

City manager in peril after he followed De Lille's orders

The career of Cape Town's city manager is on the line because he followed the orders of mayor Patricia de Lille.



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Achmat Ebrahim, who faces two disciplinary charges, told investigators that in both instances he acted on De Lille's instructions.

Details are contained in a report to the City of Cape Town by legal firm Bowman Gilfillan. The council accepted the report's recommendations that disciplinary action should be taken against Ebrahim and city transport commissioner Melissa Whitehead.

It also said De Lille should be formally investigated for allegedly covering up Whitehead's wrongdoing by ordering Ebrahim to keep quiet.

First allegation

The first allegation against Ebrahim is that he failed to tell the council Whitehead had allegedly made an irregular payment of nearly R44-million to Volvo for 29 bus chassis.

Bowman Gilfillan's report - submitted to the council on 29 December 2017 by the firm's head of governance, compliance and investigations, Johan Kruger - says a council forensic investigation in 2015 found "compelling evidence" that the 2013 payment was irregular.

There was also evidence that a payment of R29.6-million to Scania in 2014, this time for 24 chassis, was also irregular.

Ebrahim was advised that legislation compelled Ebrahim to tell the council about misconduct allegations against senior managers.

But the city manager told Bowman Gilfillan investigators that at a meeting on 5 October 2015, De Lille said the matter should not go to the council, and Ebrahim issued written instructions to that effect on 2 December.

Ebrahim told investigators he believed De Lille was wrong but he could not "undermine" her. "In his defence, he contends that he took all reasonable steps on his part to comply with his obligations, and that he was ultimately precluded from doing so by the instructions to the contrary from the executive mayor," said Kruger's report.

"Whether or not the explanation should be accepted, and to what extent the city manager remains culpable, are matters that should properly be determined in a formal hearing."

Second allegation

The second allegation against Ebrahim is that he failed to tell the council about an allegation of misconduct against Whitehead when she was a member of the committee evaluating bids to redevelop Cape Town's Foreshore freeway precinct in 2017.

After scrapping the committee on the recommendation of forensics company Moore Stephens, which was engaged to monitor the probity of the committee's work, Ebrahim sent a dossier about the matter to De Lille. She replied in writing on October 20 saying the council should not be informed.

Nine days later, Ebrahim told the Sunday Times that "a thorough, fair and transparent process was indeed executed" by the bid evaluation committee. "There is thus no need for any action to be taken against any staff member flowing from the reconstitution of the committee," he said.

Bowman Gilfillan said Ebrahim should face disciplinary action and "in view of the compelling evidence presented to [De Lille ... she] was obliged to present the dossier to the council for its consideration".

The council accepted the recommendation that De Lille should be investigated for her failure to do so.

In a submission to the council on 29 November, arguing why he should not be placed on precautionary suspension, Ebrahim said: "I have to date, in my almost 40 years of service, not once been accused of or charged with any misconduct.

"I do not intend, in the twilight of my career, with some three years to my retirement, to commit any type of misconduct."

Ebrahim and Whitehead have until Friday to submit reasons why they should not be suspended pending the disciplinary hearings recommended by Bowman Gilfillan.

Source: The Times