

ANNEXURE F
BUDGET RELATED POLICIES



NEWCASTLE MUNICIPALITY

PETTY CASH POLICY

PETTY CASH POLICY

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PETTY CASH POLICY

1. PREAMBLE

- 1.1 Where the need may arise in a department of the municipality to have cash available for payments of a minor and non-recurring nature and it is impracticable to follow Supply Chain Management policies and procedures for every expense, such payments (excluding remuneration for services rendered) may be made by means of petty cash facilities.

2. POLICY OBJECTIVES

The objective is to provide guidelines on the usage and management of petty cash by Newcastle Municipality.

3. SCOPE OF POLICY

This policy applies to all Newcastle Municipal employees, whether full-time or part-time, or paid on a salaried or an hourly individual basis and to duly appointed cashiers.

4. APPLICABLE LEGISLATION

- 4.1 Municipalities must comply with the requirements of the Municipal Finance Management Act, Act 56 of 2003 (MFMA) and Newcastle Municipality has incorporated the applicable principles, objectives and prescripts in its policy on the management and control of petty cash.
- 4.2 The MFMA endeavours “to regulate financial management in the municipalities; to ensure that all revenue, expenditure, assets and liabilities of those governments are managed efficiently and effectively; to provide for the responsibilities of persons entrusted with financial management in those municipalities; and to provide for matters connected therewith.”
- 4.3 In particular, Section 78(1)(b) and (c) of the MFMA places the onus on each employee within the municipality to take responsibility for the effective, efficient, economical and transparent use of financial and other resources within that employee’s area of responsibility. In particular, the employee must take effective and appropriate steps to prevent, within that employee’s area of responsibility, any

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unauthorised, irregular, fruitless and wasteful expenditure and any under-collection of revenue due.

5. POLICY PRINCIPLES

5.1 Before approving expenditure or incurring a commitment to spend using petty cash, the delegated or authorised official must ensure compliance with any limitations or conditions attached to the delegation or authorisation. All transactions must be supported by authentic documents.

6. POLICY PROCEDURES

6.1 Approval of Petty Cash Float

6.1.1 The Strategic Executive Director: Budget and Treasury Office or delegated official shall be responsible for making application for petty cash facility or for increase of the operational amount of an existing petty cash float to the Accounting Officer for consideration and decision.

6.1.2 The application shall state sound and valid reasons for the need of petty cash float and the amount required for its operation, as well as the cost centre and vote number from which funds are to be applied for petty cash. The amount applied for must be sufficient to cover expenses for approximately one month.

6.1.3 The municipality shall keep petty cash not exceeding R5 000.00 which must be reviewed on annual basis.

6.1.4 The use of petty cash shall be limited to minor requirements for which a single transaction shall not exceed R500.00.

6.1.5 In cases where the municipality has an account with the supplier or can negotiate opening an account, the municipality should avoid at all cost to use petty cash but use the account in terms of the policies of the municipality, in particular Supply Chain Management policy which regulates acquisition and disposal of goods and services.

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6.2 Appointment of Petty Cash Officers

- 6.2.1 The Strategic Executive Director: Budget and Treasury Office must appoint in writing one of the Salaries Clerks as a petty cash custodian who shall be assigned the responsibility of managing and controlling petty cash. The custodian of petty cash must acknowledge appointment by appending his or her signature and date as an acceptance of the responsibilities and must abide by the contents of the this policy and MFMA.
- 6.2.2 The Strategic Executive Director: Budget and Treasury Office must appoint in writing one of the Accountants as a relief petty cash custodian who shall be assigned the responsibility of managing and controlling petty cash in the absence of the designated petty cash custodian. The Accountant must acknowledge appointment by appending his or her signature and date as an acceptance of the responsibilities and must abide by the contents of this policy and MFMA.
- 6.2.3 During absence of the designated petty cash custodian, the designated Accountant must assume the responsibilities as a relief petty cash custodian. The petty cash custodian and relief petty cash custodian must ensure that they are familiar with all relevant statutory requirements and institutional responsibilities attached thereto.
- 6.2.4 Should the Strategic Executive Directors wish to keep petty cash float within their departments, the Strategic Executive Director: Budget and Treasury Office must satisfy himself / herself whether there were proper and sound controls within that department and assess the reasons for request for petty cash float.
- 6.2.5 Where petty cash float has been approved by the Accounting Officer for departments or sub-offices and satellite offices, the responsibility for operating petty cash and safe keeping rest with the Strategic Executive Director of that particular department. Strategic Executive Directors must assign to the designated petty cash custodians who have financial acumen only and who have no previous conviction or suspicions relating to commercial crimes (e.g. theft, fraud, corruption, funds embezzlement, forgery, bribery, uttering, extortion etc).
- 6.2.6 Officials who have garnishee orders against their salaries must not be appointed as petty cash custodians.

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6.3 Custody & Safe Keeping of Petty Cash

- 6.3.1 The petty cash custodians are responsible for controlling of petty cash float, together with supporting documentation. Specifically the custodian is responsible for the following:
- 6.3.1.1 Petty cash float (including original receipts and vouchers) must be kept secured in a locked cash box.
 - 6.3.1.2 The office and the safe where petty cash float is kept shall at all times be kept locked and the key to the safe where cash float is kept shall be kept by the petty cash custodian.
 - 6.3.1.3 The petty cash custodian must sign for the key and must be always kept in a safe place.
 - 6.3.1.4 Only petty cash custodian must have access to and disburse petty cash. Handling of petty cash must only take place in secure locations.
 - 6.3.1.5 The petty cash custodians must ensure that petty cash is only disbursed to authorised officials when an original requisition signed by a duly delegated official has been produced.
 - 6.3.1.6 The petty cash custodian must not process requisitions that is not authorised by the Strategic Executive Director or delegated official.
 - 6.3.1.7 The petty cash custodian must not process requisition that has not been checked, signed and dated by the Accountant who is the supervisor of the custodian.
 - 6.3.1.8 The petty cash custodians must not put her personal monies or of any other officials in the box and the safe where petty cash is kept.
- 6.3.2 If petty cash float is lost, the Petty Cash Officer responsible for that petty cash shall be held liable.

6.4 Application for Petty Cash

- 6.4.1 The department that requires petty cash has to complete a requisition which must be authorized and signed by the Strategic Executive Director. The requisition must be submitted to the Accountant.
- 6.1.2 In cases where minor expenditure was incurred by officials during official trips e.g. parking and toll fees. Such expenditure may be claimed from petty cash but a requisition must still be completed.

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6.5 Issuing of Petty Cash

- 6.5.1 On receipt of requisition the Accountant must check the requisition and be satisfied that it correct in every respect and authentic, sign and date the requisition as evidenced that he/she has checked it. Once checked and signed the Accountant must submit the requisition to petty custodian.
- 6.5.2 The petty cash custodian completes a petty cash voucher using information on the requisition and hand over cash to the official that submitted the requisition.
- 6.5.3 The official receiving such cash must acknowledge receipt by appending his or her signature and date on the petty cash voucher. The requisition is then attached to the petty cash voucher by the petty cash custodian.
- 6.5.4 The official who received petty cash must submit original receipts to the petty cash custodian before the close of business on the date on which petty cash was received.
- 6.5.5 The municipal official receiving petty cash is entirely accountable for the amount.
- 6.5.6 If the official who received petty cash fails to submit the original receipts before the close of business, the petty cash custodian must follow-up the next morning. If no original receipts are submitted on the following day by close of business, the matter must be reported to the Accountant who shall refer the matter to the Manager.

6.6 Recording of Petty Cash

- 6.6.1 The petty cash custodian records the date of petty cash voucher, requisition number, petty cash voucher number, description of what petty cash is required for and the amount on the petty cash register. The petty cash register must be numbered throughout consecutively for control purposes.
- 6.6.2 The expenditure in respect of the petty cash requested will be debited against the vote of the department that requested cash.
- 6.6.3 All entries on the requisition, petty cash voucher, expenditure voucher and petty cash register must be recorded in ink and no correcting fluid or tip-ex must be used.

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6.6.4 The petty cash register must be balanced at the end of each month by the petty cash custodian or relief petty cash custodian. All petty cash vouchers and requisitions must be reconciled to the petty cash register at the end of each month.

6.6.5 The petty cash custodian must sign and date the petty cash register as evidence that it was done by him or her.

6.6.6 After the balancing of the petty cash register it must be reviewed by the Accountant. The Accountant must append his or her signature and date on the petty cash register as evidence of review.

6.7 Reimbursements

6.7.1 The petty cash custodian completes the "expenditure voucher" and attaches all requisitions and petty cash vouchers to the expenditure voucher. The expenditure voucher must be signed by the petty cash custodian, Accountant as a checking official and Manager as authorizing official.

6.7.2 Once the expenditure voucher has been processed the cash cheque is presented at the bank in exchange for cash to replenish petty cash.

6.7.3 Petty cash shall be reimbursed on a monthly basis.

7. GENERAL CONTROL MEASURES

7.1 When the petty cash custodian is on leave a proper handing over certificate should be completed with the relief petty cash custodian. The handing over should be done after reconciliation and balancing petty cash. This process should be done under the supervision of the Manager: Expenditure and Financial Accounting. The handing over certificate should be signed by the official handing over and the official taking over petty cash as well as the Manager: Expenditure and Financial Accounting who witnessed the handing over process.

7.2 When the petty cash custodian is on sick leave or any unplanned leave due to circumstances that are beyond control of the official and a proper handing over

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cannot be done a key to the safe and cash box must be collected by the Accountant and the Senior Accountant: Payroll if petty cash is urgently required.

- 7.3 The Director: Budget and Financial Reforms must investigate the reasons for non-compliance with this policy and make recommendations. This recommendation will be based on the written explanation submitted by the official who received petty cash.
- 7.4 Should the matter remain unresolved by the attempts by the manager, the manager must refer the matter to the Director and at this level the Strategic Executive Director whose official received petty cash must be involved and be asked to take the necessary disciplinary measures in terms of the code of conduct of the municipality.
- 7.5 Should the Strategic Executive Director whose official received petty cash fail to resolve the matter within that month on which petty cash was received the following must take place:
- 7.5.1 The Strategic Executive Director or delegated official who authorised the requisition shall be held responsible for reimbursement of petty cash should proof of purchase in the form of receipt not be submitted before the close of the same day on which petty cash was handed over or within 24 hours from the date of receipt of petty cash.
- 7.5.2 Should the Strategic Executive Director or delegated official fail to comply with paragraph 7.5.1 above the full amount of petty cash shall be deducted from his/her salary without any further notice.
- 7.6 The Manager: Budget and Financial Accounting must conduct surprise review of petty cash on hand against the petty cash register and petty cash vouchers and requisitions on quarterly basis.
- 7.7 Internal auditors and Auditor-General staff are entitled to conduct any surprise petty cash audit at any time and must not be prevented from doing so.

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8. IMPLEMENTATION AND REVIEW OF THIS POLICY

- 8.1 The Accounting Officer shall be responsible for the implementation and administration of this policy with the assistance of the Strategic Executive Director: Budget and Treasury Office once approved by Council.
- 8.2 In terms of section 17(1) (e) of the Municipal Finance Management Act, 2003 this policy shall be reviewed on annual basis and the reviewed policy tabled to Council for approval as part of the budget process.



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VIREMENT POLICY

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VIREMENT POLICY

1. Definitions

1. **“Accounting Officer”** The municipal manager of a municipality is the accounting officer of the municipality in terms of section 60 of the MFMA.
2. **“Approved budget”** means an annual budget approved by a municipal council.
3. **“Budget-related policy”** means a policy of a municipality affecting or affected by the annual budget of the municipality
4. **“Chief Financial Officer”** means a person designated in terms of the MFMA who performs such budgeting, and other duties as may in terms of section 79 of the MFMA be delegated by the accounting officer to the Chief Financial Officer.
5. **“Capital Budget”** This is the estimated amount for capital items in a given fiscal period. Capital items are fixed assets such as facilities and equipment, the cost of which is normally written off over a number of fiscal periods.
6. **“Council”** means the council of a municipality referred to in section 18 of the Municipal Structures Act.
7. **“Financial year”** means a 12-month year ending on 30 June.
8. **“Line Item”** an appropriation that is itemised on a separate line in a budget adopted with the idea of greater control over expenditures.
9. **“Operating Budget”** The Municipality’s financial plan, which outlines proposed expenditures for the coming financial year and estimates the revenues used to finance them.
10. **“Ring Fenced”** an exclusive combination of line items grouped for specific purposes for instance salaries and wages.
11. **“Service delivery and budget implementation plan”** means a detailed plan approved by the mayor of a municipality in terms of section 53(1)(c)(ii) for implementing the municipality’s delivery of municipal services and its annual budget.
12. **“Virement”** is the process of transferring an approved budget allocation from one operating line item or capital project to another, with the approval of the relevant Strategic Executive Director. To enable budget managers to amend budgets in the light of experience or to reflect anticipated changes.
13. **“Vote”** means one of the small segments into which a budget of a municipality is divided for the appropriation of funds for the different items of revenue and expenditure for all departments in the municipality.

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14. **“Project Segment”**
15. **“Function Segment”** Linking operational and capital expenditure to a specific mandate
16. **“Funding Segment”** Linking operational and capital expenditure to the sources of funding used to incur the expenditure
17. **“Regional Segment”** Linking operational and capital expenditure to the geographical region impacted by the expenditure
18. **“Costing Segment”**
19. **“Item Expenditure Segment”** Linking operational and capital expenditure to the type and nature of expenditure incurred
20. **“Item Revenue Segment”** Linking operational item to the type of revenue source
21. **“Municipal Standard Classification”** Linking operational and capital expenditure to the organizational unit

2. **Abbreviations**

1. **C.F.O.** – Chief Financial Officer
2. **IDP** – Integrated Development Plan
3. **MFMA** – Municipal Finance Management Act No. 56 of 2003
4. **SDBIP** – Service Delivery and Budget Implementation Plan
5. **CM** – Council Minute/s

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3. Objective

To allow limited flexibility in the use of budgeted funds to enable management to act on occasions such as disasters, unforeseen expenditure or savings, etc. as they arise to accelerate service delivery in a financially responsible manner.

4. Virement Clarification

Virement is the process of transferring budgeted funds from one line item number to another, or from one function to another with the approval of the relevant Strategic Executive Director, Director, Manager or any employee delegated to enable budget managers to amend on approved budgets in terms of (Section 28 (2) (c) (d) of the MFMA). The bottom line of the original approved budget should remain unchanged.

Virement should accommodate all 7 segments that is: project, item, function, funding, region, costing and GFS. When applying for a virement, one must consider the implication of possible mSCOA segment changes due to the virement

5. Financial Responsibilities

Strict budgetary control must be maintained throughout the financial year in order that potential overspends and / or income under-recovery within individual vote departments are identified at the earliest possible opportunity. (Section 54 MFMA)

The Chief Financial Officer has a statutory duty to ensure that adequate policies and procedures are in place to ensure an effective system of financial control. The budget virement process is one of these controls. (Section 27(4) MFMA)

It is the responsibility of each Strategic Executive Director to which funds are allocated, to plan and conduct assigned operations so as not to expend more funds than budgeted. In addition, they have the responsibility to identify and report any irregular or fruitless and wasteful expenditure in terms of the MFMA sections 78.

6. Virement Restrictions

- a) No funds may be transferred between functions without the approval of both heads of departments and the Chief Financial Officer, unless through an adjustment budget as per S28 of the MFMA.
- b) Virements may not exceed a maximum of 20% of the total approved operating expenditure budget, with the exception of line items where virement is implemented for MSCOA compliance.

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- c) A virement may not create new policy, significantly vary the current policy, or alter the approved outcomes / outputs as approved in the IDP for the current or subsequent years. (section 19 and 21 MFMA)
- d) Virements resulting in adjustments to the approved SDBIP need to be submitted with an adjustments budget to the Council with altered outputs and measurements for approval. (MFMA Circular 13 page 3 paragraph 3)
- e) No virement may commit the municipality to increase recurrent expenditure, which commits the Council's resources in the following financial year, without the prior approval of the Council. This refers to expenditures such as entering into agreements into lease or rental agreements such as vehicles, photo copier's or fax machines.
- f) No virement may be made where it would result in over expenditure in the vote and in each line item. (section 32 MFMA)
- g) If the virement relates to an increase in the work force establishment, then the Council's existing recruitment policies and procedures will apply.
- h) Virements in respect of ring-fenced allocations must be made within ring fenced items. These include finance charges, debt impairment, depreciation and employee related costs.
- i) Virements for employee related cost may only be allowed for month end procedures and must be within the employee related costs category.
- j) Virements on fleet budget may only be done within the vote and fleet budget.
- k) Virements should not result in adding 'new' projects to the Capital Budget. Any new projects may only added in compliance with S28 of MFMA or the Budget Policy of the municipality.
- l) Virements are permitted after three months of the start of the financial year. However virements to correct budget to be MSCOA compliant are permitted at any time of the financial year.
- m) Virement amounts may not be rolled over to subsequent years, or create expectations on following budgets. (Section 30 MFMA)
- n) Virements should not be permitted in relation to the revenue side of the budget.
- o) Virements from capital budget to operational should not be permitted as per circular 51 of the MFMA; this may only be permitted via adjustment budget.
- p) Virements from an amount of R200 000 on both operational and capital budget may only be actioned after approval by the Executive Committee of Council.

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- q) Virements are not allowed between sources of funding especially if such sources refer to conditional grant funding or funding received for a specific purpose. Approval of virements between funding sources will be subject to the authorization of the Chief Financial Officer, accompanied by a motivation.
- p) Virement is not allowed if such virement will result to a *m*SCOA segment change, by adding a new project, changing the region or funding source;
- r) Virement is not permitted if such virement will result to a change of project or function;
- s) Virement is not permitted if such virement will result to a change to a funding source;
- t) Virement is permitted on the item segment where such a change is taking place on within the operational or capital budget, provided the project remains the same;
- u) Virement is permitted only where savings are available within the same projects of similar function, provided that such projects are funded within the same revenue source;

7. Virement Procedure

- a) A request for a virement must be in a virement template which must be signed by any official delegated in terms of municipal delegations policy or must be in a form of item to EXCO or to council or any adjustments in terms of S28 of the MFMA. Department should take the item to budget office for confirmation of funds prior to submission to EXCO/Council
- b) Once approved, virement must only be captured on the financial system by junior budget official, and approved by the senior official. All virements must be accompanied by proper supporting evidence;
- c) If the virement is between two different departments or functions both Executive Strategic Directors must sign where funds are moved and where funds are transferred endorsed by the Chief financial officer, otherwise if funds are moved within same functions any senior official may sign and this may be endorsed by a director budget or budget manager.
- d) Any virement with the outcome to correct budget to be MSCOA compliant may be initiated by any senior official to the director budget or manager budget by means of internal emails, otherwise this will be corrected by budget office from time to time.
- e) All virement requests, inclusive of relevant documentation, must be forwarded to the budget office.
- f) Virements relating to employee related costs for the purposes of month-end procedures shall be approved by the Director: Budget and Financial Reports which each vote by means of internal email.

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- g) Virements relating to fleet budget for the purpose of month-end and other urgent operational requirement shall be authorized by the Director: Budget and Financial Reporting.
- h) Budget transfers, to and from a particular vote per year, in excess of R200 000.00 with a maximum as determined under section 6(p) requires the approval of the Executive Committee. Such a virements must be accompanied by a full report detailing the compelling reasons that lead to it.
- i) The Municipal Manager must report to the Mayor on a quarterly basis on those virements above R200 000 that have taken place during that quarter.
- j) Any budgetary amendment of which the net impact will be a change to the total approved annual budget allocation and any other amendments not covered in this policy are to be considered for budgetary adoption via an adjustments budget (per MFMA Section 28).

8. Implementation of the Policy

- (a) The Accounting Officer shall be responsible for the implementation and administration of this policy with the assistance of the Strategic Executive Director: Budget and Treasury Office.
- (b) The policy shall be reviewed on annual basis and updated if there are any changes brought about through an amendment of any legislation and/or policies by National Treasury or arrangement within the municipality.
- (c) This policy must be read together with the Budget and the Local Government Municipal Finance Management Act, Act 56 of 2003.



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FUNDING & RESERVES POLICY

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FUNDING & RESERVES POLICY

1. PREAMBLE

The funding and reserves policy is aimed at ensuring that the municipality has sufficient and cost-effective funding in order to achieve its objectives through the implementation of its operating and capital budgets.

This policy aims to set guidelines towards ensuring financial viability over both the short- and long-term which includes reserves requirements.

2. POLICY OBJECTIVES

2.1 The objectives of the policy are to:

2.1.1 Ensure that the Medium Term Expenditure Framework (annual budget) of the municipality is appropriately funded.

2.1.2 Ensure that cash resources and reserves are maintained at the required levels to avoid future year unfunded liabilities.

2.1.3 To achieve financial sustainability with acceptable levels of service delivery to the community.

3. SCOPE OF THE POLICY

This policy shall apply to the Council, Executive Committee, Finance Portfolio Committee, Budget Steering Committee, Accounting Officer, Strategic Executive Directors and all staff of the municipal council. It is, however, specifically applicable to the council and all officials who have a formal, administrative duty to prepare, manage and control the municipal's budget and expenditure.

4. APPLICABLE LEGISLATIVE

4.1 The legislative framework governing borrowings are:

4.1.1 Local Government Municipal Finance Management Act, Act 56 of 2003; and

4.1.2 Local Government Municipal Budget and Reporting Regulation, Regulation 393, published under Government Gazette 32141, 17 April 2009.

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5. FUNDING OF ANNUAL BUDGET

- 5.1 An annual budget may only be funded from:
- (a) cash backed accumulated funds from previous years surpluses and reserves not committed for any other purpose;
 - (b) borrowed funds but only for capital expenditure; and/or
 - (c) Grant funding.
- 5.2 Realistic anticipated revenue projections must take into account:
- (a) projected revenue for the current year based on collection levels to date.
 - (b) actual revenue collected in previous financial years.
- 5.3 Capital expenditure may only be incurred on a capital project only if:
- (a) the funding for the project has been appropriated in the capital budget.
 - (b) the total cost for the project has been approved by Council.
 - (c) the future budgetary implications and projected cost covering all financial year until the project is operational has been considered.
 - (d) the implications of the capital budget on municipal tax and tariff increases.
 - (e) the sources of funding are available and have not been committed for other purposes.

6. CASH MANAGEMENT

- 6.1 The availability of cash is one of the most important requirements for working capital management and must be closely monitored to ensure a minimum days cash on hand of forty five (45) days for its daily operations.
- 6.2 Changes in the municipal environment that may have an impact on the municipal cash flow position include:
- (a) changes in revenue levels as a result of consumption patterns (water restrictions, load shedding etc.);
 - (b) reduced growth as a result of economic conditions;
 - (c) increase in non-payment rate as a result of economic conditions;
 - (d) implementation of electricity industry pricing policy (inclining block tariffs).
 - (e) increased debt levels.

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- 6.3 Surplus cash not immediately required for operational purposes is invested in terms of the municipality's investment policy to maximize the return on investment.

7. DEBT MANAGEMENT

- 7.1 Debt is managed in terms of the municipal credit control and debt collection policy and the writing off of bad debts and impairments of debtors policy.

- 7.2 The provision for revenue that will not be collected are budgeted as an expense and is based on the projected annual non-payment rate for each service.

8. OPERATING BUDGET

- 8.1 The operating budget provides funding to departments for their medium term expenditure as planned. The municipality categorises services rendered to the community according to its revenue generating capabilities.

- (a) trading services – services that generate surpluses that can be used for cross subsidization to fund other services.
- (b) economic services – services that break even with no surpluses.
- (c) rates and general services – services that are funded by rates, surpluses generated by trading services, and/or other revenues generated such as fines, interest received, grants and subsidies etc.

- 8.2 The operating budget is funded from the following main sources of revenue:

- (a) property rates.
- (b) surpluses generated from service charges.
- (c) government grants and subsidies.
- (d) other revenue, fines, interest received etc.
- (e) cash backed accumulated surpluses from previous years not committed for any other purposes.

- 8.3 The following guiding principles apply when compiling the operating budget:

- (a) the annual budget must be balanced.
- (b) growth parameters must be realistic taking into account the current economic conditions.

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- (c) tariff adjustments must be realistic, taking into consideration the general inflation, affordability, bulk increases and the demand according to the approved Integrated Development Plan (IDP).
- (d) Revenue from government grants and subsidies must be in line with allocations gazette in the Division of Revenue Act and provincial gazettes.
- (e) Revenue from public contributions, donations or any other grants may only be included in the budget if there are acceptable documentation that guarantees the funds such as:
 - (i) signed service level agreement;
 - (ii) contract or written confirmation; or
 - (iii) any other legally binding document.
- (f) Property rates are levied according to the Municipal Property Rates Act, and property rates policy based on land and improvement values. The budget is compiled using the latest approved valuation and supplementary roll, consistent with current and past trends. Property rates tariffs and rebates are determined annually as part of the tariff setting process.
- (g) Property rates rebates, exemptions and reductions are budgeted either as revenue foregone or a grant as per directive in MFMA Budget Circular 51 depending on the conditions thereof.
- (h) Projected revenue from service charges must be realistic based on current and past trends with expected growth considering the current economic conditions. The following factors must be considered for each service:
 - (i) Metered services comprise of electricity and water:
 - the consumption trends for the previous financial years;
 - envisaged water restrictions or load shedding when applicable; and
 - actual revenue collected in previous financial years.
 - (ii) Refuse removal services:
 - the actual number of erven receiving the service per category; and
 - actual revenue collected in previous financial years.
 - (iii) Sewerage services:
 - the actual number of erven receiving the service and the consumption trends per category; and
 - actual revenue collected in previous financial years.

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- (i) Rebates, exemptions or reductions for service charges are budgeted either as revenue foregone or as a grant as per directive in MFMA Budget Circular 51 depending on the conditions thereof.
- (j) Other projected income is charged in terms of the approved sundry tariffs and fines considering the past trends and expected growth for each category.
- (k) Provision for revenue that will not be collected is made against the expenditure item bad debt and based on actual collection levels for the previous financial year and the projected annual non-payment rate.
- (l) Interest received from actual long-term and or short-term investments are based on the amount reasonably expected to be earned on cash amounts available during the year according to the expected interest rate trends. Transfers from the accumulated surplus to fund operating expenditure will only be allowed for specific once-off projects and with no recurring operating expenditure resulting thereof.
- (m) Transfers from the accumulated surplus to offset the increased depreciation charges as a result of the implementation of GRAP 17 will be phased out over a number of years.
- (n) A detailed salary budget is compiled on an annual basis. All funded positions are budgeted for in total and new and/or funded vacant positions are budgeted for six (6) months only of the total package considering the recruitment process. As a guiding principle the salary budget should not constitute more than 35% of annual operating expenditure.
- (o) Depreciation charges are fully budgeted for according to the asset register and to limit the impact of the implementation of GRAP 17 a transfer from the accumulated surplus is made. However the annual cash flow requirement for the repayment of borrowings must fully be taken into consideration with the setting of tariffs.
- (p) To ensure the health of municipal assets, sufficient provision must be made for the maintenance of existing and infrastructure assets based on affordable levels, resulting that maintenance budgets are normally lower than the recommended levels. Therefore the mere reduction of maintenance budgets to balance annual budgets must carefully be considered. As a guiding principle repair and maintenance should constitute between 5 and 8% of total operating expenditure and should annually be increased incrementally until the required targets are achieved.
- (q) Individual expenditure line items are to be revised each year when compiling the budget to ensure proper control over expenditure. Increases for these line

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items must be linked to the average inflation rate and macro-economic indicators unless a signed agreement or contract stipulates otherwise.

9. CAPITAL BUDGET

9.1 The capital budget provides funding for the municipality's capital programme based on the needs and objectives as identified by the community through the Integrated Development Plan and provides for the eradication of infrastructural backlogs, renewal and upgrading of existing infrastructure, new developments and enlargement of bulk infrastructure.

9.2 Provisions on the capital budget will be limited to availability of sources of funding and affordability. The main sources of funding for capital expenditure are:

- (a) accumulated cash backed internal reserves;
- (b) borrowings;
- (c) government grants and subsidies; and
- (d) public donations and contributions,

9.3 The following guiding principles applies when considering sources of funding for the capital budget:

- (a) Government grants and subsidies:
 - (i) only gazette allocations or transfers as reflected in the Division of Revenue act or allocations as per provincial gazettes may be used to fund projects;
 - (ii) the conditions of the specific grant must be taken into consideration when allocated to a specific project; and
 - (iii) government grants and subsidies allocated to specific capital projects are provided for on the relevant department's operating budget to the extent the conditions will be met during the financial year.
- (b) In the case of public contributions, donations and/or other grants, such capital projects may only be included in the annual budget if the funding is guaranteed by means of:
 - (i) signed service level agreement;
 - (ii) contract or written confirmation; and/or
 - (iii) any other legally binding document.

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- (c) Public donations, contributions and other grants are provided for on the relevant department's operating budget to the extent the conditions will be met during the financial year.
- (d) The borrowing requirements as contained in the borrowing policy are used as a basis to determine the affordability of external loans over the Medium Term Income and Expenditure Framework. The ratios to be considered to take up additional borrowings:
 - (i) long-term credit rating of BBB;
 - (ii) interest cost to total expenditure to not exceed 8%;
 - (iii) long-term debt to revenue (excluding grants) not to exceed 50%;
 - (iv) payment rate of above 95%;
 - (v) percentages of capital charges to operating expenditure less than 18%.
- (e) Allocations to capital projects from cash backed internal reserves will be based on the available funding for each ring-fenced reserve according to the conditions of each reserve as follows:
 - (i) infrastructure projects to service new developments and the revenue is received through the sale of erven must be allocated to the capital reserve for services ;
 - (ii) capital projects of a smaller nature such as office equipment, furniture, plant and equipment etc. must be allocated to the capital reserve from revenue which is funding from the revenue budget for that specific year. A general principle is that these types of capital expenditure should not exceed more than 1% of total operating expenditure;
 - (iii) capital projects to replace and/or upgrade existing assets will be allocated to the capital replacement reserve;
 - (iv) capital projects to upgrade bulk services will be allocated to the capital bulk contributions reserve for each service.

9.4 All capital projects have an effect on future operating budget therefore the following cost factors should be considered before approval:

- (a) additional personnel cost to staff new facilities once operational;
- (b) additional contracted services, that is, security, cleaning etc.
- (c) additional general expenditure, that is, services cost, stationery, telephones, material etc.
- (d) additional other capital requirements to the operate facility, that is, vehicles, plant and equipment, furniture and office equipment etc.
- (e) additional costs to maintain the assets;

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- (f) additional interest and redemption in the case of borrowings;
- (g) additional depreciation charges;
- (h) additional revenue generation. The impact of expenditure items must be offset by additional revenue generated to determine the real impact on tariffs.

10. RESERVES

10.1 All reserves are “ring fenced” as internal reserves within the accumulated surplus, except for provisions as allowed by the General Recognized Accounting Practices (GRAP).

10.2 The following ring fenced reserves exist:

(a) *Housing development reserves*

The reserve is used to fund housing expenses for housing units that previously belonged to the Department of Human Settlements. All rentals are deposited to this fund and only utilised on authorisation by the department. This reserve must be fully cash backed and be not utilised for any other purpose than authorised by the Department of Human Settlements.

(b) *Self-insurance reserve*

Self-insurance reserve exists to selected risks including fire, storm, workmen compensation, public liability and motor vehicles. The service is re-insured externally to cover major losses and excess amounts as approved by the municipal Insurer. This reserve must be fully cash backed to ensure availability of cash in the event of minor losses or excess amounts subsequent to claims approved by the municipal Insurer.

(c) *Capital replacement reserve*

Funding for capital budgets of future financial years are generated through a combination of methods. Once a municipality has reached its maximum gearing ability no further borrowings can be taken up. This necessitates that the municipality also invests in a capital replacement reserve, however, it must be cash backed.

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This reserve once fully established will enable the municipality to provide internal funding for its capital replacement and renewal programme.

In the past, the cash generated from depreciation was used for the redemption payments on borrowings only. The increased asset value as a result of GRAP 17 has resulted that the depreciation charges increased drastically which was not supported by cash.

To limit the tariff increases a non-cash contribution was made from the depreciation reserve to offset the depreciation charge. Depreciation is a method to generate future cash. Therefore it is anticipated to annually incrementally decrease the offset depreciation charge from the depreciation reserve with 2% until the depreciation is fully funded from cash through tariff setting.

Other contributions to the capital replacement reserve through the operating budget are:

- (i) interest received on investments;
- (ii) surface rentals from mines as identified from time to time; and

This reserve must be cash backed only when excess funds to do so are available within municipal reserves;

11. PROVISIONS

A provision is recognised when the municipality has a present obligation as a result of a past event and it is probable, more likely than not, that an outflow of resources embodying economic benefits or service potential will be required to settle the obligation and a reliable estimate can be made of the amount of the obligation.

Provisions are revised annually and those estimates to be settled within the next twelve (12) prior to the finalisation of annual financial statements. Only current portion of provision at each balance sheet date should be cash backed as follows:

- (a) *Leave provision*

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Liabilities for annual leave are recognised as they accrue to employees. An annual provision is made from the operating budget to the leave provision. Due to the fact that not all leave balances are redeemed for cash, only 30% of the leave provision is cash backed.

(b) Long services awards

Municipal employees are awarded leave days according to years in service at year end. Due to the fact that not all long service awards are redeemed for cash, provisions for long service awards should not necessarily be cash backed.

(c) Post employment medical care benefits

The municipality provides post retirement medical care benefits by subsidizing the medical aid contributions to retired employees and their legitimate spouses. The entitlement to post retirement medical benefits is based on employees remaining in service up to retirement age and the completion of a minimum service period. The expected cost of these benefits is accrued over a period of employment. The provision payable for at least one financial year must be cash backed to ensure the availability of cash for the payment of medical aid payments.

(d) Landfill rehabilitation provision

The landfill site rehabilitation provision is created for the current operational site at the future estimated time of closure. The value of the provision is based on the expected future cost to rehabilitate the landfill site. This provision will be treated as non-current liability in the municipal financial statements and will not be fully cash backed as the new landfill site will occur at a future date.

12. OTHER ITEMS TO BE CASH BACKED

(a) Donations, public contributions, unspent grant funding

Revenue received from conditional grants, donations and funding is recognised as revenue to the extent that the municipality has complied with any of the criteria, conditions or obligations embodied in the agreement. Unspent amounts in relation to donations, public contributions and unspent grant funding are therefore retained in

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cash and are not available to fund any other items on the operating or capital budget other than that for which it was intended for. All unspent conditional grants, donations and public contribution at the end of each reporting date must be fully cash backed.

(b) Consumer deposits

Consumer deposits are partial security for a future payment of an account. Deposits are considered a liability as the deposit is utilised on the account once the service is terminated. Therefore the funds are owed to consumers and can therefore not be utilised to fund the operating or capital budget. Due to the fact that it is not likely to redeem all of the consumer deposits at once, consumer deposits must not necessarily be cash backed.

13. IMPLEMENTATION AND REVIEW OF THIS POLICY

- 13.1 The Accounting Officer shall be responsible for the implementation and administration of this policy with the assistance of the Strategic Executive Director: Budget and Treasury Office once approved by Council.
- 13.2 In terms of section 17(1) (e) of the Municipal Finance Management Act, 2003 this policy shall be reviewed on annual basis to ensure that it complies with changes in applicable legislation, regulations and any other directive issued by National Treasury. and tabled to Council for approval as part of the budget process.
- 13.3 This policy must be read in-conjunction with the Budget and Borrowing Policies; Local Government Municipal Finance Management Act, Act 56 of 2003; and Local Government Municipal Budget and Reporting Regulation, Regulation 393, published under Government Gazette 32141, 17 April 2009.



NEWCASTLE MUNICIPALITY

BORROWING POLICY

BORROWING POLICY

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BORROWING POLICY

1. PREAMBLE

1.1 Considering the large demand for municipal infrastructure, borrowing is an important element to obtain additional funding sources to fund the municipal capital programme over the medium term.

1.2 Given that a large portion of municipal infrastructure has a long-term economic life and a general principle is that the current ratepayers should not pay for the usage of future ratepayers, there is a strong economic argument to finance this capital expenditure through long-term borrowing in order to accelerate the pace of delivery and to mirror the repayment of funds with the economic life of the asset.

2. DEFINITIONS

“Act” means the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003).

“current year” means the financial year which has already commenced but not yet ended;

“debt” means-

- (a) monetary liability or obligation created by a financing agreement, note, 55 debenture, bond or overdraft, or by the issuance of municipal debt instruments: or
- (b) a contingent liability such as that created by guaranteeing a monetary liability or obligation of another;

“disclosure statements” means a statement issued or to be issued by:

- a municipality which intends to incur debt by issuing municipal debt instruments; and
- a person who intends to incur debt by issuing securities backed by municipal debt.

“financing agreement” means any loan agreement, lease, instalment, purchase arrangement under which a municipality undertakes to repay a long-term debt over a period of time.

“lender” in relation to a municipality means a person who provides debt finance to the municipality.

“long term debt” means debt repayable by the municipality over a period exceeding one (1) year.

“municipal debt” means:

- (c) a monetary liability or obligation on a municipality by:
 - a financing agreement, note, debenture, bond or overdraft; and
 - the issuance of municipal debt instruments.

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- (d) a contingent liability such as that created by guaranteeing a monetary liability or obligation of another.

“**security**” means any mechanism intended to secure the interest of a lender or investor and includes any of the mechanisms mentioned.

“**short term debt**” means debt that is repayable over a period not exceeding one (1) year.

3. POLICY OBJECTIVES

The objectives of the policy are to:

- 3.1 enable the municipality to exercise its obligation to ensure sufficient cash resources to implement capital programme in the most cost effective manner;
- 3.2 ensure compliance with the relevant legal and statutory requirements relating to municipal borrowing;
- 3.3 govern the taking up of short-term and long-term debt according to the legislative framework;
- 3.4 manage interest rate and credit risk exposure;
- 3.5 maintain debt with specified limits and ensure adequate provision for the repayment of debt; and
- 3.6 maintain financial sustainability.

4. SCOPE OF THE POLICY

- 4.1 This policy shall apply to the Council, Executive Committee, all Portfolio Committees, Accounting Officer and Strategic Executive Directors. It is, however, specifically applicable to the council and all officials who have a formal, administrative duty to deal with capital projects and programmes of the municipality management of budget.

5. APPLICABLE LEGISLATION

- 5.1 In terms of the Municipal Finance Management Act, No. 56 of 2003, Chapter 6 on Debt, Section 45 (1) which deals with short-term debts states that a municipality may incur short-term debt only in accordance with and subject to the provisions of the act and only when necessary to bridge shortfalls and capital needs within a specific financial year.

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- 5.2 In terms of the Municipal Finance Management Act, No. 56 of 2003, Chapter 6 on Debt, Section 46 (1) which deals with long-term debts states that a municipality may incur short-term debt only in accordance with and subject any applicable provisions of the act, including Section 19 for the purposes of capital expenditure or re-financing existing long-term debt.
- 5.3 Local Government Municipal Regulations and Debt Disclosure, Regulation R492, published under Government Gazette 29966, 15 June 2007 further regulates compulsory disclosures when incurring municipal debt and securities backed by municipal debt.

6. BORROWING PRINCIPLES

- 6.1 The economic life of assets should always be equal to or longer than the tenure of the debt finance.

There are five main reasons why access to financial markets is considered important for local authorities. These may be summarised as follows:

- *Access to capital.* Local governments in SA are responsible for infrastructure that requires large, “lumpy” capital investments on a periodic basis. Given the extensive needs in SA, financing this investment on a “pay-as-you-go” or “taxation-in-advance” basis is usually neither possible nor efficient. Particularly where the need for capital greatly exceeds what is available on a grant basis from the central fiscus, access to capital markets can provide municipalities with the capital resources necessary to finance infrastructure investments efficiently.
- *Inter-temporal equity.* The benefits of the infrastructure investments that municipalities make often endure for extensive periods and accrue to future generations of taxpayers and consumers. It is equitable for such generations to bear some of the costs of these benefits. Financing investment over time with funds accessed from capital markets allows for this.
- *Efficiency.* Because capital markets allocate capital resources on a commercial basis, capital should be appropriated efficiently. Moreover, the opportunity costs of capital provide incentives to ensure efficient standards of delivery and discouraged “overbuilding” and wasteful investment.

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- *Accountability.* Markets tend to punish poor fiscal and management performance through pricing (pushing up interest rates or making capital increasingly scarce.) This can promote accountability and fiscal discipline at the local level. It may also provide other stakeholders (national government; the provinces; aid agencies and so on) with a convenient means to assess the relative performance of municipal governments.
- *Short-term matching of revenues and expenditures.* In the short term – for example within a given financial year – municipal revenues and expenditures are seldom completely congruent in time. Short-term borrowing allows municipalities to deal with this lack of synchronicity.
- International experience suggests that achieving these benefits depends on the method of access and the conditions under which this access occurs. In principle there are two main routes here: local governments can access capital markets through “on-lending” from central government, most often through a *Policy Framework for Municipal Borrowing and Financial Emergencies* 9 public intermediary (a financial parastatal), or they may access the markets directly.

In SA the DBSA, which is increasingly active in the municipal market, already represents one “indirect” access mechanism. As already recorded, the interface between this mechanism and the private market in respect of municipal debt is an important issue which will require further attention once the policy framework outlined below is established in legislation. The DBSA aside, there are three broad reasons that government wishes to facilitate direct access by municipalities to the capital markets:

- *Limitation of implicit or contingent liabilities.* It is important to protect central government from ultimately inheriting the debts of local government. When sub-sovereigns borrow through central government the debts of these bodies easily become the implicit or contingent liabilities of central government. Policy and legislation need to ensure that central government is not perceived as banker of last resort. This is necessary for prudent fiscal management at the national level and is fundamental to government’s ability to maintain its macro targets. It is also needed to ensure that municipalities face strong incentives to improve their own management and creditworthiness, knowing that it is unlikely that central support will be forthcoming to compensate for local mismanagement or policy errors.

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- *Systemic discipline.* International experience suggests that the indirect borrowing route can result in situations where credit allocation decisions become increasingly less commercial in character. Under such conditions, capital does not necessarily flow to the most productive uses, but to those players which are politically the most astute. In other words the efficiency and accountability outcomes mentioned above become diluted. Incentives for inefficient and wasteful decision-making can replace those which encourage the productive use of capital and tight financial management.
- *Expanding investment resources.* Subsovereign borrowing via the state can result in the “squeezing out” of private capital from the municipal sector, thereby narrowing the aggregate resource available for investment. Moreover, central control of borrowing can also create incentives for local governments to elude these restrictions through innovative off-budget schemes. Centralised borrowing, therefore, does not necessarily increase the ability of central government to control the liabilities of local government, but it may simultaneously diminish the overall financial resource base for investment in worthy projects.

In sum, direct access to capital markets offers the potential for a more transparent, market-based system to develop where there is a greater chance of achieving the benefits of accessing capital markets discussed above. However, it is also true that moral hazard problems – which arise from the assumption by capital markets that borrowing by local governments is ultimately backed by central government - may also develop where there is direct borrowing by sub sovereigns from private financial markets. Ultimately, such problems can never be eliminated completely. The basic objective of the detailed policy framework given below is to ensure that such risks are managed through an appropriate regulatory framework while allowing market discipline to guide the allocation of capital in order to maximise the potential benefits that this offers.

7. COMPULSORY DISCLOSURES WHEN INCURRING MUNICIPAL DEBT

- 7.1 When entering into discussions with a prospective lender with a view to incur municipal debt, the municipality must indicate in writing to the prospective lender whether it intends to incur short-term or long-term debt.
- 7.2 In the case of short-term debt it must be disclosed whether the debt is to bridge:

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- (a) shortfalls within a financial year during which the debt is incurred, in expectation or specific and realistic anticipated revenue to be received with that financial year; or
- (b) capital needs within a financial year, to be repaid from specific funds to be received from enforceable allocation or long-term debt commitments.

7.3 In the case of long-term debt, whether the purposes of the debt is for:

- (a) capital expenditure on property, plant or equipment to be used for the purpose of achieving the objectives of local government, subject to section 46(4) of the Act.
- (b) refinancing of existing long-term debt, subject to section 46(5) of the Act.

8. BORROWING PROCESS

The process as required by the Act is as follows:

8.1 Short-term debt

8.1.1 Newcastle Municipality may incur short-term debt only if:

- (a) a resolution of the municipal council, signed by the mayor, has approved the debt agreement; and
- (b) the accounting officer has signed the agreement or other document which creates or acknowledges the debt.

8.1.2 A short term debt transaction may be:

- (c) Approve by the municipality alone; or
- (d) approve an agreement with a lender for short-term credit facility to be accessed as and when required, including a line of credit or bank overdraft facility, provided that:
 - (i) the credit limit must be specified in the resolution of the council;
 - (ii) in terms of the agreement, including the credit limit, may be changed only by a resolution of the council; and
 - (iii) if the council approves a credit facility that is limited to emergency use, the accounting officer must notify the council in writing as soon as practical of the amount, duration and cost of any debt incurred in terms of such a credit facility, as well as options for repaying such debt.

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8.1.3 Newcastle Municipality:

- (a) must pay off short-term debt within the financial year; and
- (b) may not renew or refinance short-term debt, whether its own debt or that of any other entity, where such renewal or refinancing will have the effect of extending the short-term debt into a new financial year.

8.1.4 No lender may willfully extend credit to a municipality for the purpose of renewing or refinancing short-term debt that must be paid off in terms of subsection 6.3 (a).

8.1.5 If a lender willfully extends credit to a municipality in contravention of paragraph 6.4, the municipality is not bound to repay the loan or interest on the loan.

8.1.6 Subsection 6.1.5 does not apply if the lender:

- (a) relied in good faith on written representations of the municipality as to the purpose of the borrowing; and
- (b) did not know and had no reason to believe that the borrowing was for the purpose of renewing or refinancing short-term debt.

8.2 Long-term debt

8.2.1 Newcastle Municipality may incur long-term debt only if:

- (a) a resolution of the municipal council, signed by the mayor, has approved the debt agreement; and
- (b) the accounting officer has signed the agreement or other document which creates or acknowledges the debt.

8.2.2 Newcastle Municipality may incur long-term debt only if the accounting officer of the municipality:

- (a) has, in accordance with section 21A of the Municipal Systems Act:
 - (i) at least twenty one (21) days prior to the meeting the council at which approval for the debt is to be considered, made public an information statement setting out particulars of the proposed debt, including the amount of the proposed debt, the purposes for which the debt is to be incurred and particulars of any security to be provided; and
 - (i) invited the public, the National Treasury and the relevant provincial treasury to submit written comments or representations to the council in respect of the proposed debt; and

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- (b) has submitted a copy of the information statement to the municipal council at least twenty one (21) days prior to the meeting of the council, together with particulars of:
 - (i) the essential repayment terms, including the anticipated debt repayment schedule; and
 - (i) the anticipated total cost in connection with such debt over the repayment period.

8.2.3 Capital expenditure contemplated in 5.3(a) may include:

- (a) financing costs, including:
 - (ii) costs associated with security arrangements in accordance with section 48 of the Act;
 - (iii) discounts and fees in connection with the financing;
 - (iv) fees for legal, financial, advisory, trustee, credit rating and other services directly connected to the financing; and
 - (v) costs connected to the sale or placement of debt, and costs for printing and publication directly connected to the financing.
- (b) costs of professional services directly related to the capital expenditure; and
- (c) such other costs as may be prescribed.

8.2.4 A municipality may borrow money for the purpose of refinancing existing long-term debt, provided that:

- (a) the existing long-term debt was lawfully incurred;
- (b) the refinancing does not extend the term of the debt beyond the useful life of the property, plant or equipment for which the money was originally borrowed;
- (c) the net present value of projected future payments (including principal and interest payments) after refinancing is less than the net present value of projected future payments before refinancing; and
- (d) the discount rate used in projecting net present value referred to in paragraph (c), and any assumptions in connection with the calculations, must be reasonable and in accordance with criteria set out in a framework that may be prescribed.

8.2.5 A municipality's long-term debt must be consistent with its capital budget referred to in section 17(2) of the Act.

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9. CONDITIONS APPLYING TO BOTH SHORT-TERM AND LONG-TERM DEBT

9.1 Newcastle Municipality may incur debt only if:

- (a) the debt is denominated in rand and is not indexed to, or affected by fluctuations in the value of the rand against any foreign currency; and
- (b) section 48(3) of the Act has been complied with, if security is to be provided by the municipality.

10. SECURITIES

10.1 Newcastle Municipality may by resolution of its council provide security for:

- (a) any of its debt obligations; and
- (b) contractual obligations of the municipality undertaken in connection with capital expenditure by the persons on property, plant or equipment to be used by the municipality or such other person for the purpose of achieving the objectives of local government in terms of section 152 of the Constitution.

10.2 Appropriate security is contemplated in section 48(2) of the Act.

10.3 Other additional conditions to be complied with are contemplated in section 48(3) to (5) of the Act.

11. DISCLOSURE

11.1 Any person involved in the borrowing of money by a municipality must, when interacting with a prospective lender or when preparing documentation for consideration by a prospective investor:

- (a) disclose all information in that person's possession or within that person's knowledge that may be material to the decision of that prospective lender or investor; and
- (b) take reasonable care to ensure the accuracy of any information disclosed.

11.2 Lender or investor may rely on written representations of the municipality signed by the accounting officer, if the lender or investor did not know and had no reason to believe that those representations were false or misleading.

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12. GUARANTEES

12.1 Newcastle Municipality may not issue any guarantee for any commitment or debt of any organ of state or person, except on the following condition:

- (a) the guarantee must be within limits specified in the municipality's approved budget.

12.2 Neither the national nor a provincial government may guarantee the debt of a municipality except to the extent that chapter 8 of the Public Finance Management Act provides for such guarantees.

13. SUBMISSION OF DOCUMENTS

13.1 When entering into discussion with a prospective lender with a view to incur short-term or long-term debt, the following information must be made available to the prospective lender.

- (a) audited financial statements for the preceding three (3) financial years with audited outcomes;
- (b) approved annual budget;
- (c) the municipal integrated development plan;
- (d) repayment schedules pertaining to existing short-term or long-term debt.

14. NOTIFICATION TO NATIONAL TREASURY

All information prescribed in the act must be provided to National Treasury with respect to a long-term debt proposal. Any intention to incur a long term debt must also be reported to National and Provincial Treasury for the purpose of affordability assessment.

15. FINANCIAL AFFAIRS OF THE MUNICIPALITY

The following information concerning the financial situation and financial management of the municipality must be disclosed:

- (a) schedule of all long-term debt obligations stating principal and interest payments for the life of all loans and any security provided to secure such debt;
- (b) the amount of any short-term debt outstanding;

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- (c) the revenue of the municipality for the preceding three (3) financial years stated separately:
 - (i) government grants and public donations;
 - (ii) revenue from rates and service charges; and
 - (iii) other revenue sources
- (d) what source of funding will be used to repay the loan;
- (e) details of any default by the municipality on outstanding or repaid debt during the preceding three (3) years;
- (f) the reserves of the municipality;
- (g) a summary of financial policies and practices; and
- (h) the latest credit rating obtained.

16. INTEREST RATE RISK

16.1 As a general principle when interest rates are expected to decrease, it is advisable that a floating rate be negotiated in order to take advantage of the lower interest rates in future. If interest rates are expected to increase, it is advisable to obtain a fixed rate so that the benefits of the current low interest rate are maintained.

16.2 The interest risk must be limited in so far as possible. The policy directive is to negotiate fixed interest rates for all long-term borrowings. This will ensure stability of the repayments and reduce the risk for high rates and tariff increases as a result of interest rate hikes in the market.

16.3 Variable rates should be considered for short-term debt only.

17. LIMITATIONS

To ensure a financial viable municipality the following ratios are used to determine the municipal gearing ability to borrow:

- long-term credit rating of BBB;
- interest cost to total expenditure to not exceed 8%;
- long-term debt to revenue (excluding grants) not be exceed 50%;
- payment rate mature above 95%; and
- percentage of capital charges to operating expenditure less than 18%.

BORROWING POLICY

18. IMPLEMENTATION AND REVIEW OF THIS POLICY

- 18.1 The Accounting Officer shall be responsible for the implementation and administration of this policy with the assistance of the Strategic Executive Director for Financial Services Department once approved by Council. All future borrowings must be considered in accordance with this policy read with MFMA and Local Government Municipal Regulations and Debt Disclosure, Regulation R492, published under Government Gazette 29966, 15 June 2007 and other directives and guidelines issued by National Treasury.
- 18.2 In terms of section 17(1) (e) of the Municipal Finance Management Act, 2003 this policy shall be reviewed on annual basis to ensure that it complies with changes in applicable legislation and regulation and the reviewed policy tabled to Council for approval as part of the budget process .
- 18.3 This policy must be read together with the Budget and Funding and Reserves Policies; Local Government Municipal Finance Management Act, Act 56 of 2003; and Local Government Municipal Budget and Reporting Regulation, Regulation 393, published under Government Gazette 32141, 17 April 2009.



LOSS CONTROL POLICY

Newcastle Municipality

CHAPTER A

1. PREAMBLE

The Loss Control Policy provides a framework within which the Municipality will prevent, limit or reduce unnecessary losses. Section 78(1)(b-e) of the Municipal Finance Management Act places the responsibility on each official within their Department to take responsibility for the effective, efficient, economical and transparent use of financial and other resources within that official's area of responsibility. In particular, the official must take effective and appropriate steps to prevent, within that official's area of responsibility, any unauthorised, irregular, fruitless and wasteful expenditure and any under-collection of revenue due. The policy includes procedures for reporting losses to Management and the insurance claims. It also serves as a basis for the development of our loss control strategies and plans.

2. DEFINITIONS

For the purposes of this policy the following definitions apply:

2.1 **"Losses"** - any material loss or damages or prejudice to Council or a said person and, without derogating from or limiting the concept, also shortages, damages, fruitless or wasteful expenditure and compensations.

2.2 **"Claim"** - a lawsuit, action, interdict, arbitration, inquest or dispute and also includes an intended lawsuit, action, interdict, arbitration, inquest or dispute.

3. ESTABLISHMENT AND IMPLEMENTATION OF LOSS CONTROL POLICY

1. LEGISLATIVE FRAMEWORK

The Municipal Finance Management Act, 2003 states that,

- I. The accounting officer of a municipality is responsible for the management of
 - (a) The assets of the municipality, including the safeguarding and the maintenance of those assets; and
 - (b) The liabilities of the municipality.
- II. The accounting officer must for the purposes of subsection (I.) take all reasonable steps to ensure;
 - (a) That the municipality has and maintains a management, accounting and information system that accounts for the assets and liabilities of the municipality;
 - (b) That the municipality's assets and liabilities are valued in accordance with standards of generally recognised accounting practice; and
 - (c) That the municipality has and maintains a system of internal control of assets and liabilities, including an asset and liabilities register, as may be prescribed

Section 62 of the MFMA provides that,

The accounting officer of a municipality is responsible for managing the financial administration of the municipality, and must for this purpose take all reasonable steps to ensure—

- (a) That the resources of the municipality are used effectively, efficiently and economically;
- (b) That full and proper records of the financial affairs of the municipality are kept in accordance with any prescribed norms and standards;

- (c) That the municipality has and maintains effective, efficient and transparent systems—
 - (i) Of financial and risk management and internal control; and
 - (ii) Of internal audit operating in accordance with any prescribed norms and standards;
- (d) That unauthorised, irregular or fruitless and wasteful expenditure and other losses are prevented;
- (e) That disciplinary or, when appropriate, criminal proceedings are instituted against any official of the municipality who has allegedly committed an act of financial misconduct or an offence in terms of Chapter 15

The MFMA also provides for the other officials and senior managers as stated below, Each senior manager of a municipality and each official of a municipality exercising financial management responsibilities must take all reasonable steps within their respective areas of responsibility to ensure;

- (a) that the system of financial management and internal control established for the municipality is carried out diligently;
- (b) that the financial and other resources of the municipality are utilised effectively, efficiently, economically and transparently;
- (c) that any unauthorised, irregular or fruitless and wasteful expenditure and any other losses are prevented;
- (e) that the assets and liabilities of the municipality are managed effectively and that assets are safeguarded and maintained to the extent necessary;

4. OBJECTIVE OF THIS POLICY

1. All officials including management are held accountable for losses in their respective area of responsibility.
2. Assist officials to create a climate that is conducive to internal control, risk management and prevention of losses.
3. Contribute towards creating respect for the resources entrusted to the Municipality for use in the best way possible.
4. Encourage officials to perform their duties in a responsible manner and to avoid unlawful conduct that may result in unnecessary losses in general of claims for compensation being instituted against the Municipality in particular.
5. Uniform reporting procedure will not only ensure that the record of losses is kept more efficiently and effectively, but will also contribute to the promotion of greater efficiency in the management of losses and the establishment of an effective risk prevention strategy.

CHAPTER B

1. TYPES OF LOSSES, DAMAGES AND FRAUD

- a) Loss, theft and damage of immovable assets:
 - Municipal buildings through whether elements and/or a negligence of maintaining official buildings.
 - Infrastructural Assets.
- b) Loss, theft and damage of moveable assets:
 - Municipal vehicles through thefts, high-jacks, accidents and other damage costs
 - Fines (not speeding and parking) e.g. noisy un-roadworthy vehicles, storage charges for vehicles and penalties for late submission to Department of Transport.
 - Official's cell phones, iPads and laptops, through thefts and negligence.
 - Office furniture, computers, printers, faxes, photocopiers, air conditioners and other electronic equipment through thefts and other damage costs,
 - Minor equipment such as tools and maintenance equipment through thefts and other damage costs.
- c) Loss, theft and damage of inventory stores items:
 - Stationary, maintenance, electrical material, cleaning material through thefts and other damage costs.
- d) Loss, theft and damage of municipal monies and face value forms
 - Cash - theft and shortages on petty cash, rental and bidding revenue collected.
- e) Claims against the municipality through acts or omissions against said person (s).
 - Notices of intended civil action served on municipal officials or councillor
- f) Claims by the Municipality against other person (s)
 - Overpaid salaries-after death or termination.
 - Salaries paid for staff under suspension.
 - Irrecoverable- rates, rentals and electricity
 - Ex-Gratia payments
- g) Fraud cases with loss implications
 - Criminal/negligence
 - Stolen cheque cashed
 - Fraudulent credit transfers
 - Unauthorized orders
 - Ghosts in salary system
- h) Fruitless and wasteful expenditure
 - Late payment to a creditor for which interest is charge and for which we have been invoiced and obligated to pay.
 - Any payment to a service provider for which the full value was not received, e.g. paying for 2 officials booked for training when only 1 actually attended.
 - Wasteful Expenditure made in vain and would have been avoided had reasonable care been taken. E.g. paying for 10 chairs when 5 is actually necessary and needed.
 - Losses due to poor tender/bids allocation.
- i) Other losses
 - Poor management actions
 - Attempted fraud (no actual loss)
 - Municipality's all write-offs

2. PROCESS OWNERS

- a) On account of the organizational composition of the assets & control, an Assets Controller must be appointed in each directorate. The Assets Controller will also perform duties of the loss control officer so that loss control can be applied in a regulated and effective manner.
- b) The Assets Controller in each directorate (hereafter called the DAC); will be responsible for loss control in the relevant directorate and in all offices or institutions under the directorate.
- c) The Asset Accountant will then be the central loss control officer until the Central Loss Control Officer is appointed.

a. APPOINTMENT OF DEPARTMENTAL LOSS CONTROL OFFICER (DAC)

- i. The duties attached to loss control are delegated by the accounting officer to an Assets Controller in terms of delegation. These powers have been delegated to the Chief Financial Officer (CFO).
- ii. The HOD's can arrange that the DACs, when necessary, be appointed in writing to take over the duties in connection with loss control in that directorate and the offices and institutions under its management.
- iii. The letter of appointment or resolution of a DAC, including particulars regarding his or her office address and telephone number, is attached. A copy of the letter of appointment must be sent to the CFO. This also applies when appointed DACs are replaced.

b. RESPONSIBILITIES OF THE LOSS CONTROL OFFICER (DAC)

The duties attached to loss control officer include, amongst others the following:-

- a) Obtaining all details and statements regarding claims and losses and entering the same in loss register;
- b) Timely reporting of all claims and losses to the Head of the Directorate
- c) Following up and settling such cases;
- d) Liaise as far as possible with the office of Assets Management and Legal Office and;
- e) Compiling and maintaining the Loss Control Register
- f) Reporting to the Loss Control Committee (Assets Management Committee) quarterly on losses
- g) Recording proceeds from the insurance provider and/ or the official found liable as received by the Insurance clerk
- h) Conduct loss control awareness campaigns to departmental institutions.
- i) Inform the Asset Accountant regularly (quarterly) in writing (or email) of losses

c. RESPONSIBILITIES OF THE LOSS CONTROL COMMITTEE

- a) Must consider all reports submitted by the Loss Control Officer
- b) Evaluate reports and determine possible negligence
- c) Recommend to the Accounting Officer action that must be taken against officials implicated in negligent loss of assets
- d) Recommend to the Accounting Officer the writing off of assets on the asset register

d. RESPONSIBILITIES OF THE ASSET ACCOUNTANT

The Asset Accountant has the following additional duties:

- a) Co-coordinating the duties of DACs regarding loss control
- b) Following up with Municipal Insurance broker and settling of such cases
- c) Regular checking of losses registers and cases recorded therein
- d) Checking all cases for authorization by SCM Manager, the accounting officer or directors
- e) The reconciliation of written –off items with the respective lost items in the budgeting of expenditures in cases where book entries have been made for the accounting of the written-off items
- f) Reporting all cases to the office of Risk Management - Introducing preventative measures to avoid the recurrence of any losses

3. MANAGEMENT OF LOSSES

The Management of losses includes the following:-

- Losses to be reported within 24 hours after acknowledgement to the Loss Control Officer (Assets Controller).
- The Loss Control Officer will investigate to determine accountability.
- In an event where the Loss Control Officer (DAC) receives a report of an incident, he/she must consider all possible implications, including legal effect it might have on an individual and the Municipality.
- Recording such claims and/or losses in a loss register.
- Follow-up all claims and/losses.
- Ensuring that all registered loss cases are finalized within a prescribed period.
- To refer cases of negligence to Directorate Legal Support Services to investigate the matter.
- Report all cases to the Loss Control committee (Assets Management Committee) in writing, so that it can be investigated and reported to the Head of Municipality for inclusion in the Annual Municipality al Financial statements. By way of Municipality Directive instructions, e.g. to periodically draw the attention of all persons to the fact that all possible efforts are continually made to prevent claims arising against the Municipality.
- Losses or damages suffered by an institution because of an act committed or omitted by an official, must be recovered from such an official if that official is liable in law.
- The accounting officer must determine the amount of the loss or damage and, in writing, request that the official to pay the amount within 30 days or in reasonable instalments. If the official fails to comply with the request, the matter must be handed to the Manager Legal Services for the recovery of the loss or damage.
- If in doubt, the accounting officer of the institution must consult the Manager Legal Services on questions of law in the implementation of the above paragraphs

Step 1: Registration of damages and losses

- a) All departments must keep their own loss registers for all incidents they reported.
- b) When notified of the incident, the Head of the Department or Delegated official must register such case/loss within two 24 hours of receiving a report/notice of such case/loss to the Loss Control Officer.
- c) After notified of losses/damages/fruitless expenditure/claims, these are to be handled in accordance with Chapter 12 of the National Treasury Regulations.

Step 2: Gathering of information

- a) The Departments must submit a detailed report of the losses to the Loss Control Officer i.e.
 - I. Details of the time, place and how the incident of loss took place.
 - II. The case number, name and the contact numbers of the Police Officer who is in charge of the case
- b) The Loss Control Officer must seek legal advice as widely as possible; consult parties broadly as possible consult experts; advice widely; follow and note (in writing) events systematically as swiftly as possible and compile final reports for future reference containing the following:
 - Detailed description of incidents and;
 - Investigator's observations and recommendations
- c) The Loss Control Officer must lodge the insurance claim within a week of the occurrence of the incident with the appointed service provider on behalf of the Municipality, after gathering the relevant information of the incident.
- d) All incidents submitted to the Loss Control Officer should be submitted to the Assets Management Committee/ Loss Control Committee

Step 3: Collection of documents and evidence to determine liability

- a) The Loss Control Committee must determine cases where there is negligence on the part of the Municipal official
- b) Liability investigation is mainly to determine the circumstances under which a loss occurred and to determine whether any official could be held liable for such loss. This type of investigation is done completely apart from any criminal or misconduct investigator. It is self-evident that the investigator shall also communicate with the criminal and misconduct investigator for the purpose of obtaining information.
- c) There is nothing that prohibits that documents, which were used in a liability investigation, can also be used in a case of misconduct or neglect of duty for disciplinary steps.
- d) The Loss Control Officer shall acquaint himself/herself of specific instructions that might be applicable to the case, determine the official version of the occurrence by checking initial reports.
- e) Depending on the nature of the loss, it shall be ascertained who was responsible for Specific responsibilities or duties.
- f) The collection of job descriptions and the proof that a certain official/s was/were aware of his/her/their responsibility is of importance. Proof that a duty was performed or neglected, shall be obtained. If relevant copies of specific instructions should be made, it should be included in the investigation.
- g) If, for certain reasons, it is necessary to confiscate a certain register, the person giving the instruction (for investigation) should be consulted. Certified copies of a register of specific entry/entries are usually sufficient.
- h) If any problems were encountered with a reluctant witness or with the destruction or withholding of documentation or information, the investigator should not hesitate to make use of provisions of Disciplinary Regulations or appropriate provisions in the Public Service Act.
- i) Cases of arson and vandalism of Municipal properties or infrastructure assets within the areas covered by the private security service provider must be referred to the particular security service provider for cost recovery and insurance claim purposes

- j) Obtain certified copies of all the original documents and use only the copies relating to the investigation. Keep the original documents in a safe place. No inscription, deletions, changes or corrections should be made on original documents, as this would negatively influence its evidential value with a view to possible legal action. Evaluate data integrity of gathered information. Should any uncertainty exist regarding the date integrity exist of such information, steps must be taken in consultation with the stakeholders concerned in order to rectify the situation and to ensure the said data is accurate and reliable.

Step 4: Identify possible causes and trends

- a) If shortages/losses/theft/damages/ misuse of municipal property or municipal money, or fruitless expenditure, especially with regard to accommodation, or wasted, unauthorized or irregular expenses are involved, or the right of recovery of the state has become prescribed, which gave rise to a loss for the state, a liability investigation shall be taken by the Loss Control Officer with the purpose of impartiality and transparency.
- b) It should however be noted that a liability investigation is mainly conducted to determine the circumstances under which the loss occurred. The circumstances of the loss and facts that came to light during the investigation, can eventually lead to a decision whether an official can be held legally liable for a loss in terms of the applicable Treasury Regulation. If any neglect of duty or other circumstances may have negative implications for the AO of the institution, the investigator ought to complete his/her investigation.
- c) The Loss Control Officer shall display own initiative and shall be conversant with all the relevant instructions, which may be applicable to the loss in question.
- d) When a liability investigation is considered necessary, it is important that it be instituted immediately after the reporting of the loss, as evidence that might be of interest could be changed or simply disappear.

Step 5: Compilation of a report

- a) To compile a report regarding losses, which have to be referred to Loss Control Committee and Legal Services at Head Office, one must determine liability and comply with certain provisions of the PFMA.
- b) The report includes all gathered statements, documentary proof and recommendations.
- c) The loss report consists of the following Sections:

ABCD Sections

- The department/ section where the losses took place completes these sections as soon as possible after the incident.
- The information concerning the incident as requested in this section is self-explanatory.
- As soon as the forms are received by the DAC, the DAC must allocate a departmental losses register serial number to the case.
- After it has been completed and signed, the DAC sends the notification report to the Asset Accountant.

E Section

- The head of the relevant department/section must see to it that all the required declarations are attached. (Memorandum format)
The asset Accountant is responsible for the completion of this section and must see to it that a claim from the insurance is made and followed-up until paid, where necessary.

4. RECORD KEEPING

Records of loss, damage, forms, files, registers etc. should include the following minimum info:

- Gross value of the loss
- Amount recovered
- Approved amount written off
- Authority/reference for adjustment
- Report to Asset section for updates of assets register and inventory record.

5. RISK ASSURANCE

- a) In general the Municipality bears its own damages and accident risk and accepts responsibility for all claims and losses of Municipal property arising from Municipal activities by a person who is liable in law and who is or was employed by an Institution to which the loss control instructions applied or originated from or took place during the performance of Municipal activities.
- b) Treasury Regulation part 3, 3.2.1 is clear on the inclusion of such risks in a risk Management strategy and dovetailing to a fraud prevention strategy and the determination of the skills required of managers and staff to improve controls and to manage such risks.
- c) Officials causing unnecessary losses, or who abuse or exceed their powers or misuse State property and/or resources, or neglect their duties resulting in unnecessary losses for the Municipality, should also be prepared to face disciplinary steps initiated against them.

6. WRITE-OFF, DISPOSAL AND RECOVERY PROCESSES

a. WRITE-OFF

- a) Write-off means the withdrawal of an asset/item or an amount of money owned by the state in monetary value as prescribed by the PFMA and the Treasury Regulations. Write-off exercise is the end product of the Loss Control process.
- b) Debt recovery means the repossession of an asset/item/money owned by the state in monetary value as compensation for the state loss.
- c) An Accounting Officer may only write off debts owed to the state if he or she is satisfied that-
 - All reasonable steps have been taken to recover the debt and the debt is irrecoverable or, he or she is convinced that recovery of the debt would be uneconomical;
 - He or she is convinced that recovery of the debt would be uneconomical;
 - Recovery would cause undue hardship to the debtor or his/her dependants
- d) An Accounting Officer must ensure that all debts written off are done in accordance with the write off policy determined by the accounting officer.
- e) All debts written off must be disclosed in the Annual Financial Statements, indicating the policy in terms of which the debt was written off
- f) When it appears that the state has suffered losses or damages through criminal acts or possible criminal acts or omissions, the matter must be reported, in writing, to the accounting officer and the South African Police Service. If liability can be determined, the accounting officer must recover the value of the loss or damage from the person responsible.
- g) The accounting officer may write off losses or damages arising from criminal acts or omission if, after thorough investigation, it is found that the loss or damage is irrecoverable.

b. DISPOSAL

Disposal refers to SCM policy,

- The Municipality is from time to time faced with material, which is either damaged by Storm (nature) or through the negligence of an officer of officers or material or store, which had been bought but is not used anymore due to unforeseen circumstances.
- Disposal is the doing away of an asset/item owing to the redundancy or obsolescence Condition. It involves the transfer, sale as a scrap or condemning the asset/item.
- The income that accrues form Disposal process depends on the economic residual value of the item/asset and the demand.

c. RECOVERY

- Recovery and claims are implemented in terms of the current value of the loss and payment thereof in terms may accrue interests in terms of the Treasury Regulations.
- Recovery can made from the said person or the private party.
- Recovery implementation procedures may involve a series of legal action between the affected private person and the affected private party.

d. PROCESS OF RECOVERY

It may happen depending on the outcome of investigation that the relevant officer involved is approached to compensate for the loss/damaged, undertakes to pay the loss/damaged suffered by the municipality. Under such circumstances:-

- Should the person, personally offer to pay off the debt in a once-off payment, or to pay monthly instalments so that the total loss is redeemed within 24 months, an undertaking must be obtained from him/her and submitted to the delegated official for his/her approval.
- Should a person make an offer as set out in sub-paragraph (a) above, and the recovery of the loss/damage exceeds 24 months, a statement of his/her assets and liabilities together with his/her undertaking must be submitted to the delegated official in order to obtain approval.

7. CALCULATION OF LOSSES

With the recovery of any damage or loss it is of vital importance that the total extent of the municipality's loss be determined beforehand and substantiated by means of documentation.

The official who will be found negligent of damaging the municipal property or asset will be liable to pay the excess amount as required from the insurance claim

8. ETHICAL STANDARDS

- a) A code of good practice is established for Loss Control Management and must be adhered to by all officials and other role players in the system in order to promote) mutual trust and respect; and an control environment where risks can be control and managed in a fair and reasonable manner.
- b) Must assist the accounting officer in combating fraud, corruption, favouritism and unfair and irregular practices; and
- c) Must report to the accounting officer any alleged irregular conduct in the supply chain management system which that person may become aware of, including-
 - Any alleged fraud, corruption, favouritism or unfair conduct;
 - Any alleged breach of this code of ethical standards

9. OBJECTIONS AND COMPLAINTS

Persons aggrieved by decisions or actions taken in the implementation of the loss control policy, may lodge within 14 days of the decision or action, a written objection or complaint against the decision or action.

10. COMMENCEMENT

This policy takes effect on the date on which it is adopted by the Accounting Officer.

CHAPTER C

KEEPING AN UPDATED STANDARDISED LOSSES REGISTER

The CLCO (Central Loss Control Officer) keeps a central register in which all claims, losses, etc. which arise in the Department are entered. This register is known as the Central Loss Control register.

2. Each DLCO (Department Loss Control Officer) keeps a register in which all claims, losses, etc. arising in that directorate and offices/institutions under its management are entered. These registers are known as Departmental Loss Control register.

3. The losses registers must indicate the following particulars for each case:

3.1	Date received	The date on which the case was received by the Assets Controller
3.2	Central losses register serial number	The serial number allocated to the case by the Assets Accountant
3.3	Departmental losses register serial number	The serial number allocated by the Assets Controller to a case. Numbers must be allocated numerically
3.4	File number	The file number of the directorate/office where the case arose
3.5	Date of the loss	The date on which the claim, loss, etc. arose or was discovered (N.B. This is not the date on which the loss was reported to the Assets Controller.)
3.6	Particulars of losses	A factual description of the claim losses. If known, the place where it happened and the person responsible must also be mentioned
3.7	Amount	The amount of the claim, losses.
3.8	Amount written off	The amount authorized to be written off.
3.9	Amount recoverable	The amount to be recovered from a person or an Institution
3.10	Authorised by	The rank of the person who, in terms of the delegated powers, gave authorization to write off a loss or to pay out a claim
3.11	Authorisation number	The number allocated to the delegated authority by which it was authorised
3.12	Remarks/follow up	The latest progress made must be indicated briefly. Full details of the progress made with a case must be entered in the relevant case file





NEWCASTLE MUNICIPALITY

SHORT TERM INSURANCE POLICY

SHORT TERM INSURANCE POLICY

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SHORT TERM INSURANCE POLICY

1. Preamble

1.1 It is required of the accounting officer, to take all reasonable steps to ensure that the Council has and implemented policies for effective financial and risk management. The safeguarding of assets and the protection of Council against liabilities, is very important which forms part of a proper assets management system as prescribed by Section 63 and needs annual revision in terms of Section 24(2)(c)(v) of the Municipal Finance Management Act 56 of 2003. This requirement is also embedded in the Asset Management Policy and the Loss Policy of the municipality.

1.2. Insurance brokers active in the municipal environment over years prepared a standard for local authority insurance that takes all circumstances related to a municipal environment into account. There are however aspects in addition to this standard that the Council can decide on policy in order to reduce premium without an increase in risk or where the Council is prepared to accept risk due to a very slim probability of the risk event occurring.

2. Property to be insured

The following is recommended as a policy on short term insurance of risk and liabilities:

2.1 Asset schedules

Upon the appointment of the new Insurance Broker, the Strategic Executive Director and submit the asset register of assets necessary to be covered in terms of this this policy, where after such assets shall be categorised in terms of insurance schedules in consultation with the insurance broker.

Subsequent to the appointment of the insurance broker, each head of a department shall immediately on acquisition, submit all assets to be insured to the Strategic Executive Director: Budget and Treasury Office which will need cover shall in accordance to this policy.

The Strategic Executive Director shall ensure that the asset register is regularly updated in order to avoid omissions of assets being covered for any risk of loss of damage, where after all new assets shall be submitted to the Council's insurance broker for insurance purposes.

SHORT TERM INSURANCE POLICY

Such assets shall accordingly be included in the insurance portfolio through updating of the insurance schedules representing the covers and in category of asset covered in the insurance portfolio.

2.2 Property excluded from external insurance

All property owned by or leased to the Council, property held by the Council in trust and/or commission and/or custody and/or under Council's control and/or for which the Council is responsible must be insured ***except for the following which are specifically excluded:***

- property more specifically insured by any other firm arrangement.
- dam walls, dam contents, canals, reservoirs and reservoir contents.
- pavilions, sport stadiums, spectator stands, outdoor sports playing or recreational surfaces, athletic tracks.
- loose assets falling within the excess payment of the applicable insurance policy.
- explosives and ammunition.
- bullion.
- precious stones.
- jewellery other than the Mayor's regalia.
- trophies and indexed museum items.
- electrical and communication transmission and distribution lines including cabling and their support structures, other than on or within 150 meters of any insured premises.
- water piping as well as stormwater piping including their supporting structures, other than on or within 150 meters of insured property.
- sewerage piping including their supporting structures other than on or within 150 meters of insured property.
- driveways, pavements, outdoor parking surfaces
- roads, road and railway bridges, road and rail tunnels, manhole covers
- aircraft runways and aprons
- land, topsoil, backfill, drainage or culverts
- accounts receivable
- saving certificates and the like
- property in possession of customers (library books, etc.).
- trees, shrubs and plants
- monuments and statues
- growing timber, growing crops and livestock.

SHORT TERM INSURANCE POLICY

2.3 Contingencies and risks specifically excluded

- any event of risk where the Council is specifically indemnified.
- contingencies arising from landslides and earthquakes.
- removal of rubble or professional fees resulting from any damaged property or structures except for the Newcastle Civic Centre.
- workmen's compensation for personnel covered under the Workmen's Compensation Act.
- first 24-hours' work on the recovery of lost electronic data information.

2.4 Damage and risks to be specifically included to the short term insurance portfolio

- houses under rental and selling schemes administrated by the Council.
- all property as contained in the assets schedules.
- contractors all risk for high-risk construction as identified by the relevant Head of departments from time to time.
- full theft cover at all insured property.
- all money on the premises or in transit to a maximum at any stage at any premises in cash and in cheques.
- fidelity insurance based on all positions higher than Task Grade 12 and including councillors.
- comprehensive motor own damage and third party liability on a motor fleet basis including specifically mentioned high valued vehicles.
- full comprehensive coverage for all emergency vehicles.
- goods in transit up to value as might be considered the Strategic Executive Director: Budget and Treasury Office, per single load.
- group personal accident insurance on 24-hour basis for all councillors up to value as might be considered the Strategic Executive Director: Budget and Treasury Office, per single load.
- special risk cover for councillors vehicles and properties in terms of Upper Limits Notice as issued from time to time.
- electronic equipment on the mainframe computer, document imaging system and networks.
- incidental damages including consequential damages at high risk electrical and mechanical plants as identified by the Strategic Executive Director: Electrical Services.
- aerodrome owners liability insurance.
- public liability for bodily injury or damage to an amount of R2-million per event and a total annual coverage of R100-million.
- maximum employers liability of R10-million.

SHORT TERM INSURANCE POLICY

3. Consideration of higher excess payments

The possibility of paying higher first amounts with claims which might result in lower premiums must constantly be considered by the Strategic Executive Director: Budget and Treasury Office taking into account the best benefit for Council at all times.

4. Payment of premiums and contribution to insurance reserve

4.1 The Strategic Executive Director: Budget and Treasury Office shall make provision in the annual budget for the payment of insurance premium;

4.2 The short term insurance portfolio must be administrated on an internal insurance fund principle as contemplated in the Financial Code of Practice.

4.3 Excess payments on claims are allocated to the Budget and Treasury Office department vote under general expenditure.

4.4 All uninsured assets are replaced from the Self-insurance reserve funds.

5. Reporting risk, claims and damage

It shall be the duty of a head of a department to notify the Strategic Executive Director: Budget and Treasury Office without delay of any new insurable risk or of any alteration in an existing insurable risk which has arisen in connection with his or her department.

On the occurrence of any event giving rise or likely to give rise to a claim by or against the Council or against its insurers, the head of the department concerned shall notify the Strategic Executive Director: Budget and Treasury Office of that event which shall immediately notify the Council's insurer thereof.

The Strategic Executive Director: Budget and Treasury Office shall keep a register in which particulars of all insurance policies held by the Council shall be entered and he shall be responsible for the payment of all premiums and shall ensure that claims that arise under such policies are instituted.

6. Claims preparation costs

SHORT TERM INSURANCE POLICY

The Strategic Executive Director: Budget and Treasury Office shall with annual renewal of insurance or otherwise as regular as required negotiate for the inclusion of exceptional claims preparation costs to be included to the related insurance portfolio.

7. Disputes and arbitration

The Strategic Executive Director: Budget and Treasury Office shall with the annual renewal of insurance arrange with the insurance brokers that any disputes as to the amount of liability of the insurers under any of the insurance policies be determined by arbitration in accordance with the laws of the Republic of South Africa.

8. Appointment of insurance brokers

The Council shall call for tenders for the appointment of insurance brokers at least once every three (3) years, unless circumstances require deviation herefrom. Insurance brokers will be appointed according to their ability to administrate the Council's short term insurance portfolio, the professional people in their employment and their record of sound brokerage service in the municipal environment.

The insurance brokers shall specifically indemnify the Council of increased risk because of the incorrect or unprofessional handling of the placement of insurance or the handling of a specific insurance claim. The insurance broker shall revise the Council's insurance policy annually in collaboration with the Strategic Executive Director: Budget and Treasury Office.

9. Implementation of this Policy

The Accounting Officer shall be responsible for the implementation and administration of this policy through the delegation of Strategic Executive Director: Budget and Treasury Office.

The policy shall be reviewed on annual basis and updated if there are any changes brought about through an amendment of any legislation and/or policies by National Treasury or arrangement within the municipality.

This policy must be read in conjunction with the municipality's Asset Management and the Loss Control policies.



NEWCASTLE MUNICIPALITY

COST CONTAINMENT POLICY

COST CONTAINMENT POLICY

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COST CONTAINMENT POLICY

1. INTRODUCTION

1.1 Section 62(1)(a) of the Municipal Finance Management Act No. 56 of 2003 (MFMA) stipulates that the accounting officer of a municipality is responsible for managing the financial administration of a municipality and must for this purpose take all reasonable steps to ensure that the resources of the municipality are used effectively, efficiently and economically.

1.2 In terms of the legal framework, the elected councils and accounting officers are required to institute appropriate measures to ensure that the limited resources and public funds are appropriately utilized to ensure value for money is achieved. This policy must be read, understood, practiced and implemented against this legislative background.

2. OBJECTIVES OF THE POLICY

2.1 The purpose of this policy is to guide council and officials on cost containment measures that are being implemented in an effort to minimize costs by cutting of unnecessary expenditure, looking at alternative ways to procure goods and services and gradually reduce the deficit.

2.2 This policy is intended to ensure:

2.2.1 That measures are in place to contain operational costs and eliminate all non-essential expenditure.

2.2.2 That excessive and wasteful expenditure has to be reduced, and that increased action be taken to manage unnecessary expenditure

2.2.3 That measures are taken in terms of Section 32 of the MFMA in event of unauthorized, irregular, fruitless and wasteful expenditure.

2.2.4 That the Strategic Executive Directors implemented proper monitoring of non-necessary expenditure

2.2.5 That the Mayor exercise proper general political guidance over the fiscal and financial affairs of the municipality

COST CONTAINMENT POLICY

3. SCOPE OF THE POLICY

This policy shall apply to the Council, Executive Committee, Finance Portfolio Committee, Budget Steering Committee, Accounting Officer, Strategic Executive Directors and all officials who have a formal and administrative duty to procure goods and services, manage and control the municipality's budget.

4. APPLICABLE LEGISLATION

4.1 The budget process and management is regulated in terms of the Municipal Finance Management Act, Act 56 of 2003 (MFMA):-

4.1.1 Chapter 4 of the MFMA deals with the municipal budgets.

4.1.2 Chapter 7 of the MFMA deals with the responsibilities of the Mayor in relation to budget processes and related matters as well as the fiscal and financial affairs of the municipality.

4.1.3 Chapter 8 of the MFMA deals with the responsibilities of the municipal officials in relation, among others, budgeting processes, revenue and expenditure management and reporting.

4.1.4 Chapter 9 of the MFMA deals with the municipal budget and treasury offices.

4.1.5 The Municipal Finance Management Act, Circular 82, published on 7 December 2018

4.1.6 Municipal Cost Containment Regulations, 2019

5. COST DRIVERS IDENTIFIED

The municipality has identified various cost drivers where non-essential, fruitless and wasteful expenditure can be curbed and eliminated

5.1 Vehicles for Political Office Bearers

5.1.1 The threshold limit for vehicle purchases relating to official use by political office-bearers may not exceed R700,000 or 70% of the total annual remuneration package for different grades, whichever is greater;

5.1.2 The procurement of vehicles must be undertaken using the national government transversal control mechanism;

COST CONTAINMENT POLICY

- 5.1.3 If any other procurement process is used, the cost may not exceed the threshold limit set out above;
- 5.1.4 Before deciding on another procurement process, the chief financial officer must provide the council with information relating to the following criteria which must be considered:
 - a) Status of current vehicles;
 - b) Affordability;
 - c) Extent of service delivery backlogs;
 - d) Terrain for effective usage of vehicle; and
 - e) Any other policy of council
- 5.1.5 Regardless of their usage, vehicles for office use by public office-bearers may only be replaced after completion of 120,000 kilometres;
- 5.1.6 Notwithstanding above, a municipality may replace vehicles for official use by public officebearers before completion of 120,000 kilometres only in instances where the vehicle experiences serious mechanical problems and is in a poor condition and subject to obtaining a detailed mechanical report by the vehicle manufacturer or approved dealer.

5.2 Engagement of consultants

- 5.2.1 The municipality may only appoint consultants if an assessment of the needs and requirements confirms that the municipality does not have the requisite skills or resources in its full time employ to perform the function.
- 5.2.2 The accounting officer must adopt a fair and reasonable remuneration framework for consultants taking into account the rates:
 - 5.2.2.1 Determined in the “guidelines on fees for audits undertaken on behalf of the Auditor-General of South Africa”, issued by the South African Institute of Chartered Accountants;
 - 5.2.1.2 Set out in the ‘guide on hourly fee rates for consultants,’ issued by the Department of Public Service and Administration;
 - 5.2.2.3 As prescribed by the body regulating the profession of the consultant
- 5.2.2 The tender documentation for the appointment of consultants must include a clause that the remuneration rates will be subject to negotiation, not exceeding the applicable rates mentioned above

COST CONTAINMENT POLICY

5.2.3 When negotiating cost-effective consultancy rates for international consultants, the accounting officer may take into account the relevant international and market-determined rates

5.2.4 When consultants are appointed, the accounting officer must:

- a) Appoint consultants on a time and cost basis with specific start and end dates;
- b) Where practical, appoint consultants on an output-specific basis, subject to a clear specification of deliverables and associated remuneration;
- c) Ensure that contracts with consultants include overall cost ceilings by specifying whether the contract price is inclusive or exclusive of travel and subsistence disbursements;
- d) Develop consultancy reduction plans; and
- e) Undertake all engagements of consultants in accordance with the Municipal Supply Chain Management Policy;
- f) All contracts with consultants must include fee retention or penalty clause for poor performance;
- g) The municipality must ensure that the specifications and performance, are used as a monitoring tool for the work to be undertaken and is appropriately recorded and monitored;
- h) The travel and subsistence costs of consultants must be in accordance with the travel policy issued by the National Department of Transport, as updated from time to time;
- i) The contract price must specify all travel and subsistence cost and, if the travel and subsistence costs for appointed consultants are excluded from the contract price, such costs must be reimbursed in accordance with the travel policy of the National Department of Transport.

5.3 Catering, refreshments and entertainment

5.3.1 The municipality may not incur catering expenses for internal meetings, i.e. for meetings attended only by persons in its employ, except where a meeting will be in excess of 5 hours. These include meetings such as workshops, courses, committees, forums, recruitment interviews, trainings, hearings, meetings hosted by the Management Committee and governance structures.

5.3.2 The municipality may not incur expenses on alcoholic beverages.

5.3.3 Standard price for catering services must be introduced.

COST CONTAINMENT POLICY

- 5.3.4 Entertainment allowance shall be limited to the Accounting Officer and the Strategic Executive Directors, with the annual budget not exceeding R5000 for the Accounting Officer and R2000 for each Strategic Executive Director.
- 5.3.5 The Accounting Officer must ensure that team building exercises and social functions, including year-end functions, are not financed from the budgets of their respective establishments or by any suppliers or sponsors;
- 5.3.6 Apart from tea, coffee and muffins, limited catering and refreshments may be provided at Council workshops, retreats, strategic sessions, internal training sessions, official meetings (Standing Committees and other Council committees), Council and Management meetings provided prior approval is to be obtained from the Accounting Officer;
- 5.3.7 At the discretion of the Accounting Officer, catering and refreshments may only be provided at meetings with overseas visitors and other spheres of government, after budget availability has been confirmed by the Budget & Treasury Office;

5.4 Telephone Costs

- 5.4.1 Review and introduce limits on municipal staff telephones and limiting private call to a reasonable amount.
- 5.4.2 Any costs for abuse of telephone or private calls must recovered from the employee's salary through the payroll office.
- 5.4.3 Review of cell phone contracts and introduction of cell phone allowance, depending on the level for and the need analysis

5.5 Events, advertising and sponsorships

- 5.5.1 Eliminate wasteful expenditure on events, advertising in magazines, television, newspapers etc. where the municipality can use other cost effective means such as websites to market the institution or properly publicize the matters or events under consideration.
- 5.5.2 Limit or stop all unnecessary expenditure on matters such as printing of shirts, hosting of sporting events, festivals and other associated events, lavish functions, and extraordinary costs associated with visits of dignitaries or induction of new councilors.

5.6 Travel and subsistence

COST CONTAINMENT POLICY

The accounting officer:

- 5.6.1 May only approve purchase of economy class tickets for employees and Councillors where the flying time for the flights is five hours or less;
- 5.6.2 May approve the purchase of business class tickets for employees and Councillors with disabilities or for those with special needs, where the flying time is five hours or less;
- 5.6.2 Purchasing of air tickets for first class travel is not permitted under any circumstances;
- 5.6.3 For flights exceeding five hours, may purchase business class tickets only for accounting officer and Councillors;
- 5.6.4 This policy limits international travel to meetings or events that are considered critical and the number of officials attending such meetings or events is limited to the officials directly involved in the subject matter related to such meetings or events;
- 5.6.5 Domestic hotel accommodation linked to travel and subsistence may not exceed R1,370 per night. This amount can be reviewed by National Treasury periodically;
- 5.6.6 The amount of R1,370 may be exceeded with the approval of the accounting officer in instances
 - 5.6.6.1 such as peak holiday periods, and
 - 5.6.6.2 when South Africa is hosting an event in the country or in a particular geographical area that results in an abnormal increase in the number of local/international guests in the country or in that particular geographical area;
- 5.6.7 Hiring of vehicles for travelling must be undertaken in terms of the Council approved Subsistence and Travelling policy as it relates to vehicle groupings that can be hired as per the level of employees or councillors;
- 5.6.8 Sharing of the mode of transport when employees or councillors travel to the same destination must be implemented;
- 5.6.9 Overnight accommodation must be limited to instances where the distance by road exceeds 500 kilometres to and from the destination (return journey);
- 5.6.10 When a vehicle is hired, it must be shared between the employees or councillors attending the same workshop, conference, seminar, etc (one vehicle to be hired per occasion);
- 5.6.11 Flight bookings must be made timeously, to prevent unnecessary overnight stay costs
- 5.6.12 Strategic Executive Directors must implement systems in their respective departments to ensure cost effective and time efficient travelling;

COST CONTAINMENT POLICY

5.6.13 Travelling must be pre-authorized by the Accounting Officer or the Strategic Executive Director of the respective department who must implement systems to ensure cost-effective and time efficient travelling

5.7 Protective Clothing

5.7.1 A policy must be developed stipulating the guidelines, including the type of clothing, shoes and frequency of issue in line with the working environment of the employees;

5.7.2 A monthly reconciliation of the clothing purchased, issued and on stock must be performed by the Stores unit;

5.7.3 Introduce turnaround period time for the procurement of protective clothing.

5.7.4 Number of Personal Protective Clothing issued to the employee must be limited.

5.8 Conferences, meetings, study tours

5.8.1 Employees may attend conferences hosted by professional bodies or non-governmental institutions (external conferences) held within the borders of South Africa provided that expenses related to their attendance do not exceed two thousand five hundred rand (R2 500) per person per day. The number of municipal officials attending such conferences and workshops must be limited, see below. The National Treasury may periodically review this amount.

5.8.2 Employees must make every effort to take advantage of early registration in order to avoid additional costs of late registration.

5.8.3 Conferences abroad must be limited to its ultimate minimum or none at all.

5.8.4 Utilise municipal and/or provincial office facilities for conferences, meetings, strategic planning sessions etc. where an appropriate venue exists within the municipal jurisdiction.

5.8.5 Limit or stop overseas trips and the delegations going on such trips unless a tangible and clear benefit to the local community and performance of essential service provision can be established beforehand

5.8.6 The number of employees travelling to conferences or meetings on official duty for the same matter is limited to three (3) employees, unless otherwise approved in advance by the relevant Strategic Executive Director or the Accounting Officer.

5.9 Office Furnishing

COST CONTAINMENT POLICY

- 5.9.1 When new persons are elected or appointed, use of existing facilities and equipment must be considered.
- 5.9.2 Office furnishing when required, should be contained to minimal costs, avoiding elaborate and expensive furniture or equipment.
- 5.9.3 Buying of laptop should be discouraged unless it is need for the official mobility is established beyond doubt and duly authorized to attend meetings where such equipment might be required.
- 5.9.4 Buying of laptops for interns and junior personnel should be eliminated, unless where prior approval is obtained from the relevant Strategic Executive Director of his delegate.

5.10 Staff study, perks and suspension costs

- 5.10.1 Training attended by employees and councillors of municipalities must be organized on site.
- 5.10.2 Expenditure associated with overseas study tours by councillors or officials must be reduced and preferably stopped.
- 5.10.3 Overtime policy and measures must be reviewed to ensure that overtime is limited to the budget
- 5.10.4 Encourage staff to take time off to make up for overtime worked.
- 5.10.5 Planned overtime must be submitted to management for consideration on a monthly basis and no payment should be made if planned overtime is not motivated by the Strategic Executive Director.
- 5.10.6 Unplanned overtime worked must be motivated and approved by management, and no payment should be made if unplanned overtime is not motivated by the Strategic Executive Director.
- 5.10.7 Costs associated with long-standing staff suspensions and legal costs associated with not following due processes when suspending and dismissing staff must be eliminated otherwise S32 of the MFMA should be implemented if it is established that a supervisor did not consider reasonable steps in suspending the subordinate.
- 5.10.8 Constant management of staff, improvements in productivity levels and feedback must be provided to all staff.

5.11 Credit cards

- 5.11.1 The Municipal Manager must ensure that no credit or debit cards linked to a bank account of the municipality is issued to any employee or councillor;

COST CONTAINMENT POLICY

5.11.2 Where employees or councillors incur expenditure in relation to official municipal activities, the employee or councillor must use their personal credit/debit card or cash or arrangements made by the municipality and request reimbursement from the municipality in accordance with the relevant policies and processes

5.12 Budget provision

5.12.1 Each Strategic Executive Director shall, prior to providing for any expenditure in respect of any items in the budget or the adjustments budget, prepare and submit to the Strategic Executive Director: Budget and Treasury Office a business plan relating to such item, which business plan shall contain the following information regarding such item:

- 5.12.1.1 A full description;
- 5.12.1.2 Its purpose;
- 5.12.1.3 The expected beneficiaries ;
- 5.12.1.4 Alternative means of providing the same benefits;
- 5.12.1.5 An acquisition, construction and implementation plan (as applicable);
- 5.12.1.6 The expected useful life;
- 5.12.1.7 The principal cost;
- 5.12.1.8 The sources of funding;
- 5.12.1.9 A schedule of financing costs;
- 5.12.1.10 A maintenance plan;
- 5.12.1.11 A schedule of maintenance costs;
- 5.12.1.12 A depreciation schedule; and
- 5.12.1.13 Insurance costs.

5.13 General measure to be implemented

- 5.13.1 Introduce measure to control budget for stores items in relating to the requirement and affordability
- 5.13.2 Municipal funds may not be used to fund election campaign activities. No expenditure may be incurred by the municipality to support campaign of any political party;
- 5.13.3 Printing of documents must be back-to-back and use of color printing be avoided at all costs, unless in the cases of graphs and necessary documents. Use of electronic files must be encouraged;

COST CONTAINMENT POLICY

- 5.13.4 Where practical, the warranties on vehicle and computer equipment should be extended instead in order to save on maintenance costs and new assets. Purchasing of computers is recommended compared to lab tops due to the life span and risk associate with the movement of asset;
- 5.13.5 Purchasing of newspapers and other publications for municipal employees must be discouraged. Use of internet must be encouraged;
- 5.13.6 Municipalities should ensure that awareness is raised with municipal staff so that a high degree of energy saving measures can be introduced, e.g. air-conditioning and lights in buildings are switched off at night and when offices are not in use.
- 5.13.7 Every effort must be made to recover debt from consumers before write-off. Municipalities to avoid the excessive usage of debt collectors and improve its internal capacity for debt collection.
- 5.13.8 Ensure synergy between municipal divisions or departments to avoid duplication of processes and efforts.(dropbox, DRMS, printing of copies while sent as soft copies)
- 5.13.9 In order to curb wastage on petrol, the vehicle tracking system should be utilized to monitor usage in order to curb abuse of municipal vehicles and excessive petrol consumption.
- 5.13.10 Telephone and/or video conferencing facilities must be encouraged, where possible, to avoid unnecessary traveling and subsistence costs.
- 5.13.11 Bulk purchases and negotiated discounts must be considered for regularly consumed inventory.
- 5.13.12 All commodities, services and products covered by Transversal contract concluded by the National Treasury must be procured through that transversal contract before approaching the market, in order to benefit from savings where lower prices or rates have been negotiated.

6 ENFORCEMENT PROCEDURES

- 6.1 Failure to implement or comply with this policy may result in any official of the municipality or political bearer that has authorized or incurred any expenditure contrary to those stipulated herein being held liable for financial misconduct as set out in chapter 15 of the MFMA.

7 DICLOSURES OF COST CONTAINMENT MEASURES

COST CONTAINMENT POLICY

- 7.1 Cost containment measures applied by the municipality must be included in the in- year budget report.
- 7.2 The measures implemented and the aggregate amount saved per quarter, together with the report of reprioritization of cost savings on the implementation of the cost containment measure must be submitted to the municipal council for review.
- 7.3 Such reports must be placed to municipal website within 5 days after council meeting.

8 IMPLEMENTATION & REVIEW PROCESS

- 8.1 The policy will be implemented with immediate effect after approval by the municipal council.
- 8.2 The policy will be reviewed at least annually and will be part of budget related policies, it will also be reviewed when an update is issued by National or Provincial Treasury.

9 SHORT TITLE

- 9.1 This policy shall be called the “Cost Containment Policy of the Newcastle Municipality”

NEWCASTLE MUNICIPALITY



PROPERTY RATES BY-LAWS

NEWCASTLE MUNICIPALITY PROPERTY RATES BY-LAWS

The Newcastle Municipality, hereby, in terms of section 6 of the Local Government: Municipal Property Rates Act, 2004, adopted the Municipality's Property Rates By-law set out hereunder.

PREAMBLE

WHEREAS section 229(1) of the Constitution requires a municipality to impose rates on property and surcharges on fees for the services provided by or on behalf of the municipality.

AND WHEREAS section 13 of the Municipal systems Act read with section 162 of the constitution require a municipality to promulgate municipal by-laws by publishing them in the gazette of the relevant province.

AND WHEREAS section 6 of the Local Government: Municipal Property Rates Act, 2004 requires a municipality to adopt by-laws to give effect to the implementation of its property rates policy; the by-laws may differentiate between the different categories of properties and different categories of owners of properties liable for the payment of rates;

NOW THEREFORE BE IT ENACTED by the Council of the Newcastle Municipality, as follows:

1. DEFINITIONS

In this by-law, any word or expression to which a meaning has been assigned in the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), shall bear the same meaning unless the context indicates otherwise.

'Municipality' means the Newcastle Municipality;

'Property Rates Act' means the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004);

'Rates Policy' means the policy on the levying of rates on rateable properties of the Newcastle Municipality, contemplated in chapter 2 of the Municipal Property Rates Act.

2. OBJECTS

The object of this by-law is to give effect to the implementation of the Rates Policy as contemplated in section 6 of the Municipal Property Rates Act.

3. ADOPTION AND IMPLEMENTATION OF RATES POLICY

- 3.1. The Municipality shall adopt and implement its Rates Policy consistent with the Municipal Property Rates Act on the levying of rates on rateable property within the jurisdiction of the Municipality; and
- 3.2. The Municipality shall not be entitled to levy rates other than in terms of its Rates Policy.

4 CONTENTS OF RATES POLICY

The Rates Policy shall, *inter alia*:

- 4.1 Apply to all rates levied by the Municipality pursuant to the adoption of its Annual Budget;
- 4.2 Comply with the requirements for:
 - 4.2.1 The adoption and contents of a rates policy specified in section 3 of the Act;
 - 4.2.2 The process of community participation specified in section 4 of the Act; and
 - 4.2.3 The annual review of a Rates Policy specified in section 5 of the Act;
- 4.3 Provide for principles, criteria and implementation measures that are consistent with the Municipal Property Rates Act for the levying of rates which the Council may adopt; and
- 4.4 Provide for enforcement mechanisms that are consistent with the Municipal Systems Act, 2000 (Act No: 32 of 2000).

5 ENFORCEMENT OF THE RATES POLICY

The Municipality's Rates Policy shall be enforced through the Credit Control and Debt collection Policy and any further enforcement mechanisms stipulated in the Act and the Municipality's Rates Policy.

6 SHORT TITLE AND COMMENCEMENT

This By-law is called the Municipal Property Rates By-law, and takes effect on 1 July 2019.

NEWCASTLE MUNICIPALITY



TARIFF BY-LAW

NEWCASTLE MUNICIPALITY TARIFF BY-LAW

The Newcastle Municipality, hereby, in terms of section 75 of the Local Government: Municipal Systems Act, 32 of 2000 read with Section 62 (1) (f) (i) of the Municipal Finance Management Act, 56 of 2003, adopts the Municipality's Tariff By-law set out hereunder.

PREAMBLE

WHEREAS section 13 of the Municipal systems Act read with section 162 of the constitution require a municipality to promulgate municipal by-laws by publishing them in the gazette of the relevant province.

AND WHEREAS section 74 of the Local Government: Municipal Systems Act, 32 of 2000 requires a municipality to adopt and implement a tariff policy together with the related by-laws to give effect to the policy.

NOW THEREFORE BE IT ENACTED by the Council of the Newcastle Municipality, as follows:

1. DEFINITIONS

In this by-law, any word or expression to which a meaning has been assigned in the Local Government: Municipal Systems Act, 32 of 2000, shall bear the same meaning unless the context indicates otherwise.

'Municipality' means the Newcastle Municipality;

'Municipal Systems Act' means the Local Government: Municipal Systems Act, 32 of 2000;

'Tariff Policy' means the policy on the levying of fees for municipal services provided by the Municipality itself or by way of service delivery agreements, as contemplated in part 1 of chapter 8 of the Municipal Systems Act.

2. OBJECTS

The object of this by-law is to give effect to the implementation of the Tariff Policy as contemplated in Section 74 of the Local Government: Municipal Systems Act.

3. ADOPTION AND IMPLEMENTATION OF TARIFF POLICY

- 3.1. The Municipality shall adopt and implement its Tariff Policy consistent with the Municipal Systems Act on the levying of fees for municipal services provided by the Municipality itself or by way of service delivery agreements, within the jurisdiction of the Municipality; and
- 3.2. The Municipality shall not be entitled to levy tariffs other than in terms of its Tariff Policy and related Tariff of Charges.

4 CONTENTS OF TARIFF POLICY

The Tariff Policy shall, *inter alia*:

- 4.1 Apply to all tariffs levied by the Municipality pursuant to the adoption of its Annual Budget;
- 4.2 Comply with the requirements for:
 - 4.2.1 The adoption and contents of a tariff policy specified in section 74 of the Municipal Systems Act;
 - 4.2.2 The process of community participation specified in section 13 of the Municipal Systems Act.
- 4.3 Provide for principles, criteria and implementation measures that are consistent with the Municipal Systems Act for the levying of tariffs which the Council may adopt; and
- 4.4 Provide for implementation mechanisms that are consistent with the Municipal Systems Act.

5 ENFORCEMENT OF THE TARIFF POLICY

The Municipality's Tariff Policy shall be enforced through the Customer Care, Credit Control and Debt Collection Policy as approved by Council when adopting its Annual Budget

6 SHORT TITLE AND COMMENCEMENT

This By-law is called the Municipal Tariff By-law, and takes effect on 1 July 2016.