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GENERAL NOTICE ALGEMENE KENNISGEWING

NOTICE 1430 OF 2001

MINISTRY FOR PROVINCIAL AND LOCAL GOVERNMENT

PUBLICATION FOR PUBLIC COMMENT: DRAFT MUNICIPAL PERFORMANCE MANAGEMENT REGULATIONS, 2001

1. In terms of section 120(4) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), the attached draft regulations are hereby published for public comment before their enactment.
2. Comments must please be submitted in writing to:

The Director-General
Attention: Mr ST Selesho
Department of Provincial and Local Government
Private Bag X804
PRETORIA
0001
3. Comments may also be faxed to facsimile number (012) 334 0609 at the above address.
4. Comments must be received by not later than 23 June 2001

DRAFT LOCAL GOVERNMENT: MUNICIPAL PERFORMANCE MANAGEMENT REGULATIONS, 2001

Under section 120 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), I, Fholisani Sydney Mufamadi, after consultation with organised local government representing local government nationally, hereby make the regulations in the Schedule.

F. S. MUFAMADI

Minister for Provincial and Local Government

SCHEDULE

Definitions

1. In these regulations a word or phrase to which a meaning has been assigned in the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), has that meaning and, unless the context otherwise indicates-

“financial year” means the financial year of municipalities that end on 30 June of each year;

“input” means the resources, including personnel, assets and funds, utilised for the delivery of products, goods or services;

“outcome” means the result achieved by a service, project or programme;

“output” means the products, goods or services delivered as a result of a project or programme;

“performance management system” means a framework that describes and represents how the municipality's cycle and processes of performance planning, monitoring, measurement, review and reporting will happen and be organised and managed as well as determining the roles of different roleplayers.

“the Act” means the Local Government: Municipal Systems Act, 2000.

Nature of performance management system

2. In developing its performance management system, a municipality must ensure that the system-

- (a) complies with all the requirements set out in the Act;
- (b) demonstrates how it is to operate and be managed from the planning stage up to the stages of performance review and reporting;
- (c) defines the roles and responsibilities of each role-player, including the local community, in the functioning of the system;
- (d) clarifies the processes of implementing the system within the framework of the integrated development planning process;
- (e) determines the frequency of reporting and the lines of accountability for performance;
- (f) links organisational performance to employee performance;

- (g) provides for the procedure by which the system is linked with the municipality's integrated development planning processes; and
- (h) shows how any general key performance indicators envisaged in section 43 of the Act will be incorporated into the municipality's planning and monitoring processes.

Adoption of performance management system

3. A performance management system must be adopted before the commencement by the municipality of the process of setting key performance indicators and targets as part of the IDP process.

Setting of key performance indicators

4. (1) A municipality's performance management system must cluster the development priorities and objectives referred to in section 26(c) of the Act, in respect of at least the following key performance areas:

- (a) infrastructure and services;
- (b) social and economic development
- (c) institutional transformation;
- (d) democracy and governance; and
- (e) financial management.

(2) (a) A municipality must set key performance indicators relating to inputs, outputs and outcomes in respect of each of the development priorities and objectives clustered in terms of subregulation (1).

(b) A key performance indicator must be measurable, relevant, objective and precise.

(3) In setting key performance indicators, a municipality must ensure that-

- (a) communities are involved;
- (b) key performance indicators are set for-
 - (i) all its administrative units and employees; and

- (ii) every municipal entity and service provider with whom the municipality has entered into a service delivery agreement.

General Key performance indicators

5. (1) All municipalities must report on the following general key performance indicators by the end of 2002/3 financial year.

- (a) Percentage of household with access to all basic household services;
- (b) Percentage of households earning less than R1100 per month with imputed expenditure with access to all free basic services;
- (c) Percentage of capital budget spent on projects identified in terms of the Integrated Development Plans (IDPs);
- (d) Number of jobs created through local economic development initiatives supported by the municipality;
- (e) Percentage achievement of approved employment equity plan within the first three layers of management;
- (f) Percentage of skills levy received in rebate as a measure of the municipality's investment in human resource development;
- (g) Financial viability defined as:

(i) debt coverage

= (total revenue-conditional grants)/
debt service payments

(ii) outstanding debtors to revenue

= total outstanding debtors/annual revenue

(iii) (cash inclusive of transfers + investments) /

(monthly) salary / wage bill + average fixed expenditure)

(2) Information shall also be gathered by the Department of Provincial and Local Government periodically to establish percentage population of voting age who believe that they are given the necessary information and opportunities to influence the running of local government in their area.

(3) Reporting on the general key performance indicators must be done as part of the annual report.

Review of key performance indicators

6. (1) Whenever a municipality amends or reviews its integrated development plan in terms of section 34 of the Act, the municipality must, within one month of its integrated development plan having been amended, review those key performance indicators that have been affected by such amendment.

(2) A municipality must however not change the general key performance indicators.

Setting of performance targets

7. (1) A municipality must, for each financial year, set performance targets for each of the key performance indicators determined by it.

(2) A performance target set in terms of subregulation (1) must -

- (a) be practical and realistic;
- (b) measure the efficiency, effectiveness, quality and impact of the performance of the municipality, administrative component, structure, body or person for whom a target has been set;
- (c) be commensurate with available resources;
- (d) be commensurate with the municipality's capacity;
- (e) be consistent with the municipality's development priorities, objectives and strategies set out in its integrated development plan; and
- (f) take into account applicable minimum national standards, but in the case of the rendering of a municipal service, may not be below applicable national standards.

Monitoring and measurement of performance

8. (1) A municipality must, after consultation with the local community, develop and implement mechanisms, systems and processes for monitoring and measurement of performance in respect of the key performance indicators and performance targets determined by it.

(2) The mechanisms, systems and processes for monitoring in terms of subregulation (1) must-

- (a) identify the roles of the different role-players in monitoring and measuring the municipality's performance;
- (b) allocate specific tasks regarding the gathering of data and submitting reports;
- (c) determine-

- (i) the data that must be collected in order to assess performance;
- (ii) how that data is to be collected, stored, verified and analysed; and
- (iii) how reports on that data are to be compiled;

- (d) provide for reporting to the municipal council at least twice a year;
- (e) be designed in a manner that enables the municipality to detect early indications of under-performance;
- (f) provide for corrective measures where under-performance has been identified; and
- (g) compare current performance with performance during the previous financial year and baseline indicators.

(3) Performance measurement in terms of subregulation (1) must

- (a) reflect both quantitative and qualitative elements; and
 - (i) include the measurement of economy and efficiency of inputs to produce outputs;
 - (ii) effectiveness of the activities or processes to produce outputs;
 - (iii) impact of outputs on the overall achievement of objections.

Internal auditing of performance measurements

- 9.(1)
- (a) A municipality must annually appoint and budget for an audit committee consisting of at least three members, the majority of which may not be involved in the municipality as councillors.
 - (b) The council of a municipality must designate a member of the audit committee who is not a councillor as chairperson of the committee.
 - (c) If the chairperson of the audit committee is absent from a specific meeting of the committee, the members present must elect a chairperson from the members present to act as chairperson for that meeting.
 - (d) In the event of a vacancy occurring amongst the members of the audit committee, the municipality concerned must fill that vacancy for the unexpired portion of the vacating member's term of appointment.
 - (e) A municipality must provide a secretariat for its audit committee.
 - (f)
 - (i) A local municipality may in stead of appointing an audit committee elect to make use of the audit committee of the district municipality in whose area it falls, and that audit committee is to be regarded as the audit committee of the local municipality in question.
 - (ii) A local municipality who elects to make use of the audit committee of the district municipality in whose area it falls, must notify that district municipality of its decision and make suitable arrangements with the district municipality regarding the availability of that audit committee.
 - (g) A member of the audit committee who is not a councillor may be remunerated in accordance with the guidelines determined for the remuneration of members of audit committees in government departments.

- (2) (a) An audit committee must meet at least twice during the financial year of the municipality concerned.
- (b) A special meeting of the audit committee may be called by any member of the committee.
- (c) An audit committee may determine its own procedures.
- (3) (a) An audit committee must on a continuous basis audit the performance measurements of the municipality concerned.
- (b) In auditing performance measurements, the audit Committee must focus on economic efficiency, effectiveness and impact in terms of the indicators and targets.
- (c) The Audit Committee must present an audit report to the Council at least twice a year.
- (d) An audit committee may -
 - (i) communicate directly with the council, municipal manager or the internal and external auditors of the municipality concerned;
 - (ii) access any municipal records containing information that is needed to perform its duties or exercise its powers;
 - (iii) request any person to attend any of its meetings, and, if necessary, to provide information requested by the committee; and
 - (iv) investigate any matter it deems necessary for the performance of its duties and the exercise of its powers.

Performance reporting

10. (1) Reporting on performance must be done in terms of the relevant provisions of the Act.

- (2) The Minister may issue a reporting format annually.
- (3) Reporting on outcomes and impact can only be done in the municipalities last term of office.

Short title and commencement

11. These regulations are called the Local Government: Municipal Performance Management Regulations, 2001, and take effect on the date that Chapters 5 and 6 of the Act take effect.

KENNISGEWING 1430 VAN 2001**MINISTERIE VIR PROVINSIALE EN PLAASLIKE REGERING****PUBLISERING VIR OPENBARE KOMMENTAAR: KONSEP MUNISIPALE
PRESTASIEBESTUUR REGULASIES, 2001**

1. Ingevolge artikel 120(4) van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000), word die aangehegte konsep regulasies hierby vir openbare kommentaar gepubliseer, voor die afkondiging daarvan.
2. Kommentaar moet skriftelik gerig word aan:
Die Direkteur-Generaal
Vir aandag: Mnr ST Selesho
Departement van Provinsiale en Plaaslike Regering
Privaatsak X804
PRETORIA
0001
3. Kommentaar kan ook gefaks word na faksimile nommer (012) 334 0609 by bovermelde adres.
4. Kommentaar moet nie later as 23 Junie 2001 ontvang word nie.

**KONSEP PLAASLIKE REGERING: MUNISIPALE PRESTASIEBESTUUR
REGULASIES, 2001**

Kragtens artikel 120 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000), vaardig ek, Fholisani Sydney Mufamadi, na oorleg met georganiseerde plaaslike regering wat plaaslike regering nasionaal verteenwoordig, hierby die regulasies in die Bylae uit.

F.S. MUFAMADI**Minister vir Provinsiale en Plaaslike Regering**

BYLAE

Woordomskrywing

1. In hierdie regulasies het 'n woord of uitdrukking waaraan 'n betekenis in die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000) toegeken is, daardie betekenis, en tensy uit die samehang anders blyk, beteken-

"die Wet" die Wet op Plaaslike Regering: Munisipale Stelsels, 2000;

"finansiële jaar" die finansiële jaar van munisipaliteite wat op 30 Junie van elke jaar eindig;

"gevolg" die resultaat wat deur 'n diens, projek of program behaal is;

"inset" die hulpbronne, insluitende personeel, bates en fondse, wat vir die lewering van produkte, goedere of dienste aangewend is;

"opbrengs" die produkte, goedere of dienste wat as gevolg van 'n projek of program gelewer is;

"prestasiestelsel" 'n raamwerk wat beskryf en voorstel hoe die munisipaliteit se siklus en prosesse van prestasiebeplanning, -monitering, -meting, -hersiening en -verslagdoening, sal plaasvind en georganiseer en bestuur sal word en ook die rolle van verskillende rolspelers bepaal.

Aard van prestasiestelsel

2. By die ontwikkeling van sy prestasiestelsel moet 'n munisipaliteit verseker dat die stelsel-

- (a) voldoen aan al die vereistes wat in die Wet uiteengesit word;
- (b) aandui hoe dit bedryf en bestuur staan te word vanaf die beplanningstadium tot by die stadiums van prestasie-hersiening en -verslagdoening;
- (c) die rolle en verantwoordelikhede van elke rolspeler, insluitende die plaaslike gemeenskap, in die funksionering van die stelsel omskryf;
- (d) die prosesse vir die implementering van die stelsel binne die raamwerk van die geïntegreerde ontwikkelingsbeplanning-proses verduidelik;
- (e) die frekwensie van verslagdoening en die verantwoordelikhedslyne vir prestasie bepaal;

- (f) organisatoriese prestasie aan werknemer prestasie koppel;
- (g) voorsiening maak vir die prosedure ingevolge waarvan die stelsel aan die munisipaliteit se geïntegreerde ontwikkelingsbeplanning-prosesse gekoppel word; en
- (h) aandui hoe enige algemene sleutelprestasie-aanwysers beoog in artikel 43 van die Wet by die munisipaliteit se beplannings- en moniteringsprosesse geïnkorporeer sal word.

Aanneming van prestasiebestuurstelsel

3. 'n Prestasiebestuurstelsel moet voor die aanvang van die proses vir die daarstelling van sleutelprestasie-aanwysers en doelwitte deur 'n munisipaliteit ooreenkomstig sy geïntegreerde ontwikkelingsplan, aangeneem word.

Daarstelling van sleutelprestasie-aanwysers

4. (1) 'n Munisipaliteit se prestasiebestuurstelsel moet die ontwikkelingsprioriteite en –oogmerke bedoel in artikel 26(c) van die Wet ten opsigte van ten minste die volgende sleutelprestasie-areas saamvoeg:

- (a) infrastruktuur en dienste;
- (b) sosiale en ekonomiese ontwikkeling;
- (c) institusionele transformasie;
- (d) demokrasie en staatsbestuur; en
- (e) finansiële bestuur.

(2) (a) 'n Munisipaliteit moet ten opsigte van elkeen van die ontwikkelingsprioriteite en –oogmerke wat ingevolge subregulasie (1) saamgevoeg is, sleutelprestasie-aanwysers wat verband hou met insette, opbrengste en gevolge, daarstel.

(b) 'n Sleutelprestasie-aanwyser moet meetbaar, relevant, objektief en presies wees.

(3) By die daarstel van sleutelprestasie-aanwysers, moet 'n munisipaliteit verseker dat-

- (a) gemeenskappe betrek word;
- (b) sleutelprestasie-aanwysers daargestel word vir-
 - (i) al sy administratiewe eenhede en werknemers; en
 - (ii) elke munisipale entiteit en diensverskaffer met wie die munisipaliteit 'n diensleweringsooreenkoms aangegaan het.

Algemene Sleutelprestasie-aanwysers

5. (1) Teen die einde van die 2002/2003 finansiële jaar moet alle munisipaliteite ten opsigte van die volgende algemene sleutelprestasie-aanwysers verslag doen -

- (a) persentasie van huishoudings met toegang tot alle basiese huishoudelike dienste;
- (b) persentasie van huishoudings wat minder as R1100 per maand verdien, met toegerekende uitgawes, met toegang tot alle gratis basiese dienste;
- (c) persentasie van kapitale begroting spandeer op projekte geïdentifiseer ingevolge die geïntegreerde ontwikkelingsplanne;
- (d) aantal werkseleenthede geskep deur middel van plaaslike ekonomiese ontwikkelingsinisiatiewe wat deur die munisipaliteit ondersteun is;
- (e) persentasie voldoening aan goedgekeurde gelyke indiensnemingsplan binne die eerste drie vlakke van bestuur;
- (f) persentasie van vaardigheidsheffing as rabat ontvang as maatstaf van die munisipaliteit se belegging in menslike hulpbronontwikkeling;
- (g) finansiële lewensvatbaarheid, omskryf as:
 - (i) skulddekking
= $(\text{totale inkomste} - \text{voorwaardelike toekenings}) / \text{skulddiens betalings}$
 - (ii) uitstaande debiteure tot inkomste
= $\text{totale uitstaande debiteure} / \text{jaarlikse inkomste}$
 - (iii) $(\text{kontant, inklusief van oordragte} + \text{beleggings}) / (\text{maandelikse salaris/loonrekening} + \text{gemiddelde vaste uitgawes})$

(2) Inligting sal ook van tyd tot tyd deur die Departement van Provinsiale en Plaaslike Regering ingesamel word, ten einde die persentasie van die bevolking wat stemreg ouderdom bereik het en wat van mening is dat hulle die nodige inligting voorsien en geleenthede gebied word om die bestuur van plaaslike regering in hulle gebied te beïnvloed, te bepaal.

(3) Verslagdoening ten opsigte van die algemene sleutelprestasië-aanwysers moet plaasvind as deel van die jaarverslag.

Hersiening van sleutelprestasië-aanwysers

6. (1) Telkens as 'n munisipaliteit sy geïntegreerde ontwikkelingsplan ingevolge artikel 34 van die Wet wysig, moet die munisipaliteit binne een maand nadat sy geïntegreerde ontwikkelingsplan gewysig is, daardie sleutelprestasië-aanwysers wat deur sodanige wysiging geraak word, hersien.

(2) 'n Munisipaliteit mag egter nie die algemene sleutelprestasië-aanwysers verander nie.

Daarstelling van prestasiedoelwitte

7. (1) 'n Munisipaliteit moet vir elke finansiële jaar prestasiedoelwitte vir elkeen van die sleutelprestasië-aanwysers wat deur hom bepaal is, daarstel.

- (2) 'n Prestasiedoelwit wat ingevolge subregulasie (1) daargestel is, moet –
 - (a) prakties en realisties wees;
 - (b) die doelmatigheid, effektiwiteit, kwaliteit en inslag van die prestasie van die munisipaliteit, administratiewe komponent, struktuur, liggaam of persoon vir wie 'n doelwit gestel is, meet;
 - (c) eweredig tot beskikbare middele wees;
 - (d) eweredig tot die munisipaliteit se kapasiteit wees;
 - (e) bestaanbaar wees met die munisipaliteit se ontwikkelingsprioriteite, -oogmerke en -strategieë wat in sy geïntegreerde ontwikkelingsplan uiteengesit is; en

- (f) toepaslike minimum nasionale standarde in ag neem, maar mag in die geval van die lewering van 'n munisipale diens nie benede die toepaslike nasionale standarde wees nie.

Monitering en meting van prestasie

8. (1) 'n Munisipaliteit moet, na oorleg met die plaaslike gemeenskap, meganismes, stelsels en prosesse vir die monitering en meting van prestasie ten opsigte van die sleutelprestasie-aanwysers en prestasiedoelwitte deur die munisipaliteit bepaal, ontwikkel en implementeer.

(2) Die meganismes, stelsels en prosesse vir die monitering ingevolge subregulasie (1) moet-

- (a) die rolle van die verskillende rolspelers in die monitering en meting van die munisipaliteit se prestasie identifiseer;
- (b) spesifieke take met betrekking tot die versameling van data en die voorlê van verslae toewys;
- (c) bepaal-
 - (i) welke data versamel moet word ten einde prestasie te waardeer;
 - (ii) hoe daardie data bymekaar gemaak, gestoor, geverifieër en ontleed staan te word; en
 - (iii) hoe verslae oor daardie data saamgestel staan te word;
- (d) vir ten minste twee keer per jaar se verslagdoening aan die munisipale raad voorsiening maak;
- (e) op so 'n wyse ontwerp wees dat die munisipaliteit in staat gestel word om vroeë aanduidings van onder-prestasie na te speur;
- (f) voorsiening maak vir regstellende maatreëls waar onder-prestasie geïdentifiseer is; en
- (g) huidige prestasie met prestasie gedurende die vorige finansiële jaar en grondlyn-aanwysers vergelyk.

(3) Prestasie meting ingevolge subregulasie (1) moet-

- (a) beide kwantitatiewe en kwalitatiewe elemente weergee; en
 - (i) die meting van ekonomie en effektiwiteit van insette ten einde opbrengste te produseer, insluit;

- (ii) effektiwiteit van die aktiwiteite of prosesse om opbrengste te produseer, insluit;
- (iii) inslag van opbrengste op die algehele bereiking van doelwitte, insluit.

Interne ouditering van prestasiemaatstawwe

9.(1) (a) 'n Munisipaliteit moet jaarliks 'n ouditkomitee wat uit ten minste drie lede bestaan en waarvan die meerderheid nie by die munisipaliteit as 'n raadslid betrokke is nie, aanstel en daarvoor begroot.

(b) Die raad van 'n munisipaliteit moet 'n lid van die ouditkomitee wat nie 'n raadslid is nie as voorsitter van die komitee aanwys.

(c) Indien die voorsitter van die ouditkomitee van 'n spesifieke vergadering van die komitee afwesig is, moet die aanwesige lede 'n voorsitter vanuit die aanwesige lede kies om as voorsitter van daardie vergadering op te tree.

(d) Ingeval 'n vakature onder die lede van die ouditkomitee ontstaan, moet die betrokke munisipaliteit daardie vakature vul vir die oorblywende gedeelte van die ontruimende lid se termyn van aanstelling.

(e) 'n Munisipaliteit moet sy ouditkomitee van 'n sekretariaat voorsien.

(f) (i) 'n Plaaslike munisipaliteit kan in plaas daarvan om 'n ouditkomitee aan te stel, besluit om gebruik te maak van die ouditkomitee van die distriksmunisipaliteit in wie se gebied hy val, en daardie ouditkomitee word geag die ouditkomitee van die betrokke plaaslike munisipaliteit te wees.

(ii) 'n Plaaslike munisipaliteit wat besluit om gebruik te maak van die ouditkomitee van die distriksmunisipaliteit in wie se gebied hy val, moet daardie distriksmunisipaliteit van sy besluit in kennis stel en gepaste reëlins met die distriksmunisipaliteit tref met betrekking tot die beskikbaarheid van daardie ouditkomitee.

- (g) 'n Lid van die ouditkomitee wat nie 'n raadslid is nie, kan ooreenkomstig die riglyne wat vir die besoldiging van lede van ouditkomitees in regeringsdepartemente vasgestel is, besoldig word.
- (2) (a) 'n Ouditkomitee moet ten minste twee keer gedurende die finansiële jaar van die betrokke munisipaliteit vergader.
- (b) 'n Spesiale vergadering van die ouditkomitee kan deur enige lid van die komitee belê word.
- (c) 'n Ouditkomitee kan sy eie prosedures bepaal.
- (3) (a) 'n Ouditkomitee moet op 'n deurlopende grondslag die prestasiemaatstawwe van die betrokke munisipaliteit ouditeer.
- (b) Wanneer die ouditkomitee die prestasiemaatstawwe ouditeer, moet die komitee fokus op ekonomiese doelmatigheid, effektiwiteit en inslag ingevolge die aanwysers en doelwitte.
- (c) Die ouditkomitee moet minstens twee keer per jaar 'n verslag aan die Raad voorlê.
- (d) 'n Ouditkomitee kan-
- (i) direk met die raad, munisipale bestuurder of die interne en eksterne ouditeure van die betrokke munisipaliteit kommunikeer;
 - (ii) tot enige munisipale rekords toegang verkry wat inligting bevat wat benodig word vir die uitvoering van sy pligte en die uitoefening van sy magte;
 - (iii) enige persoon versoek om enige van sy vergaderings by te woon, en, indien nodig, inligting te verskaf wat deur die komitee versoek word; en
 - (iv) enige aangeleentheid ondersoek wat hy nodig ag vir die uitvoering van sy pligte en die uitoefening van sy magte.

Prestasie verslagdoening

10. (1) Verslagdoening ten opsigte van prestatie moet ingevolge die betrokke bepalings van die Wet gedoen word.
- (2) Die Minister kan jaarliks 'n verslagdoeningsformaat uitreik.
- (3) Verslagdoening ten opsigte van opbrengste en inslag kan slegs gedoen word gedurende die munisipaliteite se laaste ampstermyn.

Kort titel en inwerkingtreding

11. Hierdie regulasies heet die Plaaslike Regering: Munisipale Prestasiebestuur Regulasies, 2001, en tree in werking op die datum wat Hoofstukke 5 en 6 van die Wet in werking tree.
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