



**Bitou Local Municipality  
Bitou Plaaslike Munisipaliteit  
Umasipala WeBitou**

# Agenda

## **SPECIAL MUNICIPAL COUNCIL MEETING**

**Venue: Council Chambers, Municipal Offices,  
Sewell Street, Plettenberg Bay**

**DATE: 18 NOVEMBER 2014**

**Time: 9H30**

# **BITOU LOCAL MUNICIPALITY**


12 November 2014

**The Executive Mayor  
Councillors  
Municipal Manager and Heads of Department**

## **SPECIAL COUNCIL MEETING: TUESDAY, 18 NOVEMBER 2014**

**NOTICE** is hereby given that a Special Municipal Council Meeting will be held in the Council Chamber, Municipal Offices, Plettenberg Bay on **TUESDAY, 18 NOVEMBER 2014 AT 9H30** to discuss the business set forth in the Agenda.

Yours faithfully



**AR Olivier**  
Speaker

### **Constitution of the Council**

The Speaker, Councillor AR Olivier  
The Executive Mayor, Councillor M Booysen  
Member of the Mayoral Committee, Councillor N M de Waal  
Member of the Mayoral Committee, Councillor E E Paulse

Councillor S Besana  
Councillor W R Craig  
Councillor S E Gcabayi  
Councillor SB Farrow  
Councillor M M Mbali  
Councillor H Plaatjies  
Councillor N Ndayi  
Councillor L M Seyisi

### **IMPORTANT NOTICE**

**PLEASE REFER TO THE SPECIAL MAYORAL COMMITTEE  
AGENDA OF EVEN DATE FOR THE ANNEXURE TO THE  
REPORT ON THE ITEM AS LISTED**

# **Bitou Local Municipality**

## **Special Council Agenda: 18 November 2014**

**Time: 9h30**

### **Order of Business**

**1. OPENING**

**2. ATTENDANCE**

The Attendance Registers of members of the Municipal Council, Officials and Public will be circulated for signature.

**3. APPLICATION FOR LEAVE OF ABSENCE**

Application for leave of absence, if necessary, will be considered.

**4. STATEMENTS AND COMMUNICATIONS BY:**

**4.1 The Executive Mayor**

**4.2 The Speaker**

**5. CONSIDERATION OF REPORTS**

Schedule of Items attached

**6. URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER**

None received

**7. CONSIDERATION OF NOTICES OF MOTION**

None received

**8. CONSIDERATION OF MOTIONS OF QUESTION**

None received

Order of business: Special Council Meeting: 18 November 2014

9. **CONSIDERATION OF MOTIONS OF EXIGENCY**

None received

10. **IN-COMMITTEE MATTERS**

None received

11. **RECORDING OF COUNCILLORS PRESENT**

12. **CLOSURE**

**PORTFOLIO INDEX****4: CONSIDERATION OF REPORTS: (OPEN)****SPECIAL COUNCIL MEETING AGENDA****18 NOVEMBER 2014****(The dates & page numbers of the MayCo Agendas are listed for ease of reference)****SECTION 1: OFFICE OF THE MUNICIPAL MANAGER**

ITEM NO	SUBJECT	FILE REF	MAYCO AGENDA PAGE NO	COUNCIL AGENDA PAGE NO	DATE OF MEETING
	No items for consideration				

**SECTION 2: FINANCE**

ITEM NO	SUBJECT	FILE REF	MAYCO AGENDA PAGE NO	COUNCIL AGENDA PAGE NO	DATE OF MEETING
	No items for consideration				

**SECTION 3: CORPORATE SERVICES**

ITEM NO	SUBJECT	FILE REF	MAYCO AGENDA PAGE NO	COUNCIL AGENDA PAGE NO	DATE OF MEETING
C/3/104/11/14	PROCESS FOR THE RECRUITMENT AND SELECTION OF THE POSITION OF HEAD OF DEPARTMENT: STRATEGIC SERVICES	4/3/5/1/5	1 - 83	1 - 9	18-Nov-14

**SECTION 4: COMMUNITY SERVICES**

ITEM NO	SUBJECT	FILE REF	MAYCO AGENDA PAGE NO	COUNCIL AGENDA PAGE NO	DATE OF MEETING
	No items for consideration				

**SECTION 5: ENGINEERING SERVICES**

ITEM NO	SUBJECT	FILE REF	MAYCO AGENDA PAGE NO	COUNCIL AGENDA PAGE NO	DATE OF MEETING
	No items for consideration				

**SECTION 6: STRATEGIC SERVICES**

ITEM NO	SUBJECT	FILE REF	MAYCO AGENDA PAGE NO	COUNCIL AGENDA PAGE NO	DATE OF MEETING
	No items for consideration				

## Section 3

**Department: Corporate Services**

Section 3: Corporate Services

ITEM C/3/104/11/14

**Council Meeting**

**PROCESS FOR THE RECRUITMENT AND SELECTION OF THE POSITION OF  
HEAD OF DEPARTMENT: STRATEGIC SERVICES**

**Department:** Corporate Services                      **Demarcation:** All Wards

**File Ref:** 4/3/5/1/5

**Attachments:**

1. Annexure "A" - SALGA Circular 6/2014 with Government Gazette No. 37245 dated 17 January, 2014
2. Annexure "B" - Government Gazette No. 37500 dated 29 March 2014

**Report from:** Head: Corporate Services

**Date:** 31 October 2014

**Purpose of the report**

The purpose of this report is to propose to Council the process to be followed with the filling of the position of Head of Department Strategic Services that has become vacant on 30 August 2014.

**Background /Discussion**

The Head of Department: Strategic Services resigned on and vacated the post on 30 August 2014. The Local Government: Municipal Systems Act (32/2000): Local Government Regulations on the appointment and conditions of employment of senior managers No. 37425 dated 17 January 2014 outlines inter alia the process to be followed with the filling of the post.

Section 4(2) of the Regulations states that a municipality's staff establishment "must at least provide for the following departments on the staff establishment to-

- (a) provide for the development and town planning services;
- (b) provide public works and basic services to communities;
- (c) provide community services;
- (d) manage the finances of a municipality;
- (e) render corporate support services.

## Section 3: Corporate Services

### **The Nature and Content of the post**

Section 56 of the *Local Government: Municipal Systems Act*, Act 32 of 2000, (Systems Act) provides for the appointment of the managers directly accountable to the municipal manager by Council only. The *Local Government: Regulations on Employment and Conditions of Employment of Senior Managers*, as promulgated on 17 January 2014, sets out the process for recruitment and selection of senior managers (see Annexure A).

In terms of the Regulations, the following principles must be followed:

- (1) The recruitment, selection and appointment of senior managers must take place in accordance with the municipal systems and procedures contemplated in section 67 of the Systems Act that are consistent with sections 54A, 56, 57 A and 72 of the aforesaid Act.
- (2) A senior manager post must be filled through public advertising, in accordance with the procedures contemplated in regulation 10 of the mentioned Regulations.
- (3) Selection must be competence-based to enhance the quality of appointment decisions and to ensure the effective performance by municipalities of their functions.

Section 7(1) of the regulations also state that as soon as the post of a senior manager becomes vacant, or is due to become vacant, the municipal manager, in the case of a municipal manager, must obtain approval from the municipal council for the filling the post in its next council meeting or as soon as it is reasonably possible to do so. A vacant senior manager post may not be filled, unless approval to fill the post has been granted by the municipal council and the post has been budgeted for.

Furthermore no person may be appointed as a senior manager unless he or she is a South African citizen or permanent resident; and possesses the relevant Competencies, qualifications, experience, and knowledge set out in the said Regulations.

### **Advertising of vacant posts**

The Municipal Manager must, within 14 days of receipt of the approval for the filling of the post from the Municipal Council, ensure that the vacant post is advertised in a newspaper circulating nationally and in the province. The advertisement for a vacant senior manager post must specify:

- (a) Job title;
- (b) Term of appointment
- (c) Place to be stationed;
- (d) Annual total remuneration package;
- (e) Competency requirements of the post, including minimum qualifications and experience required;
- (f) Core functions;
- (g) Need for signing of an employment contract, a performance agreement and disclosure of financial interest;



### Section 3: Corporate Services

- (h) The need to undergo security vetting;
- (i) contact person;
- (j) Address where applications must be sent or delivered; and
- (k) Closing date which must be a minimum of 14 days from the date the advertisement appears in the newspaper and not more than 30 days after such date.

#### **Selection panel**

Council must appoint a selection panel to make recommendations for the appointment of candidates and the panel for the appointment of a manager directly accountable to the municipal manager must consist, in terms of section 12 (4) of the Regulations of at least three and not more than five members, constituted as follows:

- (a) The municipal manager, who will be the chairperson;
- (b) a member of the mayoral committee or councillor who is the head of the relevant portfolio; and
- (c) At least one other person, who is not a councillor or a staff member of the Municipality, and who has expertise or experience in the area of the advertised post.

It is advised that the two representative unions, SAMWU and IMATU, are invited to attend the interview process to observe the process. Each union may have one member present during the interview process. It is further advised that representative observers of parties in Council, as well as Independent Councillors are invited to attend the interview process. Each party may have one member present during the interview process.

#### **Compiling shortlist and screening of applicants**

The municipal manager as per section 13 of the regulations, in consultation with the selection panel, must compile a list of all applicants who applied for an advertised post with an evaluation of their relevant competency requirements.

Screening of the shortlisted candidates must take place within 21 days of the finalisation of the shortlisting by:

- (a) Conducting the necessary reference checks;
- (b) Contacting a candidate's current or previous employer;
- (c) Determining the validity of a candidate's qualifications; and
- (d) Verifying whether a candidate has been dismissed previously for misconduct or poor performance by another employer.

A written report on the outcome of the screening process must be compiled by the municipal manager as per section 14(2) of the Regulations before the interviews take place.

## Section 3: Corporate Services

### **Interviews**

The selection panel, which must remain the same throughout the screening and interviewing process, must conduct interviews within 21 days of screening the candidates. Ideally the selection of the candidate for appointment should be via consensus. The selection panel must also recommend the second and third suitable candidates to minimise delays that may arise in the filling of the post if the first choice candidate declines or does not accept the offer of employment. Should there be no suitable alternates, such must be reported to Council.

### **Selection and Appointment**

It is recommended that the candidates recommended for appointment to the post undergo a competency assessment.

The selection panel must submit a report and recommendation on the selection process to council on the suitability of candidates who comply with the relevant competency requirements of the post as set out in Annexures A and B to the Regulations, in order of preference.

Before making a decision on an appointment, a municipal council must satisfy itself that:

- (a) The candidate meets the relevant competency requirements for the post, as set out in Annexures A and B of the Regulations;
- (b) Screening of the candidates has been conducted in terms of regulation 14 of the said Regulations; and
- (c) The candidate does not appear on the record of staff members dismissed for misconduct as set out in Schedule 2 of the Regulations.

As soon as the Municipal Council has taken a decision on the appointment of a suitable candidate, it must inform all interviewed candidates, including applicants who were unsuccessful, of the outcome of the interview; and within 14 days submit a written report to the Member of the Provincial Executive Council (MEC) for local government regarding the appointment process and outcome.

The report to the MEC must contain

- (a) Details of the advertisement, including date of issue and the name of newspapers in which the advert was published, and proof of the advertisement or a copy thereof;
- (b) A list of all applicants;
- (c) A report contemplated in regulation 14(2) on the screening process and the outcome thereof;
- (d) The municipal council's resolution approving the selection panel and the shortlisted candidates;
- (e) Competency assessment results;
- (f) The minutes of the shortlisting meeting;
- (g) The minutes of interviews, including scoring;
- (h) The recommendations of the selection panel submitted to the municipal council;

### Section 3: Corporate Services

- (i) The recommendation of the executive mayor to the municipal council, if any;
- (j) The municipal council resolution approving the appointment of the successful candidate;
- (k) The application form, curriculum vitae, proof of qualifications and other supporting documentation of the successful candidate;
- (l) a written confirmation by the successful candidate that he or she does not hold political office as contemplated in section 56A of the Systems Act, as at the date of appointment;
- (m) The letter of appointment, outlining the term of contract, remuneration and conditions of employment of the senior manager; and
- (n) Any other information relevant to the appointment.

#### **Re-advertisement of posts**

If no suitable candidate has been identified, the municipal council must inform all shortlisted candidates that their applications were unsuccessful and may re-advertise the post.

#### **Remuneration packages of Managers directly accountable to the Municipal Manager**

1. In terms of Government Notice 225 of 29 March 2014, *Local Government: Upper Limit of Total Remuneration Package payable to Municipal Managers and Managers Directly Accountable to Municipal Managers* (attached as Annexure C). Bitou is a **level three (3) municipality** and thus the remuneration package is between **R581,810 to R 748,050**. In terms of Section 10 of the Regulations a market premium allowance is permissible in specific instances to the maximum of 20%.

#### **Appointment of Acting Manager directly accountable to the municipal manager**

In terms of the Section 56(1) of the Municipal Systems Act:

*(a) a municipal council, after consultation with the municipal manager, must appoint–*

- (i) a manager directly accountable to the municipal manager; or*
- (ii) an acting manager directly accountable to the municipal manager under circumstances and for a period as prescribed.*

Given that a new HOD: Strategic Services may not have been appointed to commence employment by 1 December 2014, it is recommended that the acting of Chris Schliemann as HOD Strategic Services be extended for a further period of three months.

Section 56(1)(c) of the Municipal Systems Act states that “ *a municipal council may, in special circumstances and on good cause shown, apply in writing to the MEC for local government to extend the period of appointment contemplated in paragraph (a), for a further period that does not exceed three months.*”

### Section 3: Corporate Services

#### **Appointment of Service Provider**

In order to ensure transparency, equity and non-partisanship, it is proposed that a Service Provider be appointed to assist Council with the recruitment and selection process. The task of the Service Provider will include:

- Compile a Selection Programme to finalise the selection process
- Design and apply a confidential Structured Interview Questionnaire and Scorecard for each post taking the key performance areas for the particular job into account.
- Design and apply a confidential Practical Competency Based Written Assessment (Case Evaluation) and Score card for each post taking the key performance areas for the job into account.
- Undertake a reference and criminal record check for each preferential candidate.
- Compile a letter of appointment for the successful candidate after a decision to appoint is conveyed to the service provider.
- Inform unsuccessful candidates of the outcome of the Selection Process.
- Respond to any disputes lodged against the selection process by candidates after consultation with the employer.

The service provider will also be requested to assist Bitou Municipality with an external evaluation and grading of the HOD Strategic Services” post in terms of the Regulations relating to upper limits for salaries of Municipal Managers and S56 Managers.

#### **Timeframes for the Selection Process**

*(SP = Service Provider)*

<b>Date</b>	<b>Activity</b>	<b>Responsibility</b>
18 Nov 2014	Special Council meeting	Speaker
20 Nov 2014	Workshop with Selection Committee to discuss profile, advertisement and timeframes	Municipal Manager
20 Nov 2014	Draft advertisement submitted to Selection Committee for approval	HR
21 Nov 2014	Final draft advertisement submitted to press for advertisement	HR
23 Nov 2014	Position advertised in national media	SP, HR
24 Dec 2014	All applications submitted directly to SP by deadline	SP
16 Jan 2015	Long lists and abbreviated lists submitted to Bitou Municipality for final short-listing	SP, panel

### Section 3: Corporate Services

21 Jan 2015	Shortlists finalised according to selection criteria	SP, panel
23 Jan 2015	Shortlisted candidates invited for interviews	SP, panel
12 – 13 Feb 2015	Assessment and Interviews take place in Plettenberg Bay	SP, panel
20 Feb 2015	Final decisions made at Council and offers extended to successful candidate	SP, panel, Council
25 Feb 2015	Negotiations concluded and candidate formally accepts offer in writing	SP
1-31 March 2015	Notice period if required	
1 April 2015	Successful candidate reports for duty	
31 May 2015	Performance Agreement signed with Executive Mayor	

#### **Financial Implication**

The position has been budgeted for.

#### **Relevant Legislation**

Section 56 of the *Local Government: Municipal Systems Act*, Act 32 of 2000, (Systems Act)

*Local Government: Regulations on Employment and Conditions of Employment of Senior Managers*, as promulgated on 17 January 2014

#### **Recommended by the Municipal Manager**

1. That this report on the process for the Recruitment and Selection of the position of Municipal Manager be noted;
2. That the following Selection Committee be appointed:

Municipal Manager;  
Councillor; and  
Additional member

### Section 3: Corporate Services

3. That it be noted that the Full Municipal Council will serve as the Appointment Authority;
4. That the selection process set out in the report mentioned in (a) above be adopted;
5. That the following timeframes as set out in paragraph 13 of the report mentioned in (a) above, be adopted; and

Date	Activity	Responsibility
18 Nov 2014	Special Council meeting	Speaker
20 Nov 2014	Workshop with Selection Committee to discuss profile, advertisement and timeframes	Municipal Manager
20 Nov 2014	Draft advertisement submitted to Selection Committee for approval	HR
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23 Nov 2014	Position advertised in national media	SP, HR
24 Dec 2014	All applications submitted directly to SP by deadline	SP
16 Jan 2015	Long lists and abbreviated lists submitted to Bitou Municipality for final short-listing	SP, panel
21 Jan 2015	Shortlists finalised according to selection criteria	SP, panel
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12 – 13 Feb 2015	Assessment and Interviews take place in Plettenberg Bay	SP, panel
20 Feb 2015	Final decisions made at Council and offers extended to successful candidate	SP, panel, Council
25 Feb 2015	Negotiations concluded and candidate formally accepts offer in writing	SP
1-31 March 2015	Notice period if required	
1 April 2015	Successful candidate reports for duty	

### Section 3: Corporate Services

31 May 2015	Performance Agreement signed with Executive Mayor	
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6. That it be noted that Mr Chris Schliemann is appointed as Acting HOD: Strategic Services since 1 September 2014 in terms Resolution C/6/222/03/14 of 31 March 2014 of Council approved programme for the Department of Strategic Services.
7. That the concurrence of the MEC for local government in the province be obtained for a further extension of three months for the acting position mentioned in (6) above from 1 December 2014 or any period shorter if the post is filled before the extended period expires.