

UMGUNGUNDLOVU DISTRICT MUNICIPALITY  
**FUNCTIONS AND POWERS**

DRAFT DOCUMENT PREPARED FOR  
CONSIDERATION BY IDP TECHNICAL  
COMMITTEE

**FEBRUARY 2002**

# THE VARIOUS FUNCTIONS

IN THIS DOCUMENT DISTINCTION IS MADE BETWEEN FOUR BROAD CATEGORIES OF FUNCTIONS IN TERMS OF WHICH THE DISTRICT SHOULD CONSIDER ITS FUNCTIONS AND POWERS.

	<b>CATEGORY</b>	<b>DESCRIPTION</b>
1.	Section 84(1) functions	Functions allocated to District Municipalities in terms of Section 84(1) of the Municipal Structures Act
2.	Other constitutional functions	Functions allocated to Local Government in terms of the Constitution but not specifically addressed by Structure Act
3.	Administrative functions	General administrative functions of the District which can be undertaken for Local Municipalities – economies of scale and avoid duplication of services
4.	Functions to be coordinated	Other functions not allocated to District or Local Municipalities but in terms of which both levels of local government has a role to fulfill.

# STRUCTURES ACT

SECTION 84(1) OF THE MUNICIPAL STRUCTURES ACT ALLOCATE THE FOLLOWING POWERS AND FUNCTIONS (OR PARTS THEREOF) TO DISTRICT MUNICIPALITIES. THE CURRENT INTERPRETATION OF THE DISTRICT MUNICIPALITY RELATING TO THESE ARE REFLECTED IN THE SLIDES FOLLOWING.

- Integrated Development Planning
- Potable Water Systems
- Bulk Supply of Electricity
- Domestic Waste Water and Sewage
- Solid Waste Disposal
- Municipal Roads
- Regulation of Passenger Transport Services
- Municipal Airports
- Municipal Health Services
- Fire Fighting Services
- Fresh Produce Markets
- Cemeteries and Crematoria
- Local Tourism

THE PROPOSED APPROACH TO THE DIVISION OF FUNCTIONS AND POWERS RELATING TO THE ABOVE FUNCTIONS IS REFLECTED OVERLEAF. THE DEFINITION REFLECTED IN THE FIRST TEXT BOX ON EACH SHEET IS FROM THE SALGA GUIDE AND RELATES TO FUNCTIONS ALLOCATED IN TERMS OF THE CONSTITUTION.

# INTEGRATED PLANNING

**ALLOCATION:** Section 84(1) of Structures Act: **Integrated development planning for the District as a whole, including a framework for integrated development plans for all municipalities in the area of the district municipality.** (Def: Formulate and implement a local integrated development plan, incorporating land use planning, transport planning, infrastructure planning and the promotion of integrated local economic development)

**DELIVERY APPROACH:** District to be responsible for District IDP. Provide guidelines for local municipalities in the preparation of local IDPs. Where required augment capacity of local municipalities through PIMSS centre

## **THE MAIN DISTRICT FUNCTIONS:**

- 1) Prepare District IDP
- (2) Coordinate/monitor the preparation and implementation of local municipality IDPs
- (3) Liaise and guide the activities of the PIMSS centre in supporting the local municipalities
- (4) Ensure local IDPs and other stakeholders align with District IDP

**LM FUNCTIONS:** LMs to continue preparation of local IDPs. Align with District IDP

**OTHER STAKEHOLDERS:** The activities of all stakeholders to be guided by the IDPs.

# POTABLE WATER SUPPLY

**ALLOCATION:** Section 84(1) of Structures Act: **Potable Water Supply Systems**

(Def: Establishment, operation, management and regulation of a potable water supply and sanitation system. Includes regulation and provision of water conservation, purification, reticulation and other distribution, bulk supply to local supply points, metering, tariff setting and collection.

**DELIVERY APPROACH:** For local service provision continue to make use of existing capacity through agency agreements with local municipalities without any restructuring. District to fulfill implementation agent role where capacity does not exist or cannot be established.

**THE MAIN DISTRICT FUNCTIONS:**

- 1) Establish Water Services Authority who will set servicing standards, policies, tariffs etc. for the district as a whole;
- (2) the implementing agent for bulk water provision to Local Municipalities and reticulation where required (these functions can be contracted out);
- (3) the allocation of CMIP and DWAF funding to local municipalities

**LM FUNCTIONS:** LM to continue delivery of current services on agency basis for District Municipality. Identify needs and priorities. Extend capacity to implement and manage, where not feasible request District.

**OTHER STAKEHOLDERS:** Funding from DWAF and CMIP. District can enter into agency agreements for bulk or water provision with other implementation agents, e.g. Umgeni Water, Durban Metro etc.

# BULK ELECTRICITY

**ALLOCATION:** Section 84(1) of Structures Act: **Bulk supply of electricity which includes for the purposes of such supply the transmission, distribution and, where applicable, the generation of electricity.** (Def: Regulation and control of an electricity and gas reticulation network. Includes consumption charges, tariff policy, debt collection, disconnections and maintenance of electricity network)

**DELIVERY APPROACH:** In Act there is a clear focus on bulk electricity. Where currently the case local municipalities or Eskom will remain responsible for the distribution of electricity. The impact of the establishment of Regional Electricity Distributors should be determined before further discussion on the role of the District.

**THE MAIN DISTRICT FUNCTIONS:**

1) Coordinate the bulk supply of electricity with the DME and in future the Regional Electricity Distributors

**LM FUNCTIONS:** LM to continue to fulfill the function of electricity distributor where currently the case. District to assist where LM does not have the capacity (e.g. Impendle)

**OTHER STAKEHOLDERS:**  
DME for funding and overall coordination  
Eskom for distribution

# WASTE WATER AND SEWAGE

**ALLOCATION:** Section 84(1) of Structures Act: **Domestic waste water and sewage disposal** (Def: Establishment, operation, management and regulation of a system for the collection, removal, disposal or purification of human excreta and domestic waste water. Includes provision of a sewerage system, sewerage collection, removal, destruction, bulk sewerage collection, disposal purification and treatment, etc)

**DELIVERY APPROACH:** For local service provision continue to make use of existing capacity through agency agreements with local municipalities without any restructuring. District to fulfill implementation agent role where capacity does not exist or cannot be established.

**THE MAIN DISTRICT FUNCTIONS:**

- 1) Establish Water Services Authority who will set servicing standards, policies, tariffs etc. for the district as a whole;
- (2) the implementing agent for bulk waste water and sewage and reticulation (where required) to Local Municipalities (these functions can be contracted out);
- (3) the allocation of CMIP and DWAF funding to local municipalities

**LM FUNCTIONS:** LM to continue delivery of current services on agency basis for District Municipality. Identify needs and priorities. Extend capacity to implement and manage, where not feasible request District.

**OTHER STAKEHOLDERS:** Funding from DWAF and CMIP. District can enter into agency agreements for bulk or sewage provision with other implementation agents, e.g. Umgeni Water, Durban Metro etc.

# SOLID WASTE

**ALLOCATION:** Section 84(1) of Structures Act: Solid waste disposal in so far as it relates to (i) the determination of a waste disposal strategy, (ii) the regulation of waste disposal, (iii) the establishment operation and control of waste disposal sites, bulk waste transfer facilities and waste disposal facilities for more than one LM

**DELIVERY APPROACH:** District Municipality to identify district solid waste disposal facilities and assist LMs in the identification of local waste disposal facilities. District facilities to be developed through appropriate MSPs.

**THE MAIN DISTRICT FUNCTIONS:**

- Determination of district waste disposal strategy and coordination of implementation of strategy
- Regulation of waste disposal incl. the setting of tariffs and developing standards
- Identification, development and operation of sites serving more than one municipality

**LM FUNCTIONS:** Establish operate and control solid waste disposal sites that serve the municipality. Implement appropriate solid waste collection services.

**OTHER STAKEHOLDERS:**

Establishment of MSPs with private sector for development and operation of solid waste disposal facilities on LM and District level

# MUNICIPAL ROADS

**ALLOCATION:** Section 84(1) of Structures Act: **Municipal Roads which form an integral part of a road transport system for the area of a district municipality as a whole (integral part of a road transport system needs to be defined)** (Def: Establishment, regulation, operation, management and control of roads serving the municipal area)

**DELIVERY APPROACH:** District to fulfill a coordinating (liaison with DoT, distribution of funding) role in terms of municipal roads until such time as roles and responsibilities relating to this function has been resolved. DoT remain the funding institution for major routes and rural roads.

**THE MAIN DISTRICT FUNCTIONS:**

- Establish road engineering capacity in District
- Engage with Department on issue of roles and responsibilities and future of Rural Transport Forums
- Responsibility for the distribution of DoT funding between various local municipalities

**LM FUNCTIONS:** Road priorities of LMs to be communicated to DoT through IDP. LMs remain responsible for maintenance of local roads.

**OTHER STAKEHOLDERS:** DoT to remain responsible for funding and construction of rural and district roads.

# PASSENGER TRANSPORT

**ALLOCATION:** Section 84(1) of Structures Act: **Regulation of passenger transport services** (Def: Establishment, regulation, operation, management and control of a municipal public transport service over- or underground. Including municipal bus, taxi, railway and subway services, ranks, stands, stopping places, tariff policy and collection)

**DELIVERY APPROACH:** Only a regulation function allocated to the District Municipality.

**THE MAIN DISTRICT FUNCTIONS:**

- Establish comprehensive by-laws relating to passenger transport services.
- Monitor implementation of by-laws in local municipalities

**LM FUNCTIONS:** LMs through Traffic Departments to ensure implementation of district by-laws

**OTHER STAKEHOLDERS:** Provincial traffic department to ensure implementation of by-laws

# MUNICIPAL AIRPORTS

**ALLOCATION:** Section 84(1) of Structures Act: **Municipal airports serving the area of the district municipality as a whole** (Def. Establishment, regulation, operation, management and control of airport facility. Includes location, infrastructure, safety, opening hours, charges of usage. Excludes aviation matters)

**DELIVERY APPROACH:** In terms of Structures Act the District is responsible for the Municipal Airports the District Municipality as a whole. At present inadequate information available to determine feasibility and sustainability of District taking over function. To be investigated with relevant stakeholders, i.e. Msunduzi

**THE MAIN DISTRICT FUNCTIONS:** To be determined based on investigation.

**LM FUNCTIONS:** Msunduzi to consider options with District Municipality. Other municipalities attend to local airports and airfields

**OTHER STAKEHOLDERS:** Private sector operators are key stakeholders in the Oribi Airport and their inputs in the decision-making process should be considered.

# MUNICIPAL HEALTH SERVICES

**ALLOCATION:** Section 84(1) of Structures Act: Municipal Health Services  
(Def: Establishment, regulation, operation, management, control of municipal health services, which includes environmental health care, preventative and promotive health care and potentially curative primary health care)

**DELIVERY APPROACH:** Through the establishment of a District Health Authority establish, regulate and manage an effective District Health System in uMgungundlovu with the support of the Department of Health and the Local Municipalities.

## **THE MAIN DISTRICT FUNCTIONS:**

- Establish a District Health Authority (incl. health capacity in District)
- Together with LMs and Dept of Health undertake planning for establishment of District Health System
- Regulate and coordinate the activities of all stakeholders in primary health care (specifically the Local Municipalities and the Department of Health)

**LM FUNCTIONS:** Responsible for continued operation and management of Municipal Clinics. Support and guide activities of Dept of Health in local areas (Provincial and Mobile Clinics)

## **OTHER STAKEHOLDERS:**

Dept of Health continue to fulfill current role until such time as District System established. NGOs and CBOs involved in health related activities to form part of District Health System.

# FIRE FIGHTING SERVICES

**ALLOCATION:** Section 84(1) of Structures Act: Fire fighting services serving the area of the district municipality as a whole, which includes (i) planning, coordination, and regulation of fire services (ii) specialised fire fighting services such as mountain, veld and chemical fire services, (iii) coordination of the standardisation of infrastructure, vehicles, equipment and procedures, (iv) training of fire services. (Def: Establishment, operation, control and regulation of fire services. Includes safety regulations, premises and dangerous substances, excl. disaster management)

**DELIVERY APPROACH:** The effective sharing of resources is a key principle in the strategy to provide fire fighting services. For this purpose a comprehensive investigation into existing capacities and potential future needs is to be conducted. Rather than the movement of functions the focus will be on developing new and urgently required capacity.

**THE MAIN DISTRICT FUNCTIONS:** Functions in the medium term include:

- a detailed assessment of existing capacities and potential future needs;
- urgent building of capacities where gaps exist;
- developing a strong planning, coordination and regulation capability on the District level;
- the phased implementation of functions on the District level serving the area of the District as a whole (specialised services, training of fire services).

**LM FUNCTIONS:** Local municipalities continue to take responsibility for local fire services based on current capacities. District to provide support in terms of specialised activities and district coordination.

**OTHER STAKEHOLDERS:** Inclusion of private sector fire fighting capacity in overall fire fighting plan.

# MUNICIPAL MARKETS

**ALLOCATION:** Section 84(1) of Structures Act: **The establishment, conduct and control of fresh produce markets and abattoirs serving the area of a major proportion of the municipalities in the District.** (Def: Establishment, operation, management and control and regulation of markets. Incl. market permits, location, times, conduct)

**DELIVERY APPROACH:** In terms of Structures Act the District is responsible for the Fresh Produce Markets and Abattoirs serving the District Municipality as a whole. At present inadequate information available to determine feasibility and sustainability of District taking over function. To be investigated with relevant stakeholders.

**THE MAIN DISTRICT FUNCTIONS:** To be determined based on investigation.

**LM FUNCTIONS:** LMs to support the investigations of the District

**OTHER STAKEHOLDERS:**

# CEMETERIES + CREMATORIA

**ALLOCATION:** Section 84(1) of Structures Act: The establishment, conduct and control of cemeteries and crematoria serving the area of a major proportion of the municipalities in the district. (Def: Establishment, operation, management, control and regulation of cemeteries, funeral parlours and crematoria)

**DELIVERY APPROACH:** District to focus on augmenting current cemetery capacity of the Local Municipalities. District to also fulfill a coordinating and regulating (specifically in terms of rates) role with regard to cemeteries and crematoria.

## **THE MAIN DISTRICT FUNCTIONS:**

- Identification and establishment of district cemeteries to augment local capacity.
- The establishment of uniform by-laws and rates for the district
- The promotion of alternative approaches to burial aimed at alleviating pressure on current infrastructure
- The regular updating of the District Cemetery and Crematoria plan.

**LM FUNCTIONS:** To establish and manage local cemeteries.

## **OTHER STAKEHOLDERS:**

Considering Municipal Service Partnerships (specifically Public-Private Sector Partnerships) in the establishment of cemeteries

# LOCAL TOURISM

**ALLOCATION:** Section 84(1) of Structures Act: **Promotion of local tourism for the area of the district municipality** (Def. Regulation and control of the tourism industry. Includes marketing and developing tourism in the area, establishment and management of tourist attractions, fees for admission to attractions)

**DELIVERY APPROACH:** The focus of the District will be to promote the collective tourism product offered by the area as a whole, as well as to build the capacity of local municipalities in the establishment and management of CTOs (a focus on ensuring the inclusion of previously disadvantaged individuals on CTOs)

**THE MAIN DISTRICT FUNCTIONS:**

- District to formulate a tourism strategy using KZN Tourism Bill as a guide with a particular focus on transformation in the tourism sector.
- Develop and implement a coordinated approach to marketing the tourism potential of the District – coordinate the tourism activities of Municipalities and CTOs.
- Build the capacity of local municipalities in the establishment and management of Community Tourism Organisations.
- Support and where require implement tourism opportunities of district significance.

**LM FUNCTIONS:** Local municipalities prepare and implement tourism marketing plans on basis of overall district guidance

**OTHER STAKEHOLDERS:** Link strategies with Tourism KZN. Consider Tourism Bill 2001 and impact of institutional arrangements.

# OTHER CONSTITUTIONAL FUNCTIONS

THE DISTRICT WILL FULFILL A SUPPORTING ROLE RELATING TO THESE FUNCTIONS ALLOCATED TO LOCAL GOVERNMENT IN TERMS OF THE CONSTITUTION. WHERE THE LOCAL MUNICIPALITY DOES NOT HAVE THE CAPACITY TO IMPLEMENT THESE FUNCTIONS THE DISTRICT COULD BE REQUESTED TO AUGMENT THIS CAPACITY ON AN AGENCY BASIS (IF DISTRICT CAPACITY AVAILABLE). THE FUNCTIONS INCLUDED IN THIS CATEGORY ARE:

- FACILITIES MANAGEMENT
- ENVIRONMENTAL HEALTH
- MUNICIPAL TRAFFIC
- BY-LAW IMPLEMENTATION AND CONTROLS
- BUILDING REGULATIONS
- TRADING REGULATIONS

# ADMINISTRATIVE FUNCTIONS

THESE INCLUDE GENERAL ADMINISTRATIVE FUNCTIONS WHICH THE DISTRICT FULFILLS IN TERMS OF ITS OWN MANDATE. THE DISTRICT MAY IN FUTURE BE ABLE TO PROVIDE THESE FUNCTIONS TO LOCAL MUNICIPALITIES WITH GREATER EFFECTIVITY. THE FUNCTIONS TO BE CONSIDERED IN THIS REGARD ARE:

- HUMAN RESOURCES MANAGEMENT
- COMMITTEE FUNCTIONS
- FINANCIAL MANAGEMENT
- BY-LAW PREPARATION

THE POTENTIAL OF THE DISRICT DELIVERING THESE FUNCTIONS TO LOCAL MUNICIPALITIES ON AN AGENCY BASIS NEEDS TO BE FURTHER INVESTIGATED.

# FUNCTIONS TO BE COORDINATED

A NUMBER OF FUNCTIONS ARE NOT ALLOCATED TO LOCAL GOVERNMENT IN TERMS OF THE CONSTITUTION OR THE STRUCTURES ACT. THESE FUNCTIONS ARE HOWEVER CENTRAL TO LOCAL GOVERNMENT ACHIEVING ITS DEVELOPMENTAL MANDATE. RELATING TO ALL THESE FUNCTIONS IT IS FORESEEN THAT THE DISTRICT MUNICIPALITY WILL FULFILL A COORDINATING ROLE. THESE FUNCTIONS INCLUDE:

- EDUCATION
- LAND REFORM
- HOUSING
- AGRICULTURE AND FORESTRY
- MINING
- SAFETY AND SECURITY
- ECONOMIC DEVELOPMENT
- DISASTER MANAGEMENT
- ARTS AND CULTURE / SPORT AND RECREATION