

**UMZINYATHI DISTRICT
INTERGOVERNMENTAL / CO-ORDINATING
FORUM
(DCF)**



**INTERGOVERNMENTAL RELATIONS
PROTOCOLS, RULES AND PROCEDURES**



PROTOCOL

PREAMBLE

Whereas local government is constituted in the District as the District Municipality and Local Municipalities;

And whereas the District Municipality shares municipal executive and legislative authority with the Local Municipalities in the District;

And whereas the District Municipality and the Local Municipalities must provide effective, transparent, accountable and coherent government in the District;

And whereas the District Municipality and the Local Municipalities must ensure the well-being of all the people in the District, many of whom are subject to poverty, underdevelopment and marginalization;

And whereas these challenges must be addressed through cooperative government and by the coordination of laws, policies and programmes of the District Municipality and the Local Municipalities;

And whereas the Intergovernmental Relations Framework Act of 2005 envisages the establishment of a District Intergovernmental Forum for every district, giving effect to the goals and principles of intergovernmental relations and cooperative government as contained in Chapter 3 of the Constitution;

It is therefore resolved by the Councils of the District Municipality and the Local Municipalities, represented by their Mayors, as follows:

Definitions

1. In this Protocol, unless the context otherwise indicates
- "**Committee**" means the District Technical Coordinating Committee established in terms of this Protocol;
- "**District**" means the area of jurisdiction of the Umzinyathi District Municipality;
- "**District Mayor**" means the mayor of the Umzinyathi District Municipality;
- "**District Municipality**" means the Umzinyathi District Municipality;
- "**Forum**" means the Umzinyathi District Intergovernmental Forum;
- "**Local Municipalities**" means the local municipalities falling in the area of the Umzinyathi District Municipality; which are Endumeni, Nquthu, uMvoti and Msinga local Municipalities.
- "**Premier's Coordinating Forum**" means the Forum established by the Premier of the KwaZulu-Natal, consisting of
- (a) the Premier,
 - (b) the Provincial Cabinet,
 - (c) the Mayors of the district municipalities in KwaZulu-Natal;
 - (d) the Mayor of eThekweni Metropolitan Municipality; and
 - (e) the Chairperson of Kwanaloga.

Establishment of the Umzinyathi District Coordinating Forum

2. The Umzinyathi District Coordinating Forum is hereby established.

Membership

3. (1) The Forum consists of
- (a) the Mayor of uMzinyathi District Municipality; and
 - (b) the Mayors of local municipalities in the District.
 - (c) Socio-Economic partners and other stakeholders as may be invited by the District Mayor.
- (2) The District Mayor is the chairperson of the Forum.

Objectives of the Forum

4. The object of the Forum is to promote and facilitate intergovernmental relations and cooperative government between the District Municipality and the Local Municipalities, including-
- (a) to seek unity of purpose and coordination of effort around the District's development priorities; and
 - (b) To ensure effective and efficient service delivery unhampered by jurisdictional boundaries.

Functions of the Forum

5. The Forum is a consultative forum for the District Municipality and the Local Municipalities to discuss and consult each other on matters of mutual interest, including :

- (a) Draft national and provincial policy and legislation relating to matters affecting local government interests in the District;
- (b) The implementation of national and provincial policy and legislation with respect to such matters in the District;
- (c) Matters arising in the Premier's Coordination Forum;
- (d) Mutual support in terms of section 88 of the Municipal Structures Act (Act 117 of 1998);
- (e) Service delivery in the District; and
- (f) Coherent planning and development in the District.

Referral of matters

6. The Forum may refer a matter arising in the Forum to
- (a) the Premier's Coordinating Forum; or
 - (b) any formal provincial intergovernmental forum that the Premier may establish for a specific functional area.

Meetings of the Forum

- 7.
- (a) The Forum must meet at least four times per year at such times as the District Mayor may decide.
 - (b) The District Mayor may call additional meetings when necessary. Any other member of the Forum may request the District Mayor to call an additional meeting.
 - (c) The District Mayor determines the agenda of meetings. Any other member of the Forum may request the District Mayor to place an item on the agenda.
 - (d) Members must be given adequate notice of the agenda in order to be properly mandated for the meeting.
 - (e) The District Mayor chairs the meetings of the Forum.
 - (f) The District Municipality is responsible for providing administrative and other support services to the Forum.
 - (g) A quorum for a meeting of the Forum is a majority of its members .

Broad consultative meeting

8. (1) The Forum must meet at least once a year with -"
- (a) service providers, as invited by the Forum; and
 - (b) other role players concerned with development in the District, as invited by the Forum.

- (2) The object of the meeting is to coordinate effective service delivery and planning in the District.

Procedure

9. The Forum determines its own procedure for the conduct of meetings.

Resolutions and their implementation

10.
 - (a) The Forum may take resolutions and make recommendations on any matter falling within the scope of its object and functions.
 - (b) The Forum must seek to achieve consensus on any resolution it takes or recommendations it makes. Where all members of the Forum are not in agreement, the resolution may be taken or recommendation made if there is sufficient consensus among the members.
 - (c) Members of the Forum must have an appropriate mandate from their respective executive authorities to deal with the matters on the agenda.
 - (d) On the taking of a resolution or making a recommendation, members must seek the ratification of that resolution or recommendation by their respective executive authorities within a reasonable time.
 - (e) The executive authorities of members must notify the Forum of their ratification of the resolution or recommendation.
 - (f) Where an executive authority does not ratify a resolution, it must inform the Forum with reasons for its decision.
 - (g) Where an executive authority ratifies a resolution or recommendation, that executive authority must take all necessary measures within its jurisdiction to implement the resolution or to adhere to the recommendation.
 - (h) Where an executive authority deviates from or repeals a resolution that it has previously ratified, it must notify the Forum within a reasonable time.
- (11)
 - (a) Where a member of the Forum is of the opinion that another member is acting in a manner that is inconsistent with the letter and spirit of the Protocol, or is not complying with a resolution of the Forum that it has ratified, such a member must notify the Forum.
 - (b) The Forum, at the first available meeting, must seek to resolve the issue.
 - (c) Where the issue cannot be resolved at that meeting, the Forum must establish a process through which the issue may be resolved, including:
 - (i) the appointment of a fact finding commission where there is

- a dispute over factual issues;
- (ii) the appointment of a special task team; or
- (iii) the adoption of any other process that may be appropriate in the circumstances.

Settlement of disputes

12. (a) A member of the Forum may bring an intergovernmental dispute between the member and another member or members of the Forum to the Forum for settlement where the Forum is a suitable institution to effect a settlement of the dispute through negotiation.
- (b) On the referral of an intergovernmental dispute to the Forum, the Forum follows the procedure set out in section 11 above.
- (c) Where the Premier's Coordinating Forum has adopted a Protocol for the settlement of intergovernmental disputes in the Province, the Forum follows the procedure set out in that Protocol.

Technical support structure

13. (a) A District Technical Coordinating Committee is hereby established.
- (b) The function of the Committee is to provide technical support for the Forum and implement decisions.
- (c) The Committee consists of the municipal managers of the Umzinyathi District Municipality and the local municipalities.
- (d) The Forum may from time to time include on the Committee any other person who may be useful for the support of the Forum.
- (e) The Forum must confer the necessary authority on the Committee to undertake technical tasks on behalf of the Forum.

Funding

14. The Forum determines how its functioning is to be financed. The Forum is guided by the principle that all members of the Forum contribute according to their available resources.

Amendment of protocol

15. The Protocol may be amended by the agreement of all members of the Forum.

Application

16. The Protocol comes into force upon the signature of the Mayor of Umzinyathi District Municipality and the Mayors of the Local Municipalities in the District.

Preamble

WHEREAS government in the Republic of South Africa is constituted as national, provincial and local spheres of government which are distinctive, interdependent and interrelated;

AND WHEREAS all governments must co-operate to govern and provide public services to the public for the well-being of the people;

AND WHEREAS co-operative government and intergovernmental relations are constitutional principles which form a sub-system of the government system;

AND WHEREAS district and local municipalities must govern and perform municipal functions to secure the welfare of inhabitants within municipal districts;

AND WHEREAS the uMzinyathi District Intergovernmental Forum has established itself in terms of section 24 of the Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005)

AND WHEREAS the uMzinyathi District Intergovernmental Forum shall forthwith refer to itself as the Umzinyathi District Co-ordinating Forum

AND WHEREAS section 33 of the Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005) requires that every intergovernmental structure must adopt rules to govern its internal procedures;

NOW THEREFORE the Umzinyathi District Co-ordinating Forum herewith confirms its establishment in terms of section 24 of the Intergovernmental Relations Framework Act, 2005, Act 13 of 2005 as the Inter-Municipal District Forum and its member municipalities adopt the rules, principles and protocols as contained herein.

TABLE OF CONTENTS

CHAPTER 1

INTERPRETATION AND ADHERENCE TO THE RULES

Interpretation
Adoption of rules
Adherence to rules

CHAPTER 2

NAME, MEMBERSHIP AND TERMS OF REFERENCE

Name and logo
Membership
Terms of reference

CHAPTER 3

FUNCTIONS AND POWERS OF CHAIRPERSON

Chairperson and role

Agenda and meetings of the district forum
Meeting with service providers
Quorum and voting
Resolutions and recommendations

CHAPTER 4

POWERS AND FUNCTIONS OF THE CHAIRPERSON AND EXECUTIVE SUPPORT

Functions and powers of chairperson
Management and administration of the forum
Financing of the forum
Financing of the meetings
Financing of meetings
Secretary
Information
Technical support structure
Service clusters

CHAPTER 5

SETTLEMENT OF DISPUTES AND ADHERENCE TO RULES

Settlement of disputes
Amendment of internal rules

PRINCIPLES FOR POSSIBLE INCLUSION IN AN INTER-MUNICIPAL AGREEMENT ON THE RELATIONS BETWEEN DISTRICT AND LOCAL MUNICIPALITIES

Article 1: Legislative mandate

Article 2: Municipal political functionaries

Article 3: Channels of communication

Article 4: Managing the impact of the allocation of powers and functions

Article 5: Infrastructure projects

Article 6: Councillors representing a local council in the district

Article 7: Amendment of document

Article 8: Dispute resolution

CHAPTER 1

INTERPRETATION, ADOPTION AND ADHERENCE TO THE RULES

Interpretation

(1) In these rules, unless the context indicates otherwise

"district" means the jurisdictions of the local municipalities within the district of Umzinyathi District Municipality and the

"forum" and **"district forum"** means the Umzinyathi District Forum

"member municipalities" means the district municipality and its local municipalities which are members of the Umzinyathi District Forum.

"rules" means the rules of this document which have been adopted by Umzinyathi District Intergovernmental / Co-ordinating Forum and member municipalities.

"statutory function" means (a) a function assigned by the Constitution or legislation; or (b) an agreement or other instrument emanating from the Constitution or legislation;

"statutory power" means (a) a power conferred by the Constitution or legislation; or (b) an agreement or other instrument emanating from the Constitution or legislation

Adoption of rules

(2) The District Forum adopts the rules of the forum hereafter each member municipality must adopt the rules and any subsequent amendments as has been adopted by the District Co-ordinating Forum.

(3) When a member municipality adopts the rules and any subsequent amendments as approved by the District Forum, such amendments shall not materially alter the rules or be in conflict with the constitution or a statutory provision.

Adherence to rules

(4) All member municipalities, persons and any organ of state that attends and participates in the district co-ordinating forum must adhere to the rules.

- (5) Any member municipality, person and any organ of state who does not adhere to the rules may be instructed by the chairperson not to attend a meeting of the District Forum and may be subjected to the dispute procedures in terms of Chapter 4 of the Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005) .

CHAPTER 2

NAME, LOGO AND TERMS OF REFERENCE

Name and logo

- (6) The name of the district intergovernmental forum shall be the Umzinyathi District Co-ordinating Forum, shortly known as Umzinyathi DCF.
- (7) The logo as displayed hereunder is the logo of the Umzinyathi District Forum

LOGO



Membership of the District Co-ordinating Forum

- (8) The Umzinyathi District Co-ordinating Forum consists of
- (a) the Mayor of the district municipality;
 - (b) the Mayors of the local municipalities in the district ;
 - (c) traditional leaders as ex officio members

- (d) speakers as ex officio members

The chairperson of the forum may invite any person to a meeting of the forum.

Terms of reference

(10) The District Co-ordinating Forum is a forum for consultation and deliberation.

(11) The District Co-ordinating Forum may take resolutions and make recommendations on any matter which two or more municipalities are willing and able to implement, including:

- (a) to draft national and provincial policy and legislation relating to matters affecting the interests of local government in the district;
- (b) implement national and provincial policy and legislation in the district;
- (c) formulate resolutions and recommendations on matters affecting the district -
 - (i) arising from the Premier's intergovernmental forum, and
 - (ii) arising from inputs from any of the municipalities
- (d) provide mutual support to one another in terms of section 88 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);
- (e) deliberate on and commission planning and development in the district;
- (f) co-ordinate and align strategic and performance plans and priorities, objectives and strategies of the municipalities in the district;

(12) The District Forum may refer any matter to:

- (a) the Premier's intergovernmental forum;
- (b) any provincial intergovernmental forum, or
- (c) any Inter-Municipal forum

CHAPTER 3

CHAIRPERSON AND MEETINGS

Chairperson and role

(13) The Mayor of the Umzinyathi District Municipality is the chairperson of Umzinyathi District Co-ordinating Forum.

- (14) The chairperson of the District Forum
- (a) presides at the meetings;
 - (b) performs ceremonial functions which are related to his or her role as, in accordance with the rules, powers and functions of the District Forum; and
 - (c) provides leadership to the District Forum.
- (15) If the chairperson is absent or not available, the members present must elect one of the mayors of the local municipalities to act as a chairperson for the duration of the meeting

Agenda and meetings of the district forum

- (16) The Chairperson-
- (a) decides when and where the District Co-ordinating Forum meets, and
 - (b) approves the agenda of the forum before it is made available to the member municipalities;
- (17) Member municipalities may refer items to the Secretary of the Forum to be included in the agenda, provided that such items must reach the Secretary three weeks prior to the date of the meeting.
- (18) The majority of the local municipalities in a district may request the chairperson in writing-
- (a) to convene a meeting of the district intergovernmental forum at a time and place set out in the request; or
 - (b) to include in the agenda for a meeting any specific matter for discussion.
- (19) The Chairperson of the Forum may reject an agenda item, provided that he/she must include a written motivation in the agenda why an item has been rejected.

Meeting with service providers

- (20) The forum meets at least once per year with service providers and organs of state, who provide services in the district, to co-ordinate and harmonise effective provision of services and planning.

Quorum and voting

- (21) A majority of the municipalities which are members of the district forum

constitutes a quorum for a meeting.

- (22) A question before the forum is decided when there is agreement among the majority of the members present at the meeting.
- (23) If on any question there is an equal number of votes, the chairperson or other member presiding must exercise a casting vote in addition to that member's vote as a member.

Resolutions and recommendations

- (24) The member municipalities of the District Forum may decide on any matter through a resolution or a recommendation or a combination thereof.
- (25) A resolution of the District Forum must be considered by the member municipalities at their first council meeting following on the meeting of the District Forum, where they must
- (a) ratify;
 - (b) accept,
 - (c) reject or
 - (d) accept with amendments
- the resolution of the District Forum.
- (26) The municipal manager must inform the Secretary of the District Forum in writing within five working days of the outcome of the consideration of the resolution of the member municipality.
- (27) A recommendation of the District Forum must be honoured and implemented by the Mayors of the municipalities.

CHAPTER 4

POWERS AND FUNCTIONS OF THE CHAIRPERSON AND EXECUTIVE SUPPORT

Functions and powers of chairperson of district forum

- (28) The chairperson must:
- (a) Identify the common needs, threats and opportunities of the municipalities which are members of the district forum;
 - (b) Recommend to the District Forum strategies, programmes and services to address needs and threats and to capitalize on opportunities in the district;
 - (c) Take into account any applicable national and provincial development plans which may present common obligations to or require a response from the member municipalities;

- (d) Recommend or determine the best way, including intermunicipal partnerships to co-operate and implement strategies, programmes and services to the benefit of the inhabitants within the district.

Management and administration of the forum

- (29) Umzinyathi District Municipality is responsible for the management and administration of the district forum and to execute its resolutions and recommendations.

Financing of the district forum

- (30) The Umzinyathi District Municipality must budget annually for the management and administration of the district forum
- (31) The District Forum determines how the implementation of its resolutions is to be funded and may request member municipalities for financial contributions such as the financing of the expenses of the traditional leadership that is invited to attend the meeting.
- (32) The district shall budget for the expenses of the Chairperson of the House of traditional Leadership in the region who is the ex- officio member of the Forum

Financing of meetings

- (33) The mayors, political representatives and officials of the member municipalities who attend the meetings of the district forum, must claim all subsistence and travel expenses from the municipalities whom they represent. In addition, Member Municipalities shall pay subsistence and travel expenses of any member of the house of traditional leadership they invite.
- (34) The member municipality which hosts the meeting of the forum is responsible to provide sustenance to all in attendance and such technical equipment as may be necessary to conduct the meeting.
- (35) Meetings of the district forum are held at the member municipalities, provided that not two meetings of the forum will be held in succession at the same member municipality, unless the district forum agrees to such an exception.

Secretary

- (36) The Municipal Manager of Umzinyathi District Municipality, or an official designated by him/her is the secretary of the District Co-ordinating forum.

- (37) The secretary of the forum must ensure that all resolutions and recommendations are implemented, honoured and adhered to.
- (38) The secretary of the forum may, in accordance with Section 30 (2) (b) of the Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005) after consulting with the chairperson of the forum, procure specialist services to assist him/her with :
- (a) performing executive functions;
 - (b) implementing resolutions and recommendations, and
 - (c) conducting research and to carry out assignments.

Information

- (39) The District Co-ordinating Forum may request reports from the member municipalities on any matter which the District Forum has resolved, member municipalities have ratified and are implementing or has implemented.
- (40) Member municipalities must submit their Integrated Development Plans, annual budgets, EXCO and Council agendas and minutes to the secretary of the district forum, as soon as they have been published.
- (41) The secretary of the district co-ordinating forum must submit all the agendas and minutes of meetings of the district forum to the Municipal Managers of the member municipalities.

Technical support structure

- (42) The Municipal Managers of the member municipalities, and officials designated by them, form the technical support structure of the intergovernmental forum, of which the Municipal Manager of the District Municipality shall be a chairperson and, in his/her absence, the members present must elect one Municipal Manager to act as a chairperson for the duration of the meeting.
- (43) The secretary of the district forum convenes the meetings of the technical support structure of the intergovernmental support forum
- (a) Before the district forum meets to exchange information on the agenda items and
 - (b) after the district co-ordinating forum has met, to agree on co-operation and harmonizing implementation of the resolutions and recommendations.

Service clusters

- (44) The district forum may establish working groups among the member municipalities which reflect the national and provincial service clusters.

CHAPTER 5

SETTLEMENT OF DISPUTES AND AMENDMENT OF RULES

Intermunicipal agreements

- (45) The District Intergovernmental Forum may request member municipalities to form an intermunicipal committee consisting of councillors to draft an intermunicipal agreement, on inter alia, the following matters:

- to share resources for the mutual benefit of the member municipalities;
- execution of district municipal functions within the jurisdictions of local municipalities;
- prioritisation and the funding of implementation of district municipality projects;
- any co-operative or joint venture.

For the purpose of assisting the intermunicipal committees to draft intermunicipal agreements, the District Co-ordinating Forum may-

- consult with organs of state within the Provincial sphere of government;
- provide policy guidelines, and
- appoint independent facilitators.

An intermunicipal agreement which has been adopted by member municipalities serves as a policy document for the District Co-ordinating Forum.

Settlement of disputes

- (46) The settlement of disputes among the member municipalities of the district municipal forum will be in accordance with Chapter 4 of the Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005).

Amendment of internal rules

- (47) The district forum may amend the rules, provided that at least 75% of the

member municipalities are in favour of the amendment.

(48) Any member of the district forum may submit an agenda item to the secretary to amend the rules, provided that-

- (a) a copy of the proposed amendment must be delivered to the secretary at least six weeks prior to the meeting at which the proposed amendment will served;
- (b) council resolution of the municipality whom the member represents, must endorse the proposed amendment.

**PRINCIPLES FOR AN INTER-MUNICIPAL
AGREEMENT ON THE RELATIONS BETWEEN DISTRICT AND LOCAL
MUNICIPALITIES**

RECOGNISING that a Premier's Co-ordinating Forum (PCF) has been established in accordance with the provisions of the Intergovernmental Relations Framework Act, 2005 and that in terms of such protocol a District Co-ordinating Forum (DCF) has been established.

AND FURTHER RECOGNISING that the objects of local government, as envisaged in the Constitution and other legislation, are to-

- provide democratic and accountable government for local communities;
- ensure the provision of services to communities in a sustainable manner;
- promote social and economic development;
- promote a safe and healthy environment; and
- encourage the involvement of communities and community organizations in the matters of local government;

AND FURTHER ACKNOWLEDGING that municipalities have a joint responsibility of ensuring the progressive realisation of the said objectives;

NOW THEREFORE the municipalities that are party to the District Coordinating Forum have agreed on certain principles and arrangements in order that the Constitutional precepts of co-operative governance and intergovernmental relations can be realised and institutional and service delivery arrangements be developed on the basis of equality, honesty, transparency, mutual trust and integrity; have accordingly concluded this agreement to that end.

ARTICLE 1

LEGISLATIVE MANDATE

Section 3(1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) provides that municipalities must exercise their executive and legislative authority within the constitutional system of co-operative government envisaged in section 41 of the Constitution.

Section 88 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) states as follows:

- (a) A district municipality and the local municipalities within the area of the district must co-operate with one another by assisting and supporting

each other

(b) (i) A district municipality on request by a local municipality within its area may provide financial, technical and administrative support services to that local municipality to the extent that the district municipality has the capacity to provide those support services.

(ii) A local municipality on request of a district municipality in whose area that local municipality falls may provide financial, technical and administrative support services to that district municipality to the extent that the local municipality has the capacity to provide those support services.

(iii) A local municipality may provide financial, technical or administrative support services to another local municipality within the area of the same district municipality to the extent that it has the capacity to provide those support services, if the district municipality or that local municipality so requests.

(iv) Section 37(1) of the Local Government: Municipal Finance Management Act, 2003 provides that municipalities must in their financial and fiscal relations with other municipalities promote co operative government and co-operate and communicate with one another in all financial undertakings.

ARTICLE 2

MUNICIPAL POLITICAL FUNCTIONARIES

- (a) Both district and local municipalities form part of the local sphere of government.
- (b) District and local municipalities as well as their functionaries have equal status amongst each other and no municipality is superior to another.
- (c) the Councillors in the district council are local municipality Councillors.
- (d) 40% of the Councillors in the district council proportionally represent their political parties in the district municipality.
- (e) Both Proportional Representatives and local municipality councillors that are members of a district council should be equitably represented on all standing committees of the district council and be able to participate in all debates of the council and the committees of which they are members.

- (f) Elected woman and disabled persons should be equitably represented on all standing committees of the district council.

ARTICLE 3

CHANNELS OF COMMUNICATION

- (a) Properly structured and transparent communication channels between local municipalities and the district municipality should prevail.
- (b) Agendas and minutes of meetings of all meeting of the local municipalities will be provided to the district municipal manager and those of the district municipality will be provided to the representatives of the local municipality on the district council, and also to the municipal managers of the local municipalities.
- (c) The Municipal Manager of the district municipality must inform the Municipal Manager of the relevant local municipality of any service delivery agreement or activity that is planned by the district municipality in the area of a specific local municipality beforehand.
- (d) The Municipal Manager of the local municipality must ensure that the information is shared with the ward councillor in whose ward the service delivery agreement or activity will take place.
- (e) A PR Councillor from a district municipality or a local municipality may only establish municipal structures in the area of a local municipality in consultation with the Ward Councillor of the respective local municipality. A Councillor from a district municipality may not establish municipal structures in the area of a local municipality without consultation with such local municipality.
- (f) Joint sessions of the executive committees of the district and local municipalities take place, at least quarterly, to discuss matters of common interest. In the case of plenary type councils, two representatives of the council attend such meetings.

ARTICLE 4

MANAGING THE IMPACT OF THE ALLOCATION OF POWERS AND FUNCTIONS

- (a) The district Municipal Manager shall communicate with the local municipal Manager in respect of the execution of functions for which the district municipality is responsible. It is the responsibility of the local municipal manager to communicate with the Ward Councillor in respect of such matters.
- (b) Ward Councillors will facilitate the interaction between the district municipality and local communities through the local municipality in respect of district municipal functions and local municipal functions performed by the district municipality.
- (c) The terms of reference of standing committee(s) will contain clear lines of Communication between the district municipality and the local municipality regarding the performance of district municipal functions in the areas of local municipalities.
- (d) Local municipalities will continue to incorporate matters related to a district municipality function in their integrated development plans (IDP's).
- (e) Revision of the IDP's will be done with the full involvement of the recognized municipal structures.

ARTICLE 5

INFRASTRUCTURE PROJECTS

Definition:

For the purpose of this article, municipal projects refer to capital projects funded from district municipality funds as well as projects funded from MIG, Community Based Public Works Programme (CBPW) and DWAF or any future changed version thereof.

- (a) Both district and local municipal projects must be identified through the ward councillor, ward committee system or recognized municipal structures.
- (b) A project application received by the local municipality must in the first instance be referred to the ward committee where such a committee is in place or to a recognized municipal structure.

- (c) A project application received directly from an applicant by the district municipality, shall be referred to the local municipality which will consult the ward committee or a recognized municipal structure from where the application originated.
- (d) The ward committee or another recognized municipal structure, must decide whether the application is in accordance with the priorities in that ward and the local municipality must then consider the application in terms of the priorities reflected in its IDP.
- (e) The ward committee, through the ward councillor, or another recognized municipal structure, will make a recommendation/s to the local municipality which will in turn, if it is a district municipality's responsibility, make a recommendation to the district municipality.
- (f) The district municipality, in consultation with the local municipalities through the Mayoral Forum, must develop criteria for the prioritization for the funding of projects.
- (g) The district municipality, after consultation with the District Forum, will prioritize projects in terms of the IDP framework and the funds that are available.
- (h) All project prioritization and approval shall take place at either –
 - (i) the statutory district council meeting,
 - (ii) a special district council meeting, or
 - (iii) a projects approval committee of the council at which all the municipalities are represented.
 - (iv) in cases of urgent ad hoc projects funded by outside institutions, the projects can be approved by the EXCO of the District Municipality after consultation with the relevant local municipality.
- (i) All municipalities must always apply their procurement policies in respect of project development and implementation.
- (j) The local municipality must prioritize the projects for which it is responsible and may access grant funding made available to the district municipality, in terms of the prioritized lists referred to in (f) above.
- (k) The district municipality must on a quarterly basis provide progress reports to the local municipality on projects within its area.

- (l) The handing over of a completed project must be a joint initiative of the two municipalities and the ward councillor must play a prominent role in the ceremony. In the case of district projects the mayor of the district municipality as well as the mayor of the local municipality must be involved.

ARTICLE 6

COUNCILLORS REPRESENTING A LOCAL COUNCIL IN THE DISTRICT COUNCIL

- (a) It is their primary responsibility and implied mandate to strive to ensure that they carry out their functions and conduct themselves in the best interest of both the local and the district municipalities. The district municipality must distribute agendas of council meetings in terms of the relevant section of the standing rules of council.
- (b) They are accountable for regular report-backs to their local municipalities.
- (c) They must impartially prioritize all local municipalities and district municipality project proposals in terms of available funding in the interest of the people in the district as a whole while protecting the interests of their own local municipalities, in accordance with their IDP's.

ARTICLE 7

AMENDMENT OF DOCUMENT

This document may be reviewed upon request which must be in writing and may only be amended with the consensus of all signatories to the District Coordinating Forum.

ARTICLE 8

DISPUTE RESOLUTION

The Intergovernmental Relations Framework Act provides for appropriate mechanisms to facilitate the settlement of intergovernmental disputes.

- (a) In order to promote and facilitate good relations between the district and local municipalities, Alternative Dispute Resolution (ADR) procedures - which are premised on the principles of negotiation, mediation and arbitration, must be used.
- (b) Principles in terms of dispute avoidance
 - (i) Section 41 (3) of the Constitution states that an organ of state in

an intergovernmental dispute must make every reasonable effort to settle the dispute by means of mechanisms and procedures provided for that purpose, and must exhaust all other remedies before it approaches a court to resolve the dispute.

- (ii) All dispute resolution principles, mechanisms and procedures are contained in Chapter 4 of the IGR Framework Act, 2005.
- (iii) All co-operative ventures must have clearly defined procedures (protocols) whereby consultation, planning and implementation are adhered to as this mitigates against possible disputes.

Signed at on 2007

By:

Signatures:

Umzinyathi District Municipality

Mayor:.....

Endumeni Local Municipality

Mayor:.....

Nqutu Local Municipality

Mayor: ;

Msinga Local Municipality

Mayor:

Umvoti Local Municipality

Mayor: