

I, the undersigned

MICHAEL JAMES HAMPTON

State under oath in English that:

1.

I am an adult male of 46 years of age with identity number 720 420 5235 089 and edress mike@loveknysna.com. I was previously resident in Knysna where matters motivating this affidavit originated from. I'm currently in Durban, having moved several times, my current address withheld as I fear for my safety. Investigating officer Colonel Abdul Enus has been provided my cellphone number. The facts contained herein, save where indicated otherwise, are within my own personal knowledge and are to the best of my knowledge and belief both true and correct.

2.

For easy reference, this affidavit is indexed as follows (an electronic copy with hyperlinks will accompany):

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INTRODUCTION

3.

The Democratic Alliance (DA) are the main opposition political party in South Africa. They rule the province of the Western Cape in which the town of Knysna is found. The DA have been in power in Knysna since 2011. In 2016, they retained power through coalition.

4.

My journey as an activist, as the consequence of discovering Government maladministration and corruption, began in 2010 in Knysna. I first turned to the DA but discovered that they were the main reason crime flourished. Other Government bodies and the Media wouldn't assist. I became my own media through extensive blogging. I garnered a following and continued pursuing justice which made me a target for DA-linked harassment and intimidation. In turn, that links to DA cover-up.

5.

The DA's cover-up of crime in Knysna implicates the party's national leadership, particularly Premier Helen Zille, MEC Alan Winde, MEC Anton Bredell, the DA Federal Executive, DA Western Cape Leader Bonginkosi Madikizela, East Region Manager Jaco Londt and Leader Mmusi Maimane. As ground zero, the Knysna Council and Administration are implicated too.

6.

I believe that my evidence, if acted upon, would alter the elections and substantially lessen the power of the DA i.e. they have a lot to lose. That makes me fear them and their cronies more.

7.

My 'Love Knysna Petition' to Parliament resulted in the National Council of Province's (NCOP) Committee on Petitions & Executive Undertakings holding 3 hearings.

8.

DA evasion continued at NCOP. Then Mayor Georlene Wolmarans only appeared on the third date set for the first hearing after she was publicly threatened by the Chairperson with arrest. At the third hearing, new Mayor Eleanore Spies never appeared, lying that she was working on the Knysna budget when she was in fact 300km away in Beaufort West, campaigning with DA Leader Mmusi Maimane. Unexpectedly, SABC3 gave strong coverage – www.youtube.com/watch?v=6Mb6b2L-KzE. NCOP strangely never addressed her lie which was akin to perjury.

9.

The NCOP Committee comprises a representative from each of South Africa's provinces who vote on recommendations. In September 2017, the Committee recommended to the National Council of Provinces (NCOP) that the National Office of the Public Protector (OPP) investigate all my allegations and why the Western Cape offices of the Public Protector had failed to do their job regarding my 13 complaints to them. This was adopted by the House of NCOP on June 13 2018 **[H001a, H001b]**.

10.

NCOP gave the Office of the Public Protector (OPP) 60 days to respond. Investigator Gideon Landman sent me that "consolidated update report" **[H002]** on August 16

2018. As expected, it was whitewashed. What wasn't expected was for it to be done so blatantly i.e. no mention of the DA and the Western Cape Government, my extensive evidence ignored, the Municipality found innocent by the OPP despite instances where they have since been found wrong by the Auditor General and by the Municipality's own admittance. The report is damning against the OPP. It reads more like a press release by the corrupt people they were supposed to investigate. The OPP's negative role will be discussed in detail via supplementary affidavit.

11.

My relationship with the OPP is poor. I believe that they've protected the DA through delay and poor investigation. There's been no response as to why two of my complaints were squashed in 2013 by Investigator Bruce Wessels, seemingly ordered to do so by then Provincial Manager Advocate Ruthven Janse van Rensburg. Van Rensburg then, suspiciously, took on a job in the Western Cape Government in Premier Helen Zille's department. The OPP ignored my PAIA and refused to address my complaint against Wessels. They have refused to address the Van Rensburg situation (his name withheld by me as a litmus test).

12.

There has been no explanation by Landman as to why implicated DA members, such as Premier Helen Zille and propagandist DA Councillor Dr Martin Young, have not been interviewed since my subsequent complaints to the OPP in November 2016. Witnesses haven't been interviewed either e.g. Susan Campbell was a star witness in Parliament and has a wealth of knowledge to add on several matters. In particular, she authored the report on the ISDF tender that I made Publicly known. Another I highlighted who has not been interviewed is ex-Knysna-Plett Herald editor Ingrid Erlank who came under enormous pressure to tow the party line. She can relate how the Municipality pulled its advertising but returned after she was forced out. She pulled a front story, delaying the release of the newspaper, because she believed that her Knysna Tourism whistleblower would be harmed. Landman has stated several times that he has no reason to see a DA connection yet the evidence overwhelmingly shows that. Landman and others in the OPP were well aware of the intimidation I was

suffering yet that never motivated them to do their duty, especially suspicious in that my complaint against DA intimidation was my priority for them to address.

13.

It's only since NCOP's ruling that Landman claimed my complaints are priority but the report clearly shows that it wasn't. It's also worrying that Advocate Stoffel Fourie, now the OPP's de facto manager of three provinces, has been made the authority in my case, Landman falling under him, yet has failed to address my complaints but sent me a generalised email ignoring my request for secret communication with him i.e. without Landman involved.

14.

Legal Aid and the South African Human Rights Commission (SAHRC) also failed to assist me in very suspicious circumstances. NGOs haven't either, their commonality often the same overseas liberal funders (the DA being a "liberal party") and them seeming to be only focused on the ANC government. There seems to be a one-directioned force in our country. Others have simply chosen a side. So as to not cloud the main cause for action, I will not detail that in this affidavit. I just want to make it clear I need the Hawks to fulfil their duty regarding this complaint.

15.

The following statement on corruption isn't chronological or complete. It's meant to introduce many crimes and maladministration without overwhelming the investigating officer. However, it's easily sufficient as prima facie evidence for investigation.

CORRUPTION & MALADMINISTRATION

KNYSNA TOURISM:

16.

Knysna Tourism is a Section 21 company mostly funded via Public funds.

16.1 Knysna Tourism's service is part of the Knysna Municipality:

16.1.1. The starting point being the Constitution, 1996-Schedule 4, Part A that designates Tourism as a "functional area of concurrent national and legislative competence." Part B states that "The following local government matters to the extent set out in section 155(6)(a) and (7): Local Tourism." [H003a, H003b].

16.1.2. From the Constitution, one goes down to Provincial Legislation and thereafter to Local Government Legislation to look at competencies and where tourism falls. Tourism falls under the competencies of a municipality.

16.1.3. Whether one outsources or makes it semi-private or public private participation it does not matter – it falls under the Public Sector and that means it is the municipality's responsibility. They cannot get away from that which is exactly what Knysna Municipality has tried to do.

16.1.4. Knysna Tourism only existed because of a Service Level Agreement (SLA) with Knysna Municipality [e.g. H003c] who paid it more than R4-million of taxpayers' money annually, its primary funding which was in the form of a grant-in-aid.

16.1.4.1. Grant-in-aid refers to the transfer of municipal funds to organisations or bodies assisting Knysna in the exercise of its powers in function in terms of Chapter 4 Section 17(3)(j) of the MFMA [H003d]. These transfer payments must be processed and monitored

in terms of Section 67 of the MFMA [H003e] and do not constitute commercial or business contracts and transactions.

- 16.2 Despite the Municipal Finance Management Act (MFMA) applying wherever the money may go, there were, for years, no contracts or tenders with the majority of suppliers.
- 16.3 It's also incredibly important to discover what is happening with the Knysna Oyster Festival, an iconic and rich event whose management Knysna Tourism outsourced to Cape Town. At one stage, Nicci Rousseau-Schmidt, the contracted Public Relations Officer for Knysna Tourism, was earning double pay as the Festival Manager. It's further suspicious that the festival is protected. When I reported that the liquor licence was wrongly granted because the liquor was to be sold on school property, Thys Giliomee, CEO Western Cape Liquor Authority, blocked me and CCied his response to provincial ministers. Giliomee had been the previous Acting Manager of neighbouring Bitou Municipality whilst the DA was in charge. When they failed to make him permanent, as was their intention, he landed up with the 'Liquor Board' job.
- 16.4 The organisation ran into debt 4 years in a row [H004a->H004e] and was bailed out each time by the grant-in-aid - it's illegal to fund debt with public funds.
- 16.5 Although it should never have been "grant-in-aid", the Tourism grant-in-aids were the only *not to be approved* by the Municipality's Grant-in-Aid Committee, a serious breakdown in Supply Chain Management (SCM).
- 16.6 Tourism mostly operated without tenders and contracts with service providers. Public funds were loaned to two private companies.
- 16.7 Problems were seemingly swept under the rug with over R200 000 spent on court fees [H005] and the ex-CEO, Shaun van Eck, who was found guilty of four charges of gross misconduct (each a dismissable offence) [H006a, H006b], was instead given a R270 000 farewell handshake after signing a non-disclosure agreement. I believe the latter was done so that the public would be denied the whole truth and accountability by the guilty.
- 16.8 The organisation even received it's grant-in-aid when it was in contravention of it's SLA with the Municipality, failing to spend 20% of its funds on development. Instead, consultants benefitted of which one was

Greg Vogt, then Chairman of the Board **[H007a, H007b]**. The Office Manager, Glendyrr Fick, was being paid a handsome salary from the development fund. Previously, she had scored a trip to Jamaica, also paid by Public funds, supposedly to help Knysna's Rasta community (another blatant lie as her holiday had been planned before the excuse).

16.9 For almost 2 years, the organisation was run without a CEO, controlled by a few Board members headed by their Chairperson, Greg Vogt. It was illegal for the Chairman to act as an Executive according to Kings 3 which the organisation subscribed to **[H008]**.

16.10 Vogt became CEO, granted the position by a panel that conveniently included his ex-fellow Board members; then MM Lauren Waring, the ANC Chief Whip and his Deputy Chair. They were all involved in the period that finances were in the red and the CEO was gracefully booted out. The process included Dirk Joubert, a consultant who worked with Vogt, and earned funds from Tourism under Vogt. It was allegedly the plan of MM Waring who, without tender, approved the initial payment of Joubert by the Knysna Municipality **[H009]**.

16.11 Knysna Tourism Board member DA Councillor Esme Edge got promoted to Deputy Mayor, Grant Easton promoted to Municipal Manager and Greg Vogt, as stated, became CEO (with a big salary). It ensured cover-up. The Tourism Board, the Municipality and the ruling DA would not be seeking accountability. They were rewarded despite their wrongdoing and with the knowledge of DA MEC Tourism Alan Winde. It seemed to ensure cover-up.

16.12 Vogt's appointment against accountability was blatant. It was a controversial move considering Knysna is a tourist based economy and Vogt was, at that time, not only under investigation for abuse of elephants **[H010]** (which had become an international news) but also in dispute with his previous employers, the Knysna Elephant Park (the second biggest tourism attraction for Knysna and a member of Knysna Tourism).

16.13 In 2015, the organisation was expanded to include all business in Knysna, not just the tourism industry i.e. they'd had a bigger goal which is why no corruption wasn't allowed to delay it. Instead of being held accountable, Greg Vogt and some directors stayed in power in the new organisation named Knysna & Partners. However, once Vogt was forced out

by Peter Myers (who was punished by the DA), the organisation returned to its roots as Knysna Tourism. That meant that everything spent on changing the organisation was more fruitless and wasteful expenditure.

16.14 Fran Kirsten's negative involvement in Knysna grew. She'd previously been a Knysna-Plett Herald reporter who'd refused to act on my evidence against Knysna Tourism. Now she was a part-time reporter and the new public relations officer for Knysna Tourism. She refused me entry to the inauguration of Vogt as CEO. Later, she'd be contracted illegally as the Communicatrions Manager for Knysna Municipality. Her role, by lie or omission, protected the DA and their cronies.

16.15 The public officials involved had a clear conflict of interest as they were all culpable for Tourism's losses too, doubly so for those who were Baord members responsible for the organisation. Vogt's appointment helped prevent their accountability.

16.16 I was officially cut off from answers by then Mayor Georlene Wolmarans (now Speaker) in 2011. Her letter **[H011a]** deliberately avoided mentioning Knysna Tourism, my topic of complaint at the time, and was as obviously meant to block me. However, it's important to note that she stated that all my emails had been sent to MEC Alan Winde and Premier Helen Zille i.e. they were aware yet have never acted the past 7 years.

16.17 MEC Alan and Premier Helen Zille also failed to help when approached directly the same year **[H011b, H011c]**. Again, the DA was blocking me. Their lack of co-operation and their allowance for political hindrance would extend. This will be discussed furtheron on under the section Cover-up & Intimidation.

16.18 Many others wouldn't respond, my emails to Speaker Spies (now Mayor) and Director Corporate Services Bevan Ellman as example **[H012a, H012b]**. Spies had also previously lied to me that she wasn't involved with Knysna Tourism when she had been a Board member (most members were unpublished for a period, Tourism even closing its membership website). I blogged strongly against Spies when she lied that she'd meet meet. Her response was to try discredit me via the Knysna-Plett Herald which wouldn't allow me response **[H012c]**. There was already a propaganda campaign against me but that will be discussed separately.

16.19 All linked to the corruption at Knysna Tourism, either directly or via relationship, the following people took legal action against me as individuals but obviously in planned attack, seeking interdicts and protection orders which would effectively gag me:

16.19.1. Deputy Mayor Esme Edge

16.19.2. Speaker Richard Dawson

16.19.3. DA Concordia Branch Manager Magda Moos

16.19.4. CEO Greg Vogt

16.19.5. Mayor Eleanore Spies

16.19.6. Mark Allan (friend of Knysna Tourism CEO van Eck and propagandist partner of the DA)

16.19.7. Baden Hall (friend of Knysna Tourism CEO van Eck)

16.20 In particular, I believe that if the original case of Baden Hall's is retrieved from the SAPS archives, it will likely list many who would attack me later, as they realised that civil charges and propaganda were more effective than the SAPS. It allegedly contains supporting statements by politicians and tourism members. That case number with Baden Hall as complainant is Knysna Cas 202/11/2013.

16.21 My responding affidavit in the Greg Vogt case is chronologically detailed **[H013a]** up until that date (end 2014). The evidence to that affidavit will be provided as reference on DVD **[H013b]**.

16.22 Regards my 2013 complaint (7/2-000926/13/WC-GRG), the George Office of the Public Protector (George OPP) contacted then Knysna Municipal Manager (MM) Lauren Waring who would not help as, according her, Knysna Tourism was a private company **[H014]**. Investigator Bruce Wessels, with whom I'd already had an extensive meeting, accepted that knowing that she was being deliberately misleading:

16.22.1. Knysna Tourism's existence was dependent on taxpayers' money.

16.22.2. The Board of Directors had, up until then, included DA Deputy Mayor Esme Edge, DA Speaker Richard Dawson, other DA councillors, ANC Chief Whip Stephen de Vries and MM Waring.

16.22.3. Furthermore, Grant Easton, then the CFO for Knysna Municipality (who thereafter became MM), was on Tourism's Financial Sub-committee.

16.22.4. The minutes of a meeting in February 2013, at which Easton was present, illegally stated that public funds would cover its debt **[H015a, H015b]**.

16.23 When I'd previously expressed my fear that he would be blocked from true investigation, OPP Investigator Wessels promised me he would follow the money and never let this case go. That was a lie as he blatantly and suspiciously did so after a call in which he told me he was under pressure from his bosses to drop it.

16.24 The OPP would not act on my complaint.

16.25 After I petitioned the Parliament's National Council of Provinces (NCOP), a which they named the Love Knysna Petition, the OPP had to submit info to NCOP's Committee Petitions & Executive Undertakings. I PAIAed the OPP for it but they wouldn't respond **[H016a1->3]**. I eventually gained the info from the Committee. It showed that Wessels had consulted his boss Advocate Ruthven Janse van Rensburg, then the OPP's Provincial Representative to the Western Cape, on the merits of the investigation on Dec 12 2013 **[H016b]**. Subsequently, the case was closed, the contradiction being:

16.25.1. "Findings: The allegation against Knysna Tourism was found to be unsubstantiated."

16.25.2. "Conclusion: This office does not have the jurisdiction to investigate the matter."

16.26 I don't know whose signature of approval is on the document.

16.27 In summary, Wessels well knew that Public funds must be accounted for wherever they go. He knew the relationship between Knysna Municipality and Knysna Tourism and that without funding from the former the latter wouldn't exist. He knew that the Municipality and the DA were on the Board and sub-committees. He promised me he would never let the case go. He then tells me his under pressure from his bosses to dropt he case. The case is then dropped. The Public Protector fails to act on my complaints and my PAIA. By omission, the Public Protector misleads the NCOP Committee. Why was my complaint dropped and the treatment of me negative? I've found only one logical reason why which is that the OPP protects the DA and, in turn or concurrently, the staff protect their own.

16.28 I have come across two criticisms by others that Advocate Van Rensburg

failed to act appropriately when investigating matters involving the DA-run Western Cape Government.

16.28.1. One claimed that the 2012 TBWA-Hunt Lascaris communications tender report by the OPP was diluted;

16.28.2. The other that there was alleged abuse of power by cabinet members of the Western Cape Government over the independent provincial agency, CapeNature. Van Rensburg allegedly stated that it was a politically sensitive matter. The complainant was told by one of his successors that the complaint was never recorded and had vanished.

16.29 This doesn't mean that they are correct but it made me suspicious. This isn't to debate those merits but through a criticism of the former by an activist on my Facebook page, I was informed that Van Rensburg had taken a job with the Western Cape Government as the Chief Director of their Forensic Investigative Unit (FIU). Advocate Tyrone Jacobs (Falcon fraud investigator), also from the OPP's Cape Town office, was hired as Deputy Director. Notably, the FIU falls under the Department of the Premier which, at that time and until now, means the DA's Helen Zille.

16.30 Although his starting date with his new employer is unavailable, on September 10 2014, 10 months after Van Rensburg's meeting with Wessel's, the Mail & Guardian confirmed his resignation and publish this odd statement [H017a]: "Janse van Rensburg is understood to have resigned some time ago. He was not available for an interview but *he appears to still be based at the public protector's office in the Western Cape, when the M&G called the office on Wednesday.*"

16.31 The following month, Van Rensburg was the contact person for applicants for 11 forensic consultants for the Department of the Premier [H017b].

16.32 My newfound knowledge of the FIU raises the question why Zille never directed the FIU to investigate any of my many complaints... or doesn't the FIU investigate crime linked to the DA?

16.33 Despite my insistentence on the OPP to reveal the identity of Wessels' boss, I was blatantly ignored [e.g. H018].

16.34 The OPP report [H002] of August 16 2018 also failed to mention Van Rensburg.

16.35 March 11 2012, a Western Cape Government press release concerning the successes of the FIU praised the cooperation of the South African Police Service (SAPS) in George. In contrast, the 'George cluster', as its known, failed to investigate my 2013 and 2015 complaints [**Oudt 106-2013, Knysna 105-05-2015 & 105-05-2015**] against corruption in the DA-led Knysna Municipality. I was so convinced that the Hawks wouldn't help me that in one of my affidavits [**conclusion to 105-05-2015**], I stated that the case must not go to George lest it be buried. However, the local SAPS investigator, who told me it should be considered as organised crime, took both cases (involving Knysna Tourism and the ISDF tender) to George where they were effectively buried. Additionally, if they had investigated, they would have had knowledge of, and thus access, to assistance from FIU and/or the Premier's office.

16.36 The Knysna Council agenda supplementary [**H019**] for August 13 2018 mentioned the Knysna Tourism's funding and contract more than ever before. This was possibly because Director Planning Marlene Boyce, friend of the under pressure Councillor Peter Myers (and both against the SLA with Knysna Tourism), was the Acting Municipal Manager whilst the agenda was prepared (Douglas took over from her on August 7).

16.36.1. The legal argument used by the Knysna Municipality under the headers 'Purpose' and 'Background' is the same legal argument I have stated for years i.e. the Municipality and Council always knew it was illegal but because of a DA faction fight (as previously explained), they're finally forced to change their relationship with Knysna Tourism.

16.36.2. The report makes no mention of the May 2015 Cliffe Decker Hofmeyr legal opinion [**H020a1->2**] which would have substantiated this and my position.

16.36.2.1. The opinion was rumoured to be expensive and should be considered fruitless expenditure as the illegality of Knysna Tourism has always been logical, that emphasised because I'm a citizen versus a government that should know more than me.

16.36.2.2. Additionally, I was informed that MEC Alan Winde had chosen to ignore it and had order the DA to approve Tourism's illegal funding again. This is substantiated by my call to Tourism Board Chair

Elmay Bouwer wherein I was first to inform her (according to her) that Winde had ordered her funding.

16.36.2.3. It's my belief that the Municipality was hoping for a loophole which they never found which is why they never used the report to act sooner. Additionally, these lawyers had received lots of work from the Municipality (and represented Mayor Eleanore Spies and Speaker Georlene Wolmarans against me, illegally paid from Public funds).

16.36.2.4. Nevertheless, the Cliffe Decker Hofmeyr report makes it clear that politicians should not be on the Board of Tourism and that the services must be put out to tender.

16.36.3. Although the SLA and funding has always been illegal, the report states that the SLA expired in June 2018 i.e. Tourism was funded for at least another two months (and that situation has yet to be concluded).

16.36.4. The report refers to a meeting with the provincial Departments of the Premier and Tourism. Notably it doesn't state with who but whether with or without them, Premier Helen Zille and MEC Alan Winde would be responsible, two people who have been reminded for years by me of this maladministration and corruption. I haven't researched the legal arguments their departments provided but it appears grey.

16.36.5. The goal seems to be to put Knysna Tourism under contract to WESGRO so that there still doesn't have to be a tender. As pointed out therein, this may not be legal as local tourism is the function of Local Government. Nevertheless, they seem to be going ahead. Note that an July 31 statement from DA Mayor Mark Willemse, shows that Knysna Municipality began negotiations with WESGRO before the Council Meeting, and was going ahead of it [H20c].

16.36.6. An article by the Knysna-Plett Herald, 5 days earlier, further confirms it [H20d].

16.36.7. It's possible that this hasn't followed process i.e. Section 80, MAYCO then Council, in order to begin the negotiation - then, again, Section 80, MAYCO then Council in order to approve it. There appears to be no Public participation process.

16.36.8. Although stable tourism management is vital for the health of Knysna, none can't claim urgency as this has been an ongoing mess

since my arguments with them began late 2010. The irregular funding amount will be higher as the first SLA was in 2000.

16.36.9. Furthermore, MEC Winde would undoubtedly retain major influence over the organisation and there's no guarantee that the staff and Board on the ground won't simply be retained under WESGRO i.e. no one punished, the cover-up continued. WESGRO already has a relationship with the provincial seat of power, the City of Cape Town. It cannot be ruled out that the bigger relationship there would out influence the local interests of Knysna.

16.36.10. It's quite clear in this report to Council, as it was when the Cliffe Decker Hofmeyr was presented, that there's no government or political will to hold anyone accountable. That's amplified by the fact that the DA and Provincial Government are aware and in possession of documents relating to my similar complaints to Parliament (3 years old) and the Public Protector (5 years old). My PAIA's to Knysna Municipality and Knysna Tourism remain unanswered **[H21a-c]**.

16.36.11. It should be noted what Knysna Municipality submitted to NCOP on May 15 2016 **[H022a]**. And my refutation **[H022b]** the following day. The Municipality has blatantly lead a song and dance for a long time.

16.36.12. Despite the recent developments, no one (besides NCOP) has acknowledged my contribution nor discussed the topic with me. The illegalities, which deserve in-depth investigation and accountability, are being swept under a blue carpet.

ISDF TENDER:

17.

This portion of my complaint is based upon the work of Susan Campbell, attorney of the High Court and Committee Member of the Knysna Ratepayers' Association (KRA). My main role has been to educate the Public to the corruption and cover-up therein. Her and I have kept the topic alive, essentially delaying the second stage of the ISDF for 5 years. Government would rather have that delay than be held accountable.

The Integrated Strategic development Framework (ISDF) is the long-term plan for Knysna. It was rumoured to be the test case for the Western Cape. The first tender for R2,749,336 was given to Knysna Creative Heads (KCH), a property developer consortium, who never won the tender and had the most conflict of interest. They were paid R498.560 before signing the contract and, later, a further R250,000 above the tender price.

17.1 On the 15th of April 2013, the Knysna Municipality appointed Chris Mulder's consortium, known as Knysna Creative Heads (KCH), to prepare an ISDF for Knysna. The ISDF is essentially a process to review a number of legally mandated policy documents for the Knysna Municipality. The documents that are being reviewed are the Spatial Development Framework (SDF), Strategic Environmental Assessment (SEA), Human Settlement Plan and Economic Development strategy. The first two policy documents are of particular concern. In layman's terms, the ISDF will plan the future of Knysna for the next 30 years (IDPs are only 5-year plans).

17.2 Many Knysna residents were shocked at the obvious conflict of interest associated with appointing a local property developer and his development team to determine areas where future development would be permitted and infrastructure spend would be directed.

17.2.1. An unprecedented 133 people and groups objected to the award of the tender. Then Municipal Manager, Lauren Waring, was obliged by law, in terms of the Supply Chain Management (SCM) policy of the Municipality, to appoint an independent person to deal with the objections within 60 days. They didn't.

17.2.2. Some objectors received no response at all.

17.2.3. None of the allegations or arguments were dealt with and the complainants were not afforded a hearing to state their case.

17.2.4. My Facebook post regarding my main article [H023] reached over 100,000 people.

17.2.5. Campbell's initial objection was 29-pages long [H024], containing extensive allegations which were dismissed by Lauren Waring in a single letter. Campbell's subsequent document [H025] is more comprehensive and questions strange actions by high placed members in the Knysna

Municipality. This latter document is an essential document for any investigator.

17.3 Campbell referred her objection to the Treasury of the Western Cape Provincial Government and had a meeting with MEC Finance Alan Winde. The concerns, set out in emails to MEC Alan Winde and MEC Local Government Anton Bredell, are briefly set out hereunder:

17.3.1. PG Bison is the largest private property owner in Knysna. The company owns more land than Barlows in the Western Heads area and just about the whole of Rheenendal, Ruitgevlei, Bracken Hill etc.

17.3.2. PG Bison appointed the property developer, Chris Mulder of CMAI, in 2012 to investigate and obtain the necessary approvals for a residential property development in Rheenendal.

17.3.3. Mulder approached Mike Maughan-Brown (MMB), the Director of Planning and Development for the Knysna Municipality to discuss PG Bison's plans and was advised that the Spatial Development Framework (SDF) did not cater for their development proposals. This led to the questionable arrangement, endorsed by Council, where Mulder and his usual development team (with the addition of Peet Joubert), were appointed in November 2012 by the Knysna Municipality to prepare a Structure Plan for Rheenendal.

17.3.4. PG Bison would pay the majority of the consultants' fee and Knysna Municipality would contribute R80,000. This appointment was made despite the fact that the SDF would be reviewed as part of the ISDF process in early 2013. The rationale behind this appointment is hard to fathom, as a SDF trumps a Structure Plan and the Structure Plan would therefore have to be in line with the SDF. Why did Knysna Municipality spend money and authorise a plan that was unnecessary, or at least seemed so at the time?

17.3.5. Mulder's company, CMAI, was appointed in April 2013 to prepare the ISDF, which includes the review of the SDF. In short, Mulder heads the process whereby the development areas for the next 5 to 30 years will be mapped out and the location for infrastructure spend will be determined.

17.3.6. The ISDF tender was prepared and awarded under the watch of

Mike-Maughn Brown who, incidentally, prior to his working for the Knysna Municipality, advised PG Bison's predecessor and holding company, Steinhoff, on issues relating to their land holdings and forestry settlements. Brown was overseeing the process and has advised the consultants that there will be no 'no-go' areas, contrary to the specifications for the SEA in the tender document.

17.3.7. Mulder's wife, Pat Mulder was conducting the public participation process despite the fact that she has no relevant qualifications or experience. In one ISDF meeting, she strongly came to the defence of her client PG Bison when their treatment of forestry communities was discussed - a clear example of the conflict of interest.

17.3.8. PG Bison is actively encouraging forestry communities to leave its plantations.

17.3.9. Adding to the conflict is the fact that Mulder's son, Steff Mulder, was tasked with preparing the Human Settlement Plan. The PG Bison forestry settlements have been an ongoing problem and he could hardly be expected to be unbiased where his client, PG Bison, is involved.

17.3.10. It has also been established that PG Bison intends to develop in the Uitzicht area in future.

17.3.11. Apparently ten per cent of the shares in PG Bison were acquired by a BEE Consortium. It is alleged that there is pressure from the 'the ANC' in Cape Town, urging the local ANC to support PG Bison's development plans in Rheenendal. If this is true, it would explain why the ANC, as opposition, are not effectively acting as opposition.

17.4 Therefore, we're faced with a situation where the town's most prominent property developer, employed by the town's largest land owner, is managing the process in which Knysna's long term development future will be mapped out.

17.5 The process will be overseen by Town Planner, Mike Maughn-Brown, who was previously a consultant to the land owner.

17.6 Lauren Waring, the ex-Municipal Manager, would have had us believe that the consortium consists of a 'team of professionals', who will exercise checks and balances over each other and will not risk their reputations in the process.

- 17.7 The so called 'checks and balances' provides little reassurance as:
- 17.7.1.1. CMAI, represented by Chris Mulder, is the Project Leader.
 - 17.7.1.2. The public participation process is conducted by CMAI, represented by Mulder's wife Pat.
 - 17.7.1.3. The Human Settlement Plan is prepared by CMAI, represented by Chris and Pat's son, Steff Mulder.
 - 17.7.1.4. The enormous influence of one family, with interests in the property development business, over the future of our town is extremely worrying.
 - 17.7.1.5. Furthermore, this consortium did not achieve the lowest price or highest score in the tender. City Think Space, the team that should have been awarded the tender is highly and appropriately qualified to deliver the ISDF. In addition to this, there is no risk of conflict of interest in respect of the team that should have been awarded the tender.
- 17.8 The DA, headed by Mayor Georlene Wolmarans, had been extremely unhelpful but, suddenly, in 2014, she sent a request through Knysna Municipality to the Western Cape Treasury for the allegations to be investigated. Her request was odd because no facts had changed and the Municipality could have instituted its own investigation into glaring facts. It turned out that this was how the DA would try whitewash the matter and push it through.
- 17.9 The investigation was conducted by Treasury in conjunction with Graham Paulse from Local Government (his boss being MEC Anton Bredell).
- 17.10 Despite a town being unable to proceed with its development until the ISDF was cleared, Bredell's department kept delaying the release of the investigation's report. When it eventually arrived in March 2015, it was only a summarised version **[H026a->b]**. No reason has been given for Bredell not supplying the full report.
- 17.11 Nevertheless, Bredell's brief 10-point summary concurred with the objectors **[H026a->b]**. It's so damning that the only conclusion one could logically draw was that the ISDF could not proceed under the Knysna Creative Heads consortium and that heads would have to role. Instead, in total contrast to the findings, Bredell stated that he saw no reason why the

ISDF could not proceed as is. Campbell described it understatedly as 'irrational'.

17.12 The question is why the full report wasn't shared with the Public and the Councillors who were expected to support the recommendation of the Mayor which was *"...that the Provincial Government had found the process ... to be compliant with SCM [Supply Chain Management] prescripts and regulations and that any deficiencies in the process did not influence the outcome of the procurement process."*

17.13 The finding contradicts the conclusion that the "deficiencies" didn't influence the outcome of the process.

17.14 A tender has to be awarded to the highest scoring bidder unless it is reasonable and justifiable not to do so. These so-called "objective criteria" or reasons have to be included in the minutes of the BAC meeting in sufficient detail that a court of law can understand why the tender was not awarded to the highest scoring bidder. The finding in point 1.7 of the summary means that this was not done. No valid reasons or "objective criteria" were provided by the municipality to justify the award of the tender to the second highest scoring bidder. City Think Space tendered the lowest price and scored the highest points. The ISDF contract should have been awarded to them yet it was awarded to the Knysna Creative Heads Consortium led by CMAI, Chris Mulder's company.

17.15 The tender was therefore unlawfully awarded to the wrong tenderer.

17.16 Campbell made formal request of the Mayor for the full report. This was tabled at the following Council Meeting, Bredell requested to provide it. These formalities should have been irrelevant i.e.

17.16.1. Why wasn't it initially supplied?

17.16.2. Why didn't Mayor Wolmarans or Knysna Municipality immediately request it rather than add more delay?

17.17 On March 6 2015, Mayor Georlene Wolmarans tabled her motion to appoint CFO Grant Easton as the new Municipal Manager, only to withdraw it after a caucus at the last moment. Her reasoning was that she had to wait for the *full* ISDF report from MEC Bredell, implying that Easton first had to be cleared of ISDF SCM wrongdoing. At this meeting, Wolmarans and Legal Adviser Melony Paulsen withheld vital information from the Council.

17.18 Paulse (Local Government) had received a copy of Campbell's letter to the Wolmarans and Bredell. Paulse telephonically told Campbell that Bredell had signed the wrong letter (that had been sent). He stated that it had been corrected and sent to the Municipality. The correction was that the entire paragraph that indicated that the tender process was compliant with SCM prescripts, and that the deficiencies did not influence the outcome of the process, had been removed.

17.18.1. In context, this action seems to have been an attempt to protect Bredell and Paulse from consequences. It cannot be ignored that changing the letter never changed their actions i.e. no one has been held accountable the past 3 years.

17.18.2. Nevertheless, the existence of an altered letter further revealed the negative actions of those at Local Government level.

17.19 That altered letter was sent to the Municipality before the March 26 2015 Council meeting.

17.20 At the Council meeting, COPE Councillor Elrick van Aswegen asked whether paragraph (a) of the recommendation of the Executive Mayor was correct, that: *(a) That Council notes that the Provincial Government has found the process followed by the Knysna Municipality in respect of Tender T03/2013 to be compliant with SCM prescripts and the regulations and that any deficiencies in the process did not influence the outcome of the procurement process."*

17.21 Melony Paulsen tapdanced by saying that the paragraph referred to the recommendation of the Provincial Government and not a finding of Council.

17.22 However, Paulsen, who had at this stage received the amended letter from Paulse, in which the recommendation in paragraph (a) had been removed, deliberately failed to disclose it.

17.23 Mayor Wolmarans also did not advise the Council that the problematic conclusion had been removed and that there was no longer a need for an explanation from the Provincial Government. Instead she told the Council that certain items in the letter were in dispute. She said the Council did request the Provincial Government to address the Council but lied that she'd received nothing from them. She confirmed she'd received no response from MEC Bredell.

- 17.24 The logical result of the removal of the paragraph was that the Provincial Government had concluded that the tender process was not compliant with SCM prescripts and the outcome of the process had been influenced by the non-compliance. It's obvious that Wolmarans and Paulsen had chosen the side of the property developers over the law and the Public interest.
- 17.25 Despite Wolmarans still not being in possession of the full ISDF investigation report, her previously stated requirement before appointing Easton as Municipal Manager, she appointed him anyway. This will be discussed more in para 18 below. It's my firm belief that cover-up has always required that key people hold key positions.
- 17.26 The full report (CMATS 2014/1631) **[H027a]** was eventually gained through the Office of Public Protector by Susan Campbell on November 23 2015. Any reader will further discover that MEC Bredell initials actions become a deeper contradiction, his failure to act after the changed letter more suspicious. The report was damning but doesn't sufficiently address conflicts of interest by the tender awarders e.g.
- 17.26.1. Manager Economic Development Ilse van Schalkwyk, who used to work for one of the companies in the consortium that was awarded the tender, chaired the Bid Evaluation Committee.
- 17.26.2. Director Planning & Development Mike Maughan-Brown, along with Chris Mulder, the chairman of Knysna Creative Heads, the winning bidder, had tried to change the urban edge of Knysna in 2005. At that stage, Maughan-Brown was also a property developer.
- 17.26.3. No one on the committee signed a declaration of interest before assessing the bid.
- 17.27 On December 2 2015, Campbell informed Deputy Mayor Esme Edge that she'd gained the report through the Public Protector **[H027b]**. This included:
- 17.27.1. "The municipal explanation amounts to nothing more than the municipality acting as the appeal authority against the adverse findings against itself and thereafter exonerating itself."
- 17.27.2. "What is further concerning, is the fact that [Legal Adviser] Melony Paulsen, whose conduct in dealing with the objections should have been investigated, wrote the response and the Mayor simply accepted it and signed it. This highlights the inherent and unmanageable conflict of

interest in having the same legal advisor for the administration and the political leadership."

17.27.3. "I have included annexure "A" to the municipal response. Please read the last paragraph about the intention to get support and money from the Provincial Government. The following statement from Mike is telling and I believe it confirms my suspicions about the initial intention to deviate from the urban edge policy and/or other planning policies of the provincial government. You be the judge!"

17.28 Edge failed to act on Campbell's letter.

17.29 At the November 2015 Council meeting, Easton requested R579,000 more for Knysna Creative Heads, up and above the tender amount. It was made more extraordinary by him being able to detail what the amount would be used for. He was told to return with answers.

17.30 At the next Council meeting on December 10 [H027c], Easton tried to push the ISDF draft through Council. It was bizarre considering it was reported to be a massive document that had been delivered by the Knysna Steering Committee to councillors that morning, the last meeting before the holidays. Furthermore, he never had answers regarding how the R579,000 would be spent but shifted his position by stating that wasn't a final figure. Easton and Mayor Wolmarans were unable to explain why reports referred to in the agenda hadn't been presented. Both and Director Planning Mike Maughan-Brown couldn't answer who was on the Knysna ISDF Committee were. None mentioned that I had reported the ISDF tender to Parliament and that the first hearing was scheduled for January. Instead, a Special Council Meeting was called for January 10 2016.

17.31 On January 10 [H027d], the figure requested was altered to R250,000 for a community consultation session on the ISDF (despite the draft not having been made to the Public and no one explaining how the poorer communities would be able to access it if it was made available.

17.32 Some agreement seemed to have been reached during the holidays. Myers had claimed to me that he'd become a politician because of the his opposition the tender process involving the ISDF. Now he was agreeing that the extra money should be paid. No one asked for a breakdown of how the monies would be used and why Easton had changed it from the previous

amount of R579,000. The meeting was extremely confusing in that it wasn't clear whether the money had been approved or not.

17.33 In January 2017, my ISDF questions were deleted from the Knysna DA Facebook page, and I was banned **[H028a->c]**.

17.34 On August 3 2017, Bredell lied about the ISDF to the Provincial Legislature ([watch video](#)) **[H029a]**, telling them that two investigations (Treasury and Public Protector) had cleared the ISDF, and implying that NCOP had too - none had! As he's most implicated, his perjury is severe, proving that he's involved in cover-up. I detailed this event to NCOP **[H029b]**.

17.35 Paulsen prepared a response to Local Government which Campbell easily dismantled **[H030]**.

CFO/MUNICIPAL MANAGER GRANT EASTON:

18.

Much that went wrong in Knysna began under Municipal Manager (MM) Lauren Waring. Those wrongdoings couldn't have happened without support from the Chief Financial officer (CFO) Grant Easton. It was logical that in order to maintain cover-up, Easton would have to replace her when she left. Similarly, Vogt had to replace Eck as CEO at Knysna Tourism (and Waring and easton were liable in that situation too.

18.1 I publicly predicted that Easton would become MM but seemed proven wrong when the position was won by another white male but-

18.1.1. Instead of hiring him, with wasteful expenditure, the Municipality readvertised the position saying that they wished an equity appointment i.e. a black or coloured person. This made sense since Knysna Municipality was then far behind on its equity goals however-

18.1.2. A previous white candidate was allowed to reapply which only made sense when Grant Easton, the white CFO of Knysna Municipality, was allowed to apply too. I believe the other white candidate was

included so that Easton's presence wouldn't look as conspicuous.

18.1.3. Legally, the employer is required to adhere 100% to the requirements of the advertised post which here stipulated that applicants must be able to speak two of the three main languages – Grant Easton, as a foreigner, only knows one – English.

18.1.4. Before this, it was strange that, without an accounting degree, Easton was CFO. Easton only has a Bachelor of Arts degree in Public Administration. Without that ill-gotten experience, it would have been impossible to justify his application for Municipal Manager (MM).

18.1.5. During the shortlisting process **[H031]**, it was stated that Easton's foreign qualification would have to be verified. It wasn't, only after the fact.

18.1.6. It's even stranger that he trumped his competition for the MM post despite it including a black candidate with a PHD in Public Administration.

18.2 The only logical explanation for his hiring is that it was predetermined and that;

18.3 His promotion was cronyism.

18.3.1. The selection panel included those involved with him in maladministration and corruption i.e. Deputy Mayor Esmé Edge and ANC Chief Whip Stephen de Vries were both Tourism Board members, and Wolmarans was Mayor during that period.

18.3.2. As will be discussed furtheron, it appeared that De Vries had been bribed through having his studies illegally paid.

18.4 Roy Steele was the private contractor from ODS Consultants who assisted the selection panel that decided the appointment of Easton. It was rumoured that Steele and the panel were in disagreement.

18.5 But Easton's appointment was delayed. As said in the ISDF section of this complaint, Mayor Georlene Wolmarans was forced to withdraw her motion for him becoming CFO after her caucus rebelled (note that that occurred shortly after DA Regional Manager Jaco Londt entered the building, a DA caucus called soon after).

18.6 On return, a clearly rattled Wolmarans stated that she was withdrawing her motion until she received the full ISDF report (which could only imply

that she was waiting for Easton to be cleared of any wrongdoing).

- 18.7 It was obvious that the DA realised that the ISDF could cause them blowback.
- 18.8 In contradiction, Wolmarans retabled her motion a few weeks later, on March 26 2015. She'd obviously been given the go-ahead, why I don't know. The date of the second letter from Paulse needs checking.
- 18.9 Wolmarans wouldn't answer COPE why she had lied to Council:
- 18.9.1. Firstly, for the readvertising of the position for equity reasons;
- 18.9.2. And for her stating that the appointment required the full ISDF report.
- 18.10 Speaker Eleonor Spies never pressed her to explain, a seemingly bias in favour of her party (both being DA), and instead called a vote that had the DA majority installing Easton as MM **[H032]**.
- 18.11 I had previously broken the story that ex-MM, Laren Waring was earning far more than the prescribed amount. The Municipality's response to the local newspaper and to Council was that she was on contract before the limit was set and thus they could not change her salary but would for her successor. The latter was lie.
- 18.12 Easton, as CFO, was in a similarly well-rewarded position, contracted before the limits were set. For him to take the new MM post would be a large drop in salary which made me question his motives for the post.
- 18.13 However, the Municipality compromised by paying him illegally more than the limit, an extra R107 235 annually. The Knysna Ratepayer's Association (KRA) questioned MEC Bredell on that as well as Easton's unverified qualification **[H033]**.
- 18.14 Bredell's October 6 2015 response was bizarre, stating that Mayor Wolmarans had the right to negotiate a premium as Council (the DA majority) had given her the power to do so. Regards the qualification, Bredell strangely supplied the search results of a website's search engine and not official verification by the South African Qualifications Authority (SAQA) **[H034]**. The real verification would only happen after my complaint to Parliament.
- 18.15 The second NCOP hearing for my Love Knysna Petition was held on March 16 2016. In the presence of then Mayor (now Speaker) Georlene

Wolmarans, Deputy Mayor Esme Edge (now renamed Esme Jeffreys), Communications Manager Christopher Beziudenhout and Legal Adviser Melony Paulsen, Easton dismissed my allegations. It was clear that he represented the Municipality and the local DA because Wolmarans verbally deferred to him **[audio H035]**.

18.1 However, back in Knysna, Easton's allies betrayed him 5 months later by launching a disciplinary hearing against him just before the 2016 elections. He was suspended on August 30 2016.

18.2 This was based on a complaint by Susan Campbell (with further charges added by Knysna Municipality). Campbell wouldn't provide me her evidence but supplied the wording of her complaints which, together with the charges and previously submitted evidence, emphasises the gravity of the situation **[H036a, H036b]**.

18.3 As there'd been complaints before, not acted upon, I believe that this was Peter Myer's faction making a move against Wolmaran's faction (every DA councillor supporting her was removed that election and she was allegedly saved only through her friendship with ex-ID mate Patricia de Lille). Nevertheless, Wolmarans and Edge would have been fighting for their political survival so their role in this, likely voting with the DA caucus, requires investigation.

18.4 There were 6 charges against Easton **[H037a-f]**: Summary hereto:

18.4.1. Unlawful Supply Chain Management and Procurement Procedures – enabled and allowed the continuous use of the local premium preference policy [which allowed tenderers to circumvent BEE].

18.4.2. ISDF Tender – Enabled the appointment of Knysna Creative Heads Consortium at a value of R2,749,338 in respect of a tender in an unlawful manner [the ISDF is the plan for the 3-year future of Knysna].

18.4.3. Unlawful Loan Agreements – On behalf of the Knysna Municipality, entered into two unlawful loan agreements with ABSA Bank Limited for the amounts of R17,301,600 and R1,720,000.

18.4.4. Mised Council in respect of disciplinary proceedings against Budget Manager Avitha Sunkar.

- 18.4.5. Failed to ensure the implementation of the commitments and recommendations from the Auditor General, in particular with regard to the tenders/contracts awarded to local suppliers based on a preferential premium not given to suppliers with the lowest price, causing irregular expenditure of R7,924,285.
- 18.4.6. In respect of Jam Electrical (a company owned by the husband of the Manager of the Electrical Department), an irregular expenditure of R1,133,234.
- 18.4.7. The arrogant and disrespectful statement to the Auditor General: *"With respect, it appears that the Auditor General is auditing on the basis of Regulation. If that is the case, then, in future, Knysna will resort to the meaningless performance system of tick boxes i.e. do a report regardless of the value or meaning of the report. That is not what performance management is about but if that is what the Auditor General wants and expects and audits then that is what you will get. Put bluntly, this approach adds nothing to service delivery but everything to compliance, and compliance is made up nonsense."*
- 18.4.8. Inappropriate personal relationship (i.e. an affair) with an employee in his department which, over an extended period of time, caused significant staff problems.
- 18.4.9. Inappropriate personal bias expressed to Susan Campbell in 2014 regarding a tender, to the effect that he would not, on behalf of the Municipality, "...do business with those Indians? I am sure Avitha got them involved."
- 18.4.10. Irregularities in respect of town planning approvals during or about July and/or August 2016 whilst Council was on holiday.
- 18.5 Several charges have direct relevance to my Love Knysna Petition and thus cast poor light on Knysna Municipality's response to the Committee i.e. perjury.
- 18.6 Furthermore, the Municipality didn't contact me. It was a political in-house affair. Easton was not made to account for my other complaints e.g. Knysna Tourism. This was politicians seeking to control a mess, not seek truth or transparency. And, at that stage, Myers still supported Knysna Tourism against me (when he later flipped his position, I still wasn't

contacted because it remained politically and not justice motivated).

18.7 Many other matters not included.

18.8 On March 15 2017, on the 6th day of his disciplinary hearing, after hearing the evidence against him, and on the first day of him giving evidence, Easton resigned [H038]. His resignation was accepted and it was agreed that he'd be paid until end April.

18.9 I believe forcing him to quit was the goal. No criminal charges were laid against him. In that way, a liability was removed and his accomplices unaddressed.

18.10 Maintaining hypocrisy, Municipality stated in the Knysna-Plett Herald that the evidence against Easton was "overwhelming". After I pointed out that the Municipality had gone to the newspapers first before posting it on their own website, the Municipality uploaded it, confirming the word "overwhelming" [H039].

18.11 If "overwhelming", why had they not concurrently initiated criminal charges against him? Why did they agree to pay him March and April's salaries, approximately a quarter of a million rand, plus an earlier bonus considering that he may have to pay back money to the Knysna Municipality?

18.12 Fact is that none of the DA involved in these questionable situations have been investigated let alone charged.

18.13 DA MEC Bredell recommended Johnny Douglas as Acting Municipal Manager. Douglas failed to respond to my request for the information about the disciplinary hearing and its related costs.

18.14 However, on arrival home one day, I found the charge sheet (as referred to in para 18.2 above) against Easton in an envelope that was squeezed into a crack in my front door. I don't know who placed it there.

18.15 Easton's paid leave and the hearing's cost of R2.5-million was wasteful expenditure serving, mostly, the DA's interests.

EVIDENCE NOTE (PUBLIC PROTECTOR & NCOP):

19.

Evidence was submitted to both the Office of the Public Protector (OPP) and the National Council of Provinces (NCOP).

19.1 The information submitted here regards Knysna Tourism (para 16 above) and the ISDF tender (para 17 above) is more concise and detailed.

19.2 However, so as to try not to duplicate or triplicate the same pieces of evidence I'm going to refer to, where possible, the more detailed evidence in the complaints to the OPP (which i will list as evidence).

19.3 My complaints #3, 4, 5, 7, 8, 9, 10 & 13 to the OPP will be addressed below. Complaint #6, which addresses the topics of propaganda and intimidation, will be discussed in detail via supplementary affidavit. Complaints 11 & 12, concernings PAIAs, will also be addressed via supplementary affidavit or, where appropriate, under common topics in this affidavit.

19.4 I will provide within this affidavit a brief summary as well as update.

COMMS MANAGER FRAN KIRSTEN & PA PRISCILLA SEPTEMBER:

20.

Illegal contracting of Fran Kirsten, Mayor Eleanore Spies' friend and election manager, Fran Kirsten, as Knysna Municipality's Communication's Manager. Suspicious hiring of Councillor Velile Waxa's niece, Priscilla September, as Mayor Spies' Personal Assistant.

20.1 This was Complaint #3 to the OPP **[H040 – evidence provided on DVD disc]**.
Summary hereunder.

- 20.2 The Communications Manager job was rumoured, before the 2016 elections, to be promised to Kirsten because Spies was broke, that emphasised by a loan Spies received from Candace Myers, wife of Peter Myers who would become Spies' Deputy Mayor until they had a fallout.
- 20.3 Instead of a job, it began with a contract that never went to tender. Kirsten earned R35,000p/m. She became a main figure in blocking honest communication, continuing the negative role she'd played previously as a journalist of the Knysna-Plett Herald and as the public relations officer for Knysna Tourism.
- 20.4 The previous Communications Manager, Christopher Bezuidenhout, would work as the Mayor's "office manager" whilst still receiving salary as Communications Manager. This unorganogrammed move was illegal too and must also be considered as fruitless and wasteful expenditure.
- 20.4.1. Bezuidenhout's position was not on the organogram and had not undergone the IDP's public participation process.
- 20.4.2. Kirsten's contract was granted without it going out to tender, a contravention of both the Knysna Municipality's Supply Chain Management (SCM) policy and the Municipal Finance Management Act (MFMA).
- 20.4.3. Kirsten was unqualified.
- 20.5 After I exposed the illegality, new Mayor Spies held a meeting with me on September 2 2016. She promised cooperation. My audio recording of the meeting is in utter contrast to what happened next, clearly exposing her as a liar.
- 20.6 Spies issued a propaganda press release against me. A full-blown campaign to discredit me began in social media.
- 20.7 The Municipality tried to pretend that Kirsten was needed as a specialist.
- 20.8 Whilst taking a photo of Councillors having a tea break, Kirsten threatened me with arrest (for taking the photo). She even called Head Disaster Management and Social Services Richard Meyer who hung nearby but chose not to act. I reported her to then Acting Municipal Manager Johnny Douglas who failed to act **[H041]**.

- 20.9 On July 7 2017, I met new CFO Mbulelo Memani to discuss several issues, Fran Kirsten being one of them [H042].
- 20.10 By the time Memani refused to pay Kirsten any longer the Mayor and her friend had a back-up plan.
- 20.11 The Mayor's Office Manager's job was referred to in house as "Kirsten's job", where they planned to move her next. Instead, Kirsten only got to be Acting Manager as the job went to Priscilla September, the niece of Councillor Waxa who was intending a motion of no confidence in the Mayor. The job wasn't advertised. After September's appointment, that MONC never happened. It must be considered a bribe.
- 20.12 Bezuidenhout returned to being Communications Manager.
- 20.13 Kirsten has since been given the odd small contract.
- 20.14 September quit during late July or early August 2018. I'm unaware who is Acting Manager but unlikely Kirsten as the Mayor has changed.
- 20.15 The Auditor General's [H043] found the appointment of Christopher Bezuidenhout as Mayor Spies' Office Manager [page 75] and the contracting of Fran Kirsten as the Communications Manager [page 107] to be wrongful.
- 20.16 *"Position of Manager: Office of the Executive Mayor not on establishment. The Manager in the Office of the Executive received a monthly salary of R34 812 for a period of 11 months in the 2016/2017 financial year and the total cost of his remuneration is R382 932. This results in irregular expenditure of R382 932 as it is in contravention of section 66(3) of the Municipal Systems Act."*
- 20.17 Knysna Municipality's response to the situation was pure lie and thus implicates themselves further: *"Following the inaugural meeting of the Knysna Municipal Council on 15 August 2016, Mr CF Bezuidenhout, Manager: Communications and Customer Relations performed the duties of managing the office of the Executive Mayor in addition to his duties as Manager: Communications and Customer Relations. Mr Bezuidenhout was remunerated as in terms of the post to which he was appointed and not as Manager in the Office of the Executive Mayor as per the audit finding. It is imperative that it be pointed out that a secondment is a temporary transfer of a worker into another position and not an appointment or employment of a person into a*

post as contemplated in Section 66(3) of the Municipal Systems Act 32 of 2000. Mr Bezuidenhout was and still is, employed by the Knysna Municipality as the Manager: Communications and Customer Relations. Mr Bezuidenhout was never employed nor appointed by this council as Manager: in the Office of the Executive Mayor but merely temporarily transferred into that position."

20.18 Regarding Out There Consulting (Fran Kirsten) and contracts D8253, D8648, D8970, D9075, D9296 that resulted in R382,545 irregular expenditure, the Auditor General went further by stating that Kirsten didn't possess "specialist nature that they warranted deviation from competitive bidding." The Municipality capitulated [pg107], accepting the finding.

20.19 No action has been taken against those involved.

20.20 The Office of the Public Protector suspiciously found no evidence of wrongdoing despite being in possession of the AG's report.

COUNCILLOR ROWAN SPIES:

21.

When Eleanore Spies was still Knysna's ANC Mayor, Rowan Spies (her husband) was implicated in graft in neighbouring Bitou Municipality (a.k.a. Plettenberg Bay).

21.1 This was Complaint #4 to the OPP [**H044 - evidence provided on DVD disc**]. Summary and update hereunder.

21.2 An investigation order by the DA-led municipality was conducted by Mazars resulted in a damning report that include the payment of money into the joint account of Rowan and Eleanore Spies.

21.3 Rather than use the information as a victory over the ANC, the DA strangely buried it.

21.4 When I exposed it, Mazars threatened to take me to court.

21.5 I provided information to Premier Helen Zille in person, in a meeting after a rally, and via email thereafter. She promised to look into it. That was one month before the 2016 local elections.

21.6 Instead, Eleanore become Knysna's DA Mayor and Rowan a DA PR councillor in the Eden District under which Knysna falls.

- 21.7 Despite Rowan Spies' well known alcoholism and two alleged stints in rehab in 2017, he was promoted to Head of Roads for Eden District. He is protected.
- 21.8 After Peter Myers was deposed as Deputy Mayor and Chair of the DA Constituency, Rowan took the latter position.
- 21.9 The ANC had previously claimed that Eleanore Spies, when still ANC, was a spy for the DA. That could explain the DA's strange behaviour.
- 21.10 When questioned with regards this and more, I received threatening legal letters on behalf of Eleanore. It would later be discovered that she had illegally used Public funds to pay the lawyers.
- 21.11 The Office of the Public Protector claimed delay in its investigation because it had been provided so much info by Bitou municipality. Suspiciously, it never referred to any of this, opting not to investigate as it was an old crime.

DIRECTOR DAWIE ADONIS:

22.

Dawie Adonis was illegally appointed as the the Director Community Services (further relevant further in this document and supplementary as he was in charge of the fire and rescue services during the Great Knysna Fire). He's rumoured to have been friend and colleague of Georlene Wolmarans (Mayor when he was hired, Speaker now) at a previous municipality.

- 22.1 This was Complaint #5 and #10 to the OPP [**H045, H046 – evidence provided on DVD disc**]. Summary addressed hereunder.
- 22.2 The position requires an NQF7 (an Honours Degree). Adonis only has an NQF5 (Matric). He was provided opportunity to qualify but failed to do so, allowed to remain in his position.
- 22.3 In June 2017, 2 weeks into the fire crisis, Adonis was moved out of the illegal Director spotlight and illegally moved into an unadvertised and

previously part-time position. It seemed that the DA-led Council was using the crisis as cover. That failed. I don't know his salary but in Council the DA wanted him to retain his same 7-figure annual salary which is more than his new 'boss' earns. Adonis is protected.

22.4 MEC Local Government Anton Government was long aware, particularly through complaint by Susan Campbell, but allowed the situation.

22.5 Builder Mervyn Bock stated to me: *"And I quote Dawie Adonis: 'Ek hou die boere se monde oop in Knysna.' After promising me to build a crèche in Nekkies, after I build his house for cheap in Green Pastures, T&T built the crèche. He just used me to build his 500 SQUARE metre house."*

22.6 Nekkies is one of the poorest suburbs of Knysna. Green Pastures is upper middle class. T&T is a local construction company. Dawie Adonis is the Knysna Director of Community Services. If true, that's graft, Adonis trading municipal work for personal gain.

ILLEGAL COUNCILLOR STUDY PAYMENTS:

23.

The ANC also failed to act on my complaints. Until 2018, there'd been no meaningful opposition by the ANC whilst the DA have been in power. Questionably, in the previous council (2011-2016), ANC Chief Whip Stephen de Vries and ANC Councillor Clive Witbooi had their studies paid illegally from public funds.

23.1 This was Complaint #7 to the OPP [**H047 – evidence provided on DVD disc**]. Summary is addressed hereunder.

23.2 Two politicians, ANC Chief Whip Stephen de Vries and ANC Councillor Clive Witbooi, were having their studies paid. The studies are irregular expenditure because they do not benefit Knysna but rather the careers of the politicians involved. Despite being informed of this, the Municipality is ignoring the matter. It would seem to be a conflict of interest and makes one wonder if that's why the ANC has failed to be effective opposition, letting the DA remain unaccountable in the issues presented here today. And De Vries,

as an ex-Director of Knysna Tourism, along with other DA Councillors, played a large role in what went wrong with the organisation. This, despite De Vries' responsibilities as then Chairperson of the Municipal Public Accounts Committee (MPAC).

23.3 The DA never objected to ANC councillors having their studies paid which lends the possibility of the ANC's silence having being bought.

23.4 Note that De Vries and Eleanore Spies are friends, having previously worked together in the ANC's Regional Executive Committee, before she joined the DA. Victor Malosi, the new ANC leader who would be killed, worked with them too. It has been said that they were all close-knit in the old REC.

23.5 The OPP is in possession of sufficient information to reach decision yet has stated that Treasury's input must be received.

THE FIREMEN:

24.

Two Cape Town firemen, Clinton Manuel and Waynes Sternsdorf, were questionably hired as, respectively, Knysna Fire Chief and Sedgefield Station Commander.

24.1 Part of this was Complaint #8 to the OPP [**H048 – evidence provided on DVD disc**]. Summary is addressed hereunder. The Knysna Municipality illegally appointed Adonis who was then involved in the hiring of Fire Chief Clinton Manuel who was allegedly escaping a scandal in Cape Town, a place where he had more prospects of job growth than Knysna. Manuel had allegedly slept with his married secretray and used Public Funds to send her on a course to Johannesburg where they met each other. The blow-out included the secretray's husband seemingly derailing, being accused of a bomb scare, been arrested by Local law Enforcement and then been pushed out of service (he too worked for the city). Manuel seemed to be protected by Director of Safety and Security Richard Bosman.

24.2 Adonis and Manuel were then involved in hiring Fire Chief Clinton Manuel's friend, Wayne Sternsdorf, as Sedgefield Station Commander. This

was strange as Sternsdorf, at his previous job where Manuel had been his boss, had been accused of a scandalous racism incident, subsequently quitting during the second day of his disciplinary hearing.

24.3 Was cronyism involved in these hirings?

24.4 Why no investigation into my complaint?

24.5 Why, instead, did Sternsdorf took me to court with the Municipality using Public funds to hire lawyers for their staff who are witnesses.

24.6 Sternsdorf was granted a protection order based on his claim that I'd lied that he'd been previously charged regarding the racism allegations. This was obvious perjury as the disciplinary charges had been confirmed by the City of Cape Town and SAMWU.

24.7 The OPP found no reason to investigate, even saying that the Knysna Municipality had checked his background. What that means is unknown as the OPP hasn't supplied supporting information.

24.8 Compromised appointments may have poorly affected the handling of the Great Knysna Fire, the biggest in South Africa's history, as well as the investigation thereafter.

24.9 The Great Knysna Fire was the result of a 2-month old fire in the bush on the outskirts of Knysna. Despite repeated complaints from residents, it wasn't attended to by the Knysna Fire Department. A strong wind enraged the fire and cut the town off from the country, destroying billions of rands of homes and infrastructure, and taking 8 lives (including 2 children and an 8-month-old fetus). Many more could've died.

24.10 The Municipality inappropriately investigated itself, Fire Chief Clinton Manuel absolving them from responsibility. He was publicly backed by Mayor Spies and Municipal Manager Chetty.

24.11 An independent investigation by Afriforum showed the Municipality's report to be a lie.

24.12 An article in Noseweek exposed that a hidden report by CSIR concurred with Afriforum, showing the Municipality to have committed fraud. This was confirmed when CSIR eventually released their report.

24.13 As culpable homicide must be considered, the seriousness of this complaint is underlined. However, the Municipality, Western cape Local Government and Premier Helen Zille have failed to respond to my complaint

despite follow-ups.

24.14 The fire and investigation will be addressed extensively via supplementary affidavit.

EAST HEAD LEASES:

25.

The East Head, Knysna's main natural tourism attraction, includes two restaurants and a shared parking lot at the opening of the estuary to the sea - a priceless location. Without tender, the Municipality leased half of it to a restaurant owner. The other restaurant tender, having begun much earlier, was so poorly handled by the Municipality that unpaid rent, unpaid rates and consequent court action has cost the taxpayer R7-million. Despite the massive arrears, the Municipality installed a pre-paid electricity meter for the debtor. No one has been held accountable for any of these matters.

This was Complaint #3 to the OPP [**provided on DVD disc as H040**].

MUNICIPAL MANAGER JOHNNY DOUGLAS OVERPAID:

26.

Since 2011, Knysna's disrupted and politically affiliated administration has been 'helmed' by 6 Municipal Managers (MM) and Acting Municipal managers. Johnny Douglas was the MM at the time the DA and Mayor Georlene Wolmarans took over in 2011. Although there's supposed to be separation between the powers of the Administration and the Council, there rarely is. Douglas was considered to be loyal to the ANC but it would later appear that he was loyal to whoever gave him a job (now worth R1.3-million annually). Initially, the DA forced him to leave, paying out not only his package but strangely much more than was allowed. In contradiction to the large amount he was paid to leave his office, he was later rehired by the DA in Knysna, Bitou and, now, Knysna again.

- 26.1 In August 2011 the DA Council terminated Douglas' contract rather than allow him to serve out his term.
- 26.2 Then Mayor Georlene Wolmarans explained the reasoning to the media as follows: *"This shows our commitment to making the necessary changes that will enable us to move the town and the council forward to achieve the goals as set out in our election manifesto."*
- 26.3 It was a contradiction when Douglas was congratulated by Wolmarans via the Knysna-Plett Herald for having done a good job.
- 26.4 The DA Council resolved to pay out Mr. Douglas an amount of R1,078.882 for the financial year of 2011/2012, despite the fact that he only worked for the month of July 2011 and 12 days of August 2011, a total of 31 working days **[H050a, H050b]**.
- 26.5 That was both overpayment and, overall, fruitless and wasteful expenditure.
- 26.6 Lauren Waring replaced Douglas as MM. She too failed to account for Douglas' overpayment.
- 26.7 In 2016, the DA were rumoured to be planning his return full-time despite that fair process needed to be followed for any appointment. The rumour seemed true when he was made Acting Municipal Manager on the recommendation of MEC Local Government Anton Bredell.
- 26.8 It was rumoured that Wolmarans and Douglas had an affair in 2010/2011. Wolmarans was now DA Speaker.
- 26.9 Douglas and Eleanore Spies were colleagues when she was ANC Mayor. When he was re-contracted in 2016, she was then DA Mayor. On his CV, she's his primary job reference **[H051]**.
- 26.10 Douglas failed to act on any of the evidence I presented him.
- 26.11 There was further concern when Douglas' term, in 2017, was illegally extended to 6 months, after the Municipality failed to advertise the position. Bredell didn't approve the extension yet failed to act against the illegality.
- 26.12 Public opposition grew. The position was eventually advertised. Kam Chetty was appointed, his last two jobs in DA municipalities.
- 26.13 Douglas would reappear only a few months later, 30km away, as Acting Municipal Manager of the DA-run Bitou Municipality. When the DA's coalition failed, and the ANC took over, they never renewed his contract.

- 26.14 Douglas returned to Knysna Municipality as Acting MM on August 8 2018.
- 26.15 He has failed to answer my requests for my long outstanding PAIAs, most submitted during his previous reign **[H052a,H052b]**.
- 26.16 There remains unwillingness to address his 2011 overpayment, a complaint echoed by the Knysna Ratepayers' Association.

MANON MACDONALD:

27.

Manager Electrical Department Manon McDonald was involved in graft and tender irregularities.

- 27.1 In 2014, Manon McDonald secured Nissan vehicles for the traffic department. The tender wasn't awarded to the winning bidder. Round the same time, her and her husband, Johan, were alleged to be driving new Nissan vehicles too. I had two acquaintances of theirs contact me to say that they'd personally scored from the deal, one even saying they'd received a vehicle free.
- 27.2 Susan Campbell, from the Knysna Ratepayers' association, had previously received similar information from different sources, leading her to make detailed complaint (which I'm not in possession of).
- 27.3 In November 2014, the majority of the Bid Evaluation Committee (BEC) quit in protest at outside interference in their committee. These included the Chairperson Michael Rhode and Vice-Chairperson Johnathan Mabula who are, respectively, also the Directors of Technical Services and the Manager of Environmental Management. They claimed interference of their responsibilities and the undermining of the BEC. This involved senior management so must be treated with the utmost gravity. No director or senior manager could legally be part of a possible investigation because the very problem is between the BEC and the BAC of which they are all members or previous members.
- 27.4 Before they quit, the BEC reported that the tender of Nissan Knysna had gone missing. T29/2014 was for the supply of vehicles and equipment.

Lauren Waring's reaction, at the November 27 2014 Council Meeting, on her last day on the job, was bizarre. She said: *"I don't think this was a mistake. I think this was purposely taken by someone who wanted to discredit our supply chain processes."* She went on to say that there was an internal investigation and, if found warranted, that a charge would be laid at the Knysna police station. Her reaction was non-sensical. That was a very serious matter. Concurrently, there should have been an internal investigation and an SAPS investigation. Nothing appears to have come of the internal investigation.

27.5 A citizen with connections to the Municipality informed me in June 2015 that Manon had given her husband, Johan, a contract.

27.6 Then an employee of the Electrical Department informed me that the private contractor receiving most of the work, in the millions, from the Electrical Dept, was the husband of Manon, operating as the sole owner of Jam Electrical.

27.7 Jam Electrical's company information (2009/172280/23) confirms that he's the sole member and that his full name is Theunis Johannes McDonald.

27.8 I was later told that Johan McDonald had received contracts under different company names over the years. Another acquaintance of the McDonalds said that Johan had received contracts for a decade.

27.9 I informed Susan Campbell who laid complaint on behalf of the Knysna Ratepayers Association.

27.10 Instead of her being investigated, Manon handed in her resignation. In Council, ANC Councillor Gombo stated in reference to the scandals: "It's why she resigned."

27.11 Cliffe Dekker Hoymeyr Attorneys was contracted to investigate... but *only one* electrical tender given to Johan MacDonald. They found it irregular yet recommended that the funds not be recovered as it may cost more. The Municipality added further reason by stating that Manon was no longer an employee of the Municipality, as if that was reason for irrelevance **[H053]**.

27.12 But Manon McDonald had been accepted as Fleet Manager in the DA-led George Municipality, only 60km away **[H054]**. George is also being the DA's seat of power for Eden District. Knysna Municipality and the DA allow

seemingly crooked managers to gets away it, too much of a trend to be coincidence. It will be relevant to discover who gave her reference.

MAYOR & SPEAKER USE PUBLIC FUNDS TO PAY PERSONAL LEGAL FEES:

28.

Mayor Eleanore Spies responded to my queries regarding her and her partner (ex-husband), Councillor Rowan Spies, by threatening me three times with legal letters sent by Cliffe Decker Hofmeyr who appears to be the attorney firm most benefiting from work from Knysna Municipality. This will be addressed in detail via supplementary affidavit focusing on intimidation. In summary:

- 28.1 I was told that the action against me was to be extensive, that they were taking me to Court and that R400,000 had been unofficially budgeted, R40,000 spent so far.
- 28.2 As specialists in local government law, Cliffe Dekker Hofmeyr will be aware that it's illegal for them to be paid from Public funds for work done for personal politicians in their personal capacity. Despite my queries, Cliffe Dekker Hofmeyr repeated the legal threats.
- 28.3 I exposed the misuse of funds which seems to have put a spanner in their plans.
- 28.4 Through the faction battle between Councillor Myers and Mayor Spies, it was discovered that Speaker Wolmarans was also a participant. They'd added Myers name to it but he refused, instead using it against his enemies (for selfish gain as he never once contacted me regarding it, not even after going Public in the Knysna-Plett Herald newspaper).
- 28.5 For almost one year, Municipal Manager Kam Chetty illegally denied opposition councillors the report into the legal fee funding. Mention of it is included in the agenda for the Section 80 Finance Committee Meeting on August 21 2018 yet the agenda excludes the report itself. I'm assuming it will appear soon as it implicates current mayor Mark Willemse's opposing faction in the DA.
- 28.6 The OPP makes no mention of this issue in their report.

PREFERENTIAL PREMIUM POLICY:

29.

The Auditor General has questioned many tenders, foremostly R9-million in irregular tenders due to a "bonus" to local suppliers which was used to circumnavigated BEE i.e. a tenderer who did not submit a BBEE certificate and did not score the highest point could win a tender. This has resulted in Knysna Municipality paying a premium of up to 11.11% in tenders exceeding R1,000,000.00 and 25% in tenders between R30,000 and R100,000,00.

29.1 This was reported in detail by Susan Campbell to the Knysna Municipality, Provincial Treasury and National Treasury to little effect [H055]. However, there were warnings;

29.1.1. Knysna Municipality ignored the warning from Provincial Treasury.

29.1.2. The Western Cape Auditor General allowed the Municipality to retain its clean audit, in 2017, giving a warning. But when the warning was ignored, it became one reason why the clean audit status was removed in 2018, for the preceding financial year.

29.1.3. The amount, which will possibly be in the tens of millions, should be considered as wasteful expenditure, certainly a loss to the taxpayer and ratepayer.

29.1.4. It was also one of the charges against ex-Municipal Manager Grant Easton, seemingly swept under the carpet after he resigned.

29.1.5. Many were aware of the illegality. No one has been held accountable.

T20 TENDER:

30.

There were riots by Oupad residents that led to repeated N2 closures in 2016. The Knysna Municipality failed to inform us that the main spark was a problem with the T20 tender involving housing, seemingly their fault [H056]. Worsening the situation was that DA Constituent and Ward 10 Committee member called for live bullets to be used on protestors. He was supported by another DA constituent and ex-Ward 10 Committee member who backed him up with the suggestion of using the same bulldozers used by Israel against Palestinians. The outrage sparked by my story led to their apparent dismissal but the DA has never officially responded to my messages.

OFFICE REFURBISHMENTS:

31.

Fancy office upgrades, big screen TVs and DSTV occurred out of budget planning. That was revealed at the Knysna Governance & Economic Development meeting held on August 5 2014.

31.1 In the Capital Budget report it was revealed that the Executive & Council had overspent their budget by R481,656, a consequence of the fancy new offices for DA politicians and Municipal Manager, Lauren Waring.

31.2 Despite the fact that their original budget of R3,778,000 had been increased substantially to R5,214,000, they still went over the new budget by 9%.

31.3 I'm unaware of exactly what the Council spent on that resulted in them being almost half a million over budget but here is what was spent on furniture in administrative departments:

31.3.1. Municipal Manager – R75,264 (R45 264 over budget)

31.3.2. Corporate Services – R109,252 (R29 252 over budget)

31.3.3. Planning & Development – R24,733

31.3.4. Community Services – R113,250 (R29 250 over budget)

31.3.5. Technical Services – R41,421 (R6579 under budget)

31.4 It appears that everyone got in on the action which is why neither held the other accountable.

31.5 I no longer have relevant documents but it should be easily obtainable.

DESALINATION PLANT:

32.

The Sedgefield desalination plant isn't used because the cost to the Public for its water is too high. However, the upkeep costs the Knysna Municipality millions of rands annually.

32.1 Early 2017, I had an email conversation [H057] with Tom Callaghan, Head of Group Business Development and the Divisional Director of GTEK (Pty) Ltd Water, the company that had installed the plant.

32.2 He seemed to mistake my position because he hoped that I could influence the Municipality to use his company again. He said, *"DWS and The Water Research Commission to upgrade the plant with new technology and service and maintain it properly. The upgrade would be at NO cost to them, and price of water would be within current municipal rates. We never heard back from the municipality. Very frustrating for us"*.

32.3 Why would Knysna Municipality choose to waste millions on operating a desalination water plant that it isn't using when it could switch providers and put it to use in a water scarce area?

BUDGET MANAGER AVITHA SUNKAR:

33.

The Knysna Municipality's year-long suspension of Budget Manager Avitha Sunkar costs the public over R870,000 in stay-at-home pay. Sunkar's suspension appeared to

be victimisation and played major role in destabilising the Finance Department. The lengthy suspension may also be the result of political factional power plays. Sunkar laid grievances against staff members which were ignored by ex-Municipal Manager Grant Easton (who was charged himself, for misleading Council regards her). Instead, grievances were laid against her and she was suspended. This is detailed in my complaint #13 to the OPP [H058] which has bizarrely claimed to see no wrongdoing.

DIRECTOR MIKE MAUGHAN BROWN & OTHER TENDERS:

34.

Another detailed complaint by Campbell [H059], an allegation of a financial offence by the Director of the Planning and Development Department, Mr Mike Maughan-Brown, was not responded to for 3 years. The initial allegation of interfering with Supply Chain management was made by Manager Jonathan Mabula. In a serious twist of events, DA Councillors, on November 27 2014, resolved not to investigate the allegation made by a manager against a director but to instead institute disciplinary action against the complainant. The legal proceedings between Mabula and the Municipality continue till this day.

WARD ALLOCATIONS:

35.

R2-million was initially allocated to each Ward Councillor to choose what they wished to happen in their wards. That has now risen to R3.5-million. It's money that can easily buy favouritism rather than what is most needed for the Ward collectively.

35.1 I attended one Ward 10 committee meeting where some monies were dispensed at member's whims, without any submittance from the public.

35.2 As none of the projects were designated before budgeting, that practice must be considered irregular expenditure, even more so because politicians are barred from interfering in the Administration.

- 35.3 This is amplified by the fact that on November 27 2017, the DA, as promoted by Mayor Spies, approved Councillor Velile Waxa deviating to buy R250,000 worth of soccer gear.
- 35.3.1. Which was illegal as it wasn't capital expenditure.
- 35.3.2. It was improper because he was facing disciplinary charges for tender interference and threatening a woman (now found guilty and a murder suspect).
- 35.3.3. It's also a move that appears to buy populism.
- 35.3.4. This favouritism is easily understood when reminding that the DA had previously and secretly funded his election campaign, and made him a coalition councillor.
- 35.3.5. Even more understanding when, in 2018, two years after the election, DA Western Cape leader Bonginkosi Madikizela states that Waxa will be joining the DA and;
- 35.3.6. DA Councillor Martin Young states on Facebook that Waxa has signed up 200 new members to the DA.
- 35.3.7. However, they're apparently content for Waxa to stay independent until they're sure he won't lose a by-election (which would be triggered by him switching parties)... except he got R250,000 in soccer gear.

KNYSNA VEHICLE TESTING STATION AUDIT:

36.

The Knysna Vehicle Testing Station was closed and 4 officers suspended in 2013. ENS was appointed to do the forensic investigation and paid R670 000 for their services.

- 36.1 An employee of ENS started his own company, Horizon Forensics, which the Municipality then hired to continue the investigation.
- 36.2 At one stage that amount reached R785 000.
- 36.3 It must be investigated why the Municipality gave the work to Horizon Forensics without a tender. The Municipality cannot simply say that it was convenient to use the same staff member.
- 36.4 If anything, it must be considered that an employee of a tenderer was

given an opportunity to start his own company. Integrity is in question especially since Horizon Forensics is now rumoured to be gaining work at other DA-led municipalities.

36.5 Notably, after earning salaries for staying at home for 2 years, the officers were recently cleared and reinstated. The report hasn't been made available to the Public so it's unclear if Horizon Forensics did its job.

36.6 The taxpayer is down an estimated R3-million.

36.7 My query to Audit Committee Ray Barrell and then MPAC Chair Stephen de Vries was ignored [H061].

ADVOCATE JULIE SETON:

37.

Advocate Julie Seton (also uses surnames Lopes & Jeffreys) was an instrumental figure in the DA campaign against me, both as a lawyer and via propaganda. That will be detailed via supplementary affidavit. It would seem that she was to be rewarded as she applied twice for Directors posts and in at least one case was shortlisted despite not having the qualifications. She may have gained the post if Councillor Myers hadn't been in the opposing DA faction, him standing against her inclusion. However, she was then given a post as the secretary to the Knysna Planning Tribunal. Apparently this never followed process and thus must be considered cronyism if true.

CONCLUSION

38.

Despite mountains of evidence that includes legal opinions, reports from the Auditor General, Council notes, info from whistleblowers and the Knysna Ratepayers Association, and my own investigation, no one has been punished. The DA and the Western Cape Government have ignored me, instead threatened me.

This founding affidavit isn't the sum of my complaint. Supplementary affidavits to

follow, particularly regards the related intimidation I've had to suffer.

MICHAEL JAMES HAMPTON

It is hereby certified that the aforesaid declaration was signed and sworn in my presence on this the ___ day of _____ 2018, at _____, the deponent having confirmed and acknowledged:

That he knows and understands the contents of this declaration;
that he has no objection to taking the prescribed oath;
and that he considers the prescribed oath as binding on his conscience.

COMMISSIONER OF OATHS

Full names: _____

Address: _____

Position: _____