PERFORMANCE AGREEMENT

MADE AND ENTERED INTO BY AND BETWEEN:

THE MSINGA LOCAL MUNICIPALITY AS REPRESENTED BY THE MUNICIPAL MANAGER

SENZO LIEUGHTENENT SOKHELA

.....

AND

THEMBELIHLE BRIGHTNESS HLUBI

....,

DEVELOPMENT & PLANNING DIRECTOR

THE EMPLOYEE OF THE MUNICIPALITY

FOR THE

FINANCIAL YEAR: 1 JULY 2021 - 30 JUNE 2022

B.T. SL

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 **01 July 2021** and will remain in force until **30 June 2022** 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.

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.

B.T. SL

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 of two components, both of which shall be contained in the 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 Competencies (LCs) respectively.

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 100% and Leading Competencies will account for 100% 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 constitute 80% of the overall assessment result as per the weightings agreed to between the **Employer** and **Employee**:

Key Performance Areas (KPA's)	**Weighting**
Local Economic Development	19%
Cross cutting	38%
Good Governance and Public Participation	43%
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 competencies will make up the other 100% of the **Employee**'s assessment score. Leading competencies are now all deemed critical for the **Employee**'s specific job in terms of section 2.5 (annexure A). **All Leading competencies are considered and measurable and critical in assessing the level of senior managers including Municipal Managers:**

B.T:

82

LEADING COMPETENCY REQUIREMENTS FOR EMPLOYEES		
LEADING COMPETENCIES	√	**WEIGHT**
1. Strategic Direction and Leadership	✓	15
Impact and Influence	✓	
Institutional Performance Management	✓	
Strategic Planning and Management	✓	
Organisational Awareness	✓	
2. People Management	✓	10
Human Capital Planning and Development	✓	
Diversity Management	✓	
Employee Relations Management	✓	
Negotiation and Dispute Management	✓	
3. Program and Project Management	✓	10
Program and Project Planning and Implementation	✓	
Service Delivery Management	✓	
Program and Project Monitoring and Evaluation	✓	
4. Financial Management	✓	15
Budget Planning and Execution	✓	
Financial Strategy and Delivery	✓	
Financial Reporting and Monitoring	✓	
5. Change Leadership	✓	10
Change Vision and Strategy	✓	
Process Design and Improvement	✓	
Change Impact Monitoring and Evaluation	✓	
6. Governance Leadership	✓	10
Policy Formulation	✓	
Risk and Compliance Management	✓	
Cooperative Governance	✓	
Policy Formulation	✓	
CORE COMPETENCIES	**total**	**30**
• Moral Competence	✓	5
• Planning and Organising	✓	5
• Analysis and Innovation	✓	5
• Knowledge and Information Management	✓	5
• Communication	✓	5
• Results and Quality Focus	✓	5
TOTAL		**100%**

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.

B.T - SL

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 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 competencies**

(a) Each LC 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 each LC.

(c) This rating should be multiplied by the weighting given to each LC 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 a final LC 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 and LCs:

82

B.T.

Level	Terminology	Description	Rating				
			1	2	3	4	5
5	Outstanding performance	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.					
4	Performance significantly above expectations	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	Fully effective	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	Not fully effective	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.					
1	Unacceptable performance	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.

SC B.T.

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

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:

First quarter	:	October 2021
Second quarter	:	January 2022
Third quarter	:	April 2022
Fourth quarter	:	July 2022

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**;

SR B.T.

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.

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

SR B.T.

12.1.2 Any other person appointed by the MEC.

12.1.3 In the case of managers directly accountable to the Municipal Manager, a member of the municipal council, provided that such member was not part of the evaluation panel provided for in sub-regulation 27(4)(e) of the Municipal Performance Regulations, 2006, within thirty (30) days of receipt of a formal dispute from the employee;

whose decision shall be final and binding on both parties.

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 ***TUGELA FERRY on*** 21 July 2021

AS WITNESSES:

1. _____

2. _____

_____
EMPLOYEE

AS WITNESSES:

1. _____

2. _____

_____
MUNICIPAL MANAGER

SR B.T.

PERFORMANCE PLAN

DIRECTOR DEVELOPMENT PLANNING SERVICES

MSINGA LOCAL MUNICIPALITY

APPENDIX A

This plan defines the Council's expectations of the Director in accordance with the Director's performance agreement to which this document is attached. Section 57 (5) of the Municipal Systems Act and the Performance Regulations gazetted in Notice No805, published on 1 August 2006, which provides that performance objectives and targets must be based on the key performance indicators set out from time to time in the Municipality's Integrated Development Plan and determined in agreement with the Municipal Manager (as representative of Municipality).

There are 6 parts to this plan:

1. A statement about the purpose of the position.
2. Performance review procedure
3. Score card detailing key performance areas (KPA's) and their related performance indicators, weightings and target dates.
4. Core Competency Requirements
5. Consolidated score sheet (Performance Assessment Calculator)
6. Link to reward

The period of this plan is from 01 July 2021 to 30 June 2022.

Signed and accepted by the Director Development & Planning Services..... Date: 21-07-2021

Signed by Municipal Manager: ..... Date: 21/07/2021

82

1. POSITION PURPOSE

To perform all the duties and functions of the Development Planning Services Department as required by the relevant legislation or reasonably stipulated by the Municipal Manager, to be accountable for the execution of all the directions of the Municipality, the co-ordination of all the activities of the Municipality, to be accountable for the general supervision, control and efficiency of the municipality and to ensure compliance with all of the key performance areas as set out in the contract of employment between yourself and the Municipal Manager.

2. PERFORMANCE REVIEW PROCEDURE

2.1 A performance review will be held on a quarterly basis with a formal performance review bi-annually in December/January and in June/July after the end of the financial year with the understanding that review in the first and third quarter may be verbal if performance is satisfactory

2.2 The Municipal Manager may request input from agendas, minutes and "customers" on the Director's performance throughout the review period. This may be done through discussion or by asking "customers" to complete a rating form to submit to the evaluation panel for consideration. Customers are people who are able to comment on the Director's performance since they have worked closely with him/her on some or all aspects of his/her job

2.3 The Director is to prepare for quarterly performance evaluation by providing a brief description of achievements, including reference to evidence, supporting documentation (document report and/or resolutions with dates of submission) in the relevant column in section 3 (KPA scorecard below). Achievements to be reported on cumulatively.

2.4 The Director is to provide a rating for himself/ Herself for the quarterly and final assessment session against the agreed objectives in the column provided in the KPA scorecard.

2.5 A motivation must be provided for KPI's and targets rated 4 and 5 and a reason for non-performance must also be provided for targets 1 and 2.

2.6 The Director and Evaluation panel are to meet to conduct formal performance rating and agree on final scores. It may be necessary to have two meetings i.e. give the Director's scores and allow him/her to consider them before final agreement. In the event of a disagreement, the evaluation panel has the final say with regard to the final score that is given.

2.7 The Evaluation panel to provide ratings of the Director's performance against agreed objectives as a result of portfolio of evidence and/or comments and "customer" input.

2.8 Initially the scoring should be recorded on the scorecard then transferred onto the performance assessment rating calculator.

2.9 Any reasons for non-compliance should be recorded during the review session by keeping of minutes of the review session.

2.10 The assessment of the performance of the Director will be based on the following rating scale for KPA's:

ACHIEVEMENT LEVELS

Terminology	Description	Rating Level
Superior	Performance far exceeds the standard expected of the Manager at this level. The appraisal indicates that the Manager 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.	5
Advanced	Performance is significantly higher than the standard expected in the job. The appraisal indicates that the Manager has achieved above fully effective results against more than half of the performance criteria and indicators and fully achieved all others throughout the year.	4
Competent	Performance fully meets the standards expected in all areas of the job. The appraisal indicates that the Manager has fully achieved effective results against all significant performance criteria and indicators as specified in the PA and Performance Plan.	3
Basic	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 Manager has achieved below fully effective results against more than half the key performance criteria and indicators as specified in the PA and Performance Plan.	2
Basic	Performance does not meet the standard expected for the job The review/assessment indicates that the Manger has achieved below fully effective results against almost all of the performance criteria and indicators as specified in the PA and Performance Plan. The Manager 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.	1

SC

2.11 Only those items relevant for the review period in question should be scored.

2.12 The assessment of the performance of the Director on the applicable CCR's will be based on the rating scale as reflected in section 4 of the performance plan.

2.13 The Municipal Manager and the Director are to prepare and agree on a personal development plan (PDP) for addressing developmental gaps.

2.14 The Municipal Manager and the Director to set new objectives, targets, performance indicators, weightings and dates etc for the following financial year.

2.15 Poor work performance will be dealt with in terms of regulation 32 (3) of the Performance Regulations gazetted in Notice No 805, published on 1 August 2007.

3. KEY PERFORMANCE AREA SCORECARD

Attached as Annexure A

4. CORE COMPETENCY REQUIREMENTS FOR THE DIRECTOR (CCR)

The ratings attached to this section will impact on the final performance score and will assist in identifying areas of development for inclusion in a personal development plan (PDP) for addressing developmental gaps.

1	2	3	4	5
Performance clearly below acceptable level	Performance is competent in some aspects, but shows need for improvement in other aspects.	Fully competent performance	Noticeably better than competent performance	Distinguished performance, obvious to all

LEADING COMPETENCIES		
		Weighting
Strategic Direction and Leadership	• Impact and influence • Institutional Performance Management • Strategic Planning and Management • Organisational Awareness	15%
People Management	• Human Capital Planning and Development • Diversity Management • Employee Relations Management • Negotiation and Dispute Management	10%
Program and Project Management	• Program and Project Planning and Implementing • Service Delivery Management • Program and Project Monitoring and Evaluation	5%

SC

Financial Management	• Budget Planning and Execution • Financial Strategy and Delivery • Financial Reporting and Monitoring	30%
Change Leadership	• Change Vision and Strategy • Process Design and Improvement • Change Impact Monitoring and Evaluation	5%
Governance Leadership	• Policy Formulation • Risk and Compliance Management • Cooperative Governance	15%
SUB-TOTAL		80%
CORE COMPETENCIES		
Moral Competence		4%
Planning and Organising		5%
Analysis and Innovation		3%
Knowledge and Information Management		2%
Communication		2%
Results and Quality Focus		4%
SUB-Total		**20%**
TOTAL SCORE		**100%**

5. CONSOLIDATED SCORE (Refer to performance Assessment Rating Calculator)

The consolidated Performance Evaluation Results will be attached separately to this Performance Plan

6. LINK TO REWARD

The Director's performance will be rewarded in accordance with Section 32(2) of the Performance Regulations gazetted in Notice No 805, published on 1 August 2006.

DEVELOPMENT PLANNING PERFOMANCE DEVELOPMENT PLAN 2021-2022 FY

BRIGHTNESS THEMBELIHLE HLUBI | 7801150330086

1 - Back to Basics: Good Governance

Promote Public Knowledge and awareness

DEVELOPMENT PLANNING H.O.D. SCORECARD FOR 2021-2022

No.	Program Driver	National Key Perfomance Area	Outcome no.	Strategy	Objective	Project Name	INDICATOR	KPI No.	Region	Unit of Measure	BASELINE	Cumulative / non acumulative	ANNUAL TARGET by 30.6.2022	Quarterly Targets: Quarter 1: 01 July -30 Sep 2021	Quarter 2 : 01 Oct-31 Dec 2021	Quarter 3: 01 Jan-30 Mar 2022	Quarter 4: 01 Apr-30 Jun 2022	Annual Budget	POE	Weight
1	HOD (P)	NKPA 5:Cross Cutting issues	Outcome :5.2 Functional Land Management Sytem Spatial Planning	To ensure proper administration in line with legislation	To control planning and development through Section G of Ingonyama Trust Board Forms 1 & 2	**Section G ITB Consent Letters**	Number of issued and processed Ingonyama Trust Board Section G Consent Letters by 30/6/2021	140	Umzinyathi DC , Msinga KZ 244 , Administration	Number	5	Accumulative	4	1	1	1	1	Inhouse	Signed Section G Consent Letter / Register	4
2	HOD (P)				To adopt (1) SPLUMA compliant **Spatial Development Framework 2020/21** as per Ch. 21	**Spatial Development Framework (SDF)**	Number of Msinga Spatial Development Framework 2020/21 (SDF) adopted by Council & advertised for public comments by 30/12/2021	141	Umzinyathi DC , Msinga KZ 244 , Administration	Number	Multiyear project: Msinga Draft SDF was adopted by Council 26.5.2021	Non - Accumulative	1	1	0	0	0	683 749	Council resolution & Council minutes & advert	3
3	HOD (P)				To develop a spatially referenced Capital Investment Framework Plan as part of the SDF	**CIF as part of the SDF document**	Number of CIF included in the SDF by 30.12.2021	141.1	Umzinyathi DC , Msinga KZ 244 , Administration	Number	One Draft CIF in place by 26.5.2021	Non - Accumulative	1	1	0	0	0		copy of CIF & Council resolution	3

5	HOD (P)	NKPA 5:Cross Cutting issues	outcome no 5.4: Land Development Approval and enforcement system	To ensure proper administration in line with legislation			To facilitate functional SPLUMA Municipal Planning Tribunal (MPT) meetings by 30 June 2022	142	Umzinyathi DC , Msinga KZ 244 , Administration	Number	New	Accumulative	4	1	2	3	4	R400 000	MPT agenda & Minutes	3
5			outcome 5.3 : Land use Schemes		a single land use scheme aligned to the SDF adopted by council	**Land Use Schemes**	Number of Municipal Single Land Use Schemes adopted by council & advertised for public comments by 30.12.2021	142.2	Umzinyathi DC , Msinga KZ 244 , Administration	Number	Multiyear Draft Single land Use Scheme was adopted by council & advertised 26.5.2021	Non - Accumulative	1	0	1	0	0	686 000	Cllr resolution & Minutes& advert	5
6	HOD (P)	NKPA 5:Cross Cutting issues	outcome 5.1 Functional DDM structures: A credible IDP aligned to the one plan (with sector departmental inputs and projects)	To increase awareness and develop a culture of community participation in the Local government affairs	To submit Municipal Draft IDP for the 2022/2023	**Draft IDP 2022/2023**	Number of Msinga IDP 2022/2023 submitted to Council for adoption by 30 JUNE 2022	143	Umzinyathi DC , Msinga KZ 244 , Administra	Number	26/5/2021	Non - Accumulative	1	0	0	1	0	Inhouse	Cllr resolution & Minutes	4
7	HOD (P)				To submit Municipal Final IDP for the 2022/2023 FY.	**Final IDP 2022/2023**		144	Umzinyathi DC , Msinga KZ 244 , Administration	Number	24/3/2021	Non - Accumulative	1	0	0	0	1	inhouse	Cllr resolution & Minutes	4
9	HOD (P)	NKPA 5:Cross Cutting issues	outcome 5.1 Functional DDM structures: A credible IDP aligned to the one plan (with sector departmental inputs and projects)	To increase awareness and develop a culture of community participation in the Local government affairs	To review the Municipal Intergrated Development Plan for 2022/2023 FY	**IDP Representatives forum**	Number of IDP Representatives forum (RF) meetings conducted by 30/6/2021	149	Umzinyathi DC , Msinga KZ 244 , Administration	Number	No	Non - Accumulative	2	0	0	1	1	R500 000	IDP forum minutes/ attendence register /pictures	4
10						**IDP Strategic Planning Session**	Number of IDP strategic planning session held	149.1	Umzinyathi DC , Msinga KZ 244 , Administration	Number	no	Non - Accumulative	1	0	0	1	0			5
12					To develop & adopt Municipal IDP /Budget & PMS Process Plan 2022/2023	**IDP/budget/PMS Process Plan**	Number of Msinga IDP/Budget/PMS Process Plans for the revision of the 2021/2022 IDP submitted to Council for adoption by 30/6/2022	151	Umzinyathi DC , Msinga KZ 244 , Administration	Number	1	Non - Accumulative	1	1	0	0	0	Inhouse	DCOGTA submission proof letter / email & Council resolution , minutes	2

SC

TB

14	HOD (P)	NKPA NO4 : LOCAL ECONOMIC DEVELOPMENT			To implement a Feasibility study of Kopi Tourism center	**Kopi Tourism Center**	Number of Feasibility studies of Kopi Tourism center implemented by 30 /06/2022	155	Umzinyathi DC , Msinga KZ 244 , WARD 10	Number	Tourism feasibility study adopted 26.5.2021	Accumulative	4	1	2	3	4	300 000	feasibility Implementation reports	3
15	HOD (P)				To provide CO-OPS Support	**small business/co-ops**	Number of small business/co-ops initiatives assisted by 30 June 2021	156	Umzinyathi DC , Msinga KZ 244 , ALL WARDS	Number	new	Accumulative	8	0	0	0	2	300 000	Council Resolution	4
16	HOD (P)				To Capacitate SMMEs within uMsinga Area	**SMME's**	Number of SMME's within Msinga area capacitated by 30/06/2021	157	Umzinyathi DC , Msinga KZ 244 , ALL WARDS	Number	new	Accumulative	30	0	0	0	30	300 000	Attendance register/ dated pictures/ reports	4
17	HOD (P)				To host a Business Indaba /LED Market engagements	**LED MARKET DAY**	Number of Msinga LED MARKET DAY hosted at Tugela Ferry Mall by 30/06/2021	158	Umzinyathi DC , Msinga KZ 244 , ALL WARDS	Number	(01)Business indaba held November 2019	Non - Accumulative	1	0	0	1	0	72 328	Reports/program/dated pictures	3
18	HOD (P)				Operationalization of Qinisela Agri-processing plant	**Qinisela Agri-Processing**	Number of reports on operationalization of agri processing submitted to the Dev Planning H.O.D. by 30/6/2021	159	Umzinyathi DC , Msinga KZ 244 , Administration	Number	04 reports	Accumulative	4	1	2	3	4	80 000	Reports	3
19	HOD (CS,TS,F,MM, P,CO)	NO 2 Good Governance and Public Participation	ome 2.1: More effective municipal administration	to ensure proper administration in line with legislation	To Achieve unqualified audit	**Achieve unqualified audit**	Number of unqualified audit opinion (2019/20 FY) achieved by Msinga Municipality by 30/06/2021	48	Umzinyathi DC , Msinga KZ 244 , Administration	Number	unqualified opinion 2018-2019 FY	Non - Accumulative	1	0	0	0	1	0	AG reports	3
20					To implement the Msinga AG Action plan	**Action Plan**	Number of Msinga Action plans developed to address Auditor Generals findings (as per 2019-20 Audit Report) by 30 June 2021	49	Umzinyathi DC , Msinga KZ 244 , Administration	Number	31/12/2018	Non - Accumulative	1	0	0	0	1	0	Agenda/progress report/Minutes and Resolution	3

21		NKPA	Outc		To implement & report on Risk Register	Risk register	Number of reports on Risk register implementation submitted to AC by 30 June 2021	50	Umzinyathi DC , Msinga KZ 244 , Administration	Number	04 reports	Accumulative	4	1	2	3	4	0	Agenda/progress report/Minutes	3

2 - Back to Basics: Building capable governance institutions

To facilitate and coordinate provision of Integrated Human Settlements within the Municipality

DEVELOPMENT PLANNING H.O.D. SCORECARD FOR 2019 2020

													Quarterly Targets						
	Program Driver	KPA	outcome no.	Strategy	Objective	Project Name	INDICATOR	KPI No.	Region	Unit of Measure	BASELINE	Cumulative / non acumulative	ANNUAL TARGET by 30.6.2022	Quarter 1: 01 July -30 Sep 2021	Quarter 2 : 01 Oct-31 Dec 2021	Quarter 3: 01 Jan-30 Mar 2022	Quarter 4: 01 Apr-30 Jun 2022	Annual Budget	POE	Weight
22	HOD (P)	Good Governance and Public Participation :	outcome 2.2 :improved council functionality	To provide safe and sustainable living environment	Facilitation of Housing Forums	**Housing Forums**	Number of Housing Forums held by 30/6/2021	129	Umzinyathi DC , Msinga KZ 244 , Administration	Number	0.00	Accumulative	4	1	2	3	4	0	Housing Forum Agenda & Attendance Register	5
23	HOD (P)			to ensure proper administration in line with legislation	Facilitate Inter-governmental meetings	**Departmental meetings**	Number of departmental meetings held by 30 June 2021	130	Umzinyathi DC , Msinga KZ 244 , Administration	Number	No	Accumulative	4	1	2	3	4	0	Agenda & Minutes	5
24	HOD (P)	ation : Pillar 1&3 promoting good governance & putting people first	outcome 2.1 F more effective municipal administration	To submit 2021/22 Mid-Year Performance Report (S72 Report) to Council for adoption	To prepare 2021/22 Mid-Year Performance Report (S72 Report) & submit to Council for adoption	**Mid-Year performance report**	Number of Msinga Mid-Year performance report (S72 Report) submitted to Council for adoption by 25/01.2022)	132	Umzinyathi DC , Msinga KZ 244 , Administration	Number	1	Non - Accumulative	1	0	0	1	0	Inhouse	Council resolution and Minutes	5
25	HOD (P)			To ensure proper administration in line with legislation	To review 2021/22 PMS Framework / Policy &Adopt by council	**PMS Framework /Policy reviewed**	Number of PMS Framework /Policy reviewed and submitted to Council for adoption by 30/6/2021	133	Umzinyathi DC , Msinga KZ 244 , Administration	Number	No	Non - Accumulative	1	0	0	0	1	0	Council resolution & Minutes	3
26	HOD (P)			To Adopt 2020/2021 Annual Report (s46 APR &AR)	To adopt 2020/2021 Annual Report (s46 APR)	**Annual Performance Report & Annual Report**	Number of Presented of 2020/2021 final Annual Report to Council for adoption by 30/6/2022	135	Umzinyathi DC , Msinga KZ 244 , Administration	19	No	Non - Accumulative	1	1	0	0	0	0	Council resolution & Minutes	3
27	HOD (P)				To adopt 2020/2021 Annual Report (s46 APR /AR)		Number of submitted 2020/2021 draft annual performance report &Annual Report to IA and AC for input and comments by 30.8.2020	136	Umzinyathi DC , Msinga KZ 244 , Administration	Number	No	Non - Accumulative	1	1	0.00	0	0	Inhouse	proof of submission	4

S2

28	HOD (P)	Good Governance and Public Partic			To adopt 2020/2021 Annual Performance Report (s46 APR)		Number of APR Submitted to CoGTA, AG, NT & PT by 30.8.2020	137	Umzinyathi DC , Msinga KZ 244 , Administration	Number	No	Non - Accumulative	1	1	1	0	0	Inhouse	proof of submission	4
29	HOD (P)			to ensure proper administration in line with legislation	To adopt 2020/21 Municipal SDBIP	Municipal SDBIP	Number of 2020/21 SDBIP presented to Council for Mayor's endorsement by 30/6/2021	138	Umzinyathi DC , Msinga KZ 244 , Administration	Number	No	Accumulative	1	0	0	1	0	Inhouse	Council resolution & Minutes	3
30	HOD (P)				To adopt 2021/2022 Municipal Service Delivery & Budget Implementation Plan		Number of Msinga SDBIP Quartely reports Adopted by Council by 30/06/2021	139	Umzinyathi DC , Msinga KZ 244 , Administration	Number	No	Accumulative	4	1	1	1	1	Inhouse	Council Resolution /agenda and minutes	5

3 - Back to Basics: Service delivery

Improve Community and Environmental Health and Safety

DEVELOPMENT PLANNING H.O.D. SCORECARD FOR 2020-21

													Quarterly Targets						
No.	Program Driver	KPA	outcome no	Strategy	Objective	Project Name	INDICATOR	KPI No.	Region	Unit of Measure	BASELINE	Cumulative / non acumulative	ANNUAL TARGET by 30.6.2022	Quarter 1: 01 July -30 Sep 2021	Quarter 2 : 01 Oct-31 Dec 2021	Quarter 3: 01 Jan-30 Mar 2022	Quarter 4: 01 Apr-30 Jun 2022	Annual Budget	POE	Weight
31	HOD (P)	NKPA NO 5 Cross Cutinf Issues	outcome 5.2 a functional Land Use Management System	To provide safe and sustainable living environment	Housing Projects Implementation	**Housing Projects**	Number of quarterly reports on the implementation of Housing Projects within Msinga Municipal Area by 30/6/2021	162	Umzinyathi DC , Msinga KZ 244 , WALL WARDS	Number	No	accumulative	4	1	2	3	4	0	Housing projects Progress Reports	5

BRIGHTNESS THEMBELIHLE HLUBI 19 JULY 2021

MR S.L. SOKHELA
MUNICIPAL MANAGER

Annexure B

PERSONAL DEVELOPMENT PLAN (PDP)

Entered into by and between
Mr S.L. SOKHELA

.....

uMsinga Local Municipality
Municipal Manager

["the Employer"]

&

BRIGHTNESS THEMBELIHLE HLUBI

.....

DIRECTOR DEVELOPMENT PLANNING
["the Employee"]

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 an 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.

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 **dplg** 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:
- Strategic development priorities and competency requirements, in line with the municipality's strategic objectives.
- 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.
- 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.

JC

(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].

8L

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.

82

Personal Development Plan of: BRIGHTNESS THEMEBLIHLE HLUBI
Appendix B

Compiled on (Date): 2021/07/21.

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**
Understanding the municipal financial legislation, dynamics &challenges	A better understanding & developing workable solutions towards the dynamics in Local Govt.	MFMP	Wits business School (part time)	6 Months	Development planning department	Municipal Manager through guidance

Employee's signature :		Municipal Manager:	

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

CONFIDENTIAL

Annexure C

FINANCIAL DISCLOSURE FORM

I, the undersigned (surname and initials) _____ **BT HLUBI**

(Postal address) _____27 Dryden Heyfields

PMB 3201_____

_____

(Residential address) _____27 Dryden road Heyfields

PMB 3201

(Position held) _____ **H.O.D DEVELOPMENT PLANNING**
uMSINGA LOCAL MUNICIPALITY

Tel: _____033 4930763 Fax: 033 4930767_____

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
	NA		

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

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

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	

CONFIDENTIAL

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

Description	Extent	Area	Value
Flat 21	87m	SIMPLEX	R425 000
House	2000 Sqm.	Hayfields	1600 000

SIGNATURE OF EMPLOYEE

DATE: 19. **/7/2021**

PLACE: **TUGELA FERRY**

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:

SENZO L. SOKHELA (Block letters)

CONFIDENTIAL

Designation (rank) Municipal Manager Ex Officio Republic of South Africa

Street address of institution R33 Main Road, Tugela Ferry 3010

Date 19/07/2021 Place Tugela Ferry

CONTENTS NOTED: MUNICIPAL MANAGER

DATE: 19/7/2021

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;

82

(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

(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.

SC

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.]

Thus **done** and **signed** at **TUGELA FERRY** on this the **2021/07/21**

AS WITNESSES:

1. _____

2. _____

BT HLUBI
DIRECTOR DEVELOPMENT PLANNING

AS WITNESSES:

1. _____

2. _____

SL SOKHELA
MUNICIPAL MANAGER