

Your Ref:

Room 101, Bram Fischer Building

Our Ref:

Date: 25 March 2021

Council item

Speaker, Clr Mxolisi Siyonzana

**REPORT ON THE ALLEGATIONS OF MISCONDUCT BY THE CITY MANAGER, ADV.
TANKISO MEA IN LINE WITH THE LOCAL GOVERNMENT: DISCIPLINARY REGULATIONS
FOR SENIOR MANAGER**

1. Purpose

The purpose of the report is to submit for Council for the appointment of independent investigators to conduct investigations on allegations of misconduct against the City Manager, Adv. Tankiso Mea by Councillors TD Masoeu and Hardie Viviers.

2. Deliberations

During the Special Council meeting of the 18th March 2021, Council resolved amongst others item 16.4 as follows, namely, *"Council considers the allegations as contained in the letter from Councillors TD Masoeu and Hardie Viviers and determine if Council is satisfied that the allegations leads to a reasonable cause to believe that an act of misconduct has been committed by the City Manager, Adv. Tankiso Mea and if so, Council must appoint an independent investigator to investigate the allegations of misconduct"*. Council therefore has resolved to appoint independent investigators to investigate the allegations of misconduct. This report therefore serves as a follow up report in terms of Regulation 3(a) for the appointment of the independent investigator, who will be empowered and required to conduct the investigations in line with Regulation 4 and submit a report with recommendations back to Council within 30 days of his/her appointment.

Council is reminded again that this matter emanates from the fact that Councillor Hardie Viviers submitted a letter of allegations of the misconduct against the City Manager, Adv. Tankiso Mea based on various allegations as per the attached letters. In line with the Local Government: Disciplinary Regulations for Senior Managers as contained in the Municipal Systems Act, the procedure is outlined as contained herein under.

a) Disciplinary procedures

- (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;
 - 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.

This report is therefore submitted to Council in line with the above procedure of the appointment of the independent investigators, who must have full access to documents and records in relation to matters related to the allegations.

3. Recommendations

It is therefore recommended that:

3.1 Council approves the report.

- 3.2 Council resolves in terms of Regulation 3(a) to appoint a team of independent investigators consisting of Advocate Tebogo Manye SC and Advocate Johan Nel SC, who must have full access to documents and records in relation to matters related to the allegations.
- 3.3 Council approves that the team of independent investigators mentioned under paragraph 3.2 above should conduct investigations in line with Regulation 4 and submit a report with recommendations back to Council within 30 days of their appointment.


Councillor Lebhang Masoetsa
Acting Executive Mayor