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 WEDNESDAY, 15 NOVEMBER 2017** at **08:00** to consider the business set forth in the attached agenda.

Kennis geskied hiermee dat 'n **SPESIALE VERGADERING** van die **MUNISIPALE RAAD** van Knysna Munisipaliteit in die **RAADSAAL**, Clydestraat, **Knysna op WOENSDAG, 15 NOVEMBER 2017** om **08:00** gehou sal word ten einde sake soos uiteengesit in die aangehegte agenda te oorweeg.

**Isaziso ESIBALULEKILEYO SENTLANGANISO yeBHUNGA likaMASIPALA waseKnysna eyakubanjelwa KWIGUMBI LEKHANSELILE kwisitalato iClyde, Knysna lentlanganiso iyakuba NGOLWESITHATHU, NGE 15 EYENKANGA 2017 ngentsimbi ye 08:00 umba iyakuba lushishino oluchazwe kwi-agenda.**

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**CLLR G WOLMARANS**  
The Speaker  
Die Speaker  
Usomlomo

**MR K CHETTY**  
Municipal Manager  
Munisipale Bestuurder  
uManejala KaMasipala
# TABLE OF CONTENTS

| 1. | OPENING AND WELCOMING | 3 |
| 2. | PRAYER | 3 |
| 3. | ATTENDANCE OF MEMBERS | 3 |
|  3.1 | COUNCILLORS PRESENT | 3 |
|  3.2 | COUNCILLORS ABSENT WITH LEAVE | 3 |
|  3.3 | COUNCILLORS ABSENT WITHOUT LEAVE | 3 |
| 4. | NOTING OF THE PROVISIONS OF CODE OF CONDUCT FOR COUNCILLORS | 3 |
| 5. | DISCLOSURE OF INTEREST | 3 |
| 6. | MATTERS SUBMITTED BY THE MUNICIPAL MANAGER | |
|  6.1 | EXTENSION OF ACTING PERIOD: DIRECTOR COMMUNITY SERVICES | 4 |
|  6.2 | PROGRESS REPORT ON THE RECRUITMENT AND SELECTION OF THE POSITION OF DIRECTOR CORPORATE SERVICES AND DIRECTOR COMMUNITY SERVICES – AMENDMENT OF RECRUITMENT AND SELECTION PANEL | 6 |
|  6.3 | RECOMPOSITION OF PORTFOLIO COMMITTEES AND MPAC | 8 |
| 7. | CLOSURE | 11 |
AGENDA

1. OPENING AND WELCOMING

2. PRAYER

3. ATTENDANCE OF MEMBERS
   3.1 COUNCILLORS PRESENT
   3.2 COUNCILLORS WITH LEAVE
   3.3 COUNCILLORS WITHOUT LEAVE


5. DISCLOSURE OF INTERESTS BY COUNCILLORS
6. MATTERS SUBMITTED BY THE MUNICIPAL MANAGER

6.1

SC01/11/17 EXTENSION OF ACTING PERIOD: DIRECTOR COMMUNITY SERVICES

REPORT FROM THE MUNICIPAL MANAGER

PURPOSE OF THE REPORT

To report to Council and to request Council to approve the extension of the Acting Director Community Services for a further period not exceeding three months or until a permanent Director: Community Services.

BACKGROUND

During an Ordinary Meeting of Council held on the 11th of August 2017, Council resolved to appoint Mr. Steven Langlands and Acting Director: Community Services for a period of three months or until such time as a Director Community Services is appointed, whichever is the earliest. The current appointment process has reached its final stages and interviews for the vacant post is to take place on or before the 4th of December 2017, in terms of the legislative prescripts.

There is thus a need to extend the acting period for the current Acting Director Community Services for a further period of three months as contemplated in Section 56 (1) (c) of the Municipal Systems Act 32 of 2000, to ensure continued operational effectiveness and efficiency within the directorate.

FINANCIAL IMPLICATIONS

N/A

RELEVANT LEGISLATION

N/A

RECOMMENDATION OF THE MUNICIPAL MANAGER

[a] That the contents of the report with regard to the extension of acting period of the Director: Community Services, be noted;

[b] That the Municipal Manager be mandated to apply to the MEC for Local Government in the province to extend the period of appointment of Mr. Steven Langlands as Acting Director Community Services for a further period not exceeding three months or until such time as a Director Community Services is appointed, whichever is the earliest.
APPENDIX / ADDENDUM
NA

File No: 9/1/2/14

Execution: Manager: Human Resources
Acting Director: Corporate Services
6.2

**REPORT FROM THE MUNICIPAL MANAGER**

**PURPOSE OF THE REPORT**

To request Council to approve the amendment of the Recruitment and Selection Panel for the vacancies of Director: Corporate Services and Director: Community Services.

**BACKGROUND / DISCUSSION**

Council at its meeting of 24 August 2017 resolved as follows:

“[a] That the report by the Municipal Manager regarding the filling of the vacancy of the Director: Community Services, 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 the vacancy of Director Community Services be advertised and the selection process as set out in the report mentioned in [a] above, as regulated by the Local Government: Regulations on Appointment of Senior Managers, be followed.

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

- Municipal Manager Chairperson;
- Executive Mayor;
- Portfolio Councillor;
- A person who has expertise or experience as Director: Community Services; and

[e] That an Independent Consultant be appointed to assist the Selection Panel mentioned in [d] 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.”

Municipal Manager, Mr Allen Paulse, from the Oudtshoorn Municipality was sourced as the person with expertise or experience as Director Corporate Services and Director Community Services and as such appointed to the selection panel. A meeting of the
shortlisting committee took place on Tuesday 23 October 2017 and the shortlisting was completed.

A challenge has now occurred in that in terms of the Local Government Regulations for appointment of Senior Managers in that the last day for interviews in terms of regulated timeframes is 4 December 2017. Mr Paulse has indicated that he will not be available at all until after the said date and the Knysna Municipality must comply with the legislative prescripts in terms of the timelines set out in the regulations, failing which we will be non-compliant and the process will have to be terminated and commenced with afresh. This will have severe cost implications.

In order to eliminate the possibility of any challenge on the administrative procedure followed in the appointment of the Director Corporate Services and Community Services and to ensure just administrative action, it is required of Council to resolve on the appointment of a new 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.

**RELEVANT LEGISLATION**

Municipal Systems Act, Act 32 of 2000  
Local Government Regulations on the Appointment and conditions for Senior Managers

**RECOMMENDATION OF THE MUNICIPAL MANAGER**

[a] That the content of the report with regard to the progress report on the recruitment and selection of the position of Director: Corporate Services and Director Community Services – amendment of recruitment and selection panel, be noted;

[b] That Council approve of the amendment in the Recruitment and Selection Panel and that a new 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.

File No: 9/1/2/14  
Execution: Manager: Human Resources  
Acting Director: Corporate Services
6.3

SC03/11/17 RECOMPOSITION OF PORTFOLIO COMMITTEES AND MPAC

REPORT FROM THE MUNICIPAL MANAGER

PURPOSE OF THE REPORT

The purpose of this report is to recompose the Portfolio Committees and MPAC due to the correspondence received from MMC Arends regarding his membership of both MPAC and Mayco.

BACKGROUND

One of the primary functions of MPAC is to compile an Oversight Report after considering the Annual Report. The Oversight Report express an opinion on, amongst others, the performance of the Portfolio Committee of which Cllr Arends is the Chairperson as well as resolutions of Mayco in terms of its extensive delegated powers. In order to avoid possible bias, the opinion is offered that members of MPAC should not be members of Mayco.

DISCUSSION

One of the rules of natural justice is the rule against bias (nemo iudex in causa sua = no-one should be the judge in his own cause). The fact that Cllr Arends is a member of both Mayco/Portfolio Committee and MPAC creates a conflict of interest/potential bias.

PROPOSAL

The recommendations below reflects the proposed composition of Portfolio Committees and MPAC, based on the following principles:

- No member of Mayco is also a member of MPAC, in order to avoid a conflict of interest/possible bias;
- Fair representation of interest and parties as stipulated in Section 160(8) of the Constitution of the RSA, 1996.

FINANCIAL IMPLICATIONS

There are no direct financial implications in the proposals contained herein.

RELEVANT LEGISLATION

RECOMMENDATION OF THE MUNICIPAL MANAGER

[a] That the report on the recomposition of Portfolio Committees and MPAC, be noted;

[b] That in terms of Section 79 of the Local Government: Municipal Structures Act, 1998, the Portfolio Committee membership is herewith recomposed and appointed as envisaged in Section 80 of the Act mentioned herein, as follows:

Finance, Governance and Economic Development Committee:

Chairperson: Cllr C Weideman (MMC)
Cllr L Tyokolo
Cllr P Myers

Technical Services Committee:

Chairperson: Cllr L Davis (MMC)
Cllr M Young
Cllr S Kwinana

Planning and Integrated Human Settlements Committee:

Chairperson: Cllr V Waxa (MMC)
Cllr S Kwinana
Cllr D Pofadder

Community Services Committee

Chairperson: Cllr S Arends (MMC)
Cllr DMC Pofadder
Cllr M Willemse

[c] That the Municipal Public Accounts Committee be recomposed and appointed in terms of Section 79 of the Local Government: Municipal Structures Act, 1998, to execute the duties as indicated in Part I of the Register of Delegated Powers of Decision Making read with Section 32 (2)(a)(ii) and (b) of the Local Government: Municipal Finance Management Act, 2003, as reflected below:
Chairperson:  Cllr TME Gombo  
Cllr MS Willemse  
Cllr L Tyokolo
…………………………
…………………………

File number:  9/1/2/14
Execution:  Municipal Manager  
Acting Director: Corporate Services  
Manager: Administration


7. Closure

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