

PERFORMANCE AGREEMENT

MADE AND ENTERED INTO BY AND BETWEEN:

**THE UMZINYATHI DISTRICT MUNICIPALITY
AS REPRESENTED BY THE MAYOR**

CLLR PETROS MTHANDENI SANI NGUBANE
.....

AND

SIPHO BONGINKOSI NDABANDABA
.....

MUNICIPAL MANAGER
THE EMPLOYEE OF THE MUNICIPALITY

FOR THE

FINANCIAL YEAR: 01 JULY 2017 - 30 JUNE 2018

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PERFORMANCE AGREEMENT

ENTERED INTO BY AND BETWEEN:

The Umzinyathi District Municipality, herein represented by CLLR Petros Mthandeni Sani Ngubane in his capacity as the Mayor (hereinafter referred to as the Employer)

and

Sipho Bonginkosi Ndabandaba- Employee of the Municipality (hereinafter referred to as the **Employee**).

WHEREBY IT IS AGREED AS FOLLOWS:

1. INTRODUCTION

- 1.1 The **Employer** has entered into a contract of employment with the **Employee** in terms of section 57(1)(a) of the Local Government: Municipal Systems Act 32 of 2000 ("the Systems Act") as amended. The **Employer** and the **Employee** are hereinafter referred to as "the Parties".
- 1.2 Section 57(1)(b) of the Systems Act, read with the Contract of Employment concluded between the parties, requires the parties to conclude an annual performance agreement.
- 1.3 The parties wish to ensure that they are clear about the goals to be achieved, and secure the commitment of the **Employee** to a set of outcomes that will secure local government policy goals.
- 1.4 The parties wish to ensure that there is compliance with Sections 57(4A), 57(4B) and 57(5) of the Systems Act.

2. PURPOSE OF THIS AGREEMENT

The purpose of this Agreement is to -

- 2.1 Comply with the provisions of Section 57(1)(b),(4A),(4B) and (5) of the Act as well as the employment contract entered into between the parties;
- 2.2 Specify objectives and targets defined and agreed with the employee and to communicate to the Employee the Employer's expectations of the Employee's performance and accountabilities in alignment with the Integrated Development Plan (IDP), Service Delivery and Budget Implementation Plan (SDBIP) and the Budget of the Municipality;
- 2.3 Specify accountabilities as set out in a Performance Plan, which forms an annexure to the performance agreement;
- 2.4 Monitor and measure performance against set targeted outputs;

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- 2.5 Use the Performance Agreement as the basis for assessing whether the Employee has met the performance expectations applicable to his or her job;
- 2.6 In the event of outstanding performance, to appropriately reward the Employee; and
- 2.7 give effect to the Employer's commitment to a performance-orientated relationship with its Employee in attaining equitable and improved service delivery.

3 COMMENCEMENT AND DURATION

- 3.1 This Agreement will commence on the **12 December 2017** and will remain in force until **30 June 2018** thereafter a new Performance Agreement, Performance Plan and Personal Development Plan shall be concluded between the parties for the next financial year or any portion thereof.
- 3.2 The parties will review the provisions of this Agreement during June each year. The parties will conclude a new Performance Agreement and Performance Plan that replaces this Agreement at least once a year by not later than the beginning of each successive financial year.
- 3.3 This Agreement will terminate on the termination of the **Employee's** contract of employment for any reason.
- 3.4 The content of this Agreement may be revised at any time during the above-mentioned period to determine the applicability of the matters agreed upon.
- 3.5 If at any time during the validity of this Agreement the work environment alters (whether as a result of government or council decisions or otherwise) to the extent that the contents of this Agreement are no longer appropriate, the contents shall immediately be revised.

4 PERFORMANCE OBJECTIVES

- 4.1 The Performance Plan (**Annexure A**) sets out-
 - 4.1.1 The performance objectives and targets that must be met by the **Employee**; and
 - 4.1.2 The time frames within which those performance objectives and targets must be met.
- 4.2 The performance objectives and targets reflected in Annexure A are set by the **Employer** in consultation with the **Employee** and based on the Integrated Development Plan, Service Delivery and Budget Implementation Plan (SDBIP) and the Budget of the **Employer**, and shall include Key Objectives; Key Performance Indicators; Target Dates and Weightings.
 - 4.2.1 The Key Objectives describe the main tasks that need to be done.

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- 4.2.2 The Key Performance Indicators provide the details of the evidence that must be provided to show that a key objective has been achieved.
- 4.2.3 The Target Dates describe the timeframe in which the work must be achieved.
- 4.2.4 The Weightings show the relative importance of the key objectives to each other.
- 4.3 The **Employee's** performance will, in addition, be measured in terms of contributions to the goals and strategies set out in the **Employer's** Integrated Development Plan.

5 PERFORMANCE MANAGEMENT SYSTEM

- 5.1 The **Employee** agrees to participate in the Performance Management System that the **Employer** adopts or introduces for the **Employer**, management and municipal staff of the **Employer**.
- 5.2 The **Employee** accepts that the purpose of the Performance Management System will be to provide a comprehensive system with specific performance standards to assist the **Employer**, management and municipal staff to perform to the standards required.
- 5.3 The **Employer** will consult the **Employee** about the specific performance standards that will be included in the Performance Management System as applicable to the **Employee**.
- 5.4 The **Employee** undertakes to actively focus towards the promotion and implementation of the KPAs (including special projects relevant to the employee's responsibilities) within the local government framework.
- 5.5 The criteria upon which the performance of the **Employee** shall be assessed shall consist on components contained in this Performance Agreement.
 - 5.5.1 The **Employee** must be assessed against both components, with a weighting of 80:20 allocated to the Key Performance Areas (KPAs) and the Leading and Core Competencies.
 - 5.5.2 Each area of assessment will be weighted and will contribute a specific part to the total score.
 - 5.5.3 KPAs covering the main areas of work will account for 80% and Leading and Core Competencies will account for 20% of the final assessment
- 5.6 The **Employee's** assessment will be based on his / her performance in terms of the outputs / outcomes (performance indicators) identified as per attached Performance Plan (**Annexure A**), which are linked to the KPA's, and will

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constitute 100% of the overall assessment result as per the weightings agreed to between the **Employer** and **Employee**:

Key Performance Areas (KPA's)	Weighting
Municipal Institutional Development and Transformation	21
Basic Services Delivery and Infrastructure Development	14
Local Economic Development	28
Good Governance and Public Participation	14
Municipal Financial Viability and Management	15
Cross Cutting	8
Total	100

- 5.7 In the case of managers directly accountable to the Municipal Manager, Key Performance Areas related to the functional area of the relevant manager, must be subject to negotiation between the Municipal Manager and the relevant manager.
- 5.8 The Leading and Core Competencies will make up the other 20% of the **Employee's** assessment, and are indicated on **Annexure A** of the attached Performance Plan.

6. EVALUATING PERFORMANCE

- 6.1 The Performance Plan (Annexure A) to this Agreement sets out -
- 6.1.1 The standards and procedures for evaluating the **Employee's** performance; and
- 6.1.2 The intervals for the evaluation of the **Employee's** performance.
- 6.2 Despite the establishment of agreed intervals for evaluation, the **Employer** may in addition review the **Employee's** performance at any stage while the contract of employment remains in force.
- 6.3 Personal growth and development needs identified during any performance review discussion must be documented in a Personal Development Plan as well as the actions agreed to and implementation must take place within set time frames.
- 6.4 The **Employee's** performance will be measured in terms of contributions to the goals and strategies set out in the **Employer's** IDP.
- 6.5 The Annual Performance Appraisal will involve:
- 6.5.1 **Assessment of the achievement of results as outlined in the Performance Plan:**
- (a) Each KPA should be assessed according to the extent to which the specified standards or performance indicators have been met

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and with due regard to ad hoc tasks that had to be performed under the KPA.

- (b) An indicative rating on the five-point scale should be provided for each KPA.
- (c) The applicable assessment rating calculator (refer to paragraph 6.5.3 below) must then be used to add the scores and calculate a final KPA score.

6.5.2 Assessment of the Leading and Core Competencies

- (a) The leading and core competencies should be assessed according to the extent to which the specified standards have been met.
- (b) An indicative rating on the five-point scale should be provided for the leading and core competencies.
- (c) This rating should be multiplied by the weighting given to each leading and core competencies during the contracting process, to provide a score.
- (d) The applicable assessment rating calculator (refer to paragraph 6.5.1) must then be used to add the scores and calculate the leading and core competencies final score.

6.5.3 Overall rating

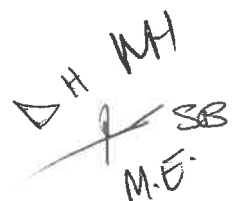
An overall rating is calculated by using the applicable assessment-rating calculator. Such overall rating represents the outcome of the performance appraisal.

6.6 The assessment of the performance of the **Employee** will be based on the following rating scale for KPA's.

Level	Terminology	Description	Rating				
			1	2	3	4	5
5	Meet & exceed all standards	Performance far exceeds the standard expected of an employee at this level. The appraisal indicates that the Employee has achieved above fully effective results against all performance criteria and indicators as specified in the PA and Performance Plan and maintained this in all areas of responsibility throughout the year.					

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Level	Terminology	Description	Rating				
			1	2	3	4	5
4	Meet all & exceed some standards	Performance is significantly higher than the standard expected in the job. The appraisal indicates that the Employee has achieved above fully effective results against more than half of the performance criteria and indicators and fully achieved all others throughout the year.					
3	Meet all the standards	Performance fully meets the standards expected in all areas of the job. The appraisal indicates that the Employee has fully achieved effective results against all significant performance criteria and indicators as specified in the PA and Performance Plan.					
2	Meet some of the standards	Performance is below the standard required for the job in key areas. Performance meets some of the standards expected for the job. The review/assessment indicates that the employee has achieved below fully effective results against more than half the key performance criteria and indicators as specified in the PA and Performance Plan.					



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Level	Terminology	Description	Rating				
			1	2	3	4	5
1	Not meeting the standards	Performance does not meet the standard expected for the job. The review/assessment indicates that the employee has achieved below fully effective results against almost all of the performance criteria and indicators as specified in the PA and Performance Plan. The employee has failed to demonstrate the commitment or ability to bring performance up to the level expected in the job despite management efforts to encourage improvement.					

6.7 For purposes of evaluating the annual performance of the Municipal Manager, an evaluation panel constituted of the following persons must be established -

- 6.7.1 Mayor;
- 6.7.2 Chairperson of the Performance Audit Committee or the Audit Committee in the absence of a Performance Audit Committee;
- 6.7.3 Member of the Executive Committee or in respect of a plenary type Municipality, another member of council;
- 6.7.4 Mayor and/or Municipal Manager from another Municipality; and
- 6.7.5 Member of a ward committee as nominated by the Mayor.

6.8 For purposes of evaluating the annual performance of managers directly accountable to the Municipal Managers, an evaluation panel constituted of the following persons must be established -

- 6.8.1 Municipal Manager;
- 6.8.2 Chairperson of the Performance Audit Committee or the Audit Committee in the absence of a Performance Audit Committee;
- 6.8.3 Member of the Executive Committee or in respect of a plenary type Municipality, another member of council; and
- 6.8.4 Municipal Manager from another Municipality.

6.9 The Manager responsible for Human Resources of the Municipality must provide secretariat services to the evaluation panels referred to in sub-regulations (d) and (e).

7. SCHEDULE FOR PERFORMANCE REVIEWS

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7.1 The performance of each **Employee** in relation to his / her performance agreement shall be reviewed on the following dates with the understanding that reviews in the first and third quarter may be verbal if performance is satisfactory:

Second quarter	:	December 2017
Third quarter	:	January - March 2018
Fourth quarter	:	April - June 2018

7.2 The **Employer** shall keep a record of the mid-year review and annual assessment meetings.

7.3 Performance feedback shall be based on the **Employer's** assessment of the **Employee's** performance.

7.4 The **Employer** will be entitled to review and make reasonable changes to the provisions of Annexure "A" from time to time for operational reasons. The **Employee** will be fully consulted before any such change is made.

7.5 The **Employer** may amend the provisions of Annexure A whenever the Performance Management System is adopted, implemented and / or amended as the case may be. In that case the **Employee** will be fully consulted before any such change is made.

8. DEVELOPMENTAL REQUIREMENTS

The Personal Development Plan (PDP) for addressing developmental gaps is attached as **Annexure B**.

9. OBLIGATIONS OF THE EMPLOYER

9.1 The Employer shall –

9.1.1 Create an enabling environment to facilitate effective performance by the employee;

9.1.2 Provide access to skills development and capacity building opportunities;

9.1.3 Work collaboratively with the **Employee** to solve problems and generate solutions to common problems that may impact on the performance of the **Employee**;

9.1.4 On the request of the **Employee** delegate such powers reasonably required by the **Employee** to enable him / her to meet the performance objectives and targets established in terms of this Agreement; and

9.1.5 Make available to the **Employee** such resources as the **Employee** may reasonably require from time to time to assist him / her to meet the performance objectives and targets established in terms of this Agreement.

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10. CONSULTATION

- 10.1 The **Employer** agrees to consult the **Employee** timeously where the exercising of the powers will have amongst others –
- 10.1.1 A direct effect on the performance of any of the **Employee's** functions;
- 10.1.2 Commit the **Employee** to implement or to give effect to a decision made by the **Employer**; and
- 10.1.3 A substantial financial effect on the **Employer**.
- 10.2 The **Employer** agrees to inform the **Employee** of the outcome of any decisions taken pursuant to the exercise of powers contemplated in 10.1 as soon as is practicable to enable the **Employee** to take any necessary action without delay.

11. MANAGEMENT OF EVALUATION OUTCOMES

- 11.1 The evaluation of the **Employee's** performance will form the basis for rewarding outstanding performance or correcting unacceptable performance.
- 11.2 A performance bonus of between 5% to 14% of the all-inclusive annual remuneration package may be paid to the **Employee** in recognition of outstanding performance to be constituted as follows:
- 11.2.1 A score of 130% to 149% is awarded a performance bonus ranging from 5% to 9%; and
- 11.2.2 A score of 150% and above is awarded a performance bonus ranging from 10% to 14%.
- 11.3 In the case of unacceptable performance, the **Employer** shall –
- 11.3.1 Provide systematic remedial or developmental support to assist the **Employee** to improve his or her performance; and
- 11.3.2 After appropriate performance counselling and having provided the necessary guidance and/ or support as well as reasonable time for improvement in performance, the **Employer** may consider steps to terminate the contract of employment of the **Employee** on grounds of unfitness or incapacity to carry out his or her duties.

12. DISPUTE RESOLUTION

- 12.1 Any disputes about the nature of the **Employee's** performance agreement, whether it relates to key responsibilities, priorities, methods of assessment and/ or any other matter provided for, shall be mediated by –
- 12.1.1 The MEC for local government in the province within thirty (30) days of receipt of a formal dispute from the **Employee**; or

12.1.2 Any other person appointed by the MEC.

12.2 In the event that the mediation process contemplated above fails, clause 20.3 of the Contract of Employment shall apply.

13. GENERAL

13.1 The contents of this agreement and the outcome of any review conducted in terms of Annexure A may be made available to the public by the **Employer**.

13.2 Nothing in this agreement diminishes the obligations, duties or accountabilities of the **Employee** in terms of his/ her contract of employment, or the effects of existing or new regulations, circulars, policies, directives or other instruments.

Thus **done** and **signed** at DUNDÉE.....on this the 11 day of JANUARY 2018

AS WITNESSES:

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MUNICIPAL MANAGER

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AS WITNESSES:

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MAYOR



PERFORMANCE PLAN / SCORECARD - 2017/18

ANNEXURE A

MUNICIPAL MANAGER

NAME:	SIPHO BONGINKOSI NDABANDABA	LINE MANAGER:	CLLR PMS NGUBANE
EMPLOYEE NO.	108095	JOB TITLE:	MAYOR
JOB TITLE:	MUNICIPAL MANAGER	PERIOD:	1 JULY 2017 – 30 JUNE 2018
DIVISION / BUSINESS UNIT:	OFFICE OF THE MUNICIPAL MANAGER	REVIEW DATE:	JANUARY 2018
RATING SCALE:	1 = Not meeting the standards 2 = Meet some of the standards 3 = Meet all the standards 4 = Meet all & exceed some standards 5 = Meet & exceed all standards		

Key Performance Areas (KPA's)

Weight = 100%

Leading and Core Competencies

Weight = 100%

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No	Weight (%)	Goal	Objective	Strategy	Baseline	Key Performance Indicator	Annual Target	Target Date/ Reporting Frequency	Method of Verification
1. KEY PERFORMANCE AREA (KPA): MUNICIPAL INSTITUTIONAL DEVELOPMENT AND TRANSFORMATION									
1.1	3	HIGH PERFORMANCE MUNICIPALITY LEADING IN TRANSFORMATION AND INSTITUTIONAL DEVELOPMENT	ENSURE GOOD GOVERNANCE, FINANCIAL VIABILITY, EFFICIENT ADMINISTRATION AND OPTIMAL INSTITUTIONAL TRANSFORMATION WITH CAPACITY TO EXECUTE ITS MANDATE.	Compile and submit Quarterly Performance Reports and Annual Performance reports to IA, AC and Council	New Indicator	% of Organisational Scorecard targets achieved	100%	Quarterly	Actual Organisational Scorecard Quarterly reports by Departments
1.2	3			Attend and participate in Top Management meetings		No of Top Management meetings attended	7	Monthly	Attendance Registers
1.3	3			Review/New of mandatory policies	5	No. of policies reviewed and adopted	66	30 June 2018	Council Resolution

No	Weight (%)	Goal	Objective	Strategy	Baseline	Key Performance Indicator	Annual Target	Target Date/ Reporting Frequency	Method of Verification
1.4	3	HIGH PERFORMANCE MUNICIPALITY LEADING IN TRANSFORMATION AND INSTITUTIONAL DEVELOPMENT	ADDRESS LACK OF SKILLS DEVELOPMENT AND SAFEGUARD RETENTION OF SKILLS	Preparation and submission and approval of the 1 st draft and final IDP, as required by the MFMA to all relevant authorities	2017/22 IDP	Date of submission of Draft and Final IDP to Council and KZN Cogta	31 March 2018 30 June 2018	31 March 2018 30 June 2018	Council Resolution
1.5	3			Review of Municipal Organogram	2017/18 Municipal Organogram	Date of adoption of Municipal Organogram	1	30 June 2018	Council Resolution
1.6	3			Ensure the functionality of the Municipal Managers Forum	4 in 2015/16	No of Municipal Managers Forums held	7	Monthly	Notices of the meetings Minutes

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No	Weight (%)	Goal	Objective	Strategy	Baseline	Key Performance Indicator	Annual Target	Target Date/ Reporting Frequency	Method of Verification
MUNICIPAL INSTITUTIONAL DEVELOPMENT AND TRSNFORMARION - FINAL SCORE									
2. KEY PERFORMANCE AREA (KPA): BASIC SERVICE DELIVERY AND INFRASTRUCTURE INVESTMENT									
1.7	3	HIGH PERFORMANCE MUNICIPALITY LEADING IN TRANSFORMATION AND INSTITUTIONAL	ADDRESS LACK OF SKILLS DEVELOPMENT AND SAFEGUARD RETENTION OF SKILLS	Submit monthly and quarterly reports to DCog and KZN Cogta	Challenged municipality	% of municipal functionality in terms of the Back to Basics programme	100%	Quarterly	Report from COGTA
2.1	7	ERADICATION OF SERVICE DELIVERY BACKLOGS		Reduction of water backlogs	0 in 2015/15	No of households to be provided with access to water within RDP standard	<ul style="list-style-type: none"> 322 households 322 households 322 households 	31 December 2017 31 March 2018 30 June 2018	GPS co-ordinates List of the beneficiaries
2.2	7	ERADICATION OF SERVICE DELIVERY BACKLOGS		Reduction of sanitation backlogs	616 in 2015/16	No of households to be provided with access to sanitation facilities within RDP standards	<ul style="list-style-type: none"> 1000 households 1000 households 1001 households 	31 December 2017 31 March 2018 30 June 2018	GPS co-ordinates List of the beneficiaries

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No	Weight (%)	Goal	Objective	Strategy	Baseline	Key Performance Indicator	Annual Target	Target Date / Reporting Frequency	Method of Verification
BASIC SERVICE DELIVERY AND INFRASTRUCTURE INVESTMENT - FINAL SCORE									
3. KEY PERFORMANCE AREA (KPA): LOCAL ECONOMIC DEVELOPMENT									
3.1	4	ECONOMICALLY VIABLE DISTRICT PROMINENT IN INVESTMENT AND JOB CREATION	GUIDE AND SUPPORT SMME DEVELOPMENT AND SUSTAINABILITY TO INCREASE AGRICULTURAL AND TOURISM POTENTIAL WITHIN THE DISTRICT.	Implementation of Co-operatives and Small Enterprise Development Programmes in manufacturing, tourism, agriculture, service sector and Informal economy	6	No of SMME /informal economy programmes /supported project.	1	30 June 2018	Signed Close out report by Senior Manager Signed agreement between Municipality and Co-Operative.

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No	Weight (%)	Goal	Objective	Strategy	Baseline	Key Performance Indicator	Annual Target	Target Date/ Reporting Frequency	Method of Verification
3.2	4	ECONOMICALLY VIABLE DISTRICT PROMINENT IN INVESTMENT AND JOB CREATION	GUIDE AND SUPPORT SMME DEVELOPMENT AND SUSTAINABILITY TO INCREASE AGRICULTURAL AND TOURISM POTENTIAL WITHIN THE DISTRICT.	Establishment and implementation of key capital and social initiatives projects to enhance economic development and job creation	70	No. of jobs created through municipality's LED initiatives including capital projects	160	30 June 2018	Report to the Planning and Econ Dev Portfolio Committee and ExCo
3.3	4			Promotion of tourism marketing through financial support, shows and exhibitions Support of Tourism Institutional Structures	5	No of Tourism Institutional structures supported with grant funding	5	31 December 2017	Copies of proposals from CTOs Signed agreement and payment voucher

No	Weight (%)	Goal	Objective	Strategy	Baseline	Key Performance Indicator	Annual Target	Target Date/ Reporting Frequency	Method of Verification
3.4	4	ECONOMICALLY VIABLE DISTRICT PROMINENT IN INVESTMENT AND JOB CREATION	GUIDE AND SUPPORT SMME DEVELOPMENT AND SUSTAINABILITY TO INCREASE AGRICULTURAL AND TOURISM POTENTIAL WITHIN THE DISTRICT.	Promotion of tourism marketing through financial support, shows and exhibitions	New Indicator	Date of completion of Tourism Signage Project	30 June 2018	30 June 2018	Signed Close out report by Senior Management endorsed by Portfolio Committee
3.5	4			Prepare a LED strategy that Unleashes District economic potential based on its comparative and competitive advantage	1	Date of adoption of LED Strategy by Council	30 June 2018	30 June 2018	Council Resolution

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No	Weight (%)	Goal	Objective	Strategy	Baseline	Key Performance Indicator	Annual Target	Target Date/ Reporting Frequency	Method of Verification
3.6	4	ECONOMICALLY VIABLE DISTRICT PROMINENT IN INVESTMENT AND JOB CREATION	GUIDE AND SUPPORT SMME DEVELOPMENT AND SUSTAINABILITY TO INCREASE AGRICULTURAL AND TOURISM POTENTIAL WITHIN THE DISTRICT.	Implementation of Agri-Parks initiative	New Indicator	No of Farmer Production Support Units (FPSU) supported	1	31 March 2018	Signed Close out report by Senior Management endorsed by Portfolio Committee
3.7	4			Prepare and adopt District SMME Development Strategy	New Indicator	Date of adoption of SMME strategy	31 December 2017	31 December 2017	Signed Close out report by Senior Management endorsed by Portfolio Committee

LOCAL ECONOMIC DEVELOPMENT - FINAL SCORE

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4. KEY PERFORMANCE AREA (KPA): GOOD GOVERNANCE AND PUBLIC PARTICIPATION

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No	Weight (%)	Goal	Objective	Strategy	Baseline	Key Performance Indicator	Annual Target	Target Date/ Reporting Frequency	Method of Verification
4.1	2	CREATE AN ACCOUNTABLE MUNICIPALITY THAT ENCOURAGES GOOD CORPORATE GOVERNANCE, A HEALTHY ENVIRONMENT AND SOCIAL COHESION.	ENHANCE HEALTHY COMMUNITIES AND CITIZENS	Co-ordinate participation of the various stakeholders in Dundee July Rural Horse Riding Event, Indigenous Games, Golden games and Disability Sport.	New Indicator	No. of recreational sports programmes supported	3	31 December 2017 31 March 2018 30 June 2018	Signed Close out report by the Head of Department endorsed by Portfolio Committee
4.2	2			Inspection of food outlets (both formal and informal)	41	No of food outlets visited and inspected both formal and informal	27 (3= Dec) (24= Q1+Q2)	12 outlets visited on a quarterly basis	Certificate issued
4.3	2			Taking of water samples from sources used for human consumption	250 water samples to be taken from sources used for human consumption	No of water samples to be taken from sources used for human consumption	240 (20=Dec) (120=Q1+Q2)	60 Samples taken on a quarterly basis	Water samples results

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No	Weight (%)	Goal	Objective	Strategy	Baseline	Key Performance Indicator	Annual Target	Target Date/ Reporting Frequency	Method of Verification
4.4	2	CREATE AN ACCOUNTABLE MUNICIPALITY THAT ENCOURAGES GOOD CORPORATE GOVERNANCE, A HEALTHY ENVIRONMENT AND SOCIAL COHESION.	IMPROVE COMMUNICATION AND PUBLIC PARTICIPATION BETWEEN THE MUNICIPALITY AND COMMUNITIES.	Preparation of quarterly newsletters	2	No of external News Letters produced	2	31 December 2017 30 June 2018	Actual copies of the Newsletters
4.5	3				92% in 2015/16	% of risk mitigation strategies implemented	100%	Quarterly	Risk Management report
4.6	3			Develop Internal Audit Plan in line with the Annual Risk Assessment results	New Indicator	Date of adoption of Internal audit plan	31 December 17	Annually	Audit Committee minutes

GOOD GOVERNANCE AND PUBLIC PARTICIPATION-FINAL SCORE /14

5. MUNICIPAL FINANCIAL VIABILITY AND MANAGEMENT

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No	Weight (%)	Goal	Objective	Strategy	Baseline	Key Performance Indicator	Annual Target	Target Date/ Reporting Frequency	Method of Verification
5.1	2	PROMOTE SOUND FINANCIAL MANAGEMENT SYSTEM AND GOOD GOVERNANCE.	EFFECTIVELY MANAGE THE MUNICIPAL RESOURCES AND ENSURE FINANCIAL SUSTAINABILITY.	Ensure the management of the expenditure for the infrastructure programmes	100% expenditure of the MIG programme	% of expenditure on infrastructure programme (MIG)	100%	30 June 2018 (Quarterly)	Quarterly and annual expenditure reports
5.2	2			Ensure the preparation and submission of section 72 reports to Council, PT and NT	One section 72 report	No of section 72 reports prepared and submitted to Council, PT and NT	1	25 January 2018	Council Resolution Acknowledgement of receipt from PT and NT
5.3	3			Improvement of collection rate	30% collection rate	% of the collection rate	30% of the collection rate	30 June 2018	

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No	Weight (%)	Goal	Objective	Strategy	Baseline	Key Performance Indicator	Annual Target	Target Date/ Reporting Frequency	Method of Verification
5.4	4	PROMOTE SOUND FINANCIAL MANAGEMENT SYSTEM AND GOOD GOVERNANCE.	EFFECTIVELY MANAGE THE MUNICIPAL RESOURCES AND ENSURE FINANCIAL SUSTAINABILITY.	Unqualified report from the Auditor General on the 2015/16 Annual financial statements.	2015/16 qualified report	No of unqualified Audit reports	1	31 December 2017	Auditor General Report
5.5	2			Ensure spending on free basic services budget	New Indicator	% of budget spent on free basic services	100%	30 June 2018	System print out
5.6	2			Adoption of the 2017/18 Budget by Council, and its submission to PT and NT	2016/17 Budget	No of budgets prepared and adopted by Council and submitted to PT and NT	1	31 May 2018	Council resolution Acknowledgement of receipt from PT and NT

MUNICIPAL FINANCIAL VIABILITY AND MANAGEMENT - FINAL SCORE
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6. KEY PERFORMANCE AREA (KPA): CROSS CUTTING

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No	Weight (%)	Goal	Objective	Strategy	Baseline	Key Performance Indicator	Annual Target	Target Date/ Reporting Frequency	Method of Verification
6.1	2	(ACTIVE)STRENGTHENING DISASTER MANAGEMENT THROUGH LOCAL SUPPORT, MITIGATION AND RISK MANAGEMENT	DEVELOPMENT OF DISASTER MANAGEMENT AND FIRE SERVICES STRUCTURES AND IMPLEMENTATION OF ROBUST DETECTIVE, PREVENTATIVE AND RESPONSIVE PROGRAMMES.	Preparation and adoption of Disaster Management Plan 2017/22 by Council	2012/17 Disaster Management Plan	Date of adoption of 2017/22 Disaster Management Plan	30 June 2018	30 June 2018	Council resolution
6.2	4			Ensure the fire services support to the local municipalities – specialised fire fighting services such as mountain, veld and chemical fire services	100% of fire and rescue cases addressed	% of fire and rescue cases addressed	100%	30 June 2018 (Quarterly)	Incident Report Quarterly Fire Services Report

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No	Weight (%)	Goal	Objective	Strategy	Baseline	Key Performance Indicator	Annual Target	Target Date/ Reporting Frequency	Method of Verification
6.3	2	(ACTIVE)STRENGTHENING DISASTER MANAGEMENT THROUGH LOCAL SUPPORT, MITIGATION AND RISK MANAGEMENT	DEVELOPMENT OF DISASTER MANAGEMENT AND FIRE SERVICES STRUCTURES AND IMPLEMENTATION OF ROBUST DETECTIVE, PREVENTATIVE AND	Fire services support to all Local Municipalities	New Indicator	No of phases completed for the construction of the District Disaster Management Centre	4	31 March 2018	Completion Reports Photos Completion Certificate

CROSS CUTTING - FINAL SCORE
/8

COMPETENCY FRAMEWORK

Leading and Core Competencies Weight = 100%

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Weight (%)	LEADING COMPETENCIES (70%)	Progress on date of review	Score
25	<ul style="list-style-type: none"> Strategic Direction and Leadership 	<ul style="list-style-type: none"> Impact and Influence Institutional Performance Management Strategic Planning and Management Organisational Awareness 	
7	<ul style="list-style-type: none"> People Management 	<ul style="list-style-type: none"> Human Capital Planning and Development Diversity Management Employee Relations Management Negotiation and Dispute Management 	
8	<ul style="list-style-type: none"> Programme and Project Management 	<ul style="list-style-type: none"> Programme and Project Planning and Implementation Service Delivery Management Programme and Project Monitoring and Evaluation 	
10	<ul style="list-style-type: none"> Financial Management 	<ul style="list-style-type: none"> Budget Planning and Execution Financial Strategy and Delivery Financial Reporting and Monitoring 	
9	<ul style="list-style-type: none"> Change Leadership 	<ul style="list-style-type: none"> Change Vision and Strategy Process Design and Improvement Change Impact Monitoring and Evaluation 	

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Weight (%)	LEADING COMPETENCIES (70%)		Progress on date of review	Score
11	<ul style="list-style-type: none"> Governance Leadership 	<ul style="list-style-type: none"> Policy Formulation Risk and Compliance Management Cooperative Governance 		
LEADING COMPETENCIES FINAL SCORE				/70

Weight (%)	CORE COMPETENCIES (30%)		Progress on date of review	Score
5	<ul style="list-style-type: none"> Moral Competency 	<ul style="list-style-type: none"> Able to identify moral triggers, apply reasoning that promotes honesty and integrity and consistently display behaviour that reflects moral competency. 		
5	<ul style="list-style-type: none"> Planning and Organising 	<ul style="list-style-type: none"> Able to plan, prioritize and organise information and resources effectively to ensure the quality of service delivery and build efficient contingency plans to manager risk. 		
5	<ul style="list-style-type: none"> Analysis and Innovation 	<ul style="list-style-type: none"> Able to critically analyse information, challenges and trends to establish and implement fact based solutions that are innovative to improve institutional processes in order to achieve key strategic objectives 		

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CORE COMPETENCIES (30%)			
Weight (%)		Progress on date of review	Score
5	<ul style="list-style-type: none"> Knowledge and Information Management 	<ul style="list-style-type: none"> Able to promote the generation and sharing of knowledge and information through various processes and media, in order to enhance the collective knowledge base of local government 	
5	<ul style="list-style-type: none"> Communication 	<ul style="list-style-type: none"> Able to share information, knowledge and ideas in a clear, focused and concise manner appropriate for the audience in order to effectively convey, persuade and influence stakeholders to achieve the desired outcome. 	
5	<ul style="list-style-type: none"> Results and Quality Focus 	<ul style="list-style-type: none"> Able to maintain high quality standards, focused on achieving results and objectives while consistently striving to exceed expectations and encourage others to meet quality standards. Further, to actively monitor and measure results and quality against identified objectives. 	
CORE COMPETENCIES FINAL SCORE			/30

The assessment of the Manager on the performance of the competencies will be based on the following rating scale:

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Achievement Levels	Description	Scoring
Basic	Applies basic concepts, methods and understanding of local government operations, but requires supervision and development intervention	1 -2
Competent	Develops and applies more progressive concepts, methods and understanding, plans and guides the work of others and executes progressive analysis	3
Advanced	Develops and applies complex concepts, methods and understanding. Effectively directs and leads a group and executes in depth analyses	4
Superior	Has a comprehensive understanding of local government operations, critical in shaping strategic directions and change, develops and applies comprehensive concepts and methods	5

Thus done and signed at DUNDEE on this the 11 day of JANUARY 2018.

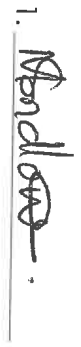
AS WITNESSES:

1. 

2. 


MUNICIPAL MANAGER

AS WITNESSES:

1. 

2. _____


MAYOR

Annexure B

PERSONAL DEVELOPMENT PLAN (PDP)

Entered into by and between

CLLR PETROS MTHANDENI SANI NGUBANE

.....

Mayor

Umzinyathi District Municipality

["the Employer"]

and

SIPHO BONGINKOSI NDABANDABA

.....

Municipal Manager

["the Employee"]

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SD DH
ME.

Explanatory Notes to the Personal Development Plan

1. Introduction

- 1.1 A Municipality should be committed to –
- (a) the continuous training and development of its employees to achieve its vision, mission and strategic objectives and empower employees; and
 - (b) managing training and development within the ambit of relevant national policies and legislation.
- 1.2 A Municipality should follow an integrated approach to Human Resource Development, that is:
- (a) Human resource development should form an integral part of human resource planning and management.
 - (b) In order for a municipality's training and development strategy and plans to be successful it should be based on sound Human Resource (HR) practices, such as the (strategic) HR Plan, job descriptions, the result of regular performance appraisals, career pathing, scarce skills and talent management and succession planning.
 - (c) To ensure the necessary linkage with performance management, the municipality's Performance Management and Development System should provide for the Personal Development Plans of employees to be included in their annual Performance Agreements. Such approach will ensure the alignment of individual performance objectives to the municipality's strategic objectives, and that training and development needs are also identified during the performance management and appraisal process.
 - (d) Career-pathing and succession planning ensures that employees are placed and developed in jobs according to aptitude and identified potential and through training and development acquire the necessary competencies to prepare them for future positions. Scarce skills and talent management also requires appropriate training, education and development interventions.

2. Competence Modeling

- 2.1 What does an institution mean when it says an employee / prospective employee is competent if he / she fits a managerial competency framework or occupational competency profile? The institution is in fact expressing competence as a **future-oriented** ideal that they require to achieve their strategic objectives [The institution is in effect giving a depiction of the desired or required knowledge, skills and attributes for an individual in a specific position]. For competence to be useful, the associated competence should be greater than the observed performance as it will allow the individual growth towards this 'ideal'.
- 2.2 There is however a risk in expressing a required competence that a current or prospective employee should adhere to in the future, as the future is, by definition, uncertain. Managers cannot know how an employee will perform in the future nor can they know how employees that they did not select, did not promote, did not award a qualification to, might perform.

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2.3 Moreover, managers do not make their expressions in a social vacuum. They do so within a social context in which there are various actors, various stakeholders, with different interests accountabilities, different things they are trying to achieve and various ways in which others will hold them accountable. If managers are selecting employees they shall similarly have to justify their decisions to others. Relevance thus becomes an obvious issue that affects the level of confidence in such a decision. Various human resources procedures and systems need to be established to maintain the relevance of the expression of competence to the requirements of the employer. Confidence is the basis on which the various parties implicated in the decisions and actions taken within a competence system will seek to account to others for those decisions and actions.

2.4 When linking a decision that a prospective employee / current employee is competent the communication is based on what may be called conventions of assessment. Some common understanding is achieved by which a certain set of arrangements become socially accepted as the basis for linking different contexts. Contexts differ, in particular in terms of time. So performance in the past is linked to future situations in which desired performance is anticipated. This linking of contexts will normally involve some model, some way of accounting for the claimed link. The **COGTA** has decided on:

2.4.1 A managerial competency framework as an expression of required managerial competencies.

2.4.2 Occupational competency profiles as expression of occupation / post competency requirements.

3. **Compiling the Personal Development Plan attached as the Appendix.**

3.1 The aim of the compilation of Personal Development Plans (PDPs) is to identify, prioritise and implement training needs

3.2 The Local Government: Municipal Systems Act: Guidelines: Generic senior management competency framework and occupational competency profiles provides comprehensive information on the relevance of items 2.4.1 and 2.4.2 above to the PDP process. The Municipal Finance Management Competency Regulations, such as those developed by the National Treasury and other line sector departments' legislated competency requirements need also be taken into consideration during the PDP process.

3.3 The assessment results of a manager against the minimum requirements contained in the managerial competency framework and occupational competency profiles will assist a manager, in consultation with his / her employee, to **compile a Personal Development Plan** as follows:

(a) The identified training needs should be **entered into column 1 of the Appendix, entitled Skills / Performance Gap**. The following should be carefully determined during such a process:

a. Organisational needs, which include the following:

- o Strategic development priorities and competency requirements, in line with the municipality's strategic objectives.
- o The competency requirements of individual jobs. The relevant job requirements (job competency profile) as identified in the job description should be compared to the current competency profile of the employee to determine the individual's competency gaps.

- o Specific competency gaps as identified during the probation period and performance appraisal of the employee.
 - b. Individual training needs that are job / career related.
- (b) Next, the **prioritisation of the training needs [1 to ...] in column 1 should also be determined** since it may not be possible to address all identified training needs in a specific financial year. It is however of critical importance that training needs be addressed on a phased and priority basis. This implies that all these needs should be prioritized for purposes of accommodating critical / strategic training and development needs in the HR Plan, Personal Development Plans and the Workplace Skills Plan.
- (c) Consideration must then be given to the **outcomes expected in column 2 of the Appendix**, so that once the intervention is completed the impact it had can be measured against relevant output indicators.
- (d) **An appropriate intervention** should be identified to address training needs / skills gaps and the outcome to be achieved but with due regard to cost effectiveness. These interventions should be listed in **column 3 of the Appendix, entitled: Suggested training and / or development activity**. The training / development must also be conducted either in line with a recognised qualification from a tertiary institution or unit standards registered on the National Qualifications Framework (South African Qualifications Authority), which could enable the trainee to obtain recognition towards a qualification for training undertaken. It is important to determine through the Training / Human Resource Development / Skills Development Unit within the municipality whether unit standards have been developed with regard to a specific outcome / skills gap identified (and registered with the South African Qualifications Authority). Unit standards usually have measurable assessment criteria to determine achieved competency. There is more detail on this in item 4 below.
- (e) **Guidelines regarding the number of training days per employee and the nominations of employees:** An employee should on average receive at least five days of training per financial year and not unnecessarily be withdrawn from training interventions.
- (f) **Column 4 of the Appendix: The suggested mode of delivery** refers to the chosen methodology that is deemed most relevant to ensure transfer of skills. The training / development activity should impact on delivery back in the workplace. Mode of delivery consists of, amongst others, self-study [The official takes it upon him / her to read e.g. legislation]; internal or external training provision; coaching and / or mentoring and exchange programmes, etc.
- (g) The **suggested time frames (column 5 of the Appendix)** enable managers to effectively plan for the annum e.g. so that not all their employees are away from work within the same period and also ensuring that the PDP is implemented systematically.
- (h) **Work opportunity created to practice skill / development areas, in column 6 of the Appendix**, further ensures internalisation of information gained as well as return on investment (not just a nice to have skill but a necessary to have skill that is used in the workplace).

- (i) The final column, **column 7 of the Appendix**, provides the employee with a **support person** that could act as coach or mentor with regard to the area of learning.

- 3.4 Personal Development Plans are compiled for individual employees and the data collated from all employees in the municipality forms the basis for the prescribed Workplace Skills Plan, which municipalities are required to compile as a basis for all training and education activities in the municipality, in a specific financial year and report on progress made to the Local Government Sector Education and Training Authority (LGSETA).

- 3.5 Funding should be made available for training, education and development, in line with the Skills Development Act, at least 1% of the personnel budget must be earmarked for it. Additional funding can also be secured in terms of the provisions of the Skills Development Levies Act from the LGSETA if:
 - (a) A Skills Development Facilitator has been appointed.
 - (b) The Workplace Skills Plan has been submitted.
 - (c) A submission, including a Business Plan is submitted for additional grants [The LGSETA can be approached at Tel. 011 456 8579 for more information in this regard].

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4. Life-long learning

4.1 It was agreed that an outcomes-based Lifelong Learning Development Framework would be the basis on which Curriculum 2005 would be developed. The basic principle is that learners should be able to progress to higher levels of achievement by mastering prescribed learning outcomes. Learning programmes should thus facilitate progression from one phase or learning outcome to another and from any starting point in the education and training system. Prior knowledge (acquired informally or by work experience, would also have to be assessed and credited. National qualifications would be awarded, at each of the levels of the National Qualifications Framework (NQF) [see the attached definitions] provided that candidates have accumulated certain combinations of credits and have abided by probable rules of combinations required for such qualifications.

4.2 Eight learning areas were identified to form the basis of all education up to the Further Education and Training Certificate:

Nr.	Learning Area
1	Language, Literacy and Communication
2	Mathematical Literacy, Mathematics and Mathematical Science
3	Human and Social Sciences
4	Natural Sciences
5	Technology
6	Arts and Culture
7	Economic and Management Sciences
8	Life Orientation

4.3 As is clear from the definitions, there will be four phases, with Adult Basic Education and Training (ABET) linked to the first three. The history of school education had the effect that the majority of the adult population for black communities, were provided with inadequate education or no schooling. Thus ABET is viewed as a force for social participation and economic development and has been brought into the mainstream of the education and training system. The underlying principles are that ABET should provide a general basic education, promote critical thinking and empower individuals to participate in all aspects of society, and promote active learning methods, and, ABET should lead to nationally recognized certificates based on clear national standards assessed as learning outcomes.

4.4 Once the foundation phase is addressed the other phases can follow suit. In this regard the discussion in item 3.3 (d) refers. Note should also be taken that in addressing professionalisation within the local government sector there may be a need to develop vocational qualifications.

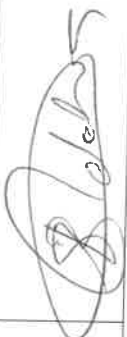

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Personal Development Plan of: Siphon Bonginkosi Ndabandaba

Appendix B

Compiled on (Date): 12 December 2017

1. Skills / Performance Gap (in order of priority)	2. Outcomes Expected (measurable indicators: quantity, quality and time frames)	3. Suggested training and / or development activity	4. Suggested mode of delivery	5. Suggested Time Frames	6. Work opportunity created to practice skill / development area	7. Support Person

Employee's signature :		Mayor:	
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DEFINITIONS:

“Higher, Further and General Education and Training” refers to:

National Qualification Framework level	Levels	TYPES OF QUALIFICATIONS AND CERTIFICATES	
8	HIGHER EDUCATION AND TRAINING	Doctorates Further Research Degrees	
7		Higher Degrees Professional Qualifications	
6		First Degrees Higher Diplomas	
5		Diplomas Occupational Certificates	
FURTHER EDUCATION AND TRAINING CERTIFICATES			
4	FURTHER EDUCATION AND TRAINING	School/College/Training Certificate Mix of units from all	
3		School/College/Training Certificate Mix of units from all	
2		School/College/Training Certificate Mix of units from all	
GENERAL EDUCATION AND TRAINING CERTIFICATES			
1	GENERAL EDUCATION AND TRAINING	Senior Phase Intermediate Phase Foundation Phase	ABET level 4 ABET level 3 ABET level 2 ABET level 1

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CONFIDENTIAL

Annexure C

FINANCIAL DISCLOSURE FORM

I, the undersigned (surname and initials) Nolabandaka S.B.

(Postal address) 15 South Street
Bergville

(Residential address) 15 South Street, Bergville.

(Position held) _____ **MUNICIPAL MANAGER**

UMZINYATHI DISTRICT MUNICIPALITY

Tel: 034 211 1512

Fax: 034 218 1940

hereby certify that the following information is complete and correct to the best of my knowledge:

1. **Shares and other financial interests (Not bank accounts with financial institutions.)**
See information sheet: note (1)

Number of shares/Extent of financial interests	Nature	Nominal Value	Name of Company/Entity
	N/A		

2. **Directorships and partnerships**
See information sheet: note (2)

Name of corporate entity, partnership or firm	Type of business	Amount of Remuneration/Income
	N/A	

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3. Remunerated work outside the Municipality

Must be sanctioned by Council. See information sheet: note (3)

Name of Employer	Type of Work	Amount of remuneration/ Income
	N/A	

Council _____

Signature by Council _____

Date _____

4. Consultancies and retainerships

See information sheet: note (4)

Name of client	Nature	Type of business activity	Value of any benefits received
	N/A		

5. Sponsorships

See information sheet: note (5)

Source of assistance/sponsorship	Description of assistance/ Sponsorship	Value of assistance/sponsorship
	N/A	

6. Gifts and hospitality from a source other than a family member

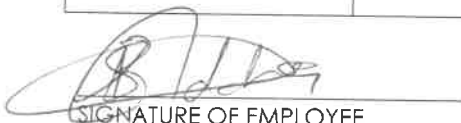
See information sheet: note (6)

Description	Value	Source
	N/A	

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7. Land and property
See information sheet: note (7)

Description	Extent	Area	Value
140 Drakensberg		Hertzog Park	1 10 000
15 South St		Bergville	6 30 000



SIGNATURE OF EMPLOYEE

DATE: 11 JANUARY 2018

PLACE: DUNDEE

GABRIEL SIBUSISO VILAKAZI
Commissioner of Oaths
HR Associate (HRA)
Member number: 11098
No. 16 Gladstone Street
Dundee
3000



OATH/AFFIRMATION

1. I certify that before administering the oath/affirmation I asked the deponent the following questions and wrote down her/his answers in his/her presence:

(i) Do you know and understand the contents of the declaration?

Answer YES

(ii) Do you have any objection to taking the prescribed oath or affirmation?

Answer NO

(iii) Do you consider the prescribed oath or affirmation to be binding on your conscience?

Answer Yes

2. I certify that the deponent has acknowledged that she/he knows and understands the contents of this declaration. The deponent utters the following words: "I swear that the contents of this declaration are true, so help me God." / "I truly affirm that the contents of the declaration are true". The signature/mark of the deponent is affixed to the declaration in my presence.


Commissioner of Oath / Justice of the Peace

Full first names and surname:

2017/18 Financial Disclosure Form
Municipal Manager

"I certify that the DEPONENT has acknowledged that he/she knows and understands the contents of this affidavit, that he/she does not have any objection to taking the oath, and that he/she considers it to be binding on his/her conscience, and which was sworn to and

signed before me at Dundee on this the 11 day of JANUARY 2018, and that the administering oath complied with the regulations contained in Government Gazette No: R1258 of 21 July 1972, as amended"


_____ (Block letters)

CONFIDENTIAL

Designation (rank) _____ Ex Officio Republic of South Africa

Street address of institution _____

Date _____ Place _____



CONTENTS NOTED: MAYOR

DATE: 11/01/2018

Annexure D

Schedule 2

CODE OF CONDUCT FOR MUNICIPAL STAFF MEMBERS

[Sch. 2 amended by s. 29 of Act No. 44 of 2003.]

Wording of Sections

1. Definitions. — In this Schedule “partner” means a person who permanently lives with another person in a manner as if married.

General conduct

2. A staff member of a municipality must at all times—
 - (a) loyally execute the lawful policies of the municipal council;
 - (b) perform the functions of office in good faith, diligently, honestly and in a transparent manner;
 - (c) act in such a way that the spirit, purport and objects of section 50 are promoted;
 - (d) act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised; and
 - (e) act impartially and treat all people, including other staff members, equally without favour or prejudice.

Commitment to serving the public interest

3. A staff member of a municipality is a public servant in a developmental local system, and must accordingly—
 - (a) implement the provisions of section 50 (2);

- (b) foster a culture of commitment to serving the public and a collective sense of responsibility for performance in terms of standards and targets;
- (c) promote and seek to implement the basic values and principles of public administration described in section 195 (1) of the Constitution;
- (d) obtain copies of or information about the municipality's integrated development plan, and as far as possible within the ambit of the staff member's job description, seek to implement the objectives set out in the integrated development plan, and achieve the performance targets set for each performance indicator;
- (e) participate in the overall performance management system for the municipality, as well as the staff member's individual performance appraisal and reward system, if such exists, in order to maximise the ability of the municipality as a whole to achieve its objectives and improve the quality of life of its residents.

Personal gain

4. (1) A staff member of a municipality may not—
- (a) use the position or privileges of a staff member, or confidential information obtained as a staff member, for private gain or to improperly benefit another person; or
 - (b) take a decision on behalf of the municipality concerning a matter in which that staff member, or that staff member's spouse, partner or business associate, has a direct or indirect personal or private business interest.
- (2) Except with the prior consent of the council of a municipality a staff member of the municipality may not—
- (a) be a party to a contract for—
 - (i) the provision of goods or services to the municipality; or

- (ii) the performance of any work for the municipality otherwise than as a staff member;
- (b) obtain a financial interest in any business of the municipality; or
- (c) be engaged in any business, trade or profession other than the work of the municipality.

Disclosure of benefits

- 5. (1) A staff member of a municipality who, or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose in writing full particulars of the benefit to the council.
- (2) This item does not apply to a benefit which a staff member, or a spouse, partner, business associate or close family member, has or acquires in common with all other residents of the municipality.

Unauthorised disclosure of information

- 6.(1) A staff member of a municipality may not without permission disclose any privileged or confidential information obtained as a staff member of the municipality to an unauthorised person.
- (2) For the purpose of this item “privileged or confidential information” includes any information—
 - (a) determined by the municipal council or any structure or functionary of the municipality to be privileged or confidential;
 - (b) discussed in closed session by the council or a committee of the council;
 - (c) disclosure of which would violate a person’s right to privacy; or

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- (d) declared to be privileged, confidential or secret in terms of any law.
- (3) This item does not derogate from a person's right of access to information in terms of national legislation.

Undue influence

7. A staff member of a municipality may not—
- (a) unduly influence or attempt to influence the council of the municipality, or a structure or functionary of the council, or a councillor, with a view to obtaining any appointment, promotion, privilege, advantage or benefit, or for a family member, friend or associate;
 - (b) mislead or attempt to mislead the council, or a structure or functionary of the council, in its consideration of any matter; or
 - (c) be involved in a business venture with a councillor without the prior written consent of the council of the municipality.

Rewards, gifts and favours

- 8.(1) A staff member of a municipality may not request, solicit or accept any reward, gift or favour for —
- (a) persuading the council of the municipality, or any structure or functionary of the council, with regard to the exercise of any power or the performance of any duty;
 - (b) making a representation to the council, or any structure or functionary of the council;
 - (c) disclosing any privileged or confidential information; or
 - (d) doing or not doing anything within that staff member's powers or duties.

- (2) A staff member must without delay report to a superior official or to the speaker of the council any offer, which if accepted by the staff member, would constitute a breach of sub item (1).

Council property

9. A staff member of a municipality may not use, take, acquire, or benefit from any property or asset owned, controlled or managed by the municipality to which that staff member has no right.

Payment of arrears

10. A staff member of a municipality may not be in arrears to the municipality for rates and service charges for a period longer than 3 months, and a municipality may deduct any outstanding amounts from a staff member's salary after this period.

Participation in elections

11. A staff member of a municipality may not participate in an election of the council of the municipality, other than in an official capacity or pursuant to any constitutional right.

Sexual harassment

12. A staff member of a municipality may not embark on any action amounting to sexual harassment.

Reporting duty of staff members

13. Whenever a staff member of a municipality has reasonable grounds for believing that there has been a breach of this Code, the staff member

must without delay report the matter to a superior officer or to the speaker of the council.

Breaches of Code

14. Breaches of this Code must be dealt with in terms of the disciplinary procedures of the municipality envisaged in section 67 (1) (h) of this Act.

Disciplinary steps

14A(1) A breach of this Code is a ground for dismissal or other disciplinary steps against a staff member who has been found guilty of such a breach.

(2) Such other disciplinary steps may include—

- (a) suspension without pay for no longer than three months;
- (b) demotion;
- (c) transfer to another post;
- (d) reduction in salary, allowances or other benefits; or
- (e) an appropriate fine.

[Item 14A inserted by s. 29 of Act No. 44 of 2003.]