

CONFIDENTIAL

**MINUTES
of a
SPECIAL MEETING**

**MANGAUNG
METROPOLITAN
MUNICIPAL COUNCIL**

**COUNCIL CHAMBER
FIRST FLOOR
BRAM FISCHER BUILDING
BLOEMFONTEIN**

**TUESDAY
APRIL 5, 2022
AT 10:00**

**MANGAUNG
METROPOLITAN
MUNICIPALITY**



**MINUTES OF AN
ORDINARY MEETING
of the
MANGAUNG METROPOLITAN MUNICIPAL COUNCIL
held IN THE CITY HALL
BLOEMFONTEIN on
WEDNESDAY, 9 MARCH 2022
at 10:00**

ATTENDANCE REGISTER

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

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

43	Cllr Ramatlama (Mpho Joseph)	EFF	
44	Cllr Rampai (Pule Joseph)	ACDP	
45	Cllr Rasoeu (Lempe Ernest)	DA	
46	Cllr Sebolao (Jankie Elisha)	EFF	
47	Cllr Shale (Nkahiseng Reginah)	EFF	
48	Cllr Snyman van Deventer (Elizabeth)	FFPlus	
49	Cllr Terblanche (Arthur Phillip)	DA	
50	Cllr Thomas (Johannes Beleme)	EFF	
51	Cllr Thwala (Zwelinjane Jonathan)	DA	
52	Cllr van der Merwe (Rulhof)	DA	
53	Cllr Viviers (Benhardus Jacobus)	DA	
54	Cllr Vorster (Braam)	FFPlus	
55	Cllr Wewege (Mare-Lize)	FFPlus	
WARD COUNCILLORS			
56	Cllr Sefaki (Samuel)	ANC 1	
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	Absent with apology
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	Absent with apology
76	Cllr van der Walt (Tjaart Botha)	DA 23	
77	Cllr Kotze (Gerhardus Dirk Petrus)	DA 24	
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. Chief Financial Officer
2. Chief Metro Police
3. General Manager: Committee Services
4. Secretariat officer
5. Secretariat Officer

Mr SE Mofokeng
Mr KI Kgamanyane
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).

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**MINUTES
(CLOSED COUNCIL)**

**78.
OPENING**

The meeting commenced at 10h17.

The Speaker welcomed all to the meeting and officially declared the meeting opened. She then confirmed that 92 Councillors were present thus forming a quorum.

She then requested all to observe a moment of silence for meditation and prayers.

NOTED.

**79.
NOTICE OF THE MEETING**

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

NOTED.

**80.
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.

**81.
ACCEPTANCE OF THE AGENDA**

Cllr LM Titi-Odili proposed for the adoption of the agenda and was seconded by Cllr JE Sebolao.

NOTED.

82.

ANNOUNCEMENTS

The Speaker warmly welcomed the Honourable Deputy Minister of CoGTA, Ms Thembi Nkadimeng who were visiting Mangaung for the pre-imbizos as the President would be visiting Mangaung for imbizo the coming weekend. That she requested to address Council to give words of encouragement and she was aware of all issues in Mangaung and had been assisting the Municipality for the past months.

Cllr MT Mosala raised a point of clarity as follows: “Thank you, Madam Speaker. According to my knowledge as MMC of Corporate Services, Mr M Nkungwana’s contract ended last week, the 31st of March 2022. Can you please clarify to this Council, why is he still sitting next to you as an Acting City Manager when his contract as an HoD ended last week, the 31st of March 2022? Thank you, Madam Speaker.”

On a point of order, Cllr CF Rampai confirmed that the Municipality still had an Acting City Manager, Mr M Nkungwana.

The Speaker requested that Councillors allow the Deputy Minister to address the Council so that she can be excused to attend other meetings and also allow the officials and the gallery to leave prior discussing any issue of Council. That the Minister of CoGTA was also in the Bram Fischer Building addressing another meeting.

The Deputy Minister of CoGTA addressed the Council as follows:

- That they were in Mangaung on the second round of imbizo with the President of the Country, Mr Cyril Ramaphosa who will be in Mangaung from Friday.
- That there were two (2) main reasons why they were in the building and not arrived with the President on Friday, namely:
 1. The state of Mangaung.
 2. The Minister meeting with all TROIKA
- That they would bring the official report after it has been finalised by Cabinet which would be sitting on the 6th April 2022 to deal with, amongst other things, the report of Mangaung Municipality that jointly the team of National Treasury and CoGTA, NCOP and Select Committee who visited the municipalities and submitted the reports for the urgency of Cabinet had to deal with.

She wished Council well, that unity was important for the service of people. that together with the Council, they hoped to change the state/ situation in Mangaung so that residents can receive their services.

That the main aim was to come and greet the Council so that they don’t just see them in the building and not knowing why they were there. That they had these parallel processes preparing for the Friday and Saturday imbizo. That they would come official to present the report after the report tabled in Cabinet. Shen then continue wishing the Council well.

Thereafter the Speaker thanked the Deputy Minister for her kind words and then allowed all officials and the gallery to be excused from the meeting as the Council deal with items In Committee.

83

REPORTS FROM THE EXECUTIVE MAYOR

None.

NOTED

84

REPORTS FROM THE SPEAKER

None.

NOTED.

85

IN COMMITTEE REPORTS

1.

APPOINTMENT OF ACTING CITY MANAGER

The Speaker stated that they received correspondence received and they had been asked to respond by 9h45, but it was 10h30 therefore they were late for the response.

The Executive Mayor presented as follows: "Thank you, Madam Speaker. Deputy Executive Mayor, Council Whip, Mayco members, Chairpersons of the Section 79 Committees, Councillors, good morning.

In front of myself and the Speaker, we have two (2) documents that we just received. One document from Tshangana and Associates and the second from Advocate JS Rautenbach. The document from Advocate JS Rautenbach is an advice coming from internal. The document from Tshangana and Associates is an intention to interdict us. Mr Mzingisi Nkungwana's contract ended on the 31st of March 2022 and Council of Mangaung appointed him last month with certain conditions.

Remember Councillors, the MEC has taken us to Court on the meeting of the 26 of January 2022 and the Council of the 26 January 2022 appointed Mr Teboho Maine to act and the judgement said he must stop acting. The Council meeting subsequent to that appointed Mr M Nkungwana with the following conditions:

1. until the finalization of the case,
2. for a period of three (3) months,

He believes that because of that decision of Council he is still can act. Now, the legal advice internally, says you only act when you are an employee of Council and he ceased to be an employee on the 31st of March 2022. The legal advice, we just received it now and also the intention to go to court, we also just got it now. You may understand the situation of the Speaker and myself. We spoke with the Speaker and we felt that maybe this item, because all these things are quick and urgent, we need to be given a chance to go through them and obviously have a Council meeting to deal with this matter, urgently."

Cllr M Kganakga then requested that they also be provided with the document the Executive Mayor was referring to.

Cllr E Snyman van Deventer addressed the Council: "Thank you, Madam Speaker. This is actually a difficult day for me. When our Executive Mayor used to be the Speaker, I was one of the Councillors who said that he is improving as Speaker and at the end when he was appointed

as Executive Mayor I was thinking that it would be an improvement. Today I stand here and the Executive Mayor refers to a legal opinion. I read another one that says exactly the opposite from what he is saying. So, on his interpretation of a legal opinion, we now have to postpone this very important item and if we do postpone we will be without an acting City Manager. Why would we be without the acting City Manager? Because of the Executive Mayor.

Other Councillor they may not know what happened in the previous term, the last meeting of Council we had a item saying, Council approves the appointment of a continuation of another three months of Mr More. The Executive Mayor when he tabled the item, he changed the recommendation to read that the Executive Mayor will appoint the acting City Manager. So, what happened, ANC caucused, went offline and came back and withdrew the item and that was the cause of everything and that led to the MEC appointing and we all know we went to court and we are still having problems with the acting City Manager.

Now, I am pleading through you to Executive Mayor, stop playing these political games, put Mangaung first. We all believed that is what you were going to do. Over 100 days later, we are in the worst position than we were last year. We cannot carry on like this. I am pleading to you, stop political games, every single one of the ANC members. Think about what is going on in this City, the bigger Mangaung, there are people who needs services. We don't have City Manager to sign off. What about the CFO end of April, HODs, the second item, you knew about their contracts ending. Why did you not advertise when we started this term; why did we not continue with the process of appointing the City Manager? Why must I now beg you to make sure that we start the process. Why do you withdraw items on the City Manager's appointment, it has been here two or three times? Being withdrawn every time. We cannot carry on like this, you cannot let your internal factions fighting lead to a City that is bleeding. Thank you, Madam Speaker."

Cllr LM Titi-Odili highlighted the following:

- That as Councillors they had a mandate to make resolutions in the Council, but who will be implementing that if the items were to be postponed?
- That the legal advices must be forwarded to Councillors but Council cannot afford not to appoint an acting City Manager, which might lead to MEC activating his powers.
- That seeing that Councillors were present for a Council meeting, they must leave the meeting having appointed the acting City Manager to run the Municipality until the vacant position is filled.

Cllr CF Rampai commented as follows: "Why are we here Councillors. I will like to refer you to the Standing Rules and Orders, we are not supposed to be here today to talk about the issue of an acting City Manager. Secretariat next to you can tell you, all animals were created equal but others are more equal than others.

Furthermore, with the case of Mr S More, Council terminated his contract 10 hours before his contract expired, someone took us to court and said he was within and the Council cannot change its decision in three months. Today, the acting City Manager appointed on the 22nd of February, now we are going to discuss the same issue against our Standing Rules and Orders. I am wondering who was authorising the legal opinion if not this Council? That legal opinion was not asked by the acting City Manager as he is the one delegated to act on behalf of this Council and legal opinions are just legal opinions. They say if two judges say the same thing, one is blind or the one judge might be wrong and the other right.

6B

So, I am asking why are we here talking about the acting City Manager just a month after we chose the acting City Manager. I am warning you Madam Speaker, someone and I suspect MEC CoGTA is going to take us to court on why are we discussing this item today. Thank you, Madam Speaker.”

Council Whip commented as follows: “Madam Speaker, I want to say in Sesotho, *‘tsatsing lena re longwa ke dinta tsa kobo tsa rona’*. We created these monsters, that we are sitting with today. It is because, sometimes when this Council has to discuss issues, and be objective in dealing with critical issues that affects the lives of the people of Mangaung, in most of the time turn to play politics and gamble with the lives of the people of Mangaung.

This Municipality four months after it was established, we are still going back and forth, we still don’t know where we stand. We are not even sure if we should go forward or backwards, but it is precisely Madam Speaker that majority of us are not serious about the lives of the people of Mangaung, but serious about their own individual egos and that is where we are seated today.

We have these creations and challenges today because really... Yes, one would ask, why are we here today? This question we should have ask in the first, the inaugural meeting of this Council to say, why are we here? Had we answered that question at that particular time, we wouldn’t be discussing these issues and asking ourselves four months down the line, why we are here?

The Executive Mayor has presented the letter of intent to interdict this august house from implementing and taking its own decision in relation to the life of the Municipality and yet, there is also legal advice. I agree with anybody who say a legal advice is a legal advice, but it is based on evidence that is there.

The two questions I am asking myself, where on earth have you seen an expired contract of somebody being referred as somebody else. Immediately your contract expired today, you are no longer what you used to call yourself because there is no longer a contract, we cannot even think about it. It cannot be right that every time we are sitting in this Council, when we have to discuss issues we start pointing fingers at different directions as if we were also not part of this caucus.

At the moment we are sitting with a dilemma. I may be wrong or I may be right, but I would like to say Madam Speaker, I would request this house to go back and reflect on the issues the Executive Mayor has raised in relation to the two letters so that when we come back, we know exactly...these questions that are relevant at this moment, we need to ask them now and we need to reflect on them. Therefore Madam Speaker, indeed I agree that let us not engage on these matters today. We will sit down, reflect on them and come back sober and take decision that will take Mangaung forward. Today we are not in a position to say we can take Mangaung forward. Today we will deal with emotions rather than dealing with issues at hand. Thank you, Madam Speaker.”

The Deputy Executive Mayor supported what the Council Whip said, that the item be referred back so that the executive would be able to process it properly.

The Speaker indicated that it was a busy week for TROIKA and thereon proposed that there should be a due date on the matter if Council decide to refer it back.

Cllr JC Pretorius remarked:

- That Council first had to decide if it was going to postpone the matter prior deciding on due dates,
- That Council still need to discuss on what would be the best legal route to follow as he agreed with what Cllr E Snyman van Deventer said that it was the Executive Mayor and his executive that got the Council in this position.

Thereon requested a 10 minutes DA caucus.

Councillor M Kganakga raised her concern that distribution of water and snacks during the meeting was disturbing and therefore in future such matters be handled before the meeting.

Cllr JE Sebolao was in agreement with Cllr M Kganakga and further raised his comments as follows:

- That what Cllr E Snyman van Deventer said, they were in agreement and that Council Whip was on point until he concluded on the matter.
- that Council cannot even for a second to allow the Municipality to function without a City Manager.
- That what was the Council postponing and why were the Councillors invited to the Council meeting?
- That what Councillor LM Titi-Odili suggested, it must be like that, the matter was submitted and must be attended to.

The Speaker allowed a 10 minutes DA caucus.

After the DA caucus, Cllr JC Pretorius reported back that after deliberating and looking at the Act, there were these options:

1. The Council can write to the MEC CoGTA and ask for an extension for the acting City Manager's contract in terms of a resolution until the end of May 2022 or the appointment of the new City Manager as per the resolution of February 2022.
2. The Council to appoint another acting City Manager.

Cllr JI Mokoena addressed the Council as follow: "We are having a problem that there is an intention based on resolution taken and that resolution had certain conditions to it but it did not include a condition in an event that someone's contract lapsing during the acting period. However in terms of the relevant legislations, the appointment of an acting City Manager was premised on a basis of a particular qualification of somebody who should be acting in that position.

I remember it was said that, it can only be drawn from HODs. I am trying to think as to whether if we appointed you in a particular position based on you holding an employment position that qualifies you to act, in an event that the qualification expires, whether we should be held on to the decision that we made because that is premise on you holding a particular qualification including your appointment and being in a position of being an employee of the Municipality. If we don't possibly appoint an acting City Manager and allow Mr M Nkungwana to continue on the basis of this of this threat of interdict.

6D

I am trying to look at the potential risk for Council that whatever it is we might be making a decision going forward, might be subject to later review, and in that instance is that a bigger risk than a risk of us saying you were acting City Manager on the basis of your qualification as an HoD and your contract has expired and as a results your employment contract is paramount to your acting as a City Manager. As a results, my honest indication is that the threat of interdiction is of a lesser risk to the Municipality than the threat of review in an event that Mr M Nkungwana continues to act when his employment contract and conditions that are conditional for him to be appointed an acting City Manager expired.

I don't know whether in the past meeting, we were aware that his contract was going to expire and whether it could have been included as part of the conditions. Even with the acting position, it had certain conditions that would have interfered with the three months and so it doesn't mean it was intended to continue at perpetuity for three months even if the other conditions might be fulfilled and intervened with that acting position.

So, I am of the opinion that Honourable Speaker that we rather be on side of appointing an Acting City Manager and continuing with the subsequent item and allowing this process for you and the Executive Mayor to see how best can we resolve it. Thank you, Honourable Speaker."

Cllr MT Mosala, Cllr E Snyman van Deventer and Cllr CL Kruger requested that the documents the Executive Mayor was referring to, be forwarded to all Councillors.

The Speaker requested that whilst waiting for Secretariat Unit to print documents, the item be kept in abeyance and would be finalised once all Councillors received their documents and deal with the second item. However, Cllr CF Rampai was of the opinion that the two were interrelated as who would authorise the recruitment process and therefore, Council needed to conclude this item prior to moving to the next. The Speaker explained that once Council has resolved on the matter, the execution letter would be signed by the Executive Mayor to authorize the Accounting Officer to implement the resolution of Council.

The matter was then kept in abeyance to allow distribution of documentation.

Note by Secretariat: The resolution for this item was concluded under item 85.2 below.

NOTED.

2.

RECRUITMENT AND SELECTION OF SECTION 56 MANAGERS(HODS)

The Executive Mayor presented that this item was asking Council to allow for advertisement of vacant positions of Section 56 Managers, that some had already expired and some would expire on the 30th of April 2022. That the recommendation was that Council allow advertisement of these positions.

Cllr JE Sebolao remarked that he thought Council would first start with the advertisement of vacant positions and not the other way round.

Clr JC Pretorius raised a concern that the Executive Mayor came ill prepared as the macro structure was not even approved by Council as yet as the Council don't even have clarity on how many HODs they would have.

Cllr E Snyman van Deventer was in total agreement with what Cllr JC Pretorius raised. She further remarked as follows: "On the 25th of February 2022, I asked the Executive Mayor, have you advertised the positions of the Section 56 employees? He took me by the hand into the meeting with National CoGTA. The DG asked, what is going on now? He asked in front of the Committee of the representatives of National CoGTA and all the HoDs, please answer Cllr E Snyman van Deventer because she asked why the positions were not yet advertised?"

Now, more than a month later it is still not advertised. Like Cllr JC Pretorius said, we don't even know what we are going to advertise. Somewhere someone is not doing his/her work and we should ask Internal Audit, Audit Committee, MPAC whoever is not under the control of the suspended HoD and not under the influence of other political influences to investigate this, because there is something wrong in HR, Legal Department, HoDs and the Mayoral Committee if we cant even advertise positions for HoDs. Where are we going? Thank you, Madam Speaker."

On a point of clarity, Cllr BJ Viviers asked if the proposal was to advertise, why was this item dealt with In Committee?

Executive Mayor explained that it was Council that must take a decision on which Directorate to combined and Council had not yet dealt with that and furthermore that at present the Municipality had nine (9) Directorates and have to reduce to seven (7) and therefore Council cannot deal with advertisement without finalising the matter as raised by Councillor JC Pretorius.

Cllr D Leech raised a point of clarity on whether Councillors were aware of the Government Gazette, dated the 7th of March 2013 which stipulated what must be done prior appointing the Section 56 employees and what the City Manager was supposed to do. She then referred the Council to Chapter 3, point 7 which says: '*the municipal manager must develop a staff establishment or review an existing staff establishment of a municipality within 90 days after its election of the new municipal council*'. That Council has not even been furnished with the documentation regarding this matter. The information that the Executive Mayor was referring to for reduction of the Directorates from nine (9) to seven (7) was not submitted as well as Directorate which supposed to be part of the seven in terms of the legislation and those that can be additional had not been listed and that was one of Council responsibilities.

That whether the Executive Mayor was aware of this information which is in the government gazette. That where was the documentation or preparation for that matter and that Council be given clarity before taking any decision on the matter.

Cllr M Thompson asked how can Councillors undertake their function when the Executive Mayor kept on withdrawing items?

Cllr MW Mongale addressed the Council: “Thank you, Madam Speaker. The Executive Mayor is expected to be the one who supervise the activities of making sure that the organogram is finalized even sub committees falling under the Executive Mayor are all sitting so that Council will not be sitting with this dilemma.

Now, we are dealing with the problems that the Council Whip has raised to say ‘*re jewa ke nta tsa kobo tsa rona*’ and yes, di a reja because we have let a man to lead us when he is not yet ready to lead us now he is creating a catastrophe in this Council and now he is feeding us to the dogs because the MEC of CoGTA is waiting on the side-lines for an error, to jump in because he has an interest in this Council. Now there is a man who is helping him by sleeping on duty.”

On a point of order, Cllr MA Morake stated that Executive Mayor had been bringing items to Council and Council withdrawn the item and therefore Councillors must refrain from pointing fingers to the Executive Mayor.

The Executive Mayor reiterated that there was another item that will be submitted to Council in the meeting to be scheduled for Friday that deals with the reduction of Section 56 employees and thus Council cannot advertise prior to appointing the City Manager.

Cllr TKW Mokgothu proposed that Council seek legal advice on the matter and that the two (2) items (85.1 and 85.2) be referred back, for proper advice.

Cllr NA Phupha, Cllr M Davies and Cllr PL Seleke were in agreement that the items be referred back and the macro-organizational structure be included in the agenda.

Cllr CF Rampai proposed that Council approve the advertisement of Section 56 employees with a clause saying Council reserve the right to withdraw the advert.

In responding to the Speaker, the Executive Mayor confirmed that the macro structure was near finalization.

Councillor M Davies asked that who would be accounting/authorizing seeing that the Municipality did not have the Acting City Manager until the Council meeting scheduled for Friday and Cllr E Snyman van Deventer mentioned that there was a message from organised labour stating that officials must not to take instruction from acting HoDs.

Cllr FR Botes ask the Executive Mayor that if the meeting was postponed to Friday and had not appointed the acting City Manager, Bloemwater was supposed to be paid on Friday, who would sign for it? And the Executive Mayor responded that the Municipality did not have issues with payment of Bloemwater.

Cllr JE Sebolao requested that it be on record that the Executive Mayor said Mangaung do not have difficulties with payment of Bloemwater. That it was also said in the Council that Mangaung did not owe Bloemwater by the previous term administration but letters were circulated in the media that the Municipality owed Bloemwater.

Cllr LE Rasoeu referred to the Tshangana and Associate document was not sufficient for instance point 3: *the Executive Mayor inform the MEC of the appointment of our client as the Acting City Manager subject to a number of conditions that are set out therein none which had been fulfilled*'; that they (Councillors) should also be furnished with those conditions, whereupon the Speaker indicated those were the conditions of Council (i.e. as resolved when the acting City Manager was appointed).

On a point of order Cllr ZMC Campher stated that the question posed by Cllr M Davies regarding the referral back of item 85.1 that seeing that there was no acting City Manager who would be accounting or who would the Councillors engage with?

Cllr JE Sebolao indicated that the two (2) documents circulated were not signed, the document from Advocate JS Rautenbach as well as Matlho Attorneys and the Speaker explained that Advocates would normally not sign the opinion as they worked with attorney that was authorised to brief them and it was the attorney that signed the cover letter to give the written advice, which also applied to heads of arguments as they were generally appointed by attorney firms.

Cllr CF Rampai asked who had requested the legal opinion as Council had never asked for a legal opinion and secondly that the acting City Manager appointed HoDs and it was queried, and who would answer in the absence of the acting City Manager?

The Speaker responded that legal opinions were not court order however they had persuasive values into a certain direction.

The Executive Mayor responded that in the absence of the acting City Manager, he was available to assist Councillors with any issue they had.

After much deliberations on who would assist or account on issues Councillors/ community had, Cllr GDP Kotze stated that the Municipality had a line of support system of which contact details could be provided to Councillors especially the second line of support to assist only with service delivery issues. The Speaker agreed and indicated that such information could also be easily circulated to Councillors groups.

The Speaker indicated that there were no objections postponing the meeting to Thursday, April 7, 2022 at 14h00.

After much deliberations, it was thereupon

RESOLVED that both items 85.1 and 85.2 be referred back to the next meeting to be scheduled on Thursday, April 7, 2022 at 14h00. That the item on the macro-structure be also included in the agenda of the scheduled meeting.

The Council meeting officially closed at 12h33.