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First floor

Bloemfontein

9301

21 March 2022

Cnr Nelson Mandela & Markgraaf Street

Bram Fischer Building

PO Box 3704

Bloemfontein

9300

To: The office of the speaker/ Acting City Manager

Motion of no confidence to the Executive Mayor (Mxolisi Siyonzana)

We write this motion on the following legislative standings:

A. standing rules and order rule 90 which states the following:

1. A councillor (hereafter called "the initiator") may by written motion, which must be seconded by at least three other councillors, move that the executive mayor be removed from office. Such a motion must be submitted to the municipal manager and may not be sent by electronic mail, telex or telegram. If such motion is transmitted by facsimile, the original must be delivered to the municipal manager within seven days.
2. The motion must contain a brief summary of the reasons for the motion.
3. A motion in terms of sub-rule (1) may, despite the provisions of rule 56, not be withdrawn.

4. The municipal manager must, upon receipt of a motion in terms of sub-rule (1), forthwith send a copy to the speaker and the executive mayor.
5. The speaker must forthwith upon receipt of the motion determine the date, time and venue for a special council meeting in terms of rule 4. The date of such a special meeting may not be less than fourteen and not more than twenty-one days from the date the speaker received a copy of the motion from the municipal manager.
6. Despite the provisions of rule 10(1) at least seven days' notice of a meeting in terms of sub-rule (5) must be given.
7. If the executive mayor resigns from office at any time before a meeting in terms of sub-rule (5) takes place, the motion lapses and the meeting does not go ahead. If the executive mayor resigns, the members of the mayoral committee are deemed to have resigned from the same date.
8. The meeting may not be closed for the public or the media before a vote had been taken on the matter.
9. The speaker presides over the proceedings on a motion in terms of sub-rule (1) but he or she does not have a casting vote.
10. The executive mayor has the right and must be allowed the opportunity during the proceedings to.
 - a) respond to every allegation made in the motion and during the debate;
 - b) call witnesses and to cross-examine any witnesses called by the initiator; and
 - c) submit documents and to examine any documents submitted by the initiator, provided that if the executive mayor is not present during the meeting, the council may, in its sole discretion, continue with the proceedings. A proposal to proceed in the absence of the executive mayor is carried if a majority of the councillors of the municipality votes in favour of it.
11. With due regard for the provisions of rules 35 and 36, the speaker must put the motion to the vote after the debate had been exhausted.
12. If the executive mayor at any time during the debate but before the motion is put to the vote make a declaration in terms of rule 69(2), the debate is discontinued immediately and the motion lapses and the council proceeds to

elect a new executive mayor despite any provisions to the contrary in these rules. When such a declaration is made the members of the mayoral committee are deemed to have resigned as such members.

13. If the motion is carried, the executive mayor is removed from office with immediate effect and the council proceeds to elect a new executive mayor despite any provisions to the contrary in these rules.
14. A councillor elected as executive mayor in terms of sub-rule (12) or (13) serve for the unexpired term of his or her predecessor.
15. If the motion is defeated, no motion forwarding the same allegations may be submitted within the next three months unless the council directs otherwise.

In accordance with the above mentioned Standing Rule; I Cllr Gopolang Lipale seconded by Cllr Jantjie Sebolao and Cllr Mpho Ramatlama under the organization Economic Freedom Fighters and the whole Caucus, we would like to pass the motion of no confidence to the Executive Mayor Mr Mxolisi Siyonzana,

The legal standings of the motion of no confidence are as follows:

B. Section 58 of Municipal Structural Act of 117 of 1998 Removal from office.

A municipal council, by resolution may remove its executive mayor or deputy executive mayor from office. Prior notice of an intention to move a motion for the removal of the executive mayor or deputy executive mayor must be given.

C. Section 56 of municipal structural Act 117 of 1998 Functions and powers of executive mayors

(1) An executive mayor is entitled to receive reports from committees of the municipal council and to forward these reports together with a recommendation to the council when the matter cannot be disposed of by the executive mayor in terms of the executive mayor's delegated powers.

(2) The executive mayor must-

(a) identify the needs of the municipality;

(b) review and evaluate those needs in order of priority;

(c) recommend to the municipal council strategies, programmes and services to address priority needs through the integrated development plan, and the

estimates of revenue and expenditure, taking into account any applicable national and provincial development plans; and

(d) recommend or determine the best way, including partnership and other approaches, to deliver those strategies, programmes and services to the maximum benefit of the community.

(3) The executive mayor in performing the duties of office, must-

(a) identify and develop criteria in terms of which progress in the implementation of the strategies, programmes and services referred to in subsection (2) (c) can be evaluated, including key performance indicators which are specific to the municipality and common to local government in general;

(b) evaluate progress against the key performance indicators;

(c) review the performance of the municipality in order to improve-

(i) the economy, efficiency and effectiveness of the municipality;

(ii) the efficiency of credit control and revenue and debt collection services;

and

(iii) the implementation of the municipality's by-laws;

(d) monitor the management of the municipality's administration in accordance with the directions of the municipal council;

(e) oversee the provision of services to communities in the municipality in a sustainable manner;

(f) perform such duties and exercise such powers as the council may delegate to the executive mayor in terms of **section 59 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);**

[Para. (f) amended by s. 16 (a) of Act 51 of 2002.]

(g) annually report on the involvement of communities and community organisations in the affairs of the municipality; and

(h) ensure that regard is given to public views and report on the effect of consultation on the decisions of the council.

(4) An executive mayor must perform a ceremonial role as the municipal council may determine.

(5) An executive mayor must report to the municipal council on all decisions taken by the executive mayor.

(6) The deputy executive mayor of a municipality exercises the powers and performs the duties of the executive mayor if the executive mayor is absent or not available or if the office of the executive mayor is vacant.

(7) If the executive mayor is absent or not available and the municipality does not have a deputy executive mayor, or the deputy executive mayor is also absent or not available, the council must designate a councillor to act as executive mayor.

As the EFF we believe in the following; given the above mentioned section:

- i. Therefore, the current Executive Mayor has not acted on the recommendations of various committees and also has failed on his duties to oversee that the committees sit and are required by law to carry certain duties within the council.
- ii. He has failed to provide numerous important reports as delegated by the council. Prove council sittings of the 07 March and 15 March 2022; he failed to provide any report and previously record tells that he has been failing to provide any reports others immaterial of excuses.
- iii. The Mayor is in total contrast with the administration in running of the municipality; he completely disregards his deputy Mayor and the city manager due to their eternal factional battles.
- iv. He has failed in providing leadership in the Mangaung Intergrated Development Plan (IDP) resolutions which was taken in 2018/2019 and 2020 to 2022.
- v. Mangaung Metro has seeing a very deteriorating state of roads, infrastructure and service delivery. examples, potholes and wastewater.
- vi. Mangaung metropolitan is dirty and is like pigpen, Graveyards are full the community do not have place to bury their loved ones, since his ascendance to power the Zoo, Swimming pools and parks are dysfunctional in Mangaung.
- vii. The Zoo is no longer in operation, what happened to the animals, where are they? The staff in Zoo are they placed in different departments? If not, why not?

- viii. Dumping site is dysfunctional as a result community is dropping rubbish everywhere.
- ix. The City's maintenance is zero the whole city is dirty and collection of refusals is zero in the whole City.
- x. The security in the municipality building is deplorable community just access buildings without being checked. The Municipality entity called Frescho was closed because it was insolvent and the Mayor failed to report to the Council.
- xi. The Hostel **NO 1** is closed by Labour department because of compliance and the Mayor did not take the council to his confidence by reporting this matter to the Council.

D. In terms of section 53 of municipal Financial Act 56, 2003 Budget processes and related matters:

(1) The mayor of a municipality must

- a) provide general political guidance over the budget process and the priorities that must guide the preparation of a budget;
- b) co-ordinate the annual revision of the integrated development plan in terms of section 34 of the Municipal Systems Act and the preparation of the annual budget, and determine how the integrated development plan is to be taken into account or revised for the purposes of the budget; and
- c) take all reasonable steps to ensure—
 - i. that the municipality approves its annual budget before the start of the budget year;
 - ii. that the municipality's service delivery and budget implementation plan is approved by the mayor within 28 days after the approval of the budget; and
 - iii. that the annual performance agreements as required in terms of section

57 (1)(b) of the Municipal Systems Act for the municipal manager and all

senior managers

(aa) comply with this Act in order to promote sound financial management;

(bb) are linked to the measurable performance objectives approved with the budget and to the service delivery and budget implementation plan; and

(cc) are concluded in accordance with section 57(2) of the Municipal Systems Act.

(2) The mayor must promptly report to the municipal council and the MEC for finance in the province any delay in the tabling of an annual budget, the approval of the service delivery and budget implementation plan or the signing of the annual performance agreements.

(3) The mayor must ensure

- a) that the revenue and expenditure projections for each month and the service delivery targets and performance indicators for each quarter, as set out in the service delivery and budget implementation plan, are made public no later than 14 days after the approval of the service delivery and budget implementation plan; and
- b) that the performance agreements of the municipal manager, senior managers and any other categories of officials as may be prescribed, are made public no later than 14 days after the approval of the municipality's service delivery and budget implementation plan. Copies of such performance agreements must be submitted to the council and the MEC for local government in the province.

As the EFF we believe in the following; given the above mentioned section:

- i. The executive Mayor has failed to provide any credible financial report.
- ii. The municipality is currently owed almost R8 billion in unpaid rates and taxes by government, businesses and residents. The Executive Mayor Siyonzana has not provided any fruitful plan of recovering that money.
- iii. Many years of negative audit reports failures, the Mayor has not indicated how is he going to the turn the situation around to the positive.t

- iv. The current litigations in the courts which it has provided the municipal usage, the City Manager and Executive mayor and many HOD's having have to use the municipal Coughers been used despite the Metro been declared broke.
- v. The follow through of formation of Metro police despite the treasury been given advice not to go ahead with the formation of the metro police in the municipality due to the lack of finances, this demonstrated that the Mayor has lost control within his power to run the municipality.
- vi. We have seeing ridiculous procurements processes which has led to the bankruptcy to the municipality. Examples, Taxi Rank which is dysfunctional and it was a project of corruption and looting, and IPTN which are never getting completed.
- vii. The municipality has been involved in wasteful and fruitless expenditures, in paying salaries of bogus employees which cannot be accounted for.
- viii. Centlec and Bloemwater are charging the municipality exuberant amounts of money, but delivery to the community of Mangaung nothing and the Mayor keeps signing them off all the time.
- ix. The Council purchased a piece of land in Nelly's View for purpose of developing graveyard and R1MILLION was paid. Nothing was done with that land that should be viewed as a wasteful expenditure.
- x. The Mayor took a rule 38 question and presented to Golf players even before it was presented to the Council sitting. 5. The Arthur Nathan Swimming was budgeted R1million which was meant renovations but today nothing happened.
- xi. Kwagafontein land was identified for replacement of the Zoo money was spend and we still don't have a zoo in kwaggafontein.
- xii. Municipal fleet is in shambles the workshop is dysfunctional. Petrol and Diesel is inconsistent as a results car in the City are forever running short petrol and diesel this is because some in the municipality are stealing money for petrol and fuel or either they are stealing fuel itself, another wasteful expenditure.

E. Section 24 and 27 of chapter 2 of the South African constitution under the bill of rights reads as follows respectively:

24

- a) Everyone has the rights to an environment that is not harmful to their health or well-being; and
- b) To have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measure
 - i. Present pollution and ecological degradation;
 - ii. Promote conservation; and
 - iii. Secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.

27

- 1) Everyone has the rights to have access to
 - a) Health care services, including reproduction health care,
 - b) Sufficient food and water; and
 - c) Social security, including, if they are unable to support themselves and their dependents, appropriate social assistance.
- 2) The state must take reasonable legislative and other measure, within its available resources, to achieve the progressive realisation of each of these rights.
- 3) No one may be refused emergency medical treatment.

As the EFF we believe in the following; given the above mentioned sections:

- i. Some residents have been deeply affected by the environment of sewage spillage mentioned above, they have gotten sick with different diseases.

- ii. The terrible environment of dirty water which the residents have been subjected to for the few years in Mangaung.
- iii. Above it all this have made them very ill and of which these are against our constitution in a serious way.

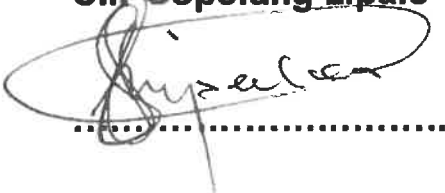
These motion of no confidence mostly based on the **constitution of south Africa chapter 7, section 157 to 164**; Mangaung is extremely in violation off all the cited legislative sections, this is happening because of we have a Mayor who is naïve and care about only himself and his stooges.

We hoping this matter will be ventilated on the next sitting; and we also expecting the response as soon as possible.

We thank you.

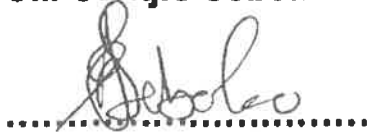
Signed by:

Cllr Gopolang Lipale



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Cllr Jantjie Sebolao



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Cllr Mpho Ramatlama



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