

Regional Command Team Lejweleputswa



OFFICE OF THE PARTY LEADER EFF

TO : Executive Mayor MLM
Cc : Speaker MLM
FROM : Party Leader/Chief Whip EFF Caucus
(Thomas Macingwane)
DATE : 03 October 2019
Subject : Illegal Appointment of The Acting Municipal Manager



Revolutionary greetings

The honourable Mayor of Matjhabeng Local Municipality it has come to our attention that you have deliberately dishonoured your obligation which is to protect the integrity of the Municipality as a public institution. It is our understanding that the Mayor should understand what is meant by delegation of powers and how they are affected; if the above is the case then it is within this context that we believe that the Executive Mayor deliberately ignored the law when he appointed the Acting Municipal Manager with Full Powers.

It is our understanding that this responsibility is designated to council and ONLY council can make such an appointment, as it bears very serious financial implications to this institution which has already lost credibility in the public's eye. As Executive Mayor you should know that appointments of the Municipal Manager and Section 56 Managers (Managers reporting directly to the MM) is the prerogative of Council ONLY. This is applicable in cases where these persons are appointed on a contractual basis or on an acting basis. Please refer here to section 54A (1) (b) (in the case of the appointment of the acting Municipal Manager).

Mr Mayor unless proven otherwise we are convinced that you deliberately ignored the law to feed your own selfish and narrow interests, we say this in line with the financial implications as of the appointment on the 1st October 2019. We strongly recommend that the Mayor rescind all transactions and any payments signed off by the Illegal appointment, we also learned that the Acting MM with full powers was also the CFO at the time of these transactions.

We have here attached the copy of the transactions and all payments made and signed off by the illegally appointed MM, strange enough at the time of writing of this correspondence the CFO who was appointed by The Mayor to be acting MM has denied being the Acting MM despite the letter which we have attached signed by your Good self.

For your indulgence we have attached a copy of a letter signed by Mr Panyane in his capacity as the acting MM to appoint the acting CFO in the person of Mr LB de Bruyn, naturally we would request the speaker to call an urgent council meeting to afford you an opportunity to explain your misconduct.

However the magnitude of your cases are unjustifiable as you have deliberately and willingly transgressed legislation known to you, we trust that you will revert back to us within 72 working hours.

☎ 07 86 452 4100

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📍 Pay Mail Address: No.8 DC Raab Street, Donker Building, Welkom 9400

📧 thomas.macingwane@eff.co.za / snaymekotef@opinion.com

📞 EFF 15/ EFF FREE STATE

📱 @EFF FS

In this correspondence we have copied the speaker Cllr B Stofile, it is our view and request that you will follow up this matter and ensure that all responsible for any misconduct if any will be held personally liable for any financial loss in this regard. Honourable Mayor in case you were absent from earth in less than 72 hours your acting MM who didn't know that he is the acting MM authorised at least R30 284 892.87 in payments.

Executive mayor it is our view that fraud was committed here all these payments were authorised by Mr Tsoaeli who according our records was on sick leave during these shenanigans.

Kind regards

Cllr. T.MACINGWANE

CONTACT

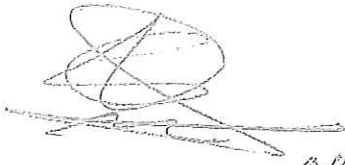
Email

Fax

: 078 677 3182 / 081 431 1906

: tmacingwane@gmail.com

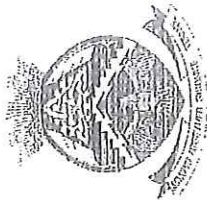
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04/10/2019

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ACCOUNTING SERVICES-EXPENDITURE BRANCH
DAILY PAYMENT October 2019



DATE	02 Oct 19	
Employer Related Costs (3rd Party)		
Payments		
Medical Aid:HOSMED	-R	2 913 515,96
Salaries	-R	21 955,95
Payments		
Refunds	-R	433 379,63
WW Civils and Construction	-R	420 423,62
Practicon Trading Enterprise	-R	1 000 095,31
Khumoetsile trading	-R	550 000,00
Motsewarona Construction	-R	350 000,00
Pakampho Electrical	-R	1 656 239,20
Selbomari Projects	-R	55 800,00
Hustling Minds Traders	-R	35 450,00
	-R	10 000 000,00

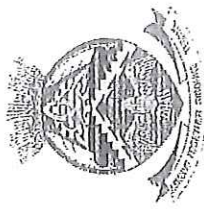
Compiled and checked by : Sello Leraisa

Recommended by: LB de Bruyn

Approved: T Panyani

Final Approval MM : T Tsoae

ACCOUNTING SERVICES-EXPENDITURE BRANCH
DAILY PAYMENT October 2019



DATE	EMPLOYER/RELATED COST (3rd Party)	UFS OCT 19
	Employer/Related Cost (3rd Party)	
	Medical Aid: SAMWUMED	-R 1 252 895,50
	Salaries	-R 220 773,11
	Payments	
	UFS: K Katz	-R 35 886,08
	UFS: Z Nqoi	-R 34 472,17
	GIGfro-T Panyani and L Williams	-R 41 480,00
	Centrum Tech One	-R 53 440,00
	Mopele Trading	-R 21 900,00
	Ramatsa Agency	-R 1 000 000,00
	Naledi Nkanyenzi Trading	-R 193 750,00
	Sheriff Trust-Oppeheimer Park	-R 355 534,50
		-R 2 249 861,26

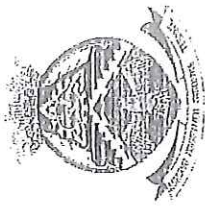
Compiled and checked by : Sello Leraisa

Recommended by: LB de Bruyn

Approved: T Panyani

Final Approval MM : T Tsoaeli

ACCOUNTING SERVICES-EXPENDITURE BRANCH
DAILY PAYMENT September 2019



DATE	30-Sep-19	Employee-Related Cost 3rd Party	
		Medical Aid: LA Health	-R 4 388 776,00
		Payments	
		Sedibong Water	-R 2 000 000,00
		Payments	
		Student Bursaries	
		TUT: Madia	-R 2 475,00
		UCP: T Mokena	-R 75 571,00
		UFS: K Katz	R 36 655,00
		UFS: N Moleko	-R 17 425,00
		UFS: R Jardin	-R 31 121,72
		UFS: Z Nqoi	-R 34 472,17
			3 993 986,89

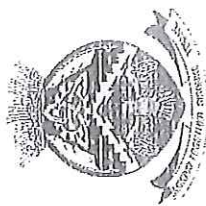
Compiled and checked by : Sello Leraisa

Recommended by: LB de Bruyn

Approved: T Panyani

Final Approval MM : T Tsoaeli

ACCOUNTING SERVICES-EXPENDITURE BRANCH
DAILY PAYMENT October 2019



DATE	02-Oct-19		
	Employee Related Costs (3rd Party Payments)		
	Medical Aid: BONITAS	-R	1 231 123,75
	Medical Aid: KEY HEALTH	-R	1 192 693,39
	Payments		
	UFS: K Katz	-R	36 655,00
	UFS: Z Ngqi	-R	34 672,17
	Centrum Tech One-Rejected/2019/10/01	-R	50 440,00
	Pakampho Electrical	-R	100 000,00
	Sheriff Welkom-Bosch Munitech	-R	1 528 660,00
	Baie Trading	-R	967 205,50
	Finger Attorneys	-R	454 035,11
	Follex Group	-R	737 542,25
	IIIA	-R	9 514,00
	Matuka General Trading	-R	191 250,00
	The rockFm	-R	29 000,00
	Payments-MIG		
	Chell Engineering/Etsho	-R	496 125,00
	Goldfields Development	-R	662 058,73
	Down Touch Investment	-R	375 124,63
	Hatch Africa	-R	36 399,54
	JM Professionals	-R	181 660,11
	Kabe Consulting	-R	505 915,77
	Mofomo Construction	-R	291 036,79
	Oarabile Plant	-R	4 702 113,52

Nexor 67	R	200 442,00
		200 442,00

Compiled and checked by : Sello Leratso

Recommended by: LB de Bruyn

Approved: T Panyani

Final Approval MM : T Tsoaeli

R 2 769 362,86
R 1 526 080,00

MATJHABENG



Matjhabeng
Municipality
Office of the Chief Financial Officer

Matjhabeng
Municipality
Office of the Chief Financial Officer

OFFICE OF THE CHIEF FINANCIAL OFFICER

To : Senior Manager Budget
LB de Bruyn

From : Acting Municipal Manager

Date : 03rd October 2019

RE: APPOINTMENT TO ACT AS CHIEF FINANCIAL OFFICER

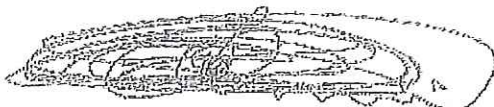
The above matter bears reference,

Kindly note that you have been appointed to act as Chief Financial Officer from the 3rd October 2019 – 4th October 2019.

Further note that you are expected to execute your responsibilities in line with relevant municipal legislation and/or any other legislation applicable to the sphere of MFMA, during your period of acting.

Hope you will find the above in order.

Yours faithfully

A handwritten signature in black ink, appearing to read 'T. Panyani', is written over a circular official stamp.

T. PANYANI
CHIEF FINANCIAL OFFICER

MATJHABENG

MUNICIPALITY
MUNISIPALITEIT
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South Africa



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OFFICE OF THE EXECUTIVE MAYOR

TO : Mr Thabo Panyani
Chief Financial Officer

FROM : Cllr N.W. Speelman
Executive Mayor

DATE : 01 October 2019

RE : APPOINTMENT TO ACT AS MUNICIPAL MANAGER

The above matter has reference.

Kindly be informed that you are hereby appointed to act as Municipal Manager in terms of the Municipal Systems Act, Act No.32 of 2000 and other relevant legislations.


You are appointed to act with full powers of the Municipal Manager from 01 October 2019 to 04 October 2019 while Mr E.T. Tsoaeli is still on sick leave.

Kindly be informed further that you are expected to execute your responsibilities in line with relevant municipal legislation and any other legislation applicable to the sphere of local government, during your period of acting.

Thanking you


CILLR N.W. SPEELMAN
EXECUTIVE MAYOR

I, C.T. Panyani.....hereby accept to act as Municipal Manager with effect from 01 October 2019 to 06 October 2019 as per the conditions stipulated in the letter of appointment.

SIGNATURE: 

DATE: 01/10/2019



MATJHABENG

MUNICIPALITY MMASEPALA

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South Africa



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OFFICE OF THE EXECUTIVE MAYOR

07 October 2019

To : Cllr T.M. Macingwane
EFF Chief Whip
Matjhabeng Local Municipality

Dear Councillor,

ALLEGED CONTRAVENTION OF THE APPOINTMENT OF THE ACTING MUNICIPAL MANAGER

I refer to your letter dated 3 October 2019, which was received by my office on the 4th of October 2019, the contents thereof have been noted.

Kindly be advised as follows:

1. Your allegation pertaining to the appointment of the Acting Municipal Manager is based on section **54A(1)(b)** of the Municipal Systems Amendment Act, 2011.
2. The afore-mentioned Municipal Systems Amendment Act was declared invalid by the Constitutional Court in a matter between the ***South African Municipal Worker's Union V Minister of Cooperative Governance and Traditional Affairs (CCT54/16) [2017] ZACC; 2017(5) BCLR 641 (cc)***.
3. Subsequent to this judgement, the Ministry of Cooperative Governance and Traditional Affairs issued **circular no 1 of 2019**, which was signed off on 11/04/2019.

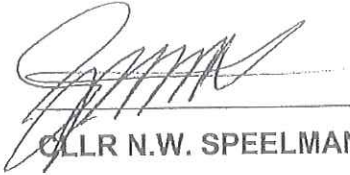
It is against this background that your allegation is baseless in law and I maintain that the appointment of the Acting Municipal Manager was legal and in line with the legislative and administrative prescripts applicable to local government.

Kindly be advised further that the payment schedule attached to your letter has been referred to Mr. Panyani for his attention and response.



I reserve my rights to respond to some of the allegations contained in your letter, in particular, those that are directed at unjustly harming my reputation or diminish the reputation of the office that I occupy.

Yours sincerely



COLLR N.W. SPEELMAN
EXECUTIVE MAYOR

