

ENSURING **COMMUNITY ACCESS** TO INFORMATION HELD BY MUNICIPALITIES



Information that must be made publicly accessible

Act	Section	Record that must be made publicly accessible
Municipal Finance Management Act (MFMA)	Section 22 and 75	<ul style="list-style-type: none"> • Annual and adjustment budgets and all supporting documentation (including: <ul style="list-style-type: none"> - Draft resolutions for approval of the budget, increase in tax or other tariff, and any other matter that may be prescribed; - measurable performance objectives for revenue from each source and for each vote in the budget; - a projection of cash flow for the budget, broken down by month; - proposed amendments to the IDP;¹ - proposed amendments to budget related policies; - particulars of investments; - budget information on municipal entities; - details on proposed new municipal entities; - proposed new SDAs;² - proposed amendments to existing SDAs;² - proposed allocations/grants to other municipalities, anybody assisting the municipality with the performance of its functions, other organs of state or any non-state organisation/body; and - proposed cost of salary, allowances and benefits for: <ul style="list-style-type: none"> • each political office bearer; • each councilor; • the MM;³ • the CFO;⁴ • each senior manager; • every official earning as much as or more than a senior manager; • every member of the board of directors of every municipal entity; and • the CEO⁵ and senior manager of every municipal entity).

¹Integrated Development Plan ²Service Delivery Agreement ³Municipal Manager ⁴Chief Financial Officer ⁵Chief Executive Officer

Act	Section	Record that must be made publicly accessible
	Section 46 and 75	<ul style="list-style-type: none"> Detail about any long term debt that the Municipality will incur (this information must be made public at least 21 days before the debt is incurred).
	Section 53 and 75	<ul style="list-style-type: none"> Revenue and expenditure projections; and Performance agreements for: <ul style="list-style-type: none"> The MM;³ and All senior managers.
	Section 75	<ul style="list-style-type: none"> All budget-related policies; The annual report (also in terms of section 88 and 127(5)(a)(i)); All quarterly reports tabled in the council; All SDAs;² All supply chain management contracts above a prescribed value; A list of assets over a prescribed value that have been disposed of during the previous quarter; All PPP⁶ agreements; and All contracts which will impose financial obligations on the municipality beyond one financial year.
	Section 87(10)	<ul style="list-style-type: none"> The approved or adjusted budget for every municipal entity.
	Section 120(6)(b)	<ul style="list-style-type: none"> The feasibility study done in relation to any prospective PPP.⁶
	Section 129(3)	<ul style="list-style-type: none"> The oversight record of the accounting officer on the annual report.
	Section 141(3)(c)(ii)	<ul style="list-style-type: none"> The financial recovery plan.
	Section 169	<ul style="list-style-type: none"> All draft regulations open for public comment.

⁶ Public-Private Partnership

Act	Section	Record that must be made publicly accessible
Municipal Systems Act (MSA)	Section 12(3)	<ul style="list-style-type: none"> • Proposed by-laws.
	Section 13	<ul style="list-style-type: none"> • Passed by-laws, including by-laws adopted to give effect to the implementation and enforcement of: <ul style="list-style-type: none"> - The tariff policy (see section 75); and - The credit control and debt collection policy (see section 98).
	Section 15	<ul style="list-style-type: none"> • The municipal code.⁷
	Section 21A	<ul style="list-style-type: none"> • Approved adjustment budgets, supporting documentation and resolutions.
	Section 25(4)	<ul style="list-style-type: none"> • The IDP¹ (including the spatial development framework).
	Section 44	<ul style="list-style-type: none"> • The general key performance indicators and performance targets set for purposes of the municipality's performance management system.
	Section 75A(3)(b)	<ul style="list-style-type: none"> • All resolutions passed, for the levying of fees, charges and/or tariffs.
	Section 84	<ul style="list-style-type: none"> • All SDAs² entered into; and • Detail, in relation to every SDA entered into, about: <ul style="list-style-type: none"> - the name of the selected service provider; and - the place where and period for which copies of the agreement are available for inspection.

Section 21A of the Municipality Systems Act, 2000 and section 75 of the Municipal Finance Management Act, 2003 require that information and / or documents that must be made public by municipalities be placed on the websites of those municipalities within 5 days of the information / documents being tabled in the council, or on the date that they must be made publicly accessible, whichever comes first.

⁷ A bound or looseleaf, and when feasible also electronic, compilation of all a municipality's by-laws.

Information that probably should be made publicly accessible

- Reports on the implementation of the budget and the financial state of affairs of the municipality, prepared in terms of section 52 of the MFMA;
- Policies and protocols that apply to committees that act as watchdogs;
- Irregular expenditure policies;
- Anti-corruption and whistle blowing policies;
- Records management policies;
- Disaster management plans;
- The mid-year report, compiled in terms of section 72 of the MFMA, as well as all supporting documentation used to compile the report, including:
 - The monthly statements, referred to in section 71 of the MFMA, for the first half of the financial year;
 - Records reflecting the municipality's service delivery performance during the first half of the financial year, and the service delivery and budget implementation plan;
 - The past year's annual report, and a record reflecting progress on resolving problems identified in the annual report; and
 - Records reflecting the performance of every municipal entity under the sole or shared control of the municipality, taking into account the mid-year budget and performance assessment reports in terms of section 88 of the MFMA;
- Employment contracts entered into, in terms of section 57 of the MSA, with municipal managers and managers directly accountable to municipal managers;
- Audit plans prepared in terms of section 165(2)(a) MFMA;
- Local economic development policies;
- Minutes of council meetings;
- Minutes of meetings held with community members;
- Water and air quality reports;
- Information about complaints procedures;
- Definitions of and translations for complex terminology;
- Housing allocation lists; and
- Procedures and requirements for applications for funding provided by a municipality for community projects.