

# EPHRAIM MOGALE

## LOCAL MUNICIPALITY

☎ 111  
MARBLE HALL  
0450  
☎ 013-261 8400  
☎ 013-261 2985



Leeuwfontein Office (013) 261 8509  
Elandskraal Office (013) 261 8506  
Zamenkomst Office (013) 973 9160  
Traffic Section (013) 261 8400

Our ref:

5/7/3 (M.MOTHOGOANE)

**THE CHAIRPERSON  
PC ON CO-OPERATIVE GOVERNANCE & TRADITIONAL AFFAIRS**

**HONOURABLE MS. A.F. MUTHAMBI**

Dear Madam,

**RE: FEEDBACK ON PROGRESS MADE WITH REGARD TO THE ISSUE OF THE  
FORMER MUNICIPAL MANAGER.**

The above matter refers,

An application which was filed by the municipality for the review of a decision of the chairperson of a disciplinary hearing involving the municipality and the former municipal manager was set down for hearing on the 13 May 2021. This is case number: **J1888/2019**.

We are been advised by our attorneys of record, Dabishi Nthambeleni Incorporated that on the 13<sup>th</sup> May 2021 the Court did not ventilate on the merits of the application, instead what the Court did was to issue out a directive for the consolidation of the other three (3) applications/matters filed by both parties.

The Committee shall appreciate the fact that there are currently three (3) separate application filed by both parties at the Labour Court:-

The following applications are still lying at the Labour Court.

- a). An application filed by the municipality to review the decision of the chairperson of the disciplinary hearing.
- b). An application filed by the municipality to set aside a settlement agreement entered into by and between the municipality and the former municipal manager.
- c). An application filed by the former municipal manager to have the settlement agreement made an order of court.

On the 13<sup>th</sup> May 2021 the Court then issued such a directive that parties must file affidavits for the consolidation of all these three (3) separate applications/matters into one.

The effect of this consolidation is that instead of the Court hearing three (3) separate applications on three (3) separate occasions and dates, the Court will now hear one consolidated application once and disposes all the others at the same time.

Parties are in the process of finalizing the consolidation and once it is done, the Court will set down the matter for arguments on the merits.

#### **RECOVERY PROCESS.**

On the 30<sup>th</sup> June 2021 the Public Protector issued out a report on an investigation into allegations of improper conduct and maladministration by the municipality relating to an investment made with the Venda Building Society Mutual Bank.

One of the remedial actions issued out by the Public Protector is that the acting municipal manager take appropriate steps to recover the irregular expenditure in respect of the investment from the person liable for it as contemplated by section 32 (2) of the MFMA and pursue the municipality's civil claim for the recovery of the amount of R 80 million invested with VBS.

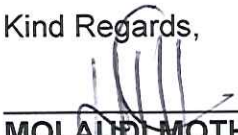
The municipality had already issued out summons against the former municipal manager and the Chief Financial Officer at the High Court, sitting in Polokwane. Case Number: **7897/2020**.

The matter is defended. Pleadings have already been exchanged and closed.

The matter is still before the Court,

Hope the above is in order,

Kind Regards,

  
**MOLAUDI MOTHOGWANE**  
**MAYOR**

19-07-2021  
**DATE**