

CONFIDENTIAL



AGENDA
for a
SPECIAL MEETING

**MANGAUNG
METROPOLITAN
MUNICIPAL COUNCIL**

VIRTUALLY ON MS TEAMS

**WEDNESDAY
SEPTEMBER 15, 2021
AT 14:00**

**MANGAUNG
METROPOLITAN
MUNICIPALITY**

MANGAUNG METROPOLITAN MUNICIPALITY

**Bram Fischer Building
BLOEMFONTEIN**

SEPTEMBER 13, 2021

**ALL MEMBERS OF THE METROPOLITAN MUNICIPAL COUNCIL OF THE MANGAUNG
METROPOLITAN MUNICIPALITY**

Ladies and gentlemen

Notice is hereby given in terms of the provisions of
Section 29(1) of the Local Government:
Municipal Structures Act, 1998 (Act No 117 of 1998) and
Rule 5.1 of the Council's Standing Rules and Orders read together with Section 3 and 27(2) of
the Disaster Management Act, 2002 (Act No. 57 of 2002) under Government Gazette Number
45156 of 12 September 2021, that

**A SPECIAL MEETING OF THE
MANGAUNG METROPOLITAN MUNICIPAL COUNCIL**

will be held


VIRTUALLY ON MS TEAMS

On

WEDNESDAY, SEPTEMBER 15, 2021

at 14:00

To consider the items as set out in this agenda.


.....
**ACTING CITY MANAGER
MR S MORE**


.....
**SPEAKER
COUNCILLOR MM MOTHIBI-NKOANE**

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).

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AGENDA

(OPEN COUNCIL)

**161.
OPENING**

**162.
NOTICE OF THE MEETING**

**163.
APPLICATIONS FOR LEAVE OF ABSENCE**

**164.
ACCEPTANCE OF THE AGENDA**

**165.
ANNOUNCEMENTS**

1.

LOCAL GOVERNMENT ELECTIONS 2021: REQUEST FROM IEC FOR MANGAUNG MUNICIPALITY TO NOMINATE ONE (1) ADDITIONAL OFFICIAL AS MANGAUNG SUB MUNICIPAL ELECTORAL OFFICER (MEO's) TO ASSIST THE CURRENT INCUMBENT

Annexure: Report dated 24 August 2021 received from the Municipal Electoral Officer.

RECOMMENDATION

- a) That Council takes note of the IEC request for additional sub-MEOs;
- b) That Council recommends the nomination of Mr Teboho Maine as the sub MEO for the 2021 Local Government Election.

2.

TABLING OF PERFORMANCE AGREEMENTS FOR THE MUNICIPAL MANAGER AND MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER FOR THE CITY OF MANGAUNG 2021/2022

Annexure: Report received from the Acting City Manager.

RECOMMENDATION that the Council:

- 1) Notes the signed performance agreements of the Municipal Manager and Managers directly accountable to the Municipal Manager;
- 2) Notes that the signed performance agreements will be published on the municipal website of the City; and
- 3) The performance agreements will be submitted to the MEC responsible for local government.

3.

REPORT ON THE ESTABLISHMENT OF METRO POLICE CIVILIAN OVERSIGHT COMMITTEE

Annexure: Report received from the HOD: Corporate Services.

RECOMMENDATION

- a) That the Council takes note of this report.
- b) That the Council approves the following persons as members of the Civilian Oversight Committee.
- c) That the Acting City Manager write appointment letters to approved members.
- d) That the committee be beefed up with *ex officio* and support additional appointments of (1) one person from each of the following sectors
 - 1. Taxi
 - 2. Farming
 - 3. Small Farmers
 - 4. Religious (each religion may submit a name)
 - 5. Disabled
- e) Further, that the Council approves Schedule "A" (Code of Conduct for COC Members), Schedules "B" (Disclosure of Personal Interests), accompanying and Oath of Office of the Members of the Mangaung Metro Police this report.

4.

ICT GOVERNANCE FRAMEWORK, SECURITY POLICY, USER ACCESS MANAGEMENT AND THE INTELLECTUAL PROPERTY POLICIES

Annexure: Report received from the HOD: Corporate Services.

RECOMMENDATION that:

- (a) Council to consider and approve the ICT Governance Framework, Security, User Access Management and the Intellectual Property Policies.
- (b) A by-law be developed to give effect to the policy where applicable.

5.

WRAP AROUND PROJECT: APPLICATION FOR A CONSENT TO EFFECT FURTHER IMPROVEMENTS, ADDITIONS OR ALTERATIONS TO THE LEASED PREMISES AS WELL AS THE AMENDMENT OF A CONTRACT SIGNED BETWEEN THE MANGAUNG METROPOLITAN MUNICIPALITY AND THE FREE STATE RUGBY UNION IN RESPECT OF PORTION 2 OF ERF 26408, WILLOWS, BLOEMFONTEIN (FREE STATE TOYOTA RUGBY STADIUM)

Annexure: Report dated July 3, 2019 received from the HOD: Human Settlement and the City Manager and approved by the then Executive Mayor.

RECOMMENDATION

- (a) That the Mangaung Metropolitan Municipal Council consider the proposal submitted by the Free State Rugby Union to be granted a consent to evoke Clause 10 of the lease agreement entered between Mangaung Metropolitan Municipality and the Free State Rugby Union 1 December 2001 to effect further improvements, additions or alterations to the leased property and further accepts the proposed amendment of Clause 3.2 and 6 of the lease agreement respectively in terms of which the Free State Rugby Union will be granted irrevocable option to extend the lease agreement for a further period of thirty (30) years after the expiry date with a further irrevocable option to renew for a further period of thirty (30) years and include within the leased property a four star hotel with conference facilities and office block, provided that a public participation is conducted in terms of Section 116(3) of the Municipal Finance Management Act 56 of 2003;
- (b) That the rental be set at an amount of R176 000.00 (One Hundred and Seventy-Six Thousand) plus VAT per month for the first year from the date that appears on the certificate of occupation issued by the relevant authority;
- (c) That the said rental shall at least six months prior to its anniversary (a year from the date of the issuing of occupation certificate) be reviewed by considering the amount that could be levied for rates and taxes if the property was privately owned;
- (d) That the rental payable be an amount of R176 000.00 (One Hundred and Seventy-Six Thousand) plus VAT per month or the amount that could be levied for rates and taxes, whichever is greater;
- (e) That the final rental amount shall escalate at a rate of 8% per annum on the anniversary date of the lease agreement;
- (f) That the rental for the leased premises without the proposed development (The Rugby Stadium) shall remain at R500 000.00(Five Hundred Thousand Rand) the same as in the current contract;
- (g) That Clause 3.2 of the lease agreement be amended in terms of which Free State Rugby Union shall be granted irrevocable option to renew the lease agreement for a further period of thirty (30) years;
- (h) That Clause 6 of the lease agreement be amended to include within the leased property, a hotel with conference facilities and office block;

- (i) That Section 21 and 21A of the Local Government: Municipal Systems Act 32 of 2000 be applied when soliciting representations from the public on the intended amendment of the lease agreement;
- (j) That notwithstanding the date of approval, the amendment be effective from the first day of the month following the respective signing dates of the addendum by the Lessee and the Lessor, the last date of signature being the signing date for this purpose;
- (k) That the Lessee shall not cede, assign, delegate its right or obligations under this lease without the consent of the Lessor represented by the accounting officer, a consent which shall not be unreasonably withheld;
- (l) That the lease property shall at no point serve as security for the Lessee's obligations and that the Lessee shall not have a right to mortgage or encumber the lease property or any part thereof;
- (m) That maintenance plan for all the improvements on the leased property shall be drafted and agreed upon between the Lessor and Lessee and that the Lessee shall adhere to maintenance requirements per the approved maintenance plan and that the consequences for failure to adhere thereto must be incorporated in the said plan;
- (n) That the Lessee shall be responsible for taking out adequate insurance policy in favour of the leased property and be responsible for all the premiums;
- (o) That the addendum be annexed to the existing lease agreement be registered against Portion 2 of erf 26408, Willows, Bloemfontein and that the notarial registration of the amended lease agreement be for the sole account of the Lessee and
- (p) That all improvements shall become the property of Mangaung Metropolitan Municipality by means of *accession* and that control thereof shall pass to the Mangaung Metropolitan Municipality on termination of the lease agreement free of charge.

167	REPORTS OF THE SPEAKER
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NONE

168	REPORTS FROM MUNICIPAL PUBLIC ACCOUNTS COMMITTEE
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NONE

169	REPORTS TO BE DEALT WITH IN COMMITTEE
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NONE

170	CLOSING OF THE SPECIAL COUNCIL MEETING
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