



SUPPLEMENTARY AGENDA II

SPECIAL COUNCIL MEETING

MONDAY, 9 SEPTEMBER 2024

**At
10:00**

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

6.8

SC08/09/24 APPOINTMENT OF AN ACTING DIRECTOR COMMUNITY SERVICES
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REPORT FROM THE ACTING MUNICIPAL MANAGER

PURPOSE OF THE REPORT

To update Council on the appointment of an Acting Director Community Services, Mr R Abdullah.

BACKGROUND

Council appointed Mr R Abdullah as Acting Director Community Services. In terms of the Regulations the decision was communicated to the MEC.

The MEC in a letter dated 06/09/2024 informed that he does not concur with the appointment of Mr Abdullah as Acting Director Community Services.

FINANCIAL IMPLICATIONS

MTREF 2024\2025

The position is budgeted for in terms of the MTREF.

RELEVANT LEGISLATION

Municipal systems act 32 of 2000

Regulations on the Appointment of and Conditions of Senior Managers, January 2014

RECOMMENDATION OF THE MUNICIPAL MANAGER

That the Council notes the correspondence of the MEC dated 06/09/2024 indicating that he does not concur with the appointment of Mr Abdullah.

File Number: 9/1/2/9

Execution: Acting Director: Corporate Services
Manager: Human Resources



Western Cape
Government

Ministry of Local Government,
Environmental Affairs & Development Planning

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REFERENCE: 13/3/1/2/K12 (3/11/2/16 – 2024/153)

The Executive Mayor
Knysna Municipality
PO Box 21
KNYSNA
6570

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

Dear Councillor Tsengwa,

**APPOINTMENT OF ACTING DIRECTOR: COMMUNITY SERVICES – KNYSNA MUNICIPALITY
MR. MOEGAMAT RIDWAAN ABDULLAH**

1. I refer to the above, as well as the email correspondence from the Municipality dated 28 August 2024 enclosing an extract of the Knysna Municipal Council resolution **C12/08/24** dated 22 August 2024 ("the Resolution"). In that Resolution, the said Council resolved to appoint Mr. Moegamat Ridwaan Abdullah as Acting Director: Community Services for a period of three (3) months or until such time as the vacant position is filled, whichever period comes first.
2. It is imperative to bring to your attention the provisions of section 56(1)(b) of the Local Government Municipal Systems Act, 32 of 2000 ("the Systems Act"), whereby a person appointed in terms of paragraph (a)(i) or (ii) must at least have the skills, expertise, competencies and qualifications as prescribed; read with the Municipal Regulations on Minimum Competency Levels¹ ("**the Competency Regulations**"), and the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers² ("**the Appointment Regulations**").
3. In respect of a Director: Community Services, Regulation 7 of the Competency Regulations, read with Item 6 of Annexure B to the Appointment Regulations, prescribes as follows:
 - 3.1 Regulation 7 of the Competency Regulations: At least a Bachelor degree or a relevant qualification registered on the National Qualifications Framework at NQF level 7 with a minimum of 360 credits;

¹ GNR.493 published under G.G. 29967, dated 15 June 2007 and as amended by GNR. 1146 published under G.G.41996, dated 26 October 2018

² GN.21 published under G.G.37245, dated 17 January 2014.

APPOINTMENT OF ACTING DIRECTOR: COMMUNITY SERVICES – MR. MOEGAMAT RIDWAAN ABDULLAH

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9th Floor, 1 Dorp Street, Cape Town, 8001 | Private Bag X9186, Cape Town, 8000.

- 3.2 Item 6 of Annexure B to the Appointment Regulations: Bachelor Degree in Social Sciences / Public Administration / Law; or equivalent; and
- 3.3 Work related experience: a minimum of 5 years at middle management level.
4. Mr. Abdullah has attained the required years of experience and meets the prescribed minimum required work-related experience in terms of the Regulations. However, Mr. Abdullah has attained a B.Com Degree, B.Com Honors: Business Management Degree in Finance and a MPhil Degree in Developmental Finance, amongst other qualifications.
5. In this respect, Mr. Abdullah does not meet the minimum Higher Education qualification as prescribed by Item 6 of Annexure B to the Appointment Regulations, to be appointed as Acting Director: Community Services, as the assessment of the documents provided concluded that Mr. Abdullah's qualification is not in a field relevant, nor an equivalent qualification, for the position of Director: Community Services. In the circumstances, his appointment as Acting Director: Community Services is unlawful.
6. In light of the above, the Municipality is therefore required to provide my Office with a response within 7 business days of receipt of this letter as to the steps it has taken to remedy the situation, failing which I will have no option but to invoke section 56(6) of the Systems Act and take appropriate steps to enforce compliance, by the Municipal Council, with this Act, which steps may include an application for a declaratory order on the validity of the appointment or any other legal action against the Municipal Council.

Sincerely,



A BREDELL
MINISTER

DATE: 06/09/2024

APPOINTMENT OF ACTING DIRECTOR: COMMUNITY SERVICES – MR. MOEGAMAT RIDWAAN ABDULLAH

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6.9

SC09/09/24 APPOINTMENT OF ACTING DIRECTOR COMMUNITY SERVICES

REPORT FROM THE ACTING MUNICIPAL MANAGER

PURPOSE OF THE REPORT

To recommend to Council on the appointment of an Acting Director Community Services.

BACKGROUND

Due to the current vacancy of the Director Community Services, Council needs to appoint an Acting Director Community Services.

The minimum requirements for an Acting Director Community Services is as follows:

Requirements:

- At least a Degree in Social Sciences/Public Administration/Law; or equivalent at NQF Level 8 with a minimum of 120 credits.
- Minimum of seven (7) years' work related experience at a senior and middle management levels of which at least 2 years must be at senior management level; and
- Good knowledge and understanding of relevant policy and legislation;
- Good knowledge and understanding of institutional governance systems and performance management;
- Understanding of council operations and delegation of powers, as well as –
 - Health service management
 - Cemetery management
 - Public Safety; and
 - Parks and recreation management
- Registration with the South African Council for Social Service Professionals (SACSSP), or similar recognized relevant professional body, will be an added advantage.
- Good knowledge of supply chain management regulations and the Preferential Procurement Policy Framework Act, 2000 (Act No 5 of 2000)
- The required core competencies as stipulated in Annexures A and B of the Regulations on Appointment and Conditions of Employment of Senior Managers Government Notice 21 in Government Gazette 37245 dated 17 January 2014
- Compliance with the National Treasury Regulations on the Required Minimum Competency Level in Unit Standards is a recommendation. In terms of the exemption from Regulations 15 and 18 of Government Gazette 29967 officials not compliant will be granted 18 months from date of employment to comply with the aforesaid regulations.
- Good facilitation and communication skills in at least two of the three official languages of the Western Cape
 - Valid driver's license and NO criminal record.

FINANCIAL IMPLICATIONS

MTREF 2024\2025

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 for a Category 3 Municipality.

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

- [a] That the report regarding the appointment of an Acting Director Community Services be noted;
- [b] Thatbe appointed as Acting Director Community Services, for a period of three (3) months or until the vacancy is filled, whichever comes first.

6.10

SC10/09/24 APPOINTMENT OF ACTING DIRECTOR INFRASTRUCTURE

REPORT FROM THE ACTING MUNICIPAL MANAGER

PURPOSE OF THE REPORT

To recommend to Council on the appointment of an Acting Director Infrastructure Services.

BACKGROUND

Due to the current vacancy of the Director Infrastructure Services, Council needs to appoint an Acting Director Infrastructure Services.

The minimum requirements for an Acting Director Infrastructure Services is as follows:

Requirements:

- At least a Post Graduate Degree or qualification in Engineering or equivalent registered on the National Qualifications Framework at NQF Level 8 with a minimum of 120 credits.
- Minimum of 7 Years work related experience at a senior and middle management level, of which at least 2 years must be at senior management level, preferably in the Local Government sector
- Good Knowledge and understanding of relevant policy and legislation
- Good Knowledge and understanding of institutional governance systems and performance management
- Must have extensive knowledge of the public office environment
- Must be able to formulate engineering master planning, project management and implementation
- Certificate of competency as required in terms of the General Machinery Regulations, 1988, will be an added advantage
- Registration with a recognized relevant engineering professional body
- Compliance with the National Treasury Regulations on the Required Minimum Competency Level in Unit Standards is a recommendation. In terms of the exemption from Regulations 15 and 18 of Government Gazette 29967 officials not compliant will be granted 18 months from date of employment to comply with the aforesaid regulations.
- The required core competencies as stipulated in Annexures A and B of the Regulations on Appointment and Conditions of Employment of Senior Managers Government Notice 21 in Government Gazette 37245 dated 17 January 2014 is a recommendation.
- Good facilitation and communication skills in at least two of the three official languages of the Western Cape
- Valid driver's license and **NO** criminal record.

FINANCIAL IMPLICATIONS

MTREF 2024\2025

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 for a Category 3 Municipality.

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

- [a] That the report regarding the appointment of an Acting Director Infrastructure Services be noted;
- [b] Thatbe appointed as Acting Director Infrastructure Services, for a period of three (3) months or until the vacancy is filled, whichever comes first.

11. Adjournment

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