



MANGAUNG
METRO MUNICIPALITY
METRO MUNISIPALITEIT
LEKGOTLA LA MOTSE

DIRECTORATE
CORPORATE SERVICES

COUNCILLORS

29 April 2019

THE EXECUTIVE MAYOR
MANGAUNG METROPOLITAN MUNICIPALITY
BLOEMFONTEIN

THE SPEAKER
MANGAUNG METROPOLITAN MUNICIPALITY
BLOEMFONTEIN

FORMAL INVESTIGATION INTO THE MISCONDUCT OF THE MUNICIPAL MANAGER ADV TANKISO MEA

Speaker

The Democratic Alliance request you as the speaker to investigate allegations of misconduct against the accounting officer of the Mangaung metro Adv Tankiso Mea. The Local Government: Municipal Systems Act: Disciplinary regulations for local government senior managers reads;

Disciplinary procedures

Section 5.

- (1) Any allegation of misconduct against a senior manager must be brought to the attention of the municipal council.
- (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 seven [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;

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(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.

Allegations of misconduct to be investigated;

LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT NO. 56 OF 2003 Schedule 2 CODE OF CONDUCT FOR MUNICIPAL STAFF MEMBERS

General conduct.

Commitment to serving the public's interest

MISCONDUCT RAISED BY THE AUDITOR GENERAL AND MENTIONED IN THE AUDIT ACTION PLAN OF THE MANGAUNG METRO MUNICIPALITY

AC 4	Office of the City Manager	MR other important matter	Planning - Limitation of scope- Investigations reports/ Operational risk register 2016/17	Administrative issue
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AC 16	Finance	MR other important matter	Planning - Supplier not paid within 30 days	Financial/Legislative issue
AC 19	Office of the City Manager	MR other important matter	Budget and IDP indicators 2. In regards to the IDP objective on (Fleet management and Support) management agrees with finding, and will put corrective measures and include the IDP Objective accordingly.	IDP
AC 21	Office of the City Manager	MR other important matter	Disciplinary board. Management is in the process of initiating a Council item for the approval of the establishment of the disciplinary board in line with the stipulations of the regulations. This item will first be tabled at EMT meeting, then MAYCO and finally Council.	Administrative issue

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AC 24	Office of the City Manager	MR other important matter	Inadequate performance management. Management should develop detailed policies and standard operating procedures that will guide the proper functioning of performance management within the municipality. Standard operating procedures should be developed for all objectives and performance indicators included in the SDBIP.	Performance
AC 27	Office of the City Manager	MR other important matter	Status of record review-General procedures (Iss.36) Inspection of the Medium Term Strategic Framework (MTSF) Outcome 9 as at 30 March 2017, confirmed that Mangaung Metro Municipality (MMM) had no action in place and the position of the chief risk office was still vacant.	Administrative issue
AC 28	Office of the City Manager	MR other important matter	Status of record review-Compliance management (Iss.38) Lack of effective oversight in ensuring that investigations are made regarding Irregular fruitless and unauthorised expenditure within the required timeframe.	Administrative issue
AC 29	Office of the City Manager	MR other important matter	Status of record review-Resource management (Iss.39) There is an increase in the vacancy rate on key management positions compared to the prior year. The following key positions are still vacant: (1) Head Naledi Administrative Unit, (2)Head PMU, (3) Head Strategic Prog&Serv Del Regulating and the (4) Chief Financial Officer.	Administrative issue
AC 31	Office of the City Manager	MR other important matter	Status of record review-Performance management(Iss.37) Reports not tabled in council at the legislated times. • Section 71 • Section 52 reports • SCM reports • The draft annual report	Administrative issue

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AC 34	Office of the City Manager	Non-compliance - Audit Report	Planning Performance management system (Iss 31) There is a lack of a performance management system for employees below senior management and that the performance of such personnel are not regularly assessed to ensure that corrective action is taken where employees are not aligned to the organisational goals.	Administrative issue
AC 36	Office of the City Manager	MR other important matter	AOPO: Inconsistencies between the IDP and SDBIP (AC 36)	Administrative issue
AC 53	Finance	AR Disclaimer	CENTLEC: Material difference in intercompany loan and the loan agreements. The accounting treatment between Mangaung and Centlec differ substantially and the matter involves a lot of components in the AFS.	AFS
AC 54	Corporate services	MR other important matter	Network Security (ISA). Issues within the Information systems environment	IT

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AC 56	Finance	MR other important matter	AFS not reviewed by AC	AFS
AC 61	Office of the City Manager	MR - Non compliance	Performance evaluation of senior managers. Management should also appoint panels for evaluating the annual performance of senior Managers	Administrative issue
AC 62	Corporate services	MR - Non compliance	Appointment of senior managers. The screening of short-listed candidates should be done as prescribed by regulation 14. The HR policy should be updated to ensure compliance with laws and regulations.	Administrative issue
AC 63	Office of the City Manager	AR Qualification	Human Settlements - With reference to the listed legislation, management should include the prior year actual performance in their annual report for comparison purposes. The draft annual report submitted does not specifically include the prior year actual performance. The baseline included as referred to by management is not regarded as sufficient in order to compare the	IDP

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			current year's performance with that in the prior year.	
AC 68	Finance	MR - Non compliance	Suppliers not paid within 30 days. Management agrees with the 22 transactions and the other items on the finding are resolved. Therefore the non compliance will be reported as an audit report matter	Administrative issue
AC 109	Corporate services	MR Non- compliance	Related Parties - Councillors disclosure not within 60 days after their election. Non-compliance with section 7 of schedule 1 and section 5A of schedule 2 of the Municipal Systems Act	
AC 129	Finance	MR Non- compliance	PCM - Deviations not submitted to council in the required timeframes	Administrative issue

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AC 135	Office of the City Manager	AR Emphasis of matter	PCM - Bid Adjudication Committee was not composed in terms of the Municipal SCM Regulations	Administrative issue
AC 175	Corporate services	MR other important matter	Mangaung Metro - IT Inadequate backup procedures	Administrative issue
AC 205	Office of the City Manager	MR other important matter	UIFW - Unauthorised fruitless wasteful and Irregular expenditure not investigated	Administrative issue
AC 218	Office of the City Manager	MR internal control	Other Reports (Investigations)	Administrative issue

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