

CONFIDENTIAL



AGENDA FOR A SPECIAL MEETING

**MANGAUNG
METROPOLITAN
MUNICIPAL COUNCIL**

**CITY HALL
BLOEMFONTEIN**

**TUESDAY
FEBRUARY 22, 2022
AT 10:00**

**MANGAUNG
METROPOLITAN
MUNICIPALITY**

MANGAUNG METROPOLITAN MUNICIPALITY

Bram Fischer Building
BLOEMFONTEIN

FEBRUARY 17, 2022

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) that

A SPECIAL MEETING OF THE MANGAUNG METROPOLITAN MUNICIPAL COUNCIL

will be held

AT THE CITY HALL
BLOEMFONTEIN

On

TUESDAY, FEBRUARY 22, 2022
at 10:00

To consider the items as set out in this agenda.



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SPEAKER
COUNCILLOR SB LOCKMAN-NAIDOO

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)

**33.
OPENING**

**34.
NOTICE OF THE MEETING**

**35.
APPLICATIONS FOR LEAVE OF ABSENCE**

**36.
ACCEPTANCE OF THE AGENDA**

**37.
ANNOUNCEMENTS**

38	REPORTS OF THE EXECUTIVE MAYOR NONE
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39	REPORTS OF THE SPEAKER
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**1.
RESIGNATION AND REPLACEMENT OF PR COUNCILOR: PATRIOTIC ALLIANCE**

Annexure: Report dated 14 February 2022 received from the office of the Speaker.

RECOMMENDATION that

- (a) Council take note of this report;
- (b) IEC declared in line with the provision of item 18 of schedule 1 of the Municipal Structures Act, with confirmation of the letter dated 07th February 2022, that Ms Ntsoaki Agnes Phupha duly elected Councillor of the Mangaung Municipal Council; and
- (c) Council Whip is requested to amend the committee representations of the Patriotic Alliance with the new member.

**2.
A PROVISION OF LEGAL ADVICE TO THE OFFICE OF THE SPEAKER RELATING TO CURRENT LITIGATION MATTERS**

Note by Secretariat: On basis that the Municipality does not have the Accounting Officer, the letters received from attorneys and internal communication are submitted without the covering report.

- Annexure:**
- i. Communication between HOD: Corporate Services, the GM Legal Services, Phatshoane Henney Attorneys and the Speaker on the legal advice matters.
 - ii. Notice of advice received from Adv WR Mkhari SC, Adv PT Masihleho relating to the MEC COGTA as applicant and Mangaung Metropolitan Municipality as respondent.
 - iii. Termination of mandate: Mangaung Metro Municipality/KI Kgamanyane and 144 others: Case No 5171/2021
 - iv. Notice of withdrawal of application for leave to appeal

FOR DISCUSSION

B PROVISION OF CORPORATE SUPPORT TO THE OFFICE OF THE SPEAKER WITH REFERENCE TO THE COMMUNICATION BETWEEN THE SPEAKER AND THE ACTING CITY MANAGER

Note by Secretariat: On basis that the Municipality does not have the Accounting Officer, the letters received from internal Departments are submitted without the covering report.

Since the installation of the new Council the Speaker requested a number of support services especially the following: Provision of ICT services; Legal Services and Human Resource support

Despite the request, Corporate Services Department has not provided assistance to the Speaker on the contrary it seems that the Department is sabotaging the office of the Speaker. A case in point is the formal letter written to the Acting City Manager on the 2nd February 2022.

A schedule of list of people paid fraudulently in the Office of the Speaker during the salary month ending January 2022 cannot be made public due to the strict provisions of POPI ACT.

FOR DISCUSSION

3. NATIONAL TREASURY CORRESPONDENCE RELATING TO THE ESTABLISHMENT OF THE MANGAUNG METRO POLICE SERVICE

Note by Secretariat: On basis that the Municipality does not have the Accounting Officer, the letters received from the National Treasury are submitted without the covering report.

Annexure: Letters dated 14 October 2021, 24 December 2021 and 1 February 2022 received from the Deputy DG: Intergovernmental Relations

FOR DISCUSSION

40	REPORTS FROM MUNICIPAL PUBLIC ACCOUNTS COMMITTEE
NONE	

41	REPORTS TO BE DEALT WITH IN COMMITTEE
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1. APPOINTMENT OF THE ACTING CITY MANAGER

Annexure:

- A Letter received from the Lead Provincial Exco Representative
- B Letter received from the Executive Mayor
- C Letter received from the MEC COGTA
- D Letter of response to the MEC received from the Speaker

The report will be availed at the meeting.

42	CLOSING OF THE SPECIAL COUNCIL MEETING
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