
Refer to	:	M Siyonzana
Reference No	:	4/4/1
Extension	:	8543/8780
Date	:	November 25, 2021

**SPEAKER
COUNCIL ITEM**

**SECTION 56 MANAGERS: RECRUITMENT AND SELECTION REPORT- VACANT POST OF
THE MUNICIPAL MANAGER**

1. Purpose

To request Council approval for the advertisement of the position of the City Manager.

2. Legal Framework

The process of the recruitment, selection and appointment of the City Manager is subject to the provisions of the Local Government Municipal Systems Act, 32 of 2000 as well as the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers (No. 21 of 17 January 2014). Both outlines the processes and procedures that must be followed by the Municipal Council in dealing with this matter.

3. Background

The position of the City Manager of Mangaung has been vacant since the 28th July 2021, when the matter of the former City Manager was finalized by Council. The Council amongst others also resolved and declared the position of the City Manager to be vacant and in the process appointed an Acting City Manager, Mr Sello More from July 30, 2021 for a period of three months. The three months acting period ended on the 30th October 2021. Note be taken that, due to the fact that local government elections were held on the 01st November 2021, it was administratively impractical to convene a Municipal Council meeting to deal specifically with the acting of the City Manager, during the calendar month of October 2021 as most of the Council members were engaged with party political elections programs.

The MEC: COGTA was then consulted on the possible void that could arise as a result of the position not been filled, and the MEC: Mr Mxolisi Dukwana, provided the attached letter, annexed to this report for ease of reference. The MEC further requested that this position be advertised as a matter of urgency and that the acting of Mr Sello More be extended for a further period of three months, starting from November 01, 2021 and ending on the 31 January 2022.

4. Deliberations

The position of the City Manager is vacant as indicated herein above paragraph 2. Section 57(1)(a) of the Systems Act provides that a person to appointed as the municipal manager of a municipality, may be appointed to that position only in terms of a written employment contract with the municipality complying with the provisions of the Act. Furthermore, in terms of Section 57(6)(a), such an employment contract must be for a fixed term of employment up to a maximum of five years, not exceeding a period ending one year after the election of the next Council of the municipality. This simply means that the Council is in a better position to decide to appoint the City Manager to fill the vacancy, for a fixed period of five years.

This report therefore seeks to obtain Council approval to commence such a process of recruitment, selection and appointment of the City Manager to fill the void left by the former City Manager.

The regulations on Appointment and Conditions of Employment of Senior Managers first lays down the principles of recruitment that must be adhered to when filling the position of the Senior Manager. The principles include amongst others the insistence on compliance to the Systems Act, public advertisement of the position in newspapers circulating nationally and provincially and last that the section must be competency-based.

In terms of Regulations 7, the position must be advertised within 14 days after the Council approval to do so. It is further stated that the advertisement must specify the following, i.e.

- a) Job Title
- b) Term of appointment
- c) Place to be stationed.
- d) Annual 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, 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.
- 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.

In addition, Regulation 10(4) allows the Municipality to utilize the services of a recruitment agency to identify candidates for the post. It will therefore be recommended that this should be the approach that should be followed in the present case.

5. RECOMMENDATIONS

It is therefore recommended that:

5.1 Council approves the report;

5.2 Council to consider the extension of the acting of Mr Sello More, from November 01, 2021 until January 31, 2022;

5.3 Council approves that the position of the City Manager should be advertised in line with the provisions of both the Local Government Municipal Systems Act, 32 of 2000 as well as the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers (2014); and

5.4 Council approves the utilization of the services of a recruitment agency to identify candidates for the post.

APPROVED/NOT APPROVED



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MXOLISI SIYONZANA
EXECUTIVE MAYOR

ANNEX 'A'



MANGAUNG
METRO MUNICIPALITY
METRO MUNISIPALITEIT
LEKGOTLA LA MOTSE

OFFICE OF THE
PROVINCIAL EXECUTIVE
COUNCIL REPRESENTATIVE

ENQUIRY: MR. TL MKAZA
DATE: OCTOBER 26, 2021

TEL: 051 405 8125

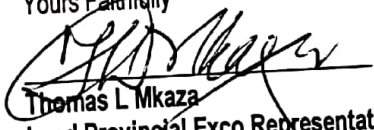
The Member of Executive Council
Department of Cooperative Government and Traditional Affairs Free State
O.R. Tambo House, Cnr St Andrews and Markgraaff Streets
Bloemfontein
9301

Dear Mr Dukwana

I refer to my telephone conversation with the Head of Department, Mr Mokete Duma regarding the expired contract of the Acting City Manager. In a council meeting held on 28 September 2021, the mayor submitted a report apprising the council of the fact that the acting municipal manager's tenure would terminate on 31 October 2021 and the council would not be able to convene to appoint an Acting City Manager.

The item was withdrawn without any deliberations or an alternative being offered. This will undoubtedly disrupt the operations of the city administration and adversely affect service delivery. I request that the MEC should consider sending a person to play a role of an Acting City Manager or extend the tenure of the current Acting City Manager until the local government elections have been held and the new council has considered the matter.

Yours Faithfully


Thomas L. Mkaza
Lead Provincial Exco Representative

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AT THE HEART OF IT ALL



Department of Cooperative Governance and Traditional Affairs
FREE STATE PROVINCE

ANNEX 'B'

The Administrator
Mr T Mkhaza
Mangaung Metro Municipality
PO Box 3704
BLOEMFONTEIN
9300

cc: Acting City Manager
Mr S More

Dear Mr. Mkhaza

APPLICATION FOR CONCURRENCE FOR THE APPOINTMENT OF THE ACTING CITY MANAGER MR S MORE

1. I refer to the letter of the Administrator dated 26th October 2021, the subject matter of which is referred to above.
2. The concurrence for the extension of the appointment of Mr. S More as the acting City Manager is hereby granted for a period not exceeding three (3) months from the 01st November 2021 until 31st January 2022.
3. Please ensure that the Municipal Council completes the recruitment process within this three months period to ensure that prolonged acting in this position is avoided.
4. In view of the above, you are hereby requested to do the following:
 - 4.1 Table the request and concurrence for the extension of the acting appointments before Council for a resolution as soon as it is practically possible, together with a recruitment plan to ensure the position is advertised.
 - 4.2 Submit the council resolution and the detailed recruitment plan to the Office of the HOD of COGTA, Mr. MV Duma, to ensure all processes are aligned to legislation.
5. The requested information must be provided within seven (7) days of the council sitting referred to above.

Your positive cooperation in this regard will be highly appreciated.

Sincerely,

Mr. MA Dukwana (MPL)
MEC: Department of Cooperative Governance and Traditional Affairs

28/10/2021

Date

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