

PERFORMANCE AGREEMENT 2021/2022 FINANCIAL YEAR

Made and Entered into by and between

THE GREATER GIYANI MUNICIPALITY

Herein represented by

MUNICIPAL MANAGER, CHAUKE M.M.

(Herein after referred to as the "Employer")

And

DIRECTOR CORPORATE SERVICES, SHIVITI MT

(Herein and after referred to as the "Employee")

For the period **01 July 2021 – 30 June 2022**

DT. MMI

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(i) The Employer has entered into a contract of employment with the Employee in terms of contract of employment signed with employee. The Employer and the Employee are hereinafter referred to as "the Parties";

(ii) Performance Management System Policy as approved by Council, read with the Contract of Employment concluded between the parties, requires the parties to conclude an annual performance agreement;

(iii) The parties wish to ensure that they are clear about the goals to be achieved, and secure the commitment of the **Employee** to a set of outcomes that will secure local government policy goals;

(iv) The Parties wish to ensure that there is compliance with the PMS Policy and the procedure manual of Council.

NOW Therefore the Parties agree as follows:

DEFINITIONS

"The ACT" shall mean the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000 as amended)

IDP - Integrated Development Plan

SDBIP - Service Delivery Budget Implementation Plan

POE - Portfolio of Evidence

KPA - Key Performance Area

KPI - Key Performance Indicator

MFMA - Municipal Finance Management Act

FINANCIAL YEAR - refers to the 12 month period which the organisation determines as

its budget year.

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1. INTRODUCTION

1.1 This performance contract is between **Shiviti M.T.**, Director Corporate Services **and Chauke M.M.** in his capacity as the **Municipal Manager**, within the provisions of the delegated powers as stipulated by Council. The contract is for the 2021/22 financial year only. The expected performance reflected in this contract is based on the reviewed Integrated Development Plan (IDP) 2021/22, the Service Delivery and Budget Implementation Plan (SDBIP) 2021/22. The afore-mentioned documents have been adopted as working documents of **Greater Giyani Municipality** and therefore, shall be the basis of performance assessment.

2. PURPOSE OF AGREEMENT

The purpose of this agreement is to:-

- 2.1 Comply with the provisions of legislation and the regulations pertaining to performance management;
- 2.2 Specify objectives and targets defined and agreed to with the employee and to communicate to the employee the employer's expectations of the employee's performance and accountabilities in alignment with the Integrated Development Plan (IDP), Service Delivery and Budget Implementation Plan (SDBIP) and the Budget of the Municipality;
- 2.3 Specify accountabilities as set out in a performance plan, which forms an annexure to the performance agreement;
- 2.4 Monitor and measure performance against set targeted outputs;
- 2.5 Use the performance agreement as the basis for assessing whether the employee has met the performance expectations applicable to his/her job;
- 2.6 In the event of outstanding performance, to appropriately reward the employee; and;
- 2.7 Give effect to the employer's commitment to a performance-orientated relationship with its employee in attaining equitable and improved service delivery.

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3. STRATEGIC OBJECTIVE

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Chapter Two of the	IDP indicates Municipal Strategic Objectives which further indicates what the municipality
needs to achieve.	The Strategic objectives were developed to ensure that all National Key Performance
Areas are addresse	
Municipal Manager	To lead, direct and manage a motivated and inspired Administration and account to the
	Greater Giyani Municipality Council as Accounting Officer for long term Municipal
	sustainability to achieve a good creditor rating within the requirements of the relevant
	legislation and whereas the following sections within the department, i.e. Performance
	Management, Risk Management and Internal Auditing is managed for integration,
	efficient, economic and effective communication and service delivery.
Finance	To secure sound and sustainable management of the financial affairs of Greater Giyani
<i>;</i>	Municipality by managing the budget and treasury office and advising and if necessary
	assisting the accounting officer and other directors in their duties and delegation
	contained in the MFMA. Ensuring that the Greater Giyani Municipality is 100%
	financially viable when it comes to Cost Coverage and to manage the Grant Revenue of
	the municipality so that no grant funding is foregone
Community Services	To coordinate Environmental Health Services, Libraries, Safety and Security,
	Environmental and Waste management Parks and Recreation as well as Disaster
	management to decrease community affected by disasters
Technical Services	To ensure that the service delivery requirements for roads are met and maintenance of
	water, sewerage and electricity are conducted for access to basic services as well as no
	less than an average of 100% MIG expenditure
Local Economic	To direct the Greater Giyani Municipality's resources for advanced economic
Development	development and investment growth through appropriate town and infrastructure
	planning in order that an environment is created whereby all residents will have a
	sustainable income
Corporate Services	To ensure efficient and effective operation of council services, human resources and
	management, Information and Communication Technology (ICT), Administration and
	Public Participation, Events and the provision of high quality customer orientated

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administrative systems. Ensuring 100% compliance to the Skills Development Plan

4. COMMENCEMENT AND DURATION

- 4.1 This Agreement will commence on 01 July 2021 and will remain in force until 30 June 2022 or until a new Performance Agreement, Performance Plan and Personal Development Plan is concluded between the parties for the ensuing financial year or part thereof.
- 4.2 The parties will review the provisions of this Agreement during June each year and will conclude not later than 31st July of each ensuing financial year a new Performance Agreement, Performance Plan and Personal Development Plan that replaces this Agreement.
- 4.3 This Agreement will terminate on the termination of the employment contract entered into by and between the parties for whatever reason.
- 4.4 The parties agree that the contents of the agreement may be revised at any time during the duration thereof with the purpose to determine the applicability thereof.
- 4.5 If at any time during the validity of the agreement the work environment alters to the extent that the contents of the agreement are no longer appropriate, the contents must by mutual agreement between the parties. Immediately be revised.

5. PERFORMANCE OBJECTIVES

- 5.1 The Performance Plan Annexure "A" sets out:
 - 5.1.1 The performance objectives and targets that must be met by the Employee and:
 - 5.1.2 The time frames within which those performance objectives and targets must be met.
- 5.2 The performance objectives and targets reflected in **Annexure "A"** are set by the Employer in consultation with the Employee, and are based on the IDP, SDBIP and Budget of the Employer and shall include the following:

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- 5.2.1 The key objectives that describe the main tasks that need to be done;
- 5.2.2 The key performance indicators and means of verification that provide the details of the portfolio of evidence (POE) that must be provided to show that a key objective has been achieved;
- 5.2.3 The target dates that describe the timeframes in which the work must be achieved;
- 5.2.4 The weightings showing the relative importance of the key objectives to each other.
- 5.3 The Employee's performance will, in addition, be measured in terms of contributions to the goals and strategies set out in the Employer's IDP.
- 5.4 The Employer will make available to the Employee such employees 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; provided that it will at all times remain the responsibility of the Employee to ensure that he/she complies with those performance obligations and targets.
- 5.5 The Employee will at his/her request be delegated such powers by the Employer as may in the discretion of the Employer be reasonably required from time to time to enable him/her to meet the performance objectives and targets established in terms of this Agreement.
- 5.6 The Employee acknowledges the fact that the Employer is entitled to review and make reasonable changes to the provisions of **Annexure "A"** from time to time for operational reasons. The Employer agrees that the Employee will be fully consulted before any such change is made.
- 5.7 The provisions of **Annexure "A"** may be amended by the Employer when the Employer's performance management system is adopted, implemented and/or amended as the case may be.
- 5.8 The Personal Development Plan **Annexure "B"** sets out the Employee's personal development requirements in line with the objectives and targets of the Employer
- 5.9 Disclosure of Financial Interests **Annexure** "C" set out the financial interests of the employee

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6. PERFORMANCE MANAGEMENT SYSTEM

- 6.1 The Employee agrees to participate in the performance management system that the Employer adopts or introduces for the municipality, management and municipal staff of the municipality.
- 6.2 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 municipality, management and municipal staff to perform to the standards required.
- 6.3 The Employer shall consult the Employee about the specific performance standards that will be included in the performance management system as applicable to the Employee.
- 6.4 The Employee undertakes to actively focus towards the promotion and implementation of the Key Performance Areas (KPA's), including special projects relevant to the Employee's responsibilities, within the local government framework.
- 6.5 The criteria upon which the performance of the **Employee** must be assessed consist of two components, both of which must be contained in the performance agreement-
 - 6.5.1 The **Employee** must be assessed against both components, with a weighting of 80:20 allocated to the Key Performance Areas (KPA's) and the Core Competency Requirements (CCR's), respectively.
 - 6.5.2 Each area of assessment will be weighted and will contribute a specific part to the total score.
 - 6.5.3 KPA's covering the main areas of work will account for eighty percent (80%) and CCR's will account for twenty percent (20%) of the final assessment.
- 6.6 The **Employee's** assessment will be based on his/her performance in terms of the outputs/outcomes (performance indicators) identified as per the performance plan which are linked to the KPA's, which constitute eighty percent (80%) of the overall assessment result as per the weightings agreed to between the **Employer** and **Employee**.

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KPA	Key performance areas (KPA'S)	Weighting
1.	Institutional Development and	84
	Transformation	
2.	Good Governance and Public Participation	16
3.	Local Economic Development (LED)	
4.	Municipal Financial Viability and	
_	Management	
5.	Basic Service Delivery and Infrastructure	
3.	Spatial Development	
TOTAL		100%

- 6.7 The key performance areas related to the functional area of Employee shall be subject to negotiation between the Employer and the Employee.
- 6.8 The CCRs will make up the other 20% of the **Employee's** assessment score as follows:

Competencies	Components	Competency Definition	Weighting % (total 100
Leading competenc	ies		
Strategic Direction and Leadership	 Impact and Influence Institutional Performance Management Strategic Planning and Management Organisational Awareness 	Provide and direct a vision for the institution, and inspire and deploy others to delivery on the strategic institutional mandate	10
Pe ျှle Management	 Human Capital Planning and Development Diversity Management Employee Relations Management Negotiation and dispute Management 	Effectively manage, inspire and encourage people, respect diversity, optimise talent and build and nurture relationships in order to achieve institutional objectives	10
Programme and Project Management	 Programme and Project Planning and Implementation Service Delivery Management Programme and Project Monitoring and Evaluation 	Able to understand programme and project management methodology; plan, manage, monitor and evaluate specific activities in order to delivery on set objectives	10
Management	 Budget Planning and Execution Financial Strategy and Delivery Financial Reporting and Monitoring 	Able to compile, plan and manage budgets, control cash flow, institute financial risk management and administer procurement processes in accordance with recognised financial practices. Further to	5

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Competencies	Components	Competency Definition	Weighting % (total 100
		ensure that all financial transactions are managed in an ethical manner	
Change Leadership	Change Vision and Strategy Process Design and improvement	Able to direct and initiate institutional transformation on all	10
	Change Impact Monitoring and Evaluation	levels in order to successfully drive and implement new initiatives and deliver professional and quality services to the community	
Governance Leadership	 Policy Formulation Risk and Compliance management Cooperative Governance 	Able to promote, direct and apply professionalism in managing risk and compliance requirements and apply a thorough understanding of	10
, <i>)</i>		governance practices and obligations. Further, able to direct the conceptualisation of relevant policies and enhance cooperative governance relationships	
Core Competencies			
Moral competence		Able to identify moral triggers, apply reasoning that promotes honesty and integrity and consistently display behaviour that reflects moral competence	5
Planning and Organising		Able to plan, prioritise and organise information and resources effectively to ensure the quality of service delivery and build efficient contingency plans to manage risk	10
lysis and Innovation		Able to critically analyse information, challenges and trends to establish and implement fact-based solutions that are innovative to improve institutional processes in order to achieve key strategic objectives	5
Knowledge and Information Management		Able to promote the generation and sharing of knowledge and information through various processes and media, in order to enhance the collective knowledge base of local government	5
Communication	1 2	Able to share information, knowledge and ideas in a clear, focused and concise manner appropriate for the audience in order to effectively convey,	10

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Competencies	Components	Competency Definition	Wolshitz
			Weighting % (total 1
		persuade and influence stakeholders	
Results and Quality			
Focus		Able to maintain high quality	
	i	Standards, focus on achieving require	10
		and objectives while consistently	
	j	striving to exceed expectations and	
		encourage other to meet quality standards. Further, to actively	
	<u> </u>	monitor and measure results and	
ore Competencies		quality against identified objectives	
			100%

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7. EVALUATING PERFORMANCE

- 7.1 Annexure "A" to this Agreement sets out:
 - 7.1.1 The standards and procedures for evaluating the Employee's performance; and
 - 7.1.2 The intervals for the evaluation of the **Employee's** performance.
- 7.2 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.
- 7.3 Personal growth and development needs identified during any performance review discussion must be documented in a personal development plan as well as the actions.
- 7.4 The **Employee's** performance will be measured in terms of contributions to the goals and strategies set out in the **Employer's** IDP.
- 7.5 The annual performance appraisal must involve:
 - 7.5.1 Assessment of the achievement of results as outlined in the performance plan-
 - (i) 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.
 - (ii) An indicative rating on the five-point scale should be provided for each KPA.
 - (iii) The applicable assessment rating calculator must then be used to add the scores and calculate a final KPA score.
 - 7.5.2 Overall rating is calculated by using the applicable assessment-rating calculator. Such overall rating represents the outcome of the performance appraisal.

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

Level	Terminology	Description	Rai	ting			3,7 5,7
<u> </u>		[10] 전 : 사용에 살아 있다고 있으나 있었다고 싶었다는 생각 경기 보다. - 10] [10] 교통 : 10] 10] 12] 12] 12] 14] 14] 14] 14] 14] 14] 14] 14] 16] 17] 17] 17] 17] 17] 17] 17] 17] 17] 17	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.		·		1 0 0	 <u> </u>
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	Performance 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 performance 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.					

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- 7.7 For purposes of evaluating the annual performance of the Employee an evaluation panel constituted of the following persons must be established-
 - 7.7.1 Municipal Manager
 - 7.7.2 Municipal Manager from another Municipality
 - 7.7.3 Chairperson of the Performance Audit Committee
 - 7.7.4 Member of Executive Council

The PMS Manager must provide secretariat services to the evaluation panel referred to in sub regulations (d) and (e).

8. SCHEDULE FOR PERFORMANCE REVIEWS

8.1 The performance of the 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:

Quarter	Period	Review date	Type of Review
1	July - September	Before end of October 2021	Informal reviews if
			performance is
			satisfactory, if not
			satisfactory the reviews
			will be formal
2	October -	Before end of January 2022	Formal
	December	(Midyear Review)	
3	January - March	Before end of April 2022	Informal reviews if
ĺ			performance is
			satisfactory, if not
			satisfactory the reviews
			will be formal
4	April- June	Before end of September	Formal
		2022 (Annual Review)	

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- 8.2 The Employer shall keep a record of the mid-year review and annual assessment meetings.
- 8.3 Performance feedback shall be based on the Employer's assessment of the Employee's performance.
- 8.4 The Employer will be entitled to review and make reasonable changes to the provisions of the performance plan from time to time for operational reasons on agreement between both parties.
- 8.5 The Employer may amend the provisions of the performance plan whenever the performance management system is adopted, implemented and/or amended as the case may be on agreement between both parties.

9. DEVELOPMENTAL REQUIREMENTS

9.1 A Personal Development Plan (PDP) for addressing developmental gaps is attached as "ANNEXURE B" and shall form part of this agreement.

10. OBLIGATIONS OF THE EMPLOYER

- 10.1 The Employer shall:
 - 10.1.1 create an enabling environment to facilitate effective performance by the Employee;
 - 10.1.2 provide access to skills development and capacity building opportunities;
 - 10.1.3 work collaboratively with the Employee to solve problems and generate solutions to common problems that may impact on the performance of the Employee;
 - 10.1.4 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 the agreement; and
 - 10.1.5 Make available to the employee such resources as the Employee may reasonably require from time to time assisting him/her to meet the performance objectives and targets established in terms of the agreement.

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11. CONSULTATION

- 11.1 The Employer agrees to consult the Employee timeously where the exercising of the Employee powers will have amongst others—
 - 11.1.1 A direct effect on the performance of any of the Employee's functions;
 - 11.1.2 Commit the Employee to implement or to give effect to a decision made by the Employer;
 - 11.1.3 A substantial financial effect on the Municipality.
- 11.2 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.

12. MANAGEMENT OF EVALUATION OUTCOMES

- 12. The key to a developmentally oriented performance management system towards inadequate performance is to promote improvement through feedback, learning and support, rather than judgement, sanctions or punishment.
- 12.2 Performance appraisal feedback shall be conveyed to employees in writing or discussed with employees on a regular basis to prevent a scenario where employees only find out about the gaps in their performance during mid-year or during the final review.
- 12.3 The evaluation of the Employee's performance shall form the basis for rewarding outstanding performance or correcting unacceptable performance
- 12.4 A performance bonus ranging from five percent (5%) to fourteen percent (14%) of the all-inclusive remuneration package may be paid to an employee in recognition of outstanding performance, subject thereto that, in determining the performance bonus the relevant percentage is based on the overall rating, calculated by using the applicable assessment-rating calculator; provided that-

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- 12.4.1 A score of one hundred and thirty percent (130%) to one hundred and forty nine percent (149%) is awarded a performance bonus ranging from five percent (5%) to nine percent (9%); and
- 12.4.2 A score of one hundred and fifty percent (150%) and above is awarded a performance bonus ranging from ten percent (10%) to fourteen percent (14%).
- 12.5 The performance bonus referred to in 12.4 here above is payable annually and constituted as follows

Score	Bonus %
130 -133	5
134 -137	6
138-141	7
142 -145	8
146 -149	9
150 -153	10
154 -157	11
158 – 161	12
162 – 165	13
166 – 167	14

- 12.1 In the case of unacceptable performance, the employer shall
 - 12.1.1 Provide systematic remedial or developmental support to assist the employee to improve his/her performance; and
 - 12.1.2 After appropriate performance counselling and having provided the necessary guidance and/or support and reasonable time for improvement in performance, and performance does not improve, the employer may consider steps to implement a disciplinary process that will be guided by the Labour Relations Act 66 of 1995.

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13. PERFORMANCE BONUS

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In accordance with PMS Policy, a Performance bonus must be paid once a year provided the Municipality has budget for bonuses, after

- 13.1 the annual report for the financial year under review has been tabled and adopted by the municipal Council;
- 13.2 an evaluation of performance in accordance with the provisions of section 7 of this agreement; and
- 13.3 approval of such evaluation by the municipal Council, as a reward for outstanding performance.

14. DISPUTE RESOLUTION /APPEAL

- 14.1 Dispute on performance agreement / performance evaluation
 - 14.1 In a case where the employee is not satisfied with the assessment proceedings or results, the employee must apply in writing for reconsidering the performance review. The application for the appeal must be submitted within 14 working days from the date in which the assessment feedback has been communicated with the concerned employee. The employee shall look for a representative for assistance and support, example, Union Representatives.
 - 14.2 The application must be submitted to the Municipal Manager and the Municipal Manager must appoint an Appeals Committee to deal with such appeals. The findings of the Appeals Committee should be forwarded to the Municipal Manager with recommendations. The Municipal Manager must make a final decision on the matter and his/her decision will be regarded as final and binding.

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15. GENERAL

- 15.1 The contents of the Agreement shall be made available to the public by the Municipality, where appropriate.
- 15.2 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.
- 15.3 The performance assessment results of the Employee shall be submitted to the Council within fourteen (14) days after the conclusion of the assessment.

Thus done and signed on this Olday of July 2021.

AS WITNESSES:

DIRECTOR CORPORATE
SERVICES

Thus done and signed on this day of July 2021.

ANNEXURE A (Part 1): PERFORMANCE PLAN - 2021/22

KPA 2: MUNICIPAL TRANSFORMATION AND ORGANISATIONAL DEVELOPMENT

_					_								Services	Council						-							Services	Council	Helps)		(SSE)		
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	Council Services	Council Services
	To develop and retain the best human capital, effective and efficient administr ative and operation al support systems	To develop and retain the best human capital, effective and efficient administr ative and operation al support systems
	# of Portfoli o Commit tee Meeting s to be held by 30 June 2022	# of reports develop ed on implem entation of council resoluti ons by 30 June 2022
İ	12 Portfoli o Commit tee Meeting s held in 20/20/2	reports develop ed in 2020/21
2022	12 Portfoli o Commit te Meeting s (12 Per Portfoli o Commit tee) by 30 June 2022	progress reports on implem entation of council resoluti ons to be develop ed by 30 June 2022
	Portfoli o Commit tee Meeting s	Council resoluti on implem entation
	Organize Portfolio Committ ee meeting as per schedule	Develop ment of Council Resolution Register and monitor impleme ntation of council resolutions
	Greate r Giyani Munici pality	Greate r Giyani Munici pality
	Admi nistr ation	Admi nistr ation
	me	Inco me
ļ	Operati onal	Operati onal
	3 Portfoli o Commit tee Meeting s coordin ated	1 Council resoluti on implem entation report
	3 Portfoli o Commit tee Meeting s coordin atted	1 Councill resoluti on implem entation report
	3 Portfoli o Commit tee Meeting s coordin ated	1 Council resoluti on implem entation report
	3 Portfoli o Commit tee Meeting s coordin ated	1 Council resoluti on implem entation report
	Notices of Invitatio ns, Minutes Attenda nce Register	progress report and Council Resoluti on
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	CORP	CORP
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# of MPAC Public Hearing to be coordin ated by 31 March 2022	# of ward report back meetin gs to be conduc ted by 30 June 2022	
1 MPAC Public hearing conduc ted on 31 March 2021	124 Report back meetin gs held	
1 MPAC Public Hearing coordin ated by 31 March 2022	124 ward report back meetin gs conduct ed by 30 June 2022	
MPAC Public Hearin g	Ward Public Report Back meetin gs	
Conduct public hearing of the 2020/21 Annual Report	Consult member s of the public on service delivery issues	
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ANNEXURE B: PERSONAL DEVELOPMENT PLAN 2021/22

				activity	time frames)	
	area			development	quantity, quality and	priority)
person	practice skills/ development	frame	of delivery	training and/or	(measurable indicators, training and/or	gap (in order of
Support	Work opportunity created to	Suggested time	Suggested mode	Suggested	Outcomes expected	Skills performance

ANNEXURE C: DISCLOSURE OF INTEREST FORM 2021/22

Other Interests:

I hereby certify that the above information is complete and correct to the best of my knowledge.

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Signatures

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Greater Giyani Municipality