

CONFIDENTIAL

**MINUTES
of 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.

**MINUTES OF A
SPECIAL MEETING
of the
MANGAUNG METROPOLITAN MUNICIPAL COUNCIL
held IN THE COUNCIL CHAMBER, FIRST FLOOR, BRAM FISCHER BUILDING
BLOEMFONTEIN
on
MONDAY, DECEMBER 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	Absent with apology
SECTION 79 CHAIRPERSONS			
4	Cllr Mokoakoa (Mpho Isaac)	ANC 29	
5	Cllr Nhlapo (Ntombi Anna)	ANC	
6	Cllr Qai (Alfred)	AIC	Absent with apology
7	Cllr Seleke (Puseletso Leticia)	ANC	Absent with apology
8	Cllr Mokgothu (Tona Kenosi Wilfred)	ANC 2	
MEMBERS OF THE MAYORAL COMMITTEE (SECTION 80 CHAIRPERSONS)			
9	Cllr Titi-Odili (Lulama Magdeline)	ANC	Absent with apology
10	Cllr Morake (Molefi Andries)	ANC	
11	Cllr Matsoetlane (Maditaba Joyce)	ANC	Absent with apology
12	Cllr Mogotloane (Thabo Joel)	ANC 39	Absent without apology
13	Cllr Tladi (Motshewa Martha)	ANC	Absent with apology
14	Cllr Mosala (Motlhokung Theodorah)	ANC 11	Absent with apology
15	Cllr van der Ross (Kevin Etienne)	PA	
16	Cllr Twala (Pani Sidney)	ATM	Absent with apology
17	Cllr Jonas-Malephane (Vuyelwa Eunice)	ANC	

PR COUNCILLORS			
#	NAME	PARTY	LEAVE
18	Cllr Campher (Zaandre MC)	DA	
19	Cllr Davies (Maryke)	DA	
20	Cllr De-Huis (Dikeledi Jane)	EFF	
21	Cllr De Kock (Valerie Belinda)	FFPlus	
22	Cllr Denner (John Henry)	FFPlus	
23	Cllr Dennis (Magdalene Elizabeth)	DA	
24	Cllr Ferreira (Thomas Ignatius)	DA	Absent with apology
25	Cllr Klaasen Raynie Sarah	DA	
26	Cllr Letsoko (Mantwa Sanah)	EFF	
27	Cllr Lipale (Gopolang Jeremiah)	EFF	
28	Cllr Makau (Pitso Elias)	EFF	
29	Cllr Malebo (Deliwe Lettia)	EFF	
30	Cllr Maliela (Motiki Edwin)	DA	
31	Cllr Masoeu (Thapelo David)	DA	
32	Cllr Mogotsi (Mamahlape Elias)	EFF	
33	Cllr Mohlamme (Lebohang Lerato)	DA	
34	Cllr Mokoena (John Itumeleng)	AASD	
35	Cllr Mongale (Mojalefa William)	AASD	
36	Cllr Monyakoana (Ntwa Patrick)	ANC	
37	Cllr Moreeng (Kabelo Christopher)	DA	
38	Cllr Mtshakazane (Eunice Xoliswa)	EFF	
39	Cllr Njiva-Lebajoa (Mamotse)	DA	Absent without apology
40	Cllr Phohleli (Tsholwane Eddy)	EFF	
41	Cllr Phupha (Ntsoaki Agnes)	PA	

42	Cllr Ramatlama (Mpho Joseph)	EFF	
43	Cllr Rampai (Pule Joseph)	ACDP	Absent with apology
44	Cllr Rasoeu (Lempe Ernest)	DA	
45	Cllr Sebolao (Jankie Elisha)	EFF	
46	Cllr Shale (Nkahiseng Reginah)	EFF	
47	Cllr Snyman van Deventer (Elizabeth)	FFPlus	Absent with apology
48	Cllr Terblanche (Arthur Phillip)	DA	
49	Cllr Thomas (Johannes Beleme)	EFF	
50	Cllr Thompson (Mare-Lize)	FFPlus	
51	Cllr Thwala (Zwelinjane Jonathan)	DA	Absent with apology
52	Cllr van der Merwe (Rulhof)	DA	Absent with apology
53	Cllr Viviers (Benhardus Jacobus)	DA	Absent with apology
54	Cllr Vorster (Braam)	FFPlus	
WARD COUNCILLORS			
55	Cllr Sefaki (Samuel)	ANC 1	
56	Cllr Machachamise (Tshepiso Oudious)	ANC 3	
57	Cllr Supi (Mahoko Harold)	ANC 4	Absent with apology
58	Cllr Lecoko (Lehlohonolo Nathaniel)	ANC 5	
59	Cllr Moilola (Tshidiso Petrus)	ANC 6	
60	Cllr Rampai (Chabeli Frank)	ANC 7	
61	Cllr Nyaphudi (Likeleli Julia)	ANC 8	
62	Cllr Tlhakung (Betty Masetlhabi)	ANC 9	
63	Cllr Setlai (Teboho Lesley)	ANC 10	
64	Cllr Hashatsi (Rafedile)	ANC 12	Absent without apology
65	Cllr Siteo (Nombulelo Dorcas)	ANC 13	Absent with apology

66	Cllr Lekgetho (Lebogang Winston)	ANC 14	
67	Cllr Mohibidu (Pulane Martha)	ANC 15	Absent with apology
68	Cllr Kruger (Caprice Logan)	ANC 16	Absent with apology
69	Cllr Mohatle (Mampone Sally)	ANC 17	Absent with apology
70	Cllr McKay (David Mark Campbell)	DA 18	Absent without apology
71	Cllr Peter (Seth Qondile)	ANC 19	Absent with apology
72	Cllr Pretorius (Werner)	DA 20	
73	Cllr Lotriet (Pieter Adam)	DA 21	Absent with apology
74	Cllr Leech (Dulandi)	DA 22	Absent with apology
75	Cllr van der Walt (Tjaart Botha)	DA 23	
76	Cllr Kotze (Gerhardus Dirk Petrus)	DA 24	
77	Cllr Botes (Francois Rossouw)	DA 25	
78	Cllr van Niekerk (Hendrik Johannes Christiaan)	DA 26	
79	Cllr Banyane (Zachous Nechodemus)	ANC 27	Absent without apology
80	Cllr Nikelo (Vumile Edwin)	ANC 28	Absent without apology
81	Cllr Tukula (Teboho Daniel)	ANC 30	Absent without apology
82	Cllr Mabena (Mere Joel)	ANC 31	Absent without apology
83	Cllr Menyatso (Thabang Victory)	ANC 32	
84	Cllr Mohono (Tshidiso Augustine)	ANC 33	Absent with apology
85	Cllr Tshwane (Kabi Daniel)	ANC 34	Absent without apology
86	Cllr Fantisi (Teboho Samuel)	ANC 35	Absent without apology
87	Cllr Makoloane (Itumeleng Justice)	ANC 36	
88	Cllr Ramolelle (Mmota Simon)	ANC 37	
89	Cllr Matsoso (Molahloane Florenciah)	ANC 38	

90	Cllr Pholoholo (Ntebaleng Petunia)	ANC 40	Absent with apology
91	Cllr Dintlhwane (Mantja Agnes)	ANC 41	
92	Cllr Mothupi (Maqoma Lazarus)	ANC 42	Absent without apology
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	Absent with apology
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	Absent without apology

PRESENT:

GUESTS

1. Chairperson: Audit committee

Ms P Kaota

NATIONAL INTERVENTION TEAM

1. NCR
2. Service Delivery Specialist
3. Finance Specialist
4. Governance Expert

Ms G Malaza

Mr E Mngomane

Mr S Mewalall

Mr M Nkosi

OFFICIALS

1. Acting City Manager
2. Acting CFO
3. Acting HoD: Corporate Services
4. Acting HoD: Fleet
5. General Manager: Committee Services
6. Secretariat officer
7. Secretariat Officer

Mr T Motlashuping

Mr L Denge

Adv N Mpangane

Mr XC Manyungwana

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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7
MINUTES
(OPEN COUNCIL)

191.

OPENING

(MOMENT OF SILENT CONTEMPLATION FOR MEDITATION AND PRAYERS)

The meeting commenced at 10h15.

The Speaker welcomed everyone present and conveyed a special welcome to guests from the EFF, the Chairperson of the Audit Committee, community members viewing the meeting proceedings from the gallery and the livestreaming via Facebook.

NOTED.

192.

NOTICE OF THE MEETING

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

Cllr JC Pretorius raised that he was not happy that they did not have an ordinary meeting and therefore urge the Speaker to call Council meetings.

Cllr CF Rampai mentioned that an official who called the Speaker to cancel the meeting must be disciplined.

The Speaker responded that she agreed with Cllr JC Pretorius that they were supposed to have an ordinary Council meeting and furthermore confirmed that she did indeed receive an email from an official (General Manager) that she must cancel the meeting and that she will send that report to the NCR and the Acting City Manager.

Cllr NP Monyakoana indicated that he also joined the call made by Cllr JC Pretorius on sitting of ordinary Council meetings, that if meetings did not sit as per the approved schedule and not be given the reasons why, he was not happy about that. He then asked why was it a special Council and not ordinary Council meeting?

The Speaker responded that an assessment report was only delivered on by Friday. Might need to call a special virtual Council for the appointment of CM.

The Executive Mayor reiterated that one of the item that was supposed to serve in Council was the appointment of City Manager however there had been a delay in terms of processes. Further that the ordinary Council meeting would be before end of December 2022, and the item would probably be dealt with the following week.

Cllr JE Sebolao requested the Speaker to name the junior official who instructed the Speaker that the meeting should not go ahead and that he/she was undermining the Speaker as well as the Council.

Cllr M Davies asked whether it was possible to continue Council meeting without the Acting City Manager being present and the Speaker indicated that the Acting City Manager reported that he would be late however the NCR was present.

Councillors thereon raised the following concerns:

Cllr S Sefaki: that the Minister of Finance promised to send a letter to Council about Ms G Malaza and Mr Nkosi however the letter has not yet been received.

Cllr MW Mongale: that he was worried that as Council as they would also be implicated for wrong doing, that Speaker must confirm the quorum.

Cllr NP Monyakoana: that why were the MMCs not present in the meeting and that it was a disaster/embarrassment that Council would sit and the Acting City Manager and HODs being late of which all were from Gauteng which then bear testament why service delivery was such a disaster.

Cllr B Vorster stated that maybe if Council had proceeded correctly with a moment of silence for meditation and prayers, such issues would not happen.

Cllr GDP Kotze: that Council had been 'slapped in the face' by intervention team because when you book for flight, one must also book for a return or use other means/modes of transportation services.

The Speaker explained that the presence of the administration team did form part of the quorum for Council sitting but in terms of workings and decision making, it was crucial that they be present. She confirmed that 53 Cllrs were present and therefore forming a quorum to continue with the meeting as they were legally intact and allowed to continue.

That she had sent out correspondence with regards to non-attendance of meetings by HODs and she will continue writing more letters to HODs and other Councillors including MMCs for non-attendance of meetings and the report would be brought to Council in this regard.

NOTED.

193.

APPLICATIONS FOR LEAVE OF ABSENCE

Leave must be applied a day before the meeting not on the day of the meeting.

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.

194.

ACCEPTANCE OF THE AGENDA

Cllr MW Mongale indicated that there were items missing in the Council agenda which also included appointment of Council Whip and asked why critical items were always omitted?

The Speaker confirmed that it will serve at the next ordinary Council meeting.

Cllr JE Sebolao raised a concern with regard to the EFF's Rule 38 questions submitted which were more than 10 and had not been responded to and further questioned the third page, whether it was the Acting City Manager's signature, and the fact that he did not attach a date to his signature.

Cllr CF Rampai reminded Councillors that at the last Council meeting, it was agreed that Council would receive a report from Centlec on monthly basis. He then moved for adoption of the agenda and was seconded by Cllr TKW Mokgothu.

NOTED.

195.

ANNOUNCEMENTS

The Speaker made the following announcements:

“On the resignation of and farewell to Councillor R van Der Merwe: We received a letter of resignation from Councillor R van der Merwe, and his resignation is effective from the 01 January 2023. We would like to express our heartfelt thanks and congratulations to Councillor van der Merwe and his family.

He was elected as a Councillor on the 9th of June 1988 during the Bloemfontein City Council. During 1999 he was elected and reconfirmed as a ward councillor until 2021, and during the previous Municipal elections was elected as a PR Councillor. Indeed to serve Mangaung for 34 years its not an easy feat, and he had played his role, from the Transitional Local Council's during the mid-1990's to the period of incorporation and reconfiguration of municipalities in the year 2000. We are overflowing with gratitude, that we are able to share such an important milestone with him, 34 years as public representative its truly an accomplishment. As you start a new journey of retirement, this Council will always look back with a smile for the moments we shared together. Indeed, chance made us colleagues, but the fun and laughter we shared made us friends. Enjoy the eat and drink and the fruits of your labour, for these are gifts from God.

Recess during the festive period: We will be going on recess from today, December 19, 2022 until January 15, 2023. During this period there will be no meetings. This period is aimed at granting Council members time to take a well-deserved rest and to spend quality time with family and friends. The office of the Speaker extends, words of congratulation to all Council members for the work done during 2022, and we hope you will come back in 2023 with more strength and energy to continue working for the community of Mangaung and the official business calendar of the Council will start on the 16 January 2023.

7C

The Acting City Manager will circulate a contact list for service delivery issues, for the festive period and we note that challenges that may crop up and the list is meant to assist where calls can be made for speedy service attention.

Cllr FR Botes requested Speaker that they be provided with a trusted list for officials who will be assisting Councillors with service delivery issues.

Cllr GDP Kotze wished the MMM officials and residents a happy and safe festive season.

The Speaker responded that she met with the NCR regarding the list and they were working and finalising it.

NOTED.

Prior the Executive Mayor presented his items, Cllr GJ Lipale requested a 10 minutes EFF caucus to discuss the non-availability of the Acting City Manager and the HoDs. The Speaker afforded the Executive Mayor an opportunity to first present his items before allowing a caucus.

The Executive Mayor presented as follows:

- Issues of service delivery during rainy seasons are exposed. On festive season expect all officials to be on the ground. Council duties make policies and administration to implement hence there are two Committees. Unfortunately, one of the leaders (Acting HoD) for cleaning of the City (Waste Management) would come back in January 2023.
- Secondly, they also expected that the person who heads infrastructure to be present to address issues of spillages and also set up a team that deals with that. The MMC of infrastructure would lead at a political level as well as the one that deals with cleanliness at the political level. That they were expected not to go on holidays.
- That he would make an announcement around the end of January, there would be visitors from international who will be in Mangaung for international game.
- That when the EFF was in Mangaung, the GDP of the City went up and therefore expected the international visitors would also spend their money in Mangaung.
- That he had an opportunity to serve with Cllr R van der Merwe.
- That all items were tabled for discussion however a special Council would be convened to discuss the item on the appointment of the City Manager.

the Speaker reported that the Acting City Manager has landed about 20 minutes ago and he will be present in a meeting shortly. She then granted the request for EFF caucus.

Cllr GJ Lipale reported that they were disturbed as the EFF by the absence of the HoDs and the team in the meeting and that it should not happen. They were not going to accept the situations whereby Council would commence and continue without advices from the administration and that it was the first time that it has happened. That the administration should know that politics must not affect their work in the Council.

NOTED.

1.

CONSIDERATION AND APPROVAL OF PLACEMENT POLICY OF 2022 OF MANGAUNG METROPOLITAN MUNICIPALITY

Cllr PE Makau addressed the Council: “Thank you, Madam Speaker. Greetings, fellow councillors and Speaker. The two sub-zonals should have been secured and managed in a suitable manner ever since August 25, 2015, when the demarcation board announced in their gazette Section 23 of the Demarcation Act of 1998 and on the Municipal structure Act, which specifies that Soutpan and Naledi shall be demarcated to Mangaung.

What doesn't makes sense in this situation is that the Metro wishes to execute a placement policy while simultaneously demarcating Naledi to a new municipality. You want to reverse and redo your own demarcation after only six years? This shows that the municipality lacks knowledge and judgment in all it does and does.

These would have meant giving the Mangaung Metro Municipality ownership of all assets, liabilities, and other things. If the Metro had been more competent, that could have been done in the most efficient manner.

Honourable Speaker, despite the amount of personnel working there, the Soutpan and Naledi zonal offices are frequently unoccupied. In Soutpan, there are about 21 employees, but on the day of our site visit, only three (3) persons were present in the offices. Despite this, the municipality continues to pay these employees even though they are not working.

Honourable Speaker, we are all aware of the numerous garbage trucks and municipal cars that are parked at the Mangaung yard of Soutpan and Naledi and are not being used because their managers are incompetent.

May Section 197 of the Labour Relations Act be adhered to the latter, even though we hope that the employees won't be harmed and replaced by a few new connected workers. We hope that the labour forum will ensure that fair procedures are followed.

Recommendations: As Economic Freedom Fighters, we recommend that the organogram be looked at very carefully before placement, along with all of the above-mentioned matters like future demarcation and the laziness of employees. I thank you, Honourable Speaker.”

Cllr M Davies indicated that it was high time that the report be brought to Council so that they can approve the placement of employees from former Naledi Municipality and Soutpan. That they wanted to thank the Council and the administration for bringing the item to Council which was long overdue and that when approved, it should not take another six years before it was implemented.

Cllr MW Mongale mentioned that six (6) years later, it was only now that the item was submitted to Council and he made the Council aware of what was discussed at MPLC which might affect Council's decision of the day on the matter. That it was crucial that the Council check the facts first with regard to MPLC minutes and decision of placement of employees of former Naledi Municipality into the Metro. That it was astonishing that it took almost six 6 years for the Municipality to finalise the placement of less than 200 employees.

Cllr VE De Kock addressed the Council: “Madam Speaker, the Policy wording in principal is yet another "look good on paper" policy. The Freedom Front Plus however have to ask the following questions:

- Why were this process not implemented yet, since it was published in the Provincial Gazette on 27 July 2016 already? This implies that 144 employees floated in limbo for 6 years?
- What roles did staff such as the Secretaries to the MM and CFO in Naledi fill for the past 6 years?
- Despite the fact that Naledi has 123 employees, and Soutpan 21; residents receive very little basic service delivery, they are frequently faced with water/powerless days (at times weeks), sewers push back in residents houses due to blocked mains which is not attended to for days on end, etc.
- These same residents are however subjected to Metro rates, in a community that definitely cannot afford it.
- These 144 employees have to perform their duties, without receiving the basic tools of trade, such as stationery, tools, material etc. At this stage there is not even any vehicle available for these areas.
- The Freedom Front Plus stil maintain that the function of service delivery is centred incorrect. Government is too far away from the community and service delivery cannot be performed adequately. Thank you Madam Speaker.”

Cllr MC Lelala mentioned that the employees at former Naledi had been waiting for six 6 years for the matter to be finalised and that it has been a thorny issue and further hoped that political interference would be taken out of administration to allow them to execute their duties and Councillors not get involved.

Cllr MA Morake in a nutshell mentioned that Council will put the matter to rest to ensure workers issues find the voice which will then create confidence in the City.

Clr S Sefaki referred the Council to Clause 4 – the organogram and the newly adopted staff regulations and made an additional recommendation, that *no vacancy should be advertised until the placement is finalised.*

Cllr NP Monyakoana seconded the proposed recommendation by Cllr S Sefaki and Cllr CF Rampai concurred that no Councillors should be allowed in the placement process.

The Speaker explained that issues of demarcation would only be implementable in the next local government election after 2026 and it wont affect the decision taken.

Councillors were then allowed to vote by show of hands for the recommendations with additions as proposed by Councillors.

It was thereupon with 54 votes in favour, 1 against and 0 abstained

RESOLVED

- (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.
- (c) *That no vacancies be advertised until the organogram has been finalised for approval by the City Manager.*
- (d) *That the policy be amended under the Placement Committee(Clause 5.2.1) to exclude the one Councillor, not to be involved in placement process.*

2.

APPOINTMENT OF ACTING CHIEF FINANCIAL OFFICER (CFO)

Cllr T van Der Walt addressed the Council: “Thank you, Madam Speaker. The Councillors, EMT, officials and most importantly residents of Mangaung.

I want to wish everyone a blessed festive season. As residents you can rest assured that as Councillors we are committed and availed ourselves whenever we are needed to serve our City even if the Executive Mayor call us on the 31st of December to appoint the Municipal Manager in a legally sound way. I am sure we will be there.

I call on the Acting Municipal Manager to ensure that our officials are as committed and avail themselves to continue to serve our City through the holiday season.

Madam Speaker in terms of Local Government Regulation 21 Section 27, Mangaung Municipality may request for secondment with National or Provincial Government to second a staff member with relevant competencies to a vacant post however the two parties must conclude a written agreement that specify who will bear the cost of the appointment, duration of the secondment, the person whom they must report to, the place they must work and the job description of the position.

This Council is now being forced by the National Treasury and the Intervention Team to approve this item without satisfying ourselves that the person is indeed a government staff member as required, the person has the relevant competencies and that there is indeed a written agreement specifying who will bear the costs and the job description.

Should we not approve this item, the consequences of the Municipality and service delivery will be dire and it is absolutely unacceptable. However, it must be noted that the DA objects that Council is being strong armed to make a decision with a possibility of losing hundreds of millions in much needed funding should we fail to approve without the necessary information to satisfy the legal requirements to our disposal.

I call on the Acting Municipal Manager to ensure that any further acting appointments must at least contain the abovementioned required information so that Council can make rational decisions even if it is something imposed on us by National Government with them taking ultimate responsibility or any problems that arise out of this simple appointment.

Lastly, Madam Speaker, I trust that the new Acting CFO has been hitting the ground running and will ensure that there are no decisions made that contradict legislation and decisions related to service delivery and governance systems are fast tracked. Furthermore, it is crucial that the weaknesses in the budget that were highlighted by the DA and Civil Society are corrected in the adjustment budget to ensure that we have sufficient fleet, materials and tools to bring an improvement in service delivery that has come to a stand still and to rest the spiralling cost of unmetered water losses due to burst pipes and broken meters. The DA will abstain. Thank you, Madam Speaker.”

Cllr JE Sebolao addressed the Council: “Madam Speaker, this report is a reflection of our administration, more so the incompetence of the Acting City Manager, including a poor leadership style of the Executive Mayor. Both these offices are dragging our Municipality to the dungeons, why is there a problem when this matter is required to be addressed and submitted to the Council for adoption. Madam Speaker, the contract of the CFO expired on the 31st of March 2022 and we are in December 2022, nine (9) months later, we are still grappling with the appointment of an acting CFO. Madam Speaker appointment of Executive Management Team is a power reserved to the Council.

This name is submitted by the Minister of Finance, the name recommended is that of Mr. L Denge, and he is meant to be appointed for a period of two (2) months, from December 2022 until the end of January 2023. Madam Speaker, given the poor leadership of the Executive Mayor, Cllr MA Siyonzana, there is no prospect that come end January 2023, this position will be filled. We should expect the same lax attitude of this leadership.

Mister Executive Mayor, when are you going to start doing your work. Mangaung finds itself in this position because of your poor and bad leadership. Due to the associated implications of Mangaung Municipality to appoint an Acting CFO and grant allocations from the National fiscus, we are indeed pushed to appoint the proposed name, until January 2023, and for that reason, the EFF will support this report. Thank you, Honourable Speaker.”

Cllr S Sefaki raised a concern that the Acting CFO should not be appointed in retrospect, and therefore proposed that it should be effective from the date of the meeting i.e. the 19th of December 2022 and that the Acting City Manager must submit a list of decisions taken by Mr Lutanyani Denge from the 1st of December 2022 to date for the Council to rectify the decisions.

Cllr MW Mongale agreed with what Cllr S Sefaki raised that Council don't appoint retrospectively and furthermore indicated that Council was being forced to make mistakes by National and Provincial Treasury because the appointment of a person without the matter being placed in Council is erroneous and thus not having legal standing.

That in this case, for Council to save itself from any litigation, Council should decide to appoint the Acting CFO as from the day of Council (i.e. 19th December 2022) so that any other decision taken prior to the Council meeting should be on account to the Minister and therefore as the Afrikan Alliance of Social Democrats (AASD), they support the report.

Cllr JH Denner addressed the Council: “Madam Speaker, this process of appointing a CFO has been dragging on for months now. How is it possible that a Metro Municipality cannot manage to fill one of the most important vacancies in the organizational structure. Nevertheless here we are:

- Has this been advertised yet?
- What is the timeline for the permanent appointment of a CFO? This needs to be a priority now.

Due to the lack of political will, we are sitting where we are today to yet again approve the appointment of an interim CFO. We are only supporting this appointment due to the negative financial impact and resulting further breakdown in service delivery the contrary will have. Thank you, Madam Speaker.”

Cllr MA Morake indicated that he support the appointment of the Acting CFO from the 1st of December as a results of backlogs with service delivery challenges (paying service providers on time) especially at Engineering Services as there were people who were not yet paid for the past 6 – 8 months. That as indicated by the Executive Mayor that there were things established to deal with the backlog of infrastructure that need the signature of the Acting CFO to process.

Cllr CF Rampai:

- Mentioned that he had never seen that in public administration whereby the autonomy of the Council was taken by National Department. Reminded the Council that whatever commitment the Minister of Finance has taken in Council, to date has not been fulfilled as he had not yet submitted a letter and that one day in court when the decisions of the Council is challenged, the Minister should be held accountable and personally liable.
- Furthermore appeal to the new Acting CFO, to be an honest man and not a politician and hoped that he received a handover from the previous officials (Mr T Sediti) that Council wanted to know what happened to the R100 million of equitable share that went missing last year December, the R200 million of Vista Park so that as Councillors, they have answers for the residents of Mangaung.
- As Cllr MW Mongale already seconded proposal by Cllr S Sefaki, he was wondering from 1st of December 2022 if Mr L Denge signed any papers?
- That if Council followed the recommendation from National, it be recorded that Minister of Finance appointed the Acting CFO from the 1st December to date and Council distance itself from that by appointing him from the date of the meeting and not from 1st of December.

The Speaker informed the Council that she had a meeting with NCR the previous week with regard to the item and raised the manner in which Council received the item, then advise that she will write a letter to National Treasury and Provincial Treasury on the manner in which the letter was submitted as the Council still had its full powers.

That the Municipality was under intervention and not administration. This matter was raised with NCR and the Executive Mayor.

In responding to questions raised by Cllr JH Denner, the advert for the permanent CFO closed on the 9th of December 2022 hence the next item deals with the panel for the interviews of the appointment of HoD: Corporate Services, CFO and HoD of Engineering.

The Councillors then voted as follows on recommendation with amendments: 38 in favour, 0 against and 17 abstained.

After Speaker announced the results, Cllr NP Monyakoana raised a concern on whether the resolution was clear to officials as they had a tendency of discussing the Council Resolution instead of implementing it.

The Speaker indicated that unfortunately Council did not allow the Acting City Manager to speak therefore she would not be responding on his behalf however she hoped that he indeed understood the resolution and further that Mr L Denge was present in Council and he heard all concerns and reports requested. That the Acting City Manager and the NCR to ensure that those reports were submitted to Council, the report addressing the issue of the missing funds as well as the functioning of SCM. That as the Speaker, she would then further follow-up with a letter to the NCR and the Acting City Manager on the implementation of Council Resolutions.

It is thereupon

RESOLVED 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 19 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

Cllr IJ Makoloane proposed that the item be referred back to allow time, space and discussions with various political parties and Cllr MJ Ramatlama was in agreement with Cllr IJ Makoloane that the Municipal Systems Act stipulated that the City Manager should be the Chairperson of the panel i.e. the Council should firstly appoint the City Manager thereafter proceed with appointment of the panel.

Cllr JI Mokoena addressed the Council: "Thank you, Honourable Speaker and greeting to Councillors and the communities of Mangaung Municipality.

Honourable Speaker, I need clarity which can either be provided in the meeting or in writing at a later stage. On page 2 of the submission, there is an indication that Council appoint senior managers in consultation with the Municipal Manager. The term of the Municipal Manager is non-extendable 5-year period. Under 2.3. the last bullet point, says that the conditions of appointment of senior managers is now on a permanent contract.

Looking under discussion 3.2, in terms of Section 56 of the Amendment Act, endure Council to appoint managers reporting directly to the Municipal Manager in consultation with Municipal Manager. That seems to be contradiction that in as much as there was a need for continuity, and all accept that in municipalities, there are problems of service delivery, and on ongoing basis, fail with performance management. Relating this to permanent HoDs and the extend to which if they are unable to perform inline with expectations and if the new Municipal Manager, does it then mean that they inherit whoever in that positions?

I would want to implore that in as much as whatever conditions set here, in relation to permanent contracts, the Executive Mayor to ensure that Council allow continuity without permanently appointing HoDs, even if the City Manager's term is five (5) years, I would then propose that it be for six (6) or seven (7) years for transition but permanent means that the Municipality will be sitting with having to terminate contracts based on performance and this might be costly to the Municipality. I am not sure about the adverts that were made out on what term of appointment they had indicated in view of the comments I am raising as a concern. Thank you, Madam Speaker."

Cllr JH Denner remarked: "Madam speaker, it is with utmost importance that transparent and thorough appointment practises be implemented with public officials who serve and are paid with taxpayer's money. The Freedom Front Plus would therefore like to see that the process of appointing HoDs is exactly that, thorough and transparent. It is however proven fact that ANC led municipalities do not have the best track record in the appointment and empowerment of HoDs and other officials. It is important to give credit where credit is due and comment those officials who despite various detracting forces still manage to serve the residents of this Municipality to the best of their abilities.

Back to the point, we note that at least one person who is not a Councillor or staff member of the Municipality who has experience or expertise in this area of the advertised posts should form part of this selection panel. We take this as it may refer to official/s from other municipalities. It would be interesting to note that it would be quiet difficult to get someone from another ANC led municipality with a proven success record.

We would also like to know what the timeline for the permanent appointment of HoDs are with specific reference to subsection (d) that make mention of appointment of acting Heads of Departments? This Municipality and the ANC led municipalities and government departments in general has a bad reputation when it comes to inconsistencies that goes with continuous appointments with key positions on acting basis. We need administrative and political will to appoint permanent HoDs on a permanent basis, now. Thank you, Madam Speaker."

Cllr NA Nhlapo agreed with Cllr IJ Makoloane and furthermore asked what if the official (acting HoD) or NCR member was interested in the advertised vacant post as they supposed to be observers? Whether they would be allowed to apply and be excused as observers?

Cllr CF Rampai was of the opinion that if Council decides to refer the item back, they were in contradiction of what they had resolved under item 196.2 on the appointment of the Acting CFO; that by end of February 2023, Council should have appointed the CFO. That he was also concerned about the positions being permanent, whether Council was forced to appoint HoDs on permanent basis and if it was indeed advert as such?

Cllr MA Morake in a nut shell stated that on the issue of permanent vacancies, thorough work and feasibility studies were undertaken by CoGTA and a team of experts from National Treasury taking into account the challenge of local government relating to consistency and accountability.

Cllr NA Phupha raised a concern that the Municipality had been operating with Acting City Manager and HoDs for long and those positions needed to be filled however as Patriotic Alliance they propose that the Executive Mayor to engaged different parties and report back to Council at the next meeting.

The Speaker thereupon summarised and guided the Council by pointing out the following, namely:

- That Council do not talk about the person in the office, i.e. not who but the office. Every official who would be appointed inherits the decision of the predecessors.
- That the Acting City Manager has full powers as City Manager in terms of the Act to execute the powers.
- That there was a Council Resolution taken that current Acting HoDs were appointed only until the end of February 2023. Minister of CoGTA refused any extension of seconded officials therefore Council should ensure that by end of February 2023, it would have appointed permanent HoDs. Furthermore, Council should have appointed the City Manager by end of November 2022 thus showing Council was already late with all these processes and therefore there is a need to readvertise.
- That some of the conditional grants, were depended on the Council having the HoD of that specific department.
- That with regards to permanent HoDs, it was as per the legislation.
- That she was in agreement with the ratification note by NCR she had made.
- That if the Acting HoD is conflicted, they would have to recuse themselves totally from the process.
- That the names of expert/selection panel members be provided.

The Executive Mayor then proposed that the item be approved and on submission of names of panel members (including the Councillor), he be afforded an opportunity to consult with different political parties and report back to Council when Council deals with the appointment of the City Manager.

In responding to the Speaker, Executive Mayor confirmed that the report for the appointment of the City Manager was ready to be submitted to Council in the current week.

Cllr MW Mongale agreed with proposal of the Executive Mayor on multiparty meeting to finalise the panel member however Council should remember that it took a resolution that the MMC Corporate Services be charged and thus be “barred” from being a panel member as her matter is not yet resolved.

Cllr CF Rampai raised a concern regarding the wording (recommendation d) that NCR and Acting HoDs “*provide technical support*”; it should only say, ‘observers’ and therefore support that the item be referred back however it should be Council to appoint the panel and not multiparty whippers.

Cllr NP Monyakoana mentioned that if the item was to be referred back, it must be Council to resolve on the matter and in addition agreed with Cllr CF Rampai that the NCR and Acting HoDs be observers not giving technical support. That Council should bear in mind that if it delays appointing the panel, service delivery suffered.

The Speaker allowed an ANC caucus as requested by Cllr CF Rampai supported by the Executive Mayor. She then stated that the item will be kept in abeyance until after lunch break when the Executive Mayor had engaged with other political parties.

Prior to lunchbreak, Cllr M Davies raised concerns and requested that the matter be concluded and was supported by Cllr JC Pretorius who further indicated that they did not trust that the Executive Mayor would undertake what he promised as Council was supposed to have the City Manager by end of November 2022 but that did not happen.

After discussions, the Executive Mayor then withdrew the item and stated that on Wednesday at 10:00 he request to meet with all political parties.

WITHDRAWN.

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

Cllr DL Malebo addressed the Council: “Ndiyabulela Somlomo. Greetings to the House. Honourable Speaker as we read through the material and report related to the Risk Management Policy and the Committee report, we are aware that the Committee have been operating under resources restriction for the previous years since it was formed and we aware currently there is only two members left in the Committee, which makes it inactive.

As the EFF, we approve the Risk Management Policy and take note of the report however, we recommend that the new Committee must be established and capacitated in order for them to work properly and do their duties successfully. I thank you, Madam Speaker.”

Cllr GDP Kotze addressed the Council: “Thank you, Madam Speaker. The Democratic Alliance takes note of the report with the following concerns and clarity seeking questions. Recommendation (b) request that Council to take note of the reports of the past two financial years, but the last meeting held was on the 16th of February 2022.

1. What did the Risk Management Committee do for the past 10 months? Their responsibility is to identify risk and manage risk within the Municipality. The accountable officer for those risks is the City Manager.
2. Annexure C report is older than a year, why Council need to take note of the report of the previous term?
3. Why did the Chief of the Metro Police never attended any meetings scheduled by Risk Management Committee for the past two years?

To conclude, the DA is concerned that Council always need to take note of old reports that are just a tick list exercise for the National Intervention Team and for the Executive Mayor. Thank you, Madam Speaker.”

Cllr JI Mokoena addressed the Council as follows: “Thank you, Honourable Speaker. I will preface my presentation by indicating that policies are always approved by Council and that is my understanding of recommendation (a). The presentation for the approval of the Risk Management Policies (Annexure A and B) and presentation of Risk Management Committee reports for noting are derived from legislative framework MFMA Section 62.1 (c) and 1 in line with National Treasury risk Management Framework as well as the Public Sector risk Management Framework for Accounting Authorities.

The reports further purports to take guidance from King IV report supplement on municipalities which recommends that municipal councils should serve as focal point and custodian of corporate governance in municipalities. The institute of risk management in its guideline on integrated strategies, risk and resilience considers the following King IV, V principles as pivotal in an integrated risk management framework.

Principle 1: the governing body, which is this Council, should lead ethically and effectively.

Principle 4: that the governing body should appreciate that the organisation’s core purpose, its risks and opportunities, strategies, business mode, performance and sustainable development are all inseparable elements of the value creation and process and fulfilment of their mandate.

The governing body should also govern risk in a way that supports the organisation in setting and achieving its strategies and objectives. The governing body should also ensure that assurance services and functions enable an effective controlled environment and that this support the integrity of information that is used for internal decision making and the organisation’s external reports. In executing its governance role and responsibilities, the governing body should adopt the stakeholder inclusive approach that balances the needs, interest and expectations of all material stakeholders in the best interests of the organisation all the time.

Honourable Speaker and fellow Councillors, I am appreciative of the fact that this Risk Management Policies presented to Council relates to and is relevant to the administration of municipal strategic and operational risks under the leadership of the Accounting Officer and senior management.

9B

However, we are all aware that inline with the aforementioned guidelines and in relation to Section 152 of the Constitution of the Republic of South Africa, that the objects of local government are stated as: *to provide democratic and accountable government for local communities and show provision of services to communities in a sustainable manner, promote social and economic development, promote safe and healthy environment and encourage the involvement of the communities.*

Reading through the 2020/21 and 2021/22 Risk Management Committee reports that are presented for noting, one realises that there are serious risk management gaps within the Municipality and that explains the reasons why this Municipality cannot achieve its intended objectives. The reports go on to indicate that they have used the national Treasury measurement tool to assess the risk management whether it is firmly embedded in the institution, however, I humbly submit that, in as much as this Risk Management Policy is inline with National Treasury guidelines and the relevant section of the MFMA, it is grossly deficient when it comes to the pivotal role of Council and executive in ensuring that inline with best practises, an integrated governance risk and compliance framework, that ensures that Council as custodian of strategy, risk and resilience of the Council manages the affairs of the Municipality as an inseparable element of value creation and quality of service.

The two reports, highlight critical risk areas of which some falls squarely in the purview of the Council and the executive political office bearers. I will just reflect on one, the report reflects that there is no business continuity in place, so if things collapse in this Municipality, there is no way to can recover. One other issue it also reflects, is that when the server crashed, there was difficulty in retrieving information. The report also goes on, from Risk Management Committee to make recommendations that the Municipality is not managing the information inline with the POPI Act, which is a transgression of law. This marred of deficiencies grossly undermine and demonstrate why the Municipality is struggling to attain its strategic and constitutional mandate.

I would borrow Honourable Speaker that strategy is planning for a better outcome tomorrow and doing it and risk is proactively anticipating things that might hamper ability to achieve those objectives; resilience is anticipating, preparing and responding, adopting and recovering in the event of something going wrong. As a results in adopting this Risk Management Framework, that an overall integrated governance risk and compliance framework be developed, that encompasses Council, executive Mayor's office and in addition the Speaker's office, so that at each and every Council meeting, a governance risk and compliance report is served, so that we know as an institution, we are managing risk that can hamper our ability properly. Thank you, Honourable Speaker."

Cllr B Vorster remarked: "Honourable Speaker, the Freedom Front Plus cannot understand why the risk Management committee report only served before Council today. If the draft Risk Management Policy for the current term is approved today, as set out in annexure B, the previous draft Risk Management Policy would have no effect or purpose. We don't know why two policies have to be approved today if we approve the latest.

It is also of utmost importance that if the policy is approved today, that the objectives and outcomes are met of the policy, it doesn't say the policy on paper. The Freedom Front will support the approval of the latest draft of the Risk Management Policy for the current term.

9C

With regards to the report of Risk Management Committee, we have the following questions:

- Why is the report for the 2020/21 financial year only presented to Council today?
- On page 3 of 2020/21 financial year report, has the business continuity plan of recovery plan been drawn up?
- On page 4, which Financial Recovery Plan was implemented?
- On page 3 of 2021/22 financial year report, why is there still an absence of business continuity plan or disaster recovery plan?
- Has any plans been taken to address the concerns to non-compliance with laws and regulations as well as inadequate implementation of internal controls?
- Same page of the report, what steps will be taken for the rest of the financial year seeing that the Committee noted a similar pattern in the current financial year?
- Will there be consequence management seeing that there is not much effort to manage the current situation?
- On page 4, does the current administration plan to reverse the negative reputation of the City due to the poor service delivery, inadequate resources, political and administrative instability and financial instability?
- What steps will be taken to improve performance management and rectify the problematic situation of acting officials?
- Why are the administrative committees, namely: ICT Steering Committee, Overtime Committee and Performance Management Committee not sitting to deal with the administrative challenges of the City?
- Is there a plan to update the policies of the City that is still worded Mangaung Local Municipality?
- Will the key recommendations by the Committee just stay recommendations on paper or will the current administration implement these recommendations?

Thank you, Honourable Speaker.”

Councillors voted unanimously.

It was thereupon

RESOLVED that Council,

- (a) Approve both Risk Management Policies (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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The Speaker presented the items under 197, by reading through the reports as attached as annexures to the agenda.

NOTED.

1.

UPDATE REPORT : WARD COMMITTEE STIPEND**Cllr NA Nhlapo highlighted as follows:**

- That as Remuneration and Benefits Committee they brought the update to the Council on the status of the Ward Committee stipend and the reasons for the increase in Ward Committee stipend were general cost of living: petrol, taxi fare etc.
- That since 2006, Ward Committee members received R1000 as stipend and taking tax implications into account, they received R700.
- That in June this year, Council approved the increase of R2000 take home for Ward Committee members. However Council encounter administrative challenge in terms of achieving the intention for Ward Committee members to receive R2000 as take home, due to tax implications.

Cllr JI Mokoena remarked: “Honourable Speaker, we all appreciate that the Ward Committee are important component of fulfilling our constitutional mandate and are important pillar of participatory democracy. However, the AASD has abstained from any decision that relates to Ward Committees, not because we do not believe in its importance and the hard work our communities played out there, they need to be well remunerated so that they are able to fulfil their mandate to Council. However, we have submitted eight months ago a Rule 38 questions relating to the election of Ward Committees after having received allegations from impropriety, irregularity and manipulation of the election process. But, because we are a constructive political party, we requested to first get the facts before we could make any decisions on that and we have up to now, not received any response to Rule 38 questions we submitted more than eight months ago and it is for that reason that we place on record that we will also today abstain on this matter until we have received all necessary responses, so that we remain accountable to our people. When they have any doubts and don't trust us that we can be able to present facts to them that the process was fair, transparent and inline with all legislative processes. I Thank you, Madam Speaker.”

Cllr DL Malebo remarked: “Madam Speaker, the Committee has thought about the Ward Committee stipend as a great deal. The EFF is aware that the majority of Ward Committee members, do not contribute and assist the communities with their problems, meaning they are only collecting stipend. We therefore suggest that Ward Committee members get R2000 in their pockets after tax, however oversight be done to ensure that those members do their jobs which is to assist the communities. Thank you, Madam Speaker.”

Cllr CF Rampai requested that Cllr DL Malebo must not generalise as this might demoralise the Ward Committee members who were doing a good job, but if there were concerns about other Ward Committee members performance, such should be reported to the office of the Speaker and therefore he seconded Cllr NA Nhlapo.

The Speaker remarked that the issues of functionality of Ward Committees had been a concern and she called Ward Committee Forum in November and out of the 51 Wards, only 13 reports on Ward functionality were submitted. That she even asked what should the office then do as it was Ward Councillors who were supposed to submit the report which should then be forwarded to Provincial and National CoGTA.

In responding to Cllr MW Mongale regarding their Rule 38 questions submitted the Speaker responded that Corporate Services was requested to assist with responses. That she had constantly written emails to the administration with issues raised by Council however, she had not been getting any responses nor any acknowledgement to emails that the matters would be addressed. But she will try again and would include December 19, 2022.

Cllr JE Sebolao then indicated that the person responsible for the responses to Rule 38 questions is the Accounting Officer and the issue of appointing the City Manager must be addressed as a matter of urgency

Councillors voted as follows: 51 in favour, 0 against and 2 abstained.

It was thereupon

RESOLVED

- 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 February 2023.

2.

PROCEDURE FOR THE GRANTING OF LEAVE FOR MANGAUNG COUNCILLORS

Cllr JC Pretorius stated that Cllr BJ Viviers serves in the Rules Committee and he indicated that the Committee did not sit to approve the report and that there were issues identified in the report and therefore request that it be referred back to the Committee to address those issues.

Cllr TKW Mokgothu (Chairperson of Section 79 Committee: Rules) disagreed with what Cllr JC Pretorius has stated; that the Committee indeed did approve the report although they wanted to verify if those changes they requested have been effected. Therefore, he support the report as this would assist the Council as Councillors were not attending meetings.

Cllr GDP Kotze thereon requested that the Chairperson provide the Council with the date of the meeting where the amendment to policy were discussed and Cllr TKW Mokgothu requested Secretariat to assist with the requested date. (Note by Secretariat: The meeting sat on the 27th October 2022)

Cllr MA Dennis seconded Cllr JC Pretorius that the item be referred back.

In responding to Cllr TKW Mokgothu to specify issues to be addressed, Cllr JC Pretorius explained that issues such as on Page 3. 1C and annexure A as well as the time spectrum when the Speaker must grant/ approve the application for leave needs to be specified; the leave days for part-time Councillors and for full-time Councillors be specified.

After discussions, the Chairperson, Cllr TKW Mokgothu thereon requested that the item be withdrawn.

WITHDRAWN.

3.

PROGRESS REPORT ON THE PERFORMANCE OF THE SECTION 79 COMMITTEES

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

Cllr NA Nhlapo as Chairperson of Section 79 Committee: Remunerations read her report as attached as an Annexure to the agenda.

Cllr M Thompson remarked: "We as the Freedom Front Plus are thankful to receive feedback on some Committees but where are the rest of the Sections 79 progress reports and why are there no progress reports on Section 80 Committee? There are in total 15 Committee and yet we only get feedback on these two (2) Committees. Is it because the other Committees never sits? Since that is the case, the Freedom Front Plus would like to ask the Executive Mayor why are these Committees not sitting? Why important Committees like Infrastructure only sat once this year and it was in the end of the year?"

The Executive Mayor supposed to take political leadership and to take responsibility for the Committees and the MMCs to do their work but it is once again an ANC led project and that is the reason for the collapsing of our once beautiful City of Roses. We as Freedom Front Plus would like to ask the Executive Mayor to take on his responsibility and to ensure that the MMCs earn their salaries for the services they have to deliver. I thank you, Madam Speaker.”

Cllr NL Lecoko remarked: “Thank you, Honourable Speaker. I would like to zoom in, in issues of Public Places and Street Naming Committee because we feel that this Committee has being neglected. It seems that nothing has been done yet but since we came in, from June we have done some work especially where Street names have been approved since 2012 but the street names have not yet been erected.

So, it's a challenge to us because we are talking about lives of the communities; as much as it sounds so simple but it influence the GPS, addresses for emergency and crime prevention. There are places which they have been there for more than 20 years and still now, they don't have street names. We needed to emphasize this as the only response that we get as a Committee is that there is no money set aside for street naming and yet this is a very crucial and very important aspect of our lives. We need to have street names, Botshabelo and here in Bloemfontein there are no street names and new places are being developed from time to time and they do not have street names. So I wanted to bring this to the attention of the Council that funds must be set aside for this to be achieved and very swiftly. Hopefully in 2023 will be having a program to start doing the job that we supposed to be doing. I thank you, Honourable Speaker.”

NOTED.

4.

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

Ms P Kaota, the Chairperson of the Audit Committee presented the report to the Council as attached as annexure to the Council agenda.

Executive Mayor indicated that the Municipality was in a process of audit to be tabled by Auditor General (AG) next year and part of the Audit Committee report, includes what the AG would be presenting. That once the AG presented the report, it would still need to go for public participation and be resubmitted to Council in 60 days. That it would therefore not be proper to consider report that would still be coming to Council thus pre-empt what the AG would say.

Ms P Kaota indicated that she agreed with the Executive Mayor's assessment but it was also the Committee's obligation to engage the AG on the outcomes at that time. What the Committee was saying was that, at the time of their discussion and not really discussing the AG's report, but be able to assess the AG's assessment *vis-a-vis* what the management had presented. That it should be noted that, at the time they had an engagement with the AG, the draft opinion was that as in the minutes provided.

That the recommendations should say: it should be noted that the draft report as per the date of the Audit Committee meeting as obligated to interrogate the AG's report, the status of the AG's opinion was as in the minutes provided, which may also change.

Cllr W Pretorius remarked: "Thank you, Madam Speaker. I would like to thank the Chairperson for giving us the report since last year for the Chairperson of the Audit Committee to come and present to Council. It is highly concerning to note from the Audit Committee report for the first two quarters of the 2022/23 financial year that the administration of the Mangaung Metropolitan Municipality continue to steer away from accountability, transparency and service delivery.

The administration is very slow to implement the resolutions of the Audit Committee and information is provided by the Audit Committee on steps to be taken to implement resolutions. Everything in the Metro seems to be moving at a snail's pace, this includes the recommendations made by the Audit Committee. This slow implementation of highly important resolutions is just one of the reasons why the Metro has according to the draft Auditor General's report for 2021/2022 regressed from an unqualified audit opinion in 2020/21 to a qualified opinion in 2021/2022.

The question that should be asked is why are we regressing? From the Audit Committee report is it clear that:

1. Overtime payments remains unacceptably high in the Metro: from the Financial Reports presented to the Audit Committee the spending on overtime remains highly concerning with just under R25 million being overspent.
 - (a) Which directorates are responsible of this overspending and why?
 - (b) On the other hand contracted services reported underspending of 73% and capital expenditure at Quarter 1 was just under 6% and only R75 million spent of a budgeted R1.28 billion. No wonder service delivery is at a standstill within the Metro. Capital is not being spent and contractors not utilised.
2. Critical position such as the City Manager, Chief Technology Officer, and HoDs remain unfilled, why are these positions not been filled?
3. The Internal Audit recommendations are not implemented and these present critical tools to increase compliance, mitigate risks and better service delivery in the Metro;
4. The audit action plan is not being implemented;
5. The lack of accountability and performance assessment of senior managers within the Metro continues.

These are all factors that contribute to the visible regress of the Metro, it is not only on paper and AG findings where this is seen, but it is felt by the 880 000 residents of Mangaung.

What is also conceding from the report is the practice of several directorates within the City which continue to submit their reports and portfolios of evidence (POEs) late, and that many are returned back due to reports being incomplete, inaccurate or inadequate. Reports do not agree with actual achievements on ground level.

The Democratic Alliance requests that POEs be made available to Section 79 and 80 Committee members for increased oversight and accountability. Councillors are aware of the service delivery issues in their respective Wards and will be able to evaluate the authenticity of reported achievements by comparing it to the actual work done on the ground.

10C

The DA further supports the signing of authenticity letters for all HoDs that confirm reporting is accurate and a true reflection of work done.

I wish to highlight a few of the Audit Committee resolutions which require urgent attention and that can go a long way in restoring service delivery in the Metro:

- The installation of bulk water meters on the Bloemwater line to ensure accurate bulk water billing; 11 months since the resolution by the Audit Committee this matter remains unresolved.
- Water losses is at 32%.
- Dysfunctionality at FRESHCO

The DA caucus ask the Audit Committee to add to their standing agenda, grant funding to ask the administration why it hasn't been used as well as the Ombudsman which could serve as an effective dispute resolution mechanism for the Metro. The DA supports the recommendations included in the report by the Audit Committee. These recommendations seek to bring more accountability and stability to the Mangaung Metro. I thank you, Madam Speaker."

Cllr VE De Kock remarked: "Madam Speaker. There is a saying *"tomorrow belongs to those who prepare for it today"*. If that is true, this Audit Report predicts dark days for the ANC. I quote from the report: "There has been continuation of risk occurrence or risk that have materialized throughout the year without proper prevention or management thereof amongst other: poor service delivery, unrest, inadequate resources, governance instability, financial instability, etc. All of these have had the City's reputation at a negative which will (and does) affect investments into the City.

Key recommendations did not and could not change much since the last Audit Committee report the Executive Management have total disregard for recommendations and risk management is a rumour. Staff vacancies, overtime and water losses remain major risks, water losses are mainly due to aged infrastructure, yet no interventions exist as far as maintenance of these infrastructures. A company will be appointed to access the water network, develop interventions to monitor water pressure, etc. Why not also start at equipping current staff with material, tools and vehicles?

Water losses is at 32.27% for this quarter due to unauthorized consumption of water, water meter errors, leakages, etc. One way to curb some of these financial losses, will be to install prepaid water meters for all residents with accounts in arrears, this way they will be forced to pay before use, which will prevent the increase of outstanding debt.

The overspending on overtime to date is R24 million yet vacant positions are not filled, no provision is made in the budget for new vehicles nor for maintenance and repairs.

Staff safety and security remains a risk, even though R11.4 million per month is spent on the (3) security companies; a budget for the year that is spent in less than two (2) months, resulting in unauthorized expenditure for the remaining 10 months.

A major concern is the fact that none of the IPTN projects, so far amounting to R65 million, can be audited. Which entity can afford to spend R65 million, without being able to justify the expense through a legitimate audit? This is a recipe for disaster and this fruitcake has collapsed.

The delayed indigent register management remains a headache. Even after this Council approved the indigent register in August already, a huge portion of the approved residents are still not receiving these benefits. We do hope that the payments to this service provider are also delayed. This list of risks and deficits continues, but I am running out of time and breath.

We again thank the Audit Committee for the quality of this report even though they had to face several challenges before they could compile it. Thank you, Madam Speaker.”

Executive Mayor stated that he rose to ask a process question. That there were two (2) major issues:

1. On the 14th of December he met with AG dealing with issues of interpretation.
2. On information which was not accepted by the AG which is now accepted and those matters would be dealt with.

It cannot be right that Council was dealing with report of AG that was not yet tabled and yet the Council consider it. AG would be invited to present and thereafter, the report will go for public participation and resubmitted after 60 days.

Cllr JC Pretorius, Cllr T van der Walt as well Cllr M Davies on a point of order disagreed with what the Executive Mayor indicated and stated that what had been reported was not from AG, but the report of Audit Committee and there was reason why the Audit Committee was not submitted via the office of the Executive Mayor as it deals with his performance.

After much discussions, the Speaker stated that the report dealt with many other issues and changing the wording from consideration to noting, Council will be changing Section 166(2), or Council may exclude reference to draft AG report and deal with all other aspects of the report, she then proposed to add a recommendation that: *reference to the draft AG report will not be included pending finalisation of the audit.*

Cllr JI Mokoena responded that it was factual that the report was provided to Council in terms of Section 166(2) and Regulation 14(4) of the Local Government Municipal Planning and Performance Management Regulations of 2001 and activities are reflected in the report. That it was part of Council’s assurance and governance framework because the AG’s report was external evaluation whilst Audit Committee is internal assist Council on ongoing basis. Therefore the Executive Mayor must take comfort that there was no conclusive evidence but highlights of issues for management and Council, internally. That the concession proposed will then take away the legislative framework and undermine the role of the Audit Committee.

Cllr CF Rampai was concerned that the Regulation say Council consider and not note and now they would be changing the report of the Audit Committee if they agreed to note.

Cllr GJ Lipale remarked: “Madam Speaker we need to put blame where it supposed to be, Mr T Motlashuping came in Mangaung Metro as an expert to stabilise Mangaung. The report that Council has received is so disturbing that you would ask yourself what has he been doing because if you would go around and check Mangaung in terms of service delivery, there isn’t.

10E

The report we are getting of the Audit Committee, and Mr T Motlashuping as Accounting Officer need to take responsibility and go back and check what have been done and what have you been doing? Thank you, Madam Speaker.”

Cllr LE Rasoeu in addition to what Cllr GJ Lipale raised stated that the report was concerning and disturbing for instance, it highlighted that Acting City Manager failed to submit statutory reports on time and failed to evaluate the performance of HoDs, failed to report on progress made on findings of AG...

Cllr NP Monyakoana interjected on a point of order, that Councillors were now discussing the Acting City Manager and his performance.

Ms P Kaota elucidated that she had highlighted that the report was from the previous administration and that the intervention committee and audit outcome was found needed to put things together, and none of the previous management were available and that Council rather look at remedial action and have the previous administration taken the reports serious, the Municipality wouldn't be where it was. It was a repetitive-ongoing outcomes that were never addressed before intervention.

Thereafter Councillors voted on item as submitted and results are as follows: 50 voted in favour, 0 against and 2 abstained.

It was thereupon

RESOLVED 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

Cllr GDP Kotze stated that three (3) years ago when Council appointed the Audit Committee, the Speaker predecessor did not respect Council and that not all information were tabled in Council for the appointment of members of Audit Committee. Proposed amendments to recommendation (c) that the Speaker recruit members however the wording “*appointing*” be taken out as it was the prerogative of Council to appoint the Committee members.

Cllr M Davies raised on a point of order that the Speaker must confirm the quorum.

Cllr B Vorster indicated that the Freedom Front Plus request that the recruitment and appointment be done as per the time limits and recommendation would be submitted before end of January 2023 to avoid extension of term of current members.

Cllr CF Rampai reaffirmed that they were aware of the concerns raised by Councillors and will ensure that they assist the Speaker to ensure that the process was concluded and appoint the best people in that Committee.

The Speaker then explained that her work depended on processes and she was currently waiting for the appointment of the Disciplinary Board as well as the appointment of the Risk Committee, Centlec Board and thus hope that this process would happen but it did not look like it would happen. She has been writing emails to request reports/information on these important matters to no avail.

Cllr TD Masoeu seconded the proposal by Cllr GDP Kotze to remove the wording “*appointing*” under recommendation (c).

The Speaker indicated that also under recommendations (a) and (b) the wording “*appointing*” and “*Charter*” respectively, be removed.

Prior Councillors voting, the Speaker confirmed that 54 Councillors were present and voted *unanimously with amendments made.*

It was thereupon

RESOLVED that

- (a) Council approve the process to recruit 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 (**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 members of the Committee and submit the report with recommended names to Council for deliberations and approval.

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- (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

Cllr NA Nhlapo remarked: “Thank you, Honourable Speaker. Some Councillors were actually expecting a huge increase. Councillors remember that our increase, the 3% increase, the amendment was in July, we had a new gazette where it actually increased the Councillors’ allowances and salaries and within that maybe the previous Council would know that, in terms of the allowances, there would be a cell phone and a data amount and so with the new gazette in July there was an omission of the data that is usually given to Councillors. So, this is basically an amendment that brings back that data allowance that Councillors usually have; there is actually an increase of R300, and as pre the recommendation, it will be once the Council approved it and the omitted R300 would be paid retrospectively from July 2022. Thank you, Madam Speaker.”

Councillors voted and results are as follows: 42 voted in favour, 0 against and 17 abstained.

It was thereupon

RESOLVED 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 R300.00 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.

Cllr MI Mokoakoa, Chairperson of MPAC presented the reports as follows: “Madam Speaker, this report (No: 1) is intended to provide information and progress attained in relation to the work done by the Committee for the current financial year. We also reflect the challenges the MPAC had overcome during the reporting period.

Madam Speaker the report also request the Acting City Manager to make provisions for the budgetary allocations in the next adjustment budget to ensure that MPAC fulfil its oversight responsibilities as outlined in the work plan. The report further request that the office of MPAC be strengthened by improving capacity of staff and relevant resources.

Madam Speaker, this report (No: 2) is a reflection of our performance, which is coupled with the work done by the Audit Committee. Madam Speaker, remember that the Council noted issues relating to matters flagged by the AG. Some of those issues were also investigated by the Audit Committee. The enclosed report details all the issues investigated by the Committee through the involvement of the external service provider and the report also highlight what measures needs to be instituted to enforce proper management systems.

We are delighted that the MPAC is making strides in enforcing proper management structures. Madam Speaker, as MPAC we are requesting the Acting City Manager to implement the resolution entailed in the report, for an example: the MPAC noted serious challenges of personnel in some of the divisions in the administration and we are requesting that advertisements and appointments be made in those divisions, a case in point is the IDP office, wherein only two staff members are manning that division. Other issues are mentioned in the recommendations. I thank You, Madam Speaker.”

NOTED.

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

The item was not drawn for discussion.

Councillors voted unanimously.

It was thereupon

RESOLVED

- (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.

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- (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

The item was not drawn for discussion.

Councillors voted unanimously.

It was thereupon

RESOLVED 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
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None.

NOTED.

200	CLOSING OF THE SPECIAL COUNCIL MEETING
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The Speaker officially closed the Council meeting at 15h58.

**SECRETARIAT UNIT
COMMITTEE SERVICES**