

TSWELOPELE MUNICIPALITY

POLICY: ASSIGNMENT OF NATIONAL & PROVINCIAL FUNCTIONS TO THE MUNICIPALITY / COUNCIL

[CMM 12.4 - 30/05/2002]

1. Co-Operative Government

The Municipality subscribes to the principles of co-operative government spelt out in the Constitution. This means, amongst other things, that municipalities are structurally equal to the other spheres of government although they may be functionally different. Municipalities are not the beneficiaries of co-operative government, but neither do those principles imply that municipalities must co-operative with the other spheres of government at their own expense. All the spheres are constitutionally bound to co-operate with each other, whilst maintaining their own geographical, functional and institutional integrity and respecting those of the other spheres.

2. Agreements to be Entered Into

The Municipality will not agree to receive and take responsibility for a national or provincial government function, unless there is a clear agreement between the municipality and the national or provincial department concerned. The municipalities will not enter into any such agreement unless the national or provincial department, as the case may be, guarantees to the municipality -

- ⇒ the transfer of the necessary resources to perform the function for a period determined in the agreement which period may not be less than 5 years;
- ⇒ that any assets used in the performance of the function will be transferred free of charge to the municipality;
- ⇒ exactly what the necessary resources for performing the function in question are and how and when they will be transferred to the municipality;
- ⇒ the right to perform the function concerned without interference and according to the municipality's procedures, methods and standards of performance or such procedures, methods and standards as may be agreed upon and that is included in the agreement.