

SPECIAL MUNICIPAL COUNCIL MEETING
AGENDA
14 FEBRUARY 2023



Clyde Street
Knysna
6570

Clydestraat
Knysna
6570

iClyde
eKnysna
6570

PO Box 21
Knysna
6570

Posbus 21
Knysna
6570

Posbus 21
Knysna
6570

Tel: +27 44 302 6300
Fax: +27 44 302 6333

Tel: +27 44 302 6300
Faks: +27 44 302 6333

Umnxeba: +27 44 302 6300
Ifeksi: +27 44 302 6333

Notice is hereby given, in terms of Section 19(b) of the Local Government: Municipal Systems Act, 32 of 2000 as amended, that a **SPECIAL MEETING** of the **MUNICIPAL COUNCIL** of Knysna Municipality will be held in the Council Chambers on **TUESDAY, 14 FEBRUARY 2023** at **11:00** to consider the business set forth in the attached agenda.

Kennis geskied hiermee as gevolg van Artikel 19(b) van die Plaaslike Regering : Munisipale Stelsels Wet, 32 van 2000, dat 'n **SPESIALE VERGADERING** van die **MUNISIPALE RAAD** van Knysna Munisipaliteit in die Munisipale Raadsaal op **DINSDAG, 14 FEBRUARIE 2023** om **11:00** gehou sal word ten einde sake soos uiteengesit in die aangehegte agenda te oorweeg.

Ibhunga lika**MASIPALA** waseKnysna lazisa ngomthetho okwisolotya 19(b) wenkqubo mgaqo olawula oMasipala, 32 of 2000, njengoko utshintshiwe, **NGENTLANGANISO EKHETHEKILEYO** ye**BHUNGA** lika**MASIPALA** waseKnysna eyakubanjelwa **NGOLWESIBINI, NGOMHLA WE 14 EYOMDUMBA 2023** ngentsimbi ye **11:00** umba iyakuba lushishino oluchazwe kwi-agenda.

CLLR MD SKOSANA

The Speaker
Die Speaker
Usomlomo

MR O P SEBOLA

Municipal Manager
Munisipale Bestuurder
uManejala kaMasipala

Date: 10 February 2023

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AGENDA

1. OPENING AND WELCOMING
2. SILENT PRAYER
3. ATTENDANCE OF MEMBERS
 - 3.1 COUNCILLORS PRESENT
 - 3.2 COUNCILLORS WITH LEAVE
 - 3.3 COUNCILLORS WITHOUT LEAVE
4. NOTING THE PROVISIONS OF SCHEDULE 1 (CODE OF CONDUCT FOR COUNCILLORS) OF THE LOCAL GOVERNMENT MUNICIPAL SYSTEMS ACT, 2000
5. DISCLOSURE OF INTERESTS BY COUNCILLORS

6. **NEW MATTERS SUBMITTED BY THE ACTING MUNICIPAL MANAGER**

6.1

SC01/02/2023	REPORT ON THE APPOINTMENT OF AN ACTING CHIEF FINANCIAL OFFICER
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REPORT FROM THE MUNICIPAL MANAGER

PURPOSE OF THE REPORT

To recommend to Council the appointment of an Acting Chief Financial Officer.

BACKGROUND

Council at its meeting held on the 12 August 2022 via Council Resolution No. SC03/08/22 resolved to appoint Ms Sotshede as Acting Chief Financial Officer for the period up to 15 November 2022. Council again at its meeting held on 27 October 2022 through Council Resolution C10/11/2022 resolved to appoint Ms Sotshede as Acting Chief Financial Officer for a period of three (3) months or until the vacancy is filled, whichever comes first.

The abovementioned acting period will come to an end on 15 February 2022 and Council therefore needs to appoint an Acting CFO or extend the contract of Ms Sotshede for a period of 3 months or until the post is filled.

FINANCIAL IMPLICATIONS

MTREF 2022\2023

The position is budgeted for in terms of the MTREF. Upper Limits in terms of Total Remuneration Packages payable to Municipal Managers and Managers directly accountable to Municipal Managers, amount for the Chief Financial Officer for a Category 3 Municipality in terms of the Government Gazette dated 18 November 2022.

RELEVANT LEGISLATION

Local Government Municipal Systems Act
Regulations on the Appointment and Conditions of Service of Senior Managers
Municipal Minimum Competency Regulations

RECOMMENDATION FROM THE MUNICIPAL MANAGER

That _____ be appointed as Acting Chief Financial Officer for the period of 3 months from _____ 2023 or until such time as the vacant position of CFO is filled, whichever period comes first.

File Number : 9/1/2/9

Execution : Acting Director : Corporate Services
 Manager : Human Resources

6.2

SC02/02/2023	REPORT ON THE PROGRESS OF APPOINTMENT OF DIRECTOR CORPORATE SERVICES, DIRECTOR PLANNING AND DEVELOPMENT AND DIRECTOR INTEGRATED HUMAN SETTLEMENTS
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REPORT FROM THE MUNICIPAL MANAGER

PURPOSE OF THE REPORT

To update Council on the progress of appointment of the vacant positions of Director Corporate Services, Director Planning and Development and Director Integrated Human Settlements.

BACKGROUND

Council at its meeting held on the 12 January 2023 via Council Resolution No. SC03/01/23 resolved as follows:

“SC03/01/23 PROCESS FOR THE RECRUITMENT AND SELECTION OF THE POSITION OF DIRECTOR: CORPORATE SERVICES, DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT, DIRECTOR: INTEGRATED HUMAN SETTLEMENT AND CHIEF FINANCIAL OFFICER

RESOLVED BY MAJORITY

- [a] That Council notes the report on the recommended composition of the recruitment and selection panels for the positions of Director Corporate Services, Director Planning and Development, Director Integrated Human Settlements and Chief Financial Officer.
- [b] That Council approved of the following composition of the recruitment and selection panels:
 - [a] That the following Selection Panel for the Appointment of a Director: Corporate Services in terms of Regulation 12(4) of the Local Government: Regulations on appointment and conditions of employment of Senior Managers. Government Gazette, 17 January 2014, be appointed:
 - 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 Corporate Services portfolio; and
 - c) Mr Monde Stratu, Municipal Manager of the Garden Route District Municipality, as a person who has expertise in the area of Corporate Services;
 - [b] That the following Selection Panel for the Appointment of a Director: Planning and Economic Development in terms of Regulation 12(4) of

the Local Government: Regulations on appointment and conditions of employment of Senior Managers. Government Gazette, 17 January 2014, be appointed:

- 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) *.....as a person who has expertise in the area of Planning and Economic Development;*

[c] That the following Selection Panel for the Appointment of a Director: Integrated Human Settlements in terms of Regulation 12(4) of the Local Government: Regulations on appointment and conditions of employment of Senior Managers. Government Gazette, 17 January 2014, be appointed:

- 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) *Mr Joel Mkqungwana as a person who has expertise in the area of Integrated Human Settlements;*

[d] That the following Selection Panel for the Appointment of a Chief Financial Officer in terms of Regulation 12(4) of the Local Government: Regulations on appointment and conditions of employment of Senior Managers. Government Gazette, 17 January 2014, be appointed:

- 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) *Mr Boy Manqoba Ngubo as a person who has expertise in the area of Chief Financial Officer;*

[e] That the Chief Whips of all Political Parties be invited and serve as observers during the process of the recruitment and selection of the positions of Director: Corporate Services, Director: Planning And Economic Development, Director: Integrated Human Settlement And Chief Financial Officer."

The Acting Municipal Manager, Mr Roland Butler, who was the Acting Municipal Manager Chairing the Shortlisting Panels services was terminated on Friday 27 January 2023. This termination resulted in the Recruitment and Selection Panel not being the same for the entire process as required in Government Gazette No. 37245 on the Regulations on Appointment of Senior Managers.

The Municipal Manager, Mr Sebola, has ruled not to proceed with the recruitment process of these Directors vacancies as a result that the change in the panel and him not having been part of the shortlisting to refer the matter back to Council for consideration of readvertising the vacancies as the continuation of the process with another Chairperson, may be challenged.

RELEVANT LEGISLATION

Local Government Municipal Systems Act, Act 32 of 2000
Regulations on the Appointment and Conditions of Service of Senior Managers
Municipal Minimum Competency Regulations

RECOMMENDATION FROM THE MUNICIPAL MANAGER

- [a] That Council notes the report from the Municipal Manager on the progress with the recruitment of the vacancies of Directors Corporate, Planning and Development and Integrated Human Settlements.
- [b] That Council resolve to readvertise the vacant positions of Directors Corporate, Planning and Development and Integrated Human Settlements.
- [c] That applicants who applied for the current round of positions which was not proceeded with, not re-apply for the advertised positions, but that their applications be considered with the new applications.
- [d] That the Selection Panels for the vacant Directors positions be as follows:
 - [i] *That the following Selection Panel for the Appointment of a Director: Corporate Services in terms of Regulation 12(4) of the Local Government: Regulations on appointment and conditions of employment of Senior Managers. Government Gazette, 17 January 2014, be appointed:*
 - (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) *.....as a person who has expertise in the area of Corporate Services;*
 - [ii] *That the following Selection Panel for the Appointment of a Director: Planning and Economic Development in terms of Regulation 12(4) of the Local Government: Regulations on appointment and conditions of employment of Senior Managers. Government Gazette, 17 January 2014, be appointed:*
 - (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) *..... as a person who has expertise in the area of Planning and Economic Development;*
 - [iii] *That the following Selection Panel for the Appointment of a Director: Integrated Human Settlements in terms of Regulation 12(4) of the Local Government: Regulations on appointment and conditions of employment of Senior Managers. Government Gazette, 17 January 2014, be appointed:*
 - (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 as a person who has expertise in the area
of Integrated Human Settlements;

File Number: 9/1/2/14
Execution: Municipal Manager
Acting Director: Corporate Services
Manager Human Resources

6.3

SC03/02/2023

**UPDATE ON THE APPOINTMENT OF THE MUNICIPAL
MANAGER**

REPORT FROM THE EXECUTIVE MAYOR

PURPOSE

To update Council on the appointment of the Municipal Manager, Mr O P Sebola.

BACKGROUND

Council at its meeting held on 25 January 2023 through Council Resolution SC01/01/23 resolved as follows:

“RESOLVED BY MAJORITY

- [a] That Council takes note of the content of the Selection Committee report;*
- [b] That the recruitment and selection process as reflected in the Selection Committee Report, and consultant report be accepted;*
- [c] That Council takes note that Mr O P Sebola, who performed the best and scored the highest points during the structured interview is competent, for the appointment as a Municipal Manager;*
- [d] That Council appoints Mr O P Sebola as the Municipal Manager for a period of five (5) years on the basis of the findings and the consensus of the Selection Panel;*
- [e] That the Executive Mayor extends an offer of employment to Mr O P Sebola;*
- [f] That the fixed term contract of employment and the all-inclusive remuneration package and subsequent reviews be negotiated and finalized by the Executive Mayor within the statutory limits;*
- [g] That should Mr O P Sebola decline the offer or not sign an employment contract within one month of today's Council resolution, that the Executive Mayor submit a report for the consideration of the appointment of the second or third suitable candidate or the re-advertisement of the position of Municipal Manager;*
- [h] That the report on the appointment of Mr O P Sebola be provided to the MEC for Local Government in terms of Regulation 17(3)(b) of the Local Government : Municipal Systems Act, Act 32 of 2000 and Regulations;*

- [i] *That the Human Resource, or a representative thereof, as a matter of courtesy, inform the unsuccessful candidates formally of the outcome, and thank them for their application and participation in the processes.”*

The Executive Mayor, mandated by Council in terms of Clause [e] and [f] above, negotiated an offer of employment for an all inclusive remuneration package of R1 407 437 per annum in accordance with the *Upper Limits of Total Remuneration Packages to Municipal Managers and Managers directly accountable to Municipal Managers, Government Gazette No. 47538 of 18 November 2022.*

RECOMMENDATION FROM THE EXECUTIVE MAYOR

- [a] That Council notes the report from the Executive Mayor on the Update on the appointment of the Municipal Manager in terms of Council Resolution SC01/01/23, with specific regard to the negotiation on remuneration;
- [b] That Council approve of the all inclusive remuneration package of R1 407 437 per annum in accordance with the *Upper Limits of Total Remuneration Packages to Municipal Managers and Managers directly accountable to Municipal Managers, Government Gazette No. 47538 of 18 November 2022.*

7. **CONSIDERATION OF MOTIONS**

None

8. **CONSIDERATION OF QUESTIONS**

None

9. **CONSIDERATION OF MOTIONS OF EXIGENCY**

None

10. **IN COMMITTEE ITEMS**

None

11. **ADJOURNMENT**

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