

ATHOL TROLLIP

Your ref:

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Date: 7 November 2019

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Who deals with this: V De Andrade

**EC PREMIER & ANC Provincial Chairperson
HON. O. MABUYANE**

Dear Honourable Premier Mabuyane

RE: NELSON MANDELA METROPOLITAN MUNICIPALITY

The state of affairs related to the governance of the above said municipality has become a matter of grave concern not only to the DA, which is the largest party in the elected Council and also the official opposition, but to every stakeholder and citizen in the City.

You are no doubt aware of the open public letters from both the business and religious communities which highlight and raise as a concern, the state of maladministration and corruption in the City.

These concerns appear also to have been influential amongst other red flag indicators from the National Treasury and your own department's assessments of administrative non-performance of the current coalition government which has given rise to the MEC giving the executive Mayor notice of intention to invoke Section 139 (1) (a) of the Constitution in official correspondence which was sent to him on 25 October 2019.

Since the MEC's Notice of Intention to invoke the Provisions of Section 139 of the Constitution, the following has transpired:

The Executive Mayor has denied receipt of such correspondence both in public and in official communication to your respective offices and that of the President of this country.

The Executive Mayor and his executive, with the protection of the Speaker avoided any discussion and debate on the said correspondence at the Special Council meeting of the 04th November 2019.

The discussion on this critical correspondence was circumvented by the Speakers' disingenuous manipulation and misrepresentation of the facts to two legal practitioners who subsequently based their opinions on the "facts" and terms of reference given to them by the Speaker and Acting City Manager (see our letter attached to the Speaker in this regard) to advise the Speaker to declare the Special Council meeting of the 04/11/2019, incompetent and then to adjourn the said meeting.

The Mayor then declared in public after the meeting that the coalition partners had resolved their differences and that there was no need for CoGTA to intervene in the administration of the municipality. The above matters and reactions from those responsible for the administration of the City do not reflect any acceptance of accountability for the current impasse in the Nelson Mandela Bay Municipality. In fact, it fact their behavior speaks to the contrary, which reinforces the need for constitutional intervention.

The DA therefore believes that the dysfunctionality of the municipal council and the City's administration has reached a point where constitutional intervention is now a Matter of urgent need and no longer an option.

In this regard, we would also need to make reference to correspondence sent to the National Treasury from the ANC caucus leadership and authored by Cllr. Riordan (see attached with special attention to Sections 4,5 & 6). This correspondence is an admission by the second largest party in council and one that is predominantly represented on the Mayoral Executive and other Executive positions that the administration under the current coalition has in fact collapsed.

In conclusion, we wish to highlight the fact that the Municipal Council has not filled the critical and vacant Section 56 managerial positions and that these vacancies are compounded by the fact that the previous Executive Directors whose contracts have expired but were extended on a month to month basis by means of a legitimate Council resolution have had these extended contracts summarily and unlawfully terminated by the current Acting City Manager. This means that there is no legitimate and competent Executive Management in a number of key service delivery departments and most notably in the Budget & Treasury Department. This situation not only places the City at great financial risk, it also creates a fertile environment for maladministration and corruption to flourish.

All the above is compounded by the fact that people in the City in Council and the administration live in fear of intimidation which is exacerbated by frequent and unprecedented execution style murders across the City. This situation and the fact that senior political and administrative leadership figures are targeted with direct threats of violence against themselves and their families has rendered this City ungovernable and ungoverned.

The DA therefore calls for the relevant authorities to do what the Constitution enjoins them to do in the event of such dysfunction.

Yours sincerely



CLLR A. TROLLIP
CAUCUS LEADER