

Special Council (OPEN) Meeting

25 August 2023

Addendum 1:

10.

ITEM NO	SUBJECT	FIL REF	PG
SECTION 1: OFFICE OF THE MUNICIPAL MANAGER			
C/1/164/08/23	RE-ADVERTISEMENT AND APPROVAL OF SELECTION & RECRUITMENT PROCESS FOR THE FILLING OF POSITION OF DIRECTOR CORPORATE SERVICES <i>(Replacement of Item previously circulated)</i>	4/3/5/1/3	3

SECTION 3
CORPORATE SERVICES

Section 1: Office of the Municipal Manager

ITEM C/1/164/08/23

REPLACEMENT ITEM

RE-ADVERTISEMENT AND APPROVAL OF SELECTION & RECRUITMENT PROCESS FOR THE FILLING OF POSITION OF DIRECTOR CORPORATE SERVICES

Portfolio Comm: Strategic Services & Office of the MM
File Ref: 4/3/5/1

Demarcation: All Wards
Delegation: Council

Attachments: Annexure “A”:- E-mail Correspondence dated 15 August 2023 from Ms. Z Mbhele

Annexure “B”:- Council Resolution C/1/160/08/23:- Interview Outcomes for the position of Director Corporate Services

Report by: Municipal Manager

Author: Manager HR Administration

Date: 23 August 2023

PURPOSE OF THE REPORT

The purpose of this report is to seek Council’s approval to;

1. **Re-advertise** the position of Director Corporate Services.
2. Obtain **approval for the recruitment and selection process** for the filling of the vacancy as prescribed in the Municipal Systems Act.

BACKGROUND

Council at its Special Council meeting of Monday, 07 August 2023, noted that Ms. Z Mbhele qualified at a competent level for the appointment as Director Corporate Services.

Council resolved that the Municipal Manager be authorised to negotiate a contract of employment with the successful candidate, taking into regard statutory requirements, affordability, and other pre-conditions.

Council further resolved that should the preferred candidate reject the offer of employment; that an offer of employment or refrain to agree to a contract of employment within 30 days of the Council’s resolution, the Municipal Manager be authorised to offer the position to the second best and or following qualified candidate.

An offer of employment was made to Ms. Mbhele which she considered and rejected. The Municipal Manager then considered the other qualifying candidates by taking into account the Screening Report as well as the Selection Report and came to the conclusion that it will be in the best interest of Bitou Local Municipality not to make an offer of employment to any other candidate as authorised by Council but to request Council to re-advertise the position.

Section 1: Office of the Municipal Manager

The filling of this key vacancy is critical to the effective functioning of the Directorate Corporate Services.

Section 56(1) (a) of the Local Government Municipal Systems Act, 32 of 2000 states that the municipal council after consultation with the municipal manager must appoint a manager directly accountable to the municipal manager.

The appointment of senior managers are regulated by Regulation 3 of the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers, No. 37245 dated 17 January 2014.

The recruitment, selection and appointment of senior managers must take place in accordance with the municipal systems act and procedures contemplated in section 67 of the Act.

Regulation 7 (1) of the regulations stipulates that when a senior manager post becomes vacant, **or is due to become vacant**, the municipal manager in the case of a manager directly accountable to the municipal manager, must, upon receipt of official notification that the post of a senior manager will become vacant, obtain approval from the municipal council for the filling of such vacant post in its next council meeting or as soon as it is reasonable possible to do so.

Notwithstanding the aforementioned sub regulation, the speaker may convene a special meeting to obtain council approval for the filling of a senior manager post.

Regulation 12 (4) of the Regulations specify that the selection panel for the appointment of a manager directly accountable to a municipal manager must consist of at least three and not more than five members; constituted as follows;

- i. **The municipal manager who will be the chairperson;**
- ii. **A member of the mayoral committee or councillor who is the portfolio head of the relevant portfolio; and**
- iii. **At least one other person; who is not a councillor or a staff member of the municipality, and who has the expertise or experience in the area of the advertised post.**

Timeframes for the Selection Process

ACTIVITY	DATE
Advertising for position of Director Corporate Services(<i>minimum of 14 days from the date of advertisement appearing and not more than 30 days</i>)	03 September 2023
Closing Date	21 September 2023
Shortlisting (within 30 days of closing of advert)	29 September 2023
Screening and competency assessments (within 21 days of shortlisting)	9 – 10 October 2023
Interviews (within 21 days of screening)	10 October 2023
Outcome report tabled in Council	25 October 2023
Successful candidate report for duty	01 December 2023

FINANCIAL IMPLICATION

The position is on the approved staff establishment and is budgeted for.

Section 1: Office of the Municipal Manager

RELEVANT LEGISLATION

- *Local Government: Municipal Systems Act, Act 32 of 2000*

RECOMMENDED BY THE MUNICIPAL MANAGER

1. That Council takes note that Ms. Mbhele rejected the offer of employment made by the Municipal Manager.
2. That Council notes that the Municipal Manager's decision not to exercise his authority to offer the position to the second best and or following qualified candidate, but to re-advertise the position.
3. That Council support the decision of the Municipal Manager and direct him to re-advertise the position in the shortest period of time.
4. That the following persons be approved by Council as the Selection and Interview Panel in terms of both Regulations 12 and 15 of Government Gazette No. (37245) respectively:
 - (a) **The Municipal Manager who will be the chairperson;**
 - (b) **A member of the mayoral committee or councillor who is the portfolio head of the relevant portfolio; Councillor J Kamkam**
 - (c) **At least one other person; who is not a councillor or a staff member of the municipality, and who has the expertise or experience in the area of the advertised post.**
 - (d) *Two (2) Union Representatives, 1 union presentative from IMATU and 1 Union Representative from SAMWU who will sit as an observers*
5. That Council approves the Recruitment and Selection processes hereunder, in line with the Local Government: *Regulations on Employment and Conditions of Employment of Senior Managers*, as promulgated on 17 January 2014.

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Advertising for position of Director Corporate Services(<i>minimum of 14 days from the date of advertisement appearing and not more than 30 days</i>)	03 September 2023
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6. That upon completion of the selection process a report containing the proposed appointment be tabled with Council in order for Council to make the necessary appointment.
7. That upon Council approving the appointment, the Municipal Manager be **mandated to negotiate** an offer of employment with the preferred candidate within the parameters of the specific service conditions and budgetary guidelines relating to the position.

From: [Mbulelo Memani](#)
To: [Venus Cunningham](#)
Subject: FW: Offer of Employment:- Director Corporate Services
Date: Tuesday, 22 August 2023 10:24:25

From: Zuziwe Mbhele <zuziwesisom@gmail.com>
Sent: Tuesday, 15 August 2023 15:23
To: Venus Cunningham <vcunningham@plett.gov.za>
Cc: zmbhele@umuziwabantu.gov.za; Mbulelo Memani <mmemani@plett.gov.za>
Subject: Re: Offer of Employment:- Director Corporate Services

Good day Sir

I hope this email finds you well.

I regret to inform you that the offer extended to me to be appointed Director: Corporate Services of Bittou Local Municipality is hereby declined. This is due to the same offer received and recently accepted (28 July 2023) from Greater Kokstad Municipality, KZN Province, which happened to be in the same category (Category 3 Municipality).

Any inconvenience caused is highly regretted and I wish you all the best.

Kind regards,

Zuziwe Mbhele

On Fri, Aug 11, 2023 at 11:31 AM Venus Cunningham <vcunningham@plett.gov.za> wrote:

Good Dya Ms. Z Mbhele

I have the pleasure to inform you that our Council at its Special Council Meeting of 07 August 2023, resolved under Council Resolution C/1/160/08/23 to appoint you as the Director Corporate Services.

Attached hereto please find the Offer of Employment, please peruse the Offer of Employment and confirm your acceptance of the employment and commencement date before or by no later than Wednesday, 16 August 2023.

Your prompt response will be highly appreciated.

Regards

Venus Cunningham
Manager: Human Resources Administration
Tell: 044 – 501 3441
Fax2Mail: 086 532 7026
E-mail: vcunningham@plett.gov.za

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EXTRACT FROM THE UNCONFIRMED MINUTES OF THE SPECIAL COUNCIL MEETING OF BITOU LOCAL MUNICIPALITY HELD IN THE COUNCIL CHAMBER, MUNICIPAL OFFICES, SEWELL STREET, PLETTENBERG BAY ON MONDAY, 07 AUGUST 2023 AT 10H03

Resolution C/1/160/08/23

INTERVIEW OUTCOMES FOR THE POSITION OF DIRECTOR: CORPORATE SERVICES (NOTICE 187 OF 2023)

Portfolio Comm: Strategic Services & Office of the MM
File Ref: 4/3/5/1

Demarcation: All Wards
Delegation: Council

Resolved

1. That Council takes note of the content of the Selection report.
2. That Council approves the recruitment and selection process;
 - (a) The Longlist;
 - (b) Shortlist; and
 - (c) Screening Report
3. That Council notes that **Ms. Z Mbhele** qualifies at an competent level for the appointment as Director Corporate Services.
4. That Municipal Manager be authorized to negotiate a contract of employment with the successful candidate, taking into regard statutory requirements, affordability, and other pre-conditions.
5. That, should the preferred candidate reject the offer of employment; that an offer of employment or refrain to agree to a contract of employment within 30 days of the Council's resolution, the Municipal Manager be authorized to offer the position to the second best and or following qualified candidate.
6. That in the event that the second best and or following qualified candidate reject the offer of employment, that the position of Director Corporate Services be re-advertised.
7. That a written report regarding the appointment in (1) above be submitted to the MEC for Local Government in the province regarding the appointment process and outcome within 14 days of Council's decision.
8. That the successful incumbent completes the Minimum Municipal Competency Programme within a period of 18 months from date of appointment in the event that he/she does not meet the requirements on MMCL.
9. That the Human Resources Management Division, as a matter of courtesy and legal requirement, inform the successful candidate formally of the outcome of the selection process, and thank them for their application and participation in the process.

10. That Council resolved that the Municipal Manager be authorised to APPLY FOR WAIVER IN TERM OF UPPER LIMITS OF TOTAL REMUNERATION PACKAGES PAYABLE TO MUNICIPAL MANAGERS AND MANAGERS DIRECTLY ACCOUNTABLE TO MUNICIPAL MANAGERS in line with other directors appointed by the Municipality.

Proposed: Councillor J N Kamkam

Seconded: Councillor W J Nel

FOR EXECUTION: Manager HR Administration

Cc: Senior Manager HR and Municipal Manager

DRAFT