

SA3/2019

**APPOINTMENT OF THE ACTING EXECUTIVE DIRECTOR: LED, PLANNING & HUMAN SETTLEMENTS (EXECUTIVE MAYOR) (5/5/2)**

**PURPOSE**

To request Council to appoint the Acting of Executive Director: Local Economic Development, Planning and Human Settlements.

**BACKGROUND**

The Local Government' Municipal Systems Amendment Act No 7 of 2011 was enacted into law and is effective as from the 11 July 2011. This Act vests in Council the power to appoint an acting manager directly accountable to the Municipal Manager in terms of section 56 (1) (a) (ii) which reads thus:

*"Section 56 (1) (a) A municipal council after consultation with the municipal manager must appoint-*

*(i) ...*

*(ii) An acting manager directly accountable to the municipal manager under circumstances and for a period as prescribed."*

Following the end of the 5-year contract of the previous incumbent Executive Director,

Mr. Msweli, Council resolved as follows:

**COUNCIL RESOLVED: (14 FEBRUARY 2017)**

1. That Council **APPOINTS** Mrs MG Mothekhe as acting Executive Director: LED, Planning and Human Settlements from 1 March 2017.
2. That the acting period **SHOULD NOT EXCEED** three (3) months.
3. That the Accounting Officer **MUST FINALIZE** the process of the recruitment and selection of candidates within the period of three months from the date hereof.

During the Council meeting that was held on 16 January 2018, it was resolved as:

**COUNCIL RESOLVED: (16 JANUARY 2018)**

1. That Council **APPROVES** the request for an application for the extension of the acting period of Mr. Barry Golele in terms of section 56(1) (c) of the MSA as amended.
2. That the extension **MUST NOT EXCEED** a period of three months.
3. That the application for extension **MUST NOT** be construed by the incumbent as legitimate expectation for appointment to the post.
4. That the Executive Mayor **IS DELEGATED** to depose the letter to the MEC of Local Government.

On the 30<sup>th</sup> of August 2018, Council resolved as follows on the position of LED, Planning and Human Settlements:-

**COUNCIL RESOLVED: (30 AUGUST 2018)**

1. That Council **APPOINTS** Mr B. Golele as the acting Executive Director: LED, Planning and Human Settlements.
2. That the acting period should **NOT EXCEED** the period of three months.
3. That a report of the Committee who conducted the previous interviews for the said position should **BE SUBMITTED** in the next Council meeting.
4. That the position of the Executive Director **BE RE-ADVERTISED**

On the 9<sup>th</sup> September 2018, the Positions of the Executive Director: LED, Planning and Human Settlements and Executive Director: Infrastructure were advertised in the City Press newspaper as well as the Vista Newspaper on the 13<sup>th</sup> September 2018.

The initial closing date was the 30<sup>th</sup> of September 2018 and an erratum was done which extended the closing date to be the 29<sup>th</sup> of October 2018.

On the 4<sup>th</sup> December 2018, an item on the appointment of the afore-mentioned Executive Directors served before Council and Council resolved as follows:

**COUNCIL RESOLVED: (04 DECEMBER 2018)**

1. That Council **APPOINTS** a selection panel comprising of five (5) members to do the shortlisting and interviews for the position of Executive Director: LED, Planning & Human Settlements as well as for the position of Executive Director: Infrastructure.
2. That the appointed selection panel **WOULD COMPRISE** of the following members:
  - 2.1 The Municipal Manager;
  - 2.2 The Executive Mayor or his delegate;
  - 2.3 A representative of COGTA;
  - 2.4 A representative of SALGA;
  - 2.5 One member from DA and EFF - one would be part of the panel that would interview the Executive Director: LED and the other be part of the panel that would interview the Executive Director: Infrastructure.

Pursuant to the Council resolution, the Municipality received a communication from the Provincial Department of Cooperative Governance and Traditional Affairs advising as follows:

1. That the post of Executive Directors Infrastructure and LED be re-advertised.

During the Council meeting that was held on 31 January 2019, it was resolved as follows:

**COUNCIL RESOLVED: (31 JANUARY 2019)**

1. That the vacant posts of Executive Director Infrastructure and LED must **BE RE-ADVERTISED**.

During the Council meeting that was held on 28 May 2019, it was resolved as follows:

**COUNCIL RESOLVED: (28 MAY 2019)**

1. That Council **APPOINT** Mr. Barry Golele to act as Executive Director: LED, Planning and Human Settlement.
2. The extension must **NOT EXCEED** a period of three months.
3. The application for extension must not **BE CONSTRUED** by the incumbent as legitimate expectation for appointment to the post.

The acting period of Mr Barry Golele expired on the 28 August 2019. Thereafter, the powers of the Executive Director reverted back to the Municipal Manager.

**FINANCIAL IMPLICATIONS**

The position was budgeted for in the 2019/20 Financial Year.

**LEGAL FRAMEWORK**

1. In terms of Section 56(1)(a)(ii) of the Local Government Municipal Systems Act as amended:

*A municipal Council, after consultation with the municipal manager must appoint –*

*(i ) ...*

*(ii) an acting manager directly accountable to the municipal manager under circumstances and for a period as prescribed.”*

**RECOMMENDATION**

1. That the Council appoint an Acting Executive Director: LED, Planning and Human Settlements.

**SA4 of 2019**

**APPOINTMENT OF ACTING EXECUTIVE DIRECTOR: INFRASTRUCTURE  
(EXECUTIVE MAYOR) (5/5/2)**

**PURPOSE**

To request Council to appoint the Acting of Executive Director: Infrastructure.

**BACKGROUND**

On the 30<sup>th</sup> of August 2018, a report was submitted to Council on the resignation of the Executive Director: Infrastructure. Pursuant to the report, Council resolved as follows:-

**“COUNCIL RESOLVED: (30 AUGUST 2018)**

1. That Council **ACCEPTS** the resignation of the Executive Director: Infrastructure effective from the 1<sup>st</sup> September 2018.
2. That Council **DECLARES** the vacancy of the Executive Director: Infrastructure in line with the regulations on appointment and Conditions of Service of Senior Managers of 2014.
3. That Council **MANDATES** the Municipal Manager **TO ADVERTISE** the vacant post in line with the afore-mentioned regulations.
4. That a request **BE MADE** to COGTA to support the Municipality by deploying a appointment of the Executive Director: Infrastructure.”

On the 9<sup>th</sup> September 2018, the Positions of the Executive Director: LED, Planning and Human Settlements and Executive Director: Infrastructure were advertised in the City Press newspaper as well as the Vista Newspaper on the 13<sup>th</sup> September 2018.

The initial closing date was the 30<sup>th</sup> of September 2018 and an erratum was done which extended the closing date to be the 29<sup>th</sup> of October 2018.

On the 4<sup>th</sup> December 2018, an item on the appointment of the afore-mentioned Executive Directors served before Council and Council resolved as follows:

**COUNCIL RESOLVED: (04 DECEMBER 2018)**

3. That Council **APPOINTS** a selection panel comprising of five (5) members to do the shortlisting and interviews for the position of Executive Director: LED, Planning & Human Settlements as well as for the position of Executive Director: Infrastructure.
4. That the appointed selection panel **WOULD COMPRISE** of the following members:
  - 4.1 The Municipal Manager;
  - 4.2 The Executive Mayor or his delegate;
  - 4.3 A representative of COGTA;
  - 4.4 A representative of SALGA;
  - 4.5 One member from DA and EFF - one would be part of the panel that would interview the Executive Director: LED and the other be part of the panel that would interview the Executive Director: Infrastructure.

Pursuant to the Council resolution, the Municipality received a communication from the Provincial Department of Cooperative Governance and Traditional Affairs advising as follows:

2. That the post of Executive Directors Infrastructure and LED be re-advertised.

During the Council meeting that was held on 31 January 2019, it was resolved as follows:

**COUNCIL RESOLVED: (31 JANUARY 2019)**

1. *That the vacant posts of Executive Director Infrastructure and LED must **BE RE-ADVERTISED.***

**DISCUSSION**

The Municipality was unable to obtain qualified Engineer as per MISA arrangement to assist. The Executive Director: Strategic Support Services, Mr. Makofane had been acting as Caretaker to the Infrastructure Department

**FINANCIAL IMPLICATIONS**

The position was budgeted for in the 2019/20 Financial Year.

**LEGAL FRAMEWORK**

2. *In terms of Section 56(1)(a)(ii) of the Local Government Municipal Systems Act as amended:*

*A municipal Council, after consultation with the municipal manager must appoint –*

*(i ) ...*

*(ii) an acting manager directly accountable to the municipal manager under circumstances and for a period as prescribed.”*

**RECOMMENDATION**

1. That the Council appoint an Acting Executive Director: Infrastructure