

**CONFIDENTIAL**

---

**MINUTES**  
of an  
**ORDINARY MEETING**

---

**MANGAUNG**  
**METROPOLITAN**  
**MUNICIPAL COUNCIL**

---

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

---

**FRIDAY**  
**JULY 28, 2023**  
**AT 12:00**

---

---

**MANGAUNG**  
**METROPOLITAN**  
**MUNICIPALITY**

---



**MINUTES OF AN  
ORDINARY MEETING OF THE  
MANGAUNG METROPOLITAN MUNICIPAL COUNCIL  
HELD IN THE COUNCIL CHAMBER, FIRST FLOOR, BRAM FISCHER BUILDING  
BLOEMFONTEIN  
ON  
FRIDAY, 28 JULY 2023 AT 12:00**

**ATTENDANCE REGISTER**

<b>POLITICAL LEADERSHIP</b>			
<b>#</b>	<b>NAME</b>	<b>PARTY</b>	<b>LEAVE</b>
1	<u>Speaker</u> Cllr Davies (Maryke)	DA	
2	<u>Acting Executive Mayor</u> Cllr Nthatisi (Gregory Mosala Solomon)	ANC	
3	<u>Acting Council Whip</u> Cllr Nikelo (Vumile Edwin)	ANC 28	
<b>SECTION 79 CHAIRPERSONS</b>			
4	<u>Remunerations</u> Cllr Nhlapo (Ntombi Anna)	ANC	
5	<u>Petitions and Community Liaison</u> Cllr Qai (Alfred)	AIC	
6	<u>Rules</u> Cllr Mokgothu (Tona Kenosi Wilfred)	ANC 2	
7	<u>Interim MPAC</u> Cllr Makoloane (Itumeleng Justice)	ANC 36	
<b>MEMBERS OF MAYORAL COMMITTEE</b>			
8	<u>Economic Development and Spatial Planning</u> Cllr Jonas (Vuyelwa Eunice)	ANC	
9	<u>Waste and Fleet Management</u> Cllr Letawana (Manthuse Maria)	ANC	
10	<u>IDP and Performance</u> Cllr Morake (Molefi Andries)	ANC	
11	<u>Infrastructure and Engineering</u> Cllr Soqaga (Vusumzi Simon)	ANC	
12	<u>Finance</u> Cllr Titi-Odili (Lulama Magdeline)	ANC	
13	<u>Human Settlements</u> Cllr Tladi (Motshewa Martha)	ANC	
14	<u>Public Safety</u> Cllr Tsoleli (Sibongile Pearm)	ANC	
15	<u>Rural Development</u> Cllr Twala (Pani Sidney)	ATM	
16	<u>Social Services</u> Cllr Mosala (Motlhokung Theodorah)	ANC	
17	<u>Corporate Services</u> Cllr Kruger (Caprice Logan)	ANC 16	

<b>PR COUNCILLORS</b>			
18	<b>Cllr Campher (Zaandre MC)</b>	<b>DA</b>	
19	<b>Cllr De-Huis (Dikeledi Jane)</b>	<b>EFF</b>	
20	<b>Cllr De Kock (Valerie Belinda)</b>	<b>FFPlus</b>	
21	<b>Cllr Denner (John Henry)</b>	<b>FFPlus</b>	<b>Absent with apology</b>
22	<b>Cllr Dennis (Magdalena Elizabeth)</b>	<b>DA</b>	
23	<b>Cllr Ferreira (Thomas Ignatius)</b>	<b>DA</b>	
24	<b>Cllr Klaasen Raynie Sarah</b>	<b>DA</b>	
25	<b>Cllr Letsoko (Mantwa Sanah)</b>	<b>EFF</b>	
26	<b>Cllr Lipale (Gopolang Jeremiah)</b>	<b>EFF</b>	
27	<b>Cllr Makau (Pitso Elias)</b>	<b>EFF</b>	
28	<b>Cllr Malebo (Deliwe Lettia)</b>	<b>EFF</b>	
29	<b>Cllr Maliela (Motiki Edwin)</b>	<b>DA</b>	
30	<b>Cllr Mathae (Bongani Lawrence)</b>	<b>ANC</b>	
31	<b>Cllr Masoeu (Thapelo David)</b>	<b>DA</b>	
32	<b>Cllr Matsoetlane (Maditaba Joyce)</b>	<b>ANC</b>	
33	<b>Cllr Mogotsi (Mamahlape Elisa)</b>	<b>EFF</b>	
34	<b>Cllr Mohlamme (Lebohang Lerato)</b>	<b>DA</b>	
35	<b>Cllr Mokoena (John Itumeleng)</b>	<b>AASD</b>	
36	<b>Cllr Mongale (Mojalefa William)</b>	<b>AASD</b>	
37	<b>Cllr Moreeng (Kabelo Christopher)</b>	<b>DA</b>	
38	<b>Cllr Mtshakazane (Eunice Xoliswa)</b>	<b>EFF</b>	
39	<b>Cllr Njiva-Lebajoa (Mamotse)</b>	<b>DA</b>	<b>Absent with apology</b>
40	<b>Cllr Phohleli (Tsholwane Eddy)</b>	<b>EFF</b>	
41	<b>Cllr Phupha (Ntsoaki Agnes)</b>	<b>PA</b>	
42	<b>Cllr Ramatlama (Mpho Joseph)</b>	<b>EFF</b>	
43	<b>Cllr Rampai (Pule Joseph)</b>	<b>ACDP</b>	

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	
48	Cllr Terblanche (Arthur Phillip)	DA	
49	Cllr Thomas (Johannes Beleme)	EFF	
50	Cllr Thwala (Zwelinjane Jonathan)	DA	
51	Cllr van der Ross (Kevin Etienne)	PA	
52	Cllr van Rensburg (Corize)	DA	
53	Cllr Viviers (Benhardus Jacobus)	DA	
54	Cllr Vorster (Braam)	FFPlus	
55	Cllr Wewege (Mare-Lize)	FFPlus	
<b>WARD COUNCILLORS</b>			
56	Cllr Sefaki (Samuel)	ANC 1	
57	Cllr Machachamise (Tshepiso Oudious)	ANC 3	
58	Cllr Supi (Mahoko Harold)	ANC 4	
59	Cllr Lecoko (Lehlohonolo Nathaniel)	ANC 5	
60	Cllr Moilola (Tshidiso Petrus)	ANC 6	
61	Cllr Sehloho (Siza Clement)	ANC 7	
62	Cllr Nyaphudi (Likeleli Julia)	ANC 8	
63	Cllr Tlhakung (Betty Masetlhabi)	ANC 9	
64	Cllr Setlai (Teboho Lesley)	ANC 10	
65	Cllr Hashatsi (Rafedile)	ANC 12	
66	Cllr Siteo (Nombulelo Dorcas)	ANC 13	
67	Cllr Lekgetho (Lebogang Winston)	ANC 14	

68	Cllr Mohibidu (Pulane Martha)	ANC 15	
69	Cllr Mohatle (Mampone Sally)	ANC 17	
70	Cllr McKay (David Mark Campbell)	DA 18	
71	Cllr Peter (Seth Qondile)	ANC 19	
72	Cllr Pretorius (Werner)	DA 20	Absent with apology
73	Cllr Lotriet (Pieter Adam)	DA 21	
74	Cllr Leech (Dulandi)	DA 22	
75	Cllr van der Walt (Tjaart Botha)	DA 23	
76	Cllr Kotze (Gerhardus Dirk Petrus)	DA 24	
77	Cllr Botes (Francois Rossouw)	DA 25	Absent with apology
78	Cllr van Niekerk (Hendrik Johannes Christiaan)	DA 26	
79	Cllr Banyane (Zachous Nechodemus)	ANC 27	
80	Cllr Matsephe (Dikololo Elias)	ANC 29	
81	Cllr Tukula (Teboho Daniel)	ANC 30	
82	Cllr Mabena (Mere Joel)	ANC 31	
83	Cllr Menyatso (Thabang Victory)	ANC 32	
84	Cllr Mohono (Tshidiso Augustine)	ANC 33	
85	Cllr Tshwane (Kabi Daniel)	ANC 34	
86	Cllr Fantisi (Teboho Samuel)	ANC 35	
87	Cllr Ramolele (Mmota Simon)	ANC 37	
88	Cllr Mogotloane (Thabo Joel)	ANC 39	
89	Cllr Matsoso (Molahloane Florenciah)	ANC 38	
90	Cllr Pholoholo (Ntebaleng Petunia)	ANC 40	

91	Cllr Dintlhwane (Mantja Agnes)	ANC 41	
92	Cllr Mothupi (Maqoma Lazarus)	ANC 42	
93	Cllr Nkiane (Mpho Elizabeth)	ANC 43	
94	Cllr Pretorius (Selmé)	DA 44	
95	Cllr Mathe (Lisiwe Jeanette)	ANC 45	
96	Cllr Majoro (Mpho Samuel)	ANC 46	
97	Cllr Kganakga (Mokgadi)	DA 47	
98	Cllr Pretorius (Johannes Christiaan)	DA 48	
99	Cllr Lekhwele (Mohanuwa Julia)	ANC 49	
100	Cllr Monare (Thabo Nicholas)	ANC 50	
101	Cllr Mohulatsi (Mamoorosi Margaret)	ANC 51	

**PRESENT**

**NATIONAL INTERVENTION TEAM**

1. NCR
2. Governance Specialist

**Ms G Malaza**  
**Ms T Cibane**

**OFFICIALS**

1. Acting City Manager
2. Acting HoD: Planning
3. Acting HoD: Waste and Fleet Management
4. Acting Chief Financial Officer
5. Chief Executive Officer: Centlec
6. GM: Committee Services
7. Secretariat officer
8. Secretariat Officer

**Mr Ms NR Dumalisile**  
**Ms N Mabunda**  
**Mr F Nel**  
**Mr L Denge**  
**Mr M Sekoboto**  
**Ms X Qilo**  
**Ms R Mamatela**  
**Ms KD Mokoena**

**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).

## INDEX

ITEM NO	ITEM	PAGE NO
120	OPENING	6
121	NOTICE OF THE MEETING	6
122	APPLICATIONS FOR LEAVE OF ABSENCE	6
123	ACCEPTANCE OF THE AGENDA	6 – 6B
124	ANNOUNCEMENTS	6B
125	MOTION OF SYMPATHY AND CONGRATULATIONS	6B – 6E
126	CONFIRMATION OF MINUTES	6E
127	DECLARATION OF INTEREST	6E
128	REPORTS FROM THE EXECUTIVE MAYOR	
	NONE	7
129	REPORTS FROM THE SPEAKER	
1	REPLACEMENT OF WARD COUNCILLORS AT WARD 7, 29, 49 AND 50 - BY ELECTION HELD ON 19 JULY 2023	7
2	ELECTION OF THE EXECUTIVE MAYOR	7A – 7B
3	ELECTION OF THE DEPUTY EXECUTIVE MAYOR	7B
4	ELECTION OF THE COUNCIL WHIP	7B – 7D
5	REPORT ON COUNCIL RESOLUTIONS THE FIRST QUARTER (JULY – SPETEMBER 2022) & SECOND QUARTER (OCTOBER – DECEMBER 2022) OF THE 2022/23 FINANCIAL YEAR	8 – 8A
130	REPORTS FROM THE AUDIT AND PERFORMANCE COMMITTEE	
	NONE	8A
131	REPORTS FROM THE MPAC	
	NONE	8A
132	IN COMMITTEE REPORTS	
1	CONFIRMATION OF IN COMMITTEE MINUTES	8A
2	REPORT BY THE SELECTION PANEL ON THE RECRUITMENT, SELECTION AND APPOINTMENT OF SENIOR MANAGERS	8A – 8B
3	ACTING APPOINTMENT OF THE HOD: ENGINEERING SERVICES	8B – 8C
4	REPORT OF THE SPEAKER TO THE COUNCIL OF MANGAUNG METROPOLITAN MUNICIPALITY ON THE APPOINTMENT OF AUDIT AND PERFORMANCE COMMITTEE MEMBERS	8C



<b>133</b>	<b>MOTIONS</b>	
<b>1</b>	<b>MOTION OF NO CONFIDENCE AGAINST THE SPEAKER</b>	<b>9</b>
<b>134</b>	<b>QUESTIONS</b>	
<b>1</b>	<b>REPLIES TO RULE 38 QUESTIONS RECEIVED FORM THE OFFICE OF THE CITY MANAGER</b>	<b>9</b>
<b>135</b>	<b>CLOSING OF THE ORDINARY COUNCIL MEETING</b>	

**MINUTES  
(OPEN COUNCIL)**

**120.**

**OPENING**

**(MOMENT OF SILENT CONTEMPLATION FOR MEDITATION AND PRAYERS)**

The meeting commenced at 12h08.

The Speaker announced that there were 87 Councillors present in the Council Chambers and thus forming a quorum. She requested all to observe a moment of silent for meditation and prayers and thereafter declared the meeting officially opened.

**NOTED.**

**121.**

**NOTICE OF THE MEETING**

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

**NOTED.**

**122.**

**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.**

**123.**

**ACCEPTANCE OF THE AGENDA**

**The Speaker stated the following:** "There was a meeting with Troika to discuss this legal matter, an appeal was lodged by the 7 previous Councillors with regards to their participation in the Council meeting of the 14<sup>th</sup> of April 2023. The matter is now, once again in court and from the legal advice received, the Council cannot deal with item 129.2, 3 and 4 therefore those items are withdrawn from the agenda."

**Cllr JE Sebolao requested the Speaker to reiterate that the matter that she spoke about, was an appeal from the former 7 members of Council therefore, if there was an appeal, it meant that other members should not form part of Council until the court has decided.**

**The Speaker explained that according to the Municipal Structures Act, it had nothing to do with the expulsion of Councillors, the participation in the meeting of the 14<sup>th</sup> of April 2023.**

**The Acting Council Whip requested a 10 minutes ANC caucus prior to the adoption of the agenda. After the caucus, Acting Council Whip provided feedback as follows:** “Madam Speaker, we have noted what you have suggested in relation to withdrawal of the three items and noted that on the 25<sup>th</sup> April 2023, we elected the Acting Executive Mayor and the Acting Council Whip and further to that we noted, that the three months has passed on the 25<sup>th</sup> of July 2023. The norm in Council is that acting should not be more than a three months period, therefore we request that the Council should consider removing the item on the election of the permanent Executive Mayor and be replaced by Acting Executive Mayor and the Acting Council Whip for a further period of three months pending the outcome of the appeal.”

**The Speaker reiterated that it was advisable to elect the Acting Executive Mayor and Acting Council Whip and withdraw item 129.3. That item 129.2 and 129.4 be changed to the election of Acting Executive Mayor and Acting Council Whip. Furthermore, that on item 126.1: confirmation of minutes, page 6 as well as page 8, item 132i, confirmation of In Committee minutes be withdrawn pending the Court Appeal A118 of 2023.**

**Cllr PS Twala moved for the adoption of the agenda with amendments made.**

**Cllr JC Pretorius on a point of order remarked:** “Madam Speaker, seeing that confirmation of the minutes of the 14<sup>th</sup> of April 2023 is withdrawn and the grounds of the motion is indicated is also the meeting of the 14<sup>th</sup> of April 2023, that means that the meeting is sub-judice and prohibited discussions and it will be illegal for Council to deal with the motion, therefore we want to put it forward that the item must also be withdrawn.”

**Cllr SP Tsoleli supported the proposal by Cllr PS Twala and the Acting Council Whip on the amendment of the agenda.**

**Cllr GDP Kotze seconded the proposal by Cllr JC Pretorius.**

**Cllr MW Mongale called Councillors to order and stated that there was no need for Councillors to move and second because when a matter is sub-judice it meant that the matter had not yet being settled at court.**

**Cllr CL Kruger raised a point of order that Cllr MW Mongale should not be making a ruling to indicate that Councillors were out of order as the Speaker still needed to make a ruling on whether the motion of no confidence would be affected by the appeal of the 7 Councillors.**

**Cllr MW Mongale referred to the Standing Rules and Orders, Rule 21.1 on the order of business of Ordinary Council meeting. Further that in terms of the law, Council cannot discuss matters that were in front of the court.**

**The Speaker ruled as follows:**

- **Regarding the motion of no confidence, the appeal did not have any impact however, as the matter of the meeting of the 14<sup>th</sup> April 2023 was still in court, the Standing Rules and Orders, page 5, Rule 10.1 (d)  
*That the Chairperson at the meeting must:***

(d) *reject any motion proposal or question which:  
ii. a decision of a judicial body or quasi-judicial body is being awaited*

- that on Page 10, Rule 29.12 stipulates that the Speaker may disallow the motion which:
  - 'addresses a matter where a decision of a judicial or quasi-judicial body is pending'.

Therefore as there was a pending case against the Speaker in court and the basis of the motion of no confidence related to that, the matter cannot be discussed in Council and for that, the motion must also be withdrawn.

Cllr MT Mosala requested clarity that, if the item on motion of no confidence is withdrawn on the basis that the meeting of the 14<sup>th</sup> April 2023 was in court and that the Speaker has been taken to court as result, that the reason for the motion of no confidence was submitted not because of the court case, but that the Speaker had put the Council under disrepute.

The Speaker responded that she was in front of court because of what happened on the 14<sup>th</sup> April 2023 and that a judicial decision still awaited in that regard, therefore according to the Standing Rules and Orders, the matter cannot be discussed in Council hence it is withdrawn. That the motion of no confidence can be resubmitted.

The Speaker furthermore referred to page 6 of the Standing Rules and Orders, Rule 10.2 as follows: *"the Chairperson's ruling with regard to the report or motion or proposal is final, when a ruling is made the Chairperson must state the grounds of the ruling"*.

Cllr DMC McKay moved for the adoption of the agenda and Cllr ZJ Thwala seconded.

NOTED.

124.

#### ANNOUNCEMENTS

The Speaker announced the channels for interpretations services.

NOTED.

125.

#### MOTION OF SYMPATHY AND CONGRATULATIONS

Councillor MJ Ramatlama conveyed his motion of congratulations as follows: "Honourable Speaker, allow me to steal a minute to greet baahi ba Mangaung, ke be ke dumedise Balekgotla bohle ba ka hare ho ntlo ena.

## 6C

Motsamaisi wa dipuisano, we would like to take this opportunity to wish the only hope of African children, the neglected masses of our people, a happy revolutionary 10<sup>th</sup> Anniversary. We stand here to salute and congratulate the generation of fearless youth that assembled in 2013 July 26 at Uncle's Tom, in Soweto. This fearless youth understood Frantz Fanon well when he said: *"each generation must, out of relative obscurity, discover its mission, fulfil it, or betray it"*. Betraying it was never an option even at its inception stages when everyone treated us like we have leprosy in particular Moshabi-Motlogolo wa Koko Sarah, Commander In Chief and our second in Command Comrade Deputy President.

Doom sayers said we not going to last more than two years, they said we are nothing but a bunch of angry mob, they said EFF stood for E Feta Feela. When everyone refused to fund us, when everyone disassociated with us, we never retreated for we knew that we are carrying aspirations of many on our shoulders. We knew that we have an appointment with no one but the future hence we are still standing even more stronger than when we started in 2013. When the government of sell-outs busy destroying the little left of South Africa, from Chapter 9 institutions, SOEs, infrastructure, now judiciary. The children of Mama Winnie Mandela are busy building a Private School for children from poorer communities, implementation of the 4th Cardinal pillar. They bought their own house at Marshall Town and name it after Mama and surely Comrade Peter Mokaba is smiling wherever he is. They are busy growing a movement which started with 1000 members to now 1 million plus members in good standing. They started with 25 MPs in 2014 and they are now at 44 MPs. Next year the biggest present we going to give ourselves is to remove a corrupt ANC government, for killing Andries Tate, for killing Mambushi Noki and other 33 Mine workers in Marikana, for killing our youth with drugs, for turning our girls into prostitutes when they apply for jobs including CWP. For protecting a Murder of Marikana and dollar smuggler.

We further wants to congratulate the ground forces of the EFF Mangaung for putting a very good fight against state resources in the previous by-elections, We managed to grow particularly in Ward 49 where we got 1305 and ANC got 1391 it was just a matter of 86 votes. And let the one who won a ward with 86 votes register this difference in her head because we are not going to allow 49 to be run like that Spaza shop called Shell house, there must never be a project or hiring of people without a proper consultation with the Community of Makurung, Themba, Zone 3, Zone 4 and Mokwena.

Let me conclude by stealing this quote from Mel Robbins, *"no matter how small is the step, forward is forward"* we will keep going forward as the Economic Freedom Fighters. Kere Woza 2024 Woza! Thank you, Honourable Speaker."

**Cllr KD Tshwane addressed the Council as follows:** "Thank you, Madam Speaker for giving me this opportunity to pass the motion of sympathy and congratulations in this August house. Let me greet you Honourable Madam Speaker, Acting Executive Mayor, Acting Chief Whip, MMC, Honourable Councillors and the community of Ward 34 and the entire Mangaung Residents.

On Sympathy: I would like to stand in support and sympathy of the family of Molefi Litabe from T Section in Ward 34. Ntate Molefi and His family currently going through rough time where they experienced loss of their beloved son who passed on at Welkom while he was intending to look for better job opportunity. Tragedy came in his way, and he was involved in a car accident and currently, the people of Ward 34 and the entire Mangaung community are in sadness.

Ntate Molefi Litabe ha moya wa ngwana wa hao o robale ka kgotso ya Morena. Madam Speaker, On the same breath, Allow me to take this moment also to congratulate Banyana Banyana for qualifying and participating in the world highest prestigious stage of the world women football cup. Early in the morning Banyana Banyana played their second game with the mighty Argentina where they successfully drew 2-2 Score. This is the defined moment and proud to be South African especially when the fighting Spirit deposited into the performance of our Banyana Banyana fearless as they showed no mercy and respect to the so-called indomitable Argentines.

Madam Speaker, allow me to congratulate our gigantic revolutionary movement, in participating in the passed by-election. ANC performed very well I must say, and we would like to congratulate more especially the community of the respected wards by showing loyalty to the peaceful bi-election and to African National Congress by making sure ANC deliver successful decisive victory by retaining all wards. This victory gave once more ANC the majority in the Council of Mangaung Metropolitan Municipality to pursue the interest of the broader majority of Mangaung. I congratulate the leadership of the province and the region and all structures of the Elections for excellent work, moreover gratitude must go through to our volunteers. ANC Lives and ANC leads. Thank you, Madam Speaker.”

**Cllr MW Mongale remarked:** “Madam Speaker, I will like to acknowledge the viewers on Facebook and the Councillors present and also congratulate the REDS for 10<sup>th</sup> year anniversary. We would also want to congratulate Councillors who have won during the by-elections from the ANC and appreciate that amongst them have relationship.”

**Cllr DMC McKay addressed the Council as follows:** “As the Democratic Alliance, we sympathize with the rightful recipients of the EPWP positions in Ward 18 and other Wards, these rightful recipients were drawn at a public meeting via a raffle method which is a fair and non-discriminate transparent method, however they were denied an opportunity to put food on the table for their families by corrupted appointed officials, these officials were appointed by the office of the Executive Mayor therefore the Executive Mayor is responsible for their actions. I did communicate with the Executive Mayor however nothing happened, Ward 18 EPWP list were sent to the Executive Mayor via email and WhatsApp and the same list was hand delivered at the office as per the request of the Executive Mayor. On Wednesday, only 1 out of 36 people came for training and the others were not contacted; therefore when the EPWP people enquired, the answer was that, their phones were off. The law states that it would be virtually impossible for all 35 phones to be off at the same time.

Furthermore, it came to light that an illegally obtained list was given to an official by the ANC and this list consisted of card carrying members and they all received sms’s to come to the training. The official from the Executive Mayor bluntly stated that the reason why Ward 18 applicants went go to training was because they voted for the Democratic Alliance; that is a racial comment and even the EFF applicants were told that it was an ANC list.

After all the talk about political parties working together if this is how the officials are behaving and treating people, it is shameful they should be charged. In closing, can the Executive Mayor intervene and set the record straight.”

## 6E

**Cllr NP Pholoholo addressed the Council as follows:** “Madam Speaker, on behalf of the ANC, I would want to congratulate the Women’s League on the successful 13<sup>th</sup> National conference held on the 23<sup>rd</sup> July 2023. The conference was held 3 days after a celebration of our icon Nelson Mandela. The United Nations general assembly declared the 18<sup>th</sup> July as Nelson Mandela international day. In recognition of the contribution made by Madiba to the culture of peace and freedom, United Nations general assembly recognised Madiba’s value and his dedication to the service of humanity conflict resolution, race and protection of human rights, reconciliation, gender, equality and all rights. The conference was also held a week before the nation celebrates Women’s month. Women’s day represent a very crucial time, the Bantu Women’s League was the first women’s organisation in South Africa started by one of the earliest activist Dr Charlotte Maxeke.

Congratulations are in order for the newly elected ANC Women’s League President Cici Sitolashe, Nokuthula Ngaba as Secretary General. The ANC wishes to specifically congratulate the PEC member MaQueen Mathae who emersed as the Treasurer General of the Women’s League, also we congratulate the following comrades for being elected NEC Members from the Free State Province comrade: Dibolelo Manche, Tankiso Morule, Popie Mokena and Dr Mamikie Mabuya, we are with them and the entire leadership with the massive task they have ahead of them.

Girls and women don’t have the same access and opportunity as boys and men. Women and girls continue to experience discrimination and violence and being denied their equality, dignity and autonomy therefore when we have the same opportunity the world becomes a better place for everyone. Congratulations are in order for one of women which is Kediemetse Molelle who stood firm and dedicated in white dominated place which she would be taking her spot as one of the gymnastic in Amsterdam. Thank you, Madam Speaker.”

**NOTED.**

**126.**

**CONFIRMATION OF MINUTES**

**WITHDRAWN.**

**NOTED.**

**127.**

**DECLARATION OF INTEREST**

**The Speaker reminded the Councillors to submit their declaration of interest for 2023/24 financial year.**

**NOTED.**

128.	<b>REPORTS FROM THE EXECUTIVE MAYOR</b>
------	---

None

**NOTED.**

129.	<b>REPORTS FROM THE SPEAKER</b>
------	---------------------------------

1.

**REPLACEMENT OF WARD COUNCILLORS AT WARD 7, 29, 49 AND 50 – BY ELECTION HELD ON 19 JULY 2023**

**The Speaker read the report as it appears on the Council agenda, which was submitted for noting.**

**Cllr MA Dintlhwane addressed the Council as follows:** “Thank you, Madam Speaker. Congratulations are in order for ANC for winning the by-elections and thanks to the community of Mangaung at large. Gratitude goes to Ward 7, 29, 49 and 50 for believing and showing trust in the ANC. As the ANC we will do our best to ensure services are delivered with the resources we have, lastly we as the ANC formally welcome Cllr J Lekhwele as the only woman in the by-election it shows that ANC believe in women empowerment.”

**Cllr CL Kruger addressed the Council:** “Madam Speaker, firstly the EFF wanted to steal the stalwart Mama Madikizela-Mandela and the revolutionary Peter Mokaba however there was a quote that one of the Councillors from the EFF quoted, any step forward no matter how small, is a step forward therefore any win regardless of the margin is a win. When it comes to votes statistics speaks volumes, not only did the ANC perform their best in Ward 50 but they showed other political parties that they are the best. The Community of Mangaung let the ANC reassure you that, not ever this glorious movement will ever take their vote for granted. Our incoming Councillors will never take the votes of the Community for granted and they will serve the Community well”.

**Cllr JC Pretorius addressed the Council:** “Madam Speaker, before the elections you would see the suffering of those people in the Wards but during elections there would be TLB’s and Potholes being fixed and ANC officials working hard in those Wards for the by-elections, unfortunately those things that were fixing the roads, on Monday they were not there anymore as the by-elections were over. Congratulations are in order for those four Councillors, we hope that you would bring better advice to this Council and advice the ANC better because things were going wrong. Furthermore Cllr CL Kruger is proud not knowing that the voter turnout was only 30% therefore it means that the 35% of the voters went and voted but an observation was done when in the Wards were ANC brought only the elderly people, because they will vote for the ANC. The ANC must be careful in lying to the residents.”

**The Speaker stated that as the item was submitted for noting, they would not be voting.**

**It was thereupon,**

**RESOLVED** that Council noted the outcome of the by elections held on 19 July 2023 and that new Ward Councillors were declared elected by the Independent Electoral Commission.



2.

## ELECTION OF THE ACTING EXECUTIVE MAYOR

**Cllr JC Pretorius requested a 10 minutes DA caucus and thereafter provided feedback as follows:**

**Cllr GDP Kotze addressed the Council:** “Madam Speaker, the matters that we are discussing here in Council, we take them seriously however every time when a member of Democratic Alliance or opposition parties make a statement, the ANC would laugh at a Councillor, we all represent the community therefore if a person laughs at a Councillor they are laughing at the community.”

**The Speaker presented the report as amended.**

**Cllr MW Mongale indicated that the Speaker has advised that the recommendation be amended to indicate that it should be pending the appeal as Council is not in control of the courts, and acting be only for 3 months.**

**Acting Council Whip explained that it was mentioned that the acting period be for three months or when the courts have finalized the matter and Cllr JC Pretorius concurred.**

**Cllr MS Mohatle nominated Cllr GMS Nthatsi to act as the Executive Mayor and was seconded by Cllr IJ Makoloane.**

**The Speaker referred to Schedule 3 of the Municipal Structures Act, as amended that as there was only one name nominated and that Cllr GMS Nthatsi accepted the nomination, he was then declared as the Acting Executive Mayor.**

**Cllr GMS Nthatsi thanked and appreciated the gesture, conduct himself better than expected.**

**Cllr MJ Mabena congratulated the Acting Executive Mayor as follows:** “Thank you, Madam Speaker. As someone who is presiding in the Council meeting you don’t see things the same as you are from different political parties, there were those who walked out and those who absconded to make sure the Council collapsed therefore Acting Executive Mayor should be aware of the blue and red ants which are the enemy of progress again we will support you and make sure that you are surrounded by correct people to make Mangaung better”.

**Cllr MW Mongale remarked:** “Madam Speaker, I want to correct a misconception there is no structure called TROIKA in this Municipality we have to verify the structures that exist in this Municipality therefore it has a bearing on how things should operate in the Municipality.”

**Cllr NA Nhlapo conveyed her well wishes as follows:** Congratulations are in order to the newly elected Acting Executive Mayor one day we will be congratulating him permanently, we are a city that has been through many challenges however we have confronted them head on and we have seen our Comrade Councillor Nthatsi work hard hand in hand with his team and in the famous words of Tata Nelson Mandela, he said: “*it is your hands to make a better world for all who live in it*”.

## 7B

Therefore the African National Congress reiterate and reemphasize our full confidence in the Acting Executive Mayor that indeed the residents of Mangaung whom we are here to serve are still indeed in good hands.

**It was thereupon with 53 votes in favour, 3 against and 38 abstained.**

### RESOLVED

- (a) That Council took note of the report and designated **Cllr GMS Nthatsi** to serve as the Acting Executive Mayor on a full-time basis.
- (b) That the Acting be for a period of three months or until Appeal A118 of 2023 has been concluded, whichever comes first.

## 2.

### ELECTION OF THE DEPUTY EXECUTIVE MAYOR

### WITHDRAWN

### NOTED.

## 4.

### ELECTION OF THE ACTING COUNCIL WHIP

Speaker read the report as it appears on the Agenda however with changes on the recommendation, can we get nominations from the floor.

**Cllr MM Mohulatsi nominated Cllr VE Nikelo and was seconded by Cllr BM Tlhakung.**

**Cllr MW Mongale raised his concern as follows:** “Madam Speaker, Council should take note we are electing acting whip while there is no court ruling that takes away the powers of Councillor Masoeu, the problem with this Council is that the Whip of Council is also the whip of the ANC as he is unable to enforce discipline on the members . It should be recorded in case there is a legal matter , ignorance not be used as an excuse for not applying the law. There is no court order that was raised against the than Council Whip Masoeu therefore there are no legal grounds to elect the Council Whip, an advice to the Council that they are committing an error in terms of the law and that will create a catastrophe in the Municipality and the Speaker will be held liable for allowing this matter.”

**Cllr MH Supi remarked:** “We would appropriate if an individual raised an issue that, if one is talking about the law, he/she must make a reference to that, for Councillors to follow on what has been said”.

**Cllr MW Mongale continued:** “Issue of election of Executive Mayor on acting capacity, court order of Cllr IJ Mokoena was interdicted and cited in the document. I am raising this matter because the issue of the election of the Executive Mayor on the acting capacity emanated from the issue of the court order that denied the then Executive Mayor. Councillor JI Mokoena was denied to become Executive Mayor on the said papers of the court however as for Cllr TD Masoeu, he was never cited as part of the people who were interdicted to discharge his duties as the Council Whip, as the situation stands there is no vacancy of the Council Whip.”

**Cllr CL Kruger remarked:** “If there was no vacancy to what the Councillor has alluded to, it should have been rectified before the adoption of the agenda therefore, which law was he referencing and for the sake of time, I propose that Madam Speaker must make a ruling.”

**Point of order raised by Cllr IJ Makoloane that the agenda was adopted by the Council therefore the Speaker should stick to the ruling and continue with the meeting, as Councillors cannot question the adopted agenda.**

**Cllr MW Mongale continued:** “We need to draw a distinction about the decision of the Council and court which one is supreme therefore there was a court order that stopped Cllr Mokoena in becoming the Executive Mayor that has led to the Acting Executive Mayor position and there was an order to that. With Cllr TD Masoeu in becoming the Council Whip there has never been an effect of court therefore people have their assumption and in the court of law there are no assumptions and there is no document that prohibits Cllr TD Masoeu in performing his duties as his name was not mentioned. Therefore Speaker needs to make a ruling whether this Council have the power over the courts or the courts have the power over the Council.”

**Cllr SP Tsoleli remarked:** “Madam Speaker, just a reminder to Cllr MW Mongale to not have a selective amnesia, earlier on when the matter of the motion was deliberated the Speaker raised the proceedings of the 14<sup>th</sup> April were declared unlawful therefore the matter, Councillor MW Mongale, of the Council Whip was part of the proceeding of the Council that was declared unlawful meaning we need to elect the acting Council Whip.”

**The Speaker mentioned that looking at the report, it indicates that the Council is deemed unlawful, however no court had found the meeting unlawful.**

**Cllr BL Mathae requested the Speaker to rule on the matter as the agenda has been adopted, and the Speaker indicated that all decisions of the 14<sup>th</sup> April 2023 were now under review.**

**The Speaker mentioned that at the beginning of the meeting, the agenda was adopted however Councillors had the right to indicate as such if they did not agree with what has been said in the Council meeting.**

**Cllr VE Nikelo accepted the nomination. The Speaker then read Schedule 3 of the Municipal Structures Act.**

**Cllr MJ Ramatlama requested that the EFF be excused from the meetings as they had prior party commitments. They left at 14h50.**

The Speaker requested that Cllr MJ Ramatlama ensure that Councillors from the EFF complete forms for the application of leave.

**Cllr MJ Mabena remarked:** “Madam Speaker, there is a serious allegation that had been made in this Council by another Councillor stating that I used money of the fire station in my Ward and I have never gotten any money therefore the Councillor must withdraw that statement or I am going to sue him.”

Speaker advised that there were procedures to be followed should Cllr MJ Mabena wishes to lay formal complaint against that specific Councillor.

Cllr VE Nikelo in accepting his nomination, stated that as the Acting Council Whip, he was humbled.

Cllr BL Mathae also congratulated the Council Whip.

It was thereupon with 53 votes in favour, 3 votes against and 24 abstained

#### RESOLVED

- (a) That Council took note of the report and designated **Cllr VE Nikelo** to serve as the Acting Council Whip on a full-time basis.
- (b) That the Acting be for a period of three months or until Appeal A118 of 2023 has been concluded, whichever comes first.

5.

**REPORT ON COUNCIL RESOLUTIONS THE FIRST QUARTER (JULY – SEPTEMBER 2022) & SECOND QUARTER (OCTOBER – DECEMBER 2022) OF THE 2022/2023 FINANCIAL YEAR**

**The Speaker mentioned that the report served in Council on the 12<sup>th</sup> of July 2023.**

**Cllr T van der Walt addressed the Council:** “Madam Speaker, Resolution 162.4, we understand that there were a lot of challenges last year however the Acting City Manager and the Acting Executive Mayor for three months that resolution states that those vacancies should be filled. The status of the report says that they have been advertised since last year August therefore it is an urgent matter as it is for the development of Mangaung. The Committee for Planning has not met in the past three months since Mayco members have been appointed therefore there are items that are urgent that were submitted and has to serve in Council.

On item 162.5 and 162.6 we have not received anything from the MPT Committee and oversight is important in that Committee, the quarterly report is important for the MPT to make decisions. July meeting the motion of the establishment of the Section 79 portfolio of oversight Committees, it is clear that the motion is in line with the legislation hence it is important for the oversight Committee’s not to be run by the MMC’s as it would be impossible, which official has been tasked to implement this resolution and when should work be completed of revising the rules and orders.

**Cllr TO Machachamise:** A report of the Council resolution of the first quarter July 2022-September 2022 and second quarter October-December 2022, one should indicate that most Council resolutions are not implemented and it impacts both the administration and Council therefore we ask the Acting City Manager and the Acting Executive Mayor to ensure the implementation of the Council resolutions.”

**Cllr TV Menyatso seconded Cllr TO Machachamise.**

**Cllr GDP Kotze addressed the Council:** This submission is to provide feedback on Council resolution on progress on the date the intervention team pointed by CoGTA would use a statement that Council is not doing its work or is not doing oversight therefore there are a few resolutions that would prove the statement wrong. On the 12<sup>th</sup> May Council voted unanimously on the appointment of the Ombus man that includes the African National Congress, the motion was not implemented as the previous City Manager needs to report to Council to sign the Execution Letter however Council is still waiting for that report. Council also voted unanimously to implement the action plan of refuse collect and the negative environmental caused to the Metro this was not implemented because the Acting City Manager needs to report to Council, residents of Mangaung this is why the refuse is not collected regularly. External investigations on the than Head of Corporate Services (Mr DSR Nkaiseng) Council voted for the motion but was not implemented because the Acting City Manager dragged his feet already Mr Nkaiseng was redeployed. On the 29<sup>th</sup> July Council voted for the appointment of the Section 79 oversight Committee that report is still outstanding, Council voted a Community Safety Forum however no reports have been done

No voting, as the item was submitted for noting.

It was thereupon,

**RESOLVED** that the Council took note of the report on implementation of Council Resolutions for Quarter 1 and 2 of the 2022/23 financial year.

130.	<b>REPORTS FROM THE AUDIT AND PERFORMANCE COMMITTEE</b>
------	---

None.

**NOTED.**

131.	<b>REPORTS FROM THE MPAC</b>
------	------------------------------

None.

**NOTED.**

132.	<b>IN COMMITTEE REPORTS</b>
------	-----------------------------

Prior to dealing with the In Committee items, the Speaker requested all HODs, officials, media and the public in the gallery to be excused from the meeting and that the live streaming be switched off.

As these items are dealt with In Committee, the discussions are minuted separately and only the voting outcomes and the resolutions of the Council are outlined below.

1.

**CONFIRMATION OF IN COMMITTEE MINUTES**

- i. Special Meeting: Friday 14 April 2023 – WITHDRAWN
- ii. Special Meeting: Thursday 25 April 2023 – Cllr ME Dennis moved for the adoption of the minutes and was seconded by Cllr S Sefaki.

**NOTED.**

2.

**REPORT BY THE SELECTION PANEL ON THE RECRUITMENT, SELECTION AND APPOINTMENT OF SENIOR MANAGERS**

**Councillors did not vote under this item as it was submitted for noting.**

**RESOLVED** that the Council:

- a) Took note of that the selection panel had commenced its mandate assigned by council between 18 May 2023 – 01 June 2023 and challenges encountered that necessitated the recruitment process be abruptly stopped.

## 8B

- b) Took note of the remedial actions imposed on council by MEC for COGTA and the subsequent response by the Minister for COTGA.
- c) Re- established and appointed selection panel for City Manager constituted by the following –
  - I. Executive Mayor – Chairperson
  - II. **Cllr Designated by Council** – (Cllr MT Mosala)
  - III. **Local Government Specialist** – (Ms M Sesing)
  - IV. Municipal Cooperate Government Systems and Municipal Finance (**Mr Donald Barlow**)
- d) Considered appointing observers to all selection panels (organized labour, NCR and experts). However, this is not regulated and might create a wrong precedence going forward (refer to Minister’s letter).
- e) Replaced selection panel specialist for CFO position.
  - I. Chairperson – City Manager
  - II. Panel Member – MMC responsible for portfolio
  - III. Panel Member – (**Mr Donald Barlow**)
- f) Replaced selection panel specialist for Technical Services position.
  - I. Chairperson – City Manager
  - II. Panel Member – MMC responsible for portfolio
  - III. Panel Member - (**Mr Ralph Du Plessis**)
- g) Approved advertisements in the national newspaper for the positions of City Manager and all senior managers for period 14 days.
- h) Adopted the recruitment plan to fill all vacancies of the City Manager and senior manager positions

### 3.

#### **ACTING APPOINTMENT OF THE HOD: ENGINEERING SERVICES**

**Councillors voted as follows for the item to be referred back: 23 in favour, 52 against and 0 abstained. For the recommendations as they appeared in the report: 52 in favour, 22 against and 1 abstained.**

**It was thereupon**

**RESOLVED** that the Council:

- a) Approved appointment of Mr Itumeleng Revelation Masobeng, General Manager: Roads and Stormwater as acting Head of Department Technical Services for a period of three months.

## 8C

- b) Approved that the General Manager be paid acting allowances and benefits associated with the positions they will be acting on from the date of appointment.
- c) Approved that acting Executive Mayor should immediately request concurrence of the Minister of COGTA on the appointments.

### 4.

#### **REPORT OF THE SPEAKER TO THE COUNCIL OF MANGAUNG METROPOLITAN MUNICIPALITY ON THE APPOINTMENT OF AUDIT AND PERFORMANCE COMMITTEE MEMBERS**

**Councillors voted as follows for the recommendation as amended: 50 in favour, 22 against and 1 abstained.**

**It was thereupon**

**RESOLVED** that the:

- a) Council rescinded the Council Resolution of 197.5 of the Council meeting dated 19 December 2022.
- b) That the City Manager is mandated to re-start the process of appointments for the Audit and Performance Committee as the Custodian.
- c) Council extended the term of the previous Audit Committee member for a period of three (3) months effective from August 01, 2023 until 31 October 2023 to conclude/ finalise the process of appointing new members of this Committee by 31 August 2023.



133.	<b>MOTIONS</b>
------	----------------

1.  
**MOTION OF NO CONFIDENCE AGAINST THE SPEAKER**

**WITHDRAWN**

134.	<b>QUESTIONS</b>
------	------------------

1.  
**REPLIES TO RULE 38 QUESTIONS RECEIVED FORM THE OFFICE OF THE CITY MANAGER**

**Cllr GDP Kotze remarked:** “Madam Speaker, I would suggest we rename this section on the agenda as the laughing out loud section; the reason being, the late responses of questions. Cllr R Van Der Merwe is no longer part of this Council however his response was given and most of the questions received are dated the 9<sup>th</sup> of May 2022. A reminder to the intervention team, monitor the performance of the Municipality, Rule 38 questions are Councillor’s privilege for Council to do oversight. I would suggest the Council should seek a legal opinion if we as Council has lost faith in the current Intervention Team.”

**NOTED.**

135.	<b>CLOSING OF THE ORDINARY COUNCIL MEETING</b>
------	--

**The meeting officially closed at 18:23.**

**SECRETARIAT UNIT  
 COMMITTEE SERVICES**