

# UMUZIWABANTU MUNICIPALITY



## BUDGET POLICY

## PREAMBLE

As part of its mandate to deliver services to the community, uMuziwabantu Municipality has to manage the resources under its control to ensure they are utilised efficiently and effectively. As custodians of the financial resources of this Council, the Finance Department has to have in place policies and procedures to be able to manage, operationally and strategically, all transactions that have a financial implication. This effectively means all transactions of the Council need to have a related policy to ensure that monies are being utilised for the benefit of the municipality.

This document sets out such procedures that are aligned to Council-approved policies to ensure that the functions and responsibilities of this Department are carried out correctly and that persons occupying positions within the department are informed as to their duties and responsibilities. Furthermore, the Manager of this department is able to measure the performance of the individuals and, more importantly, the department as a whole in the context of the Council's mission and vision.

There are numerous legal requirements that this department must comply with and the key legislation includes the following:

- The Auditor General Act, 1995 (Act 12 of 1995);
- The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);
- The Municipal Finance Management Act, 2003;
- The Municipal Structures Act, 2000 (Act 117 of 2000); and
- The Municipal Systems Act, 2000 (Act 32 of 2000).

Other standards and impending legislation that have to be complied with include:

- Code of Accounting Practice for Local Authorities; and
- General Recognised Accounting Practice (GRAP)
- ~~Generally Accepted Municipal Accounting Practice (GAMAP).~~

~~There are numerous pieces of legislation and standards which need to be complied with. This makes the task of financial control more onerous and the Municipal Manager and~~

~~the Chief Financial Officer will be required to be aware of these requirements. The need for and the maintenance of a dynamic policy register will become an indispensable management tool for all the management and financial staff.~~

## 1. DEFINITIONS

In this policy, unless otherwise stated:

- 1.1. “**accounting officer**” refers to the Municipal Manager (Section 30 of Municipal Finance Management Act, 2003);
- 1.2. “**approved budget**” means an annual budget approved by a municipal council;
- 1.3. “**budget-related policy**” means a policy of the municipality affecting or affected by the annual budget of the municipality including the tariff policy, rates policy, and the credit control and debt collection policy;
- 1.4. “**budget year**” means the financial year from 01 July to 30 June;
- 1.5. “**municipal tariff**” refers to a tariff for services which a municipality may set for the provision of a service to the local community, and includes a surcharge on such tariff;
- 1.6. “**municipal tax**” refers to property rates or other taxes, levies or duties that a municipality may impose;
- 1.7. “**overspending**” means causing the operational or capital expenditure incurred by the municipality during a financial year to exceed the total amount appropriated in that year’s budget for its operational or capital expenditure, as the case may be.
- 1.8. “**CFO**” means the Chief Financial Officer of the Municipality, a person designated in terms of section 80(2)(a) of the Local Government: Municipal Finance Management Act, 56 of 2003;
- 1.9. “**Municipality**” means uMuziwabantu Local Municipality;

- 1.10 **“Council” or “Municipal Council”** means the council of a municipality referred to in section 18 of the Municipal Structures Act;
- 1.11 **“National Treasury”** means the National Treasury established by section 5 of the Public Finance Management Act;
- 1.12 **“councillor”** means the member of the Municipal Council;
- 1.13 **“Debt”** means-
- (a) the monetary liability or obligation created by a financing agreement, note, debenture, bond or overdraft, or by the issuance of municipal debt instruments; or
  - (b) the contingent liability such as that created by guaranteeing the monetary liability or obligation of another.

#### 1.14. Capital Budget

#### 1.15. Operational Budget

## 2. **OBJECTIVE**

- 2.1. To set out the budgeting principles which the municipality ~~shall~~ must follow in preparing each annual budget, as well as the responsibilities of the chief financial officer in compiling such budget.

## 3. **BUDGETING PRINCIPLES TO BE FOLLOWED**

### 3.1 **Capital Budget**

- 3.1.1 ~~Except in so far as~~ capital projects represent a contractual commitment to the municipality extending over more than one financial year and the annual capital budget must be prepared from a zero base.
- 3.1.2 The capital budget component of the annual or adjustments budget shall only be approved by the council if it has been properly balanced, that is, if the sources of finance which are realistically envisaged to fund the budget equal the proposed capital expenses.
- 3.1.3 Before approving the capital budget component of the annual or adjustments budget, the Council shall consider the impact on the present and future operating budgets of the municipality in relation to finance charges to be incurred on external loans, depreciation of fixed assets, maintenance of fixed assets, and any other ordinary operational expenses associated with any item on such capital budget. In addition, the council shall consider the likely impact of such operational expenses ie. net of any revenues expected to be generated by such item, on future property rates and service tariffs.

3.1.4 ~~The council shall establish~~ Council must ensure that sufficient funds for acquisition, replacing assets or parts of assets are budgeted for in the capital budget and the following sources of revenue maybe utilised: ~~an asset financing reserve for the purpose of financing capital projects and the acquisition of capital assets. Such reserve shall be established from the following sources of revenue:~~

- ~~• unappropriated cash backed surpluses to the extent that such surpluses are not required for operational purposes;~~ amounts appropriated as contributions in each annual or adjustments budget;
- ~~• interest on investments of the asset financing reserve, appropriated in terms of the banking and investments policy;~~
- ~~• further amounts appropriated as contributions in each annual or adjustments budget; and~~
- net gains on the sale of fixed assets in terms of the fixed asset management and accounting policy.
- any other revenue source that may be prescribed.

### 3.2 Operating Budget

3.2.1 An Operational Budget consists of all the income and expenditure relating to the normal activities of the Municipality (Refer to Annexure B, IIDP Guidelines-Template). This covers the expected day-to-day expenses incurred by the Council to provide services to the community and the expected income in the form of:

- i. Regional services levies in the case of District Municipalities;
- ii. Property rates and taxes;
- iii. Service charges;
- iv. Rentals;
- v. Subsidies;
- vi. Interest on investments;
- vii. Other – admission fees, parking fees, etc;
- viii. Grants, etc.

3.2.2 Each annual and adjustments budget shall reflect realistic excess, however nominal, of current revenues over expenses.

~~3.5. Any unappropriated surplus from previous financial years, even if fully cash-backed, shall not be used to balance any annual or adjustments budget, but shall be appropriated, as far as it is not required to finance the payment of operating creditors or for other operational purposes, to the municipality's asset financing reserve.~~

**3.2.3** An impending operating deficit shall be made good in an adjustments budget, but if an operating deficit arises at the end of a financial year, notwithstanding the precautionary measures adopted by the council, such deficit shall immediately be made good in the annual or adjustments budget for the ensuing financial year, and shall not be offset against any unappropriated surplus carried forward from preceding financial years.

**3.2.4** The municipality shall establish and maintain a provision for accrued leave entitlements equal to 100%. ~~of the accrued leave entitlement of officials as at 30 June of each financial year, and shall budget appropriately for contributions to such provision in each annual and adjustments budget.~~

**3.2.5** The municipality shall establish and maintain a provision for bad debts in accordance with its rates and tariffs policies and shall budget appropriately for contributions to such provision in each annual and adjustments budget.

~~3.9. The municipality shall establish and maintain a provision for the obsolescence and deterioration of stock in accordance with its stores management policy, and shall budget appropriately for contributions to such provision in each annual and adjustments budget.~~

**3.2.6** All expenses, including depreciation expenses, shall be cash-funded. The cash received in respect of depreciation expenses on fixed assets financed from external borrowings shall be transferred to the investments created to redeem such borrowings.

- 3.2.7 Finance charges payable by the municipality shall be apportioned between departments or votes on the basis of the proportion at the last balance sheet date of the carrying value of the fixed assets belonging to such department or vote to the aggregate carrying value of all fixed assets in the municipality. However, where it is the council's policy to raise external loans only for the financing of fixed assets in specified council services, finance charges shall be charged to or apportioned only between the departments or votes relating to such services.
- 3.2.8 Depreciation and finance charges together shall not exceed 20% of the aggregate expenses budgeted for in the operating budget component of each annual or adjustments budget.
- 3.2.9 The allocation of interest earned on the municipality's investments shall be budgeted for in terms of the banking and investment policy.
- 3.2.10 The municipality shall adequately provide in each annual and adjustments budget for the maintenance of its fixed assets in accordance with its fixed asset management and accounting policy. ~~At least 5% of the operating budget component of each annual and adjustments budget shall be set aside for such maintenance.~~ The percentage or criteria for determining the budget for the maintenance of fixed assets shall be in terms of the budget circulars that are issued by National Treasury from time to time.
- 3.2.11 In the preparation of the draft operating budget component of the annual budget, the allowable budgetary increment shall relate to the total amount provided for each budget vote, and the head of the department, service or function concerned shall have the right to allocate the total budgeted amount to the line-items within such vote, except in so far as the line-item provisions relate to matters determined by the chief financial officer in terms of the municipality's approved policies and contractual and statutory commitments (for example, depreciation charges, finance charges, insurance costs, skills development levies payable) and the municipal budget circular issued by National Treasury from time to time.

3.2.12 Notwithstanding the preceding principle, the budget for salaries, allowances and salaries-related benefits shall be separately prepared, and shall not exceed 30% parameter (percentage) of the aggregate operating budget component of the annual or adjustments budget, the parameters as may be contained in the budget circular issued by National Treasury from time to time. For purposes of applying this principle, the remuneration of political office bearers and other councillors shall be excluded from this limit.

3.2.13 The head of the department, service or function to which each budget vote relates shall justify the allocation of the aggregate budget for such vote to the various line-items within the vote to the portfolio committee responsible for the department, service or function concerned. In motivating the allocations made to and within the vote, the head of department, service or function concerned shall provide the relevant portfolio committee with appropriate quarterly performance indicators and service delivery targets pertaining to the budget. Such indicators and targets shall be prepared with the approval of the municipal manager and the mayor.

3.2.14 In preparing its the revenue budget, the Municipality shall strive to maintain the aggregate revenues from property rates at not less than the percentage of the aggregate revenues budgeted for.

3.2.15 When considering the draft annual budget, the Council shall consider the impact, which the proposed increases in rates and service tariffs will have on the monthly municipal accounts of households in the municipal area. The impact of such increases shall be assessed on the basis of a fair sample of randomly selected accounts. Because households have no mechanism for passing on such increases to other parties, but must fully absorb the increases concerned, the Council shall ensure that the average additional impact of such increases is not more than the relevant increase in the consumer price index.

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#### **4. COMPLIANCE AND ENFORCEMENT**

4.1 Violation of or non-compliance with this policy will give a just cause of disciplinary steps to be taken.

4.2 It will be the responsibility of Chief Financial Officer to enforce compliance with this policy.

#### **5. RESPONSIBILITIES OF THE CHIEF FINANCIAL OFFICER (ASSUMING REQUIRED DELEGATIONS IN TERMS OF SECTION 79 OF THE MUNICIPAL FINANCE MANAGEMENT ACT 56 OF 2003 BY ACCOUNTING OFFICER IN PLACE)**

- 5.1. Without reducing in any way the legal responsibilities of the municipal manager as accounting officer, the chief financial officer shall be responsible for preparing the draft annual capital and operating budgets (including the budget components required for the ensuing financial years), any required adjustments budgets, the projections of revenues and expenses for the service delivery and budget implementation plan, and shall be accountable to the municipal manager in regard to the performance of these functions.
- 5.2. The municipal manager shall ensure that all heads of departments provide the inputs required by the chief financial officer into these budget processes.

- 5.3. The chief financial officer shall draft the budget timetable for the ensuing financial year for the mayor's approval, and shall indicate in such timetable the target dates for the draft revision of the annual budget and the preparation of the annual budget for the ensuing financial year, which target dates shall follow the prescriptions of the Municipal Finance Management Act, 2003, and target dates for the submission of all the budget-related documentation to the mayor, executive committee and council.
- 5.4. Except where the chief financial officer, with the consent of the mayor and municipal manager, decides otherwise, the sequence in which each annual budget and adjustments budget shall be prepared, shall be: ~~first, the operating component, and second, the capital component.~~ **in the prescribed format determined by National Treasury.** The operating component shall duly reflect the impact of the capital component on:
- depreciation charges
  - repairs and maintenance expenses
  - interest payable on external borrowings
  - other operating expenses.
- 5.5 In preparing the operating budget, the chief financial officer shall determine the number and type of votes to be used and the line-items to be shown under each vote, provided that in so doing the chief financial officer shall properly and adequately reflect the organisational structure of the municipality, and further in so doing shall comply, in so far as the organisational structure permits, also with the prescribed budget format of National Treasury.
- 5.6 The chief financial officer shall determine the depreciation expenses to be charged to each vote, the apportionment of interest payable to the appropriate votes, the estimates of withdrawals from (claims) and contributions to (premiums) the self-insurance reserve, and the contributions to the provisions for bad debts, accrued leave entitlements and obsolescence of stocks.

- 5.7. The chief financial officer shall further, with the approval of the mayor and the municipal manager, determine the recommended contribution to the asset financing reserve and any special contributions to the self-insurance reserve.
- 5.8. The chief financial officer shall also, again with the approval of the mayor and the municipal manager and having regard to the municipality's current financial performance, determines the recommended aggregate growth factor(s) according to which the budgets for the various votes shall be drafted.
- 5.9. The chief financial officer shall compile monthly budget reports, with recommendations, comparing actual results with budgeted projections, and the heads of departments shall timeously and adequately furnish the chief financial officer with all explanations required for deviations from the budget. The chief financial officer shall submit these monthly reports to the mayor, and executive committee, and all other prescribed parties, in accordance with the prescriptions **section 71 of the Municipal Finance Management Act, 2003.**
- 5.10. The chief financial officer shall provide technical and administrative support to the mayor in the preparation and approval of the annual and adjustment budgets, as well as in the consultative processes, which must precede the approval of such budgets **as set up in chapter 4 of the Municipal Finance Management Act 56 of 2003.**
- 5.11 The chief financial officer shall make recommendations on the financing of the draft capital budget for the ensuing and future financial years, indicating the impact of viable alternative financing scenarios on future expenses, and specifically commenting on the relative financial merits of internal and external financing options.
- 5.12 The chief financial officer shall determine the basis for allocating overhead expenses not directly chargeable to votes. The expenses ~~associated with the democratic process shall be allocated to a separate vote, and shall not be charged out as an overhead.~~

5.13 The chief financial officer shall ensure that the cost of indigent relief is separately reflected in the appropriate votes.

5.14 The chief financial officer shall ensure that the allocations from other organs of state are properly reflected in the annual and adjustments budget, and that the estimated expenses against such allocations (other than the equitable share) are appropriately recorded.

## **6. LEGAL REQUIREMENTS: MUNICIPAL FINANCE MANAGEMENT ACT, 2003**

### **Section 15: Appropriation of funds for expenditure**

Expenses may only be incurred in terms of the approved annual budget (or adjustments budget) and within the limits of the amounts appropriated for each budget vote, except where otherwise provided for in the Municipal Finance Management Act, 2003.

### **Section 16: Annual budgets**

The Council of the municipality must approve the annual budget before the start of the financial year to which it relates.

The Mayor must table the annual budget at least ninety days before the start of such financial year.

The capital budget may extend over three years, provided that it is separated into annual appropriations for that period.

### **Section 17: Contents of annual budgets and supporting documents**

The budget must be in the prescribed format, and must be divided into a capital and an operating budget.

The budget must reflect the realistically expected revenues by major source for the budget year concerned.

The expenses reflected in the budget must be divided into votes.

The budget must also contain the foregoing information for the two financial years following the financial year to which the budget relates, as well as the actual revenues and expenses for the year before the current year, and the estimated revenues and expenses for the current year.

The budget must be accompanied by all the following documents when being tabled:

- draft resolutions approving the budget and levying property rates, other taxes and tariffs for the financial year concerned;
- any proposed amendments to the Municipality's integrated development plan following the annual review of the integrated development plan in terms of section 34 of the Municipal Systems Act;
- any proposed amendments to the budget-related policies of the Municipality;
- measurable performance objectives for each budget vote, taking into account the municipality's IDP;
- the projected cash flows for the financial year by revenue sources and expenditure votes;
- the cost to the municipality of the salaries, allowances and other benefits of its political office bearers and other councillors, the municipal manager, the chief financial officer, and other senior managers;
- particulars of any proposed allocations or grants to other municipalities, municipal entities, external mechanisms assisting the municipality in service delivery, other organs of state, and organisations such as NGOs, welfare institutions and so on;
- particulars of the municipality's investments;
- any prescribed budget information on municipal entities under the sole or shared control of the Municipality;
- particulars of all proposed new municipal entities which the Municipality intends to establish or in which the Municipality intends to participate; and

- particulars of any proposed service delivery agreements, including material amendments to existing service delivery agreements.

### **Section 18: Funding of expenditures**

The budget may be financed only from:

- realistically expected revenues, based on current and previous collection levels;
- cash-backed funds available from previous surpluses where such funds are not required for other purposes; and
- borrowed funds in respect of the capital budget only.

### **Section 19: Capital projects**

A municipality may spend money on a capital project only if the money for the project (excluding the cost of any required feasibility studies) has been appropriated in the capital budget.

The total cost of the project must also be approved by the Council.

The envisaged sources of funding for the capital budget must be properly considered, and the Council must be satisfied that this funding is available and has not been committed for other purposes.

Section 33 of Local Government Municipal Finance Management Act, 2003 has to be complied with, to the extent that the section may be applicable to the project, before the project can be approved.

Before approving a capital project, the Council must consider the projected cost of the project over all the ensuing financial years until the project becomes operational, as well as the future operational costs and any revenues which may arise in respect of such project, including the likely future impact on property rates and service tariffs.

A municipal Council may in terms of section 19 of the Municipal Finance Management Act, 2003, approve capital projects below a prescribed value either individually or as part of a consolidated capital programme.

### **Section 20: Matters to be prescribed**

The Minister of Finance must prescribe the form of the annual budget, and may further prescribe a variety of other matters, including the following:

- inflation projections which the municipality must use in compiling its budget;
- the form of resolutions and supporting documentation relating to the annual budget;
- the number of years preceding and following the budget year for which revenue and expenditure history or projections must be shown in the supporting documentation;
- uniform norms and standards concerning the budgets of municipal entities; or
- any other uniform norms and standards aimed at promoting transparency and expenditure control.

The Minister may also prescribe uniform norms and standards in regard to the setting of tariffs where a municipality entity or other external mechanisms is used to perform a municipal service; and may also take appropriate steps to ensure that a municipality does not, in exceeding its fiscal powers, materially and unreasonably prejudice national economic policies (particularly on inflation, administered pricing and equity), economic activities across municipal boundaries, and the national mobility of goods, services, capital or labour.

### **Section 21: Budget preparation process**

The Mayor of the municipality must:

- Co-ordinate the processes for preparing the annual budget, and for reviewing the municipality's IDP and budget-related policies to ensure that the budget, the IDP, and the policies are mutually consistent and credible.
- At least ten months before the start of the ensuing financial year, table in the Council the time schedule with key deadlines for the preparation, tabling and approval of the following year's annual budget, the review of the IDP and budget-related policies, and the consultative processes required in the approval of the budget.
- When preparing the annual budget, take into account the municipality's IDP, the national budget, provincial budget, the National Government's fiscal and macro-economic policies, the annual Division of Revenue Act and any other agreements reached in the Budget Forum.
- Take all reasonable steps to ensure that the municipality revises its IDP in line with realistic revenue and expenditure projections for future years.
- Consult the district municipality (if it is a local municipality) and all other local municipalities in the district, and all other local municipalities in the district if it is a district municipality.
- Consult the National Treasury when requested, the Provincial Treasury, and such other provincial and national organs of state as may be prescribed.
- Provide, on request, any budget-related information to the National Treasury, other national and provincial organs of state, and any other municipality affected by the budget.

### **Section 22: Publication of annual budgets**

Immediately after the annual budget has been tabled, the Municipal Manager must make this budget and other budget-related documentation public, and must invite the local community to submit representations in regard to such budget.

The Municipal Manager must also immediately submit the tabled budget in both printed and electronic formats to the National Treasury, the Provincial Treasury, and in either format to prescribed national and provincial organs of state and other municipalities affected by the budget.

**Section 23: Consultations on tabled budgets**

After the budget has been tabled, the Council of the municipality must consider the views of the local community, the National Treasury, the Provincial Treasury, and any provincial or national organs of state or municipalities which have made submissions on the budget.

After considering these views, the Council must give the Mayor the opportunity to respond to the submissions received, and if necessary, revise the budget and table the relevant amendments for consideration by the Council.

The National Treasury may issue guidelines on the manner in which the Council must process the annual budget, including guidelines on the formation of a committee of the Council to consider the budget and hold public hearings. Such guidelines shall be binding only if they are adopted by the Council.

**Section 24: Approval of annual budgets**

The Council must consider approval of the budget at least thirty days before the start of the financial year to which such budget relates.

The budget must be approved before the start of such financial year, and the resolutions and performance objectives referred to in Section 17 must simultaneously be adopted.

The accounting officer of a municipality must submit the approved annual budget to the National Treasury and the relevant provincial treasury.

**Section 25: Failure to approve budget before start of budget year**

If a municipal Council fails to approve an annual budget, the Council must reconsider the budget and again vote on the budget, or on an amended version thereof, within seven days of the Council meeting that failed to approve the budget.

This process is to be repeated until a budget is approved. If a Municipality has not approved an annual budget by the first day of the budget year, the Mayor must immediately comply with section 55 of Local Government Municipal Finance Management Act, 2003.

### **Section 26: Consequences of failure to approve budget before start of budget year**

The provincial executive must intervene in any municipality which has not approved its annual budget by the start of the relevant financial year. Such intervention must entail the taking of any appropriate steps to ensure a budget is approved, including dissolving the Council and appointing an administrator until a new Council can be elected, and approving a temporary budget until such new Council can adopt a permanent budget for the municipality. The Section also imposes restrictions on what may be spent in terms of such temporary budget.

### **Section 27: Non-compliance with provisions of this chapter**

The Mayor of a Municipality must upon becoming aware of any impending non-compliance by the Municipality of any provisions of this Act or any other legislation pertaining to the tabling or approval of an annual budget or compulsory consultation processes, inform the MEC for finance in the province, in writing, of such impending non-compliance.

If the impending non-compliance pertains to a time provision, except section 16 (1) of Local Government Municipal Finance Management Act, 2003, The MEC for finance may, on application by the Mayor and on good cause shown, extend any time limit or deadline contained in that provision, provided that no such extension may compromise compliance with section 16 (1) of abovementioned Act. An MEC for finance must –

- (a) exercise the power contained in this subsection in accordance with a prescribed framework; and
- (b) promptly notify the National Treasury, in writing, of any extensions given

in terms of this subsection, together with the name of the Municipality and the reasons.

The Mayor of a Municipality must upon becoming aware of any actual non-compliance by the Municipality of a provision of Chapter 4 of the Municipal Finance Management Act, 2003, inform the Council, the MEC for finance and the National Treasury, in writing, of:

- (a) such non-compliance; and
- (b) any remedial or corrective measures the Municipality intends to implement to avoid a recurrence.

The provincial executive may intervene in terms of the appropriate provision of section 139 of the Constitution if a Municipality cannot or does not comply with a provision of Chapter 4 of the Municipal Finance Management Act, 2003, including a provision relating to process.

### **Section 28: Municipal adjustments budgets**

A municipality may revise its annual budget by means of an adjustments budget.

However, a municipality must promptly adjust its budgeted revenues and expenses if a material under-collection of revenues arises or is apparent.

A municipality may appropriate additional revenues which have become available but only to revise or accelerate spending programmes already budgeted for.

A municipality may in such adjustments budget, and within the prescribed framework, authorise unforeseen and unavoidable expenses on the recommendation of the Mayor.

A municipality may authorise the utilisation of projected savings on any vote towards spending under another vote.

Municipalities may also authorise the spending of funds unspent at the end of the previous financial year, where such under-spending could not reasonably have been foreseen at the time the annual budget was approved by the Council.

Only the Mayor of the municipality may table an adjustments budget. Such budget may be tabled whenever necessary, but limitations on the timing and frequency of such tabling may be prescribed.

An adjustments budget must contain all of the following:

- an explanation of how the adjustments affect the approved annual budget;
- appropriate motivations for material adjustments; and
- an explanation of the impact of any increased spending on the current and future annual budgets.

Municipal taxes and tariffs may not be increased during a financial year except if required in terms of a financial recovery plan.

### **Section 29: Unforeseen and unavoidable expenditure**

In regard to unforeseen and unavoidable expenses, the following apply:

- the Mayor may authorise such expenses in an emergency or other exceptional circumstances;
- the municipality may not exceed a prescribed percentage of the approved annual budget in respect of such unforeseen and unavoidable expenses;
- these expenses must be reported by the Mayor to the next Council meeting;
- the expenses must be appropriated in an adjustments budget; and
- the adjustments budget must be passed within sixty days after the expenses were incurred.

**Section 30: Unspent funds**

The appropriation of funds in an annual or adjustments budget will lapse to the extent that they are unspent by the end of the relevant budget year, but except for the expenses referred to above in Section 16.

**Section 31: Shifting of funds between multi-year appropriations**

If the funds for a capital project have been appropriated for more than one financial year (see Section 16) these expenses may exceed the appropriation for any one financial year, provided:

- the increase is not more than 20% of that financial year's allocation;
- the increase is funded in the next financial year's appropriations;
- the Municipal Manager certifies that actual revenues are expected to exceed budgeted revenues, and that enough funds will be available to finance such increased appropriation without incurring further borrowing beyond the annual budget limit;
- the Mayor gives prior written approval for such increased appropriation; and
- all the above documentation is provided to the Auditor-General.

**Section 32: Unauthorised, irregular or fruitless and wasteful expenditure**

A Municipality must recover unauthorised, irregular or fruitless and wasteful expenditure from the person liable for that expenditure unless the expenditure

(a) in the case of unauthorised expenditure, is-

- (i) authorised in an adjustments budget; or
  - (ii) certified by the municipal Council, after investigation by a Council committee, as irrecoverable and written off by the Council; and
- (b) in the case of irregular or fruitless and wasteful expenditure, is after investigation by a Council committee, certified by the Council as

irrecoverable and written off by the Council.

### **Section 33: Contracts having future budgetary implications**

Contracts extending beyond one financial year may be entered into by a municipality, but if such contract extends beyond the three years covered in the annual budget, the municipality may enter into such contract only if:

- The Municipal Manager, at least sixty days before the Council meeting at which the contract is to be approved, has made the contract public, with an information statement summarising the municipality's obligations, and inviting the local community and other interested parties to submit comments or make representations.
- The Municipal Manager solicits the views and recommendations of the National Treasury and Provincial Treasury in respect to such contract, as well as those of the National Department of Provincial and Local Government, and any national department concerned with water, sanitation or electricity, if the contract relates to any of these services.
- The Council has taken into account the projected financial obligations in regard to such contract, the impact on tariffs, and the views and comments received from all the foregoing parties.
- The Council adopts a resolution determining that the municipality will secure a significant capital investment or derive a significant financial or economic benefit from the contract, and approves the entire contract exactly as it is to be executed.

A contract for purposes of this Section shall exclude any contract relating to the incurring of long-term debt by the municipality, employment contracts, contracts for categories of goods as may be prescribed, or contracts where the value of the contract is less than a prescribed value or a prescribed percentage of the annual budget.

**Section 42: Price increases of bulk resources for provision of municipal services**

National and provincial organs of state which supply water, electricity or any other bulk resources to municipalities or municipal entities for the provision of municipal services may increase the price of such resources only after doing all the following:

- The proposed increase must be submitted to the organ's executive authority and (where legislation so requires) to any regulatory agency for approval.
- At least forty days prior to the above submission the National Treasury and organised local government must be invited to submit written comments on the proposed increase.
- The executive authority, after taking into account the comments received, must table the price increase in Parliament or the provincial legislature, as the case may be, with a full motivation and certain other prescribed explanatory documentation.

Unless the Minister of Finance otherwise directs, a price increase must be tabled on or before 15 March to take effect from 1 July of the same year. If it is tabled after 15 March it may only take effect from 1 July of the following year.

**Section 43: Applicability of tax and tariff capping on municipalities**

If a national or provincial organ of state is legislatively empowered to determine the upper limits of any municipal tax or tariff, such determination takes effect on the date specified in the determination, but provided that, unless the Minister of Finance otherwise directs:

- A determination promulgated on or before 15 March shall not take effect before 1 July of the same year.
- A determination promulgated after 15 March shall not take effect before 1 July of the following year.

- A determination shall not be allowed to impair a municipality's ability to meet any annual or periodic escalations in the payments it must make in respect of any contract legally entered into by a municipality.

### **Section 53: Budget processes and related matters**

The Mayor of the municipality must:

- Provide general political guidance over the annual budget process and the priorities that guide the preparation of each budget.
- Co-ordinate the annual revision of the IDP in terms of section 34 of the Municipal Systems Act, as well as the preparation of the annual budget, and determine how the IDP is to be taken into account or is to be revised for purposes of such budget.
- Take all reasonable steps to ensure that the municipality approves the annual budget before the start of the financial year to which it relates, and that the municipality's service delivery and budget implementation plan is approved by the mayor within twenty-eight days after the approval of the budget.
- Ensure that the annual performance agreements for the Municipal Manager and the senior managers of the municipality are linked to measurable performance objectives which are approved with the budget and the service delivery and budget implementation plan.

The Mayor must promptly report to the Council and the MEC for Finance in the province any delay in tabling the annual budget, approving the service delivery and budget implementation plan or signing the annual performance agreements.

The Mayor must further ensure that the service delivery targets and quarterly performance indicators, and the monthly projections of revenues and expenses in the service delivery and budget implementation plan, are made public not later than fourteen days after these matters have been approved; and that the performance agreements of

the Municipal Manager and other senior officials are similarly made public not later than fourteen days after their approval.

### **Section 68: Budget preparation**

The Municipal Manager must assist the Mayor in performing the assigned budgetary functions and must provide the Mayor with administrative support, operational resources and the information necessary to perform these functions.

### **Section 69: Budget implementation**

The accounting officer is responsible for implementing the budget, and must take reasonable steps to ensure that:

- funds are spent in accordance with the budget;
- expenses are reduced if expected revenues are less than projected; and
- revenues and expenses are properly monitored.

The Municipal Manager must prepare any adjustments budget when such budget is necessary and submit it to the Mayor for consideration and tabling in Council.

The Municipal Manager must submit a draft service delivery and budget implementation plan to the Mayor fourteen days after the annual budget has been approved, and must also within the same period submit drafts of the annual performance agreements to the Mayor.

### **Section 70: Impending shortfalls, overspending and overdrafts**

The Municipal Manager must report in writing to the Council any impending shortfalls in the annual revenue budget, as well as any impending overspending, together with the steps taken to prevent or rectify these problems.

**Section 71: Monthly budget statements**

The accounting officer must, not later than ten working days after the end of each calendar month, submit to the Mayor and Provincial Treasury a report in the prescribed format on the state of the municipality's budget for such calendar month, as well as on the state of the budget cumulatively for the financial year to date.

This report must reflect the following:

- actual revenues per source, compared with budgeted revenues;
- actual expenses per vote, compared with budgeted expenses;
- actual capital expenditure per vote, compared with budgeted expenses;
- actual borrowings, compared with the borrowings envisaged to fund the capital budget;
- the amount of allocations received, compared with the budgeted amount;
- actual expenses against allocations, but excluding expenses in respect of the equitable share;
- explanations of any material variances between the actual revenues and expenses as indicated above and the projected revenues by source and expenses by vote as set out in the service delivery and budget implementation plan;
- the remedial or corrective steps to be taken to ensure that the relevant projections remain within the approved or revised budget; and
- projections of the revenues and expenses for the remainder of the financial year, together with an indication of how and where the original projections have been revised.

The report to the provincial treasury must be both in electronic format and in a signed written document.

**Section 54: Budgetary control and early identification of financial problems**

On receipt of the report from the accounting officer, the Mayor must:

- consider the report;

- check whether the approved budget has been implemented in accordance with the service delivery and budget implementation plan;
- issue appropriate instructions to the accounting officer to ensure that the budget is implemented in accordance with this plan, and that the spending of funds and the collection of revenues proceed in accordance with the approved budget;
- identify any financial problems facing the municipality, as well as any emerging or impending financial problems; and
- submit to the Council within thirty days of the end of each quarter a report on the implementation of the budget and the financial state of affairs of the municipality. If the municipality faces any serious financial problems, the Mayor must:
- promptly respond to and initiate the remedial or corrective steps proposed by the Municipal Manager, and
- alert the MEC for Local Government and the Council of the municipality to the problems concerned.

The Mayor may revise the details of the service delivery and budget implementation plan, but any revisions to the service delivery targets and quarterly performance indicators must be approved by the Council, and be supported by an adjustments budget. Any changes made to the projections of revenues and expenses as set out in the plan must promptly be made public.

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

If the Council has not approved its annual budget by the first day of the financial year to which it relates, or if the municipality encounters serious financial problems, the Mayor must immediately report this matter to the MEC for Local Government in the province and may recommend a provincial intervention.

**Section 72: Mid-year budget and performance assessment**

The accounting officer must by the 25 January of each year, assess the budgetary performance of the municipality for the first half of the financial year, taking into account

all the monthly budget reports for the first six months, the service delivery performance of the municipality as against the service delivery targets and performance indicators which were set in the service delivery and budget implementation plan, and the past financial year's annual report and the progress made in resolving problems identified in such report.

The accounting officer must then submit a report on such assessment to the Mayor, the National Treasury and the Provincial Treasury.

The accounting officer may in such report make recommendations for adjusting the annual budget and for revising the projections of revenues and expenses set out in the service delivery and budget implementation plan.

In terms of Section 54(1)(f) the Mayor must promptly submit this assessment report to the Council of the municipality.

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

The accounting officer must inform the Provincial Treasury, in writing, of any failure by the Council to adopt or implement any budget-related policy or a supply chain management policy, and of any non-compliance by an office bearer or political structure with such policy.

### **Section 75: Information to be placed on websites of municipalities**

The accounting officer must place on the municipality's official website (inter alia) the following:

- the annual and adjustments budgets and all budget-related documents;
- all budget-related policies;
- the annual report;
- all performance agreements;
- all service delivery agreements;

- all long-term borrowing contracts;
- all quarterly reports submitted to the Council on the implementation of the budget and the financial state of affairs of the municipality.

**Section 80: Establishment (of municipal budget and treasury office)**

Every municipality must have a budget and treasury office comprising a Chief Financial Officer supported by appointed officials and contracted staff.

**Section 81: Role of chief financial officer**

The Chief Financial Officer is administratively in charge of the budget and treasury office and must, inter alia,

- assist the accounting officer in preparing and implementing the budget;
- perform such budgeting, financial reporting and financial management and review duties as are delegated by the accounting officer;
- account to the accounting officer for the performance of all the foregoing responsibilities.

**POLICY ADOPTION**

This policy has been considered and approved by the **COUNCIL OF THE UMUZIWABANTU LOCAL MUNICIPALITY** as follows:

Resolution No:.....

Approval Date:...30 May 2017...

