

MEMORANDUM OF UNDERSTANDING

BETWEEN

O.R. TAMBO DISTRICT MUNICIPALITY



Recipient of the
**Supreme Order
of Baobab**
(gold)

AND

WALTER SISULU UNIVERSITY



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1. PARTIES

1.1 The parties to this agreement are-

1.1.1 O.R.Tambo District Municipality; and

1.1.2 Walter Sisulu University.

2. DEFINITIONS

2.1 In this agreement, unless clearly inconsistent with or otherwise indicated by the context-

2.1.1 **“ORTDM”** Means O.R.Tambo District Municipality, a Category ‘C’ Municipality, established in terms of section 12 of the Municipal Structures Act 117 of 1998 and herein represented by Mr Owen Hlazo authorised thereto;

2.1.2 **“MOU”** Means this memorandum of understanding set out in this document ;

2.1.3 **“Parties”** Means Walter Sisulu University and ORTDM and each individual shall be referred to as “the party”;

2.1.4 **“WSU”** means Walter Sisulu University, a Public Higher Education Institution duly established in terms of section 20 of the Higher Education Act 101 of 1997; and herein represented by Professor Rob Midgley authorised thereto;

2.1 Any reference in this agreement to legislation or subordinate legislation is to such legislation or subordinate legislation at the date of signature hereof and as amended and /or re-enacted from time to time.

2.2 Words importing singular shall include the plural, and vice versa, words importing the masculine gender shall include the feminine and neuter genders, and vice versa, and words importing natural persons shall include legal persons, and vice versa.

2.3 The head notes to the clauses to this agreement are inserted for reference purposes only and shall not affect the interpretation of any of the provisions to which they relate.

2.4 If any provision in the definition clause is substantive provision conferring rights or imposing obligation on a party, then notwithstanding that such provision is contained in this clause, effect shall be given thereto as if such provision were a substantive provision in the body of the agreement.


2.5 When any numbers of days are prescribed in this agreement, same shall be reckoned exclusively of the first and inclusively of the last day.

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3 BASIS FOR MOU

It is the basis of this MOU that:

- 3.1 The parties hereby agree that this document represents a framework within which the Walter Sisulu University and the O.R.Tambo District Municipality (ORTDM) mutually extend and maintain development support, capacity building, policy, research support and monitoring and evaluation to programmes within the jurisdiction of the ORTDM.
- 3.2 This memorandum of understanding (MOU) broadly outlines the parameters within which the WSU could render support to the ORTDM as a significant public entity within the jurisdiction of the ORTDM.
- 3.3 The partnership is important in order to advance the socio-economic transformation agenda of the district in contributing to the provincial and national socio-economic competitiveness.
- 3.4 To optimise the impact of resources in terms of the ORTDM's and WSU's mandate in supporting the overall needs and priorities of the ORTDM.
- 3.5 To optimise the impact of resources in terms of the ORTDM's and WSU's mandate in supporting the overall needs and priorities of the ORTDM.
- 3.6 The ORTDM acknowledges and supports the WSU's overall mandate as a public higher education institution located in the geographical landscape of the Eastern Cape Province.
- 3.7 Since the notion of 'development' features centrally to the WSU's strategic plan (ISP 2014-2019) , then it follows that the WSU's most immediate and concrete challenge will lie in how the university is locked into processes that will, over time, support the progressive empowerment and social emancipation of local communities from poverty, unemployment and marginalisation. There are of course meaningful and active relationships between WSU and ORTDM quite apart from the provision of relevant academic programmes (Teaching, Research and Community Service).
- 3.8 The ORTDM, as one of the six (7) district municipalities within the Eastern Cape, is required to be a catalyst for development, an enabler of economic growth and an instrument for poverty alleviation but still remain the poorest of the poor.


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3.9 The WSU, as a higher education institution offering teaching, training, capacity building, research and development support in the Eastern Cape, will establish a joint understanding of the development needs and priorities within the ORTDM, with the main aim of:


- Aligning their Development Support Programmes to the Integrated Development Plans(IDP's)and the Provincial Growth and Development Plan of the Eastern Cape Provincial Government(ECPG);
- Agreeing on the joint strategy on the implementation of the aligned development support programmes; and
- Determining liaison and support opportunities between both parties

4 THE WSU'S DEVELOPMENT SUPPORT FOCUS

4.1 The WSU's mandate permits it to plan, co-ordinate, promote and implement capacity building programmes in the Eastern Cape. In executing its mandate the WSU works with the municipalities, provincial and national governments, private sector, communities, NGO's and other development agencies. The WSU's primary objectives are Teaching & Learning, Research and Community Engagement; to develop and promote robust tools for performance management, monitoring and evaluation and development programmes to provide higher education and non- formal training programmes in the Eastern Cape Province, through the provision of courses, which, inter alia, include:

- Full time Pre-and Post Graduate courses;
- Part time Pre-and Post-Graduate courses;
- Capacity Building Courses; and
- Community Training Courses

4.2 The WSU's support infrastructure is located in Mthatha, Butterworth, East London and Queenstown, and all of these cities fall within the Province of the Eastern Cape, with Mthatha located within the OR Tambo District Municipality. Therefore; a first possible area of work in this regard could be assisting the O.R.Tambo DM and its 5 Local Municipalities (King Sabata Dalindyebo, Mhlontlo, Ngquza Hill, Nyandeni, and Port St John's).


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5. THE WSU SUPPORT INSTRUMENTS AVAILABLE INCLUDE:

5.1 Human resource capacity-building through accredited training and academic programmes for local government officers, local leaders, development practitioners, and community- based development workers.

The WSU is particularly geared to enhance delivery on the EC Provincial Development Plan through respective municipal Integrated Development Plans (IDP's). Through a curricula strategy that cuts across many fields and disciplines carried within the university, one of WSU's aims is to develop and offer capacity-building programmes built within a practise-based framework for learning and inquiry; turning practical day-to-day challenges facing managers and administrators, policymakers, and community- based development workers into structured experiential-learning opportunities, while providing pathways towards accredited awards. The assessment strategy will also reflect this practise and evidence-based orientation.

5.2 Research, Policy support and advocacy, whereby the WSU interventions will include the collection, storing and dissemination of local socio-economic data and information including monitoring and evaluation of impact; provide critical briefings and advice to ORTDM and the development sector on key intervention programmes at the local level, as well as provide a platform for critical dialoguing in local development interventions as follows;

- a. Provide critical briefings and advice to government and the development sector on key intervention programmes at the local level; this in order to throw light on issues requiring attention, for purposes of raising awareness, and other related concerns.
- b. Provide a platform for critical dialoguing on local development interventions through a number of structured conversations such as seminars, colloquia and debates.


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5.3 Systems & Development support. This will entail demand- driven interventions around organisational Development, the development of tools and other support mechanisms towards enhancing the effectiveness and efficiency of local governance and development efforts by the public sector and its development partners through;

- a. Addressing a set of specific systems improvement interventions that will be prioritised per understanding with the ORTDM
- b. Be assisting the provincial and local coordinating authorities develop and introduce a robust tool for performance management, monitoring and evaluation of local governance and development programmes and systems.

6. THE ORTDM'S DEVELOPMENT SUPPORT FOCUS

6.1 **ORTDM's** development support will be provided in line with the IDP which is linked to the Provincial Growth and Development Plan (2012 -2017), whose strategic pillars are;

- 6.1.1 Systematic poverty eradication through a holistic, integrated and multi dimensional approach to poor programming;
- 6.1.2 Agrarian transformation and household food security;
- 6.1.3 Consolidation, development and diversification of manufacturing tourism;
- 6.1.4 Infrastructure development;
- 6.1.5 Human resource development; and
- 6.1.6 Public sector and institutional transformation
- 6.1.7 Good governance and Public Participation

6.2 **ORTDM's** mandate of support is derived from the Municipal Structure Act, Section 83(3) (c);

- (a) To support, strengthen and capacitated Local Municipalities so that they may perform their powers and functions.
- (b) To promote basic services to the communities within the District.
- (c) To ensure adequate Institutional and Human Infrastructure



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6.3 **The ORTDM** will also provide, upon request, advice and technical support on development related aspects within its capacity, taking into consideration its resources mandate constraints.

7. ORTDM'S INSTRUMENTS FOR SUPPORT

7.1 The ORTDM's development support strategy and plan is in line with the IDP and the Provincial Growth and Development Plan. The development strategy takes into account institutional, financial, environmental and other risks, to support socio-economic development in the broadest sense.

7.2 The ORTDM's key vehicles for development support to LM's include:

a) IGR and Local Municipality Support Unit (LMSU)

O.R. Tambo District Municipality established the IGR and Local Municipality Support (LMSU) to give meaning to its legislative mandate, and particular, to coordinate all support activities taking place within O.R. Tambo District municipality's area of jurisdiction. The MSU is governed according to Section 83(3) of the Municipal Structures Act, No 117 of 1998, and Chapters 5 and 6 of the Municipal Systems Act No. 32 of 2000, as amended.

The LMSU coordinates the provision of support to local municipalities in the areas of finance, human resources, administration, water and sanitation services, technical services, review of Integrated Development Plans and the implementation of Performance Management Systems. The Goals of the Unit are to transform the local municipalities within the demarcated area of ORTDM to such an extent that they will in future be self –sufficient, responsive, developmental in nature and, above all, financially sustainable. The Role of the Unit is to coordinate support provided to the local municipalities to enable them to meaningfully perform their powers and functions.


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Objectives of the Unit

- To coordinate provision of support local municipalities in financial administration in order for them to be financially sustainable.
- To coordinate provision of support local municipalities on human resources related issues for the purposes of sound management systems and a stable environment in terms of their labour force.
- To coordinate provision of support local municipalities in administration for the purpose of effective operations of Council activities including public participation.
- To coordinate provision of support and assist local municipalities on technical issues in order for them to manage their projects and to handle the technical aspects thereof.
- To coordinate provision of support and assist local municipalities in developing and reviewing their Integrated Development Plans and the establishment of Performance Management Frameworks.

b) **The LED Unit:** Socio-economic development is a challenge within the district. The LED Unit plays a primary role as the available instrument for socio-economic development. The unit covers Agriculture, Manufacturing, Tourism, and Environment.

c) **The HOD functionaries:** The key areas for support are;

- Human Resources management;
- Finance Management;
- Administration;
- Technical support;
- Integrated Development Planning; and
- Local Economic Development

The success of ORTDM's strategic units i.e. the MSU and LED may be inhibited if the district does not leverage on key partners, like the tertiary institutions, that will enhance or sharp the above instruments of support to LM's.

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8. THE PROCESS OF IMPLEMENTING THE DEVELOPMENT SUPPORT PROGRAMME

It should be emphasized that, while the framework for the ORTDM and WSU development support is outlined in this document, the specific type and portfolio mix of programmes and projects that will actually be funded, will be based on the needs and priorities of both, in support of their respective mandates. Financial funding decisions will be guided by the local economic, demographic, financial, institutional technical, social and environmental sustainability implications of programmes and projects.

8.1 The co-operation between the WSU and the ORTDM will entail;

- Implementing projects and programmes, which are within the mandates of the two institutions and in support of the Integrated Development Plan and the Provincial Growth and Development Plan as well as the WSU's ISP 2014-2019.
- Harmonisation and co-ordination of the WSU and the ORTDM's development support programmes in building capacities in the District and Local Municipalities.
- Providing Technical assistance (both financial and human) in support of building capacity in the ORTDM.

8.2 Proposed programme planning framework:

8.2.1 That the two institution set up a Technical Team comprised of persons from both institutions that will form and advise on the following:


8.2.1.1 Identification of research, training and development support areas

8.2.1.2 Research services & support to Committees

8.2.1.3 Legal support to Committees

8.2.1.4 Definition and delimitation of programme areas

8.2.1.5 That the Technical team will participate in the Strategic and Operational processes of both institutions in order that identified areas can be integrated and institutionalised.

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8.2.1.6 The team will identify the programme areas on an annual basis from which will emerge a number of projects that will be planned and budgeted for within a fiscal year in areas of Capacity building programmes for Councillors and staff of O.R.Tambo DM and its Local Municipalities in Fields of: Local Government Law and Administration, Public Administration, Development and Management, Councillor Development Programme & Local Government Councillor Practices.

8.2.1.7 Short Courses : Presentation Skills, Business Skills, Financial Management & Labour Relations

9. THE PARTIES, HEREBY, AGREE TO ABIDE BY THE FOLLOWING PRINCIPLES:

9.1 To honour each other's mandate;

9.2 This **MOU** is only between the **WSU** and the **ORTDM**.

9.3 Each party is accountable for the implementation of its own mandate; and

9.4 This **MOU** contemplates a joint responsibility and commitment by the parties in regard to the matters covered by this memorandum.

9.5 Both parties undertake to regularly liaise and consult with one another in all the work involved in providing the development support activities and commit themselves to implement and fulfil this **MOU** in a spirit of mutual co-operation, and respect the fulfilment of the partnership.

10. ENTIRE AGREEMENT AND VARIATION

10.1 This document embodies the entire agreement between the parties hereto.

10.2 No amendment or variation of any of the provisions of this **MOU** shall be of any force or effect unless reduced to writing and signed by both parties.

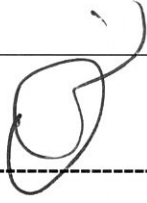

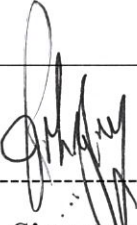

11. DISPUTE RESOLUTION

11.1 Any dispute arising from or in connection with this **MOU** shall be finally resolved in accordance with the rules of Arbitration Foundation of Southern Africa (**AFSA**) by an arbitrator who is agreed to between the parties, or failing agreement within 7(seven)days of the dispute arising, an arbitrator or arbitrators appointed by the President of **AFSA**

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11.2 Nothing in this clause shall prevent any party from obtaining interim relief in a court pending the outcome of the arbitration.

12. SIGNATURES

12.1	DULY EXECUTED AND SIGNED AT <u>LYSINKI</u>..... ON THE <u>02</u>..... DAY OF <u>JUNE</u>.. 2016 FOR AND ON BEHALF OF THE OR TAMBO DISTRICT MUNICIPALITY.	
	Mr. Owen Hlazo Municipal Manager	 <hr style="border-top: 1px dashed black;"/> Signature
	Witness	
		 <hr style="border-top: 1px dashed black;"/> Signature
12.2	DULY EXECUTED AND SIGNED AT ON THEDAY OF..... 2016 FOR AND ON BEHALF OF THE WALTER SISULU UNIVERSITY.	
	Professor R. Midgley Vice-Chancellor and Principal	 <hr style="border-top: 1px dashed black;"/> Signature
	Witness	
	Professor MM. Jadezweni Rector: Mthatha Campus	 <hr style="border-top: 1px dashed black;"/> Signature