

## **TO ALL COUNCILLORS**

### **MOTION**

Kindly receive the attached motion, received from Councilor AWF Middelberg on 27 March 2024, submitted as an Urgent Motion for purposes of the Ordinary Council meeting of 27 March 2024.

During the Council meeting of 27 March 2024, this motion was deferred to the next Council meeting to be held on 25 April 2024.

The attached motion is therefore re-submitted for consideration.



## Alexander W.F. Middelberg

Councillor, Republican Conference of Tshwane

### City of Tshwane Metropolitan Municipality

Republic Conference Caucus Office, Tshwane House,  
Room C2E032, 2<sup>nd</sup> Floor East Wing,  
Cnr Madiba & Lillian Ngoyi Streets, PRETORIA

Email: [lex@middelberg.co.za](mailto:lex@middelberg.co.za)

Mobile: +2783 627 3713

Clr. M. Ndzwanaana  
The Speaker of Council  
City of Tshwane Metropolitan Municipality  
Tshwane House, 2<sup>nd</sup> Floor East Wing,  
Cnr Madiba & Lillian Ngoyi Streets,  
Pretoria

[speakerofcouncil@tshwane.gov.za](mailto:speakerofcouncil@tshwane.gov.za)

*Tuesday, 26 March 2024*

Dear Mr. Speaker.

**RE: URGENT MOTION RE UNCONSTITUTIONAL DISCIPLINARY STEPS  
AGAINST CITY STAFF MEMBERS**

My ref: Clr. Middelberg/

Your ref: Unknown

Kindly find appended hereto the original of a duly signed and seconded urgent motion to be tabled at the next meeting of council.

The matter is urgent because the unconstitutional proceedings is ongoing and set down again to be resumed on 16 April 2024 prior to the next council meeting.

Please confirm by return email that the motion is accepted to be tabled at this week's meeting of council.

Yours truly,

Lex Middelberg  
Councillor, Republican  
Conference of Tshwane  
Donkerhoek  
2024.03.26 18:53:25 +02'00'

**URGENT MOTION**  
**RE DISCIPLINARY MATTERS AGAINST STAFF**

Motion proposed i.t.o. §18 of the City of Tshwane:  
Rules & Orders Bylaws, 2012

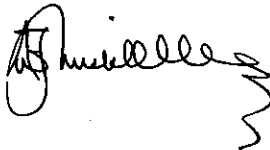
as read with

§7(1) – (3) of the Rules & Orders

**PART A: MOTION TO SUSPEND §7(1):**

**It is proposed that §7(1) of the Rules & Orders Bylaws, 2012 be and are hereby suspended to allow the proposer to submit the understated urgent motion regarding the withdrawal of disciplinary proceedings against certain staff members of the city.**

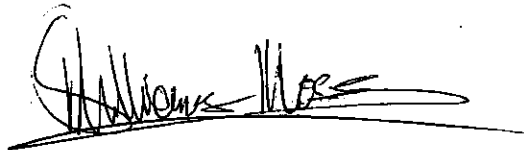
Proposed by:



Lex Middelberg  
Councillor, Republican  
Conference of Tshwane  
Donkerhoek  
2024.03.26 18:36:42 +02'00'

Clr. Lex Middelberg  
RCoT

Seconded by:



Clr. Debrye Williams-Moses  
PA

FOR:	
AGAINST:	
ABSTAIN:	

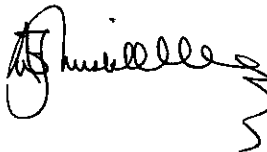
**PART B: MOTION ON A MATTER OF URGENCY:**

**It is proposed that:**

1. The disciplinary matters against
  - (a) Mrs Sharon Kruger as set out in the charge sheet appended hereto marked “A”; and
  - (b) Mr Gregory von Gordon as set out in the charge sheet appended hereto marked “B”be and are hereby withdrawn with prejudice.
2. That the Municipal Manager is hereby instructed to withdraw any similarly founded or motivated disciplinary proceedings against members of the staff not identified by name in paragraph 1 above that may at the time hereof be pending.

3. The Speaker of Council shall address a suitably worded letter to the Municipal Manager to remind him that this council is committed to uphold the Constitution and to protect every employee of the city's right to freedom of expression and their political rights as enshrined in §16 and §19 of the Bill of Rights, which rights include the right to critique the actions and omissions of elected public representatives and council's direct political appointees, including the mayor and the municipal manager.

Proposed by:



Lex Middelberg  
Councillor, Republican  
Conference of Tshwane  
Donkerhoek  
2024.03.26 18:38:03 +02'00'

Clr. Lex Middelberg  
RCoT

Seconded by:



Clr. Debrye Williams-Moses  
PA

FOR:	
AGAINST:	
ABSTAIN:	

**IN THE DISCIPLINARY HEARING  
HELD IN PRETORIA**

In the matter between:

**CITY OF TSHWANE METROPOLITAN MUNICIPALITY**

Employer

And

**SHARON KRUGER**

Employee

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**NOTICE OF DISCIPLINARY HEARING**

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1. The City of Tshwane ("the employer" or "the City") hereby invites you, Ms Sharon Kruger, to attend a disciplinary hearing into allegations of gross misconduct against you.
2. The allegations of gross misconduct against you are the following:
  - 2.1 Bringing the employer's name into disrepute in the public domain and/or making disparaging remarks about the employer in the public domain and/or acting against the interests of the employer and/or violating your duty of good faith towards the employer, in that during or about November 2023 you published comments on Facebook in response to a post on Facebook by Mr Gregory von Gordon, in which comments you made the following and other unacceptable and unsubstantiated allegations:
    - a) The employer's City Manager is a fly-by-night and is a political puppet with no leadership;
    - b) The employer's Executive Mayor surrounds himself with people who give him wrong advice, which implies that he is not wise enough to surround himself with people who will give him proper advice and

implies that he is not intelligent enough to identify wrong advice and to deviate from such wrong advice;

- c) The political coalition leadership is a mess build on what position who can get, which implies that the political leadership of the employer does not know how to run the employer as an organization and the employer is not an organization that is run properly;
- d) The Executive Mayor of the employer should align himself with the ANC despite the ANC having been corrupt, because the ANC knew how to manage the community and how to treat staff members with respect, which implies that the Executive Mayor and his political leadership do not know how to manage the community and how to treat staff members with respect and they need to be taught how to do so from an allegedly corrupt ANC political organization;
- e) The Executive Mayor of the employer and his political leadership spend too little money which will cost the employer more in the long run, which implies that the financial affairs of the employer are being managed in a manner that will cause harm to the employer in the long run;
- f) The Executive Mayor and his political leadership should stop hiring contractors because they are just a frustration, which implies that the political structures of the employer get involved in operational matters such as the hiring of contractors and those contractors do not perform as they are just a frustration;
- g) The Executive Mayor must invest in his current staff, which implies that the employer is currently not investing in its members of staff;
- h) The Executive Mayor, his political leadership and the current administration of the employer in general have incorporated the best training facility into the ground, which implies that the employer and its current functionaries under the current political leadership are guilty

of mismanagement by taking a fully functional training facility and turning it into a dysfunctional facility;

- i) The serious mismanagement referred to in your post is only the tip of the iceberg, which implies that the level of mismanagement under the political leadership of the Executive Mayor goes far beyond what you have described in your public comments;
- j) Employees such as Mr Gregory von Gordon prove that the employer can be saved and they should not be silent, which implies that you associate yourself with the unacceptable and disparaging remarks of Mr Gregory von Gordon in relation to the employer and its current political leadership.
- k) The Executive Mayor of the employer lies and his lies must stop, which implies that the Executive Mayor is a dishonest person;
- l) The Executive Mayor and the employer intend to get rid of the employees of the employer as it is cheaper for the employer to do so irrespective of the unfairness of the dismissals, which implies that the employer does not care about fairness in a country where legislation requires fairness in employer and employee relations;
- m) The Executive Mayor was brought to the employer to destroy the workforce, which implies a destructive intent by the political leadership of the employer who elected the Executive Mayor into office;
- n) The employer's workforce was brought down from 30 800 to 22 640 with no permanent positions being filled yet political positions are filled, which implies that the political leadership prioritises the filling of positions in political officers and is not concerned about the filling of general administration positions;
- o) The Executive Manager and his cronies attack the employees of the employer, which implies that the Executive Mayor practices cronyism

(the appointment of friends and associates to positions of power without proper regard to processes and qualifications) and the Executive Mayor and his associates are destructive towards the employer's employees;

- p) After employees were successful in an arbitration regarding the payment of benefits, the politicians decided that the outcome was wrong, they challenged the outcome on review, and they have adopted delay tactics in pursuing the pending review application, which implies that the current political leadership of the employer get involved in issues of administration and they use corrupt ways of avoiding compliance with legally binding arbitration awards;
- q) Since the Executive Mayor and his political leadership took over the political leadership of the employer, the financial situation of the employer is a mess and the current political leadership is still blaming the ANC political leadership many years down the line despite reports proving the contrary, which implies that any financial problems of the employer were caused by the current political leadership who are so disingenuous that they would blame the former political leadership despite reports to the contrary;
- r) A decision was made to stagger the payment of a contractually binding 13<sup>th</sup> cheque with the intention to divide the employees and get rid of the employees due to the perception that they are affiliated to an opposition political party, which implies that the current political leadership involves itself in issues of payments of remuneration and pays such remuneration based on political affiliation as opposed to the existing employment relationship;
- s) The situation in the City is so bad that employees purchase their own resources in order to perform their functions for the employer, to the extent that some employees purchase parts out of their pockets in order to assist members of the community, which implies that the



employer cheats its employees out of their remuneration by paying them remuneration and then expecting them to use that remuneration to pay for resources that it needs to deliver services to the community;

- t) Employees are currently in a position where they do not trust the employer, which implies that the trust relationship between the employer and its employees is broken down making it impossible for the employer to function.

- 3. The said disciplinary hearing is scheduled as follows:

**Date:** 01 March 2024, and any other dates to be determined by the Chairperson.

**Time:** 09h30, on all the scheduled dates.

**Venue:** Boardroom, Tshwane House.

- 4. During the disciplinary hearing, the City will be represented by **MAJANG INC ATTORNEYS** as the Initiators.
- 5. The disciplinary hearing will be chaired by an independent Chairperson from **LEKHU PILSON ATTORNEYS**.
- 6. Not later than three days prior to the commencement of the disciplinary hearing, you may request documents and/or further particulars that are relevant and necessary to enable you to respond to the allegations of misconduct against you.
- 7. During the hearing you may, subject to the Labour Relations Act requirement or objective of the speedy resolution of labour disputes:
  - 7.1 Cross-examine the employer's witness(es);
  - 7.2 State your case in response to the employer's case;
  - 7.3 Present documents that are relevant to your response to the employer's case;

- 7.4 Call witnesses who are willing and available to testify on matters that are relevant to your response to the employer's case; and
- 7.5 Represent yourself or be represented by a co-employee who is willing and available to represent you, or be represented by a union representative of your choice who is willing and available to represent you, or be represented by a legal practitioner of your choice who is willing and available to represent you during the dates scheduled for this matter.
8. If you do not attend and cannot give reasonable grounds for failing to attend the disciplinary hearing, the said hearing will be held in your absence and an adverse finding may be made against you, including dismissal.
9. The employer reserves the right to amplify, amend and/or add to the allegations of misconduct set out above at any time prior to the outcome of the chairperson.



**RONALD OPPELT**

**DIVISIONAL HEAD: LABOUR RELATIONS MANAGEMENT**

**20.02.2024**

**Acknowledgement**

- I acknowledge receipt of the notice of disciplinary hearing incorporating allegations of misconduct.
- I understand that by signing this notice it does not constitute an admission of guilt.

Name of Employee: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Time: \_\_\_\_\_

**Witness to Issuing of the Notice to Attend a Disciplinary Hearing, if the employee refuses to sign for this Notice:**

Name of witness: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Time: \_\_\_\_\_

**IN THE DISCIPLINARY HEARING  
HELD IN PRETORIA**

In the matter between:

**CITY OF TSHWANE METROPOLITAN MUNICIPALITY**

Employer

And

**GREGORY VON GORDON**

Employee

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**NOTICE OF DISCIPLINARY HEARING**

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1. The City of Tshwane ("the employer" or "the City") hereby invites you, Mr Gregory von Gordon, to attend a disciplinary hearing into allegations of gross misconduct against you.
2. The allegations of gross misconduct against you are the following:
  - 2.1 Bringing the employer's name into disrepute in the public domain and/or making disparaging remarks about the employer in the public domain and/or acting against the interests of the employer and/or violating your duty of good faith towards the employer, in that on or about 21 November 2023 you published a Facebook post making the following unacceptable and unsubstantiated allegations:
    - a) The employer is breaking down because of politics;
    - b) The employer creates jobs for so-called "leaders", meaning there is cadre deployment;
    - c) The employer is attacking the working class in general, not only those who went on strike;

- d) The employer would rather employ service providers to do work that employees could do, because the employer cannot steal salaries money but can steal money paid to service providers by having them charge fifty times more than what they are supposed to charge and then dividing the profits;
- e) The employer prefers to use service providers to do work that employees could do, and employees who are paid salaries are sitting idle in depots;
- f) The employer is using the media to spread propaganda, in order to hide the truth regarding what is really going on in the City;
- g) The employer does not compensate employees whose belongings were stolen during the hijacking of the City's motor vehicles;
- h) The employer purchases material at over 1000% more than what it actually costs;
- i) The employer pays service providers to fix and patch things at 600% more than what new material with warranties would cost;
- j) The employer threw its employees over their vehicles and ripped them out of offices;
- k) The City dismissed employees for participating in the strike when those employees did not participate in the strike, including employees who were in hospital during the strike; and
- l) You and others "do not back Brink", meaning you do not support the Executive Mayor of the City.

3. The said disciplinary hearing is scheduled as follows:

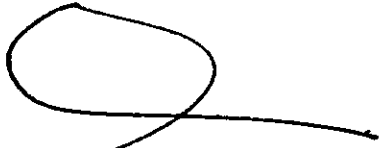
**Date:** 26 February 2024, and any other dates to be determined by the Chairperson.

**Time:** 13h00, on all the scheduled dates.

**Venue:** Boardroom, Tshwane House.

4. During the disciplinary hearing, the City will be represented by **MAJANG INC ATTORNEYS** as the Initiators.
5. The disciplinary hearing will be chaired by an independent Chairperson from **MAHUMANI INC. ATTORNEYS**.
6. Not later than three days prior to the commencement of the disciplinary hearing, you may request documents and/or further particulars that are relevant and necessary to enable you to respond to the allegations of misconduct against you.
7. During the hearing you may, subject to the Labour Relations Act requirement or objective of the speedy resolution of labour disputes:
  - 7.1 Cross-examine the employer's witness(es);
  - 7.2 State your case in response to the employer's case;
  - 7.3 Present documents that are relevant to your response to the employer's case;
  - 7.4 Call witnesses who are willing and available to testify on matters that are relevant to your response to the employer's case; and
  - 7.5 Represent yourself or be represented by a co-employee who is willing and available to represent you, or be represented by a union representative of your choice who is willing and available to represent you, or be represented by a legal practitioner of your choice who is willing and available to represent you during the dates scheduled for this matter.
8. If you do not attend and cannot give reasonable grounds for failing to attend the disciplinary hearing, the said hearing will be held in your absence and an adverse finding may be made against you, including dismissal.

9. The employer reserves the right to amplify, amend and/or add to the allegations of misconduct set out above at any time prior to the outcome of the chairperson.



**RONALD OPPELT**

**DIVISIONAL HEAD: LABOUR RELATIONS MANAGEMENT**

**07.02.2024**

**Acknowledgement**

- I acknowledge receipt of the notice of disciplinary hearing incorporating allegations of misconduct.
- I understand that by signing this notice it does not constitute an admission of guilt.

Name of Employee: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**Witness to Issuing of Notice to Attend a Disciplinary Hearing, should the employee not wish to sign for the Notice:**

Name of witness: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_