



Republic of Namibia

MINISTRY OF URBAN AND RURAL DEVELOPMENT

NATIONAL ASSEMBLY

NOTICE OF QUESTIONS BY HONOURABLE HENNY H. SEIBEB (LPM)

ON KHORIXAS TOWN COUNCIL

NOTICE OF QUESTION NUMBER 39 (02 MARCH 2023)

RESPONSE ON: 20 APRIL 2023

Honourable Speaker

Honourable Members

I rise to respond to the Questions that have been asked by Honorable Henny H. Seibeb of LPM on Khorixas Town council as follows:

QUESTIONS 1

We understand that there are some talks of municipal funds embezzlement at Khorixas Town Council. Will you investigate such claims or refer them to the Anti-Corruption Commission?

Answer:

We have not officially received information on such allegations or evidence of embezzlement of funds at the Council. My direct answer to the question posed is that yes, we will commission a special investigation into the matter. It will be appreciated if the Hon Member can also provide to my office any reliable information that is available to him in this regard.

QUESTION 2

Did you approach the Attorney-General to seek a legal opinion on the validity, criminality and forging of the Special Council meetings which were held in November and December 2022 respectively?

Answer:

From our reading of the two Special Council Meeting Minutes, we are not in a position to say whether or not there is forgery involved. Our view is rather that there was a violation of or non-compliance to the established administrative procedures on the holding of Council meetings and the fact that there are two conflicting resolutions on the same subject matter.

For the information of the other Hon Members of this August House, the information provided to me indicates as follows:

- That on 30 November 2022, the Council met and resolved under *Resolution Number SCM6.1.1/30/11/2022* to terminate the employment contract of its Chief Executive Officer; and
- Thereafter on the 13 December 2022, the same Council met and resolved under *Resolution SCM.7.1/13/12/2022* to renew/extend the employment contract of the Chief Executive Officer.

The problem here is that in terms of Rule 17 of the Standing Rules of Order for Meetings of Councils provides that a Council's resolution remains valid for a period of six (6) months and that such a resolution may only be rescinded through the tabling of a Motion by a member of council with the 75% majority support of the total membership of the Council. The period between the two meetings is barely 13 days and the requirement for a motion to rescind the previous resolution has also not been met.

As such, the legal opinion that I plan to seek will rather be on the general legality of the meetings as well as the consequent conflicting resolutions, and not on the unproven purported forgery or criminality.

In the meantime, I have in my letter to the Mayor and entire Council of Khorixas Town dated 13 February 2023 given my views on the matter to the Council and also indicated the way forward, notably the need for legal advice from the Attorney General.

QUESTION 3

There are claims of misappropriation and embezzlement of funds at the town council. Will you investigate such claims?

Answer:

As indicated, we have not officially received information on such allegations or evidence of embezzlement of funds at the Council.

QUESTION 4

Have you notified the Anti-Corruption Commission about such claims?

Answer:

I and the entire Government take matters of corruption seriously, but it is also required that any action is informed by evidence. I have neither been notified of any corrupt acts and as such I do not have information to share with other authorities such as the Anti-Corruption Commission. It will be appreciated if the Hon Member or his source can provide me with any such credible information on the alleged corruption to assist the action to be taken on our side or the relevant authorities.

QUESTION 5

When do we expect a response on the state of affairs of Khorixas Town Council insofar as it relates to the administration, management, financial audit, human resource audit and development projects audit, and your correspondence with the Attorney-General and Anti-Corruption Commission?

Answer:

I can assure the member that my office will commission an enquiry into the matter soonest and will seek the assistance of other relevant authorities.

Hon. Speaker

Hon. Members.

I so submit.