



**MOGALAKWENA MUNICIPALITY**

## **VIREMENT POLICY**

## 1. PREAMBLE

The virement policy will monitor the budget transfers (virements) of Mogalakwena Municipality.

## 2. OBJECTIVES

To allow limited flexibility in the use of budgeted funds to enable management to act on occasions such as disasters, unforeseen expenditure or savings, etc. as they arise to accelerate service delivery in a financially responsible manner. In practise, as the year progresses, circumstances may change such that certain estimates are under-budgeted and other over-budgeted. It is not practical to refer all such deviations to Council and it is therefore common practice to delegate certain authority for transfers to the Municipal Manager.

## 3. SCOPE OF APPLICATION

This policy is applicable to all employees and Councillors of Mogalakwena Local Municipality.

## 4. DEFINITIONS

**Accounting officer** - The municipal manager of a municipality is the accounting officer of the municipality in terms of section 60 of the MFMA

**Approved budget** - means an annual budget approved by a municipal council.

**CFO** - means a person designated in terms of the MFMA who performs such budgeting, and other duties as may in terms of section 79 of the MFMA be delegated by the accounting officer to the chief financial officer.

**Council** - means the council of a municipality referred to in section 18 of the Municipal Structures Act.

**Financial year** - means a 12-month year ending on 30 June.

**Fruitless and wasteful expenditure** - means expenditure that was made in vain and would have been avoided had reasonable care been exercised;

**Irregular expenditure**- means:

(a) expenditure incurred by a municipality or municipal entity in contravention of, or that is not in accordance with, a requirement of the MFMA Act, and which has not been condoned in terms of section 170 of the MFMA; Virement Policy

(b) expenditure incurred by a municipality or municipal entity in contravention of, or that is not in accordance with, a requirement of the Municipal Systems Act, and which has not been condoned in terms of that Act;

(c) expenditure incurred by a municipality in contravention of, or that is not in accordance with, a requirement of the Public Office-Bearers Act, 1998 (Act No. 20 of 1998); or

(d) expenditure incurred by a municipality or municipal entity in contravention of, or that is not in accordance with, a requirement of the supply chain management policy of the municipality or entity or any of the municipality's by-laws giving effect to such policy, and which has not been condoned in terms of such policy or by-law, but excludes expenditure by a municipality which falls within the definition of "unauthorised expenditure";

Line Item - an appropriation that is itemized on a separate line in a budget adopted with the idea of greater control over expenditures.

**Municipality** - means the Mogalakwena Municipality

**Overspending** - means:

(a) means causing the operational or capital expenditure incurred by the municipality during a financial year to exceed the total amount appropriated in that year's budget for its operational or capital expenditure, as the case may be;

(b) in relation to a vote, means causing expenditure under the vote to exceed the amount appropriated for that vote; or

(c) in relation to expenditure under section 26 of the MFMA, means causing expenditure under that section to exceed the limits allowed in subsection (5) of this section;

Ring Fenced - an exclusive combination of line items grouped for specific purposes for instance salaries and wages.

**Virement** - is the process of transferring an approved budget allocation from one operating line item or capital project to another, with the approval of the Municipal Manager. To enable budget managers to amend budgets to act on occasions such as disasters, unforeseen expenditure or savings, etc. as they arise to accelerate service delivery in a financially responsible manner. This is essentially a means of utilising funds set aside for one purpose within a vote for expenditure of a different purpose.

**unauthorised expenditure** - means: any expenditure incurred by a municipality otherwise than in accordance with section 15 or 11(3) of the MFMA, and includes-

- (a) overspending of the total amount appropriated in the municipality's approved budget;
- (b) overspending of the total amount appropriated for a vote in the approved budget;
- (c) expenditure from a vote unrelated to the department or functional area covered by the vote;
- (d) expenditure of money appropriated for a specific purpose, otherwise than for that specific purpose;
- (e) spending of an allocation referred to in paragraph (b), (c) or (d) of the definition of allocation" otherwise than in accordance with any conditions of the allocation; or
- (f) a grant by the municipality otherwise than in accordance with the MFMA;

**Vote** - means one of the main segments into which a budget of a municipality is divided for the appropriation of funds for the different departments or functional areas of the municipality; and which specifies the total amount that is appropriated for the purposes of the department or functional area concerned.

## **5. BREAKDOWN OF VOTES**

For the purpose of the operating budget, the following is classified as votes:

Council and General

Corporate Support Services

Budget and Treasury

Planning and Development

Technical Services

Community Services

Traffic and Emergency

Electrical Services

And any other department as may be approved by Council

## **6. RESPONSIBILITIES**

6.1 Strict budgetary control must be maintained throughout the financial year in order that potential overspends and / or income under-recovery within individual vote departments is identified at the earliest possible opportunity. (Section 100 MFMA).

6.2 The Chief Financial Officer has a statutory duty to ensure that adequate policies and

procedures are in place to ensure an effective system of financial control. The budget virement process is one of these controls. (Section 27(4) MFMA).

6.3 It is the responsibility of each manager or head of a department to which funds are allotted, to plan and conduct assigned operations so as not to expend more funds than budgeted. In addition, they have the responsibility to identify and report any unauthorised, irregular or fruitless and wasteful expenditure in terms of the MFMA sections 78 and 102.

6.4 A copy of all budget transfer forms must be kept in the virement file, together with any supporting workings / e-mails by the Divisional Manager Expenditure.

6.5 Requests for transfers of funds shall be done beforehand and not afterwards. In the case where the expenditure is authorised afterwards, the actions of the S57 manager will have to be condoned by Council. The council will have to consider the provisions of the MFMA regarding Unauthorised Expenditure and Irregular Expenditure.

## **7. VIREMENT RESTRICTIONS**

7.1 No funds may be transferred between votes without approval of both vote holders, the CFO, Municipal Manager and Mayor.

7.2 Virements may not exceed a maximum of 50% of the total approved operating expenditure budget.

7.3 Virements may not exceed a maximum of 30% of the line item on the approved IDP expenditure budget.

7.4 Virements may not exceed a maximum of 50% of the line item on the approved operating expenditure budget

7.5 A virement may not create new policy, significantly vary current policy, or alter the approved outcomes / outputs as approved in the IDP for the current or subsequent years. (section 19 and 21 MFMA)

7.6 Virements resulting in adjustments to the approved SDBIP need to be submitted with an adjustments budget to the Council with altered outputs and measurements for approval. (MFMA Circular 13 page 3 paragraph 3)

7.7 No virement may commit the Municipality to increase recurring expenditure, which commits the Council's resources in the following financial years, without the prior approval of the Mayoral Committee. (This refers to expenditures such as entering into agreements into lease or rental agreements such as vehicles, photo copiers or fax machines)

7.8 No virement may be made where it would result in over expenditure (section 32 MFMA).

- 7.9 No virement shall add to the establishment of the Municipality without the approval of Municipal Manager.
- 7.10 If the virement relates to an increase in the work force establishment, then the Council's existing recruitment policies and procedures will apply.
- 7.11 Virements may not be made in respect of ring-fenced allocations, namely personnel expenditure, operating expenditure and repairs & maintenance. E.g. This means virements may not be made from personnel expenditure to other operating expenditure & vice versa, unless there are savings as a result of vacant positions.
- 7.12 Budget transfers to or from the following items are not permitted: bulk purchases, debt impairment, interest charges, salaries, support service costs (interdepartmental), depreciation, insurance and VAT.
- 7.13 Virements of conditional grant funds to purposes outside of that specified in the relevant conditional grant framework is not permitted.
- 7.14 Virements in capital budget allocations are only permitted within specified action plans and not across funding sources.
- 7.15 No virements are permitted in the first two months or the final month of the financial year without the express agreement of the CFO and Municipal Manager and then only in extreme circumstances.
- 7.16 No virement proposal shall affect amounts to be paid to another Department without the agreement of the Manager of that Department, as recorded on the Budget Transfer Form. (Section 15 MFMA)
- 7.17 Virement amounts may not be rolled over to subsequent years, or create expectations on following budgets. (Section 30 MFMA)
- 7.18 An approved virement does not give expenditure authority and all expenditure resulting from approved virements must still be subject to the procurement/supply chain management policy of Council.
- 7.19 Virements are not permitted in relation to the revenue side of the budget.
- 7.20 Virements between votes shall be included in the Adjustment Budget.
- 7.21 No virements shall create new capital projects without the approval of Council.

- 7.22 Virements between votes should only be permitted where the proposed shifts in funding facilitate sound risk and financial management.
- 7.23 Virements from the capital budget to the operating budget are not permitted.
- 7.24 No virement may be made to entertainment votes or for catering above what was originally budgeted.

## **8. VIREMENT PROCEDURE**

- 8.1 All virement proposals must be completed on the appropriate documentation and forwarded to the Divisional Manager Budget for checking, after which it is submitted to the CFO and MM for approval and then back to the Divisional Manager Budget for implementation.
- 8.2 All virements must be signed by the Manager within which the vote is allocated.(Section 79 MFMA)
- 8.3 A virement form (Budget Transfer Form) must be completed for all Budget Transfers.
- 8.4 All virements require the recommendation of the CFO and approval of the Municipal Manager. (Section 79 MFMA)
- 8.5 All virements must include changes to the SDBIP, especially on the capital works plan of projects.
- 8.6 All documentation must be in order and approved before any expenditure (including the order) can be committed or incurred. (Section 79 MFMA)

## **9. DELEGATIONS ON CAPITAL BUDGETS**

A Capital Budget is approved per line item or per project. This in effect means that council does not allow any discretion to an official other than delivering on the decision. Any saving or shortfall must be reported to council for them to decide on the future utilization of the savings as well as to seek additional funds for the execution of a project in the case of a shortfall in the budgeted amount to complete the project. If however, a transfer is needed between two projects within the same priority and the transfer is less than 10% of the votes, this can be done with the approval of the Municipal Manager.

## **10. DELEGATIONS ON TRANSFERS**

A vote in terms of the National guidelines is determined as one of the main segments into which a budget of a municipality is divided into for the appropriation of funds. In Mogalakwena Municipality, a vote is either a Priority on the IDP or a Department in the operating budget. Council therefore decides on the total amount that is allocated to that specific priority of department and classifies it as a vote. Because Council approved the “vote” only the shifting of funds within this “vote” can be delegated to the Municipal Manager. As far as the reallocation of funds between votes is concerned, it cannot be delegated and Council has to decide on each of these items in the Adjustment Budget annually.

## **11. LEGISLATIVE REQUIREMENTS**

In terms of the Constitution the approval of a budget is the responsibility of the Council. This does not mean the approval of every line item but is rather aimed at the approval of the budget as a financial and service delivery document. The process and other requirements are controlled by the Municipal Finance Management Act (MFMA) and related circulars and guideline that are prescribed by National Treasury.

Unlike the Public Finance Management Act, Act 1 of 1999 (PFMA) and Treasury Regulations on PFMA, the MFMA is not specific with regards to virements.

## **12. IMPLEMENTATION**

This policy must be implemented by all employees of Mogalakwena Municipality, but managers and supervisors should ensure that this policy is implemented effectively.

Any employee who breaches this policy shall be liable for disciplinary measures.

## **13. POLICY REVIEW**

This policy will be reviewed annually and/or revised as and when necessary.

### **FINANCIAL IMPLICATIONS:**

As indicated under the background.

### **LEGAL IMPLICATIONS:**

None.

### **RECOMMENDED:**

THAT

- a) The virement policy be approved