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WEB PUBLISHING GUIDELINES FOR MUNICIPALITIES

What is this document?

This document provides web publishing guidelines for municipalities.

Providing good information to citizens about the government services available to them is essential for improving service delivery. Local governments must also encourage community participation and be accountable to them.

The web enables municipalities to deliver information to the public efficiently and effectively.

How can you use this document?

You can use this document to check the information on your existing site or when developing a new site. You can also use it when planning municipal communication strategies and defining communication needs.

A [checklist](#) is provided to aid you in assessing the information.

The guidelines in the document are derived from legislation. A list of the [relevant legislation](#) is provided at the end of the document.

What is the relevant legislation?

Municipal web publishing requirements are framed through Batho Pele principles, constitutional stipulationsⁱ and various legislationⁱⁱ. The following legislation defines web publishing requirements for municipalities:

Municipal Demarcation Act, 1998

The Municipal Demarcation Board must notify the public of its intention to consider the determination of municipal boundaries and of public meetingsⁱⁱⁱ. Notices must be published in local newspapers of the area concerned, by radio or by other appropriate means of communication. Placing this information on the web makes it easily accessible and widely available^{iv}.

Local Government Municipal Systems Act, 2000

This act provides for community participation in local government and access to local government information. Municipalities need to establish and notify local communities of the participation and information mechanisms available to them.

Section 21B of the act requires all municipalities to establish their own official websites. If municipalities are not able to afford this they need to submit information to an organised local government website.

The municipal manager must maintain and regularly update the official municipal website or provide required information. Communities should be notified of the website address and should be kept informed of relevant matters. All documents for the public, including the Integrated Development Plan (IDP) and the annual report, should be displayed on the municipality's official website.

In general all council meetings are open to the public, unless otherwise decided by the municipality. Municipalities need to:

- give public notice of each ordinary and special meeting of the municipal council^v
- publish municipal by-laws in the municipal code^{vi}
- publish service fees and resolutions on tariff and tariff policies for at least 30 days^{vii}

Promotion of Access to Information Act, 2002

This act provides for the disclosure of records by public and private bodies.

Section 14 of the act requires all public bodies to compile a manual^{viii} which stipulates which records are automatically available to the public. The manual

- describes the structure and functions of the public body
- provides an index of the records held by public body
- details the process to be followed when requesting information
- provides the details of contact persons
- details relevant costs, if any

The manual should be published within six months of the establishment of the entity, in three official languages. It should be updated annually. The manual can be placed on the web to make this information easily available to the public.

Municipal Finance Management Act, 2003

This act stipulates which types of financial information should be publicly available. This includes^{ix}:

- Annual and adjustment budgets and all budget related documents
- All budget related policies
- All performance agreements^x
- All service delivery agreements
- All long-term borrowing contracts

- All **supply chain management contracts** above a prescribed value
- An information statement containing a **list of assets** over a prescribed value that have been disposed of by the municipality during the previous quarter^{xi}
- All **contracts having future budgetary implications**^{xii}
- Private-public **partnership agreements**^{xiii}
- All quarterly reports^{xiv}
- Any other documentation that must be placed on the website in terms of the Municipal Finance Management Act or by any other applicable legislation, or as may be prescribed

Supply chain management contracts

Section 111 of the Municipal Finance Management Act requires municipalities to adopt an appropriate supply chain management policy, in accordance with the capacity and classification of the municipality. This policy must make provision for the advertisement of formal price quotations and competitive bids.

Formal price quotations are required for amounts above R30 000 (VAT included) and should be advertised on the municipal website for at least 7 days^{xv}.

Competitive bids are defined as goods and services above a transaction value of R200 000 (VAT included), and long term contracts^{xvi}. Public invitations for competitive bids are required and this includes public advertisements in local newspapers and the municipal website or in any other appropriate ways. Bids must be recorded in a register which should be available for public inspection. All entries in the bid register and all bid results should be published on the municipal website.

List of assets

These are capital assets which the municipal council and the local community have decided are not necessary to provide a minimal level of basic municipal services.

Contracts with future budgetary implications

Municipal managers must make public the draft contract and information statement summarising the municipality's obligations for contracts which impose financial obligations on the municipality for a period exceeding 3 years. This information should be made public 60 days prior to the contract approval meeting of the council.

Private-public partnership agreements

The feasibility study report and the particulars of the proposed private-public partnership should be made public by accounting officers at least 60 days prior to any meetings at which the agreement would be under consideration.

All information should be made available on municipal websites within 5 days of its being tabled in the municipal council, or on the date on which it must be made public, whichever date occurs first.

The Act also requires municipal mayors to table a time schedule for the budget preparation process at least ten months before the start of the budget year^{xvii}.

The Municipal Property Rates Act, 2004

This act stipulates how information about rates policies, resolutions levying rates and valuation roles should be made publicly available.

Municipalities must follow a process of community participation before adopting a **rates policy** and promulgating resolutions levying rates. This includes displaying the draft rates policy or resolution for a minimum of 30 days on the official municipality website or a website available to it^{xviii}. The public must be informed of the availability of the draft rates policy or resolution.

Certified **valuation roles** should be published within 21 days of receiving them from a municipal valuer^{xix}. The valuation roll should be published in the Provincial Gazette as well as on the official municipal website or on another website available to it. Notice of the availability of the valuation should be published once a week for two consecutive weeks in the media and on the website.

Website Publication Checklist

What must be published	Additional requirements	
All budget-related documents	Published within 5 days after its having been tabled in council or on the date on which it must be made public, whichever occurs first	
All budget-related policies		
All long-term borrowing contracts		
All long-term contracts		
All performance agreements		
All service delivery agreements		
All supply chain management contracts above R30 000		
All quarterly reports tabled in council		
Annual & adjustment budgets		
Annual reports		
An information statement containing a list of assets, over a prescribed value that have been disposed of during the previous quarter		
Any other documents that must be placed on the website in terms of the MFMA or other applicable legislation, or as may be prescribed		
Automatically available information		As prescribed in the Section 14 manual
Communication to local community including: <ul style="list-style-type: none"> notification and public comment procedures (when appropriate) public meetings and hearings by the municipal council and other political structures and political office bearers of the municipality (when appropriate) report-back to the local community 	As prescribed in Section 17(2)(b) and (c) of the Municipal Systems Act	
Contracts which impose a financial obligation on the municipality beyond 3 years	60 days prior to relevant council meetings and 5 days after its having been tabled in council or on the date on which it must be made public	
Draft rates and tariff policies	Published for at least 30 days	
Public invitations for formal price quotations	Published for at least 7 days	
Public invitations for competitive bids	Published for a period of 14 – 30 days	
Private-public partnerships agreements	60 days prior to relevant council meetings and 5 days after its having been tabled in council or on the date on which it must be made public	
Notification of the intention to determine municipal boundaries	Determined by the Demarcation Board	
Notification of municipal council meetings and public meetings	As required by legislation – approximately 7 days notice should be provided	
Municipal code with the municipal by-laws	Published promptly, and when feasible	
Resolutions levying rates and tariffs and notices of resolutions	Published for at least 30 days	
Section 14 information manual	Published within 6 months and updated annually	
Valuation roll notice and valuation roll	Published for at least 30 days	

The above information is a concise compilation of extracts from relevant legislation. For the complete text refer to the relevant acts referenced below.

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- ⁱ Constitution of the Republic of South Africa, Act 108 of 1996, Section 152
 - ⁱⁱ This includes the Intergovernmental Relations Framework Act 13 of 2005
 - ⁱⁱⁱ Local Government: Municipal Demarcation Act 27 of 1998, Section 26
 - ^{iv} Municipal Demarcation Board Website: <http://www.demarcation.org.za/>
 - ^v Local Government: Municipal Systems Act 32 of 2000, Section 19
 - ^{vi} Local Government: Municipal Systems Act 32 of 2000, Section 15 (1)
 - ^{vii} Local Government: Municipal Systems Act 32 of 2000, Section 75A (3)(a)
 - ^{viii} Promotion of Access to Information Act 2 of 2000, Section 14
 - ^{ix} Local Government: Municipal Finance Management Act 56 of 2003, Section 75(1)
 - ^x Required in terms of section 57(1) of the Municipal Systems Act
 - ^{xi} In terms of section 14(2) or (4) of the Municipal Finance Management Act
 - ^{xii} Contracts to which subsection (1) of section 33 of the Municipal Finance Management Act applies, subject to subsection(3) of that section
 - ^{xiii} Referred to in section 120 of the Municipal Finance Management Act
 - ^{xiv} Tabled in council in terms of section 52(d) of the Municipal Finance Management Act
 - ^{xv} Section 18(a), Notice 27636, Government Gazette Vol 479, 30 May 2005
 - ^{xvi} Section 19(a), Notice 27636, Government Gazette Vol 479, 30 May 2005
 - ^{xvii} Local Government: Municipal Finance Management Act 56 of 2003, Section 21 (b)
 - ^{xviii} Local Government: Municipal Property Rates Act 6 of 2004, Section 4
 - ^{xix} Local Government: Municipal Property Rates Act 6 of 2004, Section 49