

WATERBERG DISTRICT MUNICIPALITY



First Draft: Delegation Policy

1. PREAMBLE

Waterberg District Municipality should develop a system of delegation.

To that effect it must provide effective and efficient devolution of powers and functions to any one or more of the organs, functionaries and officials.

2. OBJECTIVES

- 2.1. To comply with various pieces of legislation which deal with delegation.
- 2.2. To maximize administrative and operational efficiency.
- 2.3. To provide adequate checks and balances.
- 2.4. To assign clear duties for the management and co-ordination of administrative units, systems and mechanisms.
- 2.5. To delegate decision- making to the most effective level within the administration
- 2.6. To promote a sense of collective responsibility for performance.

3. SCOPE OF APPLICATION

This policy is applicable to all officials, committees and councilors who are part of the Waterberg Municipality.

4. DEFINITIONS

- 4.1. Political office bearer means the speaker, executive mayor, mayor, deputy mayor or a member of the executive committee.
- 4.2. Political structure means the council of the municipality or any committee or other collective structure of a municipality elected, designated or elected.
- 4.3. Delegation means an instruction to perform a duty or function or power.

- 4.4 Delegating authority means council, political structure, political office bearer, councilor and staff member.

5. PRINCIPLES

- 5.1. A delegated authority must be empowered by legislation.
5.2. All delegations and sub –delegations must be in writing.
5.3. Any power delegated to political structure and political office bearers or staff :-

members may be sub delegated to any other political structure political office- bearers and staff members.

- 5.4 Delegated powers may be withdrawn or amended by the delegating authority.
5.5 The delegating authority remains accountable to Council.
5.6 A delegation must not be in conflict with other pieces of legislation.
5.7 Delegated powers must be reviewed when a new Council is elected.
5.8 A delegating authority has the discretion to delegate power.

6. LEGISLATIVE FRAMEWORK

The following pieces of legislation provide a framework and guidelines for the implementation of this policy:

- RSA Constitution Act , Act 108 of 1996.
- Municipal Systems Act, Act 32 of 2000
- Municipal Structures Act, Act 117 of 1998
- Municipal Finance Management Act , Act 56 of 2003.

7. DELEGATED AUTHORITY

POLITICAL OFFICE BEARERS

7.1 POWERS OF THE EXECUTIVE MAYOR

- 7.1.1. The power to make press statements on behalf of the Council
7.1.2. The power to approve the Municipal Manager's or an acting municipal manager's leave.
7.1.3 The power to authorize members of the Mayoral Committee or other councilors to attend seminars, congresses and meetings.

- 7.1.4 The power to approve the key performance areas of the Municipal Manager.
- 7.1.5 The power to review the performance contract of the Municipal Manager.
- 7.1.6 The power to perform ceremonial functions on behalf of the Council.
- 7.1.7 The power to identify, after consultation with the Municipal Manager, the activities of the Municipality that require that a specific committee of councilors investigate, discuss and evaluate such activities and report on them to the Executive Mayor, or Committee and make recommendations on them to the Council
- 7.1.8 The power to establish, in consultation with the Municipal Manager, a proper committee service responsible for agendas and minutes of each section 80 Portfolio Committee meeting.
- 7.1.9 The power to receive reports with recommendations from departmental heads through the office of the Municipal Manager on all matters to be dealt with by either the Executive Mayor in terms of these delegations and for which a specific committee has not been created to consider the matter beforehand.
- 7.1.10 The power to consider the matters raised in reports referred to in paragraph 7.1.9 and either dispose of them in terms of the Executive Mayor's delegated powers or forward them with the Executive Mayor's recommendation to the Council for consideration and finalization.
- 7.1.11 The power to receive reports with recommendations from the committees established for specific matters, consider the matters raised in these reports and either dispose of them in terms of the Executive Mayor's delegated powers or forward them with a recommendation to the Council finalisation.
- 7.1.12 In general , all other powers and functions, necessary or incidental, to enable the Executive Mayor to discharge his or her duties as contemplated in section 56[44] of the Municipal Structures Act 117 of 1998 and sections 52 to 56 of the Municipal Finance Management Act 56 of 2003.
- 7.1.13 The power to appoint the Municipality's representatives to the external bodies.
- 7.1.14 The power to accept grants and donations of movable or immovable property on behalf of the Municipality.
- 7.1.15. The power to authorize the members of the Mayoral Committee, other councilors to undertake official overseas trips/journeys on behalf of the municipality.

7.2 THE SPEAKER

- 7.2.1. The power to ensure that Council meetings as well as Committee meetings are conducted in an orderly manner, and in this regard he must strictly apply Council's rules, Orders and the Code of Conduct for Councillors.
- 7.2.2. The power to liaise closely with the Committee services responsible for the agenda and minutes, in consultation with the Mayor and Municipal Manager as when and necessary.
- 7.2.3. The power to co-ordinate the arrangements inter alia regarding venues, dates and the circulation of agendas and minutes of all Council meetings and Council Committees.
- 7.2.4. The power to preside at Council's meetings.

7.3 POLITICAL STRUCTURES

7.3.1 The Mayoral Committee

- 7.3.1. The power to dismiss a member of the Mayoral Committee.
- 7.3.2. The power to assist the Executive to perform her duties.
- 7.3.3 The power to delegate specific responsibilities to each member of the Committee.
- 7.3.4 The power to consider reports submitted to it by the Municipal Manager, Portfolio Committee, Ward Committees, and submit reports thereon to the Council.

7.4 Municipal Council

- 7.4.1. The power to promulgate a by- law.
- 7.4.2. The power to approve municipal budget and IDP.
- 7.4.3. The power to impose rates, and other taxes, levies and duties

7.5 OFFICIALS

7.5.1 POWERS OF THE MUNICIPAL MANAGER

- 7.5.1.1 The power to execute any power as contemplated in the relevant conditions of service applicable to the various employees of the municipality, including but not limited to the suspension any employee of the municipality.
- 7.5.1.2 The power to take any actions necessary to execute a Council resolution.
- 7.5.1.3 The power to sign any documents on behalf of the municipality in accordance with council policy.
- 7.5.1.4 The power to revoke the suspension of an official, excluding that of the Municipal Manager and managers directly accountable to the municipal manager ,at any time.
- 7.5.1.5 The power to authorise the payment of an acting allowance for officials directly accountable to the Municipal Manager.
- 7.5.1.6 The power to allocate office accommodation to the various departments.
- 7.5.1.7 The power to authorize payment of medical or funeral expenses arising from injury on duty.
- 7.5.1.8 The powers arising from section 2(1) of the Control of Access to Public Premises and Vehicles, Actb53 of 1985 .
- 7.5.1.9 The power to decide whether a suspended official(excluding the Municipal Manager and managers directly accountable to the municipal manager) should receive full or partial remuneration during the suspension period.
- 7.5.1.10 The power to approve applications by lower-level officials (excluding the Municipal Manager and managers directly accountable to the municipal manager) to engage in remunerative work.
- 7.5.1.11 The power to lease municipal owned offices and premised
- 7.5.1.12 The power to authorize all reports from various departments to committees of the Municipality.

- 7.5.1.13 The power to appoint, place and dismiss non section 57 staff, subject to the policy directives of the municipal council, provided that this power is sub-delegated to the heads of department of the municipality.
- 7.5.1.14 All powers pertaining to the heads of department will likewise be applicable to the municipal manager and she/he will have the right to overrule the decision of such officer or head unless specifically prohibited in terms of a Council resolution or legislation.

7.6 POWERS OF CHIEF FINANCIAL OFFICER

- 7.6.1 The duty to perform general financial management functions.
- 7.6.2 The duty to manage the assets and liabilities of the municipality.
- 7.6.3 The duty to manage the revenue of the municipality.
- 7.6.4 The duty to prepare monthly budget statements
- 7.6.5 The duty to assess the performance of the municipality and submit reports to the mayor, provincial treasury and the national treasury.

7.7 OTHER HEADS OF DEPARTMENT

- 7.7.1. The power to approve leaves.
- 7.7.2. The power to approve attendance of meetings and seminars.
- 7.7.3. The power to discipline staff members within the directorates.

8 IMPLEMENTATION

- 8.1 The Executive Mayor, Municipal Manager and Municipal Council will take the responsibility to implement this policy.
- 8.2 Breaching and non-compliance with this policy may result in disciplinary Tribunal.