



CONFIDENTIAL

**MINUTES
of a
SPECIAL MEETING**

**MANGAUNG
METROPOLITAN
COUNCIL**

**Council Chamber
First Floor
Bram Fischer Building
Bloemfontein**

**TUESDAY
DECEMBER 2, 2014
AT 10:00**

**MANGAUNG
METROPOLITAN
MUNICIPALITY**

MINUTES
of a
SPECIAL MEETING
of the
MANGAUNG METROPOLITAN COUNCIL
held in the
COUNCIL CHAMBER
FIRST FLOOR, BRAM FISCHER BUILDING
BLOEMFONTEIN
on
TUESDAY, DECEMBER 2, 2014
at 10:00

PRESENT:

SPEAKER

COUNCILLOR MA SIYONZANA

EXECUTIVE MAYOR

COUNCILLOR TM MANYONI

DEPUTY EXECUTIVE MAYOR

COUNCILLOR CLM RAMPAI

MEMBERS OF THE MAYORAL COMMITTEE

COUNCILLOR LA MASOETSA
COUNCILLOR MJ MATSOETLANE
COUNCILLOR MA MOENG
COUNCILLOR NG MOKOTJO
COUNCILLOR SA MONNAKGORI
COUNCILLOR XD PONGOLO
COUNCILLOR KN RABELA
COUNCILLOR DM SEKAKANYO
COUNCILLOR MM TSOMELA

COUNCIL WHIP

COUNCILLOR ZE MANGCOTYWA

COUNCILLORS

COUNCILLOR GM BACELA
COUNCILLOR FR BOTES
COUNCILLOR JF BRITZ
COUNCILLOR M DAVIES
COUNCILLOR ME DENNIS
COUNCILLOR MD DIBECO-MASUKU
COUNCILLOR RP DITABE
COUNCILLOR S DYOSIBA
COUNCILLOR MJ ETI
COUNCILLOR MD HLUJANE
COUNCILLOR TA JACOBS
COUNCILLOR TB JACOBS
COUNCILLOR LR JULY
COUNCILLOR SG KALIYA
COUNCILLOR ZT KHI
COUNCILLOR GDP KOTZE
COUNCILLOR PA KUAPE
COUNCILLOR TS LALA
COUNCILLOR JAA LAZENBY
COUNCILLOR D LEECH
COUNCILLOR LE LEKGELA
COUNCILLOR MJ LEPHOI
COUNCILLOR TK LITABE
COUNCILLOR BNV MADELA
COUNCILLOR ET MAKHELE
COUNCILLOR MC MALEBO
COUNCILLOR ML MATHOBISA
COUNCILLOR MV MATSEMELELA
COUNCILLOR MB MBANGE
COUNCILLOR TM MFAZWE
COUNCILLOR H MINNIE
COUNCILLOR MJ MOFOKENG
COUNCILLOR ID MOGAMISE
COUNCILLOR ME MOILWA
COUNCILLOR PR MOKOLOKO
COUNCILLOR KO MOKONE
COUNCILLOR RLAE MOLOABI
COUNCILLOR MB MONONYANE
COUNCILLOR TM MOOPELO
COUNCILLOR TA MOPHETHE
COUNCILLOR TCL MOROE
COUNCILLOR MM MORURI
COUNCILLOR SS MORUTLE
COUNCILLOR PZ MOSHWADIBA
COUNCILLOR TA MOSIUOA
COUNCILLOR MZ MOTLADILE
COUNCILLOR HJ MOTLATSI
COUNCILLOR TS MPAKATHE
COUNCILLOR MS MPEQEKA
COUNCILLOR KJ MTSHIWANE
COUNCILLOR TJ NAILE
COUNCILLOR SS NDAMANE
COUNCILLOR MJ NKOE

(absent without leave)

(absent with leave)

(absent without leave)

(absent without leave)

(absent without leave)

COUNCILLOR J NOTHNAGEL
COUNCILLOR GJ OLIVIER
COUNCILLOR TD PARKIE
COUNCILLOR TWG PATO
COUNCILLOR JE PETERSEN
COUNCILLOR MA PHAJANE
COUNCILLOR SD PHOKOJE
COUNCILLOR NA PHUPHA
COUNCILLOR JD POWEL
COUNCILLOR C PRETORIUS
COUNCILLOR JC PRETORIUS
COUNCILLOR MA RAMETSE
COUNCILLOR FP RAMOKOTJO
COUNCILLOR NA RATSU
COUNCILLOR ME SEBOTHELO
COUNCILLOR M SELALEDI
COUNCILLOR E SNYMAN VAN DEVENTER
COUNCILLOR ED TEKOT
COUNCILLOR AP TERBLANCHE
COUNCILLOR GM THIPENYANE
COUNCILLOR LM TITI ODILI
COUNCILLOR AL TOBA
COUNCILLOR EC TOBIE
COUNCILLOR PJJ VAN BILJON
COUNCILLOR R VAN DER MERWE
COUNCILLOR T VAN DER WALT
COUNCILLOR HJC VAN NIEKERK
COUNCILLOR BJ VIVIERS
COUNCILLOR VW WARD
COUNCILLOR AS ZERWICK
COUNCILLOR NM ZOPHE

(absent with leave)

IN ATTENDANCE:

City Manager

Ms S Mazibuko

Acting Chief Financial Officer

Mr SE Mofokeng

Head: Corporate Services

Ms M Ramaema

Head: Social Services

Ms EH Radebe

Head: Engineering

Mr LX Ntoyi

Head: Human Settlement and Housing

Mr MM Mokoena

Deputy Executive Director: OCM

Mr K Masekoane

Chief of Staff

Mr KNL Makhanya

Head: MPAC

Mr T Khoase

Head: Office of the Deputy Executive Mayor

Mr M Morake

Media Spokesperson: Office of the Executive Mayor

Mr JC Erasmus

General Manager: Communications

Mr Q Khedama

General Manager: Assets Management

Mr Coen Pienaar

General Manager: Legal Services

Advocate C Naidoo

General Manager: Corporate Secretariat

Mr M Mothekhe

General Manager: Internal Audit

Mr G Ntsala

Manager: Administration: Office of the Speaker

Ms B Mncube

Manager: Public Participation: Office of the Speaker

Mr K Tsenoli

Manager: Section 79

Ms M Mothibi-Nkoane

Manager: Council Support

Ms X Qilo

Secretariat Staff:

Ms R Mouers

Ms SM Mogapi

INDEX

ITEM NO	HEADING	PAGE NO
136	OPENING	4
137	APPLICATIONS FOR LEAVE OF ABSENCE	4
138	OFFICIAL ANNOUNCEMENTS BY THE SPEAKER	6 – 6(c)

	ITEM TO BE DEALT WITH	PAGE NO
139	<p>A. MOTION OF NO CONFIDENCE AND REMOVAL FROM THE OFFICE AGAINST THE SPEAKER, COUNCILLOR MA SIYONZANA RECEIVED FROM COUNCILLOR GDP KOTZE IN LINE WITH RULE 87 OF THE STANDING RULES AND ORDERS OF COUNCIL AND SUPPORTED BY COUNCILLOR NM ZOPHE, COUNCILLOR MA PHAJANE AND COUNCILLOR BJ VIVIERS</p> <p>B. LETTER FROM THE SPEAKER, COUNCILLOR MA SIYONZANA WRITTEN TO THE CITY MANAGER REQUESTING FURTHER INFORMATION ON THE MOTION</p> <p>C. RESPONSE RECEIVED FROM COUNCILLOR BJ VIVIERS REGARDING THE REQUEST OF THE SPEAKER, COUNCILLOR MA SIYONZANA FOR FURTHER INFORMATION ON THE MOTION</p>	7 – 7(r)

140	CLOSING	7(r)
-----	---------	------

MINUTES

(OPEN COUNCIL)

**136.
OPENING**

The meeting commenced at 10:00.

The Speaker, Councillor MA Siyonzana requested Councillor MB Mbange to lead the Council with a short prayer and thereafter the Council observed a moment of silence for the passing away of the Speaker of the Free State Legislature, Ms Sisi Mabe, as well as the Deputy Mayor of uThukela District Municipality, Councillor Bheki Mazibuko who was brutally murdered during the weekend.

The Speaker, thereafter welcomed Executive Mayor, Deputy Executive Mayor, Chief Whip, Councillors, Officials led by the City Manager, Media, Regional Secretary of the ANC, Mr Paseka Nompondo as well as the Citizens of Mangaung.

He declared that the Special Council meeting was convened in terms of Rule 4 of the Standing Rules and Orders of Council.

Noted.

**137.
APPLICATIONS FOR LEAVE OF ABSENCE**

All relevant leave of absence and apologies were recorded and minuted as such in the attendance list on the first four (4) pages of this minutes.

Noted.

Note:

- (i) **Attendance Register:** Every member attending a meeting shall sign his/her name in the attendance register kept for this purpose before the commencement of the meeting.
- (ii) **Leave Register:** In order to streamline administrative processes Councillors are friendly requested to submit applications for leave of absence in the appropriate register kept for this purpose. Members are requested to fill in this register either before the commencement of the meeting or after the termination thereof.
- (iii) **Name-plates** Councillors are friendly requested to please take along their name-plates and to display it throughout the meeting.
- (iv) **Apologies during the course of the Council meetings** Councillors are friendly requested to complete in full and submit the relevant apology form for this purpose.
- (v) **Code of Conduct** Councillors are reminded of item 3, Schedule 1 of the Code of Conduct for Councillors which reads as follows, namely:

3. Attendance at Meetings:

A councillor must attend each meeting of the municipal council and of a committee of which that councillor is a member, except when-

- (a) leave of absence is granted in terms of an applicable law or as determined by the rules and orders of the council; or
- (b) that councillor is required in terms of this Code to withdraw from the meeting.^e

MEETING RULES:

- 1. All Councillors must arrive at **least 15 minutes before the commencement** of the Council and all other Committee meetings;
- 2. All **cellular phones must be switched off before commencement** of the Council and all other Committee meetings;
- 3. Councillors may **not talk longer than ten (10) minutes** on any matter;
- 4. Unless expressly otherwise determined, a Councillor **may speak only once on a matter**;
- 5. A Councillor who speaks must **confine his or her speech strictly to the matter under discussion.**

138.

OFFICIAL ANNOUNCEMENTS BY THE SPEAKER

The Speaker, Councillor MA Siyonzana indicated the following, namely:

"We have lost our Speaker of Legislature, Comrade Sisi Mabe. Before, she served at the Free State Legislature as a Speaker, she was a Councillor and as this Council of Mangaung, we are going to have a memorial service for our late former Councillor, Speaker of Legislature. We will of course interact with Legislature because we believe that they will have the memorial service and I will give Councillors the details later.

Secondly, we are supposed to have two (2) meetings today..."

In response to a question raised by Councillor R van der Merwe on whether Mangaung Metropolitan Municipality would be expected to make financial contribution towards the memorial service of the late Speaker of Legislature, Ms Sisi Mabe, the Speaker, Councillor MA Siyonzana explained as follows, namely:

"It does not have to be financial contribution. To have a memorial service we can come together and have a memorial service. We don't have to spend money of Council for that.

The Councillors agreed that once the first Council meeting terminates then the second meeting would follow 15 minutes thereafter and not to wait for 14:00.

The Executive Mayor, Councillor TM Manyoni requested clarity with regard to the memorial service of the late Speaker of Legislature, Ms Sisi Mabe as follows, namely:

"Mister Speaker, you mentioned the memorial services and I thought it would be proper that we inform honourable members that there will also be a Provincial memorial service that will be arranged by the Provincial Legislature on Thursday at CUT (Central University of Technology) at 14:00. There is another memorial service on Friday at the Fezile Dabi District Municipality where the late Speaker of Legislature, Ms Sisi Mabe comes from at Metsimaholo Local Municipality. Those are at least confirmed."

The Speaker, Councillor MA Siyonzana indicated that since the motion of sympathy and congratulations were normally done in an ordinary Council meeting however he requested political parties to prepare messages of condolences which would be conveyed in the next special meeting to be held after the termination of the 10:00 special Council meeting.

The Chief Whip, Councillor ZE Mangcotywa commented as follows, namely:

"Thanks Mister Speaker. I am asking whether it is allowable for Councillors here to come wearing the emblems of their political parties to Council."

6(a)

The Speaker, Councillor MA Siyonzana indicated that the matter should be dealt with at the second Council meeting whereby a Point of Order was raised by Councillor MA Moeng as follows, namely:

"Thank you Honourable Speaker. Let us try to avoid precedence please because if you are referring to the second meeting and already we have started with the first meeting, it would then create a precedence and then would create problems as time goes on. Thank you Mister Speaker."

Councillor H Minnie commented as follows, namely:

"Mister Speaker, I don't know to whom is the Chief Whip, Councillor ZE Mangcotywa referring to but we have already set a precedence before this, some of the ruling party members having the short name tags of their political party here and it was never mentioned before. I agree with you Mister Speaker, let us leave it until the afternoon meeting. Thank you Mister Speaker."

The Speaker, Councillor MA Siyonzana, addressed the Council as follows, namely:

"Councillors, I said sometime back in this Council, our children are coming to listen to us as we deliberate on issues that are important.

Secondly, we want the Council to be respected by all. I am one Speaker who believes in a dress code. Now I am just imagining those of the ANC, when they come to this Council meeting, wearing jackets of ANC or t-shirts and those of DA or COPE doing the same. What I am trying to say, let us try to avoid doing things that will not assist the dignity of this Council.

Councillor JC Pretorius, I am sure you are the only one who is wearing clothes like that. Don't do things that will encourage others to do the same thing. We want order in this Council. Now if you wear clothes like that, you have already offended others and I think Councillor JC Pretorius because you are already here... If we are going to say to the Councillor he must leave, we should understand what he is going to do and I don't want us to look...

If for instance I request him to leave, it would necessitate us to look at the dress code of Council and there is going to be a number of interpretations and I don't think that is going to assist us here. That is why I was saying, in this Council meeting let us continue but please Councillor JC Pretorius, you must not do this thing again.

We will engage after this meeting and I do not want us to go to an extent where we interpret the dress code of Mangaung Metropolitan Municipality because if we have to take it to that extent I don't think we are going to win, all of us here.

The Chief Whip, Councillor ZE Mangcotywa commented as follows, namely:

"Thank you, Mister Speaker. We understand but we are saying Councillor JC Pretorius should go and change the shirt because we are setting a precedence. If ever one of us here, we go and do the Council work wearing ANC regalia and our emblems, it would be a problem to all the Councillors seated here. We are at work here, we are not at party political meetings. This is the Council. Thank you Mister Speaker."

6(b)

Councillor JC Pretorius commented as follows, namely:

"Thank you, Mister Speaker. Can the Chief Whip, Councillor ZE Mangcotywa please show me in the Standing Rules and Orders of Council where it says I am not allowed to wear a shirt like this with the emblem on. Thank you, Mister Speaker."

Councillor MA Moeng raised a point of order as follows, namely:

"Thank you, Mister Speaker. Councillor JC Pretorius is out of order. We have long said and resolved that the Councillor must go and change. The regalia is not allowed even at the National Parliament. Please we are requesting that the Councillor...we cannot now debate what does the Standing Rules and Orders of Council says on this, there is nothing like that in the Standing Rules and Order. Let us not play around with words. Let the Councillor implement what we are saying here. Thank you, Mister Speaker."

The Deputy Executive Mayor, Councillor CLM Rampai commented as follows, namely:

"Thank you, Honourable Speaker, Honourable Councillors here and the Executive Mayor. I would just like to indicate that in government there is a fine line between our own political parties and governance. That fine line is so difficult for us to understand. It needs someone who would be able to read and understand. We have our own policies as government, and we are here as government. Even the officials of the Municipality who are aligned to political parties are not supposed to wear their own political party clothes when they come to work.

When we are gathered here today, all of us, in this house, we are here on one objective i.e. what is in our strategic document, the IDP. We are here to ensure that together, we make our own policies as an institution and we agree, here, together in this house in terms of how we are going to take this institution and ensure that...

We want to ensure that in this institution i.e. Mangaung Metropolitan Municipality, we achieve our strategic objectives together. The decision taken here, all of us, we are in governance. Immediately when we go out, we know exactly that we are representing our own political parties. But when we are here, we are taking a collective decision in terms of governance. We are supposed to ensure that when we are here, we are the same, we look the same in this Council. Thank you, Honourable Speaker."

The Speaker, Councillor MA Siyonzana, commented as follows, namely:

"You see Councillors, this issue we are discussing, it exposes the short comings of our Standing Rules and Orders. Me as a Speaker, if something happens here for instance if we are depriving a Councillor to participate, he/she would take me to court and I will be expected to proof it in terms of our dress code and unfortunately if we check our dress code...our Standing Rules and Orders talks about dress code but it is silent on that."

The Executive Mayor, Councillor TM Manyoni commented as follows, namely:

"Thank you Honourable Speaker. I am not debating Honourable Speaker, I am putting a proposal. Because your Standing Rules and Orders are silent would not help. The issue is we all want to be comfortable as we run Council. I am therefore proposing in line with your ruling Honourable Speaker, that we accept your ruling and honour it.

6(c)

The said Councillor should then come wearing appropriately in the afternoon meeting and it should never happen again.”

Councillor BJ Viviers commented as follows, namely:

“Thank you Mister Speaker. The only thing I am going to say if the Executive Mayor, Councillor TM Manyoni suggest that I have learned that if I go to a meeting I dress proper, I have a jacket and a tie on. The Executive Mayor, Councillor TM Manyoni does not have a tie on, Councillor VW Ward does not have a tie on. If we are going to start with that and if we now going to form something that is not...we don't have a dress policy. Then we maybe just be in line with all, to now say to Councillor JC Pretorius must go put on another shirt then we must just as well say the Executive Mayor, Councillor TM Manyoni must put on a tie, the same to Councillor VW Ward. Thank you Mister Speaker.”

The Speaker, Councillor MA Siyonzana indicated that the Executive Mayor, Councillor TM Manyoni, Councillor VW Ward were encouraged to wear ties and Councillor JC Pretorius to change the shirt at the second Council meeting i.e. to wear appropriately so that others would not be offended.

The Speaker, Councillor MA Siyonzana further indicated that, he would then step down and the City Manager would be presiding over the proceedings of the motion. (In accordance with Rule 87 (9) of the Standing Rules and Orders of Council).

Noted.

ITEM DEALT WITH

139.

- A. MOTION OF NO CONFIDENCE AND REMOVAL FROM THE OFFICE AGAINST THE SPEAKER, COUNCILLOR MA SIYONZANA RECEIVED FROM COUNCILLOR GDP KOTZE IN LINE WITH RULE 87 OF THE STANDING RULES AND ORDERS OF COUNCIL AND SUPPORTED BY COUNCILLOR NM ZOPHE, COUNCILLOR MA PHAJANE AND COUNCILLOR BJ VIVIERS**
- B. LETTER FROM THE SPEAKER, COUNCILLOR MA SIYONZANA WRITTEN TO THE CITY MANAGER REQUESTING FURTHER INFORMATION ON THE MOTION**
- C. RESPONSE RECEIVED FROM COUNCILLOR BJ VIVIERS REGARDING THE REQUEST OF THE SPEAKER, COUNCILLOR MA SIYONZANA FOR FURTHER INFORMATION ON THE MOTION**

The City Manager, Ms S Mazibuko pointed out the following, namely:

- that a motion has been submitted by Councillor GDP Kotze and seconded by other Councillors;
- that this motion has been submitted in terms of Rule 87 of the Council's Standing Rules and Orders and
- that Councillor GDP Kotze should present and motivate the motion.

Councillor GDP Kotze addressed the Council as follows, namely:

"Thank you, Madam Chairperson. Honourable Madam Chairperson, the Executive Mayor, Councillor TM Manyoni, Councillors and residents of Mangaung Metropolitan Municipality.

As you enter Bloemfontein, you will see the welcoming sign with the Mangaung Metro emblem with the words 'City on the move' but as you cross the border you can observe that everything is not well such as infrastructure that is not maintained, water being wasted, street lights on during the day and when it rains, cars are floating down the street because of non-drainage. It is obvious that the Metro is failing in service delivery because we are not pro-active but re-active when there are real problems.

In our Constitution, there are Laws that needs to be adhered to by all South African residents but our Speaker, Councillor MA Siyonzana does not respect the Acts nor the Standing Rules and Orders of the Mangaung Metropolitan Municipality. Our reasons forwarding the motion of no confidence and removal from office against the Speaker Councillor MA Siyonzana are as follows, namely:

1. Non-compliance of the Municipal Systems Act regarding notices of meetings to the public and the Council. According to the South African Local Government Association (SALGA) guidelines on the roles and responsibilities of councillors, it is the Speaker who is responsible for chairing of Council meetings, implementation of the code of conduct, exercise of delegated functions, facilitate

7(a)

public participation, legislative matters, establishment and functioning of Ward Committees and support to the Councillors.

Mister Speaker, according to the Municipal Structures Act, Section 19, the Municipal Manager of the Municipality must give notice to the public in a manner determined by Municipal Council and in accordance with Section 21. The public needs to be informed in a local newspaper or newspapers of each area. Council meetings are important to the public and the Speaker does not inform the public and Council timeously regarding the Council and public meetings. In general it happens that when dates of meetings are published, the Speaker, Councillor MA Siyonzana, changes the dates without publishing the new dates and that is neglecting our duties to the public.

Mister Speaker, Councillor MA Siyonzana in accordance with Rule 87(10) (b) and (c) of the Standing Rules and Orders of the Council, I challenge you and request you to give evidence to this Council that you have advertised the previous meetings in local newspapers to inform the public. A notification for Council meetings was sent to all concerned Councillors and officials of whom the meeting was scheduled to be held on October 9, 2014. The meeting was cancelled at the last minute by the Speaker, Councillor MA Siyonzana with a reason for a cancellation given that the Macufe festival being held in Mangaung and later Councillors asked that the meeting to be re-scheduled because they wanted to spend time with family members. I was not part of that meeting for such a request. As the festival was not held in the Bram Fischer Building, the reason is unacceptable and the meeting should have taken place.

2. Non-compliance with the Municipal Financial Management Act (MFMA) by not submitting the financial reports timeously. The overall principle in the termination of the functions of the Speaker is that the Speaker is in charge of the legislative arm of the Municipal Council. This means he or she must guard the integrity of the legislative process. Further the Speaker must protect 'checks and balances' between the legislature and the executive in other words the oversight that the Council must exercise over the actions of the executive, it is important that the Council and the public should be informed about the implementation of the budget and the financial state of affairs of the Municipality.

The MFMA, Section 52(d) determines therefore that the report in this regard must within thirty (30) days at the end of each quarter be submitted to the Council. We have already passed this requirement on October 21, 2014. There is a good reason why this report should be submitted before it becomes old news. Mister Speaker, I once again challenge you on Rule 87(10) (b) and (c) of the Standing Rules and Orders to give evidence that you have complied with the Municipal Financial Management Act and the Rules and Orders of this Council.

3. Non-compliance with the Standing Rules and Orders of the Mangaung Metropolitan Municipal Council. The Speaker is a guardian of the integrity of the Council and the guardian of member's privileges and interest as Council members. More important is that it is the Speaker's role to guard against the abuse of Councillor's privileges and interest. The Speaker must demonstrate impartiality and guard the integrity of the Council or and Council members. As a Speaker, you must respect the Councillors as well as scheduled appointments and to keep to these appointments.

7(b)

When socialising with friends and colleagues and interacting with a Councillor, to criticise the Councillor's attire, shows a lack of respect. Respect is mutual; you are the guardian of that trust. Mister Speaker in accordance to Rule 31 (1) of the Standing Rules and Orders, you are not allowed to make unwelcome or obscene gestures. Councillors are concerned with the lack of respect shown by the Speaker, Councillor MA Siyonzana. The Speaker referred to Councillors as 'my boy or by their first names' which is in terms of the Rules of Council it is unacceptable. It would be appreciated if Mister Speaker could show the necessary respect towards Councillors whose trying to resolve problems within the Mangaung Metro Municipality to improve the living conditions of all the residents. Mister Speaker, I challenge you to proof us wrong.

This Council was voted into their position by the voters of Mangaung Metropolitan Municipality and need to be treated with respect. Mister Speaker, the opposition is not part of an empire and this Council is not your servant. We are Councillors not your uncles, aunts, boys or girls.

Dan Meneer die Speaker, volgens die Grontwet van Suid Afrika, Hoofstuk 162, gesien die historiese inkorting van die gebruik van die status van die inheemse gebruik van ons tale moet die staat praktiese en daadwerklike maatreëls tref om die status van die tale en hul gebruik te bevorder.

Verskeie kere is daar in vergaderings versoek aan u gerig, om die dienste van tolke te bekom, aangesien daar verskeie taal voorkeure in hierdie Raad is. Die Raad se reëls verplig u ook om dit toe te pas volgens Reël 74 tot 77 van die Raad se "Standing Rules and Orders".

Volgens die Mangaung Metro Munisipaliteit se Taalbeleid, Artikle 11, Subreël 1 is die Munisipaliteit verplig om voorsiening te maak vir tolkdienste, administratief en finansieel. Mister Speaker, ek daag u uit om bewys te lewer of u aan hierdie versoek voldoen het. Volgens die Taalbeleid, in die notule van Augustus 28, 2014 het u gesê dat die persoon verantwoordelik vir tolkdienste aangespreek sou word. Ons Raadslede het respek vir die Raad en dus is u verplig om toe te sien na ons versoeke. U stel hierdie Raad teleur.

4. Water affairs: not taking action when informed of problems. Friday, June 27, 2014, it was published in the local newspaper 'Courant' that the National Department of Water Affairs has confirmed that water restrictions will be implemented in the Free State from July 1, 2014 until further notice. Acting Director General, Mr Trevor Balzer said that the water restrictions were first announced via a notice in the Government Gazette in March 2014. He said that the Department conducted systems and hydrological analysis earlier this year which shows that this restriction will be necessary by July 2014 if sufficient rainfall did not happen.

Currently there is a water crisis in Mangaung Metro Municipality and water restrictions needed to be implemented as far back as March 2014 according to the publication and in the Government Gazette of March 2014. At the previous Council meeting, the Council decided that water restrictions in terms of phase 2 needed to be implemented but after two (2) months, no public meetings were held by the Speaker, for public participation to implement these water restriction.

7(c)

At the previous Council meeting held on August 28, 2014, it was brought to the Council's attention by Bloemwater that a life threatening crisis existed in Ward 7 of Mangaung Metropolitan Municipality whereby an informal settlement is currently residing above the main pipe line and the fact that this main water supply is unstable and could burst at any time. This could potentially create a crisis for both the Municipality as well as the informal settlement residing above the main pipeline.

The Speaker, Councillor MA Siyonzana said, that a special Council meeting will be held regarding this problem, almost two (2) months have passed but no meeting has been scheduled. Water supply is a basic service that the Municipality needs to deliver but the Speaker does not respect the decisions taken by the Council and the residents of Mangaung Metro Municipality.

We are constantly in fear that there is not going to be enough water supply by the Metro.

5. The R 200 000, 00 allocated per Ward of the Mangaung Metropolitan Municipality. Mister Speaker, I challenge you to give evidence that all Wards received their money.
6. Indigent Policy not implemented across the board, double standards applied. Mister Speaker, did you interfere in Heidedal's process?

In conclusion Madam Chairperson, the Minister Pravin Gordon of Cooperate Governance and Traditional Affairs stated that competent people must occupy key positions in the municipalities. Colleagues, we are a young metropolitan municipality with a lot of potential and a growing population that requires excellent service delivery from us. Councillors our Country and Metro is in trouble and this is not just a motion of no confidence but an opportunity to place a competent person in this Council in a key position. I ask of you today to make the right decision, not to play political game but for the residents of Mangaung Metropolitan Municipality as they trust us to get the Municipality going forward.

Due to all the above reasons, we as the Democratic Alliance submit the motion of no confidence against the Speaker, Councillor MA Siyonzana and the immediate removal from office. Thank you Madam Chairperson."

In terms of Rule 87(10) of the Standing Rules and Orders, the Chairperson, City Manager, Ms S Mazibuko afforded the Speaker, Councillor MA Siyonzana, an opportunity to respond as follows, namely:

"Thank you Madam Chairperson. Our Standing Rules and Orders as well as the Municipal Systems Act, it is very clear who should call meeting. Firstly, I just want to indicate that in terms of our Standing Rules and Orders, this motion is not in compliance. On Rule 87(2) of the Standing Rules and Orders, they are supposed to submit a brief summary and they did not do that. This Rule says *must* and not may.

The Councillor GDP Kotze has challenged me and therefore it is proper for me to respond appropriately.

7(d)

The Speaker, is not responsible for the notices of Council meetings. The Speaker, is not responsible for informing the community about the meetings. Our Standing Rules and Orders and the Legislations are very clear on that.

The MFMA, Chapter 7 deals with the responsibility of the Executive Mayor, Chapter 8 deals with the responsibility of the Municipal Manager and Chapter 9 deals with the responsibility of the Chief Financial Officer. If there are issues of compliance, for instance if maybe the Executive Mayor or the Municipal Manager did not comply, whose responsibility is that, is it the Speaker? No, it is the responsibility of Council. Clause 133 of the ...talks about the responsibilities of the Speaker. If there is non-compliance with certain provision, the Municipal Council must request the Speaker to investigate the reasons for the non-compliance, the Speaker cannot just do it.

In one Council meeting, although I can't remember the date, a Councillor had complaint about my interaction with him. We were at a restaurant, he came specially to see me and he had a request. We had people coming and I had a choice to say I am busy. Those people were coming from COGTA nationally but because I respect him... We discussed this in Council and I told him what he was requesting was difficult but I will talk to the caucus of the ANC of which I did and he thanked me for that.

The same matter was discussed in this Council and I then apologised and he accepted my apology. We came to Council and again I apologised and you said to me 'thank you' everything is fine. Today you come back again and you are saying let us re-open the matter which was closed by this Council.

City Manager, Ms S Mazibuko, it is important to talk about water restrictions. There is no water crisis in Mangaung. When we had a crisis the Executive Mayor had asked an audience with the Minister of Water Affairs, they had discussions, they spoke and had agreed hence they had opened the pipes in Katse Dam. Later we brought an item to Council and it was discussed by this Council and we agreed that we want to hear the views of the people of Mangaung Municipality.

I then had to tell the residents of Mangaung Municipality that the Executive Mayor, was in 'pain' to restrict water as he understood that water is not just a need to our people. They need water, if we are going to restrict water, it would be a problem. The DA is trying to force the Executive Mayor to do something that when he supposed to do it 'e mo utlwisa bohloko'. Restrict water for our people, it is not something that he likes.

On public participation, we had send out flyers, we spoke to people and asked the views from our people but community meetings, it is one 'leg' of public participation. Other means had been done. I must indicate that when we take resolutions in this Council, we expect Councillors...because as the Speaker of this Council, I manage Ward Committees and the work of Ward Councillors.

Ward Councillors are supposed to participate in taking resolutions. The Ward Councillors in the suburbs were informed that they must inform people to come but the hall was empty, people did not have interest as they understood what it meant to close water for them.

In closing, it did not come as a surprise to me. They did it in Parliament, there was a vote of no confidence to the President, Mr J Zuma, to the Speaker of Parliament, Ms B Mbete, who happens to be the national chairperson of the ANC. The Speaker of Nelson Mandela Bay Metropolitan Municipality, Councillor M Hermans.

7(e)

City Manager, Ms S Mazibuko, the Speaker is servicing all Councillors. On issue of the Community Based Planning, that the Councillors GDP Kotze said he is challenging me, there are processes that must be followed. Councillor D Leech is quiet, she is not telling you that the process is being done in her ward. City Manager, Ms S Mazibuko that is my response. Thank you Madam Chairperson."

The Chief Whip, Councillor ZE Mangcotywa addressed the Council as follows, namely:

"Thank you Madam Chairperson, City Manager, Ms S Mazibuko. I stand here as the whip of Council and I hereby move that the motion of no confidence and the removal of the Speaker, Councillor MA Siyonzana be rejected by this August house for the following reasons, namely:

1. The notice by Councillor GDP Kotze does not comply with all the provisions of Rule 87 of the Standing Rules and Orders because he failed to comply with Rule 87(2) of the Standing Rules and Orders by not providing the summary of reasons in the motion or allegations that he is making.
2. In terms of the correspondence before this house, City Manager, it is evident that Councillor BJ Viviers had taken the role of the initiator of the motion rather than a supporter or seconder as we were led to believe. Which that in itself represent a deviation from the provisions of Rule 87 of the Standing Rules and Orders of Council. In this regard, Councillor GDP Kotze is the initiator and not Councillor BJ Viviers. As Councillor GDP Kotze is the initiator he was supposed to be responding to the correspondence by the Speaker, Councillor MA Siyonzana.
3. The allegations by Councillor GDP Kotze are vague, ambiguous and speculative and therefore undoubtedly the motion is based on too much assumptions and not on any facts or reality. On some of the issues raised there is already actions taken by the Mangaung Municipality and therefore no basis for the motion.
4. On issues of water restrictions, action had been taken.
5. On the MFMA compliance reports, action had been taken.

Lastly Madam Chairperson, the City Manager, Ms S Mazibuko, because local government elections are fast approaching in 2016, is it not surprising that political parties such as the DA, because of acts of desperation, will resort to use under hand tactics to score political points and daub voters into voting for them.

This weak motion is aimed at bring a motion of no confidence on the Speaker, Councillor MA Siyonzana who is the leader of the ruling party in this Council which is an illustration of a cheap strategy. Emulation of what is happening in the National Assembly because they feel that the EFF is taking the role of an opposition so they must now compete with EFF in doing all this. I therefore move that this Council reject this motion. Thank you Madam Chairperson."

Councillor MB Mononyane raised the following concern and pointed out, namely:

"Madam Chairperson, I am not standing up to second the motion put forward by the Chief Whip, Councillor ZE Mangcotywa but if you allow me, in terms of Rule 87(10) of the Standing Rules and Orders where it speaks of the Speaker has a right and must be

7(f)

allowed to respond, be given an opportunity to respond during the proceedings. I have picked up that the Speaker, Councillor MA Siyonzana did not touch on the issues of allocation of the budget as per point 5 in the motion and also did not respond to the water pipeline servitude as alluded to by Councillor GDP Kotze. If it is possible, would he with due respect be allowed to deal with those two (2) issues. Thank you Madam Chairperson."

The Chairperson, City Manager, Ms S Mazibuko, explained that the Speaker, Councillor MA Siyonzana had been given an opportunity to exercise his right to respond.

Councillor FR Botes addressed the Council as follows, namely:

"Thank you, Madam Chairperson. I just want to first make something clear, this Municipality, the moment there is an announcement from the National Minister of energy for load shedding and it means Centlec which is part of this Municipality will immediately address that instruction and my question is..."

The Chairperson, City Manager, Ms S Mazibuko, interjected and explained that the Councillors should only deal with the motion and issues raised and the issue as raised by Councillor FR Botes was not prevailing and therefore he should 'stick' to the motion.

Councillor FR Botes continued and raised a concern as follows, namely:

"The question is, why is this Municipality not giving attention to instructions in the Government Gazette of March 14, 2014 by the Minister of Water Affairs and Sanitation. After couple of months, nothing happened. I think it is not positive to ..."

Councillor PZ Moshwadiba addressed the Council as follows, namely:

"Thank you, City Manager. I hereby stand to support what was raised by the Chief Whip, Councillor ZE Mangcotywa and in supporting his motion we must also address one thing, we have realised that there are those who see incapacity or incompetency in African leaders and as such they must know that the incompetency that they see it is not self-created but it has a historical bearing. As such, we support that this motion be rejected. Thank you, Madam Chairperson."

Councillor BJ Viviers addressed the Council as follows, namely:

"Thank you, Madam Chairperson. Thank you for following the Standing Rules and Orders and giving us time to deliberate also on the matter.

"Madam Chairperson, fellow Councillors, Officials, residents and Media. I am not going to dwell on the facts before us today why the Speaker, Councillor MA Siyonzana must be removed from office. A prima facie case was made out by Councillor GDP Kotze that the Speaker Councillor MA Siyonzana is not attending to all his duties and especially with reference to our Language Policy, you were evading that Mister Speaker and also your ignorance for our Standing Rules and Orders, more specifically. I knew before this meeting that on the MFMA, the Municipal Structures Act, you will of course evade by saying what about the Municipal Manager and what about the Executive Mayor.

7(g)

You couldn't on all charges, if I may call it so called charges laid in front of you proof otherwise. One must now objectively come to the conclusion that you, Mister Speaker have to be removed from office and we must vote in that sense because that is the objective conclusion to come to. I would now like if you please allow me to speak to the ANC Councillors directly. It is not easy for you today..."

The Chairperson, City Manager, Ms S Mazibuko, interjected and requested Councillor BJ Viviers to address the Council through her as the Chairperson of the meeting as designated in terms of Rule 87 (9) of the Standing Rules and Orders of Council.

Councillor BJ Viviers continued to address the Council as follows, namely:

"Thank you, Madam Chairperson, for your guidance. You are showing true leadership today. Through you, Madam Chairperson, the minds of certain Councillors are clouded with a lot of subjectiveness, which will make it very difficult to derive to the correct conclusion and vote correctly.

Practical things, through you, Madam Chairperson, like the instructions of your party, the fact that the person mentioned today who must be removed from office is the Chairperson of the political party in the Free State and then of course your political career through you, Madam Chairperson.

On the 5th Friday, December 2014, we will be commemorating the passing a year ago of one of our greatest leader in this Country, the late President Nelson Mandela. When you vote on this matter today, remember what he said when he was still practising as an attorney before his trial, I quote *'something has to change and it can be done by education, hard work and pride'*. Also remember during his trial, his famous words and the ideal that he was prepared to live for and die for.

Remember that when the time came he told the people they were wrong. That the only way forward is peace. Remember that he told the people that as long as he is their leader, he is going to give them leadership. Councillors, through you Madam Chairperson, accept today that we need proper leadership.

Allow me the following, through you Madam Chairperson. Our hatred sometimes is skin deep. Practical examples, if you endure me, is the way that the opposition parties reacted when Honourable XD Pongolo says that the ANC is paying our salaries or maybe if I say today that the Speaker, Councillor MA Siyonzana has the same evading tactics like President J Zuma it is also skin deep. When we come to the point again, we must remember what Tata Madiba said. I quote *'my Country was not made to be a land of hatred. No one is born hating another person. People learn to hate. Hate can be taught to love for love comes more natural to the human heart'*.

So today, my fellow Councillors through you Madam Chairperson, forget about pre-perceived perceptions, forget about your party and instructions. Vote with your human heart, vote for what is correct, vote to take this City forward. Thank you, Madam Chairperson."

Councillor ME Dennis addressed the Council as follows, namely:

"Thank you, Madam Chairperson. Two (2) things Madam Chairperson. I also want to talk on our Language Policy, it was disregarded by our Speaker, Councillor MA Siyonzana

7(h)

and I also wrote a letter of which I did not get a reply requesting for translation services, I see they are here today, thank you for that.

The second thing I also want to add my two cents worth, is the matter of disrespect. The Speaker, Councillor MA Siyonzana, on numerous occasions, called me '*outjie*'. I don't know if you know what the meaning of '*outjie*' is in Afrikaans, it is a little boy, a '*pekenene*' in other words. I don't know if you think I fit that description. To me, it was a matter of disrespect. I spoke to him on numerous occasions and he kept on doing it. I must say, stop doing it now but it irked in somebody's own minds. I am a Councillor and I am also chosen by my people to be here. I am not here by my own regard. I also feel that disrespect is something that comes very easy with our Speaker, Councillor MA Siyonzana.

The last thing Madam Chairperson, I would request that we have a secret ballot voting on this motion. Thank you, Madam Chairperson."

Councillor H Minnie addressed the Council as follows, namely:

"Thank you, Madam Chairperson. Allow me to start by indicating that the word motion does not mean that you need to become emotional or personal.

Secondly, Madam Chairperson, I am not surprised by the APC to support the motion. They are afraid that they will lose the office space on the twelfth floor. Rule 87(2) of the Standing Rules and Orders, Madam Chairperson, states that it must be a summary and if you read between where the summary starts 'hereby a summary of reasons for the motion'.

Madam Chairperson, the Speaker, Councillor MA Siyonzana tried to mislead this house that there were no people at the public hearing at the City Hall. There were people the Speaker was not present and the hall was filled with water.

Madam Chairperson, the year plan of this Council, you get some Councillors who are full time working and they schedule the Council sitting according to the year plan. At the eleventh hour late at night, you get a notice *via* sms that the meeting has been postponed without no valid reasons. In other words, the Speaker failed to keep to a year plan or a schedule that he tabled in this Council meeting.

If you talk about no water restrictions, it was an instruction by the National Department of Water Affairs. If you keep an instruction or obey the instruction from the Minister of energy on Centlec, you have to also do it on water restrictions. Remember Madam Chairperson that we were and we are still on water crisis that is why the National Minister, Ms Nomvula Mokonyane, decided to get water from Katse Dam hobane bothata bo ne bo le teng , hape bontse bo le teng bontse bo tswelela pele. You disagree or not, it is there. The Executive Mayor, Councillor TM Manyoni supported the water restrictions. I don't know where the Speaker, Councillor MA Siyonzana does get it.

If you say no water restrictions, Madam Chairperson, then it means that you do not...if you listen correctly to the words of the Speaker and he said we cannot allow the people or the residents of Mangaung Metropolitan Municipality without water but they cut water in Ward 16. Is that not water restriction?

7(i)

Reason 5, Madam Chairperson, where it says that Office of the Speaker failed to ensure the implementation of the R 200 000, 00, it is indeed so, not all the Wards did receive the R 200 000, 00.

Lastly, the Indigent Policy, you must remember people in Ward 16 and Ward 47 were trained to do door-to-door indigent registration by Dinatla Advisory Services which was appointed by this Council. The Speaker, Councillor MA Siyonzana stopped Dinatla Advisory Services to proceed with this in Ward 16, did he do the same in Ward 47 as the people were trained at the same time.

Madam Chairperson, on behalf of the Democratic Alliance, I support the motion tabled by the DA and we ask for voting by secret ballot. Thank you, Madam Chairperson."

Councillor VW Ward addressed the Council as follows, namely:

"Thank you, Madam Chairperson. I just want to make Councillor H Minnie of a meeting that was held on October 28, 2014 in Rose Hall.

The following people were invited, the Executive Mayor, Councillor TM Manyoni; the Deputy Executive Mayor, Councillor CLM Rampai, Chief Whip, ZE Mangcotywa; Councillor LA Masoetsa, Members of the Mayoral Committee; Ward and PR Councillors, the City Manager, Ms S Mazibuko, Head: Engineering Services, Mr LX Ntoyi and Head: Strategic Projects and Service Delivery Regulation, Mr GM Mohlakoana.

I want to refer you to item number 3 and it reads as follows, *water restrictions awareness and public participation processes*. In other words, the information that was given there, it is not the responsibility of the Speaker, Councillor MA Siyonzana, to take it to the community, it is the responsibility of the ward councillor and the PR Councillor, to give this information at their public meetings. The Speaker has already instructed because he signed this letter, Councillor MA Siyonzana, the Speaker of Council. So if you were not part of that meeting, then don't blame the Speaker.

On the indigent registration, in our ward, Ward 47, they are still continuing. In Ward 16 is a continuing process and the MMC for Finance, Councillor NG Mokotjo had alluded that many times in the Council that this was a process..."

At this point in the meeting, Councillors were making noise and the Chairperson, City Manager, Ms S Mazibuko interjected and pleaded with Councillors to be quiet and listen to other Councillors when they address the Council.

Councillor VW Ward continued as follows to address the Council, namely:

In Ward 17, I know they are currently still busy there with the registration of indigent households.

On a lighter note Madam Chairperson, I have heard my fellow Councillor BJ Viviers talk about the late President Nelson Mandela but he did not allude to the attire that he normally would wear but now he's got a problem with my attire and it is the same as Tata Madiba, so please Councillor, leave my attire."

7(j)

Councillor XD Pongolo addressed the Council as follows, namely:

"Thank you, Madam Chairperson. I just wanted the Speaker, Councillor MA Siyonzana when he indicated that there were no people during the public participation meeting. It is true Mister Speaker, it was only the Councillors of DA and I was chairing that meeting. After they left for their caucus, there was no one. The people who were left in the meeting were about five (5). I support you Mister Speaker, you are hundred percent (100%) correct.

Madam Chairperson, I also want to highlight something. When a person has sold his soul, democratically united and moved to a monger, hunger and killers, automatically you will never know yourself where you are. What I wanted to highlight Madam Chairperson, it is very important and everybody must understand. We are not moving from one party to another party, we are remaining in the ANC, we are members of the ANC and we are alive. I want to put it very clear, the Speaker of this Council, Councillor MA Siyonzana, it is not the Speaker of DA, and he is the Speaker of the African National Congress, appointed by the African National Congress. Therefore the person who will be able to take them out, it is only the African National Congress, not anyone has the mandate to do that.

Madam Chairperson, I think it is a fault, Councillor BJ Viviers quoted that the late President Nelson Mandela was a lawyer but he never practise as attorney because he was in jail, because of him. If he was the right person..."

The Chairperson, City Manager, Ms S Mazibuko interjected and indicated to Councillor XD Pongolo that he would be restrained.

Councillor XD Pongolo continued to address the Council as follows, namely:

"Thank you very much Madam Chairperson for your loyalty to the African National Congress..."

The Chairperson, City Manager, Ms S Mazibuko interjected and indicated that it would not serve the Council correct if she would allow the meeting to deteriorate.

A point of order was raised Councillor MB Mononyane as follows, namely:

"Madam Chairperson, with due respect, I want through you that Councillor XD Pongolo withdrawn what he had said that you are the City Manager of the ANC. This is the Mangaung Metropolitan Municipality Council, it is not about the ANC much as we know who are in the majority but we must always be fair when we do things. Do not be obsessed by your majority as a party. Withdraw that, she is the City Manager of Mangaung Metropolitan Municipality for everyone. Do not give any wrong perception out there that she is here to serve the ANC, she is here to serve the Mangaung Metropolitan Municipality residents. Thank you, Madam Chairperson."

The Chief Whip, Councillor ZE Mangcotywa raised a point of order as follows, namely:

"Thank you, Madam Chairperson. The opposition is opportunistical, when it suit them they call you the City Manager of the ANC and the officials of the ANC. So Councillor XD Pongolo is correct, let him finish. Thank you, Madam Chairperson."

7(k)

The Chairperson, City Manager, Ms S Mazibuko, requested that Councillor XD Pongolo to withdraw the statement as it was not according to the law and to continue to address the Council.

Councillor XD Pongolo continued to address the Council as follows, namely:

"I withdraw Madam Chairperson. I listened to the opposition when they were saying that you belong to the ANC because they were saying it in front of you and us here and when I respond to that, they say it is a problem.

Madam Chairperson, my conclusion, the elections are in 2016 and not now. When the elections come, we are going to minimise those chairs. They would be less than what they have now because the ANC is very strong on the ground and they are continuing to show you the strongest when we put the Speaker back of the African National Congress. Thank you, Madam Chairperson."

Councillor MA Moeng addressed the Council as follows, namely:

"Thank you, Madam Chairperson. I am standing here and I am not emotional but I just want to clarify issues that are a reality.

I rise strongly to support the Chief Whip, Councillor ZE Mangcotywa in rejecting any discussion of this motion as it is frivolous and baseless. It does not meet requirements of Rule 87(2) of the Standing Rules and Orders of the Council. Whilst we must always and all material times welcome dissenting and different views in Council, that one we will allow. It is important that we keep this institution as a respectful, factual and decent body that is committed to service delivery to the people and these constant acts of hooliganism from opposition benches are rather a stumbling block to the work that the Council is tasked with.

Madam Chairperson, the reality is that there is a concerted effort from the opposition in the likes of Democratic Alliance to undermine the Chairpersons of the ANC and subsequently Speaker of the parliament or Council, this opposition does to try to gain mileage with the voters because on its own and its context of its policy parameters the DA has dismally failed to make any inroads to the traditional and on-going and growing ANC majority in this Country.

Madam Chairperson, I am tempted to cite the story of Dom Ape again as narrated during special Council of May 2012 but it is proper to warn each other not to behave as such. We therefore reject the voting by secret ballot. Thank you, Madam Chairperson."

Councillor DM Sekakanyo addressed the Council as follows, namely:

"Thank you, Madam Chairperson. I think it is befitting of this particular Council to try to check actually the reason behind the motion. Madam Chairperson I was very much disturbed when I checked the date of the motion, it is dated November 10, 2014.

In our archives, political history of our organisation, the 10th of November is not a simple date but it has a significance to us the ANC. We understand that one of South African Human Rights lawyer, Comrade Griffiths Mxenge was brutally killed in the 1980's. The very same date by Vlakplaas six squad under the tutelage of Dirk Coetzee, we don't know actually how they relate..."

7(l)

On a point of order raised by Councillor MB Mononyane, he commented as follows, namely:

"Madam Chairperson, ne ke botsa hore, e le hore re mafung kapa re ho kae?"

Councillor DM Sekakanyo was allowed by the Chairperson, City Manager, Ms S Mazibuko to continue and he continued to address the Council as follows, namely:

"Thank you, Madam Chairperson. The other point Madam Chairperson, the very same date is significant to us when we remember the 10th November what happened in 1898 in America where the leaders of the City Council of Northern California in one municipality called Wilmington. The City Leaders were removed by those who did not want to see progress in that particular City. When you check more especially the people who were attacked...the people who were targeted Madam Chairperson by that brutalist revolt, it is really painful to say this, and it was black people, black officials who were working in that City.

Madam Chairperson, I rise only to reject..."

Councillor BJ Viviers raised a point of orders as follows, namely:

"Thank you, Madam Chairperson. My point of order is very much on...honestly, I think Councillor DM Sekakanyo will have to withdraw his statement about race. I don't think it is relevant. Thank you, Madam Chairperson."

The Chairperson, City Manager, Ms S Mazibuko pleaded with Councillor DM Sekakanyo to excise restrain and not 'play the race card' and withdraw the statement and then proceed.

Councillor DM Sekakanyo, continued as follows, namely:

"Madam Chairperson, people who were killed were mostly, I am qualifying the statement.

Madam Chairperson, like what my colleague had just indicated, Councillor MA Moeng. I rise strongly to reject this motion against the Speaker, Councillor MA Siyonzana of this Council as it is frivolous, empty political noise, frivolous allegations levelled against the Speaker but a political satire. A young child who needs attention.

The ANC in Council express its regret to this motion tabled here today besides this motion being a conformation of unsubstantiated allegations against the person, the Speaker, Councillor MA Siyonzana. It also smell of hooliganism and complete disregard of Council Standing Rules and Orders. Whilst we must always enable all time welcome dissent and differing, as my colleague has just stated, really it is very much important for us to respect this particular Institution.

We have seen a lot of these acts in metropolitan municipalities, in various provincial legislatures and in the National Parliament. From an eagle eyed view, it is not difficult to draw a conclusion that because the Democratic Alliance has as part of its conference resolution agenda to take on metros such as Nelson Mandela Bay Metropolitan Municipality, Mangaung Metropolitan Municipality and Tshwane Metropolitan Municipality being the top in the list priority. This is nothing else but a continuation on the strengthening of that agenda items in the DA.

7(m)

It is therefore said that, whilst it is the democratic right of any organisation to call on motion when they have reasons to do that, the DA just seem to balloon and burst out of their blue light t-shirts with allegations un-researched, unsubstantiated and completely untested to present such a motion.

The Standing Rules and Orders of Council, particularly Rule 87(2), states that '*a motion must contain a brief summary of the reasons for that motion*'. It is problematic to have the likes of Professors, Doctors and Lawyers in DA for not adhering to that particular Rule 87(2) because it is pure natural justice that, you cannot come with allegations without citing when or date on the motion and therefore the allegations are inadequate.

Speaking in Parliament in September 2014, Minister of Sports and Recreation, Mr Fikile Mbalula warn that this tactics of opposition parties, the Democratic Alliance and Economic Freedom Front in particular, are undermining and destabilising democracy in South Africa. Fortunately we don't have those spoiled brats hooligans EFF in this Council. Must we ...

In closing Madam Chairperson, I am supporting the rejection of that particular motion and I am also rejecting unsupported move by Councillor ME Dennis. We are not going to vote by secret ballot. Her move was not supported. Thank you, Madam Chairperson."

Councillor NG Mokotjo addressed the Council as follows, namely:

"Thank you Madam Chairperson. It is very interesting when certain pieces of legislation and instructions from National are presented in National Parliament, there would be complaints, rejections from DA to say they come from Luthuli House therefore the ANC is enforcing itself. All of a sudden when something fits them, it is...that is hypocrisy. It fits them now so we must enforce it down our throats, it is not a Luthuli House thing now.

Madam Chairperson, I rise here with regard to the issue of indigent register. I want to clarify the untruth, if Councillors AP Terblanche was there when we worked, he go and strolls at Twin City Mall, he must not come with allegations that are this serious. I know for sure that we went three (3) times. I was part of that. We went three (3) times during the elections. In April we went there and registered indigent households for both Ward 16 and 47 at Clive Solomon. We did it again, two (2) months ago in Clive Solomon targeting Ward 16 and 47. We even went to a point where we say we have not included Rykmans Hoogte, therefore we agreed that we are going to Ward 16 and 47 for the third time to include the middle class to deal with their billing issues, in the process we register indigent households. I did not see the Speaker, Councillor MA Siyonzana stopping us.

The latest report I received, it is today to say...there is no report from Finance Department that says Dinatla Advisory Services had stopped in Ward 16. Now what I am saying is, if Councillors AP Terblanche is not there when we work and does something else, ke kopa hore a seke a misguide and mislead his political party because there are flamboyant, Ntate Mmusi Maimane said to them, we are going after metropolitan municipalities. This Metro Municipality is for keeps to the ANC. You are not going to get this Metro Municipality, whether you come with your untruths or tactics. This has to be their first of their programme nationally to destabilise the ANC. We are so stable, it is not funny. There is nothing that is going to deter us as the ANC to move forward and therefore we are not going. There is no secret about having a Speaker of the ANC doing work of this Municipality that is progressing so well. There is no question from the ANC.

7(n)

We are not going to have any secret ballot on any issue including this one. Thank you Madam Chairperson."

Councillor LM Titi-Odili addressed the Council as follows, namely:

"Thank you Madam Chairperson. It is very important for us before we can do anything to make thorough verification of what we are bringing here and come here to discuss with wrong information that we are bring here to score political points. What is happening here, we must tell the truth and it is not only water restrictions, public participation that has not been attended in town. Every public participation that had been coordinated by the Office of the Speaker in town, only Councillors invited themselves to come and listen without inviting the community that as the Councillors we are here and elected by the same community. We are here to serve the same community but because of the opportunistic as Councillors of DA, we are not informing the community that put us here to serve them.

Today, we are here to bring the motion, a very weak motion in South Africa. I don't even want to say in Mangaung Metropolitan Municipality. That is why it is important to make your verification and research. I am standing here as Councillor of the ANC and say we are rejecting the motion and that motion we are rejecting, when we vote to reject the motion, I am proposing the division of Votes. Thank you Madam Chairperson."

Councillor TK Litabe commented as follows, namely:

"Thank you Madam Chairperson. I have been listening to my colleagues here trying to address the motion but if you are listening to them, quite correctly, you will find that they deviated from the business of the day.

Madam Chairperson, let me address the legislative part of it my colleague would address the content of the motion.

If you read Rule 87 (1) of the Council's Standing Rules and Orders, it says:
'A Councillor hereafter call the initiator, in this case Councillor GDP Kotze,

May by written motion, I see a written motion here, it has been addressed, *which must be seconded by at least three (3) Councillors*. I can see here Councillor NM Zophe, Councillor MA Phajane and Councillor FR Botes. That requirement had been met...*other Councillors move that the Speaker removed from office such a motion must be submitted to the Office of the Municipal Manager*. I can see the letterhead and also you were quoted as the recipient of this motion. It has been met that requirement...*and may not be send by electronic, mail, telefax or telegram*. I don't see anything that says it has been send electronically therefore it meets that requirement. *If such motion is transmitted by...I don't have to read that because it has been submitted by hand*.

The motion must contain a brief summary. If you go to the motion itself, it says, just above the heading number one (1) of the motion 'hereby submitted a summary reasons for the motion. That requirement also had been met.

Lastly Madam Speaker, the motion in terms of sub Rule (1) of the Standing Rules and Orders of Council *may despite the provisions of Rule 56, not be withdrawn*.

The voting by secret ballot, a request in terms of Rule 83 of the Standing Rules and Orders of Council that a secret ballot be excised in respect of any motion or proposal is

7(o)

carried if it is seconded. We have met that requirement Madam Chairperson. I have addressed the legislative part and my colleague will address the content of the motion. Thank you Madam Chairperson."

Councillor E Snyman van Deventer indicated that the proposal on voting by secret ballot as per Rule 85 of the Standing Rules and Orders of Council was seconded by Councillor H Minnie.

The Chairperson, City Manager, Ms S Mazibuko, indicated that the proposal to vote by secret ballot was indeed seconded and a counter proposal to reject the voting by secret ballot was raised and seconded and therefore it should be put on vote.

Councillor BJ Viviers commented as follows, namely:

"Thank you Madam Chairperson. Thank you for affording me the time, I am trying to assist here. It happened in Matjhabeng Local Municipality, whoever is giving you guidance should have looked at the court case of Petrus Francois Botha against Matjhabeng Local Municipality.

In Matjhabeng Local Municipality, they tried to do precisely the same. What the ANC is trying to do today...

At this point, the Chairperson, City Manager, Ms S Mazibuko requested Councillor BJ Viviers to address the Council through her. She pointed out that Councillor DX Pongolo was called to order in this regard and was requested to withdraw and therefore Councillor BJ Viviers should withdraw and address the Chairperson in terms of the procedure.

Councillor BJ Viviers continued as follows, namely:

"Thank you Madam Chairperson, I withdraw my statement on speaking to the ANC Councillors. I would then speak to you Madam Chairperson.

According to that court case, you can go and check it out. It is Petrus Francois Botha is the applicant and Matjhabeng Local Municipality was the responded. Court case 78 of 2009.

To make a long story short, the facts were the same but a little bit different. The same request were coming from the ruling party that it must not be a secret ballot, it must be by show of hands and the last Councillor speaking (Councillor LM Titi-Odili) through you Madam Chairperson on the governing party's side also made that request or suggestion that it must be by way of the division of votes.

If you look at your Standing Rules and Orders that we've talked on about a lot today there is nothing that had changed as of 2009 or 2010 that this verdict was given by court. There is nothing on our Standing Rules and Orders that say if this proposal is just now taken off the table or alternatively there is a counter proposal that we must vote by show of hands that the Chairperson must go that way. In this court case, judges found at the end of the day that the decision that was taken by the Chairperson was wrong. They wanted actually to remove the Mayor from office and they referred it back to Council and they had to vote on that by secret ballot at the end of the day.

7(p)

There is a court case that proof to you Madam Chairperson that we must not go this way. Madam Chairperson, I am humbly requesting, because it is the end of the year and court is going on recess by the 15th December 2014 and we don't want to bring a court application but we know we will win so please put this to a secret ballot. Thank you Madam Chairperson."

The Chairperson, City Manager, Ms S Mazibuko requested Councillor BJ Viviers to provide the court ruling in this regard.

The Chief Whip, Councillor ZE Mangcotywa commented as follows, namely:

"Thank you Madam Chairperson. In the same breath, I want to be shown a Rule in the Standing Rules and Orders of Council which says, there cannot be a counter proposal on the voting because there is a provision in the Standing Rules and Orders of Council.

There are options for voting here. Rule 84 talks about the division of votes and Rule 85 talks about the secret ballot. In that sense there is a provision for both options. If one option is suggested, there can be a counter to that option. There is nowhere in the Rules where it says there cannot be any counter proposal to the voting and as the ANC we seconded the division of votes. I second the division of votes. Thank you Madam Chairperson."

The Speaker, Councillor MA Siyonzana commented as follows, namely:

"Madam Chairperson, you have two (2) things. The rejection of the motion and the motion to remove the Speaker. They had cited reasons and the motion to remove the Speaker which had been done by Councillor GDP Kotze. There is a request for a secret ballot.

On the rejection of the motion, there is again a suggestion for a division of votes. In this Council we have two (2). I just wanted us to understand that. One that talks about the removal of the Speaker and the other rejecting the motion with division of votes. Thank you Madam Chairperson."

Councillor E Snyman van Deventer commented as follows, namely:

"Madam Chairperson, I am going to teach like a lecturer. Unfortunately the Speaker, the ANC do not understand our own Standing Rules and Orders.

Rule 83 says '*voting in Council or meeting by show of hands unless a Councillor request a secret ballot on any question. When such a request is received the provisions of Rule 85 applies.* Then you go to Rule 85 which states clearly, *that a request in terms of Rule 83 made by Councillor ME Dennis, that a secret ballot be held in respect of any motion or proposal is carried if seconded.* Is carried, in other words accepted. We must do so. Seconded by Councillor H Minnie.

When is there a division of votes? It is not a counter proposal to a secret ballot. In Rule 83, it says '*after the Chairperson has declared the results of a vote, a Councillor may demand that his/her vote against the decision be recorded or a division.* The division is after the voting. This voting must be a secret ballot and therefore that is the final voting.

The moment you then have a division of votes, you nullify the secrecy of the ballot. Thank you Madam Chairperson."

7(q)

The Chief Whip, Councillor ZE Mangcotywa raised a point of order as follows, namely:

"Madam Chairperson, my point of order is based on the fact that, we cannot vote on the motion that we are rejecting. As the ANC we have rejected that motion and therefore we cannot be voting on motion we have participated to reject. We don't see it as a motion, ourselves for us to vote on it. We are saying voting must be put on whether we accept the motion or reject the motion. Thank you Madam Chairperson."

The Chairperson, City Manager, Ms S Mazibuko, addressed the Council as follows, namely:

"Rule 87 of the Standing Rules and Orders in terms of which this motion was moved. Rule 87(3) provides that this motion cannot be withdrawn or amended. That is the motion submitted to Council.

This motion cannot be withdrawn or amended. I rule that this motion is in front of the Council and it must be voted on.

Secondly, having read the court ruling and also looked at the Regulation is that we are going to have this motion in a secret ballot. Can we distribute the ballot papers now? That is my ruling."

At this point, the General Manager: Corporate Secretariat, Mr M Mothekhe was instructed to distribute the ballot papers for voting.

The Executive Mayor, Councillor TM Manyoni on a lighter note, addressed the Council as follows, namely:

"Honourable Chairperson and members of Council I would like to know, the person who just ruled, is that the City Manager of the African National Congress?"

The Chief Whip, Councillor ZE Mangcotywa commented as follows, namely:

"Madam Chairperson, what is your ruling on Rule 87(2) of the Standing Rules and Orders because in terms of the debates here, we have discussed and debated the motion that in terms of Rule 87(2), this motion does not stand. The debates went on and on but that was not concluded. Thank you Madam Chairperson."

The Chairperson, City Manager, Ms S Mazibuko, stated the following, namely:

"The Chief Whip, Councillor ZE Mangcotywa had asked me to rule. I am ruling.

This motion has been deliberated upon, there has been different views and that is why we are putting it on a ballot. There are two (2) views that says, the summary, it was not a summary.

I am ruling that this motion stands and the Councillor must vote on the motion."

The Chief Whip, Councillor ZE Mangcotywa, requested clarity on how they would be voting whereupon the Chairperson, the City Manager, Ms S Mazibuko explained as follows, namely:

7(r)

"There is a motion that says *the Honourable Speaker be removed from the sit*. There are two (2) ways of voting and in the ballot, you would see, is those that are for the motion and those that are against the motion.

Now I am appealing to your conscious to vote whichever way you want to vote."

The Chairperson, City Manager, Ms S Mazibuko, in terms of Rule 87(11) of the Standing Rules and Orders put the motion to the vote after the deliberations had been exhausted.

A total of 91 Councillors voted under this item.

It was thereupon with 29 votes in favour and 62 against the motion

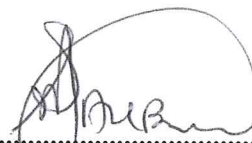
The final resolution thus resolved upon, adopted and approved by the Council reads as follows, namely:

That motion of no confidence and removal from the office against the Speaker, Councillor MA Siyonzana received from Councillor GDP Kotze in line with Rule 87 of the Standing Rules and Orders of Council and supported by Councillor NM Zophe, Councillor MA Phajane and Councillor BJ Viviers was rejected by the Council.

140.
CLOSING

In closing, the Speaker, Councillor MA Siyonzana announced that the meeting was officially over and the Councillors would be give a twenty (20) minutes break before the commencement of the second special Council meeting.

The meeting terminated at 12:26.



MUNICIPAL MANAGER
MS S MAZIBUKO



SPEAKER
COUNCILLOR MA SIYONZANA

MS R MOUERS
SECRETARIAT UNIT
Bram Fischer Building
BLOEMFONTEIN
DECEMBER 3, 2014