



MANGAUNG
METRO MUNICIPALITY
METRO MUNISIPALITEIT
LEKGOTLA LA MOTSE

DIRECTORATE
CORPORATE SERVICES

ANNEXURE B

**LETTER BY ACTING
EXECUTIVE MAYOR
REQUESTING CONDONEMENT
FOR THE APPOINTMENT OF
SENIOR MANAGERS AND
RESPONSE FROM THE
MINISTER RESPONSIBLE FOR
LOCAL GOVERNMENT**

Phone number: 051 405 8015

email: EM.ADMIN@mangaung.co.za

Room: 101 Bram Fischer Building

Date: 07 MAY 2023

To the Hon Minister of COGTA

Me. Thembu Nkandimeng

REQUEST FOR THE VARIATION OF THE REGULATIONS ON THE APPOINTMENT OF AND CONDITIONS OF SERVICE FOR SENIOR MANAGERS

The above matter refers.

The recruitment of the City Manager and Managers reporting directly to the City Manager is supposed to be processed in line with the regulations on appointment and conditions of employment for senior managers. The regulations have stringent timelines for the recruitment of the City Manager and Senior Managers, including amongst others the following:

- 1) The shortlisting must be done within 30 days from the closing date of the advertisement;
- 2) Screening of the shortlisted candidates must take place within 21 days of the finalisation of the shortlisting;
- 3) The selection panel must conduct interviews within 21 days of the screening date;
- 4) The recruitment process must be completed within 90 days;

Currently the Mangaung Metropolitan Council has been under administration in terms of Section 139(7) read with Section 50 of the MFMA for the past twelve (12) months. One of the key objectives of the Financial Recovery Plan (FRP) is the recruitment of the City Manager and all Senior Managers reporting directly to the City Manager. The position of the City Manager was advertised on the 12th of March 2023, with the closing date being the 26th of March 2023. Thirty days after the closing date would have been the 26th of April 2023, which was the mandatory deadline for shortlisting.

On the 28th of February 2023, the then Executive Mayor of Mangaung, Cllr M. Siyonzana, tendered his resignation, effective from the 1st of March 2023. The council was only able to designate a councillor as the Acting Executive Mayor on the 25th of April 2023, which was a day after the mandatory shortlisting time. This then means that the Council has not complied with the first recruitment step and. To comply with the regulations, the council has to re-advertise or seek

a variation from complying with the regulations from the Minister. Re-advertising will result in fruitless and wasteful expenditure.

Section 22 of the Municipal Systems Act empowers the Minister in terms of section 120 to make regulations and issue guidelines concerning the same. In addition, section 22(4) (a) & (d) empowers the Minister to determine dates on which different provisions of this chapter may become applicable and apply to specific kind of municipality only. This basically means that the Hon. Minister, is clothed with the legal authority to vary the regulations depending on the circumstances of a municipality.

It is against this background that I humbly request the Hon. Minister to waive the minimum requirements, for complying with the regulations on appointment and conditions of employment for senior managers, only in so far as the time lines are concerned, for Mangaung Metropolitan Council during the recruitment and appointment of the City Manager and all senior managers as provided for in section 22 of the Municipal Systems Act.

Yours in local government



Cllr Gregory Nthatsi

The Acting Executive Mayor of Mangaung Metro Municipality

7/05/2023

Date



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Your worship Mayor

**RE: RESPONSE TO YOUR LETTER REQUESTING WAIVER FOR FILLING OF SENIOR
MANAGEMENT POSTS**

Your letter dated 04/05/2023 bear reference.

I have received your letter requesting that I consider granting extension on recruitment of senior managers for Mangaung Metropolitan Municipality.

1. Given the events that have occurred at Mangaung resulting in governance instability, I hereby grant approval for extension.
2. This approval is on condition that you submit a revised timetable on filling of the posts within 7 days given that this is one of the key deliverables for section 139 (7) intervention.
3. The Mangaung Council through your office to submit regular updates on filling of the posts to my office.

Yours faithfully

A handwritten signature in black ink, appearing to read 'MS Nkadimeng'.

**MS THEMBISILE NKADIMENG
MINISTER
DATE: 09/05/2023**