

25 April 2022

TO: Mangaung Metro Municipality Council

COUNCIL ITEM: NOTIFICATION OF THE END OF THE DISCIPLINARY BOARD THREE YEAR TERM AND APPOINTMENT OF NEW DISCIPLINARY BOARD MEMBERS

1. PURPOSE

To provide a report to Council on the end of the Disciplinary Board three-year term and request for the appointment of a new Disciplinary Board.

2. DISCUSSION

In terms of the Municipal Regulations of Financial Misconduct Procedures and Criminal Proceedings a municipal council must establish a disciplinary board to investigate allegations of financial misconduct in the municipality, and to monitor the institution of disciplinary proceedings against an alleged transgressor. A disciplinary board is an independent advisory body that assists the council with the investigation of allegations of financial misconduct, and provide recommendations on further steps to be taken regarding disciplinary proceedings, or any other relevant steps to be taken.

On the 15th November 2018 the Council resolved to appoint a Disciplinary Board in terms of these Municipal Regulations for a period of three years. The Disciplinary Board consisted of the following:

- (a) Head of Internal Audit Unit;
- (b) One member of the Audit Committee;
- (c) Head of Legal Services; and
- (d) A representative from Provincial Treasury.

The three year term of the Board expired on the 15th November 2021. The Board was met with a number of challenges which affected its effectiveness amongst others unclear reporting lines, timeous reporting to council, capacity, foreseeable conflict of interest and absence of Council approved Terms of Reference for the Board.

In compliance with the Regulations, a municipal council must appoint a Disciplinary Board that consists of a maximum of five members appointed on a part-time basis for a period not exceeding three years, in accordance with a process as determined by the municipal council.

3. RECOMMENDATIONS

It is hereby recommended:

3.1 That Council, in terms of the Municipal Regulations of Financial Misconduct Procedures and Criminal Proceedings appoints a disciplinary board for a period not exceeding three years.

3.2 That the disciplinary board consists of 5 independent members not in the employment of the Municipality as follows -

3.2.1 Legal Expertise (1 members)

3.2.2 Finance/Accounting Expertise (1 member)

3.2.3 Auditing and Risk Management (1 member)

3.2.3 A member of the Audit Committee of the Municipality (1 member)

3.2.4 A representative from Provincial Treasury (1 member).

3.3 That the Terms of Reference of the disciplinary board be submitted and approved by Council within 2 months of its appointment.

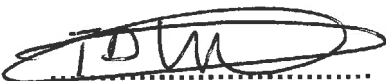
3.4 That members be remunerated in line with the National Treasury guidelines applicable to non-official members of Committees of Inquiry.

3.5 That the responsibility for investigation of financial misconduct allegations be delegated to the Disciplinary Board.

3.6 Council delegate the Acting City Manager the authority to conclude the recruitment process in line with the Municipality's Recruitment/ Employment Policy and guidelines provided above in terms of the composition of the DC Board and provide a report with recommended candidates to Council for final approval of appointments.

Submitted by:

Recommended for approval by Council:



Mr. T Motlashuping
Acting City Manager



Cllr. SB Lockman-Naidoo
Council Speaker