Notice is hereby given that a **SPECIAL MEETING** of the **MUNICIPAL COUNCIL** of Knysna Municipality will be held in the **COUNCIL CHAMBER, Clyde Street, Knysna** on **MONDAY, 10 SEPTEMBER 2018** at **14:00** to consider the business set forth in the attached agenda.

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Kennis geskied hiermee dat 'n **SPESIALE VERGADERING** van die **MUNISIPALE RAAD** van Knysna Munisipaliteit in die **RAADSAAL, Clydestraat, Knysna** op **MAANDAG, 10 SEPTEMBER 2018** om **14:00** gehou sal word ten einde sake soos uiteengesit in die aangehegte agenda te oorweeg.

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Isaziso **ESIBALULEKILEYO SENTLANGANISO yeBHUNGA ikaMASIPALA** waseKnysna eyakubanjelwa **KWIGUMBI LEKHANSILE** kwisitalato **iClydee, Knysna** lentlanganiso iyakuba **NGOMVULO, NGE 10 EYOMSINTSI 2018** ngentsimbi ye **14:00** umba iyakuba lushishino oluchazwe kwi-agenda.

---

**CLLR G WOLMARANS**

The Speaker  
Die Speaker  
Usomlomo

**MR J B DOUGLAS**  
Acting Municipal Manager  
Waarnemende Munisipale Bestuurder  
uManejala kaMasipala Obambeleyo

**Date: 7 September 2018**
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6.1


REPORT FROM THE EXECUTIVE MAYOR

PURPOSE OF THE REPORT

The purpose of this report is to request Council to amend the composition of the Recruitment and Selection panel for the position of Municipal Manager.

BACKGROUND

Council at its meeting held on 17 July 2018 resolved as follows:

RESOLVED BY MAJORITY

[a] – [g] ... 

[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 M Willemse - Chairperson
A Councillor designated by the Municipal Council – Cllr M Skosana
A person who has expertise or experience as a Municipal Manager - Mr M Stratu, Municipal Manager of the Garden Route District Municipality;

[i] - [k] ... 

In terms of the Local Government Gazette Regulations on the Appointment and conditions of employment of Senior Managers, shortlisting must be finalized within 30 days from the closing date of advertisement, which was 13 August 2018, meaning that shortlisting must be finalized by 12 September 2018 to be compliant with the regulations.

Council’s attention is drawn to the fact that Mr M Stratu, Municipal Manager of the Garden Route District Municipality is unable to serve on the panel for the scheduled date for shortlisting, 11 September 2018, due to an overseas visit.

An alternative expert should be identified to replace Mr Stratu on the selection panel as a person who has expertise and experience as a Municipal Manager.

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 Council notes the report from the Executive Mayor;

[b] That Council review and rescind clause [h] of Resolution SC 11/07/18 in relation to the Selection Panel;

[c] That the following Selection Panel for the Appointment of a Municipal Manager in terms of Regulation 12(3) of the Regulations on the appointment of Municipal Manager and Managers directly accountable to the Municipal Manager, be hereby appointed:

Executive Mayor – Chairperson
A Councillor designated by the Municipal Council
A person who has expertise or experience as a Municipal Manager.

File Number: 9/1/2/14
Execution: Executive Mayor
Acting Municipal Manager
Director: Corporate Services
Government Gazette
Staatskoerant
REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA
Vol. 583 Pretoria, 17 January 2014 No. 37245

Local Government: Regulations on appointment and conditions of employment of senior managers

AIDS HELPLINE: 0800-0123-22 Prevention is the cure

400088—A
37245—1
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DEPARTMENT OF COOPERATIVE GOVERNANCE

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 Lekhesa 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

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(This gazette is also available free online at www.gpwonline.co.za)
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10 SEPTEMBER 2018

STAATSKOERANT, 17 JANUARIE 2014

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

CHAPTER 1

INTERPRETATION AND APPLICATION

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;

"Municipal Structures Act" means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"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—

(e) 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.
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 regard to the staff establishment, report and recommendation contemplated in regulations 4(8) 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
(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 filling 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.
(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 excuse 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
(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

16. (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, whereas 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;
SPECIAL MUNICIPAL COUNCIL MEETING
AGENDA
10 SEPTEMBER 2018

STAATSKOERANT, 17 JANUARIE 2014
No. 37245 15

(n) the letter of appointment, outlining the term of contract, remuneration
and conditions of employment of the senior manager; and
(o) 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 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.
7. Adjournment

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