

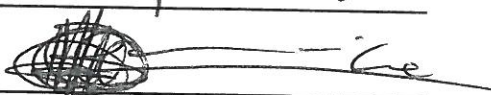
# FRANCES BAARD DISTRICT MUNICIPALITY

## CASH AND INVESTMENT POLICY



DATE OF ADOPTION: 23 September 2015

DATE OF IMPLEMENTATION: 23 September 2015

SIGNATURE OF SPEAKER: 

DATE: 10<sup>th</sup> NOV 2015

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ANNEXURE I: PARAPHRASE OF REQUIREMENTS OF MUNICIPAL FINANCE MANAGEMENT  
ACT NO. 56 OF 2003

APPROVED

1. SCOPE OF POLICY

*CASH AND INVESTMENT POLICY*

Municipal investment practices are guided by several influencing sources, including legislation, Institute of Municipal Finance Officers (IMFO) recommendations and local municipal policy.

The investing of surplus cash is subject to certain restrictions. These restrictions include:

- Investments being allowed only at approved banking institutions,
- The maximum amount that may be invested,
- The term of said investment,
- The method of placement; and
- the payment of commission for the placement of an investment.

The investing of surplus cash is subject to certain restrictions, such as investments being allowed only at approved banking institutions, the maximum amount that may be held at any one such institution, the term of said investment, the method of placement and the payment of commission for placement of an investment.

This policy will aim to outline the above mentioned procedures concerning investments at the municipality.

## **2. OBJECTIVES**

The municipality is the executor of the public revenues which it collects, and therefore it has an obligation to the community to ensure that the municipality's cash resources are managed effectively and efficiently. The municipality has a responsibility to invest these public revenues knowledgeably and judiciously, and must be able to account fully to the community in regards to such investments.

The investment policy of the municipality is aimed at gaining the optimal return on investments, without incurring undue risks, during those periods when cash revenues are not needed for capital or operational purposes. The effectiveness of the investment policy is dependent on the accuracy of the municipality's cash management programme; which must identify the amounts surplus to the municipality's needs, as well as the time when and period for which such revenues are surplus.

### **3. LEGAL FRAMEWORK**

This policy will be implemented within the legal framework of the constitution and relevant national legislation outlined hereunder:

- Constitution of the RSA, (Act No. 108 of 1996);
- The Regional Services Councils Act, 1985 (Act No. 109 of 1985);
- The Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000); and
- The Local Government Municipal Finance Management Act (MFMA) 2003 (Act No. 56 of 2003)

A paraphrase of the provisions of the Municipal Finance Management Act is attached as **Annexure I** to this policy.

### **4. PRESCRIBED FRAMEWORK AND APPROVED INSTITUTIONS**

#### **4.1. Prescribed framework**

The Minister, acting with the concurrence of the Cabinet member responsible for local government, may prescribe a framework within which municipalities must—

- (a) conduct their cash management and investments; and
- (b) invest money not immediately required.

#### **4.2. List of approved institutions**

Those approved for the placement of municipal investments are:

- ABSA;
- FIRST RAND;
- NEDCOR GROUP; and
- STANDARD BANK.

The municipality may place further restrictions on approved institutions, but will not place funds at institutions excluded from those approved. Further restrictions will include the prerequisite that an approved institution must have an established operation and be commercially active in the municipality.

## **5. SURPLUS CASH**

Surplus cash can be defined as the excess funds available to a municipality, which are not required to meet short-term obligations, and which may be safely withdrawn from current cash reserves without jeopardising the municipality's daily operational capability.

Investment of surplus cash presupposes that cash is transferred from the current account to an investment account, for periods of between 30 to 120 days. No investment will be held for more than 365 days without conforming to certain public notification procedures. No investment with a tenure exceeding twelve months must be made without the prior approval of the accounting officer.

## **6. CASH MANAGEMENT**

### **6.1 Cash Management Programme**

The chief financial officer must:

- Prepare an annual estimate of the municipality's cash flows divided into calendar months, and
- must update this estimate on a weekly basis.

The estimate must indicate when and for what periods and amounts surplus revenues may be invested, when and for what amounts investments will have to be liquidated, and when if applicable either long-term or short-term debt must be incurred.

Heads of departments must, in this regard, furnish the chief financial officer with all such information as is required, timely and in the format indicated. The chief financial officer must report monthly to the

mayoral committee or the executive mayor and at every ordinary council meeting the cash flow estimate or revised estimate for that month or reporting period respectively, together with the actual cash flows for the month or period concerned, and cumulatively to date, as well as the estimates or revised estimates of the cash flows for the remaining months of the financial year, aggregated into quarters where appropriate.

The cash flow estimates must be divided into calendar months and, in reporting, the chief financial officer must provide comments or explanations in regards to any significant cash flow deviation in any calendar month forming part of such a report. These reports must also indicate any movements in respect of the municipality's investments, together with appropriate details of the investments concerned.

Each draft annual budget, when tabled in council, will be accompanied by:

- projection of cash flows for the budget year by revenue source, divided into calendar months; and
- details of the municipality's investments.

These documents will be made public and comments will be invited from the community.

## **6.2 Bank Accounts**

The accounting officer is responsible for the management of the municipality's bank accounts, but may delegate this function to the chief financial officer. The accounting officer and the chief financial officer are authorised at all times to sign cheques and any other documentation associated with the management of such accounts. The accounting officer, in consultation with the chief financial officer, is authorised to appoint two or more additional signatories in respect of such accounts, and to amend such appointments from time to time.

All payments, other than petty cash disbursements, must be made through the municipality's bank account(s). The accounting officer must open a bank account for ordinary operating purposes (primary bank account), and may further maintain a separate account for each of the following:

- the administration of the external finance fund; and
- of the asset financing reserve (if these accounts are legally permissible).

One or more separate accounts may also be maintained for the following:

- capital receipts in the form of grants, donations or contributions from whatever source;

- trust funds; and
- the municipality's self-insurance reserve (if legally permissible).

In determining the number of additional accounts to be maintained, the accounting officer, in consultation with the chief financial officer, must have regard to the likely number of transactions affecting each of the accounts referred to. Unless there are compelling reasons to do otherwise, and the council expressly so directs, all the municipality's bank accounts must be maintained with the same banking institution to ensure pooling of balances for purposes of determining the interest payable to the municipality.

The accounting officer must invite tenders for the placing of the municipality's bank accounts within six months after the election of each new council, such new banking arrangements are to take effect from the first day of the ensuing financial year. However, such tenders may be invited at any earlier stage, if the accounting officer, in consultation with the chief financial officer, is of the opinion that the services offered by the municipality's current bankers are materially defective, or not cost-effective, as the case may be, agrees to the invitation of such tenders.

A bank where the municipality, at the end of the financial year, holds a bank account or held a bank account, at any time during such financial year must, within 30 days after the end of such financial year, notify the Auditor General, in writing, of such a bank account, indicating the type and number of the account, and the opening and closing balances of that account in that financial year. The bank must also promptly disclose any information regarding the account when so requested by the National Treasury or the Auditor General. A bank, insurance company or other financial institution which the end of the financial year holds, or at any time during the financial year held, an investment for the municipality must, within 30 days after the end of that financial year, notify the Auditor General, in writing, of that investment, including the opening and closing balances of that investment in that financial year. Such an institution must also promptly disclose any information regarding the investment when so requested by the national treasury or the Auditor General.

### **6.3 Revenue collection**

All monies due to the municipality must be collected as soon as possible, either on or immediately after due date, and banked on a daily basis.

The respective responsibilities of the chief financial officer and other heads of departments, in this regard, will be defined in a code of financial practice approved by the accounting officer in consultation with the chief financial officer.

An integral part of proper cash collection is the unremitting support of council and the municipal officials to the municipality's credit control policy. By approving this policy, the municipality pledges itself to support and commit to this policy.

### **6.4 Payment to creditors**

The chief financial officer must ensure that all tenders and quotations invited and contracts entered into by the municipality stipulate payment terms favourable to the municipality, that is, payment to fall due, not sooner than thirty (30) days. The conclusion of the month following the month in which a particular service is rendered to or goods are received by the municipality. This rule must be departed from only where there are financial incentives for the municipality to effect earlier payment, and any such departure must be approved by the chief financial officer before any payment is made.

In the case of small, micro and medium enterprises, where such a policy may cause financial hardship to the contractor, payment may be effected at the conclusion of the month during which the service is rendered or within fourteen days of the date of such service being rendered, whichever is the later. Any such early payment must be approved by the chief financial officer before any payment is made.

Notwithstanding the foregoing policy directives, the chief financial officer must make full use of any extended terms of payment offered by suppliers and not settle any accounts earlier than such extended due date, except if the chief financial officer determines that there are financial incentives for the municipality to do so.

The chief financial officer must not ordinarily process payments, for accounts received, more than once in each calendar month, such processing is to take place on or about the end of the month concerned. Wherever possible, payments must be effected by means of electronic transfers rather than by cheques.

Special payments to creditors must only be made with the express approval of the chief financial officer, who must be satisfied that there are compelling reasons for making such payments prior to the normal month end processing.

#### **6.5 Petty Cash**

The chief financial officer will determine the maximum amount and the nature of the petty cash disbursements, as well as manage allocation of all petty cash floats. All payments other than petty cash disbursements will be made through the municipality's bank account.

#### **6.6 Inventory**

Effective stores (inventory) administration is an important facet of cash management. Such a policy will obviate over-investment in inventory and guard against proliferation of sub-stores as this can lead to wastage due to, redundancy, loss, theft, impairment and obsolescence.

### **7. PROCEDURES FOR INVITATION AND SELECTING OF BIDS**

The chief financial officer must be responsible for investing the surplus revenues of the municipality, and must manage such investments in consultation with the accounting officer, as the case may be, and in compliance with any policy directives formulated by the municipality and prescriptions made by the Minister of Finance.

In making such investments the chief financial officer, must at all times have only the best considerations of the municipality in mind, and, except for the outcome of the consultation process with accounting officer, as the case may be, must not accede to any influence by or interference from councillors, investment agents or institutions or any other outside parties. Any gift received by any employee of the municipality should be declared to council.

The municipality is currently operating in accordance with the above-mentioned guidelines and investment periods are normally limited to 120 days. Written quotations are obtained from the approved institutions on a monthly basis and funds are invested at the institution quoting the highest interest rate. An investment account is held at each of these institutions in order to earn the highest possible interest rate. At the end of each investment term, the balance of the investment account is evaluated and any additional funds are included in the amount re-invested.

### **7.1 Roles and responsibilities**

Accountability and transparency in the investment management process are the specific responsibility of the financial management function. No external investment managers will be used by the municipality. The person responsible for municipal investments will do so in a manner as if the investment was his own and he/ she will be a person of prudence, discretion and intelligence.

Before making any call or fixed deposits, the chief financial officer or official delegated by him/her, must obtain quotations from at least three financial institutions. Given the volatility of the money market, the chief financial officer, must, whenever necessary, request quotations telephonically, and must record in an appropriate register the following:

- the name of the institution,
- the name of the person contacted, and
- the relevant terms and rates offered by such institution, as well as any other information which may be relevant (for example, whether the interest is payable monthly or only on maturity, and so forth).

Details of the proposed investment will be submitted to the chief financial officer (if above mentioned task was delegated to an official) and accounting officer for approval. Once the best investment terms have been identified, written confirmation of the telephonic quotation must be immediately obtained (by facsimile, e-mail or any other expedient means). Any monies paid over to the investing institution in terms of the agreed investment must be paid over only to such institution itself and not to any agent or third party. Once the investment has been made, the chief financial officer must ensure that the municipality receives a properly documented receipt or certificate for such investment, issued by the institution concerned in the name of the municipality.

The accounting officer must further ensure that the municipality's available working capital is managed effectively and economically in terms of the prescribed cash management and investment framework.

## **8. INVESTMENT PRINCIPLES**

### **8.1 Limiting exposure**

Risk management principles advise investors to spread their risk in a reasonable manner. Limited to approved institutions or instruments means that risk is already reduced to those perceived to be the most stable at that time. The municipality must not place investments in excess of a specified limit determined by council, which may be varied from time to time, at any one approved banking institution, unless such excess be authorised by the accounting officer, having due regard to the circumstances, and limiting the duration of such excess to a maximum of 14 (fourteen) days. Investment limits will be guided by the amounts of surplus cash available for investment, the risk to cash demand profile of the municipality, and the perceived risk-to-return ratio in the local investment market.

Risk management will also take into account the fact that comparative rates of return and investment cycles may combine to cause limits to be exceeded for short periods, with justifiable reason. Surplus cash may be received shortly before an existing investment matures and the interest rate offered by that bank may be significantly more favourable than other banks in the same market. Exceeding the investment limit will be managed within acceptable parameters, such as a maximum excess quantum (amount or percentage), a maximum time period and a minimum interest rate differential.

### **8.2 Commission Disclaimer**

All investments made on the basis of placement certificates will verify the amount, term, interest rate, interest due, maturity date and method of payment of interest.

Certificates will individually state that no commission has been paid to any party for the placement of the investment with that institution. Where individual certificates do not meet this requirement a general statement to that effect from the relevant institution will be obtained.

Any official or person connected with the municipality who receives a commission for placement of investments with an institution will be guilty of misconduct and be liable to prosecution.

### **8.3 Investment Term**

Investments will generally be of a short-term nature, varying between 30 and 120 days. The best rates will be obtained in this way. Cash flow and liquidity positions will be managed by packaging investments in smaller amounts and maturity dates will be linked to operational peak periods.

Lower interest rates received for medium term investment will be justified by the nature of the investment for example, when held as contra security by the bank for other guarantees (e.g. housing loan security) or when held as cash backing for a specific fund, such as the personnel leave payment reserve.

From time to time it may be in the best interests of the municipality to make longer-term investments in secure stock issued by the national government, Eskom or any other reputable parastatal or institution, or by another reputable municipality. In such cases the chief financial officer, must be guided by the best rates of interest pertaining to the specific type of investment, which the municipality requires, and to the best and most secure instrument available at the time.

No investment with a tenure exceeding twelve months must be made without the prior approval of the executive mayor and without guidance having been sought from the municipality's bankers or other credible investment advisers on the security and financial implications of the investment concerned.

### **8.4 Investment Placement**

The investments will be placed on the basis of once-off quotations of money market rates at the time of placing surplus funds.

Each locally approved banking institution eligible for such investment trade will be contacted telephonically and asked to quote their current treasury rates for the relevant amount and term of placement. The banks will be required to respond to such quotes within a given time to enable the placement to be done by midday.

Surplus funds will be placed depending on the banks' responses and quoted rates, without any attempt to trade one bank off against another in order to secure better interest rates.

The investment advice reflecting all relevant details will be compiled and submitted to the chief financial officer and the accounting officer for authorisation and execution.

### **Types of investments**

The municipality may use different types of investments to ensure that the investment will be of optimal benefit to the municipality, either long-term or short term. In such cases the chief financial officer will be guided by the best rates of interest pertaining to the specific type of investment and to the best and most secure instrument available at the time.

The following investment types may be utilised:

- Call and fixed deposits;
- Money market;
- Property;
- Capital projects; and
- Municipal bonds.

### **8.5 Interest on investments**

The interest accrued on all the municipality's investments must, in compliance with the requirements of generally recognized accounting practice, be recorded in the first instance in the municipality's current account as ordinary operating revenues, and may thereafter be appropriated, at the end of each month, to the fund or account in respect of which such investment was made. The municipality, when making the investment, must inform the institution of the manner in which accrued interest is to be paid. All interest earned on the municipality's investments must be credited to the municipality's current account.

All accrued interest on active investments must, unless otherwise specified by the accounting officer, be paid on the last working day of each month. Closing interest must be paid with the maturing capital on the expiry date.

In the case of the external finance fund, the chief financial officer may reduce the amount which must annually be invested to redeem any particular loan by the amount of interest so accrued.

If the accrual of interest to the external finance fund, unutilised capital receipts and trust funds results in a surplus standing to the account of any such funds, that is, an amount surplus to the resources required in respect of such funds or accounts, such surplus amount must be credited by the chief financial officer to the appropriation account and re-appropriated to the asset financing reserve.

#### **8.6 Control over investments**

The chief financial officer must ensure that proper records are kept of all investments made by the municipality. Such records must indicate the date on which the investment is made, the institution with which the monies are invested, the amount of the investment, the interest rate applicable, and the maturity date. If the investment is liquidated at a date other than the maturity date, such a date must be indicated.

The chief financial officer must ensure that all interest and capital properly due to the municipality are timeously received, and must take appropriate steps or cause such appropriate steps to be taken if interest or capital is not fully or timeously received.

The chief financial officer must ensure that all investment documents and certificates are properly secured in a fireproof safe with segregated control over the access to the safe, or are otherwise lodged for safekeeping with the municipality's bankers.

### **9. RAISING OF DEBT**

The accounting officer is responsible for the raising of debt, but may delegate this function to the chief financial officer, who must then manage this responsibility in consultation with the municipal manager. All debt must be raised in strict compliance with the requirements of The Act, and only with the prior approval of the council.

Long-term debt must be raised only to the extent that such debt is provided for as a source of necessary finance in the capital component of the approved annual budget or adjustments budget.

Short-term debt must be raised only when it is unavoidable to do so in terms of cash requirements, whether for the capital or operating budgets or to settle any other obligations, and provided the need for such short-term debt, both as to extent and duration, is clearly indicated in the cash flow estimates prepared by the chief financial officer. Short-term debt must be raised only to anticipate a certain long-term debt agreement or a certain inflow of operating revenues.

## **10. RISK MANAGEMENT**

Although the objective of the chief financial officer in making investments on behalf of the municipality must always be to obtain the best interest rate on offer, this consideration must be tempered by the degree of risk involved in regard to both the financial institution and the investment instrument concerned.

This policy will aim to protect against the following risks:

- Fraudulent transactions;
- Mismanagement of cash, investments and inventory ;
- Non-performance because of inadequate cash flows; and
- Reputational damage caused by late, incomplete or non-payment of creditors.

No investment must be made with an institution where the degree of risk is perceived to be higher than the average risk associated with investment institutions. The deposits must be made only with registered deposit-taking institutions.

No investment will be made for speculation purposes but exclusively for sound investment. Investments will be made with primary regard to the liquidity needs of the municipality and to the probable income derived from the investment. Risk control will include the following:

- The municipality will liquidate an investment that no longer has the minimum acceptable rating as specified in this policy;
- The municipality will ensure that all investments are with credit worthy institutions;
- The municipality will take all reasonable steps to diversify its investment portfolio across institutions, types and maturities;
- All investments will be made in the municipalities name and the municipality is not allowed to borrow money for investment purposes; and
- Accurate , complete and up-to-date cash management programmes will ensure that:
  - Fraudulent activities in payments and receipts are promptly detected.
  - Emergence of cash flow problems timeously identified.
  - Proper budgetary management is possible.
  - Allows assessment of effectiveness of credit control and revenue collection.
  - Indicates whether other organs of state and outside institutions are properly meeting their obligations to the municipality.

## **11. REPORTING AND MONITORING**

The Act prescribes that all investments made by municipalities be subject to prescriptions to be set by National Treasury, and that all investments so made are to be notified to National Treasury by both the investing municipality and the accepting institution.

Therefore, internal documentation prescribed by treasury control will be prepared for each individual investment, reflecting the relevant investment details and the register entry number. These documents

will be signed by the chief financial officer and the accounting officer as authorisation for the investment. A copy will be placed on the relevant file and National Treasury will be notified of the investment within 10 working days. The original document will be filed in the investments register and matched with the institution's certificate. A copy of said certificate will be placed on the archive file with the investment instruction.

A report will be submitted by the chief financial officer to the Accounting Officer and council describing the portfolio of the municipality's investment at month end. This report will be submitted within ten (10) working days from the end of the month.

The following will be set out in the monthly investment report:

- Market value of the investment at the beginning of the reporting period;
- Changes to the investment portfolio during period;
- Market value of investment at month end; and
- Interest received on the investment in the reporting period.

The following documents must accompany each tabled draft annual budget (inter alias):

- A projection of cash flows for the budget year by revenue source, divided into calendar months; and
- The municipality's investment particulars.

## **12. CONTRA ALLOCATION OF INTEREST EARNED**

Where funds are received from other authorities and applied to specific functions or tasks such as roads maintenance, the municipality will isolate such funds and allocate interest earned on investments to the funding principal if stated per allocation conditions.

Contra interest allocations will take into account funds received from the principal, the period held and any expenditure incurred on such an account, with interest being credited at the average investment rate earned for the relevant period.

The interest accrued on a specific investment may be used to finance development projects of the municipality.

Before commencement of this type of investment the chief financial officer must report on the following matters to the accounting officer for approval:

- Type of project;
- Outcome of project;
- Amount needed for project;
- Institution where investment will be made;
- Time frame of the investment;
- Interest rate of investment;
- Amount to be allocated to the project;
- Risk assessment of investment;
- Risk assessment of the project; and
- Motivational report from the project manager

### **13. REVIEW**

This investment policy will be reviewed annually during the budget process by the accounting officer in concurrence with all new legislation applicable. The reviewed policy will be implemented at the beginning of each financial year.

## **ANNEXURE I: PARAPHRASE OF REQUIREMENTS OF MUNICIPAL FINANCE MANAGEMENT ACT NO 56 OF 2003**

Note: In terms of section 60(2) of the Municipal Systems Act No. 32 of 2000 the municipality may delegate the authority to take decisions on making investments on behalf of the district municipality only to the executive mayor, executive committee or chief financial officer. The foregoing policy is based on the assumption that such authority has been delegated to the chief financial officer.

### **SECTION 7: OPENING OF BANK ACCOUNTS**

Every municipality must open and maintain at least one bank principal account. This bank account must be in the name of the municipality, and all monies received by the municipality must be paid into this bank account or accounts, promptly and in accordance with any requirements that may be prescribed.

A municipality may not open a bank account:

- otherwise than in the name of the municipality;
- abroad; and / or
- with an institution not registered as a bank in terms of the Banks Act 1990 of South Africa.

Money may be withdrawn from the municipality's bank account only in accordance with the requirements of Section 11 of The Act.

### **SECTION 8: PRIMARY BANK ACCOUNT**

Every municipality must have a primary bank account, and if the municipality has only one bank account that account is its primary bank account. If the municipality has more than one bank account, it must designate one of those bank accounts as its primary bank account.

The following must be paid into the municipality's primary account:

- all allocations to the municipality;
- all income received by the municipality on its investments;
- all income received by the municipality in connection with its interest in any municipal entity;
- all money collected by other external mechanism on behalf of the municipality, and;
- any other monies as may be prescribed.

The accounting officer of the municipality must submit to the National Treasury, the provincial treasury and the Auditor General, in writing, the name of the bank where the primary bank account of the municipality is held, and the type and number of the account. If the municipality wants to change its primary bank account, it may do so only after the accounting officer has informed the national treasury and the Auditor General, in writing, at least 30 days before making such change.

#### **SECTION 9: BANK ACCOUNT DETAILS TO BE SUBMITTED TO PROVINCIAL TREASURIES AND AUDITOR-GENERAL**

The accounting officer of the municipality must submit to the provincial treasury and to the Auditor General, in writing, within 90 days after the municipality has opened a new bank account, the name of the bank where the account has been opened, and the type and number of the account; and annually, before the start of each financial year, the name of each bank where the municipality holds a bank account, and the type and number of each account.

#### **SECTION 10: CONTROL OF MUNICIPAL BANK ACCOUNTS**

The accounting officer of the municipality must administer all the municipality's bank accounts, is accountable to council for the municipality's bank accounts, and must enforce compliance with sections 7, 8 and 11 of The Act.

The accounting officer may delegate the duties referred to above only to the municipality's chief financial officer.

## **SECTION 11: WITHDRAWALS FROM MUNICIPAL BANK ACCOUNTS**

Only the accounting officer or the chief financial officer of the municipality (presumably where this power has been appropriately delegated), or any other senior financial official of the municipality acting on the written authority of the accounting officer, may withdraw money or authorise the withdrawal of money from any of the municipality's bank accounts.

Such withdrawals may be made only to:

- defray expenditure appropriated in terms of an approved budget;
- defray expenditure authorised in terms of section 26(4) (this section deals with situations in which the budget was not timeously approved, and the province has been compelled to intervene);
- defray unforeseeable and unavoidable expenditure authorised in terms of section 29(1);
- in the case of a bank account opened in terms of section 12, make payments from the account in accordance with section 12(4);
- pay over to a person or organ of state, money received by the municipality on behalf of such person or organ of state, including money collected by the municipality on behalf of such person or organ of state by agreement, or any insurance or other payments received by the municipality for such person or organ of state;
- refund money incorrectly paid into a bank account;
- refund guarantees, sureties and security deposits;
- make investments for cash management purposes in accordance with section 13;
- defray increased expenditure in terms of section 31; and / or
- for such other purposes as may be prescribed.

(Note that section 11(1) does not expressly provide for the withdrawal of monies to pay creditors, where the relevant obligations arose in terms of the previous budget; to repay loans; or to repay consumer deposits).

Any authorisation to a senior financial official to withdraw money or to authorize the withdrawal of money from a bank account must be in accordance with the framework as may be prescribed. The accounting officer may not authorise any official other than the chief financial officer to withdraw money or to authorise the withdrawal of money from the municipality's primary bank account if the municipality has a primary bank account which is separate from its other bank accounts.

The accounting officer must, within 30 days after the end of each quarter, table in the council a consolidated report of all withdrawals made other than withdrawals to defray expenditure appropriated in terms of the approved budget, and submit a copy of the report to the relevant provincial treasury and the Auditor General.

## **SECTION 12: RELIEF, CHARITABLE, TRUST OR OTHER FUNDS**

No political structure or office bearer of the municipality may set up a relief, charitable, trust or other fund of whatever description, except in the name of the municipality.

A municipality may open a separate bank account in the name of the municipality for the purpose of such relief, charitable, trust or other fund. The money received by the municipality for the purpose of such funds must be paid into the bank account of the municipality, or if a separate bank account has been opened for such fund, into that account.

The money in a separate account opened for such fund may be withdrawn from the account without appropriation in terms of the approved budget, but only by or on the written authority of the accounting officer, acting in accordance with decisions of the council, and for the purposes for which, and subject to any conditions on which, the fund was established or the money in the fund was donated.

## **SECTION 13: CASH MANAGEMENT AND INVESTMENTS**

The Minister, acting with the concurrence of the cabinet member responsible for local government, may prescribe a framework within which municipalities must conduct their cash management and investments, and invest money not immediately required.

A municipality must establish an appropriate and effective cash management and investment policy in accordance with any framework that may be so prescribed.

A bank where the municipality at the end of the financial year holds a bank account, or held a bank account at any time during such financial year, must, within 30 days after the end of such financial year,

notify the Auditor General, in writing, of such bank account, indicating the type and number of the account, and the opening and closing balances of that account in that financial year. The bank must also promptly disclose any information regarding the account when so requested by the national treasury or the Auditor General.

A bank, insurance company or other financial institution which the end of the financial year holds, or at any time during the financial year held, an investment for the municipality, must, within 30 days after the end of that financial year, notify the Auditor General, in writing, of that investment, including the opening and closing balances of that investment in that financial year. Such institution must also promptly disclose any information regarding the investment when so requested by the national treasury or the Auditor General.

## **SECTION 17: CONTENTS OF ANNUAL BUDGETS AND SUPPORTING DOCUMENTS**

The following documents must accompany each tabled draft annual budget (inter alia):

- a projection of cash flows for the budget year by revenue source, divided into calendar months; and
- particulars of the municipality's investments.

## **SECTION 22: PUBLICATION OF ANNUAL BUDGETS**

The accounting officer must make public, immediately after a draft annual budget is tabled, the budget itself and all the prescribed supporting documents, and invite comments from the local community in connexion with such budget (and documents).

## **SECTION 36: NATIONAL AND PROVINCIAL ALLOCATIONS TO MUNICIPALITIES**

In order to provide predictability and certainty about the sources and levels of intergovernmental funding for municipalities, the accounting officer of a national or provincial department and the accounting authority of a national or provincial public entity responsible for the transfer of any proposed allocations to a municipality, must by no later than 20 January of each year notify the national treasury or the relevant provincial treasury as may be appropriate, of all proposed allocations and the projected amounts of those allocations to be transferred to each municipality during each of the next 3 financial years.

The Minister or the MEC responsible for finance in the province must, when tabling the national annual budget in the national assembly or the provincial annual budget in the provincial legislature, make public particulars of any allocations due to each municipality in terms of that budget, including the amount to be transferred to the municipality during each of the next 3 financial years.

### **SECTION 37: PROMOTION OF CO-OPERATIVE GOVERNMENT BY MUNICIPALITIES**

In order to enable municipalities to include allocations from other municipalities in their budgets and to plan effectively for the spending of such allocations, the accounting officer of every municipality responsible for the transfer of any allocation to another municipality, must, by no later than 120 days before the start of its budget year, notify the receiving municipality of the projected amount of any allocation proposed to be transferred to the municipality during each of the next 3 financial years.

### **SECTION 45: SHORT-TERM DEBT**

The 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 within a financial year during which the debt is incurred, in expectation of specific and realistic income to be received within that financial year; or to bridge capital needs within a financial year, to be repaid from specific funds to be received from enforceable allocations or long-term debt commitments.

The council may approve a short-term debt transaction individually, or may approve an agreement with a lender for a short-term credit facility to be accessed as and when required, including a line of credit or bank overdraft facility, provided that the credit limit must be specified in the resolution of the council; the terms of the agreement, including the credit limit, may be changed only by a resolution of the council; and if the council approves a credit facility limited to emergency use, the accounting officer must notify the council in writing as soon as practicable of the amount, duration and cost of any debt incurred in terms of such a credit facility, as well as the options available for repaying such debt.

The municipality must pay off short-term debt within the financial year in which it was incurred, and may not renew or refinance short-term debt, whether its own debt or that of any municipal entity, where such renewal or refinancing will have the effect of extending the short-term debt into a new financial year.

#### **SECTION 46: LONG-TERM DEBT**

The municipality may incur long-term debt only in accordance with and subject to any applicable provisions of The Act, and only for the purpose of capital expenditure on property, plant or equipment to be used for the purpose of achieving the objects of local government as set out in section 152 of the Constitution; or refinancing existing long-term debt subject to the requirements of section 46(5).

#### **SECTION 47: CONDITIONS APPLYING TO BOTH SHORT-TERM AND LONGTERM DEBT**

The municipality may incur debt only if 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.

#### **SECTION 64: REVENUE MANAGEMENT (EXCERPTS)**

The accounting officer of the municipality is responsible for the management of the revenue of the municipality.

The accounting officer, must, among other things, take all reasonable steps to ensure that all money received is promptly deposited in accordance with the requirements of the present Act into the municipality's primary and other bank accounts.

The accounting officer must also ensure that all revenue received by the municipality, including revenue received by any collecting agent on its behalf, is reconciled on at least a weekly basis.

The accounting officer must take all reasonable steps to ensure that any funds collected by the municipality on behalf of another organ of state are transferred to that organ of state at least on a weekly basis, and that such funds are not used for purposes of the municipality.

## **SECTION 65: EXPENDITURE MANAGEMENT (EXPERTS)**

The accounting officer of the municipality is responsible for the management of the expenditure of the municipality.

The accounting officer must take all reasonable steps to ensure, among other things, that payments made by the municipality are made directly to the person to whom they are due, unless agreed otherwise for reasons as may be prescribed, and either electronically or by way of non-transferable cheques, provided that cash payments and payments by way of cash cheques may be made for exceptional reasons only, and only up to a prescribed limit.

The accounting officer must also ensure that all money owing by the municipality is paid within 30 days of receiving the relevant invoice or statement, unless prescribed otherwise for certain categories of expenditure.

The accounting officer must further ensure that the municipality's available working capital is managed effectively and economically in terms of the prescribed cash management and investment framework.