

JOE GQABI DISTRICT MUNICIPALITY



BUDGET POLICY

Budget Policy

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1. DEFINITIONS

"Accounting Officer" means a person appointed in terms of section 82(l) (a) or (b) of the Municipal Structures Act; and also refers to the municipal manager of a municipality in terms of section 60 of the MFMA;

"Allocation" means

- (a) a municipality's share of the local government's equitable share referred to in section 214(l) (a) of the Constitution;
- (b) an allocation of money to the municipality in terms of section 214(1) (c) of the Constitution;
- (c) an allocation of money to the municipality in terms of a provincial budget; or
- (d) any other allocation of money to the municipality by an organ of state, including by another municipality, otherwise than in compliance with a commercial or other business transaction;

"Annual Division of Revenue Act" means the Act of Parliament, which must be enacted annually in terms of section 214 (1) of the Constitution;

"Approved budget," means an annual budget

- (a) approved by a municipal council in terms of section 24 of the MFMA, or
- (b) includes such an annual budget as revised by an adjustments budget in terms of section 28 of the MFMA;

"Basic Municipal Service" means a municipal service that is necessary to ensure an acceptable and reasonable quality of life and which, if not provided, would endanger public health or safety or the environment;

"Budget-related Policy" means a policy of the municipality affecting or affected by the annual budget of the municipality, including:

- (a) the tariffs policy, which the municipality must adopt in terms of section 74 of the Municipal Systems Act;
- (b) the rates policy which the municipality must adopt in terms of section 3 of the municipal property rates Act;
- (c) the credit control and debt collection policy, which the municipality must adopt in terms of section 96 of the Municipal Systems Act;
- (d) the cash management and investment policy which the municipality must adopt in terms of section 13(2) of the Act;
- (e) a borrowing policy which must comply with Chapter 6 of the Act;
- (f) a funding and reserves policy;

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- (g) a policy related to the long-term financial plan;*
- (h) the supply chain management policy which the municipality is required to adopt in terms of section 111 of the Act;*
- (i) any policies dealing with the management and disposal of assets;*
- (j) any policies dealing with infrastructure investment and capital projects, including –*
 - (i) the policy governing the planning and approval of capital projects; and*
 - (ii) the policy on developer contributions for property developments;*
- (k) the indigents policy of the municipality;*
- (l) any policies related to the provision of free basic services;*
- (m) any policies related to budget implementation and monitoring including –*
 - (i) a policy dealing with the shifting of funds within votes;*
 - (ii) a policy dealing with unforeseen and unavoidable expenditure; and*
 - (iii) policies dealing with management and oversight;*
- (n) any policies related to the managing electricity and water including –*
 - (i) a policy related to the management of losses; and*
 - (ii) a policy to promote conservation and efficiency;*
- (o) any policies related to personnel including policies on overtime, vacancies and temporary staff;*
- (p) any policies dealing with municipal entities, including –*
 - (i) the service delivery agreement; and*
 - (ii) the dividend preference of the municipality; and*
- (q) any other budget-related or financial management policies of the municipality.*

"Budget transfer" means the transfer of an approved budget allocation from one operating or capital line item to another line item within a vote, with the approval of the relevant senior manager;

"Budget Year" means the financial year of the municipality for which an annual budget is to be approved in terms of section 16(1) of the MFMA;

"Capital Budget" means the approved budget for capital items in a given fiscal period. Capital items are assets with a life expectancy of more than one financial year such as property, plant and equipment. The cost of which is normally written off over a number of fiscal periods;

"Chief Financial Officer" means a person designated in terms of section 80(2) (a) of the MFMA;

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"Council" means the municipal council of this municipality referred to in section 18 of the Municipal Structures Act;

"Councillor" means a member of council;

"Creditor", means a person to whom money is owed by the municipality;

"Current year" means the financial year, which has already commenced, but not yet ended;

"Delegation" means the power to perform a function or duty which is given to office bearer, councillor or staff members either in terms of Sect 59 of the MSA or Sect 79 of the MFMA;

"Generally recognised accounting practice" means an accounting practice complying with standards applicable to municipalities or municipal entities as determined by the Accounting Standards Board;

"Financial recovery plan" means a plan prepared in terms of section 141 of the MFMA;

"Financial statements", means statements consisting of at least –

- (a) statement of financial position;
- (b) a statement of financial performance;
- (c) a cash-flow statement;
- (d) any other statements that may be prescribed; and
- (e) any notes to these statements;

"Financial year" means a twelve months period commencing on 1st July and ending on 30th June each year;

"Financing agreement" includes any loan agreement, lease, and instalment purchase contract or hire purchase arrangement under which the municipality undertakes to repay a long-term debt over a period of time;

"Fruitless and wasteful expenditure" means expenditure that was made in vain and would have been avoided had reasonable care been exercised;

"Irregular expenditure" means –

- (a) expenditure incurred by the municipality or municipal entity in contravention of, or that is not in accordance with, a requirement of the MFMA Act, and which has not been condoned in terms of section 170 of the MFMA;
- (b) expenditure incurred by the municipality or municipal entity in contravention of, or that is not in accordance with, a requirement of the Municipal Systems Act, and which has not been condoned in terms of that Act;
- (c) expenditure incurred by the municipality in contravention of, or that is not in accordance with, a requirement of the Public Office-Bearers Act, 1998 (Act No. 20 of 1998); or

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- (d) expenditure incurred by the municipality or municipal entity in contravention of, or that is not in accordance with, a requirement of the supply chain management policy of the municipality or entity or any of the municipality's by-laws giving effect to such policy, and which has not been condoned in terms of such policy or by-law, but excludes expenditure by the municipality which falls within the definition of "unauthorised expenditure";

"Investment" in relation to funds of the municipality, means –

- (a) the placing on deposit of funds of the municipality with a financial institution; or
- (b) the acquisition of assets with funds of the municipality not immediately required, with the primary aim of preserving those funds;

"Lender" means a person who provides debt finance to the municipality;

"Local community" has the meaning assigned to it in section 1 of the Municipal Systems Act;

"Municipal Structures Act" means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

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

"Long-term debt" means debt repayable over a period exceeding one year;

"Executive Mayor" means the councillor elected as the executive mayor of the municipality in terms of section 55 of the Municipal Structures Act;

"Municipal council" or "council" means the council of the municipality referred to in section 18 of the Municipal Structures Act;

"Municipal debt instrument" means any note, bond, debenture or other evidence of indebtedness issued by the municipality, including dematerialised or electronic evidence of indebtedness intended to be used in trade;

"Municipal entity" has the meaning assigned to it in section 1 of the Municipal Systems Act (refer to the MSA for definition);

"Municipality" means –

- (a) when referred to as a corporate body, means the municipality as described in section 2 of the Municipal Systems Act; or
- (b) when referred to as a geographic area, means the municipal area determined in terms of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998);

"Municipal service" has the meaning assigned to it in section 1 of the Municipal Systems Act (refer to the MSA for definition);

"Municipal tariff" means a tariff for services which the municipality may set for the provision of a service to the local community, and includes a surcharge on such tariff;

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"Municipal tax" means property rates or other taxes, levies or duties that the municipality may impose;

"National Treasury" means the National Treasury established by section 5 of the Public Finance Management Act;

"Official" means –

- (a) an employee of the municipality or municipal entity;
- (b) a person seconded to the municipality or municipal entity to work as a member of the staff of the municipality or municipal entity; or
- (c) a person contracted by the municipality or municipal entity to work as a member of the staff of the municipality or municipal entity otherwise than as an employee;

"Overspending"

- (a) 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;
- (b) in relation to a vote, means causing expenditure under the vote to exceed the amount appropriated for that vote; or
- (c) in relation to expenditure under section 26 of the MFMA, means causing expenditure under that section to exceed the limits allowed in subsection (5) of this section;

"Past financial year" means the financial year preceding the current year;

"Quarter" means any of the following periods in a financial year –

- (a) 1 July to 30 September refer to as the 1st quarter;
- (b) 1 October to 31 December refer to as the 2nd quarter;
- (c) 1 January to 31 March refer to as the 3rd quarter; or
- (d) 1 April to 30 June refer to as the 4th quarter;

"Ring Fenced" means an exclusive combination of line items grouped for specific purposes for instance salaries and wages. Annexure "B" provides a current item structure within ring fenced groups;

"Service delivery and budget implementation plan" means a detailed plan approved by the executive mayor of the municipality, in terms of section 53(l) (c) (ii) of the MFMA, for implementing the municipality's delivery of municipal services and which indicate –

- (a) projections for each month of:
 - (i) revenue to be collected, by source; and

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- (ii) *operational and capital expenditure, by vote;*
- (b) *service delivery targets and performance indicators for each quarter; and*
- (c) *any other matters that may be prescribed, and includes any revisions of such plan by the executive mayor in terms of section 54(l) (c) of the MFMA;*

"Short-term debt" means debt repayable over a period not exceeding one year;

"Unauthorised expenditure", means any expenditure incurred by a municipality otherwise than in accordance with section 15 or 11(3) of the MFMA, and includes –

- (a) *overspending of the total amount appropriated in the municipality's approved budget;*
- (b) *overspending of the total amount appropriated for a vote in the approved budget;*
- (c) *expenditure from a vote unrelated to the department or functional area covered by the vote;*
- (d) *expenditure of money appropriated for a specific purpose, otherwise than for that specific purpose;*
- (e) *spending of an allocation referred to in paragraph (b), (c) or (d) of the definition of "allocation" otherwise than in accordance with any conditions of the allocation; or*
- (f) *a grant by the municipality otherwise than in accordance with the MFMA;*

Virement means the process of transferring an approved budget allocation from one vote to another, with the approval of the Municipal Manager. To enable senior managers to amend budgets in the light of experience or to reflect anticipated changes;

"Vote" means one of the main segments into which a budget of a municipality is divided for the appropriation of funds for the different departments or functional areas of the municipality; and which specifies the total amount that is appropriated for the purposes of the department or functional area concerned. Annexure "A" provides the current Vote structure as well as the assigned senior manager;

"Vote holder" means the senior manager to which the vote is assigned.

2. ABBREVIATIONS

CFO – Chief Financial Officer

CM – Council Minute/s

IDP – Integrated Development Plan

MFMA – Municipal Finance Management Act, Act No. 56 of 2003

MSA – Municipal Systems Act, Act No.32 of 2000

MTREF – Medium term revenue and expenditure framework

SDBIP - Service delivery and budget implementation plan

3. INTRODUCTION

In terms of the Municipal Finance Management Act, No. 56 of 2003, Chapter 4 on Municipal Budgets, the council of a municipality must for each financial year approve an annual budget for the municipality before the commencement of that financial year. According to Section 16(2) of the MFMA the executive mayor of the municipality must table the annual budget at a council meeting at least 90 days before the start of the budget year.

This policy must be read, interpreted, implemented and understood against this legislative background. The budget plays a critical role in an attempt to realise diverse community needs. Central to this, the formulation of a municipal budget must take into account the government's macro-economic and fiscal policy fundamentals.

It is therefore imperative that the process followed be as consultative and inclusive as possible is.

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4. OBJECTIVE

The objective of the budget policy is to set out a framework for this Municipality to deal with –

- (a) The preparation the of a MTREF budget;
- (b) The shifting; transfer or virement of funds and budget allocations;
- (c) The introduction of adjustment budgets;
- (d) Unforeseen and unavoidable expenditure;
- (e) Irregular expenditure;
- (f) Fruitless and wasteful expenditure; and
- (g) To establish and maintain procedures to ensure adherence to the Municipality's IDP review and budget processes.

5. BUDGETING PRINCIPLES

5.1 The Municipality shall not budget for a cash deficit (as per cash flow budget sheet) and should ensure that revenue projections in the budget are realistic taking into account actual collection levels.

5.2 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 vote **and appropriate project** in the approved budget.

5.3 The Municipality shall prepare three-year budget (MTREF budget) and Council shall approve the budget.

5.4 The MTREF budget must at all times be within the framework of the approved Municipal Integrated Development Plan.

5.5 Capital budget:

5.5.1.1 Only expenditure that meets the definition of a capital budget as per section 1 of this policy shall be included in the capital budget.

5.5.1.2 The capital budget shall distinguish between replacement and new assets.

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

5.5.1.4 Before approving a capital project, Council **must** consider:

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- (a) *the projected cost of the project over all the ensuing financial years until the project becomes operational; and*
- (b) *future operational costs and any revenues, which may arise in respect of such project, including the likely future impact on operating budget.*

5.5.1.5 *Before approving the capital budget, the council **shall** consider:*

- (a) *the impact on the present and future operating budgets of the municipality in relation to finance charges to be incurred on external loans;*
- (b) *depreciation of capital assets;*
- (c) *maintenance of capital assets, and*
- (d) *any other ordinary operational expenses associated with any item on such capital budget.*

5.5.1.6 *The capital expenditure shall be funded from the following sources:*

- (a) *Revenue or Surplus*

Any financing activity from this source must be included in the cash budget to raise sufficient cash for the expenditure. In order for the commencement of expenditure on an item financed from this source the full amount of physical cash must be ring fenced or set aside from normal operating funds.

- (b) *New borrowings (External loans)*

External loans can be raised only if it is linked to the financing of a capital asset. A capital item to be financed from an external loan can only be included in the budget if the loan has been secured or if can be reasonably assumed as being secured. The loan redemption period should not exceed the estimated life span of the asset. Interest payable on external loans shall be included as an operational cost in the operating budget. Finance charges relating to such loans shall be charged to or apportioned only between the departments to which the projects relate.

- (c) *Capital Replacement Reserve (CRR)*

Council shall establish a CRR for the purpose of financing capital projects and the acquisition of capital assets. Such reserve shall be established from the following sources of revenue:

- *inappropriate cash-backed surpluses to the extent that such surpluses are not required for operational purposes;*
- *interest on the investments of the CRR, appropriated in terms of the investments policy;*
- *additional amounts appropriated as contributions in each annual or adjustments budget;*
- *interest earned on investments of unutilised grants;*
- *VAT claimed back on grants and subsidies; and*

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- *Proceeds on the sale of assets.*

Before any asset can be financed from the CRR the physical cash must be available within the reserve, this fund must be cash backed. If there is insufficient cash available to fund the CRR reserve then the reserve must be adjusted to equal the available cash. Transfers to the CRR must be budgeted for in the cash budget.

(d) Grant Funding

Non capital expenditure funded from grants must be budgeted for as part of the operational budget

- *Expenditure must be included as general operational expenditure whilst the recognition of the grant must be included as transfers recognised: operational in the operational revenue budget equal to the amount of the grant conditions met.*

Capital expenditure must be budgeted for in the capital budget.

- *Grant funding does not need to be cash backed but cash should be secured before spending can take place.*

When the conditions of the grant are met; with regard to capital expenditure financed from grants; an equal amount is recognised as transfers recognised: capital in the operational budget.

All unutilized grants received must be ring fenced and cash backed by means of an investment.

5.6 Operational budget:

5.6.1 *The Municipality shall budget in each annual and adjustments budget for the contribution to:*

- (a) provision for accrued leave entitlements equal to 100% of the accrued leave;*
- (b) continued employee benefits as at 30 June of each financial year;*
- (c) provision for the impairment of debtors taking into account prior year, current year debt collection percentages and make provision improvements;*
- (d) provision for the obsolescence and deterioration of stock in accordance with its stores management policy;*
- (e) Depreciation and finance charges shall be charged to or apportioned only between the departments or votes to which the projects relate;*
- (f) At least **10%** of the operating budget component of each annual and adjustments budget shall be set aside for maintenance (Materials & labour cost).*

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- 5.6.2 *When considering the draft annual budget, Council shall consider the impact, which the proposed increases in rates and service tariffs will have on the monthly municipal accounts of households.*
- 5.6.3 *The impact of such increases shall be assessed on the basis of a fair sample of randomly selected accounts.*
- 5.6.4 *The operating budget shall reflect the impact of the capital component on:*
- *Depreciation charges;*
 - *Repairs and maintenance expenses;*
 - *Interest payable on external borrowings; and*
 - *other operating expenses.*
- 5.6.5 *The Chief Financial Officer shall ensure that the cost of indigent relief and free basic services are separately reflected in the appropriate **projects** as income forgone.*

6. BUDGET PREPARATION PROCESS

6.1 Formulation of the budget

The Accounting Officer with the assistance of the Chief Financial Officer, Manager: Budget and compliance and the Manager: IDP/Monitoring; Evaluation and Compliance shall prepare a draft IDP & Budget process plan with timetables for the municipality including municipal entities for the ensuing financial year by not later than 31 July of each year.

The Executive Mayor shall table the IDP& Budget process plan to Council not later than 31 August of each year for approval.

The IDP and Budget process plan shall indicate the key deadlines for the review of the IDP as well as the preparation of the MTREF budget. Such target dates shall follow the prescriptions of the Municipal Finance Management Act, Municipal Budget and Reporting regulations, as well as the guidelines set by National Treasury.

The Executive Mayor shall convene a strategic workshop in September/October with the mayoral committee and senior managers in order to determine the IDP & Budget priorities which will form the basis for the preparation of the MTREF budget taking into account the financial and political challenges facing the municipality.

The Executive Mayor shall table the draft IDP and MTREF budget to council by no later than 31 March of each year together with the draft resolutions and budget related policies.

The Chief Financial Officer and senior managers undertake the technical preparation of the budget. The budget must be in the prescribed format by National Treasury, and must be divided into capital and operating budget.

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The budget must contain the information related to the two financial years following the financial year to which the budget relates, as well as the estimated figures for the current year and the three prior year actual outcome.

6.2 Public participation process

Immediately after the draft annual budget has been tabled, the Municipality must convene hearings on the draft budget in April and invite the public, stakeholder organisations, to make representation at the council hearings and to submit comments in response to the draft budget. These dates must be all included in the process plan.

6.3 Approval of the budget

6.3.1 *Council shall consider the Annual Budget for approval not later than 31 May for the ensuing financial year.*

6.3.2 *Should the Council fail to approve the budget before the start of the budget year, the Executive Mayor must inform the MEC for Finance that the budget has not been approved.*

6.3.3 *The budget tabled to Council for approval shall include the following supporting documents:*

- (a) draft resolutions approving the budget;*
- (b) levying property rates, other taxes and tariffs for the financial year concerned;*
- (c) measurable performance objectives for each budget vote, taking into account the municipality's IDP;*
- (d) the projected cash flows for the financial year by revenue and expenditure sources, function and votes;*
- (e) any proposed amendments to the IDP;*
- (f) any proposed amendments to the budget-related policies;*
- (g) the cost to the municipality of the salaries, allowances and other benefits of its political office bearers and other councillors, the accounting officer, the chief financial officer, and other senior managers;*
- (h) 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 non-governmental organisations, welfare institutions and so on;*
- (i) particulars of the municipality's investments; and*

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- (j) various information in regard to municipal entities under the shared or sole control of the municipality.*

6.4 Publication of the budget

6.4.1 Within 10 working days after the draft annual budget has been tabled, the Chief Operations Officer must post the budget and other budget-related documentation onto the municipal website so that it is accessible to the public.

6.4.2 The Chief Financial Officer must within 10 working days after the draft annual budget is tabled:

- (a) the approved budget in both printed and electronic formats to the National Treasury, the Provincial Treasury ensure that it is posted on the municipal website; and*
- (b) ensure that a newspaper advertisement is placed that the draft budget is available at the Municipal offices and available for comments.*

6.4.3 Once Council have approved the budget:

6.4.3.1 The Chief Operations Officer must post the budget and other budget-related documentation onto the municipal website so that it is accessible to the public; and

6.4.3.2 The Chief Financial Officer must within 10 working days:

- (a) submit the approved budget in both printed and electronic formats to the National Treasury, the Provincial Treasury; and*
- (b) ensure that a newspaper advertisement is placed that the budget has been approved and is available at the Municipal offices.*

6.5 Service Delivery and Budget Implementation Plan (SDBIP)

6.5.1 The Executive Mayor must approve the Service Delivery and Budget Implementation Plan not later than 28 days after the approval of the Budget by Council.

6.5.2 The SDBIP shall include the following components:

- (a) Monthly projections of revenue to be collected for each source;*
- (b) Monthly projections of expenditure (operating and capital) and revenue for each vote;*
- (c) Quarterly projections of service delivery targets and performance indicators for each vote;*
- (d) Ward information for expenditure and service delivery; and*

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- (e) *Detailed capital works plan broken down by ward over three years*

7. FUNDING OF BUDGET

The budget must be funded in terms of the Councils approved funding and reserves policy.

8. UNSPENT FUNDS AND ROLLOVER OF BUDGET

- 8.1 *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, excluding in the following instances:*
- a) *Capital expenditure within the boundaries set out below; or*
 - b) *Unspent grant.*
- 8.2 *Conditions of the grant funded projects shall be taken into account in applying for such rollover of funds.*
- 8.3 *No funding for projects funded from the Capital Replacement Reserve shall be rolled over to the next budget year except in cases where a commitment has been made at least 30 days (31 May each year) prior the end of that particular financial year.*
- 8.4 *No unspent operating budget shall be rolled over to the next budget year*
- 8.5 *Application for rollover of capital funds; with documentary proof that it meets the requirements as set out above must be forwarded to the budget office by the latest 15th of July of each year.*
- 8.6 *Only these applications will be considered for inclusion in an adjustment budget for roll over projects. The adoption by Council will take place not later than 25th August.*

9. BUDGET TRANSFERS AND VIREMENTS

Adjustments and transfers must be funded in terms of the Councils approved virement policy.

10. ADJUSTMENT BUDGETS

- 10.1 *Council may revise its annual budget by means of an adjustments budget in terms of section 28 of the MFMA and according to the timelines of the Municipal Budget and Reporting regulations section 23.*

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10.2 Section 28 (2) of the MFMA determine when an adjustment must be done and when it may be prepared.

“(2) An adjustments budget—

- (a) **must** adjust the revenue and expenditure estimates downwards if there is material under-collection of revenue during the current year;*
- (b) **may** appropriate additional revenues that have become available over and above those anticipated in the annual budget, but only to revise or accelerate spending programmes already budgeted for;*
- (c) **may**, within a prescribed framework, authorise unforeseeable and unavoidable expenditure recommended by the mayor of the municipality;*
- (d) **may** authorise the utilisation of projected savings in one vote towards spending under another vote;*
- (e) **may** authorise the spending of funds that were unspent at the end of the past financial year where the under-spending could not reasonably have been foreseen at the time to include projected roll-overs when the annual budget for the current year was approved by the council;*
- (f) **may** correct any errors in the annual budget; and*
- (g) **may** provide for any other expenditure within a prescribed framework.”*

10.3 The CFO shall ensure that an adjustments budget

- a) Comply with the requirements of the National Treasury;*
- b) Reflect the budget priorities determined by the executive mayor;*
- c) Are aligned with the IDP;*
- d) Comply with all budget-related policies; and*
- e) Shall make recommendations to the Executive Mayor on the revision of the IDP and the budget-related policies where these are needed.*

10.4 An adjustments budget must contain all of the following:

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

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- 10.5 *Any un-appropriate surplus from previous financial years, even if fully cash-backed, shall not be used to balance any adjustments budget, but shall be appropriated to the municipality's capital replacement reserve if cash-backed.*
- 10.6 *Municipal taxes and tariffs may not be increased during a financial year except if required in terms of a financial recovery plan compiled in terms of section 141 of the MFMA*
- 10.7 *Unauthorised expenses may be authorised in an adjustments budget.*

11. UNFORESEEN AND UNAVOIDABLE EXPENDITURE

11.1 Before the Executive Mayor considers any authorisation of unforeseeable and unavoidable expenditure in terms of Section 29 of the MFMA, the Accounting Officer will ensure that a report is prepared consisting of all the relevant information in order for the Executive Mayor to make an informed discussion. This report will be prepared in the prescribed format and attached as Annexure C.

11.2 The Executive Mayor may authorise such expenses in an emergency or other exceptional circumstances in terms of Section 29 of the MFMA only if:

- (a) the expenditure could not have been foreseen at the time the annual budget of the municipality was passed; and
- (b) the delay that will be caused pending approval of an adjustments budget by the municipal council in terms of section 28(2)(c) of the Act to authorise the expenditure may –
 - result in significant financial loss for the municipality;
 - cause a disruption or suspension, or a serious threat to the continuation, of a basic municipal service;
 - lead to loss of life or serious injury or significant damage to property; or
 - obstruct the municipality from instituting or defending legal proceedings on an urgent basis.

11.3 The Executive Mayor may not authorise expenditure in terms of section 29 of the Act if the expenditure –

- (a) was considered by the council, but not approved in the annual budget or an adjustments budget; or
- (b) is required for-
 - price increases of goods or services during the financial year;
 - new municipal services or functions during the financial year;
 - the extension of existing municipal services or functions during the financial year;¹²
 - the appointment of personnel during the financial year; or
 - allocating discretionary appropriations to any vote during the financial year; or
- (c) would contravene any existing council policy; or
- (d) is intended to ratify irregular or fruitless and wasteful expenditure.

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- 11.4 The authorised amount may not exceed 4 % of the approved own revenue included in the annual budget.
- 11.5 The authorisation must be reported by the Executive Mayor to the next Council meeting.
- 11.6 The Accounting Officer must ensure preparation of an adjustment to include the expenses within 30 days.
- 11.7 The Executive Mayor must ensure that Council pass the adjustments budget within sixty days after the expenses were incurred.

12. UNAUTHORISED, IRREGULAR OR FRUITLESS AND WASTEFUL EXPENDITURE

12.1 UNAUTHORISED EXPENDITURE

- 12.1.1 The Accounting Officer, with the assistance of the CFO and other senior managers, must ensure that no unauthorised expenditure occurs as per definition included in section 1 of this document.
- 12.1.2 In the event that the Accounting officer, CFO or any other senior managers, becomes aware of the fact that some decision taken is likely to result in unauthorised expenditure, then that official must immediately in writing report the incident to the Accounting Officer or Executive Mayor as the case may be.
- 12.1.3 In the event that unauthorised expenditure did happen, then relevant senior manager, vote holder within which vote the expenditure occurred, must prepare a report within 10 working days after the it come to his/her knowledge.
- 12.1.4 This report must address at least the following:
- a) Background to the occurrence;
 - b) Financial implication;
 - c) Steps taken to prevent or rectify these internal control measures;
 - d) Person responsible of the occurrence; and
 - e) Recoverability of the amount.

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- 12.1.5 *This report must then be tabled with the Accounting Officer's recommendation to the Council committee responsible to deal with the investigation in terms Section 32(2) (a) of the MFMA.*
- 12.1.6 *The Accounting Officer, in terms of section 32(4) of the MFMA, must promptly inform the Executive Mayor, the MEC for Local Government and the Auditor-General of the occurrence.*
- 12.1.7 *The Committee responsible to deal with the investigation in terms Section 32 of the MFMA; may consider the following resolutions, apart from corrective action decisions to prevent re-occurrence:*
- a) *Recommends that it must be taken-up in an adjustment budget; or*
 - b) *That the recovery of the money must commence from the person liable; or*
 - c) *Certify that it is irrecoverable and must be written-off by Council.*
- 12.1.8 *Within 48 hours of the resolution taken by this committee, the Director Corporate service must inform the CFO of the result.*
- 12.1.9 *The action to be taken by the CFO is:*
- a) *In the case of resolution a), the CFO prepares an adjustment for the Executive Mayor to table it to Council; or*
 - b) *In the case of resolution b), the CFO must put measures in place to transfer the expense to debtors accounts and commence with collection mechanisms to his/her disposal to recover the money due from the person liable; or*
 - c) *In the case of resolution c),the CFO must report as such in the Annual Financial statements.*

12.2 IRREGULAR AND FRUITLESS AND WASTEFUL EXPENDITURE

- 12.2.1 *The Accounting Officer, with the assistance of the CFO and other senior managers, must ensure that no irregular or fruitless and wasteful expenditure occurs as per definition included in section 1 of this document.*
- 12.2.2 *In the event that the Accounting officer, CFO or any other senior managers, becomes aware of the fact some decision taken is likely to result in irregular or fruitless and wasteful expenditure, then that official must immediately in writing report the incident to the Accounting Officer or Executive Mayor as the case may be.*
- 12.2.3 *In the event that irregular or fruitless and wasteful expenditure did happen, then relevant senior manager, vote holder within which vote the expenditure occurred, must prepare a report within 10 working days after the it come to his/her knowledge.*

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12.2.4 *This report must address at least the following:*

- a) Background to the occurrence;*
- b) Financial implication;*
- c) Steps taken to prevent or rectify these internal control measures;*
- d) Person responsible of the occurrence; and*
- e) Recoverability of the amount.*

12.2.5 *This report must then be tabled with the Accounting Officer's recommendation to the Council committee responsible to deal with the investigation in terms Section 32(2) (b) of the MFMA.*

12.2.6 *The Accounting Officer, in terms of section 32(4) of the MFMA, must promptly inform the Executive Mayor, the MEC for Local Government and the Auditor-General of the occurrence.*

12.2.7 *The Committee responsible to deal with the investigation in terms Section 32 of the MFMA; may consider the following resolutions, apart from corrective action decisions to prevent re-occurrence:*

- a) That the recovery of the money must commence from the person liable; or*
- b) Certify that it is irrecoverable and must be written-off by Council.*

12.2.8 *Within 48 hours of the resolution taken by this committee, the Director Corporate service must inform the CFO of the result.*

12.2.9 *The action to be taken by the CFO:*

- a) In the case of resolution A, the CFO must put measures in place to transfer the expense to debtors accounts and commence with collection mechanisms to his/her disposal to recover the money due from the person liable; or*
- b) In the case of resolution B, report in the annual financial statements that the expenditure has been written off.*

12.2.10 *The Accounting Officer must in terms of Section 32(6) of the MFMA report all cases of alleged –*

- a) irregular expenditure that constitute a criminal offence; and*
- b) theft and fraud that occurred in the municipality.*

12.2.11 *The Council must take all reasonable steps in terms of Section 32(7) of the MFMA to insure that all cases in term of Section 32(6) are reported to the South African Police Service if –*

- (a) the charge is against the accounting officer; or*

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- (b) *the accounting officer fails to comply with section 32(6).*

13. BUDGET IMPLEMENTATION

13.1 Monitoring

13.1.1 *The Accounting Officer, with the assistance of the CFO and other senior managers, is responsible for the implementation of the budget, and must take reasonable steps to ensure that:*

- a) *Funds are spent in accordance with the budget;*
- b) *Expenses are reduced if expected revenues are less than projected; and*
- c) *Revenues and expenses are properly monitored.*

13.1.2 *The Accounting Officer, with the assistance of the CFO, must prepare any adjustment budgets when such budget is necessary and submit it to the Executive Mayor for consideration and tabling to Council.*

13.1.3 *The Accounting Officer, with the assistance of the CFO, must ensure that the Municipality has and maintain an effective system of expenditure control in order to assist with budget control. Budget control must be performed on the lowest level of the budget, as well as the starting activity of an expense.*

13.1.4 *The Accounting Officer, with the assistance of the CFO, must ensure that the Municipality has and maintains effective systems of:*

- a) *Revenue collection; and*
- b) *Debtor management.*

13.1.5 *The assumptions on which the revenue forecasts was based must be monitored on at least a monthly basis.*

13.1.6 *The Accounting Officer, with the assistance of the CFO and other senior managers, 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*

13.2 Reporting

13.2.1 Monthly budget statements

The Accounting Officer, with the assistance of the CFO, must not later than ten working days after the end of each calendar month, submit to the Executive mayor and Provincial and National Treasury a

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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.

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

13.2.2 Quarterly Reports

The Accounting officer, with the assistance of the CFO, must assist the Executive Mayor; in his/her duties in terms of section 52(d) of the MFMA to submit to 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.

13.2.3 Mid-year budget and performance assessment

The Accounting Officer must 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.

The Accounting Officer must then submit a report on such assessment to the Executive Mayor by 25 January each year and to Council, Provincial Treasury and National Treasury by 31 January each year.

The Accounting Officer may in such report make recommendations, after considering the recommendation of the CFO, to prepare an adjustment budget.

14. CONCLUSION

The Chief Operations Officer must place and maintain on the municipality's official website the following documents:

- (a) Annual and adjustments budgets and all budget-related documents;*
- (b) All budget-related policies;*
- (c) Integrated Development Plan;*
- (d) Annual report;*
- (e) All performance agreements;*
- (f) All service delivery agreements;*
- (g) All long-term borrowing contracts; and*
- (h) All quarterly and mid-year reports submitted the Council on the implementation of the budget and the financial state of affairs of the municipality.*