

JOE MOROLONG LOCAL MUNICIPALITY



TARIFFS POLICY

MUNICIPAL TARIFFS POLICY
LOCAL GOVERNMENT: MUNICIPAL SYSEMS ACT, 2000

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1. DEFINITIONS

The following words and expressions shall have the meanings respectively assigned to them hereunder, unless such meanings are unacceptable to or inconsistent with the context in which they occur: -

“Municipality” means the Municipality of JOE MOROLONG, a local municipality established in terms of Section 12 of the Local Government: Municipal Structures Act, No. 117 of 1998, and includes any political structure, political office bearer, councillors, duly authorized agent or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillors, agent or employee;

“Council” means the Council of the Municipality of JOE MOROLONG and includes any duly authorised political structure or office bearer as defined in the Local Government: Municipal Finance Management Act 56 of 2003 and/or any duly authorised official of the Council;

“Municipal Manager” means the Municipal Manager of the JOE MOROLONG Municipality or his/her nominee acting in terms of power delegated to him/her by the said Municipal Manager with the concurrence of the Council;

“Consumer” a person who purchases goods and services for personal use

“Error” means omissions from, and misstatements in, the entity’s financial statements for one or more prior periods arising from a failure to use, or misuse of, reliable information that:

- (a) was available when financial statements for those periods were authorised for issue; and
- (b) could reasonably be expected to have been obtained and taken into account in the preparation and presentation of those financial statements.

2. PREAMBLE/INTRODUCTION

- a) With reference to the Constitution in particular Chapter 7 Section 152, which states:

The objects of Local Government are –

- a) “to provide democratic and accountable government for local communities;
- b) to ensure the provision of services to communities in a sustainable manner;
- c) to promote social and economic development;
- d) to promote a safe and healthy environment and
- e) to encourage the involvement of communities and community organisations in the matters of local government.”

It is essential that the Municipality should strive within its financial and administrative capacity, to achieve the objectives quoted.

3. POLICY BACKGROUND

In its quest to achieve a constitutional mandate the Municipality finds itself having to deliver yet other related (but not necessarily constitutional per se) services and objectives. Amongst

4. THE POLICY OBJECTIVES

The objective of this policy will be to ensure the following:

- a) That the tariffs applied by the municipality are fair
- b) That the tariffs applied are cost reflective as close as possible
- c) That the tariffs are affordable to the consumers

A tariff policy must be compiled, adopted and implemented in terms of **Section 74** of the Local Government: Municipal Systems Act 2000, such policy to cover, among other things, the levying of fees for municipal services provided by the municipality itself or by way of service delivery agreements.

The tariffs policy has been compiled taking into account, where applicable, the guidelines set out in **Section 74** (see part 9 of this policy).

In setting its annual tariffs the council shall at all times take due cognisance of the tariffs applicable elsewhere in the economic region, and of the impact which its own tariffs may have on local economic development.

5. GENERAL PRINCIPLES

Service tariffs imposed by the local municipality shall be viewed as user charges and shall not be viewed as taxes, and therefore the ability of the relevant consumer or user of the services to which such tariffs relate, shall not be considered as a relevant criterion (except in the case of the indigency relief measures approved by the municipality from time to time).

The municipality shall ensure that its tariffs are uniformly and fairly applied throughout the municipal region.

Tariffs for the four major services rendered by the municipality, namely:

- electricity
- water
- sewerage (waste water)
- refuse removal (solid waste),

Shall as far as possible recover the expenses associated with the rendering of each service concerned. The tariff which a particular consumer or user pays shall therefore be directly related to the standard of service received and the quantity of the particular service used or consumed.

The municipality shall, as far as circumstances reasonably permit, ensure that the tariffs levied in respect of the foregoing services further generate an operating surplus each financial year of 10% or such lesser percentage as the council of the municipality may determine at the time that the annual operating budget is approved.

Such surpluses shall be applied in relief of property rates and for the partial financing of general services or for the future capital expansion of the service concerned, or both. The modesty of such surplus shall prevent the service tariffs concerned from being viewed as concealed taxes.

The municipality shall develop, approve and at least annually review an indigency support programme for the municipal area. This programme shall set out clearly the municipality's cost recovery policy in respect of the tariffs which it levies on registered indigents, and the implications of such policy for the tariffs which it imposes on other users and consumers in the municipal region.

In line with the principles embodied in the Constitution and in other legislation pertaining to local government, the municipality may differentiate between different categories of users and consumers in regard to the tariffs which it levies. Such differentiation shall, however, at all times be reasonable, and shall be fully disclosed in each annual budget.

The municipality's tariff policy shall be transparent, and the extent to which there is cross-subsidisation between categories of consumers or users shall be evident to all consumers or users of the service in question.

The municipality further undertakes to ensure that its tariffs shall be easily explainable and understood by all consumers and users affected by the tariff policy concerned.

The municipality also undertakes to render its services cost effectively in order to ensure the best possible cost of service delivery.

In the case of directly measurable services, namely electricity and water, the consumption of such services shall be properly metered by the municipality, and meters shall be read, wherever circumstances reasonably permit, on a monthly basis. The charges levied on consumers shall be proportionate to the quantity of the service which they consume.

In considering the costing of its water, electricity and sewerage services, the municipality shall take due cognisance of the high capital cost of establishing and expanding such services, and of the resultant high fixed costs, as opposed to variable costs of operating these services. The municipality therefore undertakes to plan the management and expansion of the services carefully in order to ensure that both current and reasonably expected future demands are adequately catered for, and that demand levels which fluctuate significantly over shorter periods are also met. This may mean that the services operate at less than full capacity at various periods, and the costs of such surplus capacity must also be covered in the tariffs which are annually levied.

It is therefore accepted that part of the municipality's tariff policy for electricity services will be to ensure that those consumers who are mainly responsible for peak demand, and therefore for the incurring by the municipality of the associated demand charges from Eskom, will have to bear the costs associated with these charges. To this end the municipality shall therefore install demand meters to measure the maximum demand of such consumers during certain periods. Such consumers shall therefore pay the relevant demand charge as well as a service charge directly related to their actual consumption of electricity during the relevant metering period.

CALCULATION OF TARIFFS FOR MAJOR SERVICES

In order to determine the tariffs which must be charged for the supply of the four major services, the municipality shall identify all the costs of operation of the undertakings concerned, including specifically the following:

- * Cost of bulk purchases in the case of water and electricity.
- * Distribution costs.
- * Distribution losses in the case of electricity and water.
- * Depreciation expenses.
- * Maintenance of infrastructure and other fixed assets.
- * Administration and service costs, including:
 - service charges levied by other departments such as finance, human resources and legal services;
 - reasonable general overheads, such as the costs associated with the office of the municipal manager;
 - adequate contributions to the provisions for bad debts and obsolescence of stock;
 - all other ordinary operating expenses associated with the service concerned including, in the case of the electricity service, the cost of providing street lighting in the municipal area (note: the costs of
 - the democratic process in the municipality – that is, all expenses associated with the political structures of the municipality – shall form part of the expenses to be financed from property rates and general revenues, and shall not be included in the costing of the major services of the municipality).
- * The intended surplus to be generated for the financial year, such surplus to be applied:
 - as an appropriation to capital reserves; and/or
 - generally in relief of rates and general services.
- * The cost of approved indigency relief measures.

The municipality shall provide the first **50kWh** of electricity per month and the first **6 kl** of water per month free of charge to consumers who have registered as indigents in terms of the municipality's indigency relief programme. The municipality shall further consider relief in respect of the tariffs for sewerage and refuse removal for such registered indigents to the extent that the council deems such relief affordable in terms of each annual budget, but on the understanding that such relief shall not be less than a discount of 50% on the monthly amount billed for the service concerned.

Because water is a scarce national resource, and this municipality is committed to the prudent conservation of such resources, the tariff levied for all type of consumers of water shall escalate according to the volume of water consumed.

6. ELECTRICITY

7.1 The various categories of electricity consumers, as set out below, shall be charged at the applicable tariffs, as approved by NERSA and the council in each annual budget.

7.2 Tariff adjustments shall be effective from 1 July each year or as approved by NERSA and the Council.

7.3 Categories of consumption and charges shall be as follows:

- (a) With the single exception of registered indigents, all electricity consumers shall be billed for their electricity consumption at the tariff applicable to the category in which the particular consumer falls.
- (b) The tariff for domestic consumption of electricity shall not exceed 75% per kWh of the tariff applicable to other consumers. All other consumers, including businesses, industries and institutional consumers, shall pay the same tariff per kWh. This is with an exception to consumers who are using maximum demand and will be levied in line with their consumption.
- (c) All domestic electricity consumers of the municipality who are registered as indigents with the municipality shall receive the first 50kWh (fifty) of electricity consumed per month as a subsidy.
- (d) All commercial, industrial and other non-domestic properties shall additionally be billed a monthly basic charge per meter installed and, where applicable, a demand charge appropriate to their respective levels of consumption.

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- (e) **Basic charge will be charged to all metered consumption (Conventional) and availability charge will be levied to customers on prepaid vending system.**
 - (f) All electricity meters carry manufacturing (Factory) factor that is installed on the meter and will be applied accordingly. This factor is used to convert the reading into chargeable units.
 - (g) The local municipality's departmental electricity consumption shall be charged at cost and should be reversed at month end.
 - (h) VAT is not included and must be added

7. WATER

8.1 The categories of water consumers as set out below shall be charged at the applicable tariffs, as approved by the council in each annual budget.

8.2 Tariff adjustments shall be effective **from 1 July each year**.

8.3 Categories of consumption and charges shall be:

- (a) All domestic water consumers registered indigent shall receive the first 6 (six) kl of water consumed per month based on the subsidy. Thereafter a stepped tariff per kl as determined by the council from time to time shall be applicable on metered water consumption, as set out in Part 3 of this policy.
- (b) The tariff applicable to domestic consumption of water shall not exceed 75% per kl of the tariff applicable to other consumers.
- (c) All other consumers, including businesses, industries and institutional consumers, shall pay a stepped tariff per kl as determined by the council from time to time shall be applicable on metered water consumption, as set out in Part 3 of this policy.
- (d) The local municipality's departmental water consumption shall be charged at cost.
- (e) All water meters carry manufacturing (Factory) factor that is installed on the meter and will be applied accordingly
- (f) A basic charge per water meter, as determined by the council from time to time, shall be charged on all water consumers
- (g) The tariffs shall be based on monthly consumption on a stepped tariff of
 - (i) Zero to 10 kl,
 - (ii) more than 10 kl but not more than 20 kl,
 - (iii) and more than 30 kl.
- (h) VAT is not included and must be added

8. REFUSE REMOVAL

9.1 The categories of refuse removal users as set out below shall be charged at the applicable tariffs, as approved by the council in each annual budget.

9.2 Tariff adjustments shall be effective from **1 July each year**.

9.3 A separate fixed monthly refuse removal charge shall apply to each of the following categories of users, based on the costs of the service concerned:

- (a) Domestic and other users (once weekly removal)
- (b) Business and other users (twice weekly removal)
- (c) Business and other (bulk consumers).

9.4 The above categories can be subdivided by the Council during the budget process and these sub categories will be shown in the tariff list of the Municipality.

9.5 Registered indigents may receive such discount on this charge as the council deems affordable when approving each annual budget, but on the understanding that such discount shall not be less than 100% of the monthly amount billed as a refuse removal charge.

9.6 A fixed monthly charge shall be charged to the local municipality's departments equal to the lowest (domestic) tariff.

9.7 VAT is not included and must be added

9. SEWERAGE

10.1 The categories of sewerage users as set out below shall be charged per month at the applicable tariff as approved by the council in each annual budget.

10.2 Tariff adjustments will be effective from **1 July each year**.

10.3 Categories of usage and charges shall be:

- (a) A basic (availability) charge per month shall be charged for undeveloped erven, irrespective of their permitted or intended use.
- (b) A fixed monthly charge based on the costs of the service shall be charged for domestic users. Registered indigents may receive such discount on this charge as the council deems affordable when approving each annual budget, but on the understanding that such discount shall not be less than 100% of the monthly amount billed for this service.
- (c) A fixed monthly charge based on the costs of the service shall be charged to the local municipality's departments equal to the lowest (domestic) tariff), shall be charged to all businesses, industries and institutional users.
- (d) A fixed monthly charge shall be charged to the local municipality's departments equal to the lowest (domestic) tariff.
- (e) An effluent fee shall further be payable by factories and other industrial users where the wastewater emanating from such users requires special purification measures by the municipality. Such fees shall be based on the toxic content of the wastewater concerned and the costs of the purification.
- (f) A septic tank fee shall be payable by domestic households where the toxic emanating from such septic tank requires draining by the municipality. Such a fee shall be based on the toxic content of the septic tank concerned and the costs of the drainage.
 - This will be determined by a step tariff:
 - (i) Zero to 8 kl
 - (ii) More than 8 kl but not more than 20 kl
 - (iii) Greater than 20 kl
- (g) A pit toilet fee shall be payable by domestic households where the toxic emanating from such pit toilet requires draining by the municipality. Such a fee shall be based on the toxic content of the pit toilet concerned and the costs of the drainage.
- (h) VAT is not included and must be added

10. MINOR TARIFFS

11.1 All minor tariffs shall be standardised within the municipal region.

All minor tariffs shall be approved by the council in each annual budget, and shall, when deemed appropriate by the council, be subsidised by property rates and general revenues, particularly when the tariffs will prove uneconomical when charged to cover the cost of the service concerned, or when the cost cannot accurately be determined, or when the tariff is designed purely to regulate rather than finance the use of the particular service or amenity.

All minor tariffs over which the municipality has full control, and which are not directly related to the cost of a particular service, shall annually be adjusted at least in line with the prevailing consumer price index, unless there are compelling reasons why such adjustment should not be effected.

11.2 The following services shall be considered as subsidised services, and the tariffs levied shall cover 50% or as near as possible to 50% of the annual operating expenses budgeted for the service concerned:

- burials and cemeteries

11.3 The following services shall be considered as community services, and no tariffs shall be levied for their use:

- municipal swimming pool
- disposal of garden refuse at the municipal tip site
- municipal reference library
- municipal lending library (except for fines set out below)
- municipal parks and open spaces.

11.4 The following services shall be considered as economic services, and the tariffs levied shall cover 100% or as near as possible to 100% of the budgeted annual operating expenses of the service concerned:

- maintenance of graves and garden of remembrance (cremations)

- housing rentals
- rentals for the use of municipal halls and other premises (subject to the proviso set out below)
- building plan fees
- sales of plastic refuse bags
- rentals for the use of municipal sports facilities
- sales of refuse bins
- cleaning of stands
- electricity, water, sewerage: new connection fees
- sales of game
- photo copies and fees
- clearance certificates.

11.5 The following charges and tariffs shall be considered as regulatory or punitive, and shall be determined as appropriate in each annual budget:

- fines for lost or overdue library books
- advertising sign fees
- pound fees
- electricity, water: disconnection and reconnection fees
- penalty and other charges imposed in terms of the approved policy on credit control and debt collection
- penalty charges for the submission of dishonoured, stale, post-dated or otherwise unacceptable cheques.

11.6 Market-related rentals shall be levied for the lease of municipal properties.

The Municipal Manager will have the delegated powers to rent a hall to the following classes of people or functions, except for political party meetings where the Mayor must authorise the function:

Community Meetings by Government Organisations
Political Party Meetings / Unions / Taxi Associations
Charity / Community Development Organisations
Schools

Funerals

Churches will be allowed to use the halls for church services on payment of the applicable monthly fee.

11. ERRORS (GRAP 03 of ACCOUNTING STANDARD BOARD)

A municipality will make use of the relevant accounting policies and legislations to correct any errors or omission that may have been included either by human or system error. Such errors include the effects of mathematical mistakes, mistakes in applying accounting policies, oversights or misinterpretations of facts, and fraud.

12. ANNEXURE: LEGAL REQUIREMENTS**SECTION I: WATER SERVICES ACT NO. 108 OF 1997****SECTION 10: NORMS AND STANDARDS FOR TARIFFS**

A municipality, in its capacity as a water services institution, must apply a tariff for water services which is not substantially different from any norms and standards which the Minister of Water Affairs and Forestry, with the concurrence of the Minister of Finance, has prescribed in terms of the present Act.

SECTION 21: BY-LAW

A municipality, in its capacity as water services authority, must make by-laws which contain conditions for the provision of water services, and which provide for at least the following (inter-alia):

- the standard of the services;
- the technical conditions of supply, including quality standards, units or standards of measurement, the verification of meters, acceptable limits of error and procedures for the arbitration of disputes relating to the measurement of water services provided;
- the determination and structure of tariffs in accordance with Section 10 of the present Act.

If the municipality, in its capacity as water services authority, has imposed conditions under which water services are provided, such conditions must be accessible to consumers and potential consumers.

If the municipality, in its capacity as water services authority, provides water for industrial use, or controls a system through which industrial effluent is disposed of, it must make by-laws providing for at least the following:

- the standards of the service;
- the technical conditions of provision and disposal;
- the determination and structure of tariffs.

SECTION II: LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT NO. 32 OF 2000

SECTION 74: TARIFF POLICY

The council of a municipality must adopt and implement a tariff policy on the levying of fees for the services provided by the municipality itself or by way of service delivery agreements.

Such policy must comply with the provisions of the present Act and any other applicable legislation.

Such tariff policy must reflect at least the following principles:

- that users of municipal services must be treated equitably in the application of the municipality's tariffs;
- that the amount individual users pay for services must generally be in proportion to the use of such services;
- that poor households must have access to at least basic services through tariffs which cover only operating and maintenance costs, special tariffs or lifeline tariffs for low levels of use or consumption of services or for basic levels of services, or any other direct or indirect method of subsidisation of tariffs for poor households;
- that tariffs must reflect the costs reasonably associated with rendering the service, including capital, operating, maintenance, administration and replacement costs, and interest charges;
- that tariffs must be set at levels that facilitate the financial sustainability of the service, taking into account subsidisation from sources other than the service concerned;
- that provision may be made in appropriate circumstances for a surcharge on the tariff for a service;

- that provision may be made for the promotion of local economic development through special tariffs for categories of commercial and industrial users;
- that the economic, efficient and effective use of resources, the recycling of waste, and other appropriate environmental objectives must be encouraged;
- that the extent of subsidisation of tariffs for poor households and other categories of users must be fully disclosed.

The tariff policy may differentiate in respect of services, service standards, service providers and other matters between different categories of users, debtors or geographical areas.

If the policy entails such differentiation, the municipality must ensure that this does not amount to unfair discrimination.

SECTION 73: GENERAL DUTY

The municipality must give effect to the provisions of the Constitution, and in doing so give priority to the basic needs of the local community, promote the development of the local community, and ensure that all members of the local community have access to at least the minimum level of basic municipal services.

The services provided by the municipality must be: equitable and accessible; provided in a manner conducive to the prudent, economic, efficient and effective use of available resources, and the improvement of standards of quality over time; financially sustainable; environmentally sustainable; and regularly reviewed with a view to upgrading, extension and improvement.

SECTION 75: BY-LAWS TO GIVE EFFECT TO POLICY

The council of the municipality must adopt by-laws to give effect to the implementation and enforcement of its tariff policy.

Such by-laws may differentiate in respect of services, service standards, service providers and other matters between different categories of users, debtors or geographical areas, but in a manner which does not amount to unfair discrimination.