

***CONFIDENTIAL***

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**MINUTES  
OF AN  
ORDINARY MEETING**

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**MANGAUNG  
METROPOLITAN  
MUNICIPAL COUNCIL**

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

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**THURSDAY  
MAY 12, 2022  
AT 09:00**

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**MANGAUNG  
METROPOLITAN  
MUNICIPALITY**

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**MINUTES OF AN  
ORDINARY MEETING  
of the  
MANGAUNG METROPOLITAN MUNICIPAL COUNCIL  
held in COUNCIL CHAMBER, FIRST FLOOR,  
BRAM FISCHER BUILDING, BLOEMFONTEIN  
on  
THURSDAY, 12 MAY 2022 at 09:00**

**ATTENDANCE REGISTER**

<b>POLITICAL LEADERSHIP</b>			
<b>#</b>	<b>NAME</b>	<b>PARTY</b>	<b>LEAVE</b>
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	
<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	
9	Cllr Mokgothu (Tona Kenosi Wilfred)	ANC 2	
<b>MEMBERS OF THE MAYORAL COMMITTEE (SECTION 80 CHAIRPERSONS)</b>			
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	

<b>PR COUNCILLORS</b>			
<b>#</b>	<b>NAME</b>	<b>PARTY</b>	<b>LEAVE</b>
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	
27	Cllr Letsoko (Mantwa Sanah)	EFF	
28	Cllr Lipale (Gopolang Jeremiah)	EFF	
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 (Mamahlope 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	Absent with leave
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	
55	Cllr Thompson (Mare-Lize)	FFPlus	
51	Cllr Thwala (Zwelinjane Jonathan)	DA	
52	Cllr van der Merwe (Rulhof)	DA	
53	Cllr Viviers (Benhardus Jacobus)	DA	
54	Cllr Vorster (Braam)	FFPlus	
<b>WARD COUNCILLORS</b>			
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 Moilola (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	
77	Cllr Kotze (Gerhardus Dirk Petrus)	DA 24	Absent with leave
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. Interim Chief Financial Officer
3. Acting HOD: Corporate Services
4. Chief Metro Police
5. Chief Executive Officer: Centlec
6. General Manager: Committee Services
7. Secretariat officer
8. Secretariat Officer

Mr T Motlashuping  
Mr T Sediti  
Adv N Mpangane  
Mr KI Kgamanyane  
Mr M Sekoboto  
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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**6**  
**MINUTES**  
**(OPEN COUNCIL)**

**88.**

**OPENING**

**(MOMENT OF SILENT CONTEMPLATION FOR MEDITATION AND PRAYERS)**

The meeting commenced at 09:15.

The Speaker welcomed all Councillor, officials and guests to the Council meeting. She requested all to observe a moment of silent contemplation for mediation and prayers whereafter she confirmed that Council was forming a quorum with 89 Councillors present in the Chamber.

She acknowledged and introduced representatives from the National Intervention Team and as well as the interim/acting senior mangers.

**NOTED.**

**89.**

**NOTICE OF THE MEETING**

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

**NOTED.**

**90.**

**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.**

**91.**

**ACCEPTANCE OF THE AGENDA**

The Speaker then apologised for administrative issues with regards to two agendas that the reports under item 95 were still processed by the National Intervention Team and a special meeting would be convened to deal with those items.

That there was a need for better security measures on circulation of agendas to ensure that it was credible and that no changes could be made and that had been discussed with acting City Manager to secure and protect the Council's data.

The Speaker then changed the order of business for discussion purposes and Cllr M Davies requested that items 96.2 and 96.3 be combined.

**Cllr JE Sebolao raised a concern regarding items of the Executive Mayor that they could not be dealt with at the meeting as the National Intervention Team and administration was still busy processing them; that the Council was supposed to be convened for the 28<sup>th</sup> of April 2022 to deal with items of compliance; whether the information provided was genuine?**

**The Speaker responded that the information provided was genuine.**

**Cllr CL Kruger moved for the adoption of the agenda with amendment to the order of business and was seconded by the Council Whip.**

**NOTED.**

**92.**

**ANNOUNCEMENTS**

**Cllr CF Rampai made the following announcements:**

1. That the Speaker and the Acting City Manager must expect a Rule 38 question on why the Council of the 28<sup>th</sup> April 2022 was not convened.
2. That Councillors be provided with credential of new acting City Manager and HODs.
3. That the Speaker and the Acting City Manager would receive Rule 38 question asking why the Municipality was not complying with law, why the compliance reports have not been submitted to Council.
4. That he pleaded that the as Council meeting supposed to be public, Rule 38 question would be why Committees of Council not livestreamed on Facebook especially MPAC.

**Cllr JI Mokoena indicated that there would be correspondence to the Speaker enquiring about follow up letter that he sent to the Speaker's office relating to the presentation done by the Minister of CoGTA and thereafter the gazette Terms of Reference and that the two were different and it was therefor proper that they serves in Council. Furthermore that at the next opportune time, the National Cabinet Representative and the Acting Intervention Team to meet with delegations of different parties to iron out issues of concerns.**

**The Speaker responded:**

- That the request for the parties to meet with the Intervention Team would be done through the Office of the Speaker.
- That in terms of Rule 38 questions, the Speaker and the Acting City Manager were dealing with how to process them and that as the new Council, they had not received any responses to Rule 38 questions and about 33 were received from the Freedom Front Plus.
- That according to the program, the month of May Council was expected to approved the IDP and the Budget and that the meeting was planned to be at Kagisanong Community Hall in Rocklands, in honouring the commitment to move Council to different areas to be closer to residents of Mangaung Municipality.

**NOTED.**

93.

**MOTION OF SYMPATHY AND CONGRATULATIONS**

**Cllr W Pretorius addressed the Council:** “Thank you, Madam Speaker. The Democratic Alliance congratulates the Free State Rugby Union (FRU) and others involved in securing the bid to host one of three international test series rugby matches between the Springboks, the current Rugby World Champions, and The Wales Rugby Team on Saturday the 9th of July 2022 in the Toyota Stadium, here in Bloemfontein.

This international match will attract thousands of rugby lovers and their families, both local and from abroad, to our City. This test match will bring much needed economic stimulus to the City of Roses, with millions of Rands worth of investment pumped into the local economy, especially in sectors such as accommodation, entertainment, food and retail, and the tourism. This injection is really needed for our City and we are very pleased to see that such a big match is coming to Bloemfontein.

But, the Democratic Alliance wants to call on the Executive Management and the administration to ensure the City is ready to host such an event. We don't want to disappoint our residents as well as the international tourism that would be flocking in thousands to our Municipality. We want the City to be ready to especially host this event in the precinct around the stadium, parks and open spaces, and roads as well as the entire City, making sure that it is clean, safe and accessible. We do not want to disappoint individuals who are coming to watch this match, we need to attract investment to our City and the only way to attract investments and host more events is to make sure that our City is running and effective.

As per the Constitution of the Republic of South Africa, local government is mandated to promote social and economic development. It is therefore imperative that the City creates an enabling environment for local businesses to flourish and again attract investment to our beloved City. This can only be done by ensuring basic services are delivered, such as adequate and reliable supply of water, electricity, sanitation and refuse removal.

We look forward to the event and encourage residents and businesses to unite behind the Springboks, the current World Champions, our City and local businesses in hosting this prestige test match. Please, let us be sure that we are ready to host this match, that the City is clean, tidy, safe and law enforcement, disaster management is on standby and that we keep attracting investment to our City. We need to grow the economy, to fight poverty and inequality and the only way to do that is by hosting more events of that magnitude in our City. I thank you, Madam Speaker.”

**Cllr NR Shale addressed the Council:** “Thank you, Honourable Speaker. Allow me take this opportunity to pass our sincere condolences to the Gardee family for the loss of their daughter Hillary Gardee who was brutally murdered by four (4) men, Sipho Mkhathshwa, Philemon Lukhele, Mduduzi Nkala and one suspects who is still at large.

We wish our former, first Secretary General of the EFF strength, for we know as members of the EFF how much he adored Hillary. The perpetrator denied the Country in particular the people of Mpumalanga a promising IT specialist. They denied a loving mother a daughter, Hillary. Honourable Speaker let it be noted that a child was adopted! At her age of 28, she adopted a child while majority of her peers are swimming in a pool of savannah at Leboteng...”

**The Speaker interjected to indicated that she was not sure what Councillor NR Shale said as Councillors were laughing and then she called them to order. Furthermore that issues of GBV against women were not laughing matters, which the Country was still plagued with. That it was something that men should even condemn it in solidarity to women and that it was totally unacceptable that Councillors were laughing whilst dealing with a motion of sympathy; Councillors as leaders should respect the people who were watching the meeting via Facebook and the decorum of the meeting.**

**Cllr NR Shale stated the problem was Leboteng and she continued as follows:** “We however want to applaud the SAPS for the swift arrests and we are more than convinced that, this time they did good unlike the magic we saw at the Senzo Meyiwa’s case. We further like to applaud the Peoples’ United Democratic Movement (Pudemo) quick positive response on suspending Lukhele who is currently an employee of the ANC and a member in good standing.

Honourable Speaker and Deputy Executive Mayor even the University of Mpumalanga understands GBV struggle more than the so called liberation movement, the University has cancelled the accreditation of student accommodation owned by this ANC member who robbed us a star.

Honourable Speaker, while on the podium let me congratulate the Economic Freedom Fighters for taking two wards from the African National corruption in the past two by elections. We would like to encourage Ramaphosa to go ahead with his ambition to deal with the Mangaung 19 Councillors, ke batla ho bona something, ke batla ho bona if he will be able to win back Ward 07, 29, 49 or 50. We waiting patiently. Ke congratulate EFF kaho tlisa monyetla ho baahi ba Mangaung hotlisa anniversary of nine (9) years mona Mangaung.

The last one, re le EFF caucus, releboha Honourable Nkosazana Dlamini Zuma ka hotlisa team, haholo Ntate Motlashuping ka ho bontsha interest tsa hae Mangaung; e kare ho worse hofeta ha esale a eba teng. Hare bone bohla kwa ba hae ka hara Mangaung ntle leho putlamisa Masepala ontse o putlane. Thank you, Honourable Speaker.”

**The Speaker requested Councillors to not bring in issues that were not part of the item and therefore stick to conveying motion of sympathy and congratulations.**

**Cllr PM Mohibidu addressed the Council:** “Thank you, Honourable Speaker. The Executive Mayor, Deputy Executive Mayor, the Council Whip, Members of the Mayoral Committee, National Intervention Team and Community of Mangaung.

Madam Speaker, please allow me to raise my serious concerns about the Kwazulu-Natal floods which, to me, constitutes one of the most recent, and deadliest signs of climates changes in South Africa. The sooner we realize the fact that, ours, is a generation living in the most difficult times of uncertainty and complexity, the better. Like a thief coming when no one expect it, a disaster strikes and these disasters often leave a trail of destruction and loss of hundreds of lives.

Fellow Councillors, the worst impact of any disaster is felt by us, the local communities, especially the poor living in informal settlements. Further, beyond the impact on human life, agriculture bears the brunt of disaster-posing a serious threat on food security.

## 6D

Fellow Councillors, climate change is not a mere of weather condition, but it has become a reality that affects our lives daily. Whenever people are displaced because of any disaster like the recent floods, this increases the risk of violence against women and girls including child marriage. This affects education as children are likely to miss classes or drop out school.

Your Worship, the destructions involving roads, bridges, building and sewage-disposal systems bear significance in municipalities. I therefore want to put it before this august house that one of the drivers of disaster risk is poor governance. Whenever disaster strikes, the first question that comes to those directly affected is where is the government? And this refers to all of members of this Council for we are, the closest sphere of government, to the people.

We must be combat ready for any disaster. This calls for unity and significant improvement in good governance especially in areas of a sound financial management and political stability. In 2014 when eThekweni Metro become the first municipality in South Africa to adopt a climate change plan, it may seem they foreknew the looming disaster that was to take place eight (8) years later, in 2022.

We too, have a duty to build a more climate and disaster resilient City and our intentions in this regard must clearly outlined in our Disaster Management Strategy. All the relevant stakeholders, environmental specialists and practitioners must be convened as we build our resilience in this regard.

Madam Speaker, let me take this opportunity to applaud the Free State Government under the leadership of Premier Sisi Ntombela who managed to deploy rescue team to help at KwaZulu Natal floods and the Free State Department of Health for sending five (5) rescue technicians practitioners with advance life support, supported by highly specialised personnel who are also lecturers at Free State College of Emergency Care.

Madam Speaker, we also need to applaud the President of South Africa, Honourable Cyril Ramaphosa when he declared the incident as a National Disaster and appreciation should also be extended to everyone who played a pivotal to respond to these floods.

As I conclude Madam Speaker, how would we respond if we were to experience 200 to 400 mm of rainfall as it happened in KwaZulu-Natal. Do we have ideal adaptation and mitigation mechanism in place? The time is now or never to think about more serious governance matters such as climate changes, lest we all become victims of the next disaster. Together lets ensure that Mangaung becomes more and more resilient to climate change and disasters.

In conclusion Madam Speaker, I would like to take this opportunity to congratulate MMC of Finance Cllr LM Titi-Odili who was elected as SAGA Women Commissioner of Mangaung. I thank you, Madam Speaker.”

**Cllr M Thompson addressed the Council:** “The Freedom Front Plus want to thank the civil society for doing the work that the Executive Mayor should have seen to be done by the Municipality, organisations such as Afri-forum, Raubex, Pro Construction and all other Neighbourhood Association.

The Freedom Front Plus wishes to sympathise with the Executive Mayor on his failure to fulfil his promise of service delivery in his first 100 days as we have past the 100 days. Thank you, Madam Speaker.”

**After Councillor M Thompson delivered her motion, the Speaker indicated that in future, she would ask Councillors to submit motion of sympathy/congratulations prior the meeting so that she can approve so that Councillors stick to the motion to either sympathise or congratulate.**

**Cllr MI Mokoakoa conveyed his motion as follows:** “Madam Speaker thank you for giving an opportunity to pass a motion of sympathy to the family of Nkokoto and Khahleli who both reside in Botshabelo where the father took the life of the beloved wife and the 14 year old son who came to the mother’s rescue by steering the father and not knowing that he was taking this father’s life.

Madam Speaker, gender based violence is profound and wide spread in our Country impacting on almost every aspect of life. We are sorry for their loss, our hearts are breaking for them. May God be with these two families and help them come to terms with such a terrible loss. May they find peace, love, comfort and strength in the days to come.

Madam Speaker I also want to congratulate Cllr LM Titi-Odili as she was recently elected as District Commissioner for SALGA. Cllr LM Titi-Odili you took a diamond in the dark and you ran away with it to the light and so you are shining like that diamond. May God bless you and lead the members with maximum discipline. Thank you, Madam Speaker.”

**Cllr B Vorster delivered his motion as follows:** “Honourable Speaker, all protocols observe. The Freedom Front Plus wants to thank the manager of the Mangaung Fire Department Mr JM van der Westhuizen, who retired on the 31<sup>st</sup> of March 2022, for serving the Metro for 25 years. He played a major role in ensuring a functioning and professional fire Department under difficult circumstances. We want to thank him for his diligence and commitment to the City for 25 years and wish him well on his retirement. Thank you, Honourable Speaker.”

**NOTED.**

**94.**

#### **CONFIRMATION OF MINUTES**

- 1. Ordinary meeting: Monday, 31 January 2022**
- 2. Special meeting: Friday, 11 February 2022**
- 3. Special meeting: Tuesday, 22 February 2022**

**The Council Whip moved for adoption of all three (3) sets of minutes outlined above and was seconded by Councillor TKW Mokhothu.**

**RESOLVED** that the minutes as set out above, copies of which had been furnished electronically to members, be taken as duly adopted and confirmed.

95.	<b>REPORTS FROM THE EXECUTIVE MAYOR</b>
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None.

NOTED.

96.	<b>REPORTS FROM THE SPEAKER</b>
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1.

**REPORT ON THE ELECTION OF WARD COMMITTEES MANGAUNG METROPOLITAN MUNICIPALITY APRIL 2022**

The Speaker read and presented the report as per in the agenda and further indicated that the list of names will be circulated before the close of business today.

Cllr M Davies congratulated the office of the Speaker on behalf of the DA on the process of Ward Committees. That it was for the first time that PR Councillors were included in the process. She further stated that the report was premature because the closing date for objections was the 30<sup>th</sup> April 2022 (as stated in the report) but for objections on the elections that took place before the 22<sup>nd</sup> April, it was 29<sup>th</sup> of April 2022 and for elections from 23<sup>rd</sup> April to the 4<sup>th</sup> May 2022, the closing date for objections was the 13<sup>th</sup> May 2022. Therefore the objection process was still open.

And also, an annexure of who was elected in each Ward was not submitted which created a challenge as objections can only be lodged on the process but not with regard to the results of elections. Therefore, the report should be referred back until the conclusion of objections and also the list of who was elected in each Ward be communicated so that residents have a chance to object to the election results if needed to do so.

**Cllr MJ Mabena remarked:** “Thank you, Honourable Speaker and all protocol observed. I will like to congratulate the Office of the Speaker for the work well done. We understand the task that you embarked on in establishing the Ward Committees. One will understand that the Ward Committees are fundamental in deepening democracy in our society. What is important is for them to be trained so that each member of the community can be able to air their views and begin to advise Ward Councillors on issues to be dealt with in Council. I thank you, Honourable Speaker.”

**Cllr LM Titi-Odili, Cllr CF Rampai and the Council Whip congratulated the Office of the Speaker on the work well done and furthermore supported the approval of the item as is and not delay the process further.**

**Cllr AP Terblanche supported the proposal of Councillor M Davies that the item be referred back.**

The Speaker proposed additions to the recommendations a, b and c, however Cllr JC Pretorius referred the Council to the Standing Rules and Orders, Rule 6.1 and indicated that *Annexure A* was not available and therefore Council cannot vote on Ward Committees when the list of who was elected in each Ward was not provided.



The Speaker indicated that as there were information not included in Annexure A which she just received, to preserve the integrity of Council, the report be refer back and will be submitted at the next Council meeting.

Cllr M Davies thereon requested that the list of who was elected in each Ward be made public and the period for objections to the results be extended.

Cllr D Leech concurred that the item be referred back as the documents from Ward 22 also got lost however she luckily had photos of the documentation.

The Speaker explained that there were a lot of challenges with regards to elections such as: office understaffed and overworked, security issues at certain venues etc thereon she apologise to Councillors to respect the credibility of Council processes.

The item was thereupon WITHDRAWN.

2.

## **REQUEST TO REVIEW AND ADJUST THE WARD COMMITTEE STIPEND**

The Speaker mentioned that items 96.2 and 96.3 would be discussed simultaneously whereon she presented the report as attached to the agenda.

**Cllr R van der Merwe remarked:** "Thank you, Honourable Speaker. The DA support the recommendation that stipend for Ward Committee members be improved upwards for the following reasons: as far back as 2006, 16 years ago when Council last decided that the Ward Committee member will get only R1000 for the work done in his her Ward. According to the Policy, the next review stipends and allowances for Ward Committee members after today will only be considered in December 2026 after the next municipal elections.

The Remuneration Committee is responsible for the review and recommend possible changes in the policy if necessary. The Speaker is responsible to submit the recommendation to Council, like today for consideration as the final decision rest with Council. The City Manager would publish details for the adjustment once approval had been granted then the recommendation will go to the MEC of CoGTA for final approval.

If one look at what members of Ward Committee are expected, using their own transport to meetings, support the Ward Councillor in identifying and reporting critical service delivery challenges to families in need, deliver food parcels, identify indigent families just to name a few, and for all this work a member would still get a R1000 if the Council will not accept the recommendation of the Remunerations Committee. Therefore we recommend a stipend of R1500 per month excluding tax and will be effective from 1 July 2022. This means that a member will get R1500 in the pocket. As I said in the beginning, the DA supports the recommendations. Thank you, Madam Speaker."

## 7B

**Cllr AP Terblanche remarked as follows:** “Thank you, Madam Speaker. I support my fellow Councillor and I have a few questions for clarity:

- Can Mangaung afford the stipend increase?
- Is the same nation wide or only local?
- Is the increase in line with National and is it implemented by National?

I thank you, Madam Speaker,”

**Cllr DL Malebo addressed the Council:** “As the EFF, we proposed the R2000 stipend increase at Remuneration Committee for the variety of reasons, one being high unemployment in Mangaung which is second to the Easter Cape and rising poverty levels. As a result, the stipend given to Ward Committee members will undoubtedly alleviate some of the burden the Mangaung community is experiencing.

We emphasise that a system should be in place to protect against greedy individuals who are very self centred and would only want to be employed by every project that is taking place in their Wards and also Madam Speaker, we propose that some people participate in projects but not on the Ward Committee. As the EFF, we propose that the policy governing Ward Committees be reviewed in order to determine whether the Committee should be made of unemployed people in order to assist and reduce the poverty levels of highly unemployed individuals who are struggling just to survive.

The Speaker’s Office should strictly monitor the Committee members to ensure that they are working and not just been there to collect the stipend and contribute nothing to the community. Ward Councillors must also ensure that the work is completed by Ward Committee members or they will be held accountable by the Speaker’s Office. I thank you Madam Speaker.”

**Cllr CF Rampai mentioned that he was worried about what Councillor DL Malebo was saying to only use unemployed people in Ward Committees and Councillor AP Terblanche asking whether National knows about Ward Committees. If the Municipality can afford to pay stipend of R2000, it would be for the sake of the community. That the ANC support the recommendation of R2000 that will bring change to the people.**

**Cllr ZN Banyane in a nutshell remarked that he supported the recommendation as submitted as Ward Committee members were working very hard, seven days a week, attending meeting, assisting the community as compared to CWP who were only working two days per week. That the R2000 was not enough however it would motivate them as they were doing more than what expected.**

**Cllr MJ Mabena commented:** “I am sure not all of us are aware that during the dark days when South Africa was in distress, we called Ward Committee members, rudimentary organs of people’s power and now we are governing, they are the statutory body; they have to assist us to govern but we must begin to understand why Ward Committees and also not to say that we are employing them; that people must understand the difference between salary and a stipend, they would be getting stipend as this is not a program of job/poverty alleviation, but as the policy is stipulating. As the ANC, we are support the recommendations as they are. Thank you, Madam Speaker.”

**Cllr NR Shale asked whether Councillor CF Rampai was agreeing that Ward Committee members should also be part of any projects in the Ward as it was alluded to by Councillor DL Malebo that they cannot be on both (i.e. be Ward Committee member also participate in ward projects)**

**The Speaker responded that for now the only exclusion was that the Ward Committee members should not be employed at Mangaung Metro Municipality or Centlec as an entity of the Municipality.**

**Cllr NA Nhlapo, the Chairperson of Section 79 Committee Remunerations responded as follows to issues raised:**

- That on recommendation (c) – from 2006 when Ward Committee system started the stipend was R1000 of which the take home was R750 after tax deductions; and with this recommendation, R2000 is proposed but after tax deduction, the take home would be R1500.
- That the policy draft is informed by the guidelines stipulated in local government gazette No 973 of 8<sup>th</sup> October 2009: criteria for determining out of pocket expenses for Ward Committee members. It would be up to the Municipality to formulate its own policies based on the specific guidelines and therefore the Remuneration Committee ensures that a policy was in place for the Municipality for the regulation and management of payment of stipend for adoption by Council.
- That the request to increase the stipend from R1000 to R2000 which is 100% increase, the Committee considered that the stipend had not been reviewed since 2006 (i.e. for 16 years) and also taking into account the inflations implications on the value of R1000 in 2006 compared to date as well as the cost of living taking into account that it was not a salary but stipend as per the policy to ensure that those assisting with deepening governance and democracy in communities be remunerated in a fair way.

**In responding Cllr LM Titi-Odili stated that they understand and feel for Ward Committee members who had been getting a stipend of R1000 from 2006 to date taking into account the work to be done and that as this request to review and adjust the stipend with 100% increase and taking into account the financial state of the City, advice should be sourced from the Intervention Team, Section 80 Committee: Finance to check the affordability of an increase prior to approval of the adjustment of stipend.**

**The Executive Mayor indicated that as the Municipality was in the process of budgeting, the adjustment be implemented in the next financial year but Council can adopt and send the matter to National Treasury for advice.**

**The Speaker thereon read the amendments to be effected taking into account the deliberations by MMC Finance, Cllr LM Titi-Odili: recommendation (c) that the Municipal Council take note of the proposed review and adjustment of the current stipend pending the report from the Executive And Section 80 Finance Committee.**

The Executive Mayor reiterated that Council would not be making a decision when referring the matter to Committees but need to resolve on the R2000 increase and reviewing would be by the National Treasury.

Cllr M Davies then proposed that the item be referred back and was seconded by JC Pretorius.

Cllr JI Mokoena stated that for the current budget ending 30 June 2022, he presumed that the provision for the R1000 would be made at and for Council to increase to R2000, it would be from the new financial year. If the report of Ward Committee ultimately gets adopted, the effective date for the functionality of Ward Committee will be from 1<sup>st</sup> of May 2022 and the stipend would remain as R1000 until its reviewed within the new budget.

Cllr NA Nhlapo proposed that Council to consider the Stipend Policy and referred back the request to review and adjust the stipend.

Cllr BJ Viviers was of the opinion that both items have to be referred back as the Stipend Policy stipulated R1000 and nowhere the in the recommendation of the Policy the amount was mentioned and that the crucial report was item 96.2 with financial implications.

The Speaker stated that R1000 was what was currently budgeted and should the adjustment not be approved, the amount would stays as is and that the approval of the Policy was not connected to adjustment and its only when the approval for the adjustment goes through that the Policy would be adjusted to take into account the adjustment.

Council Whip concurred and supported the proposal by the Chairperson of Section 79 Remunerations that the item on the review and adjustment of stipend be referred back and would be submitted after it has gone through the necessary process for fine-tuning.

Cllr MW Mongale indicated that they were in agreement that Ward Committees earn a stipend of R1000 in the current financial year and that in the new financial year, Council must pronounce itself to agree that the stipend will be R2000 and that Council must make a decision and that the Policy be adopted and the stipend for the current financial year be R1000 and for the new financial year R2000 unless reasons would be provided on why not adjust to R2000.

Speaker reiterated that the item be referred back as proposed to allow the Committees processes as this adjustment would increase the budget by R12 million per annum and thereon resubmitted at the next Council meeting and for Council to approve the Stipend Policy.

After much deliberations,

It was thereupon unanimously agreed that the item be WITHDRAWN.

## 3.

**REPORT ON THE WARD COMMITTEE STIPEND POLICY**

The item was discussed with item 96.2 above.

It was unanimously

**RESOLVED that**

- (a) The Municipal Council take note of the report.
- (b) The Municipal Council approves and adopt the Ward Committee Stipend Policy.

## 4.

**NOTIFICATION OF THE END OF THE DISCIPLINARY BOARD THREE YEAR TERM AND APPOINTMENT OF NEW DISCIPLINARY BOARD MEMBERS**

The Speaker read the report as attached to the agenda.

**Cllr LN Lecoko addressed the Council:** “Thank you, Madam Speaker, Councillor and the community of Mangaung. The Disciplinary Board is (DC Board) an important component of the Municipality. Its functions is to investigate allegations of financial misconduct and procedures and criminal proceedings against officials, senior managers and Councillors in terms of Regulation 6 of Regulation of financial misconduct and procedures and criminal proceedings of 2014.

The term of previous DC Board ended in November 2021. It is sad that it took so long for us to appoint a new Board. We view the lack of interest in establishing this important body as robbing our community another accountability on the side of the Municipality. This will need to be done urgently as it is going to balance and help in dealing with financial irregularities that might be found either through maladministration etc and drive accountability in the Municipality.

This is also a guideline that will help even Council to make its own work easy. People of Mangaung are crying for accountable leadership in this Municipality. We must give them this as it will serve as one service that is needed. One other important issue is to look into terms of reference and discuss so that the DC Board will be strengthened when needed and may be given more powers. We support. Thank you, Madam Speaker.”

**Cllr MC Lelala pointed out that:**

- November 2021 was way too far and the report was long overdue
- The smooth running of MPAC needed the support of the DC Board
- He hoped and wished that credible people would be appointed in the positions
- Council to ensure terms of reference were clear

**Cllr NR Shale addressed the Council:** “Thank you, Honourable Speaker. Ke maswabi ho utlwa hore ntse rena le na le Disciplinary Board members. Lebaka ke hore hareso utlwi leka mohla ole mong hona le Councillors kapa tsona di HoD tse tlestseng bobodu kahara Masepala wa rona ba bitsitswe hearing, ba tshwanang le Mr Nkaiseng ka ho patala dighost employees empa basebetsi ba sokola ho patalwa...”

**The Speaker interjected and made a plea that as there were no interpretation services and some of the Councillors did not understand the language, Cllr NR Shale to speak in a language understood by all Councillors or Cllr DL Malebo to assist.**

**Cllr DL Malebo indicated that Mr M Mothekhe (GM: Committee Services) will assist the Speaker.**

**Cllr NR Shale continued:** “Madam Speaker, Rekentse ditletlebo tse ngata nakong e fitileng hosena nko e tswang lemina. Haeba ene e phela, nkabe rese mona moreleng teng ka bobodu bo bokana. Ebe Committee eo ene dula neng? Ba report kae, ho mang, neng? Today nako ya bona e fedile, hosena letho leo ba le entseng. Bane ba dula ho futhumatsa di office, bagola fela; ke boshodu ntho eo. Ho utswa chelete ya sechaba kapa, le bona ke babang ba entseng ho putlama ha Municipality ka bobodu bo fetelletseng. Ebe bao batlang bona, batlo etsa eng? Kapa keyona tsela ya hotlo qetella masente a setseng ka hara Municipality? Hare bone molemo wa hoba teng ha bona, hoyo ka mabaka eseng ke a hlalositse. Thank you, Madam Speaker.”

**Cllr W Pretorius addressed the Council:** “Thank you, Madam Speaker. A well established and functioning Disciplinary Board (DB) will greatly assist in ensuring increased accountability within the Mangaung Metropolitan Municipality (the Metro). The purpose of the DB, that of investigating allegations of financial misconduct, making recommendations thereon to Council and monitoring the institution of disciplinary proceedings against alleged perpetrators, is crucial to turn around the financial mismanagement as well as the lack of consequence management within the Metro.

Noting the lack of a comprehensive report tabled today, it is unfortunate that the previous DB seemingly has very little to nothing to report on. Nothing the financial disarray of the Metro finds itself in, and the finding and recommendations by both the Auditor General and the Audit Committee, one would expect that the DB has an extensive report to table to Council. Unfortunately this is not the case.

It is also very concerning to note that despite the fact the previous Board term came to an end on the 15<sup>th</sup> November last year, this item only now serves in Council, more than five (5) months after the establishment of the new Council and close to 6 months after the previous DB term has expired. So, there has been quite a long lapse of time, we don't have extra mechanism to keep the administration as well as Councillors accountable.

The Democratic Alliance therefore calls for the urgent establishment of the DB to act as an essential mechanism to increase accountability within the Metro. Council needs to ensure that the DB is comprised of individuals with the necessary skills, very important and competences, and who are able to act without any fear or favour in investigating and advising this Council on alleged acts of financial misconduct.

The DA will closely monitor the establishment and effectiveness of the Disciplinary Board. As a Council we must fully utilise the DB to investigate any financial misconduct in the Metro and ensure individuals are held to account. This must be done not only in hindsight, but to prevent possible acts of financial misconduct, thereby ensuring that every cent of money is spent on delivering quality services, fighting poverty and inequality, and getting things done in Mangaung Metro. The DA supports the recommendations.

We need a Disciplinary Board to keep officials accountable and to ensure money is spend wisely and on the residents to improve services in the Metro, to fight inequality, poverty and to start getting things done in the Metro. Thank you, Madam Speaker.”

**Cllr TKW Mokhothu addressed the Council:** “Thank you, Madam Speaker. I rise to support and thank you also for the opportunity as African National Congress, the only revolutionary movement. We do care for the ethical leadership and fighting of any tendencies of maladministration and corruption. It is against this background that we implore to the Acting City Manager to expedite the move to make sure that we appoint the right people for the right positions. As the African National Congress, I repeat, the only revolutionary movement, we support the item. Thank you, Madam Speaker.”

**Cllr M Davies addressed the Council:** “Thank you, Madam Speaker. Three year ago Council resolved to a Disciplinary Board in line with Section 4(1) of the MFMA: Financial Misconduct Procedures and Criminal Proceedings. This proved to be a box ticking exercise to be in line with legislation, as the Disciplinary Board did not investigate or conclude any disciplinary proceedings during their three year tenure.

Year after year, the Auditor General’s report indicated that there is no accountability or consequence management in Mangaung, resulting in losses of billions of rands. Looting and corruption is rife in Mangaung and the Disciplinary Board rather than fulfil their mandate, just passes the ball back.

Point in case: Council referred a case of financial misconduct against the then Municipal Manager, Adv Tankiso Mea with regards to irregular expenditure to the amount of more than R500 000,00 to the Disciplinary Board in August 2019. Thirteen months later the Disciplinary Board came back to Council indicating that it does not fall within their mandate. Coincidentally a report from two independent investigators, that investigated allegations of financial misconduct and maladministration against the previous City Manager concluded on 25 June 2021 and tabled in Council on 28 July 2021, found grounds for disciplinary steps. However , the Previous City Manager had resigned from the Municipality and we sat with egg on our faces.

Madam Speaker, we truly hope that the Acting City Manager, will taken the appointment of members to this board seriously and apply his mind, so it is be a well functioning unit within Mangaung. Not a tool to be used by officials and politician to sweep corruption and looting under the rug. Their mandate is to protect the interest of the public, not the connected cadres. Thank you, Madam Speake.”

**On a point of clarity, Cllr JI Mokoena indicated that the report mentioned that the Disciplinary Board was met with a number of challenges i.e. reporting lines and no approved Terms of Reference (ToR) and recommendation (c) read as follows: *That the Terms of Reference of the Disciplinary Board be submitted and approved by Council within two (2) months of its appointment.* Clarity be provided on who should be doing the ToR as the Council in line with the provisions should be the one drafting before appointing the Disciplinary Board members so they know what they would be appointed for?**

The Speaker responded that Council was the body approving the ToRs, but before that, there would be administration function carried out by Secretariat. The Acting City Manager, the National Cabinet Representative would be involved in the process and the first draft will be submitted to Council.

It was thereupon with 82 votes in favour, 0 against and 12 abstained

**RESOLVED**

- (a) That Council, in terms of the Municipal Regulations and Financial Misconduct Procedures and Criminal Proceedings appoints a Disciplinary Board for a period not exceeding three years.
- (b) That the Disciplinary Board consists of five (5) independent members not in the employment of the Municipality as follows:
  - i. Legal Expertise (1 member)
  - ii. Finance/Accounting Expertise (1 member)
  - iii. Auditing and Risk Management (1 member)
  - iv. A member of the Audit Committee of the Municipality (1 member)
  - v. A representative from Provincial Treasury (1 member)
- (c) That the Terms of Reference of the Disciplinary Board be submitted and approved by Council within two (2) months of its appointment.
- (d) That members be remunerated **with sitting allowance** in line with National Treasury guidelines applicable to non-official members of Committee of Inquiry.
- (e) That the responsibility for investigation of financial misconduct allegations be delegated to the Disciplinary Board.
- (f) That Council delegate the Acting City Manager the authority to conclude the recruitment process in line with the Municipality's Recruitment/Employment Policy and guidelines provided above in terms of the composition of the DC Board and provide a report with recommended candidates to Council for final approval of appointments.



97.	REPORTS FROM THE MPAC
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1.

**MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) OVERSIGHT REPORT ON THE 2020/21 ANNUAL REPORT**

Cllr MI Mokoakoa stated that it was not a report but an update that on the 31<sup>st</sup> March 2022, the Committee was supposed to report to Council however due to issues relating to staffing, they were unable to report. The Committee sat and agreed in principle that they plead that Council afford them a two (2) months extension advised by Risk and Internal Audit.

That finally the National Intervention had come to the rescue to second competent officials that would assist the Committee.

The Speaker reiterated that whether Councillor MI Mokoakoa at the next Council will submit a report requesting for an extension and he confirmed as such. That there was no report for Council to approve but an update by the Chairperson of MPAC.

Cllr TKW Mokgothu stressed the importance and urgency for the staffing of the MPAC office as this matter was brought to Council attention for the second time and Cllr E Snyman van Deventer agreed.

NOTED.

98.	QUESTIONS
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None.

NOTED.

99.	MOTIONS
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The Speaker thanked the public joining the Council via Facebook and apologised for the break in transmission as the Council was discussing matter In Committee and for those in the gallery for the patience to allow Council to deal with matters In Committee.

1.

**REPORT ON THE AASD, EFF AND DA MOTION OF NO CONFIDENCE AGAINST COUNCILLOR MA SIYONZANA, EXECUTIVE MAYOR OF MANGAUNG METRO MUNICIPALITY**

Councillor JI Mokoena introduced the motion and was seconded by Councillor MW Mongale.

Councillor GJ Lipale presented the motion and was seconded by Councillor JE Sebolao.

Councillor JC Pretorius read the motion as in the agenda and was seconded by Councillor M Davies.

**In responding, the Executive Mayor indicated that all issues that had been raised were historical matters and there after read the prepared responses which were circulated to all Councillors.**

**Cllr MT Mosala commented as follows:** “Madam Speaker, I rise to strongly reject the motion as it is frivolous, baseless let alone vexatious. Whilst we must always and at all material times welcome descending and differing views in Council, it is important that we keep this institution as respectful, factual and descent body that is committed to the delivery of service to the people and this constant act of hooliganism from opposition benches are rather a stumbling block to the work that the Council is tasked with.

Honourable Speaker allow me to quote Amilcar Cabral when he said “*hide nothing from the masses of our people. Tell no lies. Expose lies whenever they are told. Mask no difficulties, mistakes, failures. Claim no easy victories*”. Without suffering from selective amnesia, Cllr JI Mokoena was once charged with some of allegations he is levelling against the current Executive Mayor, he, Cllr JI Mokoena was found guilty by the Council, in the main for dereliction of his fiducial duties and misrepresentation and today he has submitted baseless and frivolous accusations.

Cllr MW “Lucky” Mongale, is also a well-known political nomadic who openly hates ANC leadership. He has ability to move from party to party, PAC to ANC to EFF to SAMWU to IMATU and lately AASD. He is a theorist that we need not to take him seriously. They hope by throwing in this motion and objectives they will saw in divisions and gain favour with some ANC Councillors who may vote with them in this regard as they have recently want to have some ANC Councillors to support them.

This childish act of hooliganism will not gain ground in the ANC. We are united in support of our Executive Mayor. The Executive Mayor is going nowhere until the ANC in context with its internal dynamics decides to redeploy the Executive Mayor.

For the sake of transparency and for best interest of Mangaung citizens Honourable Speaker, I humbly request that we vote by show of hands.”

**Cllr CF Rampai raised a point of order that they were all Councillors of the ANC and therefore it would be relevant for Councillor MT Mosala to mention those Councillors who spoke to Cllr JI Mokoena and Cllr MW Mongale or else she must withdraw her comment.**

**Cllr MT Mosala responded that she was not referring to anyone but knew that they were lobbying amongst ANC Councillors that they be supported and therefore she was making it clear that there was no ANC Councillor who would support their motion and as ANC they were united behind the ANC Councillor who was deployed as Executive Mayor.**

**After some Councillors raised their dissatisfaction with regards to the response Councillor MT Mosala had given, Speaker requested that she either clarify or withdraw. Councillor MT Mosala thereon withdrew her comment.**

**Cllr SQ Peter commented:** “Ndiya bulela Somlomo. We welcome the report of the Executive Mayor. Based on the presentation that he has made, it is quite clear that he has only been in six (6) months in the Council and so he cannot be held accountable for some of the issues that he was not part of. Quite honest, he has tried his best if you check the report as there are a number of issues that he tried to address and therefore there is no reason that this motion can go ahead. We therefore request that we vote by show of hands as African National Congress to show that we support our Executive Mayor.”

**Cllr R Hashatsi indicated that he opposed the motions as submitted by the several parties and the statements made by opposition parties specifically said the Executive Mayor, but all Councillors were accountable to the Municipality. That if the Municipality failed the community of Mangaung then they all failed as they were part of the Municipality. There are PR Councillors and management of opposition parties, why would they always say it is the Executive Mayor.**

**Furthermore, what the AASD said they can do, they would be able to do it as they were part of the Municipality; they had the power to do exactly what they said they could do e.g. closing potholes. The Council should given a chance to the National Intervention Team and see what changes they can bring to the Municipality.**

**Cllr MA Morake commented :** “We need to tell the public of Mangaung that other political parties are highly dishonest. I don’t remember anytime when the previous Executive Mayor presented the budget, the DA would always walk out but they want to debate, discuss and participate in the same budget but always when we pass the budget they walk out. They are disgraceful because they declared themselves public representatives but they do not do their duties, but they just want to pass the motion.

When you want to challenge some of the issues, you must have a serious public standing, morals and ethics. Some of the people were charged with corruption here but they want to say the Executive Mayor cannot lead this Municipality. There are a lot of challenges, problems with climate change, we have been having disasters for quite some time since December 2021 until now. There are numerous challenges which need us as the Council, it is not only the Executive Mayor especially issue of the potholes; if it rains with storms all the time that is why you would see many potholes around the City and at some point we had financial constraints to even fix them because of the budget limitations.

We need to be really honest, we cannot say whilst we never even pass the budget; this Executive Mayor has never even pass one budget but we are saying he must go, for what? I think this is a political squabble and rumour mongering that is trying to destabilise this City and the residents of Mangaung must know, opposition doesn’t have the interest of the residents at heart, they just want to destabilise this City so that there are a lot of problems all the time.

I move that voting be by show of hands so that we make sure that as public representatives we are fair and honest and able to serve the community and make sure that we bury the opposition once and for all. Thank you, Madam Speaker.”

**Councillor E Snyman van Deventer commented:** “Thank you, Madam Speaker. Firstly, secret ballot please Madam Speaker for very easy understandable reasons:

## 9C

1. The Executive Mayor when he was the Speaker, he allowed voting in the motion of no confidence against the previous Executive Mayor, Ms Olly Mlamleli a secret ballot. Nothing changed, it is the same circumstance and so why not?
2. You said Madam Speaker that we should be consistent and follow precedents, for example: when voting for Section 79, you said no secret ballot even for the voting for Chairperson of Rules Committee, you said it was not previously done. Let us be consistent; the previous motion of no confidence was secret ballot, why not now?
3. Also, that Councillors are so intimidated, previously a Councillor taking photos and even if deleted, when know it has been forwarded all over the Country by now.

If you allow Councillors to vote of their own ideas of what is right or wrong, with conscience then you should allow secret ballot. Cllr MT Mosala said, the ANC is all behind the Executive Mayor and so, if you are all behind the Executive Mayor, why wont you allow a secret ballot and that I cannot understand?

Then, Madam Speaker, *'to the Executive Mayor from the Acting City Manager, request for information for compilation responses to motion of no confidence'*, and it is signed by the Executive Mayor; I don't understand this document and furthermore it is cut and paste and now you understand our frustration with bad documents coming to Council because it is cut and paste from bad documents like the quarterly reports which have not yet even served before Council. For the Acting City Manager and the Representatives of the National Cabinet; this is a very good document for you, now you know what the job is that you need to do. The Executive Mayor listed all the problems in this Metro. It is what needs to be done.

Lastly, Cllr MT Mosala through you Madam Speaker, when you do not have a real argument, you start getting personal, the AASD did not become personal, Cllr JI Mokoena actually said it is not personal, but Cllr MT Mosala directly became personal. That is unacceptable, it shows she has no argument.

In closing, I want to thank the Executive Mayor and Cllr MA Morake, you blamed everybody except Jan van Riebeek. Thank you, Madam Speaker."

Councillor JE Sebolao reminded the Councillors of the ANC and the Executive Mayor that when he was voted in, it was through a secret ballot and there was no qualm about it, and so when they want to remove him, they should not be dictated that it should be by show of hands. That Councillors want to defend the Executive Mayor and forgot about the community of Mangaung which was dirty and one was ashamed to be associated with it; that Councillors should do things correctly and vote the Executive Mayor by secret ballot as he did not perform.

### **Cllr MJ Mabena remarked:**

- That an ordinary Council meeting was held on the 8<sup>th</sup> of December 2021 and a report titled Mayoral Committee system was adopted and the Executive Mayor was elected. That the Motion put forth by EFF dated March 21, 2022 and AASD on March 21, 2022 and DA March 28<sup>th</sup>, 2022 and the Executive Mayor was three (3) months in office;
- That whether the Executive Mayor submitted the budget in Council and the people of Mangaung and from whose budget was the Municipality operating from?
- That if the Executive Mayor failed, then all Councillors had failed and
- That voting be by show of hands.

**Cllr JI Mokoena replied as follows:** “Thank you, Honourable Speaker. They always say that ignorance and blind loyalty is no blessing, I have experienced it today here. Section 56.4 of the local government Municipal Structures Act, Act 117 of 1998 provides that: *Executive Mayor must report to the Municipal Council on all decisions he has taken* and now we are six (6) months in to it, I have never seen any report of a decision taken by Executive Mayor in this meeting.

We are not talking about home baked quick solutions, we are all au fait of the problems that our Municipality is facing. We are however expecting from the Executive Mayor to provide leadership as expected in terms of the law. Different pieces of the legislation indicate what his duties are and what his responsibilities are and I haven't heard anybody that addresses that including... I thank you Executive Mayor for the document that you send however you have talked about a lot of problems. None of us is perfect nor has all the knowledge but every time that we are assigned to serve our people, it is expected of all of us, to put our best foot forward and demonstrate intent and deliberateness in how you want to fulfil the promise you made to the people out there. I am saying this motion is about that.

It is about that we all are going to have the same kind of report that is talking about problems, when you supposed to be the one that leads in solutions, when you supposed to be the one that rallies all of us in this City to be able to can be behind you in finding solutions because you don't have the single wisdom to be able to can do that. We all cannot fulfil our duties as citizens of Mangaung to be able to say to the people in Mangaung; Councillors here earn every month and they are telling them that there are problems. We all promised them on the 1<sup>st</sup> of November 2021, that please send us because we volunteer to ensure that we become part of the solution. We did not give them the excuses, that we are giving them today. We said we are going to make an effort, we are going to try.

All your actions over the past 3-4 months has demonstrated lack of focus, that you are busy with other things, we don't know what? But as we sit in this Council, we don't know what you are busy with. The urgency of addressing our people's plight is now and not tomorrow and we cannot all come here and make it as if all is honky dory. When we all go out here, it is not just potholes, it is children walking in parks that are dirty, the stench in the City, Municipal employees who feels that they have no motivation because there is no leadership in the Municipality; who are not mobilised to serve their people, but who want to serve their people.

We are all here, that is why I said the 101 of us, today we are going to vote either by secret ballot or by show of hand, but all of us, are going to walk out and face the community out there and you make the choice whether you vote for our people and you vote for taking corrective action and holding each other accountable. Demonstrate into them that you are not going to have *boeti-boeti* stories but will hold each other accountable. I thank you, Honourable Speaker.”

**Cllr GJ Lipale replied:** “Thank you, Madam Speaker. It is untrue that when we got here, Cllr MA Siyonzana was not the Executive Mayor. The same budget that they are talking about from Ms Olly Mlamleli, he was the Executive Mayor and therefore he must account. He should not say he was only 3 or 4 months the Executive Mayor, he should not come and cry here.

You look at Mangaung, at Thaba Nchu and look at the infrastructure that the late Mangope left, they failed to maintain it. You come to Bloemfontein look at the infrastructure that was then, they failed to maintain it and they come here and try to point fingers at the opposition.

It cannot be correct; you need to start taking responsibility and look at yourselves in the mirror and do introspection that, are we doing justice to the people of Mangaung, the residents of Mangaung? We are not going to come here and play games with you. We are here because our people gave us the mandate to come and make sure that we improve their lives.

The Executive Mayor came with a long response or booklet, when look at it there is absolutely nothing said. Councillors of the ANC, just vote with you conscience and make sure that you do the right thing for once in your life. Thank you, Madam Speaker.”

**Cllr MW Mongale remarked:** “ What I was saying was, we are all responsible in making sure that we fix the mess in our City but we are not going to be responsible for derelictions of our duties. We also want to bring this to the attention of Facebook viewers, and the public that President Mokoena was not found guilty by the court of law in Bloemfontein High Court, the records are there for those who want to check them.

The accusation that we want to destabilise the Municipality, we want to correct it to say, we want to stabilise the already destabilised Municipality where people are living with refuse, potholes and people are repairing cars like never before and it is because of this destabilisation and I think the fact that we have not faced a major lawsuit that is the reason why people are comfortable that what they are doing is fine and is inline.

The Executive that was elected in this Council, were elected by secret ballot and the same Executive is going to be removed or held accountable by secret ballot or else we would end up being in court.”

**Cllr JC Pretorius replied:** “Executive Mayor thank you for the annual report for the financial year 2020/21 that you just presented and tabled in Council, but with all due respect, what did you as Executive Mayor do from August 2021 in the previous term up to now? It is actually 10 months that you have been Executive Mayor and not six. You failed twice from the City Manager’s advertisements, they lapsed and advertisements are not free, it is fruitless and wasteful expenditure.

The Metro Police saga was your own doing and only after Treasury warned you, you stopped but huge monies were wasted with the Metro Police. I still have those messages from your office, please come to the launch.

All you did today, was to give us a history lessons and all the court cases and you failed to mention that you, your good self also took this Council to court and we are still wondering who paid for that court application.

On the roads, you forgot to mention the potholes that the Presidents team and the President himself came to fix, you didn’t put that on your report. The zoo is closed and I don’t know why you mention it.

The DA is disappointed in your reply, if a person or institution accuse you of mismanagement and gave itemised reasons, why don’t you defend yourself or your actions? It is clear that you don’t want to have this position, but we will help you today to get rid of this position.

In conclusion, Executive Mayor you replied just by emphasising that this Council must support the motion. Your reply was helping the ANC Councillors today to make their decisions and really, in 2021, Cllr MA Siyonzana as Speaker you allowed a secret ballot for the motion against Ms Mlamleli and so it would only be proper Madam Speaker that you allow a secret ballot today for the people of Mangaung. Thank you, Madam Speaker.”

**The Speaker made a ruling on voting process as follows:**

- That in the report attached to the agenda, there was a recommendation about the constitutional court case, the issue of secret ballot as well as voting by show of hand.
- That the latest motion of no confidence against the President of the Country was by show of hands and the previous by secret ballot.
- That in the Council, there had been no consistent approach to such matters, Section 79 was by show of hands because opposition parties walked out whilst others were by secret ballot.
- That it was the Speaker’s discretion on whether to allow secret ballot or show of hands whereon a report be submitted regarding reasons why decided on secret ballot in favour of a vote of show of hands.
- That if it is secret ballot, then it must be fair and transparent.
- That no Councillor had been intimidated to express their views or excise their conscience voting as it has not been evident in previous meeting and Councillors remained resolute in decisions they had taken.
- That there was no necessity for secret ballot and the voting will be by show of hands.

**Cllr JE Sebolao thanked the Speaker for the ruling and said that it showed that Councillors of the ANC were under tremendous pressure as they were unable to do what was proper and that their jobs were at stake; that Speaker allowed secret ballot then she was gone.**

**At this point, Councillors raised point of orders.**

**Cllr MS Mohatle raised a point of order that Councillors were voted by members of the ANC and not the EFF and therefore they should not be insulted.**

**Cllr FR Botes requested that the counting of votes be done correctly.**

**Cllr MW Mongale asked whether Council must accept the report by Executive Mayor as it was not signed and why was the Speaker signing hers?**

**The Speaker responded that the Executive Mayor presented his responses and he chose to write it down to deal with all issues.**

**Cllr W Pretorius referred to paragraph 88 of the UDM court judgement whereon Cllr CL Kruger raised and Cllr MA Morake raised point of order that the Speaker had already made a ruling on the matter.**

**Cllr W Pretorius continued to indicate that what the paragraph was implicating was that it was crucial that the prevailing atmosphere be taken into account whether is generally peaceful or toxified and highly charged.**

The Speaker replied that she did read the judgement and Council had taken decision that were much more difficult than the one they were dealing with.

The Council thereon continued with voting by show of hands.

It was thereupon with 44 votes in favour, 54 votes against and 0 abstained

**RESOLVED** that the motions of no confidence against the Executive Mayor of Mangaung Metropolitan Municipality, Councillor MA Siyonzana were considered and deliberated by the Council and resolved by voting through show of hands as follows:

Majority of Councillors in the meeting voted against the three motions and thus the motions were rejected.

## 2.

### **MOTION FOR THE APPOINTMENT OF THE MANGAUNG MUNICIPAL OMBUDSMAN**

Notice of motion dated April 20, 2022 received from the Democratic Alliance (DA) submitted by Councillor GDP Kotze and seconded by Councillor HJC van Niekerk.

The Speaker explained the process on dealing with the motion and furthermore stated that this motion emanated from a decision that was taken in May 2018 to establish an ombudsman and that the Executive indicated that the position had been created on the Macro structure, budgeted allocated for it as well as the staff, that the Executive will start implementing the decision.

Councillor HJC Van Niekerk will represent Cllr GDP Kotze who submitted the motion. He thereon read the motion as attached to the agenda. Councillor ME Dennis seconded the motion.

#### **The Executive Mayor responded:**

- That the Council took a resolution regarding the establishment of ombudsman which is part of staff establishment as well as supporting staff for the office.
- That for people who supposed to be on the panel was an administrative matter and that only Section 56 and 57 were a panel is established. Further, that is the position was below Section 56 and 57 which meant that for that position, the multiparty cannot sit on the appointment of the position.
- What should be done in terms of Structure, would be to advertise the position and ensure that it was filled. The Terms of Reference for this position were clear and uniform to all municipalities and to National.

Councillor LM Titi-Odili affirmed that indeed the item was approved on the 24<sup>th</sup> May 2018 and that the Speaker as custodian of Council must ensure that processes are fast tracked and that Councillors had also raised issues that would be handled by the office of the ombudsman in terms of the Terms of References. That residents will have a person where they would report issues they were not satisfied with which will be dealt by Council through the report of the ombudsman.



Councillor JC Pretorius indicated that Council must put more pressure in the administration to implement as if the ombudsman was appointed in 2018, a lot of issues would have been avoided and thus urge Council to support the motion.

The Speaker stated that part of the resolution that were prerogative of the Executive were dealt with and that the proposal be that the resolution as per the 24<sup>th</sup> May 2018 were still standing and add a timeframe of 90 days for the implementation thereon and resubmit to Council.

It was thereupon unanimously.

#### RESOLVED

- (a) That the Council reaffirmed the Council Resolution of the 24<sup>th</sup> May 2018, under item 50.2 for the establishment of ombudsman.
- (b) That the implementation of the above resolution be within the period of 90 days.

#### 3.

#### **MOTION TO IMMEDIATELY IMPLEMENT AN ACTION PLAN TO RESOLVE REFUSE COLLECTION AND THE NEGATIVE ENVIRONMENTAL IMPACT CAUSED TO THE METRO IN A SUSTAINABLE AND FEASIBLE MANNER.**

Notice of motion dated March 3, 2022 received from the Democratic Alliance (DA) submitted by Councillor DMC McKay and seconded by Councillor GDP Kotze.

Councillor DMC McKay read the motion as in the agenda and was seconded by Councillor FR Botes.

Councillor MH Supi agreed that indeed the waste management was affecting the environment however the motion should read that the HoD come up with a plan and that Labour Relations dictated that if reshuffle the Department, one has to consult the Labour Forum in particular the collective agreement. That the basic conditions of employment act 75 of 1997 gave effect to the right to fair labour practice referred to in Section 23.1 of the Constitution by establishing and making provision for the regulation of the basic conditions of employment and thereby to comply with the Constitution of the Republic of South Africa...

Councillor MJ Ramatlama raised on a point of order on the relevance to the matter at hand and Speaker ruled that the Councillors to afford Councillor MH Supi to finish his remarks and Councillor MH Supi continued:

“Madam Speaker my submission was in relation to the reshuffling of the aged being replaced by energetic employees and when one is talking about reshuffling, it is a decision that should be made and so I am protecting the aged employees.

Madam Speaker, the businesses are not allowed to make employment decisions based on age and by doing so, they might face legal liability and face work study implications.

To eradicate overtime is to fill vacant posts and as a Council we need a vacancy rate to determine how we are able to oversee why have more overtime. We need to motivate and support our employees ensuring that the resources are available for them to execute their duties. Thank you, Madam Speaker.”

**Councillor SQ Peters addressed the Council:** “Ndiya bulela Somlomo noXeba, National Intervention Team, Councillors, botani. Thank you, Madam Speaker. as African National Congress we do not dispute the fact that service delivery has not been realised fully in particular we want to site waste collection. In order to try and address this challenge, the City introduced the revised waste collection schedule last year with a hope of trying to improve refuse collection and curb illegal dumping amongst other. Further the City introduced the program that was called reclaiming the City which was in full swing to support the entire operation. The envisage reclaiming program is not functioning optimally because of various reasons like labour unrest and occasional mechanical breakdown. We therefore saying in line with issues of recycling etc we are cognisance of the issues of health risks, environmental hazard that are also caused by non-collection of waste hence the City is also working close with your regional office of Coca Cola, Department of Environmental Affairs to address issues of recycling as well as observing our different environmental acts and policies. We therefore concur that we need proper service delivery program with a realist action plan hence we are requesting that this motion can also be brought to the Office of the Accounting Officer as well as the Office of the Executive Mayor for proper coordination and monitoring. Camagu!

**Cllr MC Lelala stated that service delivery was a problem for the entire Mangaung Metro Municipality and not just Bloemfontein and looking at the current service delivery plan (especially waste management), it needs to be revised. In addition, that instead of sub-contracting, refuse removal, the Municipality should hire more employees and buy new vehicles and that the dumping sites placards to be erected won't address the issue as the Municipality doesn't have fleet for waste removal. Therefore he support what Councillor SQ Peter have raised.**

**Cllr TV Menyatso suggested that the Municipality must consider providing each household with a dustbin.**

**Cllr PE Makau made a plea that the rubbish that was obstructing the road on the way to the cemetery be removed and the landfill side at Northern side is clean and that it showed that the Municipality was afraid of white people whereon Councillor M Kganakga raised a point of order that the Councillor was making a racial comment that the Municipality favoured white people over black and that the cemeteries were clean by residents in those areas. Cllr PE Makau withdrew his comment.**

**Cllr PE Makau continued that often the Councillors would report to officials that the refuse has not been removed in the areas, but they are ignored and at places such as Glen sewer is running in streets taking along the rubbish due to tons of uncollected waste; therefore as the EFF, they supported the motion.**

**Cllr GJ Lipale reiterated that what Cllr PE Makau was saying was not racial but a comparison.**

**Cllr MJ Mabena mentioned that they were in agreement with the motion however the issue was the timing thereof and proposed that the matter be referred back for thorough inputs as the motion was proposing reshuffling of employees and labour should be consulted in that regard.**

**Cllr MW Mongale commented:** “Thank you, Madam Speaker. Fundamentally no one is disagreeing with the motion as submitted by the Democratic Alliance including even the later speaker from the African National Congress. What he says is that matters that needs to be implemented as a matter of urgency must be implemented, but matters that needs consultation or feasibility study, the process must also unfold and that is the spirit he is portraying.”

**In replying, Cllr DMC McKay remarked:**

- That, as the Democratic Alliance, they were quite happy to concede, to remove the age limitation that was placed on the workers.
- That the motion covered the entire Metro Municipality's problem, not only Bloemfontein.
- That the cemeteries and parks were serviced by Parks and Cemetery Division and the motion was directed to Solid Waste Division.
- That Cllr FR Botes will support the amendment as the motion cannot be referred back.

**The Speaker summarised as follows:**

- That there were several legal issues pointed out by Councillors;
- That some issues on the motion would require feasibility studies and action plans to be drafted by the administration; supplier contracts, investigations etc.
- That issues of overtime, employment of fit for purpose staff which had not yet been taken to LLF (Local Labour Forum);
- That issues of the Southern Landfill Site, eviction of people who are illegally residing there as there was no report on this matter which might be a legal issue;
- That the issues of deploying of a competent security contractor.

**Cllr DMC McKay responded that taking amendment into account, any recommendation or issue should abide by the law and follow correct processes and procedures.**

**Cllr LM Titi-Odili as well as Cllr TKW Mokgothu were in agreement and urged that the resolutions be reworked and the matter be submitted at the next meeting to allow all issues to be addressed by the administration.**

**Cllr JI Mokoena concurred with what Councillors had raised that Council note the urgent matters that had been raised in the motion and further proposed that it be referred to the relevant Section 80 Committee for better expression on how to implement.**

**Cllr TD Tukula was in agreement that there were processes that should be followed such as undertaking feasibility study, auditing of fleet and ensure that internal capacity is build and not outsource services.**

Councillor E Snyman van Deventer reiterated that Councillors were all saying the same things differently of which Cllr DMC McKay indicated that it should be “in accordance with legal requirements”. Furthermore that Council have a bylaw and if the Municipality followed the by-law, there would not be a need for a motion and therefore the Acting City Manager and relevant HoDs must submit a plan as requested taking into account legal requirements.

Cllr R Hashatsi suggested that the District Development Model should also be considered on this matter.

The Speaker stated once the Council starts unpacking what the motion is about, it then starts leading to other issues hence Council should note the motion and referred it to the Executive and the administration to come up with a plan on how they plan to implement the motion and report back to Council.

Cllr JC Pretorius seconded the proposal by Speaker.

It was unanimously

**RESOLVED**

- (a) That Council note the motion as submitted.
- (b) That the motion be referred to the Executive and the administration to draft a plan of implementation and report back to Council at the next meeting.

The Speaker explained that the officials, live streaming and people in the gallery to vacate the Chamber and adjourned for 15 minutes before dealing with In Committee items.

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

1.

#### CONFIRMATION OF IN COMMITTEE MINUTES

i. Special meeting: Tuesday, 22 February 2022

Councillor CF Rampai moved for the adoption of the minutes as outlined above and was seconded by Councillor SQ Peter.

**RESOLVED** that the minutes as set out above, copies of which had been furnished electronically to members, be taken as duly adopted and confirmed.

2.

#### EXTERNAL INVESTIGATION AROUND THE HOD: CORPORATE SERVICE : MR DSR NKAISENG

**It was thereupon with 40 voted in favour of the recommendation as is and 45 with additional recommendations and 2 abstained from voting.**

#### RESOLVED

(a) That Council, adopt the recommendations of the external investigators, Messrs Matlho Attorneys as outlined in their report from page 74, namely:

198.1 that the Municipal Council should consider bringing charges against Mr David Nkaiseng in his role of unlawfully appointing the officials concerned for flouting the Municipal Policy of appointment of officials as well as flouting Municipal staff Regulations and Code of Conduct for Municipal officials.

198.2 that the Acting City Manager should consider bringing charges against Mr Nzimeni Maswabi in his role at approving the unlawful appointments, for flouting the Municipal Policy of appointment of officials as well as flouting Municipal Staff Regulations and Code of Conduct for Municipal officials.

198.3 that the Acting Municipal Manager should consider bringing charges against Mr Thabang Joseph Mpele for his role in the drafting of the unlawful appointment letters, for flouting the Municipal Policy of appointment of officials as well as flouting Municipal Staff Regulations and Code of Conduct for Municipal officials.

## 10A

- 198.4 that the Municipal Council should note that it can bring misconduct against any official who may have resigned or where the contract of employment had expired.
199. the Municipal Council is also sensitised that there are many issues which the investigators picked up during its work which might be gross, issues like the appointment of service providers to translate by municipal by-laws into Sesotho where no tender process and or quotation were acquired and the service provider being duly paid.
200. there was further an issue brought to the investigators attention of a service provider appointed to interpret the Promotion of Personal Information Act, whilst the Municipality has a fully-fledged legal department.
201. last issue which was picked up related to service provider appointed without following procurement process for drafting of disaster strategy for the Municipality.
202. the investigators were hamstrung by time consideration as result they could not deeply get to these issues.
- (b) *That Council bring criminal charges against the officials mentioned in the report.*
- (c) *That Council constitute a disciplinary hearing for the matter as indicated in the report in terms of the two (2) sets of Regulations (Municipal Systems Act and Regulation on Financial Misconduct in terms of the MFMA).*
- (d) *That Council appoint Disciplinary panel to be chaired by Advocate Charles Dell, and prosecutor Leslie Mokgoro.*
- (e) *That point 199 as in the investigators report be referred to Municipal Public Accounts Committee (MPAC) for further processing.*
- (f) *That a civil process be followed to recoup the monies.*
- (g) *That the allegation against the MMC for Corporate Services, Councillor MT Mosala as on page 9 of the investigators report be investigated in terms of the Councillors code of conduct.*
- (h) *That the Chief of Staff also be investigated.*

101.

### CLOSING OF THE ORDINARY COUNCIL MEETING

**The meeting officially closed at 17h50.**

SECRETARIAT UNIT  
COMMITTEE SERVICES