

CHAPTER 2 - GOVERNANCE

COMPONENT A: POLITICAL AND ADMINISTRATIVE GOVERNANCE

2.1 POLITICAL GOVERNANCE

Maletswai local municipality is a category B municipality with a plenary system as established by Section 12 Notice as promulgated by the Department of Local Government and Traditional affairs in the Eastern Cape. This municipality comprises the former Aliwal North and Jamestown Transitional Local Councils as well as the Transitional Representative council.

The Council consists of 12 Councilors of which the composition is as follows:

- 9 African National Congress Councillors
 1. ZE Pungwani
 2. NS Mathetha
 3. ES Mbana
 4. KS Lange
 5. MW Mokhoabane
 6. ZA Betana
 7. PN Williams
 8. M Mdumisa
 9. MM Tsolanku
- 2 Democratic Alliance Councilors
 1. GD Fourie
 2. H Du Preez
- 1 United Residents Front councillor
 1. M Jan

2.1.2 The following councillors are appointed on a proportional basis:

- i. Cllr NS Mathetha
- ii. Cllr ZE Pungwani
- iii. Cllr Mbana
- iv. Cllr H Du Preez
- v. Cllr GD Fourie

vi. Cllr M Jan

The Committees of council are constituted as follows:

Corporate Services Committee

- Cllr M Mokhoabane Chairperson
- Cllr MM Tsolanku
- Cllr P Williams
- Cllr K Lange
- Cllr GD Fourie

Technical Services Committee

- Cllr ZA Betana Chairperson
- Cllr Williams
- Cllr GD Fourie
- Cllr NS Mathetha
- Cllr M Mdumisa

Financial Services

- Cllr E. Mbana Chairperson
- Cllr H Du Preez
- Cllr M Jan
- Cllr K Lange
- Cllr NS Mathetha

Community Services

- Cllr NS Mathetha Chairperson
- Cllr M Mdumisa
- Cllr MM Tsolanku
- Cllr ZA Betana
- Cllr ES Mbana

All section 79 portfolio heads work as part-time councillors. In light of the above, the legislative and executive authority vests in the municipal council, because the council is a plenary type. Moreover, some of the successes registered by the council during the period under review were the following:

- Adoption of the draft and final budgets within the prescribed time frames;
- Adoption of the Integrated Development Plan (IDP) in line with legislative prescripts;
- The Municipal IDP received a HIGH ranking from Member Executive Council (MEC) responsible for Local Government and Traditional Affairs for its credibility;
- Reviewal of the Human resource budget related policies especially the property rates policy;
- Adoption of the Annual report and oversight report;
- Promulgation of the by-laws.

The main function of the standing committees is to consider matters relevant to their departments and make recommendations to council with regards to those. Standing committees also exercise oversight role over the performance of their departments.

2.2 ADMINISTRATIVE GOVERNANCE

The Committees of council are established in terms of section 79 of the Municipal Structures Act, Act 117 of 1998 and are constituted as follows:

2.2.1 Corporate Services Committee

- **Cllr M Mokhoabane** - **Chairperson**
- Cllr MM Tsolanku
- Cllr P Williams
- Cllr K Lange
- Cllr GD Fourie

2.2.2 Technical Services Committee

- **Cllr ZA Betana** - **Chairperson**
- Cllr Williams
- Cllr GD Fourie

- Cllr NS Mathetha
- Cllr M Mdumisi

2.2.3 Financial Services

- **Cllr ES Mbana** - **Chairperson**
- Cllr H Du Preez
- Cllr M Jan
- Cllr K Lange
- Cllr NS Mathetha

2.2.4 Community Services

- **Cllr NS Mathetha** - **Chairperson**
- Cllr Mdumisi
- Cllr MM Tsolanku
- Cllr ZA Betana
- Cllr ES Mbana

All section 79 portfolio heads work as part-time councillors. In light of the above, the legislative and executive authority is vested in the municipal council. Council is a category B municipality, a Plenary Type Executive with Ward Participatory System. Moreover, some of the successes registered by the council during the period under review were the following:

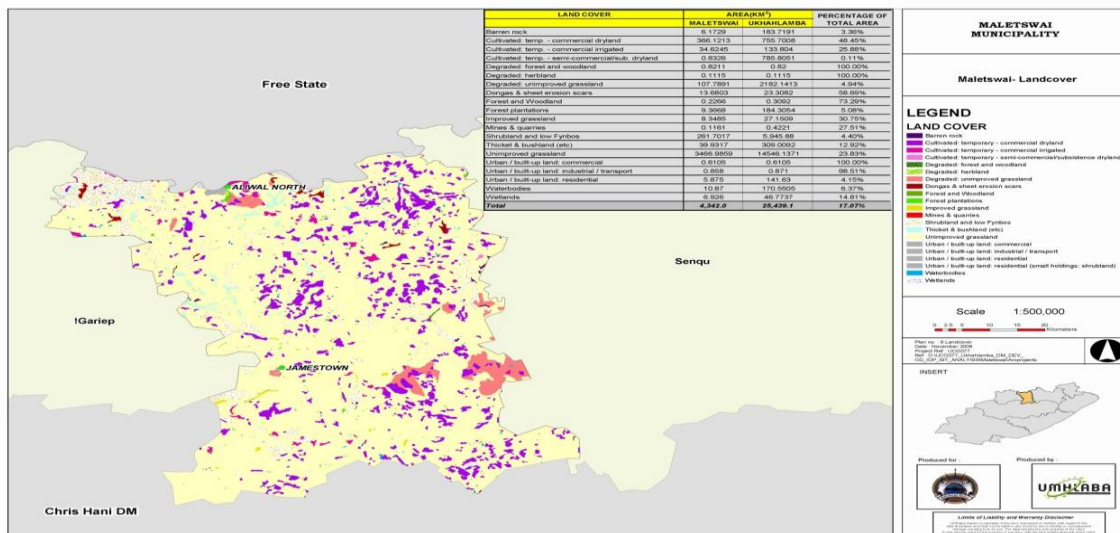
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- Adoption of the Integrated Development Plan (IDP) in line with legislative prescripts;
- The Municipal IDP received a High ranking from Member Executive Council (MEC) responsible for Local Government and Traditional Affairs for its credibility;
- Reviewal of the Human Resource policies;
- Adoption of the Annual report and oversight report;
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2.2.5 Land Cover

The land cover pattern is largely determined by topographical and climatic factors, however past political engineering, current tenure arrangements and population densities have impacted on the type of land cover. The diagram (below) illustrates the unimproved Grassland dominates the Municipality, followed by cultivated temporary commercial dry land and Shrub land and low Fynbos.

The plan below indicates the land cover for Maletswai Municipality.



COMPONENT B: INTERGOVERNMENTAL RELATIONS

2.3.1 INTRODUCTION TO CO-OPERATIVE GOVERNANCE AND INTERGOVERNMENTAL RELATIONS

Cooperate government means that the three spheres of government should work together (cooperate) to provide citizens with a comprehensive package of services. The Constitution states that the three spheres have to assist and support each other, share information and coordinate their efforts. The implementation of policies and government programs require close cooperation between the spheres of government.

In Maletswai Municipality the working relations between the Departments and municipality were always cordial. Whilst some Departments attended the IDP Representative forum, others did not. Some of those who attended were represented by staff members who lacked the requisite authority to take decisions on behalf of their Departments. This is an area that requires much attention as it has a potential to paralyze the effectiveness of the IDP representative forum. The Departments submit their plans to the municipality so that they can be implemented in collaboration with the municipality.

2.3.2 INTERGOVERNMENTAL RELATIONS

2.3.2.1 NATIONAL INTERGOVERNMENTAL STRUCTURE

All the programmes that are developed by the Municipality are based on the on the laws and policies that are made by the National and provincial government. The local development strategies in the Maletswai Integrated Development Plan are aligned to the National development policies.

2.3.2.2. PROVINCIAL INTERGOVERNMENTAL STRUCTURE

The Maletswai Municipality is represented by the Joe Gqabi District Municipality (JGDM) in the following Provincial IGR cluster meetings:-

- Governance and Administration Cluster
- Social needs Cluster and
- Economic Growth and Infrastructure

2.3.2.3. DISTRICT INTERGOVERNMENTAL STRUCTURE

The Maletswai Municipality process plan is aligned to JGDM's district Framework plan-this ensures District alignment of the Intergraded Development Plan .The District Municipality (Joe Gqabi) bilateral conventions with sector departments, and municipalities to have the same opinion on intergraded procedures, and to facilitate configuration between District Municipality, Local Municipality and Provincial Departments in respect of programmes and projects. The Municipality is represented in the Joe Gqabi District IDP Representative forum (consisting of all local municipalities in JGDM, government Departments and other key stakeholders). At this consultative forum meetings, discussions revolves around needs assessment, areas of prioritization, objectives, alignment of projects and accountability issues within the context of planning and implementation processes. The Municipality is also represented in the following District Inter-Governmental Relations (IGR) structures:-

- District Inter-Governmental Mayors Forum
In both Political and Technical Meetings
- Chief Financial Officer Forum
- District Wide Corporate Service Working Group
- District Health Advisory Council, and
- District social Needs Cluster

COMPONENT C: PUBLIC ACCOUNTABILITY AND PARTICIPATION

2.4 PUBLIC MEETING

2.4.1 WARD COMMITTEES' ESTABLISHMENT AND FUNCTIONALITY

Consistent with the provision participatory democracy, council adopted that regulates the establishment and functionality of the ward committees. Subsequent to the adoption of ward committee policy, council established 6 ward committees which are constituted by various interest groups in the ward. Each ward has a Ward Coordinator appointed from within the ward committee who provides an administrative support by manning the ward office and attend community queries. Council has set aside ± R720 000, for the reimbursement of ward committee stipend. In complementing ward councillors in performance of their constituency work, Ward Coordinators were appointed from within the ward committees who work as ward administrators.

Furthermore, council has designated an official whose task is to provide secretarial support to all ward committees, taking minutes at ward committee meetings. Record of ward committee meetings are filed for future reference and usage. The minutes are kept together with the attendance registers, which are in turn used to process the payment of the stipend for the ward committees. Ward Committees are sitting as per their calendar of events unless there are pressing issues that would require special meetings. These ward committees are consists of interest groups that are drawn from the active community based structures in the ward. In strengthening the functionality of ward committees council provided induction workshop and many other trainings to the sharpen understanding of ward committee on local government work.

The Municipality utilises ward committees and Community Development workers, special programmes forums, IDP and budget forums for public participation. The municipality also ensures the ward community consultation through Community Based Planning and constant report backs.

The following methods are being utilised for reaching out to communities:-

- Public Participation Programme and local print and electronic media

To limit the language barrier that could cause the public not to participate fully in matters of government, four languages are being utilised in communicating with the public namely, (English, Afrikaans, Xhosa and Sotho). But there is still a challenge because the Municipality is not publishing its documents in all four official languages.

IDP Budget outreach programmes are conducted before and after the draft IDP and Budget has been finalised for comment by the public.

The Ward Committees, CDW's, Community liaison Officers and ward councillors assist in mobilisation of communities towards ward meetings.

The comments of the public on the IDP and Budget are always requested and feedback provided.

Community issues are disseminated to government departments through intergovernmental relations structures.

The District Councillors are deployed to local municipal areas to support local municipal public participation processes. All stakeholders had an opportunity to participate effectively in all the phases of the IDP and budget process.

To ensure effective participation the following structures were entrusted with the following tasks:

Municipal Manager – To co-ordinate participation by all structures

Council – To ensure the democratic involvement of people in government

Steering Committee – To serve as a resource to the representative forum by advising and integrating the forum input

IDP and Budget Representative Forum –To serve as a public forum for debates where various interests groups influenced government decisions.

2.4.1.2 Ward committee's establishment and functionality

The ward committee were established in September 2011 and early October 2011 and have been functional since then. During the year under review 72 ward committee meetings were held in all wards.

Ward number	Number of meetings held
1 (Jamestown)	12
2 (Joe Gqabi and Town)	12
3 (Dukathole)	12
4 (Hilton, Soul City, part of Dukathole)	12
5 (Dukathole)	12
6 (Dukathole)	12

All wards have ward committees established and they are working effectively. On a monthly basis, there are ward councillor, ward committee members and the community to address a wide range of issues affecting them.

2.4.1.3 Community Development Workers Performance Monitoring

The working relations with the Community Development Workers (CDW's) were not that structured during the year under review, but 2 meetings were held between our communications unit and the CDWs. The aforesaid phenomenon has been a serious challenged that continued to engulf the local government sector since the introduction of CDWs and their deployment to municipalities. Consequently, a Memorandum of Understanding between the Mayor and MEC for Local Government and Traditional Affairs was signed to avert the abovementioned challenges. The participation of the CDWs in municipal activities especially the Public Participation Programme or outreach programmes preparing for the adoption of the IDP and Budget was quite notable. There is however a need to delineate their responsibilities with regards to these matters.

2.4.1.4 Communication Strategy

A communications unit was established comprising a Senior Communications & Marketing Officer and Communication Officer. Part of their responsibility is to ensure that the local communications forum is operational. Indeed, the local communications forum was established and held two (2) meetings. They are also members of the District communications forum, chaired by the District municipality. During the year under review, the internal newsletter, Umthombo, was not produced and distributed; however, 4 volumes of Ulwazi, the external newsletter, were produced and distributed.

Regarding the communications strategy, a decision was taken by the District forum that a district communication strategy will be developed for all local municipalities in the District. The municipalities were expected to model theirs against that of the District to ensure synergy and consistency between the local and District municipality. As a consequence of this, there was a delay in adoption of the municipal communication strategy.

2.5 IDP PARTICIPATION AND ALIGNMENT

As part of enabling the community an opportunity to participate in the decision making processes of the municipality numerous mechanisms were employed. There were 12 mayoral Imbizos held with communities in the 6 wards that constitute the municipality. These meetings were preceded by meetings with ward committees. After each session of Imbizo, an action plan is drawn up for all the matters raised by the members of the community. The implementation of the plan is then monitored by the Mayor and Chairpersons of standing committees and on a quarterly basis a report is presented to the Council. At subsequent meetings with communities a feedback on the progress made in addressing the actions is presented. Apart from the Mayoral Outreaches, Community Based Planning (CBP) was also conducted, facilitated by Municipal officials, together with officials from Social Development, Department of Local Government and Traditional Affairs, Department of Economic Development and Environmental Affairs and also, officials from Joe Gqabi District Municipality.

The aim of this was to formulate ward plans for consideration in the IDP processes. The CBP took place in all wards in Maletswai, and the municipality was able to identify all ward priorities which was taken into full consideration during the IDP and Budget period.

In light of the above, members of the ward committee attend the council meetings. They are also furnished with the agenda of the Council to enable them to prepare themselves for the council meetings. Public hearings were held in each ward in preparation for the general valuation of the property. These were attended by the municipal Councillors, officials and the municipal valuer. The purpose was to explain the entire process of property valuation and its implication to them. It must however be pointed out that attendance to these meetings was not impressive in some wards.

COMPONENT D: CORPORATE GOVERNANCE

2.6 RISK MANAGEMENT

The Municipality has a policy in place whereby the Municipal Manager, the Chief Financial Officer and other key members of the senior management will proactively, purposefully and regularly identify and define current as well as emerging business, financial and operational risks and either simultaneously or with due expedition identify appropriate and cost effective methods of obviating or managing these risks.

2.7 ANTI-CORRUPTION AND FRAUD

The council, at its meeting of December 2008 adopted anti-fraud and corruption strategy and policy as but one way of strengthening its fight against these twin social ills. The roll out plan was entailed in the strategy itself. As a build up to its adoption and a way of raising employees' awareness about the existence of such policies, a workshop was held comprising municipal officials and employees. The strategy and policy are being implemented. The strategy was reviewed during the last financial year.

2.8 SUPPLY CHAIN MANAGEMENT

The Maletswai Local Municipality Supply Chain Management Policy seeks to encourage socio- economic transformation within its area. To achieve this, empowerment goals have been set, which aims to address the skewed distribution of wealth and therefore contributes to the alleviation of poverty. This means the policy will achieve the above by providing employment opportunities to Historically Disadvantaged Individuals (HDI's) and communities enabling socio-economic transformation objectives to be linked to fair, transparent, equitable, competitive and cost effective procurement practice. The empowerment goals are proposed to be used as measures by Council in assessing the impact of its policy in realizing the socio-economic transformation agenda of government in all spheres. To boost the declining local economy the Municipality has incorporated a number of local economic development initiative and projects in the integrated development plan. It also realizes that its supply chain management and practices can play an important role in stimulating local economic growth and development. This policy is therefore designed to contribute to the achievement of the Municipality's local economic growth and development objectives. It is also a primary strategic objective of the Municipality to affirm the historically disadvantaged community in order to eradicate the legacy of apartheid and colonialism and the resulting exclusion from opportunity. In this regard the Municipality supports the Government's broad – based black economic empowerment policies and strategy completely. A key objective of this policy is therefore to promote entrepreneurship to allow HDI's access to the mainstream of business opportunities. This will be achieved by increasing business opportunities for HDI's and maximizing purchases of goods and services from black owned and black empowered enterprises. This means that acceptable norms and standards of quality, service delivery and technical performance will not be relaxed or compromised in respect of historically disadvantaged individuals.

The procurement target for all procurement undertaken by Maletswai Local Municipality is that by June 2012, the Council aims to have allocated 65% of all procurement undertaken by the municipality to HDI's. By June 2013 Council aims to have allocated 70% of all procurement undertaken by the municipality to HDI's.

The municipality has developed a supply chain management policy that is in line with the preferential procurement policy framework act (PPPFA), supply regulations and enabling circulars as well by-laws that seeks to enforce full compliance with the requirements of the law. Regular updates of the policy are made whenever there are changes to legislation and its regulations. A workshop is conducted on the policy to empower councilors and officials of the changes in the regulations.

The supply chain management policy explicitly states the need for quality delivery of both goods and services and rigorous processes are followed on procuring and these include among other things three quotations, competitive bidding, evaluation and adjudication of all tenders. The policy also spells out a procurement threshold and authorization thereon. All procurement below R30 000 are not advertised but a minimum of three quotations is a pre-requisite except for those below R2000, which requires a single quote.

Tenders in excess of R30 000 are advertised in the local newspaper for a period ranging from seven (7) days to thirty (30) days for those above R10 million. The accounting officer adjudicates on all tenders above R10 million and makes the final award. Tenders above R30 000 but below R200 000 are adjudicated by the Chief Financial Officer as per the delegation framework and those between R200 001 and below R10 million are adjudicated by the Accounting Officer as required by the policy.

Due to a limited number of established previously disadvantaged entrepreneurs in the municipal jurisdiction services and goods are sometimes procured from service providers outside the municipal area. The number of entrepreneurs in general is limited due to the size of the municipality and this often results in one or two suppliers available to provide a service or an item. This then results in deviations from the policy.

2.9 BY-LAWS

About 26 by-laws were promulgated in the financial year under review following an intensive community consultation process that started on the 26th October 2010. Subsequent to the promulgation of by-laws in 2011, council appointed seven peace

officers who are responsible for the enforcement of the latter. Numerous training was conducted to empower peace officer as law enforcers.

2.10 WEBSITES

The municipality developed a website and newsletter as platforms of information dissemination and engagement with the members of the community. We have received quite valuable comments and recommendations via e-mail especially from those who reside out of the municipality. At the municipal office, both in Jamestown and Aliwal North, there are suggestion/complaints boxes placed at designated locations which are clearly visible to the members of the public for them to be able to utilize them effectively. There is a municipal official designated to open the boxes weekly and channel the comments/complaints to the relevant departments for response.

2.11 PUBLIC SATISFACTION ON MUNICIPAL SERVICES

The Municipality has resolved 94.5% of the cases received through the presidential hotline that was launched by the President of the Republic of South Africa. This in a way does assist in fasttracking service delivery as the people are raising thorny issues affect them. The public meetings through council Izimbizo revealed that the community was relatively happy with the level of services rendered to the community.