

CONFIDENTIAL

**AGENDA
for an
ORDINARY MEETING**

**MANGAUNG
METROPOLITAN
MUNICIPAL COUNCIL**

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

**WEDNESDAY
AUGUST 31, 2022
AT 10:00**

**MANGAUNG
METROPOLITAN
MUNICIPALITY**



MANGAUNG METROPOLITAN MUNICIPALITY

Bram Fischer Building
BLOEMFONTEIN

AUGUST 19 2022

MEMBERS OF THE METROPOLITAN MUNICIPAL COUNCIL OF THE MANGAUNG METROPOLITAN MUNICIPALITY

Ladies and gentlemen

Notice is hereby given in terms of the provisions of
Section 29(1) of the Local Government:
Municipal Structures Act, 1998 (Act No 117 of 1998) and
Rule 6.1 of the Council's Standing Rules and Orders that

AN ORDINARY MEETING OF THE MANGAUNG METROPOLITAN MUNICIPAL COUNCIL

will be held in the

COUNCIL CHAMBER, FIRST FLOOR
BRAM FISCHER BUILDING, BLOEMFONTEIN

ON

WEDNESDAY, 31 AUGUST 2022

at 10:00

To consider the items as set out in this agenda.



ACTING CITY MANAGER

MR T MOTLASHUPING

DATE: 26/08/2022


NATIONAL CABINET REPRESENTATIVE

MR P MASEKO

DATE: 26-08-22


SPEAKER

COUNCILLOR SB LOCKMAN-NAIDOO

DATE: 26/08/2022

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).
3. **Name-plates:** Councillors are friendly requested to please take along their name-plates and to display it throughout the meeting.
4. **Apologies during the course of the Council meeting:** Councillors are friendly requested to complete in full and submit the relevant apology form for this purpose (Yellow Form).
5. **Code of Conduct:** Councillors are reminded of item 3, Schedule 1 of the Code of Conduct for Councillors which reads as follows, namely:

Attendance at Meetings: A councillor must attend each meeting of the municipal council and of a committee of which that councillor is a member, except when:

- (a) leave of absence is granted in terms of an applicable law or as determined by the rules and orders of the council or
- (b) that councillor is required in terms of this Code to withdraw from the meeting.

6. Meeting rules:

- i. All Councillors must arrive at **least 15 minutes before the commencement** of the Council and all other Committee meetings;
- ii. Cellular phones **must be in silent mode** and **speaking on a cellular phone during the meeting is prohibited;** (Rule 50.2a)
- iii. A Councillor who speaks must **confine his or her speech strictly to the matter under discussion;** (Rule 31)
- iv. Unless expressly otherwise determined, a Councillor **may speak only once on a matter;** (Rule 32)
- v. No speech shall exceed **five (5) minutes** in length without the consent of the Speaker. (Rule 34.1)
- vi. Council members are reminded to uphold high level of good conduct during Council proceedings (No disruptions, no interruptions, no howling, no swearing to other Council members, less movement in the Chamber, no abuse of the PA system).

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**AGENDA
(OPEN COUNCIL)**

**167.
OPENING
(MOMENT OF SILENT CONTEMPLATION FOR MEDITATION AND PRAYERS)**

**168.
NOTICE OF THE MEETING**

**169.
APPLICATIONS FOR LEAVE OF ABSENCE**

**170.
ACCEPTANCE OF THE AGENDA**

**171.
ANNOUNCEMENTS**

**172.
MOTION OF SYMPATHY AND CONGRATULATIONS**

**173.
CONFIRMATION OF MINUTES**

2. Ordinary Meeting: Thursday May 12, 2022

**1.
PERFORMANCE AGREEMENTS FOR THE MUNICIPAL MANAGER AND MANAGERS
DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER FOR THE CITY OF
MANGAUNG 2022/23**

Annexure: Report dated August 16, 2022 received from the Acting City Manager and supported by the Executive Mayor.

RECOMMENDATION that the Council

- 1) Notes the signed performance agreements of the Acting Municipal Manager and Acting Heads of Departments and 1 Head of Department directly accountable to the Acting Municipal Manager;
- 2) Notes that the signed performance agreements will be published on the municipal website of the City;
- 3) Notes that the performance agreements include the objectives of the support team as articulated in the Government Gazette No 46287 of 28 April 2022; and
- 4) The performance agreements will be submitted to the MEC responsible for local government.

**2.
PROPOSED RECRUITMENT, SELECTION AND APPOINTMENT PLAN FOR SENIOR
MANAGERS IN MANGAUNG METROPOLITAN MUNICIPALITY IN TERMS OF SECTION 82 (a)
OF THE MUNICIPAL STRUCTURES ACT 117 OF 1998 AND/OR SECTION(s) 54A AND SECTION
56 OF THE MUNICIPAL SYTEMS ACT No. 32 OF 2000**

Note by Secretariat:

The administration is currently finalising administrative issues and it will be tabled in the Council.

**3.
MUNICIPAL MANAGER'S REPORT TO COUNCIL**

Annexure: Report dated August 26, 2022 received from the Acting City Manager.

FOR NOTING.

1.

REPORT: FUNERAL GROUP SCHEME FOR MANGAUNG COUNCILLORS

Annexure: Report dated August 2022, received from Secretariat Services, supported by the Chairperson Remuneration Committee, recommended by the Acting City Manager and approved by the Speaker.

RECOMMENDATION that it be resolved;

- (1) That the Municipal Council take note of the report;
- (2) That Council approves a compulsory funeral scheme for all Council members; and members will be required to complete a membership forms prior to registration in the scheme;
- (3) That stop order facility for premiums deductions and payment purposes will commence a month after council approval;
- (4) That the shall be no waiting period for members on the Sanlam group scheme and cover is immediate from the date of first premium payment;
- (5) That members joining Council mid-term will also be required to enrol with the scheme during the first month of the salary payment;
- (6) That Council members will cease to belong to the scheme once they resign or not re-elected provided members choose to continue with the scheme post public office; and
- (7) Upon date of Council approval, the Municipal Council shall no longer contribute financially for the bereavement and funeral of Councillors.

2.

REQUEST TO AMEND AND REVIEW THE TERMS OF REFERENCE OF THE PETITIONS AND MOTIONS SECTION 79 COMMITTEE

Annexure: Report dated August 24, 2022 received from the Acting City Manager, supported by NCR, recommended by Chairperson of the Petition and Motions Committee and approved by the Speaker.

RECOMMENDATION that it be resolved, that

- (a) the Municipal Council takes note of this report;
- (b) the Municipal Council approves the withdrawal of the motions from the committee and rename the Section 79 Committee : Petitions Committee.
- (c) the Municipal Council approves the reviewed terms of Reference of the Petitions Committee; and
- (d) the reviewed Terms of Reference of the Petitions Committee are applicable from the date of the Council approval.

**3.
REQUEST TO ESTABLISH AN INDEPENDENT COMMITTEE: ENFORCING CODE OF
CONDUCT FOR COUNCILLORS**

**Annexure: Report dated June 17, 2022 received from the Chairperson of Rules
Committee**

RECOMMENDATION

- (a) That the Municipal Council take note of the report.
- (b) That the Municipal Council approve the establishment of an independent and external committee of five (5) members, responsible for the enforcement of Code of Conduct for Councillors.
- (c) That the Committee be comprised of the following members, namely:
 - An expert in the field of municipal governance, preferably from the Free State University,
 - An independent member of the community with high moral standing,
 - A current Councillor serving in any Free State municipalities,
 - A delegate from SALGA Free State and
 - A legal person or practicing attorney within Municipal area.
- (d) That the Municipal Council take note and approve the Standing Procedure regarding administration of leave of Councillors.
- (e) That the establishment of the committee, including application or adherence be effective from the date of approval.
- (f) That the Municipal Council approves for the establishment of the Appeals Committee as part of the process.
- (g) That the Executive Mayor and the Acting City Manager be requested to submit to the Municipal Council, the Delegation of Powers Policy as soon as possible.
- (h) That the terms of Reference of both Committees (Independent Committee and Appeals) be finalized and submitted to the next ensuing Council meeting.

1.

MPAC OVERSIGHT REPORT REGARDING THE 2020/2021 FINANCIAL YEAR

Annexure: Report dated August 25, 2022 received from the Chairperson of the Section 79: Municipal and Public Accounts Committee

RECOMMENDATION that having thoroughly considered the contents of 2020/21 annual report and the findings of the Auditor General for the year under review, it is therefore recommended by the MPAC that:

- (a) Council adopt the Oversight Report;
- (b) In line with Section 129(1) Council approves the 2020/21 Annual Report with Reservations due to the unsatisfactory pace at which management is addressing risk areas/ control weaknesses mentioned under section 6 of this report;
- (c) The Accounting Officer provide the MPAC with a detailed report on the investigations that are currently underway with regard to the UIF&W for both MMM and Centlec within 14 days of the tabling of this report;
- (d) That compliance reports compiled in line with sections 52,71,72 and 88 of the MFMA be noted by Council and be handled as permanent referrals to the MPAC for further interrogation;
- (e) An audit action plan be developed to address audit findings. A progress report be submitted to the MPAC monthly;
- (f) The indigent register be updated as a matter of urgency and a report be submitted to the MPAC within 30 days of the tabling of this report;
- (g) A progress report be provided to the MPAC pertaining to the recruitment of support staff in political offices within 7 days of the tabling of this report;
- (h) The MPAC be provided with an action plan to curb overspending on overtime across all directorates within 30 days of the tabling of this report;
- (i) The Accounting Officer submit an updated risk register with mitigating risk strategies to the MPAC within 30 days of the tabling of this report;
- (j) The Accounting Officer must provide the committee with a monthly report on the recovery of debt from government departments and the top 20 businesses that owe the city for services rendered;
- (k) The Accounting Officer must provide the MPAC with a monthly progress report that details the ongoing negotiations with Bloemwater and resolving current disputes;
- (l) The National Intervention Team provide Council, through the MPAC, with a progress report on the ongoing forensic investigation on IPTN project within 60 days of the tabling of this report;

- (m) The Accounting Officer must ensure that a performance management system for all employees is developed and implemented. A progress report must be submitted to the MPAC within 60 days of the tabling of this report;
- (n) The Accounting Officer must ensure that a functional disciplinary board is properly constituted within 60 days of the tabling of this report;
- (o) Council must expedite the recruitment and appointment of Centlec board members within 60 days of the tabling of this report;
- (p) The Accounting Officer provide the MPAC with a comprehensive report regarding the status of the Zoo within 30 Days of the tabling of this report;
- (q) The Accounting Officer provide the MPAC with a comprehensive report regarding the status of FRESHCO within 30 Days of the tabling of this report;
- (r) The Accounting Officer must submit an action plan to address the challenges listed as bullet items under section 6 within 60 days of tabling of this report.

2.

ANNUAL WORK PLAN OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

Annexure: Report dated August 22, 2022 received from the Chairperson of the Section 79: Municipal and Public Accounts Committee

RECOMMENDATION that the Council approves the processed work plan for the 2022/23 financial year.

QUESTIONS SUBMITTED IN TERMS OF RULE 38 OF THE STANDING RULES AND ORDERS

1. Response dated June 21, 2022 received from the Acting City Manager to questions raised by **Councillor R van der Merwe** from an email received on June 7, 2022 regarding **Number 10 Maarten Street**. (Pages 1 – 8)
2. Response dated July 27, 2022 received from the Acting City Manager to questions raised by **Councillor T van der Walt** from an email received on June 7, 2022 regarding **maintenance of sewer infrastructure in Ward 23, Universitas East, Universitas Ridge and Parkwes**. (Pages 1 – 2)
3. Response dated July 1, 2022 received from the Acting City Manager to questions raised by **Councillor T van Der Walt** from an email received on July 25, 2022 regarding **unresolved pothole damage claims**. (Pages 1 – 3)
4. Response dated August 2, 2022 received from the Acting City Manager to questions raised by **Councillor GDP Kotze** from an email received on July 7, 2022 regarding **implementation of Council Resolution: Disciplinary Hearing of the Former HoD: Corporate Services**. (Pages 1 – 3)

- 5 Response dated July 27, 2022 received from the Acting City Manager to questions raised by **Councillor M Kganakga** from a letter dated on July 5, 2022 regarding **water leakages in Ward 47.** (Page 1)
- 6 Response dated August 2, 2022 received from the Acting City Manager to questions raised by **Councillor M Thompson** regarding **maintenance of Stillerus Old Age Home.** (Page 1)
- 7 Response dated July 25, 2022 received from the Acting City Manager to questions raised by **Councillor JE Sebolao** from an email received on June 20, 2022 regarding **investigation of the two MMCs-Interference in the administration.** (Page 1)
- 8 Response dated August 2, 2022 received from the Acting City Manager to questions raised by **Councillor GDP Kotze** from an undated letter received on June 12, 2022 regarding **appointment of ombudsman.** (Pages 1 – 2)
- 9 Response dated August 2, 2022 received from the Acting City Manager to questions raised by **Councillor T van Der Walt** from an email received on July 27, 2022 regarding **outcome of disciplinary hearing for Solid Waste employees on 21st December 2020.** (Pages 1 – 3)
- 10 Response dated July 4, 2022 received from the Acting City Manager to questions raised by **Councillor GDP Kotze** from a letter dated on June 27, 2022 regarding **R29 million donation from Department of Forestry, Fisheries and Environment.** (Pages 1 – 2)
- 11 Response dated July 13, 2022 received from the Acting City Manager to questions raised by **Councillor JE Sebolao** from an email received on July 1, 2022 regarding **appointment of the City Manager.** (Pages 1 – 2)
- 12 Response dated July 13, 2022 received from the Acting City Manager to questions raised by **Councillor JE Sebolao** from an email received on July 1, 2022 regarding **damage to Municipal property due to unrest.** (Pages 1 – 7)
- 13 Response dated August 2, 2022 received from the Acting City Manager to questions raised by **Councillor Snyman van Deventer** from a letter received by email on July 1, 2022 regarding **political appointments.** (Pages 1 – 2)
- 14 Response dated July 4, 2022 received from the Acting City Manager to questions raised by **Councillor Snyman van Deventer** from a letter dated July 1, 2022 regarding **proposed closure of the northern landfill site.** (Pages 1 – 2)
- 15 Response dated June 6, 2022 received from the Acting City Manager to questions raised by **Councillor GDP Kotze** from a letter dated May 5, 2022 regarding **non-tabling of the indigent register for the period 2020/2021 and 2021/2022.** (Pages 1 – 3)

- 16 Response dated June 6, 2022 received from the Acting City Manager to questions raised by **Councillor GDP Kotze** from an undated letter received on April 30, 2022 regarding **establishment of Mangaung Metropolitan Police**. (Pages 1 – 2)
- 17 Response dated June 27, 2022 received from the Acting City Manager to questions raised by **Councillor T van der Walt** from a letter dated May 4, 2022 regarding **stagnation of Planning and Land Use Management**. (Pages 1 – 5)
- 18 Response dated June 14, 2022 received from the Acting City Manager to questions raised by **Councillor PA Lotriet** from a letter dated May 19, 2022 regarding **renovation of Arthur Nathan Swimming pool**. (Pages 1 – 4)
- 19 Response dated August 2, 2022 received from the Acting City Manager to questions raised by **Councillor E Snyman van Deventer** from an undated letter received on July 7, 2022 regarding **implementation of Council resolution: DC Hearing of the former HoD: Corporate Services**. (Pages 1 – 4)
- 20 Response dated August 14, 2022 received from the Acting City Manager to questions raised by **Councillor VB De Kock** from an email dated July 1, 2022 regarding **purchases by MMM Metro Police**. (Pages 1 – 2)
- 21 Response dated August 10, 2022 received from the Acting City Manager to questions raised by **Councillor E Snyman van Deventer** from an email dated July 1, 2022 regarding **purchases by MMM Metro Police**. (Pages 1 – 2)
- 22 Response dated August 23, 2022 received from the Acting City Manager to questions raised by **Councillor E Snyman van Deventer** from an email dated July 1, 2022 regarding **future of workers at Mangaung Bloemfontein Zoo**. (Pages 1 – 2)
- 23 Response dated August 15, 2022 received from the Acting City Manager to questions raised by **Councillor GDP Kotze** from an email dated June 20, 2022 regarding **payment for the Executive Mayor first 100 days in office projects**. (Pages 1 – 2)
- 24 Response dated August 23, 2022 received from the Acting City Manager to questions raised by **Councillor E Snyman van Deventer** from an email dated July 1, 2022 regarding **Rule 38 question on Rose garden next to the Zoo**. (Pages 1 – 2)
- 25 Response dated August 17, 2022 received from the Acting City Manager to questions raised by **Councillor M Kganakga** from a letter dated July 5, 2022 regarding **Mangaung Law Enforcement**. (Pages 1 – 3)
- 26 Response dated August 15, 2022 received from the Acting City Manager to questions raised by **Councillor LE Rasoeu** from a letter dated June 7, 2022 regarding **progress on the Executive Mayor's first Hundred (100) days in office**. (Pages 1 – 11)
- 27 Response dated August 10, 2022 received from the Acting City Manager to questions raised by **Councillor E Snyman van Deventer** from an email dated July 1, 2022 regarding **use of Mangaung Metro Property by Political Parties**. (Pages 1 – 2)

178	MOTIONS
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1.

MOTION OF NO CONFIDENCE AGAINST THE COUNCIL WHIP

Annexure: Report dated August 22, 2022 received from the HoD: Corporate Services, supported by the Acting City Manager, recommended by NCR and approved by the Speaker.

Motion submitted by the Freedom Front Plus (FF Plus) Councillor E Snyman Van Deventer and Cllr B Vorster

Note by Secretariat: The report from the Council Whip will be tabled in the meeting.

179	IN COMMITTEE REPORTS
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1.

CONFIRMATION OF IN COMMITTEE MINUTES

Ordinary Meeting: Thursday May 12, 2022

180	CLOSING OF THE ORDINARY COUNCIL MEETING
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**SECRETARIAT UNIT
COMMITTEE SERVICES**