

CONFIDENTIAL

**MINUTES
of a
SPECIAL MEETING**

**MANGAUNG
METROPOLITAN
MUNICIPAL COUNCIL**

VIRTUALLY ON MS TEAMS

**THURSDAY
MARCH 18, 2021
AT 11:00**

**MANGAUNG
METROPOLITAN
MUNICIPALITY**



**MINUTES OF A
SPECIAL MEETING**

of the

MANGAUNG METROPOLITAN MUNICIPAL COUNCIL

held

VIRTUALLY ON MS TEAMS

on

THURSDAY, MARCH 18, 2021

at 11:00

- 1 **SPEAKER**
COUNCILLOR SIYONZANA MA
- 2 **ACTING EXECUTIVE MAYOR**
COUNCILLOR MASOETSA LA Absent with leave
- 3 **CHIEF WHIP**
COUNCILLOR MANGCOTYWA ZE

MEMBERS OF MAYORAL COMMITTEE (MMC) (SECTION 80 CHAIRPERSONS)

- 4 COUNCILLOR JONAS-MALEPHANE VE
- 5 COUNCILLOR MAHASE MM
- 6 COUNCILLOR MONYAKOANA NP
- 7 COUNCILLOR MORAKE MA
- 8 COUNCILLOR NKHABU M
- 9 COUNCILLOR NOTHNAGEL J
- 10 COUNCILLOR PONGOLO XD
- 11 COUNCILLOR THIPENYANE G
- 12 COUNCILLOR TITI-ODILI LM

SECTION 79 CHAIRPERSONS

- 13 COUNCILLOR MOTHIBI-NKOANE MM
- 14 COUNCILLOR NKOE MJ
- 15 COUNCILLOR SHOUNYANA MM
- 16 COUNCILLOR TLADI MM

PR & WARD COUNCILLORS

- 17 COUNCILLOR BOLT W
- 18 COUNCILLOR BOROLE KS
- 19 COUNCILLOR BOTES FR
- 20 COUNCILLOR BRITZ JF
- 21 COUNCILLOR CAMPHER ZMC
- 22 COUNCILLOR NB CEZULA
- 23 COUNCILLOR CHAKA NS
- 24 COUNCILLOR DAVIES M
- 25 COUNCILLOR DE BRUYN MAP
- 26 COUNCILLOR DENNIS ME
- 27 COUNCILLOR DYOSIBA S
- 28 COUNCILLOR FERREIRA TI
- 29 COUNCILLOR GOLIATH EK
- 30 COUNCILLOR KGANAKGA M
- 31 COUNCILLOR KHOLOMBA KJ
- 32 COUNCILLOR KHUNOU LM
- 33 COUNCILLOR KLAASEN RS
- 34 COUNCILLOR KOTZE GDP
- 35 COUNCILLOR LEBONA NJ
- 36 COUNCILLOR LEECH D

- 37 COUNCILLOR LOTRIET PA
- 38 COUNCILLOR MADELA BNV
- 39 COUNCILLOR MAJARA LJ
- 40 COUNCILLOR MAKHALANYANE TS
- 41 COUNCILLOR MALELEKA PT
- 42 COUNCILLOR MAPHATHE LM
- 43 COUNCILLOR MARAIS P
- 44 COUNCILLOR MASOEU TD
- 45 COUNCILLOR MLAMLELI SM
- 46 COUNCILLOR MATETHA NR
- 47 COUNCILLOR MCKAY DMC
- 48 COUNCILLOR MICHAELS SO
- 49 COUNCILLOR MOFOKENG MJ
- 50 COUNCILLOR MOGAPI KT
- 51 COUNCILLOR MOHAPI TD
- 52 COUNCILLOR MOHIBIDU PM
- 53 COUNCILLOR MOHLOKI MM
- 54 COUNCILLOR MOHULATSI MM
- 55 COUNCILLOR MOKHOANATSE EM
- 56 COUNCILLOR MOKOAKOA MI
- 57 COUNCILLOR MOKOLOKO PR
- 58 COUNCILLOR MONONYANE MB
- 59 COUNCILLOR MOOPELO TM
- 60 COUNCILLOR MOREENG KC
- 61 COUNCILLOR MORURI MM
- 62 COUNCILLOR MOSALA MT
- 63 COUNCILLOR MOTHUPI ML
- 64 COUNCILLOR MOTLOUNG MV

- 65 COUNCILLOR MVALA-MAJOLA DS
- 66 COUNCILLOR NAILE TJ
- 67 COUNCILLOR NDZUZO T
- 68 COUNCILLOR NJIBA-LEBAJOA MA
- 69 COUNCILLOR NIKELO VE
- 70 COUNCILLOR OLIVIER GJ
- 71 COUNCILLOR PETERSEN JE
- 72 COUNCILLOR POONE-RANKHOLO PP
- 73 COUNCILLOR PRETORIUS JC
- 74 COUNCILLOR PRETORIUS S
- 75 COUNCILLOR RAMABOLU MJ
- 76 COUNCILLOR RAMAINOANE TD
- 77 COUNCILLOR RAMPAI CF
- 78 COUNCILLOR RAMATLAMA MJ
- 79 COUNCILLOR RANCHOBE T
- 80 COUNCILLOR RANTAI JH
- 81 COUNCILLOR RASILE MM
- 82 COUNCILLOR RASOEU LE
- 83 COUNCILLOR SEBOLAO JE
- 84 COUNCILLOR SEFUME NR
- 85 COUNCILLOR SEFUTHI NM
- 86 COUNCILLOR SEKAKANYO DM
- 87 COUNCILLOR SELEBELI MG
- 88 COUNCILLOR SELEKE PL
- 89 COUNCILLOR SEWISA OP
- 90 COUNCILLOR SNYMAN VAN DEVENTER E
- 91 COUNCILLOR TERBLANCHE AP

- 92 COUNCILLOR THATHO MV
- 93 COUNCILLOR THWALA ZJ
- 94 COUNCILLOR TLALE ME
- 95 COUNCILLOR TSIANE MMP
- 96 COUNCILLOR VAN DER MERWE R
- 97 COUNCILLOR VAN DER WALT TB
- 98 COUNCILLOR VAN NIEKERK HJC
- 99 COUNCILLOR VIVIERS BJ
- 100 COUNCILLOR QWEMA MB

MEMBERS OF BAROLONG TRADITIONAL COUNCIL

None of the members present

- 1 SETLOGELO M
- 2 MOROKA PE
- 3 MOLETSANE KC
- 4 SETLOGELO MB
- 5 MANYASHE V
- 6 MOKAKE KP
- 7 RANCHO TB
- 8 SESING LD
- 9 MOROKA MP
- 10 MOHAPI M

OFFICIALS PRESENT:

1	EXCO REPRESENTATIVE	MR MKAZA T
2	CITY MANAGER	ADVOCATE MEA TB
3	CHIEF FINANCIAL OFFICER	MR MOFOKENG SE
4	HEAD: ENGINEERING SERVICES	MR NDLOVU M
5	HEAD: PLANNING	MR MTHEMBU BS
6	HEAD: SOLID WASTE AND FLEET MANAGEMENT	MR MORE S
7	HEAD: SOCIAL SERVICES	MR NKUNGWANA MG
8	HEAD: HUMAN SETTLEMENTS	ADV PHALADI MJN
9	HEAD: CORPORATE SERVICES	MR NKAISENG D
10	HEAD: ECONOMIC AND RURAL DEVELOPMENT	MR MAINE TA
11	CHIEF METRO POLICE	MR KGAMANYANE K
12	ACTING CEO: CENTLEC	MR SEKOBOTO M
13	CFO: CENTLEC	MR MATSIMELA M
14	GM: COMMITTEE SERVICES	MR MOTHEKHE M
15	SENIOR ADMINISTARTIVE OFFICER	MS MAMATELA R

Note by Secretariat

1. **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.
2. **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 12 hours before the commencement of the meeting (Rule 22.2) (Yellow Form).
3. **Name-plates:** Councillors are friendly requested to please take along their name-plates and to display it throughout the meeting.
4. **Apologies during the course of the Council meeting:** Councillors are friendly requested to complete in full and submit the relevant apology form for this purpose (Yellow Form).
5. **Code of Conduct:** Councillors are reminded of item 3, Schedule 1 of the Code of Conduct for Councillors which reads as follows, namely:

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.

6. **Meeting rules:**
 - i. All Councillors must arrive at **least 15 minutes before the commencement** of the Council and all other Committee meetings;
 - ii. Cellular phones **must be in silent mode** and **speaking on a cellular phone during the meeting is prohibited**; (Rule 50.2a)
 - iii. A Councillor who speaks must **confine his or her speech strictly to the matter under discussion**; (Rule 31)
 - iv. Unless expressly otherwise determined, a Councillor **may speak only once on a matter**; (Rule 32)
 - v. No speech shall exceed **five (5) minutes** in length without the consent of the Speaker. (Rule 34.1)
 - vi. Council members are reminded to uphold high level of good conduct during Council proceedings (No disruptions, no interruptions, no howling, no swearing to other Council members, less movement in the Chamber, no abuse of the PA system).

INDEX

ITEM NO	ITEM	PAGE NO
11	OPENING	5
12	NOTICE OF THE MEETING	5
13	APPLICATIONS FOR LEAVE OF ABSENCE	5
14	ACCEPTANCE OF THE AGENDA	5 – 5A
15	ANNOUNCEMENTS	5A
16	REPORTS OF THE EXECUTIVE MAYOR	
1	MANGAUNG METROPOLITAN MUNICIPALITY ADJUSTMENT BUDGET – MARCH 2020/21	6F – 7
2	REQUEST FOR APPROVAL TO ENTER INTO A SERVICE LEVEL AGREEMENT WITH THE HOUSING DEVELOPMENT AGENCY FOR THE IMPLEMENTATION OF IDENTIFIED PROJECTS RELATED TO HUMAN SETTLEMENTS	7
3	REQUEST TO CONDONE THE ACTING OF COUCILLOR MOLEFI MORAKE DURING THE ABSENCE OF COUNCILLOR LEBOHANG MASOETSA	8 – 8D
4	THE DEMOCRATIC ALLIANCE SUBMISSION ON THE DISCIPLINARY REGULATIONS AGAINST THE CITY MANAGER	8 – 9
17	REPORTS OF THE SPEAKER	
	NONE	9
18	REPORTS FROM MUNICIPAL PUBLIC ACCOUNTS COMMITTEE	
1	AN UPDATED REPORT TO COUNCIL ON UNAUTHORISED, IRREGULAR AND FRUITLESS AND WASTEFUL EXPENDITURE REGISTERS REFERRED TO MPAC FOR INVESTIGATION	9A – 9D
19	REPORTS TO BE DEALT WITH IN COMMITTEE	
	NONE	9D
20	CLOSING OF THE SPECIAL COUNCIL MEETING	

**MINUTES
(OPEN COUNCIL)**

**11.
OPENING**

The meeting commenced at 11:05 to allow Councillors to join the meeting.

The Speaker requested Councillor LE Rasoeu to open with a short prayer. He then welcomed the Acting Executive Mayor, Chief Whip, Councillors, officials led by the City Manager and the CEO of Centlec as well as the citizens of Mangaung Municipality listening via the Facebook live.

NOTED.

**12.
NOTICE OF THE MEETING**

The Speaker read the notice of the meeting as outline on page 2 of the agenda.

NOTED.

**13.
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 the minutes.

NOTED.

**14.
ACCEPTANCE OF THE AGENDA**

The Speaker mentioned that all Councillors have received the agenda and therefore gives over to the Acting Executive Mayor to table his reports.

On a point of order, Councillor M Kganakga remarked: "Mister Speaker there is no live Facebook link on Facebook on the Metro's page. There is nothing there and so the citizens don't have access to this meeting."

5A

The Speaker remarked: “I see the face of Ms Marietjie, what is happening, can I get an explanation there?”

Councillor E Snyman van Deventer responded that Ms Marietjie must switch her camera off.

The Speaker responded:

“But what I am saying is that we are now in a Council meeting, she is not supposed to be part of the Council meeting, but she should be online, she should be part of Facebook live.

Secondly, I would like the City Manager and the GM: Communication, Mr Qondile Khedama to deal with the matter because we expect our communities to listen to us as we discuss; a Council meeting is a matter of citizens, that is why we are inviting them to be part of the Council meeting.

I am still seeing this face; whose face is it? Ms Marietjie you not supposed to be part of this, can you please go online via Facebook live. City Manager and Mr Qondile Khedama, make sure that they listen on Facebook but not be part of Ms Teams. I don't understand, Ms Teams you get invited and so if her face is here, I don't understand how she was accepted to join the meeting. It cannot be right.

NOTED.

15. ANNOUNCEMENTS

None.

NOTED.

The Acting Executive Mayor, Councillor MA Morake tabled the items as follows:

“Thank you, Honourable Speaker. Honourable Chief Whip; members of the Mayoral Committee; honourable Councillors; members of the public; members of the media; and the Community of Mangaung.

Good morning ladies and gentlemen.

Honourable Speaker, over a year ago, on the 5th of March 2020, the National Institute of Communicable Disease registered and announced the first case of covid-19 in South Africa. A few weeks later the President of the Republic, Honourable Cyril Ramaphosa announced a national state of disaster and national lockdown of the Country to deal with the escalation of the virus. Since then, the world and our Country has gone to great lengths to manage and control the spread of the virus and the scientific world went into overdrive to research the new virus and search for a vaccine.

Honourable Speaker and Councillors, the global effort to manage the virus and search for the vaccine is a clear example of the resilience of the human spirit and a reminder that as the global village, we must collaborate and work together for the survival of humankind. A special thanks must go to the global army of scientists and health professionals who have worked tirelessly to provide hope and protect lives at all material times. As a Country, we just came out of a devastating second wave of the virus that was caused by a more dangerous variant that spreads more easily and is more dangerous. The rampage and devastation caused by the pandemic is immeasurable and one of the dark marks in the history of mankind. We mourn the losses of lives we have suffered nationally and in particular here in Mangaung.

Although we are now at the adjusted level 1 of the pandemic, the impact on lives and livelihoods is continuing and we must be more vigilant to save lives. The great strides in the discovery of the vaccine and the gradual vaccination roll-out in the world and in our country provides hope that we shall overcome and work on reclaiming our lives and livelihoods.

Honourable Speaker, we meet today as Council of Mangaung Metropolitan Municipality during the most difficult time ever in our historic moment ever in our lifetime. We meet at a time when the Country and the AmaZulu nation in particular are mourning the passing on of his Majesty King Goodwill Zwelithini kaBhekuZulu. May his Majesty’s soul rest in eternal peace. We further extend our deepest condolences on behalf of the Mangaung ANC, the people of Mangaung and Council in particular to the Royal family, relatives and friends, the AmaZulu nation, the peoples of KwaZulu-Natal and South in general. May the soul of the King rest in eternal peace and we say long live the spirit of King Goodwill Zwelithini.

Honourable Speaker, in addition to the tragedy relating to the King, we further wish to extend our heartfelt condolences to one of our own, MMC for Finance, Councillor Lulama Titi-Odili on the passing of her father. On behalf of Council and the community of Mangaung, we say to our colleague, may the Almighty be with you and the family during this difficult time. We can relate but not share the pain that you and the family are going through.

6A

Please be consoled by the fact that you are in our prayers during this difficult time. I want to take this opportunity to inform Council and Councillors therefore that MMC Lulama Titi-Odili will be burying her father this coming Saturday. I urge all of us who will be able to attend the funeral services to do so in line with the covid-19 protocols. Honourable Speaker, I therefore call for a moment of silent in honour of the late father of MMC Councillor LM Titi-Odili.

Honourable Speaker, in addition to and in recognition of similar hardship that other families that may be going through as a result of loss of lives of their beloved ones due to covid-19, we send the deepest condolences on behalf of the Council.

Honourable Speaker, we are indeed going through the hard and touch times ever in our lives and for this reason, I wish to give the following message of hope and refer to a famous quote to all people of Mangaung and my fellow Councillors by saying:

'the eagle will fly to some high spot and wait for the winds to come. When the storm hits, it sets its wings so that the wind will pick it up and lift it above the storm. While the storm rages below, the eagle is soaring above it. Fearlessly, the eagle would fly into the fierce winds, using the storm current to rise higher quickly. The pressure of the storm is used to help them glide without using their energy as their wings' unique design allows them to lock in a fixed position amid the violent storm winds'.

This is the message that I give to all of us to remain steadfast against the challenges facing us at the moment. If we are not strong Honourable Speaker, and if we do not take advantage of the storm facing us to propel us to higher spots, we may perish due to the storm facing us. We should remain strong and focused to the mission that we set out to achieve.

Honourable Speaker, to my fellow Councillors and the workers of the Municipality, I extend my appreciation and adulation for the ability to still being able to provide services to the community. Ours as Councillors and employees of the Municipality is a great calling to serve the people. We must be grateful that we are still able to do so and have this privilege extended to us.

Honourable Speaker let me take this opportunity again to congratulate the 2020 Grade 12 Free State learners for their sterling performance and the attainment of first spot in the pass rate in the Country. They have done this four times in a row. We also should congratulate and give praise to our MEC for Education, Honourable Makgoe and the many school principals and educators. They have once more made us proud in the middle of terrible covid-19 storm. We salute everyone who contributed to the sterling performance of the Province in the education sector.

Honourable Speaker, reverting back to covid-19 and relating it to the Mangaung Metro, I am pleased to announce that the Occupational Health and ATTIC staff got their covid-19 vaccine on the 10th and 11th of March 2021 respectively. I have been advised that it takes plus or minus three weeks to be confirmed scientifically that a person is fully immunized against covid-19 after having taken a dose. I am further pleased to announce that the report provided to me is that none of the personnel encountered who have been vaccinated have exhibited serious side effects from the vaccine.

6B

We can further report that the Occupational Health and ATTIC staff has responded well on personnel with comorbidities and have reported that none of our personnel are exempted from performing normal duties. The only thing is that strict covid-19 protocol must be adhered to i.e. protective clothing and the mandatory like wearing a mask and keeping social distance. Our Occupational Health Centre has been operational for the whole time during covid-19 and the only time that the clinic closed is when the entire staff was infected with covid-19 virus.

Honourable Speaker and Councillors, we are experiencing a disturbing phenomenon within our city of the mushrooming of so-called 'business forums' that are disturbing and stopping the implementation of our projects. As a Municipality, we promote the empowerment and mainstreaming of our small and medium sized enterprises through our prescribed processes of supply chain management. The public sector procurement process is aimed at providing a fair, open and competitive bidding process that provides all compliant enterprises the opportunity to access business and work opportunities. It cannot be right for our service delivery projects to illegally stopped by people who do not go through the procurement processes. We call on community members and leaders to discourage this practice as it prevents the delivery of services.

I think Honourable Speaker as the Acting Executive Mayor, we have been engaging in a program called claim our City campaign. This program has serious success in the few Wards we have attended...(inaudible – audio interruptions) welcomed to make inputs on this program on reclaiming our City campaign.

Honourable Speaker, I table the adjustment budget, but I withdraw the item of Human Settlement Directorate. As I table this adjustment budget for the 2021/22 financial year in line with Section 28(4) of Municipal Finance Management Act. In terms of Section 28(2) of the Municipal Finance Management Act, an adjustments budget:

- (a) *must adjust the revenue and expenditure estimates downwards if there is material under collection of revenue during the current year;*
- (b) *may appropriate additional revenue that has become available over and above those anticipated in the annual budget, but only to revise or accelerate spending programmes already budgeted for;*
- (c) *may authorize the utilization of projected savings in one vote towards spending in another vote; and*
- (d) *may correct any errors in the annual budget.*

The mid-year budget and performance assessment process indicated the following outcomes that necessitates the adjustment of the budget:

- (a) the approved capital and operational budget had to be adjusted to make necessary amendments to various projects to accelerate progress on the priorities identified.
- (b) the following projects will be prioritized in the adjustment budget to be funded through the operational and capital expenditure:
 - *Maintenance of parks, entrances, and felling of trees;*
 - *Sustainable refuse removal solutions;*
 - *Maintenance and upgrading of roads including resealing, addressing potholes, and re-graveling of streets;*

6C

- *Cleaning and maintenance of stormwater channels;*
- *Unblocking and maintenance of sewer reticulation infrastructure;*
- *Address water and electricity losses;*
- *Improve revenue collection and enhancement strategies (including installation of prepaid water meters);*
- *Upgrading of ICT systems and related infrastructure;*
- *Performance Management System;*
- *Security of Municipal facilities;*
- *Compilation of City Development Strategy;*
- *Vista Park Development;*
- *Upgrading of informal settlements;*
- *Land Availability;*
- *Renovations and repair of Municipal Rental Stock;*

Furthermore, it is recommended that council note that the Municipal Cost Containment Regulations be implemented by all Departments to ensure that unnecessary and non-core expenditure is minimised. The debt collection levels for all services need to be improved and that all Departments must contribute to revenue collection and enhancement.

It is a duty of all honourable members that they must encourage communities to pay their services because without paying services, we would not have any budget. So, let us encourage communities to pay because as honourable members, no matter if you are opposition or ruling party, you are part of this Council and we must ensure that in terms of the law we comply with what is the law saying in terms of MFMA, Municipal Structures Act and the likes. If you are an honourable member calling meetings that people must not pay services, it is highly unlawful, and I think some of the honourable members must refrain from doing that. We are trying by all means that we restore basic services to our ordinary masses.

I table the adjustment budget. Thank you, Honourable Speaker.”

The Speaker remarked: “At the moment, the Acting Executive Mayor, Councillor MA Morake is still presenting the items. Councillors, I will repeat what Acting Executive Mayor, Councillor MA Morake said, he only withdrew one item, he spoke about the adjustment budget and he went to town talking about it but there are other items, for instance if you check the agenda, you have:

Item 16.3 – Request to condone the acting of Councillor Molefi Morake during the absence of Councillor Lebohang Masoetsa

Item 16.4 – The Democratic Alliance Submission on the disciplinary regulations against the City Manager

And other items, but I am just saying after he spoke about the adjustment budget he then said he is finished, and so I want him to indicate whether all these other items except the one withdrawn has been submitted? Please do so before I give to Councillor JE Sebolao.”

The Acting Executive Mayor, Councillor MA Morake continued: “Sorry for the omission Honourable Speaker. The request in the acting of myself in the absence of the Acting Executive Mayor, Councillor LA Masoetsa due to unforeseeable family and health matters and also the Democratic Alliance submission on the disciplinary allegation on the City Manager. Those are the items I have omitted.”

The Speaker remarked that on items of the Speaker, the Speaker would give over to Councillor MM Tladi to present the item on *an updated report to Council on unauthorised, irregular and fruitless and wasteful expenditure registers referred to MPAC for investigation after the Council dealt with Executive Mayor’s items.*

On a point of order, Councillor JE Sebolao remarked:

“Thank you, Honourable Speaker. My point of order is on the person who is tabling the items, Councillor MA Morake. In which capacity is he tabling the items because in Council, we have never given Councillor MA Morake the opportunity to run this? This was done unilaterally with ANC caucus and so this is unacceptable Honourable Speaker, it cannot happen. This Council must take a decision to get somebody who would do the work on behalf of the Acting Executive Mayor in his absence. It cannot happen that we are just being given people to lead us without the Council’s mandate and that is why I called on a point of order. Thank you, Honourable Speaker.”

Councillor JC Pretorius raised a point of order as follows: “Mister Speaker, I firstly want to ask all Councillor to mute their microphones because it is creating a lot of noise in our ears.”

The Speaker thereupon requested Councillors to mute their microphones.

Councillor JC Pretorius continued: “You removed the media from the meeting and there are no live feeds on Facebook page. I don’t understand why the media was removed from this meeting. The media is always in Council Chamber when we have meetings. I don’t know how you want the media to get your message out to the public...”

As Councillor JC Pretorius was talking, other Councillors were also talking thus disturbing the recording of what he was saying.

Councillor JC Pretorius continued: “Mister Speaker we need to get this right, I want you to invite the media back on this platform until you sort out this on Facebook page because this is not fair to the public, they have no access to this. Thank you, Mister Speaker.”

On a point of order, Councillor BJ Viviers remarked: “Thank you, Mister Speaker. I was covered by the two previous Councillor, but indeed it’s a great concern, there is clear legislation that the Council meeting must be open to the media as well as the public and currently that is not happening which begs the question if indeed this meeting is legit and I think we should invite the media back and you should request necessary administration to ensure that the media and the residents of Mangaung have access to this meeting.

I do find it problematic that the Acting Executive Mayor, Councillor MA Morake was allowed to table the item but there was no decision taken. Hopefully Mister Speaker you can give us guidance with both those regards. Thank you, Mister Speaker.”

The Speaker responded: “The Facebook livestream is on and those including the media they supposed to participate from there, that’s the first thing.

Secondly, legislation such as the Municipal Structures Act, the Executive Mayor may appoint a mayor in a short period of time in case he/she is not around, those members of the Mayoral Committee. Now, on this case, from time to time he would come in and he would be busy, and Councillor MA Morake would be acting.

Currently he made Councillor MA Morake to act and there is an item that deals with that, and all other discussions, I would allow Councillors to discuss on that item. Currently he is appointed by the Acting Executive Mayor to act whilst he is in hospital and I must indicate that the Deputy Executive Mayor is currently in hospital and therefore he appointed somebody to act, but there is an item on that and we would discuss in this Council. We are not to discuss it as point of orders, we would discuss it when we are on that item. I will allow Councillors to speak on that item and allow you to have more time on it.”

On a point of order, Councillor M Kganakga remarked that the Speaker was misleading the Council as there was nothing posted on the Facebook page and whoever sad so was not telling the truth.

The Speaker responded that he would invite the GM Communication, Mr Q Khedama to give guidance in this regard.

On a point of order, Councillor DM Sekakanyo stated that more than 10 Councillors were not in the meeting, including himself as there was another platform for the meeting and therefore IT should address that as this had been happening continuously.

On a point of clarity, Councillor P Marais asked what the Standing Rules and Orders were saying if a person was acting for more than three months as the Deputy Executive Mayor has been acting for three months.

The Speaker interjected as follows: “Councillors, I am not going to allow us to deal with this, the point of order is denied. I said there is an item that comes, and you will direct your questions inputs on that item. At the same time, there is an issue on Facebook live feeds. I requested IT as well as Mr Qondile Khedama to come because they reported to me that it is functioning and if there are still problems, I really do not know because it means I am being misled.

Secondly, issue of Councillor MA Morake and the period of acting, all these matters would be directed on that item when we are discussing it.”

The Speaker then allowed Councillors to draw items for discussion.

On a point of clarity, Councillor BJ Viviers remarked: “Thank you, Mister Speaker. It possibly makes sense that we draw items now, especially looking at the legality of this Council meeting. Don’t you think it would be well advised before we start debating points on the agenda that you ascertain and do get the IT Department as well as Mr Qondile Khedama to make sure that indeed the public and the media have access to this meeting. Thank you, Mister Speaker.”

The GM: Communications, Mr Qondile Khedama stated that it might be due to slow network however there were people who were able to access the live streaming of the meeting on the Municipality's Facebook page as he received feedback from Ms Marietjie Gericke from media able to access the meeting.

At this point, Councillors spoke without being recognised by the Speaker.

The Chief Whip on a point of order commented: "Honourable Speaker, Councillors' concern is that this has not been beamed to the public and you are doing exactly that. For you to call the GM: Communications, was for him to assist and Councillors are interjecting, and they are insulting him saying he is talking lies and at the same time you are trying to help them. Can they be in order Honourable Speaker, the matter is being attended to."

The Speaker confirmed that the matter was being attended to and the meeting was now live on Facebook.

The Speaker then stated: "Councillors, if the Deputy Executive Mayor is assuming the responsibilities of the Executive Mayor; one of the responsibilities is when he is not around for a day or two, he can appoint somebody. For now, please draw items and all those issues you want to raise, you can raise so we can debate."

As Councillors were drawing items, Councillor MV Motloung raised a point of order, requesting that the Speaker in terms of Rule 50.2(a) of the Standing Rules and Orders to address Councillor JF Britz as he was making noise while others were on the platform.

The Speaker responded: "Councillor JF Britz, it is not for the first time that he is doing this and maybe what I will do is to check the recoding. The allegation is made by another Councillor but because it is you, you are saying I am blaming you when there is an allegation made by a Councillor. Before there was the same allegation about you, it is not the first time and that is why I am saying I will have to talk to IT to investigate this because there is always an allegation about you."

NOTED.

1.

MANGAUNG METROPOLITAN MUNICIPALITY ADJUSTMENT BUDGET – MARCH 2020/21

Councillor E Snyman van Deventer addressed the Council:

"Thank you, Mister Speaker. It actually serves no purpose to draw this item because if we do comment on the adjustment budget, it really serves no purpose because:

1. the ANC don't listen to the input of the opposition parties and
2. the ANC would just force the adjustment budget through Council without even taking any of the proposals or comments of the opposition parties into consideration.

6G

However, even in view of this, it is necessary to make a few comments and you don't even have to page through or go through item on the report to make comments. First of all, the ANC always says that the budget is pro-poor, well it is supposed to be pro-poor however every single ANC budget since I have been in Council from 2006 has done nothing for the poorest of the poor and for the taxpayers. If you do nothing for the taxpayers, they will stop paying taxes, there would be no income and there would be lesser service. Why would they stop paying, because of no service delivery, they do not get income because there are no investments in the City.

Furthermore, as I said the budget does nothing for the poorest of the poor. This is proven by the continued lack of service delivery. The million-rand question is, where are the monies spent or actually where is the money? It is definitely not spent on service delivery. Look at your own constituencies, look at Phase 10, Grassland, anywhere in Mangaung, no roads, no sewerage service; the bucket system is even in place in certain areas.

On page 5 of budget, it is said these projects would be funded through the operation and capital expenditure, that including upgrades of informal settlement. I do not believe you. Potholes, streetlights not working and that is also covered on page 5 in maintenance and upgrading of roads.

Mister Speaker, how many more fatalities do we need on our roads before the roads are fixed? There is no traffic enforcement, no fines. If we look at the budget in total, all the monies go into salaries and overtime. Are the grants spent in accordance with the conditions? On page 6, there is again like in every single ANC budget, debt collection levels to be improved. I don't believe you. As always, the budget is late; as always. The Freedom Front Plus cannot support another ANC budget that will fail the residents of Mangaung yet again. Thank you, Mister Speaker."

The Speaker remarked: "Thank you, Councillor E Snyman van Deventer. I know that when you talk about traffic lights, you are emotional about it. Dr Quintin who was a lecturer at UFS no more due to one guy who just past the red robot."

Councillor FR Botes addressed the Council:

"Thank you, Honourable Speaker. According to Section 28 of the Municipal Finance Management Act (MFMA), a municipality may revise an approved annual budget through an adjustment budget, but immediately there is a lot of question to be ask. One of the questions to ask, is it bad management or corruption that creates this problem.

Now that the Municipality is down graded and bankrupt, it is time that the Municipality must do everything in their power to generate all possible sorts of income. It is shocking to see that the Municipality cannot collect under operating revenue the following:

Property rates R186,9 million,
Sanitation revenue R20,8 million
Refuse revenue R6,8 million
Fines and penalties R20,2 million.

This is an income that the Municipality must generate.

6H

Under operating expenditure, they indicate a total saving of R42,7 million, but the Department of Social Services asks for an extra R69,2 million, why is that?

Honourable Speaker, *bulk purchases* increased with R70,2 million to make provision for the Bloemwater agreement. What a big shock! For months the residents who received water via Bloemwater, struggle and suffer with no water due to the fact that most of the time the Municipality did not paid the monthly account to Bloemwater and now taxpayers must pay an extra R70,2 million. We know what happened. Luckily the Councillor who took that decisions in the past to stop payment to Bloemwater is not any more in that position, but the taxpayers must pay R70,2 million for that mistake.

The expenditure on contracted services increased with R96,8 million due to address the service delivery priorities such as, listen now careful of what they say they do with the money: litter picking, street cleaning, maintenance of parks, cleaning of entrances, repairs and maintenance of roads, unblocking of sewer, attending to water losses due to burst pipes. Honourable Speaker if the Municipality spend R96,8 million on the services that was just mention, it is a wasteful expenditure. Something is clear and that is the Municipality makes use of contractors from Gauteng, because the Gauteng contractor are appointed via Luthuli House and that contractors give money back to Luthuli House so that Luthuli House can pay the salary of the officials. Taxpayers in Mangaung must now subsidize salaries in Luthuli House.

Honourable Speaker with this adjustment budget the Municipality is not going forward, and we cannot expect that the down grating will be uplifted. The financial situation will become more worst. This Municipality will also be down grated from a Metro to a local Municipality due to bad management, corruption and political involvement. The taxpayers know exactly who to be blame for this poor service in this lovely Metro of the past. Honourable Speaker, the DA cannot support this item of the adjustment budget. Thank you, Honourable Speaker.”

Councillor JE Sebolao addressed the Council:

“Thank you, Honourable Speaker. We have seen this movie before cut and paste ever since we became members of this Council and it is still happening even today. The budget adjustment, we are standing again at the crossroad and dawn of poor political mistake of governance in condoning fruitless, wasteful as well as unauthorised expenditure without having a full picture of any itemised report on what we must approve. We are rather given an insignificant summary report.

Councillors, do you know what we are requested to approve or condone here today? What is hidden to us, we cannot simply approve something we don't know why and is there any illegality activities involved. The MFMA is clear, whilst Councillors has the power to endorse the action taken by administration through condonation, we would be just liable like wrong doers if we fail to exercise our legal and constitutional mandate. In fact, with the new amendment legislation powers assigned to the AG, we would all be held financially liable to endorsing corruption and wasteful financial of the public. Are all of us willing to do that knowing that we don't have information to our disposal to approve this report today?

Mister Speaker, there cannot be overpayment to Councillors and all these monies needs to be recovered whether it is past or current serving Councillors, it is illegal and against the MFMA for

the Councillors to owe the Municipality. Officials who make these mistakes need to be charged for failing to do their work properly. We as the EFF cannot support this high amount of irregular expenditure in 3.3.2 without full itemised report without reasons as to why as well as what action would be taken against the transgressors.

There is also the issue of Supply Chain that had been contravened without consequence management. This implies that the CFO..."

The Speaker made Councillor JE Sebolao that they were dealing with the item on adjustment budget as he was dealing with item 18.1 under the items of the Speaker.

Councillor JE Sebolao stated that he was dealing with adjustment budget and continued as follows:

"There is also the issue of Supply Chain that had been contravened without consequence management. This implies that the CFO and the City Manager as well as the Acting Executive Mayor failed to provide us with a full report or even reporting to SAPS as per the MFMA which makes it criminal, and they too could be legally liable. In fact, Council today requests suspension and institute full investigation into failure to execute their duties and implement the MFMA legislation. We as the EFF will reserve our right in this matter and would ask the office of AG to investigate this matter fully. Council cannot endorse the extension of contract if we do not have a detailed report on which contract and what is individual financial itemised specification as well as what resulted this extension to approve especially officials and Accounting Officer willingly allow a situation as ..."

The Speaker interjected to request Councillor JE Sebolao to assist as he was talking about irregular expenditure; extension of contracts on adjustment budget and maybe he should refer him, the Speaker to a particular page to understand as they were dealing with adjustment budget.

Councillor JE Sebolao responded that it was part and parcel of the adjustment budget which was where corruption was happening. We have people in the EFF who are assigned to undertake own investigation.

Councillor VE Nikelo on a point of order remarked:

"I think Honourable Speaker you are right, Councillor JE Sebolao is undermining our intelligence here. He is talking about something totally not related to our adjustment budget and so he cannot come here and tell us he is dealing with the matter while he is dealing with a different matter other than the matter we are on. With due respect Honourable Speaker, can Councillor JE Sebolao stop playing with us, stop undermining our intelligence. If there is nothing that he can talk about in terms of the adjustment budget let him just keep quiet ..."

On a point of order, Councillor PP Poone-Rankholo commented: "I was just saying Mister Speaker, you cannot tell us how to direct our speech, if you can give a Councillor on a podium an opportunity to direct his speech whichever way, he wants..."

The Speaker interjected: “Councillor, but we are dealing with adjustment budget, the item he is talking about is on a different item, and that is why I said to him he must come on items of the Speaker because the same issues he is talking about, has nothing to do with that. We are going to deal with those matters that he is talking about. The issues of irregular expenditure, extension of contracts and all other matters, that item is still coming. Here we are dealing with a totally different item

Councillor JE Sebolao continued: “Honourable Speaker, as the EFF we would not support this.”

Councillor MB Mononyane addressed the Council: “Thank you, Mister Speaker. As per the Municipal Finance Management Act, we supposed to do the adjustment budget today. I noticed that there has been an extension for it to be tabled today has been required and granted.

Mister Speaker the budget that we are adjusting today, it is the budget that we approved last year June, but there are number of things that needs to be addressed in as far as provision of services. There are no services as we speak in our Municipality and we have budgeted for those items to be done like water and sanitation, infrastructure and roads; they are stuck, and we are here today adjusting the budget. Which services do we really provide to our communities with this budget? One tends to hesitate to the approval the budget that would only exist by name on paper, but practically on the ground it is not there to provide the services that are intended to be provided to the communities. That is the problem I have and as a result of that, I reserve my right not to support this budget at this moment. Thank you, Mister Speaker.”

Councillor XD Pongolo addressed the Council:

“Thank you, Honourable Speaker. I think maybe the Councillors don’t understand the meaning of adjustment budget. The adjustment budget, there are no new money coming in, then we check the vote number internally and the collection; how much have we collected and then we can take that money and adjust to some other projects that need to be completed. Therefore, when you talk about the adjustment budget, it is not a new budget. The budget for the new financial year is coming and you would be able to talk about those projects.

I heard Councillor talk about phase 10, maybe they don’t know what is happening in Phase 10, they just think about Phase 10. Phase 10 was budgeted that is why it was rezoned and that is why it was allocated sites. What we are trying to do now, we are trying to cover the issue of the roads, electricity and water are there; the only problem is the road. So, I think all Councillors must align themselves with item. There is no new money coming in or from somewhere is the same money we had used in the financial year 2019 2020.

Automatically we are doing the same, nothing changed. I was to support this item to be approved. Even if you go to the recommendations, they will give you a clear picture of what is taking place; the money in and where it must go and then we can be able to cover the issue of service delivery. You see outside, we have some problems regarding the rain; when it rains heavily, it damages the road and causes potholes that is why we channel the money to those areas to check how do we deal with potholes and emergency on electricity issues and that is why we brought this item. I want to support the item as member of the African National Congress that it should be approved. Thank you, Honourable Speaker.”

Councillor JF Britz addressed the Council:

“Thank you, Mister Speaker. In the introduction of this report Section 28 of the MFMA is quoted, but Section 2(5) is omitted. The DA is of opinion that this information is deliberately kept away from Council. Section 2(5) states that when an adjustments budget is tabled it **must** be accompanied by certain explanations and motivations regarding the proposed adjustments. The report does not comply with this requirement at all. It is also interesting that the adjustments, which Council only considers today, 18 March 2021 are already filtered into the February financial report.

Mister Speaker according to the report certain projects will be prioritized in the adjustment budget. Due to limited time, I will only discuss a few of these.

Maintenance of parks, entrances, and felling of trees:

The total provision for Parks Horticulture is adjusted from R25.1 million to R28.5 million. To accommodate the R5 million upward adjustments for Parks Horticulture in Thaba Nchu the budget for the other four areas was in total reduced with R1.6 million. No explanation of the reasons for this. The DA is further of opinion that the total new provision of R28.5 million is not enough to address this service delivery issue. It is also doubtful that, in the light of the fact that only R14.5 million was spent in the first 8 months of this financial year, that the Metro will be able to spend R14 million in the last four months of this financial year.

Sustainable refuse removal solutions:

The original budget of R334 million is adjusted upwards with R23.2 million to R357.8 million. What is a concern is that the provision for Fleet Management is only increased with R7.2 million to R74.2 million and only R39.7 million was spent in the first 8 months of this financial year and that means R34.4 million must be spent in the last 4 months? Aikhona! I want to see that.

- Maintenance and upgrading of roads including resealing, addressing potholes, and re-graveling of streets.
- Cleaning and maintenance of storm water channels.
- Unblocking and maintenance of sewer reticulation infrastructure.
- Address water and electricity losses.

The above four service delivery issues fall under Engineering Services. The original budget of R501 million is increased with R18.7 million to R520m million. It is highly questionable that this provision is enough to address all the above issues in the Metro.

Improve revenue collection and enhancement strategies including installation of prepaid water meters:

This is a standard statement, and it becomes a little boring now because the expectation never meets the reality. Total debt is now R7.684 billion and Government is still responsible for 35% of the total debt. The provision for debt collection is increased to R35.7 million and that is a lot of money to spend on nonperforming debt collectors.

For all the above projects the provision for contracted services is increased from R456.3 million to R553.2 million, an upward adjustment of R96,8 million. The increase is due to the intention to address the identified service delivery priorities. Your intention is noble but why do the DA smell tenderpreneur here, licking their lips while waiting patiently. I can see the Hawks circling in the sky above Mangaung.

Mister Speaker you as ANC Council failed to address the above service delivery issues in the nearly five years into your term and now you want to do it in the last four months of this financial year. What a joke and then you still don't understand why DA vote against the unrealistic budgets you approve.

The capital budget is adjusted upwards with R163 million to R1.3 billion. One of the concerns here is the R55.7 million upward adjustment in the Office of the City Manager to a total provision of R218.9 million. Again, no explanation on what you going to do with the money. In the first eight months of this financial year the capital expenditure amounts to R360.6 million (27.7%) of the total adjusted budget. This means that that you will have to spend R1 billion (R1 000 000 000) in the last four months of this financial year. Looking at your track record regarding capital expenditure that in not remotely possible. To fulfil this vote catching promises you need money that you don't have.

Mister Speaker take note that while you are busy destroying your ANC from inside the people are ready to get rid of you and put their trust in the DA with a proven record of good governance. Terwyl julle voor die howe dans en skelms ondersteun vergeet julle van die arm mense wat beroof word, maar neem kennis hulle wag vir julle by die stembus. The DA will not support this report. Thank you, Mister Speaker."

Councillor MG Selebeli addressed the Council: "Thank you, Honourable Speaker. I will start by saying, although dagga is legalised, we must never normalise using or overusing it to come to Council speaking such unfound speeches..."

On a point of order, Councillor M Kganakga remarked: "Mister Speaker what is the Councillor insinuating? Is he insinuating that Councillor JF Britz is a drug user because if he is insinuating that he must come with proof otherwise we will take legal steps, or he must take that back because he is talking about dagga which is a drug?"

The Speaker remarked: "Councillor MG Selebeli, I have a question; you speak about dagga and you are insinuating something; can you say something about it?"

Councillor MG Selebeli responded: "Honourable Speaker, what I am saying is that people must not normalise using dagga and coming here to the Council high because when you speak of something

The Speaker interjected and asked what Councillor MG Selebeli was talking about because what he said was a very serious statement and he continued: "There is a view that you are insinuating that Councillor JF Britz is the one that is using it. Councillors it is important that when you speak, you don't come with words that will disrupt your own speech as there are a number of points of order and I think you have invited them. Can you please withdraw that part?" it is an order Councillor, withdraw that."

Councillor MG Selebeli remarked: “I withdraw Honourable Speaker. As I continue, Honourable Speaker, I believe it is our obligation...(inaudible – poor sound connection and other Councillors/officials unmuted)...”

The Speaker thereupon interjected to request an official in the office of the Speaker to mute his microphone as he was disturbing the meeting.

Councillor MG Selebeli continued:

“As I was saying, it is our obligation as the City to submit the adjustment budget for the current financial year 2020/2021 in accordance with Section 28(2) of the Municipal Finance Management Act:

1. *an adjustment budget must adjust the revenue expenditure estimate downwards if there is material under-collection of revenue during the current year.*
2. *may appropriate additional revenue that has become available over and above those anticipated in the annual budget, but only to revise or accelerate spending programmes already budgeted for.*
3. *may authorise the utilisation of projected savings in one vote towards spending in another vote.*
4. *May correct errors in the annual budget.*

Honourable Speaker, in terms of Section 23(1) of the Municipal Budget and Reporting Regulation, the above-mentioned adjustment budget can only be done after the mid-year budget and performance assessment has been tabled to the Council.

Honourable Speaker, this past year has proven to be most unusual, it was Alice in wonderland discovering a beast of a virus and miracles along this journey, stranger than one could ever imagine possible a year ago. No one could have anticipated the devastating impact of the worldwide covid-19 on our communities, our economy and our Municipality. The hard lockdown and the continued implications post by the covid-19 through our entire financial year has delayed much of our planning and greatly affected our operational and capital expenditure and revenue.

Honourable Speaker, even though we tried to anticipate the impact of covid-19 on adjustment budget, it was impossible to determine the full extend to this international disaster on us. Honourable Speaker, South African figure stats shows how our economy has been affected by the pandemic on the national level. Income generated by food and beverages industry, last year it was decreased by 36.6% in November. The total income of the tourist attraction which we had in the City, was decreased by 65% in November as compared to the one of 2019. Income from accommodation has been decreased by 66.8% in November last year. Manufacturing and production, of food and beverages was also decreased by 36.5%.

Honourable Speaker, these are just some of the national points which reflect directly on our economy and how it has been affected. We have however, not lost hope and we shall never lose hope.

Honourable Speaker, coming to the issues of Bloemfontein, the account of Bloem Water, if fully paid, it is up to date and I have heard EFF speaking about if we have an arrangement with Bloem Water in terms of paying our own debt, we are doing some kind of a criminal activity.

There is no such Honourable Speaker. What I can assure the EFF is that there is no wasteful expenditure from this budget and the National Treasury is supporting this adjustment budget. The National Treasury wrote a letter to the CFO of Mangaung in support of the adjustment budget tabled today.

Honourable Speaker, the issue of Bloem Water when we are paying, we are complying with the settlement which we as the City took that we must make sure that our people get and enjoy the benefits of services such as water that we give them on daily basis. Honourable Speaker I am not sure if I have touched on all those aspects which the opposition wanted to raise as and when they are opposing this budget.

Honourable Speaker, the budget itself speaks of service delivery, the services that we must give to our people, the resealing of roads, closing of potholes, ensuring that refuse is collected, and we can never be discouraged by any opposition party. I support the item. Thank you, Honourable Speaker.”

Councillor EK Goliath addressed the Council: “The adjustment budget must be submitted before or on the 28th of February annually and as you can see, it is 18t days late. I wholeheartedly second the support for what my colleague had sad, Councillor JE Sebolao. The EFF will not support this adjustment budget. Thank you, Mister Speaker.”

Councillor DM Sekakanyo addressed the Council:

“Thank you, Honourable Speaker. Let me not waste time, I am supporting the adjustment budget as is. One should highlight that there is no deliberate omission in terms of Section 28(2)(a) because it is exactly what is happening. The (a) I do believe Councillor JF Britz must try to read it very well, and to see actually what we are doing because it is clearly clarifying that if the revenue it is not in accordance with the way it was expected we should therefore adjust downwards, there is no deliberate omission.

The other issue Honourable Speaker is that one of the Councillors mentioned a lot of potholes, high mast and streetlights are not working; I do believe the first Councillor who spoke, Councillor E Snyman van Deventer, I will draw her attention to page 5 of this particular adjustment budget report. She must read it very well and she must understand actually what it entails because this particular adjustment budget is trying to address the issue of maintenance. You are talking about streetlights, refuse removal, cleaning and maintenance of storm water channels, those are related to maintenance.

Honourable Speaker, the other point is that this particular adjustment budget it is a funded budget, and it has been confirmed even by National Treasury. Therefore, without any waste of time, I do support this adjustment budget. Thank you, Honourable Speaker.”

On a point of order, Councillor T Ranchobe remarked: “Mister Speaker I would like to call a point of order on the Chief Whip of the ANC. He is not doing justice for other comrades that have been here for a long time. There are Councillors that have been here for more than four years, they have not uttered a word. Councillor VE Nikelo is having just three months and he is already on the podium; it is highly out of order...”

The Speaker interjected to call Councillor T Ranchobe to order.

Councillor VE Nikelo addressed the Council:

“Thank you, Honourable Speaker. I promised not to even take two minutes of your time on this very important matter. I think one critical matter that I need to mention again is I heard some Councillors talking about the pro-poor budget of which I understand that if you are not from the African National Congress you would never understand the pro-poor because the ANC as the leader of the society is the only one which is in the mainstream of understanding our people better hence today the adjustment budget that is being presented. It is directly talking to the issues that are in the hearts of our people and as a result of that Honourable Speaker...I don't understand if people are saying they have the interest of the people in their hearts and when the ANC is presenting or the Acting Executive Mayor this wonderful adjustment and then they come...You know these prophecies of doom Honourable Speaker, they would always try to deter the good intention for our people to get the services they require. So, in saying so...”

On a point of order, Councillor MB Mononyane asked whether Councillor VE Nikelo was saying that the ANC the one that has the interest of the people whereupon the Speaker interjected to indicate that what Councillor MB Mononyane was raising was a different view and not a point of order.

Councillor VE Nikelo continued: “Honourable Speaker, I still maintain that the ANC is the only one that understand the aspirations of our people. I hope Councillor MB Mononyane I can be able to take him on if perhaps he needs that. I wish to indicate to say with my whole heart I support the adjustment budget as tabled. Thank you, Honourable Speaker.”

Prior to voting, the Speaker asked each party's whip to indicate how they would like to vote either per party block or individually.

On behalf of the DA, Councillor JC Pretorius stated that they felt that in previous rounds it was not democratic and therefore requested individual vote.

Councillor SM Mlamleli stated that she wanted to pronounce her vote.

On behalf of the ANC, the Chief Whip remarked:

“Honourable Speaker, I am the one speaking on behalf of the ANC Councillors, they cannot speak for themselves. We discussed this matter in the whips forum and we agreed that we need changes to assist Council, but we have recognised the fact that we do have challenges regarding the smooth running of the Council and that was noted by the whip's forum, the DA was there. We agreed that we must actually employ hybrid method when it comes to this.

Some Councillors because of network, they are unable to vote as they are connected to other Councillors. We are therefore saying, at least they must open their videos for the speaker to be able to see them when they vote, but in a nutshell, we are saying we have been proceeding well but we need to change as time goes on and our IT Department must actually come in and assist Councillors who are unable to connect.

Councillor PP Poone-Rankholo stated that on behalf of the EFF they agree that the whips would vote on behalf of the party/ other Councillors of the EFF.

The Chief Whip confirmed block voting i.e. whips must vote on behalf of their members and confirmed the numbers as well.

Councillor BJ Viviers remarked.

“Thank you, Mister Speaker. I actually had a point of order, I just wanted you to note that I think it is wrong for Chief Whip not to allow members of Council to voice their opinion, however that is in your discretion. While we are having the debate Mister Speaker, with reference to point number 4 of the agenda we actually requested a secret ballot. Now seeing that we have this whole discussion about how we are going to vote et cetera maybe you should answer that as also.

Mister Speaker, Councillor JC Pretorius already mentioned it, you know there was a lot of debate within this Council already about this. We have no idea if the ANC or the DA or whatever the party if we have 50 Councillors present. So, for transparency, accountability and democracy, it would be relevant that each and every Councillor vote. Thank you, Mister Speaker.”

The Speaker stated that it will be item by item in terms of how to vote and that for this item it would be a block vote and the same question will also be asked on the next item.

As the Chief Whip was answering how the ANC was voting and the number of Councillors present, Councillor BJ Viviers raised a point of order that the Speaker had to do the rollcall first.

The Speaker thereupon called each Councillor to confirm their attendance prior voting and announced the list of Councillors present as follows:

ANC = 51
DA = 26
EFF = 8
FFP = 2
AIC = 1
ANA = 1
COPE = 1

After the Speaker announced the voting results, Councillor PP Poone-Rankholo requested that it be noted that the EFF voted against the approval of the item.

Councillor Pretorius JC also requested that it be noted that the DA voted against the approval of the item.

Thereafter *it was thereupon with 51 votes in favour, 35 votes against and 2 abstained,*

RESOLVED that the recommendation as set out in the agenda be accepted, adopted and approved, by the Council.

6Q

RESOLVED

- (a) That based on the details as outlined above it is recommended that Council approves the Adjustment Budget as contained herein, together with the resolutions as contained here below;
- (b) That Council approves changes as contained in Table B, to Table B10 as well as all other supporting schedules for the Adjustment Budget;
- (c) That the Municipal Containment Regulations be implemented by all departments and
- (d) That debt collection levels for all services be improved and that all departments contribute to revenue collection.

RESOLUTIONS:

1. That the original budget as approved on 30 June 2020 be adjusted accordingly. Operating Income be decreased by R59,000 million to the revised amount of R7,353 billion. The Operating Expenditure be decreased by R42,741 million to the revised amount of R6,832 billion. The Capital Expenditure Budget be increased by R163,598 million to the revised amount of R1,300 billion for the 2020/21 financial year as set out in the following tables:

		Page
Table B1	Consolidated Adjustment Budget Summary	7
Table B2	Consolidated Adjustments Budget Financial Performance (Revenue & Expenditure by Municipal Vote)	8
Table B3	Consolidated Adjustment Budget Financial Performance (Standard Classification)	9
Table B4	Consolidated Adjustment Budget Financial Performance (Revenue & Expenditure)	19
Table B5	Consolidated Adjustment Capital Expenditure, Budget by Vote and Funding	22

2. That the financial position, cash flow, backed reserve/accumulated surplus, asset management be adopted as set-out in the following tables:

		Page
Table B6	Consolidated Adjustment Budget Financial Position	23
Table B7	Consolidated Adjustment Budget Cash Flows	25
Table B8	Consolidated Cash Backed Reserves/Accumulated Surplus Reconciliation	26
Table B9	Consolidated Asset Management	27
Table B10	Consolidated Basic Service Delivery Measurement	30

3. The Municipal Cost Containment Regulations be implemented by all departments.
4. That debt collection levels for all services be improved and that all departments contribute to revenue collection.

5. That the Adjustment Budget be considered again in February 2021 after the mid-year performance assessment and re-alignment of capital projects as a result of the mid-term fiscal policy statement.

2.

REQUEST FOR APPROVAL TO ENTER INTO A SERVICE LEVEL AGREEMENT WITH THE HOUSING DEVELOPMENT AGENCY FOR THE IMPLEMENTATION OF IDENTIFIED PROJECTS RELATED TO HUMAN SETTLEMENTS

WITHDRAW.

3.

REQUEST TO CONDONE THE ACTING OF COUCILLOR MOLEFI MORAKE DURING THE ABSENCE OF COUNCILLOR LEBOHANG MASOETSA**Councillor E Snyman van Deventer addressed the Council as follows:**

“Thank you, Mister Speaker. The Freedom Front Plus will not support the condone of an acting, acting Executive Mayor in the place of an Acting Executive Mayor. The Freedom Front Plus will furthermore not support the delegation to the Acting Executive Mayor to the Speaker and the Chief Whip to appoint acting Executive Mayor as they see fit. The Council should elect and appoint the Executive Mayor and the ANC should stop this continue waste of time. The ANC apparently want to keep the Acting Executive Mayor until the next election; are you afraid that some of the factions in the ANC will again join the opposition in the election of the Executive Mayor? Stop playing for time, better select a new Executive Mayor. You cannot get Councillor SM Mlamleli back, get over it. It has been seven months; let us elect an Executive Mayor; put Mangaung Metropolitan Municipality and service delivery above your own self-interest and stop serving your internal politics and put service delivery for Mangaung above your internal fighting. Thank you, Mister Speaker.”

Councillor MJ Ramatlama addressed the Council as follows:

“Thank you, Mister Speaker. The EFF caucus let by capable women Councillor P Marais and Councillor PP Poone-Rankholo, the house at large I greet you. Ke sa lebale baahi bohle ba Mangaung ba ho fumana ditshebeletso hang hang fela ha dikgeto di atumela.

Mister Speaker, allow us to take this opportunity to wish Councillor LA Masoetsa a speedy recovery, may the gods of Africa be giving strength to us in the next Council sitting however we note with concern an illegal act committed by Councillor LA Masoetsa of unilaterally appointing his colleagues to act on his behalf while he was still busy with bereavement without following due processes of this house. An actor appointing another actor.

It is nonsensical to say to this Mister Speaker, to cite that it was practically impossible to have convened an urgent Council meeting to consider this gomora tendencies. It is funny that when people want to advance looting, urgent meetings are called without even some of us Councillors getting Council agenda or documents.

Mister Speaker, the document dated 11 March 2021 on this matter stats very clear that Executive Mayor is the face of the Municipality. It is required both legally and administratively to report decision he has taken. We as the EFF strongly believe that the self-appointed, self-anointed and illegal Executive Mayor does not even have the capacity to do the job. This is the same Councillor who is the MMC for Corporate Services; under his leadership Corporate Service has collapse completely. We are speaking of an actor who failed together with his HOD, Mr David Nkaiseng on the promises they made to us last year during virtual training of Councillors; we are yet to receive our tools of trade. On the other hand, we don't blame Mr David Nkaiseng because making promises they can't keep is a culture to his principals.

So, before Councillor MA Morake can proceed with his huge responsibility of leading the City, he must first deliver our tools of trade empa fela ke e tshidisa, we know that we are going to finish our term without them.

In conclusion Mister Speaker, I wonder why the ANC is depriving the community of Mangaung an opportunity to have the Executive Mayor who would take this Metropolitan forward. An Executive Mayor who would prioritise sourcing of security guards. An Executive Mayor who would build a City that was formerly known as a City of Roses and now famously known as a City of potholes and rubbish. An Executive Mayor who would fix Municipal billing systems. An Executive Mayor who would acknowledge former Naledi as being part of the Metropolitan Municipality. An Executive Mayor who would make sure that those who wasted taxpayer's money pretending to build the community of Mangaung taxi rank goes to jail. Is it because they are afraid that they might lose mayorship to opposition because they are of their own factions?

Let us stop this madness of actors, before we know, we would be told that the City has spend R40 million to renovate Hoffman Square which I still intact. Councillor MA Morake, when your fellow mates approved you, be like Mangosuthu Buthelezi in this acting thing, live in a moment my brother. Appoint all security guards permanently so that the community of Mangaung can see a liberator in you, and not the ones who came before you; theirs it was to liberate their own stomachs, they can't even walk down the stairs, ke mafura a mayofonyofo.

Mister Speaker, the EFF refuse to be part of this cast called the river aka ANC led Mangaung Metropolitan Municipality in approving Councillor MA Morake. Thank you, Mister Speaker."

Councillor P Marais remarked: "Mister Speaker I just want to say to the ANC Councillors that has been there for four and half years who have never spoke, my leader has been here for only four and he has made his maiden speech..."

The Speaker interjected to indicate that Councillor P Marais was out of order.

Councillor M Kganakga addressed the Council as follows:

"Good afternoon Honourable Speaker and Councillors, before I start with my speech, I just have one question, shouldn't we have given the permission first to Councillor MA Morake before he delivered the speech that was written for him for tabling and removed items on this agenda?

As I start, the answer is no, we will not be condoning the appointment of Councillor MA Morake as the acting, acting Executive Mayor. As daar mense wat weet om die systems te verkraag is dit die ANC. The words written in this item are meaningless, there is no way in Municipal Structures Act where it talks about municipality which failed to elect a new mayor after eight months where the previous mayor was voted out, there is no way in Municipal Structures Act where it refers to the acting Executive Mayor being sick and the ANC have to bring an illegal acting, acting mayor in the Municipality. The previous Executive Mayor was driven to an almost breaking point trying to conceal all the corrupt and mismanagement of the ANC.

I would have expected a letter to Councillor LA Masoetsa as part of the item document to at least explain his disposition to his fellow Councillors especially since he has been sending other notices and some condolences, but instead you guys have given us a want to be celebrity. Councillor MA Morake you will never, ever become Executive Mayor of this Municipality. After the election later this year we are going into a coalition government, watch the polls. This PR stunt is closest to being the Executive Mayor. This facade is pure nonsense.

According to the document for this item Councillor LA Masoetsa became ill around the 28th of February 2021, this is around the same time we were supposed to have Council meeting. If you guys were serious about governance and not having an illegal acting, acting Executive Mayor, flaunting around in the Metro, you would have called an emergency meeting. We know this is possible because emergency meetings are called to spent unauthorised expenditure in the forms of R100 000 for funerals of Councillors and non-Councillors, but you as the ANC don't care about governance, you only care about playing charades with the people...(inaudible – ambient noise)

To Councillor MA Morake, ANC Wards are not Mangaung. Mangaung is Mangaung and had 50 Wards. To the ANC, we know you guys don't like each other but this City deserves a legitimate Executive Mayor. Councillor MA Morake is an illegal acting, acting Executive Mayor and when Councillor LA Masoetsa comes back, you will only be the acting Executive Mayor. We deserve better than...(inaudible – ambient noise) illegal acting, acting Executive Mayor.

In closing, the DA would like to wish Councillor LA Masoetsa a speedy recovery. He is in our prayers and our thoughts. Thank you, Honourable Speaker.”

The Chief Whip addressed the Council as follows:

“Thank you, Honourable Speaker. It is quite encouraging to see new arrival from the EFF making an input in Council and I like his enthusiasm, but Honourable Speaker I want to correct him, the EFF Councillor; that the acting capacity of Councillor MA Morake, Councillor LA Masoetsa has the right in terms of the law in his absence on temporary basis to appoint someone who would act in his absence. Everything he said, just rhetoric, excited to be new Councillor. Background given, acting Executive Mayor Councillor MA Morake, acting on an acting capacity. He is only merely acting, it is not farfetched, it is in the legislation Honourable Speaker, from there, everything that he said really, it was just rhetoric, maybe he is excited to be a new Councillor in Council.

Honourable Speaker, the background has been given, and I want to warn Councillor M Kganakga that the acting Executive Mayor, now Councillor MA Morake is acting on an acting capacity. He has no ambitions whatsoever to become the Executive Mayor of this particular Council. He is merely acting in the absence of the acting Executive Mayor, Councillor LA Masoetsa.

Honourable Speaker the background has already been given that Councillor LA Masoetsa had a bereavement and then later on he was off sick, and may he speedily recover from his illness. He is off sick, he was hospitalised, and that doesn't mean that if he is acting then he cannot appoint somebody to act if he is ill. Life doesn't allow a vacuum and we cannot predict what happens tomorrow. Councillor LA Masoetsa has all the right as a human being, covered by the Constitution, the Bill of Rights to be hospitalised if he feels that he is not ok to perform his functions optimally. So, that is what he has exercised in terms of the Constitution.

Honourable Speaker, Municipal Structures Act, Section 49 clearly states that the Deputy Mayor exercises the powers and performs the duties of the Mayor if the Mayor is absent or not available or if there is vacancy. Councillor LA Masoetsa acted in line with the Structures Act, Section 49. Furthermore, Honourable Speaker, the Municipal Finance Management Act, Section 59 says the powers and duties assigned in terms of this act to the Mayor of a municipality which have an

executive mayor maybe delegated by the executive mayor to another member of the municipality's mayoral committee and that is what Councillor LA Masoetsa did in this particular regard.

In this case, Councillor LA Masoetsa as acting Executive Mayor evoked his rights to delegate in terms of the Delegation of Powers Policy and delegated and appointed Councillor MA Morake to act as Executive Mayor wherein Councillor MA Morake was requested to exercise the powers and perform the duties of the Executive Mayor and therefore brought it to Council because it is in line with legislature. As the ANC we support. Thank you, Honourable Speaker."

Councillor Makhalanyane addressed the Council:

"Thank you, Mister Speaker. This is unjust treatment to the taxpayers of Mangaung. This matter is long overdue without having a proper Executive Mayor. We are having a *nama o sa tshwere* and now we are planning to have another *nama o sa tshwere* and so we want a proper Executive Mayor. The Council must take a step now to elect a proper Executive Mayor because it is unjust for the City for such long time to not have an Executive Mayor. What I wanted to say is that we are left with no option but to agree with the matter because we cannot run the City even in the absence of the Acting Executive Mayor and that is why I am left with no option but to agree with the matter that Councillor MA Morake must act because we cannot do anything.

The report that the Speaker gave is that the Acting Executive Mayor is having a serious problem and it is not by choice but a matter of health that is why I am saying we are left with no option. We agree or not, but we cannot allow a City to be without an Executive Mayor whether ke *nama o sa tshwere* or *the present acting Executive Mayor, ha re na yena now*; that is why I am saying let us give Councillor MA Morake a chance to act. We are given no option but give Council a chance to elect proper Executive Mayor, like I said early it is unjust for the City to run like this. I agree with the matter. Thank you, Mister Speaker."

Councillor JE Sebolao addressed the Council:

"Thank you, Honourable Speaker. Allow us to express our belated condolences as the EFF to Councillor LA Masoetsa with the passing away of one of his family members. Honourable Speaker, while we are taking note of the request for Council to condone the acting of Councillor MA Morake as Acting Executive Mayor, we as the EFF would like to highlight the following observation:

The past year, we as Metro used to have many virtual Council sittings and that is totally unacceptable to indicate to us that no meetings could have been held before an acting Executive Mayor could have been appointed especially since Councillor MA Morake was seemingly appointed more than ones during this period. The question in mind should rather be why acting on acting. Are we not busy with illegal decision making in continuing with the acting Executive Mayor whilst legislation is clear that we should have elected one at the ensuing ordinary Council after the removal of the former Executive Mayor Councillor SM "Olly" Mlamleli?

The fact that the MEC of COGTA is silent on the non-compliance in terms of adhering to legislation also leaves much to be desired. Honourable Speaker, as the custodian of legislature, rules and

policies in this Council, your office s failing us dismally and needs a self-introspection. This non-compliance and deliberate delay in electing an Executive Mayor is a reflection of in fighting and factionalism within the ruling party and in the meantime we as Council becomes the national joke as we have no political leadership at all. We as the EFF refuse to be used as a tool and rubber stamp of the ruling party in this Council and call upon you as a Speaker for the election of the Executive Mayor as part of the compliance to the legislature.

If the ANC cannot make up their minds and do not have a candidate, we are ready to govern and give proper service to our communities while you show a lack of political will and leadership in electing the political administration head of this institution, corruption and non-compliance is rife and prosper in the Municipality. To put the cherry on the cake, we established committees in this Municipality, and they have a simple don't care attitude or rather taking them for a joke with reference to MPAC. ANC for once in your life do the right thing and comply with the legislation and take Council and its committees serious. The EFF is not going to support this. Thank you, Honourable Speaker.”

The Speaker mentioned that voting would be same as the item above, i.e. block vote/ party vote.

After the Speaker announced the results of the voting, Councillor PP Poone-Rankholo requested that it be noted that the EFF voted against the approval of this item.

Councillor EM Mokhoanatse asked the Speaker that if a party had voted against the item, is there a need for it to request that it be noted. In response, the Speaker stated that there was a need if a party request that.

Thereafter *it was thereupon with **52 votes in favour, 38 votes against***

RESOLVED *that the recommendation as set out in the agenda be accepted, adopted and approved, by the Council.*

RESOLVED That it be resolved, namely:

- (a) That the Municipal Council take note of the report;
- (b) That the Municipal approves the leave of absence of the acting Executive Mayor Councillor Lebohang Masoetsa as highlighted in the report;
- (c) That the Municipal Council approves and condone the acting of Councillor Molefi Morake from the period 31 December 2020 to January 08, 2021; January 12, 2021 to January 15, 2021; January 18, 2021 to January 24, 2021 and from February 25 until March 05, 2021 to date due to the reasons of absence of Councillor Lebohang Masoetsa as highlighted in the report;
- (d) That Council delegates the Acting Executive Mayor to, in consultation with Speaker and the Council Whip appoint one of the members of Mayoral Committee to act in his position in the event that he is temporarily unable to fulfil his Mayoral obligations and duties.

4.

THE DEMOCRATIC ALLIANCE SUBMISSION ON THE DISCIPLINARY REGULATIONS AGAINST THE CITY MANAGER

The Speaker explained the procedure to follow under this item whether the Acting Executive Mayor to present the item first or not.

On a point of order, Councillor BJ Viviers remarked:

“Mister Speaker give clarity; the allegations of misconduct were made by the DA in terms of the quite clear regulations. It is now our opportunity and I think other Councillors of different political parties to join in and indeed have now the opportunity to now place everything before Council. If indeed Council is of the opinion that there is enough evidence or reasonable believe that there was misconduct, then we must appoint an independent investigator. Where I am a little bit dumbstruck at this point, you are talking about somebody who is going to make a presentation now, what presentation would that be? It really baffles my mind because the Acting Executive Mayor when I asked him and he answered me on Monday about the response of the Municipal Manager, he said that we are not going to receive ...”

The Speaker interjected to explained that yes, Councillor BJ Viviers wrote to the Acting Executive Mayor however, the report submitted to Council was the report of the Executive Mayor hence he was allowing the Acting Executive Mayor, Councillor MA Morake to present and thereafter allow Councillors.

The Acting Executive Mayor, Councillor MA Morake read the report as submitted to Council.

The Speaker remarked as follows: “Thank you, Acting Executive Mayor. I am under the impression that you are leaving the whole matter to deliberate. I will request you Acting Executive Mayor before I give others; you must come with a clear recommendation. What are you recommending?”

The Acting Executive Mayor responded:

“I think Honourable Speaker, in terms of the recommendations, it is a two-way process because, remember they are saying this is allegation and if this is an allegation, we have to collaborate the facts on the allegations so that we have evidence on those allegations. For now, we will appoint external investigator/s to establish the facts on allegation of which after the deliberations of Council, we will announce the investigator that will investigate the process, or can I announce now Honourable Speaker?”

Councillor E Snyman van Deventer raised a point of order on Councillors’ conduct as follows:

“Mister Speaker, please look at the meeting chats, inform Councillors that even in the chats, they are still part of the Council meeting, and they must conduct themselves as Councillors in terms of the Standing Rules and Orders. The things that are said from chats are unacceptable. Thank you, Mister Speaker.”

The Speaker remarked: “Thank you, Councillor. Let me tell you Councillors, a Council item, before we deliberate on it, it is still a confidential document. If you read our Standing Rules and Orders, you cannot communicate before we finalise and that is why political parties will have press conferences/briefs after the Council meeting. During the Council meeting, you cannot. It is a misconduct to chat whilst we are busy deliberating on the matter. Our Standing Rules and Orders Councillors are very clear.

Councillors, please! We are discussing this matter; I know we are going to elections but in the process ... I will check all those chats; I will look at them and after that we will get clarity on what route we must take. The process today is that the Acting Executive Mayor has received these complaints from the DA, and thereafter it would be proper for him to come with a recommendation because we will expect him after receiving this, he must interact with the City Manager and after interacting with the City Manager then he makes a recommendation. Now, we know that he has made a recommendation that there must be an independent investigation that is his recommendation to take place.

I will allow the councillor who initiated this then Councillors will deliberate, but I have a challenge because this matter, if we are going to have a team of investigators is going to be discussed at that level, at this stage it is still an allegation. So, those allegations there is going to be a team which is going to investigate those allegations. After those allegations have been investigated, then we will receive a report and it is only at that stage where we will deal with a matter. Can we deal with it that way? We just have to agree that there must be a team of investigators to be appointed then refer the matter; give all the documents to that team and then the team would do all the necessary investigation then come back with a report then we will deliberate on it because according to his own views, he feels that there must be some kind of investigation. Can we close it that way?”

In responding to Councillor BJ Viviers on allowing Councillors to draw the item for discussion, the Speaker remarked: “I am asking, remember this is a process, can we agree that there must be appointment of independent investigators and then the deliberation on the matter would be done after the investigators reported or tabled their report?”

Councillor BJ Viviers responded:

“I understand. Are you stating or the Acting Executive Mayor also stating that indeed you concur that there is reasonable cause or even evidence to believe that misconduct could have been committed by the Municipal Manager and that Council should now resolve, this is actually the proposal from the acting, Acting Executive Mayor that now within seven (7) days an independent investigator will be appointed to investigate the misconduct? Do I understand you 100% correct?”

The Speaker confirmed: “Yes.”

Councillor BJ Viviers continued: “Will we, I will close with this, I didn’t have the opportunity and I didn’t know that this will be your proposal, so we just quickly want to make sure from our caucus. Let us be honest, there is seven (7) days to decide on the independent investigator and I think at the end of the day it will be important, democratic, transparent that of course all political party should have input with reference to the independent investigator/s, and not to be just a party.

Can we accept that you will then within seven (7) days call Council meeting again where we can have deliberations on independent investigator/s. I am just going to ascertain from our caucus. Thank you, Mister Speaker.”

The Speaker confirmed: “Yes, I think that is in order. That is exactly what it is. Councillors there is a recommendation that says that we must appoint an independent Investigator. So, next week we are going to have a Council meeting because this has to be made by the Council. It is a decision that must be taken by Council within seven (7) days; by next week, we are going to have a Council meeting to appoint independent investigator.”

After all parties voted by means of block votes and the Speaker thereupon announced that the voting was unanimous.

Councillor BJ Viviers on a point of clarity remarked:

“Thank you, Mister Speaker it almost feels like we are in Parliament today with reference to the Public Protector. I just want to concur and confirm with you, seven (7) days, working days from now will be the 30th of March 2021 and so you must call the Council meeting on or before the 30th of March 2021.”

The Speaker confirmed: “Yes! You have got it right.”

Councillor MAP De Bruyn remarked:

“I would just like to raise the issue of the documentation that was not delivered to Councillors or that not all documentation regarding this point were delivered to Councillors and Councillor GDP Kotze luckily he provided us with the missing documentation. I would just like to request the Speaker and the Chief Whip to investigate as to why not all documentation were not provided with the agenda.”

The Speaker responded: “Normally when we are dealing with such a matter, we distribute in the Council meeting and it was wrong for Councillor GDP Kotze to do that. Committee Services is the only one that deals with distribution of Council documents and not Councillors.

We are not discussing the matter. When we are going to discuss this matter after the investigation, all documents that the DA had submitted will be provided. All the responses will be provided then Councillors will be given the opportunity to discuss with clear recommendations.”

On a point of order, Councillor BJ Viviers remarked:

“Thank you, Mister Speaker. I am not sure if it is administration or you who are misleading us, but the Acting Executive Mayor clearly said that the annexure to our request as well as the correspondence between him and the DA will be supplied to Council on or before the 16th of March 2021 at 11h00 and that did not happen. So, I am actually very thankful to Councillor GDP Kotze who had provided it to Council.”

The Speaker responded: “Councillors, now I speak as a Speaker. When we are dealing with individuals i.e. senior officials, you know very well that the documents are confidential and we normally provide those in a Council meeting for obvious reasons. Please, let us do it that way.”

Thereafter *it was thereupon with unanimously*

RESOLVED that the recommendation as set out in the agenda be accepted, adopted and approved, by the Council.

RESOLVED that Council considered the allegations as contained in the letter from Councillor TD Masoeu and Councillor Hardie Viviers and Council is satisfied that the allegations leads to a reasonable cause to believe that an act of misconduct could have been committed by the City Manager, Adv Tankiso Mea and Council must within seven (7) days appoint an independent investigator to investigate the allegation of misconduct.

17	REPORTS OF THE SPEAKER
----	-------------------------------

None.

NOTED.

18	REPORTS FROM MUNICIPAL PUBLIC ACCOUNTS COMMITTEE
----	---

In the absence of the Chairperson of Section 79 Committee: MPAC, the Speaker presented the item as follows: “In front of us we have this item, and I am sure you had seen the recommendations. There is a background and recommendations 5.1, 5.2 and 5.3 as in the report.”

The Speaker requested that Councillors vote on the item however Councillor M Davies requested to speak on the item and Speaker responded as follows: “Councillor M Davies if you look at the item, it seeks Council to assist in terms of appointing a person that is going to assist MPAC and so if we are going to deliberate on this matter until late, I don’t think it is ...because at the moment we are just dealing with this, and I don’t think this item needs politics etc. It needs us just to assist MPAC

On a point of clarity, Councillor E Snyman van Deventer said that the report was signed in December 2020, and why was it only now submitted to Council which was three (3) months later and thus feeling like the office of the Speaker and the Chief Whip was undermining the work of MPAC.

The Speaker responded: “Councillor E Snyman van Deventer, I was called by MPAC. I went there and I explained how item come to this Council meeting. I am sure those who are serving in MPAC will give you the clarity. On this matter there were no politics, and that is why I am saying, if you look at the item as is, because I am trying to make sure that the recommendations are accepted by all.”

On a point of order, Councillor JC Pretorius remarked: “Mister Speaker if you look at the agenda point (c), it states that Council approve. If Council needs to approve, we can deliberate on the item. I don’t know why you don’t want us to deliberate. So please allow us to deliberate and then you can go to a vote, and that is the procedure. Thank you, Mister Speaker.”

The Speaker stated that what he wanted to avoid was Councillors coming up with different positions and making political points however he then allowed Councillors to draw the item.

Councillor JE Sebolao remarked that Councillors who requested to draw items where all members who were serving in the MPAC and wondered what they would say differently from what was said in their meeting, and that he did not understand why members were drawing the item and deliberating on it and therefore the EFF would not participate.

The Speaker responded that, it was the same reason hence requested that they go straight to voting as Councillors had opportunity at Committee meetings for the discussions. However, he had allowed Councillors to draw the item.

NOTED.

1.

AN UPDATED REPORT TO COUNCIL ON UNAUTHORISED, IRREGULAR AND FRUITLESS AND WASTEFUL EXPENDITURE REGISTERS REFERRED TO MPAC FOR INVESTIGATION

Councillor M Davies addressed the Council as follows:

“Thank you, Mister Speaker. Recommendation 5.3 reads: *Council to approve the Terms of Reference for outsourced investigation of irregular expenditure and mandate the City Manager to source these services.* This must be changed to mandate MPAC to source these services. Because according to the MFMA the Municipal Manager plays a central role in irregular expenditure and the buck stops with him. So, during these investigations the Municipal Manager’s decisions, actions and sign offs will be the centre of the investigations. As recommendation 5.3 reads now, we are allowing the main person being investigated to appoint his investigator. This will place the investigation done already under scrutiny of its reliability and unbiased.

We also hope that the services sourced would be from a company that has rendered this type of service to Mangaung previously, as they have experience and the know-how on how things work within the Municipality, which could save a lot of time and even money during the investigation if we do not reinvent the wheel.

Lastly, we would like to add recommendation 5.4: That the Supply Chain Management Policy be revised and rectified to comply with National Legislation.

Currently Mangaung’s Supply Chain Management Policy 15.8.3 allows the Municipal Manager to source for certain works, goods and services without an explanation if it is limited to the amount of R200 000,00.

Preferably, the preferred service provider must be on the Supply Chain Management accredited list of service providers/ central suppliers’ database or meet the listing criteria. Procurements where it is impractical to obtain service provider from the accredited list or meeting minimum listing criteria will be approved by the City Manager.

9B

For all these exemptions, the accounting officer authorizes the Supply Chain Management to sourcing at least one quotation. Every year the Auditor General red-flags Mangaung for Supply Chain Management processes not followed due to the above which resulted to irregular expenditure of more than R222 000 000. And every year the Auditor General bemoans Mangaung to bring their Supply Chain Management Policy in-line with National Legislation, as a Municipal Manager cannot be given this much carte blanche and every year we ignore this. Thank you, Mister Speaker.”

Councillor TD Masoeu seconded the amendments proposed by Councillor M Davies.

Councillor EM Mokhoanatshe addressed the Council:

“Thank you, Honourable Speaker. Yes, it is true we are members of MPAC, and we discussed this, but the issue at hand is the financial implications whilst we know that certain amount was spent in the previous investigation, and I don’t think it is proper for a quantum to be reflected in the reports and that would have to come as a result of quotations received from service providers because this basically is something that is going to be guiding Council to say we are expected to spend this amount of money even if we know we need to allocate the money, but the quantum... yes, there are financial implications, but we should not pre-empt the quotation that are going to come from service providers. Thank you, Honourable Speaker.”

Councillor S Dyosiba addressed the Council:

“Honourable Speaker, I tend to agree with you, because I fail to understand. On our side, we are very clear as MPAC, we take what we have, and we bring it to the people, we are playing fair. There is nothing saying item number (2), item (3) needs to increase the number of the recommendations. We are saying, here is the item, we brought it to Council, and there is nothing that we want to change.”

The Speaker commented: “Thank you, Councillors. Councillor M Davies, sometimes you would do a right thing in a wrong way, and that would make it all wrong. The policies that deal with Supply Chain Management, you only change them once in a year when you approve the budget, that is the first thing.

Secondly, Councillors don’t deal with matters of Supply Chain Management, I think I had explained it.

Thirdly, the Supply Chain Management process even if is City Manager that ultimately signs, but he is not the one that deals with them. There are Committees of Council, that we as this Council that we had approved in June.

In short, when this item was designed, Councillor MM Tladi and others who are serving in that Committee, there was an initial recommendation, but later realised that there is a need to change it, hence they changed it like this.

I think the manner in which the Committee had dealt with the report, it is proper, once you change it, it would be like somebody who wants to do the right thing in a wrong way. The way it is, I think it is proper.”

Councillor M Davies interjected as follows: “Mister Speaker, my apology, but I don’t think you listened to what I was saying because everything you are saying now, is not what I said at all.”

The Speaker responded: “You are saying we need to change the policy of Supply Chain Management. You are also saying that the person to be appointed, must not be appointed the way the appointments are done in Mangaung. You are also saying the City Manager is going to appoint the person that is going to investigate him. If you have an interest on any matter, you step aside. On this matter, when an investigation is done, obviously he is going to step aside. You are part of the Committee...”

The Speaker thereon called Councillor M Davies to order as she continued interjecting the Speaker without being afforded a chance to speak.

Councillor MM Tladi indicated that she was all along part of the meeting however when it was her chance to present her item, she was disconnected. She then addressed the Council as follows:

“Councillor M Davies is out of order; she cannot say that we have changed the recommendation of our item that is submitted to Council. All members of MPAC can attest to that, this is our recommendation, and we are not supposed as Councillors to appoint the contractors to do the work, we are not Supply Chain Management, we are Councillors and so you are in order Honourable Speaker. Thank you, Honourable Speaker.”

Councillor M Kganakga on a point of order, remarked:

“Honourable Speaker, with due respect, I don’t think you are allowed to be yelling at Councillor M Davies. Secondly, you are putting words in her mouth. What she had said and what you explained what she said are different as oil and water. Thirdly, Councillor MM Tladi is now implying now that Councillor M Davies is a liar.”

The Speaker responded: “You know Councillor M Kganakga, I was called by MPAC, I attended that meeting and I saw the recommendations, I then advised them that Councillor are not supposed to be part of Supply Chain Management. I will give you the recordings of what Councillor said, and the Councillor was supported by a Councillor.

Secondly Councillor M Kganakga, when somebody is speaking you don’t respond whilst the Councillor is on a platform. You don’t speak when you are not given an opportunity to speak. She did it the first time, I didn’t say anything, I just reprimanded her nicely. She did it the second time and the third time, it is only then when I said to her, you don’t do that in a Council meeting. You do not just come in and speak. The Speaker must give you a platform. She took the platform three (3) times without being given that platform and that is not right, unless you are saying, she was correct by speaking without being given the opportunity to speak. It was wrong of her.”

Councillors voted per party block as follows for the recommendation as presented by Councillor M Davies: 28 votes in favour, 62 votes against and thereafter voted for the item as submitted by MPAC: 62 votes in favour, 0 against and 28 abstained.

During voting, Councillor JE Sebolao requested the Speaker to call EFF before Freedom Front Plus and the Speaker stated that Councillor JE Sebolao was right, and that it would be corrected accordingly.

Thereafter it was thereupon with **62 votes in favour, 28 abstained**

RESOLVED that the recommendation as set out in the agenda be accepted, adopted and approved, by the Council.

RESOLVED it is therefore in line with the aforesaid that MPAC is recommending:

- (a) That Council to take note of the progress made to date.
- (b) That Council to take note that reports on investigations done on unauthorised and fruitless and wasteful expenditure will be reported on, as and when concluded by MPAC.
- (c) That Council to approve the Terms of Reference for outsourced investigation of irregular expenditure and mandate the City Manager to source these services before end of December 2020 in line with the Supply Chain Management processes (attached Terms of Reference as Annexure A)

19	REPORTS TO BE DEALT WITH IN COMMITTEE
-----------	--

None.

NOTED.

20	CLOSING OF THE SPECIAL COUNCIL MEETING
-----------	---

In closing the Speaker thanked the citizens of Mangaung, officials, media and Council for attending the meeting.

The meeting officially closed at 15h05.