

URGENT

27 May 2021

THE ACTING EXECUTIVE MAYOR OF MANGAUNG METROPOLITAN MUNICIPALITY. (MMM)
Cllr. LA Morake

THE SPEAKER OF MMM.
Cllr. M Siyonzana

THE HEAD OF THE ADMINISTRATIVE TEAM OF MMM.
Mr T Mkhaza

THE ACTING MUNICIPAL MANAGER OF THE MMM
Mr T Maine

BY HAND

**BRAM FISHER BUILDING,
BLOEMFONTEIN
9301**

Dear Gentlemen.

RE: LOCAL GOVERNMENT: DISCIPLINARY REGULATIONS FOR SENIOR MANAGERS

The Democratic Alliance (DA) refer your attention to the letter of receipt dated 11th of May 2021 that was handed in at the Office of the Municipal Manager on the 12th of May 2021.

As a party we refer to the following and attach hereto a copy of the write for your easy reference:

The DA once more wishes to refer you to LOCAL GOVERNMENT: DISCIPLINARY REGULATIONS FOR SENIOR MANAGERS, 2010 as promulgated by the Minister of COGTA on 21 April 2011 under Section 120 of the Municipal Systems Act, Act 32 of 2000, under Section 5 of the Regulations which reads as follows:

Disciplinary procedures

(1) Any allegations of misconduct against a senior manager must be brought to the attention of the municipal council.

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(2) An allegation referred to in sub-regulation (1) must be tabled by the mayor or the municipal manager, as the case may be, before the municipal council not later than seven (7) days after receipt thereof, failing which the mayor may request the Speaker to convene a special council meeting within (7) days to consider the said report.

(3) If the municipal council is satisfied that –

(a) there is a reasonable cause to believe that an act of misconduct has been committed by the senior manager, the municipal council must within seven [7] days appoint an independent investigator to investigate the allegation[s] of misconduct; and

(b) there is no evidence to support the allegation[s] of misconduct against the senior manager, the municipal council must within seven [7] days dismiss the allegation[s] of misconduct.

(4) The investigator appointed in terms of sub-regulation (3)(a) must, within a period of thirty [30] days of his or her appointment, submit a report with recommendations to the mayor or municipal manager, as the case may be.

(5) The report contemplated in sub-regulation (4) must be tabled before the municipal council in the manner and within the timeframe as set out in sub-regulation (2).

(6) After having considered the report referred to in sub regulation (4), the municipal council must by way of a resolution institute disciplinary proceedings against the senior manager.

(7) The resolution in sub-regulation (6) must-

(a) include a determination as to whether the alleged misconduct is of a serious or a less serious nature;

(b) authorise the mayor, in the case of municipal manager, or municipal manager, in the case of the manager, directly accountable to the municipal manager to –

(i) appoint -

(aa) an independent and external presiding officer; and

(bb) an officer to lead evidence; and

(ii) sign the letters of appointment.

2. Please note that today 10 days has lapsed in which the Municipal Manager and Speaker of MMM had the opportunity to table the alleged misconduct of the Municipal Manager before Special Council Meeting of the MMM Council.

3. Please note further with reference to the letter to the Municipal Manager dated 11 May 2021 that the alleged misconduct of the Head of Department Fleet and Waste Management was already signed on your office on 12th of May 2021.

4. We herewith confirm that the Municipal Manager of MMM are clearly not complying with legislation as mentioned above.

5. You leave us now, after several cautions, with no other option but to bring the fact of your noncompliance with legislation under the attention of the Office of the Public Protector and Office of the Auditor General so that they could force you to comply with legislation.

The Democratic Alliance awaits in anticipation the notice informing councillors of the date for the sitting of Council in Mangaung as we deeply care about the well being of the residents of Mangaung.

Yours sincerely

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