SUPPLEMENTARY AGENDA

ORDINARY COUNCIL MEETING
Thursday, 24 August 2017

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SC03/08/17 PROGRESS REPORT ON THE RECRUITMENT AND SELECTION OF THE POSITION OF DIRECTOR COMMUNITY SERVICES

REPORT FROM THE MUNICIPAL MANAGER

PURPOSE OF THE REPORT

The purpose of this report is to update Council on the process to be followed with the filling of the vacancy of the position of Director Community Services.

BACKGROUND

The position of Director Community Services became vacant when Council at its meeting held on 11 August 2017 resolved:

“That the appointment of Mr D Adonis as Director Community Services be set aside by mutual agreement with immediate effect;”

The process to be followed to fill the vacancy is as follows:

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, 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 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 an Independent Consultant to assist with the process

It is proposed that an Independent Consultant be appointed to assist with the Recruitment and Selection process and psychometric test and competency assessment.

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 MUNICIPAL MANAGER

[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, Mr Kam Chetty – Chairperson;
Executive Mayor, Cllr E Bouw-Spies;
Portfolio Councillor, Cllr C Weideman;
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.

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: Municipal Manager
             Manager Human Resources