

*TSWELOPELE LOCAL MUNICIPALITY [FS 183]*

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## **BUDGET POLICY**

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## 1. OBJECTIVE

1. This policy sets out the budgeting principles, which Tswelopele Local Municipality will follow in preparing each annual budget, as well as the Integrated Development Planning process through which the municipality will prepare a strategic development plan, for a five-year period.

## 2. APPLICATION OF THE POLICY

1. This policy shall apply to employees of Tswelopele Local Municipality compiling annual budget and integrated development plans.

## 3. DEFINITIONS

**“accounting officer”** - Means in relation to a municipality, means the municipal official referred to in section 60 of the Municipal Financial Management Act No. 56 of 2003; or in relation to a municipal entity, means the official of the entity referred to in section 93 of the Municipal Financial Management Act No. 56 of 2003 and includes a person acting as the accounting officer;

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

**“Annual Division of Revenue Act”** - means the Act of Parliament which must be enacted annually in terms of section 214 (1) of the Constitution

**“annual report”**, in relation to a municipality or municipal entity, means an annual report contemplated in section 121 of the Public Financial Management Act No. 56 of 2003

**“approved budget”** - means an annual budget approved by a municipal council; or approved by a provincial or the national executive following an intervention in terms of section 139 of the Constitution, and includes such an annual budget as revised by an adjustments budget in terms of section 28 of the Municipal Financial Management Act No. 56 of 2003

**“Auditor-General”** - means the person appointed as Auditor-General in terms of section 193 of the Constitution, and includes a person: acting as the Auditor-General; acting in terms of a delegation by the Auditor-General; or designated by the Auditor-General to exercise a power or perform a duty of the Auditor-General

**“basic municipal service”** - means a municipal service that is necessary to ensure an acceptable and reasonable quality of life and which, if not provided, would endanger public health or safety or the environment

**“budget-related policy”** - means a policy of a municipality affecting or affected by the annual budget of the municipality, including: the tariffs policy which the municipality must adopt in terms of section 74 of the Municipal Systems Act; the rates policy which the municipality must adopt in terms of legislation regulating municipal property rates; or the credit control and debt collection policy which the municipality must adopt in terms of section 96 of the Municipal Systems Act

**“budget year”** - means the financial year for which an annual budget is to be approved in terms of section 16(1) of the Municipal Financial Management Act No. 56 of 2003

**“Chief Financial Officer”** - means a person designated in terms of section 80(2)(a ) of the Municipal Financial Management Act No. 56 of 2003

**“councillor”** - means a member of a municipal council

**“creditor”** - in relation to a municipality, means a person to whom money is owing by the municipality

**“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, debenture, bond or overdraft, or by the issuance of municipal debt instruments; or a contingent liability such as that created by guaranteeing a monetary liability or obligation of another

**“delegation”** – means in relation to a duty, includes an instruction or request to perform or to assist in performing the duty;

**“financial recovery plan”** - means a plan prepared in terms of section 141 of Municipal Financial Management Act No. 56 of 2003

**“financial statements”** – means in relation to municipality or municipal entity, means statements consisting of at least: a statement of financial position; a statement of financial performance; a cash-flow statement; any other statements that may be prescribed; and any notes to these statements

**“financial year”** - means a year ending on 30 June

**“financing agreement”** - includes any loan agreement, lease, installment purchase contract or hire purchase arrangement under which a municipality undertakes to repay a long-term debt over a period of time.

**“fruitless and wasteful expenditure”** - means expenditure that was made in vain and would have been avoided had reasonable care been exercised.

**“Head”**- in relation to the Municipal Finance Recovery Service, means a person: appointed in terms of section 159 of the Municipal Financial Management Act No. 56 of 2003 as the Head of the Service; or acting as the Head of the Service.

**“irregular expenditure”** - in relation to a municipality or municipal entity, means: expenditure incurred by a municipality or municipal entity in contravention of, or that is not in accordance with, a requirement of this Act, and which has not been condoned in terms of section 170 expenditure incurred by a municipality or municipal entity in contravention of, or that is not in accordance with, a requirement of the Municipal Systems Act, and which has not been condoned in terms of that Act; expenditure incurred by a municipality in contravention of, or that is not in accordance with, a requirement of the Public Office-Bearers Act, 1998 (Act No. 20 of 1998); or expenditure incurred by a municipality or municipal entity in contravention of, or that is not in accordance with, a requirement of the supply chain management policy of the municipality or entity or any of the municipality’s by-laws giving effect to such policy, and which has not been condoned in terms of such policy or by-law, but excludes expenditure by a municipality which falls within the definition of “unauthorised expenditure”

**“integrated development plan”** - means a plan envisaged in section 25 of the Municipal System Act No 32 of 2000

**“investment”** - , in relation to funds of a municipality, means: the placing on deposit of funds of a municipality with a financial institution; or the acquisition of assets with funds of a municipality not immediately required, with the primary aim of preserving those funds

**“lender”** -, in relation to a municipality, means a person who provides debt finance to a municipality

**“local community”** - has the meaning assigned to it in section 1 of the Municipal Systems Act

**“local municipality”** - means a municipality that shares municipal executive and legislative authority in its area with a district municipality within whose area it falls, and which is described in section 155(1) of the Constitution as a category B municipality

**“long-term debt”** - means debt repayable over a period exceeding one year

**“Mayor”** - a municipality with an executive committee, means the councillor elected as the Mayor of the municipality in terms of section 48 of the Municipal Structures Act

**“MEC for finance”** - means the member of the Executive Council of a province who is responsible for finance in that province

**“MEC for local government”** - means the member of the Executive Council of a province who is responsible for local government in that province

**“Minister”** - means the Cabinet member responsible for finance

**“month”** - means one of the 12 months of a calendar year

**“multi-jurisdictional service utility”** - has the meaning assigned to it in section 1 of the Municipal Systems Act

**“municipal council”** or **“council”** - means the council of a municipality referred to in section 18 of the Municipal Structures Act

**“municipal debt instrument”** - means any note, bond, debenture or other evidence of indebtedness issued by a municipality, including dematerialised or electronic evidence of indebtedness intended to be used in trade

**“Municipal Financial Recovery Service”** - means the Municipal Financial Recovery Service established by section 157

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



**“Municipal Manager”** - means a person appointed in terms of section 82(1)(a) or (b) of the Municipal Structures Act

**“municipal service”** has the meaning assigned to it in section 1 of the Municipal Systems Act

**“Municipal Structures Act”** - means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)

**“Municipal Systems Act”** - means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000)

**“municipal tariff”** - means a tariff for services which a municipality may set for the provision of a service to the local community, and includes a surcharge on such tariff

**“municipal tax”** - means property rates or other taxes, levies or duties that a municipality may impose

**“National Treasury”** - means the National Treasury established by section 5 of the Public Finance Management Act No. 56 of 2003

**“official”**, in relation to a municipality or municipal entity, means: an employee of a municipality or municipal entity; a person seconded to a municipality or municipal entity to work as a member of the staff of the municipality or municipal entity; or a person contracted by a municipality or municipal entity to work as a member of the staff of the municipality or municipal entity otherwise than as an employee

**“organised local government”** - means an organisation recognised in terms of section 2(1) of the Organised Local Government Act, 1997 (Act No. 52 of 1997), to represent local government nationally or provincially

**“overspending”** – means: in relation to the budget of a municipality, means causing the operational or capital expenditure incurred by the municipality during a financial year to exceed the total amount appropriated in that year’s budget for its operational or capital

expenditure, as the case may be in relation to a vote, means causing expenditure under the vote to exceed the amount appropriated for that vote; or in relation to expenditure under section 26, means causing expenditure under that section to exceed the limits allowed in subsection (5) of that section

**“parent municipality”** - has the meaning assigned to it in section 1 of the Municipal Systems Act

**“past financial year”** - means the financial year preceding the current year;

**“political office-bearer”**, in relation to a municipality, means: the speaker, executive Mayor, deputy executive Mayor, Mayor, deputy Mayor or a member of the executive or Mayoral committee of a municipality elected, designated or appointed in terms of a specific provision of the Municipal Structures Act; or a councillor referred to in section 57(1) of the Municipal Finance Management Act No. 56 of 2003

**“political structure”**, in relation to a municipality, means: the council of a municipality; or any committee or other collective structure of a municipality elected, designated or appointed in terms of a specific provision of the Municipal Structures Act

**“prescribe”** - means prescribe by regulation in terms of section 168

**“primary bank account”** - means a bank account referred to in section 8(1)

**“private company”** - means a company referred to in sections 19 and 20 of the Companies Act, 1973 (Act No. 61 of 1973)

**“provincial department”** - means a department listed in Schedule 2 of the Public Service Act, 1994 (Proclamation No. 103 of 1994), which falls within a provincial administration listed in Schedule 1 to that Act

**“provincial treasury”** - means a treasury established in terms of section 17 of the Public Finance Management Act

**“Public Finance Management Act”** - means the Public Finance Management Act, 1999 (Act No. 1 of 1999)

**“quarter”** means any of the following periods in a financial year: 1 July to 30 September; 1 October to 31 December; 1 January to 31 March; or 1 April to 30 June;

**“senior manager”** in relation to a municipality, means a manager referred to in section 56 of the Municipal Systems Act; or in relation to a municipal entity, means a manager directly accountable to the chief executive officer of the entity

**“security”** - means any mechanism intended to secure the interest of a lender or investor, and includes any of the mechanisms mentioned in section 48(2)

**“service delivery agreement”** has the meaning assigned to it in section 1 of the Municipal Systems Act

**“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, and which must indicate projections for each month of revenue to be collected, by source; and (ii) operational and capital expenditure, by vote; service delivery targets and performance indicators for each quarter; and any other matters that may be prescribed, and includes any revisions of such plan by the Mayor in terms of section 54(1)(c) of the Municipal Financial Management Act No. 56 of 2003

**“service utility”** has the meaning assigned to it in section 1 of the Municipal Systems Act

**“shared control”**, in relation to a municipal entity, means the rights and powers a municipality has over a municipal entity which is: a private company in which effective control as defined in section 1 of the Municipal Systems Act is vested in that municipality and one or more other municipalities collectively; or a multi-jurisdictional service utility in which that municipality participates

**“short-term debt”** – means debt repayable over a period not exceeding one year

**“sole control”**, in relation to a municipal entity, means the rights and powers a municipality has over a municipal entity which is: a private company in which effective control as defined in section 1 of the Municipal Systems Act is vested in that municipality alone; or a service utility established by the municipality

**“standards of generally recognised accounting practice”** means an accounting practice complying with standards applicable to municipalities or municipal entities and issued in terms of Chapter 11 of the Public Finance Management Act

**“unauthorised expenditure”**, in relation to a municipality, means any expenditure incurred by a municipality otherwise than in accordance with section 15 or 11(3) of the Municipal Financial Management Act No. 56 of 2003, and includes: overspending of the total amount appropriated in the municipality’s approved budget; overspending of the total amount appropriated for a vote in the approved budget; covered by the vote expenditure of money appropriated for a specific purpose, otherwise than for that specific purpose; spending of an allocation referred to in paragraph (b), (c) or (d) of the definition of “allocation” otherwise than in accordance with any conditions of the allocation; or a grant by the municipality otherwise than in accordance with this Act

**“vote”** means: one of the main segments into which a budget of a municipality is divided for the appropriation of money for the different departments or functional areas of the municipality; and which specifies the total amount that is appropriated for the purposes of the department or functional area concerned.

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

##### **4.1. Capital Budget**

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

2. The capital budget component of the annual or adjustments budget shall only be approved by the council if it has been properly balanced, that is, if the sources of finance which are realistically envisaged to fund the budget equal the proposed capital expenses.
  
3. Before approving the capital budget component of the annual or adjustments budget, the council shall consider the impact on the present and future operating budgets of the municipality in relation to finance charges to be incurred on external loans, depreciation of fixed assets, maintenance of fixed assets, and any other ordinary operational expenses associated with any item on such capital budget. In addition, the council shall consider the likely impact of such operation expenses – net off any revenues expected to be generated by such item – on future property rates and service tariffs.
  
4. The council shall establish an asset financing reserve for the purpose of financing capital projects and the acquisition of capital assets. Such reserve shall be established from the following sources of revenue:
  - i. unappropriated cash-backed surpluses to the extent that such surpluses are not required for operational purposes;
  - ii. interest on the investments of the asset financing reserve, appropriated in terms of the banking and investments policy;
  - iii. further amounts appropriated as contributions in each annual or adjustments budget; and
  - iv. net gains on the sale of fixed assets in terms of the fixed asset management and accounting policy.

#### **4.2. Operating Budget**

1. Each annual and adjustments budget shall reflect realistic excess, with nominal of current revenues over expenses. Any unappropriated surplus from previous financial years, even if fully cash-backed, shall not be used to balance any annual or adjustments budget, but shall be appropriated, as far as it is not

required to finance the payment of operating creditors or for other operational purposes, to the municipality's asset financing reserve.

2. An impending operating deficit shall be made good in an adjustments budget, but if an operating deficit arises at the end of a financial year, notwithstanding the precautionary measures adopted by the council, such deficit shall immediately be made good in the annual or adjustments budget for the ensuing financial year, and shall not be offset against any unappropriated surplus carried forward from preceding financial years.
3. Tswelopele Local Municipality shall establish and maintain a provision for accrued leave entitlements equal to 100% of the accrued leave entitlement of officials as at 30 June of each financial year, and shall budget appropriately for contributions to such provision in each annual and adjustments budget.
4. Tswelopele Local Municipality shall establish and maintain a provision for bad debts in accordance with its rates and tariffs policies, and shall budget appropriately for contributions to such provision in each annual and adjustments budget.
5. Tswelopele Local Municipality shall establish and maintain a provision for the obsolescence and deterioration of stock in accordance with its stores management policy, and shall budget appropriately for contributions to such provision in each annual and adjustments budget.
6. All expenses, including depreciation expenses, shall be cash-funded. The cash received in respect of depreciation expenses on fixed assets financed from external borrowings shall be transferred to the investments created to redeem such borrowings.
7. Finance charges payable by the municipality shall be apportioned between departments or votes on the basis of the proportion at the last balance sheet date

- of the carrying value of the fixed assets belonging to such department or vote to the aggregate carrying value of all fixed assets in the municipality.
8. However, where it is the council's policy to raise external loans only for the financing of fixed assets in specified council services, finance charges shall be charged to or apportioned only between the departments or votes relating to such services. Depreciation and finance charges together shall not exceed 20% of the aggregate expenses budgeted for in the operating budget component of each annual or adjustments budget.
  9. The allocation of interest earned on the municipality's investments shall be budgeted for in terms of the banking and investment policy.
  10. Tswelopele Local Municipality shall adequately provide in each annual and adjustments budget for the maintenance of its fixed assets in accordance with its fixed asset management and accounting policy. At least up to 10% of the operating budget component of each annual and adjustments budget shall be set aside for such maintenance.
  11. In the preparation of the draft operating budget component of the annual budget, the allowable budgetary increment shall relate to the total amount provided for each budget vote, and the head of the department, service or function concerned shall have the right to allocate the total budgeted amount to the line-items within such vote, except in so far as the line-item provisions relate to matters determined by the Chief Financial Officer in terms of the municipality's approved policies and contractual and statutory commitments (for example, depreciation charges, finance charges, insurance costs, contribution to the COID, RSC levies payable, skills development levies payable).
  12. Notwithstanding the preceding principle, the budget for salaries, allowances and salaries-related benefits shall be separately prepared, and shall not exceed 34% of the aggregate operating budget component of the annual or adjustments

budget. For purposes of applying this principle, the remuneration of political office bearers and other councillors shall be excluded from this limit.

13. The Head of the Department, service or function to which each budget vote relates shall justify the allocation of the aggregate budget for such vote to the various line-items within the vote to the portfolio committee responsible for the department, service or function concerned. In motivating the allocations made to and within the vote, the head of department, service or function concerned shall provide the relevant portfolio committee with appropriate quarterly performance indicators and service delivery targets pertaining to the budget. Such indicators and targets shall be prepared with the approval of the Municipal Manager and the Mayor.
14. In preparing its revenue budget, the municipality shall strive to maintain the aggregate revenues from property rates at not less than 25% of the aggregate revenues budgeted for. The Municipal Manager shall deviate from this based on the prevailing conditions or as dictated by other factors such as the tariff increases and the need to compile a credible funded budget.
15. When considering the draft annual budget, the council shall consider the impact, which the proposed increases in rates and service tariffs will have on the monthly municipal accounts of households in the municipal area. The impact of such increases shall be assessed on the basis of a fair sample of randomly selected accounts. Because households have no mechanism for passing on such increases to other parties, but must fully absorb the increases concerned, the council shall ensure that the average additional impact of such increases is not more than the relevant increase in the consumer price index.

## **5. ADJUSTMENT BUDGETS**

1. In terms of section 28 (2) of the Municipal Finance Management Act, No. 56 of 2003 an adjustments budget:



- i. must adjust the revenue and expenditure estimates downwards if there is material under-collection of revenue during the current year;
- ii. may appropriate additional revenues that have become available over and above those anticipated in the annual budget, but only to revise and accelerate programmes already budgeted for;
- iii. may, within a prescribed framework, authorize unforeseeable and unavoidable expenditure recommended by the Mayor of the municipality;
- iv. may authorize the utilization of projected savings in one vote towards spending under another vote;
- v. may authorize the spending of funds that were unspent at the end of the past financial year where the under-spending could not reasonably have been foreseen at the time to include projected rollovers when the annual budget for the current year was approved by the council;
- vi. may correct any errors in the annual budget; and
- vii. may provide for any other expenditure within a prescribed framework.

2. In terms of section 28 (5) of the Municipal Finance Management Act, No 56 of 2003, when an adjustments budget is tabled, it must be accompanied by:

- i. An explanation how the adjustments budget affects the annual budget;
- ii. a motivation of any material changes to the annual budget;
- iii. an explanation of the impact of any increased spending on the annual budget and the annual budgets for the next two financial years; and

- iv. any other supporting documentation that may be prescribed.
3. The Municipal Manager will annually in terms of section 79 of the Municipal Finance Management Act, No 56 of 2003, delegate or confirm, vary or revoke existing delegations, to senior managers the responsibilities of a vote / department / functional area, referred to in section 78 of the Municipal Finance Management Act, No 56 of 2003. Senior managers to whom a vote / department / functional area have been delegated must immediately report to the Chief Financial Officer the need of an adjustments budget required in terms of section 28 (2) of the Municipal Finance Management Act, No 56 of 2003 and are responsible for the requirements referred to in terms of section 28 (5) of the Act.
4. The Chief Financial Officer would on a monthly basis monitor and report to senior managers the expenditure and revenue collected per vote / department / functional area and informs the Municipal Manager of any request by senior managers or need for an adjustments budget. The section 71 reports serves this purpose and submission to the Municipal Manager shall be sufficient for this purpose.
5. The Municipal Manager will in terms of section 72 (3) of the Municipal Finance Management Act, No 56 of 2003, with revision of the mid-year budget and on recommendation of the Chief Financial Officer recommends to the Mayor/Municipal Council the necessity of an adjustments budget. The adjustments budget would then (in consultation with senior managers) be prepared by the Chief Financial Officer. Unless approved by the Municipal Manager an adjustments budget would be prepared only once per financial year (taking into account the legislative requirements in this regard).
6. Adjustments within a vote / department / functional area, not exceeding total expenditure approved in the annual budget, are not required to be tabled to the council by the Mayor. Such adjustments between sub votes (Personnel

expenditure, General expenditure, Repairs & maintenance, Loan Commitments, Contribution to capital and Contribution to funds) may be done once a year with the approval of the Municipal Manager and Chief Financial Officer. Procedures required for an adjustments budget should be followed. Adjustments between line items in any sub vote not exceeding the total allocation of that sub vote may be done once a year with the approval of the Municipal Manager and Chief Financial Officer.

## **6. RESPONSIBILITIES OF THE CHIEF FINANCIAL OFFICER**

1. Without derogating in any way from the legal responsibilities of the Municipal Manager as Accounting Officer, the Chief Financial Officer shall be responsible for assisting the Municipal Manager with preparing the draft annual capital and operating budgets (including the budget components required for the ensuing financial years), any required adjustments budgets, the projections of revenues and expenses for the service delivery and budget implementation plan (including the alignment of such projections with the cash management programme prepared in terms of the banking and investments policy), and shall be accountable to the Municipal Manager in regard to the performance of these functions.
2. The Municipal Manager shall ensure that all Heads of Departments provide the inputs required by the Chief Financial Officer into these budget processes. The Municipal Manager shall draft the budget timetable for the ensuing financial year for the Mayor's recommendation and approval by Council, and shall indicate in such timetable the target dates for the draft revision of the annual budget and the preparation of the annual budget for the ensuing financial year, which target dates shall follow the prescriptions of the Municipal Finance Management Act, and target dates for the submission of all the budget-related documentation to the Mayor, Finance Committee, Executive Committee and Municipal Council.
3. Except where the Chief Financial Officer, with the consent of the Mayor and Municipal Manager, decides otherwise, the sequence in which each annual

budget and adjustments budget shall be prepared, shall be: first, the capital component, and second, the operating component. The operating component shall duly reflect the impact of the capital component on:

- i. depreciation charges
  - ii. repairs and maintenance expenses
  - iii. interest payable on external borrowings
  - iv. other operating expenses.
4. In preparing the operating budget, the Chief Financial Officer shall determine the number and type of votes to be used and the line-items to be shown under each vote, provided that in so doing the Chief Financial Officer shall properly and adequately reflect the organisational structure of the municipality, and further in so doing shall comply – in so far as the organisational structure permits – also with the prescribed budget format of National Treasury.
  5. The Chief Financial Officer shall determine the depreciation expenses to be charged to each vote, the apportionment of interest payable to the appropriate votes and the contributions to the provisions for bad debts, accrued leave entitlements and obsolescence of stocks.
  6. The Chief Financial Officer together with the Head of Department shall further, with the approval of the Mayor and the Municipal Manager, determine the recommended contribution to the asset financing reserve.
  7. The Chief Financial Officer shall also, again with the approval of the Mayor and the Municipal Manager and having regard to the municipality's current financial performance, determine the recommended aggregate growth factor(s) according to which the budgets for the various votes shall be drafted.

8. The Chief Financial Officer shall compile monthly budget reports, with recommendations, comparing actual results with budgeted projections, and the Heads of Departments shall timeously and adequately furnish the Chief Financial Officer with all explanations required for deviations from the budget.
9. The Chief Financial Officer shall submit these monthly reports to the Mayor, finance committee and executive committee, and all other prescribed parties, in accordance with the prescriptions of the Municipal Finance Management Act.
10. The Municipal Manager (with the assistance of the Chief Financial Officer) shall provide technical and administrative support to the Mayor in the preparation and approval of the annual and adjustment budgets, as well as in the consultative processes, which must precede the approval of such budgets.
11. The Chief Financial Officer shall ensure that the annual and adjustments budgets comply with the requirements of the National Treasury reflect the budget priorities determined by the Mayor, are aligned with the IDP, and comply with all budget-related policies, and shall make recommendations to the Mayor on the revision of the IDP and the budget-related policies where these are indicated.
12. The Chief Financial Officer shall make recommendations on the financing of the draft capital budget for the ensuing and future financial years, indicating the impact of viable alternative financing scenarios on future expenses, and specifically commenting on the relative financial merits of internal and external financing options.
13. The Chief Financial Officer shall determine the basis for allocating overhead expenses not directly chargeable to votes. The expenses associated with the democratic process shall be allocated to a separate vote, and shall not be charged out as an overhead.
14. The Chief Financial Officer shall ensure that the cost of indigent relief is separately reflected in the appropriate votes. The Chief Financial Officer shall

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

## **7. ANNEXURE: LEGAL REQUIREMENTS**

### **7.1. Section 15 Appropriation of funds for expenditure**

1. Expenses may only be incurred in terms of the approved annual budget (or adjustments budget) and within the limits of the amounts appropriated for each budget vote.

### **7.2. Section 16 Annual budgets**

1. The Council of Tswelopele Local Municipality must approve the annual budget before the start of the financial year to which it relates.
2. The Mayor must table the annual budget at least ninety days before the start of such financial year.
3. The capital budget may extend over three years, provided that it is separated into annual appropriations for that period.

### **7.3. Section 17 Contents of annual budgets and supporting documents**

1. The budget must be in the prescribed format, and must be divided into a capital and an operating budget. The budget must reflect the realistically expected revenues by major source for the budget year concerned. The expenses reflected in the budget must be divided into votes.

2. The budget must also contain the foregoing information for the two financial years following the financial year to which the budget relates, as well as the actual revenues and expenses for the year before the current year, and the estimated revenues and expenses for the current year.
  
3. The budget must be accompanied by all the following documents:
  - i. Draft resolutions approving the budget and levying property rates, other taxes and tariffs for the financial year concerned;
  - ii. draft resolutions (where applicable) amending the IDP and the budget-related policies;
  - iii. measurable performance objectives for each budget vote, taking into account the municipality's IDP;
  - iv. the projected cash flows for the financial year by revenue sources and expenditure votes;
  - v. any proposed amendments to the IDP;
  - vi. any proposed amendments to the budget-related policies;
  - vii. the cost to the municipality of the salaries, allowances and other benefits of its political office bearers and other councillors, the Municipal Manager, the Chief Financial Officer, and other senior managers;
  - viii. particulars of any proposed allocations or grants to other municipalities, municipal entities, external mechanisms assisting the municipality in service delivery, other organs of state, and organisations such as NGOs, welfare institutions and so on;
  - ix. particulars of the municipality's investments; and

- x. various information in regard to municipal entities under the shared or sole control of the municipality.

#### **7.4. Section 18 Funding of expenditures**

1. The budget may be financed only from:
  - i. Realistically expected revenues, based on current and previous collection levels;
  - ii. cash-backed funds available from previous surpluses where such funds are not required for other purposes; and
  - iii. borrowed funds in respect of the capital budget only.

#### **7.5. Section 19 Capital projects**

1. Tswelopele Local Municipality may spend money on a capital project only if the money for the project (including the cost of any required feasibility studies) has been appropriated in the capital budget. The total cost of the project must also be approved by the Council.
2. The envisaged sources of funding for the capital budget must be properly considered and the Council must be satisfied that this funding is available and has not been committed for other purposes.
3. Before approving a capital project, the Council must consider the projected cost of the project over all the ensuing financial years until the project becomes operational, as well as the future operational costs and any revenues which may



arise in respect of such project, including the likely future impact on property rates and service tariffs.

#### **7.6. Section 20 Matters to be prescribed**

1. The Minister of Finance must prescribe the format of the annual budget, and may further prescribe a variety of other matters, including the inflation projections which Tswelopele Local Municipality must use in compiling its budget.
  
2. The Minister may also prescribe uniform norms and standards in regard to the setting of tariffs where a municipality entity or other external mechanisms is used to perform a municipal service; and may also take appropriate steps to ensure that a municipality does not, in exceeding its fiscal powers, materially and unreasonably prejudice national economic policies (particularly on inflation, administered pricing and equity), economic activities across municipal boundaries, and the national mobility of goods, services, capital or labour.

#### **7.7. Section 21 Budget preparation process**

1. The Mayor of Tswelopele Local Municipality must:
  - i. Co-ordinate the processes for preparing the annual budget, and for reviewing the municipality's IDP and budget-related policies to ensure that the budget, the IDP, and the policies are mutually consistent and credible.
  
  - ii. At least ten months before the start of the ensuing financial year, table in the Council the time schedule with key deadlines for the preparation, tabling and approval of the following year's annual budget, the review of

the IDP and budget-related policies, and the consultative processes required in the approval of the budget.

- iii. When preparing the annual budget, take into account the municipality's IDP, the national budget, provincial budget, the National Government's fiscal and macro-economic policies, and the annual Division of Revenue Act.
- iv. Take all reasonable steps to ensure that the municipality revises its IDP in line with realistic revenue and expenditure projections for future years.
- v. Consult the district municipality (if it is a local municipality) and all other local municipalities in the district, and all other local municipalities in the district if it is a district municipality.
- vi. Consult the National Treasury when requested, the Provincial Treasury, and such other provincial and national organs of state as may be prescribed.
- vii. Provide, on request, any budget-related information to the National Treasury, other national and provincial organs of state, and any other municipality affected by the budget.

#### **7.8. Section 22 Publication of annual budgets**

1. The Municipal Manager must make this budget and other budget-related documentation public, and must invite the local community to submit representations in regard to such budget immediately after the annual budget has been tabled.
2. The Municipal Manager must also immediately submit the tabled budget in both printed and electronic formats to the National Treasury, the Provincial Treasury,

and in either format to prescribed national and provincial organs of state and other municipalities affected by the budget.

#### **7.9. Section 23 Consultations on tabled budgets**

1. After the budget has been tabled, the Council of Tswelopele Local Municipality must consider the views of the local community, the National Treasury, the Provincial Treasury, and any provincial or national organs of state or municipalities which have made submissions on the budget.
2. After considering these views, the Council must give the Mayor the opportunity to respond to the submissions received, and – if necessary – revise the budget and table the relevant amendments for consideration by the Council.
3. The National Treasury may issue guidelines on the manner in which the Council must process the annual budget, including guidelines on the formation of a committee of the Council to consider the budget and hold public hearings. Such guidelines shall be binding only if they are adopted by the Council.

#### **7.10. Section 24 Approval of annual budgets**

1. The Council must consider approval of the budget at least thirty days before the start of the financial year to which such budget relates. The budget must be approved before the start of such financial year, and the resolutions and performance objectives referred to in Section 17 must simultaneously be adopted.

#### **7.11. Section 25 Failure to approve budget before start of budget year**

1. This Section sets out the process which must be followed if the budget is not approved in the normal course of events. Briefly the Council must reconsider and vote on the budget, or an amended version of the budget, every seven days until a budget is approved. The Mayor must immediately inform the MEC for Local Government if the budget is not adopted by the start of the budget year, and may request a provincial intervention.

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

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

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

1. The duties of the Mayor to report any impending non-compliance and the general consequences of non-compliance with the requirements of the various foregoing prescriptions, are set out in this section.

#### **7.14. Section 28 Municipal adjustments budgets**

1. Tswelopele Local Municipality may revise its annual budget by means of an adjustments budget. However, the municipality must promptly adjust its budgeted revenues and expenses if a material under-collection of revenues arises or is apparent.

2. Tswelopele Local Municipality may appropriate additional revenues which have become available but only to revise or accelerate spending programmes already budgeted for.
3. Tswelopele Local Municipality may in such adjustments budget, and within the prescribed framework, authorise unforeseen and unavoidable expenses on the recommendation of the Mayor.
4. Tswelopele Local Municipality may authorise the utilisation of projected savings on any vote towards spending under another vote. Municipalities may also authorise the spending of funds unspent at the end of the previous financial year, where such under-spending could not reasonably have been foreseen at the time the annual budget was approved by the Council.
5. Only the Mayor of the municipality may table an adjustments budget. Such budget may be tabled whenever necessary, but limitations on the timing and frequency of such tabling may be prescribed.
6. An adjustments budget must contain all of the following:
  - i. An explanation of how the adjustments affect the approved annual budget;
  - ii. appropriate motivations for material adjustments; and
  - iii. an explanation of the impact of any increased spending on the current and future annual budgets.
7. Municipal taxes and tariffs may not be increased during a financial year except if required in terms of a financial recovery plan.

### **7.15. Section 29 Unforeseen and unavoidable expenditure**

1. In regard to unforeseen and unavoidable expenses, the following apply:
  - i. The Mayor may authorise such expenses in an emergency or other exceptional circumstances;
  - ii. the municipality may not exceed a prescribed percentage of the approved annual budget in respect of such unforeseen and unavoidable expenses;
  - iii. these expenses must be reported by the Mayor to the next Council meeting;
  - iv. the expenses must be appropriated in an adjustments budget; and
  - v. the adjustments budget must be passed within sixty days after the expenses were incurred.

### **7.16. Section 30 Unspent funds**

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

### **7.17. Section 31 Shifting of funds between multi-year appropriations**

1. If the funds for a capital project have been appropriated for more than one financial year (see Section 16) these expenses may exceed the appropriation for any one financial year, provided:
  - i. The increase is not more than 20% of that financial year's allocation;

- ii. the increase is funded in the next financial year's appropriations;
- iii. the Municipal Manager certifies that actual revenues are expected to exceed budgeted revenues, and that enough funds will be available to finance such increased appropriation without incurring further borrowing beyond the annual budget limit;
- iv. the Mayor gives prior written approval for such increased appropriation;  
and
- v. all the above documentation is provided to the Auditor-General.

**7.18. Section 32 Unauthorised, irregular or fruitless and wasteful expenditure**

- 1. a political office-bearer of a municipality is liable for unauthorised expenditure if that office-bearer knowingly or after having been advised by the Accounting Officer of the municipality that the expenditure is likely to result in unauthorised expenditure, instructed an official of the municipality to incur the expenditure;
- 2. the Accounting Officer is liable for unauthorised expenditure deliberately or negligently incurred by the accounting officer, subject to subsection (3);
- 3. any political office-bearer or official of a municipality who deliberately or negligently committed, made or authorised an irregular expenditure, is liable for that expenditure; or
- 4. any political office-bearer or official of a municipality who deliberately or negligently made or authorised a fruitless and wasteful expenditure is liable for that expenditure.

5. A municipality must recover unauthorised, irregular or fruitless and wasteful expenditure from the person liable for that expenditure unless the expenditure—
  - (a) in the case of unauthorised expenditure, is—
    - (i) authorised in an adjustments budget; or
    - (ii) certified by the municipal council, after investigation by a council committee, as irrecoverable and written off by the council; and
  - (b) in the case of irregular or fruitless and wasteful expenditure, is, after investigation by a council committee, certified by the council as irrecoverable and written off by the council.
  
6. If the Accounting Officer becomes aware that the council, the Mayor or the executive committee of the municipality, as the case may be, has taken a decision which, if implemented, is likely to result in unauthorised, irregular or fruitless and wasteful expenditure, the Accounting Officer is not liable for any ensuing unauthorised, irregular or fruitless and wasteful expenditure provided that the Accounting Officer has informed the council, the Mayor or the executive committee, in writing, that the expenditure is likely to be unauthorised, irregular or fruitless and wasteful expenditure.
  
7. The Accounting Officer must promptly inform the Mayor, the MEC for local government in the province and the Auditor-General, in writing, of—
  - (a) any unauthorised, irregular or fruitless and wasteful expenditure incurred by the municipality;
  - (b) whether any person is responsible or under investigation for such unauthorised, irregular or fruitless and wasteful expenditure; and
  - (c) the steps that have been taken—
    - (i) to recover or rectify such expenditure; and



(ii) to prevent a recurrence of such expenditure.

8. The writing off in terms of subsection (2) of any unauthorised, irregular or fruitless and wasteful expenditure as irrecoverable, is no excuse in criminal or disciplinary proceedings against a person charged with the commission of an offence or a breach of this Act relating to such unauthorised, irregular or fruitless and wasteful expenditure.
9. The Accounting Officer must report to the South African Police Service all cases of alleged:
  - (a) irregular expenditure that constitute a criminal offence; and
  - (b) theft and fraud that occurred in the municipality.
10. The council of a municipality must take all reasonable steps to ensure that all cases referred to in subsection (6) are reported to the South African Police Service if:
  - (a) the charge is against the accounting officer; or
  - (b) the Accounting Officer fails to comply with that subsection.
11. The Minister, acting with the concurrence of the Cabinet member responsible for local government, may regulate the application of this section by regulation in terms of section 168.

#### **7.19. Section 33 Contracts having future budgetary implications**

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

- i. The Municipal Manager, at least sixty days before the Council meeting at which the contract is to be approved, has made the contract public, with an information statement summarising the municipality's obligations, and inviting the local community and other interested parties to submit comments or make representations.
  - ii. The Municipal Manager solicits the views and recommendations of the National Treasury and Provincial Treasury in respect to such contract, as well as those of the National Department of Provincial and Local Government, and any national department concerned with water, sanitation or electricity, if the contract relates to any of these services.
  - iii. The Council has taken into account the projected financial obligations in regard to such contract, the impact on tariffs, and the views and comments received from all the foregoing parties.
  - iv. The Council adopts a resolution determining that the municipality will secure a significant capital investment or derive a significant financial or economic benefit from the contract, and approves the entire contract exactly as it is to be executed.
2. A contract for purposes of this Section shall exclude any contract relating to the incurring of long-term debt by the municipality, employment contracts, contracts for categories of goods as may be prescribed, or contracts where the value of the contract is less than a prescribed value or a prescribed percentage of the annual budget.

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

1. National and provincial organs of state which supply water, electricity or any other bulk resources to municipalities or municipal entities for the provision of

municipal services may increase the price of such resources only after doing all the following:

- i. The proposed increase must be submitted to the organ's executive authority and (where legislation so requires) to any regulatory agency for approval.
  - ii. At least forty days prior to the above submission the National Treasury and organised local government must be invited to submit written comments on the proposed increase.
  - iii. The executive authority, after taking into account the comments received, must table the price increase in Parliament or the provincial legislature, as the case may be, with a full motivation and certain other prescribed explanatory documentation.
2. A price increase must be tabled on or before 31 March to take effect from 1 July of the same year, unless the Minister of Finance otherwise directs.

#### **7.21. Section 43 Applicability of tax and tariff capping on municipalities**

1. If a national or provincial organ of state is legislatively empowered to determine the upper limits of any municipal tax or tariff, such determination takes effect on the date specified in the determination, but provided that, unless the Minister of Finance otherwise directs:
  - i. A determination promulgated on or before 15 March (or any other period prior to the start of the financial year) shall not take effect on 1 July of the same year.
  - ii. A determination promulgated after 15 March shall not take effect before 1 July of the following year.

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

## **7.22. Section 53 Budget processes and related matters**

1. The Mayor of Tswelopele Local Municipality must:
  - i. Provide general political guidance over the annual budget process and the priorities that guide the preparation of each budget.
  - ii. Co-ordinate the annual revision of the IDP, as well as the preparation of the annual budget, and determine how the IDP is to be taken into account or is to be revised for purposes of such budget.
  - iii. Take all reasonable steps to ensure that the Council approves the annual budget before the start of the financial year to which it relates, and that the municipality's service delivery and budget implementation plan is approved within twenty-eight days after the approval of the budget.
  - iv. Ensure that the annual performance agreements for the Municipal Manager and the senior managers of the municipality are linked to measurable performance objectives which are approved with the budget and the service delivery and budget implementation plan.
  - v. The Mayor must promptly report to the Council and the MEC for Local Government any delay in tabling the annual budget, approving the service delivery and budget implementation plan or signing the annual performance agreements.

- vi. The Mayor must further ensure that the service delivery targets and quarterly performance indicators, and the monthly projections of revenues and expenses in the service delivery and budget implementation plan, are made public not later than fourteen days after these matters have been approved; and that the performance agreements of the Municipal Manager and other senior officials are similarly made public not later than fourteen days after their approval.

### **7.23. Section 68 Budget preparation**

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

### **7.24. Section 69 Budget implementation**

1. The Municipal Manager is responsible for implementing the budget, and must take reasonable steps to ensure that:
  - funds are spent in accordance with the budget;
  - expenses are reduced if expected revenues are less than projected; and
  - revenues and expenses are properly monitored.
2. The Municipal Manager must prepare any adjustments budget when such budget is necessary and submit it to the Mayor for consideration and tabling in Council.
3. The Municipal Manager must submit a draft service delivery and budget implementation plan to the Mayor fourteen days after the annual budget has been approved, and must also within the same period submit drafts of the annual performance agreements to the Mayor.

#### **7.25. Section 70 Impending shortfalls, overspending and overdrafts**

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

#### **7.26. Section 71 Monthly budget statements**

1. The Municipal Manager must, not later than ten working days after the end of each calendar month, submit to the Mayor and Provincial Treasury a report in the prescribed format on the state of the municipality's budget for such calendar month, as well as on the state of the budget cumulatively for the financial year to date. This report must reflect the following:
  - i. actual revenues per source, compared with budgeted revenues;
  - ii. actual expenses per vote, compared with budgeted expenses;
  - iii. actual capital expenditure per vote, compared with budgeted expenses;
  - iv. actual borrowings, compared with the borrowings envisaged to fund the capital budget;
  - v. the amount of allocations received, compared with the budgeted amount;
  - vi. actual expenses against allocations, but excluding expenses in respect of the equitable share;
  - vii. explanations of any material variances between the actual revenues and expenses as indicated above and the projected revenues by source and

expenses by vote as set out in the service delivery and budget implementation plan;

viii. the remedial or corrective steps to be taken to ensure that the relevant projections remain within the approved or revised budget; and

ix. projections of the revenues and expenses for the remainder of the financial year, together with an indication of how and where the original projections have been revised.

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

#### **7.27. Section 54 Budgetary control and early identification of financial problems**

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

i. consider the report;

ii. check whether the budget has been implemented in accordance with the service delivery and budget implementation plan;

iii. issue appropriate instructions to the Municipal Manager to ensure that the budget is implemented in accordance with this plan, and that the spending of funds and the collection of revenues proceed in accordance with the approved budget;

iv. identify any financial problems facing the municipality, as well as any emerging or impending financial problems; and

- v. submit to the Council within thirty days of the end of each quarter a report on the implementation of the budget and the financial state of affairs of the municipality.
- 2. If the municipality faces any serious financial problems, the Mayor must:
  - i. Promptly respond to and initiate the remedial or corrective steps proposed by the Municipal Manager, and
  - ii. alert the MEC for Local Government and the Council of the municipality to the problems concerned.
- 3. The Mayor may revise the details of the service delivery and budget implementation plan, but any revisions to the service delivery targets and quarterly performance indicators must be approved by the Council, and be supported by an adjustments budget. Any changes made to the projections of revenues and expenses as set out in the plan must promptly be made public.

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

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

**7.29. Section 72 Mid-year budget and performance assessment**

- 1. The Municipal Manager must assess the budgetary performance of the municipality for the first half of the financial year, taking into account all the



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

2. The Municipal Manager must then submit a report on such assessment to the Mayor, the National Treasury and the Provincial Treasury.
3. The Municipal Manager may in such report make recommendations for adjusting the annual budget and for revising the projections of revenues and expenses set out in the service delivery and budget implementation plan.
4. In terms of Section 54(1)(f) the Mayor must promptly submit this assessment report to the Council of the municipality.

**7.30. Section 73 Reports on failure to adopt or implement budget-related and other policies**

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

**7.31. Section 75 Information to be placed on websites of municipalities**

1. The Municipal Manager must place on the municipality's official website (inter alia) the following:

- i. The annual and adjustments budgets and all budget-related documents;
- ii. all budget-related policies;
- iii. the annual report;
- iv. all performance agreements;
- v. all service delivery agreements;
- vi. all long-term borrowing contracts;
- vii. all quarterly reports submitted to the Council on the implementation of the budget and the financial state of affairs of the municipality.

#### **7.32. Section 80 Establishment (of municipal budget and treasury office)**

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

#### **7.33. Section 81 Role of Chief Financial Officer**

1. The Chief Financial Officer is administratively in charge of the budget and treasury office and must, inter alia:
  - i. Assist the Municipal Manager in preparing and implementing the budget;
  - ii. perform such budgeting, financial reporting and financial management and review duties as are delegated by the Municipal Manager;

- iii. account to the Municipal Manager for the performance of all the foregoing responsibilities.

#### **7.34. Section 83 Competency levels of professional financial officials**

1. The Municipal Manager, Senior Managers, the Chief Financial Officer and the other financial officials in a municipality must all meet prescribed financial management competency levels.

## SUMMARISED TIMETABLE

**NOTE: DATES IN BRACKETS ARE FLEXIBLE**

FINAL DATE	ACTION BY MUNICIPALITY
31 August	Table in council timetable for preparation of coming year's annual budget
20 January	-
25 January	Assess current year's budget performance
31 January	Table assessment report in council
31 January or earlier	-
(31 January)	Consider municipal entity's proposed budget for coming year and make recommendations
(31 January or earlier)	Table municipal entity's adjustments budget for coming year
(Between 31 January and 31 March)	Table municipality's adjustments budget for current year and changes to service delivery targets and KPIs
(Between 31 January and 31 March)	Make public (adjustments budget and) revisions to service delivery and budget implementation plan for current year
Mid-March	-
31 March	Table municipality's draft budget for coming year
31 March	Table municipal entity's revised budget for coming year
Immediately after 31 March	Make public draft budget for coming year and invite submissions from community, provincial treasury and others
Before 31 May	Respond to submissions and revise draft budget for coming year
31 May	Consider approval of budget for coming year and attendant resolutions

<b>FINAL DATE</b>	<b>ACTION BY MUNICIPALITY</b>
30 June	Budget for coming year and attendant resolutions must be approved by 30 June. Approved budget of entity must be tabled.
Early June to early July: immediately after budget approved	Submit budget to national treasury and provincial treasury
Early June to early July: immediately after approval dates	Place on website annual budgets and all budget-related documents
Mid June to mid July: 14 days after budget approved	Finalise draft service delivery and budget implementation plan and draft performance agreements
Late June to late July: 28 days after budget approved	Approve service delivery and budget implementation plan
Late June to late July: 28 days after budget approved	Conclude performance agreements
Mid July to mid August: 14 days after service delivery and budget implementation plan approved	Make public projections of revenues and expenses for each month of coming year, service delivery targets for each quarter, and performance agreements

#### **DETAILED BUDGET TIMETABLE**

<b>SECTION OF MFMA</b>	<b>DATE BY WHICH ACTION MUST BE COMPLETED</b>	<b>ACTION REQUIRED</b>	<b>RESPONSIBLE PARTY</b>	<b>PRACTICAL CONSIDERATIONS</b>
21(1)(b)	31 August	Mayor must at least 10 months before start of budget year table in council time schedule outlining key deadlines for preparation, tabling and approval of annual budget annual review of	Mayor	Time schedule must either fit in with already scheduled council meetings or must indicate when special council

SECTION OF MFMA	DATE BY WHICH ACTION MUST BE COMPLETED	ACTION REQUIRED	RESPONSIBLE PARTY	PRACTICAL CONSIDERATIONS
		IDP annual review of budget-related policies tabling and adoption of any amendments to IDP and budget-related policies any consultative processes forming part of foregoing		meetings must be scheduled.
72(1), (2) and (3)	25 January	Accounting officer of municipality must assess budgetary and financial performance of municipality for first six months of financial year, make recommendations on whether adjustments budget necessary, and recommend revised projections for revenues and expenses. This assessment must be submitted to the Mayor, national treasury and the provincial treasury (presumably immediately).	Accounting officer	
54(1)(f)	31 January	Mayor must submit accounting officer's report to council.	Mayor	Special council meeting may have to be scheduled.
54(1) and (2)	(Between 31 January and 31 March)  Bg56kj gp	If municipality faces "serious financial problems" Mayor must "promptly" respond to and initiate remedial steps proposed by accounting officer, including steps to reduce expenses and tabling of adjustments budget. Mayor must also consider revisions to service delivery and budget implementation plan. (Note that only council may approve changes to service delivery targets and KPIs – these changes must therefore be tabled with the adjustments budget).	Mayor	Adjustments budgets may be prepared by the accounting officer, and tabled in council by the Mayor "when necessary". They must be so prepared and tabled (within prescribed limits as to timing and frequency) whenever material adjustments to expenses or revenues are required, and not only when "serious financial problems" are looming. In general, adjustments budgets should preferably be tabled by or as soon as possible after 31 January, and certainly not later than 31 March when the draft annual budget for the next year is first

SECTION OF MFMA	DATE BY WHICH ACTION MUST BE COMPLETED	ACTION REQUIRED	RESPONSIBLE PARTY	PRACTICAL CONSIDERATIONS
				tabled.
54(3)	(Between 31 January and 31 March)	Mayor must ensure that revisions to service delivery and budget implementation plan are “promptly” made public. (Note that no concomitant revision of performance agreements is evidently envisaged).	Mayor	Presumably the accounting officer must make these revisions for the Mayor’s approval as part of the process of adjusting the annual budget. The deadline for these revisions must be by or as soon as possible after 31 January, but certainly not later than 31 March. See also 54(1) and (2).
16(2)	31 March	Mayor must table (draft) annual budget of municipality at council meeting at least 90 days before start of budget year.	Mayor	Council meeting must be scheduled appropriately.
22(a) and 22(b)	Immediately after 31 March or earlier date if annual budget tabled before 31 March	Immediately after (draft) annual budget tabled in council, accounting officer must (1) make public budget and documents referred to in Section 17(3), and invite local community to submit representations in connexion with budget, and (2) submit annual budget in both printed and electronic formats to provincial treasury, and in either format to prescribed national and provincial organs of state and to other municipalities affected by the budget.	Accounting officer	
23(2)	Before 31 May	Council must give Mayor opportunity (1) to respond to submissions received on (draft) annual budget and attendant documentation and (2) to revise budget, if necessary, and table amendments for consideration by council.	Mayor and council	-

SECTION OF MFMA	DATE BY WHICH ACTION MUST BE COMPLETED	ACTION REQUIRED	RESPONSIBLE PARTY	PRACTICAL CONSIDERATIONS
24(1) and (2)	31 May	Council must consider approval of annual budget, together with resolutions imposing rates and levies, setting tariffs, approving measurable performance objectives for revenue from each source and for each vote, approving any changes to IDP, and approving any changes to budget-related policies.	Council	Although council has until 30 June to approve budget, best practice will be to approve budget not later than 31 May.
24(3)	(Immediate after approval date)	Accounting officer must submit approved annual budget to national treasury and provincial treasury.	Accounting officer	With 10 working days after the approval date by Council
25(1) and (2)	Within 7 days of date of council meeting which failed to approve annual budget	If council fails to approve annual budget at meeting scheduled in terms of Section 24, must reconsider budget within 7 days of date of such meeting. If necessary, process must be repeated until budget approved by 30 June.	Council	As province will intervene if budget not approved by 30 June, Mayor, councillors and accounting officer must co-operate to ensure obstacles to approval timeously removed.
69(3)(a) and (b)	14 days after approval of annual budget (mid June to mid July)	Accounting officer must submit to Mayor draft service delivery and budget implementation plan, and drafts of annual performance agreements for Municipal Manager and all senior managers.	Accounting officer	
53(1)(c)(ii)	Within 28 days after date annual budget approved (late June to late July)	Service delivery and budget implementation plan must be approved by Mayor, including projections of revenues and expenses for each month, and service delivery targets and performance indicators for each quarter. (Note that though the Mayor approves these targets and KPIs, only the council may change them and then only following	Mayor	-



SECTION OF MFMA	DATE BY WHICH ACTION MUST BE COMPLETED	ACTION REQUIRED	RESPONSIBLE PARTY	PRACTICAL CONSIDERATIONS
		the approval of an adjustments budget. See Section 54(1)(c)).		
53(1)(c)(iii)(aa) & (bb)	Within 28 days after date annual budget approved (late June to late July)	Mayor must take all reasonable steps to ensure that annual performance agreements for Municipal Managers and all senior managers are linked to measurable performance objectives approved with the budget and to the service delivery and budget implementation plan, and are concluded in accordance with Section 57(2) of the Municipal Systems Act.	Mayor	No date is specified for the completion of this requirement, but the logical inference is that the date should not be much later than the date on which the service delivery and budget implementation plan must be approved. See Section 53(3)(b).
16(1)	30 June	Annual budget must be approved by council	Council	Latest date will be 30 June
53(3)(a) and (b)	14 days after approval of service delivery and budget implementation plan (mid July to mid August, depending on date plan approved)	Projections of revenues and expenses for each month and service delivery targets for each quarter (as set out in approved service delivery and budget implementation plan), and performance agreements of Municipal Manager and senior manager must be made public, and copies of performance agreements must be submitted to council and MEC for local government.	Mayor	Although this is not specified as a requirement, logic dictates that copies of the service delivery and budget implementation plan should also be submitted to council and the MEC.