

CONFIDENTIAL

**MINUTES
of 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**



**MINUTES OF AN
ORDINARY MEETING
of the
MANGAUNG METROPOLITAN MUNICIPAL COUNCIL
held IN THE COUNCIL CHAMBER, FIRST FLOOR, BRAM FISCHER BUILDING
BLOEMFONTEIN
on
WEDNESDAY, AUGUST 31, 2022
at 10:00**

ATTENDANCE REGISTER

POLITICAL LEADERSHIP			
#	NAME	PARTY	LEAVE
1	<u>Speaker</u> Cllr Lockman (Stefani Bernadette)	ANC	
2	<u>Executive Mayor</u> Cllr Siyonzana (Mxolisi Ashford)	ANC	
3	<u>Deputy executive Mayor</u> Cllr Mothibi-Nkoane (Maria Mapaseka)	ANC	
4	<u>Council Whip</u> Cllr Nikelo (Vumile Edwin)	ANC	
SECTION 79 CHAIRPERSONS			
5	Cllr Mokoakoa (Mpho Isaac)	ANC 29	
6	Cllr Nhlapo (Ntombi Anna)	ANC	Only from 14:35 with apology
7	Cllr Qai (Alfred)	AIC	
8	Cllr Seleke (Puseletso Leticia)	ANC	
MEMBERS OF THE MAYORAL COMMITTEE(SECTION 80 CHAIRPERSONS)			
9	Cllr Titi-Odili (Lulama Magdeline)	ANC	
10	Cllr Morake (Molefi Andries)	ANC	
11	Cllr Matsoetlane (Meditaba Joyce)	ANC	
12	Cllr Mogotloane (Thabo Joel)	ANC 39	
13	Cllr Tladi (Motshewa Martha)	ANC	
14	Cllr Mosala (Motlhokung Theodorah)	ANC 11	
15	Cllr van der Ross (Kevin Etienne)	PA	
16	Cllr Twala (Pani Sidney)	ATM	
17	Cllr Jonas-Malephane (Vuyelwa Eunice)	ANC	

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

42	Cllr Ramatlama (Mpho Joseph)	EFF	
43	Cllr Rampai (Pule Joseph)	ACDP	
44	Cllr Rasoeu (Lempe Ernest)	DA	
45	Cllr Sebolao (Jankie Elisha)	EFF	
46	Cllr Shale (Nkahiseng Reginah)	EFF	
47	Cllr Snyman van Deventer (Elizabeth)	FFPlus	
48	Cllr Terblanche (Arthur Phillip)	DA	
49	Cllr Thomas (Johannes Beleme)	EFF	
50	Cllr Thwala (Zwelinjane Jonathan)	DA	
51	Cllr van der Merwe (Rulhof)	DA	
52	Cllr Viviers (Benhardus Jacobus)	DA	Only until 18:55 with apology
53	Cllr Vorster (Braam)	FFPlus	
54	Cllr Wewege (Mare-Lize)	FFPlus	
WARD COUNCILLORS			
55	Cllr Sefaki (Samuel)	ANC 1	
56	Cllr Mokgothu (Tona Kenosi Wilfred)	ANC 2	
57	Cllr Machachamise (Tshepiso Oudious)	ANC 3	
58	Cllr Supi (Mahoko Harold)	ANC 4	
59	Cllr Lecoko (Lehlohonolo Nathaniel)	ANC 5	
60	Cllr 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	Absent with apology
72	Cllr Peter (Seth Qondile)	ANC 19	
73	Cllr Pretorius (Werner)	DA 20	
74	Cllr Lotriet (Pieter Adam)	DA 21	
75	Cllr Leech (Dulandi)	DA 22	
76	Cllr van der Walt (Tjaart Botha)	DA 23	
77	Cllr Kotze (Gerhardus Dirk Petrus)	DA 24	
78	Cllr Botes (Francois Rossouw)	DA 25	Only until 16:30 with apology
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	

NATIONAL INTERVENTION TEAM

1. NCR

Mr P Maseko

OFFICIALS PRESENT

1. Acting City Manager
2. Acting Chief Financial Officer
3. Acting HoD: Social Services
4. Acting HoD: Corporate Services
5. Acting HoD: Engineering Services
6. Acting HoD: Waste Management
7. Chief Metro Police
8. Chief Executive Officer: Centlec
9. General Manager: IDP
10. General Manager: Committee Services
11. Secretariat officer
12. Secretariat Officer

Mr T Motlashuping
Mr T Sediti
Mr KI Kgamanyane
Adv N Mpangane
Mr W M^oleod
Mr F Nel
Mr KI Kgamanyane
Mr M Sekoboto
Mr Monyake Mothekhe
Mr Motete Mothekhe
Ms R Mamatela
Ms M Morakabi

Note by Secretariat

1. **Attendance Register:** Every member attending a meeting shall sign his/her name in the attendance register kept for this purpose before the commencement of the meeting.
2. **Leave Register:** In order to streamline administrative processes Councillors are friendly requested to submit applications for leave of absence in the appropriate register kept for this purpose. Members are requested to fill in this register 12 hours before the commencement of the meeting (Rule 22.2).
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)

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

The meeting commenced at 10h39 to allow livestreaming of the Council proceedings.

The Speaker requested all to observe a moment of silence. Thereafter she declared that 96 Councillors were present and officially opened the meeting.

NOTED.

168.
NOTICE OF THE MEETING

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

NOTED.

169.
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.

170.
ACCEPTANCE OF THE AGENDA

The Speaker requested to include an item on the agenda, item on the interim Chairperson of the Audit Committee.

Cllr CF Rampai moved for adoption of the agenda with inclusion of the item and was seconded by Cllr LM Titi-Odili.

Council thereon voted *unanimously* for the inclusion of the item on the interim Chairperson of the Audit Committee.

NOTED.

**171.
ANNOUNCEMENTS**

None.

NOTED.

**172.
MOTION OF SYMPATHY AND CONGRATULATIONS**

Cllr KC Moreeng passed his motions as follows: “Thank you, Madam Speaker. Greetings to the house, and the residents of Mangaung. I stand before this house today to extend my heartfelt sympathies to the residents of Mangaung. It was just a few months back when Minister Nkosazana Dlamini Zuma presented us with a national intervention team, that was really a relief as our communities were filled with hope and expecting changes and stability in this Municipality, months later service delivery is still nothing but a wish to them.

Madam Speaker with the rainy season fast approaching I would like to further extend my sympathies to the people of Ward 41 and 43 in the trust area, who will soon be left stranded as buses won't be commuting them to work due to bad slippery roads that has never been serviced or last serviced five (5) to seven (7) years ago. Most of them will be subjected to no work no pay, how bad it is and tough, in the areas that they stay within Mangaung. How would they manage in this bad and tough economic times. No matter how many please they have made to the Metro, all went in vain.

Residents of Van Stadensrus Town who have been without water for the past four months, even though there is a borehole pump available, that just needs to be maintained, Mangaung Metro cannot even assist by procuring it, I also sympathies with them in this dry times that they are going through.

Madam Speaker, I wish I could end my sympathies here but I will be leaving out the residents of Dewetsdorp and Wepener who have recently received accounts for water usage of thousands of rands, when only water meters were last read in 2017 and now in 2022, they received estimated accounts that are levied at current water rates for the past five (5) years, how sad is that!

Let me just extend my last sympathy to the Wepener residents who have become used to having an over flow of sewage in their yards because of the sewage works that has been out of order for the last decade.

Madam Speaker as I close, allow me to also Congratulate the DA run City of Cape Town, with over 1100 new law enforcement officers who have been deployed in Cape Town communities. The murder rate has declined by 42% in Mitchell's Plane and Nyanga is no longer SA's murder capital. This is what the DA is doing to keep residents safe. Feel the DA difference. I thank you Madam Speaker.”

6B

Cllr NR Shale conveyed her motion of congratulations as follows: “Thank you, Madam Speaker. I would like to congratulate the Deputy Executive Mayor ka event ya maobane ya bomme although ba so amohela hore we have a Chairperson as Women caucus. Ke re ho Cllr RS Klaasen, o e tsware fela jwalo. Kealeboha, Madam Speaker.”

Cllr MJ Matsoetlane passed her motion of congratulations as follows: “Ke lebohela monyetla ona Madam Speaker. Re le mokgatlo wa ANC kgwedi ena re sa tswa ho yona ya bomme, re a itebohela re le bomme ka hara naha ka ho hlokomediswa ka hlekefetso ya bana le basadi. Re ntse re etsa diphephetso le goeletso ho setshaba sa Mangaung. Kealeboha Madam Speaker.”

Cllr MJ Ramatlama passed his motions as follows: “Thank you, Madam Speaker. Let me take this opportunity to greet baahi ba Mangaung and all Councillors.

Madam Speaker, as the caucus of the EFF, we would like to take this opportunity to thank all communities of Mangaung from Thaba Nchu, Botshabelo, Soutpan, Dewetsdorp, Wepener, Van Stadensrus and Bloemfontein for coming in their numbers to celebrate with Economic Freedom Fighters on its ninth (9th) year anniversary which was held here in Mangaung at Dr Rantlai Molemela Stadium.

Madam Speaker, it should be noted that the Stadium was filled by the community of Mangaung which serves as a warning shot to the governing party for we all know that in the history of the Free State politics, EFF is the only organization which managed to pull such numbers. We are highly indebted to the petrol attendants, domestic workers and the unemployed youth of Mangaung. Most importantly, it became a success because of the selfless efforts of our ground forces who understand that, we are in this struggle for economic freedom, not for us to benefit. If it was not because of them, the anniversary was not going to be a success. It must be known that, all service providers Madam Speaker, were fully paid unlike in other organisations.

Madam Speaker, we also like to pass again our deepest sincere condolences to Councillor PE Makau who lost his beloved son Oratilwe and was buried on the 20th of August 2022. No parent deserves to bury their children. May his soul continue to rest easy. Thank you, Madam Speaker.”

Cllr NP Pholoholo passed her motion as follows: “Thank you Madam Speaker, let me take this opportunity to extend our condolences to Mthembu and Ntshiza families. The two runners namely: Mzama Mthembu and Phakamile Ntshiza tragically died while running the comrades marathon. Madam Speaker, at this difficult time we share our sympathy and condolences with the family, friends and running mates of these two athletes. We will continue to have them in our thoughts and offer them our support as they deal with their loss.

Madam Speaker, the Sunday race marked the return of the comrades marathon after two year break induced by covid -19 pandemic. We would also like to congratulate the men's winner, Tete Dijana for winning the comrades marathon and the women's won by Alexandra Morozova. The Russian was initially told she could not compete after the Comrades Marathon Association acted on a suggestion from World Athletics to ban her from the race in line with protocol relating to Russian invasion of Ukraine. However, the Pietermaritzburg high court ruled in her favour to line-up in the race, enroute to her maiden comrades' title after several futile attempts.

Morozova beaten to second place by American Camille Herron in her comrades' debut and then by the flying Gerda Steyn in 2019, clearly knew she had it in her to win the race and had to fight her way into participating. Madam speaker everyone can run a few kilometres' only winners can run a marathon.

Madam Speaker, we would like to congratulate the Louis Botha boys soccer team for ranking the number one team in the Country. We would also like to congratulate the young talents Mr K Lobakeng and Mr F Hayat Naqvi from Louis Botha for signing junior contract with Cheetahs. Their hard work, talents and dedication have secured a bright future. We are super proud of this young athletes of our Metro and wish them the best in their journey of sports. Lastly, we would like to congratulate Kaizer Chiefs on their victory against Stellenbosch on Sunday. I thank you."

Cllr ME Maliela stated that for the sake of Sesotho speaking people, he would be passing his motion of sympathy in Sesotho: "Motsamaisi wa Dipuisano, a ko o ntumelle ke fetise matshidiso le kutlwelo bohloko ya ka, ho baahi bohle ba Masepala moholwane wa Mangaung o kenyeletsang ditrope tsohle, ho tloha Soutpan ho ya fihla Van Stadensrus ka ditshebeletso Masepaleng ona. Sena se hole le seo ANC eneng ya se tshepisa batho ha ene e kena pusong ya naha ha ere: *bophelo bo ntlafetseng bakeng sa bohle*, mme ena e bile toro e seng e phethahale ho fihlela tsatsi lena.

Mokga wa Democratic Alliance, o utlwela baahi bohle bohloko Masepaleng ona, bao ho lebeletsweng ho bona hore, ba lefelle makgetho a Masepala a bakwang ke boleng ba matlo a bona, moo ho senang disthebeletso tsena tse boletsweng. Re tsamaya re akolla mabone a metse le a diseterata. Ditsela ha mmoho le diseterata tsa rona, ho phutwa ha matlakala le phumantso ya metsi tse sa tsitsang. Maemo a phumantso ya ditshebeletso tsena, a mpefetse ha jwale ho feta ka moo a neng a le ka teng dilemo tse masome a mabedi le metso e robedi tse fetileng (28 years ago). Mme tsena tsohle di etsahala tlasa puso ya African National Congress.

Ma Afrika Borwa a thetsitswe ka nako e telele, ntle le ho bona diphethoho. Ke nako jwale, ya hore re tle re batle diphethoho molemong wa maphelo a rona, mme mokga wa Democratic Alliance, o ka tlisa diphethoho Masepaleng. Hona ho setse ho etsahala Masepaleng tse laolwang ke Democratic Alliance ho phatlalla le naha. Kealeboha Motsamaisi wa Dipuisano."

Cllr LJ Nyaphudi conveyed her motion as follows: "Thank you, Madam Speaker. I will first like to greet the Executive Mayor, Deputy Executive Mayor, Councillors and community of Mangaung.

It is an honour and privilege to stand and address this house. We celebrated the strength and resilience of women of 1956 and their contribution to society and the Country as whole. This month of August provides an opportunity to pay tributes to generations of women who struggled and laid a foundation for progress made in empowering women and achieving gender equality; who calls and end to domestic violence, discrimination, harassment at home and at work, equal pay for equal work, education for girls etc. This is a social problem that should be tackled by all. We should speak louder in order to be heard by people in power and force change to happen. Protest if not heard, speak out what is important for you. Thank you all."

Cllr E Snyman van Deventer conveyed her congratulations as follows: “Thank you, Honourable Speaker. The Freedom Front Plus wishes to congratulate Fichardtpark High School on the two, one a teacher and one and old learner Jovan van Vuuren who was born and breed in Mangaung, who won the third place for men’s long jump at the commonwealth games, he won bronze medal and Yolandi Stander, teacher at Fichardtpark High School, came in sixth in the discus event at the Commonwealth Games.

Madam Speaker, this is the final day of the last day of August women's month and in a few weeks, we will have in October, the 16 days of activism against violence against women and children. In view of that, I want first of all to congratulate the DA women on being given a choice between being roadkill or flat chicken I also want to congratulate them on very loudly condemning what their leaders said.

Then, I also want to congratulate the ANC women on loudly condemning the Minister of Police when he said and I quote, in relation to a 19 year old rape victim he said: *“she was lucky to be raped by one man instead of multiple men like the other week victim”*, that is the other rape victim in Krugersdorp. Congratulations to the ANC women on loudly condemning even the Minister of Police on this. Congratulations on being so vocal on this, but we did not hear a single word from you and emotional sympathy to each and every ANC Councillor on being silent on such an important issue in this fight against violence against women and children. If you allow a leader of your party to say these types of things about a woman, about the rape victim then please do not participate in the 16 days of activism, in the fight against violence against women and children. Thank you, Madam Speaker.”

NOTED.

173.

CONFIRMATION OF MINUTES

Ordinary Meeting: Thursday May 12, 2022

Cllr MH Supi moved for the adoption of the minutes and was seconded by Cllr ME Nkiane.

Cllr JE Sebolao stated that at the last meeting, they requested that the Council must consider to extend the time with regards to distribution of Council documents as the 48hpurs was too little to adequately prepare for the meeting.

The Speaker noted the concern raised by Cllr JE Sebolao.

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

Executive Mayor tabled and presented the items: “Good morning, Madam Speaker, Deputy Executive Mayor, the Chief Whip, Councillors, Officials led by the City Manager and the CEO of Centlec, citizens of Mangaung and the media.

I'm here to submit two items, but before I do that, it's important for me also to join the que of a motion of sympathy to our women, who are marginalized, abused, treated in a manner that suggest that they are subhuman. These women, fought hard to be treated like any human being. They marched, they raised the issues of triple challenges. Today we can safely say that, we also congratulate them because most of our women have proven themselves to be great leaders in corporate world, political and also academia.

On our space, we are encouraging people residing in Mangaung Metro Municipality not to tolerate any violence against women, and any abuse. What happened in Krugersdorp, cannot be tolerated. A rape is a rape regardless of colour, and it is a crime against our Country.

This Council is under administration and we are going to bring an item here that talks to how we are going to improve our finances.

We need to talk about sports as this Council. The opportunities that sports can bring. As we speak now, there are Cosafa games taking place in our City. They arrived here on Sunday, and they would be here for the whole week. The opportunities we can look at, these games of universities, high schools etc. We know that some of the games, it is difficult for Mangaung to compete with cities with money. Some of the games will require us to contribute a certain amount and we know, as a City our financial situation doesn't allow us to do certain things.

Madam Speaker, we are in the centre of South Africa, sharing borders with 6/7 provinces. We need to take an opportunity to explore, whether we cannot use our location to our advantage. I am sure we are going to create a platform; on the coming month of September 2022, we are going to have summit which was suggested by Councillors, saying we need an investment summit.

Allow me to present two (2) items, namely:

1. Performance agreements for the municipal manager and managers directly accountable to the municipal manager for the City of Mangaung 2022/23.
After Council adopted the IDP/Budget, SDBIP, based on that then Council draft performance agreements.
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 Systems Act no. 32 of 2000.
The report will be distributed in the Council.

I thank you, Honourable Speaker.”

The Speaker indicated that as per the agreement in the whippy meeting, the 3rd item (174.3) the Acting City Manager will be allowed to present his report.

NOTED.

1.

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

Cllr PM Mohibidu addressed the Council: “Thank you, Honourable Speaker. All protocol observed.

Honourable Speaker, the performance agreements support the management by objective approach and there is where managers help officials to understand how their roles fit into the larger picture of organisational success.

The performance agreement is a legal document which is used to create a more productive team. As the ANC, we believe that the performance agreements will ensure that we have quality performance criteria and it has to be met. As ANC Madam Speaker, we support the item for noting. I thank you.”

Prior to addressing the Council, Cllr JE Sebolao congratulated the EFF by winning the case against AFRI forum at High Court with regard to “kiss the boer” and he continued:

- That the EFF welcomed the performance agreements for the Acting City Manager and HoDs as it was long overdue.
- That there were officials who slept on their jobs and Council could not do anything about them.
- That as custodian of Municipality, their presence could not be felt by officials due to cadre deployment and this as opposition they struggled to get services from the same officials. There were officials employed in the Municipality however, they did not know what were their roles.
- That the former City Manager was unable to hold HoDs accountable as he was too lenient and the HoDs followed suite.
- That the Municipality was in this situation due to lack of consequence management and therefore hoped to see change after the implementation.
- That it was advisable for officials to respond to messages when Councillors request their intervention furthermore that it was a serious challenge when Councillors request assistance to officials, telephonically or on WhatsApp, as they do not even acknowledge receiving the message.
- That as Councillors, if they are unable to get cooperation from officials, how would the community of Mangaung get service/assistance from the same officials? As there was no toll free number that the community would use, the officials were not of assistance.
- That as Councillors, they were chased by communities as “useless” Councillors and it was crucial that they highlight their frustration with difficulty.
- That the EFF welcomed the report and support it as is.

Cllr GDP Kotze addressed the Council: “**Thank you**, Madam Speaker. The Democratic Alliance take note of the Performance Agreements but needs clarity on the following:

Recommendation (1) reads: *Council notes the signed performance agreements of the Acting City Manager and Acting Heads of Departments.*

7B

1. Why is it that some signature lines on these performance agreements were tabled blank?

The Acting City Manager is the Accounting Officer for the Mangaung Metro.

2. How can Council trust the Acting City Manager if he signs performance agreements, but he cannot oversee that the Heads of Departments sign the agreements?

The first Key Performance Area is Service Delivery in the Performance Agreements, with the weight of 20%.

3. How can we trust the Acting City Manager and his Acting HoDs if they do not reply to DA Councillors' emails, meeting requests, phone calls or disputes lodged on behalf of the residents of Mangaung?

The Performance Agreement of the Acting HoD for Police duration period is dated 1 July 2022 until 31 December 2022. Brigadier Kgamanyane's current five (5) year term expires the end of October 2022.

4. Did the Acting City Manager extend the current contract until December 2022 without informing Council?

Madam Speaker, I would like to request you, the 1st of November is around the corner that it has been a year as Councillors; several clarity seeking questions has been asked in this Council to the Executive Mayor, but for the past year now, we have not received any response on our clarity seeking questions and we request you as guardian of our privileges in Council, to ask the Executive Mayor to respond to our clarity seeking questions.

Madam Speaker, I conclude, the Democratic Alliance wish the senior managers good luck in achieving these targets within four (4) months, because the Acting City Manager already turned his back on certain Councillors and shown no backbone for political interference into the administration of the Mangaung Metro Municipality. I thank you, Madam Speaker."

Cllr JH Denner addressed the Council: "Thank you, Madam Speaker. We take note and welcome the fact that the performance agreements have now been put in place. It has to be acknowledged that this was done in two (2) months; the previous management could not implement this in years. It is however of utmost importance that these performance agreements not only remain an agreement on paper but the proper performance evaluation with appropriate consequence management is implemented. Let us keep these important positions accountable for the work that we expect them to do. Thank you, Madam Speaker."

Cllr MW Mongale addressed the Council: "Thank you, Madam Speaker. On this item, I am going to sound like a scratched cd. I am going to repeat what I said last time; that any document that comes to the Council, must at least be duly signed, meaning I, Cllr MW Mongale must have written my name on top and sign at the bottom and write a date when I was committing my signature.

On the document that we are having, the person who should be the one who enters into agreements with City Manager, Executive Mayor has failed to make sure that, both of them sign the document properly. So the document is not duly signed, even if the other documents can be signed properly, they would still be null and void because they had been made by someone who

has not been duly appointed which is in this particular case, the Acting City Manager. So, I'm raising this, as a caution to the Council to say, you might push that the Council go through and then the performance agreement goes through but it will be illegal. I would advise you to check the document first, maybe I might be talking to myself without checking the document or maybe there is a new document that it is sent through the e-mail, that has been signed like last time in trying to fix this crisis.

In the absence of that, we have no choice but to accept that the document is not a legal document like what Cllr PM Mohibidu of the African National Congress have said; to say this is a legal document. It is indeed legal but its legality must be tested in this Council whether do we understand that, when something is legal, it must also be authentic or we just say it must be legal for the sake of the word legal. I am raising this Madam Speaker, because I am aware that there are horrible errors and that the item is for noting, but the danger here is that, we are being implicated indirectly as Councillors to say we failed to play our oversight role on this matter hence I raised that the item be taken back and sign document properly and submit duly signed documents to this Council. In the absence of that, the Council is being implicated..."

On a point of order, Cllr MM Tladi mentioned that the item was signed by the Acting City Manager on the 17th of August 2022 and the Executive Mayor on the 25th August 2022.

Cllr MW Mongale stated that the document in his possession did not have the signatures hence he was raising it in Council.

CF Rampai remarked as follows:

- That they welcomed the report with whatever issues raised by both Cllr MW Mongale and Cllr GDP Kotze with regards to signature.
- That he appealed to the Acting City Manager and HoDs to do their best to assist the people of Mangaung.
- That Council would be monitoring their performance however they should also do more than what they had committed themselves.
- That they must assist and also respond to Councillors messages.
- That as the Whip of Section 80 Committee Infrastructure, he will be assisting the Executive Mayor in monitoring the HoD of Engineering Services.

The Speaker thereon requested the Acting City Manager and the NCR to monitor and ensure that the contracts agreement were duly signed and the witnesses must also sign and dates attached before publishing on the website.

In responding to Cllr JI Mokoena on issue of extension of contract, the Speaker explained that Treasury's circular stipulated that no extension of contracts for the HoDs, even if it would be on a month to month basis.

For record purposes, Cllr JI Mokoena reiterated that the relevant question on HoD of Police, Mr KI Kgamanyane with regards to his contract ending, it would end when it ends and not as per the performance agreement. The Speaker thereon asked the Acting City Manager, on contract of Mr KI Kgamanyane to ensure that the contract end and the performance agreement end, were the same and aligned.

Cllr JE Sebolao concurred with the Speaker and what Councillor JI Mokoena raised and that Council should not find itself in the same situation as the former Acting City Manager, Mr Mzingisi and secondly whether Councillor was not supposed to vote on the item?

The Speaker responded:

- That the item was for noting.
- That it was important, hence the HoDs and NCR were in attendance, that should they do anything contrary to what had been deliberated on, they should then come and account to the Council on why they are not taking the Council's inputs seriously? Hence while discussing, certain issues are stressed so that the NCR as well as the Acting City Manager were clear on those issues.
- The Acting City Manager and NCR had indeed confirmed that the main contract was aligned to the performance agreement.

It was thereupon

RESOLVED 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 **duly signed and dated** 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

Cllr PA Lotriet requested a DA caucus to go through the report circulated in Council.

The Speaker allowed a 15 minutes break for all parties to go through the circulated document.

Thereafter Cllr PA Lotriet, provided feedback from caucus that after much consideration, they demanded that this item be referred back and they based it on the Standing Rules and Orders, Rule 6.1 on the 48hour notice. Furthermore, that the item be referred to the relevant Section 80 Committee for deliberation and Cllr ZMC Campher seconded the proposal in order to follow proper processes and procedures.

On behalf of the EFF, Cllr GJ Lipale also stated Rule 6.1 of the Standing Rules and Orders and concurred that the item be referred back.

Cllr JH Denner on behalf of the Freedom Front Plus also concurred that the item be referred back.

The Speaker stated that the issue was that Council accepted the agenda with the item.

The Council continued to deliberate on whether to continue or referred the item back based on Rule 6.1 as alluded to by Councillors.

The Executive Mayor then explained:

- That appointment of Section 56 was regulated, as there was no need for Section 80 Committee as the regulation did not stipulate that.
- That the report had CVs and personal information of people hence it was submitted in Council.

Cllr CF Rampai concurred that the item should not be refer to the Section 80 Committee as it would be illegal.

Cllr D Leech provided clarify that it was not CV's nor the appointment that should be submitted to Section 80 Committee, but the report had a proposal of a committee to be put together to assist with the selection process that should be submitted to the relevant Section 80 Committee.

Councillors then continued discussing why the items should not be referred to Section 80 Committee and that it was Council's powers to appoint the Selection Panel for the recruitment, selection and appointment of Senior Managers.

Councillor JE Sebolao raised a concern that if the item was referred back, where would it be referred back and therefore the item should be dealt with.

The Speaker confirmed and reiterated that Council was the legislative body to appoint the Selection panel.

Councillors voted as follows on whether to continue with the item or refer it back: **64 voted in favour for continuation with the item, 28 against and 2 abstained.**

Cllr M Davies requested that the DA voted against continuation with the item as it was not in line with Rule 6.1 of the Standing Rules and Orders.

Cllr TKW Mokgothu remarked "Thank you, Honourable Speaker. As the only longest relevant revolutionary movement, the African National Congress, we collectively welcome the documents and submission of the proposal. This proposal comes at a time where the Municipality's situation leaves much to be desired. As the African National Congress, we are making sure that this proposal would ensure that we select the panel that will make guarantee that Council employ qualified people and correct the notion that we always employ our friends.

It should also be noted that the selection panel would be made of qualified people, who are experienced and furthermore than as the African National Congress they would ensure that the process would be followed to the latter. So, we urge Councillors in this august house to support the proposal. It is time that we turn this Municipality around; accountability should be the order of the day. We would make sure as this Council that we hold people to account.

Honourable Councillor indicated that the situation in our community doesn't speak to what we supposed to do here and gone are those days that people are not accountable, even when we are calling, but we must turn this Municipality around, administrative. As the African National Congress, we note and welcome the proposed selection document. Thank you, Honourable Speaker."

Cllr PA Lotriet delivered his speech as follows: "Thank you, Honourable Speaker. Madam Speaker, our real concern is not so much with compliance but as I have alluded to many times in the past, that no matter who Council is going to employ as municipal manager or any other senior appointment, the incumbent is unfortunately bound to fail. This is the harsh reality because of the inability of the ANC to separate the party from the state.

Madam Speaker, through you to the Executive Mayor, it is already an open secret that your cooperation with the national intervention team and the parliamentary representative is not what it is supposed to be. We know about the backstabbing going on behind the scenes.

The illusion of a utopia may not be created for the residents of Mangaung, that everything will be hunky-dory once we have filled these senior vacancies. I also want to warn those who are going to apply for these jobs, that accepting such an appointment might be career limiting. Make sure that you know what you let yourselves in for.

Madam Speaker at best, we can expect a bit better intensive care treatment of a terminally ill patient. It is more costly, and the patient will unfortunately going to die and this is the gospel truth.

President Mbeki over the weekend alluded to the culture and values of the ANC that have changed and for that we sit with corruption and maladministration everywhere the ANC governs. I call on all members of the ANC to please clean their ranks. Become such that we can work with you in the interest of everyone and to secure prosperity for all. The DA does not want to work with extremists just for the sake of change at all costs. That will be a hospital pass. We want to work with the reasonable centre, with people who share the same value of clean, good governance.

I can tell you now, it was somewhere between 1980 and 1985, my wife to be and I attended the five freedoms congress, the ANC we met there, is not the ANC we are dealing with now..."

The Speaker interjected and requested Cllr PA Lotriet to focus on the submission and relevance to the item and refrain from talking to a political party but must focus on the item/ the report submitted.

Cllr PA Lotriet continued: “Madam Speaker, the fact of the matter is, if we don’t change the culture within the ANC, this is a waste of time and money. Thank you, Madam Speaker.”

Cllr JE Sebolao remarked: “Thank you, Madam Speaker. It is our wish as the EFF that this item must not be politicized and Council not be influenced to make wrong decisions when it comes to the appointment of the panel. We would like to have credible people who can assist the Council/ the Municipality to chose people who have the interest of Mangaung at large. Our plea to our colleagues, the ANC is that, we do not recycle comrades to serve the Municipality.

Lastly, recently the President had just signed the bill that bars the senior managers from holding political offices. The legislation prevents top bros in Municipality from holding political offices of a party, whether permanent or temporary acting capacity. Thank you, Honourable Speaker.”

Cllr SQ Peter remarked:

- That since the inception of the sixth administration, the City failed in numerous occasion to fill the vacancy of the City Manager thus contributing to instability of the City and negatively affected service delivery.
- That dealing with the item, would speed up the processes of service delivery and also inspire confidence by our community to ensure that the Municipality’s Section 56/57 positions were filled and thus in terms of Regulation 12, the composition of the panel would address that, as it includes people from different academia, background and experience.
- That, on page 5, amended the names of the panel, replaced Mr Sugar Ramakarane with Mr Thabo Manyoni, the former City Manager, the City was stable under his leadership and that the current Acting City Manager, Mr T Motlashuping be added, the custodian of the legislation referred to.
- That as African National Congress, they supported the item with those amendments.

Cllr M Kganakga raised a point of order that the proposed names shouldn’t have been included in the report and the Speaker responded that Council was allowed to amends the recommendations.

Cllr E Snyman van Deventer remarked that issues were not only about the panel, but other issues, namely:

- That on page 2: referring to Head of Corporate Services, out of court settlement; what happened to the disciplinary process and the investigation that Council voted on and approved? That a number of Rule 38 questions on this matter were submitted to the Acting City Manager, however, they had never received answers.
- On page 2, point 2.4: that indeed the recruitment process failed because Executive Mayor withdrew the items on numerous occasions.
- On page 5: should the MMC Corporate Services serve in the panel as Council had a decision that she be investigated? However, nothing happened with regards to the Council decision taken.
- That there were no issues with regards to adding the name of Mr T Manyoni.
- That on the action plan, page 4: add that the applicant’s municipal account must be up to date (irrespective of the area the applicant residing at).

Cllr TKW Mokgothu supported the amended names as proposed by Cllr SQ Peter.

Cllr JI Mokoena remarked:

- That Council was reminded that the citizens of Mangaung were watching and taking tune from Council as it was Councillors who were setting the tone on what should be happening in the Municipality.
- That the issue that was initially raised, which was right, was that Council documents should be served to Councillors with in 48 hours.
- That on page 2: reporting on vacancies and positions, an issue raised earlier on the position of Municipal Police Services, it had been indicated that the contract end 31st December 2022 therefore such inconsistencies caused Council to take wrong decision.
- That Council had adopted the minutes of a meeting where it had been indicated, correctly so, that in relation to ghosts employees, the MMC Corporate Services had a hand in that wrongful decision however the recommendation request that she be included in an important decision which should ensure that the Municipality showed the citizen that Council act responsibly and therefore seconded the removal of the name of the MMC Corporate Services, Cllr MT Mosala until the matter had been settled and thus, recommend the name of Cllr CF Rampai to serve in the panel.

Cllr LJ Moqolo seconded Cllr JI Mokoena.

Cllr GJ Lipale remarked that as the EFF, they supported the inclusion of the names of Cllr E Snyman van Deventer and Mr T Manyoni, and they definitely wanted to ensure that their point was clear with regards to the name of Cllr MT Mosala. That they cannot be seen to be contradicting the Council's decisions for Cllr MT Mosala to be investigated and therefore her name must fall off. And be replaced by Cllr CF Rampai.

Cllr M Davies commented:

- That on page 6 of the action plan, it was outlined that the approval of proposed election panel must only serve before Mayco on the 2nd of September 2022 and serve in Council on 7th September 2022 which then vindicated what they had been raising.
- That on page 7 regarding heads of department, there should have been Section 80 Committee meeting the previous day for the approval of selection panel and that did not happen and therefore the whole process thus far was flawed.

The Speaker responded that all references to Mayoral Committee must be removed as Council is the highest decision making body, correct incorrect report, not a Mayco, but a Council item. The Acting City Manager must ensure that the report and the action plan aligned with the decision of Council today. Furthermore, in responding to Cllr ZMC Campher, that Mr T Manyoni would not be paid, but would come as a volunteer.

The Council Whip thereon requested a 5 minutes ANC caucus. Thereafter he presented the outcome of the caucus as follows: that as the caucus of ANC, and in the best interest of August month to ensure that Honourable Cllr E Snyman van Deventer was not the only woman in the selection panel and therefore, proposed the name of Cllr Tladi to replace the name of Cllr MT Mosala and Cllr CF Rampai.

Cllr LM Titi-Odili seconded the name of Cllr MM Tladi.

Cllr E Snyman van Deventer reiterated that the name of Cllr CF Rampai was still standing as it was seconded.

Cllr MT Mosala stated that her name also still stand as it was submitted by Cllr SQ Peter and seconded by Cllr Mokgothu.

The Speaker mentioned that there were three names proposed and were all seconded whereupon Cllr MT Mosala withdrew her name to be replaced by Cllr MM Tladi.

Cllr MW Mongale stated that the name of Cllr MT Mosala was remove on the basis of the minutes of May 12, 2022 in terms of the resolution that she be investigated and not because there was no seconder. Thereon, Cllr SQ Peter withdrew his proposal of Cllr TM Mosala to be part of the panel.

Cllr MA Morake commented that it should be cleared that the issue of the HoD: Corporate Service and its related matters were settled out of court, and the HoD was given leverage to leave and therefore disciplinary chargers had no leg to stand on and there was no issues against Cllr MT Mosala or any other person involved in the matter...

The Speaker indicated that the last input from the MMC Infrastructure, Cllr MA Morake be disregarded as he was requested to be seated and listen to the point of order, but refused to obey instruction and therefore the matter would be referred to disciplinary processes of Councillors Conduct.

The Executive Mayor indicated that he submitted the proposed names in terms of the report however, he was not seconded by any Councillor in Council and therefore, the names falls off.

The Speaker thereon explained how the Councillors would be voting in terms of the recommendations and the amendments made. The Council thereon voted as follows for the two (2) proposed names: For the name of Cllr CF Rampai to replace the name of Cllr MT Mosala: 26 voted in favour, 37 against and 24 abstained. For the name of Cllr MM Tladi: 37 voted in favour, 20 against and 30 abstained.

It was thereupon

RESOLVED that Council:

- (a) Takes note of the report and approves the proposed amended selection panel *amended*, for the appointment of the Municipal Manager (City Manager) as follows:

Panelists

The Executive Mayor, Cllr Mxolisi Ashford Siyonzana

Chairperson

Cllr Motshewa Martha Tladi

Prof Elizabeth Snyman van Deventer

Mr Thabo Manyoni

Acting City Manager, Mr Tebogo Motlashuping

Observers

NCR, Mr Paul Maseko

Governance expert, Mr Lulamile Mapholoba

- (b) Notes and approve the recruitment plan for the appointment of Municipal Manager (City Manager) and managers reporting to the Municipal Manager *with amendments to the recruitment plan dates*.
- (c) Rescind the council decision of 27.4-8/12/2021 and approve that response handling service provider be appointed for receiving and pre-screening purposes for recruitment.
- (d) Approve that service providers only accredited to CoGTA for sourced and utilised for vetting, screening, and competency assessment of preferred candidates for appointments.
- (e) Mandates the Executive Mayor supported by the acting City Manager to implement the administrative process.

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

The Speaker thereon afforded the Acting City Manager an opportunity to present his report as attached to annexures of the agenda to Council and thereafter allowed Councillors to deliberate on the item.

Cllr MS Majoro addressed the Council: "Thank you, Honourable Speaker, Executive Mayor, Councillors and National Cabinet Representatives. To the terms of reference agreed upon between CoGTA and Council amongst others requires the Acting City Manager to provide the Council with the report.

It is worrisome that, we only get the report now and it is very difficult for Council to intervene on time however, we welcome the report. I thank you, Madam Speaker."

Cllr NP Monyakoana remarked as follows:

- That he acknowledge the report submitted by the Acting City Manager which demonstrated that there was progress and commended him with progress made in what had been outlined in the report.
- That he wanted to make the Acting City Manager aware on issues of landfill sites; that the service provider was paid on a monthly basis however they were not satisfied with the state of the Municipality's landfill sites of which the service provider was paid for.
- That the Acting City Manager mentioned that there was no law enforcement at landfill sites, that on the adjustment budget, R25 million was allocated for security at the landfill sites therefore what happened with the money to assist with security.
- That one Cllr raised an issue on the SCM processes, one company which had been regularly, namely Kganya Lesedi, that there were officials making business with the Municipality. That the Acting City Manager be requested to check the relationship the company has with SCM General Manager.

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- That the same company has been appointed to built a R40 million fire station at Botshabelo, and why is it always that specific company?
- That what happened to the R21 million budgeted for maintenance?
- That Council must consider including the SPCA when drafting the budget as they were doing an important work in the Municipality. That it was crucial that the Municipality have a good working relationship with SPCA.
- That he commended the Acting City Manager on the information provided on Brandwag Flats and further requested that the same should be done with other flats of the Municipality.
- That information be provided with regards to the Vista Park 2 and 3 projects which had been talked about for the past years.

Cllr W Pretorius addressed the Council: “Thank you, Madam Speaker. Through you Madam Speaker, Acting City Manager, the DA acknowledges the extremely difficult task you and the intervention team have been tasked with. You have been left with a collapsed Metro. It is not an easy task you are faced with. We understand that many of your attempts to turn the tide have been met with fierce opposition from political leadership, rogue staff as well as some unions.

We note from your report that in the past there has been very little consequence management present in the Metro, that government departments are owing this Municipality billions of Rands, that various departments of the Municipality had collapsed in total; the report speaks about solid waste and fleet, landfill sites, law enforcement, human settlement, building controls etc collapsed.

Before I dive into the 9 page report by the Acting Municipal Manager, I want us as a Council and the residents of Mangaung to pause and address the elephant in the room; we are now getting the report from the Acting City Manager, the second intervention team we had, the only Metropolitan Municipality in the Country that has intervention and so, what is the elephant in the room and what questions we should be asking ourselves as well as the residents of Mangaung:

How did we arrive at this text book example of a failed Metro?

How do you collapse a Metro?

How do you come to a point where very little to no services are being delivered?

How did we get here?

We must be clear that what is highlighted in the report by the Acting City Manager, the areas of concern, they did not appear overnight. This is due to years of mismanagement, corruption and lack of political will and leadership. I beg to ask what precisely did previous City Managers, Heads of Departments, and senior managers do in this Metro to get us in this collapsed state? They were individuals who were receiving millions of rands of salaries and bonuses every year, but how did we get to where we are today? Why was the governing party silent, where was the ANC during all these years as the ruling party in this Metro? We did not get here overnight. We are not here suddenly because of few years of misadministration.

Questions to the Acting City Manager and thank you Acting City Manager for what you and your team have done. We have just heard about yellow fleet that stood still for five years in this Metro, but could be fixed in just one day internally by intervention team, how come for five years nothing gets done and in one day, we see progress? Its lack of political leadership, lack of a will, lack of any accountability or a will to serve the people of Mangaung and it is very concerning.

What is concerning in the report and call on Acting City Manager to address, the following issues:

- *Correct billing in the Municipality* – we are getting reports daily from residents saying they are not correctly billed and it is one of the first priorities of the Municipality we supposed to fix. We are not going to get revenue in if we don't send out correct bills. There is no success in terms of our financial recovery. We have to ensure that the Financial Department is right and sending out correct bills and recover the monies. If we have correct billing we will not sit with the dispute we have regarding the R175 million from the National Department of Public Works. If our billing system works, we will have funds to deliver services. Each and every resident in the Municipality is entitled to receive a correct bill, they must pay for what they use and what they receive.
- *Consequence Management* – A lot has been done but we want to see more. We heard about development of an Individual Performance Management Framework, but what has been done to individuals sabotaging infrastructure, who do not turn up for work to remove refuse because residents are paying; we want to hear about consequence management day in and out.
- *Community participation* – the report speaks about businesses, but we need to get the community on board. We have wonderful community based organisations in Mangaung, neighbourhood associations who have been cleaning the City on behalf of the Municipality. We need to bring in those organisations, NGOs, individuals and businesses more and help each other.
- What the Acting City Manager did not mention is the *Mangaung Call Centre*. It is a massive headache, residents are struggling to get through; we need to capacitate the call centre. Giving feedback to residents, to Councillors, getting reference numbers and the turn around time need to be clear. We have to communicate to residents what are turn-around time even if it is worse now e.g. be honest to residents to say a burst water pipe would take 10 days and not beat around the bush to say 48hours. We are creating expectation that cannot be met.

The Acting City Manager, thank you for the work that has been done by your team. I hope you will continue to swiftly act against those individuals who are not cooperating, implementing consequence management because at the end of the day, we need to restore service delivery in Mangaung, law and order to Mangaung, and most importantly, restore hope and dignity to the people of Mangaung. I thank you, Madam Speaker.”

Cllr R Hashatsi commented that as Councillors had complaint in the previous Council sitting regarding service delivery issues as well as accountability to the communities, the report would address such challenges and keep communities well informed on the progress made and key performance by the Municipality and therefore supported the report with recommendations as is.

Cllr M Thompson addressed the Council: “Thank you, Madam Speaker. The Freedom Front Plus would like to thank the Acting City Manager as well as the Acting HoDs for this documents, since it is the first time, it serves before Council. It gives us as Councillors an indication of what is implemented. The only question is, will the governing party be able to keep up with this once the Acting HoDs are no longer with us.

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Looking at the report, it is clear that the Municipality is in chaos, the question however is, how did an ANC led government allowed that to happen?

On the point of recruitment, why after two failed attempts, is the position still vacant if there is an uncomplicated process?

On Finance, with the government debt, a new payment arrangement has been suggested, before this arrangement is formalised, will it serve before Council or at least before the Finance Committee?

On Supply Chain Management, why is there always an extension of contracts, shouldn't there be a timeline for when contracts end so that in time the process can be followed to avoid extension of any contracts?

Then, we note what he said about the zoo, but the sorry state of affairs is a textbook example of the Metro's incapability to manage a zoo.

On page 7, item 10, please stop referring to the Municipal Police Services, it is Law Enforcement.

Why cant ANC government stick to something like a timeline. This document is proof of how deeply troubled this Metro is. Why did the ANC voters of this Metro allow things to fall so far?

We thank the intervention team for the insight and plans. If implementation could follow through, this Metro stand a good chance of recovering. I thank you, Madam Speaker."

Cllr JI Mokoena addressed the Council: "Thank you, Honourable Speaker. Firstly let me start by acknowledging and thanking the Acting City Manager for the summary report to Council, on some of the issues they had been facing over the past while they had been here.

The Acting City Manager also reiterated what he had said in MPAC meeting, that it is not true that they are not doing anything and this report is a reflection of that. I will also like to acknowledge that in the MPAC meeting, a report of which would be coming, he did indicate some of the issues that they have been dealing with. To the extend that we understand them as being here as an intervention team; I said to him, I consider them to be the people that are dealing with intensive care unit in an ER place.

It is thrilling to see that your fingers is on the pulse of some of the worrisome things that have been bothering our citizens and that is a reflection that embodies all of us because this City as I've indicated to you in previous occasion Acting City Manager, we love it, it is our place, it is the place of our kids and to that extent we are very thankful that there are these positive steps that have been taken on other issues but I also understand that there are other issues that fellow Councillors have raised that I want to concur with that are gaps in terms of this report, but to the extent that, Honourable Speaker there is a saying that when parents or fathers in particular and mothers love their kids they can never be wars and I think it also goes to the extent where if parents love their kids, they can never pilfer, they can never be corrupt because they know they destroyed the future of their kids.

We are thankful for this but this is a more inspiration for all of us, to put our heads together to save this City. It is not about what you can do, Honourable Acting City Manager through the Speaker, but it is all about what we can all do to make sure that we are able, to can ensure that our kids have a future in this City.

I thank you for this but I hope that in the future in terms of the SDBIP, performance contracts there would be a more comprehensive report that comes to Council for Council to be able of fair with all challenges and support the administration in support of ensuring that our people have a better future in this City. Thank you, Honourable Speaker.”

Cllr M Davies addressed the Council: “Thank you, Madam Speaker. Through you, Municipal Manager this report is very vague. It does not give any substantial solutions on what you are doing to turn around the situation and what your team has established since 22 April 2022. It once again state all the problems plaguing Mangaung Metro and the residents. Let me rephrase that as you said in your presentation the City, so you only focusing on the City of Bloemfontein so all the problems plaguing the residents of Bloemfontein City. The only places you ever mentioned, Botshabelo, Thaba Nchu, Wepener, Dewetsdorp, Soutpan and van Stadensrus when you refer to the creation of the animal and vehicle compound. Where is this budget going to come from and what's the timeline on that? Also, you only refer to Botshabelo, Thaba Nchu, Dewetsdorp, Wepener, Soutpan and Van Stadensrus when you talk about vehicle deployment and poor rural areas of Mangaung Soutpan, Van Stadensrus, Wepener don't even get any vehicles.

A draft water maintenance and rehabilitation report and a list of materials, fleet and personnel to attend to leaks from different types of water infrastructure has been compiled and submitted. Why is this report not included in your report? Is it because your plan only caters for residents of Bloemfontein City, and not all residents of Mangaung (Soutpan, Botshabelo, Thaba Nchu, Dewetsdorp, Wepener and Van Stadensrus). A fire hydrant has been leaking in Dewetsdorp for almost two weeks now. In Wepener a pipe has been leaking in De Beer Street for more than six (6) months now and in Van Stadensrus residents have been without water for more than five (5) months now, due to a borehole pump that must be replaced. But please, our plea falls on deaf ears, because if anything ever happens, it only happens in Bloemfontein City.

Except for a study on the sewer reticulation network, no mention is made in this report on how the sewerage mess in Mangaung will be dealt with. In Soutpan, Siesta Old Age Home has been drowning in overflowing sewerage for months now. The situation has gotten so bad, that residents are getting sick and refuse to eat, due to the stench. The sewerage works in Dewetsdorp, Wepener and Van Stadensrus have been standing still for years, more than five (5) years. For more than 6 months sewerage have been overflowing in the yard of a church organisation feeding 70+ children, elderly and the frail daily. So, what is your team's plan of action to address this? Because like always, if anything is done regarding sewerage, it only happens in Bloemfontein City.

Mention is only made of the Northern and Southern Landfill Sites, in Bloemfontein City. What is the plan of action for the landfill sites of Soutpan, Botshabelo, Thaba Nchu, Dewetsdorp, Wepener and Van Stadensrus? These landfill sites have been non-functional for more than seven (7) years. Are these residents not worthy of metro services? Is your team going to follow in the footsteps of the previous administration, treating these residents as the unwanted stepchild of Mangaung.

You said in your presentation that the animals must be returned to the zoo, but in your written report you say: a request to sell off the surplus animals at the Zoo, was submitted in May 2022 and the proposals for the development of Kwaggafontein Game Farm was also submitted. So, which is it now, must the animals be returned or are we getting rid of them or what about the development of Kwaggafontein Game Farm? Please remember according to our By-Law: Keeping of Animals, Bees and Poultry, animals in Mangaung Metro are recognised as sentient beings and afforded the five (5) universal rights of animals. As the head of this administration, I truly hope, you are not transgressing our by-law, maybe you should go read it.

Madam Speaker, this report is just tabled, to appease Council. With no tangible solutions and plans on how issues are address. As things stand now, according to this report, we will be under National Intervention until 2026. If Council lasts that long.”

Cllr CF Rampai welcomed the report submitted by the Acting City Manager and furthermore highlighted the following:

- That in future, the report should have the NCR's signature to also confirm what had been reported.
- That the report seemed to focused in the far future rather than the current situation. That issues such as corruption, because if there was no corruption, the residents wouldn't be living in the situation they were in.
- That issues of land, the seven (7) plots bought in December 2021 without Council's approval, such should be dealt with, who bought had purchased the land without the Council's approval and who would be paying for that?
- That organisational structure should be dealt with urgently, that there should be seven (7) departments however Council was still paying for two extra MMCs.
- Report on what was happening at Centlec and why was the Municipality not paying Centlec for its buildings, street lights, maintenance for approximately R700 million?
- That debt collection be effected for other institutions such as malls.
- That issues raised regarding SCM needs to be looked at.
- That the Municipality was not doing anything for the people of other areas of the Municipality, former Naledi and Soutpan and that need to be attended to.
- That what was Human Settlement doing to attend to housing projects as the Municipality received grants for upgrading of informal settlements?
- That where was the fleet that was paraded/displayed at Hoffman Square in 2017 by the former Executive Mayor, Me Olly Mlamleli?
- That whether the person working at landfill sites competent to undertake the work as he was paid R1.8 million every month however the landfill site was not in a good condition?

Cllr SQ Peter indicated that the report was noted, however, there were a number of issues that were left out, namely:

- Assets of the Municipality such as buildings, land and plots and those areas/assets were occupied and there is no income/revenue from those assets.
- That under Engineering Services, the Vereeniging road that connect approximately 15 Wards was not covered, the contractor left the site five (5) months ago and one of the main reason for upgrading of the road was to relieve traffic from OR Tambo road. The reason for the road not to be completed was that the service provider, Razzmatazz was not paid R5 million for the work done.

- The Vista Park 2 development, bulk water and sewer system pipes were exposed.
- That consequence management was a priority and it should be implemented.

Cllr FR Botes raised the following issues that the Acting City Manager to attend to, namely:

- That the report covered debt collection for the Provincial government however the same should be followed for all other properties in Mangaung.
- That on issues raised regarding repair of assets, the sports clubs were not mentioned as the Municipality had a total of 23 sports clubs that needed repairs and maintenance.
- That under paragraph 4.1 Engineering Services, the information be also submitted to Councillors as Section 80 Committee had not been convened for the past 10 months.

Cllr JE Sebolao welcomed the report as presented by the Acting City Manager and highlighted the following issues that had to be dealt with by the intervention team, namely:

- That there was repetition under consequence management, be correct for future reporting.
- That in recruitment for the vacant position of the City Manager, from the 9th of December 2021, the vacancy was advertised on City Press Newspaper on several occasions therefore, how much had been spent on adverts for the position?
- That where was the 31 km road referred to that had been developed/repared?
- That the Municipality expected all residents to pay for services delivered and the Free State government was also expected to do the same including Premier and MECs, therefore if they continued not paying, he must be invited to see the switching off of water and electricity at the Premier and MEC's residential areas.
- That there was a need for transformation at Fresh Produce Market where all residents of Mangaung would be able to participate in that economy.
- That under IPTN, it was indicated that Moshoeshoe Road A and B by end of October 2022 the road will be completed. Furthermore that in 2019, he had SABC interview together with Cllr TD Masoeu did in fact confirm that the road would not be completed on time however, Mr Q Khedama, took the residents into confidence that by end of November the road would be completed; the road was still the same, no progress in that regard.
- That they agreed with point 10.2 on the report on issues of the zoo and that investigation be conducted on the matter.
- That the Municipality approved a report to buy land for cemetery status however the residents were struggling to bury loved ones, the cemeteries are full whereupon the families ended up with double burials.
- That it was good that the issue of fleet be attended to however an investigation should be conducted on the allegation on the missing diesel worth R500 000.
- That what was the role of officials at Law Enforcement when they cannot even monitor people dropping rubbish along the way to landfill sites?

Cllr MT Mosala congratulated the ANC led government for bringing in the intervention team and remarked as follows:

- That timeframes under point 10.2 of the report be provided to enable the Council to measure and monitor performance.
- That investigation with regard to the missing diesel worth R500 000 be undertaken.

7Q

- That the Acting City Manager mentioned that on the report on recruitment of Metro Police, they were planning to absorb the 93 interns who had been earning R6500 whilst sitting at home which was regarded as a fruitless expenditure of the Municipality, prior to be absorbed by the Municipality, investigation must first be conducted on their appointment.
- That information be provided on what caused the zoo to be in the current situation and what happened to the animals?
- That information be provided on the issue mentioned that there was escalation of prices when IPTN buses were bought.
- That she concur with the Acting City Manager that the LLF after a long time, it was effective hence the shift system was one of the progressive resolution of the LLF to curb and decrease the abuse of overtime. Furthermore, that the audit report that Cllr NP Monyakoana was referring to was for 2020/21 and she was addressing the current situation at the LLF and working towards resolving the audit query of the last financial year.

The Deputy Executive Mayor welcomed the report and the progress made thus far and further highlighted and recommend that, the Law Enforcement officials who were at home and earning to be speedily brought back and be given work to do. That one of the key areas that needed attention was the landfill site whereon there was a township emanating at those sites, the Law Enforcement be instructed to remove the people residing at the landfill sites.

Secondly, that the Acting City Manager must give information with regards to people residing at Brandwag flats who also marched to the Municipality earlier this month, who wanted to pay the Municipality, where they should pay for municipal services and those not paying, be evicted.

After the deliberation, the report was thereupon

NOTED.

Speaker presented and tabled the items and highlighted:

- That item 175.1 be referred to back to Committee to address other issues in their report.
- That under item 175.2, the important matter was the request to separate the petitions from the motion hence the terms of reference were reviewed.
- That on item 175.3, all sections reflecting issues of appeals committee including the addendum sent out via email be removed as the appeals processes were vested with the MEC and the recommendation would also be amended.
- That an additional item included on the appointment of the interim audit committee chairperson (item 175.4) of which the chairperson resigned on the morning of Council where the Committee's report was submitted. That the term of office for the Committee would expire in 2024 hence this item was submitted.

NOTED.

1.

REPORT: FUNERAL GROUP SCHEME FOR MANGAUNG COUNCILLORS

The item was thereon referred back.

NOTED.

2.

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

Cllr A Qai in presenting the report, he delivered his speech as follows: "Thank you, Honourable Speaker and all protocol observed. The purpose of this memorandum is to request Council to review and amend the terms of reference of Section 79 Committee: Petitions and Motions.

The Municipal council inline with committee management system adopted the framework of five (5) oversight Council committees. These Committees are located administratively in the Office of the Speaker and report directly to the Municipal Council regarding the functions and operations. For the purpose of the report, review and changes were submitted regarding the Section 79 Committee Petitions and Motions.

The Municipal Council adopted these terms of reference of Section 79 Committee Petitions and Motions during the meeting held in December 2021. Honourable Speaker, we are requesting that the Committee should primarily focus on the petitions received from the members of the community and motions be held directly in line with the Standing Rules and Orders of Council. This means the Committee name will be amended and it will be known as Petitions Committee if it is approved.

The reason why we want to separate motions from petitions was that the petitions are dealt with and resolved at the level of the Committee and the delegation roles, responsibility and the function of the Committee are in line with the terms of reference accorded to the Committee whereas motion derives from the Standing Rules and Orders of Council in particular, Rule 29 by all administrative account processing and consideration of the motion should remain with the Municipal Council processes and should not be delegated to the Committee.

Honourable Speaker, I must also indicate in this Council that, we have sat on Monday to discuss this item and the Committee members also added their views and one of them was to say, even though we are removing motions from the petitions but the oversight role of motions should remain with the Committee. So on that, I must respond that as the Chairperson, I will still have to consult and also look at the legalities of such a request. I thank you, Honourable Speaker.”

Cllr MH Supi supported the item as presented.

Cllr BJ Viviers remarked:

- Thanked Cllr A Qai as Chairperson for report of Section 79 Committee Petitions and Motions
- That as a Committee they already had three (3) meetings and all officials were invited however none including the Acting City Manager attended the meetings.
- That the terms of reference referring to Petitions were workable however the Committee took a decision at the meeting to make an amendment in Council that it was not for Committee to decides on the merits of a motion as it was handled in terms of Rule 29, but motion must still serve before the Committee so that it could play an oversight to ensure that the Office of the Speaker and the administration do submit the motions to Council and therefore there was no need to alter the name of the Committee.
- That the terms of reference would only have to add under clause 3.2 *that motions will still be tabled to the Committee to do oversight to ensure that they are submitted before Council.*
- That should the inputs not be taken into account, the DA would vote against the item.

Cllr MM Mohulatsi stated that the request was to request Council to review the terms of reference as reviewing was mechanism which enabled the Municipality to move forward to come up with positive notions that will benefit communities and thus as ANC they were in support of the item as presented by the Chairperson.

Cllr TD Masoeu supported the proposal as raised by Cllr BJ Viviers to amend recommendation (b) as it was agreed that the Committee would not do away with motions but it will undertake an oversight role on the motions.

Cllr MW Mongale supported the proposal and further indicated that one of the challenges that Council had, was the turn around time in terms of responding to petitions to avoid issues such as unrest by the communities. That if Council was able to deal swiftly with petitions, they would be addressing service delivery issues as 99% were based on service delivery complaints that should be addressed for instance the complaints raised by the community members at Seven Days regarding the road from Silver City via Legae Primary School until the beginning of Batho Location.

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Furthermore, that not only petitions that should be swiftly responded to but also issues raised by Councillors especially Ward Councillors that requires urgent attention and therefore support the separation of the Committees.

The Speaker thereon summarised and remarked that:

- Recommendation (a) and (b) remained as is
- Add a fifth recommendation on (c) which read as thus: *that the Committee shall be informed of all received motions by the Office of the Speaker to monitor its progress for Council consideration.*

The Speaker then explained the voting process that the Council would be voting on the recommendation as is and thereafter on the proposed addition to the recommendation. Cllr JB Thomas raised a concern that the Chairperson of the Committee was voting against the decision taken at the Committee meeting.

After an in-depth deliberation, Cllr A Qai as the Chairperson of the Section 79 Committee proposed that the item be referred back and was supported by Cllr MJ Ramatlama and Cllr TP Moiloa.

Cllr D Leech requested clarity on consequences should the recommendations or inputs decided on by different Committees, of which Section 80 recommend to the Executive and Section 79 reports to Council were not included or followed through by the Chairpersons of those Committee.

The Speaker thereupon indicated that the report be resubmitted at the next Council meeting.

The item was thereon referred back to the Committee.

NOTED.

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

The Speaker in presenting the item, read Section 16.1 of the amended Municipal Structures Act, stated:

that the Municipal Council may investigate and make a finding on the alleged bridge of the provision of the code or establish a special committee to investigate and make a finding on the alleged bridge of the code and make an appropriate recommendation to the Council.

Section 16.2: if the Council or the special committee finds that a councillor has bridged the provision of the code, the Council may issue a formal warning to the councillor, reprimand the councillor, request the MEC of local government of the Province to suspend the councillor, fine the councillor or request the MEC to remove the councillor from office.

The proviso is that, Councillors can then appeal through the Office of the Speaker to the MEC against the sanction issued by the Council within 14 days after the Council was notified of the decision and a copy must be provided to the Council. The Council may within 14 days of receipt if appeal, make written submission to the MEC and the MEC after having considered the appeal, confirm, set aside or vary the decision taken by Council.

Furthermore that, it was in accordance with Section read that all references to the appeals committee within the Municipality be removed and the process be shifted to the MEC as per the provisions.

Cllr BJ Viviers made the following inputs:

- That this item did not serve in any of the Committees
 - That the item be referred back to the Rules Committee then Council to deliberate.
 - That under Municipal Systems Act, Section 41(b) read as thus: *a municipal council may establish a special committee to investigate and make findings on any alleged bridge of the code and to make appropriate recommendations to council*”, but why now while the Municipality was under National Intervention and in a financial disarray? It therefore meant that additional expenditure must be budgeted to pay for the sitting fees and travelling cost for each investigation of the special committee for Councillors who allegedly bridged the code of conduct.
 - That there were instances where the Speaker can handle issues such as Councillors who had not given apology for being absent in a meeting, that there was no need to involve the special committee in that regard.
 - That it was advisable that Council utilized the independent committee on a case to case basis otherwise Council would be wasting money.
- That under recommendation (d) where Council was requested to approve the standing procedure regarding administration of leave of Council, there was no clear definition between part-time and full-time Councillors and there was no standing procedures to indicate when must the application be approve. Therefore the item be referred back to Rules Committee.

Cllr NP Monyakoana stated that he heard what Cllr BJ Viviers said, however, the item was outmost important because as Councillors they were not adhering to the code of conduct. Councillors were aware that there was nothing like what had been proposed besides the Standing Rules and Orders of Council which meant that it would be assisting in bringing order to the Council therefore the item was supported.

Cllr MM Tladi advised that it would be best if the Chairperson of the Rules Committee advised the Council on the matter.

Cllr RS Klaasen stated that the matter raised by Cllr BJ Viviers were discussed at the Committee however they were not captured and therefore, seconded the proposal to refer the item back.

Cllr JI Mokoena commented as follows:

- That the Speaker had already dealt with her role in the appeals committee.
- That there were issues that still need to be attended to such as the differentiation between part-time and full-time Councillors, the administration of leave; the leave Councillors should be applying for whether in terms of scheduled Council meetings or anything a Councillor undertake.
- That a concern with regards to a number of special Council meetings held that accommodated administrative inefficiencies and possible incompetence and the prerogative lied with the Speaker and already there were approximately 25 meetings held.
- That possible administrative practicalities should be looked at if the item passed as is in view of issues raised, and therefore implored that there was a need to for assistance to deal with Councillors code of conduct and its implementation.
- That there was financial implication related to the Committee and whether it was accommodated in the financial recovery plan.
- That under point 10, clarity be provided on whether people serving in public bodies (e.g. audit committee etc) were to be reimbursed in terms of the National Treasury Rules or the Companies Act?

Cllr TKW Mokgothu explained that they agreed in principle as the Committee on the item to serve in Council and the importance thereof. That the concern was on how to manage the implementation of the administration of leave relating to part-time and full-time Councillors. Furthermore, he agreed with Cllr BJ Viviers that the Speaker referred the cases to independent committee based on its merit as other matters could be handled by the Speaker.

The Speaker reiterated that this was precisely why Council demanded that HoDs attend the Section 79 and 80 Committee meetings to ensure that the background, technicalities, legal issues were addressed in such reports.

Cllr CF Rampai reemphasised the need and the cruciality of the independent committee whereupon Cllr MM Tladi raised a point of order and referred Cllr CF Rampai to the Municipal systems Act.

The Speaker explained as follows:

- That she received about 15 complaints against Councillors that still need to go through the process however some of the complaints would be dealt with by her as the Speaker as Councillors conduct rests with the Office of the Speaker.
- That she has not been strict on application of leave of Councillors as Councillors were expected to inform the Office of the Speaker if they are unable to attend a meeting.
- That not every single case would be brought to the committee but more serious complaints that were currently reported and had been sitting on her desk for the past four (4) to six (6) months.
- That based on what the Chairperson of the Rules Committee reiterated, the administration of leave could be removed from the report and referred back to the Committee.
- That Council could amend the recommendation to say that the committee investigates on a case to case basis on matters referred by the Office of the Speaker
- That reimbursement of the Committee be in line with National Treasury regulations for sitting allowances.

Cllr NP Monyakoana indicated that if the Committee was established earlier, certain issues would have been avoided e.g. on item 174.2 whereby the name of Cllr MT Mosala was removed to serve in the panel.

Cllr BJ Viviers stated that the item on independent committee did not serve before Section 79 Committee however it was part of the previous Council agenda and it was withdrawn by the Speaker. It was only the standard leave which was discussed at the Section 79 Committee however the matter was not concluded.

Cllr E Snyman van Deventer supported what the Speaker had raised and requested that the recommendation be in accordance with what the Speaker raised whereupon the Speaker reiterated amendments to be effected as follows:

Recommendation (b): That the Municipal Council approve the establishment of an independent and external committee of *four (4) members*, responsible for the enforcement of Code of Conduct for Councillors.

Recommendation (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.

Recommendation (d): be removed

Recommendation (f): be removed

Add Recommendation: That the establishment be on a case to case basis as referred by the Speaker.

Cllr BJ Viviers withdrew his proposal to refer the item back if the Council was proposing to amend the recommendation.

The Speaker thereon allowed Councillors to vote on the recommendations as amended.

It was thereupon with 73 votes in favour, 0 against and 10 abstained

RESOLVED

- (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 four (4) 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,
 - An independent member of the community with high moral standing,
 - A delegate from SALGA Free State and
 - A legal person or practicing attorney within Municipal area.
- (d) That the establishment of the committee, including application or adherence be effective from the date of approval.
- (e) 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.
- (f) That reimbursement for travelling costs be as per National Treasury Regulations.
- (g) That the terms of Reference of the Committees (Independent Committee) be finalized and submitted to the next ensuing Council meeting.
- (h) That the establishment be on a case to case basis as referred by the Speaker.

4.

APPOINTMENT OF THE INTERIM CHAIRPERSON OF THE AUDIT COMMITTEE

The Speaker presented the additional item which was circulated to Councillors.

Cllr LM Titi-Odili, Cllr CF Rampai and Cllr JE Sebolao were in support of the item.

It was thereupon with 69 votes in favour, 0 against and 24 abstained

RESOLVED

It is therefore, resolved that:

- 1.1 Council approves the name of Ms Palesa Kaota (current member of the Audit Committee) as the Interim Chairperson of the Mangaung Audit Committee effective from 19 August 2022 (i.e. the resignation date of the previous Chairperson) until the end of the term of the current Audit Committee, which is 28 February 2023.

Cllr MI Mokoakoa, Chairperson of MPAC presented the reports as follows: “Thank you, Madam Speaker. Greetings to the house at large, and all protocols observed.

It is my pleasure to present to the august house the MPAC Oversight report on 2020/2021 annual performance report of the Mangaung Metropolitan Municipality. I will also like to indicate to the Council that this report is table by MPAC to fulfil its obligations in terms of the provisions of the Municipal Structures Act 117 of 1998 and the Municipal Finance Management Act 56 of 2003 regarding the exercise of oversight.

That on page 6, are the risk areas identified by Auditor General and on page 8 – 9 are recommendations of the Committee to the Council.”

The Chairperson then read the recommendations as stated on the agenda and pages 8 – 9 of the report and thereafter gave a summary on issues outlined on the recommendations.

Furthermore, he tabled item 176.2, the annual workplan for MPAC for the 2022/23 financial year.

NOTED.

1.

MPAC OVERSIGHT REPORT REGARDING THE 2020/2021 FINANCIAL YEAR

Cllr CL Kruger delivered her speech as follows: “Madam Speaker, I thank you. As the whip of the united MPAC, I must emphasise that we are and we will continue being united as MPAC.

Madam Speaker, our main aim as MPAC is to exercise oversight over the executive functionaries of the Council and to ensure good governance in the Municipality. The aim is also to improve accountability, transparency, economical and effective use of public resources in executing municipal functions giving effect to service delivery.

This comprehensive report submitted here today, by the MPAC Team, is a clear indication that we have a strong team that is ready to deliver on our mandate. Based on our recommendations, you will notice Madam Speaker, that all recommendations have specific timeframes attached. It is a confirmation that the team is fully functional and ready to do the job. As the ruling party, we fully support this report. I thank you, Madam Speaker.”

Cllr TD Masoeu delivered his speech as follows: “Thank you, Madam Speaker. Allow me to start my speech by referring to one of revered perseverance iconic philosophers in the name of PELE from “*sciencefictionmoviestv.com*” and I quote: “*Success is no accident. It is hard work, perseverance, learning, studying, sacrifice, and most of all, love of what you are doing or learning to do.*” Also Simon Scheerens says the following: *Perseverance is failing 19 times and succeeding the 20th time.*

10A

May I first start by applauding the wonderful work done by the MPAC especially the commitment shown by the members of this Committee. Having said that I need to remind Council that, it will not be the first time that MPAC does its work and in the end the resolutions of this Council are not implemented like it happened in the past. I am saying this to remind Council that in the past failure to implement resolutions of Council has led to Auditor General having to repeatedly make adverse and negative findings against Mangaung Metro Municipality. I want to implore you Madam Speaker, to make sure that the work of this Committee is observed and that the work of the Committee is enhanced by ensuring that officials have to perform duties as required by law and as said by previous speaker, that there are due dates that need to be met.

Legislation makes provision for a number of reports that must be made available to MPAC so as to enable the committee to hold both political and administrative leadership to be accountable. The reports that I am referring to are Sections 52, 71, 72 and 88. Madam Speaker there is a reason why legislation makes provision for submission of these reports and that they should be made available to MPAC which is a Committee of Council. We need to remember that MPAC plays a very important role of oversight.

The report tabled in Council today mentions specific focal areas like we all know today that we are under Section 139(7) of the Constitution.

Honourable Speaker, the report also provides for recommendations as alluded by the Chairperson of the Committee which must be complied with and met by the administration. I mentioned in the beginning that "Perseverance is failing 19 times and succeeding the 20th time. It is my honest wish that for the sake of residents of Mangaung Metro Municipality, this Council will ensure that the resolutions of the MPAC are implemented as such and that service delivery can improve.

I was listening to Cllr JE Sebolao when he reminded me of the incident in 2019, where we went on tv and the representative of Mangaung Metro telling people that in six (6) months Moshoeshoe Road will be completed and that was before the elections in 2019 and it is 2022 and elections are in 18 months time and Moshoeshoe Road is still not completed.

Cllr MT Mosala, through you Madam Speaker, did something that I was taught never to do, since I was young, never say you are faultless because people will then go and look for faults on what you are doing. Cllr MT Mosala just said, we need to congratulate the ANC for bringing the intervention team in Mangaung. What she failed to say, why is she not congratulating ANC for creating the environment that the intervention team had to come to Mangaung. Cllr MT Mosala, you just shot yourself in the foot, never congratulate yourself that you are faultless because then we look at you at you faults.

I conclude by saying, where the DA governs, the committees like MPAC are given priority and all the information that they need, in order to work effectively. Let that be the case in Mangaung. I thank you, Honourable Speaker."

Cllr KD Tshwane supported the recommendation as read and tabled by the Chairperson of MPAC.

10B

Cllr VB De Kock delivered her speech as follows: Madam Speaker, the FF Plus would like to take this opportunity to thank the MPAC for the time, effort and diligence in which they worked to compile this report. We also cannot omit to thank the intervention team for their inputs in the matter.

This report, as most other reports tabled before Council thus far, reiterates the Metro's financial and administrative challenges. The shortage of managerial skills, capacity issues, poverty and unemployment that prevent residents from paying for services the practice of cadre deployment, executive management's disregard for deadlines, no consequence management, just to name a few, then the ANC thanking themselves for getting the intervention team, is much like naughty kids, messing up the house and thanking their parents for cleaning after them.

Irregular expenditure amounting to almost R191 million due to not following supply chain processes and extending contract of service providers without Council approval is unacceptable. If consequence management were applied consistently this wouldn't happen. Unauthorised expenditure amounting to over half a billion rand mostly due to overtime, depreciation of facilities and insufficient budgets. R16,9 million in fruitless and wasteful expenditure relating to the IPTN projects where service providers claimed for extension of time, it would be very interesting to see what the forensic investigation report will reveal. Why are plans on IPTN infrastructure corrective measures implemented? Surely the millions spent on design and consulting fees should guarantee that plans were right the first time around?

We take note that no debts were written off which were not allowed for. We urge MPAC, the intervention team, the Executive and Council not to allow for the write-off of government debt. This Metro just cannot afford that. An 11.5% debt collection rate for Ramothelo Attorneys and 10.5% for Mtimandze Projects over a 21 month period should alarm this Council to insist on reviewing the conditions of Service Level Agreements, before the contracts are signed with service providers.

We want to plead to the Executive Management and the intervention team to address issues such as the high vacancy rate in most Departments, which will speak to the crippling overtime issue.

Social Housing Institution: this item was ready to serve before Council since July 2018 but has to date not reached Council. Again, are the Council's oversight function diminished to a rubber stamp that must take note of agreements and reports that allow irregular practices.

We can report that we visited the Buffalo at the zoo yesterday. The twelve animals (of which two calves) seem to be healthy and had food and water. We also saw six (6) employees busy with their daily duties. It is however concerning that budget cuts only allowed enough money for less than two (2) months' feed. We would urge that the Buffalo be re-homed after taking special precaution against disease, to avoid further budget constraints.

If the recommendations and concerns pointed out by the FF Plus, and other opposition parties were taken into consideration this Metro would be able to recover. Even after Cllr E Snyman van Deventer went through the trouble of rectifying some mistakes in the report and requested the Chairperson to take those into account before submitting the report, it is still full of grammar and spelling errors. The Freedom Front Plus will support this report. Thank you, Madam Speaker."

Cllr MC Lelala commented as follows:

- That he acknowledge the speed and accuracy of MPAC and thank the Acting City Manager for taking issues raised by Auditor General seriously and ensuring that officials are doing their work they had been paid to do.
- That the previous week one of the sewer station was vandalised yet people were paid to secure such places.
- That it was good that MPAC dealt with issues that were affecting the communities, e.g. payment of service providers, service providers not doing their work, poor delivery of services by service providers, spillages, water crisis etc.

Cllr JI Mokoena applauded the work done by MPAC as follows:

- That at the meeting where the Auditor General presented the report, he indicated that he hoped after their five year term, they would not be having the same kind of reports as that was tabled in that meeting. The resilience and earnest efforts, on behalf of the Chairperson of the Committee and the other members, who tried to ensure that MPAC was able to deliver on its mandate had been admirable.
- That all Councillors knew the frustrations that the Chairperson faced around issues of stuffing but through the efforts of all including the Acting City Manager, MPAC was then able to be capacitated and supported.
- That in spite of the challenges faced for nearly three (3) months, MPAC is the able to present the report.
- That MPAC as the penultimate line of defence on behalf of the people of Mangaung, ensured that they were provided with the necessary dignity they deserved and Council as the ultimate authority in assuring that whatever has been tabled by MPAC, get to be implemented.
- That he was hopeful that the commitment and the integrity that existed in MPAC members, in spite of political affiliation, would stand until the people of Mangaung were defended; that party political issues would not undermine the implementation and consequence management on the basis of report tabled in the Council.
- That the Speaker would play a critical role in ensuring that the Council fulfilled its mandate to the people of Mangaung and I want to thank all of the impact council members and therefore thanked all MPAC members and that in spite of his political affiliation, they would fulfil their role as MPAC in ensuring that the people of Mangaung were defended in integrity.

Cllr JE Sebolao applauded the Chairperson of MPAC, Cllr MI Mokoakoa and the team as whole. That as MPAC members, with skeleton team, how he wished that the staff from MPAC could be prioritised once the reports had been adopted as there was still a lot of work to be done when checking on the MPAC timetable. Therefore support the report as is and furthermore pleaded that Councillor leave out political affiliation and put the people of Mangaung first and approve the report as is.

The Speaker stated that the Council would then vote on both items (i.e. 176.1 and 176.2) and that they must take note of the time period attached to the recommendations which should be adhered to.

It was thereupon unanimously

RESOLVED 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

It was thereupon unanimously

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

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

The Speaker stated that there were 27 responses to Rule 38 and that other answers would follow. That there were no discussions under this item however if the Councillors had follow-up questions, it should also be in writing.

In responding to Cllr GDP Kotze on the answers provided on Rule 38 question, the Speaker stated that the Standing Rules and Orders did not take into account if the Councillor was not happy with answer/s provided, and therefore the Rules Committee needed to look at such issues.

NOTED.

1.

MOTION OF NO CONFIDENCE AGAINST THE COUNCIL WHIP

The Speaker explained the process of dealing with the motion as outlined under Rule 29 of the Standing Rules and Orders. The motions were submitted as follows:

The motion dated 11 August 2022 from the Freedom Front Plus submitted by Cllr E Snyman van Deventer and Cllr B Vorster.

The Democratic Alliance motion dated 18 August 2022 by Cllr M Davies and seconded by Cllr JC Pretorius.

In presenting the motion, Councillor E Snyman van Deventer remarked: "Honourable Speaker, I have a son and so the wellbeing of young people is important to me and through you, Honourable Speaker, I want to talk to the Council Whip first as a mother before I speak as a politician from the opposition.

Honourable Speaker during the previous Council term, before the elections, a young lion came in the Council, he made me angry but he was fierce and brave, but came 2022, a leader became a political puppet in the ANC factions fights, it already became clear with the meeting with the NCOP then the Council Whip called us at the multiparty whippery just now, the puppets of the ANC faction and he said, we are prescribed to by the ANC. I think if the shoe is on the other foot and if the shoe fit, please wear it.

The Council Whip, in his nine (9) months in office, did little of what is required from him in terms of Section 41(b) of the Municipal Structures Act. I do hope that in his reply, he will indicate the number of Multiparty whippery meetings held before, both ordinary and special Council meetings as well as any other multiparty whippery meeting he held during the past nine (9) months. Did the Council Whip ever done the following:

- Did he take steps to meet with different political parties to ensure representation in Council and Council Committees?
- Did he take steps to maintain relations between various political parties?
- Did he take any steps to inform the whips of all parties on important matters in the Council agenda?
- Did he take any steps to assist the Speaker to count voting in meetings? (I will forgive him on this as we do have a very competent secretariat, therefore not applicable)
- Did he take steps to facilitate the interaction between the executive and legislative oversight structures in the Municipality?

The last requirement in terms of subsection (f): we don't know because it is between the Speaker, the Executive Mayor or members of the Mayoral Committee; we don't know if you actually needed to do so.

More importantly Honourable Speaker, the Council Whip ignored the separation between the party or government or state. He acted outside the scope of his authority and he contravened the code of conduct of Councillors.

We all know now, the famous letter dated 5 August 2022, written to the elected Speaker, Executive Mayor and the Deputy Executive Mayor of Council, by the Council Whip illustrate, firstly his ignorance and secondly his arrogance. Ignoring his duties and functions and ignoring the separateness between his party the ANC, the governing party and Council as a separate organ of state.

In the letter, the absolute disregard of legislation and ignorance displayed by the interim regional committee of Mangaung and the Council Whip is totally against the duties and the responsibilities of a Council Whip as well as the division of power between the ruling party and government or state. The Council Whip blatantly ignored this division.

Furthermore, using the Mangaung Metro's official letterhead in this letter, he is abusing his position as Council Whip and he is instructing the Speaker to act in an unconstitutional manner. The Council Whip does not have the authority either through the legislation or the Standing Rules and Orders of Council to instruct the Speaker and in doing so to instruct when Council may sit and may not sit. The Council Whip is not only acting outside his authority in terms of Municipal Structures Act but is asking the Speaker to act in such a way that is to the detriment of Council, service delivery and also contributing to only not collapse of Council but the relationships within Council between the different parties. All of this, can also be seen as a bridge of Code of Conduct for Councillors.

Through you, Honourable Speaker, Council Whip, I am not angry with you, but I am so disappointed and I want to ask each and every Councillor to vote in accordance with your conscience and not in accordance of what is dictated by the minority ANC faction. Thank you, Honourable Speaker."

Councillor B Vorster in seconding the motion remarked: "Thank you, Honourable Speaker. All protocols observed. The Freedom Front Plus is really dumbstruck by the actions of the Honourable Council Whip especially with the letter dated 5 August 2022.

During the NCOP oversight visit this year, the Honourable Council Whip delegated his responsibility and duties to answer questions on behalf of this Council to Mr Lawrence Mathae who is only an employee of the Municipality as well as a ANC official serving on certain ANC structures. How can a Council Whip ever allowed to instruct an employee to talk about staff that concerns this Council and on behalf of Council?

The overall abuse of power by the Honourable Council Whip is unacceptable to the Freedom Front Plus and same cannot be continued. This is yet again an indication that, the ANC government and especially the Council Whip cannot understand the difference between the party and the Council as an independent separate organ of state.

Yet again Honourable Speaker, the continuous internal fighting within the ruling ANC is spilling over into Council and this cannot be allowed to continue any longer. It is the Council Whip's second term as a Councillor and at this stage, he should have known better.

It is clear to the Freedom Front Plus that the Council Whip is not up to the challenge to fulfil the duties and responsibilities of this office.

Honourable Speaker, the Freedom Front Plus request that voting be by means of a secret ballot. I therefore second the motion submitted by Cllr E Snyman van Deventer. Thank you, Honourable Speaker.”

Cllr M Davies presented her motion as follows: “Thank you, Honourable Speaker. The Council Whip, Cllr VE Nikelo has shown on numerous occasion that he is not here to serve the Council and the residents of Mangaung Metro but rather to ensure that the ANC faction which he forms part of, gains control in Mangaung and their manifesto is enforced. He places his ANC Chief position first and his position as Mangaung Council Whip on the back burner.

The letter dated 5 August 2022 from the Council Whip, immediately suspending all Council meetings on instruction of the ANC interim regional committee is a complete conflation even integration of party and state. By doing so, the Council Whip prescribed the powers and functions of the Speaker to himself and transgress the Constitution of South Africa and the Municipal Structures Act.

The Council Whip, Cllr VE Nikelo’s actions compromises the credibility and integrity of Mangaung Metro and it is not in the best interest of the Municipality. His action contribute to maladministration in the Council which create instability with a knock on effect of Council being dissolved. The mere fact that the Council Whip occupies both seats of being the ANC Chief Whip and the Mangaung Metro Council Whip makes him biased in favour of the ANC. If the Council Whip was serious of being unbiased, he would have stepped down as ANC Chief Whip. All parties are allocated a personal assistance and office space to assist with day to day functioning and this includes the ANC even through they do not have ANC representation on the multiparty whippery except for the Council Whip, Cllr VE Nikelo.

According to the Constitution of South Africa, Chapter 10, on Public Administration, basic values and principles governing public administration, a Councillor must perform high standard of professional ethics which must be promoted and maintained, services must be provided impartially, fairly, equitably and without biased.

According to Municipal Structures Act, schedule 7, code of conduct for Councillors, Councillors must perform the functions of the office in good faith, honesty and in a transparent manner and at all time, act in the best interest of the Municipality and in such a way that the credibility and integrity of the Municipality are not compromised.

I also ask Madam Speaker, that Councillors must please support this motion against the Council Whip as he is not performing his duties for the advancement of Council in Mangaung but rather for the advancement of himself and the ANC. We also request the secret ballot to ensure that Councillors are not intimidated or victimised for voting in accordance with their conscience. Thank you, Madam Speaker.”

Councillor JC Pretorius seconded the motion as follows: “Thank you, Madam Speaker. The Local Government: Municipal Structures Act 41B on Functions of whip is very clear on what the duties are of the Council Whip.

14C

- (a) liaises with the different political parties to ensure representation in Council and Council Committees; Fail
- (b) maintains sound relations between the various political parties; Fail
- (c) informs the whips of all parties on important matters on the council agenda; Fail
- (d) assists the speaker to count votes in the council meeting; Fail
- (e) facilitates the interaction between the executive and legislative oversight structures in the municipality; Fail and
- (f) resolves disputes between the Speaker, Executive Mayor, or members of the Mayoral Committee. Fail fail, fail and fail.

Madam Speaker, through you, we need to post this question to the Council Whip Cllr Nikelo. Cllr did you read this part of the legislation talking directly to what you are suppose to do? After the letter that you issued on the 5th of August 2022, it was clear that you have no idea what you are doing and that you Sir is not fit for purpose. The Local Government: Municipal Structures Act 41E talks to the Council Whips Removal from office (1) A municipal council may remove, by resolution, the whip from office.

Madam Speaker, I would like to second this motion of Cllr Maryke Davies and again plead to you that, you will allow voting to take place by way of secret ballot so that all Councillors can vote in accordance of their conscience and not by intimidation.

Let this house make it clear today that if a Councillor is not fit for purpose he or she will be removed and replaced with someone that is. Edward Hennessy said that: *“ethics must begin at the top of an organisation; it is a leadership issue and the chief executive must set the example”*. Thank you, Madam Speaker.”

The Council Whip responded as follows: “Thank you, Honourable Speaker. Before I could start, I need to indicate that on the 10th of January 49BC, Julius Caesar crossed the Rubicon and when that happen, the house will decide whether Julius Caesar did cross the Rubicon either to victory or to oblivion. Today, the house must also allow me to be political in my responses. The reason why I chose to be political in trying to respond to accusations that had been levelled against the office of the Council Whip and the Chief Whip of the African National Congress, it is because I view those Madam Speaker, as an attack to the African National Congress.

Madam Speaker as I indicated that you must allow me to be political in my responses, to what has been indicated and put forward against the office of the Council Whip, I am saying this because, indeed, this is a political challenge against the political stature and positions of the African National Congress and this is indeed, a litmus test to a revolutionary moral of the ANC and the entire population of Mangaung. However Madam speaker, I believe as it happens throughout the 110 years of existence and experience, this revolutionary movement will still have the capacity to rise like it is expressed I the famous words of world renowned poet *Maya Angelou* when she said: *I still rise –:*

*“You may write me down in history
With your bitter, twisted lies,
You may trod me in the very dirt
But still, like dust, I'll rise.*

Madam Speaker, indeed today is a very sad day in the history of our revolution, a day with which the revolutionary movement, the people's organisational internal processes are being challenged by opposition parties. We have come to a state where other political parties have developed an interest in what the ANC as an organisation is doing. The way it handles its own internal affairs and Madam Speaker we have come in a situation where the authority and integrity of the organisation is being challenged openly so by those that never over the decades, bothered to ensure that our people's interest are championed rather oppressed and denied them the freedom to live free. Indeed Madam Speaker, this looks like it is almost the time when the ANC would have to ask permission from opposition parties before it can even decide to implement its manifesto and programs.

The motion of no confidence against the Council Whip, poses a very serious challenge and leave much to be desired. This motion is nothing but just a smoke screen in an attempt to destabilise the ANC and gain power through the back door. It is just an attempt to challenge the authority and confidence of the community of Mangaung to the organisation that has proven beyond reasonable doubt that over the years, through its unquestionable policies represented the aspirations of our people and committed itself towards eradication of the triple challenges, inequality, poverty and unemployment that our people are faced with.

Allow me to just allude on the fact that our electoral system Madam Speaker, is based on a party list proportional representation, which means that parties are represented in proportion in their electoral support, with a pinch of a mixed member system for a municipal council in which ward are elected individual councillors along with those names from party list and this in itself, indicate that one needs to be a member or belong to a political party before he can serve as a public representative in a municipality of which I am not an exception and therefore cannot be a mistake that I am a member and belong to the African National Congress. The party that has send me to be its representation in this Council as a Council Whip.

The Council as it stands has only got members from political parties and these members I believe, are mandated by their political parties. They derives the mandate from time to time from their political parties. So, you would question yourself Madam Speaker when somebody is speaking about your conscience, where does conscience comes from if you belong to a political party. Therefore Madam Speaker, it should be noted in this house that I am unapologetic about being a member of the ANC, regardless of the views of the DA and Freedom Front Plus. I am not surprised that their narrow political goal is to destabilise the ANC, to focus our glorious movement from fulfilling its mandate to its voters, rather bring frivolous accusations that are aimed at discrediting the people's movement in the face of the citizens of Mangaung.

We have noted the concerns raised by both DA and Freedom Front Plus Madam Speaker against the Whip and we would like to reassure the community of Mangaung that these accusations are malicious and lack of facts in their nature. This is just an attempt to discredit me and defocus me from fulfilling my duties in the office. However Madam Speaker, like the poet Maya Angelou:

*“You may shoot me with your words,
you may cut me with your eyes,
you may kill me with your hatefulness,
but still, like air, I'll rise!”*

Madam Speaker, both DA and Freedom Front Plus have no respect for their own policies if they have one, because if they had one, they wouldn't have spend much of their time focusing on the work of the ANC in executing its commitment to the citizens of Mangaung. They both should have learned that the community of Mangaung trusted the ANC more than they can trust them hence they lost Ward 16 during the last elections to the ANC and what they can do, is to just backoff and allow the revolutionaries do their revolutionary work which is to change the lives of our people. The community of Mangaung is eagerly awaiting service delivery and not the foolishness of sitting and discussing the concocted motion of no confidence which has nothing to do with service delivery.

As if it is not enough Madam Speaker, both these organisations and their leadership, should be ashamed to even mention factions within the ANC. What exactly are they implying when they speak about factions in the ANC? What exactly is their interest in the internal affairs of the ANC? It is really disappointing for political parties of their stature and calibre to be embroiled to the factional battles of the African National Congress and if Madam Speaker, they exist and indeed if there are any factions in the ANC, it is none of their business.

The desperation of the DA, is one to be concerned about instead of focusing all their attention on the few Wards they have left, their sticking all their noses in the ANC business. They must focus on their leader. What kind of self respecting man, who goes around on the biggest podcast in Africa and call his wife a road kill and then a fat chick, all these Madam Speaker, during the women's month. No wonder the DA is losing more African leaders in numbers since the departure of Lindiwe Mazibuko, Mmusi Maimane, Herman Mashaba, Funzi Ngubeni, Bongani Baloi, you name them and the latest being Mme Patricia Kopane wa Modimo, o ileng a tlamaha a resign hobane ba basweu ba ne ba mo hatella ka hare ha mokgatlo ona oo ba o bitsang wa bona. Ke hore o ne a sa kgone ho tlhahisa tlhoho ho hang..."

Cllr MA Dennis on a point of order that Council Whip made racial remarks in Sesotho that were no acceptable in Council that the white bosses where coming down on blacks.

The Council Whip responded: "Holokile, ke a e khutlisa Madam Speaker. Kealeboha, empa Mosotho o re, *"lentswe ha le khutli e se monwana"*

He then continued: " It is indeed disappointing Madam Speaker, I believe this should also be a Damascus moment to those innocent voters who were made to believe that DA and Freedom Front Plus will bring hope to them unless they have turned to be an extended branch of the ANC. They even know factions that don't even exist in the ANC. For your information Madam Speaker, the ANC will never bow down to these cheap politicking, narrow and selfish interest of these political parties in trying to destabilise the administration of the ANC led government. We are capable enough to deal with our own internal challenges. We therefore Madam Speaker cannot expect any opposition party to meddle in our affairs, rather they should focus on building on their own houses.

When you read these frivolous accusations, these desperate parties are really only crying about whippy meetings before the Council meetings so that they can further stick their noses in ANC affairs.

Please Madam Speaker, know that these accusations are very false and on the last few Council, if not the previous one, in June, the very same political parties were the same people crying where a contradiction that was discussed in the whipper and the Municipal Structure Amendment Act of 2021, cannot be abused to further narrow the interest of these political parties.

I am saying Madam Speaker, it was last meeting when all these Councillors including my Mother, Professor, Cllr E Snyman van Deventer where they were saying, we are not loyal to the decisions of the whipper and so which whipper are they referring to if they are saying whipper meetings are not sitting?

The DA also want me to vacate political position because their PA does not have an office or a permanent contract, white privilege is not something we subscribe to in Mangaung or in the ANC. The DA has been offered an office and they refused it because they want to occupy the City Hall and as for permanent contracts to their PAs, the political staff appointments, are still subjected to the sorting out of the ghost workers that was highly discussed in this august house. Issues that they so gladly championed because it suited them at that particular time. Today Madam Speaker because their madam is inconvenienced, they write all silly documents about the office of the Chief Whip.

Maybe I must remind the honourable house that the Municipal Staffing Regulation of September 2021 was duly adopted in this house just a week ago and this regulation do indeed provide for more clarity and guidance for political staffing and therefore Madam Speaker, I cannot be personally be held liable for the regulation that was not even drafted by me. The DA must really put their facts correct when it comes to this and further de-cause from making unfounded accusations against my person. I am saying this, because in the mist of all these circumstances, the African National Congress still and shall remain the only hope of Mangaung people and South Africa in general.

This glorious movement will continue to shout Amandla in South Africa, Africa and the world like it is indeed indicated in the poet by Ingrid Jonker, *the child is not dead*. It is indeed Madam Speaker that African National Congress is not dead. The revolutionary task and the project of making sure that unemployment and poverty is eradicated is still alive. The revolutionary task of ensuring that our people get proper and sustainable service delivery is still on track. We will never rest until our commitment are achieved and indeed like dust we will keep on rising.

In conclusion Madam Speaker, I just want to put to both the DA and the Freedom Front Plus at ease, there shall not be a day when an ANC Chief Whip will be voted out by an ANC government, just because the DA and the Freedom Front Plus does not respect its own policies, our comrades do respect that. We are mandated soldiers to serve the organisation and majority of South Africans.

To Cllr JC Pretorius, through you Madam Speaker, a quote from Lora Greenwood, 'I had hoped that it was because someone more honest that I could bring himself to behold ... (inaudible) and the glorious movement will continue Madam Speaker to shout Amandla like I said and our revolutionary task like I indicated, will never bow down and we will continue making sure that we do that.

Madam Speaker, before I sit down, let me also indicate to this house, some of the accusations that are been levelled against me, on the separate responses that have been distributed to Honourable Councillors (Pages 1 – 2 attached) it is something that is concocted just to...You complain about minutes and you give them minutes, they parade them to the public place and the social media and what is that? Do they want to do that with the documents of the Council?

Others Madam Speaker, if I have to tell, there was this complaint that when the Committee was here, they were convened on that last hour during the night and the following day they had to attend the meeting, what do we have to do, if the communication came that late? We communicate with them, it was late already. It is not like we did not communicate with them and so they knew about the meeting hence they attended the meeting whether it was late or not. They had to attend that meeting.

I am saying Madam Speaker, in closing, I cannot be persecuted for being a member of the African National Congress. There will never be a day, where my mother, my professor will ever loosen anything that comes from the African National Congress, she will always respect everything that comes from the Freedom Front Plus and in most of the time, we sit in Section 80 and Section 79 Committees with all of them, but when they get to Council, they never agree with everything that was agreed upon there. So, what is then the purpose of calling them sometimes? So that they can come and do these things that they are doing? In so saying Madam Speaker as I conclude, the accusations that are levelled against me, I am saying to the people of Mangaung are being manufactured and they lack facts. Thank you, Madam Speaker.”

The Executive Mayor remarked:

*“The sun has set
The night has come
We will be with you!*

Today I am reminded of the song which was written after the frontier wars, it goes like this “*imikhosi ye mi thiqa*”. This Council was inaugurated the previous year in November and we did not finish the year as yet. The Structures Act has been amended and its full implementation was only in June when the office of the Council Whip was established, there were no rules. That office was established in terms of a Circular.

I strongly believed that the Council is too hard on itself and it is important for Council to give itself a chance to move and for Councillors to find each other. The Council Whip in his response, he talked about how he assisted the opposition parties to get offices and resources, and believed that if we as Councillors can learn to work together, can go far. That when we are here in Council, it is difficult to sleep, this Council is vibrant and when you come to Councillors, one must know that Councillors are going to engage you, you must know your story. I am saying all these because I do not support the motion levelled against the Council Whip and I will encourage the Council Whip and the parties to work together. I thank you, Madam Speaker.”

Cllr MJ Mabena remarked that as the ANC, he appreciated the move made by the Freedom Front Plus and the DA however the move was misguided and therefore proposed that voting be by show of hands and Cllr TO Machachamise supported the Council Whip, and that he was a good man, a good leader, and a gentleman and therefore supported voting by show of hands.

Cllr E Snyman van Deventer responded:

- That the Council Whip must show where any of the four (4) opposition members either on their motion or the presentation lied?
- That he said they were lacking facts, was the letter a fabrication?
- That the Council Whip was reminded that the ANC does not appoint Council Whip, but by Council.
- That Council meetings were not for ANC business, but Council business, the business of every elected Councillor.
- That when there are factions in the ANC, how was the Council Whip sure that his was the right one, how was he sure that they were the ones supposed to be followed?
- That when the faction battles in the ANC is to the detriment of the City, Metro, service delivery, it was not just ANC business, it is everyone's business.

The Council Whip raised a point of order that Cllr E Snyman van Deventer was not the spokesperson of the ANC and must speak about the Freedom Front Plus and not the ANC.

Cllr E Snyman van Deventer continued with her response:

- That the Council Whip put that on the table and made it open to responses.
- That he indicated that there were lack of facts in the motion, he must then answer the following:
*“Did you write the famous letter?
Did you use the Mangaung Metro letterhead?
Did you instruct the Speaker not to call Council meetings?
Did you follow the instructions of the Interim Committee to the detriment of Council and the City?”*
- That if he answered no in any of the abovementioned questions, then he would be lying and if yes, then he will be supporting the motion.
- That he called the ANC revolutionaries, he was then reminded that the ANC were no longer revolutionaries, but it was now the EFF, wearing red.
- That it was an old trick of the ANC to focus on other irrelevant things like *offices, meetings etc*, but not address the real issues stipulated in the motion that he followed the Interim Regional Committee instead of what he supposed to do as a Council Whip and not the ANC member, therefore there, he showed that he was not fit for the work.
- That he congratulated many of the ANC Councillors who made their maiden speech in Council.

Cllr M Davies remarked:

- That the Council Whip did not even ones speak about the letter of August 5th, 2022. Why was he quiet about that?
- That was he quiet because he cannot defend himself as he know he had transgressed?
- That was he quiet because he knew that he conflated party and state, which was a defiance of the Constitution, the Structures Act and numerus Public Protector's reports?
- That the Council Whip's answers reiterated everything they had been saying that he placed the ANC first, and his position as a Council Whip on the back burner.
- That everything he said was how wonderful the ANC was doing and did not defend himself. He was supposed to defend himself as the Council Whip, but not as an ANC Whip and member.

- That his answers did not speak for him being fit for purposes as Council Whip.
- That they had requested meetings on numerous times as there were things to discuss however their requests were ignored and that at the previous Council meeting, they sat for almost 2 hours due to issues relating to National Representatives and Intervention Team as those were issues that should have been resolved at Multi-whippery meeting.
- That the Council Whip had indicated that he would only provide minutes on written request, therefore, he should provide a correspondence where he had indicated that they could only get the minutes when they requested in writing.
- That there were meetings which were convened however the DA, FFP and EFF were not invited as the ACDP Councillor would ask why they were not present at the Multi-whippery meeting.
- That referring to how Council Whip was intimidating ANC Councillors, that during voting in Council, they saw how he would look at ANC Councillors and how he spoke to them.
- That with regards to conflation of state and party, why was he not prepared to step down as ANC Chief Whip to be the Council Whip, there was no representation of ANC in the Whippery as he as Council Whip supposed to be unbiased?
- That with regards to the response of Council Whip (as attached) on page 1, point A-bullet 3, that she had not received any phone call, email, text or WhatsApp message from Mr Happy (Facilities).

The Speakers gave a ruling on the voting matter as follows: "I have listened to the arguments from both the presenters of the motions and the response. I am guided by a Constitutional court judgment that has already been mentioned, the UDM versus the Speaker of Parliament where the Speaker and the President had to pay costs of application to Counsel because the background was that the Speaker declared in Parliament that she has not powers to decide on the secret ballot because as we know it, Councillors who read the court case was rejected by the court. In fact, the Speaker has such powers to prescribe the voting process, it belongs to the people and it cannot be exercised for the interest of the speaker's party or political affiliation. The Speaker's judgment call is final having been regarded as being the best procedure to ensure that members exercise the oversight powers effectively. As in the case with general election where a secret ballot is deemed necessary to enhance the freeness and fairness, this allows members to exercise their votes freely and effectively in accordance with their conscience without undue influence, intimidation, fear or disapproval by others.

In paragraph 88 of the same judgment, there should also be a proper rational basis for whatever choice the Speaker makes in the exercise of the constitutional power to determine the voting procedure which rest with the Speaker.

Due regard must be made to the real prevailing circumstance and whether allow member to be able to exercise their voting in a manner that doesn't expose them to illegitimate hardships or prejudice. Consideration must be made where the atmosphere is peaceful and not toxified or whether it is highly charged or not. These are the most important aspects of decision making process.

There is also consideration of a threat that will expose Councillors to illegitimate hardships. Instances of political interference in Council matters has become evident and Councillors are consistently harassed and threatened with removal and not only daily, but on a weekly basis.

Political parties need to recast their roles vis-a-vis local government and the influence at the regional level. The Council caucus needs to be respected as a political structure and repositioned that it is trusted to take decisions and it cannot be bypassed by the party structure.

Party structures must focus on providing strategic reports to caucuses in Council rather than micromanaging Councillors or the administration of the Municipality. The lack of separation of powers in a Council is exactly what is causing the collapse of several municipalities in the Country. Having several media reports on this Council, it has been the topic on all radio stations and television stations on a weekly or monthly basis. It has been the matters of this Council, that has been made public by the political parties and several Councillors of the opposition has also expressed their opinions on what parties are doing and the decisions they are taking.

Councillors have been exposed to threats from community members as their narratives that are there are no longer serving Councillors and that they are suspended; they have been receiving several threats of intimidation from the community and this affects the standing and the confidence that the communities have which is totally unjustifiable. It is against this backdrop and with the powers vested in the Speaker that the voting will be by way of a secret ballot.”

The Speaker explained the process of voting by secret ballot. After Councillors casted their votes, the Speaker announced as follows:

That 100 ballots were printed and 10 remained and the Chairperson of the meeting do not vote. 4 spoiled ballots and therefore 88 ballots used. 2 Councillors abstained, against the motion 38 and in favour of the motion 46.

It was thereupon with 46 votes in favour, 38 against, 2 abstained and 4 spoiled

RESOLVED that the motions of no confidence against the Council Whip of Mangaung Metropolitan Municipality, Cllr VE Nikelo were considered and deliberated by the Council and resolved by voting through secret ballot as follows:

Majority of Councillors in the meeting voted in favour of the two motions and thus the motions was approved.

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IN COMMITTEE REPORTS**1.
CONFIRMATION OF IN COMMITTEE MINUTES**

Prior to the confirmation of the minutes, the Speaker requested all officials, guests and the public at the gallery be excused from the meeting and the Facebook livestreaming of the meeting be paused to consider the item.

Ordinary Meeting: Thursday May 12, 2022

Councillor TD Masoeu moved for the adoption of the minutes and was seconded by Cllr ME Dennis.

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

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CLOSING OF THE ORDINARY COUNCIL MEETING

The meeting officially closed at 18h54.

**SECRETARIAT UNIT
COMMITTEE SERVICES**