

***CONFIDENTIAL***

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**MINUTES  
FOR A  
SPECIAL MEETING**

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**MANGAUNG  
METROPOLITAN  
MUNICIPAL COUNCIL**

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**CITY HALL  
BLOEMFONTEIN**

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

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**MANGAUNG  
METROPOLITAN  
MUNICIPALITY**

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**MINUTES OF A  
SPECIAL MEETING  
of the  
MANGAUNG METROPOLITAN MUNICIPAL COUNCIL  
held IN THE CITY HALL  
BLOEMFONTEIN  
on  
TUESDAY, 22 FEBRUARY 2022  
at 10:00**

**ATTENDANCE REGISTER**

<b>POLITICAL LEADERSHIP</b>			
<b>#</b>	<b>NAME</b>	<b>PARTY</b>	<b>LEAVE</b>
1	<b><u>Speaker</u></b> Cllr Lockman (Stefani Bernadette)	ANC	
2	<b><u>Executive Mayor</u></b> Cllr Siyonzana (Mxolisi Ashford)	ANC	
3	<b><u>Deputy executive Mayor</u></b> Cllr Mothibi-Nkoane (Maria Mapaseka)	ANC	
4	<b><u>Council Whip</u></b> Cllr Nikelo (Vumile Edwin)	ANC	
<b>SECTION 79 CHAIRPERSONS</b>			
5	Cllr Mokoakoa (Mpho Isaac)	ANC 29	
6	Cllr Nhlapo (Ntombi Anna)	ANC	
7	Cllr Qai (Alfred)	AIC	
8	Cllr Seleke (Puseletso Leticia)	ANC	
<b>MEMBERS OF THE MAYORAL COMMITTEE (SECTION 80 CHAIRPERSONS)</b>			
9	Cllr Titi-Odili (Lulama Magdeline)	ANC	
10	Cllr Morake (Molefi Andries)	ANC	
11	Cllr Matsoetlane (Maditaba Joyce)	ANC	
12	Cllr Mogotloane (Thabo Joel)	ANC 39	
13	Cllr Tladi (Motshewa Martha)	ANC	
14	Cllr Mosala (Motlhokung Theodorah)	ANC 11	
15	Cllr van der Ross (Kevin Etienne)	PA	
16	Cllr Twala (Pani Sidney)	ATM	
17	Cllr Jonas-Malephane (Vuyelwa Eunice)	ANC	

<b>PR COUNCILLORS</b>			
<b>#</b>	<b>NAME</b>	<b>PARTY</b>	<b>LEAVE</b>
18	Cllr Campher (Zaandre MC)	DA	
19	Cllr Davies (Maryke)	DA	
20	Cllr De-Huis (Dikeledi Jane)	EFF	
21	Cllr De Kock (Valerie Belinda)	FFPlus	
22	Cllr Denner (John Henry)	FFPlus	Absent with apology
23	Cllr Dennis (Magdalene Elizabeth)	DA	Absent with apology
24	Cllr Ferreira (Thomas Ignatius)	DA	
25	Cllr Klaasen Raynie Sarah	DA	
26	Cllr Letsoko (Mantwa Sanah)	EFF	
27	Cllr Lipale (Gopolang Jeremiah)	EFF	
28	Cllr Makau (Pitso Elias)	EFF	
29	Cllr Malebo (Deliwe Lettia)	EFF	
30	Cllr Maliela (Motiki Edwin)	DA	
31	Cllr Masoeu (Thapelo David)	DA	
32	Cllr Mogotsi (Mamahlape Elias)	EFF	
33	Cllr Mohlamme (Lebohang Lerato)	DA	
34	Cllr Mokoena (John Itumeleng)	AASD	
35	Cllr Mongale (Mojalefa William)	AASD	
36	Cllr Monyakoane (Ntwa Patrick)	ANC	
37	Cllr Moreeng (Kabelo Christopher)	DA	
38	Cllr Njiva-Lebajoa (Mamotse)	DA	
39	Cllr Ntshakazane (Eunice Xoliswa)	EFF	
40	Cllr Phohleli (Tsholwane Eddy)	EFF	
41	Cllr Phupha (Ntsoaki Agnes)	PA	

42	Cllr Ramatlama (Mpho Joseph)	EFF	
43	Cllr Rampai (Pule Joseph)	ACDP	
44	Cllr Rasoeu (Lempe Ernest)	DA	Absent with apology
45	Cllr Sebolao (Jankie Elisha)	EFF	
46	Cllr Shale (Nkahiseng Reginah)	EFF	
47	Cllr Snyman van Deventer (Elizabeth)	FFPlus	
48	Cllr Terblanche (Arthur Phillip)	DA	
49	Cllr Thomas (Johannes Beleme)	EFF	
50	Cllr Thwala (Zwelinjane Jonathan)	DA	
51	Cllr van der Merwe (Rulhof)	DA	
52	Cllr Viviers (Benhardus Jacobus)	DA	
53	Cllr Vorster (Braam)	FFPlus	
54	Cllr Wewege (Mare-Lize)	FFPlus	
<b>WARD COUNCILLORS</b>			
55	Cllr Sefaki (Samuel)	ANC 1	
56	Cllr Mokgothu (Tona Kenosi Wilfred)	ANC 2	
57	Cllr Machachamise (Tshepiso Oudious)	ANC 3	
58	Cllr Supi (Mahoko Harold)	ANC 4	
59	Cllr Lecoko (Lehlohonolo Nathaniel)	ANC 5	
60	Cllr Moiloa (Tshidiso Petrus)	ANC 6	
61	Cllr Rampai (Chabeli Frank)	ANC 7	
62	Cllr Nyaphudi (Likeleli Julia)	ANC 8	
63	Cllr Tlhakung (Betty Masetlhabi)	ANC 9	
64	Cllr Setlai (Teboho Lesley)	ANC 10	
65	Cllr Hashatsi (Rafedile)	ANC 12	

66	Cllr Siteo (Nombulelo Dorcas)	ANC 13	
67	Cllr Lekgetho (Lebogang Winston)	ANC 14	
68	Cllr Mohibidu (Pulane Martha)	ANC 15	
69	Cllr Kruger (Caprice Logan)	ANC 16	
70	Cllr Mohatle (Mampone Sally)	ANC 17	
71	Cllr McKay (David Mark Campbell)	DA 18	
72	Cllr Peter (Seth Qondile)	ANC 19	
73	Cllr Pretorius (Werner)	DA 20	
74	Cllr Lotriet (Pieter Adam)	DA 21	
75	Cllr Leech (Dulandi)	DA 22	
76	Cllr van der Walt (Tjaart Botha)	DA 23	Absent with apology
77	Cllr Kotze (Gerhardus Dirk Petrus)	DA 24	Absent with apology
78	Cllr Botes (Francois Rossouw)	DA 25	
79	Cllr van Niekerk (Hendrik Johannes Christiaan)	DA 26	
80	Cllr Banyane (Zachous Nechodemus)	ANC 27	
81	Cllr Tukula (Teboho Daniel)	ANC 30	
82	Cllr Mabena (Mere Joel)	ANC 31	
83	Cllr Menyatso (Thabang Victory)	ANC 32	
84	Cllr Mohono (Tshidiso Augustine)	ANC 33	
85	Cllr Tshwane (Kabi Daniel)	ANC 34	
86	Cllr Fantisi (Teboho Samuel)	ANC 35	
87	Cllr Makoloane (Itumeleng Justice)	ANC 36	
88	Cllr Ramolele (Mmota Simon)	ANC 37	
89	Cllr Matsoso (Molahloane Florenciah)	ANC 38	

90	Cllr Pholoholo (Ntebaleng Petunia)	ANC 40	
91	Cllr Dintlhwane (Mantja Agnes)	ANC 41	
92	Cllr Mothupi (Maqoma Lazarus)	ANC 42	
93	Cllr Nkiane (Mpho Elizabeth)	ANC 43	
94	Cllr Pretorius (Selmé)	DA 44	
95	Cllr Mathe (Lisiwe Jeanette)	ANC 45	
96	Cllr Majoro (Mpho Samuel)	ANC 46	
97	Cllr Kganakga (Mokgadi)	DA 47	
98	Cllr Pretorius (Johannes Christiaan)	DA 48	
99	Cllr Moqolo (Lehlohonolo Joseph)	ANC 49	
100	Cllr Lelala (Makoa Cristophel)	ANC 50	
101	Cllr Mohulatsi (Mamoorosi Margaret)	ANC 51	

### **OFFICIALS PRESENT**

1. Acting City Manager
2. Chief Financial Officer
3. HOD: Social Services
4. HOD: Corporate Services
5. Chief Metro Police
6. Chief Executive Officer: Centlec
7. Regional General Manager: Bloemfontein
8. General Manager: IDP
9. General Manager: Committee Services
10. Secretariat officer
11. Secretariat Officer

Mr T Maine  
 Mr SE Mofokeng  
 Mr M Nkungwana  
 Mr D Nkaiseng  
 Mr KI Kgamanyane  
 Mr M Sekoboto  
 Mr M Fongoqa  
 Mr Monyake Mothekhe  
 Mr Motete Mothekhe  
 Ms R Mamatela  
 Ms M Morakabi

**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

<b>ITEM NO</b>	<b>ITEM</b>	<b>PAGE NO</b>
33	OPENING	5
34	NOTICE OF THE MEETING	5
35	APPLICATIONS FOR LEAVE OF ABSENCE	5
36	ACCEPTANCE OF THE AGENDA	5 – 5B
37	ANNOUNCEMENTS	5B
38	REPORTS OF THE EXECUTIVE MAYOR	
	NONE	6
39	REPORTS OF THE SPEAKER	
1	RESIGNATION AND REPLACEMENT OF PR COUNCILOR: PATRIOTIC ALLIANCE	6
2	A. PROVISION OF LEGAL ADVICE TO THE OFFICE OF THE SPEAKER	6 – 6F
	B. PROVISION OF CORPORATE SUPPORT TO THE OFFICE OF THE SPEAKER WITH REFERENCE TO THE COMMUNICATION BETWEEN THE SPEAKER AND THE ACTING CITY MANAGER	
3	NATIONAL TREASURY CORRESPONDENCE RELATING TO THE ESTABLISHMENT OF THE MANGAUNG METRO POLICE SERVICE	7
40	REPORTS FROM MUNICIPAL PUBLIC ACCOUNTS COMMITTEE	
	NONE	7
41	REPORTS IN COMMITTEE	
1	APPOINTMENT OF THE ACTING CITY MANAGER	7 – 7A
42	CLOSING OF THE SPECIAL COUNCIL MEETING	



**MINUTES  
(OPEN COUNCIL)**

**33.**

**OPENING**

The meeting commenced at exactly 10h00.

The Speaker officially opened the meeting and welcome everyone in the meeting.

**NOTED.**

**34.**

**NOTICE OF THE MEETING**

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

**NOTED.**

**35.**

**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 pages of the minutes.

**NOTED.**

**36.**

**ACCEPTANCE OF THE AGENDA**

Prior to continuation with the item, the Speaker indicated that there were changes she wanted to effect from the agenda and that she also received a request for a 10 minutes ANC caucus from the Council Whip and it was granted.

The Council Whip after the ANC caucus provided feedback that after consultation they propose and request that the Council meeting be postponed to Thursday, 24 February 2022 given the fact that the situation outside the City Hall was not conducive for everyone who was in attendance of the meeting.

Councillor PL Seleke stated that when the Speaker started she asked the Council Whip whether to continue and he confirmed yes but when confirming he requested the meeting to be postponed. That the community and employees outside were of the opinion that

Councillors did not want to appoint an Acting City Manager and thus not getting paid their salaries. She further emphasised that they as Councillors were not there for their personal agenda but assist the people outside and therefore the Council will continue.

**Councillor MW Mongale addressed the Council:** "Madam Speaker, first of all we need to understand why we are all here, we have been elected by the people, and those people have a name, they are the people of Mangaung. This Council must act in the best interest of people of

Mangaung. Every Councillor present today must exercise their fiduciary duties, there will be no mob justice here; it is about your duty as a Councillor. We will not postpone a Council and lead the City of Mangaung into a catastrophe whereby Municipal workers will end up not getting their salaries including the Councillors and all the third parties will end up not been paid. We would also be running out of time in terms of securing our budget with National Treasury because we must comply with everything.

I don't know what is the role of MEC in this whole mess. I was expecting that he will be at the back just to see the mess he has created for this Municipality and the role of Treasury, why are they quiet when there is this mess in Mangaung that is done deliberately by the MEC of COGTA, Mr Mxolisi Dukwana. My worry is that, those Municipal workers outside..."

**The Speaker interjected to ask Councillor MW Mongale if he was on the postponement of the meeting as proposed by the Council Whip and not talk on issues that were not part of the discussion.**

**Councillor MW Mongale reiterated as follows:** "I was saying we would not be agreeing with the postponement as there would be financial loss as a result of postponement and thus putting the Municipality in trouble in terms of National Treasury because it will be regarded as a wasteful expenditure. Furthermore the Council cannot be postponed whilst Councillors were already here because letters should have been written in terms of the Rules to request postponement.

Therefore Councillors cannot hijack the situation because every time when there was a Council meeting there would always be a gang to intimidate or disrupt the Council to make proper decisions. The time is now for Council to be run properly without any groups or thugs that would threaten operations of the Council even if it meant getting own people to come and protect Councillors. We will do it, we were born here, we can organise people in the community to come and protect us the same way people think they have control. Some wont have to go far away as far as Colesburg to get people, we have our people here, we were born here."

**The Speaker stated that there were two suggestions on the table and therefore it would be put on vote whether to continue or postpone the meeting.**

**Councillor M Davies and Councillor JE Sebolao supported the continuation of the Council meeting.**

**The Speaker stated that in order to put the matter to a vote, there should be support or secondment for the proposals therefore there was no secondment for the postponement of the meeting thus the meeting would continue.**

**The Speaker thereon amended the discussion sequence of the agenda as follows:**

- **Item 39.3 – WITHDRAWN**
- **Item 41 under in committee will be discussed second after item 39.1 and the rest will follow thereafter.**

**The Speaker responded while dealing with item 39.1 to the question asked by Councillor FR Botes on why item 39.3 was withdraw, she stated that taking into account what had already been raised by Councillors, it was better to send it back to the Executive and the**

## 5B

administration to give a comprehensive report i.e. all the information related to the item as there were a lot of issues on the matter.

After much discussions and clarifications on moving item 41 to be discussed first in terms of Rule 10.6 of the Standing Rules and Orders, the Council Whip move for the for the adoption of the agenda as per the submission of the Speaker and was seconded by Councillor JI Mokoena.

NOTED.

37.

### ANNOUNCEMENTS

The Speaker announced that the stamps for Ward Councillors were available for collection after the Council meeting.

The Speaker thereafter humbly requested that Councillors should make announcements and not deal with any other issue or people which would “spark” a debate or discussion.

Councillor GJ Lipale responded that the Speaker would call him to order in that regard and he remarked as follows: “Madam Speaker I stand in terms of Rule 31 of the Standing Rules and Orders which states on the provisions of item 2B. On the 11<sup>th</sup> of February 2022 we had a virtual meeting and some of the ANC caucus members including the Council Whip made very strong unfounded allegations against the EFF caucus party leader Councillor JE Sebolao on receiving R100 000 or a bribe money from certain individual of which these allegations have far reaching consequences on the image of the individual and the organisation itself. We demand that the Hansard be visited on that particular virtual meeting and those found to have ...”

**On a point of order, the Council Whip remarked:** “Honourable Speaker, I thought you said announcements but if that falls in the category of announcements then it leaves much to be desired because Councillor is raising issues that need cross examination to the latter; with all due respect Councillor, I think if he believes that he has something on that, he is free to challenge me and go an open the case as they always do. Thank you Honourable Speaker.”

The Speaker reiterated that it should be an announcement and reminded Councillors that the Standing Rules and Orders stipulates the process should a Councillor want to raise any complaint against another Councillor that comes to her office and she would be able to deal with it and provide a way forward.

Councillor GJ Lipale requested Speaker to look into Hansard with regard to the issue raised so that those who made the allegations can apologise.

The Speaker confirmed that she will look into it and will definitely action it should there be a need.

NOTED.

38

## REPORTS OF THE EXECUTIVE MAYOR

None.

NOTED.

39

## REPORTS OF THE SPEAKER

1.

**RESIGNATION AND REPLACEMENT OF PR COUNCILOR: PATRIOTIC ALLIANCE**

The Speaker indicated that the report was for noting and the process has been completed whereupon she confirmed the recommendations as submitted.

She then warmly welcomed Councillor NA Phupha to the Mangaung Metro Council.

It was thereupon with 66 votes in favour, 0 votes against and 22 abstained

**RESOLVED** 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 07<sup>th</sup> 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**

The Officials, media and guests were allowed back in the Council meeting as the item was discussed.

The Speaker stated that both item 39.2 A and B would be discussed simultaneously. She then presented the items by highlighting the following:

- That after the 26<sup>th</sup> of January 2022 that the attorneys on record have duly withdrew the appeal lodged by Mr Sello More the former Acting City Manager in the Metro matter. At no stage did it mean there would be continuance, it meant that the resolution was honoured to say withdraw the appeal. That Mr S More had since duly post his affidavit on the 4<sup>th</sup> of February 2022 to the court as per the resolution attached to the court papers and the Council would now await the court judgement on the matter.
- That the legal matters i.e. the application of Mr S More against Council, the Speaker and Mr T Maine and second matter on MEC of COGTA against Council, The Speaker and Mr T Maine, still needed to be concluded in a legal manner and therefore a resolution from Council is required to source legal assistance in order to deal with those matters.

## 6A

- That the last response from the HOD Corporate Services was that the instruction from the attorneys was to pin the matter and thus worrying as a third respondent as the Council had 15 days to oppose and depose the answering affidavit in the Sello More matter against all. Then Council had approaching 3<sup>rd</sup> March 2022 to depose support and agree on the times of sharing pleadings between parties in the matter with MEC of COGTA. All that had been standing still for the past week and half which then means the Council might be out of time as each day count and thus forcing Council to apply for condonation to deliver answering affidavits.
- Speaker cited as third respondent and Council as first respondent and therefore the office of the Speaker needs to be empowered to seek the necessary legal support to finalise the matters with the newly appointed Acting City Manager.
- In the argument in court, there were several Councillors to depose affidavits in support of the MEC of COGTAs case, who were now both applicants and respondents at the same time and thus worrying because on point of authority, no one knew her and that she was not the Speaker of Mangaung. That she was worry because the locus standi issue might become a serious argument point in court.
- That, it was the basis why she came to Council on these matters, whether to defend or appoint attorneys, advocates, senior counsel to assist with these matters to be represented in front of the court. That worst Council can do would be to not respond at all.
- That when Mr S More went to court, to deal with Metro Police issue, it was side-tracked by his authority and the court dismiss the case and not dealt with the merits and therefore the Council still has the hanging court case in terms of the Metro Police officials that has to be dealt with and that the three matters were relating and the same attorneys were briefed on the three matters because when the Council withdrew the appeal, it meant the judgment was applicable against the appointment of Mr S More and now the case was left hanging which then meant the respondent Metro Police officials must still come back and therefore Council needed to decide on the matter and provide a way forward.
- That in all these matters, a senior counsel was needed and do have financial implications.

**Councillor MT Mosala addressed the Council as follows:** “The Speaker is dishonest to the Council for the following reasons:

1. The Speaker has not complaint to me as political head of Corporate Services about the lack of service you are getting from my Department.
2. I have called you several times and even send you a WhatsApp message on the 15<sup>th</sup> of February 2022 specifically at 9h16 and you read at 9h59 requesting you to revert back to my calls but to date you have not revert back to me.

Attempts to capture Corporate Services which is a strategic Directorate to employ provide IT services and process legal actions amongst others.

ICT interference during the first introductory meeting with HOD and yourself you indicated to him that you wanted to employ an ICT systems engineer in the Speaker’s office to help you exercise your oversight on ICT...”

**On a point of order, Councillor CF Rampai and Councillor MC Lelala requested that Councillors should refrain from using emotions when dealing with Council items and all other side of the story should also be in writing to avoid passing allegations. That item 2A and B combined, the Speaker be authorised to source proper legal advice to defend the court cases of the Municipality and the Acting City Manager to investigate what happened specifically for item 39.2B.**

**As Councillor MT Mosala continued as follow:** “ICT interference during the first introductory meeting with HOD and yourself you indicated to him that you wanted to employ an ICT systems engineer in the Speaker’s office to help you exercise your oversight on ICT, the HOD advised it was not possible as ICT Division busy with ICT system integration, you were not happy with his answer, your hidden unlawful proposal was to capture and control ICT. We are aware of your ICT background ...”

**Councillor JE Sebolao interjected on a point of order to ask the Speaker which item was under discussion as it would not be correct that a member could speak about something that was not on the table.**

**The Executive Mayor indicated that it will be important that the Executive Mayor be tasked to submit a report to Council with assistance of Acting City Manager on the matters and that Council be cautioned on getting involved on issues of procurement especially relating to the issue on the appointment of lawyers.**

**The Deputy Executive Mayor stated that some issues were administrative that the Acting City Manager would deal with and thus appealing for professionalism being the order day.**

**On the proposed resolution the Speaker stated that Council note both matters and both be referred to the Acting City Manager for proper processing and the Executive Mayor to submit a report.**

**Councillor MW Mongale commented as follows:** “Thank you Speaker. I am only worried about the Council of Mangaung Metro that has been implicated from one court case to the other. In one court case we were told that we were not present even though we were implicated. In another one we are also challenged by the MEC, Mr Mxolisi Dukwana. Now we are saying as the Council we must resolve that we are going to defend the integrity of this Council and the autonomy of this Council that we have the right any person that the Council want to appoint and we don't want any other interference.

We need to appoint a senior Counsel. If MEC comes with 2 senior Counsel we must also bring senior counsel and match them pound for pound because we do not want to be micromanaged by the MEC because we do not know what his motive is because if he was a man of integrity and good intentions he should have approached the Council to say whatever decision you are taking is wrong. Remember the letters comes from the previous administration. They did not start with our administration but the previous one where he wrote a letter advising that they must appoint and acting City Manager as the previous one’s term was coming to an end, but that never happened.

Instead of saying we want to correct our wrongs for the court to grant us or condone; he nullified the decision of Council to nip it in the court by challenging the judgement of Judge Chesibe by making sure it was reversed because it has far reaching implications in the administration of every Municipality in South Africa.

We need to have a resolution that say the Council must challenge the case on the 3<sup>rd</sup> of March and use all the necessary legal might to reverse the judgement that was erroneous where the court even instructed us to stop having the acting City Manager which was an act of emotion and on Judge Chesibe it was an error and I am also of the view that if need be, this Council must of finding a way of investigating the possibility of taking Judge Chesibe on review on fitness to hold office because what she did was mis-courage of justice. You cannot collapse an institution of government while you are from another organ of state and yours is not collapsed.

If her administration has collapse she has authority to collapse ours but at the moment we are not interfering with court operations but also saying judges must respect separation of powers because we are not the ones wrong in this particular case. We are saying we must defend the case and the Council resolve and stop standing on by side-lines, we must defend this case with all the might we have because it is an attack on autonomy of this Council by the MEC. I think he is new in the office and starting to get excited and we need to stop the excitement in the court of law on the 3<sup>rd</sup> of March meeting him pound for pound.

I am raising this because we are where we are today where even Councillors could not understand each other because of his adventurers acts of entering in a space where he is not authorised to enter. He must respect the organ of state and part of his mandate is to help us to have capacity and not to incapacitate us and the court must be made aware also that Judge Chesibe also was paralysing Mangaung Municipality and the court should not repeat the same mistake again and if possible, we also need to challenge the fitness of MEC of COGTA, Mr Mxolisi Dukwana to hold office...”

**on a point of order, Councillor MA Morake stated that Councillor should not undermine the Council as he was misleading deliberately. Thereafter Councillor MW Mongale reiterated his deliberation that the main issue was for Council to defend the decision it had taken.**

**Councillor BJ Viviers referred to the motion of the MEC on case 497 of 2022 clause 4.2 and read as follows:** *‘that the cost of Part A of the motion shall be in the cause, save in the event of opposing in which event the Respondents opposing the application is to pay the costs of the application, jointly and severally, the one paying the others be absolved.*

That in the past when the matter was initially heard, the Speaker deposed as Stefani Lockman-Naidoo Councillor on a replying affidavit, clause 1: *‘I am the Speaker of first respondent Council and I am duly authorised to depose this affidavit on behalf of the respondents’.*

- That the first respondent is Mangaung Metropolitan Municipality
- The second is the Council of Mangaung Metropolitan Municipality
- You cited as Speaker and then
- Teboho Maine

That who had given the Speaker the authority to appear on behalf of Council as he was not aware of any Council resolution on the matter in the replying affidavit and the reason for the question related to cost implication.

**Councillor NP Monyakoana was of the opinion that the interim Acting City Manager should investigate the allegation and report back to Council and not the Executive Mayor.**

**Councillor CF Rampai indicated that he disagreed with what Councillor BJ Viviers said as it was not the Speaker that went to court and therefore questioning who gave the Speaker authority to appear on behalf of the Municipality to court. And on this matter be specific that Council authorise the Speaker to seek legal assistance on these matters and furthermore agreed with Councillor NP Monyakoana the Acting City Manager should report back to Council on these matter.**

**The Speaker responded that the attitude of the applicant was never a locus standi issue as they tried to introduce it to the reply of which the Municipality's advocates objected as the case cannot be built in reply. That the case related only to the legal meeting and the resolutions taken of which the Speaker became the custodian because she signed for it.**

**The Executive Mayor stated that it was important to take note of the legislation. That Section 56 and 57 of the Regulation, regulated how Council should relate with senior official. That the report will address all issues raised and that in relation to court issues, the Acting City Manager was empowered by the Delegation of Powers Policy to act.**

**Councillor M Kganakga then read from the Speaker's filed affidavit, clause 1.**

**Councillor JC Pretorius addressed the Council on 39.2B as follows:** "After receiving this report it is a grave concern to the Democratic Alliance of the fraudulent nature the Head of Corporate Services of Mangaung Metro, Mr D Nkaiseng manages this Department.

The allegations from the Speaker of Council that Mr D Nkaiseng requested and approved the appointment and payment of salaries to 62 members in her office even without her requesting and approving is very serious. Members that have been receiving salaries from January that has not even been to work and to the office.

During the Council meeting held on the 31<sup>st</sup> of January 2022, the Auditor General informed Council that the total unauthorized expenditure for Mangaung Municipality was R757 million for the year 2020/21. The Department of Corporate Services contributed to a total of R212 million. Unauthorized expenditure means the overspending of a vote or main division within a vote or expenditure that was not made in accordance with the purpose of a vote or in the case of a main division not in accordance with the purpose of the main division.

Head of Corporate Services of Mangaung Metro, Mr D Nkaiseng has managed to put this Metro and Council under stress with huge salary bill and his unauthorized appointments. There is no money for basic service delivery due to this huge salary bill. The Bloemfontein Courant published an article yesterday with the heading *Mangaung allegedly blows millions in ghost workers*. In the article it is claimed that the Municipality splashed R1.5 million on ghost workers.



Madam Speaker through you, Executive Mayor what is happening under your watch and your MMC of Corporate Services. Is the behaviour from your HOD appropriate or even legal? This once a wonderful city, it is now a city of ruins and do not forget Executive Mayor that you have been the Mayor of this City since 2021.

Martin Luther Junior once said: *there comes a time when one must take a position that is neither safe nor politic nor popular but must take it because consequence and conscious tell him that it is right.* It is time Executive Mayor that you grow a pair and start leading this Municipality and make a hardest decision and take us forward.

Chapter 14, general treasury matters, Section 171 read: *a senior manager of other official of a municipality or municipal entity excising financial management responsibility and to whom power or duty was delegated in terms of Section 79 or 106 is guilty of an offence, if that senior manager or official deliberately or in a grossly negligent way contravenes or fails to comply with a condition of the delegation.*

It is clear to this house that the allegation of maladministration and misconduct by the Head of Department Corporate Services, Mr D Nkaiseng, tabled by the Speaker is serious and Council must consider Section 5 of the Disciplinary Regulation for local government in the Municipal Systems Act. Therefore the Democratic Alliance is urging this house to approve the following recommendations:

- That Council must within 7 days appoint an independent investigator to investigate the allegations of misconduct against the Head of Department of Corporate Services, Mr David Nkaiseng.
- That the Acting City Manager after his duties had been reinstated, or another Acting City Manager or Executive Mayor appointed, he/she must follow Section 5 of the Disciplinary Regulation for local government as set out in the Municipal Systems Act.

Thank you, Madam Speaker.”

**Councillor JE Sebolao addressed the Council:** “Thank you, Honourable Speaker. It is within the black thought context that is thoroughly displayed by Frantz Fanon that today we stand amassed against the betrayers of our revolution fearlessly, unfavourable and without any thought of being prejudiced by those who thought that we would hold position of power. Your fall will be remembered in the history of our dispensation which fell similar to that of demagogues.

Honourable Speaker, seven months ago, the Council was at logged heads with the most defiant administrator who ran this Municipality like his kingdom and today you creating a monster that will dilapidate and drive this Municipality to a total collapse.

The HOD of Corporate Services and his lieutenant are hired guns who are hell-bent to destabilise this administration. The former is forever on record for defying his employers. The fellow has not wasted any time whatsoever, he has gone on a rampage, suspending, hiring and firing left right and centre as if this Municipality is a brothel and nobody is taking any action against him.

The EFF is not going to help you fight your internal battles. The EFF would not sit back and fold arms when sell-outs reverse the gains acquired through blood and heinous murders of our forefathers and mothers, brothers and sisters in the apartheid years.

Fellow Councillors, imagine the Corporate Service Directorate who are mandated to deliver a critical support and coordination role for the whole organisation committed to high standard and quality responsibility for ensuring integrity and efficiency of the company's wide information, administration and governance systems procedures, the effective coordination of the day to day running of the Municipality.

Nonetheless, together with unrelating Mangaung Metro's MMC sabotaging, obscuring what would have been the desired results pertaining to the Section 139 intervention. Thus, the HOD and MMC for Corporate Services should be suspended and forensic investigation must be launched into his conduct and possibly bringing Mangaung Municipality into disrepute. We will forever be haunted by French's scholar Jean-François Bayart, when he said "*La Politique du Ventre*". Bayart was referring to all sell-outs who sold Mangaung Metropolitan Municipality to the highest bidder in fact he was referring to all sell-outs who have betrayed our masses and same goes to HOD and MMC.

Lastly, there is a rumour Honourable Speaker around that says that some Councillors claim that they do not know you and I want to put it on record that what they are saying outside about you, it is not true. We were in this August House when we elected the Speaker. I don't know why was this cheap politicking or its people who do not have facts that will go around and claim that they do not know the current Speaker who was elected. On record, we have elected and you are a Speaker of Mangaung. Thank you, Honourable Speaker."

**The Speaker thereon read out loud the proposed recommendation for both items 39.2A and B and that the resolution did not include the 7 days as the next Council meeting would be on the 28<sup>th</sup> February 2022.**

**Councillor M Davies stated that it be stated that the Acting City Manager should report back to Council within 7 days and whether he would undertake investigation or source an independent investigator with regards to this matter.**

**After voting, it was thereupon with 58 votes in favour, 0 against and 21 abstained**

**RESOLVED**

- (a) That the interim Acting City Manager is mandated to submit a report on issues raised by Council to the Executive Mayor to Council as soon as possible.
- (b) That the Council endorse the legal assistance to the Office of the Speaker.
- (c) That Senior Counsel be appointed to attend to the litigation matters supported by the Acting City Manager.
- (d) That the Acting City Manager investigate issues around the HOD: Corporate Services, Mr D Nkaiseng and report back to the next Council sitting and must follow Section 5 of the Disciplinary Regulation for local government as set up in the Municipal Systems Act.

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

The resolution as out lined above under item 39.2A

NOTED.

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

WITHDRAWN.

40	REPORTS FROM MUNICIPAL PUBLIC ACCOUNTS COMMITTEE
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None

NOTED.

41	REPORTS TO BE DEALT WITH IN COMMITTEE
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1.

**APPOINTMENT OF THE ACTING CITY MANAGER**

The Speaker requested officials and guests to be excused from the meeting as they would be dealing with item in committee and they would be invited back after the Council resolved on the matter.

**Note by Secretariat:** Detailed minutes under this item are captured separately, as it was discussed In Committee and therefore only the resolutions are captured.

It was thereupon, **with 61 votes in favour, 0 against and 25 abstained**

**RESOLVED** that,

Noting the Court Interdict and the Correspondence of the MEC for COGTA. The abovementioned matter was considered and approved as follows:

- (a) Council note the following, i.e.
- i. The court interdict and /or the Rule Nisi in favour of the MEC for COGTA,
  - ii. And further, that the Council is mindful that it should not be perceived nor be seen nor construed as undermining the Rule Nisi,
  - iii. Further that the Council is not perceived nor interpreted to be pre-empting adjudication of the matter on the return date of the 3<sup>rd</sup> March 2022,
  - iv. Further, noting the correspondence and the letter of the MEC for COGTA to Speaker and Council of the 14<sup>TH</sup> February 2022 regarding the absence of the City Manager and/or Acting City Manager,
  - v. Further, noting the legal opinion received on behalf of the Municipality,
  - vi. Further, noting the uncertain legal position that the Council find itself in due to the Court order and its impact and implication of the functionality of the Municipality and the general rule of law regarding the operations of the Municipality,

## 7A

- vii. Therefore, Council resolved to appoint Mr Mzingisi Nkungwana as the interim Acting City Manager subject to the following terms and conditions;
1. Pending the finalization of the Court process, with case numbers 497/2022; 47/2022 and 5171/2021
  2. Pending the recruitment process and appointment of the City Manager,
  3. The lapse of the three (03) months acting period,
  4. Whichever comes first, the Council appoint the following HOD amongst the EMT, as the interim Acting City Manager, namely, Mr Mzingisi Nkungwana.
  5. That the above mentioned resolutions, be made an order of court by agreement between the applicant and the respondent.

**The Special Council meeting officially closed at 14h36.**