Notice is hereby given, in terms of Section 19(b) of the Local Government: Municipal Systems Act, 32 of 2000 as amended, that a SPECIAL MEETING of the MUNICIPAL COUNCIL of Knysna Municipality will be held in the COUNCIL CHAMBER, Clyde Street, Knysna on WEDNESDAY, 19 FEBRUARY 2020 at 14:00 to consider the business set forth in the attached agenda.

Kennis geskied hiermee as gevolg van Artikel 19(b) van die Plaaslike Regering: Munisipale Slegsels Wet, 32 van 2000, dat 'n SPESIALE VERGADERING van die MUNISIPALE RAAD van Knysna Munisipaliteit in die RAADSAAL, Clydestraat, Knysna op WOENSDAG, 19 FEBRUARIE 2020 om 14:00 gehou sal word ten einde sake soos uiteengesit in die aangehegte agenda te oorweeg.

Ibhunga likaMASIPALA waseKnysna lazisa ngomthetho okwisolotya 19(b) wenkqubo mgaqo olawula oMasipala, 32 of 2000, njengoko utshintshiwe, NGENTLANGANISO EKHETHEKILEYO yeBHUNGA likaMASIPALA waseKnysna eyakubanjelwa KWIGUMBIL ELEKHANSILE kwisitalato iClydee, Knysna lentlanganiso iyakuba NGOLWESITHATHU, NGOMHLA WE 19 EYOMDUMBA 2020 ngentsimbi ye 14:00 umba iyakuba lushiishino oluchazwe kwi-agenda.

CLLR T GOMBO
The Speaker

DR M R GRATZ
Acting Municipal Manager

Die Speaker
Waarnemende Munisipale Bestuurder

Usomlomo
uManejala kaMasipala

Date: 17 February 2020
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AGENDA

1. OPENING AND WELCOMING
2. SILENT PRAYER
3. ATTENDANCE OF MEMBERS
   3.1 COUNCILLORS PRESENT
   3.2 COUNCILLORS WITH LEAVE
   3.3 COUNCILLORS WITHOUT LEAVE
5. DISCLOSURE OF INTERESTS BY COUNCILLORS
6. NEW MATTERS SUBMITTED BY THE ACTING MUNICIPAL MANAGER

6.1

SC04/02/2020  APPOINTMENT OF AN INDEPENDENT INVESTIGATOR AND
THE ESTABLISHMENT OF A DISCIPLINARY BOARD –
ALLEGED MISCONDUCT OF MUNICIPAL MANAGER, DR S W
VATALA

REPORT OF THE ACTING MUNICIPAL MANAGER

PURPOSE OF THE REPORT

To facilitate the appointment of an independent investigator, as resolved by Council on 13 February 2020, in order to investigate the allegation(s) of misconduct levelled against the Municipal Manager, Dr S W Vatala. Furthermore, in terms of Regulations made in terms of Section 168 and 175 of the Local Government: Municipal Financial Management Act, 2003, allegations of serious financial misconduct against a Municipal Manager need to be submitted to a Disciplinary Board. Council therefore needs to appoint a Disciplinary Board for this purpose.

BACKGROUND

The Municipal Council unanimously resolved, amongst others, in resolution [c] of Item SC06/02/2020[IC], during a Special meeting held on Thursday, 13 February 2020, as follows:

"[c] That the Municipal Council must reconvene within 7 days to appoint an independent investigator to investigate the allegation(s) of misconduct against the Municipal Manager, Dr S W Vatala; as envisaged in Regulation 5(3)(a) of the Regulations mentioned in [b] above; and"


DISCUSSION

1. Independent Investigator

In terms of Regulation 5 of the Local Government: Disciplinary Regulations for Senior Managers and Section 120 of the Local Government: Municipal Systems Act, 2000, the independent investigator must investigate the alleged act(s) of misconduct against the Municipal Manager and must submit a report, with recommendations, to the (Deputy) Executive Mayor within thirty (30) days of his or her appointment. The (Deputy) Executive Mayor must then table the report and recommendations of the independent investigator before the Municipal Council not later than seven (7) days of receipt thereof.

Procurement of the services of an independent investigator should be done in terms of the approved Supply Chain Management Policy. However, in terms of the said Regulations, the investigator needs to be appointed within 7 days of the Council resolution to appoint such
investigator. The investigator therefore needs to be appointed by Thursday, 20 February 2020.

The Office of the Municipal Manager has made contact with legal firms who are already on Knysna Municipality’s Supply Chain database to conduct the investigation. Information is still awaited on availability and costs. It is therefore proposed that the Acting Municipal Manager, be given the delegated authority to make the appointment of the independent investigator.

2. **Disciplinary Board**

A Disciplinary Board needs to be appointed to investigate any allegations of serious financial misconduct in terms of the Local Government : Municipal Financial Management Act, 2003.


In terms of the Regulation 4(6), the Disciplinary Board may consist of :

(a) The Head of Internal Audit  
(b) One member of the Audit Committee  
(c) Senior Manager from Legal Services  
(d) A representative from National Treasury or Provincial Treasury  
(e) Any other person as determined by Council.

The Disciplinary Board may not consist of more than 5 (five) members. In view of the urgency of the matter, it is suggested that a representative from the Legal Services Department of George Municipality be requested to serve on the Board. In view of the fact that there are severe time constraints, it is proposed that representatives of National and Provincial Treasury not be appointed to the Board.

**RECOMMENDATIONS OF THE ACTING MUNICIPAL MANAGER**

[a] That the report regarding the appointment of an independent investigator regarding the alleged misconduct of Municipal Manager, Dr S W Vatala and the appointment of a Disciplinary Board, be noted;

[b] That the authority to appoint an independent investigator as envisaged in Regulation 5(3)(2) of the Local Government : Disciplinary Regulations for Senior Managers, be delegated to the Acting Municipal Manager;

[c] That the Acting Municipal Manager, Dr M R Gratz, appoint an independent investigator in terms of [b] above before the close of business on Thursday, 20 February 2020;

[d] That the independent investigator appointed in [b] above, submit her or his report, with recommendations, to the (Deputy) Executive Mayor, within thirty (30) days from the date of his / her appointment;
That a Disciplinary Board, as envisaged in Regulation 4 of the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings be established and that the following members be appointed to such Board:

[i] The Chief Audit Executive
[ii] The Manager: Legal Services
[iii] The Chairperson of the Audit Committee; and
[iv] The Head of Legal Services of George Municipality.

File Number: 9/1/1/1
Execution: Acting Municipal Manager
Director: Corporate Services
Manager: Human Resources
7. Adjournment

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