

CONFIDENTIAL

AGENDA
for a
SPECIAL MEETING

**MANGAUNG
METROPOLITAN
MUNICIPAL COUNCIL**

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

**MONDAY
MARCH 6, 2023
AT 10:00**

**MANGAUNG
METROPOLITAN
MUNICIPALITY**



MANGAUNG METROPOLITAN MUNICIPALITY

**Bram Fischer Building
BLOEMFONTEIN**

28 FEBRUARY 2023

**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, 6 MARCH 2023**

at 10:00

To consider the items as set out in this agenda.



**SPEAKER
COUNCILLOR SB LOCKMAN-NAIDOO**

01 / 03 / 2023

DATE: _____

Note by Secretariat

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

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

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

6. **Meeting rules:**

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

INDEX

ITEM NO	ITEM	PAGE NO
26.	OPENING	5
27.	NOTICE OF THE MEETING	5
28.	APPLICATIONS FOR LEAVE OF ABSENCE	5
29.	ACCEPTANCE OF THE AGENDA	5
30.	ANNOUNCEMENTS	5
31.	REPORTS FROM THE EXECUTIVE MAYOR	
1	ADJUSTMENT BUDGET 2022/2023	6
2	REPORT ON SELECTION PANEL: THE RECRUITMENT, SELECTION AND APPOINTMENT OF THE MUNICIPAL MANAGER (CITY MANAGER) FOR MANGAUNG METROPOLITAN MUNICIPALITY (MMM) IN TERMS OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS AMENDMENT ACT, ACT 3 F 2022 READ TOGETHER WITH LOCAL GOVERNMENT: REGULATIONS ON APPOINTMENT AND EMPLOYMENT CONDITIONS OF SENIOR MANAGERS	7
3	READVERTISEMENT OF VACANT POSITIONS OF HEADS OF DEPARTMENTS AT MANGAUNG METROPOLITAN MUNICIPALITY IN ACCORDANCE WITH LOCAL GOVERNMENT MUNICIPAL SYSTEMS ACT AS AMENDED AND REGULATIONS	8 – 9
4	EXTENSION OF SECONDED INTERIM MANAGEMENT TEAM AT MANGAUNG METROPOLITAN MUNICIPALITY	10
32.	REPORTS FROM THE SPEAKER	
1	RESIGNATION OF THE EXECUTIVE MAYOR, CLLR MA SIYONZANA	10
2	RESIGNATION AND REPLACEMENT OF COUNCILLORS	11
3	UPDATE ON THE TAKING OF OATH BY WARD COMMITTEE MEMBERS	11
33.	REPORTS FROM THE AUDIT COMMITTEE	
	NONE	12
34.	REPORTS FROM THE MPAC	
	NONE	12
35.	IN COMMITTEE REPORTS	
	NONE	12
36.	CLOSING OF THE SPECIAL COUNCIL MEETING	

Note by Secretariat: Councillors are requested to bring along to this meeting the Annexure on the adjustment budget – item 18.4, circulated for the meeting held on Monday, 27th February 2023 as it will not be printed but can be accessed electronically.

**AGENDA
(OPEN COUNCIL)**

**26.
OPENING
(MOMENT OF SILENT CONTEMPLATION FOR MEDITATION AND PRAYERS)**

**27.
NOTICE OF THE MEETING**

**28.
APPLICATIONS FOR LEAVE OF ABSENCE**

**29.
ACCEPTANCE OF THE AGENDA**

**30.
ANNOUNCEMENTS**

1.

MANGAUNG METROPOLITAN MUNICIPALITY: ADJUSTMENT BUDGET FOR FEBRUARY 2022/2023

Annexure : Report received from the Acting City Manager and NCR.

NB: The approval for the Adjustment Budget is in line with the provisions of Section 160 (3) of the Constitution Act. This implies that fifty percent plus one (50% + 1) of the Council complement must vote for the approval of the Adjustment Budget.

A: A Letter written to the MEC Free State Province Treasury to condone the late submission of the Adjustment Budget to Council.

B: Explanatory notes on the Adjustment Budget of Councillors Upper Limits.

RECOMMENDATION

1. Based on the details as outlined above it is recommended that Council approves the Adjustment Budget as contained herein, together with the resolutions as contained here below.
2. That Council approves changes as contained in Table B1 to Table B10 as well as all other supporting schedules for the Adjustment Budget.

RESOLUTIONS

- 2.1 That the original budget as approved on 22 June 2022 be adjusted accordingly. Operating Income be decreased by R163,37 million to the revised amount of R8,65 billion. The Operating Expenditure be decreased by R76,14 million to the revised amount of R 8,08 billion. The Capital Expenditure Budget be increased by R28,80 million to the revised amount of R1,31 billion for the 2022/23 financial year as set out in the following tables:

		Page
Table B1	Consolidated Adjustment Budget Summary	7
Table B2	Consolidated Adjustments Budget Financial Performance (Revenue & Expenditure by Municipal Vote)	8
Table B3	Consolidated Adjustment Budget Financial Performance (Standard Classification)	9-18
Table B4	Consolidated Adjustment Budget Financial Performance (Revenue & Expenditure)	19
Table B5	Consolidated Adjustment Capital Expenditure, Budget by Vote and Funding	22

- 2.2 That the financial position, cash flow, backed reserve/accumulated surplus, asset management be adopted as set-out in the following tables:

		Page
Table B6	Consolidated Adjustment Budget Financial Position	23
Table B7	Consolidated Adjustment Budget Cash Flows	26
Table B8	Consolidated Cash Backed Reserves/Accumulated Surplus Reconciliation	27
Table B9	Consolidated Asset Management	28 – 30
Table B10	Consolidated Basic Service Delivery Measurement	31

2.

REPORT ON SELECTION PANEL: THE RECRUITMENT, SELECTION AND APPOINTMENT OF THE MUNICIPAL MANAGER (CITY MANAGER) FOR MANGAUNG METROPOLITAN MUNICIPALITY (MMM) IN TERMS OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS AMENDMENT ACT, ACT 3 F 2022 READ TOGETHER WITH LOCAL GOVERNMENT: REGULATIONS ON APPOINTMENT AND EMPLOYMENT CONDITIONS OF SENIOR MANAGERS

Annexure: Report dated March 1, 2023 received from the Acting HoD: Corporate Services, approved by the Acting City Manager, ratified by NCR and approved by the Deputy Executive Mayor.

RECOMMENDATION that Council

- (a) Note the process embarked upon by the selection panel as mandated by Council on the recruitment, selection and appointment of the City Manager.
- (b) Note the report on the selection, recruitment and appointment of the City Manager from the NCR.
- (c) Mandate the MPAC to investigate the UIFWE relating to the selection, recruitment and appointment of the City Manager and report back to the Council.
- (d) Approve that the position of the City Manager be readvertisement and the appointment must be finalised within three (3) months.
- (e) Appoint selection panel for the recruitment, selection and appointment of the City Manager as follows:
 - I. **Chairperson** – the Mayor, Mangaung Metropolitan Council
 - II. **Panel Member** – Local Government Expert
 - III. **Panel Member** – Cllr designated by Council
 - IV. **Panel Member** –
 - V. **Panel Member** –
 - VI. **Observer** – NCR
 - VII. **Observer** – NCR Support Governance
- (f) Direct the Acting City Manager to handover to the new City Manager to be appointed for a period to be determined by the new incumbent City Manager.

**3.
READVERTISEMENT OF VACANT POSITIONS OF HEADS OF DEPARTMENTS AT
MANGAUNG METROPOLITAN MUNICIPALITY IN ACCORDANCE WITH LOCAL
GOVERNMENT MUNICIPAL SYSTEMS ACT AS AMENDED AND REGULATIONS**

Annexure: Report dated March 1, 2023 received from the Acting HoD: Corporate Services, approved by the Acting City Manager, ratified by NCR and approved by the Deputy Executive Mayor.

RECOMMENDATION that Council:

- (a) Note that the computation of time for shortlisting of applications of the advertised positions of the Chief Financial Officer, Heads of Department Technical Services and Corporate Services has since lapsed on the 10th January 2023.
- (b) Mandate the MPAC to investigate the UIFWE relating to the selection, recruitment and appointment of the City Manager and report back to the Council.
- (c) Approve readvertisement of positions of senior managers accountable to the municipal manager in accordance with the Municipal Systems Act and the Regulations:
 - (1) HOD – Corporate Services
 - (2) HOD – Engineering Services
 - (3) Chief Financial Officer
 - (4) HOD – Planning, Economic and Rural and Human Settlements
 - (5) HOD – Public Safety
 - (6) HOD – Community Services and Waste Management
 - (7) HOD – Corporate Planning, Quality Assurance, Knowledge Management, Monitoring and Evaluation (Office of the City Manager)
- (d) Approve that all vacant positions of senior managers accountable to the City Manager be filled within three (3) months.
- (e) Consider and approve the report on appointments of selection panels withdrawn in Council of the 19th December 2022 by appointing selection panels to recruit, selection and appointment of Heads of Department as follows:
 - (1) HOD – Corporate Services
 - i. **Chairperson** – City Manager
 - ii. **Panel Member** – MMC responsible for the portfolio
 - iii. **Panel Member** – Expert in LG Human Resources and Systems
 - iv. **Panel Member** – Expert in Municipal and Corporate Governance Systems
 - v. **Panel Member** – Expert in Legal Governance and ICT
 - vi. **Observer** – NCR Governance Expert
 - (2) Chief Financial Officer
 - i. **Chairperson** – City Manager
 - ii. **Panel Member** – MMC responsible for the portfolio
 - iii. **Panel Member** – Expert in Revenue Management
 - iv. **Panel Member** – Expert in Budgeting
 - v. **Panel Member** – Expert in Municipal Finance
 - vi. **Observer** – NCR Finance Expert

(3) HOD – Engineering Services

- i. **Chairperson** – City Manager
- ii. **Panel Member** – MMC responsible for the portfolio
- iii. **Panel Member** – Expert in LG Built Environment
- iv. **Panel Member** – Expert in Engineering with experience on MEGA Projects
- v. **Panel Member** – Expert in project planning and budgeting
- vi. **Observer** – NCR Service Delivery

(4) HOD – Planning, Economic and Rural and Human Settlements

- i. **Chairperson** – City Manager
- ii. **Panel Member** – MMC responsible for the portfolio
- iii. **Panel Member** – Expert in Local economic Development
- iv. **Panel Member** – Expert in Human Settlements
- v. **Panel Member** – Expert in Urban and Regional Planning
- vi. **Observer** – NCR Service Delivery

(5) HOD – Community Services and Waste Management

- i. **Chairperson** – City Manager
- ii. **Panel Member** – MMC responsible for the portfolio
- iii. **Panel Member** – Expert in Waste Management
- iv. **Panel Member** – Expert in Municipal Health Services
- v. **Panel Member** – Expert in Municipal Services
- vi. **Observer** – NCR Service Delivery

(6) HOD – Corporate Planning, Quality Assurance, Knowledge Management, Monitoring and Evaluation

- i. **Chairperson** – City Manager
- ii. **Panel Member** – MMC responsible for the portfolio
- iii. **Panel Member** – Expert in Corporate Planning
- iv. **Panel Member** – Expert in Municipal Audit, Risk and Fraud Management
- v. **Panel Member** – Expert in Integrated Planning, Monitoring and Evaluation
- vi. **Observer** – NCR Service Delivery

(7) HOD – Public Safety

- i. **Chairperson** – City Manager
- ii. **Panel Member** – MMC responsible for the portfolio
- iii. **Panel Member** – Expert in Road Traffic Management
- iv. **Panel Member** – Expert in Community Safety and Security
- v. **Panel Member** – Expert in Municipal Health Services (Environmental Health)
- vi. **Observer** – NCR Service Delivery

**4.
EXTENSION OF SECONDED INTERIM MANAGEMENT TEAM AT MANGAUNG METROPOLITAN MUNICIPALITY**

Annexure: Report dated March 1, 2023 received from the Acting HoD: Corporate Services, approved by the Acting City Manager, ratified by NCR and approved by the Deputy Executive Mayor.

RECOMMENDATION that the Municipal Council:

- (a) Approve extension period of the Acting City Manager and Heads of Department. Regarding the Acting City Manager until the 30th April 2023 and Acting Heads of Department until June 2023.
- (b) Direct the Deputy Executive Mayor/Mayor to immediately commence with the performance evaluation process of the Acting City Manager and all Acting HODs for the period worked.
- (c) Direct the Deputy Executive Mayor/Mayor to immediately enter into revised performance agreements with the Acting City Manager and all Acting HODs with realistic performance targets.
- (d) Direct Acting City Manager and Heads of Departments that upon their end of extension, be available for handover and audit processes to the newly Executive Management Team respectively for a period to be determined by the new incumbent City Manager and Heads of Departments.

32.	REPORTS FROM THE SPEAKER
------------	---------------------------------

**1.
RESIGNATION OF THE EXECUTIVE MAYOR, CLLR MA SIYONZANA**

Annexure: Report dated February 28, 2023 received from GM: Secretariat, supported by the Acting HoD: Corporate Services, recommended by the Acting City Manager, ratified by NCR and approved by the Speaker.

RECOMMENDATION

- (a) That the Municipal Council takes note of the report regarding the resignation of the Executive Mayor, Councillor Siyonzana.
- (b) That Council notes that Members of the Mayoral Committee cease to hold office of being MMC's and thus becomes part-time councillors effective from the date of resignation.
- (c) That the Deputy Executive Mayor, Councillor Mapaseka Mothibi-Nkoane assumes full responsibilities of the functions performed by the Executive Mayor, until the Municipal Council fill the vacancy.

**2.
RESIGNATION AND REPLACEMENT OF COUNCILLORS**

Annexure: Report dated February 20, 2023 received from the GM: Secretariat Services, supported by Acting HoD: Corporate Services, recommended by the Acting City Manager and approved by the Speaker.

RECOMMENDATION

- (a) That the Municipal Council notes the replacement of the DA PR Councillor with the resignation of Cllr Rulhof van der Merwe.
- (b) That it be noted that Cllr Corize van Rensburg becomes a Councillor representing the DA effective from the 20th January 2023.

**3.
UPDATE ON THE TAKING OF OATH BY WARD COMMITTEE MEMBERS**

Annexure: Report dated February 20, 2023 received from the GM: Secretariat Services, supported by Acting HoD: Corporate Services, recommended by the Acting City Manager and approved by the Speaker.

RECOMMENDATION

- (a) That the Municipal Council notes that a total of 430 Ward Committee members took an oath of office and that the members promised to uphold and fulfil certain requirements and obligations of the position that they were elected to.
- (b) That it be noted that the outstanding compliment of Ward Committee members will be encouraged to take oath during the next three months starting in April 2023.

33.	REPORTS FROM THE AUDIT COMMITTEE NONE
34.	REPORTS FROM THE MPAC NONE
35.	IN COMMITTEE REPORTS NONE
36.	CLOSING OF THE SPECIAL COUNCIL MEETING