

SECTION F 6 GOOD GOVERNANCE

Effective and efficiency in governance of any institution will have major influence on the functioning of that particular institution. This principle is also applicable in the case of Kouga municipality. The very existence and proper functioning of the municipality is determined by its governance. Proper Service delivery and socio-economic development rely largely on how the municipality is governed. It is thus crucial that the municipality constantly reviews its governance systems and approaches. The most underlying concern for all the wards that spoke on governance was the issue of consultation. They need transparency on vacancies and appointments, as well as project implementation, etc. The local community wants nothing but to be consulted and to actively participate in the governance and functioning of the municipality.

INSTITUTIONAL ARRANGEMENT

Kouga Council comprises of 29 Councillors representing the following political parties:

- African National Congress 15
- Democratic Alliance 14

Both parties have whips even for portfolio committees & the executive mayoral committee. The Council chaired by Speaker of Council focuses on legislation, oversight and participation and has delegated its executive role to the Executive Mayor and the Mayoral Committee. The role of Speaker is to play oversight on members of the Oversight (Section 79). Section 79 committees assist Councillors to understand what is happening within the municipality. Executive powers delegated by Council are vested in the Executive Mayor, with the powers and functions assigned by legislation. The Executive Mayor, assisted by the Mayoral Committee, heads the executive arm of the municipality. The Executive Mayor has an overarching strategic and political responsibility and is accountable for the strategic direction and performance of the municipality. Both Mayor and Speaker have secretaries only in their offices for support. The Mayoral Committee comprises of the Executive Mayor who is the Chairperson and five additional Portfolio Councillors. Fifteen (15) Ward Councillors have the primary role of representing the needs and interests of their constituencies and to foster community participation. The municipality comprises of the following Committees:

INSTITUTIONAL COMMITTEES

FOCUS AREAS	COMMITTEE NAME
Finance-Related Committees	Finance Standing Committee; Audit Steering Committee; Audit Committee; Bid Evaluation Committee; Bid Adjudication Committee; Bid Specification Committee; Municipal Public Accounts Committee, other ad-hoc committees
Integrated Development Planning-Related Committees	IDP Steering Committee; Intersectoral / Intergovernmental Forum; IDP Representative Forum; Ward/Community-Based Planning Committee

Led & Tourism-Related Committees	LED Standing Committee; Tourism and Creative Industries Standing Committee; LED Forum, Agricultural Forum; Transformation Board; SMME Task Team; District Screening Committee; District Task Team; Local Tourism Office Management Committee; Events Committee; Shell Festival Committee; other ad-hoc committees
Administration-Related Committees	Administration, Monitoring & Evaluation Standing Committee; Local Labour Forum; Rules Committee; Ward Committees; Mayoral Committee; Council; Management; Top Management; other ad-hoc committees
Social Services-Related Committees	Social Services Standing Committee; other ad-hoc committees
Infrastructure, Planning & Development-Related Committees	Infrastructure, Planning & Development Standing Committee; Housing Project Committees; other ad-hoc committees

The relationship between the Troika is good in general. There is a sense of cohesion and camaraderie and they are supportive and sensitive to each other's roles and responsibilities. The delegations between the offices are clearly separated in terms of the relevant legislation i.e. Municipal Structures Act of 1998 and the Municipal Finance Management Act of 2003, and in line with the delegation framework which was adopted in June 2006 and reviewed August 2011.

The municipality strives to build a good relationship between the Council and communities. The Mayor holds Imbizos annually. Public meetings are held regularly. Public participation is intensified during the preparation, review and adoption of the IDP and Budget, as well as during the Oversight period. The participation of Traditional Leaders, especially the Khoi-san people is very good, as demonstrated by their active participation in the Sara Bartmann Centre of Remembrance project.

3. FUNCTIONALITY OF WARD COMMITTEES

The Office of the Speaker is engaging ward councilors on the status of their committees, the meetings held with the communities and reports on the challenges experienced in the various wards. Most Wards do not have a schedule of meetings planned. Difficulties experienced regarding the times of the meetings and transport to get the members to the meetings. The Ward Councillors feel that Management is not responding to the issues from the Ward Committees. Two Ward Committee induction sessions have been organized by the Municipality. The Ward Committees submit their minutes of their meetings to the Municipality for issues of consideration There is no communication unit established however a media liaison officer and communication officer is in place.

RELATIONSHIPS AND UTILISATION OF COMMUNITY DEVELOPMENT WORKERS

The relationship between the administrations, the Office of the Speaker and the CDW's of Kouga is in a good standing. The CDW's have their weekly meetings at the Municipal offices and are being assisted in various ways:

- Use of computers, fax, telephone and photocopy facilities
- Transport to meetings, where possible

- Drafting of letters & typing of minutes when requested to do so
 - Assisting with organizing events or programs in the different wards and loud hailing in the different wards
- In return the CDW's are always willing to assist the Administration in the following manner:
- Creating awareness of meetings
 - Motivating communities to participate
 - Informing the public on various issues
 - Distributing pamphlets when requested to do so
 - Attending public meetings
 - The CDW's have even assisted with the recording of minutes at public meetings when scribes were not available

Furthermore, they play a big part in communicating problems experienced by the communities to the Municipality, thus ensuring that these issues can be addressed. This assists with building a better relationship between the public and the Municipality. Some of the CDW's have launched initiatives in their wards to assist the various departments of the Municipality. A challenge with the CDW's is office space but the Office of the Speaker together with the Director Administration, Monitoring and Evaluation is attending to this matter. The option of accommodating them at ward Councilor's offices is being considered.

STATUTORY POWERS AND POWERS CONFERRED

There is a delegation register with Powers and Functions clearly stipulated. The delegating authority starts from the Mayor, MM and Section 56 Managers.

COUNCIL	EXECUTIVE MAYOR	SPEAKER	MUNICIPAL MANAGER
Constitution of the Republic of South Africa 1996 (Act No 108 of 1996)			
Exercising the municipality's legislative power and the performance functions of the municipality	Expropriation of property, payable and compensation	Making representations regarding draft legislation affecting the status, institutions, powers or functions of local government	Deciding on the structure and management of the municipality's administration and budgeting and planning processes to give priority to the basic needs of the community and to promote the social and economic of the community
Deciding the actions that must be taken to achieve the objects of local government	Determining the amount of compensation payable for expropriated property		
Considering a directive issued by the provincial government pursuant to the municipality failing to fulfil an executive obligation in terms of legislation	Concluding an agreement with a cabinet member to receive a function or power assigned to the municipality		
Local Government: Municipal Demarcation Act 1998 (Act No 27 of 1998)			
Submitting an objection regarding the determination or redetermination of the municipality's boundaries to the Demarcation Board		Consider intended demarcation of the municipality's boundaries	

Local Government: Municipal Structures Act 1998 (Act No 117 of 1998)			
Reviewing and rationalizing the by-laws, regulations (including standing delegations) of the preceding municipalities that binds the municipality	Submitting committee reports & recommendation before the Council for consideration, Identifying the needs of the community and municipality, reviewing & evaluating the identified needs in order of priority, Monitor, evaluate progress against the key performance indicators, Overseeing the provision of services to communities in a sustainable manner, Determining the activities to promote bulk, infrastructural development, equitable distribution and services	Convening special Council meetings at a place and time set put in a request received in terms of section 29(1) of the Structures Act	Appointing an acting municipal Manager
Local Government: Municipal Systems Act 2000 (Act No 32 of 2000)			
Determining the contribution to be made by the municipality, together with other organs of state, to the progressive realisation of the fundamental rights contained in sections 24, 25 26,27 and 29 of the constitution	Managing the drafting of the municipality's integrated development plan,	Authorising an investigation into an alleged breach of the code of conduct for Councillors	Determining newspapers circulating in the area as newspapers of record
Adopting an intergraded development plan for the municipality	Managing the development of integrated development plan of the municipal performance management system	Give notice to the public of council meetings the time, date and venue of every ordinary meeting	Determining the official languages in which municipal notices must be published
Determine the council's development priorities and objectives and adopting a framework for integrated development planning in the area	Determining processes, mechanisms and procedures for consulting the local community about the level, quality, range and impact of municipal services	Imposing a fine as determined by the standing rules and orders on a Councillor for not attending a meeting	Developing and adopting
Determine the councils operational strategies to be incorporated in the Integrated Development Planning and Considering the MEC's request to reconsider the intergraded development	Determining processes, mechanisms and procedures for encouraging the involvement of the local community	Making representations to the MEC regarding an appeal of a Councillor that has been found guilty of a breach of the code of conduct form Councillors	Establishing mechanisms, procedures and processes for compliance with collective agreements concluded in the bargaining Council
Annual reviewing and amendment of intergraded development and planning Defining the specific role and area of responsibility of each political structure and political office bearer of the municipality and of the M M	Determining processes, mechanisms and procedures for ensuring that municipal services are provided to the local community in a financially and environmentally sustainable manner		Establishing mechanisms for users of services and ratepayers to give feedback to the municipality or other service provider regarding the quality of the services and the performance of the
Determining the appropriate lines of accountability and reporting for those	Approving the Employment contract between the Municipality and the		

political structures and political office bearers and the Municipal Manager	Municipal Manager and a manager directly accountable to the MM		service provide Issuing a certificate, to be used in legal proceedings involving the municipality, that the municipality used the best known, or the only, or the most practicable and available methods in exercising any of its powers or performing any of its functions
Adopting, maintaining and implementing a credit control and debt collection policy which is consistent with the municipality's rates and tariff policies			
Imposing a penalty on a Councillor having been found guilty of a breach of the code of conduct for Councillors			
Water Services Act 1998 (Act No 107 of 1998)			
Making bylaws which contain conditions for the provision of water services	Determining conditions for the provision of water services Granting permission to obtain water for industrial use. Determine reasonable limits on the use of water		
Local Government: Municipal Planning and Performance Management Regulations, 2001			
Considering the comment of local municipalities, if any, on any proposed amendment of the integrated development plan	Consulting with the local community within the municipal area about a proposed amendment of the integrated development plan	Ensuring compliance with the municipality's rules and orders regarding an amendment to the integrated development plan	Subject to the policy directions of the Council developing and maintaining a system whereby community satisfaction with municipal services is assessed
Integrated Development Plan Adopting a performance management system	Establish a performance targets and establish audit committee		
Promotion of Administrative Justice (Act 2000 Act No 3 of 2000)			
	Granting to a person whose rights or legitimate expectations may be materially affected by intended administrative action by the municipality Deciding in case where an administrative action materially and adversely affects the rights of the public,		
Promotion of Equality and Prevention of Unfair Discrimination Act 2000 (act No 4 of 2000)			
	Adopting of appropriate equality plans, codes, regulatory mechanisms and other appropriate measures for		

	the effective promotion of equality in the spheres of the municipality's operation, enforcing and monitoring the enforcement of the equality plans, codes and regulatory mechanisms developed by the municipality and making regular reports to the relevant monitoring authorities or institutions as may be provided in regulations, where appropriate.		
Incidental Powers (Powers not explicitly conferred by statute)			
	Submitting or opposing an appeal to a higher court or other judicial tribunal in respect of a judgment handed		Commencing with any legal process, whether civil or criminal,
	To exercise on behalf of the Council all the powers conferred on it by all acts and legislation relating to all functions approved by Council		Obtaining the services of an attorney or advocate for official purposes
	To deal with and finalise matters in terms of bylaws promulgated by Council in respect of functions approved by Council		Granting of legal aid to Employees of the municipality
	Make decisions on applications submitted in terms of the Land Use Planning Ordinance (Ordinance No. 15 of 1985)		Deciding on the use of the Corporate Logo
Organisational rights agreement			
	Appointing the municipality's representatives in the local labour forum		Granting permission to trade union office bearers, and establishment of LLF.
Municipal Finance Management At 2003 (No 56 Of 2003)			
	In fiscal and financial relations with the national and provincial spheres of government and other municipalities, promote co-operative government in accordance with Chapter 3 of the Constitution and the Fiscal Relations Act		

Powers & Functions Performed and alignment with Neighbouring Municipalities

Powers and Functions (P&F)	Kouga Municipality		Neighbouring Municipalities			District Cacadu
	Policies & Regulations	Powers & Functions	Sundays River Valley	Baviaans	Kou-Kamma	
Air pollution	National Act;	Yes	Yes	Yes	Yes	Yes
Building regulation	National Act;	Yes	Yes	Yes	Yes	Yes
Child care facilitations	National Act;	Yes	Yes	Yes	Yes	Yes
Electricity reticulation	National Act;	No	Yes	Yes	Yes	Yes
Fire fighting	National Act;	Yes	Yes	Yes	Yes	Yes
Local tourism	National Act;	Yes	Yes	Yes	Yes	Yes
Municipal airports	National Act;	Yes	Yes	Yes	Yes	Yes
Municipal planning	National Act;	Yes	Yes	Yes		Yes
Health services	National Act;	Yes	No	No	No	No
Public Transport	National Act;	Yes	Yes	Yes	Yes	Yes
Pontoons and ferries	National Act;	Yes	Yes	Yes	Yes	-
Storm water	National Act;	Yes	Yes	Yes	Yes	-
Trading regulations	National Act;	Yes	Yes	Yes	Yes	-
Water (Potable)	National Act;	Yes	Yes	Yes	Yes	Yes
Sanitation	National Act;	Yes	Yes	Yes	Yes	Yes
Beaches and Amusement facilities	National Act;	Yes	Yes	Yes	Yes	-
Billboards and the display of advertisements in public places	National Act;	Yes	Yes	Yes	Yes	-
Cemeteries, funerals parlours and crematoria	National Act;	Yes	Yes	Yes	Yes	Yes
Cleansing	National Act;	Yes	Yes	Yes	Yes	-
Control of Public Nuisance	National Act;	Yes	Yes	Yes	Yes	-
Control of undertaking that sell liquor to the public	National Act;	Yes	Yes	Yes	Yes	-
Facilities for accommodation, care and burial of animals	National Act;	Yes	Yes	Yes	Yes	-
Fencing and fences	National Act;	Yes	Yes	Yes	Yes	-
Licensing of dogs	National Act;	Yes	Yes	Yes	Yes	-
Licensing and control of food sold to the public	National Act;	Yes	Yes	Yes	Yes	-
Local Amenities	National Act;	Yes	Yes	Yes	Yes	-
Local Sports Facilities	National Act;	Yes	Yes	Yes	Yes	-
Markets	National Act;	Yes	Yes	Yes	Yes	Yes
Abattoirs	National Act;	Yes	Yes	Yes	Yes	Yes
Parks and Recreation	National Act;		Yes	Yes	Yes	-

Municipal Roads	National Act;	Yes	Yes	Yes	Yes	Yes
Noise pollution	National Act;	Yes	No	No	No	Yes
Pounds	National Act;	Yes	Yes	Yes	Yes	-
Public Places	National Act;	Yes	Yes	Yes	Yes	-
Refuses removal, refuse dumps and solid waste disposal	National Act;	Yes	Yes	Yes	Yes	Yes
Street trading	National Act;	Yes	Yes	Yes	Yes	-
Street lighting	National Act;	Yes	Yes	Yes	Yes	-
Traffic and Parking	National Act;	Yes	Yes	Yes	Yes	-

COUNCIL GOVERNING POLICIES

Policies	Status Quo		
	Approved (Year)	Review (Year)	Formulation (Year)
Accounting Policy	e.g May 1996	March 2009	
Alienation Of Land Policy			
Anti-Corruption Strategy And Fraud Prevention Plan			
Anti Fraud Policy			
Attendance And Punctuality Policy			
Cellular Phone Policy (Reviewed Version)			
Cheque Signing Authority			
Chronic Illness Policy			
Code Of Conduct For Staff			
Communications Strategy And Action Plan Final			
Cost Control Functions For Votes			
Credit Control And Debt Collection Policy - Draft			May 2007
Disposal Of Immovable Capital Assets (Amended)			
Employee Benefits - Standard Operational Procedures			
Events-Entertainment Policy (Amended)			
External Bursary Policy			
Financial Code And By-Law			
Financial Policy			
Hunting On Commonages Policy			
Indigence Policy			
Investment Policy			
Control Policy			
Property Rates Policy			
Rules Of Order Policy			
Policy Of Attendance Of Workshops			
Policy On Legal Representation			
Policy On Municipal Honours			

Policy On The Closure Of Meetings And The Marking Of Confidential Items			
Policy On Ward Committees			
Private Work Policy			
Procurement Policy			
Promotion Of Access To Information Act			
Proposal Church Grounds			
Public Participation Policy			
Regulations Control Of Sea-Shore			
Retrenchment Policy			
Rewards, Gifts And Favours Policy			
Risk Management Policy			
Sexual Harassment Policy			
Smoking Policy			
Study Assistance Policy			
Substance Abuse Policy			
Tariff Policy			
Telephone Usage Policy			
Travelling & Subsistence Policy - Revised			
Usage Of Official Vehicle Policy			

The Kouga Council is work shopping and reviewing all its policies. The following policies have already been reviewed and were adopted by Council on 28 March 2012: Succession & Career Pathing Policy; Augmentation Policy; Recruitment & Selection Policy; Overtime Policy and the Code of Conduct.

THE COMMUNICATION STRATEGY:

Kouga Municipality subscribes to Section 152 (1) (e) of the Constitution that sets the tone for local government communication, and states the objects of local government as being “to encourage the involvement of communities and community organizations in matters of local government. The development of Kouga Communication Strategy was intended to ensure that our communication internally within the institution and externally with local communities and other stakeholders is consistent, well structured and managed in line with our Vision, Mission and Objectives.

The institution workshopped a revised communication strategy in 2010 that seeks to achieve the following objectives:

- To improve confidence and trust of the communities in Kouga and its service delivery programmes by communicating achievements and showcasing success stories.
- To communicate Kouga Municipality’s IDP and Budget programmes and projects to communities and stakeholders.
- To improve public participation in the affairs of Kouga.
- Effectively marketing and branding Kouga as an attractive tourism destination and a profitable investment destination.
- Strengthen strategic partnership & enhance intergovernmental relations.

The communication strategy will be revised in 2012 to bring it in line with the new district, provincial and national communication strategies, as well as with Kouga's 2012-2017 Integrated Development Plan.

COMMUNICATION & PLATFORMS

There is a wide range of communication tools that are utilized:

- Public Events: Mayoral Imbizo; Roadshows; Public Hearings and IDP hearings
- Important events in the planning cycle: State of the Nation Address; State of the Province Address; State of the Municipality Address; tabling of the IDP & budget for adoption; Annual Report
- Electronic and digital tools: Websites; Social Media Sites; Cell-phones; E-mails
- Media: Local and Regional Newspapers; Regional and National radio; Community Media (print and radio); Television; Media Briefings and Press Releases; Own publications
- Internal publications: Pamphlets; Guides ("How to"); IDP; Budget; SDBIP; Annual Report and Oversight Report.

CAMPAIGNS AND THEME / COMMEMORATIVE MONTHS

The Kouga Municipality honours awareness and commemorative campaigns such as HIV/Aids Day; 16 Days of Activism Campaign; Tourism Month; Women's Month; Heritage Month; Water Week and Library week.

ACCESS TO INFORMATION

The municipality has developed a Manual in terms of Section 14 of the Promotion of Access to Information Act, (2 of 2000) ("the Act"). The Act gives effect to the provisions of Section 32 of the Constitution which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and / or protection of any right. The purpose of the Act is to foster a culture of transparency and accountability in both the public and private sectors by affording any person the right of access to information to enable them to exercise and protect all of their rights to the full extent required. A requester may request any recorded information regardless of its form or medium which is in the possession or under the control of the Kouga Municipality, whether it was created by the Kouga Municipality or not. The Kouga Municipality is obliged to consider its own rights and responsibilities and those of third persons in deciding whether to provide the information that is requested. The public shall be given access to a record held by the Kouga Municipality if the requirements, which are set out in the Act, are met. The requester nevertheless remains entitled to dispute the decision if the municipality decides not to provide the information that is requested or to seek recourse in respect of the request.

RESOURCE PLAN

The effective implementation of the Kouga Communication Strategy requires an appropriate allocation of resources. The municipality in its communication utilizes Councillors; Communication Officer, Media Liaison Officer and other officials; Ward Committees; Community Development Workers; Civil Society Structures; Community and Mainstream Media; Organised Youth and Women's Groups; Organised Farm Workers Groups; Organised Disabled Peoples Groups; Service Providers acting on behalf of the Municipality as communication messengers. The communication office is prioritized for adequate resources in the 2012/15 MTEF allocation.

MONITORING & EVALUATION

Monitoring and Evaluation of communications activities is an important element of the Kouga Communication Strategy in order to ensure that the strategy is being implemented and that it is having the desired impact. The Monitoring and Evaluation System can provide important feedback on whether messages are being understood as intended and how the communication strategy might need to be adjusted. The first step in Monitoring and Evaluation is to establish baseline information for the impact areas in the strategy. This will be done through:

- Conducting a Stakeholder Analysis and Perceptions Survey
- Evaluating the worth and effectiveness of the Tourism Marketing Campaign
- Ward Committees
- IDP Public Hearings and Meetings
- Auditing the current communications tools and activities (website, etc)

A bi-annual evaluation of Communications Activities will be conducted through: Stakeholder Perceptions Survey; Citizen Satisfaction Survey; Tourism Market Survey; Investor Perceptions Survey and IDP Public Hearings.

Public Participation

As the third sphere of government, Kouga seeks to promote active participation of its stakeholders through information sharing, participatory and democratic decision making and development. Section 16 of the Municipal Systems Act requires a municipality to develop a culture of municipal governance that complements formal representative government with a system of participatory governance; Kouga municipality continues to encourage, and create conditions for, the local community to participate in the affairs of the municipality as the preparation, and review of its integrated development plan & budget; the monitoring and review of its performance, including the outcomes and impact of such performance;

The municipality has committed itself to contribute to building the capacity of the local community to enable it to participate in the affairs of the municipality; and councillors and staff to foster community participation and also to use its resources, and annually allocate funds in its budget for the purpose of the implementation of its participation programmes

Participation by the local community in the affairs of the municipality takes place through the under-mention principles:

- [a] political structures for participation in terms of the Municipal Structures Act;
- [b] the mechanisms, processes and procedures for participation in municipal governance established in terms of the Structures Act;
- [c] other appropriate mechanisms, processes and procedures established by the municipality;
- [d] generally by applying the provisions for participation provided for in Municipal Systems Act.

The Council intends to establish appropriate mechanisms, processes and procedures for the receipt, processing and consideration of petitions and complaints lodged, notification and public comment procedures, public meetings and hearings, consultative sessions with locally recognised community organisations and report-back meetings with the local community.

The participation mechanisms, processes and procedures takes into account the special needs of people who cannot read or write; people with disabilities; women; and other disadvantaged groups. The municipal manager of a municipality gives notice to the public, in a manner determined by Council, of the time, date and venue of every for ordinary meeting of the council; Meetings of the Council and those of its committees are open to the public, including the media, and the Council or any committee may not exclude the public, including the media, from a meeting, except when it is reasonable to do so having regard to the nature of the business being transacted; and a by-law or a resolution of the council specifying the circumstances in which the council or such committee may close a meeting and which complies with subparagraph [a], authorises the council or such committee to close the meeting to the public.

The Council or a committee of the council, does not exclude the public, including the media, when considering or voting on any of the following matters: draft by-law tabled in the council; a budget tabled in the council; integrated development plan, or any amendment of the plan, tabled in the council; draft performance management system, or any amendment of the system, tabled in the council; the decision to enter into a service delivery agreement referred to in section 76 (b) of the Municipal Systems Act; the consideration of any audit report; and any other matter prescribed by regulation. Also the Council, within the financial and administrative capacity of the municipality and subject to its right to take reasonable steps to regulate public access to and conduct at meetings, provide space for the public in the chambers and places where the Council and its Committees meet.

Delimitation of Wards

In terms of section 18(3) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), the MEC responsible for local government has determined that the municipal council consists of 29 councillors. After having consulted the Independent Electoral Commission, The Municipal Demarcation Board has delimited the municipality into 15 wards in terms of Schedule 1 of the Act. The number of registered voters in each ward does not vary by more than fifteen percent from the norm. The norm was determined by dividing the total number of voters on the municipal segment of the national common voters roll, namely 47674 voters on 12 February 2009, by the number of wards in the municipality. The Kouga Local Municipality (EC108) is now comprised of 15 wards.