



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

# **Agenda**

## **SPECIAL MUNICIPAL COUNCIL MEETING**

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

**DATE: 30 SEPTEMBER 2024**

**Time: 14h00**

# **BITOU LOCAL MUNICIPALITY**

## **NOTICE**

25 September 2024

The Executive Mayor

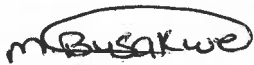
Councillors

Acting Municipal Manager, Directors and acting Directors

### **SPECIAL COUNCIL MEETING: MONDAY, 30 SEPTEMBER 2024 AT 14H00**

**NOTICE** is hereby given that a Special Council Meeting will be held in the Council Chambers, Municipal Offices, Plettenberg Bay on **MONDAY, 30 SEPTEMBER 2024 AT 14H00** to discuss the business set forth in the Agenda.

Yours faithfully



**M P BUSAKWE**  
**SPEAKER OF COUNCIL**

### **Constitution of the Council**

The Speaker, Councillor M P Busakwe  
The Executive Mayor, Councillor J N Kamkam

Councillor S E Gcabayi  
Councillor N P Kolwapi  
Councillor S A Mangxaba  
Councillor H Mitchell  
Councillor T Mhlana  
Councillor W J Nel  
Councillor A R Olivier  
Councillor N T Seti  
Councillor D J Swart  
Councillor C N J Terblanche  
Councillor R Willemse



# **Bitou Local Municipality**

## **Special Council Agenda:**

**30 September 2024**

**Time: 14h00**

### **Order of Business**

**1. OPENING**

**2. ATTENDANCE**

The attendance registers of members of the Municipal Council, Officials will be circulated for signature.

**3. APPLICATION FOR LEAVE OF ABSENCE**

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

**4. DECLARATION OF INTERESTS**

Disclosure of interest by Councillors

**5. CONFIRMATION OF MINUTES FOR PREVIOUS MEETINGS (OPEN)**

None

**6. STATEMENTS AND COMMUNICATIONS BY:**

6.1. The Executive Mayor

6.2. The Speaker

**7. PRESENTATIONS**

None

**8. ITEMS FOR INFORMATION, WHICH HAVE BEEN DEALT WITH BY THE EXECUTIVE MAYOR IN TERMS OF DELEGATED AUTHORITY**

To be considered at the Ordinary Council Meeting of October 2024.



**9. NOTING OF OUTSTANDING COUNCIL RESOLUTIONS**

To be considered at the Ordinary Council Meeting of October 2024.

**10. CONSIDERATION OF REPORTS (NON- DELEGATED MATTERS)**

Circulated herewith

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

None received

**12. CONSIDERATION OF NOTICES OF MOTION**

None received

**13. CONSIDERATION OF NOTICES OF QUESTION**

None received

**14. CONSIDERATION OF MOTIONS OF EXIGENCY**

None received

**15. IN-COMMITTEE MATTERS**

**15.1 CONFIRMATION OF MINUTES: (IN-COMMITTEE)**

None

**15.2 CONSIDERATION OF IN-COMMITTEE REPORTS (NON- DELEGATED MATTERS)**

To be tabled at the meeting

**16. RECORDING OF COUNCILLORS PRESENT**

**17. CLOSURE**

## **10. CONSIDERATION OF REPORTS (NON-DELEGATED MATTERS)**

**PORTFOLIO INDEX**  
**CONSIDERATION OF REPORTS**  
**SPECIAL COUNCIL MEETING**  
**30 SEPTEMBER 2024**

**SECTION 1: OFFICE OF THE MUNICIPAL MANAGER**

ITEM NO	SUBJECT	FILE REF	PAGE NO
C/1/255/09/24	DECLARATION OF VACANCY, APPROVAL OF SELECTION AND RECRUITMENT PROCESS FOR THE FILLING OF THE POSITION OF DIRECTOR FINANCIAL SERVICES	4/3/5/1/2	8

**SECTION 2: FINANCE**

ITEM NO	SUBJECT	FILE REF	PAGE NO
	No Items for consideration		

**SECTION 3: CORPORATE SERVICES**

ITEM NO	SUBJECT	FILE REF	PAGE NO
	No Items for consideration		

**SECTION 4: COMMUNITY SERVICES**

ITEM NO	SUBJECT	FILE REF	PAGE NO
	No Items for consideration		

**SECTION 5: ENGINEERING SERVICES**

ITEM NO	SUBJECT	FILE REF	PAGE NO
	No Items for consideration		

**SECTION 6: PLANNING & DEVELOPMENT**

ITEM NO	SUBJECT	FILE REF	PAGE NO
	No Items for consideration		

**SECTION 1**

**OFFICE OF THE MUNICIPAL  
MANAGER**

## Section 1: Office of the Municipal Manager

ITEM C/1/255/09/24

### DECLARATION OF VACANCY, APPROVAL OF SELECTION AND RECRUITMENT PROCESS FOR THE FILLING OF THE POSITION OF DIRECTOR FINANCIAL SERVICES

**Portfolio Comm:** Strategic Services & Office of the MM      **Demarcation:** All Wards  
**File Ref:** 4/3/5/1/2      **Delegation:** Council

**Attachments:** Annexure “A”: Council Resolution C/1/239/08/24

**Report from:** Acting Municipal Manager

**Author:** Acting Municipal Manager

**Date:** 27 September 2024

#### **PURPOSE OF THE REPORT**

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

1. For the recruitment and selection process for filling of the vacancy, Chief Financial Officer (Director of Finance) as prescribed in the Municipal Systems Act.

#### **BACKGROUND**

Council, at its meeting held on **Monday, 26 August 2024**, under resolution number **C/1/239/08/24** **Council resolved that it did not find suitable candidate, and therefore did not appoint for the position of Director Financial Services.**

**The previous advertisement was incorrect as it required an NQF level 8 instead of level 7. This has not only disqualified but prejudice potential candidates that met the requirements in terms of the regulations.**

In terms of the minimum competency regulations promulgated on 15 June 2007, in Government Gazette number 29967, notice R493, a municipality of the budget size of Bitou Municipality, being below **R500 million** at that time, required the MM and HOD’s to possess the following qualifications and experience:

MM – NQF 6, minimum competency certificate and 5 years of Senior management experience  
CFO – NQF 6, minimum competency certificate and 5 years at middle management level experience  
Other Senior Managers - NQF 6, minimum competency certificate and 5 years at middle management level experience.

Amendments to the regulations on minimum competency levels were promulgated on 26 October 2018 and included the following amendments:

Regulation 3, prescribing the qualifications for accounting officers was amended by changing the qualification to “at least a bachelor’s degree, NQF 7 with a minimum of 360 credits”  
Regulation 5 was adjusted in respect of the budget value to firstly adjust the value from R500 million



## Section 1: Office of the Municipal Manager

to R1 billion as per paragraph 3(a)(i)(a) in respect of Bitou that was previously below R500 million, and Secondly in paragraph 3(a)(i)(b) **by including an adjustment** to the value below R1 billion **to increase annually by CPI on 1 July each year.**

The minimum qualification in respect of the CFO is also amended to a NQF Level 7 in finance and economics or relevant with 360 credits.

Regulation 7 referring to senior managers was also amended to require a NQF Level 7 qualification with the same budget value as that of the CFO below a billion rand **and the annual escalation similar to the CFO as per paragraph 4(a)(i)(b) of the promulgation.**

Please also bear in mind the amendments to the National Qualification framework that happened between 2007 and the 2018 publication.

The value of the budget is determined in Regulation 1, sub-regulation 4(a) and include the total of the operating and capital budget added together.

When calculating the growth of the Below R1 billion in accordance with the relevant paragraphs alluded to herein above and by applying the average CPI as on 1 July each year, the following is evident in respect of the below R 1 Billion threshold and the growth of the amount with CPI as prescribed:

Threshold amount	CPI	Year
1 000 000 000.00	Base year	2018
1 040 000 000.00	4	2019
1 073 280 000.00	3.2	2020
1 122 650 880.00	4.6	2021
1 210 217 648.64	7.8	2022
1 267 097 878.13	4.7	2023
1 338 055 359.30	5.6	2024

The threshold therefore in respect of Bitou Municipality is therefore R 1,267 Billion until 30 June 2024 and R 1,338 Billion from 1 July 2024.

The total budget of Bitou Municipality as per sub-regulation 1(4) calculation amount to the following over the MTREF:

Description	4th Adjusted Budget	Budget Year 2024/25	Budget Year +1 2025/26	Budget Year +2 2026/27
Total Revenue	R 968 033 812	R 1 104 120 069	R 1 157 969 822	R 1 217 383 189
Total Operating Expenditure	R 906 207 477	R 970 876 746	R 1 051 813 704	R 1 164 308 397
Total Capital Expenditure	R 128 792 691	R 183 159 962	R 166 054 564	R 100 746 229
Total expenditure	1 035 000 168	1 154 036 708	1 217 868 268	1 265 054 626

It is clear and evident that the municipality do not exceed the R1 billion with CPI escalation over the entire MTREF, even without a forward projection of CPI and therefore the minimum qualification and experience requirements would be as per the first column of the table in regulation 5 in respect of the CFO and the first column in the table in Regulation 7 for other senior managers.

## Section 1: Office of the Municipal Manager

The filling of this key vacancy is critical to the effective functioning of the Directorate finance and to find suitably qualified candidate in line with the objectives and priorities of Bitou Municipality.

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 is 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 reasonably possible to do so.**

**Notwithstanding the 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 specifies 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 Financial Services ( <i>minimum of 14 days from the date of advertisement appearing and not more than 30 days</i> )	6 October 2024
Closing Date	31 October 2024
Shortlisting (within 30 days of closing of advert)	20 November 2024
Interviews (within 21 days)	27 November 2024
Screening and competency assessments (within 21 days of Interviews)	4 December 2024
Outcome report tabled in Council	11 December 2024
Successful candidate report for duty	03 February 2025

### **FINANCIAL IMPLICATION**

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

### **RELEVANT LEGISLATION**

Local Government: Municipal Systems Act, Act 32 of 2000

## Section 1: Office of the Municipal Manager

### **RECOMMENDED BY THE ACTING MUNICIPAL MANAGER**

1. That Council note that the post of Director Financial Services (Chief Financial Officer) has become vacant as per Council resolution C/1/239/08/24.
2. That Council approve the advertisement of the vacancy for the post of Director Finance (CFO) and the timeframes outlined below;

ACTIVITY	DATE
Advertising for position of Director Financial Services ( <i>minimum of 14 days from the date of advertisement appearing and not more than 30 days</i> )	6 October 2024
Closing Date	31 October 2024
Shortlisting (within 30 days of closing of advert)	20 November 2024
Interviews (within 21 days)	27 November 2024
Screening and competency assessments (within 21 days of Interviews)	4 December 2024
Outcome report tabled in Council	11 December 2024
Successful candidate report for duty	03 February 2025

3. 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 W J Nel;*
  - 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 representative from IMATU and 1 Union Representative from SAMWU, who will sit as observers.*
4. 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.

**EXTRACT FROM THE CONFIRMED MINUTES OF THE SPECIAL COUNCIL MEETING OF BITOU LOCAL MUNICIPALITY HELD IN THE COUNCIL CHAMBER, MUNICIPAL OFFICES, SEWELL STREET, PLETTENBERG BAY ON MONDAY, 19 AUGUST 2024 AT 10H00, SUBSEQUENTLY ADJOURNED TO MONDAY, 26 AUGUST 2024 AT 7H30**

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**Resolution C/1/239/08/24**

**INTERVIEW OUTCOMES AND APPOINTMENT PROCESS FOR THE POSITION OF DIRECTOR: FINANCIAL SERVICE (NOTICE 180 OF 2024)**

**Portfolio Comm:** Strategic Services & Office of the MM      **Demarcation:** All Wards  
**File Ref:** 4/3/5/1      **Delegation:** Council

**Resolved**

That Council does not appoint Mr. Boy M Ngubo in the position of Director Financial Services.”