

KOUGA MUNICIPALITY



Cash Management and Investment Policy

DEFINITION OF KEY WORDS

In this policy the following words shall have the meanings assigned as follows: -

1. **“Act”** means the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003).
2. **“Accounting Officer”** refers to the Municipal Manager of the Municipality.
3. **“Finance Committee”** refers to the committee of Council dealing with the financial affairs of the Municipality.
4. **“Finance Directorate”** refers to the municipal directorate dealing with the financial affairs of the Municipality.
5. **“Chief Financial Officer”** refers to the head of the Finance Directorate.
6. **“Investment Panel”** refers to the Committee responsible for managing municipal investments.
7. **“Investment Register”** refers to an electronic spreadsheet, which contains details of all the municipal investments.
8. **“Investment Regulations”** refers to the regulations as prescribed under the MFMA (Act No. 56 Of 2003) in Government Gazette No. 27431, dated 1 April 2005.
9. **“Investment Manager”** means a natural person or legal entity that is a portfolio manager registered in terms of the Financial Markets Control Act, 1989 (Act No. 55 of 1989), and Stock Exchanges Control Act, 1985 (Act No. 1 of 1985), contracted by the municipality to: -
 - advise on investments; or
 - manage investments on its behalf.
10. **“Liquidity”** refers to the financial ability of the municipality to service its debts upon falling due.
11. **“MFMA”** refers to the Municipal Finance Management Act, (Act 56 of 2003).
12. **“Minister”** refers to the Cabinet member responsible for Finance.
13. **“KM”** refers to the Kouga Municipality.
14. **“Optimal Yield”** refers to maximum interest earned on investment.
15. **“Policy”** refers to the Cash Management and Investment Policy of the KM.

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1. LEGAL COMPLIANCE

In terms of Section 13 (2) of the Municipal Finance Management Act (Act no. 56 of 2003), municipalities are required to establish an appropriate and effective **Cash Management and Investment Policy**, in accordance with any framework that may be prescribed by the Minister, acting with the concurrence of the Cabinet member responsible for local government and consistent with the Municipal Investment Regulations.

National Treasury, in Government Gazette No. 27431, published Municipal Investment Regulations, which municipalities are required to apply as guidelines when preparing a Cash Management and Investment Policy.

2. SCOPE OF THE POLICY

This policy applies to the Kouga Municipality.

3. OBJECTIVES OF THE POLICY

The objectives of the Cash Management and Investment Policy of the KM are as follows: -

- Ensuring that cash resources are managed efficiently and effectively,
- Ensuring that investments are placed with reputable institutions, for the purposes of safety of capital investment and diversification of the Investment Portfolio,
- Ensuring that adequate liquidity is maintained at all times, for management of cashflows,
- Ensuring that the municipality receives optimal yield / interest on its investments with financial institutions, at minimal risk,
- Striving for reasonable growth on capital investments, in addition to interest earned on investments,
- Ensuring that monies due to Council are collected and banked appropriately, as soon as they are received, and
- Ensuring that payments to creditors are made by the respective due dates.

4. EFFECTIVE CASH MANAGEMENT

All efforts must be made to ensure that: -

(i) Collection of Cash / Revenue,
(ii) Payment of Creditors,
(iii) Management of Proper Cash Flows, and
(iv) Administration of Banking Accounts, are properly maintained, to ensure that excess cash is invested.

4.1 Collection of Cash / Revenue

The cash collection process as determined by Chapter 9 of the Local Government: Municipal Systems Act (Act 32 of 2000) and the Customer Care and Revenue Management By-Law, should be adhered to at all times.

4.2 Payment of Creditors

The payment cycle of all **trade creditors** must be strictly maintained as required by the Supply Chain Management Policy, or as per the payment terms stipulated in individual contracts. If there are incentives (e.g. trade discounts) favourable to Council when payments are made before due dates, such incentives, where appropriate, must be applied. Wherever possible, payments must be effected by means of electronic transfers, rather than by cheques.

4.3 Management of Cashflows

The Chief Financial Officer shall maintain a **cashflow system** and ensure that funds not immediately required, are invested.

4.4 Administration of Banking Accounts

The opening and closing of municipal bank accounts, deposits into and withdrawals from the municipal bank accounts, signing of cheques and appointment of cheque signatories, and signing of other payment documents, are the responsibilities of the Accounting Officer, but may be delegated in writing to the Chief Financial Officer.

5. INVESTMENT ETHICS, PRINCIPLES AND PROCEDURES

The following ethics, principles and procedures shall apply: -

- The Chief Financial Officer shall be responsible for managing municipal investments.
- The Chief Financial Officer is permitted to appoint a qualified investment manager.
- No improper outside influence or internal interference will be permitted at any time in regard to the management of cash and placing of investments.
- Quotations for call and/or fixed deposits from the approved financial institutions (a minimum of three) will be obtained at the time of contemplating an investment.
- Financial institutions will be required to submit confirmation certificates upon the placement of investments, which will include a declaration that no commission was paid relating to the investment.
- The Chief Financial Officer shall maintain a detailed investment register.
- The Chief Financial Officer shall hold in safe custody all investment certificates and other related documents, for audit purposes and proper recordkeeping,
- Investments made must be in the name of the Kouga Municipality (Section 12 of the Municipal Investment Regulations).
- No funds will be borrowed for the purpose of investments (Section 12 of the Municipal Investment Regulations).
- The Chief Financial Officer shall ensure that interest and capital is received and receipted when due.
- Any risk arising from any investment transaction rests with the municipality (Section 12 of the Municipal Investment Regulations).

6. STANDARD OF CARE

Section 5 of the Municipal Investment Regulations emphasises that investments made by a municipality, through municipal officials, or by an investment manager on behalf of the municipality must be made with such judgement and care, under the prevailing circumstances, as a person of prudence, discretion and intelligence, who is entrusted with management of public funds, would exercise.

Investments made by the municipality or investment manager, may not be made for speculation. A high standard of care which includes (i) Preservation and Safety of Capital Invested, (ii) Liquidity, and (iii) Yield, must at all times be maintained when making investments.

7. PERMITTED INVESTMENTS

In terms of Section 6 of the Municipal Investment Regulations, municipalities are permitted to invest in the following instruments and investments:-

- a) Securities issued by the National Government,
- b) Deposits with Banks registered in terms of the Banks Act, 1990 (Act 94 of 1990),
- c) Listed corporate bonds with an investment grade rating from an internationally recognized credit rating agency,
- d) Deposits with the Public Investment Commissioners as contemplated by the Public Investment Commissioner's Act, 1984 (Act 46 of 1984),
- e) Deposits with the Corporations for Public Deposits as contemplated by the Corporation for Public Deposits Act, 1984 (Act 46 of 1984),
- f) Banker's acceptance certificates or negotiable certificates of deposit of banks registered in terms of the Banks Act, 1990 (Act 94 of 1990),
- g) Guaranteed endowment policies with the intention of establishing a sinking fund,
- h) Repurchase agreements with banks registered in terms of the Banks Act, 1990 (Act 94 of 1990),
- i) Municipal bonds issued by a municipality, and
- j) Any other investment type as the Minister may identify by regulation in terms of section 168 of the Act, in consultation with the Financial Services Board.

8. PROHIBITION OF INVESTMENTS DENOMINATED IN FOREIGN CURRENCY

In terms of Section 7 of the Municipal Investment Regulations, municipalities are not permitted to place investments denominated in foreign currencies.

9. PAYMENT OF COMMISSION

Section 8 of the Municipal Investment Regulations, states that:-

- (1) No fee, commission or other reward may be paid to a councillor or official of a municipality or to a spouse or close family member of such councillor, or official in respect of any investment made or referred by a municipality.
- (2) Any commission, fee or other reward paid to an **investment manager** in respect of any investment made on behalf of the municipality must be declared to the Council of the municipality by way of a certificate disclosing full details of the payment.

10. REPORTING REQUIREMENTS

In compliance with Section 9 of the Municipal Investment Regulations, the Accounting Officer shall report within 10 working days of the beginning of each month, to the Executive Mayor, the investment position / portfolio of the Municipality as at the end of the previous month. A similar report shall also be submitted to the Finance Committee.

Such report must at a minimum provide: -

- The market value of each investment as at the beginning of the reporting period,

- Any changes to the investment portfolio during the reporting period,
- The market value of each investment as at the end of the reporting period, and
- Fully accrued interest and yield for the reporting period.

In complying with Section 70(2) of the Act, the Accounting Officer must report to the National Treasury and Council whenever the consolidated bank balances show a net overdrawn balance for a period exceeding **14 days (two weeks)**.

Such report must at a minimum provide: -

- The amount by which the accounts are overdrawn,
- Reasons for the overdrawn accounts, and
- Steps taken or to be taken to correct the matter.

11. CREDIT REQUIREMENTS

In terms of Section 10 of the Municipal Investment Regulations reasonable and prudent steps shall be taken by the Chief Financial Officer, to ensure that investments are placed with credit-worthy institutions. The investment policy of a municipality must determine acceptable investment ratings of financial institutions, and must liquidate any investment that no longer has a minimum acceptable rating.

The following will determine the suitability of a financial institution and will set investment limits, within which municipal investments can be placed: -

- Must be an approved instrument in terms of Paragraph 7(Permitted Investments) of this policy,
- The institution must be highly rated by credible Rating Agencies,
- The shareholder equity of the institution must be in excess of at least **R10bn**,
- The investment limit per approved financial institution must be limited to **10%** of the bank's distributable reserves, as per their latest financial statements.

12. INVESTMENT DIVERSIFICATION

In terms of Section 11 of the Municipal Investment Regulations, municipalities are required to take all reasonable and prudent steps, consistent with its investment policy and standard of care, to diversify its investment portfolio across institutions, types of investments and investment maturities.

The Chief Financial Officer must ensure that municipal investments are placed equitably amongst the approved financial institutions. Investment limits must be determined as stipulated in Paragraph 11 of this policy, and no more than **25%** of municipal investments can be placed with one financial institution. The Chief Financial Officer must review the investment limits with the approved financial institutions at least once a year, or whenever the need exists for a review.

13. ACCOUNTING FOR TRUST FUNDS

Unless otherwise required by trust deeds, trust funds will be invested within the terms of this policy, but be recorded separately in the municipality's accounting system. If pooled with the Municipality's investments, trust funds will earn the average interest rate applicable to the municipality. The requirements as stipulated in the Trust Deed, will take priority.

14. ESTABLISHMENT OF AN INVESTMENT PANEL

The Chief Financial Officer is responsible for establishing an "Investment Panel", which will be responsible for all investment related matters of the municipality, including decisions for placing investments, setting investment limits, signing investment cheques, signing investment correspondence, revision of Cash Management and Investment Policy, etc.

The following Budget and Treasury officials will serve as members of the investment panel: -

- Chief Financial Officer or delegate
- Budget and Treasury Manager, who shall not be the CFO's delegate at that point in time,
- Expenditure Manager or delegate

15. RAISING OF DEBT

Municipal debt (short or long term) shall be raised, in strict compliance with the requirements of Chapter 6 of the Municipal Finance Management Act (Act 56 of 2003).

16. ACCOUNTING TREATMENT OF INTEREST EARNED ON INVESTMENTS

The interest accrued on all municipal investments shall, in compliance with the requirements of generally recognised accounting practice, be recorded in the first instance in the municipality's statement of financial performance as ordinary operating revenues, and may thereafter be appropriated to the fund or account in respect of which such investment was made, depending on the conditions which apply to the fund or account.

17. REVIEW OF THE POLICY

This Cash Management and Investment Policy is the sole policy governing cash management and investments in the Kouga Municipality and this policy will be reviewed annually.

