

MINUTES

**OF A MEETING OF COUNCIL OF THE CITY OF CAPE TOWN HELD ON WEDNESDAY,
27 AUGUST 2003 AT 10:00 IN THE COUNCIL CHAMBER, 6 TH FLOOR, PODIUM
BLOCK, CIVIC CENTRE, 12 HERTZOG BOULEVARD, CAPE TOWN**

C 66/08/03 INTERIM DELEGATIONS AND DESIGNATIONS

A report was tabled (copy attached as Addendum D).

Adv I Robson advised that recommendation 3 in the report should be amended to read as follows: "That these delegations and designated powers be exercised on an interim basis until the next Council meeting, but not later than 23 September 2003."

RESOLVED that:

(a) the Executive Mayor be authorized to exercise those powers set out in Annexure A to the report

(b) the Council designate in terms of Section 60(3) of the Structures Act, those powers of the Executive Mayor set out in Annexure B to the report

(c) these delegations and designated powers be exercised on an interim basis until the next Council meeting, but not later than 23 September 2003.

ADOPTED BY ORDINARY RESOLUTION

COUNCIL

**RECOMMENDATION FROM THE EXECUTIVE MAYOR AND THE MEMBERS
OF THE MAYORAL COMMITTEE: 27.08.03****C 60/08/03 INTERIM DELEGATIONS AND DESIGNATIONS****RECOMMENDED that :**

- (a) the Executive Mayor be authorized to exercise those powers set out in Annexure A to the report
- (b) the Council designate in terms of Section 60(3) of the Structures Act, those powers of the Executive Mayor set out in Annexure B to the report
- (c) these delegations ^{+ designated powers} be exercised on an interim basis until the next Council meeting, but not later than 23 September 2003

REPORT TO COUNCIL
INTERIM DELEGATIONS AND DESIGNATIONS

R WOOTTON
PH:710 9410
DATE : 27 AUGUST 2003

1. EXECUTIVE SUMMARY

On 11 June 2003, Council delegated certain powers to two Section 79 Committees. No powers were delegated to the Executive Mayor. The purpose of this report is to delegate certain powers on an interim basis to the Executive Mayor and to designate powers in terms of Section 60(3) on the Structures Act.

2. BUSINESS PLAN REFERENCE

Directorate : Legal Service
Department: Corporate Planning and Support Services
Business Plan Heading : Executive Mayoral System

3. COMPLIANCE WITH STRATEGIC OBJECTIVE

A Sustainable City Of Cape Town
A Competent City Of Cape Town
A City known for its leadership

4. DELEGATED AUTHORITY

Council

5. ANNEXURES/ADDENDA

Annexure A : Interim delegations to Executive Mayor
Annexure B : Interim designations in terms of Section 60(3) of the Structures Act

6. COUNCIL POLICY : STATUS QUO

Not applicable

7. NATIONAL/PROVINCIAL POLICY

Not applicable

REPORT TO COUNCIL
(Delegations and Designations)

8. LEGAL REQUIREMENTS

Section 59 of the Systems Act

Section 60 of the Structures Act

9. BACKGROUND/INTRODUCTION

On the 14 February 2001 Council accepted a report, which included the "Functions and Delegations of the Powers of Council Political Structures". This report formed the basis of the system of delegations as required by the Systems Act. The system of delegation included principles of delegations and conditions of delegation. On 11 June 2003, certain committees were disbanded and power were delegated to two Section 79 Committees.

10. DISCUSSION/MOTIVATION/PROPOSAL/EVALUATION/ASSESSMENT

Section 59 of the System Act reads:

"59 Delegation

(1) A municipal council must develop a system that will maximise administrative and operational efficiency and provide for adequate checks and balances, and, in accordance with that system,-

(a) delegate appropriate powers, excluding a power mentioned in section 160(2) of the Constitution and the power to set tariffs, to decide to enter into a service delivery agreement in terms of section 76(b) and to approve or amend the municipality's integrated development plan, to any of the municipality's other political structures, political official bearers, councillors or staff members.

(b) instruct any such political structure, political office bearer, councillor, or staff member to perform any of the municipality's duties: and

(c) withdraw any delegation or instruction"

It is proposed that the powers contained in Annexure "A" be delegated to the Executive Mayor on an interim basis until the next council meeting, but not later than 23 September 2003.

Section 60 (3) of the Structures Act permits the Council to designate the powers and functions of the Executive Mayor. Section 60 (3) reads

REPORT TO COUNCIL
(Delegations and Designations)

"60 (3) Those of the Executive Mayor's powers and functions as may be designated by the municipal council, must be exercised and performed by the Executive Mayor together with the members of the mayoral committee."

Annexure "B" contains designated powers and functions to be exercised by the Executive Mayor, together with the members of the mayoral committee.

11. STAFF IMPLICATIONS

None

12. COMMENTS FROM OTHER DIRECTORATES

None

13. PUBLICITY IMPLICATIONS

None

14. RECOMMENDATIONS

1. That the Executive Mayor be authorised to exercise those powers set out in Annexure "A".
2. That the Council designate in terms of section 60 (3) of the Structures Act, those powers of the Executive Mayor set out in Annexure "B".
3. That these delegations be exercised on an interim basis until the next council meeting, but not later than 23 September 2003.

REPORT TO COUNCIL (Delegations and Designations)

AUTHOR OF REPORT

DATE: 27/8/03

COMMENT

DIRECTOR : LEGAL SERVICES

DATE 27/08/03

COMMENT

CITY MANAGER

DATE 27 03 2003

COMMENT

EXECUTIVE DEPUTY MAYOR

DATE 27-8-2003

COMMENT

EXECUTIVE MAYOR

DATE 27-8-2003

COMMENT

ANNEXURE "A"

INTERIM DELEGATION OF POWERS AND FUNCTIONS TO THE EXECUTIVE MAYOR

1. The power to make any press statements on behalf of the Council: PROVIDED that the Executive Mayor sub-delegates to members of the mayoral committee the power to make press statements that are directly related to their portfolio, after informing the Executive Mayor.
2. The power to approve the Municipal Manager's and acting Municipal Manager's leave.
3. Approving the participation by the City Manager at national and international meetings, conferences, seminars, etc, which requires the City Manager to be out of office for periods of time longer than a day.
4. Approving contributions to Emergency Relief Funds in consultation with the City Manager or his or her delegate.

ANNEXURE "B"

INTERIM DESIGNATED POWERS IN TERMS OF SECTION 60(3) OF THE MUNICIPAL STRUCTURES ACT

1. The power to authorise the Executive Mayor, members of the Mayoral Committee or other councillors to attend seminars, congresses or meetings.
2. The power to authorize the Executive Mayor, members of the Mayoral Committee, other councillors and officials to undertake official National and International trips/journeys on behalf of the Municipality.
3. The determination of policy for the organization of the City's administrative functions, activities and workforce into directorates and departments.
4. Commenting on draft legislation and government policies.
5. Mandating representatives of the City to represent the City in all salary, wage and other labour disputes.

