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City of Johannesburg
Office of the City Manager

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Media Statement

06 September 2023

THE CITY MANAGER'S OFFICE WELCOMES THE COUNCIL'S DISMISSAL OF FALSE ALLEGATIONS THAT WERE MANUFACTURED BY SOME OFFICIALS, LAW-FIRM AND FORMER MAYOR IN ORDER TO INCRIMINATE MR BRINK AND MR MSIMANG IN STAGED AND FABRICATED CLAIMS OF R320 MILLION OF PROCUREMENT CORRUPTION

Our Office welcomes the dismissal of false allegations that were manufactured against Messrs Brink and Msimang. For the longest of time, we avoided addressing this matter, and waited for the Council decision of yesterday. We can now confirm that, on and around February 2022, some officials, former Executive Mayor and law-firm, manufactured false allegations against Mr Brink who was the Acting City Manager at the time. They falsely claimed, that in terms of the City's Delegation of Authority ("DoA"), the power to approve and ratify the procurements above R50 million was delegated to the former Executive Mayor. And through these allegations, the mayor clothed herself with the powers of Mr Brink, and sought to have him charged, as if he was not lawfully exercising the following powers:

- (i) Regulation 36 (1) (b) of the Supply Chain Management Regulations which states that , "***A supply chain management policy, may allow an accounting officer to ratify any minor breaches of the procurement process by an official or committee acting in terms of delegated powers or duties which are pure of a technical nature***"; and
- (ii) Sub-delegation 38.1 of the Delegation of Authority ("DoA") which states that "***to appoint any of the Municipality's Municipal Entities (MEs) to execute work or render services on behalf of the Council up to an amount of R50 million per project and any amount above R50 million must be approved by the Municipal Manager***".

Therefore, the former mayor arrogated unto herself, powers she didn't have, and disregarded section 117 and 118 of the MFMA which prohibited her from performing procurement functions. And after this presumably unlawful 'smash-and-grab' of the powers of the Acting City Manager, she acted in concert with some officials, and they manufactured false claims that Mr Brink did not have delegated powers to ratify and approve the report of Mr Msimang on the procurement of CCTV Cameras and Hand-Held Devices. To add a sweetener and attract attention to these false allegations, some media houses were misled to publicly misreport the R29 million expenditure that was incurred in the said contract, and its three (3) year projected spending of R320 million as if its a procurement corruption.

This unlawful campaign was reinforced by GFIS, when it unlawfully appointed a certain law-firm to investigate Mr Brink without Council authorization. Notably, at paragraph nine (9) of its report, this firm deliberately excluded to record the above powers of the City Manager, and at paragraph 11.1.39 to 11.1.41, it also made false claims that the power to ratify and approve procurements reports above R50 million was delegated to the former Mayor and her Mayoral Committee. And at paragraphs 10.2.28, 10.2.29, 11.2.5, 11.2.6 and 1.2.16 of its report, it made other false claims that Mr Brink acted unlawfully, was derelict in his duties, and caused fruitless and wasteful expenditure of R320 million.



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Upon receipt of this report, the former Mayor acted as if her powers had been abused by Messrs Brink and Msimang, and presented a report in Council for them to be placed on special leave, and for a second law-firm to be appointed to investigate. This second law-firm was presented with irrefutable evidence regarding the powers of Mr Brink to ratify and approve tenders above R50 million, and how he exercised such power in ratifying and approving the report of Mr Msimang. And after confirming the said powers, and the fact that only R29 million was spent in the said procurement, at paragraph 5.2, 6.9, 8.1.12, 9 and 13 of its report, it cleared him, and that disposed of the false allegations of R320 million of procurement corruption. On 29 July 2022, its report was submitted the former Mayor and she never tabled it before the Mayoral Committee and Council, and would remain concealed.

And to our dismay, the former Mayor and MMC for Corporate Services tabled a new report in the Mayoral Committee on 05 August 2022, and in Council on 10 August 2022, which falsely claimed that Mr Brink had not been cleared from the above allegations, and it recommended that the position of the City Manager, in which he was recommended for an appointment be readvertised. This injustice was finally reported to the Council on 22 February 2023 and 05 September 2023, and after reviewing the reports of these two legal firms, Council dismissed the false and manufactured allegations against Messrs Brink and Msimang, and reaffirmed its decision to appoint Mr Brink as the City Manager.

Our Office, welcomes this development, because it brings the much needed administrative stability.

For further queries, contact Nthatsi Modingoane at nthatisem@joburg.org.za and on 082 467 9228.

**CITY MANAGER'S OFFICE
CITY OF JOHANNESBURG
DATE: 06 SEPTEMBER 2023**