

CONFIDENTIAL

**MINUTES
of a
SPECIAL MEETING**

**MANGAUNG
METROPOLITAN
MUNICIPAL COUNCIL**

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

**TUESDAY
APRIL 25, 2023
AT 10:00**

**MANGAUNG
METROPOLITAN
MUNICIPALITY**



**MINUTES OF A
SPECIAL MEETING
of the
MANGAUNG METROPOLITAN MUNICIPAL COUNCIL
held IN THE COUNCIL CHAMBER, FIRST FLOOR, BRAM FISCHER BUILDING
BLOEMFONTEIN
on
TUESDAY, APRIL 25, 2023
at 10:00**

ATTENDANCE REGISTER

POLITICAL LEADERSHIP			
#	NAME	PARTY	LEAVE
1	<u>Speaker</u> Cllr Davies (Maryke)	DA	
SECTION 79 CHAIRPERSONS			
2	Cllr Nhlapo (Ntombi Anna)	ANC	
3	Cllr Qai (Alfred)	AIC	
4	Cllr Mokgothu (Tona Kenosi Wilfred)	ANC Ward 2	
PR COUNCILLORS			
5	Cllr Campher (Zaandre MC)	DA	
6	Cllr De-Huis (Dikeledi Jane)	EFF	
7	Cllr De Kock (Valerie Belinda)	FFPlus	
8	Cllr Denner (John Henry)	FFPlus	Absent with apology
9	Cllr Dennis (Magdalena Elizabeth)	DA	
10	Cllr Ferreira (Thomas Ignatius)	DA	
11	Cllr Jonas-Malephane (Vuyelwa Eunice)	ANC	
12	Cllr Klaasen Raynie Sarah	DA	
13	Cllr Letawana (Manthuse Maria)	ANC	
14	Cllr Letsoko (Mantwa Sanah)	EFF	
15	Cllr Lipale (Gopolang Jeremiah)	EFF	
16	Cllr Makau (Pitso Elias)	EFF	
17	Cllr Malebo (Deliwe Lettia)	EFF	

PR COUNCILLORS			
#	NAME	PARTY	LEAVE
18	Cllr Maliela (Motiki Edwin)	DA	
19	Cllr Mathae (Bongani Lawrence)	ANC	
20	Cllr Masoeu (Thapelo David)	DA	
21	Cllr Matsoetlane (Maditaba Joyce)	ANC	
22	Cllr Mogotsi (Mamahlope Elisa)	EFF	
23	Cllr Mohlamme (Lebohang Lerato)	DA	
24	Cllr Mokoena (John Itumeleng)	AASD	
25	Cllr Mongale (Mojalefa William)	AASD	
26	Cllr Morake (Molefi Andries)	ANC	
27	Cllr Moreeng (Kabelo Christopher)	DA	
28	Cllr Mtshakazane (Eunice Xoliswa)	EFF	
29	Cllr Njiva-Lebajoa (Mamotse)	DA	
30	Cllr Nthatisi (Gregory Mosala Solomon)	ANC	
31	Cllr Phohleli (Tsholwane Eddy)	EFF	
32	Cllr Phupha (Ntsoaki Agnes)	PA	
33	Cllr Ramatlama (Mpho Joseph)	EFF	
34	Cllr Rampai (Pule Joseph)	ACDP	
35	Cllr Rasoeu (Lempe Ernest)	DA	
36	Cllr Sebolao (Jankie Elisha)	EFF	
37	Cllr Shale (Nkahiseng Reginah)	EFF	
38	Cllr Snyman van Deventer (Elizabeth)	FFPlus	Absent with apology
39	Cllr Soqaga (Vusumzi Simon)	ANC	
40	Cllr Terblanche (Arthur Phillip)	DA	
41	Cllr Thomas (Johannes Beleme)	EFF	

42	Cllr Thompson (Mare-Lize)	FFPlus	Only from 14:55 with apology
43	Cllr Thwala (Zwelinjane Jonathan)	DA	
44	Cllr Titi-Odili (Lulama Magdeline)	ANC	
45	Cllr Tladi (Motshewa Martha)	ANC	
46	Cllr Tsoleli (Sibongile Pearm)	ANC	
47	Cllr Twala (Pani Sidney)	ATM	
48	Cllr van der Ross (Kevin Etienne)	PA	
49	Cllr van Rensburg (Corize)	DA	
50	Cllr Viviers (Benhardus Jacobus)	DA	
51	Cllr Vorster (Braam)	FFPlus	
WARD COUNCILLORS			
52	Cllr Sefaki (Samuel)	ANC 1	
53	Cllr Machachamise (Tshepiso Oudious)	ANC 3	
54	Cllr Supi (Mahoko Harold)	ANC 4	
55	Cllr Lecoko (Lehlohonolo Nathaniel)	ANC 5	
56	Cllr Moilola (Tshidiso Petrus)	ANC 6	
57	Cllr Nyaphudi (Likeleli Julia)	ANC 8	
58	Cllr Tlhakung (Betty Masetlhabi)	ANC 9	
59	Cllr Setlai (Teboho Lesley)	ANC 10	
60	Cllr Mosala (Motlhokung Theodora)	ANC 11	
61	Cllr Hashatsi (Rafedile)	ANC 12	
62	Cllr Siteo (Nombulelo Dorcas)	ANC 13	
63	Cllr Lekgetho (Lebogang Winston)	ANC 14	
64	Cllr Mohibidu (Pulane Martha)	ANC 15	
65	Cllr Kruger (Caprice Logan)	ANC 16	

66	Cllr Mohatle (Mampone Sally)	ANC 17	
67	Cllr McKay (David Mark Campbell)	DA 18	
68	Cllr Peter (Seth Qondile)	ANC 19	
69	Cllr Pretorius (Werner)	DA 20	Absent with apology
70	Cllr Lotriet (Pieter Adam)	DA 21	
71	Cllr Leech (Dulandi)	DA 22	
72	Cllr van der Walt (Tjaart Botha)	DA 23	
73	Cllr Kotze (Gerhardus Dirk Petrus)	DA 24	
74	Cllr Botes (Francois Rossouw)	DA 25	
75	Cllr van Niekerk (Hendrik Johannes Christiaan)	DA 26	
76	Cllr Banyane (Zachous Nechodemus)	ANC 27	
77	Cllr Nikelo (Vumile Edwin)	ANC 28	
78	Cllr Tukula (Teboho Daniel)	ANC 30	
79	Cllr Mabena (Mere Joel)	ANC 31	
80	Cllr Menyatso (Thabang Victory)	ANC 32	
81	Cllr Mohono (Tshidiso Augustine)	ANC 33	
82	Cllr Tshwane (Kabi Daniel)	ANC 34	
83	Cllr Fantisi (Teboho Samuel)	ANC 35	
84	Cllr Makoloane (Itumeleng Justice)	ANC 36	
85	Cllr Ramolele (Mmota Simon)	ANC 37	
86	Cllr Matsoso (Molahloane Florenciah)	ANC 38	
87	Cllr Mogotloane (Thabo Joel)	ANC 39	
88	Cllr Pholoholo (Ntebaleng Pertunia)	ANC 40	

89	Cllr Dintlhwane (Mantja Agnes)	ANC 41	
90	Cllr Mothupi (Maqoma Lazarus)	ANC 42	
91	Cllr Nkiane (Mpho Elizabeth)	ANC 43	
92	Cllr Pretorius (Selmé)	DA 44	
93	Cllr Mathe (Lisiwe Jeanette)	ANC 45	
94	Cllr Majoro (Mpho Samuel)	ANC 46	
95	Cllr Kganakga (Mokgadi)	DA 47	
96	Cllr Pretorius (Johannes Christiaan)	DA 48	
97	Cllr Mohulatsi (Mamoorosi Margaret)	ANC 51	
98			
99			
100			
101			

PRESENT

GUESTS

1. CoGTA
2. CoGTA
3. MISA

Ms SV Gelderblom
Mr STR Ramakarani
Mr JN Mafereka

NATIONAL INTERVENTION TEAM

1. NCR
2. Governance Expert
3. Finance

Ms G Malaza
Mr M Nkosi
Mr V Kunene

OFFICIALS

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

Mr L Denge
Mr W M^oleod
Ms N Mabunda
Ms NR Dumalisile
Ms MA Mafisa
Adv N Mpangane
Mr F Nel
Mr M Sekoboto
Mr Motete Mothekhe
Ms R Mamatela
Ms M Morakabi

Note by Secretariat

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

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

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

6. Meeting rules:

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

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5
MINUTES
(OPEN COUNCIL)

56.
OPENING
(MOMENT OF SILENT CONTEMPLATION FOR MEDITATION AND PRAYERS)

The meeting commenced at 10h03.

The Speaker, Cllr M Davies officially opened the meeting and confirmed that 93 Councillors were present in the meeting. She then requested all to observe a moment of silence for meditation and prayers.

NOTED.

57.
NOTICE OF THE MEETING

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

NOTED.

58.
APPLICATIONS FOR LEAVE OF ABSENCE

All relevant leave of absence and apologies were recorded and minuted as such in the attendance list on the first pages of the minutes.

NOTED.

59.
ACCEPTANCE OF THE AGENDA

The Speaker revised the order of discussion by starting with item 65.1 to be dealt in Committee to allow a representative from the Minister of CoGTA, Ms SV Gelderblom to present to Council.

Cllr GDP Kotze requested a 30 minutes DA caucus and the Speaker granted the request.

After the caucus, Cllr GDP Kotze provided feedback that they request that item 62.2 be removed from the agenda and he read Section 2.1 (page 1) of the report attached to the agenda as well as Section 41F of the Municipal Structures Act. He therefore stated that the position of Council Whip was not vacant as Cllr TD Masoeu was elected.

Further that the NCR did not attend to the terms of reference or the Financial Recovery Plan by not allowing Cllr TD Masoeu to undertake his political work as elected by Council to get access to his office. He read from page 4, Annexure A of the High Court, Order 2, that the meeting of April 14, 2023 was never set-aside by the court, that the NCR and HoD: Corporate Services should not say the position was vacant.

Cllr GJ Lipale supported the proposal as raised by Cllr GDP Kotze.

The NCR, Ms G Malaza remarked: "I want to remind Council that in terms of Terms of Reference issued out by the Minister of Finance on the 28th April 2022 which read: *"All reports for decision making by any delegated authority including Municipal Council and Executive Mayor must be processed by the Accounting Officer with the concurrence of the National Cabinet Representative (NCR)"*.

I have reserved and excised my right as NCR after observing the events of Council that took place on the 14th April 2023. Speaker, I communicated with yourself whilst the Council meeting was still on and I send you an email because we could not attend that day as we were scared for our lives however during the meeting when we were planning for security, we indicated that we will be listening in on the meeting and all Council decisions are still subject to NCR concurrence. The Council decision of the 14th April 2023 will not and have not been given concurrence by the NCR. On all items, I have indicated that all decisions of that meeting are null and void and I think I have been vindicated by the court case, that is currently on.

Madam Speaker, I called you for a meeting on the Monday to indicate that officially we have a Speaker, but we do not have all the other positions. And until when these positions are filled, in a legal acceptable manner, then we can recognise."

Cllr BL Mathae remarked: "Thank you, Honourable Speaker. I think the poor polemics and theatrics by the DA, acting in cahoots with their stuur boy-kies and meisies, are regrettable. This is not the right platform to second-guess the court decision, if you are tempted to do so, I would advise you to go back to court and seek a legal recourse. This Council has been convened against the learned advice of the NCR and I propose that we should follow the advise that she has provided, because DA cannot come in this Council meeting, start first by wasting 30 minutes, when they are now alive to a possibility that this meeting will undo what they have done, they now want to throw out of the window items which are duly presented before this Council. I would implore on your consciousness, Honourable Speaker to guide this meeting in the right direction, otherwise, as the ANC, we would come after you. I suggest Honourable Speaker..."

On a point of order, Cllr D Leech stated that it was on record that Cllr BL Mathae made a definite threat towards the Speaker and plea that action be taken, that he either withdraw or they would insist that further action be taken.

Cllr LM Titi-Odili on a point of order that Cllr BL Mathae had a right to engage in any item, and have an opinion to say anything that he wanted to say and that was not a threat as ANC can come to Speaker to engage.

At this point Councillors were debating whether Cllr BL Mathae should withdraw and he ultimately withdrew his statement.

Cllr MT Mosala supported the presentation by Cllr BL Mathae that the item be dealt with.

Cllr MW Mongale remarked: “ On the NCR where she made an error to create an impression that MMM is under administration. MMM is not under administration, it is under national intervention, Section 139(7) meaning their mandate as NCR as written in the document that gave guidance to her operation, Section 1.1H, all reports supposed to come to Council for decision making, must be approved by the City Manager and ratified by NCR. But in no way does it insinuate that the decision of this Council will be subject to approval of the NCR because that technically would put MMM under administration and that is legally flawed.

The mandate of all the national team, is mandatory FRP, they must only deal with matters with financial implications of the institution. Duty of the Council, have legislative and executive powers reserved for this Council as per the legislation governing this Municipality, the Municipal Systems Act and Structures Act and in no way it has been created that Municipal Systems Act and Structures Act are being suspended on intervention. On other matter raised by another Councillor ...”

On a point of order, Cllr MA Morake, as Councillors, they have to respect the NCR and National Intervention Team because all the legislative processes derived its mandate from the Constitution and National Treasury in terms of Dora, NCR has the right to advise the Council in terms of proper decision making.

Cllr MW Mongale indicated that the court ruling stated it that in no way in document that there is a prayer that court has ordered and that current Council Whip not to perform any function. The document does not show that Council Whip stop performing any functions.

Cllr MT Mosala on a point of order stated that Council of 14 April 2023 is null and void including the election of the Council Whip.

Cllr D Leech on a point of clarity requested that, the ANC quote on specific legislation stipulate that all Council decision should be in concurrence with NCR.

Cllr VE Nikelo in a nutshell was also of the opinion that the Council must allow the item to be dealt with to designate a Council Whip and thereon urge the Speaker to make a ruling on the matter.

Cllr BJ Viviers requested that the NCR be requested to give reference to the legislation to which she was referring to.

Councillors continued to discuss whether the item should be included in the agenda or withdrawn.

NCR responded that the FRP had 4 components, namely:

- **Governance**
- **Financial management**
- **Service Delivery**
- **Institutional**
- **LED – not applicable in Mangaung.**

That the meeting of 14th April 2023, there was an immediate court interdict, the seven expelled Councillors were immediately interdicted, and Council required 51 Councillors to quorate and thus did not form a quorum.

The Speaker thereon ruled that item 62.2 will be kept in the agenda except a revision in the order of discussion of item 65.1.

Cllr VE Nikelo moved for the adoption with the order revised and Cllr LM Titi-Odili seconded.

NOTED.

60.

ANNOUNCEMENTS

The Speaker announced the following:

- 1. That as there was no interpretation service, Councillors were thereupon requested to address the meeting in English.**
- 2. That there will be a Council meeting scheduled for Friday, April 28, 2023 which will be virtual to table the draft IDP and Budget.**

NOTED.

61.	REPORTS FROM THE EXECUTIVE MAYOR
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None.

NOTED.

62.	REPORTS FROM THE SPEAKER
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1.

DESIGNATION OF A COUNCILLOR AS THE ACTING EXECUTIVE MAYOR

The Speaker read the report as attached as annexure to the agenda. Paragraph 4.1 of the report was incorrect as Standing Rules and Orders, Rule 13.6 stated: *In the event of there being opposition to a recommendation, the proposal to be decided upon will be done by means of voting, either by show of hands or if requested and approved by the Speaker or chairperson, by way of secret ballot*". Also taking into account the Constitutional court judgement on the UDM and the Speaker of the National Assembly, that it was the Speaker's discretion, therefore adhere to Schedule 3 on the election of executive mayor therefore she granted that the election would be by secret ballot.

Cllr VE Nikelo commented: "The Speaker decided to use prerogative before understanding the view of the house and unfortunate that subjected the matter which is by its nature is not Schedule 3; without soliciting the view of the house first. Check with Speaker, indicated that voting will be through secret ballot. What is the plan that whatever process is you indicate free and fair and as a result, I want to put it on record that we are not happy of the decision as ANC, will have hoped that you give the house then give a discretion. Let it be as you indicated. You should have solicited our view first, its like everything has been predetermined. You came to the Council already concluded on a method of voting on the matter, which does not even fall within the prescription of Schedule 3 as indicated by the law. Thank you, Madam Speaker."

Cllr GDP Kotze stated that they already know what the court judgement declared about the election of Cllr JI Mokoena. The timeframe about Acting Executive Mayor recommended from end of April until the final judgement from court.

At this point Councillors debated whether the Acting Executive Mayor be voted by show of hands or secret ballot and that the NCR be requested to give direction to avoid unnecessary litigations.

Cllr MW Mongale seconded the proposal by Cllr GDP Kotze on amending the recommendation with regard to the period of acting pending the outstanding court that might decide otherwise. And that on discretion of the Speaker, it remained her discretion. That the functions and duties of the elected Executive Mayor and the acting remained the same and the principle the same.

The Governance Specialist (NCR), Mr M Nkosi reiterated that the NCR office was there to advice Council. Then when dealing with election of Executive Mayor, Section 55.3 was applied thereon used Schedule 3. On the designation of Acting Executive Mayor, Section 56.7 applied and it deliberately excluded Schedule 3 and as per the report before the Council, it is prerogative of Council to decided and it must be agreed upon by the majority of Council.

The Speaker reiterated that she made her ruling and it was her prerogative as Speaker as per the case on Constitutional court ruling between the UDM and the Speaker of National Assembly, and the Standing Rules and Orders, even if Schedule 3 was not applicable, she would still allow voting by a secret ballot.

Cllr B Vorster proposed the amendment that the Acting appointment be up until July or recurrence and Cllr S Pretorius seconded.

The Speaker reiterated as follows for voting process: amendment of point 3.2, page 2 of the report, as recommendation (c) to read as thus: *Designate a councillor as acting Executive Mayor from April to July 2023 or subject to the conclusion of the court case No 1887 of 2023, whichever comes first.*

Councillors voted as follows for the addition of recommendation (c) as read by the Speaker as follows: 40 in favour, 51 against and 0 abstained.

Cllr VE Nikelo requested a 5 minutes ANC caucus. He then gave feedback that they agreed that indeed the Speaker have ruled, and that they were ready for the nominations to designating a person to be the Acting Executive Mayor however, all process of elections by secret ballot should happen in the Council Chamber.

The Speaker referred to Section 56.7, Municipal Structures Act. In case more than one person's name has been put forward, it will be by secret ballot. The Speaker then explained the process for election and allowed nominations.

Cllr TP Moilola nominated Cllr GMS Nthatisi as the Acting Executive Mayor and was seconded by Cllr PS Twala

Cllr GJ Lipale nominated Cllr MW Mongale as the Acting Executive Mayor and was seconded by Cllr MJ Ramatlama.

The Speaker then announced that the election of the Acting Executive Mayor would take place in Committee Room A by secret ballot and Committee Services would conduct the election process and each party would then nominate a party representative to observe the election proceedings.

After elections, the Speaker announced the results as follows:

93 Councillors were present

Total ballots casts = 93

Spoilt ballots = 0

Cllr MW Mongale received 43 votes

Cllr GMS Nthatisi received 50 votes

The Speaker then declared Cllr GMS Nthatisi as the Acting Executive Mayor.

6B

Cllr CL Kruger congratulated the elected Acting Executive Mayor as follows: “Thank you, Honourable Speaker. Indeed, what a momentous moment, not just for the ANC and not just our partners as we call them the glue, but equally rectifying, what the voters of Mangaung Municipality wanted. When the voters gave us the majority votes, that is exactly what they wanted from the ANC led government and if we look at the life and statue of our elected Executive Mayor which we know will be permanent, its just a matter of time.

We can really say, Cllr GMS Nthatisi, you are a well polished diamond of the ANC and not just as a politician, where you have earned your strides but equally, we will never forget after the 1994 elections, you were already deployed as an MEC for Public Works. Cllr GMS Nthatisi, today what is bestowed on you, is what you have worked for. Your credentials speaks volumes and we want to thank the ANC Councillors for demonstrating that in the mists of challenges, unity always prevails. We are very pleased at the results. I thank you, Honourable Speaker.”

Cllr VS Soqaga congratulated the newly elected Acting Executive Mayor as follows: “Thank you, Madam Speaker. Cllr GMS Nthatisi, the Executive Mayor of Mangaung Municipality, I know you have a lot of dreams for Mangaung, because yours is not only about serving the ANC, but about bringing changes in Mangaung. Your years of struggling in exile and in South Africa, it is time to show that indeed, you are here to shape Mangaung, to ensure that we get out of the situation where we are. I know that you are capable and that with your team, and Council as a whole, you can do better. So, all of us, are here to support you, as the ANC and our glue, and all Councillors. Let us make sure we become available to all Councillors, we drive the process of reconstruction, and rebuilding of Mangaung. The sewer running on the streets, I know it is your biggest headache, but let us sit down, shape and move forward. Congratulations.”

It was thereupon

RESOLVED

- (a) That Council take note of the report and
- (b) That the Mangaung Metro designate one Councillor, ***Cllr Gregory Mosala Solomon Nthatisi*** to serve as the Acting Executive Mayor on a full time basis.

2.

DESIGNATION OF A COUNCILLOR AS THE ACTING COUNCIL WHIP

The Speaker read and reiterated legislative provision (point 3) on the report as attached to the agenda and also Section 41(f) of the Municipal Structures Act. She further stated that she was making the same ruling as on item 62.2 above, by secret ballot if there would be more than one nomination.

Cllr JI Mokoena on a point of clarity on the item, to preface what he understood on the new Municipal Structures Amendment Act 2021, Schedule 7, around the code of conduct for Councillors, he paraphrased as follows: “*that a Councillor taking part in a decision that is unlawful or illegal, will bear personal responsibility for the consequence of that decision*”.

That unlike the previous item 62.1, Cllr TD Masoeu was the duly elected Whip of Council. Council did not have any judicial review of that decision and everyone had an opinion about the validity of the meeting of the 14th April 2023. Thus proposed that the item be kept in abeyance for legal opinion on the status of the particular meeting. At that moment Council had an interdict that was clear with regards to the first item (62.1), but relating to the item (62.2) it was not in contention and until such time there was a judicial review on the status of the meeting, the Speaker should understand that voting on the matter when there was a Councillor and no vacancy that has been challenged lawfully anywhere, would be improper and unlawful for Council to take such a decision. Therefore proposed that the item be kept in abeyance and the Speaker source legal opinion on the appropriateness of bringing the item to Council.

Cllr SQ Peter reiterated that the Speaker already made a ruling that item 62.2 will serve in Council and NCR also advised on the meeting of 14 April 2023 that it was regarded null and void. Further pointed out that the position and functions of Council Whip was crucial, both in Council as well as TROIKA. That amongst the responsibilities of Council Whip, would be to assist the Speaker to maintain order in Council by requiring Councillors to adhere to the Standing Rules and Orders regarding general conduct in meetings, provided political accountability and ensuring that all Councillors were accountable to their respective Wards and political parties.

That for eight months, Mangaung Metro had not enjoyed such as there was no Council Whip. It was therefore for the reasons alluded to that, as the ANC, they urged Council to designate a Councillor for the acting position of the Council Whip until such time that a full-time whip was elected and thereon proposed the name of Cllr VE Nikelo who previously occupied the position and was prepared to undertake the work with due diligence.

Cllr ZMC Campher supported the proposal by Cllr JI Mokoena that the item be kept in abeyance until such time that the Speaker sourced legal opinion on the matter.

Cllr NL Lecoko seconded the proposed nomination of Cllr VE Nikelo as Acting Council Whip.

Cllr BL Mathae mentioned that the proposition by Cllr JI Mokoena, when Council was adopting the agenda, the Speaker made a ruling for the inclusion of the item and thereafter seconded the proposal by Cllr SQ Peter.

Councillors continued with discussion of dealing with the item or not and Cllr GJ Lipale said that as EFF they aligned themselves with what Cllr JI Mokoena stated that the position of Council Whip was not cited on the court ruling and thus indicated that the EFF caucus would thereon walk out of the meeting.

The EFF walked out at 17h30 and was followed by the DA, AASD and FFP. Whereafter the Speaker confirmed that 52 Cllrs in the meeting including herself.

Cllr MM Letawana read prayer 2.3 of the court ruling, page 5.

The Speaker indicated that Council must vote as there were two proposals on the table, to keep the item in abeyance and source legal opinion: 0 voted in favour, 50 against and 1 abstained.

Speaker furthermore indicated that as Cllr VE Nikelo was the only name nominated, there was no need for voting as the 51 majority agreed on the name nominated. She declared Cllr VE Nikelo as the Acting Council Whip.

Cllr BL Mathae conveyed words of congratulations to Cllr VE Nikelo.

It was thereupon

RESOLVED

- (a) That Council take note of the report and
- (b) That the Mangaung Metro designate one Councillor, ***Cllr Vumile Edwin Nikelo*** to act as the Council Whip on a full time basis.

3.

EXPULSION AND REPLACEMENT OF COUNCILLORS

The Speaker mentioned that the Memo from IEC was not attached as Annexure for distribution due to POPI Act and Council should note that the report was tabled for noting.

Cllr MJ Mabena congratulated the three (3) Councillors from the ANC, the ANC did not make a mistake of deploying them as Council was on the verge of collapse and they were sent to save the sinking ship and whoever would try to penetrate and infiltrate, would not succeed and therefore they were all welcomed

Cllr IJ Makoloane welcomed the three Councillor and hope that they would work with them as team to transform the situation in the society and ensure that assist each to create a conducive environment free from poverty and crime.

As item submitted for noting, Councillors did not vote.

It was thereupon

RESOLVED

- (c) That Council take note of the report and
- (d) That Council notes replacement by the ANC of three (3) PR Councillors with Ms Sibongile Pearm Tsoleli, Mr Vusumzi Simon Soqaga and Ms Manthuse Maria Letawana becomes Councillors representing the ANC effective from 21 April 2023.

63.	REPORTS FROM THE AUDIT COMMITTEE
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None.

NOTED.

64.	REPORTS FROM THE MPAC
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None.

NOTED.

65.	IN COMMITTEE REPORTS
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1.

LETTER OF CONCURRENCE BY THE MINISTER AND APPOINTMENT OF THE ACTING CITY MANAGER

The Speaker thereon requested all Acting HODs, officials, media and the public in the gallery to be excused from the meeting as the item would be dealt In Committee. Requested that live streaming be switched off.

Note by Secretariat: Detailed minutes under this item are captured separately, as the item was discussed In Committee and therefore only the voting results and resolutions are captured.

Councillors voted as follows: for the item to be referred back 35 in favour, 50 against and 1 abstained. Whereafter they voted for the item as submitted: 51 in favour, 25 against and 15 abstained.

It was thereupon

RESOLVED that Council

- (a) Notes the Minister's letter of concurrence and its contents that the Minister did not grant the requested concurrence by the Council.
- (b) Note that the Minister has approved the request by Mr Tebogo Motlashuping (former Acting City Manager) to be released from his duties as the Acting City Manager due to reasons stated in the concurrence letter.
- (c) That the Minister approved that the seconded Heads of Department remain in those acting position until such time the Municipal Council has appointed the substantive incumbents to these position (hand over) with the following changes:
 - i. **Acting City Manager:** Ms Ngaka Rosina Dumalisile (currently seconded from the National Department of Human Settlement).
 - ii. **Acting HoD Corporate Services:** Adv Nkateko Mpangane (currently seconded by National CoGTA)
 - iii. **Acting HoD Human Settlement:** Ms Nkateko Mabunda (currently seconded from MISA). Ms Dumalisile will provide necessary support to Ms Mabunda and taking into cognisance the approved macro structure that merge both Human Settlements and Planning).

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- iv. **Acting HoD Engineering Services:** Mr Wallace Rodney McLeod (currently seconded by MISA. Technical support with employees on full time basis to be provided by Department of Water and Sanitation to ensure that impact of service delivery is experienced daily by communities Mangaung).
- v. **Acting HoD Economic and Rural Development:** Mr Clement Manyungwana (currently seconded by the Department of Transport).
- vi. **Acting HoD Waste and Fleet Management:** Francois Nel (currently seconded from the Department of Forestry, Fisheries and Environment).
- vii. **Acting Chief Financial Officer:** Mr Lutanyani Denge (currently seconded from National Treasury).
- viii. **Acting HoD Community Services and Public Safety:** Ms Mahoholi Mafisa (currently appointed by Council).

66.

CLOSING OF THE SPECIAL COUNCIL MEETING

The meeting officially closed at 17h45.

SECRETARIAT UNIT
COMMITTEE SERVICES