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File Reference: Selection Panel: City Manager

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Report Number: Designation:

Acting Head of Corporate Services

NOTING AND APPROVAL

1st Level: EMT (N/A)
2nd Level: Section 80 Committee (N/A)
3rd Level: MAYCO (N/A)
4th Level: Council (28/02/223)

REPORT OF THE SELECTION PANEL FOR THE RECRUITMENT, SELECTION AND APPOINTMENT OF THE MUNICIPAL MANAGER (CITY MANAGER) FOR MANGAUNG METROPOLITAN MUNICIPALITY (MMM) IN TERMS OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS AMENDMENT ACT, ACT 3 OF 2022 READ TOGETHER WITH LOCAL GOVERNMENT: REGULATIONS ON APPOINTMENT AND EMPLOYMENT CONDITIONS OF SENIOR MANAGERS.

1. PURPOSE

The purpose of this report is to:

- 1.1 The purpose of this submission is to submit the final report of the selection panel for the recruitment, selection and appointment of the City Manager at MMM.

2. BACKGROUND

- 2.1 On 31 August 2022, the Municipal Council appointed 5 members to constitute the selection panel for the appointment of municipal manager/ city manager. The selection panel executed their mandate with commitment, due diligence, fairness and transparency supported by the National Cabinet Representative (NCR) who were appointed as observers to the process.
- 2.2 In line with their mandate and Regulations for appointment of senior managers, the selection panel herewith submit to council its final report on the work executed for recruitment, selection and appointment of municipal manager / city manager since their appointment on 31 August 2022.
- 2.3 The NCR made comments to the secretariat, Adv NG Mpangane, acting Head of Department, Corporate Services on the draft report of the selection panel after

finalisation expressing their view that the panel has not calculated and allocated points to the three candidates based on the outcome of the competency assessment and also failed to make recommended candidates in order of preference in line with Regulation 16(5). Subsequent thereto, NCR submitted similar report to the Speaker of Council Ms Lockman providing their reasons of not ratifying the report of the selection panel on recruitment, selection, and appointment of City Manager emphasising incompleteness as stated above and advising that the selection panel appointed by council on 31 August 2023 is not in line with the Regulations and recent jurisprudence on the matter. Copies of judgements are attached in the report. Kindly take note that the NCR had no legislative authority to ratify the report of the panel appointed by Council.

3 DISCUSSION

- 3.1 As stated above, the current NCR contended that the selection panel appointed by council was not in line with the Regulations by including two councillors as panel members, whilst the former NCR, Mr Paul Maseko was in attendance of the said council meeting that took that decision and at no stage did he made any reservations on the appointed selection panel by the council. It is worth noting that prior his departure, the former NCR also participated in the shortlisting of applications as the observer, however at no stage that he raised any views and or reservation to the process as well.
- 3.2 The current NCR further contends that the appointment of the acting City Manager by council as panel member falls outside the regulatory provision in that the acting City Manager by virtue of his acting status is a municipal employee therefore expressly excluded to be a panel member.
- 3.3 The appointment process of senior managers is highly regulated, and appointment must be finalised within the specified time frames. The current process should have been finalised by 23 December 2023 as stipulated in the aforesaid Regulations

4 LEGISLATIVE PROVISIONS

- 4.1 The recent Municipal Systems Amendment Act state that any appointment that is not in compliance with the Act is null and void and empowers the MEC of responsible for local government to either to request council to remedy its decision and or apply for a declaratory order to set aside such appointment made by council. The MEC is also enjoined to report to the Minister responsible for local government on the process followed by the municipality to appoint senior managers.
- 4.2 Chapter 3 of the Regulations on appointment and employment conditions of senior managers details processes, procedure, and computation of time by council.

5. DELEGATIONS

- 5.1 The Executive Mayor oversee the administration component of the municipality.

6. IMPLICATIONS

6.1. FINANCIAL

- (a) The financial implication will be for re-advertisement and over heads costs for the candidate selected for interviews covering travel and accommodation and competency assessment of three candidates recommended by the selection panel.

6.2. LEGAL

- (a) The legal implications are facts contended by the current NCR that the appointed panel is outside the regulatory framework and the computation of time has lapsed rendering the process not in compliance with the MSA and its Regulations.

6.3. COMMUNICATION

The Executive Mayor must report to the MEC for responsible for local government and subsequently to the Minister for responsible for local government on the process undertaken and the decision of council.

6.4. COMMUNITY & SERVICE DELIVERY

The absence of head of administration impacts on development of long-term visions and strategies to improve service delivery. The uncertainty, high turnover of the municipal manager and managers reporting to the municipal manager brings in instability in administration, lack of continuity in administration which leads to implementation of different approaches and turn around strategies.

7. RECOMMENDATION

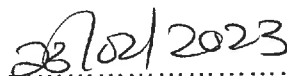
IT IS RECOMMENDED THAT COUNCIL:

- 7.1 Note the final report of the selection panel for the recruitment, selection and appointment of the City Manager at MMM, however the computation of time for the appointment has lapsed on 23 December 2022.
- 7.2 Approve readvertisement of the position of the City Manager and that the appointment must be finalised within 3 months.
- 7.3 Direct the acting City Manager to handover to the new City Manager to be appointed for period of 90 days and ensure smooth transition as envisaged by the Minister responsible for local government in her letter dated 31 October 2022.

8. WRITTEN BY:

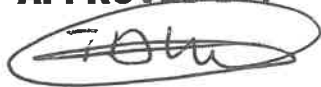

Adv. NG Mpangane

ACTING HOD: CORPORATE SERVICES



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DATE

9. APPROVED BY:



**T Motlashuping (Mr)
ACTING CITY MANAGER**

.....
23/02/2023
.....
DATE

10. APPROVED BY:



**Cllr Mxolisi Siyonzana
EXECUTIVE MAYOR**

.....
DATE

11. RATIFIED BY:

**MS Gugu Malaza
NATIONAL CABINET REPRESENTATIVE**

.....
DATE

12. ANNEXURES

- 12.1 ANNEXURE A : LOCAL GOVERNMENT : MUNICIPAL SYSTEMS ACT,**
- 12.2 ANNEXURE B : LOCAL GOVERNMENT : REGULATIONS ON APPOINTMENT AND CONDITIONS OF EMPLOYMENT OF SENIOR MANAGERS**
- 12.3 ANNEXURE C : COURT JUDGEMENTS**
- 12.4 ANNEXURE D : CIRCULAR NO. 24 OF 2022: IMPLEMENTATION OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS AMENDMENT ACT, 2022 (ACT NO. 3 OF 2022)**

TURNAROUND TIMES ON RECRUITMENT, SELECTION AND APPOINTMENT PROCESSES OF SENIOR MANAGERS

ACTION	TIMEFRAMES	RESPONSIBILITY	VARIABLES
<p>1. Notification of vacant post The timeframe is calculated from the date of receipt of notice to resign or termination of service.</p>	30 days	Senior Manager: Corporate Services/ Municipal Manager /Mayor	
<p>2. Obtain approval from municipal council to fill the vacant post The submission to council should include relevant approvals to fill the post; draft advertisement, the job description; total remuneration packages and the proposed selection panel members.</p>	20 days	Municipal Manager/ Mayor	Delays in approvals
<p>3. Advertisement of vacant post The post must be advertised in a newspaper circulating nationally and the province where the municipality is located. Issue an invite to the selection panel</p>	14 days	Senior Manager: Corporate Services	Delay in compiling a job description, confirming advertisement
<p>4. Compiling a long list This activity entails the process to take all applicants and sort out the candidates that are not fulfilling the requirements. This is the step</p>	Within 5 days after the closing date of the advertisement (can be done during the advertisement)	Senior Manager: Corporate Services	Number of applications received

<p>where the formal requirements for a job are checked. This include the years of experience, the educational requirements, checking for relevant work experience etc.</p>	<p>stage)</p>		
<p>5. Compiling a shortlist Analyse applicants according to their skills, competencies, qualification and experience.</p>	<p>Within 3-5 days within after the compilation of long list (can be done after closing date)</p>	<p>Selection panel</p>	<p>Selection panel availability. Number of applications received</p>
<p>6. Screening of candidates Ensure that academic qualification, experience and competencies are verified; reference checks conducted; current and previous employer contacted; details of any dismissal for misconduct and any disciplinary actions.</p>	<p>21 days</p>	<p>Senior Manager: Corporate Services</p>	<p>Delay in receiving screening reports</p>
<p>7. Interviews, competency assessment and selection One key challenge is to get all the right people, i.e. all applicants, all panel members into the same time zone and make sure they are reachable i.e. not traveling, being in a location with connectivity etc. Depending on the complexity of the job, several rounds of interviews can be conducted.</p>	<p>5 days</p>	<p>Selection panel</p>	<p>Availability of candidates / selection panel members. Suitable candidate not recommended or found</p>
<p>8. Submission of report and recommendation to municipal council/ appointment made</p>	<p>10 days</p>	<p>Municipal Manager/ Mayor</p>	<p>Delay in council approving the appointment.</p>

9. Submission of report to the MEC	14 days	Municipal Manager/ Mayor	
10. Submission of the report to the Minister	14 days	MEC	
11. Total turnaround time	+ 55 days		

Days which may be limited