

CONFIDENTIAL

**MINUTES
of a
SPECIAL MEETING**

**MANGAUNG
METROPOLITAN
MUNICIPAL COUNCIL**

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

**FRIDAY
AUGUST 19, 2022
AT 13:00**

**MANGAUNG
METROPOLITAN
MUNICIPALITY**



**MINUTES OF A
SPECIAL MEETING
of the
MANGAUNG METROPOLITAN MUNICIPAL COUNCIL
held in COUNCIL CHAMBER, FIRST FLOOR,
BRAM FISCHER BUILDING, BLOEMFONTEIN
on
FRIDAY, AUGUST 19, 2022 at 10:00**

ATTENDANCE REGISTER

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

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

43	Cllr Ramatlama (Mpho Joseph)	EFF	
44	Cllr Rampai (Pule Joseph)	ACDP	Absent with apology
45	Cllr Rasoeu (Lempe Ernest)	DA	Absent with apology
46	Cllr Sebolao (Jankie Elisha)	EFF	
47	Cllr Shale (Nkahiseng Reginah)	EFF	
48	Cllr Snyman van Deventer (Elizabeth)	FFPlus	
49	Cllr Terblanche (Arthur Phillip)	DA	
50	Cllr Thomas (Johannes Beleme)	EFF	
55	Cllr Thompson (Mare-Lize)	FFPlus	
51	Cllr Thwala (Zwelinjane Jonathan)	DA	Absent with apology
52	Cllr van der Merwe (Rulhof)	DA	
53	Cllr Viviers (Benhardus Jacobus)	DA	Only until 16h00
54	Cllr Vorster (Braam)	FFPlus	
WARD COUNCILLORS			
56	Cllr Sefaki (Samuel)	ANC 1	
57	Cllr Machachamise (Tshepiso Oudious)	ANC 3	
58	Cllr Supi (Mahoko Harold)	ANC 4	
59	Cllr Lecoko (Lehlohonolo Nathaniel)	ANC 5	
60	Cllr Moiloa (Tshidiso Petrus)	ANC 6	
61	Cllr Rampai (Chabeli Frank)	ANC 7	
62	Cllr Nyaphudi (Likeleli Julia)	ANC 8	
63	Cllr Tlhakung (Betty Masetlhabi)	ANC 9	
64	Cllr Setlai (Teboho Lesley)	ANC 10	
65	Cllr Hashatsi (Rafedile)	ANC 12	
66	Cllr Siteo (Nombulelo Dorcas)	ANC 13	

67	Cllr Lekgetho (Lebogang Winston)	ANC 14	
68	Cllr Mohibidu (Pulane Martha)	ANC 15	
69	Cllr Kruger (Caprice Logan)	ANC 16	
70	Cllr Mohatle (Mampone Sally)	ANC 17	
71	Cllr McKay (David Mark Campbell)	DA 18	
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	
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
2. Finance Specialist
3. Governance Specialist

Mr P Maseko
Mr S Mewalall
Mr L Mapholoba

OFFICIALS PRESENT

1. Acting City Manager
2. Acting HoD: Engineering
3. Acting HoD: Planning
4. Acting HoD: Human Settlements
5. Acting HoD: Social Services
6. Acting HoD: Waste Management
7. Chief Executive Officer: Centlec
8. General Manager: Committee Services
9. Secretariat officer
10. Secretariat Officer

Mr T Motlashuping
Mr WR M^cLeod
Ms N Mabunda
Ms NR Mosehana-Dumisile
Mr KI Kgamanyane
Mr F Nel
Mr M Sekoboto
Mr Motete Mothekhe
Ms R Mamatela
Ms M Morakabi

Note by Secretariat

1. **Attendance Register:** Every member attending a meeting shall sign his/her name in the attendance register kept for this purpose before the commencement of the meeting.
2. **Leave Register:** In order to streamline administrative processes Councillors are friendly requested to submit applications for leave of absence in the appropriate register kept for this purpose. Members are requested to fill in this register 12 hours before the commencement of the meeting (Rule 22.2) (Leave Form).
3. **Name-plates:** Councillors are friendly requested to please take along their name-plates and to display it throughout the meeting.
4. **Apologies during the course of the Council meeting:** Councillors are friendly requested to complete in full and submit the relevant apology form for this purpose (Leave Form).
5. **Code of Conduct:** Councillors are reminded of item 3, Schedule 1 of the Code of Conduct for Councillors which reads as follows, namely:

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

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

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

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**MINUTES
(OPEN COUNCIL)**

157.

OPENING

(MOMENT OF SILENT CONTEMPLATION FOR MEDITATION AND PRAYERS)

The meeting commenced at 13h05 to allow all Councillors to be seated.

The Speaker, welcomed the Acting Executive Mayor, Council Whip, Mayoral Committee Members, Councillors, officials led by the Acting City Manager, media and the citizens of Mangaung Metro Municipality.

She then declared the meeting officially opened.

NOTED.

158.

NOTICE OF THE MEETING

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

NOTED.

159.

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.

160.

ACCEPTANCE OF THE AGENDA

The Speaker revised the order of business by moving item 162.7 under reports of the Executive Mayor to be item 163.1 under reports of the Speaker of which other item number would also change accordingly.

Councillor PA Lotriet raised a concern that the recommendations (a and c) on page 9 of the agenda was different from the report as submitted.

The Speaker responded that she was going to deal with that issue when they deal with the item and that there were several recommendations that were not in line with what has been presented the same with recommendations of the first item on the agenda did not align with the recommendations on the report as the report had condonation request that was not part of the agenda, mainly on compliance issues.

Thereafter Councillor CL Kruger moved for the adoption of the agenda with the revised order of discussion and was seconded by the Council Whip.

NOTED.

161.

ANNOUNCEMENTS

None.

NOTED.

Prior to the Speaker affording the Deputy Executive Mayor an opportunity to present the report to Council, Councillor MW Mongale pointed out that the Executive Mayor did not sign the report and this matter had been raised in the previous Council meeting and therefore it was imperative that for every Council meeting, Councillors must ensure that the documents to be presented followed the proper legal processes. Further ensuring that even when the Executive Mayor has signed the document, he must then indicate whether he approved the item or not. That whether it was advisable for Council to discuss the item that has no indication whether the Executive Mayor approved it or not and whether the Council would not be trapped into assumptions since all items are legal documents?

The Speaker responded that the office of the Executive Mayor be allowed to state what Council should do in this regard thereafter debate the items.

On a point of order Councillor NP Monyakoana asked where the Executive Mayor was seeing that the Council had not receive any apology from him.

The Speaker responded that the Deputy Executive Mayor will address the issue, and that the Executive Mayor has submitted a formal apology for reasons she cannot disclose to the public.

The Deputy Executive Mayor in presenting the report, she remarked as follows: “Thank you, Honourable Speaker. Honourable Executive Mayor, in his absentia, Councillors, Members of the Mayoral Committee, MMM Facebook followers, residence of Mangaung and all protocol observed.

Honourable Speaker, the Executive Mayor, is not well, so he has asked me to stand-in for him today.

Councillors, I am sure that we will be receiving reports towards the end of this Women’s month, on activities that have been executed or still has to be executed by honourable Councillors within various Wards, and as the City, we take up cue from various sectors in celebrating and honouring this day, on the month of August which is Women’s month and it was celebrated on the 9th of August across South African landscape. We must acknowledge by now that human rights is women’s rights and it is the day to be celebrated by men and women in general. As women, we have something to celebrate, especially looking at where we come from. As the City we pay our respect to all women across Mangaung and around the Country. Let us be reminded that it is exactly 27 years ago, when the 4th World Women’s Conference was held in September 1995 at Beijing China, that conference was marked as a significant turning point for global agenda for gender equality, and a declaration was made and adopted unanimously by 189 countries. Honourable Speaker, we hope that the United Nations will convene the conference to evaluate progress of goals achieved, as it celebrates 30 years of its existence.

Madam Speaker here in South Africa we indeed have moved significantly in addressing patriarchy but some men are still left behind however more needs to be done, especially when women in society still face domestic violence, sexual harassment in the workplace and unequal pay as well. We have observed with Banyana-Banyana not receiving the same pay as Bafana-Bafana however we are saying we honour them. Women must unite further and fight until we have created a society wherein we are all treated equally.

Madam Speaker, I am also pleased to see a young vibrant woman like you occupying this seat of Council, that should be something we are all proud of. I am certain that your mother is super proud of you, so do all of us to be led by you, may the almighty God bless you and protect you for the residents of Mangaung, the Free State, South Africa and the whole world, good luck to the work that you are doing.

Not so long ago before 1994, women representation in Parliament was only standing at a mere 2.7% and today it has nearly doubled at 48% and we're grateful for that. Thanks to the democratic dispensation led by the ANC the organization I belong to. I am making a clarion call to all women of this City, to be courageous as Maya Angelou defined it as follows:

'courage is the most important of all the virtuous because without courage you can't practice any other virtue consistently'.

We must be courageous like the women of 1956, we must be courageous like our stalwarts our legend Mama Winnie Mandela, Mama Lilian Ngoyi and many of the previous generation, and not forgetting Mama Charlotte Maxeke, will forever be indebted to them. Madam Speaker, I had to pay tribute to women of this City and I'm also dedicating this Council to them in which a number of items will be tabled for approval in our course to change the life of residents of this beautiful City.

But I must say Honourable Speaker, this on the indigent register it's really for us as women, especially to Ward Councillors, that also need to go back to their Wards and submit reports, but we need to be certain that more people are registered on the indigent register, because I do not believe that the small numbers represents what is out there, since women are still left behind. Finance Directorate still need to increase this numbers and I hope our call will be heard.

All items presented here is to make sure that our City is running effectively and give sustainable services. Our course is to make it easy to do business in the City for the sake of efficient service delivery. Madam Speaker, I am therefore tabling various reports and place item 162.1 – 6 for consideration and approval to this August house. indeed all the reports have undergone various processes including Section 80, therefore this is the final stage for approval by Council. I thank you, Madam Speaker.”

Councillor MW Mongale raised the following concerns: “Madam Speaker, I have raised the issue that you have ignored or are you ignoring it, to put yourself on the firing line by saying that you will be the person taking responsibility of allowing unsigned Council documents to be presented on behalf of the person (Executive Mayor) who cannot defend on whether the document to be presented have ever been on his table?”

7B

Why are the other documents signed and others not signed because signature is proof of authenticity and by signing the documents, it means you agree with the document, however with this particular case, it means that I am trying to derail the Councillors, because the Councillors are in hurry because it is Friday, but the reality is that we will be reminded that one Friday because we were on a Friday mood and we forgot our analysis to check whether the document was duly signed and submitted to this Council.

The buck starts with you as the Speaker by allowing the document that have not been signed to come to Council. The second person, is the Executive Mayor who has make a habit of not signing the documents. The third person who is equally guilty is the Whip of the Council, who should assist you the Speaker by making sure that all documents that are submitted to Council are duly signed for the sake of compliance, for the process of making things legal and lawful, because Municipality is a creature of stature, it exist on the basis of legislation.

The impression that is created here is that, Municipality exist because of a particular group of people, for that we can agree to disagree is not true, the reality is Municipality is a creature of stature and the laws must be abided, one of the laws is that submitted documents should not be left blank were a person is supposed to sign, by doing so it tells you that the person is not willing to accept the contents of document. Where a person would be signing but never declares on whether the document is approved or not approved. This means that the person was doubtful on whether to accept or not accept, this is a legal matter, hence I am saying the first item should not be accepted as submitted, the indigent item should not be accepted and a ruling should be declared on this item.”

The Speaker responded that she was satisfied by the presentation from the Deputy Executive Mayor to submit the report for approval and from her side, she had written several letters to the administration that seemed to have fallen on deaf ears about the unsigned documents submitted to Council. That the matter was also raised with the National Cabinet Team, the Acting City Manager to ensure that documents are signed and that she was pleased that Cllr MW Mongale was also raising this issue passionately, so that she can also be exonerated that she was raising it because she wanted to make an issue about compliance.

Councillor CF Rampai followed up on what Cllr NP Monyakoana raised that whether Council was accepting the apology of the Executive Mayor and it should be on condition that they are provided with the medical certificate.

Furthermore that there were things happening in the Council and them as Councillors were not informed, that for the past three months, the MMC of Human Settlements has been sitting up and not with other MMCs and it was the fourth meeting however they had never receive any explanation on whether Council still has the MMC of Human Settlement and how would this move impact the Human Settlement Department?

The Speaker stated that Councillor CF Rampai, wanted her to now figure out why the MMC was not sitting with the others as he would always do? That she will allow the respective political party to advise on that and in the next Council, she would hopefully have an answer on the matter.

Councillor JE Sebolao supported what Cllr MW Mongale from AASD said, that it has been a norm in Mangaung as this was his second term as a Councillor, that the documents submitted to Council were not signed. That if a document is not signed, it meant that it did not serve in any Committee. Therefore, moving forward, he proposed that if a document was not signed, it must not be entertained.

Secondly, on the speech delivered by the Deputy Executive Mayor he was surprised that she did not even acknowledge the Chairperson of the Women's Multiparty Caucus on women's months or was it because it was not led by the ANC?

Councillor E Snyman van Deventer made the following remarks: "Thank you, Madam Speaker, I totally agree with opposition Councillors with what they said but I want to add that, it is very disturbing that we receive reports and the agenda and Councillor PA Lotriet referred to one example, that it almost every agenda that there is something in the report and something else in the agenda. If the Executive Mayor and the rest of the ruling party applied their minds to this, we would not have problems in agenda and the reports, it is unacceptable. For me, it just shows that the Executive Mayor and the rest of the ruling party or the executive members of the ruling party, do not go through the reports and the agenda. It is unacceptable as the opposition that we have only 48 hours to go through everything and we do so. I am quite sure that these things are on the Executive Mayor table for weeks and he cannot even sign them, it is unacceptable. Thank you, Madam Speaker."

Councillor JB Thomas requested the Speaker to make a ruling on what Councillor MW Mongale raised on documents that were not signed by the Executive Mayor.

The Speaker responded by indicating the following: "The office of the Deputy Executive Mayor submitted all reports for approval. So I have accepted the proposal of Deputy Executive Mayor that all reports be presented for approval however I will add a *proviso*. ***In future, whether it is compliance or not, Council will not accept unsigned reports whether it indicates approved or not approved.***

I will add two proviso

- That unsigned reports by any level will not be accepted for processing, whether it is Section 80, from Acting City Manager, ratification from National Cabinet Representation. if not signed, it will not be accepted in the Council agenda.
- That even if the report is signed but not indicating whether it is for recommendation, or approval or not approval it will not be accepted.

I hope this covers the concerns of the Councillors and in the order of the business today."

Council Whip, Councillor VE Nikelo confirmed that the reports circulated to Council on the 16th of August 2022 and on the website were signed by the Executive Mayor. That he has noted with concern what the Speaker said about the unsigned documents, issuing out unsigned documents was unacceptable. He agreed that unsigned reports raised issues of its credibility.

Councillor MW Mongale raised his dissatisfaction that he raised the same matter previously on unsigned reports because tomorrow Council might be taken to court, on a decision taken on unsigned reports or that the document did not follow due process, was not duly signed, no date written, and that it did not have authenticity. The Whip of the Council was equally guilty for dereliction of duties and that Council was embarrassing itself by undermining the law and as legislators at municipal level, legal matters is Council's business. That all documents not signed should be returned and be dealt with at the next Council special meeting.

Councillor MT Mosala explained as follows: "Thank you Madam Speaker. Baheberu bare setjhaba sa timela ke ho hloka tsebo. On the 16th of August 2022, all Councillors received Council documents by email from Rina Mamatela (Secretariat), and all the six items of the Executive Mayor were signed and approved by the Executive Mayor. If all honourable Councillors could open their emails of 16 August 2022 and see that Secretariat sent signed and approved documents from the Executive Mayor. As a result Honourable Speaker, there is nothing wrong done and you are not guilty of anything. You and the Chief Whip have not done anything wrong. So all is in order, the challenge here is that the opposition party did not open their emails hence we have wasted 30 minutes over nothing."

The Speaker reiterated that she has already made a ruling on the matter.

Councillor JE Sebolao in responding to the Speaker allowing the NCR to address the Council on advisory capacity, he stated that since when do officials allowed to address the Council, as the Council was a platform for Councillors.

The Speaker responded that the Terms Of Reference of the intervention team was presented in Council, and all Councillors were quiet and never raised any matter that they would not be allowing the team to give guidance. That on the matter of unsigned reports, she had already made a ruling and therefore, Council should accept her ruling.

Councillor BJ Viviers made the following remarks

I am trying to assist Madam Speaker, there is no point on the agenda about this debate, however I want to hear what they have to say, we can now take a decision as Council and by majority vote we can let them speak, that is what we have been doing previously. I think all of you will agree with me that we cannot be sitting and debating about this for five (5) hours, can we vote and end this debate, thank you Madam Speaker.

After Councillor MW Mongale raised his dissatisfaction and proposed that whippy advice on the matter, the Council Whip requested a two (2) minutes caucus with multiparty whippy and the intervention team including the Acting City Manager.

After the caucus, the Council Whip gave feedback as follows: “Thank you, Honourable Speaker. Let me acknowledge small bosberaad we had as multiparty in trying to get the Council to move forward. Honourable Speaker, we therefore have noted seriously as you had already indicated in your ruling, the issue of the documents that are not signed continuously so, and over and above that, we really want to indicate to this house that, the matter is very serious and that we are taking it very serious as the multiparty. We have agreed that going forward, we will make sure that these mistakes will not repeat themselves. But at the same time Honourable Speaker, we have agreed as the multiparty, as per the ruling that you have made, we will then allow the Council to continue and the Councillors will begin drawing items and on other matters, we will be engaging further as the multiparty whippy beyond this meeting. Thank you, Honourable Speaker.”

The Speaker afforded the Councillors opportunity to draw the items for discussion.

NOTED.

1.

APPROVAL OF INDIGENT ACCOUNTS FOR INCLUSION IN THE 2021/2023 INDIGENT REGISTER

Councillor IJ Makoloane addressed the Council: “Honourable Speaker, Honourable Deputy Executive Mayor and colleagues. It is my pleasure to be addressing this house on the matter of national importance. Our national social transformation programs compelled the national and its leaders to take care and control the economic plight of the poor and the marginalized. It is for the reason that the Council must consider this submission with care and consideration of the poor.

Honourable Speaker, this is important for Council to consider and approve the identified citizens of Mangaung as indigents. This will inform on many matters, including issues of revenue collection. It will be difficult to think indigent can be able to fully comply with revenue compliance.

Honourable Speaker, the Mangaung Metropolitan Municipal Council has embarked on the processes of compiling the 2021 - 2024 indigent register. This was to ensure the implementation of free basic services to the poor. But this is mainly to activate the culture of payment to people and citizens, and it must be clear that it is not always easy to trace who is the real indigent in the economic space of Mangaung.

Honourable Speaker, this Council had to consider working with other spheres of government, though we do, but this is periodically checked with the Labour Department how many are still on the status of been called indigent. Our capable office of the City Manager can always trace this information.

Honourable Speaker, in swift, I hereby submit to the Council that approval of indigent account for inclusion in the 2021 – 2024 indigent register be approved and processed. As the African National Congress, we are in support of the submission, Thank you, Honourable Speaker.”

The Speaker called Councillor DJ De-Huis to order for the remark she made to Councillor MT Mosala with regard to the bible verse.

Councillor DJ De-Huis continued: “Thank you, Honourable Speaker, members of this Council. Honourable Speaker, as the Economic Freedom Fighters, we believe that this indigent document or policy, needs to be reviewed in some areas. We are the organization that is for the poor of the poorest. We represent the domestic workers, the security guards, the petrol attendant, and those marginalized and unemployed, we are here for them. This document does not cover the residents of other Mangaung zonal, like the former Naledi Municipality, Soutpan and other sections of Botshabelo and Thaba Nchu.

Foreign nationals: beside this document, it is not clear on the issue of foreign nationals, like Lesotho, Botswana, and our neighbouring countries’ residents who resides in Mangaung. We had many cases in relation to this. We have found some corpse getting rotten in some mortuaries here in Mangaung. As for other matters relating to basic services, it is even worse.

Issues of electricity: Honourable Speaker, we have heard there is some individual, by the name of Van Zyl, who is busy trying to correct his incompetency by trying to write-off some amount in his indigent collection cancellation debts, and adding his own on the amount mentioned, R 140 503 976.04. On this one I am not like the Minister of Basic Education. Most families are still struggling to get free electricity and water despite qualifying. We as the EFF, we realized that most communities despite using prepaid meters system, they are still getting charged for the Municipal bill accounts. This is incompetency of the ANC by charging those they claim they are helping.

Water issue on indigents: Mangaung community are still facing battles with water. They are being charged lots of amount even if they fall under the indigent register. We have few example that we have witnessed in our community. Using prepaid water meters are also getting charged for water which is ridiculous thing for the ruling party.

The issue of age: it doesn’t apply to our grandparents, because there others who are above 60 years of age but doesn’t appear on the list of the indigents, for example of such a person is one resident from Bloemside, who is 75 years of age and owes Mangaung Municipality R 74 000.00. How does the Municipality explain that? All they know is keep lying to the elderly people when is time for the election. That they will lie saying: ‘please vote for us and we will give free basic electricity and water’.

Other matters: the communities are still struggling, for an example, they are not being given plastic bags. Most of households are not questioned about their standard of living. The ruling assume that they are fine, because Honourable Speaker, how can you take away water and electricity as the basic services to an indigent person, but you cannot take the house you said it is for an indigent person.

Honourable Speaker, as the EFF, we can say a lot about this item, due to the fact that it affects our people, those who are close to home. We therefore reject this item as the EFF, given it goes back and be improved to cover members of the community of Mangaung in totality and other aspects mentioned. I thank you, Honourable Speaker.”

Councillor M Thompson addressed the Council: “Madam Speaker, the Freedom Front Plus is not against the approval of the indigent register. It is however of our great concern that these indigents were left for so long as debtors accumulate a collective total of R 140 million in the Municipal service debt. How can the Municipality let the poorest of the poor be put in the situation where they accumulate the outstanding account in some instances more that R 500 000.00. This is unacceptable, it is an indication of how the ANC government lets down the people of Mangaung and how poorly the Metro is managed.

If the process will be continued, as proposed in the committee meeting that was held yesterday, it will be all good and well. But since that is not the first time that such suggestions were made, and as we all know that the ANC government doesn't fulfil its promises, this system will once again fail. If the indigent applications, or however considered continuously such large amounts of all outstanding debts will be prevented and those who qualify for subsidized services will receive it without the current delay.

Also, why is the Municipality making use of the service provider and not doing it in-house? What will happen after the three years contract expire? Where will information go and it will take three more years until we get to the point where we currently are. This is all part of the ANC legacy of incompetency and then failing the poor. I thank you, Madam Speaker.”

Councillor GDP Kotze addressed the Council: “Thank you, Madam Speaker. I must just start by saying that I am very disappointed that we don't have translation services available today, so please excuse me if my speech is in English and Afrikaans, but this is to accommodate our Facebook viewers.

This report needs to be renamed to the report that needs to keep the Executive Mayor in office or the first campaigning list for the ANC to survive the 2024 election. This report was supported by the Acting City Manager and Acting CFO. I have renamed the National Intervention Team as the Chip and Dale rescue Rangers because this report shows their intervention has become a cartoon. Here follow my reasons:

Die POPI-wet stel die minimum standarde uiteen rakende toegang tot en 'verwerking' van enige persoonlike inligting wat aan 'n ander behoort. Die Wet definieer 'verwerking' as die insameling, ontvangs, optekening, organisering, herwinning of die gebruik, verspreiding of deel van enige sodanige inligting.

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Hierdie verslag toon dat die Mangaung Metro se bestuur die wetgewing oortree. Hulle toon geen respek teenoor armlastiges omdat persoonlik inligting vrylik versprei word. Die vraag is hoeveel belasting betalers se inligting word wanbestuur deur die bestuur? Die huidige werkloosheid syfer in Mangaung staan op 27% of 216 000 met 'n populasie van 800 000. Hierdie verslag het slegs 3400 applikante en vra die Demokratiese Alliansie, hoe is dit moontlik? Die Metro bestuur het nou 'n kontrakteur of consultant aangestel om hierdie diens te bestuur en ek dink daar is 'n skok wat op hulle wag. Indien die uitvoerende burgemeester minder koeke en tee geniet het die afgelope jaar kon hierdie verslag beter daarna uitgesien het.

Die DA het hierdie jaar klagtes ingedien teen die finansiële bestuurder omdat die lys van armlastiges nie deur hom bestuur is nie. Die Uitvoerende burgemeester het dit nie na die Raad gebring nie want sy Mamparas moet net nie sleg lyk in die openbaar nie. 'n Nuwe konsultant is aangestel maar die integriteit van data in die Mangaung Metro kan nie vertrou word nie. Redes vir hierdie stelling sal geopper word in die Audit Komitee se verslag wat ons later sal behandel. Ek hoop hierdie kontrakteur neem kennis want as die integriteit van data onder verdenking is gaan hulle moeilik hul dienssooreenkoms na kom.

Die hoof Finansiële beamppte het gister genome dat die rekening hoeres wat onder skuldbestuur geplaas is 'n grys area is. Ek kan getuig dat in my wyk daar 'n inwoner is wat van 2015 haar uitsaande rekening by die Metro onder skuld berading betaal. Nie die Munisipaliteit en nog minder die prokureur wat haar gedagvaar het kan sê wat die uitstaande bedrag op die rekening is nie.

Agbare Voorsitter, ek versoek u om die volgende te ondersoek. Verskeie Raadslede wat nie die paal gehaal het na 1 November verlede jaar se uitstaande Munisipale rekening is afgeskryf verlede jaar. Van die bedrae beloop meer as R 100 000 en die DA sal dit waardeer indien u 'n onafhanklike ondersoeker aanstel om hierdie saak te ondersoek. Al wat gedoen moet word is om die rekeninge na te gaan.

The DA request that this report be referred for reconsideration with the following recommendations:

1. Applications must be divided per ward.
2. Declined applications with reasons must be included.
3. It must be included indigent applications will only be approved if pre-paid services are installed.
4. A documented process for the Management of every application be approved by council.
5. Applications be approved/ declined within 30 days.
6. The Service Level Agreement between Maine and the Mangaung Metro Municipality tabled in Council to inform Councillors what is expected of the service provider.

Madam Speaker I conclude, it is becoming a habit in Council for items to be withdrawn or referred back for reconsideration. This week, the 16th of August 2022, marks the first year the Executive Mayor failed the residents of Mangaung with his smokescreen promises and this report support my statement.

Through you Madam Speaker I request the Executive Mayor to step down because he is the reason why the Mangaung Metro has a bad reputation with the residents of Mangaung. He preaches that we need to renew Mangaung and the best step will be for the Executive Mayor to step down and leave Mangaung. Cabinet has a Twat in hat but Mangaung is cursed with an Executive Twat with a golden watch. I thank you, Madam Speaker.”

The Speaker requested that Councillor GDP Kotze, to withdraw his last sentence “executive twat with a golden watch” and Councillor GDP Kotze withdrew his last sentence.

Councillor M Davies seconded Councillor GDP Kotze that the item be referred back and the recommendations made and as agreed the previous day during the Finance Department indigent meeting, be incorporated in the documents with the additional information.

Councillor MW Mongale addressed the Council: “Madam Speaker, I’m raising this issue, I’m worried that we have not heard the opinion of the National Cabinet Team with regard to the Financial Recovery Plan on the proposal that was made of writing-off that amount of R140 million, and also, there is also no clarity on why the number on the water is R3 452.00, on electricity is R3 459.00.

Secondly Madam Speaker, I’m going to raise the issue that I have raised yesterday, there’s a need for us to mitigate on the impact of indigent within the Mangaung Municipality, to say there needs to be a program that is trying to help us cut the losses with regard to Mangaung Municipality especially around the issues of water leakages, because it will also assist us to be able to assist people that are indigent people so that we can also be able to service our account with Bloemwater, and minimize losses for cost containment.

We also need to explore other avenues of generating electricity, including the solar in trying to remove our overdependence on Eskom and the abuse of Eskom on municipalities where they just increase tariffs without considering the socio-economic situation of every Municipality in South Africa.

There was an issue which I raised with regards to the Ward conference, where we need to have some kind of discussion in Wards that is coordinated at the level of the Municipality where we are going to discuss the processes of indigent. First of all, cleaning of the indigent register to verify who qualifies, who does not because some of the people in the indigent register, they don’t qualify and some who qualify, are not in the register. Now, we need a process of cleaning that data, and we can only do it by Ward to Ward base as well as by Ward conferences.

I have raised the issue of the strategic workshop, to try and mitigate what should the planning in this Municipality entails and, the next phase be the investor summit, where the Municipality will try to remove pressure on the reliance of the Municipality on the limited resources available and also the national grants, instead of us trying to increase the capacity of the Municipality so that as the City grows, the investment must also grow so as to be able to respond to socio economic situation that the residents are faced with.

Based on that Madam Speaker, because things were not properly done, I am of the opinion that the document should not be allowed to go through today, but it should be taken back as a result of no thorough process has been done, even with regard to Financial Recovery Plan, whether is it compliant or it is just a document that has been a cut and paste in trying to fix it as we have not seen anything that shows that, what has been the audit of this process to say: *these are the people who were already on the system, these ones are the new entrants, and the process that was followed is as follows*. It tells us that, there is a lot that needs to be done with regard to the issue of indigent register. Hence I am of the opinion that, it is premature for us to try and push this item today, instead we should take it back and try to see whether we cannot find the way of resolving this matter through the process of multi-party engagement. Thank you, Madam.”

The Speaker then read the recommendations on page three (3) of the report.

After the remarks by Cllr MW Mongale on the recommendations on the agenda and that of the report and the comments by the Speaker to amend by adding to the recommendations, Councillor E Snyman clarified that Council had agreed with what the Council Whip indicated that the electronic version report will be taken into account therefore there was no need to amend the recommendations.

The Council thereon voted on the two proposal to either refer the item back or to approve as submitted.

The Speaker confirmed that 89 Councillors were present in the Chamber. She then announced the voting results as follows:

Voting on the item as submitted: 51 voted in favour, 35 against and 0 abstained and on the item to be referred back: 35 in favour, 51 against and 0 abstained.

It was thereupon with 51 voted in favour, 35 against and 0 abstained

RESOLVED

1. That Council approves the current indigent register for 2018/2021 subsidies still be applicable well undergoing the compilation and indigent register 2021/2024. Attached hereto is the indigent registration project plan for the compiling of the indigent registration 2021/2024 with tentative dates that can be amended as implementation process unfolds.
2. That the Council approves the 3452 applications for inclusion in the 2022/2024 indigent register and are provided with 6 kiloliters of water monthly as stipulated in the indigent policy.
3. That the Council approves the 3459 applications for inclusion in the 2022/2024 indigent register and are provided with free 50kWh of electricity monthly.
4. That Council write off the R140 503 976.04 owed by 3459 indigents.

2.

LATE ADVERTISEMENT IN THE PROVINCIAL GAZETTE OF THE PUBLIC NOTICE CALLING FOR INSPECTION OF GENERAL VALUATION ROLL AND THE LODGING OF OBJECTIONS

Councillor LM Titi-Odili addressed the Council: “Thank you, Honourable Speaker and all councillors.

Honourable Speaker, the Municipality received the 2020/2022 final general valuation roll on the 31st January 2022. The valuation roll was certified by the Municipal valuer as per Section 34 (c) of the Act and subsequently the Acting City Manager signed it off on the same date, because for the valuation roll to be publicized, the Municipality must send it to the Province, and according to the report, it was then delayed in the Office of the Premier in terms of signing and the gazette by the Provincial Government.

Now as the Municipality, we applied Section 49(1) to apply for condonement of the four days that were behind for the Municipality to make sure that those who want to submit objections can do so and those who want to appeal, can also do so hence the item is brought to Council for noting. As the ANC, we are saying, we note it as is. Thank you, Honourable Speaker.”

Cllr FR Botes addressed the Council: “Thank you, Honourable Speaker. This item is now on the Council agenda to condone the late action of the Provincial Administration for the proclamation in the Provincial Gazette. We cannot accept the late proclamation of the Provincial Gazette. This creates a problem for owners of the properties, the only solution is that owners of properties must still have more time to lodge a complaint on the value of the property to re-open the time for complains until the 30th of September 2022, we should give more time for the owners of property.

For the request to Council to condone the date of the Provincial Gazette is not acceptable for the DA. Although the cut off date was the 20th May 2022 for owners of property, who are unhappy about the new valuation of their property, can still send enquiry to the relevant department. The current valuers, namely the DDP’s contract expires on the 31st December 2022. The request is to extend DDP’s contract until the 30th June 2026 for the following reasons: –

- For the supplementary role, no valuer is appointed and the negative is that only property, old or new must be evaluated from the 1st January 2023 cannot be valued. This creates a negative action and the Municipality cannot generate a correct amount of money on the relevant property.
- The financial crisis of the Municipality is a huge problem, and therefore the Municipality must look after every possibility way to generate income.
- DDP was in 2017 also the valuer and knows what is the current situation in the Municipality with regards to property.
- It is not possible to appoint a new valuator before the 31st December 2022, and the best for the Municipality will be to extend the contract of DDPs for the supplementary role until the 30th June 2026.

Honourable Speaker, the DA cannot take note of this item as indicated in the recommendation. Thank you, Madam Speaker.”

Cllr ZMC Campher addressed the Council: “Honourable Speaker. Allow me the chance to quote from my speech as delivered in this very Chamber on the 31st January 2022, on this very item.

“Madam Speaker, the reason why we have History at school, is so that we can learn from our past and not repeat the mistakes thereof. If the past is anything to go on, there will come many disputes on the matter at hand and we need to start improving on this. We still have objections from the previous valuation roll not tended to.

This item serving in front of us at this late stage is testament to the capability of this council to pull this off effectively and fairly. The report itself has shown to be little to no value and unfortunately raises many questions. Its nice to say that the five months from the end of January given will be enough time, but if this late serving item is anything to go on then this administration will leave it to the bitter end, and most likely miss the target.”

Well Madam Speaker here we are, and I need to stop myself from saying, I told you so. Unfortunately, history is repeating itself. As my colleague has indicated, there are still many outstanding objections, some of which I had assisted residents with, that have still not been tended to, not even to mention the issue of the supplementary valuation roll.

On the issue of compliance, it falls on me once again to report to my constituents that this municipality has failed dismally. I stand here imploring council on behalf of the voters, lets support Cllr Botes’ proposal to extend the valuator’s contract as well as the end date of objections to the end of September. Should this happen, I ask that the Acting City Manager take mechanisms that form the objection process to task in attempt to smoothen the last push of objections from homeowners. I thus second the two proposals. I thank you, Madam Speaker.”

As the item is submitted for noting, Councillors did not vote.

It was thereupon

RESOLVED that the Council takes note of the late publishing of the 2022 valuation roll in Provincial Gazette.

3.

APPROVAL OF THE LAND USE MANAGEMENT SCHEME FOR MANGAUNG, NO 1 OF 2021 IN TERMS OF SPATIAL PLANNING AND LAND USE MANAGEMENT ACT 16 OF 2013 (SPLUMA)

Cllr VE Jonas-Malephane addressed the Council: “Thank you, Honourable Speaker. Honourable Executive Mayor, Honourable Deputy executive Mayor, Chief Whips, MMCs, Councillors and the Community of Mangaung.

Honourable Speaker, the SPLUMA is an Act that came into operation in 2015. The purpose is to set framework of the Special Planning and Land Use Management System for the entire Republic of South Africa. Chapter five of the SPLUMA requires that all municipalities must approve the single use land scheme for its entire area.

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Honourable Speaker, Mangaung currently is using three separate documents of town planning:

1. Bloemfontein Planning,
2. Bloemspruit Town Planning, and
3. Bainsvlei Town Planning.

Honourable Speaker, I will like to request the Council of Mangaung to approve this item as is, and its recommendation. I thank you, Honourable Speaker.”

Councillor NR Shale remarked in Sesotho, the Speaker called her to order to stick to the item at hand. She then continued as follows: “Madam Speaker, the EFF welcomes this report and I want to highlight the following:

EFF non-negotiable cardinal pillar speaks of the expropriation of land without compensation for equal redistribution. This pillar seeks to address the issue of landlessness not only in terms of residential sites, but also in terms of economic participation of the majority through.

This report seek to address the issue of residential which is a good thing, but our problem with it is that it doesn't solve the problem of the backroom dwellers and those who lives in squatter camps.

As EFF, we therefore propose that this report add: *that Mangaung Metropolitan Municipality must expropriate land without compensation and that in a space of a 12 month after this document becomes effective.*

All Mangaung backroom dwellers and those in squatter camps will be allocated sites and those with livestock will be given proper land for grazing, and those interested in farming will be allocated accordingly and be assisted in anyway possible in order for them to contribute meaningfully in the land economy.

Honourable Speaker, we as EFF Councillors, we don't have time to waste. It is now or never, this Council must be brave and decisive, the decisions we make must translate into a meaningful progress in our communities before the community start turning against us and run the City ungovernable . We reject this item. I thank you, Madam Speaker.”

Councillor B Vorster addressed the Council: “Thank you, Honourable Speaker. All protocols observed.

According to the report, the SPLUMA, the Single Land Use Scheme should be adopted and approved within five years from the commencement date of SPLUMA. The commencement date of SPLUMA was the 1st July 2015. I am glad that the MMC knows this, but why did she never do anything to accelerate this process. Subsequently, the Land Use Scheme should have been tabled before the Council for the adoption and approval by the 1st July 2020.

The Freedom Front Plus truly cannot understand, why this ANC led government cannot adhere to legislation and time period. According to the report, the final LUS was already received by the Municipality in June 2021. Why is it more than a year later that this report is tabled before Council?

One of the main objections and purpose of the LUS is to promote the economic development and growth. Time delays like this, are obstructing the economic growth of the City, as well as other objections set out in the LUS.

The Freedom Front Plus also want to bring it onto attention of the administration that, the report should be discussed in the Planning Committee on the regular basis to enable the Council to have its oversight. Furthermore, I just want to indicate that the Planning Department should be improved as a matter of urgency.

Honourable Speaker, we can put all of these things on paper, but if there is no Planning Department that is functional, it will just stay a scheme. I thank you, Honourable Speaker.”

Cllr T van der Walt addressed the Council: “This item is to approve the first Land Use Management Scheme for Mangaung. This scheme replaces the 1954 Bloemfontein Town Planning Scheme, Bainsvlei; Bloemspruit TPS, Land Use Conditions in terms of the Black Communities Development Act, Permits issued in terms of the Physical Planning Act and Density policies. It also aims to incorporate planning principles and practices that have evolved since the previous schemes.

At its heart such a scheme seeks to ensure that all land development in the City comply to the following established spatial planning principles, amongst others:

1. It must address need, reasonableness, desirability, and public interest.
2. Its main purpose must be the coordinated and harmonious development of an area in such a way as will most effectively tend to promote the health, safety, good order, amenity, convenience, and general welfare as well as efficiency and economy. It must also address the compatibility of the proposed land use with surrounding land uses and the general amenity of the area. In short, to avoid, minimise and fairly mediate between a planned developments and the established rights of the people that will be negatively affected by such a development.

It is unacceptable to the DA that it took 15 months after its completion before it serves in Council, despite a legal deadline of July 2020. I want to thank all those that have had a part in helping to ensure that it does finally reach Council. But also acknowledge that the DA has been warning from before the LUMS deadline in 2020 that it needs to be finalised and approved by Council. We also have been urging action.

The DA calls on all the role-players to urgently prioritise the 100's of property related items that were for some reason never tabled, in the previous term of Council. Many of these items are to the benefit of public institutions and have a direct impact on the lives and road safety of the public and we have become aware that, some very deserving projects have been hamstrung for years just because the items were not brought to Council or the attention of Councillors. Acting City Manager, please urgently upload the final version of the LUMS on the website and make sure it gets gazetted as required. The DA will vote for this item. Thank you, Madam Speaker.”

The Council voted as follows on the item: 80 in favour, 9 against and 0 abstained.

It is thereupon

RESOLVED

- (a) That the Mangaung Metropolitan Municipality approves, in terms of Section 24 of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA). The Mangaung Metropolitan Land Use Scheme (No.1 of May 2021) as the official document to control its land uses and development parameters within its area of jurisdiction.
- (b) That this document come in affect after proclamation of the approval of the Mangaung Metropolitan Council in the Free State Provincial Gazette.
- (c) That Mangaung Metropolitan Municipality accepts all land use applications whereby a proxy was signed by the applicant/land owner before proclamation of the Mangaung Metropolitan Land Use Scheme (No.1 of May) in the Free State Provincial Gazette, subject thereto that a cut-off date be set for 12 months after proclamation and that no further land use applications in terms of old legislation then be accepted.

4.**REQUEST FOR THE APPROVAL OF FILLING OF VACANT POSITIONS OF THE MUNICIPAL PLANNING TRIBUNAL (MPT) AND MUNICIPAL PLANNING APPEALS AUTHORITY**

Cllr TV Menyatso addressed the Council: “Thank you, Madam Speaker. The absentia of the Executive Mayor, the presence of the Deputy Mayor, Chief Whip. Madam Speaker, the filling of the vacant positions of the Municipal Planning Tribunal and the Municipal Planning Appeals Authority in line with the Special Planning and Land Use Management Act, No.16 of 2013 and the approval of the Municipal Land Use Planning by-laws. Those positions need to be bargained.

The current MPT was appointed through the Council resolution, CNL109.2 – 27 October 2020. One of the MPT Board Members was the now Madam Speaker, Councillor SB Lockman-Naidoo, has resigned, Mr. Mqungu Zwelibanzi Williams, an active member, Mr Mofokeng Majoro Marvin, inactive Chairperson, Mrs. Mashalaba Yandisa active member and Ms Tiso Lelethu, who has resigned due to non-attendance of meetings.

The reason why we need to fill those positions Madam Speaker, the MPT had challenges whereby it was always difficult to reach the quorum to start meetings. The challenges delayed the decisions when it comes to development applications, and therefore delays the development within the Municipality.

The MPT had three vacant positions due to the resignation of Mrs Lockman-Naidoo, Ms. Tiso due to non-attendance and Mr Mofokeng due to his work responsibilities as he would always be unavailable for MPT meetings. So, Madam Speaker, we as the ANC, we will like to allow the approval of this request of the bargaining position. I thank you, Madam Speaker.”

Councillor E Snyman Van Deventer remarked that in line with the tabling of items by the Deputy Executive Mayor who referred to Women’s month, she congratulated Councillor RS Klassen for being elected as the Chairperson of the Mangaung Women’s Caucus.

Further on the report, that it was dated 24th July 2022 which meant that it was two months old and only submitted now to the Council even though it is a very urgent matter. That Council should fill the vacancies as soon as possible.

That she was quite sure that it was due to the work done by the new Acting HoDs and the Intervention Team bringing the report to Council and not the MMC's already the Council had these problems in March 2021, when the Chairperson of the Committee did not attend meetings and Council should have been made aware at that time. She then appreciated the work of new Acting HoDs and the Intervention Team and urged that appointment be as soon as possible.

Councillor T van der Walt addressed the Council: "Thank you, Madam Speaker and the viewers at home. This item is to approve the advertisement of vacancies on the Municipal Planning Tribunal and the Appeals Board. The MPT which has a massive backlog. It is required to approve an application before any land development can take place. This MPT has barely been functioning for the past two years due to vacancies and inactive members. It is crucial for the future of the City that these vacancies be urgently filled by capable members who are experts in the Built Environment above reproach. We once again emphasize that, the position of GM: Planning urgently needs to be filled with a capable professional Town and Regional Planner.

I want to thank the MMC Planning and the number of critical role players, who at least this year has heeded the outcry by the public in the Built Environment and has helped ensure that this long outstanding items were fast tracked this year, at least as far as they could. Also at least impart due to sustained DA pressure. The DA will vote for this item. I thank you, Madam Speaker."

Councillor ME Mogotsi addressed the Council: "Thank you, Madam Speaker. Tribunals in their nature are very important to deal with dispute relating to land issues. They are necessary, especially on land claims and disputes that are behind, and as the EFF we want them done so that people can be given land as quickly as now. We would like to see communities of Mangaung been allocated lot of land in this Town and City planning.

As the EFF, we believe in clean governance. The advertisement of these positions must be made accessible to everyone and they should not be people hired because they are friends with someone. We all know that the ruling government is good in corruption relating hiring their friends. The names which are on the Board we do not know how they were selected and who are those members? We would like to warn the Municipality on transparency. We do not want people who will be on the Tribunal Board to protect their friends. We want who will serve openly and fairly so. As the EFF, we do not support this item. Thank you, Madam Speaker."

The Council voted as follows on the item: 80 in favour, 9 against and 0 abstained.

It is thereupon

RESOLVED

- (a) It is recommended that nominations be requested through advertisement for the appointment of MPT and MPT Appeals Authority board member positions as a matter of urgency.
- (b) That the composition of the MPT Appeals Authority be rescinded due to the non-availability of members.
- (c) That an alternative Member of the MPT be appointed as Deputy Chairperson of the MPT

5.**APPROVAL OF AN AUTHORISED OFFICIAL TO DEAL WITH CATEGORY 2 LAND USE AND DEVELOPMENT APPLICATIONS IN TERMS OF SPATIAL PLANNING AND LAND USE MANAGEMENT ACT NO.16 OF 2013 (SPLUMA) AND MANGAUNG LAND USE PLANNING BY-LAW 2021**

Councillor MA Morake addressed the Council: “Thank you, Madam Speaker, Honourable Deputy Executive Mayor, Chief Whip, Council Chairpersons and all political parties represented.

We are presenting this item, to accelerate the issue of the approval of the townships as required by SPLUMA. The recommendations are that Mangaung Metropolitan appoint an authorized official in terms of Section 32 (b) of Spatial Planning and Land Use Management Act, No.16 of 2013, read together with the Section 78 (1) of the Mangaung Land Use Planning by Laws 2021.

Recommendation be that *HoD Planning be appointed by Council as an authorized official*. In terms of recommendation (c) and (d), we are replacing it by saying that: *the HoD Planning be delegated the authority to appoint the committee of not more than three officials, composed of GM: Planning*. At least one of other Planning officials be registered with the SACPLAN, not friends as the professional planner supplemented by the official or officials with relevant expertise and experience in Land Use decisions. Recommendation replaced be *that the committee through the HoD Planning will provide Council with report of all considered application on quarterly basis*.

Honourable Councillors must understand that the sphere of local government is highly regulated, and as such, I do not see that there is a policy on employment of friends. There are sections that are stipulating on what kind of criteria must be used and what requirements and qualification that are needed and I think that, we must not create a wrong perception to the public that we just employ people here. We employ people with capacity, who are able to deliver the services. Those are some of the things that as the ruling party, the African National Congress that we are doing and we are doing it right within the framework of the law, and as such, it cuts issues of nepotism, friendship, husbands, uncles and whatever. I thank you, Madam Speaker.”

Councillor E Snyman van Deventer remarked: “Thank you, Madam Speaker. I nearly speechless, that is why I have a headache, because I must listen to these things. Really if we appointed qualified people, if we appointed people on their real qualifications, not their ANC CVs, that would not have been necessary.

So, please do not tell us that in a highly regulated local government sphere, we are appointing the best people in positions, no, we are not. Up until this day, we have appointed people on the ANC CVs, and the HoDs that we have just replaced, their CVs did not serve here. The ANC service, it is not the actual work service. So, please, do not come with that nonsense...”

The Speaker called Cllr E Snyman E van Deventer to order on the use of words and she retracted. She then continued: “ Councillor T Van Der Walt referred to the linkage between the different items 3, 4, 5 and 6 as they speak to each other. One of the things that we really must incorporate somewhere, it is the input of the Ward Councillors. At the moment things are decided on paper and the real input of whether, for instance the infrastructure can carry the new decisions that are not taken into account , that is where the Ward Councillor can make major inputs. I was so confused by what the MMC Infrastructure said that the committee recommended the HoD, the Acting City Manager and how many other members. Thank you, Madam Speaker.”

Councillor T van der Walt addressed the Council: “Thank you, Madam Speaker. This item is for the approval of item for officials who can administratively approve unopposed land development applications that are categorized by the SPLUMA as less sensitive category 2 applications. This will free up the time of the MPT to deal with the remaining category one applications, which are more complex and speed up the time for processing of unopposed category 2 applications, like sub divisions etc. Take note now that the LUMS has been approve, and also clearly indicate that it is only opposed applications that had to go to MPT.

Madam Speaker, the proposed amendment to the resolutions are further improvement to the resolution on the original item that was unanimously supported in the Committee. It will strengthen the check on power that is conferred on authorized officials by involving more than one professional, it is also in line with best practices. In Tshwane Municipality for example, this committee system is used and working.

Madam Speaker, these three items address some of the most urgent town planning issues that were highlighted in the engagements with the countless Built Environment professionals. If these items are executed as per the resolutions, they will help to stem the stagnation in the Built Environment in our City. However, there are still more urgent intervention needed to get our economy growing by becoming more investor friendly. These includes, the digitization of building plans and land use applications, making LUMS available to the public via the website, and reducing the backlog of more than 1100 building plans in the Planning Department and ensuring enforcement of our planning policies, to curb the illegal land uses that are costing the City millions in revenue.

The DA will vote with the amendments. If I may just confirm the resolution as I understand it, resolution (c) is that : *the HoD of Planning be delegated with the authority to appoint the committee of no more than three officials composed of the GM: Planning, at least one other Planning official registered with SACPLAN as professional planner, supplemented by the an official or officials with the relevant expertise and experience in Land Use decisions;* (d) *the committee through the HOD: Planning should provide Council with the report of all considered applications on the quarterly basis.* In Section 1, Madam Speaker, there is just a wrong reference to the section, I think it should says section 32(b), and should be section 35 (2). Thank you, Madam Speaker.”

Councillor NR Shale addressed the Council: “Thank you, Honourable Speaker. There are lots of the development happening around Mangaung, but we do not see our members of community getting jobs. These developments which are happening, they don't address the issue of job creation in respective Wards which they are happening in, example, the one of Bloemspruit, people employed there, are people from other areas and contractors will rather brings their own people.

We as EFF, will support job creation project for our community. The Municipality of Mangaung must stop giving land to Chinese developer who seems not to have interest of the black community at heart. The Mangaung Metro under the ruling government, they don't care in giving our people land for development. We are aware that some people, are able to build their own houses, so I wonder why the Municipality under the ANC government cannot plan for more land to be available.

Otherwise, we see our people living like pigs, when there is a solution in giving people land. So, Honourable Speaker, we cannot support issues which are not transparent and are full of corruption of few Councillors of the ANC who give out land to whites or their friends. We would like to warn them that we are aware of that and soon they will be exposed. We, as the EFF, we respect our female Councillors, that is why today we are presenting all the issues in this Council. I thank you, Madam Speaker.”

Councillor IJ Makoloane raised a point of order that it was improper to compare the people of Mangaung with pigs. And therefore urged the Speaker to instruct Councillor NR Shale to withdraw her statement who the withdrew what she said.

The Council voted as follows on the item: 78 in favour, 9 against and 0 abstained.

It is thereupon, with amendments to *recommendation (c) and (d)*

RESOLVED

- (a) That Mangaung Metropolitan Municipality appoint an authorised official in terms of Section 32(b) of Spatial Planning and Land Use Management Act No. 16 of 2013 read together with Section 78(1) of the Mangaung Land Use Planning Bylaw 2021;
- (b) That the HoD: Planning be appointed by Council as an authorised official;
- (c) *That the HoD: Planning be delegated the authority to appoint a Committee of not more than three (3) officials composed of GM: Planning, at least one other planning officials registered with South African Council for Town Planners (SACPLAN) as a professional planner supplemented by an official or officials with relevant expertise and experience in land use decisions; and*
- (d) *That the Committee through the HoD: Planning will provide Council with a report of all considered applications on a quarterly basis.*

6.

REPORT ON DEVELOPMENT APPLICATIONS PROCESSED BY THE MANGAUNG PLANNING TRIBUNAL (MPT)

Councillor TP Moiloa addressed the Council: “Thank you, Madam Speaker. First of all, let me thank the Speaker for this opportunity given to me today. All protocols observed.

MPT was established by the Council in terms of Act 16, 2003 and consequently adopted by the Council according to the Council Resolution of 25/06/2015. Honourable Speaker, according to Chapter 16 of SPLUMA, Part B, Section 35, the municipality must in order to determine the land use application within the municipal area establish MPT. The Mangaung Metro has established MPT and it has been in operation since July 2022 up until now. Honourable Speaker, I ought to support the item with all due respect. Thank you, Madam Speaker.”

Councillor E Snyman van Deventer thanked new Acting HoDs and the Intervention Teams again for the reports submitted to Council. She then asked that looking at numbers of members attending the meeting in relation to the approval, whether there was any correlation?

Councillor T van Der Walt remarked: “Thank you, Madam Speaker. This is the first report ever that the Council received since the inception of the MPT in 2015, despite the continued request from the DA for reports on the activities of the MPT. It is unacceptable that this particular report is between July 2021 and June this year, and the DA will continue for pressure for the increased transparency on the MPT activities. In 2015 and 2021, on which we have not had the report yet and also going forward.

Madam Speaker, the DA is aware of gross irregularity some of which I have written to the HoD, MPT, and the City Manager in some previous MPT decisions and the perpetrators should not think that they got away. Illegal decisions are illegal and remain illegal and must be reviewed. The report however has a number of deficiencies, for an example, concerned users, they don't mention which concerned users, student or whatever the case maybe. Addresses are not complete. We mentioned that in the committee and the HoD undertook that the next report would not look like that. It should quarterly reported on.

Then Madam Speaker, it is critical that proper minutes are kept of MPT meetings. Even the authorized officials need to keep very good report of the decisions and the reasons for the decisions. There should be recordings available of these MPT meetings. I am not sure that this has always been the case and I am almost sure that it does not. In terms of the Promotion of Administrative Justice Act (PAJA Act), the Administrative Justice Act is critical. In the same vein, a lot of times, the process followed in applications, Mangaung Planning Department allows the planning process not to be according to the requirements of the by-laws and SPLUMA, for example, addresses that are not complete and concerned users, they don't say it is for student, or it is for the spaza shop, for a home industry or what. And people cannot object to that therefore it create a problem actually for the applicant because then they have to re-advertise according to law.

We must really make sure, I know that the Acting HoD has committed to make sure that the Planning Department ensures that applications and the process is run and properly. Thank you, Madam Speaker.”

As the report was submitted for noting, Council did not vote but noted the report.

It was thereupon

RESOLVED that the report from MPT covering first quarter to fourth quarter is noted.

163	REPORTS FROM THE SPEAKER
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Note by Secretariat: This item is recorded as item 162.7 on the agenda however Council agreed to revise the order of business as minuted under item 160.

1.

LOCAL GOVERNMENT STAFF REGULATION FOR STAFF BELOW SENIOR MANAGERS, AS GAZETTED BY MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS ON THE 20TH SEPTEMBER 2021

In presenting the item, the Speaker read the report as attached as annexure to the agenda.

Councillor CF Rampai addressed the Council: “Thank you, Madam Chairperson. Some people out there were not expecting you to sit on that chair, but by the grace of God you are still there and you will remain there until 2026. I will also like to greet my colleagues, the eight Councillors who were claimed to be expelled, I see they are still doing fine and I sent greetings to them. Allow me also to greet the Acting City Manager, I can see that the balance of forces are also changing, but if you remain strong, you will have our support.

Honourable Speaker, I stand in support of this item which if implemented correctly, will assist the Municipality to rise from the ashes through what these regulations seeks to achieve. Acting City Manager, I think you know better than me on this one. Every organization relies on its people to achieve its objectives. These people who are its human resources, are the live blood to any organization. Having the right people in the place, with the right quantities, in the right place, at the right time doing the right things, is the only way for any organization to succeed.

These regulations which has been welcomed since 2016, seeks to professionalize, establish uniform processes, practices and procedures relating to people or human resources practices within the local government. This should be good news Madam Speaker, especially to the rate payers, the residents of Mungaung. If these regulations are implemented fully and properly, it will signal an end to maladministration driven by corrupt politicians. We want to bring confidence to our people, that we are going to monitor the implementation of these regulations without failure. We are not going to allow any form of intimidation to stand before us. To those who think that harassing us will stop us from talking, my advice to them is that we fear no one, we don't even fear God. But we don't fear God because we are working for God. There is no reason that we should fear God.

We will root corruption in this Municipality. The dispensation of patronage through illegal and irregular appointment of ghost workers, will be a thing of the past. The appointment of people who are connected to politicians, and do not have the competency, will be no more through these regulations. Politicians who are moonlighting as municipal officials, and receive abnormal salaries, will have no place in the era of Municipal Staff Regulations. Rooted structure or structures in the non-service delivery departments or units at a huge cost to the Municipality, and without investment to the Municipality, will be a thing of the past.

In conclusion Madam Speaker, I therefor invite this Council to embrace these regulations. We should further resolve to set a monitoring and an oversight mechanism to ensure full implementation of these regulations. We want capable, developmental Municipality which is responsive to our people through these regulations. Madam Speaker, as the ANC, we are supporting these regulations, and we are saying, we will never, never hire anyone out of these regulations. Thank you, Madam Speaker.”

Councillor PA Lotriet addressed the Council: “Thank you, Madam Speaker. I sort of agree with what the previous speaker said, it was quite easy, and then he got lost, but in principle, I will try to avoid to speak about the same issues, but in principle we agree. I think I am going to go back a little bit this morning where I said the whole question about the importance of not just taking cognizance of the matter, but to debate it, to approve it, to reject it and even refer the proposal back.

The first thing is, it is the legislative requirement that Council adopts the regulations for purpose of authorizing implementation. This should be enough to settle the argument, and that is important, but I am going to come back to it. If Council approves, only authorizing the implementation, but it becomes an order from outside. The ultimate control function of every aspect of the implementation of these regulations, should from the officials of the Metro to the responsible MMC, Executive Mayor, Council. In other words, the bark stops with us. That is how things flops, it is our problem.

If Council does not accept full accountability for the implementation, the implementation is doomed before it starts. The Executive Mayor will have to ensure that the MMC receives regular, trustworthy management information pertaining to the development and implementation of every aspect of the human resource plan. This can best be served by monthly meetings of the Section 80 Committee: Corporate Services. Please, we must manage this thing. The intention of the Municipal Staff Regulations is welcomed. The regulations might not be perfect in every aspect, but it provides, and it is important for stability and clarity. The first, and most difficult task will be to get the buy in of all staff on all levels, with us and the Municipality. A process of social engineering lies ahead.

Honourable Executive Mayor, the MMC, acting HoD, you are the custodian of this process. This is going to make or break for you. We do not know what the in-house capacity of the HR Department of the Metro is. You will need top well qualified and experience human resources and an organizational development practitioners in key positions to develop, implement and maintain all policies and procedures.

9C

The HR Department must also develop their capacity, and that is important, in the interest of sustainability. Be careful of the so-called consultants, and I have seen that you hire consultants because you are scared, you don't know how to do it. Not only that they are expensive, but they often tend to overemphasize the importance of one aspect over the holistic balanced approach that it requires. Keep things simple.

The HR Department protects HR Department, that is important. Protect your budget, make sure that funds are available and keep an eye on politicians who tend to want to scoop your budget for other purposes. Sorry, the most guilty person is not here today. This practice of adjusting the budget to the detriment of the HR and training budget is an evil process that must be stopped.

We would like to know of each and every project that was planned for and then stopped or deferred due to the unavailability of funds. Two months have passed since these regulations were introduced, so far you have not got anything to show for us and I expected more. We should have had a couple meetings in the Section 80 Committee. We should have had concept structure by now.

We, as the DA, we will be interested in all the planning activities, your timeline for each, your progress on the development and the implementation, your successes, and also your failures, your challenges. In short, we offer our help. This can make us work, so, please, I call on everybody, let us take hands in this regard. I thank you, Madam Speaker.”

The Councillors votes were unanimous and the report was duly approved.

It was thereupon unanimously

RESOLVED

- (a) That Council approves and adopts for implementation the Municipal Staff Regulations for staff below senior managers as promulgated by the Minister of Cooperative Governance and Traditional Affairs.
- (b) That Council takes cognisance of the effective date of implementation of the Regulations which is 1 July 2022.
- (c) That upon approval, the relevant HR components ensure alignment of the Regulations into the Municipality's HR practices, processes, procedures and systems.

2. NOMINATION FOR SALGA FREE STATE PROVINCIAL WORKING GROUP

Speaker presented the report as attached as annexure to the agenda.

Councillor VE Nikelo remarked: “Thank you, Honourable Speaker, for the opportunity that I should be speaking on this item. But one small thing that I should indicate speaker without being long on this particular item is that as we indicated that all political parties were requested to make submission in terms of their priorities in terms of serving in this working group of SALGA and as the result of that, we tried to accommodate all the Councillors per their choice.

However, there has been some areas where we could not accommodate all the Councillors, but as a result of that we tried to make sure that most of our Councillors or that will be representing us as the Municipality in those working group of SALGA are Councillors with experience in various fields which will then be able to assist us the Municipality and also contribute positively towards strengthening and building a very strong local government.

So, as the result of that Honourable Speaker, I would like to outline the request of the SALGA that we need to have the Council Resolution in terms of this item. So, I would request that all of us we support this as per the recommendation. I thank you, Madam Speaker.”

Councillor M Davies remarked as follows: “Thank you, Madam Speaker. Speaker, On the 5th August 2022, we wrote to the Council Whip, Councillor VE Nikelo requesting that Councillor M Kganakga be replaced by Councillor GDP Kotze in the Municipal Innovation and Information Technology working group. Originally, we did nominate Councillor GDP Kotze and Councillor M Kganakga for the Electricity and Energy Provision and Public Works working group. We did not receive any representation on this group, but for some unknown reason, Councillor M Kganakga is recommended for the Municipal Innovation and Information Technology working group instead of Councillor GDP Kotze.

Although Councillor M Kganakga is an accomplished councillor and would excel in any working group or committee she is allocated to, Councillor GDP Kotze is an IT IR4 specialist in creation delivery and support, information technology infrastructure library, framework designed to standardized the selection, planning, delivery, maintenance over all other life circle for IT services within a business. The goal is to improve efficiency and achieve predictable service delivery. He has Com TIA A plus certificate in hardware network and computer systems. He is qualified in Toga, the open group architecture framework. We just an enterprise architecture methodology that offers a high level framework for enterprise of software development that helps organize the development process through systematic approach aimed at reducing errors, maintaining timelines budget and aligning IT with business units to produce quality resolve.

He is qualified in continuity and contingency managements. Business continuity refers to the ability of business to carry out their normal activities and functions of the unplanned event when occurred, a contingency plan refers to an actionable and the define plan that will be enacted in an identified business risk or if unfortunate events occur. And last but not least Councillor GDP Kotze has 23 years’ experience as service room operator, IT field engineer and service desk call centre management.

Madam Speaker, the letter from SALGA requesting names for the working group say that Councillors should be elected based on relevant experience and/or potential for example members of the Mayoral Committee. Councillor GDP Kotze clearly has the experience and the potential as he serves in Section 80 Committee for Corporate Services and within which scope the Innovation and Information technology falls. Thank you, Madam Speaker.”

Council voted as follows: 78 votes in favour, 0 against and 8 abstained.

It was thereupon

RESOLVED

- (a) That Mangaung Metro Municipality supports SALGA initiative of establishing 14 working groups across the vast landscape of our Free State Province.
- (b) That nominated names will serve in the Working Groups as submitted to Council for consideration and approval.
- (c) That nominated Working Group members are accordingly requested to give their full cooperation and support towards the Working Groups activities.

3.

AUDIT REPORT FOR QUARTER 3 AND 4 OF 2021/2022 TO COUNCIL: 29 JUNE 2022

The Speaker apologize to Council that as they were debating on issues of the unsigned reports, she received the resignation from the Chairperson of the Audit Committee with immediate effect. He had apologised and wished the Council well.

That he hasn't presented himself to the Council since Council dealt with the first report. That Council was expected to note *quarter 3 and 4*. Though the first 2 quarters, as the Chairperson of the Audit Committee failed to attend the Council meeting, the report was not presented however the previous Audit Committee report was noted and referred to MPAC as per legislation.

Councillor CF Rampai agreed with what the Speaker alluded and supported that the item be referred to MPAC. He then wished them well and requested that they look into the R100 million that went missing.

Councillor MI Mokoakoa concurred and requested that Council to note the report and refer it to the best team of MPAC.

Councillor GDP Kotze address the Council: "Thank you, Madam Speaker. I read through the minutes of the Audit Committee meeting, and there is a lot of concerns I would like to raise. I would also ask MPAC to look into it.

Madam Speaker, our IT department is on auto pilot, or we are in a perfect storm and nobody sees it. I refer the Council to the ICT report and I quote: *'committee noted with concern non-functionality of the Mangaung ICT Steering Committee, and urge management to ensure that this committee is functional and process the ICT policies into the effective functioning of ICT department'*.

Madam Speaker, steering committee is the committee of the City Manager, and for the past two years, that committee has not met. Even the Acting Chairperson of the incumbents are responsible for this committee and why they don't meet and the lot of issues were brought. In the IT world, if the Steering Committee doesn't meet, you're in danger.

Madam Speaker, another concern is that, last year on the 9th September 2021, the Chief Technical Officer position was advertised. A year later, this has not being filled. Yes, there is Acting City Manager now, is he going to advertise that position.

A real concern Madam Speaker, if you don't look after your IT, it is an open door for corruption and there is a lot of question instead of being raised in ICT report.

Madam Speaker, the other concern is, the Acting Chairperson says that, all issues raised by the IT report, needs to be resolved. Everything is sorted out. There is a lot of concern like the management of passwords within the Mangaung Metro, but last year, on the 15th of September Council approved the policy to manage all these issues which were raised.

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Another issue is the Auditor General findings that the management of information is not regulated; those are my concerns that I have raised and I am looking forward for the report back. I thank you, Madam Speaker.”

Council voted as follows: 78 votes in favour, 0 against and 8 abstained.

It was thereupon

RESOLVED that the report be noted by the Council and be referred to MPAC.

164	REPORTS FROM THE MPAC
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None.

NOTED.

165	IN COMMITTEE REPORTS
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None.

NOTED.

166	CLOSING OF THE SPECIAL COUNCIL MEETING
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The Council meeting officially closed at 16h42.

**SECRETARIAT UNIT
COMMITTEE SERVICES**