



**MINISTRY OF REGIONAL AND LOCAL
GOVERNMENT AND HOUSING**

**DECENTRALIZATION PERFORMANCE:
FUNCTIONS - RULES - PROCEDURES**

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Book

5

FUNCTIONS FOR DECENTRALIZATION

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FOREWORD

One of the factors that lead to successful implementation of decentralization is the clarity with which functions are assigned to the various levels of government.

More often than not the functions and responsibilities decentralized to lower level governments are vague and ambiguous leaving a large grey area and overlap of responsibilities, which sometimes results in confusion, conflict or evasion. It is therefore very important that the specific activities within each function allocated to a lower level government are clearly spelt out.

After the policy had been developed and the functions to be decentralized, identified, it was left to each line ministry concerned to work out details of activities within each function and to prepare manuals to be used as guidelines by Regional Councils and Local Authorities.

In cases where the Regional Councils and Local Authorities are unable to carry out certain functions due to lack of manpower, they are free to contract out such functions or seek assistance from the Central Government.

Central Government Ministries have additional responsibilities in relation to decentralized functions:

- i) Provision of technical advice and assistance
- ii) Coordination
- iii) Mentoring
- iv) Support supervision during implementation
- v) Inspection to ensure compliance with established standards and guidelines.
- vi) Capacity building
- vii) Monitoring and evaluation so as to get feedback on the suitability of the policy whether its objectives are being realized or whether it requires modification

Decentralization calls for unwavering support from central government in guiding the process. It also calls for active and positive participation of the public.

It is in light of this, therefore, that the Ministry of Regional and Local Government and Housing in fulfilling its obligation, has produced this document which contains all functions with details of activities being decentralized to

Regional Councils and Local Authorities. It is to be used by the Regional Councils and Local Authorities as a guideline and reference when carrying out their functions in their respective areas. It will also be used by the Ministry's staff as they carry out their mandated functions in the Regional Councils and Local Authorities.

We hope that all the other Ministries that are implementing decentralization will produce similar documents that will be used as guidelines by the stakeholders.



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MINISTER
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1. INTRODUCTION

The Ministry of Regional and Local Government and Housing is the leading ministry for the decentralisation programme. It intends to lead the rest of government by example.

All functions, responsibilities and powers of regional and local councils as reflected in the statutes that have been carried out by the ministry on their behalf will revert to them. It is therefore important to know what these functions, responsibilities and powers are so that the councils gain a clear picture of their responsibilities. The functions of Community Development, Early Childhood Development and Housing are the first to be delegated according to the decentralization policy. This will be discussed in more detail.

Shortly after independence, the Ministry of Regional and Local Government and Housing embarked upon the drafting and promulgation of legislation on Regional Councils and Local Authority Councils. To this effect the Local Authorities Act, 1992 (Act 23 of 1992) and the Regional Councils Act, 1992 (Act 22 of 1992) were promulgated and put into operation on 31 August 1992. Some of the powers and responsibilities of the regional councils are derived from the Constitution of the Republic of Namibia. The functions of Housing and Early Childhood Development are to be carried out in accordance with the National Housing and the Early Childhood Development Policies respectively. To enhance the reader's knowledge on the powers and responsibilities of the councils the aforementioned documents must be read together with this manual.

2. FUNCTIONS OF REGIONAL COUNCILS

2.1 Functions under the Namibian Constitution .

The following functions are vested in Regional Councils in terms of Article 108 of the Constitution, i.e.:

- a) to elect members of the National Council;

- b)
 - i) to carry out any functions that may be assigned to them under any Act of Parliament, including the Regional Councils Act;
 - ii) to exercise within the region for which they have been constituted such executive powers and to perform such duties in connection therewith as may be assigned to them by an Act of Parliament and as may be delegated to them by the President;
- c)
 - i) to raise revenue;
 - ii) to share in revenue which has been raised by the central government within the region in accordance with an Act of Parliament;
- d)
 - i) to make by-laws (i. e. laws that regulate the conduct of natural and legal persons and association within the council's jurisdiction);
 - ii) to make regulations (regulations deal with details concerning the practical implementation of main or enable legislation or by-laws).

Functions according to the Local Authorities Act

Regional Councils are expected to carry out certain functions related to local authority councils in their area, in particular, and to local government in general.

A regional council has the power:

- a) to receive and peruse minutes of local councils within its jurisdiction, together with the relevant agenda and any related documents and reports. This enables a regional council to appraise the decisions of local authority councils within its area and to take appropriate corrective measures when needed. (Section 15(2));

- b) i) to enter into an agreement with a local authority council within its area whereby the regional council will carry out certain functions on behalf of the particular local authority council and vice versa.
 - ii) to enter into a joint agreement whereby a regional council and a local authority council in its area can carry out any function of the particular local authority council (Section 32(1), (2));
- c) to be consulted by the management committee of a local authority council in its area when the management committee is preparing both the annual budget and any supplementary budget. This enables the regional councils to offer any useful and reasonable advice to the local authority council pertaining to project identification and function (Section 83(1));
- d) to manage and control peri-urban areas which are declared settlement areas in accordance with a decision by the Ministry (Section 95(4)(b)(I); 4(c); (6)(b)(c).

2.3 Functions according to the Regional Councils Act

A. Regional Development Planning

The most important function of a regional council in the public administration of the country, is related to socio-economic planning of the region over which it exercises jurisdiction. In carrying out this function, a council must work closely with the National Planning Commission (NPC) which has the final authority to plan the priorities and direction of national development. It must also take into account any planning legislation.

In the planning of the development of its region, a regional council should take into consideration national planning strategies and targets that have been drafted by the National

Planning Commission and also any existing planning laws, particularly dealing with town and regional planning. It goes without saying also that the regional councils and Ministry of Regional and Local Government and Housing will be consulted by the National Planning Commission when drafting development plans. It also means that a regional council] should consult with local authority councils in its area when drafting its regional development plan. Effective and meaningful co-operation between regional councils and local authorities cannot be over-emphasized.

It must be remembered that regional development forms a part of national development, and regional development programmes therefore flow into national plans.

B. The practical duties of a regional council in the regional planning process include the following major functions:

- i) the collection of data, including statistics relating to planning activities;
- ii) the identification of development projects, socio-economic potential and problems of the region;
- iii) the preparation of medium-and long-term development plans;
- iv) the co-ordination of development projects in the region and the monitoring of ongoing projects and their evaluation.

The area that planning should cover include the following socio-economic activities;

- i) distribution, increase and movement of people in the region;
- ii) economic infrastructures and utilities such as water, electricity transport and communication;

iii) land use management; and

iv) the natural environment.

Apart from the planning function, a regional council has the following functions:

- i) to carry out any functions delegated to it by Presidential Proclamation on behalf of the President, the Prime Minister and Minister, except their function to issue proclamations or make regulations, with the view to the effective administration of any law in its region or the promotion of the moral and social welfare of the residents of its region;
- ii) to establish, manage and control some areas that are declared to be settlement areas by notice in the Gazette. The Gazette notice should specify the name given to the area and its boundaries. In such a case any existing assets, liabilities and obligations will vest in the regional council, subject to a decision of the Minister as to the extent of assets, liabilities and obligations and the date from which they should vest in the regional council;
- iii) to make appropriate recommendations to the Minister of Regional and Local Government and Housing with regard to the exercise of his/her statutory powers over a local authority in a regional council area;
- iv) to advise the President on any matter referred to it;
- v) to assist local authorities in its area in the carrying out of their functions;
- vi) to play a role in the making of the national budget by making appropriate recommendations concerning its region to the Minister of Finance;
- vii) to establish functional committees to advise it on the

carrying out of its functions;

- viii) to deal in movable property, by acquisition, hiring, hypothecating, letting or disposing of it in any other way;
- ix) with the general or specific approval of the Minister:
 - a) to deal in immovable property, by acquisition, hiring, hypothecating, letting, selling or disposing of it in any other way;
 - b) to borrow money in Namibia;
- x) to guarantee that terms of a contract will be fulfilled and also enter into agreements in the form of surety bonds or deeds of security;
- xi) to open bank accounts in its own juristic name;
- xii) with specific approval of the Minister, to accept donations in kind or in cash and to make donations;
- xiii) to pay for costs of its administration and management; and,
- xiv) to exercise any powers regarding communal land that may be assigned to it.

D. Consultation on Important Regional Issues

A regional council may be consulted and may make recommendations in relation to legislative proposals or submissions to Cabinet where the matters involved may have an effect in the region.

E. Submission to Cabinet or a Minister

A regional council has the right to make submissions to the Cabinet or a Minister with regard to the administration of any law

by the Minister on any matter, which is peculiar to its region.

F. Other Powers

a) Power of Delegation

A regional council can delegate in writing any of its powers to its management committee, its regional officer or any other staff member. It can also authorise in writing its management committee, its regional officer or any other staff member to perform any of its functions on its behalf. The following are exempted from such delegation or authorization, i.e. power:

- i) to make regulations or rules;
- ii) to approve its annual or supplementary budgets;
- iii) to determine rates, charges, fees or levies; and,
- iv) to borrow money!

b) Administration of Oaths

All members of the regional council elected in terms of section 4(2) of the Regional Councils Act, 1992 have been designated as commissioners of oaths for the regions in which they have been elected and for the duration of their term of office. This took effect as from 15 April 2000 as referred to in the Government Gazette, no. 2312, of 15 April 2000.

G. Power to enter into Local Co-operation Agreements

A regional council may, if it chooses, enter into co-operation agreements with any regional council, local authority or the central government with regard to the carrying out of its functions or the carrying out of the functions of that local authority or the central government. Under such an agreement, the regional council may carry out functions on behalf of another regional council, a local authority or the central government or

those bodies may carry out functions for the regional council. A regional council may enter into joint venture with another regional council, a local authority or the central government in the carrying out of its functions.

2.4 The role of the Central Government vis-a-vis Regional Councils

Regional Councils are quasi-autonomous bodies. This implies that Central Government only interferes in their operations within the limits set by the relevant laws. To this effect, Central Government expects a regional council to:

- a) submit minutes of its meetings to the Minister concerned;
- b) to account for the use of part of the funds which are not the council's generated revenue;
- c) to fully, efficiently and economically carry out all the mentioned duties and functions.

(The Regional Councils Amendment Act, Act No. 17 of 1997)

The Powers of the Governor

- a) He/she is the political head of the Region

In consultation with the Council

- initiates and formulates planning and development policies
- monitors the implementation of policies

- b) Has supervisory powers pertaining to the planning and execution of all development programmes and projects.
- c) Is the principal agent of the Government
- d) Is accountable to the Government and to the inhabitants of the region in matters related to planning and execution of all development programmes and projects.

2.5 Administration of Settlement Areas

Regional Councils also have the power to identify and develop settlement areas to the level where they can have their own political and administrative structures at village level.

Specific Activities:

- a) Identification of new settlement areas in consultation with communities;
- b) Establishment of settlement area committees;
- c) Declaration of the settlement areas in the Government Gazette;
- d) Alteration of boundaries of identified settlement areas;
- e) Recruitment of personnel;
- f) Hiring of consultants for capital projects (See section on technical services and inspection);
- g) Supervision and paying of contractors (See section on technical services and inspection).
- h) In running settlement areas, a Regional Council will act as a local authority for that settlement area and the following will apply: Section 32 (1) (a) of the Regional Councils Act, provides that section 30, except paragraphs (p), (s), (t) (v), (w), (x), (y) and (z) of sub-section (1), 33 to 62, 66 to 76. 78, 79,90,91 and 94 of the Local Authorities Act 1992
- i) The implementation of this applicable sections means that Regional Councils will be responsible for, inter alia, the following aspects in respect of communities in the settlement areas under their jurisdiction:

- supply of water
- sewerage systems
- refuse removal
- cemeteries
- streets and public places
- electricity and gas
- establishment of gravel quarries
- provision of public transport
- with approval of the Minister, establish housing schemes
- establish markets
 - * construct market houses, auction or sale rooms, and warehouses
- to establish, carry and maintain
 - * abattoirs
 - * aerodromes
 - * ambulance services
 - * bands and orchestras
 - * dipping tanks
 - * a fire brigade
 - * museums
 - * pounds
 - * nurseries
- construct depots for the reception of perishable goods, etc.

j) In general this means that the Regional Council will be required to provide municipal services to the inhabitants of the declared settlement area.

k) Repair and Maintenance of infrastructure:

The power to contract local companies or local authority to repair-and maintain water, sewerage, electrical and other capital infrastructure is delegated to regional councils. Assistance regarding the drafting of contracts, selection of companies, supervision of contractors and approval of work done by contractors is provided by the technical division of the Ministry of Regional and Local Government and Housing.

2.6 Implication of the Termination of the Agency Agreement

Since regions will carry out their functions as provided for in statutes, guidance is required. Out-reach programmes form an integral part of the reorganisation process of the MRLGH. Out-reach programmes will provide job guidance/mentoring, support, supervision, inspection, monitoring and evaluation of the regions.

All divisions are expected to carry out outreach programmes in other areas of regional councils operations such as: financial management, personnel and technical services, housing, administration and legislation.

These programmes aim to ensure that regional councils and local authorities perform their tasks according to the policies, laws and set standards and to take remedial measures when necessary.

3. TOWN AND REGIONAL PLANNING

3.1 Compilation of Town Planning- and Amendment Schemes

A Town Planning Scheme means a document containing a comprehensive policy statement which serves as a framework and foundation for future development and land use patterns like residential areas, business areas, industrial areas, public open spaces, etc. It is thus a statutory document enforceable by law consisting of a set of maps and relevant scheme clauses, indicating the permissible land uses and restrictions relating to each specific zone. Although a Town Planning Scheme is a statutory document it is flexible and can be changed as the need may arise by amending the scheme. The compilation and amendment of a Town Planning Scheme is done in accordance with the Town Planning Ordinance (Ordinance 18 of 1954), as amended.

3.2 Applications for rezoning

Rezoning applications will only be made where a town planning scheme is in force i.e. where the rights and restrictions are regulated by a town planning scheme. If land is used for a purpose other than that made provision for in a Town Planning Scheme an application can be made to that effect indicating the new purpose and how it will affect the new zoning. One example is the use of land or buildings in the residential use zone to be used for office purposes. Council, may have a clearly stated policy according to which a specific area in the residential use zone may be considered for rezoning such as for office use. A person wishing to use residential land for such purpose must then apply to the Regional Councils or Local Authorities and the Minister for the rezoning of the property from, residential to office. Such a rezoning will be included in an Amendment Scheme.

3.3 Applications for relaxation of scheme regulations

Certain scheme regulations, such as building restriction lines, can be changed by means of a formal application to the local authority to which these powers are delegated. A local authority may grant such consent provided that the neighbours give their approval in writing, supporting such an application and the local authority is of the opinion that such a relaxation will not have a detrimental effect on the surrounding area.

3.4 Law-enforcement on infringement of scheme provisions and title conditions

Any person who commits, or knowingly permits, a contravention of any of the provisions of a Town Planning Scheme or of the requirements of any order or notice issued or conditions imposed under the provisions of a Scheme, shall be deemed to have contravened the provisions of the Scheme and shall be guilty of an offence and liable on conviction to a fine or

to imprisonment as determined in terms of Section 48 of the Town Planning Ordinance (Ordinance No. 18 of 1954), as amended.

3.5 Monitor conformance to Town Planning Scheme regulations and title conditions

In the case where no Town Planning Scheme exists, certain local authority officials must be delegated to see to it that the original title conditions determined for specific erven at the initial process of township establishment, conform with the existing use on the ground.

In cases where a Town Planning Scheme exists, local authorities must ensure that the land is used for purposes as determined in the Town Planning Scheme through development control.

3.6 Initiation of township establishment

A local authority is responsible to initiate township establishment in its local authority and to provide for town development. The planning of a new township is dependent on planning goals and existing constraints. A local authority should determine the current and future needs in order to meet the demand for erven (residential, business, industrial, institutional, etc.).

3.7 Township establishment and determination of title conditions with help of town planner

Township establishment is a formal large-scale subdivision of land for urban use. In short, the process for township establishment as prescribed by the Townships and Division of Land Ordinance (Ordinance 11 of 1963), as amended, is as follows:

- Identification of area for township establishment.
- Application to NAMPAB for the need and desirability for

. township establishment.

- Application to NAMPAB for the subdivision of the land on which the township establishment will take place.
- Application to Townships Board for approval of the layout plan and to determine conditions of establishment on each individual erf.
- Appointment of a land surveyor to survey the approved layout plan and to compile the general plans for approval by the office of the Surveyor General.
- Registration of title deeds at the office of the Registrar of Deeds (opening of erf register).
- Proclamation of township by Minister of Regional and Local Government and Housing in Government Gazette.

The town planner will assist and advise local authorities with all the above activities.

3.8 Appointment of Land Surveyors

A land surveyor is appointed by the local authority to survey the approved layout plan of the new township and to compile general plans for submission to the office of the Surveyor General.

3.9 Subdivisions and Consolidations

Subdivisions:

An owner may apply for the subdivision of his/her property into two or more erven. Subdivision is the process used to cut up bigger portions of land into smaller pieces, each with its own title deed. Upon receipt of the application by the local authority it will be evaluated in terms of compliance with the density zoning of the area, the policies of the council and the general impact which the proposed development will have on the surrounding area. Street access, the provision of services and where applicable the width, length and desirability of panhandles used will also be considered. Once the council has resolved to recommend the application, it must be submitted to the Townships Board for

final evaluation in terms of Section 19 of the Townships and Division of Land Ordinance (Ordinance 11 of 1963), as amended.

Consolidations:

The consolidation of land is the legal merging of two or more pieces of land, each with its own title deed, into one erf with only one title deed. Erven may only be consolidated if the zoning is the same (where a Scheme is applicable) or if the conditions of title are the same. Once an application for consolidation has been received by the local authority it will evaluate the application in terms of the zoning of the erven to be consolidated, the future subdivisions intended, the effect of the consolidation on the neighbours and the area in general, access to the property etc. Once the council has resolved to recommend the application it must be submitted to the Townships Board for final evaluation in terms of Section 30 of the Townships and Division of Land Ordinance (Ordinance 11 of 1963), as amended.

3.10 Registration of servitudes

Should it be deemed necessary or determined by the Townships Board, the local authority may appoint a surveyor and conveyancer to register a servitude/servitudes over erven to make provision for the following:

- Stormwater
- Right of way
- Electricity lines
- Sewerage pipes, etc

A servitude implies the reservation of a certain demarcated piece of land for uses such as in the above-mentioned cases with the permission of the registered owner. The land will thus remain the property of the registered owner but in practice utilised by another body for a specific purpose.

3.11 Procedures in relation to streets and public open spaces

It may be necessary from time to time for a council to change the use of land reserved for public places like streets and public open spaces. The closing of public places such as streets or parks may be made necessary as a result, for example, of the realignment of streets across park areas or the redevelopment of an existing public open space.

Clause 50 of the Local Authorities Act (Act 23 of 1992) authorises local authorities to close streets or public open spaces, as it may deem fit.

After taking a resolution to close a street or public open space the local authority must:

1. Prepare a plan showing the nature of the closure or diversion of such a public place or street.
2. Advertise its intention to close a public place or street setting out the nature of such a closure and call for objections.
3. If any objections are lodged, the local authority must submit details of the proposed closure together with the objections lodged and the comments of council thereon to the Minister who will make a ruling on the matter.
4. Once approved the local authority will issue a "Closure Certificate" and must notify the office of the Surveyor General of any permanent or temporary closure of a public place or street.

3.12 Amendment of title deed conditions

Every piece of land registered under freehold title is subject to certain rights and restrictions. These rights and restrictions are defined through the conditions of title registered on the title deed of the land. Changing the rights and restrictions of the land where

no Town Planning Scheme is in force is done through changing the conditions of title registered against such land on the title deed of that land. A council cannot approve the amendment of title conditions. It may only support or reject the proposed amendment. Only the Minister can approve such proposed amendments. Such an application should be addressed to the Townships Board as the adviser to the Minister. Upon approval by the Minister, the applicant must appoint a conveyancer to effect the amendments as approved in the title deed of the erf concerned.

3.13 Procurements and recording of plans

Each local authority should establish a filing system in which all relevant plans are kept for safeguarding and future reference purposes.

PROPERTY ADMINISTRATION (LAND AND IMMOVABLE PROPERTY) by Councils

4.1 Determining purchase price

Upset prices of erven to be sold by public auction or tender can be determined by the Council by comparing valuations contained in the general valuation roll. Prices fetched through bids at public auctions or offered through tenders can be regarded as being truly market related and can therefore be used as a yardstick for the determination of purchase prices for erven sold by private treaty as provided for under section 30 (1) (t) of Act 23 of 1992.

Prices of newly developed erven should at least be fixed at a price equal to the development (like the planning, surveying, streets, stormwater, and street lighting, water, electricity and sewerage). Administrative and legal costs must also be taken into consideration.

It will be in the best interest of Council to consult with the

valuator and consulting engineer when determining erf prices, taking into consideration the property market and actual cost of servicing of the erven. The principle pertaining to the escalation of erf prices be reserved.

4.2 Determining conditions of sale

Conditions of sale are contained in standard deeds of sale which should be prepared by the conveyancer appointed by Council. Should it be necessary to include special, or amend certain conditions of sale, the Conveyancer of Council may be instructed to adjust the contract as requested.

For example, if Council sells an erf at a nominal price subject to the condition that certain services must be provided by the Council or it intends to register a pre-emptive right against the property, to the effect that the property may not be sold or otherwise alienated without their consent, or to the effect that the property will revert back to council should it not be developed within a certain period of time and terms of agreed upon.

Conditions of sale should be made known before the commencement of a public auction and should be included in the tender documents.

4.3 Compiling sales agreements

For the purpose of selling a vacant erf or erven or land with improvements, the preparation of the agreement should be drafted by the Conveyancer and be referred back to Council for approval.

4.4 Obtaining ministerial approval for property sales

The sale of any individual erf or group of erven is subject to the prior approval of the Minister in terms of the provisions of section 30 (1) (t) of Act 23 of 1992. In the case of erven to be sold by private' treaty, tender or public auction, the following

information must be furnished when requesting such approval: erf numbers and size, use of land (zoning), upset prices and date of the auction or closing date for tenders. Such an application may include a request that erven not sold at the auction, may be offered for sale at the upset prices for a period of one year from the date of auction.

With the exception of properties held under PTO certificates, the sale of an erf by private treaty should only be considered if Council is satisfied that there is only one interested buyer. Should there be any doubt in this regard, the erf should rather be sold by public auction or tender. An application for approval for the sale of an erf by private treaty must be duly motivated and reasons must be provided why the Council is satisfied that there is only one interested party.

4.5 Entering into sales agreements

The following must be reflected in the contract: full names and surname, Namibian identify number, postal address of the purchaser and the correct description and purchase price of the property. Both the buyer and the seller must sign the contract in the presence of two witnesses. All signatories must also initial all pages of the contract.

The date of signing of the agreement by the seller shall be regarded as the date of sale of the property, from which date onwards the basic charges in respect of water, sewerage, electricity, refuse removal can be levied, provided that connection to the above services are within normal distance from the erf. Assessment rates can also be levied as from date of sale.

4.6 Preparing documentation for sale by tender or public auction

An advertisement for publication in the newspaper(s) circulating in the area of the sale of erven must be prepared. All relevant information such as the erf numbers and sizes, use of land

(zoning), upset prices, closing date for tenders and the date, time and venue of public auctions must be set out in the advertisement. The name and telephone number of the contact person must also be included.

4.7 Recovery of purchase price

The Council may require that the purchase price be paid in full or by a deposit of say (10) ten or (20) twenty percent of the total purchase price to be paid upon signature of the deed of sale in case of an auction or tender and the balance be paid prior on date of registration of the property in the Deeds Registry..

This means that the deposit will be recovered by Council, whilst the balance of the purchase price be recovered by the Conveyancer appointed by Council who will then pay the amount due to the Council. The Conveyancer will not lodge a transaction for registration unless a bank guarantee for the outstanding amount is produced to him/her.

The transfer registration cost is payable by the purchaser upon request by the Conveyancer.

. 4.8 Process registration and cancellation of bonds

With the prior approval of the Minister, the Council may grant a loan (established under a housing scheme) to any person as a first mortgage in favour of the Council over the land if he or she is also the owner of such land. The bond registration cost is also payable by the mortgagee (beneficiary) upon request by the Conveyancer.

Upon receipt of a certificate under the signature of the treasurer or accountant, certifying, that the loan is fully paid with interest, instructions may be issued to the Conveyancer for the cancellation of the mortgage bond.

4.9 Process transfer of ownership

The deed of sale, together with the title deed and conditions of establishment, must be provided to the Conveyancer with an instruction to pass transfer of the property, who will then prepare the final transfer documents like the Power of Attorney with the necessary declaration by seller and purchaser for signature. The entire registration process, including the rates clearance certificate as provided for under section 78 of Act 23 of 1992, will be attended to by the Conveyancer.

4.10 Maintenance of property register

For maintaining an orderly and effective system of property transactions that are registered in the Deeds Registrar, an erf register should be compiled as follows: - If not performed on a computer, an A-3 size analysis book (or similar) may be used with the following vertical columns: all the erf numbers as per general plan, the size, land use or zoning, title deed number, name of registered owner, purchase price or consideration and the date of registration. Once the particulars of an erf have been entered into the register, five or six horizontal lines should be left open before the details of the next erf are entered. The blank space is needed for future actions such as change of ownership, new purchase price, etc.

A prescribed form, known as the return of vested property reflecting all transactions registered in the Deeds Registry, will on a monthly basis be provided to Council by the Registrar of Deeds. Upon receipt of the prescribed fee of N\$5.00 per entry, the monthly return will be released to Council whereafter all new transactions must be entered into the erf register. Change of ownership must be entered into the main general valuation roll, preferably in pencil.

4.11 Acquisition of properties

Should it be necessary for Council to acquire immovable

property for some or other purpose, such details will have to be negotiated, taking into consideration the valuations contained in the valuation roll as a basis for determining a purchase price.

Once a purchase price is agreed upon by both parties, approval of the Minister in terms of the provisions of the Act must first be obtained in writing, before an agreement of sale is entered into.

4.12 Expropriation of land

Legislation governing the expropriation of land is rather complicated, and should it ever be necessary to embark on such exceptional means of acquiring any property, it is considered of utmost importance to seek legal advice of the Council's Conveyancer before entering into any negotiations.

4.13 LETTING ADMINISTRATION

4.13.1 Determining rentals

Before inviting tenders for the leasing of townlands upset prices for small and large stock units must be obtained in consultation with the Extension Officer in the Ministry of Agriculture, Water and Rural Development.

Lease of other immovable property can be put on tender without indicating minimum rental amount, however, it must be stipulated in the tender document that Council reserves the right not to accept the highest or any offer received.

4.13.2 Determining conditions of lease

For the leasing of townlands, the lease agreement currently in use by the Ministry can be used as a draft agreement by Council and any changes of the document must be scrutinised by their Conveyancer.

All other lease agreements must preferably be drafted by their Conveyancer.

4.13.3 Compiling lease agreements

For the purpose of leasing townlands, any vacant erf or land or any improved property (building), the preparation of the lease agreement should be drafted by the Conveyancer and referred back to Council for approval.

4.13.4 Obtaining ministerial approval for leasing of properties

Before entering into lease agreements, approval of the Minister must be obtained in terms of the provisions of section 30(l)(t) of the Act.

In respect of property other than townlands, approval of the Minister is not required for leasing immovable property for periods not exceeding one year.

4.13.5 Entering into lease agreements

The following must be reflected in the contract: Full names, ID number and address of the lessee, description of the property, period of lease and monthly rental. In the case of leasing the townlands, the permitted number of animals must also be stipulated.

Both the lessee and lessor must sign the contract in the presence of two witnesses. All signatories must also initial all pages of the contract.

Lease agreements exceeding a period of 9 years and 11 months must be registered at the Deeds Office. This can only be done by a conveyancer.

4.13.6 Monitoring conformance to conditions of lease

All conditions of lease must be monitored on a regular basis and any transgression must immediately be brought to the attention of the lessee in writing. Such written notice must at all times stipulate a date when the transgression is rectified or adhered to. Should the lessee fail to comply, legal advice ought to be sought with regard to the enforcement of the contract by a Court of law or possible termination of the contract.

4.13.7 Recovery of rentals

Recovery of rentals is executed by sending out monthly accounts. Should the lessee fail to settle the account in time, a notice must be served on the lessee without delay, stating that the contract will be terminated should the rental not be paid on the date as stipulated in the notice.

4.13.8 Leasing of townlands

Each year after the raining season, the Extension Officer of the Ministry of Agriculture, Water and Rural Development must be requested to carry out an inspection of the townlands and to determine the grazing capacity (number of small or large stock units per hectare) and the period that the townlands can be stocked. As soon as this information is available, tenders can be invited for the leasing of the townlands in accordance with the grazing evaluation report.

During the term of lease, regular inspection of the fencing, water installations and permitted number of animals must be carried out.

5. EMPLOYMENT ADMINISTRATION

5.1 Personnel advertisement

The process of informing potential candidates through the media or internal circulars.

5.2 Personnel selection (recruitment)

Selection is the process of choosing the best candidate from all applicants.

5.3 Personnel appointments (interviewing)

Interviewing is a process of inviting potential candidates to be asked questions on the post they applied for. Opportunity is also given to candidates to ask questions on the organization and on the tasks to be expected to be performed by the applicant.

5.4 Orientation of new appointments (induction)

Induction is the process of introducing a new staff member to his/her work mates and the working environment.

5.5 Compilation of employment contracts

A contract is an agreement between the Public Service and the staff member pertaining to employment conditions.

5.6 Submission of employment documents to salary administration

An appointment advice is submitted to the salary section to be advised on the payment of salary and allowances.

5.7 Open personnel records

It contains open personnel files, leave files, staff records, leave

record cards and housing record cards.

5.8. COMPENSATION ADMINISTRATION

5.8.1 Implementation of salary increments

Every year the salary of a staff member is increased by one notch till he/she has reached the top scale.

5.8.2 Processing salary scale adjustments

On account of a new salary policy as decided upon the by the Office of the Prime Minister, personnel office will adjust salaries accordingly.

5.8.3 Processing promotions

All promotion posts must be advertised, the best candidate selected and appointed on recommendation by the Public Service Commission.

5.8.4 Processing retirement payments

The Government Institution Pension Fund is advised to pay pension benefits. Leave gratuity is calculated and the salary office is advised to incur payment.

5.8.5 Processing stop orders

Original stop orders are submitted to the salary office to be deducted from salary as requested.

5.8.6 Payments for salaried staff

All staff members who are on the payroll are paid on a monthly basis.

5.9 SERVICE CONDITIONS

5.9.1 Administering medical aid scheme (membership)

The personnel office processes and submits applications on changes and terminations to the medical aid scheme at the Ministry of Finance and the salary office at the Ministry.

5.9.2 Administering pension fund

The Personnel Office completes form 150 KK11 for admission or withdrawal KK41 to the pension fund. It requests payment for funeral benefits if necessary.

5.9.3 Processing allowances (camp and subsistence)

If a staff member is away from his/her duty station for at least 24 hours, camp and S&T allowance can be claimed. It must be processed through the creditors section from the relevant vote.

5.9.4 Approval of leave application

The supervisor recommends the period the staff member will be absent and the head of the office as his/her delegate approves the leave application form.

5.9.5 Process of leave application

When the leave application form is submitted to the personnel office the application form is noted on the leave record card and filed on the leave folder.

5.9.6 Preparing probation report

The personnel officer responsible will complete and forward the first/second/third and fourth progress reports

plus the certificate through the supervisor/ head of the Department.

5.9.7 Processing house buying and subsidy documents

The respective staff member completes an application form for a housing loan and submits it to the personnel office. The personnel office completes the relevant section and processes it to the office of Permanent Secretary for authorization. The loan form is returned to the staff member. After the house/property has been registered in the name of the staff member, he/she completes an application for a subsidy to be submitted to the personnel office. The personnel office will process the application for a subsidy form and advise the salary office to pay a subsidy.

5.9.8 Processing house meeting claims

A staff member completes an application for rent allowance and after submission to the personnel office it will be processed. The personnel office will advise the salary office to pay a rent allowance.

5.9.9 Dealing with injury on duty cases (IOD)

The personnel office reports injury on duty to the Workmen's Compensation Commission and also keeps records.

5.10 TERMINATION OF SERVICE

5.10.1 Processing documents for dismissal on account of permanent ill-health

A medical practitioner completes a medical report on a staff member. The personnel Officer forwards the medical report to the Medical Board for confirmation of

the medical condition of the patient and if the Board agrees, the report will be submitted to the Public Service Commission for recommendation.

5.10.2 Processing dismissal on account of misconduct

Once a charge of misconduct has been made, the Regional Officer appoints a disciplinary committee to constitute an inquiry into the charge. The outcome of the inquiry must be reported to the Regional Officer and the Public Service Commission. A staff member can appeal against the decision.

5.10.3 Approval of disciplinary actions

The Regional Officer can institute a disciplinary procedure if he/she believes that a staff member is guilty of misconduct. A supervisor can reprimand a staff member.

5.10.4 Processing notification of resignation

If a staff member resigns, the supervisor will submit the notification of resignation to the Personnel Office which will acknowledge the resignation. The Personnel Office will advise the salary office to terminate the salary of the staff member. The benefits of the staff member will then be processed, debts recovered and paid.

5.10.5 Arranging exit interviews

The supervisor/personnel office will make an appointment to determine the cause of resignation.

5.10.6 Processing retirement documents

The Government Institute Pension Fund will be advised to pay pension benefits. Leave gratuity will be calculated

and the salary office will be advised to pay.

5.10.7 Process claim of benefits by relatives on account of death

The Personnel Office completes form 150 kk11 for admission or withdrawal kk41 to the pension fund. If requested, request payment for funeral can be made.

5.11 KEEPING PERSONNEL RECORD

The intention from point 8.1- 8.4 is to record all leave of absence, staff movements, salary progression(s) (salary adjustments) promotions, personnel information.

5.12 I.O.D. files

Personnel Office reports injury on duty to the Workmen's Compensation Commission and also keeps records of such reports.

5.13 DISCIPLINARY ACTIONS

5.13.1 Application of misconduct on account

After a charge of misconduct, the Regional Officer appoints the Disciplinary Committee to constitute an inquiry into the charge. The outcome of the Disciplinary Committee has to be reported to the Regional Officer and the Public Service Commission. A staff member can appeal against the decision.

The Regional Officer can institute a disciplinary procedure if he/she believes a staff member is guilty of misconduct. A supervisor can reprimand a staff member.

5.14. GENERAL PERSONNEL ADMINISTRATION

5.14.1 Personnel training

The following training modes apply: in-service-training, supervisors courses, induction courses and courses on public service acts regulations and staff rules.

5.14.2 Maintenance of good labour relations

No unfair labour practices are allowed. There should be equal treatment. Any discrimination on grounds of sex, color, race and creed is prohibited by law.

5.15 LEGAL AND GENERAL ADMINISTRATION

5.15.1 Legal administration

All acts, including the Regional Councils Act, Local Authorities Act, Finance Act, the Constitution, Social Security Act, Labour Act, Affirmative Action Act; and other stipulated regulations and rules must be adhered to.

5.15.2 Maintain registration systems

A proper filing system must be maintained and controlled. The main register and personnel registry are two separate systems.

5.15.3 Maintain service contracts on office systems

Contracts of foreign staff members and other staff members on contract must be maintained.

5.15.4 Computer services

Computerization as per instructions from the Office of the Prime Minister is in the personnel office.

6. FINANCE

6.1. SALARIES AND ALLOWANCES

6.1.1 Monthly remuneration

Payment of staff member's salary to be done monthly by preparing advices to be forwarded to Finance for payment.

6.1.2. Petty Cash payment.

Payment for goods/services must be done out of petty cash and not by means of a cheque. Such payment is normally used for the purchase of small office items.

6.1.3 Audit and Controlling of Petty Cash Payments

The task is to ensure that payment is legal and correct. Such process eliminates misappropriation of funds.

6.1.4 Replenishment of Petty Cash

Reimbursement of petty cash requires constant attention to ensure that enough cash is available in the petty cash box.

6.1.5 Compilation of I.R.P-5 Certificates

Compilation of the certificates for submission to the Receiver of Revenue for tax purposes is an important task. Such certificates are issued annually at the end of February.

6.1.6 Payment of S&T Allowances

This involves the payment of subsistence and travelling allowances. The payment is done after the completion of

claim forms on return from a trip.

6.1.7 Remuneration of Council Members

The procedure involves payment of members salaries and allowances to elected councillors.

6.2 EXPENDITURE (CREDITORS)

6.2.1 Purchase of needs

Such process refers to the acquisition of goods and services by issuing orders to suppliers.

6.2.2 Compilation of payment vouchers

Ensure payment to suppliers by completing the payment vouchers reflecting the supplier, amount and vote from which the expenditure is charged.

6.2.3 Creditor payments

Payments to be made to suppliers by means of cheque or cash.

6.2.4 Compilation of expenditure register

Completion of expenditure cashbook reflecting the following: date, cheque number, amount and vote.

6.2.5 Creditors reconciliation's

Reconcile monthly creditor statements to ensure that all invoices are paid and to avoid double payment.

6.2.6 Monthly salary deduction payments

Transfer of money deducted from staff members to third

parties (receiver of revenue, pension fund, insurance, social security, etc.).

6.2.7 Bank reconciliation

Monthly reconciliation of bank statements.

6.2.8 Annual Financial reports

Compilation of these reports for submission to the Auditor General.

6.3 REVENUE (DEBTORS)

6.3.1 Reading of Meters

Reading of water/electricity meters at residential and business premises.

6.3.2 Compilation of monthly accounts

Calculation of the cost of services to consumers and the preparation of accounts for despatch to consumers.

6.3.3 Welfare Claims

Request to the Ministry of Health and Social Services to subsidize services used by destitute persons.

6.3.4 Bad debts: Collection

Long outstanding debts, where the debtors cannot be traced or unable to repay.

6.3.5 Writing off of bad debts

Request for the cancellation of unrecoverable debts.

6.3.6 Compilation and submission of monthly debtors report

List of debtors with all details e. g. name, amount, period outstanding.

6.3.7 Debtors Control

Debtors audit.

6.3.8 Compilation of annual debtors certificate

List of all debtors for submission to the Auditor General.

6.3.9 Application of promulgated tariffs

Ensure that new (adjusted) tariffs are implemented.

6.4 INCOME

6.4.1 Receipting

- Issuing of receipts to those who pay for services.

6.4.2 Posting of receipts to debtor records

Recording of money received on debtor's card.

6.4.3 Filing of receipts

For further enquiries and record purposes.

6.4.4 Compilation of register of remittance

Record all Revenue transactions and to ensure that funds received are deposited.

6.4.5 Investment of surplus funds

Investment of funds in commercial and other institutions as stipulated in the Act.

6.4.6 Cash flow control

Ensure that enough funds are available in the Bank before transactions are made.

6.5 BUDGETING

6.5.1 Compilation of revenue data

Preparation of estimates of revenue by looking at all sources of revenue.

6.5.2 Compilation and submission of budget

Final preparation and submission of budget for approval.

6.5.3 Assistance in the compilation and submission of budget

Provision of required information and supporting documents.

6.5.4 Approval of budget

Approval of budget as stipulated in the Act.

6.5.5 Submission of approved budget to the Ministry

The council may approve and recommend to the Minister for final approval as provided for in the Act.

6.5.6 Budget Control

Ensure correct application of the funds.

6.6 REGULATIONS AND TARIFFS

6.6.1 Determination of Tariffs

Adjustment of tariffs for different services.

6.6.2 Submission for promulgation

Submit to be gazetted.

6.6.3 Amendment of regulations

Amendment of existing regulations.

6.6.4 Application and enforcement of regulations

Ensure that regulations are implemented.

6.7 MAIN LEDGER

6.7.1 Keeping of main ledger

Opening of ledger accounts for accounting purposes.

6.7.2 Compilation of financial statements

Extraction of information on transactions for submission to Auditor General.

6.7.3 Compilation of financial reports

Reporting to Management Committee and Council on financial status of the Council.

6.7.4 Financial Control/Auditing

Monitoring and Evaluation of financial performance.

6.8 STOCK

6.8.1 Keeping of stock register

This register reflects the movement of consumable/undurable items (pens, pencils, etc.).

6.8.2 Keeping of assets register

All items, equipment etc. with a lifespan of more than one year are kept and recorded in this register. All details are reflected.

6.9 CAPITAL PROJECTS

6.9.1 Financing of capital projects

Funding through external or internal loans or grants.

6.9.2 Payments to contractors

Payments to contractors after completion of any construction work or professional services.

6.10 LOANS

6.10.1 Application to National Planning Commission

This is done by completing the Project Identification Forms (PIF's).

6.10.2 Redemption of Loans

Repayment of capital and interest to the institution which granted the loan.

6.11 INTERGOVERNMENTAL TRANSFER MECHANISM

The most important task of the sub-committee on fiscal decentralization is to design a transfer mechanism for decentralized funds. In designing these mechanisms it is assumed that the final allocations will be communicated to the respective regions by the respective ministries/offices/agencies.

The same procedures followed by the line Ministries when requesting their quarterly funds from Ministry of Finance will apply to the Regional and Local Authorities.

All regional budgeting as well as financial transfer mechanism to the regions must be agreed upon by all ministries and agencies. On the basis of these, financial regulations are drafted. The implementation of the financial regulations will be determined by the readiness of individual stakeholders after being gazetted.

6.12 Procedures

1. Uniform financial instructions at both the centre and lower levels.
2. Ministries will budget in collaboration with regional councils for both capital and recurrent budget.
3. Line ministries will have the responsibilities to defend these budgets in Parliament.
4. The approved budget will be communicated to the respective regions and local authorities.
 - 4.1 Treasury will make quarterly transfers to the handling bank of each regional council.
 - 4.2 Accounting officers of line ministries will send requests to treasury for these transfers.
 - 4.3 Accounting officers will instruct their banks to issue cheques for specific activities e.g. electricity, salaries, etc.
5. The handling bank will send balance statements to the Ministry of Finance.
6. Regional Councils and Local Authorities will balance and

send the same to the Ministry of Regional and Local Government and Housing.

7. The Ministry of Regional and Local Government and Housing will send this information to Ministry of Finance and to concerned ministries.
8. Agreement with the banks is to be negotiated by the Ministry of Finance on charges and other details.
9. Requests from Regions and Local Authorities to be submitted on the 15th of each month preceding the new quarter, for example funds for second quarter (July-September) to be submitted on 15th June.
10. The format of the report is to be decided upon by the sub-committee.

7. TECHNICAL SERVICES AND INSPECTION

7.1 SYSTEMS MANAGEMENT AND OPERATIONS: ELECTRICAL, CIVIL AND MECHANICAL

With the advisory input and guidance of the Technical Division of the Ministry of Regional and Local Government and Housing, the Regional Councils will be responsible for the identification of infrastructure projects and the implementation of approved projects. This includes the liaison with appointed consultants, ministries and parastatals. Budgeting and payment for recurrent cost for services like mechanical and electrical maintenance, general services, cleaning materials, civil-building materials, fuel and refuse removal is the responsibility of the Regional Council. In this respect, the Inspectorate of the Technical Division will assist in the initial budgeting and payment procedures until the necessary capacity exists in the regions. Emphasis will be put on the necessity to work within the approved budget.

Preparations of appropriate technical specifications and standards will be initiated and drafted by the Technical Division. Amendments to regulations, monitoring of supply, demand,

consumption and losses, as well as the preparations for tariff amendments and capital budget inputs are the responsibility of the Regional Councils, with the Ministry fulfilling an advisory role.

Inspection of electrical works and metering are the responsibility of the Regional Councils where the appropriate expertise exists. In other cases the Technical Division and consultants/contractors will carry out the necessary inspections. The appointment of maintenance contractors from the contractors on year tender is the responsibility of the Regional Councils. In this regard the Technical Division will play an important advisory role.

The tender and contract administration will become the responsibility of the Regional Councils. To this effect the power to contract local companies or to enter into agency agreements with a local authority to repair and maintain water, sewerage, electrical and other capital infrastructure in the region is delegated to the Regional Council. This is only for contracts involving the amount of not more than N\$10 000. For amounts exceeding N\$ 10,000 companies will be requested to tender on annual basis to render specific services to a region. Assistance regarding the drafting of contracts, selection of companies, supervision of contractors and approval of work done by contractors will be provided by the Directorate Professional Services. Capital projects for vehicles and machinery will be prepared by the Regional Council in consultation with the Technical Division.

Technical know-how on the preparation of contracts, supervision of projects and payment certificates will be available in the regions through the decentralisation of works inspectors and other experts from the Ministry of Works, Transport and Communication to the respective regions. In regions where the appropriate expertise is not in place, the Technical Division will render the necessary assistance.

System management

- **System planning-** the design and planning of future extensions of the particular infrastructure, e. g. water, sewerage, electricity, streets.
- **Capital projects-**the identification of projects and processing of the appointment of consultants and contractors for the implementation of projects
- **Special investigations-** the appointment of consultants to do special and specific investigations on projects with special circumstances
- **Liaison with Ministries-**meetings and correspondences with line Ministries to coordinate development projects
- **Liaison with parastatals-**meetings with Nampower, Namwater and other parastatals to coordinate development projects
- **Liaison with bulk consumers-**meetings and correspondences with municipalities, mines and other bulk consumers to coordinate delivery of services
- **Preparation of standards and specifications-** draft and implement specific operational and maintenance standards, specifications and manuals for use by regional and local authorities
- **Compilation and amendments of regulations-** draft and regularly amend electricity, water and sanitation, building, cleansing, fire and transport regulations
- **Monitor use of services-**regularly check the demand, supply, consumption and losses of electricity, water, sewerage capacity and the maintenance of vehicles and machinery
- **Inputs for tariff structures-**prepare documentation and draft amendments of tariff structures in terms of the appropriate legislation
- **Input for capital budget-**investigate infrastructure needs of the region for inclusion in the capital budget.

Operations: electrical, civil and mechanical

- **Supervision of projects-**full operational control over the

planning, programming, administration and supervision of infrastructure capital and maintenance projects

- **Implementation of legislation**-ensure compliance to and implementation of appropriate electrical and safety regulations, laws and standards
- **Inspections**- regular inspections and reporting on electricity networks (low and high tension), bulk and domestic meters, approval of building plans, approval of consumer connections, approval of wiring licences for electrical contractors, disconnection and reconnection of consumers for electricity, water and sewerage services. Investigation of consumer complaints about wet and electrical services. Training of personnel by means of competent services to the consumer. Updating of service plans, designs and diagrams
- **Inputs in operational budget**- prepare documents and information on financial needs for inclusion in the operational and maintenance budget

7.4 Maintenance\installation\construction: electrical, civil (wet) and mechanical

- **Managing functions**- the planning, programming, administration and supervision of the technical functions of the appropriate departments
- **Routine maintenance functions**-carry out routine maintenance on electrical installations and networks, streets, water and sewerage reticulation and appoint qualified contractors to carry out maintenance\construction work on regional and local authority infrastructure
- **Inspections**- carry out inspections ,on maintenance construction work done by contractors
- **Administration of equipment**- control and manage the acquisition of tools, equipment, spares and supplies

7.5 System management

- **Capital Projects**-the identification of future needs for vehicles, the drafting of specifications for machines and

vehicles and the processing of Project Identification Forms for acquisition of the machines.

- **Special investigations**-the appointment of consultants to investigate the specifications and standards necessary for vehicles and machinery for specific purposes
- **Monitor use of vehicles**-regularly check the maintenance of vehicles and machines, and the keeping of service records for the vehicles and machines

Operations mechanical

- **Safety measures**-ensure compliance to and implementation of appropriate safety measures, laws (Labour Law) and standards
- **Inspections**-regular inspections and service of vehicles and machines to ensure trouble-free operation, the keeping of service records
- **Training**- train personnel in providing competent services to the consumer. Train mechanical inspectors in the maintenance and operation of all new vehicles and machines. Train operators of machines.
- **Service records**- stress the need for complete service records and implement a system to regularly update files and maintenance
- **Monitor of services**-check and control consumption of fuel and oil of vehicles and machines, through service records, monitoring cost and replacement of vehicles and machinery.

8. HOUSING

8.1 Housing: Build Together Programme

INTRODUCTION

Soon after independence, government identified housing as one of its four priority areas of development, along with health, education and agriculture. Government commitment in the area

led to the formulation of the National Housing, Policy which was approved by Cabinet in July 1991. The central goal of the Policy is: "to make resources available and to direct their use into the production of infrastructure and facilities so that every Namibian will be given a fair opportunity to acquire land with access to potable water, energy and a waste disposal system, and to have access to acceptable shelter in a suitable location at a cost and standard which is affordable to the individual on the one hand and to the country on the other hand."

The policy clearly states that the role of the government is to facilitate and promote the partnership between the public, private, local and regional institutions and individuals. Thus, the primary responsibility for the provision of housing is placed upon the head of each household. The state will therefore intervene, only on those aspects which are beyond the individual's control such as access to serviced land and finance.

8.2 Policy and Strategies

Based on this policy, a National Housing Programme was formulated with the assistance of the United Nations Centre for Human Settlements and United Nations Development Programme. The program is called "Build Together", and its implementation commenced during the 1992/93 financial year. The Build Together Programme targets both urban and rural low-income groups. As a result, "Build Together Committees are established all over the country to facilitate identification of families who are in need of housing. This is seen as a way of allowing, local communities to take part in and control of decision making processes on issues that are affecting their lives. The programme also aims at establishing revolving funds at both regional and local level in order to sustain the programme over the long term, and to reduce the dependency on Central Government for housing finance. The programme will not only provide for new housing construction, but also for upgrading services, community facilities and the production of building materials.

Build Together Programme

The Build Together Programme is an umbrella programme for four sub-programmes.

i) Urban/Rural Housing, Loans Sub-programme

The objective of this sub-programme is to:

- facilitate loans to low income families with a monthly income of less than N\$2 000.00 per month.
- assist low middle income families who do not have access to credit from banks, building societies and housing delivered by the National Housing Enterprise (NHE), particularly in rural areas.

Social Housing, Sub-programme

The purpose of this sub-programme is to provide loans to local authorities and regional councils to enable them to facilitate housing provision for the disabled, pensioners and destitutes at economical rates and through cross subsidisation system.

Informal Settlement Upgrading, Sub-Programmes

The aim of this sub-sub-programme is to assist small local authorities to provide basic services such as water, road, sewerage and electricity reticulation in squatter areas.

Single Quarters upgrading sub-Programme

The objective of this sub-programme is to upgrade single quarters into family units in order to improve living conditions of the residents. The programme is being implemented on a cost recovery basis and with full cooperation of the residents, that is under the conditions and

terms of urban/rural housing loan sub-programme

8.4 Functions to be decentralised: Housing

Facilitating housing provision to low income groups in all 13 regions.

Provision of accounting and technical services.

Facilitating of upgrading of informal settlements, social housing and upgrading of single quarters.

8.5 Procedures to be followed in administering the decentralised build together loans

A. Loans application

The Loan Application Form, MRLGH BT1, (Green Form), provides a profile of the applicant, what he/she is planning to do, and whether the loan applied for, is affordable. It should therefore be filled in properly, legibly and completely. If the information sought is not available or not applicable it should be stated so.

In the case of a joint application, the co-applicant's column has to be completed with all the requested information. Both applicants must sign the application form. In a joint application, both applicants are responsible and accountable for the repayment of their loans.

It is the responsibility of the decentralised Build - Together Committee and Local/Regional Authorities to check the background of each and every applicant to support the authenticity of the information provided.

B. The loan folder

The Loan Application Form should be accompanied by the following:

- a) Income Certificate (Pink Form MRLGH BT 3), duly completed and certified by the employer of the applicant and if self-employed, by the Commissioner of Oaths. In the case of a joint application, both applicants should provide a completed BT3 and their respective income statements duly **certified**.
- b) Loan Guarantee Form (Yellow Form MRLGH BT 4) duly completed and signed by the Guarantor. A guarantor should be a person or an organization (e.g. a Community Based Organisation) which has the capacity to urge debtor to make arrangements and/or assume the liabilities if he/she fails to do so. It is therefore desirable that the guarantor also submits a photocopy of his/her ID. Applicants can also use their plots and houses which are to be built or upgraded as a guarantee.
- c) A photocopy of the Permission to Occupy or any proof of ownership or rights over the erf and / or the houses, if the application is for any of the option 1,2,3,4,5,6,7,8,9,10 and 11 as per Build Together Guideline/Booklet.
- d) A photocopy of the applicant's identity document. If the facility is not available in the locality, the Decentralised Build Together Committee should certify the authenticity of the information given in the application form by the applicant.
- e) A photocopy of the house plan if the applicant wishes to build his / her own type of house. The Technical staff of Regional Councils/ Local Authorities should be satisfied that the house could be built with the loan applied for. Others can select from the manual of standard plans provided by the Ministry. Thereafter the technical report should be completed, but it should not delay the loan approval process.

C. *Checking of loan applications*

All loan applications should be checked by Local Authorities and Regional Councils. Omissions or mistakes that can be corrected should be made without delay. If the information is not adequate for approving the loan it should be returned to the Decentralised Build Together Committee for attention.

D. *the following points should be checked carefully in the application form*

Loan option and the amount have to be correctly stated. The erf that the house is to be built on should be serviced and developable.

The loan amount applied for, and the income and affordability should be checked carefully. The loan amount should reflect a repayment of 25 % of the monthly income and should be according to the table provided in the Implementation Guideline. It is important to note that the total household income should be considered in the computation of the repayment amount.

The proposed house plan should match the loan amount and other personal inputs of the applicant and his/her household.

Income should be properly certified by the employer. If the applicant is in formal employment the pay slip should be attached. If the applicant is self - employed, a statement indicating the monthly income and certified by a Commissioner of Oath should be attached.

The Loan Guarantee Form (MRLGH - BT 4) should be properly completed and signed by the Guarantor.

E. *Loan register:*

A Loan Register should be opened both in a filed written/typed form and in the computer according to the region and town. It

should contain the following information for each town:

- Reference no.
- Name (s): Family name first
- Address
- Name of co-applicant
- Address of co-applicant
- Loan option
- Loan amount
- Monthly installment
- Bank account no.
- Bank branch no.
- Type of account (saving, etc.)
- Name of the Bank

F. Reference numbers:

It is important that in all correspondence and transactions the reference no. is correctly assigned. The first two digits of the reference no. identify the region, the second two, the town, and the last six, the borrower.

The assigned numbers are as follows:

Region (first two digits)

Reference numbers as per region

- 01 Kunene
- 020 Musati
- 3 Oshana
- 4 Oshana
- 5 Oshikoto
- 06 Kavango
- 7 Caprivi
- 8 Erongo
- 9 Otjozondjupa
- 10 Omaheke
- 11 Khomas

12Hardap
13Karas

Towns (second two digits)

01 Kunene as a region
01 Khorixas
02Outjo
03 Opuwo
04Ruacana
5 Kamanjab
6 Fransfontein
7 Sesfontein
8 Okangwati, etc

Examples: - the first loan in Khorixas will have the Reference Number of 0101000001.

G. Loan approval advice

Once the Local Authority or Regional Council is satisfied with an application, the following procedures have to be followed:

- Registration of the loan in the loan register and assignment of the reference number
- Opening a file for the applicant (both paper and computer)
- Preparation of the "Loan Approval Advice," MRLGH - BT 11
- Preparation of the "Loan Agreement Form," MRLGH - BT 8
- Dispatching the Loan Approval Advice along with two copies of the loan

Agreement Forms must contain the signature of the applicant and two witnesses. A copy of the Loan Approval Advice remains in the file of the borrower.

The Loan Approval Advice will state the loan amount approved, the monthly repayment instructions - that is when the work on

the site, will commence as well as for example: site clearing, foundation work, and a request for opening a bank account. There will be a slip attached to this letter wherein the bank account details have to be entered and certified by the bank. This has to be returned back to the Local Authorities/ Regional Councils and this information has subsequently to be entered in the file (both paper and computer). The original Loan Agreement Form, signed by the borrower, also has to be returned for the filing in the Regional Councils/Local Authorities offices.

H. Loan agreement

The Loan Agreement Form (MRLGH - BT 8) is the most important legal document. It should therefore be completed legibly and completely in black ink. All information requested should be provided and where the information is not applicable it should be stated so.

All pages of the contract should be initialed by both parties (the debtor and the creditor) and the witnesses. In the case of joint applications, both names and identity numbers should be stated and both should sign on the last page of the contract and initial all the pages.

Before signing the contract it is important to inform the debtor, the obligations and the rights as a debtor, and the penalties that would be imposed in case of breach of contract.

Once the contract is signed by the beneficiary and on behalf of the Local Authority or Regional Council (the Creditor) the original should be placed in the safe, a photocopy in the file and a copy should be sent to the beneficiary. The original contract should not be punched.

A loan cannot be disbursed without both parties (the Creditor and the Debtor) signing the loan agreement.

I. Work inspection

The beneficiaries should select the type of house to be built from the type of plans available at the Regional Councils or Local Authorities. The type of house decided upon must match the loan. If a beneficiary wishes to build according to his / her own plan, a copy of it should be attached to the application. A standard Technical Report, MRLGH BT 2 will be prepared at the offices of Regional Councils or Local Authorities based on the house plan and the loan amount. One copy of the Technical Report should be filed, one should remain with the beneficiary, and one with the decentralised Build Together Committee.

Inspectors from Local Authorities or Regional Councils will visit the sites with a photocopy of the Technical Report and make an assessment of the values of work done on site. The Inspectors will certify the value of work performed and materials on site, and prepare a payment recommendation (standard form). The recommendation is passed over to the accounting section to prepare the payment instructions to the Bank for crediting the recommended amount to the beneficiaries account. No progress payment will be recommended if the house is not built up to the required level of construction.

J. Payment instructions to the bank

Payment instructions must be forwarded to the bank signatories together with the copy of the technical report and the payment recommendation.

The payment signatories should carefully check the supporting documents and sign the payment instruction to the bank. Other progress payments will follow the same procedure.

8.6 Institutional framework

Build Together Committee

A Committee of ten people representing the bodies indicated below should be set up in every area to programme and coordinate the implementation of the Build Together Programme

This Committee should accommodate and balance the interests of all concerned. In order to distinguish this Committee from that of the Housing Committee of the towns which deals only with the allocation of Government houses, and to reflect the spirit of the programme, this committee shall be called the "Build Together Committee (BTC)." Since the successful implementation of the programme depends on the BTC it is recommended that dynamic persons with a stake in the programme be elected to the BTC.

The following bodies/persons may be represented in this group:

- Three representatives from beneficiaries families
- A Mayor/Town Clerk
- One village/traditional Council representative
- One regional/local authority representative
- One community based organisation representative
- One NGO's representative
- One community based organisation representative
- One town Engineer/health Officer

8.7 Role of the Build Together Committee

- The Build Together Committee should assign implementation tasks to officers and organisations and work out a simple organisation framework.
- It should identify communities and families in need of housing or housing improvement in their areas and forward their request to Regional/Local Authority Councils.

- It should assess the particular- problem of each community and should have consultations with them on how the community proposes to solve their problems.
- It should assist applicants in completing loan application forms.
- It will receive application forms from applicants, scrutinise and recommend them for approval. Recommended loan forms should be passed on to the Regional or Local Authority Council for final approval. It should prepare a Build Together Programme Plan in the form of a Project Identification Report within the framework of the financial allocation, and submit it to the Regional or Local Authority Council.
- It should inform successful and unsuccessful applicants on the decision of a Regional or Local Authority Council.
- It should request/instruct successful applicants to commence with the construction of their houses.
- It should monitor the work progress of each individual beneficiary.
- It should meet monthly to review the progress of implementation, and report to the Local or Regional Council.
- It should monitor the loan repayment every month and bring to task those who fall into arrears
- It should mobilise local resources.

8.8 Community Based Organisations

At the community level, all beneficiary families are encouraged to organise themselves into a Community Based Organisation. In a settlement, all the families may become members of this organisation and they may elect a committee to represent them.

The committee may speak, take decisions and act on behalf of the community. The committee could consist of a chairperson, a vice-chairperson, a secretary, treasurer and five to ten committee members. Only members from the families living in the settlement may negotiate with the Build Together Committee of their area and work out a development plan for their settlement.

8.9 The role of Community Based Organisations

- May initiate development of their own settlements and housing
- May hold regular member meetings and discuss, confront and generate solutions to their own problems.
- May determine a small membership fee to cover operational costs and as the need arises to finance communal items in agreement with the members.
- Should assess the capacity of each family to borrow and repay a loan to build the house.
- Should establish a management system and cost recovery system for communal facilities.
- If any community or family feels that they were not considered as a beneficiary due to unjustifiable reasons, they can appeal to the Regional and Local Authority Councils, where upon an investigation of the matters will be made.

8.10 The role of Regional or Local Authority Council

- In consultation with Build Together Committee, CBOs a regional or local council should develop land for housing.
- Should develop plots that are affordable by the low income people by means of cross subsidies, community work and appropriate standards.
- Should establish reception areas with maximum services as envisaged in the National Housing Policy for those who cannot afford to purchase serviced plots. People should be allowed to build their houses with any locally available material. People will be allowed to build their houses incrementally.

- Should forward the approved project identification reports to the Ministry of Regional and Local Government and Housing.
- Should inform, Build Together Committees on the decision by the council about project identification reports.
- Responsible for the disbursement of funds and recovering of loans.
- Responsible for drawing up of buildings plans and inspection of houses.
- Should ensure the registration of bonds and investigate housing complaints from Build Together Committee and individuals.
- Facilitate the upgrading of informal settlements and single quarters.
- The designated bank will transfer the funds collected as repayments to regional or local council on a monthly basis and send statements of repayment and disbursement to the Ministry of Regional and Local Government and Housing, and the Local or Regional Council.
- The Regional or Local Council will provide each borrower with a monthly statement. In addition every Build Together Committee will be provided with a statement of repayments of all the borrowers in their areas.
- In case of default that the Build Together Committee cannot resolve, the Regional or Local Council will take legal action on the basis of agreement entered into by the borrowers.

8.11 The role/responsibility of a beneficiary

- He/she will be required to open an account at any bank of his/her choice
- He/she will be responsible for the repayment of the loan at any bank, the monthly amount being as agreed upon in the contract. When repayments are made borrowers must indicate on the payment slip the loan reference number and the Build Together recovery account the number of the designated bank.
 - He/she will clear the site and dig trenches in order for the first

- progress payment to be released.
- He/he will be requested to be in possession of an approved building plan.

8.12 The role of the Ministry of Regional and Local Government and Housing (MRLGH)

- The MRLGH will check and certify the project identification report (PIR) and submit it to the Ministry of Finance as a request for loans in a particular area. It will also send the list of names and loan amounts of the beneficiaries to the Ministry of Finance.
- It will forward all approved PIR's to the Ministry of Finance.
- The MRLGH will assist Regional and Local Councils, Build Together Committee and communities in the planning, and design of houses and related matters.
- It will monitor, evaluate and review the implementation process.
- It will assist in capacity building of local councillors and officers.
- It will investigate housing complaints from regional and local councils, Build Together Committees, communities and individuals.
- It will formulate policies.

9. COMMUNITY DEVELOPMENT AND EARLY CHILDHOOD DEVELOPMENT

9.1 Introduction

Community Development, which aims at mobilizing the local community to initiate developmental programmes and create day care centers for the development of children of 0-6 years, is one of five directorates in the Ministry of Regional, Local Government and Housing decentralizing some of its activities to the Regional Councils and the Local Authority Councils as embodied in the Decentralization Policy, adopted in 1997.

Detailed information of the Community Development and Early Childhood Development is outlined in the booklets Guidelines for Community Development in Namibia and the National Early Childhood Development Policy respectively.

In assessing the plausibility of the Decentralization Policy, MRLGH embarked upon a re-structuring exercise whereby the Directorate of Community Development was merged with the Directorate of Housing and Habitat Coordination.

9.2 Mandate

- i) To improve the living conditions of communities and to activate such communities to self-reliance through educating, motivating, activating, initiating and assisting in self-help projects.
- ii) To mobilize the communities for the establishment of the Early Childhood Development (ECD) centers, (community based kindergartens, chreches and daycare's):

9.3 Functions of Directorate Community Development

- Contributing to the policy formulation in relation to, community development.
- Promoting participatory, empowering and liberating strategies of community development.
- Ensuring provision of funding for the community mobilization activities in collaboration with Regional and Local Authorities.
- Coordinating of community development activities with partners and donors.
- Strengthening capacity building of staff at national, regional and local levels.

- Advising Regional and Local Authorities on strengthening capacity building of staff through the monitoring and evaluation of the community development programmes.
- Ensuring that relevant research is conducted for all the community development programmes for all thirteen regions.
- Ensuring the design and production of appropriate mobilisation and advocacy materials.
- **Promoting gender based data collection in all regions.**
- Ensuring translation into local languages of the mobilization materials.
- Monitoring and evaluation of set standards as per national guidelines through inspection.

Activities to be decentralized: tasks to be performed

- Mobilise the communities for the formation of development committees.
- Activate profit-making income generating projects (e.g. brickmaking, breadmaking)
- Assess projects
- Prioritize projects
- Assist in writing proposals and making quotations for projects.
- Arrange training for project participants, on project skills, simple accounting, pricing and costing.
- Train project participants on methods of making varieties of dresses, tie and dye, as well as selling methods.

- Mobilize for the establishment of various sub-committees for example health, literacy, water and agriculture in consultation with relevant ministries.
- Coordinate the project participants.
- Arrange and mobilize for the establishment of open markets and mini markets in the regions.
- Arrange and prepare the project participants for the trade fairs and mini markets to exhibit and sell their goods, products and materials.
- Prepare, arrange and coordinate projects for UN agency's funding in consultation with the Ministries concerned:
 - (I) UNESCO- training for ECD teachers
 - (ii) UNICEF - training family visitors
 - ECD care givers
 - Material production & toy making
 - (iii) UNDP - Poverty alleviation
 - Volunteer program
- Arrange training for project participants in cooperatives and credit systems.
- Mobilize and encourage communities to set up their own community based childcare centers or kindergartens.
- Facilitate meetings for staff and communities for cleaning their areas, locations and suburbs, setting up programmes such as immunization through the ECD centers.
- Organise and arrange study trips for project participants and staff to visit other areas or regions to learn through observation.
- Organise groups and projects and assist them to write

proposals for funding by other organizations such as African Development Foundation, Canamco, Luxemburg and Oxfam, in consultation with the MRLGH.

- Liaise with other line ministries' staff for implementation of projects.
- Assist communities in filling in forms for build together projects.
- **Arrange registrations** of ECD centers (**kindergartens**) and projects.
- Prepare quarterly and annual reports for community development.
- Prepare action plans for the community development activities.
- Prepare budgets for the regions on community development.
- Arrange and organise workshops and training of staff and daycare givers.
- Motivate and conscientize for further development.
- Monitor and evaluate community-based programmes and suggest affordable and sustainable approaches.