

UMZIMVUBU LOCAL MUNICIPALITY

SPECIAL COUNCIL AGENDA



UMZIMVUBU
LOCAL MUNICIPALITY

FRIDAY, 18 SEPTEMBER 2020 ON VIRTUAL PLATFORM AT 14H00

SPECIAL MEETING

(Private and confidential)

UPHULISO KUMNTU WONKE

UMZIMVUBU LOCAL MUNICIPALITY

NOTICE is hereby given in terms of **Section 29(b)** of the **Municipal Structures Act No 117 of 1998** as amended that the **Special Council Meeting** will be held virtually via zoom application on **Friday, 18th of September 2020** at **14h00** to discuss the agenda items as set out hereunder.

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MR GPT/NOTA
MUNICIPAL MANAGER

AGENDA

1. **OPENING/ WELCOME**
2. **READING OF THE OFFICIAL NOTICE**
3. **LEAVE OF ABSENCE**
4. **APOLOGIES**
5. **PECUNIARY INTEREST**
6. **COMMUNICATION STATEMENT BY THE CHAIRPERSON**
7. **DEPUTATIONS**
8. **OFFICIAL ANNOUNCEMENTS**
9. **CONFIRMATION OF MINUTES**
- 9.1 **THERE ARE NO MINUTES TO BE CONFIRMED**

10. **REPORTS FOR CONSIDERATION BY COUNCIL**
- 10.1 INVESTIGATION REPORTS CONDUCTED BY ETHICS COMMITTEE AND PRIVATE INVESTIGATOR ON THE MAYORAL VEHICLE ACCIDENT
11. **DATE OF THE NEXT MEETING**
12. **CLOSURE**

APPLICATION FOR LEAVE

Tick the appropriate block:

Municipal Business

Personal Commitments

Overseas travel

Indisposed

Other

I, _____, hereby apply for leave from the Management Committee Meeting scheduled to be held on _____

Signature

Date

Please complete this form and return to the Municipal Manager or fax to (039) 255 1893

9. **CONFIRMATION OF MINUTES**

THERE ARE NO MINUTES TO BE CONFIRMED

10. **REPORTS FOR CONSIDERATION BY COUNCIL**

10.1 **INVESTIGATION REPORTS CONDUCTED BY ETHICS COMMITTEE AND PRIVATE INVESTIGATOR ON THE MAYORAL VEHICLE ACCIDENT**

*(Author: MM/GPTN)
(Level 1: Council-22/09/2020)*

PURPOSE

To table reports of investigations conducted for the Mayoral Vehicle accident to Council for consideration.

To present an investigation report for Council approval that was conducted by the Private Investigator appointed by the Council Speaker as an independent expert in consultation with the Municipal Manager to conduct an investigation into the causes of and general circumstances pertaining to the damages of the vehicle.

To present investigation report that was compiled by the Rules and Ethics committee in establishing facts and causes of the Mayoral Vehicle accident.

To present findings and recommendations of the investigations conducted by Ethics committee and Private Investigator to the Council for consideration and approval.

AUTHORITY

The Constitution of the Republic of South Africa, 1996 as amended
The Municipal Structures Act 117 of 1998 as amended
The municipal Systems Act 32 of 2000; Schedule 1
The Municipal Delegation Framework
Municipal Mayoral Vehicle Policy

LEGAL AND STATUTORY REQUIREMENTS

The Constitution of the Republic of South Africa 108 of 1996, makes various calls for ethical behaviour by municipal councillors. Section 195 of the Constitution stipulates that public administration must be conducted with the democratic values and principles enshrined in the Constitution.

The Municipal Structures Act 117 of 1998; Section 79 of the Municipal Structures Act stipulates that a Council may establish one or more committees necessary for the efficient and effective performance of any of its functions.

The Local Government Municipal Systems Act 32 of 2000; Item 14(1)(b) of Schedule 1 states that a municipal Council may establish a special committee to investigate and make a finding on any alleged breach of the Code of Conduct for Councillors and to make appropriate recommendations to Council.

Code of Conduct for Councillors – Schedule 1; Paragraph 2. General Conduct of Councillors:

- (a) *to perform the functions of office in good faith, honestly and a transparent manner; and*
(b) *at all times act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised.*

Paragraph 12. Council Property; *A councillor may not use, take, acquire or benefit from any property or asset owned, controlled or managed by the municipality to which that councillor has no right.*

Paragraph 14. Breaches of the Code; Section (1) a. b. and section (2)

BACKGROUND AND REASONING

On the 28 May 2020 the Umzimvubu Local Municipality Council took a resolution that the Ethics Committee should embark on the investigation of the Mayoral Vehicle accident that occurred on the 27 April 2020. The accident occurred along N2 road in the jurisdiction of Mhlontlo Local Municipality.

The Ethics committee was expected to report directly to the Council regarding its findings and recommendations after finalising the investigation.

The Mayoral Vehicle Policy in section 6.13, mandated the Speaker to appoint an independent expert in consultation with the Municipal Manager to conduct an investigation into the causes of and general circumstances pertaining to the damages and cause of the accident.

Section 6.14 of the Municipal Vehicle policy states that the independent expert will draw findings and make recommendations with regard to the damages to a mayoral vehicle and submit report to the Speaker.

The Private Investigator will be presenting the report submitted to the Speaker with findings and recommendations to the Council for consideration and approval.

LABOUR IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

There are financial implications as the Private Investigator appointed will be paid for the investigation conducted.

ANNEXURES

Annexure “A” - Private Investigator’s Mayoral Vehicle Accident Investigation Report

Annexure “B” - Rules/Ethics Committee Mayoral Vehicle Investigation Report

(Note: Annexures will be distributed separately in the meeting because of their confidentiality)

SERVICE DELIVERY IMPLICATIONS

None

OTHER PARTIES CONSULTED

None.

RECOMMENDATIONS

1. That the Council should accept the report presented by the Private Investigator on the Mayoral Vehicle Accident Investigation.
2. That the Council should accept the report presented by the Rules and Ethics committee in investigating the Mayoral Vehicle Accident.
3. That the report, findings and recommendations of the investigation conducted by the Private Investigator about the Mayoral Vehicle accident be approved and implemented by the Council.
4. That the report, findings and recommendations of the investigation conducted by the Rules/Ethics Committee about the Mayoral Vehicle accident be approved and implemented by Council.

11. **DATE OF THE NEXT MEETING**

12. **CLOSURE**