

**Delegation of Authority**  
**Document for the Mkhambathini Municipality**

**First Draft**  
*(To be reviewed by Management)*

March 2007

## 1. **INTRODUCTION**

Each municipality has the powers and functions assigned to it by the Constitution and other pieces of legislation. Further, the municipality does the authority to perform and do anything reasonably necessary for or incidental to the effective exercise of its authority. **The law requires in terms of section 59 of the Municipal Systems Act (Act 32 of 2000)** that a proper system of delegation is developed which will ensure that:-

- i. There is no overlapping of responsibilities and duplications of authorities between people within the municipality.
- ii. Appropriation of accountability and lines of reporting.
- iii. Ensure sound relationship between the officials, political structures and office-bearers.
- iv. Productive linkage within the municipality towards effective service delivery.

The systems of delegation as envisaged by Law should be able to, inter alia, achieve the following objectives:

- a) Provide for adequate checks and balances
- b) Delegate the decision-making to the most appropriate and effective level within the administration
- c) To assign clear duties and responsibilities for the management and co-ordination of administrative components, systems and mechanism
- d) Ensure operational efficiency
- e) Promote a sense of responsibility in performance of duties and provide linkage with performance management system.

**The delegations of Authority document has to go through vigorous process of consultation at the management levels as well as with the representatives of the Unions. It is imperative that the delegation be discussed simultaneously with the approved organogram for effective governance.**

The intention is to have the delegations of authority of the Politicians, the Municipal Manager as well as the Executive Directors, approved who will where after delegate further within each office/department to the most appropriate level.

**It is now common cause that Committee of Council to assist the Executive Committee or Council has been established.** Attention will in future have to be given to delegating certain powers to such Committees to exercise certain authority. At this stage however, the issue is essentially on the delegations of powers to the administration.

In developing these powers, strong reliance had to be paid to the provisions and requirements of statute to ensure compliance and experience of other areas of local governance had to be evoked to ensure that ours should be able to stand the test of time and legal scrutiny. This is critical because the Delegations of Powers, once approved, will be the guiding route for service delivery within the municipality for a considerable amount of time to come. Hence diligence had to be exercised with the necessary detail and complexity in order to address the subject matter with necessary adequacy it deserves.

Each office is dealt with separately in the attached document, with the necessary similarity where possible, particularly on cut-off points.

## **2. DOCUMENTATION**

- a) Authority and application of various Delegation of Powers

## **RECOMMENDATION TO COUNCIL**

1. That the delegations of Powers for the Municipal Manager as well as the managers reporting to him/her be approved.
2. That all and any other resolutions on delegations, previously adopted are hereby rescinded, in so far as inconsistent with these delegations.
3. That it be noted that offices mentioned in resolutions (1) above are authorized to delegate further within the administration in far as practical and desirable.

## **INTRODUCTION:**

### **AUTHORITY AND APPLICATION OF VARIOUS DELEGATION OF POWERS**

- A. Principle to be approved by the Executive Committee in terms which these delegations were developed:
  - i. The Systems of delegation must meet the requirement of sections 51 and 59 of Municipal Systems Act, 2000 (Act 32 of 2000)
  - ii. Service delivery should as far as possible not be adversely affected by the delegation of powers.
  - iii. The function of policy formulation and overall management should rest at highest level.

- iv. Delegation of powers should as far as possible be to the level responsible for executing the particular function in pursuance of the principle contained in section 51 (j) and (k) of the Municipal Systems Act, 2000 (Act 32 of 2000).
- v. The delegation of powers to departments should be based on rationalised and uniform limits, except in as far the power relate to a specific cause.
- vi. The delegation of powers to the Tender Committee should be done in terms of specific cut-out amounts relevant to the acquisition of goods and services for Municipality procurement policy.
- vii. The delegation of powers to the Economic and Planning Committee should be done in such a manner as to facilitate structures development and planning of the Municipality, taking into account applicable legislation and the different town-planning schemes, but without derogating from the principle of (ii) above.

**B. General principles/conditions pertaining to the delegation of powers to the Municipal Manager and other officials:**

By virtue of the provisions of section 32 of the Local Government: Municipal Structures Act, 1998, read with and subject to sections 59 to 65 of the Municipal System Act, 2000, and subject to section 79 of the Municipal Finance Management Act, by the virtue of relevant Council Resolution, the Municipal Manager is hereby delegated the power to enact the duties and tasks as set out below subject to the policies determined from time to time by the Council and the Executive Committee and furthermore subject to the following general conditions:

- (a) The Council or Executive Committee retains the rights to withdraw or amend this delegation;-
  - i. If the Council mandates the Executive Committee in accordance with a majority resolution taken by the Council at a formal meeting; or
  - ii. If the Executive Committee recommends accordingly at a formal Council meeting; or
  - iii. If the Executive Committee resolves accordingly, whichever is applicable.
- (b) The Council/ Executive Committee may at any time instruct the Municipal Manager, not to dispose of a matter by virtue of delegated powers and to prepare a report with a recommendation in order to

submit it, as is customary procedure, to the Executive Committee for consideration and resolution.

- (c) The Municipal Manager is free to refer, at his/her own discretion, any matter over which he/she was vested powers of delegation by virtue of this Resolution, together with his/her recommendations, through customary procedures to the Executive Committee for consideration and resolution.
- (d) The enactment of powers hereby delegated is, as at all times, subject to the provisions of any policy, standard conditions and other stipulations laid down or agreed upon by the Council.
- (e) The Municipal Manager or any duly authorised Executive Director may enact and execute the tasks, duties and powers hereby delegated by means of an employee under their control; and
- (f) The Municipal Manager or any Executive Director may in writing further delegate ant power to the extent deemed appropriate, to any functionary under his/her supervision/control for the purpose of ensuring efficient and effective performance of functions and duties or to enhance services delivery.
- (g) Resolution taken on strength of these powers must be founded on the required consultation with the concerned Executive Director, where necessary.
- (h) Any further delegation in terms of this system of Delegated powers must be in writing as prescribed in section 59(2)(b) of the Municipal System Act,2000. and the Municipal Manager is authorised to further delegate to other functionaries.

### **DELEGATION OF POWERS: POLITICAL STRUCTURES**

#### **POWERS RESERVED TO ITSELF BY THE COUNCIL**

1. That the following powers be retained by the Council, namely to:
  - a. Make, amend or revoke by-laws.
  - b. Determine rates and other taxes, levies and duties
  - c. Raise loans
  - d. Approve the annual budget
  - e. Approve policy in respect of matters not delegated to the Executive Committee.
  - f. Approve relevant Land Use Plans/ organogram

- g. Street name (excluding new townships), open spaces and other public places
- h. Expropriate Property.
- i. Approve Executive Committee and other Councillor allowances.
- j. Exercise such powers that must be retained by Council in terms of legislation.

That all powers of the Council which have not been reserved in terms (1) above or which must be performed or exercised by the Council in terms of legislation, be delegated to the Executive Committee and that the Executive Committee be authorised to further delegate such powers.

## **2. Powers reserved for the Council**

- 2.1 In accordance with the provisions of section 160(2) of the constitution, and sections 60(1) of the systems act:

The powers, functions and duties set out hereunder are reserved for the council and may not be delegated:

- The passing, amendment and repeal of by-laws;
- The approval and amendment of budgets;
- The imposition and amendment of rates and other taxes, levies and duties;
- The raising of loans;
- The approval or amendment of the Municipality's integrated development plan;
- Setting of tariff charges;
- Entering into Municipal services partnerships; and
- Appointment of the Municipal Manager ( Municipal structures Act)

- 2.1 Although the Council reserves the following powers, certain of these may be delegated. The Council may not take any decision in respect of these matters, unless it has received and considered the report and recommendations of the Executive Committee in this regard:

- The rationalization of the bylaws, regulations and resolutions (including standing delegations) of the former Municipalities in terms of section 15 of the structures Act;
- Making representations on behalf of the Municipality to the MEC responsible for local government in terms of section 12(4) or 16(3) of the structures Act;

- Designating Councilors determined by the MEC responsible for local government as full-time councilors and considering any application of a councilor so designated to perform other work for remuneration in terms of item 8 of the code of conduct for councilors ( Municipal Structure Act);
- Appointment of the Municipality's representatives in the district Municipal council in accordance with section 23 (1)(b) of the structures Act;
- Replacement of any of the Municipality's representatives in the district Municipal Council in terms of section 27(e) of the structures Act;
- Closing the Council's sittings to members of the public, the media and authorizing committees of the Municipality to close their sittings in terms of section 31(1) of the structures Act;
- The establishment of committees in terms of section 33 read with sections 79 and 80 of the structures Act, including the determination of the functions and procedures of any such committee, the appointment and removal of the members of such committee;
- Considering the dissolution of the Council in terms of section 34(1) of the structures Act;
- Electing a speaker in terms of section 36(2) of the structures Act;
- Removing the speaker from office and filling any vacancy in the office of speaker in terms of section 40 of the structures Act;
- Electing an acting speaker according to section 41 of the structures Act;
- Determining whether or not implement the type of the Municipality in terms of section 54(2) of the structures Act;
- Determining the size of the Executive Committee;
- Determining the election system for electing the members of the Executive Committee;
- The expropriation of immovable property or rights in or to immovable property;
- The determination or alteration of the remuneration, benefits or other conditions of service of the Municipal Manager of Managers directly responsible to the Municipal Manager.
- Electing the members of the Executive Committee;
- Electing a mayor from amongst the members of the Executive Committee;
- Supplementing any vacancy that may occur in the Executive Committee;
- Determining the ceremonial role, if any, that the mayor must perform in terms of section 54(4) of the structures Act;
- Removing the mayor from office in terms of section 58 of the structures Act;
- Deciding whether or not to establish ward committees in the Municipal area in terms of section 72 to 78 of the structures Act, making rules in connection with any such committees, determining the administrative arrangements that may be made available to such committees and the dissolution of any ward committee;

- The appointment of a Municipal Manager and an acting Municipal Manager and heads of Department in accordance with section 82 of the structures Act;
- Considering an application by a councilor to be a party to, beneficiary under or obtain a financial interest in any contract with the council or to appear before the council or any structure of the council for any consideration or a fee, consistent with item 6 of the code of conduct for councilors;
- Consideration of a report of the speaker in terms of item 13 of the code of conduct for councilors
- Consulting the MEC responsible for local government with regards to any proposed measure in terms of section 14(5) of the structures Act, or in terms of section 15 of the Local Government: Municipal structure Amendment Act 2000;
- The acquisition and alienation of immovable property or rights in respect thereof, including the determination of the upset price or selling price and conditions of sale;
- The establishment of and consultation with the relevant planning authority about the establishment or lay out of a township in terms of applicable legislation;
- The naming and renaming of streets, open areas, other public places and buildings of the Municipality consistent with the prescribed prerequisites and procedures;
- Approving the outlay and development of public places, streets and other public facilities and amenities;
- The appointment of managers directly responsible to the Municipal Manager;
- The appointment or designation of:
  - A building control officer in terms of the National Building regulations and Building Standards Act;
  - A fire chief in terms of the Fire Brigade Services Act
  - The head and deputy head(s) of disaster management/civil protection in terms of the Civil Defense Ordinance;
  - The appointment of a medical officer of health in terms of the Health Act.
  
- The decision whether reports from committees are only for the information of the council or whether the council should be given an opportunity to discuss such reports;
- The approval of excess expenditure on the annual capital and operating budgets;
- The consideration of draft national and provincial legislation and policies affecting the Municipality for the purpose of providing comments to the applicable legislature;
- The consideration of reports of the respective department of the council;



- The decision on the appropriate mechanism to provide Municipal services, in accordance with the provisions of section 73 to 84 of the system Act;
- The approval and amendment of a credit control and debt collection policy in accordance with the provisions of chapter 4 of the systems Act;
- The approval and amendment of a tariff policy for the levying of fees for Municipal services provided by the Municipality itself or by way of service delivery agreements, in accordance with the provisions of sections 74-75 of the systems Act;
- The approval and amendment of a policy to make provision for the consolidation of separate accounts of persons liable for payments to the Municipality, to credit a payment by such person against any account of that person and to implement any of the debt collection and credit control measures of the Municipality to any arrears on any of the accounts of such a person in accordance with the provisions of chapter 9 of the system Act;
- Determining the salaries, allowances and other benefits of councilors in terms of remuneration of public office-bearers Act;
- Determining the services that the Municipality provides and the functions it performs, the conditions of and price for the provision of such services and the performance of such functions and standard of service provision and performance;
- The conclusion of any agreement in terms of section 99,126 Or 156(4) of the constitution;
- The conclusion of an agreement with any other Municipality to cooperate with that Municipality;
- The imposition and lifting of water restrictions.

### **3. Powers delegated to the Executive Committee**

3.1 The following statutory powers and duties are delegated to the Executive Committee in accordance with the provisions of section 49 and chapter 4 of the structures Act;

3.2 The Executive Committee must:

- Identify the needs of the Municipality;
- Review and evaluate those needs in order of priority;
- Recommend to the Council strategies, programmes and services to address priority needs through the integrated development plan; and estimates of revenue and expenditure, taking into account any applicable national and provincial development plans; and
- Recommend or determine the best methods, including partnership and other approaches, to deliver those strategies, programmes and services to the maximum benefit of the community.

3.3 The Executive Committee in performing its duties must:

- Identify and develop criteria in terms of which progress in the implementation of the strategies, programmes and services it recommended to the Council can be evaluated, including key performance indicators which are specific to the Municipality and common to local government in general;
- Evaluate progress against the key performance indicators
- Review the performance of the Municipality in order to improve;
  - The economy, efficiency and effectiveness of the Municipality;
  - The efficiency of credit control and revenue and debt collection services;
  - The implementation of the Municipality's by-laws;
  
- Monitor the management of the Municipality's administration in accordance with the policy directions of the Municipal Council;
- Oversee the provision of services to the community in a sustainable manner;
- Annual report on the involvement of communities and community organisation in the affairs of the Municipality;
- Ensure that regard is given to public views and report on the effect of consultation on the decisions of the Council;
- To report to the Council on all decisions taken by it;
- Oversee and monitor the implementation and enforcement of the Municipality's credit control and debt collection policy and by-laws and the performance of the Municipal Manager in implementing the policy and any by-laws;
- When necessary, evaluate or review the Municipality's credit control and debt collection policy and by-laws, or the implementation of the policy and by-laws, in order to improve efficiency of its credit control and debt collection mechanisms, processes and procedures; and
- At such intervals as may be determined by the Council report to the Council.
- Rationalize the bylaws, regulations and resolutions (including standing delegation) of the former Municipalities in terms of section 15 of the structures Act;
- Designate Councillors responsible for local government as full-time Councillors and consider any application of a Councillors so designated to perform other work for remuneration in terms of item 8 of the Code of Conduct for Councillors
- Determine mechanisms to consult the community and community organisation in the performance of the Municipality's functions and the exercise of its powers consistent with section 19 (3) of the structures Act;

- Where necessary, lodge an objection in terms of section 87(2) of the structures Act against the temporary allocation of a function or power of the Municipality to the District Municipality to restore or maintain any basic service that has collapsed or may collapse.
- Determining the nature, extent duration and conditions for providing assistance to the district Municipality pursuant to a request for such assistance in terms of section 88(2) of the structures Act;
- Where necessary, make a request to the District Municipality for financial, technical and administrative support services in terms of section 88(2) of the Structures Act;
- Monitor application of item 4 of the Code of conduct for councilors;
- Approve the provision of funds for unforeseen road improvements during the execution of a project to a prescribed amount per project;
- Where necessary, enter and inspect any site or premises within the Municipal area and question any person found on such a site or premises in respect of any matter which may be relevant at such a time;
- Approve application for the provision of water outside the Municipal area.
- Where necessary, lodge objections against the proposed redetermination or alteration of the Municipality's boundaries in terms of section 21 (4) of the Local Government: Municipal Demarcation Act 1998 and lodging any application to alter the Municipality's boundaries;
- Appoint of appraisers, members of valuation court, legal counsel, consulting engineers and town planners, land surveyors and other professional service providers;
- Determining a policy framework for staff matters in accordance with the provisions of section 61 of the system Act;
- Adopt an employment equity plan and skills development plan for the Municipality consistent with the relevant legislation;
- Create and abolish department and other organizational units and posts on the permanent establishment;
- Determine the educational requirements, competencies, experiential and other attributes for appointment in the Council's services;
- Determining salary scales on the fixed establishment and conditions of employment;
- Determining which post in the establishment would be fixed term contractual appointment;
- Approve of all donations and grants-in aid by the Municipality;
- Approve and amend the town planning schemes, structure plans, conditions of establishment of new townships and land development objectives of the Municipality and applications for rezoning;
- Authorise expenditure for entertainment of persons exceeding 10% of the amount provided in the budget;
- Where necessary, deal with the erection of permanent Municipal buildings;
- Deal with the consideration of sub-divisions of land belonging to the Municipality;
- Decide on the permanent closing of streets and other public places;

- Decide on the introduction and lifting of water restriction and imposition penalties for excess use during such restrictions;
- Grant approval in principle of projects, with a view to the provision of funds on the capital budget;
- Grant approval of tenders resulting in the budget being exceeded;
- Consider of the audit report and reports of the audit committee;
- Decide on the acquisition and maintenance of insurance of the Municipality's property, including the appointment of insurance brokers;
- Nominate the Council's representatives in public bodies and the provincial Executive Committee Kwanaloga;
- Appoint Councillors to attend congress, workshops, seminars and similar events;
- Approve the attendance of meetings, workshops, seminars. Conferences, congresses and similar events conducted outside the national territory;
- Determine a language policy for the Municipality; and
- Determine signatories on the Municipality's bank account, official orders and other documents that must be executed on behalf of the Municipality.

#### **4. Powers delegated to the Speaker**

4.1 The following statutory powers and duties are delegated to the speaker in accordance with the provisions of sections 37 of the Structures Act;

- To preside at meetings of the Council where she/he is present;
- To ensure that the Council meets at least quarterly;
- To maintain order during meetings of the Council;
- To ensure compliance with the Code of Conduct for Councillors in the meetings of the council and Council committees;
- To ensure that Council meeting are conducted in accordance with the rules and orders of the Council;
- To determine the date and venue of ordinary Council meetings;
- To convene special meetings of the Council at the venue determined by her/him and at the time set out in any request that such a meeting be convened in terms of section 29(1) of the structures Act;
- Ensure that the provisions in respect of privileges and immunities of Councillors ,as set out in section 28 of the structures Act or any other applicable legislation, are adhere to; and
- Ensure that ward committee meet regularly, if any ,and that Councillors report to their constituencies at least once during every three months.

**5. Powers Delegated to the Municipal Committees**

**To be workshopped by all stakeholders**

**DELEGATION OF POWERS: OFFICIALS/ADMINISTRATION**

**POWERS DELEGATED TO THE MUNICIPAL MANAGER**

**I PERSONNEL**

**THE MUNICIPAL MANAGER IS AUTHORISED TO:**

1. Finalise the detailed job description and other terms of conditions of employment of the approved posts within the policy framework determined by Council in line with Section 66 of the Municipal Systems Act.
2. Accept or refuse notices of services termination for periods less than the prescribed time in the conditions of service which may be applicable on personnel of the Council from time to time.
3. Summarily terminate the services of personnel on salary levels 4-7 from the Council who have already given notice of service termination and who violate the provisions of the conditions of service applicable to employees of the Council.
4. Approve applications of special leave for personnel on salary level 2 to 7 in accordance with the provisions of government notice 8639 of 31 march 1983. (special leave with full remuneration maximum 5 working days, sports meeting on provincial level and higher).
5. Approve or refuse applications for legal representation to officials to a maximum amount of Rxxx ( xxx Rand) per case in circumstances where legal proceedings were instituted against such officials or at any inquest or injury in respect of which they have been summoned to attend or testify on matters falling within the course and scope of their duties (Subject to council resolution or MFMA) : Provided that, if the amount is exceeded, the matter be submitted to the to the Executive Committee for consideration and provided further, that the Municipal manager submit a report regarding the consideration of such applications received from Councillors, to the Executive Committee.
6. Grant permission to employees (excluding employees on levels on which they report directly to the Municipal Manger or managers up to level 3) to perform work for remuneration outside municipal service

in terms of the provisions of the Local Government Ordinance, 1974, as amended, the Municipal Systems Act and the Municipal Structures Act, 1998 provided that such permission must be subject to the following:

- a. It may not be directly linked to the performance of the work by the official concerned at the Council (e.g drawing of buildings plans by building inspectors in respect of any structure within the area of jurisdiction of the council, etc.)
  - b. It may in no way affect, compromise or impede the exercise of a discretion or performance of a function or duty by the official concerned in service of the Council.
  - c. It may not take place during the official hours of employment of the official by Council.
  - d. No resources of Council may be used ( this includes staff machinery, equipment, consumables, etc.)
  - e. It may not be of such nature or extent that it negatively affects the reasonable period of rest of the official in relation to his /her employment at the Council.
- 7) Approve key performance areas of the Executive Directors, in consultation with all four Executive Directors.
  - 8) Approve the amendment of the organizational structures and transfer of personnel on the organizational structures on lower levels to higher levels in conjunction with relevant Executive Director: Provided that such restructuring will have no financial implications and that the necessary consultation with the relevant trade unions was done.
  - 9) Approve applications for study aid to the Executive Directors in accordance with the Council's policy.
  - 10) Finalise and implement job evaluation results in accordance with the recommendations of the bargaining Council: Provided reports regarding such job evaluation results are submitted to the Executive Committee for information on a quarterly
  - 11) Appoint employees as representative of Council to serve on specific bodies in which local government interests are furthered on National, Provincial or Regional levels.
  - 12) Suspend employees on post levels lower to higher, if he/she is satisfied that on grounds of urgency, it is in the interest of the Council that such employee be suspended forthwith, subject thereto that a comprehensive report be forthwith submitted to

the Executive Committee, in accordance with the conditions of employment.

- 13) Authorise officials to act in terms of, administer and /or enforce Municipal By-laws.
- 14) Provide copy of the Municipal Code of Conduct to every member of staff in line with Section 70 of the Municipal Structures Act.

## **II FINANCIAL**

### **THE MUNICIPAL MANAGER IS AUTHORISED TO :**

- 1) To approve grants-in -aid for disaster relevant to immediately required relief for dire need (i.e. shelter/food/blankets) to a maximum amount of R0 000,00 per event : provided that sufficient funds have been provided In the budget and that a report on such expenditure be submitted to the Executive Committee, for information.
- 2) In conjunction with the Executive Director: Finance, re-allocate operational Budget amounts between votes in respect of excess expenditure that must be defrayed from savings in terms of Council's policy to a maximum amount of R00 000,00 which amount escalates annually on 1 July with 10%.
- 3) In conjunction with the Executive Director: Finance, re-allocate capital budget amounts between votes in terms of Council's policy that excess expenditure must be defrayed by savings up to a maximum amount of R0 000,00 per case, which amount escalates annually on 1 July with 10%.
- 4) Authorise expenditure capital projects, amounting to a maximum of R00 000,00 and other expenditure up to a maximum of R00 000,00 for the procurement of goods, as well as expenditure up to R00 000,00 for the appointment of consultants, in consultation with the relevant Executive Director and provided the items have been budgeted for and all other legal requirements are met. Provided further that in respect of capital projects, the Municipal Manager report to the Executive Committee on each approval in terms hereof (in accordance with the procurement policy)
- 5) Transfer or inter departmental assets.
- 6) Procure goods/services up to a maximum of R00 000,00 provided sufficient funds have been budgeted

**III CONTRACT/SERVICE AGREEMENT/ETC**

**THE MUNICIPAL MANAGER IS AUTHORISED TO:**

- 1) Sign all agreements/contracts and consequential related documentation on behalf of the Council.
- 2) In accordance with the provision of section 15(2) of the Magistrate's Court Act, 32 of 1944, as amended, authorize individuals to serve court and other papers in cases where prosecution takes place due to offences against the Council of which the Council has got the right to prosecute privately, in terms of one or other act, or when, on the strength of one or other act, a penalty that has been imposed at the time of a conviction, must be deposited with the Council Executive Director of Finance.
- 3) Appoint project Managers in consultation with the Executive Committee and in accordance with the Council's policy in this regard.
- 4) Consider and enter into short term agreement for the leasing of vehicles in cases of emergency on behalf of the Council.
- 5) Finalise the appointment of persons from the panel of arbitration or professional service providers: Provided that the fees payable are in accordance with the tariffs/fees approved by the relevant professional institute or other comparable body, in consultation with the relevant Executive Director.
- 6) Sign all contracts, papers and documentation on the Council is legally empowered to conclude, on behalf of the Council.
- 7) In conclusion with the Executive Committee, select external support where appropriate.
- 8) Dispense with all applications for registration of servitude with a cost of R000 000,00 or below.

**IIII GENERAL**

**THE MUNICIPAL MANAGER IS AUTHORISED TO:**

- 1) Carry out all functions of license holder of firearms and ammunition in terms of Firearms control Act.1999.
- 2) Process the applications for the distribution of rag magazine within the Municipal area.
- 3) Conclude applications for extended business hours of liquor stores within municipal area of **Mkhambathini** in terms of liquor Act,1989 and Council's applicable By-laws and policies: Provided that the



Municipal Manager may further delegate this power.

- 4) Approve requests to make studies conducted for Council available to external persons/bodies considering the following grounds:
  - a) The benefit or interest to this council, local government in general, any other sphere of government, or community in general or the community at large.
  - b) Cost of study to the Council
  - c) Potential to sell the study to other buyers.
  - d) Advisability to sell the study.
  - e) Confidentiality
  - f) Provided that the information be made available at cost as determined by the Municipal Manager on an ad hoc basis after having obtained the input of the relevant Executive Director.
- 5) Perform the function of licence holder of firearms and ammunition on behalf of the Council as may be required.

## **POWERS DELEGATED TO THE EXECUTIVE DIRECTOR FINANCE**

### **PERSONNEL**

#### **THE EXECUTIVE DIRECTOR: FINANCE IS AUTHORISED TO**

- 1) Fill vacancies in positions on all lower graded positions in the Department Finance: Provided that if the starting salary of an appointed person should exceed the starting notch, the Municipal Manager's permission must be obtained before hand.
- 2) Grant, postpone or refuse annual leave, sick leave, maternity/paternity leave and study leave, in terms of the provisions of the Council's Conditions of service, to personnel in the Department Finance, as well as to recall such personnel from their annual leave in accordance with Council's policy.
- 3) Grant authorization for the payment of a housing subsidy and housing aid to employees of the Council who qualify to make use of it in accordance with provisions of the Schemes/Policy.
- 4) Approve that personnel of the Department Finance, in terms of the Council's policy and if it is deemed in the interest of the Council, to attend one-day training courses, seminars, congresses and meetings, and where necessary authorize such personnel to make use of official

- transport and to approve the payment of traveling and subsistence allowances if private vehicles are used in accordance with Council's policy.
- 5) Summarily terminate the service of personnel on salary levels lower to higher in the Department from the Council who have already given notice of service termination and who violate the provisions of the Conditions of service applicable to employees of the Council.
  - 6) Approve applications for special leave on salary levels low to high in accordance with the provisions of Government Notice 8639 of 31 March 1983 (special leave with full remuneration-maximum 3 working days, sports meetings on provincial level and higher)
  - 7) Terminate the service, after proper notice, of any temporary employee within the department.
  - 8) Employ students on a part-time basis during holidays in terms of the Council's approved policy.
  - 9) Temporality employ part-time employees in consultation with the Executive Director: Corporate Services: in cases of emergency, for the duration of such emergency in accordance with the Council's policy in this regard.
  - 10) Appoint officials to act in the stead of officials who are legitimately absent or officials who have fill vacancies temporarily on a higher salary levels than their own, and to authorize the payment of an acting allowance when the job content of the vacancy is of such a specialized nature that guidance is not readily available on higher post levels within the specific department, and the acting official therefore has to accept sole responsibility for all decisions take in terms of the Council's policy within the Department.
  - 11) Authorise employees in the Department Finance to work overtime and overtime on Sundays, public holidays and non-working days and receive compensation therefore.
  - 12) Grant personal computer loans to personnel, in accordance with the Council's conditions and consultation with the relevant Executive Director and conclude the necessary agreement with the relevant personnel in accordance with the Council's policy.
  - 13) Approve or refuse applications for loans in accordance with the home improvement Scheme after such applications have been recommended by the relevant Executive Director.
  - 14) Enter into and sign apprenticeship, learner or similar contracts, in terms of any schemes which the council has approved, in respect of employees in the Department Finance on behalf of the Council.
  - 15) Approve key performance areas of Managers of sections in the Finance

Department .

- 16) Appoint officials to deputise in the stead of officials who are legitimately absent or officials who have to fill vacancies temporarily on higher salary than their own, and to authorize the payment of an acting allowance when the job contents of the vacancy is of such specialized nature that guidance is not readily available on higher post levels within that specific Department, and the acting officials therefore has to accept sole Responsibility for all decisions taken.

## **FINANCIAL**

### **THE EXECUTIVE DIRECTOR: FINANCE IS AUTHORISED TO**

- 1) Make arrangements for insurance coverage in respect of all new contract of the Council and to declare such contracts of the Council to the Insurance Brokers.
- 2) Arrange for insurance coverage within the framework set by the Executive Committee, by making use of the Council's Insurance Brokers and to settle Relevant premiums connected to such insurance, on the due dates.
- 3) Partly and fully cover certain risk areas by means of the Council's own Insurance Fund, with the approval of the Executive Committee.
- 4) Consider, grant or refuse the applications for the re-payment of buildings plan fees, in consultation with Executive Director: Technical Services where buildings have not been erected, in accordance with the accepted policy of the Council.
- 5) Grant permission for the cancellation of bonds which are registered in favour of the Council and which the bond mortgage is paid in full or of which the payment thereof has been properly guaranteed by means of guaranteed that is acceptable to the Executive Director: Corporate Services.
- 6) Consider, grant or refuse applications for loans to enable applicants to link their stands with the Council's sewerage system, and to determine the conditions of redemption of the loans in accordance with the Council's policy.
- 7) Arrange for the writing-off of irrecoverable traffic fines and irrecoverable postponed traffic fines, subject to the condition that a magistrate or court officials confirms that such fines are irrecoverable and a report be made available to the Executive Committee and Council.
- 8) Arrange for the refund of court fines to persons whose sentences have later been changed or set aside.
- 9) Determine development contributions and the terms of payments of such Contributions, on receipt of these specific assessment from the Municipality in accordance with the Council's policy, where applicable and in terms of the relevant legislation.
- 10) Purchase all goods and material which are needed for the execution of the Council's activities, except where the Council's consultants have been directly instructed by the council to purchase such goods and material.

- 11) Invite tenders and quotations for goods and materials which must be replaced from time to time in the Stores, and to accept such tenders and quotations up to a certain amount determined in terms of applicable legislation.
- 12) Procure goods/services up to a maximum amount of R00 000,00; provided that sufficient funds have been budgeted and that all legal requirements have been met.
- 13) Enter into agreements for the maintenance of equipment of the Department Finance: provided that the Council's obligations in terms of Such agreement are less than R00 000,00.
- 14) Invite quotations or tender in urgent circumstances to procure goods and materials that are normally not available in the stores.
- 15) Approve or refuse applications by the Council's personnel for guarantees to purchase dwellings for personal use ,subject to all the provisions, terms and conditions set out in Local Government Consolidated circular, 15 of 20 May 1983,as amended or other provisions which may supersede the above-mentioned circular in the future and furthermore, to issue such guarantees and to make counter investments with the purpose of granting a housing bond up to 100% by building Societies and Banks to employees of the Council, in terms of the provisions of section 79(28)(bis)of the Local Government Ordinance,25 of 1974(amended).
- 16) Grant authorization for the writing-off of bad debts up to a maximum amount of R0 000,00 (Two thousand rand ) per case, which amount escalates annually with CPI.
- 17) invest the Council's fund in terms of the provisions of the Council's financial investment policy and the Council's financial **By-laws and decide the Bank where to invest.**
- 18) Grant authorization for an increase of up to 20% in rent of goods and services that are rendered on a contractual basis to the Council.
- 19) Re-allocate operational budget amount in votes in respect of excess expenditure that must be neutralized by savings, in terms of the Council's policy to a maximum of R000 000.00,( hundred Thousand Rand) per annum per vote number which amount escalates on CPI.
- 20) Re-allocate capital budget amounts un votes, n terms of the Council's policy that excess expenditure must be neutralized by savings, up to maximum amount of R00 000,00,(xxxThousand Rand)per case, which escalates on CPI.
- 21) Approve an advance on a salary or wage of an employee of the Council in extraordinary circumstances in accordance with the Council's policy.

- 22) Adjust the interest rate applicable to the Capital Development Fund and the Consolidated Loan Fund from time to time and in accordance with the Tender Procurement policy.
- 23) Submit the bank reconciliation statements of the Council, in terms of the **Financial By-laws, to the Executive Committee on a quarterly basis.**
- 24) Write back interest of R0 000,00 ( xxx Thousand Rand) on consumers' account (debtors) in the following circumstances:
  - a) Consumers' accounts (debtor) under inquiry;
  - b) Certain court cases; and
  - c) Merit cases as described in the Credit Control Policy.
- 25) **Approve the repayment of revenue which is claimed from the Municipality in terms of the provision of law, by-law or regulation.**
- 26) **Incur expenditure against an expenditure vote in the approved budget to a maximum amount of R0 000,00 in accordance with the Council's Tender /Procurement/Quotation policy.**
- 27) Administer the Transport and Motor Vehicle Loan Schemes in accordance with the Council's policy.
- 28) In cases of recurring problems arising from non-payment of energy consumed or accounts in arrear that exceed the amount of R0 000, for two consecutive months, at his discretion revert to adjustment of deposit amount of customers who receive electricity supply by way of a credit billing system through connection to network reticulation provided in terms of the NER project Funding schemes, to those prescribed for other domestic users.
- 29) Carry-out budgetary and treasury functions in accordance with provisions of section 81 of the Municipal Finance Management Act

### **CONTRACT/SERVICES AGREEMENTS/ETC**

#### **THE EXECUTIVE DIRECTOR: FINANCE IS AUTHORISED TO**

- 1) sign and certify declarations as envisaged in section 118 of the Local Government: Municipal System Act 2000 as amended.
- 2) Appoint advisor/consultants to perform certain tasks on behalf of or for the Council at a maximum amount of R00 000,00; provided that sufficient funds have been budgeted for and all legal requirements have been met.
- 3) Grant authorization for the interruption of water and/ or electricity supply to any premises of any consumer as a result of non-payment of such consumer's account for water and/or electricity consumption.

- 4) According to his/her discretion, enter into agreement where losses occurred resulting from damage to Council property, subject to the condition that the amount involved in respect of such an agreement, will not be less than the amount which has been determined by a bona fide claim mediator.
- 5) Instruct the debt collectors and/ or the Council's attorney to collect fees still owed to the Council and to determine the terms of repayment of money owed to the Council, and to sign all relevant documents on behalf of the Council's, including attachments and sales in execution in terms of the Council's Credit Control Policy: **provided where claims progress to litigation, the matter be referred to the Executive Director: Corporate Services, read with the delegation of Municipal Manager.**
- 6) Attach a vehicle that has been purchased by an employee in terms of the Council's Transport subsidy Schemes, which has not been paid in full at the time of termination of service, until satisfactory arrangements have been made for the payment of the outstanding loan.
- 7) Appoint an auctioneer to auction of obsolete assets on behalf of the Council in accordance with the Council's Tender and Procurement policy.
- 8) Enter into agreement with creditors upon the opening of Creditors accounts.
- 9) Sign all orders/requisitions for the leasing of equipment or purchasing of goods and services on tender or quotation basis on behalf of the Municipal Manager.
- 10) Consider and enter into lease agreements to hire office equipment to use in the Department of Finance on behalf of Council.
- 11) Consider and finalise , on recommendation by the Executive Director : Corporate Services, all public liability claims against the Council within the limits of the excess to be paid to the Insures.
- 12) Enter into and terminate contracts on behalf of the Council in respect of of the supply of water and /or electricity to the property of any consumers in any cases for which the Council may be responsible and to suspend such supply in the event of failure by such consumers to pay their account for the consumption of water and electricity or for any other legal reason.
- 13) In conjunction with the relevant Executive Director, grant extension of time to contractors who are unable to complete contracts within the period and to invoke penalty clauses contained in contract documents on late completion or late deliveries subject to the compliance of the applicable legislation.

**PROPERTY/ BUILDING/LAND**

**THE EXECUTIVE DIRECTOR: FINANCE IS AUTHORISED TO**

- 1) Determine contributions for engineering services and open spaces or parks and to determine the manner of payment in accordance with relevant legislation and in accordance with the Council's policy, in terms of the relevant legislation.
- 2) Grant postponement of payment of an endowment in terms relevant legislation and to determine the interest payable in terms of the Local Government Municipal Systems Act, 2000.
- 3) Authorise the issuing of the necessary guarantees in respect of properties purchased by the Council.
- 4) Lodge objections against any listing in any valuation roll on behalf of the Council.
- 5) Purchase fixed property that is sold on sales in execution in respect of which outstanding debt still appears on the Council's accounts, subject thereto that the purchase price may not exceed the value of the property at the time of purchase as reflected on the Council's valuation roll in accordance with the Council's policy and a quarterly report be made available to the Executive Committee.
- 6) Discontinue, on the advice of the Chief Town Planner, whether criminal prosecution was instituted or not, the discretionary rebate of 40 % on property rates in respect of residential and agricultural zoned properties where illegal businesses are conducted in contravention of the relevant Town Planning Legislation.
- 7) Authorise the use of Council property or goods, or the removal of such from the Council's premises for performance of officials' duties within the department.

**GENERAL**

**THE EXECUTIVE DIRECTOR: FINANCE AUTHORISED TO**

- 1) execute any power, task or duty delegated to him/her, or to see to it that it is performed by any official under his/her control.



**POWERS DELEGATED TO THE EXECUTIVE DIRECTOR CORPORATE SERVICES**

**PERSONNEL**

**THE EXECUTIVE DIRECTOR: CORPORATE SERVICES IS AUTHORISED TO:**

- 1) Fill vacancies in position on all lower graded positions in the Department Corporate; Provided that the if the starting salary of an appointed person should exceed the starting notch, the Municipal Manager's permission must be obtained beforehand.
- 2) Grant, postpone or refuse annual leave, sick leave, maternity/paternity leave and study leave to all personnel in the Department Corporate Services and to recall such personnel from annual leave, in terms of the provisions of the Council's Conditions of Service.
- 3) Accept or refuse notices of services termination shorter than the prescribed period in the Conditions of Service, which may be applicable to the Council's personnel from time to time, in respect of personnel in the Department Corporate Services.
- 4) Summarily terminate the service of personnel on salary levels low to high in the Department from the Council who have already given notice of service termination and who violate the provisions of the Conditions for Service applicable to employees of the Council.
- 5) Approve applications of special leave for personnel on salary levels low to high in accordance with the provisions of Government notice 8639 of 31 March 1983 (special leave with full remuneration maximum 3 working days, sports meeting on provincial level and higher.)
- 6) Terminate the services, after proper notice, of any temporary employee within the department.
- 7) Employ students on a part-time basis during holidays in terms of the Council's approved policy.
- 8) Temporarily employ part-time employees in consultation with the Manager: Human Resources in cases of emergency, for the duration of such emergency in accordance with the Council's policy in this regard.
- 9) Approve key performance areas of Managers Section in the Department Corporate Services.
- 10) Delegate and grant permission to personnel of the department to attend to congress, seminars, etc., in accordance with Council's policy.

- 11) Appoint temporary workers( mid and lower) in conjunction with the Manager: Human Resources for a period not to exceed 4 months, if such post is vacant for a temporary period, e.g. maternity leave, sick leave, etc.
- 12) Appoint officials to deputise in the stead of officials who have to fill vacancies temporarily on higher salary level than their own, and to authorize the payment of an acting allowance when the job contents of the vacancy is of such as specialized nature that guidance is not readily available on higher post levels within that specific department, and the acting official therefore has to accept sole responsibility for all decisions taken.

## **FINANCIAL**

### **THE EXECUTIVE DIRECTOR: CORPORATE SERVICES IS AUTHORISED TO:**

- 1) Enter into agreements for the maintenance of equipment in the Department Corporate to a maximum amount of R00 000,00.
- 2) Consider and enter into lease agreement to lease/hire office equipment and machinery to use in the Department Corporate on behalf of the Council up to a maximum amount of R00 000,00.
- 3) Authorize expenditure to procure goods/services up to a maximum amount of R00 000,00

## **CONTRACTS/SERVICES/AGREEMENTS/ETC.**

### **THE EXECUTIVE DIRECTOR: CORPORATE SERVICES IS AUTHORISED TO:**

- 1) If and when he deems it necessary, lodge an appeal on behalf of the Council against decisions of any court in any lawsuit in which the Council forms part, depending on the decision of the Council or Committee to authorize the continuation of the appeal.
- 2) Apply the Provisions of the Council's By-laws or any amendment thereof by means of prosecution or in any other way, as well as the enforcement of any refusal of special permission by virtue of which such a By-law or compliance with any condition connected to such permission, as well the application thereof by means of initiating the relevant legal steps or in other way.

## **PROPERTY/BUILDING/LAND**

### **THE EXECUTIVE DIRECTOR : COPORATE SERVICES IS AUTHORISED TO:**

- 1) Approve and finalise the registration of servitudes in favour of uMgeni Water for purpose for water pipeline at an equal to valuation
- 2) Enter into and sign the following:
  - a) Deeds of donation
  - b) Deeds of sale
  - c) Servitudes agreements
  - d) Power of Attorney to give transfer
  - e) Notarial tie agreements
  - f) Transfer duty declarations ( by seller and purchaser)
  - g) Standards service agreement.

## **POWERS DELEGATED TO THE EXECUTIVE DIRECTOR:COMMUNITY SERVICES**

### **PERSONNEL**

#### **THE EXECUTIVE DIRECTOR: COMMUNITY SERVICES IS AUTHORISED TO:**

- 1) Fill vacancies on all graded positions in the Department:  
Provided that if the starting salary of an appointed person should exceed the starting notch, the Municipal Manager's permission must be obtained beforehand.
- 2) grant, postpone or refuse annual sick leave, maternity/paternity leave and study leave to all personnel in the Department and to recall such personnel from annual leave, in terms of the provisions of the Council's Conditions of service.
- 3) Accept or refuse notices of services termination shorter than the the prescribed period of the Conditions of Service, which may be applicable to the Council's personnel from time to time, in respect of personnel in the Department.
- 4) Grant approval, if it is in his/her discretion in the interest of the Council and in terms of the Council's policy, for the personnel of the Department to attend training courses, lectures, seminars, Discussions, congresses and meetings and where applicable, authorize such personnel to make use of official transport.

- 5) Summarily terminate the service of personnel on salary mid to high from the Council who have already given notice of service termination and who violate the provisions of the Conditions of Service applicable to employees of the Council.
- 6) Approve applications for special leave for personnel on salary levels mid to high in accordance with the provisions of Government notice 8639 of 31 March 1983 ( special leave with full remuneration- maximum 3 working days, sports meeting on provincial level and higher).
- 7) Terminate the services, after proper notice, of any temporary employee within the department.
- 8) Employ students on a part time basis in terms of the Council's approved policy.
- 9) Temporarily employ part-time employees in consultation with the Executive Director: Corporate Services in case of emergency, for the duration of such emergency in accordance with the Council's policy in this regard.
- 10) Appoint officials to deputise in the stead of officials who are legitimately absent or officials who have to fill vacancies temporarily on higher salary level than their own, and to authorize the payment of an acting allowance when the job contents of the vacancy is of such a specialized nature that guidance is not readily available on higher post levels within that specific department, and the acting official therefore has to accept sole responsibility for all decisions taken.
- 11) Authorise and approve the working of overtime by staff in the Department in accordance with the Conditions of Services.
- 12) Decide on protective clothing/equipment and to abide by the occupational health and safety regulations.
- 13) Approve key performance areas of Manager of Sections.
- 14) Determine the duties and job specifications for posts in the Department.

## **FINANCIAL**

### **THE EXECUTIVE DIRECTOR: COMMUNITY SERVICES IS AUTHORISED TO:**

- 1) Enter into agreement for the maintenance of equipment in the sections under his/her control: Provided that the Council's obligation in terms of such agreement shall not exceed the amount of R00 000.00 and provided that such agreement are not covered by other departments.
- 2) Consider and enter into lease agreement to lease/hire machinery and office equipment to use in the sections under his/her control on behalf of the Council, at a maximum amount of R00 000,00 and provided that such agreement are not covered by other departments i.e. relevant to the Department.
- 3) Procure goods/services relating to products, works or purchase in respect of an approved budget up to a maximum amount of R00 000,00 and provided that sufficient funds have been budget for and that all legal requirements have been met.
- 4) Sell redundant, obsolete/scrap goods in conjunction with the Executive Director: Finance

## **CONTRACTS/SERVICES/AGREEMENT/ECT.**

### **THE EXECUTIVE DIRECTOR: COMMUNITY SERVICES IS AUTHORISED TO:**

- 1) Appoint advisors and/or consultants to perform appropriate tasks on behalf of the Council of which the professional fees will not exceed R00 000,00 provided that sufficient funds have been budgeted for and all legal requirements have been met.
- 2) Provide for the municipal disaster management center to render disaster management to the District in line with section 14 of the Disaster Management Act.
- 3) Provide mechanisms for poverty alleviation and job creation through viable means of Local Economic Development.
- 4) Exercise functions, duties and powers in terms of the By –laws applicable to the Department.

**PROPERTY/BUILDINGS**

**THE EXECUTIVE DIRECTOR: COMMUNITY SERVICES & ECONOMIC DEVELOPMENT IS AUTHORISED TO:**

- 1) Authorise the use of Council property or goods, or the removal of such from the Council's premises of officials' duties.

**POWERS DELEGATED THE EXECUTIVE DIRECTOR: TECHNICAL SERVICE**

**PERSONNEL**

**THE EXECUTIVE DIRECTOR : TECHNICAL SERVICES IS AUTHORISED TO:**

- 1) Fill vacancies in position on all lower graded position in the Department Technical Services: Provided that if the starting salary of an appointed person should exceed the starting notch, the Municipal Manager's permission must be obtained beforehand
- 2) Grant, postpone or refuse leave, sick leave, maternity/paternity leave, sympathy leave, military leave and study leave to all personnel in the Department Technical Services, as well as to recall such personnel from annual leave.
- 3) Accept or refuse service termination notices shorter than the prescribed period in the Conditions of services, that may be applicable to the Council's personnel from time to time, in respect of personnel in the Department Technical Services.
- 4) Grant approval that personnel of the Department Technical Services may attend one-day training courses, seminars, congresses and meetings, if it is at his/her discretion in the interest of the Council, and to authorize such personnel to make use of the official transport in terms of the Council's policy
- 5) Approve the resumption of work before an employee's holiday leave has expired.
- 6) Summarily terminate the service personnel on salary levels mid to high from the Council who have already given notice of service termination and who violate the provisions of the Conditions of services applicable to employees of the Council.
- 7) Approve applications for special leave for personnel on salary levels 8 to 20 in accordance with the provisions of Governance notice 8639 of 31 March 1983 ( special leave with full remuneration-maximum 3 working days, sports meetings on provincial level and higher).

- 8) Employ students on a part-time basis during the holidays in terms of the Council's approved policy.
- 9) Temporarily employ part-time employees, in consultation with the Executive Director: Corporate Services in cases of emergency, for the duration of such emergency in accordance with the Council's policy in this regard.
- 10) Appoint officials to deputise in the stead of officials who are legitimately absent or officials who have to fill vacancies temporarily on a higher salary levels than their own, and to authorize the payment of an acting allowance when the job contents of the vacancy is of such a specialized nature that guidance is not readily available on higher post levels within that department, and the acting official therefore has to accept sole responsibility for all decisions taken.
- 11) Appoint certain employees of the Department Technical Services as responsible persons in terms of the Occupational Health and Safety Act of 1993.
- 12) Termination of services, after proper notice, of any temporary employee within the Department where applicable.
- 13) Approve key performance areas of managers of sections.
- 14) Authorise employees in the Department to work overtime and overtime on Sundays, public holidays, non working days and to receive compensation therefore, determined in terms of overtime policy.
- 15) Determine the duties and job specification for post in the Department.
- 16) Decide which duties in the Department should perform stand-by duties.
- 17) Authorise that uniform/protective equipment, which has been issued to an employee, need not to be handed in on termination of service; decide that damages/loss of uniforms/protective equipment cannot be attributed to any fault of the employee in terms of policy.
- 18) Appoint officials to deputise in stead of officials who are legitimately absent or officials who have to fill vacancies temporarily on higher salary levels than their own, and to authorize the payment of an acting allowance when the job contents of the vacancy is of such as specialized nature that guidance is not readily available on higher post levels within that specific department, and the acting official therefore has to accept sole responsibility for all decisions taken.

## **FINANCIAL**

### **THE EXECUTIVE DIRECTOR: TECHNICAL SERVICES IS AUTHORISED TO:**

- 1) Appoint assessors and advisors to perform appropriate tasks on behalf of the Council, of which the professional fees will not exceed the amount of R00 000,00: provided that sufficient funds have been budgeted for and that all legal requirements have been met.
- 2) Consider and enter into lease agreement to hire machinery and office equipment to use in the Department Technical Services on behalf of the Council, at a maximum amount of R00 000,00 per transaction.
- 3) Procure goods/services to a maximum amount of R00 000,00: Provided that sufficient funds have been budgeted for and that all legal requirements have been met.
- 4) Enter into agreement for the maintenance of equipment in the Department Technical: Provided that the Council's obligations are less than the amount or R00 000,00

## **CONTRACT/SERVICES/AGREEMENTS/ETC.**

### **THE EXECUTIVE DIRECTOR: TECHNICAL SERVICES IS AUTHORISED TO:**

- 1) Lease road construction and groundwork equipment as well as pumps and agricultural implements at a maximum amount equivalent to the amount determined in terms of applicable prescripts/policy.
- 2) Lend equipment or borrow it from neighbouring towns at a agreed amount.
- 3) Appoint land surveyors and to proceed with the road proclaiming process of approved road projects within the approved budget for the specific road.
- 4) In consultation with Executive Director: Finance, grant extension of time to contractors who are unable to complete contracts within the contract period and to invoke penalty clauses contained in contract documents for late completion or late deliveries.
- 5) Consider, refuse or approve applications for approval to erect a free-standing advertisement signboard, slay fences as determined in the Council's Advertisement By-laws, as well as direction boards, subject to the policy of the Council



- 6) Conclude applications for the erection of temporary or permanent advertisement signboards, notice boards and posters in terms of the policy and By-laws of the Council.
- 7) Provide for the Water Services function as spelt out in the Water Services Act.

**PROPERTY/BUILDING/LAND  
THE EXECUTIVE DIRECTOR: TECHNICAL SERVICES IS  
AUTHORISED TO:**

- 1) Authorise the use of Council property or goods, or the removal of such from the Council's premises for performance of official duties.
- 2) Approve the construction of antennas in terms of the Council's policy and By-laws.
- 3) Arrange the temporary closing of streets or public places in case of flood damage or any other emergency, in terms of relevant sections of ordinance if the Executive Director; Technical Services should regard it in the best interest of the public, where applicable.
- 4) Accept the standard conditions set by the Kwa-Zulu Natal Transport Department, Eskom, Transnet, and other similar organizations when the rights of the aforementioned organizations are affected by proposed service lines, roads or streets.
- 5) Approve or refuse the appointment of a civil engineer whose services will be utilized by a township developer, in terms of the conditions of establishment of any township, in compliance with Council policy.
- 6) Approve or refuse proposed roads and storm-water schemes of township developers, in terms of the conditions of establishment of township and when completed to take such schemes over, on behalf of the Council.
- 7) Approve or refuse building plans or sketches in terms of the National Building Regulations and Standard Act, 1977, as amended.
- 8) Approve or refuse applications to connect premises with the Council's storm-water systems and to affect these connection at the applicant's own cost, subject to certain conditions, to prohibit defecation in the Council's sewage system, where damage or improper functioning of the Council's system may occur.
- 9) Determine contributions for engineering services, in conjunction with the Executive Director: Finance in terms of Town Planning relevant legislature of relevant legislation.

- 10) Approve the use of a type of roofing material.
- 11) Approve or refuse applications for taxi parking bays and road transport permits.
- 12) Safe-guard swimming pools and excavations controlled by the National Building Regulations.
- 13) Give land owners, tenants or occupants written notice of the Council's intention to enter private property for installation of municipal services, in accordance with the provisions of relevant sections of the Ordinance.
- 14) Issue occupation certificates.
- 15) Extend the period in which applications for permission to erect buildings must be approved or refused.
- 16) Extend the period in which the erection of a building must start or continue.
- 17) Authorise the commencement/continuation of the erection of a building and to lay down conditions in that respect.
- 18) Forbid any person under the circumstances referred to in the relevant law, to start or continue with the erection of buildings or earth works or to start or continue except on the conditions that he may determine from time to time.
- 19) Give notice to the owner of a building who fails to continue with the erection of a building, to proceed with and complete the erection of the building and to extend the period of time stated in such notice.
- 20) If the condition of a building or land on which a building was erected, is being erected or will be erected, is in his opinion dangerous or showing signs that it is dangerous, direct the owner to obtain a report from a professional engineer or architect and to suspend all work that may increase the danger or which will hamper the compilation of such report.
- 21) Give written permission for the relaxation or exemption of the national building regulations, except a national building regulation concerning the strength and stability of buildings, for the erection of free standing walls to a height of 2,1 metre on receipt of a written application from the owner or another person with an interest therein.
- 22) Consider and decide on all applications to sink a borehole in accordance with the Council's accepted policy.
- 23) Approve the construction of antennas on Council property.

- 24) Issue instruction for the placing of wires, ropes or any objects across any street when it is deemed necessary.
- 25) Grant permission to temporarily use land that belongs to the Council for not longer than thirty (30) days.
- 26) Indicate the point where a private siding may be connected to a feeder line.
- 27) Approve the plans for the construction or alteration of a private siding.
- 28) If deemed necessary by the Executive Director: Technical Services effect any repairs, alterations or additions that must be done to place the private siding in a good and safe working condition , notify the owner in writing to carry out such repairs , alterations or conditions and in the event of the necessary repairs, alterations or additions not being completed within seven days, to disconnect the private siding from the feeder line or carry out the necessary repairs, alterations or additions to the private siding.
- 29) Determine if a feeder is in good, safe or efficient working condition and to suspend wholly or in part and for such period as the Executive Director: Technical Services may determine all traffic over such feeder line or to the private siding connected, where applicable.
- 30) Require from townships owner to submit reports, plans and specifications of the engineering services for which he is responsible, and to approve the installation and supply of the services.
- 31) Make a determination regarding the sufficiency of the engineering services at an application for the subdivision of land.
- 32) After having given such notice as he may deem necessary, close temporarily for all traffic. Any street, road or thoroughfare vested in the Council or divert temporarily such street, road or thoroughfare for purpose of maintenance, reparation, construction or other work to the street, road or thoroughfare or services therein or there under.
- 33) Consider all future applications for traffic calming and to deal with them in accordance with the National Guidelines for Traffic Calming from the Department of Transport, with due consideration to budget constraints.
- 34) Control road traffic engineering which affects more than one local authority.
- 35) Take over roads and storm-water infrastructure in townships where endowment fees are paid, on behalf of the District Municipality, when the conditions of establishment have been complied with.

- 36) Exercise or carry out any authority, action or duty granted or entrusted to the District Municipality in terms of the provisions of the National Building Regulations and Buildings Standard Act, 1977 and all Regulations regarding infrastructure services, promulgated in terms of the Act, excluding the authority to permit deviations or exemptions from any applicable National Building Regulation in terms of section 18 of the Act.
- 37) Determine if it is impractical for storm-water to be drained from an erf directly adjacent to a public street.
- 38) Exercise the following functions in respect of storm-water drainage and roads, which are entrusted to the District Municipality by means of the conditions of establishment namely:
  - a) To request the township owner to submit a scheme in broad outline as well as detailed scheme.
  - b) To provide the civil engineers who will be responsible for the drafting of the scheme concerned and the execution thereof.
  - c) To provide or disapprove the scheme in broad outline as well as the detailed scheme.
  - d) To approve the execution of the work in accordance with the scheme