

SPECIAL COUNCIL MEETING
AGENDA
19 JULY 2024



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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 FRIDAY, 19 JULY 2024 at 09:00** 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 **VRYDAG, 19 JULIE 2024 om 09:00** 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 **NGOLWESIHLANU, NGOMHLA WE 19 EYEKHALA 2024** ngentsimbi ye **09:00** umba iyakuba lushishino oluchazwe kwi-agenda.

CLLR MD SKOSANA

The Speaker

Die Speaker

Usomlomo

MR SETLOANE P.S MALEPENG

Acting Municipal Manager

Waarnemende Munisipale Bestuurder

Bambela Mphathi kaMasipala

Date : 15 July 2024

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1. **OPENING AND WELCOMING**
2. **SILENT PRAYER**
3. **ATTENDANCE OF MEMBERS**
 - 3.1 **COUNCILLORS PRESENT**
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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

SC01/07/24	PROCESS FOR THE RECRUITMENT AND SELECTION OF THE POSITION OF DIRECTOR INTEGRATED HUMAN SETTLEMENTS AND DIRECTOR INFRASTRUCTURE SERVICES
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REPORT FROM THE ACTING MUNICIPAL MANAGER

PURPOSE

To update and advise Council on the process of the Recruitment and Selection for the positions of Directors Integrated Human Settlements and Director Infrastructure following the exit of the Municipal Manager as Chairperson of the Panel.

BACKGROUND

Council at its meeting held on 2 April 2024, through Council Resolution C03/03/24 resolved as follows:

“UNANIMOUSLY RESOLVED

- [a] That the report from the Municipal Manager on the advertising of the vacant position of Directors Integrated Human Settlements and Infrastructure, be noted.*
- [b] That Council rescind resolutions: C10/01/24 and SC02/02/2024.*
- [c] That the Report on the Progress of the process for the Recruitment and Selection of the position of Director: Integrated Human Settlements be noted;*
- [d] That Council resolve to advertise the position of Director Integrated Human Settlements;*
- [e] That Council nominates the following selection panel for the vacant position of Integrated Human Settlements:*
 - [1] That Council notes the report submitted by the Municipal Manager;*
 - [2] That Council notes the contents of the Regulations for Local Government Regulations on appointment and conditions of employment of Senior Managers as well as Government Gazette regarding the Upper Limits of Total Remuneration packages payable to Municipal Managers and Managers directly accountable to Municipal Managers;*
 - [3] That Council appoint the Selection Panel as follows:*
 - [i] The Municipal Manager who will be the Chairperson;*
 - [ii] A member of the Mayoral Committee, namely Cllr Kay Andrews who is the Portfolio head of the relevant Directorate;*

- [iii] *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;*
 - [d] *That Council resolve to appoint Mr Joel Mkungwana as a person with expertise or experience in the area of the advertised post to serve as Expert on the panel; and*
 - [e] *That the selection process set out in the report mentioned in (a) above be adopted and implemented by the Municipal Manager compliant with the timelines as provided for in the regulations.*
 - [f] *That the Report on the Progress of the process for the Recruitment and Selection of the position of Director: Infrastructure Services, be noted;*
 - [i] *That Council resolve to re-appoint an expert or re-advertise the position of Director Infrastructure;*
 - [ii] *That Council nominates the following selection panel for the vacant position of Director Infrastructure:*
 - [1] *That Council notes the report submitted by the Municipal Manager;*
 - [2] *That Council notes the contents of the Regulations for Local Government Regulations on appointment and conditions of employment of Senior Managers as well as Government Gazette regarding the Upper Limits of Total Remuneration packages payable to Municipal Managers and Managers directly accountable to Municipal Managers;*
 - [3] *That Council appoint the Selection Panel as follows:*
 - [i] *The Municipal Manager who will be the Chairperson;*
 - [ii] *A member of the Mayoral Committee or Councillor who is the Portfolio head of the relevant Directorate;*
 - [iii] *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;*
 - [g] *That Council resolve to appoint Mr Grant MacDonald and Mr John Daniels as persons with expertise or experience in the area of the advertised post to serve as Experts on the panel and, that the Whips have observation status; and*
 - [h] *That the selection process set out in the report mentioned in (a) above be adopted and implemented by the Municipal Manager compliant with the timelines as provided for in the regulations.”*

The Selection Panels as appointed above proceeded with shortlisting on 24 May 2024 and 28 May 2024 and the shortlisted candidates were referred for vetting.

The MEC on 11 June 2024 advised that MM Sebola must exit his office with immediate effect.

Mr Sebola at the time of his exit as Municipal Manager, was the Chairperson of the abovementioned recruitment and selection panels as per the regulations.

In the light of the above advice was sought from the Department of Local Government, who advised that the process not need be put on hold subject to the following:

1. "The municipal council has validly appointed, by resolution, the selection panel in terms of Regulation 12(4) of the Municipal Systems Act;
2. The municipal council resolves/has resolved to appoint an acting municipal manager, as chairperson of the selection panel, in the current recruitment and selection process;"

An item to appoint an Acting Municipal Manager was submitted and included in the Council Agenda for 13 June 2024 and an Acting Municipal Manager was appointed with effect from 18 June 2024.

Items were prepared to inform Council of the change in the panels as well as the appointment of the Acting Municipal Manager, but did not serve at Council to express themselves on whether to terminate the process or not.

The recruitment and selection process for the vetting in terms of the validation of the criminal record, qualifications, reference checks and setting up the Assessments for the candidates were proceeded with in terms of the Council Resolution.

Interviews for the vacancy for the position of Director Integrated Human Settlements were scheduled for Wednesday 3 July 2024.

At the onset of the interviews, the validity and legality of Mr Sebola, in the light of the Appeals, having been the legal Municipal Manager at the time of the shortlisting, was questioned as his legal status as a panel member needed to be in line with the recruitment panel in terms of the Regulations. The Regulations deems the Municipal Manager the Chairperson of the panel and Clause 14 then continues to state that the panel needs to be remain the same for the Vetting and Interview process.

After consideration of the legal status of Municipal Manager, Sebola as Municipal Manager and Chairperson of the panel conducting the Shortlisting, the Municipal Manager advised that both processes for the vacant position of Director Integrated Human Settlements and Director Infrastructure, be cancelled and that an item be referred to Council for the readvertisement of the vacancies.

RECOMMENDATION

- [a] That Council notes the report on the progress with the recruitment and selection processes for the Director Infrastructure and Integrated Human Settlements.
- [b] That the Council notes that the Municipal Manager, Mr Sebola, was the Chairperson of the selection panels.
- [c] That Council notes the advice from the Department of Local Government that the process can continue subject to the Council Resolution addressing the Acting appointment of an Acting Municipal Manager.
- [d] That Council notes that the appointment of an Acting Municipal Manager as per the item submitted for the agenda of the scheduled Council Meeting for 13 June 2024, will allow for the continuation of the recruitment panels.

- [e] That Council notes the cancellation of the interviews for the vacancy of Director Integrated Human Settlements and Director Infrastructure due to the legal status of Municipal Manager, Sebola.
- [f] That Council resolve to advertise the position of Director Integrated Human Settlements;
- [g] That Council appoint the Selection Panel as follows:
 - [i] The Municipal Manager who will be the Chairperson;
 - [ii] A member of the Mayoral Committee, or Councillor who is the Portfolio head of the relevant Directorate;
 - [iii] 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;
- [h] That Council resolve to advertise the position of Director Infrastructure;
- [i] That Council appoint the Selection Panel as follows:
 - [i] The Municipal Manager who will be the Chairperson;
 - [ii] A member of the Mayoral Committee or Councillor who is the Portfolio head of the relevant Directorate;
 - [iii] 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;
- [j] That the Whips of Council and Political Parties have observation status.

6.2

SC02/07/24 PROCESS FOR THE RECRUITMENT AND SELECTION OF THE POSITION OF DIRECTOR COMMUNITY SERVICES
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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 Community Services which will become vacant with effect from 1 July 2024. It is also to request Council to appoint a selection panel for the Recruitment and Selection process for the above vacancy.

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.

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.

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 for Screening 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 ACTING MUNICIPAL MANAGER

- [a] That Council notes the report submitted by the Acting Municipal Manager.
- [b] That Council notes the contents of the Regulations for Local Government Regulations on appointment and conditions of employment of Senior Managers as well as Government Gazette regarding the Upper Limits of Total Remuneration packages payable to Municipal Managers and Managers directly accountable to Municipal Managers;
- [c] That Council appoint the Selection Panel as follows:
 - (i) The Municipal Manager who will be the Chairperson.
 - (ii) A member of the Mayoral Committee or Councillor who is the Portfolio head of the relevant Directorate.
 - (iii) 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.
- [d] That the selection process set out in the report mentioned in (a) above be adopted;
- [e] [i] That Council appoint the Selection Panel as follows:
 - [i] The Municipal Manager who will be the Chairperson;
 - [ii] A member of the Mayoral Committee or Councillor who is the Portfolio head of the relevant Directorate;

[iii] be nominated as a 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;

[f] That the Whips of Council and Political Parties have observation status.

APPENDIX / ADDENDUM

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

6.3

SC03/07/24 APPOINTMENT OF AN ACTING MUNICIPAL MANAGER

REPORT FROM THE EXECUTIVE MAYOR

PURPOSE OF THE REPORT

To update Council on the appointment of an Acting Municipal Manager.

BACKGROUND

Council at its meeting held on 13 June 2024 resolved to appoint Mr Phaahle Simon Malepeng as the Acting Municipal Manager for a period of 3 months until the vacancy is filled, whichever period comes first.

In terms of the Regulations on the appointment of Senior Managers, the appointment was submitted to the MEC.

The MEC responded by expressing his satisfaction with the appointment as per the letter received on 12 July 2024.

RELEVANT LEGISLATION

Municipal systems Act 32 of 2000
Regulations on the Appointment of and Conditions of Senior Managers, January 2014
Government Gazette on the Upper Limits of Total Remuneration Packages payable to Municipal Managers and Managers directly accountable to Municipal Managers

RECOMMENDATION

That Council notes the response from the MEC regarding the appointment of the Acting Municipal Manager, Mr Phaahle Simon Malepeng.



Ministry of Local Government,
Environmental Affairs & Development Planning

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REFERENCE: 13/3/1/2/K27 (3/11/2/16 – 2024/104)

The Executive Mayor
Knysna Municipality
PO Box 21
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6570

Per email: atsengwa@knysna.gov.za / bmiamba@knysna.gov.za / knysna@knysna.gov.za

Dear Councillor Tsengwa,

**APPOINTMENT OF ACTING MUNICIPAL MANAGER: MR. SETLOANE PHAAHLE SIMON MALEPENG
KNYSNA MUNICIPALITY**

1. I refer to the above as well as correspondence dated 20 June 2024 from your Manager Human Resources to my Department, whereby I note the Council Resolution of the Knysna Municipal Council dated 13 June 2024 where Council resolved to appoint Mr. Setloane Phaahle Simon Malepeng as acting Municipal Manager for a period of 3 months, commencing on 18 June 2024.
2. It is imperative to bring to your attention the provisions of section 54A(2) of the Municipal Systems Act, 32 of 2000, whereby a person appointed as municipal manager or acting municipal manager must at least have the skills, expertise, competencies and qualifications as prescribed; read with the Municipal Regulations on Minimum Competency Levels, and the Regulations on Appointment and Conditions of Employment of Senior Managers.
3. In respect of a Municipal Manager, Regulation 3 of the Municipal Regulations on Minimum Competency levels, read with Item 2 of Annexure B of the Appointment Regulations, prescribes the following requirements:

APPOINTMENT OF ACTING MUNICIPAL MANAGER: MR. SETLOANE PHAAHLE SIMON MALEPENG AT KNYNSA MUNICIPALITY

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SPECIAL COUNCIL MEETING
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- i. At least a Bachelor degree or a relevant qualification registered on an National Qualifications Framework at NQF level 7 in Public Administration/Political Sciences/Law or equivalent; and
 - ii. Work related experience: a minimum of 5 years at senior management level and have proven successful institutional transformation within public or private sector.
4. After an assessment of Mr. Malepeng's curriculum vitae and appointment as Acting Municipal Manager, and based on an application of the prescribed minimum requirements as statutorily provided, I am satisfied that Mr. Malepeng has met the minimum prescribed requirements to act in the post.
5. In the circumstances, I therefore note the acting period of Mr. Malepeng as Acting Municipal Manager at Knysna Municipality for a period of three (3) months from 18 June 2024 to 17 September 2024.

Sincerely,



A BREDELL
MINISTER
DATE: 12/07/2024

APPOINTMENT OF ACTING MUNICIPAL MANAGER: MR. SETLOANE PHAAHLE SIMON MALEPENG AT KNYSNA MUNICIPALITY

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6.4

SC04/07/24 SECONDMENT OF A DIRECTOR INFRASTRUCTURE

REPORT FROM THE MUNICIPAL MANAGER

PURPOSE OF THE REPORT

To update the Council on the request to the MEC for the secondment of Director Infrastructure.

BACKGROUND

Council at its meeting held on 13 June 2024 resolved as follows:

“That the Minister of Local, Environmental Affairs and Development Planning be approached to second or delegate an official in an acting capacity to the position of Director Infrastructure, from 3 July 2024, for a period of (3) months or until the vacancy is filled, whichever comes first.”

The abovementioned Council Resolution was communicated to the Office of the MEC and the Municipal Manager on 17 July 2024, informed that Mr Enson Muranganwa Mangwengwende will be seconded to the Knysna Municipality with effect from Monday 22 July 2024. For ease of reference a copy of the CV of Mr Mangwengwende is attached.

Mr Mangwengwende will be a secondment and therefore his salary will be covered by Province. It is recommended that Council should cover the travel, subsistence and accommodation expenses of Mr Mangwengwende for the duration of his secondment.

The secondment is in terms of the Public Administration Management Act, Act No. 11 of 2014, which deals with the transfer and secondment of employees.

Section 6 deals with the secondment and states that “any employee of an institution may be seconded to another institution or to any other organ of state in such manner, and on such terms and conditions as may be prescribed.” Subsection (4) also state that “if an employee is seconded between a national or provincial institution and a municipal institution or from one provincial or municipal institution to another provincial or municipal institution, the remuneration and conditions of service of the employee upon the secondment are as agreed between the executive authorities of the transferring and recipient institutions”.

FINANCIAL IMPLICATIONS

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RELEVANT LEGISLATION

Public Administration Management Act, Act No. 11 of 2014

Regulations on the Appointment of and Conditions of Senior Managers, January 2014
Government Gazette on the Upper Limits of Total Remuneration Packages payable to Municipal Managers and Managers directly accountable to Municipal Managers

RECOMMENDATION

- [a] That Council notes the from the Municipal Manager regarding the secondment of Mr Mangwengwende as Acting Director Infrastructure Services for a period of 3 months or until the permanent position is filled, whichever comes first.
- [b] That Council agrees to cover the travel, subsistence and accommodation expenses of Mr Mangwengwende for the duration of his secondment.

7. ADJOURNMENT

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