



Concerned Citizens Committee to Save Makana

Representing members of the Grahamstown community

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By URGENT e-mail
Honourable Mayor N. Gaga (Makana)
MEC CoGTA – Eastern Cape

10 January 2018

Dear Honourable MEC and Mayor Gaga

Urgent Appointment of Community Members to The Makana Municipal Manager (*et al*) Interview and Selection Panels

We take this opportunity of wishing you and your colleagues a productive and prosperous New Year. Despite the unconcerned and indifferent relationship created by you with the Makana community, we continue to hold out a hand of cooperation and look forward to a more enabling association in 2018.

At the Mayoral Imbizo held on the 30 November 2017 at City Hall. One important request was to include 3 community members (with the requisite knowledge and ability) in the interview, selection and appointment panel for the Makana Municipal Manager position. However, the meeting was informed by acting MM Mrs. Mazwayi that the appointment of the MM was in effect an internal matter and community members would not be part of the process.

We wish to draw your urgent attention to the Municipal Systems Act (3 of 2000) “MSA” where public participation in municipal decision making is mandated in section 17 and MSA provisions under s54A[8] that the Eastern Cape MEC for CoGTA must ensure the prescribed processes be followed.

We do appreciate where the Municipality may have been provided the wrong opinion as the MSA does not state that the selection committee is obliged to have public participation. However, the MSA Regulations (copy attached in .pdf format) offers clarity on this point. Most pertinent is regulation 12 which provides (*underscored for emphasis*):

Selection panel

12. (1) A municipal council must appoint a selection panel to make recommendations for the appointment of candidates to vacant senior manager posts.

(2) In deciding who to appoint to a selection panel, the following considerations must inform the decision:

- (a) **the nature of the post;**
- (b) the gender balance of the panel; and
- (c) the skills, expertise, experience and availability of the persons to be involved.

(3) The selection panel for the appointment of a **municipal manager** must consist of **at least three and not more than five members,** constituted as follows:

- (a) the mayor, who will be the chairperson, or his or her delegate;
- (b) a councillor designated by the municipal council; and
- (c) at least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the area of the advertised post.

(4) The selection panel for the appointment of a **manager directly accountable to a municipal manager** must consist of at least three and not more than five members, constituted as follows:

- (a) the municipal manager, who will be the chairperson;
- (b) a member of the mayoral committee or councillor who is the portfolio head of the relevant portfolio; and
- (c) at least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the area of the advertised post.

(5) A panel member must disclose any interest or relationship with shortlisted candidates during the shortlisting process.

(6) A panel member contemplated in sub regulations (3) and (4) must recuse himself or herself from the selection panel if-

- (a) his or her spouse, partner, close family member or close friend has been shortlisted for the post;
- (b) the panel member has some form of indebtedness to a short-listed candidate or vice versa; or
- (c) **he or she has any other conflict of interest.**

(7) A panel member and staff member must sign a declaration of confidentiality as set out in Annexure D to these regulations, to avert the disclosure of information to unauthorised persons.

(8) A staff member may provide secretarial or advisory services during the selection process, but may not form part of the selection panel.

The Regulations do not stipulate a set number of community participants but they do make it clear that this is not an "internal" process and that at least one of the panel of the members **MUST** be independent. Further the regulations permit a three to five person panel and only prescribe two "internal" persons. In light of the extremely serious problems at Makana, the **critical nature of the post** (Sec 12.2 [a]) and the public interest it is absolutely necessary to utilise the maximum five member panel to ensure the best expertise, independence, care and diligence is provided to the Makana community.

Fortunately, Makana has many highly capable and experienced community members which the panel can benefit from. We are pleased to confirm that at least 8 highly capable and qualified community members have volunteered to be part of the community participation interview and appointment process. More particularly they qualify in terms of independence and demographics as provided for in the Act and regulations.

Since the interview process will be commencing shortly, we would request the Honourable Mayor to urgently acknowledge this letter and respond by close of business on the 15th January 2018. Thereafter, the list of candidates will be made available to choose the 3 independent panel members in terms of Section 12.2 of the MSA regulations. For the sake of continuity, we are pleased to advise the selected candidates will also be available for the panel in terms of Sec 12.4 of the Regulations.

After the selection, the 3 appointed panel members will submit the requisite declaration in terms of Annexure 'D' of the MSA Regulations.

We would remind you of your obligations under the direction of the MEC CoGTA to fully comply with the statutory and regulatory requirements.

Yours sincerely,



Ron Weissenberg

Chairperson

Concerned Citizens Committee to Save Makana