



MINUTES OF THE 3rd EXTRA- ORDINARY MEETING OF THE CITY OF JOHANNESBURG MUNICIPAL COUNCIL HELD AT THE CONSTANCE CONNY BAPELA AND THE OLD COUNCIL CHAMBERS, AT THE GROUND FLOOR, METROPOLITAN CENTRE, BRAAMFONTEIN ON THURSDAY, 13 JANUARY 2022 AT 10:00 IN LINE WITH DIRECTIVE 6.7 OF THE REGULATIONS ISSUED BY THE MINISTER OF COGTA ON 3 JULY 2020 READ TOGETHER WITH ADJUSTED LEVEL 1 REGULATIONS ISSUED BY THE MINISTER OF COGTA ON 30 SEPTEMBER 2021.

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1A MEMBERS PRESENT

The Speaker: Councillor Da Gama, V M

The Executive Mayor: Councillor Phalatse, M

Alexander, W R	Fresling, R R
Amad, T	Galeshewe, T M
Amod, C J	Gantsho, L
Anolik, S	Goosen, J W
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Badal, K	Harris, R
Baloyi, D L	Hlatshwayo, S M
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Brand, D G	Jonker, N
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Cele, D W	Kanda, M
Chabalala, M D	Kgeletsane, M O
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Chame, F	Khumalo, X I
Chauke, K L	Kiviet, A
Chetsanga, H	Knott, L R
Coogan, L C	Koekemoer, M
Coutriers, M J	Komane, S A
Coverdale, D L T	Kwapeng, C
Crichton, M	Lebatlang, T Z
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Da Gama, V M	Lebotse, E W
Da rocha, C M D	Lefutso, L
Dammie, B H	Leshilo, R S
Davids-Green, I C	Liebenberg, E
Davis, M R	Lobi, M
De Lange, F C	Louw, M A
Dellwaria, N	Maake, M J
Deppe, A J	Mabaso, M P
Dladla, D	Mabelebele, S S
Dlamini, B	Mabuke, T A
Dlanjwa, M	Mabunda, T E
Du plessis, N S	Mabuza, S K L
Durand, G V M	Machaba, L M U
Dyers, S	Machethe, S
Echeozonjoku, B C	Madiba, T J
Edward, N	Magwaza, B L P
Finn, C E	Magwentshu, L C
Foley, D T	Maila, S M
Fourie-Shawe, C	Majola, S
Francisco, D B	Makamo, S S

Makhuba, H N	Molefe, M
Makhubele, T C	Molefe, S B
Maluleka, T	Molise, L D
Manganyi, D B	Moloisane, D
Mangena, T D	Moodey, J C
Marais, A F	More, E
Marais, S I	Mosehla, K J
Marema, V A	Mothopi, O Z
Marumo, T	Mphaho, M A
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Mashinini, S	Mposula, T
Masoga, L M	Mpotulo, G S
Masuku, L	Mthembu, M N
Maswazi, R	Mulelu, M
Mathe, G	Munyayi, V E
Mathe, Z E	Nair, R K
Mavhona, L S	Ndlela, M C
Mazibuko, A L	Ndou, N L
Mazibuko, N	Ndou, P
Mazibukwana, M	Ndou, P
Mbundu, N N	Ndzondo, C M
Mchunu, A	Nefdt, P W
Meyers, T	Nenemba, T
Mgaga, B	Nethamba, R
Mgcina, S E	Ngema, S V
Mhlari, T M	Ngobeni, L M
Mhlongo, T A	Ngobeni, R F
Mkasi, G	Ngoepe, C S
Mkhize, T	Nguse, S
Mkhonto, M S	Ngwenya, F N
Mmbengwa, M N	Ngwenya, J A
Mmota, L	Nhlapo, C P
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Modladlaba, D S	Nkomo, B
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Moepi, N J D	Nkosi, R A L
Moerane, M	Nkubungu, L
Moeti, O T	Nkwanyana, P B
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Mofokeng, M P	Nonkumbi, I M
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Mogapi, T A	Novela, M
Mohlala, P K	Ntoele, N L
Mokoari, Z	Ntombela, M J
Mokoena, G	Ntshidi, T E
Mokoka, M L	Nyembe, Z P
Mokwena, T M	Nzima, E

Nzimande, C
Papo, M M
Phakathi, S
Phalatse, M L
Phillips, L E
Phometsi, P S
Pietersen, J
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Ponsonby, D A
Radebe, N P
Radebe, T T
Rafferty, P D
Rahn, N J
Raholane, M W
Ramafikeng, D J
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Sithole, A M
Smit, P A
Sobey, A
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Suddaby, J
Sun, Y H
Supe, N P
Tabane, M C
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Tefu, P V
Telekoa, A T
Tembe, D S
Truluck, T F
Tsheddo, J G
Tshehlo, G J
Tsoetsi, L Y M
Twala, Y A
Van der Merwe, M
Van der Schyf, C
Van Dyk, N J
Van Wyk, W M
Wax, K P
Jacobs, B
Williams, M C
Wilskut, D
Wissler, S T J
Wittman-Potter, D D
Xuma, L
Zama, A A D
Zazini, A
Zitha, S L
Zondo, L T
Zungu, N G
Zwane, S

1B OPENING

The Speaker requested Council to observe a moment of silence.

He referred to Rule 7 of the Standing Rules and Orders of Council and read it as follows:

"In terms of Rule 7 of the Standing Rules and Orders of Council, 2016 (Precincts of Council):

7. (1) *The precinct of Council is the area of land and every building or part of a building under the Legislature's control, including –*
 - (a) *the Chamber in which the proceedings of Council are conducted and the galleries and lobbies of the chambers.*
 - (b) *Committee rooms and other meeting places provided or used primarily for Council's purposes.*
 - (c) *every other building or part of a building provided or used in connection with the proceedings of Council, while so used, and*
 - (d) *every part of the buildings in which the chambers are situated, and every forecourt, yard, garden, enclosure or open space appurtenant thereto.*

- (2) *In so far as it may be necessary, in a case where Council or Committees convene beyond the seat of Council, these Rules shall apply as if the premises where Council or Committees are meeting were within the precincts of Council.*

He thereafter declared all venues where Councillors were seated for the meeting as Council precinct.

The Speaker welcomed the Executive Mayor of the City of Johannesburg – Councillor Mpho Phalatse, Whip of Council - Councillor Tyrell Meyers, all Political Party Leaders and Whips, Members of the Mayoral Committee, fellow Councillors, acting City Manager – Mr Floyd Brink, Secretary to Council – Ms Vicky Shuping, officials of the City of Johannesburg, residents of the City of Johannesburg and members of the media to the 3^d extra-ordinary meeting of the City of Johannesburg Municipal Council.

The Speaker further welcomed all Councillors back from the holidays and trusted that they are recharged and ready to take on the challenges and opportunities that will come with the year 2022.

He officially congratulated the following newly elected Members of the Mayoral Committee (MMC's) as appointed and announced by the Executive Mayor towards the end of 2021:

- *Councillor Julie Suddaby – MMC for Finance*
- *Councillor Leah Knott – MMC for Corporate and Shared Services & LOEB*
- *Councillor Fonzela Ngobeni – MMC for Transport*

- *Councillor Belinda Echeozonjoku – MMC for Development Planning*
- *Councillor Mlungisi Providence Mabaso - MMC for Housing*

- *Councillor Nkuli Mbundu – MMC for Economic Development*
- *Councillor Franco de Lange – MMC for Health and Social Development*
- *Councillor Ronald Winston Harris - MMC for Community Development*
- *Councillor Michael Sun – MMC for Environment, Infrastructure & Services; and*
- *Councillor David Tembe – MMC for Public Safety*

He wished the MMC's well on the very important responsibility entrusted upon them by the residents of Johannesburg. He trusted that they would carry the hopes and the aspirations of the people of the City earnestly, and that under their leadership, there will be an apparent, urgent, and definitive improvement in service delivery, and ultimately the quality of life for all who reside in the precious city.

He stated that they have experienced the sad loss of the last surviving South African laureate of the Nobel peace prize, and human rights defender, Archbishop Desmond Mpilo Tutu towards the end of the year 2021. He expressed his condolences to the family, friends, residents of the City and the Nation at large. He sent his deepest appreciation over the seamless planning and successful execution of the memorial service for the late Archbishop Tutu. He said that he was humbled by the commitment of all the city officials and partners involved in the planning, who sacrificed their leave and time off with family and friends and worked during the December holidays for that purpose.

The Speaker referred to Rule 40 of the Standing Rules and Orders of Council which read as follows:

"Conduct of members of the public (including media)

40

- 1) When Council is in session, use of photographic equipment, recording devices and other multimedia devices and gadgets including but not limited to cameras, cellular phones and tablets is prohibited, unless with the prior authorization of the Presiding Officer. Laptops, tablets and other gadgets may only be used on silent mode, while maintaining Council decorum, only for the purpose of the meeting and in line with applicable legislation.*
- 2) Members of the public attending the Council or a Committee meeting may not disrupt proceedings and must observe the directions of the presiding officer of the Council or a Councillor chairing the Committee meeting.*
- 3) Members of the public have observer status, unless indicated otherwise by the Presiding Officer of the Council or a Councillor chairing the Committee meeting,*
- 4) The presiding officer of the Council or a Councillor chairing a committee meeting can instruct a person to leave the precincts of the Council when he or she disrupts proceedings or is otherwise involved in any misconduct.*

- 5) *Security personnel may remove members of the public from the precincts of the Council if they –*

- (a) do not withdraw from a meeting or leave the precincts of the Council on the instruction of the presiding officer of the Council or a Councillor chairing a committee meeting;
- (b) have entered any part of the precincts which has been set aside for Councillors only;
- (c) interrupt proceedings or are otherwise involved in misconduct; or
- (d) are a threat to the security of Councillors or other persons present."

He humbly pleaded with members of the media to adhere to the above Rule of the Standing Rules and Orders of Council as stated above.

The Speaker mentioned that he had received a request from the Executive in terms of Rule 64 of the Standing Rules and Orders of Council, for Council to consider two (2) additional reports, Items 4 & 5 and he had acceded to the request. He indicated that the said reports have been distributed to all Councillors.

He requested the officials to get a confirmation of members present in both chambers so as to determine quorum.

The ANC Caucus requested Council to observe a moment of silence to show compassion to the most valuable employees who tragically lost their lives and the two employees who are critically ill and injured at Goudkoppies Landfill site.

The Speaker relayed the deepest condolences to the sad loss of the employees. He stated that Councillor Sun was taking the necessary precautions to deal with the situation around that. Informed the council that Goudkoppies Landfill site was temporarily closed and expressed his condolences to the families and hoped that the Lord carries them through this difficult time. He requested Council to observe a moment of silence.

The Speaker requested officials to verify the number of Councillors present in the meeting on the registers. He announced that there were 255 Councillors present at the meeting therefore a quorum was formed, and the rest of the Councillors will continue to sign the register.

2 APPLICATIONS FOR LEAVE OF ABSENCE

The following applications for leave of absence from the meeting were granted:

<i>Councillor Benjamin, R F</i>	<i>:</i>	<i>Private Business</i>
<i>Councillor Landis, R</i>	<i>:</i>	<i>Private Business</i>
<i>Councillor Moloto, C L</i>	<i>:</i>	<i>Illness</i>

Councillor Ponsonby, D A requested to arrive late.

3 OFFICIAL NOTICES

3.1 Statement by the Executive Mayor.

The Executive Mayor addressed Council as follows:

"Thank you, Mr Speaker, Speaker of Council, MMC's here present, fellow Councillors, members of the media, distinguished guest, ladies and gentlemen. Compliments of the new season, compliments of 2022. I am grateful that we all made it and that we are all alive, well and safe and I believe that this is a new season not only for us as a Council, but also for our beloved city that brings us together here. It is an opportunity to pause, to reflect, to self-correct where we need to self-correct and to make plans, to do better this season where we need to do better. I am trusting that this will be fruitful and a very peaceful year, not only for us in Council, but for our residents as well. I would like to congratulate all the MMC's who have hit the ground running very quickly. They have been working very hard in the last few weeks. I am really certain that the city will be better with the presence of these MMC's. The MMC's are ready to serve, they are ready to serve all the Councillors in this Council and not only the Councillors in their political parties. I would like to urge every Councillor that our MMC's have an open-door policy. If you have issues in your area, if your constituencies need help, please contact the MMC's. We are here to serve all the Councillors in this Chamber.

We are here to serve all Councillors because we all represent different constituencies, and we must serve all the residents of our beloved city. But we also need to be held to account, and I would like to urge you all to hold the Executive to account. We want you to call us, we want you to tell us when we are in the wrong, we want you to point out our blind spots and show us the things that we may not be aware of. Let us work together to build our beautiful city.

I would now like to present to Council the Leader of Executive Business, who will be making sure that the interface between the Executive and the Legislature is smooth. It is managed well, and that the business of Council is not interrupted by challenges on the Executive side. I now present to you Councillor Leah Knott as the Leader of Executive Business in this term of office. Congratulations Councillor Knott, your role is very important to ensure that the interface between the Executive and the Legislature is well managed. Today we will be voting in our Chair of Chairs and our chairpersons of various oversight committees. We are not a true democracy until we have proper oversight, very important, and I am truly hoping that we will vote in Councillors who will use this oversight role to build our city and not to destroy. Who will use it to benefit our residents and not for political gain. We will all be fielding candidates and I would just like to say may the best candidates win in their upcoming elections and may 2022 be a year of celebration for all of us and for all our residents. Thank you very much."

Councillor Raphadu, A T (ANC) stated that the amended Municipal Structures Act has given the functions of the Leader of Executive Business to the Whip of Council. He requested the Speaker to consult the Legal team in that regard.

The Speaker responded that the issue would be discussed at the SALGA workshop that was coming up. He stated that he had also read the amended Municipal Structures Act, but it did not prevent the Executive Mayor to appoint a Leader of Executive Business.

Councillor Novela, M (EFF) requested the Speaker to officially clarify the issue of the Leader of Executive Business in the meeting and Councillors would get further emphasis at the SALGA workshop.

The Speaker urged Councillors not to debate the issue. He said that he had asked for clarity from SALGA and further said that nothing was preventing the Executive Mayor from appointing the Leader of Executive Business. He suggested that the issue be debated at the SALGA workshop.

It was suggested that the Speaker take a break and consult the Legal team on the issue of the Leader of Executive Business. The Speaker requested for 5 (five) minutes break for the consultation.

The Speaker referred to 41B of the Municipal Structures Act and read it as follows:

" Functions of whip

41B. The whip of a municipal council— (a) liaises with the different political parties to ensure representation in council and council committees; (b) maintains sound relations between the various political parties; (c) informs the whips of all parties on important matters on the council agenda; (d) assists the speaker to count votes in the council meeting; (e) facilitates the interaction between the executive and legislative oversight structures in the municipality; and (f) resolves disputes between the speaker, mayor or executive mayor, or members of the mayoral committee."

He stated that nowhere in the Act was referred to the Leader of Executive Business and the Executive Mayor can elect somebody to interact with the Legislature and perform the functions that the Leader of Executive Business has been performing in the last three terms up until 2019. He further stated that from 2019 up until the 2021 elections, Councillor Mogase used to perform the function between the Leader of the Executive business. The Speaker suggested that the issue be debated further at the SALGA workshop.

4 CONFIRMATION OF MINUTES

(2nd Council Meeting held on Thursday, 2 December 2021)

Councillor Mokwena, T M was present, and the minutes must reflect as such.

The Speaker said that it must be verified on the register that he was present, and the minutes be corrected to reflect his name.

RESOLVED

That the minutes of the 2nd Council Meeting held on Thursday, 2 December 2021 as amended, be taken as read and confirmed.

5 RECOMMENDATIONS TO COUNCIL

The Executive Mayor tabled the items from the Executive for considerations.
The Whip of Council tabled the items from Legislature for considerations.

Item 1 CONFIRMATION OF SECTION 79 COMMITTEES

RESOLVED

- 1 That Council confirm the following Section 79 Committees, as indicated in the body of the report:

Portfolio Committees:

- Community Development Committee
- Corporate and Shared Services Committee
- Development Planning Committee
- Economic Development Committee
- Environment and Infrastructure Services Committee
- Finance Committee
- Health and Social Development Committee
- Housing Committee
- Public Safety Committee
- Transport Committee
- Oversight Committee on Governance
- Oversight Committee on Legislature

Standing Committees:

- Ethics/ Disciplinary Committee
- Municipal Public Accounts Committee
- Petitions Committee
- Programming Committee
- Rules Committee
- Gender, Youth and People with Disabilities (GEYODI)

Chairpersons Committee

- 2 That the Terms of Reference of the various Section 79 Committees be submitted to the first relevant Section 79 Committee for review, if necessary.

(COJ LEGISLATURE)
(J Moremi)
(Tel. (011) 407-7340)

Item 2 COMPOSITION OF
SECTION 79 COMMITTEES

RESOLVED

That Council approves the composition of Section 79 Committees and the proportional representation thereof, as outlined in the body of the report.

(COJ LEGISLATURE)

Item 3 ESTABLISHMENT OF WARD COMMITTEES
FOR THE POLITICAL TERM OF OFFICE 2021
TO 2026

RESOLVED

- 1 That the report be used as the basis for discussions to inform the Election process for Ward Committees Elections.
- 2 That the report be approved.

(COJ LEGISLATURE)
(DEPUTY DIRECTOR : WARD GOVERNANCE
& WARD COMMITTEES)
(P Nhlapo)

Item 4 COMMENCEMENT OF THE RECRUITMENT PROCESS
AND ACTING ARRANGEMENTS FOR THE POSITION
OF THE CITY MANAGER

Councillor Baloyi, D L (EFF) stated that in terms of the Rule 93 of the Standing Rules and Orders of Council, he recommended that Councillors Raseruthe, S H (EFF) and Radebe, N P (EFF) be included to form part of the interview panel to enhance fairness and transparency.

Councillor Knott, L R (DA) stated that she did not receive the signed recommendation to the amendments as per the Standing Rules and Orders of Council, therefore the recommended amendment was not accepted.

RESOLVED

- 1 That Council approve the advertisement process, as detailed in the report, of the vacant City Manager position.
- 2 That Council approve the Interview Panel that will consist of:
 - (1) Chairperson: Executive Mayor.
 - (2) Member of the Mayoral Committee (MMC): Group Corporate and Shared Services (GCSS).

- (3) Two Councillors as designated by the Executive Mayor.
- (4) External expert.

- 3 That Council note the previous resolution by Council where the current acting incumbent was appointed to act in the City Manager position until the vacancy is filled to ensure business continuity and service delivery.

(OFFICE OF THE CITY MANAGER)

Item 5 ALLEGATIONS OF MISCONDUCT AT GROUP INFORMATION, COMMUNICATION AND TECHNOLOGY (GICT)

The item was dealt with during the In-Committee meeting.

RESOLVED

- 1 That Council, considering the seriousness of the misconduct and the fact that the Senior Manager has voluntarily accepted special leave to allow an investigation, the Municipal Council will ensure compliance with the Local Government: Disciplinary Regulations for Senior Managers, 2010 by officially placing the employee on precautionary suspension.
- 2 That Council appoints an independent investigator to investigate the allegations of misconduct.
- 3 That Council authorises the City Manager to take all necessary compliance measures to give effect to the above resolutions.

(GROUP CORPORATE AND SHARED SERVICES)
 (GROUP HUMAN CAPITAL MANAGEMENT)
 (DIRECTOR)
 (John Mobe)
 (Tel. (011) 407-6810)

6 ELECTION OF THE CHAIR OF CHAIRS IN TERMS OF RULE 22 OF THE STANDING RULES AND ORDERS OF COUNCIL

The Speaker informed the council that the election of the Chairperson of the committee of Chairpersons (chair of chairs) will be done in accordance with Rule 22 of the Standing Rules and Orders of Council and the voting in this regard shall be by show of hands on the basis that the aforesaid position is not part of Schedule 3 of the Municipal Structures Act, 1998 (Act 117 of 1998). He further said that the procedure set out in the Schedule applies whenever a Municipal Council meets to elect a Speaker, an Executive Mayor, a Deputy Executive Mayor, a Mayor or a Deputy Mayor.

He mentioned that he had issued nomination forms to all political party Whips for political parties to submit nominations for the position of the Chairperson of the committee of Chairpersons (Chair of Chairs). He said that he received 2 (two)

nominations, and such is from Councillor Phalatse ML, seconded by Councillor Ngobeni RF nominating Councillor Makhubele TC for the position of the Chairperson of the committee of Chairpersons (Chair of Chairs). He stated that the form was correctly filled and accordingly signed by the proposer, the seconder and the nominee.

He indicated that the second nomination is proposed by Councillor Seerane MK, seconded by Councillor Novela M, nominating Councillor Radebe NP for the position of the Chair of Chairs.

He requested that Councillors Phalatse ML and Ngobeni RF followed by Councillor Makhubele TC to read out their nomination and acceptance respectively for records purpose, and thereafter Councillors Seerane MK and Novela M followed by Councillor Radebe N P do the same.

Councillor Sesedinyane M I (ANC) addressed Council after the 30 minutes break that the ANC had requested the process of electing the Chair of Chairs to be voted by secret ballot and not by a show of hands. He further stated that the vote by secret ballot would be free and fair as opposed to the show of hands.

In his response, the Speaker indicated that Rule 22 of the Standing Rules and Orders of Council was clear that the election would be by a show of hands and there was no provision of the secret ballot. Therefore, the vote would continue by a show of hands.

Councillor Novela M (EFF) read Rule 22 of the Standing Rules and Orders of Council that read as follows:

Election of the Chairperson of the Committee of Chairpersons (Chair of Chairs)

- 22 (1) *The Speaker must call for nominations by forwarding nomination forms to the Whips of political Parties as soon as possible after an election, or within 10 days in the case of a vacancy occurring.*
- (2) *Political parties may submit nominations to the Speaker at any time before the next scheduled Council meeting.*
- (3) *The Speaker must announce the received nominations and proceed to preside over the election and appointment of Chairperson of Committees.*

Councillor Novela M (EFF) said that the rule does not state that the voting must be by a show of hands. He supported the notion that the voting should be by a secret ballot.

The Speaker stated that the Schedule 3 of the Municipal Structures Act was clear as to how the Speaker was elected and the Chair of Chair was elected by a show of hands. He read through the Schedule on the election of the speaker and stated that the voting by a show of hands was covered by Rule 22 of the Standing Rules of Council.

Councillor Moerane M (ANC) proposed that Council should receive an independent legal opinion on the matter because the Speaker was failing to direct Council in a proper and transparent manner.

Councillor Christians A (DA) said that what the Speaker had on the Municipal Structures Act, covers the executive, which was done at the first meeting, but the Structures Act does not cover the voting process for Chairpersons and Chair of Chairs, however, the Standing Rules and orders of Council do and in terms of the rules, this item is the first item to be voted on, that means it needs to be a yes or no. If the Speaker cannot decide on that, then the Speaker should go to the show of hands.

The Speaker said that the Standing Rules and orders of Council were clear, and Council would continue according to them.

Councillor Christians A (DA) stated Rule 85 of the Standing Rules and Orders of Council which read as follows:

"Voting

85 (1) Councillors decide on an item by calling either "Yes" or "No" after the Presiding Officer has put the item."

Councillor Novela M (EFF) stated that the Rule 85(1) as mentioned by Councillor Christians A was for voting on items. He said that the Municipal Structures Act and the Standing Rules and Orders of Council were silent on the voting of the Chair of Chairs and Chairpersons and therefore there was a request that the voting be taken by a secret ballot. He further said that if there was no agreement on the interpretation of the voting process in Council, the external legal opinion must be sourced. He mentioned that if Councillors felt intimidated when they vote by a show of hands, a secret ballot would protect Councillors.

Councillor Knott L (DA) addressed Council and proposed that if Councillors were aggrieved by the ruling of the Speaker, they should refer to the Rules Committee as per Rule 72(a) below.

"Ruling of the Presiding Officer

72(A) A ruling by the Presiding Officer shall be final and binding and shall not be debated by the Assembly but may be referred to the Rules Committee for interpretation at the request of any Councillor aggrieved by such ruling."

She requested that the Covid-19 challenge that is experienced by the House be addressed.

Councillor Moerane M (ANC) stated that the Speaker was not consistent as he referred to the Municipal Structures Act and then refers to the Standing Rules and Orders of Council. He said that Council was contravening the Covid-19 regulations as they were more than 50% in the Constance Conny Bapela Chamber.

Councillor Ngobeni RF (ActionSA) said that if Councillors realised that the numbers were not in their favour, they must accept defeat and not collapse the Council meeting. He stated that there was a court ruling against Councillors that disrupted and collapsed the Council meeting in Tshwane. He advised that the Councillors can withdraw their candidates. Further commented that the Speaker had made a ruling, therefore he should not entertain anything outside of his ruling.

The Speaker said that the notice stated what was going to happen during the Council meeting. He further said that messages that were sent to Councillors clearly stated that the voting would be taken by a show of hands. He mentioned that the previous Council replaced Chairpersons by a show of hands. He further mentioned that there were records stating that previously the voting of Chairpersons was taken by a show of hands.

The Speaker said that the allocation of Councillors to the Old Chamber and the Constance Conny Bapela was done in consultation with the Whips of various political parties to adhere to the Covid-19 regulations. The Councillors walked into the Constance Conny Bapela chamber from the Old Chamber, therefore the regulations are not adhered to. He asked all the Whips of the political parties led by the Whip of Council to deal with issue.

Councillor Mabaso M (IFP) said that the Whips of Councillors that had walked in from the Old Chamber must tell them to go back. He mentioned that it was true that the voting process was silent on the Standing Rules and Orders of Council but it was not the first time voting was taken by a show of hands in Council. He proposed that the House must vote on how to take a vote of the Chair of Chairs.

The Whip of Council said that the Whippery agreed on proxy voting in terms of voting for items.

Councillor Raseruthe, S H (EFF) addressed Council and stated that the Speaker is not going to preside through common sense but to refer to the Standing Rules and Orders of Council. He further stated that the Speaker was not impartial.

Councillor Sauls I, A (PA) said that the Standing Rules and Orders of Council was silent on how to vote for the Chair of Chairs. He stated that the PA does not have a problem with taking a vote by a show of hands. He proposed that Council should take a vote on how to vote for the Chair of Chairs and the majority would assist the Speaker on how to go about the voting process.

MMC Echeozonjoku, B C (DA) referred to Rule 24 of the Standing Rules and Orders of Council stating that:

"Election of Section 79 Committee Chairpersons

- 24 (1) *The Speaker must call for nominations by forwarding nomination forms to the Whips of political Parties, as soon as the Executive Mayor establishes executive portfolios, or within 10 days in the case of a vacancy occurring.*
- (2) *Political parties may submit nominations to the Speaker at any time before the next scheduled Council meeting.*
- (3) *The Speaker must announce the received nominations and proceed to preside over the appointment and / or election and appointment of chairpersons.*

She said that the Speaker had adhered to the Rule as mentioned above. Referred to Rule 72 (A) and said that aggrieved Councillors can refer the matter to the Rules Committee.

She mentioned that the Speaker had ruled that the voting would be taken by a show of hands.

Councillor Radebe NP (EFF) commented that the Speaker was not consistent. She raised a concern that the issue of the Covid-19 regulations must be addressed. Further indicated that the issue of IT glitches was raised during the Whippery meeting and it was not addressed as Councillors that were sitting at the Old Chamber were not able to participate in the meeting because of IT challenges hence they came to the Constance Conny Bapela chamber. She suggested that Covid-19 regulations challenges be addressed first and then the House can move to the issue of voting.

The Speaker said that the Old Chamber was tested and it was conducive for the meeting. He gave IT 15 minutes to test the system and sort out the challenges.

The Speaker mentioned that he had made a ruling that the elections will be by a show of hands and according to the Standing Rules and Orders of Council, that ruling stands. He stated that as the Presiding Officer of the House, he had a right to take the decision. He further stated that there was a precedent set as to how to vote for the Chairpersons. He asked the House to vote on whether to take a vote by a secret ballot or by a show of hands.

Councillor Moerane M (ANC) requested that they take a vote on secret ballot or a show of hands.

The Speaker posed a question on who agreed that the vote should be on a show of hands and asked officials to count.

The disruptions erupted in the House. (Councillors singing and chanting)

The Speaker said that officials could not count because there were being removed from the floor. He requested Councillors to take their seats so that they could continue with the meeting. He said that Councillors should not intimidate officials when counting the votes.

He posed a question to the House again as to those who would want the elections to continue by a show of hands to raise their hands in both Council Chambers. He requested the counting to happen row by row. The Speaker requested Councillors to take their seats.

[The singing and chanting continued]

The Speaker requested for a 30 minutes break.

After the break, the Speaker requested the Councillors who were singing to take their seats as they were disrupting the meeting. He announced that there were 138

Councillors that were in favour to vote for the Chair of Chairs and the Chairpersons by a show of hands, 65 in the Old Chamber and 73 in the Constance Conny Bapela.

The Speaker requested the Executive Mayor to read the confirmation of the nomination.

The Executive Mayor read through her nomination form nominating Councillor Colleen Makhubele to be elected the Chair of Chairs in accordance with Rule 22 of the Standing Rules and Orders of Council.

Councillor Ngobeni RF seconded the nomination of Councillor Colleen Makhubele to be elected as the Chair of Chairs in accordance with Rule 22 of the Standing Rules and Orders of Council.

The Speaker informed the council that Councillor K Seerane was the main nominator for Councillor Nonhlanhla Radebe, seconded by Councillor Musa Novela.

[the singing and chanting continued]

The Speaker referred to Rule 80 of the Standing Rules and Orders of Council that states thus:

"Grave disorder

In the event of grave disorder in the Council or at a meeting of a Committee, the Councillor presiding over the Council or a Councillor chairing the Committee meeting may adjourn the meeting or suspend proceedings for such period as he or she deems necessary."

He adjourned the meeting and stated that the meeting was postponed to Tuesday, 18 January 2022.

6.1 ELECTIONS OF THE CHAIRPERSONS OF ALL SECTION 79 COMMITTEES IN TERMS OF RULE 24 OF THE STANDING RULES AND ORDERS OF COUNCIL

Deferred.

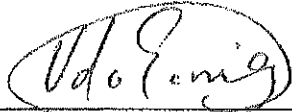
7 ANNOUNCEMENTS BY THE SPEAKER

None.

8 CLOSURE

The meeting was postponed to Tuesday, 18 January 2022.

THE MEETING ADJOURNED AT 19:30.



SPEAKER OF COUNCIL
CLLR VASCO DA GAMA

27/07/2022
DATE