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CHIEF EXECUTIVE OFFICER: MUNICIPAL DEMARCATION BOARD	DATE

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## 1. DEFINITIONS AND ABBREVIATIONS

- a. **Advisory Service** shall mean to offer stakeholders information and advice in accordance with section 4(b) of the Municipal Demarcation Act.
- b. **Board** shall mean the members of the Board, as appointed by the president.
- c. **CEO** shall mean Chief Executive Officer of the MDB.
- d. **Chairperson of the Board** shall mean the Chairperson: Municipal Demarcation Board.
- e. **COO** shall mean Chief Operations Officer of the MDB.
- f. **Employee** shall mean any person, excluding an independent contractor, who works for the MDB and who receives, or is entitled to receive any remuneration and any other person who in any manner assists in carrying out or conducting the business of the MDB.
- g. **EXCO** shall mean Executive Committee of the MDB comprised of all Executive and Senior Managers
- h. **Executive or Senior Manager** shall mean Employee on level 13 and above, or an employee formally appointed to act on any of this levels.
- i. **MDB** shall mean the organisation: Municipal Demarcation Board.
- j. **Stakeholder** shall mean communities, councillors, ward committees, community based organisations, civil society organisations, non-profit organisations, ratepayers associations, community development workers, political parties, traditional authorities, national and provincial departments, media, faith based organisations, or any other person or institution that may be affected directly or indirectly by the actions of the MDB.
- k. **SOP** shall mean standard operating procedure.

## 2. BACKGROUND

The Municipal Demarcation Act of 1998, "section 4 provides that the functions of the MDB are:

- i. to determine municipal boundaries;

- ii. to render an advisory service in respect of matters provided for in this Act and other appropriate legislation when so requested”.
- iii. To conduct capacity assessment of district and local municipalities in terms of section 85(4) of the Municipal Structures Act of 1998 so as to amongst other; advice MECs responsible for local government when allocating or adjusting the division of powers and functions between local and district municipalities.
- iv. To delimit wards for all municipalities that qualifies to have wards

### **3. PURPOSE**

3.1 The purpose of this SOP is to set out the steps involved in providing advisory services to ensure a consistent approach to advisory services across the MDB

### **4. RESPONSIBILITIES**

- 4.1 It is the responsibility of the Senior Manager: Advisory and Research to ensure that steps as set out in this document are followed and documented.
- 4.2 The Senior Manager: Advisory and Research may request anyone in the unit to execute and perform on his behalf any of the Senior Manager’s responsibilities in respect of this SOP.
- 4.3 All Managers and employees of the MDB are responsible for the implementation of this Standard Operating Procedures in respect of matters affecting their areas of work.

### **5. APPLICATION**

- 5.1 This SOP is applicable to:
  - i. Management; and
  - ii. All MDB Staff

## **6. APPLICABLE LEGISLATION**

- 6.1 Constitution of the Republic of South Africa, (Act 108 of 1996)
- 6.2 Local Government: Municipal Demarcation Act, 1998 (Act 27 of 1998) (MDA)
- 6.3 Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) (MSA)

## **7. ADVISORY EMANATING FROM MUNICIPAL BOUNDARY RE-DETERMINATION PROCESS**

- 7.1 At the end of each municipal boundary re-determination process, the Senior Manager: Advisory and Research will evaluate the process followed to identify if there are any policy matters that may warrant possible future policy review and produce a report.
- 7.2 The senior manager responsible for Core Operations and all provincial coordinators must make available to senior manager responsible for advisory services all information necessary for the evaluation process on request.
- 7.3 The report should outline any required possible policy amendments or enhancements relevant to the municipal boundary re-determination process.
- 7.4 The report must clearly make recommendations indicating the relevant authorities responsible for each recommendation.
- 7.5 A draft report must be finalised in consultation with the Senior Manager for Core Operations and all provincial coordinators.
- 7.6 The report must be consulted for inputs internally with all employees before it is tabled with Exco.
- 7.7 The report must be approved by Exco.
- 7.8 After the report is approved by the EXCO, the Senior Manager: Advisory and Research must prepare correspondence in respect of all recommendations identified in the report for the CEO's signature in case of correspondence directed to the accounting officers or any other official in the relevant institution.

- 7.9 In case of correspondence directed to the political head of the relevant institution the letter will be signed by the Chairperson of the Board.
- 7.10 Regarding advice to members of the public with respect to consultation and participation during the municipal boundary re-determination process, members of the public will be advised in terms of the municipal boundary re-determination policy and procedures.

## **8. ADVISORY EMANATING FROM MUNICIPAL WARD DELIMITATION PROCESS**

- 8.1 Before the commencement of the ward delimitation process, after the compilation of the ward delimitation broad programme, the senior manager responsible for Core Operations will prepare correspondence to advise MDB stakeholders about the broad programme for the ward delimitation process.
- 8.2 The senior manager responsible for Core Operations may also prepare correspondence to the Minister for Cooperative Governance and Traditional Affairs and all members of the Provincial Executive Council (MEC) to advise on the forthcoming ward delimitation and remind them of their roles and responsibilities in respect of the ward delimitation process.
- 8.3 Correspondence to administrative heads of institutions and to political leaders must respectively be signed by the CEO and the Chairperson of the Board.
- 8.4 At the end of the municipal ward delimitation process, the Senior Manager: Advisory and Research will evaluate the process followed and identify any policy matters that may warrant possible future policy review and produce a report.
- 8.5 Steps as outlined in paragraphs 7.2 through to 7.8 are also applicable in this regard.
- 8.6 Regarding advice to members of the public with respect to consultation and participation in the ward delimitation process, members of the public will be advised in terms of the ward delimitation policy and procedures.

**9. ADVISORY IN RESPECT OF MUNICIPAL CAPACITY ASSESSMENTS**

- 9.1 Before the commencement of the municipal capacity assessments, the Senior Manager: Advisory and Research will prepare correspondence to advise provincial departments responsible for local government about the imminent municipal capacity assessment process, i.e. period of the assessment and the role of the province during the assessment.
- 9.2 The Senior Manager: Advisory and Research is to prepare the correspondence for approval by the CEO on recommendation by the COO.
- 9.3 As soon as the capacity assessment reports are concluded, the Senior Manager: Advisory and Research must prepare correspondence to all MECs advising them on the outcome of the assessments in their respective provinces.
- 9.4 The correspondence will accompany the assessment reports on all municipalities in the respective province.

**10. ADVISORY IN RESPECT OF MATTERS EMANATING FROM RESEARCH OR OTHER ACTIVITIES OF THE MDB E.G. SEMINARS, CONFERENCES AND RELATED ACTIVITIES.**

- 10.1 After the conclusion of any research project commissioned by the MDB in respect of municipal boundary re-determination, ward delimitation, municipal capacity assessments and powers and functions, the Senior Manager: Advisory and Research will identify any matters that may require attention by other MDB stakeholders.
- 10.2 A report should be prepared on all the identified aspects.
- 10.3 Steps as outlined in paragraphs 7.2 through to 7.8 are also applicable in this regard.

**11. ADVISORY ON REQUEST BY MEMBERS OF THE PUBLIC OR MDB STAKEHOLDERS**

11.1 The MDB may be requested to provide advice by either members of the public or any of its stakeholders.

11.2 In case of written request for information the MDB will respond in terms of the MDB standard operating procedures.

11.3 In this regard the unit relevant for the matter under consideration will attend to the request in terms of the MDB standard procedures.

**12. REVIEW AND SPECIAL DISPENSATION**

12.1 This document can be reviewed at any given time when deemed necessary.

12.2 All amendments must be approved by the CEO.

12.3 The CEO reserves the right to allow for a special process which may be contrary to the procedures outlined hereto.

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