service delivery and budget implementation plan is approved within 28 days after the approval of the budget;
 - That the annual performance agreements as required in terms of section 57 (1) (b) of the MSA for the Municipal Manager and all senior managers
 - Comply with the MFMA,
 - Are linked to the measurable performance objectives approved with the budget, the service delivery and budget implementation plan, and
 - Are concluded in accordance with section 57(2) of the MSA.
- VI) Promptly report to the council and the MEC for finance in the province any delay in the tabling of the annual budget, the approval of the service delivery and budget implementation plan or the signing of the annual performance agreements.

- V) Ensure,

- i) that the revenue and expenditure projections for each month and the service delivery targets and performance indicators for each quarter, as set out in the service delivery and budget implementation plan, are made public no later than 14 days after the approval of the service delivery and budget implementation plan;
- ii) that the performance agreements of the municipal manager, senior managers and any other category of officials as may be prescribed, are made public no later than 14 days after the approval of the municipality's service delivery and budget implementation plan. Copies of such performance agreements must be submitted to the council and MEC for Local Government in the province.

Section 54:

- (1) On receipt of a statement or report submitted by the Accounting Officer in terms of Section 71 or 72 of the MFMA the Mayor must-
- a) consider the statement or report;

- b) check whether the municipality's approved budget is implemented in accordance with the service delivery and budget implementation plan;
- c) consider and, if necessary, make any revisions to the service delivery and budget implementation plan, provided that revisions to the service delivery targets and performance indicators in the plan may only be made with the approval of the council following approval of an adjustments budget;
- d) issue any appropriate instructions to the accounting office to ensure,
 - i) that the budget is implemented in accordance with the service delivery and budget implementation plan; and
 - ii) that spending of funds and revenue collection proceed in accordance with the budget;
- e) identify any financial problems facing the municipality, including any emerging or impending financial problems; and
- f) in the case of a section 72 report, submit the report to the council by 31 January each year.

(2) If the municipality faces any serious financial problems, the mayor must-

- a) promptly respond to and initiate any remedial or corrective steps proposed by the accounting officer to deal with such problems, which may include-
 - i) steps to reduce spending when revenue is anticipated to be less than projected in the municipality's approved budget,
 - ii) tabling an adjustment budget, or
 - iii) alert the council and the MEC for Local Government in Limpopo to those problems.

(3) The Mayor must ensure that any revisions of the service delivery and budget implementation plan are made public promptly.

Section 55: Report to provincial executive if conditions for provincial intervention exist.

If a municipality has not approved an annual budget by the first day of the budget year or if the municipality encounters a serious financial problem referred to in section 136, the Mayor :

- a) must immediately report the matter to the MEC for Local Government in Limpopo, and
- b) may recommend to the MEC an appropriate provincial intervention in terms of Section 139 of the Constitution.

Section 56: Exercise of right and powers over municipal entities.

(1) If the Mayor has sole or shared control over a municipal entity he/she must guide the municipality in exercising its rights and powers over the municipal entity in a way that -

- a) would reasonably ensure that the municipal entity complies with this Act, and at all times remains accountable to the municipality;
- b) would not obstruct the entity in performing its operational responsibilities.

- 2) In guiding the municipality in the exercise of its rights and powers over a municipal entity in accordance with subsection (1) the Mayor may monitor the operational functions of the entity, but may not interfere in the performance of those functions.

Further specific responsibilities of the Mayor in accordance with the MFMA are:

Section 45 (2): Short term and long term debt

- a) The Mayor has the authority to sign a debt agreement or other document that creates or acknowledges a debt, together with the accounting officer and approved by resolution of council.

Section 21: Budget preparation process

1. The Mayor must,
 - a) Coordinate the processes for preparing the annual budget and for reviewing the IDP and budget related policies to ensure that the tabled budget and any revisions of the IDP and budget- related policies are mutually consistent and credible,
 - b) at least 10 months before the start of the budget year, table in the municipal council a time schedule outlining key deadlines for,
 - i) preparation, tabling and approval of annual budget,
 - ii) annual review of
 - aa) IDP in terms of section 34 of MSA
 - bb) budget-related policies.
 - iii) tabling and adoption of any amendments to the IDP and budget-related policies, and
 - iv) any consultative processes forming part of the processes referred to in subparagraphs (i), (ii) and (iii).
2. when preparing the annual budget, the Mayor must:
 - a) take into account the municipality's IDP,
 - b) take all reasonable steps to ensure that the municipality revised the IDP in terms of section 34 of the MSA, taking into account realistic revenue and expenditure projections for future years,
 - c) take into account the national budget, the relevant provincial budget, the national government's fiscal and macro-economic policy, the annual Division of Revenue Act and any agreement reached in the Budget Forum,
 - d) Consult –
 - i) the relevant district municipality and all other local municipalities with the area of the district municipality,
 - ii) the relevant provincial treasury, and when requested, the National Treasury, and
 - iii) any national or provincial organs of state, as may be prescribed, and
 - e) Provide, on request, any information relating to the budget -
 - i) to National Treasury, and
 - ii) subject to any limitations that may be prescribed, to-

- aa) the national departments responsible for water, sanitation, electricity and any other service as may be prescribed,
- bb) any other national and provincial organs of state as may be prescribed, and
- cc) another municipality affected by the Budget.

Section 23: Consultations on tabled budgets

- (1) When the annual budget has been tabled the Mayor must ensure that the Municipal Council consider any views of -
 - a) the local community, and
 - b) National Treasury, the relevant provincial treasury and any provincial or national organs of state or municipalities that made submissions on the budget.
- (2) The Council must give the Mayor the opportunity to -
 - a) respond to the submissions,
 - b) if necessary, to revise the budget and table amendments for consideration by the council.

Section 27: Non-compliance with provisions of the MFMA

- (1) The Mayor must, upon becoming aware of any impending non-compliance by the municipality of any provisions of the MFMA or any other legislation pertaining to the tabling or approval of any annual budget or compulsory consultation processes, inform the MEC for Finance in Limpopo, in writing, of such impending non-compliance.
- (2) The Mayor may submit an application, showing good cause, to the MEC, to extend any time limit or deadline regarding submission of the budget, provided that the extension may not compromise compliance with Section 16(1) of the MFMA.
- (3) The Mayor must, upon becoming aware of any actual non-compliance of Chapter 4 of the MFMA, inform the Council, the MEC for Finance and National Treasury in writing of the non-compliance, and any remedial or corrective actions the municipality intends to implement to avoid a recurrence.

Section 28: Municipal Adjustment Budgets

- (1) The Mayor must table an adjustments budget as prescribed in Section 28, and may make recommendations, within a prescribed framework, on unforeseeable and unavoidable expenditure, to council.

Section 29: Unforeseen and unavoidable expenditure

- (1) The Mayor may, in emergency or other exception circumstances, authorise unforeseeable and unavoidable expenditure for which no provision was made in an approved budget, and report the authorisation to the municipal council at its next meeting.

Section 87 (3) Budgets of municipal entities

- (1) The Mayor of the municipality must table the proposed budget of the entity in Council when the annual budget of the municipality for the relevant year is tabled.
- (2) The Mayor must approve the revised budget of the municipality, as proposed by the board of directors, but only for the following reasons:
 - (i) to adjust the revenue and expenditure estimates downwards if there is material under-collection of revenue during the current year,
 - (ii) to authorise expenditure of additional allocations to the municipal entity,
 - (iii) to authorise, within a prescribed framework, any unforeseeable and unavoidable expenditure approved by the Mayor of the parent municipality,
 - (iv) to authorise any other expenditure within a prescribed framework.
- (3) The Mayor must table the budget or adjusted budget and any adjustments budget of the entity as approved by its board of directors at the next council meeting of the municipality.

Section 127: Report in respect of municipal entities

- (1) The Mayor must, within 7 months after the end of the financial year, table in the municipal council the annual report of the municipality and of any entity under the municipality's sole or shared control.
- (2) If unable to do so, the Mayor must promptly submit to the council a written explanation as referred to in section 133(1) (a) of the MFMA, setting out the reasons for the delay, together with any components of the annual report listed in section 121(3) and (4) that are ready, and submit to the council the outstanding annual report of the outstanding components of the annual report as soon as may be possible.

Section 133: Financial Statements

- (1) The Mayor must table in council a written explanation setting out the reasons for the failure by the accounting office of a municipality or a municipal entity to submit financial statements to the Auditor-General, or the Mayor fails to table the annual report of the municipality or municipal entity to the council in accordance with section 127(2).

B. Further powers assigned to the Mayor in terms of the Systems Act:

Section 39: Development of the Performance Management System

1. The Mayor must
 - a) Manage the development of the PMS, assign responsibilities in this regard to the Municipal Manager, and submit the proposed system to the Council for adoption.

B. Other Powers and Functions delegated to the Mayor.

The Mayor has the delegated authority to:

1. Perform ceremonial functions on behalf of the Municipality.
2. Consider and approve / disapprove applications of leave of the Municipal Manager.
3. Approve subsistence and travelling allowance of the Municipal Manager in accordance with prevailing policies and tariffs.
4. Suspend the Municipal Manager subject to internal disciplinary procedures.
5. To recall the Municipal Manager from leave prior to expiry in exceptional circumstances in the interest of the municipality without disadvantaging any of the parties.
6. To give approval to the Municipal Manager to resume normal duties prior to expiry of any leave.
7. Approve attendance of international meetings or conferences by the Municipal Manager.
8. Appoint or nominate Councillors to represent Council on outside bodies
9. Designate Councillors to attend international and national meetings or conferences, and sub-delegate the authority to approve to the Municipal Manager or person acting as municipal manager.
10. To institute or defend any action in the high court or a court of equal or higher status with the exception of claims.
11. Institute or defend arbitration proceedings in matters which would have been dealt with in the high court or court of equal or higher status.
12. Approve grants and donations to deserving bodies / committees, in line with the Budget amount allocated for that purpose.

4. ADMINISTRATION

4.1 MUNICIPAL MANAGER

Powers and functions assigned directly to the Municipal Manager in terms of legislation.

1. Local Government Municipal Systems Act, 2000 (Act 32 of 2000).

Section 39: Perform the responsibilities with regard to the Performance Management System as assigned to him/her by the Mayor, and to further assign specific responsibilities to Managers and Section Heads, in writing.

Section 55: Responsibilities of Municipal Manager

1. The Municipal Manager is responsible for:
 - 1.1 Formation and development of an economical, effective, efficient and accountable administration that includes;
 - i) Implementation and monitoring of IDP,
 - ii) Performance Management System,
 - iii) is responsive to the needs of the local community.
 - 1.2 Management of municipality's administration,
 - 1.3 Management of sustainable, and equitable provision of services to the local community,
 - 1.4 Appointment and/or dismissal of staff other than those referred to in section 56(a), subject to the Employment Equity Act, 1998 (Act 55 of 1998) and after the correct procedure has been followed in accordance with Labour Relations legislation, and with the power to constitute and convene an appointments committee as and when required to assist him.
 - 1.5 Management, utilisation and training of staff,
 - 1.7 Maintenance of staff discipline,
 - 1.8 Promotion of sound labour relations and compliance to labour legislation,
 - 1.9 Advising political structures and political office bearers of the municipality,

- 1.10 Management of communication between the municipality's administration and its political structures, and political office bearers,
 - 1.11 Carrying out of decisions of political structures and political office bearers of the municipality.
 - 1.12 Administration and implementation of the municipality's By-laws and other legislation,
 - 1.13 the exercise of powers and performance of any duties delegated by the council, or sub-delegated by other delegating authorities of the municipality in terms of section 59 of the MSA,
 - 1.14 facilitation of participation by the local community in the affairs of the municipality,
 - 1.15 the development and maintenance of a system whereby community satisfaction with municipal services is assessed,
 - 1.16 the implementation of national and provincial legislation applicable to the municipality, and
 - 1.17 The performance of any other function that may be assigned by the municipal council.
2. The Municipal Manager as Accounting Officer is responsible and accountable for :
- 2.1 All income and expenditure of the municipality,
 - 2.2 All assets and the discharge of all liabilities of the municipality, and
 - 2.3 Proper and diligent compliance with applicable municipal finance management legislation,
3. Specific responsibilities of the Municipal Manager in terms of the MFMA:
- 3.1 Section 22: The Municipal Manager is responsible for:
 - i) Publication of Annual Budget, invitation for representations and comments,
 - ii) Submission, printed and electronically, to national and provincial treasury,
 - iii) In either format to any prescribed national or provincial organs of state and other municipalities affected by the budget.
4. Shifting of funds between multi-year appropriations:
- 4.1 Section 31: The Municipal Manager is responsible for:
 - i) Certification that –
 - aa) actual revenue for the financial year is expected to exceed budgeted revenue, and
 - bb) sufficient funds are available for an increase without incurring further borrowing beyond the annual budget limit.
5. Section 32(1): The Municipal Manager is responsible:

- i) To inform the Council and/or the Mayor in writing that an expenditure occurring as a result of a decision by Council and/or the Mayor, if implemented, is likely to result in unauthorised, irregular or fruitless and wasteful expenditure.
- ii) To promptly inform the Mayor, the MEC for Local Government in Limpopo, and the Auditor-General, in writing of,
 - aa) any unauthorised, irregular or fruitless and wasteful expenditure,
 - bb) whether any person is responsible or under investigation for such unauthorised, irregular or fruitless and wasteful expenditure and the steps taken to recover or rectify such expenditure, and prevent a recurrence of such expenditure.
- iii) To report to the SAPS all cases of alleged irregular expenditure that constitute a criminal offence, and theft and fraud that have occurred in the municipality.

6. Section 33: Contracts having future budgetary implications:

If a contract is to be entered into that will impose financial obligations on the municipality beyond the three years covered in the annual budget for that financial year, the Municipal Manager has the responsibility:

- i. To make public, in accordance with section 21A of the MSA, the draft contract and an information statement summarising the municipality's obligations in terms of the contract, and
- ii. Inviting the local community or other interested persons to submit comments or representations to the municipality,
- iii. To solicit the views and recommendations of national treasury, provincial treasury, national departments responsible for local government, and the responsible department if the contract involves provision of water, sanitation, electricity or any other service as may be prescribed.
- iv. To approve contracts with future budgetary implications.

7. Section 45(2): Short term and long term debt

- i) The Municipal Manager as accounting officer may sign, together with the Mayor, a debt agreement or other document that creates or acknowledges a debt, as approved by council resolution.
- ii) The Municipal Manager has the responsibility to make public, in terms of section 21A of the MSA, an information statement setting out particulars of the proposed debt, including the amount, the purposes and particulars of security to be provided, and invite the public, national treasury, provincial treasury to submit written comments or representations to council, and submit a copy of the information statement to council at least 21 days prior to the meeting of the council, including information regarding essential repayment terms, anticipated repayment schedule and anticipated total cost of the debt.

8. Other powers and authorities delegated to the Municipal Manager:

The Municipal Manager has the authority to:

1. To execute any power as contemplated in the conditions of service applicable to employees of the municipality, including but not limited to the suspension of any employee of the municipality.
2. To approve or disapprove applications of leave of Departmental Heads.
3. To suspend or revoke the suspension of Departmental Heads in consultation with the Mayor and/or other officials provided that formal disciplinary action i.e. the serving of a charge sheet, takes place within 30 days of the date of suspension. The 30 day period must be calculated from the day following the date on which the written suspension was given to the Departmental Head, concerned.
4. To decide whether a suspended official (excluding Heads of Departments) should receive full or partial remuneration during the suspension period.
5. To recall a Departmental Head from leave prior to the expiry of his leave provided that no other option exists and furthermore that he is not disadvantaged as far as leave credit or accumulation of leave is concerned.
6. To give approval to a Departmental Head to resume his / her normal duties prior to the expiry of his leave.
7. To appoint an Acting Municipal Manager, where applicable, and to approve the payment of an acting allowance, where applicable.
8. To delegate and approve travelling and subsistence allowances of all staff in accordance with Council policy; to approve the use of official vehicles of the municipality outside the municipal area and to approve payments regarding extra kilometres travelled by an official beyond or inside the boundaries of the Municipality for a job-related trip.
9. To authorize the payment of travelling and subsistence allowances for interviewees of vacant posts in accordance with tariffs approved by Council.
10. To appoint officials to attend international, national meetings, seminars or conferences in accordance with Council policy.
11. To grant approval for the filling of vacancies.
12. To appoint fixed term staff as and when necessary on condition that funds are available on the budget.
13. To appoint officials to act in any other higher post which is vacant, where there is an essential need that such post be filled, and approve the payment of the acting allowance in terms of the service conditions.
14. To approve training, which is required on all levels of the hierarchy as recommended by the relevant Departmental Heads, and in line with the Work Place Skills plan.
15. To approve applications for donations/grants for study purposes of officials in accordance with Council Policy.

16. To approve the cession of employees salaries, or portions thereof, in terms of service conditions and labour legislation, and to sub-delegate this function to the Corporate Services Manager, further, that the Corporate Services Manager be authorised to sub-delegate the function to the Section Head: Human Resources.
17. To authorise the payment of medical or funeral expenses of an official who suffers injury or dies as a result of an accident arising out of or in the course of employment or as a result of an illness contracted in the course of employment.
18. To appoint or terminate services of attorneys on the panel of attorneys to act on behalf of the municipality.
19. To institute or defend any action in the lower court or a court of similar status in consultation with the Mayor. To institute or defend arbitration proceedings in matters which would have been dealt with in a lower court or court of similar status in consultation with the Mayor.
20. To institute legal proceedings in the high court for the recovering of debt owed to Council in accordance with Council policy.
21. In terms of Section 6 (1) and (4) of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, to issue notices to the owner or person in charge of specific land, for the eviction of unlawful occupiers.
20. To grant permission for the use of the official emblem/logo for non municipal purposes.
21. To approve of municipality receptions.
22. To allocate office accommodation to the various departments.
23. To authorise investments on behalf of the municipality within the policy framework provided that it is done in consultation with the Chief Financial Officer, and that this authority may be sub-delegated to the Chief Finance Officer, subject thereto that all such investments made/withdrawn is reported to council quarterly.
24. To approve of transfer of funds from one budget vote to another to a 5% maximum, on conditions that it is reported to the Finance Committee.
25. To sign on behalf of Council all Legal and Contractual agreements.
 - 25.1 By Council Resolution 18.11.2006
 THAT the Municipal Manager, or any Manager appointed to act, be authorised:
 - a) To sign on behalf of Council all Legal and Contractual Agreements,
 - b) To sign the Deeds of Sale, Leases, Servitudes, all transfer documents or affidavits or any other documents required for the purpose of any other transaction in any Deeds Registry;
 - c) To sign any other documents on behalf of the Municipality.

26-27. See 25.1

28. To enter into and sign the Performance Agreements of the Heads of Departments, subject to the stipulations of Section 57(1) of the MSA.
29. To be a signatory to the Cheque Account of the Municipality and the Mayors Fund Cheque Account.
30. To exercise the powers arising from section 2(1) of the Control of Access to Public Premises and Vehicles Act, 1985 (Act 53 of 1985).
31. To approve applications by officials (excluding Heads of Departments) to engage in remunerative work after hours.
32. To authorise the inclusion of reports from the various departments on the Agenda of Council or committees of Council.
33. To withdraw any power delegated by the Municipal Manager to a Head of Department.
34. To make determinations referred to in subsection (2) (a) and (b) of Section 14 of the MFMA where the fair market value of an asset is below R500 000 and having due consideration of the economic and community value of the asset.
35. All powers pertaining to Heads of Departments will likewise be applicable to the Municipal Manager and s/he will have the right to overrule the decision of such officer or Head of Department unless specifically prohibited in terms of a council resolution or legislation.

Delegation in terms of Supply Chain Management Policy adopted by Council under CR 14.4.2006:

36. As Accounting Officer, the Municipal Manager has all the powers and duties which are necessary to enable him/her r-
 - a) to discharge the supply chain management responsibilities conferred on accounting officer in terms of –
 - i) Chapter 8 or 10 of the Local Government Municipal Finance Management Act, 2003 (Act 56 of 2003); and this policy;
 - b) to maximise administrative and operational efficiency in the implementation of the Supply Chain Management Policy,
 - c) to enforce reasonable cost-effective measures for the prevention of fraud, corruption. Favouritism and unfair and irregular practices in the implementation of the aforementioned Policy; and
 - d) to comply with his or her responsibilities in terms of section 115 and other applicable provisions of the Local Government Municipal Finance Management Act, (Act 56 of 2003)

Addition. CR 21.4.2004:

37. To be the Approving Authority for tenders with a rand value of R200 000.

Addition: CR 13.7.2004 :

38. To sub-delegate to the Technical Manager, the following:

Applications in terms of the Town Planning and Township Ordinance, Ordinance 15 of 1986, e.g. subdivisions, consolidations, rezonings, etc. (Town)

Applications in terms of the Division of Land Ordinance, Ordinance 20 of 1986.

Application for Consent Use for Home Undertakings in terms of the Musina Town Planning Scheme, 1983.

Application for Building Plan Approval in terms of the National Building Regulations, subject thereto .

That all approvals granted be submitted to Council on a quarterly basis for cognisance and ratification.

Addition CR 19.5.2008:

39. *To declare certain positions on post levels 4 and below as transport allowance bearing positions with a kilometre limit not exceeding 650 km, in terms of the Motor Vehicle Scheme in operation at the municipality.*

4.2 GENERIC POWERS THAT ARE DELEGATED TO HEADS OF DEPARTMENTS

To consider and approve or disapprove applications for leave, sick leave or special leave of officials in his/her department.

1. To suspend officials in his/her Department in consultation with the Municipal Manager provided that formal disciplinary action i.e. the serving of a charge sheet, takes place within 30 days of the date of suspension. The 30 day period must be calculated from the day following the date on which the written suspension was given to the official concerned.
2. To recall an official of his department from leave prior to the expiry of his leave provided that no other option exists and furthermore that he is not disadvantaged as far as leave credit or accumulation of leave is concerned.
3. To give approval to official in the Department to resume his/her normal duties prior to the expiry of his leave.
4. To plan overtime worked by officials of his/her department for approval by the Municipal Manager
5. To identify and nominate staff in his / her department to attend approved training courses, workshops or meetings, in accordance with municipal training plans and policies, for approval by the Municipal Manager.
6. To make a recommendation to the Municipal Manager to approve or disapprove the permanent appointment of officials in his/her department after completion of their probation periods.

7. To recommend filling of vacancies in the municipality.
8. To recommend the acceptance or denial of notices of termination of service, which notices are shorter than periods stipulated in the Conditions of Service.
9. To accept an official's written notice of termination of employment.
10. The power to instruct an official to temporarily perform other duties than those normally assigned to him or her.
11. To instruct an official to undergo a medical examination, and/or to submit a medical certificate.
12. To refuse an application for sick leave in consultation with the Occupational Health subsection.
13. The power to accept or reject a medical certificate as proof of an official's inability to perform work due to illness or injury.
14. To compel an official to take sick leave.
15. The power to approve maternity leave for female officials and paternity leave for male officials.
16. The power to authorise the medical examination of individuals claiming damages from the municipality arising from bodily injuries on duty.
17. To approve requisitions and payment pertaining to the department and its sections.
18. To take all necessary action to enforce statutory provisions.
19. To approve the transfer of funds within expenditure groups in the operating budget in accordance with municipal policy, and within the SDBIP framework.
20. To exercise all powers in terms of By-laws falling within the ambit of the competencies of the department, including the granting of any permission that may be required and the issuing of any notice in accordance with the by-laws whereby a person is summoned to comply with a provision of the by-laws.
21. The power, in consultation with the Head Corporate Services, (Human Resources) to recommend the approval of notch increments and merit increments of posts incumbents in the department.
22. To exercise all applicable powers in terms of the Occupational Health and Safety Act, 1993, (Act 85 of 1993) and the General Machinery Regulations.

23. The power to approve departmental reports to the Municipal Manager for the Council Agenda.
24. To recommend to the Municipal Manager the appointment of an official to act in any post of authority where such a post is vacant or the incumbent is unable/unavailable to discharge his/her duties.
25. To appoint an Acting Head of Department, in consultation with the Municipal Manager, where required.
26. To take responsibility for all the sections within their Departments.
27. To run their Departments in an efficient, effective and economic manner.
28. To implement the municipality's approved budget in respect of the department and prepare an adjustment budget when requested to do so by the Municipal Manager.
29. To ensure the effective, efficient and economic use of municipality's resources in terms of section 62(1) (a) of the MFMA.
30. To maintain effective, efficient and transparent systems of-
 - a. Financial and risk management and internal control, and
 - b. Internal audit operating in accordance with any prescribed norms and standards in terms of section 62(1) (c) of the MFMA.
31. To prevent unauthorised, irregular or fruitless and wasteful expenditure and other losses in terms of section 62(1)(d) of the MFMA.
32. To ensure the responsible management of –
 - a. Assets of the municipality, including the safeguarding and maintenance of those assets, and
 - b. Liabilities of the municipality in terms of section 63(1) of the MFMA.
33. To utilise an official in another capacity.
34. To authenticate any order, notice or other document requiring authentication.
35. The power to sign documents pertaining to the department and its functions in accordance with municipal policy.
36. To perform the responsibilities in respect of the Performance Management System as assigned to him/her by the Municipal Manager.

4.3 ADDITIONAL POWERS THAT ARE DELEGATED TO SPECIFIC HEADS OF DEPARTMENTS

4.3.1 Manager Corporate Services

Specific powers delegated to the Corporate Service Manager:

1. To approve a home loan subsidy application by an official.
2. To sign documentation regarding personnel issues, with the power to sub-delegate this function to relevant officials in the Corporate Services Department.
3. To implement the transfer of an official to his or her previous post or appoint him or her to a post with similar functions in terms of the Conditions of Service and on recommendation of the department head concerned, in consultation with the Municipal Manager.

4. To transfer employees in entry-level posts in one department to similar posts in another department on the recommendation of the departmental head concerned in consultation with the Municipal Manager.
5. To authorise the payment of operational job-related allowances that have previously been approved by the municipality, and/or in terms of a collective agreement, and that are linked to certain posts.
6. To extend periods of grace, on recommendation of the departmental head concerned, to officials to meet certain requirements attached to their posts in instances where they could not meet the relevant requirements within the set period owing to circumstances beyond their control.
7. To recommend to the Chief Finance Officer payment of relocation expenses to job applicants who live in other centres and who are required to move to the municipality owing to their appointment to posts on the municipality's staff establishment, subject to the following conditions:
 - a) full transportation costs in respect of the furniture and other household possessions are paid according to the lowest quotation out of three possible tenders/quotations.
 - b) Personal travelling expenses are paid in line with the approved subsistence and travelling allowance policy of the municipality.
 - c) Relocation compensation is paid only once the departmental head concerned and the Human Resources Section Head or their nominees have certified that no suitable candidates could be recruited locally or in the surrounding areas.
 - d) Candidates who receive relocation assistance must enter into a service binding agreement with the municipality to the effect that they will remain in the municipality's service for a period of at least three years, failing which a pro rata portion will have to be refunded to the municipality in respect of the unexpired term.
8. To extend special leave for an injury on duty and to take any decision that is deemed expedient in instances where the period of special leave for an injury on duty, or an illness compensatable under the Compensation for Occupational Injuries and Diseases Act, 1993 (Act 130 of 1993) extends over a period of 365 days, on the recommendation of the Head of Department and in consultation with the Municipal Manager.
9. To adjust contributions by the municipality to approved external medical schemes in instances where increased tariffs are announced by such schemes.
10. To exercise the powers arising from section 2 (1) (a) of the Control of Access to Public Premises and Vehicles Act, 1985 (Act 53 of 1985).

General powers, functions and delegated authority of the Corporate Services Manager:

11. Recommend appointment or termination of attorneys to act on behalf of the municipality.
12. To administer the sale of land / erven and rental of municipal buildings.
13. To approve applications for purchase of erven which is municipal property, subject thereto that the necessary council resolution for sale of stands has been obtained

and all stipulations of Section 79(18) of the Local Government Ordinance has been complied with, and the power to sub-delegate this function to the Section Head: Legal.

14. Power of attorney, in the absence of the Municipal Manager, to sign Deeds of Sale, leases, servitudes, all transfer documents, applications or affidavits required for the purpose of any transaction in any Deeds Registry on behalf of Musina Local Municipality.
15. To co ordinate the Performance Management System of the Municipality on behalf of the Municipal Manager.
15. To approve/reject requests from employees and non-employees to obtain specific information about the municipality for research purposes or for obtaining a qualification, and to publish such information. This power must be executed in accordance with the Promotion of Access to Information Act, 2000 (Act 3 of 2000)

Addition: Sub-delegation Memo dated 4 May 2004:

16. The Municipal Manager delegates to the Corporate Services Manager, in terms of Section 79 (2) and (3) the authority to administer the function of staff discipline in accordance with the Grievance and Disciplinary procedures.

4.3.2. Chief Financial Officer

A. Delegated authority in terms of the MFMA

Section 62: General financial management functions:

The Chief Finance Officer is responsible for:

1. 62(1) Effective, efficient and economical use of the municipality's resources.
2. 62(2) Proper and full record-keeping of the financial affairs of the municipality in accordance with the prescribed norms and standards.
3. 62(1)(c) Maintain effective, efficient, and transparent systems of-
 - i) Financial and risk management and internal control,
 - ii) internal audit operating in accordance with any prescribed norms and standards.
4. 62(1)(d) Prevent unauthorised, irregular or fruitless and wasteful expenditure and other losses.
5. 62(f) Keeping and implementation of -
 - i) a tariff policy referred to in section 74 of the MSA.
 - ii) A rates policy as required in the Property Rates Act.

- iv) A supply chain management policy in accordance with Chapter 11 of the MFMA.
6. 62(2) Accounting for all bank accounts of the Municipality, including any bank for -
- i) any relief, charitable, trust or other fund set up by the municipality in terms of section 12 of the MFMA, or
 - ii) a purpose referred to in section 48(2)(d).

Section 63: Asset and Liability management

The Chief Finance Officer is responsible for the management of-

7. 63(1) The assets of the municipality, including the safeguarding and maintenance of those assets, and the liabilities of the municipality,
- 63(2) Take all reasonable steps to ensure -
- i) The municipality has and maintains a management, accounting and information system that accounts for the assets and liabilities of the Municipality.
 - ii) That the municipality's assets and liabilities are valued in accordance with standards of generally recognised accounting practice, and
 - iii) That the municipality has and maintains a system of internal control of assets and liabilities, including an asset and liabilities register, as may be prescribed.

Section 64: Revenue management

The Chief Finance Officer is responsible for:

9. 64(1) The management of revenue of the municipality,
- 64(2) To ensure that -
- i) The municipality has effective revenue collection systems consistent with section 95 of the MSA and the municipality's credit control and debt collection policy,
 - ii) That the revenue due to the municipality is calculated on a monthly basis,
 - iii) That accounts for municipal tax and charges for municipal services are prepared on a monthly basis, or less often as may be prescribed where monthly accounts are uneconomical,
 - iv) That all money received is promptly deposited in accordance with the MFMA into the municipality's primary or other bank accounts,
 - v) That the municipality has and maintain a management accounting and information system that accounts for debtors and receipt of revenue,

- vi) That the municipality has and maintains a system of internal control in respect of debtors and revenue, as may be prescribed,
- vii) That the municipality charges interest on arrears, except where the council has granted exemptions in accordance with its budget-related policies within a prescribed framework, and
- viii) That all revenue received by the municipality, including revenue received by any collecting agent on its behalf, is reconciled at least on a weekly basis.

Section 64: Power ,duty or function.

The CFO must:

- 11. 64(3) Immediately inform the National Treasury of any payments due by an organ of state to the municipality in respect of municipal tax or for municipal services, if such payments are regularly in arrears for periods of more than 30 days.
- 12. 64(4) Take all reasonable steps to ensure -
 - i) That any funds collected by the municipality on behalf of another organ of state are transferred to that organ of state at least on a weekly basis, and
 - ii) That such funds are not used for the purposes of the municipality.

Section 65: Expenditure Management

The Chief Finance Officer:

- 13. 65(1) is responsible for the management of the expenditure of the municipality.
- 14. 65(2) must for the purpose of subsection (1) take all reasonable steps to ensure
 - i) That the municipality has and maintains an effective system of expenditure control, including procedures for the approval, authorisation, withdrawal and payment of funds;
 - ii) That the municipal has and maintains a management, accounting and information system that -
 - aa) recognises expenditure when it is incurred,
 - bb) accounts for creditors of the municipality, and
 - cc) accounts for payments made by the municipality,
 - iii) That the municipality has and maintains a system of internal control in respect of creditors and payments,
 - iv) That payments by the municipality are made,
 - aa) directly to the person to whom they are due, unless agreed otherwise for reasons as may be prescribed, and

- bb) either electronically or by way of non-transferable cheques, provided that cash payments and payments by way of cash cheques be made for exceptional reasons only and only up to a prescribed limit,
- v) That all money owing by the municipality is paid within 30 days of receiving the relevant invoice or statement, unless prescribed otherwise for certain categories of expenditure,
- vi) That the municipality complies with its tax, levy, duty, pension, medical aid, audit fees and other statutory commitments,
- vi) That any dispute concerning payments due by the municipality to another organ of state is disposed of in terms of legislation regulating disputes between organs of state,
- vii) That the municipality's available working capital is managed effectively and economically in terms of the prescribed cash management and investment framework,
- viii) That the municipality's supply chain management policy referred to in section 111 is implemented in a way that is fair, equitable, transparent, competitive and cost-effective, and
- viii) That all financial accounts of the municipality are closed at the end of each month and reconciles with its records.

Section 66: Expenditure on Staff benefits

The Chief Finance Officer must

15. 66 Report in a format and periods as may be prescribed, report to Council on all expenditure incurred by the municipality on staff salaries, wages, allowances and benefits, and in a manner that discloses such expenditure, namely -
 - i) salaries and wages,
 - ii) contributions to pension and medical aid,
 - iii) travel, motor car, accommodation, subsistence and other allowances,
 - iv) housing benefits and allowances,
 - v) overtime payments
 - vi) loans and advances, and
 - vii) any other type of benefit or allowance related to staff.
16. 67(1) Before transferring funds of the municipality to an organisation or body outside any sphere of government other than in compliance with a commercial or other business transaction, the Chief Finance Officer must be satisfied that the organisation or body-

- a) has the capacity, and has agreed -
 - i) to comply with any agreement with the municipality,
 - ii) for the period of the agreement, to comply with all reporting, financial management and auditing requirements as may be stipulated in the agreement,
 - iii) to report at least monthly to the Chief Finance Officer on actual expenditure against such transfer, and
 - iv) to submit its audited financial statements for its financial year to the Chief Finance Officer promptly.
 - b) implements effective, efficient and transparent financial management, and
 - c) has in respect of previous transfers complied with all the requirements of this section.
17. 67(2) If an organisation or body has failed to comply with the requirements of subsection (1), in respect of a previous transfer, the municipality may, despite subsection (1) (c) make further a further transfer to the organisation or body, provided that -
- i) subsections (1) (a) and (b) are complied with, and
 - ii) the relevant provincial treasury has approved the transfer.
18. 67(3) The Chief Finance Officer must through contractual and other appropriate mechanisms enforce compliance with subsection (1).
19. 67(4) Subsection (1) (a) does not apply to an organisation or body serving the poor or used by government as an agency to serve the poor, provided that -
- i) The transfer does not exceed a prescribed limit, and
 - ii) The Chief Finance Officer -
 - Takes all reasonable steps to ensure that the targeted beneficiaries receive benefit of the transferred funds, and
 - Certifies to the Auditor-General that compliance by the organisation or body with subsection (1) (a) is uneconomical or unreasonable.
20. 68 The Chief Finance Officer must -
- I) Assist the Mayor in performing the budgetary functions assigned to the Mayor in terms of Chapters 4 and 7 of the MFMA, and
 - II) Provide the Mayor with the administrative support, resources and information necessary for the performance of those functions.

Section 69: BUDGET IMPLEMENTATION

The Chief Finance Officer must

21. 69 (1) take all reasonable steps to ensure that –
- i) the spending of funds is in accordance with the budget and is reduced as necessary when revenue is anticipated to be less than projected in the budget or in the service delivery and budget implementation plan, and
 - ii) that revenue and expenditure are properly monitored.

Power, duty or function

22. 69(2) The Chief Finance Officer must prepare an adjustment budget and submit it to the Mayor for consideration and tabling before the council.
23. 69(3) The Chief Finance Officer must, no later than 14 days after the approval of an annual budget, submit to the Mayor –
- i) the draft service delivery and budget implementation plan for the budget year, and
 - ii) drafts of the annual performance agreements as required in terms of section 57(1)(b) of the Municipal Systems Act for the Municipal Manager and all senior managers.

Section 70: Impending shortfalls, overspending and overdrafts

24. 70 (1) The Chief Finance Officer must report in writing to the council –
- i) any impending shortfall in budgeted revenue, and overspending of the municipality's budget and
 - ii) any steps taken to prevent or rectify such shortfalls or overspending.
25. 70(2) IF the municipality's bank account shows a net overdrawn position for a period exceeding a prescribed period, the Chief Finance Officer must promptly notify the National Treasury in the prescribed format, of -
- k) the amount by which the account or accounts are overdrawn,
 - ii) the reasons for the overdrawn account or accounts,
 - iii) steps taken or to be taken to correct the matter.
26. 70(3) When determining the net overdrawn position for purposes of subsection (2) the Chief Finance Officer must exclude any amounts reserved or pledged for any specific purpose or encumbered in any way.

Section 71: Monthly budget statements

27. 71(1) The Chief Finance Officer must not later than 10 days after the end of each month submit to the Mayor and the provincial treasury a statement in the

prescribed format on the state of the municipality's budget reflecting the following particulars for that month, and for the financial year up the end of that month:

- a) Actual revenue per revenue source,
 - b) Actual borrowing,
 - c) Actual expenditure, per vote
 - d) Actual capital expenditure, per vote.
 - e) The amount of any allocations received,
 - f) Actual expenditure on those allocations, excluding expenditure on –
Its share of the local government equitable share, and
Allocations exempted by the annual Division of Revenue Act, from compliance with this paragraph,
 - g) When necessary, an explanation of –
 - i) any material variances from the service delivery and budget implementation plan,
 - ii) any remedial or corrective steps taken or to be taken to ensure that projected revenue and expenditure remain within the municipality's approve budget.
28. 71(2) The statement must include the prescribed information relating to the state of the budget of each entity as provided to the municipality in terms of section 87(10).
29. 71(3) The amounts reflected in the statements must in each case be compared with the corresponding amounts budgeted for in the municipality's approved budget.
30. 71(4) The Statement to the provincial treasury must be in the form of a signed document and in electronic format.
31. 71(5) the Chief Finance Officer that has received an allocation referred to in subsection (1) (e) during any particular month must, by no later than 10 working days after the end of that month, submit that part of the statement reflecting the particulars referred to in subsection (1) (e) and (f) to the national or provincial organ of state or municipality that transferred the allocation.

Section 72: Mid-year budget and performance assessment

34. 72 The Chief Finance Officer must by 25 January each year,
- a) Assess the performance of the municipality during the first half of the financial year, taking into account,
 - i) the monthly statements referred to in section 71 for the first half of the financial year,

- ii) the municipality's service delivery performance during the first half of the financial year, and the service delivery targets and performance indicators set in the service delivery and budget implementation plan,
 - iii) the past year's annual report and progress on resolving problems identified in the annual report, and
 - iv) the performance of every municipal entity under the sole or shared control of the municipality, taking into account reports in terms of section 88 from any such entities, and
 - b) submit a report on such assessment to the Mayor, the National Treasury, and Provincial Treasury.
35. 72(2) The statement referred to in section 71(1) for the sixth month of a financial year may be incorporated into the report referred to in subsection (1q)(b) of this section.
36. 72(3) The Chief Finance Officer, must as part of the review,
- h) make recommendations on whether an adjustments budget is necessary,
 - iii) recommend revised projections for revenue and expenditure to the extent that this may be necessary.

Section 73: Reports on failure to adopt or implement budget-related and other policies:

37. 73 The Chief Finance Officer must inform the provincial treasury in writing of-
- i) any non-compliance by a political structure or office-bearer of any budget – related or other policy.

Section 74: General reporting obligation

38. 4(1) The Chief Finance Officer must submit to National Treasury, Provincial Treasury, the Department of Local Government in Limpopo, the Auditor-General such information, returns, documents, explanations and motivations as may be prescribed or as may be required.
39. 74(2) If the Chief Finance Officer is unable to comply with any of the responsibilities in terms of the MFMA, he or she must promptly report the inability, together with reasons, to the Mayor and the Provincial Treasury.

Section 75: Information to be placed on web sites

40. 75(1) The Chief Finance Officer must ensure that the following documents are placed on the municipal website:
- a) The annual and adjustments budgets and all budget related documents.
 - b) All budget related policies.
 - c) The annual report.
 - d) All performance agreements required in terms of section 57(1) of the MSA.
 - e) All service delivery agreements.
 - f) All long-term borrowing contracts.
 - g) All supply chain management contracts above a prescribed value.
 - h) An information statement containing a list of assets over a prescribed value that have been disposed of in terms of section 14 (2) or (4) during the previous quarter.
 - i) List of contracts to which subsection (1) of section 33 applies, subject to subsection (3) of that section.
 - j) Public-private partnership agreements referred to in section 120.
 - k) All quarterly reports tabled before the council in terms of section 52(d).
 - l) Any other applicable legislation, or a may be prescribed.
41. 75(2) A document referred to in subsection (1) must be placed on the website not later than five days after being tabled before the council or on the date on which it must be made public, whichever occurs first.

Other delegations and delegations in terms of Council resolution:

1. The power to enter into consumer agreements with members of the public for all services provided by the municipality.
2. The power to cut-off electricity supply to any person or to have it cut-off in terms of section 97(g) of the MSA, read with the municipalities Credit Control By-laws and the municipality's Debt Collection policy, if such a person fails to pay-
 - a) any levies for the supply of electricity,
 - b) any other amount owed to the municipality for the supply of electricity.
3. In respect of assessment rates, amounts payable for water services, electricity services or any other amount owed to the municipality -

- a) the power to institute a claim, settle a claim or accept payment and everything deemed necessary to finalise the claim in the best interest of the municipality, and
 - b) the power, in terms of rule 52(1)(b) of the Rules of Court made under the Magistrates' Courts Act, 1944 (Act 32 of 1944), to institute the necessary lawsuit or action personally, appoint lawyers and advocates to finalise the lawsuit and, if a defendant is in default, apply for sentence personally and take all or any steps or issue process documents deemed necessary to obtain execution of the sentence.
4. The power to amend payment vouchers owing to calculation errors to an amount not exceeding R10,00 (ten rands).
 5. The power to approve additions and alterations to the homes of officials for the purpose of an amended housing subsidy or home-owners allowance.
 6. The power, in terms of section 81 of the Town planning and Townships Ordinance, 1986, Ord. 15 of 1986, to extend the period within which a township owner must pay cash endowment in terms of imposed condition of township establishment.
 7. The power to approve interest or penalty payments to the amount of R1,5 million per claim subject to a report being submitted to council when such payments are made.
 8. The power to accept a guarantee and to require that the amount of the guarantee be increased in terms of the By-laws and Regulations Governing the Supply and Use of Electricity.
 9. The power to sign stock certificates, cession documents, other documents required at maturity of investments and loans, as well as housing guarantees under the Housing Act, 1997, (Act 107 of 1997).
 10. The power to write off irrecoverable debts and interest on debts in arrears.
 11. The power to approve liquidation claims in respect of defaulters.
 12. The power to approve clearance certificates.
 13. The power to approve valuation certificates.
 14. The power to accept bank guarantees and letter of undertaking in respect of amounts payable for the issue of clearance certificates and certificates of consumption.
 15. The power to approve vacation, sick and special leave of the staff in the Finance Department.
 16. The power to utilise an official in another capacity.
 17. The power to authenticate any order, notice or document requiring authentication.
 18. The power to sign any documents pertaining to his or her department and/or functions in accordance with municipal policy.
 19. The power to accept the written notice of termination of employment of an official in the Finance Department.
 20. The power to instruct an official in the Finance Department to report for duty temporarily outside his or her normal working hours.

21. The power to instruct an official in the Finance Department to perform duties temporarily other than those normally assigned to him or her.
22. The power to cancel, postpone or interrupt leave of absence of an official in the Finance Department.
23. The power to approve leave of absence (vacation leave) without remuneration of employees in the Finance Department.
24. The power to instruct an official in the Finance Department to undergo a medical examination and/or submit a medical report.
25. The power to refuse an application for sick leave for an employee in the Finance Department, in consultation with the Occupational Health subsection,
26. The power to compel an official to take sick leave.
27. The power to approve maternity leave for female officials in the Finance Department and paternity leave for male employees.
28. The power to authorise the medical examination of individuals claiming damages from the municipality arising from bodily injuries.
29. The power to approve payment and payment certificates pertaining to a specific department or section.
30. The power to take all necessary action to enforce statutory provisions.
31. The power to authorise the expense in respect of a wreath for an individual or official.
32. The power to approve overtime pertaining to the Finance Department.
33. The power to approve the redemption of vacation leave credit.
34. The power to approve the payment or cancellation of payment of standby, telephone, transport, housing or cell phone allowances to employees within the department.
35. The power to exercise all powers in terms of relevant By-laws falling within the ambit of the competencies of the department, including the granting of any permission that may this be required and the issuing of any notice in accordance with such by-laws whereby a person is summoned to comply with a stipulation thereof.
36. To submit insurance claims to the Council's insurer in consultation with the legal section.
37. To make advance payments on salaries and allowances of employees and councillors in accordance with guidelines approved by Council.
38. To ensure that the income and expenditure of the Municipality is done in accordance with the budget provision.
39. To be responsible for the overall budget of the Municipality.
40. To approve the transfer of movable assets from one location to another.
41. To be a signatory of the Municipality Cheque Account.
42. Sub-delegation: Memo 24.3.2004:

43. The Municipal Manager sub-delegates as follows: In terms of Section 79 (2) and (3) of the Municipal Finance Management Act, the Section Head Income and Section Head Budget are the second signatories on behalf of the Municipal Manager or Chief Financial Officer if they are not available. All previous signing powers are revoked.
44. To write off assets which are not needed for service delivery, to a maximum value of R50,000.00 per asset, subject thereto that the CFO reports back to Council on all assets written off in terms of this delegation. * (In terms of council resolution 22.6.2009)

4.3.3 TECHNICAL MANAGER

A. SPECIFIC POWERS DELEGATED TO THE TECHNICAL SERVICES MANAGER

1. To accept conditions imposed by statutory agencies such as the state, Water, Eskom, and the National Roads Agency where the Municipality's services are to be installed inside, over or under the reserves of these agencies.
2. To approve work performed by other parties on municipal property, with specific reference to water and sewerage servitudes and road reserves, subject to the following conditions:
 - a. The party may not begin executing the work on municipal property until an agreement with regard to the work has been concluded between the municipality and the party.
 - b. No work may begin until final approval of working drawings and specifications and proof of the party's accepted liability policy has been submitted.
3. To act on behalf of the municipality in respect of contracts in terms of the General and Special Conditions of Contract for Works of Civil Engineering Construction, provided that this power excludes duties and functions that other holders of office execute ex officio on behalf of the Council, or duties and functions over which the Technical Manager has not authority and for which Council's approval is required before their execution.
4. To cut off or restrict the supply of water if a consumer fails to meet a supply condition of the municipality or causes or permits the continued existence of a state that, in the opinion of the Technical Manager, is dangerous or hinders the effective supply of water to another consumer.
5. In respect of surface and underground geological formations and the guidelines for engineering services, the power to prescribe materials and specifications to be used for civil engineering projects in new townships.
6. The power granted, under section 141(b)(i) of the Local Government Ordinance, 1939 (Ord.17 of 1939) to decide whether an erf, stand or lot or other area, with or without any improvements, is, or in the opinion of the municipality can be, connected to any water main, drain or sewer and sewerage works, provided that the Technical Manager consult with the relevant municipal departments.
7. To display, in terms of section 83(3) of the Road Traffic Act, 1989 (Act 29 of 1989) temporary and essential road traffic signs in respect of any public road within the area of jurisdiction of the municipality.

8. To carry out engineering work to connect any land to the municipality's water and/or sewer system and to recover the expenses incurred.
9. To serve on the owner, lessee or occupier of private property notice of the municipality's intention to install services through, across, under or over the private property and to make compensation, or, failing to reach agreement on compensation, refer the matter for arbitration.
10. In respect of a street, road or thoroughfare of which ownership vests in the municipality, to –
 - a. Close the street, road or thoroughfare temporarily to a specific type of traffic,
 - b. Close the street, road or thoroughfare temporarily to all traffic, or
 - c. Divert traffic from the street, road, or thoroughfare temporarily, if the Technical Manager considers such a closure or diversion necessary for general construction work, for the installation of services that have to be provided by the Municipality, or for the carrying out of works by other authorities within the street reserve.
11. To enter into agreements on land of the municipality in respect of encroachments of municipal servitudes, after consultation with all the relevant departments.
12. To enter into agreements regarding the rental and maintenance of municipal railway sidings.
13. To cut off or restrict the supply of electricity to a consumer if the consumer fails to meet a supply conditions of the municipality or causes or permits the continued existence of a state which, in the opinion of the Technical Manager is dangerous or hinders the effective supply of electricity to another consumer.
14. The power granted under section 141 (b) (i) of the Local Government Ordinance, 1939 (Ord. 17/1939) to decide whether an erf, stand or lot or other area, with or without improvements, is or, in the opinion of the municipality, can be connected to any electricity network or supply system, subject to the conditions that the Technical Manager consults with the relevant municipal departments.
15. To carry out engineering work to connect any land to the municipality's electrical Network or supply system and to recover the expenses incurred.
16. To illuminate public places and maintain lights for this purpose.
17. To sub-delegate any of the above powers and functions in writing.

Other delegation of powers and functions to the Technical Manager:

1. To approve/recommend paying out of retention money.
2. Signing of appointment letter to consultants and contractors after their appointment approval.
3. Managing all contractual requirements within the approved budget.
4. Co-ordinating projects implementation to their successful completion

5. Considering application for funds from funding/ donor organizations for engineering/developmental purposes in consultation with the Municipal Manager.
6. Co-ordinating IDP/LED processes on behalf of the Municipal Manager.
7. The power to approve the establishment of municipal townships and all material amendments thereto in terms of Section 109 of the Town-planning and Townships Ordinance, 1986) (Ordinance 15 of 1986).
8. The power to accept, amend or reject original, joint amendment and draft schemes in terms of sections 28 and 29 of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), concerning municipal property.

Addition: Memo dated 5.5.2004:

9. Approval of applications received in terms of the Town Planning and Township Ordinance, Ordinance 15 of 1986, e.g. subdivisions, consolidations, rezonings etc. (Town)
Approval of applications in terms of the Division of Land Ordinance, Ordinance 20 of 1986 (Farms)
Approval of consent use for Home Undertakings in terms of Musina Town Planning Scheme, 1983.
Approval of building plans in terms of the National Building Regulations.

These above approvals shall be submitted to the quarterly Council Meetings for cognisance and ratification.

Addition: CR F11.10.2000:

11. The authority to approve the use of a Council Vehicle by fellow employees for funeral purposes at the death of an employee, as delegated from the Executive Committee to the Chief Technical Officer (now Technical Manager) in accordance with Section 58(3) of the Local Government Ordinance (Administration and Elections) Ordinance 40 of 1960.
12. Addition CR Oct 2005
To exercise the powers and functions of a Building Control Officer and to delegate to an officer under his control any power, duty or function granted or entrusted to Building Control Officers in terms of the National Building Regulations and Building Standards Act, 103 of 1977 (as amended)
13. **(Deleted by CR 18.8.2007)** Addition CR 21.10.2005 in accordance with Section 59(1) of the Local Government: Municipal Systems Act, Act 32/2000:

Approval of requests for waiver of building clause
To approve applications for waiver of the building/reversion clause in the title deeds of certain properties, where the developments could not take place,
14. Addition: CR 27.10.2005: in accordance with Section 5 of the National Building Regulations and Building Standards Act, 103, 1977 –
15. Appointed as Building Control Officer,

4.3.4. Manager Community Services

1. To manage the rental of the Municipality's sporting and community facilities in accordance with approved tariffs.
2. To process and approve applications for Roadshows and Promotional events in accordance with the Streets and Miscellaneous By-law and Advertising By-law.
3. To approve/refuse applications for gatherings and processions in terms of the Gatherings Act 205/1993.
4. **Authorisations in terms of the National Road Traffic Act, Act 93 of 1996, and Road Traffic Act, Act 29 of 1989) as mended:**
 - 4.1 To generally or specifically, display/or order the removal, in the prescribed manner, of any road traffic sign as the municipality may deem expedient, on the conditions as determined by the municipality, and to sub-delegate this function to the Section Head: Licencing and Traffic.

4.3.4.1 Section Head: Licencing and Traffic:

- 4.3.4.1.1 To exercise the powers and functions and stipulated in Sections 8 – 11, on condition that Sections 3 of the abovementioned Act has been complied with.
- 4.3.4.1.2 To exercise the powers and functions as stipulated in Regulation 283A, Chapter VIII of the Regulations to the National Road Traffic Act, 1996, in relation to dangerous goods.
- 4.3.4.2 57 3(a) (b) (c) - To generally or specifically, display/or order the removal, in the prescribed manner, of any road traffic sign as the municipality may deem expedient, and on the conditions as determined by the municipality.

5. Finance Committee

- 5.1 To consider financial reports and make recommendations to the Mayor.

6. Local Labour Forum

Instituted in terms of the Organisational Rights Agreements, concluded in terms of Section 20 of the Labour Relations Act, Act 66 of 1995,

with the power to consider all labour relations issues and make a recommendation to council.

7. Appointments Committee:

To be constituted by the Municipal Manager as and when required to interview applicants according to the short list as supplied, and make recommendations to the Municipal Manager.

1. Will make recommendations to the Municipal Manager, who will take a decision and make an appointment.

2. ~~(To be deleted.~~*The members will be any of the following: Councillor C.B. Swanepoel; Councillor C. Mahasela; Councillor G. Ramushwana; Alderman. D Phologa.*
3. The Municipal Manager and the relevant Head of that Department are also members. Union representatives and the Chairperson of the Employment Equity and Training Committee attend as observers.

8.. DELEGATION OF THE POWER TO PROCURE GOODS AND SERVICES AND/OR APPOINT CONSULTANTS FOR AND ON BEHALF OF THE MUNICIPALITY

WHEREAS section 60 of the Local Government: Municipal Finance Management Act, 2003, (Act 56 of 2003), defines the Municipal Manager as the Accounting Officer of the Municipality for the purposes of the Act to exercise the powers and functions assigned to an accounting officer in terms of the Act;

AND WHEREAS, in terms of section 79(1)(b) of the said Act, the Accounting Officer may delegate to a member of the Municipality's top management referred to in section 77, or any other official of the Municipality, any of the powers or duties assigned to an accounting officer in terms of the Act;

AND WHEREAS I, ABRAM LURULI, MUNICIPAL MANAGER (the undersigned) in my capacity as Accounting Officer, have with effect from January 2008 decided to establish a Tender Adjudication Committee for the Municipality to assist me in the adjudication of tenders, the procurement of goods and services and/or the appointment of consultants for and on behalf of the Municipality;

AND WHEREAS section 117 of the above Act bars councillors from serving on Municipal Tender Committees came into effect on 1 July 2004;

NOW THEREFORE

I _____ in my capacity as Accounting Office/Municipal Manager, hereby declare the power to adjudicate and make final awards of tenders or bids to procure goods and services and/or to appoint consultants above the threshold of R 200 000.00 (two hundred thousand rand) for and on behalf of the Musina Local Municipality Tender Committee, comprising of the following officials :

...

CONDITIONS APPLICABLE TO THE EXERCISING AND EXECUTION OF THE ABOVE POWERS AND FUNCTIONS ARE THE FOLLOWING:

1. The above powers and functions must be exercised and executed by each member of the Tender Adjudication Committee together with the other members of the Tender Adjudication Committee,

2. The meetings of the Tender Adjudication Committee must be formal, reports must be submitted to it and minutes of the proceedings must be recorded.
3. Members of the Tender Adjudication Committee must, in exercising and executing their powers and functions in terms hereof, comply with all Council policies, by-laws, guidelines, directives and relevant legislation pertaining to the procurement of goods and services and/or the appointment of consultants.
4. Each member of the Tender Adjudication Committee must attend the formal meetings of the Tender Adjudication Committee in person, unless another official is acting in his or her position, in which case the acting official must attend in his/her stead.
5. The Chairperson of the Tender Adjudication Committee must report back in writing to the Municipal Manager on the exercising and execution of this delegation.
6. Every quarter the Municipal Manager must report back in writing to the Council for cognisance, on the exercising and execution of these delegations.
7. Final recommendations / decision making by the Tender Adjudication Committee must be based on a simple majority of the members present.
8. A minimum of three members of the Tender Adjudication Committee constitutes a quorum for any formal meeting of the Tender Adjudication Committee.