

CONFIDENTIAL

AGENDA
for a
SPECIAL MEETING

**MANGAUNG
METROPOLITAN
MUNICIPAL COUNCIL**

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

**MONDAY
DECEMBER 19, 2022
AT 10:00**

**MANGAUNG
METROPOLITAN
MUNICIPALITY**



Nkosi Sikelel' Afrika

Maluphakanyisw' uphondo lwayo,

Yizwa imithandazo yethu,

Nkosi sikelela, thina lusapho lwayo.

Morena boloka setjhaba sa heso

O fedise dintwa le matshwenyeho,

O se boloke, O se boloke setjhaba sa heso,

Setjhaba sa South Afrika- South Afrika.

Uit die blou van onse hemel,

Uit die diepte van ons see,

Oor ons ewige gebergtes,

Waar die kranse antwoord gee,

Sounds the call to come together,

And united we shall stand,

Let us live and strive for freedom,

In South Africa our land.

MANGAUNG METROPOLITAN MUNICIPALITY

**Bram Fischer Building
BLOEMFONTEIN
6 DECEMBER 2022**

**MEMBERS OF THE METROPOLITAN MUNICIPAL COUNCIL OF THE MANGAUNG
METROPOLITAN MUNICIPALITY**

Ladies and gentlemen

Notice is hereby given in terms of the provisions of
Section 29(1) of the Local Government:
Municipal Structures Act, 1998 (Act No 117 of 1998) and
Rule 5.1 of the Council's Standing Rules and Orders that

**A SPECIAL MEETING OF THE
MANGAUNG METROPOLITAN MUNICIPAL COUNCIL**

**will be held in the
COUNCIL CHAMBER, FIRST FLOOR
BRAM FISCHER BUILDING, BLOEMFONTEIN
ON
MONDAY, DECEMBER 19, 2022
at 10:00**

To consider the items as set out in this agenda.



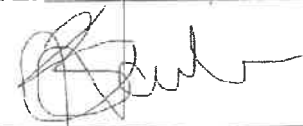
**ACTING CITY MANAGER
MR T MOTLASHUPING**

DATE: _____



**NATIONAL CABINET REPRESENTATIVE
MS G MALAZA**

DATE: 14/12/2022



**SPEAKER
COUNCILLOR SB LOCKMAN-NAIDOO**

DATE: 15 / 12 / 2022

Note by Secretariat

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

**191.
OPENING
(MOMENT OF SILENT CONTEMPLATION FOR MEDITATION AND PRAYERS)**

**192.
NOTICE OF THE MEETING**

**193.
APPLICATIONS FOR LEAVE OF ABSENCE**

**194.
ACCEPTANCE OF THE AGENDA**

**195.
ANNOUNCEMENTS**

**1.
CONSIDERATION AND APPROVAL OF PLACEMENT POLICY OF 2022 OF MANGAUNG METROPOLITAN MUNICIPALITY**

Annexure: Report dated November 22, 2022 received from the GM: Labour Relations, recommended by Acting Head: Corporate Services, approved by the Acting City Manager, ratified by NCR and approved by Executive Mayor.

RECOMMENDATION

- (a) That the Council takes note of this report and annexures thereto.
- (b) That the Council approves the attached draft Placement Policy so that the employees of the former Naledi Local Municipality and Soutpan area can be placed permanently into the organisational structure of the Mangaung Metropolitan Municipality.

**2.
APPOINTMENT OF ACTING CHIEF FINANCIAL OFFICER (CFO)**

Annexure: Report dated November 22, 2022 received from the Acting HoD: Corporate Services, approved by the Acting City Manager, ratified by NCR and approved by Executive Mayor.

RECOMMENDATION that Council note the letter from National Treasury and appoints Mr Lutanyani Denge as an Acting Chief Financial Officer (CFO) of the Mangaung Metropolitan Municipality with effect from 01 December 2022 until 31 January 2023.

**3.
APPOINTMENT OF SELECTION PANELS FOR THE RECRUITMENT, SELECTION AND APPOINTMENT OF MANAGERS ACCOUNTABLE TO THE MUNICIPAL MANAGER IN ACCORDANCE WITH THE LOCAL GOVERNMENT MUNICIPAL SYSTEMS ACT AS AMENDED AND REGULATIONS**

Annexure: Report dated November 18, 2022 received from the Acting HoD: Corporate Services, approved by the Acting City Manager, ratified by NCR and approved by Executive Mayor.

RECOMMENDATION that Council:

- (a) Constitute and appoint persons to constitute the selection panel for the recruitment, selection and appointment of managers accountable to the Municipal Manager/City Manager (herein after referred as "Senior Managers") in accordance with Local Government: Municipal Systems Amendment Act, Act No 3 of 2022 (herein after referred as the "Amendment Act") and the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers (herein after referred to as the Regulation).

- (b) Five (5) persons per selection panel for the six (6) Heads of Departments to be filled in accordance with the Regulations that the selection panel must consist of not less than three (3) and not more than five (5) persons comprising of:
- i. The Municipal Manager as Chairperson.
 - ii. A member of the Mayoral Committee or a Councillor who is the portfolio head of the relevant portfolio and
 - iii. At least one other person, who is not a Councillor or a staff member of the Municipality, and who has expertise or experience in the area of the advertised post.
 - iv. The regulation do not expressly indicate the two (2) panel members.
- (c) That the Section 80 Committee for Corporate Services support Council with identifying a government institution relevant to the position to be filled to form part of each panel to ensure that the right persons with required skills, expertise and competence are identified and appointed.
- (d) Appoint current Acting Heads of Departments and NCR to provide technical support and observer status for shortlisting and interviews doe transparency purposes.

4. APPROVAL OF THE RISK MANAGEMENT POLICY AND NOTING OF THE RISK MANAGEMENT COMMITTEE REPORTS

Annexure: Report dated September 2, 2022 received from the Acting City Manager and the Executive Mayor.

RECOMMENDATION that Council,

- (a) Approve both Risk Management Polices (Annexure A and B).
- (b) Take note of the 2020/21 and 2021/22 financial year's Risk Management Committee reports (Annexure C and D).

197	REPORTS FROM THE SPEAKER
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1. UPDATE REPORT : WARD COMMITTEE STIPEND

Annexure: Report dated November 21, 2022 received from the GM: Committee Services, supported by the Acting HoD: Corporate Services, recommended by the Acting City Manager, concurrence by NCR, recommended by the Chairperson: Remunerations and approved by the Speaker.

RECOMMENDATION

- a) That the Municipal Council takes note of the update.
- b) That the Municipal Council is requested to review the current situation relating to the stipends accorded to the ward committee.

- c) That should the Municipal Council resolve to provide ward committee members R2 000 (after tax) in the pocket, then the Acting City Manager be mandated to put into effect the necessary budgetary adjustments during by February 2023.

2.

PROCEDURE FOR THE GRANTING OF LEAVE FOR MANGAUNG COUNCILLORS

Annexure: Report dated November 28, 2022 received from the Acting City Manager and approved by the Speaker.

RECOMMENDATION

It is hereby recommended that it be resolved, namely

- a) That the Municipal Council take note of this report.
- b) That the Municipal Council approve the standing procedure for the granting of leave for councillors.
- c) That the standing procedure for the granting of leave for councillors be implemented from the date of the Council approval.

3.

PROGRESS REPORT ON THE PERFORMANCE OF THE SECTION 79 COMMITTEES

- A. REMUNERATIONS COMMITTEE**
- B. PUBLIC PLACES AND STREET NAMING**

Annexure:

- A. Report dated November 2022, received from the Chairperson of the Section 79 Committee: Remunerations**
- B. Report received from the Chairperson of the Section 79 Committee: Public Places and Street Naming**

FOR NOTING

4.

AUDIT COMMITTEE REPORT TO COUNCIL COVERING QUARTERS ONE AND TWO OF THE 2022/23 FINANCIAL YEAR

Annexure: Report dated November 28, 2022 received from the Audit Committee Chairperson.

RECOMMENDATION that the report is submitted to Council in accordance with provisions of MFMA Section 166(2) and Regulation 14(4) of the Local Government Municipal Planning and Performance Management Regulations of 2001 for consideration and approval.

5.

APPOINTMENT OF AUDIT AND PERFORMANCE COMMITTEE MEMBERS

Annexure: Report dated November 18, 2022 received from the Acting City Manager, concurrence by NCR and approved for tabling by the Speaker.

RECOMMENDATION that

- (a) Council approve the process to recruit/appoint five (5) new Audit and Performance Committee members (the initial approved composition/number as per the attached advert **Annexure A**).
- (b) Council approve the attached amended Committee's Terms of Reference/Charter (**Annexure B**).
- (c) Council authorise the Speaker who will be administratively supported by the City Manager(Acting) and the GM: Internal Audit to administer the process of recruiting/appointing members of the Committee and submit the report with recommended names to Council for deliberations and approval.
- (d) The Speaker must submit the above-mentioned report to Council on or before 31st January 2023.
- (e) In case where the recruitment process do not allow the process to be concluded by the 31st January 2023, the term of the current members in case it expires before the process is concluded, be extended for a maximum period of three (3) months to avoid a vacuum and allow the process of appointing new members to be concluded.

6.

AMENDMENT OF DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF COUNCILLORS

Annexure: Report dated December 10, 2022 received from the GM; Secretariat Services, supported by Acting HoD: Corporate Services, recommended by the Acting City Manager, concurrence granted by NCR, recommended by the Chairperson of Remunerations Committee and approved by the Speaker.

RECOMMENDATION that the Municipal Council hereby:

- (a) Take note of the amendment of the Determination of Upper Limits of Salaries, allowances and Benefits of Municipal Councils;
- (b) That the Municipal Council approves the amendment of mobile data bundles for councillors in the amount of R 300.00 per month and it be paid retrospectively from July 2022.
- (c) It be noted that adequate budgetary provision had been made in budget vote line entry for councillors salary and benefits in the 2022/2023 budget.

- (d) That note be taken, that the MEC for CoGTA in the province had already issued concurrence regarding the Upper Limits of Salaries, Allowances and Benefits for Municipal Councils.
- (e) That the City Manager is requested to urgently review and amend the current Cellular Phone policy in line with the Determination of Upper Limits for Municipal Councils and it be submitted to the Municipal Council for consideration.

198

REPORTS FROM THE MPAC

**1.
FIRST AND SECOND QUARTER PROGRESS REPORT ON THE FUNCTIONING OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) FOR THE 2022/23 FINANCIAL YEAR**

Annexure: Report dated November 21, 2022 received from the Chairperson of MPAC.

RECOMMENDATION

- (a) That Council takes note of this report.
- (b) That Council mandate the Acting City Manager to allocate a budget for the MPAC to enable the Committee to fulfil its oversight duties as outlined in its approved annual work plan.
- (c) Council authorize the Acting City Manager to strengthen capacity in the MPAC office to enable the Committee to perform its work effectively and within legislated time frames.

**2.
MPAC REPORT TO COUNCIL ON THE REVIEW OF THE 2021/22 MID-YEAR AUDIT COMMITTEE REPORT AND THE AUDIT COMMITTEE REPORT FOR QUARTERS 3 AND 4 OF THE 2021/22 FINANCIAL YEAR AS TABLED IN COUNCIL**

Annexure: Report dated November 17, 2022 received from the Chairperson of MPAC.

RECOMMENDATION that the MPAC has adequately deliberated on and processed the Audit Committee's Mid-year and 3rd and 4th Quarter reports as mandated by Council and therefore recommends that:

- (a) Council adopts the recommendations of the Audit Committee as set out in its mid-year report dated 24 January 2022.
- (b) Council adopts the recommendations of the Audit Committee as set out in its 3rd & 4th Quarter report dated 22 June 2022.
- (c) The Acting Accounting Officer ensure that the recruitment process of the City Manager and Heads of Department is concluded by the end of February 2023;
- (d) The Accounting Officer fast track the capacitation of the IDP and Organizational Performance Unit as a matter of urgency. A progress report must be submitted to the Audit Committee and the MPAC within 30 days of the tabling of this report.

- (e) The first quarter assessment of the Municipal Manager and Heads of Departments conducted in line with the provisions of the *Local Government: Municipal Performance Regulations for Municipal Managers and Managers directly accountable to municipal managers, of 2006* be submitted to the Audit Committee and MPAC within 30 days of the tabling of this report.
- (f) An action plan addressing excessive spending on overtime be submitted to the Audit Committee and MPAC within 30 working days of the tabling of this report.
- (g) The Accounting Officer establish a Project Management Unit (PMU) to address the absence of monitoring and evaluation of projects as a matter of urgency and report back to the Audit Committee and MPAC within 30 working days of the tabling of this report.
- (h) As previously recommended to Council by the Audit Committee, all Heads of Departments should have Key Performance Indicators of managing risks within their Departments in their Performance Agreements and their performance on risk management should be assessed as part of their overall performance assessments.

199	IN COMMITTEE REPORTS
	NONE

200	CLOSING OF THE SPECIAL COUNCIL MEETING
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SECRETARIAT UNIT
COMMITTEE SERVICES