

LEKWA-TEEMANE LOCAL MUNICIPALITY

“NW 396”



BUDGET POLICY

**ADOPTED BY COUNCIL
31 MAY 2013
RESOLUTION NUMBER: 130/2013**

Preamble

In terms of Chapter 4, section 16 of the Municipal Finance Management Act, 2003 (Act No. 56 of 2003) a Municipal Council must for each financial year, by way of annual budgets, appropriate money from its Revenue Fund for the requirements of the Municipality. The annual budget of a Municipality is both a legislative requirement in terms of the Municipal Finance Management Act, 2003, as well as a tool for planning and control. The financial year of local authorities covers the period 01 July of each year to 30 June of the following year.

A Municipality must, in terms Chapter 5, section 25(1) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), undertake developmentally oriented planning. It must adopt a single, inclusive and strategic plan in the form of an Integrated Development Plan (IDP). This must form the policy framework and general basis on which annual budgets must be based. 3

1. Purpose

- 1.1 To set out the budgeting principles which the Council will follow in preparing each annual budget, as well as the responsibilities of the Chief Financial Officer in compiling such budget.
- 1.2 To ensure that the Lekwa-Teemane Local Municipality only incurs expenditure in accordance with its approved budget.
- 1.3 To assist the Lekwa-Teemane Local Municipality in the management of its income and expenditure so as to achieve its goals as set out in its policy documents.

2. Principles

2.1 The Council shall adopt three-year budget statements for the next financial year's budgets. The budget statement shall be the focal point of the budget, and shall be linked to the IDP. The Budget and IDP review process are to run concurrently.

2.2 Except in so far as capital projects represent a contractual commitment to the municipality extending over more than one financial year, the annual capital budget shall be prepared from a zero base.

2.3 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.

2.4 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:

- a) finance charges to be incurred on external loans;
- b) depreciation of fixed assets;
- c) maintenance of fixed assets; and
- d) Any other ordinary operation expenses associated with any items on such capital budget.

2.5 In addition, the Council shall consider the likely impact of such operation expenses net of any revenues expected to be generated by such item – on future property rates and service tariffs.

2.6 The Council shall establish 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:

- unappropriate cash-backed surpluses to the extent that such surpluses are not required for operational purposes;
- Interest on the investments of the asset financing reserve appropriated in terms of the Banking and Investment Policy
- Further amounts appropriated as contributions in each annual or adjustments budget; and
- Net gains on the sale for fixed assets in terms of the Fixed Asset Management Policy.
- Withdrawals from non-distributable reserves to off-set depreciation payable on certain fixed assets (see below).

2.7 Any unappropriate surplus from previous financial years, 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 (provided it is cash backed) to the Municipality's asset financing reserve.

2.8 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 adjustment budget for the ensuing financial year, and shall not be offset against any un-appropriated surplus carried forward from the preceding financial years.

2.9 The municipality shall establish and maintain a provision for bad debts in accordance with its Rates and Tariffs Policy, and shall budget appropriately for the contribution to such provision in each annual and adjustments budget. (Such contribution shall not be less than the actual contribution made on the previous financial year.

- 2.10 The municipality shall establish and maintain a provision for leave pay 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.
- 2.11 The municipality shall establish and maintain a provision for bad debts in accordance with its rates and tariffs policy, and shall budget appropriately for contributions to such provision in each annual and adjustments budget.
- 2.12 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.
- 2.13 All expenses, including depreciation expenses, shall be cash-funded. The cash received in respect of depreciation expenses on fixed assets financed from the external finance fund shall be transferred to such fund.
- 2.14 Withdrawals from non-distributable reserves to offset the impact of depreciation expenses payable on fixed assets financed from the asset financing fund and from external capital allocations shall be re-appropriated to the asset financing fund.
- 2.15 Finance charges payable by the municipality shall be apportioned between votes on the basis of the proportion at the last balance sheet date of the carrying value of the fixed assets belonging to such vote to the aggregate carrying value of all fixed assets in the municipality.
- 2.16 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.

- 2.17 The allocation of interest earned on the municipality's investments shall be budgeted for in terms of the banking and investment policy.
- 2.18 The municipality shall adequately provide in each annual and adjustments budget for the maintenance of its fixed assets in accordance with its fixed assets management policy. At least 5% of the operating budget component of each annual and adjustments budget shall be set aside for such maintenance.
- 2.19 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.
- 2.20 When considering the draft annual or adjustments 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 less than the relevant increase in the consumer price index.

3. THE RESPONSIBILITIES OF THE CHIEF FINANCIAL OFFICER

3.1 Without derogating in any way from 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 (including the alignment of such projections with the cash management programme prepared in terms of the banking and investments policy), and shall be accountable to the Municipal Manager in regard to the performance of these functions. The Municipal Manager shall ensure that all heads of departments provide the inputs required by the Chief Financial Officer into these budget processes.

3.2 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 not be later than mid-February, and target dates for the submission of all the budget-related documentation to the Mayor, Finance Committee, Executive Committee and Council.

3.3 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, Finance Committee and Executive Committee, and all other prescribed parties.

- 3.4 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.
- 3.5 The Chief Financial Officer shall ensure that the annual and adjustments budgets comply with the requirements of the National Treasury, reflect the budget priorities determined by the Mayor, are aligned with the IDP, and comply with all budget-related policies, and shall make recommendations to the Mayor on the revision of the IDP and the budget related policies where these are indicated.
- 3.6 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.
- 3.7 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 (see the Rates and Tariffs Policy).
- 3.8 The Chief Financial Officer shall ensure that the cost of indigency relief is separately reflected in the appropriate votes.
- 3.9 The Chief Financial Officer shall ensure that the allocations from other organs of state are properly reflected in the annual and adjustments budget.
- 3.10 The Chief Financial Officer shall ensure, if the municipality is a district municipality, that all allocations to be made to local municipalities are timeously communicated to the municipalities concerned.

4. MUNICIPAL FINANCE MANAGEMENT ACT, 2003 (Act No. 56 of 2003) REQUIREMENTS FOR MUNICIPAL BUDGETS

4.1 Section 15: Appropriation of Funds for Expenditure

4.1.1 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.

4.2 Section 16: Annual Budgets

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

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

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

4.3 Section 17: Contents of Annual Budgets and Supporting Documents

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

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

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

4.3.4 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.

4.3.5 The budget must be accompanied by all the following documents:

- (a) Draft resolutions approving the budget and levying property rates, other taxes and tariffs for the financial year concerned;
- (b) Draft resolutions (where applicable) amending the IDP and the budget related policies;
- (c) Measurable performance objectives for each budget vote, taking into account the Council's IDP;
- (d) The projected cash flows for the financial year by revenue sources and expenditure votes;
- (e) Any proposed amendments to the IDP;
- (f) Any proposed amendments to the budget-related policies;
- (g) the cost to the Council of the salaries, allowances and other benefits of its political office bearers and other councilors, the Municipal Manager, 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 organizations such as NGOs, welfare institutions and so on;
- (i) Particulars of the Council's investments; and
- (j) Various information in regard to municipal entities under the shared or sole control of the Council.

4.4 Section 18: Funding of Expenditures

4.4.1 The budget may be financed only from:

- (a) Realistically expected revenues, based on current and previous collection levels;
- (b) cash-backed funds available from previous surpluses where such funds are not required for other purposes; and
- (c) Borrowed funds in respect of the capital budget only.

4.5 Section 19: Capital Projects

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

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

4.5.3 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.

4.5.4 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.

4.6 Section 20: Matters to be prescribed

4.6.1 The Minister of Finance must prescribe the form of the annual budget, and may further prescribe a variety of other matters, including the inflation projections which the Municipality must use in compiling its budget

4.6.2 The Minister may also prescribe uniform norms and standards in regard to the setting of tariffs where a municipality entity or other external mechanisms are 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.

4.7 Section 21: Budget Preparation Process

4.7.1 The Mayor of the Municipality must:

- (a) 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;
- (b) 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;
- (c) 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, and the annual Division of Revenue Act;
- (d) Take all reasonable steps to ensure that the Municipality revises its IDP in line with realistic revenue and expenditure projections for future years;
- (e) Consult the district municipality (if it is a local municipality) and all other local municipalities in the district;

- (f) Consult the National Treasury when requested, the Provincial Treasury, and such other provincial and national organs of state as may be prescribed;
- (g) 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.

4.8 Section 22: Publication of Annual Budgets

- 4.8.1 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.
- 4.8.2 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.

4.9 Section 23: Consultations on Tabled Budgets

- 4.9.1 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.
- 4.9.2 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.

4.9.3 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.

4.10 Section 24: Approval of Annual Budget

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

4.10.2 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.

4.11 Section 25: Failure to Approve Budget Before the Start of the Budget Year

4.11.1 If a municipal council fails to approve an annual budget, including revenue raising measures necessary to give effect to the 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.

4.11.2 This process must be repeated until a budget, including revenue-raising measures necessary to give effect to the budget, is approved.

4.11.3 If a municipality has not approved an annual budget, including revenue-raising measures necessary to give effect to the budget, by the first day of the budget year the Mayor must immediately request intervention by the Provincial MEC for local government.

4.12 Section 26: Consequences of Failure to Approve Budget before the Start of the Budget Year

4.12.1 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.

4.12.2 The Section also imposes restrictions on what may be spent in terms of such temporary budget.

4.13 Section 27: Duties of the Mayor in the Event He Becomes Aware of Non-compliance with Budgeting Requirements.

4.13.1 This Section sets out the duties of the Mayor to report any impending non-compliance and the general consequences of non-compliance with the requirements of the various foregoing prescriptions:

- (a) 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.
- (b) If the impending non-compliance pertains to a time provision, except section 16(1), 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). An MEC for Finance must in exercising the powers contained in this subsection 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.

- (c) The Mayor of a municipality must, upon becoming aware of any actual non-compliance by the Municipality of a provision of this Chapter inform the Council, the MEC for Finance and the National Treasury, in writing of such non-compliance; and any remedial or corrective measures the Municipality intends to implement..
- (d) Non-compliance by a municipality with a provision of this Chapter relating to the budget process or a provision in any legislation relating to the approval of a budget-related policy, does not affect the validity of an annual or adjustments budget.
- (e) The Provincial Executive may intervene in terms of the appropriate provision of section 139 of the Constitution, 1996, if a municipality cannot or does not comply with the provision of this Chapter, including a provision relating to process.

4.14 Section 28: Municipal Adjustments Budgets

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

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

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

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

4.14.5 A municipality may authorize the utilization of projected savings on any vote towards spending under another vote.

4.14.6 Municipalities may also authorize 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.

4.14.7 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.

4.14.8 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.

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

4.15 Section 29: Unforeseen and Unavoidable Expenditure

4.15.1 With regard to unforeseen and unavoidable expenses, the following apply:

- (a) The Mayor may authorize such expenses in an emergency or other exceptional circumstance;

- (b) The Municipality may not exceed a prescribed percentage of the approved annual budget in respect of such unforeseen and unavoidable expenses;
- (c) These expenses must be reported by the Mayor to the next Council meeting;
- (d) The expenses must be appropriated in an adjustments budget; and
- (e) The adjustments budget must be passed within sixty days after the expenses were incurred.

4.16 Section 30: Unspent Funds

4.16.1 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, but except for the expenses referred to above in Section 16.

4.17 Section 31: Shifting of Funds between Multi-year Appropriations

4.17.1 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:

- (a) The increase is not more than 20% of that financial year's allocation;
- (b) The increase is funded in the next financial year's appropriations;
- (c) 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;
- (d) The Mayor gives prior written approval for such increased appropriation; and
- (e) All the above documentation is provided to the Auditor-General.

4.18 Section 32: Unauthorized, Irregular or Fruitless and Wasteful Expenditure

4.18.1 The Municipality may authorize previously unauthorized expenses in an adjustments budget thus approving such expenditure.

4.19 Section 33: Contracts Having Future Budgetary Implications

4.19.1 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:

- (a) 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 summarizing the Municipality's obligations, and inviting the local community and other interested parties to submit comments or make representations.
- (b) The Municipal Manager solicits the views and recommendations of the National Treasury and Provincial Treasury in respect of 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.
- (c) 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.
- (d) The Council adopts a resolution determining that the Municipality will secure a significant capital investment or derives a significant financial or economic benefit from the contract, and approves the entire contract exactly as it is to be executed.

4.19.2 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.

4.20 Section 42: Price Increases of Bulk Resources for Provision of Municipal Services

4.20.1 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:

- (a) The proposed increase must be submitted to the organ's executive authority and (where legislation so requires) to any regulatory agency for approval.
- (b) At least forty days prior to the above submission the National Treasury and organized local government must be invited to submit written comments on the proposed increase.
- (c) 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.

4.20.2 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.

4.21 Section 43: Applicability of Tax and Tariff Capping on Municipalities

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

4.22 Section 53: Budget Processes and Related Matters

4.22.1 The Mayor of the Municipality must:

- (a) Provide general political guidance over the annual budget process and the priorities that guide the preparation of each budget.
- (b) Co-ordinate the annual revision of the IDP, 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.

- (c) Take all reasonable steps to ensure that the Council 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 within twenty-eight days after the approval of the budget.
- (d) 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.

4.22.2 The mayor must promptly report to the Council and the MEC for Local Government any delay in tabling the annual budget, approving the Service Delivery and Budget Implementation Plan or signing the annual performance agreements.

4.22.3 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.

4.23 Section 68: Budget Preparation

3.23.1 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.

4.24 Section 69: Budget Implementation

4.24.1 The Municipal Manager is responsible for implementing 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.

3.24.2 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.

3.24.3 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.

4.25 Section 70: Impending Shortfalls, Overspending and Overdrafts

4.25.1 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.

4.26 Section 71: Monthly Budget Statements

4.26.1 The Municipal Manager 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.

4.26.2 This report must reflect the following:

- (a) Actual revenues per source, compared with budgeted revenues;
- (b) Actual expenses per vote, compared with budgeted expenses;
- (c) Actual capital expenditure per vote, compared with budgeted expenses;
- (d) Actual borrowings, compared with the borrowings envisaged to fund the capital budget;
- (e) The amount of allocations received, compared with the budgeted amount;
- (f) Actual expenses against allocations, but excluding expenses in respect of the equitable share;
- (g) Explanations of any material variances between the actual revenues and expenses as indicated above and the projected revenues by source and
- (h) Expenses by vote as set out in the Service Delivery and Budget Implementation Plan;
- (i) The remedial or corrective steps to be taken to ensure that the relevant projections remain within the approved or revised budget; and
- (j) 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.

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

4.27 Section 54: Budgetary Control and Early Identification of Financial Problems

4.27.1 On receipt of the report from the Municipal Manager, the Mayor must:

- (a) Consider the report;
- (b) Check whether the budget has been implemented in accordance with the Service Delivery and Budget Implementation Plan;
- (c) Issue appropriate instructions to the Municipal Manager 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;
- (d) Identify any financial problems facing the municipality, as well as any emerging or impending financial problems; and
- (e) 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.

4.27.2 If the Municipality faces any serious financial problems, the Mayor must:

- (a) Promptly respond to and initiate the remedial or corrective steps proposed by the Municipal Manager, and
- (b) Alert the MEC for Local Government and the Council of the Municipality to the problems concerned.

4.27.3 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.

4.28 Section 55: Report to Provincial Executive if Conditions for Provincial Intervention Exist

4.28.1 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 and may recommend a provincial intervention.

4.29 Section 72: Mid-year Budget and Performance Assessment

4.29.1 The Municipal Manager 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, and the past financial year's annual report and the progress made in resolving problems identified in such report.

4.29.2 The Municipal Manager must then submit a report on such assessment to the Mayor, the National Treasury and the Provincial Treasury.

4.29.3 The Municipal Manager 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.

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

4.30 Section 73: Reports on Failure to adopt or Implement Budget-related and other Policies

4.30.1 The Municipal Manager 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.

4.31 Section 75: Information to be placed on Websites of Municipalities

4.31.1 The Municipal Manager must place on the Municipality's official website (*inter alia*) the following:

- (a) The annual and adjustments budgets and all budget-related documents;
- (b) All budget-related policies;
- (c) The annual report;
- (d) All performance agreements;
- (e) All service delivery agreements;
- (f) All long-term borrowing contracts;
- (g) All quarterly reports submitted to the Council on the implementation of the budget and the financial state of affairs of the Municipality.

4.32 Section 80: Establishment (of Municipal Budget and Treasury Office)

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

4.33 Section 81: Role of Chief Financial Officer

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

- (a) Assist the Municipal Manager in preparing and implementing the budget;
- (b) Perform such budgeting, financial reporting and financial management and review duties as are delegated by the Municipal Manager;
- (c) Account to the Municipal Manager for the performance of all the foregoing responsibilities

4.34 Section 83: Competency Levels of Professional Financial Officials

4.34.1 The Municipal Manager, senior managers, the Chief Financial Officer and the other financial officials in a municipality must all meet prescribed financial management competency levels.

5. RESPONSIBILITIES IN PREPARING THE BUDGET

5.1 Whilst the Municipal Manager is accountable and responsible overall, the Chief Financial Officer and, if applicable, a Councilor responsible for financial matters, are responsible for compiling the Municipality's consolidated draft annual budget.

5.2 This matter also receives the attention of the Municipality's Finance Committee and ultimately the Council.

5.3 According to Section 81 of the MFMA the Chief Financial Officer is administratively in charge of the budget and treasury office and must, *inter alia*,

- (a) Assist the Municipal Manager in preparing and implementing the budget;
- (b) Perform such budgeting, financial reporting and financial management and review duties as are delegated by the Municipal Manager;

- (c) Account to the Municipal Manager for the performance of all the foregoing responsibilities.