

MINUTES OF THE 5TH ORDINARY MEETING OF THE PROGRAMMING COMMITTEE
HELD ON MONDAY, 15 AUGUST 2022, AT 10:00, AT THE EXCO-BOARDROOM, 2ND
FLOOR, COUNCIL CHAMBER WING.

PRESENT

Councillors:

Da Gama, V (Speaker)
Makhubele, T C (Chair of Chairs)
Meyers, T (Whip of Council)
Arnolds, M S (AIC)
Mgcina E (ANC)
Knott L (DA)
Sithole, AM (ACDP) (Virtual)
Sifumba, N (DA)
Radebe, N (EFF)
Ngobeni, F (ActionSA)
Niemand, GJ (DA)

ALTERNATE

Coutriers, MJ

OFFICIALS

M Komane, Director : Legal, COJ Legislature
J Moremi, Director : Legislative and Oversight (L&O)
A Malatjie, Director : Office of the Chair of Chairs
T Cordier, Assistant Director : Information and Operational Support
D Louwrens, Director : Office of the Leader of Executive Business (LOEB)
B Tseke, Legal Advisor : COJ Legislature
T Tseki, Legal Advisor : COJ Legislature
P Mzimela Assistant Director : Legal, COJ Legislature
S Dlamini, Assistant Director : Legal, COJ Legislature
P Mokoena, Assistant Director : Council
M Mothopeng, Acting Committee Coordinator

1 OPENING

The speaker welcomed everyone present at the meeting.

2 LEAVE OF ABSENCE

None.

3 CONFIRMATION OF MINUTES

(4th Ordinary Programming meeting dated 15 June 2022)

Councillor Mgcina E (ANC) requested clarity on Mr M Molekwa's status in the meeting because the report that was addressing his acting appointment would only be dealt with at an Extra-Ordinary Council meeting that was scheduled at 12:00, 15 August 2022.

The Speaker asked Mr M Molekwa to be excused from the meeting.

RESOLVED

That the minutes of the 4th Ordinary Meeting held on 15 June 2022, be taken as read and confirmed.

4 MATTERS ARISING FROM THE PROGRAMMING MINUTES

None.

5 DRAFT COUNCIL MINUTES

NOTED

6 ITEMS TO BE REFERRED TO COUNCIL (31 August 2022) FROM THE EXECUTIVE

The Director : Office of the Leader of Executive Business presented a list of reports from the Executive to be considered at the Council meeting scheduled to be held on 31 August 2022.

6.1 ITEMS TO BE REFERRED TO THE SECTION 79 COMMITTEES FROM THE EXECUTIVE

The Director : Office of the Leader of Executive Business presented a list of quarterly reports from the Executive to be considered at the Section 79 Committees on September 2022.

7 ITEMS TO BE REFERRED TO COUNCIL (31 August 2022) FROM THE LEGISLATURE

The Assistant Director : Information and Operational Support presented a list of reports from the Legislature to be considered at the Council meeting scheduled for 31 August 2022.

7.1 ITEMS TO BE REFERRED TO THE SECTION 79 COMMITTEES FROM THE LEGISLATURE

None.

8 QUESTIONS FOR WRITTEN REPLY

The Speaker stated that Mr S Dlamini was leaving the City of Johannesburg and appreciated the time he spent with the City. He wished him well with his endeavours.

The Legal Advisor, Mr S Dlamini presented questions received from various political parties and indicated that 47 questions were received. 41 questions were for written responses and 6 questions were for oral replies. He said all 6 questions for oral replies were admissible and 4 from 41 written replies were inadmissible.

He took members through the questions that were not admissible and gave reasons thereof, (attached hereto as Annexure A).

8.1 EXECUTIVE MAYOR'S QUESTION TIME

MMC Ngobeni F (ActionSA) stated that the closing date for the Executive Mayor's questions and the motions was 17 August 2022, therefore, the Committee could not consider the motions that were received and suggested that an Extra-Ordinary meeting be called to consider all submitted motions.

Councillor Arnolds M (AIC) concurred with MMC Ngobeni that motions should be dealt with after the closing date has lapsed to allow for them to be debated all at once.

The Director : Legislature & Oversight, Ms J Moremi confirmed that the closing date for the questions for written and the oral replies was 08 August 2022; and the Motions and Executive Mayor's questions closing date was 17 August 2022.

The Speaker responded that questions for written and the oral replies had since closed and those can be dealt with in the meeting. He stated that there were Motions that were received already, and he does not see the reason why they could not be dealt with in the meeting.

MMC Ngobeni cautioned the Speaker that should legal make a pronouncement on these submissions before the cut-off date, it would create an unfair advantage as it would allow Councillors to go back and rectify their Motions and resubmit again before 17 August 2022.

It was agreed that an Extra-Ordinary Programming Committee meeting would be called to deal with submissions of Motions and the Executive Mayor's questions made after the closing date.

9 MOTIONS

See comments under Item 8.1.

10 PROGRESS REPORT ON BY-LAWS

The Director Legal, Ms M Komane tabled the progress report on By-laws, (attached hereto as Annexure B).

11 CLOSURE

The Speaker thanked everyone for attending the meeting.

THE MEETING ADJOURNED AT 10:46.


.....
SPEAKER OF COUNCIL
V DA GAMA

24/05/23
.....
DATE

QUESTIONS NOT ADMISSIBLE

ANNEXURE A

QUESTIONS FOR WRITTEN REPLY	NON-COMPLIANCE (with the Standing Rules)
<p>FROM: Councillor M Van Der Merwe (DA) to ask MMC Housing a question for a written reply in terms of Section 105(2) of Standing Rules of Council.</p> <p>If 1000/4500 is used what is going to happen to the rest? There are currently 20,000 people living there.</p> <ol style="list-style-type: none"> 1. What does the Department of Housing intend to do with the approximately 19,000 current residents (based on 900 units) or 15,500 current residents (based on 4,500 units) who do not qualify for housing? 	<p>Rule 101 (1) (b) A question must be brief and clearly worded.</p>
<p>FROM: Councillor M Van Der Merwe (DA) to ask MMC Housing a question for a written reply in terms of Section 105(2) of Standing Rules of Council.</p> <p>The fact that only South African and legal foreigners may be entitled to housing. Home Affairs says that number is 900. Home Affairs has mentioned that there are approximately 900 recipients in Kya Sands (either South Africans or legal Foreigners) that will be recipients.</p> <ol style="list-style-type: none"> 1. Why then is the project targeting to build 4,500 units? 	<p>Rule 101 (1) (b) A question must be brief and clearly worded.</p> <p>Rule 101 (3)(e) A question may not be based on hypotheses, uncorroborated hearsay, arguments or deduction;</p>

QUESTIONS FOR WRITTEN REPLY	NON-COMPLIANCE (with the Standing Rules)
<p>FROM: Councillor Ingrid Reintgen (DA) to ask MMC EISD a question for a written reply in terms of Section 105(2) of Standing Rules of Council.</p> <p>A question was emailed to the MMC on 28 of February concerning the logging of electricity outages for residents who have pre-paid meters and have no account from the City. Force link does not recognize the prepaid meter numbers and they do not receive accounts from the City to use as an alternative. The email was forwarded to the CEO, but no explanation was received.</p> <p>1. What is the process for customers who have pre-paid meters and receive no account from the City to log their electricity outages?</p>	<p>Rule 110 (1) A question must be brief and clearly worded.</p>

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<p>2. If Force link rejects the prepaid meter, what steps should the customers take to log their outage?</p> <p>3. Could an internal department such as Crum not assist residents with the logging of calls for power outages?</p> <p>3.1 - if so, how could CRUM and Councilors be assisted on Force link who help residents log calls in these areas?</p>	
<p>FROM: Councillor M Van Der Merwe (DA) to ask MMC Housing a question for a written reply in terms of Section 105(2) of Standing Rules of Council.</p> <p>The Capacity Reports from Phase II were not done correctly namely; City Power substation, Johannesburg Water reservoir, and Johannesburg Water sewer infrastructure.</p> <p>1. When will these be redone?</p>	<p>Rule 101 (1) (b) A question must be brief and clearly worded.</p>

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ANNEXURE B

PROGRESS REPORT ON BY-LAWS							
LEGAL AND PROCEDURAL SERVICES							
NAME OF BY-LAW	COUNCIL RESOLUTION DATE	DATE REFERRED TO THE RELEVANT SEC 79 COMMITTEE BY THE OFFICE OF THE SPEAKER	DATE OF ADVERTISEMENT FOR PUBLIC COMMENTS/ DATE THE BY-LAW WILL LAPSE, IF NOT PROMULGATED WITHIN 12 MONTHS	CLOSING DATE OF ADVERTISEMENT	DATE OF ADOPTION	PROGRESS	
City of Johannesburg: Draft Outdoor Advertising By-law	26 August 2021	07 September 2021 (Development Planning)	Advertisement Date: 13 May 2022 (The process was flawed, and the by-law must be re-advertised)	12 July 2022	Not yet adopted.	The by-law must be re-advertised in the Provincial Gazette local newspapers with a view to allow the public to make comments/ inputs.	
City of Johannesburg Wayleave By-law	26 August 2021	07 September 2021 (Transport Committee)	To be determined	To be determined	Not yet adopted	The by-law must be advertised in the Provincial Gazette and local Local newspapers with a view to allow the public to make comments/inputs	
City of Johannesburg: Electricity By-	17 March 2022	23 March 2022 (Environment &	To be determined	To be determined	Not yet adopted	The by-law must be advertised in the Provincial Gazette and local newspapers with a view to allow the public to make comments/inputs.	

PROGRESS REPORT ON BY-LAWS						
LEGAL AND PROCEDURAL SERVICES						
law		Infrastructure Services)				
City of Johannesburg: Water Services By-law	17 March 2022	23 March 2022 (Environment & Infrastructure Services)	To be determined	To be determined	Not yet adopted	The by-law must be advertised in the Provincial Gazette and local newspapers with a view to allow the public to make comments inputs.