



***CONFIDENTIAL***

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**MINUTES  
of a  
SPECIAL MEETING**

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**MANGAUNG  
METROPOLITAN  
MUNICIPAL COUNCIL**

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**VIRTUALLY      ON      MS  
TEAMS**

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

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**MANGAUNG  
METROPOLITAN  
MUNICIPALITY**

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**MINUTES OF A  
SPECIAL MEETING**

of the

**MANGAUNG METROPOLITAN MUNICIPAL COUNCIL**

held

**BRAM FISCHER BUILDING**

on

**WEDNESDAY, SEPTEMBER 15, 2021**

at 14:00

- 1 **SPEAKER**  
COUNCILLOR MOTHIBI-NKOANE MM
- 2 **EXECUTIVE MAYOR**  
COUNCILLOR SIYONZANA MA
- 3 **DEPUTY EXECUTIVE MAYOR**  
COUNCILLOR MASOETSA LA
- 4 **CHIEF WHIP**  
COUNCILLOR MANGCOTYWA ZE

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

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

## **SECTION 79 CHAIRPERSONS**

- 14 COUNCILLOR NKOE MJ
- 15 COUNCILLOR SHOUNYANA MM
- 16 COUNCILLOR SELEKE PL
- 17 COUNCILLOR TLADI MM

## **PR & WARD COUNCILLORS**

- 18 COUNCILLOR BOLT W
- 19 COUNCILLOR BOROLE KS
- 20 COUNCILLOR BOTES FR
- 21 COUNCILLOR CAMPHER ZMC
- 22 COUNCILLOR CEZULA NB
- 23 COUNCILLOR CHAKA NS
- 24 COUNCILLOR DAVIES M
- 25 COUNCILLOR DENNIS ME
- 26 COUNCILLOR DYOSIBA S
- 27 COUNCILLOR FERREIRA TI
- 28 COUNCILLOR KGANAKGA M
- 29 COUNCILLOR KHOLOMBA KJ
- 30 COUNCILLOR KHUNOU LM
- 31 COUNCILLOR KLAASEN RS
- 32 COUNCILLOR KOTZE GDP
- 33 COUNCILLOR LEBONA NJ
- 34 COUNCILLOR LEECH D
- 35 COUNCILLOR LOTRIET PA
- 36 COUNCILLOR MADELA BNV
- 37 COUNCILLOR MAJARA LJ

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

- 64 COUNCILLOR MVALA-MAJOLA DS
- 65 COUNCILLOR NAILE TJ
- 66 COUNCILLOR NDZUZO T
- 67 COUNCILLOR NJIBA-LEBAJOA MA
- 68 COUNCILLOR NIKELO VE
- 69 COUNCILLOR OLIVIER GJ
- 70 COUNCILLOR PETERSEN JE
- 71 COUNCILLOR POONE-RANKHOLO PP
- 72 COUNCILLOR PRETORIUS JC
- 73 COUNCILLOR PRETORIUS S
- 74 COUNCILLOR PRETORIUS W
- 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 SEWISA OP
- 89 COUNCILLOR SNYMAN VAN DEVENTER E

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

**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 | ACTING CITY MANAGER           | MR SELLO M    |
| 2 | GM: COMMITTEE SERVICES        | MR MOTHEKHE M |
| 3 | 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).



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**MINUTES  
(OPEN COUNCIL)**

**161.  
OPENING**

The meeting commenced at exactly 10h00.

Prior to official opening of the meeting, the Speaker, Councillor MM Mothibi-Nkoane confirmed that 56 Councillors were in attendance.

She then officially opened the meeting, by warmly welcoming the Acting Executive Mayor, Councillors, the community of Mangaung Metro Municipality to the special Council meeting.

**NOTED.**

**162.  
NOTICE OF THE MEETING**

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

**NOTED.**

**163.  
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.**

**164.  
ACCEPTANCE OF THE AGENDA**

Councillor JC Pretorius asked the Speaker to request officials to finalise the Indigent Register which must be submitted to Council.

5A

The Speaker explained that the matter should have been brought at a later stage however, it was noted.

Councillor XD Pongolo proposed for acceptance of agenda and was seconded by Councillor GJ Olivier.

The Council accepted the agenda outlined as the official business of the Council meeting.

NOTED.

165.

#### **ANNOUNCEMENTS**

The Speaker announced that the Office of the Speaker has a program with Home Affairs and the Department of Health at Mangaung Outdoor Centre for the vaccination drive and ID collection campaign as South African will be going through local government elections. She encouraged Councillors to join and support the program.

NOTED.

**The Executive Mayor tabled his items as follows:** “Thank you, Honourable Madam Speaker. Deputy Executive Mayor, our Chief Whip, Members of the Mayoral Committee, Councillors, officials led by the Acting City Manager, officials from Centlec led by the CEO, media and the citizens of Mangaung Municipality. Greetings to you.

Today we have a Special Council meeting to deal with matter in fronts of us which are going to change the future of this Council and some of these items talks to development and there is one item that should be part of the agenda that I would request that it should be dealt with.

The item was submitted less than 48hours and it would need 75% votes in favour of Councillors in Council to be dealt with after all other items. All other items are here and are designed to make change for example about ICT which talk about security and protecting Council and everyone on our space an item on lamppost advertisement.

Allow me Honourable Speaker to present all the items except 166.6 which will be dealt with after all other items. Thank you, Madam Speaker.”

**Councillors were then afforded an opportunity to draw items for discussion.**

**NOTED.**

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**

**Councillor M Wewege addressed the Council:** “Thank you, Madam Speaker. The Freedom Front Plus wishes to make it clear that we do not express any intention to challenge the appointment of the additional MEO, Mr Teboho Maine under the difficult circumstances surrounding the pandemic in this year’s local government elections. The Freedom Front Plus remains committee to the free and fair elections and support the appointment of the additional MEO providing that Mr T Maine succeeds in cooperation, communication and accountability. Our vision is to surpass expectations on a successful election with accordingly teamwork, combined efforts and pulling together non-preferential of biased attitude. The Freedom Front Plus will support this matter. Thank you, Madam Speaker.”

**The Chief Whip addressed the Council:** “This item Honourable Speaker is brought here in Council of Mangaung because of the need. I am sure we are all aware of the prevailing situation now in the Country about issues of covid-19 and having elections now. It is provided for in the Municipal Electoral Act that the IEC may appoint as many additional persons as they deem necessary to enable the commission to exercise its powers and functions. The sub MEO will be there to assist the MEO like the previous Councillor said in order to ensure smooth running process of these elections, free and fair elections in a very smooth manner. As ANC we support the item as is. Thank you, Madam Speaker.”

**The Speaker asked the whips of the parties whether they will vote individually or per block and all agreed on block vote.**

*It was thereupon with **73 votes in favour (unanimous)***

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

**RESOLVED** that

- (a) Council approved the revised Service Delivery and Budget Implementation Plan for the 2020/2021,
- (b) The approved revised SDBIP will be sent to National Treasury and Provincial Treasury; and
- (c) The SDBIP will be published on the municipal website.

**2.**

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

**Councillor E Snyman van Deventer addressed the Council:** “Thank you, Madam Speaker. This item is for noting. The document is a good performance agreement, the purpose is clearly defined, and the outcomes are well developed, the responsibilities defined clearly and there is a focus on development and improvement of skills. However, the lack of service delivery remains a direct reflection of poor or lack of consequence management especially our Municipality. It is unfortunate that; because of this we suffer lack of service delivery, and it impacts the life of every single person living in Mangaung.

I want to ask the following questions. Looking at the document and who is supposed to sign it? Everybody, the HOD reporting directly to the City Manager, my questions are who is responsible for evaluating their performance? Is evaluation in the hands of only the City Manager or is it possible to have rather have a team doing the evaluation and then also there is a lack in the document of evidence? Usually, a performance management document will be accompanied by a portfolio of evidence and my question is will this then also be a part of this performance management.

Well, we can have the best performance management agreements, but if they are not implemented correctly and if there is no proper consequent management for poor performance, these documents are not worth the paper they are written on. Thank you, Madam Speaker.”

**Councillor M Kganakga addressed the Council:** “This document sets out that the Municipal System Act states that performance management is the process to measure, evaluate, and report the implementation of the integrated development plan and budget. It also states that these performance agreements of the municipal manager and senior managers or to be conducted annually they run off to within one month after the beginning of each financial year of the municipality making this like any other Municipality’s report late.

Herein follows my clarity seeking question:

Question 1: Has the employer Mangaung Metro Municipality really created an enabling environment to facilitate effective performance taking into consideration all the political interference, as this is one of the obligations stated in the documents for the employer.

Question 2: What is the aim of the mini documents we have received? If none of the HODs, the CFO, the Acting City Manager were rated or give an actual performance evaluation.

Question 3: To what extent should the HOD of engineering services be held accountable for each and every accident, tyre loss or even loss of life due to potholes in Mangaung, and to what extent should he be held liable to the running sewerage and uncontrollable contractors doing half of the work and defaulting the Municipality. In the last ten months, I have lost four tyres to potholes. Who must I hold responsible since the City is not evaluating his performance?

Question 4: What role does the HOD of Municipal Police Service play in the City? Who is responsible for the over R250 million to date to establish the Metro Police that today on 15 September is yet to be launched? His performance since he got into office is yet to be evaluated. For all we know, this HOD like the Metro Police doesn't exist since he refuses to take meetings.

Question 5: The unfilled scorecard for the HOD of Planning indicates that the sustainable development goal, or to make the cities and human settlement inclusive, safe, resilient and sustained mode. That sentence is a complete contradiction with what is happening in Mangaung. Planning is not even part of the biggest project in the City, namely IPTN. Does this mean that HOD has reached his target? If he is not really part of any actual planning in the City or has he failed miserably?

Question 6: Parks and cemeteries are jungles. Disaster Management is just the word used for communication during floods or heavy rains but does not really exist nor does Emergency Management. Public Safety is also a big swear word in Mangaung because there is none. Seeing that every single thing in Social Services is short of a disgrace and the HOD has no scorecard, whom do we hold responsible for the disgrace that is that department?

Question 7: Solid Waste and Fleet Management is obviously the biggest joke of the century because there is absolutely no management of solid waste in Mangaung, nor is there management of fleet, because allowing the likes of Mothebe Wheels to run amok with public funds.

If ever I had to give a rating for Solid Waste and Fleet Management, I would give them a one for trying and that's one out of whatever. This one out of whatever is because the daily messages are really entertaining.

Human Settlement as a department is at the heart of peoples' needs and is filled with so much uncertainty with alleged corruption and the inconsistency, there are projects that have been on the cards for more than a decade that was budgeted for. Imagine having projects with budget and still not attaining any of those projects. The poor performance evaluation of senior management is not a favour done to Council or the opposition. It is prescribed in legislation."

**Councillor MA Morake addressed the Council:** "Thank you, Madam Speaker. I think that as part of the requirement we must really pass the performance of senior management so that we are able to measure the progress that we are making in the City. I know that for some time we do have challenges as we proceed with issues, but I think is proper for us to pass this item to make sure that we really measure the progress that we are basically making. I think that for us to come and make political statements, it is not going to assist; we need to have a clear role that the management is working within itself. Thank you, Madam Speaker."

**The Chief Whip addressed the Council:** "Thank you, Honourable Speaker. It is not the responsibility of Councillor M Kganakga to score, she is not the Executive Mayor. The Executive Mayor is the one who will assess the senior managers and report back to Council.

Honourable Speaker, this item is long overdue. In fact if you remember the report of the Auditor General, he said performance management in Mangaung it is not very effective. So now for this item to be brought before Council, it is to make sure that we implement in terms of the recommendations of the AG as to what is supposed to happen regarding performance management. Correctly so Honourable Speaker in terms of the report, the item and in terms of the requirements of the legislation of the Municipal Systems Act.

Immediately after the passing of the budget and the IDP, the SDBIP and performance management must then kick in and clear targets and performance indicators must then be tabled for all senior managers, and this is exactly what this particular item is doing Honourable Speaker. So that tomorrow when we say our senior managers did not perform or they performed. They must actually be an instrument or a yard stick that would have been used to measure their performance. We shouldn't thump suck and say people have not performed or people have performed when there was no instrument used at all to measure their performance.

So, this item is very relevant. It comes at the right time even though it is a month or so late, but I think it will assist us a great deal so that when we arrive at the end of the financial year we know exactly what is the performance of our senior managers, Honourable Speaker and in terms of compliance, we have to be able to comply as the Council of Mangaung. So, this item, Honourable Speaker as the ANC, like Councillor MA Morake said we are in support of it. The item is for noting and we support it as the ANC. Thank you, Honourable Speaker."

**Councillor GDP Kotze addressed the Council:** “Thank you, Madam Speaker. I would like to refer you to the reports that were tabled to Council from the independent investigators. I refer you to allegation 2b regarding performance agreements and performance reviews that were not done for the past five years for the HODs.

I would just want to ask the current Executive Mayor, where any performance reviews done for the past three months of every HOD?

My second question, if you look at the performance agreements, they were signed by the previous Acting City Manager, Mr T Maine, I will just want to know, will he be held accountable if targets are not reached by the HODs? Thank you, Madam Speaker.”

**Councillor BJ Viviers on point of clarity refers:** Madam Speaker, I will just want to ask, these items are items of the Executive Mayor, the questions were post by the Democratic Alliance and the Freedom Front Plus, will the Executive Mayor be replying?”

**The Speaker confirmed that the questions were noted, and the Executive Mayor would be replying but not during the proceeding of the meeting. She then remarked as follows that the Councillors were mentioning the instrument to evaluate the Section 56 officials’ performance; that there must be a tool used to ensure fairness to what was happening in the Municipality.**

**Thereafter she allowed Councillors to vote by block.**

*It was thereupon with **50 votes in favour, 20 votes against and 4 abstained***

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

**RESOLVED** 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****Councillor MI Mokoakoa addressed the Council.**

“Thank you, Honourable Speaker. This item served at both the study group and the Section 80 Committee. During 2003 the criminal justice of the open society foundation embarked on the program... (inaudible – ambient noise). The primary committee in that regard is a public safety committee consisting solemnly of elected local lever oversight structure of the Metropolitan. This Committee is sourced under Section 64 Committee, it will report directly to the Council. Thank you, Honourable Speaker.”

**The Executive Mayor remarked:** “This item deals with issues of oversight, deals with civilian oversight. We are dealing with a very critical matter, the matter of policing and when we are dealing with matter of policing, we are dealing with citizens, black, white, green, you name them. It deals with all societies. It deals with issues of rape, gangsterism, traffic and many other issues.

I know that the Section 80 Committee dealt with the matter, but the Section 80 Committee spoke to me about the matter. I made a special plea to say because this is a matter of citizens, it must reflect citizens. I then made a special request to say, can we add two from the opposition parties. It is not part of the report; I am not changing my report. I am just saying to your good selves to think about it, discuss it. It is not an additional recommendation that is why it is not part, but obviously you will be discussing it and make your recommendation as this House. Obviously, I cannot make a recommendation then I will be changing my report. Thank you, Madam Speaker.”

**Councillor DM Sekakanyo raised a point of order:**

“Honourable Speaker next time you must call the Executive Mayor to order because the manner in which he was saying does not change the price of the bread. He is creating an additional recommendation although he was saying he is not changing his report, but in future I am saying if the Executive Mayor is out of order, just call him to order... (inaudible – poor audio connection)

**The Executive Mayor responded:** “Madam Speaker, that is exactly what I said that I was not changing the report and that there were Councillors who liked to raise point of order. I said if there was additional recommendation, it would be made by your good selves and not me. I want Councillor DM Sekakanyo before he says point of order to listen, my report is like that, it is not changed, but it doesn't stop me to discuss because I am part of Council, I can speak and that is exactly what I said. I said I do not want my argument to be seen as a recommendation. If there is going to be any recommendation, a Councillor would stand or maybe the Chief Whip or any other Councillor. I always respect people. Thank you, Madam Speaker.”

**Councillor E Snyman van Deventer addressed the Council:**

“Thank you, Madam Speaker. Maybe just referencing the Executive Mayor when he referred to white, black and green, I usually turn green whenever I hear Councillor DM Sekakanyo talking.

On the item before us, when we look at the Civilian Oversight Committee, everybody must agree that it is necessary but again in Mangaung, but I will get in my problems with this...first of all, a bit of information looking at the Civilian Oversight Committee; it is stated often that it is a mechanism to enhance democratic policing through the participation of stakeholders outside the police service in the ongoing monitoring, investigation and review of police in terms of the performance, policies and conduct.

If you go online you will find an article by David Bruce which he wrote for the centre for the study of violence and reconciliation and in that article he says the following; ‘according to Section 64j2d of the South African Police Service Act one of the responsibilities of the Civilian Oversight Committee is to promote accountability and transparency in the Municipal Police Service. One of the ways in which the Police Service can do this is by taking steps to ensure that the Municipal Police Agencies are taking proper steps to investigate alleged or possible police wrong doing. Through this they would be sending out a clear message that they expect the police to perform within the professional standards. Civilian Oversight Bodies can play this role by focusing on three issues:

1. Alleged conduct by police members
2. Alleged offences by police members and
3. Death linked to police members

Now, taking this into account, it is clear that the public must trust this body, this body must be independent, it must be respected and therefore the composition of the Civilian Oversight Committee is of major importance. Madam Speaker, already naming certain members of the ANC two months before the elections is unacceptable. Furthermore, why only ANC Councillors? This should be representative of all parties to ensure public trust in this Committee. I urge you, please refer this back. Let this serve before the new elected Council after November 1, 2021 when it won't be ANC government. Thank you, Madam Speaker.”

**Councillor CF Rampai addressed the Council:**

“Thank you, Madam Chairperson. Let me because the report is for noting clarify some issues. I would do this for the sake of Councillor M Kganakga who would always like to be clarified. I don't know what is to clarify after four years of being with this house, she would always like to be clarified...”

**On a point of order, Councillor JC Pretorius as follows:**

“My Colleague Councillor M Kganakga did not even draw this item and I want Councillor CF Rampai to withdraw what he said, I don't know why he is mentioning Councillor M Kganakga in his speech, he must please withdraw and stop wasting our time.”

**Councillor CF Rampai continued:**

“Honourable Speaker I will withdraw but what I am doing here, I am not only clarifying Honourable Councillor M Kganakga, but the citizens of Mangaung and the members of this House. I was just mentioning Honourable Councillor M Kganakga because she always like to be clarified. I wanted to clarify for the sake of transparency and to be understood.

Madam Speaker, given the history of South Africa abusive policing, the Constitution of South Africa emphasise the need for a mechanism to ensure transparency and accountability. Our intention to establish a Metro Police is to promote safety and security for our citizen but this would not be without problems and that is why we are bringing this item for noting Madam Speaker.

Madam Speaker, the extend to which Metro Police officer can have a significant impact on crime, it is not that straight forward. Media reports of misconduct, brutality and corruption in the part of Metro Police serve to highlight the kind of challenges that can accompany the activities of policing. If these challenges are not addressed, they will undermine the extent to which citizen trust and cooperate with officer in addressing crime and safety problems.

Madam Speaker, our citizens expect that the police work effective and that they treat people with respect. They need to be held primary accountable for their performance and their conduct. If small issues of discipline are overlooked in the Police Department, more serious misconduct, corruption are likely to follow. SAPS Amendment Act, Section 64j specifically state that Civilian Oversight Committee should be established for each Metro Police Department.

So, we are doing this, Councillor E Snyman van Deventer in order to ensure professionalism in running this Metropolitan Police Department and we can assure you that this body, the Civilian Oversight will be independent. We are going to do this according to the book. The way the Constitution and the Legislation encourages us to do. Yes, for the inclusion of two ANC Councillors at the end of the term it is not going to change anything. I might not be a Councillor tomorrow; I might not be in this House tomorrow but there will still be other people to follow before us. We are trying to build a foundation and try to speed up things, we cannot wait after the elections, some of the things we need to do them now Councillor E Snyman van Deventer so that those who are coming after us they would take over from where we left. Thank you, Madam Speaker.”

**Councillor JC Pretorius addressed the Council:**

“Thank you, Madam Speaker. I just want to enlighten our colleague, Councillor CF Rampai, it is very strange that he is talking about all these nice things; it is strange to the Democratic Alliance that when an ANC Councillor talks like Councillor CF Rampai, they say the good stuff, that they want a good Committee, which is functional that will ensure that the Municipal Police Force will function correctly because there is a lot of corruption in this Country and crime is a big factor, but then they only allow ANC Councillors to be in the Civilian Oversight Committee.

They have members in the Committee with criminal records and my colleague, Councillor GDP Kotze will enlighten you on that.

As opposition, we have already said that these Section 80 Committees are not functioning correctly. We had big discussions in the Section 80 Committee, and I pleaded with the ANC Councillors to please let us talk this more over and get enough people from this Council to do an oversight. In Joburg City they have over 45 Councillors in their Civilian Oversight Committee, why do we as a Metro ...”

**Councillor NP Monyakoana interrupted Councillor JC Pretorius and he was called to order by the Speaker.**

**Councillor M Kganakga raised a point of order that Councillor NP Monyakoana cannot interrupt as this was not his home and the Speaker mentioned that her point of order was noted.**

**Councillor JC Pretorius continued:**

“I think that we must be seen as Metro, and I don’t know why we look down on ourselves. I think we need to establish an Oversight Committee that people will trust. I do not know why the ANC is afraid to have opposition parties in the Oversight Committee? So, from the DA’s side, we cannot support this item as is and it is clear what the Executive Mayor said, there were issues with this report. I know he is not going to change the report, but I want to make recommendation from the DA’s side that let us refer this report back to the Section 80 Committee, so that we can discuss this Oversight Committee. It is a very important Committee, and we need to get it right. Thank you, Madam Speaker.”

**Councillor DM Sekakanyo addressed the Council:**

“Thank you, Honourable Speaker. Just went through this report and it doesn’t mention that it is the Councillor of ANC, I have just seen the name of Councillors serving in the Council. It is not mentioning any party and therefore the Councillor who had just spoken is out of order. It is the names of the Councillors serving in the Council of Mangaung and that should be straight forward.

Honourable Speaker, one can understand that we are operating within the legal framework, it is South African Police Service Act and also the Municipal Structures Act. Those particular legal frameworks are consistent with Constitution of South Africa.

Honourable Speaker, here we are talking about Police Service and not Police Force like what the last Councillor indicated, we are not talking about Police Force here, we are talking about Metro Police Service.

Honourable Speaker, this comes a long way, one can date it back from 2012 when we started with this process and now, we are nearing to the finality of the process. The last Council we spoke on Oath of Office and now Civilian Oversight Committee meaning we are proceeding,

and the governing party is progressing in terms of moving forward. That Committee Honourable Speaker is going to focus on the accountability of the police because they need to account for the actions they are taking.

Internationally Madam Speaker, there has been a trend in establishing this kind of Committees... (inaudible-poor sound connection) proper steps are taken in relation to the possible police wrong-doing. One can attest to the fact that the City made a benchmarking exercise; we cannot come to this Council and try to push a bloated structure, a ballooned structure, a 'wonke-wonke' structure, it doesn't work like that whereby you would get a lot of people serving the Council, doing what, sleeping in the Council doing absolutely nothing in the Committee.

We are talking about the lesson learned. If you go to the City of Cape Town, the Oversight Committee was never functional because they have a bloated structure. The City of Tshwane, they had a ballooned structure, and it has never worked and that is the case, but when you check the model of Ekurhuleni Metro Municipality, even Buffalo City Metro Municipality, they are great model.

The Civilian Oversight Committee is not a political Committee whereby every party should serve there, we as Council need to appoint Councillors to serve there and the Councillors who would be serving in the Civilian Oversight Committee ...

In concluding Madam Speaker, I am moving with the point to say, the report is for noting but it is better to refer to some of the misunderstanding..."

**The Speaker interjected to indicated that Councillor DM Sekakanyo's speech time was over.**

**Councillor GDP Kotze addressed the Council:**

"Thank you, Madam Speaker. Recommendation (b) reads: *that the Council approves the following persons as members of the Civilian Oversight Committee.* The DA will not approve the members of this Civilian Oversight Committee for the following reasons.

This Committee does not represent all residents of Mangaung nor all the opposition parties in this Council. During our Section 80 Committee meeting the DA requested that all parties be represented in this Committee but as usual the ANC cadres denied it. Opposition parties are responsible to hold the governing party to account and do oversight to inform the resident of Mangaung that their taxes are being spent within the national acts.

Council needs to approve the appointments, but we do not know anything about the mentioned members in this Committee except for the ANC cadres. To appoint someone, you need to delve into their past and have a look at their experience and what they were up to in their former positions. Can the MMC for Safety enlightened us why Council did not receive any CVs for the mentioned persons.

## 7E

But Councillors don't fear. I did ask Uncle Google to assist us, and I take you back to 2017 when the ANC held their national congress at Nasrec. In my online search I came upon an article in the Daily Maverick with the subject "*SAPS embarked on procurement before 2017 Nasrec conference to protect and benefit the ANC and not South Africa, court finds*" by Marianne Thamm dated 19 January 2021.

I would like to quote the following from the article:

A scathing judgment handed down to the Pretoria High Court on 13 January 2021 has revealed that the SAPS top brass may have attempted in 2017 to illegally procure an eavesdropping device at the inflated price of R45 million to protect the interests of the ANC and not the Republic of South Africa.

It was alleged intelligence received that same month of a possible "national threat" of some "magnitude" and passed on to then President Jacob Zuma.

Madam Chairperson, I will conclude, those who attended include Sitole; Lieutenant-General Francinah Vuma, Divisional Commissioner: Financial Management and Administration; Lieutenant-General Lebeona Tsumane, Deputy National Commissioner: Crime Detection; and then acting head of Crime Intelligence General Bhoyi Ngcobo. Judge Norman found that Sitole, Vuma and Tsumane had placed the interests of the governing party, the ANC, above those of the Country. He also found that the officials had breached their duties as law enforcement officers.

Madam Chairperson, if you go and look at composition of the members of Policing, there is a Mr Tsumane who is a former Deputy Police Commissioner. How can we as Council approve this Committee if this person did not respect his oath of office when he was the Deputy Police Commissioner?

Madam Chairperson I second Councillor JC Pretorius for the item to be referred back to the Section 80 Committee and not just to follow the law and national acts but to protect the public. Thank you, Madam Speaker."

**The Chief Whip remarked as follows:** "Thank you, Honourable Speaker. Today is a sad day; as I am sitting here listening, people still say the ANC this and that, it is very saddening. Even if we can be able to try and find one another but we are adopting hard attitudes towards one another instead of trying to find common ground as this Council. We must be able to find common ground and be able to nurture one another as Councillors in this Council, but if people come with the attitude of saying the ANC is doing this and that and I think that will not assist in any way.

The Civilian Oversight Committee is important for Mangaung as a whole, for us to own up to it and see it as our own product because as is now, we are moving towards the launching of the Metro Police, and it is important and necessary as we move towards the launching, we are able to find one another.

This item is one of those items that are very much important for that eventuality so that when we launch, we have dealt with all matters that pertains to the establishment of the Mangaung Metro Police Service and I don't want us to muddy that launch, that eventuality, Honourable Speaker. Here I am appealing to Councillors across the political divide to deviate from being hard for one another and pointing fingers at each other, it is a listen to all of us that whatever comes to this Council is not an ANC matter or item, but it is an item for the Council as a whole.

Based on what the Executive Mayor said earlier on and the participation of other Councillors, I am tempted to say maybe there should be a provision for an inclusion of one Councillor from the opposition parties' benches to be part of the Civilian Oversight Committee even though in terms of the item, we would not say it would be from the opposition.

Councillor DM Sekakanyo is correct, we don't have to see ourselves as Councillors of the ANC, DA etc, we are one Council once we get elected by the electorate and the voters, we serve the community of Mangaung. There is no ANC, DA etc Council, but for the sake of this particular Committee for it to be able to function properly and with the confidence of the people of Mangaung as a whole, I am proposing from my position as the Council Whip that we have an addition of one member from the Council from the opposition benches. I am trying to make sure that we reach an amicable solution on this particular matter so that when we launch, everybody is there and all citizen of Mangaung.

The issue of safety and security, is a matter that affect all of us and so I don't want us to politicise this matter, it is on that basis Honourable Speaker that that I plead with Council that we have space for one additional Councillor on the Committee. That is my humble plea to the Council. Thank you, Honourable Speaker."

**Councillor BJ Viviers stated that the Chief Whip was not seconded.**

**Councillor DM Sekakanyo seconded the Chief Whip**

**The results of votes for the item to be referred back were as follows: 23 in favour and 51 against and voting for inclusion one additional Councillor were as follows: 51 in favour, 23 against.**

*It was thereupon with 51 votes in favour, 23 votes against*

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

## **RESOLVED**

- a) That the Council takes note of this report.
- b) That the Council approves the following persons as members of the Civilian Oversight Committee **including one additional Councillor representing the opposition parties.**

- 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**

**Councillor M Wewege addressed the Council:**

"Thank you, Madam Speaker. Looking at this project one can say with strength in planning, continued improvement and allocated resources, it is exactly what the Municipality needs, and we can only benefit from it. However, taking into consideration that it is an ANC project, one cannot help to ask the following questions:

- What are the costs or budget of implementing professional service projects?
- Will the service providers in the alternative, the mandate be given to someone who has the capability to fulfil the requirements including technical and management competence and relative experience?
- How are the decision made regarding the service providers and who should contribute to the decisions other than the ANC?
- Will the ANC be able to develop, implement, change, manage and maintain the ICT?

Further to this, the implementation of the ICT will have to comply with certain rules and regulations. Who will order and or manage this aspect? Will the communication be transparent and on a regular basis or only at quarterly meetings? Thank you, Madam Speaker."

**Councillor ME Tlale addressed the Council:**

"Thank you, Madam Speaker. I don't understand. It seems whatever item that is placed before the Council has an ANC tag. It has the tag that has to be ANC based, but that being said, Councillors tend to forget easily. The very same ANC lead Municipality was the one that made it possible that there was no catastrophe when the server crashed not long time ago? ...(inaudible-poor audio connection) ululations from all sectors of the Council that people who worked on the server had advanced knowledge of what they needed to buy.



## 7H

Today, we hear amazing comments from our learned Councillors from the opposition parties. I will keep on reminding them that it's not about always being on the opposition, to always go against whatever that is being brought before us. Purpose of the ICT governance framework is to basically to holistically governs; it is for governance and structural aspect of the ICT. In order to guard against failure of ICT. We don't want a situation whereby in a case where there's a similar situation like in the past then we find out that we have rushed everything we were sent into Stone Age hence we see the need to develop these policies including the Security Policy that will look at the overall security of ICT, infrastructure, network, hardware, and software. So, we would be able to respond precisely to what the AG has been asking the Municipality to do.

You ask yourself a question; even the recommendation of the of the AG they are being read selectively so by opposition in order for them to be able to comment on what best suits them, but the forgot the AG has been continually saying we need these policies, the Security Policy, the Governance Framework. We need these policies in order for it to be safe from whatever that means for unforeseen attack that could be applied to the Municipality. We need access management to the policies so that not every Gill and Jack could just access everything that is Municipality to protect our gadgets that are used administratively; gadgets that are used by politicians that no one should be able to intrude; that no one should not be able to hack. The intention is also to make sure that cybercrime does not see the end of the day in Mangaung. So you now start to ask yourself questions, that if this ANC led Municipality is able to think 50 years to come, what more do you want to see from this from this ruling party.

It shows you that it always has the interests of the masses at heart hence whatever policy that is brought forth its intention is to make sure that aspect related to personal information are always protected. The intention further seeks to protect and take the ownership of Municipal information brands and designs. So, I don't understand Madam Speaker when we are asked about cost to implementation while we are talking about the revolutionary implementation of what needs to be done by the very same African National Congress as a leader of the people. It leads again in making sure that generation to come, 50 years to come, 100 years to come will say my time as a Councillors, we had put our Council in its migration to... Thank you, Madam Speaker.”

**On a point of clarity, Councillor GDP Kotze remarked:** “Thank you, Madam Speaker. I would just like to ask a question to the Councillor of the ANC. When will Council be able to vote online? Because we had training last year and we have this great item that's serving now, but we cannot even vote online. Thank you, Madam Chairperson.”

**The Speaker indicated that what Councillor GDP Kotze mentioned was noted.**

**Whilst waiting for the voting results, Councillor MB Mononyane indicated that he was offline when the Council was dealing with item 166.3, he could hear the Speaker speaking however was unable to respond.**

**The Speaker acknowledged but stated that they had already dealt and voted for the item.**

After Councillors voted, *it was thereupon with **69 votes in favour, and 6 abstained***

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

**RESOLVED** 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)**

**Councillor AP Terblanche addressed the Council:**

“Madam Speaker, I am so glad that this item is now serving in Council since the last two 2 years, this hotel has already been built. Madam Speaker this is a wonderful opportunity for us. I hope this building will not be like a white elephant. Madam Speaker, can you please tell us where exactly are they going to build this hotel?”

There are some things that worries me about that stadium; on the 6<sup>th</sup> of October 2019, I was shocked when I was in the Presidential suite, I saw our previous Executive Mayor, she was there with some of the Councillors there in the presidential suite whilst other suites were empty. The deal was just to know what's going on there because whatever was happening, I sent in Rule 38 questions on the 12<sup>th</sup> of September 2019. I just want to ask the following questions:

- Does the stadium suite belong to the Mangaung Metro Municipality?
- Is the Mangaung Metro Municipality, letting it be free of charge?
- How much do we pay for the stadium suite?
- What is the amount per year?
- Why is it only used for certain events?
- Will tickets for support be given to all of us?
- From whom can we get tickets?
- Why is the suites always empty when rugby games or something else happened, but when it is Carrie Cup final and Macufe and Celtics Football Club is playing the suite is full?
- Are there any catering contractors to the suites, if yes, who are they and when and where were they appointed and how much is the contract worth?

We also need clarity on the parking bay between the Tourism Centre and the tunnel. The parking is a disaster. This is the first impression that tourists have of Bloemfontein and it is absolutely a disgrace and I just want to tell our new Executive Mayor he must be careful, I see that Thabo Manyoni is back and the field is working so Mr Mayor be careful because that seat will become hot if you don't do something about the problems of Mangaung Metro. Thank you, Madam Speaker.”

**Councillor R van der Merwe addressed the Council:**

“Honourable Speaker, the DA supports this item, but would really like to know why this item was scheduled for at least four previous Town Council Meetings, and each time was removed from the agenda by the Executive Mayor, this is, to say the least, most disappointing. Think of how much money and time are wasted, typing this item and its appendices, photocopying these materials, only to have them removed from the agenda. Think of all the wasted time and money lost for those who requested the approval of the item. Think of all the job opportunities they could have been created. The DA do not blame the officials who prepared the item every time, but rather the ANC who would not make up their mind about whether they supported this item or not.

This seems to be the pattern which the ANC follows, to virtually never stick to fixed time and dates. Take a look at the hundred or more ANC members who nearly lost their positions on Councils across the Country, because the ANC was late in submitting the names of possible town councillors to the IEC. Unfortunately, the IEC gave them further notice regarding the submissions of lists; let us hope they missed the wakeup call and forget to present their candidate’s names to the IEC...”

**On a point of order, Councillor DM Sekakanyo remarked:** “Honourable Speaker, when I checked the report of the wrap around of the stadium, does not mention IEC registration process, the Councillor is out of order.”

**The Speaker thereon requested Councillor R van der Merwe to stick to the item of discussion and withdraw the IEC issue and Councillor R van der Merwe withdrew and then continued as follows:**

The DA supports that the Free State Rugby Union should be helped in boosting their revenue in order that they may meet their financial obligations. Should the Free State Rugby Union not be able to meet their obligations, this could result in a shortage of funds, and the inability to retain the services of good rugby players, as well as the inability to buy new players, which the Free State Cheetahs do not possess. Let us consider the positive publicity which the Cheetahs created in 2019 when they won the Currie Cup.

The Free State has a resource which other teams, with more money, do not have! Perhaps it is our Free State mieliepap that make our rugby players so strong. The Free State is known as the breeding ground of fine, polished players, who are often sold for big money to other bigger teams. Many players are groomed in the Free State as future Springboks.

Moreover, the Free State Cheetahs consist of diverse races and cultures. We are all aware that sport brings people together, irrespective of political boundaries. Think back to the huge role the 1995 and 2019 World Cup Victories played in bringing together people, cutting across all boundaries.

The first important decision to take today is to cancel the current contract between the Free State Rugby Union and MMM, and to replace it with a new contract which would include a piece of ground adjacent to the Free State Toyota Stadium. This ground will be rented out to the Free State Rugby Union for a thirty-year period, commencing 1<sup>st</sup> December 2001, and carrying an irrevocable option to alter the contract in such a way that will enable them to rent the entire complex described as the Wrap Around Project for a further 30-year period.

Furthermore, Clause 6 of the current lease agreement must be changed in such a manner so as to allow the Free State Rugby Union to build an office block carrying an area of approximately 7466m<sup>2</sup> and a hotel of 120 beds which can accommodate over 1 500 delegates. Coupled to the above, is the necessity to dramatically change the use of the ground, adjusting its use and purpose in line with the suggested developments-offices and a hotel.

The proposed development will be identified as The Stadium Wrap-around and is aimed at including the whole area around the Free State Toyota Stadium. Various sport codes such as cricket, swimming, athletics and others will be accommodated.

The proposed developments have the potential of meeting the urgent need for an inter-nodal connection between commercial, residential and recreational spaces. A stronger Free State Rugby Union will not only be able to retain their good players.

The DA appeals to the FSRU to make use of local developers. The final rental amount will be R 176 000 per month plus VAT. A maintenance programme will also be put in place. Thank you, Madam Speaker.”

**Councillor XD Pongolo on a point of exigency:** “Honourable Speaker, I think Prof, (Councillor R van der Merwe) forgot to tell you that that stadium was only entitled for the white people, not a black people. Today because we have changed but since he was there finding him there and he must also not forget the history of the stadium. Thank you, Honourable Speaker.”

**Councillor MA Morake addressed the Council:**

“**Thank you, Honourable Speaker.** I would like to support this Wrap Around Project as Mangaung Municipality we are partnering with the Rugby Union in the development of the same stadium and other social amenities that are going to be developed there to support rugby and also to support other social activities that are going to be around the stadium.

I would like to say that this come at a time when we have economic depression as a result of covid-19. Briefing this will resuscitate our current idling economy in Mangaung Municipality.

It will also revive tourism, so I think it is a good idea and a good project for the City to make sure that it continues. Thank you, Honourable Speaker.”

**The Speaker asked Councillor MA Morake that when he referred to “partnering” was he proposing an additional recommendation and he explained that it was about the lease which was some sort of partnering...**

**The Speaker interjected to ask “partnering how” as it might also mean by making use of the facilities as the Municipality and Councillor MA Morake responded:**

“Yes, I think that it is a known language that whenever the Municipality want to use it; it must also be available for the Municipality usage and also we know that there is a long-term benefit of that because it is on the lease. Thank you, Honourable Speaker.”

**Councillor LM Titi-Odili addressed the Council:**

“Thank you, Madam Speaker. I also want to join Councillor MA Morake that we are supporting the item which is going to bring development in our City and boost the economy of our City. It is going to develop young businesses which are trying to rise on economy. This is a good item, and we are saying as the City, what Councillor MA Morake was saying they must implement their social obligations to assist the Municipality even those who are disadvantaged to allow those who need to use the stadium, must be fully accessible to them even to us as we would be leasing to them our land, they must allow us full access to the facilities developed. We are supporting the item. Thank you, Honourable Speaker.”

**The Speaker reiterated that Councillor LM Titi-Odili also stated that Municipality should be allowed full use of the facility.**

**Councillor VE Nikelo addressed the Council:**

“Thank you, Honourable Speaker. Let me also join other Councillors as they indicated that we fully support the item as is. On these two accounts, if you check the MFMA Circular 62, it gives the provision for extension and modification of contracts and also further empowers the Council in terms of these kind of contracts to further modify them, and as a result of that, you can check out these kinds of a contracts are within that limit of the Circulars as empowered by Section 116 of the of the Municipal Finance Management Act.

As a result of that, we are saying we are also happy for one good reason; because these modifications of contracts will also be a modification and extension of the contract group also benefits the communities of Mangaung as it will improve the economic status of the City at the same time attracts tourism within the City as well, which will also be beneficial to us as a Municipality, because we have seen much increase, increment in terms of the revenue collection in as far as these processes are concerned.

So, as a results of that, I just want to say Councillor MA Morake has indicated and Councillor LM Titi-Odili has indicate that we support the item as being tabled.

I'm perhaps maybe raising a number of questions as if we are attending this session as a question and answer, but we are saying without necessarily saying that we fully support this and therefore I submit. Thank you, Honourable Speaker.”

**The Council thereon voted with an additional recommendation that: *the Mangaung Metropolitan Municipality shall be allowed free utilisation of the facilities.***

*It was thereupon with unanimous*

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

**RESOLVED**

- (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.
- (q) ***That the Mangaung Metropolitan Municipality shall be allowed free utilisation of the facilities.***

6.

**POLITICAL PARTIES LAMP POST ELECTION ADVERTISEMENT**

Speaker indicated that all Councillor did in fact receive the report regarding this item.

Therefore based on Rule 8.3 of the Standing Rules and Orders, Councillors voted for the inclusion of the item to agenda and the Council unanimously agreed that it be added to the agenda for deliberation.

**Councillor JC Pretorius addressed the Council:**

“Thank you, Madam Speaker. Yes, it is actually very sad that it is two days before registration weekend and Council only waives the posters for political parties now. We did bring up this item and this issue to the then Speaker of Council, Councillor MA Siyonzana but for some reason it was never tabled to Council. So, we will support the item, but we are a bit irritated that it's only happening now, and we will also put in a request to the Mangaung Municipality to get our money back that we had to pay when we were floating our posters. Thank you, Madam Speaker.”

**Councillor Jonas-Malephane addressed the Council:**

“Thank you, Honourable speaker. Executive Mayor, Deputy Executive Mayor, Chief Whip, MMCs, Councillors, officials and community of Mangaung.

Honourable Speaker in preparation for the 2021 local government election and in an attempt to ensure the general smooth administration of the election, SALGA has been approached to request all the municipalities to accommodate political parties with regard to the outdoor advertising bylaws. The request in particular is for Municipality to relax their set bylaws for a reasonable period leading up to the election. In order to allow political parties to erect the necessary election posters.

The relaxation in this envisaged relates, amongst others to the limitation or the number of posters to be erected. Any prohibitions on the areas of the display of posters and the payment of deposit for the election posters, municipalities are however, required to put arrangements in place to ensure the removal of all election posters by political parties immediately after the election.

Municipalities are kindly requested to favourably consider this request and to ensure that all registered political parties contesting the election received equal benefits in this regard. Honourable Speaker we as ANC will support this item as is. Thank you, Honourable Speaker.”

*It was thereupon with unanimous*

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



**RESOLVED**

It is recommended:

- a) That Council approves to waive the prescribed tariffs to display election posters (i.e. all posters relating to the **LOCAL GOVERNMENT ELECTIONS**).
- b) That all political parties as well as the IEC apply for permission on the prescribed form, in terms of the prescribed procedure, to display posters; and
- c) That all political parties as well as the IEC be required to pay the prescribed fees should they fail to remove their posters within the prescribed period should the posters be removed by the Municipality.

<b>167</b>	<b>REPORTS OF THE SPEAKER</b>
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None.

**NOTED.**

<b>168</b>	<b>REPORTS FROM MUNICIPAL PUBLIC ACCOUNTS COMMITTEE</b>
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None.

**NOTED.**

<b>169</b>	<b>REPORTS TO BE DEALT WITH IN COMMITTEE</b>
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None.

**NOTED.**

<b>170</b>	<b>CLOSING OF THE SPECIAL COUNCIL MEETING</b>
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The Speaker thereupon thanked all Councillors for their participation in the meeting, the Executive Mayor, Deputy Executive Mayor, Chief Whip, Honourable Councillors, officials of Mangaung, the community of Mangaung who were viewing the meeting on Facebook and other social media platforms.

That they were looking forward that when new issues were dealt with, they would all be there to support.

The meeting officially closed at 16:30

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

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

**SECRETARIAT UNIT**  
**COMMITTEE SERVICES**