

21 May 2019

To: The Municipal Council
eThekweni Local Municipality
c/o: Speaker of the Council
Cllr William Mapena
Per: E-mail (william.mapena@durban.gov.za)

And to: The Municipal Manager
eThekweni Local Municipality
Sipho Nzuza
Per: E-mail (sipho.nzuza@durban.gov.za)

CC: The Mayor
eThekweni Local Municipality
Cllr Zandile Gumede
Per: E-mail (zandile.gumede@durban.gov.za)

Dear Sirs,

**ALLEGED IMPROPER CONDUCT AND BREACH OF THE CODE OF CONDUCT BY MAYOR
GUMEDE OF ETHEKWINI MUNICIPALITY
OUR REF: L4/DA/03
YOUR REF: UNKNOWN**

1. The abovementioned matter as well as our engagement letter dated 26 April refers.
2. As you are aware, the Organisation Undoing Tax Abuse (OUTA) is a proudly South African non-profit civil action organisation, comprising of and supported by people who are passionate about improving the prosperity of our nation. OUTA Local was established as a division of OUTA and envisions a prosperous country with an organised, engaged and empowered civil society that ensures responsible use of tax revenues throughout all levels of Government.
3. During recent days, OUTA Local: eThekweni has followed and engaged, with other institutions, on the criminal charges raised against Mayor Gumede.
4. It has come to our attention that the investigation, which led to the charges and subsequent arrest, stemmed from the Municipal Council (the Council).
5. We would like to take this opportunity to commend the Council for taking action against possible corrupt officials and in doing so ensuring clean governance of our municipality.
6. Although the Council's actions are admirable we submit that the matter requires any and all action legal allowed.

ORGANISATION UNDOING TAX ABUSE NPC

Reg No.: 2012/064213/08

Directors: W Duvenage (CEO), Adv. S Fick, G Gulston, H Volmink

Non-Executive Directors: F Adam (Chair), P Majazi, W Modisapodi, LP Pauwen, T Pillay Van Graan

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7. It would seem that the investigation conducted by the Council exposed merits which have been deemed to substantiate a criminal case against the Mayor and to which the National Prosecuting Authority believes she has to answer to, before a court of law.
8. We submit that should the allegations be true, on a balance of probabilities, and as per your investigation, the Council should exercise its authority as granted by the law.
9. There is a legislative duty¹ on local public administration to adhere to, amongst others, democratic values, high standards of professional ethics, accountability and a duty to: "... perform the functions of office in good faith, honestly and a transparent manner; and... 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."
10. These requirements are applicable to all officials partaking in local government, including political office bearers² such as the Mayor.
11. It would seem that the Mayor, through her alleged conduct, has at least warranted reasonable suspicion of a breach of the Code of Conduct for councillors³ which allows the Council to investigate and take action⁴.
12. In the instance we submit that the Council has the authority and obligation, towards the community of eThekweni, to investigate and take appropriate steps against the Mayor.
13. In light of the above, and in the spirit of active citizenry we hereby would like to request a meeting with the Speaker in order to engage on the issue at hand.
14. Kindly contact writer in the event of any queries and kindly confirm receipt hereof.
15. We trust that you find the above in order and look forward to receiving your response.

Yours Sincerely,



Jonathan Erasmus
Branch Manager
OUTA Local – eThekweni Branch
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¹ Section 195(1) of the Constitution of the Republic of South Africa read with section 50 of Local Government: Municipal Systems Act, 2000 and item 2 of Schedule 1 to the latter Act.

² Section 54 of the Local Government: Municipal Systems Act, 2000.

³ Schedule 1 to the Local Government: Municipal Systems Act, 2000.

⁴ item 14 of Schedule 1 to the Local Government: Municipal Systems Act, 2000 read with section 53 of the Local Government: Municipal Structures Act, 1998.