

REPORT ON THE FINDINGS OF THE AD-HOC COMMITTEE ON THE ALLEGATION OF BREACH OF CODE OF CONDUCT BY CLLR V MORRIS

1. INTRODUCTION

The Ad-hoc Committee on the Allegation of Breach of Code of Conduct by Cllr Morris was established by Council on 31 May 2017 in response to the complaint tabled by Cllr Botha about an alleged corruption and soliciting of bribe by Councillor Vicky Morris.

For more details on the correspondence between the Speaker and Cllr Morris, see attached copy on page 1 to 2 of the Annexures.

The Committee consists of the following members:

COUNCILLORS

Cllr TJ Mosia - Chairperson

- Cllr SJ Liphoko
- Cllr HS Badenhorst
- Cllr TJ Mosia
- Cllr SDM Taljaard

OFFICIALS

- | | |
|------------------|---|
| • Mr. L Rubulana | - Senior Manager: Speaker's Office |
| • Mr. B Golele | - Legal Advisor |
| • Mr. M Atolo | - Senior Manager: Council Administration (Scribe) |

2. MANDATE OF THE AD-HOC COMMITTEE

The primary mandate of the Ad-hoc Committee was to investigate the allegations on Breach of Code of Conduct by Cllr V Morris in line with Rule 100 (7) (c) of Matjhabeng Standard Rules and Orders and had to conclude its investigation within 21 days after their appointment in line with (Rule 102(3) of Matjhabeng Standard Rules and Orders.

It derived its mandate from the Council Resolution which read:

- *That Council APPOINTS a Committee of five (5) members comprising of Cllr SJ Liphoko, Cllr HS Badenhorst, Cllr TJ Mosia, Cllr KSV Moipatle and Cllr SDM Taljaard which will further investigate the matter in line with Rule 100 (7) (c)*
- *That the Committee must BE CHAIRED by Cllr TJ Mosia*
- *That the Committee will have TO CONCLUDED its investigation within 21 days after their appointment in line with Rule 102 (3)*

3. PROCESS OF INVESTIGATION

3.1 EVIDENCE COLLECTED

As part of collecting evidence, the Ad-hoc Committee met on the following dates:

- 7 June 2017
- 20 July 2017
- 10 August 2017
- 14 August 2017
- 6 September 2017
- 11 September 2017
- 13 September 2017
- 20 September 2017
- 17 November 2017

The following witnesses were called to testify:

- Cllr PF Botha
- Mr. Marius Barnardt
- Mr. Marius Barnardt's Daughter: Natasha
- Mr. J Blom – could not testify because of ill-health
- Mr. Z Mabaso
- Cllr VR Morris
- Mr. Thabang Lempe

It should be noted that the proceedings of the Committee were delayed following debate on the tabling of the matter by Cllr Botha on DA letter-heads. The matter was resolved after the intervention of the Speaker and the matter was tabled without the DA letter-heads. The delay resulted into the expiry of 21 days without the investigation having been concluded. The proceedings had to be halted pending the extension which was subsequently granted by the Council during the meeting that was held on 30 August 2017 underpinned by the following Resolution:

1. *That Council **TAKES NOTE** of the report*
2. *That Council **APPROVES** the extension of the Investigation Committee's 21 days-mandate*
3. *That the Investigation Committee **MUST COMPLETE** their investigation within 21 days, calculated from the 31st of August 2017*
4. *That Council **MANDATES** the Municipal Manager to allocate the reasonable necessary resources in order for the appointed Committee to fulfil its mandate.*
5. *That the sentence of the Item background should **BE CORRECTED** to read as follows:*

“Cllr PF Botha has also lodged a complaint for alleged breach of conduct by Councillor Vicky Morris dated 1 February 2017.”

3.1.1 TESTIMONY OF CLLR PF BOTHA: 20 JULY 2017 AND 10 AUGUST 2017

In his testimony, Cllr Botha took the members through the letter he wrote to the Speaker in response to having obtained an Affidavit that was made by Mr. Barnardt.

For more details, see attached copies on page 3 to 8 of the Annexure.

The testimony was followed by the Video Clip of the conversation between Mr. Barnard and Cllr. Morris.

For more details, see translated version of the 1st video clip attached on page 9 to 12 of the Annexure.

During cross-examination, Cllr Botha indicated that on 2 February 2017, a member of the public (who he was not prepared to divulge) visited his office and complained about the conduct of Cllr Morris. In trying to establish evidence from the complainant, the member of the public forwarded the video clip to Cllr Botha’s phone which he, in turn, forwarded to the Speaker as part of evidence in his complaint.

In response to the Chairperson’s invitation to comment on the contents of the video clip, Cllr Morris indicated that the person purported to him, is not him.

3.1.2 TESTIMONY OF MR. MARIUS BARNADT: 6, 11 AND 13 SEPTEMBER 2017

He was at Welkom Club with Everite when he received a phone call from Cllr Morris. In their conversation, Cllr Morris wanted to establish if Mr. Barnadt is the person who had been given a tender for the upgrading of lights at Bronville Stadium.

He further indicated that Cllr Morris made a request for assistance of R30 000.00 for a community project. After having replied that he did not have that money because he had not yet been paid by Matjhabeng Municipality for the previous project undertaken, Cllr Morris subsequently requested for a personal loan of R10 000.00.

Cllr Morris promised to assist him by getting him more tenders.

They later met next to Pick n Pay where he was with his daughter in his bakkie. He paid an amount of R10 000 on the understanding that Cllr Morris would refund him.

During the payment of R10 000, his daughter who he had instructed earlier, secretly took a video clip of the conversation. He indicated that he had arranged for the video clip to be taken as evidence, should Cllr Morris refuse to refund him.

When he realized that the promise to be given more tenders was not fulfilled, he wanted his money back – to which Cllr Morris indicated that he was not prepared even if he could go to the police.

It was at this point that he complained to a number of people including to the police and the Speaker about Cllr Morris' refusal to refund his money that he divulged the contents of the video clip to various people, that the video clip went viral. He stressed that he did not know who made it viral.

After the video clip had become viral, he experienced a lot of pressure from the police, Thabang Lempe who claimed to be from the Premier's Office and cancellation of her daughter's bursary by Lejweleputswa District Municipality.

A second video clip was done after Cllr Morris, through the latter's Lawyer, refunded him the amount of R10 000 and in the presence of Thabang Lempe. In the video clip, he indicates that everything is settled with Cllr Morris.

For more details, see translated version of the 2nd video clip attached on page 13 of the Annexure.

3.1.3 TESTIMONY OF MR Z MABASO: 11 SEPTEMBER 2017

In his testimony, Mr. Mabaso who was acting as a Senior Manager: Electrical Services at that time, confirmed that Mr. Barnardt brought a quotation for high mast light. He, subsequently made a Submission to the Supply Chain Management Section for further processing.

During cross-examination, he conceded that Mr. Barnadt gave him the quotation in the presence of Cllr Morris but however he was not influenced by the latter to award the tender to Mr. Barnadt. He further conceded that, indeed there was shortage of high mast lights in Bronville at that time and that Mr. Barnardt installed high mast lights in Bronville in the past. On the question of changing the contents of the quotation, Mr. Barnadt indicated that the change was the mention of Thabong instead of Bronville. Mr. Mabaso concluded his cross-examination by indicating that he has no clue whether Mr. Barnardt was awarded that tender or not by the Supply Management Unit.

3.1.4 TESTIMONY OF MR. BARNARDT'S DAUGHTER: NATASHA: 13 SEPTEMBER 2017

In her testimony, Natasha Barnardt indicated that it was after school that her father requested her to accompany him on a business meeting. He requested her to record the discussions. They met Cllr Morris near Pick n Pay.

During cross-examination, she indicated that she took a video recording of the discussions as evidence of monetary exchange between her father and Cllr Morris, as instructed earlier by her father.

3.1.5 TESTIMONY OF THABANG LEMPE: 13 SEPTEMBER 2017

In his testimony, Mr. Thabang Lempe indicated that he has known Cllr Morris over a period of 20 years. When he heard that his name was circulated negatively in the social media, he approached him on one Sunday morning. After having heard his side of the story, he felt that they should approach Mr. Barnadt who he knew.

During their discussion, he learnt that Cllr Morris had repaid his debt to Mr. Barnadt.

At the conclusion of their session, they went outside Mr. Barnadt's house where a video clip was taken, showing that Mr. Barnadt was happy with the settlement.

During cross-examination, Mr. Lempe conceded that:

- he knew Mr. Barnadt during his intervention in his daughter's bursary cancellation saga.
- He is indeed working in the Premier's Office but did not go to see Mr. Barnardt in that capacity

3.1.6 TESTIMONY OF CLLR MORRIS: 13 SEPTEMBER 2017

It should be noted that Cllr Morris was afforded an opportunity to sit during testimony of all the witnesses.

In his brief testimony, he indicated that he does not have anything to add to the 2nd video clip which was recorded at Mr. Barnardt's house. Despite persuasion to comment on the various testimonies given by other witnesses, he stuck to his decision.

4. FINDINGS

We have carefully considered the evidence set out above. We have read the transcribed evidence and studied the written submission by Mr Barnadt and the oral testimony of the witnesses that testified before the Committee.

As these proceedings are inquisitorial and not adversarial, we have not attempted to resolve the few disputed facts. We did not find it necessary to do so, as the bulk of the evidence was common cause or otherwise not disputed.

What follows are the essential findings:

- 4.1 Indeed, there was a financial transaction of R10 000 between Mr Barnadt and Cllr Morris in favour of the latter
- 4.2 A refund of R10 000 was later made in favour of Mr Barnadt

4.3 The financial transaction between the 2 parties was inappropriate, given Cllr Morris' position as a Councillor, based on the provisions of the Code of Conduct of Councillors

5. RECOMMENDATIONS

5.1 That Council sanctions Cllr Morris using the following options, in line with the provisions of Municipal Systems Act:

- Issue a formal warning to the Councillor;
- Reprimand the Councillor;
- Request the MEC for Local Government in the province to suspend the Councillor for a period;
- Fine the Councillor and
- Request the MEC to remove the Councillor from Office

5.2 That, as part of an Awareness Programme, an intensive Orientation on Code of Conduct and Declaration of Financial Interest, should be done to all Councillors

CLLR TJ MOSIA

Chairperson

25 March 2019

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OFFICE OF THE SPEAKER

Per Hand

To: Cllr V Morris
From: The Speaker
Date: 17 February 2017

COMPLAINT AGAINST YOURSELF: DA AND MR M BARNARDT

The above matter has reference.

Kindly be informed that my office has received a complaint against yourself for alleged breach of the code of conduct as stipulated under schedule 1 of the Municipal Systems Act, no32 of 2000.

Kindly be informed further that I am enjoined by Rule 99 (2) (b) of the Standard Rules and Orders as amended to provide you with an opportunity to respond to the allegations leveled against your self.

A copy of the complaint from the Democratic Alliance (DA) and Mr. M Barnardt is attached hereto for your attention.

You are therefore requested to respond to the allegations against your good self within 14 working days from the date of receipt of this letter. I further bring to your attention that Rule 99(5) provides that "if a councilor or traditional healer fails to respond to the allegations within 14 days after having been invited by the speaker to do so, the speaker may submit his report or her report without such comment".

Bheke Stofili

BHEKE STOFILI
SPEAKER



"Breaking down barriers against HIV/AIDS by restoring the dignity of the affected and infected"

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To : The Speaker
Attention : The Speaker
Subject : MY RESPOND TO ALLEGED COMPLAINT MADE BY DA CLLR P. BOTHA
From : Cllr Victor Morris
Date : 23 March 2017

Revolutionary greeting

I would like to respond on the matter of COPLAINT AGAINST MYSELF AND DA Mr. M BARNARDT dated 17th February 2017.

I am willing to respond to this allegation in Council against me.

I have also send Video Recording to the Speaker whereby the complainant (DA) on the matter between myself and Mr. Marius Barnardt to clarify this matter

I would also like to inform you that Mr. Marius Barnardt is willing to come and testify in Council regarding this matter as well, if possible.

The Recorded Video to testify what Mr. M Barnardt said is as follows: "the video that I made it's my personal Video, it has nothing to do with anybody. The issue between me and the Cllr is been sorted out. There is no problem and this Video is my personal Video which I made with somebody else. That's the end of my story".

I thank you


Cllr VICTOR MORRIS
MMC: Public Safety & Transport
Cell: 073 832 0805/073 030 0235
Room: 103 Public Safety & Transport Building
Email: victor.morris@matihazena.co.za



7 February 2017

The Speaker
Matjhabeng Local Municipality
PO Box 708
WELKOM 9460

PRIVATE AND CONFIDENTIAL

By Hand.

Dear Speaker,
COUNCILLOR VICKY MORRIS

I am in possession of video recording of some interaction between a certain Marius who is wearing a jacket depicting the name of Enviro Blasting Services and Councillor Vicky Morris in the motor vehicle of Marius. The exact date of this recording is currently unknown as I am awaiting some more information.

During the conversation between Marius and Cllr Morris it is evident that it has to do with the upgrade of the Bronville Stadium. This conversation deals mainly with the electrical installation/revamp of the stadium lights. During the meeting it is evident that Cllr Morris promises Marius that he will definitely get the job of the electrical installation/revamp. Amounts of between R500 000 up to R1.9 million are mentioned. He *inter alia* goes as far as to say that Marius will get the job and that he, Cllr Morris will not drop Marius. Cllr Morris also says that he does not work with Coloured people in Bronville. He promises that Marius will be the sub-contractor. Marius is also promised that he will get an even bigger contract later on.

At ± 5:53 to 5:56 Marius shows a number of R100 notes to the camera. At about 6:48/6:49/6:50 of the same recording this large amount of money (R100 notes) are handed to Cllr Morris and he takes it. It is unfortunately not clear from the video what he does with the money.

What is quite clear from the video is that Cllr Morris is the person in the car with Marius and Marius' daughter as at a certain point (about 1:00 and at 1:06 & 1:10) Cllr Morris answers his cell phone and identifies himself as "Vicky Morris" and then twice after that as Cllr Morris.

A disturbing fact is that a Councillor is prohibited from interfering in tenders and tender processes yet it seems that it is an open secret that Cllr Morris interferes in tenders and "grants" tenders as he pleases. At the same time he takes bribes from would be contractors, as he did in the video.

In terms of the Code of Conduct of Councillors, Systems Act (32 of 2000) Schedule 1 sect 6:-

- (1) "A councillor may not use the position or privileges of a councillor, or confidential information obtained as councillor, for private gain or to improperly benefit another person. [my underlining]
- (4) No councillor may be a party to or beneficiary under a contract for the provision of goods and services to any municipality or any municipal entity established by a municipality"

In sect 11 of the Code of Conduct for Councillors it is stipulated as follows:-

A councillor may not, except as provided by law-

- (a)
- (b)....
- (c)....
- (d) encourage or participate in any conduct which would cause or contribute to maladministration in the council"

In section 2 of Schedule 1 , General conduct of Councillors, of the Code of Conduct for Councillors it says as follows:-

A councillor must-

- (a)....
- (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"

In terms of the MFMA sect 117 a Councillor is barred from serving or even attending tender adjudication committee meetings. In sect 118 it says "No person may---

- (a) interfere with the supply chain management system of a municipality or municipal entity; or
- (b)....

I am not saying that Cllr Morris interfered in the supply chain procedures BUT he purported that he could influence the awarding of the tender and even accepted an amount of money to facilitate this.

This is gross misconduct on Cllr Morris' side and needs your urgent action please.

With this I am laying an official complaint against Cllr Morris for gross misconduct, and accepting bribes to facilitate the awarding of a tender to a specific person namely Marius and his company (subcontracting).

In terms of section 13 of Schedule 1, Code of Conduct for Councillors, of the Systems Act, 32 of 2000 it is your duty as Chairperson of the municipal Council to comply with this section by investigating the breach/complaint.

I am willing to meet with you to give you the jist of the breach as I have it on a recording. The recording is about 8+ minutes long and a rather large file (818.30mb). I will also have a written report of what transpired and will also hand that to you.

I am also considering laying a criminal case for fraud, corruption and money laundering against Cllr Morris and also reporting this matter to the Public Protectors Office for investigation.

Your urgent reply will be highly appreciated,
Regards,

Cllr Piet Botha

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STATEMENT MARIUS BARNARDT V/S VICKY MORRIS

1

I MARIUS BARNARDT ID 640410 5047 08 6 was approached by Municipal Councillor Vicky Morris misled and he miss-represented the municipality by falsely promises to get contracts awarded to me if I help him with R20 000.00.

2

Vicky Morris phoned me one day and asked if it was me that gave a quote to the municipality to fix the high mask lights at Bronville Stadium. Quotation was for R527 696.15.

3

Vicky Morris arranged a meeting with me at Welkom Club. This is Everite Matebesi's Pub. He knows what Vicky Morris looks like, I didn't. We met the afternoon after 12pm. I had to get the kids from school at 1:30. Vicky Morris then asked me to if I recognised the quotation I gave to Maria. Yes it's my quotation. Vicky Morris asked me for R20000.00 for his boss and the person that will help me get the work. I told him I do not have that kind of money. Then Vicky Morris told me he will get somebody else to do the work if I do not give him the money. I told him I do not bribe people to get work. I told him the municipality owns me money R29 000.00 and I will only have R10 000.00 to pay for my house and business expenses. He said it's for the help in the community, funeral expenses, and old people needs food.

4

Vicky Morris then ask for R10 000.00 (ten thousand rand). My reply was I don't the money. He said if I don't help he will get somebody else to do the work it's his constituent he will get who he pleases to do the jobs for him. Only those who help him will get jobs from the municipality. He will make sure of it. One thing he wanted is that all labourers will have to come from Bronville.

5

I told him I did high mask lights in Phomolong and I was waiting for R29000.00 to be paid. It was a Wednesday and I said I will see if I can get the municipality to pay. On Friday he phoned and asked if I was paid. I was not. He told me to meet him at the main building; he will get them to pay me. We went to a female's office that he knows and she helped with the payment. The person that normally pays was informed to release the funds. They did the payment. All I had to do is waiting for the funds to be in my bank. Now he wants his R10 000.00.

6

When he phoned me to find out if I got the money, I said yes? He wants to know when he's getting his R10 000.00. I told him to meet me at Pick n Pay parking at ABSA side. I waited for him. He told



7

me that he can, with his boss, get me the work and he will make sure nobody else does the work. It's his backyard and he decides how things are done there.

7

I was a bit scared, bribing is not my way of doing things but he made me understand there is lots more work that he will give to me. This helping him with money seems to me like bribing.

8

My oldest daughter was with me at the time that we meet Vicky Morris in the parking at Pick 'n Pay where I withdrew R10 000.00 from ABSA. I told my daughter I am not happy with having no proof. She showed me her cell phone and said we'll make a video or recording. Proof is the voice and name of the person. She got everything ready and started with the recording when Vicky Morris got into the back of my double cab.

9

The cell phone was recording and I handed over the money and told him I have doubts about giving him the money because I am in trouble myself and the money is needed to pay my house and the school fees. Then he said "Vicky Morris gives his word that the money I have given him is proof of his commitment to give me the work and extra work in Bronville. It his constitute and he will give me his word as Vicky Morris to give me the work of the municipality". My daughter is witness to the money exchange hands.

10

He will phone me when the contractor is appointed. Then he Vicky Morris will make sure he introduces me to him. This happened and he introduced us. The owner of Poloko Traiding 634 cc.

11

Then I had to give him quotations to do the lights inside the stadium. We will start with that first. The Electrical engineer contacted me to forward the plans. This will indicate what was needed to do the quotation on specs and it is what they recommend and that's what will be used. My quotation is R142 500.00. The quote was given to Poloko Traiding 634 cc.

12

The Monday that the work was supposed to start we phoned Vicky Morris about 50 times. He was supposed to inform the contractor I was appointed to do the work. I phone his office they got hold of him and he never showed up at the site. After that I tried daily, hourly, even his friends his family. Nil, no answer. Then the electrical engineer told Poloko Traiding 634 cc to continue with the contractor they said. He did the work for half my quote. I was told by the owner of Poloko Trading if Vicky Morris was there the work will be given to me but he Vicky Morris must tell him.

SD

13

I got hold of Vicky Morris after 6 months at the Ferdie Mayer hall. He again promised me work. We had an argument about all the work that I was supposed to get and did not get and I asked my money back. He promised me more work from the municipality. High mask lights in Bronville. All of the high mask lights in Bronville that needed repairs.

14

Vicky Morris phoned me on a Sunday to arrange with me to meet Jan Blom at his office in the Protea building. We met. Jan Blom was given two quotations to do high mask lights in Bronville. Vicky Morris falsely promised me the work again. Quotation nr 5181 -R65 504.00 and quotation 5182 – R74 582.00.

15

Vicky phoned me to meet him at Mabaso's office. The city electrical department's manager. The same quotations that was presented to Jan Blom, was given to Mabaso. He made changes and asked me to give him two new quotations and he will phone me to start the work. The price on these quotations 5181 – R53 504.00 and quotation 5182 – R62 582.00 Vicky told him to give me the work and left. The work was done by somebody else and not by me. I am still waiting.

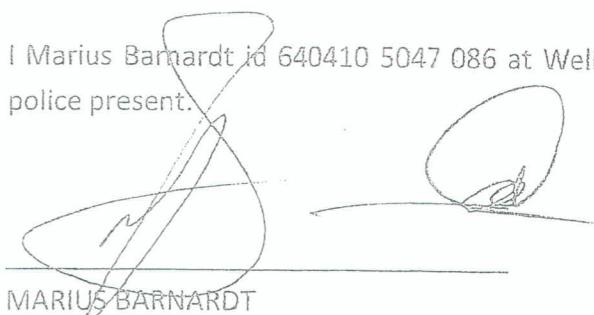
16

I Marius Barnardt, ID 640410 5047 086 therefore ask the police to arrest this man on falsely representing the municipal counsel to give me work and bribing me for R10000.00. I need the police assistance to capture this man and bring him to justice. I understand I am not the only person this Municipality councilman has bribed form money and they are all scared of his threats. I am now also in danger because he threatens to do bad things to me if I continue with this matter. I went to the speaker's office and asked for help. Their recommendation was to lay a charge against him.

**FALSELY PROMISING ME WITH WORK FROM THE MUNICIPALITY WHERE TO HE HAS NO AUTHORITY.
AND STEELING R10 000.00.**

This statement is the truth as to the events that took place in my eyes.

I Marius Barnardt id 640410 5047 086 at Welkom in full mind sign this statement in front of the police present.



MARIUS BARNARDT

You are busy allover. Where are you busy?

Riebeeckstad, Welkom

How are you?

Good and you?

All right thanks.

Hallo hallo you all

Listen here, I am a difficult guy nê [yes]. Are you sure I am going to get the job?

Inaudible.

No, no serious.... Let me... It's not going well ... With me... it's not financially what it always should be like and if

Let me promise you one thing ... you know when we speak of the main contractor You can still doubt ... but Council appoints the subcontract on any contract so you don't have to worry I can give you my word.my

Something else I also would like to discuss with you is what was the price ... what we have... what you have on a thing.

Phone ringing.

Councilor Morris yes.

Yes.

Councilor Morris hello.

I am alright, yourself.

Yes Mr Mana

Yes.

Yes,

Yes.

Yes.

Uhm uhm jo

I'm not in my office.

Please do not Quinten at the office.

What is the problem.

Ok.

Call Quinten just call Quinten. Let me give you his number.

078 167 4650.

Quinten.

Yes, yes, just call him my PA. He'll be those people, I'm just doing something. He will only give those people the message. It will be correct, we will just wait for the director's letter.

Thank you boss Dan.

Thank you Boeta go well. Bye bye.

Apologies.

Hmm because the quote I did was R560.

Yes but see what's going to happen now see it's a R10 million project. It was basicallythat quote was just for the lights I think just for the Apollo lights outside but all the lights inside and outside should now be done so I think more or less it could be almost a R1.3 R1.4 million project Because it's the whole stadium that (Inaudible). I promise now you .. Look... uh... subcontractors... there is nobody else... I appoint the subcontractor... I am even going to appoint for the plumbing whoever because they have to make use of the people we as councilors give to them. You do not have to worry about it. I promise you ...

Okay, then I'm satisfied.

I promise you.

And then what I'm going to do .. the guys that I .. because I have one guy I'm going to appoint as supervisor over the guys who will dig the holes uhm they are the guys that live around there...

Yes.

... I want to use then to dig the holes as they were and it is what I also want.

But see you are now (Overlapping each other). What we are going to use is... you use the local labor and that is that. I will give you the guys what I will do We have 7 units in Bronville .. what I will do is going to each unit Mandela Park, Extension 15 old Bronville and tell them you're looking for 6 people to dig the holes.. Then I take one-one that everyone ... you know you understand? [Okay fine]

What I usually do is I call a meeting... we take all the identity books and throw it in a box and let a small child draw I do not want the people to say the councilor has appointed any one. It must be transparent, but I can promise you now. Marius there's nothing to worry about. If the contract comes out you are going to do the lighting nobody else can do it... I will appoint myself. I promise you one and you can.... you can shoot me.

Laughter.

You can me ...and But Marius, as I told you You told me I know but talk with me. Look how quickly I helped you with the water

It's true.

||

It is about who you know [true, true] ... I helped you so quickly.... I will not drop you [I'm glad] you do not have to worry.

Hmmm so the quote ... mmm ... with the price it Do we have to submit it again ...

No no see what's going on is that the contractor is appointed and he will tell me listen counsellor I need someone to do the lights for me and whoever.. and the main contractor he will say to you, listen according to the tender, there may be R1.8 R1.9 for the lighting .. and then he subcontracts to the subcontractor. You do not have to stress. It's going to be much more than R560 000... it's going to be much more than that R560 000. I am.... listen ... Marius I'm not going to drop you. I say this in front of your daughter. You can take my word. I am people ... I work with people ... but ... colored people in our community... (inaudible) ... I do not want to work with Bushmen.

Laughter.

With ...what's his name Nico I will use the lights anyway. Those other two guys are very angry with me because I'm not sharing the money with them. You must ask him they are very angry [yes ok] ... unfortunately I have to ask Nico to pay him tomorrow but I hope he will not have a problem. Those guys are very angry with me when I said to them there is a bigger project on its way and that I will be using them... hmm... what and ... and let me ... I used one motor of them ... the other contractor gives them R7 000 each [sjoe] to use that thing in a day. Does it make sense for you? That machine is not worth R14 000. So I do not know if they are..... [inaudible & overlapping] Because I gave them each R2000.... I got a deal of R4000 ... I used 2 and a half for me for tires, I only took R1 500. That's why I'm telling you

No listen here Marius there is nothing to worry about. If the contract comes out the main contractor will call me as the councilor saying he is looking for this or that ... you will do the sub you do not have to stress about it.

Ok.

So you think it's when ... the month or next month?

It will be next month. I think the contractor will be next week like I told you maybe next week the contractor will be appointed for the It is money of the previous financial year so we cannot transfer that money to the new in the new financial year. So there is some pressure but I'll keep you posted, I'll keep you posted, you'll know. All right?

That's cool. Thank you very much.

All right. But do not stress. There's nothing to worry about I promise you

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Because it's true ... she has to go to university.... she must now ... next year ... I should have already paid when I am now

No listen here, let you go let you go. You will be sorted out. Here's a big project. You will get it. You do not have to worry. Where does she go? Free State University?

No, Potch.

Potch oh okay.

Marius thanks. Listen here, you must have peace of mind now. Nothing is going to go wrong. I promise you .

Where is my key?

Oh thank you.

Ok go well enjoyable weekend. Bye bye

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Cllr Morris: Um-um

Mr Barnard: Ok...

Mr. Barnard:

The video I have made is my private video that is no else's business.

It is a matter between him and me that has been resolved and there are not any problems.

The video is my personal video that I have made with someone else. End of story.

Cllr Morris laughs.

Mr. Barnard: You laugh..... (Video ends and cuts Mr Barnard off)

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MATJHABENG

MUNICIPALITY

UMASIPALA

ROMA BADENHORST ATTORNEYS

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Raadslid/Councillor HS BADENHORST

21 November 2017

FOR ATT:

CLLR. MOSIA

THE CHAIRPERSON

BREACH OF CODE OF CONDUCT AD-HOC COMMITTEE - CLLR. V MORRIS

Dear Sir

FORMAL OBJECTIONS IN TERMS OF THE STANDARD RULES AND ORDERS

I refer to the abovementioned matter and the meeting held on 17 November 2017.

I file these objections pursuant to my submissions on the said date at the said meeting.

These objections are made pursuant to the finding of the ad-hoc committee that the investigation of the conduct of Cllr. Morris is inconclusive.

I herewith make the following objections:

1. I submit that the finding of the ad-hoc committee was irrational on the grounds as set out hereunder.

2. The ad-hoc committee was requested by myself to make findings on a balance of probabilities to the following extent:
 - 2.1. Whether Cllr. Morris was in the vehicle with Mr. Barnard and his daughter Natasha?;



- 2.2. Whether Cllr. Morris did indeed receive money from Cllr. Morris?;
 - 2.3. Whether the money was given and received with the intent to solicit work from Matjhabeng?
3. I further submitted that in the event that the questions posed in paragraphs 2.1. to 2.3. are answered in the affirmative, that it should be found on a balance of probabilities that Cllr. Morris indeed accepted a bribe from Mr. Barnard.
4. My request and submissions as set out in paragraphs 2 and 3 were ignored by the ad-hoc committee and no reasons were provided there for and no discussion was held pertaining to my request.
5. I further submit that considering the evidence of Natasha Barnard that all the questions posed in paragraph 2 to 3, would be answered in the affirmative.
6. It is my view that the committee did not consider the evidence obtained correctly and there for came to the wrong conclusion(s);
7. The committee did not reasonably appreciate, alternatively understand, the onus of proof required for purposes of making findings and as such came to the wrong finding(s), alternatively conclusion(s);
8. Cllr. Morris failed to avail himself for the investigation and for cross-examination. I requested the committee to draw a negative inference from this conduct, which it failed to do;
9. I do not associate myself with the findings of the ad-hoc committee and am of opinion that the committee failed its mandate to the Council and to the public;
10. It is my view that Council should set aside the findings of the ad-hoc committee and reinvestigate the matter.



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Kindly take notice that in terms of Section 13(1)(c) of Schedule 1 of the Local Government: Municipal Systems Act this item is open to the public in Council and should not be placed on the agenda as a confidential item.

Yours faithfully

Cllr. HS BADENHORST
Councillor, Ward 9 - Virginia
Email: unett@romab.co.za



Matjhabeng Local Municipality – Accelerated Service Delivery in Action!