### SUPPLEMENTARY AGENDA

**ORDINARY COUNCIL MEETING**

**Thursday, 23 March 2017**

<table>
<thead>
<tr>
<th>ITEM NO</th>
<th>SUBJECT</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>11.8</td>
<td>AMENDMENT TO THE APPOINTED SELECTION PANEL FOR THE POSITION OF DIRECTOR CORPORATE SERVICES AND THE APPOINTMENT OF AN INDEPENDENT CONSULTANT TO ASSIST THE SELECTION PANEL</td>
<td>2</td>
</tr>
<tr>
<td>11.9</td>
<td>REPORT TO REQUEST THE EXTENSION OF THE APPOINTMENT OF THE ACTING MUNICIPAL MANAGER</td>
<td>11</td>
</tr>
<tr>
<td>11.10</td>
<td>PROCESS FOR THE RECRUITMENT AND SELECTION OF THE POSITION OF MUNICIPAL MANAGER</td>
<td>13</td>
</tr>
<tr>
<td>11.11</td>
<td>DECLARING KNYSNA MUNICIPALITY AREA AS A LOCAL STATE OF DISASTER</td>
<td>49</td>
</tr>
</tbody>
</table>
C08/03/17 AMENDMENT TO THE APPOINTED SELECTION PANEL FOR THE POSITION OF DIRECTOR CORPORATE SERVICES AND THE APPOINTMENT OF AN INDEPENDENT CONSULTANT TO ASSIST THE SELECTION PANEL

REPORT FROM THE ACTING MUNICIPAL MANAGER

PURPOSE OF THE REPORT

The purpose of this report is to amend the composition of the appointed Selection Panel to replace the “Independent Consultant” with “A person who has expertise or experience as Director : Corporate Services.” Furthermore to appoint an Independent Consultant to assist the Selection Panel in their duties.

BACKGROUND

The Municipal Council resolved per item SC02/01/17 – Process for the Recruitment and Selection of the position of Director : Corporate Services on 17 January 2017, amongst others, as follows:

“[e] That the Municipal Council establish a Selection Panel for the filling of the position of Director : Corporate Services and that the panel be constituted as follows:

Executive Mayor - Cllr E Bouw-Spies
Portfolio Councillor – Cllr P Myers
Independent Consultant
Acting Municipal Manager – Mr J Douglas;”

The resolution and the item that served before the Municipal Council during the Special Meeting held on 17 January 2017, are attached hereto for ease of reference.

As can be seen in the attached resolution, the appointment of an Independent Consultant to assist the Selection Panel was not addressed.

DISCUSSION

Regulation 12(4)(b) of the Local Government : Regulations on Appointment and Conditions of Employment of Senior Managers, 2014, stated that the Selection Panel for the appointment of managers directly accountable to the Municipal Manager must consist, amongst others, of:

“(b) at least one other person, who is not a councillor a staff member of the municipality, and who has expertise or experience in the area of the advertised post.” (Own underlining)

In order to avoid confusion, the opinion is hereby offered that the “Independent Consultant” in the resolution, as quoted above, of the Selection Panel for the position of
Director : Corporate Services be replaced with “A person who has expertise or experience as Director : Corporate Services.”

**RECOMMENDATION OF THE ACTING MUNICIPAL MANAGER**

[a] That the report regarding the amendment to the appointed Selection Panel for the position of Director : Corporate Services, be noted;

[b] That resolution [e] of the Municipal Council resolution per item SC02/01/17 taken during a Special Council Meeting held on 17 January 2017, subject to [c] below, be revoked; and

[c] That the revoked resolution [e] as mentioned in [b] above be replaced with the following:

“[e] That the following Selection Panel be appointed to make recommendations to the Municipal Council for the appointment of a Director : Corporate Services:

Acting Municipal Manager, Mr J Douglas – Chairperson;
Executive Mayor, Cllr E Bouw-Spies;
Portfolio Councillor, Cllr P Myers;
A person who has expertise or experience as Director : Corporate Services;”

[d] That an Independent Consultant be appointed to assist the Selection Panel mentioned in [c] above with the screening of shortlisted candidates and the competency assessment of candidates recommended for appointment as determined in Regulations 14 and 16 respectively, of the Local Government : Regulations on Appointment and Conditions of Employment of Senior Manager, 2014.

**APPENDIX / ADDENDUM**

Item SC02/01/17 and resolutions.

File Number: 4/1/2/2
Execution: Acting Municipal Manager
Manager : HR
SC02/01/17  PROCESS FOR THE RECRUITMENT AND SELECTION OF THE POSITION OF DIRECTOR CORPORATE SERVICES

REPORT FROM THE ACTING MUNICIPAL MANAGER

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 Director Corporate Services which will become vacant end January 2017. It is also to request Council to appoint a selection panel for the Recruitment and Selection process for the above vacancy and the appointment of an Acting Director Corporate Services.

BACKGROUND

It is of utmost importance that this post be filled as soon as possible to ensure that the top management is fully staffed.

The Nature and Content of the Positions

Section 56 of the Local Government: Municipal Systems Act, Act 32 of 2000, (Systems Act) provides for the appointment of Managers directly accountable to the municipal manager. 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 Regulations as well as Municipal Systems Act sections 56, 57A of the aforesaid Act.
2. Senior Manager positions 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.

The Regulations also state that as soon as the positions of Managers directly accountable to the Municipal Manager becomes vacant, or are due to become vacant, the Municipal Manager must obtain approval from the Municipal Council for 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;
(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 must consist 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 Portfolio head of the relevant Directorate.
(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, in consultation with the selection panel, must compile:

(a) a list of all applicants who applied for an advertised post with an evaluation of their relevant competency requirements.
(b) A shortlist evaluated against the relevant competency requirements as set out in Annexures A and B of the Regulations.

The shortlisting must be finalised within 30 days of the closing date of the advertisement.

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 before the interviews take place.

**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;
(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.

Appointment of Service Provider to assist with the process

It is proposed that a service provider be appointed to assist with the Recruitment and Selection process and psychometric test and competency assessment.

Appointment of Acting Director Corporate Services

The position of Director Corporate Services will become vacant end January 2017.

Section 56 of the Municipal Systems Act deals with the Appointment of Managers directly accountable to Municipal Managers and section 56 stipulates as follows:

(1)(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.

RELEVANT LEGISLATION

Municipal Systems Act, Act 32 of 2000
Local Government: Regulations on appointment and conditions of employment of Senior Managers.

FINANCIAL IMPLICATIONS

The position is budgeted for in terms of the MTREF.

RECOMMENDATION OF THE ACTING MUNICIPAL MANAGER

[a] That the report regarding the recruitment and selection of the Director : Corporate Service submitted by the Acting Municipal Manager, be noted;

[b] That the contents of the Local Government : Regulations on Appointment and Conditions of Employment of Senior Managers as well as Government Gazette No. 40118 regarding the Upper Limits of Total Remuneration packages payable to Municipal Managers and Managers directly accountable to Municipal Managers, be noted;

[c] That it be noted that the Municipal Council, after consulting the Municipal Manager, will serve as the Appointment Authority for the position of Director : Corporate Services;
[d] That the selection process set out in the report mentioned in [a] above be adopted;

[e] That in terms of Section 56 of the Local Government: Systems Act, 2000, be appointed as Acting Director: Corporate Services, for a maximum period of three months.

APPENDIX / ADDENDUM

Annexures: Government Gazette No. 37245 dated 17 January 2014;
Government Gazette No. 40118, Upper Limits of Total Remuneration packages payable to Municipal Managers and Managers directly accountable to Municipal Managers;

File Number: 4/1/2/2
Execution: Director: Corporate Services
SC02/01/17  PROCESS FOR THE RECRUITMENT AND SELECTION OF THE POSITION OF DIRECTOR CORPORATE SERVICES

Cllr P Myers proposed, seconded by Cllr M Willemsen, that recommendation [e] be deleted and be replaced with the following:

"That the Municipal Council establish a Selection Panel for the filling of the position of Director: Corporate Services and that the panel be constituted as follows:

Executive Mayor - Cllr E Bouw-Spies
Portfolio Councillor – Cllr P Myers
Independent Consultant
Acting Municipal Manager – Mr J Douglas”.

Cllr P Myers further recommended, seconded by Cllr M Willemsen that the Acting Municipal Manager determine the requirement around the appointment of an Acting Director: Corporate Services and report back at the next Council meeting to be held on 26 January 2017.

Cllr Van Aswegen, proposed, seconded by Cllr M Skosana, that recommendation [e] remain and that the Manager: Legal Services, Ms M Paulsen be appointed as the Acting Director: Corporate Services.

The Speaker called the matter to a vote.

13 Votes were recorded for the proposal of Cllr P Myers while 8 votes were recorded against the proposal.

8 Votes were recorded for the proposal of Cllr E Van Aswegen while 13 votes were recorded against the proposal.

The proposal by Cllr Myers was thus carried.

RESOLVED BY MAJORITY

[a] That the report regarding the recruitment and selection of the Director: Corporate Service submitted by the Acting Municipal Manager, be noted;

[b] That the contents of the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers as well as Government Gazette No. 40118 regarding the Upper Limits of Total Remuneration packages payable to Municipal Managers and Managers directly accountable to Municipal Managers, be noted;

[c] That it be noted that the Municipal Council, after consulting the Municipal Manager, will serve as the Appointment Authority for the position of Director: Corporate Services;
[d] That the selection process set out in the report mentioned in [a] above be adopted;

[e] That the Municipal Council establish a Selection Panel for the filling of the position of Director: Corporate Services and that the panel be constituted as follows:

Executive Mayor - Cllr E Bouw-Spies
Portfolio Councillor – Cllr P Myers
Independent Consultant
Acting Municipal Manager – Mr J Douglas;

[f] That the Acting Municipal Manager determine the requirement around the appointment of an Acting Director: Corporate Services and report back in this regard at the next Municipal Council meeting to be held on 26 January 2017.

File Number: 4/1/2/2
Execution: Director: Corporate Services
11.9

C09/03/17 REPORT TO REQUEST THE EXTENSION OF THE APPOINTMENT OF THE ACTING MUNICIPAL MANAGER

REPORT FROM THE EXECUTIVE MAYOR

PURPOSE OF THE REPORT

To recommend to the Municipal Council to extend the appointment of Mr Johnny Brown Douglas as Acting Municipal Manager for a further period of three months as provided for in Section 54A(2A)(b) read with Sections 54A(1)(b) and 54A(2A)(a) of the Local Government : Municipal Systems Act, 2000.

BACKGROUND

Council at its meeting held on 6 December 2016, resolved to appoint Mr Johnny Brown Douglas as Acting Municipal Manager for a period of 3 months commencing from 3 January 2017.

The abovementioned term of acting is coming to an end on 31 March 2017. The resignation of the Municipal Manager, Mr G S Easton will effectively create a vacancy from 1 May 2017.

Section 54A(2A)(b) of the Municipal Systems Act, 2000 states, regarding the 3 month acting period, 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.”

FINANCIAL IMPLICATIONS

Funding to cover the expense is available as per the MTREF.

RELEVANT LEGISLATION


RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the contents of the report to extend the appointment of the Acting Municipal Manager, be noted;

[b] That the Municipal Council notes the contents of Section 54A(2A)(b) of the Local Government : Municipal Systems Act, 2000 which states, regarding the 3 month acting period, 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."

[c] That Mr Johnny Brown Douglas be appointed as Acting Municipal Manager for a further period which does not exceed three months, commencing on the 1 April 2017, subject to [d] below; and

d] That the above appointment be subject to the written approval of the MEC for Local Government in the Western Cape Province.

APPENDIX / ADDENDUM

None

File Number: 9/1/2/14
Execution: Acting Municipal Manager
Manager: Human Resource
11.10

**C10/03/17  PROCESS FOR THE RECRUITMENT AND SELECTION OF THE POSITION OF MUNICIPAL MANAGER**

**REPORT FROM THE EXECUTIVE MAYOR**

**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 Municipal Manager which is due to become vacant with effect from 1 May 2017 because of the resignation of Mr. G S Easton (See the letter of resignation attached hereto). It is also to request Council to appoint a selection panel for the Recruitment and Selection process for the above post due to become vacant.

**BACKGROUND**


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 Regulations as well as Municipal Systems Act sections 56, 57 A of the aforesaid Act.
2. Senior Manager positions 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.

The Regulations also state that as soon as the position of Municipal Manager becomes vacant, or are due to become vacant, the Executive Mayor must obtain approval from the Municipal Council for filling the post in its next Council Meeting or as soon as it is reasonably possible to do so. A vacant position may not be filled, unless approval to fill the position has been granted by the Municipal Council and the position is sufficiently budgeted for.

Furthermore, no person may be appointed as a Municipal 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;
(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 must consist of at least three and not more than five members, constituted as follows:

(a) The Executive Mayor, who will be the Chairperson or his or her delegate;
(b) A Councillor designated by the Municipal Council; 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, be 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 Executive Mayor, in consultation with the selection panel, must compile:

(a) a list of all applicants who applied for an advertised post with an evaluation of their relevant competency requirements.
(b) A shortlist evaluated against the relevant competency requirements as set out in Annexures A and B of the Regulations.

The shortlisting must be finalised within 30 days of the closing date of the advertisement.

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 Executive Mayor before the interviews take place.

**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;
(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.

Appointment of Service Provider to assist with the process

It is proposed that a service provider be appointed to assist with the Recruitment and Selection process and psychometric test and competency assessment.

RELEVANT LEGISLATION

Local Government: Municipal Systems Act, 2000
Local Government: Regulations on appointment and conditions of employment of Senior Managers.

FINANCIAL IMPLICATIONS

The position is budgeted for in terms of the MTREF.

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the report regarding the process for the recruitment and selection of the position of Municipal Manager, be noted;

[b] That the resignation of Mr. G.S. Easton as Municipal Manager, be noted;

[c] That the contents of the Local Government : Regulations on Appointment and Conditions of Employment of Senior Managers, 2014, as well as Government Gazette no. 40118 regarding the Upper Limits of Total Remuneration packages payable to Municipal Managers and Managers directly accountable to Municipal Managers, be noted;

[d] That it hereby be confirmed, in terms of Regulation 5(2)(a) of the Regulations mentioned in [c] above, that the post of Municipal Manager is required to fulfill the strategic objectives of the Municipal Council;

[e] That approval hereby be granted, in terms of Regulation 7 of the Regulations mentioned in [c] above, to fill the position of Municipal Manager;

[f] That it be noted that the Municipal Council will serve as the Appointment Authority, as stipulated in Regulation 17(2) of the Regulations mentioned in [c] above;

[g] That the selection process as set out in the report mentioned in [a] above, in terms of the Regulations mentioned in [c] above, be adopted;
[h] That the following Selection Panel for the Appointment of a Municipal Manager in terms of Regulation 12(3) of the Regulations mentioned in [c] above, be hereby appointed:

Executive Mayor – Cllr E Bouw-Spies – Chairperson
Cllr …………………………………..; 
A person who has expertise or experience as a Municipal Manager;
…………………………………………;
…………………………………………;

[i] That the Acting Municipal Manager be requested to advertise the post of Municipal Manager, as stipulated in Regulation 10 of the Regulations mentioned in [c] above;

[j] That an Independent Consultant be appointed to assist the Selection Panel mentioned in [h] above with the screening of shortlisted candidates and the competency assessment of candidates recommended for appointment as determined in Regulations 14 and 16 respectively, of the Regulations mentioned in [c] above.

APPENDIX / ADDENDUM

Annexure A - Letter of resignation of Mr. G S Easton, dated 15 March 2017;
Annexure B - Government Gazette No. 37245 dated 17 January 2014;
Annexure C - Government Gazette No. 40118, Upper Limits of Total Remuneration packages payable to Municipal Managers and Managers directly accountable to Municipal Managers;

File Number: 4/1/2/2
Execution: Acting Municipal Manager
Manager: Human Resource
15 March 2017

Madam Mayor

Knysna Municipality

BY HAND

Dear Madam Mayor

RESIGNATION  G S EASTON ID 5807305238183

I hereby tender my resignation as Municipal Manager from Knysna Municipality with effect from 30 April 2017 subject to the following terms and conditions:

1. That all leave pay due to me be paid out on or before 30 April 2017;

2. That the bonus that accrued to me in accordance with the assessment and that is due and owing for the 2014/2015 financial year be paid out on or before 30 April 2017;

3. That the disciplinary action instituted against me be terminated upon acceptance hereof.

I look forward to hearing from you in this regard.

Yours Faithfully

[Signature]

[Stamp: OFFICE OF THE EXECUTIVE MAYOR]

[Stamp: ACKNOWLEDGEMENT]
Local Government: Regulations on appointment and conditions of employment of senior managers

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes.

AIDS HELPLINE: 0800-0123-22 Prevention is the cure
IMPORTANT NOTICE
The Government Printing Works will not be held responsible for faxed documents not received due to errors on the fax machine or faxes received which are unclear or incomplete. Please be advised that an “OK” slip, received from a fax machine, will not be accepted as proof that documents were received by the GPW for printing. If documents are faxed to the GPW it will be the sender’s responsibility to phone and confirm that the documents were received in good order.
Furthermore the Government Printing Works will also not be held responsible for cancellations and amendments which have not been done on original documents received from clients.

CONTENTS • INHOUD

<table>
<thead>
<tr>
<th>No.</th>
<th>Page</th>
<th>Gazette No.</th>
</tr>
</thead>
</table>

GOVERNMENT NOTICE

Cooperative Governance, Department of

Government Notice


3 37245
LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000
(Act No. 32 of 2000)
LOCAL GOVERNMENT: REGULATIONS ON APPOINTMENT AND
CONDITIONS OF EMPLOYMENT OF SENIOR MANAGERS

I, Solomon Lechosa Tsenoli, Minister for Cooperative Governance and Traditional Affairs, subject to applicable labour legislation and after consultation with organised local government representing local government nationally, the bargaining council established for municipalities, the Minister for Public Service and Administration and, where applicable, the Minister of Health and the Minister of Finance, hereby, under section 120, read with section 72, of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), make the regulations in the Schedule.
SCHEDULE

ARRANGEMENT OF REGULATIONS

CHAPTER 1
INTERPRETATION AND APPLICATION

1. Definitions
2. Scope of application

CHAPTER 2
STAFF ESTABLISHMENT

3. Human resource planning
4. Staff establishment
5. Creation and filling of senior manager posts

CHAPTER 3
RECRUITMENT, SELECTION AND APPOINTMENT

6. Principles of recruitment
7. Determination of recruitment needs
8. General requirements for appointment of senior managers
9. Competence requirements for senior managers
10. Advertising of vacant posts
11. Application for vacant post
12. Selection panel
13. Compiling shortlist of applicants
14. Screening of candidates
15. Interviews
16. Selection
17. Resolution of municipal council on appointment of senior managers and reporting
18. Re-employment of dismissed persons
19. Re-advertisement of posts
20. Secondment

CHAPTER 4
CONDITIONS OF EMPLOYMENT

21. Ordinary hours of work
22. Overtime
23. Annual leave
24. Sick leave
25. Proof of sickness or injury
26. Occupational accidents and diseases
27. Reporting sickness or injury
28. Sickness or injury during leave
29. Maternity leave
30. Family responsibility leave
31. Study leave
32. Special leave
33. Unauthorised absence from work
34. Calculation of unpaid leave
35. Upper limit of total remuneration package of senior managers
36. Disclosure of benefits and interests

CHAPTER 5

BENEFITS

37. Retirement or pension fund membership
38. Medical scheme membership
39. Motor vehicle
40. Mobile phone and data card

CHAPTER 6

TERMINATION OF SERVICE

41. Retirement
42. Notice of termination
43. Dismissal for misconduct, incapacity or operational requirements
44. Nomination of beneficiaries and payment of accruing benefits

CHAPTER 7

GENERAL

45. Transitional arrangements
46. Repeal
47. Short title

SCHEDULE 2

CATEGORIES OF MISCONDUCT AND TIME PERIODS THAT MUST EXPIRE BEFORE PERSON MAY BE RE-EMPLOYED IN MUNICIPALITY

ANNEXURES

ANNEXURE A: LOCAL GOVERNMENT: COMPETENCY FRAMEWORK FOR SENIOR MANAGERS

ANNEXURE B: MINIMUM COMPETENCY REQUIREMENTS FOR SENIOR MANAGERS

ANNEXURE C: APPLICATION FORM FOR EMPLOYMENT

ANNEXURE D: DECLARATION OF CONFIDENTIALITY FOR PARTICIPATING IN THE SELECTION PANEL

ANNEXURE E: APPLICATION FORM FOR LEAVE OF ABSENCE

ANNEXURE F: DISCLOSURE FORM FOR BENEFITS AND INTERESTS
Definitions

1. In these regulations, a word or expression to which a meaning has been assigned in the Act has the same meaning as in the Act, unless the context otherwise indicates –

"Basic Conditions of Employment Act" means the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997);

"chief financial officer" means a person designated in terms of section 80(2)(a) of the Municipal Finance Management Act;

"Compensation for Occupational Injuries and Diseases Act" means the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No.130 of 1993);

"competence" means having the necessary higher education qualification, work experience and knowledge to obtain at least a competent level of achievement;

"conditions of employment" in relation to a senior manager have a corresponding meaning as the terms or conditions of employment as defined in section 1 of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997);

"Constitution" means the Constitution of the Republic of South Africa, 1996;

"department" in relation to a municipality means an administrative component of a municipality, headed by a manager appointed in terms of section 56 of the Act;

"the Disciplinary Regulations" means the Local Government: Disciplinary Regulations for Senior Managers. (Government Notice No. 344), as published in Government Gazette No. 34213;

"employment contract" means a contract as contemplated in section 57 of the Act;

"Employment Equity Act" means the Employment Equity Act, 1998 (Act No. 55 of 1998);

"executive committee" means an executive committee established in terms of section 43 of the Municipal Structures Act;

"financial year" means the financial year of a municipality commencing on 1 July each year and ending on 30 June of the following year;

"Labour Relations Act" means the Labour Relations Act, 1995 (Act No. 66 of 1995);

"Mayor" means the mayor or executive mayor of a municipality as elected in terms of the Municipal Structures Act;
“medical practitioner” for purposes of these regulations includes a practitioner as defined by the Health Professions Council of South Africa, and who is legally certified to diagnose and treat patients;

“Medical Schemes Act” means the Medical Schemes Act, 1998 (Act No. 131 of 1998);

“Municipal Finance Management Act” means the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), and any regulations made under that Act;


“Pension Funds Act” means the Pension Funds Act, 1956 (Act No. 24 of 1956);

“performance agreement” means an agreement as contemplated in section 57 of the Act;

“post” means a post on the approved staff establishment of a municipality which has been budgeted for;

“senior manager” means a municipal manager or acting municipal manager, appointed in terms of section 54A of the Act, and includes a manager directly accountable to a municipal manager appointed in terms of section 56 of the Act;

“speaker” has the meaning assigned to it in the Municipal Structures Act;

“staff establishment” means the approved posts created for the normal and regular requirements of a municipality;

“the Act” means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and

“total remuneration package” means the total cost of a senior manager’s remuneration to a municipality and includes the salary, pension contributions, medical aid contributions and other forms of payment or benefit.

Scope of application

2. (1) These regulations apply to—
   (a) municipalities in the Republic of South Africa;
   (b) municipal entities; and
   (c) senior managers.

(2) These regulations must be read in conjunction with—
   (a) any regulations or guidelines issued in terms of section 120 of the Act concerning matters listed in section 54A, 56, 57A and 72; and
CHAPTER 2

STAFF ESTABLISHMENT

Human resource planning

3. A municipal council must—
   (1) assess the human resources necessary to perform its functions, with particular reference to—
      (a) the number of senior managers required; and
      (b) the competencies that a senior manager must have.
   (2) assess existing human resources by race, gender and disability, and department with reference to their—
      (a) competencies;
      (b) training needs; and
      (c) employment capacities.
   (3) plan within the available budgeted funds, including funds for the remaining period of the relevant medium-term expenditure framework, for the recruitment, retention and development of human resources according to the municipality’s requirements determined in terms of paragraph (a), which plan must, as a minimum, include—
      (a) realistic goals and measurable targets for achieving representativeness, taking into account paragraph (b); and
      (b) targets for the training of senior managers per occupational category and of specific senior managers, with specific plans to meet the training needs of persons historically disadvantaged.

Staff establishment

4. (1) A municipal manager must, within 12 months of the promulgation of these regulations, review the municipality’s staff establishment having regard to the principles set out in these regulations, the functions and powers listed in Part B of Schedule 4 to the Constitution, Part B of Schedule 5 to the Constitution, Chapter 5 of the Municipal Structures Act, and based on—
       (a) a municipality’s strategic objectives; and
       (b) a municipality’s core and support functions.
   (2) Notwithstanding subregulation (1), a municipality must at least provide for the following departments on the staff establishment to—
       (a) provide 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; and
       (e) render corporate support services.
   (3) The municipal manager must review the municipality’s staff establishment within 12 months in any of the following instances:
       (a) the election of a new municipal council;
       (b) the adoption of the integrated development plan of the municipality as contemplated in section 25 of the Act;
       (c) material changes to the functions of the municipality; or
       (d) the determination of new municipal boundaries.
   (4) The staff establishment must provide for—
       (a) permanent posts; and
       (b) fixed term posts.
(5) In the case of fixed term posts, the municipal manager must have due regard to the following:
   (a) the financial implications of such post to the municipality;
   (b) any existing contractual obligations of the incumbent manager and the financial implications thereof on the budget of the municipality;
   (c) the need of the municipality to retain institutional memory and scarce skills, and to promote stability and continuity within the municipality; and
   (d) the sustainability of the municipality.

(6) The municipal manager must, within 14 days of finalising the staff establishment, submit the staff establishment, a detailed report and recommendations on the staff establishment to the municipal council for approval.

(7) The report contemplated in subregulation (6) must outline the process followed in developing the staff establishment, which must include—
   (a) a summary of the mandate and service delivery priorities of the municipality and how the proposed staff establishment addresses these;
   (b) a summary of the proposed posts that are envisaged to—
      (i) materially change;
      (ii) change to a limited or non-material degree;
      (iii) be abolished; and
      (iv) not be affected by the changes;
   (c) a motivation of the proposed changes, including an analysis of the strengths, weaknesses and limitations of the current staff establishment;
   (d) job descriptions, duties, functions, competency requirements and responsibilities according to which one or more posts of the same grade are established, including the grading or relative size and value of a job;
   (e) details of the financial implications of the changes including, but not limited to, the outcomes of job evaluation processes, remuneration costs for senior managers, costs for relocation, new facilities and equipment, if any;
   (f) non-financial implications of the changes, including the impact on existing staff, key stakeholders and other processes within the municipality;
   (g) a project plan that specifies the timeframes within which the implementation is envisaged to take place; and
   (h) the stakeholders and change management requirements.

(8) The municipal council must at its next meeting following receipt of the staff establishment, approve the staff establishment, with or without amendments, as proposed by the municipal manager.

Creation and filling of senior manager posts

5. (1) When creating or filling a post of a senior manager, the municipal council must have due regard to the staff establishment, report and recommendation contemplated in regulations 4(6) and (7) of these regulations.
   (2) The municipal council must—
      (a) confirm that the municipality requires the post to meet its strategic objectives;
      (b) ensure that a job description has been developed for the post;
      (c) attach to that post the remuneration and other conditions of employment; and

This gazette is also available free online at www.gpwonline.co.za
(d) ensure that sufficient budgeted funds, including funds for the remaining period of the medium-term expenditure framework, are available for filling the post.

CHAPTER 3

RECRUITMENT, SELECTION AND APPOINTMENT

Principles of recruitment

6. (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 Act that are consistent with sections 54A, 55, 57A and 72 of the Act.

(2) A senior manager post must be filled through public advertising, in accordance with the procedures contemplated in regulation 10.

(3) Selection must be competence-based to enhance the quality of appointment decisions and to ensure the effective performance by municipalities of their functions.

Determination of recruitment needs

7. (1) When the post of a senior manager becomes vacant, or is due to become vacant, the mayor, in the case of a municipal manager, or 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 post in its next council meeting or as soon as it is reasonably possible to do so.

(2) A vacant senior manager post may not be filled, unless—

(a) approval to fill the post has been granted by the municipal council; and

(b) the post has been budgeted for.

(3) Notwithstanding subregulation (1), the speaker may convene a special meeting to obtain municipal council approval for the filling of a senior manager post.

General requirements for appointment of senior managers

8. (1) No person may be appointed as a senior manager on a fixed term contract, on a permanent basis or on probation, to any post on the approved staff establishment of a municipality, unless he or she—

(a) is a South African citizen or permanent resident; and

(b) possesses the relevant competencies, qualifications, experience, and knowledge set out in Annexures A and B to these regulations.

(2) An appointment may not take effect before the first day of the month following the month during which the municipal council approved the appointment.

Competence requirements for senior managers

9. (1) A person appointed as a senior manager in terms of these regulations must have the competencies as set out in Annexure A.

(2) A person appointed as a senior manager in terms of these regulations must comply with the minimum requirements for higher education qualification, work experience and knowledge as set out in Annexure B.
Advertising of vacant posts

10. (1) The municipal manager must, within 14 days of receipt of the approval referred to in regulation 7, ensure that the vacant post is advertised.
(2) A vacant senior manager post must be advertised in a newspaper circulating nationally and in the province where the municipality is located.
(3) An advertisement for a vacant senior manager post must specify the—
   (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;
   (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.
(4) A municipality may utilise a recruitment agency to identify candidates for posts: Provided that the advertising, recruitment and selection procedures comply with these regulations.
(5) The mayor, in the case of a municipal manager, or the municipal manager, in the case of a manager directly accountable to the municipal manager, must provide monthly reports to the executive committee regarding progress on the filing of the vacant senior manager post.

Application for vacant post

11. (1) An application for the vacant post of a senior manager must be submitted on an official application form, attached as Annexure C, accompanied by a detailed curriculum vitae.
(2) Notwithstanding subregulation (1), a municipality that has on-line application procedures in place may use an on-line application form: Provided that the on-line application form substantially corresponds to the application form in Annexure C, and complies with these regulations.
(3) An application not made on the official form, as contemplated in subregulations (1) or (2) must not be considered.
(4) An applicant for a senior manager post must disclose—
   (a) his or her academic qualifications, proven experience and competencies;
   (b) his or her contactable references;
   (c) registration with a relevant professional body;
   (d) full details of any dismissal for misconduct; and
   (e) any disciplinary actions, whether pending or finalised, instituted against such applicant in his or her current or previous employment.
(5) Any misrepresentation or failure to disclose information contemplated in subregulation (3) and (4) is a breach of the Code of Conduct for Municipal Staff as provided for in Schedule 2 to the Act and shall be dealt with in terms of the Disciplinary Regulations.

This gazette is also available free online at www.gpwonline.co.za
(6) The municipality must compile and maintain a record of all applications received, which must contain—
(a) the applicants’ biographical details and contact information;
(b) the details of the post for which the applicants were applying;
(c) the applicants’ qualifications; and
(d) any other requirements outlined in the application form.

Selection panel

12. (1) A municipal council must appoint a selection panel to make recommendations for the appointment of candidates to vacant senior manager posts.
(2) In deciding who to appoint to a selection panel, the following considerations must inform the decision:
(a) the nature of the post;
(b) the gender balance of the panel; and
(c) the skills, expertise, experience and availability of the persons to be involved.
(3) The selection panel for the appointment of a municipal manager must consist of at least three and not more than five members, constituted as follows:
(a) the mayor, who will be the chairperson, or his or her delegate;
(b) a councillor designated by the municipal council; 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.
(4) 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:
(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; 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.
(5) A panel member must disclose any interest or relationship with shortlisted candidates during the shortlisting process.
(6) A panel member contemplated in subregulations (3) and (4) must recuse himself or herself from the selection panel if—
(a) his or her spouse, partner, close family member or close friend has been shortlisted for the post;
(b) the panel member has some form of indebtedness to a short-listed candidate or vice versa; or
(c) he or she has any other conflict of interest.
(7) A panel member and staff member must sign a declaration of confidentiality as set out in Annexure D to these regulations, to avert the disclosure of information to unauthorised persons.
(8) A staff member may provide secretarial or advisory services during the selection process, but may not form part of the selection panel.

Compiling shortlist of applicants

13. (1) A mayor, in the case of the municipal manager, or the municipal manager, in the case of the manager directly accountable to the municipal manager, in consultation with the selection panel, must compile—
(a) a list of all applicants who applied for an advertised post; and

This gazette is also available free online at www.gpwonline.co.za
(b) a shortlist consisting of all applications received for a specific post, evaluated against the relevant competency requirements, as set out in Annexures A and B to these regulations.

(2) The shortlisting must be finalised within 30 days of the closing date of the advertisement.

(3) The municipality must keep a record of all the applicants who applied for vacant posts.

(4) The municipal manager must ensure that the information contained in the applications is kept confidential and stored in a secure site on the municipality’s premises.

(5) The lists contemplated in subregulation (1) must be submitted, together with the shortlisted applications, to the selection panel before the interviews.

Screening of candidates

14. (1) 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.

(2) A written report on the outcome of the screening process must be compiled by the mayor, in the case of the municipal manager, or the municipal manager, in the case of the manager directly accountable to the municipal manager, before the interviews take place.

Interviews

15. (1) The selection panel must conduct interviews within 21 days of screening the candidates.

(2) The selection panel for a specific post must remain the same throughout the screening and interviewing process.

(3) The selection panel must keep records of every panel member’s individual assessment of the interviewed candidates.

(4) The determination of candidates to be recommended for appointment must be considered by way of consensus between the members of the selection panel.

(5) If consensus cannot be reached, a dissenting member may record his or her concerns in the minutes, whereafter the issue may be voted upon, with each member of the selection panel entitled to one vote.

(6) The selection panel must 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.

Selection

16. (1) The candidates recommended for appointment to the post of a senior manager must undergo a competency assessment.

(2) The competency assessment tools must—

(a) be capable of being applied fairly; and
(b) not be biased against any person or group of persons.

(3) A municipality must provide in its medium term budget, funding for purposes of competency assessment and testing.
(4) Notwithstanding subregulation (3) and upon good cause shown, a municipality encountering cash flow problems may apply to the Local Government Sector Education and Training Authority to make use of the discretionary grants to fund the competency assessment for purposes of filling a vacant senior manager post.

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

Resolution of municipal council on appointment of senior managers and reporting

17. (1) 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 to these regulations;
   (b) screening of the candidates has been conducted in terms of regulation 14; and
   (c) the candidate does not appear on the record of staff members dismissed for misconduct as set out in Schedule 2 to these regulations.

(2) A municipal council must, subject to subregulation (1), take a decision on the appointment of a suitable candidate.

(3) A municipal council must—
   (a) inform all interviewed candidates, including applicants who were unsuccessful, of the outcome of the interview; and
   (b) within 14 days of the decision referred to in subregulation (2), submit a written report to the MEC for local government regarding the appointment process and outcome.

(4) The report contemplated in subregulation (3)(b) 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;
   (i) the details of executive committee members and recommendations, if the selection panel comprised of all members of the executive committee;
   (j) the recommendation of the executive committee or executive mayor to the municipal council, if any;
   (k) the municipal council resolution approving the appointment of the successful candidate;
   (l) the application form, curriculum vitae, proof of qualifications and other supporting documentation of the successful candidate;
   (m) a written confirmation by the successful candidate that he or she does not hold political office as contemplated in section 56A of the Act, as at the date of appointment;

This gazette is also available free online at www.gpwonline.co.za
(n) the letter of appointment, outlining the term of contract, remuneration and conditions of employment of the senior manager; and
(c) any other information relevant to the appointment.

**Re-employment of dismissed persons**

18. (1) A person who has been dismissed for misconduct in a municipality may not be employed as a senior manager in any municipality before the expiry of a period, as set out in column 3, in respect of such category of misconduct as set out in column 2 of Schedule 2.

(2) Subregulation (1) does not apply to a senior manager who has lodged a dispute in terms of applicable legislation.

(3) If a senior manager is dismissed for more than one categories of misconduct as set out in subregulation (1), the periods set out in column 3 of the table attached as Schedule 2, run concurrently.

(4) For purposes of subregulation (1), a person dismissed for misconduct is prohibited from re-employment in any municipality for a period as set out in column 3 of Schedule 2 in respect of such category of misconduct calculated from the date of dismissal or conviction.

(5) Any senior manager who has been dismissed for any misconduct other than the categories of misconduct as set out in column 2 of the table attached as Schedule 2 may not be subjected to a waiting period before such a staff member may be re-employed in a municipality.

(6) A municipality must maintain a record of staff members dismissed for misconduct and staff members who resigned prior to the finalisation of any disciplinary proceedings.

(7) A record contemplated in subregulation (6) must be submitted within 14 days of such dismissal or resignation to the MEC for local government and the Minister.

(8) The record contemplated in subregulation (6) must include the following information:

(a) The name and surname of the staff member;
(b) the name of municipality;
(c) the post title; and
(d) the nature of the misconduct, including—
   (i) the date of suspension, if applicable;
   (ii) the conditions of suspension;
   (iii) the date of commencement of the disciplinary hearing;
   (iv) information regarding any pre-dismissal arbitration;
   (v) the finding and category of misconduct;
   (vi) the date on which the misconduct was referred for arbitration;
   (vii) costs incurred by the municipality towards the finalisation of the disciplinary case;
   (viii) the date of resignation or dismissal of the senior manager; and
   (ix) whether the dismissal has been appealed and the status of the appeal, if applicable.

**Re-advertisement of posts**

19. (1) If no suitable candidate has been identified, the municipal council—

(a) must inform all shortlisted candidates that their applications were unsuccessful; and
(b) may re-advertise the post.
Secondment

20. (1) If a person is seconded to a municipality to act as a municipal manager in terms of section 54A(6) of the Act, an agreement must be entered into between the relevant seconding authority and receiving municipality.

(2) The agreement contemplated in subregulation (1) must specify—
(a) the duration of the secondment;
(b) the party responsible for the costs of the secondment; and
(c) the job description of the seconded official.

(3) Notwithstanding subregulation (4), the cost of secondment must be borne by the receiving municipality, taking into consideration the financial capacity of the municipality.

(4) A person seconded in terms of subregulation (1) must report monthly to the MEC or the Minister, in terms of section 54A(6), on the following:
(a) steps taken to fill the vacant post to which he or she is seconded;
(b) the development and implementation of any municipal institutional recovery plan for which the seconded official is responsible;
(c) monitor and assess the adherence to policy, principles and frameworks applicable to the municipality;
(d) develop a turnaround strategy for the municipality including a strategy to promote good governance;
(e) ensure implementation of municipal council resolutions by the administration;
(f) implement a system to control and approve all expenditure;
(g) implement all governance systems and procedures; and
(h) ensure implementation of financial systems, policies and procedures.

(5) A person seconded in terms of subregulation (1) must—
(a) be paid an allowance equal to the difference between the secondee's current salary and the minimum budgeted salary of the position that the secondee acts in; and
(b) be compensated for subsistence and travel incurred during the course and scope of his or her duties, in accordance with the relevant policy of the municipality.

CHAPTER 4

CONDITIONS OF EMPLOYMENT

Ordinary hours of work

21. (1) Except as otherwise provided, a senior manager's ordinary hours of work must be stipulated in the employment contract and be in accordance with the operational requirements of the municipality.

(2) Notwithstanding subregulation (1), a senior manager must work at least 40 ordinary hours per week from Monday to Friday.

Overtime

22. A senior manager may be required to work overtime without additional remuneration.
GENERAL NOTICES

DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS
NOTICE 381 OF 2016

Gazette 40117 of 1 July 2016, is hereby withdrawn, and replaced with the following Gazette:

LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000
(Act No. 32 of 2000)

LOCAL GOVERNMENT:
UPPER LIMITS OF TOTAL REMUNERATION PACKAGES PAYABLE TO MUNICIPAL
MANAGERS AND MANAGERS DIRECTLY ACCOUNTABLE TO MUNICIPAL
MANAGERS

Under the powers vested in me by section 72(2A) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), I, David Douglas Des Van Rooyen, Minister for Cooperative Governance and Traditional Affairs, hereby —

(a) after consultation with the Minister of Finance, the Minister for Public Service and Administration, the MECs responsible for local government, and organised local government; and

(b) after taking into consideration the matters as set out in Regulation 35 of the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers, issued in terms of Government Notice No. 21 as published under Government Gazette No. 37245 of 17 January 2014,

determine the upper limits of the total remuneration packages payable to municipal managers and managers directly accountable to municipal managers as set out in the Schedule with effect from 1 July 2016.

MR DES VAN ROOYEN, MP
MINISTER FOR COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

1

This gazette is also available free online at www.gpwonline.co.za
SCHEDULE

Preamble

Having regard to the upper limits of salaries of municipal managers and managers directly accountable to municipal managers (senior managers) as set out below, the need to prioritise service delivery to communities and to sustain viable local government and the fiscal capacity of different categories of municipalities, this Notice provides a strategic framework for remuneration of senior managers across all municipalities.

The development of this Notice took into consideration the core reward principles aimed at ensuring an appropriate remuneration mix and sought to ensure that the remuneration of senior managers is cost-effective, consistent, internally balanced (equitable) and externally competitive and aligned to the achievement of the overall strategy and objectives of municipalities while also providing uniform remuneration standards for local government.

The upper limits constitutes an integral part of the human resource value chain in building resilient administrative institutions underpinned by the intent to enable municipalities to attract, employ and retain appropriately qualified and competent personnel necessary for effective performance of their functions.

In order to strengthen the capacity of municipalities, this Notice reinforces the statutory obligation binding on municipalities to appoint senior managers who meet the minimum prescribed experience, higher education qualifications and who have attained a competent achievement level as measured against the Local Government: Competency Framework for Senior Managers.

Definitions

1. In this Schedule, unless the context otherwise indicates, a word or phrase to which a meaning has been assigned in the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (hereafter referred to as "the Act") and the Local Government: Regulations on Appointment and Conditions of Employment for Senior Managers has that meaning, and –

"categorisation" means categorisation of a municipality as determined in terms of item 5 of the Notice;

"competency framework" means the Local Government: Competency Framework for Senior Managers as set out in Annexure A of the Regulations;

"Regulations" means the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers issued in terms of Government Notice No. 21 as published under Government Gazette No. 37245 of 17 January 2014;

"remote allowance" means a non-pensionable allowance payable by a municipality to attract a suitably qualified and competent senior manager to a geographically remote area or small
town with relatively small population and significant proportion of urban population where the 
approved pay scales are not sufficient to attract such a senior manager;

"remoteness index" means the remoteness directory of all municipalities in Republic 
providing a relative weight in terms of the remoteness of each municipality in relation to 
another measured in terms of access to a range of functions and services (public and private) 
as well as livelihood opportunities;

"total municipal equitable share" means the equitable share of revenue that is provided to 
a metropolitan, local or district municipality for the 2015/2016 financial year in terms of section 
227(1) of the Constitution of the Republic of South Africa, 1996 to enable the municipality to 
provide basic services and perform the functions allocated to it;

"total municipal income" means the gross income in respect of a metropolitan, local or 
district municipality based on actual income as stated in the audited financial statements of 
that municipality for the financial years 2011/12, 2012/13, 2013/14 and 2014/15, age-adjusted 
and averaged.

(a) The gross income for the municipality includes the following:

(i) rates on property;
(ii) fees for services rendered by the municipality, or on its behalf by a municipal 
entity;
(iii) surcharges;
(iv) other authorised taxes;
(v) levies and duties;
(vi) income from fines for traffic offences and contravention of municipal by-laws or 
legislation assigned to the local sphere of government;
(vii) regional services council replacement grant for district municipalities;
(viii) interest earned on invested funds other than national and provincial conditional 
grants;
(ix) rental for the use of municipal movable or immovable property; and
(x) amounts received as agent for other spheres of government.

(b) The gross income excludes the following:

(i) transfers and / or grants from the national fiscus and provincial fiscus; and
(ii) all value added tax (VAT) refunds.

"total population" means the official statistics of the population residing in the area of 
jurisdiction of a metropolitan, local or district municipality, as determined by the Statistician-
General for the 2011 Census, in terms of section 14(7) of the Statistics Act, 1999 (Act No. 6 
of 1999);

"upper limits" means the applicable total remuneration package values as contained in the 
Notice.
Allocation of number of points for total municipal income

2. The number of points allocated for the total municipal income of a municipality, is as follows:

<table>
<thead>
<tr>
<th>From</th>
<th>To</th>
<th>Number of Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>R 0</td>
<td>R 12,254,381</td>
<td>1</td>
</tr>
<tr>
<td>R 12,254,382</td>
<td>R 13,123,596</td>
<td>2</td>
</tr>
<tr>
<td>R 13,123,597</td>
<td>R 14,791,247</td>
<td>3</td>
</tr>
<tr>
<td>R 14,791,246</td>
<td>R 15,880,600</td>
<td>4</td>
</tr>
<tr>
<td>R 15,880,601</td>
<td>R 18,305,041</td>
<td>5</td>
</tr>
<tr>
<td>R 18,305,042</td>
<td>R 19,726,359</td>
<td>6</td>
</tr>
<tr>
<td>R 19,726,360</td>
<td>R 21,163,816</td>
<td>7</td>
</tr>
<tr>
<td>R 21,163,819</td>
<td>R 23,013,404</td>
<td>8</td>
</tr>
<tr>
<td>R 23,013,405</td>
<td>R 25,007,089</td>
<td>9</td>
</tr>
<tr>
<td>R 25,007,090</td>
<td>R 27,199,617</td>
<td>10</td>
</tr>
<tr>
<td>R 27,199,618</td>
<td>R 29,688,395</td>
<td>11</td>
</tr>
<tr>
<td>R 29,588,390</td>
<td>R 32,168,380</td>
<td>12</td>
</tr>
<tr>
<td>R 32,168,391</td>
<td>R 34,999,665</td>
<td>13</td>
</tr>
<tr>
<td>R 34,999,666</td>
<td>R 37,029,555</td>
<td>14</td>
</tr>
<tr>
<td>R 37,029,558</td>
<td>R 40,302,360</td>
<td>15</td>
</tr>
<tr>
<td>R 40,302,391</td>
<td>R 43,153,349</td>
<td>16</td>
</tr>
<tr>
<td>R 43,153,350</td>
<td>R 46,004,306</td>
<td>17</td>
</tr>
<tr>
<td>R 46,004,309</td>
<td>R 49,949,147</td>
<td>18</td>
</tr>
<tr>
<td>R 49,949,148</td>
<td>R 53,637,637</td>
<td>19</td>
</tr>
<tr>
<td>R 53,637,638</td>
<td>R 56,692,743</td>
<td>20</td>
</tr>
<tr>
<td>R 56,592,744</td>
<td>R 59,189,794</td>
<td>21</td>
</tr>
<tr>
<td>R 59,189,795</td>
<td>R 62,143,035</td>
<td>22</td>
</tr>
<tr>
<td>R 62,143,036</td>
<td>R 65,323,156</td>
<td>23</td>
</tr>
<tr>
<td>R 65,323,157</td>
<td>R 71,688,259</td>
<td>24</td>
</tr>
<tr>
<td>R 71,688,260</td>
<td>R 79,103,707</td>
<td>25</td>
</tr>
<tr>
<td>R 79,103,708</td>
<td>R 86,441,049</td>
<td>26</td>
</tr>
</tbody>
</table>
### TOTAL MUNICIPAL INCOME

<table>
<thead>
<tr>
<th>From</th>
<th>To</th>
<th>Number of Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>R 86,441,050</td>
<td>R 91,431,264</td>
<td>27</td>
</tr>
<tr>
<td>R 91,431,265</td>
<td>R 95,176,997</td>
<td>28</td>
</tr>
<tr>
<td>R 95,176,998</td>
<td>R 103,804,399</td>
<td>29</td>
</tr>
<tr>
<td>R 103,804,399</td>
<td>R 112,833,465</td>
<td>30</td>
</tr>
<tr>
<td>R 112,833,406</td>
<td>R 118,124,901</td>
<td>31</td>
</tr>
<tr>
<td>R 118,124,902</td>
<td>R 122,647,904</td>
<td>32</td>
</tr>
<tr>
<td>R 122,647,905</td>
<td>R 133,316,020</td>
<td>33</td>
</tr>
<tr>
<td>R 133,316,021</td>
<td>R 144,912,065</td>
<td>34</td>
</tr>
<tr>
<td>R 144,912,066</td>
<td>R 157,516,754</td>
<td>35</td>
</tr>
<tr>
<td>R 157,516,755</td>
<td>R 161,960,589</td>
<td>36</td>
</tr>
<tr>
<td>R 161,960,590</td>
<td>R 166,404,424</td>
<td>37</td>
</tr>
<tr>
<td>R 166,404,425</td>
<td>R 171,217,619</td>
<td>38</td>
</tr>
<tr>
<td>R 171,217,620</td>
<td>R 181,469,212</td>
<td>39</td>
</tr>
<tr>
<td>R 181,469,213</td>
<td>R 193,162,260</td>
<td>40</td>
</tr>
<tr>
<td>R 193,162,261</td>
<td>R 219,995,116</td>
<td>41</td>
</tr>
<tr>
<td>R 219,995,117</td>
<td>R 236,021,953</td>
<td>42</td>
</tr>
<tr>
<td>R 239,021,954</td>
<td>R 259,812,473</td>
<td>43</td>
</tr>
<tr>
<td>R 259,812,474</td>
<td>R 282,411,388</td>
<td>44</td>
</tr>
<tr>
<td>R 282,411,389</td>
<td>R 306,975,932</td>
<td>45</td>
</tr>
<tr>
<td>R 306,975,933</td>
<td>R 333,677,267</td>
<td>46</td>
</tr>
<tr>
<td>R 333,677,268</td>
<td>R 362,701,062</td>
<td>47</td>
</tr>
<tr>
<td>R 362,701,063</td>
<td>R 394,249,394</td>
<td>48</td>
</tr>
<tr>
<td>R 394,249,395</td>
<td>R 428,541,851</td>
<td>49</td>
</tr>
<tr>
<td>R 428,541,852</td>
<td>R 500,334,659</td>
<td>50</td>
</tr>
<tr>
<td>R 500,334,660</td>
<td>R 508,240,123</td>
<td>51</td>
</tr>
<tr>
<td>R 508,240,124</td>
<td>R 505,285,611</td>
<td>52</td>
</tr>
<tr>
<td>R 598,249,124</td>
<td>R 768,331,505</td>
<td>53</td>
</tr>
<tr>
<td>R 650,285,812</td>
<td>R 835,162,335</td>
<td>54</td>
</tr>
<tr>
<td>R 783,331,596</td>
<td>R 996,768,585</td>
<td>55</td>
</tr>
</tbody>
</table>

This gazette is also available free online at [www.gpwronline.co.za](http://www.gpwronline.co.za)
TOTAL MUNICIPAL INCOME

<table>
<thead>
<tr>
<th>From</th>
<th>To</th>
<th>Number of Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>R 986,766,686</td>
<td>R 1,338,445,302</td>
<td>56</td>
</tr>
<tr>
<td>R 1,338,445,303</td>
<td>R 2,148,679,003</td>
<td>57</td>
</tr>
<tr>
<td>R 2,148,679,004</td>
<td>R 4,071,373,025</td>
<td>58</td>
</tr>
<tr>
<td>R 4,071,373,026</td>
<td>R 7,754,650,608</td>
<td>59</td>
</tr>
<tr>
<td>R 7,754,650,607</td>
<td>above</td>
<td>60</td>
</tr>
</tbody>
</table>

Allocation of number of points for total population

3. The number of points allocated for the total population of a municipality, is as follows:

TOTAL POPULATION

<table>
<thead>
<tr>
<th>From</th>
<th>To</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>60,775</td>
<td>1</td>
</tr>
<tr>
<td>60,776</td>
<td>71,500</td>
<td>2</td>
</tr>
<tr>
<td>71,501</td>
<td>80,441</td>
<td>3</td>
</tr>
<tr>
<td>80,442</td>
<td>91,310</td>
<td>4</td>
</tr>
<tr>
<td>91,311</td>
<td>103,265</td>
<td>5</td>
</tr>
<tr>
<td>103,267</td>
<td>113,048</td>
<td>6</td>
</tr>
<tr>
<td>113,049</td>
<td>123,817</td>
<td>7</td>
</tr>
<tr>
<td>123,818</td>
<td>134,786</td>
<td>8</td>
</tr>
<tr>
<td>134,787</td>
<td>148,742</td>
<td>9</td>
</tr>
<tr>
<td>148,743</td>
<td>163,045</td>
<td>10</td>
</tr>
<tr>
<td>163,046</td>
<td>181,523</td>
<td>11</td>
</tr>
<tr>
<td>181,524</td>
<td>203,261</td>
<td>12</td>
</tr>
<tr>
<td>203,262</td>
<td>229,346</td>
<td>13</td>
</tr>
<tr>
<td>229,347</td>
<td>257,607</td>
<td>14</td>
</tr>
<tr>
<td>257,607</td>
<td>296,734</td>
<td>16</td>
</tr>
<tr>
<td>296,735</td>
<td>342,384</td>
<td>16</td>
</tr>
<tr>
<td>342,385</td>
<td>398,729</td>
<td>17</td>
</tr>
<tr>
<td>398,729</td>
<td>460,856</td>
<td>18</td>
</tr>
<tr>
<td>460,857</td>
<td>535,652</td>
<td>19</td>
</tr>
</tbody>
</table>
### TOTAL POPULATION

<table>
<thead>
<tr>
<th>From</th>
<th>To</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>555,853</td>
<td>624,978</td>
<td>20</td>
</tr>
<tr>
<td>624,979</td>
<td>728,233</td>
<td>21</td>
</tr>
<tr>
<td>728,234</td>
<td>848,879</td>
<td>22</td>
</tr>
<tr>
<td>848,880</td>
<td>988,688</td>
<td>23</td>
</tr>
<tr>
<td>988,699</td>
<td>1,167,341</td>
<td>24</td>
</tr>
<tr>
<td>1,167,342</td>
<td>1,387,982</td>
<td>25</td>
</tr>
<tr>
<td>1,387,983</td>
<td>1,673,836</td>
<td>26</td>
</tr>
<tr>
<td>1,673,837</td>
<td>2,020,559</td>
<td>27</td>
</tr>
<tr>
<td>2,020,559</td>
<td>2,428,145</td>
<td>28</td>
</tr>
<tr>
<td>2,428,146</td>
<td>3,600,000</td>
<td>29</td>
</tr>
<tr>
<td>3,500,001</td>
<td>above</td>
<td>30</td>
</tr>
</tbody>
</table>

Allocation of number of points for total municipal equitable share

4. The number of points allocated for the total municipal equitable share of a municipality is as follows:

### TOTAL EQUITABLE SHARE

<table>
<thead>
<tr>
<th>From</th>
<th>To</th>
<th>Number of Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>R 0</td>
<td>R 19,869,259</td>
<td>1</td>
</tr>
<tr>
<td>R 19,869,260</td>
<td>R 28,429,328</td>
<td>2</td>
</tr>
<tr>
<td>R 28,429,329</td>
<td>R 37,164,186</td>
<td>3</td>
</tr>
<tr>
<td>R 37,164,197</td>
<td>R 43,616,647</td>
<td>4</td>
</tr>
<tr>
<td>R 43,616,843</td>
<td>R 53,468,993</td>
<td>5</td>
</tr>
<tr>
<td>R 53,468,994</td>
<td>R 75,723,239</td>
<td>6</td>
</tr>
<tr>
<td>R 75,723,240</td>
<td>R 119,859,867</td>
<td>7</td>
</tr>
<tr>
<td>R 119,859,869</td>
<td>R 262,915,009</td>
<td>8</td>
</tr>
<tr>
<td>R 262,915,010</td>
<td>R 1,708,547,132</td>
<td>9</td>
</tr>
<tr>
<td>R 1,708,547,133</td>
<td>above</td>
<td>10</td>
</tr>
</tbody>
</table>
Determination of categorisation of municipality

5. The total number of points allocated to a municipality, in terms of items 2, 3, and 4 respectively, determines the categorisation of such municipality, in accordance with the following table:

<table>
<thead>
<tr>
<th>CATEGORISATION OF MUNICIPALITY</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>26</td>
</tr>
<tr>
<td>2</td>
<td>27</td>
<td>47</td>
</tr>
<tr>
<td>3</td>
<td>40</td>
<td>60</td>
</tr>
<tr>
<td>4</td>
<td>61</td>
<td>70</td>
</tr>
<tr>
<td>5</td>
<td>71</td>
<td>78</td>
</tr>
<tr>
<td>6</td>
<td>79</td>
<td>85</td>
</tr>
<tr>
<td>7</td>
<td>86</td>
<td>91</td>
</tr>
<tr>
<td>8</td>
<td>92</td>
<td>98</td>
</tr>
<tr>
<td>9</td>
<td>97</td>
<td>99</td>
</tr>
<tr>
<td>10</td>
<td>99</td>
<td>100</td>
</tr>
</tbody>
</table>

Change of categorisation of a municipality

6. (1) If the categorisation of a municipality determined in terms of this Notice, is higher than the categorisation for the previous financial year, the municipality may subject to the recommendation of the MEC for local government in a province and approval by the Minister, implement such new categorisation.

(2) Notwithstanding sub-item (1), the following principles must be considered by the Minister:

(a) Confirmation of the actual values and points scored by the municipality in relation to the factors in items 2, 3 and 4 of the Notice;

(b) Determination of the –

(i) sustainability of the driving forces that led to the higher categorisation of the municipality compared to the categorisation of the previous financial year,

(ii) affordability of the higher categorisation by the municipality using the following ratios:

(aa) municipality’s liquidity ratio;

(bb) creditor’s payment period; and

(cc) debtor’s collection rate.
any other risks as may be identified.

(3) If the categorisation of a municipality determined in terms of this Notice, is lower than the categorisation of the previous financial year, the municipality must implement the lower categorisation when filling vacant senior manager posts.

Annual total remuneration packages of municipal managers

7. The upper limit of the annual total remuneration package payable to a municipal manager is as follows:

<table>
<thead>
<tr>
<th>MUNICIPAL CATEGORISATION</th>
<th>TOTAL REMUNERATION PACKAGE MINIMUM</th>
<th>TOTAL REMUNERATION PACKAGE MIDPOINT</th>
<th>TOTAL REMUNERATION PACKAGE MAXIMUM</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>R 2,301,398</td>
<td>R 2,913,126</td>
<td>R 3,524,881</td>
</tr>
<tr>
<td>9</td>
<td>R 1,974,999</td>
<td>R 2,688,750</td>
<td>R 2,962,500</td>
</tr>
<tr>
<td>8</td>
<td>R 1,705,111</td>
<td>R 2,402,161</td>
<td>R 2,479,211</td>
</tr>
<tr>
<td>7</td>
<td>R 1,475,241</td>
<td>R 2,181,171</td>
<td>R 2,101,101</td>
</tr>
<tr>
<td>6</td>
<td>R 1,276,174</td>
<td>R 1,926,351</td>
<td>R 1,760,530</td>
</tr>
<tr>
<td>5</td>
<td>R 1,113,325</td>
<td>R 1,711,545</td>
<td>R 1,521,765</td>
</tr>
<tr>
<td>4</td>
<td>R 1,011,686</td>
<td>R 1,579,389</td>
<td>R 1,341,073</td>
</tr>
<tr>
<td>3</td>
<td>R 930,409</td>
<td>R 1,089,436</td>
<td>R 1,208,453</td>
</tr>
<tr>
<td>2</td>
<td>R 855,394</td>
<td>R 994,824</td>
<td>R 1,104,255</td>
</tr>
<tr>
<td>1</td>
<td>R 852,708</td>
<td>R 947,451</td>
<td>R 1,042,196</td>
</tr>
</tbody>
</table>

Annual total remuneration packages of managers directly accountable to municipal managers

8. The upper limit of the annual total remuneration package payable to managers directly accountable to municipal managers is as follows:

<table>
<thead>
<tr>
<th>MUNICIPAL CATEGORISATION</th>
<th>TOTAL REMUNERATION PACKAGE MINIMUM</th>
<th>TOTAL REMUNERATION PACKAGE MIDPOINT</th>
<th>TOTAL REMUNERATION PACKAGE MAXIMUM</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>R 1,841,095</td>
<td>R 2,330,500</td>
<td>R 2,819,905</td>
</tr>
<tr>
<td>9</td>
<td>R 1,520,000</td>
<td>R 1,974,999</td>
<td>R 2,370,000</td>
</tr>
<tr>
<td>8</td>
<td>R 1,364,089</td>
<td>R 1,673,728</td>
<td>R 1,983,385</td>
</tr>
<tr>
<td>7</td>
<td>R 1,180,193</td>
<td>R 1,430,535</td>
<td>R 1,680,881</td>
</tr>
<tr>
<td>6</td>
<td>R 1,035,806</td>
<td>R 1,233,222</td>
<td>R 1,430,535</td>
</tr>
<tr>
<td>5</td>
<td>R 919,508</td>
<td>R 1,081,773</td>
<td>R 1,244,039</td>
</tr>
<tr>
<td>4</td>
<td>R 835,477</td>
<td>R 985,869</td>
<td>R 1,096,262</td>
</tr>
<tr>
<td>3</td>
<td>R 768,305</td>
<td>R 878,063</td>
<td>R 987,820</td>
</tr>
<tr>
<td>2</td>
<td>R 726,954</td>
<td>R 816,803</td>
<td>R 906,351</td>
</tr>
<tr>
<td>1</td>
<td>R 700,116</td>
<td>R 777,908</td>
<td>R 855,098</td>
</tr>
</tbody>
</table>
Offer of remuneration on appointment

9. (1) The offer of remuneration on appointment to a senior manager will be determined by the competences, qualifications, experience and knowledge of the candidate to be appointed.

(2) A municipality must apply the criteria as set out below to determine the offer of remuneration on appointment:

<table>
<thead>
<tr>
<th>TOTAL REMUNERATION PACKAGE</th>
<th>CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>MINIMUM</td>
<td>• Relevant qualification.</td>
</tr>
<tr>
<td></td>
<td>• Applicable to persons who have the relevant 5 years’ experience as provided in the Regulations.</td>
</tr>
<tr>
<td></td>
<td>• Applicable to persons who have acquired competent achievement level as measured against the competency framework.</td>
</tr>
<tr>
<td>MIDPOINT</td>
<td>• Relevant qualification.</td>
</tr>
<tr>
<td></td>
<td>• Applicable to persons who have 5 to 10 years’ experience as provided in the Regulations.</td>
</tr>
<tr>
<td></td>
<td>• Applicable to persons who have acquired advanced competency achievement level as measured against the competency framework.</td>
</tr>
<tr>
<td>MAXIMUM</td>
<td>• Relevant qualification.</td>
</tr>
<tr>
<td></td>
<td>• Applicable to persons who have more than 10 years’ experience as provided in the Regulations.</td>
</tr>
<tr>
<td></td>
<td>• Applicable to persons who have acquired demonstrated evidence of superior competency as measured against the competency framework.</td>
</tr>
</tbody>
</table>

(3) Notwithstanding sub-item (1), if a municipality is unable to offer the relevant total remuneration package or cannot afford to pay the remuneration as determined in this Notice, a lesser offer may be made by such municipality on appointment.

Payment of remote allowance

10. (1) A senior manager employed in one of the following municipalities, may be paid a remote allowance not exceeding the percentage of the total annual remuneration package applicable to the relevant senior manager appearing in the table below:

<table>
<thead>
<tr>
<th>PROVINCE</th>
<th>DISTRICT CODE</th>
<th>MUNICIPAL CODE</th>
<th>NAME OF MUNICIPALITY</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eastern Cape</td>
<td>DC12</td>
<td>EC128</td>
<td>Nkuba</td>
<td>4%</td>
</tr>
<tr>
<td>Eastern Cape</td>
<td>DC44</td>
<td>EC443</td>
<td>Mbizana</td>
<td>4%</td>
</tr>
<tr>
<td>Eastern Cape</td>
<td>DC13</td>
<td>EC138</td>
<td>Sakhisizwe</td>
<td>4%</td>
</tr>
<tr>
<td>Eastern Cape</td>
<td>DC15</td>
<td>EC154</td>
<td>Port St Johns</td>
<td>4%</td>
</tr>
</tbody>
</table>

This gazette is also available free online at www.govweb.co.za
## ORDINARY MUNICIPAL COUNCIL MEETING

**SUPPLEMENTARY AGENDA**

23 MARCH 2017

<table>
<thead>
<tr>
<th>PROVINCE</th>
<th>DISTRICT CODE</th>
<th>MUNICIPAL CODE</th>
<th>NAME OF MUNICIPALITY</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eastern Cape</td>
<td>DC44</td>
<td>EC442</td>
<td>Umzimvubu</td>
<td>4%</td>
</tr>
<tr>
<td>Eastern Cape</td>
<td>DC10</td>
<td>EC109</td>
<td>Kou-Kamma</td>
<td>4%</td>
</tr>
<tr>
<td>Eastern Cape</td>
<td>DC14</td>
<td>EC143</td>
<td>Maletsi-wa</td>
<td>4%</td>
</tr>
<tr>
<td>Eastern Cape</td>
<td>DC44</td>
<td>EC444</td>
<td>Ntabankulu</td>
<td>4%</td>
</tr>
<tr>
<td>Eastern Cape</td>
<td>DC15</td>
<td>EC153</td>
<td>Nguzwa Hill</td>
<td>4%</td>
</tr>
<tr>
<td>Eastern Cape</td>
<td>DC10</td>
<td>EC102</td>
<td>Blue Crane Route</td>
<td>4%</td>
</tr>
<tr>
<td>Eastern Cape</td>
<td>DC14</td>
<td>EC144</td>
<td>Gariap</td>
<td>4%</td>
</tr>
<tr>
<td>Eastern Cape</td>
<td>DC13</td>
<td>EC131</td>
<td>Inxuba Yethemba</td>
<td>4%</td>
</tr>
<tr>
<td>Eastern Cape</td>
<td>DC14</td>
<td>EC141</td>
<td>Elundini</td>
<td>4%</td>
</tr>
<tr>
<td>Free State</td>
<td>DC18</td>
<td>DC18</td>
<td>Tswelopele</td>
<td>4%</td>
</tr>
<tr>
<td>Free State</td>
<td>DC19</td>
<td>FS195</td>
<td>Mantsopapa</td>
<td>4%</td>
</tr>
<tr>
<td>Free State</td>
<td>DC20</td>
<td>FS205</td>
<td>Mafube</td>
<td>4%</td>
</tr>
<tr>
<td>Free State</td>
<td>DC16</td>
<td>FS164</td>
<td>Neledi</td>
<td>4%</td>
</tr>
<tr>
<td>Free State</td>
<td>DC20</td>
<td>FS204</td>
<td>Metsimshoico</td>
<td>4%</td>
</tr>
<tr>
<td>Free State</td>
<td>DC16</td>
<td>FS162</td>
<td>Kepanong</td>
<td>4%</td>
</tr>
<tr>
<td>KwaZulu Natal</td>
<td>DC26</td>
<td>KZN261</td>
<td>eDubme</td>
<td>4%</td>
</tr>
<tr>
<td>KwaZulu Natal</td>
<td>DC21</td>
<td>KZN214</td>
<td>UMuziwabantu</td>
<td>4%</td>
</tr>
<tr>
<td>KwaZulu Natal</td>
<td>DC27</td>
<td>KZN274</td>
<td>Hlabisa</td>
<td>4%</td>
</tr>
<tr>
<td>KwaZulu Natal</td>
<td>DC22</td>
<td>KZN224</td>
<td>Impendle</td>
<td>4%</td>
</tr>
<tr>
<td>KwaZulu Natal</td>
<td>DC43</td>
<td>KZN434</td>
<td>Ubuhlebezwe</td>
<td>4%</td>
</tr>
<tr>
<td>KwaZulu Natal</td>
<td>DC26</td>
<td>KZN266</td>
<td>Ulundi</td>
<td>4%</td>
</tr>
<tr>
<td>KwaZulu Natal</td>
<td>DC24</td>
<td>KZN244</td>
<td>Msingga</td>
<td>4%</td>
</tr>
<tr>
<td>KwaZulu Natal</td>
<td>DC43</td>
<td>KZN431</td>
<td>Ingwe</td>
<td>4%</td>
</tr>
<tr>
<td>KwaZulu Natal</td>
<td>DC43</td>
<td>KZN433</td>
<td>Greater Kokstad</td>
<td>4%</td>
</tr>
<tr>
<td>KwaZulu Natal</td>
<td>DC26</td>
<td>KZN262</td>
<td>UPhongolo</td>
<td>4%</td>
</tr>
<tr>
<td>KwaZulu Natal</td>
<td>DC43</td>
<td>KZN435</td>
<td>Umzimkhulu</td>
<td>4%</td>
</tr>
<tr>
<td>KwaZulu Natal</td>
<td>DC26</td>
<td>KZN265</td>
<td>Nongoma</td>
<td>4%</td>
</tr>
<tr>
<td>KwaZulu Natal</td>
<td>DC28</td>
<td>KZN280</td>
<td>Nkandla</td>
<td>4%</td>
</tr>
<tr>
<td>Limpopo</td>
<td>DC34</td>
<td>LIM342</td>
<td>Mutale</td>
<td>4%</td>
</tr>
<tr>
<td>Limpopo</td>
<td>DC36</td>
<td>LIM361</td>
<td>Thabazimbi</td>
<td>4%</td>
</tr>
<tr>
<td>Limpopo</td>
<td>DC47</td>
<td>LIM474</td>
<td>Fetakgomo</td>
<td>4%</td>
</tr>
<tr>
<td>Limpopo</td>
<td>DC35</td>
<td>LIM551</td>
<td>Bloubberg</td>
<td>4%</td>
</tr>
<tr>
<td>Limpopo</td>
<td>DC47</td>
<td>LIM475</td>
<td>Greater Tubatse</td>
<td>4%</td>
</tr>
<tr>
<td>Limpopo</td>
<td>DC47</td>
<td>LIM473</td>
<td>Makhuduthamaga</td>
<td>4%</td>
</tr>
<tr>
<td>Mpumalanga</td>
<td>MP324</td>
<td>DC32</td>
<td>Nkomazi</td>
<td>4%</td>
</tr>
<tr>
<td>Mpumalanga</td>
<td>DC30</td>
<td>MP301</td>
<td>Albert Luthuli</td>
<td>4%</td>
</tr>
<tr>
<td>North West</td>
<td>NW375</td>
<td>DC37</td>
<td>Moses Koleane</td>
<td>4%</td>
</tr>
<tr>
<td>North West</td>
<td>DC36</td>
<td>NW385</td>
<td>Ramashere Molooa</td>
<td>4%</td>
</tr>
<tr>
<td>North West</td>
<td>DC38</td>
<td>NW382</td>
<td>Tswaling</td>
<td>4%</td>
</tr>
<tr>
<td>North West</td>
<td>DC39</td>
<td>NW396</td>
<td>Lekwa-Teemane</td>
<td>4%</td>
</tr>
<tr>
<td>North West</td>
<td>DC39</td>
<td>NW392</td>
<td>Naledi (NW)</td>
<td>4%</td>
</tr>
<tr>
<td>North West</td>
<td>DC39</td>
<td>NW334</td>
<td>Greater Taung</td>
<td>4%</td>
</tr>
<tr>
<td>North West</td>
<td>DC39</td>
<td>NW393</td>
<td>Mamuse</td>
<td>4%</td>
</tr>
<tr>
<td>Northern Cape</td>
<td>DC8</td>
<td>NC084</td>
<td>Ikheis</td>
<td>4%</td>
</tr>
<tr>
<td>Northern Cape</td>
<td>DC7</td>
<td>NC078</td>
<td>Siyancuma</td>
<td>4%</td>
</tr>
</tbody>
</table>

This gazette is also available free online at [www.gpwonline.co.za](http://www.gpwonline.co.za)
(2) Notwithstanding sub-item (1) and subject to compliance with the criteria as set out in this Notice, the municipal council may pay a remote allowance to a senior manager provided that the municipal council satisfies itself that the allowance is justified and affordable.
(3) A senior manager receiving a rural allowance in terms of Notice No. 578 as published in Government Gazette No. 38946 of 1 July 2015 or market premium allowance in terms of Notice No. 225 as published in Government Gazette No. 37500 of 29 March 2014 is not eligible for the remote allowance.

(4) A remote allowance terminates when –

(a) the employment contract of a senior manager lapses or is terminated; and

(b) a senior manager vacates office for any reason before the date of expiry of the employment contract, including but not limited to transfer, promotion, dismissal for misconduct, incapacity, operational requirements and retirement.

Information to be submitted to the Minister

11. (1) Every municipality must in terms of section 107 of the Act submit to the Minister, by not later than 30 September 2016, a report containing the following information in respect of its senior managers and chief executive officers and directors of municipal entities as at 1 July 2016 on an official letterhead of the municipality, signed by the municipal manager:

(a) Total approved posts;
(b) Total filled posts;
(c) Total vacant posts;
(d) Name of incumbent;
(e) Designation;
(f) Gender;
(g) Nature of contract (i.e. permanent or fixed term contract);
(h) Date of expiry of contract;
(i) Total remuneration package; and
(j) Any allowance(s) payable to a senior manager.

(2) If the municipal manager fails to submit the report contemplated in sub-item (1) within the prescribed timeframe, such municipal manager will be deemed to be in breach of the Code of Conduct for Municipal Staff as contained in Schedule 2 of the Act.

(3) The information contemplated in sub-item (1) must be submitted electronically to the Minister to the following address: remuneration4sm@cogs.gov.za

Transitional provisions

12. (1) This Notice does not affect the validity of an existing employment contract of a senior manager appointed before 1 July 2014.

(2) A municipality may, in exceptional circumstances and with the recommendations of the MEC for local government, apply in writing to the Minister to waive any of the prescribed requirements as set out in this Notice.
13. This Notice is called the upper limits of total remuneration packages payable to senior managers and takes effect from 1 July 2018.
11.11

C11/03/17 DECLARING KNYSNA MUNICIPALITY AREA AS A LOCAL STATE OF DISASTER

REPORT FROM THE DIRECTOR COMMUNITY SERVICES

PURPOSE OF THE REPORT

To request the Municipal Council to declare the Knysna Municipal Area as a Disaster area due to continued drought, in terms of Section 55 of the Disaster Management Act, no 57 of 2002.

BACKGROUND

Knysna Municipality area is currently experiencing a drought that could potentially have severe implications for the Municipality and its communities.

Knysna Municipality is located in the middle of the Eden District Council Region. Knysna has been under water restrictions since the drought in 2009. The bulk of the population is concentrated in the town of Knysna itself. Akkerkloof Dam is the main storage dam for water in Knysna. Knysna’s two main water sources are Knysna River and Gouna River. These are complemented by the Glebe Dam, Bigai Stream and Reverse Osmosis plant. Raw water is routed to the water treatment works via a balancing dam. The water treatment works has the capacity to produce 22 ml/d per day. Currently our demand for water is just under 12 ml/d and goes up to 18ml/d during season times. Knysna’s raw water infrastructure capacity is currently under 12ml/d. This scenario causes our dam to drop daily. Knysna’s abstractions right from Knysna River is 300l/s, but we abstracting around 100l/s (as a result of the infrastructure capacity) and from Gouna River 33l/s.

Current situation:

The current situation is as follows:

- Akkerkloof dam at 42%. This translates into storage of about 31 days of water.
- Knysna river and Gouna River is on VERY LOW FLOW
- Reverse Osmosis plant currently out of commission
- Water usage excessive at around 12MI/d
- Water abstraction from sources <12 Ml/d
- Water restrictions on Stage 2.

RELEVANT LEGISLATION

Disaster Management Act 57 of 2002, as amended.

“Disaster occurring or threatening to occur in municipal areas

49(1) When a disastrous event occurs or is threatening to occur in the area of a Municipality, the Disaster Management Center of the Municipality concerned must determine whether the event should be regarded as a disaster in terms of this Act, if so, must immediately:
(a) Initiate efforts to assess the magnitude and severity or potential magnitude and severity of the disaster;
(b) Inform the National Centre and the relevant provincial disaster management center of the disaster and its initial assessment of the magnitude and severity or potential magnitude and severity of the disaster;
(c) Alert disaster management role-players in the municipal area that may be of assistance in the circumstances; and
(d) Initiate the implementation of any contingency plans and emergency procedures that may be applicable in the circumstances.

(2) When informing the National Centre and the relevant provincial disaster management center in terms of subsection (1)(b), the municipal disaster management center may make such recommendations regarding the classification of the disaster as may be appropriate."

Section 55(1) (a) and (b) of the Disaster Management Act 57 of 2002, reads as follows:

"Declaration of local state of disaster

55(1) In the event of a local disaster the council of a municipality having primary responsibility for the co-ordination and management of the disaster may, by notice in the provincial gazette, declare a local state of disaster if-

(a) Existing legislation and contingency arrangements do not adequately provide for that municipality to deal effectively with the disaster; or

(b) Other special circumstances warrant the declaration of a local state of disaster."

Section 55(1) stipulates that the Knysna Municipal Council is the delegated authority whom can initiate the process to declare an area a state of disaster.

Furthermore can the municipality confirm that we did implement level one water restrictions in the municipal area, as from 2009. We are currently on a stage 2 water restriction.

RELEVANT LEGISLATION

Municipal Finance Management, Act 56 of 2003;

RECOMMENDATION OF THE ACTING MUNICIPAL MANAGER

[a] That the report on the severe situation of drought in the Knysna Municipal area, be noted;

[b] That the Knysna Municipal area be declared a local disaster area in terms of Section 55 of the Disaster Management Act, Act 57 of 2002 by notice in the Provincial Gazette; and.

[c] That the Eden District Municipality be advised accordingly and that they be requested to support Council’s decision in this regard.
APPENDIX / ADDENDUM

None

File Number: 9/1/2/5
Execution: Acting Municipal Manager
Director: Community Services
Director: Technical Services
Manager: Disaster Management