

PERFORMANCE PLAN

Entered into by and between

Mr. Madoda Phumula Khathide

["The Employer"]

And

**Miss Nonkululeko Nozipho
Mngomezulu**

["The Employee"]

1. Purpose

The performance plan defines the Council's expectations of the Director's performance agreement to which this document is attached and Section 57 (5) of the Municipal Systems Act, which provides that performance objectives and targets must be based on the key performance indicators as set in the Municipality's Integrated Development Plan (IDP) and as reviewed annually.

2. Key responsibilities

The following objects of local government will inform the Municipal Manager's performance against set performance indicators:

- 2.1. Provide democratic and accountable government for local communities.
- 2.2. Ensure the provision of services to communities in a sustainable manner.
- 2.3. Promote social and economic development.
- 2.4. Promote a safe and healthy environment.
- 2.5. Encourage the involvement of communities and community organisations in the matters of local government.

3. Key Performance Areas

The following Key Performance Areas (KPAs) as outlined in the Local Government: Municipal Performance Regulations for Municipal Managers and Managers Directly Accountable to Municipal Managers (2006), inform the strategic objectives listed in the table below:

- 3.1. Basic Service Delivery.
- 3.2. Municipal Institutional Development and Transformation.
- 3.3. Municipal Financial Viability and Management.
- 3.4. Good Governance and Public Participation.
- 3.5. Local Economic Development
- 3.6. Cross Cutting Interventions

4. Key Performance Objectives and Indicators, for the Chief Financial Officer

The provisions and statutory time frames contained in the following legislation are required to be reported on and measured:

4.1. Section 157 of the Constitution of the Republic of South Africa, 1996

4.2. Local Government: Municipal performance Regulations for Municipal Managers and Managers Directly Accountable to Municipal Manager, 2006 (Regulation No. R805, dated 1 August 2006)

4.3. Regulation No. 796 (Local Government: Municipal Planning and Performance Management Regulations, 2001) dated 24 August 2001

4.4. Property Rates Act, 2004.

4.5. Municipal Structures Act, 1998, in particular, but not limited to, Chapter 5 (Powers and functions as determined by legislation or agreement)

4.6. Municipal Systems Act, 2000, in particular, but not limited to, sections 55 to 57

4.7. Any other applicable legislation specific to the Director.

PERSONAL DEVELOPMENT PLAN

MUNICIPALITY : eDumbe Local Municipality

INCUMBENT : Miss NN Mngomezulu

SALARY : R781 460.00 per annum

JOB TITLE : Chief Financial Officer

REPORT TO : The Municipal Manager

1. What are the competencies required for this job (refer to competency profile of job description)?

- Computer literacy, report writing, communication, supervision and managerial skills.
- Compilation of mSCOA compliant annual budgets and annual financial statements which are GRAP and mSCOA Compliant.
- Must have in depth knowledge of MFMA, SCM Regulations and Municipal Budget Regulations.
- Must be Innovative, reliable, hardworking individual, team player and leader.
- Must be able to monitor the budget
- Ensure that effective revenue collection systems that are consistent with the MSA and MPRA are in place, including effective system of expenditure management
- Ensure the implementation and the execution of indigent policy

2. What competencies from the above list, does the job holder already possess?

- A Degree of Bachelor of Technology in Cost and Management Accounting
- National Diploma in Cost and Management Accounting
- Certificate in Law course
- Certificate in Municipal Finance Management Programme NQF Level 6 (WITS BUSINESS SCHOOL)

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- Registered with CIGFARO
- Computer Software Packages : Munsoft classic, MSCOA Compliant, Powerpoint, Pastel Partner Version 5.2, Microsoft Office Word / Excel 2010
- Fourteen years experience in financial management and Four years in managerial position.
- Policy Formulation, monitoring and evaluation
- Managerial and Administration skills
- The incumbent is innovative, reliable, hardworking, team player and a leader.
- Organising, reporting and time Management skills
- Analytical ability, Change Management, Networking, Interpersonal, Conflict Management and Good Communication

3. What then are the competency gaps? (If the job holder possesses all the necessary competencies, complete No's 5 and 6.)

- More knowledge in Project Management, Contract Management

4. Actions/Training interventions to address the gaps/needs

- Engage in trainings based on the above competency gaps i.e. project management, contract management.

5. Indicate the competencies required for future career progression/development

- Latest MSCOA Version
- Supply chain management

6. Actions/Training interventions to address future progression


- Trainings and workshops on MSCOA

7. Comments/Remarks of the Incumbent

- The Municipality need to strive for a clean audit by ensuring that we improve on adherence to the financial policies and compliance to legislations as well as revenue enhancement strategy

Agreed upon

Signature



Supervisor

M.P. Khathide.

Date

14 December 2018

Signature



Incumbent

Nozipho Nontakuleko Mingamezulu

Date

14 December 2018

Date of next review:

July 2019

SCHEDULE 2

CODE OF CONDUCT FOR MUNICIPAL STAFF MEMBERS

1. Definitions

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

2. General conduct

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.

3. Commitment to serving the public interest

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.

4. Personal gain



- (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.

5. Disclosure of benefits

- (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.

6. Unauthorised disclosure of information

- (1) A staff member of a municipality may not without permission disclose any privileged or confidential information obtain 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.

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- (3) This item does not derogate from a person's right of access to information in terms of national legislation.

7. Undue influence

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.

8. Rewards, gifts and favours

(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).

9. Council property

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.

10. Payment of arrears

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.

11. Participation in elections

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.

12. Sexual harassment

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

13. Reporting duty of staff members

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.

14. Breaches of Code

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.

14.(A) Disciplinary steps

(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.

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FINANCIAL DISCLOSURE FORM

I, the undersigned **Nonkululeko Nozipho Mngomezulu** of 16 Spurwing Parl, Elliot Street, Koksstad, 4700 employed as Chief Financial Officer at the EDumbe Municipality 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) N/A

Number of shares / extent of financial interest	Nature	Nominal value	Name of Company or entity
N/A			

2. Directorships and Partnerships

See information sheet: Note (2) n/a

Name of Corporate entity, partnership or firm	Type of business	Amount of Remuneration or Income
<i>Wilmot Group</i>	<i>Consulting</i>	<i>R-0.00</i>
<i>Netta Community. Development</i>	<i>Community Development</i>	<i>R-0.00</i>

1. Remunerated work outside the Municipality (As sanctioned by Council)

See information sheet: Note (3) N/A

Name of Employer	Type of work	Amount of Remuneration or Income
<i>Forever Living</i>	<i>Beauty / Health and Wellness</i>	<i>+R 25 000</i>
<i>AMC Cooking</i>	<i>Cookware</i>	<i>+R 5 000</i>
<i>Justine</i>	<i>Beauty Pro.</i>	<i>+R 7 000</i>

Council sanction confirmed:

Signature of Municipal Manager: _____

Date: *14 December 2018*

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2. Consultancies and Retainership

See information sheet: Note (4) N/A

Name of client	Nature	Type of business activity	Value of benefits received
Wilmot Group		Consulting	R-0.00
Netta Community Development		Community Development	R-0.00

5. Sponsorships

See information sheet: Note (5) N/A

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

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

See information sheet: Note (6) N/A

Description	Value	Source
N/A		

7. Land and property

See information sheet: Note (7)

Description	Extent	Area	Value
16 Spurwing Park, Elliot Street, Kokstad			+-R1 450 000
Lot 1034, Flat 10, Umtwetweni			+-R700 000



 SIGNATURE OF EMPLOYEE

DATE: 14 December 2018

PLACE: eDumbe

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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

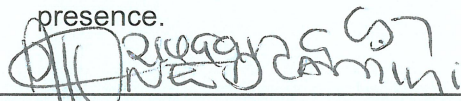
(ii) Do you have any objection to taking the prescribed oath or affirmation?

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

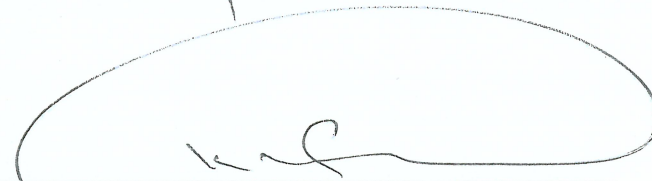
Full first names and surname: NKOSUTHONA DLAMINI (Block letters)

Designation (rank): CONSTABLE Ex Officio Republic of South Africa

Street address of institution: 38 MARK STREET

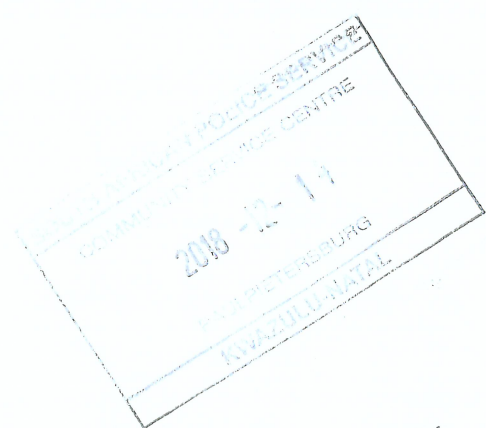
Date: 2018.12.14

Place: Paulpietersburg



CONTENTS NOTED: MUNICIPAL MANAGER

DATE: 14 December 2018



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INFORMATION SHEET FOR THE FINANCIAL DISCLOSURE FORM

The following notes is a guide to assist with completing the Financial Disclosure form:

NOTE 1: Shares and other financial interests

Designated employees are required to disclose the following details with regard to shares and other financial interests held in any private or public company or any other corporate entity recognised by law:

- The number, nature and nominal value of shares of any type;
- The nature and value of any other financial interests held in any private or public company or any other corporate entity; and
- The name of that entity.

NOTE 2: Directorships and partnerships

Designated employees are required to disclose the following details with regard to directorships and partnerships:

- The name and type of business activity of the corporate entity or partnership/s; and
- The amount of any remuneration received for such directorship or partnership/s.

Directorship includes any occupied position of director or alternative director, or by whatever name the position is designated.

Partnership is a legal relationship arising out of a contract between two or more persons with the object of making and sharing profits.

NOTE 3: Remunerated work outside the Municipality (As sanctioned by Council)

Designated employees are required to disclose the following details with regard to remunerated work outside the public service:

- The type of work;
- The name and type of business activity of the employer; and
- The amount of the remuneration received for such work.

Remuneration means the receipt of benefits in cash or kind, and work means rendering a service for which the person receives remuneration.

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NOTE 4: Consultancies and Retainership

Designated employees are required to disclose the following details with regard to consultancies and Retainership:

- The nature of the consultancy or retainer ship of any kind;
- The name and type of business activity, of the client concerned; and
- The value of any benefits received for such consultancy or Retainership.

NOTE 5: Sponsorships

Designated employees are required to disclose the following details with regard to sponsorships:

- The source of the sponsorship;
- The description of the sponsorship; and
- The value of the sponsorship.

NOTE 6: Gifts and hospitality from a source other than a family member

Designated employees are required to disclose the following details with regard to gifts and hospitality:

- A description and the value and source of a gift with a value in excess of R350.00;
- A description and the value of gifts from a single source which cumulatively exceed the value of R350.00 in the relevant 12 month period; and
- Hospitality intended as a gift in kind.

Designated employees must disclose any material advantages that they received from any source e.g. any discount prices or rates that are not available to the general public. All personal gifts within the family and hospitality of a traditional or cultural nature need not be disclosed.

NOTE 7: Land and Property

Designated employees are required to disclose the following details with regard to their ownership and other interests in land and property (residential or otherwise both inside and outside the Republic):

- A description of the land or property;
- The extent of the land or property;
- The area in which it is situated; and
- The value of interest.